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CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTIETH CONGRESS, FIRST SESSION.

VOLUME XIX.



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VOLUME XIX, PART II.

CONGRESSIONAL RECORD,

FIFTIETH CONGRESS, FIRST SESSION.

power to take steps for the reduction of the surplus. They misrepresented the amount of the surplus in their Presidential convention of 1884, as I will show; but if there was any one thing which they stood pledged to do it was, immediately and without delay, to adopt measures for the reduction of this surplus accumulation in the Treasury.

We have waited here now more than two years and a half, nearly three years, for some bill to come to us looking to a reduction of revenue, and we have wondered why its coming was so long delayed. It has not come yet. Nine long weeks have passed since we have been told that there was a condition of the Treasury which might any day precipitate financial disaster and ruin, and no bill has been introduced, so far as my knowledge extends, looking to a reduction of this surplus.

This is not a Republican administration. It took a good while for the people to get over the idea after the last Presidential election that this was not a Republican administration; but it is a Democratic administration, and if money has been allowed to accumulate in the Treasury and no effort has been made and no step taken for the reduction or the attempted reduction of that accumulation in the Treasury, the burden is not upon us; it is upon the party in power.

What reason can be given for this delay in the past, what reason can be given for this delay to-day, if it be not that the accumulation of money in the Treasury and our annual surplus income is being used, and deliberately used, to force Congress into a destruction of the protective system of the country? Why refuse appropriations for the needs of Government? Why refuse payment of its just obligations? Why has the party in power constantly resisted necessary expenditure? Why have we had no bill passed for fortifications, none for coast defenses, none in the last year for the improvement of our rivers and harbors? Why, unless there has been a desire and a deliberate purpose that this surplus should accumulate until it could be held out to the country and the world as a menace to the business interests of the country with the recommendation that it must be reduced only by such change of our tariff laws as, I say, will result in the total abolition and discontinuance of the protective system?

Another thing, Mr. President. In less than three years we have a debt falling due of $230,000,000; on the 1st of January, 1891, bonds of the Government. Why not try to pay it in advance? Why does not this Administration try to anticipate the payment of that debt? What would be good financiering for a business man if he had money on hand which he had no use for, and had a debt falling due at a distant date? Would it not be to go to his creditor and say, "I have money on hand which I have no use for; you have a note against me falling due in future; I wish to make some arrangement with you whereby I can take up that note now." Why has not the Government done so? It would have made money by the transaction. It will make money if it will adopt that policy now instead of the policy of allowing the money to accumulate in the Treasury and in National Banks until the debt falls due.

Take a 4 per cent. bond. The 4 per cent. bonds are due in 1907. If the Secretary of the Treasury were to buy those bonds he would practically make $500 on each $1,000 bond, over allowing the money to remain in the Treasury and in the banks, and paying the interest until the bonds mature. Twenty years' interest on a thousand-dollar bond is $800, is it not? And it takes to pay the bond at maturity and the interest until maturity, $1,800. It can be bought in the market now certainly for $1,280, and that makes a saving to the Government on the transaction of $520. Why should the Government insist upon this money lying idle in the Treasury rather than attempt to anticipate the debt of the Government? If one-quarter as much time had been spent in attempting to devise some fair plan by which an arrangement with the creditors of the Government could be made for the anticipation of the debt which should be satisfactory to them and profitable to the Government as has been spent in conferences to try to devise some scheme for striking down the industries of this country, that arrangement could long ago have been perfected.

If the mysterious agents who have been flitting between the importers of New York and the White House and the committee-room of a body which I may not name here had turned their attention to negotiations between the Government and its creditors, there would have been no difficulty in arriving at some arrangement by which the debt of the Government could have been anticipated, and the Treasury relieved of its accumulation; but there would have been no opportunity then to insist that the protective system of the country must be stricken down.

But the President says there is doubt about the authority of the Government to do this. Let us see what he says. I want to read it, for it is a remarkable claim—remarkable in view of the practice of the Government and his own practice in regard to other matters. He says:

> In the present state of legislation the only pretense of any existing executive power to restore at this time any part of our surplus revenues to the people by its expenditure consists in the supposition that the Secretary of the Treasury may enter the market and purchase the bonds of the Government not yet due at a rate of premium to be agreed upon. The only provision of law from which such a power could be derived is found in an appropriation bill passed a number of years ago, and it is subject to the suspicion that it was intended as temporary and limited in its application, instead of conferring a continuing discretion and authority.

Pretense indeed! What is this reasoning but pretense? Here is the provision in the appropriation bill referred to. It is not injected among the appropriations in the bill, which is the sundry civil appropriation bill of the Government for the fiscal year ending June 30, 1882, and for other purposes. It is not injected into the appropriations, but it constitutes a section by itself. I will read it:

> SEC. 2. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

There could be no language framed which could be any more explicit to show that that was a continuing authority; and yet the Secretary of the Treasury, as I must assume, by the direction of the President, bought out of last year's revenue bonds for the sinking fund and charged it to last year's revenue, so that there might appear to be $113,000,000 excess of revenue this year, when if he had charged it to this year's revenue there would not have appeared to be any such excess of income.

I undertake to say that in my belief a good lawyer can not be found who would say to the President of the United States or the Secretary of the Treasury that there is any question about the right and power of the Secretary to purchase bonds under that provision of law. If there had been a real hearty disposition on the part of the President and the Secretary of the Treasury to relieve the Treasury from this accumulation of money, I believe that it would have been done. Why do I believe so? Because they neither of them hesitate to obey a law which exists only upon appropriation bills when it suits their purposes and their needs to do so. When they desire to act under an appropriation bill they have no "suspicion" whatever of its validity, and they do not talk about "pretense," and "supposition," and "suspicion" in relation to such acts.

Did it ever occur, I wonder, to the President when he was writing this message and talking about the "suspicion" that he could not buy bonds under this existing authority, because it was put on an appropriation bill many years ago, that month by month he himself is drawing a salary at the rate of $50,000 per annum instead of $25,000 per annum, when the only provision for that was upon an appropriation bill passed "many years ago?"

The Senator from Vermont [Mr. EDMUNDS] inquires whether I really think he would take the money. I think he is drawing it with great precision and regularity, probably on the first day of each month, notwithstanding the fact that the only authority for it is to be found in an appropriation bill passed many years ago, as much open to the "suspicion" that it was intended to be temporary as is the act for the purchase of bonds which he does not think he can execute. This was the appropriation bill of March 3, 1873, to be found in the seventeenth volume Statutes at Large, page 485. In the executive appropriations of that bill I find this:

> For compensation of the President of the United States, $25,000.

In the legislative appropriations I find this:

> That on and after the 4th day of March, 1873, the President of the United States shall receive in full for his services during the term for which he shall have been elected the sum of $50,000 per annum, to be paid monthly.

If it had been the case of the purchase of bonds, attention would have been called to the fact that the same bill was inconsistent in its two provisions, and that the one under which the $50,000 salary was to be drawn was put not upon the executive appropriations, but upon the legislative appropriations.

We all know how that bill was passed. We know that with it was passed the other bill which was called "the Salary Grab." We know that the next year as soon as Congress could get together it repealed the provisions of that bill so far as it related to Senators and Representatives, and yet there is nothing in this circumstance which indicates to the President of the United States that there is any "suspicion" whatever that that clause was not intended as a continuing authority to draw the increased salary.

Let us take another appropriation bill. I am trying to maintain this proposition, that when the Secretary of the Treasury wants to do a thing and when the President wants to do it they are not troubled because the authority is found on appropriation bills. There is a little trouble in the Treasury Department. They have undertaken to try to keep the currency pretty well inflated until after November next, and it has been pretty hard work to do it. The national-bank circulation has been rapidly withdrawn, and the only way of meeting it has been twofold—one to put all the money in the Treasury into the national banks to loan out to the people, and the other to issue silver certificates in small denominations as fast as it could possibly be done, and I think I am not mistaken when I say they are running presses night and day to do that now, or if not they are asking for more presses to meet the demand. Where do they get the authority? On the appropriation bill for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and they have no authority since June 30 of last year to print and issue these notes except that which is contained on an appropriation bill. I will read it:

> And the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars, and the silver certificates herein authorized shall be receivable, redeemable, and payable in

like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character," and denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury or in exchange therefor upon presentation by the holders, and to that extent said certificates of larger denominations shall be canceled and destroyed.

Compare the language of the two provisions. Is the authority for the issuing of silver certificates any more express than the authority for the purchase of bonds? Not a particle. There was an old story that I read in my childhood in which a man said it made a good deal of difference whose ox was gored; and it makes a good deal of difference with the President and Secretary of the Treasury whether they want to do a thing or whether they do not want to do a thing.

But the President says that there is a great danger that if he did attempt to relieve the Treasury by the purchase of bonds, the wicked holders of bonds would combine and run up the premium on them unreasonably.

In considering the question of purchasing bonds as a means of restoring to circulation the surplus money accumulating in the Treasury it should be borne in mind that premiums must, of course, be paid upon such purchase, that there may be a large part of these bonds held as investments which can not be purchased at any price, and that combinations among holders who are willing to sell may unreasonably enhance the cost of such bonds to the Government.

And yet the statement was made with the recent knowledge that $27,684,283.55 of bonds, both fours and four-and-a-halfs, had been purchased in open market by the Secretary of the Treasury without enhancing the price one dollar. Why not try it again under this authority? Why not keep on at least until these wicked holders do make this combination and enhance the price upon these bonds to an unreasonable extent? There is but one answer, and that is this accumulation of money in the Treasury is put there to frighten the people of the United States to give up the protective system. Suppose more specific authority is requested—and the Senator from Indiana [Mr. VOORHEES] I see does not quite follow the recommendations of his commander-in-chief in this respect. He thinks with me, that no better use can be made of idle money than to apply it to the payment of future debts. It is one thing to praise the President to the skies, and it is another to state that on the whole, after all, Senators are not willing to follow his recommendations in all respects. But why is it, if it is desired that this should be done, if the President and the Secretary of the Treasury are anxious to relieve the Treasury of its "congested" condition, why is it that no bill giving to the Secretary of the Treasury specific authority for that purpose is pressed in this body, to say nothing of the other body of Congress? I think there is no constitutional provision against the introduction and consideration of such a bill in this body. It is not a revenue bill. Any Democratic Senator who has desired during these long nine weeks, or who desires to-day, that the Secretary of the Treasury shall have authority to purchase bonds which is not open to "suspicion" can bring in a bill to that effect and press it on the consideration of the Senate and it will not take a great while to pass it.

Mr. PLUMB. Will the Senator from Connecticut allow me to interrupt him for a moment to call his attention to the fact, which he may have mentioned without my hearing it, that the Secretary of the Treasury, in purchasing bonds, himself fixed the price of every single bond purchased?

Mr. PLATT. And he can do it in the future.

Mr. PLUMB. Therefore, that did not open any door whereby combinations could be effected, because he named the price at which the Treasury would buy the bonds.

Mr. PLATT. What man has done man can do; and if the Secretary of the Treasury has once purchased bonds without any possibility of the price being enhanced, it is fair to presume that he can do it again.

Mr. PLUMB. And in the same connection, the price of both those classes of bonds which the Secretary purchased at his own price immediately declined after his purchase was concluded.

Mr. PLATT. And have not been higher since, unless for an exceptional day.

Mr. PLUMB. They have been lower since, all the time.

Mr. PLATT. I have already said that a reduction of our annual income, unless it is far below the current needs of the Treasury, will do nothing towards relieving this "congested" condition.

I now come to this question, How much reduction of the governmental income is necessary or wise? My argument would be stronger, if possible, more conclusive, if I were to adopt what is the general understanding throughout the country as to the President's recommendation, and the Secretary of the Treasury's recommendation, and argue upon $100,000,000 reduction; but I want to be fair. I wish this country to understand that there is no need of $100,000,000 reduction, and that it can not be made with any wise regard to the condition of the national finances. As I said, the President's figures have carried the idea that it ought to be $113,000,000. The Secretary of the Treasury, with this debt which I have spoken of staring him in the face, proposes a reduction below the current needs of the Government. Let us see what the surplus annual income is in fact. I take a number of years, and the figures bring to mind some most remarkable statements made both in the Democratic Presidential convention and by the Secretary of the Treasury in past reports.

The surplus income of the Government, deducting from its receipts what it is obliged by law to pay and no more, was for the year ending June 30, 1885, $17,859,735.84; for the year ending June 30, 1886, it was $49,405,545.20; for the year ending June 30, 1887, $55,567,849.54.

Those have been the actual figures of Government receipts over Government expenditures by law. Then we come to the field of estimate. The estimated amount for the year ending June 30, 1888, is $66,182,214.52; estimated for the year ending June 30, 1889, $56,469,206.74. No $113,000,000 surplus revenue there, but there is something there to which I wish to allude.

The convention which nominated the present Executive was held in June, 1884. It said this:

Surplus taxation of more than $100,000,000 has been yearly collected from a suffering people.

And the Secretary of the Treasury, Mr. Manning, thought it important enough to quote in his annual report for the year 1886; but in the very year which followed that declaration the surplus revenue of the Government was but seventeen million and odd dollars. It is said that a lie will travel leagues while truth is putting on its boots, and we have never been able to overtake that false statement made by the convention which nominated the present Executive, and it will be repeated next fall on every hustings by Democratic orators.

What was it the next year? The next year it was $49,405,545.20, the year ending June 30, 1886; and yet that very same year in his report to Congress the Secretary of the Treasury, Mr. Manning, said that our surplus taxation was $125,000,000 a year, and emphasized it by giving it a display heading in his report.

It has been said sometimes in excuse of this that they did not reckon the sinking fund and the amount expended for the necessary purchase of silver for coinage as obligations of the Government; but is there any man in the Senate who will stand here and say that the law which provides for the sinking fund is not just as much an obligation of the Government as that the Government should pay the interest on the public debt? There is no excuse for this misstatement and misrepresentation of the surplus taxation, as it is called, in the United States.

So, then, I say that the utmost that taxation can be reduced without imperiling the financial condition of the country is $60,000,000. That is the outside. It ought not to be more than $55,000,000 even upon the policy which the Democratic party seem to have adopted of the administration of the Government economically and penuriously. I would reduce less even than that. I would expend more. My experience in life has taught me, and somewhat painfully taught me, that it is not a pleasant condition to be in and that it is not good business for a man to be in a condition where he has no money in his pocket except that which he must pay out for his daily expenses. That man is not very well off financially. What is true of the man is true of the United States. The idea of reducing so that there shall be no money in the Treasury, depleted entirely, run from day to day and hand to mouth, using its daily receipts to meet daily expenditures, is a policy which is entirely unwarranted by any sound financial theory.

But I would expend more, Mr. President. I might say, in passing, that when the President sent us that message representing an accumulation of $55,000,000 in the Treasury, he might have been told that that was there because duties on manufactured goods had been reduced and the revenue thereby increased, and because previous Congresses had refused to make the necessary expenditures for Government. I would expend more. I would have a little patriotism instead of so much penuriousness. I would have some coast defenses. I would not be longer at the mercy of foreign powers, at the mercy of England, whose system it is sought to engraft upon our republican institutions. I would have a navy built as if we intended to have a navy, and not in the pottering way in which it has been going on under this Administration, and I would have reasonable appropriations for internal improvements.

I would have, even if I do not think very much of our foreign representation, our diplomats, our ministers, our consuls, enabled to represent this country abroad in a respectable manner, to say the least, and I would pay them enough so that they could do so. I would have an American policy. I am sick and tired of going to any other land for the policy of this great Nation. We are large enough, strong enough, cultivated enough, to have a policy of our own, to have manners and customs of our own; and we ought to be proud to have them. If it were possible I would have an American policy, and whatever was reasonably calculated to extend and develop and foster that American policy and give us a foothold amongst the nations and respectability everywhere befitting the condition of a free republic I would spend money for.

I would pay the debts which the Government owes, the ascertained debts of the Government, which are being pressed upon the Departments and upon Congress, some of which have been adjusted and ascertained and which are just as much debts against the Government as any ascertained debt can be against an individual. I would stop this cheese-paring policy in all that relates to necessary expenditures and the enlargement in all that relates to personal services and salaries. But I agree to the necessity of some reduction.

But, Mr. President, the more you reduce taxation on the President's plan the more completely you destroy the protective system. Assume that we are to reduce taxation annually only $60,000,000, and that to

be alone on raw materials and manufactured goods; that is practical free trade. It is absolutely free trade on raw materials. Here are the figures. I have a table of dutiable raw articles and the revenue obtained from them, and I will put the whole table in the RECORD. It amounted last year to $12,419,699.

Dutiable raw materials and the revenue obtained from them.

Coal-tar dyes	$522,686
Potash	104,716
Soda	1,448,263
Coal	581,000
Copper ore	108,096
Hemp	194,136
Manilla	626,895
Jute	393,788
Sisal grass	493,751
Hay	184,351
Hops	217,917
Iron ore	525,193
Marble	229,672
Salt	706,324
Lumber	867,849
Zinc	88,900
Wool	5,126,108
Total revenue	12,419,699

The proposition is to get that amount of reduction, $12,000,000, by putting raw materials on the free-list. There is no question about that being free trade—no pretense, I think, that that is revenue reform. It is revenue destruction. There is no pretense that there is to be a revenue tariff on raw materials. There is to be none. That leaves $47,500,000, if we are going to reduce $60,000,000, to come off protected manufactures. How much do they pay now? I quote from the Senator from Ohio [Mr. SHERMAN], whom I think I can rely upon as authority:

Let us now turn from raw materials to manufactures. The imports not on the free-list, or classed by me as luxuries or raw materials, are articles partially manufactured for use as materials for manufacture, and manufactured articles ready for consumption, of the value of $218,052,246, which pay as duties $84,034,090.

That is all we get from them. Now, understand the proposition. From the duties on these manufactured articles wholly or partly manufactured, we propose to take off $47,500,000, if the recommendations of the President are to be in any wise complied with. They furnish now but $84,000,000. More than half of the income derived from these articles must be swept away in some way, the President tells us. You would naturally suppose that a 50 per cent. average reduction would about accomplish it. If it would, a 50 per cent. average reduction, as every Senator knows, would be a reduction below the protective point, and protection would be gone.

Reduce pig-iron to $3.36 instead of $6.72, steel rails to $8.50 instead of $17, and all other iron and steel duties in the same proportion, and what becomes of that American industry? I do not overstate it when I say that there would be scarcely a furnace left in the United States, or a mill for the treatment of iron. But a reduction of 50 per cent. upon those $84,000,000 which have been collected from manufactured articles will not accomplish the result. The knife must be plunged in deeper than that to get the reduction, for there is not a student of political economy in the junior class at one of our colleges who does not know that a reduction of duty upon manufactured articles, until you get down to the point where there is no protection, increases the revenue rather than diminishes it.

One thing which has been alluded to before, the reduction of the duty on worsted goods and on worsted yarns, is an illustration, which the Secretary of the Treasury himself acknowledges, of the truth of this fact, that even a substantial reduction of tariff duties only serves to increase the revenue. It is the revenue that the President claims that he wishes to have disposed of, and I thank the Senator from North Carolina [Mr. VANCE] for telling the truth in this respect. He said:

No sane man can suppose that more revenue could be obtained from these articles by increasing the duties thereon. Common sense teaches that the only way to do that would be to lower the duties to the point where the importers could afford to compete. The proposition is too plain to require elaboration. It will hold good as to every item on the dutiable list on which the duty is now above revenue point. It can not be otherwise.

Then again he said:

Small as was the reduction on wool by the act of 1883, the increase of duties received on wool itself and four articles of its manufacture in three years was $11,465,503, under that law.

And so with many other items in the tariff lists; but these will suffice as illustrations of my position.

Is it possible that the President of the United States is the only person in the United States who does not understand this? I can not assume that to be possible. If he does understand it, then the conclusion is inevitable that to obtain the reduction which he says we must have in the income of the Government by the reduction of tariff duties such reduction must be more than 50 per cent. Whether ignorant of this or not the result is the same—the absolute destruction of the protective system. I note his disclaimer:

It is also said that the increase in the price of domestic manufactures resulting from the present tariff is necessary in order that higher wages may be paid to our workingmen employed in manufactories than are paid for what is called the pauper labor of Europe. All will acknowledge the force of an argument which involves the welfare and liberal compensation of our laboring people. Our labor is honorable in the eyes of every American citizen; and as it lies at the foundation of our development and progress, it is entitled, without affectation or hypocrisy, to the utmost regard.

To whom does the President allude when he uses the words "affectation or hypocrisy?"

The standard of our laborers' life should not be measured by that of any other country less favored, and they are entitled to their full share of all our advantages.

I note what the President says about the reduction of duties upon manufactured goods not being to the disadvantage of the laboring men of the country; but if I saw a man digging away the barrier which held back the great waters of a mountain reservoir, and he told me that he only intended gentle irrigation and benefit to the valley below, I should pay very little attention to what he said in that respect. And when I find the President of the United States insisting upon a methed of tax reduction, as he is pleased to call it, which must result in destruction, it does not relieve the situation that he tells me that it will not in any way work to the disadvantage of the laboring men of this country. It is a good principle in law, and it is a good principle anywhere, that a man must be held to intend the consequences of his acts; and the President of the United States must be held to intend the consequences of his recommendations.

Why not make this reduction elsewhere? Why not reduce by repealing internal-revenue taxation? Because the protective system would be left in force in this country. War taxes! There is one tax that is absolutely a war tax, and that is the internal-revenue tax. The tariff tax, if it were a tax, existed to some extent before the war. I think, indeed, that, all things being considered, it is not much higher now than it was before the war; that has been elaborated somewhat by the Senator from Maine [Mr. FRYE]; but I can not stop for that. The war tax of the country is the internal-revenue tax. Why not repeal that, or as much of it as is necessary to get the required reduction?

It is a tax upon our own productions, be they tobacco or corn. It is a tax that operates unequally, and yet the President of the United States says directly that nobody objects to that; and this great accumulation, this surplus of money, must pile up in the Treasury rather than touch the internal-revenue tax! How is it that this war tax, about which we have heard so much, has all at once become so sacred? Why not repeal the tobacco tax? Everybody knows that thereby we can reduce our annual income $30,000,000, or within a fraction of that amount. Why not take off the tax upon alcohol used in the arts? To say the least, there will be $10,000,000 more—$40,000,000. And then if you must get as much reduction as I have been talking about, why not take the rest off sugar; 25 per cent. off sugar will take off $15,000,000 more in round numbers. Or, if you do not want to repeal the whole tobacco tax, if you want to treat the entire internal-revenue tax as a whole and will not touch sugar, why not take half off from tobacco and from whisky? What reduction will you get? Fifty-six million nine hundred and twenty-nine thousand seven hundred and eighty-eight dollars and sixteen cents. There is but one answer. If there is the fear of this accumulated surplus in the Treasury which there seems to be, and no necessities for a coming Presidential campaign, and reduction of revenue was the only thing to be aimed at, it would be and could be easily accomplished by dealing with the internal-revenue taxation of this country.

Now, sir, let me inquire whether there is to be any attempted reduction of taxation, and if there is, is it to come along the lines recommended by the President, or is it to come along some other line? I want the Democratic party to follow their leader; I want them to obey their commander; I want them to take off the mask and let us have a square fight on this issue. The Senator from West Virginia [Mr. KENNA] devoted an hour or two to criticisms upon the Senator from Ohio [Mr. SHERMAN], and he devoted a minute or two to telling us what sort of a measure we were going to get for the relief of the Treasury and the relief of our taxation. I quote:

But, Mr. President, both the internal and external tax systems will be treated as a whole.

Is that the recommendation of the President? Are the free-trade Democrats in this Congress going to attempt to play that game, and then go to the country claiming the President to be a free-trader, and that that is the issue in the next Presidential campaign?

The tax on tobacco will, I do not doubt, be reduced or wholly repealed; of this I shall be glad, and my vote on the subject will be governed by what I deem to be the fairness of the general revision.

That is safe, to say the least. And now, coming from a State which has more interest in the protective system than the State of Connecticut has, I find this as the only allusion to the interests of his State:

Iron and coal and the wool and other products of labor and of care and of enterprise will not be sacrificed in this revision.

It is pretty hard to find a free-trader who is not to some extent a protectionist for the matters in his own State. The Senator from Alabama [Mr. PUGH], who lauds the President and says he stands with both feet on the message as a platform, does not want any free ore for Alabama; and I venture to say that the Senator from West Virginia does not want any free coal for West Virginia or free iron ore.

They will stand as other industries of the country stand, subject to their fair share in the benefits of whatever the system may be as revised, and bearing, as they ought to bear, their fair share of the burdens of the common lot.

Is the President to be deserted by his party leaders in this Congress? Are not his recommendations to be followed? Is not the recommendation of the Chief Executive equivalent to a command?

We know what the President means. He means free trade. Let us see what free trade means. It means, first, financial disaster. But that is the least of the burdens which it bears. It means the degradation of American labor.

The Senator from Maine, I think, said that up to 1842 not so much attention had been paid to the effect of a protective tariff upon the laborer of the country as to the development of its manufactures; but I have never known the matter better stated than by Rufus Choate in a speech which he made on the 14th of March, 1842, in the United States Senate, in which he said:

But this I am ready to avow: that the protection of American labor, on all its fields and in all its forms, is to be kept constantly and anxiously in view in all our arrangements; that you have the constitutional power to secure that protection, and that you are bound to do so, regardless of everything and everybody but the Constitution, justice, and a true and large American policy.

If these words had been spoken in 1888 they could not have been more pertinent to the situation. I pause to remark that if when Rufus Choate delivered that speech in the Senate in the year 1842, announcing that the object of this protective tariff was to protect labor in all its fields, any one had ventured to predict the marvelous development which this country has seen from the year 1842 under that system, varied as it has been at times, but generally maintained, he would have been put down as a chimerical dreamer. If Rufus Choate, with prophetic vision, had dared to predict what his policy of protection would do for America, he would have been laughed at. From that day to this the cause of protection has been the cause of labor. No sophistry, no railing about manufacturers can change that issue. Under the American system of protection, labor has reached its highest standpoint in the history of mankind.

Since the day when Adam tended the gardens of Paradise labor has never been so elevated or honorable; the man who works has never been so intelligent, so comfortable, so happy, so respected, so wealthy, so powerful as to-day in the United States. He is in privilege the equal and peer of any man. For the first time in the world's history he is an independent sovereign. The men who work, the toilers, under our system hold this protection in their own hands. They hold their destiny in their own hands. The cry for cheaper production means cheaper labor, and cheap production and degraded labor go hand in hand always. I do not say, let me repeat, that labor has had or now has its just share of the wealth which it helps to create, but it comes nearer to it here than anywhere else, and it can not obtain it under free trade. Take away protection from the industries of the United States and you take away the ability of the employer to pay better wages and of the worker to obtain better wages or a greater share in productive results.

Ah, Mr. President, if the dream of the philosophic socialist is ever to become fact, if his millennium is peacefully to come when the nation shall be one great co-operative commonwealth, assuming the direction of all enterprise and distributing to each his just share of the reward of labor, even then the United States will need more than even now it needs the continuance of this protective system.

The PRESIDING OFFICER (Mr. PALMER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 371) to aid in the establishment and temporary support of common schools.

Mr. PLATT. I am nearly through.

Mr. BLAIR. Let the regular order be informally laid aside.

The PRESIDENT *pro tempore*. The Chair hears no objection to that course.

Mr. PLATT. Look at practical results. Raw materials on the free-list, wool from Australia, iron ore from Spain, Algeria, Cuba, Elba, lumber from Canada, coal from Nova Scotia, and salt from Turk's Island—are these the countries where labor is well paid? I want to say here, and I want to put it on record, that cheap raw materials are the badge of poverty the world over. Put all these on the free-list; they will be cheaper perhaps, but $300,000,000 of American capital will be gone, and from 200,000 to 350,000 American workmen will be out of employment. What is labor to gain by such a governmental lockout as that? It will no longer be a question of what capital ought to do by labor; it will no longer be a question of higher or lower wages in those enterprises which are now engaged in the production of raw materials; it will be a question of no wages. Bituminous coal costs now at the pit-mouth but from $1 to $1.17 a ton. How much of it will be mined with the duty of 75 cents per ton removed? All that is used along our great seacoast and far inland will come from Nova Scotia, and the mines here must stop; and when they stop there is no question between the miner and employer as to how much wages the employé shall receive from the employer, and so with all other industries producing raw materials.

Let us go a little further. We have a production of manufactured goods equal to $6,000,000,000 in the United States. What is the object of the free-trader in reducing the duties? That he may buy foreign products. Suppose the destruction of our protective system would give foreigners only one-tenth of our home market—it would, in fact, give them vastly more than that, but I think so much will be admitted by any free-trader. What is that? That is $600,000,000 a year that we give up of our own market. What does that mean? It means the destruction of one-tenth of the capital employed in manufacturing enterprises; it means the throwing out of employment, not temporarily, but permanently, of one-tenth of the artisans employed in manufacturing operations. Where are they to go? There is no demand then. There are just two places they can go to—one is the farm and the other is the poor-house.

In the poor-house they do not crowd the agriculturist; on the farm they do. Or if they obtain work in such manufactories as are able to live in this country, what is the result? Down go the wages of all, because there is a pressure of the unemployed for places.

Now look at the other side. We imported last year of certain protected manufactures as follows:

Woolen manufactures	$14,902,718
Silk	31,347,923
Iron and steel	49,203,164
Cotton	28,940,353
Chemicals	13,591,668
Jute, hemp, etc.	21,933,028
Crockery	5,716,268
Total	196,635,122

There are some others that I might include, but I do not. Suppose those articles had been made in this country, as they ought to have been made here, and as they would have been made mainly if there had been the proper protection afforded to our manufacturers, what would have been the result? According to the ratio of production here 100,000 men—mechanics, artisans, skilled mechanics, and laboring men—would have been directly employed in the production of these articles. Should we have had good times or bad times then? Would wages have been lower or higher then? The manufacturers would have been bidding for labor. And not only those employed directly, but the farmer who supplied them with the products of his farm, and the carpenter who built their houses, and the groceryman and the butcher who fed them, and the teacher who taught their children, and the clergyman who preached to them on the Sabbath would all have found more employment and more business. And yet the President says that we must not protect any more or to any greater extent these industries; on the other hand, we must break down and do away with this protection. All that I fear in the coming contest is that the Democratic party will not have the courage of its convictions to stand up to the President's recommendations.

I will say one word about the method which the President proposes by which manufacturers are to be compensated, as he aims all of this message at the manufacturers. They can get cheap raw materials, and then he says they can compete with other nations in the markets of the world. The poor, pitiful privilege that they are to have to save them from ruin is to go away from their own country to seek markets in other countries. Foreign trade is desirable, but it is not worth obtaining at the sacrifice of the trade of this country. The trade of this country is the marvel of God's own civilization, and to give up any portion of it in the hope that we may in some way compensate ourselves by getting the markets of the world, as they are called, is the height of folly and absurdity.

Where are the "markets of the world?" Not in England, not in Germany, not in France, not in Belgium or Holland. We are not going to sell our goods in England or the other countries I have named in competition with the foreign manufacturers. Freight and factorage are against us. We are not going to sell in English lands which she holds by the strong power of her army. We are shut up to South America; and if we could get all the trade of South America, it would not be 6 per cent. of our home market. I wish we had it; but the idea of opening our ports, taking off our tariff duties, letting the foreigner flood our market with his goods, and then telling American manufacturers and American laboring men that we can compensate ourselves by going into the markets of the world if we can only have reduced duties, it seems to me is idle, and of all free-trade sophistries is the shallowest. Is it the proposition of wisdom, is it the proposition of statesmanship? It is the proposition of free trade. The line is drawn. On which side does the President stand? Where does the Democratic party stand? We, as Republicans, are protectionists, with all that word implies. Is the President of the United States or is the Democratic party in any sense protectionist?

Sir, it is too late in the century to belittle the system of protection by asserting, as the President and all other free-traders assert, that it lays a tax upon the consumer paid to the manufacturer. It is too late in the century to seek to destroy that system by appealing to the disquiet of laborers in the hope of arraying them against it because it protects alone or primarily the manufacturers and brings "immense profits" to their pockets.

Protection is for the whole of United America; its benefits are as extensive as our boundaries; its "immense profits" are as widely diffused as our citizenship—it blesses and beautifies every home, it helps

and . . . gthens every citizen, the importer of foreign wares alone excepted. It is the policy of United America in its competition with all the world. Under the fostering influence of that system America has gained its rightful place in front of the grand procession of the nations. And unless we blindly permit a Democratic President and a so-called Democratic party to destroy this our sure safeguard of national success, United America will continue to lead the world in the grand struggle for human advancement.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the act (S. 191) to make additional appropriation for the printing of the eulogies delivered in Congress on the late John A. Logan.

INDIAN WAR CLAIMS.

Mr. DOLPH and Mr. CALL rose.

The PRESIDENT *pro tempore*. Does the Senator from Florida [Mr. CALL] yield to the Senator from Oregon [Mr. DOLPH]?

Mr. CALL. I will do so, the Senator having requested me to do so, and given notice of his desire.

Mr. DOLPH. I gave notice last week that on Friday last I would ask the indulgence of the Senate to call up a bill lying on the table, for the purpose of making some remarks, but the Senate adjourned over on Thursday, and I then renewed the notice for to-day. I am sorry to interrupt the regular order, and I assure the Senator from New Hampshire that I shall be very brief, and occupy as little time as possible.

Mr. BLAIR. Before the Senator proceeds I should like to understand what the proposition is that is before the Senate. I suppose it is the educational bill.

The PRESIDING OFFICER (Mr. PALMER in the chair). The educational bill is the regular order now before the Senate.

Mr. DOLPH. I ask unanimous consent that it be temporarily laid aside that I may call up the bill to which I have referred.

The PRESIDING OFFICER. That will be done, unless there be objection.

Mr. DOLPH. I ask to have Senate bill 63 taken from the table for the purpose of enabling me to submit some remarks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 63) for payment of balance unpaid on Oregon and Washington Territory Indian war claims for suppression of Indian hostilities in 1855 and 1856, as found due by commission appointed by Secretary of War, consisting of General Rufus Ingalls, Capt. A. J. Smith, and Hon. L. F. Grover, pursuant to act of Congress, and disallowed by Third Auditor of the Treasury, as per his report of February 7, 1860.

Mr. DOLPH. Let the bill be read. It is quite brief.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $3,296,658.81 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for payment of balance due sundry claimants in the State of Oregon and Washington Territory, arising out of the Indian wars of 1855 and 1856 therein, as found due and payable by the commission appointed by the Secretary of War, consisting of A. J. Smith, Rufus Ingalls, and L. F. Grover, pursuant to act of the Thirty-fourth Congress, chapter 129, section 11; the said sum being amount unpaid of the total found due and payable by said commission, as per their report to the Secretary of War.

Mr. DOLPH. Mr. President, the claims of citizens of the State of Oregon and of Washington Territory against the United States, the payment of which is intended to be provided for by the bill under consideration, are predicated upon the fourth section of the fourth article of the Constitution of the United States, which provides that—

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature can not be convened) against domestic violence.

And upon the latter part of the tenth section of the first article of the Constitution, which is as follows:

No State shall, without the consent of Congress, lay any duty on tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Under these provisions of the Constitution a large number of claims have been preferred by the States and Territories against the General Government and audited and paid. In other cases Congress has provided for the payment directly to the troops and to the parties furnishing supplies of the cost of protecting the State or Territory from invasion or of suppressing Indian hostilities. There is, I believe, an unbroken line of precedents for the payment of claims preferred under these provisions of the Constitution for expenses incurred by States and Territories, and by citizens of the States and Territories, in cases of invasion or insurrection, where the emergency was such as to require action before the United States took effective measures for the protection of the people.

The claims in question arose out of the Indian war of 1855 and 1856 in Oregon and Washington Territories, and are for pay of volunteers called out by the Territorial authorities and who served in that war, and supplies furnished for their equipment and subsistence.

The origin of the war, and the character of the emergency which justified the Territorial authorities in calling for volunteers, will be presented after the efforts which have been made to secure payment of the claims have been stated. Immediately after the close of the war the claims were presented to Congress and the obligation of Congress to provide for their payment recognized. By the eleventh section of the act of August 18, 1856, the Secretary of War was directed "to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington by the Territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including the pay of volunteers," and he was authorized, if in his judgment necessary, to appoint a commission of three persons to ascertain and report such expenses.

By an order issued from the War Department September 4, 1856, Capt. A. J. Smith, United States Army; Rufus Ingalls, United States Army, late Quartermaster-General; and Lafayette Grover, afterwards Representative in Congress from Oregon, governor of the State, and United States Senator, were appointed as a commission to ascertain and report upon the expenses incurred by the Territories as aforesaid.

The commissioners met at Portland, Oregon, October 20, 1856, organized the board, proceeded with the consideration of the subject assigned them, and determined to ascertain and report—

1. The number and distinctive character of the volunteer troops which were actually and properly in the service of the two Territories engaged in the suppression of Indian hostilities in the late Indian war in Oregon and Washington, their terms of service, and the pay due them.
2. "The amount of expenses necessarily incurred" for their maintenance.

They reported that—

The initiative steps of the organization of the volunteer forces in Oregon, early in October, 1855, were quite precipitous, and consequently, in some cases, irregular. This organization was based upon the militia law of the Territory as it then existed, declaring the same military district for brigade purposes, of which, by authority of the act of Congress organizing the Territory, the governor was commander-in-chief. This law further provided for the appointment by the governor, of a brigadier-general, and for the election, in subordinate districts, of colonels and subordinate officers of regiments. It also embraced the usual departments of the general staff, and provided for the commission of their chief and subordinate officers.

During the continuance of hostilities the Legislative Assembly of the Territory commenced its session on the first Monday of December, 1855. At this session an act was passed reorganizing the militia system, so as more fully to provide for the exigencies of the volunteer service. (See session laws of Oregon, 1855–'56, p. 55, herewith accompanying.)

This act (Chap. III, sec. 1) provides that "in time of invasion, insurrection, or the breaking out of Indian hostilities, the governor, as commander-in-chief, shall, unless he deems the exigencies of the moment to require his calling out the full militia force of the Territory, issue his proclamation calling into service as many companies, battalions, or regiments of volunteers as he shall think necessary to protect the lives and property of the citizens, and to establish and preserve the public peace." The same act also recognized "the field organization of the volunteer forces of the Territory" then in service.

At the same session of the Territorial Legislature another act was passed, entitled "An act to provide for paying the volunteers in the service of the Territory, and for the prosecution of the existing Indian war" (see session laws aforesaid, p. 25), which gave special authority to the governor "to call for and accept the services of any number of volunteers, not exceeding three full regiments, who may offer their services as mounted riflemen, to serve six months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged."

The commissioners then proceed to state under which acts the governor of Oregon called for and mustered volunteers into the service of the Territory, and the circumstances under which certain companies came into the service somewhat irregularly; but as both by their report and by the report of the Third Auditor of the Treasury, hereafter referred to, all the volunteers were recognized as properly in the service and entitled to compensation, it is not necessary here to pursue this branch of the subject further. After determining what troops were in the service and entitled to pay, they obtained certified rolls of officers and privates concerning which they state that they contained—

The names of all officers and privates in said service, indicating the rank of each, and the time when, the place where, the officer by whom, and the period for which mustered. They set forth in what manner the troops were mounted, whether on horses owned and furnished by the volunteer or by the Territory, the valuation of such horses, and the valuation of equipments and arms. They also state the time of enrollment and discharge of each volunteer, and the period of service; and they further state the amount and character of all property—such as clothing, arms, equipments, etc.—received by the volunteer from the Territory during service, which should be accounted for by him, or which might constitute a stoppage against any pay which shall be finally due him.

As to the manner in which the allowance for the pay of the volunteers in Oregon was arrived at, they reported that—

In taking action upon these rolls relative to the pay of volunteers in Oregon, the commission bases its report upon the law of that Territory touching the premises, not only as being legitimate, but as containing as equitable a rule for adjusting the rates of pay as probably could be devised under the circumstances.

The act last before referred to (session laws, 1855–'56, page 26) contains the following provisions:

"SEC. 4. Whenever such volunteers are called and received into the service of the Territory by virtue of this act, each non-commissioned officer and private shall be entitled to receive $2 per day and rations, and $2 per day for the use and risk of his horse, except for horses actually killed in action, unavoidably lost, or reported unfit for service and turned over to the quartermaster; in which case the owner shall receive the appraised value thereof, and all commissioned officers shall receive the same pay as officers of the same rank in the Army of the United States: *Provided*, That commissioned officers shall receive the same pay for the use and risk of horses as non-commissioned officers.

"SEC. 5. This act, so far as the same relates to the pay of volunteers, shall be so construed as to apply to all who have been in the service of the Territory since the commencement of the existing Indian war, and it shall also extend to the services of the Ninth Regiment of Oregon militia while in actual service in said war."

With these provisions in view, and the rates of pay and allowances therein

contained as a basis of action, the commission proceeded to ascertain (1) the amount of pay due each volunteer for his whole time of service; (2) the amount of allowances for use of horses, arms, and equipments, including compensation therefor in case of loss; (3) the total amount of pay and allowances; (4) the amount of stoppages for clothing and other public property furnished, and (5) the total amount of pay remaining due. The specific results are entered upon the rolls under their appropriate heads, in distinct columns, amounting, in all stoppages deducted, as follows:

Troops' service, Oregon, including field and staff	$1,409,604.58

Concerning the volunteer service in the Territory of Washington the commission reported that it commenced by the requisition of Maj. G. J. Raines, Fourth Infantry, United States Army, at the time commanding the Columbia River and Puget Sound district, on Acting Governor Mason, of that Territory, for two companies of volunteers to act in concert with the regular troops, which was made on October 9, 1855, immediately upon receipt of the report of Major Haller's repulse by the Indians in the Yakima country. The two companies were called out and organized and entered the service of the United States.

The volunteer troops properly in the service of Washington Territory during the war consisted of two regiments called into service by Acting Governor Mason and Governor Stevens, and—

The muster-rolls of Washington Territory have been perfected under the direction of the commission, and are in character and detail like those of Oregon, herewith before explained.

The aggregate number of troops borne upon the rolls of this Territory is	1,896
Approximate number of troops in service at any one period	1,000

In taking action upon the pay of the volunteers of Washington Territory, the commission, in the absence of any law of the Territory on the subject, deemed it proper and just to recommend the same rates of pay and allowances as have been reported in the case of the volunteer troops of Oregon. The pay-rolls embrace like action of the commission, and have been carried into detail in the same form, with the following results:

Troops' service, Washington, exclusive of field and staff	$476,951.88
Staff department, and field and staff and employés enrolled	42,641.18
Total	519,593.06

In reporting upon the amount of the expenses necessarily incurred for the maintenance of the volunteers, the commission said:

In examining into the amount of expenses necessarily incurred for the maintenance of these volunteer forces, the commission deemed it proper, under the authority contained in the order organizing the board, to visit extensively both Territories, with a view of being informed fully of the nature and extent of the late Indian hostilities, the means employed for their suppression, the rates of labor, the prices current of property furnished the service, and the facilities and expense of transportation.

The officers of the staff department of the late volunteer service were visited, and the mode of doing business and the integrity of their accounts inquired into.

* * * * * * *

For the purpose of furnishing the troops with quartermasters', commissaries', and medical supplies, as well as the means of transportation, the officers and agents of the staff departments of the late volunteer service made such purchases of property and employed such labor as was deemed necessary and was required by the proper authorities.

Such purchases were made and such labor was performed on trust, the faith of the Territories being pledged to the payment of liabilities arising therefrom. Certificates of purchase, and of services rendered, were issued generally in duplicate, one of which was held by the claimant, and the other retained by the officer or agent. These certificates generally contained a statement of the character and the quality of the property purchased, or the kind of services rendered, and the rates and amount agreed to be paid for the same, being authenticated in various forms according to the manner of doing business in the different offices of the departments in the two Territories. These retained duplicates, as vouchers, have formed the basis of the exhibits made by the Territories of their total liabilities incurred for property or labor furnished to the military service. They have been accompanied with such abstracts and tabular statements as are requisite to give form and perspicuity to accounts.

The commission, in pursuing its inquiries into the character and extent of such liabilities, first took up these vouchers and examined each in detail with reference to, first, its being genuine and sufficiently authenticated; second, the kind of property or service embraced, whether or not proper or necessary under the circumstances for military purposes to which devoted; and third, the rates of compensation allowed or contracted for.

Frequent conferences were had with officers and agents who originated these vouchers, and with the parties claimant, in all cases admitting of doubt in the regularity and integrity of the claims, and, when necessary, the sworn statements of disinterested persons have been taken.

Such claims and items in any claim as were based upon the furnishing of property or labor not necessary or proper for the maintenance of the volunteer forces have been rejected.

In passing upon the rates of compensation and allowances the commission took into consideration the various market prices of the different sections of country embraced in the field of operations during the late Indian war, and established, on the statements and testimony of the most competent witnesses, carefully adjusted prices current of the several local markets. With these rates as a guide, each voucher was examined with reference to the sums therein allowed for the property or service deseribed. In all cases where there existed established rates for particular kinds of property in a district, and the rates in the voucher were excessive, a deduction was recommended and indorsed thereon. In cases where rates were not excessive, the voucher was indorsed "Approved."

Many of the claims were for kinds of property which could not admit of action upon any fixed basis, in which cases particular inquiries have been made in adjusting the amount allowed.

In this department of its duty the commission has paid what was deemed to be a due regard to the condition of the country and the circumstances under which the liabilities were incurred.

* * * * * * *

The total amount of expenses ascertained and allowed for the maintenance of volunteer forces in the Territory of Oregon, not including pay of volunteers, is $3,040,344.80; in the Territory of Washington, $961,882.39.

* * * * * * *

A general integrity has been observed in the management and disbursement of the public property by officers and agents who have been charged with its control and use. In instances where the contrary has been discoverable, which are few, action has been taken, and noted on such rolls and vouchers, as would effect a proper accounting with the Government.

A general abstract of the work of the commission has been made, and is herewith accompanying, showing the results of its labors in each Territory. These general abstracts refer to each distinct department of the service, and exhibit the total of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington by the Territorial governments of said Territories; for the maintenance of the volunteer forces engaged in said war, including pay of volunteers, as follows:

The expenses of Oregon, the sum of $4,449,949.33.

Expenses of Washington, $1,481,475.45.

Making a grand total of expenses incurred by the two Territories during the war of $5,931,424.78.

I have above presented the portions of this report which I deem most material to the present inquiry. I have quoted from it extensively because, by the bill under consideration, it is proposed to make it the basis of a readjustment of the accounts of Oregon and Washington for expenses of the volunteer forces called into service by them.

The Secretary of War, in his annual report of 1857–'58, speaking of this commission, says:

These officers entered upon their duties on the 10th day of October, 1856, and seem to have labored with great assiduity and patience in the discharge of them until the 20th of October last, when they were brought to a close. I have examined their report very carefully and conclude that from the data they have adopted for their guide as to the prices for stores and subsistence, and the time of service rendered by the men, it is not probable a more just and accurate result could be attained than these gentlemen have arrived at. The amount ascertained to be due is a very large one, and Congress will have to make provision for its payment if it is intended they shall be liquidated.

The report of the commissioners was transmitted by the Secretary of War to the Senate in compliance with a resolution of that body on the 23d day of January, 1858, and to the House in compliance with a similar resolution on the same day.

On the 8th of February, 1859, the House passed the following resolution:

IN THE HOUSE OF REPRESENTATIVES, *February* 8, 1859.

Resolved, That preliminary to the final settlement and adjustment of the claims of the citizens of the Territories of Oregon and Washington for expenses incurred in the years 1855 and 1856 in repelling Indian hostilities, it shall be the duty of the Third Auditor of the Treasury to examine the vouchers and papers now on file in his office, and make a report to the House of Representatives, by the first Monday in December next, of the amount respectively due to each company and individual engaged in said service, taking the following rules as his guide in ascertaining the amount so due:

1. He shall recognize no company or individual as entitled to pay except such as were called into service by the Territorial authorities of Oregon and Washington, or such whose services have been recognized and accepted by the said authorities.

2. He shall allow to the volunteers engaged in said service no higher pay and allowances than were given to officers and soldiers of equal grade at that period in the Army of the United States, including the extra pay of $2 per month given to troops serving on the Pacific by the act of 1852.

3. No person either in the military or in the civil service of the United States or of said Territories shall be paid for his services in more than one employment or capacity for the same period of time, and all such double or triple allowances for pay as appear in said accounts shall be rejected.

4. That in auditing the claims for supplies, transportation, and other services incurred for the maintenance of said volunteers, he is directed to have a due regard to the number of said troops, to their period of service, and to the prices current in the country at the time, and not to report said service beyond the time actually engaged therein, nor to recognize supplies beyond a reasonable approximation for the proportions and descriptions authorized by existing laws and regulations for such troops, taking into consideration the nature and peculiarities of the service.

5. That all claims of said volunteers for horses, arms, and other property lost or destroyed in said service shall be audited according to the provisions of the act approved March 3, 1849.

Attest:

J. C. ALLEN, *Clerk*.

On the 7th of February, 1860, Hon. R. J. Atkinson, Third Auditor of the Treasury, made his report to Hon. William Pennington, Speaker of the House of Representatives, upon these claims.

The amount due for pay of the volunteers, as represented by the rolls and reported by the commissioners, after deducting stoppage for clothing and other articles furnished, was as follows:

Oregon volunteers:	
Troops' service, including field and staff	$1,409,604.53
Washington volunteers:	
Troops' service, inclusive of field and staff	476,951.88
Staff departments and field and staff:	
Employés enrolled	42,641.18
Total	1,929,197.59

Upon this portion of the claims the report of the Third Auditor was as follows:

Applying army rates to the rolls as presented by the commissioners, the amounts found due to officers and soldiers for pay proper, use and risk of horses, commutation for clothing, etc., after deducting the stoppages, are as follows:

On Oregon rolls	$363,947.03
On Washington rolls	158,332.70
Total	521,379.73

The aggregate amount of claims for supplies, transportation, etc., reported by the commission was as follows:

Oregon	$3,040,344.80
Washington	961,882.39
	4,002,227.19
Additional accounts of Quartermaster-General Drew	80,032.58
Total	4,082,259.77

The Third Auditor allowed on this portion of the claim the sum of $2,193,428.82, which, with the $521,379.73 allowed for pay of volunteers, makes the total allowance $2,714,808.55. The aggregate reported by the commission for expenses incurred in both Territories was $6,011,457.36

Allowed by the Third Auditor	2,714,808.55
Reduction	3,296,648.81

As the Third Auditor was acting only under the authority of the resolution of the House in auditing the claim for pay of volunteers, the reduction of the claim as audited by him was inevitable, and the responsibility for it lay with the House and with Congress for adopting the report as a basis of payment. As to the other branch of the claims, although the resolution of the House unjustly restricted him in auditing them, he was undoubtedly under the same influence which prevented the acceptance of the report of the commission by Congress. By gross misrepresentations of the facts and base slanders against the people of Oregon and Washington concerning the cause and conduct of the war, he was prejudiced against the claims and unjustly scaled them down.

I shall attempt to show what this influence was; to disprove the allegations made against the people of Oregon and Washington; to show that from the time Oregon was first settled by American citizens they had been entitled not only to protection from the United States, but to especial care from the Government; that they were neglected and exposed to extermination by savage foes, and that when they, impelled by the instinct of self-preservation, organized for the protection of their wives and children and punished the murderous savages, they were charged by the incompetent commander of the Department of the Pacific with having caused the war for speculative purposes, and their just claims were scaled down more than one-half. Congress has treated no other State or Territory in the same manner, but has finally paid all claims preferred for similar expenses according to the justice of the claims, although the pay of volunteers and prices of supplies in many cases were higher than the prices paid in the regular Army, and although supplies embraced articles not embraced in army stores.

An examination of the numerous acts of Congress providing for payment of similar claims will show that in some instances these claims were paid as presented by the States and Territories, in others they were paid as they had been estimated or audited by commissioners, and in others it was provided that they were to be paid, either by the accounting officers of the Treasury or by the Secretary of War, according to the justice of the claims.

By the act of March 3, 1861, entitled "An act to provide for the payment of expenses incurred by the Territories of Washington and Oregon in the suppression of Indian hostilities therein in the years 1855 and 1856," Congress provided for the payment, without interest, of the claims of the Territories mentioned substantially upon the basis of the Third Auditor's report.

By the time these claims could be audited under this act and were ready for payment the legal-tender currency of the Government was at a discount and many of these claims were paid in this depreciated currency. The claimants were not satisfied with this provision. Their claims were not only unjustly cut down to less than 50 cents on the dollar, but they lost their interest upon their money for six years or more when money was worth in Oregon and Washington from 2 to 3 per cent. per month, and then were paid in currency worth at the time in gold from 10 to 60 per cent. less than its face or par value.

The great injustice of adjusting the claims for compensation of the volunteers upon the basis of the pay provided by law for officers and men in the regular Army will be apparent upon a statement of the circumstances of the case. These volunteers were men who had endured hardship and braved peril in crossing the continent to carve out for themselves homes in the far-off Territory of Oregon; they were engaged in the profitable employments then on every hand open to the enterprising and industrious on the Pacific coast, and leaving their farms, their shops and stores, entered at once into service in the field, and when their services were no longer required, laid down the instruments of warfare and resumed their peaceful occupations. Men at that time could not be enlisted upon the Pacific coast for the regular Army, and on account of the inducements which business everywhere offered, desertions from the regular Army were numerous.

The regular troops were therefore necessarily enlisted in the Eastern States and transported to the Pacific coast at great expense to the Government. Two dollars per day, the amount of compensation provided by the Territorial laws of Oregon for the Oregon volunteers, considering the rate of wages at that time in Oregon and Washington and everywhere on the Pacific coast, the cost of transportation and maintenance of regular troops, and the character and duration of the service of the volunteers, was no more than a just compensation, and was cheaper to the Government, transportation and maintenance considered, than the pay of the regular troops.

Quite as palpably unjust was the attempt to adjust the claims for supplies furnished for the subsistence of the volunteers upon the basis of cash purchases for the use of the regular Army. One who entered into a contract to furnish quartermaster's stores for the regular Army knew that his claim for compensation would be audited and paid in the due course of business. He, as a rule, furnished a large amount of supplies and had time to take advantage of the market and to secure favorable terms for transportation. On the other hand, the men who furnished supplies for the volunteers knew that payment for them depended upon Congressional legislation, and that in any event liquidation would be indefinitely deferred. Prices for supplies so furnished were necessarily greater than cash prices for the same article in the Territories, and it would be a just and safe rule to adopt the prices fixed by competition and allowed by parties charged with the purchase of supplies at the time. This is what the commission appointed by the Secretary of War did after a thorough examination of all the facts in the case.

One reason for the action of Congress in dealing with these claims was its inability to comprehend the conditions of the Pacific coast, and to understand why prices should be higher there than in the East at the time of the war. Two dollars per day for pay of volunteers and the prices charged for supplies appeared so large to the average Congressman that they suggested extravagance and speculation. To show the value of labor and the high prices of supplies on the Pacific coast at that time, I quote the following from a letter from Major-General Wool to Hon. Jefferson Davis, Secretary of War, dated at San Francisco, March 31, 1854:

> The smallest cottage, with two or three rooms, in the outskirts of the city can not be rented short of $75 to $100 per month. A room in any agreeable part of the city, or anywhere near the business part, brings from $75 to $200 per month, payable in advance, the price depending on size and location, whether on the front, second, or third story. Board is from $25 to $50 per week, the price depending on location and size of bedroom. Servants can not be had for less than $50 to $100 per month, besides board. Cooks get from $75 to $100. Female servants get from $60 to $120 per month; this is owing to the scarcity of women. A common laborer in the city gets from $4 to $5 per day. A mechanic from $8 to $10 per day.
>
> To keep a horse at the livery stable it costs $50 per month; two, $100 per month. A coachman, $75, besides board. A carriage for an hour is $5; for a day from $15 to $30, the price depending on the quality of carriage and horses. A house like the one occupied by the Quartermaster-General, Paymaster-General, Colonel Abert, and Dr. Lawson, would bring $500 per month, payable in advance. I can procure no house I would occupy short of $250 per month, payable in advance. The best houses bring from $700 to $1,000 per month, payable in advance. Almost everything is in the same proportion.
>
> In conclusion, I have presented the above facts to show that no officer can live decently on his pay and emoluments without running in debt in California.

This letter was accompanied by a petition to Major-General Wool, signed by the officers of the Army then stationed at San Francisco, containing similar representations as to prices, and praying him to take steps to obtain an increase of their pay and allowances, and by certificates of some of the most respectable citizens of San Francisco, among whom was William T. Sherman, now General W. T. Sherman, showing that the allowance for fuel and quarters was insufficient to meet the expenses incident thereto. I quote the following from the petition of the officers to General Wool:

> The undersigned feel oppressively the burden of the times, and view it especially grievous that in a country where servants' wages are from $50 to $100 monthly, livery charges for a single horse $50 per month, washing $3 per dozen, and board and clothing from double to quadruple what it is in the Eastern States, that they should be compelled to receive an allowance in lieu of quarters and fuel so far below what are the current rates in this country.

There probably never has been in the history of this country a stronger case of neglect and failure on the part of the General Government to provide for the protection of its citizens in the States or Territories against Indian hostilities, and of the necessity for the assumption of the duty of protecting their citizens from such hostilities by the Territorial authorities, than the case now before us. The fact that the Government undertook to audit and pay the claims of the citizens of Oregon and Washington, growing out of the war of 1855 and 1856, might be treated as conclusive as to its obligation to do so, but as the claims under consideration are based upon the allegation that the demands of the citizens of these Territories were unjustly scaled down by the Third Auditor of the Treasury, acting, not under the authority of Congress, but under the direction of one branch only of the law-making power, and that the action of the Third Auditor, as well as that of Congress in adopting his report as a basis of payment, was influenced by damaging and false reports from the commander of the Department of the Pacific as to the cause of the war and the necessity for and character of the services performed by the volunteers, which reports were made, as the people of Oregon and Washington have always believed, to excuse his own negligence and lack of capacity, an examination into the circumstances under which the claims in question arose seems to be necessary.

In the years 1854 and 1855 the Government had ample warning that an Indian war was impending in Oregon and Washington Territories, and earnest appeals were made to it by the Territorial authorities, as well as to the commander of the department, for troops for the protection of the white settlers in these Territories in the event of Indian hostilities.

The Department of the Pacific embraced the whole coast from the Mexican border on the south to the British possessions on the north, over 1,600 miles in extent, and included California, Oregon, Washington, and Utah, more than one-fourth of the entire territory of the United States, with a sparsely settled white population scattered along the entire coast, without roads and without the means of transportation, and surrounded by numerous bands of Indians. To show that the number of United States troops stationed in the Department of the Pacific was not sufficient for the proper protection of the white settlers, I will let General Wool speak.

In a letter to Hon. Jefferson Davis, Secretary of War, dated at Washington, January 10, 1854, he says:

> I would suggest that the two companies at Fort Hamilton, N. Y., or two com-

panies from some other post, be ordered to accompany me on the 20th instant, by way of the Isthmus.

In a letter dated at New York the 19th of the same month, to the Secretary of War, he says:

There can not be over one thousand troops to guard the seacoast of California and Oregon and the interior, including Utah, from Indian depredations. This force is entirely inadequate to act efficiently either on the seacoast or in the interior.

And in a letter to Lieut. Col. L. Thomas, Assistant Adjutant-General, dated at San Francisco, February 28, 1854, he says:

An increase of force to guard against difficulties with the Indians in California, Utah, Oregon, and Washington is indispensable. We have now about one thousand troops, daily diminishing by discharges and desertions. These are distributed over an immense territory in small commands. The number is wholly inadequate to give protection to either whites or Indians.

In a letter to Hon. Jefferson Davis, Secretary of War, dated San Francisco, March 1, 1854, he says:

To carry out the views of the President and Secretary of War in relation to expeditions fitting out against Mexico and to protect the whites and Indians against each other we require more troops. We have about one thousand men, the number decreasing every day by discharges and desertions, to defend and keep the peace of the immense territory of California, Oregon, Washington, and Utah. We have too few troops to do either one thing or the other.

And in a letter to the Secretary of War, dated San Francisco, May 30, 1854, he says:

In urging in my communication of February 28 that the troops be sent to California my object was simply to apprise you as well as the General-in-Chief, of the necessity of sending troops as soon as practicable in order that the peace and quiet of the country might be preserved, which is almost daily threatened by the whites and Indians coming in contact with each other. This was no less due to myself than to the service, no matter what your honor might have done on the subject, lest you should have supposed from my silence the immediate necessity did not exist and delay might have followed. Secondly, if evil resulted from it, I would justly deserve censure. Indeed, I think you would have had just cause for censuring me if I had not on my arrival represented the state and condition of the department to which I had been assigned, and more especially if the peace of the country was in danger. I was not willing under these circumstances to assume the fearful responsibility of remaining silent.

While I claim that General Wool neglected his duties as commander of the Department of the Pacific, and showed a lack of capacity to conduct the military operations upon the coast for the suppression of Indian hostilities, he did show from the first in his correspondence with the War Department that the forces of the Government under his command were totally inadequate for the proper performance of the duty of protecting the white inhabitants from Indian outbreaks. It was his want of appreciation of the gravity of the situation in Oregon and Washington; his failure to give that personal attention to the protection of the white settlements on the Northwest coast from threatened Indian hostilities that was demanded by his official position; his inactivity, apparent lack of practical knowledge of the Indian character, and of the effectual methods of dealing with hostile Indians; his jealousy of the Territorial authorities and contempt for the Territorial volunteers, that stamp him as unfit for the command he held, and show that he was largely responsible for the disastrous war out of which these claims arose.

The charge I make against the commander of the department is a serious one, but is justified by the facts. On January 7, 1854, Bvt. Maj. Gen. John E. Wool was assigned to the command of the Department of the Pacific.

He seems from the time of this assignment to have had an exalted idea of the duties of his position. In a letter dated at Washington on the 7th of January, to Hon. Jefferson Davis, he says:

If I understand the object of my assignment it is to preserve, as far as it may be practicable, the peace and quiet of the inhabitants within and without, and to restrain those of our citizens from violating treaties or the neutrality of the country, by fitting out expeditions against nations with whom we are at peace. If I comprehend the law upon this subject, in order to act efficiently in all cases it will be necessary for the President to delegate the power to me by special instructions.

And again, after especial reference to the Indian tribes of Utah, California, and Oregon, he says:

It is unnecessary to say that unless I have greater powers than I can have, without special authority from the President, * * * these bands might no less embarrass me than bring me in conflict with the agents whose particular duty it is to regulate the affairs of the Indians west of the Rocky Mountains.

The powers asked for to represent the President in the matter of suppressing filibustering expeditions and in the control of the Indian tribes do not appear to have been granted to him, but he appears to have assumed unwarranted powers and to have devoted his time to extraordinary duties to the neglect of those ordinary duties which it was incumbent upon him as commander of the Department of the Pacific to perform, and to have received for his neglect of the latter the censure of the then Secretary of War, Hon. Jefferson Davis. Mr. Davis, in a letter to General Wool, dated Washington, August 18, 1854, says:

SIR: Your letter of the 30th of May has been duly received. You permit yourself to employ a style of complaint, and even, in some degree, of reproach to the Department on account of * * * and the instructions sent to you in my letter of the 14th of April, in regard to your authority to suppress illegal expeditions against the Mexican territory. In this connection I will here take occasion to remind you that while you choose to hold the high commission of general in the Army you assume an obligation to render due respect and cheerful obedience to the authority and orders of this Department. * * *

My letter of the 14th of April is explanatory of the instructions of the 12th of January, so far as relates to unlawful expeditions against the territories of foreign powers. It is not necessary to argue whether your construction of them is sustained by their letter; it is sufficient to the Department to presume that the interpretation you originally put on them was sincere, and that you acted in accordance with that interpretation; but when you received my letter of the 14th of April, stating to you the construction which the Department designed you to place on your instructions, you should have been content to act in conformity thereto. * * *

But the instructions of the 12th of January embraced other matters which had been confided to you of equal importance, and which if attended to would necessarily have required your presence elsewhere than in the city of San Francisco, for at least a portion of your time, and this was the more expected from the assurances of your determination to make a thorough personal inspection into every branch of the military service embraced in your command. The Department is not aware that these inspections have yet been made, however advantageously they might have resulted to the service.

In a letter dated Washington, December 13, 1854, to General Wool, Mr. Davis says:

It was not intended or supposed that an officer holding the highest grade in our Army, and intrusted with the duty of preserving order among numerous Indian tribes and guarding the lives and property of our citizens within the limits of an extensive command, would confine himself month after month to a single city, for the purpose of aiding the civil authorities in watching the movements of secret associations and preventing the commission of civil misdemeanors—a pursuit in which his high military rank and experience gave him little if any advantage, while it lent to the prosecutions, especially when directed against foreigners, a character which they would not have possessed if conducted like others, proceeding only from the action of the judiciary.

That your devotion to this service has been attended with disadvantage to your military duties is an opinion in which I am sustained by yourself. Your letters of April 14 and May 15 show that you were aware of the consequences to which your exclusive devotion to a single pursuit was leading. In the former, indeed, you state in terms that since your arrival in San Francisco most of your time had been occupied in ferreting out and defeating the schemes of filibusters, and you had not been able to devote that attention to your professional duties which the public interest demanded. One of these duties, the first which you proposed to undertake, and from which beneficial results were expected, was the personal inspection of your command and the exploration of the country with a view to make such a disposition of the troops as would tend to check Indian depredations.

* * * * * * *

In the conclusion of your letter you present a group of services for which you claim credit: The preservation of peace in the Indian country; the erection at small expense of temporary batteries for the protection of San Francisco harbor; the erection of an arsenal building at Benicia; the establishment of a new post on the Indian reservation at the Tejon Pass, and preventing the loss of a million dollars' worth of public property at the Presidio. Upon these points, since you urge them upon my attention, I will briefly remark.

It would surely be very gratifying to me could I acknowledge your claim for having preserved peace in the Indian country; but to do this I should have to forget not only the outrages you yourself have reported, but others equal in atrocity to any that took place during the time of your predecessors.

While General Wool was devoting his time to the prosecution of parties engaged in fitting out unlawful expeditions, including the French and Mexican consuls, with his headquarters at San Francisco, he neglected every other portion of his department, and this, too, in the face of earnest warnings from different localities of Oregon and Washington Territories of the hostile attitude of the Indian tribes, and numerous appeals by the people of those Territories for protection from their savage foes. When hostilities at last broke out General Wool was still at San Francisco, and totally unprepared for the war, and, evidently to excuse himself for his failure to take precautionary measures, charged the white settlers with provoking the war, and could not be made to comprehend or admit the magnitude or imminence of the danger which threatened the entire white population of both Territories. The Federal troops in Oregon and Washington being entirely insufficient for the protection of the whites, at the call of the Territorial authorities the white settlers volunteered for the protection of their families and their homes, and, under the leadership of such men as General Joseph Lane, Cols. T. R. Cornelius, J. W. Nesmith, John Kelsey, J. K. Kelly, Lieut. Col. Lafayette Grover, and Lieut. Col. W. W. Chapman, and others, some of whom had seen active service either in the war with Mexico or in previous Indian wars, and knew the habits of the Indians, and who believed that during the winter months was the time to strike the enemy, followed the Indians to their winter quarters, fought, severely punished, and dispersed them. This gave great offense to Major-General Wool, who deemed a winter campaign impracticable.

This unfortunate difference between General Wool and the Territorial authorities engendered a feeling of resentment toward the people of the Territories which seemed to entirely control his future connection with the war and caused him to exert his influence against the payment of the claims of the Territories for the expenses of the war. I find this matter thoroughly and ably discussed in an address recently delivered by Hon. Elwood Evans, of Tacoma, Washington Territory, at Portland, Oregon, before the Association of Indian War Veterans of the North Pacific Coast, and from which I quote the following:

A retrospect of the condition of affairs in Oregon and Washington during the year 1855 is full of interest and materially aids the student of history in the proper solution of the question under consideration. The two Territories embraced the region westward of the Rocky Mountains lying between the forty-second and forty-ninth parallels of latitude, containing an area of nearly 300,000 square miles, about five times larger than the New England States combined, or equal to six States of the size of Pennsylvania and territory left of the aggregate area of the States of New Hampshire and Vermont. In this empire, in extent, the white population was perhaps 40,000, of which number 5,000 were resident in Washington Territory, or that portion north of the Columbia River. The white settlements were isolated and scattered from the California line northward to Bellingham Bay. In Washington Territory there were perhaps 1,600 men capable of bearing arms; in Oregon, perhaps 800. The Indian population numbered 20,000 in Washington Territory, and but little fewer in Oregon. In the vicinity of the Columbia River, on both sides, the hostile bands were principally located east of the Cascade Mountains. On Puget Sound and in Southern Oregon the white settlements were in close proximity to and surrounded by the hostile bands of Indians.

Military posts had been established and United States troops stationed

throughout this wide domain, as follows: At Fort Steilacoom, two companies of infantry, 152 men; at Fort Vancouver, two companies of infantry, 194 men; Fort Dalles, three companies, two of infantry and one of artillery, 231 men; Fort Lane (8 miles from Jacksonville), two companies of dragoons, 115 men; Fort Orford (Port Orford), one company of artillery, 47 men—a total of 741 men.

A glance at the map, as to the extent and topography of the territory, the sites of the settlements, the points of location of the military posts, the number of troops in garrison, and the arm of service to which the companies respectively belonged, the hostile region and the number of hostile Indians, must at once force the conviction that for the purpose of holding the Indians in proper subjection, or repressing any outbreak of refractory tribes, such a military establishment was about as useful and beneficial to the safety or protection of the Territories as a fifth wheel would be to a coach. And just that and nothing more was the true condition of affairs when the authorities of the two Territories armed their volunteers to save the people from extermination.

The commanding general of the department was at Benicia, many hundreds of miles from the scene of trouble—he who was responsible for the fact that the Territory and its settlements were entirely unprovided with means of defense, who had made that distribution of the United States troops. From his headquarters at Benicia, at that date, of which this is the thirty-first anniversary, he says:

"I will leave for the scene of war at The Dallas on the 6th instant."

Who thus outlined his programme:

"It will not be safe to remove any more of the troops from their present positions."

Who repairs to the scene of war with the avowed determination of avoiding the necessity of recognizing volunteers.

Does that mean that the troops are to remain in winter quarters at Steilacoom, Vancouver, The Dalles, Fort Lane, and Fort Orford? The commanding general arrived at Fort Vancouver November 17, 1855. On the 13th day of December that general depicts a winter scene. He sneeringly refers to the troops under Colonel Nesmith "encountering the Yakimas, and after several skirmishes the enemy fleeing beyond his reach over mountains deeply covered with snow, from 2 to 5 feet deep." He then presents, as his view of a winter campaign, that:

"With my present force, however well prepared (which is not the case), to either conquer or bring the Indians to terms in this region, by chasing them, all being well mounted, through the mountains (and certainly not at the present moment, the mountains being generally covered with snow several feetd ·ep), is impossible. They can only be conquered and brought to terms by occupying the country and such positions as would command their fisheries and their valleys where their cattle and horses must graze. This I propose to do, that is, to occupy their country, and I am now with my staff actively preparing an expedition for that purpose. This, however, after a critical inspection of the troops, supplies, etc., I find can not be accomplished as soon as I could wish, owing to the want of a sufficient number of troops, the means of transportation, and the want of clothing for the Fourth Infantry. As soon as the animals have recruited and are rendered fit for service, my present force will be ready to take the field, and if I should receive in the mean time an additional force, at least a regiment, which would supersede the necessity of employing so expensive a force as volunteers, I have no doubt I will be able in a short time to either conquer the Indians of Oregon and Washington, or compel them to sue for peace or abandon their country."

The letter from which this extract is made contains also this remarkable confession of the utter inadequacy of the provisions he had made for such an emergency as was then existing:

"The regular force under my command was dispersed in small commands from the northern to the southern extremity of the department, extending over 1,600 miles, but not a sufficient force at any one point to overcome a combined attack by several tribes of Indians. Under such circumstances, before re-enforcements could be received from the East, or authority to call for volunteers, which would occasion a delay of at least two months and a half, the Indians in a general war might inflict an irreparable injury on the country, for it would be utterly impossible, with my limited means, to guard and protect so extended a country at all points at the same moment."

These statements and those already cited clearly establish the absence of a sufficient force to defend the Territory. The defeat of Haller had painfully proven the strength and confidence of the enemy, the weakness of the military. The requisition of Major Rains was but a confession of utter inability, an appeal for assistance to our war governors.

It is difficult to comprehend, while appreciating so well his inability to perform the duty imposed, that General Wool should have refused to accept the proffered aid from the settlers. There seems to have been the determination upon the part of General Wool that it was best to wait until the Government re-enforced him with regular troops. He hoped in the interval that Providence would co-operate by having removed the snow from the mountains. Then those Indian cattle and horses could graze and grow fat, then it would be the proper time to occupy the Indian country. Was it not too cruel and heartless to his plans that Governor Curry, heedless of the approacning inclement season, should, in November and December, 1855, have dispatched the mounted Oregon volunteers to the homes and haunts of the hostiles, there and then with due celerity to administer the punishment they so richly deserved for the murders of our people? True, had Governor Curry failed to act with that commendable promptness, the people of both Territories would most probably have been compelled to wait the coming of spring, when the snow should have disappeared. Then, to be sure, General Wool, with his newly arrived regiment from the East, his soldiers here who had been so sadly neglected, newly clothed, would have occupied the country where and when those Indian cattle and horses grazed.

"For, lo, the winter is past, the snow and rain are over and gone; the flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land."

The new clothes having arrived from the East, occupying the Indian country would prove but a picnic. His "headquarters in the saddle," with no snow in the mountains to impede his triumphal advance, the hostile Indians would flee before the pursuing hosts as chaff before the wind.

Enough has been said to demonstrate that during the fall and winter of 1855, if the people of the Territories secured protection or attempted to punish the Indian foe, they must rely upon their own efforts. While General Wool was at Vancouver in winter quarters, awaiting his return to Benicia and for the arrival of the Ninth Infantry, the Oregon volunteers in the stormy and severe winter of 1855–'56 were operating in the Yakima country under Colonel Nesmith. Lieut. Col. James K. Kelly led them to victory in the Walla Walla country. True, they were but raw volunteers, they were poorly clothed, scantily provided with food, inadequately armed; but they did find large bodies of Indians who resisted their advance, who offered battle. For days the Oregon volunteers fought the enemy, whipped them, and caused them to disperse in small bands and retreat after severe punishment. But that victory had added another cause of offense to that of their having been volunteers not mustered into the regular service. This expedition had proved that a winter campaign was practicable where the will existed to conduct it. Oregon militia officers, with troops not over a month enlisted, had thereby demonstrated that the military prescience of the veteran major-general was grievously at fault in hostile operations against Indians. Temerity, to be sure, but it added one more reason why the necessity for recognizing volunteers should be avoided.

I need not further to refer to that unfortunate difference between the commander-in-chief of the Pacific military department of the United States Army and our Territorial authorities, or to his feeling of resentment toward our people. This much has been rehearsed with the utmost reluctance. But in that cruel episode may be found the greatest, if not the only, reason for the denunciation of our people as conspirators to rob the national Treasury by causing that Indian war and conducting those so-called irresponsible raids in the Indian country. An adoption in whole or in part of the belief or opinion that those accusations would not have been made without some foundation in fact, is the apology for the delay and repudiation of the just claims of our veterans and our people, the creditors of the National Government, for having responded to the call of those governors and furnished the services and the means to enable Oregon and Washington Territories to have prosecuted their respective parts and duties in that war.

I have presented to the Senate the memorial to Congress of the Association of Indian War Veterans of the North Pacific Coast, praying Congress for an appropriation to pay the balance of the amount allowed by the commissioners for pay of volunteers and the value of supplies furnished, and praying also that the volunteers of the Indian war of 1855–'56 be included in the provisions of the law making grants of lands to volunteers in Indian wars prior to 1855, which has been referred to the Committee on Military Affairs.

In their memorial, after stating briefly the facts in regard to the origin of these claims and the action of the Government in regard to them, they say, in substance, that the Third Auditor knew but little of the value of property furnished, and scaled down the claims to prices which were one-half less than the property could have been purchased for in Oregon and Washington at the time, and that the volunteers, as their claims for services were audited by the Third Auditor, received only $11 per month, and out of that had to furnish their own clothing; that in traveling over the mountains their clothes were soon worn out, and had to be replaced by others at greatly inflated prices, and, as a result, many of the volunteers who performed important services in the war, after six months' service received no pay or nearly none. I commend this appeal of the veterans of the volunteer forces of Oregon and Washington, who bore an honorable part in the greatest conflict which ever took place west of the Rocky Mountains between civilization and barbarism, to the consideration of the Senate.

At the Oregon Methodist Episcopal Conference, held in 1856, which was attended by many of the early missionaries to the Indians of Oregon and Washington, the following preamble and resolutions were adopted:

Whereas our Territories have been the theater of a disastrous Indian war during the past year; and

Whereas an impression has, by some means, been made abroad that the people of Oregon and Washington have acted an unworthy part in bringing it on: Therefore,

Resolved, That though there may have been occasional individual instances of ill-treatment of the Indians by irresponsible whites, it is the conviction of this body of ministers, whose fields of labor have been in all parts of the Territories at the beginning and during the continuance of the war, that the war has not been wantonly and wickedly provoked by our fellow-citizens, but that it has been emphatically a war of defense, and that defense was deferred as long as Christian forbearance would warrant.

In December, 1857, while the events of the war were recent and the facts fresh, J. Ross Brown, a special agent of the Treasury Department, who had just returned to San Francisco from a tour of inspection through the Territories of Oregon and Washington, and who had improved the opportunity to investigate the causes of the war, in a letter to the Commissioner of Indian Affairs, Hon. J. W. Denver, gives the results of his investigations. He states that the origin of the war was not different from that of any other Indian war, and that it was the natural result of immigration and settlement. He lays the blame largely upon the Government for inducing settlement of the territory and granting the lands to settlers before extinguishing the Indian title; finds that the charge of speculation out of the public Treasury grew out of the feud between the commanding officer of the military Department of the Pacific and the citizens of the Territories, and was without foundation, and absurd; and closes by a statement of his belief that the commissioners to audit the war claims of Oregon and Washington had faithfully and impartially performed their duty, and that the sum they had decided upon was justly due. Such testimony from an impartial, intelligent, and official source is so important that I feel justified in quoting liberally from it. He says:

On my arrival in Oregon I conferred with all the leading citizens and obtained the views of nearly every Federal officer in the country. During a tour of more than two months I heard but one sentiment expressed, a general denial of the allegation that the hostilities were commenced by the settlers for purposes of speculation. From previous acquaintance with the people of Oregon I had formed the opinion that they were peaceable, honest, and industrious, and it seemed to me scarcely possible that they could be guilty of so great a crime as that charged against them.

In view of the fact, however, that objection might be made to any testimony coming from the citizens of the Territories, and believing also that it is the duty of a public agent to present, as far as practicable, unprejudiced statements, I did not permit myself to be governed by any representations unsupported by reliable historical data.

Upon a full review of the origin and progress of the war, I arrived at the conclusion that the feud between the commanding officer of the military department on the Pacific coast and the citizens of the Territories, out of which the charge of speculation upon the public Treasury grew, is a matter of very little national importance. The result of a mere political and personal quarrel of this kind can not affect the great questions at issue. The origin of the war is not different from that of any other Indian war. It is the natural result of immigration and settlement; and whether the governors of the Territories, public officers, and citizens generally committed an error in not placing themselves under the control and direction of General Wool, who came up after the war had com-

menced, or whether the part taken by him was best calculated to preserve and maintain peace, is not the question now to be decided.

A war took place, an expensive and disastrous war, from the effects of which the Territories will suffer for many years. Neither the commanding officer of the military department nor the citizens of the Territories, in my opinion, could have prevented it. The quarrel between them is undignified and unstatesmanlike. It was a war of destiny, bound to take place whenever the causes reached their culminating point. Although occasional hostilities have been engendered between the whites and particular tribes of Indians in every State of the Union by individual acts of aggression, either on the one side or the other, the history of our Indian wars will show that the primary cause is the progress of civilization, to which the inferior races, from their habits and instincts, are naturally opposed. From the time of the landing of the Pilgrims on Plymouth Rock to the present day we have had wars with the Indians, and they have all had a beginning. It matters little whether an individual act of aggression or a general movement becomes the signal for hostilities, a prior cause must exist.

The explorations of Lewis and Clarke, who were sent out by the Government of the United States in 1802 to ascertain the character and boundaries of the territory west of the Rocky Mountains, with a view of investigating the unwarranted assumption of the British Hudson's Bay Company of an exclusive right to trade with the Indians, present the first official narrative of American intercourse with the Indians of Oregon. From that period, during a series of many years, the country was visited by trappers and hunters from the frontiers of Missouri, a wild, reckless, and daring race of men, whose intercourse with the Indians was not calculated to afford them a high opinion of the Americans as a people.

In 1835 missionary establishments were formed west of the Rocky Mountains. The French, through their connection with the Hudson's Bay Company, established Catholic missions, and the Americans Protestant missions, between which jealousies and bickerings soon sprang up. Misrepresentations were, no doubt, made on both sides, and the result was that bitter hostilities were engendered between the cliques attached to each persuasion. In the autumn of 1847 Dr. Marcus Whitman and his family were murdered by the Indians. Mr. Spaulding, another missionary, charges that it was done with the knowledge and connivance of the Catholic missionaries. I send inclosed the reply of Father Brouillet, which professes to refute this charge. A perusal of the pamphlet will abundantly show the bitterness of feeling existing between the different sects, and its evil effects upon the Indians. It will readily be seen that, as little dependence can be placed upon the statements made by one side as by the other, and that, instead of Christianizing the Indians, these different sects were engaged in quarrels among each other, thereby showing a very bad example to the races with whom they chose to reside

The fact also is shown that as far back as 1835 the Indians west of the Rocky Mountains protested against the taking away of their lands by the white races; that this was one of the alleged causes of the murder of Dr. Whitman and family.

It is needless to go into a detail of all the difficulties between the whites and the Indians since the first emigration to the Territory of Oregon.

The same primary causes existed in every case—encroachments of a superior upon an inferior race.

In 1840 and 1841 the subject of the settlement of Oregon was agitated in the Senate of the United States by Senators Linn and Benton. Information as to the value and extent of this Territory was published to the country in their speeches. Settlers were encouraged to go there and secure homesteads for their families. Congress was urged to grant liberal donations of lands. Senator Linn made it, session after session, the especial subject of his mission to Washington, and never ceased, until the day of his death, to urge upon Government the great value and importance of our Pacific possessions, and the expediency of encouraging emigration there.

In 1849 Mr. Thurston went to Washington City as a Delegate from the Territory of Oregon. He represented to Congress the unsettled condition of affairs in that Territory, arising from the proximity of the Indians to the white settlements, and the difficulties which were frequently occurring between them. He urged that the people of Oregon were in an isolated and unprotected condition; that inducements had been held out to them by the Government to settle there, but they had not as yet acquired a legal title to their lands, and the Indians were constantly threatening to dispossess them. In fact, they only maintained their position by sufferance.

They were liable at any moment to be massacred. In consequence of these representations, and the pressing petitions of the people through their Delegate, Congress, in June, 1850, passed a law authorizing the appointment of a commission to treat with all the Indians west of the Cascade Mountains.

On the 27th of September following the donation law was passed, granting to single persons, who had settled prior to the 1st December, 1851, 320 acres, and to married couples 640 acres of the public domain, etc. No reservation was contained in this act predicated upon the action of the commission. The land was to be granted in fee-simple, upon actual residence for four years. In the preemption act of September 4, 1841, section 10, extended to Oregon July 17, 1854, provision is made excepting from pre-emption lands held in reserve by the Government, or to which the Indian title has not been extinguished. In the donation act Government departed from its usual policy and made no such exception. That this has been a fruitful source of difficulty there can be no doubt. It was unwise and impolitic to encourage settlers to take away the lands of the Indians. It was well understood, from experience with the Indians of other States, that they always claimed a right to the lands upon which they resided. They could never be taught to comprehend that subtile species of argument by which another race could come among them, put them aside, ignore their claims, and assume possession on the ground of being a superior people. Ever since the ordinance of 1787 it had been the practice of Government to recognize in them a possessory right which could only be extinguished by purchase or mutual agreement. Of course, as the terms were always dictated and enforced on the one side, whether the other party was satisfied or not, this compulsory process can not properly be dignified by the title of treaty. None of the so-called treaties with the Indians are anything more than forced agreements which the stronger power can violate or reject at pleasure, and of which privilege it has availed itself in all the treaties made with the Indians of Oregon.

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In reference to the question of original right, I believe there is but little difference of opinion at the present day. Civilization can not be held back upon grounds of priority of possession. The question is simply one of public policy. When it becomes necessary to remove the aboriginal races to some more convenient location, they must be removed; but the stronger power, from motives of humanity, concedes to the weaker certain rights which it is bound in honor to respect. That Congress recognized these rights and intended to provide for them, is shown by the passage of the act providing for the extinguishment of the Indian title prior to the donation act of September 27, 1850.

In pursuance of the authority vested in him, the President appointed a commission, consisting of General Gaines, governor and superintendent of Indian affairs for the Territory of Oregon, Mr. Allen, special commissioner, and Mr. Skinner, an Indian agent.

The commission met at Shampoag, in the Willamette valley, in March, 1851, and proceeded to negotiate with the various tribes of the Willamette. In April they concluded several treaties. Under these treaties reservations were fixed at the forks of the Santiam and at Yam Hill. The selection of lands thus made was singularly unfortunate, most of them being already covered by claims under the donation act. The removal of the Indians from one part of the valley to another, where the interests of the settlers were the same, could in no way have operated advantageously. The sum of $20,000 was expended in making these treaties, without any beneficial result. The settlers held meetings and protested against the acts of the commission. Petitions to the same effect were forwarded to Congress. It was considered that the treaties were injudicious in their terms and ought not to be ratified. But this was not the fault of the Indians. A solemn compact was made with them. The terms were imposed by the stronger power, and accepted by them from necessity. Most of their lands had already been taken away from them under the donation act, and under the treaties they gave up, for certain considerations, what remained. But the agreement thus dictated to them was never ratified and they never received the promised considerations under that instrument. Between private individuals this would be regarded as obtaining property under false pretenses.

In the mean time the commissioners were preparing to go south and treat with the Rogue River and Shasta tribes, whose disaffection was becoming formidable, when an order came from the Indian department suspending their functions. The offices of governor and superintendent were disconnected, and a new superintendent (Dr. Dart) was appointed. This officer, acting in conjunction with Mr. Skinner, Indian agent, made treaties with the Clatsops and other coast tribes near the mouth of the Columbia, a peaceful and degraded race of no importance and with whom there was no pressing demand for treaties. Mr. Skinner was then ordered south to prepare the way for negotiations with the southern tribes. He held councils with the most powerful and warlike tribes; urged them to be patient awhile; that Government would soon make treaties with them, and pay them for all their lands. But neither the promised treaties nor the promised payments were made till they forced Government to pay some respect to their demands by an attempt to exterminate the white settlers who were crowding in upon them, and whose encroachments had been the subject of protest and complaint amongst them since the first claims under the donation act. The Rogue River war of 1853 will not soon be forgotten. These tribes were in constant intercourse with those of the Willamette valley. They saw that there was but one way of securing their rights—by force of arms. Nor were they by any means conquered when they agreed to the treaty of September 10, 1853. Had they chosen to hold out and take to the mountain fastnesses of their country, it might have taken ten years to subdue them. It was not only through the determination and gallantry of General Lane, who led the volunteer forces in this war, but his thorough knowledge of Indian character, his skill in that sort of diplomacy, his general sagacity and prudence, that it was brought to a close. The most enlightened and influential of the chiefs knew him personally, and respected him both in war and peace. But they either misunderstood the terms of the treaty, or the inducements held out to them to stop the war were such as it was not afterwards practicable to fulfill. Their views upon this point are fully set forth in my report of November 17 ultimo, in which the result of a "talk" with them at the Siletz reservation is given in detail.

In order to preserve as far as practicable the connection between the causes of war in different parts of the Territory, I must again return to the treaties of Shampoag. As already stated, they were never ratified. It was well known to the public authorities in Washington that the donation act had gone into operation, and that the non-ratification of the treaties left the Indian title unextinguished. The causes of the Rogue River war of 1853 were fully detailed in the various reports of the officers of the Territory. It can not, therefore, be said, with justice, that it was the fault of the settlers that nothing was done to arrest the impending war. Sufficient warning had been given. The newspapers, from day to day, were filled with accounts of murders by the Indians; sometimes pack-trains attacked; the camps of miners robbed; dead bodies of white men found on the mountain trails, etc.

At the time the treaties of Shampoag were negotiated (April, 1851) the valley of the Willamette was the main resort of the Klickitats, a powerful and warlike tribe from the country west of the Simcoe, in the Cascade Mountains. This tribe has well been compared to the Arab merchants of the East. Bold, adventurous, and cunning, they had gradually acquired an influence over nearly all the Indians of Oregon as far south as Rogue River.

At an early date (probably between 1835 and 1840) they descended from the Simcoe to the banks of the Columbia River, on the northern side, where they commenced war against the Cowlitz, Chenook, and other inferior tribes, whom they soon conquered and reduced to such terms of tribute as they chose to dictate. In 1841 they began to turn their attention to the south side of the Columbia.

Rich valleys and fine hunting grounds existed there, of which they had heard traditionary reports. At this time the Clackamas, Moleallies, Yamhills, Santiams, and the other tribes of the Willamette valley had become greatly reduced by diseases introduced among them by the whites. Small-pox, measles, and venereal had swept them off by thousands. They were wholly unprepared to resist the encroachments of their warlike and formidable neighbors. From time to time, as opportunity occurred, the Klickitats crossed over, made inroads upon them, and finally entirely subdued all the tribes of the Willamette, whom they caused to pay tribute. Assuming a possessory right over the whole valley, they established camps on the various rivers, and in the course of a few years, by gradual advances, pushed their way over the Calapooia Mountains into the valley of the Umpquas.

In former times the Umpquas were a powerful tribe, owning all the country between the Calapooia Mountains north, the Cañon Mountains south, the Cascades east, and the Pacific west. The Shastas and Rogue Rivers had frequent wars with them, but finally, through mutual interest, effected a coalition. From this time the Umpquas began to lose much of their original independence, and at the period of the invasions of the Klickitats had greatly degenerated.

The Klickitats, fresh from the scenes of the recent victories, skilled in the arts of war, and still determined upon subduing all the races of the south, found no difficulty in reducing the Umpquas to such terms of submission as they thought proper to dictate. One great source of their success was their skill in the use of fire-arms, of which they had procured an abundant supply from the trading posts of the Hudson's Bay Company.

They opened an extensive trade with the southern tribes in furs and peltries, and crossed the mountains at various intervals during the year. The valley of the Willamette was their public highway to the north, and their depot during the greater part of the year, where they left their property and families. After the emigration, under John Applegate, in 1843, they found it profitable, during particular seasons, to work as farm laborers, and soon became well skilled in the arts of husbandry. Their services were regarded as more valuable than those of any other class of Indians. Desirous, however, of pushing their conquest still farther south than they had yet penetrated, so as to obtain the same supremacy over the Shasta and Rogue River tribes which they had already obtained over the Umpquas, they proffered their aid to the whites on the occasion of every outbreak or manifestation of war. In 1851, when Lieutenant Stewart was killed on Rogue River, near the mouth of Stewart's Creek, they armed themselves ready to unite in any expedition against the hostile tribes. In 1853 General Lane considered it expedient to avail himself of their repeated offers, and a party of sixty Klickitat warriors, well mounted and armed, proceeded to join him at the scene of war. They had reached as far south as the Grave Creek Hills, when they were met by Mr. Grover, one of the commissioners who had negotiated the treaty of September 10, 1853, just concluded at Table Rock. As there was then no necessity for their services, they were directed to return. At their request, however, Mr. Grover gave them a written certificate that peace

had been declared, and that they had complied with their promise, in order, as they said, that the whites should not doubt their friendship.

It will be observed that the commissioners of 1851, in their councils at Shampoag, had wholly ignored the claims of the Klickitats to the right of possession over the Willamette valley. They were notified that it was not their country; that they had no voice in the relinquishment of the Indian title to the lands. That such a right had been asserted, and to some extent maintained by them, can doubtless be seen by reference to the records of the courts.

At a term of the United States district court, held in Washington County in 1851, complaint was made before the grand jury by one Donald McLeod that a band of Klickitats had committed a trespass upon his property by destroying timber which he had prepared for his house.

The accused were brought before the court, with Agent Parish as their interpreter; but after an informal hearing of the case, the judge could not find any law to meet it. They maintained their right to destroy their own timber; that it grew on their own land; that they had acquired the land by conquest; that they had given McLeod warning not to settle there; that it had never been purchased from them, etc. The judge held that there could be no action for trespass against them; that it was not shown that McLeod had acquired any legal title to the land, but it was shown that the accused had a possessory claim to it which Government had never extinguished.

Another case was brought before the same court. One Bridgefarmer built a fence across a certain trail which had been opened by them, and which was their public highway. They broke down the fence, and passed as usual. An attempt was made to bring an action of trespass against them. The judge delivered an opinion to the same effect.

From this and many similar cases which might be cited, it will be seen that there was at least some recognition of the rights assumed by these Indians. They had become familiar with the people of the valley, and were esteemed as a superior tribe; nor were their repeated proffers of friendship without effect. It is true they had in view the subversion of the southern tribes, and sought power; but whatever may have been their motives, they were entitled to some consideration. Incensed at the action of the commissioner in 1851, it was with difficulty they could be pacified; but they soon found consolation in the general disapproval of the treaties by the settlers, who were of opinion they would not be ratified.

Early in the spring of 1855 the superintendent of Indian affairs thought it expedient to remove them from the Willamette valley to their original country north of the Columbia. Under the provocations which they had already received, it may readily be supposed, they left with no good will towards the whites. From the moment of their departure they were in a state of war. Driven from a country to which they had established a right, under Indian usages, back to their homes in the Simcoe Mountains, they openly declared their determination to fight. They charged fraud and bad faith on the part of Government and its agents, accused all the whites of cheating them, and protested that they would have satisfaction.

Having now followed up the provocations of war from the southern line of Oregon to the north side of the Columbia, I propose taking a glance at the condition of affairs in Washington Territory. The most formidable of the tribes in this Territory were the Yakimas, inhabiting the country on the eastern slope of the Cascades. This tribe has long been connected, by strong ties of blood and interest, with the Klickitats. They frequently crossed the mountains and descended to the Sound, but their principal field of adventure was eastward. They traded with the tribes of the east, from whom they purchased furs and peltries, and held a profitable connection with the posts of the Hudson's Bay Company. In their intercourse with the "King George" men, as the English are called, they had been taught to believe that the Columbia River was the boundary between the American and British possessions. Until within a few years past they had seen but few Americans, and those of the worst class. They looked upon them as an inferior race of whites. They had never felt the power of the American Government. The traditions which had reached them across the Rocky Mountains were vague and unfavorable. Of the Indian battles there they only heard of Indian prowess and the slaughter of Americans. Coming from tribe to tribe, in every form of exaggeration, the tales that were told them were of a rapacity and injustice on the one hand and deeds of valor on the other. But they were aware that still farther east, where these bad people lived, they had taken away the lands of the Indians, and were gradually trying to get the country west of the Rocky Mountains.

The question of boundary had been agitated in Congress and throughout the Union. War between the United States and Great Britain was the constant topic. The feeling of animosity was particularly apparent among the agents of the Hudson's Bay Company. Their continuance in employment depended upon the defeat of the assumptions of the United States. They not only demanded the claim of 54° 40', but contended for the line of the Columbia, and would probably have included Oregon proper had it been in their power. Remote as were the few emigrants in this region from their mother land, they yet warmly espoused the cause of the United States. They had lost none of their nationality. The inhospitable wilderness that lay between them and their former homes served but to strengthen their attachment to the institutions under which they had grown up. As yet few Americans had settled north of the Columbia.

The Yakimas, in common with other tribes who derived a profitable trade from their connection with the Hudson's Bay Company, naturally espoused the cause of "King George." Many of their women were married to the company's employés, who in that way cemented the ties of friendship. The company had always encouraged connections of this kind, and it was rare to find any officer or employé without a family of half-breeds, either Yakimas, Klickitats, Nisquallies, or some other tribe. It required no great effort, therefore, on the part of the company's agents, to spread the feeling of dislike, and to misrepresent the intentions and character of the American people. The Indians, predisposed to hostility, implicitly relied upon all they heard. Kam-i-a-kin, the chief of the Yakimas, was bitter in his animosity. As early as 1853 he projected a war of extermination against the whole race of Americans within the country. It was his settled determination to make the war general, and he spared no inducements to effect a coalition with the Nez Percés, Cayuses, Walla-Wallas, and other tribes. For your information on this point, showing that war actually was premeditated in 1853, I send you inclosed a translation of the letter of Father Pandory, priest at the Atahnam Mission, dated April, 1853, to Father Mesplie, at The Dalles, in which he says: "A chief of the Upper Nez Percés has killed thirty head of cattle at a feast given to the nation; and this number of animals not being sufficient, seven more were killed. The feast was given in order to unite the hearts of the Indians to make declaration of war against the Americans. Through the whole course of the winter I have heard the same thing—that the Cayuses and Nez Percés have united themselves for war. During the course of last spring I was in the Cayuse country after they had given a similar feast. I said nothing, because I thought that they had a subagent who would speak. * * I will recount to you what they say. All the Indians upon the left (north) bank of the Columbia, from the Blackfeet to the Chenook, inclusive, are to assemble at the Cayuse country. All on the right bank, through the same extent of country, are to assemble on the Simcoe (on the Yakima), including those from Nisqually and the vicinity. The cause of this war is that the Americans are going to seize their lands."

This grave and startling information, so fearfully verified since, was promptly communicated to Major Alvord, who reported it to General Hitchcock, the then commanding officer of the military department on this coast. Major Alvord was censured as an alarmist, and Father Pandory was treated in the same manner by his superior.

It will be observed that the date of the letter is April, 1853. If the war, therefore, was one of speculation, gotten up by the settlers of Oregon, the scheme should have been frustrated then. Information that a war was actually going to take place—that the Indians had avowed it in council—was in possession of the commanding officer of the military department. Why did he not expose the speculation? Why did not the Departments in Washington issue orders to the governors of the Territories, apprising them of their knowledge of this scheme, and cause it to be then arrested? Simply, as I conceive, because no such scheme was ever contemplated, either then or since. The settlers only asked protection for their lives and property; and after both have been freely sacrificed, the charge is, for the first time, brought against them.

But to return a moment to the combination. As no change took place in the Hudson's Bay Company's posts after the treaty of 1846, and their possessions and appearance of power remained the same as before, the Indians, up to a very recent date, regarded the Territory of Washington as under the influence of "King George."

The Nisquallys and other tribes of Puget's Sound, whose chief intercourse had always been with "King George" men, naturally shared their animosity against the Americans. When Governor Stevens treated with them, he found them in a very disaffected condition. It was with difficulty the chiefs could be gotten together. Something had to be done with them, and, under the circumstances of difficulty attending the making of these treaties, I am satisfied no public officer could have done better. The treaties were not the cause of the war. I have already shown that the war had been determined upon long before. If Governor Stevens is to blame because he did not so frame the treaties as to stop the war, or to stop it by not making treaties at all, then that charge should be specifically brought against him. My own opinion is that he had no more control over the course of events than the Secretary of War in Washington.

Leschi, the celebrated Nisqually chief, was most determined in his hostility. Bold, adventurous, and eloquent, he possessed an unlimited sway over his people, and, by the earnestness of his purpose and the persuasiveness of his arguments, carried all with him who heard him speak. He traveled by day and night, caring neither for hunger nor fatigue; visited the camps of the Yakimas and Klickitats; addressed the councils in terms of eloquence such as they had seldom heard. He crossed the Columbia, penetrated to Southern Oregon, appealed to all the disaffected there. He dwelt upon their wrongs; painted to them, in the exuberance of his imagination, the terrible picture of the "*polakly illeha*," the land of darkness, where no ray from the sun ever penetrated; where there was torture and death for all the races of Indians; where the sting of an insect killed like the stroke of a spear, and the streams were foul and muddy, so that no living thing could drink of the waters. This was the place where the white men wanted to carry them to. He called upon them to resist like braves so terrible a fate. The white men were but a handful now. They could all be killed at once, and then others would fear to come. But if there was no war, they would grow strong and many, and soon put all the Indians in their big ships and send them off to that terrible land, where torture and death awaited them.

It may readily be supposed that a rude and ignorant people, naturally prone to superstition, were not slow in giving credence to these fearful stories. Each tribe had its grievance from the north to the south. Common interest bound them in their compact against a common enemy.

The Mormons at this time had also sent their emissaries among them to spread the disaffection. In the Simcoe, at a council of the tribes in 1854, a chief from the Mormon country urged them to war. The talk of this chief, as detailed by a friendly Indian who was in the council, was to this effect: That far in the desert there lived the greatest people on earth, who controlled the sun. He had been among them and talked with them, and they had sent him here to say what they were. They could strike dead anybody at any distance; they could make the sun stand still; they could make powder and muskets, and they were the friends of the Indians. The Americans were the enemies of the Indians. They wanted the Indians to kill them all. They would send them powder and muskets, etc.

That the Mormons did furnish several of the tribes with ammunition is proved by the narrative of Captain Shaw, of the Walla Walla volunteers. At the last battle fought up there he found powder, muskets, balls, etc., among the Indians bearing the Mormon brand.

George B. Simpson, late interpreter and local agent at the Cascades, who originally came to Salt Lake as an agent for the Salt Lake mails, states from his own knowledge that the Mormons sent out emissaries among all the tribes of Indians prior to the war, urging them to unite in exterminating the Americans.

But the plan of operations had not been sufficiently matured. Some of the tribes were too impatient to wait till the proper time had arrived. In the summer of 1855, after the discovery of the Colville mines, a general rush took place there. The first man murdered was Mattice, a miner, who was on his way there with a considerable amount of money and provisions. He was killed soon after descending the Snoqualimie Pass by a party of Indians, supposed to be Yakimas. Near the same time, Fantjoy, another miner, was killed. These were both respectable men from the State of Maine. They were proprietors of a coal mine on the Danamish. The murders on the White River occurred some two months after. Agent Bolen, hearing of the Yakima murders, crossed over from The Dalles to see the chief Kamiakin. Ouahi, another prominent chief, was present in camp. Bolen spent the night there, no doubt remonstrating with them for their acts. Next day, as he was riding back, he was overtaken by two or three Indians, who rode along with him in an apparently friendly manner. One lagged behind, and, while the others engaged his attention, shot him in the back. He was then dragged from his horse, scalped, and partly burnt. One of the murderers is said to be a son of the chief Ouahi.

On the 8th or 9th of October the Indians of Southern Oregon began the work of extermination. They slaughtered, indiscriminately, men, women, and children. At or about the same date the war had opened in Washington Territory. The movement was simultaneous, and could only have been the result of concert; but the Indians themselves have since freely admitted that their plan embraced all parts of the country from north to south.

I will not undertake to follow up the history of the war to a later period. Its peculiar features have been represented officially on both sides, and its progress and termination are matters of public record.

Upon a careful perusal of all the dispatches, I find nothing to sustain the charge of speculation. No person can visit the Territories of Oregon and Washington, converse with the people, see them on their farms and at their daily labors, and consider their true interests, without coming to the conclusion that such a charge is absurd and monstrous. What could they hope to gain? Few of them had anything to spare upon which to base a speculation. A farmer is well off who has his fields fenced in, a few head of oxen, and three or four cows. If he got treble price for his stock, the sale, upon an unlimited credit, would have been a sacrifice to him. His farm must go to ruin. The interests of the settlers of nearly every pursuit are nearly identical. Their future prospects depend chiefly upon the prosperity of the country, the increase of emigration, enhancement in the value of property, security of life, opening of new facilities for the transportation of their products. All this was diametrically opposed to a war. No compensation that Government could make would atone for the murder of families, the stoppage of labor everywhere, the loss of time, the suspension of immigration, and the numerous evils resulting from this disastrous conflict.

The commissioners at Vancouver have faithfully and impartially performed their duty. Whatever sum they may have decided upon in estimating this war debt, I hold that amount to be justly due, and trust that Congress will at once provide for its extinguishment.

It appears from the above that the Indian war of 1855–'56 resulted from the same primary causes which have caused most of the Indian wars in this country—the encroachments of the whites upon the native race. On the 16th of April, 1886, in urging upon the attention of the Senate a bill which I had introduced to provide for a tribunal open not only to the citizens of the State of Oregon and of Washington Territory, but to the citizens of all the States and Territories—authorized to hear and determine a class of claims too long neglected by the General Government, claims for Indian depredations—I briefly traced the history of the controversy concerning the title of the United States to the Oregon territory, the efforts of the Government to secure the settlement of the Territory by citizens of the United States, and the causes of the Indian hostilities, and made some observations concerning the exceptional claims of the people of Oregon and Washington Territories upon the General Government for indemnification for Indian depredations which are equally applicable to the claims under consideration. I then said:

The people of Oregon, Washington, and Idaho, in my judgment, have an exceptional claim upon the Government for indemnification for losses occasioned by Indian depredations, growing out of the causes which led to the settlement and occupation of the Oregon Territory by American citizens, the inducements held out by the Government to settlers in that Territory, and the causes which led to Indian hostilities there.

It is well known that the title to the territory which comprised what is now Oregon, Washington, and Idaho, lying west of the Rocky Mountains and north of latitude 42° north, was for a long time in dispute. It was claimed at different times by Russia, Spain, Great Britain, and the United States. Russia's claim rested on occupation by fur traders, and its southern boundary was undefined. She had established a fur-trading post in Northern California at an early day.

By a treaty ratified by the United States in 1825 the line between the territory claimed by the United States and that claimed by Russia was fixed at 54° 40′ north latitude. Great Britain, claiming the territory south of that line, made haste to negotiate a similar treaty, defining 54° 40′ north latitude as her northern boundary.

The claim of Spain to this country rested upon alleged discovery backed by occupation. Spain transferred her interests to France, and in 1803 Napoleon sold Louisiana to the United States, and by the Florida purchase latitude 42° north was fixed as the boundary between Spain and the United States on the Pacific coast, and thereafter the controversy concerning the title to the territory was between the United States and Great Britain. The claim of Great Britain to the country by discovery was indefensible, but as early as 1793 English fur-traders in private employ pushed into the Oregon country and established trading posts there, but made no attempts at permanent settlement south of 49° north latitude.

The claim of the United States rested upon the doubtful claim acquired from Spain, the voyage of Capt. Robert Gray, of Boston, who in 1792 entered and explored to some distance from its mouth the river St. Roque, the name of which he changed to Columbia, the name of his ship, and the exploration of Lewis and Clarke, who, under orders from President Jefferson, crossed the continent, floated down the Columbia, wintered at Young's River, near the mouth of the Columbia, and explored much of the Oregon country.

The treaty with Russia fixing, as against the Russian claim to the territory, latitude 54° 40′ north as the northern boundary of the possessions of the United States, created in the United States a belief that was our true boundary as against Great Britain, and the Oregon boundary was for many years an absorbing question in the politics of the country. It formed the subject of political platforms and political campaigns; it threatened to involve us in a war with Great Britain; the Monroe doctrine was invoked against allowing Great Britain's claim to any part of the Pacific coast. It became apparent to the people of the United States and to the Government that the question of title would be eventually determined by actual occupation. By the convention of August 6, 1827, the joint occupation of the Oregon country by the United States and Great Britain was continued indefinitely, with a provision that either party might annul and abrogate it upon giving twelve months' notice to the other, and from that time forward until the northwestern boundary was finally settled by the treaty of 1846 occupation became an important factor in determining the question of title. The condition of the western half of North America at the time Captain Gray discovered and explored the Columbia River is thus graphically described in an article published in the Daily Morning Oregonian of Portland, January 1, 1886:

"With the anniversary of another century, in the year 1792, exactly three hundred years after Columbus discovered the New World, and two hundred and fifty years after the first Spanish navigator sailed up the west shore of Oregon, an American shipmaster discovered the great river of the West.

"Up to that time the western half of North America was so unknown that from the Gulf of California to the icy pole there was scarce a trace of civilization. That little was where Jesuit missions to the far south were striving to bring up from untold ages of vice and degradation the miserable native hordes that peopled the choicest regions of the West. These efforts were only then commenced. If one could have stood on the great divide from whence the melting snows turn westward, the view would have been unbroken by one single touch of enterprise, with not a trace of civilization to mar the perfection of its savagery. The Indian with bow and arrow followed the chase, or with spear and net sought a food-supply from the waters. And somewhere, on that vast expanse of wilderness, hostile bands were always on the war-path. The war-whoop and the savage yell waked many a scene of night, and flames of torture blazed to mark each victory. The Indian of this far West may have heard some rumor of the white man's coming, but on all the hills and plains and through all the mountain wastes, from Athabasca's snows to California's perennial summer times, the native tribes were, as their fathers had been before them, barbarian and savage beyond recall."

How great the change that time has wrought! Immigration has swept across the continent; civilization has taken the place of barbarism; the arts of peace, of perpetual warfare; the then wilderness has become the home of millions of intelligent, law-abiding, and liberty-loving, industrious, and prosperous citizens, and the native hordes which then roamed over that vast territory are confined upon reservations and are kept under Government control. This change has not taken place, and in the nature of things could not take place, entirely peacefully. The conflict between civilization and savage life is irrepressible. It needs no prophet to foretell that one or the other must prevail. Civilization or extermination is the fate of the remnant of the Indians.

The occupation of the territory was favored by the Government. As we have seen, peaceful occupation by American citizens was provided for in the treaty with Great Britain; Government expeditions were sent to explore the country; Government protection was afforded to immigrants crossing the plains; the patriotism of the people was appealed to, and to induce immigration to aid the settlement of the country Congress passed an act, approved September 27, 1850, commonly known as the donation law, granting to every settler upon the public lands who was such prior to September 1, 1850, a donation of the quantity of a half-section, or 320 acres of land, if a single man, and, if married, the quantity of an entire section, or 640 acres, one-half to the husband and the other half to the wife in her own right, and to such as should become settlers between September 1, 1850, and December 1, 1855, the quantity of a quarter-section to a single man, and, if married, a half-section, one-half to the husband and the other half to the wife in her own right.

Prior to 1830 several unsuccessful attempts were made by American fur companies to establish and maintain posts in the territory, but they failed on account of the opposition and rivalry of established British companies. Immigration began in 1832, and after 1838 each year there were large additions to the permanent settlements of the country by companies of enterprising persons, who had braved the perils and endured the hardships of the long and tedious journey across the continent to establish homes for themselves and hold the country for the United States.

The increasing American immigration added to the perils of joint occupation, and it is firmly believed by many that some of the Indian massacres and depredations were incited by those unfriendly to American occupation of the Territory. While it was the policy of Congress to induce the settlement of Oregon by the whites and to continue the joint occupation until the United States should be able, with the aid of the American population of the Territory, to assert and maintain an exclusive right to it, the settlers were from the first left without adequate protection by the Government. The pioneer population of the region suffered greatly at first from the inability of the Government to afford them protection, and afterward from its indifference and inaction. From the commencement of American immigration for the purpose of permanent occupation, and from the time it became apparent that Great Britain could not compete with the United States in the settlement of the country, Indian massacres of emigrants commenced. In 1834, on the Umpqua River, a party of thirty white persons were treacherously and brutally murdered. This was followed by the massacre of Dr. Whitman and his twenty-seven companions, near Walla Walla, by the Cayuse and Walla Wallas in 1847. These outbreaks were followed by murders of immigrants by bands of Modocs in 1852, by the Southern Oregon Indian war in 1853, the Rogue River and Jacksonville wars in 1855 and 1856, raids of marauding bands of Snakes in Eastern Oregon in 1858–'59, the marauding massacres, murders, and thefts by the Snakes in Eastern Oregon and Washington in 1865–'70, the Modoc outbreak in 1872–'73, and the Nez Percé war of 1878.

In 1858 a committee was appointed by the Legislative Assembly of the Territory of Oregon and directed to examine and report in regard to depredations upon immigrants in 1854, the number and dates, places, and names of persons killed by Oregon Indians in time of peace and those killed in time of war by Indians supposed to be friendly. The committee made a report February 3, 1858, giving the names and dates of persons killed and names of the tribes doing the killing. The following is taken from the concluding portion of the report:

"It will be seen by the foregoing list that prior to 1851 upward of fifty citizens were murdered by Oregon Indians. Since 1851 upward of one hundred and fifty citizens have been murdered by the Indians of Southern Oregon and their immediate allies, and about fifty by the Indians of Northern Oregon and their allies. Many more names could be obtained from papers and living witnesses, but your committee have not time to investigate any further.

"Recapitulation: Killed in 1834, 30; in 1835, 4; in 1846, 1; in 1847, 16; in 1850, 8; in 1851, 12; in 1852, 50; in 1853, 11; in 1854, 29; in 1855, 51; in 1856, 45; in 1857, 5. Total, 262."

Isolated from civilization, neglected by the General Government, surrounded by savage foes, the pioneers of Oregon demonstrated to a remarkable degree the self-reliance, the undaunted courage, endurance, and capacity for self-government of the American people. It is for these brave men who penetrated the wilderness, took possession of the Oregon Territory and planted civilization there; who defended their hearthstones against savage foes incited by the emissaries of foreign powers; who laid the foundation of prosperous States and Territories that are, and the powerful and wealthy States that are to be, and for the widows and orphans of those who lost their lives by the neglect of the Government, that I plead to-day.

Mr. President, in presenting these claims again to the Senate it appeared necessary on account of their magnitude, the time which has elapsed since they arose, and the fact that the original claims were in part paid by the Government, to submit for the consideration of the committee and the Senate a history of them and the grounds upon which it is contended Congress should provide for their payment. In doing this I have aimed to present the best evidence, and have therefore quoted largely from official documents. Upon the showing I have made it must be conceded, I think, that justice has not been done these claimants. The wrong can never be fully remedied. Many of the original claimants have passed from the stage of action, but a large number still live to petition Congress, and still hope for justice from a great nation, which should never require the services or property of a citizen without just compensation.

Congress has made provision for the payment of many older and less meritorious claims, and it is safe to say that sooner or later the claims now presented will be recognized and paid. I ask for these claimants prompt and careful consideration of their claims and speedy and full justice.

I send to the desk a telegram which I received last evening, showing that the Territorial Legislature of Washington Territory has memorialized Congress for the payment of these claims as well as the Indian depredation claims. I ask that it be read in connection with my remarks.

The Secretary read as follows:

WALLA WALLA, WASH., *February* 6, 1888.

To. Hon. J. N. DOLPH,
United States Senate, Washington, D. C.:

Legislature has passed memorial urging payment of Indian war claims, as allowed by Ingalls commisson; also depredation claims. Copy forwarded to Delegate VOORHEES. Veterans thank you and hope for justice.

H. M. CHASE,
Lieutenant-Colonel, E. W. V.

The PRESIDING OFFICER (Mr. HALE in the chair). Will the Senator from Oregon indicate what disposition he desires of the bill on which he has been speaking?

Mr. DOLPH. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

MISSOURI RIVER BRIDGE.

Mr. VEST. My friend from Florida [Mr. CALL] is entitled to the floor on the unfinished business, and I ask him to permit me to call up a bridge bill for the passage of which there is great and immediate necessity.

Mr. CALL. Very well.

Mr. VEST. There will be found upon the Calendar of the Senate Order of Business 102, Senate bill No. 276, which I was authorized to report some days since from the Committee on Commerce, for the construction of a bridge over the Missouri River at Lexington, Mo. Pending that measure, the bill being before the Senate, the other House sent us the same identical bill, and I am authorized by the Committee on Commerce to report back the House bill favorably, and to ask for its immediate consideration and the indefinite postponement of Senate bill 276.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Missouri reports from the Committee on Commerce the bill (H. R. 2778) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo., and he asks unanimous consent for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. If there be no objection, Senate bill 276, upon the same subject, will be indefinitely postponed. It is so ordered.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 6) for removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States upon Abram C. Myers; and it was thereupon signed by the President *pro tempore*.

THE BARK NORDSTJERNEN.

Mr. FRYE. Will the Senator from Florida yield me a couple of moments?

Mr. CALL. Yes, sir.

Mr. FRYE. Order of Business 225, the bill (H. R. 5352) to grant an American register to the foreign-built bark Nordstjernen is upon the Calendar. The senior Senator from California [Mr. STANFORD] is very anxious that the bill shall be immediately acted upon. It proposes to grant a register to this bark, and it clearly ought to be granted. The bark is lying at San Francisco, and is awaiting a charter, which it can receive the moment it gets this register, and it is very expensive for the bark to be kept there. I ask that the bill may be acted on now. It is a very short one.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. VEST. Mr. President, I simply wish to express my hearty approval of this bill, and to say that I am very glad my friend from Maine has at last found one foreign-built vessel that he is willing to admit to American registry. There is a bill now pending here to permit the Red Star Line to put a number of their steamers under the American flag, which they were compelled, on account of our navigation laws, to build abroad. I hope that my friend from Maine will now carry out this good resolution and will naturalize, as my friend from Indiana [Mr. VOORHEES] says, the steamers belonging to American citizens who are residents of the city of Philadelphia.

The only possible difference between this case and the case of these Philadelphia gentlemen is that here was a foreign-built vessel which was wrecked, or by stress of weather compelled to put into an American port in a damaged condition, and certain citizens of California bought it at a public sale; they have repaired the vessel, and now ask to put the American flag over it; and in the other case, that of my friends in Philadelphia, they were compelled to their course by defects in the navigation laws, which are the most infamous laws, in my judgment, upon the American statute-book to-day, which say to an American citizen that although he builds a ship in a foreign port, with his own money, he shall not sail it between any point in American territory and any foreign port. He can sail it between foreign ports, but the minute he comes to his own country, and attempts to increase the commerce of his own country, and attempts to put his property under his own flag, the laws of the United States step in and say, "Stop; you can not do this thing."

These gentlemen in Philadelphia put millions of dollars in the construction of these steam-ships. They want now the poor privilege of putting under the American flag their property, built with their money; and I hope the Senator from Maine will assist me in passing that bill.

Mr. FRYE. Mr. President, the Senator from Maine never will assist the Senator from Missouri in passing that bill. These American citizens, because they could build vessels a little cheaper abroad, employed the cheap laborer there instead of the higher-priced laborer at home, took their capital, went abroad, built their vessels, and obtained their papers from a foreign country. No reason can be given why they should be made an exception to the rule.

The Senator from Maine further differs entirely from the Senator from Missouri. He declares that the navigation laws are not infamous; that they are benign; and that our coastwise fleet, the finest one in all the world, has grown up under those laws.

The Senator from Maine sees no resemblance between this bill and the one which the Senator from Missouri proposes shall be passed. This bill provides that a vessel which has been five-sixths built in San Francisco, five-sixths of its value placed in it by American labor, from American materials, may be admitted to the American registry. The Secretary of the Treasury would have admitted it under the navigation laws, provided the vessel had been wrecked a mile and a half nearer shore than it was.

Mr. VEST. Still the fact is evident that legislation is necessary on the part of Congress to put this vessel under the American flag. That is the point of this discussion, and to relieve the monotony of this dreary debate in which we have indulged for some weeks, and in which I have borne a part myself, and therefore speak of it with full freedom as a dreary debate, I wish to remind my friend from Maine that he is not entirely accurate in his statement as to the causes which lead the company in Philadelphia to come now and ask the privilege of putting their property under the American flag.

Mr. Griscom, the superintendent of that line, was before our Committee on Commerce, and before a subcommittee of which I happened to be a member, and which sat for a month in the city of New York inquiring why the American merchant marine had run down to its present deplorable condition, when less than 15 per cent. of the commerce of the United States is carried in American ships, until the carrying trade of this country, like the Scotchman's mare, has come down to one straw a day; and still the Republican party are waiting to see whether it will not subsist and fatten on that straw, and they will not change these laws which have brought us to our present condition.

Mr. Griscom in his testimony, and he was corroborated by a great many ship-owners and gentlemen engaged in maritime pursuits, said that the cause of running the vessels of the company of which he was superintendent under foreign flags was because under our navigation laws (which we have amended under the leadership of the Senator from Maine in some respects since) every crew shipped in a foreign port, as soon as a vessel touched American soil, was discharged, and in order to swell the fees of certain officials of the United States the owners of those vessels were compelled to reship the crews and to pay fees for the privilege of doing so.

Now, we have amended our laws until, as Mr. Griscom says, and it is a subject of sincere congratulation to every American patriot, we can run American ships, or rather ships put under the American flag, as cheaply as under the British flag; and when the ship-owners of Philadelphia who built these vessels with their own money come and ask the privilege of putting them under the flag of their own country they can not get it. I undertake to say that not a Republican Senator on this floor will vote for that bill, but they drive these people to sail under a foreign flag, and then we hear declamation here almost by the acre about the decline of the American carrying trade and that our flag is not seen upon the ocean anywhere!

It seems to me that I recollect a very eloquent address by my friend from Maine not long since in which he said that during the last summer he had traveled abroad thousands of miles, and that he had not seen the American flag in any port or upon any ocean, or words to that effect.

With that monstrous fact staring us in the face, with our carrying trade down to 15 per cent., when in 1856 we carried 80 per cent. of the commerce of the United States under the American flag, and to-day carry only 15, these American citizens who ask the privilege of putting their property, paid for by American dollars, under the American flag, are refused that privilege. That is all of it.

Mr. FRYE. I do not desire to reply to the Senator from Missouri at length, because the free-ship bill is not now under discussion, nor is the bill providing for a registry for vessels to the Philadelphia concern under discussion. But the Senator knows perfectly well that our flag has disappeared from the ocean simply because it has not been protected since 1850. That is reason enough for its disappearance. It is the only American industry without protection. It was formerly protected under our navigation laws. If those laws had stood it would have been protected to-day, and we should have had our vessels upon the ocean as we formerly had; but we finally concluded an arrangement with Great Britain in 1850 by which all protection was absolutely withdrawn. We concluded arrangements with other countries by treaty by which the same protection was withdrawn, under which we could have no discriminating duties whatever, under which no preferences could be made for American vessels; and from the moment that protection was withdrawn from our ocean carrying trade that carrying trade has gone down. The Senator is entirely mistaken when he says that these gentlemen can run an American ship as cheaply as an English ship can be run.

Mr. VEST. Mr. Griscom says so.

Mr. FRYE. I do not care what Mr. Griscom says in relation to it. I had reports from every consulate in a maritime nation in the world—I have them now—which show that Great Britain's sailors on board

her ships receive 35 per cent. less pay than ours, and that it costs 28 per cent. less to support them. In addition to that, Great Britain pays her lines reasonably large subsidies, they may be called, if you please, and every other maritime nation upon the earth pays her lines of steamers subsidies and bounties, while we persistently refuse ours reasonable pay for carrying our mails.

Mr. VEST. I hope my friend from Maine does not wish the country to understand that when he speaks of disparity in wages he is speaking of the foreign trade of the United States. I suppose the comparison he means to adduce now of 35 per cent. is with our coastwise trade.

Mr. FRYE. Not at all.

Mr. VEST. Then I take direct issue as a question of fact with my friend from Maine.

Mr. FRYE. Then when this matter is under discussion I shall show from authority that it is so.

Mr. VEST. Well, let us try it.

Mr. FRYE. I am prepared to prove it by authorities which I have in my room. Does the Senator from Missouri believe that an American ship can be run to-day on the ocean as cheaply as an Italian ship?

Mr. VEST. I am not a ship-owner, and have never been even to Europe. The extent of my maritime experience was a trip to Alaska last summer on the inland passage, as it is called. But I say that Mr. Griscom (and there is no more reputable man in the United States or anywhere else, and the firm of Peter Wright & Son, at Philadelphia, in which he is engaged, is more largely interested in the subject than any other American firm) states in writing, and has stated verbally to me over and over again, that since our amendment of the navigation laws, in which the Senator from Maine bore a conspicuous part, he can run his steam-ships as cheaply under the American flag as under the German or British flag. If that were not so, why is he here asking the privilege of putting them under the American flag? Will the Senator answer that?

Mr. FRYE. There are a great many reasons which might be given why he would do that. Here is an American company, with I think seven or eight ships in their line; I do not know but there are ten to-day.

Mr. VEST. There are ten of them.

Mr. FRYE. They are from 3,000 to 4,000 tons. You let an American to-day undertake to build ten ships of the same capacity, and under our protective tariff he is compelled to pay from $40,000 to $50,000 duty on each one, that is on the materials entering into its construction, if imported.

Mr. VEST. These ships are already built.

Mr. FRYE. I know these vessels are already built. They can load with a cargo in Liverpool, receive the profit from freight, enter the port of New York, and under the Senator's bill be entitled to an American registry. But if an American wishes to build ten like vessels at home, he must pay the increased cost of our labor and then compete with these. The Senator may propose, as compensation, that this American may import the materials for his ships free of duty. Even then he would be obliged to pay the freight on these materials, which landed in his yard at Chester would amount to $25,000.

Now, I say that no earthly reason can be given why this Philadelphia company should be given this advantage over every one else. The Senator is entirely right in his assumption that I shall oppose to the end the bill to which he refers.

I am sorry that the discussion arose, for I asked the Senator from Florida for only two minutes. It was the malice of the Senator from Missouri which led me into it. I should like to have the bill passed, and I will say no more.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. EDMUNDS. Now, let us have the regular order.

Mr. FRYE. I make an apology to the Senator from Florida for occupying so much of his time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 221) increasing the pension of John C. Johnston;

A bill (H. R. 1215) to amend section 5209 of the Revised Statutes of the United States;

A bill (H. R. 2068) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service;

A bill (H. R. 2611) for the relief of Joseph W. McClurg;

A bill (H. R. 3749) for the relief of Frank Baker; and

A joint resolution (H. Res. 54) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I call for the regular order.

Mr. COKE. I ask the Senator from Florida [Mr. CALL] to yield to me for about two minutes, in order that I may call up a bill which was unanimously reported from the Committee on the Judiciary.

Mr. BLAIR. It is impossible to hear the Senator.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Senators will please cease conversation. The Senator from Texas will proceed.

Mr. COKE. I ask the Senator from Florida to yield to me for a few minutes to call up Senate bill 832. It is a very short bill.

Mr. BLAIR. I do not hear the Senator from Texas, but I object to anything but the regular order.

Mr. COKE. It will only take a minute.

Mr. BLAIR. I object.

Mr. COKE. It is a very short bill.

Mr. BLAIR. I feel obliged to object.

Mr. PLUMB. I think that there is business which should be transacted in executive session, and I therefore move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Before putting the motion the Chair will lay the unfinished business before the Senate.

The SECRETARY. "A bill (S. 371) to aid in the establishment and temporary support of common schools."

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 8, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 7th day of February, 1888.

REGISTER OF LAND OFFICE.

James K. Wright, of St. Louis, Mich., to be register of the land office at Grayling (formerly Reed City), Mich., *vice* Nathaniel Clark, term expired.

ASSISTANT ENGINEER REVENUE SERVICE.

Fred R. Falkenstein, of Maryland, to be a second assistant engineer in the Revenue Service of the United States, to fill an original vacancy.

SECOND LIEUTENANTS IN THE ARMY, TO RANK FROM FEBRUARY 6, 1888.

Third Regiment of Infantry.

2. Corp'l William C. Neary, Company E, Battalion of Engineers, *vice* Beacom, promoted.

Fifth Regiment of Infantry.

1. Sergt. James Baylies, Company A, Fifth Infantry, *vice* Gilman, resigned.

Sixth Regiment of Infantry.

4. Quartermaster Sergt. George A. Detchmendy, Third Infantry, *vice* Moriarty, resigned.

Eighth Regiment of Infantry.

3. Sergt. Joseph C. Beardsley, Company B, Fourth Infantry, *vice* Hubert, promoted.

Eleventh Regiment of Infantry.

5. First Sergt. Thomas J. Watkins, Light Battery C, Third Artillery, *vice* Blatchford, promoted.

Twelfth Regiment of Infantry.

6. Corp'l Earl C. Carnahan, Company G, Sixteenth Infantry, *vice* McCarthy, promoted.

Twentieth Regiment of Infantry.

7. Sergt. Archibald A. Cabaniss, Troop B, Fourth Cavalry, *vice* Webber, promoted.

Twenty-second Regiment of Infantry.

8. Sergt. Maj. Thomas M. Moody, Ninth Infantry, *vice* Jones, promoted.

Twenty-fourth Regiment of Infantry.

9. Sergt. Charles E. Tayman, Company K, First Infantry, *vice* Brett, promoted.

Twenty-fifth Regiment of Infantry.

10. Sergt. Thomas H. McGuire, Company B, Eighteenth Infantry, *vice* Tear, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1888.

COLLECTOR OF CUSTOMS.

Stephen A. Moreno, of Florida, to be collector of customs for the district of Pensacola, in the State of Florida.

REGISTER OF LAND OFFICE.

Myron H. Rowley, of Mitchell, Dak., to be register of the land office at Mitchell, in the Territory of Dakota.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 7, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

The SPEAKER. If there be no objection, the reading of that portion of the Journal relating to the introduction and reference of bills and joint resolutions will be dispensed with.

There was no objection, and it was so ordered.

The remainder of the Journal was read and approved.

INADEQUACY OF LIFE-BOATS ON PASSENGER STEAMERS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report from the board of supervising inspectors of steam-vessels, relative to the inadequacy of the number of life-boats on passenger steamers; which was referred to the Committee on Commerce.

ASSISTANT JANITORS, ETC., PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report and recommending an appropriation to pay assistant janitors and custodians of public buildings for the ensuing fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER, under the rule, laid before the House bills and joint resolutions of the Senate; which were severally read, and referred as follows, namely:

The bill (S. 1754) for the relief of Henry H. Marmaduke, of Missouri—to the Committee on the Judiciary.

The bill (S. 1627) to amend section 25 of the act of March 3, 1879, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, and for other purposes—to the Committee on the Post-Office and Post-Roads.

Joint resolution (S. R. 19) relating to the celebration of the centennial of the inauguration of the Constitution of the United States—to the Committee on Rules.

Joint resolution (S. R. 27) providing for the printing of a supplement to Wharton's Digest of International Law—to the Committee on Printing.

Concurrent resolution of the Senate providing for the printing of 7,000 additional copies of Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COOPER, indefinitely, on account of important business.

To Mr. CROUSE, for five days, on account of important business.

CLASSIFICATION OF WORSTED CLOTH.

Mr. KELLEY. Mr. Speaker, I desire unanimous consent for the printing in the RECORD of the text of the petition which I now send to the desk, representing one hundred and ninety woolen and worsted mills located in twelve of the States of the Union, and a large number of merchants in New York City, asking for the passage of the resolution introduced by Mr. BRECKINRIDGE, of Arkansas, providing that worsted cloth be classified as woolen cloth.

There being no objection, the petition was ordered to be printed in the RECORD, and referred to the Committee on Ways and Means. It is as follows:

Petition to the Congress of the United States.

The undersigned manufacturers of woolen and worsted goods respectfully and urgently petition our Representatives and Senators in Congress to speedily enact into law the joint resolution introduced in the House of Representatives by Mr. BRECKINRIDGE, of Arkansas, and now before the Ways and Means Committee of that body, which is as follows:

"*Resolved by the Senate and House of Representatives of the United States in Congress assembled*, That the Secretary of the Treasury be, and he hereby is, authorized and directed to classify as woolen cloth all imports of worsted cloth, whether known under the name of worsted cloth or under the name of 'worsteds' or 'diagonals' or otherwise."

In support of this, we submit that it wipes out a distinction between goods which are of the same kind as regards material and cost of production, and disposes of a discrimination between products which is absolutely destructive in its effects, and which no one, protectionist, tariff reformer or free-trader, holds should be tolerated for a moment.

We are aware that other inequalities exist in the present tariff laws, caused by industrial changes, inventions, errors, etc., and that suffering is entailed thereby, and we trust that they will receive wise and prompt attention, but we are not aware that there is any other business in which the tax on the raw material is actually greater than it is on the finished product. In proof of this we submit the following figures:

It takes 4 pounds of wool to make a pound of cloth. Hence the American manufacturer, under the present tariff, on the 4 pounds of wool pays a duty of 10 cents a pound, 40 cents, while the foreign manufacturer on his pound of finished cloth made from the four pounds of wool, pays the following duty:

	Cents.
1 pound of cloth, value 50 cents, at 18 cents per pound	18
1 pound of cloth, value 50 cents, 35 per cent. ad valorem	17½
thus, only paying a total duty of	35½

on the finished cloth as against the 40 cents duty paid by our manufacturers on the wool alone.

The effect of this is aptly described by the Secretary of the Treasury, Mr. Fairchild, in his last official report to Congress, as follows:

"A conspicuous example of the inequalities of the tariff is found in the discrimination in the rates of duty imposed on woolen and worsted cloths. Improvements in recent years in the machinery employed in combing wool have so changed the character of what are commercially known as worsted cloths that the latter have largely superseded woolen cloths for use as men's wearing apparel. This change in the style of manufacture and use of worsted cloths has operated to the serious injury of our domestic manufacturers of these goods, because the duty on the wool which they must use is the same as that upon wool used in making woolen cloths, while the rates of duty imposed upon the latter when valued at not exceeding 80 cents per pound are 35 cents per pound and 35 per cent. ad valorem, whereas the duty on worsted cloths valued at not exceeding 80 cents ranges from 10 to 24 cents per pound and 35 per cent. ad valorem. In some cases the duty on the wool used in making worsted cloths exceeds the duty imposed on the finished article." * * *

"There is much reason to believe that the manufacture of worsted cloths must soon cease in this country unless the tariff law in this regard is amended." This is incontestably proved by the fact that many of our mills are shutting down, either wholly or in part, thus throwing many operatives out of employment.

May we not fairly claim special urgency for the legislation herein proposed? Its effect would be immediate. And we submit that it would practically destroy the business of this year, conducted as our business is necessarily conducted, if the enactment of this law were delayed until such time as a general bill covering this and many other features, some of which are more or less matters of dispute, as this is not, could be put through Congress. A delay of even a month will be very greatly injurious to us. We think we have a right to expect the prompt passage of this resolution as a product of that spirit of conservatism and fair play which we believe animates Congress and the people and from which alone can come the relief we need and also the larger and exceedingly grave if not so immediately urgent measure required by the country.

Dated January 20, 1888.

ADMINISTRATION OF THE GOVERNMENT PRINTING OFFICE.

Mr. HOPKINS, of Illinois. Mr. Speaker, I now ask consent to present, for present consideration, the resolution I send to the desk, and which was withdrawn on yesterday during the call of States and Territories.

The SPEAKER. The resolution will be read, subject to objection.

The resolution is as follows:

Resolved, That the special Committee on Printing appointed by the Speaker under a resolution adopted by the House January 30 to make a thorough investigation of the administration of the Government Printing Office during the incumbency of the present occupant and that of his predecessor be, and are hereby, authorized and empowered, in conducting said investigation, to employ a stenographer, send for persons and papers, administer oaths, examine witnesses, and to call for and examine all books, papers, records, and documents bearing upon the subject of said investigation; and that any expense incurred in conducting the same be paid out of the contingent fund of the House.

Mr. RICHARDSON. I only want to say that the Committee on Printing have no objection to the fullest and amplest power which may be given to the committee conducting this investigation; but the law already provides two official stenographers for committees at a compensation of $4,000 a year, and therefore I think portions of this resolution are entirely unnecessary. I therefore ask its reference to the Committee on Printing, or otherwise I shall have to object to its consideration at this time.

Mr. HOPKINS, of Illinois. Mr. Speaker, a resolution was offered the other day in this House, presented by the gentleman from Michigan [Mr. CUTCHEON], to investigate certain matters relating to the management of the Government Printing Office. The gentleman from Illinois [Mr. SPRINGER] moved a substitute for that resolution, enlarging its powers so as to provide for an investigation not only of the administration of the present incumbent of that office, but also of the acts of his predecessor. The resolution was drawn hastily, and made no provision for the administering of oaths, the subpœnaing of witnesses, or the appointment of a stenographer. My resolution does not make it incumbent upon the committee to employ a stenographer, if in their judgment they do not need one. It simply authorizes them to employ one if they think it necessary; and it seems to me the chairman of the Committee on Printing can not object to that.

Now a challenge has been made here by the Public Printer, asking an investigation of his management of that department, in which challenge he has made certain reflections upon his predecessor in office——

Mr. ROGERS. I rise to a question of order. I insist that the gentleman from Illinois is out of order.

Mr. HOPKINS, of Illinois. He has made reflections upon the management of his predecessor, who is now dead; and it is only a matter of justice that this resolution should permit the widest investigation.

Mr. ROGERS. I insist upon the point of order.

The SPEAKER. There is nothing before the House for discussion.

Mr. HOPKINS, of Illinois. I am aware of that.

Mr. RICHARDSON. I move the reference of the resolution to the Committee on Printing.

The motion was agreed to.

LIMIT TO ISSUE OF UNITED STATES NOTES.

Mr. LANDES. A few days ago, when the committees were being called for reports, I made a report under direction of the Committee on Banking and Currency which I understand would have been privileged, but I permitted it to go to the Calendar. I now ask unanimous consent to call up the resolution on which the report was made for present consideration.

The SPEAKER. The gentleman from Illinois states that a privileged report upon a resolution of inquiry was made from the Committee on Banking and Currency and sent to the Calendar instead of being

taken up for consideration. He asks unanimous consent to take it up for consideration at this time. The resolution and report will be read, after which the Chair will ask for objections.

The resolution, which was referred to the committee on motion of Mr. ANDERSON, of Kansas, was read, as follows:

Resolved, That the Secretary of the Treasury is hereby requested to inform the House of Representatives whether the Treasury Department has any information showing at the date when the act of 1878 fixed the amount of United States notes at the limit issue of $346,681,016, that such amount was actually in existence as circulating medium of legal-tender currency, and whether any portion of the said amount had been at that time lost or destroyed through the incidents of business, and, if so, the probable amount of such loss; also, whether, since 1878, there has been any loss or destruction of said notes, and, if so, the probable amount of such loss, and the probable amount of said circulating medium now in actual existence as such; also, what percentage of such notes is probably lost annually, and what legislation is necessary to maintain said actual circulation at the limit now provided by law.

The report (by Mr. LANDES) was read, as follows:

The Committee on Banking and Currency, having considered the accompanying resolution, submit the following report:

They recommend that the resolution be amended by striking out the last clause, which reads, "and what legislation is necessary to maintain said actual circulation at the limit now provided by law."

Although information bearing on the subject of inquiry is found on page 51 and subsequent pages of the report for 1887 of the Treasurer of the United States, your committee believe it desirable to have the official statement called for by the resolution for the further information of the House and to correct any erroneous impressions that may exist in the public mind on the subject, and report back the resolution with the amendment suggested, and recommend that it do pass.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. WEAVER. I am in favor of the passage of the resolution, but I wish to enter my objection to its language. It speaks of a limit having been fixed to the issue of legal-tender notes. No limit was fixed to the issue; but there is a limit fixed in the law referred to by the resolution to the destruction of legal-tender notes. The law of February 8, 1878, provided that the Treasury Department should not destroy any more of them; and that law left the amount of the legal-tender notes at three hundred and forty-six millions and odd dollars. But there is no law fixing that as the limit of legal-tender notes that may be issued.

Mr. ANDERSON, of Kansas. As the introducer of the resolution, I would say to the gentleman from Iowa that the point which was in my mind was the minimum limit. A limit may be maximum or it may be minimum. The law does fix the minimum limit. It provides that the amount shall not be less than the amount then outstanding.

Mr. WEAVER. To what law does the gentleman refer?

Mr. ANDERSON, of Kansas. The law which requires that the amount of greenbacks shall be $346,000,000; not in figures, but the amount outstanding at the time that law was passed. It was the minimum limit which was fixed, not the maximum.

Mr. WEAVER. The law to which the gentleman refers fixed no limit whatever except that it takes away from the Treasury Department the power to destroy legal-tender notes.

Mr. ANDERSON, of Kansas. And that fixes the lowest amount. I agree with the gentleman's proposition as to the maximum.

Mr. RANDALL. The Government has never reduced, as far as my knowledge extends, the amount of legal-tender notes below the $346,000,000. The Government has reissued worn and defaced notes, keeping always within the limit. Now, what amount of the greenbacks has been destroyed is a pertinent inquiry; but it does not matter what that amount may be, the Government would have the authority to issue, if they knew of the destruction of any portion of the issue, up to the aggregate of $346,000,000.

Mr. WEAVER. Undoubtedly.

The amendment recommended by the committee was agreed to.

The resolution as amended was adopted.

Mr. LANDES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS OF CHICAGO CUSTOM-HOUSE.

Mr. DUNHAM. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 2068) to authorize the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time services, and that the same be now put upon its passage.

The bill was read.

Mr. BLAND. I demand the regular order.

CHANGES OF REFERENCE.

Mr. BUTTERWORTH. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (H. R. 4599), and that it be referred to the Committee on Appropriations, to which it properly belongs.

The SPEAKER. Was this an erroneous reference?

Mr. BUTTERWORTH. It was.

The SPEAKER. That is a matter of privilege, and the change of reference will be made.

Mr. RANDALL. A bill and several executive documents containing information from the Departments have been erroneously referred to the Committee on Appropriations. I am instructed by the Committee on Appropriations to bring them back for proper reference. I have taken the liberty of indicating on each of the papers the proper committee.

The SPEAKER. If there be no objection, the bill and executive communications indicated by the gentleman from Pennsylvania will be referred to their appropriate committees, and the Committee on Appropriations will be discharged from their further consideration, and the Clerk will enter them on the Journal.

There was no objection.

The bill and executive documents were referred as follows:

A bill (H. R. 4958) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company—to the Committee on Claims.

Executive Document No. 38, claim of Bishop & Co., Honolulu—to the Committee on Claims.

Executive Document S. No. 53, purchase of army supplies from Indians—to the Committee on Indian Affairs.

Executive Document No. 73, fraudulent timber-land entries—to the Committee on Claims.

Executive Document No. 74, United States marshal of Alaska—to the Committee on Claims.

Executive Document No. 75, compensation of Robert F. Arnold for prosecuting criminals in Texas—to the Committee on Claims.

Executive Document No. 102, claim of Sioux Indians—to the Committee on Indian Affairs.

Executive Document No. 113, light-stations, lights, etc.—to the Committee on Commerce.

Executive Document No. 120, pay of jurors, Congressional Library site—to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BACON obtained leave of absence until February 9, on account of important business.

ORDER OF BUSINESS.

Mr. BLAND. I withdraw the demand for the regular order.

Mr. CULBERSON. I renew it.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] withdraws the demand for the regular order, and the gentleman from Texas [Mr. CULBERSON] renews it. The regular order is the call of committees for reports.

JURISDICTION OF CIRCUIT COURTS OF THE UNITED STATES.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 1873) to limit the jurisdiction of the district and circuit courts of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. ADAMS. Mr. Speaker, I ask leave to present the views of the minority on that bill, to be printed with the report of the committee.

There was no objection, and it was so ordered.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. CULBERSON, from the Committee on the Judiciary, reported as a substitute for House bill 3413, a bill (H. R. 6831) to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3413) was laid on the table.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. SENEY, from the Committee on the Judiciary, reported back adversely the joint resolution (H. Res. 15) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

Mr. PARKER. I ask leave to file a minority report in relation to that joint resolution, to be printed with the report of the majority of the committee.

The SPEAKER. Does the gentleman desire to have the resolution placed on the Calendar?

Mr. PARKER. I do.

There was no objection; and the joint resolution was referred to the House Calendar, and the report of the committee and the views of the minority were ordered to be printed.

PROPOSED AMENDMENT OF THE CONSTITUTION.

Mr. SENEY also, from the Committee on the Judiciary, reported back adversely the joint resolution (H. Res. 20) proposing an amendment to the Constitution of the United States; which was laid on the table, and the accompanying report ordered to be printed.

MARRIAGE BETWEEN WHITE MEN AND INDIAN WOMEN.

Mr. ROGERS, from the Committee on the Judiciary, reported back with an amendment the bill (S. 928) in relation to marriage between white men and Indian women; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SECTION 3709, REVISED STATUTES.

Mr. OATES, from the Committee on the Judiciary, reported back

adversely the bill (H. R. 1896) to amend and re-enact section 3709 of the Revised Statutes of the United States, and to regulate the making of contracts and purchases of supplies or services for the Government; which was laid on the table, and the accompanying report ordered to be printed.

ADDITIONAL ASSOCIATE JUSTICE IN ARIZONA.

Mr. OATES, from the Committee on the Judiciary, reported back adversely the bill (H. R. 1939) to provide an additional associate justice of the supreme court of the Territory of Arizona; which was laid on the table, and the accompanying report ordered to be printed.

DEPOSITIONS IN UNITED STATES COURTS.

Mr. STEWART, of Vermont, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 1859) to provide an additional mode of taking depositions of witnesses in cases pending in the courts of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION OF THE COURT OF CLAIMS.

Mr. ADAMS, from the Committee on the Judiciary, reported back adversely the bill (H. R. 1178) to amend an act entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States;" which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ADAMS, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 3266) to extend the provisions of section 4631, title 56, "Prize," of the Revised Statutes, and of the act of June 8, 1874, in relation to prize-money, and it was referred to the Committee on Naval Affairs.

OWNERSHIP OF REAL ESTATE IN ARIZONA.

Mr. CASWELL, from the Committee on the Judiciary, reported, as a substitute for H. R. 1932, a bill (H. R. 6832) to amend chapter 340 of the laws of 1887, entitled "An act to restrict the ownership of real estate in the Territories to American citizens;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 1932) was laid on the table.

UNITED STATES COURTS, NORTHERN DISTRICT OF IOWA.

Mr. FULLER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 6051) regulating the times for holding the terms of United States courts in the northern district of Iowa; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BELMONT, from the Committee on Foreign Relations, reported a bill (H. R. 6833) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1889, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WASHINGTON CITY POST-OFFICE.

Mr. ANDERSON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 5617) to provide for the leasing of premises for the Washington City post-office; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

FOURTH ASSISTANT POSTMASTER-GENERAL.

Mr. ANDERSON, of Illinois, also from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 4931) to provide a Fourth Assistant Postmaster-General in the Post-Office Department; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DEPARTMENTAL CORRESPONDENCE.

Mr. ANDERSON, of Mississippi, from the Committee on the Post-Office and Post-Roads, reported back adversely the bill (H. R. 3334) concerning official correspondence with the Departments of the Government.

The SPEAKER. If there be no objection, this bill will be laid on the table.

Mr. SPRINGER. I ask that the bill be placed on the House Calendar.

The bill was referred to the House Calendar, and the accompanying report ordered to be printed.

POST-ROADS, ETC.

Mr. ANDERSON, of Mississippi, also, from the Committee on the Post-Office and Post-Roads, reported back adversely the bill (H. R. 5065) to amend section 7 of chapter 103 of volume 19 of United States Statutes at Large, relating to post-roads, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

AMERICAN POSTAL MACHINES COMPANY.

On motion of Mr. ANDERSON, of Mississippi, by unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. 5899) for the relief of the American Postal Machines Company; and the same was referred to the Committee on Claims.

UNITED STATES LANDS IN KANSAS.

Mr. TURNER, of Kansas, from the Committee on the Public Lands, reported back favorably the bill (S. 1022) to relinquish the interest of the United States in certain lands in Kansas; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. SPRINGER, from the Committee on the Territories, reported back with amendments the bill (H. R. 1277) to provide for the organization of the Territory of Oklahoma, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SPRINGER. I ask consent that any member of the minority of the committee may be permitted to file his views upon this bill.

The SPEAKER. If there be no objection, leave will be granted to any member of the committee to submit in writing dissenting views upon this bill, to be printed with the report of the committee. The Chair hears no objection, and leave is granted.

WILLIAM M'GARRAHAN.

Mr. O'FERRALL, from the Committee on Mines and Mining, reported back with amendments the bill (H. R. 3169) to submit to the Court of Claims for adjudication the title of William McGarrahan to the mineral interests of the rancho "Panoche Grande," a tract of land in the State of California, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. O'FERRALL. I ask unanimous consent that members of the minority of the committee have leave to submit their views in writing upon this bill.

The SPEAKER. If there be no objection, any member of the committee will be permitted to file his views on this bill, to be printed with the report of the committee.

There was no objection.

HOURS OF EMPLOYMENT OF LETTER-CARRIERS.

Mr. COMPTON, from the Committee on Labor, reported back with amendment the bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day; which was referred to the House Calendar, and the accompanying report ordered to be printed.

THOMAS F. TOWNSEND.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 115) to increase the pension of Thomas F. Townsend; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

A. B. VAN CLEVE.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 771) granting a pension to A. B. Van Cleve; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. DELILAH AGARD.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4516) granting a pension to Mrs. Delilah Agard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISAIAH T. JOHNSON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2517) granting a pension to Isaiah T. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2242) for the relief of Jacob Snovely;

A bill (H. R. 212) granting a pension to Albert Magoffin; and

A bill (H. R. 180) to grant a pension to James Dye.

MOSES F. JACKSON.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3850) granting a pension to Moses F. Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LAURA D. PIERCE.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4107) granting a pension to Laura D. Pierce; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLARA M. FLANDERS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5228) granting a pension to Clara M. Flanders; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARTHA M. BAGLEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2466) granting a pension to William O'Connor; and

A bill (H. R. 444) granting a pension to Lorenzo D. Whitcher.

CHANGE OF REFERENCE.

Mr. GALLINGER. I am directed by the Committee on Invalid Pensions to report back a bill, and to move for a change of reference.

The SPEAKER. Under the rule, the committee itself has the right, when a private bill is improperly referred, to direct its reference to the appropriate committee.

Mr. GALLINGER. One week ago, Mr. Speaker, the committee did change the reference of a bill, as indicated by the Chair, but it has never since been heard of; and in the committee-room it was held, in reference to this case, that it must necessarily be reported to the House, and a motion made for a change of reference in the House. Of course, in the case where a clerk has wrongfully entered the bill and wrongfully made the reference, there the correction can be made; but in such a case as this it has been held in the committee-room that the bill must be reported to the House in order to make the change of reference effective.

The SPEAKER. That is a mistaken construction of the rule. If it is a private bill, under the rule the committee itself has the right to change the reference when improperly referred, by sending it to the appropriate committee through the petition-box.

HENRY B. SHAW.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 150) granting an increase of pension to Henry B. Shaw; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HUBERT M. POTTER.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2457) to increase the pension of Hubert M. Potter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JUDITH PLUMMER.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2456) for the relief of Judith Plummer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELVIRA COOPER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 459) for the relief of Elvira Cooper; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY M. STRONG.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2662) for the relief of Mary M. Strong; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALONZO ALDEN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2663) for the relief of Alonzo Alden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA A. DARRELL.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 122) for the relief of Julia A. Darrell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA STOKES.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 893) granting a pension to Julia Stokes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RUFUS SQUIRE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 421) granting a pension to Rufus Squire; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EXAMINATION AND SETTLEMENT OF ACCOUNTS OF CERTAIN STATES.

Mr. LANHAM. I am directed by the Committee on Claims to move to discharge that committee from the further consideration of the bill (H. R. 1893) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812, and to move its reference to the Committee on War Claims.

Mr. WISE. I wish to call attention to the fact that this is not a claim growing out of the war of 1812, but out of a loan which was employed by the Government of the United States in the conduct of that war, and I think it is appropriately referred to the Committee on Claims, and that its reference should not be changed to the Committee on War Claims. It was referred to the Committee on Claims in the last and in preceding Congresses. I have no choice individually as to what committee it should go to, but I think it does not properly belong to War Claims.

Mr. LANHAM. It seems to me that inasmuch as it is a claim growing out of a war, it must go to the War Claims Committee.

Mr. WISE. It is a claim based upon a loan by the States named and the city of Baltimore to the National Government, which was used by the Government in the conduct of the war of 1812; but it is not a claim growing out of the war.

The SPEAKER. The rule provides that all proposed legislation relating to claims arising from any war in which the United States is engaged shall be referred to the Committee on War Claims. This bill provides for the settlement and adjustment of claims of the States of New York, Pennsylvania, Delaware, Virginia, South Carolina, and the city of Baltimore for and on account of advances and expenditures made by said States and the city of Baltimore in the war of 1812.

Mr. WISE. The claim of Virginia does not grow out of the war of 1812, however.

The SPEAKER. But if the claims to which the bill refers grew out of the war, or arose out of any expenditures of the State in the war, it would come within the rule which provided its reference to the Committee on War Claims. The bill itself nowhere shows that it is to reimburse losses otherwise incurred.

Mr. WISE. But the papers do.

The SPEAKER. But of course the Chair can only take cognizance of the bill as presented.

The Chair thinks that under the rule it goes to the Committee on War Claims. The gentleman from Texas moves its reference to that committee.

The motion was agreed to.

SMITH R. MENSHON.

Mr. LANHAM, from the Committee on Claims, also reported back with an amendment the bill (H. R. 360) for the relief of Smith R. Menshon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Y. G. RUST.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 5091) to be entitled "An act for the relief of Y. G. Rust;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. H. PEARCE.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 4482) for the relief of S. H. Pearce; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INDIAN TRAINING SCHOOL, NORTH CAROLINA.

Mr. LANHAM also, from the Committee on Claims, reported back with amendments the bill (H. R. 755) to appropriate $127.50 to reimburse the Indian Committee of the Western Yearly Meeting of Friends in Indiana for money expended by them in the purchase of Government lands in North Carolina for an Indian training school; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE F. CHILTON.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 4557) for the relief of George F. Chilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES GASTER.

Mr. LANHAM also, from the Committee on Claims, reported back with amendment the bill (H. R. 5984) for the relief of James Gaster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AARON FRIEDHEIM.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 4479) to pay Aaron Friedheim the rebate due him under the act of March 3, 1883; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. THOMPSON.

Mr. LAIDLAW, from the Committee on Claims, reported back favorably the bill (H. R. 874) for the relief of John A. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES V. MESLER.

Mr. LAIDLAW also, from the Committee on Claims, reported back favorably the bill (H. R. 2695) for the relief of Charles V. Mesler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALFRED HEAD.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 860) for the relief of Alfred Head; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADELICIA CHEATHAM.

Mr. SIMMONS, from the Committee on Claims, reported back favorably the bill (H. R. 576) for the relief of the legal representatives of Adelicia Cheatham, for money illegally assessed and paid the Government under protest; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. ROBERTS.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (H. R. 3479) for the relief of John B. Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. MUNNERLYN.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (H. R. 3480) for the relief of John D. Munnerlyn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. A. WILSON.

Mr. FRENCH, from the Committee on Claims, reported back favorably the bill (H. R. 1070) for the relief of J. A. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL BOND.

Mr. FRENCH also, from the Committee on Claims, reported back favorably the bill (H. R. 5853) for the relief of Daniel Bond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BROCK.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported a bill (H. R. 6887) for the relief of Henry Brock; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK BAKER.

Mr. BOWDEN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3749) for the relief of Frank Baker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. A. LEATHERBURY.

Mr. BOWDEN also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3008) for the relief of P. A. Leatherbury; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. R. WHEATON AND OTHERS.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 661) for the relief of William R. Wheaton and Charles H. Chamberlain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN T. ROBERSON.

Mr. SHAW also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5494) for the relief of John T. Roberson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID MERIWETHER.

Mr. SHAW also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 331) for the relief of David Meriwether; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MORGAN RAWLS.

Mr. SHAW also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 92) for the relief of Morgan Rawls; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REIMBURSEMENT OF STATES FOR WAR EXPENSES.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1474) to reimburse the several States for interest on moneys expended by them on account of raising troops to aid in the suppression of the late rebellion; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendments the bill (H. R. 1506) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

JOHN C. ADAMS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation, the bill (H. R. 3617) for the relief of John C. Adams, administrator of Joseph Adams, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. KING.

Mr. STOCKDALE, from the Committee on War Claims, reported a bill (H. R. 6888) for the relief of John W. King; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CITIZENS OF JEFFERSON COUNTY, KENTUCKY.

Mr. STOCKDALE also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 328) for the allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. W. GLASSIE AND OTHERS.

Mr. STOCKDALE also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 589) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE M. OCHILTREE.

Mr. BROWER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4659) for the relief of George M. Ochiltree; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET POLAND.

Mr. BROWER also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3880) for the relief of Margaret Poland, administratrix; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF LEVI HILL.

Mr. BROWER also, from the Committee on War Claims, reported a bill (H. R. 6889) for the relief of the heirs of Levi Hill, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. R. SWAIN.

Mr. BROWER also, from the Committee on War Claims, reported a bill (H. R. 6890) for the relief of E. R. Swain; which was read a first and second time, referred to the Committee of the Whole House on the

Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FULLER.

Mr. BROWER also, from the Committee on War Claims, reported a bill (H. R. 6891) for the relief of John Fuller; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DENNIS PRIDE.

Mr. BROWER also, from the Committee on War Claims, reported a bill (H. R. 6892) for the relief of Dennis Pride; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. S. FINCH.

Mr. BROWER also, from the Committee on War Claims, reported back adversely the petition of C. S. Finch; which was laid on the table, and the accompanying report ordered to be printed.

JOSEPH B. BURTON.

Mr. HIESTAND, from the Committee on War Claims, reported back, with an amendment the bill (H. R. 2151) for the relief of Joseph B. Burton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFORM SCHOOL FOR GIRLS, DISTRICT OF COLUMBIA.

Mr. LEE, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 1361) to incorporate the Reform School for Girls in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SECTION 685, REVISED STATUTES.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

"BOOKS" AND "POOLS" ON RACES IN THE DISTRICT OF COLUMBIA.

Mr. COMPTON, from the Committee on the District of Columbia, reported back with an amendment the bill (H. R. 4964) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races, or boat races; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE, ROCK CREEK, WOODLEY LANE ROAD, DISTRICT OF COLUMBIA.

Mr. BREWER, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE, BUREAU OF ENGRAVING AND PRINTING.

Mr. RICHARDSON, from the Committee on Printing, reported back with a favorable recommendation the bill (H. R. 6172) providing for additional leave of absence for employés of the Bureau of Engraving and Printing; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RETIRED-LIST FOR CIVIL SERVANTS.

Mr. CLEMENTS, from the Committee on Reform in the Civil Service, reported back adversely the bill (H. R. 1884) to establish a retired-list for persons employed in the civil service; which was laid on the table, and the accompanying report ordered to be printed.

THE CIVIL-SERVICE LAWS.

Mr. DARGAN, from the Committee on Reform in the Civil Service, reported back adversely the bill (H. R. 1787) to improve the civil-service laws of the United States; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM R. BOAG.

Mr. GEAR, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 403) for the relief of William R. Boag; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MUSTER AND PAY OF CERTAIN OFFICERS AND ENLISTED MEN.

Mr. GEAR also, from the Committee on Military Affairs, reported back adversely bill H. R. 1819, in relation to the muster and pay of certain officers and enlisted men of the volunteer forces; which was laid on the table.

Mr. GEAR also, from the Committee on Military Affairs, reported in the nature of a substitute for the bill H. R. 1819 the bill (H. R. 1560) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, with amendments; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARCUS A. RENO.

Mr. GEAR also, from the Committee on Military Affairs, reported back adversely the bill (H. R. 545) for the relief of Marcus A. Reno; which was laid on the table, and the accompanying report ordered to be printed.

JOHN R. BROWN.

Mr. GEAR also, from the Committee on Military Affairs, reported back adversely the petition of John R. Brown; which was laid on the table, and the accompanying report ordered to be printed.

RIGHT OF WAY, FORT CRAWFORD RESERVATION.

Mr. MAISH, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL W. W. AVERELL.

Mr. MAISH also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5239) for the relief of Maj. Gen. W. W. Averell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROOFS OF LOYALTY.

Mr. ROBERTSON, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 5063) to dispense with proof of loyalty for bounty for wars prior to 1861; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BOUNTIES FOR RE-ENLISTMENT.

Mr. ROBERTSON also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1921) directing the payment of bounties to veteran volunteers who were promoted for re-enlistment; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DAVID L. BRAINARD AND OTHERS.

Mr. ROBERTSON also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3192) for the relief of David L. Brainard and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE MAXWELL.

Mr. YODER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 499) granting a pension to Catherine Maxwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour has expired.

WATERS OF ALASKA AND BEHRING SEA.

Mr. DUNN. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. DUNN. On yesterday the resolution which I send to the Clerk's desk was referred to the Committee on Merchant Marine and Fisheries. I was not on the floor at the time, but upon examining the resolution I find that it relates to a purely diplomatic question, and does not propose legislation in relation to any matter of which that committee has jurisdiction. I desire to have the reference changed if it can be done without a motion to reconsider the vote by which it was made yesterday.

The SPEAKER. That motion is not necessary. It has been frequently decided that the correction of an erroneous reference is a matter of privilege which can be brought up at any time.

Mr. DUNN. This proposition involves a purely diplomatic question, and inasmuch as it refers to matters involved in pending negotiations between our Government and Great Britain, I think it proper and important that it should go to the Committee on Foreign Affairs.

The SPEAKER. That reference will be made, if there be no objection.

There was no objection, and it was ordered accordingly.

EXTRA PAY FOR EMPLOYÉS OF CHICAGO CUSTOM-HOUSE.

Mr. DUNHAM. I think the gentleman from Texas [Mr. CULBERSON] did not intend to object to the bill which I asked to call up a short time ago.

The SPEAKER. The gentleman from Texas demanded the regular order, which is an objection to all propositions for unanimous consent, and requires the Chair to proceed regularly under the rules of the House.

Mr. CULBERSON. If the bill which the gentleman from Illinois desires to have considered will provoke no discussion, I am willing to withdraw for a moment the call for the regular order.

Mr. DUNHAM. I again ask unanimous consent for the consideration of the bill.

The Clerk resumed and concluded the reading of the bill; which is as follows:

A bill (H. R. 2068) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasuary not otherwise appropriated, to the following-named persons, or their assigns, the amounts hereinafter set forth, to wit:

To A. W. Irwin, the sum of $379.50.
To David M. Bannister, the sum of $275.62.
To Robert Ayers, the sum of $76.25.
To Michael Crawford, John Howard, Alexander Brown, and A. J. Sherming, each the sum of $45.75.
To Henry Erbe, the sum of $34.50.
To John N. Ford, the sum of $59.25.
To John Hanson, the sum of $91.25.
To Henry Jones, the sum of $59.75.
To Mathias Steger, the sum of $88.25.
To John Regan, the sum of $124.69.
To George R. Carpenter, the sum of $74.81.
To Michael Murray, the sum of $115.
To John Degnan, the sum of $69.
To Noble Hillard, the sum of $82.50.
To Anton Nieman, $119.
To C. E. Putnam, $64.51.
To F. G. Harlan, $98.39.
To James H. White, $136.50.
To E. C. McCune, $150; the same being the amounts shown upon the original pay-rolls of the custom-house, Chicago, Ill., signed by the officers in charge, to be due said persons for service rendered in the said custom-house building.

There being no objection, the House proceeded to the consideration of the bill.

Mr. BLAND. I desire to inquire whether this bill has been favorably reported from any committee.

The SPEAKER. The Chair supposes there is a report accompanying the bill.

Mr. DUNHAM. This bill is supported by a unanimous report from the Committee on Claims in this Congress, and there was also a unanimous report in its favor from the same committee in the Forty-ninth Congress. The bill merely proposes to pay employés in the Chicago custom-house for extra work—an allowance which can not be made without authority of an act of Congress.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS ON IRON ORES OF LOUISIANA AND TEXAS.

Mr. O'FERRALL, from the Committee on Mines and Mining, reported back without amendment the following resolution introduced by Mr. BLANCHARD January 30; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform the House of the cause of the delay in the preparation and publication of the reports of Professor Lawrence Johnson, of the United States Geological Survey, on the iron ores of Northern Louisiana and Eastern Texas, which work was ordered more than two years ago.

Mr. O'FERRALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOND PURCHASES, NATIONAL-BANK DEPOSITS, ETC.

Mr. RANDALL, from the Committee on Appropriations, reported back, with a recommendation that it be adopted, the following resolution introduced on the 6th instant by Mr. WEAVER; which was read, considered, and adopted:

Whereas it appears from a letter of the honorable Secretary of the Treasury, dated January 13, 1888, addressed to the Speaker of the House of Representatives, and printed in Executive Document No. 78, first session Fiftieth Congress, that an additional appropriation of $2,000 is made necessary to meet an anticipated deficiency in telegraphic expenses of the Treasury Department, caused by the regulations recently adopted relating to deposits of Government funds in national-bank depositories; and

Whereas the Secretary of the Treasury in his annual report to Congress says: "The Government has purchased some bonds during the present fiscal year for the sinking fund, and has been obliged to pay such a price for them that the annual saving in interest upon the purchases is only about 2½ per cent.; that the price of the same class of bonds has materially advanced since these purchases, and that the premium paid on said purchases amounted to $2,852,015.88;" and

Whereas the policy of purchasing bonds with surplus money in the Treasury, as aforesaid, has ceased, and the policy of depositing the public funds in a large number of national banks has been substituted in lieu thereof; and

Whereas the statute authorizing the Secretary of the Treasury to designate national banks as United States depositories provides that the Secretary shall prescribe the regulations by which said depositories of public funds shall be governed: Therefore,

Be it resolved, That the Secretary of the Treasury be, and is hereby, directed to report to this House at the earliest possible moment all the facts bearing upon the following inquiries:

First. At what dates were the propositions made by the Treasury Department to buy said bonds; and if any person or association was employed to purchase said bonds, give name of said person, persons, or association. Give dates of purchase, name of seller, kinds of bonds purchased, amounts paid, and current rates at which said bonds were quoted at the time the proposition to purchase was made by the Department.

Second. State when the policy relating to deposits in national-bank depositories was adopted which created the deficiency spoken of in the letter aforesaid of the Secretary of the Treasury, and whether after the purchase spoken of on the eleventh page of the annual report of the Secretary of the Treasury for the year 1887; give also reasons for changing policy first adopted, to wit, the purchase of bonds.

Third. State if the deficiency spoken of in the aforesaid letter of the Secretary was caused by the large increase in the number of national-bank depositories. Append to your answer a statement showing the per cent. of deposits on bonds deposited to secure the same under present regulations of the Treasury Department; also append copy of said regulations. State what per cent. of deposits has been allowed by the Department on United States bonds deposited for this purpose for the past twelve years, and whether the rate has been uniform, and whether below or above the par value of the bonds previous to the adoption of the present policy, and what was the rate percentage at the date of change of policy.

Fourth. Has said new policy of the Department concerning United States depositories, the number thereof, and the increased percentage of deposits allowed had any effect to either increase or diminish the circulation of national-bank notes, and to what extent, and whether said policy has resulted in the increase or diminution of the money supply of the country?

Fifth. State the number of national banks which have been designated as depositories of public funds since the adoption of the present policy, the number formerly designated that have availed themselves of the increased rate, and where said banks have been designated since the adoption of the present policy and rates of deposits, state when the bonds deposited in the Treasury by said designated depositories were transferred to said associations, and by whom.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMBEZZLEMENT BY NATIONAL-BANK OFFICERS, ETC.

Mr. CULBERSON. I demand the regular order.

The SPEAKER. The regular order is the call of committees for the consideration of bills for one hour. The hour begins at 1 o'clock and 30 minutes. The call rests with the Committee on the Judiciary.

Mr. CULBERSON. I call up for present consideration the bill (H. R. 1215) to amend and re-enact section 5209 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 5209 of the Revised Statutes of the United States be amended and re-enacted so as to read as follows:

"Every president, director, cashier, teller, clerk, or agent of any association who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association, or who, without authority from the directors, issues or puts in circulation any of the notes of the association, or who, without such authority, issues or puts forth any certificate of deposit, or draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or any such officer or person, or bank examiner, agent, or other person appointed or employed by the Comptroller of the Currency, who makes any false entry in any book, report, or statement of the association, with intent in either case to injure or defraud the association, or any other company, body politic or corporate, or any individual person, or to deceive the Comptroller of the Currency, or any person in his employ, or any officer of the association, or any agent appointed to examine the affairs of any such association, and every person who, with like intent, aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten."

SEC. 2. That this act shall be in force from its passage.

The amendments reported by the committee were read, as follows:

At the beginning of line 12, strike out the word "or."

In lines 14, 15, and 16 strike out the words "any such officer or person, or bank examiner, agent, or other person appointed or employed by the Comptroller of the Currency."

Insert before the word "shall" where it first occurs, in line 30, the words, "And every person appointed or employed by the Comptroller of the Currency to examine into the affairs of any association, who shall make any false entry in a report or statement made by him to the Comptroller of the Currency, or shall suppress or conceal any material fact, with intent to deceive the Comptroller of the Currency."

Amend the title so as to read, "A bill to amend section 5209 of the Revised Statutes of the United States."

Mr. ADAMS. I ask for the reading of the report upon this bill.

The report (by Mr. ADAMS) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 1215) to amend and re-enact section 5209 of the Revised Statutes, having had the same under consideration, respectfully report as follows:

One of the provisions of section 5209 of the Revised Statutes declares guilty of a misdemeanor any president, director, cashier, teller, clerk, or agent of any national bank who makes any false entry in any book, report, or statement of the association with intent to deceive any officer of the association or any agent appointed to examine into its affairs. It does not apply to the making of any such false entry when made with intent to deceive the Comptroller of the Currency.

It appears that there is no provision of law to punish a bank examiner for making a false entry in a report made by him to the Comptroller of the Currency, or for suppressing or concealing any material fact with intent to deceive that officer.

The only effect of the passage of the pending bill will be to supply these omissions of the existing law. The change in the law is approved by the Comptroller of the Currency. The committee recommend striking out the word "or," at the beginning of line 12, and the words "any such officer, or person, or bank examiner, agent, or other person appointed or employed by the Comptroller of the Currency," in lines 14, 15, and 16, and inserting before the word "shall" where it first occurs in line 25 the following words: "And every person appointed or employed by the Comptroller of the Currency to examine into the affairs of any association who shall make any false entry in a report or statement made by him to the Comptroller of the Currency, or shall suppress or conceal any material fact with intent to deceive the Comptroller of the Currency." The committee also recommend that the title be amended by striking out the words "and re-enact." These changes are merely formal.

The committee recommend that the bill pass as amended.

Mr. ADAMS. Under the existing law an officer of a national bank, if he deceives the bank examiner, is liable to a penalty, but if he colludes with the bank examiner to deceive the Comptroller of the Currency he is not subject to a penalty. To supply this omission is the sole purpose of the pending bill; it does not change the existing law in any other particular. I call for the previous question.

The previous question was ordered; and under the operation thereof the amendments were agreed to.

Mr. ADAMS. Section 2, which provides "that this act shall be in force from its passage," is superfluous, and ought to be struck out. Either the committee overlooked that defect of the bill or I omitted to insert in the report an amendment to that effect.

The SPEAKER. If there be no objection, the second section will be struck out, as the bill would take effect immediately upon its enactment unless otherwise provided.

There was no objection, and section 2 was struck out.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ADAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the title of this bill will be amended, as recommended by the committee, by striking out the words "and re-enact."

There was no objection, and it was ordered accordingly.

RECOVERY OF INTERNAL-REVENUE TAXES.

Mr. CULBERSON. I will take the floor and yield to the gentleman from Massachusetts [Mr. COLLINS].

Mr. COLLINS. I move, Mr. Speaker, to discharge the House Calendar from the further consideration of joint resolution (H. Res. 54) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases.

There was no objection, and it was ordered accordingly.

The joint resolution was read, as follows:

Resolved, etc., That the cases wherein moneys were, according to the decisions of the Supreme Court of the United States in Bailey, collector, *vs.* Clark and others (reported in the twenty-first volume of Wallace's United States Supreme Court Reports, page 284), illegally assessed and collected by United States internal-revenue officers from persons using borrowed money not capital in business, be referred to the Court of Claims, to hear and determine them, the same as provided in section 1059 of the Revised Statutes: *Provided further, however*, That petitions in said cases may be filed within one year from the passage hereof and not afterwards, and said cases shall be subject to no limitation save as last aforesaid.

Mr. COLLINS. I move to strike out the word "further" in the last part of the resolution.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COLLINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, NEWARK, N. J.

Mr. CULBERSON. I now yield to the gentleman from New York [Mr. PARKER].

Mr. PARKER. I move to discharge the House Calendar from the further consideration of the bill (H. R. 1648) providing for the holding of United States courts in the city of Newark, N. J.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That at each term of the circuit and district courts of the United States, to be holden in and for the district of New Jersey, it shall be lawful for the judge or judges holding such term, upon consent of both parties, or application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be heard or tried at the city of Newark, in said district, upon a day set for that purpose by said judge; and no cause set for trial or hearing at any term of said court shall be peremptorily called for trial or hearing before the second Tuesday in such term; and writs of subpœna, to compel the attendance of witnesses at said city of Newark, may issue, and jurors summoned to attend said term may be ordered by said judge or judges to be in attendance upon said court in the city of Newark.

The amendments of the Committee on the Judiciary were read, as follows:

In line 10, after the word "judge," strike out the words:

"And no cause set for trial or hearing at any term of said court shall be peremptorily called for trial or hearing before the second Tuesday in such term."

And insert in lieu thereof the following:

"*Provided*, Such application shall be made to such judge, either in vacation or term time, at least one week before the date set for the trial of said cause, and on at least five days' notice to the opposite party, or his or her counsel."

Mr. PARKER. I ask for the reading of the report of the committee.

The report of the committee was read, as follows:

The Committee on the Judiciary, to whom was referred House bill 1648, respectfully report:

That a similar bill was introduced in the Forty-ninth Congress, and was reported favorably by the Judiciary Committee, but failed to be acted upon for want of time. This committee adopt the report then made, as follows:

That the United States courts held within the State of New Jersey are only authorized to be held at Trenton.

Newark is located about 48 miles from Trenton, and is the natural and convenient location for the holding of courts to accommodate the populous northern portion of the State. It contains a population of about 165,000, with Jersey City near by, which has about the same number of people.

Sufficient court-rooms, owned by the United States, now exist in the post-office building of said city of Newark, and no material additional expense will be incurred by the passage of this bill, while the convenience of suitors and witnesses will be subserved and their expenses lessened.

We recommend that the bill be amended as follows: By striking out all after the word "judge," in the tenth line, down to and including the word "term," in the thirteenth line, and inserting in lieu thereof the following, to wit: "*Provided*, Such application shall be made to such judge, either in vacation or term time, at least one week before the date set for the trial of said cause, and on at least five days' notice to the opposite party, or his or her counsel."

We recommend that the bill thus amended do pass.

The amendment of the committee was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PARKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, ALABAMA.

Mr. CULBERSON. I call up from the House Calendar for consideration a bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of Alabama, and yield the floor to the gentleman from Alabama [Mr. OATES].

Mr. OATES. I ask for the reading of the bill.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage and approval of this act the judge of the district court for the southern judicial district of the State of Alabama shall have jurisdiction throughout the middle district of said State, and shall hold the courts therein, with all power and jurisdiction now appertaining to the judge and courts of said middle district.

SEC. 2. That the present judge of the said middle and northern districts of said State shall continue to be the district judge of, and hold the courts in, both the northern and southern divisions of said northern district of said State.

Mr. OATES. I move that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President, by Mr. PRUDEN, one of his secretaries. He further announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. 4271) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes;

An act (H. R. 4881) making an appropriation to carry into effect the provisions of the act approved March 2, 1887, entitled "An act to establish agricultural experimental stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of acts supplementary thereto;"

An act (H. R. 2131) for the relief of Joseph Cox, administrator of Charles Pasters, deceased; and

Joint resolution (H. Res. 72) relating to the invitation of the British Government to the Government of the United States to participate in the international exhibition at Melbourne to celebrate the founding of New South Wales.

AMENDMENT OF INTERNAL-REVENUE LAWS.

Mr. CULBERSON. I call up from the House Calendar for present consideration a bill (H. R. 5931), and yield the floor to the gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON, of North Carolina. I ask for the reading of the bill.

The Clerk read as follows:

A bill to amend the internal-revenue laws, and for other purposes.

Be it enacted, etc., That whenever in any statute denouncing any violation of the internal-revenue laws as a felony, crime, or misdemeanor, there is prescribed in such statute a minimum punishment, less than which minimum no fine, penalty, imprisonment, or punishment is authorized to be imposed, every such minimum punishment is hereby abolished; and the court or judge in every such case shall have discretion to impose any fine, penalty, imprisonment, or punishment not exceeding the limit authorized by such statute, whether such fine, penalty, imprisonment, or punishment be less or greater than the said minimum so prescribed.

SEC. 2. That no warrant, in any case under the internal-revenue laws, shall be issued upon an affidavit making charges upon information and belief, unless such affidavit is made by a collector or deputy collector of internal revenue or by a revenue agent; and with the exception aforesaid no warrant shall be issued except upon a sworn complaint, setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant. And the United States shall not be liable to pay any fees to marshals, clerks, commissioners, or other officers for any warrant issued or arrest made, in prosecutions under the internal-revenue laws, unless there be a conviction or the prosecution has been approved, either before or after such arrest, by the attorney of the United States for the district where the offense is alleged to have

been committed, or unless the prosecution was commenced by information or indictment.

SEC. 3. That whenever a warrant shall be issued by a commissioner or other judicial officer having jurisdiction for the arrest of any person charged wit criminal offense, such warrant, accompanied by the affidavit on which the same was issued, shall be returnable before some judicial officer named in section 1014 of the Revised Statutes residing in the county of arrest; or, if there be no such judicial officer in that county, before some such judicial officer residing in another county nearest to the place of arrest. And the judicial officer before whom the warrant is made returnable, as herein provided, shall have exclusive authority to make the preliminary examination of every person arrested as aforesaid, and to discharge him, admit him to bail, or commit him to prison, as the case may require: *Provided*, That this section shall not apply to the Indian Territory.

SEC. 4. That the circuit courts of the United States, and the district courts or judges thereof exercising circuit-court powers, and the district courts of the Territories, are authorized to appoint in different parts of the several districts in which said courts are held as many discreet persons to be commissioners of the circuit courts as may be deemed necessary. And said courts, or the judges thereof, shall have authority to remove at pleasure any commissioners heretofore or hereafter appointed in said districts.

SEC. 5. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may compromise any civil or criminal case, and may reduce or remit any fine, penalty, forfeiture, or assessment under the internal-revenue laws.

SEC. 8. That this act shall take effect sixty days after its approval.

Mr. HENDERSON, of North Carolina. This bill, Mr. Speaker, is a substitute for the bill of the House No. 4302, and has been unanimously reported by the Committee on the Judiciary. There are only a few sections of the bill, which explain themselves; and unless some gentleman calls for a further explanation, I shall demand the previous question.

Mr. REED. I would like an explanation of some of the provisions here before the vote is taken.

Mr. HENDERSON, of North Carolina. I call for the reading of the report.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on the Judiciary, to whom was referred House bill 4302, have considered the same, and recommend the accompanying bill as a substitute therefor, and that said bill as amended by the substitute do pass.

Section 1 of this bill abolishes what are known as minimum punishments, and gives a discretion to the courts to impose any punishment for a violation of the internal-revenue laws, not exceeding the maximum limit authorized by the statute, whether such punishment be less or greater than the minimum punishment mentioned in the law. This section is intended to discourage frivolous and petty prosecutions. There are many cases where the judge might properly impose a less punishment than the minimum required by the statute, if he had the power.

Section 2 prohibits the issuing of a warrant in such cases "upon information and belief," except upon affidavit made by a collector or deputy collector of internal revenue or by a revenue agent; and with this exception no warrant is to be issued except upon a sworn complaint setting forth the facts to be within the personal knowledge of the affiant. And the Government will not be liable to pay any fees in prosecutions under the internal-revenue laws unless there be a conviction in court, or the prosecution has been approved by the district attorney, or unless the prosecution was commenced by information or indictment. It is believed that this provision will remedy many abuses and will greatly decrease the number of "causeless and idle prosecutions," apparently instituted in many cases for no other purpose than to make fees.

Section 3 requires a warrant issued by a commissioner or other judicial officer to be returnable before some judicial officer residing in the county of arrest. This is a reform that has long been needed. The Attorney-General, in his report to this Congress, recommends some legislation upon the subject. He says:

"Commissioners of circuit courts generally issue warrants that are returnable to themselves alone, regardless of the distance and cost consequent upon the order. They have the right to do this, yet experience shows that the right is open to reform. The right to issue a warrant might be left unrestricted in all respects, leaving the commissioner discretion to act upon reasonable grounds of suspicion and belief and on a charge made upon reasonable cause of the commission of a felony, but the commissioner before whom the warrant should be returned might be another, and perhaps ought to be another, if the offense is committed without the county of his residence. * * * The Department can not direct the commissioner how to act, as that officer is subject to the court alone. It is, therefore, a proper subject for legislation to remedy the abuse."

Section 4 gives full authority to the circuit courts, and to the district courts exercising circuit-court powers, to appoint as many commissioners as may be needed in the different localities of each judicial district, and also authorizes said courts to remove any of said commissioners *ad libitum* and summarily. It is the practice of some of the judges to revoke, without notice, the commissions of these officers. Other judges doubt their authority to do this summarily and without cause. The purpose of this section is to make the law on this subject plain, without meaning to declare that the power of removal does not already exist by implication.

Section 5 authorizes the Commissioner of Internal Revenue to compromise any civil or criminal case under the internal-revenue laws. This power now exists to a limited extent, but is rarely ever exercised. In many cases this power might be safely exercised without doing injustice either to individuals or the Government. At all events, it seems to be perfectly right and proper to lodge this power with the Treasury Department.

Sections 1, 2, and 4 of this bill were approved almost literally by the Judiciary Committee of the Forty-ninth Congress at its first session. And the clause at the end of the second section relating to fees was substantially embodied in the general appropriation bill and became a law by the action of both Houses at the second session of the Forty-ninth Congress.

Mr. HENDERSON, of North Carolina. I shall be glad to answer any question in regard to either one of these sections that any gentleman may see proper to put to me.

Mr. PETERS. I would like to ask the gentleman from North Carolina what was the minimum punishment under the law.

Mr. HENDERSON, of North Carolina. Well, under the internal-revenue laws, as now in force, the lowest punishment a judge is allowed to impose is one month's imprisonment and $100 fine; and, under another provision of law—I refer to section 5296 of the Revised Statutes—if the defendant is imprisoned for thirty days and fined $100—the least punishment the court can impose—he is compelled to remain in jail thirty days longer, if a pauper, before he is allowed to swear out. So that really the lowest punishment under the law is at present a term of imprisonment amounting to two months and $100 fine, and the payment of all the costs.

The first section of this bill authorizes the judge to impose any punishment whether less or greater than the minimum, provided it does not exceed the highest limit authorized by the statute. In other words, all minimum punishments are abolished, but the maximum punishment is not decreased.

The section gives to the judge the power in his discretion to impose any punishment from a nominal one to the highest limit of the statute.

Mr. PETERS. Does the amendment to the bill provide for imprisonment and fine, or imprisonment or fine?

Mr. HENDERSON, of North Carolina. It provides a fine, or imprisonment, or both.

Mr. TAULBEE. I desire to offer an amendment, with the consent of the gentleman.

Mr. HENDERSON, of North Carolina. I will yield a moment to have it read.

The proposed amendment was read, as follows:

Provided, That no claim for services rendered under a warrant shall be paid unless such warrant shall have been approved by the collector or deputy collector and United States district attorney in the territory where the offense is charged to have been committed, prior to the rendition of such services.

Mr. CULBERSON. I do not understand the gentleman from North Carolina to yield for that amendment.

Mr. HENDERSON, of North Carolina. I yielded to have it read only.

Mr. CULBERSON. And I desire to say further to the gentleman from Kentucky that bills covering that proposition are now pending in the committee.

Mr. TAULBEE. I am heartily in favor of the bill as read; and if the proposed amendment would retard its passage, I do not want to insist upon it after the statement of the chairman of the committee, hoping that the same matter will be considered in due time in the form I suggest.

Mr. DINGLEY. I would like to ask a question in reference to this bill. I understand that prosecutions for illicit distilling, for example, or complaints, can only be made by the collector of internal revenue or a revenue officer.

Mr. HENDERSON, of North Carolina. I will explain that to the gentleman.

Mr. DINGLEY. And all such complaints must be on personal information of the collector.

Mr. HENDERSON, of North Carolina. Let me explain that.

The second section of the bill provides that affidavits on information and belief only can be made by only three classes of persons, that is by a collector or by a deputy collector or by a revenue agent; and I will state that in most districts there are quite a number of these officers. In the district in which I live there are probably not less than thirty of such officials, and under the rules of court as they now exist in the western district of North Carolina and perhaps other districts the provisions of this section are required to be complied with in substance. I have a letter here from Hon. Robert P. Dick, the United States district judge for the western district of North Carolina, in which letter, dated on the 3d of this month, he states that the second section of this bill is exactly right, and says it is in accordance with the rules of court in his district; but the judges would prefer that this rule of court should be enacted into law.

Many other persons, however, are allowed to make affidavits. Anybody can make the affidavit who will swear to a personal knowledge of the facts, and the object of the section is to prevent unofficial persons from making such affidavits on information and belief only; and that is all there is in it.

I now demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMOLUMENT RETURNS OF CIVIL OFFICERS.

Mr. CULBERSON. I call up for consideration at this time the bill (H. R. 6558) regulating the emolument returns of civil officers of the United States.

The bill was read, as follows:

Be it enacted, etc., That no part of an appropriation for the judicial expenses of the United States shall be hereafter advanced, paid, or in any way allowed to any civil officer of the United States who shall neglect to make under oath a true and full return of all his fees, compensation, and emoluments within thirty days after June 30 and December 31 of each year, in manner and form as prescribed by the Attorney-General of the United States, unless such officer shall render to the Attorney-General a valid excuse for his failure to make the return hereinbefore required.

SEC. 2. That all services of every character performed by any such officer in pursuance of law, or by the order, rule, or sanction of the court, including the entry of all orders, decrees, judgments, and determinations, shall be embraced in his emolument return, and the fees of all such services, not specifically provided for by existing law, shall be assimilated to those provided for in chapter 16, Title XIII, Revised Statutes.

Mr. ROGERS. I ask for the reading of the report, which sufficiently explains the matter.

The report (by Mr. ROGERS) was read, as follows:

The Committee on the Judiciary, having had under consideration House bill 4921, report a substitute therefor, and ask that the same be put on the Calendar, and that the original bill lie on the table.

It is ascertained that the clerks of some of the district and circuit courts of the United States, in different parts of the country, have been withholding very large sums of money from their emolument returns, and contending that the sums so withheld were not embraced within the terms of section 833 of the Revised Statutes. Notably is this the case in the matter of moneys received in naturalization cases, and in the Chinese habeas corpus cases in San Francisco, Cal. A recent decision of the Supreme Court of the United States (Hill *vs.* United States, 120 U. S., p. 169, in the record as there presented) sustains the position assumed by such officers.

The committee do not mean to question the correctness of that decision, but think it is a wholesome rule to require every officer who receives moneys for the United States by means of the fact that he is an officer of the United States to render an account thereof to some proper accounting officer, which is and has always been the general practice of the Government. The first section of the bill is substantially the law that existed and was in force for many years, but which was dropped from the statutes in the last revision.

It forbids the Attorney-General from advancing or paying any moneys to marshals, district attorneys, or clerks who fail to render their returns as required by section 833, Revised Statutes of the United States, unless and until such returns are made, and a valid excuse rendered for the delay.

The second section of the bill requires the officers mentioned to include in such returns all moneys earned by them of every character, whether it be done in pursuance of law, or by the order, rule, or sanction of the court, and assimilates the fees for the performance of such services, when no specific compensation is fixed therefor by statute, to the fees fixed in Title XIII, chapter 16, of the Revised Statutes.

It is very desirable that the emolument returns of these officers shall be promptly made, that the manner of making them shall be uniform, and that no doubt should be entertained as to what they are required by law to embrace.

This bill has been framed and carefully matured to accomplish these purposes.

It does not change the fee bill in any particular, or in any way affect the maximum compensation allowed these officers by existing law; but it is intended to have covered into the Treasury such sums in excess of the maximum compensation allowed by law as they may receive for services performed by them because of the official relation they bear to the Government, whether such sums have been received for services performed strictly in the line of official duty or whether performed in a quasi-official capacity under the order, direction, or sanction of the court. It may not be out of place to say that some such legislation meets with the earnest approval of the Department of Justice, and is, in its opinion, necessary to orderly and uniform methods of keeping these accounts, as well as to secure promptly and without litigation what justly and rightfully belongs to the Government.

The committee recommend the passage of the substitute reported herewith, and also recommend that the original bill lie on the table.

Mr. ROGERS. I have no further observations to make. I move the passage of the bill.

Mr. MORROW. I would like to say one word about this matter.

Mr. ROGERS. I yield to the gentleman from California [Mr. MORROW].

Mr. MORROW. I have not the slightest objection to the passage of the bill. But in the report I understand the committee to say that the necessity for the bill arises from the fact that in cases of naturalization some clerks of the courts have withheld from their emolument returns the fees received for naturalization and also in Chinese habeas corpus cases in San Francisco. I desire to say that this is an error, so far as relates to these last cases. The clerks of the circuit and district courts of the United States in San Francisco have been receiving fees in Chinese habeas corpus cases; but those fees have all been paid into the Treasury and properly accounted for. The only question that has arisen in San Francisco was as to the amount to be collected from the petitioners in cases of habeas corpus, whether the amount should be $11 or $15. The matter being brought to the attention of the circuit judge he decided, as I understand, in accordance with the provisions of the pending bill, that the clerk's fees in such cases should be fixed by analogy for like services in other cases, at $11. The amount collected was, however, paid into the Treasury and correctly and promptly accounted for in the emolument returns. Therefore, so far as this report seeks to reflect upon the clerks in San Francisco it is not correct; and I hope the committee will understand that this is a fair and correct statement of the situation there.

Mr. ROGERS. The gentleman from California may be right, and I trust he is. The understanding of the committee was what is stated in the report, but I do not wish to assert it against the statement of the gentleman from California.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CASTING AWAY OF VESSELS.

Mr. CULBERSON. I call up for consideration at this time the bill (H. R. 3263) to amend section 5365 of the Revised Statutes of the United States.

The bill as proposed by the committee to be amended was read, as follows:

Be it enacted, etc., That sections 5365 and 5366 of the Revised Statutes of the United States are severally hereby amended by adding thereto the following:

"*Provided*, That whenever the jury shall find as special facts that no loss of life, injury to the person, or peril or suffering to any person on such vessel ensued in consequence of such casting away or otherwise destroying, the person convicted of such offense may be sentenced to imprisonment for life or any number of years not less than three, or to a fine not exceeding $10,000, or to both such imprisonment and fine."

Mr. COLLINS. The only penalty for casting a vessel away on the high seas now is death. The committee proposes in the interest of justice and humanity to grade the punishment in case the jury find that no loss of life ensued, so that fine or imprisonment, either or both, may be the punishment.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COLLINS the title was amended so as to read:

A bill to amend sections 5365 and 5366 of the Revised Statutes of the United States.

Mr. COLLINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS OF LADING AS EVIDENCE.

Mr. CULBERSON. I call up for consideration at this time the bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases.

The Committee on the Judiciary reported the bill back with a substitute.

The substitute reported by the committee was read, as follows:

Strike out all after the enacting clause and insert as follows:

"That whenever any common carrier by land or water signs and delivers any bill of lading or instrument in the nature thereof purporting to be for goods, wares, or merchandise received by such carrier for transportation from one State to another within the United States, or to any foreign country, such bill of lading or instrument in the nature thereof, in the hands of any bona fide holder for valuable consideration who acquired the same in the usual course of trade without any notice of any defect therein, shall be conclusive evidence that the goods described therein were actually received by such carrier in the manner and for the purpose as therein stated."

Mr. OATES. I ask that the substitute be adopted, after which I shall offer a further amendment recommended by the committee, and the bill will then still be open to amendment and discussion.

The SPEAKER *pro tempore* (Mr. HATCH). The question is on the amendment submitted by the committee in the nature of a substitute.

Mr. BUCHANAN. Has the substitute been read?

The SPEAKER *pro tempore*. It has.

Mr. BUCHANAN. I ask the gentleman from Alabama wherein the bill as amended changes the existing law on this subject?

Mr. OATES. I desire, before any discussion takes place, that the substitute for the original bill shall be adopted.

The SPEAKER *pro tempore*. The gentleman from Alabama will send up his amendment.

The amendment was read, as follows:

Amend the substitute by inserting between the words "any" and "common," in the first line, the following: "agent authorized to execute and deliver bills of lading for freight to be shipped by a."

Mr. BUCHANAN. Now I wish the chairman of the committee would explain this.

Mr. OATES. Mr. Speaker, I was instructed by the committee to offer this amendment. The committee this morning somewhat hastily agreed upon that amendment to the substitute. I call the attention of every member of the Judiciary Committee especially to what I am now about to say. A thorough examination of the question since that amendment was agreed upon this morning satisfies me that it ought not to be adopted. The purpose of the bill is to correct what the committee consider as an evil in this: the Supreme Court of the United States, in the case of Pollard *vs.* Vinton, decided that a bill of lading which was given for the shipment of 150 bales of cotton at Memphis, Tenn., by Cobb & Co., the agents of Vinton, who owned the steam-boat Ben Franklin, and in fact the cotton, was not delivered, but Pollard, a banker in New York, advanced about $6,000 upon the bill——

The SPEAKER *pro tempore*. The hour allotted to the Committee on the Judiciary under the rule has expired. This bill will go over until to-morrow.

JOSEPH W. M'CLURG.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 2611) for the relief of Joseph W. McClurg.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] asks unanimous consent to call up for present consideration the bill indicated by him. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Joseph W. McClurg, of Missouri, the sum of $5,000, out of any money in the Treasury not otherwise appropriated, in full payment and satisfaction of all claim for goods, wares, and merchandise and supplies furnished officers and men in military service of the United States in the late war of the rebellion under said McClurg as colonel by the firm of Tobert & Co., of which company said McClurg is sole surviving member.

The Committee on War Claims recommended the following amendment: In the fifth line of the bill strike out "five thousand" and insert "two thousand five hundred" as the amount of money proposed to be allowed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BREWER. Let the report be read and we can tell better.

Mr. BLAND. It has been twice favorably reported.

The SPEAKER. The report will be read, subject to the right to object.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2611) for the relief of Joseph W. McClurg, report as follows:

The facts out of which this bill for relief arises will be found stated in House Report No. 138, by the Committee on War Claims of the Forty-third Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill with an amendment as follows: In line 5 strike out the words "five thousand" and insert in lieu thereof the words "two thousand five hundred," and as amended recommend its passage.

[House Report No. 138, Forty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 162) for the relief of Joseph W. McClurg and others, of Camden County, Missouri, report:

That said McClurg and others were, under the firm-name of Torbert & Co., merchants, at Lime Creek, Camden County, Missouri, at the commencement of the war in 1861, when and where the "Osage regiment" and "Hickory County battalion" of Missouri State militia were organized, and where said troops served during the spring and summer of that year, as recognized by acts of Congress.

The people of this section were at the time divided in sentiment, as a rule the more thrifty siding with those in arms against the Government, and the poorer with the Government, and no crops were raised that year by these men who entered the service. To organize these men and save them as a nucleus around which Union men might rally, food, clothing, and supplies for themselves and families were necessary, and were by the claimants furnished to the value of about $8,000, which was reduced, by payments made by those to whom the goods were furnished, to $4,666.87—supplies from the Government being inadequate and uncertain; and your committee believe that while it may be true that these supplies were furnished by said McClurg and others, expecting payment by those to whom they were furnished, yet they were supplied with an earnest purpose to promote, and did promote, the public interest.

Your committee believe the claimants should be paid therefor, and that $2,500 is a fair compensation for the goods so furnished, and accordingly report a bill for that amount, as a substitute for H. R. No. 162, and recommend its passage.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANK BAKER.

Mr. LONG. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 3749) for the relief of Frank Baker, and that the bill be now considered and put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and are hereby, authorized and directed to credit Capt. Frank Baker, Ordnance Department, United States Army, with $172.52, being a sum of money stolen from him while acting commissary of subsistence at Fort Fred. Steele, Wyoming Territory.

Mr. STEELE. I ask for the reading of the report.

The report of the Committee on Claims (by Mr. BOWDEN) was read, as follows:

The claimant, then second lieutenant, Thirteenth Infantry, United States Army, was, in 1874, on duty as acting commissary of subsistence at Fort Fred. Steele, Wyoming Territory. To assist him in issuing, selling, and accounting for subsistence stores Commissary Sergeant William H. Rooney was employed under "Regulations relative to commissary sergeants," published in General Orders No. 38, Adjutant-General's Office, Washington, March 20, 1873. Rooney stole from the subsistence funds, for which Baker was and is held accountable, the sum of $172.52, and deserted August 3, 1874. Rooney was afterwards arrested and court-martialed in November, 1874, convicted, and sentenced to dishonorable discharge, to loss of pay, and imprisonment. August 17, 1876, a board of survey fully investigated the case, exonerated Baker, and recommended his relief. Three several times, to wit, July 8, 1874, February 7, 1876, and December 17, 1878, has the Secretary of War recommended the relief of Baker by act of Congress. See his letters of those dates; see also Executive Document No. 135, Forty-third Congress, second session.

The committee report the bill back with the recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT HALL RESERVATION, IDAHO.

The SPEAKER. The Chair will lay before the House a message from the President of the United States, which will be read.

The message was read, as follows, and was referred to the Committee on Indian Affairs:

To the Senate and House of Representatives:

I transmit herewith a communication of 4th instant, from the Secretary of the Interior, submitting, with other papers, a draught of a bill to accept and ratify an agreement made with the Shoshone and Bannock Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes. The matter is presented for the consideration of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 7, 1888.

BUSINESS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. PEEL. I am instructed by the Committee on Indian Affairs to report the resolution which I send to the desk, and to ask its present consideration.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The resolution was read, as follows:

Resolved, That Tuesday the 6th, Wednesday the 7th, and Thursday the 8th days of March, 1888, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Indian Affairs in such order as may be designated by said committee. This order not to conflict with prior orders, or revenue or general appropriation bills.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The resolution was agreed to.

Mr. PEEL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PETERS. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill which I send to the desk.

Mr. SCOTT. I call for the regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOTT] calls for the regular order, which prevents the Chair from entertaining requests for unanimous consent. The next business in order is the unfinished business. There being none, the next thing in order is to go into Committee of the Whole on the state of the Union. If there be no such motion——

HOUSE MISCELLANEOUS DOCUMENT NO. 124.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 3, 1888.

Resolved, That there be printed for the use of the House 500 copies of the resolution designated as House Miscellaneous Document No. 124, as amended and passed by the House of Representatives.

The committee have considered the House resolution providing for the printing for the use of the House 500 copies of the resolution designated as House Miscellaneous Document No. 124, as amended and passed by the House January 26, 1886, and report the same with the recommendation that it do pass.

Mr. RICHARDSON. The resolution is the one passed the other day, providing for the investigation of certain trusts. The original resolution was amended several times, and the amendments appear in the RECORD at various points. It is desirable to have the resolution properly printed as finally amended and passed.

The report was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RICHARDSON. I also ask the consideration of the report which I send to the desk.

The SPEAKER. Is it a privileged report?

Mr. RICHARDSON. No, sir.

The SPEAKER. The regular order is demanded by the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. I withdraw the demand.

JOHN C. JOHNSTON.

Mr. PETERS. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 221) increasing the pension of John C. Johnston, and that the House now consider the bill.

The bill was read, as follows:

Be it enacted, etc., That the pension of John C. Johnston, certificate numbered 45303, as private, Company A, Sixty-first Pennsylvania Infantry Volunteers, be increased to $36 per month, the same to be in lieu of the pension he is now receiving.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIA SYPHAX.

Mr. STEWART, of Vermont. I ask unanimous consent for the present consideration of the bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax." I ask that the bill and report be read.

The bill was read, as follows:

Be it enacted, etc., That the act of June 12, 1866, entitled "An act for the relief of Maria Syphax," releasing and confirming to her, her heirs and assigns, the title to a piece of land therein described, being part of the Arlington estate, in the county of Alexandria, in the State of Virginia, shall be construed to operate as a relinquishment to the said Maria Syphax, her heirs or devisees, of any outstanding title to the said piece of land which the United States may have acquired since the date of that act.

The report of the Committee on the Judiciary (by Mr. STEWART, of Vermont) was read, as follows:

The Committee on the Judiciary, having had under consideration the bill H. R. 3441, report as follows:

This bill has passed the Senate once and received favorable report from the Judiciary Committee of the House of Representatives in the Forty-ninth Congress. That report was prepared by the chairman of the committee in the Forty-ninth Congress, Hon. J. Randolph Tucker, and is adopted as the report of this committee. It is as follows:

It appears that by an act of Congress approved June 12, 1866, a parcel of land, being part of the Arlington estate, in Alexandria County, Virginia, was released and confirmed to Maria Syphax, who had lived on it for many years.

Since the date of that act the title of the United States has been successfully assailed in the case, which, under the name of United States *vs.* Lee (106 U. S. Rep., 196), was decided by the Supreme Court in 1882, and the judgment in favor of G. W. Custis Lee was affirmed for the Arlington estate. Subsequently the United States purchased the whole estate from said Lee.

It is probable that the purchase of the outstanding title by the United States would inure to the benefit of Maria Syphax, but to remove all doubt the Senate bill has been passed, and this committee see no reason against removing any cloud upon the title by concurring in the passage of this bill, though there may be no legal necessity for it.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEWART, of Vermont, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a joint resolution and concurrent resolution of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 17) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands.

Concurrent resolution for printing the report of the National Academy of Sciences for 1887.

DIVISION SUPERINTENDENTS, RAILWAY MAIL SERVICE.

Mr. DOCKERY. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which I send to the desk, and that it be now considered and put on its passage.

The bill was read, as follows:

A bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service.

Be it enacted, etc., That the Postmaster-General is authorized to appoint and assign to duty eleven division superintendents of railway mail service, who shall each be paid a salary of $2,500 a year.

The amendment reported by the Committee on the Post-Office and Post-Roads was read, as follows:

After the word "General," in line 3, strike out "is" and insert "be, and is hereby."

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill just read, and that it be now considered in the House.

Mr. BREWER. This seems to be a rather important bill to be passed by unanimous consent. It proposes an increased number of public officials—eleven additional officers, as I understand.

Mr. DOCKERY. Only two.

Mr. BREWER. Is this the unanimous report of the committee?

Mr. DOCKERY. It is, with the exception of one member.

Mr. BREWER. If the bill provides only for two additional officers, who will, of course, come from "our friends, the enemy," I do not object.

Mr. STEELE. I wish to inquire whether these additional employés are to be selected in accordance with civil-service rules.

Mr. DOCKERY. I hope not. [Laughter.] The division superintendents of the railway mail service are appointed by the Postmaster-General.

Mr. STEELE. Would not the gentleman like to have the bill amended so that these employés shall be appointed in accordance with civil-service rules?

Several MEMBERS. Oh, no.

Mr. DOCKERY. Let us consider that proposition at some future time.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BREWER. I think members of the House ought to have an opportunity to examine this bill more deliberately.

The SPEAKER. The gentleman from Michigan objects

Subsequently,

Mr. DOCKERY said: I understand the gentleman from Michigan is willing to withdraw his objection to the bill in regard to division superintendents in the railway mail service.

Mr. BREWER. I withdraw the objection.

The SPEAKER. If there be no further objection, the bill is before the House for consideration.

Mr. DOCKERY. I am ready to answer any questions which members may desire to ask. If no explanation is desired, I ask that the report be printed in the RECORD in connection with this bill.

Mr. MCMILLIN. Let us have the report read.

The report of the Committee on the Post-Office and Post-Roads (by Mr. DOCKERY) was read, as follows:

The Committee on the Post-Office and Post-Roads, having considered H. R. 6439, report the same favorably with the following amendment: Strike out the word "is," line 3, and substitute "be, and is hereby;" so that the line as amended will read: "That the Postmaster-General be, and is hereby, authorized to appoint and."

The act of June 17, 1878 (20 Stat., p. 140), authorized the Postmaster-General to appoint "nine assistant superintendents of railway mail service, who may be detailed to act as superintendents of division of railway mail service, who shall each receive a salary of $2,500 per annum and no more." Pursuant to the authorization of this law, nine divisions were established, as follows:

First division.—Comprising the New England States; office of superintendent, Boston, Mass.

Second division.—Comprising New York, New Jersey, Pennsylvania, Delaware, and the Eastern Shore of Maryland; office of superintendent, New York, N. Y.

Third division.—Comprising Maryland (excluding the Eastern Shore), North Carolina, Virginia, West Virginia, and the District of Columbia; office of superintendent, Richmond, Va.

Fourth division.—Comprising South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; office of superintendent, Atlanta, Ga.

Fifth division.—Comprising Ohio, Indiana, Kentucky, and Tennessee; office of superintendent, Cincinnati, Ohio.

Sixth division.—Comprising Wisconsin, Illinois, Iowa, Nebraska, Minnesota, and upper peninsula of Michigan, and the Territories of Dakota and Wyoming; office of superintendent, Chicago, Ill.

Seventh division.—Comprising Missouri, Kansas, Arkansas, Texas, Colorado, the Indian Territory, and New Mexico; office of superintendent, St. Louis, Mo.

Eighth division.—Comprising California, Nevada, Oregon, and the Territories of Alaska, Arizona, Idaho, Montana, Utah, and Washington; office of superintendent, San Francisco, Cal.

Ninth division.—Comprising the through mails from New York City to Chicago via Buffalo, Suspension Bridge, Toledo, and Detroit, the lines of the Lake Shore and Michigan Southern Railroad, and the lower peninsula of Michigan; office of superintendent, Cleveland, Ohio.

As establishing the necessity for the two additional superintendents provided for by this bill, we beg to submit the following:

Comparative statement of the railway mail service, showing the increase in mileage, etc., for the fiscal year ended June 30, 1887, over the corresponding period of 1878–'79.

Fiscal year ended—	Miles of railroad over which mails were carried.	Steam-boat routes over which mails were carried.	Annual transportation of mails by railroads.	Length of railway post-office lines.
		Miles.	*Miles.*	*Miles.*
June 30, 1887	130,959.17	10,597.12	169,689,865	116,609.12
June 30, 1879	79,991	21,240	93,092,992	78,146.50
Increase	50,968.17	*10,642.88	76,596,873	38,462.62
Increase in per cent.	63.71	*50.10	82.28	49.22

Fiscal year ended—	Annual miles of service by railway post-office lines.	Number of railway postal clerks.	Number of pieces of mail matter handled by railway postal clerks.	Number of post-offices in the United States.
June 30, 1887	107,067,643	4,851	5,851,394,057	55,157
June 30, 1879	52,419,773	†2,609	2,659,057,540	40,855
Increase	54,647,870	2,242	3,192,336,517	14,302
Increase in per cent.	104.25	85.93	120.05	35

* Decrease.

† Postal clerks, route agents, mail-route messengers, and local mail agents.

An examination of the table shows that at the time provision was made for the nine assistant superintendents, the total number of miles of railroad on which mails were carried aggregated to 79,991, and that in the nine years succeeding, 50,968 miles were added to this service—an increase in mileage of 63 per cent. The statement further reveals the fact that the postal clerks for the fiscal year just ended handled 3,192,336,517 more pieces of mail than were handled by the railway postal clerks at the time of the passage of the original law, and that the post-offices had increased in number during the same period 14,302.

The rapid growth and necessities of this service are further indicated by the following tabular statement, taken from the report of the General Superintendent of the Railway Mail Service, found on page 580 of the Postmaster-General's report for the fiscal year ending June 30, 1887:

Miles of service on railroad, steam-boat, and closed-pouch lines during the fiscal year ended June 30, 1887.

Division.	Miles of railroad over which clerks run.	Miles of steam-boat routes upon which clerks run.	Closed-pouch service.	Total mileage.	Number of clerks appointed to lines.
			Miles.		
First	5,097.19		1,111.62	6,208.81	406
Second	11,804.69	142.50	2,659.95	14,607.14	647
Third	5,976.69	1,586.00	569.63	8,132.32	288
Fourth	11,487.37	2,639.25	1,292.83	15,419.45	361
Fifth	16,180.23	742.64	687.22	17,610.09	815
Sixth	31,639.71		3,265.22	34,904.93	1,037
Seventh	21,902.19	279.50	2,401.63	24,583.32	662
Eighth	6,340.35	475.00	1,753.01	8,568.36	154
Ninth	6,180.70		608.94	6,789.64	481
Total	116,609.12	5,864.89	14,350.05	136,824.06	4,851

Especial attention is invited to the mileage of the sixth and seventh divisions, located in the western, southwestern, and northwestern portions of the country; and in the light of this exhibit your committee fully agree with the General Superintendent that "it is utterly impossible for any one man to give them (divisions) that careful personal supervision which is necessary to insure such prompt and efficient service as the public has a right to expect."

This measure has the approval of the Postmaster-General and the General Superintendent of the Railway Mail Service; and in the belief that the two additional superintendents will largely promote the efficiency of the service, we beg to report the bill to the House with the recommendation that it do pass.

Mr. BREWER. I see that this bill provides for an increase of two in the number of these superintendents, making eleven in all. I wish to ask the gentleman in charge of the bill whether its effect will be to change the salaries of these officials.

Mr. DOCKERY. The salaries remain just as they are in the old law. There is no increase whatever.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENLISTED MEN OF THE NAVY AND MARINE CORPS.

Mr. BOUTELLE. I ask, by unanimous consent, to call up for present consideration from the House Calendar a bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing on the pay or muster rolls of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war shall be removed in all cases where it shall be made to appear, to the satisfaction of the Secretary of the Navy, from such rolls or from other satisfactory evidence, that any such appointed or enlisted man served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time he became entitled to his discharge, failed to be mustered out and to receive a discharge from the service: *Provided*, That no such appointed or enlisted man shall be relieved under this section who, not being sick or wounded, left his command, without proper authority, while the same was in presence of the enemy.

SEC. 2. That the Secretary of the Navy is hereby authorized to remove the charge of desertion standing on the pay or muster rolls of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, in all cases where it shall be made to appear, to the satisfaction of the Secretary of the Navy, from such rolls or from other satisfactory evidence, that such appointed or enlisted man charged with desertion or with absence without leave, after such charge of desertion or absence without leave, voluntarily returned to and served in the line of his duty until he was mustered out of the service, and received a certificate of discharge therefrom, or, while so absent, and before the expiration of his term of enlistment, died from wounds, injury, or disease received or contracted in the service and in the line of duty.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any appointed or enlisted man of the Navy or Marine Corps who has not received a certificate of discharge, it shall be the duty of the Secretary of the Navy to issue to such appointed or enlisted man, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any appointed or enlisted man of the Navy or Marine Corps, such man, or, in case of his death, the heirs or legal representatives of such man, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such man as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such man, the right to receive pay and bounty for any period of time during which such man was absent from his command without leave of absence: *And provided further*, That no appointed or enlisted man, nor the heirs or legal representatives of any such man, who served in the Navy or Marine Corps a period of less than six months shall be entitled to the benefit of the provisions of this act: *And provided further*, That all applications for relief under this act shall be made to and filed with the Secretary of the Navy within the period of five years from and after its passage, and all applications not so made and filed within the said term of five years shall be forever barred, and shall not be received or considered.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendment of the Committee on Naval Affairs was read, as follows:

In the second section, after the words "without leave," insert the words "and within a reasonable time thereafter."

Mr. McMILLIN. Let the report of the committee be read. This bill seems to be far-reaching in its effects, not only going to back pay, but to lay the foundation for pensions. I think we ought to have the report read, so it may go of record.

Mr. BOUTELLE. Without detaining the House to have the entire report read, I can make a brief explanation which I think will be satisfactory to the House.

Mr. McMILLIN. I think, in reference to so important a bill, the grounds on which it is advocated should be set forth at length.

Mr. BOUTELLE. I have no objection, of course, to the reading of the report. I merely suggested we might save time by allowing a brief explanation to be made.

Mr. McMILLIN. Let the report be read.

Mr. COX. Is not this the same bill that passed some time ago?

Mr. BOUTELLE. It is.

The report (by Mr. BOUTELLE) was read, as follows:

The Committee on Naval Affairs, having under consideration various bills for the removal of the charge of desertion from the records of appointed or enlisted men of the Navy or Marine Corps, ask to be discharged from the further consideration of House bills Nos. 372, 1632, 2251, 2497, 3963, 3964, 4401, 4747, and 6011, and that they may be laid upon the table, and as a substitute therefor recommend the passage of House bill No. 1508, with certain amendments, to provide for the foregoing and similar cases by a general law, to be entitled "An act to relieve certain appointed or enlisted men of the Navy or Marine Corps from the charge of desertion."

The object and effect of the legislation recommended are simply to extend to the men who served in the naval branch of the military service during the late war the benefit of the provisions of the act approved July 5, 1884, entitled "An act to relieve certain soldiers from the charge of desertion," and the act approved May 17, 1886, entitled "An act to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers." The justice and expediency of applying the same general rules to the Army and Navy in the matter of amending or correcting the military record of individuals are so obvious that your committee deem no argument necessary to sustain the proposition. Yet at the present time the charge of desertion may be promptly and lawfully removed from the record of a soldier, while there is no power to amend or correct the record of an appointed or enlisted man of the Navy or Marine Corps, whose case might be precisely similar to that of the soldier, and of course equally deserving of relief.

As explanatory of the act of July 5, 1884, and in support of the action proposed by the bill herewith reported, your committee quote the following extracts from the report of the Committee on Military Affairs of the Forty-seventh Congress:

"Your committee, in the substitute proposed, have provided in the first section of the same for the removal of the charge of desertion from all soldiers who served in the volunteer service in the late war until the expiration of the term of their enlistment, or until the 1st day of May, A. D. 1865. It is claimed, and your committee believes justly, that after the war was over and hostilities had actually ceased, a number of soldiers, long departed from their families and from their relatives and friends, feeling that the country no longer needed their services, and impatient at the delay of being mustered out, left their commands and went home without being mustered out of the service, and without receiving the certificate of honorable discharge to which their patriotic and faithful service entitled them. And while your committee would regret to see the charge of desertion removed from the record of any unworthy soldier who actually deserted his country's flag in the hour of danger, and left his comrades to brave perils he was too cowardly or too unpatriotic to share with them, yet to soldiers who had served long and faithfully, who had followed the flag until the war was regarded at an end, and the Government had entered upon the work of mustering out the volunteer forces, your committee think the charge of desertion should not be allowed to stand longer upon the rolls and records against them, but should now be removed.

"There is another class of soldiers who enlisted to serve for a certain number of years, or 'during the war,' who enlisted as volunteers to aid in the suppression of the rebellion and in the restoration of the Union, who left their homes and their families to help maintain and preserve the Government of their country; and when the war was over, as they felt, and hostilities had actually ceased, believing that their term of enlistment had actually expired, and that the country no longer needed their services for the purposes for which they enlisted, upon a refusal to muster them out, left their commands, returned to their occupations and their homes and families, and stand chargedas deserters. The first section of the proposed substitute will also relieve that class of soldiers from the charge of desertion; and while your committee hesitate to admit, under any circumstances, the right of a soldier to determine for himself the expiration of his term of enlistment, yet there is so much in favor of the class of soldiers last referred to, who, inspired by patriotism, enlisted as volunteers only to serve during the war for the preservation of the Union, and having served faithfully until it was universally recognized and felt that the war was over and that the Government no longer had any just claims upon their services, left their commands and returned to their homes, your committee, believing that there was no intention in these cases to desert the flag of their country, are of the opinion that the charge of desertion should be removed from that class of soldiers also.

"The second section of the proposed substitute is intended by your committee to relieve another class of soldiers who, having absented themselves from their commands, or deserted, after such desertion or absence without leave, voluntarily returned to their commands, and were either tried by court-martial and punished and restored to the rolls of their commands, or were restored without punishment, and who served afterwards until regularly mustered out of the service and received a regular certificate of discharge. It appears from the evidence in a number of cases where bills have been introduced by members of the House to remove charges of desertion from the record of individual soldiers, that after desertion such soldiers voluntarily returned, were tried by court-martial, and paid the full penalty of their absence without leave, or desertion, and afterwards served honorably and faithfully, in some instances receiving honorable wounds in battle, and at the close of the war were mustered out regularly and received a regular certificate of discharge. In such cases your committee are of the opinion that the charge of desertion should be removed, and that in all cases where a soldier absented himself from his command and voluntarily returned to the same, and paid the penalty of such absence, or the offense was not regarded as sufficient to require any punishment, and then served until regularly mustered out and received regular discharges, should have the charge of desertion removed.

"For these reasons your committee have recommended the passage of the substitute proposed."

In order to adapt the provisions of the law as perfectly as possible to the conditions of the naval service, your committee referred the subject-matter to the Navy Department for its suggestions, and in a communication dated March 23, 1886, Judge-Advocate-General William B. Remey, United States Navy, recommends certain amendments to House bill No. 1017, and says:

"In reply I have the honor to state that should the bill become a law it will tend to facilitate the granting of equitable relief in many cases where such relief is now delayed or prevented only by the fact that the mark of desertion appears upon the record.

"Under existing law this Department has uniformly declined to remove the mark of desertion except when it is conclusively shown that such mark has been erroneously made, or where an honorable discharge subsequently granted operates, under the decision in the case of the United States *vs.* Kelly (15 Wallace, 34), to render the removal of the mark of desertion unnecessary.

"When, at the close of the late war, a large reduction in the number of appointed and enlisted men in the Navy became necessary, and vessels of the Navy which had been engaged in the blockading squadrons returned to the North, leave of absence was given to enlisted men whose terms had not expired, as well as to some whose terms had expired, such leave, however, being only temporary and intended to cover the period necessary for adjusting the accounts of the men prior to their discharge. Such of them as failed to return to their vessels or to report at any station were necessarily marked as deserters, and although there may have been a reasonable excuse for such failure, the Department has no power to remove the mark without authority from Congress."

In view of the considerations stated, your committee recommend the passage of House bill No. 1508 with the following amendments:

In section 2, line 10, after the word "leave," insert the words "and within a reasonable time thereafter." After section 2 insert the following section:

"SEC. 3. That the charge of desertion now standing on the pay or muster rolls of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records, or from other satisfactory testimony, that such re-enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to had he remained under his original term of enlistment: *Provided*, That no appointed or enlisted man shall be relieved under this act who, not being sick or wounded, left his command without proper authority while the same was in presence of the enemy, or who, at the time of leaving his command, was in arrest or under charges, or in whose case the period of absence from the service exceeded three months."

Amend by changing the numbers of sections 3, 4, and 5 of the bill to read sections 4, 5, and 6, respectively.

Mr. MCMILLIN. Mr. Speaker, as I gathered from the reading of the bill and report, the only object is to free from the charge of desertion those who, after the ending of hostilities, supposing their time of service was ended, went home.

Mr. BOUTELLE. I will say to the gentleman from Tennessee that this bill covers the removal of the charge of desertion in several classes of cases which were provided for in the act of July 5, 1884, so far as the military service was concerned. The act of May 17, 1886, also applied to the Army. This bill absolutely and solely applies to the naval service the legislation which has been enacted for the Army.

Mr. MCMILLIN. I understand it is the unanimous report of your committee.

Mr. BOUTELLE. It is.

Mr. MCMILLIN. And that it is recommended by the Navy Department.

Mr. BOUTELLE. I was going to say, Mr. Speaker, as originally drawn it was the application of the act of July 5, 1884, to the Navy. That bill was taken by me to the Navy Department, and the bill which is now before the House was formulated by the Judge-Advocate-General of the Navy, simply applying the precise terms of the law as enacted in reference to the military service to the enlisted men of the Navy and Marine Corps. An amendment is now offered, with the entire approval of the Committee on Naval Affairs, and after careful examination. The language simply makes an addition to the act of 1884 and the act of 1886, covering another class of cases. It applies that law also to the naval service. So, as I stated at the outset, the entire bill and amendment simply apply to the sailors and marines of the Navy that which is now the law in reference to the Army of the United States.

Mr. HERBERT. The insertion of the words "and within a reasonable time" are not included in the law now, but have been added by the Committee on Naval Affairs, after careful examination.

Mr. BOUTELLE. That is so. There is a necessity for prompt action in reference to this matter. The Committee on Naval Affairs every session has referred to it a large number of private bills, asking for action in reference to certain individual cases of sailors and marines for some relief to be granted under the general law by the Adjutant-General which the Navy Department is unable to grant, and this general law is reported in lieu of those private bills.

Mr. MCMILLIN. Has the gentleman from Maine information of the number of cases affected by it?

Mr. BOUTELLE. I have no information as to the exact number, but my impression is that it is not large.

Mr. COX. Mr. Speaker, this bill was considered by the Committee on Naval Affairs, of which I had the honor of being chairman, and well considered, some three or four sessions ago. One great reason why it should be enacted into law is that it is an advance in favor of general as against special legislation. It is a step in the direction of the refinement of legislation.

The philosophy of legislation here is to do away, if possible, with particular or individual legislation; and I think we should all welcome any bill or measure which would save the House from the consideration of special bills or individual bills, and combine them all into a general bill, as this does, applying to the Navy the same provisions that have heretofore been applied, by other laws, to the Army.

The SPEAKER. The question is on agreeing to the amendments proposed.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOUTELLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the Committee on Naval Affairs will be discharged from the further consideration of the several bills referred to in the report, which will be entered upon the Journal and ordered to lie upon the table.

There was no objection, and it was so ordered.

Mr. MILLS. I move that the House do now adjourn.

ALFRED PLEASONTON.

Mr. HOOKER. I ask the gentleman from Texas to yield to me to make a report from the Committee on Military Affairs.

Mr. MILLS. Very well.

The SPEAKER. The gentleman will send the report to the desk.

Mr. HOOKER, by unanimous consent, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 2972) authorizing the President to appoint and retire Alfred Pleasonton a brigadier-general; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. TILLMAN, from the Committee on Military Affairs, reported a bill (H. R. 6894) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BUCHANAN. All points of order are reserved.

ORTHOGRAPHIC REFORM.

Mr. WARNER (by request), by unanimous consent, introduced a bill (H. R. 6895) for the appointment of a commission on the reform of orthography; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

WESTERN CHEROKEE INDIANS.

Mr. COBB, by unanimous consent, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 1407) authorizing the Court of Claims to hear, determine, and render judgment upon the claims of the "Old Settlers" or Western Cherokee Indians; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADJUSTMENT OF ACCOUNTS UNDER THE EIGHT-HOUR LAW.

Mr. TAULBEE submitted the following resolution of inquiry; which was read, and referred to the Committee on Labor:

Resolved, That the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster-General, and the Attorney-General be, and they are hereby, requested to inform the House what amounts are deemed necessary to pay the claims arising in their respective Departments under the provisions of a bill now pending in the Senate, entitled "A bill providing for the adjustment of the accounts of laborers arising under the eight-hour law," and numbered 1853, should said bill become a law.

ORDER OF BUSINESS.

Mr. MILLS. I now insist upon the motion that the House adjourn.

The question was taken; and on a division there were—ayes 84, noes 21.

So the motion was agreed to; and accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 6834) for the relief of Charles C. Whiteside—to the Committee on Invalid Pensions.

By Mr. BLISS: A bill (H. R. 6835) to increase the pension of Lewis M. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6836) to remove the charge of desertion from the military record of Emil Hœninghaus—to the Committee on Military Affairs.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 6837) for the relief of Fanny Lafferty—to the Committee on War Claims.

Also, a bill (H. R. 6838) for the relief of John B. Martin—to the Committee on War Claims.

Also, a bill (H. R. 6839) for the relief of James L. Martin—to the Committee on War Claims.

By Mr. BURROWS: A bill (H. R. 6840) for the relief of Hiram M. Goss—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 6841) for the relief of Elisha N. Warfield—to the Committee on War Claims.

By Mr. DUBOIS: A bill (H. R. 6842) to grant to the town of Moscow, in Idaho Territory, certain lands for cemetery purposes—to the Committee on the Public Lands.

By Mr. ENLOE: A bill (H. R. 6843) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River at any point on the line between the counties of Decatur and Perry, in the State of Tennessee, it may deem acceptable—to the Committee on Commerce.

By Mr. FINLEY: A bill (H. R. 6844) for the relief of H. L. Phillips—to the Committee on Claims.

Also, a bill (H. R. 6845) granting a pension to John Witham—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 6846) for the relief of David T. Hayton—to the Committee on Military Affairs.

By Mr. FORNEY: A bill (H. R. 6847) to restore to the pension-rolls Elizabeth Peters—to the Committee on Pensions.

By Mr. GROUT: A bill (H. R. 6848) granting a pension to Lucinda Clark—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 6849) to reimburse Mary W. Douthett for United States bonds and coupons owned by her and destroyed by fire—to the Committee on Claims.

Also, a bill (H. R. 6850) for the relief of Jeremiah Friend—to the Committee on Military Affairs.

Also, a bill (H. R. 6851) granting a pension to George L. Beighley—to the Committee on Invalid Pensions.

By Mr. HOVEY: A bill (H. R. 6852) for the relief of Albertina Eberlin—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 6853) for the relief of Henry D. Posey—to the Committee on War Claims.

By Mr. MATSON: A bill (H. R. 6854) for the relief of Charles B. Garrett—to the Committee on Military Affairs.

By Mr. MERRIMAN: A bill (H. R. 6855) granting a pension to Mary Still—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6856) to remove the charge of desertion from the military record of Philip Crook—to the Committee on Military Affairs.

By Mr. MILLS: A bill (H. R. 6857) for the relief of J. H. Halsey—to the Committee on Patents.

By Mr. MONTGOMERY: A bill (H. R. 6858) for the relief of John Keith—to the Committee on War Claims.

Also, a bill (H. R. 6859) for the relief of Silas Jourdan—to the Committee on War Claims.

Also, a bill (H. R. 6860) for the relief of Pius Boothe—to the Committee on War Claims.

By Mr. NEAL: A bill (H. R. 6861) for the relief of Miles A. Dungan—to the Committee on War Claims.

By Mr. O'FERRALL: A bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew—to the Committee on Claims.

By Mr. PENINGTON: A bill (H. R. 6863) for the relief of William W. S. Davis—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 6864) granting a pension to William H. Hester—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 6865) to increase the pension of John W. Baynum—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 6866) to remove the charge of desertion from William Cramer—to the Committee on Military Affairs.

Also, a bill (H. R. 6867) granting a pension to Alevilda A. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6868) to restore the name of Mary McManus to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 6869) for the relief of Abraham Brafman—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 6870) for the relief of Milton Livingston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6871) granting a pension to Joseph Hanerwas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6872) for the relief of Bridget Turley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6873) for the relief of George Ward—to the Committee on Military Affairs.

Also, a bill (H. R. 6874) for the relief of John Moroney—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 6875) for the relief of John C. Lummis—to the Committee on War Claims.

Also, a bill (H. R. 6876) for the relief of W. Carlisle—to the Committee on War Claims.

Also, a bill (H. R. 6877) for the relief of William W. Edwards—to the Committee on War Claims.

Also, a bill (H. R. 6878) for the relief of Joseph Spencer—to the Committee on War Claims.

By Mr. SYMES: A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State—to the Committee on Private Land Claims.

By Mr. J. D. TAYLOR: A bill (H. R. 6880) granting a pension to Thomas Blazer—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 6881) for the relief of William Buckner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6882) granting a pension to Mrs. Elizabeth Dobyus—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 6883) granting a pension to Mary E. De Lamater—to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 6884) granting a pension to Jesse Stanton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6885) for the relief of D. K. Ponder, of Ripley County, Missouri—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 6886) granting a pension to Hannah McKee—to the Committee on Invalid Pensions.

By Mr. GUENTHER: A bill (H. R. 6893) granting a pension to Ellen Edwards—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 2194) for the relief of William H. Manning—from the Committee on War Claims to the Committee on Claims.

Also, a bill (H. R. 2504) granting pay and allowance to Second Lieut. Samuel Bevins—from the Committee on Invalid Pensions to the Committee on Military Affairs.

Also, a bill (H. R. 3011) for the relief of Nimrod McKee—from the Committee on Invalid Pensions to the Committee on Claims.

Also, a bill (H. R. 4599) authorizing and directing the Secretary of the Treasury to pay to the city of Cincinnati, Ohio, one-half the cost of constructing pavement in front of the United States custom-house in said city, and making an appropriation therefor—from the Committee on Claims to the Committee on Appropriations.

Also, a bill (H. R. 5080)—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

Also, a bill (H. R. 5899) for the relief of American Postal Machines Company—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

Also, a bill (H. R. 1151) for the relief of the legal representatives of A. F. Saint Sure Lindefelt—from the Committee on Military Affairs to the Committee on Invalid Pensions.

Also, a bill (H. R. 2417) granting a pension to John Ward—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 4202) for the relief of R. B. Baptiste—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

Also, a bill (H. R. 4958) to reimburse depositors in the Freedman's Bank—from the Committee on Appropriations to the Committee on Claims.

Also, a bill (H. R. 5906) for the relief of Francis McNeil Potter—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 6351) for the relief of Reuben Ragland—from the Committee on Claims to the Committee on War Claims.

Also, a bill (H. R. 6587) for the relief of John Jordan—from the Committee on Naval Affairs to the Committee on War Claims.

Also, a bill (H. R. 6075) for the relief of William Wolff—from the Committee on Invalid Pensions to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of Isaac W. Rhawn, late of Company K, Forty-fifth Regiment Pennsylvania Volunteers, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. T. H. B. BROWNE: Petition of Samuel B. Chapman and others, citizens of Gloucester County, Virginia, for the improvement of Ware River, Virginia—to the Committee on Rivers and Harbors.

Also, petition of Elizabeth G. Elliott, for Revolutionary war pension—to the Committee on Pensions.

Also, papers in claim of Annie M. Smith, of Accomack County, Virginia—to the Committee on War Claims.

By Mr. BURNES: Petition of Tootte, Hosea & Co., and numerous other business firms and others, citizens of St. Joseph, Mo., in behalf of the bill of Hon. S. S. Cox to fix the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CARLTON: Petition of the faculty of the University of Georgia, at Athens, for the passage of an international copyright law—to the Committee on Patents.

By Mr. CARUTH: Paper in relation to the bill for the relief of Max Von Eik—to the Committee on Military Affairs.

By Mr. CATCHINGS: Petition of business men of Liberty, Va., for the abolition of duty on salt—to the Committee on Ways and Means.

By Mr. COLLINS: Affidavits of Sanford Stewart, treasurer American Postal Machines Company, P. J. Hughes, superintendent of mails, and T. J. Boynton, post-office inspector—to the Committee on the Post-Office and Post Roads.

By Mr. COMPTON: Petition for the relief of stall-holders in the Northern Liberty market-house—to the Committee on the District of Columbia.

Also, petition for the relief of Trinity parish, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COWLES: Petition of John F. Phifer, of Lincoln County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. R. H. M. DAVIDSON: Petition of the Grand Division of Sons of Temperance, for a national prohibitory constitutional amendment—to the Committee on the Judiciary.

By Mr. ELLIOTT: Petition of citizens of Bloomingdale, of Darlington, of Conway, of Pineway Ferry, of Choppee, and of Savage, S. C., for the improvement of Winyaw Bay—to the Committee on Rivers and Harbors.

By Mr. FARQUHAR: Petition of 4,074 merchants and manufacturers of Baltimore, Boston, Chicago, New Orleans, New York, and Philadelphia, for the abolition of taxes or license fees imposed upon commercial travelers—to the Committee on Commerce.

By Mr. FLOOD: Petition of Gamaliel Benjamin, for reimbursement

for services rendered in detecting the fraudulent-pension claim of Eliza A. Bogart—to the Committee on Claims.

By Mr. FORNEY: Papers in the claim of Lemuel Powers, of Cherokee County, Alabama—to the Committee on War Claims.

By Mr. FUNSTON: Petition of Grange No. 350, Patrons of Husbandry, of Cadmus, Kans., against the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. GLASS: Petition of Elizabeth Rogers, for reference of her war claim to the Court of Claims—to the Committee on War Claims.

Also, memorial of citizens of Dyer County, Tennessee, for an appropriation to improve the navigation of Forked Deer River—to the Committee on Rivers and Harbors.

By Mr. GOFF: Petition of Cornelius Piles, and others, for relief of James H. Johnson—to the Committee on Military Affairs.

By Mr. GROUT: Petition of E. J. Ormsbee, governor of Vermont, and other prominent citizens, for a pension to Lucinda Clark—to the Committee on Invalid Pensions.

By Mr. HALL: Petition and accompanying papers of Mary W. Douthett, in favor of the passage of House bill 7212—to the Committee on Claims.

By Mr. HAYES: Petition of the Academy of Natural Sciences of Davenport, Iowa, for republication of the special consular report on cattle and dairy farming—to the Committee on Printing.

By Mr. HOLMAN: Papers in the claim of A. Schwartz, of the District of Columbia—to the Committee on Claims.

By Mr. S. I. HOPKINS (by request): Petition of R. B. Clayton, L. M. Morris, and others, citizens of Liberty, Bedford County, Virginia, for the repeal of the tariff on salt—to the Committee on Ways and Means.

Also (by request), protest of the American, Atlantic and Pacific Ship-Canal Company, against the passage of the bill to incorporate the Maritime Canal Company of Nicaragua—to the Committee on Foreign Affairs.

Also, papers in the claim of Mildred Parsons, of Lynchburgh, Va.—to the Committee on War Claims.

By Mr. JACKSON: Petition of C. H. Dunlap and 60 others, citizens of New Castle, Pa., against the admission of Utah as a State—to the Committee on the Territories.

By Mr. KEAN: Petition of the Grand Division of Sons of Temperance of New Jersey, for a national commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McKINLEY: Petition of clerks in the post-office at Cleveland, Ohio, for adjustment of salaries—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pipe-Makers' Association, for a revision of the tariff in relation to clay pipes—to the Committee on Ways and Means.

Also, resolutions of the National Grange, of Lansing, Mich, expressing its views on various matters of public policy—to the Committee on Agriculture.

By Mr. McSHANE: Petition of the Woman's Christian Temperance Union of Nebraska, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. MILLS: Petition of Julius H. Holsey, for extension of letters patent—to the Committee on Patents.

By Mr. NELSON: Resolutions of the Board of Trade of Minneapolis, Minn., in favor of reciprocity treaties between Canada and Mexico and the United States—to the Committee on Foreign Affairs.

By Mr. NEWTON: Petition of citizens of Farmerville, La., for charter to the Little Rock and Alexandria Railway Company to construct a bridge across Bayou D'Arbonne, near Farmerville—to the Committee on Commerce.

By Mr. NICHOLS: Papers in the claim of Minerva Tilley, and of Joseph E. Hogan, of Orange County; of Harvey Dunham, and of Needham G. Gully, of Johnson County; of John J. Fearrington, of Chatham County; of Mrs. Susan Hagard, of Cumberland County, and of John B. Sugg, of Drury Partin, of Nelson T. Thompson, of Maria P. Royster, and of Joseph D. Hayes, of Wake County, North Carolina—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of the faculty of the University of Virginia, for the enactment of a copyright law—to the Committee on Patents.

By Mr. PARKER: Protest of miners of West Virginia, against placing soft coal upon the free-list—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of Alwilda A. Wheeler, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. RAYNER: Petition of William Sands and others, citizens of Pennsylvania, for relief of cigar-makers—to the Committee on Ways and Means.

By Mr. RICE: Petition of 109 citizens and business men of St. Paul, Minn., for classification and grading of clerks in first-class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Board of Trade of Minneapolis, Minn., in regard to enlarging the scope of trade between the United States and the Dominion of Canada—to the Committee on Commerce.

Also, petition of 69 citizens and business men of St. Paul, Minn., for classification and grading of clerks in first-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. ROGERS: Petition for the relief of William O. Knoble, of Hot Springs, Ark.—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Petition of John Dardis, for relief from the charge of desertion—to the Committee on Military Affairs.

By Mr. SCOTT: Petition of citizens of the Twenty-seventh district of Pennsylvania, against the admission of Utah—to the Committee on the Territories.

By Mr. SHERMAN: Petition of 260 operatives of the Empire Woolen Company, of Clayville, N. Y., and of the Globe Woolen Company and other citizens of Utica, N. Y., for the passage of resolution of Mr. C. R. BRECKINRIDGE, classifying worsted cloth as woolen cloth—to the Committee on Ways and Means.

Also, petition of employés of the Globe Woolen Company, of Utica, N. Y., for the same—to the Committee on Ways and Means.

By Mr. SIMMONS: Papers in the claim of Daniel Daugherty, of Craven County; of Dorsey S. Deloatch, of Northampton County, and of Freeman Hines, of Jones County, North Carolina—to the Committee on War Claims.

By Mr. J. D. STEWART: Remonstrance of W. A. Hemphill and 300 others, citizens of Atlanta, and of F. H. Richardson and 100 others, citizens of Macon, Ga., against the passage of the cotton-seed lard bill—to the Committee on Ways and Means.

By Mr. SYMES: Two petitions of citizens of Greeley, Colo., in regard to postage on certain articles—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Abraham McGee, of Lauderdale County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of A. Hastings Ross and 120 others, citizens of Port Huron, Mich., against the admission of Utah as a State with polygamy—to the Committee on the Territories.

By Mr. WHITTHORNE: Petition of J. H. Peoples, executor of Henry Harris, of Maury County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. YOST: Petition of the Woman's Christian Temperance Union of the District of Columbia, for a national prohibitory constitutional amendment—to the Committee on the Judiciary.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. CANDLER: Of citizens of Fannin County, Georgia.

By Mr. CARLTON: Of L. C. Breckinridge, of Madison County; of M. J. Calloway and others, and of C. F. Roberts and others, of Hancock County, and of W. C. Hall and others, of Franklin County, Georgia.

By Mr. CATCHINGS: Of citizens of Russellville, Warren County, Mississippi.

By Mr. COWLES: Of Anderson Ward and others, and of E. E. Hendren and others, of Wilkes County, North Carolina.

By Mr. GLASS: Of citizens of Gold Dust, Tenn.

By Mr. O'FERRALL: Of citizens of Shockeysville, Frederick County, Virginia.

By Mr. PUGSLEY: Of M. McCoy and 44 others, citizens of Ross County; of J. W. Smith and 34 others, citizens of Browne County, and of D. F. Conklin and 47 others, citizens of Clinton County, Ohio.

By Mr. RICHARDSON: Of A. W. Harris and 22 others, citizens of Marshall County, Tennessee.

By Mr. ROWLAND: Of citizens of Eoka, Columbus County, and of Turnout, N. C.

By Mr. SCOTT: Of citizens of Juva, Itley, Six Mile Creek, Wayne, Hammett, and Hatch Hollow, Erie County; of Coal City, of Coal Hill, of Fertigs, of Nectarine, of Polk, of Porterfield, of Seneca, of Ten Mile Bottom, Venango County, and of East Branch, of Spring Creek, and of West Spring Creek, Warren County, Pennsylvania.

By Mr. SIMMONS: Of A. W. Kennedy and others, of Institute, Lenoir County, North Carolina.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. J. R. WHITING: Of Charles E. Ross, M. D., and 133 others, citizens of Clair County, Michigan.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BIGGS: Of 136 citizens of the Second district of California.

By Mr. COMPTON: Of 165 citizens of the District of Columbia.

By Mr. ROMEIS: Of 202 citizens of the District of Columbia.

By Mr. C. A. RUSSELL: Of Rev. Martin Kellogg and 115 others, citizens of the Third district of Connecticut.

By Mr. WEBER: Of 125 citizens of the Thirty-third district of New York.

By Mr. WICKHAM: Of 151 citizens of Lorain, Ohio.

SENATE.

WEDNESDAY, *February* 8, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

FORT HALL INDIAN RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of 4th instant from the Secretary of the Interior, submitting, with other papers, a draught of "a bill to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes."

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 7, 1888.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 30, 1888, information as to what communications have been had with the Dominion of Canada since the abrogation of article 30 of the treaty of Washington; what agreements have been arrived at touching the transportation of goods across the boundary line in bond; what methods have been taken to protect the revenue derived from bonded goods; and what has been done to enforce the second clause of section 6 of the interstate-commerce law; which, on motion of Mr. FRYE, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in accordance with section 232 of the Revised Statutes, an abstract of the militia force of the United States, organized and unorganized, according to the latest returns received by the Adjutant-General of the Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of the Interior, in response to a resolution of January 19, 1888, transmitting statements in detail of the plan of legislation referred to on page 23 of his annual report as to the legislation needed for the disposal of the public timber lands so as to secure the preservation of the natural forest lands at the headwaters of navigable rivers, and to allow settlers legal means for providing themselves with timber for building their homes, for fuel, and other domestic purposes; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bill and joint resolution, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 1215) to amend section 5209 of the Revised Statutes of the United States; and

Joint resolution (H. Res. 54) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 3749) for the relief of Frank Baker;

A bill (H. R. 2611) for the relief of Joseph W. McClurg; and

A bill (H. R. 2068) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service.

The bill (H. R. 221) increasing the pension of John C. Johnston was read twice by its title, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of 139 citizens of the Third, Fifth, Seventh, and Tenth Congressional districts of Iowa, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of 155 citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce, of New Haven, Conn., praying Congress that an international marine conference may be invited by the United States; which was referred to the Committee on Foreign Relations.

Mr. DAWES. I present the petition of Gardiner G. Hubbard, in favor of the passage of a bill for the establishment of a system of postal telegraph, which I ask may be referred to the Committee on Post-Offices and Post-Roads, and as on the 22d of January the remonstrance of the president of the Western Union Telegraph Company was presented and ordered to be printed in document form by the Senate, I ask that this petition may be printed in like form.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Post-Offices and Post-Roads, and it will be printed as requested, if there be no objection.

Mr. DAWES presented the petition of Henry P. Walcott, Francis H. Appleton, Charles L. Flint, Joseph S. Fay, and 86 other citizens of Massachusetts, praying for the passage of Senate bill 1779, for the protection of the forests on the public domain; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present a petition of 130 citizens of the Tenth Congressional district of Massachusetts, which is indorsed "begging for prohibition in the District of Columbia." I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PAYNE presented a petition of 259 citizens of the Sixth, Twelfth, Fourteenth, Sixteenth, and Eighteenth Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. FRYE presented petitions of the Mercantile Exchange of New York; Mechanics' Exchange of New Orleans; Mechanics' Exchange of Providence, R. I.; Board of Lumber Dealers of Cleveland, Ohio; Cotton Exchange, Vicksburg, Miss.; Board of Trade of McKeesport, Pa.; Board of Trade of Kansas City, Mo., and Chamber of Commerce of Birmingham, Ala., praying for a congress of maritime nations; which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of 167 citizens of the Seventh and Fifteenth Congressional districts of Illinois, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EVARTS presented a petition of 354 citizens of the Fourteenth, Sixteenth, Twenty-sixth, Twenty-eighth, Thirty-first, Thirty-third, and Thirty-fourth Congressional districts of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented a petition of members of the Woman's Christian Temperance Union and other citizens of Elmer, N. J., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I present a petition, with sundry accompanying papers, of Sarah J. Foy, of Rutland, Vt., praying to be allowed a pension. I move that the petition and papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McPHERSON presented a petition of members of the faculty of Rutgers College, at New Brunswick, N. J., praying for the passage of an international copyright law; which was referred to the Committee on Patents.

Mr. McPHERSON. I present a petition from many citizens of New Jersey, praying for the better legal protection of young girls in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. QUAY presented a petition of ex-soldiers, citizens of Somerset County, Pennsylvania, praying for the passage of a law giving a service pension to all honorably discharged soldiers and the widows of such soldiers; which was referred to the Committee on Pensions.

Mr. SPOONER presented the petition of Peter Parkinson and 75 other citizens of La Fayette County, Wisconsin, praying that the surviving soldiers of the Black Hawk Indian war be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. PASCO presented a petition of the Grand Division of the Sons of Temperance of Florida, praying for the appointment of a national commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented a petition of 174 citizens of the Third, Twelfth, and Thirteenth Congressional districts of Wisconsin, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS. I present a petition purporting to be the petition of sundry citizens of Hancock's Bridge, N. J., praying that by appropriate legislation exemplary penalties be provided for seduction, with or without promise of marriage, and for the defilement of the persons of young girls, without or with consent, under the age of at least eighteen years, in the District of Columbia, and in all other localities under the jurisdiction of Congress. Why this petition was sent to me I do not know. I move its reference to the Committee on the District of Columbia, as it refers to the District.

The motion was agreed to.

Mr. SHERMAN presented resolutions adopted at a meeting of Ford Post, No. 14, Department of Ohio, Grand Army of the Republic, in favor of placing on the pension-roll all officers and enlisted men who served in the Army or Navy between March 4, 1861, and February 1, 1866, at the rate of 1 cent per month for each day's service performed, in ad-

dition to invalid pensions for disability; which were referred to the Committee on Pensions.

Mr. SABIN presented a petition of 135 citizens of the First, Second, and Fourth Congressional districts of Minnesota, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of St. Croix County, Wisconsin, praying that the courts of the United States decide the meaning of the granting and indemnity clauses in acts granting lands to railways; which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Minnesota, officially signed, representing 4,000 members, praying for the abolition of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented resolutions adopted by the Duluth (Minn.) Board of Trade, in favor of the passage of the bill embodying the suggestions of the Secretary of the Navy in regard to establishing a naval militia; which were referred to the Committee on Naval Affairs.

He also presented resolutions adopted by the Winona (Minn.) Board of Trade, indorsing the resolutions adopted by the Mississippi River Improvement Convention, held at Dubuque, January 17 and 18, 1888, in relation to the improvement of the Mississippi River; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 212) for the relief of Patrick H. Winston, jr., reported it with an amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Claims, to whom was referred the bill (H. R. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 1904) granting a pension to Albert G. Torney; which was read twice by its title, and, with the accompanying papers, referred the Committee on Pensions.

Mr. COKE introduced a bill (S. 1905) to define and regulate the jurisdiction of the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 1906) granting a pension to Matilda Bleumner; which was read twice by its title.

Mr. COCKRELL. I present, to accompany the bill, a letter from the Pension Office and a brief statement of the case, which I move be referred with the bill to the Committee on Pensions.

The motion was agreed to.

Mr. FRYE introduced a bill (S. 1907) granting a pension to Lloyd H. Snell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 1908) for the relief of George B. Hansell; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 1909) for the relief of Ferdinand Hercher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 1910) for the relief of James Gaster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1911) for the relief of Stephen O'Connor; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1912) granting an increase of pension to William Irving; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1913) for the erection of a public building at Emporia, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PAYNE introduced a bill (S. 1914) for the relief of Mary E. Hopkins; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLUMB. In connection with the last bill, I ask that the bill I introduced early in the session in regard to public buildings, a general bill, and requested to lie on the table, be taken from the table and referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The title will be reported.

The SECRETARY. A bill (S. 736) to provide for the erection of public buildings for post-office and other purposes.

Mr. PLUMB. I move that that bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MORRILL introduced a joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution; which was read twice by its title.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on the Library.

Mr. MORRILL. I hardly think it necessary to refer the joint resolution. Let it be printed, and lie on the table.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

J. D. AND C. T. HEWLET.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be requested to transmit to the Senate, for use of the Committee on Indian Affairs, all papers in relation to the claim of J. D. and C. T. Hewlet, sent to that body on the 5th of January last, in in compliance with the act of May 15, 1886.

HEARINGS AS TO ADMISSION OF NEW STATES.

Mr. PLATT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories be, and they are hereby, authorized to employ a stenographer to report the arguments made before them relative to the admission of Dakota or other Territories as States in the Union, and have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion;

A bill (H. R. 1648) providing for the holding of the United States courts in the city of Newark, N. J.;

A bill (H. R. 3263) to amend sections 5365 and 5366 of the Revised Statutes of the United States;

A bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"

A bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of Alabama;

A bill (H. R. 5931) to amend the internal-revenue laws, and for other purposes;

A bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service; and

A bill (H. R. 6558) regulating the emolument returns of civil officers of the United States.

RELATIONS WITH CANADA.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions to be offered, the Chair lays before the Senate a resolution coming over from a former day, introduced by the Senator from Kansas [Mr. PLUMB].

Mr. FRYE. The next resolution in order on the Calendar after that one is a resolution offered by me requesting the Committee on Foreign Relations to get certain information. I am very anxious that that resolution shall pass, so that the committee may enter upon the business which it assigns to it. When the resolution was first read, the objection made to it by the Senator from Missouri [Mr. COCKRELL] was made by a misapprehension. He supposed that it was a call on the Secretary of State for information. It is simply a request upon the Committee on Foreign Relations to obtain certain information. I ask that that resolution may be taken up, as it is next in order.

The PRESIDENT *pro tempore*. Does the Senator desire to have the pending resolution laid aside?

Mr. FRYE. Let it be laid aside informally.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of the resolution referred to by him.

Mr. PADDOCK. I wish to inquire what has become of the other resolution?

The PRESIDENT *pro tempore*. It is temporarily laid aside to enable the Senate, at the request of the Senator from Maine, to proceed to the consideration of a resolution the title of which will be reported.

The CHIEF CLERK. A resolution directing the Committee on Foreign Relations to prepare a statement showing the political organization of the Dominion of Canada.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. FRYE. The resolution has been read once at length. I ask to amend it, in clause 1, by inserting in the second line, between the word "the" and the word "relations," the word "geographical," and by striking out the last six words, "as well as to Great Britain."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2 of the first paragraph, between the word "the" and the word "relation," it is proposed to insert the word "geographical;" and after the words "United States," in line 3, to strike out "as well as to Great Britain;" so as to make the resolution read:

Ordered, That the Committee on Foreign Relations be authorized and directed to prepare for the use of the Senate a statement showing—

1. The political organizations of the Dominion of Canada and of the several

provinces of which it is composed, and the geographical relations sustained by the same to the United States.

2. The several treaties, commercial or otherwise, that have been made between the United States and Great Britain in behalf of the Dominion of Canada, or any of the several provinces composing the same, and the present condition or status of said treaties.

3. The commercial relations established by the statutes of the United States between the United States and the Dominion of Canada, or any of the provinces composing the same.

4. The amount and value of the commerce and trade, subject to duty, between the United States and the Dominion of Canada, or the provinces of which it is composed.

5. The amount and value of the "transit" trade or commerce of the Dominion of Canada, not subject to duty, passing through the territory of the United States between said Dominion and countries other than the United States.

6. The amount and value of the commerce and trade between the Dominion of Canada, and the provinces of which it is composed, and all other countries, including the United States.

7. The area of the Dominion of Canada, and of the several provinces that compose it, and the population of the same, including Newfoundland.

8. The amount of the funded and floating debts of the Dominion of Canada, and of the several provinces of which it is composed, and the objects for which they were created.

9. The revenues, from whatever source, of the Dominion of Canada, and of the several provinces composing the same, including Newfoundland, and the current charges against the same.

10. The several railroads that have been constructed in the Dominion of Canada, and within the provinces of which it is composed, including Newfoundland; the mileage of the same; the cost of the same; the share capital, funded and floating debt of the same; the guaranties or undertakings of Great Britain, or of the Dominion of Canada, or of the several provinces composing the same, including Newfoundland, on account of such railroads; the tonnage, earnings, and operating expenses of the same.

The PRESIDENT *pro tempore*. The amendment requires no action by the Senate. Will the Senate agree to the resolution as modified?

The resolution as modified was agreed to.

THE MAIL SERVICE.

The PRESIDENT *pro tempore*. The resolution coming over from a previous day, submitted by the Senator from Kansas [Mr. PLUMB], will be read.

The Chief Clerk read the resolution submitted by Mr. PLUMB January 30, 1888, as follows:

Whereas there have been for many months serious complaints as to the inefficient character of the mail service, especially in the West and South, and the same continue, indicating that the trouble is of a permanent character:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to make thorough inquiry into the cause of such inefficient mail service, and report to the Senate their conclusions thereon, with suggestions as to remedy.

Mr. PADDOCK. I should like to state, on behalf of the Senator who introduced the resolution, the junior Senator from Kansas [Mr. PLUMB], that he is detained in the Committee on Agriculture on an important hearing before that committee, and the resolution had better go over until he can be present. I think he would like to be present when the resolution is considered.

The PRESIDENT *pro tempore*. The resolution will lie over and retain its place on the Calendar, if there be no objection.

ALIEN OWNERSHIP OF MINERAL LANDS.

Mr. STEWART. I move that the Senate proceed to the consideration of Senate bill 1176.

Mr. COCKRELL. I hope we shall proceed with the Calendar.

The PRESIDENT *pro tempore*. The motion of the Senator from Nevada can not be entertained by the Chair before 1 o'clock, except by unanimous consent.

Mr. STEWART. I ask unanimous consent. I think the bill will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the Senate proceed to the consideration of the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Mines and Mining with an amendment, to strike out all after the enacting clause and insert:

That the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, be, and the same is hereby, amended by inserting after section 4 of said act the following:

"*Provided, however*, That this act shall not relate to, or in any manner affect, the title to mineral lands or mining claims in the Territories of the United States, which have been acquired or held under the mineral land laws of the United States, nor to mills or other reduction works or property used in the production of metals from said mineral lands or claims; but, as to all such mineral lands, mining claims, mills, reduction works, and other property, the laws of the United States and of the Territories shall be and remain the same as though this act had not passed."

Mr. STEWART. I will say one word in explanation of the bill. It only applies to the mineral lands acquired under our mineral land laws. Those lands are pretty well guarded against monopolies, and the foreign capital which has been invested in developing them in the last thirty years has been beneficial. Foreign capitalists have probably expended more money than they have taken out of them. At all events, it is a business where the owners have to employ a great many people and spend a large amount of money, and whether they are foreigners or natives makes no difference. If they will develop the mines in the Territories and furnish employment, it is entirely satisfactory to the people.

I believe there is a universal desire among those who are familiar with the subject that this particular kind of property—mines which require large capital for their development, as they usually do—should remain under the law as it stood before the alien land law was passed. That law was directed mainly and properly against acquiring agricultural lands so as not to operate against private settlers and citizens, and prevent them from obtaining homes. The object of the bill is to restore the law as it had stood for the last thirty years, and its operation was entirely satisfactory.

Mr. MITCHELL. I indorse fully all that has been said by the chairman of the Committee on Mines and Mining. I hold in my hand a letter addressed to me by Hon. JOSEPH K. TOOLE, the Delegate in Congress from the Territory of Montana, and I should like to have it read in this connection, so that it may go in the RECORD.

The PRESIDENT *pro tempore*. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

WASHINGTON, D. C., *January* 1, 1888.

MY DEAR SIR: Having observed that you have introduced in the Senate a bill to modify the alien land law and feeling a deep interest in this proposed legislation, I venture to make a few suggestions which I hope will show the injustice and inexpediency of the present law and furnish some reasons for modification whereby mineral lands shall be exempted from its operation.

An examination of the CONGRESSIONAL RECORD will show that the reasons for the passage of the act applied entirely to agricultural lands and were based upon the fact that large areas of such were purchased and held by aliens, estates which were increasing in value from year to year. This is not, and never can be, true of mineral lands, for the following reasons:

First. Under the land laws of the United States a lode claim can not exceed a parallelogram whose dimensions are 600 feet wide and 1,500 feet long; and a placer claim can not exceed 20 acres.

Second. It is uniformly true that such lands do not enhance in value by the lapse of time, but upon the contrary are worthless for any purpose after the mineral in them has been exhausted.

What reason is there, then, for laying this embargo upon the Territories? The owners who have generally sought foreign markets have been poor men, who have only done so when they could not obtain money in the immediate locality, or the great money centers of the United States, and the question of obtaining capital abroad has generally been of vital importance, as the owners have often been at the time seriously in debt for preliminary work upon their properties, and if they have failed to obtain what they require there, they have sometimes had to abandon their properties, their workmen have been thrown out of employment, and the owners, if not ruined, have lost the labor of years.

In other cases the owner has simply gone abroad, as the United States railroad companies and similar concerns go, to the cheapest money market, and by so doing the owner has managed to retain a much larger interest in his property; or he has gone there for assistance to prevent being "frozen out," or to sell at a higher figure.

Owing to depressed trade, or to the greater attraction of other enterprises, there are, as you know, periods, frequently of years' duration, when it is simply impossible to get money employed in any part of the United States for new mining enterprises, except to a limited degree locally, and during that period there must be much curtailment of labor and much sacrifice of poor men's interest if the needy owner can no longer obtain what he requires from Europe.

The promoters of the mining section of the act can scarcely have realized the immense area that exists in the Territories, the countless lodes discovered and awaiting capital for development, and the still greater number awaiting discovery. The surplus capital of the United States, great as it is, will not for hundreds of years fail to find a larger field than it can occupy.

Think of the small area of the Cornish mines—so small that it would scarcely be found on one of our maps if it formed part of our country—and you will realize the fact that this spot has required millions upon millions of pounds to develop, and that many important discoveries have been made within the last few years after working and prospecting for eight hundred years.

It is not generally known or realized by men unacquainted with mining that to develop a limited portion of one lode, to provide mills, works, horses, etc., requires from $250,000 to a sum represented by the enormous outlay made upon such lodes as the Anaconda in Montana Territory.

Fears have been expressed in some quarters that the foreign investor may obtain too large a return for his money. Those who know the facts know that it is not so, for even where the mines are profitable (and certainly three out of four of them are not profitable), the net returns from the hazardous investments rarely exceed more than one-tenth of the gross yield of the mine, the other nine-tenths being employed in the payment of wages and the purchase of stores and supplies, all of which are supplied by works in the United States, and the general average of the return on capital, as I can prove by actual results obtained by English companies working in America, is less than the average local rate of interest in the United States, excluding the high rates of the Territories.

Then, again, all the first outlay for buildings, purchase of machinery, tramways, and other works benefits Eastern and Western manufacturers and workmen, for all the machinery and materials are obtained in America. Already since the passing of the alien act the English capital for investment in foreign mines has been directed largely to the Spanish-speaking part of America, to the British colonies and South Africa. In such cases the machinery and supplies are generally ordered in England.

An advantage which must have come under your notice frequently arises from the success of foreign capital when American Eastern capital will not at first invest in a new district, but the success of the foreign enterprise, which was at first deemed too risky by Eastern capitalists, has immediately led to the influx of American capital into the district.

The above points may be summarized as follows:

First. That the employment of foreign capital in mines has not led, and is not likely to lead, to any permanent holding of real estate.

Second. That the mining area occupied by foreign capital is extremely small and can never be larger.

Third. That foreign capital has frequently acted as a pioneer in new districts, and has led United States capital to follow.

Fourth. That foreign capital has assisted the poorer mine-owners at times, when but for such assistance the mines would be stopped.

Fifth. That its employment has given employment to many workmen and whole communities at the mines, and has benefited Eastern and Western American capitalists and workmen by giving orders for machinery and supplies.

Sixth. That notwithstanding the risky character of the business the remuneration of foreign capital has not averaged more than ordinary legal interest upon well-secured loans current in the United States.

With respect to the amendment of the act, your plan to simply exclude mining claims from its operation is by far the simplest and best, and the only one which will fully restore confidence abroad. But assuming that this is found to be impossible, and if a compromise has to be agreed to, I would suggest that the mine-owners have power to lease their properties to aliens for a period, say, not exceeding ninety-nine years, and I would also suggest that section 2 of the act

should not operate against mining companies owning a limited number of acres of real estate. If the operation of that section was changed so as to apply to mining properties, then corporations formed in America for the purpose could purchase the mines and could lease to aliens or alien companies, and aliens could even acquire a right to purchase shares in the American company, owning the reserved rights of the owner. I mention ninety-nine years for leases because it is a well-known term.

The above suggestion of lease would not entirely remove the difficulty with alien investors, as they would not find quite the same security as if they were actual owners of the property; at the same time it would still allow business to be done to a considerable extent.

I have made no attempt to discuss the whole subject. I believe the operation of the present law is well understood and generally condemned in this country.

I have the honor to represent a Territory that is producing about $26,000,000 annually of silver, gold, and copper. In that Territory there are thousands of unworked and undeveloped mines awaiting the touch of European investments; investments which, on account of the accumulated capital and a low rate of interest at home, are satisfied with a smaller return than American capitalists are willing to receive.

The desire to see these properties opened up and developed, to see cities and towns grow and flourish, and thus furnish employment to many men and a maintenance to many families, has induced me to make these few observations in the hope that some of them may be of use to you when the subject is under discussion in the Senate.

Yours, truly,

JOS. K. TOOLE.

Hon. JOHN H. MITCHELL,
United States Senate.

Mr. MITCHELL. This proposed amendment of the present alien land act has been recommended, I believe, strongly by every present governor of the Territories, with one exception, and I think there can be no objection to it, as was stated by the chairman of the committee. I have an amendment, however, which I desire to offer that I think will not be objectionable to the chairman of the committee. I ask that it be read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Oregon to the amendment of the committee will be stated.

The CHIEF CLERK. Add to the proposed amendment the following proviso:

Provided, however, That no Chinese person, or any company or corporation in which any Chinese person is interested, shall ever be permitted to hold or own any mining claim or other real estate in any of the Territories.

Mr. STEWART. I have no objection to that amendment.

Mr. MCPHERSON. It seems to me, in the first place, as though that was an extraordinary amendment to offer to this bill. I have not a copy of the original law before me which the bill proposes to amend, but it seems to me to be an abandonment of the entire principle embodied in the law which it seeks to amend.

Mr. MITCHELL. To what amendment does the Senator refer?

Mr. MCPHERSON. I speak now of the bill itself, not particularly of the amendment of the Senator from Oregon who sits nearest me.

The intention of the law of last year was to restrict, I believe, the employment of foreign capital and the purchase of large tracts of the public domain, which should be used and controlled by foreigners and by foreign capital, to the exclusion of our own citizens who desire to settle upon the public land. The amendment to the law, offered by the Senator from Nevada, proposes, as I understand, to limit the prohibition to agricultural land, and to release the mineral lands from the operation of the law, and as a reason the Senator from Oregon has had read the argument made by—I do not know the name.

Mr. MITCHELL. The Delegate from Montana.

Mr. MCPHERSON. I am not conversant with the mineral land laws, but from the reading of that statement I understand they are very important. Yet it is well known that there are large tracts of land, including thousands and tens of thousands of acres in the public domain of the United States, which are practically called mineral lands, which are useless for agricultural purposes, and if they have any use whatever, and if they have any value whatever, it is the value given them by reason of the mineral wealth that is buried in them.

If this amendment should pass, foreign capitalists would come in and purchase large tracts of land which possess vast mineral wealth, and hold them away from the occupancy of citizens of the United States who desire to prospect and, if possible, discover this mineral wealth. As I said before, it is an abandonment of the principle we intended to embody in the law passed last year in respect to restricting the ownership of lands of the United States to actual settlers and citizens of the United States.

Mr. HOAR. Will the Senator from New Jersey allow me to make an inquiry? I inquire whether the morning business is over at this time?

Mr. MCPHERSON. I do not know. The Senator from Nevada asked the Senate to consider a certain bill, and that bill is before the Senate, as I understand the parliamentary situation.

Mr. HOAR. I should like to say, if the Senator will pardon me, that I gave my consent on the assurance of the Senator from Nevada that it was a bill which would lead to no discussion. The statement was that it would take but a moment. Now, certainly the Senator from Nevada, whatever may be his desire, would not deem it proper to present a bill which involved a discussion occupying the whole time. I ask the Senator to let the bill go over. It will evidently lead to a long debate.

Mr. STEWART. I do not know that there is any morning business pressing now.

The PRESIDENT *pro tempore*. The Calendar of resolutions coming over from a former day under the practice of the Senate is morning business.

Mr. HOAR. The assurance was given to the Senate by the honorable Senator from Nevada, on which, for one, I said I made no objection, that this was an undebatable measure. The phrase was that it would take but a moment. Now it turns out to be an important matter of legislation on which there is positive difference of opinion. The Senator, I hope, will not press that at this time. I should not have given my consent if I supposed the bill was one which would lead to debate.

Mr. MITCHELL. Does the Senator understand that my amendment involves a discussion of the Chinese question?

Mr. HOAR. There will be such a discussion before we get through with it. That amendment proposes to prohibit the ownership of land by a certain nationality, different from all others. That involves a very important principle.

Mr. STEWART. I do not think there is anything connected with this bill which need involve any considerable time; and I do not think any Senator is to be held responsible for all that may come when he asks to take up a bill supposing it will pass speedily. That was my opinion. I did not anticipate the discussion which has arisen.

Mr. MCPHERSON. Now, I wish to say a few words. I am unalterably opposed to the amendment to the law offered by the Senator from Nevada. I am equally opposed to the amendment offered by the Senator from Oregon, which I understand the Senator from Nevada to accept as part of this measure, and I can not consent that the bill should pass without entering my protest, and giving the reasons therefor. I think this a measure that requires and will require a great deal of discussion before the Senate becomes satisfied to pass it. Therefore, I ask the Senator from Nevada to have it go over to a future time, because I am not ready this morning to debate it.

Mr. STEWART. I might be able to enlighten the Senator a little, if he would allow me a moment.

Mr. FAULKNER. I desire to say that I am a member of the Committee on Mines and Mining, and that I have not had any notice of any meeting of that committee up to this time, and therefore have not had my attention called to this bill, and from the remarks made by Senators in discussing the measure I feel it to be of such importance that I shall ask the courtesy of the Senator from Nevada that it be postponed until to-morrow anyhow, that I, as a member of the committee, may have an opportunity of considering its provisions.

Mr. STEWART. I will let it go over, but I wish to make one remark before I do so, in reply to the Senator from New Jersey with regard to the suggestion of a possibility of monopolizing mining lands.

The laws as they exist are well guarded against monopoly of mines. There are no communities that are more jealous of monopoly than the mining communities. The legislation that we have had heretofore, which I had the honor in great part to initiate some twenty years ago, is satisfactory, and under those laws foreigners can not enter, they can not acquire by prospecting. They can only acquire property in mines after the American citizen has found them, perfected his title, and got his patent. Then there is no prohibition in existing laws against an alien buying, or there was not until the law of last winter. There was no grievance in that respect. The law has been in existence for a good many years, and there was no grievance, but, on the contrary, it was exceedingly beneficial to the mining Territories, whereas there was a great grievance in the acquisition of large tracts of agricultural land in the new States and Territories by foreigners. Attention was called to that, and in passing the bill to remedy that Congress included another subject that had not been discussed or considered, and as to which there was no complaint, and as to which there was no reason for the legislation. Hence the desire that it should be removed.

I think if the Senator from New Jersey will examine existing laws he will see that there is sufficient protection against monopoly in the mining lands in those laws.

With these remarks I am willing that the bill may go over until to-morrow, and I give notice that I shall call it up in the morning hour to-morrow.

Mr. MITCHELL. Before this bill goes over I wish to make a single remark. There is, I believe, not a single State in the Union that has through its Legislature prohibited foreign capital from being invested in the development of mines within the State. This proposed amendment to the present alien land act simply proposes to place the Territories on an equal footing with the several States in this respect.

The PRESIDENT *pro tempore*. The bill having been taken up by unanimous consent during the morning hour, resumes its place on the Calendar.

PUBLIC BUILDING AT KANSAS CITY, MO.

Mr. VEST. I ask the Senate to proceed to the consideration of Senate bill 281, Order of Business 67.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent for the consideration of a bill the title of which will be stated.

The CHIEF CLERK. Senate bill 281, making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.

Mr. HOAR. Let the bill be read for information, and the right to object be reserved until it appears whether the bill will lead to any serious debate.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill and the amendment reported by the Committee on Public Buildings and Grounds, to strike out all after the enacting clause, and in lieu thereof to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue office, and other Government offices, at Kansas City, Mo. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $1,200,000; and it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plans and specifications of said building to be prepared, which said plans and specifications shall have reference to the probable increase of the population of said city and the consequent needs of the Government during the next twenty years, but shall not involve an expenditure exceeding $200,000 for the site, or in the erection and completion of said building exceeding the amount remaining of the total sum appropriated by this act after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings, and adequately provided with light by an open space of not less than 50 feet, including streets and alleys, on all sides of said building; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Missouri shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided further*, That the Secretary of the Treasury shall be, and he is hereby, authorized, whenever consistent in his judgment with the public interest, to sell and convey the present property of the United States in said city now occupied as a public building, with the site thereof, the proceeds of the sale of said property to be covered into the Treasury, and to be not less than the cost of the same: *Provided, however*, That the said Secretary may, in lieu of purchasing an entirely new site as aforesaid, purchase additional necessary ground adjoining the site of the present public building in said city, and cause to be erected thereon said new building; but in the event that said present site shall be so utilized for said new building, the cost of said building, including said additional ground, shall not exceed $1,100,000.

SEC. 2. That the sum of $1,200,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CULLOM. Does the bill come from a committee?

The PRESIDENT *pro tempore*. It is reported by the Senator from Missouri [Mr. VEST] from the Committee on Public Buildings and Grounds.

Mr. VEST. I send a letter to the desk from the Supervising Architect of the Treasury, to be read.

The PRESIDENT *pro tempore*. The Chair will first inquire if there be objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. The question is on the amendment reported by the Committee on Public Buildings and Grounds. The letter sent up by the Senator from Missouri will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, February 4, 1888.

SIR: I have the honor to acknowledge receipt of Senate bill No. 281, making an appropriation for the extension of the custom-house at Kansas City, Mo.

The building as at present constructed cost, exclusive of heating apparatus, $373,515.05, and from the rapid increase of the customs and postal service in the city named, considered in connection with the statement now on file in this office that the building as at present occupied does not furnish the space needed for the proper transaction of the postal service or the accommodation of the public, it would seem that the Government interest could be best served by enlarging the building by the purchase of additional land and the construction of an extension at a total cost not exceeding $1,000,000, as contemplated by the bill referred to.

Respectfully yours,

——— ———,
Supervising Architect.

Hon. LELAND STANFORD,
Chairman Committee Public Buildings and Grounds, United States Senate.

The PRESIDENT *pro tempore*. The Chair is advised that the letter has no signature.

Mr. VEST. That is a copy. I have the original letter. I will supply it.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Public Buildings and Grounds.

Mr. BECK. What is the amendment?

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Kentucky that the bill as read by the Secretary is an amendment offered by the Committee on Public Buildings and Grounds, being a substitute for the original bill, striking out all after the enacting clause.

Mr. BECK. But, as I heard the letter, the estimate was $1,000,000, and the committee reported $1,100,000. Is that right?

Mr. VEST. Yes; the bill appropriates $1,000,000 for the building.

Mr. BECK. I have never seen the Department which failed to ask enough. I should like to hear some reason for appropriating more than the estimate. The estimate is generally high enough.

Mr. VEST. The estimate of the Supervising Architect is simply for the building. One million one hundred thousand dollars includes the purchase of additional ground to enlarge the present building. I mislaid the original letter, but I shall have it here and furnish it.

I want to make one statement in this connection, an astonishing one even to myself. The reports of the Post-Office Department show that the mail handled at Kansas City is in excess of that at any office in the United States, not excepting the great city of New York. The distributing pouches for the registered matter at Kansas City are greater than at any other post-office in this country. In the last year there were 954,000 registered packages distributed at that office, and this enormous increase of business is going on from day to day. The packages have increased, according to the quarterly reports there, at the rate of 10,000. All matter for the southwestern country is mailed for distribution at that point. It is simply impossible to conduct the public business in the building now constructed. At the time that building was put up it was supposed Kansas City would have a population of 100,000 or 125,000 in the next ten years. It has now a population of 175,000, and is still increasing so rapidly that I have seen myself there a line half a mile long standing out in the street, crowding in to receive their mail matter. There is now in this city a committee from Kansas City for the purpose of obtaining additional accommodations. Under these circumstances the passage of this bill is an absolute necessity.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill for the erection of a public building at Kansas City, Mo.

ANIMALS IMPORTED FOR BREEDING PURPOSES.

Mr. SPOONER. I move that the Senate proceed to the consideration of Calendar Order 275, Senate bill 1564.

Mr. BUTLER. I have no desire whatever to antagonize the measure which the Senator proposes to call up, but I think we should make more satisfactory progress if we were to call the Calendar in order. I insist on the call of the Calendar.

Mr. SPOONER. I think the bill will not elicit debate. It is purely a relief bill.

Mr. BUTLER. I have a bill that I am extremely anxious to have passed, and I have refrained from asking its consideration out of order, though I am sure it will not lead to debate. I think, and I hope my friend will agree with me, that we shall get along more satisfactorily by calling the Calendar in order.

Mr. CULLOM (to Mr. BUTLER). Take up his bill and then yours.

Mr. SPOONER. This bill is recommended unanimously by the Committee on Finance and by the Secretary of the Treasury, and is of general importance, and I hope the Senate will not object.

Mr. BUTLER. It will be reached after a little while.

The PRESIDENT *pro tempore*. The Chair understands that after 1 o'clock the Senator from Wisconsin has the right to move, and the Senate the right to order, the abandonment of the rule as to the consideration of any particular bill on the Calendar.

Mr. BUTLER. I withdraw the objection to the consideration of the bill called up by the Senator from Wisconsin.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases.

The bill was reported from the Committee on Finance with an amendment, in section 1, after the word "persons," at the end of line 4, to strike out "being citizens of the United States;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit to any and all firms or persons who shall have, prior to the passage of this act, in good faith, and in compliance with the decisions and regulations of the Treasury Department, specially imported into the United States animals for breeding purposes, whether for the importer's own use or for sale, all duties, if any shall have accrued, upon such importations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HALE. I should like to have the bill read in full.

The PRESIDENT *pro tempore*. The bill will be again read at length.

The Secretary read the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. BUTLER. I was going to ask the unanimous consent of the Senate to take up a bill on the Calendar, but my friends around me suggest that we proceed with the call of the Calendar, and I therefore yield for that purpose.

Mr. TELLER. I desire to ask unanimous consent to take up Senate bill 423, a bill in which the State of Colorado is particularly interested.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 423) to enable the State of Colorado to select indemnity school lands.

Mr. TELLER. I ask unanimous consent for the consideration of the bill.

Mr. BECK. When the Senator from Wisconsin [Mr. SPOONER] rose to make his motion, I rose at the same time with the Senator from South Carolina [Mr. BUTLER] to object to anything except the Calendar, because we have all urgent bills there which we desire to call up, and the Senator from South Carolina gave way upon the statement from me that while I would not object to the bill of the Senator from Wisconsin, I would to his bill, or any other, and the suggestion that we go to the Calendar. I do not think it is fair now that another Senator should take the floor from the Senator from South Carolina upon an objection that I was about to make. We shall all get along better by going to the Calendar and proceeding regularly.

Mr. TELLER. I am quite willing to withdraw my request, if the Senator from South Carolina will make his and wait and take the chances of the Calendar.

Mr. BUTLER. I have done that.

Mr. TELLER. I know my bill will not be reached for several days. It is a bill that pertains to the selection of school lands. It is not a personal bill. It is a bill that has the approval of the Department to settle the question of school lands in Colorado, a bill that there can be no opposition or objection to, and it ought to pass soon, so as to get over to the other House and have the matter disposed of there at an early day, because otherwise the State is prevented from making its proper selections, and the Department has withheld from settlement a large amount of land because there has been an improper selection or a deficient selection. The bill will only take a few moments.

Mr. BUTLER. I do not like to object to the consideration of a bill when the Senator says it is urgent, but there are so many bills on the Calendar of that character that we waste time in the attempt to get consideration; whereas if we take the Calendar up and proceed in regular order for half an hour or an hour each morning we shall make more progress, and the bill will be reached.

The PRESIDENT *pro tempore*. That there may be no misunderstanding, the Chair will read the first paragraph of Rule VIII:

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock.

Under that rule it is obviously in the power of any Senator to move and of a majority of the Senate to proceed to the consideration of any measure upon the Calendar.

Mr. BUTLER. I have no doubt about that, and never have had any doubt about it.

Mr. RIDDLEBERGER. Will the President pardon me for saying, with the consent of the Senator from South Carolina, that one objection obstructs that motion to proceed to the consideration, and then it requires a motion after that to proceed notwithstanding the objection, and I have not had an opportunity this morning to object.

The PRESIDENT *pro tempore*. The Chair thinks that the suggestion of the Senator from Virginia is not sustained by the rule. The Chair would hold that if the Senate were to proceed to the consideration of the Calendar under Rule VIII, then the cases in order would each be subject to objection and to debate for five minutes, and once by each Senator. The Chair is clearly of opinion that a majority of the Senate has a right at any time, by its vote, to dispense with the provisions of Rule VIII entirely during the period that elapses between the completion of morning business and 2 o'clock.

Mr. RIDDLEBERGER. There is no difference between the Chair and myself except that a majority of the Senate has not yet the power the Chair has ascribed to it. I only ask that up to 2 o'clock we shall have the right to decide here as a Senate whether we can consider morning business. If that is so, one objection passes over any business until 2 o'clock. There is nothing that can interfere with the order of morning business according to my understanding, and the Chair himself has decided that up to 2 o'clock he will receive morning business.

Now, what is the use of my offering a resolution here that can only be considered in the morning hour, if during the morning hour it can not be considered? I have two resolutions pending here, and I need not say I believe that the Government of the United States is interested in those resolutions, and they have a right to be considered in this session up to 2 o'clock; and, on a single objection to any intervening business, it becomes the duty of the President of this body to put the question whether the Senate agrees to take it up or not. I say it is the duty of the Chair, of the President, to say whether the Senate agrees to such a motion; and when he shall announce what his judgment is, then it is my right and my privilege to ask the Senate whether it agrees with the judgment of the President of the body, and I have not been allowed that privilege, and I intend to insist until it is accorded to me, so that this body shall not be in the power of one man but shall proceed according to the judgment of men who come here claiming to be Senators elected by the legislative bodies of their States.

I have asked that resolutions which ought to be considered in the morning hour shall be considered. They are here, but their consideration is obstructed by a Calendar which concerns nobody but Senators. I insist on the rule which seems not to control the President of the body, and I ask that the morning hour be devoted to morning business up to 2 o'clock; and if I object to any proposition made here to interfere with it, I can appeal to the Senate in open session and before 2 o'clock to vote on my resolutions. I may find Senators enough to justify me in asking for a yea and nay vote. It seems to me that if we proceed regularly, according to the rules, we shall then have the largest liberty to debate any question, any proposition that may come up. Now we seem to be a Senate that is presided over and with no rules except those which suggest themselves to the President *pro tempore* of the body.

Mr. BUTLER. May I not appeal to the honorable Senator from Virginia to give way until this business shall be disposed of? I really am not conscious of what the question is before the Senate to which he is speaking. I do know that there are several matters of very grave public importance on the Calendar that ought to be considered by the Senate, and I trust the Senator will realize the reasonableness of my request and allow us to proceed with the business of the Senate.

Mr. RIDDLEBERGER. I do not appreciate that interruption. I do not yield the floor.

The PRESIDENT *pro tempore*. The Senator from Virginia declines to be interrupted. He will proceed.

Mr. HOAR. What is the pending question?

Mr. BUTLER. May I inquire what the question is before the Senate that the Senator is discussing?

The PRESIDENT *pro tempore*. The request made by the Senator from Colorado [Mr. TELLER] that the Senate proceed to the consideration of a bill, the title of which has been read.

Mr. BUTLER. I understood the Senator from Colorado was quite willing to withdraw that request, for the present at least.

Mr. RIDDLEBERGER. Mr. President, how is it?

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. RIDDLEBERGER. When interrupted by other Senators I was informed that I was entitled to the floor. I am not objecting to the bill proposed by the Senator from Colorado; I am not objecting to any proposition that is made by the Senator from South Carolina; I am objecting to the arbitrary ruling that prevents me from getting before the Senate resolutions that are to be considered in the morning hour up to 2 o'clock. I was here when the morning hour was held to extend only to 1 o'clock, and then resolutions were allowed to be considered. I ask now again to be considered as only objecting, for the reason that I want to bring before the Senate and to a vote of the Senate a proposition to consider the British treaty in open session, and no one man's ruling shall deprive me of that right; but a majority of the Senate can. Two-thirds are required to ratify a treaty, but it only requires one man to assert the right of bringing before the people of the country the consideration of it. I have asked that morning-hour business be brought up here; I have asked that the Senate rule shall be read; I have asked that the intelligent Presiding Officer shall read it. I hold, Mr. President, that you are less intelligent than the Chair has usually been in not complying with my request. I withdraw it, if it is necessary, now.

I ask now, Mr. President, an appeal, if it be a decision of the Chair. I did not understand the Chair to say that it was anything more than a mere opinion of the rule; but if the Chair will just say that it is his decision that we shall not proceed to the consideration of morning-hour business at this time, then I will take an appeal from that decision and get a vote of the Senate out of executive session. Do I understand the Chair to have decided that we may proceed to the consideration of any business outside of the morning hour if there is a single objection?

The PRESIDENT *pro tempore*. When the Senator from Virginia yields the floor, the Chair will put the question upon the motion submitted by the Senator from Colorado.

Mr. RIDDLEBERGER. I am not inclined to yield, Mr. President.

Mr. HOAR. Is the motion of the Senator from Colorado debatable?

The PRESIDENT *pro tempore*. It is not.

Mr. RIDDLEBERGER. I am not debating that. I am debating the decision of the Chair, if I can understand whether it was a decision or not.

Mr. HARRIS. Will the Senator from Virginia allow me to make a single suggestion to him?

Mr. RIDDLEBERGER. In executive session; yes, sir. [Laughter in the galleries.]

Mr. HARRIS. Under the rules——

The PRESIDENT *pro tempore*. The Senator from Tennessee will suspend one moment.

Mr. RIDDLEBERGER. I decline to yield to anything like a statement or proposition unless it is in executive session. [Laughter in the galleries.]

The PRESIDENT *pro tempore*. The Chair suggests to the spectators in the Chamber and in the galleries that the rules expressly forbid expressions of approbation or disapprobation, and the Chair is confident that a suggestion of this rule of the Senate will prevent any repetition

of disorder in the Chamber. The Senator from Tennessee will proceed.

Mr. HARRIS. I simply desired to ask the Senator if he would allow me to suggest a single fact to him.

Mr. RIDDLEBERGER. Only in executive session.

Mr. HARRIS. Do I understand the Senator, then, as declining to allow a suggestion?

Mr. RIDDLEBERGER. Exactly.

Mr. HARRIS. This is a legislative session, and I understand the Senator as declining.

Mr. RIDDLEBERGER. Yes, sir. Mr. President, the distinction is that in order to get a motion before the Senate, composed of seventy-six men, the consent of the Chair seems to be necessary.

I am now entirely willing to submit to the ruling of the Senate if they will just allow me the privilege of having a vote on the proposition standing before it as to whether Rule XXXVII shall be changed. It seems to me that that is a reasonable request, and it is all that I do request, but the time is always consumed up to the end of the morning hour in debates on bills that if one objection obtains must go over.

I was told, Mr. President, that one objection would carry my resolution over for one day. It has been now several days, and from the time it was objected to until this day we have heard arguments which, if given to the people of this country, would have convinced them as to its propriety.

Mr. HARRIS. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Tennessee will state his point of order.

Mr. HARRIS. The motion of the Senator from Colorado is not debatable under the rules.

The PRESIDENT *pro tempore*. The Chair so holds. The point of order having been raised, the Chair decides that under the rules the Senator from Virginia is not entitled to proceed further.

Mr. RIDDLEBERGER. I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Senator from Virginia will take his seat. Will the Senate agree to the motion submitted by the Senator from Colorado?

Mr. BUTLER. I understood my friend from Colorado consented to give way in order that I might call up a bill.

Mr. TELLER. I give way that the Senator from South Carolina may make his motion.

The PRESIDENT *pro tempore*. The Senator from South Carolina is recognized by the Chair.

PORTER ACADEMY IN CHARLESTON.

Mr. BUTLER. I ask the Senate to proceed to the consideration of Order of Business 21, being Senate bill No. 158.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate do now proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

COLORADO SCHOOL LANDS.

Mr. TELLER. I now move to take up Order of Business 108, being Senate bill No. 423.

The motion was agreed to; and the bill (S. 423) to enable the State of Colorado to select indemnity school lands, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 7, after the word "vacant," to insert the word "agricultural;" in the same line, after the word "lands," to strike out "are" and insert "can;" in line 8, after the word "not," to insert "be," and in line 10, after the word "lands," to strike out "and in subdivisions of 40 acres or more;" so as to make the section read:

That all selections of land as school indemnity in the State of Colorado may be made in quantities equal to the loss of school lands or deficiency therein, and anywhere in the land district in which the bases of selection are situated: *Provided*, That if non-mineral vacant agricultural lands can not be obtained for such indemnity in the district in which the bases are situated, the selections may be made in any land district in the State containing such lands.

The amendments were agreed to.

The next amendment was, in section 3, line 2, after the word "sections," to insert the words "whether surveyed or unsurveyed;" so as to read:

SEC. 3. That said State shall be allowed to select lands in lieu of the sixteenth and thirty-sixth sections whether surveyed or unsurveyed, in patented private land claims and the Ute Indian reservations within said State of Colorado, comprehended in an act entitled "An act to accept and ratify the agreement submitted by the confederate bands of Ute Indians in Colorado, for the sale of their reservation in the said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

The amendment was agreed to.

The next amendment was, in section 4, line 4, after the word "the," to insert the words "patented private land claims and the," and in line 10, after the word "and," to insert the words "shall be made;" so as to make the section read:

SEC. 4. That it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within the patented private land claims and the late Ute Indian reservation in the State of Colorado, and thereupon the State shall be entitled to select indemnity lands to the extent of two sections for each of said townships, for school purposes, in any land districts in the State: *Provided*, That said selections shall not be made within the boundaries of said reservation and shall be made in subdivisions of not less than 160 acres.

The amendment was agreed to.

The next amendment was, in section 5, line 5, after the word "entirety," to insert the words "of such smallest subdivisions;" in line 7, after the word "for," to strike out "the entire section" and insert "such legal;" so as to read:

SEC. 5. That upon a determination by the Interior Department that a portion of the smallest legal subdivision in a section numbered 16 or 36 in Colorado is mineral land, and that the United States was not divested of its title thereto in its entirety of such smallest subdivisions by the grant to the State for schools, the State shall be allowed to select indemnity for such legal subdivision under the act entitled "An act to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and for other purposes," approved April 2, 1884, and thereupon the subdivisions mentioned, or such portions of them as remain after segregation of the mineral lands or claims, shall be treated as other public lands of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CALL. I should like to know if I understand this bill correctly to allow the selection from unsurveyed public lands.

Mr. TELLER. No; this bill may be said to be simply an administration bill for the office. It gives no new land to the State of Colorado. It enables the State to select the school lands that it is entitled to within the old Ute reservation without waiting till that reservation shall be surveyed, because the area of the reservation is well known and the number of acres due is fully determined by the Department without waiting for the survey. That is all.

Mr. CALL. But is the land now open to entry?

Mr. TELLER. Open to entry, but no school lands can be taken there. They must be taken outside.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of Senate bill 1346, Order of Business 237.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. JONES, of Arkansas. There are some amendments reported from the committee.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Indian Affairs will be acted upon in their order.

The first amendment was, in section 1, line 9, after the word "point," to strike out "to be selected by said company;" in line 10, after the words "boundary line," to strike out "between" and insert "at;" in line 11, after the word "Cliff," to strike out "and the mouth of Island Bayou," and after the word "Arkansas," at the end of line 15, to insert—

also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company in Tobucksey County, Choctaw Nation.

So as to make the section read:

That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line), at the bluff known as Rocky Cliff, in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately contiguous to the west boundary line of Polk or Sevier Counties, in the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company, in Tobucksey County, Choctaw Nation; with the right to construct, use, and maintain such tracks, turnouts, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the words "main line," to insert "and branch;" so as to read:

SEC. 2. That said corporation is authorized to take and use for all purposes of railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory for said main line and branch of the Choctaw Coal and Railway Company.

The amendment was agreed to.

The next amendment was, in section 5, line 23, after the word

"tribe," to insert "shall be in lieu of the compensation that said nation or tribe;" so as to read:

Provided further, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision.

The amendment was agreed to.

The next amendment was, in section 5, line 31, after the word "force," to strike out "among the different" and insert "between the United States and said;" so as to read:

The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force, between the United States and said nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands.

The amendment was agreed to.

The next amendment was, in section 9, line 3, after the word "act," to insert "and complete the same within said Territory within one year thereafter;" so as to make the clause read:

SEC. 9. That said railroad company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, and complete the same within said Territory within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Mr. JONES, of Arkansas. I move to insert in the proposed amendment, before the word "same," in line 3, the words "main line of the;" so as to read, "complete the main line of the same." This is a motion to amend the committee amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to amend the amendment by inserting, before the word "same," in line 3, the words "main line of the."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESLIE BASSETT.

Mr. WILSON, of Iowa. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 128, being the bill (S. 968) for the relief of Leslie Bassett.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be before the Senate as in Committee of the Whole.

Mr. RIDDLEBERGER. I will object until the Chair announces that the morning hour has closed.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

Mr. RIDDLEBERGER. I object until the Chair announces that the business of the morning hour has closed.

The PRESIDENT *pro tempore*. Let the reading of the bill proceed.

Mr. RIDDLEBERGER. Then after that——

Mr. WILSON, of Iowa. The morning hour is not up yet.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Leslie Bassett, late postmaster at Richland, Iowa, $58.69, in full compensation for amount forwarded by him to designated depository in payment of balance due the United States for the third quarter of the year 1883, and which said amount, being inclosed in a registered letter, was stolen from the mail while in course of transmittal.

The PRESIDENT *pro tempore*. If there be no amendment, as in Committee of the Whole, the bill will be reported to the Senate.

Mr. EDMUNDS. Is there a report?

Mr. WILSON, of Iowa. There is a report, a brief report, stating the facts.

The PRESIDENT *pro tempore*. The report will be read.

The SECRETARY. Report 833——

Mr. EDMUNDS. Perhaps the Senator from Iowa can state the case more briefly than it is stated in the report.

Mr. WILSON, of Iowa. The report is very brief.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business.

Mr. EDMUNDS. I ask that this little matter may be disposed of. It will not take a minute.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the unfinished business be informally laid aside for the purpose of continuing the consideration of the pending bill.

Mr. BLAIR. Reserving the right to object, if there is debate.

Mr. EDMUNDS. Oh, yes; there will be no debate.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from Vermont.

Mr. EDMUNDS. Now, I ask the Senator for Iowa to state the substance of the report.

Mr. WILSON, of Iowa. The person for whose relief this bill has been drawn was a postmaster at Richland, Keokuk County, Iowa. Under the regulations of the Department, he was required to deposit his balance with the postmaster at Des Moines, Iowa. In pursuance of the requirements of the Department he put the amount of money in a registered package, placed it in the mail, and on its way to Des Moines it was stolen at one of the intermediate post-offices. He had complied in every respect with the regulations of the Department. The Committee on Post-Offices and Post-Roads reported a similar bill favorably during the last Congress, and the bill passed the Senate without any objection.

Mr. EDMUNDS. I think it is a fair case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 1648) providing for the holding of the United States courts in the city of Newark, N. J.;

A bill (H. R. 3263) to amend sections 5365 and 5366 of the Revised Statutes of the United States;

A bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"

A bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of Alabama;

A bill (H. R. 6558) regulating the emolument returns of civil officers of the United States; and

A bill (H. R. 5931) to amend the internal-revenue laws, and for other purposes.

The bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion was read twice by its title, and referred to the Committee on Naval Affairs.

COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. PALMER. I am directed by the Committee on Agriculture and Forestry to ask that the committee have leave to sit during the sessions of the Senate for the rest of the week.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Michigan asks unanimous consent that the Committee on Agriculture and Forestry have leave to sit during the sessions of the Senate for the remainder of the week.

Mr. HARRIS. There will be no objection to that.

The PRESIDING OFFICER. If there be no objection, that will be the order.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 371) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. PLUMB.

The PRESIDING OFFICER. The Senator from Florida [Mr. CALL] is entitled to the floor.

Mr. BLAIR. Before the Senator from Florida proceeds I desire to say that so far as I can judge of the condition of the debate upon this question the bill may be disposed of by the Senate to-day, certainly if the session should be slightly prolonged, and in any event I shall ask the Senate to dispose of the bill to-morrow. I hope, however, it may be concluded to-night. I think it may be.

Mr. CALL Mr. President, the bill now before the Senate proposes to give national aid to the States for general education upon the condition that the money shall be applied to that purpose. It has been assailed with ability and eloquence by Senators on this side of the Chamber. If the evils which they have seen in the bill should be made manifest by argument, even now, although I have twice voted for the bill, I should abandon it and give my vote against it.

But with regard to the authority which they have cited for their opinion of its unconstitutionality, the authority of Mr. Jefferson and of Mr. Madison and of the early fathers of the Republic was given at a time when the Constitution had first been put into effect. One hundred years nearly have passed since those interpretations of the Constitution were made, and it is to be remarked that every one of those interpretations has been overridden by the practice of the Government and with the acquiescence of the people. Not only that, but those great statesmen themselves proposed by an amendment of the Constitution to vest in the Government of the United States the power to aid the States, not to interfere with their sovereign authority and power.

The principle of aid to the States by the National Government in the execution of their sovereign powers in the very respect of education as well as internal improvements was admitted by those great statesmen to be a necessity for the future progress of this people and this Government. It was advocated by them first, and most conspicuously by Mr. Jefferson, whose works I hold in my hand and which I will not detain the Senate by reading. Time and again he declared that the power of the appropriation of money to the purposes of internal improvement

and of education, with the consent of the States, should by an amendment of the Constitution be given to the Federal Government.

The Senator from Missouri [Mr. VEST], with that glamour which his eloquence throws over a subject, said in his address to the Senate that this bill, if properly entitled, should be called a monument to Alexander Hamilton as well as a bill to encourage mendicancy. If that be true, the first stone in that monument was placed by the hands of Thomas Jefferson, who himself declared that the power of appropriating money by the General Government to aid the cause of education was a most important and necessary power to be conferred upon the Government. What, then, shall be said of Mr. Jefferson's authority as against this bill? I desire to read a single sentence to show the appreciation which Mr. Jefferson had of the necessity of national aid to education. Said Mr. Jefferson to Governor Tyler, on the 26th of May, 1810, as will be found in the fifth volume of his works:

I have, indeed, two great measures at heart, without which no republic can maintain itself in strength: (1) that of general education, to enable every man to judge for himself what will secure or endanger his freedom.

This is only one of a great many declarations of Mr. Jefferson to the effect that the cause of education and of national aid to education in universities and seminaries was an object inseparable from the public good and the future progress and prosperity of this country. General Washington, in his first annual message, says, speaking to Congress:

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. Whether this desirable object will be best promoted by affording aid to seminaries already established, or by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the legislature.

He renews this recommendation to Congress in his second annual message. To the same effect Mr. Madison said:

While it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I * * * will call your attention to the advantages of superadding to the means of education provided by the several States a seminary of learning instituted by the National Legislature within the limits of their exclusive jurisdiction.

Again in his seventh annual message Mr. Madison makes the same recommendation, and again in his eighth message; and then Mr. Adams follows.

Mr. President, what is there in the principle of national aid to the States in the execution of their sovereign powers as a principle—is there anything hurtful to the States? It has been said here to be a hydra-headed dragon, but the fact is that in the Constitution of the country the provision is contained that the National Government shall aid the States when called upon by the States in the execution of their sovereign power over their own people. The legislative power of a State can not be touched, because there can be no division of legislative sovereignty, but the Constitution expressly provides that there should be national aid to the States in the enforcement and execution of their laws, providing it be done only by the request and the consent of the States.

In what respect does this differ, and with what pretense of argument or reason can the learned Senators who have discussed this subject and alarmed the country in regard to it, undertake to say that the principle of national aid to the States, with their consent, can in any way interfere with the sovereign powers reserved to them? Have we forgotten the fact that the public domain of the United States, consisting of more than a thousand million acres of land, bought with the public money, with the tax money of the United States, to the extent of upwards of $300,000,000, has been appropriated from the very inception of the acquisition of that territory to the cause of education to the extent of nearly $100,000,000, and that every State has been the beneficiary?

With what reason can this measure be opposed in the face of this appropriation of nearly a hundred million dollars of the tax-money of the people of the United States to the cause of education given to the States for the last fifty years? If the Senator from Missouri applies his principle here, he must vote to restore to the United States the millions of dollars which have been appropriated by Congress to them for the purposes of education. How can he distinguish between the tax-money applied to education by the purchase of the public land and its donation, and the tax-money applied directly?

If you choose to extend the argument further, as the public lands are indebted upon an account in the Treasury of $300,000,000 and more of tax-money, shall it be said that this money, the result of taxes imposed upon the country, expended on the public lands, converted into money and paid to the States, that because the Treasury replaces this fund and appropriates it, it is no longer the proceeds of taxes? Must it be the same identical dollar that is paid for the land and paid out again? To-day this is money, the proceeds of the public lands. It is tax-money, for it represents $300,000,000 of taxes invested in public lands; and more than a hundred million dollars of the proceeds of the sales of public lands, which represents tax-money, has been paid into the Treasury of the United States. So there is no foundation for that distinction.

But what more than that? If the Senator from Missouri applies the principles of the Constitution as he interprets it, that no appropriation can be made except under the enumerated objects of appropriation in the Constitution (derived from its express powers) the Senators from Texas and Missouri can not sit upon this floor. Mr. Jefferson, in the early days of the Republic, appropriated the public money, as he himself declared, without authority in the Constitution, under the sanction of Congress, to the purchase of the Territory of Louisiana. We have gone on making such appropriations. We have bought Alaska; we have paid a money consideration for the concessions of portions of the Mexican Republic as the result of war. Under these principles of interpretation of the Constitution all these purchases are manifestly void, if, as my learned friend the Senator from Maryland says, there is no place for necessity in the doctrines of the Constitution, and that we can not, because a law is necessary, depart from its powers. These illustrations will serve to show that there is no foundation for that argument.

The Senator from Missouri says that he will never give another vote in this Chamber in violation of those principles of interpretation which he has declared originated with Mr. Jefferson, but which Mr. Jefferson himself abandoned. The Senator from Missouri knows full well that Mr. Jefferson and Mr. Madison declared that every dollar of money appropriated by Congress to internal improvements was appropriated in violation of the Constitution, because there was no enumerated power to do it. Yet the Senator from Missouri votes every session, and will vote at this session, for the appropriation of money to the improvement of the Mississippi River, and no more strenuous advocate for that appropriation of money can be found upon this floor than himself.

The power to appropriate money for internal improvements far exceeds the power claimed in this bill. It is a power which invades the States without their consent, as was pointed out by Mr. Jefferson and Mr. Madison. It is the exercise of a direct power upon the people, while that proposed here is a power of appropriating money to aid the States with their consent, to be expended in their discretion for the promotion of general education among their people.

The difficulty with my friends who have opposed this bill so earnestly is not that there is no warrant for it in the Constitution. We have established that proposition by the experience of a hundred years, by the acquiescence in the purchase of Louisiana, by the further payment of the tax-money of this country for the purchase of large portions of Mexican territory ceded to us, and by the annexation of the State of Texas, which was without authority, under the enumerated powers of the Constitution. We still cling, and I shall always cling, to Mr. Jefferson's great principle of interpretation, that the sovereign powers of the State shall not be touched with the hand of Federal power; but we have the practice and experience of this country for a hundred years and half a hundred million dollars appropriated by the National Government in aid of education in the States in the form of public land; and yet after this long experience we are told that it has to be abandoned.

Well, what more than that? The Senator from Maryland [Mr. WILSON], who made an eloquent and forcible speech, will vote at this very session of Congress, in violation of every principle of constitutional interpretation which he has urged upon us, for the appropriation of money to the construction of a canal which is now projected, and which his colleague has frequently introduced here with very great urgency. Not only that, but all Senators will vote for the appropriation of 5 per cent. in money out of the Treasury of the United States to the States, upon condition, restraining their sovereign power and discretion, that it shall be appropriated to certain specified purposes, either of education or internal improvement.

The bill known as the Blair bill, whatever credit the distinguished Senator from New Hampshire may have for it, is nothing more than the same principle and the same public policy recommended by Washington, by Madison, by Jefferson, as to its provisions and its effect upon general education, except that they proposed it should be done by an amendment to the Constitution. The bill is nothing more than, and can not be distinguished by any argument from, the 5 per cent. and the 2 and 3 per cent. bills for the proceeds of the sales of the public lands paid into the Treasury of the United States, made a part of the public money, and paid out again from time to time as they may accrue. It is national aid to the States, national aid to the States in money, national aid to the States upon condition, national aid to the States upon condition of education or internal improvements.

The difficulty with my friends is that they have not only placed themselves back to the first days of the Constitution in their interpretation of it; they not only ignore the hundred years of practical application of the powers of the Constitution to the necessities of the country and its progress, but they place themselves back to a time before this age of industrial power, of industrial success, made a new and a changed world. They ignore the necessities which now demand new conditions and new treatment of the great mass of the people and of the economies upon which their very existence depends. They seem to consider in their arguments here that there is nothing in these modern days to do but to sustain great armies and expend vast sums of money for the resistance of organized force.

My learned friends who have argued this question are willing to expend an indefinite amount of tax-money for the maintenance of an army and a navy. They ignore the fact that the great industrial necessities of the day are such that a greater power than organized armies

attacks the life of the State and of the people; that want, disease, and famine are evils to be guarded against; that everywhere education is the great organized power even of the armies, even of destruction; but that the great object of this age is the preservation of human life, the development of human faculties, the improvement of mankind. This it was that made Thomas Jefferson the great apostle of liberty in the hearts of the people of this country, and this it is, and not distinctions of a high or a low tariff, but his sympathies with the great masses which made him and the Democratic party which he founded so near and dear to the hearts of the people. It is the principle of human sympathy, of human progress, of institutions which give power to the people as a mass, not mere technical and arbitrary declarations of constitutional interpretations which he abandoned in practice as the Chief Magistrate of the Republic.

It is true we have a great system of government, the corner stone of which is the power of the States, the sovereignty of the States in those respects in which power is reserved to them, and the sovereignty of the National Government only in those respects which have been conceded to it. But among these powers it has been found, as Mr. Monroe so wisely declared, a practical necessity that the power of aiding the States, with their consent, by the appropriation of the public money, whether it be of lands or of tax-money, has been found to be not only a necessity but a most beneficent principle of government. Why, then, should it cease to-day? Why, then, shall that which has never before created an invasion of the sovereignty of the States be held now to be a source of great danger? Why shall it be conceived that this great American people will not rise in indignation and rebuke any Secretary of the Interior or any administration that will propose to fetter the sovereign power of a State to direct the education of its own people?

Mr. President, I have no apprehensions upon that subject. I have no fears that this people will permit a great centralized government to assume the control of their domestic relations and prescribe an iron rule for the habits and the lives and the thoughts of the people of the States. There is too great a distrust among the people of this country of any interference by a centralized power with their own control and regulation of their own domestic affairs. They do not want and will not allow any power to be vested in a majority of Congress elected perhaps from one section of the Republic to say when they shall be married and when they shall cease to be married, or to regulate and control the relation of parent and child, or the employer and the employé.

I am in favor of the passage of this bill, not only because it has the sanction of the universal practice of this Government for a hundred years; not only because it has the sanction of the advice and the example of every one of the Presidents, for that logic is too shadowy and too uncertain which undertakes to show that Madison, Washington, Adams, Jefferson, and all those great statesmen should have declared that general education of the people of the States was a necessity for the future progress and welfare of this Government and people, and a proper object of national aid, but that it must be confined to the appropriation of money derived from the sales of public lands. It is equally important, whether it be sustained or not sustained, whether it be tax-money or land-money that shall be appropriated to aid the States in its accomplishment.

My friend from Tennessee [Mr. HARRIS] finds authority in the enumerated powers of the Constitution to vote for appropriations to stop the progress of disease. He considers that to be commerce and regulating commerce, I suppose; but I can see no foundation for an argument of that sort either in substance or in technical correctness. The fathers, whose interpretation upon this subject we are required to take, declared that the power to regulate commerce contained no provisions of the kind.

Mr. HARRIS. Will the Senator from Florida yield to me for a moment?

Mr. CALL. Certainly.

Mr. HARRIS. I beg to say to him what I have had occasion to say on more occasions than one upon this floor, that all I have ever asked in any bill I have offered or supported has been that Congress shall so regulate commerce with foreign nations and among the several States as to strip it of contagion. If the Senator can find ground to base a doubt upon as to Congress possessing that power, I should be glad for him to suggest it. That is all I have ever favored.

Mr. CALL. I have not the slightest doubt of the power of Congress, but I have very great doubt and, I may say, I have almost a certain knowledge that the foundation upon which the Senator places it is one of sand, and can not stand.

Mr. HARRIS. I beg, before the Senator proceeds, if he will allow me, to say that if Congress has not the power to make the appropriations to which he has referred, and which I have voted for, under the authority to regulate commerce with foreign nations and among the several States, it has no such power, and he can not find a clause in the Constitution from which such power can be derived.

Mr. CALL. That is the fault of the Senator's argument. That is the interpretation which was sought to be put, but where did Mr. Jefferson find the clause in the Constitution which authorized him to purchase Louisiana? Will the Senator answer me that question? The power to appropriate money, not interfering with the sovereignty of the States, to aid them in the execution of the laws for the prevention of the spread of contagion, rests alone upon the power to raise money by taxes, excises, and imposts, and to appropriate it. However you may argue as to the purposes for which it was intended, that is a power conferred upon Congress, and a power the exercise of which rests in them and them alone. Justify as you may, condemn as you may, the exercise of that power, the Constitution vests the power in the people and their representatives, and Mr. Jefferson invoked it, saying, "It was never intended; there is no enumeration here by which I can purchase Louisiana; but the public necessity requires it, and you have the power, and I justify myself before the people for its exercise. You may do it either by an amendment of the Constitution or otherwise."

The power to make appropriations for the prevention of the introduction of disease into this country is doubtless an expedient and a just power. It may be held, as Mr. Jefferson said, that the power to establish post-offices and post-roads was to include everything. He said it did not properly include the power to make a new road; that Congress has power to establish a post-road where one had already been declared, but where no road existed, where no highway had been marked out by State authority, it had no power to establish it. That was manifestly in the legal interpretation and by the common consent of the country a construction too narrow. Now Congress not only establishes roads which had not been designated, makes the roads, but has even made great railroads for the purposes of mail facilities and military transportation as a necessity.

I take it that the great principle of this Government is the sovereignty of the States as a matter of power over the subjects which are reserved to them, and the sovereignty of the National Government as a matter of power over those which are confided to it; that there can be no collision, and one can not touch the other; but that outside of that it is the very force and life of the Constitution that the National Government shall give aid to the States where it does not interfere with the exercise of their sovereignty; and that wherever the States consent to the use of money, accepting a donation to be used in their discretion, such an appropriation is not only authorized by the Constitution, but is in conformity with its very spirit and life and purpose.

But, Mr. President, let us go further. We are informed in this great organic law that to provide for the common defense is an object for which taxes shall be imposed. That is said to be a blanket clause. Suppose we admit the construction that it is intended to provide for the common defense and the general welfare according to the enumerated powers and not outside of them, the general welfare of the States and the National Government under the enumerated powers comprehends the whole subject under the latitudinous construction which you give to the regulation of commerce and the establishment of post-offices and post-roads. There is no practical distinction. My friend from Tennessee can find the power to stop contagion, internal and external, under the power to regulate commerce.

Mr. HARRIS. If the Senator will allow me, his friend from Tennessee can find power to regulate commerce so as to strip it of contagion.

Mr. CALL. I will use my friend's language, but that does not vary the proposition a particle. The Senator from Tennessee can find power to regulate commerce so as to strip it of contagion, foreign and domestic, but there is no enumeration in the Constitution of stripping commerce of contagion.

Mr. HARRIS. There is power to regulate commerce, and I propose to regulate it.

Mr. CALL. Contagion is not commerce, and never was. Small-pox and cholera are not commerce.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. One moment. The debate will proceed more in order if the Senator will wait until he is recognized.

Mr. HARRIS. I will wait until the Chair has ascertained from the Senator from Florida whether he consents to be interrupted or not.

Mr. CALL. Oh, yes; I consent.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. CALL. Certainly I yield.

Mr. HARRIS. I simply desired to say that I hoped my friend would not quibble upon words. All that I have ever favored, as I have heretofore explained, in respect of the matter to which he refers, is that in regulating commerce it shall be so regulated as to strip it of contagion. That is all I care to say.

Mr. CALL. If my friend can demonstrate that small-pox, or cholera, or infection of any kind is commerce, then under the constitutional provision to regulate commerce, if you are going to limit it to its enumerated power, of course you can regulate it, commerce being contagion, and commerce being small-pox and infection.

Mr. HARRIS. Will the Senator allow me to ask him——

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. Certainly.

Mr. HARRIS. I ask the Senator if contagion can not be carried from one country to another, and from one State to another by all the instrumentalities of commerce?

Mr. CALL. There is no doubt of that.

Mr. HARRIS. Can it not be carried by a person?

Mr. CALL. Oh, yes.

Mr. HARRIS. Can it not be carried by a bale of goods?

Mr. CALL. Oh, yes.

Mr. HARRIS. Can it not be carried by almost every article that is transported on the thoroughfares over which commerce passes?

Mr. CALL. Yes; there is no doubt of that.

Mr. HARRIS. It is that commerce which the bills I have advocated have proposed to regulate, and to regulate in the interest of the sanitation and good health of this country.

Mr. CALL. They are all good bills, but the argument is not good. The distinction is unreal. Commerce, as I said before, though accompanied by contagion and accompanied by people and accompanied by ships and vessels, is not the thing itself. Regulating contagion and infection is not regulating commerce. Primarily, it may be connected with it, and connected with it consequentially, but it is not the thing itself, and if you are going to establish the principle of enumeration and strict interpretation, then the police powers of the State would have admitted and established and recognized jurisdiction over the subject, and would be the only power to which you could look.

It was held by the eminent statesmen whose opinions have been urged with so much eloquence, so much grace, and so much force by my friend from Delaware [Mr. GRAY], my friend from Missouri [Mr. VEST], the Senator from Maryland [Mr. WILSON], and the Senators from Texas—it was held by all the great statesmen in the beginning, except Alexander Hamilton, that there was no power in the Government to regulate commerce by establishing works of internal improvement. Said Mr. Jefferson in the work before me, "Light-houses by custom and sanction may be regarded as within the constitutional power, but not piers in the Delaware River." So strict was the interpretation of the language in that school of statesmen, whom I acknowledge to be the greatest statesmen that perhaps the centuries have produced, that Thomas Jefferson, with his wide sympathy for mankind everywhere, with his devotion to everything that elevated humanity, with his belief and his great agency in vesting power in the people as a body and without limitation, and Madison, his successor, and all recognized the necessity of this power in the Government, and held that it should be supplied by a constitutional amendment; but as to its necessity there was not one dissenting opinion.

Mr. Madison held upon the subject of the tariff, in the opinion which I have before me at length, that the power to levy imposts carried with it the power to levy even a prohibitory duty, not for the purpose of raising revenue, but for the purpose of preventing revenue, not its direct purpose, but with that effect for another purpose; but that there was no power to give bounties; and yet under that system bounties of hundreds and thousands of millions of dollars are paid under that construction of the Constitution.

While a follower of Thomas Jefferson, I am not among those who do not concede to his great rival, Alexander Hamilton, wonderful powers and the most pure devotion to the public good. The difference between him and Mr. Jefferson was then as it is now between our Republican friends and the Democratic people. He sought the happiness of the people through a government of privilege, through a government of property distinctions, while Thomas Jefferson relied upon the sentiment, the good sense, and the sympathy of the whole body of the people.

Mr. HOAR. The Senator from Florida will allow me to observe, in connection with what he is saying, that whatever criticism may be made on any of the desires of Alexander Hamilton before the constitutional convention met, or before it agreed upon its plan, it is to him and to no other man that the adoption of the present Constitution of the United States is due. If you subtract from the forces which were in favor of the adoption of the Constitution by the nine States which by their ratification put it in force the opinions and the arguments of Alexander Hamilton, the Constitution would never have gone into effect; and that is a thing which can be said of no other man whatever.

Mr. CALL. That is a question to which there are two sides. I freely concede the very great influence Mr. Hamilton had in the adoption of the Constitution. I am not among those who disparage his wonderful merits or the purity of his patriotism; but it will not be forgotten that Mr. Madison, and Mr. Jefferson, although he was in France at the time of its formation, were both factors, and important factors, and what particular degree of influence they had can not well now be estimated, except that from that time thereafter they came to represent the great body of feeling and opinion and thought and sympathy of the American people.

I advocate the passage of this bill and have no fear. The bill is sufficiently Democratic, and it is sustained by Democratic precedents from the beginning of Mr. Jefferson's first year until now. The principle of national aid to the States, to be used in their discretion, creates no fears with me. I see in it the Constitution of the country, itself made for the purpose of giving national aid to the States in the exercise of their sovereign powers, with an express provision that, as to the executive branch of their government, the enforcement of the laws which in their sovereign discretion is confided to them, the Government of the United States should be bound upon their request to aid them in the preservation of the public peace and the execution of their laws.

Mr. HARRIS. Will the Senator from Florida allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. CALL. Certainly.

Mr. HARRIS. Perhaps it may be my fault—I have not heard all the remarks of the Senator—but I should be glad to know from what clause of the Constitution he derives the power to levy and collect taxes and appropriate money to the objects and purposes of this bill.

Mr. CALL. I derive it from this proposition: You do not deny that the Constitution gives Congress the power to appropriate public money, do you?

Mr. HARRIS. To any of the legitimate purposes confided to Congress by the Constitution, I do not. To any other purposes I utterly deny the power.

Mr. CALL. Will the Senator from Tennessee tell me who are the judges of the legitimate powers confided to Congress by the Constitution?

Mr. HARRIS. The Senator from Florida either has the power delegated to Congress by some clause of the Constitution, or he has not; and it would be a little more direct and a little more in accordance with frank dealing to name the clause that grants the power to Congress to levy and collect these moneys and appropriate them to the objects of the bill than the by-play the Senator seems inclined to resort to.

Mr. CALL. The by-play of my friend from Tennessee can not make my suggestion by-play. The question is whether the by-play is not with him. I ask the Senator from Tennessee to tell me the clause of the Constitution under which he finds the power to vote money for internal improvements.

Mr. HARRIS. The Senator adopts a method in this discussion somewhat peculiar, it is said, to New England. I do not know whether it is or not, but instead of answering a question so plain that no human being can misunderstand it, he asks another wholly foreign to the subject.

Mr. CALL. That does not answer my question.

Mr. HARRIS. Nor have you answered mine, which was asked first.

Mr. CALL. Now I will answer it.

Mr. HARRIS. But I may say that it would be a little difficult for the Senator to find where I have voted for the internal improvements to which he refers.

Mr. CALL. I thought I had already answered the Senator's question in the course of my remarks. Different schools of opinion arose in this country immediately after the Revolutionary war and the adoption of the Constitution. One of those schools of opinion held that this clause of the Constitution, "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States" was limited to the specially enumerated powers thereafter contained in the Constitution. Another school held that it was not so limited; that Congress had a discretion not only by virtue of the fact that the power as power was given to them; that power is one thing, and discretion another. Another school held that the power to appropriate money being given to the representatives of the people and the States, the discretion of necessity was with them to exercise this power, and that they were not confined by the mere technical declaration and language of the enumerated powers.

They held that they were the depositaries of power to be exercised for the common defense and the general welfare of the country. Mr. Jefferson denied that interpretation; Mr. Madison denied that interpretation. They could find no power to regulate commerce by the construction of piers in rivers, the cleaning out of channels, the construction of canals. They could find no power to create avenues of commerce by internal improvements. They could find no power to appropriate money to purchase foreign territory.

Mr. REAGAN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. CALL. I do.

Mr. REAGAN. I call the Senator's attention to the fact that Mr. Madison not only approved but signed bills appropriating money for the improvement of rivers and harbors.

Mr. CALL. Undoubtedly so; and it was the first tribute paid by Mr. Jefferson and Mr. Madison to the theory of interpretation which Mr. Monroe affirmed to be the only reasonable and possible one to prevent a violation of the Constitution. Mr. Calhoun came here with all his views of strict construction. His view was read the other day by the Senator from Alabama [Mr. PUGH], and, without reading it at length, I will read an extract for the benefit of my friend from Tennessee, who has been always the humble and the profoundly able defender of Mr. Calhoun and his doctrines, and ask of him now to come with us in support of the principle of national aid to the States.

We do not care much about this little matter of school-books of one kind or another. We have no fears that any Secretary of the Interior or any President will dare to defy the great constitutional principle of interpretation that the States alone have power over the education of their children; but it is national aid. Now, let us see what Mr. Cal-

houn said about the doctrine of regulating commerce by preventing infection. He said:

The first power delegated to Congress is comprised in these words: "To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States." First, the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power may be applied—namely, to pay the debts, provide for the defense, and promote the general welfare; and last, the rule for laying the taxes is prescribed—to wit, that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words, "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

If such were in fact the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms, which were afterwards to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare," were intended for this summary, they should have headed the list of our powers, and it should have been stated, that to effect these general objects the following specific powers were granted.

* * * * * * *

Forced, however, as such a construction was, I might admit it, and urge that the words do constitute a part of the enumerated powers. The Constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation usually given to these words confines our powers to that of designating only the post-roads, but it seems to me that the word "establish" comprehends something more.

But suppose the Constitution to be silent—

Said Mr. Calhoun, and I call the attention of my friend from Tennessee, Mr. Calhoun's follower, the follower of a great, and bright, and shining light in learning and in statesmanship, to this language—

But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers.

Mr. REAGAN. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. Certainly I yield.

Mr. REAGAN. I call the Senator's attention to the fact that the commentators upon the Constitution of the United States, from Mr. Justice Story down, and all the decisions of the Supreme Court of the United States that bear on the subject distinctly negative the proposition laid down there as coming from Mr. Calhoun, and affirm that the "general-welfare" clause is not a delegation of power.

Mr. CALL. Well, Mr. President, let us pass from that. If they do so declare, they declare it in the face of the universal practice of this Government to the contrary, and of the votes of every Senator here, because neither can the Supreme Court nor the commentators upon the Constitution make a difference, nor is it in the power of human intellect to make a difference, where none exists. The vote for the 5 per cent. proceeds of sales of public lands, after it has been put into the Treasury of the United States, and become a part of the public money which every Senator here votes for in every appropriation bill, or at least consents to its continuance, is in every respect, without the difference of a shade or a hair, the principle of aid to the States from the Treasury of the United States, and aid for education.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. CALL. Certainly.

Mr. GEORGE. The Senator from Texas asserted that his proposition had been established by decisions of the Supreme Court of the United States, and I understood his proposition to be that the Supreme Court of the United States had settled that in the taxing clause of the Constitution, which has been read by the Senator from Florida, to lay and collect taxes, to pay the debts, provide for the common defense and general welfare of the United States, the words "to provide for the common defense and general welfare" did not convey to Congress a substantive and independent power. That is true, but that is not the proposition involved in this bill. The proposition is that those words give to Congress the power to appropriate money to the common defense and general welfare, but that Congress is not confined in determining what the general welfare is to the subsequently enumerated powers in the Constitution.

That is the proposition on which we who support this bill stand, and I affirm that no decision of the Supreme Court of the United States can be found which denies that proposition or limits it in any respect whatever. On the contrary, as stated by the Senator from Florida, the uniform construction of that clause of the Constitution from a very early period down to the present time is that whilst Congress can not legislate so as to acquire jurisdiction over a matter under those words, it may legislate by appropriating money to objects outside of the enumerated clauses of the Constitution.

That is the proposition upon which we stand, and not upon the proposition discarded not only by the Supreme Court but by all constitutional lawyers and constitutional writers, that the words "to provide for the general welfare" convey to Congress the right to invade the sovereignty of the States as to any particular matter reserved to them under the Constitution and assume jurisdiction over them.

The power to appropriate without the power of jurisdiction is a firmly settled principle in the constitutional jurisprudence of this country. It received the sanction of Mr. Calhoun in the language which the Senator from Florida has read. It received the sanction of Mr. Monroe, and it receives the sanction of Congress at every session by the appropriation of money out of the Treasury of the United States to purposes conceded to be outside of the jurisdiction of Congress.

Where is your Agricultural Department to-day? Where is your authority under the Constitution of the United States to establish an Agricultural Department? Where is your jurisdiction over agriculture? Where is your authority to employ men to make a geological survey of the States of this Union? Where is your authority to have books published and employ men to write them, as to the ethnology of this country? Where is your authority to do a thousand things which we do here every day? Look at your last appropriation bill, and you will find it chock full of appropriations giving money to purposes outside of the enumerated powers in the Constitution, all done under the construction of the Constitution read by the Senator from Florida, sanctioned by Mr. Calhoun, and by the uniform practice of this country from the beginning down to the present time.

Mr. REAGAN. Will the Senator from Florida allow me to reply to the Senator from Mississippi?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. CALL. Certainly.

Mr. REAGAN. I always listen with very profound interest to any views of Mr. Calhoun. No one admires his character more than myself, but I do not think it a friendly act to his memory to quote that part of his writings in his early career, in face of the utterances of the later and better matured part of his life. I do not know that he ever distinctly repudiated the language and the construction of that clause of the Constitution contained in that paper, but his whole after life was a general repudiation of that doctrine.

But that is not what I rose to say. I wish to quote the language of Mr. Justice Story in commenting upon this particular paragraph of the Constitution. Mr. Justice Story said, in section 906 of his Commentaries on the Constitution:

The Constitution was, from its origin, contemplated to be the frame of a national government, of special and enumerated powers, and not of general and unlimited powers.

He says further, in the same paragraph, that—

If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense and general welfare. Under such circumstances the Constitution would practically create an unlimited national government. The enumerated powers would tend to embarrass and confuse, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.

And in secton 907 of the same work he said:

For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

If we are to be asked by the Senator from Mississippi to interpret the Constitution by the acts of Congress, I desire to say that that is one thing. If we are to judge our powers by the Constitution, that is another thing. I do not set up the acts of Congress as a standard for judgment as to the interpretation of the Constitution, for we all know that in many instances, drawn perhaps by our ideas of necessity, by our sympathies, or by some unusual cause, we have passed acts not strictly authorized by the Constitution; but this great act proposed, invading the States and taking the control of their schools, is one so paramount, so important, that we ought to hesitate and not invoke past violations of the Constitution as a reason for this great violation of it.

Mr. GEORGE. The Senator from Texas has read a scrap from Judge Story——

Mr. REAGAN. If the Senator will allow me, I will say what he knows: that the Supreme Court in all its decisions bearing on the question has affirmed that doctrine.

Mr. GEORGE. The Senator from Texas reads from Judge Story to prove a proposition which nobody denies. I admit that to be law, and, so far as I know, no man on this side of the Chamber disputes it. We all agree, as Judge Story announces, that under these words in the taxing clause of the Constitution no substantive and independent power was granted to Congress. But if the Senator in studying Judge Story had gone a little further and learned all that Judge Story said upon that subject, he would have found that whilst Judge Story announces the doctrine as the Senator has read it, Judge Story ex-

pressly says that it is no impeachment of that doctrine, but in strict conformity to it, to hold as Mr. Monroe held and as Mr. Calhoun held, that the power of appropriating money vested by the taxing clause of the Constitution in Congress was outside of the enumerated powers. If the Senator denies that proposition as having the sanction of Judge Story, while I have not the book here, I will undertake to prove it, and to show that Judge Story distinctly and unequivocally announces the doctrine that the power to appropriate money is not confined to the powers enumerated in the Constitution.

Mr. REAGAN. I have not known of such a doctrine propounded by Judge Story.

Mr. GEORGE. Well, sir, I will bring it here and show it to you.

Mr. CALL. I do not think the doctrine of the Senator from Texas has a right to consideration here, because he will vote at this session and has voted every year in denial of it, and every other man who has been in Congress has done so. He votes for internal improvements, and he knows that the great statesmen, Madison and Calhoun, denied entirely the power as it is now exercised; and he knows as a man of reason that as compared to the power to make an appropriation, to invade the domain of a State, take possession of its rivers, construct roads without the consent of the State, as Mr. Calhoun, Mr. Madison, and all those statesmen pointed out, is essentially different from the power in this bill, which gives the money to the States upon condition of their acceptance of it. No man of reason can deny those propositions. You invade every day, under powers which your own interpretation of the Constitution and your own principles declare do not exist, the sovereign power of the State, while this bill does not do it and does not propose to do it, but asks the consent of the States.

Mr. REAGAN. If the Senator will allow me, there is a very broad distinction between the purposes of this bill and the appropriations for the improvement of rivers and harbors.

Mr. CALL. There is no doubt about that.

Mr. REAGAN. That is done under the clause of the Constitution which authorizes Congress to regulate commerce among the States and with foreign nations. Besides that there is no clause of the Constitution which covers education in the States. The maritime jurisdiction covers the navigable waters within the States, which goes in connection with the power to regulate commerce to make up the authority which justifies the wise policy of appropriations for the improvement of rivers and harbors.

Mr. BUTLER. May I ask the Senator from Texas right there if Congress has not absolute jurisdiction over all navigable streams?

Mr. REAGAN. Yes, sir; the maritime power extends to all.

Mr. BUTLER. And no other?

Mr. CALL. Mr. President——

Mr. GEORGE. Will the Senator from South Carolina state when that doctrine was recognized to be correct?

Mr. BUTLER. I can state it satisfactorily to the Senator.

The PRESIDING OFFICER. Only one Senator can occupy the floor at a time. The Senator from Florida is entitled to the floor, and it can not be taken from him without his consent. Will the Senator from Florida yield to the Senator from South Carolina?

Mr. CALL. I prefer to conclude my remarks. Let us take these learned critics of the Constitution on their own ground. My friend from Texas has been the apostle and the advocate of a bill which has had its origin in the Congress of the United States at his hands, a bill to regulate interstate commerce over railroads and not canals, not rivers, not natural highways. Where do you get the power to invade a State, not upon a navigable river, but upon a railroad or a dirt road?

Mr. REAGAN. The power comes from the clause of the Constitution which empowers Congress to regulate commerce among the States and with foreign nations, not to regulate the railroads, but to regulate commerce, not within a State, for that belongs to each State, but only to regulate the commerce which passes from State to State and from and to foreign countries.

Mr. CALL. I insist that that is not correct. The educational bill does not touch a State as an exercise of power. It does not purport to be an interference with the State. It says it is not. It says the State is to agree to its operation. It says the State is to accept the donation, and without its consent it can not be affected. It is an aid to the State to exercise its power, while the Senator finds, under the shadowy construction which Mr. Calhoun and Mr. Madison and Mr. Jefferson repudiated entirely under the power to regulate commerce, the right to enter the sovereign domain of the State and legislate as power, which this bill does not do. It proposes to regulate commerce by prescribing as an exercise of Federal power the rules that shall govern and limit contracts for transportation, not in places of maritime jurisdiction, but on the highways and roads of a State.

But, Mr. President, I want to say something more. If the power to regulate commerce covers contagion and infection, why does it not cover education? Are not ideas commerce communicable? Is not thought and its development a matter of commerce? And if you can get in these shadowy and insubstantial definitions the power to regulate commerce by the exercise of sovereign power within and over the contracts in a State, then why can we not apply it to education? If you are going to stretch the enumerated powers to include everything you want, why not include education? That is not the statesmanly view which Mr. Calhoun took and which he never withdrew. It is not the view which the necessities of this country and the daily practice of every Senator here, including my friend from Tennessee, require them to pursue and adopt.

This is too great a Constitution to rest upon such shadowy ideas. The common defense of the country does not mean alone organized bodies of men armed to suppress force. It means that which assails the common body anywhere and everywhere; but it does not mean, as my friend from Tennessee and my friend from Texas say, only the enumerated powers; it does not mean to invade with crushing power the sovereignty of the States over the subjects reserved to them; but it means to aid them consistently with the principle of national sovereignty over national subjects and State sovereignty over State subjects.

Mr. HARRIS. Will the Senator allow me to ask him if I understand him to say that a majority of the two Houses of Congress have the power under the Constitution to levy and collect taxes and appropriate the money so levied and collected to any object which, in the opinion of a majority of the two Houses, would be promotive of the general welfare or beneficial to the country?

Mr. CALL. I deny that all the Congresses and all the Senates in the world have a right to appropriate a cent of money to any purpose which they merely think is necessary for the common defense; but I think they have the sole power committed by the Constitution of appropriating money, and that the obligation upon them is to appropriate it consistently with the sovereignty of the States in such manner as will provide for the common defense against any great public evil and for the general welfare.

Mr. HARRIS. To any object?

Mr. CALL. To any object which is necessary to prevent the body-politic from being destroyed, to any object that is necessary for the common defense. I repudiate the shadowy and insubstantial proposition that the enumerated power to regulate commerce means the power to create ships, to dig rivers, to build railroads, to buy machinery, and to carry on the commerce of the country, which your proposition involves as well as the power to prevent contagion.

Mr. HARRIS. I was not inquiring as to what the Senator from Florida repudiates—that happens to be a subject of indifference to me—but I did desire to know whether he believes that a majority of the two Houses of Congress possess the power under the Constitution to levy and collect taxes from the people and appropriate the money to any object which they may hold to be beneficial to the public or promotive of the general welfare.

Mr. CALL. Oh, no, they must not only hold it, but they have the power to appropriate the money. Who has the power but Congress? Do you not acknowledge that? Who has the power?

Mr. HARRIS. Does the Senator assert that they have the power to appropriate the money to any object which they believe, or which they may decide to be, promotive of the general welfare?

Mr. CALL. Will the Senator tell me who can decide if they can not? Who is above Congress? These ideas belong to a past age. Of course Congress are bound to exercise all their powers for the public welfare, for the common benefit, and their action is void when they touch the power of the States and their sovereignty; they fall shattered to the ground when they touch the sovereignty of the States. But outside of that, the people alone have the power, and the Congress is its depository, as said by Mr. Jefferson, subject to responsibility in elections from the people for the exercise of their duty. This is an old contest. But I find here the action on the 2, 3, and 5 per cent. of the net proceeds of the sales of the public lands appropriated to these different States, Alabama and others, amounting to $7,336,000. Will Senators, statesmen, undertake to say to the country what Mr. Jefferson never said, Mr. Madison never said, what Mr. Calhoun never said, that these seven and one-third million dollars were wisely appropriated to aid the States in the exercise of their power of education because it came from land, that because it came from land the Constitution of the country said it was good, whereas if it had come from taxes it would have been bad? We have not such an unreasonable Constitution. We have not such unstatesmanly views of public policy. We have a Constitution which says that the National Government shall be sovereign for its purposes, that it shall be created to aid the States in the exercise of their sovereignty; and here are $7,000,000 of money, the proceeds of property bought with taxes, given to the States for national aid to the States for education. And yet, unconscious of that fact, for which the Senator from Texas votes, we are met with this objection!

I ask the Senator from Texas how he holds his seat here to-day? If the principles of constitutional interpretation which he announces here are true, he is no Senator here. There is no power in the Constitution in its enumerated powers to acquire foreign territory. The right of treaty-making never could be extended to change the very autonomy of a country and its written constitution and power. It is by virtue alone of the sovereign powers conferred upon the Congress of the United States outside of its enumerated powers. The power to declare war does not require the annexation of foreign territory; the power to make treaties does not require or necessarily include the power to annex Great Britain, or France, or South America. You can not frame it

that way any more than you can strain the language of the power to regulate commerce, to build wagons to carry on commerce, or to build a railroad.

Mr. REAGAN. Will the Senator allow me a word?

Mr. CALL. Certainly.

Mr. REAGAN. We have a Supreme Court, which is the final interpreter of the construction of the laws and the Constitution. Are its accepted judgments law? If so, the Senator will remember that in several cases the Supreme Court has decided and held that under the treaty-making power we could acquire territory.

Mr. CALL. Oh, no.

Mr. REAGAN. I put myself behind those decisions of the court as to my right and as to the right of the Senator from Florida to a seat in this body.

Mr. CALL. I hold that the power of the Government to buy territory from other countries is complete without reference to the specific enumeration of powers. I hold, with Mr. Calhoun, that if the Constitution was entirely silent on the question of appropriating public money, Congress would have the right to do it. There is no other power to do it. But I do not know that the Supreme Court of the United States, through a mandamus, can require the Senator from Texas to say that he shall vote a certain sum of money for a certain purpose. I do not hold that the Supreme Court can interpret the Constitution *proprio vigore* and enforce it on the conscience and judgment of Senators and Representatives of the people. I hold them to be sovereign in this country, and the Supreme Court, as an independent and co-ordinate tribunal, has no power over them, either advisory or otherwise, except as their judgments may address themselves to the reasonable conviction and intelligence of the body. We hold the power, not they, of continuing them and of removing them, and it were well that this body were wider awake to the responsibility they owe to the people for the preservation of a pure and a learned judiciary.

Mr. REAGAN. The Senator will allow me to say that I did not mean to suggest that we were bound in our judgment by the judgment of the Supreme Court, but I believe the decision of the Supreme Court on a great question like that is persuasive and entitled to consideration.

Mr. CALL. It seems to me that everybody would know that that was a strained construction of the Constitution. The treaty-making power does not contemplate the necessity of the annexation of any one or of all foreign countries. It contemplates the regulation of our relations with foreign countries, but it does not contemplate, and could not be made to contemplate, the absorption and incorporation of foreign countries in our form of government. It is not intended for such a purpose, and one hundred Supreme Courts could not make it so. It is a sovereign power of government, and was never held to be a treaty-making power, though treaties were the ordinary methods by which it was accomplished.

But let us pass on. Mr. Jefferson, whose opinions we value so much, used the following words, which I commend to gentlemen, in the fourth volume and three hundred and eighteenth page of his Correspondence, in his letter to Dr. Priestley:

> The Gothic idea that we are to look backwards instead of forwards for the improvement of the human mind, and to recur to the annals of our ancestors for what is most perfect in government, in religion, and in learning, is worthy of those bigots in religion and government by whom it has been recommended and whose purposes it would answer.

I do not apply that term to my learned friends here—they are not bigots, they are enlightened and forcible statesmen—but I do commend the principle. The world advances, and what stands is the imperishable principle of local government, State sovereignty over State subjects, and national sovereignty over national subjects, each one aiding the Government without interfering—that is the great sovereign principle of our institutions which is destined to have its hold upon the world.

Mr. GRAY. May I ask the Senator, as he has referred to the opinion of Mr. Jefferson, to hear another opinion which is very pertinent to the matter he is now discussing? Mr. Jefferson said in a celebrated letter, which has been already read to the Senate:

> Whereas our tenet ever was, and, indeed, it is almost the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated, and that—

This is what I ask the Senator to particularly mark—

> and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action.

That seems to me, so far as the opinion of Mr. Jefferson is concerned, to meet the precise point taken by those who oppose the passage of this bill, and I think that in that phrase the Constitution could never have meant that Congress should raise money for purposes which the enumeration did not place under their action.

Mr. CALL. No doubt we agree as to that. You stand where Mr. Jefferson stood the first day there was a Constitution, and not where he stood when he purchased Louisiana. That was his opinion, that was his interpretation, and how did he carry it out? By exercising a power which he admitted upon his own principles of interpretation could not be exercised.

Mr. GRAY. Pardon me one moment. The language I have just read was used by Mr. Jefferson within four or five years of the close of his life.

Mr. CALL. I understand that also; but I say his principles of interpretation of the Constitution originated with the struggle with Alexander Hamilton in the first days after the adoption of the Constitution, and I say that the comment on this interpretation that its own founder made was the purchase of Louisiana in direct repudiation and denial of it, for there can be no queston of the proposition that if the Constitution prevailed there was no power to do it. If there was no power to do it as a matter of law and constitutional power, it was and remains to-day utterly void. It could not be accomplished otherwise than by some exercise of legitimate power, either acquiesced in or otherwise. Be that as it may, Mr. Jefferson himself laid the first monument in the foundation of that contrary interpretation when he said, "We are bound now to violate these principles of interpretation and purchase the Territory of Louisiana."

But I want to allude to an act to promote the education of the blind, approved March 3, 1879. I do not know how my friend from Texas voted on that.

> *Be it enacted, etc.*, That the sum of $250,000 out of money—

Tax-moneys, the money of the people, as my friend from Texas would say—

> out of money in the United States Treasury not otherwise appropriated, be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.
>
> SEC. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at 4 per cent., of the issue of July, 1870, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.
>
> SEC. 3. That the Secretary of the Treasury of the United States is hereby authorized to pay over, semi-annually, to the trustees of the American Printing House for the Blind, located in Louisville, Ky., and chartered in 1858 by the Legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, the semi-annual interest upon the said bonds, upon the following conditions.

Let us see what the vote was on that bill.

Bailey, Bayard, Butler—

I am surprised—

Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke—

I am again surprised——

Mr. BUTLER. I can plead the statute of limitations on that vote.

Mr. CALL—

Conover, Davis of Illinois, Davis of West Virginia, Dorsey, Eustis—

I am not surprised at that—

Ferry, Garland, Gordon, Grover, Hamlin, Harris—

HARRIS, of Tennessee! [Laughter]—

Howe, Kellogg, McMillan, Maxey, Mitchell, Oglesby, Paddock, Patterson, Plumb, Ransom, Rollins, Sargent, Shields, Spencer, Teller, Whyte, Windom.

I find I have read the wrong list. The Senator from South Carolina [Mr. BUTLER] did not vote on the bill.

And then came the nays—yeas 35, nays 24.

Mr. BUTLER. What is the provision of that law, may I ask my friend?

Mr. CALL. I have already read it. I will read the list again.

YEAS—Messrs. Anthony, Bailey, Beck, Blaine, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke, Dennis, Dorsey, Eustis, Ferry, Garland, Gordon, Grover, Harris, Howe, Jones of Florida, Jones of Nevada, Kellogg, Lamar, McCreery, McMillan, McPherson, Matthews, Maxey, Mitchell, Morgan, Oglesby, Patterson, Plumb, Rollins, Saunders, Shields, Teller, Wadleigh, Whyte—40.

NAYS—Messrs. Davis of Illinois, Davis of West Virginia, Edmunds, Hereford, Kirkwood, McDonald, Merrimon—7.

Mr. BLAIR. The Senator will allow me to say that the yeas and nays were not taken in the House of Representatives on that bill, but the vote there stood, ayes 124 and noes 23. I do not know how the Senator from Texas voted, but he was part of the majority of the House at that time.

Mr. CALL. The bill is a bill donating so much money—$250,000—as a perpetual fund to the education of the blind of the State of Kentucky.

Mr. BUTLER. Now, Mr. President, my friend will permit me to read——

Mr. CALL. For a printing-house for the blind.

Mr. BUTLER. Let me read the preamble.

Mr. CALL. The Senator will not read anything different from that. I will read it.

Mr. BUTLER. The preamble there puts a different phase on it.

> Whereas the trustees, superintendents, and teachers of the various State and public institutions for the instruction of the blind, representing the interests of over 30,000 blind persons in the United States, have united in a petition to Congress to take into consideration the needs of the blind in the United States; and
>
> Whereas the Association of the American Instructors of the Blind, at their session in Philadelphia, in August, 1876, representing twenty-six State and public institutions for the instruction of the blind, have set forth in a series of resolutions that the especial needs of the blind are embossed books and tangible apparatus, and have recommended that if any aid should be given by Congress it would most efficiently come through increasing the means of the American printing house for the blind, located in Louisville, Ky., etc.

Showing clearly that it was a national institution. That money was

not thrust into all the States as this bill proposes to do; it was confined to a single institution, national in its character; and if I were put upon my *voir dire*, I would say that that was a straining of the Constitution somewhat, though I voted for it. I have voted for many other things that were not strictly according to the Constitution in my judgment.

Mr. BLAIR. An examination of the record will show that this is a measure introduced and pressed by the honorable Senator from Kentucky [Mr. BECK], who is not now in his seat. I think the whole act had better be inserted in the RECORD. The appropriation was made from public money; it was accepted by the State, and the Senator from Kentucky made a provision that the State and the corporation both should accept it before the money should be expended. With that understanding the Senator from Massachusetts [Mr. HOAR] voted for the bill. It was an appropriation of public money.

Mr. EUSTIS. I want to ask the Senator from South Carolina a question. I understood the Senator from South Carolina to state that a law for which he voted was unconstitutional. I should like to ask him whether at the time he voted for it he considered it unconstitutional?

Mr. BUTLER. Well, Mr. President, I regret very much to say that I did not give it that investigation which I ought to have given it, and I am quite sure that if I had I should have voted against it.

Mr. CALL. I understand that the Senator from South Carolina introduced a bill very much the same as this at one time.

Mr. BUTLER. Yes; but the moment after I introduced it I began to investigate it, and I withdrew it.

Mr. CALL. And I understand furthermore that the Legislatures of South Carolina and Florida favored it.

Mr. BUTLER. On that subject there might be a difference in point of time. Six or seven years ago the Legislature of South Carolina might have done so, but I am quite satisfied that they would not now.

Mr. CALL. I have in my hand the bill introduced by Mr. Calhoun in 1839 to donate the public lands within the limits of the United States to the several States on certain conditions therein mentioned, and he goes on, in a speech made later on that subject, to say that these public lands would amount to over $100,000,000. They cost $323,000,000. He proposed to give over one thousand million acres of public land to the States upon conditions limiting their sovereignty in disposing of them. What was that? Here is this statute to educate the blind—to donate money for that purpose. It is not an invasion of any power of the sovereignty of the State of Kentucky. That sovereignty stands unimpaired if every blind child was educated with money donated and accepted from the hands of the National Government—no, not only unimpaired, but strengthened and built up to the extent that her people are improved.

But I think these Senators have gone back to the very first days of the Constitution after its adoption and to the old ideas which then prevailed—right ideas they were in part, but not perfect, as Mr. Jefferson himself pointed out, to be tested by time and adapted to the great principles of local self-government, State sovereignty and national sovereignty.

But what do we propose to do? I have alluded to the fact that we live in a new age; that this is not the age of war; that we are rapidly approaching that period in human affairs when other policies are to take the place and other dangers to be encountered—other policies than those of organizing for the suppression of antagonistic forces of one government against another. I hold in my hand a very interesting article in the Popular Science Monthly, from a man worthy of great respect and confidence, which I will not detain the Senate to read at length, but which I wish to call attention to as illustrating the public policy which demands this appropriation. It is an article upon "The Economic Disturbances since 1873," contingent on the war expenditures. My friends here are willing to vote any amount for war and for the equipment of navies. Let us see how that comports with the present economic condition of the country. Mr. Wells, in this article, states—

> That the men in actual service at the present time in the armies and navies of Europe are in excess of 4,000,000, and that it undoubtedly requires the product of one operative or peasant labor to sustain one soldier. The present aggregate annual direct war expenditure of the world is probably in excess of a thousand million dollars. We express this expenditure in terms of money, but it really means work performed; not that abundance of useful and desirable things may be increased, but decreased; not that human toil and suffering may be lightened, but augmented.

Now, Mr. President, that is not the policy of this bill; that is not the policy which the future of all governments must pursue. But we find that there have been economical disturbances of great portent in the future and demanding other and different policies on the part of governments and of States—evils which are more menacing than the march of hostile armies, than the sacking of capitals, than the outrages perpetrated upon men and women, because they assail the entire body politic and all the people, starvation, diminished employment, imperfect distribution, economic disturbances bringing with them my friend's formidable opponent that he wages war upon, infectious disease, epidemic disease. We find these are the great evils originating among the people themselves.

Now, we find a very intelligent calculation here. We find, this writer says, that there are four great causes which are bringing want and suffering and the absence of employment to the people, and yet beneficent causes themselves:

> First, the occupation and utilization of new and immense areas of cheap and fertile wheat-growing land in the United States, Canada (Manitoba), Australia, and the Argentine Republic. Second, the invention and application of machinery for facilitating and cheapening the production and harvesting of crops, and which on the wheat-fields of Dakota (as before pointed out) have made the labor of every agriculturist equivalent to the annual production of 5,500 bushels of wheat. Third, the extension of the system of transportation on land through the railroad, and on sea through the steam-ship, in default of which the appropriation of new land and the invention and application of new agricultural machinery would have availed but little. Fourth, the discovery of Bessemer, and the invention of the compound (steam-ship) engine, without which transportation could not have cheapened to the degree necessary to effect the present extent of distribution. Now, from the conjoined result of all these different agencies has come a reduction in the world's price of wheat to an extent sufficient to make its growing unprofitable on lands taken at high rents and under unfavorable climatic conditions; and legislation is powerless to make it otherwise.

In short, the whole secret of the depression of trade has been owing to these great changes in the economic condition of the world. Now, let me read from Mr. T. H. Huxley's work on "The Advance of Science in the Last Half Century:"

> The middle of the eighteenth century is illustrated by a host of great names in science—English, French, German, and Italian—especially in the fields of chemistry, geology, and biology; but this deepening and broadening of natural knowledge produced next to no immediate practical benefits. Even if, at this time, Francis Bacon could have returned to the scene of his greatness and of his littleness, he must have regarded the philosophic world which praised and disregarded his precepts with great disfavor. If ghosts are consistent, he would have said, "These people are all wasting their time just as Gilbert, and Kepler, and Galileo, and my worthy physician Harvey did in my day. Where are the fruits of the restoration of science which I promised? This accumulation of bare knowledge is all very well, but *cui bono?* Not one of these people is doing what I told him specially to do, and seeking that secret of the cause of forms which will enable men to deal at will with matter, and superinduce new natures upon the old foundations."
>
> But, a little later, that growth of knowledge beyond imaginable utilitarian ends, which is the condition-precedent of its practical utility, began to produce some effect upon practical life; and the operation of that part of nature we call human upon the rest began to create, not new natures, in Bacon's sense, but a new nature, the existence of which is dependent upon men's efforts, which is subservient to their wants, and which would disappear if man's shaping and guiding hand were withdrawn. Every mechanical artifice, every chemically pure substance employed in manufacture, every abnormally fertile race of plants, or rapidly growing and fattening breed of animals, is a part of the new nature created by science. Without it, the most densely populated regions of modern Europe and America must retain their primitive, sparsely inhabited; agricultural or pastoral condition; it is the foundation of our wealth and the condition of our safety from submergence by another flood of barbarous hordes; it is the bond which unites into a solid political whole regions larger than any empire of antiquity; it secures us from the recurrence of the pestilence and famines of former times; it is the source of endless comforts and conveniences, which are not mere luxuries, but conduce to physical and moral well-being. During the last fifty years, this new birth of time, this new nature begotten by science upon fact, has pressed itself daily and hourly upon our attention, and has worked miracles which have modified the whole fashion of our lives.

I will not read further from this eloquent tribute. Suffice it to say that upon applied science alone the safety of society depends to-day. The power of maintaining this economic system, as is stated by this writer, depends upon the advance of education. Without it the laborer is without compensation; without it unskilled labor can not subsist under our present economic laws and conditions, and a vast amount of unemployed, starving, reckless people are left in the body of the state without any power whatever to take care or provide for themselves. Our Commissioner of Labor estimated a million of unemployed people in his report of 1886.

Wealth and Progress, by Gunton, a book which commends itself to the consideration of every thoughtful man, says:

> By common consent the industrial question has become the problem of the hour. There never was a time when the demands of the labor question were so urgent nor when the failure to adequately meet those demands by a scientific solution involved so much danger to the well-being and progress of society as it does to-day.
>
> * * * * * * *
>
> With this increase in wages have come increased mobility, larger social opportunities, and consequently a more highly developed and more sensitive character.
>
> Again, as a necessary part of this industrial differentiation and social progress, he ceased to be a ward of his master's household and became simply a seller of service. By this change he gradually became a fractional part of a highly complex system of industry, in which he is an inseparable and almost automatic portion of a vast machine, apart from which he is practically useless as a producer.
>
> Consequently, when the factory stops, or he is discharged, from whatever cause, he is utterly helpless to procure means for a living, because as an isolated laborer he has lost the power to employ himself. When that point is reached, which the prevalence of enforced idleness shows is painfully frequent, the laborer of to-day is not only more helpless, but he is more dangerous to society than were the laborers of the thirteenth century.

This book proceeds to show the difference between the unskilled and the skilled laborer, the educated labor of the country, the difference economically, the difference in point of order, the difference in point of sobriety, the difference in the economical production and distribution of the country.

> In India, with wages at 60 to 70 cents a week, the capital invested in production is only about $35 per head of the population. In Russia, with wages at $3.60 per week, it is $190 per capita. In Austria, Italy, Spain, and Portugal, with wages at $3.76, it is about $350 per capita. In Germany, with wages at $3.84, it is $540 per capita. In France, with wages at about $5, the capital invested is about $1,010 per capita, and in England, with wages at $7.74 per week, it is $1,300 per capita. Accordingly, in England 78.16 per cent. of the products are made by steam, as against 10 per cent. in Russia, 29 per cent. in Austria, 34 per cent. in Italy, Portugal, and Scandinavia, and 36 per cent. in all continental countries. And in England and America 4½ per cent. of the product is made by hand labor,

as against 23.19 per cent. in Spain, 33.67 per cent. in Italy, and 42.37 per cent. in Portugal.

That is the condition of the United States. With the economic policies of the world making uneducated labor incapable of support, with machinery doing nearly the whole amount of human labor which human labor was formerly devoted to, cheapening production and at the same time depriving men of employment, you have to meet the problem of educating the laborer and all the people. You have to adopt Thomas Jefferson's policy, not in the literal interpretation of the enumerated powers, but with that great widespread sympathy with mankind which directed his policy toward their elevation, their education, and their improvement that demanded an amendment of the Constitution if necessary to enable it to be done.

Therefore, Mr. President, I regard education as these hundreds of millions of dollars appropriated nominally from the proceeds of public-land sales have always shown the American people regarded it, as the highest object to which the public money can be judiciously applied. I should have preferred in this bill that every dollar of this money was devoted to industrial education, to preparing men and women for the employments of life; but I have not been able to have my way in regard to it, and I am willing, as the first step towards aiding the States, even if the distribution be, as it is unquestionably, somewhat unfair as between one State and another, giving to those States that have already had the largest donations of the public land large amounts of money—I am willing, as the first step towards encountering this great evil, to devote an appropriation of the public money, whether it be from land sales or tax proceeds now in the Treasury, to the States to aid the States in the exercise of their sovereign power of educating and promoting the education of their people, not to invade them, but to aid them with their consent.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

Several SENATORS. Vote! Vote!

Mr. BLAIR. I hope the motion will not prevail.

Mr. HARRIS. Is the motion debatable?

The PRESIDING OFFICER. The motion is not debatable. The Chair will receive a message from the House of Representatives.

Mr. HARRIS. I yield for that, of course.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases;

A bill (H. R. 2056) for the relief of Joel J. Goss; and

Joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents.

The message also announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives providing for the printing of the report of the Commissioner of Education for the years 1886 and 1887.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 371) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Before the motion is put I will say that I should like to prefer a request to the Senate to fix a time when the final vote on the passage of this bill may be taken, and I ask unanimous consent that the debate be closed and the vote be taken on the bill and amendments to-morrow afternoon at 4 o'clock.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the vote be taken on the passage of the bill now under consideration to-morrow afternoon at 4 o'clock. Is there objection?

Mr. PLUMB. I shall have to object to that, although I should be very glad to have some day fixed a little further in the future. I expected before the debate closed to have something to say about it, but some statistics which I have sent for are not now at hand, although they are liable to come any day. I do not care to detain the Senate, but I think if the Senator will suggest some day early next week it will accommodate a number of Senators who I know intend to speak on this bill, and I do not believe, in view of the time already occupied and the manner in which the debate has gone on, that the Senate is going to be tolerant of any disposition to crowd it to an early issue; that is to say, within a day or two.

Mr. PLATT. It ought to be got through with before long.

Mr. PLUMB. I should be glad to name some day when we can take hold of it and dispose of it. I am as desirous of that as the Senator from New Hampshire can be; but let it be with due regard for the convenience of those who are liable to be caught up by this short turn.

Mr. BLAIR. I dislike to do anything to catch up my friend at any very short turn. He has been quite free in his comments on the delay in the decision of this bill in open Senate and otherwise, and I did not really expect from him a request for such protracted delay. I should like to have him designate a time which will suit his convenience to close the debate on this question and take the final vote. Friday perhaps, at 2 o'clock, would do.

Mr. PLUMB. Friday would not be a very good day, because of the fact that the Senate is very likely to adjourn over Saturday, and we might get into the subject of an amendment of this bill on Friday and have to postpone it until Monday. If the Senator will say next Tuesday——

Mr. STEWART. Tuesday at 3 o'clock.

Mr. PLUMB. Tuesday at 3 o'clock will entirely satisfy me. If I have criticised the Senator for his delay in pressing the bill to a vote, either on the floor of the Senate or elsewhere, I do not know it.

Mr. BLAIR. I will say in regard to that matter that I have certainly so understood him, but I have personally occupied less time in the discussion of this bill in the weeks that it has been pending than was occupied by the Senators from Connecticut and Oregon yesterday and the day before. I have pressed it as fast as I could, and I shall be very glad if now the convenience of those who oppose the bill does not require a longer postponement than Tuesday at 3 o'clock, and that they would agree to a vote at that time.

Mr. PLUMB. Tuesday was suggested; and it will answer my convenience, although an earlier day might answer that purpose; but a Senator, who desires to speak on this question about the time of the final vote, has said to me that he would not be here on Tuesday, and that Wednesday would be satisfactory to him. I think that will meet the approbation of all, perhaps.

Mr. BLAIR. I will ask consent——

Mr. RIDDLEBERGER. The Senator will allow me to interrupt him for one moment?

Mr. BLAIR. Certainly.

Mr. RIDDLEBERGER. I wish to know who the Senator is who wants this bill postponed that he may be present to speak on the final vote? Who has given that information to the Senator from Kansas?

Mr. BLAIR. I have no means of knowing.

Mr. RIDDLEBERGER. I should like to know who he is that wants this bill delayed in that way.

Mr. BLAIR. I ask unanimous consent that the final vote may be taken next Tuesday at 3 o'clock.

Several SENATORS. Say Wednesday.

Mr. BLAIR. It seems to me that it is analogous to trifling to ask another week's delay in the discussion of this bill. To-day is Wednesday; I ask unanimous consent of the Senate that the final vote upon this bill and amendments may be taken at 3 o'clock next Tuesday.

Mr. PLATT and others. Agreed.

Mr. PLUMB. I feel under constraint to object, and take the chances of what may come from that. I wish to say simply this by way of appeal to the good nature of the Senator from New Hampshire, if he has not lost it all in his accommodation heretofore, as he has allowed the bill to go over from time to time on account of just courtesy to meet the convenience of persons who wanted other bills passed, and others who wanted to speak on particular subjects, now, that there is some convenience involved on the part of certain Senators here, I do not think he ought to crowd the question when there is only twenty-four hours' difference between him and apparent unanimous consent to setting a time for disposing of the question.

Mr. BLAIR. The Senator from Kansas does not ask any such delay beyond Tuesday for his own convenience, and I trust he will not assume to make demands in behalf of others. If any one else desires a postponement longer, I should expect, of course, those other Senators to object or manifest a desire for postponement.

The PRESIDENT *pro tempore*. The request for consent has not been formally submitted by the Chair. The remarks of the Senator from Kansas seem to render that unnecessary. If, however, the Senator from New Hampshire desires, the Chair will formally submit the proposition.

The Senator from New Hampshire asks unanimous consent that on Tuesday next, at 3 o'clock in the afternoon, the vote may be taken on the bill and the pending amendments, and debate thereon cease. Is there objection?

Mr. HAWLEY. I ask for information; will the bill be the regular order every day until then?

Mr. BLAIR. I suppose it must be so. If Senators desire delay, it must be for the purpose of debate.

Mr. HAWLEY. I ask the question simply because I shall be out of town on Monday, and I wish to speak on the bill, which I will do on Thursday or Friday.

Mr. BLAIR. Very well.

Mr. COKE. I object to the agreement proposed.

The PRESIDENT *pro tempore*. The Senator from Texas objects.

Mr. GEORGE. Mr. President, a few moments ago——

Mr. HOAR. I hope the Senator from New Hampshire will ask unanimous consent for Wednesday.

Mr. GEORGE. I shall be through in a short time.

Mr. HARRIS. I hope we shall not enter into any further debate, pending the motion for an executive session.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Tennessee to yield.

Mr. HARRIS. I yielded to receiving a message from the House of Representatives, and I was not inclined to interrupt the request of the Senator from New Hampshire for unanimous consent; but I certainly am not willing to open the field of debate in respect to the matter.

The PRESIDENT *pro tempore*. The Senator from Tennessee has moved that the Senate do now proceed to the consideration of executive business.

Mr. GEORGE. I only want to put on record a citation from Mr. Justice Story, to which I referred a little while ago.

Mr. HOAR. Will the Senator from Tennessee allow the request to be put for unanimous consent on Wednesday?

Mr. HARRIS. I will not object to any request. I will not object to suspending the motion for any request for unanimous consent that the Senator from New Hampshire may make.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks the Senator from Tennessee to yield, to enable him to put on record a citation.

Mr. HARRIS. I will yield to the Senator from Mississippi for that purpose, too.

Mr. BLAIR. I will further avail myself of the courtesy of the Senator from Tennessee to ask unanimous consent that the debate close upon this bill and amendments at 3 o'clock on Wednesday next.

Several SENATORS. That is right.

The PRESIDENT *pro tempore*. The Senator from Mississippi has been recognized with the consent of the Senator from Tennessee.

Mr. GEORGE. I shall be very short. There was a difference between the Senator from Texas [Mr. REAGAN] and myself as to what Judge Story's opinion was as to the constitutional power of appropriating money out of the Treasury to objects not within the enumerated powers of the Constitution. I read from Judge Story:

The other question is, whether Congress has any power to appropriate money, raised by taxation or otherwise, for any other purposes than those pointed out in the enumerated powers, which follow the clause respecting taxation. It is said, "raised by taxation or otherwise," for there may be, and in fact are, other sources of revenue by which money may and does come into the Treasury of the United States otherwise than by taxation, as, for instance, by fines, penalties, and forfeitures, by sales of the public lands, and interest and dividends on bank stock, by captures and prize in times of war, and by other incidental profits and emoluments growing out of governmental transactions and prerogatives. But for all the common purposes of argument the question may be treated as one growing out of levies by taxation.

That is section 975 of Story on the Constitution. Section 977 reads as follows:

The argument in favor of the power—

The one which I have just read—

The argument in favor of the power is derived, in the first place, from the language of the clause conferring the power (which it is admitted in its literal terms covers it); secondly, from the nature of the power, which renders it in the highest degree expedient, if not indispensable, for the due operations of the National Government; thirdly, from the early, constant, and decided maintenance of it by the Government and its functionaries, as well as by many of our ablest statesmen, from the very commencement of the Constitution. So that it has the language and infent of the text and the practice of the Government to sustain it against an artificial doctrine set up on the other side.

Mr. BLAIR. I ask unanimous consent that the debate on the pending bill and amendments may close next Wednesday, at 3 o'clock in the afternoon, and that the vote then be taken.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that debate on the pending bill may close on Wednesday next, at 3 o'clock in the afternoon, and that thereafter the vote may be taken on the bill and amendments. Is there objection?

Mr. MORGAN. I should like to inquire as to the interpretation of that order, if it should be made. Suppose debate is found to be exhausted before 3 o'clock on Wednesday of the next week, would not a vote be in order on this bill between this hour and that?

The PRESIDENT *pro tempore*. The Chair can not decide that hypothetical question.

Mr. MORGAN. I desire to know it because I have an engagement that will keep me out of the Senate. If it is understood that the vote will be taken at 3 o'clock on next Wednesday, I shall arrange to be here then.

The PRESIDENT *pro tempore*. The Chair would suppose that a fair interpretation of such an agreement would be that the vote should be taken at that time or before in case the Senate should be ready to act before.

Mr. MORGAN. I would object to it in that form unless it is understood that the vote can not be taken before 3 o'clock on Wednesday next.

Mr. PLUMB. I do not think there will be any danger of a vote being reached before that time, and I did understand myself that it was the intention to fix a time, and that it should not be taken before then. I can assure the Senator from Alabama that if we postpone it till then he may run the risk of being absent until that time.

The PRESIDENT *pro tempore*. Is there objection?

Mr. RIDDLEBERGER. I do not intend to detain the Senate, but I object to having no end. If we are going to proceed at 3 o'clock next Wednesday to vote, it is perfectly understood that the Senate is acting by general agreement, and we are going to proceed until we pass or reject the bill. I want the Senator from Alabama to understand that is my agreement, for when I make an agreement I mean it. That is the agreement with the Senator from New Hampshire.

Mr. BLAIR. That is the way I understand it, that we proceed to take the vote on the amendments and the bill at 3 o'clock next Wednesday.

The PRESIDENT *pro tempore*. And not until that time?

Mr. BLAIR. And not until that time.

The PRESIDENT *pro tempore*. That, then, is the understanding of the Senate, that on Wednesday next, at 3 o'clock in the afternoon, debate on the bill shall cease, and the vote shall then be taken on the bill and the pending amendments, and that the vote shall not be taken until that time. Is there objection to that agreement or understanding? [A pause.] The Chair hears none.

Mr. CULLOM. I ask leave to submit a resolution for reference to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. It will be received, if there be no objection. The agreement as to the school bill is as stated by the Chair. The resolution offered by the Senator from Illinois [Mr. CULLOM] will be read.

INTERSTATE COMMERCE COMMITTEE.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Interstate Commerce be, and they are hereby, authorized to employ a stenographer to report the hearings before them relative to proposed amendments of the interstate-commerce law, and to have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I should like in connection with the matter just passed away to say without insisting upon it that I should like perhaps ten minutes to close the debate prior to 3 o'clock next Wednesday. I will take my chances on that.

HOUSE BILLS REFERRED.

The bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 2056) for the relief of Joel J. Goss was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE SESSION.

Mr. HARRIS. The question is on my motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. RIDDLEBERGER. I wish to understand from the Senator from Tennessee what his purpose is. I have a resolution on the Calendar, offered by myself in the morning hour, to change Rule XXXVII.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. RIDDLEBERGER. He has not risen, sir. There was a resolution introduced by me in the morning hour looking to such a change in Rule XXXVII as that we can consider the English treaty in open session. I ask now that that resolution be taken up, which is morning business.

The PRESIDENT *pro tempore*. The Senator from Tennessee has moved that the Senate proceed to the consideration of executive business.

Mr. RIDDLEBERGER. I beg pardon.

Mr. HARRIS. If we can come to a vote without discussion upon the resolution of the Senator from Virginia, I am willing to withdraw the motion for an executive session until we can decide that question. I am willing to yield if we can do that without debate, but if we are going to drift into debate about it I shall insist upon my motion.

Mr. HOAR. Allow me to suggest to the Senator from Tennessee that that will be in his own power all the time, because he will have the right to make the motion at any time.

Mr. HARRIS. Except that if I withdraw it and the Senator from Massachusetts should take the floor to make a two hours' speech, I would hardly have the authority to take him off the floor to make the motion.

Mr. HOAR. I take it the Senator from Tennessee never heard me make a two hours' speech.

Mr. HARRIS. I take it for granted the Senator from Massachusetts is not going to make a two minutes' speech on this question, but I took the liberty of using his name to illustrate the idea.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee insist on his motion to proceed to the consideration of executive business?

Mr. HARRIS. I do, unless we can unanimously consent to vote on the resolution of the Senator from Virginia without debate.

Mr. RIDDLEBERGER. I will not make any agreement of that sort. If I have got to make an agreement at all it will be as a Senator here, and if there is a proposition to go into executive session I do not understand it. I will make no condition with any Senator on that resolution or on that treaty, as you may call it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee. [Putting the question.] The ayes appear to have it.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CHACE. I desire to announce that I am paired with the Senator from Georgia [Mr. COLQUITT]. Not knowing how he would vote if present I refrain from voting.

Mr. KENNA. The Senator from Maryland [Mr. GORMAN] is absent on business, and I understand he is paired, but I can not say with whom.

Mr. WALTHALL. The Senator from Alabama [Mr. PUGH] is absent on account of sickness. My colleague [Mr. GEORGE] is necessarily absent temporarily.

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. PUGH] generally, but I understand from some of his friends that he would vote "yea" if he were here.

Mr. WALTHALL. I understood he was paired with the Senator from Vermont on political questions.

Mr. EDMUNDS. I am paired generally, on any question where I am informed that he would vote one way and I the other. If I am at liberty to vote, as his friends think I am, I will vote "yea."

Mr. GRAY. The Senator from North Carolina [Mr. VANCE] is absent from the city, and requested me to announce his pair with the Senator from Michigan [Mr. PALMER].

Mr. BUTLER. I ought to have announced the fact that I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], who, I understand, is absent on account of sickness.

Mr. CULLOM. There is no need of pairing with him.

Mr. BUTLER. There is no need of pairing with him on this question; so I shall allow my vote to stand.

The result was announced—yeas 43, nays 9; as follows:

YEAS—43.

Aldrich,	Davis,	Harris,	Quay,
Allison,	Dawes,	Hawley,	Reagan,
Bate,	Dolph,	Ingalls,	Riddleberger,
Beck,	Edmunds,	Jones of Arkansas,	Saulsbury,
Berry,	Eustis,	Kenna,	Stewart,
Butler,	Faulkner,	McPherson,	Turpie,
Chandler,	Frye,	Morgan,	Vest,
Cockrell,	Gibson,	Palmer,	Walthall,
Coke,	Gray,	Pasco,	Wilson of Iowa,
Cullom,	Hale,	Payne,	Wilson of Md.
Daniel,	Hampton,	Plumb,	

NAYS—9.

Blair,	Platt,	Spooner,	Teller,
Hoar,	Sawyer,	Stockbridge,	Voorhees.
Mitchell,			

ABSENT—24.

Blackburn,	Chace,	Hearst,	Pugh,
Blodgett,	Colquitt,	Hiscock,	Ransom,
Bowen,	Evarts,	Jones of Nevada,	Sabin,
Brown,	Farwell,	Manderson,	Sherman,
Call,	George,	Morrill,	Stanford,
Cameron,	Gorman,	Paddock,	Vance.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 9, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 8, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. BREWER. I think the Journal shows that the bill I reported back yesterday from the Committee on the District of Columbia as a substitute for the House bill 1184 was reported back without amendment. If that be so, that is not correct. I reported a substitute.

The SPEAKER. And the original bill was laid upon the table, as the Chair remembers.

Mr. BREWER. If it is shown in the Journal that it was placed on the Private Calendar, it is incorrect.

The SPEAKER. What is the nature of the bill?

Mr. BREWER. It is a bill to construct a bridge in the District of Columbia.

The SPEAKER. That should not go on the Private Calendar. The Chair is informed the Journal shows the bill went to the House Calendar. The Chair will inspect the Journal, and if it be in any respect incorrect he will have it corrected.

The Journal was then approved.

IMPROVEMENT OF HARBORS IN CALIFORNIA.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report respecting the purchase of a dredge for use in the improvement of harbors in California; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ROCKPORT AND CAMDEN HARBOR, MAINE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of examination and survey of Rockport and Camden Harbor, Maine; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MILITIA FORCE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia force of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting a report of the operations of the Bureau of Animal Industry for the year 1887; also transmitting a statement of expenditures and list of employés in that bureau from July 1, 1886, to November 30, 1887; which was referred to the Committee on Agriculture, and ordered to be printed.

CHARLES A. M'DANIEL VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Charles A. McDaniel against the United States; which was referred to the Committee on War Claims.

SENATE RESOLUTION REFERRED.

The SPEAKER also laid before the House the joint resolution (S. R. 17) to print additional copies of the United States map of the edition of 1886 prepared by the Commissioner of Public Lands; which was read a first and second time, and referred to the Committee on Printing.

The SPEAKER also laid before the House a Senate concurrent resolution for printing the report of the National Academy of Sciences for the year 1887; which was referred to the Committee on Printing.

FORT BROWN INVESTIGATION.

The SPEAKER also laid before the House a request of the subcommittee of the Committee on Military Affairs having in charge the Fort Brown investigation to sit during the session of the House.

There being no objection, the request was granted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCOMAS, for ten days, on account of continued illness.

To Mr. GOFF, for five days, on account of important business.

To Mr. TOWNSHEND, for the remainder of this week, on account of important business.

To Mr. STEWART, of Georgia, for one week, on account of sickness in his family.

PETITION OF FURNITURE MANUFACTURERS.

Mr. FORD. I have here a memorial from manufacturers engaged in a very important industry. It is signed by 140 furniture manufacturers of fourteen different States, representing an invested capital of over $16,000,000, and employing nearly 24,000 men, asking that the tariff on French plate-glass be reduced from 150 per cent. to 30 per cent., and that coal, burlaps, German looking-glass plates, sponges, etc., be placed on the free-list. I ask unanimous consent to have the body of the memorial printed without the names in the RECORD, and that the petition be referred to the Committee on Ways and Means.

There being no objection, it was so ordered.

The petition is as follows:

To the honorable Senate and House of Representatives of the United States:

The undersigned furniture manufacturers believe that the time has arrived when the inequalities of the tariff should be corrected and the surplus in the national Treasury reduced.

Therefore we respectfully petition your honorable body that the following articles be placed upon the free-list, namely: Burlaps, silvered mirrors, known in the trade as German looking-glass plates, coal, sponges. We would further respectfully request that the tariff on unsilvered plate-glass above 24x30 inches be reduced to not exceed 30 per cent. ad valorem.

There were imported into the United States last year $3,756,795.40 worth of burlaps, paying a tax of $1,176,706.42, the same being 31.32 per cent. This article never was and can not be profitably made in this country, owing to climate and other influences, and then there is no industry in the United States protected by this tax.

There were imported into the United States $1,633,656.86 worth of silvered mirrors, known in the trade as German looking-glass plates, upon which a tax

was collected of $407,650.80. There was also imported $1,229,044 worth of unsilvered plate-glass, paying a duty of $1,245,304.95, the same being an average rate of 101.20 per cent., and on sizes above 24x60 inches the enormous duty of 152.94 per cent. was collected. This duty of 152.94 per cent. was the largest tax collected upon any article imported into this country for manufacturing purposes. Notwithstanding this excessive protection, it has been demonstrated that it was impracticable to manufacture glass suitable for mirrors in this country, and every looking-glass plate used by furniture manufacturers in the United States to-day is imported. The collection of these taxes does not benefit any industry in this country, but is a grievous burden to furniture manufacturers, and if our petition is granted it will divert from the national Treasury $3,573,802.54 annually, and will save this amount and many millions more to the people.

SERVICE PENSIONS.

Mr. GROSVENOR. I desire to present a memorial of 590 voters, all residents in a single township, that of Rutland, Meigs County, Ohio. That township has no town or village of any considerable size in it. It is made up entirely of farmers, and for industry, patriotism, loyalty, and high character the people of this township are not excelled by any like community in the United States. The memorial is signed by substantially all the citizens of the township. It relates to the subject of pensions, and asks for a universal or general pension. The length of the memorial is only about a square. I ask that without the names it be printed in the RECORD, and that the petition be referred to the Committee on Invalid Pensions.

There was no objection, and it was so ordered.

The memorial is as follows:

To the Senate and House of Representatives, Washington, D. C.:

We, whose names are annexed, would most respectfully request your honorable bodies to pass an act placing on the pension-rolls all honorably discharged soldiers and sailors of the late war.

The following are a few of our reasons for the above petition: The injustice done the thousands of worthy soldiers who on account of their inability, and in many cases impossibility, to prove up their just claims, thus compelling the States in which such soldiers reside to furnish them a support, which should come direct from the Government they helped to save.

We also believe there are great frauds practiced in procuring pensions, and that many are now on the pension-rolls who should not be (unless all are), whilst thousands of those who are worthy and have equal disability are left out to be supported by local levies, if supported at all.

We think our Government is in a position to do this now, and it would save a reduction in the tariff, and is a simple act of justice.

EULOGIES ON LATE HON. SETH C. MOFFATT.

Mr BURROWS. I ask unanimous consent that Wednesday the 29th day of February, at 3 o'clock p. m., be set aside for the consideration of resolutions touching the life and character of the late Seth C. Moffatt, deceased, late a Representative from the State of Michigan.

There was no objection, and it was so ordered.

MINES AND MINING.

Mr. BIGGS, by unanimous consent, offered a resolution setting apart a day for the consideration of bills reported from the Committee on Mines and Mining; which was referred to the Committee on Rules.

ORDER OF BUSINESS.

Mr. WHITE, of New York. Mr. Speaker, I ask unanimous consent to present a petition for reference only.

The SPEAKER. If it is presented simply for reference it should go through the petition-box. There is no necessity for unanimous consent. Under the rule, the gentleman should put his name upon the petition and indorse upon it the name of the committee to which it is to be referred, and it will appear in the RECORD and in the Journal.

JOEL J. GOSS.

Mr. CLEMENTS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House bill No. 2056, for the relief of Joel J. Goss, and that the bill be now considered.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to the following-described real estate, to wit, five lots of land, containing 40 acres each, and known, designated, and numbered 278, 279, 280, 298, and 299, respectively, situate, lying, and being in the eighteenth district of the county of Polk and State of Georgia, be, and the same are hereby, released, quit-claim granted, and conveyed to Joel J. Goss, of said county of Polk, his heirs and assigns forever.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYSON. Let the report be read, or let there be a statement in reference to the bill.

Mr. RYAN. Let the report be read.

The SPEAKER. The report will be read, subject to the right to object.

The report of the Committee on Public Buildings and Grounds (by Mr. BANKHEAD) was read, as follows:

Your committee have considered House bill No. 2056, for the relief of Joel J. Goss, and find that the records in the Treasury Department show that on October 11, 1881, a judgment for $500 and $19.98 costs was recovered by the United States in the United States circuit court for the northern district of Georgia against William M. Wilson and Joel J. Goss. In satisfaction of this judgment the land described in the bill referred to was levied on as the property of defendant Goss, sold, and conveyed to the United States. Proceedings were commenced on December 7, 1885, to put the United States in possession of the premises. On application of Mr. Goss a restraining order was granted February 5, 1886, by the United States district judge, to enable Mr. Goss to make application for a settlement of the matter. An offer of settlement, under the provisions of section 3469 of the Revised Statutes was made, but as that section has been held by the Attorney-General not to extend to claims of real property to which the United States asserts ownership and has a record title, the offer was rejected.

Mr. Goss was surety for Wilson on a bond requiring him to answer the charge of removing distilled spirits on which the tax had not been paid to a place other than the distillery warehouse provided by law. Wilson failed to appear, and the bond was forfeited, and judgment was entered as above stated. Goss had employed counsel to have the forfeiture set aside on the ground that his principal was ill at the date of the forfeiture and unable to be present in court. He was, however, prevented from making this defense by the death of his counsel, of which fact he was ignorant until after final judgment. Goss thereupon brought his principal into court, and he filed his plea of guilty, and the sentence of the court was not imposed on defendant "because of his age and infirmity." The parties resided 60 or 70 miles from the place of holding court. The United States attorney expresses the opinion that if the facts had been made to appear to the court the penalty of the bond would have been remitted on payment of the costs, as there was no willful default, and his co-defendant, Wilson, was brought before the court and entered his plea of guilty. The United States attorney says:

"I do not think this is a case where public justice requires the penalty of the bond to be enforced, and as said Joel J. Goss has shown every disposition to comply with the requirements of his bond, by bringing his principal into court and paying all costs of the forfeiture, I think he should be released from further liability."

The honorable Solicitor of the Treasury says with reference to this opinion: "In this view of the matter I concur; and as the title of the United States to the property in question can not be relinquished under existing law, I am of opinion that it is a proper case of Congressional relief."

It appears that the land in question constitutes the home of Mr. Goss, and is worth from $500 to $1,000, and that he is a poor man, having but little other property. It seems that the enforcement of this judgment would be a hardship, and would be using an unjust advantage.

Your committee therefore recommend the passage of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. CLEMENTS] that this bill be now considered?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLEMENTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ICELANDIC DISCOVERY OF AMERICA.

Mr. LONG. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a short memorial, signed by some 350 citizens, asking for an historical investigation concerning the Icelandic discovery of America.

The SPEAKER. In the absence of objection, the memorial will be printed in the RECORD, and will be referred to the Committee on the Library.

The memorial is as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The undersigned respectfully represent: That in the approaching celebration at Washington, in 1889, in honor of the centennial of the Constitution of the United States, it would be fitting to include a commemoration of the discovery of America by Leif Erikson, the Icelander, in A. D. 1000, and to allow Iceland, a proud and flourishing republic at the time of the discovery of America, to take an honored place in the "jubilee of republics" in 1889.

That, although the fact of this discovery is based on the authentic documentary evidence of the Icelandic Sagas, there is a vast amount of evidence in the shape of documents, records, and manuscripts of all descriptions that has been buried for centuries in the libraries at Rome; in fact, the church annals of six centuries, containing the minute details of the ecclesiastical work and establishments, the succession of bishops for two hundred and sixty-three years, etc., in the colonies of Greenland and Vinland. These facts, relating to the discovery of America, and comprising the entire early history of this country, it is the right of the American nation to possess and to incorporate in its archives.

That the work Mr. B. F. Stevens has memorialized Congress to perform, namely, "the preparation of an index of all the documents of American concern in private or public archives of Great Britain, Holland, France, and Spain, that accumulated between the years 1763 and 1783," be rendered complete and perfect by the preparation of a like index of all the records and documents bearing upon the discovery of America in the year 1000, and the colonies that existed in Vinland and Greenland until the year 1540, the date of their extinction.

That the claim of Spain and Italy, in favor of Christopher Columbus, extolled by these nations as the discoverer of America, be suspended until all the facts in the case are put in the possession of the American Government, in order that it may be fairly and justly proved how great were the discoveries, explorations, and settlements of the Icelanders, how far they made their discoveries known to the world, and to what extent these discoveries and settlements had been known and recorded in Rome, thus providing Columbus with the knowledge that made his expedition a successful one, confirmed as this was by the corroboration he found in the archives of Iceland during his visit there in February, 1477.

Wherefore the undersigned respectfully beg that Congress will authorize a thorough investigation of these records in the Vatican and other Roman libraries, and appropriate a sum suitable for the carrying out of that work and for a worthy Icelandic celebration, in 1889, in commemoration of the discovery, this to be according to the plan for a Viking exhibition submitted by Miss Marie A. Brown, and which would comprise the erection of a Viking hall, in which would be displayed the relics from the Viking period, the only way to resurrect this brilliant past (the precise period of the discovery of America) being by means of a historical exhibition, for which, fortunately, all the essentials are to be found in the museums and splendid collections of Europe, the swords and shields of the Vikings, the beakers in which they drank their toasts, the massive gold armlets and necklaces and ornate belts, specimens of their art in wood carving, tapestry, etc., and of their maritime skill in the very craft in which these masters of the world ranged the seas.

INVESTIGATION OF THE GOVERNMENT PRINTING OFFICE.

Mr. RICHARDSON, from the special Committee on Printing, submitted, by unanimous consent, the following report:

IN THE HOUSE OF REPRESENTATIVES, *February* 7, 1888.

Resolved, That the special Committee on Printing appointed by the Speaker

under a resolution adopted by the House on the 30th day of January ultimo, "to make thorough investigation of the Government Printing Office during the incumbency of the present incumbent and that of his predecessor," be, and are hereby, authorized and empowered in conducting said investigation to employ a stenographer, to send for persons and papers, administer oaths, examine witnesses, and call for and examine all books, papers, records, and documents bearing upon the subject of said investigation, and that any expense incurred in conducting the same be paid out of the contingent fund of the House.

The committee have considered the House resolutions presented on February 7, 1888, in the House and referred to the Committee on Printing, authorizing and empowering the special Committee on Printing in the conduct and management of the investigation of the administration of the Government Printing Office to employ a stenographer, to send for persons and papers, etc., and report the same to the House with the recommendation that it do pass, with an amendment as follows: After the word "stenographer" add the words "and a clerk."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HOLMAN. I wish to inquire of the gentleman from Tennessee whether the services of the stenographers regularly employed by the House for the committees can not be obtained.

Mr. RICHARDSON. When the resolution was before the House, I stated that I had no idea that we should need to employ a stenographer outside of those regularly in the service of the House under the law, and I do not think that we shall. The resolution gives the committee the option to employ a stenographer, if at any time it should become necessary, but I do not think that we shall have occasion to exercise that discretion.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution as amended was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF THE COMMISSIONER OF EDUCATION.

Mr. RICHARDSON. I desire also to present another report on a House concurrent resolution with an amendment, which I think will provoke no discussion.

The SPEAKER. Is it privileged?

Mr. RICHARDSON. It is not privileged.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to make a report from the Committee on Printing.

There was no objection.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 25, 1888.

Resolved by the House of Representatives (the Senate concurring), That of the report of the Commissioner of Education for 1886–'87 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 25,000 copies for distribution by the Commissioner.

The Committee on Printing have considered the House concurrent resolution to provide for the printing of the annual report of the Commissioner of Education for 1886–'87, and the amendments of the Senate, and report the same back and recommend that the said Senate amendments be agreed to. The amendments of the Senate are as follows: In line 5 strike out "six" and insert "four." In line 6 strike out "twelve" and insert "eight." In line 7 strike out "twenty-five" and insert "twenty;" so that said resolution will provide for printing 4,000 of said report for the use of the Senate, 8,000 for the use of the House, and 20,000 for distribution by the Commissioner.

The amendments of the Senate were read, as follows:

In line 5 strike out "six" and insert "four." In line 6 strike out "twelve" and insert "eight." In line 7 strike out "twenty-five" and insert "twenty."

The amendments were agreed to.

The concurrent resolution as amended was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution as amended was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL DOCUMENTS FOR STATE DEPARTMENT.

Mr. RICHARDSON. I desire to report back from the Committee on Printing with a favorable recommendation the joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents.

The SPEAKER. Does the gentleman present this as a privileged report?

Mr. RICHARDSON. No, sir.

The SPEAKER. The resolution and accompanying report will be read subject to objection.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Public Printer be, and he is hereby, authorized and directed to furnish the Department of State, out of the usual number, with ten copies of each bill and joint resolution, and twenty copies of each executive document, miscellaneous document, and report of committee of either House of Congress.

The report of the Committee on Printing was read, as follows:

The committee have considered H. Res. 77, being joint resolution to supply the Department of State with copies of bills and other documents, and return same with recommendation that it do pass.

The committee file with this report a letter of date January 13, 1888, from the Secretary of State, addressed to the chairman of this committee, which they ask be made part of this report, and to which they refer for the purpose of showing the necessity for this legislation.

The following is the letter:

DEPARTMENT OF STATE, *Washington, January* 13, 1888.

DEAR SIR: Permit me to call your attention to the fact that under the new rules of the House of Representatives, and by the construction of the law by the Public Printer, the Department is only enabled to obtain for its use copies of bills, joint resolutions, and the various public documents published by order of Congress by requisition to be paid for from the appropriation for printing and binding from the Department, which was not estimated for in view of this contingency.

Up to the commencement of the present session of Congress the Department received from the Public Printer 15 copies of each bill and joint resolution printed by Congress and 30 copies of each executive or miscellaneous document and report to either House.

In order to provide for the early publication and certification of the laws as enacted, and to comply with the essential demands of the business of the Department and our representatives abroad, it seems necessary that there should be some provision of law whereby the Public Printer should furnish to the Department a sufficient number of the bills, resolutions, and various documents to provide for the expeditious transaction of the public business, and I herewith submit a draught of a joint resolution to provide the documents above referred to, and beg your careful and early attention thereto.

I have the honor to be, your obedient servant,

T. F. BAYARD.

Hon. J. D. RICHARDSON,
Chairman Committee on Printing, House of Representatives.

Inclosure: Joint resolution referred to,

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. RICHARDSON. The resolution does not provide for incurring any new expenditure. It simply directs the Public Printer to supply these documents to the State Department out of the number ordinarily printed.

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MASON. I ask unanimous consent to present at this time a very brief petition, and to have it printed in the RECORD.

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

The SPEAKER. The rules provide that petitions——

Mr. MASON. I know what the rules are. Do I understand there is objection?

The SPEAKER. The gentleman from Arkansas demands the regular order, which cuts off all requests for unanimous consent.

REDEMPTION OF NATIONAL-BANK-NOTES.

Mr. WEAVER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. It relates to the proper reference of a bill, the bill (H. R. 2012) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes. This bill has been referred to the House Calendar, when it should have gone to the Committee of the Whole House on the state of the Union. I send up the bill for the inspection of the Speaker.

Mr. DINGLEY. I desire to be heard one moment on this question.

The SPEAKER. The Chair desires first to read the bill.

Mr. WEAVER. If the Chair has any doubt upon the question, I wish to be heard myself.

The SPEAKER (having examined the bill). The gentleman from Iowa [Mr. WEAVER] will state his point of order.

Mr. WEAVER. My point of order is that this bill should be referred to the Committee of the Whole House on the state of the Union for the reason that it provides for the investment of trust funds for which the Government is responsible, funds amounting, according to the data we now have from the Treasury Department, to $81,600,000. The bill further provides for the sale under certain contingencies of the bonds which may be purchased with this money. It is in effect a bill appropriating money and providing for the disposition of Government property.

Now, there can be no process of reasoning with which I am familiar that would establish one rule to govern this House in the consideration of bills involving the appropriation of money belonging without any question to the Government, and another rule to control us when we are appropriating money belonging to somebody else. Certainly, when we occupy a fiduciary relation, we should be, if anything, more careful with trust funds than our own. This bill unquestionably provides for paying out of the Treasury $81,600,000, and more, of money, for the proper use of which the Government of the United States is responsible, and investing this money in the purchase of Government bonds, which bonds, in a contingency contemplated by the bill, may be sold upon the market. It is a disposition of property for which the Government is responsible.

Mr. BLAND. If the gentleman will allow me, I suggest to him that as the sale of bonds is a measure involving a tax upon the people, this bill should for that reason, under another rule, receive its first consideration in the Committee of the Whole on the state of the Union.

Mr. WEAVER. The gentleman is quite correct.

Mr. DINGLEY. I wish to call the attention of the Chair to the fact that this bill neither contains any words making any appropriation, nor requires any appropriation in order to execute its provisions. It pro-

vides simply that a certain fund which has been deposited in the United States Treasury by the national banks for the purpose of paying their outstanding circulating notes, which fund, I would remind the Chair, is being daily paid out of the Treasury without any appropriation, may be invested by the Secretary of the Treasury in United States bonds, those bonds to be held in the same way and for the same purpose as the lawful money which is to be used to make this investment. Therefore there can be no possible call for any appropriation, nor any charge upon the Treasury, in consequence of this measure. This lawful money, which is being daily paid out of the Treasury without an appropriation, because it is a fund put there for one specific purpose, may under this bill be used by the custodian of the fund for the purchase of an investment to be held temporarily for the same purpose as the lawful money which is proposed thus to be used.

The SPEAKER. Suppose after the Secretary of the Treasury has purchased these bonds they should depreciate and he should be compelled to sell them at a loss in order to realize funds to redeem notes of national banks, would not the Government of the United States be liable for the difference?

Mr. DINGLEY. These are the bonds of the Government itself. They are to take the place of greenbacks or the legal-tender notes of the Government, and the obligation of the Government in the form of bonds is as strong as its obligation in the form of notes.

The SPEAKER. The liability of the Government on the bonds is for 100 cents on the dollar, but if the Government purchases them at 125 cents on the dollar and when compelled to sell realizes only 110 cents on the dollar, would it not be liable to this fund for the difference of 15 cents on the dollar?

Mr. DINGLEY. But it must be remembered that the funds in the mean time will accumulate, which will provide for any such depreciation. But, sir, it makes no difference about what the reference may be in this direction. It seems that if the lawful money of the Government could be paid out of the Treasury without appropriation, then there would be no difficulty in doing just what is here proposed.

The SPEAKER. The point to which the Chair wishes to call the gentleman's attention is that so far as lawful money is concerned it remains in the Treasury, and the Government is liable for nothing, except the actual amount deposited; but if the Government purchased bonds and pays for them out of this fund at 125 cents on the dollar, and afterwards is compelled to sell and only realizes 110 on the dollar, then there are 15 cents on the dollar for which the Government is liable to this fund.

Mr. DINGLEY. But there is the accumulation of interest which would make up any depreciation of premium.

The SPEAKER. This is a question presented for the first time and for the first time the Chair has read the bill, and inasmuch as it is not necessary to decide at this moment, the Chair will hold it up until it is necessary to dispose of it, and will in the mean time examine the bill and the existing law.

INSTRUCTIONS TO JURIES IN WRITING.

Mr. OATES, from the Committee on the Judiciary, reported back bills of the following titles; which were laid on the table:

A bill (H. R. 3418) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required so to do.

A bill (H. R. 1886) to amend section 914 of the Revised Statutes.

Mr. OATES also, from the Committee on the Judiciary, reported a bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FRAUDS ON AMERICAN MANUFACTURES.

Mr. CLARDY, from the Committee on Commerce, reported back with amendment the bill (H. R. 3307) to prevent frauds on American manufactures; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MAJ. MICHAEL P. SMALL.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back favorably the bill (H. R. 542) for the relief of Maj. Michael P. Small; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PURCHASE OF GENERAL SHIELDS'S SWORDS.

Mr. TILLMAN, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3796) to purchase of the widow and children of the late General Shields certain swords; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PURCHASE OF SWAMP LANDS, ETC.

Mr. McRAE, from the Committee on the Public Lands, reported back bills of the following titles; which were laid on the table:

A bill (H. R. 1594) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and and indemnify certain States;

A bill (H. R. 1933) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse certain States;

A bill (H. R. 1998) to relieve purchasers of and to indemnify certain States for swamp lands, and for other purposes; and

A bill (H. R. 4936) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States.

Mr. McRAE also, from the Committee on the Public Lands, reported a bill (H. R. 6897) to relieve purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

On motion of Mr. HOLMAN, leave was granted for the minority to file its views, and it was ordered that they be printed with the majority report.

MARY K. TAYLOR.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5236) granting an increase of pension to Mary K. Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM CLARK.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported back favorably the bill (H. R. 5844) to increase the pension of William Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD ANDERSON.

Mr. TAULBEE, from the Committee on Claims, reported a bill (H. R. 6898) for the relief of Richard Anderson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES S. M'GEE.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 4778) for the relief of James S. McGee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN K. LE BARON.

Mr. LYNCH, from the Committee on Claims, reported back with amendments the bill (H. R. 2093) for the relief of John K. Le Baron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADULTERATION OF LARD.

Mr. GEAR. Mr. Speaker, I ask unanimous consent to present a concurrent resolution of the General Assembly of the State of Iowa, and have it read, printed in the RECORD, and properly referred.

There being no objection, the concurrent resolution was read, and referred to the Committee on Agriculture. It is as follows:

Concurrent resolution requesting Congress to prohibit the sale of adulterated lard, and require statement of actual contents on package thereof, and to pass the bill now pending for that purpose.

Be it resolved by the senate (the house concurring), That our Senators and Representatives in Congress be requested to secure legislation that will prohibit the sale of adulterated lard throughout the United States, unless on the package containing the same a true statement is given of the actual contents and of the proportion of genuine lard therein, and that they be further requested to aid in the passage of any bill now before Congress having in view the purpose above indicated.

I hereby certify that the above concurrent resolution passed both houses of the Twenty-second General Assembly.

FRANK D. JACKSON,
Secretary of State.

GERMAN CEMETERY, PROSPECT HILL, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I am instructed by the Committee on the District of Columbia to submit a report on a resolution referred to that committee, and ask its present consideration.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). Is there objection to the request of the gentleman from South Carolina?

Mr. McMILLIN. Let the report be read.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the resolution of Mr. GUENTHER, of January 30, 1888, in the following words—

"Whereas the commissioners of the District of Columbia, in apparent violation of the act of Congress chartering the German Cemetery of Prospect Hill, in the said District, are attempting to extend certain streets of Washington through this cemetery: Therefore,

"*Resolved*, That the Committee on the District of Columbia are hereby instructed to inquire into this matter and report the result of their inquiries to this House; and that the said committee is hereby empowered to summon such witnesses as may be necessary to aid this inquiry, to examine them under oath; and that the expenses of such investigation be paid out of the contingent fund of the House"—

have considered the same, and report the said resolution back to the House with the recommendation that it do pass.

The resolution was agreed to.

Mr. HEMPHILL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS OF LADING AS EVIDENCE.

The SPEAKER *pro tempore*. The hour for the consideration of bills commences at twelve minutes after 1 o'clock, and the call rests with the Committee on the Judiciary.

Mr. CULBERSON. I call up for consideration the unfinished business, being the bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases, and yield to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, on yesterday the committee had submitted an amendment to the bill, but a conference amongst the members of the committee since has resulted in an agreement to substitute a modified amendment for that previously offered and which more nearly and clearly expresses the opinions of the committee.

I ask leave to withdraw the amendment offered yesterday and substitute the one I now send to the desk, which is a change of the verbiage.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the new amendment.

The Clerk read as follows:

It is proposed to insert in section 1, first line of the bill, the following after the word "water:" "or its agent authorized to execute and deliver bills of lading;" so that, if amended, the section will read:

"That whenever any common carrier by land or water, or its agent authorized to execute and deliver bills of lading, signs and delivers any bill of lading," etc.

Mr. OATES. I ask for a vote upon the pending amendment; that which the committee substitute for the amendment offered on yesterday. In other words, I ask that the committee be allowed to perfect their substitute before action is taken upon other amendments.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment just sent to the desk by the gentleman from Alabama, which the Clerk will again report.

The amendment was again read.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is now on the adoption of the substitute as amended.

Mr. BUCHANAN. I have an amendment which I desire to offer to that.

The SPEAKER *pro tempore*. The gentleman from Alabama is entitled to the floor. Does he yield?

Mr. OATES. I yield to have the amendment read.

The Clerk read as follows:

Provided, That this act shall not apply in case of any bill of lading given for goods packed in boxes, barrels, crates, or any other inclosed package, and so described in such bill of lading.

Mr. OATES. I can not yield for the purpose of allowing the amendment to be offered. I do not yield the floor.

Mr. BUCHANAN. Then the gentleman will probably require to have a quorum to pass his bill.

Mr. OATES. I shall yield the floor to the gentleman from New Jersey to allow him to express his opposition to the bill as soon as I have stated the purpose of the bill to the House.

The SPEAKER *pro tempore*. The gentleman from Alabama is entitled to the floor.

Mr. OATES. The object of legislation of a remedial character like this should always be to correct any error or defect that has been ascertained to exist in the law by the very best means, to avoid the trouble, to cure it, to remedy the defect. The committee think that this bill does remedy a defect in the existing law.

Some years ago a bill of lading was given by Cobb & Co., as agents of Vinton, the owner of the steam-boat Ben Franklin, plying the waters of the Mississippi and Ohio Rivers, for 150 bales of cotton. The cotton in fact was not delivered for shipment. The bill of lading was transferred for value to a banker named Pollard, in New York, who paid for it $5,900. Afterwards, when the cotton was not delivered, a suit was brought by Pollard in the United States court, in Kentucky, to recover from Vinton, the owner of the vessel. It was held by the Supreme Court that Vinton, the owner of the vessel, a common carrier, was not liable; that the bill of lading in the hands of the third party was void for the reason that in fact no cotton was shipped.

There was a question of agency considered by the court, and also the question as to the character of the bill of lading. The court's construction of the authorization of Cobb & Co. was that the issuance of a bill of lading in the absence of the delivery of the freight to the boat was outside of their authority. However, the court sets forth broadly a principle applicable to bills of lading, and cites a former adjudication in 18 Howard, maintaining the English rule, that in case a bill of lading is given by the master of a vessel, or it may be the owner of a vessel, and the freight described therein is not delivered, even though it passes into the hands of a third party, who is a purchaser in good faith, he can not recover because it is not invested with that commercial quality pertaining to a bill of exchange. It is in the hands of an innocent third party, subject to all the equities existing between the antecedent parties; and, as a matter of course, if no freight is delivered the holder of a bill of lading can not recover of the carrier.

The object of the present bill is wherever a carrier, whether it be an individual or a corporation, aggregate or sole, gives a bill of lading purporting to be for goods delivered, and that bill of lading for valuable consideration passes into the hands of an innocent purchaser before the goods are due at the point of destination, that the carrier shall, when sued on that bill for failure to deliver, be estopped from denying the recital in the bill that the goods were actually delivered.

The committee think this should be the law in the interest of common honesty. There is a doubt about how far the question of estoppel would go, some maintaining the idea that the carrier would be estopped by the recital in the bill, others holding that the case is the same as that of a promissory note, not payable in bank, not governed by the commercial law in which all the equities of the maker can be asserted against it in the hands of a transferee, unless the transferee has inquired of the maker and received assurances from him that it is all right.

There is a difference of opinion on this question. Whether the one be right or the other, there is a manifest defect in the law; and in this commercial age in a country where large shipments of grain are made from the West and of cotton from the South to the East, these bills of lading ought to be conclusive against the carrier so far as to the extent of the recital of a receipt of the thing to be shipped. For if this is not the law it either embraces these commercial transactions or the carrier places in the hands of another a paper by which he may perpetrate a fraud upon some honest party.

Therefore the bill offered by the committee as a substitute is in the interest of honest transactions, and in my judgment it ought to pass. It takes effect from and after its passage.

Now, Mr. Speaker, if the gentleman from New Jersey [Mr. BUCHANAN] desires to say anything in opposition, I will yield five minutes to him to do so.

Mr. BUCHANAN. I have no doubt that this bill was intended to serve a very worthy purpose, but in my judgment the language of the bill is very unfortunate in effecting that purpose. It goes far beyond what I believe the advocates of the bill intended it should go. This matter has been discussed in the National Board of Trade for a number of years, and, according to my recollection, it has failed in every instance to receive the commendation of that body.

I can understand how some one on some occasion has executed and delivered and had discounted a fraudulent bill of lading; I can understand why it is necessary to have that practice stopped; but I can not understand why that practice can not be put a period to without extending the provisions of the law as far as this proposed legislation would extend them. Let us see what this proposed legislation says. It says that if a common carrier or its lawfully authorized agent signs a bill of lading such carrier shall be responsible to the bona fide holder of that bill of lading, not for the goods delivered to the carrier, but for the goods described in the bill of lading. Now, what will be the effect of that provision? It will be precisely this: That every common carrier will refuse to receive goods inclosed in packages until the packages have been opened for the inspection of its agents, and in nine cases out of ten that would be a very serious interference with trade and commerce. The amendment which I sought to offer exempts goods in inclosed packages from the operation of the bill.

I can understand, as I have already said, why it is necessary to have legislation of some sort upon this matter, but it is legislation which needs to be very carefully considered. The man who delivers grain in bulk to a common carrier ships an article which the agents of the carrier can easily examine and identify, but the man in New York who ships a box of silks, packed tightly as they are, ships a box containing the carrier knows not what, and the carrier has no way to indemnify or protect himself except by an actual inspection of the goods, which, as I have said, would generally amount to a serious interruption of trade and commerce.

Mr. OATES. If the goods were described in the bill of lading as a box said to contain so and so, though in fact the box contained something different, I ask the gentleman whether the carrier would be bound upon that false representation? Does he not know as a lawyer that the carrier would not be bound?

Mr. BUCHANAN. Then I ask the gentleman what does the negotiability of his bill of lading amount to if it is a mere negation? You destroy the character of the bill of lading so that it will not be discounted by any careful owner of capital. I see no reason why this additional impediment to trade should be enacted. I do not care about the companies, but I represent shippers who ship very largely in inclosed packages, and I know that if this bill becomes a law in the shape proposed, we shall receive practically no qualified bills of lading, or else we shall be compelled to have every package opened for the inspection of the agent of the carrier before he signs the bill. I had hoped that the gentleman would permit some amendment which would exclude from the operation of this proposed law goods inclosed in packages, but since he refuses to yield for that purpose, all that I can do is to call the attention of the House to what I believe will be the perni-

cious effect of this legislation, and to resort to every parliamentary means to defeat it.

Mr. OATES. I now yield five minutes to the gentleman from Massachusetts [Mr. DAVIS], the author of the bill.

Mr. DAVIS. Mr. Speaker, these proceedings have disclosed the fact that there are certain grave abuses under existing law which should be redressed. A regularly appointed officer of a railroad or transportation company authorized to issue bills of lading does issue such bills in regular form, and if he be a broker attaches such bill of lading to a draft, negotiates that draft, which, together with the bill of lading, is forwarded to purchasers of the goods alleged to have been delivered for collection. The draft is accepted and paid when the purchaser finds that there are no such goods in existence, and that he has been deliberately swindled by the agent of the railroad. One of these agents doing business in Georgia robbed in this manner parties in my own State and New Hampshire and Maine to the extent of about $250,000.

And a similar case of rascality, not so large in amount, but still very large, has since occurred. It is a crime that can be committed with comparative impunity, because it is usual for weeks and even months to elapse before the goods represented by the bill of lading arrive. Of course, before the fraud is known the swindler can easily escape with his booty. Under this state of facts ought not the railroad company to be responsible for the acts of its agent? It is admitted that if the goods are once placed within its custody it would be. Can the purchaser have any better evidence, or, indeed, in the course of commerce between distant points, any other evidence than the bill of lading? It is regarded everywhere as an undoubted and the very best guaranty that these goods are in the custody of the common carrier to be delivered, barring unavoidable accidents, to the buyer. The commercial transactions of the civilized world are based upon the faith of this guaranty, and countless millions of dollars in both hemispheres are risked with undoubting confidence upon it.

Entire fortunes, whose loss would involve bankruptcy, are daily moving over the land and floating on the seas without a moment's uneasiness as regards the validity of these evidences of value. This confidence is, and from the nature of business must be, broad and unquestioning, as unquestioning as are the pages of Holy Writ to the child who reverently reads them at its mother's knee, and as broad as are the lakes and lands and oceans over which commerce speeds her way. Now, if it be found that this bill of lading, when duly signed by an officer, is not conclusive evidence of the delivery of the goods, it will seriously impair that confidence which is the very life and soul of business and without which it would languish and decay. All your bills for the relief of commerce would be of little avail if the officers of railroad and transportation companies can prey upon it with impunity. Why should not these companies be held responsible for the acts of their officers and agents? They act through them; the bill of lading is their instrument. That ancient principle which lies at the very foundation of common law and of justice, "*Qui facit per alium facit per se*," applies with full force to this case. The company must act through its officers, and the terms of the bill of lading are its official declaration, just as specifically as the report of its treasurer or the declaration of the result of the election of officers, and just as distinctly as if signed by the president and board of directors.

It is urged that the principal has not given his agent authority to commit fraud. This view is at best merely technical. This principal has given him the opportunity and the power while in the direct line of his duty to commit these frauds, against which the business community is powerless. The purchaser may be hundreds or thousands of miles from the point of supposed delivery to the common carrier; he receives the bill of lading with a draft attached which has already been honored, and which he is called upon to accept upon the instant. If he declines until he receive the goods the bank will refuse to cash future drafts, and the honest agents—who of course vastly outnumber the dishonest—who need the money to pay the seller will also decline to make further transactions with a purchaser who pursues this course.

In a word, I know that Northern purchasers of cotton will run all the risks connected with the present methods rather than to decline to accept a draft with such bills attached. They have therefore no remedy, and are at the mercy of railroad and transportation companies and their dishonest agents unless Congress afford relief.

On the other hand, the common carriers can protect themselves first by the exercise of due care in the selection of their agents and then by exercising that watchful supervision over them which will insure a faithful and efficient performance of their duties. They can also guard their interests by requiring that bills of lading shall be countersigned by a responsible officer of the company. Indeed, by taking proper precautions the railroad and transportation companies would incur but little risk. I am confident that as an act of simple justice to the holders of bills of lading the substitute reported by the committee should be adopted.

Finally, in reply to the gentleman from New Jersey [Mr. BUCHANAN], let me say that as I understand the bill it would not make the common carrier responsible, where the goods were actually delivered, to any greater extent than it is responsible to-day.

Mr. OATES. I now yield two minutes to the gentleman from Wisconsin [Mr. CASWELL].

Mr. CASWELL. Mr. Speaker, there is an obvious wrong in permitting common carriers to issue bills of lading for goods which they have not received, permitting parties to obtain advances of money, in good faith, upon those bills of lading and afterwards permitting the carriers to deny that they ever received the goods at all. The committee have fully considered the subject. To meet the difficulty suggested by the gentleman from New Jersey [Mr. BUCHANAN] the shipper has only to note on his bill of lading that the contents of the boxes or packages are inclosed, and that is the ordinary and usual custom of shipping such goods now. It has been well settled that common carriers are not responsible for the kind or quality of goods, and this bill only undertakes to say that they shall not be permitted to issue a bill of lading reciting that they have received one hundred boxes or packages of goods, and then afterwards to deny that they received more than seventy. It is to meet simply the bill of lading itself and not to allow them afterwards to deny the truth of the statement embodied in the bill.

Mr. BUCHANAN. Do I, then, understand the gentleman from Wisconsin [Mr. CASWELL] to say that in order to meet the objection which I raise against this proposed legislation I, as a shipper of goods, will be compelled to take a receipt from the company for so many boxes "contents unknown?"

Mr. CASWELL. You can do that.

Mr. BUCHANAN. But would not I be compelled to do it?

Mr. CASWELL. You, as a common carrier, are bound only by the number of boxes which are recited in your bill of lading, and to that extent you ought to be bound and not be suffered to deny afterwards, when parties have advanced money in good faith on the strength of that bill of lading, that you ever received that number.

Mr. BUCHANAN. But my point is this: In order to secure a more definite receipt from the carrier would not I, as a shipper, be compelled to open and expose the contents of the boxes to his agent?

Mr. CASWELL. The common carrier has never been obliged to describe in his bill of lading the contents of the boxes when they are not exposed, and they never will be by this bill; when he recites in his bill of lading what appears upon the face of the packages offered for shipping, "contents unknown," he is not bound any further.

Mr. CULBERSON. Mr. Speaker, the reasons that make any measure on this subject proper or necessary arise out of the law as interpreted by the Supreme Court.

It is held that a common carrier is not bound by a bill of lading executed and delivered by its agent in the hands of a bona fide holder for value, if in fact the goods or property named in the bill of lading were not in fact delivered for shipment.

I think this construction of the law is correct; but in view of the fact of the immense growth of interstate commerce and the necessity for the constant use of bills of lading in commercial enterprises and the business of the country, I believe the law should be changed.

It is not so well settled that a common carrier is not bound by a bill of lading executed by itself in the hands of a bona fide holder for value, if in fact the property or goods named in the bill of lading had not been delivered to the carrier for shipment; but that the tendency of the decisions is in that direction can not be questioned.

It was, therefore, deemed proper to make the proposed change in the law applicable to bills of lading executed and delivered either by a common carrier or by its agent.

The effect of the measure, if it should become a law, will not be to make a bill of lading negotiable in the sense that a bill of exchange or promissory note is; but under its provisions a common carrier will be estopped from denying the truth of the recitals in the bill of lading, whether the same be executed by the carrier or its agent.

It is not proposed to conclude common carriers from any defense arising out of causes which, under the law, excuse a compliance with their contracts.

In view of the facility with which agents of common carriers defraud the public by confederating with pretended or dishonest shippers in the execution and delivery of false and misleading bills of lading, the committee approved this bill with the amendment which has been adopted and recommended its passage.

I think the objection urged by the gentleman from New Jersey [Mr. BUCHANAN] ought not to prevail, as in my opinion the carrier may guard its liability by proper recitations in the bill of lading.

Mr. BUCHANAN. Then what effect is this law to have, if they can drive a cart and oxen through it?

Mr. CULBERSON. I do not think they can. Mr. Speaker, I will not detain the House with further observations, though if I had time I would like to have read the decision of the Supreme Court of the United States.

Mr. OATES. I yield five minutes to the gentleman from Illinois [Mr. DUNHAM].

Mr. DUNHAM. Mr. Speaker, the object of this measure, as I understand, is that when a bill of lading is presented to a merchant or a banker he may have some certainty that he is making advances upon such property as is described in the bill of lading. Suppose an author-

ized agent of a railroad company constantly issuing bills of lading should combine with a person outside to issue a fraudulent bill of lading. Suppose money should be advanced upon such fraudulent bill of lading by a merchant, who in turn draws a draft upon a consignee in a distant city. Suppose after a bank advances money upon this draft it should turn out that the property described was never received by the railroad company. Then the question arises, who is to suffer, the railroad company which placed its agent in a position where he could defraud the public, or the bank or merchant that holds the bill of lading, having accepted it innocently and in the regular course of business? It seems to me proper and necessary that in a case of this kind the transporting company that placed this man in a position where he could defraud the public should suffer, not the man who innocently advanced his money.

I happen to know that a case once occurred in which a swindler in collusion with the agent of a railroad company issued a bill of lading for 100 barrels of pork. After the bill of lading was issued, the party receiving it borrowed money upon it from a banker; but when the property arrived at its destination and was opened, there turned out to be, instead of 100 barrels of pork, 100 barrels of sand. Now, the railroad company placed that agent in a position to consummate this fraud; and the bank which advanced the money upon the bill of lading, which was apparently issued regularly by the railroad company, should not be asked to suffer loss through the fraudulent act of the company's agent. This bill will prevent such occurrences; will make railroad and steamboat companies responsible for the acts of their agents, and not require the general public to suffer by frauds of which it could have had no knowledge.

I hope that the bill will be passed in the form reported, though I have no particular objection to the amendment offered by the gentleman from New Jersey [Mr. BUCHANAN]. He may be correct in saying that under the operation of this bill the railroad companies may require the opening of all packages. The bill may compel transporting companies to see that they place no man in a position where he can defraud the public. I do not know that the amendment is necessary; yet I see no particular harm in it. The transporting companies will at any rate be compelled to look out what freight they receipt for and whom they authorize to issue receipts.

The great amount of money advanced upon bills of lading as security necessarily demands safety, and the law should be so plain as to protect beyond question the business man and his banker.

[Here the hammer fell.]

Mr. OATES. Mr. Speaker, I have heard but one objection urged against this bill, and I think that is a misapprehension of the effect of the bill in case it becomes a law. That objection is raised by the gentleman from New Jersey [Mr. BUCHANAN]. He maintains that a common carrier would be responsible for the contents of sealed packages when he did not know the contents when he gave the bill of lading. Under this law, in the event it becomes a law, and I hope it will, the common carrier is presented with a sealed package for transportation. If that be described in a bill of lading or in whatever form it may be, said to contain or purport to contain whatever the shipper says, and that bill be transferred to a purchaser, and the box, bag, or package, as described, is transferred and delivered by the railroad company or other common carrier, and the contents turn out to be different and there was no change of the contents by the common carrier, but the fraud rested with the shipper, the common carrier would not be responsible; that fraud would exist for adjustment between the shipper and the transferee of the bill of lading. If the shipper sold that bill of lading to a party for value, and that party saw fit to accept that description of the common carrier who only represented and described in that bill that it was said to contain so and so, it is no warranty on his part that it did contain it. The common carrier is responsible for the delivery of the box, bag, or package delivered to him. Therefore the gentleman's objection is not well founded.

Why, sir, this bill simply proposes to make a common carrier, if he has a dishonest agent who gives a bill of lading for goods not delivered, responsible for the act. It is based on principles of the broadest equity. It is a maxim of the law that where one of two parties must suffer, that party who is the most in fault must bear the loss. In case of the purchase of such a bill by an honest broker, or banker, or factor, he who is most in fault should be responsible for the loss. In the case of the purchase of such a bill, who is most in fault and ought to be responsible for the loss—the common carrier who has given the false bill, or the man who, acting in good faith, believes the common carrier has thus acted, and pays his money for it?

I move the previous question.

The previous question was ordered; there being on a division—ayes 108, noes 4.

The substitute was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF CIRCULATING NOTES OF BANKS.

Mr. DINGLEY. I call up for consideration a bill (H. R. 2012) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by national banking associations for the retirement of their circulating notes.

Mr. WEAVER. That does not do away with my point that this bill must be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore*. The Speaker of the House is holding that point under consideration.

Mr. DINGLEY. Let it be reserved.

The Speaker took the chair.

Mr. DINGLEY. Mr. Speaker, I call up for consideration, by instruction of the Committee on Banking and Currency, the bill the title of which has just been read. I wish to say in reference to that bill, that an arrangement has been made by gentlemen on both sides of the House that its further consideration shall be postponed for one week.

The SPEAKER. Not waiving the question made by the gentleman from Iowa?

Mr. DINGLEY. No, sir.

Mr. WEAVER, I do not wish to be precluded by the remarks of the gentleman from Maine as to any arrangement. I ask him with whom he made any such arrangement?

Mr. DINGLEY. It is not necessary I should make any answer to that question.

Mr. WEAVER. I had a conversation with the gentleman, and said this, which I will verify, that I would take the matter into consideration. I can not consent to any arrangement.

Mr. DINGLEY. Let the bill be reported.

The bill was read.

Mr. DINGLEY. Now, Mr. Speaker, I understand that the gentleman from Iowa made the point of order that this bill should have its first consideration in Committee of the Whole, and allows that point of order to be reserved.

I now move that the further consideration of the bill be postponed until after the morning hour for the consideration of bills on Wednesday next.

Mr. WEAVER. That motion is not in order.

The SPEAKER. It is in order when the bill is up for consideration.

Mr. WEAVER. With the point of order pending?

The SPEAKER. The Chair is ready to decide the point of order if insisted upon.

Mr. MILLS. This is a very important bill. I think the House ought to take some time for its consideration, and have an opportunity to examine it fully. I am willing that the motion of the gentleman from Maine shall prevail.

Mr. WEAVER. With the understanding that it shall be considered in the morning hour, I have no objection; but I do not waive the point of order when it comes up.

Mr. MILLS. I do not care when it is considered. I only want to have time.

Mr. DINGLEY. I ask that it be permitted to go over with the point of order pending.

Mr. ANDERSON, of Kansas. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. The right of a committee to call up a given bill for consideration in the morning hour exists under the rules. If the consideration of that bill be entered upon and not concluded in that hour it goes over until the next morning hour, and if not concluded in that second morning hour it goes upon the Calendar as unfinished business.

The SPEAKER. That is the rule.

Mr. ANDERSON, of Kansas. Then the parliamentary inquiry I wish to submit is this: whether, in view of the existence of that rule, it is competent for the gentleman from Maine, by a mere motion changing the hour for the consideration of this bill, to change or alter the rule which fixes the order of business for the House. If there is a point of order to be made against such a proceeding, I wish to make it.

The SPEAKER. The Chair has had occasion heretofore to decide that question. The rule of the House is, as stated by the gentleman from Kansas, that under no circumstances can a committee, under that particular rule, occupy more than the two hours, one on each morning, in the consideration of a given bill.

But the Chair has decided that when a bill is up for consideration during one of these hours, it must be considered under the general rules of the House, and under those general rules is subject to any parliamentary motions, the motion to postpone the consideration to a day fixed being one of them. Hence it may be postponed to a particular day, not being made thereby a special order for that day in the ordinary sense of the term, but an order to be called up for consideration on that day, and the House can then decide whether it will or will not consider it. That, of course, will take it out of the morning hour, unless a contrary arrangement be made.

Mr. BLAND. It does not relieve it of the disabilities of the morning hour?

The SPEAKER. It will, unless otherwise determined by the House.

Mr. BLAND. If the bill is sent to the Committee of the Whole, there may be no reason for objecting to its consideration in the way proposed; but unless it goes to the Committee of the Whole there may be some doubt as to the propriety of allowing this motion to go through.

The SPEAKER. The Chair perhaps had better decide the point of order at once.

The Chair was at first inclined to sustain the point of order made by the gentleman from Iowa, upon the ground that this bill did, or at least might, create an additional liability on the part of the Government. But upon examination the Chair finds that the liability of the Government is fixed and limited by existing law, which is not proposed to be changed by the bill.

Under no circumstances can the Government become liable for a larger sum than is required to redeem the outstanding notes of national banks. For this sum the Government is liable in any event; so that this bill can make no difference in the liability of the Government in that respect, whether the bonds shall fluctuate in value or not. The Government is liable under the law as it exists for every dollar of national-bank notes for the redemption of which money has been deposited; and it is entitled, the Chair thinks, as the law now stands, to any part of that money which may remain after the redemption of the outstanding notes.

Mr. WEAVER. Will the Chair permit me a moment?

The SPEAKER. Certainly.

Mr. WEAVER. It is true that the Government is liable for the redemption of the notes; but the law provides that the national banks shall deposit with the Government every dollar necessary for the redemption of these outstanding notes, dollar for dollar. Now, if the Government of the United States invests that money in an enterprise that may result in loss, why, the Government has squandered the funds which the national banks have deposited for the redemption of their outstanding notes, and hence must make good the loss. I think the Chair was right in his first impression as to the point of order.

The SPEAKER. While it is true that the Government may lose in its financial operations, the question that the Chair is called upon to decide is, whether this particular bill creates an additional liability. And the Chair holds that it does not.

Mr. WEAVER. But I only claim that it may create a liability.

Mr. BLAND. It seems to involve a tax, under the rule, for the issuance of the bonds.

The SPEAKER. The Government is not to issue any original or new bonds under the provisions of the bill. If the Government purchases the bonds, and afterwards it is necessary to sell them to realize funds to redeem outstanding national-bank notes, it sells the old bonds, the liability for which is already fixed by law.

Mr. BLAND. It would authorize the sale of bonds, and that would certainly involve a tax.

The SPEAKER. The Government is now liable for those bonds.

Mr. BLAND. If they bought them at a premium and sold them for less, that is a loss for which the Government would be liable.

The SPEAKER. The Chair has already stated the Government may possibly in the future incur some loss in its financial transactions; but that does not present a question of order. It is a question of policy to be determined by the executive department of the Government if this bill becomes a law.

Mr. BLAND. Then we will oppose any postponement of this bill.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. My point is this: The gentleman from Maine [Mr. DINGLEY] has brought this bill before the House in the morning hour, and under the rule we are entitled to debate. I wish to know whether, so long as any one wishes to debate the bill, the gentleman can make his motion to postpone its consideration to a day certain.

The SPEAKER. The bill is now up for consideration, as the Chair has stated, and is subject to all the usual parliamentary motions. Any gentleman who is entitled to the floor for that purpose may make the motion to postpone to a day certain, or to postpone indefinitely, or to lay on the table, or for the previous question, or any other of the usual parliamentary motions which can be made during the pending of a legislative proposition. There is no time fixed for debate. Any gentleman who gets the floor under the rules is entitled to one hour for debate, and may yield portions of his time to other gentlemen. The gentleman from Maine [Mr. DINGLEY] is recognized for one hour. After his hour expires the Chair, under the practice which prevails, would recognize some gentleman in opposition to the bill.

Mr. ANDERSON, of Kansas. But as I understand, there has been no debate so far upon this bill.

The SPEAKER. None whatever.

Mr. ANDERSON, of Kansas. I ask the gentleman from Maine will he consent to debate?

Mr. DINGLEY. The consideration hour of to-day has almost expired.

Mr. ANDERSON, of Kansas. There will be another hour to-morrow.

Mr. DINGLEY. I have moved that the consideration of the bill be postponed, in order that various gentlemen who have not yet investigated the subject may have an opportunity to obtain needed information upon it, and that certain information which the Secretary of the Treasury is seeking may be obtained.

The SPEAKER. That motion is in order.

Mr. ANDERSON, of Kansas. My suggestion is that it would expedite us in understanding the bill, if its provisions and the necessity for its passage should now be explained to the House by the gentleman from Maine, or other gentlemen, in this morning hour and the morning hour to-morrow. I think the gentleman from Maine ought to consent to that.

Mr. DINGLEY. Allow me simply to say I should be perfectly willing to go on with the debate now; but gentlemen on both sides have besought me that this bill should not be entered upon in debate to-day, so that all members may have an opportunity to obtain further information. In response to their request I have made the motion. I am not particularly concerned about it myself.

Mr. ANDERSON, of Kansas. They could read the RECORD to-morrow and obtain the needed information from the gentleman's statement. As I understand it, the procedure of the gentleman from Maine really prevents debate at this time.

The SPEAKER. The hour for consideration has expired.

Mr. ANDERSON, of Kansas. I am very happy to hear it.

Mr. SPRINGER. The bill will come up again to-morrow?

The SPEAKER. It can be called up to-morrow in the morning hour.

ECKINGTON AND SOLDIERS' HOME RAILROAD COMPANY.

Mr. HEARD. I ask unanimous consent to make a report from the Committee on the District of Columbia, having been necessarily absent when that committee was called this morning. I make the report now, in order that it may be printed.

There was no objection.

Mr. HEARD, from the Committee on the District of Columbia, reported, as a substitute for the bill H. R. 4283, a bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railroad Company of the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 4283 was laid on the table.

MERCHANT TAILORS' NATIONAL EXCHANGE.

Mr. MASON. I renew my request to have a short petition printed in the RECORD, the objection having been withdrawn. I ask also that the names be printed. There are only six names.

There was no objection, and it was so ordered.

The petition, which was referred to the Committee on Ways and Means, is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned delegates, representing the Merchant Tailors' National Exchange of the United States, the business of the members of which exchange is the manufacture of fine custom work to order, having waited upon the chairman of the Committee on Ways and Means and solicited the privilege of laying before the members of said committee facts illustrating the discriminating injustice of the present tariff law against the business of merchant tailoring, and having been refused the privilege of a hearing by the chairman of the Committee on Ways and Means, beg leave to lay their petition before your honorable bodies.

The object of our visit to the Capitol was to bring to the attention of the Committee on Ways and Means the fact that under the existing tariff we are required to pay heavier rates of duty on the material for garments than are demanded upon finished garments of the same material imported from other countries, while the rates of labor paid for the manufacture of custom clothing in this country is never less than 200 per cent. above the wages paid for like work in England or on the Continent. We beg to submit to the consideration of your honorable bodies the fact that, with this difference in the wages of home and foreign labor, and the discrimination of the tariff against domestic producers of fine clothes, including alike the merchant and his employés, leading houses find it to their advantage to maintain establishments in foreign countries, while foreign houses maintain corps of solicitors, whose advertisements soliciting custom are found from time to time in the advertising mediums of our leading cities or circulated by circular letters through the post-offices.

The undersigned therefore, on behalf of the Merchant Tailors' National Exchange, petition your honorable bodies to do the many thousands of American citizens engaged in the manufacture of clothing in this country the simple justice to increase the rates of duty in harmony with the increased amount of labor involved in the production of clothing, as well as a compensation in the rates of duties for the difference existing in the rates of wages for the same work in this and other countries.

Respectfully submitted,

WILLIAM MILLIGAN,
President Merchant Tailors' National Exchange, Philadelphia.
G. W. MATTHEWS, *Chicago, Ill.*,
ROBERT STEWART, *Philadelphia,*
C. C. F. EICHELER, *Baltimore, Md.,*
GEO. T. KEEN, *Washington, D. C.,*
JOHN PATTERSON, *New York,*
Delegates.

AMENDMENT OF RULES.

Mr. STONE, of Kentucky, submitted the following proposed amendment of the rules; which was read, and referred to the Committee on Rules:

Amend the rules by adding the following as Rule XLVII:

"The bills founded on reports from the Court of Claims under the acts of

March 3, 1883, and March 3, 1887, favorably reported from a committee in and remaining undisposed of by a former Congress shall, with the accompanying reports, be committed to the Committee of the Whole House and treated as petitions, and shall be first in order for consideration on the Private Calendar."

DUTIES ON AGRICULTURAL MACHINERY.

Mr. LA FOLLETTE, by unanimous consent, presented the following petition; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned would respectfully petition your honorable body to abolish all import duties on agricultural machinery, such as plows, harrows, seeding-machines, hay and grain harvesting machines, thrashing-machines, straw-cutting machines, feed-grinding mills, farm vehicles, including farm wagons, that may be imported to the United States from countries that admit like machines manufactured in the United States free of duty.

Your petitioner would represent that he is a manufacturer of agricultural machinery at the city of Madison, Wis.; that he believes that import duties on all such articles of manufacture are superfluous and useless; that they only harm the producer, and are of no value to any one.

Your petitioner would further represent that the law imposing such duties works harm to the manufacturer of the goods named, in this, that there are citizens who continually represent that the import duties on the goods named compel the agriculturist to pay much higher prices for them than he would if no duties were imposed, which allegations, while incorrect and untrue, nevertheless cause ill-feeling on the part of agriculturists toward the manufacturers of such implements, which ill-feeling may be wholly avoided by abolishing the import duties on them.

Your petitioner would further represent that he believes American workingmen should be protected against foreign cheap labor by suitable import duties, but that the manufacture of agricultural implements is in such advanced state, and that our implements are so superior to those of foreign manufacture, that none will be imported if the duties on them be wholly discontinued.

Trusting that Congress will take early action on this petition, your petitioner will ever remain,

Your obedient servant,

J. A. JOHNSON,

President Fuller & Johnson Manufacturing Company, Madison, Wis.

SOPHIA B. MOORE.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 3902) for the relief of Sophia B. Moore, and to put the same upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims be, and it is hereby, authorized to grant a rehearing in the case of Sophia B. Moore *vs.* The United States, No. 3446 of said court, with full power and jurisdiction to hear and determine and render judgment for the proceeds of the rosin and turpentine claimed to have been seized by the United States officers at the capture of New Berne in March, 1862, and belonging to William P. Moore, jr., which rosin and turpentine are claimed to have been taken to Philadelphia, libeled, and sold by the marshal of the eastern district of Pennsylvania, under the direction of the Federal court, and the proceeds thereof deposited in the Treasury of the United States: *Provided*, That this act shall not be construed to have any effect or operation beyond the case herein specially named.

Mr. REED. Let the report be read.

Mr. HOLMAN. Let the report be read, the right to object being reserved.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3902) for the relief of Sophia B. Moore, report as follows:

The facts out of which this bill for relief arises will be found stated in House Report No. 723 of the Committee on War Claims of the Forty-eighth Congress, a copy of which is hereto annexed and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 723, Forty-eighth Congress, first session.]

Upon the capture of New Berne in March, 1862, by the Union forces, there was seized by them a large quantity of personal property, consisting of rosin, turpentine, tar, lumber, etc., belonging to the citizens of that city, which was shipped under the directions of Commodore Rowan to New York and Philadelphia, where the several cargoes were proceeded against in the admiralty courts of the respective districts, and under the decrees of said courts the property was sold and the proceeds held to await the final decrees of the courts.

The owners appearing as claimants in the New York court, the proceeds of those shipments were by the decree of that court turned over to such claimants. No claimants appearing in the Philadelphia court, it was, in May, 1864, decreed by said court that whereas the property so seized was not lawful subject of prize of war, but was captured property under the provisions of the act of March 12, 1863, that the proceeds of such property (after deducting all expenses), amounting to $44,318.26, be turned into the United States Treasury, where it was placed to the credit of the captured and abandoned property fund.

This fund being in the nature of a trust fund, as declared by the Supreme Court, for the benefit of the owners thereof under the provisions of the several acts of Congress relating thereto, has been held separate and apart from other moneys of the Government and only subject to the claims of the lawful owners thereof, established by legal authority; and, so far as this committee are advised, no portion of this particular part of such fund, placed therein under the decree of said court, has ever been disbursed.

Among the articles so seized were 2,000 barrels of rosin and 50 casks of turpentine, belonging to William P. Moore, jr., a brother of memorialist, who afterwards died, leaving the memorialist his sole legatee, she taking upon herself the support of her widowed mother. The net proceeds of this property, as included in the decree of said court, were $15,270.

The memorialist, by her guardian (she then being a minor), instituted suit in the Court of Claims for such proceeds under the provisions of the act of March 12, 1863, and although the court unanimously found the facts to be as above stated, yet a majority of said court held as a matter of law that the act of March, 1863, was not retroactive in its operation, and therefore that the court had not jurisdiction in the premises.

It seems to your committee that the case comes within the spirit of the several acts of Congress relating to captured and abandoned property, if not within the letter, and as the court has established the justice of the case in favor of the memorialist, which facts as found by said court are fully sustained by the proofs, this committee deem it advisable, inasmuch as the Court of Claims has in its files the evidence upon which the former judgment was rendered and may hear any additional evidence that may be adduced by either party, that the court should retain the control of said matter for the purpose of adjudication, with complete jurisdiction thereof, and therefore, for the purpose of correcting the technical want of jurisdiction in said court, report the accompanying bill.

Mr. REED. Can the gentleman from North Carolina [Mr. SIMMONS] tell us whether the question of loyalty is involved in this case?

Mr. SIMMONS. Not at all.

Mr. REED. Why is it that the Court of Claims declined to decree in favor of this party?

Mr. SPRINGER. Mr. Speaker, I reserve the right to object.

Mr. SIMMONS. I will say to the gentleman from Maine [Mr. REED] that the refusal of the court was not upon that ground, but upon an entirely different ground. The Court of Claims passed upon the question of loyalty of the claimant and decided it in favor of the claimant. It further passed upon the question whether the claimant had in fact owned and lost the property, and it decided that question also in favor of the claimant. But the claimant brought the proceeding before the court under the act of March 3, 1863. The property was seized in May, 1862, and the court held that the act of March, 1863, had no retroactive operation, and that, therefore, the court was without jurisdiction to determine this case. The action of the court was purely upon the ground of a lack of jurisdiction.

Mr. REED. Was there not a series of proceedings with regard to all this abandoned property?

Mr. SIMMONS. There were two lots of this abandoned property. One lot was shipped by order of Commodore Rowan to New York City. Shortly after it was shipped the claimants appeared in court and instituted proceedings and obtained possession of the funds arising from the sale of that property. The other lot was shipped to Philadelphia, and there taken charge of by the admiralty court; and a decree was made ordering the property to be sold, and the proceeds to be placed to the credit of the captured and abandoned property fund.

Subsequently the court held that this property was not lawful prize of war, but that it was captured and abandoned property, and ordered that it be credited to that fund to await the application of claimants. No claimant ever appeared in the Philadelphia court, and none has ever appeared to claim that property until this memorialist made her application. The proceeds of the sale of the property sold under the order of the admiralty court in Philadelphia amounted to $44,000. That money is now in the Treasury. No part of it has ever been paid out; no part of it has ever been claimed by anybody but this memorialist.

Mr. REED. But were there not a series of actions or claims made against the Government in respect to this fund called the captured and abandoned property fund?

Mr. SIMMONS. None in respect to this particular lot.

Mr. REED. No, but in regard to the general fund.

Mr. SIMMONS. I think not, only——

Mr. REED. Claims which are now barred by the statute of limitations.

Mr. SIMMONS. Well, sir, I don't know whether they are barred by the statute of limitations or not. That question was not presented before the Court of Claims. This action was instituted many years ago, and the unfavorable judgment was rendered on account of the legal technicalities to which I have just alluded. The court found that the property was lost; that it was taken possession of by the Government; that it was sold; that the money is now in the Treasury; that it is separate and apart from any other money in the Treasury, and that this claimant, who was an infant at the time of the seizure, has never been paid any part of it.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SPRINGER. This bill will be reached on the Private Calendar in a very short time, and as it involves a very important matter and a large sum of money I think it had better wait for its turn.

ANDREW GLEESON.

Mr. WARNER. I ask unanimous consent for the immediate consideration of a bill now on the Private Calendar, the bill (H. R. 2592) for the relief of Andrew Gleeson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Andrew Gleeson the sum of $289.17, out of any moneys in the Treasury not otherwise appropriated, in full payment for furnishing and grading materials (earth, soil, and gravel) upon the grounds south of the Executive Mansion, in the city of Washington, District of Columbia, during the fiscal year ending June 30, A. D. 1882.

Mr. HOLMAN. Let the report be read.

The report (by Mr. MANSUR) was read, as follows:

The Committee on Claims, to which was referred the bill (H. R. 2592) for the relief of Andrew Gleeson, having considered the same, submits the following:

This claim was before the Committee on Claims of the Forty-ninth Congress, which submitted the annexed report, which is adopted by this committee. The bill is returned with the recommendation that it do pass.

"The Committee on Claims, to which was referred the bill (H. R. 6794) for the relief of Andrew Gleeson, having considered the same, submits the following report:

"That the claimant, Andrew Gleeson, had a contract with the proper officers 'for furnishing and grading materials (earth, soil, and gravel) upon the grounds south of the Executive Mansion during the fiscal year ended June 30, 1882.'

"By the terms of this contract Mr. Gleeson was to furnish and grade the materials in such quantities as the officer in charge might direct.

"Mr. Gleeson left the city for a time, leaving his contract and its performance in charge of an agent, who failed to prosecute said work to the satisfaction of the Government, and accordingly the contract was annulled, and 'all retained percentage or other moneys due him by reason of said contract had under its terms become forfeited to the United States.'

"The total amount so forfeited was $289.17, consisting of $115.77 percentage retained on two payments made Mr. Gleeson, August 26 and December 5, 1881, respectively, and $173.40 for work performed under the contract and not paid for. On March 31, 1882, the Government being satisfied that the failure on the part of Mr. Gleeson 'to carry out his contract was not due to neglect on his part, but rather to bad faith on the part of his agent, it was determined by General Wright, in charge of said work, not to class Mr. Gleeson 'as a defaulting contractor.' Mr. Gleeson then requested to be permitted to go on with his contract, but this was refused, the contract for said work having been let to another at the same price which Mr. Gleeson was to receive. The committee is of the opinion that Mr. Gleeson acted in good faith, and the Government has sustained no loss by reason of any of his acts.

"Therefore, the committee is of the opinion that the amount retained from the claimant, as stated above, should be paid him, and return the bill (H. R. 6794) with the recommendation that it do pass."

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. FRANCES MARSHALL.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent to take up from the Private Calendar and put upon its passage the bill (H. R. 326) for the relief of Mrs. Frances Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Frances Marshall, widow of General Humphrey Marshall, of Louisville, Ky., the sum of $1,086.83, being the net proceeds of the sale of a library belonging to her, but erroneously seized and sold as the property of her husband, Humphrey Marshall, under an order of the United States district court for the southern district of Ohio, under act of July 19, 1862.

Mr. PAYSON. Let the report be read, the right to object being meanwhile reserved.

The report (by Mr. PENINGTON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 326) for the relief of Mrs. Frances Marshall, report as follows:

The facts out of which this bill for relief arises will be found stated in House Report No. 3046, of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee report back the bill, and recommend that the claimant be paid the sum of $1,086.83, the amount actually covered into the Treasury from the proceeds of the sale of said library.

[House Report No. 3046, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5262) for the relief of Mrs. Frances Marshall, having carefully considered the same and accompanying papers, submit the following report:

The facts out of which this claim against the United States arises are fully set forth in the affidavit of claimant, which is as follows:

"STATE OF KENTUCKY, *County of Jefferson:*

"The affiant, Frances E. Marshall, on her oath, states that heretofore, to wit, in the year 1861, she was sole and absolute owner of a large and miscellaneous library, consisting of a great number of works, from the pens of the most celebrated authors of ancient and modern times up to that time; that she is unable to give a full detailed statement of the names of the different authors or the titles of the books she owned; that her said library was most excellent and the books therein most elegantly bound; and her said library was of very great value; that her said library was packed in a great number of boxes and shipped from her country residence, 'Buckland Farm,' on the Kentucky River, the title of which was in her at that time, to Carrollton, Ky., for greater safety, the country being at that time full of soldiery and in a state of uncertainty; at that point affiant is informed they were afterwards seized by the United States authorities and taken to Cincinnati, Ohio, and neighboring cities, and sold at public auction, and the money, or some part of it, realized from the sale was forwarded to Washington, D. C., and paid into the Treasury of the United States, said money not by any means representing the value of her splendid library; that the statements contained in this the foregoing affidavit are true."

This affidavit is properly executed before a notary public of Jefferson County, Kentucky, and bears date of February 12, 1886.

Harvey M. Buckley, colonel of infantry in the Union Army, and others, in affidavits, fully substantiate the statement made by Mrs. Marshall.

The proof clearly shows that the library, or at least a large portion of it, belonged to and was purchased by Mrs. Marshall, and was her own separate property, held in her own right.

The committee are satisfied that the claimant was loyal to the United States Government.

Your committee therefore report the accompanying bill (H. R. 5262), with the following amendment: In lines 6 and 7 strike out the words "one thousand eight hundred," and insert the words "five hundred," and recommend that it do pass.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BURROWS. Mr. Speaker, I dislike very much to object; but I believe this matter was up in the last Congress and created some considerable controversy. I would like very much an opportunity to examine into the case. I really think these war claims ought to take their regular course and be considered on the Calendar as they are reached. Judging from what we have done thus far, enough of them will get through even if taken up in regular order.

Mr. BRECKINRIDGE, of Kentucky. The gentleman will allow me a word of explanation. I think he is mistaken in supposing that this bill has heretofore provoked any controversy. In the last Congress this bill was passed by unanimous consent upon the motion of Mr. Willis, of Louisville, then my colleague. The proposition is to pay Mrs. Frances Marshall for a library which she claims was her property, though seized and sold as the property of her husband. Upon the case as then submitted by Mr. Willis the bill was favorably reported by the committee of the last Congress, and was passed by the House.

Mr. BURROWS. Did it pass in the last Congress?

Mr. BRECKINRIDGE, of Kentucky. It was passed by this House in the last Congress and went over to the Senate, where it failed because, in consequence of the late period of the session, it was not reported.

Mr. BURROWS. If the minority of the Committee on War Claims do not make objection to the bill, I shall not object.

Mr. BRECKINRIDGE, of Kentucky. The bill has been reported again in this House during the present Congress, the report being unanimous.

Mr. JOHNSTON, of Indiana. Was there not a minority report upon this bill in the Forty-ninth Congress?

Mr. BRECKINRIDGE, of Kentucky. I think not; there was no minority report. The proof in support of the claim was made mainly by the gentleman named in the report, Mr. Harvey M. Buckley, a gentleman of very high character, belonging to the Republican party, who was colonel of a Federal regiment during the war and knew all the facts. It was upon his testimony principally that the claim was reported favorably in the last Congress and in the present by the Committee on War Claims, there being no minority report in either case.

Mr. HOLMAN. I believe it does not appear from the statement embraced in the report of the committee how much of the money derived from the sale of this library was covered into the Treasury.

Mr. BRECKINRIDGE, of Kentucky. The amount is something over a thousand dollars.

Mr. HOLMAN. That fact, it will be observed, is not stated in the report. It is stated that "the money, or some part of it," was covered into the Treasury. Has my friend from Kentucky any knowledge as to the facts?

Mr. BRECKINRIDGE, of Kentucky. I have no knowledge of the case except from the reports; no personal knowledge of the case at all. The amount in the bill as reported by the committee is, I understand, the amount which was covered into the Treasury. I have not examined the papers myself, but the case has passed an examination by the committee. The bill was introduced in this Congress by my colleague [Mr. CARUTH], and in the last Congress by Mr. Willis. My interest in the matter arises from the fact that this lady has been, during most of her life, a resident of the county which I represent here. Although at present she is living in Louisville, she and her husband and family were formerly residents of my district. Her husband was formerly a member of Congress, representing a part of the district which I now represent.

Mr. HOLMAN. Upon the facts stated, it would seem that whatever sum of money was covered into the Treasury ought to be refunded.

Mr. BRECKINRIDGE, of Kentucky. The bill was reported at this session by the gentleman from Delaware [Mr. PENINGTON].

Mr. PENINGTON. The report says the amount recommended to be paid is the net amount covered into the Treasury. The property in question sold for the sum of $1,800, and the amount of $1,000 was only paid into the Treasury. This bill met the approbation, not only of the committee, but of the House itself in the Forty-ninth Congress, but the committee to which it was referred at this Congress deemed it proper to adopt the former report that this applicant was not entitled to the whole receipts of the sale, but only to that portion which had been covered into the Treasury.

Mr. HOLMAN. I find, on looking at the report, the amount is stated at $1,086.83, the amount actually covered into the Treasury. I was misled by a statement in the report which was appended to this. I take it for granted the amount stated is correct.

Mr. PENINGTON. It is.

There was no objection to the consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOPHIA B. MOORE.

Mr. SPRINGER. Mr. Speaker, I withdraw the objection I made to the consideration of the bill (H. R. 3902) for the relief of Sophia B. Moore, which was called up by the gentleman from North Carolina [Mr. SIMMONS]. He informs me that he is about leaving the city. While allowing the bill to be called up and voted on, I shall vote against it.

The bill was again read.

There was no objection to the consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SIMMONS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HUBERT M. POTTER.

Mr. ALLEN, of Massachusetts. I move, by unanimous consent, to take up for consideration the bill (H. R. 2457) to increase the pension of Hubert M. Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Hubert M. Potter, late private Company B, Fourteenth United States Infantry, to the amount of $50 per month.

The amendment of the Committee on Invalid Pensions was read, as follows:

Strike out "$50 a month" and insert "$45 a month."

The amendment was agreed to.

There was no objection to the consideration of the bill, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALLEN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF CIRCULATING NOTES.

Mr. BLAND, by unanimous consent, was granted leave to print in the RECORD the following amendment, which he intended to offer to the bill (H. R. 2012) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by national-bank associations for the retirement of circulating notes.

It is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and required to purchase the bonds of the United States not subject to call with the moneys now held or that may hereafter come into the Treasury for the redemption of national-bank notes: *Provided*, That not more than ten million of said bonds shall be so purchased in any one month. The purchase of said bonds shall be made from month to month, under such rules and regulations as the Secretary of the Treasury may prescribe. The bonds so purchased shall not be counted as part of the sinking fund, but shall be canceled and destroyed.

SEC. 2. For the purpose of redeeming national-bank notes the Secretary of the Treasury shall cause to be engraved, printed, and issued coin notes of the United States in like denominations now authorized for silver certificates, which said coin notes shall be redeemable in standard gold or silver coin of the United States, at the option of the Government, on demand; that said coin notes shall be a legal tender in like manner and for all purposes for which gold or silver certificates are now by law a legal tender, and may be reissued, and to provide sufficient coin for the redemption of coin notes he shall from time to time coin the full maximum of the amount of silver bullion authorized to be purchased and coined in pursuance of the act of February 28, 1878, authorizing the coinage of the standard silver dollar and to restore its legal-tender character.

SEC. 3. The Secretary of the Treasury is hereby authorized and required to establish such rules and regulations as may be necessary to carry into effect the provisions of this act.

MONUMENT TO GENERAL W. H. HARRISON.

Mr. HOLMAN. I hold in my hand a resolution adopted by the Board of Trade of the city of Indianapolis, in favor of an appropriation of money to aid in the erection of a monument to General William Henry Harrison, which I ask to have printed in the RECORD.

There was no objection, and it was ordered accordingly.

The resolution is as follows:

Resolved, That we respectfully and earnestly request our Senators and Representatives in Congress to aid in securing the passage of House bill No. 1740, asking an appropriation of $20,000 for the improvement of the ground and the erection of a monument as provided by the bill regarding the grave of General W. H. Harrison, North Bend, Ohio.

On motion of Mr. HOLMAN, the resolution was referred to the Committee on the Library.

TERMS OF UNITED STATES COURTS AT MISSISSIPPI CITY.

Mr. BUCKALEW, from the Committee on the Judiciary, reported back favorably the bill (H. R. 1589) to provide for holding the terms of the United States courts at Mississippi City; which was referred to the House Calendar, and the accompanying report ordered to be printed.

APPOINTMENT OF COMMITTEE.

The SPEAKER announced as the Select Committee on Existing Labor Troubles in Pennsylvania, G. D. TILLMAN of South Carolina, W. J. STONE of Missouri, J. L. CHIPMAN of Michigan, JOHN A. ANDERSON of Kansas, and A. X. PARKER of New York.

And then, on motion of Mr. COX (at 2 o'clock and 49 minutes p. m.), the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. J. M. ALLEN: A bill (H. R. 6900) for the relief of the estate of James H. Estes—to the Committee on Claims.

By Mr. C. L. ANDERSON: A bill (H. R. 6901) for the relief of M. T. Sigert—to the Committee on War Claims.

Also, a bill (H. R. 6902) for the relief of William F. Haralson—to the Committee on War Claims.

Also, a bill (H. R. 6903) for the relief of Isaac Stinnett—to the Committee on War Claims.

By Mr. BLAND: A bill (H. R. 6904) for the relief of John N. German—to the Committee on Military Affairs.

Also, a bill (H. R. 6905) for the relief of the estate of Thomas L. Price, deceased—to the Committee on War Claims.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 6906) for the relief of J. M. McClelland—to the Committee on War Claims.

By Mr. BREWER: A bill (H. R. 6907) granting an increase of pension to Elias Shafer—to the Committee on Invalid Pensions.

By Mr. BURNES: A bill (H. R. 6908) granting a pension to William P. Witt—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: A bill (H. R. 6909) for the relief of Frank Arnim—to the Committee on War Claims.

By Mr. CHEADLE: A bill (H. R. 6910) granting a pension to Colisda J. Crawford, widow of Isaac L. Crawford—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 6911) for the relief of John P. D. Commerdinger—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 6912) to remove mark of desertion from naval record of Henry Hawkshaw, late of the United States steamer Cyane, and grant him an honorable discharge—to the Committee on Naval Affairs.

By Mr. DORSEY: A bill (H. R. 6913) to increase the pension of Z. T. Crawford—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 6914) granting a pension to Samuel Miller—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 6915) granting a pension to Candace Wilhelm—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 6916) granting a pension to William R. Rector—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6917) granting a pension to Comfort Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6918) for the relief of A. D. Rutherford—to the Committee on Military Affairs.

Also, a bill (H. R. 6919) granting a pension to Franklin Chavis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6920) removing the charge of desertion standing against Peter Bird—to the Committee on Military Affairs.

Also, a bill (H. R. 6921) for the relief of William Cecil—to the Committee on Military Affairs.

Also, a bill (H. R. 6922) for the relief of George W. Graham—to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 6923) for the relief of John Schierling, administrator of the estate of Gallus Kerchner, deceased—to the Committee on Claims.

By Mr. HUTTON: A bill (H. R. 6924) granting a pension to W. D. Jamison—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 6925) for the relief of W. S. Holt—to the Committee on War Claims.

Also, a bill (H. R. 6926) for the relief of Jacob Swofford—to the Committee on Military Affairs.

By Mr. O'FERRALL: A bill (H. R. 6927) for the relief of H. H. Farmer—to the Committee on Claims.

By Mr. PUGSLEY: A bill (H. R. 6928) for payment to William T. and Anne Scales for mill property destroyed by order of General Lewis Wallace during the rebellion—to the Committee on War Claims.

Also, a bill (H. R. 6929) to remove the charge of desertion from William P. Bingamon—to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 6930) for the relief of Francis Kilburn—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 6931) granting a pension to Jonathan Hayes—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 6932) for the relief of H. C. Rogers—to the Committee on Claims.

By Mr. SPRINGER: A bill (H. R. 6933) granting a pension to Henry D. Deakins—to the Committee on Invalid Pensions.

By Mr. STRUBLE: A bill (H. R. 6934) granting a pension to Henry Graham—to the Committee on Invalid Pensions.

By Mr. J. D. TAYLOR: A bill (H. R. 6935) granting a pension to Annie B. Marsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6936) for the relief of Mathew S. Priest—to the Committee on War Claims.

Also, a bill (H. R. 6937) granting a pension to Hannah Trescott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6938) for the relief of Sarah Ann Wilson—to the Committee on Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 6939) for the relief of the widow and children of Joseph Nickell—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 6940) for the relief of William R. Pesterman—to the Committee on War Claims.

Also, a bill (H. R. 6941) for the relief of William Cook—to the Committee on War Claims.

Also, a bill (H. R. 6942) for the relief of James M. Ritchey—to the Committee on War Claims.

By Mr. WALKER: A bill (H. R. 6943) granting a pension to G. W. Cox—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 6944) granting a pension to Christina Essler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6945) to place the name of John S. Baker on the pension-roll—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 6336) for the relief the estate of Richard W. Meade, deceased—from the Committee on Claims to the Committee on Foreign Affairs.

Also, a bill (H. R. 3511) for the relief of Jacob A. Henry—from the Committee on War Claims to the Committee on Claims.

Also, a bill (H. R. 2688) for the relief of Alfred Breuer—from the Committee on Military Affairs to the Committee on Naval Affairs.

Also, a bill (H. R. 3565) for the relief of John Marks—from the Committee on Military Affairs to the Committee on Naval Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Mary A. Harris, widow of Williamson Harris, of Tishomingo County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BANKHEAD: Petition of Carter Scott, of Walker County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Petition of the heirs of Thomas H. Penn, of Woodruff County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BREWER: Petition of Elias Shafer, for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of the District of Columbia, for a national commission of inquiry—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BUTTERWORTH: Petition of B. A. Bursell, jr., John S. Cox, William Coffery, and other employés of the Cincinnati (Ohio) post-office, for classification of and readjustment of salaries—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of Ohio, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

Also, petition of the widow of Philip Spotz, late of Company I, First Missouri Light Artillery, for a pension—to the Committee on Invalid Pensions.

By Mr. COBB: Petition of M. M. Moreland, heir of N. C. Moreland, and of P. A. Kendrick, of Bibb County, Alabama, for reference of claims to the Court of Claims—to the Committee on War Claims.

By Mr. COX: Petition of John P. D. Commendinger, late private Company K, Forty-eighth Regiment New York Volunteers, for the passage of a special-act supplemental pension—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of Henry Hawkshaw, late of the United States Navy, for removal of charge of desertion—to the Committee on Naval Affairs.

By Mr. DARLINGTON: Petition of leading citizens of Oxford Borough, Chester County, Pennsylvania, for the passage of House bill 549 granting a pension to Joseph Wilson—to the Committee on Invalid Pensions.

By Mr. ENLOE: Petition of John Haynes, of Carroll County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the Young Men's Democratic Association of Philadelphia, in favor of the abolition of the surplus in the Treasury by placing on the free-list raw materials used in manufacture—to the Committee on Ways and Means.

By Mr. FINLEY: Petition of Robert Hardwick, of Pulaski County, Kentucky, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FORD: Memorial from numerous furniture manufacturers of the United States, to reduce the tariff—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of Robert A. McCarley, of Randolph County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FRENCH: Petition of the faculty of Wesleyan University, at Middletown, Conn., for the speedy enactment of an international copyright law—to the Committee on Patents.

Also, petition of the citizens of Center Brook, Conn., for the reissue of fractional currency—to the Committee on Banking and Currency.

Also, resolutions of the Chamber of Commerce of New Haven, Conn., that an international marine conference be invited to formulate measures for lessening the dangers to navigation—to the Committee on Merchant Marine and Fisheries.

By Mr. FULLER: Petition of Ole Oleron and 10 members of East Grove Farmers' Alliance, Cedar Lake, Iowa, favoring tariff reform—to the Committee on Ways and Means.

By Mr. GREENMAN: Petition of United American Clay Tobacco-Pipe Employers and Employés' Association, for change of duty on manufactured clay pipes—to the Committee on Ways and Means.

By Mr. GROSVENOR: Memorial of Clay Tobacco-Pipe Makers' Union of America, relating to the protection of their interests—to the Committee on Ways and Means.

By Mr. HARMER: Memorial of the United American Clay Tobacco-Pipe Employers and Employés' Association, in favor of an increase of duty on clay pipes and greater protection to their industry—to the Committee on Ways and Means.

Also, memorial of the manufacturers of sewer pipe of Pennsylvania, New Jersey, and Delaware, to place sewer pipe under a definite classification and for a more just and equitable protection of their interests—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of citizens of Ashland, Bayfield, and Washburn Counties, Wisconsin, for protection of their title to certain lands entered by them under the homestead law and claimed by certain railroad companies, and to protect said lands against trespassers—to the Committee on the Public Lands.

By Mr. HAYES: Petition of the faculty of the State University of Iowa, for an international copyright law—to the Committee on Patents.

By Mr. J. S. HENDERSON: Protest of the Memphis (Tenn.) Merchants' Exchange and Cotton Exchange against the proposed tax on cotton-seed oils—to the Committee on Ways and Means.

Also, petition of deaf soldiers, sailors, and marines, for increase of pensions—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Resolutions of the common council of Madison, Ind., in favor of the improvement of the Kentucky River and the harbor of Madison—to the Committee on Rivers and Harbors.

Also, resolution of the Board of Trade of Indianapolis, Ind., in favor of House bill 1740—to the Committee on the Library.

By Mr. S. I. HOPKINS (by request): Petition of citizens of Seattle, of Gray's Harbor, and of Port Gamble and Port Ludlow, Wash., protesting against the removal of the tariff on lumber—to the Committee on Ways and Means.

By Mr. HOUK: Petition of R. F. Galyon, of Jefferson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. JACKSON: Petition of Samuel M. Brownlee and 102 others, citizens of Washington County, Pennsylvania, against the admission of Utah as a State—to the Committee on the Territories.

Also, petition of citizens of Beaver Falls, Pa., for removal of the restriction against mailing third and fourth class matter in wrappers with advertisements printed thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES: Petition of W. J. Penn, administrator of Lutisha B. Penn, of Mobile, Ala., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petition of W. H. Peck and others, of Ancram, Columbia County, New York, for the adoption of the schedule on wool, etc., urged by the wool-growers—to the Committee on Ways and Means.

By Mr. LODGE: Petition of the Point of Pines Company, of Revere, Mass., for an appropriation to dredge a channel near the mouth of the Saugus River—to the Committee on Rivers and Harbors.

By Mr. LONG: Petition of A. A. Miner and 350 others, for a historical investigation concerning the Icelandic discovery of America, and for embracing Icelandic representation in the centennial of the United States—to the Committee on the Library.

By Mr. J. H. O'NEALL: Petition of Marion Porter and others, citizens of Indiana, in favor of the passage of the Weaver soldier bill—to the Committee on War Claims.

By Mr. PARKER: Petition of the clay-pipe makers, for protection—to the Committee on Ways and Means.

By Mr. PHELAN: Petition of F. A. Hurt, administrator of B. F. Hurt, of Shelby County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PUGSLEY: Petition of William P. Bingamon, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of Hon. Lee Weltz and 73 others, citizens of Clinton County, Ohio, to extirpate pleuro-pneumonia and other cattle diseases—to the Committee on Agriculture.

Also, petition of D. M. Beard and 20 others, citizens of Ross County, Ohio, for the passage of the Palmer Senate bill to extirpate pleuro-pneumonia and other cattle diseases—to the Committee on Agriculture.

By Mr. RANDALL: Petition of Francis Kilburn, for relief—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of executor of Daniel D. Russell, and of administrator of Felix G. Ross, of Rutherford County, Tennessee—to the Committee on War Claims.

By Mr. STOCKDALE: Petition of John C. Schwart, of Adams County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the case of Milton S. Shirk—to the Committee on War Claims.

By Mr. E. J. TURNER: Petition of D. W. Cole and 23 others, and

of H. M. White and others, citizens of the Sixth district of Kansas, for a system of Government telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: Petition of the Woman's Christian Temperance Union of Connecticut, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. WADE: Petition of William R. Testerman, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of J. B. Sheaver, acting chancellor of the S. W. P. University of Clarksville, Tenn.—to the Committee on Ways and Means.

By Mr. S. V. WHITE: Petition of Old Society of Brooklynites, for a monument to the martyrs of the prison-ships at New York in the war for the independence of the United States—to the Committee on the Library.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. McCLAMMY: Of citizens of Taylor's Bridge, Sampson County, North Carolina.

By Mr. NICHOLS: Of citizens of Osgood, Chatham County, North Carolina.

By Mr. ROWLAND: Of citizens of Mint Hill, and of Howellsville, Robeson County, North Carolina.

By Mr. G. M. THOMAS: Of John H. Lang and others, of Lewis County, Kentucky.

By Mr. E. J. TURNER: Of citizens of Troublesome, Smith County, Kansas.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. THOMAS WILSON: Of 291 citizens of the First district of Minnesota.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were referred to the Committee on Education:

By Mr. FARQUHAR: Of M. W. Dodge and other citizens of Erie County, New York.

By Mr. GALLINGER: Of Chester Walker and other citizens of Sullivan County, New Hampshire.

By Mr. LONG: Of Fred Humphrey and 492 other citizens of Plymouth, Mass.

By Mr. PENINGTON: Of W. A. Scott and other citizens of New Castle County, Delaware.

By Mr. SCULL: Of G. R. Glasgow and other citizens of Cambria County; of J. H. Sanner and other citizens of Somerset County; and of W. A. Jackson and others of Somerset County, Pennsylvania.

By Mr. SPOONER: Of Albert M. Paull and other citizens of Providence, R. I.

By Mr. E. J. TURNER: Of J. K. Montgomery and others, citizens of Jewell County, Kansas.

By Mr. VANCE: Of E. N. Pierce and others, citizens of Hartford County, Connecticut.

SENATE.

THURSDAY, *February* 9, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of the State Agricultural Society of Iowa, praying for the enactment of a law for the extirpation of the disease known as pleuro-pneumonia or lung-plague; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLISON presented a petition of the faculty of the State University of Iowa, at Iowa City, praying for the enactment of an international copyright law; which was referred to the Committee on Patents.

He also presented resolutions adopted by the Settlers' Union of Iowa, remonstrating against the passage of any bill which does not recognize what are known as the Des Moines River lands as Government lands; which were ordered to lie on the table.

Mr. QUAY presented a memorial of railway conductors of the State of Pennsylvania, remonstrating against the passage of Senate bill No. 874, to provide for licensing railway conductors; which was referred to the Committee on Interstate Commerce.

Mr. PADDOCK presented a petition of members of the faculty of Doane College, at Crete, Nebr., praying for the removal of the duty from imported books; which was referred to the Committee on Finance.

He also presented the petition of Professor D. B. Perry and other educators, of Nebraska, praying for the enactment of an international copyright law; which was referred to the Committee on Patents.

He also presented the memorial of the American, Atlantic and Pacific Ship-Canal Company, remonstrating against the passage of the bill to incorporate the Maritime Canal Company of Nicaragua; which was ordered to lie on the table.

Mr. GEORGE presented four memorials of citizens of Mississippi, remonstrating against the passage of Senate bill No. 650, to suppress cotton-seed oil in its use as a substitute for hog lard; which were referred to the Committee on Agriculture and Forestry.

Mr. BUTLER presented the following petitions, praying for the appropriation of such sums of money as have been recommended by the United States engineers for the deepening and improvement of Winyaw Bay Bar, South Carolina:

A petition of citizens of Bloomingdale, S. C.;

A petition of citizens of Conway, S. C.;

A petition of citizens of Darlington, S. C.; and

A petition of citizens of Savage, S. C.

Mr. FARWELL presented the petition of the Merchant Tailors' National Exchange of the United States, praying for the increase of duties on certain materials used by tailors in their business; which was referred to the Committee on Finance.

He also presented a petition of 112 citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of 146 citizens of Dakota Territory, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of W. V. Louderbough, William Patterson, and others, mostly members of the Presbyterian Church of Salem, N. J., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HISCOCK presented a petition of 151 citizens of the Fifteenth, Twenty-second, Twenty-fourth, and Thirty-third Congressional districts of New York, and a petition of 125 citizens of the Seventeenth and Thirty-first Congressional districts of New York, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. HOAR. I present the petition of Lee, Higginson & Co., Kidder, Peabody & Co., and others, eminent bankers in Boston, Mass., praying for the passage of a joint resolution to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid by them in certain cases. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. VEST presented a petition of the cattle-dealers of Kansas City, Mo., praying for the amendment and passage of Senate bill No. 945, in regard to the transportation and handling of live cattle; which was referred to the Committee on Agriculture and Forestry.

Mr. HAWLEY presented the petition of James Morrison and 137 other citizens of the First and Second Congressional districts of Connecticut, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of J. R. Benedict and other citizens of Kensington, Conn., remonstrating against the admission of Utah while the local government remains in the hands of the Mormon priesthood; which was referred to the Committee on Territories.

Mr. EVARTS presented a petition of 234 citizens of the Thirty-first and Thirty-fourth Congressional districts of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLUMB presented a petition of citizens of Kansas, praying for the passage of the bill introduced by Mr. PALMER, to provide for the extirpation of contagious pleuro-pneumonia and other cattle diseases; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of ladies, members of the Woman's Christian Temperance Union, of Burlington, Coffey County, Kansas, praying that two sections of the public land in the Territory of Oklahoma, when it is organized, be set aside to be known as the Home for Friendless Women and Destitute Girls; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Michigan, praying for a restoration to settlement and opening for homestead purposes of the unearned lands heretofore granted to the Marquette, Houghton and Ontonagon and Ontonagon and Brulé River Railroads; which was referred to the Committee on Public Lands.

Mr. FAULKNER presented a petition of 180 citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DANIEL presented resolutions adopted by the Legislature of Virginia in favor of a national quarantine station at or near Cape Charles, Virginia; which were referred to the Committee on Epidemic Diseases.

He also presented resolutions adopted by the Legislature of Virginia favoring an appropriation for the erection of a manufactory of sugar

from sorghum at Alexandria, Va.; which were referred to the Committee on Appropriations.

He also presented the petition of Gordon Merrick and other citizens of Virginia; a petition and resolutions adopted by the Farmers' Alliance of Rockingham County, Virginia, and the petition of Frank King and other citizens of Virginia, praying for the passage of the bill to extirpate pleuro-pneumonia and other cattle diseases; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Pennsylvania, praying for the better protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of the faculty of Richmond College, at Richmond, Va., and the petition of the faculty of the University of Virginia, praying for the passage of an international copyright law; which were referred to the Committee on Patents.

Mr. PALMER presented resolutions of the Eureka Assembly, Knights of Labor, of Kalamazoo, Mich., in favor of the passage of the postal-telegraph bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions of the Lake Carrier Association, favoring the early completion of a harbor of refuge at Grand Marais, Mich.; which were referred to the Committee on Commerce.

He also presented resolutions of the Detroit (Mich.) Board of Trade, favoring a Government postal-telegraph system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 150 citizens of the First, Third, Fourth, and Ninth Congressional districts of Michigan, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL presented resolutions of the Audrain County Medical Society, of Missouri, favoring the repeal of the import duty on all medicines, medical and surgical appliances, and from everything used in the treatment or diagnosis of disease; which were referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 326) for the relief of Mrs. Frances Marshall;

A bill (H. R. 2457) to increase the pension of Hubert M. Potter;

A bill (H. R. 2592) for the relief of Andrew Gleeson; and

A bill (H. R. 3902) for the relief of Sophia B. Moore.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations, to which was referred the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua, to report the same back favorably with some amendments, together with a short report. I give notice that I shall move to take up the bill as early next week as I can get the floor for that purpose.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 21) granting a gold medal to Capt. Charles de Arnaud, submitted an adverse report thereon; which was agreed to, and the joint resolution was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation, reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, reported it with amendments.

Mr. DANIEL, from the Committee on Indian Affairs, to whom was referred the bill (S. 136) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 671) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereon, and for a new site and the construction of suitable buildings thereon, to report it without amendment. I will accompany the bill in a few days with a written report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 27) to prevent the obstruction of navigable waters and to protect public works against trespass or injury, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith, reported it with amendments.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1248) to effect a rearrangement of the grades of office in the Subsistence Department of the Army, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (S. 1433) to extend the time for the construction of a bridge across the Staten Island Sound, known as Arthur Kill, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 361) to authorize the Duluth, Superior and Wisconsin Railway Company to construct and maintain a bridge across the St. Louis River, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1525) to authorize the construction of a bridge over the Cumberland River, between Burnside, Ky., and Carthage, Tenn., or the south fork of said river, between Burnside and Tateville, Ky., reported it with amendments.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1001) granting a pension to George W. Fisher, submitted an adverse report thereon; which was agreed to, and the bill postponed indefinitely.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 1680) authorizing the Secretary of War to deliver to the Plainville Post, No. 298, of the Grand Army of the Republic at Plainville, Kans., six condemned brass cannon for monumental purposes, have instructed me to report the same back adversely, recommending that the bill be indefinitely postponed. I desire to say in this connection that during the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Congresses the Committee on Military Affairs has uniformly reported adversely upon all such bills, because there are no condemned brass cannon or iron cannon on hand for this purpose.

The report was agreed to, and the bill postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River, at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;

A bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas;

A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River between Bridgeport and Sheffield, Ala.; and

A bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River between Rock Island and Carthage, in Tennessee.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 615) for the relief of James B. Mitchell, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 1528) to reward the Esquimaux natives of the Asiatic coast of the Arctic Ocean for acts of humanity to shipwrecked seamen, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred the bill (S. 1900) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables, reported it with amendments.

NEW SENATE MANUAL.

Mr. ALDRICH. I am instructed by the Committee on Rules to report the revised edition of the Manual prepared under a resolution of March 3, 1887, by the Committee on Rules, and I submit a resolution from the committee to print 1,500 copies of the revised Manual.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That there be printed for the use of the Senate, under the direction of the Committee on Rules, 1,500 copies of the revised Senate Manual.

Mr. ALDRICH. I suppose the resolution should go to the Committee on Printing, under the rule.

Mr. EDMUNDS. I do not think it needs to go to the Committee on Printing. It provides for printing a document for the use of the Senate, and under the rule of the Senate I do not think any such reference is required.

Mr. ALDRICH. Very well; I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to which was referred the joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents, to report it with an amendment, and recommend its passage. I ask that it be now considered.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution, as follows:

Resolved, etc., That all copies of the Records of the War of the Rebellion, reports of the Tenth Census, and report of the Public Lands Commission remaining undistributed, of the quota of ex-members of Congress, shall be put to the credit and distributed upon the orders of their successors, respectively, in the Forty-ninth Congress, in accordance with existing provisions of law: *Provided*, That copies of the above-named documents standing to the credit of ex-members who, in consequence of changes in the boundaries of Congressional districts, have no direct successors in the present Congress, shall be sold at cost or distributed to libraries yet unsupplied: *And provided further*, That this resolution shall not be construed as withholding, from parties already named to receive complete sets of said documents, the volumes yet to be issued.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Printing will be stated.

The SECRETARY. It is proposed to amend in line 7, after the words "in the," to strike out "Forty-ninth" and insert "Fiftieth;" so as to read:

That all copies of the Records of the War of the Rebellion, Reports of the Tenth Census, and Report of the Public Lands Commission remaining undistributed, of the quota of ex-members of Congress, shall be put to the credit and distributed upon the orders of their successors, respectively, in the Fiftieth Congress, in accordance with existing provisions of law.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. I should like to hear simply an explanation of it, as it is just reported.

Mr. MANDERSON. The joint resolution is designed simply to dispose of those copies of the Records of the Rebellion, the four-volume work on the Public Domain, and the Census Reports which are undistributed by the lists of the members of the Forty-seventh Congress.

Mr. COCKRELL. How would that affect a Senator still in the Senate who has not sent in orders to include all the copies to which he was entitled?

Mr. MANDERSON. It does not affect him at all. It only applies to those who have passed out of Congress in either House, and provides that their successors may have the distribution of these works. I will ask, for the information of the Senate, that the Secretary read a letter from Dr. Ames, the superintendent of the distribution of the documents. It explains the matter quite fully.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. RIDDLEBERGER. I do not object, but I feel like pressing a little further the inquiry made by the Senator from Missouri. For instance, I had to buy five volumes of the Confederate Records at $5 a volume to supply a historical society which had been neglected. I have been able to keep up the sets after the first five volumes. I should like to ask the Senator from Nebraska whether the effect of the joint resolution will be to break up the sets, either of the Census Reports or of what I choose to call the Confederate Records, which have been commenced since I bought the first five volumes?

Mr. MANDERSON. I do not understand that the effect of the joint resolution will be as suggested by the Senator from Virginia. It is simply to reach the cases that are named, where a member of the Senate or House of Representatives who was in the Forty-seventh Congress had the distribution or the naming of the list on which the Records of the Rebellion should be distributed and has passed out of Congress, so that his successor may dispose of any copies of the Records of the Rebellion that he did not dispose of. They are lying, as is shown by the letter of Dr. Ames, in the War Department without distribution. Take, for instance, the case of the late Senator from Rhode Island, Senator Anthony. I understand that in the War Department there are large numbers of volumes of the Records of the Rebellion, after volume 5—from volume 1 to volume 5 the series is entirely exhausted—which remain undistributed, and this measure would permit the present Senator from Rhode Island [Mr. CHACE], the successor of Senator Anthony, to make a distribution of those works.

Mr. HOAR. I should like to inquire of the chairman of the Committee on Printing whether any arrangements have been made for the reprinting of those first five volumes?

Mr. MANDERSON. Not as yet. The House committee have that matter under consideration, and I understand they are about to report in that regard to reprint the first five volumes of the Records of the Rebellion. But that is not contemplated by the pending joint resolution.

Mr. HOAR. No; that is not contemplated by the joint resolution, but at the same time it seems to be a proper occasion to make the observation.

The Senate, I suppose, is well aware, and certainly the Senator from Nebraska knows better than anybody else, the great waste of our former method of distributing those documents. They were put to the credit of the Senator or Member of a particular Congress at the time of their publication. The consequence is that of a costly and valuable book like the Medical and Surgical History of the Rebellion, and especially this book, which, when it comes out, will be, I suppose, a hundred volumes or more before it is finished—two or three volumes would go to one member, who would distribute them to his friends as he chose, and then the next two or three volumes would go to somebody else having no knowledge of where the first had gone, and the entire set absolutely rendered worthless to anybody, or nearly so, from the fact that the consecutive volumes were not in the same place.

After a great deal of difficulty the Senate were persuaded to adopt the present system, which is that when the publication of one of these books, which comes out as a serial, is ordered, the then Member of Congress, or Senator, shall put on record a list of the persons to whom he wants it sent. He may have it sent to himself if he chooses, but he will give in a list of libraries, or eminent soldiers, or eminent scholars, and the law then requires the entire series to go to the same place, and that would make the set complete.

This principle was not adopted in regard to the Records of the Rebellion until the first five volumes had been published. The consequence is, I suppose, that there are hundreds of libraries and soldiers all over the country, and thousands of scholars, who have been selected under the law, and who get the entire set of Rebellion Records except the first five volumes; and to make those sets of complete value we ought to reprint those volumes as soon as possible. We have really wasted the whole publication of the first five volumes, pretty much.

Mr. HAWLEY. I will make a suggestion in regard to that publication, which applies to some other books besides. There are private dealers who would be very glad indeed to make application at the Printing Office to have the first five volumes, the stereotyped plates of which are preserved, reprinted in very considerable numbers, so as to purchase them at cost, with the 10 per cent. added, under the usual law. For example, one publisher told me that he would be very glad to order a thousand copies and pay for the press-work and paper and 10 per cent. added, as he has applications all over the country for them. Of course he would put on something for profit, 25 or 50 cents a volume. He says those books are worth now four, five, or six dollars in the market, while we have the stereotyped plates lying idle in the Printing Office, and men are willing and anxious to purchase them.

Mr. TELLER. I should like to inquire of the Senator from Connecticut why that can not be done without any action by Congress?

Mr. HAWLEY. This publisher, for some reason or other, finds that he is unable to do it. He offers to take a thousand copies of those first five volumes under the terms of the law to-morrow, if he can get them printed.

Mr. MANDERSON. I will answer the inquiry of the Senator from Colorado. I understand that the privilege of ordering additional copies of works that are being published can only be availed of under the law while the work is being published and before it is issued from the Printing Office; that is, the order must come in advance of the publication.

Mr. HAWLEY. That is correct.

Mr. MANDERSON. And therefore we can not pursue the course suggested by the Senator from Connecticut.

Mr. TELLER. I knew that might be done, but I was not familiar enough with the statute to recollect that that should be done before the publication.

I want to say a word about the Rebellion Records. In the Forty-seventh Congress the policy suggested by the Senator from Massachusetts was adopted, and the then members of Congress, if they made their selections, selected the people to whom the entire series was to go. I do not know how the Senator from Rhode Island, who was used as an illustration, will find out to whom the Department will send these books, without duplicating them, because the War Department declines to inform a Senator, or anybody else, to whom these books are going.

Mr. HOAR. Is not the record in the Interior Department?

Mr. TELLER. There is no such record in the Interior Department; it is kept in the War Department. I applied to the War Department to know what persons in my State were receiving the Rebellion Records, having had several applications from libraries that wanted the Rebellion Records, and I was notified that my predecessor and his colleague, the member of the other House, had designated the full quota of the State and that the books were then being sent out; and on inquiry as to whom they were sent to, I was informed that that was a state secret; that I could not be informed what citizens of Colorado were getting the Rebellion Records; and therefore I was unable to notify the libraries so that they might negotiate with the people who had them, as I had intended. Why this should be the case I do not know. It seems to me most absurd that a matter of simple record as to who is receiving a public document should be concealed in the War Department; but such is the fact, as I have it under the signature of the Secretary of War.

Mr. HOAR. I suggest to the honorable Senator that I think every member of this body would concur with him in adopting an order to the War Department to send in a list of persons who were receiving those books.

Mr. EDMUNDS. I should think so.

Mr. ALDRICH. I will state that I had no trouble in securing a list of the parties to whom the Rebellion Record was ordered to be sent by my late colleague.

Mr. TELLER. I have a letter signed by the Secretary of War, evidently in his own handwriting, stating that the list could not be furnished.

Mr. MANDERSON. I will say that I had the same refusal from the War Department. I was unable to find who obtained the books furnished according to the lists of members of the Forty-seventh Congress.

Mr. EDMUNDS. That is most extraordinary.

Mr. TELLER. The Department said that it was a matter which could not be made public.

I have not moved in this matter, because, so far as that particular document is concerned, it is not a matter of any consequence whatever; but I hold that every public record, I do not care what it is, is an open record to the people of this country. While I had for a short time the honor of presiding over an Executive Department every paper in that Department was open to the inspection of any citizen of the United States who wanted to inspect it, by an order that I signed. I understand the order is still in force in that Department of the Government, and it ought to be so in every Department of the Government.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate, as in Committee of the Whole, if there be no objection. Having been read at length, another reading at length will be waived if there be no objection, and the question recurs on the amendment of the Committee on Printing, which will be read.

The SECRETARY. In line 7 the committee report to strike out "Forty-ninth" and insert "Fiftieth;" so as to read, "the Fiftieth Congress."

The amendment was agreed to.

Mr. VEST. I wish to hear the joint resolution read.

The PRESIDENT *pro tempore*. The joint resolution will be read at length.

The SECRETARY again read the joint resolution as amended.

Mr. VEST. I have no objection to the joint resolution, but I wish to embrace this opportunity to make a remark in regard to these public documents.

I do not know what may be the experience of other Senators, but since I have been in the Senate, some eight years, I have found that the distribution of certain public documents is a positive nuisance, to say nothing about the waste of public money. I have now in a room in this city several hundred volumes, bound in calf at the expense of this Government, which I can not give away, can not trade off, can not dispose of, unless I put them in the fire; they are utterly useless. I have sent them to libraries; there is no room for them there. I have personally asked on my return to my home in Missouri different libraries to take them. They say they have no storage room for them. They are utterly useless; reports of bureaus that no man ever reads, that there is no possibility of their ever being looked into, except by some man who, having had the penalty of death imposed on him, has had it commuted by a court to imprisonment for life, and then possibly he might have an opportunity to look into them.

How many hundreds of thousands of dollars are thrown away upon these publications I do not know; but it is a fact, and I doubt not but that every Senator here will corroborate my experience in regard to the matter. How long this thing is to go on is of course not within my knowledge or that of any other living man; but it has gone on for years.

You have these volumes sent to you, bound in calf, with your name upon a piece of red morocco on the back. I sent once to a second-hand dealer, one of those men engaged in the business of buying Government books. I sent him into the room and asked him to look at them, and then to make me a bid. I think there were four hundred and fifty-odd volumes. He offered me $8, and thought it was a personal favor to me to give me that much. I suppose they cost the Government of the United States $2 or $3 a volume.

And yet we permit this system to go on. I call the attention of the Committee on Printing to it. It is a nuisance. I have spoken to brother Senators, one conspicuously from New England. "Why," he said, "my people are anxious to take these books." I said, "Let me ship them to New England, if they want this sort of literature."

Of course there are emergencies in which reference to these books becomes necessary, but they are here deposited, set after set of them, in all the Departments. To-day the upper portion of this Capitol is crammed full of old Government publications to the roof, and the Architect of the Capitol reported to our Committee on Public Buildings and Grounds in the last Congress that if a spark of fire should touch this old material that has been there for years, it could not burn down the Capitol, but the gas from the fire would blow off the roof.

There is not a Department of the Government that has not got these old books in cellar and garret, and yet there is a continual stream of them pouring out of the Government Printing Office, and appropriation after appropriation is made. You might as well take the money and throw it into the Potomac River.

As to this particular measure, I have not the slightest objection to it. I know a case in point. I believe its general provision is to let the successor in Congress of any Member or Senator take the undisposed-of publications.

Some years ago I had an application made to me by a postmaster—I was about to give the point—in Missouri, asking me to go to the Postmaster-General and get authority for him to dispose of, I think, two hundred and odd volumes of publications by the Government, which had been sent to a member of Congress then dead, who had years before represented a Missouri district in Congress. I will not give the locality, because he may have some distant relatives living. The postmaster at that place said he could not find anybody who would take them; that he did not want to pitch them into the street; that they were combustible, and he was pressed for room in his office. I went to the Postmaster-General and got the order that he could distribute them to anybody. The Postmaster-General said to me, "Anything but to have them shipped back to Washington. My Department is full of such publications. The Post-Office Department has no use for them." An order was issued to this local postmaster to give them away.

I have no doubt that member of Congress thought he was manufacturing history when he delivered speeches and they were put into the CONGRESSIONAL RECORD. It is a commentary upon public life and upon the labors of those of us now living who think we are making something like fame and reputation when even a local postmaster is unable to find anybody to take our quota of public documents after we are dead.

Mr. PLATT. Mr. President, I simply wish to say that one of the plagues of my Senatorial life—I was about to say the greatest plague—is to try to find some means for a careful distribution of the documents and books which are allotted to me as a Senator. Many of them, as has been suggested by the Senator from Missouri, are not sought for; the people whom you send them to do not want to give them house-room, and they go, I have no doubt, if you do send them out, to the dealers in old paper just as quickly as the receivers can dispose of them.

Some valuable books are published by Congressional order. These we usually get in very small quantities, and then comes an extensive demand for them, and it is with the utmost difficulty that we can furnish them, if they are in serial form or come in successive volumes, to the people to whom they should go to enable them to keep up their sets; and if by any means we should be transferred to private life our successors could not probably keep up the sets.

It seems to me that this whole business of the publication and distribution of books and documents by Congress ought to be revised, and that some other method of distribution ought to be adopted.

But I rose to say that I think the senior Senator from Missouri [Mr. COCKRELL], who is at the head of a committee to investigate the methods of doing the Government business, has some plan in mind which that committee is to report to the Senate for a different system of distribution. I think we should all feel relieved if it could de done differently. I said that the books were a great plague. The seeds are a greater.

Mr. TELLER. I have no doubt there is a great waste of public money in the publication of what are called public documents. My experience, however, has not been like that of the Senator from Missouri. I represent a community that is largely without libraries, as every new community is, and I believe there never has been a book published from this Capitol since I have been in public life that my constituents have not willingly taken, and I never have had as many as they were willing to take of all classes of public documents.

We published some years ago some very valuable public documents of a scientific character, and it would be naturally supposed that a new community like ours would pay but little attention to those. For every one that the Government gave me for distribution I venture to say that I have had ten applications, and for every valuable document that the Government publishes and allows a Senator to distribute I think I have had on an average ten applications. Take, for instance, Hayden's Geological Reports. I have bought hundreds of volumes of those reports myself for my constituents because I could not meet the demand.

Mr. VEST. The Senator will permit me to say that of course I did not speak of Hayden's reports or the valuable publications of the Government. Some of those I have purchased at my own expense and sent out, but here is what I mean: Does the Senator from Colorado say now that his people want the bureau reports?

Mr. TELLER. What do you call a bureau report?

Mr. BUTLER. A report on commerce.

Mr. VEST. Yes, on commerce and navigation. I will give a list, if necessary.

Mr. BUTLER. The miscellaneous documents.

Mr. TELLER. I will say that I have distributed year by year every one that has come to me, and I never had one returned.

Mr. BUTLER. Of course not.

Mr. TELLER. I never had any complaint that they were not received, and I have had repeated applications for even such things as the Army Register and for all agricultural reports, which are much laughed at in these days. I have had many applications after I have distributed my quota. Take the Geological Bureau reports that now come out; I have repeated applications for those reports and for public maps of all kinds that the Government distributes. Take a recent publication of the Government called "Cattle and Dairy Farming."

Mr. PLATT. You got eleven copies.

Mr. TELLER. I got eleven copies. Three or four hundred copies would not supply the demand in the State of Colorado. The result is that I can send a book to a library here and one there, and not all the public libraries of the State are supplied even with those.

The only document I have ever known that can be said to have been published in excess, is what we call the Abridgment—122 copies to each Senator—consisting of the reports of the various heads of Departments and of bureaus. That may be excessive, although I have never

had any trouble to get rid of mine. Newspaper offices, public libraries, and the people who are establishing libraries are all willing to take them and always have taken them.

I agree with the Senator from Connecticut that the method of distribution is vicious. I think they should be distributed through some organized Department of the Government and not through Senators and Representatives. We did so distribute the last census reports through the Interior Department, and I think that distribution has been the most satisfactory of any distribution of public documents which has been made. The Interior Department has sent up from time to time, as I know, a plan for distribution upon that same basis of all the public documents practically, but it has never met with any favor from the legislative department of the Government.

Mr. MANDERSON. Mr. President, I think the difficulties suggested by the Senator from Missouri are more difficulties that pertain to the system of distribution than the publication of the documents themselves. My experience is certainty quite different from his. I find demand from my State for about every report and every book that is published by the Government; if not from one source, it comes from another. Some of his criticisms perhaps are such as should be made, but certainly they are not proper nor are they germane to this resolution, which I understand he does not oppose.

The books referred to by the Senator from Missouri, that are ornamented with a red patch upon the side and his name upon the patch, as I understand it, are not received by him for distribution among his constituents. The books which assume that form are simply the Department and the bureau reports that come to him for his own use, marked with his own name, for reference. If he does not see fit to keep them, I venture the assertion that it is not necessary that he should offer them for sale to some second-hand book-dealer. If he does not need them for his own constituents, I have no doubt there are other Senators whose constituents would be very glad to receive them. If he has documents of that character to dispose of, I think I can place them without any difficulty.

But, Mr. President, I do not think that there is an excessive publication of the work of the various bureaus and Departments of the Government. If we are to go to the expense of maintaining a Department of Agriculture, certainly the result of the explorations and the investigations of that Department should be given to the public that are interested in that science. If we are to maintain a Bureau of Education, the reports of that bureau should be given to those who are interested in that topic.

I simply rose for the purpose of expressing my regret that there should be such a condition of things in the State of Missouri as is described by the Senator from that State. It seems to me it is about as good an argument as I have heard in favor of the passage of the Blair educational bill.

Mr. VEST. Mr. President, I take it that the State of Missouri in intelligence will compare favorably with the State of Nebraska. At any rate, I invite any comparison the Senator may see fit to institute.

It is true that the books to which I referred are sent to every Senator and Member for his own personal use, and it is absolutely true that no Senator or Member ever uses them, and that is the point I made in my remarks. They are rubbish. They are sent to us here ostensibly to be used in our public duties. There is not a Department, there is not an office in the city of Washington, where the same books are not accessible—not one of them. As a matter of course, I could send them to Missouri, as the Senator from Nebraska could send them to his State. I can send them to Alaska, and they will never be returned, as the Senator from Colorado said, because his constituents and mine have not the franking privilege. When once they arrive they stay there, because it costs something to send them back. They go free one way and not free the other. But I want some Senator to tell me that there has been any general demand, or even any demand, from his State for the reports of these bureau officers on commerce and navigation. What the Senator from Nebraska says is not a proper answer. He speaks of agricultural reports and geological reports. They are an exception. I can not get enough agricultural reports to supply the demand from my State. I have purchased them here in order to send them out.

Mr. ALDRICH. If the Senator wants an answer, I will say that all the States that are interested in commerce and navigation are anxious for the reports on that subject.

Mr. VEST. I am not inviting any of my Republican friends to take these books. If any Democratic Senator wants them, he is welcome to several hundred volumes which I have on hand. If they are to go out to the country, I want them sent, if they are worth anything, from this side of the Chamber. While I am giving them away I do not propose to contribute directly or indirectly to the campaign fund of the Republican party. [Laughter.]

So much for that. But I assert what is absolutely true, and I say no Senator here will deny it, that hundreds of thousands of dollars are thrown away every year on the publication of a lot of absolute trash that is worthless.

My friend from South Carolina [Mr. BUTLER] informs me that he tried to give away some of his documents for waste paper, but the man would not pay the transportation a few miles on them. If any Senator wants to see the immense amount of money wasted in this way, let him go to the upper part of this Capitol. Here for four years the Committee on Public Buildings and Grounds has reported to the Senate a bill for a hall of records. The Senate has passed it every time, but the House of Representatives has always refused to take it up and pass it.

I have here reports from the Quartermaster-General, from the Secretary of the Treasury, from the Secretary of the Navy, from the Secretary of War, stating that their Departments were so full of old books and rubbish that the valuable documents are imperiled in the event of a conflagration. The Quartermaster-General's Department has been on fire twice and the fire was put out only by accident, and if a general conflagration had occurred and that building had been burned, it would have cost this Government millions of dollars. Why are these Departments so full? Why is the upper part of this Capitol full now clear to the dome with this rubbish and trash for which we are paying year after year, and which is worth nothing?

I repeat every word that I said. I apprehended when I said anything about it that some Senator would avail himself of the opportunity to advertise the superior literary taste of his people. That is a cheap sort of buncombe. I am willing to compare the intelligence of the State of Missouri with that of any other State in the Union, and her educational advantages, and as to the intellectual endowment of her people I leave their progress and their history to speak for itself. As to the point I make now, it is unanswerable, and there is not a Senator here who can say one word against it. It is a positive truth, to be found anywhere within this Capitol.

Mr. HAWLEY. Mr. President, there is nevertheless some mitigation of what the Senator says. The crowding in the Departments at the other end of the Avenue is partly by reason of the monstrous accumulation of their official records, their own records and papers that they must keep. They are in a dangerous condition. There ought to be a hall of records, there ought to be a large fire-proof store-house for them. That crowding is not so much due to the unnecessary printing as it is to the accumulation of manuscript that troubles many of them, largely referring to the war of the rebellion.

The Senator is perfectly correct in saying that had the documents in some of these Departments burned at the time of the occasional fires which have occurred, there would have been a loss of millions on millions of dollars, and the greatest extravagance we are guilty of, in my opinion, in these things, is the failure to put up a proper fire-proof hall of records.

Mr. TELLER. I rose to say substantially what the Senator from Connecticut has said. The complaint made by heads of Departments of a lack of proper fire-proof storage is not for these books, is not for the class of publications the Senator from Missouri is complaining of, but for just such things as they are required to keep for proof and for the adjudication of claims that come before the several Departments.

For instance, in the General Land Office they must keep all the old plats, they must keep all the maps; they must keep these for proof at all times as the law now stands. There is no provision as to when they may dispense with them, and I do not know whether that could be safely provided for or not; but they must keep the records. They are not books, they are not publications, they are the records; and anybody who will walk through the Interior Department will find the aisles filled with cases, filled with books, filled with papers that are indispensable to the Government. If the Interior Department building were to burn up and they should all be burned up, there would be confusion in that Department that never could be cleared up. That Department building has been on fire, as we all know, and a large number of things were burned. It cost the Government, I think, three or four hundred thousand dollars to replace the things burned up; and all the time all the heads of Departments are demanding some place to put the records, the public records—not the books, but the public records.

Mr. SAULSBURY. Mr. President, there can be no mistake about the fact that there are a great many of the documents published by Congress that the people of the country will not read after they are sent out. I know in my own experience that I have sent out many books that I felt really ashamed to send out. I send a valuable document to one person, and perhaps to his next neighbor I send a book that is inferior, because I have not a sufficient number of the kind of books all would want, and I have been ashamed to be compelled to send a certain class of books that I knew nobody would appreciate or would read. I have found that in my State a certain class of books are not taken out of the post-office. I do not think that is a reflection upon the intelligence of the community I represent, for I think that if one was sent to me and I knew the character of it I would not take it out of the office. Take, for instance, the President's message, with the accompanying documents, a number of volumes. Who wants them? They are valuable to a certain extent, but the great body of the people do not want them when they come out in book form; and I remember once that I gave to Mr. Merchant, the late superintendent of the folding-room here, a large number of messages of President Grant and President Hayes, because I did not want to distribute them; none of my constituents wanted them and nobody appreciated them.

I say to the chairman of the Committee on Printing that there are publications emanating from near that quarter which I think are multiplied too often; I mean the Congressional Directory. We generally have about three editions of that every year, at enormous expense.

Somebody gets paid for it. The clerk of the Printing Committee, who gets it out, I suppose gets compensation for that. One edition of that a year would be enough; but we have three editions of the Congressional Directory year after year put out, at an expense to the Government.

There is a great deal of unnecessary expenditure in the publications we issue. While there are many valuable books published that the people desire to have, there are a great many books ordered here that have no value in them and that the people do not want.

I rose to say, however, that there was one feature of this joint resolution that I did not exactly approve of. It provides that documents ordered by the Forty-ninth Congress shall be turned over immediately to the members of the Fiftieth Congress, so that the gentlemen who composed the Forty-ninth Congress will not have any of the books published by that Congress if they have not already received them. I should be glad to put in an amendment limiting the time, so that after a certain period, if they are not disposed of by the members of the Forty-ninth Congress, they should be turned over to members of the Fiftieth Congress. I think the gentlemen who were members of the Forty-ninth Congress ought to have the privilege of distributing the books which they ordered published for a certain period. If they do not do it, then turn them over to the Fiftieth Congress.

Mr. MANDERSON. I will say to the Senator that is the present law. The retiring members of the Forty-ninth Congress had the right of distribution of documents until the 1st day of December after their term expired, under the law as it now is.

Mr. SAULSBURY. But some of these books are not published until after the expiration of the time limited.

Mr. MANDERSON. Any that are issued by the 1st of December they have a right to distribute.

Mr. CALL. Mr. President, I think there is a great deal of merit in publishing valuable books and distributing them. The people of the State that I represent in part have always manifested an approval of this practice of the Government, and there is a constant demand for the valuable publications made by the Government.

The system of distribution by the Senators and Members of Congress in my opinion is the only proper system. If you choose to have it done by a bureau under their direction, that would simplify the matter somewhat, but it ought not to be taken away from the Senators and Members. If there are publications that are useless or in excessive number, the Senator from Missouri should have introduced a resolution to limit them, and not condemn the system at large. If these great accumulations have occurred here that are useless, nothing is easier than to have those portions of them that are not of value, either now or in the future, disposed of in some way, and nothing easier than to limit the publication of the reports of the Executive Departments of the Government. I think perhaps there is an excess of numbers ordered in some instances and large quantities of them sold to the junk-shops here every year. That is easily remedied, and I suggest to Senators who find fault with the system of publication and distribution to confine their objections to such publications as are not valuable and useful to the people.

I can not get enough of the Agricultural Report or the Geological Survey, nor of other occasional publications. The people are eager to receive them, and it is necessary that they should pass between the people and their representatives here. For myself I approve the publication of useful documents and their distribution among the people as widely as possible.

Mr. HARRIS. Mr. President, whatever may be the opinion of any Senator on this floor as to the propriety of printing the number and character of the books that are printed under the order of Congress, this resolution has no earthly reference to that question, and upon a reading of the resolution I do not think there is a Senator on this floor who will oppose its adoption. I ask that the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again read, if there be no objection.

The Chief Clerk read the joint resolution as amended, as follows:

Resolved, etc., That all copies of the Records of the War of the Rebellion, reports of the Tenth Census, and report of the Public Lands Commission remaining undistributed, of the quota of ex-members of Congress, shall be put to the credit and distributed upon the orders of their successors, respectively, in the Fiftieth Congress, in accordance with existing provisions of law: *Provided*, That copies of the above-named documents standing to the credit of ex-members who, in consequence of changes in the boundaries of Congressional districts, have no direct successors in the present Congress, shall be sold at cost or distributed to libraries yet unsupplied: *And provided further*, That this resolution shall not be construed as withholding, from parties already named to receive complete sets of said documents, the volumes yet to be issued.

The amendment made as in Committee of the Whole was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 1915) for the relief of P. J. Reuss; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 1916) for the relief of the estate of Samuel D. Morgan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PAYNE introduced a bill (S. 1917) for the relief of John R. Reynolds; which was read twice by its title, and referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 1918) in relation to the mileage of jurors and witnesses in the State of Nevada; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 1919) granting a pension to John Fox; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FARWELL. At the request of my colleague [Mr. CULLOM,] who is temporarily out of the Chamber, I ask permission to introduce two bills for reference to the Committee on Pensions.

A bill (S. 1920) granting a pension to James S. Scoville; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

A bill (S. 1921) granting a pension to Robert Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 1922) for the relief of Thaddeus S. Stewart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1923) for the completion of a public building at Fort Scott, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1924) for the completion of a public building at Wichita, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. QUAY introduced a bill (S. 1925) granting a pension to Alexander H. White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1926) granting a pension to William Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 1927) for the relief of Caroline T. Bancroft, executrix and trustee; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1928) granting a pension to M. J. Fogg; which was read twice by its title, and, with the accompanying report, referred to the Committee on Pensions.

Mr. WILSON, of Maryland, introduced a bill (S. 1929) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at the Hague and at Paris; which was read twice by its title, and referred to the Committee on the Library.

Mr. STANFORD introduced a bill (S. 1930) authorizing the Secretary of War to revoke the order dismissing First Lieut. D. C. Smith, Company E, One hundred and fifth New York Volunteers, and grant him an honorable discharge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 1932) granting a pension to Mary O'Connor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1933) granting a pension to Zenas T. Haines; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR. I also introduce a bill which I desire shall be read at length the first time.

The bill (S. 1934) extending the criminal jurisdiction of the circuit and criminal courts to the Great Lakes and their connecting waters was read, as follows:

Be it enacted, etc., That the criminal jurisdiction of the circuit and district courts shall extend to all crimes and offenses now punishable by law committed upon the Great Lakes, or any bay, river, strait, or other navigable waters connecting or connected with said lakes, on board of any vessel belonging in whole or in part to the United States or any citizen thereof, with like force and effect as if the same were committed upon the high seas.

SEC. 2. The trial of all such crimes and offenses not committed within any State shall be in the district where the offender is found or into which he is first brought.

The bill was read the second time by its title, and referred to the Committee on the Judiciary.

Mr. VOORHEES. I desire to present a paper to accompany the bill (S. 1908) for the relief of George B. Hansell, which I introduced yesterday. I ask that it be referred to the Committee on Claims with the bill.

The PRESIDENT *pro tempore*. The paper will be received and referred to the Committee on Claims, if there be no objection.

Mr. PALMER introduced a bill (S. 1935) for the relief of Andrew T. McReynolds; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1936) to incorporate the Isherwood, North and East Washington Railway of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 1937) to amend an act "to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

SMITHSONIAN INSTITUTION REGENT.

Mr. MORRILL. I ask for the consideration of Senate joint resolution No. 50, for the appointment of a regent for the Smithsonian Institution.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of the joint resolution named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF REBELLION RECORDS.

Mr. MANDERSON. I offer a resolution for which I ask present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of War be directed to report to the Senate what members of the Forty-seventh Congress have furnished lists for the distribution of the Records of the Rebellion as provided by law, the number of each volume thereof remaining undistributed, and the list of names and addresses of those designated to receive that publication by any member of Congress when notified so to do by either of the Senators from the State represented by said Congressman.

Mr. ALLISON. I should like to hear the resolution read again.

The resolution was read.

Mr. MANDERSON. If there is any desire to examine it, I will not ask for its present consideration. It may be printed and go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution lies over under the rule, and will be printed.

JOHN SNODDY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted by the Senator from Kansas [Mr. PLUMB], coming over from a former day.

Mr. REAGAN. I ask unanimous consent to call up House bill 2974, Order of Business 158, which I suppose will lead to no debate.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the Senate proceed to the consideration of the bill (H. R. 2974) for the relief of John Snoddy.

Mr. REAGAN. I ask that the bill be read.

Mr. EDMUNDS. For information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2974) for the relief of John Snoddy. It proposes to instruct the Postmaster-General to adjust and settle the claim of John Snoddy, postmaster at Big Spring, Tex., for money-order funds amounting to $220, remitted by him to the postmaster at Dallas, Tex., January 22, 1887, and which funds were stolen in transit by train robbers.

Mr. EDMUNDS. I wish to inquire whether there is not a general public law authorizing the Postmaster-General to adjust losses of this character?

Mr. REAGAN. There is, and the reason why this case was not acted on by the Post-Office Department was that the postmaster instead of making an application to the Department within the time prescribed by law made it to a subordinate somewhere in Texas; but the evidence shows that the affidavit of the postmaster was presented that he put the money in a postal envelope, mailed it, and delivered the mail in the presence of a witness, who carried it to the railroad, and the affidavit of the witness is also presented that the postmaster had performed the conditions required by the act in placing this money in the mail-bag and in delivering it to the carrier. The agent of the Department reports upon it. There is a written report, and in making the report I ask that two papers to which it refers be made part of it, which are not embodied in it. The agent of the Department examined this matter, and the letter of the Assistant Attorney-General for the Post-Office Department accompanies these papers, in which he says that on the authority of the agent of the Department there is no doubt that this money was lost in the transshipment.

It was mailed after 3 o'clock in the afternoon at Big Spring. Near Gordon the train was robbed during the succeeding night, east of Dallas. The mail was robbed before reaching Dallas, and the money taken by train-robbers.

Mr. EDMUNDS. The thing I desire to be informed about particularly at this moment is what is the difficulty at the present time which prevents this postmaster from appealing to the Postmaster-General under the general law.

Mr. REAGAN. As I stated to the Senate, it is that the law requires that application shall be made within a specified time, and it was not made to the Department in the specified time, though it was to a subordinate of the Department in Texas.

Mr. EDMUNDS. Is that stated in the report?

Mr. REAGAN. Yes.

Mr. EDMUNDS. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. REAGAN. I should like to have the accompanying papers read also. I would say that the bill has passed the House of Representatives, and the report about to be read is the report of the Committee on Post-Offices and Post-Roads of the Senate.

The Chief Clerk read the following report, submitted by Mr. REAGAN January 30, 1888:

The Committee on Post-Offices and Post-Roads have considered the bill (H. R. 2974) for the relief of John Snoddy, postmaster at Big Spring, Tex., and report the same back to the Senate with the recommendation that said bill do pass.

The facts in this case are that said Snoddy, on the 22d day of January, 1887, mailed $220, money-order funds, by placing the same in a registered-package envelope, and sealing the same and securely locking it in a mail-bag and delivering the same to the proper mail-carrier in the presence of S. G. Flowers. That the train which carried this package left Big Spring at 3.45 p. m. January 22, 1887, and that said train was robbed by masked men east of Gordon before reaching Dallas on that trip; that said money was mailed, as required by the orders of the Post-Office Department, to the postmaster at Dallas, Tex., and that this money was at that time taken by the robbers.

The facts in the case are shown by affidavit of Snoddy, the postmaster, the affidavit of Flowers above named, and from the report of Post-Office Inspector L. J. Randall, which papers accompany and are made part of this report.

Mr. EDMUNDS. The report does not state the matter mentioned by my friend from Texas, that this officer did undertake to apply in season, but made a mistake in respect to the official to whom he gave the notice. Where is the evidence that supports that statement?

Mr. REAGAN. At the conclusion of the report it is stated that there were papers accompanying it that were to be made a part of the report. When I picked up the printed report I found that those papers were not incorporated in it. How that happened I do not know.

Mr. EDMUNDS. Are they here, so that we can hear them?

Mr. REAGAN. I do not know whether the papers are at the desk. If they are, let them be read.

The PRESIDENT *pro tempore*. The papers are with the report, and will be read, as their reading is called for.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., August 3, 1887.

SIR: The Superintendent of the Money-Order System has referred to this office your letter of the 12th ultimo, relative to the loss of money-order funds ($220) remitted by you for deposit January 22, ultimo, and lost in transit.

In reply thereto you are informed that the act of Congress approved March 17, 1882, prohibits the allowance of any claim for credit on account of such losses unless presented to the Postmaster-General within three months from the date of such loss. (See page 759, Postal Guide of January, 1887.)

As no claim was presented within the time prescribed by the act, no credit can be allowed on account of the loss.

Very respectfully,

EDWIN E. BRYANT,
Assistant Attorney-General, Post-Office Department.

JOHN SNODDY,
Postmaster, Big Spring, Howard County, Texas.

POST-OFFICE DEPARTMENT,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., December 13, 1887.

SIR: With reference to your verbal inquiry concerning the claim of Mr. John Snoddy, postmaster at Big Spring, Tex., for a credit of $220 on account of money-order funds remitted by him to Dallas, Tex., January 22, 1887, and stolen by train robbers, I have the honor to inform you that the loss of the funds in question was first brought to the knowledge of the Department by a communication from the General Superintendent of the Railway Mail Service, stating that the mail-car on the Texas Pacific Railway was robbed at a point 3 miles east of Gordon, Tex., at about 3 o'clock in the morning of January 23, 1887, of several registered packages, including one from Big Spring to Dallas, postmarked Big Spring, Tex., January 22, 1887.

From the files of the chief post-office inspector it appears that a circular letter of inquiry was addressed to Mr. Snoddy by the inspector, who was stationed at Austin, Tex., in which the former was requested to fill certain blank spaces in the form transmitted, with a description of the letter and its contents. From Mr. Snoddy's reply it appeared that the letter contained $220 in money, but the fact that the money belonged to the "money-order fund" was not mentioned; and so far as appears from the records of the Department no further report of the matter was made by Mr. Snoddy prior to July 12, 1887, on which date he addressed the following communication to the Superintendent of the Money-Order System: [Date, address, etc., omitted.]

"I sent $220 to Dallas on the 22d of January that was stolen by train robbers, and I have not been allowed credit for it yet."

The letter having been referred to this office, Mr. Snoddy was informed that as he had failed to present a claim within the time required by the act of March 17, 1882 (22 Stat., 29), no credit could be allowed. A careful examination of the files of the Department since then fails to show the receipt of any communication from Mr. Snoddy which by the most liberal interpretation of the act can be construed as a claim for credit or reimbursement.

I transmit herewith extracts from a report made by L. J. Randall, post-office inspector, under date May 10, 1887, which furnish all the information of value in the possession of the Department bearing upon the fact and amount of the remittance and the circumstances under which it was lost.

Very respectfully,

E. E. BRYANT,
Assistant Attorney-General, Post-Office Department.

Hon. SAMUEL W. T. LANHAM,
House of Representatives.

[Extracts from report of L. J. Randall, post-office inspector, dated May 10, 1887.]

* * * * * * *

This is the investigation of loss of $220, money-order funds alleged to have been mailed for deposit by postmaster Big Spring, Tex., addressed in R. P. E. [registered-package envelope] No. 45 to postmaster Dallas, Tex., on January 22, 1887.

I inclose herewith statement of money-order account Big Spring, Tex., for January 19, 20, 21, and 22, by which it will be seen that balance January 18 last was $504.44; amount to remit, $313; instead of which postmaster remitted $340 on the 19th.

As will be seen from statement of balance, advices, and remittances, on same sheet, there should have been remitted January 20, to cover actual surplus on hand January 19, 1887, the sum of $26; no remittance made.

Again, January 21 there should have been remitted, to cover actual surplus on hand at close of business January 20, $67; no remittance was made January 21, 1887.

The actual surplus on hand at close of business January 21 is shown to have grown to be $106. This, as contemplated by the rules, is the amount that should have been remitted January 22, 1887. Instead of this, the postmaster remitted the sum of $220, he claims.

As will readily be seen, had the postmaster at Big Spring complied with the requirements of the P. L. and R. [Postal Laws and Regulations], 1879, the actual surplus on hand at close of business would have amounted to $106, less $67, or $39, which amount would be now being looked after, instead of $220, as is now the case. * * *

The train on which this registered-package envelope went off left here [Big Spring] at 3.45 p. m., January 22, 1887, and was robbed by masked men east of Gordon, before reaching Dallas, same trip. The mail-car was entered, and there is, I suppose, no doubt that this package was taken, among many others, as reported to you some time since.

I have no doubt that John Snoddy, postmaster at Big Spring, Tex., actually mailed in registered-package envelope No. 45, addressed to postmaster Dallas, Tex., January 22, 1887, $220, money-order funds, for deposit, and that it was taken by robbers as above indicated.

In view of the fact that the postmaster did not remit $67, the actual surplus of money-order funds on hand at close of business January 20, 1887, on the 21st of January, as required by the regulations, I do not recommend that he have credit for that amount; but inasmuch as the remittance of an excess is not forbidden, and as he actually had, as shown by his books, cash to the amount of $258.01, money-order funds, in his possession, I recommend that he be credited $220, less $67, the amount he should have remitted January 21, 1887, or $153.

Mr. EDMUNDS. The recommendation is that he have $220, less the money that he sent at his own risk.

Mr. REAGAN. The Senator will have noticed in the report that while there were $67 forwarded at former times less than might have been forwarded at the time in question, the amount required by the regulations of the Department to be forwarded was but $147, and the postmaster overpaid at that time the difference between $147 and $220; so that the point suggested is purely technical. The Government was not injured. The fact is, the postmaster forwarded to the Department the amount between $147 and $220, which he need not have forwarded; so that so far as the equity is concerned there is no doubt about the loss of the money, and the report shows it, and the Government is not in any way wronged.

Mr. EDMUNDS. All right; I am satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Chair announces the regular order to be the consideration of resolutions coming over from a former day under objection.

Mr. ALLISON. I move that when the Senate adjourn to-day, it be to meet on Monday next.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that when the Senate adjourn to-day, it be to meet on Monday next.

Mr. DOLPH. Is that motion debatable?

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. DOLPH. I hope the Senate will not adjourn to Monday.

The PRESIDENT *pro tempore*. The Senator can only proceed by unanimous consent. Is there objection?

Mr. DOLPH. We are all anxious to get at the bills upon the Calendar which can be passed as soon as reached. I hope we shall have one day for the Calendar.

Mr. EDMUNDS. Let us vote without debate. We have too much debate on things that are debatable.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. STEWART. I move to proceed to the consideration of Order of Business 120, Senate bill 1176.

Mr. PLUMB. I object to anything being done until we complete the formal morning business.

Mr. STEWART. The morning business is concluded.

Mr. PLUMB. I beg pardon; it has not been concluded.

Mr. REAGAN. I ask the Senator from Kansas if he will consent to let his resolution go over?

Mr. PLUMB. I have no objection to the resolution to which the Senator refers being sent over; but there is another resolution on the Calendar which ought to be passed.

Mr. REAGAN. I want the post-office resolution to go over for one day.

Mr. STEWART. I move that the Senate proceed to the consideration of Order of Business 120.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of the bill (S. 1176) to authorize the sale to aliens of certain mineral lands. The motion is not debatable.

Mr. HARRIS. So I understand, but I want to appeal to the Senator from Nevada and other Senators to let us go to the Calendar to-day. I understand there is no Senator who wishes to proceed with the argument on the educational bill. If we proceed by a motion, as the Senator is now proceeding, to take up a particular bill, we shall spend hours of the day in a scramble for consideration. I therefore appeal to the Senator to let us go to the Calendar and consider unobjected cases under Rule VIII, and we shall probably reach his bill at an early period if we proceed in that regular way.

Mr. STEWART. This bill was taken up yesterday by unanimous consent. I think there will be no difficulty about it. I think the debate is over, and we can pass it in a moment.

Mr. PLUMB. The Senator is entirely mistaken. The debate has just begun.

Mr. STEWART. If it has just begun, we had better have it continue. I adhere to my motion. I think an important bill of this kind ought to be considered. It will be 2 o'clock in a few minutes, and the regular order for that hour will not interfere with it.

Mr. PLUMB. There are resolutions of inquiry of very great importance pending on the Calendar, and resolutions which will be passed as soon as they are reached. It is the orderly mode of transacting business to let them come forward in their order and be disposed of. I do not think the Senator from Nevada will make anything by his motion at this time. He will have plenty of opportunity to bring up his bill, and if it is brought up now it will take more time.

Mr. STEWART. I will yield.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. Debate proceeds by unanimous consent only. Will the Senate agree to the motion of the Senator from Nevada?

Mr. STEWART. I withdraw my motion.

THE MAIL SERVICE.

The PRESIDENT *pro tempore*. The Chair then lays before the Senate the first resolution coming over from a former day, which will be stated.

The CHIEF CLERK. A resolution submitted by Mr. PLUMB, January 30, 1888, directing the Committee on Post-Offices and Post-Roads to make a thorough inquiry into the cause of inefficient mail service.

Mr. REAGAN. I ask the Senator from Kansas to let that lie over for one day.

Mr. PLUMB. I have no objection.

The PRESIDENT *pro tempore*. The resolution lies over, retaining its place for consideration on the Calendar. The next resolution will be stated.

TREATY WITH GREAT BRITAIN.

The CHIEF CLERK. A resolution submitted by Mr. RIDDLEBERGER January 31, 1888, to consider in open session the treaty now pending between our Government and Great Britain.

Mr. RIDDLEBERGER. Mr. President, Senators around me suggest that there is no occasion for the further consideration of this resolution, and I think they are right. I only would prefer to state, if it is allowable while the resolution is pending, that I think the British lion has been whisked off by a vote of 23 to 21. I only say that now, so that it can go out in open session.

The PRESIDENT *pro tempore*. The next resolution upon the Calendar will be stated.

The CHIEF CLERK. A resolution submitted by Mr. RIDDLEBERGER January 31, 1888, to amend Senate Rule XXXVII.

Mr. RIDDLEBERGER. That is the resolution looking to the change of rules. That, of course, relates to the same matter; in other words, under which I thought I could get a so-called treaty with Great Britain before the Senate.

Mr. HAWLEY. I rise to a point of order. The Senator is violating the rules.

The PRESIDENT *pro tempore*. The Senator from Virginia will suspend.

Mr. HAWLEY. He is consciously and defiantly violating the rule.

Mr. RIDDLEBERGER. I beg pardon; I did not hear the Senator.

Mr. HAWLEY. I make the point of order that the Senator's remarks are out of order, because he is consciously and defiantly violating the rules of this body, which he is sworn to support.

The PRESIDENT *pro tempore*. The Senator from Virginia will not be permitted to speak of any matters in executive session while the doors of the Senate are open. The Senator from Virginia will proceed in order.

Mr. RIDDLEBERGER. These resolutions are in order, and I want the resolutions disposed of as the Chair himself may suggest, but I do not propose here or anywhere else to be called out of order at all times and under all circumstances by anybody.

RAILROAD RECEIVERS.

The PRESIDENT *pro tempore*. The next resolution on the Calendar will be stated.

The CHIEF CLERK. A resolution submitted by Mr. CALL, January 31, 1888, relative to the management of railroads by receivers appointed by United States courts.

Mr. HARRIS. Let that go over.

The PRESIDENT *pro tempore*. The Senator from Florida not being present, the resolution will lie over, retaining its place.

MILITARY CEMETERY AT MOUND CITY, KANS.

The next resolution on the Calendar was the resolution submitted by Mr. PLUMB, February 2, 1888, relative to the military cemetery at Mound City, Kans.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of War be directed to inform the Senate as to whether the military cemetery at Mound City, Kans., is under the charge of his Department, and, if so, whether adequate means have been taken for its care and protection.

The resolution was agreed to.

LAND-OFFICE FEES.

The PRESIDENT *pro tempore*. The next resolution will be stated.

The CHIEF CLERK read the resolution submitted by Mr. PLUMB, February 2, 1888, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether the charges made by registers and receivers of land offices for reducing to writing testimony in contest and other cases is greater than the cost of performing such service, and, if so, whether, in view of the financial needs of those called on to pay these charges, the same might not properly be reduced to an amount sufficient only to cover the cost of the same.

The resolution was agreed to.

ALIEN OWNERSHIP OF MINERAL LANDS.

The PRESIDENT *pro tempore*. There are no further resolutions coming over from a former day,

Mr. STEWART. Now I ask unanimous consent to proceed to the consideration of Order of Business No. 120.

Mr. TELLER. I inquire what became of the resolution that the Senator from Delaware [Mr. SAULSBURY] offered? Is it not still on the table?

The PRESIDENT *pro tempore*. The resolutions on the table do not come up under the order of morning business, but only those coming over from a former day under objection. The Senator from Nevada moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 1176) to authorize the sale to aliens of mineral lands.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MITCHELL. When this bill was up yesterday I offered an amendment, not supposing it would lead to any discussion; but inasmuch as one Senator on each side of the Chamber has objected to it and indicated opposition to the amendment, and as in all probability it will lead to some debate, and inasmuch as I am very anxious to have early action on the bill reported by the Committee on Mines and Mining, and do not wish to obstruct its passage, I shall, with the consent of the chairman of that committee and of the Senate, withdraw the amendment, giving notice that I shall offer it at some more opportune time to a bill which it will not probably delay.

The PRESIDENT *pro tempore*. The Senator from Oregon withdraws the amendment proposed by him yesterday. The question is on the amendment reported by the Committee on Mines and Mining.

Mr. BECK. Let it be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment reported by the Committee on Mines and Mining, which was to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, be, and the same is hereby, amended by inserting after section 4 of said act the following:

"*Provided, however*, That this act shall not relate to, or in any manner affect, the title to mineral lands or mining claims in the Territories of the United States, which have been acquired or held under the mineral-land laws of the United States, nor to mills or other reduction works or property used in the production of metals from said mineral lands or claims; but, as to all such mineral lands, mining claims, mills, reduction works, and other property, the laws of the United States and of the Territories shall be and remain the same as though this act had not passed."

Mr. FAULKNER. Mr. President, I do not feel disposed to make any captious objection to the bill which has just been read by the Secretary; but I was not at the committee meeting when the bill was considered, and did not hear the views expressed by those who were advocating its passage. I have not yet been able to hear any expression of views from those gentlemen who advocate the passage of this bill to remove the objections that I find on an examination of it.

I assume that Congress in 1887 adopted the policy it deemed proper as to investments by aliens in the public lands in the Territories and in the District of Columbia, and that policy as applied to investments by aliens in lands also applied equally to investments in the mining interests of the Territories. If that policy was a wise policy, if that policy adopted by Congress in 1887 in reference to the public lands was a policy which the wisdom of experience has shown to be proper, I can not see why an exception should be applied to the mining interests of those Territories. And for that reason, without going into further discussion of this bill, as I may perhaps do upon another occasion, I would oppose the passage of the bill unless there can be an explanation to convince me that the policy adopted by Congress in 1887 in reference to lands should not be applied to the mining interests of the Territories.

There is another provision I desire to call to the attention of the Senate in connection with this bill. Under the second section of the act of 1887 it is expressly provided that foreign capital owned by aliens may be invested by associations or incorporations in the purchase of lands and in the development of the mining interests of this country to the amount of 20 per cent. of the capital stock. It strikes me, Mr. President, that where the law of 1887 has given the right to an alien to come and join with American citizens, and in the investment of the capital stock of corporations to hold one-fifth of that entire stock, the liberality of that legislation is sufficient to bring to the far-off Territories all the capital that will be necessary in the development of their mining industry, while at the same time the law controls and limits the power of aliens to control and affect in any way those mineral industries against any American interest that may exist and be affected by the control those corporations or associations have.

If that is liberal enough, and it strikes me that it is, I certainly do not think that Senators will come upon the floor of the Senate and argue before the Senate that there is not sufficient surplus capital in this country to develop all the mining interests of our Territories. We know that capital is anxiously seeking investment in that as in every other industrial interest that we have in this country. We require now four-fifths of the stock of mining corporations in the Territories to be held by American citizens and allow one-fifth to be held by foreigners. If the policy of the law in respect to lands is correct, I can not see the injustice of it in reference to the mining interests.

There is another provision of this bill to which I desire to call attention. The language used here in the tenth line is "which have been acquired or held, or which may be acquired or held." The act of 1887 is not retroactive in its character; it is prospective entirely; and why is this language in this bill inserted at all, which can have no other purpose than to protect a title acquired by aliens at a period when the laws of this country prohibited that title being acquired? There is nothing in the law of 1887 that affected in any way rights acquired prior to its passage and approval, and therefore if this clause of the amendment is to have any force or meaning it must be to cover the cases of parties who in direct violation of the law of Congress have acquired titles which they are now endeavoring to protect by the passage of this bill; otherwise there is no meaning or purpose in that clause of the amendment.

These are some of the reasons, Mr. President, that I have deemed it proper to call the attention of the Senate to before they acted upon this bill. Now I ask those Senators who favor its passage to explain the necessity of the exceptions which they make to the general policy declared in the act of 1887, and also to explain the necessity of that provision in the amendment referring to titles acquired subsequent to the passage of the act of 1887 and between the date of its passage and the approval of this act.

Mr. STEWART. I do not desire to occupy the time of the Senate in regard to this bill, but it is a very proper and necessary bill to pass.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 371) to aid in the establishment and temporary support of common schools.

Mr. STEWART. I ask that that be laid aside informally.

Mr. BLAIR. One moment. I would like to ascertain whether there is any one who desires now or very soon to address the Senate upon the educational bill. Does the Senator from Connecticut desire to speak to-day?

Mr. HAWLEY. I desire to speak upon the bill, but I am going out of town, and prefer to speak next Tuesday, immediately after the morning business. I know the Senator from Kansas [Mr. PLUMB] told me he would speak on Monday. That is all I know about the speakers on the bill.

Mr. BLAIR. Unless some gentleman desires to speak now, it may be laid aside informally.

Mr. HARRIS. I understand that there is no Senator who desires to debate the educational bill to-day, and I would therefore suggest to the Senator from New Hampshire that it be laid aside informally, remaining the unfinished business, but let the day be devoted to the disposition of the bill under consideration, and then to the Calendar in its regular order under Rule VIII.

Mr. BLAIR. I have been absent at a committee meeting, and wish to inquire whether any motion has been made that when the Senate adjourn to-day it adjourn to Monday.

Mr. HARRIS. It has been acted on and adopted.

Mr. BLAIR. I assent to the bill being laid aside informally. I presume the whole afternoon can be occupied with other matters; but, lest any Senator may desire to speak on the educational bill and should make the fact known to me, I desire to reserve the privilege of calling up the regular order.

Mr. HARRIS. It can be called up at any moment.

The PRESIDENT *pro tempore*. The unfinished business will be informally laid aside.

Mr. DOLPH. Is the suggestion of the Senator from Tennessee agreed to, that we then go to the Calendar?

Mr. EDMUNDS. We shall see about that.

The PRESIDENT *pro tempore*. No agreement other than that stated by the Chair could be made at this time; that the unfinished business be informally laid aside, another bill being before the Senate.

The bill (S. 1176) to authorize the sale to aliens of certain mineral lands continues before the Senate as in Committee of the Whole.

Mr. STEWART. This is a very important bill. The act to which it is an amendment was a very unfortunate one so far as the mining interests were concerned. There is no State that excludes foreign capital in the development of its mines. This bill, if it passes, will place the mining Territories in this regard precisely on a level with the States, and they will have the same laws with regard to the use of foreign capital. Foreign capital has been used in the development of mines throughout the mining regions for the last thirty years without injury to any one.

The mining law as it stood before the passage of the alien land act did not allow foreigners to prospect for or locate mines, but only to acquire title after the patent was issued. I may as well explain how it occurred.

There is a class of men in the mining regions who have devoted themselves for a generation to prospecting for mines. When they have discovered a mine, it becomes necessary to secure capital to work it so as to obtain the metal. They have been in the habit of proceeding to the money centers—New York, San Francisco, and London, the principal points, and sometimes to Chicago—to make up companies to secure capital for the purpose of developing mines. In that way most of the mining has been carried on, and there has been no discrimination as to where the capital came from, and there is no danger of any monopoly in this, for they usually pay a sufficient price, and then the mine is worked out in a few years. It is not accumulating capital for all time, as when you acquire agricultural lands; but the usual life of a mine is ten years, when it is worked out. So there is no monopoly about it.

The money invested in the development is paid out to our people for labor and machinery, and no one has ever suggested that any evil whatever came of it. The present law cuts off the investment of money by foreigners, which is really more for the benefit of our people than for that of anybody else, for we furnish the labor and the machinery, and it is a very small portion of the produce of the mine that is paid out in dividends. Occasionally there is here and there a brilliant success in mining, and that leads others to go on with the business, but it is not in the aggregate a very profitable business. It is, however, a very exciting business, on account of the occasional prizes that are won.

I do not wish to limit the market; I do not wish to limit the places where our miners may go to get aid for the development of our mines. They were not limited until this law was passed. This law was passed to prevent the accumulation of large quantities of agricultural land, which when once secured may remain in the hands of foreigners for all time, and they may accumulate large properties to the exclusion of settlers and to the exclusion of our people. It was thought by the last Congress that it was proper to stop this.

Mr. FAULKNER. May I ask a question?

Mr. STEWART. Certainly.

Mr. FAULKNER. I understood the Senator to say that the mines were generally worked out in ten years.

Mr. STEWART. I should think that would be about the average life of a mine.

Mr. FAULKNER. I ask for information, is there any law which limits the time within which the operations in the development of mines shall occur after a patent has been granted?

Mr. STEWART. No; previous to the issuance of a patent the actual work is done. After the patent is issued there is no limitation of time so far as the act of Congress is concerned; but most of the States and Territories pass pretty stringent statutes of limitation, so that they will take care of themselves in that regard. There is no difficulty about that, and it can be fixed in that way. Both the States and Territories have the power to pass those acts. The alien land law would not reach that question. If there is any defect about people not working their mines, the States and Territories can reach it. The simple question here is whether we will allow foreign capital to be used for the development of our mines, by which our own people get employment, by which our mechanics can be employed, and have a large trade in supplying implements of mining and so on, and as to which before this law no complaint was made, and from which no evil effect resulted in the experience of thirty years, and there was no suggestion that monopolies could arise.

You might as well say that foreign capital should not be used in the development of any other interest; that we should not borrow foreign capital to be invested in railroads. It would be a great hardship to discriminate in this country against the Territories in this way, and against a class of men struggling for a generation there to find something that they could have a market for everywhere and secure money for its development. It would be a very hard law, and I do not think this feature of it was considered by Congress when it was passed. I think they had reference to agricultural lands, and made the law general without considering what effect it would have on the mines.

Mr. BECK. I desire to ask a single question of the Senator from West Virginia, who I see is a member of the committee, the three Democratic members being the Senator from Tennessee [Mr. BATE], the Senator from Indiana [Mr. TURPIE], and the Senator from West Virginia [Mr. FAULKNER], who has evidently given the bill quite thorough consideration since yesterday morning. He announced yesterday that he had never been apprised of a meeting of the committee. I should like to know what members of the committee reported this bill. That may influence my vote very much.

Mr. STEWART. That demands an explanation. The Senator from West Virginia was not a member of the committee when the bill was first considered. His name was not printed in the list, and is not now printed in the list of committees we have been going by—that in the RECORD—and the clerk of the committee was misled by that fact, and did not send the Senator a notice. We regret it very much; but it had not been observed that he was a member of the committee, and he did not get the notice of the meeting for that reason.

Mr. BECK. Was the Senator from Indiana [Mr. TURPIE] or the Senator from Tennessee [Mr. BATE] present at the consideration of the bill?

Mr. STEWART. I do not think they were.

Mr. JONES, of Arkansas. I have listened attentively to the discussion of this bill on both sides and confess that I am not satisfied about what ought to be done. It seems to me that this is a matter relating to the public lands of the United States. There is a committee in charge of the investigation of matters of that character; and while I have no disposition to make a motion to reflect on the committee that has had this matter under consideration, still if it is right and proper and a bill that ought to be passed, investigation by another committee will certainly do no harm, and I move that the bill be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the bill be committed to the Committee on Public Lands.

Mr. STEWART. That seems to me to reflect upon the Committee on Mines and Mining. All the members of the committee had notice except the Senator from West Virginia [Mr. FAULKNER], who was omitted by mistake. I hope a motion of that kind will not prevail, for I undertake to say that the two questions are entirely dissimilar. The question of monopolizing agricultural lands and the question of monopolizing mineral lands have no relation to each other, and if the Committee on Mines and Mining is not competent to consider this particular question the committee had better be abolished.

Mr. BECK. I did not rise for the purpose of reflecting on the committee; but when it is admitted that three out of the seven members of the committee were not present when the bill was considered and know nothing about it, those three being the Senator from Tennessee [Mr. BATE], the Senator from Indiana [Mr. TURPIE], and the Senator from West Virginia [Mr. FAULKNER], all on this side of the Senate, and the other four gentlemen on the committee, the chairman, the Senator from Nevada [Mr. STEWART], his colleague [Mr. JONES, of Nevada], the Senator from Oregon [Mr. MITCHELL], and the Senator from Colorado [Mr. TELLER], on the other side, all, I may say, from one corner of the country, I do think the bill ought to be further considered by the full committee. I want to vote intelligently on it, and I desire information from the committee.

Mr. EDMUNDS. I ask the Senator from Arkansas to be kind enough to withdraw his motion in order that I may move that this bill be recommitted to the Committee on Mines and Mining.

Mr. JONES, of Arkansas. I agree to the suggestion of the Senator from Vermont; and I would say that in making the motion I submitted I had no intention to reflect upon the Committee on Mines and Mining; but it occurred to me that the bill should have gone in the first place to the Committee on Public Lands, and my intention was to send the bill where I thought it ought to have gone first.

Mr. EDMUNDS. Then I move that the bill be recommitted to the Committee on Mines and Mining.

The PRESIDENT *pro tempore*. The motion to commit to the Committee on Public Lands being withdrawn, the Senator from Vermont moves that the bill be recommitted to the Committee on Mines and Mining.

Mr. EDMUNDS. And on that motion I simply wish to say that I think the action of the Committee on Mines and Mining, while it was a mere mistake, was still irregular, for the reason that no notice was issued to one of its members. The explanation is, of course, perfectly good as a matter of honor and fair play and all that. Supposing all the other members had been present, and all of them but one had notice sent to them, whether they got it or not—mistakes in transmission will happen—the case would be different; but here no notice was started out from the committee-room, and therefore the committee, if they had had a purpose to exclude the member, as of course they had not, just as if the chairman of the Committee on Foreign Relations

should issue a notice to all the members but one and then proceed to act, it would be irregular. As in this case, it was a pure accident in respect to which not the slightest reflection can be made upon the Senator from Nevada or upon the clerk of the committee. The action of the committee, as I believe, was irregular.

In the next place, I should be glad to have this committee on the merits consider how, consistently with the act that we passed a year ago on this whole subject, the rest of it, after this amendment shall have become a law, can stand on principle. If it is proper for people owning mining lands in the United States to mortgage them to foreigners, to foreign corporations, to other people holding capital, why is it not proper for me owning four or five acres of land in the State of Vermont to raise money from a foreigner by mortgaging my little place to him in the same way? I do not see the principle upon which this difference can be made in allowing foreign interests and foreign capital to get possession of the mining property of the United States, while you say they shall not get possession of the pastures of the farmer.

I should be very glad to have the committee in their report explain upon what ground the distinction can be made. Of course the broad ground can be taken that the whole act was ill advised, though I do not agree to that ground, and that the acquirement of real property in this country should be open to the enormous accumulations of foreign capital. I do not agree to that, but that is a ground that can be stated and supported by some arguments, on the principle that capital is free and everybody ought to have a right to mortgage his property to anybody that will lend him money on it, or to sell it to anybody who will buy. But if the principle of the original law is right, it is not clear to my mind, and I do not know that it can be made clear, why we should say that it is good for the interests of the United States that foreigners shall own its mines while they shall not own its agricultural lands or its village lots.

Mr. FAULKNER. I simply desire to say to the chairman of the committee that I have no personal complaint in reference to the fact that no notice was sent to me of the meeting of the committee which considered this bill. I am confident that there was nothing intentionally improper on the part of the committee, or the chairman of the committee, or its clerk, in not sending me notice. I know the Senator too well to think for one moment that there was any omission except that which is due to the omission from the RECORD of my name as a member of the committee.

Mr. BECK. I rose, not for the purpose of reflecting on the committee or the clerk, but desiring information and desiring to have it from the gentlemen appointed on the committee. Looking at the question just as the Senator from Vermont does, that the law of March 3, 1887, is to be repealed at this time, in part at least, by this bill, and not being prepared to repeal it, believing that the policy now suggested is a bad one, but being open to conviction if I hear a full discussion after investigation, I desire it to go back to the committee because I wish to vote according to my conviction after receiving proper enlightenment.

Mr. STEWART. I ask the Senator from Vermont if there is any prohibition in the law of his State against foreign capital being used in the development of the marble quarries.

Mr. EDMUNDS. No, and there is no prohibition against foreign capital being invested in buying my farm. I wish there was. [Laughter.]

Mr. STEWART. I should like to inquire of any Senator present if there is any provision in any State law in the United States against foreign capital being used in the development of mines. I believe there are some restrictions upon the acquisition of real estate by foreigners, but there is a very wide distinction between the two cases.

Mr. EDMUNDS. There is no distinction in the State of Vermont between a mine, a quarry, and a farm. The foreigner can buy the farm and mine both if he choose. There is no distinction between the two classes of property.

Mr. STEWART. There is a decided distinction in the nature of things. It does not require a very rich man to hold 100 acres of agricultural land; he can develop a small farm with a small capital; but a silver mine is of no more use to a poor man than a mountain of iron if he can not get the money to develop it. If he can get the money he can develop it; but he can go on 160 acres of land and till it. The cases are entirely different. In the case of agricultural land there is a chance for the laboring man to be excluded by the monopoly of land. In the case of a mine there is no chance whatever for the laboring man being excluded in that way, because it is of no use to him unless he can obtain money to develop it. I say there is a great difference between shutting off the means of getting money to develop his mine whereby he can have a chance to labor and to live, and monopolizing agricultural lands and thus depriving him of a home. There is nothing parallel in the cases, and the people of the Territories universally feel that they are deeply injured by the operation of the law as it now stands.

Inasmuch, however, as one member of the committee was not notified, and inasmuch as it has been suggested that further investigation is wanted, I shall consent to have the bill rereferred to the Committee on Mines and Mining; and I give notice here now that on Tuesday morning at 10 o'clock there will be a meeting of that committee, and I hope the gentlemen present will take notice of it.

Mr. MITCHELL. Before the bill goes back to the committee, in answer to the suggestion made by the Senator from Vermont, I should like to read what Governor Stevenson, of Idaho, said in his report for 1887 to the Secretary of the Interior, and which coincides with the views expressed by nearly all the Territorial governors in their annual reports.

Governor Stevenson said:

> The business of mining is one of the great industries of Idaho, and requires for its successful prosecution the expenditure of large sums of money in the development and exploration of mines and in the erection of quartz mills, smelting works, and other necessary machinery.
>
> The mines in this Territory are mostly undeveloped and are in the hands of poor men who are not able to make the necessary improvement and work their valuable mines successfully; consequently they are anxious to lease or sell portions of them to capitalists who are willing to invest their money in mining enterprises. The risk and expense of developing mining properties are great, and there are so many avenues for the safe investment of money where, if the returns are not so great, they are yet more certain and secure. For the purpose of carrying on large enterprises of this kind resort must be had to those places where capital is abundant and seeking investment and rates of interest low. Several large and important mining transactions were about being consummated by mine owners in Idaho with foreign capitalists when the act to restrict the ownership of real estate in the Territories to American citizens became a law. But for the passage of this law and making it apply to mining claims a large amount of foreign capital would have been invested in opening up and developing our mines.
>
> Had this law been applicable to agricultural, grazing, coal, and timber lands only, it would have been just and right, for the acquiring of large tracts of land by foreigners is in conflict with every principle of our free institutions.
>
> The holding in case of mineral land must of necessity be so limited in area—

I read this in reply to the suggestion made by the Senator from Vermont. It shows the great difference between the two propositions—

> The holding in case of mineral land must of necessity be so limited in area, and the expenditure of money and labor so great in order to make it productive, that it can not be claimed that the holding of this class of property by aliens is any serious injury to any one; but it certainly results in great benefit to the miners of this Territory. When a mine is worked, all the alien will have is a hole in the ground, which is of no value whatever to either alien or citizen.
>
> I would, therefore, earnestly recommend that said "alien land act" may be so amended by Congress as to exclude from its operation mineral lands in this Territory.

It was a matter for some time of doubt whether the law as enacted applied to mineral lands, but on reference to the Attorney-General I believe it was held that it did so apply. Under the law the amount in area of mineral lands that may be taken up is very limited, so many feet long and so many feet wide that any one person, alien or citizen, can take up under the mining laws, whereas it is different in regard to grazing lands and in regard to agricultural lands. The object of the law is to prevent foreigners coming here, investing millions of dollars, and monopolizing large tracts of country in the Territories, and in that way establishing a land monopoly in this country. Here in the Territories a man discovers a mine; he is unable to get the capital in New York, Boston, Philadelphia, or San Francisco; a foreigner comes along with a million dollars and he takes the risk, buys the mine, and expends a million dollars in developing it. It happens to turn out a good venture and produces several million dollars. There is just that much wealth added to our country. If it turns out a bad venture, we have the benefit of the million dollars while it is being developed. Our working people get the benefit of that. If it turns out bad, as I say, all there is to it is a hole in the ground. There is no control given here. If it is a good thing, as I said before, the country gets the benefit of the development, the ores are worked here, and the country is enriched.

So it seems to me there is a very wide difference between the proposition to limit the control of a foreigner's interest in our grazing and agricultural lands and the proposition to limit that class with reference to our mines.

Mr. EDMUNDS. I do not wish to take up time if the bill is to be recommitted; but I think it right to say that I do not agree with the governor of Idaho in his reasoning at all. It has been considered by all civilized countries for a great many hundred years that in the matter of mines that produce precious metals in particular—and those are the ones we are now speaking of, and not iron and coal mines, etc.—the public, political interests of the country demanded that those mines should be kept nearer under general public control than ordinary lands. I think if I should take my chance in the next hundred years in the Western Territories, whether I would own various townships around a mine or be the proprietor of that mine, if it was good for anything, I should much rather be the proprietor of the mine, and I should be a much more important character; I should have a greater influence upon the politics and social progress of the country round about than I should if I were the owner of the townships of agricultural land.

That has been supposed to be agreed to by everybody in the course of human experience in civilized countries; and therefore if there were any distinction to be made at all, it would be that the alien foreigner should have less opportunities of control over the mines of the country of the precious metals than he should in buying land which when he died would descend to some particular person or be escheated to the State, as the case might be, than to have him get up a syndicate and quasi-corporation to hold possession of the resources of precious metals in the country. So it seems to me that whatever of difference there is

furnishes an argument the other way; but I do not care to go into it now.

Mr. STEWART. I wish to say one word in reply to the Senator from Vermont. I am aware that it was the theory in barbarous and in semi-barbarous times, and I might say in almost civilized times too, that the king was the owner of all precious metals; and the reason assigned was that all the goodly things belonged to the crown, and therefore the mines belonged to the crown and the crown had a good title; but I think in the United States we have a different theory about the business. We think here that a mine is good to be worked and developed, and it is a good means of support to the community where it is, and gives employment to the people. But it does not give any great political power to those who do not live there. I suggest to my friend from Vermont that if he owned a silver mine in Nevada, and did not stay there and exercise his influence there, he would have no overwhelming influence there, or in any Territory, on account of owning the mine.

Mr. TELLER. How about his bank account?

Mr. STEWART. The chances are that his bank account would not be largely swelled. If he owned the mine and furnished the money to run it, the people there would appreciate him very much; but I do not think he would control the political action of his neighbors in any respect.

The fact is that the development of capital in mines is of great advantage to the mining Territories. It is the means by which they have been developed, and it is the means by which they have been able to settle up the agricultural lands and have a market. There is no monopoly in them. There is no citizen of that country who wants a law of this kind passed. They all want the mines developed; they want to get all the capital turned in that direction that they can; and there can not possibly be any evil that will result from it.

Still I want to have the bill considered by a full committee, and I will consent to have it recommitted.

Mr. PLUMB. Mr. President, while this subject is up I wish to say something on the general question, without, however, committing myself as to what I may finally do on the bill or some measure like it.

The law upon the statute-book is the result of a bill introduced by me in this body in 1884. It represented what I believed then and believe now to be a wise and sound public policy. I do not doubt at all that the people of the Territories are a little impatient about it, and that the interest of some of them might be at least temporarily promoted by removing the restriction against the holding of mines by foreigners and foreign capital; but that is not alone to be taken into account. The mines are a part of the national possession. If they are not the property of the king, they are the property of a greater than the king, the people of the United States, and such uses as are made of them should be consistent with the public interest of all the people of the United States.

I am not, and have not been for many years, one of those who look with great favor upon projects for the immediate development of all our resources of public domain. I am entirely willing, so far as I am concerned, to leave some portions of it undeveloped for the succeeding generation. I would be glad if the population of the United States had spread itself less widely over that public domain, and that there were more of it left to be handed over to the succeeding generation. I can conceive that in the race of personal interest, in the desire to reap everything that is in sight or everything that can be brought into sight, we are, to some extent, discounting the future. I believe that in many of the Territories, if not in all of them, where mines are found, it will be just as well to have a more thorough development, covering a smaller area, a smaller number of mines, and make the business a more legitimate one, than to go around the country hawking prospectuses and finding capitalists, which, as the Senator from Nevada, in a very candid way, a moment ago said, would result probably in the depletion of the bank account of the investor. Plainly speaking, the fact is proved that the people of the Territories intended to overreach some outsiders by means of the prospect of the mine, and the law is in the way of it.

Mr. STEWART. I beg pardon; this bill does not apply to Nevada.

Mr. PLUMB. I am not talking about Nevada; I am speaking of the people of the Territories.

Mr. STEWART. I thought the Senator said Nevada.

Mr. PLUMB. If I did I did not mean it, but I meant the Territories. I say the logic of the Senator's remarks was to the effect that, after all, there was much more money sunk in mining property than was realized, and consequently it tended not to the profit, but to the poverty of the investors. If that be true, then of course these enterprises would not be called entirely legitimate, and they would be without the pale of recognition by the law. But I believe that as a sound, fundamental policy the holdings of real estate within the limits of the United States ought to be limited to those persons who are citizens of the United States, and who are willing to assume the burdens of citizenship in order to obtain its benefits.

I do not care whether there be to-day a foot of land owned by a foreigner in the United States. I would be just as actively in favor of the passage of such a law and its enforcement as is sought now to be amended if there were not a single case of alien land-holding within the United States. We have gone to the other extreme, and very unwisely, as I think. We have sought not only the investment of foreign capital in all our enterprises, but we have sought the introduction of foreign labor and foreign population. We have had great benefit out of it, no doubt. The country has been enriched; perhaps the race has been enriched. It has tended powerfully, of course, to the development not only of the country, but of all the people in it, and it has contributed largely, too, to the general spread of civilization and of the ideas which are potential in republican government throughout the world.

But we have done this with too little regard, as I think, to some of the consequences which we now begin to realize. We might have gone more slowly and more safely. We might have made the invitation a little less wide and yet got all the advantages and less of the disadvantages. I think, on the whole, the sentiment of the country is pretty clearly crystallized in the idea that it is about time to call a halt; at all events to amend to some extent the invitation which we have heretofore made broad enough to cover every person of the human kind. This movement to limit the holdings of real estate in the United States to persons who are citizens is in the direction of that public sentiment.

While I do not wish to put aside without due consideration the wishes of the people of the Territories, I want simply to say that when this question comes to be considered it ought to be considered in the larger aspect of that which concerns the people of the United States with reference to the Territories by a policy which they regard as, I believe, fundamental, and not simply with reference to the local aspects of the case. Some of these considerations I have presented, and when the bill comes up again I may have something further to say directly upon that point, as well as upon the general subject.

Mr. REAGAN. Mr. President, I was content when the motion was made to recommit the bill to let it be referred back without saying anything, but the discussion has reached to some extent the merits of the bill, and I now desire to say a few words upon it.

Within a few years past foreigners have become the owners of a very large amount of the lands of this country, of millions of acres, and out of that fact a public sentiment has grown in opposition to a holding of the lands of this country in such large quantities by foreign holders. This sentiment is one that is not at all unnatural. So far as I know the general policy of the common and civil law in all countries where those systems have prevailed has been against the holding of lands by foreigners. Of course there have been statutory modifications of it.

In addition to the objections which existed in olden times to foreigners holding lands within the country, under the class legislation and influences of most European countries large amounts of capital have got into individual hands. That large amount of capital seeks investment at very low rates of interest in Europe, and at low rates of interest here, and it has turned to seeking investment in the lands of this country.

We have seen in various countries besides our own the evils of foreign landlordship. The Irish people to-day are the sufferers from foreign landlordship. That is the real affliction of that country, which has ground the Irish people down for the last two hundred years. While we may not expect such a thing to occur to the same extent in our country, when we see the millions of acres of land of this country being secured by individuals, by corporations, and by syndicates from foreign countries, there is enough before us to have awakened the sentiment which gave rise to the passage of the law of the last Congress to restrict the ownership of real estate in the Territories to American citizens. That law was passed in answer to a strongly developed public sentiment, and I trust we shall not undertake to break into the principles of that law.

It seems to me that the danger of the investment of foreign capital, of foreign influence, and foreign landlordship is just as great in mining communities as in agricultural communities in proportion to their extent. It was suggested a few days ago that the mining interests occupy but a small portion of the country. I do not know exactly in what sense that expression was intended to have been understood, but we know that the mining region extends through all the Territories and includes some of the States of the Union. This bill provides—

That this act shall not relate to or in any manner affect the title to mineral lands or mining claims in the Territories of the United States which have been acquired or held, or which may be acquired or held.

I take it that the words "which have been acquired or held" are surplusage. If there were titles vested under the existing law, then we could not interfere with those titles by legislative enactment. I take it that those words are not necessary and that the other words contain the essence of the bill, that is, those lands "which may be acquired or held." There is no limitation under the bill as to the manner in which they may be acquired. They may be acquired by purchase, or they may be acquired as a citizen of the United States could acquire them.

It was suggested by the Senator from Oregon [Mr. MITCHELL] a few moments ago that only very small portions of these mineral lands could be acquired by a single individual. I have not studied the general subject and do not profess to understand it as he does, but I understand that to apply to the first acquirement of these small holdings. I

do not understand that it extends to a prohibition against consolidating various claims in the same ownership after the right has been acquired.

Mr. TELLER. No, of course not.

Mr. STEWART. No, it does not.

Mr. REAGAN. So that really, if this bill be passed, there is nothing to prevent foreign owners and syndicates from acquiring any amount of the mineral lands of this country which they have capital to acquire and which other persons may be disposed to sell to them. That is creating an interest and a power over the domain of the country which is not in accordance with the history of nations upon that subject.

Mr. MITCHELL. May I ask the Senator a question?

Mr. REAGAN. In one moment. I know that in most of the States foreigners can take land by purchase, subject to divestiture by office found, but in most if not all of them they can not take land by inheritance. So much of the common law and so much of the civil system still prevail throughout this country.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. REAGAN. I will hear the question.

Mr. STEWART. I should like to inquire of the Senator if he knows of any law in any State in the Union similar to this in respect to foreigners owning stock in a corporation? There is a limitation in the act of 1887 providing that foreigners shall not own more than 20 per cent. of the stock of a mining corporation. They can not own more than that; otherwise it involves a forfeiture. Is there any law in any State of the Union whereby foreigners may not own any amount of stock in corporations, either for mining purposes, for manufacturing purposes, or for other purposes? Is there any such limitation by law in any State in the Union?

Mr. REAGAN. I am not able to answer the question the Senator asks. If there is no such law, I think there ought to be a limitation. If this bill shall pass in its present form, it repeals the provision of the existing law limiting the right to own stock to 20 per cent. of stock in mining associations, and aliens may own the entire amount of capital stock. I do not wish to see men and corporations, under class legislation, fostered by class interests and by special privileges in foreign countries, extort money from the people of those countries and come here and invest it in our lands and our mines in order to give them a foothold here and enable them to place our people in the same condition in which they have placed the people of their own countries. I should regret to see this or any bill pass repealing the provisions of the law in that respect.

Mr. STEWART. I supposed, Mr. President, that the Senator from Texas was at least opposed to a contraction of the currency. I thought he was in favor of a liberal amount of money if it could be obtained from the earth. If the law is preventing the production of a large amount of gold and silver by keeping capital out of the country, it is a discrimination against the people of this country.

Mr. REAGAN. I have no fear about limiting the production of gold and silver in this country by a refusal to pass this bill, but I would put the mines into the hands of American citizens to produce those precious metals.

Mr. STEWART. I do not think it would be very easy. We notice with what comfort and ease people can enjoy the misfortunes of their neighbors. I think that if almost any State in the Union were put under the iron rule in regard to its industries that the Territories are put under by the law of 1887 as it stands, they would find reason to complain. None of the States have put themselves in such chains. None of the States have prevented their citizens from getting aid to develop their industries wherever they could obtain it.

There is a wide difference between getting money to develop mines and monopolizing the agricultural lands. I am in full sympathy with the spirit of the law so far as it relates to agricultural lands, because, as I before remarked, the agricultural lands are the homes of the people, and they ought to have them for that purpose. They do not need any foreign capital to make the soil; it was laid there by nature, and if they are allowed to go upon it they can make homes; but a silver mine in the mountains is as worthless as a desert without capital to develop it.

So far from interfering with our laboring men and bringing them down to the level of European laborers, it gives labor to them; it makes more labor and raises the price of labor. It is the laboring men who want these mines opened and who want the capital obtained to develop them. Throughout the whole country it is the laboring men who are demanding that capital shall not be kept out of the mines and they thereby kept out of employment. It is the laboring men who ask for this legislation, and it was the laboring men who protested against having the agricultural lands taken away from them as homes. There is no parallel whatever in the cases. It is an unjust restriction upon the development of the Territories and a discrimination against their development which no State in the Union has put upon its own industries. As I said before, all the mining States hold out inducements to put capital into mines and to give employment to the people. There is no restriction made by the States.

The law does not affect my State, but it affects my neighbors. It affects the Territories. They have universally asked for this amendment, and they are waiting for the action of Congress to relieve them because they supposed it was an oversight in the law. They did not suppose there was going to be any attempt made to destroy their industries.

Suppose the State of Kansas were deprived of the use of money wherever she could get it for railroads or for homes for her people. I will guaranty that in the laws of the State of Kansas there is no prohibition upon a foreigner owning stock in a corporation to be managed in this country. All railroad corporations go to Europe for money when they feel disposed to do so; the country is developed by those means; and if we can get money cheaper there than here, why not let us get it?

Senators talk about the mineral lands as if they included the great body of our lands. There is not one acre in ten thousand of the public lands that is mineral. The mineral lands are little places in the mountains, which would be entirely a desert but for the mines. There is not a mining claim in all this country that is on agricultural land. In the whole region you can not find a place where there is a mining claim on agricultural land. The mineral lands are usually in high mountains where it is entirely a desert, so far as grazing and agricultural products are concerned. The amount that one person can take is 1,500 feet in length by 60 feet in width along the claim. The space occupied by them is comparatively nothing. It does not extend to the great body of the lands.

You talk about these being mineral Territories, when, if there was one acre in ten thousand that is mineral you would have a marvelous country. The mines are only little spots of land fit for no other purpose, and only made valuable by the use of money to develop them.

All these Territories have been developed by money brought from outside the Territories. You would have had no inhabitants in those Territories had it not been for money brought from outside to develop them, to put in machinery, and to open the mines. That is the way the mines have been developed; and now it is proposed to discriminate against them. It is proposed that Congress shall say that no foreign capital shall be used, because that is what it is, and then the law is directed, so far as the Territories are concerned, against the use of foreign capital. So far as the agricultural lands are concerned the law is directed against the use of agricultural lands, but when we come to the Territories it provides that you shall not use foreign capital; that a foreigner shall not have more than 20 per cent. of stock in a corporation that is engaged in opening and developing a mine.

There is no danger of any permanent monopoly, because when the mines are worked they work them out and that is the end of them. There is nothing permanent left; but the advantage to the country is immense; it is immense in developing new States and Territories, in developing their industries and building up agriculture; it is immense to the commerce of the world, by pouring gold and silver into the channels of commerce, and giving it life, and preventing ruinous contraction and hard times.

Why this restriction, why this blow at mining, I do not understand. I suppose that the provision in the law was put there by a mistake. I do not suppose that it was really intended that the new Territories which are now being developed should not have the same chances that the others have had from the beginning to develop their resources. If this rule had been applied formerly, a very different state of things would have existed in this country, for a very large amount of the money that has been paid out to laborers in the Territories came from Germany, from France, from Holland, and from England. No word of complaint came from any one, and the people received the benefit of it; and to cut them off now would be an unjust discrimination. Such a law would never be thought of or tolerated in a State for one moment.

I am glad that this discussion has taken place. We shall again consider the bill in the committee, and bring it before the Senate at a future time.

The PRESIDENT *pro tempore*. The Chair understands that the bill is recommitted to the Committee on Mines and Mining.

Mr. STEWART. Let the bill go back to the committee.

The PRESIDENT *pro tempore*. The bill is disposed of.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had approved and signed the joint resolution (S. R. 6) for the removal of all political disabilities imposed by the fourteenth amendment to the Constitution of the United States upon Abram C. Myers.

EMMA S. FREE.

Mr. BLAIR. I should like at this time to move to reconsider the vote by which the bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army, was indefinitely postponed. The bill was reported adversely by the Senator from Wisconsin [Mr. SAWYER] January 31, 1888, and was postponed indefinitely. I ask that the vote may be reconsidered with a view of having it sent again to the Committee on Pensions for further consideration. Further testimony has come to my possession.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered, and that the bill be recommitted to the Committee on Pensions. That order will be made, if there be no objection.

STATUE OF SPENCER F. BAIRD.

Mr. MORRILL. I ask unanimous consent to take up Senate bill 140.

Mr. BLAIR. I ask that the request be put in such a form that the unfinished business will be informally laid aside to consider the bill indicated by the Senator from Vermont.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent for the present consideration of the bill (S. 140) for the erection of a bronze statue of Spencer F. Baird, late Secretary of the Smithsonian Institution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Regents of the Smithsonian Institution to contract for a statue in bronze of Spencer F. Baird, late Secretary of the Smithsonian Institution, to be erected upon the grounds in front of the National Museum; and appropriates for this purpose, and for the entire expense of the foundation and pedestal of the monument, $15,000.

Mr. MORRILL. The bill proposes a monument in front of the National Museum for perhaps the most distinguished civilian who has died in our country during the past year. His eminent scientific services are known to all of us. His unselfish and untiring work as Secretary of the Smithsonian Institution, with all the branches attached to it, has been conspicuous for years; and I think that perhaps there has been no measure proposed for a monument that will receive a more hearty response than this.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITIONS OF WITNESSES.

Mr. COKE. I ask unanimous consent to take up the bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that, in addition to the mode of taking the depositions of witnesses under *dedimus potestatem* or otherwise, now provided by law, in causes pending at law in the district and circuit courts of the United States, it shall be lawful for such courts to make rules and regulations allowing the taking of depositions or testimony under *dedimus potestatem*, or otherwise, as near as may be, according to the mode prescribed by the laws of the State in which the courts are held.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that he had been directed to transmit to the Senate, in compliance with its request, the papers in relation to the claim of J. D. & C. T. Hewlet.

The message also announced that the House had passed the following bills:

A bill (S. 1022) to relinquish the interest of the United States in certain lands in Kansas; and

A bill (S. 1754) for the relief of Henry H. Marmaduke, of Missouri.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1514) relating to the record of wills in the District of Columbia;

A bill (H. R. 1844) to promote agriculture, and for other purposes;

A bill (H. R. 4342) to discontinue the coinage of the three-cent piece;

A bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplifications of land patents, and for other purposes; and

A bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia for the protection of girls and for the punishment of the crime of rape.

SIGNING OF PATENTS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. TELLER. I ask the Senator if he will yield to me to call up House bill 5514, that the Secretary of the Interior is quite anxious should pass, it being for his relief, allowing the Assistant Secretary to sign patents. It will only take a moment.

Mr. EDMUNDS. I will withdraw the motion for that purpose. I can renew it at any time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5514) to amend section 4883 of the Revised Statutes. It proposes to amend section 4883 of the Revised Statutes so as to read:

SEC. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Secretary of the Interior or under his direction by one of the Assistant Secretaries of the Interior, and countersigned by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent Office, in books to be kept for that purpose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to amend section 4883 of the Revised Statutes to enable the Assistant Secretary of the Interior to sign patents.

PUBLIC BUILDING AT PENSACOLA.

Mr. PASCO. I should like to call up the bill (S. 1723) providing for the completion of the public building in the city of Pensacola, Fla., as originally designed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 8, before the word "thousand," to strike out "fifty" and insert "thirty-two;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to have the United States court-house and post-office building in the city of Pensacola, Fla., completed as originally designed, including tower, basement, and attic stories, fences, grading, and heating; and the sum of $32,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein mentioned.

Mr. EDMUNDS. Is there a report?

The PRESIDENT *pro tempore*. No report accompanies the bill.

Mr. PASCO. I will state that the appropriation is recommended by the Supervising Architect and is according to the original specifications and estimates.

Mr. EDMUNDS. Are there any papers from the Supervising Architect on the subject?

Mr. PASCO. I have a letter from the Supervising Architect in the committee-room, stating that $32,000 will be sufficient, and upon that estimate the committee reduced the appropriation from $50,000 to $32,000. That report of the Supervising Architect was before the committee when the bill was considered.

Mr. EDMUNDS. I must say with great respect (not as applying to this particular case, for I know nothing about it) that I am very much afraid we are acting rather rapidly and without due consideration on the subject of public buildings over the United States—as well in the State of Vermont as elsewhere, I will add. I should like to have some definite official information about this possible change, and I should be glad if the Senator would not press the bill at this moment, and get the official papers, as the Senator has them not with him now, wherein it is represented, I have no doubt, as the Senator states, but so that it will go into the RECORD and show exactly upon what grounds it is that the Senate passes the bill.

Mr. PASCO. I should like very much to get the bill through to-day, as certain days have been fixed in the other House for the consideration of bills of this kind, and the building is in an unfinished condition. I should like very much to get the bill through to-day. As proposed to be amended it is in exact accordance with the report of the Supervising Architect.

Mr. VEST. If the Senator from Florida will permit me, I will state to the Senator from Vermont that I happen to know personally the correctness of his statement in regard to the report of the Supervising Architect. We took the matter up in our committee and examined it carefully at the last meeting, and reduced the amount from $50,000 to $32,000 in conformity with that report.

This is one of the most deserving bills of the kind that has been before the Senate. The public building at Pensacola is unfinished and its usefulness is considerably impaired by reason of that fact. A large proportion of the money necessary for the construction of the building has been expended, and this is simply to utilize it.

Mr. EDMUNDS. How much has the original appropriation been increased altogether?

Mr. VEST. I think this is the first increase of the original appropriation.

Mr. PASCO. This is the first increase of the regular appropriation.

Mr. EDMUNDS. What was the original appropriation?

Mr. VEST. It was $150,000, if I am not mistaken.

Mr. PASCO. I think that was the amount.

Mr. EDMUNDS. And this makes $32,000 more.

Mr. VEST. It makes $32,000 more, which is absolutely necessary to complete the building. The Department has expended the money that was appropriated. Pensacola is a very important point, and after this money has been expended nothing will remain to be done.

Mr. EDMUNDS. Why did not the Department keep within the appropriation?

Mr. VEST. That is one of the questions that it is beyond the ability of any Senator to answer. This thing has occurred over and over again. It has occurred in bills where we have specifically provided that the Department should not expend one dollar beyond the appropriation, and still it was spent.

Mr. EDMUNDS. When are we to stop it?

Mr. VEST. That is another question of the future. There are a good many questions connected with public buildings in this country. If the Senator will tell me when we are to abandon the present system, then I shall be able to tell him when we can stop it; but I am afraid

that it is impossible to go into the question of the public buildings of the country now. The tariff and the Blair bill sink into insignificance when we come to that. [Laughter.]

Mr. HALE. I am afraid the Senator from Missouri is right in estimating the importance of these measures, and I only rise for the purpose of calling the attention of the Senator from Vermont to what the Senate will have to consider very soon, not only upon this bill, but upon dozens, and it may be scores, of others touching the removal of the limit that has been fixed in times past, by deliberation and due consideration, first by committees and then by Congress, upon buildings all over the country.

It has been the fashion to introduce bills and refer them to the proper committee here and in the other body, and fix a limit for the cost of the building, which ought to be the chart followed by the Department in erecting the structure. So far from that being the case, the Committee on Appropriations has before it, referred to it, estimates from the Department covering long lists of public buildings all over the country, estimating for sums beyond the limit already fixed by law.

I do not say that in a given case such a condition may not be inevitable from peculiar circumstances and conditions surrounding the construction of one of these public buildings; but that Congress should proceed deliberately and declare what a building shall cost in one place and another in twenty different cases, and that then the work should proceed deliberately without regard being paid to the limitations fixed by Congress, and we be called upon in an urgent deficiency bill to make up the sums which it is estimated will be needed to finish the building, is something which ought to be investigated; it is something which ought to be looked into. Otherwise we may as well fix no limits hereafter to any building. Otherwise we may as well understand that we will declare that a building shall be put up in Texas, or in Maine, or in Vermont, or in Minnesota, or California, and that we leave it to the sweet will of the Department and the persons who are urging them to increase the cost and size of the building, and that we will exercise no jurisdiction whatever over the matter.

Mr. EDMUNDS. And that sweet will is the will of a man who owns property in the place and has charge of the building.

Mr. HALE. Undoubtedly. I hope the Senator from Vermont in looking into this subject will not let his efforts stop at this one building, about which I know nothing and against which I have nothing to say. Against the increase of the limit I have no arguments to urge, as I know nothing whatever about it; but I do know the general condition, that we are to be called upon in an urgent deficiency bill, where Congress has fixed limits, in dozens, perhaps scores of cases, to appropriate more money, perhaps aggregating hundreds of thousands or millions of dollars in this direction. The Senate ought to look to it very carefully before we take any step in this direction.

Mr. VEST. If the Senator will permit me, I do not see the chairman of the Committee on Public Buildings and Grounds present, but I simply want to state that we are now wrestling with this question.

Mr. HALE. With the question of expending beyond the limit of appropriation?

Mr. VEST. With the question of limiting the expenditure. We have before us three bills, and we passed all our time at the last meeting of the committee in considering the propriety of enacting some general measurs which would apply to the whole country. The Senator from Kansas [Mr. PLUMB] is very much interested in this subject. All I want to say, in justice to the committee, is that our next meeting is called specially with reference to this very matter, and we propose to formulate and bring into the Senate a general bill. It is a very difficult subject. The Postmaster-General dealt in his report very largely with it, and formulated a bill which was introduced at the beginning of this session by the Senator from Wisconsin [Mr. SAWYER]. The Senator from Nebraska introduced a bill, and the Senator from Kansas introduced one. Out of these three bills we hope to make one which will receive the sanction of the Senate.

Mr. HALE. Are they general bills?

Mr. VEST. It will be a general bill providing that a public building shall be erected where it is necessary, under the suggestions of the Department, in towns having a certain population. I merely speak generally.

Mr. HALE. With a limitation of classification as to population?

Mr. VEST. We propose to classify them and get rid of this eternal importunity and log-rolling.

Mr. HALE. Such a bill would not get rid of it. We may pass all the general bills in the world, and the individual case will still arise where the Department will want more money to complete the building.

Mr. VEST. When such a bill comes before the Senate, it will be possible for the Senator from Maine to turn his intellectual brain in that direction. If he and the Senator from Vermont will bend their energies and investigation in that direction, for one I shall be exceedingly obliged to them.

Mr. HALE. It would not be of any use.

Mr. VEST. If the Senator will permit me, I will say just a word about my experience upon the Committee on Public Buildings and Grounds, and I personalize him because our relations are exceedingly friendly and have always been so. He wants a public building in the State of Maine, which, by the way, is the best supplied State in the Union in that direction.

Mr. HALE. Then I do not want the public building.

Mr. VEST. There are more public buildings, according to population, in that State than in any other State in the Union. The Senator wants a building in his State. He comes to me and says, perfectly justified by our social relations in doing so, that he is immensely interested in that measure; that, in other words, Liberty will lie bleeding in the streets if he does not get it, and he solicits me to do what I can. He gets a report from the Supervising Architect, who says the public service demands it. He has a court there, an internal-revenue office, and, of course, a post-office. It would be churlish in me to say I would oppose his bill; and he knows better, perhaps, than myself—for his public service has been longer—in what a position a member of this or the other branch of Congress puts himself when he poses as a general reformer and obstructor to the expenditure of money for any purpose whatever.

Mr. HALE. Will the Senator let me interrupt him? I am greatly pleased with the imaginative sketch which has been presented by the Senator, and we are all of us pleased with those imaginative sketches of his, but I do not want it to go on record that I am in the position of beseeching the committee to increase an appropriation for a Maine building.

Mr. VEST. Not now. [Laughter.]

Mr. HALE. It happens that the one public building I have in my mind in Maine is perhaps what has called my attention to the subject I have just spoken of. I refer to the public building at the capital of the State, where the appropriation was ample for a large, handsome, suitable building for the business which will be carried on there, and yet there is an estimate for an urgency deficiency for a sum that surprises me, and I do not think it ought to have been sent in. So I am not in the position now of urging the Senator from Missouri to yield his virtue on the committee to my importunity.

Mr. VEST. I know that is the case.

Mr. DAWES. I wish to help the Senator from Missouri with my experience in this matter. If the Senator from Missouri knows, as he is very familiar with this great question, and will tell me how much the post-office building at St. Louis cost, I should like to give him a little history. Did it cost a million or a million and a half dollars?

Mr. VEST. Oh, that was not a circumstance. I think we spent three and a half million upon it.

Mr. HALE. About five million.

Mr. VEST. Yes; I could not state the amount accurately, but considerably over $3,000,000.

Mr. DAWES. I was on the committee in the other branch when the persons interested first came to Congress for a new post-office building in St. Louis. They said if they could have the old post-office building and $300,000, it might be bound as firmly as it could be in the law, they never would ask for another penny. Thereupon such a bill was passed. The Supervising Architect of the Treasury went out to St. Louis and they gave him a dinner. At that dinner it was announced that Cincinnati had a post-office building which cost a million and a half; that Chicago had a post-office building which cost six million; and was St. Louis to be content with a post-office building that cost only $300,000? Not by a good deal; and the Supervising Architect of the Treasury assured them, in the face of the law, that they should have a post-office building equal to that of their rival cities. I understand my friend to say that it cost several million dollars. The law authorizing the post-office at New York had limitation put upon the appropriation as strong as it could be made. When it was commenced the original act prescribed that it should be completed for a certain sum.

Mr. BECK. For $3,000,000.

Mr. DAWES. For $3,000,000, my friend from Kentucky, who remembers these things a great deal better than I do, says. They came back for another million, and it was inserted in the bill at their request, so that they might be sure to have it, that the total cost should not exceed that limit. It exceeded that limit, and they came for another appropriation. The same limitation was put in the law; and in the face of it, and with a standing law which makes it unlawful, indictable, impeachable, to exceed the limitations of an appropriation, it has gone on until $6,000,000 or $7,000,000 have been appropriated. The post-office building in Boston has run up into the millions in precisely the same way.

Mr. BUTLER. How many millions?

Mr. DAWES. Three or four millions; I do not know how much.

Mr. BUTLER. About $9,000,000.

Mr. DAWES. They have never been able to be rewarded quite equal to some of their rival cities, but enough to indict every man who had any connection with the excess of expenditures over the limit of the appropriations. Until somebody is brought up under the law to realize that the law is made to be obeyed by officials, this never will be cured.

Mr. TELLER. Is the building any too large now?

Mr. DAWES. It cost too much.

Mr. CALL. Mr. President, I desire to say a single word. I have

noticed that the spasms of economy always occur in regard to small States with a small representation. Where such a building as the one under consideration will cost $100,000 the great buildings in other States cost millions of dollars. We have passed several bills at this session appropriating more than a million dollars for a public building. I want this talk about economy to be expended upon those buildings and not upon a building of moderate cost, like the one at Pensacola, which the public business imperatively demands.

No one is to blame for this deficiency of $32,000 unless it is the contractor, who has to buy his supplies at varying rates, or the architect. You can not make a law that the material which enters into a public building shall be the same price and value that it was when the estimate was made for the cost of the building. The architect is not to blame. If any one is to blame it is Congress that votes the limitation. I do not know how my honorable friend from Missouri is going to pass a bill which will prevent future Congresses from appropriating as much money as they see fit for public buildings. But let that be as it may, it is Congress, it is ourselves, and not the Supervising Architect or the Secretary of the Treasury who are to blame for the extensions of the limit of the appropriations.

I wish to add that Pensacola pays a large amount of revenue to the Government. This building is imperatively demanded. The Supervising Architect certifies the fact that it will not be complete and useful for the purposes for which it was designed without this small amount of money.

Mr. PLUMB. Mr. President, I want to indorse very heartily what the Senator from Florida [Mr. CALL] has said about the place where economy is applied in legislation. New York got six or seven million dollars for a public building, and I noticed the other day that one newspaper in that city devoted an entire column to the abuse of Congress for the proposed expenditure of $50,000 or $100,000 upon public buildings in different parts of the country remote from New York. The cities get everything they want, without any reference at all to the cost, to the rental value of the buildings, or anything of that kind, and when they obtain it they then very coolly propose to close up the entire subject and have no more public buildings anywhere. It is a wrong tendency. It is a part of a general tendency to carry everything to the large cities at the expense of the country. It is not wholesome, but quite the reverse.

I think that wherever the Government has public business to transact of any magnitude it ought to have its own building to transact it in, all the more because the absence of a building very often leads the Government, directly or indirectly, into real-estate speculations. The Post-Office Department had an inspector in Kansas during last summer who excited the acquisitiveness of people living in different parts of towns interested in property, and so on, to bidding for the location of a post-office building, and he succeeded in getting, in places of 4,000 and 5,000 people, persons interested in real estate in certain parts of the town, not only to give the rent for perhaps five years for nothing, or at a merely nominal sum, say a dollar a year, or something of that kind, but to furnish the most elaborate fixtures for the use of the Government. I regard that as an offense. I do not think the Government ought to engage in business of that kind, and yet that is what it is doing. That is the reverse side of the picture which has been drawn here of the extravagance in public buildings in large cities.

But something has been said about the reasons for these deficiencies. Mr. President, it is the old story of a dollar for the dress and $10 for the trimmings. Every public building which is put up costs ten times more for superintendence and extras and contingencies than it ought to do. Out of $100,000 appropriated to erect a building, say, out in Kansas, at least $10,000 of that money will be spent before ever a lick is struck. There is the city of Wichita, where the Government has simply a naked lot. There is no more danger of its being carried away than of this Capitol being carried away, and yet it has a watchman and a superintendent, but no man at work.

Mr. HALE. They are watching the land.

Mr. PLUMB. Yes, they are watching the land. I do not know but that they are watching the Republican politicians out there. At all events, the watchmen are there, and they are getting paid for it. The Senator from West Virginia [Mr. KENNA] says to me that the Republican politicians there need watching. If they do you will have to appoint a great deal more clever people than you have done out there in order to make that watching very effective.

Mr. KENNA. The Senator entirely misunderstood my remark, if he alludes to me. I said there were no other kind of politicians out there to be watched.

Mr. PLUMB. I have in my hand the report of the commission for the construction of the Congressional Library building, which has in it some paragraphs which are a sample of that which pertains to the construction of every public building in the United States. It shows that we are getting a large amount of services of architects, a large amount of washing of towels, and hiring of coupés, and things of that kind, and a very little building. During the last year there have been spent for literally contingent items in no wise represented in the construction over $38,000.

Mr. HALE. On that building?

Mr. PLUMB. On that Library building. The Senator from Massachusetts [Mr. DAWES] seeks to identify it by saying that it is where the hole is. The hole is there, and before it ever assumes the pretense of a construction it will be big enough to carry into it more than the sum of money we intended to appropriate for a building. I will commence on page 14, at the bottom of the page, and read from the report of the commission for the construction of the Congressional Library building:

Office expenses:		
Stationery, draughtsmen's tools, materials, and instruments, and printing and binding, etc.		$1,821.15
Office furniture, drawing boards, cases, awnings, etc.		2,612.16
Fitting up offices, 145 East Capitol street		1,954.17
Blue-print room		919.66

It will be noticed that all these sums have accommodating fractions as an affix, which of course are supposed in some way to verify them.

Fuel and gas		$261.51
Laborer as janitor		573.00

The Senator from Massachusetts [Mr. DAWES] is now seeking to introduce some irrelevant matter here by inquiring what that man is janitor of. He is janitor, I suppose, of what the man out in Wichita is watchman of.

Mr. KENNA. Of the hole in the ground?

Mr. PLUMB. Of the hole in the ground. The report continues:

Coupé, two horses (one to replace horse sold, and proceeds covered into Treasury), harness, robe, and blankets	$868.00	
Livery bills for carriage and horse, driver, and repairs	540.49	
		$1,408.49
Washing towels		35.11

It is something to be clean at Government expense.

Notary's fees	.75
Cleaning windows, putting away fuel	25.30
Lanterns and oil for watchmen	11.25
Making models for architect, labor	216.00
Express and freight	1.08
Miscellaneous supplies	54.07

These items foot up $9,893.80.

Those are all, as will be seen, items with some particularity and some detail. Now we come to some other expenses, in which the clerk-hire apparently gave out, and consequently there are no items at all; they are continued in a lump. This is in the commissioners' office:

Salaries and pay of office employés:	
In commissioners' office—	
Secretary, accountant, disbursing agent, and messenger	$5,639.08
In architect's office—	
Architect, assistant architect, computer, civil engineer, experts, draughtsmen, clerk, messengers, and sculptor	23,200.80

I suppose they are set down in the order of their relative importance and rank. I can readily see how a sculptor would not be necessary for the purpose of executing a hole in the ground, at least not a sculptor of very high degree. These items sum up $23,200.80, making a total for salaries and pay of office employés of all kinds that are mentioned of $28,839.88. In other words, the personal staff, not of a Library building, not of a piece of public work in process of execution, but the personal staff of something that is not being done at all, cost last year $28,839.88. And they had besides, in the way of contingencies, frills, and furbelows, coupés, and things of that sort for their convenience and comfort, $9,893.80, making, as I said, a total of over $38,000, which has been spent without yielding to the Government one single return, except the happy satisfaction we all of us have of seeing a man walking around, well dressed, at the public expense, and knowing that we have contributed to his comfort and convenience and to the general air of well-fedness with which he exhibits himself.

A Senator has handed to me an itemized statement which appears in the Blue Book. Here is the Blue Book itself, which sets forth the names of the different employés under the commission which has been created by law for the purpose of spending the money which we have appropriated to construct a Library building. Subtitles are put in to indicate the particular employment of the different persons engaged, and under the title of "In charge of horses and carts" I find the following names:

Samuel Brown, District of Columbia—

He was appointed from the District of Columbia; they were all appointed from the District of Columbia, however—

Mrs. Amelia Johnson.
Mrs. Almyra Burgess.
Mrs. Mary Liberty.
Patrick Powers.
Bartley Thornton.
Daniel Toumey.
Mary E. Shearer.
Maurice Talty.

There is nothing recorded there that is very remarkable, but still it is worth pausing to consider that four women are put down as in charge of horses and carts. Of course it may well be that as these women did not have any voting to do, being withdrawn from the discharge of the very onerous public duty of casting a ballot, they have more time to give to the discharge of the very useful duty of taking care of the horses and carts which the commission employ, although just what the horses and carts are for of course I do not know. The man who said in a

public meeting that he vouched for a certain man was a little disconcerted when somebody stepped up and asked, "Who vouches for you?" I am not vouching for the horses, nor for the carts, nor for the women in charge of them, and I do not care to suggest that some sort of subterfuge has been employed whereby persons are put on the rolls to do one thing, perhaps of a somewhat personal character, while at the same time they are exhibited as performing a public duty.

But it is plain to be seen that we are not going to get anything out of the appropriation of money for a Library except a large bill of expense, and I do not speak of this particularly for the purpose of characterizing it alone, but of saying that in the Architect's Office of the Treasury Department will be found the data to show that in substantially all the public buildings already erected by the United States and being erected now a similar condition of things exists, and it is one reason why the Government pays from 25 to 50 per cent. more for a given result than private parties pay. The moment a public building is provided for it becomes a sort of hospital for persons who want employment, and long before any contract is made or the Government has got any property to watch or look after, somebody is appointed as a superintendent. It does not make any difference how long the construction may take, the superintendent is like the brook, he goes on forever and forever.

I have been asked who constitute the Library building commission. I know that the Secretary of the Interior is *ex officio* president of the board; that it consists of an architect, who drew the plans, and of the Architect of the Capitol, certainly. I do not know who else.

Mr. BUTLER. And the Librarian of Congress.

Mr. PLUMB. Yes, the Librarian of Congress. There being two architects on the board, of course they do not agree, except presumably in regard to the expenditure of the money, and of course, therefore, there has grown up all sorts of trouble, one pulling one way and one the other, and nobody at hand to put the casting ballot on one side or the other, and the result is, probably what was designed, a simple wasting of the public money, a nursing of that building in order to give employment to the end of time. Certainly there is in that commission, so far as the majority of it is concerned, no honest purpose to complete the building within the contemplation of the act of Congress.

I do not say where the responsibility should rest for that condition of things, because I do not know, but the majority, which has the power to resolve all these things in favor of prompt, active work of construction, has not chosen to do so; but, on the other hand, there is a great expenditure for employés entirely unnecessary, for contingent expenses which are extravagant when no work of construction is going on, and that is a sample of the way the public business of the country is transacted to a very large extent in regard to public buildings. The money which has been wasted in this way would have supplied to every town of 25,000 people in the United States a building large enough for the transaction of the public business; it would have enabled the Government to have in all these cities and towns an abiding place, some place where its jurisdiction was supreme, some place where its public business could be transacted to-day and to-morrow and for all time, and a guaranty that the Government itself would not be, either actively or negatively, willfully or ignorantly a party to real-estate speculations.

Mr. STEWART. Mr. President, I am glad there has been a statement of the transactions to which allusion has been made, and I think from conversation with the Architect there is certainly reform needed. In my town an appropriation was made some years ago of $100,000 for a public building. They hardly got started when $20,000 had been spent with only a fence around the lot and the expense going on. This occurred under a former administration of the bureau, and I am very much in hopes and I believe that the present incumbent will try to make a thorough reform and go on with the business properly and erect the buildings with the money, which, as I understand, was not done in the case to which I refer until one-fifth of the appropriation was spent.

Mr. EDMUNDS. When was the appropriation made?

Mr. STEWART. I do not remember the exact date, but three or four years ago. They had a great deal of trouble in getting a location, but finally they got one that was satisfactory to the Department, but it cost ten or twelve thousand dollars, and eight or ten thousand dollars more had been spent in preliminaries, such as a high fence, a superintendent, and so on.

I am quite confident that the present Supervising Architect is going on with the work, and that he will have reform generally in this business. If he does not, we shall all have reason to complain. I would not like to have reflections cast upon a man just coming in with good intentions and making effort to do what is right. Give him a chance. A distinction ought to be drawn between the man who has failed and the man who has come in with the intention of doing right, as I think the present Supervising Architect intends to do.

Mr. VEST. I have no disposition to retard the passage of the bill of the Senator from Florida, because, as I said before, it is a deserving measure and ought to be passed; but I noticed in this debate the Senators who have engaged in it have undertaken to state the difficulties under which we have suffered, but none seem to have pointed out the radical defect in the system under which we have constructed public buildings.

Mr. STEWART. The Senator will excuse me. I meant to remark before I sat down that I believe the appropriation in this bill is a necessary appropriation under the circumstances, and I shall vote for it cheerfully.

Mr. VEST. In the first place the same trouble exists in regard to the construction of public buildings that we encounter in the Indian service. We have heard for years the question asked, why is it that the Indian service of this country is in its present condition? Why is it that thousands and thousands of dollars are expended by Congress and the Indians are no better off, and the country is no better off? And the same evils exist and will exist as long as this system continues. The truth is, we expect too much first-class service for the lowest possible amount of money. We send a man out to take charge of a tribe of Indians, and pay him $1,000, $1,200, or $1,500 a year. He is expected to control human beings; he is expected to perform the most delicate and responsible functions that can be given to any human being—the control of others as to their life and habits—and yet we pay $1,000 or $1,200 a year; and a man is expected to leave civilization and endure the hardships of the frontier and association with savages, to give up all that makes life worth anything, for a miserable pittance that we would not ask any clerk to give his services to the Government for here or anywhere else.

We expect to get a first-class architect for $3,500 a year. Why, sir, there is not an architect in the city where I live, who is worthy the name, who is not making from ten to fifteen or twenty thousand dollars a year. I undertake to say in the city of Washington to-day there are half a dozen architects making over $10,000 a year. I asked a gentleman the other day, one of my colleagues in the Senate, who recently constructed a large building, an eleemosynary institution, what amount he had paid the architect. He said $15,000—nearly five times the salary in one year that we give to our public architect for a year's services. However worthy the present incumbent may be, it is perfectly absurd to suppose we can secure the services of a man competent to take charge of the public buildings of the United States for any such salary.

Then, again, that is not all the trouble. We have this miserable system of day's work. We give a premium to every man, contractor, architect, workman, down to the laborers on the public buildings, to continue the work just as long as possible. The first step when we pass a bill appropriating money for a public building is to send an architect there, and he employs two watchmen and a clerk, and has a model-room, and all the paraphernalia of a large business.

Mr. EDMUNDS. And a local superintendent.

Mr. VEST. And a local superintendent. The salaries go on, and when the building is finished those fellows are out of work. We put a premium upon delay; we have done it for years.

The Senator from Massachusetts spoke of the public building at Chicago. There is a building that went on for years and cost four times what Congress originally intended, and now it is ready to fall down, condemned by the grand jury as a public nuisance, and the evidence in regard to the construction of that building is, I will not say horrible, it is the most disgusting that ever was printed on any public subject in the United States. I have not read it for some time—I have it somewhere among my papers—but it showed that they absolutely organized laborers upon the public buildings so as to cheat the superintendent. They had a society organized, and when the men would be down playing cards, gambling, there were watchmen out to give notice of the approach of the superintendent and the game was broken up, and when he arrived there every man was at work, and the minute his back was turned every man was gambling again.

Mr. President, as long as this system continues we may expect exactly what is the condition of the country to-day. Two years ago the Committee on Public Buildings and Grounds reported a bill to do away with this system and to put it under contract and let the public buildings of the country be constructed as any private gentleman would construct his residence. There is not a Senator on this floor to-day if he was about to construct a residence in the city of Washington, who would not call upon architects for their plans and specifications, and then take bonds of a contractor for the erection of the building according to those plans and specifications in a given time.

Mr. EDMUNDS. And within a given price.

Mr. VEST. And a given price. And if it were not completed the forfeiture would be exacted on the bond. And yet what do we do in regard to the money of the people of the United States put in these public buildings? We take no bond. There is a little paper here in the city of Washington, as big as my two hands, or was here—I have not seen it lately—which lives upon the advertisements from the Treasury Department for public buildings.

When a bill was passed in Congress for the construction of a building in Missouri the bids were put out for the different sorts of work in this little paper. A ring was here in the capital and this work was confined to that ring, and no man received one dollar who was not in it. It was upon the face of the statute-book the duty of the Secretary of

the Treasury to supervise these contracts, but as a matter of course they went to the Supervising Architect's Office, as a matter of routine, and the Secretary of the Treasury knew no more about them than any Senator in this body.

Does any one wonder that public architects went out of this city almost millionaires who came here paupers? Is it any wonder that a few years ago the newspapers of the country were filled with the scandal in regard to the public architect's office that threw one man out of office and implicated several others? All these things have taken place, and they will take place until we reorganize the whole system under which the public buildings are constructed. The bill to which I referred was reported two years ago and received no more attention from Congress than a piece of blank paper. Nobody cared anything about it, but on the other hand—and I do not put myself on a pedestal to lecture my brother Senators—in the rush to have public buildings constructed in different localities, the general law was permitted to die and it amounted to nothing.

Mr. EDMUNDS. What did that general law provide in substance?

Mr. VEST. It provided that when a public building was to be constructed bids for the work should be advertised in the newspapers having the largest circulation in the city and vicinity where the building was to be constructed; that those bids made by responsible persons should be submitted to the Secretary of the Treasury and the Secretary of War and the Secretary of the Interior; that they should meet and pass upon the bids, and when they awarded them to the lowest responsible bidder he should then give bond with approved security for the construction of the work within a certain time at a certain price. In my opinion we shall never be able to do away with the abuses that exist until that bill or some similar measure is enacted. As we are now proceeding there can be no reform.

I make these remarks with no political significance at all. I say that the business of the people of the United States should be conducted upon business principles; and there is not one Senator here to-day who would for a single moment think of applying the system that now prevails in this country to his own private business.

Mr. HALE. Mr. President, it strikes me that there is a good deal of force in what the Senator from Missouri has observed in reference to the inadequate compensation the Government pays to the officers who have this great business of the public buildings in charge. The pay is not commensurate with the importance of the place; of that there can be no doubt. And yet bright and competent architects are always very well pleased to be connected with this work, and especially to hold the position of Supervising Architect of the Treasury, under which most of this work is done. The enlarged experience, the broad acquaintance that is made, and the reputation that may naturally follow a man's successful course in this office, give him a great advantage when he leaves the office and returns to the field of private competition; and the history of this office has been for years that the men who have left it have gone into their old vocation in private life benefited undoubtedly by this experience. So that is to a degree an offset against the poor pay that we give them.

What I wish especially to call attention to—because, as I said before, the Senate has got to meet it—is the call that is made upon us now from the Supervising Architect's Office and from the Treasury Department for money appropriations in excess of the limit heretofore fixed by Congress. For this I do not blame the present Architect. I have had but little business to do with him since he came in, and that business has impressed me favorably with him personally. But for the first time Congress is confronted with this condition in regard to the public buildings throughout the country. Everybody knows that for years past as a building in a particular place neared its completion its friends and the representatives of the community where it is being built appear in Congress, either in the other branch or here, and seek to remove the limit and to get an increased appropriation; but it is only of late that the Department itself having charge of this work, limited by the decree of Congress in fixing the limitation on the several buildings, has adopted as an estimate of an actual deficiency for the current year the claims that are set up for increased expenditure.

The advocates of the buildings, the Representatives of the districts or the Senators from the States, are not left as heretofore to fight it out on the floor of either the one House or the other in Congress and get their increase if they can, but the Department, disregarding the limitation fixed by law, has adopted these estimates for deficiencies.

I hold here now a document which is headed, not "ordinary deficiencies," but "urgent deficiencies," deficiencies that press, deficiencies that must needs be inevitable, upon which speedy attention is demanded, and the heading, further, of the estimates is in this language:

Estimates of deficiencies in appropriations required to meet urgent demands of the Government for the fiscal year 1888, and for prior years—

Not to be embraced in the general deficiency appropriation bill, where we have formerly put such items, if put at all, but in the urgent deficiency bill that hangs as a menace over Congress, that if it does not promptly treat the subjects that are called for in this document great harm will result to the public service; and here are the items on the subject about which we are talking; I will read them in alphabetical order:

Auburn, N. Y.: Post-office, court-house, etc.—
For completion, in excess of the limit..... $30,000

Mr. EDMUNDS. Where do those estimates come from?

Mr. HALE. From the Treasury Department, and sent down with this heading, indicating that they are urgent, not ordinary deficiencies.

Augusta, Me.—

The building to which I before referred—

Augusta, Me.: Post-office, court-house, etc.—
For completion, in excess of the limit..... $35,000

Whenever that is reached upon any appropriation bill, I shall have something to say as to the reasons that have caused this deficit in that appropriation, this request for $35,000 more money than was originally appropriated, when all that was asked for was given.

Buffalo, N. Y.: Custom-house and post-office—
For completion, in excess of the limit..... $500
Carson City, Nev.: Court-house, post-office, etc.—
For completion, in excess of the limit..... 86,000
Charleston, S. C.: Custom-house wharf—
For extension and completion, in excess of the limit..... 138,000
Concord, N. H.: Post-office, court-house, etc.—
For completion, in excess of the limit..... 11,000
Dallas, Tex.: Court-house, post-office, etc.—
For completion, in excess of the limit..... 11,000
Denver, Colo.: Court-house, post-office, etc.—
For extension and completion, in excess of the limit..... 60,000
Fort Wayne, Ind.: Court-house, post-office, etc.—
For completion, in excess of the limit..... 16,000
Hannibal, Mo.: Post-office, etc.—
For completion, in excess of the limit..... 2,000

Mr. BECK. While the Senator is going on with that, as I am not well enough advised about it, I ask him whether many of those things do not arise from the fact that under previous contracts, until a new ruling by Secretary Fairchild, the house was considered completed when the building was roofed, or regardless of the approaches. Those old contracts were made on that basis, and the building was called complete when the work on it was done. A late ruling requires that the approaches shall all be embraced and made part of the contract, and therefore, under the late ruling, whenever a building was finished and the heating apparatus and the approaches are not completed, there would be a deficiency. Is not that the case?

Mr. HALE. I happen to know about that. In small sums that is true, and the decision undoubtedly in such cases has helped to swell this estimate, but it only applies in a limited amount. For instance——

Mr. BECK. One more suggestion and I am done. Perhaps we shall get some good out of this talk when we come to regulating the matter hereafter. Is it not the fact when a force is employed of watchmen, clerks, messengers, and I do not know what they call them, that they are always paid and kept under pay until the last brick in the pavement is laid all around, and all the approaches are finished?

Mr. HALE. Undoubtedly.

Mr. BECK. That has been stopped, has it not?

Mr. HALE. All of this is an old practice, but never so great, I think, as at present in its abuse; but still it is an old practice, coming down somewhat from the past, and in estimating what the limit shall be originally in the Architect's office, which limitation Congress accepts, all of these things are included.

Now, the consideration about heating apparatus, approaches, etc., which are held under the decision of the Treasury to swell the cost, only applies in a small degree, and it can not apply excepting in the case of a building nearly completed. In the case of the building at Augusta, Me., where it is only just begun, it has already been found that under the management, or mismanagement, there, there are $35,000 short, and in addition to that they have another estimate in for fire-proofing the building.

In addition to that, which I did not read, take the work at Charleston, $138,000. That is not in any way increased, or to any material extent, by the consideration suggested by the Senator from Kentucky. No, it is the deliberate adoption on the part of the Department of this cry for more money over and above the limit fixed for the building, when I think it would have been better administration if the Department had said, "Congress has given us a rule in these buildings; Congress has fixed a limit; if Congress removes the limit, then we will estimate as to what more is needed to complete the buildings;" but I do complain that Congress is called upon now by the Department as an urgent deficiency to increase these items. Let me continue reading:

Jackson, Tenn.: Court-house, post-office, etc.—
For completion, in excess of the limit..... $1,000
Keokuk, Iowa: Court-house, post-office, etc.—
For completion, in excess of the limit..... 15,000
Leavenworth, Kans.: Court-house, post-office, etc.—
For completion, in excess of the limit..... 3,000
Lynchburgh, Va.: Court-house, post-office, etc.—
For the completion, in excess of the limit..... 2,000
Manchester, N. H.: Post-office, court-house, etc.—
For fire-proofing and completion, in excess of the limit..... 46,000
Montpelier, Vt.: Post-office, court-house, etc.—
For completion, in excess of the limit..... 20,000

I am informed that in the latter case, where it is already settled by the Department that the limit is to be exceeded, hardly a stone or brick has been laid.

Pensacola, Fla.: Court-house, post-office, etc.—
For completion, in excess of the limit..... $2,600
Port Townsend, Wash.: Custom-house, post-office, etc.—
For completion, in excess of the limit..... 38,000

Poughkeepsie, N. Y.: Post-office, etc.—
For completion, in excess of the limit $500
Richmond, Va.: Custom-house, etc.—
For completion, in excess of the limit 33,000
Rochester, N. Y.; Court-house, post-office, etc.—
For fire-proofing and completion, in excess of the limit 50,000
Shreveport, La.: Post-office, court-house, etc.—
For plumbing and completion, in excess of the limit 2,000
Springfield, Ohio: Post-office, etc.—
For completion, in excess of the limit 15,000
Syracuse, N. Y.: Post-office, court-house, etc.—
For extension, granite work for approaches, and completion, in excess of the limit 65,000
Terre Haute, Ind.: Post-office, etc.—
For completion, in excess of the limit 32,000
Toledo, Ohio: Custom-house, court-house, etc.—
For completion, in excess of the limit 17,000

And the aggregate is $796,500 in an urgent deficiency estimate. What the conditions are that have changed from the conditions of the past that should justify this urgent demand upon Congress to change what is substantially the law in twenty or thirty different cases, enacted by Congress, I fail to see. That there has been solicitation most abundant and overpowering before the Department I can well conceive; but, as I have said before, it occurs to me that it would have been better administration if the Treasury Department had said, "There is the written law; there is the statute enacted by Congress that authorizes the building of this structure, and until Congress declares that the limit fixed therein shall be exceeded or changed the Department administering the law passed by Congress will not step one foot beyond the boundary of that law. Get your limitation increased by Congress, gentlemen, and then the Department will estimate the cost upon plans that it will submit."

I hope, Mr. President, that this is not an adoption of a new rule of action in the Department under which, at the beginning of every session of Congress, we shall have claims put in here, or estimates made here for what are called urgent deficiencies of this kind; and the subject to me is so important that I have been glad that the Senator from Vermont has raised the question upon this bill which, as I have said, I know but little, or nothing, in fact, about, in order that these facts might be presented.

Mr. TELLER. Mr. President——

Mr. MORRILL. Will the Senator from Colorado, before he proceeds, allow me to read the phraseology which has been inflexibly adopted by the Committee on Public Buildings and Grounds in relation to all of these buildings which have been authorized. I read from a bill that was passed last session for Springfield, Mass.:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States post-office, internal-revenue office, and other Government offices, at the city of Springfield, Mass. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $150,000.

That is the precise formula that has been adopted for years, and so far as the Committee on Public Buildings and Grounds are concerned they have made the law as stringent as possible.

Mr. HALE. And was it not the expectation in this case as in every other that the building when completed should be confined to the limit fixed by the committee and then by Congress?

Mr. MORRILL. Of course it was.

Mr. EDMUNDS. And put in working operation.

Mr. SPOONER. I should like to say, by way of supplementing what has been said by the Senator from Vermont [Mr. MORRILL], that in the bills which have been reported by the Committee on Public Buildings and Grounds at this session we have incorporated a provision that the erection of the building shall not be commenced until the plans have been completed and approved according to law, and the estimates fully made and submitted and approved upon the basis fixed in the law.

Mr. TELLER. Mr. President, several years ago, I should say at least six years ago, perhaps seven, Congress appropriated $300,000 for a public building at Denver. That was a very small sum for a place that promises as much as Denver. From the time the appropriation was made to the time that the building had got up to the level of the street, which was somewhere in the neighborhood of two or three years—I do not remember just exactly what—the population of the city had doubled, and before they ever get the roof on, if they should ever succeed in doing so—and that is let by contract and not being done by days' work—or even before they get the joists in the first story, there will be three times as many people in Denver as when Congress passed the law.

After the bill had been passed and the plans had been prepared and the building had been laid out on the ground and the cellar dug, or the basement, or whatever it is, and the United States officials began to look at the size of the rooms, they discovered that they were ridiculously small and entirely inadequate to the business. Thereupon at the last session of Congress the limit was raised from $300,000 to $575,000, and preparation was made for the enlargement of the building correspondingly. This could be done at that time without any waste of money, except the waste that might be incurred in having the watchmen, etc., who are spoken of. The basement walls were so thick that they could be increased without adding materially to the expense, without taking them up, and they were left there; so that there was practically no expense. After all this it was discovered that the building was still not large enough. It is a notorious fact that Denver is full of people, and the post-office establishment is in a very small room, crowded with people, who stand around waiting for their turn to get into line, and the post-office officials declare that the building will be entirely inadequate for the increased amount of business. I will not undertake to state here now what the business of the Denver post-office is, but it is at least three times that of any city of equal size in any of the New England States.

Mr. EDMUNDS. What is the population now?

Mr. TELLER. Seventy-five thousand, probably; and you can readily see how that is. In the first place you have a system that enables our wives and daughters in Colorado to send to New York and New England to buy their dry goods and have them sent by mail. They do that. Then the city is always full of strangers, who go to the office for their mail. As I say, men stand for hours now sometimes to get to the window that they may get their mail. So of course there is necessity for more room, as the officials say.

It is the suggestion of the Department that in the rear of the building now being constructed on the main traveled street of the city we can extend it for $60,000, so as to add to the area of the building on the first floor 28 feet by 110. That will cost $60,000, and that will make an efficient and valuable post-office; and without it they will have a post-office that never will be large enough for the town.

But is there not some fault here when we commence so inadequate a structure for a town like Denver that everybody knows, who has given the least attention to settlements in that country, must be a great town some day—600 miles from any public building, 600 miles from where the Government had ever put a dollar for the benefit of the people of that western country, and the only building you put in Colorado except the penitentiary that you erected for the Territory some years ago for the moderate sum of $28,000, which ultimately, of course, fell to the State.

I say that the appropriation of $575,000, with $60,000 added, is not an improper appropriation for the city of Denver. It is not now what it ought to be by three or four hundred thousand dollars, and no money will be wasted by this appropriation, and none has been wasted there. It is standing there without anything having been done with it, because last year the enormous appropriation was made for that building of $25,000, and it was so small that the contractors declined to go on, as they ought to have declined.

Mr. HALE. Why did you not get more?

Mr. TELLER. I had more appropriated in the bill, but when it got into one of the conference committees, that no man living outside the committees ever understood the intricacies of, it was juggled out in some way [laughter], and instead of coming out $115,000, it came out $25,000. I was not astute enough to discover it until several months after the bill had become a law, neither was my colleague, nor was the gentleman who represented the State at the other end of the Capitol. We did not discover it until it was too late. So there it stood, and it will not be any special credit to the Government when it is built. There will be plenty of private buildings in the city of Denver that cost more money, that are of more value, and are more imposing in structure and better adapted to the purposes for which they were built than this, and the Government of the United States will, undoubtedly, when it has got this building, be the most poorly furnished of all those doing business in that great city.

Mr. HALE. Now, will the Senator allow me?

Mr. TELLER. Certainly.

Mr. HALE. He is furnishing a complete illustration of the evils that I have been complaining of. Granted that Denver is entitled to and should have for a public building a structure that costs not only five, or six, or eight hundred thousand dollars, the Senator has named so good a case showing that the limit should be increased that had it been presented to Congress which fixed the limit, and not to the Department, he would have had no trouble in securing an extension of the limit.

What I complain of is, that after Congress has once increased the limit of a building like this, or in this case, then the Secretary goes on and, as an urgent deficiency, calls upon Congress to appropriate $60,000 additional. That the money may be needed there on that work after Congress shall have passed upon it, I do not question; but it is beginning at the wrong end; it is putting the cart before the horse. Congress should pass upon these questions. If it pretends to fix limits it ought to unfix limits, and nobody else ought to do it. I do not make any question about the situation in Denver.

Mr. TELLER. I am inclined to agree with the suggestion of the Senator, which implies at least that when my bill gets here he is going to vote for it; but I have had some experience in this body, and have had some experience with raising the limit of this building, and I know how difficult it was to get it from $300,000 to $575,000. I knew I could not get the limit raised any higher unless I got the approval of the Department, and I went to the Department for the purpose, and I suppose this perhaps arises out of the complaints made by our people and my representations to the Department. If they say now that in their judg-

ment, the judgment of men charged with the erection of this building, $60,000 more ought to be appropriated—the building is in an unfinished state, the building is now in a proper state to be enlarged without any waste of money to the Government—I do not see why it can not just as well come in that way as to come in the shape of a special bill, which must run the gauntlet of the committees and then of the other House. Besides, we have a bill before that committee now for a town of twenty-odd thousand people, where there is a United States court, where there is a United States revenue collector, and all the officers of the Government, and we have not yet got any response from the committee, and I am fearful we shall not get any. I would rather see this appropriation go through on the urgent deficiency bill than to take the risk of any separate bill, although, of course, if I can not get it through there I shall be in favor of the bill.

I only wanted to say that there has been no misappropriation so far as this building is concerned, there has been no extravagance, there has been no demand for a building beyond the wants of the community and the Government; and when the building is completed with the $60,000 added, it will not be big enough for the business of the United States Government in the city of Denver.

Mr. EDMUNDS. Mr. President, without any prejudice to the bill of the Senator from Florida—there must be further discussion—but without any particular reference to that bill, it is extremely desirable that there should be an executive session, and I move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. There are some things which the Senator from South Carolina [Mr. BUTLER] and I desire to say in response to what I am told the Senator from Kansas [Mr. PLUMB] has said in regard to the Congressional Library, but an opportunity will present itself again, I suppose, if it is desirable to have an executive session now; but I wish to say—the Senator from Vermont will bear with me a moment——

Mr. EDMUNDS. Certainly.

Mr. VOORHEES. I wish to say that on the question of the construction of the Congressional Library every just criticism can be easily answered, and I am prepared to make answer now, as is the Senator from South Carolina, and we had hoped we should have the opportunity to do so this afternoon.

As chairman of the Committee on Additional Accommodations for the Library, the Senator from South Carolina being on the committee with me, I have desired a meeting of the committee, but there was some irregularity in the construction of the committee which has caused some delay; otherwise the intimations which have been put forth would have been more promptly answered than they have been. Feeling perfectly secure in the integrity with which this work has been carried forward, I have felt no panic and no haste in regard to the charges which have been made.

The law by which this work is going forward places it in the hands of the Secretary of the Interior, the Librarian of Congress, and the Architect of the Capitol. Those are the men charged by the law—I have the law here—with the execution of this work. The bill authorizing the work was passed in April, 1886. The first six months were taken up in the condemnation and purchase of the property necessary. Winter came on and then the work was suspended. During the last summer a vast amount of work has been done. The excavation and the grading has been accomplished, and more would have been done but for the fact that a controversy arose with a contractor by the name of Barnes, who contracted to put in cement for the foundation, and when it was brought forward it failed to respond to the necessary requirements of the contract.

I do not know how long I may be permitted to occupy the floor, but I say here that Mr. Smithmeyer, the architect of the Library, applied not only every test that he had at his command, but that he then placed the cement that has caused all the trouble—the petition of the contractor being here before me—I say Mr. Smithmeyer submitted it to the office of the Washington Aqueduct in charge of Colonel Lydecker, a United States engineer and ex-commissioner of the District of Columbia. He submitted it to the chemical laboratory of the District in charge of Professor Richardson, under the direction of Capt. T. W. Symons, United States Engineer Corps, and Colonel Hains of the United States Engineer Corps, and also to the United States navy-yard, in charge of Mr. Menocal, civil engineer, and to others.

Numerous other authorities and experts were called in. They all condemned this cement as unsafe to be put in. The only man that pretended that it could be used was General Meigs, and he himself said it did not respond to the scientific tests, but gave as an outside opinion that he thought it would be safe in the long run.

This controversy arose when there were perhaps sixty working days yet before winter set in, and there was that much lost time, and that was all. The winter is on now and no work can be done.

I am speaking now by the courtesy of the Senator from Vermont, but I wanted to say this much because on repeated occasions there have been allusions to delay, as if somebody was at fault. I stand here to refer any Senator to Mr. Spofford, of the Library. He is known. I refer to him as the best informed man on this whole subject, not excepting the Senator from Kansas or anybody else, and it is too much for the Senator from Kansas to say that there is no honest purpose to execute this work, when it is in the hands of the Secretary of the Interior, of the Librarian of Congress, and the Architect of the Capitol. The Architect of the Capitol and the architect of the Library may differ on some questions. So be it. Honest men often differ; but the commission composed of Secretary Lamar, Mr. Spofford, and Mr. Clark has sustained Mr. Smithmeyer in all his objections to this rotten cement. I have the tests here. I speak with knowledge. I have the reports here, and I ask Senators to get the report of the commission for the construction of the Congressional Library in response to the resolution of the Senate of January 4, 1888, and go over it; see what the requirements of the contract are; see what the controversy is about; see who made this delay, and it will be found that the delay has been made by a contractor in fault in his material, according to every test that has been applied to it.

I ask that the floor be occupied for a moment by the Senator from South Carolina.

Mr. BUTLER. I did intend to make some observations in reply to what I think was not exactly the fair criticism of the Senator from Kansas and the Senator from Missouri on this work and those who have charge of it, but as the Senate is getting tired I will reserve that for another occasion.

Mr. PLUMB. I want to say simply that all that the Senator from Indiana has said is entirely apart from the observations which I made.

Mr. VOORHEES. I will say to the Senator that I did not hear his observations. I came in after they were made, but was informed of them.

Mr. PLUMB. I should be glad to have the Senator examine and elucidate that bill of expenses which I presented.

Mr. VOORHEES. I will do so. I do not claim to be a great financier; I have not been successful on that subject; but a plain sum in arithmetic, addition, subtraction, or division, I can master.

Mr. PLUMB. I did not question that the money had been spent, but I did question the propriety of spending it, and I should be very glad indeed to have the Senator from Indiana or anybody else take up that list of employés, women employed to take care of horses and carts, and things of that kind, and including all this staff doing nothing, and tell the Senate or somebody just where the money has gone.

Mr. BUTLER. I think there will not be the slightest difficulty in doing that.

Mr. PLUMB. I shall be glad to have it done.

Mr. VOORHEES. Besides, one-half what the Senator said has no foundation in fact.

Mr. PLUMB. It was the report of the commission which I read from.

Mr. CALL. I hope the Senator from Vermont will allow us to dispose of the bill.

Mr. EDMUNDS. In order to have this whole subject disposed of, I was about to suggest a unanimous understanding that we take this bill up in the morning hour on Monday, as I wish to say something more myself on the general subject; but as the Senator from Florida is anxious about it, and this is only one little bill, if we can get a vote without further debate, I will withdraw the motion for an executive session.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting that motion, the Chair begs the indulgence of the Senate to lay before the Senate certain bills from the House of Representatives for reference.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 326) for the relief of Mrs. Frances Marshall;

A bill (H. R. 2592) for the relief of Andrew Gleeson; and

A bill (H. R. 3902) for the relief of Sophia B. Moore.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 2457) to increase the pension of Hubert M. Potter—to the Committee on Pensions.

The bill (H. R. 1514) relating to the record of wills in the District of Columbia—to the Committee on the District of Columbia.

The bill (H. R. 1844) to promote agriculture, and for other purposes—to the Committee on Agriculture and Forestry.

The bill (H. R. 4342) to discontinue the coinage of the three-cent piece—to the Committee on Finance.

The bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplifications of land patents, and for other purposes—to the Committee on Public Lands.

The bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape—to the Committee on the District of Columbia.

J. D. & C. T. HEWLET.

The PRESIDENT *pro tempore* laid before the Senate the following resolution received from the House of Representatives; which was read:

Resolved, That the Clerk of the House be directed to transmit to the Senate, in compliance with its request, the papers in relation to the claim of J. D. & C. T. Hewlet transmitted to the House under the act of May 15, 1886.

The PRESIDENT *pro tempore*. What disposition does the Senator from Massachusetts desire made of the papers?

Mr. DAWES. Let them be referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. It will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 874) for the relief of John A. Thompson; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5352) to grant an American register to the foreign-built bark Nordstjernen; and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill (H. R. 874) for the relief of John A. Thompson was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the bill (S. 371) to aid in the establishment and temporary support of common schools. The Senator from Vermont [Mr. EDMUNDS] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until Monday, February 13, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 9th day of February, 1888.

POSTMASTERS.

John B. Abbott, to be postmaster at Geneseo, in the county of Livingston and State of New York, in the place of John F. Bishop, whose commission expires February 19, 1888.

Hiram Bogardus, to be postmaster at Coxsackie, in the county of Greene and State of New York, in the place of Willis N. Grant, whose commission expired January 7, 1888.

Morgan H. Hoyt, to be postmaster at Brewster, in the county of Putnam and State of New York, in the place of Alexander F. Lobdell, whose commission expired January 7, 1888.

Henry K. Peffer, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania, in the place of Joseph W. Ogilby, whose commission expired February 4, 1888.

UNITED STATES ATTORNEY.

J. Marion Brooks, of California, to be attorney of the United States for the southern district of California. Original appointment authorized by act of Congress approved August 5, 1886.

UNITED STATES MARSHAL.

Benjamin F. Wade, of Ohio, to be marshal of the United States for the northern district of Ohio, *vice* W. F. Goodspeed, whose term expires February 15, 1888.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 9, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MIAMI INDIANS OF EEL RIVER AND POTTAWATOMIES OF HURON.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an amended estimate from the Secretary of the Interior of appropriations for fulfilling treaties with the Miami Indians of Eel River and the Pottawatomies of Huron; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JETTIES, SOUTH PASS, MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with inclosures, a letter from the Chief of Engineers, recommending that provision be made to pay expenses of surveys for jetties at the South Pass of the Mississippi River authorized by the river and harbor act of March 3, 1875; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SETTLEMENT OF INDIAN AGENTS' ACCOUNTS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of Indian Affairs, a draught and recommending the passage of a bill to authorize the accounting officers of the Treasury to allow certain credits in settlement of accounts of Indian agents; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PRESERVATION OF FORESTS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House, a communication from the First Assistant Secretary of the Interior in relation to the disposal of timber lands and the proposed plan for the preservation of the national forest lands at the headwaters of navigable rivers; which was referred to the Committee on the Public Lands.

PUBLIC BUILDING, ATLANTA, GA.

The SPEAKER also laid before the House a letter from the Attorney-General, recommending an extension of the public building at Atlanta, Ga.; which was referred to the Committee on Public Buildings and Grounds.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House a copy of findings of fact by the Court of Claims in each of the following cases; which were severally referred to the Committee on War Claims; namely: Elizabeth Seward, Sarah M. Thomas, and Mattie B. Pitman *vs.* The United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GROSVENOR, for three days.

To Mr. JACKSON, indefinitely, on account of important business.

To Mr. ROGERS, indefinitely, on account of sickness.

SESSIONS OF SPECIAL COMMITTEE ON PRINTING.

The SPEAKER. The special Committee on Printing ask leave to be permitted to sit during the sessions of the House. If there be no objection, the request will be granted.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 648) for the relief of Charles L. Scudder, which I send to the desk, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Let the report be read.

Mr. SPRINGER. I object, and demand the regular order. Here is a bill proposing to appropriate some $3,000, which ought to be considered in committee.

Mr. TAULBEE. I will say to the gentleman that this bill has been considered in committee, as I reported it myself.

Mr. SPRINGER. I mean the Committee of the Whole.

The SPEAKER. The regular order being demanded, is the call of the standing and select committees for reports.

HENRY H. MARMADUKE.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (S. 1754) for the relief of Henry H. Marmaduke, of Missouri; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS JORDAN.

Mr. CULBERSON also, from the Committee on the Judiciary, reported, as a substitute for House bill No. 5876, a bill (H. R. 6946) to remove the political disabilities of Thomas Jordan; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 5876 was ordered to lie on the table.

VALIDATION OF CERTAIN PATENTS.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back favorably the bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS, OWENSBOROUGH, KY.

Mr. COLLINS, from the Committee on the Judiciary, reported back favorably the bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. COLLINS also, from the Committee on the Judiciary, reported

back with an adverse recommendation the bill (H. R. 1990) to amend the act of the 20th of January, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801;" which was referred to the Committee of the Whole House on the state of the Union, and, with the adverse report, ordered to be printed.

Mr. COLLINS. On behalf of the gentleman from Arkansas [Mr. ROGERS], I ask that he be permitted hereafter to present the views of the minority upon the bill to accompany the report of the committee.

There was no objection, and it was so ordered.

TERMS OF COURT IN NEBRASKA.

Mr. FULLER, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

INTERNATIONAL MARINE CONFERENCE.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back with amendments the bill (H. R. 6554) providing for an international marine conference, to secure greater safety at sea.

The SPEAKER. Does this bill make an appropriation?

Mr. BELMONT. It does.

The SPEAKER. Then it must go to the Union Calendar.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

CHARGE FOR PASSPORTS.

Mr. HITT, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (S. 1027) to fix the charge for passports at $1; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COMPAGNIE GÉNÉRALE TRANSATLANTIQUE.

Mr. ROCKWELL, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 3197) referring to the Court of Claims the claim of the Compagnie Générale Transatlantique for duties on tonnage illegally exacted; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CADET-ENGINEERS.

Mr. HERBERT, from the Committee on Naval Affairs, reported as a substitute for the bill (H. R. 4582) for the relief of G. Kaemmerling and others, a bill (H. R. 6947) to restore certain cadet-engineers to their legal rights and to their proper office and rank in the United States Navy.

The SPEAKER. The committee can not report a public bill as a substitute for a private bill.

Mr. HERBERT. The original bill is really a public bill.

The bill (H. R. 6947) was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 4582 was laid on the table.

ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. BUCHANAN (for Mr. TARSNEY), from the Committee on Labor, reported back with amendments the bill (H. R. 1539) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The SPEAKER. Does the bill make an appropriation?

Mr. BUCHANAN. It will eventually necessitate an appropriation.

The SPEAKER. Does it make the decision of the Court of Claims final?

Mr. BUCHANAN. It does.

The SPEAKER. The bill will go to the Union Calendar.

The bill was referred to the Committee of the Whole on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

Mr. BUCHANAN (for Mr. TARSNEY) also reported back with an adverse recommendation the bill (H. R. 1530) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was laid on the table.

RESTORATION OF PENSIONS.

Mr. SCULL, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 4384) to restore pensions in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FLORIDA CLAIM.

Mr. DOUGHERTY, from the Committee on Claims, reported back with amendments the bill (H. R. 3255) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, requested the House of Representatives to transmit to the Senate, for the use of the Committee on Indian Affairs, all papers in relation to the claim of J. D. & C. T. Hewlet, sent to that body on the 5th of January last, in compliance with the act of May 15, 1886.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.;

A bill (S. 281) for the erection of a public building at Kansas City, Mo.;

A bill (S. 423) to enable the State of Colorado to select indemnity school lands;

A bill (S. 968) for the relief of Leslie Bassett; and

A bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases.

The message further announced that the Senate had passed House bills of the following titles without amendment:

A bill (H. R. 2578) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.; and

A bill (H. R. 5352) to grant an American register to the foreign-built bark Nordstjernen.

The SPEAKER. The call of the standing and select committees is now completed.

A. CUSIMANO & CO.

Mr. TURNER, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 4880) for the relief of A. Cusimano & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BELMONT. Mr. Speaker, I am instructed by the Committee on Foreign Affairs to ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That Tuesday, the 14th, and Wednesday, the 15th days of February, 1888, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Foreign Affairs, in such order as may be designated by said committee, this order not to conflict with prior orders or with revenue or general appropriation bills.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. DINGLEY. I suggest to the gentleman from New York that Tuesday of next week has been assigned for the consideration of the banking bill, of which the gentleman from Ohio [Mr. WILKINS] has charge, and Wednesday, the 15th, for the consideration of the bill which was before the House yesterday. I shall have to object to either of those days, but I have no objection to any other day.

Mr. BELMONT. Let it be Thursday and Friday.

The SPEAKER. Friday is private-bill day.

Mr. BELMONT. Then make it Thursday and Saturday.

The SPEAKER. Is there objection?

Mr. SPRINGER. Does the resolution leave out the consideration hour?

The SPEAKER. The Clerk will report the resolution as modified.

The Clerk read as follows:

Resolved, That Thursday, the 16th, and Saturday, the 18th days of February, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Foreign Affairs in such order as may be designated by said committee, this order not to conflict with prior orders or with revenue or general appropriation bills.

The resolution was agreed to.

Mr. BELMONT moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CERTAIN UNITED STATES LANDS IN KANSAS.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to take up for present consideration a Senate bill which has been reported unanimously from the House Committee on the Public Lands.

The SPEAKER. Is it a private bill?

Mr. RYAN. It is a private bill. I think there will be no objection to it.

Mr. SPRINGER. Mr. Speaker, I want to state generally now that I shall object to the consideration of private bills by unanimous con-

sent except on Fridays. I am willing to give up all of that day to such bills, but I do not think we ought to occupy any other days in that way.

Mr. RYAN. I hope the gentleman will not object to this bill.

Mr. SPRINGER. I do not know that this is a private bill.

Mr. RYAN. Well, you may call it a private or not a private bill.

The SPEAKER. Does the bill name the beneficiaries, or does it apply to a class?

Mr. RYAN. It does not name the beneficiaries.

The SPEAKER. Then it is not a private bill. The Clerk will report the bill.

The bill (S. 1022) was read, as follows:

Be it enacted, etc., That all the interest of the United States in and to the southwest fractional quarter of section 31, township 16, range 16 east of the sixth principal meridian, Osage County, Kansas, is hereby relinquished to those persons, their grantees, and their successors in interest, who purchased from Samuel C. Gilliland, who entered the same on the 7th day of June, 1870, and which entry was thereafter canceled.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. RYAN]?

Mr. MCMILLIN. Let the report be read.

The report (by Mr. TURNER) was read, as follows:

I am directed by the Committee on the Public Lands, to whom was referred the bill (S. 1022) to relinquish the interest of the United States in certain lands in Kansas, to report the same without amendment.

Mr. MCMILLIN. I wish the gentleman from Kansas [Mr. RYAN] would state the nature of the bill.

Mr. RYAN. It is a Senate bill. It came to the House, was referred to the Committee on Public Lands, and has been reported unanimously by that committee. The facts are these: In 1870 a fractional quarter of a section of land was entered by a man named Gilliland. Subsequently he proved up and paid up, and then transferred the land to another party. Later the land became a part of the city of Lyndon. It was cut up into town lots, and is now occupied by perhaps a thousand people. Subsequently it was ascertained by the Department that Gilliland was not eligible to enter the land, and his entry was canceled. This bill simply perfects the title of those who now occupy the land, having bought it and paid for it.

Mr. MCMILLIN. The land was regularly disposed of and the Government got the price of it?

Mr. RYAN. Yes, sir.

Mr. SPRINGER. And this bill is needed to protect those people against any one who may want to take it up with scrip?

Mr. RYAN. Yes.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM OF J. D. & C. T. HEWLET.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *February* 8, 1888.

Resolved, That the House of Representatives be requested to transmit to the Senate, for the use of the Committee on Indian Affairs, all papers in relation to the claim of J. D. & C. T. Hewlet, sent to that body on the 5th of January last, in compliance with the act of May 15, 1886.

The SPEAKER. If there be no objection, this request of the Senate will be granted, and the Clerk of the House will be directed to transmit the papers mentioned.

There was no objection, and it was ordered accordingly.

OVERLOADING OF VESSELS ON GREAT LAKES, ETC.

Mr. NUTTING, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Merchant Marine and Shipping:

Whereas at a convention of seamen held at Toledo, Ohio, January, 1888, delegations were present from Chicago, Milwaukee, Detroit, Toledo, Cleveland, Buffalo, and Oswego, and said delegations represented more than 5,000 seamen of the great chain of lakes; that said convention passed the following preamble:

"Whereas seventy-three vessels, aggregating a tonnage of 20,678 tons and valued with cargoes at $2,500,000, together with two hundred and four lives, were lost on the Great Lakes during the season of 1887; and

"Whereas the two hundred and four lives lost, with the vessels mentioned, caused such an intense feeling of indignation throughout the country that the press was loud in its denunciation of underwriters and the incompetency of Government inspectors; and

"Whereas, as is well known, a majority of vessels lost on the Great Lakes during the season of 1887 were rendered unseaworthy by being loaded beyond their carrying capacity, thereby causing them to founder and carry to the bottom with them, in most cases, the entire crew, and as a consequence, leaving widows and orphans destitute of their natural protectors:" Therefore,

Resolved, That the Secretary of the Treasury of the United States be, and he is hereby, requested, if consistent with the public good, to transmit to this House all information in custody of said Department in regard to the matters and things set forth in said preamble; and said Secretary is requested to state whether there is any rule, order, or regulation of the Treasury Department the enforcement of which would prevent the overloading of vessels with freight, and as to whether there is any law or laws in force regulating the quantity of freight vessels on the Great Lakes shall carry.

Mr. NUTTING also, by unanimous consent, introduced a bill (H. R. 6948) to prevent the overloading of vessels and boats on the Great Lakes, etc.; which was read a first and second time, referred to the Committee on Merchant Marine and Shipping, and ordered to be printed.

HARBOR OF OSWEGO.

Mr. NUTTING also submitted the following resolution; which was read, and referred to the Committee on Rivers and Harbors:

Whereas it appears by the report of Chief of Engineers, in regard to river and harbor improvements for 1887, that about 150 linear feet of the west breakwater or pier in the harbor of Oswego, N. Y., has been swept away; and

Whereas it also appears that between two and three hundred linear feet of the east breakwater or pier in said harbor has been built; and

Whereas it is alleged that the above-described breach in the said pier or breakwater in time of storm allows the sea to come into the inner harbor to the extent that commerce (and vessels with property connected therewith) is endangered. It is also alleged, by sailors and masters of vessels frequenting said harbor, that the said portion of the east pier or breakwater already built is too near the west breakwater, thereby making the channel necessarily passed by vessels so narrow that in heavy weather, with west-northwest winds, all vessels are in danger in passing through, and that in fact since the building of said part of said east breakwater vessels have been wrecked because of the position of the said east pier or breakwater: Therefore,

Resolved, That the Secretary of War, by the Chief of Engineers aforesaid, be, and he is hereby, requested, if consistent with the public welfare, to report to this House:

First. Whether the said breached part of said west breakwater or pier ought at once to be repaired; and if so, what the cost of such repair will be.

Second. Whether, in the opinion of the engineers, the said east breakwater, so called, now erected in the mouth of the river does endanger vessels entering said harbor, and whether vessels have been injured and wrecked on said east pier, and whether said pier ought or ought not to be removed; and if it ought to be removed, what the cost of such removal will be.

Third. Whether the $80,000 recommended in the engineer's report for 1887 to be appropriated to Oswego Harbor by Congress at this session includes the expenditures necessary to repair said west breakwater and remove said east breakwater if the said breakwater should be repaired and removed.

Fourth. What the Chief of Engineers recommends the Congress to appropriate for the benefit of Oswego Harbor, and the amounts and particular purposes for which said money should be expended, including the repair of said west pier or breakwater and the removal of the said east pier, if such piers ought to be repaired and removed.

URGENT DEFICIENCY BILL.

Mr. BLAND. I call for the regular order.

Mr. BURNES. I desire to make a privileged report. Since the urgent deficiency bill (H. R. 6437) was reported to the House by the Committee on Appropriations so many other items of urgent deficiency have been brought to the attention of the committee that it has been deemed necessary to make a supplemental report, which I now ask to present, that it may be referred to the Committee of the Whole on the state of the Union and ordered to be printed.

Mr. HOLMAN. I reserve all points of order upon this report.

The supplemental report (embracing proposed amendments to House bill No. 6437) was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

TRUST FUND FOR BANK-NOTE REDEMPTION.

The SPEAKER. The hour for the consideration of bills reported by committees begins at seven minutes before 1 o'clock. The call rests with the Committee on Banking and Currency. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 2012) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes.

Mr. DINGLEY. Mr. Speaker, in the sixth line of the printed bill is a verbal error which I ask unanimous consent may be corrected by substituting the word "June" for "July."

The SPEAKER. If there be no objection, that verbal correction will be made.

There was no objection.

Mr. DINGLEY. I now ask unanimous consent that the bill may be printed in the RECORD, with the understanding that it shall go over, as the gentlemen of the House desire to examine it in detail.

Mr. WEAVER. Go over until what time?

Mr. DINGLEY. I will make the motion as agreed upon. I first ask unanimous consent that the bill be printed in the RECORD.

The SPEAKER. If there be no objection, that order will be made. The Chair hears no objection; and it is so ordered.

The bill, with the proviso reported by the Committee on Banking and Currency as an amendment, is as follows:

A bill (H. R. 2012) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized, out of any lawful money deposited by national banks for the purpose of retiring their circulation, under the provisions of section 4 of the act of June 20, 1874, and of sections 5222 and 5230 of the Revised Statutes of the United States, and of section 6 of the act of July 12, 1882, to purchase, at current market rates, under such regulations as he may prescribe, such bonds of the United States as in his judgment it will be for the interest of the Government to purchase, the bonds so purchased, together with the interest that may accrue on the same, to be held in trust and used for the payment of the circulating notes of the banks which have deposited lawful money for such payment: *Provided*, That not exceeding 80 per cent. of the lawful money so deposited shall at any time be invested as provided by this section: *And provided further*, That whenever, in the judgment of the Secretary of the Treasury, such circulating notes can not be redeemed from the uninvested lawful money so deposited and the interest on bonds so purchased, he may order the sale of so many of the bonds purchased and held, as provided in this act, as may be necessary to redeem the circulating notes for which lawful money was deposited.

Mr. DINGLEY. I now renew my motion that the further consideration of this bill be postponed——

The SPEAKER. That motion is pending.

Mr. DINGLEY. I move the previous question upon the motion.

Mr. PAYSON. What is the motion?

The SPEAKER. The Chair will state it. The gentleman from Maine [Mr. DINGLEY] moves that the further consideration of this bill be postponed until Wednesday next.

Mr. PAYSON. To come up during the second hour?

Mr. DINGLEY. After the hour for consideration of bills reported by committees.

The SPEAKER. The Chair thinks the bill can not be fixed for any particular hour except by consent; but when a bill is postponed until a particular day, it may be called up any time during that day when the consideration of bills of that character is in order, and would come up after the hour for consideration.

Mr. PAYSON. Under the general rules of the House?

The SPEAKER. Under the general rules.

Mr. WEAVER. And with the understanding that the previous question is not to be moved until after ample time has been given for debate.

Mr. ANDERSON, of Kansas. We would like to have that understood. I inquire of the gentleman from Maine [Mr. DINGLEY] whether he proposes to allow debate and amendment upon the bill or to call the previous question so soon as he may have made his own statement?

Mr. DINGLEY. The gentleman from Kansas misunderstood me. I merely demanded the previous question on the postponement of the bill. When the bill comes up for consideration I propose to give reasonable and adequate time for discussion.

Mr. WEAVER. That is right.

Mr. ANDERSON, of Kansas. Time will be afforded to offer amendments?

Mr. DINGLEY. Of course.

The previous question was ordered; and under the operation thereof the motion to postpone was agreed to.

DISCONTINUANCE OF COINAGE OF THREE-CENT PIECE.

Mr. BLAND. I call up for consideration a bill (H. R. 4342) to discontinue the coinage of the three-cent piece.

The bill was read, as follows:

Be it enacted, etc., That so much of section 3515 of the Revised Statutes of the United States as authorizes the coinage of the three-cent piece be, and the same is hereby, repealed.

SEC. 2. That as the said coin shall be paid to the United States the same shall be withdrawn from circulation and the metal thereof coined into five-cent pieces, in accordance with section 3515 of the Revised Statutes of the United States. All laws in conflict with this act are hereby repealed.

Mr. BLAND. This is a unanimous report of the Committee on Coinage, Weights, and Measures, and has the approval of the Director of the Mint. I presume there will be no objection to it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAND moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION OF AGRICULTURE.

Mr. HATCH. I will take the floor and yield to the gentleman from Tennessee [Mr. GLASS].

Mr. GLASS. I move to take up for present consideration a bill (H. R. 1844) to promote agriculture and for other purposes.

The SPEAKER. The bill is in the Committee of the Whole House on the state of the Union.

Mr. GLASS. I move, then, that that committee be discharged from the further consideration of the bill, and that it be considered in the House.

Mr. HATCH. I will state, Mr. Speaker, that I think the bill is improperly on the Calendar of the Committee of the Whole House on the state of the Union. At the last session the Speaker placed it on the House Calendar. It makes no appropriation. This is the same bill exactly.

The SPEAKER. This bill belongs to the House Calendar. It imposes certain duties on consuls without increasing the appropriation.

Mr. HATCH. It was placed on the House Calendar at the last session of Congress.

The SPEAKER. Is there objection to discharging the Committee of the Whole House on the state of the Union from its further consideration?

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That sections 1712 and 1713, in chapter 2, under Title XVIII of the Revised Statutes of the United States, relative to consuls and commercial agents, be, and they are hereby, so amended that they shall read as follows:

"SEC. 1712. Consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character and in such manner and form and at such times as the Department may from time to time prescribe. And they shall also procure and transmit to the Department of State, for the use of the Agricultural Department, monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed; and the Commissioner of Agriculture is hereby required and directed to embody the information thus obtained in his monthly bulletin of crop reports.

"SEC. 1713. Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is situated; and he shall also furnish to the Secretary of the Treasury, at least once in twelve months, the prices current of all articles of merchandise, including those of the farm, the garden, and the orchard, that are imported through the port or place in which he is stationed. And he shall also report as to the character of agricultural implements in use, and whether they are imported to or manufactured in that country; as to the character and extent of agricultural and horticultural pursuits there. That part of the information thus obtained which pertains to agriculture shall be transmitted by the Secretary of the Treasury, as soon as the same shall have been received by him, to the Commissioner of Agriculture, who shall include the same in his annual reports, stating the said prices in dollars and cents, and rendering tables of foreign weights and measures into their American equivalents."

Mr. GLASS. Mr. Speaker, this bill proposes to amend the Revised Statutes so as to place agriculture on the same level with commerce and manufactures. A part of the consular reports is required to be made to the Secretary of State and a part to the Secretary of the Treasury. This proposed amendment does not design to divert those reports from the State or Treasury Department, but merely, when made to the State or Treasury Department, that that portion which relates to agriculture shall be transmitted to the Commissioner of Agriculture, to be embraced in his monthly and annual reports.

I ask for the reading of the report.

The report (by Mr. GLASS) was read, as follows:

The Committee on Agriculture, to whom was referred House bill No. 1844, have had the same under consideration, and have agreed upon an amendment thereto, herewith submitted, and thereupon beg leave to make the following report:

Under existing laws, as set forth in sections 1712 and 1713, consuls and commercial agents are not specifically required to embrace in their reports agricultural and horticultural industries. It is but simple justice to persons engaged in the latter industries that they should have given to them and the country, in such reports, as full and as complete an account of the condition, character, extent, and modes of culture of the various products of the soil within the boundaries of each consular district as may be practicable, in order that those who till the soil of this country may be at all times informed as to the products of the soil of foreign countries with which this country has or may have commercial relations, as to what articles, the product of the soil, are imported into or exported from the consular districts to which they may have been accredited.

This information is necessary to enable the farmer to know where there will be a demand for his surplus products, and the probable price he will be able to realize. The markets of the farmers must be enlarged in view of the increasing products of the farm, the garden, and the orchard of this country, and these reports will greatly aid in bringing about such a result. Existing law appears to contemplate the collection of information specially as to the exports to this country, and not imports into the consulates of the consuls of this Government. The farmer who may have a surplus desires to know the best market to which it may be sent, and it is the duty of his Government to keep him advised of such facts.

Your committee recommend that the bill as amended do pass.

Mr. GLASS. I demand the previous question.

The previous question was ordered.

The amendments of the Committee on Agriculture were read, as follows:

After the word "obtained" and after the word "same" insert the words "or so much thereof as he may deem material and important."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. GLASS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE COMMITTEE.

Mr. DOCKERY. The gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post-Office and Post-Roads, has been called home by the sudden death of a relative, and I ask, by unanimous consent, that that committee be allowed its hour when he returns.

The SPEAKER. The gentleman moves that the Committee on the Post-Office and Post-Roads be passed over, to be called at some time after the chairman returns.

Mr. HOLMAN. I also suggest that the same privilege be accorded to the Committee on the Public Lands.

Mr. HATCH. The chairman of the Committee on the Public Lands is present.

Mr. HOLMAN. I will not press the request.

Mr. DOCKERY'S request was agreed to.

PUBLIC LANDS COMMITTEE.

Mr. HOLMAN. I hope there will be no objection to the Committee on the Public Lands being passed over for the present. The Committee on the Public Lands has a bill of some importance it desires to bring before the House, but the gentleman from Pennsylvania [Mr. JACKSON] on that committee, who has made the minority report, is not in his seat. I ask that the committee be passed over for the present.

Mr. WILKINS. I object.

Mr. HOLMAN. If the gentleman objects we will have to lose the hour, and I withdraw the request, as I do not propose, in the absence of the minority, to insist upon the consideration of the bill at this time.

Mr. MCKENNA. I hope the gentleman from Ohio will not object. The bill to be brought up is important to my State, but out of deference and consideration to the gentleman from Pennsylvania [Mr. JACK-

SON], who made the minority report, we have no desire to bring it up in his absence. I do not want to lose the hour by having the Committee on the Public Lands called now, and I hope there will be no objection to its being passed over, with the understanding it shall have an hour when the gentleman from Pennsylvania [Mr. JACKSON] returns.

Mr. WILKINS. Why, Mr. Speaker, the committee will be called again within a week.

Mr. HOLMAN. That is very true; but I think the gentleman can not discriminate between the committees. I was gratified indeed to find that he did not interpose an objection to the request made on behalf of the Committee on the Post-Office and Post-Roads a few moments since. I thought that a very proper request, in view of the absence of the chairman of the committee. But in this case the member of the Committee on the Public Lands having charge of the minority report is necessarily absent from the House; and I trust the gentleman will not interpose an objection, or press the committee unreasonably in his absence.

It is possible that we may not desire to be heard again until the committee is called in its regular order.

Mr. WILKINS. With the understanding that this is not to be taken as a precedent, for I shall object hereafter, I will withdraw the objection.

The SPEAKER. Is there further objection to the request? The Chair hears none; and the Committee on the Public Lands will be called hereafter when other business is not before the House in the morning hour.

BLACK BOB BAND OF SHAWNEE INDIANS.

The Committee on Indian Affairs was called.

Mr. PERKINS. I do not see the chairman of the committee in his seat, but wish to call up for present consideration the bill (H. R. 6364) to provide for the sale of the lands located and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes.

The SPEAKER. This bill is on the House Calendar. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, with the consent of the Indians, severally, to whom patents have been issued for lands assigned to them in what is designated as "Black Bob's settlement," under the provision of the second article of the treaty with the Shawnee Indians, bearing date May 10, 1854, or the heirs-at-law of such, expressed in such manner as he may prescribe, be, and he hereby is, authorized to cause to be appraised by three disinterested appraisers, one of whom, at least, shall be a freeholder and resident of the State of Kansas, and sold in tracts not exceeding 200 acres, all the land allotted and patented to said Indians the title to which has not passed out of the patentee, or his heirs, by deeds of conveyance approved by the Secretary of the Interior, as required by the conditions contained in the patents issued under the provisions of the eleventh section of the act of Congress approved March 3, 1859, or the title to which has not passed by virtue of any decree heretofore rendered by the United States circuit court for the district of Kansas, under the provisions of the joint resolution approved March 3, 1879. Said lands shall be appraised as if in a state of nature, but the enhanced value thereof by virtue of the settlement and improvement of the surrounding country shall be considered in ascertaining their value, and the facts and circumstances under which said improvements were made shall be taken into consideration: *Provided*, That the improvements thereon shall be appraised separate and distinct from the land.

SEC. 2. That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land office in tracts not exceeding 200 acres, which shall be the limit of the amount any one person shall be allowed to purchase, to the highest bidder for cash: *Provided*, That the said Secretary may dispose of the same upon the following terms as to payment, that is to say, one-third of the price of any tract of land sold under the provisions of this act to be paid by the purchaser on the day of sale, one-third in one year, and one-third in two years from said date, with interest on the deferred payments at the rate of 5 per cent. per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of six months shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made, and the land thus forfeited shall again be sold as in the first instance: *Provided further*, That any settler who has in good faith been residing upon any of said land, or has made valuable improvements thereon, shall, upon proof to that effect to the satisfaction of the Secretary of the Interior, be permitted to purchase at the appraised value thereof the tract so resided upon or improved by him, not exceeding 200 acres, and if any such settler shall fail to purchase the tract of land occupied or improved by him within a limited time, to be fixed by the Secretary of the Interior, which shall not be less than six months after the appraisement thereof, the same shall be sold without regard to the preference right to purchase conferred upon the settler by the provisions of this act: *And provided further*, That in event of the sale of any tract herein authorized to any person other than the settler thereon, the purchaser thereof shall pay to such settler the appraised value of his improvements, as determined and fixed under the provisions of this act, and who shall not be let into the possession of the land purchased by him until he has made or tendered to the settler the full payment of the appraised value of his improvements.

SEC. 3. That the net proceeds derived from the sale of the land herein authorized shall be placed in the Treasury to the credit of the Indians severally entitled thereto, and the Secretary of the Interior is hereby authorized to pay the same in cash to the original allottee and patentee, or the heirs-at-law or legal representatives of such: *Provided*, That the Secretary of the Interior shall pay to Thomas Carney, out of the proceeds of the sale of land described and set out therein, such sum or sums as he shall show to the satisfaction of the Secretary of the Interior he actually paid severally to the Indians, from whom he obtained twenty-five several deeds of conveyance, which deeds have not been passed upon by the United States circuit court for the district of Kansas nor received the approval of the Secretary of the Interior: *And provided further*, That the consideration named in the deeds shall not be taken as *prima facie* evidence of the sum so paid, but the grantee shall show by competent evidence the actual consideration paid.

SEC. 4. That when a purchaser shall have made full payment for a tract of land as herein provided, and for the improvements thereon, in case any tract shall be sold to any person other than a bona fide settler thereon, patent shall be issued as in the case of public lands under the homestead and pre-emption laws.

SEC. 5. That for the purpose of carrying out the provisions of this act there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500, or so much thereof as may be necessary, which sum shall be reimbursed pro rata out of the proceeds of the sale of the lands herein authorized: *Provided*, That the joint resolution of March 3, 1879, hereinbefore referred to, be, and the same is hereby, repealed: *And provided further*, That this act shall not be so construed as to affect the validity of any decree heretofore rendered by the United States circuit court for the district of Kansas, under the provisions of said joint resolution, or to impair the power of said court to set aside, amend, or correct any such decree, or to divest any party in interest of his right of appeal to the United States Supreme Court within the time limited by law: *And provided further*, That nothing herein contained shall affect any action pending on the 1st day of January, 1888, in any court of the United States having jurisdiction of the subject-matter to determine the right of any grantee under an alleged legal and valid deed from an Indian allottee: *And provided*, That none of the lands spoken of herein shall be sold at less than their appraised value.

Mr. PERKINS. Mr. Speaker, the report in this case is quite a lengthy one, and I think a brief statement of the provisions of the bill and the object it is intended to accomplish will be satisfactory to the members of the House.

I ask that the report be printed in the RECORD, as I am advised the supply is exhausted.

There was no objection.

The report (by Mr. PERKINS) is as follows:

This proposed legislation pertains to what are popularly called the Black Bob lands in Johnson County, Kansas.

By the amended second article of the treaty with the Shawnee Indians concluded May 10, 1854 (10 Stats., 1054), the United States ceded to that tribe "200,000 acres of land to be selected between the Missouri State line and a line parallel thereto and west of the same, 30 miles distant." The same article further provides that—

"All Shawnees residing east of said parallel line shall be entitled to, out of the residue of said 200,000 acres, if a single person, 200 acres, and if the head of a family, a quantity equal to 200 acres for each member of his or her family."

It also contains the following clause:

"In the settlement known as Black Bob's settlement, in which he has an improvement whereon he resides, and in that known as Long Tail's settlement, in which he has an improvement whereon he resides, there are a number of Shawnees who desire to hold their lands in common; it is therefore agreed that all Shawnees * * * who reside in said settlements respectively, and all who shall, within sixty days after the approval of the surveys hereinafter provided for, signify to the United States agent their election to join either of said communities and reside with them, shall have a quantity of land assigned and set off to them in a compact body at each of the settlements aforesaid, equal to 200 acres to every individual in each of said communities."

On the 1st day of February, 1856, instructions were issued by the Indian Office directing the United States Indian agent for the Shawnees to take a census of all members of the tribe and to call a council of the Shawnees with a view to the selection and assignment of lands as provided in the treaty.

From such census it appears there were one hundred and sixty-seven Indians located at Black Bob's settlement who held their lands in common, and for them there were selected 33,392 acres and a fraction of land, and which selection was approved by the Interior Department November 2, 1857.

Article 4 of the treaty provides that—

"Those of the Shawnees who may elect to live in common shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common, and such selections shall be made in all respects in conformity with the rules herein provided to govern those who shall in the first instance make separate selections."

Article 9 declares that Congress "may hereafter provide for the issuing to such of the Shawnees as may make separate selections, patents for the same, with such guards and restrictions as may seem advisable for their protection therein."

Afterwards Congress, by an act approved March 3, 1859 (11 Stats., 430), made provision for the issue of patents to certain Indians residing within the Territory of Kansas, as follows:

"That in all cases where, by the terms of any Indian treaty in Kansas Territory, said Indians are entitled to separate selections of land and to a patent therefor, under guards, restrictions, or conditions for their benefit, the Secretary of the Interior is hereby authorized to cause patents therefor to issue to such Indian or Indians and their heirs, upon such conditions and limitations, and under such guards or restrictions as may be prescribed by said Secretary."

In the course of time sixty-nine members of Black Bob's band made, under the direction of the United States agent for the tribe, separate selections of land, a list of which was reported by said agent, and upon the recommendation of the Indian Office, dated May 14, 1867, the Department directed the issue of patents to the individuals named therein, which was done June 10, 1867.

Afterwards sixty-five additional selections of land were made by members of Black Bob's band, a list of which was forwarded by the Indian agent for the tribe, in December, 1868, to the Indian Office, and on the 16th of March, 1869, the list was submitted to the Department, with the recommendation that individual patents issue therefor. On October 6, 1869, the Department directed the Commissioner of the General Land Office to cause patents to be issued, which was done on January 10, 1870. All patents issued to members of said Black Bob band were with the condition that the lands embraced therein were not to be sold or in any manner alienated without the consent of the Secretary of the Interior.

The United States Senate, by a resolution passed December 13, 1869, directed the Department to report for the information of that body copies of all papers on file relating to the disposal of the Black Bob lands, and requested a suspension of proceedings in the premises until Congressional action could be had in relation thereto. In compliance with said resolution, the Department, on January 15, 1870, transmitted to the Senate copies of the records and correspondence of the Indian Office pertinent to the history and status of the Black Bob Shawnee lands, and relative to sales of the same. (See Senate Executive Document No. 40, Forty-first Congress, first session.)

The sixty-five patents were therefore not delivered, and subsequently, by the provisions of section 14 of the act of Congress approved July 15, 1870 (16 Stats., 310), the Department was "directed to withhold patents for any portion of the lands known as the Black Bob Indian lands in Kansas," and also to withhold approval "of all transfers of said lands, and to permit peaceful occupancy by all settlers or Indians now residing thereon, until further action of Congress in relation thereto, without prejudice to existing rights."

This legislation was caused by the fact that all the lands of the Black Bob band were occupied by white settlers, a large number of whom it is claimed had been led to locate thereon by a letter from D. N. Cooley, then Commissioner of Indian Affairs, dated January 20, 1866, addressed to Hon. Sidney Clarke, House of Representatives, in which Mr. Cooley stated that—

"By a treaty recently negotiated with the Black Bob band of the Shawnee tribe of Indians, what is deemed a just provision, has been made for the protec-

tion of the rights of settlers, upon payment of a fair price for the land they respectively occupy, and a similar provision will be made in any negotiations which may hereafter be made."

It does not seem that any treaty of the character referred to by Mr. Cooley was ever ratified, and the statement was doubtless an unintentional mistake, caused by the fact that the subject of providing by treaty for the settlers upon the Black Bob's tract had been freely discussed.

Under the legislation above referred to the undelivered patents remained in the Indian Office, together with numerous deeds of conveyance by the Indians, unapproved, until Congress again took action in the matter by a joint resolution approved March 3, 1879 (20 Stats., 488), by which the Attorney-General of the United States was instructed to cause a suit in equity to be brought in the name of the United States in the circuit court for the district of Kansas, to quiet and finally settle the title to the lands claimed by or under said Black Bob band in Kansas or adversely to said titles.

On June 11, 1879, Hon. Charles Devens, as Attorney-General of the United States, appointed John Hutchings, esq., of Lawrence, Kans., to appear for, present, and protect the rights of said band of Indians in said suit, and on the 8th of August, 1882, a former special assistant United States attorney, appointed for that purpose, having resigned, W. J. Bushan, esq., of Wyandotte, Kans., was appointed by Mr. Brewster, then Attorney-General, special United States attorney to conduct said suit on behalf of the United States.

Suit was brought in accordance with the resolution of Congress, and on March 29, 1884, a decree was rendered by said circuit court, affirming the validity of the one hundred and thirty-four patents issued as hereinbefore stated.

Many conveyances had been made by the Indians of the lands patented to them, and these conveyances were confirmed by the court and subsequently approved by the Secretary of the Interior.

Thirteen additional selections of lands by members of the band that had not been approved by the Department were held valid by the court, and accordingly, except in one case, patents were issued, making one hundred and forty-six patents in all, covering 29,043 acres.

The court on November 22, 1886, rendered a supplemental decree covering a few additional cases. On the 27th October, 1884, Mr. Hutchings, special counsel for the Black Bob Indians in the suit referred to, transmitted an additional list of seven selections made by members of the band, and on the 4th of December, 1884, the Department held the allotments were authorized. In December of that year W. H. Robb, esq., then a United States special Indian agent, was instructed to ascertain whether said seven selections and sixteen others of the band were properly made, and, if so, to submit a schedule thereof for the action of the Department.

Mr. Robb was also instructed to make a valuation of the lands so allotted and of the improvements thereon for the information and future guidance of the Department.

Mr. Robb submitted his report, placing the land at from $2 to $15 per acre; and finding the improvements, which had been put there by the settlers who were in occupation of the land, to range in value from $25 to $2,000, he suggested that some arrangement be made whereby the settlers could obtain title from the Indians at the average value of $5 per acre. The Indian Office approved the schedule of allotments, and patents subsequently issued to twenty-one of the allottees. Since that time deeds have been filed in the Indian Office from many of these Indians, or their descendants, for approval, conveying the lands thus allotted to them to purchasers, and, with others, Thomas Carney, of Kansas, presented twenty-five deeds for approval. Representations were made to the Indian Office that the price paid by Mr. Carney was greatly inadequate, and for such reason Special Indian Agent Eugene E. White was sent to Kansas to investigate the merits of the several conveyances as to the sufficiency of the consideration named in each case and the circumstances attending the transaction, that the Indian Office might act understandingly. In April, 1886, Agent White submitted his report, in which he finds the consideration paid for the land by Carney wholly inadequate and unfair, and he reports much evidence to sustain him in his findings, and he also reports that deception and fraud were practiced to secure the deeds.

Upon the strength of this report the Interior Department has refused to approve the deeds to Carney, but has approved all the deeds presented the validity of which was established by the decree of the court of March 29, 1884.

All the lands that were patented to the said Black Bob band of Indians have been occupied by settlers for many years, some for more than thirty years, and they have built dwellings, erected school-houses and churches, and made valuable improvements on the land; and while it may be claimed that these settlers entered upon the lands as intruders and without legal right, yet in consequence of their improvements and continued occupancy, and the circumstances attending their settlement thereon, they have equities and claims which should not be overlooked by the Department, or by Congress, and as there has been contention for years between these hardy pioneers and the Indians, and as the lands are now valuable and are sought by speculators, it seems to your committee that there should be some legislation fair and satisfactory to the Indians, and yet such as will enable the Department to protect the settlers in their homes and in the labor that for years they have been expending upon these lands. Hence, as to the lands covered by the deeds to Thomas Carney, and all other lands patented to the members of the said band, conveyances of which by the Indians have not been declared valid by decree of the said circuit court, or the title to which has not passed by approval of the Secretary of the Interior, it is proposed, in justice to all, that they be sold under the direction of the Secretary of the Interior in the manner provided in the bill reported by your committee herewith. This proposed legislation is simple in its provisions, and has the sanction of the Indian Office and the Interior Department, and in fact was recommended to Congress in Senate Executive Document No. 111, Forty-ninth Congress, second session, and many of the data given herein are taken from the letter of the honorable Commissioner of Indian Affairs contained in such executive document.

As will be seen from the provisions of the bill, the land is to be appraised by disinterested parties before it is sold, and no action can be taken except where the consent of the individual Indian is obtained to the sale of the piece allotted or owned by him, and the committee is of the opinion that the bill is carefully guarded in its provisions, so that full and exact justice may be done to all.

The honorable United States district attorney for the district of Kansas, to whom was referred the question as to whether fraud and deception were practiced by Thomas Carney when securing the deeds from the Indians, as found by Agent White, entirely relieves and exonerates him from such imputations and accusations, and for such reason your committee is of the opinion that the money actually paid by him for such lands should be returned by the Secretary of the Interior from the proceeds arising from the sales provided for by the bill reported herewith.

The lands are near to Kansas City, and during the last few years have increased rapidly in value; and your committee recommend the passage of the bill.

Mr. PERKINS. This bill has been recommended by the Indian Office as well as by the Interior Department, and in fact the bill reported to the House by the committee is almost exactly the bill draughted by the Indian Office and sent to Congress.

There are, in the aggregate, some six or eight thousand acres of land affected by the bill which are owned by these Indians and for which they hold patents. These lands, while belonging to the Indians, are occupied by settlers. Although the bill provides for the sale of the lands, it does not provide for their sale except by the consent of the Indians holding the patents. As I have said, these lands are occupied by settlers and have been for years. They have made their homes upon them and have been cultivating and living upon the lands all this time.

The bill provides for an appraisement of the lands by three disinterested appraisers, one of whom must be a resident and freeholder of the State of Kansas, acting under instructions and direction of the Interior Department. When the lands are appraised by this commission, the bill provides that the improvements made upon them by these settlers shall be also separately appraised and then that the settlers now living upon or cultivating the lands shall have an opportunity of taking the land at the appraised value, provided the Indians are satisfied with the value so fixed and are willing to sell the lands at the prices specified.

If the settlers do not consent to purchase them at that price, the lands are to be sold at auction, and the bidders who offer the most for them are to become the purchasers. But they are not to be allowed to take possession of the lands until they shall have paid the settlers the value of the improvements ascertained and determined by the commission appointed by the Interior Department.

The bill also gives the settlers an opportunity of making their payments in three annual installments, one-third in cash at the date of the purchase from the Secretary of the Interior, one-third in one year from that date, and one-third in two years from that time, with 5 per cent. interest per annum. They are to establish the facts to the satisfaction of the Interior Department that they are living there, or are cultivating the lands, or have improvements thereon, before the privilege is extended to the settlers of becoming the purchasers. Except where these conditions exist, the lands are to be sold to the highest bidder, but in no event for less than the appraised value.

If any gentleman desires any further information, I will be glad to give him all of the facts in connection with this bill and the reasons for its passage.

Mr. LONG. Let me ask the gentleman one question. Do I understand that the consent of the Indians is not required to this sale?

Mr. PERKINS. By no means. On the contrary the bill provides that in no event can there be a sale except by the consent of the Indians.

Mr. LONG. I understood you to say that in case they did not consent, the lands were to be sold to the highest bidder.

Mr. PERKINS. No, that is a mistake. There is no authority for the sale except by the consent of the Indians, for there is no question that they own these lands in severalty.

Mr. HOOKER. Let me ask the gentleman from Kansas a question.

Mr. PERKINS. Certainly.

Mr. HOOKER. In what way is the consent of the Indians to be obtained?

Mr. PERKINS. Under the direction and supervision of the Interior Department; under such directions as the Secretary of the Interior, acting I suppose through the Indian Office, may give for the purpose of securing the consent of the Indians.

Mr. HOOKER. A further question. As I understand the gentleman's statement, there can be no sale except by the consent of the Indians?

Mr. PERKINS. No, sir; there can be none.

Mr. HOOKER. And that consent to be ascertained by the Interior Department. If that consent is not obtained, does the bill provide that there shall be a public sale to other persons?

Mr. PERKINS. Not at all. There can be no sale except by consent of the Indians, for the reason that there is no question concerning the fact that the Indians own the lands. They have patents for them. The object of the bill is to do justice to the Indians under the supervision and protection of the Interior Department, and yet permit the settlers occupying the lands to protect themselves against the greed of speculators, and to provide at the same time that the improvements put upon the lands by the settlers shall be appraised and paid for in the event speculators obtain them.

Mr. HOOKER. One further question. The bill makes provision for the value of the improvements upon the lands, as well as for the lands. What is the object of that provision?

Mr. PERKINS. The object is to provide that if the settlers now upon the lands do not avail themselves of the privileges of the act, and purchase the lands which are then sold to outside parties, that the men purchasing shall not take possession until the value of these improvements shall be paid for.

Mr. HOOKER. Suppose the value of the improvements is greater than the value of the lands, do you propose to legislate the Indians out of them?

Mr. PERKINS. Not at all. The bill does not do that.

Mr. HOOKER. I think the report had better be read.

Mr. WEAVER. Will the gentleman from Kansas allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. WEAVER. Does this bill allot the lands in severalty?

Mr. PERKINS. Oh, no; the lands have already been allotted and patented.

Mr. WEAVER. Have the Indians the fee?

Mr. PERKINS. Yes; they have the fee under the decision of the Supreme Court.

Mr. WEAVER. How do these lands come to be occupied by the settlers?

Mr. PERKINS. Because there was a question some years ago whether they were properly claimed by the Indians or not; but the Supreme Court has upheld the title of the Indians, and the object of this bill is to give the settlers the opportunity of taking these lands at their appraised value; but the bill provides a sale can not be made without the consent of the Indians. The Indians have sold almost all of these lands to private parties, and these sales were submitted to the Interior Department for the approval of that Department, but the Department found the prices inadequate and refused to approve the deeds. They were not purchased by the occupants, but by parties who may have supposed there might be an opportunity of making something from the investment. For the purpose of settling the whole matter the Indian Office and the Interior Department prepared this bill, and ask its passage.

Mr. WEAVER. My former question was preliminary to another which I desire to ask as to the provision on the third page of the bill which provides the following terms as to payment:

One-third in one year, and one-third in two years from said date, with interest on the deferred payments at the rate of 5 per cent. per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of six months shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made, and the land thus forfeited shall again be sold as in the first instance.

Does the gentleman not think that that is a pretty hard provision?

Mr. PERKINS. I think it is a very rigorous provision; but I will say the bill as draughted by the Interior Department did not even give them six months, but provided if default was made in the payments of principal or interest when they became due there should be an absolute forfeiture. The committee thought it too hard, and gave to the settlers, under the provisions of the bill, a period of six months.

Mr. WEAVER. The Indian Department may have been more rigorous than the committee, but I think the committee also is rigorous.

Mr. PERKINS. I agree with the gentleman from Iowa. I think they should have a period of twelve months at least——

Mr. CUTCHEON. May I ask the gentleman from Kansas a question?

Mr. PERKINS. Certainly.

Mr. CUTCHEON. Are these Indian proprietors known and identified?

Mr. PERKINS. Yes, sir.

Mr. CUTCHEON. How long have the settlers been upon the land?

Mr. PERKINS. For twenty or twenty-five years.

Mr. HOOKER. I hope the report will be read.

The SPEAKER. The Chair will state that the gentleman from Mississippi, or any other gentleman, can not call for the reading of the report in the time occupied by the gentleman from Kansas.

Mr. HOOKER. I understood the gentleman from Kansas to make his statement in order to avoid the reading of the report; but I think his statement indicated the matter to be of so important a character that the report should be read.

Mr. PERKINS. After I have answered the questions that are being put to me I will agree to the report being read.

Mr. CUTCHEON. In what respect, other than what has already been stated by the gentleman from Kansas, does the bill differ from the Department bill?

Mr. PERKINS. As draughted by the Department the bill did not designate where the appraisers should live. It gave to the Interior Department the right to send three disinterested appraisers from any section to appraise these lands. This bill provides that one of them shall live in the State of Kansas.

Mr. CUTCHEON. Does it leave them to be appointed by the Secretary of the Interior?

Mr. PERKINS. Entirely so.

Then as the bill was originally draughted by the Interior Department it provided that money which had been advanced for these lands by one Thomas Carney in consideration of deeds given to him by the Indians should be returned to him out of the proceeds of sale, provided he satisfied the Department of Justice that his transactions with the Indians were bona fide.

Since that time, upon the request or recommendation of the Interior Department, the Attorney-General of the United States instructed the United States district attorney for the district of Kansas to investigate the matter, and he has reported to the Department of Justice that he finds the transactions between Mr. Carney and the Indians were in good faith. For that reason we provide by the bill that the money shall be refunded or returned to the man who made the purchase, by the Secretary of the Interior, when he has satisfied the Secretary of the Interior as to the amount he paid. And to protect the Interior Department against imposition the bill provides that the consideration mentioned in the deeds shall not be accepted as evidence at all of the amount that was paid, but imposes upon him the necessity of proving the consideration actually paid.

Mr. CUTCHEON. What was the amount paid by Carney?

Mr. PERKINS. It was from $3 to $5 an acre; but the lands would average an appraisement of more than that. They are near Kansas City, in Johnson County, in my State, and have been greatly increased in value by the growth of Kansas City.

Mr. BUCHANAN. May I ask the gentleman a question?

Mr. PERKINS. Certainly.

Mr. BUCHANAN. If these individual proprietors are known, if the Indians have got patents for their lands, and if these settlers are on their lands, why can not these settlers, without any legislation on our part, buy up Indian rights and obtain a good title? I ask for information.

Mr. PERKINS. That is what I am going to give the gentleman. It is to protect the settlers from competition with speculators.

Mr. BUCHANAN. In other words, to get the lands at a lower price than the Indians would be willing to accept.

Mr. PERKINS. Not at all; because, under the provisions of the bill, there can not be an acre of these lands sold without the consent of the Indians. They have sold them, though, to other parties at very much less than will be realized for them under this bill.

Mr. BURNES. I wish to make a suggestion or a statement to the gentleman from Kansas [Mr. PERKINS], with the view of eliciting his opinion thereon. I confess that I speak only from general information, and therefore I may be in error. If I understand the matter, there has been no question as to the right and title of the Indians to these lands for twenty-five or thirty years past.

Mr. PERKINS. Yes, there was a question at that time and was for a good many years; but for the last few years the Supreme Court of the United States has upheld the title of the Indians, so that the legal title is no longer a matter of dispute.

Mr. BURNES. My general information is that there was no reasonable question as to the title of the Indians to these lands, and there is certainly no question now.

Mr. PERKINS. No, no question now.

Mr. BURNES. As I understand it, certain gentlemen, twenty-five, twenty, or fifteen years ago, more or less, went upon these lands knowing that they were Indian lands and belonged to this tribe of Indians, and, having gone upon the lands, they made certain improvements and have used and occupied the lands all these years. Now, then, if you take the lands which are the fee-simple property of these people and dispose of them and allow the settlers compensation for the value of the improvements they have made, ought you not, in meting out equal justice, to require the settlers to allow the Indians something for the use of the lands all these years?

While upon this point, I will state that I have personal knowledge of the fact that it is not infrequently the case, in Kansas and elsewhere, that a man will take a quarter-section or a half-section or a section of land and agree to improve it, to build upon it, to put up certain fences and to plant certain trees upon it, for the use of the land for five years, leaving the improvements at the end of that time as the property of the owner of the land. I have made such leases myself. While we take care here of the parties who made these improvements, do we provide that the owners of the land shall be compensated for the use of it for the past twenty-five years?

Mr. ADAMS. Right in connection with that subject, I will ask the gentleman from Kansas [Mr. PERKINS] a question. In case the Indians decline, and choose to have the lands themselves, what judicial proceeding is there that they can avail themselves of?

Mr. PERKINS. I do not know of any. That is left just as it is now. There is no legislation upon that subject in the bill; it leaves the facts and the law as they stand to-day. Whatever remedy they have now they would have then.

Mr. ADAMS. In the State courts?

Mr. PERKINS. In the State court or in the Federal court.

Mr. BUCHANAN. They might there bring a suit in ejectment.

Mr. PERKINS. Those of them that are citizens might, and some of them I believe are citizens. But let me reply to the gentleman from Missouri [Mr. BURNES]. I call the gentleman's attention to this provision of the bill:

Said lands shall be appraised as if in a state of nature, but the enhanced value thereof by virtue of the settlement and improvement of the surrounding country shall be considered in ascertaining their value.

The bill makes that provision, and gives the Indians this compensation for the occupation which the settlers have enjoyed during these years. In other words, the bill directs that the appraisers shall appraise the lands in view of existing conditions and existing circumstances; they are to ascertain the actual value to-day, and the Indians are to get the benefit of that. In this way, it seems to me, they get full compensation for the use and occupation of these lands.

Mr. BURNES. My suggestion to my friend from Kansas was not as to the value that has been added to these lands by the settlement and the civilization surrounding them. My inquiry was as to what is proposed, in addition to that, to be done to compensate the Indians for the use and occupation of their lands for so many years.

Mr. PERKINS. That is the compensation, and the only compensation provided for in the bill. I agree with the gentleman from Mis-

souri [Mr. BURNES] that justice should be done, and it was the judgment of the committee and of the Interior Department that that provision would do full justice to the Indians, because it gives them the benefit of the enhanced value.

Mr. ADAMS. Will the gentleman permit a suggestion?

Mr. PERKINS. Certainly.

Mr. ADAMS. If those who have held the title to these lands for so many years were white persons, the question would be left entirely to the courts, would it not?

Mr. PERKINS. Undoubtedly.

Mr. ADAMS. In the courts they could take the improvements.

Mr. PERKINS. No. We have an occupying-claimants act that would protect the settlers in their improvements, substantially as they are protected by the provisions of this bill.

Mr. ADAMS. I am very glad to hear that statement. If the persons holding the title to these lands were white men, the whole subject could be equitably settled in the State courts without the intervention of Congress.

Mr. PERKINS. Undoubtedly.

Mr. ADAMS. Then I will ask the gentleman what reason exists for the intervention of Congress merely on the ground that the owners of the lands happen to be Indians. If they had been white persons, although the settlers would have got an equitable allowance for their improvements, yet, in most of the States of the Union, the owners of the fee could not only get the lands, but could also maintain an action for the use and occupation of the lands, because use and occupation is something quite different from the enhancement of value which takes place from surrounding improvements. It occurs to me that there is no reason for the intervention of Congress.

Mr. PERKINS. The difficulty is the one I suggested a moment ago. There is no authority for the Indians to go into court and institute actions in their individual right for the purpose of evicting these settlers.

Mr. ADAMS. Why not give them that right?

Mr. PERKINS. Because, in the judgment of the Interior Department, the Indian Office, and the Committee on Indian Affairs, this bill is a more equitable measure than that would be. This bill does give to the Indians the protection I have suggested. It does not propose to allow the sale of an acre of this land, except with their consent. It proposes that the land be appraised at its full value by three disinterested persons to be designated by the Interior Department, and that the value of improvements and everything of that kind shall be taken into consideration in determining the present value of the property.

Mr. ADAMS. Yet, as suggested by the gentleman from Missouri [Mr. BURNES], the bill does not give these Indians what they would receive if they were white persons having an interest in these lands.

Mr. BLAND. I would like the gentleman from Illinois [Mr. ADAMS] to answer me this question: Whether he has ever had any practical experience in going into our Western country and opening up new lands, and whether the use and occupation of the land are usually sufficient to pay the settler for the amount he expends in the way of cultivation, improvements, etc.?

Mr. ADAMS. That does not answer my suggestion that if a white person happened to have had the fee of land for twenty-five years, he could go into a State court and get certain relief. I simply asked for information why these persons, who are Indians, are not entitled to substantially the same relief?

Mr. BLAND. What relief would the gentleman suggest?

Mr. ADAMS. Use and occupation.

Mr. CUTCHEON. Are we to understand that these Indians may go into the State courts for relief?

Mr. PERKINS. Not at all; there is the difficulty. Under existing law they can not go into court and institute actions of ejectment; and they can not sell the lands except with the approval of the Interior Department. They have undertaken to sell these lands, and according to the finding of the Interior Department have sold them upon such grossly inadequate consideration that the Department would not approve the deeds. But in the interest of justice and right, in order that these settlers may be given opportunity to protect themselves and secure their homes, while the Indians shall receive the full value of their lands, the Department has recommended to Congress this bill.

Mr. LIND. Will the gentleman from Kansas permit a question?

Mr. PERKINS. With pleasure.

Mr. LIND. Have these Indians who own the fee of these lands ever paid a cent of taxes?

Mr. PERKINS. Oh, no; Indian lands are not taxable.

Mr. LIND. Have the settlers paid taxes on their improvements, and thus assisted in building school-houses, roads, bridges, etc.?

Mr. PERKINS. They have paid taxes on all their personal property, notwithstanding they have resided on Indian lands.

Mr. LIND. But have they paid taxes on the improvements?

Mr. PERKINS. Under our law the improvements are taxed under these circumstances as personal property. But they have not paid any taxes, of course, upon the land; nor have the Indians.

Mr. BLANCHARD. As I understand, these lands are to be appraised by a board to be appointed by the Interior Department?

Mr. PERKINS. Yes, sir.

Mr. BLANCHARD. And the settler is to take the land at its appraised value. Now, suppose a speculator should come forward and be willing to give more than the appraised value for a certain tract?

Mr. RYAN. In that case it is not likely the Indian would consent to sell except at the higher price.

Mr. BLANCHARD. Would this bill require the Indian to sell to the settler, or could the Indian accept a larger price from a speculator?

Mr. PERKINS. The bill provides that not a foot of the land shall be sold without the consent of the Indian. It does propose that the settler shall have the lands at their appraised value, provided the Indians are satisfied.

Mr. BLANCHARD. It gives the settler preference.

Mr. PERKINS. It does. The object of the bill is to protect these men, or rather to give them an opportunity to protect themselves, in their homes and firesides, and in their accumulations during all these years. It proposes to do full and exact justice to all these Indians. Under the provisions of this bill they get more than twice as much as they otherwise would.

Mr. HOLMAN. Let me inquire of the gentleman from Kansas where these Indians are.

Mr. PERKINS. A few are in Johnson County, where these lands are situated; some in Kansas City, some elsewhere.

Mr. HOLMAN. Are any of these Indians on these lands?

Mr. PERKINS. No; they are not living on any of these lands. The lands are occupied by these settlers.

Mr. HOLMAN. Do any of these Indians live upon lands of their own?

Mr. PERKINS. They are not farmers, and none of them occupy these lands, or are engaged in farming them.

Mr. HOLMAN. I desire to ask the gentleman further one or two questions. I notice this bill authorizes these lands to be sold in lots of 200 acres.

Mr. PERKINS. Yes, sir.

Mr. HOLMAN. In reference to lands taken under the homestead feature, that is of actual settlement, it may be so, but where lands like these are sold to the highest bidder it is the custom in reference to these Indian lands to confine the sale to 40 acres. Why is it provided these lands should be sold in lots of 200 acres?

Mr. PERKINS. The reason is the lands were so allotted to these Indians—200 acres to each Indian.

Mr. HOLMAN. The third section of the bill has a reference to the purchase made by Thomas Carney to the extent of some twenty-five conveyances. Will the gentleman explain that?

Mr. PERKINS. I did explain that. That is, the gentleman bought these lands and received twenty-five deeds from these Indians, covering the most of these lands, and he presented them to the Indian Office for approval.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. PERKINS. Just a word more.

(Here the Speaker took the chair.)

The SPEAKER. The morning hour has expired.

SPANISH AND MEXICAN LAND GRANTS.

The SPEAKER. The Chair thinks there is no unfinished business, and if no motion to go into the Committee of the Whole House on the state of the Union is made, the next business will be the call of the bills on the House Calendar, which the Clerk will report in their order.

The Clerk read as follows:

A bill (H. R. 1968) to provide for the judicial investigation and determination of the validity of Spanish and Mexican land grants in New Mexico, Arizona, and the territory acquired of Mexico, and for other purposes.

Mr. SPRINGER. I ask by unanimous consent to pass that bill over without its losing its place on the Calendar.

There was no objection, and it was ordered accordingly.

BRIDGE ACROSS THE MISSOURI RIVER AT LEXINGTON.

The next business on the House Calendar was the bill (H. R. 2578) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.

Mr. BLAND. I think that bill has already been passed by unanimous consent.

Mr. DUNHAM. Yes, it was passed on the motion of the gentleman from Missouri [Mr. WARNER].

The SPEAKER. It was passed by the House, and it is reported this morning as having passed the Senate. The Clerk will read the next bill.

PROTECTION TO GIRLS IN THE DISTRICT.

The next business on the House Calendar was the bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia for the protection of girls and for the punishment of the crime of rape.

The bill was read, as follows:

Be it enacted, etc., That section 1152 of the Revised Statutes relating to the District of Columbia be, and hereby is, amended to read as follows:

"SEC. 1152. Every person convicted of rape, or as being accessory thereto before the fact, by carnally and unlawfully knowing any female under the age of fourteen years, shall suffer imprisonment and labor, for the first offense, not

more than five years, and for the second or other offense, for not more than ten years; and when so convicted by forcibly ravishing any female, or of being accessory thereto before the fact, shall suffer imprisonment and labor, for the first offense not less than ten nor more than thirty years, and for the second offense for and during his natural life."

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 1496) to amend the Revised Statutes relating to the District of Columbia for the protection of girls and for the punishment of the crime of rape, respectfully report that they have had the same under consideration.

They find that the law as it now is in the District of Columbia is in a very unsettled state. The only two statutes that touch this subject are, first, 18 Eliz., c. 7, sec. 4, by which in England carnal knowledge of a girl under ten years is made a felony, and the English statute 3 Edward I, c. 13, whereby carnal knowledge of a girl under twelve years old is made a misdemeanor. It is a matter of doubt as to whether these statutes were ever made of force in the District, and the committee can learn of no case in which it has been decided that these statutes are in force here.

The committee report the bill back to the House with a substitute, which has been carefully considered, and recommend that the substitute do pass.

Mr. HEMPHILL. There is no law on this subject in this District, and this legislation is rendered necessary, and I hope there will be no objection to the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECORD OF WILLS, DISTRICT OF COLUMBIA.

The next business on the House Calendar was the bill (H. R. 1514) relating to the record of wills in the District of Columbia.

The bill is as follows:

Be it enacted, etc., That the record of any will or codicil heretofore or hereafter recorded in the office of the register of wills of the District of Columbia, which shall have been admitted to probate by the supreme court of the District of Columbia, or the record of the transcript of the record and probate of any will or codicil elsewhere, or of any certified copy thereof, heretofore or hereafter filed in the office of said register of wills shall be *prima facie* evidence of the contents and due execution of such wills and codicils.

Mr. BROWNE, of Indiana. Let me ask the chairman of the Committee on the District of Columbia what is the necessity and what the purpose of this bill?

Mr. HEMPHILL. Mr. Speaker, as the law now stands in the District of Columbia, when a will is probated in the office of the register of wills it does not give the paper any sanction whatever in any other court in the District, and hence every time a question comes up involving collaterally anything connected with the will it is necessary, in order to prove it, to call all the witnesses to the will and establish it again.

The object of this bill is to make the certified copy of a will filed with the register of wills *prima facie* evidence of the contents and due execution of the will or codicils thereto in any court in the District of Columbia.

Mr. BROWNE, of Indiana. I understand, Mr. Speaker, that there are certain suits now pending in the District of Columbia, attacking the possession and seeking to settle the title of certain real estate, in which it is regarded as important to at least one of the parties to the controversy that this Congress shall establish a new rule of evidence.

Ex post facto law in criminal cases is certainly under the ban of the enlightened intelligence of the century; so that it seems, both in constitutions and statutes, we have seen proper to make sacred the contract. One that exists may not be impaired by subsequent legislation.

True, the proposition now pending does not go to the contract, but it goes to the remedy and establishes a new rule of evidence, and just as effectually defeats controversies now pending as if it were an attack directly upon the rights of the parties to the contract.

Mr. HEMPHILL. Will the gentleman from Indiana allow a question?

Mr. BROWNE, of Indiana. Certainly.

Mr. HEMPHILL. Do you refer to what is known as the "Blodgett claim" in the District of Columbia?

Mr. BROWNE, of Indiana. I do not refer to any particular claim. I never heard the names of any of the parties to the controversy mentioned.

I happened to learn that there were suits, not one but quite a number of suits, pending here, and that this bill was intended, or at least that it would have the effect of taking one of the parties to the controversy out of court by making that evidence which is not evidence today.

The real principle established by the bill is altogether correct, if it is to be made operative at the time or after its passage. But it strikes me that it goes a good ways when it seeks to make operative that which is not now so, either by statute or by the common law, and it seems to me, further, that this Congress ought not now to intervene for the purpose of creating what is practically a new remedy for parties that are already seeking to assert their rights in a court of justice.

I do not know, I repeat, any of the parties to this controversy—none of them. If I ever saw or spoke to one of them I am ignorant of the fact. I should seriously object, as every citizen, I think, has the right to object, after he has sought relief in the forum having jurisdiction over the subject-matter, to have any legislative body come in and establish a new provision of law which would practically debar him from asserting the rights he would have under his contract or under the rules of law by which the contract is to be interpreted by the court.

Mr. ROWELL. Will the gentleman permit me to interrupt him for a question? Would you stop making reforms, either in the law of evidence or anything else, because some lawsuit might be affected by the reform?

Mr. BROWNE, of Indiana. I would stop making the reforms simply for the purpose of reforming a particular litigant out of court.

Mr. BLAND. Still, if that would be the effect of the bill, might it not be remedied by an amendment so that it shall not be made applicable to any suits now pending?

Mr. BROWNE, of Indiana. Why certainly. If it is to be made operative on controversies in the future I have no possible objection to it.

Mr. HEMPHILL. Let me state, Mr. Speaker, that the Committee on the District of Columbia heard the gentleman who thought this bill affected his rights. After looking at it again, however, and hearing the views of the committee, he came to the conclusion that it did not.

However, I do not think it is proper to pass a bill which might affect any suits now pending; and I will therefore offer an amendment which will correct and remedy the difficulties suggested by the gentleman from Indiana.

Mr. BROWNE, of Indiana. I am not appearing at the suggestion of any gentleman connected with any of these suits.

Mr. HEMPHILL. Certainly, I understand. I supposed, of course, the gentleman was simply looking to the enactment of a proper law.

Mr. BROWNE, of Indiana. For I only happened to hear of the bill and of the pending controversies, and it struck me that if it affected controversies now pending, it was not a proper bill to pass in that form.

Mr. HEMPHILL. The main object of the bill meets the approval of everybody in the District, so far as I know; and the Bar Association gives it its indorsement.

Mr. COBB. Let me ask a question. Do I understand the gentleman from Indiana to say that this new rule of evidence is a good one?

Mr. BROWNE, of Indiana. I have not so stated.

Mr. COBB. I understood you to say that it was.

Mr. BROWNE, of Indiana. I have stated that I have no objection to making this rule of evidence apply to suits which are to be instituted in the future. It is not so important that we discuss the merits of a rule of evidence as that we shall know certainly what the rule is.

Mr. COBB. It seems to me a very important matter, when we propose to change a rule of evidence, to know whether or not it is a good rule that we propose to establish. If it is a good rule, should we stop in making the change to consider the effect on existing suits?

Mr. BROWNE, of Indiana. Rules of evidence sometimes affect controversies. One may in good faith invest his means in a subject-matter which at the time might be a lawful, proper, and safe investment, and you might destroy it, utterly destroy it, by creating a new rule of evidence.

Mr. COBB. But I do not understand that that is the proposition of this law. The proposition is not to affect any existing right at all, nor can it affect any existing right. The only proposition here is to make certain instruments *prima facie* evidence which otherwise they would not be. It can not affect the rights of any party, because those rights would still exist. The only question would be on whom would rest the burden of proof in certain instances.

Mr. BROWNE, of Indiana. It is proposed in this bill to make certain instruments *prima facie* evidence which could not be so in any other way. They are not evidence at all. They extend as far back as sixty, seventy, and ninety-five years; and if you make this *prima facie* evidence, it is probable that *prima facie* evidence could not be overcome; and as the controversy has been thus long it is unfair to create this as a rule even of *prima facie* evidence.

Mr. HEMPHILL. I call for the reading of the amendment which I have sent to the desk.

The Clerk read as follows:

Provided, That this act shall not apply in any cause now pending in the courts of the District of Columbia.

Mr. COBB. I would like to be heard on that amendment.

Mr. HEMPHILL. I yield to the gentleman.

Mr. COBB. I have not examined very carefully the legislation here proposed, but from what gentlemen say on this floor I understand it to be a change of existing law in mode of procedure with reference to the enforcement of certain rights in courts of justice in the District of Columbia. It is proposed to make changes which will conform the law as it exists here in the District of Columbia to the law which prevails in most if not all the States of the American Union. Am I right?

Mr. HEMPHILL. Yes, sir.

Mr. COBB. Now, if it is our business here to frame laws governing the procedure in courts of justice in the District of Columbia, why should we hesitate to make this necessary change simply because some existing suits may be affected by it?

Why, sir, it is certainly recognized as the law that this mere change of procedure—this mere change of rules of evidence—does not affect existing rights.

Mr. BROWNE, of Indiana. Let me ask the gentleman a question.

Mr. COBB. Yes, sir.

Mr. BROWNE, of Indiana. A statute of limitations is a statute simply affecting a remedy. Now, would it be fair if you had a contract running for six years, for this Congress, after it had run four, to declare the statute should bar that in three years?

Mr. COBB. No, sir; and the courts have decided that you can pass no such statute; that the passage of such statute is prevented by the constitutional provision against impairing the obligation of existing contracts. The legislative department of Government may not, under guise of changing remedies, destroy rights of action. Hence, while the statute of limitations may be changed, care must be had, in making the change, not to destroy the remedy for the enforcement of existing rights.

Mr. PETERS. May I ask the gentleman a question?

Mr. COBB. Yes, sir.

Mr. PETERS. The rule in the District of Columbia is that when a will has been probated the fact of that probate will not be evidence in any court, but the witnesses present when the will was probated must be present again. If this law passes, that rule of evidence is done away with, and in any suit heretofore instituted the probate of the will or the record of it would be *prima facie* evidence of its having been probated. Now, suppose a case in which the witnesses have died. The party may know that fact and may have purchased property with knowledge that the witnesses are dead and that there is no proof in existence. Now, by the passage of this act, unlimited by the amendment offered by the gentleman from South Carolina, a party purchasing those rights might be deprived of them entirely, and yet he might have done it all in good faith.

Mr. COBB. I can see no difference between the case of a pending suit and one that might be commenced to-morrow. Suppose I wanted to commence a suit in the District of Columbia to-morrow or next week upon some old will that had been probated years ago, is it proper that I should have advantages by virtue of this bill not enjoyed by the party whose suit is pending now? The gentlemen confess that it is all right and proper to make this change in the rule of evidence and have it to affect suits to be commenced, and yet they say it is very wrong to allow the proposed new rule to affect suits already on the docket. I can see no distinction.

Mr. PETERS. For the reason that in one case rights have been acquired under the law as it is, while in any suit that may be brought after the passage of this act no such rights will have been acquired.

Mr. COBB. But the rights that are acquired are not under the rules of evidence at all. The rights which may have been acquired in a suit that is already pending, and the rights which may be acquired in a suit to be commenced to-morrow, all rest upon the contract, not upon the rules of evidence.

Mr. PETERS. But the rights have been acquired with reference to the existing rules of evidence.

Mr. COBB. No man ever acquires a right to the continued existence of a rule of evidence. Never. That has been decided over and over again. There is no such thing as a vested right applying to a rule of evidence, which may be changed from time to time by the legislative department of the Government. Hence when a man commences his suit he commences it with full knowledge of the fact that before that suit is terminated the rules of evidence which apply in the litigation may be changed by competent authority. I repeat, there is no such thing as a vested right in a rule of evidence. Now, Mr. Speaker, it is admitted on this floor that the rule that is proposed to be established by this bill is in conformity with the rule that prevails in perhaps every State in the American Union. We are all familiar with the rule making wills, when probated, and certain records when made, *prima facie* evidence in the courts. That rule has prevailed everywhere all over this land.

Mr. BLAND. If I understand this amendment, it would go only to this extent, that suits already commenced would not be affected by the bill.

Mr. COBB. Yes, sir.

Mr. BLAND. But suppose the suit was dismissed and another suit commenced, my point is this——

Mr. COBB. I see the gentleman's point, and it is a very apt one.

Mr. BLAND. The gentleman supposes that a party might want to bring a suit next week. If you pass this amendment he might not want to bring that suit; but, being already in court, and having incurred costs, there might be a question whether he should take a nonsuit and commence his suit anew. I do not see how the amendment can have very much effect one way or the other.

Mr. COBB. My point is that it is unwise in matters of this sort, relating simply to a rule of procedure, to make an exception of existing suits. There is no just foundation for it. A man can not begin a suit in the courts and say, "Now, having commenced this suit, I have a vested right in the course of proceeding prescribed by the existing law." No such right as that exists, as the courts have repeatedly decided. There is probably not a State supreme court in the Union that has not dealt with this question, and the courts have always said, with emphasis, that a party litigant has no vested interest in any rule of proceeding. The analogy which has been suggested as to the statute of limitation does not apply at all.

The law will not permit the legislature to absolutely bar a man of his rights by saying to him, "From this time on you shall not sue in the courts, on account of this statute of limitations. But you may change the remedy, provided you leave parties reasonable time in which to commence suit upon existing claims." The cases are not analogous. Here is a mere question as to where the burden of proof shall lie. The proposed rule is the correct one, as evidenced by the fact that it is the one prevailing in every State in the Union.

You go into court to-day in this District and probate a will; means are afforded by which parties can contest the right to probate the will; issue is joined, evidence is introduced, the will is probated and the record made. To-morrow a suit is brought upon the will, and, instead of taking the record already made, before a competent jurisdiction, you have to go through all that preliminary work again, and you must re-summon the witnesses and re-probate the will in the court where the suit upon it is pending.

The change proposed in this bill is evidently a proper change to make, and it does not become us to stop to consider what effect it will have upon existing suits, it being admitted on all hands that a party has no vested right in the continued existence of a rule of proceeding.

Mr. HEMPHILL. This bill simply proposes that where a will has been probated in the supreme court of the District of Columbia that fact shall be *prima facie* evidence in other cases in which it may be necessary to prove the will. The bill has been pending since January 4. It has been published in the papers, and there has been only a single objection made to it. The gentleman who made that objection came to the chairman of the committee, and, after discussing the matter, I understood he was satisfied that it did not affect the case in which he was interested. It does not affect such cases as those known in this District as "the Blodgett cases," because the will involved in those cases was not probated in the supreme court of the District. The amendment which I offered was offered out of deference to the gentleman from Indiana [Mr. BROWNE], and with the hope of stopping discussion, but it looks now as though that amendment was arousing some gentlemen on this side of the Chamber and giving rise to more discussion than the original bill. It is but fair to the committee and to myself to state that I suggested that amendment merely as a matter of precaution. It has not been reported from the committee, and it is really quite immaterial whether the House votes for it or against it. I ask for a vote on the amendment and then upon the bill.

Mr. LANE. I fully concur with the gentleman from Indiana [Mr. BROWNE], but the amendment does not meet his objection. It should apply to wills hereafter probated, instead of to suits now pending.

Mr. HEMPHILL. I think the gentleman from Indiana [Mr. BROWNE] knows what he means.

Mr. BROWNE, of Indiana. So far as I am personally concerned, I am willing that the rule be made to apply to all suits that may be instituted hereafter. I see the force of the suggestion which has been made. But I did not wish to continue this discussion after the gentleman proposed his amendment.

Mr. HEMPHILL. I call for the previous question.

The previous question was ordered; and under the operation thereof the amendment was agreed to, there being—ayes 37, noes 32.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL COMMITTEE-ROOMS.

Mr. SOWDEN. I rise to make a privileged report from the Committee on Accounts. I ask that it be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the accompanying letter of the Clerk of the House, in reference to renting certain rooms for the use of the Committees on Indian Depredation Claims and the Eleventh Census, have considered the same, and report that suitable and satisfactory rooms can be secured for the said committees in the Butler building, south of the Capitol. General B. F. Butler, the owner of the said building, appeared before the Committee on Accounts and offered to rent two rooms, unfurnished, at $50 per month each. Your committee would recommend that his offer be accepted; and to carry into effect this recommendation would ask the adoption of the following resolution:

Resolved, That the Clerk of the House be directed to rent during the remainder of this session of Congress, from Hon. B. F. Butler, two rooms in the building south of the Capitol—one for the use of the Committee on Indian Depredation Claims, and one for the use of the Committee on the Eleventh Census—at a rental not to exceed $50 per month each; and further, that the Clerk of the House be directed to suitably furnish the said two rooms, at a cost not to exceed $100 for each, for the use of the said committees, the rental and cost of furnishing to be paid out of the contingent fund of the House.

Mr. SOWDEN. If no gentleman desires to make any inquiry in reference to this subject, I ask the previous question.

Mr. DOUGHERTY. I move to amend the resolution by inserting "the Committee on Expenditures on Public Buildings." I have been requested by the chairman of the committee, who is now absent, to make this motion.

Mr. SOWDEN. I hope the motion will be voted down.

Mr. DOUGHERTY. It is certainly proper that this committee should be provided with a room.

The SPEAKER. If this amendment be agreed to, the resolution will have to be further amended so as to provide for three rooms; it now provides for only two.

Mr. HATCH. I make the point of order that the gentleman from Pennsylvania [Mr. SOWDEN] had demanded the previous question upon the adoption of the resolution, and no amendment is now in order.

Mr. SOWDEN. I stated that if no gentleman wished to make any inquiry in reference to the subject of the report, I demanded the previous question.

The SPEAKER. The gentleman from Pennsylvania states that he demanded the previous question (which the Chair did not hear) before the gentleman from Florida [Mr. DOUGHERTY] was recognized.

Mr. DOUGHERTY. Well, it seems to me it would make no difference if he had demanded the previous question. The demand had not been sustained.

The SPEAKER. Still, an amendment can not be entertained pending the demand for the previous question. The House must first dispose of that proposition before another can be presented.

Mr. DOUGHERTY. I had the floor.

The SPEAKER. But the gentleman from Pennsylvania states—and of course the Chair always accepts such a statement—that he had demanded the previous question.

Mr. DOUGHERTY. I would not question any statement of the gentleman from Pennsylvania; yet I understand he does not antagonize the proposition to provide this committee with a room. They now have no room in which to hold their meetings. It seems to me they should be provided for in this respect.

Mr. SOWDEN. If the gentleman will offer his proposition separately and refer it to our committee, it will be fairly considered.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The question is on ordering the previous question. If the House desires to amend the resolution, the demand for the previous question can be voted down.

The previous question was ordered, there being—ayes 63, noes 18.

The resolution was then adopted.

Mr. SOWDEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARBITRATION.

Mr. McCREARY. I ask, by unanimous consent, to report back from the Committee on Foreign Affairs a bill, simply for reference.

There was no objection.

Mr. McCREARY, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUNISHING OF LOTTERY ADVERTISING.

The next business on the House Calendar was the bill (H. R. 5933) to punish the advertising of lottery tickets in the District of Columbia, and for other purposes, reported from the Committee on the District of Columbia by Mr. HEMPHILL.

Mr. HEMPHILL. Since that bill has been reported to the House there has been a supplemental hearing on the part of the subcommittee, and there is now pending a request on the part of one of the newspapers of the District; and in order that there may be a full hearing I ask the House to pass the bill over for the present.

Mr. BROWNE, of Indiana. I have had some experience in reference to these matters, and I understand the trick of delaying bills from committees to a day too late for final action.

Mr. HEMPHILL. I will state, Mr. Speaker, that individually I have seen nothing to change my views on this subject. The committee has heard one lawyer representing the newspapers, and has also heard a lawyer representing the lottery company. An application came to me asking to be heard by one of the proprietors of one of the newspapers of this city. Next Monday will be District day, and if the gentleman who has made application to be heard can be heard by the subcommittee before that time, we will be ready to go on with the bill. So far as I know there is no disposition to postpone it unduly, and so far as I am concerned I am perfectly willing the House should have an opportunity to vote on it. I am satisfied that is the desire of the committee.

Mr. BROWNE, of Indiana. I had no idea it was the purpose of the committee unduly to delay action. I do not desire to cast any reflection upon the committee, nor do I wish to take the control out of the hands of the gentleman from South Carolina. This law is similar to that prevailing in thirty-five States of the Union, and I do not think this District, in reference to this matter, should remain any longer in the rear of the advancing legislation of the age.

Mr. HEMPHILL. I will yield for a few minutes to the gentleman from Tennessee [Mr. GLASS].

Mr. GLASS. Mr. Speaker, I insist that this bill shall be put on its passage at this time. Its provisions are not unknown either to the members of the House or to the country. They have been discussed by the public press for many years, and a similar bill was passed by a large majority during the Forty-ninth Congress. The good people of the country demand such legislation at the hands of Congress in the interest of good government, good society, and good order. [Cries of "Vote!"]

Mr. COMPTON. I move that the bill be postponed until Monday next.

Mr. COX. I hope that bill will go over until Monday next. It is an important bill connected with human society. It is a larger bill than members are aware of. [Cries of "Vote!"]

Mr. BROWNE, of Indiana. I will not object, so far as I am concerned, if we have assurance from the committee and the House it shall then be taken up. All we want to know is that the bill is to be finally acted upon.

Mr. COX. The Committee on the District of Columbia is entitled to the floor on Monday next.

Mr. HEMPHILL. I can only say, so far as the committee is concerned, that its action has been settled by the report already made to this House. I am not authorized to make any change in it; but since the report was made the subcommittee has heard argument, and there is a request pending, made this morning by the proprietors of one of the newspapers here, to be heard by the committee. The only object of moving the postponement was to let everybody have a fair chance. So far as I am concerned, we shall be ready to hear that gentleman before Monday, and to take the bill up, if possible, on Monday next.

Mr. BROWNE, of Indiana. The House might as well determine now whether this legislation shall be acted on now or postponed to some future time. [Cries of "Regular order!"]

Mr. COMPTON. Mr. Speaker, I have no desire to delay the consideration of the bill. I did not make the motion for that purpose; but this is a bill involving serious considerations. Matters of grave importance are involved, matters of justice and right, and it should be discussed fully and fairly before the House determines to enact it into law.

The Committee on the District of Columbia made this report after arguments had been submitted to it, and the proposition now is to hear other arguments. The committee, through its chairman, has assented to that, and I think it due to the committee to be put in possession of all the light attainable before being required to come before the House and, either as a committee or as individual members, give their sanction to the bill or stand in opposition to it.

As a member of that committee I wish to say to gentlemen upon the floor in favor of the passage of this bill, that for one I will throw no obstacle in the way of its fullest and speediest consideration. So far as I am concerned, we only ask gentlemen to discuss the bill fairly and fully in the House at a reasonable time to be fixed for its consideration.

Mr. BROWNE, of Indiana. Will the gentleman indulge me in an inquiry?

Mr. COMPTON. Certainly.

Mr. BROWNE, of Indiana. Is there any constitutional question involved?

Mr. COMPTON. I think there is, sir; a very serious and a very grave one.

Mr. BROWNE, of Indiana. I would be very glad to be advised as to its character.

Mr. COMPTON. I do not care, Mr. Speaker, to discuss the bill now. If the House sustains my motion and suspends the consideration of this bill until Monday next, when I hope the committee will be ready to take it up, I will be ready to discuss the general questions involved. If, on the other hand, the House proposes to enter upon the consideration of the bill now, I am ready to proceed with the discussion of it.

Mr. BROWNE, of Indiana. My reason for making the inquiry is this: If the question is simply as to the propriety of the legislation, I was going to suggest that the House was perhaps already fully advised as to that point. If there was any individual constitutional question involved, that of course would be a reason for its postponement.

But, Mr. Speaker, it seems to me that this whole question of lotteries and lottery advertisements has been in the forum for discussion a great many years; and doubtless all gentlemen are informed in regard to it. In that view of the case it looks as if there was no occasion for its postponement to give a third opportunity to the same side to present the same arguments against any restrictive legislation.

Mr. GROUT. I was a member of the subcommittee that examined and reported this bill to the full committee some little time since, and the committee agreed to report it favorably to the House.

Pending the consideration of the bill the subcommittee heard arguments in opposition to its passage, which were not sufficient to change the views of that committee, and their report was made, as I have stated. Since then the chairman of the committee, who was also chairman of the subcommittee, has been importuned, I learn, to hear other arguments, and, with another member of the subcommittee, the assurance has been given that they will be heard. I think now that this bill can be safely trusted with the committee. Nobody need be afraid that the

bill will not be considered and pressed, and the House will have a chance to act upon it.

I make the request, therefore, for postponement because of the peculiar condition in which the members of the subcommittee are placed, because of this quasi assurance that they would hear further argument in reference to it.

I hope the matter will be allowed to go over without losing its place upon the Calendar. I repeat, you can trust this committee with the bill, and not have any fear concerning it, in my opinion. But the committee want to hear all that can be said against it. That is the situation; and out of deference to the committee, although I was opposed to postponement a short time ago, and out of deference to the chairman of the committee, in view of the promise given, and of which I have just been informed, I hope the House will consent to its postponement.

Mr. COX. Mr. Speaker, the gentleman from Indiana [Mr. BROWNE] put an inquiry looking to the constitutionality or unconstitutionality of a measure of this character. I have not read this bill and do not know anything of it, except from its title and the short discussion that has taken place. But I have knowledge of the fact that a gentleman on this side of the Chamber has made a careful study of it, is opposed to it, and desires to discuss it. He is now absent, and out of deference to him I hope the postponement will prevail.

I can well imagine, sir, how a very interesting discussion might be had in reference to this bill. There are both sides and many questions connected with the printing of matter in a newspaper—even a lottery advertisement. What may be *contra bonos mores*——

Mr. BROWNE, of Indiana. Will the gentleman be kind enough to repeat that? [Laughter.]

Mr. COX. That is Turkish. You would not understand it. [Renewed laughter.] As to what is opposed to public morality, as to matters connected with morals, which my friend from Indiana understands, or matters connected with immorality, which he does not understand, there are grave questions to be considered, namely, the right of the press in this country. I would not go to work to cut down the privileges of the press in any respect, even in the printing of lottery advertisements or otherwise, without careful consideration and a full knowledge of all the facts.

I would tolerate a great many spots on the sun rather than deprive the gentleman from Indiana of light. Let us be a little wary of how we begin on this matter of infringing on the liberty of our journals, or the "liberty of unlicensed printing," as John Milton calls it. I do not know but I may vote for this bill when it comes up on Monday, and after there has been a fair discussion on both sides. I hope the motion of the gentleman from Maryland [Mr. COMPTON] will prevail.

Mr. HEMPHILL. I concur to some extent with the gentleman from New York when he says this is in some measure infringing on the liberty of the press; and therefore the committee have thought it proper that they should have the matter fully discussed. It was only this morning that I had an application to hear additional arguments, and I said that I had no doubt the committee would be willing to hear additional arguments on the subject, and that the measure would not be called up until it comes up on Monday. I think it would be fairer to the people interested all around that the measure should stand over till Monday, when, if nothing intervenes, we will have a vote on it.

Mr. BROWNE, of Indiana. I do not object to that proposition. Since I have learned from the gentleman from New York that there is a serious question as to whether or not we may by law prohibit the advertising of immorality in the newspapers, and as he is one of the guardians of the Constitution, rather than see it impinged upon or vitally hurt in any part, I will consent to the bill going over till Monday.

Mr. COX. Much obliged.

The question being taken on Mr. COMPTON'S motion to postpone until Monday the further consideration of the bill, there were—ayes 92, noes 15.

So (further count not being called for) the motion was agreed to.

FEES FOR EXEMPLIFICATION OF LAND PATENTS.

The next business on the House Calendar was the bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplification of land patents, and for other purposes, reported by Mr. MCRAE from the Committee on Public Lands.

The bill was read, as follows:

Be it enacted, etc., That section 461 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 461. All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon the payment by such parties at the rate of 15 cents per hundred words, and 30 cents each for photolithographed copies of township plats or diagrams, unverified, not to exceed ten copies to any one person, and 25 cents each for all copies in excess of ten, with an additional sum of $1 for the Commissioner's certificate of verification, with the General Land Office seal; and one of the employés of the office shall be designated by the Commissioner as the receiving clerk, and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish."

Mr. MCRAE. The purpose of this bill is to reduce the cost of plats or diagrams furnished by the office of the General Land Commissioner from $3, the present cost for each plat or diagram, to the rates prescribed in the bill. It is favored and desired by the Department. If there be no objection to it, I will move the previous question on the engrossment and third reading of the bill.

Mr. BROWNE, of Indiana. I ask that the title of the bill be again read.

The title of the bill was again read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECOND-CLASS MAIL MATTER.

The next bill on the House Calendar was the bill (H. R. 4336) regulating the rates of postage on second-class mail matter at letter-carrier offices, reported with an adverse recommendation by Mr. BLOUNT from the Committee on the Post-Office and Post-Roads.

The bill was read.

Mr. DOCKERY. I ask that, in the absence of the chairman of the Committee on the Post-Office and Post-Roads, this bill be passed over informally.

Mr. DINGLEY. Is there a minority report?

Mr. BINGHAM. There will be to-day.

Mr. DINGLEY. I would like to know whether there is any assurance that the bill will be reached again for consideration.

Mr. DOCKERY. My request was that it be passed over informally, not to lose its place on the Calendar. I assure the gentleman from Maine that the Committee on the Post-Office and Post-Roads will make every effort to reach it.

Mr. DINGLEY. Does the committee propose to bring the matter before this House for consideration?

Mr. DOCKERY. Yes, sir.

Mr. DINGLEY. That is satisfactory.

MILITARY AND POSTAL TELEGRAPH.

The next business on the House Calendar was the bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act, reported by Mr. DOCKERY from the Committee on the Post-Office and Post-Roads with amendments.

The bill as proposed to be amended was read, as follows:

[The amendments of the committee are to omit the parts printed within brackets and insert the parts printed in italics.]

Be it enacted, etc., That all railroad *and telegraph* companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, *which, by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines*, and all companies engaged in operating said railroads *or telegraph lines* shall forthwith and henceforward, by and through their own respective corporate officers and employés, construct, maintain, and operate, for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid.

SEC. 2. That whenever any telegraph company which shall have accepted the provisions of Title LXV of the Revised Statutes shall extend its line [to the eastern terminus or] to any station or office of a telegraph line belonging to any one of said railroad *or telegraph* companies, *referred to in the first section of this act*, said telegraph company *so extending its line* shall have the right and said railroad *or telegraph* company shall allow the line of said telegraph company *so extending its line* to connect with the telegraph line of said railroad *or telegraph* company *to which it is extended* at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad *and telegraph* companies, *referred to in the first section of this act*, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable.

SEC. 3. That if any such railroad *or telegraph* company *referred to in the first section of this act*, or company operating such railroad *or telegraph line* shall refuse or fail, in whole or in part, to construct, maintain, and operate a telegraph line as provided in this act and acts to which this is supplementary, for the use of the Government or the public, for commercial and other purposes, without discrimination, or shall refuse or fail to make or continue such arrangements for the interchange of business with any connecting telegraph company, then any person, company, corporation, or connecting telegraph company may apply for relief to the *Interstate Commerce Commission* [Commissioner of Railroads], whose duty it shall thereupon be, *under such rules and regulations as said Commission may prescribe*, to ascertain [and report] the facts, [in the case to the Secretary of the Interior, who shall] *and* determine and order what arrangement is proper to be made in the particular case, and the railroad *or telegraph* company concerned shall abide by and perform such order; and it shall be the duty of the *Interstate Commerce Commission*, [Railroad Commissioner], when such determination and order are *made*, [certified to him], to [see that the same is notified to] *notify* the parties concerned [and is properly and efficiently carried into effect], and, if necessary, [enforced by] *enforce the same by writ of* mandamus [or other proper legal proceedings] in the courts of the United States, *in the name of the United States, at the relation of either of said Interstate Commerce Commissioners: Provided, That the said Commissioners may institute any inquiry, upon their own motion, and in the same manner and to the same effect as though complaint had been made.*

SEC. 4. That in order to secure and preserve to the United States the full value and benefit of its liens upon all the telegraph lines required to be constructed

by and lawfully belonging to said railroad *and telegraph* companies *referred to in the first section of this act*, and to have the same possessed, used, and operated in conformity with the provisions of this act and of the several acts to which this act is supplementary, it is hereby made the duty of the Attorney-General of the United States, by proper proceedings, to enforce and prevent any unlawful interference with the rights and equities of the United States under this act, and under the acts hereinbefore mentioned, and under all acts of Congress relating to such railroads and telegraph lines, and to have legally ascertained and finally adjudicated all alleged rights of all persons and corporations whatever claiming in any manner any control or interest of any kind in any telegraph lines or property, or exclusive rights of way upon the lands of said railroad companies, or any of them, and to have all contracts and provisions of contracts set aside and annulled which have been unlawfully and beyond their powers entered into by said railroad *or telegraph* companies, or any of them, with any other person, company, or corporation.

SEC. 5. That any officer or agent of said railroad *or telegraph* companies, or of any company operating the railroads *and telegraph lines* of said companies, who shall refuse or fail to operate the telegraph lines [on] *of* said railroads *or telegraph companies* under his control, or which he is engaged in operating, in the manner directed in this act and by the acts to which it is supplementary, or who shall refuse or fail, in such operation and use, to afford and secure to the Government and the public equal facilities, or to secure to each of said connecting telegraph lines equal advantages and facilities in the interchange of business, as herein provided for, without any discrimination whatever for or adverse to the telegraph line of any or either of said connecting companies, *or shall refuse to abide by, or perform and carry out within a reasonable time the order or orders of the Interstate Commerce Commission*, shall in every such case of refusal or failure be guilty of a misdemeanor, and, on conviction thereof, shall in every such case be fined in a sum not exceeding $1,000, and may be imprisoned not less than six months; and in every such case of refusal or failure the party aggrieved may not only cause the officer or agent guilty thereof to be prosecuted under the provisions of this section, but may also bring an action for the damages sustained thereby against the company whose officer or agent may be guilty thereof, in the circuit or district court of the United States in any State or Territory in which any portion of the road *or telegraph line* of said company may be situated; and in case of suit process may be served upon any agent of the company found in such State or Territory, and such service shall be held by the court good and sufficient.

SEC. 6. That it shall be the duty of each and every one of the aforesaid railroad *and telegraph* companies within sixty days from and after the passage of this act, to file with the [Commissioner of Railroads] *Interstate Commerce Commission* copies of all contracts and agreements of every description existing between it and every other person or corporation whatsoever in reference to the ownership, possession, maintenance, control, use, or operation of *any* telegraph lines, or property *over or upon its* [or] rights of way [upon its railroads], and also a report describing with sufficient certainty the telegraph lines and property belonging to it, and the manner in which the same are being then used and operated by it, and the telegraph lines and property upon its right of way in which any other person or corporation claims to have a title or interest, and setting forth the grounds of such claim, and the manner in which the same are being then used and operated; and it shall be the duty of each and every one of said railroad *and telegraph* companies annually hereafter to report to the [Commissioner of Railroads] *Interstate Commerce Commission*, with reasonable fullness and certainty, the nature, extent, value, and condition of the telegraph lines and property then belonging to it, the gross earnings, and all expenses of maintenance, use, and operation thereof, and its relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports which the Commissioner of Railroads shall prescribe; and if any of said railroad *or telegraph* companies shall refuse or fail to make such reports *or any report* as may be called for by [the Commissioner of Railroads] *said Commission*, or refuse to submit its books and records [to his] *for* inspection, [it shall be subject to all the forfeitures and penalties provided by the fifth section of the act of June 19, 1878, entitled "An act to create an Auditor of Railroad Accounts, and for other purposes."] *such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than* $1,000 *nor more than* $5,000, *to be recovered by the Attorney-General of the United States, in the name and for the use and benefit of the United States; and it shall be the duty of the Interstate Commerce Commission to inform the Attorney-General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures hereinbefore provided.*

SEC. 7. That nothing in this act shall be construed to affect or impair the right of Congress, at any time hereafter, to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in the United States.

[SEC. 8. That every telegraph company which shall have accepted the provisions of Title LXV of the Revised Statutes shall be, and is hereby, prohibited from engaging in the collection or selling of election news, or other news reports of the current events of the day, except quotations of stocks and commercial markets.]

Mr. DOCKERY. There will probably be no vote on this measure to-night; and I ask that the report of the committee, with the exception of the testimony taken at the last session of Congress, be printed in the RECORD. I also desire in this connection to have printed in the RECORD the contracts between the Western Union Telegraph Company and the Union Pacific and Central Pacific Railroad Companies.

Mr. BINGHAM. The gentleman's request of course includes the minority report?

Mr. DOCKERY. Certainly.

Mr. PAYSON. Before that arrangement is made I wish to ask where is the necessity of burdening the RECORD with what has already appeared in print and is in possession of every member of the House?

Mr. DOCKERY. I have no objection myself to withdrawing the request.

Mr. PAYSON. It is a bulky document.

Mr. DOCKERY. But I omit the bulk and simply ask for printing the report proper.

Mr. PAYSON. How long is it?

Mr. DOCKERY. Not to exceed three pages.

Mr. PAYSON. Then I do not object.

There being no objection, the majority and minority reports were ordered to be printed in the RECORD.

The majority report (by Mr. DOCKERY) is as follows:

The Committee on the Post-Office and Post-Roads submit the following report:

Your Committee on the Post-Office and Post-Roads, having carefully considered House bill 1426, beg leave to report the same favorably with the following amendments:

Amend section 1, in third line, by adding, after the word "railroad," the words "and telegraph."

Amend section 1, in fifth line, by adding, after the word "lines," the following: "which by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines."

Amend section 1, in sixth line, by changing word "railroads" to "railroad," and adding after it the words "or telegraph lines."

Amend section 2, in third and fourth lines, by striking out the words "to the eastern terminus or."

Amend section 2, in fifth line, by adding, after the word "railroad," the words "or telegraph." Also add, after the word "companies," in same line, the words "referred to in the first section of this act, so extending its line."

Amend section 2, in sixth line, by adding, after the word "railroad," the words "or telegraph," and adding, in seventh line, after the word "company," the words "so extending its line."

Amend section 2, in eighth line, by adding, after the word "railroad," the words "or telegraph," and after the word "company" the words "to which it is extended."

Amend section 2, in eleventh line, by adding, after the word "railroad," the words "and telegraph," and also, after the word "companies," the words "referred to in the first section of this act."

Amend section 3, in first line, by adding, after the word "railroad," the words "or telegraph," and after the word "company" the words "referred to in the first section of this act." Also, in the second line of same section, by adding, after the word "railroad," the words "or telegraph line."

Amend by striking out, in the third section, wherever they occur, the words "Commissioner of Railroads" and inserting in lieu thereof the words "Interstate Commerce Commission," they occurring in the tenth and eleventh lines and also in sixteenth line; also in fourteenth line of same section add, after the word "railroad," the words "or telegraph."

Amend by adding, after the word "be," in eleventh line, in the same section, the words "under such rules and regulations as said Commission may prescribe."

Amend by striking out, in the eleventh line, the word "and," and in the twelfth line of said third section the word "report."

Amend by striking out, in the same section, in twelfth and thirteenth lines, the words "in the case to the Secretary of the Interior, who shall," and add the word "and" before the word "determine," in said thirteenth line.

Amend by striking out, in same section, seventeenth line, the words "certified to him," and insert the word "made." Also, in the same line, strike out the words "see that the same is," and in eighteenth line change the word "notified" to "notify," and strike out the next word, "to."

Amend said third section by striking out in the eighteenth and nineteenth lines the words "and is properly and efficiently carried into effect," and changing in nineteenth line the word "enforced" to "enforce," and adding after it the words "the same by writ of," first striking out in said line the word "by."

Amend said third section further by striking out, after the word "mandamus," in twentieth line, the words "or other proper legal proceedings," and adding the following: "In the name of the United States at the relation of either of said Interstate Commerce Commissioners: *Provided*, That the said Commissioners may institute any inquiry upon their own motion in the same manner and to the same effect as though complaint had been made." Also change the period after the word "States," in twenty-first line, to a comma.

Amend section 4, in nineteenth line, after the word "railroad," add the words "or telegraph."

Amend section 5, first line, by adding after the word "railroad" the words "or telegraph," and add in second line, after the word "railroad," the words "and telegraph lines;" also in fourth line strike out the word "on" and insert the word "of," and add, after the word "railroads," in fourth line, "or telegraph companies."

Amend section 5 by adding at the end of the twelfth line the following: "or shall refuse to abide by or perform and carry out within a reasonable time the order or orders of the Interstate Commerce Commission," and in twenty-third line of same section, after the word "road," add the words "or telegraph lines."

Amend section 6 by striking out, wherever they occur in said section, the words "Commissioner of Railroads" and inserting in lieu thereof the words "Interstate Commerce Commission," except in the twenty-seventh line insert only the words "said Commission," and in second line add, after the word "railroad," the words "and telegraph," and in eighth line of said section strike out the word "or" after the word "property," and add the words "over or upon its," and strike out in same line the words "upon its railroads," and adding in seventeenth line, after the word "railroad," the words "and telegraph."

Amend section 6 by adding, at the end of the twenty-sixth line, the words "or any report;" also by striking out, in twenty-seventh line same section, the word "the," and, in twenty-eighth line, striking out the words "to his" and inserting the word "for;" also in twenty-sixth line add, after the word "railroad," the words "or telegraph."

Amend section 6 further by striking out, after the word "inspection," in the twenty-eighth line, the remainder of the section and adding the following: "such neglect or refusal shall operate as a forfeiture in each case of such neglect or refusal of a sum not less than $1,000 nor more than $5,000, to be recovered by the Attorney-General of the United States in the name and for the use and benefit of the United States; and it shall be the duty of the Interstate Commerce Commission to inform the Attorney-General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures hereinbefore provided."

Amend by striking out the eighth section entire.

The House of Representatives, by resolution adopted February 26, 1886, empowered the Committee on the Post-Office and Post-Roads to ascertain and report whether "additional legislation is needed to prevent a monopoly of telegraphic facilities; to secure to the Southern, Western, and Pacific States the benefits of competition between the telegraph companies; and to protect the people of the United States against unreasonable charges for telegraphic services;" and to carry out the purposes of the inquiry authorized the committee to send for and examine persons, books, and papers, administer oaths to witnesses, and employ a stenographer. Pursuant to the terms of the resolution the committee heard statements and examined witnesses with a view of ascertaining especially the relations of the land-grant railroads and telegraphic lines to the lines of other telegraph companies, to the public, and to the Government. As a result of their investigations the conclusion was reached that the Pacific railroads had not complied with the requirements of the acts under which they were incorporated, for the reason that, instead of constructing, maintaining, and operating a telegraph line, they had divested themselves of this obligation by contracting with the Western Union Telegraph Company to perform the service. For the purpose of compelling the land-grant roads to comply with the plain requirements of their incorporating acts, the Post-Office Committee reported House bill 10398; but inasmuch as the bill, with the accompanying report, was submitted at a late hour of the session (December 22, 1886), no action thereon was taken by the House.

The bill under consideration (H. R. 1426), with the exception of section 8, is in terms identical with the bill reported by the Post-Office Committee at the second session of the Forty-ninth Congress. The effects of the amendments

proposed by your committee are (1) to include telegraph companies within the scope of the provisions of the bill, and require them, as well as railroad companies, to construct, maintain, and operate telegraph lines where, by the original acts of incorporation or supplementary acts, they were required to so construct, maintain, and operate such lines; (2) the Interstate Commerce Commission is charged with the duty of enforcing the requirements of this measure instead of the Commissioner of Railroads and Secretary of the Interior, as originally proposed in House bill 10398; (3) the bill is further amended by striking out section 8, because it is not germane to the other provisions, and the committee did not desire to enlarge its scope beyond the purpose of the original inquiry.

Inasmuch as the report of the Post-Office Committee, submitted at the last session, reflects the views of your committee upon the question at issue, we beg to adopt it as our own, and offer House bill 1426, as amended, in lieu of the bill then reported. We also present the statements and evidence taken under the authority of the resolution of February 26, 1886, as a part of this report.

[Report submitted December 22, 1886.]

ACTS RELATING TO LAND-GRANT TELEGRAPH LINES.

The act of June 16, 1860, authorizing the construction of a telegraph line "between the Atlantic and Pacific States," provided (section 1)—

"That said line or lines * * * shall be open to the use of all citizens of the United States during the term of the said contract, on the payment of the regular charges for transmission of dispatches."

Section 3 provided—

"That messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line at either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the Government shall have priority."

The first Pacific railroad act, passed July 1, 1862, granting lands and bonds in aid of "a railroad and telegraph line from the Missouri River to the Pacific Ocean," authorized and empowered the Union Pacific Railway Company "to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph, with the appurtenances," etc. Section 2 of said act granted the right of way to said company "for the construction of said railroad and telegraph line," and authorized the use of stone, timber, and other materials for the construction thereof. Section 3 granted to said company, "for the purpose of aiding in the construction of said railroad and telegraph line, * * * every alternate section of public land * * * to the amount of five alternate sections per mile on each side of said railroad."

Section 4 provided—

"That whenever said company shall have completed 40 consecutive miles of any portion of said railroad and telegraph line ready for service * * * the President of the United States shall appoint three commissioners to examine the same and report to him in relation thereto."

Section 5 provided for the issue of bonds of the United States to the amount of $16,000 per mile upon "the completion and equipment of 40 consecutive miles of said railroad and telegraph."

Section 6 made the grants referred to conditional upon the company's keeping "said railroad and telegraph line in repair and use," and provides that they "shall at all times transmit dispatches over said telegraph line, and transport mails," etc., for the Government whenever required to do so by any Department thereof, and gave the Government the preference in the use of the railroad and telegraph.

The same provisions are made to apply to the Central Pacific Railroad Company of California, and all other lines of railroad and telegraph authorized by the said act of July 1, 1862.

Section 12 of the act provides that—

"The whole line of said railroad and branches and telegraph shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected, continuous line."

Section 15 provides—

"That any other railroad company now incorporated, or hereafter to be incorporated, shall have the right to connect their road with the road and branches provided for by this act, at such places and upon such just and equitable terms as the President of the United States may prescribe."

And section 19 provides—

"That the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri River and San Francisco may be moved upon or along the line of said railroad and branches as fast as said roads and branches are built; and if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph. And, in case of disagreement, said telegraph companies are authorized to remove their line of telegraph along and upon the line of railroad herein contemplated without prejudice to the rights of said railroad companies named herein."

The act of July 2, 1864, amendatory of the act of July 1, 1862, provides (section 6) for the inspection and reception by the Government of the railroad and telegraph line together.

Section 15 of this act provides—

"That the several railroad companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line; and in such operation and use to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others, and it shall not be lawful for the proprietors of any line of telegraph authorized by this act, or the act amended by this act, to refuse or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offense the sum of $100 and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any State or Territory of competent jurisdiction."

This act of July 2, 1864, also authorizes the issue of a first mortgage by the railroad companies, and increases the grants of land in certain cases.

The last section of this act (section 22) provides "that Congress may, at any time, alter, amend, or repeal this act."

It is important to note in this connection that this amendatory act of July 2, 1864, including section 22, here quoted, was passed before anything had been done or any rights had accrued under the act of July 1, 1862.

The Northern Pacific Railroad act, also passed July 2, 1864, provides for the construction of a continuous railroad and telegraph line.

So that everywhere in the land-grant acts railroads and telegraphs are united, and the obligations that attach to one attach to the other.

The act of July 24, 1866, authorizes any telegraph company now organized, or which may hereafter be organized, under the laws to construct telegraph lines over any portion of the public domain along military or post roads of the United States, to cross navigable streams, etc.

Section 2 of this act gives the Government priority of use and allows the Postmaster-General to fix rates.

Section 4 provides that before any telegraph company shall exercise any of the powers or privileges offered by this act, such company shall file its written acceptance with the Postmaster-General of the restrictions and obligations required by the act.

The act of June 23, 1879, authorizes all railroad companies to engage in telegraph business.

Section 4 of the Idaho telegraph act (July 2, 1864) contains substantially the same provisions as section 19 of the act of July 1, 1862, and includes the United States Telegraph Company, not embraced in the section referred to.

By reference, at this point, to the first act of June 16, 1860, authorizing the construction of a telegraph line between the Atlantic and Pacific States, the removal of which line to the line of the railroads is provided for in section 19 of the act of July 1, 1862, quoted above, it will be seen that the conditions of the grant in the act of 1860 were that "messages received from any telegraph lines connecting with this line at either of its termini shall be impartially transmitted in the order of their reception," but reserving to the Government priority of use.

Nothing in the act authorizing the removal of the telegraph line as originally constructed to the line of the railroad changes in this respect the terms of the original grant, although by said section 19, in case of such an arrangement being entered into for the transfer of the telegraph line to the railroad, that should be deemed a fulfillment on the part of said railroad companies of the provisions of the act in regard to the construction of a line of telegraph.

So that when the Overland Telegraph line had been removed to the line of the railroad as it was built, it was there in place of a telegraph the railroad company otherwise would have been obliged to construct; it was there in place of such a line, and to do the work of such a line, and to do it in all respects the same as it would have to be done by a line built by the railroad company. Hence the obligation of the railroad company, in the opinion of your committee, to keep in operation a telegraph line that shall fulfill the requirements of the provisions of the law in relation to telegraphs, is in no wise lessened by any arrangement that may have been entered into for the transfer of the wires previously constructed on the overland route.

OBLIGATIONS OF THE RAILROAD COMPANIES UNDER THE ACTS ABOVE CITED.

The several acts hereinbefore cited embrace all the provisions of law which enter into and constitute the contracts between the United States and the railroad companies, and these provisions are binding both upon the Government and the railroad companies. (See United States *vs.* Union Pacific Railroad Company, 91 U. S., 72; Sinking Fund Cases, 99 U. S., 700, 718; Union Pacific Railroad Company *vs.* United States, 104 U. S., 662; United States *vs.* The Central Pacific Railroad Company, U. S. Supreme Ct., decided May 10, 1886.)

Nor is it necessary to raise the question of the right of Congress to alter any of these provisions, or to "alter, amend, or repeal," as provided in the act of July 2, 1864. For it is believed by your committee that it is not a change in the provisions of the law under which the Pacific roads were constructed that is now called for, but an enforcement of the obligations assumed by said railway companies under the terms of the acts accepted and acted upon by them.

It will not, however, be deemed out of place to refer here to the decisions of the Supreme Court touching the right to alter or amend charters.

In the Sinking Fund cases it is held that while the power to alter, amend, or repeal a charter "can not be used to take away property already acquired under the operation of the charter, or to deprive the corporation of the fruits actually reduced to possession of contracts lawfully made" (Sinking Fund Cases, 99 U. S., 720), still, as was said by Mr. Justice Clifford in Miller *vs.* The State, 15 Wall., 498, "it may safely be affirmed that the reserved power may be exercised, and to almost any extent, to carry into effect the original purposes of the grant, or to secure the due administration of its affairs, so as to protect the rights of stockholders and of creditors, and for the proper distribution of its assets;" and again, in Holyoke Company *vs.* Lyman, 15 Wall., 519, "to protect the rights of the public and of the corporators, or to promote the due administration of the affairs of the company."

Mr. Justice Field, in Tomlinson *vs.* Jessup, 15 Wall., 459, says: "The reservation affects the entire relation between the State and the corporation, and places under legislative control all rights, privileges, and immunities derived by its charter directly from the State."

But as is said in Shields *vs.* Ohio, 95 U. S., 324: "The alterations must be reasonable; they must be made in good faith, and be consistent with the object and scope of the act of incorporation. Sheer oppression and wrong can not be inflicted under the guise of amendment or alteration."

SUMMARY.

From an inspection of the several acts relating to the construction of the several railroads and telegraphs, it will be seen—

First. That in all cases the grants of land and of bonds, where bonds were granted, were to aid in the constuction of a railroad and telegraph line, the two being inseparably connected in all the grants. The grant was for a telegraph line as well as for a railroad, and the obligation to construct, maintain, and operate a telegraph line rests upon precisely the same foundations and subject to the same conditions, and is as binding as the obligation to construct, maintain, and operate a railroad.

Second. The railroads were required to be operated as continuous lines for all purposes of communication, travel, and transportation as far as the Government and the public are concerned, and in such operation and use to afford and secure to each equal advantages and facilities and without discrimination. These provisions apply as explicitly to the construction, maintenance, and operation of a telegraph line as to the railroads. Nor can a railroad company divest itself of this obligation by contract with another company. It is an obligation the railroad company can not abandon.

PUBLIC AID CAN BE GRANTED ONLY FOR PUBLIC USE.

The grant of public lands and of the public credit in aid of the construction of the railroads and telegraph lines in question, even without express provisions, implies a public use of them. Public aid can not be legitimately extended to purely private enterprises. (See Loan Associations *vs.* Topeka, 22 Wall., 655; Lake Superior and Mississippi Railroad Company *vs.* United States, 93 U. S., 442-457; 1 Rorer on Railroads, 64.)

Public aid not only implies public use, but imposes duties and responsibilities in the nature of trusts. Nor is this responsibility or obligation altered because public interests and private rights become united. Public use and private gain in such cases are held to be not inconsistent. (See Sinking Fund cases, 99 U. S., 700, 719; Chicago, Burlington and Quincy Railroad Company *vs.* Iowa, 94 U. S., 155.)

The principle that governs the public use of any right or privilege is that it shall be equal for all and without discrimination. Equal privileges and equal facilities are fundamental conditions in the public use of anything.

VESTED RIGHTS.

The question of the disturbance of vested rights does not, therefore, in the opinion of your committee, arise here. It is not proposed to disturb vested rights. Surely no one would claim that in order to preserve vested rights discrimination in the use of these railroads and telegraph lines became necessary.

PUBLIC USE WITHOUT DISCRIMINATION.

The public uses of the land-grant railroads and telegraph lines are, (1) Government service on the terms and conditions provided in the grants; (2) use by all the people equally and without discrimination, upon the payment of reason-

able compensation, under the circumstances existing, for the service performed. In order that equal facilities may be afforded to all and discrimination prevented, it becomes necessary not only that individuals should be granted equal facilities, but that equal rights and facilities should be extended to connecting railways and connecting telegraph lines. If one of the Pacific lines of railroad should enter into a contract with some single line of road from the terminus of the Pacific road to the Atlantic seaboard, and give special and exclusive rates to points on the line of such connecting road, or to the seaboard by such road, then only those living on or doing business along the line of such connecting road would have the benefit of equal rates across the continent.

People living on other lines of road, over which alone they could reach the Pacific roads, would not have, under such circumstances, equal facilities, equal privileges, and equal rates with those living upon the more favored line of road. Precisely the same condition exists when only those in reach of a favored telegraph line, or system, can enjoy the privilege of given rates to the Pacific coast. If, for instance, those living or doing business within reach of the Western Union telegraph lines can have given rates extended to them to points on the Pacific roads, or on the Pacific coast, while those in reach only of another line of telegraph must pay the same rate from Omaha, or any other terminus of a land-grant telegraph line that another pays from New York or some interior point, and must pay for the message to Omaha in addition, then he does not enjoy the same rights and privileges that are extended to those using the Western Union telegraph lines to reach the lines over the Pacific roads. Therefore, in order that equal facilities and equal terms over the land-grant wires may be extended to all, it is necessary that equal rights, facilities, and terms shall be granted to all connecting telegraph lines. Certainly it would not be permitted to one of the land-grant roads to make a special contract with some single connecting railroad, and to points on that road or beyond make one rate and to other roads make different rates. Nor would a land-grant company be permitted to receive business at the eastern terminus of its road from one connecting road to be carried thence to points on such land-grant road, or to the Pacific coast, at one rate, and exact other conditions and higher rates for freight received from other connecting lines of road.

Conceding that a subsidized road is as much under obligation to maintain and operate a telegraph line for the equal benefit of all as a railroad line, then it follows that it is bound to receive telegraphic business offered to it at its terminus by one telegraph company on precisely the same terms and conditions as its receives business offered to it by any other telegraph company.

From what has gone before, and the several acts referred to, and the evidence presented to your committee, it seems clear that the obligation to maintain and operate telegraph lines under the grants accepted by such railroad companies can no more be questioned than the obligation to maintain and operate railroads. This obligation can not be better stated than in the language of Messrs. Sidney Bartlett and John F. Dillon, then counsel for the Union Pacific Railway Company. They say, in the opinion given by them:

"The foregoing and numerous other provisions (referring to the statutes) show that Congress placed the telegraph line in respect to its construction, maintenance, and use by the Pacific companies upon precisely the same footing as the line of railroads. Both were integral parts of the great end in view. In respect of both, the duties of the companies are, so to phrase it, personal; and no authority is given to devolve them on others.

"On well-known principles of law, such franchises are inalienable without express legislative authority. Not only is there an absence of such authority, but its existence is plainly negatived by the nature of the rights reserved to the Government, and the special duties toward the Government and the public enjoined on the companies which they alone can perform. Thus the companies are required to transmit messages for the Government, and the earnings of the telegraph line from this source are to be applied in payment of the Government bonds.

"So the several Pacific companies are required to operate and use their respective roads and telegraph as one continuous line, without discrimination in favor of or against any of the companies, and it is made unlawful for them, if they are the proprietors of a telegraph line, to refuse or fail to transmit news or messages for all persons.

"It results, therefore, that no valid lease or other contract can be made by the companies to surrender or to devolve on others their duty to maintain, control, and manage their respective lines of telegraph. They can no more do this in respect of their lines of telegraph than they can in respect of their lines of railway. Any lease or contract to that effect is, in the language of the law, *ultra vires*.

"In view of the foregoing considerations, the answer to the question presented on behalf of the American Union Telegraph Company is obvious.

"Assuming that under their charter the Kansas Pacific and Union Pacific Railroad Companies originally constructed and thereby became proprietors of lines of telegraph, it is the duty of their successors, the present Union Pacific Railway Company, to maintain and use them. It can not refuse to receive and transmit messages from and to the American Union Telegraph Company, or any other company or persons, without violating its duty and incurring civil and criminal penalties.

"Any proprietor of a line of telegraph under the authority of the Pacific acts (if there be any such besides the railway companies) is likewise bound to receive and transmit messages for the public or for any other company under the penalties prescribed by Congress."

This view is sustained by the opinion of Mr. Justice Miller, confirming the opinion of Judge McCrary, in the case of The Western Union Telegraph Company *vs.* The Union Pacific Railway Company *et al.*, in which this language is used:

"That on the face of the acts of Congress of 1862 and 1864, called 'the Pacific railroad acts,' the obligation of building a telegraph line along its right of way, and of operating that line or having it operated under the control of the railroad company, was an obligation which the railroad company could not abandon."

WHAT IS THE PRESENT CONDITION OF TELEGRAPH LINES ALONG LAND-GRANT ROADS?

Do the land-grant roads now maintain and operate telegraph lines as they operate their roads, affording equal facilities to the public in general, or do they not? The evidence presented to the committee seems conclusive that they do not; but, on the other hand, that they have entered into contracts with the Western Union Telegraph Company by which said company does most of the business for the roads themselves, and practically the entire commercial business done over the wires stretched along the land-grant roads. Copies of these contracts will be found in the appendix to this report. These contracts are exclusive in their nature, and practically place the entire control of the business between the Atlantic and Pacific States in the hands of one telegraph company.

In the agreement between the Union Pacific Railway Company and the Western Union Telegraph Company are the following provisions:

"It is mutually understood and agreed that all of the telegraph lines and wires covered by this contract, whether belonging to or used by the telegraph company or the railway company, for the purposes of this contract, as herein provided, shall form part of the general system of the telegraph company."

Again:

"The railway company further agrees that its employés shall transmit over the lines owned, controlled, or operated by the parties hereto, all commercial telegraph business offered at the railway company's offices, and shall account to the telegraph company exclusively for all of such business, and the receipts thereon, as provided herein.

"No employé of the railway company shall, while in its service, be employed by or have any connection with any other telegraph company than the telegraph company party hereto, and the telegraph company shall have the exclusive right to the occupancy of and connection with the railway company's depots or station-houses for commercial or public telegraph purposes as against any other telegraph company."

The right of the Western Union Telegraph Company, or any other telegraph company, to construct and operate telegraph lines from the Missouri River to the Pacific, and to erect poles on the right of way of the railroad companies, upon terms to be agreed upon between the parties, does not arise in the case under consideration, which is simply and solely whether or not the land-grant railroads do maintain and operate for the use of the Government and the public, with equal facilities and rights to all, telegraph lines as required in the several charters and grants constituting contracts between said companies and the United States. Your committee finds that telegraph lines are not maintained and operated as the railroads are, nor, in the opinion of your committee, as was contemplated in the acts making the grants; but, on the other hand, that some or all of said companies or their successors have, in violation of the true intent and meaning of said acts, transferred to the Western Union Telegraph Company the use and operation, in whole or in part, of the telegraph lines properly belonging to them, and the exercise of their telegraph franchises, thereby impairing the lien of the United States on the property of said companies, as well as preventing the public use of such telegraph lines.

CONCLUSION.

Undoubtedly citizens or companies or corporations have a right to seek a remedy in the courts; but the question arises whether it is not the duty of the Government to see that the terms and conditions upon which the grants of public aid were made are fulfilled. These railroad corporations owe their existence and all their rights to these statutes and these grants of public aid, and shall the citizen be left with no other remedy than at his own expense to enforce his rights through the Federal courts? Or shall the Government, which has created the corporations, granted the public aid, and imposed upon them obligations, take it upon itself to see that the conditions of the grants are complied with and the obligations imposed by the several acts fulfilled? In the opinion of your committee, this is a duty which rests with the Government.

The minority report is as follows:

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee on the Post-Office and Post-Roads, dissent from the recommendations of the majority of said committee on House bill No. 1426 and amendments thereto.

They are thoroughly in sympathy with the avowed purpose of the majority of the committee, to wit, the prevention of any unjust discrimination by any of the subsidized land-grant railroads, incorporated under act of July 1, 1862, and acts amendatory thereof, against any person or corporations desiring to use the telegraph facilities of said railroad companies, but they differ from the majority of said committee in that they believe that the legislation proposed would not be wise, if it were competent, and that the bill, with its amendments, is unconstitutional, as seeking to interfere with vested rights.

The first section provides that the subsidized railroad companies shall "forthwith and henceforward" operate through their "own officers and employés" their telegraph lines, and "exercise by themselves alone" all telegraph franchises of which they are seized.

The undersigned submit that the attempt by the United States, the largest creditor of each of said subsidized roads, to impose conditions upon the debtor railroads which must necessarily increase the expenditures and lessen the profits of said roads is unwise treatment of those debtor companies, if it is conceded that under the existing facts the power exists to make and enforce such a law.

It must be borne in mind that the telegraph lines of said railroads are not the exclusive lines along the said roads, but that the Western Union Telegraph Company owns and operates a line parallel with and on the right of way of the railroad companies, under an arrangement whereby the expenses are borne jointly by the railroad companies and the Western Union Company. This arrangement has been very beneficial at least in a financial point of view, bringing the net receipts of the Union Pacific from $38,000 to $110,000 yearly, while the charges for telegraphic service to the public have been materially reduced in the time.

The Western Union Company has a network of feeders extending over the entire country, now bringing business and revenue to the lines of the subsidized railroads, in the profits of which they mutually share.

If Congress compels this arrangement to be broken, the subsidized roads will be forced to hire and maintain, at a greatly increased expense, a full retinue of operators and agents, without the possibility of sharing in any business originating off their own lines, while subjected to active competition for the pittance of business which is done at way points along the line. Thus, upon probably less than 10 per cent. of the business in which they now share, their expenses would probably be quadrupled, and the present profit of $110,000 per annum might readily become a loss of a still larger amount.

In the view of the minority, therefore, the legislation under consideration, if competent, is unwise.

Upon the question of the competency of this legislation, the minority will content themselves with the brief and terse statement of the propositions on which is predicated their opinion that Congress can not make and enforce a law embracing the provisions of this bill, because the same are not constitutional.

Prior to the act of July 1, 1862, there was a line of overland telegraph, built and operated under the provisions of the act of June 16, 1860, which was for ten years a subsidized line. Section 19 of act of July 1, 1862, expressly gave the railroad companies the right to enter into an arrangement with the overland telegraph companies, so that the overland line might be moved upon the right of way of the railroad companies, and such removal, if made, should "be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph."

Here, then, was express authority at law for the removal and consolidation, even, of these lines of telegraph. The lines of the overland telegraph were in point of fact removed, and the Western Union Company became the *de facto* successor of the old overland company. The question of whether the Western Union was such successor *de jure* may probably not be held as *res adjudicata*, yet the opinion of Mr. Justice Miller in Western Union *vs.* Union Pacific (circuit court of United States, district of Kansas, October, 1880) holds that *prima facie* it is such successor; that section 19, act of July 1, 1862, was in full force in 1881, and is in full force and unrepealed to-day.

On July 1, 1881, there being at that time full express authority to act, the subsidized roads and the Western Union made an arrangement for a joint operation of all the wires and lines of both of them over their common right of way. The arrangement was and is beneficial to each. It was a contract proper and lawful to be made at common law unaided by statute. It had statutory authority in addition. Under that contract, lawfully made, reciprocal vested rights inured. The Western Union built, at its own expense, additional lines for the railroad. It gave, and gives, the use of its lines and employés for railroad business, and in the opinion of this minority there is no more right or power in the United States Government to annul such contracts by legislation than there is to legislate the title of a granger's farm into a base-ball ground without the farmer's consent.

This principle has been constantly announced by the United States Supreme Court from the time of the famous Dartmouth College case (Woodward *vs.* Dartmouth College, 4 Wheaton) till now. (See in support of these views, 8 Wheaton, 17; 1 Howard, 311; 6 Howard, 318; 15 Howard, 305; 4 Wall., 550; 96 U. S., 604; 105 U. S., 603; 108 U. S., 64; 95 U. S., 824; 106 U. S., 219; 99 U. S., 700; 110 U. S., 668.)

And it is no answer that there is reserved the right to alter, amend, or repeal the law of 1863.

These rights do not give a right to destroy or annul contracts lawfully made, nor to confiscate or make worthless property acquired or money invested while the law remained in its full force.

S. V. WHITE.
T. A. MERRIMAN.
HENRY H. BINGHAM.
CHAS. H. ALLEN.

The following are copies of the agreements between the Western Union Telegraph Company and the Union Pacific and Central Pacific Railroad Companies:

AGREEMENT BETWEEN THE CENTRAL PACIFIC RAILROAD COMPANY AND THE WESTERN UNION TELEGRAPH COMPANY.

This agreement, made and entered into on this the 14th day of December, 1877, between the Central Pacific Railroad Company, the Southern Pacific Railroad Company, the Sacramento and Placerville Railroad Company, the Northern Railway Company, the San Pablo and Tulare Railroad Company, the Los Angeles and San Diego Railroad Company, the Amador Branch Railroad Company, the Berkeley Branch Railroad Company, and the Los Angeles and Independence Railroad Company, parties of the first part, and the Western Union Telegraph Company, party of the second part, witnesseth:

That whereas said parties of the first part are severally railroad corporations organized under the laws of the State of California, and do severally own or hold under lease and operate certain several railroads, to each of which is attached a telegraph line, which is by them severally operated and used for the purpose of transmitting dispatches in relation to railroad and commercial business and to domestic and social matters; and

Whereas said party of the second part is a telegraph corporation, organized under the laws of the State of New York, and owns and operates certain telegraph lines along the several railroad lines of said parties of the first part, and is also engaged in operating other telegraph lines throughout the United States for the purpose of transmitting dispatches in relation to commercial business and to domestic and social matters; and

Whereas it is believed by the several parties hereto that it will be to their mutual benefit and advantage to unite their several telegraph lines and operate the same under one management and as one system:

Now, therefore, to that end, said parties of the first and second part do promise, covenant, and agree each to and with the other as follows:

I.

Said parties of the first part, and each thereof, agree to transmit all the telegraph business of said party of the second part, at each and every of their several respective railroad stations where one operator shall be competent and able to perform all the duties of railroad agent and telegraph operator, but if at any time it shall be or come to pass that at any of said railroad stations the telegraph business of said party of the second part shall be so great as to require an assistant operator in order that the same may be promptly transacted, such assistant operator shall be furnished by said party of the second part at its own proper cost and charges; and if it shall be or come to pass at any time that the railroad business at any such railroad station shall be so great as to require an assistant in order that the same may be promptly transacted, such assistant shall be furnished by the party of the first part to which such railroad station shall belong, at its own proper cost and charges: *Provided*, and it is expressly agreed and understood, that neither of said parties of the first part shall be required to furnish a telegraph operator at any of its stations where it does not require, for its own business, telegraph connection.

II.

Said party of the second part agrees to furnish, at its own proper cost and charges, to each of said parties of the first part, such telegraph wires for its exclusive use as it may require for the prompt transaction of its railroad telegraph business: *Provided*, That in all cases where one wire shall be sufficient for the uses of both parties, such wire shall be for the joint use of both parties: *And provided further*, That in all cases where only one wire is used, the railroad telegraph business shall have preference over the business of said party of the second part: *Provided further*, and it is expressly agreed and understood, that all wires used exclusively for railroad business, as aforesaid, shall be worked in such circuits as the railroad company concerned therein and using the same shall require.

III.

It is mutually agreed and understood that if at any time it shall be or come to pass that, from any cause, communication over any wire or wires, in the exclusive use, as aforesaid, of either of the parties of said first part shall be interrupted, such party of the first part shall have the use of any other wire or wires on the same route for the transaction of its business, until such interruption shall cease, or the cause thereof be removed; and in case any interruption in communication shall occur on any wire or wires in use by said party of the second part for the transaction of its business, then said party of the second part shall have the right to use, in the transaction of its business, any wire or wires, on the same route, set apart as aforesaid for the exclusive use of the party of the first part concerned in such route, until such interruption shall cease, or the cause thereof be removed: *Provided*, and it is expressly agreed and understood, that in all cases, in this subdivision provided for, the business of the party of the first part concerned in any such interruption or interruptions shall have preference over the business of the party of the second part during the continuance of such interruption or interruptions.

IV.

Each of the parties of the first part agrees that in case it shall extend its line of railroad or railroads, or branches, beyond their present termini, or shall construct additional lines or branches during the time this contract shall remain in force, it will also construct a line of telegraph along such extensions, or additional lines or branches, at its own proper cost and charges, and such new telegraph lines shall be deemed to be included in this agreement, and shall be held, used, and operated under and pursuant to the terms and conditions thereof.

V.

It is also mutually agreed and understood that in case the said party of the second part, at any time, shall require for the transaction of its business an additional wire or wires upon any route upon which any or either of the parties of the first part now own or control, or, as provided in the last preceding subdivision of this agreement, shall hereafter erect a line of telegraph poles, such additional wire or wires may be strung upon or attached to such poles: *Provided*, Such poles shall be of sufficient strength to bear the additional weight or strain of such wire or wires, and not otherwise. And in case such poles are not of sufficient strength as aforesaid, said party of the second part shall have the right to erect additional poles, but all such additional poles shall be erected at the sole and separate cost and charge of said party of the second part.

VI.

It is also mutually agreed and understood that the telegraph lines of each and every of the parties of the first part now in existence, and such as may hereafter be erected, as provided in the fourth subdivision of this agreement, shall be kept and maintained in good order and repair by said party of the second part during the continuance of this agreement: *Provided*, That if it shall appear upon inspection that any of said lines, now in existence, shall require new poles at the time this agreement is to take effect, as provided in the seventeenth subdivision thereof, such new poles shall be furnished and erected by the party of the first part, owning such line, at its own proper cost and charges.

VII.

Said parties of the first part agree to jointly appoint and employ, at their separate cost and charge, some suitable and competent person, to be approved by said party of the second part, whose duty it shall be to supervise all telegraph operators employed by said parties of the first part, or either thereof, and, generally, to supervise and manage the telegraph business of the said parties of the first part, and each and every thereof.

VIII.

It is also mutually agreed and understood that the superintendent provided for in the last preceding subdivision of this agreement, and also all telegraphic operators in the employ of said parties of the first part, or either thereof, during the continuance of this agreement, shall be subject to and governed by all the rules and regulations of said party of the second part which are now in force, or may hereafter be adopted and promulgated, while engaged in the transaction of the business of said party of the second part.

IX.

Said party of the second part agrees to furnish all books, blanks, batteries, instruments, adjuncts, and supplies which shall be necessary or convenient for the transaction of the business of all parties to this agreement, as therein provided, at its own proper cost and charges. It also agrees to employ and furnish a messenger for the delivery of messages at all railroad stations belonging to either or any of said parties of the first part where there shall be, on an average, a daily delivery of ten paid messages. It also agrees to transmit on all lines operated by it west of Omaha, Nebr., free of charge, all messages offered by or addressed to either of said parties of the first part, or the officers or counsel of either of said parties of the first part, in relation to the railroad or other business of either of said parties of the first part, and also all messages offered by or addressed to said officers and counsel, and members of their families, which shall relate to their personal affairs. It also agrees to transmit, free of charge, over all telegraph lines owned, controlled, or operated by it, east of said Omaha, all messages on the business of either of said parties of the first part, offered by or addressed to them or either of them, to and from any and all points on said lines at which said party of the second part does now or shall hereafter maintain telegraphic stations: *Provided*, Said last-named messages shall be transmitted under franks or passes, which said party of the second part agrees to issue and deliver to the officers, agents, and employés of the several parties of the first part, upon application therefor by their general superintendents or directors.

X.

Said party of the second part also agrees to transmit, free of charge, over all telegraph lines operated by it west of Ogden, Utah, from and to all points on said lines at which it shall maintain telegraphic stations, all messages offered by or addressed to Wells, Fargo & Co., or its officers and agents, during the continuance of this agreement, which relate to the business of any kind of said Wells, Fargo & Co.: *Provided*, and the foregoing promise is made upon the express condition that said Wells, Fargo & Co., at all times during the continuance of this agreement, shall transport, free of charge, over all its express routes west of Ogden, Utah, all small packages and money parcels offered by or addressed to said party of the second part, or its officers and agents, in the course of its business.

Said party of the second part also agrees to transmit, free of charge, over all telegraph lines operated west of Ogden, Utah, from and to all points on said lines at which it shall maintain telegraphic stations, all messages offered by or addressed to a certain corporation known as the Western Development Company, or its officers and agents, during the continuance of this agreement, which relate in any way to the business of said corporation.

XI.

Said parties of the first part, and each thereof, agree to cause their section men, so far as may be compatible with a faithful discharge of their duties as section men, to examine, look after, note, and report to the party of the second part, its officers and agents, the condition of all of said telegraph lines within their respective districts, and in case of any break, difficulty, or interruption, to repair temporarily or remove the same whenever the same can be done by them without neglecting their duties as such section men.

XII.

Said parties of the first part, and each thereof, also agree to transport, free of charge, over their respective railroads, all telegraphic supplies offered by said party of the second part or its officers and agents, and all materials required during the continuance of this agreement for the purpose of repairing and maintaining the telegraph lines of all parties hereto in as good order and condition as the same may be when this agreement takes effect: *Provided*, That neither of said parties shall be required to transport, free of charge, any materials intended to be used in the construction of new telegraph lines or in the reconstruction of old lines. They and each of them also agree to furnish, on their respective roads, all needful facilities for the transportation of men and materials that may be required for the repair of any of the telegraph lines of any of the parties hereto; and in case said party of the second part shall require an additional wire or wires to be strung upon the poles of any of said parties of the first part, as provided in the fifth subdivision of this agreement, then the parties of the first part shall transport, free of charge, over their respective roads, all men and material required for that purpose.

Said parties of the first part, and each thereof, also agree to furnish free transportation over their roads for all servants and employés of said party of the second part while traveling on the business of said party of the second part; also to furnish free transportation at all times to the officers of said party of the second part.

XIII.

It is also mutually agreed and understood that neither of said parties of the first part shall be liable to any of the officers, employés, or agents of said party of the second part in damages for any injuries which they may sustain while traveling free as provided in the last preceding subdivision of this agreement, whether such injuries be sustained or not through the negligence of said parties of the first part, or either thereof, or of their or either of their servants or agents; and to that end the said parties of the first part, and each thereof, may require said party of the second part to procure from the proper officers of said parties of the first part passes for its officers and servants, with the conditions aforesaid printed thereon, before they shall be allowed to enjoy the benefits stipulated in this subdivision.

XIV.

It is also mutually agreed and understood that the contracts heretofore made and now existing between said party of the second part and the Stockton and Copperopolis Railroad Company, and between said party of the second part and the California Pacific Railroad Company, in relation to telegraphic matters (of both of which roads said Central Pacific Railroad Company has become the lessee), shall be and remain suspended during the continuance of this agreement, so far as their provisions in any manner conflict with the provisions of this agreement, and this agreement shall take their places.

XV.

Said party of the second part agrees to pay to said parties of the first part, at the office of said Central Pacific Railroad Company, in the city and county of San Francisco, or at its office in the city of New York, as said parties of the first part may elect, in quarterly installments, on the first days of April, July, October, and January of each year during the continuance of this agreement, the following sums of money in United States gold coin, to wit: $80,000 for the first year, $85,000 for the second year, $90,000 for the third year, $95,000 for the fourth year, and $100,000 for each year thereafter during the continuance of this agreement, said sums to be divided between said parties of the first part upon such fair and equitable basis as they may hereafter agree upon.

XVI.

This agreement shall be obligatory and binding upon the successors and assigns of all the parties hereto.

XVII.

This agreement shall take effect on the 1st day of January, 1878, and shall continue in force until the 1st day of January, 1883, and thereafter until terminated by either party by giving the other twelve months' previous notice in writing.

XVIII.

Said party of the second part also agrees to indemnify and save harmless the said parties of the first part, and each thereof, against all actions, claims, and demands that may be brought or made against them, or either of them, by the Atlantic and Pacific Telegraph Company, for or on account of certain contracts in relation to telegraphic matters heretofore made and still existing between said telegraph company and said Central Pacific Railroad Company, bearing date April 22, 1870.

In testimony whereof said parties have severally, pursuant to orders of their respective boards of directors, caused these presents to be signed and countersigned by their respective presidents and secretaries, and their respective corporate seals to be hereunto affixed, on the day and year first above written.

In duplicate.

[SEAL.] LELAND STANFORD,
President Central Pacific Railroad Company.

E. H. MILLER, Jr.,
Secretary Central Pacific Railroad Company.

[SEAL.] CHARLES CROCKER.
President Southern Pacific Railroad Company.

J. L. WILLCUTT,
Secretary Southern Pacific Railroad Company.

[SEAL.] LELAND STANFORD,
President Sacramento and Placerville Railroad Company.

E. H. MILLER, Jr.,
Secretary Sacramento and Placerville Railroad Company.

[SEAL.] LELAND STANFORD,
President Northern Railway Company.

E. H. MILLER, Jr.,
Secretary Northern Railway Company.

[SEAL.] LELAND STANFORD,
President San Pablo and Tulare Railroad Company.

E. H. MILLER, Jr.,
Secretary San Pablo and Tulare Railroad Company.

[SEAL.] B. B. REDDING,
President Los Angeles and San Diego Railroad Company.

J. L. WILLCUTT,
Secretary Los Angeles and San Diego Railroad Company.

[SEAL.] LELAND STANFORD,
President Amador Branch Railroad Company.

E. H. MILLER, Jr.,
Secretary Amador Branch Railroad Company.

[SEAL.] LELAND STANFORD,
President Berkeley Branch Railroad Company.

E. H. MILLER,
Secretary Berkeley Branch Railroad Company.

[SEAL.] CHAS. CROCKER,
President Los Angeles and Independence Railroad Company.

F. S. DOUTY,
Secretary Los Angeles and Independence Railroad Company.

[SEAL.] WILL'M ORTON,
President Western Union Telegraph Company.

A. R. BREWER,
Secretary Western Union Telegraph Company.

We, the undersigned, E. H. Miller, jr., secretary of the Central Pacific Railroad, and J. L. Willcutt, secretary of the Southern Pacific Railroad Company, do hereby certify that the above is a full, true, and correct copy of the agreement between the said railroad companies and the Western Union Telegraph Company, dated December 14, 1877.

In testimony whereof we have hereunto set our hands and affixed the corporate seals of the Central Pacific and the Southern Pacific Railroad Companies respectively, this 30th day of January, 1883.

[SEAL.] E. H. MILLER, JR.,
Secretary Central Pacific Railroad Company.

[SEAL.] J. L. WILLCUTT,
Secretary Southern Pacific Railroad Company.

AGREEMENT BETWEEN THE UNION PACIFIC RAILWAY COMPANY AND THE WESTERN UNION TELEGRAPH COMPANY.

This agreement, made and entered into this 1st day of July, 1881, by and between the Western Union Telegraph Company and the Union Pacific Railway Company, hereinafter respectively designated, for convenience, as "the telegraph company" and "the railway company," witnesseth:

That whereas the Western Union Telegraph Company has acquired all of the property, rights, and franchises of the Atlantic and Pacific Telegraph Company, and is also in possession of and operates a separate line of poles and wires along said main line of road of the railway company between Omaha and Ogden; and

Whereas the parties hereto are now and for some time past have been operating lines of telegraph along the various railroads of the railway company, under sundry contracts referred to in Exhibit A, hereto attached, made between the said railway company or companies formerly in possession of lines of railroad now controlled by or forming part of the lines of railroad of said railway company, and the Western Union Telegraph Company, or other telegraph companies which have since, by purchase or consolidation, become merged into the said Western Union Telegraph Company, a schedule of said contracts being hereunto annexed and marked Exhibit A; and

Whereas disputes have arisen and exist between the parties hereto, and various suits are pending between them; and

Whereas it is desirable to terminate, as far as practicable, existing disputes and litigations, and to embody in one new contract the agreement of the parties, which new contract is in lieu of said existing contracts referred to in Exhibit A, to the extent and for the purposes hereinafter defined:

Now, therefore, for the purpose of providing telegraphic facilities for the parties hereto, and of maintaining and operating the lines of telegraph along the railway company's railroads in the most economical manner in the interest of both parties and for the purpose of fulfilling the obligations of the railway company to the Government of the United States and the public in respect to the telegraphic service required by the act of Congress July 1, 1862, and the amendments thereto, and in consideration of the covenants and agreements herein contained, the parties hereto have mutually agreed as follows:

First. Each party hereto hereby releases and discharges the other from all claims, debts, liabilities, and demands of whatever nature, arising and accruing under any and all said contracts and agreements up to this date or otherwise, between the parties hereto or their respective predecessors, and all pending suits are to be dismissed without prejudice, and each party to pay its own costs.

Second. In order to define as nearly as practicable the exact ownership of the telegraph property as it now exists on and along the various railroads and in the various offices of the railway company, a full and complete inventory shall, immediately upon the execution of this agreement, be made out by two appraisers, one to be appointed by each party hereto; and said inventory shall show in detail all of the telegraph property belonging to each party hereto, separately; and also all of the telegraph property owned jointly by the parties hereto, and all of the telegraph property the ownership of which is now disputed; and after said inventory shall have been agreed upon between and signed by the parties hereto, a copy of said inventory, duly certified by said appraisers, shall be filed with each party's copy of this agreement.

Upon the termination of this agreement as hereinafter provided, in case the parties hereto shall not be able to agree upon a division of or other settlement for the property, the ownership of which is in dispute, then the final disposition of such property shall be referred to and decided by arbitrators chosen in the manner hereinafter provided.

Third. The railway company, so far as it legally may, hereby grants and agrees to assure to the telegraph company the exclusive right of way on, along, upon, and under the line, lands, and bridges of the railway company and any extensions and branches thereof, for the construction, maintenance, operation, and use of lines of poles and wires, or either of them, or underground, or other system of communication for commercial or public uses or business, with the right to put up from time to time or cause to be put up or constructed, under the provisions of this agreement, such additional wires on its own or the railway company's poles or such additional lines of poles and wires or either, as well on its bridges as on its right of way, or to construct such underground lines as the telegraph company may deem expedient, doing as little damage and causing as little inconvenience to the railway company as is practicable; and the railway company will not transport men or material for the construction or operation of a line of poles and wire or wires or underground or other system of communication in competition with the lines of the telegraph company party hereto, except at and for the railway company's regular local rates, nor will it furnish for any competing line any facilities or assistance that it may lawfully withhold, nor stop its trains, nor distribute material therefor at other than regular stations.

Provided always, that in protecting and defending the exclusive rights given by this contract, the telegraph company may use and proceed in the name of the railway company, but shall indemnify and save harmless the railway company from any and all damages, costs, charges, and legal expenses incurred therein or thereby.

Fourth. It is mutually understood and agreed that all of the telegraph lines and wires covered by this contract, whether belonging to or used by the telegraph company or the railway company, for the purposes of this contract as herein provided, shall form part of the general system of the telegraph company.

The railway company further agrees that its employés shall transmit over the lines owned, controlled, or operated by the parties hereto, all commercial telegraph business offered at the railway company's offices, and shall account to the telegraph company exclusively for all of such business and the receipts thereon, as provided herein.

No employé of the railway company shall, while in its service, be employed by or have any connection with any other telegraph company than the telegraph company party hereto, and the telegraph company shall have the exclusive right to the occupancy of and connection with the railway company's depots or station-houses for commercial or public telegraph purposes as against any other telegraph company.

Provided, that if any person or party, or any officer of the Government, tender a message for transmission over the railway telegraph lines between Council Bluffs and Ogden at any railway telegraph station between those points and require that the service be rendered by the railway company, the operator to whom the same is tendered shall receive and forward the same accordingly at rates to be fixed by the railway company to the point of destination if not beyond its own lines.

If the destination of said message be beyond said railway company's lines, the telegraph company when receiving the same at the point at which it leaves the said railway lines may demand the prepayment of tolls for the service of forwarding the message on its own lines.

Provided, however, that the local receipts of the railway company on such messages shall be divided between the parties hereto in the same manner and subject to the same conditions as provided in the tenth clause of this agreement.

Fifth. The railway company agrees to furnish at its own expense all the labor except a foreman for the maintenance, repair, and renewal or reconstruction of the existing lines and wires along all of the railway company's railroads, and for the construction, maintenance, repair, and renewal or reconstruction of such additional wires or lines of poles and wires, as may be required for commercial or railroad telegraph purposes along said railroads and along future branches and extensions thereof, and along new railroads constructed or acquired by the railway company, except as modified in the sixth clause hereof.

The telegraph company shall furnish a foreman skilled in the work of telegraph construction, who shall have charge of the construction and reconstruction of the lines and wires and the direction of the labor furnished by the railway company for such purposes, said foreman to be subordinate to the superintendent mentioned in article twelfth of this agreement.

Sixth. Each party hereto shall pay one-half of the entire cost of all poles, wire, insulators, tools, and other material used for the maintenance, repair, and renewal or reconstruction of existing lines and wires along all of the railway company's railroads, and for the construction, maintenance, repair, and renewal or reconstruction of such additional wires or lines of poles and wires as may be required for commercial or railroad telegraph purposes along said railroad and

along future branches or extensions thereof, and along new railroads constructed or acquired by the railway company, until the total number of wires shall amount to three for the exclusive use of each party hereto, between Council Bluffs and Ogden; two for the exclusive use of each party hereto, between Kansas City and Denver; and one for the exclusive use of each party hereto, on all other portions of the railway company's railroads, branches, and extensions.

Each party hereto shall pay the entire cost of the construction, maintenance, repair, and renewal or reconstruction of wires for its exclusive use in excess of the number hereinbefore mentioned. The material of the telegraph company for additional wires to be transported free of charge by the railway company over its own lines, as hereinafter provided.

The telegraph company agrees to furnish at its own expense all blanks and stationery for commercial or public telegraph business, and all instruments, main and local batteries, and battery material for the operation of its own and the railway company's wires and offices. The telegraph company shall maintain the main batteries in good working order, but if said batteries are at places where the telegraph company has no battery-man or other employé who can attend to the same, in such cases the railway company's employés shall keep said batteries in good working order, if any of such employés at such place are competent to do it.

Seventh. Each party hereto shall have the exclusive use, under the division of the cost of material hereinbefore provided, of not exceeding three wires between Council Bluffs, Iowa, and Ogden, Utah, and not exceeding two wires between Kansas City, Mo., and Denver, Colo., and not exceeding one wire on all other portions of the railway company's railroads: *Provided, however*, That in case either party hereto shall require additional wires between said places hereinbefore mentioned, or along any of the other railroads of the railway company, the party requiring such additional wire or wires shall furnish at its own expense all material for the construction, maintenance, repair, and renewal or reconstruction of such additional wire or wires.

The telegraph company agrees to furnish, free of charge, for the railroad business of the railway company, a direct wire connecting the railway company's office in Omaha, Nebr., with its office in Kansas City, Mo., and with the railway company's offices at intermediate railroad stations of the railway company along the Missouri River, including Council Bluffs; and the telegraph company will receive, transmit, and deliver, free of charge, at and from its offices at said intermediate stations of the railway company, such messages on the railroad business of the railway company as may be offered by its agents and officers for points on the railway company's roads: *Provided*, That the telegraph company may use said wire for the transaction of commercial or public telegraph business when not in use for railroad business.

Eighth. All messages of the officers and agents of the railway company pertaining to its railroad business may be transmitted free of charge between all telegraph stations on the lines of its various railroads, over wires set apart for railroad business.

The telegraph company agrees to issue to such officers of the railway company as may be designated by the president or general superintendent thereof annual franks authorizing the free transmission over any of the lines of the telegraph company in the United States of messages relating strictly to the railroad or corporate business of the railway company to or from points beyond or off the line of the railway company's railroads, to an amount not exceeding $25,000 per annum for the first 3,400 miles of railroad owned or controlled and operated by the railway company, and occupied by a telegraph line erected thereon, and operated under the provisions of this agreement, and $6 per annum additional for each additional mile of railroad owned or controlled and operated by the railway company and occupied as aforesaid.

The tolls on all of such messages to or from points beyond or off the line of said railroads shall be calculated at the regular commercial day rates of the telegraph company between the points at which such messages are delivered to the telegraph company and the points to which they may be destined: *Provided, however*, That if any such messages be delivered to the telegraph company at any place other than the place at which such messages originate, they shall be transmitted over railroad wires and handled by railroad employés entirely until delivered to the telegraph company. And the railway company agrees to pay to the telegraph company one-half of its aforesaid rates on all such messages in excess of said above-mentioned amount. Settlements to be made yearly.

It is understood and agreed that the free telegraphic service herein provided for is for the transmission of messages concerning the operation and business of the railway company's railroads, and shall not be extended to messages ordering sleeping-car, parlor-car, or steamer berths, or other accommodations for customers of the railway company, the tolls on which messages should be properly chargeable to such customers.

Ninth. The railway company agrees to transport free of charge over its railroads, upon application of the superintendent or other officer of the telegraph company, all officers of the telegraph company when traveling on its business, and all employés of the telegraph company when traveling on the telegraph company's business connected with or pertaining to the lines or wires and offices along any of the railway company's railroads. And the railway company further agrees to transport and distribute free of charge along the line of any or all of its railroads all poles and other materials for the construction, maintenance, operation, repair, or reconstruction of the lines and wires covered by this agreement, and of such additional wires or lines of poles and wires as may be erected under and in pursuance of the provisions of this agreement. Also all material and supplies for the establishment, maintenance, and operation of the offices along said railroads, it being understood that no charge shall be made for the transportation of poles or other materials over any of the railway company's railroads for use on any other of its railroads.

Tenth. The telegraph company agrees to supply instruments and local batteries and blanks and stationery for commercial telegraph business as hereinbefore provided, at offices established and maintained by the railway company. At all telegraph stations of the railway company its employés shall receive, transmit, and deliver such commercial or public messages as may be offered, and shall render to the telegraph company monthly statements of such business, and full accounts of all receipts therefrom, and the railway company shall cause all of such receipts to be paid over to the telegraph company monthly.

As compensation to the railway company for the services herein provided for, the telegraph company agrees to pay or return to the railway company monthly one-half of the cash receipts at telegraph stations maintained and operated by and at the expense of the railway company, tolls on ocean cable messages and tolls for lines of other companies excepted, all of which shall be retained by the telegraph company, it being understood that the railway company shall not be entitled to any portion of the tolls on ocean cable messages or tolls belonging to lines of other companies or to any portion of amounts checked against other offices.

And the employés of the railway company shall not, without the consent of the telegraph company, transmit over said telegraph lines any free messages except those provided for herein.

Either party hereto may maintain telegraph offices at places on said railroads where it now has offices, and either party may establish and maintain offices at such other places on said railroads as it may elect: *Provided, however*, That the telegraph company shall not establish any new office independent of the railway company's office at any point on said railroads, within one mile of an office which may have been previously established by the railway company, unless the railway company shall consent thereto; but the telegraph company may establish and maintain branch offices wherever it may elect so to do in cities or towns, or on or along said railroads where it may now have independent offices.

It is understood and agreed that so long as the commercial telegraph business of places where the telegraph company has no independent offices, and where offices are maintained by the railway company at its railroad stations, is confined within one mile of such railroad stations, and is performed satisfactorily, the telegraph company shall not open an independent office within one mile of such stations; but in case the commercial business at any such railroad station should not be transacted to the reasonable satisfaction of the public, and if the telegraph company shall seek to establish an independent office at such place within one mile of the railroad station, and the railway company should object thereto, then the question shall be decided by arbitration as hereinafter provided.

The railway company agrees that its employés shall not compete with the telegraph company's offices in the transaction of commercial telegraph business, at any point where the telegraph company may now or hereafter have an office separate from the railway company's office, by cutting rates or by active efforts to divert business from the telegraph company.

Eleventh. It is a condition of this contract that the railway company is not to be responsible for, and the said telegraph company hereby covenants and agrees to save the said railway company harmless and indemnify it against, any loss or damages of any kind arising from any injury to persons in the employ of or property belonging to said telegraph company while being carried free over said roads under this agreement, or from any neglect or failure in the transmission or delivery of messages for any person doing business with said telegraph company, or on account of any other public or commercial telegraph business for which said railway company is to account under article tenth hereof; and said telegraph company shall not be responsible for, and the railway company agrees to indemnify and save harmless the telegraph company against, any loss or damages of any kind arising from or on account of any error or failure in the transmission or delivery of messages sent for said railway company under this agreement.

Twelfth. It is further agreed that the management of the wires, the repairs of all the lines along the railway company's railroads, and the distribution of all materials for use on said lines shall be under the supervision and control of a competent superintendent, who shall be appointed and paid jointly by the parties hereto, and whose salary shall be fixed by mutual agreement, and said superintendent shall be equally the servant of each of the parties hereto, and shall, as far as practicable, protect and harmonize the interest of both parties hereto in the transaction of the railroad and commercial telegraph business along the railway company's railroads.

Said superintendent shall be subordinate to and under the control of the superintendents of both parties hereto in the management, repair, reconstruction, maintenance, and operation of the lines and wires and the distribution of material therefor, and shall co-operate with both parties hereto in giving the utmost efficiency to the transaction of the railroad and commercial telegraph business and the working of the lines and wires on said railroads.

Said superintendent may be removed by either party hereto, but his successor shall not be appointed without the consent of both parties hereto.

Thirteenth. The railway company shall have the right to the free use of any telegraphic patent rights or new discoveries or inventions that the telegraph company now owns and uses in its general telegraph business, or which it may hereafter own and use as aforesaid, so far as the same may be necessary to properly carry on the business of railroad telegraphing on the line of said railroads as provided for herein.

Fourteenth. The telegraph company hereby promises and agrees to assume and protect the railway company from the payment of all taxes levied and assessed upon the telegraph property belonging to either of the parties to this agreement.

Fifteenth. The provisions of this agreement shall extend to all railroads and branches or extensions thereof now or hereafter owned or controlled by the railway company: *Provided, however*, That in case the railway company shall hereafter acquire the ownership or control of any railroad upon which the telegraph company may already have a line of telegraph in operation, the provisions of this contract shall not apply to such railroad and telegraph line without the mutual consent of the parties hereto at the time of such acquisition.

The provisions of this contract shall be and continue in force for and during the term of twenty-five years from the date hereof, and unless one year's written notice next prior to the expiration of said term is given this contract will continue in force thereafter until one year's written notice shall have been given by one of the parties hereto of its intention to terminate the same.

In case of any disagreement concerning the true intent and meaning of any of the provisions of this contract, the subject of such difference shall be referred to three arbitrators, one to be chosen by each party hereto, and the third by the two others chosen, and the decision of such arbitrators, or of a majority thereof, shall be final and conclusive.

In case of any such disagreement arising, either party may appoint in writing an arbitrator, and in writing request the other party to appoint an arbitrator on its behalf. The neglect or failure to make such appointment or to abide by any award or decision of the arbitrators or a majority thereof shall be deemed a breach of this contract. If the first set of arbitrators chosen shall be unable to agree, a second, and, if necessary, a third shall be selected in like manner. If they fail to agree, then a justice of the Supreme Court of the United States may select three disinterested arbitrators, whose award or decision shall be final.

It is understood and agreed that this contract, as long as it is in good faith observed and kept on the part of the Union Pacific Railway Company, supersedes the contracts specified in Exhibit A; but if the Union Pacific Railway Company shall not keep this contract in good faith on its part, then said contracts in Exhibit A, according to their respective provisions, shall be considered and be in force, and all rights thereunder for the purpose of the protection of the Western Union Telegraph Company. All disputes under this paragraph shall be submitted to arbitration as aforesaid. If this contract is kept by the Union Pacific Railway Company in good faith for the term of twenty-five years, then all rights under said contracts and each of them are at an end; and this contract shall not be construed as granting any easements or rights of way in or over the property of the railway company which shall continue in existence after the said period of twenty-five years.

This agreement shall not be construed to affect the rights of the telegraph company under section 19 of the act of July 1, 1862, or under the act of July 2, 1864, entitled "An act for increased facilities of telegraph communication between the Atlantic and Pacific States and the Territory of Idaho," which rights are disputed by the railway company, and which rights during the existence of this contract are to remain *in statu quo*, the same as if this contract had not been made, and on the termination of this contract each party hereto is remitted to its legal rights in respect thereof.

It is also agreed between the parties hereto that if at the end of each term of ten years commencing from the date hereof this contract in any of its provisions shall be deemed by either party hereto to work unjustly, and the parties can not agree upon its modification, then either party may have the matter of such difference submitted to the arbitrators herein provided for, whose decision in respect of such matters shall be binding upon the parties. Said arbitrators shall have no power to limit or extend the term of this contract, or to do any-

thing except to provide adequate relief in respect of the matters of specific complaint submitted to them where it shall be found to work unjustly.

In witness whereof the parties to these presents have caused the names of their respective presidents to be hereunto subscribed and their corporate seals to be attested the day and year first above written.

[SEAL.] THE WESTERN UNION TELEGRAPH COMPANY,
By NORVIN GREEN, *President.*

A. R. BREWER,
Secretary.

[SEAL.] THE UNION PACIFIC RAILWAY COMPANY,
By SIDNEY DILLON, *President.*

A. H. CALEF,
Assistant Secretary.

HENRY H. MARMADUKE.

Mr. HEARD. I ask unanimous consent that I may call up for consideration at this time the Senate bill No. 1754. It is a bill proposing to remove political disabilities. It has passed the Senate unanimously, been approved by the Judiciary Committee of the House, and is accompanied by the petition in the usual form.

The bill was read, as follows:

A bill (S. 1754) for the relief of Henry H. Marmaduke, of Missouri.

Be it enacted, etc. (two-thirds of each House concurring therein), That Henry H. Marmaduke, of the State of Missouri, is hereby relieved of all political disabilities imposed on him by the third section of the fourteenth amendment of the Constitution of the United States.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed (two-thirds having voted therefor).

Mr. DOCKERY. I yield for a few minutes to the gentleman from Kansas [Mr. ANDERSON].

LABOR TROUBLES IN PENNSYLVANIA.

Mr. ANDERSON, of Kansas. I am directed by the committee appointed yesterday for the investigation of the labor troubles existing in Pennsylvania to ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER *pro tempore*. The resolution will be read, after which the Chair will ask for objections.

The resolution was read, as follows:

Resolved, That a sum, not to exceed $5,000, sufficient to pay the expenses of the special committee of the House appointed to investigate the extent, causes, and effect upon interstate commerce of the continued failure of the Reading Railroad Company to transport such commerce, etc., shall be immediately available and payable out of the contingent fund of the House on the order of the chairman and one member of the said committee, in sums not exceeding $1,000 at one time; and all vouchers for any such expenditures shall be likewise certified to by the chairman and one member of the committee.

Resolved, That said special committee be authorized to employ a clerk.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. ANDERSON, of Kansas. I wish to state for the information of the House that the resolution which was passed the other day was the ordinary form of resolution where an investigation is to be held in the city of Washington. The committee which was appointed yesterday met last evening and ascertained, first, that in all probability it will be required to go to some point or points in Pennsylvania, and second, that under the resolution which the House adopted the committee can not draw from the contingent fund the necessary funds to pay its expenses and the fees of witnesses who may be summoned. The resolution which I have just presented has been drawn by the Sergeant-at-Arms to obviate this difficulty, and is substantially the same in its provisions as the resolution providing for the Curtin investigation of the last Congress. The object is to enable the committee to prosecute its work, which at present it can not do. And by direction of the committee, and upon the request of the chairman, I ask unanimous consent that this resolution be now considered and passed.

In frankness I ought to say one other thing to the House In the resolution which was first introduced by me there was a provision for a messenger and a stenographer. The gentleman from New York [Mr. PARKER], a member of the committee, who was also a member of the Curtin committee, called our attention to the fact that very much time would be saved by having two stenographers, as that committee had. In the resolution which was passed the other day there was an omission of any provision for a messenger. The only difference in that respect between this resolution and the one heretofore passed by the House is the insertion of the provision for a clerk, who is to be used as a stenographer, so as to give the committee the services of two stenographers in order that it may transact its business more speedily.

The resolution was agreed to.

Mr. ANDERSON, of Kansas, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DOCKERY. I yield now to the gentleman from Massachusetts [Mr. HAYDEN], who desires to introduce a resolution.

"HISTORICAL LOCATION," MASSACHUSETTS.

Mr. HAYDEN. Mr. Speaker, I desire to present not a resolution, but a petition, for reference to the Committee on the Library, and to ask that the body of it, omitting the names, be printed in the RECORD.

There was no objection, and it was so ordered.

The petition was referred to the Committee on the Library. It is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned citizens of the United States, respectfully request Congress to take such action as may be necessary to secure to the United States, by purchase, about one acre of land, known as Prospect Hill, situated in the city of Somerville, formerly Charlestown, in the State of Massachusetts, and about one and a half miles from Bunker Hill monument, being the "historical location" where, on the 18th day of July, 1775, Major-General Putnam's Continental troops were assembled, and the first flag of the United Colonies of North America was unfurled, bearing on one side, "An appeal to Heaven," and on the other side, "*Qui transtulit, sustinet.*"

CONGRESSIONAL LIBRARY BUILDING.

Mr. DOCKERY. I yield for a moment to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be, and hereby is, instructed to inquire and report to the House what contracts have been made for the construction of the building for the Library of Congress, and the amount expended under the same, and for what purpose, and the cause of the delay in the progress of the work on the building.

PLEURO-PNEUMONIA.

Mr. DOCKERY. I yield for a moment to the gentleman from Iowa [Mr. GEAR].

Mr. GEAR, by unanimous consent, presented the following; which was referred to the Committee on Agriculture, and ordered to be printed in the RECORD:

SECRETARY'S OFFICE, IOWA STATE AGRICULTURAL SOCIETY,
Des Moines, Iowa, February 6, 1888.

Resolved by the State Agricultural Society of Iowa (representing as it does almost every county and district society in the State), That we most respectfully ask of Congress to do all in its power to exterminate what is known as pleuro-pneumonia, or lung-plague, and to this end we would urge the immediate passage of what is known as the Miller-Carey bill.

And that the secretary of this association be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

JOHN A. THOMPSON.

Mr. DOCKERY. I yield now to the gentleman from Michigan [Mr. CUTCHEON] with the statement that after this I can not yield further.

Mr. CUTCHEON. I ask unanimous consent for the present consideration of the bill (H. R. 874) for the relief of John A. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officer of the Post-Office Department is hereby authorized and directed to place to the credit of John A. Thompson, of Manistee, Mich., in his account as postmaster at said city of Manistee, the sum of $167.44, being the amount of postal funds lost by him by the burglary of his office, vault, and safe on the 8th day of May, 1886, without fault or neglect on the part of the said postmaster; and the said amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be placed to the credit of the Post-Office Department.

There being no objection, the House proceeded to the consideration of the bill.

Mr. CUTCHEON. This bill is in precisely the same terms as one which was passed by the House in the last Congress, and was reported favorably in the Senate, but was not reached there.

Mr. SHAW. I wish to ask whether the amount named in the bill has been paid into the Treasury, or whether this bill is merely for the purpose of adjusting the matter in the settlement of the postmaster's accounts?

Mr. CUTCHEON. The amount has been paid, and this bill makes an appropriation in order that an allowance therefor may be made to the postmaster.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY AND POSTAL TELEGRAPH.

M DOCKERY resumed the floor.

Mr. BINGHAM. The gentleman from Missouri [Mr. DOCKERY] will allow me to ask what is his present purpose in connection with this bill? What does he propose to do at the present time?

Mr. DOCKERY. I understood that it was the desire of gentlemen who filed the minority report to discuss the bill somewhat at length before taking the vote. We shall not have the time this afternoon for a full discussion and vote upon the bill.

Mr. BINGHAM. Will the debate continue after this afternoon?

Mr. DOCKERY. It will continue when we resume consideration of the bill.

Mr. BINGHAM. I merely wished to remark that as this report, which is a most voluminous one, has been given to the House within an hour, I did not wish any determination of the question to be reached this afternoon.

Mr. DOCKERY. The gentleman is quite right.

Mr. Speaker, the consideration of this bill at the present time is to me somewhat unexpected and finds me unprepared for a satisfactory dis-

cussion of the measure, and therefore at this moment I shall content myself with a brief statement of its provisions. The subject involved is not a new one. It was originally called to the attention of the House at the first session of the Forty-ninth Congress by a resolution introduced by the gentleman from Kansas [Mr. ANDERSON] instructing the Committee on the Post-Office and Post-Roads to make an investigation with a view of determining whether additional legislation was needed to prevent a monopoly of telegraphic facilities, and to give to the Southern, Western, and Pacific States the benefit of competition between telegraph lines.

Under the authority of that resolution the Committee on the Post-Office and Post-Roads made an exhaustive investigation of the question. They heard testimony and statements, and, as a result of their examination, reached the conclusion that the Pacific railroads had not complied and were not then complying with the terms of their charters, which required them not only to construct and maintain railroad lines, but to construct, maintain, and operate telegraph lines.

To enforce the provisions of the charter the committee reported H. R. 10398; but by reason of the delay incident to the investigation it was not made until December 22, 1886, and therefore too late for any action by Congress. The committee at the present session have given the subject careful examination and have reached substantially the conclusions of the Post-Office Committee of the last House. As preliminary to a brief explanation of prior legislation affecting this question, I will state that the bill reported by the committee requires:

1. That all railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which, by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines, and all companies engaged in operating said railroads or telegraph lines shall forthwith and henceforward, by and through their own respective corporative officers and employés, construct, maintain, and operate for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid.

2. That whenever any telegraph company which shall have accepted the provisions of Title LXV of the Revised Statutes shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies, referred to in the first section of this act, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in the first section of this act, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable.

The remaining provisions of the measure simply furnish the necessary machinery for enforcing the requirements of the first two sections and invest the Interstate-Commerce Commission with the authority, and charge them with the duty of seeing that the law shall be duly executed.

TRANSCONTINENTAL TELEGRAPH LINE.

The original act authorizing a transcontinental telegraph line was approved June 16, 1860, the first section providing—

That said line or lines * * * shall be open to the use of all citizens of the United States during the term of the said contract, on the payment of the regular charges for transmission of dispatches.

Section 3 of the same act requires—

That messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line at either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the Government shall have priority.

The same section further provides—

That Congress shall at any time have the right to alter or amend this act.

FIRST PACIFIC RAILROAD ACT.

The first act which authorized the construction of a transcontinental line of railroad was approved July 1, 1862, and made generous grants in lands and bonds in aid of "a railroad and telegraph line from the Missouri River to the Pacific Ocean," and also empowered the Union Pacific Railway Company "to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph, with the appurtenances," etc. The right of way was granted by the second section "for the construction of said railroad and telegraph line." Wherever in this act the railroad is referred to it is joined with the telegraph line, and the obligations apply with equal force to both. Section 12 specifically requires that—

The whole line of said railroad and branches and telegraph shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected, continuous line.

Section 18 expressly authorizes Congress to "alter, amend, or repeal this act, having due regard for the rights of said companies."

Section 19 provided—and I wish to call especial attention of the House to this provision—

That the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri River and San Francisco—

That is the line authorized under the act of June 16, 1860—

may be moved upon or along the line of said railroad and branches as fast as said roads and branches are built; and if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph. And, in case of disagreement, said telegraph companies are authorized to remove their line of telegraph along and upon the line of railroad herein contemplated without prejudice to the rights of said railroad companies named herein.

SECOND PACIFIC RAILROAD ACT.

The act of July 2, 1864, was amendatory to the act of July 1, 1862, and approved before any work had been done or any right had accrued under the original incorporating act.

Section 15 of this act declared the policy of non-discrimination in the following terms:

That the several railroad companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line; and, in such operation and use, to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others, and it shall not be lawful for the proprietors of any line of telegraph authorized by this act, or the act amended by this act, to refuse or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offense the sum of $100 and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States or of any State or Territory of competent jurisdiction.

Section 22 reserved the right of Congress to "alter, amend, or repeal this act."

Mr. Speaker, I have given a brief résumé of all the laws upon which repose the provisions of the pending bill, and it will be seen that the right to alter, amend, or repeal is expressly reserved in each one of these incorporating acts. It further appears that it was the purpose of Congress to require these railroad and telegraph lines, in their operation and use, to afford "equal advantages and facilities as to rates, time, and transportation" to individuals, corporations, and connecting telegraph lines. In pursuance of the act of July 16, 1860, the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company acquired the right of corporate existence, and as such were subject to the provisions of this same act, which in the most unequivocal terms declared against discrimination.

The act of July 1, 1862, authorized the Union Pacific and Central Pacific Railroads to "enter into an arrangement" with these telegraph lines so that they might be "moved upon or along the line" (or lines) of the railroad companies, and such removal under this arrangement should be taken as fulfillment of that part of the charter which required these roads to construct, maintain, and operate a telegraph line.

It is claimed by the minority of the committee that the authorization of the transfer or removal of these telegraph lines to the lines of the Union and Central Pacific Railroads exempts the latter from that stipulation of their charters which imposes the obligation to construct, maintain, and operate a telegraph line. The committee do not concur in this construction of the law, but maintain that if it is held that the "arrangement" authorized by the nineteenth section of the act of July 1, 1862, operates to exempt the Pacific railroads from the construction and maintenance of a telegraph line, then the Western Union Telegraph Company, as successor to the Overland Telegraph Company, shall be subject to the provisions of the act of June 16, 1860, the third section of which positively commands—

That messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line at either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the Government shall have priority.

Under this view, therefore, we insist that any contract which discriminates against individuals, corporations, or connecting telegraph lines is in violation of the letter and spirit of this section; for, as stated in the report—

Nothing in the act authorizing the removal of the telegraph line as originally constructed to the line of the railroad changes in this respect the terms of the original grant.

So that when the Overland Telegraph line had been removed to the line of the railroad as it was built, it was there in place of a telegraph the railroad company otherwise would have been obliged to construct; it was there in place of such a line, and to do the work of such a line, and to do it in all respects the same as it would have to be done by a line built by the railroad company. Hence the obligation of the railroad company, in the opinion of your committee, to keep in operation a telegraph line that shall fulfill the requirements of the provisions of the law in relation to telegraphs is in no wise lessened by any arrangement that may have been entered into for the transfer of the wires previously constructed on the overland route.

The evidence taken before the committee of the last House fully established the fact that discrimination then existed. Whether the same discrimination exists at this time may be inferred from a telegram of which I am just in receipt (through the courtesy of Senator VEST) from Hon. E. L. Martin, Kansas City, Mo., president of the Pacific Mutual Telegraph Company, a gentleman of high standing and reputation, who, after expressing his desire to appear before the committee, states:

The Pacific Mutual Telegraph lines extend from St. Louis to Sioux City, Iowa, via Sedalia, Kansas City, St. Joseph, Atchison, Leavenworth, Lincoln, Omaha, Nebr., and intermediate points. We are barred from exchanging business over the land-grant railroads on account of their failure to operate and maintain independent telegraph lines over their system for the use of the public and connecting lines, as required by their charters. We think the Anderson bill should be passed by all means, thus giving independent telegraph lines other than the Western Union an opportunity to exchange business with the land-grant lines in the same manner that the railroads interchange, upon an equitable basis.

VESTED RIGHTS.

I will now ask the Clerk to read the views of the minority of the committee as to the constitutionality of the proposed legislation.

The Clerk read as follows:

Upon the question of the competency of this legislation the minority will content themselves with the brief and terse statement of the propositions on which is predicated their opinion that Congress can not make and enforce a law embracing the provisions of this bill because the same are not constitutional.

Prior to the act of July 1, 1862, there was a line of overland telegraph, built and operated under the provisions of the act of June 16, 1860, which was for ten years a subsidized line. Section 19 of act of July 1, 1862, expressly gave the railroad companies the right to enter into an arrangement with the overland telegraph companies, so that the overland line might be moved upon the right of way of the railroad companies, and such removal, if made, should "be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph."

Here, then, was express authority at law for the removal and consolidation even of these lines of telegraph. The lines of the overland telegraph were in point of fact removed, and the Western Union Company became the *de facto* successor of the old overland company. The question of whether the Western Union was such successor *de jure* may probably not be held as *res adjudicata*, yet the opinion of Mr. Justice Miller in Western Union *vs.* Union Pacific (circuit court of United States, district of Kansas, October, 1880) holds that *prima facie* it is such successor; that section 19, act of July 1, 1862, was in full force in 1881, and is in full force and unrepealed to-day.

On July 1, 1881, there being at that time full express authority to act, the subsidized roads and the Western Union made an arrangement for a joint operation of all the wires and lines of both of them over their common right of way. The arrangement was and is beneficial to each. It was a contract proper and lawful to be made at common law unaided by statute. It had statutory authority in addition. Under that contract, lawfully made, reciprocal vested rights inured. The Western Union built, at its own expense, additional lines for the railroad. It gave, and gives, the use of its lines and employés for railroad business, and in the opinion of this minority there is no more right or power in the United States Government to annul such contracts by legislation than there is to legislate the title of a granger's farm into a base-ball ground without the farmer's consent.

Mr. DOCKERY. Now, then, Mr. Speaker, I have submitted the sections of the various incorporating acts relating to this question and the views of the minority of the Post-Office Committee, who hold that the existing contracts between the Pacific Railroad and the Western Union were proper and lawful, and therefore that "vested rights have inured" which are beyond the power of Congress to disturb. Let us apply the facts to the law and to the views of the minority. What are these facts?

An examination of the evidence taken at the last session discloses the fact that the Overland Telegraph Company and its successor, the Western Union, availed themselves of no rights whatever, "vested" or otherwise, under the act of July 1, 1862, except the privilege of moving their line of telegraph "along and upon the line of the railroad." Although the nineteenth section of the act was adopted at the request of their friends, yet as a matter of fact they made no "arrangement" whatever with the railroad companies, but, on the contrary, after the road was constructed they simply removed their lines upon its right of way, pursuant to the authority of the act. Both the Union and Central Pacific Railroad Companies constructed and operated their own telegraph lines as required by their charters until they assumed to divest themselves of such obligation, the Central Pacific under the contract of December 14, 1877, and the Union Pacific under the contract of July 1, 1881. The entire constitutional proposition of the minority, therefore, must fail because, if for no other reason, it does not harmonize with the facts upon which it is supposed to rest.

"WESTERN UNION MONOPOLY."

In view of the foregoing it is manifest that the Pacific railroads must "exercise by themselves alone all the telegraph franchises conferred upon them," and that they can not lawfully acquit themselves of this obligation by contracting with another company. In this view of the case, the propositions we offer are neither novel nor startling, but are simply designed to enforce the provisions of the acts of incorporation, and are in thorough accord with their intent and purpose. We are but following, sir, in the wake of our illustrious predecessors, who, animated by a great national spirit, sought to unite the people more closely by extending lines of railroad and telegraph from the Atlantic to the Pacific. For although they were grappling with the questions incident to a great civil strife, yet did they hedge about their liberal grants of lands and bonds with stipulations that placed individuals and corporations upon an equality before the law. They studiously avoided the very appearance of monopolistic tendencies, and sought in this legislation to secure "equal rights to all; exclusive privileges to none." They believed that monopolies should not enjoy and exercise "vested rights" in contravention of the highest and best interests of the whole people.

Mr. Speaker, the existing contract between the Western Union Telegraph Company and the Pacific railroads gives the Western Union an absolute and complete monopoly of telegraph privileges from the Missouri River to the Pacific Ocean. Since the adjournment of the last Congress the necessity for some sort of telegraphic regulation has been most pungently and forcibly brought to the attention of the country in the absorption and overthrow of the Baltimore and Ohio telegraph system by its great competitor, the Western Union. Sir, I know something of the power of this mighty corporation, backed as it is by eighty millions of capital, politically and financially dominating, and imperious by reason of its tremendous monopoly: but I yet believe that had the provisions of this bill been upon the pages of the statute-books it would have been impossible to overthrow the magnificent system of the Baltimore and Ohio. As it is, however, the country to-day stands in the shadow of a giant telegraph monopoly, which should be speedily put within the pale of some wholesome measure of legislative restriction. The Post-Office Committee under the rules has confined itself to the regulation demanded along the line of the Pacific railroads, and has not sought to enlarge the scope of the bill beyond the purpose of the original inquiry.

We therefore offer no general proposition for telegraphic regulation; but, sir, in the light of the experience of the last six months, I submit that this is one of the great and pressing questions which should challenge and engage the attention of Congress, for it is manifest that legislation must speedily be had to check the encroachments and overshadowing power of the Western Union Telegraph Company. The business interests of the country inexorably demand some measure of wholesome and equitable reform. Individual enterprise seems powerless and inadequate to furnish a successful competitor.

I trust, therefore, that the committee of the House charged with the duty of considering this question will at an early day present some proposition just and equitable to all interests involved, and which will receive the approval of Congress before the close of the present session.

Mr. Speaker, I now yield ten minutes to the gentleman from Kansas [Mr. ANDERSON], and reserve the remainder of my time.

Mr. ANDERSON, of Kansas. Mr. Speaker, I regret exceedingly that duties connected with the investigating committee announced yesterday will likely prevent me from being present when this bill is voted upon, and also from taking an active part in the discussion after gentlemen upon the other side have been heard. I shall therefore content myself now with simply stating in a general way the object sought to be attained by the bill, the region of country chiefly affected by it, and simply to suggest reasons which present themselves to my mind for its passage.

There can be no possible question that the intention of Congress in creating the Pacific railroad companies was to provide for competition between the several lines for the benefit of that great half continent west of the Missouri River. In every one of the land-grant acts you will find not only in the title, but wherever the railroad company is mentioned, the words "and telegraph line" always added. The clear intention of Congress was manifestly to require these companies to construct, maintain, and operate not only the railroads, but the railway and telegraph lines. Furthermore, it is a clear rule of law that no authority is given to a corporation, except that which is expressed or necessarily implied in the grant. No power to transfer the telegraphic franchise is given by any act.

It is also a principle of law that the holder of an exclusive franchise must personally perform the service under the grant made to him. I think there can be no question that such was the intention of Congress in giving an exclusive telegraphic franchise—one worth so many millions of dollars, running for an indefinite period of time—an exclusive franchise to construct and operate both a railroad and telegraph across the continent. It was the intention of Congress in giving so rich a franchise, not only that the lines should be constructed, but also that they should be operated personally and *de facto* by the grantee, and not transferred to a stranger company. The courts have distinctly held, on this very issue, that the service must be a personal service.

So that the railroad companies in court, I venture to assert, would risk the forfeiture of their charters upon the simple ground of non user. Why? Because in every instance from the North Pacific down to the Texas Pacific they have bartered away their franchise or its use by entering into a contract with the Western Union Telegraph Company by which the railroad companies refuse to perform or fail to perform the telegraph service imposed by their grants, and by which means they have given to the Western Union an absolute monopoly over the whole region of that half of our continent west of the Missouri upon which are living eight millions of people.

The original act certainly never contemplated such an abuse. In defiance of that charter, by the sweeping genius of that most unscrupulous of pirates, Jayhawk Gould, and by the exercise of his terrible power, he has obtained a complete monopoly of this telegraphic service, and we find the Western Union Telegraph Company holding an absolute, ruthless monopoly of the entire service. This bill simply proposes that the original intention of the original act shall be executed. That is all. There is no new legislation in it. It simply attempts to interpose a little bit of God's burnished justice between the people and Jay Gould. That is the total purpose and effect of the bill.

Now, what is the region affected by this measure? Suppose every one of the land-grant roads were to-day operating its telegraph wires as its charter requires them to be operated. You would then have competition in the telegraphic service between all these roads, a great network covering half the continent from the Gulf to the Canada line, and from the Missouri River to the Pacific Ocean; you would give to its people, in their countless cities and villages, the benefit of competition, and by so doing you would benefit the people of the East, and of the whole nation.

This bill seeks to secure that competition. It comes up as a prayer from eight millions of people living west of the Mississippi River to

deliver them from the greed, the bowelless, merciless grind of the most extortionate, insatiable, unscrupulous, and piratical set of incorporated scoundrels on the continent. [Laughter and applause.]

You will find that opposition to this bill will be very gladly welcomed by the Pacific railway interest. You will find that the defeat of the bill would be hailed with "ghoulish glee" by Dr. Norvin Green, that great dispenser of Western Union telegraph "franks."

I am compelled to content myself with saying this much to the House at this time. I hope I have at least suggested facts showing that the bill is not only righteous, and that it not only brings down from the great sun of justice some beams of light, but that it proposes to strike a square blow between the eyes of Gould's Western Union monopoly, and likewise a square blow between the eyes of each of the Pacific railway companies, as an emphatic way of saying to them, "There is power in wealth, there is power in the combination of great monopolies, yet there is more power in the arm of the American people, and you, too, shall obey law." [Applause.] I am much obliged to my friend from Missouri [Mr. DOCKERY] for the time I have occupied.

Mr. WHITE, of New York. In this day of great clamor in respect to trusts, in respect to corporations, in respect to monopolies, and in respect to men who have succeeded in achieving what others would gladly achieve for themselves, it may be necessary that a man who comes to discuss the interests of the Government should apologize before he commences his discourse by saying that he is not here to speak for monopolists. But I have no apology to make in this case, for none is necessary.

I have a word of criticism first to the title which the eloquent gentleman from Kansas [Mr. ANDERSON] gave to this bill when he introduced it. I will read the title. It says, in the most harmless words possible:

Supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act.

Now, if there had been proper candor and the same free use of the United States tongue that characterized the gentleman's speech to-day this bill would have been entitled "A bill to enable the Congress of the United States to get in its work temporarily against Jay 'Hawk' Gould and the Western Union Telegraph Company."

Mr. ANDERSON, of Kansas. Does the gentleman think they own it for all time?

Mr. WHITE, of New York. I will yield to the gentleman, if necessary, by and by, but not now.

Mr. ANDERSON, of Kansas. I do not propose to interrupt the gentleman again.

Mr. WHITE, of New York. The question before Congress is a very simple one when you have got it rid of the rotund verbiage in which it has been enveloped by the gentleman who introduced the bill. "What do you read, my lord?" said Polonius to Hamlet; and his reply was, "Words, words, words." And that is what is in this bill—"words, words, words;" and all that it contains in reality is to be found in three or four words which I will emphasize in the first section. The first section reads:

Be it enacted, etc., That all railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which by the acts incorporating them, or by any acts amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines, and all companies engaged in operating said railroads or telegraph lines, shall *forthwith and henceforward*, by and through their *own* respective corporate officers and employés, construct, maintain, and operate for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves *alone* all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid.

Now, in this word "alone" we disclose the gist of this bill and we show the bill to be objectionable, first, on the ground of public policy in the wise administration of the affairs of this country, and second, because the provisions of this law are repugnant to the Constitution of the United States, as interfering with what have over and over again been decided to be vested rights, and therefore it can not be enforced if passed.

Now, what is it they are striking at? The gentleman having this bill in charge brought to the attention of the House what has occurred in reference to the Baltimore and Ohio Telegraph Company. Like too many other institutions that company commenced without counting the cost, and found they had built "not wisely, but too well." The Western Union have made a contract by which, having bought the stock without destroying the corporate existence of the company, they work the line themselves.

Mr. DUNHAM. And put up rates.

Mr. WHITE, of New York. Yes; putting up rates and putting them down, too.

Mr. DUNHAM. I admit that in some places they have put down rates.

Mr. WHITE, of New York. And I admit that in some places they have put them up; so "honors are easy" between us.

Mr. DUNHAM. But on the great business interests of the country, and between the large commercial cities, especially in the Northern States——

The SPEAKER *pro tempore*. Does the gentleman from New York yield?

Mr. WHITE, of New York. I do not, at this time. I was saying, Mr. Speaker, that this bill was brought under consideration at a time when the Baltimore and Ohio line had reached Omaha, and was trying to compel the Union Pacific to break a contract which it had theretofore made with the Western Union Telegraph Company. Now, sir, on that point, as to the practical working of the thing at this time, I have to say this: There is not another line in the world that reaches either of the terminal points of the Pacific railroads; to that we, in behalf of the good of the United States, the largest creditor of the Pacific Railroad Companies and interested as such creditor in the safe and profitable management of the business of those roads, we are saying to them, "Gentlemen, we insist that, without the possibility of receiving any business which does not originate either at the termini or along the route of your lines, you shall from this time forth cease doing business with the Western Union Telegraph Company. You must employ your own telegraph operators and send every dispatch over your own lines." As it is now, they have a right to send over the Western Union lines or their own interchangeably, but we propose to prohibit that and to compel them to do the whole business independently, no matter what it may cost. And why? For nothing, as I said before, except to enable this Congress to "get in its work" against the Western Union Company.

Now, I say it would be unwise to do that even if we had the power. I say that first because there is nobody here at present asking for any telegraphic facilities. The Western Union Telegraph Company has the network of its lines extending over all the States and Territories, bringing the grist to its mill, and even the spirit of communism has not ventured to suggest that they should be compelled to give up the business which they have solicited and obtained and brought to the end of the Pacific road's telegraph wires.

Now, what does the evidence show with regard to the contract which exists between these companies? A contract was made to operate the lines jointly, that the Pacific railroads should have the privilege to use the Western Union Company's lines whenever their own are overloaded, and that the Western Union should have the right to use the railroad companies' lines whenever it was necessary. In other words, that they should in every way work harmoniously, employing one set of operators only for each station instead of the two sets that would be required under this bill.

The result has been, as the evidence here shows, that in 1886, when this testimony was obtained, the business had grown, under this arrangement, from the Union Pacific doing a net business of $38,000 before consolidating the business, to $110,000, and at the same time—I ask the gentleman from Illinois [Mr. DUNHAM] to listen to this—at the same time the price over those lines had been reduced from $1.50 to $1 between San Francisco and all points in these United States.

Mr. DUNHAM. When did they make that reduction? When another line was built to compel them to do it?

Mr. WHITE, of New York. Not at all; there is not another line built yet. They reduced the rate from San Francisco to Portland, Me., to $1.

Mr. DOCKERY. When was that reduction made?

Mr. WHITE, of New York. It was made after the pooling arrangement. I do not remember the date exactly. I had no expectation that this bill would come up for consideration this afternoon, so that I have not arranged the statistics as I would have done.

I claim, first, Mr. Speaker, that it is for the best interests of this Government, as the largest creditor of the Pacific railroads, to keep those roads earning the largest amount of money that they can earn, in order that that money may pass into the Treasury of the United States, where it belongs.

Second, I pass to a most important point, a proposition which will commend itself to every lawyer in this country, to wit, that there being not only the common-law right (although that was sufficient), but there being also a statutory provision enacted by the Congress of the United States, authorizing the overland telegraph companies, of which the Western Union is the successor, to consolidate and work together with the lines of the Union Pacific and the Central Pacific roads, all contracts that were made under that authority are binding, and this Congress has no more right to interfere with them than they have, as I say in the minority report, to legislate a granger's farm into a base-ball ground without judicial proceeding.

Let us look now at the provisions of this law. Bear in mind that the overland telegraph companies were first in the field; they commenced operations nearly two years and a half before the act incorporating the Pacific railroads was passed. When that act was passed the existence of these telegraph companies was recognized; and this provision, contained in section 19 of the act of July 1, 1862, became a part of the laws of this country:

Be it further enacted, That the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri River and San Fran-

cisco may be moved upon or along the line of said railroad and branches as fast as said roads and branches are built; and if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph.

Here was the express action of Congress declaring that the then existing lines of telegraph might be operated upon or along the line of this railroad and its branches, and authorizing the Pacific railroads themselves to make a running arrangement with these companies, even to the extent of stopping their own lines.

Now, it is a well-recognized proposition at common law that where two companies doing business make an arrangement mutually advantageous, or believed to be so, and not in conflict with public policy, the contract is lawful and can not be interfered with. Under the terms of this arrangement the Western Union Telegraph Company undertook to and did connect the two lines of the Union Pacific road between Kansas City and Omaha with lines the sole use of which was given to the railroad companies in order to enable the officers at Omaha to have the supervision of the entire system of roads by a direct line. That arrangement exists to-day. The Western Union gave the use of their own lines, side by side with the Pacific Railroad lines, upon terms that were mutually agreed upon and believed to be mutually advantageous; and those contracts were lawful.

Now, are we left in doubt in regard to this matter? When a lawful contract is made and reciprocal obligations have arisen between the two contracting parties, can such a contract be abrogated by legislative act, thus destroying vested rights? Why, sir, the question was settled as long ago as the case of Woodward *vs.* The Trustees of the Dartmouth College, decided by the Supreme Court of the United States and reported in 4 Wheaton. This point has been decided over and over again in cases coming down to the present time, cases, too, in which this much-despised corporation which we, as its largest creditor, are now attempting to injure, was a party. In a case of this very Union Pacific Railroad as lately as 99 United States Reports the Supreme Court of the United States has passed upon this direct question. This decision was made in the famous Sinking Fund cases. I read from 99 United States Reports, page 721:

Giving full effect to the principles which have thus been authoritatively stated, we think it safe to say that whatever rules Congress might have prescribed in the original charter for the government of the corporation in the administration of its affairs, it retained the power to establish by amendment. In so doing it can not undo what has already been done, and it can not unmake contracts that have already been made; but it may provide for what shall be done in the future, and may direct what preparations shall be made for the due performance of contracts already entered into.

That declaration of the court was made in the case of this Union Pacific Railroad, against which we now propose to strike this blow. The Union Pacific made a contract with the Western Union, and the Western Union contracted with the Union Pacific for the building of a line from Omaha to Kansas City, giving the exclusive use of it to the railroad. The railroad company entered upon the use of it, and has used it from that time till this. An arrangement was made whereby one-half of the expenses of the Union Pacific for telegraph operators was to be cut off; and that arrangement has been maintained from that time till the present. In the various directions and ramifications of this business vested rights have resulted; and in view of the plainly-expressed opinion of the Supreme Court of the United States that whatever has lawfully been done Congress has not the power to undo, it is madness for us to undertake, at this time, to abrogate by legislative enactment these contracts.

Mr. Speaker, I have said all that I desire to say in opening this discussion. I was entirely unprepared to make these remarks, and when the question came up had not even a book at hand. I propose to reserve the residue of my time, to be used by myself or yielded to other gentlemen who may desire to speak in favor of the views which I entertain.

Mr. DOCKERY. I understood the gentleman to state that, by reason of this contract with the Western Union Telegraph Company, they acquired vested rights, and that the provisions of the act of July 2, 1864, which expressly gave Congress the right to alter, amend, or repeal this act, can not apply to such contract.

Mr. WHITE, of New York. I say this: that the right to alter, amend, or repeal is in full force as to all new acts to be performed and new contracts to be made, but I say it can not violate or annul any contract which has been legally made under it. To illustrate: The right inherent to alter, amend, and repeal could not be exercised after the Union Pacific Railroad Company had lawfully issued its first-mortgage bonds. After putting them into existence and vested rights had accrued thereby, it could never, by repealing it, have destroyed the lien created on the property of the Union Pacific Railroad. When the Western Union Telegraph Company has advanced money; when it has built lines; when it has done all it could under its contracts and has thereby acquired vested rights, this Congress can say, you shall do no more; but all the power of Congress can not say that what it has done under those vested rights is null and void.

Mr. HOPKINS, of Illinois. I understand from the statement of the gentleman from Missouri that the act of incorporation provides that Congress shall have the power to amend, alter, and repeal any of the provisions of the act. Does it so provide?

Mr. DOCKERY. It does.

Mr. HOPKINS, of Illinois. Were not the contracts, to which reference is made, entered into in full view of that power to amend, alter, and repeal?

Mr. WHITE, of New York. The question has been passed upon by the Supreme Court of the United States, and I beg leave to read, again, a paragraph from that decision by Mr. Justice Miller:

Giving full effect to the principles which have thus been authoritatively stated, we think it safe to say that whatever rules Congress might have prescribed in the original charter for the government of the corporation in the administration of its affairs, it retained the power to establish by amendment. In so doing it can not undo what has already been done, and it can not unmake contracts that have already been made, but it may provide for what shall be done in the future, and may direct what preparation shall be made for the due performance of contracts already entered into.

Mr. HOPKINS, of Illinois. That is a contract entirely different from this proposed legislation. That decision assumes the contract so entered into was a contract which was lawfully made under the charter itself. But the question I put here is this: Did not the original charter reserve this right to alter, amend, and repeal, and therefore anybody contracting under it entered into that contract with reference to that right, so that it becomes a question whether these contracts you speak of are lawful or not.

Mr. WHITE, of New York. There is no question about it. I have not only shown the inherent right of a body corporate to do everything necessary for the conduct of its business, but I have shown that under section 19 of the law of 1862 there was an express provision of law given to the Overland Telegraph lines, of which the Western Union is the successor, by which they provided the moving on to the lines of the Union and Pacific Railroads, upon the right of way of those railroads, and on their undertaking to operate them the Pacific railroads were relieved of the responsibility of building telegraph lines themselves.

Mr. DOCKERY. I understand that the Western Union Telegraph Company succeeds to the Overland, California State, and Pacific Telegraph Companies.

Mr. WHITE, of New York. That is so. Mr. Justice Miller, in the suit of Western Union *vs.* Kansas Pacific Railroad, at Topeka, Kans., in 1880, on a motion to dissolve an injunction obtained by the Western Union against the defendant, where the question was material to the maintenance of the injunction, held that *prima facie* the Western Union were their successor. It is conceded everywhere that they are such successor *de facto*, and that decision held that *prima facie* they were *de jure*, although the learned justice held the question open for a further hearing on the evidence on the final trial. Before the final hearing was reached the two companies made this arrangement for working in harmony, and the question has not been otherwise decided. But there is no mistake that the decision was made in that form.

Mr. COX. May I ask my friend a question?

Mr. WHITE, of New York. Certainly.

Mr. COX. I had something to do with the passing of the Thurman bill here, and following the conclusions into the courts. Now, I ask my friend, representing the financial and legislative ability of a large section of country, whether he believes there is power to alter or amend, or to prevent the alteration, amendment, or repeal of a law of Congress, except by the limitation of the Constitution?

Mr. WHITE, of New York. I do not believe there is power to prevent the passage of a law. But I do believe that when the legislative power leaves its proper sphere and steps into that realm which the courts of the country have held to be unconstitutional, then the law fails, as this law will fail if it passes Congress and is ever brought before such a tribunal.

Mr. COX. But the gentleman does not answer my question.

Mr. WHITE, of New York. Repeat it.

Mr. COX. What I want to know is if the Constitution does not come in with its limitations upon the power of Congress? You give Congress the power to amend, alter, repeal, or pass an enactment.

Mr. WHITE, of New York. Yes, sir.

Mr. COX. Subject always to the Constitution?

Mr. WHITE, of New York. Yes, sir.

Mr. COX. Only?

Mr. WHITE, of New York. Yes, sir.

Mr. COX. Then you are gone. [Laughter and applause.]

Mr. WHITE, of New York. I consider my colleague the best of authority on parliamentary proceedings, but on a constitutional question I prefer the Chief-Justice to my colleague, and according to the Chief-Justice I think I am here. I may be gone, but this proposition remains.

Mr. Speaker and gentlemen, the question of whether I may be representing a popular or unpopular side of this controversy is not what will be the measure by which the decision will be reached when it comes to the cold arbitrament of men who have passed upon such questions from the earliest history of this country down to the present time, and always held that a law which undertook to destroy vested rights or which was in derogation of title is unconstitutional.

I reserve the remainder of my time.

The SPEAKER. The gentleman from Kansas [Mr. PETERS] is entitled to the floor.

Mr. HOPKINS, of Illinois. I desire to ask the gentleman in charge of this bill a question.

Mr. DOCKERY. Very well; I will yield for a question.

Mr. HOPKINS, of Illinois. This measure is one of a great deal of importance; and I would like to know whether the reports of the committee—the majority report and the minority views as well—have been printed for the use of the House, so that members can have access to them?

Mr. DOCKERY. I will state, in reply to the gentleman from Illinois, that I am advised the report is already exhausted; but to save that point I have already requested, after the reading of the bill by the Clerk, that the report proper, including the views of the minority, with the contracts in question affecting the Western Union Company, be printed in full in the RECORD, so that the entire report submitted in the last Congress by Mr. Warner, of Ohio, with the report of this committee, and the views of the minority, as well as the contract with the Western Union Telegraph Company, will appear in the RECORD to-morrow morning. I apprehend that will give the House all the information it requires.

Mr. HOPKINS, of Illinois. I will make this suggestion, so far as I am concerned: I have not seen either the majority or minority report, and the gentleman from New York [Mr. WHITE], from my standpoint, has given expression to some extraordinary views of the law this evening, to which I can not accede. I for one would like to have the report for the purpose of examining it, to see the exact condition of the question.

The Dartmouth College case—if the gentleman from Missouri will indulge me a moment longer—to which reference has been made in this discussion, is not the recognized law of the country to-day as applied to this class of questions. It has not been so regarded since the decision was rendered by the Supreme Court in that celebrated case.

The current of authority in this country to day is that no legislative body, I care not whether it be the Congress of the United States or the legislature of a State, can so bind the people. The current of authority is that the created can never be greater than the creator; that the stream can not rise higher than its source. In other words, the people in this country are supreme, and no legislative body can enact a law which will give to a person or a corporation vested rights that will bind the people hand and foot in the manner suggested by the gentleman from New York.

Mr. PETERS. I believe I am entitled to the floor.

Mr. WHITE, of New York. Allow me to ask a single question.

The SPEAKER. The gentleman from Kansas has been recognized.

Mr. DOCKERY. The gentleman from Illinois wished to ask a question.

The SPEAKER. Does the Chair understand the gentleman from Kansas to yield?

Mr. PETERS. I have not yielded.

Mr. DOCKERY. I was about to suggest that I would yield to the gentleman from Illinois sufficient additional time out of mine, and then let the gentleman from Kansas go on.

Mr. PETERS. I ask the gentleman from Missouri [Mr. DOCKERY] if he intends the argument to proceed further to-night? I will state to him that I shall not be able to finish my argument by 5 o'clock.

Mr. DOCKERY. I am entirely content to agree to what may be the pleasure of the gentleman from Kansas, if he does not desire to proceed at this time.

Mr. PETERS. I should not desire to begin my remarks if I can not finish them to-night.

Mr. DOCKERY. I understand the gentleman to say that he does not at this time desire to proceed.

Mr. PETERS. Because I will not be able to conclude before 5 o'clock.

Mr. WHITE, of New York. I move that the House do now adjourn.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5352) to grant an American register to the German-built bark Nordstjernen.

ORDER OF BUSINESS.

Mr. WHITE, of New York. I yield for a moment to the gentleman from Maryland [Mr. RAYNER].

The SPEAKER. If the gentleman withdraws the motion to adjourn, the gentleman from Kansas [Mr. PETERS] is entitled to the floor.

Mr. PETERS. I ask if the gentleman from New York can take me off the floor in order to make a motion to adjourn. I am willing, however, to yield to the gentleman from Missouri [Mr. DOCKERY] to make that motion.

Mr. DOCKERY. I move that the House adjourn, but yield to the gentleman from Maryland [Mr. RAYNER].

The SPEAKER. If the gentleman, having moved to adjourn, yields the floor, it belongs to the Chair to recognize gentlemen.

Mr. DOCKERY. I withdraw the motion.

MILITARY AND POSTAL TELEGRAPH.

Mr. RAYNER. I move that next Wednesday be specially assigned for the consideration of the pending bill.

The SPEAKER. The House to-day has postponed the consideration of another bill to that day.

Mr. RAYNER. I will say Tuesday.

Mr. DUNHAM. Why not Saturday?

Mr. RAYNER. This bill involves very nice and complicated principles of law, and should not be argued without a full opportunity to investigate. I have not seen either the majority or the minority report; and I move, therefore, that the consideration of the bill be specially assigned for Tuesday.

The SPEAKER. That can only be done by unanimous consent. The gentleman can move to postpone the consideration of the bill to a day certain.

Mr. DOCKERY. As I stated at the beginning of the discussion, there was no purpose on our side to take a vote on the bill to-day. Of course the discussion has to begin at some time. The gentleman from Maryland will have an opportunity before it is renewed to obtain the report and acquaint himself with the issues on which he may desire to present his views to the House. We will call up the bill for renewed discussion as soon as we can do it under the rules of the House.

The SPEAKER. The gentleman from Maryland moves to postpone the consideration of this bill until Tuesday next.

Mr. RAYNER. I withdraw the motion if it is understood that the bill takes its place on the House Calendar and will not be called up to-morrow.

The SPEAKER. If the House adjourns to-day pending the consideration of this bill, it will come up on Saturday immediately after the hour for the consideration of bills, being the only unfinished business of the House Calendar.

Mr. RAYNER. Then I renew my motion.

The motion was not agreed to.

Mr. DOCKERY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 31 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. BELDEN: A bill (H. R. 6949) granting a pension to Emaline C. Young—to the Committee on Invalid Pensions.

By Mr. BOWDEN: A bill (H. R. 6950) for the relief of J. H. and Charles H. Rowland—to the Committee on War Claims.

By Mr. BOWEN: A bill (H. R. 6951) for the relief of F. Rienhold Koester—to the Committee on Invalid Pensions.

By Mr. BREWER: A bill (H. R. 6952) for the relief of William Wolff.

By Mr. T. M. BROWNE: A bill (H. R. 6953) granting a pension to Rachel A. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6954) for the relief of Thomas F. Glass—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 6955) for the relief of William L. Carey—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 6956) for the relief of the heirs-at-law of the estate of George W. McCabe—to the Committee on War Claims.

By Mr. COWLES: A bill (H. R. 6957) for the relief of Margaret M. Baird, of Boone, Watauga County, North Carolina—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 6958) for the relief of Frederick S. Jennings—to the Committee on Patents.

By Mr. GEST: A bill (H. R. 6959) for the relief of David C. Thompson—to the Committee on Military Affairs.

By Mr. HARMER: A bill (H. R. 6960) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 6961) for the relief of the legal representatives of H. M. Withers—to the Committee on War Claims.

By Mr. T. J. HENDERSON: A bill (H. R. 6962) granting a pension to Anson Ward—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 6963) for the relief of William Hawkins—to the Committee on War Claims.

Also, a bill (H. R. 6964) for the relief of Anson Noble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6965) for the relief of Josiah P. Higgins—to the Committee on Military Affairs.

Also, a bill (H. R. 6966) for the relief of D. D. Holbert—to the Committee on War Claims.

Also, a bill (H. R. 6967) for the relief of Absalom Westfall—to the Committee on Claims.

By Mr. T. D. JOHNSTON: A bill (H. R. 6968) for the relief of W. D. Fortner—to the Committee on War Claims.

By Mr. LODGE: A bill (H. R. 6969) granting a pension to Mrs. Mary H. Adams—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 6970) for the relief of Ferdinand Hercher—to the Committee on Military Affairs.

By Mr. MORRILL: A bill (H. R. 6971) to pension Peter Clark, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6972) to pension Jesse M. Osbourne—to the Committee on Invalid Pensions.

By Mr. J. H. O'NEALL: A bill (H. R. 6973) for the relief of Enoch Weathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6974) for the relief of Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment of Indiana Volunteers, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6975) for the relief of Riley Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6976) for the relief of Anna M. Thiele—to the Committee on Invalid Pensions.

By Mr. OWEN: A bill (H. R. 6977) granting a pension to Hugh A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6978) granting a pension to Micager Hancock—to the Committee on Pensions.

Also, a bill (H. R. 6979) granting a pension to Jennie Reed—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: A bill (H. R. 6980) to relieve James Kilpatrick from the charge of desertion—to the Committee on Military Affairs.

By Mr. PUGSLEY: A bill (H. R. 6981) to correct the muster-roll of Company B, Fortieth Ohio Volunteer Infantry, as to the name of Jesse N. Oren, late orderly sergeant of said company—to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 6982) for the relief of Dr. Lewellen—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 6983) for the relief of Dr. Lewellen and Anthony G. Davis—to the Select Committee on Indian Depredation Claims.

By Mr. SAWYER: A bill (H. R. 6984) granting a pension to Margaret E. Graves—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 6985) for the relief of James Bishop—to the Committee on War Claims.

Also, a bill (H. R. 6986) for the relief of Elisha F. O'Neall—to the Committee on War Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 6987) for the relief of First Lieut. James Regan—to the Committee on Claims.

Also, a bill (H. R. 6988) for the relief of Patrick Carroll—to the Committee on Claims.

By Mr. WILLIAMS: A bill (H. R. 6989) for the relief of E. R. Watrous—to the Committee on Military Affairs.

Also, a bill (H. R. 6990) to place the name of Rebecca E. Shoemaker on the pension-roll—to the Committee on Invalid Pensions.

By Mr WASHINGTON: A bill (H. R. 6991) for the relief of the legal representatives of Henry S. French, deceased—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 1050) for the relief of Charles M. Kennerly—from the Committee on War Claims to the Committee on Claims.

Also, a bill (H. R. 4669) granting a pension to Mrs. Sarah Frost—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 3722) for the relief of Jennie D. Rice—from the Committee on Invalid Pensions to the Committee on Claims.

Also, a bill (H. R. 112) granting a pension to George Schneider—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 5082) granting an increase of pension to William E. Wheeler—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 5730) for the relief of Edward Byrne—from the Committee on Claims to the Committee on Military Affairs.

Also, a bill (H. R. 5190) for the relief of Francisco V. De Coster—from the Committee on Invalid Pensions to the Committee on Military Affairs.

Also, a bill (H. R. 2264) to amend the pension-roll as it relates to the rank of Maxwell Carroll—from the Committee on Invalid Pensions to the Committee on Military Affairs.

Also, a bill (H. R. 950) for the relief of Michael Longevin—from the Committee on Invalid Pensions to the Committee on Military Affairs.

Also, a bill (H. R. 948) for the relief of William H. Tabbarrah—from the Committee on Invalid Pensions to the Committee on Military Affairs.

Also, a bill (H. R. 6991) for the relief of the legal representatives of Henry S. French, deceased—from the Committee on Claims to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Petition of Hon. H. D. Platt and 41 others, citizens of Ypsilanti, Mich., for increase of tariff on wool—to the Committee on Ways and Means.

Also, petition of Rev. Samuel Haskell, D. D., and 51 others, citizens of Ann Arbor, Mich., against the admission of Utah with polygamy—to the Committee on the Territories.

By Mr. BACON: Petition of Sarah E. Bodle, widow of Charles W. Bodle, late of Company A, One hundred and twenty-fourth New York Volunteers, for a pension—to the Committee on Invalid Pensions.

Also, petition of Thomas Shackelford, to be placed on the pension-roll—to the Committee on Pensions.

By Mr. C. S. BAKER: Petition of Hon. Dayton S. Morgan and 55 others, citizens, merchants, manufacturers, and shippers, of Brockport, Monroe County, New York, in favor of reducing the rate of postage on letters as proposed by House bill introduced by Mr. BAKER, of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. BLANCHARD: Memorial of the commercial exchanges of New Orleans, relating to improvements in the Signal Service—to the Committee on Military Affairs.

Also, memorial of the New Orleans Board of Underwriters, for an international marine conference—to the Committee on Merchant Marine and Fisheries.

By Mr. CARUTH: Petition of Louisville (Ky.) Turners' Society, against the passage of laws restricting immigration—to the Committee on Foreign Affairs.

Also, petition of Henry W. Barrett & Co., proprietors of the Eclipse Woolen Mills, of Louisville, Ky., in regard to the tax on wool—to the Committee on Ways and Means.

By Mr. CATCHINGS: Petition of S. P. Nutt, for reference of certain claims to the Court of Claims—to the Committee on War Claims.

By Mr. COMPTON: Petition of citizens of Maryland and the District of Columbia, for an appropriation for deepening the channel of the Eastern Branch of the Potomac River—to the Committee on Rivers and Harbors.

By Mr. CONGER: Resolution of the Iowa State Agricultural Society, urging legislation for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. CRISP: Papers in relation to House bill for relief of John F. McRae, of Georgia—to the Committee on Claims.

By Mr. DUNN: Petition of M. D. Smith, of Phillips County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FRENCH (by request): Petition of 190 woolen mills and worsted mills of the United States and 110 merchants of New York City, for the passage of the resolution of Mr. C. R. BRECKINRIDGE, directing that worsted cloth be classified as woolen cloth—to the Committee on Ways and Means.

By Mr. GEAR: Resolution of the Iowa State Agricultural Society, for the immediate passage of the Miller-Carey bill to exterminate pleuro-pneumonia—to the Committee on Agriculture.

By Mr. GLASS: Memorial of citizens of Brownsville, and of Ripley, Tenn., against taxing cotton-seed oil—to the Committee on Agriculture.

Also, petition of heirs of Katherine Buchanan, of Crockett County, Tennessee, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Protest of the Merchants' Exchange and Cotton Exchange, of Memphis, Tenn., against taxing cotton-seed oil—to the Committee on Ways and Means.

By Mr. HARMER: Memorial of citizens of Philadelphia, Pa., for speedy action on the subject of protection to the wool-growing and woolen manufacturing industries of this country—to the Committee on Ways and Means.

By Mr. HATCH: Petition of the Woman's Christian Temperance Union of Missouri, for the abolition of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. HAYDEN: Petition of Ira Hammond and others, asking Congress to proclaim certain land in Massachusetts an historical location—to the Committee on the Library.

By Mr. HEARD: Petition of citizens of the Sixth district of Missouri, for the improvement of the Missouri River at and near Anon Rock, Mo., to protect and improve the landing at said point—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Resolutions of the Iowa State Agricultural Society, urging legislation for the extinction of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. HERMANN: Petition of citizens of Lane County and of Coos County, Oregon, for a light-house at the mouth of Siuslaw River—to the Committee on Commerce.

By Mr. S. I. HOPKINS (by request): Petition of R. L. McCully, D. B. Caruaway, and 106 others, of the Junior Order United American Mechanics, relating to foreign immigration—to the Committee on Labor.

Also, petition of the deaf soldiers, sailors, and marines, for increase of pension for deaf soldiers—to the Committee on Invalid Pensions.

By Mr. S. T. HOPKINS: Petition of Phebe Furman, for widow's pension—to the Committee on Invalid Pensions.

By Mr. KEAN: Petition of American Clay Tobacco-Pipe Employers and Employés' Association, for relief—to the Committee on Ways and Means.

Also, petition of the faculty of Rutgers College, New Brunswick, N. J., for an international copyright—to the Committee on Patents.

By Mr. LA FOLLETTE: Petition of J. A. Johnson, of Madison, Wis., to abolish all import duties on agricultural machinery—to the Committee on Ways and Means.

By Mr. LYMAN: Resolution of the Iowa State Agricultural Society, for the extermination of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. McADOO: Petition of the mayor and aldermen of Paterson, N. J., for a survey of proposed bridge across the Hudson River at New York City—to the Committee on Commerce.

Also, petition of the New Jersey workingmen engaged in the manufacture of woolen goods for readjustment of the tariff schedule so as to prevent excessive importations of such goods—to the Committee oh Ways and Means.

By Mr. McRAE: Petition of 50 citizens of Arkansas, against the proposition to tax cotton-seed oil—to the Committee on Agriculture.

By Mr. MASON: Petition of delegates representing the Merchant Tailors' National Exchange of the United States, for relief—to the Committee on Ways and Means.

By Mr. MATSON: Petition and indorsements accompanying bill for the relief of Ferdinand Hercher—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: Memorial of manufacturers of sewer-pipe, that sewer-pipe be classified in the tariff as clay sewer-pipe at a duty of $5 per ton, or an ad valorem duty of at least 55 per cent.—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Resolutions of the Cigar-Makers' International Union of America, and of Union 281 Cigar-Makers, against abolition of internal-revenue tax on cigars and tobacco—to the Committee on Ways and Means.

By Mr. RAYNER (by request): Petition of William E. Baitzell and others, citizens of Baltimore, for relief—to the Committee on Ways and Means.

By Mr. RICE: Circular letter of the United American Clay Tobacco-Pipe Employers and Employés' Association, for a revision of the tariff laws in regard to the importation of clay pipes manufactured in Europe—to the Committee on Ways and Means.

Also, circular letter of the committee representing the marble sawmills in the United States, for a revision of the tariff laws relating to the importation of marble—to the Committee on Ways and Means.

By Mr. ROGERS: Petition of Mary A. England, widow of William T. England; of Sarah Ann Tobin (formerly Powell), and of H. C. Haymon, of Crawford County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROWLAND: Petition of citizens of Beaver Dam, Monteith, Mecklenburgh County, North Carolina, for increase of pay of certain postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSK: Petition for restoration of Mexican pension to Sarah A. Roose—to the Committee on Pensions.

By Mr. SAWYER: Petition of Margaret Graves, for a pension—to the Committee on Invalid Pensions.

Also, petition against the admission of Utah as a State—to the Committee on the Territories.

By Mr. SCULL: Petition of soldiers of the late war residing in Somerset County, Pennsylvania, for a service-pension law—to the Committee on Invalid Pensions.

By Mr. SIMMONS: Petition of the Cotton and Grain Exchange, of the Board of Trade, and of the board of city council of New Berne, N. C., for an appropriation to erect a public building at New Berne, N. C.—to the Committee on Public Buildings and Grounds.

Also, petition of 152 citizens, of the Board of Trade, of the board of city council, and of the Cotton and Grain Exchange, of New Berne, N. C., for an appropriation to construct a public road from New Berne, N. C., to the national cemetery near that city—to the Committee on Military Affairs.

Also, petition of 217 citizens of New Berne, N. C., for an appropriation to erect a public building at New Berne, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. SNYDER: Petition of miners and others of Gaymont, Sunnyside, Elmo, Fire Creek, Central, W. Va., and of Joseph Flicker, P. M. Hayes, and others, of Caperton, W. Va., protesting against putting soft coal on the free-list—to the Committee on Ways and Means.

By Mr. SPOONER: Petition of 190 woolen and worsted mills of the United States, and 110 merchants in New York City, for the passage of the resolution introduced by Mr. C. R. BRECKINRIDGE, classifying worsted cloth as woolen cloth—to the Committee on Ways and Means.

By Mr. STEELE: Petition of the Grant County (Ind.) Medical Society, by its president, Dr. Barns, that all medical supplies and surgical instruments be placed on the free-list—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of Nelson Kyle, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition for relief from charge of desertion against E. R. Watrous—to the Committee on Military Affairs.

Also, petition of Rebecca E. Shoemaker, for a pension—to the Committee on Invalid Pensions.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. ATKINSON: Of citizens of Emmaville, and of Morrell, Pa.

By Mr. J. R. BROWN: Of C. E. Miller and others, citizens of Mt. Airy, Pittsylvania County, Virginia.

By Mr. T. H. B. BROWNE: Of S. G. Fauntleroy and others, of King and Queen County, Virginia.

By Mr. GLASS: Of citizens of Reelfoot, Tenn.

By Mr. HARE: Of citizens of Atoka, Ind. T.

By Mr. HATCH: Of citizens of Putnam County, Missouri.

By Mr. J. S. HENDERSON: Of J. R. Parks and others, of Randolph County; of H. F. Benton and others, of Yadkin County; of M. J. Rush and others, of Montgomery County, and of J. W. Bradly and others, of Iredell County, North Carolina.

By Mr. HERMANN: Petition of citizens of Clackamas County, and of Lane County, Oregon.

By Mr. HOGG: Of A. E. Coffman and 43 others, of Pleasants County, West Virginia.

By Mr. A. C. THOMPSON: Of citizens of Vancetown, Gallia County; of Kelly's Mills, Lawrence County; of Jaybird, Adams County; of Comstock, Scioto County, Ohio.

By Mr. WHEELER: Of D. A. Hampton and 58 others, of Lawrence County, Alabama.

Also, of J. M. Cochran and 49 others, and of J. W. Rather, of Alabama.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. FELTON: Of W. T. King and others, citizens of Santa Clara County, California.

By Mr. FRENCH (by request): Of E. E. Marsh and others, citizens of New Haven County, Connecticut.

By Mr. GALLINGER: Of William P. Chamberlain and others, citizens of Cheshire County, New Hampshire.

By Mr. HALL: Of W. J. Snodgrass and others, citizens of Mercer County, Pennsylvania.

By Mr. O'DONNELL: Petition of 429 citizens of Eaton County, Michigan.

By Mr. PENINGTON: Of John Brown and others, citizens of New Castle County, Delaware.

By Mr. ROMEIS: Of G. C. Wagonlanden and others, citizens of Lucas County, Ohio.

By Mr. SHAW (by request): Of C. S. Abrahams and others, citizens of Cecil County, Maryland.

By Mr. VANCE: Of J. O. Barrows and others, citizens of Hartford County, Connecticut.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. J. E. CAMPBELL: Of 180 citizens of the District of Columbia.

By Mr. O'DONNELL: Of 120 citizens of Coldwater and Middleville, Mich.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 10, 1888.

The House met at 12 o'clock m.

The Journal of yesterday's proceedings was read and approved.

REPORT ON UNION PACIFIC RAILWAY COMPANY.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting the report of the Board of Government Directors of the Union Pacific Railway Company; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, and referred to the committees indicated:

The bill (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.—to the Committee on Military Affairs.

The bill (S. 281) for the erection of a public building at Kansas City, Mo.—to the Committee on Public Buildings and Grounds.

The bill (S. 423) to enable the State of Colorado to select indemnity school lands—to the Committee on the Public Lands.

The bill (S. 968) for the relief of Leslie Bassett—to the Committee on Claims.

The bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases—to the Committee on the Judiciary.

CHOCTAW COAL AND RAILWAY COMPANY.

The SPEAKER also laid before the House a bill (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read a first and second time.

Mr. ALLEN, of Mississippi. Mr. Speaker, that is a Senate bill. A similar bill was referred to the House Committee on Indian Affairs and unanimously reported by that committee with one slight change, in reference to the limitation of the time within which the road should be built. I ask unanimous consent to consider the bill now.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to have this bill considered at this time. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line) at the bluff known as Rocky Cliff, in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately contiguous to the west boundary line of Polk or Sevier Counties, in the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company in Tobucksey County, Choctaw Nation, with the right to construct, use, and maintain such tracks, turnouts, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory for said main line and branch of the Choctaw Coal and Railway Company; and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no parts of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belonged, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Ark., or by the district judge of the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Ark., or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the States of Arkansas and Texas for services and transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Teritory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior for the benefit of the particular nations or tribes through whose lands the said railway may be located, the sum of $50, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway, for each mile of railroad that it may construct in said Territory, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupants of lands, with the right to appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force between the United States and said nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the northern district of Texas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Choctaw Coal and Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controvery, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, and complete the main line of the same within said Territory within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Choctaw Coal and Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors or assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12 That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Mr. Speaker, I hope there will be some explanation of the bill, especially as to its object. The bill provides for ascertaining the value of the property taken and occupied, and it allows an appeal to the district court; but, if I understand it correctly, it provides also that the railroad company shall pay $50 per mile for the land actually taken but not occupied. Now, whether that is a correct basis of valuation or not I am not prepared to say, but it seems to me that the land, in this strip 100 feet wide, and also in the strip 200 feet wide and 300 feet long for the stations, should be appraised in such manner as to secure to the Indians its full value. I suggest, therefore, to my friend having charge of the bill whether it would not be fairer that, as to the land taken and not occupied, $50 per mile should be made the minimum price, leaving the appraisers to appraise the actual value of the land taken, at a price, however, not less than $50 per acre.

Another point to which I wish to call attention is this: The bill seems to be designed not for a public, but for a private object. It appears to be simply a bill to enable this company to build a branch road to reach a coal mine. I hope my friend will explain that. I simply desire to

understand the object of the bill, and I make these suggestions, reserving the right to object. The main point that I wish to raise is in reference to this branch road, called the Choctaw Coal and Railway Company. As to the through line, that stands upon a different footing, because it has already become the settled policy of the Government not to permit the Indian Territory to interfere with through travel from one section of the Union to another. This branch road, however, appears to be a private enterprise, and it seems to me that it is a measure that ought not to be authorized by Congress except with the consent of the Choctaw Nation; and inasmuch as the Choctaws and Chickasaws own this land in common I believe, the consent of both ought to be required.

Mr. ALLEN, of Mississippi. Mr. Speaker, this bill is one that has been perfected by the concurrent action of the Interior Department and the House and Senate committees, and the effort has been to guard as well as possible the rights of the Indians, and to prevent certain fraudulent schemes and franchises that have been heretofore put through and sold by parties obtaining rights of way through the Indian Territory. The policy of the committee has been to encourage the building of railroads through that Territory, because we think it will tend to the civilization of the Indians, and we believe that that Territory should not be allowed to stand as an obstruction to the general progress. So far as the price, $50 a mile, is concerned, I believe that is what has been generally agreed upon as a fair valuation of the lands in that Territory that have been taken by railroad companies where they have taken a strip 100 feet wide, as provided for in this case. I do not know of any special reason for it, but I think that has been generally agreed upon, because it was supposed to be a fair valuation, and I know that it has met the approval of the Indian Office in the Interior Department. So far as this branch road to the coal-fields is concerned, I do not exactly see the force of the objection to granting the right of way.

If it is not practicable to build the main line to the coal-fields, I do not see why the public should be cut off from access to that coal. It seems to me that it is just as much within the power of Congress to grant this right of way as to grant any other right of way through the Territory, and so far as the consent of the tribes is concerned, these coal-fields belong to the Indians and can not be used without their consent.

Mr. WEAVER. Will the gentleman permit a question?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. WEAVER. I understand that these coal-fields are in the Choctaw Nation?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. WEAVER. And that they are really leased by this railroad company?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. WEAVER. And that this is a proposition to condemn this right of way for this spur line 18 miles long. Therefore, it is a proposition to condemn land for the benefit of a corporation and not for the benefit of the public, because it is a private corporation that owns those coal-lands. I am not making objection to the bill, but I suggest to the gentleman the question whether we have the constitutional power to do that.

Mr. ALLEN, of Mississippi. I do not see any trouble about the constitutional power if we have the right to condemn land for railroad purposes. This branch is to be a public road and is to be under the same limitations as to the rights of the public as the main line. There is no distinction on that point. This branch will be just as much a public highway, and the public will have a right to transport their property over it and to travel over it the same as over the main line.

Mr. McRAE. Is not the obtaining of this coal necessary to the running of the main line?

Mr. ALLEN, of Mississippi. The obtaining of the coal from these coal-fields may be a matter of great importance to the public, and great benefits may accrue from it to the public. Coal has been very scarce this season in some portions of the country, and it may be a matter of public interest and concern to grant facilities for getting at this coal. I can see no objection either in the Constitution or in policy to granting to these people a right to build a railroad to this coal-mine. If the limitations upon the powers of the corporation in the use of this branch line were not the same as those which govern their use of the main line, the objection would be good, but the limitations in both cases are the same.

Mr. HENDERSON, of Iowa. Will the gentleman permit a question?

Mr. ALLEN, of Mississippi. Yes, sir; two of them.

Mr. HENDERSON, of Iowa. I will be content with one at this time. Is there any one petitioning for the passage of this bill except the railroad company?

Mr. ALLEN, of Mississippi. Yes, sir, a number of persons.

Mr. HOLMAN. The point of my objection was as to the principle upon which the value of this strip of land is to be ascertained. I think myself that about $50, or some such sum, should be the minimum price, and that an appraisement should be made to ascertain whether there is any value in the strip of land beyond that amount.

That is one point of objection which I had, but I shall be compelled to waive that, inasmuch as it is the fact that we have passed bills heretofore containing similar provisions.

The other point is that this spur road, 18 miles long, which runs into the lands owned jointly by the Choctaws and Chickasaws, is really in the nature of a private enterprise; and this bill proposes to confer upon this corporation powers of eminent domain, so to speak, to appropriate the property of these Indians, subject to certain conditions, for the benefit of a purely private enterprise. This is the matter to which I wished particularly to call the attention of the gentleman from Mississippi.

Mr. LANHAM. Mr. Speaker, has the House entered regularly upon the consideration of this bill?

The SPEAKER. The House has not entered upon its consideration.

Mr. LANHAM. If there be any purpose to object to its consideration, I hope that will be made known at once in order to save time. I am not objecting to the bill myself.

Mr. MORGAN. I wish to ask the gentleman from Mississippi [Mr. ALLEN] whether the rights of the Indians are fully and thoroughly protected.

Mr. ALLEN, of Mississippi. As well as they can be after years of consideration by both Houses of Congress and by the Interior Department.

There being no objection, the House proceeded to the consideration of the bill.

The question being on ordering the bill to a third reading,

Mr. McRAE said: I call for the previous question.

The previous question was seconded; and under the operation thereof the bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. ALLEN, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. HITT, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Patrick Flynn.

SMITH R. MENSHON.

Mr. McCREARY. I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 360) for the relief of Smith R. Menshon, and to put the bill now on its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Smith R. Menshon the sum of $308, for services rendered as custodian of a distillery warehouse in Lincoln County, Kentucky, seized by a United States revenue officer, and held for seventy-seven days by said Smith R. Menshon under the orders of said United States revenue officer.

The amendment reported by the Committee on Claims was read, as follows:

In lines 5 and 9 strike out "Menshon" and insert "Mershon."

Mr. SOWDEN. I call for the reading of the report.

The report of the Committee on Claims (by Mr. LANHAM) was read, as follows:

On the 2d day of September, 1878, Captain Taylor, deputy United States marshal under Hon. Robert Crittenden, United States marshal for the district of Kentucky, arrested William M. Ball for violating the internal-revenue law. On the same day, to wit, the 2d day of September, 1878, William Wilmore, deputy United States collector for the seventh Kentucky collection district, who claimed to be acting under direction of Col. S. A. Whitfield, United States revenue agent, seized the distillery warehouse of William M. Ball, in Lincoln County, Kentucky, and placed Smith R. Mershon in charge thereof, and he continued in charge thereof and exercised daily care therefor until the 29th of November, 1878, a period of seventy-seven days, when he was relieved from duty, William M. Ball having given bond.

The claimant gave his entire time to the care of said distillery warehouse, and was compelled to and did hire a horse on which to go back and forth from his home to the said warehouse.

The evidence of W. J. Wilmore, deputy collector for the district in which the warehouse was situated, shows that, by direction of Revenue Agent S. A. Whitfield, he seized the distillery of William M. Ball, in Lincoln County, Kentucky, and by direction of said revenue agent turned said warehouse over to the claimant, Smith R. Mershon, for safe-keeping.

When claimant was relieved from duty he presented his account for $308, which is $4 per day for seventy-seven days he was engaged, being the amount usually allowed a revenue store-keeper, to the collector of the seventh district, and this claim was approved both by the collector of the seventh district and by Hon. W. J. Landram, collector of the eighth district, in which Lincoln County, the county of his residence, was soon thereafter placed.

There is no fund in the revenue department out of which this claim can be paid, but as the services were efficiently rendered in good faith by claimant, under the orders of a United States revenue officer, your committee believe that Smith R. Mershon should be paid $308, and therefore recommend the passage of the bill with the following amendment:

Wherever the word "Menshon" appears in the printed bill let it be struck out and "Mershon" inserted.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCREARY. I move to amend the title so as to conform to the amendment already made in the body of the bill, by striking out "Menshon" and inserting "Mershon."

The SPEAKER. In the absence of objection that amendment will be made.

MRS. ESTHER B. HAYFORD.

Mr. DINGLEY. I ask unanimous consent to take from the Private Calendar, for immediate consideration, the bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Mrs. Esther B. Hayford, widow of Orlando Hayford, deceased, late a private in Company G, First Regiment of Maine Cavalry Volunteers.

Mr. DINGLEY. Mr. Speaker, the report in this case is somewhat lengthy, and unless there is a call for the reading of it, I will state the substance of this bill, which has been reported unanimously by the Committee on Invalid Pensions.

The soldier whose widow the bill proposes to pension was severely wounded during the war, and subsequently died. When the widow applied for a pension under the pension laws a question arose between the medical experts as to whether the soldier had died in consequence of the wounds received in the service or from some other cause. The attending physician testified that in his judgment the soldier's death had been in consequence of those wounds. The medical experts at the Pension Office, following unquestionably the mere technicalities of the matter, decided that there was doubt respecting this point, and therefore the claim was rejected. But the Committee on Invalid Pensions, upon examining fully the whole evidence, decided that the probabilities point clearly to the conclusion that death resulted from the soldier's wounds, and therefore the committee unanimously reported the bill.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INEFFICIENT POSTAL SERVICE.

Mr. LANHAM. I call for the regular order.

Mr. ANDERSON, of Illinois. I rise to make a privileged report from the Committee on the Post-Office and Post-Roads.

Mr. CAMPBELL, of Ohio. I rise to a parliamentary inquiry.

The SPEAKER. There is a privileged matter before the House.

Mr. ANDERSON, of Illinois. I ask the Clerk to read the report which I send to the desk.

The following resolution, introduced January 23, 1888, by Mr. PERKINS, was read:

Resolved, That the Postmaster-General be directed to inquire into and inform the House of Representatives of the cause and foundation of the grievances complained of in the subjoined editorial taken from the Capital, a daily newspaper published at Topeka, Kans., under date of January 11, 1888, and also to inform the House whether the almost universal complaint prevailing in the West against the present unsatisfactory mail service results from the appointment of inexperienced and incapable employés or from inadequate and insufficient appropriations to meet the wants of the Post-Office Department and the needs of the people, or whether it results from other causes, and if so, what.

[From the Capital, official State paper.]

THE MAIL SERVICE OF KANSAS.

Never at any time in the history of Kansas has there been in the United States mail service such an utter disregard of the rights of the people as at this time. Notwithstanding the great increase in population, the stupid attempt on the part of the Administration to make a record for economy has cut down the clerical force necessary to properly distribute the mails at large offices and in the mail trains, and it is consequently too small to do the work. Tons of mail matter pass through Kansas on the trains westward that can not be disposed of by the force allowed by the Post-Office Department. The result is that it is carried past the towns where it belongs, and brought back after two or three days' absence in Colorado or New Mexico. It is not the fault of the railway clerks, because the Department asks of them a task that it is not possible for them to perform. The people of Kansas have been patient, and the press has been lenient over this Democratic folly. Mails going west are so heavy that men working to the extent of their strength, doing more than double duty, can not handle them.

Appeals to the Department at Washington for adequate help to take care of this important public service are unheeded. The railway mail service through Kansas has become criminally neglected, and it is time this attempt of the Democratic party to make capital by a show of false economy should be brought to the attention of Congress. In reply to continued appeals for the Department to send a man to examine the railway mail service in Kansas, a man came, and overlooking the tons of mail that could not be distributed in time to be thrown off at the towns where it belongs, he succeeded in having two or three clerks fined for not having the regulation gold-lace band on their caps, and thus civil-service reform was indorsed and the record the party for economy maintained.

The accompanying report of the committee was read, as follows:

The Committee on the Post-Office and Post-Roads, having had under consideration the accompanying resolution, report the same back favorably, with the following amendment:

Add to the end of the resolution the words "and also that the Postmaster-General be directed to further inquire and inform the House of Representatives what, if any, improvements or extensions have been made in the mail service of the West during the last three years."

Your committee, in reporting back this resolution, do not wish to be understood as indorsing the statement of the resolution that there is an "almost universal complaint prevailing in the West against the present unsatisfactory mail service," deeming that a matter within the scope of the proposed investigation.

Mr. ANDERSON, of Illinois. I yield two minutes to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I have no objection to the amendment proposed by the Committee on the Post-Office and Post-Roads, though I think it unnecessary, because I believe that the resolution as offered by myself contemplates the obtaining of the information suggested by the amendment. In other words, as the author of this resolution, I desire that the House shall be put in possession of all the facts pertaining to this railway mail service. If the inefficiency of that service is the fault of the Administration, we desire to know it; or if it is the fault of Congress in consequence of inadequate appropriations we still desire to know it. Whatever the facts may be, we desire to have them established.

This resolution was offered on the 23d of last month, and under the rules of the House it should have been reported back within one week from that time. I merely suggest that in this matter the committee has been almost as unsatisfactory as the mail service. But I hope that when we get the facts we shall be enabled to act intelligently.

This resolution was not offered as a political resolution; and when the information which is asked for is furnished to the House in answer to the resolution, when it is adopted, I will attempt to show that the complaints are not political in their character, but are widespread and real. I know that in my section of the country both Republicans and Democrats unite in their complaints of the inefficiency of the postal service, and they want to know the reason for it.

Mr. DOCKERY. I ask the gentleman to yield to me.

Mr. ANDERSON, of Illinois. Certainly.

Mr. DOCKERY. Mr. Speaker, it is not my purpose at this time to discuss the merits of the proposition offered by the gentleman from Kansas. I simply desire to say that the Post-Office Department, as well as the Post-Office Committee and this side of the House, agree in desiring the fullest and freest investigation of any complaints which may be made in reference to this matter, and I believe that the result of the investigation will show that the mail service is now as efficient and satisfactory as at any prior time in its history.

Mr. HOLMAN. I trust the gentleman from Illinois will permit me to move an amendment before the resolution is adopted.

Mr. ANDERSON, of Illinois. I will yield to the gentleman from Indiana for that purpose.

Mr. HOLMAN. It is stated in this resolution as a matter of fact that there is universal complaint of the mismanagement of the postal system throughout the West. That is asserted in this resolution as a matter of fact. I do not think gentlemen should be called upon to vote on any such proposition.

Mr. ANDERSON, of Illinois. If you will notice the report of the committee——

Mr. HOLMAN. I did notice the report of the committee, but we are not voting on the report of the committee. We are voting on the adoption of the resolution, and I am not willing to say, so far as my action is concerned, that there is any such universal complaint of the mismanagement of the postal system. In the section of the West which I have the honor in part to represent the postal system is admirably conducted and the postal facilities are equal if not superior to what they have been in former years. This is the experience of gentlemen in the country from which I come, and I believe throughout the country the postal system was never better conducted than it has been in recent years. I understand the Post-Office Department is in favor of the widest inquiry; and in order that members may not be compelled to vote on the adoption of the resolution that the system is not well conducted in the West, I move to insert the word "alleged," because this is an allegation on the part of gentlemen on this floor, and the resolution should provide "whereas it is alleged that there is dissatisfaction," etc.

Mr. ANDERSON, of Illinois. I do not object to that amendment.

The SPEAKER. The amendment is not in order until the amendment of the committee has been disposed of.

Mr. ROGERS. Let the resolution be again read.

The resolution was again read.

Mr. REED. Is the amendment of the gentleman from Indiana admissible?

The SPEAKER. The Chair thinks so, as it relates to the postal service in the West.

The amendment of the committee was agreed to.

Mr. HOLMAN. I now move to strike out the words "almost universally" and insert the word "alleged."

Mr. McMILLIN. That covers the amendment I wish to make. I do not think the resolution should be argumentative.

Mr. ANDERSON, of Illinois. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. I understand the amendment of the gentleman from Indiana is entirely satisfactory to the mover of the resolution.

Mr. PERKINS. I think the amendment should only strike out the word "almost," as, in my judgment, it is a universal complaint that the postal system is mismanaged and inefficient. If the gentleman will modify his amendment in that way, I will accept it.

Mr. ANDERSON, of Illinois. I now demand the previous question.

The previous question was ordered.

Mr. HOLMAN'S amendment was agreed to; and the resolution as amended was adopted.

Mr. ANDERSON, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROHIBITION.

Mr. CAMPBELL, of Ohio. Mr. Speaker, I rise to make a privileged motion. I send to the Clerk's desk four bills the titles of which I ask to be read, and which have been referred to the Committee on the District of Columbia. The petitions in support of those bills have been referred indiscriminately to the Committee on the District of Columbia and to the special Committee on the Alcoholic Liquor Traffic. Both committees have instructed me to ascertain from the Chair where these bills belong, and for that purpose I move that they be referred to the special Committee on the Alcoholic Liquor Traffic.

The SPEAKER. The titles of the bills will be read.

The Clerk read as follows:

A bill (H. R. 1493) to prohibit the manufacture and sale of spirituous and intoxicating liquors in the District of Columbia;

A bill (H. R. 1748) to prevent the manufacture and sale of intoxicating liquors in the District of Columbia;

A bill (H. R. 3385) to provide for the prohibition of the manufacture and sale of intoxicating liquors as a beverage in the District of Columbia; and

A bill (H. R. 4959) to prohibit the manufacture and sale of spirituous and intoxicating liquors in the District of Columbia.

The SPEAKER. The gentleman from Ohio moves to discharge the Committee on the District of Columbia from the further consideration of these bills, and refer them to the Select Committee on Alcoholic Liquor Traffic.

Mr. TAULBEE. Will the gentleman from Ohio yield for a question?

Mr. CAMPBELL, of Ohio. I will.

Mr. TAULBEE. I wish to ask if it is the desire of the Committee on the District of Columbia that this change of reference shall be made?

Mr. CAMPBELL, of Ohio. It is the opinion of that committee that the reference ought to be made under the rules.

Mr. TAULBEE. Has the gentleman any authority from that committee to say that such is the desire of the committee?

Mr. CAMPBELL, of Ohio. I am instructed by the Committee on the District of Columbia to ask the Speaker if these bills ought not to be referred to the special Committee on Alcoholic Liquor Traffic; and I am authorized by that committee to say that it is the prevailing sentiment of the committee they should be so referred.

Mr. REED. The House has already made the reference, and it certainly is a proper one under the rules.

The SPEAKER. The Chair was about to state that when a reference has been made of a subject to a committee, and it is desired to change it, if there be objection the Chair could not discharge the committee and change the reference. That can only be done by the House itself. It is, of course, frequently done by the Speaker, with the consent of the House, but that is the action of the House. If objection is made, of course it is a matter which the House itself must determine. In this case there is a question as to the proper committee, and the gentleman from Ohio moves a change of reference.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. I wish to ask if under the rules all proposed legislation that relates exclusively to the District of Columbia does not go to that committee?

The SPEAKER. The Chair prefers not to make a decision upon the question until there is one before the House. The Chair will state that the rule to which the gentleman refers provides that all proposed legislation relating to the District of Columbia shall be referred to the Committee on the District of Columbia, and the resolutions which created the Select Committee on the Alcoholic Liquor Traffic provided that all proposed legislation relating to the alcoholic liquor traffic should be referred to that committee, so that the legislation referred to here might, in the opinion of the Chair, be properly referred to either committee.

Mr. REED. But it has been already referred.

The SPEAKER. It has.

Mr. REED. If it has been referred by the House to the proper committee, who has the right to take it away from that committee?

The SPEAKER. It has been already several times decided that when a member rises on the floor and alleges that there has been an improper reference of a bill, and moves to correct it, such motion presents a privileged question for the determination of the House. This was settled in the Forty-fifth or Forty-sixth Congress, when a bill was referred improperly to the Committee on the Revision of the Laws, and the question was submitted to the House whether it did or did not present a question of privilege. It was submitted to the House by the Chair, the gentleman from Pennsylvania [Mr. RANDALL] being Speaker at the time, and it was then decided by the House that a question of privilege was presented.

Mr. LONG. But the Chair holds that there has been no improper reference in the present instance.

The SPEAKER. The Chair does not. The Chair has stated that in its opinion it might be referred properly to either committee, but the Chair can not decide the question when it is raised in this form. After the House has referred a subject to a committee the Chair can not, without the consent of the House, discharge the committee from its consideration and refer it to another committee. Such a correction can only be made by the House itself.

Mr. LONG. But I understand there is nothing to correct here.

The SPEAKER. The House must determine that. If there is anything to be corrected it is the action of the House, not of the Chair; and the Chair can not undertake to correct the action of the House.

Mr. LONG. But in this case, as I understand it, there is nothing to be corrected.

Mr. DINGLEY. I wish to make a further parliamentary inquiry. While it is true that legislation relating to alcoholic liquor traffic goes to that committee, yet is it not also true that specific legislation relating to the District of Columbia goes to the Committee on the District of Columbia?

The SPEAKER. The Chair thinks that this is a matter for the House to determine under the present circumstances. The motion is based upon the supposition that there is an erroneous reference of the bills, which presents a question for the determination of the House.

Mr. HEMPHILL. I think it is proper to say——

Mr. LONG. I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONG. Is there any motion pending before the House?

The SPEAKER. The gentleman from Ohio has submitted a motion.

Mr. LONG. Will the Chair be kind enough to state it?

The SPEAKER. The gentleman from Ohio sent to the Clerk's desk several bills the titles of which have been read, and moved that the Committee on the District of Columbia be discharged from their further consideration, and that they be referred to the Select Committee on the Alcoholic Liquor Traffic.

Mr. HEMPHILL. I desire to state, as members of the House, or probably a majority of them, know, that there are a great many petitions coming from all parts of the United States, asking legislation upon the subject of alcoholic liquor traffic in the District of Columbia. Under the rules, many of these have been sent to the Committee on Alcoholic Liquor Traffic and many others to the Committee on the District of Columbia. A great many bills relating to the subject have also been introduced, some of which have been referred to the Committee on the District of Columbia and others to the Committee on Alcoholic Liquor Traffic.

It is a matter of some consequence to let one committee have charge of this business, in order that all the material that comes here for or against the proposition may go to that committee and be considered by it.

Now, there is no question that the subject of the alcoholic liquor traffic generally belongs to the select committee upon that subject. It is possible that the matter, so far as it relates to the District of Columbia, should go properly to that committee. But there is this consideration about it, that the Committee on the Alcoholic Liquor Traffic has this one subject for its consideration. It is raised for that special purpose, and they are now hearing argument from a number of people interested in the subject, and are considering that question in all its bearings.

The Committee on the District of Columbia have a great many bills before them, probably several hundred—I do not know how many—and as is known by this House we do not have an opportunity to present our bills here and have them discussed, from day to day, like other committees. We have only one day, or possibly two days, in the month, and at the end of a particular day our business comes to an end, and must stand over.

This is a question of considerable importance to the people of this District. It is one about which there is a great difference of sentiment in this country. If it has to be dealt with by the District Committee the chances are that it will be the means of preventing a great deal of District legislation which it is of great importance to the people of the District should be considered.

Therefore, when the Alcoholic Liquor Traffic Committee undertook to take charge of this whole subject, as I think they properly can, the District Commitee moved by these considerations instructed the chairman of the Alcoholic Liquor Traffic Committee, who is also a member of the District Committee, to state to the House that it was the prevailing sentiment of the District Committee that this subject should go to the Alcoholic Liquor Traffic Committee in its entirety.

Mr. CANNON. I have listened carefully to the remarks of the chairman of the District Committee, and what he has said has convinced me that the District Committee ought to have this matter in charge,

because it has, or it is understood will have, one-fifteenth of all the time of the House from now to the adjournment—two days in each month. I think the subject is more apt to be acted on by a committee having so much time than by any other.

Mr. HEMPHILL. The gentleman from Illinois is easily convinced; but I think his persuasion is on the wrong side of the question. He must have had his mind made up in advance.

Mr. DINGLEY. Will the gentleman from South Carolina permit me a question?

Mr. HEMPHILL. Certainly.

Mr. DINGLEY. My question is whether all the bills relating to the liquor traffic were not referred in the Forty-eighth and Forty-ninth Congresses to the Committee on the District of Columbia, and whether that committee did not report a bill to this House relating to the liquor traffic in this District?

Mr. HEMPHILL. I was not on the District Committee in the Forty-eighth Congress, and if my recollection serves me we did not in the Forty-ninth Congress report any such bill.

Mr. ROWELL. We reported a license bill.

Mr. HEMPHILL. We may have reported a license bill, but not a prohibition bill.

Mr. DINGLEY. A license bill relates to the same subject.

Mr. HEMPHILL. I am not sure that we did report the license bill.

Mr. ROWELL. I think we did. At any rate we agreed to do it.

Mr. HEMPHILL. I have no feeling about this matter at all, and I do not know what action the Committee on the Alcoholic Liquor Traffic is likely to take. But I have no doubt there will be action taken by that committee. I believe they are not afraid to go on one side or the other.

Mr. DINGLEY. I am very glad to hear that.

Mr. HEMPHILL. The gentleman comes from a prohibition State, and can afford to be very brave, because his folks are all one way. But I want it to be distinctly understood, so far as the District Committee is concerned, if the bills on this subject are left in their charge they will give them a chance like all other bills. We think the subject properly goes to the other committee, but we are ready to abide by the judgment of the House.

Mr. BLAND. If this bill does not go to the Committee on the Alcoholic Liquor Traffic I would like to inquire what does go there? For in this matter Congress has no jurisdiction over the people outside of the District. This committee having been appointed, I suppose was appointed for a purpose, and that purpose only relates to the territory over which Congress has jurisdiction. Congress can legislate in this matter for the District, but has no jurisdiction with regard to it in the States. Hence, if these bills are not to go to the Committee on the Alcoholic Liquor Traffic, I think it is manifest the committee ought to be abolished.

Mr. LONG. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. LONG. Is this question debatable?

The SPEAKER. It is not strictly so under the rule. No proposition to refer is debatable except as to bills and resolutions which have been reported from a committee, and this motion is not a report.

Mr. LONG. I call for the regular order.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. CAMPBELL].

The House divided; and there were—ayes 117, noes 20.

So (no further count being called for) the motion was agreed to.

Mr. CAMPBELL, of Ohio. Mr. Speaker, I move that the Committee on the Alcoholic Liquor Traffic be discharged from the further consideration of the bill H. R. 1472, and that the bill be referred to the Committee on Ways and Means.

The SPEAKER. That bill relates to special taxes upon liquor dealers under the internal-revenue laws; and if there be no objection it will be referred to the Committee on Ways and Means.

Mr. TAULBEE. I object to that reference, Mr. Speaker.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That subdivisions 4 and 5 of section 3244 of the Revised Statutes of 1878 are hereby amended by adding to the end of each the following words:

"*Provided*, That no person or persons shall be granted a special-tax stamp or authority to deal in intoxicating liquors by retail, until such person or persons shall have first procured a license from the local authorities of the town, village, or city in which the said person or persons propose to carry on the said business of retailing, and until such person or persons shall have also procured a license from the county and State authorities having legal jurisdiction thereof; and that the collectors of internal revenue shall require, as a condition-precedent to the granting of a special-tax stamp or authority to retail dealers in liquors, such dealer to file in the office of such collector a proper license from such town, village, or city, and a proper license from the county and State in which said retail dealer in liquors proposes to carry on said business, where such town, village, city, State, or county requires such business to be carried on under license; and where the laws of the State, county, town, village, or city in which said retail dealer proposes to carry on his said business prohibit the retail of spirituous liquors, then the said collectors of internal revenue shall not issue such special-tax stamp or authority. But nothing herein shall be construed as affecting manufacturers or any Territory or District under exclusive legislative control of the Congress of the United States."

Mr. TAULBEE. Mr. Speaker, I wish to make this observation with reference to that bill. I concede that the suggestion of the Chair that this bill relates to raising revenue is correct, but if it does not relate also directly to the alcoholic liquor traffic I am unable to conceive of any bill that would relate to that subject. I would have no objection to its reference to the Committee on Ways and Means but for the fact that that committee is well known to be pressed with work so that probably it would be unable to report this bill. I believe the bill will commend itself to any committee, and the reason I incline to insist on its remaining with the Committee on the Alcoholic Liquor Traffic is the fact that that committee is not presumed to be so crowded with business as to be unable to find time to consider a bill of this character. I am extremely anxious that we shall have a report on the bill, and for that reason I would like to insist that it shall remain with the Committee on the Alcoholic Liquor Traffic.

Mr. PERKINS. That committee has not got it. Move that it be referred to the committee.

Mr. LANHAM. Mr. Speaker, I wish to object to any further discussion of this proposition unless it is in order.

The SPEAKER. It is not in order. The question is on discharging the Committee on the Alcoholic Liquor Traffic from the further consideration of this bill and referring it to the Committee on Ways and Means.

Mr. MILLS. On that I ask a division. This bill should go to the Committee on Ways and Means.

The House divided; and there were—ayes 95, noes 46.

So (no further count being demanded) the motion was agreed to.

RAILROAD BRIDGE AT MOUNT CARMEL, ILL.

Mr. JONES. Mr. Speaker, I desire to present a privileged report from the Committee on Rivers and Harbors.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 6, 1888.

Resolved, That the Secretary of War be, and he hereby is, requested to furnish the House with information touching an alleged obstruction of the Wabash River at a point opposite to the city of Mount Carmel, Ill., by the construction and maintenance, without authority of law, by the Louisville, Evansville and St. Louis Railroad Company, of a railroad bridge.

The Committee on Rivers and Harbors, to whom was referred the foregoing resolution, have considered the same, and report it back to the House, recommending its passage.

The resolution was agreed to.

Mr. JONES moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of the standing and select committees for reports upon bills of a private nature.

ARBITRATION BETWEEN THE UNITED STATES AND TEXAS.

Mr. CULBERSON, by unanimous consent, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 4375) to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas relating to certain territory by them respectively claimed; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PORT OF DELIVERY, GRAND RAPIDS, MICH.

Mr. WILSON, of Minnesota, by unanimous consent, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R, 1540) to establish a port of delivery at Grand Rapids, Mich.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back adversely a bill (H. R. 4510) granting a pension to Thomas Fagan; which was laid on the table, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment a bill (H. R. 2974) for the relief of John Snoddy.

The message further announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 4) providing for the disposition of the Rebellion Records and other public documents;

Joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution;

A bill (S. 140) for the erection of a statue of Spencer F. Baird, late Secretary of the Smithsonian Institution;

A bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States; and

A bill (S. 1723) to provide for the completion of the public building in the city of Pensacola, Fla., as originally designed.

The message also announced that the Senate had passed a bill (H.

R. 5514) to amend section 4883 of the Revised Statutes, with an amendment in which the concurrence of the House was requested.

MARTHA F. WOODRUM.

Mr. THOMPSON, of California, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF MAURICE GRIVOT.

Mr. WILKINSON, from the Committee on War Claims, reported a bill (H. R. 6992) for the relief of the heirs of Maurice Grivot; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. E. G. CARTER.

Mr. WILKINSON also, from the Committee on War Claims, reported back adversely the bill (H. R. 2923) for the relief of Mrs. E. G. Carter; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM THOMPSON.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 166) for the relief of William Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES L. BRADWELL.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 5092) for the relief of Charles L. Bradwell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT D. SALMONS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendment the bill (H. R. 6247) for the relief of Robert D. Salmons; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCIS KILBURN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 6993) for the relief of Francis Kilburn; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDMUND D. TAYLOR.

Mr. LAWLER, from the Committee on War Claims, reported back adversely the bill (H. R. 725) for the relief of Edmund D. Taylor; which was laid on the table, and the accompanying report ordered to be printed.

RIGHT REVEREND F. JANSSENS.

Mr. STOCKDALE, from the Committee on War Claims, reported back with amendment the bill (H. R. 4638) for the relief of Right Reverend F. Janssens, Bishop of Natchez; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The call of committees having been concluded,

The SPEAKER *pro tempore* (Mr. SPRINGER) said: If there be no objection, the Chair will now recognize, for the presentation of reports, gentlemen who were not in their seats when their committees were called.

ALEXANDER FRANCESCO.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back favorably the bill (H. R. 315) giving a military record to Alexander Francesco, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE SMITH.

Mr. CUTCHEON also, from the Committee on Military Affairs, reported back adversely the bill (H. R. 1005) to remove the charge of desertion from George Smith; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE COOK.

Mr. CUTCHEON also, from the Committee on Military Affairs, reported back adversely the bill (H. R. 5523) for the relief of George Cook; which was laid on the table, and the accompanying report ordered to be printed.

EDWARD G. PENDLETON.

Mr. FORD, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 4028) to muster Edward G. Pendleton, captain of infantry, into the service of the United States and pay him for his services from August 31, 1861, to July 10, 1864; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW D. WHITE.

Mr. COX. With the permission of the gentleman from Texas [Mr. LANHAM] I ask by unanimous consent to call up from the Speaker's table joint resolution S. R. 50, appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution, and to put it upon its passage.

There was no objection, and the joint resolution was read a first and second time.

The joint resolution was read, as follows:

Resolved, etc., That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" shall be filled by the appointment of Andrew D. White, of the State of New York, in place of Asa Gray, deceased.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar. And pending that motion, Mr. Speaker, I move that the committee shall pass over for this day the bills which are found upon page 10 of the Calendar. They are the Court of Claims reports made in the Forty-ninth Congress which have been brought forward. That will enable us to proceed to the consideration of the bills reported at this Congress. We have already consumed two hours of the private-bill day. I think my motion is really in the interest of the dispatch of business.

Mr. McCOMAS. On the last private-bill day these Court of Claims reports made in the Forty-ninth Congress, and which have been brought forward at this session, were passed over, and now we propose that they shall be passed over again. The Speaker of the House has decided that they are first to be considered, and I think, under the circumstances, instead of passing them over, the remainder of this day should be devoted to their consideration.

Mr. LANHAM. I will say that there are now pending before the Committee on Rules two distinct propositions in relation to the Court of Claims reports brought over from the Forty-ninth Congress—one involving their proper reference and the other giving them priority. I am advised that these resolutions have not been considered by the Committee on Rules, and that it is probable they will be by next private-bill day, and some action will be recommended.

The SPEAKER. A member of the Committee on Rules has been called away from the city, or otherwise there would have been a meeting of the Committee on Rules.

Mr. McCOMAS. These Court of Claims reports are entitled to priority of consideration, as the Speaker has already decided, and I do not think they should be postponed every private-bill day; but as the gentleman from Texas thinks some resolution of procedure will be adopted by next private-bill day I will not insist upon their consideration to-day.

Mr. LANHAM. I am not authorized to speak for the Committee on Rules, but simply state that the propositions I indicate are pending before that committee and it is likely action will be taken upon them before next private-bill day.

Mr. McCOMAS. I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas that the Court of Claims cases be passed over for to-day?

There was no objection, and it was ordered accordingly.

Mr. LANHAM. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. HATCH in the chair.

C. M. BRIGGS.

The first bill on the Calendar was the bill (H. R. 4909) for the relief of the estate of C. M. Briggs, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims is hereby given, subject to the proviso hereinafter mentioned, like jurisdiction to hear and determine the claim of the legal representatives of C. M. Briggs, deceased, for the proceeds of 455 bales of cotton, now in the Treasury of the United States, alleged to have been owned, in whole or in part, by said Briggs, as is given to said court by the acts of March 12, 1863, and July 2, 1864, upon petition to be filed in said court at any time within two years from the passage of this act, any statute of limitations to the contrary notwithstanding: *Provided, however*, That unless the said court shall, on a preliminary inquiry, find that said Briggs was in fact loyal to the United States Government, and that the assignment to him hereinafter mentioned was bona fide, the court shall not have jurisdiction of the case, and the same shall, without further proceedings, be dismissed: *And provided further*, That if the court shall find that the alleged assignment from one Morehead to said Briggs, of date April 18, 1862, under which said Briggs claimed said cotton, was intended only as security to said Briggs for indebtedness, and against contingent liabilities assumed by him for said Morehead, judgment shall be rendered for such portion of the proceeds of said cotton as will satisfy the debts and claims of said Briggs, to secure which said assignment was given.

Mr. HOLMAN. I call for the reading of the report.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the petition of the legal

representatives of the estate of C. M. Briggs, deceased, have had the same under consideration, and respectfully report:

The facts out of which this claim for relief arises will be found stated in Senate report of the Committee on Claims (No. 1356), first session Forty-ninth Congress, a copy of which is hereto appended.

Your committee adopt said report as their own, and report herewith a bill and recommend its passage.

[Senate Report No. 1356, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 3328) for the relief of the estate of C. M. Briggs, deceased, have had the same under consideration, and respectfully report:

That in April, 1862, Charles S. Morehead, ex-governor of Kentucky, resided at Louisville, in that State, and that C. M. Briggs, the deceased claimant, also resided at Louisville.

Morehead and Briggs had been partners in the practice of the law, and the latter was, in August, 1862, largely the creditor of the former for money loaned, indorsements paid, partnership moneys used by said Morehead beyond his share, moneys advanced in paying indorsements made for Morehead, and the said Briggs was, moreover, contingently liable on indorsements then existing.

The amount of the indebtedness is not shown, although it is stated in the affidavits before the committee to have been "many thousands of dollars."

Morehead owned in 1862, and had owned for some time prior thereto, two plantations in the county of Washington, near Egg's Point, Miss., on which, in 1862, was a crop of cotton. In this condition of affairs Morehead executed and delivered, on April 18, 1862, to C. M. Briggs the following instrument:

"For and in consideration of money loaned and advanced heretofore by C. M. Briggs, and further valuable considerations, by way of suretyship for me by said Briggs, I hereby sell and transfer to said C. M. Briggs all of the cotton on my two plantations in Mississippi, near Egg's Point and Greenville. Said cotton so sold embraces all that I may have, baled and unbaled, gathered and ungathered. This is intended to cover all cotton that I have now, or may have this year, on said two plantations, supposed to be about two thousand bales.

"C. S. MOREHEAD."

This paper itself, and the affidavits before the committee, may perhaps be fairly said to leave it an open question whether it was intended as an absolute sale to Briggs of the cotton, free of all equity of redemption in Morehead, or was intended to be a security for advances theretofore made and liabilities theretofore incurred by said Briggs by his indorsements for the benefit of said Morehead, and then existing, out of which the said Briggs was to reimburse himself, rendering, that done, the surplus to Mr. Morehead. The quantity of cotton, the utter indefiniteness as to the amount due from Morehead to Briggs, together with the fact that part of it was only by way of contingent liability, tend very strongly to show that the transfer was for purposes of security; but whether an absolute sale or as security only, is quite immaterial in the view taken by the committee as to the justice of the claim of Briggs upon the cotton and its proceeds, to the extent at least of the advances made at the date of the instrument, and thereafter paid by Briggs for Morehead.

Ex-Governor Morehead (who died about 1869), the committee is satisfied, so far as it has any information upon the subject, was a disloyal man at the time this instrument was executed, and afterwards. He was arrested by the Government and confined in one of the prisons; but loyal or disloyal, the committee know of no reason why he was not competent in law to own the cotton, and to make a valid assignment of it to Briggs, either absolutely in payment of a debt, or by way of security.

The staunch loyalty of Briggs to the Government from the beginning of the war is abundantly vouched by men distinguished for service to the Union. General Rousseau, ex-Attorney-General James Speed, W. D. Gallagher, and Joseph H. Humes, late paymaster United States Army, vouch for his loyalty, and among the papers is found a letter of date of February 20, 1863, to Hon. Salmon P. Chase, Secretary of the Treasury, from George D. Prentice, in which it is stated:

"Mr. Briggs is perfectly reliable, and you may be assured that no trust confided to him will be abused or transcended. He is and always has been a devoted Union man. If any reference be necessary I would suggest that Hon. J. J. Crittenden and Hon. Henry Grider have known him since boyhood."

The said Briggs made repeated attempts to obtain the cotton, but was prevented by military orders and the then condition of affairs.

On the 7th day of March, 1863, under orders from General Grant, Captain Osband, of the Fourth Illinois, with three steamers, proceeded to Worthington's Landing, directed to capture cotton and forage for the use of the Army; and at such landing he seized 2,180 bales of cotton, the property of divers people, loaded it upon the steamer Empress, and carried it to Memphis, Tenn., where it was by proper authority turned over to Capt. G. L. Fort, assistant quartermaster of the United States, and by him sold, and the net proceeds paid into the public Treasury under the act of March 12, 1863, to be held by the Government in trust for the owners.

In the cotton seized and sold were 455 bales of the cotton grown on the Morehead plantations, and embraced in the bill of sale to Briggs.

Other owners of the cotton taken at the time who have presented their claims have been paid.

If Briggs had known the fact, and could have established his ownership of the cotton under the acts of Congress of 1863 and 1864, he could have, of course, recovered the proceeds, or such part thereof as the court found him entitled to. Lapse of time has not, except technically, made any change in the title to the proceeds. If the bill should become a law, and the legal representatives of Briggs shall be able to establish his loyalty and his absolute ownership of the 455 bales of cotton, of course they will be entitled to recover the entire proceeds of that cotton. If, on the other hand, it should turn out that the transfer to Briggs was colorable, and a make-shift to enable a disloyal man to save to himself, through the use of the name of a loyal friend, his property, that ends the case, and the money remains in the Treasury. If it should be found by the court that Briggs was loyal, that Morehead was indebted to him, and that the assignment of the cotton was as security only, then the judgment should be in favor of the estate of Briggs for so much of the proceeds of the cotton as will pay the debt for which it was security, and the surplus, if any there shall be, will remain in the Treasury.

Mr. CULBERSON. I offer the following amendment:

The Clerk read as follows:

At the end of the bill add:

"*Provided*, That such judgment shall not be paid out of the general fund in the Treasury arising from the sale of captured and abandoned property, but shall be paid out of the special fund charged to and accounted for by Capt. G. L. Fort, assistant quartermaster at Memphis, arising from the sale of 2,209 bales of cotton received by him with which claimant's cotton was intermingled, said claimant to receive only the proportion his cotton bears to the net proceeds accounted for by said Fort."

Mr. CULBERSON. I desire, Mr. Chairman, to explain the reasons for offering that amendment to this bill.

When the bill of which this is a copy was before the House in the Forty-ninth Congress, I opposed its passage upon the ground, as I then understood it, that the proposition was to pay this applicant the amount of money claimed in the bill out of the trust funds in the Treasury, which represent the proceeds of the sale of captured and abandoned property.

I was misled on that occasion by the report of the Committee on War Claims, and I wish to state that the Committee on War Claims of this Congress have incorporated the same mistake in their report which was embodied in the report accompanying a similar bill in the Forty-ninth Congress.

I send to the desk and ask the Clerk to read the paragraph I have marked in this report.

The Clerk read as follows:

On the 7th day of March, 1863, under the orders of General Grant, Captain Osband, of the Fourth Illinois, with three steamers, proceeded to Worthington's Landing, directed to capture cotton and forage for use of the Army; and at said landing he seized 2,180 bales of cotton, the property of divers people, loaded it upon the steamer Empress, and carried it to Memphis, Tenn., where it was by proper authority turned over to Capt. G. L. Fort, assistant quartermaster of the United States, and by him sold and the net proceeds paid into the public Treasury, under the act of March 12, 1863, to be held by the Government in trust for the owners.

In the cotton seized and sold were 455 bales of the cotton grown on the Morehead plantations, and embraced in the bill of sale to Briggs.

Mr. CULBERSON. Now it will be seen, from the statement therein contained, that this bill proceeds upon the idea that the proceeds of the cotton were turned into the Treasury and credited to this trust fund. The facts of the case are, as I have found on investigation, that this lot of cotton, consisting of 2,180 bales, was seized by order of General Grant on the 7th day of March, 1863, five days prior to the passage of the act of March 12, 1863, which authorized the Secretary of the Treasury to appoint agents of the Treasury to receive and sell captured and abandoned property and turn the proceeds into the Treasury to the credit of whomsoever the property belonged.

Now, this lot of cotton, or the proceeds of the cotton claimed in this bill, 455 bales, belonged to this lot of 2,180 bales seized by order of General Grant. That cotton was sent to Memphis, Tenn., and turned over to Captain Fort, the quartermaster of the United States Army, and he carried upon his accounts the amount of the proceeds of the sale of that cotton as of Memphis.

The cotton never was in the hands of the Treasury agent, never was sold by him, and the proceeds of the sale never went into the Treasury to the credit of this fund.

These facts were judicially ascertained by the Court of Claims in Douglas *vs.* The United States, Douglas having claimed a portion of the proceeds of the sale of this lot of cotton; and I ask the Clerk to read the statement of facts found by the court in the fourteenth volume of the Reports of the Court of Claims. Douglas I understand to be one of the heirs of Judge Douglas, who claimed that the cotton was seized upon his plantation.

The Clerk read as follows:

The claimant's cotton was intermingled with other cotton at the place of capture and its identity lost. The mass of intermingled cotton, amounting to 2,209 bales, was brought out on the steamer Empress and turned over to Capt. G. L. Fort, assistant quartermaster, at Memphis, about the 1st of April, 1863. By losses arising from the damaged condition of the cotton and the rebaling of a portion of it the mass was reduced to 2,111 bales, and was sold by Captain Fort in April, 1863, for $429,663.39. This money was expended by Captain Fort in the ordinary expenses of the Quartermaster Department, and was subsequently charged to him by the accounting officers of the Treasury as money which had been received by him under appropriations of Congress for the use and purposes of the Quartermaster Department, and was accounted for by him as such.

Subsequently the mass of cotton before referred to was charged by officers of the Treasury Department with the expenses of its transportation, so that the gross proceeds of $429,663.39 received by Captain Fort are to be reduced to $421,063.39, which the court, on an investigation and adjustment of the accounts, finds as the amount of the net proceeds of the mass of 2,209 bales.

Mr. CULBERSON. That is sufficient.

I concede the fact that the proceeds of the sale of this lot of cotton constructively were placed in the Treasury, but that these proceeds were not placed to the credit of the captured and abandoned property fund. It is proper for me to state, perhaps, in this connection, that there are some half a dozen or more millions of dollars in the United States Treasury now, which the Supreme Court have declared to be trust funds, and that the Government of the United States holds that fund for the benefit of the owners of property which was sold and the proceeds placed in the Treasury. Over $20,000,000 since the act of 1863 was passed have been so placed in the Treasury, and of that amount over a half dozen millions of dollars remain.

Mr. BROWNE, of Indiana. Will the gentleman be kind enough to state again the amount remaining?

Mr. CULBERSON. Something over $6,000,000.

In order to emphasize my position on this question, I desire to say that I believe nearly the entire amount now remaining in the Treasury as a credit to this fund, and belonging to this trust fund, belongs to that unfortunate class of people at the South who were disloyal; and since the Supreme Court of the United States have decided that this money belongs to that unfortunate class, notwithstanding that they participated in the rebellion, and the President's proclamation of 1868 restored them to all of their rights of property, and the Government of the United States not having confiscated this money, but having placed it in the Treasury to the credit of the owner of the property, whomsoever he might be, I have struggled for years to open the door of the

statute of limitations and let these poor and unfortunate people have their money.

Now, I objected to this bill in the Forty-ninth Congress, because, as will be seen from the report in the case, it proposed to take this sacred fund, this fund that belongs to the unfortunate people at the South, to pay this claim, when in point of fact the proceeds of the cotton belonging to Morehead or to Briggs, as the case may be, never went into the Treasury at all. It did go into the hands of a quartermaster of the Army, and was expended by him in some way for the use of the Army; and I have no objection, so far as I am individually concerned, that Congress shall direct this money to be paid to him or that the Court of Claims may find, if they see proper, that the Government is responsible for the claim. But for one I desire to say I do not think that however Congress may feel upon that subject as to turning this money out of the Treasury, this trust money, this money that the Supreme Court declares belongs to the people of the South, and which they could get any day if Congress would open the bar of the statute of limitations, and let us sue under the act of 1863—however they may feel in that respect, I protest for one against the fund being dwarfed and reduced by appropriations made for claims which did not fall within the law of 1863.

Mr. STONE, of Kentucky. As I understand, the gentleman from Kentucky [Mr. CARUTH], who introduced the bill, is perfectly willing to accept this amendment, and so informed the gentleman from Texas [Mr. CULBERSON] before it was offered; so that the speech just made by the gentleman from Texas was not so much to advocate his amendment as to express his position on the captured and abandoned property fund.

Now, I want to say to this committee that I have introduced a bill, and the Committee on War Claims have instructed me unanimously to report that bill to the House, asking Congress to remove the bar and allow people who have any claim to this captured and abandoned property fund to go to the Court of Claims and make proof of their right to it. All the statements of the gentleman from Texas as to how this fund arose are true and are all set forth in the report and the decision in the case of the heirs of Douglas against the United States. Part of the property belonged to Mr. Douglas and his heirs recovered it. Other parties who had cotton in the same lot have recovered the money for their cotton.

Two years ago a bill was introduced and was passed by the House allowing Briggs to go to the Court of Claims. It was sent to the Senate; in the Senate it was amended, and it came back to the House too late to be reached for concurrence in the amendment. This bill is introduced in this session in exact accordance with the amended bill which passed the Senate. The report which we make to the House is exactly the report which was made to the Senate. So that all the objections, it seems to me, which could have been brought against this claim have been removed. The fact that this money is due to somebody certainly exists, because the Supreme Court of the United States have decided cases where money was paid to parties who made claims exactly like this.

In this bill the question of Morehead's loyalty is entirely removed from consideration. It provides if any sort of attempt was made to cover up anything that Mr. Briggs shall not recover. It provides that the transaction shall be shown to have been straight and correct, and that the transfer of this property from Mr. Briggs to Mr. Morehead was made in good faith to pay the debt Morehead owed to Briggs. So that every one of the objections presented up to this time has been removed, and I hope the committee will recommend to the House the passage of the bill.

Mr. PERKINS. Will the gentleman from Kentucky allow me a question?

Mr. STONE, of Kentucky. Certainly.

Mr. PERKINS. When was the property taken? I did not understand that from the report of the committee.

Mr. STONE, of Kentucky. On the 7th of March, 1863.

Mr. PERKINS. The assignment to Briggs seems to have been made in 1862?

Mr. STONE, of Kentucky. Yes, sir.

Mr. PERKINS. Was this the crop of 1862 that was taken?

Mr. STONE, of Kentucky. Yes, as I understand it. I can not say whether it was all of the crop of 1862.

Mr. ROWELL. I desire to offer the following amendment:

In line 15, after the word "Briggs," insert "and Charles S. Morehead, the alleged original owner of said cotton," and change "was" into "were."

The effect of this will be that the question of loyalty to be determined before the Court of Claims shall apply as well to the owner as to the assignee. The purpose of offering this amendment is this——

The CHAIRMAN. Does the gentleman from Kentucky yield any time to the gentleman from Illinois?

Mr. STONE, of Kentucky. No, sir.

The CHAIRMAN. Then does the gentleman from Kentucky yield the floor?

Mr. STONE, of Kentucky. I yield the floor for the present.

Mr. ROWELL. The proposition of this amendment, as I was about saying a moment ago, is to put the owner and assignee on the same level as to their status. This assignment was made in 1862 of cotton within the lines of the so-called Confederate States. It was a transaction with reference to property that might then be used for the protection and support of the armies engaged in opposing the authority of the United States. It was, during the continuance of the war and before its close, seized by the armies of the United States in the country of the enemy, appropriated by the army, and the proceeds used to support it; and it rests, as I think, upon an entirely different foundation from the cotton thereafter seized under a law of Congress, sold, and the fund covered into the Treasury, both with reference to the status of the owner and with reference to the law.

It seems to me that this House of Representatives ought not to give its sanction to the propositon that a disloyal man whose property was subject to confiscation, property, too, of a kind that was especially the subject of confiscation, could transfer his rights to a loyal man so that the loyal man could recover against the United States when the assignor could not recover.

Mr. OATES. Will the gentleman permit a question?

Mr. ROWELL. Yes, sir.

Mr. OATES. Suppose the bar of the statute was not complete and the case was pending in court, would it make any difference at all to the court whether the assignor was a loyal man or not?

Mr. ROWELL. I think it would make a very great difference to the court.

Mr. OATES. As a matter of law?

Mr. ROWELL. As a matter of law.

Mr. OATES. I do not agree with the gentleman.

Mr. ROWELL. The question of public policy is always a question for adjudication in the courts, and it could not have been possible for any court in the United States sitting at that time to hold that a man could deal with property within the lines of the Confederate States, so called, could transfer it, and could thereby transfer any right to anybody to enforce a contract made with reference to that kind of property. The contract would be against public policy; it would be a contract in aid of the public enemy.

So far as anything disclosed here is concerned, I do not know whether Mr. Morehead, when he made this assignment, was within or without the jurisdiction of the authorities of the United States so far as they were able to enforce that jurisdiction. For all that appears, he may have been within the Confederate lines. For all that appears, he may have been actively participating with the enemy in leading its armies, and under this bill, without this amendment, it may appear in court that at the time of this assignment he was in the camp of the enemy participating with them, and it may even appear that he sent this assignment through the lines from the camp of the enemy.

Mr. HOUK. What is your amendment?

Mr. ROWELL. My amendment is to make the loyalty of Morehead and Briggs stand upon precisely the same footing, and to require proof of the loyalty of both as a condition-precedent to the jurisdiction of the court.

Mr. HOUK. Then they may as well abandon the case.

Mr. ROWELL. Let it be abandoned, then.

Mr. BUCHANAN. I understand that by this means Briggs secured payment of the indebtedness which Mr. Morehead owed him. Would the gentleman from Illinois [Mr. ROWELL] discourage a loyal man from trying to get his money out of a disloyal man?

Mr. ROWELL. No; but I would discourage a loyal man from trying to get that which was the property of the United States under the laws of war. This property was at that time subject to confiscation, provided we could get the enemy out of the way. The only difficulty was that there was a line of armed men between us and the property.

Mr. BUCHANAN. That is to say, it was the Government's if the Government could get it.

Mr. ROWELL. It was not subject to the payment of Mr. Morehead's debts, superior to the right of the United States.

Mr. BUCHANAN. You do not want to punish a man for being loyal?

Mr. FELTON. Does the gentleman mean to say that because a man was loyal at that time in the South he had no right to collect his debts, provided the payment came from a disloyal man—that he should be doubly punished for being loyal?

Mr. ROWELL. The result of my amendment would be that if Mr. Morehead was disloyal he could transfer no right even to a loyal man, and I am not sure that it was an indication of very great loyalty for a man to trade with another who was within the Confederate lines, and possibly in its armies.

Mr. HOUK. I will ask the gentleman whether we have not had since the war an almost unbroken line of decisions to the effect that the rebels in the South had a right to transfer their property at any time they saw fit to do so before it was seized? Has not that been adjudicated time and time again?

Mr. ROWELL. To persons trading across the lines?

Mr. HOUK. Trading anywhere.

Mr. ROWELL. Well, Mr. Chairman, I am probably not as well acquainted with the universal proceedings of the courts and of Congress as my friend from Tennessee [Mr. HOUK], but I had supposed that it was everywhere recognized as a violation of public policy for a man in-

side of the Union lines to trade with anybody on the other side. I supposed that that was both good law and good policy.

Mr. HOUK. But have not the courts decided that where the trading has taken place and been perfected, they will leave it where they find it?

Mr. ROWELL. I do not know what they have decided with regard to lands and such things, but I do know that the Committees on War Claims have usually reported against any bill which transferred title from a man within the Confederate lines to one on this side of the line.

Mr. THOMAS, of Wisconsin. Will the gentleman permit a question?

Mr. ROWELL. Certainly.

Mr. THOMAS, of Wisconsin. If it should appear to be the fact (and that question is submitted to the court by the bill) that Mr. Briggs had a just, valid, honest claim against Governor Morehead, and that the transaction was a bona fide one, not intended to cover up anything, does the gentleman see anything wrong about it simply because the property was within the rebel lines?

Mr. ROWELL. The case which the gentleman supposes would not make a bit of change in the public policy. The good public policy which is violated is that policy which declines to permit a man to trade across the lines.

Mr. BUCHANAN. But at the time this trade was made both parties were within the Union lines, as I am informed by the chairman of the committee.

Mr. ROWELL. That I don't know anything about. I do know, however, that about that time Mr. Morehead got on the other side of the line, and possibly he made this assignment in contemplation of going over to the other side. My objection is not that Mr. Briggs was loyal, because I like to see loyal men get their pay, and disloyal men also are sometimes in a position where they ought to be paid, especially if it is a matter of contract, but I do not believe it is a good thing for the House to overturn the great public policy which prohibits a man on one side of an army line to trade across the lines with a man on the other side. That is all I desire to say.

The CHAIRMAN. Does the gentleman reserve the balance of his time?

Mr. ROWELL. No; I yield the floor.

Mr. STONE, of Kentucky. Mr. Chairman, in answer to what the gentleman from Illinois [Mr. ROWELL] has said in favor of his amendment, I want to suggest to him what he seems to have forgotten, that he finds himself in the situation of offering an amendment to defeat, if possible, the allowance of this claim, because of the fact that the party lives in Kentucky instead of Illinois.

Mr. ROWELL. I hope the gentleman will not misrepresent me in that way.

Mr. STONE, of Kentucky. Now, in the case of Mr. Douglas, who lived in the State of Illinois, who was paid his money by the judgment of the court, we find that he was in partnership with Mr. McHatten, who lived in Louisiana, and during the continuance of the war Mr. McHatten took his part of the partnership property and went still farther south, where he could take care of it, leaving Mr. Douglas's part, which was taken charge of by another man, named Dodds, a disloyal man, who held on to the property until the war was over. The heirs of Mr. Douglas—his sons—obtained their rights by a judgment of the court; but Mr. Morehead and Mr. Briggs happened to live in Kentucky, not upon the sacred soil of Illinois; and therefore because Mr. Morehead was disloyal—a fact which nobody denies—Mr. Briggs, who was a loyal man, must be deprived of his rights.

The two cases are exactly similar, and if there is any reason why Mr. Douglas, or his heirs, should not have been deprived of their rights, the same reasons apply in favor of Mr. Briggs. I hope the Committee of the Whole will not adopt the amendment offered by the gentleman from Illinois.

Mr. Chairman, I now yield to my colleague [Mr. CARUTH].

Mr. CARUTH. Mr. Chairman, I sincerely trust that the bill as reported by the committee will be passed with the amendment which has been offered by the gentleman from Texas [Mr. CULBERSON]; but that the amendment introduced by our friend from Illinois [Mr. ROWELL], the purpose of which can only be the defeat of this bill, will be voted down.

I have been delighted to see manifested during this session of Congress, all over this House and particularly upon the other side, a disposition to pay the fair, just, and honest claims of the citizens of this Government. I believe that when a citizen of Kentucky who can bring in evidence of his loyalty the testimony of General Lovell H. Rousseau, a gallant Union general, who was among the first to uplift the flag of his country upon the soil of that State in the hour of the nation's extreme peril; I believe that when a citizen of Kentucky can support his loyalty not only by the testimony of that great Union general but by that of such a man as John J. Crittenden, the great son of Kentucky who on the floor of this House lifted his voice in behalf of peace and unity and conciliation; nay, more, I believe that when a son of Kentucky can bring in proof of his loyalty in the hour of the nation's peril the testimony of that gifted son of New England who made his home in Kentucky, George D. Prentice—when the loyalty of a citizen of Kentucky can be thus supported, I think his claim deserves consideration at the hands of the American Congress.

Mr. Chairman, I believe that the spirit which has been manifested upon the other side of the House since the commencement of this Congress will, by the passage of this bill, recognize the rights of loyal citizens. It is admitted in this report that Governor Morehead was not a loyal citizen; but because a loyal man, who during an extensive law practice in which he and Governor Morehead had been associated in the city of Louisville, had become the creditor of Governor Morehead, was endeavoring in time of war to secure his righteous claim—because he made this effort to secure this assignment, does it follow that the value of the cotton which was covered by the assignment should not be paid to that loyal citizen, particularly when the money lies idle in yonder overflowing Treasury to the credit of claimants of this character?

Now, the gentleman from Illinois said that he did not believe there should be acts of trade, contract, and barter between loyal citizens and disloyal persons; but he forgets that a higher authority than himself—the Supreme Court of the United States—has decided that such contracts made during the course of the war are righteous contracts and can be enforced. And this decision was made, not twenty-five years after the declaration of peace, but almost before the sound of warfare had ceased in this great land. It was decided by the Supreme Court in December, 1869 (I refer to the case of United States *vs.* Anderson, reported in 9 Wallace), that a contract of this kind must be sustained. Says the court:

> This condition of things Congress was aware of—

That is, the fact that nearly everybody in the South was disloyal, and that any trade made by a loyal man must almost necessarily have been made with a disloyal man as the other party—

> This condition of things Congress was aware of, and if it had been its purpose to limit the privilege in controversy to the loyal citizen who happened to acquire his property from another person equally loyal, they would have said so. But Congress had no such narrow policy in view.

I ask my friend from Illinois to mark the language:

> No such narrow policy in view. Its policy in the matter was broad and comprehensive—

I commend this language to the gentleman's consideration—

> and embraced within its range all persons who had adhered to the Union. It treated all alike, and did not discriminate in favor of the person who could trace his title through a loyal source and against him who was not so fortunate. It did not consider the loyal planter who raised his own cotton and rice as entitled to any more protection than the dweller in the cities and towns who lived by traffic and bought where he could buy the cheapest.

I can see, Mr. Chairman, in the consideration of this bill, no objection which could be maintained against it. I find it provided in this measure that the loyalty of Mr. Briggs shall be first ascertained. I find it provided that this assignment should be first found to be a bona fide transaction; that it was not made for the purpose of defrauding Morehead's creditors; that it was not made for the purpose of keeping this property away from confiscation; but that it was a bona fide transaction on the part of Briggs—and his transactions with Governoa Morehead, I happen to know personally, had extended for many years; that Briggs had acted squarely and honorably; and as the whole matter is left under the discretion of the Court of Claims, to that tribunal this Congress can afford to leave it; and I trust, Mr. Chairman, the bill will pass.

Mr. STONE, of Kentucky. I will now yield to the gentleman from Wisconsin [Mr. THOMAS] for ten minutes.

Mr. THOMAS, of Wisconsin. Mr. Chairman, I think when the merits of this bill are understood there will be no objection in relation to it.

Under the act of the 3d of March, 1863, the military authorities of the United States seized 2,180 bales of cotton. This cotton was, under that act of Congress, sold, and the proceeds carried into the Treasury, and there held by the Government, in the language of the act, in trust for the owners.

Now, Mr. Chairman, by the amendment of the gentleman from Texas [Mr. CULBERSON] which has been accepted, as I understand, by the gentleman in charge of the bill, the proceeds of these 2,180 bales of cotton are to be divided among the owners and reaches no other fund.

Some of the owners of this identical cotton proceeded, under this act, within the time allowed by the law, and received their portion of the proceeds. In some cases they were identical with these cases.

Mr. Briggs, it is said, was a loyal man, and Governor Morehead, it is said, was a disloyal man. The bill provides that the question as to the transferring of this cotton shall be inquired into by the courts, and if they find it was a cover so as to permit Morehead to enjoy the proceeds or anybody else, they are to discharge the claim. If they find there is any question about the loyalty of Briggs, the claim is to be defeated.

But the fact that Briggs was a loyal man and Morehead a disloyal man, it is claimed, should defeat this bill. Why should this rule be for the first time adopted in this case when other cases presenting the same feature were presented to the court and it was decided that fact made no difference as to the right of the claimant, whether he was loyal or not? The Supreme Court has decided this transaction was not rendered nugatory because the party of whom the cotton was bought was at the time disloyal. I say that the money that went into the Treas-

ury in trust for Briggs and his heirs, if he is lawfully entitled to it, if he was loyal, if the transaction was honest—I say there is no reason in justice or in equity why the Government of the United States should keep this money when they are not entitled to it and when it was put there in trust for the benefit of the owners.

Mr. HOLMAN. Let the amendment of the gentleman from Texas be again reported.

Mr. ROWELL. I offered my amendment in order to submit some remarks, and to call the attention of the House to my views about this case; and, as I have accomplished that purpose, I will now withdraw the amendment.

The CHAIRMAN. The question, then, is on the amendment of the gentleman from Texas.

Mr. STONE, of Kentucky. That amendment was accepted.

The amendment was again read.

Mr. HOLMAN. As a matter of fact, Mr. Chairman, I think there is no such special fund, as the gentleman from Kentucky will find, for the simple reason that, prior to the passage of the act of the 3d day of March, 1863—known as the captured and abandoned property act—the property was disposed of, and the proceeds paid into the Treasury were applied to the use of the Army. If that is understood, and this is to be paid out of the general fund of the Treasury, it expresses, undoubtedly, what will be the effect of the amendment. If the committee acts on the theory they are reaching some particular fund, I apprehend they are laboring under a mistake, as there is no such special fund. The gentleman from Texas was guarded in his statement, as he spoke of it as a constructive fund. The money was taken for the use of the Army, taken up by the quartermasters on their reports, and as a matter of fact never went into the Treasury.

Mr. BROWNE, of Indiana. Would there be any funds out of which this claim could be paid if the amendment of the gentleman should prevail?

Mr. HOLMAN. There is no fund except, possibly, by construing the amendment to mean this: that it should be paid out of the money received by the quartermaster and applied to the use of the Army, implying that the money is in the Treasury of the United States, and is to be so construed in connection with the amendment.

Mr. BROWNE, of Indiana. I understood the gentleman to say, or to have read a decision by the Court of Claims, to the effect that the money derived from these two thousand and odd bales of cotton had been appropriated by the quartermaster and expended for the use of the Army, and that it did not go into the Treasury of the United States at all, as a part of this fund, unless constructively.

Mr. CULBERSON. That is correct.

Mr. BROWNE, of Indiana. Then I suggest to the gentleman, and I intend to support the bill, whether the effect of the amendment might not be to defeat the collection of this claim altogether?

Mr. CULBERSON. I will state that the facts have been judicially ascertained in the case of Douglas *vs.* The United States, to which I have referred, that the proceeds of the sale of these two thousand and odd bales were paid over to G. L. Fort, a quartermaster in the United States Army, at Memphis, Tenn.; and that the quartermaster charged himself upon his accounts with that sum of money, the proceeds of the sale of the cotton. He was charged at the Treasury with that amount. The money never went into the Treasury, but was expended by Fort as quartermaster of the Army, and under the direction of General Grant.

Now, the court say, in the case of Douglas, that this fund, the proceeds of this lot of cotton, is constructively in the Treasury; and in that case, as I understand it, judgment was rendered in favor of Douglas, not against the captured and abandoned property fund, but against the fund which was in the Treasury, by construction, of the proceeds of this property sold and turned over to the Treasury on the quartermaster's accounts.

I have no disposition whatever to defeat or hamper in any way the passage of this bill; and if my amendment would accomplish that, I should not insist upon it; nor would I in any manner do anything to prevent this claimant from obtaining his money. But, as I stated in my remarks when this question was first presented, I want to save the rights of the persons to whom this fund belongs.

Mr. MORGAN. Is there not a large amount of money arising from this same source already covered into the Treasury?

Mr. CULBERSON. I am not aware of anything of that kind.

Mr. CARUTH. What is the gentleman's question?

Mr. MORGAN. I wish to know if there is not a large fund arising just as this did, out of this same cotton, already in the hands of the Government and covered into the Treasury?

Mr. CARUTH. If the gentleman from Texas will permit me I can answer by giving the exact figures. There is to the credit of that fund, I mean this particular lot of cotton seized and sold at that time, $127,461.11.

Mr. MORGAN. Then another question. Are there not a large number of claims against that fund?

Mr. CULBERSON. Not that I know of.

Mr. MORGAN. I understand that there are a large number of claims against the fund; and if this claim is paid out of that fund, other claimants would be left without sufficient funds from which to get their payment.

Mr. CULBERSON. I beg to suggest to the gentleman that I think he is referring to the captured and abandoned property fund.

Mr. MORGAN. Is not this a portion of that?

Mr. CARUTH. No; this has reference to the fund arising from the sale of the two thousand and odd bales of cotton referred to here.

Mr. CULBERSON. It is not a portion of the captured and abandoned property fund. I am trying to protect that fund.

Mr. MORGAN. The reason I ask is that quite a number of my constituents have just claims against that fund, and if they can be heard I am sure they will be able to sustain them.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NATHANIEL M'KAY AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay.

The bill was read, as follows:

Be it enacted, etc., That the claims of Nathaniel McKay and the executors of Donald McKay for further compensation for the construction of the iron-clad monitors Squando and Nauset and the side-wheel steamer Ashuelot may be submitted by said claimants within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court, and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the light-draught monitors Squando and Nauset and the side-wheel steamer Ashuelot, in the completion of the same, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further*, That the compensation fixed by the contract between the contractor and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expenses to the contractor than the original plan and specifications, a corresponding deduction shall be made from the contract price and the amount thereof be deducted from any allowance to be made by said court to said claimant.

Mr. STONE, of Kentucky. I yield the time to the gentleman from Massachusetts [Mr. HAYDEN], if he desires to be heard.

Mr. HAYDEN. Mr. Chairman, the purpose and objects of this bill are set forth in the bill itself. The intention is to reimburse Nathaniel McKay and the heirs of Donald McKay for the action of the Government during the years 1863 and 1864 in connection with the contract held by them. If the report should be read by the members of the House, it will be clearly understood why these parties come here at this time and ask to have the question of their claim sent for adjudication to the Court of Claims.

I do not care to go into the details of the case unless it be necessary. It has been presented to the House and the Senate many times, and was before the House and passed it on four different occasions, passed the Senate six times, and at one time went to the President, but was vetoed for the reason that there was not sufficient protection to the Government in consequence of the omission of a proviso which seemed necessary and proper. Hence it was very properly vetoed.

Now it comes, we think, with sufficient safeguards to protect the Government, and also to give these people the right to go to the Court of Claims and present their case, and if the Government has done them harm or owes them money, that it shall reimburse them and pay their claim. That is the whole case; and unless some gentleman on the floor desires further information upon the subject, I do not care to detain the committee by going into the details of the matter.

Mr. BROWNE, of Indiana. How much is probably involved in the claim?

Mr. HAYDEN. It is very difficult to say how much is involved. There are three vessels. In 1863 these vessels were contracted for. The Government contracted with the McKays to build the vessels. Changes were made in the plans of the vessels; they were to be completed under the direction of the Government, and at an expense which can be shown by evidence to any court which will go into the particulars.

Mr. FELTON. That is the object of this bill?

Mr. HAYDEN. Yes, sir; merely to send the claim to the Court of Claims.

Mr. LYMAN. I have no desire or intention to oppose this bill in any way; but I think there is one matter in which the interests of the Government are not sufficiently guarded. This matter was before the War Claims Committee of the last Congress, of which I had the honor to be a member, and if I am not mistaken this bill was in my charge as chairman of a subcommittee.

There are several other similar cases. These vessels were built during the war, and it is claimed that by the acts of the Government they

were compelled to cost more to the contractors than the contract price; amounting in this particular case to several hundreds of thousands of dollars.

One of the questions in all these cases is whether certain vouchers or receipts given to the Government are not conclusive. In this particular case, and in some of the others, receipts in full were given by the contractors. Now, it is claimed that those receipts were given under a sort of duress or fraud of some kind, and that they ought not to be binding upon the contractors. If they were given under the circumstances which the contractors claim, they ought not to be binding. But that is one of the questions which ought to be determined by the Court of Claims.

I am willing now, as I was willing in the last Congress, that these claims should all go to the Court of Claims, to be tried there, but so tried as that the interests of the Government shall be protected when there. One of the difficulties which the committee experienced in the last Congress was so to prepare such bills as that the interests of the Government should be properly protected.

I do not think this bill protects the Government sufficiently with reference to those vouchers or receipts. It appears to me if these claims are sent to the Court of Claims under this bill, those vouchers and receipts are to be entirely ignored; and for the purpose of providing for that contingency I desire to present an amendment.

The Clerk read the proposed amendment, as follows:

Add to the bill the following proviso:

And provided further, That the receipts or vouchers heretofore signed by the contractors for the building of said vessels shall be considered by said court as *prima facie* evidence of settlement of and payment for the claims now made, but which vouchers and receipts may be shown by competent evidence to be procured by fraud or duress; and if such fraud or duress shall be established legally to the satisfaction of said court, the same may then be considered as not binding on the claimants."

Mr. LYMAN. I think that amendment will perfect the bill, and if it is adopted I will then be in favor of its passage.

Mr. STONE, of Kentucky. I would like to say to the gentleman from Iowa and the members of the committee, that there is no disposition, I believe, on the part of these claimants to take any advantage of the Government; and I am sure there is no disposition on the part of the Committee on War Claims to do anything that would give them an advantage. But to adopt that amendment would put these claimants in the position of being suspected of doing a wrong.

These receipts that they gave to the Government they were compelled to give. While there was not any particular duress about it, they were compelled to give them in order to get the amount of money they did get. But the contract under which these vessels were constructed provides on its very face that if any change should be made in the plans by which the work should cost less, these people are to get less; if changes were made by which the vessels are to cost more, they will be paid more.

A change of plans was made and the work ran to an enormous expense. The Government proceeded to settle. They said, "We will pay you the amount we agreed at first to pay, but you must sign the receipt before you get it."

I do not think the amendment is necessary. The gentleman from Iowa is favorable to the claim, and only wants to protect the Government; but I think by putting that provision into the bill you send these people before the court with the idea implied that they are attempting to do something that is not right, and I do not think the House should do that.

Mr. HOLMAN. I call for the reading of the report.

Mr. COX. I ask the gentleman from Indiana to waive that for a moment.

Mr. HOLMAN. I yield to the gentleman from New York.

Mr. COX. I would like to ask the gentleman from Iowa [Mr. LYMAN] whether he would interpret or the court would interpret the word "duress" to mean an emergency in which a man needing the money signed the receipt, or whether he would not limit the amendment by putting it in the language of the report, "to treat the receipt as *prima facie* evidence, but susceptible of explanation by proofs."

Mr. LYMAN. I am willing to accept that modification.

Mr. COX. Will the gentleman from Kentucky [Mr. STONE] agree to that?

Mr. STONE, of Kentucky. I will agree to that.

Mr. LYMAN. Under the provisions of this bill these vouchers and receipts should not be considered. All I desire is that such a provision shall be made as that the interest of the Government shall be protected.

Mr. STONE, of Kentucky. I suggest to the gentleman from Iowa [Mr. LYMAN] that he word the amendment so that it will provide that all sums received on these vessels shall be credited to the parties who built them, in payment of the cost of the ships.

Mr. NUTTING. If this bill passes in its present form can not the Government introduce in evidence these receipts, just as they have them, and then, under the rule of evidence which now exists, the receipts can be attacked by the claimants, and the rights of the Government protected, without this legislation? In other words, is not the gentleman asking here to have a particular rule of evidence applied in a particular case?

Mr. ROWELL. The difficulty is that the bill itself provides what the Court of Claims shall consider. The interrogatory put to me by the gentleman from New York [Mr. NUTTING] is entirely proper, and if this case were going to the court for trial, as other cases are usually tried, there would be no difficulty about it, for this receipt would be presented and would be a complete defense on the part of the Government. Then under proper pleadings the receipt would be open to explanation on the part of the claimant; but my idea is that under this bill no such proceeding could be had, because it indicates exactly what the court shall act upon.

Mr. NUTTING. Does the gentleman say that the bill provides that this receipt shall be conclusive?

Mr. ROWELL. It does not say anything about it.

Mr. NUTTING. Then, if it does not say anything about it, the rule of evidence already existing takes care of it. That is my point.

Mr. SPRINGER. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay, having considered the same, make the following report:

Your committee find that this bill has been favorably reported by six Committees on War Claims on part of the House and eight of a like committee on part of the Senate within the past twenty years; that the bill has passed the House four times, passed the Senate six times, and we adopt in the main the report made by the Senate and House Committees on War Claims in the Forty-ninth Congress and Senate Committee of the Fiftieth Congress, which is as follows:

"In the winter and spring of 1863 the Navy Department prepared plans and drawings for several light-draught steam iron-clad monitors, with specifications showing the dimensions, kind, and thickness of the plating, and submitted the same to various contractors for proposals for construction.

"The time required in the construction was a material element in the contract, and none were made for a period longer than eight months. Some of the contracts were limited to six months. So material was the matter of time considered that in the contracts made for six months the contractors were to receive $395,000, while those whose contracts extended to eight months for completion were only to receive $386,000, or at the rate of $1,500 per month less; but there was a provision in all contracts then made that if the vessels were completed in less time than provided in the contract the contractor was to receive an additional pay of $1,500 per month, and if the completion was delayed beyond the period named the Government was to deduct from the contract price at the same rate—that is, $1,500 per month. McKay & Aldus were contractors for the building of the light-draught monitor Squando, to be completed in six months, the Department first satisfying itself of their facilities for doing the work in that time.

"Donald McKay was contractor, and built the light-draught monitor Nauset, also the iron double-ender Ashuelot. The Washington Iron Works, contractor for the machinery of the wooden double-ender Lenapee, is now represented by George M. Clapp. The Squando and Nauset were identical in the original plans and in the changes and alterations thereon with the Etlah and Shiloh, built in St. Louis.

"Having accepted the undertaking to build these vessels, the several parties named made their arrangements accordingly, having the yards, machinery, etc., necessary therefor, and entered into contracts for the necessary materials, based upon the contracts with the Government, and commenced the work on the several vessels named. About this time Chief Engineer of the Navy Stimers, having returned from Charleston, where he had been sent to make observations as to the conduct of Ericsson's monitors in battle, a consultation was had at the Navy Department, in which (quoting from Stimers's evidence)—

"'The matter was discussed as to whether we had better build our vessels in strict accordance with the letter of the contracts which we were giving out, without any change whatever, or had better take advantage of every such fight and make improvements as we went along, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he thought following this course would probably entail an extra cost of a million of dollars for each battle where the monitors were engaged.

"'Well, it was decided that that course should be followed. The contracts for the light-draught monitors, of which the Etlah was one, had already been drawn, specifications, general drawings, etc., of the original plans, but we went immediately to work to make changes on them in accordance with what I have already explained as the policy to be pursued. You will understand, therefore, why it was that I should send constant instructions to Mr. McCord, directing him to make his vessel different from what he had contracted to do; why I sent him drawings that differed from those specified in the contract. You will find, too, that these might be very material, as they certainly were. The acts, therefore, which I performed, which affected Mr. McCord and affect this case; were to direct him to make a different vessel from the one he contracted to do.'

"Acting upon this theory, the Department commenced forwarding to the contractors orders for changes and drawings before even the keel was laid, and those changes, which in the aggregate affected all parts of the vessel, making in the end almost entirely different vessels, were continued, and the drawings furnished therefor for nearly a year and a half after the time specified in the contract for their completion had elapsed, and from the 23d of June, 1864, for about the period of three months, work was suspended altogether upon these vessels, by the orders of the Navy Department, which had then in contemplation some general changes in their construction which required time to perfect. All of this time, however, the contractors were under heavy expenses for the maintenance of the yards and men, whom they dared not discharge for fear of inability to supply their places, and not knowing on what day their services would be required.

"In addition to all this, the prices of labor and materials required for the work, and for which the contractors had made provision during the time of the contracts, rapidly advanced, so that, as found by the Committee on War Claims of the first session of the Forty-third Congress, iron, that at the date of the contracts was worth $65 per ton, advanced during the prolonged time to $220 per ton, and labor from $2.50 per day to $4 per day.

"This committee have not, however, considered it necessary to investigate the details as to amounts or percentage of such increase of prices, but are convinced that the cost of the work was greatly enhanced by reason of the delay caused by the course adopted by the Government in these changes and alterations from the original plans.

"Chief Engineer Stimers, in his evidence in McCord's case, states the case as understood by him and presumably by the Department, which had no authority to adjust claims for damages, as follows:

"'Before expressing an opinion on the matter as an expert, I must explain that the principles upon which the contractors of this, and the contractors of similar vessels were to be paid were settled upon before I left the office, and I have always understood that these principles were adhered to, and they were as follows: That we should pay for the contract work by making the contract payments, or the payments provided for in the contract; that we should pay for

alterations and changes a proper sum, as might be agreed upon between the Government and the contractors at current rates. Now, that being the case, I consider that the Government is still indebted to the contractors of the Etlah, because, although the original contract work has been paid for as originally agreed upon, and the extra work may have been paid for *per se*, the fact of calling upon the contractor to make the changes on his vessel and his compliance with those demands delayed him in the execution of the original contract work. This delay compelled him to pay the increased rates for labor and material which obtained at the time when the work was actually performed; and although the contractor took the risk of a rise in prices when he signed his contract, it was only for a risk during the period of his contract, or the period he would have required to perform the work if the Government had not delayed him by their direct interference. Now, whatever increase there was in the cost of the original work contemplated by the contract, due to the delay caused by the Government, that increase is now due, as there has been no pretense on the part of the officers of the Government to have paid it. If you will determine the increased cost of material and labor of the original contract work during the extent of time when the contract was delayed by an interference of the Government to execute it, you will have, in my judgment, the indebtedness of the Government. There may be very large claims on account of extra work of which I know nothing.'

"There seems to be no question that but for the interference of the Government these vessels would have been completed within the time specified in the contract; that these contractors had the means and the ability to do so, and that the heavy losses sustained by reason of the interference of the Government could not have been prevented by any reasonable prudence or foresight on their part, as the labor could not be anticipated, nor could they possibly know, from the frequent changes being made, the kind, quantity, or, in the case of the iron plating, the thickness or size of the plates to be used. The question of the duty of the Government to relieve the contractors for the building of these vessels has been repeatedly recognized by Congress. (Sloan, Report No. 17, Thirty-ninth Congress, second session; Senator Nye, Report No. 45, Thirty-ninth Congress, first session; Senator Drake, Report No. 163, Forty-first Congress, second session; Senator Nye, Report No. 37, Forty-second Congress, second session: A. B. Smith, Report No. 36, Forty-second Congress, third session; Senator Cragin, Report No. 124, Forty-third Congress, first session; Senator HOAR, Report No. 14, Forty-seventh Congress, first session.)

"Congresses reported favorably on those bills, recommending the claimants such relief as they desired. Several of them have passed both Houses of Congress.

"In 1865 a board was appointed under a resolution of the Senate, called the Selfridge board, which examined and reported upon numerous vessels. Their awards were not paid, but their discussion led to the passage of the act of March 2, 1867, directing the Secretary of the Navy to investigate the claims of all contractors for building vessels of iron, etc., and to ascertain the additional cost incurred by them by reason of any changes and alterations therein, with the proviso:

"'But no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work made necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.' (14 Stat., 424.)

"The Secretary of the Navy delegated the matter thus submitted to a board, of which J. B. Marchand was chairman, and called the Marchand board. This board, perhaps for economic reasons, decided to confine their examination to the question of extra work, holding that the question of increased cost by reason of the delays caused by Government was one sounding in damages, and therefore beyond the jurisdiction of the Department and not included within the act.

"Claims were filed by these contractors, but reported as 'not considered within the province of the board' (report contained in volume 10, CONGRESSIONAL RECORD, page 1504), nor were the claimants permitted to appear before the board on behalf of their claims.

"In the Forty-first Congress, second session, a joint resolution was passed by Congress referring these cases to the Court of Claims, but failed to receive the sanction of the President, on the ground that the bill as passed omitted the proviso contained in the act of March 2, 1867, and above quoted, since which time various reports have been made and favorable action had by one branch of Congress or the other, but no general bill for the relief of these and other contractors has become a law.

"A majority of the contractors for the building of this class of vessels have, from time to time, received relief through Congress, but these claimants have thus far received no relief. Among those who have been relieved are George C. Bestor, contractor of the Shiloh, by act of Congress (17 Stat., 733, 1873) appropriating $125,000; Miles Greenwood (17 Stat., 764); S. S. Marchen, jr. (18 Stat., 635); Donohue, Ryan & Co. (15 Stat., 353); C. W. Whitney (17 Stat., 671). Under act of 25th June, 1864 (13 Stat., 409), Ericsson was allowed $1,070,438.93 for such increased cost.

"These contractors also claim that they have not received full pay for the extras furnished by them in the construction of the said vessels, aside from the main question of increased cost by reason of the delays. The facts concerning this branch of the case are as follows:

"The frequent changes and alterations ordered by the Department on these vessels, and which, under the contracts, the Government had a right to demand by paying the extra expense caused thereby, occasioned a large amount of extra work, some of which was specifically agreed upon, and part of which was done under the orders of the Department without any agreed price. This extra work was recognized as being within the jurisdiction of the Department to pay, and the Department did pay a large portion of said extras, but did not pay all that the parties were entitled to receive. The accounts were made up in the Department without consultation with the claimants, and payments made from time to time until the last and final payment, when a voucher containing the words 'For work done which is extra to the contract, being the full and final payment on all extras, and in full for all claims and demands for that work,' was presented, and which was required to be and was receipted by the claimant upon receiving the amounts specified in the vouchers.

"This committee are satisfied, from the evidence before it, that the account for such extra work was not correctly adjusted; and inasmuch as the said receipts are *prima facie* evidence not only of payment in full for such extras *per se*, but may be construed to cover the question of the extra expense caused by the delays as well, therefore deem it just to all parties that the entire matter should be considered by a legal tribunal, with competent jurisdiction to hear and determine the question involved, and in considering such receipt to treat the same as *prima facie* evidence, but susceptible of explanation by proofs, if any they have, showing the real indebtedness of the Government to them for such increased cost of such vessels beyond the contract price, and beyond the accounts paid by reason of such changes and alterations as evidently contemplated in the previous acts of Congress providing for an adjustment thereof, upon the principle that when the Government has by its acts caused its citizens performing labor for it to incur additional expense in its performance, such additional cost should be borne by the Government.

Your committee are unanimously of the opinion that the claimants should not be concluded by the voucher and final receipt in question unless it should appear in equity that they should be, and that the claimants should have their rights adjudicated upon the merits of their claim.

Wherefore your committee report the bill favorably and recommend that it do pass.

During the reading of the report the following took place.

Mr. BROWNE, of Indiana. Mr. Chairman, I ask unanimous consent to dispense with the further reading of the report. There is a great deal of conversation going on in the Hall, and the reading of the Clerk interrupts it. [Laughter.]

The CHAIRMAN. The gentleman from Indiana [Mr. BROWNE] asks unanimous consent that the further reading of the report be dispensed with.

Mr. SPRINGER. I object. [Laughter.]

Mr. SPRINGER (at the conclusion of the reading of the report) Mr. Chairman, I called for the reading of this report, not for the purpose of offering any factious opposition, but to call the attention of the committee to its extraordinary character. This claim is an old one, well known to all who have long been members of this House. It is one of those oft-recurring facts that are familiar to all gentlemen who have paid attention to claims pending before Congress. It seems that this claimant will never be satisfied. Nothing will satisfy his demands—not even a veto by the President and the failure of his claim to pass Congress after Congress. Nothing seems to interfere with the steady pressure of this claim. From this report it seems that early after the war an act of Congress was passed, having in view the settlement of these claims. That law went into effect, and under it a board of commissioners was appointed. That board took all these facts into consideration at a time when they were comparatively fresh in the minds of those concerned, and when living witnesses could be had. That board met, deliberated, and decided. I mean the Marchand board.

Mr. RICHARDSON. Will the gentleman permit a question?

Mr. SPRINGER. Yes.

Mr. RICHARDSON. Did not that board, or commission, sit with closed doors, and refuse to let the parties themselves appear before it, much less permit them to produce the witnesses?

Mr. SPRINGER. I was not present at that board, nor have I any knowledge of what it did except that it was appointed in pursuance of law, that it discharged its duties, made an award in this case, and adjourned, and that the claimant received the amount that was awarded to him by that board and gave therefor a receipt in the following words:

For work done which is extra to the contract, being the full final payment upon all extras and in full for all claims and demands for all work.

That is the receipt that was given to the Government of the United States and accepted by the Government, and the money was paid. There is no explanation given why this receipt should be voided, but the committee report in this very general language:

Your committee are unanimously of opinion that the claimant should not be concluded by the voucher and final receipt in question, unless it should appear that they should be, and that the claimants should have their rights adjudicated upon the merits of their claim.

In other words, they say that these claimants are not to be precluded by the receipt unless it shall appear in equity that they ought to be.

Mr. LONG. Is not that the ordinary rule of law?

Mr. SPRINGER. I think not. I am willing that my friend from Pennsylvania [Mr. BUCKALEW], who sits near me, should state the rule of law upon that subject.

Mr. BOUTELLE. I would like to ask the gentleman why a claim is brought before Congress unless it is in order to obtain some relief which can not be obtained under the ordinary operation of law.

Mr. SPRINGER. Of course, I understand that; but I want to call attention to this point: that there must be some time an end of all litigation between an individual and the Government; and that time in this instance was reached when this claim was referred to a commission created by authority of law, which commission deliberated, upon the claim and made an award which was accepted by the claimant, a receipt in full having been given to the Government.

Mr. BUTTERWORTH. The gentleman certainly did not intend to convey a wrong impression to the House, but he has stated that this bill has been rejected by Congress over and over again.

Mr. SPRINGER. I did not say it had been "rejected" by Congress; I said it had failed to pass at many previous sessions.

Mr. BUTTERWORTH. I understood the gentleman to say that the claim had been rejected; but the fact is the bill has been passed by the House five or six times, and by the Senate nearly as often.

Mr. LONG. The bill has passed one House or the other fourteen times in all.

Mr. BUTTERWORTH. And it simply was not reached at the last session of the Forty-ninth Congress.

Mr. SPRINGER. I did not say that the bill had been rejected by Congress; I said it had been before Congress at many previous sessions. I did say—and the statement is sustained by this report—that the bill was once vetoed by President Grant.

Mr. BUTTERWORTH. Not in this shape. My friend certainly would not convey to the House the impression that this claimant has been spurned from the doors of Congress and the bill rejected.

Mr. SPRINGER. I said that the claimant had been here session after session, and had not received what he was claiming, but still persisted in coming——

Mr. BUTTERWORTH. And it is a shame that a just claim should be postponed Congress after Congress, until finally the grandchildren of the original claimant are compelled to come here asking for what was the just due of their ancestor.

Mr. SPRINGER. I will call the attention of the gentleman from Ohio [Mr. BUTTERWORTH] to this language of the report——

Mr. DINGLEY. I would like to ask the gentleman a question about a matter of fact; for I want to understand the facts in this case. I understood the gentleman from Illinois to say that this whole question was submitted to the Marchand board, who had reported the amount of compensation to be paid, and that the claimant had receipted for this amount. Now, I ask the gentleman whether it does not appear by the report—it certainly does as I read it—that the question of the increased cost of the work growing out of delays on the part of the Government was not considered by that board, on the ground that that was a claim sounding in damages, and not within their jurisdiction; in other words, that it was within the jurisdiction of Congress.

Mr. SPRINGER. The case was submitted to the board; the decision of the board was made upon the law and the facts, and the party was paid under that award.

Mr. DINGLEY. The gentleman will allow me to say that, as I read the report, the receipt given was not for the amount awarded by that board.

Mr. SPRINGER. Well, the claimant did give a receipt, else why does the committee state that the receipt should not be a bar to his claim?

Mr. BUTTERWORTH. The receipt was given upon an express stipulation, although not put in writing, that it was not to be conclusive as to the full payment of the claimant's demands.

Mr. SPRINGER. He did give a receipt, if he received the money.

Mr. FELTON. Suppose he did give a receipt and it can be proved that he receipted erroneously, when he was in fact entitled to more, would not a court allow him to show that?

Mr. SPRINGER. And so the claimant might come back time and again, asking one trial after another, until the end——

Mr. FELTON. He ought to be allowed to urge his claim a hundred times, if he has failed to get justice.

Mr. SPRINGER. Gentlemen will pardon me a moment. I shall be glad to have them discuss this case when I am through, because it is one which ought to be discussed. It has been discussed in Congress for the last fifteen or twenty years, but a little further light on it will not hurt anybody.

Mr. BOUTELLE. Let me ask the gentleman a question on that very point—whether he understands that this Marchand board was authorized to take into consideration at all the equities of the case—whether it was not simply a naval board organized for the purpose of reporting what was due this contractor under the specific terms of the contract, and without any power to go beyond that?

Mr. SPRINGER. I can only give the language of the report as to that. It says:

This board, perhaps for economic reasons—

I do not know what the reasons of the board were; but the committee, giving a surmise as to their nature, suggests that they were "economic reasons"—the very best reasons in the world; and I hope this board will not be reprimanded by an act of Congress if it did place its decision on "economic" grounds.

Mr. HAYDEN. Will the gentleman allow me a moment?

Mr. SPRINGER. I would prefer to go on; but I yield to the gentleman.

Mr. HAYDEN. I wish to make but a single suggestion—and I do not often interrupt any gentleman. Will not the gentleman from Illinois please read a few words more from the same sentence of the report——

Mr. SPRINGER. I was trying to do so, but gentlemen would not let me.

Mr. HAYDEN (reading):

Holding that the question of increased cost, by reason of the delays caused by the Government, was one sounding in damages, and therefore beyond the jurisdiction of the Department.

Why not be fair about this matter, my dear friend?

Mr. SPRINGER. I will say to my friend from Massachusetts that I can not state at once all there is in this report. If he will bear with me a moment I will read the rest of the sentence, as I was proceeding to do.

This board, perhaps for economic reasons, decided to confine their examination to the question of extra work, holding that the question of increased cost by reason of the delays caused by the Government, was one sounding in damages, and therefore beyond the jurisdiction of the Department and not included within the act.

I hold that the board had a right to make that judgment and were entitled to act upon it; and if their reasons were "economic," so much the better for the board; and if the object of this House is to be extravagant and reduce the surplus in the Treasury by allowing these old claims, so much the worse for Congress. I hope this House, in acting on measures of this class, will be actuated by some of these "economic reasons" which actuated boards appointed by the Government shortly after the close of the war.

Mr. LONG. Is the gentleman prepared to say nothing absolutely is due these claimants?

Mr. SPRINGER. I am prepared to say from the information we have——

Mr. LONG. Are you prepared to say nothing is due?

Mr. SPRINGER. I do not know.

Mr. LONG. Why not, then, let it go to the courts?

Mr. SPRINGER. I know it has been to the courts.

Mr. LONG. No, never to a court.

Mr. SPRINGER. They have been to a commission.

Mr. LONG. It left out part of their claim. They come now to Congress and they ask Congress to pass a bill for their relief.

Mr. FELTON. Does not the report say there was one feature of their claim which the law did not allow?

Mr. SPRINGER. I know they decided it according to the law and evidence before them, and therefore it is adjudicated. [Cries of "Vote!"] One moment before the vote is taken. I have three-quarters of an hour of my time remaining. [Laughter.]

Mr. BOUTELLE. You are not going to take it all?

Mr. SPRINGER. The more you interrupt me the longer you will be in getting to a vote. It does not disturb me. It does not disturb my equanimity.

Now, sir, this report states that in the Forty-first Congress—that was some time ago. This is the Fiftieth Congress. That was about fifteen or sixteen years ago. This report states that—

In the Forty-first Congress, second session, a joint resolution was passed by Congress referring these cases to the Court of Claims, but failed to receive the sanction of the President on the ground that the bill as passed omitted the proviso contained in the act of March 2, 1867, and above quoted, since which time various reports have been made and favorable action had by one branch of Congress or the other, but no general bill for the relief of these and other contractors has become a law.

It appears from this report that sixteen years ago the claimants in this case—because it must have been at their instance—I assume it was at their instance—secured the passage of a joint resolution similar to this one now before us asking Congress to authorize these claimants to go to the Court of Claims.

Mr. BUCHANAN. Do you say that act was similar to this?

Mr. SPRINGER. I do not, because that other act did not contain what this act contains for the purpose of avoiding the objection made by the President when he vetoed the other act.

Mr. LONG. But that proviso is now in.

Mr. SPRINGER. Yes, we have the proviso now in. You are trying to evade the President's objection. [Laughter.]

Mr. BOUTELLE. Certainly it is our duty to do that.

Mr. SPRINGER. You are trying to evade the objections of General Grant to this bill. You are trying to make it acceptable to the President. He at that time vetoed the bill on the ground I have stated. He vetoed it sixteen years ago. We have it now up again with a proviso in it so they can go into the Court of Claims and show the loss they sustained was by reason of the delay in completing their contract and the increased cost of materials by reason of these various delays. In other words, it seems this case is now to be decided in this Congress to give these parties all they claim. And we will be called upon to fix up a bill and tinker with the subject in order to remove the objections of the President and get to the facts by some hook or crook; to invent a means by which these claimants can get all the money they claim from the Government of the United States.

I am willing in ordinary cases to do what the claimants ask in reference to the adjudication of their cases. But I think when a man has had his day in court that should stop his incessant and everlasting clamor at the doors of Congress for further relief. But if gentlemen are disposed to open all these questions, if they are disposed to say nothing has been settled since the war, if they are going to open up the claims commission at St. Louis and the navy-yards of the country, settled when the facts were in the mind of the people—if they are going to open them up, then our friends on this side of the Chamber before we reach the tariff bill will find there is no surplus in the Treasury to be anxious over.

Mr. BUCHANAN. What bill do you refer to?

Mr. REED. What tariff bill?

Mr. COX. The gentleman from Kentucky yields the floor to me.

Mr. SPRINGER. Before I sit down——

Mr. COX. The gentleman has sat down, and I ask to "sit down" on him. [Laughter and applause.]

Mr. SPRINGER. All right.

Mr. COX. Mr. Chairman, I have never heard, since I have been a member of Congress, a more disjointed, incoherent, "ramshackle" speech than that which has just fallen from my friend from Illinois. [Great laughter.] And yet all that he found to say has been drawn from the report of the committee itself, which he did not give in full, but gave in little parcels, little driblets at a time, and did not give to the House in what he did select a fair and, I was going to say, a decent opportunity to pronounce judgment. [Renewed laughter.]

Mr. SPRINGER. Why, I demanded the reading of the report in full.

Mr. COX. You did not give it in full.

Mr. SPRINGER. The report was read in the hearing of the House on my demand.

Mr. COX. And the gentleman did not pay any attention to the report while it was being read——

Mr. SPRINGER. I did.

Mr. COX. For at that time he was decorating me with his bouquet, which I have just returned to him with thanks. [Renewed laughter and applause.]

Mr. Chairman, the gentleman from Illinois first gave out the idea that the bill had gone into the courts and had been discredited; then that it had been discredited by Congress, and finally, when it passed here, that it had been discredited by a veto message of the President. But he took good care not to say in the first instance what were the reasons for the veto; and then, when it is suggested that we now avoid the reasons assigned in that veto, and make it acceptable to the man, or the President who vetoed it, this gentleman, after thinking with his heels and dancing with his head, comes to the conclusion that the bill ought not to pass anyway. [Great laughter.] And so he enters his serious objection to any reasonable conclusions which may be reached by the House in reference to it in any shape.

Now, I know these people; I have seen them here for years.

Mr. SPRINGER. We have all seen them.

Mr. COX. And the gentleman from Illinois has created the impression, or was seeking to throw discredit upon the claim, although in point of fact it has fourteen times passed the two Houses or committees favorably.

It did not happen to concur in both Houses at the same time, and once, when it did pass, in point of fact, it was vetoed by the President. Why, this bill is not a bill to pay these claimants. It is a bill right along in the line of the best thing the gentleman from Illinois ever did, and I will give him credit for it, and that was to urge upon the House—upon Congress—a court for the adjudication of private claims. The gentleman has urged that again and again with persistence and with signal ability, and with what I may call good, old-fashioned, roundabout common sense, which does him credit. [Laughter.] But when we bring up a bill the object of which is to carry out his own ideas, he comes up here and tries to break it down by a little detailed talk drawn from the very report of the committee which concludes so handsomely. Why does it conclude so handsomely? Because it comes at last right down to the point—the matter of this receipt.

The gentleman from Illinois knows, if he is a lawyer, and I think I have heard that he was [great laughter]—he knows what the meaning of that conclusion is; that in all equity, in all fairness, in all common honesty, and in a forum larger than any commission, than any court, than any Congress, or any veto message of the President, in the forum of conscience itself, a receipt can always be explained by evidence; and that man would be an unconscionable scoundrel who would take advantage of a receipt improvidently given, or when given under stress or compulsion or in an emergency.

What they ask is simply this, that when the receipt comes into the court and the case of the claimants is thereby adjudged forever, adjudged by the *prima facie* receipt, that these men shall have the privilege to vindicate, in all fairness, in all equity, in honor, the claim whether the Government owes them anything or not. [Applause.] And then let the court award them what the Government really owes.

I now think a vote might be taken. [Laughter and applause.]

Mr. SPRINGER. Mr. Chairman, the gentleman from New York [Mr. COX] has been very felicitous in his remarks, and nobody enjoys his wit and humor more than I do, even when he puts forth his ability in that line at my expense. [Laughter.]

I would be willing to bear it on every Friday from now to the 4th of July next, and to hear the speeches from my friend even if they were all devoted to me, and that he should be as severe upon me as I know he has been or tried to be to-day, and yet I should not object, in order that I might have the opportunity of still hearing his melodious voice and getting the benefit of his incomparable jokes.

But, Mr. Chairman, there is a matter more serious than that before this committee. There is a question of public moment, business of public interest connected with this question, which demands consideration.

Mr. STONE, of Kentucky, addressed the Chair.

The CHAIRMAN. The gentleman from Illinois has been recognized.

Mr. SPRINGER. Does the gentleman from Kentucky desire the floor? If so, I will yield to him.

Mr. STONE, of Kentucky. No, sir; I do not wish to be heard.

Mr. SPRINGER. I will give the floor to any gentleman who wants to speak.

Mr. COX. I don't want to talk any more. [Great laughter.]

Mr. SPRINGER. I will yield to my cheerful friend from New York a part of my time, in order that he may have an opportunity of hatching up another joke. I want to have an opportunity of laughing.

Mr. COX. I want to do justice.

Mr. SPRINGER. And I will tell the gentleman "why we laugh," as he has endeavored to tell the people heretofore.

Why does the gentleman state that I have advocated that this class of cases should go to the Court of Claims? I have not done so. I have favored bills sending cases of this kind to the Court of Claims to ascertain the facts and to report them back to this House. But this is not that kind of a bill. It is to send this claim to the court with authority to enter a judgment; and I have never favored the sending of this class of claims to the Court of Claims for that purpose.

As to this particular case, the gentleman says my argument was not—what was the word?

Mr. COX. Coherent. [Laughter.]

Mr. SPRINGER. He said I thought with—what was it?

A MEMBER. With your heels.

Mr. SPRINGER. That I thought with my heels and danced with my head. [Laughter.]

Mr. ALLEN, of Mississippi. You have not remembered the best points.

Mr. SPRINGER. The gentleman makes so many points no one can remember all of them. His points are always good, and I have a right, as my friend beside me says, to know whether they are good when he makes them upon me.

The gentleman intimated I probably was a lawyer. I do not know whether he meant that in earnest or not. [Laughter.] The fact is, I have not practiced law for some fourteen years, since I have been in Congress, and I believe the gentleman from New York has not practiced law for twenty-six years.

Mr. LANHAM. I rise to a question of order. I hope all the afternoon will not be taken up with the passage of witticisms between the two gentlemen.

Mr. SPRINGER. I am reaching the merits of the question.

The CHAIRMAN. The Chair has endeavored to preserve order.

Mr. SPRINGER. I want to say to this committee seriously that this is not a question as to how my thoughts run or whether I think with my head or my heels, or whether I have been a practicing lawyer for twenty-five years. But my friend from New York it seems can never treat a matter of this kind in a serious way. It has been treated very seriously for fourteen or fifteen years, and I hope it will be so treated by this House, and that the House will say that this claimant shall not have the relief he asks.

I do not think the claimant is entitled to this relief. I think he has had all he ought to have had, and that this measure is more in the interest of the lobby than of an honest claimant.

Mr. STONE, of Kentucky, rose.

Mr. SPRINGER. I ask the gentleman from Kentucky how much is involved in this bill?

Mr. STONE, of Kentucky. If the gentleman from Illinois will cease his opposition to this bill and allow it to pass and go to the courts, we will answer him judicially in a very short time.

Mr. SPRINGER. Is that all you can state in answer to my question?

Mr. STONE, of Kentucky. It is all I propose to state.

Mr. SPRINGER. Is there any gentleman on this floor who can tell me how much money is involved in this bill?

Mr. BUTTERWORTH. All that is justly due.

Mr. SPRINGER. Does anybody else want to answer how much is involved?

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky [Mr. STONE].

Mr. SPRINGER. I do not know how much is involved in the bill, and ask the question for information, but nobody has answered it. And I will state to the Chair that I did not yield the floor.

The CHAIRMAN. The gentleman from Illinois sat down, and the Chair then recognized the gentleman from Kentucky.

Mr. STONE, of Kentucky. I yield for one moment to the gentleman from Maryland [Mr. SHAW] to offer some amendments.

Mr. KERR. Will the gentleman from Kentucky yield to me for a question?

Mr. STONE, of Kentucky. I have yielded to the gentleman from Maryland.

Mr. SHAW. I make no opposition to the reference of the claim to the Court of Claims, but rather to the language of the bill, and I send to the desk some amendments which I think will remedy it.

The Clerk read as follows:

In lines 18 and 19 strike out the words "which were not provided in the original contract" and insert in line 18, after the word "work," the following: "*Provided*, Such additional cost in completing the same and such changes or alterations in the plans and specifications required and delays in the completion of the work were occasioned by the Government of the United States."

In line 22, after the word "by," strike out the word "the."

In line 25 add the letter "s" to the word "contractor."

In line 27 strike out the words "contract between" and add the letter "s" to the word "contractor."

In line 28, after the word "alterations," insert "in advance of such alterations."

In line 29, after the word "therefor," insert "*Provided*, Such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid."

In line 37 strike out the word "to" and insert, after the word "allowance," in the same line, "which may."

Mr. STONE, of Kentucky. Mr. Chairman, the friends of this bill are ready to accept the amendments as they have been offered. They simply go to explain, and to insert some words that are deemed necessary by the gentleman from Maryland [Mr. SHAW] to make the bill more explicit.

Mr. KERR. Will the gentleman permit a question?

Mr. STONE, of Kentucky. Yes, sir.

Mr. KERR. My colleague from Iowa [Mr. LYMAN] said that the bill did not make the receipt *prima facie* evidence of the payment, and that he desired it so amended as to make the receipt *prima facie* evidence of payment by the Government. Do I understand the chairman of the committee to suppose that the bill as reported from the committee allows the receipt to be introduced as *prima facie* evidence of payment, and requires the claimants to go behind it and explain it?

Mr. STONE, of Kentucky. Well, sir, we believed that the bill was full enough on that point, because the existing law is that receipts shall be taken into consideration in the adjustment of a claim; but the friends of the bill have no objection to the amendment of the gentleman from Iowa [Mr. LYMAN], because it is simply a reiteration of the law. That is exactly the position we occupy.

Mr. Chairman, I had said all about the bill that I intended to say; but the gentleman from Illinois [Mr. SPRINGER] has found it convenient to make some remarks which are very unjust to the committee and to gentlemen who are in favor of this bill. He closed his remarks by saying that this bill was more in the interest of a lobby than of any special claimant.

Now, I don't know how it is, but if I wanted to find a man to be influenced I would hunt up a man who was always saying that somebody else was influenced. I have no fear, sir, of having it attributed to me, or to our committee, that we have been influenced by the lobby, and if any other gentlemen upon this floor who are at the head of committees, or occupying prominent places in the House, are so afraid that they will not be influenced that they have to impute to others that they are influenced, why, I have no explanation to make for them. This claimant has not been here with any lobby. I have seen him here for two Congresses myself, and no doubt he has been here for a good many Congresses; but if he is to be condemned because he has been trying to get Congress to act in the matter of his claim, that simply seals the fate of every claimant. If the simple fact that a man has been here asking Congress to let him go into court to establish his claim condemns him, then no claimant has any chance of justice from this Government.

I tell you, gentlemen, there is no lobby in this case. I have gone through the case in this Congress, and I know that it was examined in the last Congress by the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Iowa [Mr. LYMAN], and I know that those are gentlemen who can not be influenced by any lobby. It is an imputation that the members of this House ought not to allow to influence them for a moment, to say that the large number of gentlemen here who are in favor of this bill have been brought to favor it by "influence." I am for the bill, Mr. Chairman, because it is right. I believe the claim is just; but even if I were not strong in that faith I would be willing to say to Mr. McKay, as I would say to any other claimant, "You may go into court and try to establish your claim." I now move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The question is first on the amendments of the gentleman from Maryland, which are designed simply to perfect the text of the bill. Is a separate vote demanded upon them?

A MEMBER. Let the amendments be read.

The amendments offered by Mr. SHAW were read.

The CHAIRMAN. In the absence of objection, the vote will be taken upon these amendments in gross.

The amendments were agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Iowa [Mr. LYMAN].

The amendment was read, as follows:

Add to the bill the following:
"*And provided further*, That the receipts or vouchers heretofore signed by the contractors for the building of said vessels shall be considered by said court as *prima facie* evidence of settlement or payment for the claims now made, but which vouchers and receipts shall be susceptible of explanation by proof showing the nature of the indebtedness of the Government and the circumstances under which the same were given."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass—ayes 168, noes 15.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. HATCH, from the Committee of the Whole, reported that they had had under consideration bills upon the Private Calendar and had instructed him to report the same to the House with various recommendations.

ADJOURNMENT TILL MONDAY.

Mr. MILLS. I move that when the House adjourns to-day, it adjourn to meet on Monday next.

The motion was agreed to.

ESTATE OF C. M. BRIGGS.

The SPEAKER *pro tempore* (Mr. COX). The first bill now in order, having just been reported from the Committee of the Whole House on the Private Calendar, is the bill (H. R. 4909) for the relief of the estate of C. M. Briggs, deceased.

Mr. STONE, of Kentucky. On that I move the previous question.

Mr. SPRINGER. I move that the House now adjourn.

The motion to adjourn was not agreed to.

The previous question was ordered.

The SPEAKER *pro tempore*. The first question is upon the amendment reported from the Committee of the Whole, which will be read.

The Clerk read as follows:

At the end of the bill add the following:
"*Provided*, That said judgment shall not be paid out of the general fund in the Treasury arising from the sale of captured and abandoned property, but shall be paid out of the special fund charged to and accounted for by Capt. G. L. Fort, assistant quartermaster at Memphis, arising from the sale of 2,209 bales of cotton received by him, with which claimant's cotton was intermingled, said claimant to receive only the proportion which his cotton bears to the net proceeds accounted for by said Fort."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. SPRINGER said: I call for the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATHANIEL M'KAY AND OTHERS.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay.

Mr. STONE, of Kentucky. I move the previous question on the bill and amendments.

The previous question was ordered.

The amendments reported by the Committee of the Whole House on the Private Calendar were agreed to.

The bill was ordered to be engrossed and read a third time; and was read the third time by its title.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. SPRINGER. I call for the yeas and nays on that question.

On ordering the yeas and nays there were—ayes 15.

The SPEAKER *pro tempore*. In the opinion of the Chair one-fifth have not voted in favor of the call for the yeas and nays.

Mr. SPRINGER. I ask for tellers on ordering the yeas and nays.

Tellers were not ordered, only 18 voting in favor thereof.

Mr. SPRINGER. I demand the reading of the engrossed bill.

The SPEAKER *pro tempore*. That is in order; the gentleman has the right to make that demand. The previous question has been ordered.

Mr. MILLS. Mr. Speaker, if the House should adjourn now, would not this bill come up as unfinished business?

The SPEAKER *pro tempore*. It would come up on the next day when the same class of business is in order—that is next Friday.

Mr. MILLS. I suggest to the friends of the measure to let the bill go over until next Friday, as it will take some time to engross it. It will come up as unfinished business next Friday, and can be passed the first thing. I move that the House adjourn.

The motion was agreed to; there being—ayes 128, noes 37.

So (at 4 o'clock and 20 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday next.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. ATKINSON: A bill (H. R. 6994) for the relief of Jearum Atkins—to the Committee on Patents.

By Mr. BELDEN: A bill (H. R. 6995) granting a pension to Charles J. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6996) granting a pension to Mrs. Jane A. Lester—to the Committee on Invalid Pensions.

By Mr. BIGGS: A bill (H. R. 6997) for the relief of John W. Dorsey and others—to the Select Committee on Indian Depredation Claims.

By Mr. T. H. B. BROWNE: A bill (H. R. 6998) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana—to the Committee on Indian Affairs.

By Mr. J. E. CAMPBELL: A bill (H. R. 6999) for the relief of Stubbs & Lackey—to the Committee on Claims.

Also, a bill (H. R. 7000) granting a pension to Phœbe Castator—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7001) removing the charge of desertion against Thomas Hightower, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 7002) granting a pension to McGervey Price—to the Committee on Military Affairs.

By Mr. CARUTH: A bill (H. R. 7003) for the relief of Samuel Castleman—to the Committee on War Claims.

By Mr. CLARDY: A bill (H. R. 7004) for the relief of B. Guyton—to the Committee on Military Affairs.

Also, a bill (H. R. 7005) for the relief of Jacob Theby—to the Committee on Military Affairs.

By Mr. CLEMENTS: A bill (H. R. 7006) for the relief of Robert Dillard—to the Committee on War Claims.

By Mr. COCKRAN: A bill (H. R. 7007) for the relief of Juliet H. Palmer, widow and administratrix of James C. Palmer, late Surgeon-General United States Navy—to the Committee on Naval Affairs.

By Mr. COMPTON: A bill (H. R. 7008) for the relief of the estate of Emily A. Trundle, deceased—to the Committee on War Claims.

By Mr. COGSWELL: A bill (H. R. 7009) granting a pension to Mary E. Bixby—to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 7010) for the relief of William M. Henry—to the Committee on War Claims.

By Mr. S. T. HOPKINS: A bill (H. R. 7011) granting a pension to Phebe Furman—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 7012) granting an increase of pension to James M. Herrington—to the Committee on Invalid Pensions.

By Mr. T. D. JOHNSTON: A bill (H. R. 7013) to place the name of Delia Newman on the pension-roll—to the Committee on Pensions.

By Mr. LYMAN: A bill (H. R. 7014) for the relief of John Dungan—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 7015) for the relief of Larkin H. Penny—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 7016) granting a pension to Sally Dilling—to the Committee on Pensions.

By Mr. CHARLES O'NEILL: A bill (H. R. 7017) for the relief of Charles E. Behle—to the Committee on Claims.

By Mr. PUGSLEY: A bill (H. R. 7018) granting a pension to John Hurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7019) granting a pension to Jacob Stamm—to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 7020) for the relief of Hannah Boynton—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 7021) to remove the charge of desertion from the record of Jonathan S. Colburn—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 7022) for the relief of Thomas Jones—to the Committee on War Claims.

By Mr. WADE: A bill (H. R. 7023) for the relief of Henry Bennett—to the Committee on War Claims.

Also, a bill (H. R. 7024) for the relief of William T. Bettis—to the Committee on War Claims.

By Mr. WALKER: A bill (H. R. 7025) granting a pension to Evalina P. Brown—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 7026) for the relief of Rinaldo Johnson and Ann E. Johnson—to the Committee on War Claims.

By Mr. WARNER: A bill (H. R. 7027) for the relief of the heirs of Thomas B. Wallace, deceased—to the Committee on War Claims.

By Mr. J. R. WHITING: A bill (H. R. 7028) to admit to registry the steamer George H. Parker—to the Committee on Commerce.

By Mr. McCOMAS: A bill (H. R. 7029) for the relief of Samuel Ceas—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 3603) to increase the pension of Maxwell Carroll—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3708) for the relief of P. H. Bridgewater—from the Committee on Military Affairs to the Committee on War Claims.

Also, a bill (H. R. 3709) for the relief of Rosa Graves—from the Committee on Military Affairs to the Committee on War Claims.

Also, a bill (H. R. 3876) for the relief of Jeremiah Rumsey—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 4489) for the relief of J. M. Hogan—from the Select Committee on Indian Depredation Claims to the Committee on Claims.

Also, a bill (H. R. 6782) for the relief of James Ballard—from the Committee on Claims to the Committee on War Claims.

PETITIONS ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Memorial of the Northwestern University and Garrett Biblical Institute, of Evanston, Ill., for an international copyright law—to the Committee on Patents.

Also, memorial of same, for Icelandic representation at the United States Centennial—to the Committee on the Library.

Also, memorial of same, for removal of duty on foreign books—to the Committee on Ways and Means.

By Mr. C. H. ALLEN: Petition of Charles E. Adams, P. J. Hood, A. G. Camnock and 247 others, citizens of Lowell, Mass., in aid of a public building in Lowell, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. A. R. ANDERSON: Papers in the case of William Galtny to accompany bill—to the Committee on Military Affairs.

By Mr. C. L. ANDERSON: Papers in the claim of C. G. Gilmer, of Joseph W. Stewart, of Mrs. Mary A. Rigby, of James H. Owen, and of Turner Bobbitt, of Scott County; of Wiley A. Pullen, of Newton County, and of Turner Bobbitt, of Scott County, Mississippi—to the Committee on War Claims.

By Mr. BIGGS: Petition of citizens of Stanislaus County, California, for an appropriation to close "Laird's Slough" in San Joaquin River, California—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Petition of citizens of Beaver Falls, Pa., for reduction of letter postage to 1 cent an ounce—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Board of Marine Underwriters, for the improvement of the harbor of Vineyard Haven—to the Committee on Rivers and Harbors.

By Mr. BLAND: Petition of Mrs. Nancy M. Murphy, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLISS: Petition for the relief of Mrs. Annie Bagley, of Brooklyn, N. Y.—to the Committee on Invalid Pensions.

By Mr. BROWER: Petition of farmers of Virginia and North Carolina, for the repeal of the entire system of internal revenue, and for other purposes—to the Committee on Ways and Means.

By Mr. J. R. BROWN: Petition of R. W. Young and others, citizens of Pittsylvania County, Virginia, for the repeal of the tax on tobacco and fruit brandy—to the Committee on Ways and Means.

Also, preamble and resolutions of the Farmers' Convention, held at Danville, Va., for the entire repeal of the internal-revenue laws, etc.—to the Committee on Ways and Means.

By Mr. CARUTH: Papers in the case of W. L. Carey, for relief—to the Committee on War Claims.

Also (by request), petition of John Buntin, of Robertson County, Tennessee, and of Susannah Hardy, of Washington County, Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CLARK: Petition of citizens of Lawrence University, of Appleton, Wis., for an international copyright law—to the Committee on Patents.

By Mr. CLEMENTS: Petition of John L. Allison, heir of M. P. Allison, of Walker County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COCKRAN: Petition of Juliet H. Palmer, widow of James C. Palmer, late Surgeon-General United States Navy, for relief—to the Committee on Naval Affairs.

By Mr. COLLINS: Petition from 190 woolen mills and worsted mills in the United States, and of 110 merchants in New York City, for the passage of the resolution introduced by Mr. C. R. BRECKINRIDGE for classifying worsted as woolen cloth—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Papers in the claim of George Sinclair, of Apalachicola, Fla.—to the Committee on War Claims.

By Mr. DAVIS: Petition of Warren Newcomb and 46 others, citizens and master mariners, of Wellfleet, and vicinity, Massachusetts, in favor of the establishment of a life-saving station in that town—to the Committee on Commerce.

By Mr. DORSEY: Petition of the Woman's Christian Temperance Union, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Petition of clerks in the post-office at Jacksonville, Fla., for increased pay to certain post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. ERMENTROUT: Memorial of G. H. Leahy, for reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

Also, memorial of laundrymen of the United States, asking for the passage of the Mitchell anti-Chinese bill—to the Committee on Labor.

Also, memorial of the American Shipping and Industrial League, for the passage of legislation to restore American shipping—to the Committee on Merchant Marine and Fisheries.

By Mr. FISHER: Petition and affidavit of John R. Eggeman, for relief—to the Committee on Military Affairs.

By Mr. FULLER: Petition of citizens of Iowa, for the passage of bill increasing salary of United States judges—to the Committee on the Judiciary.

Also, resolution of the Iowa State Agricultural Society, for the passage of the Miller-Carey bill to exterminate pleuro-pneumonia—to the Committee on Agriculture.

By Mr. GALLINGER: Papers in pension claim of Sally Delling—to the Committee on Pensions.

Also, papers in the claim of Albert D. Spalter, to accompany House bill 455—to the Committee on War Claims.

By Mr. GIFFORD: Petition of the faculty of the university at Grand Forks, Dak., for an international copyright law—to the Committee on Patents.

By Mr. GLASS: Petition of Zach. Bryant, executor of Zachariah Bryant, deceased, of Gibson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of George P. Williams, for reimbursement of $300 paid as commutation under the draft—to the Committee on Military Affairs.

By Mr. J. S. HENDERSON: Petition of Thomas Ryan, John K. Oakford, William Churchill, a committee in behalf of the bailiffs in attendance upon the courts in the southern district of New York, for an increase of compensation—to the Committee on the Judiciary.

By Mr. HERMANN: Memorial of the Board of Trade of Portland, Oregon, for a public building—to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Lane County, Oregon, for a life-saving station at Cape Perpetua, Oregon—to the Committee on Commerce.

Also, petition of citizens of Siuslaw Bay and Lane County, Oregon, for survey of bar of Siuslaw River—to the Committee on Rivers and Harbors.

By Mr. S. I. HOPKINS (by request): Memorial of members of the Society of Friends in conference at Richmond, Ind., in favor of a treaty with Great Britain to settle differences by arbitration—to the Committee on Foreign Affairs.

By Mr. HOUK: Petition of George W. Dice, administrator of William Brazelton, of Jefferson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. T. D. JOHNSTON: Petition of Delia Newman, for a pension—to the Committee on Pensions.

By Mr. KETCHAM: Petition of Isaac Davis and 15 others, soldiers of Hudson, for the passage of the per diem rated service-pension bill—to the Committee on Military Affairs.

By Mr. LATHAM: Petition of the Woman's Christian Temperance Union, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. LEE: Petition of Francis Lambert, M. D., of Loudoun County, Virginia, for relief—to the Committee on Pensions.

Also, resolution of the Legislature of Virginia, in favor of the bill to suppress contagious pleuro-pneumonia—to the Committee on Agriculture.

Also, papers in the case of Amelia A. H. Richards—to the Committee on War Claims.

Also, petition of Hon. Lewis McKenzie, for expenses of certain contest—to the Committee on Claims.

Also, petition of citizens of Loudoun County, Virginia, relating to postage on seeds, plants, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of R. S. Douglass, and 53 others, citizens of Plymouth, Mass., for classifying worsted as woolen cloths—to the Committee on Ways and Means.

Also, petition of John W. McAnarney, W. J. Strahan, and 65 others, citizens of Abington and adjoining towns in Massachusetts, for Government ownership of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. LYMAN: Petition of citizens of Carson, Iowa, for an increase of the pension of John Dungan, late Company D, One hundred and twenty-fourth Illinois Infantry—to the Committee on Invalid Pensions.

By Mr. MCADOO: Petition of citizens of Monmouth County, New Jersey, for limiting the catching of menhaden in certain waters—to the Committee on Merchant Marine and Fishing.

By Mr. MCRAE: Papers in the claim of Jesse L. Stapp, of Sevier County, Arkansas—to the Committee on War Claims.

Also, papers in the claim of James V. Skillem, of Arkansas—to the Committee on War Claims.

By Mr. MAHONEY: Petition of Peter J. Meehan, Henry Hayes, and others; of Michael Smyth, Thomas Finegan, and others, and of Wm. Keenan A. H. Hone, Charles Hanley, and others, citizens of New York State, for a postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLS: Petition of the faculty of Yale University; of College of New York; of Harvard University; of Colby University; of College of Charleston, S. C.; of University of Pennsylvania; of Washington University; of Wake Forest College; of University of North Carolina; of College of Surgeons and Physicians of New York; of the State College of Kentucky; of Columbia College; of Brown University; of Massachusetts Institute of Technology; of Johns Hopkins University; of Harvard Medical School, Boston; of University of Texas; of Cornell University, and of University of Rochester, N. Y., to place books printed in other modern languages than English on the free-list—to the Committee on Ways and Means.

Also, papers in the claim of Morgan Jones, of Madison County, Texas—to the Committee on War Claims.

By Mr. O'FERRALL: Resolution of the General Assembly of Virginia, requesting the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. PARKER: Petition of citizens of Jefferson County, New York, for improvement of the mouth of Black River and Black River Bay, New York—to the Committee on Rivers and Harbors.

By Mr. ROWLAND: Petition of the faculty of Davidson College, North Carolina, for the enactment of an international copyright law—to the Committee on Patents.

By Mr. SHERMAN: Petition of Globe Woolen Company, of Utica, N. Y., and 23 other citizens, for the passage of resolution of Mr. C. R. BRECKINRIDGE, classifying worsted cloths as woolen—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of the national convention of the American Shipping and Industrial League, favoring the passage of a tonnage bill—to the Committee on Commerce.

Also, petition of Margaret Z. Austin, widow of Thomas Austin, for a pension—to the Committee on Pensions.

Also, petition of New York State Dairymen's Association, for a law compelling exporters of oleomargarine to brand the same—to the Committee on Agriculture.

Also, petition of same against any change in the oleomargarine law, and a sufficient appropriation to enforce its provisions—to the Committee on Agriculture.

Also, petition from a public meeting at Tazewell Court House, Va., against the removal of duty on soft coal, ores, coke, etc.—to the Committee on Ways and Means.

Also, petition on the subject of lard adulteration—to the Committee on Agriculture.

Also, petition of the Laundrymen's National Association, opposing Chinese labor—to the Committee on Labor.

By Mr. STEELE: Petition of the Eel Miami Indians, of Indiana, for relief—to the Committee on Indian Affairs.

By Mr. E. J. TURNER: Petition of George W. Shoemaker and 23 others; of A. B. Loughridge and 16 others; of Richard James and 13 others, and of C. W. Rutherford and 15 others, citizens of Kansas, for a government telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: Petition from 190 woolen and worsted mills of the United States, and 110 merchants of New York City, for the passage of the resolution of Mr. C. R. BRECKINRIDGE directing that worsted cloth be classed as woolen cloth—to the Committee on Ways and Means.

By Mr. WADE: Petition of William T. Bettis, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of E. A. Fort, of Robertson County, and of administrator of Matthew Anderson, late of Davidson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BROWER: Of citizens of Germantown, N. C.

By Mr. CLEMENTS: Of R. M. Jones and others, of A. J. Leet and others, of J. G. McMicken and others, and of Mary A. Tarver and others, citizens of Georgia.

By Mr. ERMENTROUT: Of A. S. Rathman and others, of Angelina, Berks County, Pennsylvania.

By Mr. HOUK: Of citizens of Caringer, Monroe County, Tennessee.

By Mr. ROWLAND: Of citizens of Plyler, Stanly County, North Carolina.

By Mr. YOST: Of citizens of Koiner's Store, Augusta County, Virginia.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. SAYERS: Of Willmuth Mash and others, citizens of Bexar County, Texas.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BLAND: Of 112 citizens of the District of Columbia.

By Mr. FRENCH (by request): Of 101 citizens of the Second district of Connecticut.

By Mr. HITT: Of 152 citizens of the District of Columbia.

By Mr. LEE (by request): Of 130 citizens of the District of Columbia.

By Mr. SAWYER: Of citizens of the Thirty-first district of New York.

SENATE.

MONDAY, *February* 13, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 2, 1888, certain information as to the probable cost of making a channel 200 feet wide through the two sand-bars near Little Mangrove Point, Florida; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 2, 1888, certain information as to the amount of money that can be profitably expended during the next fiscal year in improving the northwest channel near Key West, Fla.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 25, 1888, certain information as to the extent of the present area and boundaries of the Cœur d'Alene Indian reservation in the Territory of Idaho; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

UNION PACIFIC RAILWAY COMPANY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, for the use of the Senate, the report of the board of Government directors of the Union Pacific Railway Company made to that Department, dated January 21, 1888; which was read.

Mr. BUTLER. Will that report be printed?

The PRESIDENT *pro tempore*. It will be ordered to be printed; but the Chair is not aware what disposition has been usually made of such reports, and it will lie on the table, subject to a motion to refer.

Mr. BUTLER. I move that the report be referred to the Select Committee on the Pacific Railroads.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves the reference of the communication of the Secretary of the Interior, with the accompanying report, to the Select Committee on the Pacific Railway Commission Report. If there be no objection, that order will be made.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of O. P. McMains, agent for settlers on the so-called Maxwell land grant, praying for an investigation of alleged official corruption, and for certain relief; which was referred to the Committee on Private Land Claims.

He also presented the petition of John W. Buckpit, of Boston, Mass., praying for the appointment of a commission to investigate the charges alleged against the priesthood of the Roman Catholic Church because of the practice of auricular confession; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the board of directors of the Maritime Association of the port of New York, praying aid from Congress in opening the Nicaragua route between the Atlantic and Pacific Oceans; which was ordered to lie on the table.

Mr. PLATT. I present the memorial of certain citizens of Vinita, in the Indian Territory, praying for the location of a United States court in the Indian Territory. I wish to say in reference to this petition that it is a printed petition which has been sent to me, and I do not know but that the same petition has already been submitted and referred.

Mr. VEST. The bill on the subject has been reported from the Committee on the Judiciary, and is now upon the Calendar.

Mr. PLATT. Then I ask to have the petition lie on the table.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. PALMER presented the petition of James B. Angell, president, and 33 members of the faculty of the University of Michigan, praying that such books as are printed in modern languages other than English be placed on the free-list; which was referred to the Committee on Finance.

He also presented the petition of J. B. Knapp and 46 other citizens of Clinton County, Michigan, praying that the patent laws be so amended as to protect the innocent users of patented articles; which was referred to the Committee on Patents.

Mr. WILSON, of Iowa, presented a petition of the surviving members of the Thirty-seventh Regiment Iowa Infantry, praying for the passage of a bill granting them pensions; which was referred to the Committee on Pensions.

He also presented a petition of Buena Vista Grange, No. 544, Patrons of Husbandry, of Newton, Iowa, praying for the passage of a bill requiring all adulterated lard to be stamped as "lardine;" which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Daniel Hayes and others, members of a committee of business men, citizens of Muscatine, Iowa, praying for the establishment of an experimental station for the manufacture of sugar; which was referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK presented a petition of prominent citizens of Lincoln, Nebr., praying that the Government bear its share of the expense of paving streets adjacent to the public buildings in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the governor and other citizens of Nebraska, praying that a pension be granted to Mrs. Nancy Pollock, widow of W. A. Pollock, of Nebraska; which was referred to the Committee on Pensions.

Mr. CHACE. I present the petition of E. A. Skillman (agent), of Washington, D. C., praying for the passage of a law to cancel certain lien certificates and relieve certain property of the burden thereof. I wish to say distinctly that I present this petition by request and have no knowledge of its contents or its purport. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CHACE presented a petition of the Woman's Christian Temperance Union, and other citizens, of Woodstown, N. J., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DAVIS presented a petition of the Woman's Christian Temperance Union of Minnesota, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

He also presented a petition of 115 citizens of Minnesota, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Abercrombie Post, Grand Army of the Republic, of Lisbon, Dak., praying for the passage of a bill repealing the limitation in the arrears-of-pension act; which was referred to the Committee on Pensions.

Mr. HARRIS. I present the petition of John H. Edwards and other citizens of Weakley County, Tennessee, praying that compensation be paid John H. Edwards for services rendered as an officer of the Army of the United States. I move its reference, with the accompanying letter, to the Committee on Military Affairs.

The motion was agreed to.

Mr. HARRIS. I hold in my hand a memorial sent me by the Woman's Christian Temperance Union in this District, praying for the passage of a bill prohibiting the manufacture, sale, and importation of alcoholic beverages in the District of Columbia, purporting to be signed by 209 citizens of the District of Columbia. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PASCO presented the petition of J. G. W. Kraker and 45 other citizens of Lanier, Fla.; the petition of W. H. Mabry and 20 other citizens of Leesburgh, Fla., and the petition of N. L. Hopson and 20 other citizens of Lake County, Florida, praying for an appropriation for the purpose of making a survey of the Ocklawaha River, in Florida; which were referred to the Committee on Commerce.

He also presented the petition of Henry W. Long, of Marion County, Florida, praying legislation to change the basis for payment of fourth-class postmasters and to regulate their salaries; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of N. S. Dunkler and 11 other clerks in the Jacksonville, Fla., post-office, praying for an increase of the salaries of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of members of the faculty of Vanderbilt University, at Nashville, Tenn., praying for the enactment of an international copyright law for the fuller security of literary property; which was referred to the Committee on Patents.

Mr. TURPIE presented two petitions of surviving soldiers and sailors of the Union Army and Navy, of Indiana, praying for the passage of the per diem rated service pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Indiana, officially signed, praying for the passage of an amendment to the Constitution prohibiting the manufacture, exportation, importation, and sale of all alcoholic liquors; which was referred to the Committee on Education and Labor.

Mr. BERRY. I present a petition of citizens of Vinita, in the Indian Territory, similar to the one presented by the Senator from Connecticut [Mr. PLATT], in favor of the establishment of a United States court in the Indian Territory. I move that the petition lie on the table.

The motion was agreed to.

Mr. BERRY. I present a petition of school officials and other citizens of Hot Springs, Ark., praying for the donation by Congress of unsold lots located there belonging to the Government of the United States and situated in the original Hot Springs reservation, for school purposes. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. VEST presented a petition of the Woman's Christian Temper-

ance Union of Missouri, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. BUTLER presented the petition of John Rutledge, of Charleston, S. C., praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Columbia, S. C., praying that an appropriation be made for the improvement of the Congaree River; which was referred to the Committee on Commerce.

Mr. BUTLER. I present a petition of citizens of Vinita, in the Indian Territory, in regard to the establishment of a United States court at that point, similar to those presented by the Senator from Connecticut [Mr. PLATT] and the Senator from Arkansas [Mr. BERRY]. I move that the petition lie on the table.

The motion was agreed to.

Mr. VOORHEES presented a petition of surviving soldiers and sailors of the Union Army and Navy, praying for the passage of the per diem rated service pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Medical Society of Grant County, Indiana, praying that the import duties now paid be removed from all medicines, medical and surgical appliances, and everything used in the treatment or diagnosis of disease; which was referred to the Committee on Finance.

Mr. REAGAN presented the petition of W. M. Harrison and other citizens of Fort Worth, Tex., praying that an appropriation be made for a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

Mr. GIBSON. I present four memorials from different parts of the Southern States, remonstrating against the passage of Senate bill No. 650, proposing to tax and regulate or suppress lard made from cottonseed oil. I move that the memorials be referred to the Committee on Agriculture and Forestry, and that one of the memorials be printed, as they are similar, omitting the names.

The motion was agreed to.

Mr. BLAIR presented the petition of James Stewart, Isabella D. Ewing and 78 other citizens of Greenwich, N. J., praying for the passage of a law for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Joseph M. Hanson and other citizens of New Hampshire, praying for the enactment of a law providing for arbitration between nations; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of East New Market, Dorchester County, Maryland, praying for the passage of the educational bill; which was ordered to lie on the table.

Mr. DAWES presented a petition of inhabitants of Lynn, Mass., praying for a treaty of arbitration with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. PLUMB. I present petitions of a large number of citizens of Michigan, praying for the forfeiture of the lands granted to aid in the building of the Marquette, Houghton and Ontonagon and Ontonagon and Brulé River Railroads in the State of Michigan. I move the reference of the petitions to the Committee on Public Lands.

The motion was agreed to.

Mr. PLUMB presented a petition of 217 citizens of the Third and Seventh Congressional districts of Kansas, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Kansas, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

He also presented a petition of cattle breeders and owners, citizens of Kansas, praying for the passage of a bill providing for the extirpation of pleuro-pneumonia and other cattle diseases; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Samuel Wilcoxson and other citizens of the Sixth Congressional district of Kansas, praying that Congress take immediate steps to establish a system of telegraphy to be owned and controlled by the Government; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of the city of Atchison, Kans., praying that an appropriation be made to arrest the erosion of the Missouri River at that point, whereby private property is threatened; which was referred to the Committee on Commerce.

Mr. FRYE presented a petition of F. L. Berry and other ex-Union soldiers and sailors of Maine, praying for the passage of a bill providing a pension of 1 cent for each day of service in the Army; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Androscoggin and Cumberland Counties, Maine, praying for the conclusion of a treaty which shall provide for the settlement by arbitration of any differences arising between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. ALLISON presented resolutions adopted by the Iowa Short-Horn Breeders' Association, of Iowa, praying that the so-called Miller-Carey bill as now changed and agreed upon by the Commissioner of Agriculture, etc., be enacted into a law, and praying that an appropriation be made to aid in the suppression of pleuro-pneumonia; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Business Men's Association of Muscatine, Iowa, praying for the establishment of an experimental station for the manufacture of sugar in the State of Iowa; which was referred to the Committee on Appropriations.

Mr. PLATT. I have received the address of the constitutional convention of Dakota to the Congress of the United States, asking for the division of Dakota and the admission of South Dakota as a State. It is short, and is perhaps entitled to a place in the RECORD. As the matter has been reported to the Senate, I ask that the memorial be printed in the RECORD, and also that it be printed in the usual document form and lie on the table.

The PRESIDENT *pro tempore*. If there be no objection, the memorial will be printed in the RECORD, and printed for the use of the Senate, and lie on the table.

Mr. BUTLER. Do I understand that the memorial is to be printed in the RECORD?

The PRESIDENT *pro tempore*. The Senator from Connecticut so asked.

Mr. BUTLER. I object to that.

The PRESIDENT *pro tempore*. Shall the memorial be printed in the RECORD?

Mr. VEST. What is the memorial?

The PRESIDENT *pro tempore*. It will be stated.

The CHIEF CLERK. "An address to the Congress of the United States by the constitutional convention of Dakota."

Mr. PLATT. I am not particular about the matter; I do not wish to violate any rule of the Senate; but I supposed that this was a document of the character which, upon request, has always been printed in the RECORD. Of course, Dakota is not a State, and Southern Dakota is not a State.

The facts are these: There was a constitutional convention held in South Dakota in 1885 which adopted a constitution, and under which the Senate at its last session voted to admit that portion of the Territory of Dakota which was thus organized under that constitutional convention. That convention did not adjourn *sine die;* it was last fall reconvened; and it has now addressed a memorial to the Congress of the United States; and it is that memorial which I present, and which I have asked may be printed in the RECORD.

The memorials of Territorial Legislatures and State Legislatures are always printed in the RECORD upon request. That is in accordance with our rules; and other important memorials have been, as is within the knowledge of every Senator, upon request, printed in the RECORD. This memorial is short, and will not much encumber the RECORD; and I thought under the circumstances it had such dignity and was of such importance that I ought to ask for its printing in the RECORD.

Mr. BUTLER. We have in the last two or three weeks had some extremely interesting lectures upon the subject of printing papers in the RECORD and encumbering the RECORD, which was intended, as I have always understood, to be a record of the proceedings of this body. Certainly within the last ten days the Senator from Ohio [Mr. SHERMAN] and, if I mistake not, the Senator from Connecticut himself, objected to the introduction and printing in the RECORD of some papers thought to be important by those who presented them.

If this memorial is to be printed in the RECORD, I shall ask, as a matter of right to those who represent the other side of this question, that their memorial shall also be printed in the RECORD.

I understood in the remarks made by Senators on the other side and on this that the printing of such papers in the RECORD is a violation of the rule. It is a violation of the rule, I understand, for a Senator to read during the delivery of his remarks *in extenso* a paper of that kind. He is required under the rule, as I have understood it, to state the substance of a petition. Perhaps I am wrong about that; it may be that a petition can be printed in the RECORD. The Chair nods assent to that proposition.

I can see no good reason why this memorial should be printed in the RECORD when a great many others just as important have been excluded, and I shall object to it (I do not know what that objection will amount to) unless the other side of this question have the opportunity of having their views printed in the RECORD also.

The PRESIDENT *pro tempore*. Shall the memorial be printed in the RECORD?

Mr. PLATT. I do not wish to get in any wrangle over this matter. On the other side of the Chamber a somewhat vigorous demand was made that the memorial of the constitutional convention of Utah should be printed in the RECORD, and the Senator from Florida [Mr. CALL], I think, read it, and therefore it went in the RECORD. If I am not mistaken, the Senator from South Carolina at the time suggested to him

that he could get it in the RECORD by reading it as part of his remarks.

Mr. BUTLER. I did; and that is what called forth the observations, I think, from the Senator himself, and I am certain from the Senator from Ohio, that it was clearly out of order. I therefore thought that inasmuch as that vigorous protest was made on the other side against the publication of that memorial in the RECORD, I would try and see what would be the effect of a vigorous protest when a similar paper of that kind came in.

Mr. PLATT. I do not propose to resort to any such method to obtain the printing of this memorial in the RECORD. I desire to conform to the rules of the Senate, and if this is not strictly within the rules of the Senate and the practice of the Senate, I do not ask for the printing of the memorial in the RECORD.

The PRESIDENT *pro tempore*. The Chair will state that it is a question of practice, not a question under the rules.

Mr. PLATT. Do I understand the Chair to say that it is not admissible under the rule?

The PRESIDENT *pro tempore*. The question does not properly arise under the rule, the rules being silent on the subject as to what the RECORD shall contain. It is clearly in order for the Senator to move to print the memorial in the RECORD, if he desires.

Mr. VEST. I should like to make an inquiry, if the Senator will permit me. Was the memorial from the constitutional convention of the Territory of Utah admitted to the RECORD under the action of the Senate?

The PRESIDENT *pro tempore*. As the Chair now recalls that incident, it was read by the Senator from Florida from his place, objection having been made to its being printed in the RECORD when presented.

Mr. VEST. My recollection is that when the Senator from Florida asked that the Utah memorial be printed in the RECORD, there was objection made on the other side of the Chamber, and that objection was sustained.

Mr. BUTLER. Not sustained by the Chair?

Mr. VEST. I do not mean to say that the Chair sustained it, but the result of the colloquy and of the debate was that the Senator from Florida was forced to read it himself; and I say if that was done in that case the same objection ought to be valid in this.

Mr. PLATT. I do not think that there is a parallel between the two cases; I utterly dissent from connecting the two cases, but I desire to conform to what has been the unwritten rule and the practice of the Senate. I therefore shall not insist upon this address or memorial going in the RECORD, but I want to give notice now that if I am in the Senate there is an end to this matter of memorials and petitions of any kind whatever going into the RECORD, if I can prevent it.

Mr. BUTLER. I can assure the Senator that I shall join him in that, and I only regret that he had not arrived at that conclusion and that I had not arrived at it before the vast amount of what I call stuff has been printed in the RECORD in the discussion of what is known as the Blair bill in the Senate. If that rule is to be enforced, I hope that my friend from Connecticut will join me in excluding such matter hereafter in regard to that measure as well as others.

The PRESIDENT *pro tempore*. The motion to print is withdrawn.

Mr. PLATT. Not the motion to print.

The PRESIDENT *pro tempore*. The motion to print in the RECORD is withdrawn. The memorial will be printed in the usual form and laid on the table.

Mr. BLODGETT presented a memorial of 73 railway conductors of the State of New Jersey, remonstrating against the passage of the bill to license railway conductors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Orange, N. J., officially signed, praying for the passage of a law for the better protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS. A month or two since I presented the petition of William B. Stokes, asking to be relieved as surety upon an official bond executed some thirty years ago. I now present, having this moment received it, a similar petition from the same party, being verified by the affidavit of the petitioner. The other was not so verified. I move its reference to the Committee on Claims.

The motion was agreed to.

Mr. PAYNE presented a petition of the Woman's Christian Temperance Union of Ohio, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. TELLER presented a petition of the board of county commissioners of Larimer County, Colorado, praying that a suitable appropriation be made to construct a system of reservoirs in Colorado for the irrigation of lands in that State; which was referred to the Committee on Public Lands.

Mr. MITCHELL presented resolutions of the mayor and common council of the city of Pendleton, Oregon, praying that that city be permitted to purchase certain lands of the Umatilla Indian reservation for cemetery purposes; which were referred to the Committee on Indian Affairs.

Mr. SAWYER presented a petition of members of the faculty of Lawrence University, at Appleton, Wis., praying for the enactment of an international copyright law; which was referred to the Committee on Patents.

Mr. COKE presented a petition of 200 citizens of Fort Worth, Tex., praying that an appropriation be made for the construction of a public building for a post-office and other Government purposes in that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. FARWELL presented resolutions adopted by the Pure Food Convention held at Washington January 19 and 20, 1888, favoring the passage of a bill to extirpate cattle diseases; which were referred to the Committee on Agriculture and Forestry.

Mr. VANCE. I present a memorial adopted by a convention of farmers of Virginia and North Carolina, which met in the city of Danville the 1st day of this month, favoring certain legislation, and as it represents a very large class of people and is brief and to the point, I ask that it be read.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks that the memorial be read.

Mr. PLATT. I object.

The PRESIDENT *pro tempore*. The Senator from Connecticut objects.

Mr. VANCE. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. CALL. I present the petition of W. E. Rodenbaugh and other citizens of Florida, praying for the improvement of the Ocklawaha River, in the State of Florida. The petition sets forth that if a canal is ever cut across the peninsula of Florida this is the natural route. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. MORGAN. By request of the American Shipping Industrial League, I present certain resolutions which they have adopted, embodying a policy which they desire the Congress of the United States to adopt in respect to the tonnage of ships. I move the reference of the resolutions to the Committee on Commerce.

The motion was agreed to.

Mr. DANIEL presented resolutions adopted by the General Assembly of Virginia, in favor of Senate bill No. 149, providing for the suppression of contagious pleuro-pneumonia and other cattle diseases; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of George W. Palmer and other citizens of Virginia, praying for the passage of the Palmer bill, to provide for the extirpation of pleuro-pneumonia; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Giles B. Jackson and other citizens of Richmond, Va., praying relief for the depositors of the Freedman's Savings and Trust Company; which was referred to the Committee on Finance.

Mr. DOLPH presented a petition of the common council of the town of Pendleton, Oregon, asking that certain lands within the Umatilla Indian reservation be sold to said town for burial and cemetery purposes; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplifications of land-patents, and for other purposes, reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 282) to amend section 3734 of the Revised Statutes, and to provide for the erection of public buildings by contract with the lowest bidders, reported it without amendment.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 1102) to aid the State of Colorado to support a school of mines, reported it with an amendment.

Mr. DOLPH, from the Committee on Public Lands, to whom was recommitted the bill (S. 15) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon; which was read twice by its title.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 38) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 17) for the relief of Thomas Guinean, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 249) to prevent the sale of adulterated food in the District of Columbia, reported it with an amendment.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1638) granting a pension to William Richardson, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1558) for the relief of William G. Galloway, reported it with an amendment, and submitted a report thereon.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1519) to change the location of a certain alley in the city of Washington, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 1910) for the relief of James Gaster, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1896) for the relief of Mrs. Eliza A. Cutler, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1428) to authorize the appointment of a hydrographer and assistant hydrographer of the Navy, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Education and Labor, to whom was referred the bill (S. 372) to provide for a commission on the subject of the alcoholic liquor traffic, reported it with an amendment.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1294) for the erection of a public building in the city of Roanoke, Roanoke County, Virginia, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service, reported it with amendments, and submitted a report thereon.

RELIEF OF THE DISTRICT POOR.

Mr. PLUMB, from the Committee on Appropriations, reported a bill (S. 1938) making an additional appropriation for the relief of the poor of the District of Columbia; which was read the first time by its title.

Mr. PLUMB. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That in addition to the sum of $15,000 appropriated by the act approved March 3, 1887, "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes," for the relief of the poor of said District, there is hereby appropriated the sum of $15,000 for that purpose, one-half thereof out of any money in the Treasury not otherwise appropriated, and one-half thereof out of the revenues of the District of Columbia, to be expended by the commissioners of the District, and to be immediately available.

Mr. PLUMB. I ask the Senate to proceed to the consideration of the bill now.

Mr. PLATT. Is it from the Committee on Appropriations?

Mr. PLUMB. It is from the Committee on Appropriations. The committee have had brought to their attention the fact that there is a very considerable amount of suffering at the present time in the city of Washington which it is beyond the power of the local authorities or apparently of private charity to relieve. Yielding to the solicitation which has been brought to bear on them, they venture to bring this bill before the Senate, and I am instructed by the committee to ask that it be considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HALL OF RECORDS.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds to report back favorably, without amendment, the bill (S. 279) making appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a hall of records. The Senate has passed this bill unanimously three times, I think—twice I am certain—and sent it to the House of Representatives, where it has never been considered. I ask the Senate to pass it again.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $200,000 for the purchase of a site near the War Department and the erection thereon of a brick and metal fire-proof building, to be used for the safe-keeping of records of the executive, legislative, and judicial departments not required in the present executive, legislative, or judicial offices for constant reference; the building to be erected under the supervision and direction of the Supervising Architect of the Treasury Department, on plans and specifications approved by the Secretary of the Treasury, the Secretary of War, and the Secretary of State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUBTROPICAL EXPOSITION AT JACKSONVILLE.

Mr. CALL. The Committee on Appropriations instruct me to report back the joint resolution (S. R. 35) appropriating $20,000 for the subtropical exposition at Jacksonville, Fla., with an amendment in the nature of a substitute. I ask for its present consideration.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be regarded as before the Senate, as in Committee of the Whole, and the amendment reported by the Committee on Appropriations will be read.

Mr. HARRIS. Let that go over and be printed.

Mr. CALL. The amendment has not been read yet.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee object to the reading of the proposed amendment?

Mr. HARRIS. No; it may be read, as the joint resolution has been read. Let the amendment be read, but I object to its consideration.

The CHIEF CLERK. It is proposed to strike out all after the resolving clause, and in lieu thereof to insert:

That the Secretary of the Interior shall send such exhibits from the National Museum as shall be selected by him, and the Commissioner of Agriculture such exhibits of plants, shrubs, and flowers as shall be selected by him, to the subtropical exposition at Jacksonville, Fla., for the year 1888; and for the purpose of paying the expenses of transporting such exhibits to and from said exposition, and of arranging and taking care of them while there, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Commissioner of Agriculture, and to be immediately available.

The PRESIDENT *pro tempore*. Objection being made to the present consideration of the joint resolution, it lies over under the rule.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 1940) to provide for the construction of a public building at Sterling, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VEST introduced a bill (S. 1941) for the erection of a public building at Helena, Mont.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 1942) granting a pension to Mrs. Ellen Courtney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PALMER (by request) introduced a bill (S. 1943) for the better protection of human life on merchant steam-vessels of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 1944) to increase the pensions of those who have lost a limb, two limbs, or both eyes, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1945) granting a pension to Mary Forsythe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 1946) authorizing a sale of a portion of the Umatilla Indian reservation to the city of Pendleton, State of Oregon, for the purposes of a cemetery; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1947) to provide for the construction of a military telegraphic line along the coast between Yaquina, on Yaquina Bay, and Marshfield, on Coos Bay, to connect with Alsea Bay, Siuslaw Bay, Gardner, on the Umpqua River, and Empire City, in the State of Oregon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 1948) to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, on the lands of Mrs. M. A. Bower, in the Choctaw Nation, near Fort Smith, Ark.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. REAGAN (by request) introduced a bill (S. 1949) for the relief of John D. Henderson's heirs; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 1950) to ratify and confirm an agreement with the Indians of Fort Berthold agency, in Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLATT introduced a bill (S. 1951) to prohibit members of Territorial Legislatures holding office; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

He also introduced a bill (S. 1952) for the relief of Sigmund Bauer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1953) to provide for the payment of the passage of General de Lafayette and family from France to the United States, in 1824, as the "guest of the nation," etc.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. ALLISON introduced a bill (S. 1954) for the relief of Mrs. Catherine Holliday; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1955) for the relief of Mrs. Juliet E. Guild; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DAVIS introduced a bill (S. 1956) granting a pension to William F. McMillan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1957) granting a pension to Virtue Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1959) for the relief of James H. Bacon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 1960) granting a pension to Willard Jackson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1961) granting a pension to Catherine Yate; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 1962) for the relief of William Wall and his heirs; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HISCOCK introduced a bill (S. 1963) for the relief of the heirs of the late Solomon Spitzer; which was read twice by its title, and referred to the Committee on Claims.

Mr. TURPIE (by request) introduced a bill (S. 1964) to grant pensions for service in the Army, Navy, and Marine Corps of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EUSTIS introduced a bill (S. 1965) for the relief of A. Cusimano & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLUMB introduced a bill (S. 1966) granting an increase of pension to Conrad Schmidt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1967) granting a pension to Sarah J. Thompkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1968) granting a pension to Eliza A. Talbott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1969) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation, in the State of Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1970) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation, in Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1971) to re-examine the homestead claim of Ira Haworth; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1972) granting a pension to J. W. Meadows; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1973) granting a pension to John Black; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COKE introduced a bill (S. 1974) for the erection of a public building at Fort Worth, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CHANDLER introduced a bill (S. 1975) to increase the pension of the widow of the late Naval Constructor Edward Hartt; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DANIEL introduced a bill (S. 1976) for the relief of the heirs of Mark Davis, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1977) to restore to John W. Mears a fine improperly imposed on him; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McPHERSON introduced a bill (S. 1978) for the erection of a public building in Paterson, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TELLER introduced a bill (S. 1979) granting a pension to Elizabeth Dolan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 1980) to confirm certain lands to the village of Sault Ste. Marie; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also introduced a bill (S. 1981) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Muskegon, in the State of Michigan; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLATT (by request) introduced a bill (S. 1982) to authorize the Postmaster-General to imprint the United States postage stamp on letter-sheets; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH introduced a bill (S. 1983) to pension Silas Beezley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 1984) to incorporate the Hotel Republic Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER (by request) introduced a joint resolution (S. R. 51) declaring the waters of the Hudson River, for the purpose of the protection of foreign and interstate commerce, from the sea as far northwardly as the tide ebbs and flows, to be in the exclusive jurisdiction of the United States of America; which was read twice by its title and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; and

A joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 360) for the relief of Smith R. Mershon;

A bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford; and

A bill (H. R. 4909) for the relief of the estate of C. M. Briggs, deceased.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 2578) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.; and it was thereupon signed by the President *pro tempore*.

THE PUBLIC PRINTING.

Mr. VEST introduced a joint resolution (S. R. 52) to regulate the printing of certain public documents; which was read the first time at length, as follows:

Resolved, etc., That 700 copies of any document ordered by Congress shall be printed, and that number shall be known as "the usual number." No greater number shall be printed unless ordered by either the Senate or House of Representatives; and whenever a specified number of copies shall be ordered of any document the usual number of copies shall not be printed or bound in addition to such specified number as now provided by law.

That of the following-named documents there shall be printed and bound the following number of copies, namely:

First. Of the documents accompanying the annual reports of the Executive Departments, 500 copies for members of the Senate and 1,000 copies for members of the House.

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, 1,000 copies for members of the Senate and 3,000 for members of the House of Representatives.

Third. Of papers relating to foreign affairs accompanying the annual message of the President, 500 copies for members of the Senate and 1,000 copies for members of the House of Representatives.

Fourth. Of the commercial relations annually prepared under the direction of the State Department, 500 copies for members of the Senate and 2,000 copies for members of the House of Representatives.

Fifth. Of the annual report on the statistics of commerce and navigation, exports and imports, merchandise in transit, manufactures and registered and enrolled vessels, prepared by the Chief of the Bureau of Statistics, 1,000 copies for members of the Senate and 3,000 copies for members of the House of Representatives.

Sixth. Of the public Journals of the Senate and of the House of Representatives, 1,500 copies.

Mr. VEST. It is my purpose, Mr. President, to move the reference of the joint resolution to the Committee on Printing, but I hope the Senate will indulge me in a very few observations with regard to the resolution before it is referred. I do not see any member of the Committee on Printing of the Senate present, but they will of course see my remarks in the CONGRESSIONAL RECORD, and I ask their attention to what I now state, whether it be worthy of their consideration or not.

In participating in the unpremeditated debate which came up in the Senate last Thursday on a report of the Committee on Printing, I took occasion to notice what I consider a palpable and gross abuse of the laws and practices obtaining now in regard to the printing of public documents. The Associated Press made such reports of my few disconnected remarks that the impression seems to have gone throughout the country on the part of those persons who do not take the trouble to read the CONGRESSIONAL RECORD, but only read the Associated Press dispatches, that I was burdened with a very large number of valuable public documents which I could not distribute and of which I wanted to get rid. The result is that my mail has been filled since that debate with applications from all portions of the United States, asking for full copies of the census reports, of the geological surveys, of the Medical History of the War of the Rebellion, of statistical atlases, of ethnological reports, agricultural reports, Smithsonian reports—all except, as my friend from Indiana [Mr. VOORHEES] suggests, the debate on the Blair bill or documents appertaining thereto. [Laughter.]

Mr. President, I have endeavored in my feeble way to make it distinctly understood—and I hope the reporters for the Associated Press will take notice of what I say, because this has become a matter of personal interest—that the documents to which I referred were not such as I have now enumerated; they were documents issued to me for my personal use under the existing legislation of Congress, and they comprise Journals of the House and Senate, bound copies of every resolution of inquiry adopted by either House of Congress, reports of bureaus, with long arrays of statistical information, which, as I said then and repeat now, no human being will ever read, unless it be some man sentenced to death whose sentence has been commuted to solitary imprisonment for life.

The clerk of the Committee on Public Buildings and Grounds told me within the last half hour that he sent to the basement of this Capitol last week twenty-five bags of these documents, having no room for them in the committee-room. The shelves and glass cases are now full. There are in the basement of this Capitol, as I have ascertained upon inquiry, over two thousand bags of these documents to-day. There is but one living man who knows exactly what they are, and if he should die it would require a committee of inquiry to ascertain their location. There is not a committee-room in the Capitol that is not filled with them. If a Senator desires any of this information, if he wishes to know what Congress has done or to know what has been reported from a bureau, all of us are well aware that our practice is not to go to these volumes, but to address a note to Mr. Amzi Smith, in the document-room, who immediately sends us the volume, with the proper record.

I do not object to the publication by this Government of valuable information for the people. I object to the wasting of money by the hundreds of thousands of dollars upon this trash, this refuse matter, this débris, which is never used by anybody after it has been published. The Senator from Ohio [Mr. SHERMAN] a short time ago informed me that when he entered public life he undertook to preserve the books that were issued for his personal use, and that he had kept six or seven thousand volumes, not one of which he had had occasion to refer to at all.

The Senator from Nebraska [Mr. MANDERSON] said to me the other day that the fact that I could not give away these public documents in the State of Missouri was an argument for the Blair bill, and rather intimated that the educational facilities of that people were a little under par. Mr. President, I would not insult the most benighted Republican in Missouri by sending him one of these documents [laughter], much less a Democrat. What must be the Senator's estimate of the intellectual capacity of one of his constituents when he sends him a Journal of the Senate or the House of Representatives? A brother Senator told me the other day, after the debate, that he had never found but one use for them, and that was in the remote counties of his State to young lawyers just going into practice who were unable to buy a very full library, and he disposed of a few of them for the purpose of being arrayed on their shelves, because they are bound in law sheep or calf and make a show as if they were legal authorities. It is represented that a certain man who acquired an immense fortune determined to buy a private library, but the instinct of economy came in at that time, so he simply bought the outside covering, without any contents, and arrayed them in his library, and they answered all his purposes and those of his family. [Laughter.]

Mr. President, since that debate I have made some inquiries on this subject, and I have been astonished at the condition of the laws in regard to the public printing as they now stand. I spent days in the Printing Office and in the document-room of the Senate, and if the Senate will indulge me for a few moments I will give the result of my explorations. If there is any feature of the public service which needs a little attention on the part of Congress I think it is that in regard to printing.

The present law on the subject of printing to which I ask the attention of my colleagues is as follows:

SEC. 3791. There shall be printed 750 copies of every bill or joint resolution ordered by either House of Congress, or required by any rule thereof to be printed, unless a different number shall be specifically ordered.

SEC. 3792. Fifteen hundred and fifty copies of any document ordered by Congress shall be printed, and that number shall be known as the usual number. No greater number shall be printed unless ordered by either House or as hereinafter provided.

Whenever any document shall be ordered printed by Congress the law says—

There shall be printed, in addition to the number in each case stated, the "usual number" of copies for binding and distribution among those entitled to receive them; and this shall apply to all unexecuted orders now in the office of the Public Printer.

In other words, when a Senator moves that 500 copies of a certain document be printed, under this law the Public Printer prints in addition to the 500 copies 1,550 copies more—2,050 copies instead of 500 are printed if a Senator simply moves that a document be printed; and that has obtained in this country for years.

Mr. CALL. Is that authorized by the section the Senator has just read?

Mr. VEST. Yes, sir. It says that whenever any document or report shall be ordered printed by Congress there shall be printed, in addition to the number in each case stated, the usual number of copies, which is 1,550. Now, mark you, this is not for printing, but for binding and distribution among those entitled to receive the same, "and this shall apply to all unexecuted orders." Any public document which any Senator here moves to have printed to the number of 500 or 100 copies, when ordered, under this law the Public Printer prints 1,550 copies more and binds them. The usual number is 1,550. If no specific number is mentioned and there is simply an order to print, 1,550 copies are always printed.

But that is not all of it. There are not only printed of the public Journals of the Senate and House of Representatives 1,550 copies; the number provided by section 3792, which I have just read, is 1,550 copies, and the number authorized by the paragraph which I have just read is 1,550, and 50 copies are ordered by section 3799 for the purpose of exchange with foreign countries. So we print, instead of 1,550 and 50 added, making 1,600, 3,150 copies, by a mistake in the revision of the statutes, and that has been going on for years. One thousand copies are for what are called the reserved numbers; about 1,550 are sent to the document-room and distributed amongst members of Congress, bound and distributed, with no law for it; but I ascertained from the Public Printer and from the superintendent of the document-room that it is a tradition or practice that has grown up without any written law on the subject at all. Further the law provides:

SEC. 3798. Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, the following numbers of copies, namely:

First. Of the documents accompanying the annual reports of the Executive Departments, 1,000 copies for the use of the members of the Senate and 2,000 copies for the use of the members of the House of Representatives.

These are all the little minutiæ which accompany the reports of the different Secretaries—Treasury, Navy, War, Interior, etc. The report of the Secretary of the Interior embraces five volumes, of the Secretary of the Treasury six volumes, and we print of them 1,000 copies for the use of the Senate and 2,000 copies for the use of members of the House.

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, 10,000 copies for the use of the members of the Senate and 25,000 copies for the use of the members of the House of Representatives, etc. [See section 75.]

Third. Of papers relating to foreign affairs, accompanying the annual message of the President, 2,000 copies for the use of the members of the Senate and 4,000 copies for the use of the members of the House of Representatives.

Fourth. Of the commercial relations, annually prepared under the direction of the State Department, 2,000 copies for the use of the members of the Senate and 3,000 copies for the use of the members of the House of Representatives. [See section 208.]

Fifth. Of the annual report on the statistics of commerce and navigation, exports and imports, merchandise in transit, manufactures, and registered and enrolled vessels, prepared by the special commissioner of the revenue, 2,000 copies for the use of the members of the Senate and 6,150 copies for the use of the members of the House of Representatives. [See sections 336, 340.]

Sixth. Of the public Journals of the Senate and of the House of Representatives, 1,550 copies.

By a mistake in the Revised Statutes the distribution required of the Senate Journal is 3,194, the House of Representatives 3,128, but we print 2,150 only.

What has been the result of this nebulous and contradictory legislation? To each member of the Senate and House of Representatives there have been distributed, bound in calf or sheep, in the four Congresses, commencing with the Forty-sixth, 729 volumes. Of the Journals of the Senate and House and of bureau reports, which, I undertake to say, are as absolutely worthless as any trash that ever was dumped out under the authority of a municipal corporation, 729 volumes have been issued in these four Congresses to each member of the Senate and House of Representatives and each Delegate from a Territory. I find on inquiry at the Printing Office that not one of these volumes has cost less than $2, and some of them cost as high as $2.85 and $3 apiece. There are 76 Senators and 334 Members and Delegates of the House, making 410 together in the two Houses. The number of public documents sent to each in the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Congresses is 729, making 300,348 volumes at $2 apiece, making $600,696, or $150,174 in each Congress, and this for the personal use of Senators, Members, and Delegates alone, for personal reference alone.

Besides this there have been printed and bound of these documents, this same trash and rubbish, in these four Congresses, all documents accompanying the annual reports of the Executive Departments, 12,000; of the President's message and abridgment, 140,000; of papers relating to foreign affairs accompanying the President's message, 24,000; of Commercial Relations, 20,000; of Commerce and Navigation, 32,600; of Journals of the Senate and House, 12,600, making 241,200 of these volumes, which, at the lowest price, the minimum cost in the Printing Office, $2, would amount to $482,400. In other words, we have thrown away in these four Congresses alone $1,200,000 of the public money.

Sir, I alluded a few minutes ago to the letters I had received asking for the valuable publications from the Printing Office, and I made that statement not only on account of the personal inconvenience to myself from receiving these letters, but to emphasize the fact that there is a demand throughout the country for valuable publications, and that demand is not satisfied. Instead of this money being thrown away under the present system it should be applied to the pub-

lication of works that the people desire and that would do some good towards distributing public intelligence and information amongst our constituents. The consideration of this matter has drawn me into an inquiry on the subject. I have received, with my brother Senators, 729 volumes of these works during the past four Congresses, and a considerable number of them are now on hand.

Under the law every library in the United States is supplied by the Secretary of the Interior with these publications. The result is that when any Senator or Representative offers them to a library in his State, the reply comes back, "We have already received them from the Interior Department." We are compelled, then, to keep them here and stow them away, or we mock the intelligence of our constituents by sending them this trash, which I say no man, unless put into solitary confinement for life, would undertake to examine. This Capitol is full of them from cellar to garret, every committee-room is full of them, the Departments are full of them, and still the stream of publication goes on.

I have contributed what little I could to the discovery of the nuisance. I hope the Committee on Printing will adopt some amendment of these laws that will do away with what is becoming an intolerable evil.

The joint resolution was read the second time by its title, and referred to the Committee on Printing.

Mr. PADDOCK. I desire to state on behalf of my colleague [Mr. MANDERSON], the chairman of the Committee on Printing, that he is unavoidably detained from the Senate to-day, otherwise he would undoubtedly be glad to consider the question to which the Senator from Missouri has called attention, and make reply to some of the references made to him and his committee by the Senator from Missouri in the course of his remarks.

I desire to state, so far as I am concerned, that I should be glad myself to receive for my constituents a goodly number of documents such as my friend has furnished a statement of. There are some hundreds of thousands of pioneers upon homesteads on the frontier in my State, and the same is true in greater or less degree of the other States and Territories of the newer West, who are hungry and thirsty for knowledge of any and all kinds, and who would be glad to receive anything upon any subject that might be considered worthy of the attention of Congress or of committees or commissions acting under its direction and upon which reports have been made and printed. Undoubtedly there have been some abuses; I do not know to what extent, because I have not been here for some years; but as for myself, a new Senator, having no documents of any kind worth mentioning for distribution, I should be glad to receive from my friend or from any other source five or six thousand of even these disparaged documents which he has described.

The PRESIDENT *pro tempore*. The joint resolution has been disposed of.

SEGREGATION OF IRRIGABLE LANDS.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to inform the Senate if in his opinion it is desirable to authorize the organization in his Department known as the Geological Survey to segregate lands of the public domain capable of irrigation, in the sections of the United States where irrigation is required, from other lands, and to lay out suitable places to be reserved for reservoirs and rights of way for ditches and canals for the purposes of irrigation.

THE MAIL SERVICE.

Mr. REAGAN. On Thursday last I asked that the resolution which went on the Calendar in relation to the Post-Office Department might go over until to-day, and if it be in order, and the Senate will consent, I should like to take it up, because I desire to submit some remarks on the resolution.

The PRESIDENT *pro tempore*. The Chair will call it up after the conclusion of business under the order of "concurrent and other resolutions." The Chair must first receive original resolutions.

PRINTING OF TARIFF DOCUMENTS.

Mr. FAULKNER submitted the following resolution; which was read, and, with the accompanying papers, referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate, to be paid for out of the contingent fund, 8,000 copies of Treasury Department Document No. 937, embracing "The tariff on imports into the United States and the free-list, as contained in the act of March 3, 1883; also, the Hawaiian reciprocity treaty, and extracts from the navigation and oleomargarine acts."

THE LIBRARY BUILDING.

Mr. VOORHEES. I offer a resolution and ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The CHIEF CLERK read the resolution, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate the report made to him as chairman of the commission for the construction of a building for the Library of Congress by John L. Smithmeyer, architect, dated February 1, 1888, and that the same be printed for the use of the Senate and the commission.

Mr. VOORHEES. Mr. President, before action is taken upon the resolution I desire, with the consent of the Senate, to make a few remarks.

On Thursday last, it will be remembered, the Senator from Kansas [Mr. PLUMB] indulged in a criticism in regard to the expenditure of money thus far by the commission who have in charge the construction of the Congressional Library. I was out of the Chamber at the time and when I returned I was informed that an attack had been made, and I supposed it was as to the delay of the work, which had already been complained of, and I answered accordingly. I do not regret that I made answer upon that point, but at the close of the colloquy between the Senator from Kansas and myself he challenged any explanation of the expense account upon which he had dwelt, and I undertook to respond.

Now, before I do that—and I shall occupy not much time of the Senate—I desire to call the attention of Senators to the responsibility which belongs to this work and where it rests, and for that purpose I will ask the Secretary to read the first section of the act of April 15, 1886, authorizing the construction of the building.

The Secretary read as follows:

That a fire-proof building, for the accommodation of the Library of Congress, shall be erected east of the Capitol, and either between B street north and East Capitol street and First street east and Second street east, or between B street south and East Capitol street and First street east and Second street east, and as the commission hereinafter provided shall determine; and the construction of said building, substantially according to the plan submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress, by John L. Smithmeyer, in the Italian renaissance style of architecture, with such modifications as may be found necessary or advantageous, without materially increasing the cost of the building, shall be in charge of a commission composed of the Secretary of the Interior, the Architect of the Capitol Extension, and the Librarian of Congress, who shall be authorized and directed to make contracts for the construction thereof, after proper advertisements and the reception of bids; and the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to commence the construction of said building; and the moneys appropriated for said building shall be disbursed by the Secretary of the Interior.

Mr. VOORHEES. Mr. President, that was what we thought was best after six years of careful consideration and labor by joint committees and by both Houses of Congress. I have had it read now to call the attention of the Senate to the fact that the work is in charge of three officers of the Government who can be paid no additional salary, each one being a salaried officer—the Secretary of the Interior, the Librarian of Congress, and the Architect of this Capitol.

I call attention to the further fact that they, and they alone, can make contracts, advertise for bids, receive bids, employ labor, skilled and otherwise, in this work, and disburse all the money appropriated. In other words, when this matter is simplified, the architect of this building does not disburse a dollar, signs no voucher, can not employ, of his own will and power, a single human being, can make no contract, can consider no bid; he can only act in regard to all matters as he is directed and controlled by the commission. He himself is an employé of the commission and is paid for his work. So that whatever has been done or undone, whether well done or ill done, the responsibility rests upon the commission. If there has been delay, or if there has been extravagance in the expenditure of money, we know very well where to place it.

It is needless for me to say, knowing the character of this commission, that in my judgment there has not been the slightest impropriety in the expenditure of moneys or in anything else. The bill, one section of which I have had read, was approved on the 15th of April, 1886, less than two years ago. The first summer was largely consumed in clearing the ground, which was almost compactly built up with many valuable buildings. They had to be purchased pursuant to the law and then removed.

Sir, in 1872 the bill for the construction of the State, War, and Navy Department became a law, more than fifteen years ago, and it is only just now being finished and fully occupied. I do not cite this as an example to be emulated, by any means. I expect to see the books of this Congress and of this Government in the new Library building in less than one-third that time; but it does seem to me, and I say it with all kindness, for I have no disposition otherwise, that those who have seen that work going on for fifteen years are somewhat uncharitable when they seem to expect this Library building to be almost completed in less than two years. Especially does this appear when it is understood that the Library building in contemplation is 21,000 square feet larger than the State, War, and Navy. It is 21,000 feet larger than that entire Department. It is to be the largest library building in the world; there will be none to compare with it; and consequently each step taken should be with the utmost circumspection, skill, prudence, and care.

I shall turn now, however, to the specific charges made by the Senator from Kansas, the items of expense which he read without explanation. Let us see how they sound accompanied by the statement of facts which I have in my hand.

The first item cited by the Senator, charging extravagance, was $38,000. Sir, this amount was expended in the tearing down and removal of upwards of forty-five buildings; the leveling of the grounds; removing water, gas, and sewer pipes; removing curb-stones; taking up asphalt pavements on First street and Pennsylvania avenue; removing trees; filling up cellars under the forty-five houses; filling up cisterns, wells, and out-houses; surveying and staking out the site; dig-

ging out the bed of an old creek which ran through the site, and grading in front of the grounds.

I am willing for that item to speak for itself. I can add nothing.

Mr. PLUMB. Will the Senator allow me to interrupt him there?

Mr. VOORHEES. Certainly.

Mr. PLUMB. Do I understand that he says this work of which he speaks was done out of that $38,000?

Mr. VOORHEES. I do. I mean what I say. If I am wrong, I am open to correction by the Senator.

Mr. PLUMB. If the Senator will look at pages 14 and 15 of the report of the commissioners he will see at once that no such labor as he speaks of was embraced in the $38,000 that I referred to the other day.

Mr. VOORHEES. Sir, I will stand or fall on the substantial accuracy of the statement I have made. Such is my information from a most reliable source. I will not take up the time of the Senate by turning to the pages of the report to see whether it agrees or not. I know that my statement corresponds with the facts.

The second item cited by the Senator from Kansas was $1,821.15 for office expenses. This includes the necessary material, mathematical instruments, compasses, T-squares, brushes, coloring paints, rules, paper, drawing-pencils, pens, inks, etc., without which the work could not be performed; also the printing of advertisements for proposals, as required by law, for excavating the soil, excavation of trenches for foundations, for laying and furnishing drainage system, for heating and ventilating pipes, for laying concrete foundations, and for the necessary binding of a few architectural works.

It will be observed before we are done that this is a large work; it is not a small or ordinary building that we are now engaged in.

The third item is $2,612.16—office furniture, drawing-boards, cases, awnings. This amount includes the fitting up of the rooms of the commission and its secretary, disbursing agent, clerk, and messenger, with desks, tables, chairs, type-writing machines, copy-presses, safes, etc., on the first floor, and the fitting up of quarters for the architectural force on the second floor, with necessary desks, drawing-tables, drawing-boards, cases for safe-keeping of instruments, plans, and working drawings; also the necessary awnings to shield the draughtsmen from the sun in the prosecution of their work.

The fourth item is $1,954.17 for fitting up offices at 145 East Capitol street. This amount includes the removing of partitions, propping up joists in upper stories of building in place of these partitions, enlarging rooms for use of draughtsmen (the front room in the old residence selected for that purpose not affording necessary accommodations); also removal of bath-rooms, water-closets, etc., and for refitting, repairing, and the furnishing of stoves and other heating apparatus. This item also includes the fitting up of old building No. 3 Second street for weighing the building material brought to the premises, and for making tests of lime, cement, etc.

The fifth item is $919.66 for blue-print room. This item includes the construction and fitting up on the roof of the office building of a "blue-print room." By this process the numerous copies of plans and working drawings required for the various bidders on the different work, and for contractors during the prosecution of such work, are most accurately and economically made. At the present time no department of the Government where drawings are made and multiplied for the purposes above stated is without such a room. A single copy of a plan made by the old process of copying by hand would cost as much as several hundred of them made by this process, and is less accurate. It also saves the expense of paying for photographing views of the progress of the work as they become necessary from time to time.

The sixth item is $261.51 for fuel and gas. This amount is necessary from the fact that twenty-seven men who are employed in sedentary work have to be kept comfortable during the winter. Perhaps the Senator will say that twenty-seven men are a large number engaged in draughting and other sedentary work, but it is only necessary to reply that each stone that is to go into this building is to be computed in square inches, and its weight and its resisting power and all its other qualities scientifically tested. It is an enormous work. It staggered me when I came face to face with it and saw what had to be done. I knew but little on the subject, and yet I presume I am no more ignorant and no more wise than most of my brother Senators on the question of the construction of one of these great Government buildings. It is an enormous and elaborate work, or certainly the Department I have spoken of at the west end of the Avenue would not have taken fifteen years to complete.

The seventh item is $573 for laborer and janitor. This item is for the pay of men employed to keep the house clean, attend to the fires, water-closets, etc.

The eighth item is $868. I will say in advance that if it is thought best to economize on a horse and buggy, here is the place to do it. There has been a great deal of complaint about a coupé being employed. I call it a buggy. The Senator may call it a coupé if he chooses, but in the plain vernacular of my country we speak of a horse and buggy. This reads:

Coupé and two horses—

I will explain that—

One to replace horse sold and proceeds covered into the Treasury.

So that there are no two horses. It is only a one-horse chaise.

Coupé and two horses, harness, robe, and blankets. The architect considered it necessary to a proper discharge of the duties enjoined by his position to make a request of the commission for a horse and coupé. It was utterly impracticable for him to cover the distances necessary to be made in the ordinary public conveyances which confined him within certain limits and would have enforced the consumption of much time. The travel from 145 East Capitol street to Easby's wharf, at the foot of Twenty-second street, and thence to navy-yard, involving about nine miles, would have kept him on the street and drawn him from the important and necessary duties of his office. He could not inspect material by telephone. The original cost of the horse and second-hand coupé in use was increased by the unfortunate fact that the horse first purchased became unsound; was condemned by a veterinary surgeon, and had to be sold, the amount thus realized being covered into the Treasury. Hence the item for two horses and driver.

I have nothing more about this to say. If anybody objects to that item, it can be very easily remedied.

The ninth item is $540.49, for livery bills for carriage, horse, repairs. Inasmuch as the horse must be fed and the carriage kept in cleanly condition, the above charge is both proper and moderate.

The tenth item is $35.11 for washing towels. I am following these items *seriatim*, because the Senator from Kansas cut out the work in that way. On this point I have to say that in a house where twenty-seven men are employed as draughtsmen and clerks, all of whom must have clean hands, from the nature of their business, this amount for washing towels covering a period of more than a year, at 25 cents a dozen, is a very proper one.

The eleventh item is 75 cents, for notary's fees. I promised that I would try, although not a great success as a financier, to answer this financial problem. That is my apology for taking up so much time. The law requires that if an article is urgently needed and obtained, an affidavit to that effect must be made before a notary, for which a charge of 25 cents is levied each time.

The twelfth item is $25.30 for cleaning windows and putting away fuel. The only light which penetrates into the house is through the windows, and as we need much light, they must be kept clean. The fuel must be put away when it arrives from the coal-yard, otherwise it would be carried away by others.

The thirteenth item is $11.25 for lantern and oil for watchmen. There must be watchmen in the building and outside, to prevent trespass, nuisance, and danger from fire, this last danger to be apprehended for a variety of reasons, the house being old, the heating apparatus and stoves being likewise, and a carpenter shop beneath adding to the peril. These facts, combined with the combustible material everywhere present, such as papers, drawings, etc., give serious cause for alarm. The watchmen must have lanterns and oil.

The fourteenth item is $216 for making models for architect. The person who does this work is the one who was jeered at for being a sculptor, and it was queried in a critical way, as I see by the RECORD, what the architect of the Library needed with a sculptor! There is no architect who, being employed on a monumental structure such as this, does not require his ideas to be graphically illustrated by models—models which afford him a correct idea of proportion necessary in point of depth, width, and heights, etc., more especially in a grand reading-room. The modeler, or we might call him a sculptor in this case, is borrowed from the Supervising Architect of the Treasury, and is only paid for the time he is needed by this office. His pay ($5 per day) is exceedingly reasonable.

Again: Miscellaneous supplies, $54.07. This item includes hardware and lumber for making and repairing draughting-boards and office furniture, supplies for the carpenter shop, etc.

The fifteenth item is $5,639.08 for secretary, accountant, disbursing agent, and messenger. This item is fully explained in the accompanying letter from the secretary of the commission, addressed to the architect, February 11, as is also the seventeenth item, mentioned by Senator PLUMB in his remarks before the Senate, as given by the CONGRESSIONAL RECORD of February 10, page 1130, under the caption, "Employés in charge of horses and carts."

I understand there was a great deal of amusement created by the charge made by the Senator that there was an item of expense made in paying women who had charge of horses and carts. Here is the letter to which I have alluded, from the secretary of the commission:

OFFICE OF THE COMMISSION FOR THE
CONSTRUCTION OF THE CONGRESSIONAL LIBRARY BUILDING,
No. 145 EAST CAPITOL STREET,
Washington, D. C., February 11, 1888.

SIR: In response to your verbal request for an explanation of the item charged in the report of the Commission for Construction of the Congressional Library Building, in response to resolution of the Senate of January 4, 1888, for "salaries and pay of office employés, * * * secretary, accountant, disbursing agent, and messenger, $5,639.08," I would state that this item is for the services of the secretary of the commission since August 7, 1886; of the accountant since March 21, 1887; of the disbursing agent since August 23, 1887; of messenger since November 18, 1886, and percentage paid the disbursing clerk of the Department of the Interior for making disbursements under the act approved March 3, 1885. The rates of pay are as follows:

	Per annum.
Secretary	$1,800
Accountant	1,500
Disbursing agent	2,500

Messenger, $30 per month.

The disbursing clerk of the Interior Department was paid the sum of $253.23 for disbursing previous to September 1, 1887.

In regard to the list of persons designated in the "Blue Book" as employed in the construction of the Congressional Library building, this list was made under the provisions of the act of Congress of December 15, 1877, and is a list of persons so employed or borne on the rolls on the 1st day of July, 1887, both permanently and temporarily employed. Since that time nearly all the laborers and all the horses and carts and the wagons and teams have been discharged, so that at the present time there are but ten laborers, or persons designated as such, employed.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Indiana will suspend. It is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 371) to aid in the establishment and temporary support of common schools.

Mr. VOORHEES. Let me have ten minutes.

Mr. VEST. I hope the Senator will be permitted to proceed.

Mr. BLAIR. The Senator from Kansas [Mr. PLUMB] is entitled to the floor on the unfinished business.

Mr. PLUMB. I will yield.

Mr. VOORHEES. I will not detain the Senate long.

Mr. BLAIR. Very well.

The PRESIDING OFFICER. If there be no objection, the Senator from Indiana will proceed.

Mr. BLAIR. The time for taking the final vote on the educational bill, by unanimous consent, was fixed for Wednesday, at 3 o'clock. This delay was to accommodate Senators who are opposed to the bill, and I do not feel that I am at liberty to assent to the use of the time without the consent of those who wish to speak against the bill. This, however, is done with the consent of the Senator from Kansas.

Mr. VOORHEES. I am very much obliged to the Senator from New Hampshire and also to the Senator from Kansas.

Referring to this list—

the secretary of the commission continues—

Referring to this list, the blanks sent to this office were filled out, and under the title of "horses and carts" the names of the owners of the horses and carts, etc., which were then employed were written. The same was the case in regard to the owner of the wagon and team then employed. It is not known in this office how or for what purpose the words "in charge of" were inserted before the words "horses and carts," and "wagon and team," respectively. The horses and carts and the wagon and team were hired from the persons designated.

Thus the horses and carts were hired from some poor women, and it was made to appear that they were in charge of them; but they were only hired. They were simply hired, and the women, their owners, were paid.

Respectfully,

J. B. TRAINER,
Secretary of Commission.

Mr. J. L. SMITHMEYER,
Architect of the Congressional Library Building.

The sixteenth item is $23,200 for architect, assistant architect, computer, civil engineer, experts, draughtsmen, clerks, messengers, and modeler.

The pay-roll will show that the compensations given to these gentlemen are fair and reasonable. The architect vouches for the fact that they perform their duties and earn their pay. The modeler, or "sculptor," so called, as well as the rest of this technical force, is doing necessary work in advance of the construction of the building.

Mr. President, I have been connected with this work for the last eight years, and it is very near my heart. If I thought there was an irregularity or impropriety on the part of any one, I would be the first to cry aloud and spare not. I have thought it proper and respectful to the Senate and to the country to make this frank and thorough exposition of what is going on.

Suppose the Architect of this Capitol, or of the Department that is now just being finished, to which I have already alluded, had been called on for a statement of his affairs, and inspected at any period, we would have found the same kind of work being done, and no more faithfully or safely than it has been done here. It is not possible that this work should be in safer hands—a cabinet minister, a librarian known and respected, not merely by us here, but by the people of this entire country, and known and respected in the libraries of Europe; also an old and trusted official in the person of the Capitol Architect. Why, I should like to know, would the commission, as now composed, make delays, and fail to push this work forward?

Sir, I can say regarding the extraordinary charge that there is no honest purpose to push this work to a completion, that so far as I know, and I know well, this commission has worked steadily and persistently to forward every step of the work and has used every lawful means to secure contractors of energy and responsibility to forward it.

So far as the Librarian is concerned, what must be his desire? The completion of this building is a matter of personal relief to him. No man labors under greater embarrassment or has a severer task to perform than he has. To delay the work on the new Library entails on him additional labor in caring for the vast collection of books over which he now presides. He is constantly called upon to produce, and does produce, from that multifarious collection, not only books and information for Congress and the Departments, the Judiciary, and the general public, but also publications stored in evidence of copyright, musical compositions, engravings, periodicals demanded for inspection, and to settle legal questions in cases of copyright. The idea that Mr. Spofford, or indeed any other gentleman charged with this duty, should delay it is wholly inadmissible.

Now, in regard to another branch of controversy relative to the materials to be used, I wish to say simply this: Unless material, both stone and cement, responds to scientific tests it can not go in that building. If it did the men who allow such material to go there ought to be impeached and thrown from office. There are certain scientific tests to which every atom that goes into the construction of that magnificent building can and must be rigidly subjected, and its strength, its durability, ascertained beforehand. The marble or the granite can and must and will be tested as to its power to resist fire, what weight it will bear, what discoloration may come, and so with everything else, and if the architect of the Library is not competent for such work as that he ought not to remain an hour.

But who is Mr. Smithmeyer? He is one of the oldest architects of the American Association, and he is president of the Architects' Association of this city. He is likewise president of the Civil Engineers' Association of this city, a man of the highest capacity and of unquestioned integrity. In this connection—for I do not wish to detain the Senate longer—I shall send to the desk and ask to have read an article from a periodical entitled The American Architect and Building News, published in Boston, and recognized as the foremost authority on architecture in the United States.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

In obedience to an order passed by the United States Senate January 4, a special report has been prepared upon the construction of the Congressional Library building, which is now printed, and offers some interesting details in regard to this great public work. Although the report does not go out of its way to refer to personal matters, it seems not unlikely that the occasion for its preparation is to be sought in the outrageous attacks made in the newspapers on the integrity of the architect in regard to the tests which he applied to the cement which was furnished by the contractor for making the concrete to be used in the foundation of the building. The fact appears to have been that the specifications required that the cement should pass the ordinary tests, showing a tensile strength of 300 pounds per square inch after one day in air and six days in water, and leaving not more than 10 per cent. residuum upon a sieve of 2,500 meshes to the square inch.

The samples furnished by one of the bidders fulfilled both these requirements and the contract was awarded to him. On commencing the work, however, the contractor sent to the building a lot of cement of a brand not included among those which he had submitted by sample for the original test. The architect promptly rejected this, as not being in accordance with the contract, which was, of course, based upon the samples accompanying the original tender. The commission in charge of the construction of the building, however, on being appealed to, instructed the architect to test the new cement, which had not previously been offered by any bidder, and to accept it if he found it capable of passing the tests required in the specifications. Seventy-two samples were, in pursuance of this direction, tested, only sixteen of which showed a tensile strength of 300 pounds, as required, while most of the others were far below the standard, the lowest being 78 pounds. This alone would necessitate the rejection of the cement as being inferior to the plain and reasonable demands of the specification, but Mr. Smithmeyer found also that it was very quick-setting, and this quality, always a dangerous one in Portland cement and particularly so in cement to be used for concrete, seemed to him as well as to several other experts to whom he submitted it, quite sufficient to condemn it for the purposes of the Library building, independent of other considerations.

On the second and final rejection of the cement of the new brand the contractor sent a quantity of the cement of one of the brands submitted by him with his bid, and perhaps the oldest and best known in this country of all the Portland cements. The watchful architect immediately took samples from the barrels delivered and tested them as before. Instead, however, of showing a tensile strength averaging 307 pounds to the square inch, as did the samples submitted with the bid, the samples from the barrels delivered on the work gave an average tensile strength of only 233 pounds, only four specimens out of two hundred and seventy tested by different experts reaching the strength demanded by the contract. Moreover, some of the contractor's cement proved more quick-setting than that which had been already rejected, and an engineer officer of the Army, who ought to be a good judge, wrote to the architect to say that in his opinion the cement was probably not what the brands on the barrels indicated it to be.

In private work the architect, under such circumstances, would simply order the contractor to remove the whole of the cement from the ground at once; but in Washington, where an immense amount of influence can be brought to bear upon public officers, this is not so easy, and the contractor, together with those who sold him the condemned cements, appeared by counsel before the commissioners, criticising the tests, and urging the acceptance of the cement without regard to the architect's opinion of it, while a paragraph appeared in the press dispatches all over the country to the effect that the architect of the Library building had been detected in a scheme for keeping out, by arbitrary and unreasonable tests, cements of excellent quality, in order to compel the use in the building of a particular brand, in the sale of which he had a personal interest.

Fortunately, the people of the United States have found in Mr. Smithmeyer an architect who not only understands the art which he professes, but suffers neither personal influence nor cruel calumny to turn him from the path of vigilant fidelity to the trust reposed in him, and, while he makes in his part of the report no complaints or accusations in regard to any person, and assumes no airs of injured professional dignity, all architects will cordially sympathize with him in his modest suggestion that considerations of generosity toward contractors ought not to justify the relaxation of requirements indispensable to sound construction, and that for this reason the judgment of the architect in matters within his province ought to be sustained, even if he should seem at times too strict in the construction of his specifications. In this particular case, it certainly can not be said that a standard of 300 pounds tensile strength after seven days is too strict, and, in view of the danger from the swelling of some quick-setting cements, the architect ought to have the privilege, which, indeed, the specification expressly reserves to him, of "subjecting the cement to such other tests as he may require," so that Mr. Smithmeyer can hardly be accused of having been too strict in his interpretation of the specification.

In one of the tests, which was made independently for the commissioners by General M. C. Meigs, a question of considerable technical importance was brought up. Although the cement sent to the building fell below the required tensile strength, General Meigs expressed the opinion in his report to the commissioners that it was "quite good enough for the foundations of the Library of Congress," and stronger than any cement known to him as having been used in the foundations of any United States building in Washington, and went on to say that "these concrete foundations are to be subjected to compressive strains only," and that "the tensile strength is used in the examination of the material,

because the test is easier and cheaper, and not because the concrete is expected to be pulled, exposed to tensile strains."

Now, although this is unquestionably the case with concrete foundations in soil of uniform resistance, it would not be so where the concrete lay upon a subsoil of unequal consistency. We once knewa cellar floor laid with concrete under the direction of a clever architect, in a building the walls of which stood on piles driven through a soft made ground to a firm stratum. If the concrete were laid on the made ground the settlement which was constantly going on in this would carry down the portions of the floor not attached to the walls, causing cracks and inequalities of surface, and the architect, understanding this, solved the problem by making the concrete layer of sufficient thickness and of materials strong enough to form a bridge over the whole space between the walls capable of carrying all the weight that would be likely to come upon it, without any help from the ground beneath.

As in a less degree a concrete layer on ground which is soft in places and hard in others, may serve to relieve the soft spots by bridging on them, and thus carrying off the strain to the harder places around them, it would certainly appear that a considerable transverse strength was necessary in concrete under such conditions, which, as Mr. Smithmeyer's report says, are those which unavoidably exist under the Library building. As the transverse strain on a mass imperfectly supported below, and subjected to a vertical load is composed of a compressive strain in the upper portions, and a tensile strain in the lower part, and is limited by the capacity of the material for bearing the kind of strain to which it yields most readily, it is of great importance in such cases that concrete which presents an almost unlimited resistance to compression should have a maximum tensile strength, as on this its power of sustaining a transverse strain entirely depends, and it seems to us that Mr. Smithmeyer was, therefore, perfectly justified in specifying a reasonable tensile strength for the cement to be used, and that he was bound to reject cement which would have given him a concrete possessing only three-fourths of the strength which he believed necessary for giving perfect security against the strains which he considered likely to come upon it.

Mr. VOORHEES. Mr. President, that is all I desire to say or submit at this time.

Mr. HARRIS. I ask the indulgence of the Senator from Kansas [Mr. PLUMB] who is entitled to the floor, and the Senator from New Hampshire [Mr. BLAIR], in charge of the educational bill, for about three minutes until I can ask the Senate to consider a little bill which has passed the Senate four times, the last time being about ten days ago, but the House of Representatives about the same time passed this bill and sent it to us, and it is now reported back and is Order of Business 278, being the bill (H. R. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased. It will not take three minutes. I ask the consent of the Senate to consider it at this time.

Mr. CHANDLER. I ask the Senator to yield until the resolution offered by the Senator from Indiana [Mr. VOORHEES] is disposed of. It will take but a moment.

The PRESIDING OFFICER. The regular business was laid before the Senate at 2 o'clock. Unanimous consent will be required to further consider the resolution.

Mr. CHANDLER. The Senator from Indiana offered a resolution and asked for its present consideration, and I think it had better be acted upon at this time, and I will myself take but a moment if the Senate will indulge me.

The resolution calls for a report made on the 1st day of February by Mr. Smithmeyer to the Library Commission, and asks that it may be transmitted to the Senate for the information of the Senate and of the commission, and it seems to me entirely proper and desirable that that resolution should be adopted at this time.

The question as to the extravagance of the expenditures made by this commission was certainly raised by the Senator from Kansas [Mr. PLUMB] on Thursday last, and has been very properly discussed by the Senator from Indiana [Mr. VOORHEES] to-day. The Senator from Indiana, however, has also introduced a question of the cement to be used for a foundation for the new Library building, and he discussed that question the other day, and has discussed it again to-day. This question was first raised by the report of the commission, which was presented to the Senate on the 9th of January and referred to the Select Committee on Additional Accommodations for the Library of Congress and ordered to be printed. On a subsequent day, on the 24th of January, the contractor, Elias E. Barnes, presented a petition, which has been printed as Miscellaneous Document No. 40, which was referred to the same committee, in which he prays for an investigation of this question of cement. There has been no meeting of the committee, of which I have the honor to be a member, but this debate has been precipitated. As I have said, the chairman of the committee has pretty distinctly expressed his opinion by designating this cement as "rotten cement." I think, therefore, that under the circumstances it is expedient that there be an investigation made by the committee, the chairman of which is the Senator from Indiana.

Mr. VOORHEES. The Senator from New Hampshire will allow me a moment. The Senator is aware of the reason why there has been some delay in calling the committee together. There was some irregularity as to the number, and there was a hitch that caused delay which would have been corrected sooner but for the illness of the Speaker of the House of Representatives. There will be no further delay on that subject, and we shall soon get together.

Mr. CHANDLER. I understand the reason given by the Senator, and I find no fault because a meeting of the committee has not been called, and I find no fault because the Senator from Indiana has deemed it important to express his views with reference to this cement, for certainly I would be the last person to desire that inferior cement should be used in the construction of this building. But inasmuch as the Senator has put on record the opinion of the editor of the American Architect, I think in justice to the contractor whose petition is now before the committee, there should also be given to the Senate the letter of Mr. Howard Fleming in reference to this cement, which I will ask to have read.

The PRESIDING OFFICER. Is there objection to the reading of the letter? If not it will be read.

Mr. VOORHEES. Whose letter is it?

Mr. CHANDLER. It is from Mr. Howard Fleming. I have no desire to delay the Senate. If there is no objection it may be printed in the RECORD without reading.

Mr. VOORHEES. It may argue myself unknown to say that I do not know who Mr. Howard Fleming is. I should like to be advised of his relation to this subject.

Mr. CHANDLER. I think he has a knowledge of this cement, and I suppose quite as much knowledge as the editor of the Architect, whose opinion has been put in by the Senator from Indiana.

Mr. VOORHEES. I have no objection to having it read.

Mr. CHANDLER. I do not desire to have it read if unanimous consent may be given for printing it without reading.

The PRESIDING OFFICER. If there be no objection the paper will be printed in connection with the Senator's remarks.

The Chair hears no objection.

The letter is as follows:

NEW YORK, *February* 4, 1888.

To the Editors of the American Architect:

DEAR SIRS: In your issue of this date you remark upon the report presented by Mr. J. L. Smithmeyer to the United States Senate on January 4, which gives his reasons for the rejection of the Portland cement for the concrete foundations of the Congressional Library building, and your editorial has the color of an indorsement of this action.

There are two sides to every controversy, and the contractor for the work has yet to be heard from.

Knowing something of the *statu quo* and assured that you act upon the principle, *Fiat justitia ruat cœlum*, I trust you will give this communication equal publicity to vindicate the reputation and integrity of those affected.

The first lot of cement purchased by the contractor was Black Cross Portland, as it had proved a safe cement for concrete and was indorsed by eminent engineers and contractors. The report made by the inexperienced person employed by Mr. Smithmeyer to test cement being incorrect, it was not considered, and tests were made by Capt. T. W. Symons, United States Engineer Corps, and A. G. Menocal, of the Washington navy-yard, which demonstrated that the cement exceeded the architect's specifications, namely, to stand a tensile strain of 300 pounds on the square inch at age of seven days, and leave not more than 10 per cent. residuum on a sieve of 2,500 meshes to the square inch. Captain Symons reported that the cement set in five minutes, and therefore it should be condemned.

Mr. Menocal reported that the cement set in twenty-five minutes, and passed no opinion. Investigation of the methods employed for testing the set of cement by Captain Symons proved that the gauger was not accustomed to test Portland, his time being more especially devoted to testing the slow-setting natural cements, of which large quantities are used in the District. After mixing up sufficient Black Cross to make a bar briquette and pressing it into the mold, it was shaken out upon absorptive paper, the entire operation consuming less than three minutes. The cement was then tapped with the finger, and when it failed to take an impression it was considered set. On this method of testing for set the cement is condemned by Mr. Smithmeyer.

An expert, or one familiar with cement, recognizes that to shake cement out on absorptive material draws out the moisture quicker than is intended, and a scale will form sufficient to prevent an impression being made by the finger-tip. Further, the warmth of the finger will tend to dry out the cement at that point. It was suggested that if the quick setting of the cement was due to faulty manufacture the tensile strength at longer date would give some indication of it, and therefore further briquettes were made up at the same time and broken at seven days and thirty-five days with the result of 356 pounds and 501 pounds, respectively, on the square inch, conclusively proving that the set registered was incorrect and that the cement was safe and sound. In the report submitted by the architect no mention is made of this fact, which is on record. The contractors not being permitted to use Black Cross, and another cement that the architect ordered them to obtain being also condemned, it became necessary to present the matter last November before the Library commission. The chairman, Secretary Lamar, decided that General M. C. Meigs should test and report on the cement, for which his practical knowledge well fitted him.

On December 2 General Meigs reported in the following words: "The Blackcross cement has a tensile strength of 459 pounds to the square inch at age of seven days, much more than the specifications require. In regard to rate of setting I find it as intimated on block 12, a quick-setting cement, stiffening in twenty-five minutes after beginning to temper it with water. This morning I tempered a batch of it, and after waiting some time took it downstairs to my office. After mixing it in the second story I forgot to look at it again till after a lapse of eighty-four minutes. It then took some pressure to make a distinct impression on it with a three-sixteenths inch brass wire, but it was easily written on with the point of a penknife. I am of the opinion that skillful workmen will be able to make a strong concrete of Black Cross cement."

The cement, therefore, did not fall below the required tensile strength, as the types unfortunately state in your editorial, and when it can be written upon with the point of a knife eighty-four minutes after mixing, it is not a quick-setting and dangerous cement.

A request to permit the placing of some concrete made with this cement according to specifications *in situ* and its action watched was refused by the architect, although accompanied with the offer that if the concrete was condemned it should be replaced with cement he selected. As cold weather was approaching, when no work could be done, the concrete would have several months of service trial, and the rejection of the offer was unreasonable.

When this cement is being used by the contractors for the Croton aqueduct (all of which is subjected to a rigid test by the engineers, as it is employed in situations exacting more than is required in the Congressional Library foundations), and not a single complaint has been made of the 25,000 barrels already delivered, it is incredible that it is the worthless material the architect imputes it to be, and there is foundation for the assertions which your article intimates have been circulated in press dispatches all over the country. The reputation of a well-known manufacturer and the honor of an importing merchant are not to be lightly impeached, even by the political influence that has been brought to bear in this case, which is derogatory to the profession that should be ornamented by the architect of the Congressional Library building.

Yours, truly, HOWARD FLEMING.

Mr. CHANDLER. Now I hope the resolution will be passed.

The resolution was agreed to.

Mr. PLUMB. I wish to say in regard to the matter to which the Senator from Indiana [Mr. VOORHEES] has just addressed himself, that I can not now respond to the careful statement he has presented, so as to do justice to the subject.

I understand him to maintain, as the argument of the commission, that there has been no extravagance, no unnecessary expenditure of public money in connection with the Library building up to this date. Upon that point, without having the details at hand, I take issue with him, and I think I shall be able to show to the Senate some time when I shall have had a chance to examine his statement that he is mistaken, and that not only has there been extravagance, but incompetence, and that if we are desirous of having a Library building, as I know he sincerely is, we shall have to make a clean out from beginning to end of the entire establishment now connected with that construction. That, at all events, is my belief, and I think the sooner it is done the better.

But I will not detain the Senate any further on this point now. It has been arranged that I should say what I have to say about the pending order, being the educational bill at this time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 5514) to amend section 4883 of the Revised Statutes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2974) for the relief of John Snoddy;

A bill (S. 1754) for the relief of Henry H. Marmaduke, of Missouri; and

A bill (S. 1022) to relinquish the interest of the United States in certain lands in Kansas.

WILLIAM TINDER.

Mr. HARRIS. Now I renew my request that Order of Business 278 be considered.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the Senate proceed to the consideration of Order of Business 278, House bill 19, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to H. B. Wilson, administrator of the estate of William Tinder, deceased, of $5,000, in full satisfaction of the claims of the estate of Tinder for money paid by his estate upon a judgment of forfeiture upon a bond for the appearance of one Evans, who was charged with crime by indictment in the circuit court of the United States for the district of West Tennessee, and who was afterward captured by the administrator and returned to the custody of the court and convicted and punished for the crime with which he was charged.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADULTERATION OF FOOD.

Mr. MORGAN submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on the Judiciary are directed to inquire and report—

1. Whether Congress has power to enact laws to prohibit within the States the adulteration of food.

2. Whether, if such power exists, it results from and is a part of the power of taxation, or whether it results from and is confined to the power to regulate commerce between the States or with foreign countries, or whether it is a distinctive power otherwise granted to Congress in the Constitution.

POWERS OF PACIFIC RAILWAY COMMITTEE.

Mr. FRYE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the select committee, to which was referred the message of the President of the United States, transmitting the reports of the commissioners appointed by the President to examine into the affairs of the Pacific railways, appointed under resolution of the Senate of January 25, 1888, in pursuing their investigation, shall have power to send for persons and papers, to administer the necessary oaths, to employ a stenographer and such clerical and other assistance as it may deem necessary; and that said committee have authority to cause its proceedings and testimony taken to be printed from time to time, as it may see fit, exclusively for its use; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 371) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. PLUMB.

Mr. PLUMB withholds his remarks for revision. [See Appendix.]

Mr. REAGAN. If no other Senator desires to occupy the floor on the pending bill at this time, I ask that it be informally laid aside, so that I may submit some remarks upon the subject of the resolution offered by the Senator from Kansas [Mr. PLUMB].

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the unfinished business may be informally laid aside to enable him to request the Senate to proceed to the consideration of the resolution offered by the Senator from Kansas on a former day.

Mr. BLAIR. If no one desires to speak against the bill, I have no objection; but if any one desires the floor to oppose the passage of the bill, I, of course, should object.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Texas? The Chair hears none.

P. B. SINNOTT.

Mr. MITCHELL. The Senator from Texas kindly yields to me that I may ask unanimous consent that the bill (S. 570) for the relief P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon, be recommitted to the Committee on Claims, which meets to-morrow.

The PRESIDENT *pro tempore*. The bill will be recommitted to the Committee on Claims, if there be no objection. The Chair lays before the Senate sundry bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 360) for the relief of Smith R. Mershon was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 4909) for the relief of the estate of C. N. Briggs, deceased, was read twice by its title, and referred to the Committee on Claims.

THE MAIL SERVICE.

The Senate resumed the consideration of the resolution submitted by Mr. PLUMB January 30, 1888; which was read, as follows:

Whereas there have been for many months serious complaints as to the inefficient character of the mail service, especially in the West and South, and the same continue, indicating that the trouble is of a permanent character:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to make thorough inquiry into the cause of such inefficient mail service, and report to the Senate their conclusions thereon, with suggestion as to remedy.

Mr. REAGAN. Mr. President, the serious arraignment which has been made of the Post-Office Department, and of the management of the postal service, by several Senators, in the course of the discussion of the resolution under consideration, offered by the Senator from Kansas [Mr. PLUMB], surprised me, as I had not before heard of such complaints, and has caused me to look into the subject perhaps more closely than I otherwise should have done, in order that I might ascertain whether these charges and complaints were justified by facts or not. And I feel that it is alike due to the late Postmaster-General and his subordinates and to the public that I should present to the Senate some of the facts which have come to my knowledge by these inquiries. From these it will doubtless appear either that Senators have been misled by false clamor, or that, in consequence of the conspicuously improved service and economies of that Department, which is so well calculated to reflect credit on and secure popular favor to the present administration of the Government, it has been thought necessary, as a political move, to offset these beneficial effects by denouncing the management of the postal service as inefficient and unsatisfactory.

The number of these attacks and the fact that they are simultaneously made in both branches of Congress, and by Republican newspapers in chorus in different parts of the country, indicate that it is a partisan political move rather than an effort to secure better and cheaper service, and an effort to break the force of the contrast between the manner in which the service of that Department is now being conducted and the manner in which it has been conducted under preceding, Republican administrations.

For a better understanding of the subject I will call attention to some of the charges which have been so made, premising that most of the charges have been made on the irresponsible and unverified statements of newspapers, and all these with one exception Republican papers, not supposed to be specially friendly to the present Administration.

These charges are in effect that the service in the West and Southwest, and especially in Kansas and Nebraska, was being conducted in utter disregard of the rights of the people; that notwithstanding the great increase of population the stupid attempt on the part of the Administration to make a record for economy has cut down the clerical force necessary to properly distribute the mails at large offices and in the mail trains; that appeals to the Department at Washington for adequate help to take care of this important public service are unheeded; that the service was never so bad, nor so badly administered in the last eighteen years as at present; that the mail service of the country, and especially of the West, is utterly demoralized; that a railway postal clerk had refused to receive and carry a package of daily newspapers; that the new appointees are inexperienced and inefficient, etc., etc.

I propose to inquire whether these charges are true or false.

And first, I will take the case of the publishers of the Daily Gazette,

of Kansas, whose complaint, presented by the Senator from Kansas [Mr. PLUMB], is that a postal railway clerk refused to receive packages of that paper direct from the office of publication.

I ask the Secretary to read first a communication from the chief clerk of the railway mail service, and then the indorsements at the bottom, giving the names and rank of the officers.

The PRESIDENT *pro tempore*. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

RAILWAY MAIL SERVICE, OFFICE OF CHIEF CLERK,
Kansas City, Mo., January 24, 1888.

SIR: I am advised that on your trip leaving Kansas City, January 20, p. m., the entire edition of the Abilene Daily Gazette for dispatch on your train was refused by your crew, although the proper certificate from the postmaster at that place accompanied the papers. I desire a full explanation of the matter with the return of this letter.

Very respectfully,

G. W. HUNTER,
Chief Clerk.

L. W. TUMANS,
Railway Postal Clerk, Kansas City, Mo.

[Indorsement.]

KANSAS CITY, MO., *January* 27, 1888.

SIR: In General Order No. 411, issued by Superintendent R. M. Thomas, section 1 calls particular attention to a portion of section 980 of the Postal Laws and Regulations of 1887, which reads: "Postal clerks are prohibited from receiving newspapers and periodicals from publishers and news agents unless the same are accompanied by a certificate from the postmaster that the postage has been paid. The papers should be weighed either by the postmaster or a clerk employed in his office. If papers are brought to car even accompanied by a certificate from the postmaster, where clerks have any reason to doubt their having been weighed as stated they will at once report to this office. Under no circumstance should they be received without a certificate." On January 16 you issued an order calling attention to the section above quoted and requesting all clerks under your charge to make a prompt report to you of what post-offices along our respective lines papers were received direct from publishing house.

On my trip leaving Kansas City, Mo., January 16, I made inquiry of the messenger delivering this publication at the car as to where it was weighed. He replied at the Gazette office.

In making my report of this fact to you, I also attached the certificate of weight, also calling your attention to the fact that it was merely a certificate of the amount of weight, and not a certificate showing that the postage had been paid.

This was not complying with section 980 of the Postal Laws and Regulations, but in direct violation, and would refuse to accept this publication under the usual certificate, unless otherwise ordered.

Not receiving any order from you or Superintendent R. M. Thomas to accept them upon presentation of that certificate, I deemed it my duty to refuse them until the law was properly complied with, and therefore refused the publication on my trip west, January 20.

Very respectfully,

L. W. TUMANS,
Railway Postal Clerk.
K. C. ELLIS.

N. B.—Before refusing papers I asked messenger where they were weighed. He replied at Gazette office. I then asked him if the postage had been paid and he replied, No.

GEORGE W. HUNTER,
Chief Clerk Railway Mail Service.

Mr. REAGAN. I will read a portion of section 980 of the Postal Laws and Regulations, 1887, as follows:

Clerks are prohibited from receiving newspapers and periodicals from publishers and news agents unless the same are accompanied by a certificate from the postmaster that the postage has been paid.

That is the way these publications come directly from the office of publication. I now ask the Secretary to read the communication which I send to the desk.

The Secretary read as follows:

RAILWAY MAIL SERVICE, OFFICE OF SUPERINTENDENT,
St. Louis, Mo., January 31, 1888.

SIR: I inclose you herewith, for your information, some papers concerning the mailing of the Daily Gazette, published at Abilene, Kans., direct on postal cars in accordance with the provisions of section 980, Postal Laws and Regulations.

You will notice that on January 20, clerk in charge, L. W. Tumans, Kansas City and Denver railway post-office, refused to accept two sacks of this paper on account of the required certificate not being furnished. I have advised the postmaster at Abilene, by letter to-day, that the sample certificate inclosed is not a proper one, and that he should arrange a new form in accordance with the requirements of section 980, certifying that the postage has been prepaid. As to the clipping from the Gazette of January 20, and the accompanying correspondence, I do not think it necessary to offer any explanations or report in connection with the same more than to state that when the proper certificates are arranged for the postmaster at Abilene there will be no difficulty whatever about having the papers promptly received at the postal car.

Very respectfully,

R. M. THOMAS,
Superintendent.

Hon. T. E. NASH,
General Superintendent, Washington, D. C.

Mr. REAGAN. In a separate paragraph in the same editorial column of the Daily Gazette, from which the Senator from Kansas quoted, is a separate editorial paragraph, in which it is said, "The incompetent Republican route agents are making the mail service a farce." If this paper is a good witness against the Department it ought to be considered equally trustworthy as against Republican office-holders. The papers just read show that the complaint of that paper was the result of the failure of the publishers to pay the postage on their packages, and not because of any fault in the service. And to show the vigilance of the Department in correcting irregularities when complaints are made, I call attention to the fact that complaint in this case was made to the Department on the 22d of January; that an investigation was ordered on the 24th, and completed on the 31st of that month, the day on which the Senator from Kansas introduced his resolution for this investigation.

In reference to the complaint of the late Mr. Rounds, mentioned by the Senator from Nebraska [Mr. MANDERSON], I give the following statement from the Post-Office Department:

In relation to the letter written to Senator MANDERSON by the late S. P. Rounds, on June 16, 1887, Mr. Rounds made complaint to the general superintendent of railway mail service that his paper was not being properly distributed, and the matter was immediately investigated by an assistant superintendent of this service who has been connected with the Department for a great many years, who visited Omaha and carefully examined into the workings of that post-office and the mail routes in that neighborhood. In his report, dated July 6, he stated:

"Until a recent date, within five or six weeks, the errors made in the mailing department of the Omaha Republican were numerous, and it was not an infrequent thing for our clerks to find in the mails large numbers of single-wrapped packages of that paper without address. The young man employed by that company became wearied by the errors reported and requested Chief Clerk Griffin, of the railway mail service, to throw them into the waste-basket. A new clerk was employed by the company with no better success, and recently another change was made. * * * We have carefully revised the galleys of both daily and weekly, in the latter finding a few more than sixty errors, which have been corrected."

When this report came in, the general superintendent advised Mr. Taylor, the secretary and treasurer of that company, what had been done, and asked him to report the matter if there were any more complaints.

So it will be seen that the complaints rested distinctly and solely on the inefficiency of the mailing clerk of the Omaha paper which complained of the irregularity on the part of the Post-Office Department.

This statement adds that "no complaint has been made from the Capital, of Topeka, Kans., on which an investigation might have been based. Nor has any been received from the secretary and business manager of the Kansas City Journal."

So these complaints seem to have come to Congress, and not to the Post-Office Department, where they can be corrected.

In a great department like the Post-Office Department, with over 100,000 officers and employés, carrying the mails for 60,000,000 of people, occupying a territory of more than 3,000,000 square miles, carrying 5,834,690,875 parcels over 85,264,035 miles of mail routes traveled, excluding river and ocean mail service, during the last fiscal year, that there should be some cases of irregularity is but to admit that this service is performed by human agency and is not therefore perfect. But I shall present to you facts which it seem to me show that on the whole the postal service of this country is in better condition, carried on with greater regularity, and at relatively less cost now, than at any time heretofore. And I think it due to Mr. Vilas, the late Postmaster-General, to say that, with some knowledge of the history of that Department, I doubt if he has ever had an equal in clear conception of its uses, merits, defects, and management, unless I may except two of his predecessors, Amos Kendall and Judge McLean.

If we ever reach the time when there are no complaints against postmasters, school-teachers, and millers, I think we may then congratulate ourselves that the millennium has come.

The report of the Postmaster-General shows that on July 1, 1886, there were in operation 123,745.15 miles of railway carrying the mails; that this was increased to 130,958.53 miles on the 1st of July, 1887; that this was further increased, so that on the 31st of January, 1888, the mails were being carried over 136,207.72 miles of railroad.

There are nine divisions of the postal railway service, which I shall specify, because I shall have occasion to contrast the amount of service put upon each of these divisions by the Post-Office Department. They are:

1.

First division.—Comprising the New England States; George E. Dame, superintendent, Boston, Mass.

Second division.—Comprising New York, New Jersey, Pennsylvania, Delaware, and the Eastern Shore of Maryland; R. C. Jackson, superintendent, New York, N. Y.

Third division.—Comprising Maryland (excluding the Eastern Shore), Virginia, West Virginia, North Carolina, and the District of Columbia; C. W. Vickery, superintendent, Washington, D. C.

Fourth division.—Comprising South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; B. M. Turner, superintendent, Atlanta, Ga.

Fifth division.—Comprising Ohio, Indiana, Kentucky, and Tennessee; Joseph B. Gwin, superintendent, Cincinnati, Ohio.

Sixth division.—Comprising Wisconsin, Illinois, Iowa, Nebraska, Minnesota, upper peninsula of Michigan, Dakota, and Wyoming; James E. White, superintendent, Chicago, Ill.

Seventh division.—Comprising Missouri, Kansas, Arkansas, Texas, Colorado, New Mexico, and Indian Territory; Ernest W. Warfield, superintendent, St. Louis, Mo.

Eighth division.—Comprising California, Nevada, Oregon, Alaska, Arizona, Idaho, Montana, Utah, and Washington; James L. Wilder, superintendent, San Francisco, Cal.

Ninth division.—Comprising the through mails via Buffalo, Suspension Bridge, Toledo, and Detroit, the lines of the Lake Shore and Michigan Southern Railroad, and the lower peninsula of Michigan; W. G. Lovell, superintendent, Cleveland, Ohio.

Z. Moses, assistant superintendent, attached to the office of the Third Assistant Postmaster-General, Division of Registration.

Nebraska is in the sixth division and Kansas is in the seventh.

Of the increase of 7,213.38 miles of railway mail service during the fiscal year ending June 30, 1887, 2,481.64 miles were in the division which contains Nebraska, and 2,648 miles were in the division which includes Kansas. Of the increase of 7,213.38 miles of railway mail service for that year, the two divisions above named were allowed

5,129.64 miles, while the other seven divisions were increased but 2,083.74 miles, those two divisions getting more than five-sevenths of the whole increase.

The increase of the miles of railway mail service during the seven months which ended January 31, 1888, was 5,249.19 miles. Of this, 2,059.72 miles were in the Nebraska division and 2,135.36 miles were in the Kansas division, making 4,314.63 miles in these two divisions, while there was only an increase in this service of 934.56 miles in the other seven divisions.

It thus appears that the increase in the postal railway service in nineteen months, ending January 31, 1888, was 12,462.57 miles, of which 9,824.72 miles were in the two divisions which embrace Nebraska and Kansas, while there were but 2,637.85 miles of increase in the other seven divisions.

Now, for a better understanding of what these figures mean, it is proper to state that divisions 6 and 7 of the railway mail service embrace the following States, namely: Wisconsin, Illinois, Iowa, Nebraska, Minnesota, upper peninsula of Michigan, Dakota, Wyoming, Missouri, Kansas, Arkansas, Texas, Colorado, New Mexico, and the Indian Territory. These lie entirely in the West, and show the very great preponderance of increase of that class of service in the West over the other sections of the country.

The percentage of increase of the railway mail service for the last nineteen months is 10.07.

2.

Table showing the increase in the mileage of railway post-office service, by divisions, from July 1, 1886, to January 31, 1888.

Divisions.	Total mileage June 30, 1886.	Total mileage June 30, 1887.	Increase during fiscal year 1886–'87.	Total mileage January 31, 1888.	Increase in seven months of current year.
First division	7,168.58	7,184.24	15.66	7,184.24	.....
Second division	14,105.67	14,328.90	223.23	14,401.72	72.82
Third division	6,560.56	6,827.58	267.02	6,973.22	145.64
Fourth division	11,595.51	12,076.14	480.63	12,527.36	451.22
Fifth division	19,342.25	19,832.75	490.50	20,044.99	212.24
Sixth division	31,263.53	33,745.17	2,481.64	35,804.89	2,059.72
Seventh division	20,340.83	22,988.83	2,648.00	25,124.19	2,135.36
Eighth division	6,344.43	6,779.61	435.18	6,951.80	172.19
Ninth division	7,023.79	7,195.31	171.52	7,195.31	.....
Total	123,745.15	130,958.53	7,213.38	136,207.72	5,249.19

Percentage of increase in mileage during last nineteen months, 10.07.

These facts I submit as a full and overwhelming answer to the charges of neglect by the Department to provide sufficient railway postal facilities for the West and Southwest. And we have heard of no complaints as to the insufficiency of the star-route service.

I also submit a table, marked 3, giving the States and Territories in which the largest increase in the railway mail service was put in operation during the fiscal year ending June 30, 1887, and for the seven months from July 1, 1887, to January 31, 1888. The total increase for the fiscal year which ended June 30, 1887, was 5,069.44 miles. Of this increase Kansas received 1,393.06 miles and Nebraska received 754.66 miles, each having a larger increase than any other State, the two together receiving more than two-fifths of the increase for those eleven States and the Indian Territory for that year. The increase of the railway postal service for these States and Territories for the seven months which ended January 31, 1888, was 6,021.61 miles. Of this increase Kansas received 1,350.66 miles and Nebraska 965.72 miles, the two together receiving 2,326.38 miles, being about two-fifths of the whole increase in these States for that period, showing also an increase of 4,474.10 miles of railway mail service in those two States in the nineteen months which ended January 31, 1888. While this increase shows the prosperity and rapid growth and development of those States, it also shows that the Post-Office Department was keeping the increase of postal facilities up with their splendid progress.

3.

States and Territories.	Railroad service established during year ended June 30, 1887.	Railroad service established from July 1, 1887, to January 31, 1888.	Total miles.
	Miles.	*Miles.*	
Indian Territory	.....	321.91	321.91
Arkansas	.....	154.96	154.96
Colorado	.....	368.45	368.45
Illinois	576.48	468.74	1,045.22
Minnesota	417.75	229.47	647.22
Iowa	335.35	413.20	748.55
Texas	603.68	602.33	1,206.01
Florida	271.00	66.52	337.52
Kansas	1,393.06	1,350.66	2,743.72
Nebraska	754.66	965.72	1,720.38
Dakota	449.13	1,079.66	1,528.79
Oregon	268.33	None.	268.33
Total	5,069.44	6,021.62	11,091.06

I also present tables 5 and 6. Table 5 shows the total length of mail routes in the States of Kansas and Nebraska; the length of the star routes; the length of the railway routes; the number of miles traveled on star routes; the number of miles traveled on railroad routes, and the total of miles traveled in both methods in those two States during the fiscal year which ended June 30, 1887.

Table 6 shows the amounts paid to railway postal clerks and mail messengers; the cost of transportation; the total cost of the service, and excess of postal expenditures of all kinds over postal receipts of all kinds, in those two States for the fiscal year which ended June 30, 1887. These two tables explain themselves.

5.

Mail transportation in Kansas and Nebraska, June 30, 1887.

States.	Total length of routes.	Star.	Railroad.	Number of miles traveled annually.		
				Star.	Railroad.	Total.
Kansas	15,391.63	9,217.25	6,174.38	3,220,558.50	5,882,086.75	9,102,645.25
Nebraska	10,094.72	5,841.52	4,253.20	1,644,228.27	3,880,530.36	5,524,758.63

6.

Cost of mail transportation in Kansas and Nebraska, June 30, 1887.

States.	Payment to railway postal clerks and mail messengers.	Cost of transportation.	Total.	Excess of postal expenditures of all kinds over postal receipts of all kinds.
Kansas	$111,358.75	$777,315.67	$888,674.42	$269,189.77
Nebraska	111,943.49	902,607.58	1,014,551.07	592,258.05
Total	.....	.....	.....	661,447.82

I submit the following table, marked G, which shows the number of pieces of mail matter distributed by railway postal clerks during the fiscal year ending June 30, 1885, June 30, 1886, and June 30, 1887, in each of the railway divisions, and the aggregates for each year, showing the great and steady increase of said matter to be handled:

G.

Statement showing the number of pieces of ordinary mail matter distributed by railway post-office clerks during the fiscal years of 1884–'85, 1885–'86, *and* 1886–'87.

Divisions.	1884–'85.	1885–'86.	1886–'87.
First division	397,920,790	437,864,610	455,635,755
Second division	610,714,650	665,999,985	730,048,880
Third division	259,212,200	267,855,940	299,048,780
Fourth division	362,805,340	378,687,860	419,665,270
Fifth division	877,192,590	933,003,320	1,024,865,900
Sixth division	993,733,060	1,072,872,890	1,191,179,190
Seventh division	773,284,050	840,648,300	937,570,330
Eighth division	162,504,570	174,304,460	181,870,310
Ninth division	510,692,150	558,284,110	594,806,460
Total	4,948,059,400	5,329,521,475	5,834,690,875

Increase 1886 over 1885, 381,462,075; per cent. of increase, 7.70.
Increase 1887 over 1886, 505,169,400; per cent. of increase, 9.47.

Whatever of irregularities may have occurred in the service in these States, it is apparent the Department has endeavored to give them all needed facilities. And the same is true of the other Western and Southwestern States, and indeed of all the States. I am indebted to General Knott, Second Assistant Postmaster-General, for the following statement of the fast mails for the supply of Kansas and Nebraska and the West and Southwest:

In January, 1885, there was established on the Chicago, Burlington and Quincy Railroad, in connection with the fast mail from New York to Chicago, a fast mail from Chicago to the Union Pacific Transfer opposite Omaha. The additional cost incurred in consequence of the establishment of this fast mail from Chicago to Omaha is illustrated by a comparison of the figures of the cost of the service on that road between those two points before and after the fast mail was established. The pay per annum of the Chicago, Burlington and Quincy Railroad between those two points, Chicago and Omaha, prior to the establishment of this fast mail was $176,968.69. A reweighing and a readjustment of the pay of this road took place immediately after the establishment of this fast mail, in pursuance of the arrangement between the Department and the road, and it resulted in an increase in the cost of railway mail transportation on that road of $195,370.91, the total cost being $372,339.60. In March, 1887, that road was weighed in regular order in the quadrennial weighing which took place in the section embracing that road, and the result of the adjustment of the pay thereon between those two points on such weighing was an increase in the pay of that road of $61,678, the total pay being fixed at $434,017.62, showing that the additional cost of that fast mail thus established and kept up by the Department under con-

tract with the Chicago, Burlington and Quincy Railroad from the period of its establishment to the date of its last weighing was $257,048.93.

In the benefits of the extraordinary mail facilities thus obtained by this large expenditure for this fast mail Nebraska participates, and largely, although in the above estimate of the cost of the service in that State on June 30 last, in the report of the Auditor, no share of the cost of this extraordinary service is apportioned to that State.

THE INCREASE OF POSTAL FACILITIES SECURED TO KANSAS AND NEBRASKA BY THIS FAST MAIL.

The establishment of this fast mail from Chicago to Union Pacific Transfer, the causes which led to it, and the extraordinary additional mail facilities which it furnished to the States and Territories west of the Mississippi River was the subject of a communication addressed by Hon. William F. Vilas to the President of the Senate under date of March 8, 1886, inclosing a letter from this office to the Postmaster-General, which enters fully ints the question and exhibits in a very clear light the postal advantages accruing to Nebraska and Kansas and the States and Territories west of these States in consequence of the establishment of this line. Its advantages may be summarized in the statement that the mails for Kansas and Nebraska were expedited twenty-four hours, Kansas receiving the benefit of this expedition of the mails over the Kansas City, St. Joe and Council Bluffs Railroad from Union Pacific Transfer, and Nebraska by the Union Pacific Railroad and the Burlington and Missouri River Railroad in Nebraska and their connections. In further explanation of the details of this fast mail service and the mail facilities furnished by it to these populous communities I herewith append as a part of this letter a copy of Senate Executive Document No. 88, Forty-ninth Congress, first session, containing the communication referred to. The efforts then made by this office for the improvement of the service and the extension of increased mail facilities to the region of the country west of the Mississippi River, and in that document fully set forth, have been continued by this office with undiminished vigor and without any abatement to this day, as is abundantly demonstrated by the facts and figures above stated and hereinafter set forth.

FAST MAIL TO ST. LOUIS AND KANSAS CITY.

On March 12, 1887, Postmaster-General Vilas contracted with the Pennsylvania and the Missouri Pacific Railroad Companies for a fast mail from New York, via Philadelphia, Pittsburgh, Columbus, and Indianapolis, to St. Louis and Kansas City. This fast line connects at Harrisburg with mails from Baltimore and Washington. The additional annual rate of cost of this fast mail is $199,395.20, not including the increased cost for additional railway mail clerks required to work the heavy mails carried on this line. With this fast mail line the Atchison, Topeka and Santa Fé Railroad makes close connection at Kansas City and gives an expedition of from twelve to twenty-four hours, equal to a full commercial day, to the mails throughout the States of Kansas, Colorado, and New Mexico. The mails for South and Southwest Missouri, Texas, and Indian Territory are also advanced from six to twelve hours by this mail. By the Burlington and Missouri River Railroad in Nebraska and the Chicago, Kansas and Nebraska Railroad the State of Nebraska shares fully in the benefits of the service thus expedited by this fast mail line. No part, however, of the additional cost for this important service is charged against either of these States in the statement of the Auditor above referred to.

This shows the active vigilance of the Department in extending the fast mail service to the West and Southwest. And the facts that I have presented ought, it seems to me, to protect that Department from the unfriendly criticisms which have been made against it.

The report of the Postmaster-General, pages 42 and 43, shows the annual increase of miles of railroad transportation for the last fiscal year to have been 5.6 per cent. over the preceding year, and that the annual increase of the cost of this service was only 4.22 per cent., thus showing that the increase of the service was relatively much greater than the increase of its cost.

In answer to the charge of parsimony on the part of the Department in not providing a sufficient number of railway postal clerks in the West and Southwest, I submit the following facts:

The number of railway postal clerks in the service on the 30th of June, 1886, was 4,573. The number in the service on the 30th of June, 1887, was 4,851. The number in service on the 31st of January, 1888, was 4,988. The increase of these clerks for the fiscal year 1886–'87 was 278, and the increase for seven months of the present fiscal year from July 1, 1887, to January 31, 1888, was 137. The aggregate increase for the nineteen months from July 1, 1886, to January 31, 1888, was 415. Of this number, division No. 6, which includes Nebraska, received 106; and the seventh division, which includes Kansas, received 122, these two divisions being allowed an increase for these nineteen months of 228 railway postal clerks, while the other seven divisions were altogether only allowed an increase of 187, more than one-half of the increase of railway postal clerks for the last nineteen months having been given to the two divisions of the West and Southwest, which include the States of Kansas and Nebraska.

The percentage of increase of railway postal clerks for the nineteen months from July 1, 1886, to January 31, 1888, was 9.08, which, as is seen, was very nearly the same rate as the increase of railway mail service for the same period.

7.

Table showing the gain in the number of railway postal clerks by divisions from July 1, 1886, to January 31, 1888—nineteen months.

Divisions.	Clerks in service June 30, 1886.	Clerks in service June 30, 1887.	Clerks in service January 31, 1888.	Increase fiscal year of 1886 and 1887.	Increase in seven months of current fiscal year.	Increase during past nineteen months.
First division	403	406	407	3	1	4
Second division	623	647	660	24	13	37
Third division	281	288	288	7	0	7
Fourth division	326	361	375	35	14	49
Fifth division	782	815	822	33	7	40
Sixth division	973	1,037	1,079	64	42	106
Seventh division	586	662	708	76	46	122
Eighth division	135	154	165	19	11	30
Ninth division	464	481	484	17	3	20
Total	4,573	4,851	4,988	278	137	415

Percentage of increase in clerks during last nineteen months, 9.08.

This certainly indicates liberality rather than parsimony towards the West and Southwest, and especially towards Kansas and Nebraska.

It is charged that the deficiencies in the railway mail service are largely due to the want of experience and qualification of new appointees. These appointees are required to stand successfully an examination as to their qualifications and capacity for this service before they can be commissioned. For instance, 1,000 cards, representing as many post-offices, are drawn at random, and as each is drawn the candidate is asked what mail route the office named is on, and his being commissioned depends on his making correct answers to a sufficient number of such inquiries.

I submit a table marked D, which shows the average percentage in correctness in case examinations of permanent and probationary clerks for several years, from 1882 to 1887, inclusive, embracing three years under former administrations and three years under the present administration. From this table it will be seen that the percentage of correctness of permanent clerks for the years 1882, 1883, and 1884 under former administrations was, respectively, 77.05, 87.46 and 78.10; while the percentage of the same class of clerks for the years 1885, 1886, and 1887, under the present administration was, respectively, 82.23, 81.06, and 87.50. This shows a decided improvement in the qualifications of this class of clerks; and the examination of 1887, I am informed, shows the highest average of correctness which has ever been attained. This table shows a like improvement under the present administration in the average of correctness in the examination of the probationary clerks.

D.

Percentages in correctness of case examinations of permanent and probationary clerks.

Year ended June 30—	Permanent clerks.	Probationers.
1882	77.05	80.49
1883	87.46	80.37
1884	78.10	81.41
1885	82.23	83.11
1886	81.61	82.68
1887	87.50	85.34

This is the real and the best test of the qualifications of this class of clerks, and shows improvement instead of reduced efficiency in this branch of the service.

To secure greater efficiency in this branch of the service the Department has adopted a rule not to appoint persons to it who are over thirty-five years of age, except in the case of Union soldiers who are otherwise well qualified.

I also submit Tables E and F, showing case examinations of the ten clerks making the best examinations during the month of December, 1887, in each of the sixth and seventh divisions, embracing the railway postal clerks in the West and Southwest, from which it will be seen the standard of correctness is very high; and a reference to the dates of appointment of these clerks will reveal the fact that the new appointees, that is, those appointed in the years 1885, 1886, and 1887, show at least as high merit as those appointed under former administrations.

E.

Summary of case examinations in seventh division for month of December, 1887.

	Permanent clerks.	Probationers.	Total.
Total number of examinations for month	316	102	418
Total number of cards handled	178,366	57,175	235,541
Total number of cards correct	167,496	48,618	216,114
Total number of cards not known	1,182	3,978	5,160
Total number of cards distributed incorrectly	9,688	4,579	14,267
Percentage correct	93.91	85.03	91.75

Names of ten clerks making best case examination during month.

Name.	Age.	Date of appointment.	Railway post-office.	Examined on—	Number of cards handled.	Percentage correct.	Remarks.
S. T. Carroll	33	May 4, 1885	Denver and San Antonio	Texas schedule	1,140	100	Two hours twelve minutes.
J. M. Sarver	23	Apr. 24, 1886	Kansas City and Denver	Kansas offices	1,741	99.71	One hour.
J. C. Talliaferro	20	Aug. 31, 1886	Bolivar and N. O. Spring	Missouri schedule	1,090	99.72	Forty-four minutes.
C. B. Green	42	May 22, 1882	Denver and Houston	Texas schedule	1,147	99.91	One hour twenty minutes.
W. T. M. Ferguson	24	July 16, 1885	Denver and San Antonio	do	1,147	99.83	One hour four minutes.
R. E. Lozier	32	June 9, 1885	St. Louis and Atchison	Kansas offices	987	99.80	Forty-six minutes.
T. C. Baker	27	Dec. 16, 1885	Denver and San Antonio	Texas schedule	1,147	99.65	One hour thirty-four minutes
F. Bernhard	35	Mar. 16, 1882	Palestine and Laredo	do	1,145	99.83	One hour fifty minutes.
W. V. Kretsinger	27	July 26, 1883	Denver and San Antonio	do	1,147	99.83	Two hours thirteen minutes.
O. L. Teachout	47	July 27, 1881	Denver and Houston	do	1,146	99.74	Two hours thirty minutes.

Percentage correct.		Number of years in service.										Probationers.	Total number of clerks.	Total number of cards.
		10 or over.	9.	8.	7.	6.	5.	4.	3.	2.	1.			
100	Number of examinations			1	1	3	1	6	1	3	6	4	26	
	Number of cards			181	183	546	182	1,125	137	1,505	1,144	689		5,692
99	Number of examinations		1	1	1	3	9	8	7	17	14	9	70	
	Number of cards		647	181	598	3,277	4,642	4,435	1,513	11,941	5,578	4,296		37,108
98	Number of examinations	4	2		6	3	4	15	7	8	12	17	78	
	Number of cards	3,706	913		3,160	546	2,609	7,025	3,191	4,559	6,915	6,691		39,315
97	Number of examinations	1	1			2	2	6	4	9	12	10	47	
	Number of cards	896	1,135			364	496	2,047	1,839	3,303	6,252	5,857		22,189
96	Number of examinations	1			2	1	3	2	2	5	7	8	31	
	Number of cards	902			1,747	182	2,417	385	385	2,860	6,364	4,676		19,918
95	Number of examinations	1	1			2	1	2		7	9	4	25	
	Number of cards	1,147	987			365	1,145	430		4,964	6,302	2,197		17,537
94	Number of examinations				1	2			2	2	7	6	20	
	Number of cards				612	1,332			498	320	5,638	4,057		12,457
93	Number of examinations				1		1	3		4	4	8	21	
	Number of cards				598		248	1,526		1,522	4,121	4,590		12,605
92	Number of examinations	1	1					1		2	3	7	15	
	Number of cards	100	210					908		1,241	1,995	3,548		8,002
91	Number of examinations	1				1		1			5	2	10	
	Number of cards	612				1,147		140			4,011	480		6,390
90	Number of examinations						1	1		2	2	5	11	
	Number of cards						137	140		1,329	2,212	3,061		6,779

F.

Summary of case examinations in sixth division for month of December, 1887.

	Permanent clerks.	Probationers.	Total.
Total number of examinations for month	60	95	155
Total number of cards handled	91,776	103,699	195,475
Total number of cards correct	84,594	78,853	163,447
Total number of cards not known	2,606	15,655	18,261
Total number of cards distributed incorrectly	4,576	9,191	13,767
Percentage correct	92.17	76.04	83.61

Names of ten clerks making best case examination during month.

Name.	Age.	Date of appointment.	Railway post-office.	Examined on—	Number of cards handled.	Percentage correct.	Remarks.
Smith, H. O	26	July 13, 1887	St. Paul and Elroy	Wisconsin	1,511	99	Time, 1.46.
McKinley, W. C	32	Mar., 1887	Danville and Cairo	Illinois	2,256	99	Time, 4.00.
Veatch, C. A	42	Feb. 1, 1872	Chicago and St. Louis	Missouri	2,130	99	Time, 3.50.
Strain, P	25	May 16, 1885	Bloomington and Rood House	Illinois	2,256	98	Time, 3.30.
Stice, J. H	44	Jan. 28, 1883	do	do	2,256	99	Time, 3.00.
Dunlap, George E	24	Oct. 1, 1886	Marquette and Davenport	Iowa	1,670	99	Time, 1.35.
Sullivan, T. J	36	Aug. 18, 1886	California and Davenport	do	1,670	99	Time, 1.10.
Burgermeister, L	21	Feb. 10, 1887	Chicago and Minneapolis	Minnesota	1,177	99	Time, 0.55.
Gallup, N	38	April 1, 1874	Chicago and Cedar Rapids	Iowa	1,670	99	Time, 2.05.
Wavruneck, J	(?)	July 26, 1887	Ashland and Milwaukee	Wisconsin	1,511	99	Time, 2.35.

Percentage correct.		Number of years in service.										Probationers.	Total number of clerks.	Total number of cards.
		10 or over.	9.	8.	7.	6.	5.	4.	3.	2.	1.			
100	Number of examinations											2	2	
	Number of cards											325		325
99	Number of examinations	2					1	1	1	3	5	8	21	
	Number of cards	3,800					1,670	1,088	1,670	4,422		10,179		29,395
98	Number of examinations	1				1	1	1	5	3	1	3	16	
	Number of cards	659				1,670	1,061	1,055	7,660	3,893		2,135		19,215
97	Number of examinations	1				1	1		2	1	2	8	16	
	Number of cards	1,670				1,345	2,256		3,028	1,435		9,363		21,827
96	Number of examinations				1				1		2		4	
	Number of cards				1,670				1,670					6,780
95	Number of examinations									1	1	4	6	
	Number of cards									1,450		3,832		6,732
94	Number of examinations								2			4	6	
	Number of cards								2,424			3,075		5,499
93	Number of examinations						1				1	3	5	
	Number of cards						2,256					3,372		7,884
92	Number of examinations								1	2		5	8	
	Number of cards								1,167	3,311		6,573		11,051
91	Number of examinations									1		3	4	
	Number of cards									1,670		3,101		4,771
90	Number of examinations						1			1		3	5	
	Number of cards						1,511			1,769		3,522		6,802

The honorable Senator from Rhode Island [Mr. CHACE], my colleague on the Committee on Post-Offices and Post-Roads, has told us that the complaints against the Post-Office Department are not confined to the West or to the railroad transportation. And he adds "that it is a notorious fact that the mails are slower, that they are not so well handled, that they are not so well distributed as formerly." He assumes that the greatest cause for this arises from the fact that the Department has attempted to change the clerical force too rapidly, and that samples of merchandise sent out reach their destination by express sooner than the invoices of them when sent by mail. No particular instances of this kind are stated so that investigation might follow, nor are we informed that complaints of this kind have been made to the Department, to enable it to correct any errors in this respect.

Mr. CHACE. Will the Senator from Texas allow me to interrupt him?

Mr. REAGAN. Certainly.

Mr. CHACE. If the Department want to investigate it they can come right to me. It has occurred in my own business this very fall.

Mr. REAGAN. I suggest to the Senator from Rhode Island that he go to the Department when he has just cause of complaint, and that the Department should not come to him.

Mr. CHACE. Allow me to suggest to the Senator from Texas that when this resolution was before the Senate gentlemen on his side proposed to put the fault on the Committee on Post-Offices and Post-Roads.

Mr. REAGAN. I did not know that. I do not know that the Committee on Post-Offices and Post-Roads has any responsibility about it.

Mr. CHACE. I imagine not.

Mr. REAGAN. The city of Providence, where the Senator claims these irregularities occurred, seems to be pretty well supplied with mail facilities. The mails from Boston to Providence leave Boston at 5.03 7.00, and 9.00 a. m. and at 12.00 m., 1.00, 3.00, 4.30, and 11.00 p. m, daily, giving that city eight mails a day from Boston. From Providence the mails go to Boston at 5.30, 9.00, 10.00, and 11.45 a. m., and at 1.00, 3.30, 5.30, and 11.45 p. m., giving eight mails from Providence to Boston daily. The mails from New York to Providence leave New York at 5.00 and 8.00 a. m. and at 1.00, 4.00, and 11.00 p. m., making five mails a day from New York to Providence. The mails leave Providence for New York at 12.25, 9.00, and 11.00 a. m. and at 2.03 and 5.10 p. m., showing five mails each way daily between Providence and New York.

From this it would seem Providence need not complain of inadequate postal facilities.

In reference to the Senator's complaint that the Department had changed its clerical force too rapidly, and that postal facilities were less reliable on account of the inexperience of new appointees, I have to say that the records of the Senate show that the appointment of Charles H. George as postmaster at Providence to succeed Henry W. Gardner, a Republican, was confirmed by the Senate on the 23d of January, 1888.

And on the subject of the appointment and removal of postmasters by the present Administration, I have to say that it is notorious that under the civil-service law and regulations the President has habitually refused to make removals from office on account of the political opinions of the incumbent, though in most instances, not in all, where vacancies have occurred, he has appointed Democrats.

Mr. ALDRICH. Will the Senator from Texas allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. ALDRICH. The Senator says that the President has declined to make removals on account of political reasons.

Mr. REAGAN. So I understand.

Mr. ALDRICH. The term of the gentleman whose name he has just read, Mr. Gardner, would not have expired until about a year after his removal. I should like to ask on what ground he was removed.

Mr. REAGAN. On that point I am not able to answer the Senator.

Mr. ALDRICH. There could be no other except political reasons in that case.

Mr. REAGAN. I am not able to answer.

Mr. CHACE. And if the Senator will permit me, he has just been attempting to prove that the post-office at Providence has been very well managed; and that being the case, if the office was well managed, what other reason could there be for the removal of the postmaster there except political reasons?

Mr. REAGAN. Well, what I have to say on that comes in at another point. There were removals made, and I shall show directly how many these were and for what causes, and that, I trust, will be satisfactory to Senators. I shall read it in a few moments.

Mr. CHACE. I wish the Senator would tell us what the reason was for the removal of the postmaster at Providence, when he has proved to his own satisfaction that the office has been well managed.

Mr. REAGAN. Of course the Senator does not expect me to know the causes for the removal and appointment of postmasters. The question is one that he must know I can not answer; but, as I stated before, I will show him what the causes were for removals that were made, as I understand and as the Department informs me, and I beg that Senators will allow me to proceed to that statement.

Mr. CHACE. If the Senator will excuse me, I understood him to allude to me personally.

Mr. REAGAN. I simply summarized the charges which the Senator made against the Department, and I am offering the evidence to show that the probability was that there was no real ground for these charges.

Mr. CHACE. Now, I trust, and in fact I know, that the Senator from Texas is so just that he will not make those statements in regard to myself without giving me an opportunity to correct them right here.

Mr. REAGAN. The Senator will have ample time when I am through. If then he finds that I have said anything I ought not to have said, he can correct me.

On March 4, 1885, there were 2,339 postmasters of the classes appointed by the President. Of these 5 were discontinued and 201 were relegated to the fourth class, leaving 2,133 postmasters of this class.

The following statement shows the comparative status of the incumbents of these offices at the end of the fiscal year 1887:

New appointments on expiration of commissions	876
New appointments on voluntary resignations	475
New appointments on deaths	65
New appointments on suspensions or removals	509
Reappointments on expirations of commissions	27
Appointments to offices becoming Presidential	170
Reappointments to offices becoming Presidential	28
Total	2,150
Offices unchanged since March 4, 1885	313

Out of this number there have been but 509 removals, while 313 of the original Republican employés remained in office at that date, and 1,621 were appointments made in consequence of the expirations of commissions, voluntary resignations, deaths, or reappointments, and to offices which have become Presidential since March 4, 1885. The report of the Postmaster-General shows that there were on the 1st of July last 52,821 postmasters of the fourth class. The total number of appointments in all these offices up to that date was 36,252. Of these 16,345 were made in consequence of resignations, 1,243 on account of deaths, and 6,599 on account of the establishment of new offices. Only 12,065 were made in consequence of removals, and 16,569 appointed by former administrations remain in office.

Mr. HOAR. Will the Senator allow me to ask him a question, that I may understand his figures?

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. REAGAN. Certainly.

Mr. HOAR. Does the Senator either claim or believe that that large number of resignations that he speaks of, for which appointments were made, were voluntary, were not resignations demanded by the President?

Mr. REAGAN. I have no way to answer that but by the report of the Postmaster-General, in which he says they were voluntary. The Postmaster-General says in his report that they were voluntary resignations.

Mr. HOAR. An extraordinary instance of voluntary resignation!

Mr. REAGAN. I have no doubt the Postmaster-General has done a good many things that are extraordinary to the Senator from Massachusetts.

Mr. HOAR. He does a great many.

Mr. REAGAN. While many changes in these offices have occurred, but few of them comparatively have been removals for political reasons, and these few for active partisanship which it would have been improper to tolerate.

The report of the Postmaster-General, pages 42 and 43, shows the annual increase of miles of railroad transportation of the mails for the last fiscal year over the preceding year to have been 5.6 per cent., and that the annual increase of the cost of this service is only 4.2 per cent., thus showing an increase of service and a relative decrease of cost.

His report, page 45, shows that on the 30th of June, 1885, the number of star routes stood at 12,371, aggregating 232,222 miles in length, and requiring annual travel of 83,027,321 miles, at a cost of 6.52 cents per mile; and that on the first day of the current fiscal year the routes numbered 14,368, an increase of 1,997; their total length was 236,896 miles, an addition of 4,674 miles; their aggregate annual mileage of travel was 85,133,077, being 2,105,756 miles more of service, at the rate of cost of 5.921 cents per mile, a gain roundly of 6 mills to the mile of travel in decreased cost—an aggregate reduction in the cost of this branch of the service of $640,000, notwithstanding the great increase of the service.

This report also shows, page 46, that the rate of cost of the mail-messenger service at the close of the last year was $829,548.61, and that there had been an increase of 163 messengers over the previous year, and a decrease of $5,311.39 in the annual rate of pay. The total expenditure was $825,338.17, being $40,801.53 less than the cost for the year ending June 30, 1885.

On page 45 of this report it is shown that with the addition of a line of steam-ship service between Tampa and Havana, at a cost of $54,000, and an increase in steam-ship routes elsewhere, there was a net decrease in the cost of this service as compared with the year before of $13,229.82.

I will read on this subject from pages 34 and 35 of the report of the Postmaster-General:

POST-OFFICE SUPPLIES.

The improved methods of business in the division of post-office supplies have been before brought to your attention, but deserve renewed mention from observance of their results upon the last year's transactions. In 1886 it was shown that with an actual increase in supplies provided and issued of some 18 or 19 per cent. there was a decrease of cost of nearly 19 per cent. from the preceding year. Equally satisfactory results have followed upon the work of the past year in economy, and some further perfection of the business system has been secured. The increase in the quantity of supplies furnished has necessarily been great, in consequence of the enlarged business of the whole service and the greater number of offices which have come to be furnished under the legislation of recent years. Yet the entire cost of all supplies for the year, in quantity fully 30 per cent. more than in 1885, has been more than $20,000 less, and the amount of the appropriation, which was reduced below that of 1885, that remains unexpended is $65,859.23, besides a stock of goods on hand amounting at the close of the year to $35,120.05.

The volume of business may be judged from some of the principal items of issues: 60,486,900 blanks, 112,403 books, 193,091,700 facing-slips, 17,500 marking, rating, and canceling stamps, 778,152 pounds of twine, 21,747 reams of wrapping paper, 13,575 pounds of canceling ink, 506,200 slide labels, and a long list of other articles, shown in the report of the First Assistant Postmaster-General. The number of requisitions supplied was 287,055 as against 162,640 in 1885.

Pages 30 to 33 of the Postmaster-General's report show that with much enlargement of the free-delivery service there has been a decrease of the rate of cost below the increased rate of service, though, especially since the 1st of July last, there has been a very large addition to the number of free-delivery offices, whereby nearly twice as many offices are now served in this manner as in 1885. This resulted from the law passed last Congress extending free-delivery service to cities of smaller population and revenues.

In the matter of the appropriations from the Treasury for the support of the Post-Office Department, as will appear from the tables on pages 81 and 82 of the Postmaster-General's report, it will be seen that for the year 1885 the sum of the appropriations for items for the Department and for the salaries of the officers, clerks, etc., was $824,399.15, and the sum of the expenditures for those purposes for that year was $808,648.87, leaving a balance unexpended of $15,750.28. The appropriations for the same items of expense for the year which ended June 30, 1887, amounted to $832,611, while the expenditures for that year aggregated only $793,008.81, leaving a balance unexpended of $30,002.19; thus showing that while the appropriations for 1887 were greater than for 1885, the expenditures were $15,640.06 less. The real reduction, however, was much greater than this, as shown on page 83 of the Postmaster-General's report, because during the year 1887 the Department building had to be freshly painted, its gas-pipes and much of its plumbing renewed, and the requisite furniture supplied; and that year Marini's Hall had to be rented at a cost of $6,000.

In looking at these comparisons we should bear in mind that the fiscal year which ended June 30, 1885, was the last year of Republican administration, and that the fiscal year which ended June 30, 1887, was the second year of Democratic administration, and the foregoing figures illustrate the economies of these respective administrations; and that nowithstanding the constant and rapid expansion and increase of the service, while its efficiency was being increased, as I have shown in a former part of my remarks, its cost to the people has been steadily reduced in almost or quite every department of the service.

Besides increasing and extending the railway mail service, the star-route service, the steam-boat and the ocean service, corresponding with the growth and development of the country, the Postmaster-General has negotiated postal treaties with the Republic of Mexico and with the Dominion of Canada, by which mail matter may be transmitted from either country to the other on the payment of the postage of the country from which such matter is sent. This substantially extends our postal system so as to cover the continent of North America, and will be of great benefit and convenience to all the countries concerned. And inasmuch as packages of merchandise of 4 pounds and 6 ounces weight may be so sent without the delays and expense to which they have heretofore been liable at custom-houses, these treaties will be of great value to our merchants especially, as it so greatly facilitates trade in such mailable packages.

I have before me a newspaper, the Two Republics, published in the city of Mexico, in which appears the card of a purchasing agency, offering to purchase in either country for transmission to the other. Agencies like this, supplied with catalogues, price-lists, and samples, are no doubt destined to become important commercial agencies.

The Postmaster-General has also recently concluded postal treaties with Jamaica, Barbadoes, and the Bahamas for the transmission by mail to and from the countries named of articles of merchandise, and all mail matter, except letters, post cards, and written matter, in amounts not exceeding 11 pounds in weight, the packages to be not more than 2 feet long, and their greatest girth not to exceed 4 feet. Letter mail, post cards, and written matter to continue to be exchanged as now, under the Universal Postal Union. These treaties will be of great commercial value, and they will result in giving larger employment and compensation to the ships which carry our mails between the United States and those islands.

The making of these treaties attests the wisdom and active foresight of the Postmaster-General.

The facts which I have presented, together with the reforms of the service recommended in several particulars by the Postmaster-General in his annual report, attest the thoroughness of his understanding of the postal service and its needs, and justify, I think, what I said in the outset as to his high merits as an officer, and reflect great credit on his administration of that Department. Whatever complaints may have been made against the service of the Department during the present administration, the facts show that it has been faithfully, honestly, economically, and efficiently conducted, with no charges of peculation, embezzlement, star-route robberies, or fraud against it. It has been a clean, honest administration of that Department of which our people and country may well feel proud.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be considered agreed to.

Mr. PADDOCK. Did I understand that the resolution to which the Senator from Texas has been addressing his remarks was agreed to?

The PRESIDENT *pro tempore*. If there be no objection.

Mr. PADDOCK. It had better lie over.

The PRESIDENT *pro tempore*. The resolution will resume its place on the Calendar of resolutions at the request of the Senator from Nebraska.

PUBLIC BUILDING AT NEWARK, N. J.

Mr. McPHERSON. I desire to call up for consideration Order of Business 163, Senate bill 601.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the pending business may be still further laid aside that the Senate may now consider the bill referred to by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 601) for the extension and repair of the public building at Newark, N. J.

The bill was reported by the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized to purchase or acquire by condemnation sufficient additional land adjoining the United States custom-house and post-office building, and cause such changes and improvements to be made in the building thereon, and to erect such addition thereto as, in his judgment, may be necessary to render the same suitable for the transaction of the public business; and for the purpose herein mentioned, the sum of $350,000, or so much thereof as may be necessary, to be immediately available, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto.

PUBLIC BUILDING AT PORTLAND, OREGON.

Mr. DOLPH. I ask that Senate bill 20, a public-building bill, which has passed the Senate twice, may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 20) to provide for the construction of a public building at Portland, Oregon.

The bill was reported to the Senate without amendment.

Mr. SAULSBURY. I should like to inquire of the Senator from Oregon what has become of the public building that was at Portland? There was a public building there that I understood cost about $600,000. I do not know that my information is correct.

Mr. DOLPH. The entire building is required at present for the post-office and the courts. There is a large amount of rent being paid for public offices there. This bill has been reported twice, and passed the Senate in the Forty-eighth and Forty-ninth Congresses. The custom-house itself must be taken out of the present building certainly within the next year. The United States collector of internal revenue has had to remove his office since the last report was made and the bill passed the Senate before. We are paying something like $10,000 annual rent now, and it will increase. Besides, the present building is not in a proper location for a custom-house.

Mr. SAULSBURY. I do not know anything about the necessities of the city of Portland in reference to this matter. I merely knew that there was a public building there, a very considerable public building, a few years ago, and it was used for a custom-house as well as for other public purposes. I believe we are going too far and spending too much money in erecting such extravagant buildings as are being put up throughout the country. There are a great many localities which need public buildings; small towns of four and five thousand inhabitants that would be glad to have some of this money that we are putting into such large buildings. I want public buildings; I think the people ought to be accommodated; but I do not think that such heavy amounts should be expended in one or two localities and other places deprived of public buildings.

As to the necessity for this building I am not informed, but as a general rule we are appropriating to the large cities too much money and letting smaller places, where the people pay taxes (for all contribute,

though perhaps not to the same amount as in the larger cities), be deprived entirely of any accommodation for public buildings of any kind.

Mr. DOLPH. This appropriation will only afford a very plain building for necessary Government purposes.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN COLORADO.

Mr. TELLER. I ask the Senate to take up Senate bill No. 424, Order of Business 109.

The PRESIDENT *pro tempore*. Shall the regular order be further laid aside for the consideration of the bill named?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 424) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

The bill was reported from the Committee on Public Lands with amendments; in line 6, after the word "previously," insert "and elsewhere," and after the word "acres," in line 7, insert "within said reservation;" so as to make the bill read:

Be it enacted, etc., That actual and bona fide settlers on lands subject to pre-emption under existing laws within the late Uncompahgre and White River Ute Indian reservation, in Colorado, who have previously and elsewhere taken land under the pre-emption laws, may take an additional 160 acres, within said reservation, by paying therefor $1.25 per acre, at any time after a bona fide residence on said land of two years, and within thirty-three months after filing declaratory statement therefor. Proof of actual residence and improvement of the land for not less than two years shall be made to the satisfaction of the register and the receiver, under such regulations as the Secretary of the Interior may prescribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET H. ROBINSON.

Mr. HOAR. I ask the Senate to lay aside the educational bill further to take up Order of Business 133, Senate bill No. 416.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 416) for the relief of Mrs. Harriet H. Robinson. It directs the Secretary of the Treasury to ascertain the amount paid to the United States by William S. Robinson, late of the city of Mealden, Mass., as an income tax upon his salary, and to repay the amount so ascertained to Harriet H. Robinson, widow and executrix of the last will of William H. Robinson.

Mr. HOAR. Malden is the name of the place.

The PRESIDENT *pro tempore*. It stands in the bill "Mealden."

Mr. HOAR. That can be corrected by unanimous consent.

The PRESIDENT *pro tempore*. The "e" before "a" will be stricken out if there be no objection.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

A. B. NORTON.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. Mr. President——

Mr. HARRIS. I yield to the Senator from Wisconsin [Mr. SPOONER] if he desires.

Mr. SPOONER. I ask unanimous consent to proceed to the consideration of Calendar Order 47.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves to proceed to the consideration of the bill (S. 1071) for the relief of A. B. Norton.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The bill was read, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for the payment to A. B. Norton, late postmaster at Dallas, Tex., of $1,853, being the amount paid by him involuntarily, under protest and moral duress, to the inspectors of the Post-Office Department, in the year 1877, on account of certain money-order remittances made by the postmasters at Cleburne and Granbury, Tex.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN SCHOOL AT CARSON CITY.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee yield further?

Mr. DAWES. I wish the Senator would let us have a few moments.

Mr. HARRIS. I withdraw the motion.

Mr. STEWART. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 231, being the bill (S. 1103) to provide for an Indian school at Carson City, Nev.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1103) to provide for an Indian school at Carson City, Nev.

Mr. COCKRELL. I should like to hear some report on that bill.

The PRESIDENT *pro tempore*. The amendments of the committee will be first read.

The first amendment reported from the Committee on Indian Affairs was in line 4, after the word "lands," to insert "not less than 200 acres;" so as to make the section read:

That the Secretary of the Interior be, and he is hereby, authorized to accept from the State of Nevada any lands, not less than 200 acres, which may be donated by that State to the United States for the purpose of establishing an Indian school, and also to receive from that State, or any corporation or person, any donation that may be made for the purposes of said school.

Mr. STEWART. The measure is recommended by the Commissioner of Indian Affairs.

Mr. COCKRELL. I should like to hear his recommendation.

Mr. STEWART. It will be shown you, and I will state my general knowledge of the matter.

We have never asked anything for the Washoe tribe of Indians at all. I have been of the opinion, and have often stated here, that we had better let them take care of themselves. The Piute tribe have had but very little, though they are quite numerous—I think about twelve or fifteen thousand dollars a year. There are now over 1,500 Indian children in and near Carson City that need education. They have grown up there; they are our neighbors. Much has been said by the Indian Department to me, and I have been rather censured for not desiring a large appropriation for the Indians in Nevada. Now, they have the children there, and it has become a necessity that they shall be educated.

There are about 1,500 that could be educated at this school, and there is no school convenient for them.

The chairman of the Committee on Indian Affairs understands the situation. This is to be an industrial school. The county in which I live has got the Legislature to authorize them to appropriate $10,000 for the purpose. The citizens have already bought some land, and the good people there are taking an interest in the education of these children.

I do not believe that lavish expenditures on grown-up Indians will amount to very much; but here we have children, 1,500 of them; and there is no means of educating them, and the citizens have taken the subject in hand, and feel very much interested in it. The money will certainly be of great use if we can get it for that purpose.

Mr. COCKRELL. How many Indians are there?

Mr. STEWART. I do not know now many Indians, but Professor Young last year undertook to ascertain as near as he could how many Indian children there were, and he came to the conclusion that in the western part of the State there were about 1,500 children; I do not know how many Indians. There are three tribes of Indians, and they are quite numerous. There are the Piutes, the Washoes, and the Shoshones in the State, besides some minor tribes.

Mr. DAWES. I have a letter here from the Department addressed to myself upon this subject; also a letter from the Department addressed to H. M. Yerington, Jewett W. Adams, and S. L. Lee, Indian school commission, Carson City, Nev., and a strong letter from the Commissioner of Indian Affairs to the Secretary of the Interior, all setting out the need of this establishment.

Mr. COCKRELL. I should like to hear them. This looks like a strange proceeding to give 200 acres of land, worth 10 cents an acre, and then appropriate $50,000 for a school. There are only two Indian reservations in Nevada, according to the official map, one on the extreme western border of the State, and one, the Shoshone reservation, on the extreme northern border. There are plenty of other places where there are large bodies of Indians; and now to appropriate $50,000 for this school seems strange.

Mr. STEWART. It looks to me exactly right, and it seems to me strange that gentlemen should talk about the small reservations. We have not allowed our State to be occupied by reservations and given up for that purpose. We have not been asking for large Indian appropriations. I think my record on that question is pretty clear. I have been complained of in all the Departments because I would not propose to give enough to the Indians; but the time has arrived when they have these children growing up there, and something must be done with them. They are about the towns without being educated. A measure like this has been recommended by the Commissioner of Indian Affairs for several years, and our people have taken hold of it.

The Senator talks about 200 acres being worth 10 cents an acre. The land is quite valuable within about half a mile of Carson City. The people have taken hold of it in good earnest. Because we have not got large reservations, because we have not been extravagant in appropriations for the Indian service in Nevada, is no reason why you should not educate these children.

Mr. COCKRELL. How far is the Indian reservation from Carson?

Mr. STEWART. The reservations are each about 40 miles distant—one one way and the other the other; but the Washoe tribe of Indians is a good tribe. There are six or eight hundred in the tribe; two or three hundred children of that tribe live in Carson, and they never have had a dollar from the Government. Our people have employed them, and they have gotten along without a dollar's appropriation. There has been no dollar ever appropriated for these Indians, and they are doing very well.

Mr. COCKRELL. Then why demoralize them with this appropriation?

Mr. STEWART. I ask an appropriation for the children now; I would not ask it for adult Indians while we can employ them; but I ask it for these children, and I would not ask it unless it was necessary.

Mr. COCKRELL. I want to hear these statements read.

Mr. BERRY. I move that the Senate do now adjourn.

Mr. COCKRELL. I should like to have those papers spread in the RECORD, so that we shall have them before us to-morrow.

The PRESIDENT *pro tempore*. That will be done, if there be no objection.

The papers are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 9, 1887.

GENTLEMEN: I am in receipt of your communication of the 31st of January last, inclosing copy of a recent enactment of the Nevada Legislature providing for the establishment of an Indian school in that State.

I am gratified to see that Nevada manifests such an interest in the education of her Indians. The generous offer of a farm of 160 acres and of $10,000 for building purposes merits prompt acceptance by the Government. But I regret to say that the last session of Congress instead of increasing slightly reduced appropriations for Indian education, so that it will be with difficulty that school work now in progress can be properly continued during the coming fiscal year.

Therefore I not would be justified in saying at this time that so soon as your buildings are completed the office will furnish and open an Indian school therein. But I can say, and will do so, that if you desire to put up the building and to transfer the same, with the land, to the Indian Office, the office will accept it and will open a school therein for Indians of Nevada whenever a Government appropriation therefor shall have been obtained.

Meantime, if you desire it, the office will send a special agent to examine the location offered and to report upon its fitness for the purpose intended. Also the office can send you copies of plans which have been adopted for its school buildings, from which you will be able to gain an idea of the kind of buildings needed, and what will be the capacity of a building which $10,000 will erect.

I hope that it may be possible to secure from the next session of Congress an appropriation for the support of this proposed Nevada school, and if it is made "immediately available" it may be possible to start the school within the next fiscal year.

Yours, respectfully,

A. B. UPSHAW, *Acting Commissioner.*

H. M. YERINGTON, JEWETT W. ADAMS, S. L. LEE,
Indian School Commission, Carson City, Nev.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 27, 1888.

SIR: I have the honor to acknowledge the receipt of the letter of Hon. H. L. DAWES, chairman of the Senate Committee on Indian Affairs, transmitting a copy of "a bill (S. 1103) to provide for an Indian school at Carson City, Nev." referred to this office for report, and in relation thereto I have to respectfully advise you that during the past year correspondence was had with several gentlemen on the subject of establishing a school for the Indians of Nevada, and they were informed that it would be impossible for the Indian Office, with the appropriation then available, to establish such a school.

Inclosed herewith you will find copy of a letter on this subject, addressed to the school commissioners at Carson City, Nev., on April 9, 1887, which gives the views of this office on the subject at that time.

The establishment of a large industrial training school for the Indians of Nevada is greatly needed, as they are almost without school accommodations. There is only one reservation boarding school and one day school at present in operation.

The majority of the Indians in that State are not on any reservation, and are homeless wanderers. If a good school were put in operation many of the young Indians could be induced to attend and receive a course of instruction which would tend to make them useful and self-supporting citizens of the State.

I have examined the inclosed bill and heartily agree with the object of it.

The letter of Hon. H. L. DAWES, with inclosure, is herewith returned.

Very respectfully,

J. D. C. ATKINS, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1888.

SIR: I have the honor to acknowledge receipt by this Department on January 23, 1888, of your letter of the same date, inclosing bill (S. 1103) to provide for an Indian school at Carson City, Nev., with the request that it be examined and reported back with my views and recommendations thereon.

In response thereto I transmit herewith a communication under date of the 27th instant, with its inclosures, from the Commissioner of Indian Affairs, to whom the matter was referred for report, wherein he states that he heartily agrees with the object of the bill for the reason that the establishment of a large industrial training school for the Indians of Nevada is greatly needed, as they are almost without school accommodations.

I beg to add further, for the information of the committee, that the Indians for whose benefit the proposed school would be maintained, if established and provided for, are those upon and in the vicinity of the reservation in Nevada under the jurisdiction of the Nevada and the Western Shoshone agencies, numbering in all about 8,000 Indians, among whom there are probably 1,200 children; of these, educational facilities are provided for only 180 pupils, 75 in a boarding school and 105 in day schools.

In the last annual report from both of those agencies it is stated that the existing schools have been filled to their utmost capacity, and that additional school accommodations are required. From the Nevada agency eighteen of the more advanced pupils were sent to the industrial school at Grand Junction, Colo., which the agent reports had a demoralizing effect upon their parents, who mourn for them as lost, or as they would the dead, and also upon the remaining pupils and upon their parents, who fear that their children will be sent away when they arrive at the same proficiency.

Particularly pertinent to the proposition now under consideration are the following remarks of the agent of the Nevada agency, Nevada:

"I sincerely hope that success will crown the efforts of those who are taking an interest in having an appropriation made for the erection of a building and the establishment of an industrial training school in Carson City, or somewhere within the borders of this State, as I firmly believe it would prove the very best thing which could be done for the rising generation of aborigines of this State, and my opinion is fortified by the action of the last State Legislature in session, when it appropriated $10,000 to be expended for that purpose. The Indians are praying for such a school, where children can be taught within their reach. * * * There are enough Pah-Ute children of school age to fill a half dozen school-houses, provided there was some means devised for collecting them and compelling their attendance at school."

There appears, therefore, to be no question of the need for increased school facilities for the Indians on and near the reservations in Nevada, and the condition and necessities of these people are such as to warrant the belief that their educational and industrial needs will require the fostering care of the Government for some time to come.

The estimated cost for establishing industrial training schools for Indian educational purposes, erecting, furnishing, and equipping the necessary buildings, etc. (not including purchase of land), is found, from bids offered for and from cost of work on those already established, to be from $200 to $250 per pupil. The smaller the school the larger is the estimated cost per pupil. For $50,000 an industrial training school can probably be established at or in the vicinity of Carson City, Nev., that will accommodate 250 or more Indian pupils, unless cost of material and labor is very much higher there than in other localities. The cost of maintaining such a school will not be less than $175 per pupil per annum, the rate allowed for the schools at Chilocco, Ind. T., Salem, Oregon, Lawrence, Kans., and others (see 24 Stat., page 465).

The industrial training school at Salem, Oregon, with capacity for 200 pupils, is the only one yet established for the Indians on the Pacific coast. The Indians on that coast are mainly self-supporting, and the annual expenditures made for them are very small when compared with the large sums expended for many of the tribes and bands residing in the more easterly sections of the country.

As the successful cultivation of the soil in Nevada depends largely upon its proper irrigation, the Indian children residing therein should be trained to farm-work in a school where the farming is done on irrigated land.

I therefore think that it is very desirable that such a school should be established somewhere in the locality indicated in the bill under consideration.

The bill should, however, in my opinion, be so amended as to leave it to the discretion of the Secretary of the Interior whether any land or other donation made for the purpose of the school by the State of Nevada, or otherwise, shall be accepted and used therefor; so that the suitability of location or proposed advantages shall be within Departmental determination.

Very respectfully,

WM. F. VILAS, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

The PRESIDENT *pro tempore*. Before submitting the motion of the Senator from Arkansas, the Chair will lay before the Senate the unfinished business, being the bill (S. 371) to aid in the establishment and temporary support of common schools. The Senator from Arkansas [Mr. BERRY] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 14, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 13, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. BRUSH, president of Dakota University.

The Journal of Friday's proceedings was read and approved.

SECTION 4883, REVISED STATUTES.

The SPEAKER laid before the House the bill (H. R. 5514) to amend section 4883 of the Revised Statutes of the United States, returned from the Senate with an amendment.

The SPEAKER. The Senate amendment to this bill is simply a change in the title; and if there be no objection the amendment will be concurred in.

There was no objection, and it was so ordered.

REFERENCE OF SENATE BILLS.

The SPEAKER laid before the House bills of the Senate; which were severally read a first and second time, and referred as follows, namely:

The bill (S. 1723) for the completion of the public building in the city of Pensacola, Fla., as originally designed—to the Committee on Public Buildings and Grounds.

The bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in courts of the United States—to the Committee on the Judiciary.

The bill (S. 140) for the erection of a bronze statue to Spencer F. Baird, late Secretary of the Smithsonian Institution—to the Committee on the Library.

The joint resolution (S. R. 4) providing for the distribution of undistributed copies of the Rebellion Record, and other public documents—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CONGER, indefinitely, on account of sickness in his family.

To Mr. OWEN, for two days, on account of important business.

To Mr. NUTTING, for ten days, on account of important business.

To Mr. OSBORNE, until Friday next, on account of business engagements.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

The bill (H. R. 2578) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction and reference of bills and joint resolutions.

DELEGATE FROM INDIAN TERRITORY.

Mr. PEEL introduced a bill (H. R. 7030) providing for and authorizing a Delegate to the Fifty-first Congress from the Indian Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

BRIDGE ACROSS POTEAU RIVER, ARKANSAS.

Mr. ROGERS introduced a bill (H. R. 7031) authorizing the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, on the lands of Mrs. M. A. Bower, in the Choctaw Nation, near Fort Smith, Ark.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC LANDS, HOT SPRINGS.

Mr. ROGERS also introduced a bill (H. R. 7032) donating the unsold lots in the city of Hot Springs, Ark., belonging to the United States, to said city in trust for public-school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LIGHT-HOUSE, CHARLOTTE HARBOR, FLORIDA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 7033) for the establishment of a light or lights and other aids to navigation to guide into Charlotte Harbor, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, KEY WEST, FLA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 7034) to change the limit of appropriation for the public building at Key West, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARINE HOSPITAL, PENSACOLA, FLA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 7035) making an appropriation for the erection of a marine hospital at Pensacola, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JANE SHELDON.

Mr. DOUGHERTY introduced a bill (H. R. 7036) for the relief of Jane Sheldon; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SALE OF LEAF-TOBACCO.

Mr. TOWNSHEND introduced a bill (H. R. 7037) permitting farmers and producers of tobacco to sell leaf-tobacco in any quantity to unlicensed dealers, or to any person without restriction, and repealing all laws inconsistent therewith; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, GALESBURGH, ILL.

Mr. POST introduced a bill (H. R. 7038) for the erection of a public building at the city of Galesburgh, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, RICHMOND, IND.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 7039) for the purchase of suitable grounds in the city of Richmond, Ind., and the erection thereon of a building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MINERAL LANDS IN NEW MEXICO AND ARIZONA.

Mr. SHIVELY introduced a bill (H. R. 7040) defining the rights of the United States to deposits of gold, silver, copper, cinnabar, and quicksilver in lands acquired by the United States under the treaty of Guadalupe Hidalgo, and declaring its obligation respecting such minerals under said treaty, and extending the mineral laws of the United States over such minerals, and providing for the development thereof under the mining laws of the United States as to lands lying within the Territories of New Mexico and Arizona; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT LAFAYETTE, IND.

Mr. CHEADLE introduced a bill (H. R. 7041) for the purchase of a site and the erection of a public building thereon in the city of Lafayette, Ind.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LETTER-CARRIERS.

Mr. CHEADLE also introduced a bill (H. R. 7042) to create additional classes of letter-carriers, and to fix the pay thereof; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ADULTERATED LARD.

Mr. HOLMES presented a concurrent resolution passed by the Legislature of the State of Iowa, requesting Congress to prohibit the sale of adulterated lard and to require a statement of the actual contents of packages thereof, and to pass the bill now pending in Congress for that purpose; which was referred to the Committee on Agriculture.

REAL ESTATE IN THE TERRITORIES.

Mr. STRUBLE introduced a bill (H. R. 7043) to amend an act approved March 3, 1887, entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.;" which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ADULTERATED LARD.

Mr. FULLER presented a concurrent resolution of the Legislature of Iowa, requesting Congress to prohibit the sale of adulterated lard, and to require a statement of the actual contents of packages thereof, and to pass the bill now pending in Congress for that purpose; which was referred to the Committee on the Judiciary.

PUBLIC BUILDING AT DAVENPORT, IOWA.

Mr. HAYES introduced a bill (H. R. 7044) for the erection of a public building at Davenport, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PURE LARD.

Mr. LYMAN presented a memorial of the twenty-second General Assembly of the State of Iowa, asking a law to protect the sale of pure lard; which was referred to the Committee on the Judiciary.

FORT LEAVENWORTH MILITARY RESERVATION.

Mr. MORRILL introduced a joint resolution (H. Res. 107) providing for the sale of a certain portion of the Fort Leavenworth military reservation to the Leavenworth Fair and Agricultural Association; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OFFICERS OF STEAM-VESSELS.

Mr. CARUTH introduced a bill (H. R. 7045) for the relief of certain officers of steam-vessels; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. WILKINSON introduced a bill (H. R. 7046) to allow arrears of pensions to certain invalid pensioners whose names were dropped from the pension-rolls and who were pensioned again by act of Congress; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LIGHT-HOUSE SCHOONER MIGNONETTE.

Mr. WILKINSON also introduced a bill (H. R. 7047) for the relief of certain heirs of the officers and crew of the light-house schooner Mignonette, lost near Brazos Santiago, Tex., in the storm of September 21, 1887; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

APPRENTICESHIP IN UNITED STATES NAVY-YARDS.

Mr. RAYNER introduced a bill (H. R. 7048) to provide for apprenticeship in the United States navy-yards and arsenals; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC BUILDING AT HAVERHILL, MASS.

Mr. COGSWELL introduced a bill (H. R. 7049) for the erection of a public building at Haverhill, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COURTS IN INDIAN TERRITORY.

Mr. ALLEN, of Mississippi, introduced a bill (H. R. 7050) to create and establish United States district, Territory, supreme, and other courts in the Indian Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FICTITIOUS TRANSACTIONS IN PRODUCE.

Mr. HATCH. I offer the bill which I send to the desk, by request of the author of it, and I ask that it may be read.

The bill (H. R. 7051) to prohibit fictitious and gambling transactions on the price of articles produced by American farm industry was read a first and second time.

The bill was read at length, and was referred to the Committee on the Judiciary, and ordered to be printed.

MESSENGER TO THE COMMITTEE ON AGRICULTURE.

Mr. HATCH also submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized and directed to appoint a messenger to the Committee on Agriculture, to serve during the time the House is in session during this Congress, at a salary of $1,000 per annum, to be paid out of the contingent fund of the House.

POSTAL CRIMES.

Mr. DOCKERY introduced a bill (H. R. 7052) relating to postal crimes and amendatory of the statutes therein mentioned; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CLASSIFICATION OF POSTMASTERS.

Mr. DOCKERY also introduced a bill (H. R. 7053) relating to the classification and compensation of postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SERVICE PENSIONS.

Mr. GALLINGER (by request) introduced a bill (H. R. 7054) to grant pensions for services in the Army, Navy, and Marine Corps of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALIFORNIA REDWOOD COMPANY.

Mr. BUCHANAN submitted a resolution calling upon the Secretary of the Interior for certain information in regard to the California Redwood Company; which was referred to the Committee on Public Buildings and Grounds.

ADDITIONAL ELEVATORS IN THE CAPITOL.

Mr. BLISS introduced a bill (H. R. 7055) to provide for the construction of two elevators for the use of the public in the south wing of the Capitol; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. JOHNSTON, of North Carolina, introduced a joint resolution (H. Res. 108) proposing an amendment to the Constitution limiting the number of members of the House of Representatives; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives (two-thirds of each House concurring therein), That the following amendments to the Constitution of the United States be submitted to the several Legislatures of the States, and, if approved by three-fourths thereof, shall become a part of said section:

That section 2, Article I, be amended by inserting, after the word "of," and immediately preceding the word "members," in the first line thereof, the words "two hundred and fifty," and at the end of said section add the following:

"*Provided*, That when a State is admitted into the Union the representation to which it shall be entitled until the next succeeding apportionment shall be in addition to the limit herein fixed."

So that said section shall read:

"SEC. 2. The House of Representatives shall be composed of two hundred and fifty members, chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature: *Provided*, That when a State is admitted into the Union the representation to which it shall be entitled until the next succeeding apportionment shall be in addition to the limit herein fixed."

UNITED STATES MARSHALS TO TAKE BAIL.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 7056) to allow United States marshals to take bail in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL-REVENUE TAXES.

Mr. BROWER offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Committee on Ways and Means be, and they are hereby, instructed to report to the House the progress made in the consideration of the bill (H. R. 1663) to repeal all internal-revenue taxes on tobacco and spirituous and malt liquors, and the bill (H. R. 1694) to repeal the tax on brandy distilled from fruits, and the bill (H. R. 1665) to repeal the tax on tobacco in all its forms, and to state at what time the said bills are likely to be reported for the action of this House. And in case said committee are unable to agree among themselves upon any report on said bills, either favorable or unfavorable, they are hereby instructed to report the facts to the House by March 1 next, together with their objections to the same, and to have said bills placed upon the Calendar of the House for consideration.

PAY OF UNITED STATES DISTRICT ATTORNEYS AND MARSHALS.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 7057) to provide for paying district attorneys and marshals a fixed annual compensation, in lieu of the fees and perquisites now allowed by law; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

PLEADINGS IN CRIMINAL CASES.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 7058) to provide for the simplification of the pleadings, forms, and proceedings in criminal cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMISSIONS OF PUBLIC OFFICERS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 7059) regulating the mode of issuing the commissions of all judicial officers, defining the crime of perjury, and providing that the fees and emoluments payable to certain officers shall be covered into the Treasury, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL REVENUE.

Mr. McCLAMMY introduced a bill (H. R. 7060) to amend an act passed July 1, 1862, "to provide internal revenue to support the Government and to pay interest on the public debt;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CAPTURED PROPERTY.

Mr. McCLAMMY also introduced a bill (H. R. 7061) to refund and pay for captured property; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THIRD-CLASS MAIL MATTER.

Mr. NICHOLS introduced a bill (H. R. 7062) defining what shall constitute third-class mail matter, and fixing the rates for the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PENSIONS.

Mr. WICKHAM introduced a bill (H. R. 7063) providing for pension, to parents of two or more sons dying by reason of wounds or injuries received or disease contracted in the military or naval service or Marine Corps of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINES ON INDIAN RESERVATIONS.

Mr. HERMANN introduced a bill (H. R. 7064) authorizing the Secretary of the Interior to permit miners and companies and corporations organized for mining purposes to prospect, develop, lease, and own the mineral portion of any Indian reservation, upon such terms and conditions as may be agreed upon by the Secretary of the Interior and the Indians on any such reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ASSAY OFFICE, PORTLAND, OREGON.

Mr. HERMANN also introduced a bill (H. R. 7065) to establish an assay office at Portland, in the State of Oregon; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

LIGHT-HOUSE, SIUSLAW RIVER, OREGON.

Mr. HERMANN also introduced a bill (H. R. 7066) providing for the establishment of a light-house at or near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUSINESS OF COMMITTEE ON PRESIDENTIAL ELECTION, ETC.

Mr. CRAIN submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Wednesday, the 29th day of February, be set apart for the consideration of bills or resolutions reported by the Committee on the Election of President, Vice-President, and Representatives in Congress, and that each succeeding day be so set apart until all such bills and resolutions are disposed of, this order not to interfere with revenue or general appropriation bills.

LOAN OF SURPLUS REVENUE.

Mr. DARLINGTON introduced a bill (H. R. 7067) to authorize the Secretary of the Treasury to loan the surplus revenue of the Government; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TOBACCO FOR MINORS.

Mr. HEMPHILL (by request) introduced a bill (H. R. 7068) to prohibit selling, giving, or furnishing tobacco in any of its forms to minors under sixteen years of age in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STREET RAILROADS, CHATTANOOGA, TENN.

Mr. NEAL introduced a bill (H. R. 7069) granting to the city of Chattanooga and county of Hamilton, in the State of Tennessee, authority to allow the construction and operation of street railroads on the road which the United States Government constructed, connecting the city of Chattanooga with the national cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BURGLAR-PROOF SAFE FOR COMMITTEE ON ENROLLED BILLS.

Mr. ENLOE submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to provide the Committee on Enrolled Bills with a burglar-proof safe for the safe keeping of enrolled bills.

DEPOSITORS OF FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. HOPKINS, of Virginia, introduced a bill (H. R. 7070) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POSTAL TELEGRAPHS, ETC.

Mr. HOPKINS, of Virginia (by request), also introduced a bill (H. R. 7071) to establish postal telegraphs, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CLAIMS FOR MAIL SERVICE IN SOUTHERN STATES.

Mr. GAINES introduced a bill (H. R. 7072) providing payment for mail service in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia in the years 1859, 1860, and a part of 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. GAINES also introduced a bill (H. R. 7073) to repeal the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMON SCHOOLS.

Mr. GAINES also introduced a bill (H. R. 7074) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

TELEGRAPH COMPANIES.

Mr. GUENTHER introduced a bill (H. R. 7075) to regulate telegraph companies; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL TELEGRAPHIC SYSTEM.

Mr. SMITH, of Wisconsin, introduced a bill (H. R. 7076) to provide for the establishment of a postal telegraphic system; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING AT EAU CLAIRE, WIS.

Mr. HAUGEN introduced a bill (H. R. 7077) to provide for the erection of a public building at the city of Eau Claire, State of Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EXPENSES OF INDIAN DEPARTMENT.

Mr. SMITH, of Arizona, introduced a bill (H. R. 7078) to amend section 9 of "An act making appropriations for expenses of Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLERS ON UNSURVEYED GOVERNMENT LANDS.

Mr. SMITH, of Arizona, also introduced a bill (H. R. 7079) for the relief of settlers on unsurveyed Government lands lying within certain railroad land grants; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SCHOOL LANDS IN THE TERRITORIES.

Mr. JOSEPH introduced a bill (H. R. 7080) relating to sections 16 and 36 in the Territories; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TACOMA PARK, WASHINGTON TERRITORY.

Mr. VOORHEES introduced a bill (H. R. 7081) granting certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

KEEPING OF TERRITORIAL PUBLIC RECORDS.

Mr. CAREY (by request) introduced a bill (H. R. 7082) to secure the keeping of public records in all counties in the several Territories of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

The SPEAKER. The call of States has been gone through with, and the Chair will now recognize gentlemen who were not in when their States were called.

A. G. BEAUVAIS.

Mr. GLOVER submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the Secretary of the Interior be requested to advise this House of all the facts of record touching the claim of A. G. Beauvais on file in the Department of the Interior, and particularly to inform the House why the allowance of said claim has been several times reopened, and what objection there is to its final allowance.

INDUSTRIAL HOME SCHOOL.

Mr. BREWER introduced a bill (H. R. 7083) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CONSTRUCTION OF PUBLIC BUILDINGS BY CONTRACT.

Mr. BREWER also introduced a bill (H. R. 7084) providing for the construction of public buildings by contract; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BUSINESS OF COMMITTEE ON LABOR.

Mr. O'NEILL, of Missouri, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Tuesday, the 13th, and Wednesday, the 14th day of March, 1888, immediately after the hour for the consideration of bills, be set apart for the consideration of bills and resolutions reported from the Committee on Labor, and that pending the consideration of said bills and resolutions all speeches be limited to fifteen minutes.

LIGHT-HOUSES, LAKE SUPERIOR, ETC.

Mr. CHIPMAN introduced a bill (H. R. 7085) providing for the erection of sundry light-houses and fog-signals in Lakes Superior, Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PENSIONERS NEGLECTING THEIR FAMILIES.

Mr. MCKINNEY introduced a bill (H. R. 7086) to prevent pensioners neglecting to support their families and squandering their pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISIANA GEOLOGICAL SURVEY.

Mr. NEWTON introduced a bill (H. R. 7087) for the continuation of the geological survey in the State of Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PRIVATE LAND CLAIMS COMMITTEE.

Mr. MCCREARY submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Printing have printed and bound such papers and documents, for the use of said committee, as it may find necessary, connected with subjects considered by said committee during the present Congress: *Provided*, The amount to be purchased by said committee shall not exceed the sum of $100.

AMENDMENT OF REVISED STATUTES.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 7088) to amend paragraph 1 of section 4821, chapter 2, of the Revised Statutes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVAL APPRENTICES.

Mr. MCADOO introduced a bill (H. R. 7089) providing for annually commissioning as ensigns in the Navy a certain number of naval apprentices; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REGULATION AS TO PENSION CLAIMS.

Mr. MASON submitted the following resolution; which was read, and referred to the Committee on Invalid Pensions:

Whereas it is charged that the Commissioner of Pensions has issued a circular to pen-ion claimants, as follows:

"The declaration for * * * in the above-entitled claim was filed. Repeated calls from this bureau for evidence of * * * which is required to complete the claim, remain unanswered. The claim can not be admitted as it now stands. If the claimant desires to file evidence to complete it, he should avail himself of the opportunity without further delay. The claim will be held open for that purpose for one hundred days from this date, at the end of which time should no further evidence be filed in compliance with the repeated calls made by this bureau, the claim will be adjudicated as it stands."

And whereas the said circular-letter states, in substance, that unless the additional evidence requested is filed within one hundred days the said claim will be rejected: Therefore,

Be it resolved, That the Committee on Invalid Pensions be directed to request of the honorable the Commissioner of Pensions whether such circular-letter has been issued by him, and if so, to how many claimants the same has been addressed; and further, what, if any, pension claims have been rejected by reason of the non-compliance with the request contained in such circular-letter.

INCREASE OF PENSIONS.

Mr. SHERMAN introduced a bill (H. R. 7090) increasing the rate of pension in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF REBELLION RECORDS.

Mr. GROSVENOR. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. On the 20th of December last I introduced a resolution of inquiry addressed to the Secretary of War, asking him to furnish certain information to the House in relation to any proposed change in the form and character of the publication known as the Rebellion Record. Such proceedings were had upon that resolution as that as early as about the 12th of January, within my personal knowledge, it reached the office of the Secretary of War. Up to this time, now a whole month having elapsed, no response has been received and no answer given to the request.

I ought to say that the Committee on Military Affairs reported back the resolution, making certain unimportant changes in it, in which form it was unanimously adopted by the House. Now, sir, the questions which I propounded could not in the nature of things have taken at the hands of a fairly active clerk, who had any knowledge of the subject-matter of the resolution, more than a very brief time to have made a complete and perfect answer to the House. In the mean time, by a debate in the Senate, we are informed that the honorable Secretary of War has refused to permit members of that body to have access to the list of persons to whom the Rebellion Record is being sent under the law passed in the Forty-seventh Congress. It appears, however, by that discussion that there are a number of volumes of the Record complete, as it is (with the exception perhaps of the five earlier numbers), yet undisposed of; and there is pending before the Committee on Military Affairs of this House, I assume, a joint resolution looking to the future distribution of the numbers of the Record already published, and also looking to the question of the republication of so many of the volumes as are out of print. And in this connection I may say that there comes to us a great demand for full sets of this publication.

Now, sir, I have no knowledge of the reasons why the honorable Secretary of War has disregarded the resolution of this House, and I rise not to make any statement of fact or allegation as to the spirit or purpose of the Department in this, to my mind, unnecessary and unprecedented delay; but I rise to insist that this House of Representatives shall defend its own honor and protect its own character, by demanding of the Secretary of War that he respond to that resolution, and that he shall not treat a resolution of this body or its action as a meaningless thing—as something to be treated with indifference—a matter to be regarded as of no public consequence, but to be considered by him, to be turned over and studied with all the possible reasons and effects of his response before he gives to the House the information which the House demanded. I regard it as his duty to make prompt and full answers at once to all such resolutions of inquiry.

It is a very simple matter, Mr. Speaker. Here is the House of Representatives, the representatives of the people themselves, making this request; and I may be permitted to say that when the honorable chairman of the Committee on Military Affairs, after having made certain suggestions in regard to amendments, presented that resolution to the House, it was agreed to unanimously, there not being a voice in the House opposed to its adoption. It went to the honorable Secretary of War in that shape more than thirty days ago as a demand upon him from the popular branch of the Government, and there is no response.

Now, Mr. Speaker, without any feeling in the matter, without any innuendoes, without any attempt or purpose to draw conclusions from the action of the Secretary of War, I simply stand here to insist that it is due to this body, due to the respect we have for ourselves, that we will not thus be trifled with, if we have been trifled with. There may be reasons that I do not understand; there may be circumstances of which I have no knowledge; but from the best information I can get I do not believe there is any reason, based upon the necessities surrounding this question, for this delay.

The SPEAKER. What motion does the gentleman make?

Mr. GROSVENOR. I offer for adoption the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War be requested to answer the questions contained in House resolution No. 54 at as early a day as is consistent with the condition of the business of his office.

Mr. TOWNSHEND. Mr. Speaker——

Mr. BLAND. Is that motion debatable?

The SPEAKER. The gentleman from Illinois is recognized.

Mr. TOWNSHEND. If the gentleman from Ohio had made an inquiry at the War Department he would have found that the remarks he has made this morning, and the resolution he offers, are entirely unnecessary and uncalled for. The Secretary of War has been preparing his answer to the inquiry with as much diligence as he was able to give to it, and I am informed that the answer will come to his resolution in a very short time.

It is useless to adopt a resolution which is nothing more than the resolution already adopted, and I beg the gentleman from Ohio to retain his soul in patience for a short time, and I now assure him that he will receive full and explicit answers to those inquiries; and I can further say to him that I am warranted in saying to this House that the Secretary has no disposition whatever either to delay an answer to those inquiries or to conceal any fact pertaining to them, but intends to give full and explicit answers to all the inquiries made, and that that information will probably be before the House within a day or two. I move to lay the resolution on the table.

Mr. GROSVENOR. Before that motion is submitted——

Mr. TOWNSHEND. I withhold it for a moment, and yield to the gentleman from Ohio.

Mr. GROSVENOR. I have no private channel of information from the War Department, and it would have been highly improper and undignified in me to have called upon the honorable Secretary of War to know why he did not discharge his duty.

Mr. TOWNSHEND. If the gentleman will allow me, I will say to him that the War Department is a public office, and the gentleman has the same access to it as any person in this country, and I have no doubt he would have been politely and courteously treated if he had called there.

Mr. GROSVENOR. I have been always so treated in the office of the Secretary of War. But I did not deem it proper when the resolution of this House had been addressed to the Secretary of War that I should make a personal application to him to know when he was going to proceed to answer it or why he delayed it. Now, on the statement of the gentleman from Illinois, I am entirely content to let this matter lie on the table for a while. But I think my friend from Illinois when he sees the answer will not complain of me that I did not possess my soul in quite the degree of patience that he thinks I ought to have done, for I think he will see that the answer to the resolution ought to have been communicated within twenty-four hours after it was addressed to the Secretary. I therefore withdraw the resolution.

CAPITOL ELECTRIC LIGHTS.

Mr. DIBBLE. I rise to make a privileged report. I am directed by the Committee on Public Buildings and Grounds to report back with a favorable recommendation the resolution which I send to the desk.

The resolution which, on motion of Mr. BINGHAM, on January 16, was referred to the Committee on Public Buildings and Grounds, was read, as follows:

Resolved, That the Architect of the Capitol be, and is hereby, directed to report to this body whether any electric lights or electric-light plants have been introduced or permitted to be introduced into the Capitol building since the last preceding session of Congress; if so, by what authority and upon what terms and conditions. Also to submit for the consideration of Congress a plan having in view the complete lighting of the building by electric light, together with an approximate estimate of the cost of the same, and such other details necessary to a proper consideration of the subject.

The resolution was agreed to.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. Under the rule of the House, this day, immediately after the call of States and Territories, is set apart for the consideration of business reported from the Committee on the District of Columbia.

ADVERTISING OF LOTTERY TICKETS.

Mr. HEMPHILL. I call up the bill (H. R. 5933) to punish the advertising of lottery tickets in the District of Columbia, and for other purposes.

The SPEAKER. The question is, Shall the bill pass?

A MEMBER. Let it be reported.

The bill was read, as follows:

Be it enacted, etc., That it shall not be lawful within the District of Columbia for any person to advertise or publish an advertisement of any lottery scheme, or any other scheme or game of chance, or for the sale of any lottery ticket or tickets, or any interest therein, or the sale of any ticket or tickets in any other scheme or game of chance, or any interest therein, in any newspaper, circular, hand-bill, or poster, or in any other way.

SEC. 2. That any person violating any provision of the foregoing section shall be prosecuted therefor in the police court of said District, and if found guilty shall be fined in any sum not exceeding $500, or be imprisoned in the jail of said District for a period not exceeding six months, or both so fined and imprisoned, in the discretion of the court.

Mr. ROGERS. I would like to ask who is in charge of this bill.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL], the chairman of the Committee on the District of Columbia.

Mr. ROGERS. I would like to ask the gentleman from South Carolina who is in charge of this bill what construction he places upon the first section of the bill; in other words, I would like to know whether or not he construes the bill so as if a newspaper in the city of Charleston, S. C., should advertise a lottery scheme, and its publisher should then mail the same paper to the gentleman from South Carolina, he being a subscriber for the paper, whether the publisher would be amenable to the penalties of this bill.

Mr. HEMPHILL. Who would be subject?

Mr. ROGERS. The publisher of the newspaper.

Mr. HEMPHILL. I do not think so.

Mr. ROGERS. That was not the object of the committee?

Mr. HEMPHILL. So far as I know it was not. I am not prepared to say what was the object of the bill except so far as it is expressed in the bill itself.

Mr. ROGERS. Mr. Speaker, I did not suppose when I read the bill——

Mr. HEMPHILL. I rise to a question of order. Who is entitled to the floor?

Mr. ROGERS. The gentleman from Arkansas.

The SPEAKER. The gentleman from South Carolina was entitled to the floor, if he had taken or claimed it, but he did not. The gentleman from Arkansas rose and addressed the gentleman from South Carolina. The Chair will not take this out of the time of the gentleman from South Carolina.

Mr. HEMPHILL. I do not wish to cut off reasonable debate. I ask the gentleman from Arkansas how much time he desires.

Mr. ROGERS. Mr. Speaker, I was about to say that I did not suppose the gentleman from South Carolina would have his patience exhausted by any observations that I expect to make upon this bill. I expect to be very brief in what I have to say; and I do not propose myself to offer any factious opposition to the passage of the bill.

I simply desire at this time to emphasize my dissent as far as possible from any legislation of this character which involves the liberty of the press or the liberty of speech. I do not conceive that any gentleman can engage in a more important duty devolving upon him under the Constitution and laws of the land than that of undertaking to preserve not only the letter but the spirit of the Constitution.

The question which I put to the gentleman from South Carolina [Mr. HEMPHILL], whether or not under the provisions of the first section of this bill a newspaper which had published in the city of Charleston, S. C., a lottery advertisement and had been mailed by the publisher to a citizen of the District of Columbia would be subject to the penalties of this bill, was answered by him in the negative, and I have supposed, Mr. Speaker, that the Committee on the District of Columbia would not undertake to pass legislation for the punishment of people living throughout the length and breadth of this country. And yet, sir, I submit the question to the House whether or not the construction placed upon this bill by the gentleman from South Carolina [Mr. HEMPHILL], speaking for his committee as far as he may speak in the way of construing a bill reported by it, is not an erroneous construction. Personally I have not a shadow of a doubt but that the construction placed upon the bill by the gentleman from South Carolina [Mr. HEMPHILL] is erroneous. Let us look at this bill briefly and analytically. I will read the provision, so as to bring out more clearly the point I am undertaking to discuss.

That it shall not be lawful within the District of Columbia for any person to advertise, or publish an advertisement, of any lottery scheme, or any other scheme or game of chance, or for the sale of any lottery ticket or tickets, or any interest therein, or the sale of any ticket or tickets in any other scheme or game of chance, or any interest therein, in any newspaper, circular, hand-bill, or poster, or in any other way.

Let me be a little more analytical:

That it shall not be lawful within the District of Columbia for any person to advertise any lottery scheme in any newspaper, circular, hand-bill, poster, or in any other way.

If, for instance, the Globe-Democrat, of St. Louis, or the Missouri Republican, or the New York Sun should advertise in its columns the existence of a lottery in Louisville, or up in Delaware or Vermont, where these things are allowable, if they are organized under the constitution and laws of those States, and should send the newspaper into the District of Columbia, I should like to know whether the editor or publisher would not come directly within the provisions of the first section of this bill?

I do not see how by any process of logic or reason any man can construe the bill in any other way than that the newspaper publishers of the entire country would be liable to be indicted and punished under the provisions of this act if they published lottery advertisments in their papers and then circulated those papers in the District of Columbia. True, the gentleman from South Carolina [Mr. HEMPHILL] states that that was not the purpose of the bill. If that is not the purpose of the bill, it should be so changed as to read somewhat after this manner: that it shall not be lawful within the District of Columbia for any person to advertise or publish an advertisment of any lottery scheme in any newspaper published in the District of Columbia. If that change were made, then the power which the Committee on the District of Columbia proposes shall be exercised in regard to legislation within the District would be properly exercised; but when it is extended beyond the District of Columbia, I maintain that it is improperly exercised.

But, Mr. Speaker, there is another question involved and lying underneath the question that I have been discussing.

Mr. BROWNE, of Indiana. I wish the gentleman would indulge me in a question before he leaves that point.

Mr. ROGERS. I will.

Mr. BROWNE, of Indiana. The object of the bill is evidently to prevent the publication of lottery advertisements in the District of Columbia. I have always understood the law to be that the publication is where the matter is made known. It does not depend simply upon where a paper may be printed; the newspaper is published where it is circulated. Now, if the offense is to be located simply in the territory within which the printing is done, does not the gentleman see that the law would be nugatory?

Mr. ROGERS. I think so.

Mr. BROWNE, of Indiana. All a man would have to do would be to cross the Potomac River and establish his newspaper in Virginia and flood the District of Columbia with lottery advertisements. I want to say to the gentleman that I understand this bill to prohibit the circulation of lottery advertisements in the District of Columbia, even though the newspapers may be published in South Carolina or in Arkansas, and I think it ought to.

Mr. MILLIKEN. Will the gentleman from Arkansas permit me to ask him a question?

Mr. ROGERS. Let me take one gentleman at a time.

Mr. MILLIKEN. Just a single question.

Mr. ROGERS. Very well.

Mr. MILLIKEN. If the gentleman's amendment should prevail, would it not be an unjust discrimination against the newspapers published in Washington?

Mr. ROGERS. I think so. Mr. Speaker, I agree with the gentleman from Indiana [Mr. BROWNE] in the construction which he places upon the bill. I agree that the provisions of the bill apply to every paper published in the United States with the same force and effect that it applies to papers published in the District of Columbia, provided circulation of the papers published elsewhere extends to the District of Columbia. To that extent we agree, and I am supported by the gentleman from Indiana in the view which I take of the provisions of this bill, as against the view taken by the chairman of the Committee on the District of Columbia. At this stage of the discussion, before going to the other point which I have in mind, I want to emphasize one thing. Year by year from the foundation of the Government down to the present hour, the public sentiment of all the States of the American Union has set its face against lotteries. In thirty-five out of thirty-eight States of the Union these institutions, either by constitutional provision or by statutes passed in accordance with the constitutions of the States, have been discountenanced and inhibited. Thus, that great conservative and moral power, infinitely stronger than statutory law, has set its condemnation everywhere throughout this country, with the exception of three States, upon this business, as it has upon very many other customs and practices which obtained in the earlier history of the Republic. Instead, therefore, of this fact being an argument for the passage of legislation of this description, it is an argument against such legislation by Congress wherever and whenever it tends in its purposes or effects to interfere with the liberty of the press or the liberty of speech.

For one hundred years this republic has managed to move forward in strength and greatness, physical and moral, without any legislation at all involving a restriction upon this great power for the development of the country and the safety of the liberties of the people, the press of the country. But under the guidance of an influence that one can scarcely locate, individuals who, having no sins of their own, are most deeply concerned about the sins of other people, are willing to override the letter and spirit of the Constitution and to invade the liberty or speech and of the press, when the very thing which they are seeking to reach is being crushed to the earth by public sentiment throughout the whole land.

I now turn to the point which I particularly wished to discuss in this connection. I submit that not only in the District of Columbia and in the Territories but in the States of this Union every power lodged in the Federal Government by virtue of the Constitution must be exercised so as in no way to interfere with, disturb, or overturn the other powers conferred by that instrument.

Judge Story—and certainly Democrats do not care to go any farther than this disciple of Alexander Hamilton has gone—Judge Story announces this principle in section 1508 of the second volume of his Commentaries upon the Constitution. In discussing the treaty-making power the question arose whether it could override other provisions of the Constitution equally important and of equal validity. I will read that section in order that gentlemen may consider whether, at this late day, when the moral sentiment of the country is gradually crushing out in every State of this Union these demoralizing and debauching practices, they are willing to embark upon legislation which is to invade the liberty of speech and liberty of the press.

The power to make treaties is by the Constitution general; and, of course, it embraces all sorts of treaties—for peace or war, for commerce or territory, for alliance or succor, for indemnity, for injuries or payment of debts, for the recognition and enforcement of principles of public law, and for any other purpose which the policy or interest of the independent sovereigns may dictate in their intercourse with each other.

That is the view which Judge Story expresses in regard to the treaty-making power. He proceeds:

Though the power is general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the State. A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it, and can not supersede or interfere with any other of its fundamental powers.

We are here, then, acting under a provision of the Constitution which gives us sovereign power in our legislation over the District of Columbia; and I concede that we may pass such police regulations for the government of this District as the State Legislatures of this Union may lawfully pass for their respective commonwealths. But I hold that we, in the exercise of our power here over the District of Columbia, and the Legislatures of the several States, in the exercise of such powers as are reserved to them by this Constitution, are always bound by the principle declared by Judge Story; in other words, any constitutional power must, in its exercise, be construed in subordination to any other constitutional power which may exist, and can not supersede or interfere with any other fundamental provisions of the instrument.

Touching legislation of this description there is a decision of the Supreme Court of the United States which has been quoted as authority by both sides. I maintain, Mr. Speaker, that so far as *Ex parte* Jackson,

96 U. S. Reports, touches this question, it is in direct support of the proposition I have already read from Judge Story; and to this decision of the Supreme Court I for one moment invite the attention of the House. It will be remembered that this decision does not necessarily cover the precise point presented here, and so far as it seems to bear upon it, the language of the court is in the nature of a *dictum*, being incidental purely to the question which was presented to the court for decision. Nevertheless, I refer to this decision in order to show, so far as the opinion may do, what were the views of the Supreme Court in considering this general question. The question presented was as to the power of the Postmaster-General or his subordinates to seize in the mails, without writ or warrant, certain matter the mailing of which had been inhibited by previous statute.

Mr. HERBERT. From what case does the gentleman propose to read?

Mr. ROGERS. *Ex parte* Jackson, 96 U. S. Reports.

The difficulty attending the subject arises not from the want of power in Congress to prescribe regulations as to what shall constitute mail matter, but from the necessity of enforcing them consistently with rights reserved to the people of far greater importance than the transportation of the mails.

Observe this remarkable language of the Supreme Court. What Department of this Government has duties rising in importance above the functions performed by the Post-Office Department? Yet we are told by the Supreme Court that there are other rights of far higher importance than the transportation of the mails.

In their enforcement a distinction is made between different kinds of mail matter—between what is intended to be kept free from inspection, such as letters and sealed packages subject to letter postage, and what is open to inspection, such as newspapers, magazines, pamphlets, and other printed matter, purposely left in condition to be examined. Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if retained by the parties forwarding them in their own domiciles.

And why? Because, say the court—

The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be.

Thus the Supreme Court hold in this decision that the power which is to be exercised in that provision of the Constitution which confers on Congress the power to create post-offices and post-roads has to be exercised as subordinate to and in harmony with the great principle which protects the mail matter of a citizen from unreasonable search and seizure.

Whilst in the mail they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household.

Mr. BLOUNT. The gentleman is reading from a decision in regard to sealed instruments. Does he not regard that as *obiter dictum* as well as anything in relation to newspapers with lottery advertisements in them?

Mr. ROGERS. If my friend from Georgia had paid attention to the remarks I have been making he would have learned two things: first, I utterly disclaimed that that question was now before the House here; and, second, I was not reading the opinion to establish any such fact, but I was reading the opinion to show that wherever you undertake to exercise any power lodged in the Constitution, it must be exercised in conformity with and so as not to overturn or destroy any other power equally great and equally important and lodged in the same instrument.

No legal argument made, or authority, can be of any service to any gentleman who is not willing, or has not the time, or does not take the trouble to listen to the entire argument.

Mr. BLOUNT. I always listen with pleasure to the remarks of the intelligent gentleman from Arkansas, as we always learn something from him.

Mr. ROGERS. I find no fault with the gentleman from Georgia, but neither time nor physical strength will permit me to go back over the argument I have made in order to elucidate the point he now asks information upon. I acknowledge, of course, the graceful compliment the gentleman pays me.

I proceed, and the House will bear in mind I am undertaking to demonstrate, and only to demonstrate, that whatever power we may undertake to exercise under the Constitution must be exercised in subordination to, and not so as to overturn other provisions of the organic law. The Supreme Court say:

No law of Congress can place in the hands of officials connected with the postal service any authority to invade the secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment of the Constitution.

Let us see what that fourth amendment to the Constitution is. It is as follows:

The right of the people to be secure in their persons, houses, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

And if this great power which is lodged in the Federal Constitution of establishing post-offices and post-roads is to be exercised in subordination to the fourth amendment of the Constitution, pray tell me, if you can, why it is not to be exercised in subordination to this other principle which tells us Congress shall make no law in respect to the establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Suppose the Congress of the United States, under the constitutional power to make laws for the District of Columbia, should undertake to pass a law providing that no newspaper shall be published in the District of Columbia which advocates the Presbyterian Church as the only true church, and hence should be the established church of the country. I want to know if a provision of that kind would not be in violation of the first amendment of the Constitution, which prohibits Congress from making any law respecting the establishment of a religion.

So I maintain not only Judge Story in his Commentaries, but the Supreme Court of the United States, in so far as it has touched this subject in the case of *Ex parte* Jackson, both support the position that I have taken, that this bill is an infringement of the liberty of the press.

Now, Mr. Speaker, let no gentleman upon this floor flatter himself with the idea that he may dodge this provision of the Constitution; and I want to say here, and once for all, that everybody may understand my views in regard to this subject, that I am willing to go just as far as any man is willing to go, without violating the provisions of the Constitution, in the suppression of every species of gambling known to the law.

The State which I have the honor in part to represent upon this floor has, by the seal of its constitution, condemned this business within the limits of that State; and the Legislature of the State has followed that provision up by suitable legislation adapted to it. So that it will be understood once for all that my stand here is in defense of that Constitution which I have taken an oath not only to support but to defend. We are not called upon simply by the terms of our oaths to uphold the Constitution. We are required by the terms of that obligation to defend the provisions of the Constitution and to repel every assault which may be made upon it from any source and moved by whatsoever spirit that may animate it. It is upon that provision that I stand. It is in conformity with the obligations of that oath that I stand to-day, and shall ever stand while I have the honor to represent a district of this Government.

But, Mr. Speaker, I proceed now to the next step. I say, and I repeat, that gentlemen will not be able to dodge this provision of the Constitution. Why? Because the Supreme Court in this very same case, *Ex parte* Jackson, in discussing the question in the elaborate manner in which it is discussed, make use of this language:

Nor can any regulations be enforced against the transportation of printed matter in the mails, which is open to examination, so as to interfere in any manner with the freedom of the press—

I repeat—

So as to interfere in any manner with the freedom of the press.

I put the query now to any gentleman here if, in the exercise of that power conferred by the Constitution for the establishment of post-offices and post-roads, and upon which has been built up our wonderous and magnificent postal system—if in the exercise of that power no legislation can take place that is to interfere with the freedom of the press, why will you go, under another provision of the Constitution, which confers legislative power upon the District of Columbia, and in the exercise of that power undertake to interfere with the liberty or the circulation of the press?

What power is found in that provision of the Constitution that gives us legislative authority over the District of Columbia that is more sovereign than the power which is conveyed to the Government under the post-office and post-roads clause of the Constitution? Each and every provision is equally sovereign, and they must be exercised one so as to be consistent with the other; and when they are inconsistent you may be sure that there is a clash of powers under the Constitution because of an encroachment either under the one clause or the other.

But the Supreme Court continue and say:

Liberty of circulation is as essential to that freedom as liberty of publication. Indeed, without the circulation the publication would be of little value.

Mr. Speaker, this question, like many others, has been before Congress for some years. I know that many gentlemen have made up their minds as to how they will vote upon the question. I do not expect to be able to overturn their views or alter their conclusions. If these commentaries upon the Constitution and this decision of the Supreme Court do not convince this House upon the question, then Moses and the prophets would not succeed in convincing them. But I ask the Democratic side of this Chamber that they do not wipe out that middle aisle. I ask them never to go beyond, in the construction of the Constitution, the limits fixed by the commentaries of that great disciple of Alexander Hamilton, Judge Story, as he lays it down. I ask them not to go beyond the expression of opinion as set down in this decision of the Supreme Court of the United States to which I have referred in the case of *Ex parte* Jackson. But if they are determined to do it, I ask them not to do it upon some question where no great principle is involved at all commensurate with the remedy you seek to apply.

Wait until some great impending public calamity shall rise up and demand the timbers of the Constitution to be strained to save the country and its liberties; but do not in this faulty, useless, unnecessary way

put upon the statute-books legislation violating its whole spirit, as construed by the ablest commentators, and as I have shown by this decision of the highest court of the land, but leave the subject to the religious and the moral teachings of the people for the accomplishment of the results which you seek, and without disturbing the landmarks beyond which our ancestry thought it unwise to go.

I reserve the residue of my time.

The SPEAKER *pro tempore*. The gentleman has twenty minutes of his time remaining.

Mr. HEMPHILL. The object of the District Committee is to get through as much legislation to-day as possible; therefore, while I have listened with interest to the remarks of the gentleman from Arkansas, I regret that the time of the House has been consumed in this discussion.

According to the position taken by the gentleman from Arkansas, whenever the people of this country reach a certain point of morality and are going on to make themselves better, the best thing the lawmakers can do is not to embody their sentiment in law to be enforced against the bad people, but to leave public sentiment to do the best it can. The gentleman says that because thirty-five States of the Union have passed laws prohibiting the sale and advertisement of lottery tickets, therefore the best thing to do for those who have charge of the District of Columbia is to let it take care of itself and go to the bad if it wants to, instead of embodying that sentiment in a law for the benefit of the District.

This is the first time, I suppose, that it has ever been proclaimed upon the floor of this House that the best sentiment of the people of the country is not to be put into a law for fear it may aid them in working out what they are trying to accomplish.

The next point the gentleman makes is that he fears this law will infringe on the constitutional rights in the newspapers of this country to publish these things. I do not think it is likely there will be agreement among the lawyers of this House upon that point. We know the legal profession largely predominates in this House; and the chances are that every lawyer has his own opinion about this as about all other laws, and that he will not agree with anybody else as to its construction.

But I will state that this bill has been thoroughly argued before the District Committee by two of the most eminent firms in this District; men whose legal talents give them a practice and a compensation which are not equaled by many of the profession in the United States. They have acknowledged before the committee that there is no constitutional question involved in the subject one way or the other. Both of the lawyers representing those distinguished firms stated in the beginning of their argument that there was no question about the power of Congress to pass this law, and that is the argument which I give in answer to my friend from Arkansas.

There are several gentlemen who desire to be heard upon this question, and I shall not myself occupy more of the time of the House at present.

Mr. BLAND. Will the gentleman from South Carolina permit me a question?

Mr. HEMPHILL. Certainly.

Mr. BLAND. I see no provision here allowing appeal. Is there any general statute covering that subject? This seems to be a new offense created by this act to be tried in the police court, and there is no provision for an appeal to a higher court.

Mr. HEMPHILL. There is a law already in the District allowing appeals from the police court to the supreme court of the District of Columbia, so that a provision for an appeal in this bill would be unnecessary.

Mr. BLAND. You think that the general statute would cover that?

Mr. HEMPHILL. I think it would.

Mr. CRAIN. May I ask the gentleman from South Carolina a question?

Mr. HEMPHILL. Yes, sir.

Mr. CRAIN. Is not the practical effect of this bill, if it becomes a law, to prevent the circulation in the District of Columbia of newspapers published elsewhere that have lottery advertisements in them?

Mr. HEMPHILL. The gentleman from Arkansas [Mr. ROGERS] takes that view. Other lawyers, with as much ability, have argued on the other side and have claimed that the bill is a great injustice to the newspapers of the District of Columbia, because it will not apply to the newspapers published outside of the District.

Mr. CRAIN. I speak with reference to the provision of the bill:

That it shall not be lawful within the District of Columbia for any person to advertise or publish an advertisement of any lottery scheme, or any other scheme or game of chance, or for the sale of any lottery ticket or tickets, or any interest therein, or the sale of any ticket or tickets in any other scheme or game of chance, or any interest therein, in any newspaper, circular, hand-bill, or poster, or in any other way.

That seems to apply whether the newspaper is published here in the first instance or is printed elsewhere and sent here for sale.

Mr. HEMPHILL. I say that is a question about which lawyers differ.

Mr. CRAIN. I want your opinion.

Mr. HEMPHILL. I do not know that my opinion is worth much more than that of many other people; but my opinion is that it applies to newspapers published in the District, and I do not think it applies to papers published outside of the District.

I yield ten minutes to the gentleman from Tennessee [Mr. GLASS].

Mr. GLASS. I will leave the discussion of the constitutional question involved in this bill to others, and address my remarks to a different phase of the bill.

Mr. Speaker, happily for our country, its manhood and womanhood, the vicious system of lotteries is rapidly passing away. The sentiment by which such institutions were sustained in almost every State in the Union is broken down, and they only maintain a precarious existence at this time in two or three States. Many of the best people of the land have, at times, justified or tolerated them on the plea of replenishing depleted treasuries of States; but they have more frequently masqueraded as benevolent institutions, designed to dispense noble charities to the deserving needy. And in the latter disguise they have endeavored to maintain a decent show of respectability in the presence of a Christian civilization, and yet are a blot upon our moral and political sun. Their stronghold is on our Southern border, beneath sunny skies, similar to those under which it had its birth. These institutions had their origin in Italy during the expiring days of the dark ages, a period fruitful in invention, discovery, and the dawn of letters; spreading thence across the continent and again to Great Britain, whence our Anglo-Saxon ancestors handed them down to us.

In our early history many good men and wise statesmen advocated the system; but State after State has legislated it out of existence, some putting an inhibition in the organic law, and others by legislative enactment. Extreme measures in some cases have been resorted to in order to entirely suppress it; and will Representatives on this floor be behind those of the States in wiping out this dark spot upon the body politic? Exclusive jurisdiction over the subject-matter of this bill attaches to Congress; and as Congress can not invade the sovereignty of the few States where these institutions still exist, it should at least exercise all of its constitutional powers to exclude advertisements of their schemes from the District of Columbia, and protect the people hereof from the vicious and corrupting influences of the system.

I know it will be insisted that the provisions of the bill will be an abridgment of the "freedom of the press;" but, Mr. Speaker, it will not abridge any "freedom of the press" to do right or to publish whatever may promote the good of mankind. It is not designed to take away any proper or legitimate right of the press, but only to restrain and prohibit all license to perpetrate a wrong by enticing the young and unsuspecting into habits that will lead them into ruin, as has heretofore been done in many instances. Some of the blackest deeds in the catalogue of crimes have been committed under the plea of liberty. On the way to the guillotine Madame Roland, exclaimed, "O, Liberty! Liberty! what crimes are committed in thy name."

The evils of lotteries fall heaviest upon the young—the laboring men and women, and the departmental clerks of both sexes in this District. The purchase of lottery tickets with many becomes a passion, as does other species of gambling, and destroys the love of habits of thrift and industry. The hope of acquiring sudden fortune destroys the taste for regular occupation, and inevitable ruin, moral and financial, often overtakes such individual. Many otherwise faithful employés and officials who have lost their places, and not infrequently their character, have been able to trace the cause to the corrupting influence of lottery advertisements that had fallen into their hands. These poisonous missives spare no persons or places. They invade the workshop, the household, the school-room, and even the temple of God, but their baneful effects fall chiefly upon those who are compelled to struggle for a livelihood.

I have been informed that many of the Government employés residing in this city are frequent patrons of such wicked schemes and spend much of their salary in this way; hence this city is a favorite place for their advertisements. You can scarcely examine a daily in this city but you will see them conspicuously displayed. If we can not destroy the anaconda, let us at least exert our constitutional authority to prevent it twining its shiny coils around the people of this District. Then, by excluding such advertisements from the mails and refusing to pay postal-orders to persons or firms known to be engaged in this business, their power for evil may be circumscribed within the States of their existence. Their power for evil is very great; they retain numerous and able counsel, and a generous patronage of the public press does not fail to bring apologists, if not defenders. They have their henchmen all over the land, who are ever ready to assail with criticism whoever on this floor may dare to essay the protection of the people from their insidious wiles and snares.

Let this bill pass and we shall have made a beginning by which this moral, political, and financial curse can ultimately be extirpated from the land. I say political, because it has become a potent political factor in at least one State, and aims a blow at whoever may attempt its overthrow.

The evils of the lottery system had become so great in Great Britain in 1819 that the attention of Parliament was called to it, and in 1823 Parliament entirely prohibited lotteries and made it illegal to sell the tickets of any foreign projects of this character. "Between the years

1816 and 1828 the French Government derived from lotteries an annual income of 14,000,000 francs. A few years ago the government suppressed them, and in January of the next year 525,000 francs more were found to be in the savings-banks of Paris alone than in the same month of the preceding year"—showing conclusively the good effects of their abolition on the poorer classes.

The enlightened moral sentiment of the country demands the passage of such a bill, and I hope it will pass.

Mr. HEMPHILL. I yield now to the gentleman from Maryland [Mr. COMPTON].

Mr. COMPTON. Mr. Speaker, a few days ago, when I moved to postpone the further consideration of this bill until to-day, I said distinctly to my friend from Indiana [Mr. BROWNE] and to the House that I did not propose to throw any obstacle in the way of its passage other than possibly to give briefly my views of the provisions of the bill and to state the course which I intend to pursue with reference to it. I desire in the outset of my remarks to say this: I am not here, sir, as the champion of lottery schemes or gambling in any form or shape.

I do not profess to be very much better than a great many men with whom I associate. At the same time, Mr. Speaker, I claim for myself to be exempt absolutely from any affiliation or association with any lottery or other gambling concern. But, while this is true, sir, I desire to say another thing, in order that my position may be clearly and distinctly understood, not only by this House, but by those I represent upon this floor. I am one of those who do not believe that purity in mankind, that morality in communities, can be enforced or that men's souls can be sent to heaven by compulsory legislation. While I recognize the fact and believe as religiously as any man on this floor that all the moral agencies invoked to better the moral condition of society in the way of associations for the moral improvement of mankind are right and, in so far as they go, good in their kind, I do not believe that the men of this country will be regenerated by those influences alone.

I believe, sir, that the best foundation, and the only one upon which society and good government can safely rest, is a community whose moral tone and moral impressions are received and formed by the fireside from the lips of a Christian mother and by virtue of the example of an honest, honorable, conscientious father. I believe that the elements of Christian truth which are revealed through the religious channels by which they are conveyed to us are, after all, the true foundation stones upon which alone society and good government can rest.

Mr. FUNSTON. Will the gentleman permit me to ask him a question?

Mr. COMPTON. Yes, sir.

Mr. FUNSTON. What can a Christian mother or a Christian father do with her or his children in respect to such matters so long as these dens are left open and permitted by the laws of the land?

Mr. COMPTON. Teach their children, sir, that these things are against the revealed word of truth as it comes to us from the lips of Him who knew no sin. Teach them by precept and by example that these things are wrong in practice, and that they lead to perdition and destruction.

Now, Mr. Speaker, while I hold these views, I protest here to-day that the moral aspect of this question is not the one which most concerns you and me as Representatives upon this floor. Sir, there are other questions involved here broader and deeper, affecting us as legislators, and which, in my humble opinion, should control our judgments in casting our votes upon this bill. I am not going to get myself between the two fires of legal artillery which are playing here. Not being myself a lawyer, I know that if I did I would be ground to powder. I leave the constitutional question involved to the double-barreled constitutional argument fired by the gentleman from Arkansas [Mr. ROGERS] which struck the two bills, the one which has come from the Post-Office Committee and the one which has come from the Committee on the District of Columbia, in their vital parts at one and the same fire.

But, Mr. Speaker, are there no such things as rights? Is there no such thing as justice to the papers published in the District of Columbia? Where is the right, where is the justice of prohibiting the publication of these lottery advertisements in the newspapers of the District of Columbia, when you open the doors through the mails for the introduction of papers containing such advertisements from my friend's State, or from my State, or from any other State?

Mr. CANNON. Will the gentleman permit a question right there?

Mr. COMPTON. Certainly.

Mr. CANNON. As I read the bill it does not allow what the gentleman says it does. If it does allow it, then I agree with him that it is wrong.

Mr. COMPTON. I agree with the gentleman from Illinois [Mr. CANNON] that the bill does not undertake to prevent the circulation within the District of Columbia of papers published outside the District and containing these advertisements; and now, to him, as a lawyer, I put this question: Does he believe for one moment that that law would stand longer than it would take an intelligent court to destroy it?

Mr. CANNON. I have not a doubt of it at all. I have no doubt that the publication of lottery advertisements in the District of Columbia can be prohibited by legislation by Congress, just as it is prohibited in Illinois by the State Legislature, and has been for thirty years.

Mr. COMPTON. Let us examine this question a little further. The gentleman says he believes the power resides in Congress to prohibit the advertisement in the District of Columbia of lottery schemes. I know that this power is exercised in the several States; but let me ask the gentleman a question pertinent to the matter we are now considering. What is the Louisiana lottery? It is an institution authorized, organized, and created by the organic law of a sovereign State of this Union. It is a legal institution in so far as the State of Louisiana can make it so, as completely as any institution chartered by any State in this broad land. Now, my friend from Illinois knows that in so far as we can exercise this power in reference to the Louisiana lottery we can equally exercise it with reference to any banking institution chartered in the State of Louisiana or elsewhere. Now, I wish to ask my friend this question: If we can say to this lottery company, a chartered institution, bearing the stamp and impress of the authority of a State law—nay, of the constitution of one of the States of this Union—"Your advertisement shall not be published in any newspaper issued in the District of Columbia," why can we not say to some banking corporation authorized in the State of Louisiana, or, if you choose, in the District of Columbia, "You shall not receive the moneys of this lottery company as deposits in your vaults?"

Mr. CANNON. I believe that in the exercise of the police power Congress or the State Legislatures, in their respective jurisdictions, can unquestionably, in accordance with the judicial decisions, pass legislation of this character. Such legislation has been passed by various States, and has been sustained, I believe, by the courts from every standpoint. The gentleman says, "If this can be done, where will you draw the line?"

Mr. COMPTON. That is the question.

Mr. CANNON. We can pass this legislation now; and when it is necessary to "draw the line," I will then answer the gentleman's inquiry. Legislation of this character is an unquestionable exercise of the police power.

Mr. COMPTON. Where does the gentleman's own State draw the line—against newspapers published outside?

Mr. CANNON. "Against papers published outside!" Why, it prohibits the publication of any advertisement of any lottery under severe penalties.

Mr. COMPTON. By any Illinois paper?

Mr. CANNON. By any paper.

Mr. COMPTON. Does the legislation apply to papers published outside of the State?

Mr. CANNON. It does not make any difference where the paper is printed; the law applies to the publication or circulation.

Mr. HEMPHILL. I will now yield to the gentleman from Indiana [Mr. BROWNE]. How much time does he desire?

Mr. HOGG. Before the gentleman from Indiana proceeds I wish to put a question to the gentleman from South Carolina [Mr. HEMPHILL]. Would not any person selling in the District of Columbia papers published outside the District, and containing lottery advertisements, be amenable to the punishment contemplated by this bill?

Mr. HEMPHILL. As I have stated several times, that is a matter about which lawyers differ. The whole argument before the committee was upon the assumption that the bill was not to be so construed. Lawyers were paid by their respective clients—one by the Louisiana lottery, and the other by the newspapers of this District—to state all reasonable objections to the bill; and that was not one of them.

Mr. CRAIN. If that is not the construction of the bill it makes an unjust discrimination.

Mr. HEMPHILL. That is a matter for every man to decide according to his own judgment. I yield ten minutes to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Speaker, if I am correct in my interpretation of this bill, it will operate as a prohibition of lottery advertisements within the District of Columbia; and it will be a matter of no consequence where the advertisement or notice may have been originally printed. It is as much a publication to distribute within this District the papers of Maryland, Virginia, or New York, as if the type from which those papers were printed had been originally set up within the District. And while I assume that this bill does thus prohibit the publication of these advertisements, I want it distinctly understood that, adopting this interpretation, I indorse the measure fully and without reserve. The law would be absolutely nugatory if it did not so provide. All that would be necessary in order to evade it would be to have your advertisement inserted in a paper published in Baltimore, Alexandria, or some convenient point in the State of Pennsylvania, and having thus been printed it might be thrown broadcast in the District of Columbia; and in that way the evil which Congress proposes to remedy would go unchecked. I want gentlemen who differ with us in this matter to understand that the object of the bill is to prohibit the making public by print of lottery advertisements in the District of Columbia. And this brings me to a consideration of the question which gentlemen have seen proper to discuss in this connection.

I must confess my astonishment at some of the positions which gentlemen have taken here. I listened to the very learned and very eloquent argument of the distinguished gentleman from Arkansas [Mr.

ROGERS], in which he demonstrated to my mind quite conclusively that neither Congress nor the States can by legislation trench upon the constitutional liberty of the press. But are there no limits to the exercise of that liberty? In the Constitution is enshrined the liberty of speech, but does that protect every tongue in every conceivable utterance? There is in the same provision of the Constitution an assertion of the liberty of petition. Does that mean that the Congress of the United States is bound to receive every petition of whatever character which may be sent to this body? Suppose it is indecent in language; suppose it asks something that is obnoxious to the moral sense. May we not, without violating the Constitution, exclude such a petition from our petition-box and all reference to it from our Journals? Does the gentleman intend to say that because in general terms the Constitution provides that the liberty of the press shall be preserved, therefore the press may publish whatever it pleases? Oh, I know gentlemen do not intend to be so understood.

Mr. COMPTON. Allow me——

Mr. BROWNE, of Indiana. One moment. I was listening anxiously to hear the gentleman from Arkansas define to the lawyers and other gentlemen of this body in what consists the liberty of the press. He would perhaps have been required to have gone back through the years of the English-speaking race to find the origin of that idea in the Constitution of the United States—back to that day when kings assumed a censorship of the press and the right to determine in advance the manner in which the press should give utterance to public opinion on some subject concerning the administration of the government. Did it ever extend to advertisements, and was that the character of literature the liberty of the press was intended to protect? Will the gentleman answer? I undertake to say its purpose was to secure the fullest liberty of the decent expression of opinion on any subject which might concern the public; and I would be as far from restraining that liberty of the press as either of the distinguished gentlemen who have spoken in advocacy of the freedom of the press to advertise lotteries.

Let me answer the question at once. Gentlemen on the other side concede not only the policy, but the propriety, of prohibiting this gambling in the District of Columbia. They say it is within the police powers of the District, and we have the right to do it; that it is the demand of the moral sentiment of the age; that we are only keeping abreast of the advancing civilization of the age when we put legislation of this character upon the statute-book. They concede we may make lotteries unlawful and yet deny the right of Congress to prohibit the publication of invitations to commit the crime. That, gentlemen—pardon me, if I say it—seems to me a monstrous doctrine indeed. You declare the business a crime, but do not concede the power of Congress to declare it a crime. You go beyond that, and say it is proper. You should declare, at the same time, the newspapers have some kind of immunity by which they may invite every man, woman, and child in the District to commit it, and you can not prohibit it unless, forsooth, you violate the freedom of a Washington newspaper. I have said all I want to say on this subject.

Mr. HEMPHILL. I now yield, for five minutes, to the gentleman from Texas [Mr. CRAIN].

Mr. CRAIN. Mr. Speaker, the gentlemen who have spoken in favor of this bill assume, or take for granted, that every lottery is necessarily a crime. Now, right there I take issue with them. I do not believe that a lottery which is authorized by the organic law of a State of this Union belongs to the category of crimes. I do not believe every scheme of chance or lottery which is indulged in at a bazaar given for the benefit of the Grand Army of the Republic, or at a fair which may be held for the benefit of a church or school, is necessarily a crime, because, forsooth, moralists belonging to the school of morality of which the gentleman from Indiana [Mr. BROWNE] is such a distinguished member so hold.

A lottery, according to Webster, is a distribution of prizes by lot or by chance. Therefore a simple publication by a newspaper of a fair for the benefit of the poor, or for the benefit of the schools attached to a church, or for any other purpose, would be punished under this bill in the courts of the District.

Independently of this proposition it seems from the discussion of this question by the gentleman from Indiana, and the chairman of this committee, that there is a difference of opinion in reference to the object of this bill. The gentleman from South Carolina [Mr. HEMPHILL] insists this bill does not apply to newspapers which are printed elsewhere and circulated in the District. The gentleman from Indiana [Mr. BROWNE], on the other hand, maintains, and I think rightly, that it not only applies to the papers published here, but to newspapers printed elsewhere and circulated here. If there be doubt on the proposition it ought not to go upon the statute-book of this country. If Congress confesses through the committee, or from the lips of the gentleman from Indiana, that its legal interpretation is involved in doubt, then it ought not to be incorporated into the law of the land. Why frame a bill which is confessedly, according to its advocates, liable to such different construction? If the gentleman from South Carolina is correct, then the bill unjustly discriminates against the papers of this District. If the gentleman from Indiana be correct, then the bill interferes with the circulation of outside papers in the District.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CRAIN. I ask for five minutes more time.

Mr. HEMPHILL. I would be glad to yield to the gentleman, but I can not do so.

Mr. CRAIN. Then I will take the privilege of finishing my remarks in the RECORD.

Mr. HEMPHILL. I now yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I am no lawyer; but it seems to me, as a man who pretends to have a modicum of common sense, that there is too much law in this bill. In trying to correct an admitted evil you are opening the doors to a greater evil.

This bill appears to contain some of the ashes of the old alien and sedition laws. Those laws, sir, not only interfered with the liberties of the press, but they did, as this law will probably do, interfere with personal liberty. Nor is this the first time that the ashes of the alien and sedition laws have been stirred by Congress. They were stirred under the administration of General Grant, when the United States Senate passed a bill to abridge the freedom of the press. Under the provisions of that bill the editor of the most obscure newspaper in the most obscure corner of the most obscure State of the Union could have been dragged to the District of Columbia and subjected to fine and imprisonment, or both, by its petty local tribunals.

There is the same seed, sir, in this bill. It not only tramples upon the freedom of the press and upon the freedom of the person, but it tramples upon the rights of the States. Under the laws of the State of Louisiana lotteries are legal. The editor of a Louisiana newspaper can lawfully print a lottery advertisement there, but his paper would be tabooed in the District of Columbia under the provisions of this act. If he afterwards appears in the District of Columbia his person can be seized and he can be subjected to fine and imprisonment. There is no question about it. The bill is clear and specific. It says:

Or published.

Under law a newspaper is held to be published wherever it is circulated. The paper published outside, but circulated in the District of Columbia, is thus published here.

Mr. BROWNE, of Indiana. Will the gentleman permit me to call attention to the law of his own State? He refers to Louisiana. I believe the gentleman is from New York. Now, if the gentleman will examine the law of the State of New York he will find that a newspaper published in another State is subject to the same conditions proposed here exactly.

Mr. CUMMINGS. If the States are able to correct an alleged evil, what has the Federal Government got to do with it?

Mr. BROWNE, of Indiana. I did not know that the States could legislate for the District of Columbia.

Mr. CUMMINGS. I did not say that they did, sir. To continue: If you have a right to prescribe what shall be printed in the advertising columns of a newspaper, you certainly have the right to exercise censorship over its editorial and news columns.

Mr. LIND. Will the gentleman permit me to interrupt him for a question?

Mr. CUMMINGS. I have but five minutes; otherwise I should be very glad to yield to the gentleman.

Congress is then, under this bill, to indirectly exercise editorial supervision over the entire press of the country. Who is to be the editor-in-chief? Is it to be the distinguished gentleman at the other end of the Avenue? Who is to be the city editor? Is it to be the Speaker of the House of Representatives? Who are to be the reporters? Are they to be the chairmen of committees? Where is your editorial supervision going to end? This bill opens the door for it. Where and when will it be closed if once opened?

Now, you mean well—you say you mean well—you say that you do not mean to interfere with the freedom of the press. Your object is different. The question is not what is your object, but what is to be the effect of your efforts? When you play with the freedom of the press you play with fire. Blow out this match and avoid a conflagration. [Applause.]

[Here the hammer fell.]

Mr. HEMPHILL. By an understanding with my friend who controls the time on the other side, he will now consume the remainder of the time in opposition to the bill.

Mr. ROGERS. I yield five minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, the first question raised in opposition to this bill is founded upon the Constitution. The clause of the Constitution is perhaps familiar to you all:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, etc.

The first inquiry in order to a proper understanding and application of this proposed law, in my judgment is, what is the liberty of the press? Is it the expression of the opinions of the editor, and stop there; or does it include the publication of advertisements as well? My opinion is that the liberty of the press extends only to the edi-

torial views of the paper. The advertisements in the paper are no more the expressions of the editor than a hand-bill published by the advertiser and posted upon the corners of the streets. That is his act—the act of the advertiser, the man who publishes his business. The injurious effect on the paper of this bill, should it become a law, consists only in depriving it of a remunerative business. Hence, I do not believe that this bill is obnoxious to the objection that it is an invasion of the liberty of the press.

The bill, however, is a very harsh one. It seems to me that it is wholly an unnecessary measure, and as it is drawn it will create a very unjust discrimination against the newspapers of this District. I have no doubt, sir, that it applies alone to the newspapers published within the District of Columbia. It reads:

That it shall not be lawful within the District of Columbia for any person to advertise or publish an advertisement of any lottery scheme, or any other scheme or game of chance, or for the sale of any lottery ticket or tickets, or any interest therein, or the sale of any ticket or tickets in any other scheme or game of chance, or any interest therein, in any newspaper, circular, hand-bill, or poster, or in any other way.

There are two things which this bill denounces. One thing is to advertise or publish an advertisment of any lottery or game of chance in any newspaper or otherwise; and the other is the sale of any lottery ticket or ticket in a game of chance; and it applies only to the District of Columbia. It can not be extended so as to apply to the doing of either of those things outside of the District.

Mr. BROWNE, of Indiana. Will the gentleman allow me a question?

Mr. OATES. Yes, sir.

Mr. BROWNE, of Indiana. Will the gentleman, as a lawyer, interpret the word "publish" as not applying to newspapers other than those in the District?

Mr. OATES. Evidently the bill has in view the prohibition of publishing what is known as an advertisement in a newspaper, or issuing any circular, hand-bill, or poster, within the District and not outside of it.

Mr. BROWNE, of Indiana. If it is printed out of the District and published here, is it not published in the District?

Mr. OATES. The gentleman undertakes to give the word "publish" its largest sense, which is never allowable in the construction of a penal statute.

Mr. BROWNE, of Indiana. I give it the legal sense, and it has never been differently construed by any court.

Mr. OATES. The gentleman from Indiana will permit me to say that he would not do himself any credit if he rose before any court and asserted that he could by a latitudinous construction of a penal statute include anything not embraced in its letter.

[Here the hammer fell.]

Mr. OATES. I should like a minute or two more. I do not approve of the Louisiana lottery, but it is a lawful State institution. Newspapers from that State and elsewhere could, were this bill a law, be circulated *ad libitum* within this District, and the courts would not, could not punish the publishers.

Mr. ROGERS. I can not yield further, as I have promised the time at my disposal.

Mr. OATES. I merely wanted to say in conclusion that I am opposed to the policy of this bill. Lotteries and gambling ought to be and are prohibited by law within this District. The laws already in force are a sufficient protection. You can not legislate religion and morality into the people. If all the churches were to expel all of their members who take chances in the Louisiana lottery I apprehend that they would lose a much larger percentage of valuable members than they would willingly part with. I think that lottery should be abolished, but it is a State institution and Congress has no power to do it. The State of Louisiana alone can do that.

Mr. ROGERS. I yield five minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY. I am obliged to the gentleman from Arkansas, but do not know that I will consume even the time he has allotted me.

Whenever the House of Representatives comes to adopt any measure on any subject it seems to me that as their action has the force of law they should be careful as to what construction shall be put upon the language of their act. As I read this bill, sir, it seems to me likely to fill the criminal courts of this District with prosecutions from other States and other portions of the territory of the United States.

Without coming down critically to find out what is the exact meaning of the word "publish," it seems to me that under the construction of this law if a lottery scheme be published in a newspaper of the State of Louisiana, and if I, as an individual, have in view the object of getting those publications before the people of the District of Columbia, all I have to do is to buy a thousand of those newspapers, circulate them through the mails, and spread them broadcast over the District of Columbia, and the intelligence desired to be communicated is spread throughout the whole District. That is one of the operations of this law in my judgment. It has been commonly said by gentlemen who are members of the House that this is a bill to establish a censorship of the press. I believe the liberty of the press as the liberty of speech is guarded and guarantied by a law with which the Congress of the United States, the whole legislative department of the Government united with the executive, can not tamper.

Now, sir, if they will establish a system of censorship of the press that would prevent a newspaper reporter from lying about individuals, whether they be public men or whether they be private individuals, if it were possible under the Constitution to enact such a law, I for one would cheerfully vote for it, because I have never yet seen anything as offensive to the sense of public morality in any advertisement of any lottery or other scheme as I have seen in the expressed opinions of newspaper reporters published as facts. If this House could pass an act the enforcement of which would compel the representatives of newspapers, both editors and reporters, to confine themselves to a statement of fact instead of publishing individual opinions of theirs as facts, I believe the enactment of such a law would redound to the good and the welfare of all this people.

But, sir, one grave fault of this bill is that it proposes to discriminate against newspapers published in a certain and a very small portion of the territory of the United States. I believe that any legislation that discriminates against any class or any individual, unless it be careful in its terms, may be hurtful not only to the individuals concerned in that particular legislation, but such precedents would be dangerous in reference to the legislation of the country.

[Here the hammer fell.]

Mr. ROGERS. I yield five minutes to the gentleman from North Carolina [Mr. LATHAM].

Mr. LATHAM. I should not have a single word to say with regard to the merits of this bill but for the reason that I am so unfortunate as to differ in opinion with the gentleman from South Carolina who is chairman of the District Committee. I differ with him both in his construction of the meaning of the words of the bill and as to what the committee understood when they reported it here to the favorable consideration of this House. I certainly understood personally, and I thought the other members of the committee understood, that the purview of this bill would not only reach the newspapers published in the District of Columbia, but would apply equally to every paper published in the United States that was circulated within the limits of this District.

If the chairman of the committee, however, is correct in his views, it is apparent to the House that this bill has been favorably reported under a misapprehension of the law, and ought to be recommitted to the committee for its further action. I say "a misapprehension of the law" because, with the exception of the distinguished chairman of the committee, no gentleman upon this floor has taken the position that the bill does not apply generally to newspapers published throughout the Union. Now, sir, if it does so apply, it will have the same result that laws of this character which have been passed in the several States have had. There are laws in at least twenty of the States of this Union of an exactly similar character to this, denouncing as great if not greater penalties for their infraction, yet I ask any gentleman upon this floor whether he has ever known of a single prosecution and conviction under those laws? And if the offenders were prosecuted, who would have to suffer? You might pick up here the editors of three or four papers published in the city of Washington and you might punish them, but you could not punish a citizen of South Carolina or of any other State who violated your law, because he would not be here to be arrested and tried.

You might pick up the barefooted boy who runs through the snows of winter to sell his newspapers and put him in prison for disseminating papers containing these advertisements, published in South Carolina, in Kentucky, or in any other State, but the men who published the papers would not be amenable to your laws.

Mr. CRAIN. I wish to ask the gentleman a question. He is a member of the Committee on the District of Columbia. I will ask him to state what was the construction placed by the committee upon this bill.

Mr. LATHAM. I can state the construction which I placed upon the bill, and which I understood the members sitting near me to place upon it. I asked the question whether the bill would apply to all papers circulating in the District of Columbia, and I understood the opinion to be that it would so apply.

Now, Mr. Speaker, I desire to say that I am opposed to lotteries. If by my voice and vote to-day I could stamp out of existence the Louisiana lottery or any other lottery, legal or not legal, I would cheerfully cast my vote to do it. But, sir, this is an entirely different question. This institution is established by the fundamental law of a sovereign State; it is as much a legal institution as the First National Bank; we can not destroy it. Its malign influence extends all over this country, and will continue to do so until its charter has expired by lapse of time. You can not by any instrumentality that human ingenuity can devise legislate morality into the human race.

Mr. CRAIN. Will the gentleman tell us why the Territories were not included in this bill?

The SPEAKER *pro tempore*. The time of the gentleman from North Carolina [Mr. LATHAM] has expired. The gentleman from Arkansas [Mr. ROGERS] is entitled to the floor.

Mr. ROGERS. Mr. Speaker, the gentleman from Indiana [Mr.

BROWNE] was anxious for me to define to him the liberty of the press. It is very much easier to define what is not the liberty of the press than to define what is, but Judge Cooley in his work on Constitutional Limitations, after a long discussion of this subject, has undertaken to sum it up, and I give my friend from Indiana the benefit of that distinguished authority:

The constitutional liberty of speech and of the press, as we understand it, implies a right to freely utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character may be a public offense, or as, by their falsehood or malice, they may injuriously affect the standing, reputation, or pecuniary interest of individuals. Or, to state the same in somewhat different words, we understand liberty of speech and of the press to imply not only liberty to publish, but complete immunity from legal censure for the publication, so long as it is not harmful in its character when tested by such standards as the law affords. For those standards we must look to the common-law rules which were in force when the constitutional guaranties were established and with reference to which they have been adopted.

And in the case of Stone *vs.* Mississippi the supreme court of that State said:

They are not in the legal acceptance of the term *mala in se*, but, as we have just seen, may properly be made *mala prohibita*.

So that when the Constitution was adopted there was no such thing as the crime of dealing in lotteries of any description, but, on the contrary, the Father of our Country took his part in lotteries in this District. I will give the gentleman another thought in that connection, which comes from a distinguished Frenchman who traveled in this country many years ago. De Tocqueville said:

But in countries in which the sovereignty of the people ostensibly prevails the censorship of the press is not only dangerous but absurd. * * * The sovereignty of the people and the liberty of the press may therefore be looked upon as correlative institutions, just as the censorship of the press and universal suffrage are two things that are irreconcilably opposed, and which can not long be retained among the institutions of the same people.

Mr. MCADOO. I wish to ask the gentleman whether there are not laws similar to this in most of the States of the Union?

Mr. ROGERS. In thirty-five States there are laws in relation to lotteries, and also, I am told, in the District of Columbia.

Mr. MCADOO. And is it not a fact that in nearly all the States there are publications about lotteries?

Mr. ROGERS. Yes; but I have been unable to find a single adjudication touching the constitutionality of these laws.

Mr. MCADOO. And does not the Constitution of the United States bear the same relation to the States that it bears to the District of Columbia?

Mr. ROGERS. That is my understanding, of course.

Mr. BLOUNT. I would like to ask the gentleman from Arkansas a question. He says that so far as he knows the question has never been raised as to the constitutionality of laws of this description. If raised at all it would be raised by the lottery companies, would it not?

Mr. ROGERS. Not necessarily. I should think not. I suppose it would be raised by publishers of newspapers.

Mr. BLOUNT. But it has never been raised at all?

Mr. ROGERS. I am not aware that there has been any adjudication upon the constitutionality of prohibiting publications of this description in the press.

Mr. BLOUNT. Does the gentleman regard that fact as an acquiescence on the part of the newspapers and the lottery companies in the constitutionality of this character of legislation?

Mr. ROGERS. No, sir; exactly the reverse, because I dare say there is not a single State of the Union in which the newspapers do not publish these things in some form or other.

Now, Mr. Speaker, I promised to yield two minutes to the gentleman from Wisconsin [Mr. GUENTHER]. As I do not see him in his seat, I yield to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, this bill, it seems to me, applies only to papers published in the District of Columbia. The language is peculiar:

It shall not be lawful for any person to advertise—

What does that mean? It applies to the person who causes an advertisement to be inserted—

or publish an advertisement in any newspaper, circular, hand-bill, or poster.

What does that mean? That applies to the person who prints and utters. If it were intended to apply to persons who may circulate newspapers containing advertisements of this description, the word "by" would have been used, instead of the word "in." The prohibition would have been against publishing an advertisement by any newspaper, circular, hand-bill, or poster. That language would cover the circulation. But the words of the bill mean simply that no publication of the kind described can be made within the District of Columbia. The bill therefore makes a useless discrimination against newspapers published in the District, leaving full power to newspapers published outside to be circulated here. Such legislation can do no possible good.

Mr. ROGERS. As I before stated, I promised to yield two minutes to the gentleman from Wisconsin [Mr. GUENTHER], who was not then in his seat. As he is now present, I ask that the House, by unanimous consent, allow him two minutes.

Mr. HEMPHILL. I will yield two minutes to the gentleman from Wisconsin.

Mr. GUENTHER. Mr. Speaker, I regret very much that it is, or seems to be, the tendency of this Republic to adopt more and more the methods of monarchical Europe. To one who, like myself, left his native land to find a home where he could breathe the air of liberty and not be hampered at every step by the paternal, maternal, and goody-goody care of the government, it is certainly a painful reflection to find that we are rapidly approaching in this country the state of affairs from which we fled.

I do not advocate lotteries; I am not an advocate of gambling in any form. I think I am as moral as any of the gentlemen who believe it their special mission from Heaven to be the legislative watch-dogs of our public morals. This would be the initiative step of a censorship of the press. I am opposed to it because I believe it to be un-American, unrepublican, and in this case certainly uncalled for.

Mr. HEMPHILL. Mr. Speaker, this is a case, not at all uncommon, in which every man who undertakes to oppose this bill thinks it necessary to express his determination to fight all lottery schemes whenever he gets the chance. But here is a case in which every man who is opposed to lotteries, opposed to gambling, opposed to inducing the people to violate the law, has an opportunity to put himself upon record in favor of a law looking to those ends.

There are a good many gentlemen here who say that they will not vote for this bill because it applies to papers outside of the District as well as in it. There are a good many other gentlemen here who say they will not vote for it because it applies only to papers published in this District. The fact is there are some men entirely too hypercritical about bills coming before this House.

The gentleman from Arkansas [Mr. ROGERS] has read from the opinion of Judge Cooley, summing up what he considers to be a violation of the liberty of the press; and he says it is no violation of the liberty of the press to suppress the publication of those things which are harmful in their character. Now, it is conceded by every man who has addressed the House on this subject, by those who oppose this bill as well as those who favor it, that the lottery schemes of this country are harmful in their character. That they are so considered by the sentiment of the people at large is established by the fact that thirty-five out of the thirty-eight States of this Union have passed laws upon this subject.

Mr. ROGERS. I trust the gentleman will allow me a moment. I know he does not wish to make any statement, either of law or fact, which is not absolutely correct. Therefore, I call his attention to the fact that Judge Cooley, in a sentence immediately following the sentence just referred to, states that the matter must be determined by reference to crimes which were recognized as such by law at the time of the adoption of the Constitution. Now, will the gentleman tell us whether at that time it was any crime to run a lottery?

Mr. HEMPHILL. I was not in existence at that time, and am not acquainted with all the laws which were then in existence. But the fact that lotteries were indulged in by the Father of our Country and other noted people of that day is not sufficient to show that there were not laws then upon the statute-book in opposition to lotteries.

Mr. BLOUNT. There were not any railroads then, either.

Mr. HEMPHILL. No; there were no railroads, no telegraphs, and very few newspapers; and to my mind it is ridiculous to say that crimes which now shock the sentiment of the community and are corrupting the morals of the people can not be dealt with because they were not legislated against a hundred years ago.

Now, Mr. Speaker, I see some gentlemen object to voting for this bill because it applies only to newspapers published in this city. But they must remember there is a sentiment in this country endeavoring to put down the advertising of these lottery tickets in every State in this Union, and it would be unkind to the people of this country for us to stand back in reference to this matter any longer.

It is important we should dispose of this measure, and therefore I shall demand the previous question on the passage of the bill.

Mr. CRAIN. Why does not the bill include the Territories of the United States?

Mr. HEMPHILL. One reason is because the gentleman who introduced it drew the bill up in reference to the laws of the District of Columbia. The other is because the committee having in charge this bill has nothing to do with the Territories of the United States. If my friend from Texas will introduce a bill and refer it to the Committee on Territories I will help him to secure its passage.

Mr. BROWNE, of Indiana. There is such a bill pending before this Congress.

Mr. CRAIN. Why not incorporate its provisions in the pending bill?

Mr. HEMPHILL. It will come in at the proper time.

Mr. CRAIN. I move this bill be referred to the Committee on the Judiciary, as there seems to be a doubt about its intendment.

Mr. HEMPHILL. I move to lay the motion to refer upon the table.

Mr. CRAIN. I demand the yeas and nays on my motion.

The previous question was ordered.

Mr. ROGERS. Is not the vote on the passage of the bill?

The SPEAKER *pro tempore*. Yes; the bill has been ordered to be engrossed and read a third time, and the question now is on the mo-

tion of the gentleman from Texas to refer the bill to the Committee on the Judiciary.

Mr. CRAIN. I demand the yeas and nays.

The House divided; and there were—ayes 21, noes 64.

So the yeas and nays were ordered, one-fifth of those present voting in the affirmative.

The question was taken; and it was decided in the affirmative—yeas 119, nays 113, not voting 91; as follows:

YEAS—119.

Abbott,	Collins,	Hooker,	O'Ferrall,
Anderson, A. R.	Compton,	Houk,	O'Neall, J. H.
Anderson, G. A.	Cowles,	Hovey,	Outhwaite,
Bacon,	Crain,	Howard,	Perry,
Baker, C. S.	Crouse,	Hudd,	Phelan,
Baker, Jehu	Culberson,	Hutton,	Rice,
Bankhead,	Cummings,	Jones,	Richardson,
Barry,	Dargan,	Laffoon,	Rogers,
Biggs,	Davidson, A. C.	La Follette,	Rowland,
Blanchard,	Davidson, R. H. M.	Laird,	Sayers,
Bland,	Dockery,	Landes,	Seney,
Bliss,	Dougherty,	Lane,	Shively,
Bowen,	Dunn,	Lanham,	Snyder,
Breckinridge, C. R.	Enloe,	Latham,	Springer,
Breckinridge, WCP	Ermentrout,	Lee,	Stahlnecker,
Bryce,	Felton,	Lynch,	Stewart, Charles
Buckalew,	Ford,	Macdonald,	Stone of Ky.
Burnett,	Forney,	Maish,	Tillman,
Bynum,	French,	Martin,	Townshend,
Campbell, J. E.	Gaines,	McClammy,	Tracey,
Candler,	Gest,	McCreary,	Vance,
Carlton,	Glover,	McKinney,	Walker,
Caruth,	Grimes,	McRae,	Washington,
Catchings,	Guenther,	Merriman,	Wheeler,
Cheadle,	Hall,	Mills,	Whitthorne,
Chipman,	Hare,	Moffitt,	Wilkins,
Clardy,	Hatch,	Montgomery,	Wilkinson,
Cobb,	Heard,	Moore,	Wise,
Cockran,	Henderson, J. S.	Norwood,	Yost.
Cogswell,	Herbert,	Oates,	

NAYS—113.

Adams,	Finley,	Lodge,	Rockwell,
Allen, E. P.	Fuller,	Long,	Romeis,
Allen, J. M.	Funston,	Lyman,	Rowell,
Anderson, C. L.	Gallinger,	Mason,	Russell, C. A.
Bayne,	Gear,	McComas,	Ryan,
Blount,	Glass,	McCormick,	Scull,
Boothman,	Grosvenor,	McCullogh,	Smith,
Bound,	Grout,	Milliken,	Sowden,
Brewer,	Haugen,	Morgan,	Spooner,
Brower,	Hayden,	Morrill,	Steele,
Browne, T. M.	Hemphill,	Morrow,	Stephenson,
Brown, C. E.	Henderson, D. B.	Nelson,	Stewart, J. W.
Buchanan,	Henderson, T. J.	Newton,	Struble,
Bunnell,	Hermann,	Nichols,	Taulbee,
Burrows,	Hiestand,	O'Donnell,	Taylor, J. D.
Cannon,	Hogg,	O'Neill, Charles	Thomas, G. M.
Caswell,	Holman,	Owen,	Thomas, O. B.
Clark,	Holmes,	Payson,	Vandever,
Clements,	Hopkins, A. J.	Peel,	Warner,
Cothran,	Hopkins, S. I.	Penington,	Weber,
Cutcheon,	Johnston, J. T.	Perkins,	West.
Dalzell,	Johnston, T. D.	Peters,	Whiting, William
Darlington,	Kean,	Phelps,	Wickham,
Davenport,	Kelley,	Pidcock,	Wilber,
Davis,	Kerr,	Plumb,	Wilson, Thomas
Dingley,	Ketcham,	Post,	Yardley.
Dunham,	Laidlaw,	Rayner,	
Elliott,	Lehlbach,	Reed,	
Farquhar,	Lind,	Robertson,	

NOT VOTING—91.

Allen, C. H.	Dibble,	Mahoney,	Simmons,
Anderson, J. A.	Dorsey,	Mansur,	Spinola,
Arnold,	Fisher,	Matson,	Stewart, J. D.
Atkinson,	Fitch,	McAdoo,	Stockdale,
Barnes,	Flood,	McKenna,	Stone of Mo.
Belden,	Foran,	McKinley,	Symes,
Belmont,	Gay,	McMillan,	Tarsney,
Bingham,	Gibson,	McShane,	Taylor, E. B.
Boutelle,	Goff,	Morse,	Thomas, J. R.
Bowden,	Granger,	Neal,	Thompson, A. C.
Browne, T. H. B.	Greenman,	Nutting,	Thompson, T. L.
Brown, J. R.	Harmer,	O'Neill, J. J.	Turner, E. J.
Brumm,	Hayes,	Osborne,	Turner, H. G.
Burnes,	Hires,	Parker,	Wade,
Butler,	Hitt,	Patton,	Weaver,
Butterworth,	Hopkins, S. T.	Pugsley,	White, J. B.
Campbell, Felix	Hunter,	Randall,	White, S. V.
Campbell, T. J.	Jackson,	Russell, J. E.	Whiting, J. R.
Conger,	Kennedy,	Rusk,	Williams,
Cooper,	Kilgore,	Sawyer,	Wilson, W. L.
Cox,	Lagan,	Scott,	Woodburn,
Crisp,	Lawler,	Shaw,	Yoder.
De Lano,	Maffett,	Sherman,	

So the motion was agreed to.

On motion of Mr. CRAIN, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced, until further notice, on all political questions:

Mr. SIMMONS with Mr. ATKINSON.

Mr. TARSNEY with Mr. PATTON.

Mr. FELIX CAMPBELL with Mr. JACKSON.

Mr. STEWART, of Georgia, with Mr. GOFF.

Mr. SPINOLA with Mr. THOMAS, of Illinois.

Mr. NEAL with Mr. KENNEDY.

Mr. CUMMINGS with Mr. FITCH, until Wednesday, 15th.

Mr. STONE, of Missouri, with Mr. ANDERSON, of Kansas, until the close of the investigation by the Special Committee on Reading Railroad.

The following were announced as paired for this day:

Mr. MCSHANE with Mr. SHERMAN.

Mr. MILLIKEN with Mr. DIBBLE.

Mr. WADE with Mr. MANSUR.

Mr. TURNER, of Georgia, with Mr. MCKINLEY.

Mr. BARNES with Mr. MCCORMICK.

Mr. KILGORE with Mr. THOMAS H. B. BROWNE.

Mr. STOCKDALE with Mr. THOMPSON, of Ohio.

Mr. MCMILLIN with Mr. DORSEY.

Mr. SCOTT with Mr. OSBORNE.

Mr. WILSON, of West Virginia, with Mr. HARMER.

Mr. MAHONEY with Mr. ARNOLD.

Mr. GRANGER with Mr. BUTTERWORTH.

Mr. HARE with Mr. COOPER.

Mr. MATSON with Mr. PUGSLEY.

Mr. RUSSELL, of Massachusetts, with Mr. HOPKINS, of New York.

Mr. MORSE with Mr. HUNTER.

Mr. RANDALL with Mr. JOHN R. BROWN.

The result of the vote was then announced as above recorded.

Mr. CRAIN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VESSELS IN DISTRESS IN CANADIAN WATERS.

Mr. CHIPMAN. Mr. Speaker, I rise to submit a privileged report.

The SPEAKER *pro tempore*. The Clerk will read the report.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred a resolution asking information in regard to American wrecking vessels in Canadian waters, report the same back with the recommendation that it be adopted.

The resolution and papers referred to the committee are as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 3, 1888.

Whereas it is alleged that the Canadian authorities for years have refused and now refuse to allow American wrecking vessels and machinery to assist American vessels while in distress in Canadian canals and waters; and it is alleged further that Canadian wrecking vessels and machinery have been and now are allowed to come into American waters and assist any vessels there in distress—some of the facts in regard to these allegations will appear by the attached letters, which are made a part hereof:

"OSWEGO, N. Y., *February* 1, 1888.

"DEAR SIR: On or about the 30th day of September, 1881, I, being controlling owner of steam-barge Thompson Kingsford, was notified that she was ashore at Wellington, Ontario, and immediate assistance was needed. I informed our wrecker, Mr. Allen, who expressed himself ready to start at once provided the Canadian authorities would give him permission to work in their waters. I therefore applied by wire to the minister of marine at Ottawa, and after a long delay was informed that the assistance needed could be procured at Kingston, and the application was denied. I thought the treatment was severe, especially as my tugs were all ready to go, and we could have got the barge out of danger in twenty-four hours. As it was, during the delay, or rather by the delay in waiting for an answer, she was subjected to a severe gale, causing great damage and eventually costing us about $1,200 more than it would if we could have done the work ourselves.

"Again, on or about the 19th day of August, 1882, the same barge was sunk in the bay of Quinte by collision, and I again made application to go to her relief with my own appliances, and was again refused.

"To sum the matter up, the Canadian government have persistently refused to allow us to use our tugs or wrecking appliances in their waters under any and all circumstances.

"JOHN K. POST.

"Hon. N. W. NUTTING,
"*Washington, D. C., House of Representatives.*"

"OSWEGO, N. Y., *February* 1, 1888.

"DEAR SIR: At the suggestion of Mr. Allen, I make the following statement: On or about the 3d day of November, 1882, the schooner Camanche, of which I was controlling owner, was sunk in the Welland Canal, near Port Colborne. Although Buffalo was but 20 miles, and assistance could have been procured in six hours, we were told that American assistance would not be permitted, although at that moment the steam-pumps were loaded and ready to come. The result was we had to wait for assistance from Amherstburg, nearly 300 miles distant, and causing a delay of three days. Owing to the delay, the vessel's cargo swelled and sprung her entire deck up, and almost ruined the vessel.

"The treatment by the Canadians in this case was very unfair, and not at all as we treat them.

"ALBERT QUONCE.

"Hon. N. W. NUTTING, *Washington, D. C.*"

Therefore,

Resolved, That the Treasury Department of the United States is hereby requested, if not inconsistent with the public good, to transmit to this House with all convenient speed any and all correspondence, orders, and information in its custody in regard to the refusal of the Canadian authorities to allow American wrecking vessels and machinery to assist American vessels while in distress in Canadian waters, and as to whether Canadian wrecking vessels and machinery have been and are permitted to operate in American waters.

Mr. CHIPMAN. I ask the previous question upon the adoption of the resolution.

Mr. OATES. Is this resolution now before the House for consideration?

The SPEAKER *pro tempore*. It is a privileged resolution.

Mr. OATES. From what committee?

The SPEAKER *pro tempore*. It is reported from the Committee on Foreign Affairs.

The previous question was ordered, under the operation of which the resolution was agreed to.

Mr. CHIPMAN moved to reconsider the vote by which the resolu-

tion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2578) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.;

A bill (S. 1754) for the relief of Henry H. Marmaduke, of Missouri; and

A bill (S. 1022) to relinquish the interest of the United States in certain lands in Kansas.

SERVICE OF LEGAL PROCESS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia and put it upon its passage.

The bill is as follows:

Be it enacted, etc., That section numbered 685 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended so as to read as follows:

"SEC. 685. The summons shall be served like other writs of summons at least seven days before the appearance of the party complained of; but in case such party has left the District of Columbia, or can not be found, said summons may be served by delivering a written or printed, or partly written and partly printed, copy thereof to the tenant, or leaving the same with some person above the age of twelve years residing on or in possession of the premises; and in case no one is in actual possession of said premises or residing thereon, then by posting a copy of said summons on the premises where it may be conveniently read."

The committee recommend the adoption of the following amendments:

After the word "tenant," in the eleventh line, insert the words "or to the agent or attorney of the defendant, if he be known."

Also in the twelfth line, after the word "person," insert the words "of suitable discretion."

Mr. HEMPHILL. I would like to say that this bill simply proposes to provide the means for summoning defendants who have absented themselves from the District. It is a mere matter of conforming the law upon this subject to the general laws prevailing elsewhere.

If there be no desire to debate the bill, I ask the previous question upon the amendments and the engrossment and third reading of the bill.

The previous question was ordered, under the operation of which the amendments were agreed to, the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POOLS ON RACES, ETC.

Mr. HEMPHILL. I now call up the bill (H. R. 4964) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races, or boat races.

The bill is as follows:

Be it enacted, etc., That it shall be unlawful for any person or persons, or association of persons, in the cities of Washington and Georgetown, in the District of Columbia, to bet, gamble, or make books and pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or contest of any kind.

SEC. 2. That any person or persons, or association of persons, violating the provisions of this act shall be fined not exceeding $500 nor less than $100, or be imprisoned not more than ninety nor less than thirty days, or both, at the discretion of the court.

The committee recommend the adoption of the following amendments:

In section 2, line 3, strike out the words "one hundred dollars" and insert "twenty-five dollars," and in the fourth line strike out the words "nor less than thirty."

Mr. COMPTON. I wish to offer a further amendment to the bill.

Mr. HEMPHILL. I ask the previous question upon the amendments proposed by the committee, after which the gentleman may offer his amendment.

Mr. BIGGS. I would like to have these amendments again read. I ask for information, as I am not satisfied with the bill altogether.

The amendments were again reported.

The previous question was ordered, under the operation of which the amendments of the committee were agreed to.

Mr. COMPTON. I desire to add an amendment at the end of the first section in these words:

Or games of base ball.

So as to prohibit pool-selling upon these games as well as upon the other points covered by the bill.

Mr. BREWER. The section as it stands covers this question which my friend from Maryland seeks to raise now. It uses the words:

Or contest of any kind.

Therefore the amendment is entirely useless.

Mr. COMPTON. I offer that amendment, and think it should be appended to the bill.

The amendment was agreed to.

Mr. HEMPHILL. I now demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered, under the operation of which the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS ROCK CREEK.

Mr. HEMPHILL. I call up for consideration the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek, at the Woodley Lane road, in the District of Columbia. The bill makes an appropriation, but I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore* (Mr. RICHARDSON). The Chair is informed the bill is on the House Calendar. It will be considered in the House unless the point is made.

Mr. HEMPHILL. Let the substitute be read.

The following substitute, reported by the Committee on the District of Columbia, was read:

Strike out all after the enacting clause and insert as follows:

That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to cause to be constructed across Rock Creek, on the Woodley Lane road, in the District of Columbia, a substantial stone or iron bridge, with necessary approaches; and the sum of $35,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which said sum shall be available immediately upon the passage of this act, for the construction of said bridge and approaches, and for such investigation and surveys and such contingencies as the commissioners of the District of Columbia shall deem necessary, the same to be maintained as a free bridge for travel.

SEC. 2. That the sum which shall be expended under the provisions of this act shall be treated and regarded as part of the general expenses of the District of Columbia, and the United States shall be credited with the amount which it may pay under this act upon the 50 per centum of the expenses of the District of Columbia, as provided in the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia."

SEC. 3. That the commissioners of the District of Columbia shall, as soon as practicable, cause a survey of said creek to be made to determine the length, width, and height of said bridge and the approaches thereto, and shall cause plans and specifications to be prepared for such bridge and such approaches; and when the same are completed said board shall advertise for sealed proposals for the construction of such bridge and such approaches, which advertisement shall be inserted for at least one week in one or more daily papers in such cities as the said board of commissioners shall designate, and shall let such contract to the lowest responsible bidder, as provided by law: *Provided*, That the aggregate cost for the construction of such bridge and the approaches thereto, including the incidental expenses connected therewith, shall not exceed the amount herein appropriated.

Mr. HEMPHILL. If there is no information or explanation desired, I will move the previous question.

Mr. ADAMS. Let the report be read.

The report (by Mr. BREWER) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the so-called Woodley Lane road, in the District of Columbia, respectfully report:

That they have had the same under consideration and have come to the conclusion that such bridge is necessary, and that the same should be constructed. They therefore report said bill back to the House, with certain amendments in the nature of a substitute, and recommend that the amendments be concurred in, and that the bill when so amended do pass.

Mr. TAULBEE. Is that the whole of the report?

The SPEAKER *pro tempore*. The whole of the report has been read.

Mr. TAULBEE. Then, will the gentleman in charge of the bill give the House some verbal explanation to show what is the necessity why a bridge should be constructed at that point, and why it will be more useful there than at other points? I would like also to hear something about the probable increase of the value of property in that neighborhood by reason of the construction of this bridge.

Mr. HEMPHILL. I will answer the gentleman's questions. Does he desire to submit any further question?

Mr. TAULBEE. Not until those are answered.

Mr. HEMPHILL. I will state that this bill was introduced amongst the first of the bills which were presented for our consideration; that it went in its regular course to the committee, and was reported upon favorably by a subcommittee. Subsequently, after the subcommittee had given such information as was desired, further action by the committee was postponed until an examination of the premises should satisfy individual members of the committee as to the propriety of making this expenditure.

All the members of the committee except one went to this place and saw it for themselves. Every one of them that saw it came back satisfied that this was a necessary and proper expenditure of the public money. Another reason that satisfied them was that this is the only bridge from P street up to a place called Klingle's Ford, a distance of 3 or 4 miles, and the committee thought it was the proper place to have a suitable bridge for the people who wanted to go out of the city and those who wanted to come in. Those are some of the reasons which influenced the committee.

Mr. TAULBEE. I am not well acquainted with the geography of

that portion of the District, but I wish to inquire further whether this proposed bridge is on the line of the proposed extension of Massachusetts avenue.

Mr. HEMPHILL. It is not.

Mr. TAULBEE. How far from it?

Mr. HEMPHILL. I suppose about a mile. It is on an entirely different road which has nothing to do with Massachusetts avenue.

Mr. HENDERSON, of Iowa. Does this bill appropriate money for the construction of the bridge?

Mr. HEMPHILL. It does.

Mr. HENDERSON, of Iowa. How much?

Mr. HEMPHILL. Thirty-five thousand dollars.

Mr. HENDERSON, of Iowa. Has any ground been donated for it?

Mr. HEMPHILL. Yes, sir. The people out there who have property have donated, according to the statement furnished by the city department, grounds about the bridge and leading to it, valued at $189,000, for public streets.

Mr. HENDERSON, of Iowa. Who are to be accommodated by this bridge?

Mr. HEMPHILL. Of course everybody who lives out on that side of the city will be accommodated by it, and the people who live on the other side of the creek will be accommodated by it.

Mr. HENDERSON, of Iowa. Are not the speculators more likely to be accommodated by it than anybody else?

Mr. HEMPHILL. I will answer the gentleman in this way, that when the matter came up before the committee and we heard some reports of that kind—that the speculators were to be benefited by it—before the committee acted upon it we postponed, as I have said, its consideration until the members could go to the spot and make a personal investigation; and those who went, and they were all the members of the committee except one, were satisfied that it was a proper and necessary expenditure for the public good.

Now, whether any speculators are going to make money out of it is a matter which depends very much on the future. I suppose these gentlemen my friend from Iowa alludes to are the people who live along the route and others interested in the improvements of that part of the city; and, as I have said, they give to the city for public streets and for improvements along the avenues and streets in that neighborhood property which is estimated to be worth $189,000. In addition to that these same gentlemen, or some others, I do not myself personally know who they are, have spent there altogether $208,000 in grading streets which they have donated to the public, and so far as I am concerned, my judgment is that this is a proper expenditure; and if these gentlemen are willing to spend $400,000 towards the improvement of that portion of the city, I think the Government can afford to give them $35,000 for the construction of the bridge, even if other people are not accommodated by it.

Mr. HENDERSON, of Iowa. I desire to ask one other question. Are there any petitions for the passage of this bill?

Mr. HEMPHILL. Yes; there is a petition by everybody, I believe, along the route who would be immediately interested in the matter of the streets in that part of the city. And in addition to that there is a petition signed by a large number of people who live out in the adjoining territory included in the District of Columbia, but not embraced within the city limits, who would not be in any way affected or influenced by this except as a matter of convenience, as they would be affected by any improvement which contributes to the general welfare.

Mr. HENDERSON, of Iowa. One question further.

Mr. HEMPHILL. I will answer any questions the gentleman may ask.

Mr. HENDERSON, of Iowa. Are those petitions signed by parties living in that vicinity—people who have homes there?

Mr. HEMPHILL. Some of them are. These last that I have mentioned live out in Montgomery County, Maryland. They are people who have a good deal of business with the city of Washington, who have to visit the markets and other places in the city. Of course they are interested in getting in and out easily, and there is no proper road for them to travel to and fro between their homes and the city unless they go down to the P street bridge (which my friend will understand is the bridge which the Metropolitan Railroad crosses on its way to Georgetown), or go up to another place some 3 or 4 miles distant, where also there is a bridge. It is proper to state that there is an ordinary wooden bridge now at the place where it is proposed to build this, but I do not think that any gentleman who examines it will say that it is a proper structure for any civilized community where people have to pass to and fro.

Mr. HENDERSON, of Iowa. Is this bill recommended unanimously by the committee?

Mr. HEMPHILL. There is no minority report. My understanding is that there is one member of the committee who did not assent to the recommendation. He reserved the right to dissent.

Mr. BREWER. But that gentleman did not go out to make an examination of the locality?

Mr. HEMPHILL. No, he did not go.

Mr. WILKINS. I wish to ask a question for information. Is this what is known as the Woodley Lane bridge?

Mr. HEMPHILL. It is.

Mr. WILKINS. I understood the gentleman from South Carolina to say that it was the bridge for the extension of Massachusetts avenue.

Mr. HEMPHILL. Oh, no. It is a different thing entirely. It has nothing to do with the extension of Massachusetts avenue.

Mr. HENDERSON, of Iowa. Are there any remonstrances against the passage of this bill?

Mr. HEMPHILL. Yes. There is a remonstrance in the way of a resolution adopted by the citizens' committee. They passed a resolution in which they said that this was a waste of public money, and one of the speakers upon that occasion said there was a "job" in it. The gentleman from Michigan [Mr. BREWER], the member of our committee who had reported the bill, immediately prepared a letter and sent it to the chairman of the citizens' committee, saying in substance, "If you gentlemen have any objection to urge to this bill, we ask you to come before the committee and present it." They did not come at the time they were invited; they said they were not ready yet. We postponed the matter until this morning, when the gentleman who offered the resolution in the citizens' committee and two or three other gentlemen appeared and made objections to the bill. They objected to such an expenditure of the public money. The gentleman who offered the resolution lives on this side of the city and wants improvements made here, and I asked him the question, "What is really the point in this case? Is it not that the money is being spent in one portion of the city when you think it ought to be spent in another?" He replied, "That is it." It is a question as to where this money shall be spent. That is the sum and substance of the objections when they are boiled down.

Mr. TAULBEE. When I listened to the reading of this bill I suppose I must have been misled with reference to the locality of the proposed bridge, as would be inferred from the question which I asked the gentleman in charge of the bill. From the reading I got the impression that the bridge was proposed to be built in that part of the District of Columbia where it is notorious that almost the entire territory is in the hands of speculators, who are attempting to increase the value of property there in order that they may make their speculations successful; but when it is announced by the gentleman from South Carolina [Mr. HEMPHILL] that the persons who live in the vicinity of this proposed bridge and who own the property around there have made such generous and enormous contributions to the city of Washington and the District of Columbia, I feel half-way inclined to withdraw my objection. I would, however, insist, as this is perhaps the most favorable opportunity I shall have, that the committee having these District matters in charge should take into consideration the necessities of that portion of the city lying within the very shadow of this Capitol. Doubtless it is known to members of this House that within four or five squares of the national Capitol itself the streets remain unpaved. Railroad depots are found in the vicinity of this building, and if the expenditure of public money is to be made for the improvement of the city of Washington, I insist that, instead of making streets and building bridges 3 or 4 miles away from the Capitol, some attention ought to be paid to its immediate vicinity.

Mr. HEMPHILL. If the gentleman will permit me, I will state to him that the Committee on the District of Columbia does not have control of the expenditure of money for the paving of streets, the laying of sewers, or anything of that kind. That is controlled by the general Committee on Appropriations; and while I concur in the view which the gentleman expresses with respect to public improvements, I will state to the gentleman that the Committee on the District of Columbia has shown all proper attention to the needs of this eastern portion of the city, which may have been somewhat neglected in the past. Last year we made an appropriation of more than $100,000 to build a bridge across the Eastern Branch for the benefit of the people in this portion of the city and of those who live on the other side of the river. There is also pending a proposition to charter a railroad for the benefit of the people in that section. We have endeavored, as far as possible, to give these people a fair showing and to provide better means of travel and traffic between the outlying country and the city.

Mr. TAULBEE. I understand, Mr. Speaker, that the Committee on the District of Columbia does not have the appropriation of money for the improvement of the streets; but, if I understand the rules of this House, I think that committee does have such charge and such authority as would enable it to lay proper restrictions upon the commissioners or the District, who exercise the prerogative of distributing the money and designating the streets that are to be improved.

Mr. HEMPHILL. No; the appropriation bill provides for that.

Mr. TAULBEE. If any man will examine the appropriation bill he will find that the commissioners have almost *carte-blanche* for the designation of the streets that are to be improved.

Mr. HEMPHILL. Well, Mr. Speaker, the gentleman's view and mine are not so very divergent after all, and if he will introduce a proper bill on this subject our committee will give it full and fair consideration, and will be very glad to give him a hearing.

Mr. TAULBEE. I have not felt called upon to introduce bills on this subject, because my assignments on the committees of this House have directed my attention and labors in a different direction, and I

would not assume to know so much about these District matters as I should hope to know if I were a member of the gentleman's committee. I will vote with that committee. I have been with the gentleman all along; I have gone with him through Austerlitz to Waterloo, and I expect to be with him to the end, but I want these questions answered, because I think they are pertinent.

And I want to say right here that I look with great suspicion upon a measure bearing the features that this bill bears, especially if this proposed improvement is located in that part of the District where there have been such strenuous efforts recently to "boom" real estate. But with the statement made by the gentleman from South Carolina as to these enormous contributions, which, I dare say, are in money or real estate——

Mr. HEMPHILL. Both.

Mr. TAULBEE. For the improvement of that part of the city, I think we ought as members to do something in that direction. But before coming to a fixed and definite conclusion on that matter, I would like to ask what part of these contributions has been made in money and what part by the donation of streets along the line of which the donors own real estate.

Mr. HEMPHILL. I will state to the gentleman that the money amounted to $208,559.13.

Mr. HENDERSON, of Iowa. That is what they spent on their property.

Mr. HEMPHILL. No, it is what they spent upon the streets themselves in preparing for this improvement.

Mr. HENDERSON, of Iowa. It is what was spent upon their property on both sides of the proposed line.

Mr. HEMPHILL. Well, I do not know about that.

Mr. HENDERSON, of Iowa. I do.

Mr. TAULBEE. I want to say that if the "contributions" referred to by the gentleman from South Carolina consist of improvements that have been going on upon the property of these "syndicates," grading the streets and laying off their property in town lots; if that is what the gentleman means by "contributions," it bears quite a different complexion from what I had understood. I had supposed these contributions were expended upon streets of the city where people live. I could infer nothing else from the answers which the gentleman gave to questions of the gentleman from Iowa [Mr. HENDERSON]. If the nature of these contributions has been what is now stated, I do not think the contributions have been very direct.

Mr. WILSON, of West Virginia. Mr. Speaker——

Mr. HEMPHILL. I would like to say——

The SPEAKER *pro tempore* (Mr. RICHARDSON). The Chair has recognized the gentleman from West Virginia [Mr. WILSON].

Mr. HEMPHILL. I do not think I have yielded the floor.

The SPEAKER *pro tempore*. The Chair so understood.

Mr. HEMPHILL. I stated to the gentleman from Kentucky [Mr. TAULBEE] that I still claimed the floor.

Mr. TAULBEE. I did not understand that I occupied the floor in my own right, but only by the courtesy of the gentleman.

Mr. HEMPHILL. If the gentleman from West Virginia desires to speak, I will yield to him. How much time does he desire?

Mr. WILSON, of West Virginia. Not over five minutes.

Mr. HEMPHILL. I yield to the gentlma n.

Mr. WILSON, of West Virginia. Mr. Speaker, I have not risen to oppose this bill, because I do not know enough about the facts connected with this proposed improvement to justify me in arguing against it upon this floor. So far as my ignorance of the matter is concerned I can only say that having been intimately connected during the last two Congresses with the business matters of the District of Columbia, and having during that time, as I supposed, had brought to my attention almost all the improvements that were really called for by any public necessity, I did not until this Congress, and until the report of this committee, hear anything about the project now before the House.

Without any personal knowledge, however, as to the necessity for the construction of this bridge, I do know this one fact, that the citizens' committee of one hundred, a representative committee organized by the people of this District to represent and care for the interests of all sections of the District, an organization which is about the only advisory body in the District from which we can get any information as to the views and wishes of the people who pay the taxes—I do know the fact that this committee has unanimously adopted a resolution opposing the present construction of this bridge. That committee, I am also informed, desires further time in which to be heard before the Committee on the District of Columbia in opposition to this bridge. I am also informed that the chairman of the subcommittee on the District, the gentleman from Michigan [Mr. BREWER], I believe, has received from Mr. Fendall, the chairman of the citizens' committee of one hundred, a letter expressing his opposition to the construction of the bridge at the present time.

Now, in view of all these facts; in view of the fact which has also been stated by one or two gentlemen here, that this bridge is to be located in a portion of the District not yet thickly settled, where there can be no pressing demand for the immediate building of the bridge because of any considerable population; in view of the fact that this organized body of citizens has unanimously opposed it at the present time, I have simply risen to suggest to my friend from South Carolina and to the gentlemen of his committee, in whose judgment I have great confidence, so that I would ordinarily follow them blindly, that this matter be allowed to go over until the next District of Columbia day, in order, first, that the citizens' committee of one hundred may have full opportunity to present before the Committee on the District of Columbia the grounds of their opposition to this measure, and in order also that members like myself may have opportunity meanwhile to form an independent judgment as to the necessity of the present construction of this bridge.

Mr. TAULBEE. And at least find out where it is.

Mr. HEMPHILL. Mr. Speaker, I think the committee has given these gentlemen who are opposed to this measure every opportunity to be heard which they can reasonably ask. But, of course, this committee has had other things to do besides listening to the people of the District of Columbia. It is one of the peculiarities of the people here, and it may be they are not singular in this respect, and there are other people who have the same peculiarity, but there is not a proposition which has been presented to us to expend money in any part of this District but others come to the committee and oppose it, and insist the money should be spent, not where the committee propose, but in some other direction. I think that is the result of the experience of members very generally who have served upon this Committee on the District of Columbia.

I say, Mr. Speaker, that we gave this matter our personal examination, and came to the conclusion it was a proper measure. The commissioners of the District are of the same opinion. We have received petitions from persons who are interested and persons who are not interested in the property of the District. So far as we have been able to discover, there is no objection stated to the proposition, except on the part of people who live in other parts of the District and who think the money should be spent in their section. Perhaps that is natural, although it is necessarily selfish.

I wish now to yield some time to the gentleman from Michigan [Mr. BREWER] who submitted this report from the Committee on the District of Columbia.

Mr. TAULBEE. Before the gentleman takes his seat I wish to ask him a question—whether this committee of one hundred represented the northwest part of this city as well as other portions of the District?

Mr. HEMPHILL. I will only say, Mr. Speaker, that I do not know where these gentlemen came from, but I have understood that they came from every portion of the District. At the meeting to which I have already made reference, sixty out of the one hundred were present, and they acted upon the resolution without any discussion, and without reference to any committee for the purpose of investigating the matter and without any report upon it. According to the newspaper account of the proceedings of the meeting it was put through without any report. We know how things of that sort are done, as legislation refquently goes through the House without anybody in particular being responsible for it. After that meeting we heard all who had taken part in opposition to this measure, and every man who was opposed to it alleged as the only ground for his opposition, that he wished the money might be expended somewhere else than where the Committee on the District of Columbia, and the commissioners of the District, thought it should be expended.

Mr. TAULBEE. Do the commissioners recommend the passage of this bill?

Mr. HEMPHILL. Yes, they do recommend this bill. I now yield to my colleague on the committee, the gentleman from Michigan [Mr. BREWER].

Mr. BREWER. Mr. Speaker, being a member of the Committee on the District of Columbia, and having been instructed by that committee to report this bill favorably to the House, I feel it to be incumbent upon me to present my reason for favoring its passage.

I am somewhat surprised at the remark made by the honorable gentleman from West Virginia [Mr. WILSON], who says he was a member of this committee, I think at the last session of Congress, and that among the various improvements suggested in this District he never heard this one proposed. If that is so, it only shows his inattention to the recommendations contained in the report of the commissioners of the District.

Mr. WILSON, of West Virginia. I did not say that I was a member of the Committee on the District of Columbia at the last session, but that I was a member of the Committee on Appropriations, having charge of the District matters.

Mr. BREWER. I understood the gentleman to say that he was a member of the Committee on the District of Columbia at the last session.

Mr. WILSON, of West Virginia. No; not at the last session, but I was a member of the Committee on the District of Columbia in the Forty-eighth Congress.

Mr. BREWER. Now, in the report of the commissioners of the District for 1886, they specially recommended the construction of this bridge, and they repeated that recommendation in their last annual report.

I am somewhat surprised gentlemen are so willing and so anxious to

criticise the judgment as well as the work of the District Committee. Some of us know with what trial, with what labor, with what perseverance the honorable Speaker of this House labored four long weeks to find amongst the members of this House of Representatives thirteen gentlemen to whom could be intrusted the affairs of this District; and he succeeded in finding twelve. It was thought, at that time, the great difficulty was to make up the Committee on Ways and Means, but I think the House has generally come to the conclusion it requires no very able body of men to frame a tariff bill if they can do it in secret session. [Laughter.] Everybody knew who was to be at the head of the Committee on Appropriations, and so in due time the honorable Speaker appointed those who were to constitute the Committee on the District of Columbia.

Now, Mr. Speaker, this bill was presented, I know not by whom, to the Committee on the District of Columbia. It was referred to a subcommittee of which I was a member. We went and inspected the location of this proposed bridge. We made our report to the committee. The whole committee inspected the location of the bridge, and they came to the conclusion that it was right and proper to recommend its construction.

The course of Rock Creek where this bridge is proposed to be constructed is at the bottom of a deep declivity. There are high banks on each side. There is a bridge there now, but it is near the water, and those who travel that road are compelled to go up and down these high embankments. It is one of the leading roads through the northwestern portion of the District leading into the State of Maryland. Every single member of the committee who inspected the location came to the conclusion, immediately almost after inspection, as a business matter, in the interest of the District, and in the interest of the public, it was necessary that it should be constructed farther from the water so as to do away with the steepness of the banks of the creek and make the travel over the bridge easier and more convenient.

Now it is doubtless true, sir, that there are men who own lands out beyond that creek which they have bought and hold with the expectation of improving in value, so that when they are divided into lots and put upon the market they will make money by the improvement. That may be all very true; and doubtless these lands will be increased in value by this proposed bridge.

But, in coming to the conclusion the committee did, we regarded it as wholly unnecessary and irrelevant to consider what these men might have done heretofore or what will be the results upon their property in the future. We were concerned only with the question of what was the public interest. It is, as all admit, desirable for the public interest and convenience that this bridge shall be constructed, and that consideration was what influenced the committee.

Now let us see what will be the effect of its construction. Are we to be prevented from making improvements of a public character in the District of Columbia because perchance it might enhance the value of some man's property who bought it for speculative purposes in times gone by, and lose sight of the fact that such needed improvement is demanded by the public necessities? Our attention has been called to the report or resolutions of the committee of citizens, the committee of one hundred, as it is called, of this District.

Ten years ago, when I was here in this House, we were asked to pass an appropriation bill for the purpose of constructing a public building in the District of Columbia, and I apprehend that since that time during every Congress the same question has been under consideration in the House. Why has that bill not been passed? Everybody knows that it was necessary; but it was not passed for the simple reason that the citizens' committee of one hundred could not agree upon a site; the District people themselves were divided on the question, and hence the appropriation was never made. Why? Because the moment you talked of putting up this building every man wanted it next to his own door for the benefit of his private property; and it is so in every improvement we attempt to appropriate money for at this time, and will be so, I am satisfied gentlemen will find, during the remainder of this session of Congress. But, Mr. Speaker, the committee could not stop to consider these things. Shall we say that we are not going to construct a bridge or open a street because at the end of the street or on the other side of the bridge somebody, a syndicate, if you please, has got hold of some of the land and is going to cut it up and sell it out in town lots, and the public expenditure which Congress makes is going to enhance its value? If we adopt that rule we shall make no improvements this year or hereafter.

I have had some experience in municipal affairs. I know that no improvement ever was made in one direction that there were not objections in the other. As a business enterprise, supposing that there be a syndicate holding lands on the other side of Rock Creek to-day, it is now taxed as country property, at a rate one-third or more less than city property; but if this bridge is built the assessed value of the property beyond the creek will be enhanced, or rather the rate will be increased to such an extent that the city will derive more than double as much revenue from taxes as at present. Suppose there is such a tract of land there and it is cut up into lots and sold out and buildings are constructed upon these lots, the tax rule is then applied there that is applied here in the city, and, of course, the assessment and the rate of taxation will be raised accordingly. I think, therefore, as a business man, examining this question with that end in view, that by the construction of this bridge the increased value of property on the other side of Rock Creek, the enhanced value when we come to assess the property for purposes of taxation, will be so great that it will more than pay the cost of the construction of the bridge inside of three years.

I ask consent to append to my remarks some letters bearing upon this subject.

There was no objection.

The letters are as follows:

HOUSE OF REPRESENTATIVES, *Washington, D. C., February* 9, 1888.

MY DEAR SIR: I see by the morning papers of yesterday that at a meeting of the citizens' committee of which you were chairman, held on the evening previous, among other things discussed and considered was that of the proposed bridge over Rock Creek, on the Woodley Lane road, so called, and that at such meeting resolutions were passed in opposition to the construction of such bridge. It was stated, according to the reported proceedings in the press, that there was a "job of the first water" connected with such proposed bridge matter. The bill in question for such bridge having, under the direction of the Committee on the District of Columbia, been favorably reported to the House by myself, I should deem it a very great favor if you or your committee or any other citizen in the District of Columbia would communicate to the chairman of said committee or myself personally any information which you or they may possess tending in any manner to show that there is a "job" of any kind connected with the proposed construction of the bridge in question. Before said bill was reported to the House the location of the proposed bridge was visited and carefully inspected by nearly every member of the committee on District affairs, and the construction of such bridge was deemed necessary and in the interest of the public generally. There will be a meeting of the Committee on the District of Columbia to-morrow, Friday, at 11 o'clock, and I will guaranty that any member of your committee shall be heard touching the matter in question, if the same shall be desired.

I have the honor of remaining, very truly, yours,

M. S. BREWER, *Member of District Committee.*

REGINALD FENDALL, Esq.,
Chairman Citizens' Committee, Washington, D. C.

CITIZENS' REPRESENTATIVE COMMITTEE OF ONE HUNDRED,
DISTRICT OF COLUMBIA,
Washington, D. C., February 10, 1888.

DEAR SIR: Your esteemed favor of yesterday, having reference to the proposed construction of a new bridge over Rock Creek, on the Woodley Lane road, and the action of the citizens' committee of one hundred, was received last night.

In reply I have to state that I was called away from the meeting of the committee before the close of its session on Tuesday night, and the proceedings referred to by you took place in my absence.

It is impossible to communicate with the citizens' committee in time to arrange for a hearing before your committee this morning.

The citizens' committee will hold its next meeting on Tuesday evening, the 14th instant, when I will present your communication. I am sure they will be pleased to accept your courteous invitation, and, if it is agreeable to your committee, make arrangements to appear before them on Friday, the 17th instant.

I will thank you to inform me if this suggestion meets with your approval.

I have the honor to be, very respectfully, your obedient servant,

REGINALD FENDALL,
President Citizens' Representative Committee of One Hundred.

Hon. MARK S. BREWER,
Member of District Committee, House of Representatives.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 10, 1888.

MY DEAR SIR: Your letter of the above date is just received, and the same has been considered by the whole committee. I am directed by the committee to inform you that the subcommittee which has the subject-matter in charge will meet on Monday morning next, at half past 10 o'clock, at the rooms of the Committee on the District of Columbia, for the purpose of hearing any and all persons who may desire to be heard in opposition to the construction of the proposed bridge over Rock Creek. We beg that you will notify Mr. Dodge and such other persons as may feel an interest in the subject-matter. It is not convenient for the committee to postpone the consideration of the matter to a later day.

I am very truly yours,

M. S. BREWER, *of District Committee.*

REGINALD FENDALL, Esq.

CITIZENS' REPRESENTATIVE COMMITTEE OF ONE HUNDRED,
DISTRICT OF COLUMBIA,
Washington, D. C., February 11, 1888.

DEAR SIR: I have to acknowledge the receipt of your favor of yesterday, informing me that your subcommittee will meet on Monday next at 10.30 o'clock, and requesting me to notify Mr. Dodge and such others as may feel an interest in the pending bill for the construction of a bridge over Rock Creek on Woodley Lane road.

The citizens' representative committee of one hundred is composed of delegates chosen by local citizens' associations, which cover the entire District of Columbia. It was intended (and is) to be thoroughly representative and impartial in its constitution.

One of the rules of the committee forbids any of its officers or members to appear before any committee of Congress, except when specially authorized and directed to do so by order of the whole committee. I have therefore to regret that I am unable to comply with your request to have the committee officially represented before you on Monday next, as the committee of one hundred has given no such authority in this case, and it is impossible for our committee to hold a meeting before Tuesday evening next.

I find from the record that the preamble and resolution having reference to an appropriation for the construction of said bridge was offered by a delegate from the northwest section of the city, was quite fully debated, and then passed without a dissenting voice.

It must therefore stand as an expression of the deliberate judgment of the committee, unless reconsidered and modified by that body.

As this matter has attracted some public attention, I shall feel it to be my duty on Tuesday next to present your correspondence to the committee of one hundred, with the recommendation that they take steps to have a report prepared which shall fully set forth the reasons for their action in the premises.

I have the honor to be, very respectfully, your obedient servant,

REGINALD FENDALL,
President Citizens' Representative Committee of One Hundred.

Hon. MARK S. BREWER,
House of Representatives.

Mr. HEMPHILL. I now yield five minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. This improvement, in the judgment of the members of the committee who examined it, is one which is imperatively demanded. This is one of the improvements recommended in 1886 and again recommended this year.

It probably will benefit the section of country beyond where it is to be located. If it did not confer some benfit it is an improvement that ought not to be made. If you spend the public money where nobody will be benefited by the expenditure you spend the public money uselessly.

Now, between the P street bridge and Klingle's Ford this is the only crossing of Rock Creek. It shortens the distance for people coming in from the Maryland side, that portion of the country adjacent to the city, some 2 miles. If you give them a decent road and a decent crossing, which is demanded by every consideration of economy, they gain this advantage. It is also demanded by considerations of the improvement of public property; and I do not hesitate to declare that the construction of this bridge will add to the taxable value of property beyond that point sufficient to pay back into the Treasury the whole cost of it within a very few years.

It is simply a question of getting the grade of a road that people can travel over.

Another consideration is that the people beyond it themselves are now demanding it. It is said that a citizens' committee resolved a few nights ago against it. Now, it is true that the president of the meeting had left, and in violation of the rules of the committee a motion was made by a certain gentleman to oppose this bridge, and by another gentleman a single remark was made upon the subject in opposition to it. These two gentlemen were before the subcommittee to-day and had ample opportunity to explain what they meant. They simply meant that if we did not have money enough on hand to build school-houses and improve the streets inside of the city, therefore we ought not to spend money outside.

Another member of the citizens' committee, an influential member, living in East Washington, came before the subcommittee and denounced the action of the citizens' committee as pulling back in the traces, as opposed to public improvements, and declared if that was to be the action of the citizens' committee he would wash his hands of it and withdraw. That is the situation.

[Here the hammer fell.]

Mr. HEMPHILL. Unless some further discussion is desired, I will now call for the previous question.

Mr. HENDERSON, of Iowa. I should like to make a few observations.

Mr. WILSON, of West Virginia. I suggest to the gentleman from Iowa to take the floor in his own right.

Mr. HENDERSON, of Iowa. Am I entitled to take the floor in my own right?

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. HEMPHILL] is entitled to the remainder of his time.

Mr. HEMPHILL. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has twenty minutes of his time remaining.

Mr. HEMPHILL. How much time does the gentleman from Iowa desire?

Mr. HENDERSON, of Iowa. About eight or ten minutes.

Mr. HEMPHILL. I yield the gentleman from Iowa eight minutes.

Mr. MCADOO. Before the gentleman from Iowa proceeds I wish to ask the gentleman from South Carolina a question. Is it proposed to build a railroad to this bridge?

Mr. HEMPHILL. There is a railroad which will cross over the bridge on its return trip, if built.

Mr. HENDERSON, of Iowa. I do not rise to oppose the bill on its merits. Still I am not prepared to vote for it; and if driven to vote upon it now I will oppose its passage by any method that is legitimate. I think the request of the gentleman from West Virginia should be complied with to give us till next District day an opportunity to investigate and look into this question.

I know enough through my relations with the District by being a member of the subcommittee of the Committee on Appropriations having charge of District appropriations—I know enough in that way about real-estate jobs in that part of the city to make me feel no hesitation in saying that I am full of the idea that there is a great deal more in this than has yet been developed.

I agree with the gentleman from Illinois [Mr. ROWELL] that improvements should be made in the District of Columbia. There is needed to-day the expenditure of millions of dollars by way of improvements, and I have not been backward, as a member of the Appropriations Committee, in giving the District needed money. But I have stood here on this floor demanding that the substantial interests now planted in this city and District shall first be considered before Congress becomes the instrument of a real-estate ring. There may be no such ring back of this movement. I make no charge of that kind now. But I unite with my friend from West Virginia in asking for reasonable time to give the citizens and to give this House an opportunity to thoroughly investigate this question.

There are large tracts of country outside of the boundary that need money—very much money. The District Commissioners have come before us in this Congress asking for more money for improvements than they have ever asked for before; improvements in rich, thickly populated parts of the city and District outside of the city. Before, then, reaching out towards this region which has been marked, tracked and retracked by the keen eye of the speculator, I think this House should be in possession of full knowledge of the facts instead of voting through this bill at this time.

Those of us who are not prepared to-day to vote for this measure because we know something of these operations, only ask for time to give the question a full and fair investigation, and that the people shall be fully and fairly heard. We ask that the consideration of the bill shall be deferred for only a month, until another District day, when you will have a whole day to control it. Why should this bill be driven through now by whip and spur simply because a few interrogation points have arisen in regard to it? The light can do no harm, if this be something that can stand the light. I hope it may be of that character. But until satisfied it is so, I for one can not give approval to the bill. I have great fears in regard to its purposes, and I am absolutely clear that those $35,000 can be planted to better advantage in other parts of the city and District than in putting a bridge across Rock Creek. That is all I desire to say at this time.

Mr. HEMPHILL. I think it is unfair to the committee——

Mr. HENDERSON, of Iowa. Will the gentleman from South Carolina permit me just another word?

Mr. HEMPHILL. Yes, sir.

Mr. HENDERSON, of Iowa. I do not want the gentleman from South Carolina, or any member of this committee, to think I impugn their motives or reflect on them in any way. But, like the gentleman himself, and like his colleagues, I have been, without my own desire, thrown into the investigation of these District matters; have been brought in contact with them; have been taken out in carriages to these vicinities, and have seen that region of country; and it is because of my knowledge of it that I seek to throw this warning before the House in conjunction with the gentleman from West Virginia, who was chairman of the subcommittee of the Committee on Appropriations in regard to the District bill in the last Congress; and I do not want the gentleman now to think that I am casting any reflection on him. I simply make a request that seems to me a reasonable one, when I ask him to let the bill stand over till next District day, when we will have had time to investigate it.

Mr. HEMPHILL. The gentleman from Iowa [Mr. HENDERSON] said he did not know why this should be driven through under whip and spur. I would like to know who is trying to drive it through under whip and spur? It was among the first of the bills introduced in the House, and gentlemen have had from the date of its introduction up to the 13th of February to examine and consider it. The bill was reported by a subcommittee, and a week was allowed for the general committee to examine the subject and the premises if they saw fit. They made their investigation and made their report, and then, after that, we gave the citizens' committee of one hundred a full hearing this morning, and I assert here that the representative of that committee, who made the principal speech, stated himself that the real question was whether the money should be spent in this portion of the city or somewhere else.

Now, it is very unfair to our committee and to every man who desires to support this bill to say that we are attempting to put it through under whip and spur. So far as I am concerned the bill comes up in the regular way; it comes up after three or four other bills have been considered, when it might have been brought up the first bill to-day if we had seen fit. It is here like any other bill upon this Calendar, and the question is whether or no the House will stand by what their committee have reported unanimously, except a reservation by one of the members of the right to object if he should see fit, and that member, by the way, is not present to-day. It is for the House to determine whether they will reject a measure which has been reported almost unanimously by the District Committee, which has received the recommendation of the District commissioners, and against which no valid objection has been urged.

As to the suggestion that this bridge will benefit somebody, that is true. The Aqueduct bridge, for which we appropriated $125,000, will benefit somebody. So will every other public improvement that is made. The question here is simply whether the policy shall be carried out of providing some convenient means of communication between the city and the surrounding country. So far as I am concerned I have no hesitation in saying that this is a proper and legitimate expenditure of public money, and that is the sentiment of the committee. It is for the House to determine whether they will authorize the expenditure now or will postpone it until another time. So far as I am concerned they have it in their own hands.

Mr. MCADOO. A few minutes ago I called the attention of the gentleman from South Carolina [Mr. HEMPHILL] to the fact that it

was contemplated to build a railroad which would cross this proposed bridge.

Mr. HEMPHILL. Yes, sir.

Mr. McADOO. Will the gentleman kindly inform the House what arrangements will be made with the railroad company for the use of the bridge? Will they be required to pay for it, and under whose supervision and control will they be allowed to use the bridge?

Mr. HEMPHILL. Under the charter as proposed this railroad will be taxed 4 per cent. upon its gross earnings toward meeting its share of the expenses of the District; and in addition to that there is a provision that under no circumstances shall their dividends exceed 10 per cent., and if they do, then the commissioners are to have the right to reduce the rate of fare.

Mr. McADOO. Under what law will the road be authorized to cross the bridge?

Mr. HEMPHILL. Under the charter.

Mr. McADOO. So you get the bridge before the railroad?

Mr. HEMPHILL. Well, sir, it is not we that get it. We have nothing to do with it, and I think it is very unfair to insinuate that the committee has any interest in this matter.

Mr. McADOO. I do not for one moment make such an insinuation. I have the highest respect for the committee and for its chairman.

Mr. HEMPHILL. I have no interest in it whatever, and the House can kick out both the bridge and the railroad bills so far as I am personally concerned; but it is a very strange thing that people who live here can not ask to have a railroad built or a bridge constructed without some gentleman supposing that there is a "ring" or a "job" connected with it.

Mr. HENDERSON, of Iowa. The gentleman knows that there is some ground for those suspicions.

Mr. HEMPHILL. So far as I know there is not.

Mr. HENDERSON, of Iowa. Then you have not watched District affairs very closely.

Mr. HEMPHILL. Yes, I have watched them with a good deal of care for two years past. I say, of course, that if this bridge is built somebody will undoubtedly make some money out of it, and so if any stone is laid anywhere somebody is quite certain to profit by it.

Mr. HENDERSON, of Iowa. I think there is no body of men anywhere who are so much pressed and pursued under plausible pretexts to get legislation in the interest of speculators as the members of this House. Of course it is never urged on that plea.

Mr. HEMPHILL. There is no doubt that there are a good many people in this country who want to have the public money expended for their benefit, and, the committee of one hundred being composed of people of this District, it is fair to suppose that the members of that committee are influenced by substantially the same motives that influence the people who are outside of that body. They want money spent in the eastern portion of the city. They complain that in the past they have not had a fair share of the public money that has been expended, and perhaps they have not; but that is no reason why a measure of public necessity should be slighted or rejected.

Mr. EZRA B. TAYLOR. Admitting that this proposed bridge is a good thing and a public benefit, did the committee consider the question whether the money is as much needed for that as it is for other purposes in other parts of the city? Has that comparative investigation been made?

Mr. HEMPHILL. Well, sir, we heard arguments by gentlemen who represented the different conflicting views, and we came to the conclusion that this was a proper thing to ask the House to do. As I believe the House is ready to vote, I call for the previous question.

Mr. HENDERSON, of Iowa. Will the gentleman permit just one question more?

Mr. HEMPHILL. Certainly.

Mr. HENDERSON, of Iowa. Since the Committee on the District of Columbia has only been able to finish its investigations this morning, and the bill is sought to be passed to-day, can the gentleman blame members for desiring a little more time to look at it?

Mr. HEMPHILL. I do not want gentlemen to understand that I blame them. I am simply here to put through the business of the House. If members think they ought to have more time, of course they are entirely at liberty to vote that way. My only concern is to get through the public business. I call for the previous question.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on the District of Columbia.

Mr. HEMPHILL. Does the Chair understand that I asked the previous question on the bill and pending amendment?

The SPEAKER *pro tempore*. The gentleman from South Carolina calls for the previous question on agreeing to the amendment, and on ordering the bill to be engrossed and read a third time.

Mr. HENDERSON, of Iowa. I rise to a parliamentary inquiry. Is a motion to recommit in order at this time?

The SPEAKER *pro tempore*. After the bill has been ordered to be engrossed and read a third time the motion to recommit will be in order.

The previous question was ordered; and under the operation thereof the amendment proposed by the Committee on the District of Columbia was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time by its title.

Mr. HEMPHILL. I call for the previous question on the passage of the bill.

Mr. HENDERSON, of Iowa. I now make my motion to recommit.

The SPEAKER *pro tempore*. The gentleman from South Carolina demands the previous question on the passage of the bill, pending which the gentleman from Iowa moves to recommit the bill to the Committee on the District of Columbia.

The question being taken on the motion to recommit, there were—ayes 19, noes 99.

Mr. HENDERSON, of Iowa. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from South Carolina [Mr. HEMPHILL] and the gentleman from Iowa [Mr. HENDERSON].

The House again divided, and the tellers reported—ayes 17, noes 148.

So the motion to recommit was not agreed to.

The SPEAKER *pro tempore*. The question now recurs on the demand for the previous question upon the passage of the bill.

The previous question was ordered.

Mr. HENDERSON, of Iowa. Mr. Speaker, is it now in order to demand the reading of the engrossed bill?

The SPEAKER *pro tempore*. The gentlemen from Iowa has the right to have the engrossed bill read, if he insists upon it.

Mr. HENDERSON, of Iowa. I do.

Mr. HEMPHILL. I wish to ask for information whether the previous question has not been ordered on the passage of the bill?

The SPEAKER *pro tempore*. It has been.

Mr. MILLS. That will carry this bill over as unfinished business if the House should now adjourn.

The SPEAKER *pro tempore*. That carries the bill over as unfinished business.

Mr. HEMPHILL. Is it not too late to demand the reading of the engrossed bill?

Mr. HENDERSON, of Iowa. It is too late for the gentleman to make that point.

Mr. HEMPHILL. The engrossed bill has been read, I believe.

Mr. HENDERSON, of Iowa. No, it has not.

Mr. HEMPHILL. Then it was not read because the reading was not demanded, and it is now too late to call for it, as the question is on the passage of the bill.

The SPEAKER *pro tempore*. The gentleman from Iowa made the point, the Chair sustained it, and no exception was taken. In the opinion of the Chair, the gentleman from South Carolina is now too late in raising the question.

Mr. HEMPHILL. The gentleman from Iowa was too late.

The SPEAKER *pro tempore*. The gentleman from Iowa made his point in time.

Mr. HEMPHILL. I desire to inquire whether, if we now adjourn, the bill will come up to-morrow or on the next District day?

Mr. HENDERSON, of Iowa. That question had better be determined hereafter.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, presuming that this bill will come up as unfinished business to-morrow, I merely desire to suggest——

Mr. HENDERSON, of Iowa. I move that the House adjourn.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. O'NEILL] is occupying the floor, as the Chair understands, upon a parliamentary question.

Mr. O'NEILL, of Pennsylvania. Of course, I do not desire to obtrude my opinion upon the Chair on a question of order, but I presume this bill will come up to-morrow as unfinished business if we adjourn now. If the gentleman from Iowa chooses to insist upon an adjournment when we are just about to pass a bill which he knows must inevitably pass, and which should pass in justice to the people living in that portion of the District to which it relates——

Mr. HENDERSON, of Iowa. I rise to a point of order. The lecture of the gentleman from Pennsylvania to me is not a parliamentary inquiry. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The question of order of the gentleman from South Carolina is pending. The gentleman from Pennsylvania addressed the Chair, and the Chair desired to hear what the gentleman had to say on that point.

Mr. O'NEILL, of Pennsylvania. I do not wish to discuss the question of order.

Mr. HENDERSON, of Iowa. If the gentleman does not wish to discuss the question of order then he is out of order, and I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Iowa has not the floor to make that motion.

Mr. HENDERSON, of Iowa. The gentleman from Pennsylvania says he does not wish to discuss the point of order.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania will proceed.

Mr. O'NEILL, of Pennsylvania. In reply to the gentleman from

Iowa, I wish to say that by the vote already taken this House has expressed itself to be decidedly in favor of the passage of the pending bill. The bill is fairly before the House, and it has been fairly argued.

Mr. HENDERSON, of Iowa. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. HENDERSON, of Iowa. The gentleman from Pennsylvania rises to discuss the question of order, and instead of doing so proceeds to give me a lecture, which, in my judgment, is not in order. [Laughter.]

Mr. O'NEILL, of Pennsylvania. Does not this bill come up as the unfinished business to-morrow?

The SPEAKER *pro tempore*. In the opinion of the present occupant of the chair, the previous question having been ordered, the bill does come up as the unfinished business to-morrow morning, after the reading of the Journal. At that time the Speaker of the House will occupy the chair, and can decide whether it comes up then in order or goes over as the unfinished business of the next District day.

Mr. DINGLEY. As this is District day does not the unfinished business of to-day go over under the rule to the next District day?

The SPEAKER *pro tempore*. The Chair is under the impression, as the previous question has been ordered, the bill comes up to-morrow after the reading of the Journal.

Mr. HENDERSON, of Iowa. The Chair does not decide that question, but leaves it to the Speaker to decide.

The SPEAKER *pro tempore*. It has been the practice of the House, as gentlemen will remember, when the previous question has been ordered on a bill on Friday, that bill would come up upon the Monday following or the next day, after the reading of the Journal. The Chair holds this bill will come up to-morrow, and, as he has already stated, the Speaker will occupy the chair in the morning and can decide the matter for himself.

Mr. CANNON. I do not understand the previous question has been ordered.

Mr. HEMPHILL. Yes, it has.

Mr. CANNON. On the final passage of the bill?

The SPEAKER *pro tempore*. The previous question has been ordered on the passage of the bill.

Mr. COMPTON. Do I understand the Chair has decided that the gentleman has the right to call for the reading of the engrossed bill?

The SPEAKER *pro tempore*. The Chair has so decided.

Mr. COMPTON. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. It is too late.

Mr. HEMPHILL. As to the point of order, the Chair ruled against me before I had an opportunity to be heard; but as it has been decided that this bill will come up as the first business after the reading of the Journal to-morrow, I think the proper thing now to do is for the House to adjourn, and I therefore submit that motion.

LEAVE OF ABSENCE.

Mr. ANDERSON, of Kansas, was granted leave of absence for to-day and until the return of the Special Committee on Labor Troubles in Pennsylvania.

LAURA L. WALLEN.

On motion of Mr. BLISS, by unanimous consent, leave was granted for the withdrawal from the files of the House, without leaving copies, of the memorial of Laura L. Wallen.

EMPLOYÉS AT PRESIDENTIAL POST-OFFICES.

Mr. FUNSTON, by unanimous consent, introduced a bill (H. R. 7213) to designate, classify, fix the salaries, and regulate the appointment and employment of officers, clerks, and employés at Presidential post-offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

THREE-DOLLAR GOLD PIECES.

Mr. BLAND, by unanimous consent, introduced a bill (H. R. 7214) to prohibit coinage of three-dollar gold pieces; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

SAULT STE. MARIE VILLAGE.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 7215) to confirm certain lands to the village of Sault Ste. Marie; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested, namely:

A bill (S. 279) making appropriations for the purchase of ground and the erection thereon in the city of Washington of a building to be used as a hall of records; and

A bill (S. 1938) making an additional appropriation for the relief of the poor of the District of Columbia.

Also, that the Senate had passed without amendment the bill (H. R. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased.

Mr. HEMPHILL's motion was agreed to; and then (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. ADAMS: A bill (H. R. 7091) for the relief of minor heirs of Orison S. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7092) for the relief of Anna M. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7093) granting an increase of pension to John A. Rolf—to the Committee on Invalid Pensions.

By Mr. C. S. BAKER: A bill (H. R. 7094) granting a pension to Nancy Van Dyne—to the Committee on Invalid Pensions.

By Mr. BAYNE: A bill (H. R. 7095) granting a pension to Miriam V. Ashe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7096) to remove the charge of desertion from the military record of William J. Blain—to the Committee on Military Affairs.

By Mr. BELDEN: A bill (H. R. 7097) granting a pension to Edmund Ryan—to the Committee on Invalid Pensions.

By Mr. BLISS: A bill (H. R. 7098) for the relief of Herman Leibmann—to the Committee on Claims.

By Mr. BOOTHMAN: A bill (H. R. 7099) to increase the pension of Joseph Claire—to the Committee on Pensions.

By Mr. C. E. BROWN: A bill (H. R. 7100) for the relief of Sophia G. Mitchell and Eliza Jane Mahon—to the Committee on War Claims.

Also, a bill (H. R. 7101) granting a pension to John Senff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7102) to correct the military record of James B. Gallagher—to the Committee on Military Affairs.

By Mr. BRYCE: A bill (H. R. 7103) for the relief of Rudolph Menadier—to the Committee on Military Affairs.

By Mr. BUNNELL: A bill (H. R. 7104) for the relief of Mercy Owen, widow of Jeptha W. Owen—to the Committee on Invalid Pensions.

By Mr. BURNES: A bill (H. R. 7105) for the relief of John S. Logan, assignee—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 7106) granting a pension to Sylvander Jefferds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7107) granting a pension to Patrick Coyle—to the Committee on Invalid Pensions.

By Mr. JAMES E. CAMPBELL: A bill (H. R. 7108) for the relief of George W. Soller—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 7109) for the relief of the executor or administrator of the estate of Nehemiah Garrison, assignee of Moses Perkins—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 7110) granting a pension to Elizabeth Volan—to the Committee on Invalid Pensions.

By Mr. CASWELL: A bill (H. R. 7111) granting a pension to Caroline Pautel—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 7112) for the relief of Mary L. Roderick—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 7113) granting a pension to Maria Youngs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7114) granting a pension to Henrietta Petersdorf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7115) granting a pension to William Scott—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 7116) for the relief of workmen employed in the construction of Poverty Island light-house, Lake Michigan—to the Committee on Claims.

Also, a bill (H. R. 7117) for the relief of David Sample—to the Committee on Military Affairs.

Also, a bill (H. R. 7118) for the relief of John Crosby—to the Committee on Claims.

By Mr. CULBERSON: A bill (H. R. 7119) for the relief John D. Henderson's heirs—to the Committee on War Claims.

Also, a bill (H. R. 7120) for the relief of Levina Neeley—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 7121) granting a pension to Florence Mabel Wilson—to the Committee on Invalid Pensions.

By Mr. DUNHAM: A bill (H. R. 7122) for the relief of Mrs. William W. Sherman—to the Committee on War Claims.

Also, a bill (H. R. 7123) for the relief of Catharine Mutz—to the Committee on Invalid Pensions.

By Mr. DUNN: A bill (H. R. 7124) for the relief of S. C. Stirling, H. R. Stirling, J. Anna Stirling, executrix of W. R. Stirling, and the legal representatives of Mary C. Stirling—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 7125) for the relief of Martha Spencer—to the Committee on Military Affairs.

By Mr. GAINES: A bill (H. R. 7126) for the relief of the heirs of Mark Davis, deceased—to the Committee on War Claims.

By Mr. GLOVER: A bill (H. R. 7127) for the relief of Charles McLaren—to the Committee on War Claims.

Also, a bill (H. R. 7128) for the relief of Hiram K. Hazlett—to the Committee on War Claims.

Also, a bill (H. R. 7129) for the relief of Bell R. Clements—to the Committee on Pensions.

Also, a bill (H. R. 7130) for the relief of Philip Holdenried—to the Committee on Pensions.

Also, a bill (H. R. 7131) for the relief of Catharine Kennedy—to the Committee on War Claims.

Also, a bill (H. R. 7132) for the relief of John A. King—to the Committee on Pensions.

Also, a bill (H. R. 7133) for the relief of Dr. W. W. Mantlo—to the Committee on War Claims.

Also, a bill (H. R. 7134) for the relief of Fidel Buechel—to the Committee on Pensions.

By Mr. HATCH: A bill (H. R. 7135) to remove the charge of desertion from Jacob L. Webb—to the Committee on Military Affairs.

Also, a bill (H. R. 7136) granting a pension to Litha J. Shalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7137) granting a pension to Harrison Toops—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7138) to remove the charge of desertion from John Greeley—to the Committtre on Military Affairs.

Also, a bill (H. R. 7139) for the relief of John M. Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 7140) for the relief of Robert D. Gardner—to the Committee on War Claims.

Also, a bill (H. R. 7141) for the relief of Joseph T. Scott—to the Committee on Naval Affairs.

Also, a bill (H. R. 7142) granting a pension to Andrew J. Finney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7143) granting a pension to Frances D. Best, widow of Lieut. Col. J. G. Best—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7144) granting a pension to S. W. Doss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7145) granting a pension to Joseph Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7146) for the relief of Lewis W. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7147) granting a pension to Israel D. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7148) granting a pension to Emeline Howren—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 7149) to incorporate the Hotel Republic Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HERMANN: A bill (H. R. 7150) for increase of pension of Herman Baumhager—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 7151) for the relief of A. N. Kimball and sureties on his official bond as receiver of public moneys—to the Committee on the Judiciary.

By Mr. HOUK: A bill (H. R. 7152) for the relief of William Robinson—to the Committee on War Claims.

Also, a bill (H. R. 7153) for the relief of Joseph Chittum—to the Committee on War Claims.

Also, a bill (H. R. 7154) for the relief of Jerry Simerly—to the Committee on War Claims.

Also, a bill (H. R. 7155) for the relief of Charlotte Marrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7156) granting a pension to William W. Kidwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7157) granting a pension to James J. Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7158) granting a pension to Amon Gross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7159) granting a pension to William Stokes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7160) granting an increase of pension to A. W. Rose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7161) amending the military record of Alexander Gossett—to the Committee on Military Affairs.

By Mr. HOVEY: A bill (H. R. 7162) for the relief of Mary Nevels—to the Committee on Invalid Pensions.

By Mr. JOSEPH: A bill (H. R. 7163) for the relief of E. B. Beer—to the Select Committee on Indian Depredation Claims.

By Mr. KERR: A bill (H. R. 7164) for the relief of the heirs of Samuel Morrison—to the Committee on War Claims.

By Mr. LODGE: A bill (H. R. 7165) granting a pension to Julia Cassidy—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 7166) to grant a pension to Simon Greenabaum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7167) for the relief of Andrew P. Jenkins—to the Committee on Military Affairs.

By Mr. McCORMICK: A bill (H. R. 7168) for the relief of William Magee—to the Committee on Invalid Pensions.

By Mr. McSHANE: A bill (H. R. 7169) granting arrears of pension to Joseph R. Dodds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7170) granting a pension to James Ball—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley—to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 7172) for the relief of the estate of E. L. Brown—to the Committee on Claims.

By Mr. NEWTON: A bill (H. R. 7173) for the relief of the legal representatives of Benjamin P. Curry, deceased—to the Committee on Claims.

By Mr. OATES: A bill (H. R. 7174) for the relief of Mrs. L. E. Boatwright—to the Committee on War Claims.

Also, a bill (H. R. 7175) for the relief of Mrs. A. E. Hardin, of Alabama—to the Committee on War Claims.

By Mr. J. J. O'NEILL: A bill (H. R. 7176) for the relief of Jacob Kern—to the Committee on Claims.

By Mr. PEEL: A bill (H. R. 7177) granting a pension to Tilman Thrasher—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 7178) for the relief of William A. Mitchell of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7179) granting a pension to William F. Jobes, of Neodesha, Kans.—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 7180) granting a pension to John Harlan—to the Committee on Invalid Pensions.

By Mr. PIDCOCK: A bill (H. R. 7181) granting a pension to Alletta V. Quick—to the Committee on Invalid Pensions.

By Mr. ROMEIS: A bill (H. R. 7182) granting a pension to Henry L. Baldwin—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7183) granting a pension to Abraham Seidenstricker—to the Committee on Invalid Pensions.

By Mr. SCULL: A bill (H. R. 7184) granting a pension to Jacob Pletcher—to the Committee on Invalid Pensions.

By Mr. SENEY: A bill (H. R. 7185) granting a pension to Samuel Neikirk—to the Committee on Invalid Pensions.

By Mr. M. A. SMITH: A bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 7187) for the relief of Charles S. Hamlin—to the Committee on War Claims.

Also, a bill (H. R. 7188) for the relief of J. B. Groom—to the Committee on War Claims.

By Mr. E. B. TAYLOR: A bill (H. R. 7189) for the relief of Nathaniel Lang—to the Committee on Military Affairs.

By Mr. G. M. THOMAS: A bill (H. R. 7190) for the relief of Benjamin F. Royse—to the Committee on Military Affairs.

By Mr. O. B. THOMAS: A bill (H. R. 7191) for the relief of Harrison W. Moore—to the Committee on War Claims.

By Mr. VOORHEES: A bill (H. R. 7192) for the relief of General R. H. Milroy—to the Committee on Claims.

By Mr. WARNER: A bill (H. R. 7193) to remove the charge of desertion from the record of Albert G. Stansberry—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 7194) to refer the claim against the United States of J. J. Akers, of Colbert County, Alabama, to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINSON: A bill (H. R. 7195) for the relief of Antonio Marquez—to the Committee on War Claims.

By Mr. McCREARY: A bill (H. R. 7196) granting a pension to Jesse Mahaffey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7197) granting a pension to Mrs. Julia B. Russell, widow of David Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7198) granting a pension to Mrs. Rosannah Hollandsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7199) to place the name of Jacob L. Tussey, of Jackson County, Kentucky, on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7200) for the relief of Mrs. Jane Harbison—to the Committee on War Claims.

By Mr. McMILLIN: A bill (H. R. 7201) granting a pension to C. C. White—to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 7202) granting a pension to William C. Lord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7203) to remove the charge of desertion in the case of John Graffam, jr.—to the Committee on Military Affairs.

By Mr. DE LANO: A bill (H. R. 7204) granting an increase of pension to David P. Stewart—to the Committee on Invalid Pensions.

By Mr. NEAL: A bill (H. R. 7205) granting a pension to James Nipper—to the Committee on Invalid Pensions.

By Mr. SYMES: A bill (H. R. 7206) for the relief of Theodore J. Shandal—to the Committee on Pensions.

Also, a bill (H. R. 7207) for the relief of John Leonard—to the Committee on Military Affairs.

Also, a bill (H. R. 7208) for the relief of C. C. Davis—to the Committee on Claims.

By Mr. BURNES: A bill (H. R. 7209) for the relief of Mrs. Isabella M. Pankey—to the Committee on War Claims.

By Mr. YOST: A bill (H. R. 7210) for the relief of the heirs of Z. J. White—to the Committee on War Claims.

Also, a bill (H. R. 7211) for the relief of J. D. Youell—to the Committee on War Claims.

Also, a bill (H. R. 7212) for the relief of P. W. Wood—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 2667) for the relief of Ida M. Howell—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 6245) for the relief of William Burk—Committee on War Claims discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5826) granting a pension to W. W. Bradley—from the Committee on Invalid Pensions to the Committee on Military Affairs.

A bill (H. R. 3860) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher—from the Committee on Claims to the Committee on Patents.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Daniel C. Maxfield and others, of Amesbury, Mass., in aid of a certain treaty of arbitration—to the Committee on Foreign Affairs.

By Mr. E. P. ALLEN: Petition of H. B. Daniels and 54 others, citizens of Litchfield, Hillsdale County, Michigan, for a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. A. R. ANDERSON: Petition of J. N. Harris and others, of Hamburgh, Iowa, for the establishment of a Government system of telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. J. A. ANDERSON: Petition of certain citizens of Davis County, Kansas, for a Sabbath law—to the Committee on the Post-Office and Post-Roads.

Also, protest of 300 citizens of Davis County, Kansas, against the admission of Utah with polygamy—to the Committee on the Territories.

By Mr. BACON: Petition of Letisha Sparks, for relief—to the Committee on Invalid Pensions.

Also, memorial of the Board of Trade of Newburgh, N. Y., for a post-office at that city—to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Newburgh, N. Y., for a post-office at Newburgh, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BAKER: Petition of Mrs. Nancy Van Dyne, mother of James B. Van Dyne, late orderly sergeant Company I, First Veteran New York Cavalry, for relief—to the Committee on Invalid Pensions.

Also, petition of Sidney B. Roby, the Union and Advertiser Company, and 100 others, citizens of Rochester, N. Y., in favor of the proposed reduction of letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BAYNE: Paper relating to House bill No. 6673—to the Committee on Military Affairs.

By Mr. BIGGS: Petition of citizens of Merced County, California, for removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. BOOTHMAN: Petition of E. B. Payne and others, committee of the National Veteran Union Organization of soldiers of the late war, for the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. BOUND: Petition of the faculty of Lebanon Valley College, of Lebanon, Pa., for an international copyright law—to the Committee on Patents.

By Mr. BOWDEN: Petition of General S. C. Armstrong and other citizens, in regard to improving the harbor of Hampton, Va.—to the Committee on Rivers and Harbors.

Also, petition of Jesse H. Peel and others, and resolutions of the council of Hampton, Va., for the same purpose—to the Committee on Rivers and Harbors.

By Mr. BOWEN: Two petitions of citizens of Wythe County, Virginia, for a Government system of telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWER: Petition of the citizens of Madison, Rockingham County, North Carolina, asking for $20,000 to be appropriated for the improvement of Dan River—to the Committee on Rivers and Harbors.

By Mr. C. E. BROWN: Memorial of the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, touching the improvement of the Kentucky River—to the Committee on Rivers and Harbors.

By Mr. T. M. BROWNE: Petition of the Board of Trade and 650 others, citizens of Richmond, Ind., for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. BURNES: Petition of R. M. Nash and other clerks in the post-office at St. Joseph, Mo., in favor of bill fixing the salaries of clerks in the post-offices of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. T. J. CAMPBELL: Petition of the House of the Good Shepherd of New York City, for relief—to the Committee on Appropriations.

By Mr. CANDLER: Petition of the Georgia Marble Company, the American Marble Company, and citizens of Georgia, against the reduction on rough marble—to the Committee on Ways and Means.

By Mr. CANNON: Petition of Rev. E. B. Randle and 200 others, of Paris, Ill., for prohibition of exporting intoxicants to Africa—to the Committee on Foreign Affairs.

By Mr. CARUTH: Petition in regard to the tax on wool, from Richson & Co., Louisville, Ky.—to the Committee on Ways and Means.

Also, Ohio River captains, mates, pilots, and engineers of steam-vessels, in regard to the return of license fees—to the Committee on Claims.

Also, a paper in regard to the pension of Maria Hulse; also, a paper in regard to a pension for John Taaffe, and a paper in regard to a pension for Mary Griffith—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: Petition of heirs of Agnes Heard, of Warren County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of John M. Powell, guardian, of Hinds County, Mississippi—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of Catherine Carroll, sister of William Carroll, late of Company B, Twenty-fourth Regiment Michigan Volunteers, for relief—to the Committee on Invalid Pensions.

Also, petition of Mrs. Annie Norton, widow of John Norton, late Company D, Fifth Regiment Michigan Infantry, for a widow's pension—to the Committee on Invalid Pensions.

Also, petition of David Sample, for honorable discharge—to the Committee on Military Affairs.

Also, petition of G. R. Alvord Post, Grand Army of the Republic, for honorable discharge of David Sample—to the Committee on Invalid Pensions.

Also, petition of John Crosby, of Dearborn, Mich., for compensation as custodian of Detroit arsenal—to the Committee on Claims.

Also, a bill providing for the improvement of the channel from Grosse Point to the Detroit River, Michigan—to the Committee on Rivers and Harbors.

By Mr. CLARK: Petition of A. W. Lincoln, Menasha, Wis., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: A bill to appropriate $97,000 to complete the improvement of the Coosa River, in Georgia and Alabama—to the Committee on Rivers and Harbors.

Also, a bill to appropriate $500,000 for the improvement of the Coosa River, in Georgia and Alabama—to the Committee on Rivers and Harbors.

Also, a bill to appropriate $20,000 to improve the Oostenaula and Coosawattee Rivers, in Georgia—to the Committee on Rivers and Harbors.

By Mr. COBB: Petition of Thomas R. Knowles, of Chambers County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COGSWELL: Petition of B. T. Huntington and others, for the reissue of fractional currency and the abolition of postal notes—to the Committee on Banking and Currency.

Also, petition of Batchelder & Co. and others, citizens of Danvers, Beverly, and Salem, Mass., for the survey and improvement of Crane, Waters, and Porter Rivers—to the Committee on Rivers and Harbors.

By Mr. DARGAN: Papers in the claims of Herbert Smith, of J. H. O'Cain, executor of Mary O'Cain; of John C. Carthen, of John Slattery, of J. N. Townsend, of Mary Welch, of Leonidas Lowry, by his widow; of John G. Grant, of Pleasant Baker, of Mary R. Loadholt, of Elizabeth Singleton, of Patrick Brady, of Daniel Goldfinch, of Patrick H. Flanigan, of Jacob A. Schwarze, son of Philip B. Schwarze; of M. W. Venning, of R. S. Lipsay, of Ballard D. Dean, of Joel L. Easterling, of Martin Caulfield, of John Baker, of Lucy Breeden; of R. P. Hamer and others, executors of R. C. Hamer; of T. P. Stubbs, of Richard Jordan, of Susan Brigman, widow of Thomas Brigman and of Julia C. Watson, all of South Carolina—to the Committee on War Claims.

By Mr. DAVENPORT: Petition of citizens of Ontario County, New York, for passage of service bill for soldiers—to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of W. G. Bunker and others, masters of vessels and coast pilots, in favor of the improvement of Vineyard Haven Harbor—to the Committee on Rivers and Harbors.

Also, petition of William W. Crapo and others, citizens of New Bedford, in favor of the passage of an act to increase and regulate the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, memorial of William Thompson and others, of New Bedford, Mass., in favor of international arbitration—to the Committee on Foreign Affairs.

By Mr. DINGLEY: Petition of citizens for arbitration of any

differences that may arise between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. DOUGHERTY: Papers in the case of F. P. Ferriera, of John A. Pellicer, of Francis Bobé, and of Andrew J. Pellicer, of Florida—to the Committee on War Claims.

By Mr. DUBOIS: Petition of 100 citizens of Oneida County, Idaho, against any division of said Territory—to the Committee on the Territories.

By Mr. DUNN: Papers in the claim of Henry T. Cate, of Horatio Woodward, of Charles W. Belknap, of Samuel J. Sutton, of Arrey Marrs, of Hugh Dobkins, of Lizzie E. Neely, Mary E. Neely, and Esther A. B. Neely, of Thomas B. Paine, of W. H. Gillam, son-in-law of Joseph Egner; of James Dougherty, of John Brewer, of Mary A. England, and of W. H. Engels, of the State of Arkansas—to the Committee on War Claims.

Also, petition of I. J. Morrison, heir-at-law of Mrs. A. E. Morrison, of Phillips County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ELLIOTT: Petition of citizens of Columbia, and of J. L. Ferguson and others, of South Carolina, for the improvement of the Congaree River—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Memorial of Boston Executive Business Association, for fast mails—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Samuel Wilson, for reduction of postage on seeds, plants, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: Petition of estate of E. B. Cram, of J. M. Bowman, of James E. Browning, of Joseph Browning, of Beverly D. Curd, of Jesse A. Curd, of Tibitha Dickey, of Charles P. Edmunds, of Asa Y. Ellis, of E. G. Evans, of Mary J. Everett, of W. B. Farris, of Nancy W. Ferris, of A. J. D. Foster, of C. J. Hargrove, of Garland Ford, of J. C. Goff, of Josiah Hatcher, of estate of A. L. Hawkins, and of John Bishop, of Barren County, Kentucky, asking that their claims be referred to the Court of Claims for a finding of facts—to the Committee on War Claims.

Also, petition of James Breeding, of W. F. Grady, and of Amanda H. Keener (formerly Dahoney), of Adair County, Kentucky, asking that their claims be referred to the Court of Claims for a finding of facts—to the Committee on War Claims.

Also, petition of E. A. Edmunds, a citizen of Beaver County, Kentucky, asking that his claim be referred to the Court of Claims for a finding of facts—to the Committee on War Claims.

By Mr. FORNEY: Petition of citizens of Blount County, Alabama, for national aid to education, and favoring the Blair bill—to the Committee on Education.

Also, petition of W. B. W. Lee, administrator of Mordecai Tipton, of Cherokee County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of North Alabama, asking that the tax on fruit brandies be abolished—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of citizens of Wellsville, Kans., asking that osage orange be added to the list of timbers required by the timber-culture act—to the Committee on Agriculture.

By Mr. GIBSON: Papers in the case of Waterman Clift and Robert May, for relief—to the Committee on War Claims.

By Mr. GREENMAN: Petition of 56 citizens of Cambridge, N. Y., for the classification of worsted as woolen goods, and for a law fixing schedule of duties on wool and woolen goods as agreed upon by wool-growers and wool-manufacturers' meeting, held in Washington, January 14, 1888—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Business Men's Association, of Muscatine, Iowa, for the establishment of an experimental station for the manufacture of sugar in Iowa—to the Committee on Agriculture.

By Mr. J. S. HENDERSON: Petition of J. R. Blair, C. C. Wade, and 120 others, citizens of Montgomery County, North Carolina, for an appropriation to make the Pee Dee River navigable from the South Carolina line to Gunsmith Shoals—to the Committee on Rivers and Harbors.

By Mr. HERMANN: Petition of the Grange and Knights of Labor Assemblies, of Irving, Lane County, Oregon, opposing new charters to banks, favoring reissue of fractional currency, etc.—to the Committee on Banking and Currency.

By Mr. HIRES: Resolutions of the Anglers' Association of Eastern Pennsylvania, protesting against the menhaden fishermen—to the Committee on Merchant Marine and Fisheries.

Also, petition of Woman's Christian Temperance Union of Salem, N. J., for the better legal protection of young girls in the District of Columbia—to the Committee on the Judiciary.

By Mr. HOOKER: Petition of G. R. Kemp, administrator of James F. Leonard, of Madison County, and of Aaron Langley, of Hinds County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HOUK: Petition of E. A. Skillman, agent, of Washington, D. C., praying for the passage of a law to cancel certain lien certificates and relieve certain property in District from the burden thereof—to the Committee on the District of Columbia.

By Mr. HOVEY: Petition of Joseph D. McClure, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Warrick County, Indiana, for a pension to Mary Nevels, a blind girl—to the Committee on Invalid Pensions.

By Mr. HUDD: Memorial of Thomas E. Tomson, mayor, and the common council of Manitowoc, Wis., in relation to a general appropriation for public buildings—to the Committee on Public Buildings and Grounds.

Also, petition of A. L. Gray, mayor, and common council, of Fort Howard, Wis., for the same—to the Committee on Public Buildings and Grounds.

By Mr. KEAN: Three petitions of residents of New Jersey, fishermen and others, for the protection of food-fishes along the New Jersey coast—to the Committee on Merchant Marine and Fisheries.

By Mr. KETCHAM: Petition of Seth Secor and 75 others, of Cold Spring, N. Y., for the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of 13 citizens of Ancram, N. Y., for the adoption of the wool-growers' schedule of duty—to the Committee on Ways and Means.

By Mr. LANHAM: Petition of letter-carriers of El Paso, Tex., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. LATHAM: Petition of citizens of North Carolina, in relation to Ocracoke Inlet, in said State—to the Committee on Rivers and Harbors.

By Mr. LODGE: Petition of William O. Newall and others, citizens of Lynn, Mass., in favor of settling international disputes by arbitration—to the Committee on Foreign Affairs.

Also, petition to accompany bill granting a pension to Julia Cassidy—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of French & Ward and others, of Norfolk County, Massachusetts, for classifying worsteds as woolens—to the Committee on Ways and Means.

By Mr. McCLAMMY: A bill to improve the navigation of the Upper Cape Fear River, in North Carolina—to the Committee on Rivers and Harbors.

Also, a bill to improve the navigation of the Black River, in North Carolina—to the Committee on Rivers and Harbors.

Also, a bill to improve the navigation of the New River, in North Carolina—to the Committee on Rivers and Harbors.

Also, a bill to survey Northeast River, in North Carolina—to the Committee on Rivers and Harbors.

By Mr. McCOMAS: Petition of the Lombard Street Yearly Meeting of Friends, for the better legal protection of young girls—to the Committee on the Judiciary.

Also, petition of same, for a national prohibitory constitutional amendment—to the Committee on the Judiciary.

Also, petition of same for national aid to common schools—to the Committee on Education.

Also, petition of the Maryland State Temperance Alliance, for national aid to common schools—to the Committee on Education.

Also, petition of Samuel Ceas, of the District of Columbia, to Congress, to accompany bill—to the Committee on War Claims.

By Mr. McCORMICK: Protest of laborers, etc., of Arnot, Tioga County; of 521 miners and laborers of Morrison Run, Tioga County; of 234 miners and laborers, etc., of Antrim, Tioga County, and of 172 miners, laborers, etc., of Fall Brook, Tioga County, Pennsylvania, against the removal of the duty from coal imported into the United States—to the Committee on Mines and Mining.

By Mr. McCREARY: Petition of James T. Harris, a Mexican soldier, for amendment of the act of January 29, 1887—to the Committee on Pensions.

By Mr. McMILLIN: Petition of Robert C. Whitehead, of Wilson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: A bill for the permanent improvement of the Ouachita River, in Arkansas and Louisiana—to the Committee on Rivers and Harbors.

Also, petition of the Arkansas Agricultural Association against the suppression of the use of cotton oil in the manufacture of lard—to the Committee on Agriculture.

Also, resolutions of the Board of Trade of Pine Bluff, Ark., against the passage of Senate bill 650—to the Committee on Agriculture.

By Mr. MAISH: Petition of William Lutz, of Company C, Eighty-seventh Regiment Pennsylvania Volunteers, for a special-act pension—to the Committee on Invalid Pensions.

Also, petition for increasing the pension of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates—to the Committee on Invalid Pensions.

By Mr. MERRIMAN: Petition of the Chamber of Commerce, and petitions of citizens of Rochester, and of citizens of Oneida, N. Y., for the reduction of letter postage to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Petition of William McLaughlin and others, for a pension for Amelia F. Robbins—to the Committee on Invalid Pensions.

Also, petition of P. L. Berry and others, for the passage of the per diem rates pension bill—to the Committee on Invalid Pensions.

Also, memorial of J. R. Roberts and others and of A. B. Gifford and others, for the settlement of disputes between Great Britain and the United States by arbitration—to the Committee on Foreign Affairs.

By Mr. MILLS: Petition of citizens of the Fifth district of Texas, asking for governmental telegraph—to Committee on the Post-Office and Post-Roads.

By Mr. MORGAN: Petition of Martha A. Benton, of Marshall County, and of heirs of William Seallon, of Panola County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORRILL: Memorial of the mayor and council of Atchison, Kans., asking for improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. MORSE: Petition from 190 woolen and worsted mills of the United States and 110 merchants of New York City, for the classification of worsted as woolen cloth—to the Committee on Ways and Means.

By Mr. NEAL: Petition of James Nipper for relief—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition for the relief of settlers on the Mille Lac reservation, Minnesota—to the Committee on Indian Affairs.

By Mr. O'DONNELL: Petition of 31 citizens of Delta, Eaton County, Michigan, for reduction of postage on seeds, plants, and bulbs, the reissue of fractional currency, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. O'FERRALL: Papers in the claim of John E. Lewis, of Frederick County, Virginia—to the Committee on War Claims.

By Mr. PHELAN: Petition of Jacob Glenn, of Shelby County, Tennessee, for payment of his war claims—to the Committee on War Claims.

Also, petition of Mrs. Parnella B. Finney, of Memphis, Tenn., for payment of her war claim—to the Committee on War Claims.

By Mr. RANDALL: Memorial of Calvin S. Crowell & Co., of Philadelphia, Pa., against the passage of bill prohibiting the use of seines and traps—to the Committee on Merchant Marine and Fisheries.

By Mr. RAYNER: Petition of W. P. Harvey & Co. and other business firms of Baltimore, Md., for the repeal of the duty on sugar—to the Committee on Ways and Means.

Also, papers in the case of Abraham Brafman, for relief—to the Committee on Claims.

Also, petition of members of the faculty of the Johns Hopkins University of Baltimore, for an international copyright law—to the Committee on Patents.

By Mr. REED: Petition of William C. Lord, for a pension—to the Committee on Invalid Pensions.

By Mr. RICE: Resolution of the Chamber of Commerce of St. Paul, Minn., in favor of the proposed constitutional centennial celebration in 1889, the world's exposition in 1892, and the permanent exhibition of the three Americas—to the Committee on Ways and Means.

Also, resolution of the same approving bill (H. R. 1847) to provide for the enrollment of the naval militia and the organization of a naval reserve—to the Committee on Naval Affairs.

By Mr. RICHARDSON: Petition of A. B. Bratton, of Franklin County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of B. W. Blanton, administrator of Benjamin Blanton, of Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Memorial of the school board and city council of Hot Springs, Ark., asking the Government to donate certain unsold lots to Hot Springs, Ark., in trust for the public schools of said city—to the Committee on the Public Lands.

Also, petition of James C. Lipscomb, of Sebastian County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Memorial of the Bricklayers' Union of Toledo, Ohio, favoring the appointment of John T. Lynch for superintendent of mason-work on the Library building—to the Committee on the Library.

By Mr. RUSK: Petition of Abraham Seidenstricker, late of Company H, Sixth Regiment Maryland Volunteers, for relief—to the Committee on Invalid Pensions.

By Mr. SAYERS: Petition of citizens of Fort Worth, Tex., for the erection of post-office building—to the Committee on Public Buildings and Grounds.

By Mr. SCULL: Evidence in case of Abraham Howard, for a pension—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of Thomas Ryan and others, for an increase in the compensation of bailiffs—to the Committee on the Judiciary.

Also, joint resolutions of the General Assembly of Ohio, favoring the passage of Senate bills No. 913 and No. 1206—to the Committee on Invalid Pensions.

Also, joint resolution of same, favoring Senate bill providing for the eradication of pleuro-pneumonia among cattle—to the Committee on Agriculture.

Also, memorial of Joseph Hunt and B. F. Fortner, for a court in Indian Territory—to the Committee on the Judiciary.

Also, memorial of H. K. Spooner and others, of Seneca County, Ohio, favoring House bill No. 1549—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition of the Boston Executive Business Association, for an improved mail service between New York and Boston—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of citizens of Peekskill, N. Y., urging an appropriation for the improvement of their harbor on the Hudson River—to the Committee on Rivers and Harbors.

By Mr. STOCKDALE: Remonstrance of Paris, Ladner and others, of Marion County, Mississippi, against the reduction of the tariff on wool—to the Committee on Ways and Means.

Also, petition of Ivin M. Fortinberry, of Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. STONE, of Kentucky: Petition of James Armstrong, of William S. Asher, of Drewry Allen, of Jonas Barlow, of Isaac B. Conrad, of Stephen Deweese, of Jeremiah S. Dean, of John V. Dean, of L. S. Gresham, of John Gwill, of W. G. Gray, of William George, of John Goldsberry, of Daniel K. Hon, of James W. Hutchison, of Howard T. Jennings, of D. F. Kemp, of G. R. McDowell, of W. H. Martin, of Joseph Miller, of Sarah J. Myers, of James H. Meek, of William Nichols, of B. G. Pierce, of estate of John T. Porter, of William Rucker, of John G. Snow, administrator of R. Snow, of John D. Smith, of Edward Spencer, of John H. Swift, of James H. Sechrist, of Nelson Wilson, and of Daniel Watson, of Kentucky, for reference of their claims to Court of Claims—to the Committee on War Claims.

By Mr. STRUBLE: Petition of certain citizens of Iowa, for a grant to every soldier of the late war, or his legal representatives, of 160 acres of land—to the Committee on Invalid Pensions.

By Mr. TAULBEE: Proof in claim of J. M. Fidlen and Thomas O. Manor, of Pikeville, Ky.—to the Committee on War Claims.

By Mr. G. M. THOMAS: Petition of Allen W. Brewer, for a pension—to the Committee on Invalid Pensions.

By Mr. TRACEY: Petition of business men of Albany, N. Y., for removal of the duty on tin plate—to the Committee on Ways and Means.

By Mr. VANCE: Petition of E. S. Cleveland and others, of the First district of Connecticut, for the classification of clerks in first-class post-offices, and for fixing the salaries of same—to the Committee on the Post-Office and Post-Roads.

By Mr. VANDEVER: Petition of the Woman's Christian Temperance Union of Southern California, for repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. VOORHEES: Petition of 1,575 citizens, and of 47 citizens, and of 223 citizens of North Idaho for the annexation of the counties of Idaho, Nez Percés, Shoshone, and Kootenai, Idaho Territory, to Washington Territory—to the Committee on the Territories.

Also, petition of citizens of Washington Territory for an appropriation of $20,000 for the improvement of the Nooksack River, in said Territory—to the Committee on Rivers and Harbors.

Also, petition of the Woman's Christian Temperance Union of East Washington Territory, for a national commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WASHINGTON: Petition of heirs-at-law of Mrs. M. A. Stevens, deceased, late of Davidson County, Tennessee, for reference of their case to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, petition of faculty of Vanderbilt University, Nashville, Tenn., asking enactment of copyright law—to the Committee on Patents.

By Mr. WARNER: Petition of cattle-dealers and owners, of Kansas City, Mo., asking passage of H. R. 945—to the Committee on Agriculture.

By Mr. WEAVER: Petition of David Vail and about 150 others, and of William R. Wallace and about 75 others, citizens of the Sixth district of Iowa, for the establishment of a postal telegraph—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. J. Dickson and 48 others, citizens of Davis County, Iowa, for an amendment to the Constitution relative to the Executive and other offices—to the Committee on the Judiciary.

By Mr. WEBER: Petition of D. H. Crosby, late postmaster at Wilson, N. Y., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Samuel C. McKay, administrator of Johnson McKay, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of J. W. Dearden and 31 others, for national aid to education—to the Committee on Education.

By Mr. WHITTHORNE: Petition of Joseph C. Anthony, of Giles County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Papers in the claims of Philip Gordon; of Isaac V. Burns; of Moses Baylor; of John Cook; of Joseph L. Roberts; of G. W. Bane; of George Shaw; of George W. Cockrell; of A. R. Brown, son of Thomas Brown, and of George W. Spotts, of West Virginia—to the Committee on War Claims.

By Mr. WISE: Petition for an appropriation to reimburse the depositors of the Freedman's Savings and Trust Company Bank—to the Committee on Banking and Currency.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BROWER: Of citizens of Meadows, Stokes County, North Carolina.

Also, of citizens of Slate, Stokes County, North Carolina.

By Mr. J. E. CAMPBELL: Of citizens of Perins' Mills, Clermont County, Ohio.

By Mr. CANDLER: Of E. C. Garrison, L. J. Raysdale, and others, of Banks County, Georgia.

By Mr. COWLES: Of citizens of Lincoln County, and of Wilkes County, North Carolina.

By Mr. DUNN: Of citizens of Albertha, Randolph County, Arkansas.

By Mr. FINLEY: Of citizens of Green County, Kentucky.

By Mr. FUNSTON: Of R. C. McDowell and others, of Kansas.

By Mr. HERMANN: Of citizens of Boyd and Wasco Counties, Oregon.

Also, of citizens of Ione, Morrow County, Oregon; of citizens of Waterloo, Linn County; of citizens of Syracuse, Polk County; of citizens of Cleveland, Douglas County, and of citizens of Deadwood, Lane County, Oregon.

By Mr. HOUK: Of citizens of Morris Gap and of Huffstetler's Store, Tenn.

By Mr. LATHAM: Of citizens of Atlantic, Carteret County, North Carolina.

By Mr. McCORMICK: Of 32 citizens of Carpenter, Lycoming County, Pennsylvania.

By Mr. McRAE: Of citizens of Longview, Ark.

By Mr. E. B. TAYLOR: Of citizens of Rapids, Ohio.

By Mr. WHEELER: Of James T. Masterson, J. E. Steenson, and J. N. Jackson, of Mount Hope, Ala.

By Mr. WHITTHORNE: Of B. F. King and others, of Williamson County, Tennessee.

By Mr. YOST: Of citizens of Mill Gap, Highland County, Virginia.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. GRANGER (by request): Of 170 citizens of Fairfield County, Connecticut.

By Mr. GROUT: Of 372 citizens of Caledonia County, Vermont.

By Mr. LAIDLAW: Of 301 citizens of Allegany County, New York.

By Mr. McCORMICK: Of 202 citizens and of 279 citizens of Tioga County, Pennsylvania.

By Mr. MILLIKEN: Of 201 citizens of Somerset County, Maine.

By Mr. ROMEIS: Of 142 citizens of Ottawa County, Ohio.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. G. A. ANDERSON (by request): Of 209 citizens of the District of Columbia.

By Mr. BOOTHMAN: Of J. H. Brigham and 99 others, citizens of the Sixth district of Ohio.

By Mr. BURROWS: Of 168 citizens of the Fourth district of Michigan.

By Mr. HIRES: Of 121 citizens of the First district of New Jersey.

By Mr. S. T. HOPKINS: Of 108 citizens of the Seventeenth district of Colorado.

By Mr. LAIDLAW (by request): Of 158 citizens, and of 132 citizens, of the Thirty-fourth district of New York.

By Mr. McCOMAS: Of the Lombard Street Yearly Meeting of Friends held in Baltimore, Maryland.

By Mr. McCORMICK: Of 116 citizens of the Sixteenth district of Pennsylvania.

By Mr. McCULLOGH: Of 106 citizens of the Twenty-first district of Pennsylvania.

By Mr. MERRIMAN: Of 110 citizens of Washington, D. C.

By Mr. POST: Of 134 citizens of the Tenth district of Illinois.

By Mr. WEAVER: Of 100 citizens of the Sixth district of Iowa.

By Mr. WICKHAM: Of 150 citizens, and of 43 citizens, of the Fourteenth district of Ohio.

SENATE.

TUESDAY, *February* 14, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 31, 1888, a report from the Commissioner of the General Land Office, containing certain information called for as to what amount of lands upon the Omaha reservation, in Nebraska, have been sold pursuant to the statute approved August 17, 1882, and the amount paid into the Treasury, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 30, 1888, a report of the Commissioner of the General Land Office, containing certain information relative to the public lands in the State of Nebraska; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with section 1844 of the Revised Statutes of the United States, a copy of the acts passed by the Legislative Assembly of the Territory of New Mexico at its twenty-seventh session, 1886–'87; which, with the accompanying document, was referred to the Committee on Territories.

DISTRICT SCHOOLS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in compliance with the requirements of a resolution of the Senate of January 11, 1888, reports made to them by the superintendents of the white and colored schools of the District; which was read.

The PRESIDENT *pro tempore*. If there be no objection, the communication will be referred to the Committee on Education and Labor and printed.

Mr. DAWES. I should think it had better be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The resolution to which this is an answer was offered by the Senator from New Hampshire [Mr. BLAIR].

Mr. DAWES. I beg pardon; I thought it was in response to a resolution which I offered.

The PRESIDENT *pro tempore*. The resolution was offered by the Senator from New Hampshire, and, if there be no objection, the communication will be referred to the Committee on Education and Labor and printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of merchants and manufacturers of Baltimore, Md., praying that Congress restrict immigration; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Fort Worth, Tex., praying that an appropriation of $200,000 be made for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Board of Trade of Kansas City, Kans., praying for the erection of a post-office building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Kansas, officially signed, praying for legislation to provide for the adequate punishment of crimes against women and girls; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Nebraska, praying for the abolition of the internal-revenue tax on alcoholic liquors and tobacco; which was referred to the Committee on Finance.

Mr. GEORGE presented a petition of 4 senators and 5 representatives of the Mississippi Legislature, and 122 private citizens of the First and Sixth Congressional districts of Mississippi, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. ALLISON presented a joint resolution of the General Assembly of Iowa; which was read, and referred to the Committee on the Judiciary, as follows:

Joint resolution No. 3.

Be it resolved by the General Assembly of the State of Iowa, That our representatives in the Senate and House of Representatives in Congress be requested to use their efforts to secure the passage of a bill which shall require that before judgments rendered in the Federal courts sitting in the State of Iowa shall become liens upon real estate, transcripts thereof shall be filed with the clerk of the court in the county where the real estate is located, and be properly indexed.

Approved February 9, 1888.

I hereby certify that the foregoing joint resolution passed the senate and the house of representatives of the Twenty-second General Assembly of the State of Iowa.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. ALLISON presented resolutions adopted by the Republican Club of the city of Creston, Union County, Iowa, in favor of the passage of a measure granting to each Union soldier and sailor who served either in the war with Mexico or in the war of the rebellion a pension, upon the sole condition that the soldier or sailor was honorably discharged from the service; which were referred to the Committee on Pensions.

Mr. VANCE presented the petition of Minerva Tillery, of North Carolina, praying to be allowed a pension in consideration of her services in the Florida war; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Delia Newman, surviving

widow of a soldier of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Fayetteville, N. C., praying for the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. TELLER. I present the petition of Edward L. Berthand, and a large number of other citizens of Jefferson County, Colorado, praying that an appropriation be made for the construction of reservoirs in that State; I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL presented a petition of the clerks in the post-office at Jacksonville, Fla., praying for an increase of their compensation, and of the compensation of all clerks of the same class throughout the country; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Illinois, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

He also presented a petition of 126 citizens of the Sixth and Tenth Congressional districts of Illinois, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PAYNE presented resolutions adopted by the city council of Atchison, Kans., and resolutions adopted by the Board of Trade of Atchison, Mo., urging the improvement of the Missouri River; which were referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, praying for the improvement of the Kentucky River; which was referred to the Committee on Commerce.

He also presented a petition of 173 citizens of the Sixth, Eighth, Fourteenth, Nineteenth, and Twenty-first Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. QUAY presented a petition of 253 citizens of the Sixteenth, Seventeenth, Twenty-third, Twenty-fourth, Twenty-fifth, and Twenty-sixth Congressional districts of Pennsylvania; a petition of 127 citizens of the Seventh and Twenty-fifth Congressional districts of Pennsylvania; and a petition of 128 citizens of the Seventh, Twenty-first, and Twenty-eighth districts of Pennsylvania, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the select and common councils of Philadelphia, approving the report of the board of harbor commissioners in the matter of the improvement of the harbor of Philadelphia; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Pennsylvania, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. COKE presented the petition of the Medical Association of Grayson County, Texas, praying that import duties be removed from all medicines, medical and surgical appliances, and from everything used in the treatment or diagnosis of disease; which was referred to the Committee on Finance.

Mr. GORMAN presented the petition of D. C. Gilman, president, and other members of the faculty of the Johns Hopkins University of Baltimore, Md., and the petition of Thomas A. Gatch, E. A. Shepherd, and W. H. Harry, of the faculty of Frederick College, Maryland, praying for the passage of an international copyright law; which were referred to the Committee on Patents.

He also presented the petition of Edwin Higgins, president, and C. S. Mosher, secretary, of the Maryland State Temperance Alliance, praying for national aid to common schools; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Maryland, officially signed, praying for the submission to the State of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. GORMAN. I present the petition of Hodges Brothers, Hurst, Purnell & Co., and others, merchants of Baltimore, Md., praying the passage of Senate bill 532, relating to the transportation of dutiable goods in bond. As this bill is now before the Committee on Commerce, I move that the petition be referred to that committee.

The motion was agreed to.

Mr. SPOONER. I present a petition, numerously signed by residents of Almond, Portage County, Wisconsin, praying for the passage of the bill giving national aid to common schools. As the bill is now under consideration, I move that the petition lie on the table.

The motion was agreed to.

Mr. MANDERSON presented a petition of 132 citizens of the State of Nebraska, praying for legislation against the manufacture, sale, or importation of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. STOCKBRIDGE presented a petition of 196 citizens of the Eleventh Congressional district of Michigan, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WILSON, of Iowa, presented a petition of the Woman's Christian Temperance Union of Maryland, officially signed, praying for the enactment of such statutes as shall provide for the adequate punishment of crimes against women and girls; which was referred to the Committee on the District of Columbia.

He also presented a petition of the faculty of Amity College, at College Springs, Iowa, praying for the enactment of an international copyright law; which was referred to the Committee on Patents.

Mr. PLUMB presented a petition of the Board of Trade of Kansas City, Kans., setting forth the necessity of the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of the Indian Territory, officially signed, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented a petition of a committee of the Board of Trade of Greeley, Colo., praying for the construction of reservoirs in the State of Colorado for irrigation purposes; which was referred to the Committee on Public Lands.

Mr. PLUMB. I present a petition of citizens of Nebraska, praying that Congress take prompt action with a view of locating the Indian tribes of the Indian Territory upon their lands lying within the eastern portion of that Territory, and that the western portion of the Territory, including Oklahoma and the land known as the Cherokee Strip, be set apart and organized as a Territory subject to settlement and entry by the citizens of the United States under the homestead law. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MITCHELL. I present the petition of Corbett & Macleary, and other citizens of Portland, Oregon, canners and dealers in canned goods, praying for an amendment to the existing laws so as to authorize the repayment in full of the duties paid on imported tin when made into cans and exported filled with American products. This is a very carefully drawn petition, setting forth the reasons why this legislation should be had. The petitioners assert very confidently that the existing law is little less than an export tax, which, as they say, is prohibited by the Constitution of the United States. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. HISCOCK presented a petition of the Union Veterans' Union, Department of New York, praying for the passage of Senate bill 1537, the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of the State of New York, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. HOAR. I present the petition of J. H. Walker, A. G. Bullock, and sundry other business men and large business firms in the city of Worcester, Mass., praying that Congress make no appropriation for the construction of a Government building in that city until some further arrangements are made in regard to the site. I do not know whether the petition should go to the Committee on Public Buildings and Grounds or to the Committee on Appropriations.

Mr. MORRILL. The Committee on Public Buildings and Grounds.

Mr. HOAR. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. FRYE. I present the report of a committee memorializing Congress relative to medical and sanitary service on board emigrant passenger vessels. It is from a committee appointed by the American Medical Association, and is in the nature of a memorial. It relates to certain amendments of the immigration laws. As there is a bill touching immigration before the Committee on Foreign Relations, I move that the memorial be referred to that committee and be printed.

The motion was agreed to.

Mr. HARRIS. I present a petition of the Woman's Christian Temperance Union of Memphis, Tenn., praying for the enactment of such statutes as shall provide for the adequate punishment of crimes against women and girls. I move its reference to the appropriate committee.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. HARRIS. The petition is general and does not relate to the District of Columbia alone. I suppose it should go to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. It will be so referred, if there be no objection.

Mr. BLACKBURN. I present a like petition from many ladies in Kentucky. I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SABIN presented a resolution adopted by the St. Paul (Minn.)

Chamber of Commerce, favoring the proposed celebration of the constitutional centennial celebration; which was referred to the Select Committee on the Centennial of the Constitution and the Discovery of America.

He also presented a petition of 265 citizens of the First district of Minnesota, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a resolution of the St. Paul Chamber of Commerce, in favor of the passage of the bill (H. R. 1847) to provide for the enrollment of a naval militia and the organization of naval reserve forces; which was referred to the Committee on Naval Affairs.

He also presented resolutions adopted by the Minneapolis Chamber of Commerce, remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. PUGH presented a memorial of R. M. Church and 204 other citizens of North Alabama, remonstrating against the passage of the bills to tax compounds of lard with cotton-seed oil; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 647) for the relief of W. A. Lemaster;

A bill (S. 822) granting a pension to Sarah Errickson, widow of James S. Errickson, late seaman United States Navy;

A bill (S. 895) for the relief of Mrs. Betsey Winterbottom;

A bill (H. R. 120) for the relief of Charlotte Caroline Hackleman;

A bill (H. R. 440) granting a pension to Mary C. Knight;

A bill (H. R. 221) increasing the pension of John C. Johnston;

A bill (H. R. 880) granting a pension to Mary Everingham Brown; and

A bill (H. R. 2457) to increase the pension of Hubert M. Potter.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 824) granting a pension to John Geibel, reported it with an amendment, and submitted a report thereon.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 703) granting a pension to M. T. Lindsey, of Oregon;

A bill (S. 835) for the relief of Elisha Griswold; and

A bill (S. 930) to grant pension to Oscar F. Carpenter, Eleventh Independent Battery of Ohio Light Artillerry.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, and the bills were severally postponed indefinitely:

A bill (S. 814) granting a pension restoration and an increase of pension to Philip Fay;

A bill (S. 812) for the relief of William J. Langston;

A bill (S. 831) granting a pension to Harvy L. Johnson;

A bill (S. 826) granting a pension to Edmond Gatlin; and

A bill (S. 823) granting an increase of pension to Frank Fischer.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1829) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

He also, from the Committee on Finance, to whom was referred the bill (S. 1024) for the relief of John A. Fairfax, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 845) to grant a pension to the widow of John A. Turley, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER. I am instructed by the Committtee on Pensions, to whom was referred the bill (S. 697) granting a pension to Elmore Y. Chase, of Salem, Oregon, to report the same adversely. I desire to say that the reason why this unfavorable report is made is simply because the matter is now pending before the Pension Bureau and will be acted upon very soon, it not having been yet rejected or approved.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were severally postponed indefinitely:

A bill (S. 916) granting a pension to Jacob Smith;

A bill (S. 950) for the relief of Rosetta Mack;

A bill (S. 949) to increase the pension of Mrs. Harriet Clifford;

A bill (S. 828) granting a pension to Thomas G. Thomas;

A bill (S. 839) granting a pension to Honora E. O'Connor; and

A bill (S. 125) granting an increase of pension to William Bittinger.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1354) granting a pension to Helen Randolph;

A bill (S. 854) granting a pension to Sarah E. Branson;

A bill (S. 1413) to increase the pension of James Coey; and

A bill (S. 393) for the relief of Frances Anne Pyne Ricketts.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 338) granting a pension to Samuel Brooks, reported it with an amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2993) to authorize the Secretary of War to convey to the city of Austin, Tex., a tract of land in said city for educational purposes, reported it with amendments, and submitted a report thereon.

Mr. QUAY, from the Committee on Pensions, to whom was referred the petition of F. Selina Buchanan, widow of the late McKean Buchanan, pay director United States Navy, praying to be allowed an increase of pension, submitted a report thereon, accompanied by a bill (S. 1985) granting an increase of pension to Mrs. F. Selina Buchanan, which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 123) granting a pension to Mrs. Virginia Grier;

A bill (S. 121) granting a pension to Tobias Baney; and

A bill (S. 656) granting an increase of pension to James Jackson Purman.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred the bill (S. 1888) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources, reported it with amendments.

He also, from the same committee, to whom was recommitted the bill (S. 1176) to authorize the sale to aliens of certain mineral lands, reported it with an amendment.

HEARINGS AS TO ADMISSION OF NEW STATES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Territories be, and they are hereby, authorized to employ a stenographer to report the arguments made before them relative to the admission of Dakota or other Territories as States in the Union, and have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

INTERSTATE-COMMERCE COMMITTEE.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Interstate Commerce be, and they are hereby, authorized to employ a stenographer to report the hearings before them relative to proposed amendments of the interstate-commerce law, and to have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

RIVER AND HARBOR BILL.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. HOAR], relative to the river and harbor bill, to report it with an amendment, adding to the resolution the words "at the rate of $8 per day." I ask for the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution as proposed to be amended will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Commerce be directed when they report the bill making appropriations for rivers and harbors to report as to each item thereof, whether the same be contained in the bill as it came from the House or be proposed by way of amendment, the facts tending to show the importance of the work for which the appropriation is proposed to commerce with foreign nations, or among the States, and for that purpose be authorized to employ an additional clerk to be paid out of the contingent fund of the Senate at the rate of $8 per day.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 1986) granting a pension to William Swift; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1987) granting a pension to Joseph S. Wilson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1988) granting a pension to H. R. Blackiston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1989) to remove the charge of desertion from the military record of David Woodmansie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1990) for the relief of telegraph operators during the war; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1991) to remove the charge of desertion from the military record of William H. McBride; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT introduced a bill (S. 1992) granting a pension to Otto Ahrens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 1993) for the relief of T. B. Horwitz; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1994) for the relief of James Legg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 1995) to provide compensation for services of female nurses during the war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHACE introduced a bill (S. 1996) to prohibit selling, giving, or furnishing tobacco in any of its forms to minors under sixteen years of age in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 1997) granting a pension to Peter Thompson; which was read twice by its title, and, with the accompanying petition and papers, referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 1998) granting an increase of pension to Mary Sprague; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 1999) establishing a uniform rate of pension to pensioned volunteer officers who served in the late war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2000) to amend section 3020 of the Revised Statutes, referring to drawback duty on manufactured tin; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON introduced a joint resolution (S. R. 53) to print 4,000 copies of the report of Naval Constructor Philip Hichborn, on European dock-yards; which was read twice by its title, and referred to the Committee on Printing.

Mr. BLAIR introduced a joint resolution (S. R. 54) in relation to the Maxwell land grant; which was read twice by its title, and referred to the Committee on Private Land Claims.

MESSENGER TO COMMITTEE ON NAVAL AFFAIRS.

Mr. CAMERON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms, until otherwise ordered by the Senate, be, and he is hereby, authorized and directed to appoint a messenger to the Committee on Naval Affairs, whose services shall be devoted exclusively to the business of said committee. The messenger to be appointed shall be selected by the committee, and shall be paid out of the contingent fund of the Senate the same salary as that paid to messengers of the Senate.

CONSIDERATION OF APPROPRIATION BILLS.

Mr. BLACKBURN submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That it shall not be in order, except by unanimous consent, for the Committee on Appropriations to report to the Senate for consideration or action any general appropriation bill without having had such bill under consideration for a period of ten days or more.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or other, the Chair lays before the Senate resolutions coming over from previous days.

Mr. CALL. I ask the Senate to proceed to the consideration of the joint resolution reported from the Committee on Appropriations yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia; and

A bill (H. R. 4964) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races or boat races.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 5514) to amend section 4883 of the Revised Statutes to enable the Assistant Secretary of the Interior to sign patents; and

Joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

ORDER OF BUSINESS.

Mr. DAVIS. I wish to move that the Senate proceed to the consideration of an individual pension bill.

Mr. STEWART. I ask my friend from Minnesota to allow us to pass the bill which was under consideration yesterday evening. It is the unfinished business, and the Senate is ready to take a vote on it.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves——

Mr. STEWART. I hope that I can get a vote this morning on the bill which was pending yesterday. I think all objections to it have been removed.

Mr. DAVIS. Does the Senator think it will lead to any discussion?

Mr. STEWART. I think not. I do not wish to say anything more. The documents have been printed in the RECORD, and I am willing to rest it on the recommendations of the Interior Department.

Mr. PLUMB. Has the order of morning business been concluded?

The PRESIDENT *pro tempore*. It has not been concluded.

Mr. PLUMB. I suggest that all these bills should go over until the morning business is through.

Mr. STEWART. Certainly; I am willing to give way to morning business.

THE MAIL SERVICE.

The PRESIDENT *pro tempore*. The regular order of morning business is the consideration of resolutions coming over from a previous day. The first resolution in order will be read.

The Chief Clerk read the resolution submitted by Mr. PLUMB January 30, 1888, as follows:

Whereas there have been for many months serious complaints as to the inefficient character of the mail service, especially in the West and South, and the same continue, indicating that the trouble is of a permanent character:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to make thorough inquiry into the cause of such inefficient mail service, and report to the Senate their conclusions thereon, with suggestion as to remedy.

Mr. PLUMB. Mr. President, I wish to say a few words upon this resolution before it is finally acted on by the Senate.

I read the remarks of the Senator from Texas [Mr. REAGAN], delivered yesterday, with considerable interest, but I failed to see anything in response to the charge that is made of inefficient mail service. The argument presented, which is undoubtedly the defense of the Department itself to the charge, is simply that the Western people have built so many railroads, and have generally spread themselves over such a large territorial area, that the Department has not been able to keep up with them, coupled with the suggestion that whatever of inefficiency there may be in the service is due to the retention of Republican clerks.

So far as I know, there has been no restraint upon the Department in regard to the removal of those clerks. No Republican, I think, has asked to have them retained; but it looks very much like pleading the baby act for the Postmaster-General to come in and say that he can not carry on the service because of the few Republican clerks remaining under his control, and whom he can dismiss any day. Of the fact that the service is bad, and I was going to say wholly bad, but at all events inexcusably bad, and bad beyond any previous record, there is no doubt.

I have very carefully avoided putting into the RECORD anything that was said of a partisan character in regard to this matter. In sending up to be read slips from newspapers I have carefully eliminated all possible which had any partisan tinge whatever, including only that which contained a bald narration of the facts connected with the mail service in the West. I should like to add a little to the record, and directly in the line of the defense set up by the Senator from Texas. In a particular case, that of a Democratic newspaper in Kansas which made complaint of the service, the Senator from Texas alleges that it was due to a failure on the part of the publisher of the paper to get the required certificate from the postmaster. That is simply an incident in the general complaint; it is not the substance of it at all. I will ask to have read from the same paper, the Abilene Gazette, another specification; it being, as I have said before, a Democratic paper.

The PRESIDENT *pro tempore*. The article will be read.

The Chief Clerk read as follows:

Junction City is 25 miles from Abilene. The trains leave here at noon and arrive there at 1 o'clock. The fifty subscribers of the Gazette at Junction City received three days' papers at once, and yet they wonder why we are old before our time. They think it strange that we kick. Call it indiscretion if you want to, but even Job would murmur if he ever had such an experience as this.

The Gazette reaches Junction City, 25 miles from here, by way of Kansas City. Now, this seems strange, but it is a fact. The route agents prefer to do this way, and while it is some little inconvenience to the public and to us, still we will stand it.

After all, the old-fashioned mail system was pretty fair. It had its conveniences, and you knew just when a letter or a paper would reach its destination when it was once mailed.

The Topeka Commonwealth has not been received at Abilene for four days. We will receive a bundle perhaps in a few days. They will come via Denver by fast freight.

Mr. PLUMB. I now ask to have read a letter written by a subscriber to the Atchison Daily Champion, and published in that paper a few days since.

The Chief Clerk read as follows:

WHITE CITY, KANS., *February* 6, 1888.

GENTLEMEN: Is there no remedy for the irregularity of the mails? I commenced to take the Daily Champion some three months since, because I

like it better than any other State or Kansas City daily, and have taken it some twelve years; but I am almost discouraged. My papers come to me from two to four days old; for instance, I got my paper dated February 2 this morning, February 6, just four days in transit. The Department had better put on the old overland stage, drawn by faithful mules; would then get it in two days at least. We have two railroads, the Chicago, Kansas and Nebraska and Missouri Pacific, and get mail four times daily.

T.

ATCHISON DAILY CHAMPION.

Mr. PLUMB. I will state that the point at which that letter was written is about 75 miles distant by rail in a direct line from the place where the paper is published. It took, as the writer says, four days for the paper to get that distance of 75 miles, and there are four trains a day.

I now ask that there be read an extract from the Atchison Daily Champion on the same subject, commencing with the marked part.

The Chief Clerk read as follows:

It is an undeniable fact that never in the history of the country has the Post-Office Department been so inefficient as under the present administration. There has been one unbroken series of delays and inexcusable blunders in the transmission of the mails, and in the different post-offices of most of the States, especially Kansas, gross and almost criminal carelessness has been the rule for the past two years. Newspapers, letters, and packages, plainly addressed, have either been delivered to the wrong parties, or remailed to other points, or piled up in the offices where they were deposited and not delivered at all. In some cases the fault of all this is with the Department at Washington, the authorities not providing clerical help; in other and most cases the fault is in the local offices, where ignorant and incompetent help is employed.

Not only have the mails been badly managed, and the business of the country been embarrassed in consequence, but the rulings of the Department, in nearly every instance where postal questions have been submitted, have been distinguished for their stupidity and want of a broad and intelligent appreciation of the needs and rights of the public.

A case in point is that recent order requiring all letters mailed on a train to be put off at the first office to be canceled by the postmaster, the postal clerks not being allowed to cancel stamps, which subjects business men to unnecessary inconvenience and loss of time, and an indication that the Department is not disposed to accommmodate the public when it can be done as well as not and without additional expense. The same style of doing business characterizes every other order that has been issued by the Department for the last two years. It all shows that the Post-Office Department is now in incompetent hands, and that it and all the other departments of our Government have outgrown the limited capacity of the Democratic party.

Mr. PLUMB. I now ask that there be a paragraph read from the Orange City Free Press of date of February 4, 1888.

The Chief Clerk read as follows:

WORSE AND MORE OF IT.

Friday morning all newspaper mail from the east destined to this office was carried on west or eaten up by the route agent. No mail of any description was received from the west. If this thing keeps on people will be obliged to transmit their mail by private carriers. Let us hear from the Abilene Gazette again. The Gazette, by the way, has not been received at this post-office now for three days.

Mr. PLUMB. I ask now that an extract from the Topeka Capital, commencing with the marked part, be read.

The Chief Clerk read as follows:

Let us consider for a moment what would be the result if the proposed investigation should be made as asked for by Mr. PLUMB in the Senate and Mr. PERKINS in the House. The Post-Office Committee, after thorough inquiry, would find that the heads of the Postal Department were engaged in a censurable effort to serve the public with postal arrangements entirely inadequate, utterly refusing to recognize the fact that the entire West was being flooded with a vast increase of mail matter without corresponding increase of force to handle the same. The said committee would moreover find that these Department heads had full knowledge that this was the cause of the whole trouble, and that it was entirely in their power to accomplish a speedy remedy if their purblind meanness was not too deeply rooted.

From among the thousand cases of willful neglect to serve the people properly the committee might take the condition of the Kansas City and Pueblo run on the Atchison, Topeka and Santa Fé with which to illustrate their report. This run received at Kansas City on the 1st day of July, 1886, 11,653 pounds of mail matter; to handle which, as well as other pouches taken on *en route*, the run employed a force of 40 men. On the 1st day of August, 1887, the same run received at Kansas City 23,000 pounds and the force has been augmented by 8 new men. In other words, 48 men were expected to handle 23,000 pounds of mail, while one year before 40 men had all they could do to properly handle 11,653 pounds, or an increase of over 100 per cent. in labor and of one-sixth per cent. in laborers. And even this small addition was not given till the old force had struggled with the work till they fainted at the rack.

Moreover, the committee would find that as a result of the rapid filling up of Kansas, and the States and Territories west of her, that the mail received on this run has increased since August 1, 1887, at a greater rate than at any time in the past, till now it is absolutely impossible for the present force to extricate from the pile of pouches under which they are buried every day.

R. M. Thomas, superintendent of the railway mail service in the seventh division, in a desperate effort to expedite matters, divided this run at Dodge City, ordering the east end to work Kansas and New Mexico, Arizona, and what is known as No. 3, leaving Colorado and Utah for the west end.

With four men to a car the east end is not able, at present, four days out of the week through with Kansas alone, and all the rest is left for the west end to handle when there is only two men to the car, making it necessary to throw off New Mexico and Colorado at La Junta most of the time. Very often the east end can not work No. 3, then the west end has it to do first, so that frequently over 100 pouches of Colorado mail is left to be worked during a run of 65 miles, a greater part of which, of course, is thrown off at Pueblo unopened. A large portion of this is daily papers. The transfer clerk does the best he can with it, and sometimes gets it started back within forty-eight hours. The committee would find that the remedy for the evils on this run was very simple.

Let it be restored to its former condition when the men ran through, thus saving three or four hours which is now lost in tying out racks and rehanging and in receipting for twenty or thirty pouches of registered mail; put four men to a crew and two helpers from Kansas City to Newton, making fourteen new men in all, and any mail could be handled to the entire satisfaction of the public.

Chief Clerk Hunter, at Kansas City, and Superintendent Thomas, at St. Louis, know well enough what the trouble is, and have, no doubt, asked for sufficient force, but it has not and will not be given them. These gentlemen also know that the old men are being so overworked that they are becoming discontented and a large number of them are making arrangements to leave the service. New men can not stand it to take their places, so that the situation seems to be growing more deplorable every day.

If the committee should be of a particularly prying turn of mind it might find, hidden away somewhere, a private circular which a certain head of a Department thought necessary to issue to the postal clerks, instructing them not to talk with any one excepting the head of their own Department in regard to any trouble in the mail service whatsoever, or to ventilate any "supposed" grievances on account of overwork or otherwise, to a newspaper man or any one else, and that any knowledge of a violation of the order would be followed by immediate dismissal from the service. Thus deliberately they write themselves egregious asses and complaisantly wave their ears over that solemn truth.

Mr. PLUMB. I also send up a slip from the Emporia Daily Republican, which I ask to have read.

The Chief Clerk read as follows:

The Soldiers' Tribune, of Lyons, Kans., joins the plaint against the inefficiency of the present mail service. Says the Tribune: "The Emporia Republican and Newton Republican frequently come straggling in from the west, tired, weary, and as much the worse of the wear as though they had been on a health-seeking tour to Colorado or New Mexico."

Mr. PLUMB. I send up another extract, from the Topeka Daily Capital, which I ask may be read.

The Chief Clerk read as follows:

HOW LONG, O LORD?

How long must the people of Kansas endure the present infamous and outrageous mail service?

Every day complaints come to this office from subscribers of the Capital in Kansas, asking if something can not be done to remedy the existing evil. We have called attention to this miserable service repeatedly, our Congressmen have presented the complaints of Kansas people to the Democratic House only to be ignored and ridiculed. Every effort possible has been made to correct the miserable manner in which the mail matter is handled, and yet no relief comes.

Yesterday one of our subscribers at McPherson wrote us that the Capital never reached that place on the day of publication, and that two or three days' mail would be dumped in there at one time. There can be no excuse for this delay. The Capital is mailed in the Topeka post-office each morning, and it should leave on the 1 o'clock train in the afternoon for McPherson, and reach that place by 4 or 5 o'clock.

The rotten mail service in Kansas and the entire West is enough to damn the present Democratic Administration. It has shown itself wholly incompetent to handle this most important department of the public service, and when the time comes there will be a rising up among the outraged people of the West against this Administration that will relegate it to a deserved oblivion.

Speed that day.

Mr. PLUMB. Now I ask that there be read a letter from the manager of the Kansas City Journal, which covers a point mentioned in the speech of the Senator from Texas yesterday about the fast mail.

The Chief Clerk read as follows:

KANSAS CITY, MO., *February* 1, 1888.

DEAR SIR: Thanks for your efforts in behalf of a public wearied with hopeless waiting for an improvement of methods and reform in the administration of that Department of the Government which comes into the daily business and social life of every intelligent citizen of the West.

I wish, without lengthening my story, to give a phase which can not be charged up to inefficient subordinates. Upon a railroad to Smith Centre, Kans., which has been in full operation three months, there is no mail service. Upon the authority of a post-office official, I state that on the Chicago, Kansas and Nebraska (Rock Island system in Kansas and Nebraska) nothing beyond a pouch service is yet in operation and this not until long after the road had been in business.

The Chicago, Milwaukee and Kansas City Railroad, after long delay in bridging the Missouri River at this place, put on their freight trains last November and passenger trains about the 1st of December. There is no mail service on that road yet, and our papers for Excelsior Springs, about 35 miles from here, are sent out on a freight train. The opening of such lines must be known months before such opening actually transpires, yet no move is made to use them as postal routes until after in operation. Usually three to four months' time elapses then before the Department begins to make an expense, and saves so much to enter up as political capital. The service when begun, badly as it is manage', is not more disreputable than the beggarly management at headquarters. "Like master like man" finds its exemplification in the postal service of the United States. A "barren ideality," the fast train upon whose movements thirteen roads wait here at Kansas City, detains the sending of two-thirds of all mail going from this vicinity into Kansas from two to four hours.

The local force at Kansas City, and every city of the Missouri Valley, is seriously inadequate; to serve a "penny wise and pound foolish" economy.

Yours, respectfully,

J. A. MANN.

Hon. P. B. PLUMB,
United States Senate, Washington, D. C.

Mr. PLATT. Will the Senator from Kansas allow me to put in an extract from a letter which I received yesterday while the Senator from Texas was speaking?

Mr. PLUMB. I will.

Mr. PLATT. I wish to show that this complaint is not confined to the West. Indeed, scarcely a day passes that I do not receive from my constituents writing me on other subjects complaints of the inefficiency of the mail service in Connecticut. This letter is from the Henry Bill Publishing Company of Norwich, and I read that portion of it which relates to the mail service; it is dated February 11, 1888:

NORWICH, CONN., *February* 11, 1888.

DEAR SIR: We are very much annoyed and troubled by the apparent disorganization of the whole postal system of this country, caused, as we believe, by the removal of experienced postal-route agents and others and putting inefficient men in their places. Our entire mail matter is very much delayed. We do not receive letters from any part of the country as quickly by twenty-four hours as we used to, and from many parts it is delayed for days. Besides this, large numbers of letters that we send out are never received by the parties to whom they are sent, and the same with letters sent to us.

We are the largest patrons of the post-office in this city, sending out about one-ninth of all mail matter that goes from here, and our business extends over the entire country, and has to be transacted almost entirely through the mails, and the delays and other things that we have spoken of are very seri-

ous losses to us. A letter sent to us from Palmer, Mass., a distance of less than 60 miles, did not reach us for more than a week after it was sent, and this is a sample of a large number of similar cases that we could mention. But our greatest trouble is in so much mail matter being lost, and we think the trouble is that the mail-route agents, being inefficient and not able to do the work that the thoroughly skilled and efficient route agents have been doing, are tempted to destroy the matter, as they can not distribute it.

I presume that it is useless for us to make this complaint, but think it best to let you know how we are bothered.

Hon. ORVILLE H. PLATT,
United States Senate, Washington, D. C.

Mr. PLUMB. Mr. President, the Senator from Texas seems to think the Department is entitled to some credit for the large amou: of railway mail service put on in Kansas and Nebraska during the last year. That would be a good deal like the Administration taking credit for the early and the later rain. The people of those States built the railroads and thereby provided a means of transporting the mails, and they never until the incoming of this Administration had any inquiry made as to the propriety or necessity of putting mail service on railway trains. The mail service followed the completion of the railroads just as quick as a schedule could be provided; but now great delay occurs. There has not been a single case in which service was put upon a new railway in Kansas in the past two years until after the lapse of very considerable time after the Department had been advised of the construction of the railroad and all necessary facts in order that the service might be put on. The Department has sometimes questioned the propriety of building so many railroads and suggested the people out there were going too fast.

I have no doubt it has been a great surprise to the Administration that there have been built during the past two years in the State of Kansas alone about 3,000 miles of new railroad. This country is bigger than the Administration knew anything about when it came into power. It had no idea of its extent, of the business the people were doing, and of the requirements of that business. It had a vague idea, I suppose, that there was something more than when the Democratic party gave up the control of the Government in 1861; but three years ought to be time enough to get a fair idea of the situation and its needs. No matter how much postal service has been put on railways, if it falls short of providing for the entire construction it is a failure of duty, and if the Department waits thirty, sixty, or ninety days, and sometimes six months, as it has done, before putting on any of it, that is another dereliction of duty, and a very conspicuous one at that. That is going on all the while. In fact, there seems to be a disposition to economize by resisting the inevitable as long as possible, and then, as I said, setting up the querulous plea that the people were building more railroads than they ought to have done, and that there is no obligation on the Department to make use of that instrumentality to supply the mails.

But, Mr. President, this is not in any sense a partisan question. It is at all events so much more a question respecting the business interests of the people of the entire country, in connection with that Department which comes nearer to them than any other Department of the Government, that I do not care to introduce merely party questions into its discussion.

What our people want is a prompt, faithful mail service. I do not say they will be especially thankful to anybody for giving it to them, because they have not been in the habit of regarding such service as a favor, but as a duty on the part of the Department to render and a right on their part to have it, and that is the condition of things I want to see restored, where the Post-Office Department shall render the proper service to the people of the country because it is their duty to do it and because the people have a right to have it. This inquiry is not to be side-tracked or the force of it broken by saying that much has been done unless it can be shown that all has been done which has been necessary; and the condition of the service conclusively proves that all has not been done which should have been done.

Mr. REAGAN. Mr. President, the allegations made against the Post-Office Department in the discussion of this resolution this morning indicate that the complaints are sent to Congress and not to the Department, and sent for political effect and not to procure an improvement of the service; and the speech of the Senator from Kansas conforms to that view.

In reference to the alleged neglect of the Department to correct abuses, I have the statement of the late Postmaster-General, Mr. Vilas, of the present Postmaster-General, of the Second Assistant Postmaster-General, who has charge of transportation, and of the General Superintendent of the Railway Mail Service, that immediately upon receipt of any complaint of irregularity in the service investigation is ordered and the corrective applied; and I have no doubt if the gentlemen who wrote to Senators here, instead of bringing their complaints into the political arena, had sent their complaints to the Post-Office Department, where they ought to send them, they could secure the necessary correction.

The Senator from Kansas has caused to be read another article from the Abilene Gazette. I answered the complaint from that paper yesterday, by showing that it rested on the fact that it attempted under section 980, I believe it is, of the Postal Laws and Regulations to mail packages of papers directed from its office without paying the postage as required by law. It is a convenience extended to publishers to send their papers in bags direct to the mail cars with a certificate to the postmaster that the postage has been paid. The proprietors of this paper endeavored to send out packages of their paper without the certificate that the postage had been paid, and the postal clerk, under the postal laws and the instructions of the Department, refused to receive them. Now the Senator quotes another article from that paper, not to meet the answer which I made, for it does not meet it, but another complaint about something that happened on some other railroad.

The complaint by the late Mr. Rounds was relied on, and I answered that by showing that the fault lay in the mailing clerk of his office and in what is called the "galley" from which the papers are mailed, that clerk neglecting on many packages in single wrappers to put the name of the post-office at all, which, of course, prevented the delivery of such papers. On examining the galleys of that office, it appeared that there were more than sixty errors in distribution, and these errors were due to the newspaper office, and that office changed its mailing clerk three times to avoid these errors.

I also showed that complaint was made to the Department on the 22d day of January, and a few days afterwards an investigation was ordered, on the 24th, I believe, and that on the 31st, the day the Senator from Kansas introduced his resolution, the final report of the investigation was made, showing that the fault rested with the newspaper and not with the Department, and the Senator from Kansas now reads another communication from that office, as he says, to answer the exposure that I made yesterday, but relating to a different subject-matter, which, of course, I am not able now to answer.

Now, I wish to add, Mr. President, that with the assurance I have that the Department promptly orders investigation whenever complaints of irregularities of service are made, I can do no more than say this, and I suppose we all agree that the heads of these bureaus and the heads of these Departments do not deliberately state what is not true.

The Senator from Kansas referred to the fact that new railroads have been built on which mails have not been put. As it is alleged to be the fault of the Department in not putting service on and not giving clerks to superintend the mails, I may be excused, I hope, if I read from what I said yesterday on this point; and I desire to call the attention of Senators to this statement, the details of which come from the Department:

Of the increase of 7,213.38 miles of railway mail service during the fiscal year ending June 30, 1887, 2,481.64 miles were in the division which contains Nebraska, and 2,648 miles were in the division which includes Kansas. Of the increase of 7,213.38 miles of railway mail service for that year, the two divisions above named were allowed 5,129.64 miles, while the other seven divisions were increased but 2,083.74 miles, those two divisions getting more than five-sevenths of the whole increase.

The increase of the miles of railway mail service during the seven months which ended January 31, 1888, was 5,249.19 miles. Of this, 2,059.72 miles were in the Nebraska division and 2,135.36 miles were in the Kansas division, making 4,314.63 miles in these two divisions, while there was only an increase in this service of 934.56 miles in the other seven divisions.

It thus appears that the increase in the postal railway service in nineteen months, ending January 31, 1888, was 12,462.57 miles, of which 9,824.72 miles were in the two divisions which embrace Nebraska and Kansas, while there were but 2,637.85 miles of increase in the other seven divisions.

Then, after giving a statement of the eleven States in which the largest railroad increase occurred last year, I said further:

I also submit a table, marked 3, giving the States and Territories in which the largest increase in the railway mail service was put in operation during the fiscal year ending June 30, 1887, and for the seven months from July 1, 1887, to January 31, 1888. The total increase for the fiscal year which ended June 30, 1887, was 5,069.44 miles. Of this increase Kansas received 1,393.06 miles and Nebraska received 754.66 miles, each having a larger increase than any other State, the two together receiving more than two-fifths of the increase for those eleven States and the Indian Territory for that year. The increase of the railway postal service for these States and Territories for the seven months which ended January 31, 1888, was 6,021.61 miles. Of this increase Kansas received 1,350.66 miles and Nebraska 965.72 miles, the two together receiving 2,326.38 miles, being about two-fifths of the whole increase in these States for that period, showing also an increase of 4,474.10 miles of railway mail service in those two States in the nineteen months which ended January 31, 1888. While this increase shows the prosperity and rapid growth and development of those States, it also shows that the Post-Office Department was keeping the increase of postal facilities up with their splendid progress.

Now, the Senator says that large additional amounts of railroad have been built upon which no mail service has been put; and that under former administrations the people never had to request the service to be put on new railroads, but it was voluntarily put on as soon as the railroads were built. This shows that the Senator has not with his usual care investigated this particular subject. The mails are not put upon any railroad until the railroad company has certified the length in miles built, the number of post-offices on its line, the distance between post-offices, and some other facts which I do not now call to memory. When these facts are certified, the Department of course puts the mails on.

On that subject I was informed by the Department that there was now additional railroad mileage in Kansas and possibly in Nebraska, but certainly in Kansas, in regard to which the Department was awaiting this certificate and had called for it as to the length of line built, the number of post-offices, the distance between post-offices, and the other enumerated requirements, and I was told a few days ago and on yesterday that the Department expected to make arrangements for

putting service on a large additional number of miles of railroad there, and I think the Senator will find that to be the fact.

I was advised that it was their policy, as it was the policy of the Government, to supply the people with the mail wherever railroad facilities were afforded for that purpose, and that they do so I have no doubt. And what I have just stated shows that the Department has been going forward with the growth of those States and the rapid increase of railroad service; and besides that I desire to show what has been done in the way of increasing railway postal clerks for those two States, and to show that the remarkable increase of the number of postal clerks there has equaled, if it has not exceeded, the increase in the putting on of railway mail service.

The number of railway postal clerks in the service on the 30th of June, 1886, was 4,573. The number in the service on the 30th of June, 1887, was 4,851. The number in service on the 31st of January, 1888, was 4,988. The increase of these clerks for the fiscal year 1886-'87 was 278, and the increase for seven months of the present fiscal year, from July 1, 1887, to January 31, 1888, was 137. The aggregate increase for the nineteen months from July 1, 1886, to January 31, 1888, was 415. Of this number, division No. 6, which includes Nebraska, received 106; and the seventh division, which includes Kansas, received 122, these two divisions being allowed an increase for these nineteen months of 288 railway postal clerks, while the other seven divisions were altogether only allowed an increase of 187, more than one-half of the increase of railway postal clerks for the last nineteen months having been given to the two divisions of the West and Southwest, which include the States of Kansas and Nebraska.

In addition to that, I showed yesterday, and it stands in the RECORD to-day, the tests which have been applied to insure efficiency in the railway mail service, and showed that the tests required exhibited superior skill and understanding to what had existed heretofore by comparison by the figures from the Department.

Now, Mr. President, as to the allegation that this country is too large for the present administration of the Post-Office Department, a fair and just reference to the reports of the Postmaster-General shows, as I alleged yesterday, that we have perhaps never had his superior in that Department of the late Postmaster-General in the clear comprehension of its duties, its necessities, and what ought to be done with it. His last report makes a full development of the progress in every department of the service, and shows in detail what that progress has been. It displays a full comprehension of its needs and a full recognition by the Department of the duty of complying with the needs of the service in all its branches.

So, I take it that the statement that the Department and the Administration are not large enough for this country is meant for the groundlings; it is not meant for Senators. It is meant for home consumption and for the hustings, and not meant for the grave deliberations of this body. I would challenge a comparison of the reports of the head of that Department and the heads of its divisions during the past three years with the reports at any former period in the history of the Government as showing a full and clear comprehension of its duties, and a full performance of them.

Mr. President, I am more confirmed than I was yesterday in my belief as to the object of this attack. In a service, as I said yesterday, employing 100,000 officers and employés, with millions of miles of transportation, with billions of packages transported in the mails during the year, I admit that there may have been some irregularities in doing this great business, and when I admit this I only admit that this great Department is carried on by human agencies, and that human nature is not perfect; but I have proved that it is as well carried on as heretofore. What I mean to say is that I am more confirmed to-day than I was yesterday in the belief that the success of the management of the Post-Office Department under the present administration, the success of the service, the success in its economy, make so striking a contrast with the administration of that Department under Republican predecessors, that perhaps it is found desirable to break the force of that success and the favorable opinion of the people growing out of it by assaults upon the Department upon information from unfair, interested newspaper reports, and appeals made to political authority instead of being addressed to the Department in a plain business way to secure the correction of grievances complained of.

Mr. PLUMB. Mr. President, only a word or two in reply to the Senator from Texas.

No single thing that has been put into the RECORD on my motion was sent to me except the letter of Mr. Mann. The newspaper articles I clipped from papers which come to me in the usual way. They only embrace a tithe of what I see in the papers that I receive from my State. I have, I presume, fifty letters—letters from California, letters from Wisconsin, letters from Michigan, letters from all portions of the country—on this subject, making similar complaints, and I believe that they record what is the exact truth, because there is no motive to misrepresent, and the statements are confirmed from widely different sources, and I have some personal knowledge of the demoralized condition of the service.

I did not mean to be understood as saying that the Department under Republican administrations had put service on railroads without any request whatever. I did mean to say, and think I did say, that they did not require the petitions of the patrons of the offices along the line, but that they only required the certificates from the railroads of the distances and so on, just as the Senator from Texas has put it. This administration, however, has not put on the service as soon as it received information of this character. At one time there were 1,300 miles of railroad in Kansas on which there was not a single particle of service, and it was not until after attention was called to that disgraceful condition of things by a debate in the Senate, in the course of which the Senator's own colleague stated that the service in Texas was the worst it ever had been, that the service was put on.

When the Department was prompted in that public way, 900 miles of railroad mail service were put on at once in the State of Kansas. I have no doubt now that since public attention has been called to this great dereliction the Department has stirred itself to put on service and to make improvements.

Mr. REAGAN. The Senator will allow me to say to him that the information called out shows that long before the resolution was introduced the Department had taken steps to put service on the railroads on which it was not, in Kansas.

Mr. PLUMB. I am not talking about steps; I am talking about service. They may have taken steps for eight months, as in other cases; they were all the time taking steps, but steps which did not result in anything. If I were disposed to be at all critical, I might say perhaps that steps were taken for the purpose of avoiding the arrival at a conclusion favorable to putting on the service.

I admit that the report of the Postmaster-General is a very fine document; but when I think of the document and think of the condition of the service, I am reminded of a house in good order, but entirely without food for its occupants. The book-keeping in the Department is admirable, and if that is the purpose for which the Department is kept up, of course nothing is left to be asked; but while the reports are good the service is bad, which is the main thing. We have got a fine housekeeper, a fine book-keeper, the finest department in a literary way the country has ever had, according to the Senator from Texas, but we have got the poorest administration—the most inefficient service.

I confess I was hurt a little when the Senator insinuated that perhaps I had been stirring things up from partisan motives. He has never done anything of that kind, nor has his side of the Chamber ever abused a Republican administration! Oh, no! We have got a new system of ethics now since the country changed politically in its administration. Those who once filled the country with their complaints and denunciations, often imputing corrupt motives to men in high place, are now very sensitive concerning even the slightest complaint made as to officials of their own political faith.

It is not a question of methods; it is not a question of what has been done; it is a question of results, and I say to-day, and no one in this country who knows anything of the facts will dispute it, that the postal service is worse than it ever was. There never was a time since there was such a thing as a railway mail service that there has been such an utter and entire failure of that service to perform the purpose for which it was created as there is to-day.

Mr. MANDERSON. Mr. President, I must confess my surprise at the charge made by the Senator from Texas that this is in the nature of making political capital rather than an earnest and honest desire to correct an existing evil. Certainly nothing that was said by myself the other day would warrant that assertion. I sought simply to present a defect in the administration of postal affairs in the State that I have the honor in part to represent.

I read letters that had been received by me from the editors of newspapers. I stated, not, perhaps, at such length as I should at the time, some of the personal complaints that had come to me, not only from those editing public journals, political journals, but from those engaged in all trades and in all professions. I perhaps should have gone further and should have said that my attention had been called to the matter by personal knowledge of the administration of the postal affairs of my own State. I am giving nothing at second hand, but I could very properly give here, if time would admit, my own experience as to the defects of the postal service west of the Missouri River.

I indulged in nothing in the way of complaint or censure of the Post-Office Department, but it is marvelous to me that in the presence of this record showing the character of the debate that occurred here the Senator from Texas should indulge in this sort of remarks. Why, Mr. President, I turn to the debate that was had here on the 1st day of February and I find that the distinguished Senator from Alabama [Mr. MORGAN], not a Republican, but one in political accord with this Administration, followed in the line of the suggestions made by the Senator from Kansas [Mr. PLUMB], and expressed his gratification that this resolution had been introduced recognizing that there were evils which demanded attention. I read one or two extracts from the speech of the Senator from Alabama. He said:

The clerical force to do this work has not kept pace with the increase of all mail matter carried over our lines, nor have the salaries that belong to the inferior officers in the service of the Government of the United States been increased sufficiently to enable them to do this additional amount of work.

Again he said that we not only ought to increase the pay, but we ought to provide for the increase of the number of these postal clerks. The Senator from Kentucky [Mr. BECK] said:

Mr. President, I should like to say a word, if I may be allowed. I have looked into this matter with some care of late, and I am glad that the resolution is offered, and hope it will be adopted, because it is going to develop a great many things.

Again he said:

I hope all this will be gone into and developed, and then let us do something which will make the service good and efficient.

Here is pretty fair Democratic recognition, it seems to me, that the present service is bad and inefficient; and it is not that we desire to censure the present post-office authorities, but because we want to remedy these existing evils, that we press this matter. The Senator from Texas, authorized so to do by the Post-Office Department, in his speech delivered yesterday spoke of the complaint that was made by Mr. Rounds, who at the time of his death was one of the proprietors and one of the editors of the Omaha Republican, a Republican journal published in Nebraska. I do not think that Mr. Rounds in this presence needs anything in the way of indorsement. Every man here knows him from personal association with him to have been a truthful, honest man. I read from a letter by him in which he complained of the difficulties under which his journal labored along with other citizens of that town. I am told that all the foundation there was for that complaint was that some young men, three in number, one being discharged after another, who were employed by the Omaha Republican Company to attend to its mailing list, had neglected to place the address on the wrappers of the newspapers, and they had been thrown in the waste-basket, and in that way had miscarried.

It is quite likely that that complaint was made, but that complaint was made on the 16th day of June, 1887. The investigation immediately followed, and the report from which the Senator from Texas read is dated the 6th day of July of that year. But the letter I called the attention of the Senate to and that I read in part was dated the 26th day of November, 1887, and this is the complaint that is made:

Without any disparagement of our present post-office officials—

And so we say here. We do not disparage the competency of the gentlemen who are in charge of the Post-Office Department; we do not attempt to give the reason for this abuse, but we enter our protest in this, as we claim, the proper place for the entering of such complaints—

Without any disparagement of our present post-office officials, everybody knows and complains of the mail service here. Especially is this true as regards our paper, and, we presume, the others in this city, and we are in constant receipt of complaints from subscribers of the non-receipt or irregular and late receipt of their papers.

And I read a corresponding complaint from Mr. Hitchcock, the editor of the Omaha Journal, in which he said, after speaking of his own difficulties:

What is true of the newspaper is true of bankers, wholesale merchants, and others having heavy mails. The service is abominable, but the postmaster is not to blame. He and his force are up to their ears in mail-bags, overwhelmed with work and crowded into inadequate quarters.

Mr. President, where is the proper place to go with a complaint such as this? The Senator from Texas says we should go to the Post-Office Department. Why, that has been done unsuccessfully. It has been shown by the record itself that Mr. Rounds went to the Post-Office Department, and there was an investigation and a report made on the 6th of July, 1887, but the abuse continued, and it was near the 1st day of November after that that I received the letter which made complaint of this irregularity and improper service. And I will state for the information of the Senator from Texas that it seems to me a most desirable thing that when there is neglect of the public interest or an ignoring of the public demand by the Executive Departments of this Government, the citizen who has been aggrieved should come to this or the other body of Congress and make known the difficulty and demand a remedy.

It seems to have done most effectual service here in the cases in point, for the very next day after the introduction of the resolution by the Senator from Kansas and the debate upon that resolution I received a notification from the Post-Office Department that a railway mail service that had been sought after for some time, and the full details of which as to length of road and the number of post-offices upon the road were in the possession of the Post-Office Department, had been placed in my State; and a few days after, notwithstanding that there had been weeks and months of effort on the part of the Representative in Congress from the district in which Omaha is situated to obtain an increase of clerical force, after this debate, and I believe very largely as the result of this exposure, there came an increase to the number of six clerks in that post-office, much needed, and much more is needed. I repudiate the idea that so far as I am concerned I have been actuated by any desire to advance the interests of the political party to which I belong; I simply seek by this method, that I think is a legitimate one, to obtain the remedy for an evil under which we suffer.

Mr. REAGAN. Mr. President, I agree fully with the Senator from Nebraska that if the Post-Office Department or any Department of the Government is guilty of neglect of duty in any branch of its service and refuses to correct abuses, then it is right and proper to appeal to the political authority to see that it does its duty. I agree with him that far; but when that appeal is made it should not be made upon unverified, unsustained charges, loosely made, without giving instances of abuse. But if it is made, the men who make it, and who invoke the political authority to correct the abuses of the Executive Departments, ought to present here cases showing the abuse, showing the application for relief and the refusal of the Department to correct the abuse. Whenever that is done I will join the Senator in taking whatever action may be necessary to secure a correction of any abuses in any of the Executive Departments.

Mr. President, I am not given to telling anecdotes, but I am tempted in the presence of this great body to illustrate my idea of the position of the Senator from Nebraska by telling a short anecdote. Here come half a dozen Senators attacking the Post-Office Department; the newspapers of the country are attacking the Department; a simultaneous attack is made in the other House, and the Senator is astonished that any one should think of defending the Department. He reminds me of two small boys who were together, and one of them cried out, "Mamma, mamma, won't you come here and make Bill behave himself?" "Why, Johnny, what has been done?" "Every time I strike him on the head with my hammer he squalls out!" [Laughter.] So I suppose the Senator from Kansas had the hammer in his hand, and he thinks the Department ought never to "squall," however many times he hits it on the head.

I do not know that I need say anything further on this subject. All that I could say has been said when I state that whenever there comes a properly verified abuse and a showing that the Department has been applied to for a remedy and refused it, I will join Senators in trying to remedy the abuse; but when newspaper articles from all over the country are gathered up to smirch the Department without evidence, I shall beg to protest and to insist upon such rules as will develop fairness and justice.

Mr. PLUMB. Mr. President, I thought I had presented sufficient newspaper extracts. But having been reproached by the Senator from Texas with partisanship, I will contribute now the Democratic quota to the complaints against the Department. I will read first from a paper published at Pine Bluff, Ark., vouched to me as being a Democratic paper:

The large crowd in front of the post-office every morning waiting for a turn at the general-delivery window shows that the amount allowed by the Government for clerical help is certainly inadequate to the needs of the office. The niggardly style in which the postal affairs are run is not at all satisfactory to the public. Congress should do something to rectify this condition, and failing to do it, it will have some vicious things said about it. It is a serious thing for the laboring people of this city to be compelled to wait hours for a chance to get their mails. No blame can attach to Mr. Alexander, as we understand it, for this state of affairs, but the trouble lies in the small allowance made for clerical help. Pine Bluff is no village now. She is a city of about 15,000 people and growing fast.

To show that Congress is not responsible for this condition of things, I will repeat what I said before, that Congress allowed the Postmaster-General every penny he asked for clerical help.

To the foregoing I now add an extract from the Memphis Avalanche, a Democratic newspaper. It is headed "The Cause of the Trouble:"

There can be no doubt that Senator PLUMB had a partisan object in asking for an investigation of the mail service of the West and South, which was declared to be inefficient. But it is to be regretted that it did not pass. The service is not what it should be. There can be no doubt of the truth of that proposition. Complaints are numerous and well grounded, but the cause is not that ascribed by Mr. CHACE, who claimed it was due to the fact that 90 per cent. of the employés had been dismissed. Upon investigation it will be found that the trouble does not come from the ninety Democrats recently put in office, but from the ten Republicans who are allowed to remain.

I shall not make any remarks about the comparison between the strength and virtue and so on of ten Republicans as compared with that of ninety Democrats.

Every one of them would be glad to see a change, and few of them would hesitate, in a quiet and unobtrusive way, to put a spoke in the wheel of the Democratic wagon. By all means let us have an investigation of the affairs of the Post-Office Department as administered in the South.

I have also an extract from the St. Joseph Gazette, one of the leading Democratic papers in Western Missouri:

A postal clerk, who is not employed on the Central Branch, informed an Atchison Champion reporter lately that the principal cause of irregularities in the mail service on that road is the lack of car room and facilities. He says the letter mail is amply provided for, but this requires nearly all the available space in the cars, and there is no room to handle the newspaper mail. The Gazette would like to believe that numerous and constantly recurring irregularities in the newspaper-mail service of the territory in which it circulates depend upon causes so easily remedied as the one reported from the Central Branch. This would at least lend to a very damaging annoyance continually suffered by the press the hope that the trouble is not altogether irremediable.

It will be seen that the complaints are pretty evenly distributed between Democratic and Republican newspapers, and the Senator from Texas will have his labor for his pains if he seeks to make the people of the West and the South believe that they are having a good mail service when they know very well they have not.

Mr. SAULSBURY. Mr. President, I was very much pleased to hear the disclaimer on the part of the Senator from Nebraska and the Senator from Kansas of any partisan purpose in this resolution. As a matter of course we are bound to accept their disclaimer as Senators; but I desire to say to those Senators that the country will not put the same charitable construction on their action in reference to the Post-Office Department that we, their brother Senators, are bound to do. When Senators rise here and produce extract after extract, and have them published in the RECORD, arraigning a department of the General Government, without making any specific charge on their own part, but simply placing before the country the complaints of partisan newspapers against the present Administration, the country, if not their

brother Senators, will say that the purpose was to arraign the Administration to which they were opposed. Of course we, their brethren on this floor, will accept their disclaimer, and regret that they should be put in a false position by the country in making this accusation against them.

But, now, is it any wonder that a department like this should be criticised?

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business, being the bill (S. 371) to aid in the establishment and temporary support of common schools.

Mr. SAULSBURY. I will not ask that the regular order be laid aside at all. I can proceed to-morrow.

Mr. BLAIR. The Senator from Connecticut [Mr. HAWLEY] is to have the floor on the regular order.

HOUSE BILLS REFERRED.

The bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 4964) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races or boat races was read twice by its title, and referred to the Committee on the District of Columbia.

INDIAN SCHOOL AT CARSON CITY.

Mr. STEWART. I ask that we finish Senate bill 1103, that was under consideration last evening, to establish an Indian school at Carson City. I think there will be no further debate, and we can take the vote. I ask that we may continue the consideration of the bill.

Mr. HAWLEY. If it is really to be only a matter of taking the vote, I have no objection.

Mr. STEWART. We will try it, and if it leads to debate I will yield.

Mr. BLAIR. I shall be obliged to call for the regular order if there is debate.

Mr. STEWART. I will withdraw the bill if it leads to debate.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the unfinished business may be informally laid aside, and that the Senate now proceed to the consideration of the bill (S. 1103) to provide for an Indian school at Carson City, Nev.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported from the Committee on Indian Affairs, in line 4 of section 1, after the word "lands," to insert "not less than 200 acres;" so as to make the section read:

That the Secretary of the Interior be, and he is hereby, authorized to accept from the State of Nevada any lands, not less than 200 acres, which may be donated by that State to the United States for the purpose of establishing an Indian school, and also to receive from that State, or any corporation or person, any donation that may be made for the purposes of said school.

Mr. STEWART. I move to amend the amendment to correspond with the suggestion in the letter of the Secretary of the Interior which I sent up yesterday. In line 7, after the word "school," I move to insert "if in his opinion such land is suitable for that purpose."

The PRESIDENT *pro tempore*. The Chair is informed that the proposed amendment offered by the Senator from Nevada is not properly an amendment to the amendment, belonging as it does in another part of the bill.

Mr. STEWART. Very well. It is an amendment to the same sentence, and qualifies the sentence.

Mr. DAWES. I should like to inquire how that would leave the bill. If the land donated is not accepted, would the bill take effect?

Mr. STEWART. I think it would.

Mr. DAWES. Without furnishing any land whatever?

Mr. STEWART. I think it would take effect.

Mr. DAWES. Ought not the amendment to be so framed that if the land donated is not acceptable they shall offer other land, so that it may not result in the United States being compelled to purchase land because the State of Nevada offered land that was not acceptable. They could very easily in that way compel the United States to purchase land.

Mr. STEWART. Just say "provided such land shall, in his opinion, be suitable for that purpose."

Mr. DAWES. Let the act itself rest upon the condition that the State furnish land, not less than 200 acres, acceptable to the Secretary of the Interior.

Mr. STEWART. Very well.

The PRESIDENT *pro tempore*. The Chair thinks that under the practice of the Senate the question should first be taken on the amendment reported by the Committee on Indian Affairs, which will be again stated.

Mr. STEWART. Very well.

The CHIEF CLERK. In line 4 of section 1, after the word "lands," the Committee on Indian Affairs report to insert "not less than 200 acres."

The amendment was agreed to.

Mr. STEWART. I now move, after the word "school," in line 7, to insert "if in his opinion such land is suitable for that purpose."

The amendment was agreed to.

Mr. COCKRELL. I suggest that the Senator from Massachusetts offer an amendment at the end of section 2 which would cover the point in regard to the matter. Section 2 is—

That the sum of $50,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of the Interior for the erection of buildings and such other matters as he may deem proper, in establishing a school for the education of Indians at Carson City, in the State of Nevada, under such regulations as the Secretary of the Interior shall prescribe.

I would move to strike out "Carson City" there because the recommendations adduced show that that ought to be left to the discretion of the Indian Department. That may not be the best place. I had not observed that before.

Mr. STEWART. It is the place that the letters recommend.

Mr. COCKRELL. I think in as large a State as that, with a tribe of Indians not settled and located at any given point, we had better leave to the Department the selection of a location. I therefore move to strike out in line 6, of section 2, the words "at Carson City."

Mr. STEWART. I object to that, and hope it will not be done. That has been considered, and that is the point where the school is wanted.

Mr. COCKRELL. I want to show that I am right in this, and that this is the recommendation of the Department. Why the Senator should come in here and fight against the express recommendation of the Interior Department in regard to this matter I do not understand.

Mr. BLAIR. I hope the Senator from Nevada will allow this bill to go over.

Mr. COCKRELL. The Secretary of the Interior, in the letter which was ordered to be printed last evening, says:

The bill should, however, in my opinion, be amended so as to leave it to the discretion of the Secretary of the Interior whether any land or other donation made for the purpose of the school by the State of Nevada, or otherwise, shall be accepted and used therefor; so that the suitability of location or proposed advantages shall be within departmental determination.

I want to leave this just as the Secretary of the Interior has recommended as to the suitability of the location, and not fix the suitability of the location at Carson City or any other given point. Therefore I move to strike out the words "at Carson City."

Mr. STEWART. I do not want to kill this bill by prolonged discussion, but this question of the location has been well considered and the Secretary of the Interior has made no suggestion to take it away from Carson City. He only wants the suitability of the particular land there to be determined. There are six or eight hundred Indians right there at Carson City, and those are the Washoes. It is right between the reservations of the Piutes, numbering 8,000, and the Shoshones, still larger, the Washoes having at least 800 children of full age, and the Shoshones several hundred more. They are farther east and they would have to be transported.

It is only about 40 miles from either reservation, one north and one west, about half way between. It is at the junction of the railroads. The Indians in that State have been allowed always to travel free on the railroads; there will be no charge to them, and that particular vicinity is the place for this school. The people of Carson and of the county of Ormsby, in which the town is located, have petitioned the Legislature, have organized a society, and have got that county to contribute $10,000 The State authorized that county to raise money for the purpose of taking care of these Indians in this way, though they had been taking care of them for a long time. To adopt the amendment would be to say that Carson is not the right place, or at least to throw doubt upon it. Why should the people be willing to contribute to the Indians there? They have taken care of them. To strike this out would be a direct blow at the humane people who have this matter in hand.

I do not care about confining the Department to the land already bought; if you do not like that, take other land about there; but that that is the point to have the school there can be no doubt. They are people who have contributed their money to take care of the Indian children among them, and I hope the motion to strike out will not prevail. The success of these schools largely depends on the people that will take an interest in educating the children. If this bill is passed it will do great good, and Carson City is more appropriate than almost any other place for an Indian school. The circumstances are such that I am certain the money will not be wasted. I never have asked a dollar for Indians in my life before. I thought the Indians grown up had better work. This is the first time I have ever asked a dollar's appropriation for the Indians in my life, because I thought the money was wasted on grown-up Indians when they ought to work. These Indians have been left for years without any appropriation whatever, and the Commissioner of Indian Affairs sends us a report that they are superior to other Indians. It is because they have not been pauperized by feeding them too much. Now, these children are there and must be taken care of. Good people there have undertaken it, and I hope the Senator from Missouri will make no further objection, and let us take the vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

Mr. DAWES. Mr. President——

Mr. BLAIR. I call for the regular order.

Mr. CALL. I ask the Senator to allow me to have a vote taken on a bill reported yesterday from the Committee on Appropriations.

Mr. HAWLEY. I promised to yield the floor to the Senator from New Jersey for a technical correction of a bill already passed. I do that first.

PUBLIC BUILDING AT NEWARK, N. J.

Mr. MCPHERSON. I desire to reconsider the vote by which the bill was passed yesterday for a public building at Newark, N. J., simply to correct the bill before it passes from the Senate. I wish to make a correction in the text of the bill (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon and the erection of additions thereto.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the vote passing this bill and also the vote ordering it to be engrossed for a third reading be reconsidered. The Chair hears no objection.

Mr. MCPHERSON. In the sixth line, second page, after the word "building," I move to insert "in Newark, New Jersey," so as to give a definite location.

The SECRETARY. In line 6, after the word "building," it is proposed to insert "in Newark, New Jersey;" so as to read:

Post-office building in Newark, New Jersey.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print additional copies of Executive Document 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following concurrent resolution; in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1887, of which 5,000 copies shall be for the use of the Senate, and 10,000 copies for the use of the House of Representatives.

ORDER OF BUSINESS.

Mr. CALL. I appeal to the Senator from Connecticut to allow me to have a vote taken on the joint resolution reported yesterday. It is a matter of great importance, and I think there will be no debate upon it.

Mr. HAWLEY. As far as I am concerned I am willing to yield.

The PRESIDENT *pro tempore*. The title of the joint resolution will be reported, if there be no objection.

Mr. BLAIR. The Senator can get the matter up this afternoon at a later hour.

Mr. CALL. It is Order of Business No. 297.

The Secretary read the title of joint resolution S. R. 35, appropriating $20,000 for the subtropical exposition at Jacksonville, Fla.

The PRESIDENT *pro tempore*. Is there objection?

Mr. STEWART. What is that?

Mr. BLAIR. I call for the regular order. I can not yield to anything that will lead to debate.

Mr. HAWLEY. The Senator in charge of the bill insists on the regular order, and I rather think I shall be obliged to coincide with him.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 371) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. PLUMB.

Mr. HAWLEY withholds his remarks for revision. [See Appendix.]

The PRESIDING OFFICER (Mr. PLATT in the chair). What is the pleasure of the Senate? The vote on this bill is by agreement to be taken to-morrow at 3 o'clock.

Mr. BLAIR. Mr. President——

Mr. STEWART. I ask now that the Senate resume the consideration of the bill to provide for an Indian school at Carson City, Nev.

Mr. BLAIR. If any one desires to address the Senate on the pending measure, I trust the debate on it will proceed.

Mr. HALE. I have been absent for the last three or four days and did not expect to reach Washington until to-night. Before going away I had indicated to the President of the Senate my desire for some time in the morning of to-morrow on this bill. I should be glad if that opportunity were accorded me, not for any extended speech, but to present some figures and some calculations and some observations that seem to me of importance in this connection.

Mr. BLAIR. I hope the Senator will feel able to go on now. He must see that all the time for a week past has been given to the opponents of this bill, and a postponement made for their accommodation; all of them leaving town, and nothing being done; only two speeches really in the past week, and only an hour remaining to-morrow, given by the unanimous agreement of the Senate for debate, and that hour certainly the friends of the measure are entitled to; so that the Senator ought to make an effort to proceed to-night.

Mr. HALE. I have not the papers and figures here, owing to the circumstances of which I have spoken.

Mr. BLAIR. The Senator must know the condition of the public service in the Capitol. This bill has been pending for a long time. I do not think that it is justice to this bill, and the friends of this measure, that we should submit continually to these delays. I hope the Senator, with his well-known ability and his familiarity with this question—he having been in the Senate during the seven or eight years it has been pending—will be able to make his remarks to-night. I should like the hour to-morrow myself, unless some other friend of the bill wishes to speak.

Mr. HALE. What I shall say is based on reports that I have sent for and figures that have been made up which I have not here now. I do not fancy that there will be any difficulty in an arrangement, as the Senate is very indulgent in such controversies; and I see the force of the suggestion that the Senator desires the hour to close the debate to-morrow. I will take my chance, with the indulgence of the Senate, in the morning hour, before 2 o'clock is reached, for thirty or forty minutes before that time, to get an opportunity to present what I have to say, so that the Senator shall not be deprived of his hour.

Mr. BLAIR. I have no objection to that; but I only desire to say that other Senators may have indicated a desire to speak in favor of the bill. There is but one hour of the time to-morrow that the bill can command unless by the courtesy of the Senate indulgence is given to the Senator from Maine before 2 o'clock. The Senator from Massachusetts [Mr. HOAR] has intimated to me his purpose to speak. I do not know how much time he would like. He may take the whole hour if he wishes. If the gentleman from Maine asks for time before 2 o'clock to-morrow, no doubt he will get it.

Mr. HALE. Under the circumstances I will take my chances in the morning before 2 o'clock, after the morning business, of being allowed by the Senate to be heard. If I had my figures here at present I should proceed now.

Mr. STEWART. I ask that the Senate, by unanimous consent, resume the consideration of the bill to provide for an Indian school at Carson City.

Mr. BLAIR. Let the unfinished business be temporarily laid aside.

Mr. BERRY. If the Senator will allow me a moment, I should like to occupy some five or ten minutes in giving the reasons which will control my vote on the educational bill. I should very much prefer to give those reasons after the amendments are voted on, which I understand will be offered.

I wish to inquire now if the unanimous agreement will deprive me of that opportunity after the amendments are submitted and voted on. I shall not ask exceeding ten minutes, and if that is a violation of the agreement, I should like to ask unanimous consent that I may have not exceeding ten minutes after the present amendments are voted on, before the final vote is taken, to give my reasons for the vote I shall cast on the bill.

The PRESIDING OFFICER. The present occupant of the chair of course can not construe the understanding of the Senate, but will say that his recollection of the agreement is that the vote on the amendments is to be taken without debate. Of course, that is a matter which is in the control of the Senate.

Mr. BLAIR. That was the understanding arrived at after considerable discussion. There is no doubt, I suppose, that that was the understanding. Could not the Senator make his remarks hypothetically with reference to the amendment he has in mind?

Mr. BERRY. I have stated that I prefer not to make my remarks until that amendment is presented and voted on. If I am deprived of that privilege, I shall ask the Senator from New Hampshire to yield me ten minutes of his time.

Mr. BLAIR. If I have an hour between 2 and 3 o'clock to-morrow, I will yield the Senator ten minutes.

Mr. BERRY. I would much prefer, however, if the Senate would consent to it, that I have the time after the amendments are voted on, or some of the amendments. If that is not granted to me, as a matter of course I will yield to the will of the Senate.

The PRESIDING OFFICER. It is a matter which the Chair can not determine.

INDIAN SCHOOL AT CARSON CITY.

Mr. STEWART. I ask that the present bill be laid aside temporarily, and that the Senate proceed to the consideration of Senate bill 1103.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the bill under consideration be informally laid aside, and that the Senate resume the consideration of the bill named by him.

Mr. CALL. I ask the Senator from Nevada to allow me to get a vote on the joint resolution providing for representation at the subtropical exposition in Florida.

Mr. STEWART. I have been obstructed so much in this that I think it is a matter on which I can not give way further. Under any ordinary circumstances I should yield; but I think we can get a vote in a few moments. I do not think there will be any further discussion of any length.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1103) to provide for an Indian school at Carson City, Nev., the pending question being on the amendment of Mr. COCKRELL, in line 6 of section 3, after the word "Indians," to strike out "at Carson City."

Mr. COCKRELL. I made that motion because of the recommendation of the Secretary of the Interior which was read yesterday evening when this matter was up, and there are some other amendments which ought to be made to the bill in addition to the pending one.

It seems that there was previously a bill pending here, and the Legislature of the State of Nevada offered $10,000 for erecting buildings for a school at or near Carson City. This bill ignores that $10,000. That $10,000 was offered as an inducement for the getting up of this project of an Indian school, and now it is abandoned and the Government is asked to give $50,000 without respect to the $10,000 appropriated by the Legislature of the State of Nevada. I should be very greatly obliged to the Senator from Nevada if he would explain why it is that this appropriation by the Legislature as an inducement to get Congress to take up this question and legislate upon it is now abandoned.

Mr. STEWART. I will answer the question very directly. Nevada has had less appropriation for Indians than any other State of the Union according to the number of Indians within her limits. Nevada ought not to contribute a cent. The places where the great Indian schools are are named in all the great appropriation bills and specifically provided for; but Nevada has stood back and allowed her Indians to take care of themselves until, as I said, a large number of children have grown up, amounting to at least 1,500, in the western part of the State who would go to this school. Carson City, which is pretty much all of Ormsby County, took the matter in hand. About 800 of these Indians live there. They have been taken care of by the people. They took the matter in hand and asked the Legislature to allow them to issue bonds to the extent of $10,000 to start this school before they came here at all, and they have bought the land and are willing to donate that land, and they will take hold of the enterprise in earnest.

Now, we ask not to have an invidious mark put upon Carson, that has taken hold of this work. It is the capital of the State. Now, every school of this character is named in the act making appropriations for the Indian service. If this is not a straight and honest case, requiring the action of Congress, none can be presented in favor of educating Indians.

Mr. COCKRELL. In other words, this is to equalize the distribution of the surplus. Other States have received appropriations for Indian schools, and Nevada has not, and therefore she must have her share!

I do not think it is a legitimate or an effective argument in behalf of this appropriation of $50,000 that Nevada has not received her share of appropriations to be expended for the Indians within her borders. Missouri has not received a dollar, Iowa has not received a dollar, Arkansas has not received a dollar. Now, why shall Nevada get this money? Is it because we found it convenient to establish an Indian school in Kansas in close proximity to fifty or sixty thousand Indians? Is that to be a reason why we shall establish a school in Nevada? I think that we ought to give some encouragement to the liberal and generous spirit shown by the people of Nevada in proposing to expend $10,000 of their own. That was the foundation, that was the motive power which brought this whole thing into existence. Now, I do not think they ought to abandon that liberal offer, and I do not think that the Senator from Nevada is treating his State properly when he places it before Congress as abandoning that offer of $10,000, and I would like very much to put in the bill as an amendment a proviso providing that the $10,000 appropriated by the Legislature of Nevada shall be made available and placed at the disposition of the Secretary of the Interior. If the Senator will put that amendment in, I shall be perfectly willing to leave the location of the school at Carson City.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

Mr. COCKRELL. That is, whether we shall strike out "at Carson City" and leave the selection of the site for this Indian school to the Secretary of the Interior, or whether we will confine it down to Carson City regardless of whether that is a convenient place or not.

The PRESIDING OFFICER put the question on the amendment.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. If an amendment which has been suggested to the Senator from Nevada should be adopted, it would not be necessary to adopt this amendment, because an amendment suggested to him makes it optional with the Secretary of the Interior to accept this donation if in his opinion the donation of this particular tract of land is a proper one for the school. Therefore if they offer a tract of land not less than 200 acres in Carson City, and in his opinion that particular 200 acres would not be the proper 200 acres, of course he would not accept it. So then with the amendment which the Senator from Nevada has——

Mr. COCKRELL. That has not been adopted.

Mr. STEWART. It has been adopted.

Mr. DAWES. I understand the Senator proposes to offer it.

Mr. STEWART. It has been adopted.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the amendment referred to by the Senator from Massachusetts has been adopted.

Mr. COCKRELL. I want to call the attention of the Senator from Massachusetts to this fact, that the amendment adopted, which was not the amendment he has suggested, but that of the Senator from Nevada, applied to the first section. Now, if the Senator will read the second section he will see that the appropriation is made and the Secretary directed to go on independent of the first section.

Mr. DAWES. The amendment to which I allude is another amendment which I suggested to the Senator from Nevada to be added to the second section.

Mr. STEWART. I intend to propose that as soon as we get rid of this amendment.

Mr. DAWES. It is an amendment to the second section, the result of which will be that if the Secretary of the Interior is not satisfied with this offer of 200 acres of land in Carson City he will not accept it, and the act falls.

Mr. COCKRELL. Let the amendment be offered now.

Mr. DAWES. If the Senator from Missouri will listen to the amendment he will see that his is not necessary.

Mr. STEWART. I will send the amendment to the Chair to be read.

Mr. COCKRELL. I will withdraw the other temporarily, if the Senator will offer it.

Mr. STEWART. At the end of the bill add——

The PRESIDING OFFICER. The amendment will be read for information, as it is not now in order.

Mr. COCKRELL. I withdraw my amendment, which will make that in order.

The PRESIDING OFFICER. The yeas and nays have already been ordered upon the amendment of the Senator from Missouri.

Mr. COCKRELL. By unanimous consent it can be withdrawn. I ask unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Missouri withdrawing his amendment, the yeas and nays having been ordered? The Chair hears none; the amendment is withdrawn. The Senator from Nevada moves an amendment, which will be read.

Mr. STEWART It is to be added at the end of the bill.

The CHIEF CLERK. It is proposed to add to the second section:

Whenever the land shall have been donated and accepted in conformity to the first section of this act.

So as to read:

SEC. 2. That the sum of $50,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of the Interior for the erection of buildings and such other matters as he may deem proper in establishing a school for the education of Indians at Carson City, in the State of Nevada, under such regulations as the Secretary of the Interior shall prescribe, whenever the land shall have been donated and accepted in conformity to the first section of this act.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nevada [Mr. STEWART].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLOWANCES TO GREELY ARCTIC EXPEDITION.

Mr. CHANDLER. I ask unanimous consent for the taking up of Order of Business No. 61 on the Calendar.

Mr. BECK. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator from New Hampshire and the Senator from Kentucky to allow me to have a vote on the joint resolution reported yesterday.

Mr. CHANDLER. I prefer that this bill be taken up first.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I ask the Senator from Kentucky to withdraw the motion for a moment.

Mr. BECK. We want a short executive session before we adjourn to-day. I withdraw the motion for the present.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves the present consideration of a bill. Is there objection?

By unanimous consent, the bill (S. 937) for the relief of David L. Brainard and others was considered as in Committee of the Whole. It provides for the payment of $703.75, in lieu of commutation of fuel and quarters and extra-duty pay, to David L. Brainard, Julius R. Frederick, Henry Biederbick, Francis Long, Maurice Connell, David Linn, Joseph Elison, Nicholas Salor, William A. Ellis, Charles B. Henry, William Whistler, Jacob Bender, Roderick R. Schneider, David C. Ralston, Hampden S. Gardner, Edward Israel, Winfield S. Jewell, George W. Rice, and William H. Cross, of the United States Army, who were on duty with Lieut. A. W. Greely in the Arctic regions from July 1, 1881, to June 30, 1884. If any of these persons shall have died prior to June 30, 1884, the allowances for commutation of fuel, extra-duty pay, and quarters are to be computed at the rates stated to the death of such persons, respectively; and in such case the amounts found due shall be paid to the widow of the deceased, if any survive; and if none, to the children, if any; and if none, to the next of kin of such person lawfully entitled.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SUBTROPICAL EXPOSITION AT JACKSONVILLE.

Mr. CALL. I ask that the Senate proceed to the consideration of the joint resolution reported yesterday by the Committee on Appropriations.

There being no objection, the joint resolution (S. R. 35) appropriating $20,000 for the subtropical exposition at Jacksonville, Fla., was considered as in Committee of the Whole.

The amendment of the Committee on Appropriations was to strike out all after the resolving clause and in lieu thereof to insert:

That the Secretary of the Interior shall send such exhibits from the National Museum as shall be selected by him, and the Commissioner of Agriculture such exhibits of plants, shrubs, and flowers as shall be selected by him, to the subtropical exhibition at Jacksonville, Fla., for the year 1888, and for the purpose of paying the expenses of transporting such exhibits to and from said exposition, and of arranging and taking care of them while there, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Commissioner of Agriculture, and to be immediately available.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read:

A joint resolution appropriating $10,000 for the subtropical exposition at Jacksonville, Fla.

COMPULSORY INDIAN EDUCATION.

Mr. DAWES. I move that the Senate proceed to the consideration of Order of Business No. 30, being Senate bill No. 1095.

The Secretary read the title of the bill (S. 1095) to provide for the compulsory education of Indian children.

Mr. COCKRELL. Let that be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The bill was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. COCKRELL. Is there any report with the bill? If so, I should like to hear it. It is an exceedingly important bill.

The PRESIDENT *pro tempore*. The Chair is informed that there is no printed report.

Mr. DAWES. This bill is the result of the experience of the Senator from Colorado [Mr. TELLER] in the management of the Indians. It was drawn by him and was submitted to the last Congress. It was recommended by all those who have administered Indian affairs—I mean this idea in substance—for a good many years, and it was formulated by the Senator from Colorado at the last session of Congress, and was approved by the Committee on Indian Affairs of the Senate at the last session, and it has met the unanimous approval of the committee at this session. I was going to move an amendment striking out the limitation of five years on my own responsibility, at the suggestion of the Senator from Colorado.

I take it that the efforts to educate Indian children are advancing, and as the results are being demonstrated we are brought more and more every year to assimilate them, as much as possible, to the education of our own children in the common schools; but on many of the reservations there is a reluctance on the part of a portion of the Indians to let their children go to school. There are two parties on all Indian reservations, which may properly be described as conservative and progressive, old Bourbons and those who desire to make headway and adopt the ways of white men. The old Indians, however, are desirous of continuing the old state of things. They imagine that they can restore themselves to the condition of the Indian twenty-five years ago. Every innovation upon that idea meets with resistance. It is found among the old Indians, especially among the parents of the scholars, and they resist the taking of their children into the schools.

This is left discretionary with the Secretary of the Interior by the bill, so that he can apply it on one reservation and omit to apply it on another, apply it in one way in one place and in another way in another place. It is flexible and intended to be adapted to the condition of things wherever he comes to deal with any tribe or band of Indians. It is putting the power in his hands—that is all—to deal with the Indians as a State would deal with the children of the State, or as a town would deal with the children of the school district whose system they have control of. It does not require him to do anything of the kind; it only authorizes him to do it.

Mr. BLAIR. I should like to ask the Senator how much this country has expended for the education of Indian children?

Mr. COCKRELL. I should like to know that myself.

Mr. DAWES. Not one-tenth part as much as the United States solemnly covenanted that they would expend.

Mr. BLAIR. But the amount?

Mr. DAWES. More than $5,000,000 to-day stand to the credit of eight different tribes of Indians as against the solemn covenant of the United States, and that is a debt——

Mr. HARRIS. I should like to ask the Senator, because I do not know, if by treaty stipulation the Government of the United States has bound itself to make appropriations for the education of the Indians?

Mr. DAWES. The Government of the United States made in 1868 eight different treaties with eight different tribes of Indians, in which they covenanted to furnish a school-house and a teacher for every thirty children between the school ages of each band. The Secretary of the Interior reported four years ago to the Congress of the United States that it would have cost the United States, had they fulfilled these obligations up to that time, between three and four million dollars.

Mr. HARRIS. Then, as I understand the Senator from Massachusetts, the Government of the United States committed itself by treaty obligation to furnish a school-house and the means of making a school and securing the education of the Indian children. I want to ask the Senator, though, if this bill does not go a step beyond that. I take it for granted that the treaty stipulation was intended to respond to a necessity which was recognized by the Indians for education. Does not this bill go a step further and propose to compel the Indians to attend the schools whether they desire to do so or not?

Mr. DAWES. It does put in the power of the Secretary of the Interior, on any reservation, a treaty reservation or one that is not a treaty reservation, the power to take the children and send them to school, precisely as the law of many of the States, including my own State, authorizes and requires the parents of the children to put their children between the ages of five and sixteen in school so many months in each year.

Mr. BLAIR. I wish to sustain the bill, but I did not know but that the Senator from Massachusetts might be able to give us the items of expenditure for Indian education.

Mr. DAWES. I can tell the Senator that in 1878 was the first special appropriation for forty years, outside of treaty stipulations, for the education of Indian children, and that was $10,000. It was $10,000 the next year; it was $20,000 the next year; it was $30,000 the next year; it was $60,000 the next year; it was $120,000 the next year; it was nine hundred and odd thousand dollars—I speak in round numbers—three years ago. Two years ago it was $1,200,000, and last year it was $1,100,000, in round sums.

Mr. BECK. I rose to ask the Senator from Massachusetts a question before he sat down. He has referred to the very large amount of money due by the United States to the Indian school fund. My recollection is that we engaged to furnish them with schoolmasters and schools, farmers and mechanics and other artisans, but very many of the Indian tribes were not fit to carry on their schools and farming operations or do any of the things provided for in the treaties, and therefore we had year by year a general provision authorizing the President of the United States to apply the funds appropriated for those purposes to the use of the Indians in such a way as he thought would best promote their civilization.

Mr. TELLER. Oh, no.

Mr. BECK. That has been done time and again, I know.

Mr. DAWES. I do not want to arraign the United States as a debtor for three or four million dollars under these treaties. The excuse the United States make for never having expended a dollar under them is this: The phraseology of the treaties is that they will furnish a teacher and a school-house for every thirty children ready to attend school, and the response of the United States is that no thirty children have walked up arm in arm with book in hand asking for a school-house and a schoolmarm, and therefore they have not been called upon to expend that money. Nevertheless, without any regard to these treaty obligations, the United States have done a great deal both for the treaty Indians and the non-treaty Indians in the line of education, and they are not to be censured but commended for what they have done. For the last three or four years they have expended, in my opinion, as much money as they could economically and wisely expend in that direction. Nevertheless we must go on step by step, and this obstacle that is in the way of a wise expenditure of a million or more of dollars each year is because the parents of these children do not want them educated and will not send them to school. This bill proposes to authorize the Secretary of the Interior to take them and educate them.

Mr. SAULSBURY. I shall move to add "with the consent of the parents."

Mr. TELLER. Mr. President, the suggestion of the Senator from Delaware [Mr. SAULSBURY] that the Indian children are to be taken to school with the consent of the parents shows that he has not studied the Indian question. I am not going to find fault with the Government of the United States in regard to its dealings with the Indians. It has not dealt wisely with them, but it has dealt munificently with them; and there is not in the history of the world an instance where a people have been dealt with so generously as the Indians on this continent have been dealt with by the American people. All the talk that we hear about the outrages committed in taking their land is largely the result of ignorance and is not based on fact.

We have bought their lands and paid for them, as no nation ever bought lands of the aborigines before in the history of the world. But we have not been wise in our dealings with the Indians. If we had been, they would not be Indians to-day; we should have incorporated that great body of people, nearly equal now in number to what they were when the continent was discovered, into our body politic, and we should have raised them from barbarism and savagery to civilized life.

This bill I introduced after consultation with the Commissioner of Indian Affairs. It was to meet a case of this kind; and the Senator from Delaware will see at once that his suggestion would destroy the bill. On many of the Indian reservations we have day-schools and on some of them we have boarding-schools. We have established and maintained from time to time both day-schools and boarding-schools, and paid all the expenses, sometimes without a single pupil, and not infrequently not more than three or four pupils in a school that ought to have accommodated forty or fifty and sometimes one hundred. The Indians would all the time draw off the Government their support, doing nothing, absolutely supported and fed and clothed by the General Government—a munificence, I say, extended to them that is withheld from people of our own blood who are unfortunate, who are in poverty and in want, upon the simple theory that they were the original owners of this continent, a theory that never had lodgment in any brain except that of the American, and it ought to have no lodgment in any man's brain, for the earth does not belong to savage men; it does not belong to men who do not cultivate it and use it. It belongs to him who will from it wring substance for his support; and neither the Government of the United States nor any other power has a right to say that the land which the Almighty made for men to live upon and to cultivate shall be kept by Indians, upon which they shall subsist simply and not earn from it their living.

But we support these men, women, and children, giving them all their food and all their clothing, and we profess to educate them, and then we say to the savage, "Go to school if you see fit, and if you do not you need not." Thus year after year under these treaties we maintain schools at agencies where to-day there will not be found 3 per cent., and in some instances not 1 per cent., of the whole population that can be said to have been benefited at all by these schools. You may take some of the tribes that I could mention where we have from fifteen to twenty years maintained schools, where it is utterly impossible to find a full-blooded native who can read or write or sign his name. Why? Because we have sent out a teacher to teach who had not any special interest in getting in the children. The teacher got his pay whether the children came or whether they did not come. The agents had not any interest in it, the Indian had not any interest in it, and so the schools have not been taught, but the wages have been paid in many cases under treaty for at least twenty years.

Now, this bill is for the purpose of requiring these people to send their children to school, many of them living on the munificence of this Government, having no claim to the land, and never having had any claim to it, for all that region that we took from the Mexicans by conquest, or from the Spaniards by purchase, did not belong to the Indians. It is only the English portion of this continent where the principle is recognized of the right of the aborigines to the soil. No Indian in Mexico, no Indian in California, no Indian in New Mexico, no Indian in more than one-half of Colorado and Arizona and all that great section of country, was ever recognized by the authorities existing previous to the advent of the United States as having the slightest control or interest in the land; yet on that land contracted for with the Government from which we acquired this territory, where we may treat the Indians as they had been treated by the previous government, we have recognized their right to an interest in the soil, and we are maintaining thousands of them in idleness and in vice.

This bill says to them, "If you will not put your children in the schools you may keep them out, but if you keep them out you shall make your own living, you shall cultivate the soil, or get your living in some other way than from the Treasury of the United States." Does anybody say that that is unreasonable? Does anybody say that that is harsh or cruel? If we are to deal with these people at all, we must deal with them considering their lack of capacity to deal for themselves. Therefore, I hold that it is the duty of the Government to say to them—not simply that it is an advantage to the Government, but the duty of the Government to say, "You must educate your children, you must put them in a way to cease to be savages, you must put them on the road to civilization and progress." That is all there is in this bill, Mr. President. It is simply to authorize the Secretary of the Interior to say, "Now, here is a school-house, here is a teacher; you are getting your bread and your butter and your clothes from the Government, and we will cut off your bread and butter and clothes if you do not show some disposition to educate your children."

Mr. VEST. I should like to ask the Senator from Colorado a question, if he will yield.

Mr. TELLER. Certainly.

Mr. VEST. What does he propose to do on reservations where there are no boarding-schools? How does he propose, under the provisions of this bill, to take the children away from the wigwams and teach them and carry them to a district school, and then return them to the parents at night?

Mr. TELLER. The whole matter is left to the discretion of the Secretary. He will not do it if he has not the appliances.

Mr. VEST. The Senator has been Secretary of the Interior. Does he propose now for us to pass this bill, and put in the hands of the Secretary of the Interior the power to take as much money as he sees proper out of the Treasury to establish boarding-schools and industrial schools where they do not exist? That is the point.

Mr. TELLER. No. The Senator is not serious when he asks that question. He knows that there is not the power to draw money by any executive officer from the Treasury of this Government, however full it may be, except he has the legislative sanction of Congress. He knows very well that you may impose a duty upon any public officer, but if you withhold from him the money he is not to execute that law. It is only when you have given him the money, when you have said, "Here is the means to do this," that he is required to do it. With the million of dollars or more every year that is appropriated for Indian schools under treaties that are now in existence, where teachers are maintained, but not the schools, the Secretary of the Interior may under this bill, if this bill should become a law, put the children into a day-school or in a boarding-school, as the opportunity may be presented to him. If there is a boarding-school, he will put them in a boarding-school; if there is a day-school, he will put them in the day-school, and if there is neither he will not put them in either. Whether this shall become an efficient and valuable law will depend upon the Appropriations Committee very largely when they come to report to the Senate the appropriations for Indian schools and Indian education.

Mr. President, the Senator from New Hampshire asked how much we had expended on Indian schools. I have not the exact amount. The Senator from Massachusetts made the general statement. Up to 1880 practically we had expended nothing except what we had expended by virtue of treaties. Since that time we have expended, as he stated, as high as $1,200,000 in a year. For more than ten years consecutively, since the close of the great war of our rebellion, for ten straight years, every month of the year, we paid out more for Indian wars than we paid in any one year for Indian education, and in one six months, any six months during those ten years, we paid more money than we have paid since 1880 for the education of the Indian children.

I do not insist, as a great many people do, that because we have the Indian lands we are bound to educate the Indian children. I deny that we have robbed the Indians. I deny that we are now under any legal or moral obligation, except in a case where we have made a treaty to furnish them provisions, clothing, etc.; but I say it is to the interest of the General Government that we should do this, for the six millions that you pay out every year you will pay out until the end of time unless you do educate the Indians so that they shall become self-supporting. No Indian will be self-supporting until he is taught to work. I think that experience has shown that a mere book education does not make an Indian self-supporting. I would not give a cent for all the Indians in the country if they had a classical education, for if they are not taught to work they will be vagabonds, and they will always be vagabonds just as long as the Government of the United States expends its six millions a year for their support. If we are to do nothing but leave them in this course, let things go on as they are doing; if we propose to make them self-supporting and make them ultimately citizens of the Republic, then we have got to take them with the strong hand and compel them to get education.

And, Mr. President, I believe in the doctrine of compulsory education for white men, and black men, and red men alike. I hold it to be the duty of the government, I do not mean the General Government now, but the State is charged with this—I hold it to be the duty of the State whenever a parent shall so far neglect his duty to his family as to leave his children to grow up in ignorance and vice, to provide a method by which he shall be compelled to put them in the schools that the State furnishes to give them an education. I would not do anything for the Indian here that I would not do in my own State for the white children of my State if the parents were so disregardful of their duty as to fail to educate their children.

Mr. President, we may dally with this Indian question as we have been dallying year after year. To-day the Indians are increasing. There are more of them than there were last year, and more of them than there were twenty years ago, and with the peace that we have compelled them to ob-

serve one with another they are increasing quite as rapidly as the white people of this country, and in some tribes very much more so. Now, what is to be done with this great mass of people who are growing up in ignorance? Are we discharging our duty when we leave them outside of the schools because they say they do not want to go to school? I do not think so. I am satisfied, after a great many years of observation and some years of experience, that there is but one way to settle the Indian question. It never will be settled in any other way until you compel the Indian to blister his hands. I repeat what I have said here before and what has been repeated until it has become trite in the Senate, that no people ever yet emerged from barbarism that did not emerge through labor. No people have ever been civilized by outside efforts, and no people ever will be. It is only when you compel the people themselves to support themselves that they come up; and you may send your teachers to the Indians and you may keep them even in the schools, if you do not with this compel labor, the education that will enable them to support themselves, and ultimately say to them, "Having thus educated you, you must now take care of yourselves"—if we do not do that we shall have the Indian problem with us for all time.

Increasing in number, increasing in expense, increasing in degradation (for the wild Indian to-day is not better in any part of the continent than he was previous to his contact with civilization), he has picked up the vices and few of the virtues of civilized life; but if you take hold of the Indian, put him in school where he can be taught not simply to read but to work, beneficial results will come. You should teach him the English language, and then teach him to work, and if he goes out of the school with those who think and work, although he does not know a letter, though he can not read a page, and though he can not sign his name, if he can speak English and knows how to hoe corn and to plow and when to plant and when to reap, then he is on the road to progress and he can take care of himself, and then it will be the duty of the Government to say to him, "Having given you this start, now do just as my white people do, either support yourselves or go to the wall."

If they go to the wall they will do what thousands of savage people have done in their progress to civilization. Many of them will go to the wall, but some of them will come up, and they will come up, I repeat again, just as all other people have come, when they themselves will it and when they themselves determine it, and they will not come without that. This bill looks to this one step. It is a little step, a short step, but it is a step in the direction of putting the hand of the Government on these people and putting them in the way in which they should go and compelling them to go, or, if they choose not to go, then say, "You shall no longer share in the munificence of this Government," and when the Indian is met with starvation or civilization, he will take civilization every time, and he will not do it much before, in my judgment.

Mr. BECK. Mr. President, I suppose the Senator from Massachusetts will want to be heard again on this very important bill, and I hope we may now have an executive session for a little while. Therefore, I move that the Senate proceed to the consideration of executive business.

ROCK CREEK BRIDGE.

Mr. HARRIS. I ask the Senator from Kentucky, if the Senator in charge of the pending bill will consent, to suspend that motion until the Chair lays before the Senate a House bill that I shall ask to have considered, if it leads to no debate, as I presume will be the case.

The PRESIDENT *pro tempore*. The Senator from Tennessee appeals to the Senator from Kentucky to withdraw his motion.

Mr. HARRIS. The Senator from Kentucky consents?

Mr. BECK. Yes.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia.

The bill was read twice by its title.

Mr. HARRIS. Mr. President, on the 7th of February the Committee on the District of Columbia, on the recommendation of the commissioners of the District, instructed me to report substantially and almost literally the bill that has passed the House and come to us. I ask the Senate to consider it at this time.

Mr. MORRILL. I think that bill ought to be printed, so that we can all see what it is.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the present consideration of the bill.

EXECUTIVE SESSION.

Mr. BECK. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 15, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of February, 1888.

UNITED STATES MARSHAL.

Fernando J. Moreno, of Florida, to be marshal of the United States for the southern district of Florida, *vice* P. A. Williams, term expired.

ASSISTANT TREASURER UNITED STATES.

Alexander McCue, of New York, to be assistant treasurer of the United States at New York City, in the State of New York, in the place of Charles J. Canda, resigned.

POSTMASTERS.

William C. Smith, to be postmaster at Stockton, in the county of San Joaquin and State of California, in the place of Joseph M. Cavis, whose commission expires March 24, 1888.

Charles Harrington, to be postmaster at Essex, in the county of Middlesex and State of Connecticut, in the place of Charles S. Mungen, whose commission expired February 4, 1888.

John P. Merrill, to be postmaster at Crown Point, in the county of Lake and State of Indiana, in the place of William T. Horine, whose commission expired February 12, 1888.

P. W. Bundick, to be postmaster at Augusta, in the county of Butler and State of Kansas, in the place of Newton A. Yeager, whose commission expired February 12, 1888.

John D. England, to be postmaster at Lindsborg, in the county of McPherson and State of Kansas, in the place of William J. Henry, whose commission expired January 18, 1888.

John McLaury, to be postmaster at Belleville, in the county of Republic and State of Kansas, in the place of Max J. Alwens, resigned.

Justice Webb, to be postmaster at Georgetown, in the county of Scott and State of Kentucky, in the place of Susan K. Burch, deceased.

James A. Elder, to be postmaster at Emmitsburgh, in the county of Frederick and State of Maryland, in the place of Samuel N. McNair, whose commission expired January 24, 1888.

George Cushing, to be postmaster at Hingham, in the county of Plymouth and State of Massachusetts, in the place of Edwin Wilder, whose commission expired December 20, 1887.

Charles W. Ellison, to be postmaster at Melrose, in the county of Middlesex and State of Massachusetts, in the place of William L. Williams, deceased.

James B. Lucas, to be postmaster at Romeo, in the county of Macomb and State of Michigan, in the place of James Gray, whose commission expired February 4, 1888.

Isaac P. Bibbs, to be postmaster at Huntsville, in the county of Randolph and State of Missouri, in the place of George W. Keebaugh, whose commission expires March 5, 1888.

Alonzo W. Doremus, to be postmaster at Boonton, in the county of Morris and State of New Jersey, in the place of Charles F. Hopkins, whose commission expired February 12, 1888.

D. T. Graham, to be postmaster at Madison, in the county of Madison and State of Nebraska, in the place of Thomas O'Shea, resigned.

Felix R. Shepley, to be postmaster at Massillon, in the county of Stark and State of Ohio, in the place of Anthony Howells, resigned.

Frank M. Eastman, to be postmaster at Butler, in the county of Butler and State of Pennsylvania, in the place of Sallie A. Robinson, whose commission expired January 11, 1888.

James B. Small, to be postmaster at York, in the county of York and State of Pennsylvania, in the place of James Kell, whose commission expires February 19, 1888.

Miss Ella Lewis, to be postmaster at Gallatin, in the county of Sumner and State of Tennessee, in place of Albert A. Lewis, deceased.

John C. Weatherred, to be postmaster at Tacoma, in the county of Pierce and Territory of Washington, in the place of Lammon E. Sampson, resigned.

E. F. Donnelly, to be postmaster at White Water, in the county of Walworth and State of Wisconsin, in the place of Henry H. McGraw, whose commission expired January 16, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1888.

ASSISTANT TREASURER.

Alexander McCue, of New York, to be assistant treasurer of the United States at New York City, N. Y.

MARSHAL.

Benjamin F. Wade, of Ohio, to be marshal of the United States for the northern district of Ohio.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 14, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. BRUSH, president of Dakota University.

The Clerk proceeded to read the Journal of yesterday's proceedings.

The SPEAKER. If there be no objection, the reading of that portion of the Journal relating to the introduction and reference of bills will be dispensed with.

There was no objection.

The remainder of the Journal was read and approved.

REFERENCE OF SENATE BILLS.

The SPEAKER laid before the House Senate bills of the following titles; which were read a first and second time, and referred as follows, namely:

The bill (S. 279) making an appropriation for the purchase of ground and the erection thereon in the city of Washington of a building to be used as a hall of records—to the Committee on Public Buildings and Grounds.

The bill (S. 1938) making an additional appropriation for the relief of the poor in the District of Columbia—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 5514) to amend section 4883 of the Revised Statutes, to enable the Assistant Secretary of the Interior to sign patents; and

Joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BARRY, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. House bill No. 5899, entitled "A bill for the relief of the American Postal Machines Company," has been referred to the Committee on Claims, to which it really properly belongs under the rules of the House. But the Chair is advised that the Committee on the Post-Office and Post-Roads has now under consideration the subject to which it relates, and it is requested that this bill be referred to that committee.

Mr. DOCKERY. I did not hear the subject of the bill to which the Chair refers.

The SPEAKER. It relates to the bill which provides for the use by the Government of the machine for the cancellation of stamps. The Committee on the Post-Office and Post-Roads has the subject under consideration, and the Chair thinks this bill should take the same course.

Mr. DOCKERY. The Committee on the Post-Office and Post-Roads directed the reference to the Committee on Claims, I think.

Mr. COLLINS. That was done under a misapprehension of the facts. This is on its face a mere claim, it is true, but it involves the question of the use of the invention; and as the whole subject is already before the Committee on the Post-Office and Post-Roads it is hardly necessary, it seems, that the matter should be divided between two committees.

The SPEAKER. Without objection the reference will be changed as indicated.

There was no objection, and it was so ordered.

ADDITIONAL DAY FOR THE DISTRICT OF COLUMBIA.

Mr. MILLS. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution to set apart two days in each month for the consideration of business reported from the Committee on the District of Columbia, has had the same under consideration, and reports back a substitute therefor with the recommendation that it be passed.

The substitute is as follows:

Resolved, That the second and fourth Mondays in each month, after the call of States and Territories, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. MILLS. Under existing rules the District of Columbia has but one day set apart for the consideration of business reported by it—that is, the second Monday in each month. Owing to the increase in population and business of the city, it has been found that the time thus allotted to the District Committee is not sufficient for the transaction of its business; and as this is the only legislative body that can attend to its business, the committee believe this additional day should be granted. They requested that another day be given to them, and the Committee on Rules, after considering the matter, have agreed to report this substitute, allowing them the fourth as well as the second Monday in each month.

If there be no desire to discuss the matter I shall ask for a vote.

Mr. ADAMS. What committee has the fourth Monday now?

Mr. MILLS. It is not assigned to any committee.

Mr. SPRINGER. I desire to ask the gentleman from Texas in this connection whether the Committee on Rules has considered the amendment pending before the committee to give to the Territories one day in the month?

Mr. MILLS. That is not up now. We will have it up hereafter. We are only reporting such matters as we have acted upon. A number of matters are still pending before the committee.

I ask a vote.

The substitute was agreed to; and the resolution as amended was adopted.

Mr. MILLS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON THE LIBRARY.

Mr. MILLS. I present a privileged report from the Committee on Rules.

The report was read, as follows:

The Committee on Rules reports the following amendment to Rule X, as amended at the present session, to wit:

Strike out the words "the Committee on Library, to consist of five members," and insert the words "the Committee on Library, to consist of three members."

The committee finds that the statute prescribes that the Joint Committee on the Library shall consist of three members from the Senate and three from the House of Representatives, and as the Senate committee now consists of but three members, the increased number upon the part of the House has occasioned some embarrassment in the transaction of business. The committee therefore believe it is better to reduce the number of members on the committee from the House, even if it be conceded that the House has power, notwithstanding the statute, to create a committee of five. If the amendment now proposed be adopted by the House it will be necessary to reduce the committee as now constituted, and it is therefore recommended that the member last named on the part of the majority and minority respectively be dropped.

Mr. MILLS. As explained by the report of the committee, the House Committee on the Library is composed of five members, while an act of Congress requires the joint committee to be composed of three members from the Senate and three from the House. It seems this law had escaped the attention of both the Senate and the House, and they had committees of five members in each body. The Senate committee is now composed of three members, so as to conform to the statute. The Committee on Rules proposes that the same shall be done as regards the committee of the House, and that two members shall be dropped from the committee.

Mr. BLOUNT. I would like to know whether the Committee on Rules concede at all the right of a statute to regulate the number of members of a committee, or whether the report merely is based on the idea of paying some deference to the view of the Senate.

Mr. MILLS. The report states in substance that, without discussing the question suggested by the gentleman from Georgia, it is best to make the committee of the House of Representatives forming part of the joint committee to consist of three members. We do not enter in the report into the question of the constitutional right of the House to appoint its own committees.

Mr. BLOUNT. I understand that you simply waive that right, notwithstanding the statute?

Mr. MILLS. That is all.

The resolution was adopted.

Mr. MILLS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF THE HOUSE.

Mr. CANNON. I present a privileged report from the Committee on Rules.

The report was read, as follows:

The Committee on Rules, to which was referred a proposed amendment in relation to the voluntary appearance of members during the call of the House, has had the same under consideration, and report the following substitute therefor, with a recommendation that it be adopted:

That Rule XV be amended by adding thereto the following:

"Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk, to be entered upon the Journal as present."

Much inconvenience and delay have resulted heretofore from the fact that members who voluntarily appear during a call of the House are unable to secure admission to the floor, unless accompanied and reported to the House by the Sergeant-at-Arms. If the amendment now proposed be adopted, members who thus appear will be at once admitted, and upon reporting to the Clerk, their names will be entered upon the roll of those present, and consequently it may be possible to secure a quorum in many cases without waiting for the action of the Sergeant-at-Arms.

Mr. CANNON. The report sufficiently explains the necessity for the rule. I move its adoption.

The resolution reported by the committee was agreed to.

Mr. CANNON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS, ETC., INTRODUCED BY REQUEST.

Mr. CANNON. I present another privileged report from the Committee on Rules.

The report of the Committee on Rules was read, as follows:

The Committee on Rules has had under consideration a proposition to amend the rules so as to provide that when a bill or resolution is introduced by request the words "by request" shall be entered upon the Journal, and reports the following substitute therefor, with the recommendation that it be adopted:

"When a bill, resolution, or memorial is introduced 'by request,' these words shall be entered upon the Journal."

The resolution was adopted.

Mr. CANNON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF THE ROLL.

Mr. CANNON. I present another privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to which was referred a proposed amendment in relation to the call of the roll of members of the House, has had the same under consideration, and report back the following substitute therefor, with the recommendation that it be adopted:

Amend clause 1 of Rule XV so as to read as follows: "Upon every roll-call the names of the members shall be called alphabetically by surnames, except when two or more have the same surnames, in which case the name of the State shall be added, and if there be two such members from the same State the whole name shall be called; and after the roll has been once called the Clerk shall call in their alphabetical order the names of those not voting, and thereafter the Speaker shall not entertain a request to record a vote or announce a pair."

Mr. CANNON. I move the adoption of the resolution.

Mr. DINGLEY. I would like to hear some explanation of the proposed change in the rule.

Mr. CANNON. I think the report explains itself, and I do not know that I can state it any better than it is stated in the report itself. I call for the reading of the report again.

A MEMBER. What is the proposed change of the rule?

The SPEAKER. The Chair will state that the only change in the rule proposed is that when there is more than one member of the same surname from the same State, the State shall be called as well as the name.

Mr. LONG. Suppose a member does not hear his name when it is called, what will be the effect of the rule in that case?

The SPEAKER. There is no change in the rule with respect to that.

Mr. LONG. I thought from the reading of the last part of the amendment that it changed the present rule in that respect.

Mr. OATES. I desire to ask the gentleman from Illinois this question: What is the necessity of retaining that portion of the rule with reference to calling the names of members a second time as regards members who are absent by leave of the House?

Mr. CANNON. I apprehend more time will be saved by calling the names than by finding out who are absent by leave of the House.

Mr. OATES. Is it not to be presumed that the Clerk is informed who are absent by leave?

Mr. CANNON. I suppose that may be presumed, but I do not know that the Clerk has the memorandum always before his eyes. I presume he can call the roll more speedily by calling all the names than by keeping track of the leaves of absence.

Mr. OATES. I simply wanted to know what the reason was for the proposed change.

Mr. BREWER. I wish to ask the gentleman from Illinois [Mr. CANNON] whether it is not a fact that the last clause of the rule is violated every day when the roll is called?

Mr. CANNON. I can not say as to that.

Mr. BREWER. Does not the gentleman know of his own knowledge that members are permitted to vote after the second roll-call?

Mr. CANNON. I know that the Speaker, under the construction of that rule, has been in the habit of taking the word of gentlemen that they were present, paying attention to the call of the roll, and did not hear their names called, and I can readily see how the Speaker would feel bound to take the word of a gentleman touching that matter under such circumstances.

Mr. BREWER. As I understand it, the Speaker asks the member if he was present during the roll-call, but does not ask him whether he heard his name called, and if the gentleman says that he was present, then he is permitted to vote.

Mr. CANNON. The gentleman can see at once that the rule is plain and direct, but when we come to put the rule in practice, I can not conceive how the Speaker could very well afford to refuse to take a member's word upon a question touching his right to vote.

Mr. BREWER. Then the rule itself is inoperative?

Mr. CANNON. I think not.

Mr. ADAMS. If my colleague [Mr. CANNON] will allow me one observation, I think that what the gentleman from Michigan [Mr. BREWER] desires to call attention to is that under the rule as it exists no man would be allowed to record his vote even if he were in his seat during the roll-call; so it is not a question whether the word of a member shall be taken, but whether the rule shall be stretched so as to allow even members who were in their seats to vote, a thing which the rule by its terms does not permit.

Mr. CANNON. Well, I apprehend that the Speaker could speak much more authoritatively on this subject than I can, but while my colleague [Mr. ADAMS] is correct so far as the text of the rule is concerned——

Mr. ADAMS. That is all I spoke about.

Mr. CANNON. While my colleague is correct so far as the text of the rule is concerned, I apprehend that the rule could not stand for a moment if it was so construed as to prevent from voting a gentleman who was present in his seat and giving attention to the roll-call, but who failed to hear his name called. When a member who was present and failed to hear his name, rises in his place and makes that statement, if he could still be debarred from voting the rule could not stand. The rule must be construed reasonably, so as to advance the business of the House and protect the rights of members. As the gentleman [Mr. BREWER] has asked me the question, I will say that I believe there is an abuse of the rule in some cases. I have known members to say that they were present during roll-call, when in fact they were not present during the whole of the call, but were present for a few moments while the roll was being called, and in that way satisfied their consciences in making the statement.

Mr. RANDALL. There is no occasion for any misapprehension about the effect of this proposed rule. It does not change at all the existing rule, except in two particulars. Where there are two members of the same surname it provides that the Clerk shall call the States from which they come. If there are two members of the same surname from the same State, then the rule proposes that the full Christian names of the gentlemen shall be called. There is no other change, and the discussion which has arisen here is not necessary. The report recites the old rule because that seemed to be required in order to make the report intelligible.

Mr. CANNON. I move the adoption of the report.

The report was adopted.

Mr. CANNON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF COMMITTEE REPORTS.

Mr. RANDALL, from the Committee on Rules, submitted the following report:

The Committee on Rules reports the following amendment to Rule XXIV, to wit: After the word "Delegate" in the third clause in said rule insert the following words: "if requested in writing by the Member or Delegate."

Under the existing rule the Public Printer mails to each member of the House a copy of all the reports made by its committees, and the consequence is that the supply of such reports in the document-room is very frequently exhausted before the subject comes up for consideration in the House. Members of the House usually receive their mail at their residences, and the reports are sent there, and consequently are not accessible when needed at the House. Under the proposed amendment, any Member or Delegate who desires the reports sent to him can, at the beginning of a session or afterwards, notify the Public Printer in writing, and thereupon it will be the duty of that officer to send them to him as heretofore. The committee recommends the adoption of the amendment.

Mr. RANDALL. I think this report is sufficiently explicit to make plain to every member the effect of the proposed change of the rules. At present there is mailed to every member of the House a copy of every printed report. Inconvenience has resulted from this, because sometimes too small a number of reports is thus left in the House document-room, so that when bills come up for consideration members can not obtain from the document-room the reports they desire. Many members no doubt wish to receive these reports at their residences, because thus they are enabled to acquaint themselves with a report more readily than if they received it during the sessions of the House. Those who wish still to receive the reports in this way can do so. It will only be necessary for them to send a notification to the Public Printer. In the absence of such a notification the member's copies of reports will go to the House document-room. I call for the previous question.

Mr. DINGLEY. I wish to inquire of the gentleman whether this rule, going into effect immediately, will require notice to be given at once in cases where members desire to receive these reports at their rooms for the remainder of the session?

Mr. RANDALL. This amended rule will go into effect at once.

Mr. DINGLEY. And members must give notice at once if they desire to receive these reports at their residences?

Mr. RANDALL. If they wish to have that arrangement continue they must give notice to the Public Printer.

Mr. DINGLEY. Precisely.

The previous question was ordered; and under the operation thereof the report of the Committee on Rules was adopted; there being—ayes 110, noes 8.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINTING OF BILLS, ETC., REPORTED ADVERSELY.

Mr. RANDALL. I am further instructed by the Committee on Rules to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on Rules reports the following proposed amendment to Rule XLVI, to wit:

Amend Rule XLVI by adding thereto the following: "Unless ordered by the House, no bill, resolution, or other proposition reported by a committee shall be reprinted unless the same be placed upon the Calendar."

Under the rules of the House as they now exist, 100 copies of each private bill and 500 copies of each public bill are printed when the bills are introduced, but

when any bill, either public or private, is reported back from a committee, either favorably or adversely, it is again printed, and in the case of private bills 500 copies are furnished. The committee is unable to see the necessity or propriety of reprinting bills and resolutions which are reported upon adversely and laid upon the table. There is no further consideration of such bills, and the printing is entirely useless. The proposed amendment as now reported will prevent the reprinting of any bill, resolution, or other proposition unless the same be placed on the Calendar of the House, or unless specially ordered by the House.

Mr. RANDALL. The effect of the amendment proposed in this report will be to dispense with the reprinting of bills which are reported adversely and do not go upon the Calendar. When so reported a single member has the right to demand that the bill shall go to the Calendar, and in such a case the bill would be reprinted; but where no such request is made, the bill, having been reported adversely, is practically dead, and there is no occasion for printing copies of it in addition to the original number printed upon the introduction of the bill, being 100 in the case of a private bill and 500 in the case of a public bill.

Mr. OATES. As I understand, this proposition will prevent the reprinting of bills and reports when the report is adverse.

Mr. RANDALL. If a bill reported adversely goes to the Calendar it will be reprinted; but if it goes to the table no additional copies will be printed.

Mr. OATES. Ought there not to be some method by which members whose bills are reported adversely may have them placed upon the Calendar subsequently to the presentation of the adverse report?

Mr. RANDALL. I take it for granted that whenever a member is interested in the subject embraced in a bill he is on the alert when the report is made. In every case the bill is printed upon its introduction.

Mr. OATES. As I understand this proposition, it is a good amendment to the rules, though it would seem to require a greater amount of "alertness" than members are accustomed to exercise.

Mr. RANDALL. Even where a bill reported adversely goes to the table and not to the Calendar, the House, if it so chooses, can order the printing of an additional number.

The question being taken, the report of the Committee on Rules was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPILATION OF REBELLION RECORDS.

The SPEAKER laid before the House a letter from the Secretary of War, in response to a resolution of the House calling for information relative to the plan and scope of the compilation of the Official Records of the War of the Rebellion, and transmitting a report thereon from Lieut. Col. H. M. Lazelle, in charge of the publication of war records; which was referred to the Committee on Military Affairs, and ordered to be printed.

SUPPORT OF PRISONERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an additional appropriation for support of prisoners for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE, ETC., AT CASTLE HILL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a deficiency estimate from the Light-House Board of appropriation for the establishment of light-house and fog-signal at Castle Hill; which was referred to the Committee on Appropriations, and ordered to be printed.

COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a statement of expenditures for the Coast and Geodetic Survey for the fiscal year ended June 30, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF DEPUTY SURVEYORS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of the General Land Office, and recommending an urgent deficiency appropriation to pay for services of deputy surveyors rendered pursuant to law; which was referred to the Committee on Appropriations, and ordered to be printed.

GOVERNMENT ATTORNEYS IN BELL TELEPHONE CASE.

The SPEAKER also laid before the House a letter from the Acting Attorney-General, submitting a list of the attorneys employed by the Government in the case of the United States against the Bell Telephone Company; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

PAY OF ASSISTANT UNITED STATES DISTRICT ATTORNEYS.

The SPEAKER also laid before the House a letter from the Attorney-General, with inclosures, in relation to the estimates for compensation of assistant United States district attorneys; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMITTEE ON LABOR.

Mr. O'NEILL, of Missouri. I submitted yesterday a resolution and moved its reference to the Committee on Labor, and I understood, at the time, the resolution was so referred. I subsequently learned, however, on reading the resolution the Speaker referred it to a different committee. If I had been aware of the intention to refer it to any other committee I would have taken the sense of the House and asked that it be referred to the Committee on Labor, my object being, as that committee will be reached in the next three or four days, to give the House an opportunity of having, during the coming month of March, some day or days designated for the consideration of the business coming from that committee. I now ask the privilege to make the motion referring the resolution to the Committee on Labor.

The SPEAKER. When the resolution was sent up by the gentleman from Missouri yesterday, the Chair announced that it went to the Committee on Labor. Immediately afterwards, on looking at the resolution, the Chair discovered it was a resolution which in reference to other committees had been sent to the Committee on Rules, and therefore it was so referred. No advantage should be taken of the gentleman, and the Chair hopes the House will allow him now to submit the motion for reference to the Committee on Labor.

Mr. O'NEILL, of Missouri. I make that motion.

The motion was agreed to, and the resolution was referred to the Committee on Labor.

STATISTICAL ABSTRACT.

Mr. RICHARDSON. I am directed by the Committee on Printing to submit the following privileged report.

The Clerk read as follows:

The Committee on Printing, to whom was referred the House concurrent resolution to print 15,000 additional copies of Statistical Abstract for 1887, direct me to return the same with the recommendation that it do pass.

Estimated cost for printing, $1,283.65. The approximate cost of the amount of printing previously estimated upon for Congress within the present fiscal year is $737,407.90.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1887, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

Mr. RICHARDSON. I demand the previous question on the adoption of the resolution.

Mr. OATES. Of what value are these documents?

Mr. RICHARDSON. They are a compilation or abstract of the statistics scattered through the documents of the various Departments. It is a volume of easy reference, and contains most valuable information for the use of the officers of the Government. Instead of having this information scattered through many volumes, it is embraced in one volume. We only order the usual number of copies during preceding years. I demand the previous question.

The previous question was ordered, and under the operation thereof the resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATTLE AND DAIRY FARMING.

Mr. RICHARDSON. I have a resolution here which is not a question of privilege, but I will ask for its consideration at this time.

The SPEAKER. The regular order has been called for by several gentlemen.

Mr. RICHARDSON. I have been requested by so many members on both sides of the House to report this resolution back, I will do it at this time, and take the sense of the House on the subject.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 6, 1888.

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 additional copies of Executive Document 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming; 2,000 copies for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the Department of State.

Attest:

ANSON G. McCOOK, *Secretary*.

Mr. RICHARDSON. Permit me to make a statement for one moment. This resolution which has been passed by the Senate provides for the printing of 7,000 copies of this document. Resolutions have been introduced by members on each side of the House directing a larger number of copies to be printed, but the cost is so great the Committee on Printing do not feel authorized to recommend more than 7,000 copies to be printed. The cost is $2.60 a copy, and for 7,000 copies it would be an expense of some $17,000 or $18,000. We were not willing to go beyond that, and therefore the resolution of the Senate is before the House simply with the recommendation that it be concurred in.

Mr. HATCH. I would like to have a minute, with the consent of the House.

The SPEAKER. The first question is, Will the House consent now to consider the resolution?

Mr. BLOUNT. I would like to know before giving consent if this is likely to produce any debate.

Mr. HATCH. I only want a minute.

Mr. BLOUNT. I have no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. BLOUNT. I do not want to object to the gentleman from Missouri having a minute if he needs it; but I want to reserve the right to object if this is to lead to prolonged debate and delay the consideration of the deficiency bill.

Mr. HATCH. I want to say to the House, and emphasize what I have no doubt every member or nearly every member will indorse, that this is the most valuable publication that has ever been made by the Government of the United States within the last twenty years.

Mr. MORGAN. And there is more demand for it.

Mr. HATCH. There is more demand from every agricultural district of this Union for this book than for all the other Government publications combined which can be obtained from the folding-room. It is the most important work to the farmers of the country that has been published in the last quarter of a century; and instead of 7,000 copies I want the privilege of moving to amend this resolution by making it 25,000.

Mr. HENDERSON, of Iowa. That is right.

Mr. O'FERRALL. I had in view a similar amendment. I have a hundred letters at least on my desk now asking for a copy of this book, and I hope the gentleman will make his amendment 50,000. I would rather see that amount published than a less number.

A MEMBER. What is this work?

Mr. HATCH. It is the concentrated information from every cattle-producing district in the world. It is the best work upon cattle and cattle-breeding that has ever been published in the English language, and it should be in every township and neighborhood in the United States. The mere cost of two dollars and fifty or sixty cents a volume is simply insignificant in proportion to the great value of the work.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLOUNT. I hope the House will take the responsibility of this increased expenditure and not charge it to the Public Printer.

The SPEAKER. The Chair will again ask if there is objection to the present consideration of the resolution?

There was no objection.

Mr. HATCH. I now offer the amendment I send to the desk.

Mr. TAULBEE. I wish also to offer an amendment.

Mr. MARTIN. This is the best book ever published by this Government or by any other in the world. It ought to be in the hands of every farmer and every dairyman in this country. All persons interested in cattle-breeding and the products of the farm should be furnished with a copy. I hope the number of copies will be increased.

The SPEAKER. The Clerk will report the amendment of the gentleman from Missouri.

The Clerk read as follows:

It is proposed in the second line to strike out "seven" and insert "twenty-five," making it read, "twenty-five thousand additional copies."

Mr. HENDERSON, of Iowa. What proportion will be for the House and what for the Senate?

Mr. HATCH. I was going to move to strike out "two thousand" for the Senate and insert "six thousand," and strike out "four thousand" for the House and insert "eighteen thousand."

Mr. RICHARDSON. It is the custom to provide only double the number for the House as for the Senate, and I think the Senate will not consent to any other division.

Mr. HENDERSON, of Iowa. Then let any difference be settled in conference.

Mr. HATCH. I have no objection to making it 25,000 copies and dividing it upon the same basis as now provided in the resolution.

Mr. FARQUHAR. That is right.

Mr. RICHARDSON. I wish to submit an amendment to the amendment of the gentleman from Missouri.

Mr. TAULBEE. I want to send up, to be pending when it is in order, an amendment also.

The SPEAKER. There is an amendment now pending.

Mr. TAULBEE. This is an independent amendment.

The SPEAKER. The Chair can decide at once, then, that it is not now in order.

Mr. TAULBEE. I simply wanted it left with the Clerk to be pending.

The SPEAKER. It will not be pending until offered in the House. The Chair will recognize the gentleman to offer it at the proper time.

Mr. HATCH. I have reduced my amendment to writing.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Strike out in the second line of the resolution the word "seven" and insert "twenty-five."
Strike out "two thousand" in the fifth line and insert "eight thousand."
Strike out "four thousand" in the same line and insert "sixteen thousand."

So that it will read:

That there be printed 25,000 additional copies of Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming; 8,000 copies for the use of the Senate, 16,000 copies for the use of the House of Representatives, and 1,000 copies for the Department of State.

Mr. WILKINS and others. That is right.

Mr. RICHARDSON. I offer an amendment to the amendment.

The Clerk read as follows:

And that there be hereby appropriated out of the Treasury the sum of $62,500, or so much thereof as may be necessary, out of any money not otherwise appropriated, to pay for the same.

Mr. BUCHANAN. That is right.

Mr. RICHARDSON. I desire to say that this is a publication for which there have been more calls upon the Committee on Printing of this House, and I believe upon individual members of the House, than perhaps any other document heretofore printed by Congress.

The SPEAKER. The Chair will state to the gentleman from Tennessee that this is not a joint resolution in which money can be appropriated out of the Treasury, but is a concurrent resolution, which does not go to the President for his signature, and does not become a law.

Mr. RICHARDSON. Then I will move to amend the concurrent resolution so as to make it a joint resolution.

The SPEAKER. There is an amendment now pending, and until that is disposed of the proposition of the gentleman from Tennessee is not in order.

Mr. RICHARDSON. I will ask unanimous consent that the resolution be changed to a joint resolution.

There was no objection.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri [Mr. HATCH].

Mr. BROWNE, of Indiana. I desire to make a suggestion to the gentleman from Missouri. Every gentleman who has been favored with a copy of this most excellent book knows that in the form in which it is now published it is most unwieldy. I suggest that the resolution should provide that it be published in two volumes.

Mr. HATCH. I understood from the gentleman from Tennessee [Mr. RICHARDSON] that if the book should be republished it would be divided into two volumes. It certainly ought to be. I agree with the gentleman from Indiana that in its present form it is unwieldy and too large to be conveniently handled. The change would not materially increase the cost.

Mr. MCMILLIN. It will cost more in two volumes than it will in one, and that additional cost should be provided for.

Mr. RICHARDSON. If the House will indulge me for a moment, I will state that the estimated cost of this book, as I have already stated, is about $2.45 or $2.50 per copy, if bound in one volume. If bound in two volumes the aggregate cost will be $2,000 or $2,500 more than if bound in one volume. I think the $62,500 provided in my amendment will cover the cost of the book whether bound in one volume or bound in two.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Missouri [Mr. HATCH].

Mr. RICHARDSON. Is not the question first on my amendment?

The SPEAKER. It is not. The amendment of the gentleman from Tennessee is not an amendment to the amendment.

Mr. RICHARDSON. I do not object to the amendment of the gentleman from Missouri; but I do not think it should be agreed to unless the House shall first appropriate the money necessary or signify its willingness to do so instead of taking the cost of this book out of the amount annually appropriated for printing.

Mr. HENDERSON, of Iowa. There will be no trouble about that.

The amendment offered by Mr. HATCH was agreed to.

The SPEAKER. The amendment offered by the gentleman from Tennessee [Mr. RICHARDSON] will now be read.

The Clerk read as follows:

Add to the joint resolution the following:
"And that there is hereby appropriated out of the Treasury the sum of $62,500, or so much thereof as may be necessary, out of any money not otherwise appropriated, to pay for the same."

Mr. HATCH. Does the gentleman from Tennessee say that it will require $2,500 more if the book is bound in two volumes?

Mr. RICHARDSON. No, sir. I think the amount named in my amendment will cover the whole cost.

The amendment offered by Mr. RICHARDSON was agreed to

Mr. TAULBEE. I desire to have my amendment read.

The Clerk read as follows:

Add to the resolution the following:
"*Provided*, The apportionment among the members of the House of Representatives shall be made with regard to former distribution."

Mr. FELTON. I would like to know what that means.

Mr. TAULBEE. That simply means this, that if in the former distribution of this same report some members of this House have had more than was due to them other members have had less. This amendment to the resolution provides that the deficit shall be made up out of the volumes to be distributed.

Mr. CUTCHEON. Will the gentleman please explain what he refers to?

Mr. TAULBEE. Some time heretofore, perhaps two weeks ago or more, I introduced a resolution into this House calling for an investi-

gation of this same matter and had it referred to the Committee on Printing. What disposition has been made of the resolution I presume the gentleman from Tennessee [Mr. RICHARDSON] will be able to state. That books have been put to the credit of members which they have been unable to procure is a fact which I know and which is demonstrated by the letter from the Doorkeeper of the House of Representatives which I had referred to the Committee on Printing.

Mr. MORGAN. That has no business in this resolution.

Mr. TAULBEE. It has business in this resolution. This is one of the most valuable books to be printed under resolution of Congress, and it is one in which my constituents feel an interest as well as the constituents of every other member on this floor. I do not think any member can object to my amendment. If such discriminations have not been made, this amendment is certainly void. If such discriminations have been made, gentlemen must certainly see the fairness of this proposition.

Mr. HATCH. Is not the gentleman from Kentucky falling into an error? This book was distributed to members of the Forty-ninth Congress. The members of the Fiftieth Congress have not received from the State Department any copies at all. This resolution provides that they shall be distributed to members of the Fiftieth Congress.

Mr. BLAND. Will the gentleman from Kentucky [Mr. TAULBEE] yield to me for a moment?

Mr. TAULBEE. Certainly.

Mr. BLAND. It seems to me, Mr. Speaker, that this amendment would place the Doorkeeper of the House in a very embarrassing position, if it required him to ascertain what members have heretofore had books in excess of their quota and what members have not had their share. Certainly the Doorkeeper of the House has no right to investigate the administration of former Doorkeepers, and I think this amendment would impose upon him a very onerous and disagreeable duty.

Mr. TAULBEE. Mr. Speaker, I think this matter is perfectly clear to any one who understands the fact that in the distribution of these books the records of the Doorkeeper's office show who has received them and how they have been distributed. With reference to the objection urged by the gentleman from Missouri [Mr. HATCH] to my amendment——

Mr. ENLOE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Kentucky [Mr. TAULBEE] has the floor.

Mr. TAULBEE. I will yield to the gentleman if he desires to make a parliamentary inquiry.

Mr. ENLOE. I desire to ask, Mr. Speaker, whether the gentleman's amendment is germane to the resolution.

The SPEAKER. The Chair thinks it is. It relates to the distribution of these documents the printing of which is provided for in the resolution. The resolution itself provides for distribution and the amendment proposes to change the method of distribution. That is all.

A MEMBER. I call for the regular order.

The SPEAKER. This is the regular order. The gentleman from Kentucky [Mr. TAULBEE] will proceed.

Mr. TAULBEE. Mr. Speaker, if I understand the objection of the gentleman from Missouri [Mr. HATCH] to this amendment, it consists in this, that whatever inequalities may have existed heretofore in the distribution of books relates to a former Congress and not to this. I understand that the distribution of books under the resolution of this House relates not so much to the members of the House as to the constituents they represent.

Mr. MACDONALD. I want to say to the gentleman that we do not understand his remarks from the fact that we did not hear his amendment read.

Mr. TAULBEE. Then, Mr. Speaker, for the benefit of the gentlemen who did not hear it, I will ask the Clerk to read my amendment again in my time.

The Clerk read as follows:

Provided, That apportionment among the members of the House of Representatives shall be made with regard to former distribution.

Mr. MILLIKEN. Will the gentleman from Kentucky [Mr. TAULBEE] permit a question?

Mr. TAULBEE. Yes, sir; I will yield for a question.

Mr. MILLIKEN. I would like to have the gentleman state a little more explicitly to what he refers. I desire to vote intelligently upon this resolution if I vote at all, and I am seeking information. I do not know how much of a deficit there has been in these books. If the House has 16,000 books or documents, and they are to be distributed equally among the members, I know pretty nearly what share I am going to get; but if a portion of them are to be taken out to make up for some prior deficit, then I do not know how much I am going to get until I know how large the deficit is. There was similar trouble in regard to the book on fish and fisheries. Some members found that they did not have half their quota, and the excuse given was that upon a recount it was found that the first apportionment allowed too many books to each member. If the gentleman is correct in what he says about the distribution of books, I think it is high time there was an investigation, so that the House may know what is being done in such cases and whether there is a fair distribution or not. If the gentleman will state the facts that he refers to, I shall be exceedingly glad to hear his statement.

Mr. TAULBEE. That is a very difficult question to answer. In fact it covers so much ground that I do not know just what it relates to.

Mr. MILLIKEN. I want to know how large a deficit there has been, who the members are that have got more than their share, and who they are that have not received the books due them.

Mr. TAULBEE. I am unable to speak authoritatively with reference to this matter, from the simple fact that my efforts to ascertain the facts have proved fruitless, by reason, I suppose, of the inaction of the Committee on Printing. From what outside knowledge I have of the inequality of the distribution of books, it has arisen from the miscalculations of those who have made the apportionment among members. I have made a somewhat thorough personal investigation of the matter, and I am unable to conclude that there has been any gross fault on the part of any of the officers whose duty it is to make the distribution. My amendment simply provides that my constituents shall be entitled to as many books in the aggregate as the constituents of any other member, and that the constituents of a new member of the Fiftieth Congress shall be entitled to indemnity for whatever they may have suffered by reason of any prior misappropriation or misapportionment.

Mr. HATCH. How many books were placed to the credit of the gentleman in the folding-room?

Mr. TAULBEE. I am unable to answer from memory.

Several MEMBERS. Five.

Mr. HATCH. Five. There is no member who has received more than five—none that I have heard of.

Mr. TAULBEE. I am not so well posted with reference to these matters as I would have been had the resolution which I introduced been reported to the House by those charged with its consideration. I am unwilling to anticipate such an investigation.

Mr. RICHARDSON. I ask the gentleman to yield to me a moment. He has referred several times to an investigation——

Mr. TAULBEE. Certainly I yield to the gentleman.

Mr. RICHARDSON. The gentleman has referred several times to the fact that there was referred to the Committee on Printing a resolution directing some inquiry to be made as to the reasons why members could not obtain certain books placed to their credit in the Doorkeeper's room.

Mr. TAULBEE. If the gentleman will allow me, I will explain to him that the conclusion to which he is drifting is incorrect. I was going to state that a subsequent resolution——

Mr. RICHARDSON. I think I can obviate the speech the gentleman is going to deliver. [Laughter.]

Mr. HATCH. I rise to a point of order. I desire that the gentleman from Kentucky [Mr. TAULBEE] shall have time enough to explain his amendment, but I make the point of order that he is speaking to an amendment after the main resolution has already been disposed of. And I submit the gentleman is entitled to only five minutes under the rule.

Mr. TAULBEE. I would like a word under that point of order.

The SPEAKER. The gentleman from Kentucky, under the rules, is entitled to the floor for one hour. [Laughter.]

Mr. TAULBEE. I have no purpose to occupy the floor for one hour, but only long enough to say with reference to the resolution which I introduced that I have had an understanding that this investigation merged into a broader investigation which is to be carried on by a special Committee on Printing.

Mr. RICHARDSON. It does not touch that at all.

Mr. TAULBEE. Then, Mr. Speaker, I say that prior to this time the House was entitled to a report from the committee having that resolution under consideration, a report which would have given us a better opportunity to understand the evils intended to be remedied by my amendment.

With reference to the point raised by the gentleman from Missouri [Mr. HATCH] that my amendment is not to be regarded as a part of this resolution, I am unable to see how one amendment can be so regarded and not another.

The SPEAKER. The Chair has decided that question.

Mr. O'NEILL, of Pennsylvania. I would like to ask the gentleman from Kentucky a question.

Mr. TAULBEE. Certainly, I am willing to yield to the gentleman for that purpose; but I am ready to surrender the floor so soon as I have answered questions which gentlemen may desire to ask. [Cries of "Vote!" "Vote!"]

Mr. O'NEILL, of Pennsylvania. I ask the gentleman to state explicitly how many of these documents each member is entitled to; and I put this question for the reason that the document is a very important one and very greatly sought for in all parts of the country—in the cities as well as in the country districts. I want it explicitly stated how many volumes each member is entitled to receive, so that the people may know we have very few copies to distribute. And I wish to make a remark here—not exactly upon this subject——

Mr. TAULBEE. Then I object, if it is not on this subject. I do not yield any further.

Mr. O'NEILL, of Pennsylvania. It does relate to this general question.

Mr. TAULBEE. Answering as briefly as I can the question asked by the gentleman from Pennsylvania [Mr. O'NEILL], I will say that his question involves a simple arithmetical calculation in long division, and he has as much time to make the calculation as I have.

Mr. HATCH. Now I ask the gentleman from Kentucky to yield to me.

Mr. TAULBEE. For a question?

Mr. HATCH. No. I ask the gentleman to yield me the floor.

Mr. TAULBEE. I want a vote. But first I will yield for a question to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. I wish to say to the gentleman from Kentucky that his amendment, being in these words, "*Provided*, The apportionment among the members of the House of Representatives shall be made with regard to former distributions," leaves the matter so uncertain that the officer charged with the duty of distributing these documents or placing them to the credit of members would be unable to correct the evil of which the gentleman complains.

Mr. HENDERSON, of Iowa. That is true.

Mr. TAULBEE. The amendment may be liable to some objection in that respect; but I shall not oppose any modification which may be suggested for the purpose of rendering my proposition more definite.

Mr. HATCH. I hope the gentleman from Kentucky will now demand the previous question.

Mr. TAULBEE. I demand the previous question.

Mr. RICHARDSON. Having submitted this report, I would like to offer an amendment, and I think, according to custom, the right to call the previous question would belong to me. I ask the gentleman from Kentucky to withdraw his demand for the previous question.

Mr. TAULBEE. I do so, and yield to the gentleman fron Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, the House seems to desire that this document shall be published in two volumes. The resolution has not so provided. I will therefore move the previous question upon the pending amendment and upon agreeing to the resolution, first yielding to the gentleman from Tennessee, who has an amendment to print the document in two volumes.

Mr. TAULBEE. I make the point of order that the proposed amendment is not in order.

The SPEAKER. No new amendment is in order until the pending amendment has been disposed of.

Mr. HENDERSON, of Iowa. We can dispose of that quickly enough. [Cries of "Vote!" Vote!"]

The question recurred on Mr. TAULBEE'S amendment, and it was disagreed to.

Mr. RICHARDSON. I offer the following amendment.

The Clerk read as follows:

Add to the resolution the following words:
"Said work shall be bound in two volumes."

The amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. There being no objection, the title of the resolution will be amended to conform to the amendments made to the body of the joint resolution, and it will be changed from a concurrent resolution to a joint resolution.

There was no objection, and it was ordered accordingly.

BRIDGE ACROSS ROCK CREEK.

The SPEAKER. The regular order of business is the consideration of the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia, which comes over as the unfinished business from yesterday. The pending question is on the passage of the bill, upon which the previous question has been ordered. At the adjournment the gentleman from Iowa [Mr. HENDERSON] had asked for the reading of the engrossed bill, which will now be read.

The Clerk proceeded to read the engrossed bill.

Mr. HENDERSON, of Iowa. I withdraw the demand for the reading of the bill.

The bill was passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FICTITIOUS TRANSACTIONS IN PRODUCE.

Mr. HATCH. Mr. Speaker, yesterday I introduced a bill (H. R. 7051) to prohibit fictitious and gambling transactions on the price of articles produced by American farm industry, and asked it be referred to the Committee on Agriculture. I understood at the time the Chair ordered its reference to that committee.

The SPEAKER. No, the Chair referred it to the Committee on the Judiciary. It changes the criminal law of the United States. It creates new crimes and provides for their punishment.

Mr. HATCH. The subject-matter embraced in the bill related to farm products alone.

The SPEAKER. It does not relate to agriculture. It changes the criminal law of the United States. It creates new crimes and provides for their punishment.

Mr. HATCH. I did not hear the Chair, but was under the impression that the bill had been referred to the Committee on Agriculture.

The SPEAKER. The Chair sent it to the Committee on the Judiciary. By reference to the rules it will be seen that the Committee on the Judiciary has charge of all proposed legislation relating to judicial proceedings and civil and criminal law.

Mr. HATCH. I move to change the reference of the bill, and move its reference to the Committee on Agriculture.

Mr. BRECKINRIDGE, of Kentucky. Is that a privileged motion?

The SPEAKER. The gentleman claims there has been an erroneous reference without the action of the House, and under the circumstances the Chair thinks the question should be submitted.

Mr. HATCH. I would have submitted it yesterday if I had understood at the time the reference had been changed to the Committee on the Judiciary.

Mr. HENDERSON, of Iowa. We do not know what it is. Let the bill be read.

The title of the bill was again read.

Mr. OATES. Let the bill be read.

The SPEAKER. The bill has passed from the possession of the clerks of the House.

Mr. HATCH. The bill is in the hands of the printers.

The SPEAKER. The consideration of the bill will be passed over for the present.

ADDITIONAL MESSENGERS.

Mr. COX, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House be authorized to appoint one additional messenger, at a salary of $75 a month, during the remainder of this session, and one night watchman, at a salary of $60 per month, during the remainder of this session, both of whom shall be assigned to duty with the committees of the House of Representatives located in the Butler building, and both of whom shall be paid out of the contingent fund of the House.

ORDER OF BUSINESS.

Mr. BURNES. I move to dispense with the morning hour for to-day.

Mr. LANHAM. I object, and demand the regular order of business.

Mr. BURNES. If gentlemen have more important business than the consideration of an appropriation bill I will yield.

The SPEAKER. The regular order of business is the call of committees for reports.

PURCHASE OF UNITED STATES BONDS.

Mr. MILLS, from the Committee on Ways and Means, reported back favorably the bill (H. R. 5034) for the purchase of United States bonds by the Secretary of the Treasury; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AMENDMENT TO CONSTITUTION.

Mr. COLLINS, from the Committee on the Judiciary (by Mr. ROGERS), reported back favorably joint resolution S. R. 13, proposing an amendment to the Constitution of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION OF UNITED STATES CIRCUIT COURTS.

Mr. GLOVER, from the Committee on the Judiciary, reported as a substitute for the bill (H. R. 1600) to determine the jurisdiction of circuit courts of the United States, a bill (H. R. 7216) of the same title; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 1600 and the resolution of January 5, 1888, bearing upon the same subject, referred to the committee, were ordered to lie on the table.

IMPORTATION OF BREEDING STOCK.

Mr. CASWELL, from the Committee on the Judiciary, reported back favorably the bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. OATES, from the Committee on the Judiciary, reported back adversely the bill (H. R. 1846) for the appointment of a commission to inquire into and report to Congress what, if any, legislation is necessary to improve the administration of justice in the courts of the United States; which was ordered to lie upon the table, and the accompanying report printed.

SECTION 905, REVISED STATUTES.

Mr. OATES also, from the Committee on the Judiciary, reported

back favorably the bill (H. R. 5666) to amend section 905 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ON FLINT RIVER, GEORGIA.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 5096) authorizing the construction of a bridge over Flint River, in the State of Georgia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES IN ARKANSAS.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 4759) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas; which was referred to the Committee of the Whole House of the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES, ST. MARY'S AND OTHER RIVERS, GEORGIA AND FLORIDA.

Mr. CRISP also, from the Committee on Commerce, reported back with amendment the bill (H. R. 3470) to authorize the construction of bridges on the rivers St. Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ON OCMULGEE RIVER, GEORGIA.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ON THE COLUMBIA RIVER.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 2807) authorizing the Columbia River Bridge Company to construct a bridge across the Columbia River between the State of Oregon and the Territory of Washington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

QUARANTINE STATION, SHIP ISLAND.

Mr. DUNHAM, from the Committee on Commerce, reported back with amendments the bill (H. R. 1588) to authorize the removal of the quarantine station from Ship Island, Mississippi; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGES ON RED RIVER.

Mr. DUNHAM also, from the Committee on Commerce, reported back with amendments the bill (H. R. 2528) to authorize the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DUNHAM also, from the Committee on Commerce, reported back with amendments the bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ON MISSOURI RIVER, CLINTON, IOWA.

Mr. ANDERSON, of Iowa, from the Committee on Commerce, reported back with amendments the bill (H. R. 6610) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Missouri River at or near Clinton, Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CREW OF AMERICAN BARK CASHMERE.

Mr. MORROW, from the Committee on Foreign Affairs, reported back favorably the joint resolution (H. Res. 95) to enable the President of the United States to extend to certain inhabitants of Japan a suitable recognition of their humane treatment of the survivors of the crew of the American bark Cashmere; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM G. GALLOWAY.

Mr. YODER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3508) for the relief of William G. Galloway, late captain, Fifteenth United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEAR, from the Committee on Military Affairs, reported back with an adverse recommendation the petition of W. H. Hardin; also, the bill (H. R. 136) for the relief of William Bassett; which were severally ordered to be laid on the table and the accompanying reports printed.

KANSAS VALLEY RAILROAD COMPANY.

Mr. LAIRD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1438) authorizing the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN R. WALLER.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 289) for the relief of Benjamin R. Waller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M'CORMICK.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2857) to remove the charge of desertion from the military record of John McCormick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MINING DÉBRIS QUESTION.

Mr. O'FERRALL, from the Committee on Mines and Mining, reported back with amendments the bill (H. R. 1216) for the investigation of the mining débris question in the State of California; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

SITES OF PUBLIC BUILDINGS.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 6153) to authorize the condemnation of land for sites of public buildings; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT CHARLESTON, W. VA.

Mr. HOGG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 3253) appropriating the sum of $52,000 for the enlargement and improvement of the United States public building at Charleston, W. Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ALLENTOWN, PA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 4357) to erect a public building at Allentown, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT LANCASTER, PA.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1788) for the erection of a public building in Lancaster, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT LOWELL, MASS.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 1546, a bill (H. R. 7217) for the erection of a public building at Lowell, Mass.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1546 was laid on the table.

PUBLIC BUILDING AT BIRMINGHAM, ALA.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

GOVERNMENT OFFICES AT COUNCIL BLUFFS, IOWA.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1394) authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of Government offices in Council Bluffs, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT DULUTH, MINN.

Mr. NEWTON also, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 1583, a bill (H. R. 7218) to provide for the erection of a public building in the city of Duluth, State of Minnesota; which was read a first and second time,

referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1583 was laid on the table.

PUBLIC BUILDING AT NEWARK, N. J.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 1649, a bill (H. R. 7219) for the extension and repair of the public building at Newark, N. J., and for the purchase of additional land; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1649 was laid on the table.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 6159, a bill (H. R. 7220) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and the act amendatory thereof, approved February 21, 1887; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 6159 was laid on the table.

PUBLIC BUILDING AT BUFFALO, N. Y.

Mr. NEAL also, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT OMAHA, NEBR.

Mr. McSHANE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon, at Omaha, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LICENSING CONDUCTORS.

Mr. BURNETT, from the Committee on Labor, reported back with an adverse recommendation the bill (H. R. 4289) to provide for licensing conductors on certain railroads within the United States; which was laid on the table, and the accompanying report ordered to be printed.

MARY J. FRANCIS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4655) granting a pension to Mary J. Francis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 132) granting a pension to Hamilton R. Harper; and

A bill (H. R. 135) granting a pension to Dallas Miller.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 870) granting a pension to Isaac Kimball; and

A bill (H. R. 415) granting a pension to Henrietta Bowers.

THOMAS H. AULLS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 416) granting a pension to Thomas Aulls; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

G. W. BURKHART.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 407) granting a pension to G. W. Burkhart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BISBEY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2491) granting a pension to John Bisbey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALONZO HIGLEY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 2498) granting a pension to Alonzo Higley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. MILLER RAUB.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2514) granting a pension to J. Miller Raub; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY PENFIELD.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6071) for the relief of Mary Penfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID STRUNK.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 417) granting a pension to David Strunk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. REEVE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3898) granting an increase of pension to James H. Reeve; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA H. CLARK.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 183) granting a pension to Rebecca H. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2266) for the relief of William Watson;

A bill (H. R. 2521) granting a pension to Morgan Johnson;

A bill (H. R. 433) granting a pension to Lydia A. Train; and

A bill (H. R. 2520) granting a pension to Jacob Niebels.

W. F. RANDOLPH.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5233) granting a pension to William F. Randolph; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. E. B. ANDERSON.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3163) granting a pension to Clarissa Shorey;

A bill (H. R. 4890) granting arrears of pension to George Andrews;

A bill (H. R. 3909) granting a pension to George Cox;

A bill (H. R. 4733) for the relief of Phebe S. Robinson; and

A bill (H. R. 4109) granting a pension to Richard Hinch.

IDA B. LINTHICUM.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 97) granting a pension to Ida B. Linthicum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGET O'RILEY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 3564) for the relief of Bridget O'Riley; which was laid on the table, and the accompanying report ordered to be printed.

JOHN GODSON.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (H. R. 5246) granting a pension to John Godson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. THOMPSON.

Mr. LANHAM, from the Committee on Claims, reported back with amendment the bill (H. R. 2746) for the relief of John D. Thompson;

which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. B. WILSON.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 5080) for the relief of C. B. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. S. STANLEY.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. B. NORTON.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 4805) for the relief of A. B. Norton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. W. SCREWS.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 6562) for the relief of W. W. Screws; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LESLIE E. BROOKS.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 4256) for the relief of Leslie E. Brooks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FIRST NATIONAL BANK OF PORTLAND, OREGON.

Mr. TAULBEE, from the Committee on Claims, reported back with amendment the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue cutter Thomas Corwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF SOLOMON SPITZER.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (H. R. 2699) for the relief of the heirs of the late Solomon Spitzer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 20) to provide for the construction of a public building at Portland, Oregon;

A bill (S. 416) for the relief of Mrs. Harriet H. Robinson;

A bill (S. 424) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians;

A bill (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon and the erection of additions thereto; and

A bill (S. 1071) for the relief of A. B. Norton.

L. J. WORDEN.

Mr. LAIDLAW, from the Committee on Claims, reported back favorably the bill (H. R. 2265) for the relief L. J. Worden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying papers, ordered to be printed.

ESTATE OF WILLIAM STOTESBURY.

Mr. LAIDLAW also, from the Committee on Claims, reported back favorably the bill (H. R. 933) to open and set aside an order of the Court of Claims canceling a portion of a judgment against the United States, remitted through mistake as to the facts in regard to the same by claimant to the United States, and to refer the matter to the Court of Claims for such further action as such court shall find to be just and equitable; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS JACOBSON.

Mr. LAIDLAW also, from the Committee on Claims, reported back favorably the bill (H. R. 1158) for the relief of Louis Jacobson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES H. MASON.

Mr. LAIDLAW also, from the Committee on Claims, reported back favorably the bill (H. R. 2160) for the relief of Charles H. Mason; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEHEMIAH OSBURN.

Mr. LAIDLAW also, from the Committee on Claims, reported back favorably the bill (H. R. 464) for the relief of Nehemiah Osburn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL B. WASHBURN.

Mr. KERR, from the Committee on Claims, reported back favorably the bill (H. R. 3750) for the relief of Daniel B. Washburn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AMERICAN GROCER ASSOCIATION, NEW YORK.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 5248) for the relief of the American Grocer Association of the city of New York; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

G. W. M'ADAMS.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 4765) for the relief of G. W. McAdams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN J. CROOKE.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 2696) for the relief of John J. Crooke; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ACCOUNTS OF EDWIN A. MERRITT.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 4573) to provide for the adjustment of the accounts of Edwin A. Merritt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF JOHN R. TRENTLEN.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 2896) for the relief of the heirs of John R. Trentlen; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARIAN F. HAYNIE.

Mr. McCULLOGH, from the Committee on Claims, reported back with amendments the bill (H. R. 67) for the relief of Marian F. Haynie; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. CARRIE E. HOPKINS.

Mr. McCULLOGH also, from the Committee on Claims, reported back favorably the bill (H. R. 3907) for the relief of Mrs. Carrie E. Hopkins, widow of Moses A. Hopkins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

S. DILLINGER & SONS.

Mr. McCULLOGH also, from the Committee on Claims, reported back favorably the bill (H. R. 6591) for the relief of S. Dillinger & Sons; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

L. B. TOWNSEND AND OTHERS.

Mr. LAIDLAW, from the Committee on Claims, reported the bill (S. 388) for the relief of L. B. Townsend and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLAIMS REPORTED BY ACCOUNTING OFFICERS, TREASURY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF WILLIAM PITCHER, ETC.

Mr. BROWER, from the Committee on War Claims, reported back favorably the bill (H. R. 787) for the relief of the heirs of William Pitcher and Axel Hayford, and Samuel Otis and George B. Fergusson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

C. T. DILLINGHAM.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 6242) for the relief of C. T. Dillingham; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY F. COFFEY.

Mr. BROWER also, from the Committee on War Claims, reported

back favorably the bill (H. R. 6244) for the relief of Mrs. Mary F. Coffey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH JONES.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CONRAD CLAYCOMB.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 6243) for the relief of Conrad Claycomb; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN SULLIVAN.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 3493) for the relief of John Sullivan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES C. NEWMAN, ADMINISTRATOR.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 831) for the relief of James C. Newman, administrator; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REUBEN RAGLAND.

Mr. GAINES, from the Committee on War Claims, reported back favorably the bill (H. R. 6351) for the relief of Reuben Ragland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR ADDITIONAL BOUNTY.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 1413) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired by limitation upon July 1, 1880, until July 1, 1890; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. ALSUP.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3494) for the relief of John F. Alsup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM SOMERVILLE.

Mr. O'NEALL, of Indiana, from the Committee on War Claims, reported back favorably the bill (H. R. 5524) for the relief of Hiram Somerville; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. FILLMORE.

Mr. WASHINGTON, from the Committee on War Claims, reported back favorably the bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRINT OF UNITED STATES MAPS.

Mr. RICHARDSON, from the Committee on Printing, reported back favorably the joint resolution (S. R. 17) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. RICHARDSON also, from the Committee on Printing, reported back with adverse recommendation bills and resolutions of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 5688) to disseminate Congressional current legislation among the people;

House resolution directing the Public Printer to publish monthly a consolidated index of the proceedings of Congress, etc.;

House resolution to reduce the price of the CONGRESSIONAL RECORD to $1.50 for the long session and to $1 for the short session; and

Joint resolution (H. Res. 31) to print in RECORD form additional copies of the President's message.

ALFRED HEDBERG.

Mr. MAISH, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 3435) for the relief of Alfred Hedberg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROTECTION OF MECHANICS AND LABORERS IN THEIR WAGES.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back favorably the bill (H. R. 3405) to protect mechanics, laborers, and servants in their wages; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EMPLOYMENT OF ENLISTED MEN IN COMPETITION WITH CIVILIANS.

Mr. O'NEILL, of Missouri, also, from the Committee on Labor, reported back favorably the joint resolution (H. Res. 99) in reference to the employment of enlisted men in competition with local civilians; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COMMITTEE SERVICE.

The SPEAKER. The gentleman from New York [Mr. COX] asks to be excused from further service on the Committee on the Territories, and the gentleman from Kentucky [Mr. TAULBEE] from further service on the Select Committee on the Eleventh Census. If there be no objection, these gentlemen will be excused, as requested; and the Chair will appoint the gentleman from Kentucky [Mr. TAULBEE] to serve as a member of the Committee on the Territories in place of Mr. COX.

There was no objection, and it was so ordered.

CLAIMS FOR REMUSTER.

Mr. CUTCHEON. I am directed by the Committee on Military Affairs to submit a privileged report, which I send to the desk.

The Clerk read as follows:

The Committee on Military Affairs, to which was referred the following resolution, having considered the same, report it back, and recommend its adoption:

Resolved, That the Secretary of War be requested to advise this House what progress has been made in the examination and adjudication of claims for remuster of officers of the volunteer forces under the act of June 3, 1884, or under said act as amended by the act of February 3, 1887; what is the whole number of claims filed under the said acts respectively; what number remained to be examined and adjudicated, and how long it will be before the consideration of said claims can be completed with the present clerical force of the Adjutant-General's Office.

The resolution was agreed to.

Mr. CUTCHEON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURNES. I move to dispense with the morning hour.

The SPEAKER. The morning hour has been occupied.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the first general appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 5445) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1889, and for other purposes.

Mr. WEAVER. I wish to make an inquiry of the gentleman who is in charge of the bill as to the time to be allowed for debate. I think I may require some time myself.

Mr. BURNES. I ask unanimous consent to lay aside the pension appropriation bill.

There was no objection.

URGENT DEFICIENCY APPROPRIATION BILL.

The CHAIRMAN. The Clerk will report the next appropriation bill.

The Clerk read as follows:

A bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BURNES. I ask that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. PETERS. I desire to state to the gentleman from Missouri [Mr. BURNES] that I am requested by the Committee on the Post-Office and Post-Roads to ask that that committee be allowed to present the legal features of the bill that was before the House on last Thursday. I would like very much if the gentleman would yield to that committee time enough to have those legal questions presented so that the views of the committee upon them may be before the House. If this is agreed to it will facilitate the final disposition of this bill.

Mr. BURNES. I ask unanimous consent to limit general debate upon the pending bill to two hours, so as to allow one hour to the gen-

tleman from Kansas [Mr. PETERS], and half an hour to the gentleman from Iowa [Mr. WEAVER].

Mr. ROGERS. Do I understand that the two hours to which general debate is to be limited will be devoted to the discussion of the post-office bill?

Mr. BURNES. I understand the gentleman from Kansas [Mr. PETERS] will discuss the Pacific telegraph bill.

Mr. ROGERS. On this deficiency bill?

Mr. BURNES. Not exactly on this bill, but while this bill is under consideration.

Mr. ROGERS. I do not want to consent to that mode of procedure. This is an urgent deficiency bill, and should be considered in the light of a deficiency bill, and not in the light of a railroad or telegraph bill.

The CHAIRMAN. Does the gentleman from Arkansas object to the request that general debate be limited to two hours?

Mr. ROGERS. I want to use a portion of the time myself.

The CHAIRMAN. The Chair understands that the gentleman from Arkansas objects to the arrangement.

Mr. ROGERS. I do not object to limiting the debate to two hours if we are to occupy that time in discussing this bill; but if gentlemen are to discuss the telegraph bill under this arrangement, I do object.

The CHAIRMAN. The Chair understands the gentleman from Arkansas to object.

Mr. PETERS. I will say to the gentleman from Arkansas that we are now in Committee of the Whole House on the state of the Union, and the gentleman who gets the floor has the right to discuss any matter, whether the pending bill or any other.

Mr. ROGERS. I want thirty or forty minutes myself.

Mr. BURNES. You shall have that time.

Mr. ROGERS. How can I have that time if the general debate is to be limited to two hours?

Mr. BURNES. You can have thirty minutes.

Mr. ROGERS. Mr. Chairman, with the understanding that I will have thirty minutes of the time on this side, I withdraw any objection I may have made to the proposition.

Mr. HOOKER. I desire to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKER. I want to know whether, in this assignment of time, it is designated who shall occupy that time. I understand that in Committee of the Whole any gentleman who obtains the floor has a right to occupy it.

The CHAIRMAN. No arrangement of this kind can be made except by unanimous consent. The Chair will submit the request for unanimous consent to limit debate to the time indicated.

Mr. HOOKER. I understand that under the rules operating in Committee of the Whole debate is in order on the sections of the bill *seriatim* by any gentleman who gets the floor.

Mr. RYAN. That is under the five-minute rule.

The CHAIRMAN. The question now is as to the general debate, and not as to the five-minute debate.

Mr. PETERS. If the gentleman from Missouri [Mr. BURNES] will allow me to be recognized, I will proceed.

The CHAIRMAN. The Chair does not understand that any agreement has been reached as to the limitation of debate.

Mr. BURNES. I understood the agreement was made.

The CHAIRMAN. There was some conversation between gentlemen on the floor, but it was not followed by any request on the part of the gentleman from Missouri, and there was no submission of the question to the committee.

Mr. BURNES. I will withdraw the request and let matters take their course.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] is entitled to the floor.

Mr. BURNES. This bill carries appropriations for $4,083,342.57. If amendments which the committee has authorized to be offered are agreed to by this Committee of the Whole House, the amount will be increased a little over $1,000,000. No general debate, I presume, is desired by any one. The bill has been printed and in the hands of members for the last ten days, so that all are presumed to be acquainted with its various provisions.

The most important items of appropriation by this bill are those relating to—

1. Repairs of light-stations.
2. Expenses of collecting customs revenue.
3. Completion of water supply for District of Columbia.
4. Military establishment.
5. Signal Service.
6. Increase of the Navy and completion of the steel cruisers Chicago and Boston.
7. Clerical assistance to surveyors-general.
8. The public-land service.
9. Post-Office Department.
10. Department of Justice.
11. Fees of jurors and witnesses in United States courts.
12. Pay of bailiffs, etc., in United States courts.
13. Fees and expenses of marshals in United States courts.
14. Fees of commissioners.
15. Miscellaneous expenses of United States courts.
16. Judgments of Court of Claims.
17. Claims certified by the Sixth Auditor under the act of March 3, 1883.
18. Claims certified by Second Auditor and Second Comptroller.
19. Refunding to States expenses of raising volunteers.
20. Claims certified by Third Auditor (lost horses, etc.).

These are the principal items of this bill, sir. I apprehend that no general debate is necessary on the merits of the bill itself. None has been deemed necessary by the members of the Appropriations Committee, and unless circumstances require it, we shall, as soon as possible, move to proceed to the consideration of the bill by sections. I reserve the balance of my time.

Mr. PETERS. Mr. Chairman, I do not think I need make any excuse for calling the attention of the House to the bill which was under consideration on last Thursday, because the interest manifested in that measure by the House at that time is certainly a sufficient justification for the desire of the Committee on the Post-Office and Post-Roads to ask attention to the questions presented at any time when, under our rules, an opportunity can be obtained.

I propose now to present for the information of the House such facts as have come to my knowledge, together with such law bearing upon the subject as I have been able to cull from the general statutes and from the authorities, with the desire and hope that all those who have not given attention to this subject will, from this time forward, consider the questions involved, so as to be ready to act upon the bill proposed by the committee. I do not think that a more important bill has been presented for the consideration of this House during the present session than the one which proposes to have the land-grant railroads resume their telegraphic franchises and operate their telegraph lines in obedience to the laws that created those corporations. I shall proceed now to discuss the questions involved in the bill in as systematic order as I can, and for this purpose I will call attention, first, to the wrongs that have grown up under the legislation that has been enacted in respect to these land-grant roads; secondly, to the power of Congress to regulate or control the roads and to remedy these wrongs; and third, I shall very briefly ask the attention of the House to the remedy itself.

The wrongs complained of are in their nature threefold, and can all be grouped under three heads namely, destruction of competition, discrimination against individuals and other corporations, and the diversion of the effects or results of public aid to private aggrandizement. I think that all of the wrongs complained of before the Committee on the Post-Office and Post-Roads, when they had this matter under investigation during the last Congress, can be brought in under one or other of these three heads, to which I shall now address myself in the order I have stated them, and as briefly as possible.

First, a brief recital of history in relation to the land-grant legislation as it affects the bill in question. June 16, 1860, a bill was passed for the purpose of promoting communication between the Atlantic and Pacific coasts by means of the electric telegraph. Mark, the bill was passed June 16, 1860, and under it the first overland telegraph was constructed by two different companies. The provisions of the original grant gave $40,000 of Government business to this line annually for the period of ten years. That is, the Government agreed that it would do $40,000 of business over the line yearly, or if it did not, it would in any event pay that amount annually for ten years. It further agreed to give this telegraph company the use of a quarter-section of land for every 15 miles of the entire route traversed by the line, a route of about 2,000 miles. It further agreed to give this telegraph company the right of way over the public domain, and, in addition to this, one of the companies that built the original line received nearly $100,000 from the State of California; which made the aggregate money consideration received for the construction of this original telegraph line $400,000 from the Government and $100,000 from the State of California, together with the use of about 25,600 acres of land and the right of way over the public domain. Under the provisions of this bill, as I have stated, the original line was constructed by the Pacific Telegraph Company and the Overland Telegraph Company.

The Pacific Telegraph Company was chartered by the State of Nebraska and was capitalized at $1,000,000. The California State Company was incorporated by the State of California, and it entered into an agreement to construct the line eastward as far as Ogden or Utah. The Overland Company was organized under a charter granted by California with a capital of $1,250,000, for the purpose of carrying out the obligation of the California State Company to construct the line east as far as Utah, and these two telegraph companies, the Pacific, chartered by Nebraska, and the Overland, chartered by California, virtually built this line. It was built in four months and eleven days, and was completed in October, 1861. The entire cost of the construction of this telegraph line from the Missouri River to San Francisco did not exceed, according to the best estimates and information I can obtain, $400,000, which was the amount contributed to its construction in money by the Government of the United States alone. I think that in this estimate I have exceeded at least $50,000 the actual cost of the construction of this original telegraph line.

Next in historical order comes the act of July 1, 1862, which provided for the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and went on to prescribe certain rules and regulations as well as to set out the object and purposes of the construction of this line of railroad and telegraph. This, as I have said, was the first and original Pacific railroad act; and I will therefore use it for the purpose of illustration and argument, because nearly all the land-grant charters are almost identical with this one, differing somewhat in detail as to the names of the corporators, etc., but being in all their general features similar to the act passed in favor of the Union Pacific Railroad, and the act amendatory thereof. Thus, when I discuss the features of this act, my remarks apply to all the land-grant railroads.

Now, in this act of July 1, 1862, there was a reservation of power by the Government. I know it has sometimes been said in discussion that there was in this act no reservation of power to the Government; but the eighteenth section not only reserves this power, but in language remarkably strong calls attention to the objects of the passage of this grant itself. At this point, in connection with this historical review, I wish to read a portion of the eighteenth section of the act of July 1, 1862:

And the better to accomplish the object of this act—

That is to promote the public interest and welfare. How?

by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time add to, alter, amend, or repeal this act.

I wish to call attention to this reservation of power by the Government to repeal, alter, or in any way amend this original act granting aid for the construction of a line of railroad and telegraph between the Missouri River and the Pacific Ocean.

I might also add right here that in the act of June 16, 1860, which provided for the construction of a line of telegraph, there was also a reservation of power by the Government, but that reservation did not go to the extent of permitting the Government to repeal the act; it only went so far as to allow the Government to alter and amend the act.

Next in historical order comes the act of July 2, 1864, which was amendatory of the act of July 1, 1862. Why was this amendatory act enacted? Simply because under the act of July 1, 1862, no capital could be secured for undertaking the construction of this great railroad. Hence, the amendatory act of July 2, 1864, increased the subsidies which were granted to the railroad, not only with reference to the amount of money allowed per mile, but with reference also to the amount of the land grant. In this act also the power of the Government to amend, alter, or repeal was reserved.

Allow me now to call attention to the fifteenth and twenty-second sections of this amendatory act. Section 15 provides—

That the several railroad companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line; and in such operation and use to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others, and it shall not be lawful for the proprietors of any line of telegraph authorized by this act, or the act amended by this act, to refuse or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offense the sum of $100 and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any State or Territory of competent jurisdiction.

Then section 22 of this act provides that "Congress may at any time amend, alter, or repeal this act."

The next act, in chronological order, affecting the question is the act of July 24, 1866, commonly known in the Revised Statutes as Title LXV, and which provides in the first section as follows:

SEC. 5263. Any telegraph company now organized, or which may hereafter be organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters or interfere with the ordinary travel on such military or post roads.

What was one of the objects of the laws of 1862 and 1864? It was so that any telegraph line, any telegraph company that stretched out its arms and reached the termini of any of these land-grant telegraph companies might have the right to connect with them, and might also have the right to use those lines as a continuous line between the East and the West.

This law of 1866 gave to any telegraph company then organized, or any to be organized after that, the right to go on the right of way of any of these land-grant companies and construct its line of telegraph, and only prohibiting them to this extent, that they should not interfere with the business management and operation of the railroad on that right of way.

Next in order is the contract of the Western Union Telegraph Company with the Union Pacific Railroad, entered into on July 1, 1881. This contract of the Western Union with the Union Pacific Railroad is a remarkable contract. I will not take your time now to refer in detail to that contract, but I will do so hereafter when I come to discuss some of the legal questions involved.

Having thus brought up the history of the question to the time when the Western Union received from the Union Pacific the control of the telegraph line upon that road, I now proceed to call attention, Mr. Chairman, more definitely and more in detail to the wrongs which I have enumerated, and first to the destruction of competition, which was the practical result of the contract made by the Western Union with the Union Pacific Railroad Company. I need not go into any lengthy argument to show that one of the objects of the passage of these land-grant acts was to secure competition.

I know many may say that the object of our legislators at the time of the passage of these acts was to secure speedy communication between the East and the West. But that was not all the object. Any one who will turn to the debates in Congress at the time this original act of July 1, 1862, was under consideration will find that this question of competition was then considered and declared to be one of the objects to be attained, not only in railroad transportation, but also in the transmission of messages between the East and West.

I will not take time to read but from one portion of the debate that took place in the Senate on the 17th of June, 1862. But perhaps before I do that I had better call attention to the nineteenth section of the act of July 1, 1862.

It reads as follows:

And be it further enacted, That the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri River and San Francisco may be moved upon or along the line of said railroad and branches as fast as said roads and branches are built; and if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of the act in regard to the construction of said line of telegraph. And, in case of disagreement, said telegraph companies are authorized to remove their line of telegraph along and upon the line of railroad herein contemplated, without prejudice to the rights of said railroad companies named herein.

On the 17th of June, 1862, an amendment was presented which, besides what I have read as section 19, adds these words:

And the railroad company's telegraph shall be confined to the business of the railroad company and the transmission of messages for the Government of the United States, and shall not enter into any competition for the commercial business, provided such telegraph company shall furnish sufficient facilities for the transaction of its business.

Mr. WHITE, of New York. Give the page.

Mr. PETERS. I have read from the CONGRESSIONAL GLOBE of June 17, 1862, second session Thirty-seventh Congress.

There was a proposition which expressly confined the telegraph business to the land-grant railroad business and messages of the Government, excluding all other business, but this amendment was defeated and the section as found in the law of July 1, 1862, adopted in its place.

And now, in the argument that took place upon that amendment we can readily see what object was sought after and why this was done.

Mr. Doolittle says, referring to these telegraph lines constructed under the act of June 16, 1860:

The line has only recently been completed, and so far, I understand, the stockholders have received but one return from the receipts of this route. I remember that when the bill was before the Senate I struggled to put a limitation upon the company, and I did succeed in putting on a limitation that they should not charge more than $3 for a dispatch across the continent, because I was afraid of the monopoly at the time; but when the privilege has been granted, and you have given them a monopoly of the business for ten years, when you are creating another great monopoly, a great overshadowing monopoly, the greatest ever conceived in this country, and with powers greater than any other monopoly ever had in this country, will you give them the power also to wipe out the existing telegraph company which has been constructed, for that will be the effect of your amendment.

Then Mr. Latham, of California, says:

I do not know exactly the order to be pursued, but I am opposed to the latter part of that section, commencing after the word "herein"—

Which is that portion of the section I have read in addition to what is section 19 of the original act—

in line 17, and I move to amend the amendment by striking out all after said word. The Senate will observe by glancing at the section that it vests a somewhat extraordinary power in the present telegraph company, a power that I am unwilling to see it possess. It puts it in their power to dictate to the railroad company the terms and conditions on which they shall use the present telegraph line; and if they do not accept their terms the railroad telegraph is limited in the use of their line to their own messages and such messages as the Government may desire to send over the wires.

I will not read further; it is unnecessary; but any gentleman who feels an interest in following this debate will readily come to the conclusion that one of the main objects that was supposed to be accomplished and secured by the act of July, 1862, was that there might be competition in the telegraph business between the East and the West.

One of the wrongs that has grown up out of the contract made between the Western Union and the Pacific Railroad Company is the destruction of competition in this branch of service between the East

and the West; and this leads me to call the attention of the committee somewhat more in detail to that contract which was entered into between the Western Union and the Union Pacific Railroad Company. I would like to read some of the "whereases" appended to that contract, but I notice that my time is going very fast, and I will simply call your attention to a few paragraphs, or certain portions of them, which have a tendency in their operation to destroy competition in the telegraph business. I will read this paragraph:

Third. The railway company, so far as it legally may, hereby grants and agrees to assure to the telegraph company the exclusive right of way on, along, upon, and under the line, lands, and bridges of the railway company, and any extensions and branches thereof, for the construction, maintenance, operation, and use of lines of poles and wires, or either of them, or underground or other system of communication for commercial or public uses or business, with the right to put up from time to time, or cause to be put up or constructed under the provisions of this agreement, such additional wires on its own or the railway company's poles or such additional lines of poles and wires, or either, as well on its bridges as on its right of way, or to construct such underground lines as the telegraph company may deem expedient, doing as little damage and causing as little inconvenience to the railway company as is practicable.

I want to call your particular attention to what follows:

And the railway company will not transport men or material for the construction or operation of a line of poles and wire or wires or underground or other system of communication in competition with the lines of the telegraph company party hereto, except at and for the railway company's regular local rates, nor will it furnish for any competing line any facilities or assistance that it may lawfully withhold, nor stop its trains, nor distribute material therefor other than at regular stations.

Any one who can understand the force of the English language and the meaning of words will see at once that the Union Pacific Railroad Company, giant as it was, permitted itself to be bound hand and foot by this contract with the telegraph company so that it could not transport poles, wires, or any other material needed for the purpose of constructing any telegraph line that may want to be constructed over its right of way, unless, as shown by this, such company paid local rates and unless it would receive all material at regular stations.

That, Mr. Chairman, is virtually a prohibition against the construction of any competing line which might desire, under the provisions of the act of July 24, 1866, to construct a line of telegraph over the right of way of any of these land-grant railroads. This Union Pacific Railroad Company, under that contract, bound itself to reject any and all offers that might be made by any other telegraph company desiring to go upon this right of way to construct a continuous telegraph line between the West and the East. That contract virtually forbade the Union Pacific Railroad Company to accommodate any person or company, except the Western Union, by hauling poles, or wires, or material, or distributing them along the line of road, or extending to them any facilities to construct a competing line. In other words, the possibility of constructing another line was throttled by this agreement, so that no line could thereafter be built against their wish, whether by a company which was then in existence or to be organized thereafter, to transfer messages between the East and the West.

So that, I repeat, one of the great wrongs complained of, one of the wrongs that grows out of this transaction, is, that there was an absolute throttling of competition between the Missouri River and the West in relation to this service.

Mr. Chairman, in the investigation before the Committee on the Post-Office and Post-Roads it was shown that when the Baltimore and Ohio Telegraph Company, one of the strongest telegraph lines outside of the Western Union that ever had existence in this country—when that company tried to secure some of the rights by which it could connect with the telegraph lines upon these land-grant railroads, and thereby secure a continuous service between the East and the West, it was delayed in its correspondence in this connection time and again, and for more than six months, and was then virtually told that under the provisions of the contract between the Union Pacific and the Western Union Telegraph Company the Union Pacific Railroad could not offer any facilities to the Baltimore and Ohio.

They were told after the Union Pacific people were brought up to the point—and it required a great deal of questioning to bring them up to that point—the Baltimore and Ohio Telegraph people were told they could have rights over the Union Pacific Road as individuals or the same as those which could be had by any individual, but that they could have no business arrangements with that land-grant railroad line, because prohibited by their contract with the Western Union from extending such privileges.

Then there is another wrong to which I wish to call attention in connection with this contract, and that is its discrimination. In the act of July 1, 1862, one of the objects was "to subserve the public interest and public welfare, and to afford equal facilities to all companies and to all individuals" not only in relation to railroads but in relation to telegraphs by carrying messages without discrimination. And yet in the investigation before the Committee on the Post-Office and Post-Roads it was shown beyond question, and not denied by the Western Union Telegraph Company, that when the Baltimore and Ohio Telegraph Company desired to send a message from Baltimore to San Francisco, it could send it to the end of its line in Kansas City or Omaha, and then if it desired any further transmission of that message, it was required to pay an excess of from 30 to 50 cents for the transmission of that message of ten words. Here was a discrimination made by the Western Union Telegraph Company against the Baltimore and Ohio Telegraph Company.

I know it may be said that that telegraph company has now been absorbed; that it is out of the way; that it has been put upon the shelf; that it is ended. I remember now in connection with that fact one remarkable statement that was made by Mr. J. C. Reiff in that investigation. He appeared before the committee as one of the representatives of the Baltimore and Ohio Telegraph Company, and he said that that company had behind it the Baltimore and Ohio Railroad Company and sufficient capital, so much, that the Western Union could not absorb it. And yet in less than one year after that declaration was made the Baltimore and Ohio Telegraph Company was absorbed by and taken into the fold of the Western Union.

I know it is said also that there are no telegraph companies that are reaching out and connecting with these land-grant railroads. That is another mistaken idea. I have here a telegram which was sent to the gentleman from Missouri [Mr. DOCKERY] by the president of the Pacific Mutual Telegraph Company, which I want to read as bearing upon this question. It will show whether there is not some other company besides the Western Union Telegraph Company in the United States that has connection with the telegraph lines upon these land-grant railroads. This telegram is sent from Kansas City, Mo., and the body of it reads as follows:

Is it too late for me to appear before the committee having in charge the Anderson bill requiring the Union and Central Pacific Railroads to operate and maintain independent telegraph lines over their systems for the use of the public and connecting lines? The Pacific Mutual Telegraph lines extend from St. Louis to Sioux City, via Sedalia, Kansas City, St. Joseph, Atchison, Leavenworth, Lincoln, and Omaha, Nebr., and intermediate points. We are barred from exchanging business over the land-grant railroads on account of their failure to comply with their charters in this respect, and we think the Anderson bill should be passed by all means, thus giving independent telegraph lines other than the Western Union an opportunity to exchange business with the land-grant lines in the same manner that the railroads interchange upon an equitable basis.

Please reply.

E. S. MARTIN,
President Pacific Mutual Telegraph Company.

So that we have to-day a telegraph company that connects with the telegraph lines upon these land-grant railroads—that is, comes up to the termini of those land-grant railroads—and has the right under the charter of 1862 that was granted to the Union Pacific Railroad Company, to make a connection of its telegraph lines, and send messages between the East and the West; and yet, by virtue of this contract with the Western Union, the Union Pacific has tied itself hand and foot, so that it can not comply with the requirements of this act of July 1, 1862, and the act of July 2, 1864.

So there is a discrimination; and what kind of a discrimination is it? Why, gentlemen, it is a discrimination that virtually nullifies the act of July 24, 1866, which provides that any telegraph company organized or thereafter to be organized shall be allowed to connect and transmit its messages upon the lines of these land-grant railroads—that it shall be allowed to go upon the right of way of these land-grant railroads.

The Western Union Telegraph Company prevented the Baltimore and Ohio, and prevents the Pacific Mutual Telegraph Company, from constructing any line of telegraph over the right of way of the Union Pacific. Why? Because, as you all know, gentlemen, if the Pacific Mutual Telegraph Company had to haul the poles over the Union Pacific and pay local rates, and then only have its poles and wires delivered at regular stations, the cost of construction would be so great that it would never undertake it. Therefore this contract made by the Union Pacific Railroad Company, leading to this wrong and discrimination, goes to the extent of nullifying the act of July 24, 1866.

But I want to call attention to another wrong, and that is the diversion of the results of the public aid that was granted to this railroad company for the purpose of building up private corporations.

It is a well-known provision of law that where public aid is given it implies a public trust. Public aid can not be given in the interest of anything that is private in its nature. Public aid can be given, under the law and under the decisions of the courts, only for public objects. Here, then, in this grant of 1862 public aid was given for the construction of this Union Pacific Telegraph, and I ask you to mark the connection that is maintained in all these acts between the telegraph and railroad. I will not take time to read them, but every member can read them for himself, and he will find that every single one of these acts couples the telegraph with the railroad. The acts do not provide for the construction of a railroad line alone, but every one of them provides for the construction of a railroad and a telegraph line. The telegraph line is not made subsidiary to the railroad; it is not supplemental to it; it is of equal dignity with the railroad itself and can not be alienated any more than the railroad can be alienated.

All this discrimination, all of this destruction of competition was and is in the interest of the Western Union. The very year this contract referred to was made, namely, 1881, the capital stock of this company was increased from forty to eighty million of dollars, at least twenty millions of which increase was a stock dividend.

This brings me to consider the legal effect of the reservation of power in all these acts. In every one of the acts referred to there is

reserved to Congress the power to alter and amend, as was the case in the original telegraph bill, and in the land-grant acts the power to alter, amend, or repeal. The act of 1864, amendatory of the prior act, was passed because under the original act this enterprise would not be undertaken. The act of 1864 was signed by that President whose name and fame have become as immortal as time. I mean Abraham Lincoln. It was signed just two days before, by his presence and his utterances, he consecrated and hallowed the battle-ground of the greatest battle in ancient or in modern times. [Applause.] The very fact that this act was passed at that time, in 1864, shows that nothing had been done under the act of July 1, 1862, and therefore that no rights could have accrued under it. As nothing was done under the original act nobody could have acquired any rights under it.

Under the act of July 2, 1864, there was an express, unequivocal, unconditional reservation of the power of Congress to alter, amend, or repeal. Now, I want to call attention to the decisions of the courts as to what is included in that power. I refer first to the sinking-fund cases, which are familiar to all the lawyers of the House. I will read from the decisions of Chief-Justice Waite, 99 United States Reports, 719. Speaking of one of the land-grant companies, he says:

This corporation is a creature of the United States. It is a private corporation, created for the public purposes, and its property is to a large extent devoted to public uses. It is therefore subject to legislative control so far as its business affects the public interests. It is unnecessary to decide what power Congress would have had over the charter if the right of amendment had not been reserved, for, as we think, that reservation has been made. In the act of 1862, section 18, it was accompanied by an explanatory statement, saying that this had been done the "better to accomplish the object of this act, namely, to promote the public interest and public welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times, but especially in time of war, the use and benefits of the same for postal, military, and other purposes, and by an injunction that it should be used with due regard for the rights of said companies." In the act of 1864, however, there is nothing except the simple words that "Congress may at any time alter, amend, or repeal this act." Taking both acts together and giving the explanatory statement in that of 1862, all the effect it can be entitled to, we are of the opinion that Congress not only retains, but has given special notice of its intention to retain, full and complete power to make such alterations and amendments to the charter as come within the just scope of legislative power. That this power is limited no one can doubt. All agree that it can not be used to take away property already acquired under the operation of the charter, or to deprive the corporation of the fruits, actually reduced to possession, of contracts lawfully made; but, as was said by this court, through Mr. Justice Clifford, in Miller *vs.* The State, 14 Wallace, 498, it may be safely affirmed that the reserved power may be exercised—

I call attention to this language—

that the reserved power may be exercised to almost any extent to carry into effect the original purposes of the grant, or to secure the due administration of its affairs so as to protect the rights of stockholders and of creditors.

Now, I want to call attention to the language of Mr. Justice Miller, because considerable has been said about a decision that he made in one of these cases. I want to call attention to the language of Justice Miller in the case of Greenwood *vs.* The Freight Company, to be found in 105 United States Reports, page 17.

In treating of acts which reserved the legislative authority to alter, amend, or repeal, Justice Miller says:

It would be difficult to supply language more comprehensive or expressive than this. Such an act may be amended; that is, it may be changed by addition to its terms or by qualifications of the same. It may be altered by the same power; and it may be repealed. What is it that may be repealed? It is the act of incorporation, it is this organic law on which the corporate existence of the company depends, which may be repealed, so that it shall cease to be a law. And the legislature may adopt the milder course of amending the law in matters which need amendment, or altering it when it needs substantial change. All this may be done at the pleasure of the legislature.

I will not take time to read further; but it seems to me that these two decisions—one expressed in the language of Chief-Justice Waite, the other in that of Associate Justice Miller—establish conclusively that whatever would be within the legislative power has been reserved by these acts. And this brings me to the legal question, what can be done by the legislative power in relation to these land-grant corporations? What is the power of Congress in relation to these land-grant corporations under the reservation as contained in these acts?

And here I want to step aside a moment and utter a word of commendation in favor of those statesmen who passed these acts of 1862 and 1864. I commend with earnest admiration the sublime statesmanship which in the midst of the perils of war, in the midst of imminent national danger, at the very time when the Empire of France was thundering at the gates of Mexico in order to obtain a footing from which to wage a war of conquest over our Pacific coast—at that very time, with all these dangers, these men who passed these acts, could do it, with so much deliberation, so much careful attention to detail, that every power, every right, was reserved to the Government itself, to be made use of by future Congresses. [Applause.]

Now, going on with my legal argument, we have power as Congress to legislate, and this power is unlimited in favor of such legislation as will accomplish the objects and purposes of these grants. You may talk about "vested rights;" you may talk about the "sacredness of contracts;" there can be no "vested right" acquired by any corporation or individual that in any manner contravenes or interferes with the carrying out of the objects and purposes of these grants. Why? Because any contract that interferes with carrying out the objects and purposes of the grant is *ultra vires* and void. There is no question about that. That proposition seems to me beyond dispute, even if we had not decisions to sustain it. The object and purposes of the grant! Think of it for a moment. Here was a land-grant company that received aid from the Government—large aid, for a purpose, for an object—to furnish communication between the East and West, to connect the eastern and western shores of this continent, to bind the country together, to make it a united country.

Not only this, but to subserve the public interest and welfare. And now any contract, however great its consideration may have been, which in any way contravenes or interferes with the carrying out of this object is absolutely void and unlawful. Hence, in view of the decisions, I say that the contract between the Western Union and the Union Pacific, in so far as it contravenes the original objects and purposes of this grant, is absolutely void and unlawful. I have said that I have some authority on this subject. My time has so nearly expired that I can not do more than refer to it. I refer to a case reported in 1 Federal Reporter, in which Judge McCrary, of the United States circuit court, sitting in Kansas, decided that a contract similar in its terms to this—a contract made between a telegraph company and the Union Pacific Railroad—was *ultra vires*.

Mr. WHITE, of New York. What is the name of the case?

Mr. PETERS. The title of the case is Atlantic and Pacific Telegraph Company *vs.* The Union Pacific Railroad Company. The part of the decision to which I refer is to be found on pages 748–751. I would be very glad if I could read from this decision and comment upon it; but I see I have not the time. Any lawyer, however, who examines this decision will come to the conclusion that any contract which in any manner interferes with the objects and purposes of these grants is *ultra vires*, is null and void, is unlawful.

Much stress has been placed on a decision rendered by Justice Miller, and to that I want to call attention. It was a decision in one of these telegraph cases, and is to be found in 3 Federal Reporter—I do not remember the page. The decision, however, of Justice Miller is embraced in the report of the committee.

It is claimed that this decision of Justice Miller establishes the validity of this contract between the Western Union and the Union Pacific. I say that Justice Miller did not so decide; that the question of the validity of the contract between the Western Union and the Union Pacific was not before Judge Miller except in an incidental way. This was a case which came up on motion to dissolve an injunction which had been granted by a probate judge in Kansas—a temporary injunction granted by a probate judge—and this decision was on a motion to dissolve that temporary order of injunction.

Let me read first from that decision:

The act of 1864, which we have just referred to, concerning the United States Telegraph Company, was clearly designed to give it a similar privilege, and if the arrangement was made and that company should build or transfer its line to the line of the railroad company, the railroad company in like manner was released from the obligation to construct and build another line. I hold it, therefore, to be very clear that if the present telegraph line, as it is now operated and run by the Western Union Telegraph Company, can be traced to the authority of that act of 1864, and the Western Union Telegraph Company in making that contract exercised rightfully the powers conferred upon the United States Telegraph Company, that the contract is valid, although it forbids the railroad company to convey commercial messages over the single wire which it has the right to control for its own business.

Any one will see, by reading that decision, that Justice Miller said, if so and so prove to be the facts in the case, then the contract might be valid, but afterwards he modified even that expression.

Mr. HOPKINS, of Illinois. Are not all these conditions disputed and claimed not to exist, except by the Western Union Telegraph Company and its followers?

Mr. PETERS. And even the Western Union Company does not claim it now. Every single fact assumed by Justice Miller, as a condition, not only does not exist, but even the Western Union Company itself does not claim that any one of them does exist.

What are these facts? First, it is assumed an arrangement was made between the telegraph company and the Union Pacific, whereby, under section 19 of the original act, the telegraph companies transferred their lines to the Union Pacific right of way. No such arrangement ever was made between the Union Pacific and any telegraph company.

Mr. WHITE, of New York. Does not that apply to a special condition which existed with the Kansas Pacific Railroad Company before this contract with the Union Pacific—was not that condition made in reference to the Kansas Pacific?

Mr. PETERS. No; it was not. It was not, although it was assumed and agreed to, at the time this case was heard, that an arrangement had been made between the Kansas Pacific and these lines whereby its construction of a telegraph line was waived, yet——

The CHAIRMAN. The gentleman's time has expired.

Mr. PETERS. I would like to have five minutes more.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed for five minutes longer.

Mr. PETERS. I will say that notwithstanding that was assumed, yet it proved not to be the fact, for there was no arrangement between the Kansas Pacific and any telegraph line whereby the telegraph line could be moved on to the right of way of the Pacific Railroad, which

would be in lieu of the construction of the telegraph line called for in their charters. What does Justice Miller further say:

I am not prepared to say with any degree of assurance that if this case comes to a final hearing, and no more complete evidence is then given of the corporate existence of the first United States Telegraph Company of New York, and of the transfer of the powers granted to it by the act of Congress of 1864 to the Western Union Telegraph Company, than has been presented on this hearing, that that contract can be sustained under the act of 1864. But I am prepared to hold that there is no such clear case made against the right of the Western Union Telegraph Company to all the franchises and privileges of the original United States Telegraph Company as to justify me in totally dissolving the present injunction, in view of the consequences which would follow such action, which will be hereafter considered.

But the facts assumed there are found by our committee not to have existed. First, no arrangement was made—and that was the strongest—and, second, these telegraph companies did not move on to the line in accordance with any such arrangement.

If these original telegraph companies moved on the line of the Union Pacific, or the line of the Kansas Pacific, they did it under the second clause of section 19, which allowed any telegraph company to move on the right of way, but not to interfere with the railroad.

Mr. DOCKERY. That was to be in the event of a failure to make the "arrangement" provided for in the nineteenth section of the act of July 1, 1862.

Mr. PETERS. Yes, sir; I will turn to that provision and read it:

And if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of the said railroad company of the provisions of this act in regard to the construction of said line of telegraph.

Not construction and operation, you will observe. There is not one iota of law that authorizes any of these land-grant railroad companies to transfer or alienate the operation of their telegraph franchises. All that could be accomplished under the "arrangement" here specified, if made at all, was to be in lieu of the construction of the telegraph line. But the railroad companies must, under the provisions of their charter, go on and operate the telegraph lines just the same as though they had constructed them themselves.

Mr. DOCKERY. Now read the second provision, under which they did remove their lines of telegraph to the right of way of the Pacific Railroad, under this same section of the act of July 1, 1862.

Mr. PETERS. That is in the following words:

And in case of disagreement said telegraph companies are authorized to remove their line of telegraph along and upon the line of railroad herein contemplated without prejudice to the rights of said railroad companies named herein.

It was under that second provision that all the telegraphs constructed under the provisions of the act of June 16, 1860, to which I have referred, moved onto the line of route of the Central and Union Pacific companies. What right did that provision give them? The right of occupation merely. They have nothing under that act but what every other telegraph company in the country under Title LXV of the Revised Statutes may have and has now. The Western Union, if it is the successor of the California State and the Overland and Pacific Companies—if, I say, it is the successor of these companies, it has no right in the premises except that of occupation alone. [Applause.]

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PETERS. If I can trespass for three minutes longer upon the time of my friend from Arkansas, I shall be under many obligations.

Mr. ROGERS. Very well.

Mr. PETERS. I wanted just three minutes to call the attention of this committee to this remedy. I think I have shown, Mr. Chairman, conclusively that Congress has the power.

But there is a mistaken opinion as to what is the remedy proposed by the committee. It does not contemplate doing away with a single vested right that anybody or any company or any corporation now has. It does not contemplate removing a single pole of the Western Union Company, or taking down a single foot of its wires. It does not contemplate the closing of one single office, or stopping the ticking of one single instrument of that company. It allows the Western Union to remain just where it is. It does not interfere in any way with the Western Union, except that the remedy proposed will allow competition in the telegraph business over land-grant railroad lines of the United States.

That is all. It simply puts an end to this monopoly by the Western Union from the Missouri River to the Pacific Ocean in the telegraph business.

I know, from the expression of sentiment we have heard, that you would suppose this interfered wonderfully with the Western Union Company, and yet I have given you the provisions, and all of the provisions, relating to the subject, which show that it does not interfere with the Western Union's rights at all, except that it breaks up this monopoly. But I want to say in conclusion that it is about time that we taught by proper legislation a lesson on this subject. The fault was not with the legislators who enacted the legislation in 1862 and 1864. The fault lies at our own door. We have the power, we have the right, to legislate upon the subject, and we should step forward and legislate in the interest of the people and for the purposes for which these grants were manifestly made.

I tell you, Mr. Chairman, that the sixty millions of people in this country to-day, bound hand and foot as they are, crushed beneath the power of the Western Union with its eighty millions of capital stock, fifty millions of which is watered, are incensed against this thing to such an extent that if a remedy is not supplied we will have a rebellion that will tear down this monster corporation, despoil it of its usurped strength and power, and erect upon its ruins a postal telegraph system that will subserve the public interests and the public welfare. [Great applause.]

[Here the hammer fell.]

Mr. ROGERS. Mr. Chairman, I would like to bring the committee back to the bill under consideration, and I ask their attention to such observations as I intend now to submit concerning the bill. As the basis of the remarks I intend to make I shall ask permission to print in the RECORD without reading that portion of the report of the committee which is found on pages 4 and 5, under the head of "Expenses of the United States courts."

EXPENSES UNITED STATES COURTS.

There are recommended in the bill, appropriations, on estimates submitted by the Department of Justice, for balance of the current fiscal year as follows:

For fees of jurors	$150,000
For fees of witnesses	300,000
For pay of bailiffs, etc	75,000

The estimates, appropriations, and deficiencies for jurors and witnesses for the fiscal years 1886 to 1888, and the estimates submitted for 1889, are as follows

Years.	For jurors.			For witnesses.		
	Appropriations.	Estimates.	Deficiency.	Appropriations.	Estimates.	Deficiency.
1885	$400,000	$500,000	$50,000	$500,000	$610,000	$121,408.74
1886	450,000	500,000	90,000	550,000	610,000	237,150.00
1887	450,000	450,000	50,000	550,000	550,000	200,000.00
1888	450,000	500,000	150,000	550,000	550,000	300,000.00
1889		450,000			550,000	

The ever-recurring deficiencies both in annual estimates and appropriations for the "expenses of United States courts" are entitled to the grave and thoughtful consideration of Congress. The real cause of them may be found—

1. In the system of allotment of appropriations by the Department, which is inherently bad; as, necessarily, no wisdom or judgment can prevent the giving of too much money to some courts and too little to others, thereby tempting the former to extravagance and compelling the latter in many instances to suspend proceedings.

2. In the power of appointment of clerks and certain other officers and employés of United States courts by the district judge, who too frequently gathers around him in official positions or employment those who by blood or marriage constitute his personal family.

3. In the want of a different system of disbursing the money appropriated for these expenses, the present system of payment through the marshals being unsatisfactory and demoralizing.

At the place where a United States court is held a disbursing officer might well be appointed under existing law, who, being wholly disinterested and under the law and strict regulations of the Treasury Department, could make the court disbursements without loss, delay, or irregularity, and at all times be ready to report the balance on hand. The cost of disbursement would not be thereby increased, and the great reform would be that the self-created creditor of the United States would not be the custodian of the money out of which he is to become paymaster to himself and associates.

It will be observed that in 1885 the expenditure for jurors was $450,000, which amount was $50,000 less than the estimates for that year. In 1886 the expenditures exceeded the estimates to the amount of $40,000; in 1887 the expenditures exceeded the estimates to the amount of $50,000; and in 1888, if the appropriation in this bill is made, the expenditures will exceed the estimates $100,000. Thus year by year there is a steady increase of expenditures over estimates, so that some remedy must be interposed if a due regard for the public money is to be observed.

In 1885 the expenditures for witnesses were $11,408.74 in excess of the estimates; in 1886 the expenditures were in excess of the estimates to the amount of $177,150; in 1887 the expenditures were in excess of the estimates to the amount of $200,000; in 1888 the expenditures, if the appropriation in this bill is made, will be in excess of the estimates to the amount of $300,000. How long will it be before the excess of expenditures over estimates or appropriations will be more than the amount estimated or appropriated for this service?

But the most painful and deplorable part of this subject has relation to the wrongs and outrages perpetrated, under the forms of law, upon poor and ofttimes ignorant men by deputy United States marshals and others, because of some mere technical or imaginary petty misdemeanor, in order that a color of right may appear for retaining money of the United States for extraordinary expenses of witnesses and others. If the prodigal waste under this head were only the loss of money to the United States the injury would be inconsiderable as compared with the personal wrongs upon individual citizens perpetrated merely as a basis for large expenditures. The system now and for years existing pays a premium for cupidity and encourages assaults upon the body of the people.

I proceed now to discuss such provisions of the report as have enlisted my attention. The Committee on Appropriations in the draughting of this report seem to have been struck with a sort of nightmare in connection with the increase of deficiencies and the increase of estimates and appropriations for the expenses of the United States courts. It is my purpose, as far as I may be able to do so, to demonstrate to the House, if I can, that in view of legislation in Congress and in view of the increased litigation growing out of other causes, the increase of expenses is in no wise commensurate with the increase of the business dispatched by the courts of the country. In doing so I have no criticism to make upon the Committee on Appropriations beyond that which affects the policy which has been pursued by the committee and the House of Representatives with reference to the mode and methods of making appropriations in the past.

In their report the committee say there are three inherent defects in our present system of estimates and appropriations. They say:

The ever-recurring deficiencies both in annual estimates and appropriations for the "expenses of United States courts" are entitled to the grave and thoughtful consideration of Congress. The real cause of them may be found—

1. In the system of allotment of appropriations by the Department, which is inherently bad; as, necessarily, no wisdom or judgment can prevent the giving of too much money to some courts and too little to others, thereby tempting the former to extravagance and compelling the latter in many instances to suspend proceedings.

I am not advised by this paragraph that I have just read whether this alleged defect exists in the Department of Justice or in the Department of the Treasury. Under the law, if it exists at all, it is in the Department of the Treasury. No one is left in doubt when considering the paragraph itself as to what the committee intended. I think I may judge from what has occurred on the floor of the House before in this Congress what is meant by this paragraph. On two previous occasions I have undertaken to demonstrate that the Committee on Appropriations in making that charge of an inherent defect in the method of appropriations did so without foundation in fact. I propose now authoritatively, as far as I may do so, to silence that suggestion in the future if I can.

When I read this report I went to the First Comptroller of the Treasury and requested of him the basis which had been given to the Committee on Appropriations in 1886, and which authorized them in their judgment to make a statement of this kind, either upon the floor of the House or in their report. In response to that request he furnished me with a letter addressed to the Attorney-General, dated July 23, 1886, and from that letter I shall have read a paragraph bearing upon this subject. I will send it to the Clerk's desk and let him read the whole letter, that it may go to the country just as it is.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., July 23, 1886.

SIR: Referring to the matter of advances of public funds to United States marshals, about which I spoke to you this morning, I beg to say that, although a marshal is a disbursing officer, pure and simple, so far as his connection with the appropriations for fees of jurors, fees of witnesses, support of prisoners, and miscellaneous expenses of United States courts are concerned, I do not conceive that such a relation at all exists between him and the appropriation for fees and expenses of marshals. I do not, therefore, perceive the propriety of allowing a marshal, under this appropriation, to carry balances for the United States during the whole of the fiscal year. Under the former appropriations a marshal should, of course, be furnished with the necessary money, otherwise he could not be expected to pay the demands against the United States that are presented to him for payment.

The evil effect of the practice that has heretofore obtained, of treating the appropriation for fees and expenses of marshals very much as though it were a disbursing fund, to be handled by marshals, is seen in the fact that Congress is applied to at this session for appropriations to the amount of $65,750.60 to pay fees and expenses of marshals in 1885 and prior years (and this amount is provided for in the general deficiency bill now pending), when the books of the Treasury Department show that there is, at this time, due from marshals for 1885 and prior years, under that appropriation, $129,157.03. In other words, the appropriations already made for the above purpose are more than sufficient by $63,406.43; and yet, by reason of the erroneous manner of dealing with it, we have now to go to Congress and ask a further appropriation of $65,750.60.

I see no impropriety in making small advances from this appropriation to defray the actual expenses of travel, etc.; but it occurs to me that the appropriation should principally be called on to pay balances found due marshals on an examination of their accounts. Of course, they can render accounts as frequently as they have occasion. In this way the appropriation would simply be called on to the extent that marshals' fee and expense accounts had been approved by the proper accounting officers.

I write the foregoing that you may know the considerations that will influence me in my recommendations as to advances of money to marshals on their requisitions.

I send statement of the Register as to state of accounts indicated herein.

Very respectfully, yours,

M. J. DURHAM, *Comptroller.*

Hon. A. H. GARLAND, *Attorney-General.*

Mr. ROGERS. Now, Mr. Chairman, this letter suggests two considerations. First, the deficiency spoken of here preceded the 23d day of July, 1886. This letter having been written about a year after the present administration began and covering the fees in the hands of marshals for previous years, it suggests another consideration; and that consideration is that except in so far as these distributions may have taken place during the first year previous to the writing of this letter the present administration are in no sense responsible for them.

And finally it suggests another consideration, which is this, and in regard to which the Committee on Appropriations have seemed to be always under a misapprehension of fact when discussing these court expenses. Is is that if these moneys, the amount of which now outstanding, as shown by this letter, is about $65,000, are to be recovered, they are not to be added to the appropriations for the current fiscal year, but on the contrary are covered into the Treasury and placed with the general fund, subject to any appropriations made hereafter, and not to be used for the expenses of the United States courts for the current fiscal year.

But, Mr. Chairman, the more important letter of the two has yet to be read. I requested in person that I should be furnished with a statement of the courts and marshals, and the States in which they are located, and the amounts in their hands which had not been properly disbursed; and this is the answer I received.

Mr. SAYERS. What is the date of the letter?

Mr. ROGERS. February 4, 1888. It is as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 4, 1888.

SIR: Referring to your verbal request of this morning to be furnished with certain information as to the status of marshals with the appropriation for "Fees and expenses of marshals," I inclose herewith copy of a letter which I addressed to the Attorney-General on the 23d of July, 1886, showing the status at that time as to 1885 and prior years. The amount so outstanding as to 1886 and 1887 would be found to be quite small as compared with former years. It would require so much time and labor to overhaul the figures, etc., of the various marshals of the country to give you the information in detail that I make this general statement, thinking that perhaps it will answer your purpose. I understand that you wanted the information on Monday.

Very respectfully,

M. J. DURHAM, *Comptroller.*

Hon. JOHN H. ROGERS, M. C.,
House of Representatives.

I think, Mr. Chairman, that this ought to dispose of two propositions. First, it ought to show that "the method of disbursement," which the report says is "inherently bad," was always a thing that was under the control of the First Comptroller, and, secondly, that under the administration of the present Comptroller the abuses which grew up in former administrations, mulcting the Government to the extent of some $65,000 in former years, have been practically corrected.

Mr. SAYERS. Will the gentleman yield to me for a moment?

Mr. ROGERS. With pleasure.

Mr. SAYERS. I understood you to say that this bill only covers deficiencies for 1885 and prior years?

Mr. ROGERS. Not at all. I did not make any statement about the bill. I spoke of the letter of the First Comptroller.

The next proposition to which I desire for the moment to address my attention is found in the second ground upon which fault is found by the committee with the present method of transacting this business. It is stated to be in "the power of appointment of clerks and certain other officers and employés of United States courts by the district judge, who too frequently gathers around him in official positions or employment those who, by blood or marriage, constitute his personal family." It is sufficient to say, Mr. Chairman, that I concur fully with the Committee on Appropriations on that point in so far as it applies to former years, but the force of their statement is completely broken when the fact is made known that Congress at the last session prohibited by public law any United States judge from appointing any relative of his as an officer of his court. So that, in the line of reform and retrenchment, in the line of dissipating these abuses which have created in the minds of the Committee on Appropriations this nightmare, a Democratic Congress have corrected this evil so that it can no longer exist in our country.

The third objection, as stated by the committee, consists—

in the want of a different system of disbursing the money appropriated for these expenses——

Mr. SAYERS. I wish to ask the gentleman a question. Was the effect of that law of which he speaks to turn out the sons and nephews that were already in office?

Mr. ROGERS. No. The Committee on the Judiciary did not undertake to interfere with that which had been already done; they simply attempted, as far as possible, to correct or prevent similar evils which might otherwise exist in the future.

The third objection, as stated by the committee, consists—

in the want of a different system of disbursing the money appropriated for these expenses, the present system of payment through the marshals being unsatisfactory and demoralizing.

And they say that—

At the place where a United States court is held a disbursing officer might well be appointed under existing law who, being wholly disinterested, and under the law and strict regulations of the Treasury Department, could make the court disbursements without loss, delay, or irregularity, and at all times be ready to report the balance on hand. The cost of disbursement would not be thereby increased, and the great reform would be that the self-created creditor of the United States would not be the custodian of the money out of which he is to become paymaster to himself and associates.

I propose to discuss the propriety of legislation of that sort, and to show, in the first place, that the Committee on Appropriations are in error, as I believe, as to the facts; and secondly, that the policy which they suggest to the House would be an unwise one. It is said in the report that these disbursing officers could be appointed under existing law, but I understand from private consultation with my friend from Missouri [Mr. BURNES], who prepared this report, that he did not mean to say that the appointments could be made under any law now existing, but that the law could be and should be amended so that these appointments could be made. Therefore I waive that point, simply remarking that there is no existing law of which I am cognizant that would authorize the appointment of any disbursing officer at any of these courts. If I am in error as to that, I should be glad indeed to be corrected.

What, then, would be the effect if we undertake to change the existing law so as to place a disbursing officer at every United States court throughout the country? If some gentleman more familiar than myself with the judiciary system could tell me just how many courts we have, I could then indicate how many officers would be required to be located at these courts in addition to those we now have. But I do not know any better way of indicating the error of the policy suggested than to

show, by way of illustration, the effect of it with reference to the court with the details of which I am more familiar than those of any other.

The marshal of the western district of Arkansas, as the report of the Attorney-General will show, has for a number of years earned about $8,000 a year. Embraced in this amount is the 2 per cent. for the disbursement of the moneys of the Government under existing law. Now, if you place a disbursing officer there, the maximum compensation of the marshal is not thereby curtailed in the slightest degree, because he earns his $6,000 over and above the 2 per cent. commission; or, if that is not true in this particular case, it would be the fact in many courts throughout the country. Assuming the case to be as I have supposed, you would have the marshal receiving the maximum compensation under the law, $6,000, and you would have in addition a disbursing officer who would get the 2 per cent. on all funds disbursed in that court. Thus, instead of economizing the expenditures of the Government in the administration of the law in the courts of the United States, you would simply have throughout the country additional officers to be paid from the Treasury of the Government.

This would not be true of all the courts, because in many places the marshals do not earn $6,000; and in those cases there would simply be a distribution of whatever earnings they do make between two separate and distinct offices.

Finally, Mr. Chairman, the marshals of the United States disburse moneys which I classify into two funds. One is for the marshal and his deputies. This is advanced to him under the direction of the Comptroller of the Treasury. It is true that the requisitions pass through the Department of Justice; but the statutes give the Comptroller of the Treasury control over the requisition, and he may at his pleasure reduce the sum allowed in accordance with what he conceives to be the proper requirements of the court. I will state, by way of parenthesis, that the letter I have just read indicates that under the present administration the system is not involved in any abuses worthy of mention.

The second class of funds controlled by the marshal embraces fees of jurors and witnesses, and this expenditure, I will state to the Appropriations Committee (and if they think I am in error I will cite the statute), is under the absolute control, not of the marshal, not of the Attorney-General, not of the Treasury Department, but of the United States courts themselves, by orders which are made a part of the public record of the respective courts.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. ROGERS. Certainly.

Mr. SAYERS. Does not the gentleman know that the Comptroller of the Treasury pays no attention whatever to the order of the court allowing these fees unless it suits him to do so? He does not consider the order of the court as absolute and conclusive.

Mr. ROGERS. Mr. Chairman, I will answer the gentleman's question. I do not know what the Comptroller of the Treasury does in every instance, but I undertake to state what the law is on this subject—not as interpreted by me, but as found in the statute-books. I send to the Clerk's desk to be read section 846 of the Revised Statutes.

The Clerk read as follows:

SEC. 846. The accounts of district attorneys, clerks, marshals, and commissioners of circuit courts shall be examined and certified by the district judge of the district for which they are appointed, before they are presented to the accounting officers of the Treasury Department for settlement. They shall then be subject to revision upon their merits by said accounting officers, as in case of other public accounts: *Provided*, That no accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, shall be so re-examined as to charge any marshal for an erroneous taxation of such fees or cost; that where the ministerial officers of the United States have or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the district or circuit court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary.

Mr. ROGERS. It will be seen, Mr. Chairman, that this provision of the law gives the accounting officers of the Treasury control over the accounts of the clerks of the courts, the district attorneys, the marshals and their deputies; but it will likewise be seen that by express provision of the statute the fees of witnesses and jurors (which I was discussing at the time I was interrupted) are under the absolute control of the court. It is provided that—

No accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, shall be so re-examined as to charge any marshal for an erroneous taxation of such fees or costs.

So that, by the very terms of the statute, the power of the accounting officers of the Treasury is to this extent expressly restricted. Neither the Comptroller of the Currency nor any other officer under the Government has control of these expenditures after they have received the approval of the court. It is true, following that is the provision of the statute which enables the President, in case of extraordinary expenses, to make allowance for expenses of that character.

Now, Mr. Chairman, that brings me to the conclusion that in so far as the marshals are disbursing officers for themselves, their deputies or clerks, and district attorneys, the auditing officer of the Government is the Secretary of the Treasury himself—or, in other words, is the Comptroller of the Treasury, to whom this work is assigned under the organization of the Department—and if in the exercise of the proper care and judgment on the part of the First Comptroller unnecessary sums of money are kept out of the hands of these officers under the law, he has the absolute control of adjusting these accounts as he may see fit; and to that other conclusion, that in so far as the marshal is a disbursing officer for jurors and witnesses the power is not in the marshal or the Department of Justice or the Department of the Treasury, but absolutely in the courts of the land. So I think when the Committee on Appropriations suggests a reform by appointing disbursing officers, it must have been in the dark as to the correct management or the disbursement of these funds.

There is another provision of this report to which I might refer, but I do not care, not being very familiar with it, to indulge in any criticism except as to one particular point, and that is that in all these districts throughout the country where the internal-revenue system prevails, where liquor is manufactured and tobacco is grown and manufactured, where the laws in reference to the internal-revenue system apply, if the courts would assume the responsibility of controlling and managing, as they have the power and right to do, they could stop these petty prosecutions of which the report of the committee complains. I do not know any better way of illustrating how they can do it than by stating the method or plan of the district court judge in the western district of the State of Arkansas.

Whenever a new marshal comes in for that court and his deputies are appointed, the judge summons him and his deputies to the presence of the court and signifies to them his condemnation of the arrest of persons in that district for mere technical violations of the internal-revenue or intercourse law. The effect of that proceeding has been a wholesome one throughout that district; and every other judge throughout the United States who has the public interest more at heart than that of his judicial family can bring about the same reform if he will only do it.

Many years ago in that district a large number of the most petty, insignificant, and trifling prosecutions were set on foot under a former judge, but now with a proper organization of the court they have been completely and absolutely broken up, and you will find on the dockets of that court scarcely a single case of violation of the internal-revenue law which is not a substantial violation of the law and not merely technical in its character. It is so with reference to entries of cases of violation of the intercourse law, which law makes liquor contraband in the Indian country.

I turn now to another branch of this subject—the statement that the ever-recurring deficiencies are entitled to the grave and thoughtful consideration of Congress. That statement, Mr. Chairman, is well put, for deficiencies under any proper system ought always to receive the grave and careful consideration of Congress. But what has been the practice and experience in Congress in making these appropriations? My information is for twenty years Congress instead of granting to the Departments the amount estimated for them undertake to make such appropriations as they deem necessary and afterwards make up the balance by deficiencies; in some cases the deficiencies amounting almost to the original appropriation. I do not know but one or two instances during my experience when appropriations were granted in conformity to the request of the Department of the Government. One instance was last year when the Committee on the Post-Office and Post-Roads gave every dollar that was estimated for.

There was a full appropriation made for the requirements of the United States courts. In one instance at least, in the cases of jurors, we granted in the year 1887 the exact sum asked for. In that year the appropriations were $450,000, while the estimates were the same, and in 1887 and 1888 the appropriations for witnesses was $550,000, while the estimates were the same. With these two exceptions during my whole experience in Congress I do not know of a single instance where the appropriations asked for were granted in full. There may be other instances, but they do not occur to me now, and I know it has not been the practice.

The Departments make the estimates as best they can, only approximating what the needs will be. They do it in pursuance of law, and they should do it with the same responsibility that we act here, but we assume to do what we please, and then complain if the money does not hold out. There are exceptions, of course, but this is the rule.

But, Mr. Chairman, there are instances where, even when all that has been asked for has been granted by Congress, deficiencies have occurred, and hence I say in that class of cases particularly is it true that "they should enlist the grave and thoughtful consideration of Congress."

What are deficiencies, and in what light are they to be considered? Deficiencies are for actually ascertained expenses for which no money is available, or an ascertained certainty of expenses that must be incurred in excess of the appropriation. When the full amount has been granted that has been estimated for, one of two things is true: either that the sum estimated for was not sufficient to meet the requirements of the service, or if it was sufficient and the appropriation was granted, that appropriation was improperly disbursed. In either case, I repeat, it requires "the thoughtful consideration of Congress."

Mr. RANDALL. In both the cases you mention, however, there were deficiencies.

Mr. ROGERS. Yes, I am aware of that; it so appears in the report.

Now, Mr. Chairman, on the subject, more particularly on the subject of the expenses of the United States courts, let me invite your attention to another fact. It may be found substantially presented in the report of the committee, which furnishes a statement of the expenses of the courts and a list of the deficiencies in the appropriations forten consecutive years, from 1878 down to 1888, and I will ask at this point to have printed in the RECORD this table for the information of those who have not examined it. It is as follows:

Statement of appropriations for expenses of United States courts.

[Including items in the deficiency bill already passed and the accompanying bill.]

	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.
Expenses of U. S. courts:											
Annual appropriation.	$2,650,000.00	$2,750,000.00									
Deficiencies	286,000.00	425,000.00									
Claims	19,481.57	66,520.49									
Total	2,955,481.57	3,241,520.49									
Fees and expenses of marshals:											
Annual appropriation.			$600,000.00	$650,000.00	$600,000.00	$600,000.00	$600,000.00	$600,000.00	$675,000.00	$675,000	$675,000
Deficiencies			30,000.00	60,000.00	50,000.00	150,000.00	91,724.67	127,155.03	30,000.00		
Claims				32,243.37	2,058.55	30,549.96	786.30				
Total			630,000.00	742,243.37	652,058.55	780,549.96	692,510.97	727,155.03	705,000.00	675,000	675,000
Fees of district attorneys:											
Annual appropriation.			300,000.00	350,000.00	325,000.00	325,000.00	325,000.00	325,000.00	350,000.00	350,000	325,000
Deficiencies			25,000.00	20,000.00	87,370.37	119,500.00	80,000.00	40,000.00	25,568.81		
Claims				2,417.06	3,067.05	3,228.33	175.60				
Total			325,000.00	372,417.06	415,437.42	447,728.33	405,175.60	365,000.00	375,568.81	350,00	325,000
Pay of assistant attorneys:											100,000
Annual appropriation.											
Fees of clerks:											
Annual appropriation.			160,000.00	160,000.00	150,000.00	160,000.00	160,000.00	160,000.00	175,000.00	175,000	175,000
Deficiencies			25,000.00	45,000.00	5?,000.00	60,000.00	50,000.00	54,744.50	8,465.87		
Claims				1,257.65	65.49	1,283.20	38.00				
Total			185,000.00	206,257.65	205,065.49	221,283.20	210,038.00	214,744.50	183,465.87	175,000	175,000
Fees of commissioners:											
Annual appropriation.			140,000.00	140,000.00	100,000.00	130,000.00	130,000.00	100,000.00	100,000.00	100,000	50,000
Deficiencies			230.90	16,000.00	55,000.00	20,000.00	5,000.00	46,056.22	60,000.00		
Claims				3,119.80	780.95	488.93	131.85				
Total			140,230.90	159,119.80	155,780.95	150,488.93	135,131.85	146,056.22	160,000.00	100,000	50,000
Fees of jurors:											
Annual appropriation.			400,000.00	400,000.00	450,000.00	450,000.00	450,000.00	400,000.00	450,000.00	450,000	450,000
Deficiencies			40,756.35	40,000.00	20,000.00		60,000.00	50,000.00	90,000.00	50,000	150,000
Claims				2,154.65	62.20	87.70	80.20				
Total			440,756.35	442,154.65	470,062.20	450,087.70	510,080.20	450,000.00	540,000.00	500,000	600,000
Fees of witnesses:											
Annual appropriation.			550,000.00	550,000.00	600,000.00	600,000.00	600,000.00	500,000.00	550,000.00	550,000	550,000
Deficiencies			60,497.14	30,000.00	70,000.00	6,080.00	60,321.50	121,408.74	237,150.00	200,000	300,000
Claims				6,185.83	247.55	3,171.66	98.80				
Total			610,497.14	586,185.83	670,247.55	609,251.66	660,420.30	621,408.74	787,150.00	750,000	850,000
Support of prisoners:											
Annual appropriation			193,000.00	200,000.00	325,000.00	325,000.00	300,000.00	300,000.00	250,000.00	240,000	250,000
Deficiencies			128,972.13	100,000.00					11,740.68	40,000	
Claims				3,657.93	3,804.50	5,678.53	263.00				
Total			321,972.13	303,657.93	328,804.50	330,678.53	300,263.00	300,000.00	261,740.68	280,000	250,000
Rent of court-rooms:											
Annual appropriation			67,000.00	75,000.00	75,000.00	70,000.00	50,000.00	50,000.00	50,000.00	50,000	60,000
Deficiencies			360.00				5,559.40	7,409.90	8,628.03	13,500	
Claims					750.00						
Total			67,360.00	75,000.00	75,750.00	70,000.00	55,559.40	57,409.90	58,628.03	63,500	60,000
Pay of bailiffs, etc.:											
Annual appropriation.											100,000
Deficiencies											75,000
Total											175,000
Miscellaneous expenses:											
Annual appropriation.			280,000.00	300,000.00	325,000.00	325,000.00	310,000.00	325,000.00	300,000.00	314,400	214,400
Deficiencies			26,608.04				15,000.00		13,361.53	20,000	
Claims				6,858.91	1,418.90	949.93	2,021.50				
Total			306,608.04	306,858.91	326,418.90	325,949.93	327,021.50	325,000.00	313,361.53	334,400	214,400
Total by years...	2,955,481.57	3,241,520.49	3,027,424.56	3,193,895.20	3,299,625.56	3,386,018.24	3,296,200.82	3,206,774.39	3,384,914.92	3,227,900	3,374,400

Mr. McCOMAS. Allow me to interrupt the gentleman there for a moment, to state that if he wants to publish with his remarks the table of expenditures given here, in order to make it correct it should include also the deficiencies for the years 1886 and 1887 in this very bill, and give the detailed expenditures for those years, which show them to be greater than for prior years.

Mr. BURNES. The table does include them.

Mr. McCOMAS. No.

Mr. ROGERS. I do not know whether the table includes it or not; but if it is important to have given the exact amount, it should be included in the table by the gentleman who prepared it. I have not examined to ascertain whether it is included or not.

But from 1878 to 1888 the increase of expenses in the Department of Justice runs from $2,955,000 up to $3,374,000. Here is an increase of only about $319,000 in a decade, in a country growing and developing and increasing in population, in wealth, in courts, in States and Territories as rapidly as this.

Mr. LONG. Let me ask if that includes also the deficiencies for 1886 and 1887?

Mr. HENDERSON, of Iowa. You mean for 1887 and 1888.

Mr. RANDALL. We have not got through with 1888 yet.

Mr. HENDERSON, of Iowa. I had that table prepared and it does not contain the deficiencies for 1887 and 1888. What they are I do not know.

Mr. LONG. You will want your statement to go out exactly correct?

Mr. ROGERS. Undoubtedly; and I intend that it shall so go out. I have not examined to see whether the deficiencies the gentleman refers to are in the report or not.

Mr. LONG. But if that is more than $319,000, that fact ought to go out.

Mr. ROGERS. Yes, sir; I notice in 1887 a deficiency of $20,000 in miscellaneous expenses, but in 1888 there are no deficiencies whatever. So much I have gathered from the table, having taken the time to ascertain that. Of course there are deficiencies provided for in the bill now under consideration. I do not know what they are. The bill will show that.

So that, Mr. Chairman, we have this significant fact, that, beginning with 1878 and running to 1888, the deficiencies and the appropriations for the Department of Justice for the United States courts throughout the country have ranged from $2,900,000 to $3,300,000, in round numbers. In other words, the expenses have fallen a little below or risen a little above $3,000,000 annually; and yet, after having carefully or critically examined the table, I undertake to say that there has not been a single year of the ten for which deficiencies have not been appropriated for. This settles the fact that the House of Representatives or the Congress of the United States ought to bring it down closer.

The Committee on Appropriations, with the knowledge before their eyes of the fact that the appropriations must approximate either a little below or a little above $3,000,000, continue upon the system of making the appropriation less than $3,000,000, and following it up by making appropriations to supply deficiencies thereafter, so that instead of meeting fairly and squarely, as we should, the necessary expenses of the Government in our annual appropriation bills, we have affected another policy, which I shall undertake to demonstrate is neither wise nor economical—that is, to appropriate less than the estimates and then bring them up to the required amount by deficiencies afterwards.

Mr. HENDERSON, of Iowa. Your reflection should go further than that, or rather in a different direction; for it will be found, if you examine, that the attempts we have in many cases made to give the full amount of the estimates by the Department of Justice have resulted after all in deficiencies to meet the expenses.

Mr. ROGERS. Mr. Chairman, these gentlemen simply run faster than it is possible for me to do. I had stated that fact, however, before, in certain cases, but not generally by any means.

Mr. HENDERSON, of Iowa. I did not hear the gentleman, as I happened to be out.

Mr. ROGERS. I am now discussing the origin of these deficiencies of which the Appropriations Committee now complain; and I am discussing the policy which we are warranted and authorized in stating has been adopted by the House of Representatives in reference to deficiencies, which is simply to appropriate too little, and when you have exceeded the appropriation make it up by deficiencies; which, as I have stated, I will undertake to demonstrate and which I believe to be unwise and not economical.

Mr. SAYERS. Will the gentleman from Arkansas permit me to interrupt him?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Texas?

Mr. ROGERS. Yes, sir: if he does not consume too much time.

Mr. SAYERS. I read this paragraph:

For fees of witnesses in United States courts, 1885 and prior years, $3,163.83.

Mr. ROGERS. What is the gentleman reading from?

Mr. SAYERS. From the pending bill.

Mr. ROGERS. The gentleman from Texas is trying to confine my argument to the present bill. I am not criticising the present bill.

Mr. SAYERS. If you do not criticise the present bill, all right; then go ahead.

Mr. ROGERS. I will be candid enough to say that I have not examined the present bill. I have read it, but have not examined it critically.

Now, Mr. Chairman, I go on to say that the policy which has been pursued and which is the policy established now by the practice of the Appropriations Committee with reference to appropriations is not a wise one.

Mr. BUCHANAN. Is it an honest one?

Mr. ROGERS. Well, Mr. Chairman, I do not like to put it so strongly as that. It may sometimes operate harshly, tyrannically, and unjustly, and I did say on one occasion that it was not an honest policy. But I did not intend to go so far as that now. It is not necessary for my purpose.

Let me give the House now, for a moment, the results of this policy. In passing the appropriation bill for the fiscal year 1887 there was a deficiency, as in all the former years, for the expenses of the United States courts, and unfortunately—I find no fault on that subject now; it is not necessary—unfortunately the deficiency bill failed. And now what was the result and effect upon the country of the failure of that deficiency bill? All will concede that there would have been no result if the appropriation had been originally made sufficiently ample to meet the current expenses of the Government. But it was not so made. That bill failed, and what was the result? In order that gentlemen may understand the effect of that, I send to the Clerk's desk this estimate, which has been made by the clerk in the district in which I reside, showing what it cost the Government to suspend the proceedings of that court from some time, I believe, in May to July. I am not certain as to dates.

The Clerk read as follows:

FORT SMITH, ARK., *December* 8, 1887.

All criminal business in the United States court for the western district of Arkansas was suspended for want of funds to pay witnesses, with criminal cases on the docket for trial as follows:

Murder	17
Assault to kill	23
Larceny	31
Other crimes	37
Total	108

If money had been available at that time to pay witnesses and proceed with the business of the court in the regular way, these cases could have been tried at a cost for witnesses of not exceeding $20,000; whereas the fees now paid to witnesses in these cases amount to about $55,000, and the estimated amount of increase of expenses on account of overcrowding the docket is $25,000; making a total unnecessary expense for witnesses on account of failure of appropriations of about $60,000. Estimated increase of cost of keeping, feeding, etc., prisoners, $300 per month, for each year, $3,600.

I believe the foregoing statement to be a low estimate of the increase of expenses in this district on account of failure of appropriations last year. I have given the matter a good deal of attention, and if the exact figures could be ascertained I believe they would exceed the above.

STEPHEN WHEELER,
Clerk of the United States District Court, Western District Arkansas.

Mr. ROGERS. Mr. Chairman, this letter was sent to me by the clerk in obedience to the directions of the judge of that court, and is, of course, only an approximate estimate of what losses the Government sustained by virtue of the failure on the part of Congress to make the proper appropriations for that fiscal year. And I have in my hand now a paper giving me the estimate of the Department of Justice upon the same subject; and that bears upon the question that my friend from Texas [Mr. SAYERS] invites my attention to, namely, the deficiency of $300,000 for witnesses' fees during the fiscal year; because whatever this loss to the Government was, it was brought over from a former fiscal year by crowding the business of the courts from one year into another year, and must be subtracted from the deficiency which you now have embraced in your bill for the current fiscal year.

The estimates submitted in the urgent deficiency bill for jurors and witnesses for the current fiscal year are expenses exclusively under the control of the court. These expenses in a large measure do not properly belong to this fiscal year, but have been passed over from the last fiscal year from the want of appropriations for the expenses of that fiscal year. It is a reasonable estimate that at least $60,000 of this deficiency arises from that source.

Mr. SAYERS. Does not the gentleman from Arkansas know that Congress gave to the Department of Justice for that particular expense all that the Department of Justice asked?

Mr. ROGERS. I do not know it.

Mr. SAYERS. Then I call your attention to that.

Mr. ROGERS. That does not touch the question if it did; but I do not know whether it did or did not.

Mr. SAYERS. It did.

Mr. ROGERS. I will state to my friend that I am now trying to show that it don't pay to stop the courts, and Congress had notice of the deficiency in ample time to have made provision for it. It knew, moreover, by at least ten consecutive years' experience that it required about $3,000,000 annually to run the courts. Very rarely has it been the case that the sums estimated for have been appropriated.

Let us go another step in this matter.

Mr. RANDALL. Will the gentleman yield to me for a moment?

Mr. ROGERS. Certainly.

Mr. RANDALL. Before the gentleman proceeds further, I would like to make a suggestion that bears on no particular year, but has relation to each year's appropriation; and that is, that in the annual appropriations for marshals and their deputies the amount is given in advance for the coming year, and the deficiency is uniformly given during the year for which at a prior date the appropriation had been made, so that there should not be really any inconvenience.

The practice is to make the annual appropriations prior to the beginning of the fiscal year; that is, they are made for the coming fiscal year. Deficiency appropriations, however, are made for the current year; so that in effect the annual appropriation which is made before entering upon the fiscal year and the deficiency appropriation which is made for that year, before its expiration, taken together are almost always sufficient to meet the necessities of the year.

Mr. O'FERRALL. Will the chairman of the Committee on Appropriations permit me to ask him a question?

Mr. RANDALL. Certainly.

Mr. O'FERRALL. I understand that there is $450,000 appropriated in the last appropriation bills for the purpose of paying fees, etc., and running the United States courts.

Mr. RANDALL. Six hundred and seventy-five thousand dollars.

Mr. O'FERRALL. Six hundred and seventy-five thousand dollars altogether.

Mr. RANDALL. No, sir, for fees of United States marshals, etc.

Mr. O'FERRALL. How much is provided in this deficiency bill?

Mr. ROGERS. The gentleman from Virginia [Mr. O'FERRALL] is consuming my time, which is limited.

Mr. O'FERRALL. I simply want to say, as supplemental to what has been said by the gentleman from Arkansas [Mr. ROGERS] that in Virginia during the last year the courts were suspended time after time for want of funds, and there are now hundreds of witnesses who were summoned before those courts but whose fees were not paid, because there was no money for that purpose.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. ROGERS] has expired.

Mr. ROGERS. I trust that I shall be allowed to complete my statement, as I have been so often interrupted.

Mr. RANDALL. How much time does the gentleman desire?

Mr. ROGERS. Probably twenty minutes will be sufficient.

Mr. BURNES. Mr. Chairman, I trust that the gentleman from Arkansas [Mr. ROGERS] will be allowed twenty minutes more.

Mr. RANDALL. If the gentleman from Missouri [Mr. BURNES] will allow me to take the floor, I will give the gentleman from Arkansas the twenty minutes.

Mr. BURNES. I yield twenty minutes to the gentleman from Arkansas.

Mr. ROGERS. Mr. Chairman, I did not perhaps precisely understand the force of the suggestion made by the distinguished gentleman from Pennsylvania [Mr. RANDALL], but I want to call his attention to what I conceive to be a complete answer to it if I did comprehend him. He seems to think that because the appropriations that are made for marshals are made in advance, that ought to obviate all inconvenience.

Mr. RANDALL. No; I say that all appropriations of every kind are made in advance. This is what I say: We make annual appropriations prior to the beginning of the fiscal year for which they are made. Then in the middle, as it were, of the year for which the annual appropriations are made—that is, in the middle of the current year—we provide a deficiency, and those two appropriations taken together, the general appropriation and the deficiency appropriation, should be sufficient to "run" the Government for the year if the money is properly handled.

Mr. GROSVENOR. And if the original appropriation was large enough.

Mr. ROGERS. Understanding now the suggestion of the gentleman from Pennsylvania I must beg leave to differ with him on that point. He says it ought to be sufficient. My only answer to that is that it is not sufficient and that it never has been sufficient, or rarely so. The courts are stopped now for want of funds.

Mr. LONG. He means sufficient with prudence.

Mr. ROGERS. Where is the imprudence? I have undertaken to demonstrate that these funds have been disbursed as carefully, as cautiously, as prudently as they could be disbursed. We can not legislate upon the theory that public officers are public scoundrels. They must be assumed to be honest men. I pass now to another consideration.

Now, Mr. Chairman, what took place in the last fiscal year is in operation again. I hold in my hand an exhibit of the condition of the docket to which I have just alluded, some time about the 20th of December last, when the operations of the court were suspended. I send this document to the Clerk's desk to be read that members may see what is the practical operation of this system.

The Clerk read as follows:

COURT AND COMMISSIONERS.

Docket, December 21, 1887.

Murder:	
In jail	34
On bond	9
Total	43
Rape:	
In jail	1
Assault, etc.:	
In jail	11
On bond	11
Total	22
Arson:	
In jail	2
On bond	1
Total	3
Larceny:	
In jail	24
On bond	21
Total	45
Introducing and selling liquor:	
In jail	27
On bond	8
Total	35
Embezzlement:	
On bond	1
Receiving stolen goods:	
On bond	1
Cutting Government timber:	
On bond	3
Unlawful distilling:	
On bond	2
Wholesale dealers in oleomargarine:	
On bond	1
Perjury:	
On bond	4
Total	161
In jail	99
On bond	62

Mr. ROGERS. Thus, Mr. Chairman, we see that without any failure of the deficiency bill for this year we have the court exercising jurisdiction over the Indian Territory suspended somewhere about the 20th of December, with 161 prisoners charged with criminal offenses untried, 43 being charged with murder and the rest with various other felonies and misdemeanors. Proceeding upon the estimates of the Department of Justice, as well as the clerk of that court, as to the losses sustained by the Government on account of the failure of the deficiency bill in a former year, we may readily estimate that the Government loses, by reason of want of appropriation to run the court for the first six months of the present year, from $30,000 to $60,000. What the losses elsewhere will be I have no means of knowing or estimating. Who will say that this is economy?

Mr. SAYERS. I will ask the gentleman whether it is not the habit in that court to bring witnesses to Fort Smith, Ark., and keep them there on pay two, three, and four months?

Mr. ROGERS. I answer that question distinctly and emphatically in the negative.

When the deficiency bill failed the year before last, the effect was to crowd the business of the last quarter of one fiscal year into the first quarter of the next, keeping witnesses in attendance upon the court from one week to four and five weeks consecutively; and the business of the court which belonged to one period of six months was crowded into the succeeding term, to be transacted along with the current business coming in from time to time from the Territory. The effect of suspending court on the 20th of last December will be again to force the business of the first quarter into the second quarter; and instead of the court being able, in the exercise of its executive ability, to distribute these cases so as not to incur any unnecessary expense, the nature of the circumstances is such, by reason of the absence of railroad, telegraphic, and postal facilities, etc., that the court is unable to do anything except let witnesses come and stay until the cases can be tried. This fact of itself is an unanswerable argument against pursuing any course that withholds from the court sufficient money to administer the law over that Territory, which is almost God-forsaken, as the state of this docket shows.

Mr. BUCHANAN. Is it not the fact that a similar state of affairs exists in numbers of other courts of the United States?

Mr. ROGERS. I am unable to answer that question.

Mr. BUCHANAN. It is the fact; and especially so in my own State, where to my knowledge the officers are careful, prudent, and honest.

Mr. ROGERS. Turning to another branch of this case, let me suggest that as early as 1879 the annual expenses of the United States courts were $3,241,000, while at present they are $3,374,000—an increase of between $100,000 and $200,000 in the course of nine years. In this connection another point requires investigation. What has Congress done in the way of making increased appropriations necessary? What have the natural development and growth of the country done in increasing the expenditures for United States courts? Let us look at this for a moment. Within the last few years we have created, in obedience to the demands of the States and Territories, United States courts at Peoria, Ill.; St. Joseph, Hannibal, and Springfield, Mo.; Texarkana, Ark.; Scranton, Pa.; Bay City, Mich.; Aberdeen, Miss.; Sitka, Alaska; Shreveport and Monroe, La.; Waco, Graham, Jefferson, and El Paso, Tex.; Macon, Ga.; Los Angeles, Cal.; Chattanooga, Tenn.; Sioux City and Fort Dodge, Iowa; Birmingham, Ala.; Wichita, Kans., and Eau Claire, Wis.

These courts have been created in addition to those which were supported when $3,000,000 was annually paid for court expenses. These additional courts necessarily increase the expenses of the Government in this direction. Now, I believe from what I know of these courts that every one of them is essential for the proper administration of the law. Why, in some of these Territories alone, when the last census was taken, they had 40,000 population, and they now have 1,250,000. Are they to go on with the same judicial system they had ten years ago, or are they to keep pace with the progress and development of the country? And should we not furnish proper appropriations to meet the necessary expenses of the courts?

But there is another and more significant matter in regard to the thing to which I wish to invite your attention, and which, I think, is scarcely understood. We are not only developing and growing as a people and a country, taking in and absorbing new States and Territories, but at the same time, Mr. Chairman, we are creating new crimes and embarking in new legislation of a character which was unknown

to us until within the last decade. We have on the statute-book a law in reference to the sale of oleomargarine, with provisions against the violation of that law, and since its passage there have been instituted forty-two new criminal prosecutions, not to speak of the large number of cases which have been compromised. We have under the Edmunds act created new offenses for all of the Territories, the statistics of the prosecutions under which I have been unable to get. In Idaho we have prosecuted two hundred and eleven cases for illegal cohabitation, not to speak of those in the Territory of Utah, or in the Territory of Montana, or in the other Territories. I do not know what these prosecutions are in number, as I have not been able to get the information.

Then, sir, we have passed laws providing for the protection of the public domain which have also increased very largely the business of our courts. Up to March 4, 1885, there were two thousand eight hundred and fifty-two prosecutions for unlawful inclosures and timber depredations alone. The Democratic party in its policy to recover back the public domain has passed penal statutes against these inclosures, unlawfully made, and against fraudulent entries, etc., and under those acts nearly three thousand cases have been instituted in the effort to recover the public domain.

Now, Mr. Chairman, I have it officially from the Department that two thousand six hundred and ninety-one cases have been instituted against the bonds of defaulting officers of preceding administrations alone, not including the bonds of distillers; not including the bonds of internal-revenue officers, nor embracing warehouse bonds, distillers' bonds, and exporters' bonds. I have been unable to get information as to how many suits have been instituted in those cases, although I have called for the information.

Mr. CANNON. Can the gentleman inform me what amount of money the Government has recovered in these prosecutions?

Mr. ROGERS. I will take great pleasure in answering the gentleman's question as far as I am able to do so. The sum total of these prosecutions, which embrace new legislation, with the exception of suits on bonds of defaulting officers, is five thousand seven hundred and ninety-six.

But the gentleman from Illinois asks me a pertinent question, to furnish him with information of the amount of money recovered by the United States in these several prosecutions.

Mr. CANNON. Right there let me ask the gentleman——

Mr. ROGERS. Let me answer the question which the gentleman has already put, and then I will hear what he has to ask further.

Mr. CANNON. The appropriations for the Department of Justice this year——

Mr. ROGERS. Do not say "the Department of Justice;" it is the United States courts. The Department of Justice does not have the disbursement of this money.

Mr. CANNON. Does not the gentleman know that the $3,374,000 include not only the appropriations in this bill but the appropriations in the original bill for this year, but does not include other deficiencies yet to be provided for in the general deficiency bill, which will increase the amount in the aggregate some $400,000, making in round numbers a total of $3,800,000 as expenditures for the courts this year, instead of the amount stated by the gentleman of $3,374,000?

Mr. ROGERS. I must take that statement *cum grano salis*. Whenever a man comes to deal with the Committee on Appropriations under the idea that he is going to get what he has estimated for, he is certain to get left—dead certain to be left.

Mr. CANNON rose.

Mr. ROGERS. Now, I do not want the gentleman from Illinois, with that left finger of his, to keep me away from answering the question he has already put. The Department of Justice for this year has received in judgments and in fines, penalties, and forfeitures $2,127,034.53. The amount of money realized from the same sources during that period was $251,213.72. In addition to this, $274,153 were realized in judgments recovered, and on fines, forfeitures, and penalties imposed in former years, and in other civil suits. I ought to state, Mr. Chairman, that these suits have been instituted on the defaulting bonds of officers, amounting to 2,691, by authority of the Solicitor of the Treasury, of some of which suits I have myself personally cognizance.

Mr. CANNON. In view of the fact that the statute of limitations does not run against the Government, have you any additional information as to when these defaults were made?

Mr. ROGERS. No, sir.

Mr. CANNON. Because I know of some myself for defaults twenty, twenty-five, or thirty years ago.

Mr. ROGERS. There need not be any dodging about this matter. I do not suppose the Solicitor of the Treasury is authorizing suits on bonds executed or causes of action which originated twenty-five, thirty, or a hundred years ago. They are more recent. But I will give the gentleman the information I have, for I want him to have it correctly.

Since March 4, 1885, there have been 2,852 prosecutions in connection with fraudulent trespasses or entries upon the public lands; and since March 5, 1885, there have been 3,685 suits which have been entered by the Solicitor of the Treasury on bonds other than those connected with the internal-revenue bonds. I went in person to inquire, for I wanted information personally upon the subject, whether that covered suits originating under the present administration, and was told that they referred exclusively to defaults during former administrations. And I find from an examination of the report of the Attorney-General of the United States, which I commend to the country and to the examination of gentlemen on both sides as being the most full, the most complete, the most exact, and, I trust, the most accurate that ever came from that Department, that 12,905 criminal prosecutions were terminated in the courts in the last year.

With this evidence, this testimony, which is, I think, exact, which challenges contradiction, is there ground or is there reason why the present Committee on Appropriations should come into the House and with their hands upheld in holy horror ask the country how long this thing is to continue, and say, to use their own language:

The ever-recurring deficiencies, both in annual estimates and appropriations, for the expenses of the United States courts are entitled to the grave and thoughtful consideration of Congress.

And again:

How long will it be before the excess of expenditures over estimates or appropriations will be more than the amount estimated or appropriated for this service?

I think, sir, in view of what Congress has done, in view of the development and growth of this country, and in view of the fact that we have been balancing the books and settling the accounts, in view of the fact that there has been no sort of increase of appropriations for this purpose commensurate with the growth, the development, the strength, and the increase of the country, that we have sincere grounds for congratulation rather than to take the contrary view, because we are slowly but gradually increasing the expenses for the United States courts. Nothing but increase will meet the demands of a growing and developing country like ours, and nothing else can be reasonably hoped for by sane men.

[Here the hammer fell.]

Mr. BURNES. I shall not attempt to close this debate to-night, and will move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill making appropriation to supply certain of the most urgent deficiencies for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

CORPS OF CHAPLAINS, UNITED STATES ARMY.

Mr. HENDERSON, of Iowa, by unanimous consent, introduced a bill (H. R. 7221) to establish a corps of chaplains for the Army and to provide for appointments and promotions on examination therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AGRICULTURAL-EXPERIMENT STATIONS.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. 7222) to amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of the act approved July 1, 1862, and of the acts supplementary thereto;" which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ANALYSIS OF BEER, DEPARTMENT OF AGRICULTURE.

Mr. ROMEIS, by unanimous consent, introduced a resolution calling on the Commissioner of Agriculture for his reasons for withholding certain information regarding the analysis of certain articles of beer by the Department of Agriculture; which was referred to the Select Committee on the Alcoholic Liquor Traffic.

DUTY ON IRON ORE.

Mr. MOFFITT. Mr. Speaker, I have a short memorial from the Eastern Iron-Ore Association, protesting against any reduction from the present duty on iron ore, which I ask unanimous consent to have printed in the RECORD, and referred to the Committee on Ways and Means.

There was no objection, and it was so ordered.

The memorial is as follows:

Memorial to the honorable Senators and Representatives of the Congress of the United States.

The Eastern Iron-Ore Association would most respectfully protest to you against any reduction from the present duty of 75 cents per ton on iron ore. This association represesents an annual output of over 2,500,000 tons, and upon this industry are dependent for their subsistence not less than seventy-five thousand people and millions of invested capital.

The territory embraced, lying between the Appalachian chain of mountains and the Atlantic Ocean, is peculiarly exposed from its very location to foreign competition. The mines of Canada lie to the north of it, while those of Spain, Greece, and Africa can be laid down at a very low cost almost anywhere along its coast line. The miners have to compete in wages with the nominally paid barbarian labor of the above countries in the eastern hemisphere, and to reduce the duty would be to threaten the annihilation of the labor and capital above referred to. From Maine to Alabama there is hardly a State in which large bodies of iron ore do not exist, especially in the South, yet the dread of a reduced duty and the fact that, notwithstanding the present duty, over 1,300,000 tons of foreign ore was imported in 1887, stands as a constant menace against obtaining capital to develop these sections. This association would also protest against the demand made in certain quarters that ore should be placed on the free-list

as being a "raw material." If iron ore be considered a raw material, so must other products requiring a like proportion of labor to put them into commercial conditions be so called. The ore may be considered as a "raw material" when in the ground, but the labor put upon it to mine and prepare it for the market certainly constitutes it a "product." Nor is the argument in favor of free raw materials a reliable one when analyzed, for by admitting iron ore, for instance, free, we will undoubtedly close the majority of our domestic mines and put ourselves at the mercy of foreign producers, whose ores are likely to be of uncertain supply in case of wars or excessive vessel rates, and when our mines have been nearly all closed they are likely to increase the price, so little can be gained to consumers. To properly equip an iron mine requires a large outlay of capital, and our wiser policy would seem to be to still more encourage the development of our own mines, and in that way, by increasing our own output, we shall be enabled to produce cheaper and better ores than by surrendering our market up to foreigners. Therefore this association would again most respectfully protest to you against any reduction from the present duty of 75 cents per ton.

EASTERN IRON-ORE ASSOCIATION,
By F. S. WITHERBEE, *President*.

PORT HENRY, N. Y., *January* 20, 1888.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HOUK to withdraw from the files of the House, without leaving copies, papers in the case of Mrs. E. C. Abbott.

MONTANA, KANSAS AND TEXAS RAILROAD COMPANY.

Mr. TURNER, of Kansas, by unanimous consent, introduced a bill (H. R. 7223) to grant the right of way through the Public Land Strip, Indian Territory, to the Montana, Kansas and Texas Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed a joint resolution and bills of the following titles, in which the concurrence of the House was requested:

Joint resolution (S. R. 35) appropriating $10,000 for the subtropical exposition, at Jacksonville, Fla.;

A bill (S. 1103) to provide for an Indian school at Carson City, Nev.; and

A bill (S. 937) for the relief of David L. Brainard and others.

MEXICAN WAR PENSIONS, ETC.

Mr. GAY, by unanimous consent, introduced a bill (H. R. 7224) to extend to certain volunteers in the Mexican war the benefit of the act of January 29, 1887, granting pensions to soldiers and sailors of the Mexican war, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

INTERNAL-REVENUE TAXES, ETC.

Mr. GAY also, by unanimous consent, introduced a bill (H. R. 7225) for the repeal of all existing internal-revenue taxation and for the enactment of certain taxes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAIM OF NEW YORK CITY.

Mr. COX, by unanimous consent, introduced a bill (H. R. 7226) to provide for the payment of the claim of the mayor, aldermen, and commonalty of New York City; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. TAULBEE, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of John Hogan.

PUBLIC BUILDINGS AT LINCOLN, NEBR.

Mr. MCSHANE, by unanimous consent, introduced a bill (H. R. 7227) authorizing the expenditure of $10,000 for improving the post-office site and public grounds and paving and grading streets at Lincoln, Nebr.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. BRECKINRIDGE, of Kentucky, by unanimous consent, introduced a bill (H. R. 7228) to increase the efficiency of the Inspector-General's Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FOURTH-CLASS POSTMASTERS.

Mr. GAINES, by unanimous consent, introduced a bill (H. R. 7229) to provide for the better compensation of postmasters of fourth-class post-offices of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

APPEALS FROM TERRITORIAL SUPREME COURTS.

Mr. THOMAS, of Wisconsin, by unanimous consent, introduced a bill (H. R. 7230) relative to appeals from supreme courts in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PUBLIC BUILDING AT ROME, GA.

Mr. CLEMENTS, by unanimous consent, introduced a bill (H. R. 7231) for the erection of a public building at Rome, Ga., which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MCMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 7232) for the relief of C. L. Wilson—to the Committee on the Post-Office and Post-Roads.

By Mr. BACON (by request): A bill (H. R. 7233) granting a pension to Hiram Beach—to the Committee on Invalid Pensions.

By Mr. BURNES: A bill (H. R. 7234) to grant a pension to John P. Bedwell—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 7235) for the relief of Benjamin Parker, deceased—to the Committee on War Claims.

By Mr. CHEADLE: A bill (H. R. 7236) granting a pension to Otis S. Stafford—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 7237) granting a pension to Clarissa Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7238) for the relief of John D. Ham—to the Committee on Military Affairs.

By Mr. FLOOD: A bill (H. R. 7239) for the relief of R. R. R. Dumars—to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 7240) granting a pension to Albert W. Keeny—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 7241) for the relief of George S. Thompson and Archibald Campbell—to the Committee on Patents.

By Mr. HAYES: A bill (H. R. 7242) granting a pension to William White—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 7243) to relieve Joseph S. Hurst from the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 7244) for the relief of Abram A. Lutz—to the Committee on Claims.

By Mr. S. I. HOPKINS: A bill (H. R. 7245) for the relief of Romantus Lake—to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 7246) for the relief of Ephraim Smallwood, George Smallwood, Jesse M. Browning, Allen Goss, and Frank Varney—to the Committee on War Claims.

By Mr. MAISH: A bill (H. R. 7247) to increase the pension of Mary A. Gibson, widow of Commander William Gibson—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 7248) to grant a pension to C. J. J. Martyr—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 7249) for the relief of Santford Alcorn—to the Committee on Military Affairs.

Also, a bill (H. R. 7250) for the relief of Santford Alcorn—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 7251) for the relief of Mary West, administratrix of Charles West—to the Committee on War Claims.

By Mr. MORROW: A bill (H. R. 7252) granting a pension to Robert Harrison—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 7253) granting a pension to the widow of Samuel Clary—to the Committee on Invalid Pensions.

By Mr. PEEL: A bill (H. R. 7254) granting a pension to James C. Garrison—to the Committee on Invalid Pensions.

By Mr. PHELPS: A bill (H. R. 7255) for the relief of A. B. Tyan—to the Committee on Foreign Affairs.

By Mr. C. A. RUSSELL: A bill (H. R. 7256) to provide for the payment of the passage of General de Lafayette and family from France to the United States in 1824 as the "guest of the nation," etc.—to the Committee on Foreign Affairs.

By Mr. SCULL: A bill (H. R. 7257) for the relief of John W. Gummo—to the Committee on War Claims.

By Mr. G. M. THOMAS: A bill (H. R. 7258) for the relief of Thomas Mattingly—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 7259) for the removal of the charge of desertion from the military record of Jacob Wyant—to the Committee on Military Affairs.

By Mr. WALKER: A bill (H. R. 7260) for the relief of B. M. Horrell—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 2529) granting a pension to Mary Monti—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 2530) granting a pension to John C. Wagoner—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 2531) granting a pension to Frederick W. Travis—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELDEN: Petition of the faculty of Syracuse University, Syracuse, N. Y., favoring the reduction of the tariff on the importation of scientific works—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of the United American Clay Tobacco-Pipe Employers and Employés' Association, for a revision of the tariff laws on manufactured clay pipes imported from Europe—to the Committee on Ways and Means.

By Mr. BLOUNT: Papers and petitions in the claims of Martha Price; of James Trice, administrator of William Trice; of Mary Willmaker; of James A. Carden; of John E. Elam; of Susan Carrier; of Benjamin F. Reaves; of James M. Middlebrook; of William R. Welborn; of Christian Whele; of John Cox; of F. F. Matthews; of Nicholas Rawlings; of Sabina Morton; of Thomas G. Scott, administrator of Easley Cleveland; of John Ficken; of George F. Pander; of Martin Wendleken; of Peter Lynch; of Thomas J. Walsh; of Elizabeth Wright; of Thomas Clements; of Tillman Niblett; of Margaret Bloodworth; of Abraham M. Weaver; of Larkin Wilcher; of Jordan Lyons; of Mattie A. D. Vaughan, widow of M. B. D. Vaughan; of Susan Davis; of Dr. Solomon Shiftall; of William Rutherford; of James Trice; of Henry Fields; of Asa Braswell; of William Goddard; of Jackson Burt; of William J. Willis; of Josiah R. Chambers, administrator of Josiah Chambers; of Zadock C. Baker; of George Von Waldner; of Simeon L. Morton; of Richard Butler; of William H. Parker; of Ballenger Gravely; of John P. Davidson; of Shelton H. Campbell; of Abraham Shiftall; of John M. Nace; of J. H. Bray; of Rebecca D. Fulton; of Thomas W. Quarterman; of Gabriel Parks; of Jane A. Head; of Allen J. Veal; of William C. Battle; of Mrs. E. B. D. Vaughn; of Tilman Nibbett; of G. H. Elliott; of Hiram Howe; of Benjamin Haygood; of Pinkney Persons; of Jane Edge; of Margaret Bloodworth; of Martin Wendelkin; of J. B. Rogers and O. L. Wyley, heirs of Lowery Williams; of Thomas G. Verdine; of Levi N. Middlebrook; of Wilkins W. Jackson; and of Matthew T. Farley, all of the State of Georgia—to the Committee on War Claims.

By Mr. BRECKINRIDGE, of Kentucky: Petition of the administratrix of Michael McAllister, of Henry County, Kentucky, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. BREWER: Petition of Merritt Lewis, for increase of pension—to the Committee on Invalid Pensions.

By Mr. BUNNELL: Resolutions of Beech Flats Grange, Patrons of Husbandry, of East Canton, Bradford County, Pennsylvania, protesting against the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. BURNETT (by request): Petition for general appropriations to build post-offices in all towns of over 3,000 inhabitants—to the Committee on Public Buildings and Grounds.

By Mr. CARUTH: Paper in relation to the bill for the relief of the estate of Benjamin Parker—to the Committee on War Claims.

By Mr. CLEMENTS: A bill to appropriate $97,000 to complete the improvements of the Coosa River, in Georgia and Alabama—to the Committee on Rivers and Harbors.

Also, a bill to appropriate $500,000 for the improvement of the Coosa River, in Georgia and Alabama—to the Committee on Rivers and Harbors.

Also, a bill to appropriate $20,000 to improve the Oostenaula and Coosawattee Rivers, in Georgia—to the Committee on Rivers and Harbors.

By Mr. COX: Petition of Burger & Lee and 47 other firms and individuals in New York City, for the removal of the duty on tin-plate—to the Committee on Ways and Means.

By Mr. CROUSE: Resolutions of the Bricklayers and Masons' International Union—to the Committee on the Library.

By Mr. DINGLEY: Petition of Gideon L. Pease, for pensions for soldiers of the Black Hawk war—to the Committee on Pensions.

By Mr. DOCKERY: Petition of Dr. M. Mansur, for a pension—to the Committee on Pensions.

By Mr. ELLIOTT: Petition of citizens of Sumter and of Mayesville, S. C., for the improvement of Winyaw Bay Bar—to the Committee on Rivers and Harbors.

By Mr. ENLOE: Petition of E. T. McGill and of R. H. Hall, of Carroll County, Tenn., for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Margaret E. Price, of Dunbar, and of Nancy R. Price, of Scott's Hill, Tenn., for pensions. Also, affidavit of James G. Montgomery, of Decatur County, Tennessee, in support of their applications—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of William Schaus, for removal of duty on works of sculpture and painting—to the Committee on Ways and Means.

Also, memorial of C. L. Gibbs, of Pennsylvania, for low postal rates on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: Petition of Nathan Warren, of D. M. Williams, of William F. Warren, of W. E. Waller, of Andrew Walters, of William Wells, of John G. Smith, of P. M. Smith, of Lucy S. Stark, of Isaac Smith, of Silas Redford, of Robert Richardson, of Jesse S. Pedigo, of Antoynette Pace, of J. W. Pace, of James A. Powell, of J. H. Poynter, of Franklin Overstreet, of Thomas J. Owen, of W. D. Owen, of B. W. Nuchols, of J. R. Maddox, of James Merry, of J. B. Marshall, and of C. A. Milligan, of Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GALLINGER: Papers in the case of Emanuel Mason—to the Committee on Claims.

By Mr. GEAR: Resolution of the General Assembly of Iowa, in regard to liens of judgments of the Federal courts being filed in the counties and indexed by the clerk of the court—to the Committee on the Judiciary.

By Mr. GIFFORD: Petition of John Alelan, and 46 others of Dickinson, Dak., for the relief of George Auld, late postmaster at said place—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of 124 citizens of Jay, Vt., for a pension for Edna M. Hildreth—to the Committee on Invalid Pensions.

Also, proof in support of Laura D. Pierce's claim for a pension—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of Thompson S. Campbell, for extension of letters patent—to the Committee on Patents.

By Mr. HAYES: Petition of William White, for a pension—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Joint resolution of the General Assembly of Iowa in regard to the liens of judgments in the United States courts—to the Committee on the Judiciary.

By Mr. S. I. HOPKINS (by request): Petition of miners and others of Caperton and of Stone Cliff, W. Va., protesting against the removal of duties on coal, coke, and ores—to the Committee on Ways and Means.

By Mr. LAFFOON: Petition of 3,500 citizens, and of B. C. Courts and 206 other citizens, and of John W. Belt and 202 other citizens, living on Green River, Kentucky, for the purchase by the Government of the franchise of the Green and Barren River Navigation Company, in Kentucky, and opening said rivers to commerce—to the Committee on Rivers and Harbors.

Also, a bill authorizing and directing the purchase of the lease owned by the Green and Barren River Navigation Company on said rivers, and appropriating money for that purpose—to the Committee on Rivers and Harbors.

Also, petition of citizens of Evansville, Ind., in favor of opening the Green and Barren Rivers, in Kentucky, to navigation—to the Committee on Rivers and Harbors.

By Mr. LEE: Petition of Jane Dulaney, for increase of pension—to the Committee on Pensions.

By Mr. LYNCH: Petition of Rosalie Bleecker, widow of John Van B. Bleecker, for increase of pension—to the Committee on Pensions.

By Mr. McCLAMMY: Papers in the claims of Richard W. Johnson, of Elijah Parker, of Esidore Cohn, of Nathaniel K. Thornton, of Frederick Mathis, of Hector McMillan, of Margaret Duffy, of William R. Clark, of Ezekiel Stevens, and of Theopolus Weaver, of North Carolina—to the Committee on War Claims.

By Mr. McCREARY: Petitions of John Kincaid, of William McCarley, of Clementina Kincaid, of Jeff McGinniss, of Samuel G. Moore, of George W. Mitchell, of Jesse Peter, of S. M. Pipes, of Thomas C. Prewitt, of John T. Russell, of Lytle R. Schooler, of John G. Wade, of Ann S. Tadlock, of Richard Surratt, of Noah Hundley, of John W. Isham, of Mary Hope, of Susan A. French, of Jane H. Davis, of T. J. Dillehay, of Cooper Dunn, of Charles Clark, of John W. Huguely, of estate of Green Bottom, of Henry P. Bottom, of James A. Bottom, of Thompson M. Arnold, and of Marcus H. Garnet, of Kentueky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MATSON: Petition of W. Y. Beller, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. MOFFITT: Petition of Joseph Laport and Isaac L. Rock, and of John Houghron and William H. Gordon and others, relative to arrears of pension—to the Committee on Invalid Pensions.

By Mr. OATES: Petition of P. M. Calloway, sr., and 52 others, of Newton, Dale County, and of T. A. Beard and 25 others, of County Line, Ala.

By Mr. O'FERRALL: Petition of William H. Anderson, of Frederick County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Joint memorial of the Board of Trade, the Commercial, Maritime, and Drug Exchanges, and Vessel-Owners and Captains' Association of Philadelphia, for the passage of an act for an international maritime conference, for the purpose of promoting the safety of life and property on the high seas—to the Committee on Foreign Affairs.

Also, resolutions of the councils of Philadelphia, favoring the removal of Smith's, Windmill, and Petty's Island in the Delaware River—to the Committee on Rivers and Harbors.

By Mr. PARKER: Petition of citizens of Houndfield, Jefferson County, New York, in favor of an equalization of pensions—to the Committee on Invalid Pensions.

By Mr. PERKINS: Resolutions of the Board of Trade of Atchison,

Kans., for an immediate appropriation to keep the Missouri River open to navigation, and to protect important property interests now threatened by the washing of the river at that city—to the Committee on Rivers and Harbors.

Also, memorial of the Board of Trade of Kansas City, Kans., for a public building in keeping with the necessities of the post-office and the growth and importance of the city—to the Committee on Public Buildings and Grounds.

By Mr. PERRY: Petition of citizens of Columbia, S. C., for an appropriation for the improvement of the Congaree River—to the Committee on Rivers and Harbors.

By Mr. RANDALL: Petition of A. G. P. Brown and others, for increase of the pension for total or partial deafness—to the Committee on Invalid Pensions.

By Mr. SCULL: Papers in the claim of B. F. Jameson, for relief—to the Committee on Claims.

By Mr. SHAW: Petition of Mary C. Correll, widow of Christian Correll, of Carroll County, Maryland, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Richard T. Howard, Company A, Eleventh Maryland Volunteer Infantry, and of William Otley, father of Robert Y. Otley, for pensions—to the Committee on Invalid Pensions.

By Mr. SNYDER: Resolutions of miners and laborers at Crown Hill, Kanawha County, West Virginia—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of the United American Tobacco-Pipe Employers and Employés' Association, for protection to clay-pipe industries—to the Committee on Ways and Means.

By Mr. STRUBLE: Joint resolution of the General Assembly of Iowa, for a law providing that judgments of the United States courts shall become liens on real estate only on the filing of transcripts of the same by the clerks of the courts in the counties where the real estate is situated—to the Committee on the Judiciary.

By Mr. TAULBEE: Petition of John Brumley, of Company B, Forty-seventh Regiment Kentucky Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Petition of Thomas Mattingley, for relief—to the Committee on Military Affairs.

Also, petition of William Preston, of Johnson County, Kentucky, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEST: Petition of the letter-carriers of Schenectady, N. Y., for an increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: A bill to improve the navigation of the Tennessee River at Colbert and Bee Tree Shoals—to the Committee on Rivers and Harbors.

Also, petition of Nancy Dulaney, widow of William Dulaney, of Jackson County, and of Ben. Mansell, of Franklin County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Benjamin Mansell, of Franklin County, and of William Dulaney, of Jackson County, Alabama—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of William A. Baugh, of Giles County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WICKHAM: Memorial of the authorities of Elyria, Ohio, for a general appropriation bill to erect post-office buildings in cities and towns of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

By Mr. YOST: Petition of Sarah W. Brown, of Alleghany County, Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BINGHAM: Of citizens of Kenwood, Indiana County, Pennsylvania.

By Mr. CARLTON: Of W. H. Mealloy, A. V. Johnson, and others, of Elbert County, Georgia.

By Mr. YARDLEY: Of 125 citizens of Montgomery County, Pennsylvania.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DARLINGTON: Of 374 citizens of Chester County, Pennsylvania.

By Mr. DINGLEY: Of 118 citizens of Sagadahoc County, Maine.

By Mr. MOFFITT: Of citizens of Peru, Clinton County, New York.

By Mr. YARDLEY: Of 638 citizens of Montgomery County, Pennsylvania.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. MCRAE (by request): Of 202 citizens of the District of Columbia.

By Mr. C. H. ALLEN: Of Rev. Edwin Smith and 108 citizens of the Eighth district of Massachusetts.

By Mr. BAKER: Of 99 citizens of the Thirtieth and Thirty-first districts of New York, and of 300 women of the Woman's Christian Temperance Union, of Rochester, N. Y.

By Mr. PERKINS: Of J. B. Cook, E. D. Bates, and 88 others, citizens of the Third district of Kansas.

SENATE.

WEDNESDAY, *February* 15, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

STATISTICAL ABSTRACT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution received yesterday from the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *February* 14, 1888.

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1887, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

CATTLE AND DAIRY FARMING.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate of February 6, 1888, for printing 7,000 additional copies of Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming; which were referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of Knights of Labor of South Amboy, N. J., remonstrating against the proposed change in the plans of the Baltimore and Ohio Railroad bridge across the Arthur Kill near Elizabethport, N. J.; which was referred to the Committee on Commerce.

He also presented a petition of citizens of the District of Columbia, praying that an appropriation be made to keep the channel of the Potomac River free from ice during the winter season; which was referred to the Committee on Appropriations.

Mr. GRAY presented the memorial of Thomas E. Records and 32 other citizens of Lewes, Del., remonstrating against the passage of the educational bill; which was ordered to lie on the table.

Mr. PAYNE presented a petition of 233 citizens of the Eighth, Eleventh, Fourteenth, Seventeenth, and Twenty-first Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the board of directors of the Cincinnati Chamber of Commerce, praying for legislation against the importation of adulterated articles of food under any other names than those which legitimately pertain to the same; which was referred to the Committee on Agriculture and Forestry.

Mr. SAWYER presented a petition of 119 citizens of the Third, Sixth, and Eighth Congressional districts of Wisconsin, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VANCE presented a petition of the Woman's Christian Temperance Union of North Carolina, officially signed, representing 1,000 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. BUTLER. I present the petition of L. G. Johnson, M. L. McCormack, W. E. Dodge, Granville G. Bennett, and other citizens of the Territory of Dakota, praying for the passage of an enabling act for the Territory of Dakota. As the bill upon that subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. DAWES presented the petition of H. L. Newhall and other citizens of Middlesex County, Massachusetts, praying for a proper revision and amendment of the wool and woolen schedule of the existing tariff; which was referred to the Committee on Finance.

Mr. FARWELL presented the petition of the Woman's Christian Temperance Union of Illinois, praying for such legislation as shall provide for the adequate punishment of crimes against women and girls; which was referred to the Committee on the District of Columbia.

Mr. PALMER presented a petition of 144 citizens of the Third and Ninth Congressional districts of Michigan, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HAWLEY presented the petition of the president and faculty of the Wesleyan University at Middletown, Conn., praying for the speedy enactment of an international copyright law; which was referred to the Committee on Patents.

Mr. HAMPTON presented a petition of the Woman's Christian Temperance Union of South Carolina, officially signed, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of C. A. and S. M. Wheelock and other citizens of Worcester County, Massachusetts, praying for a reduction of the duties on wool; which was referred to the Committee on Finance.

Mr. CHANDLER presented the petition of Rev. William W. Livingston, Rev. R. S. Mitchell, Mrs. S. Garfield, and the other officers of the Woman's Christian Temperance Union, and 20 others, of Jaffrey, N. H.; Rev. William H. Stewart, Rev. E. A. Read, and 52 others, of Hinsdale, N. H.; Dr. L. J. Graves, D. W. O'Neil, P. P. Coburn, Ira Colby, Charles N. Freeman, Herbert Bailey, and 36 others, of Claremont, N. H.; Mrs. George Woodbury, president of the Woman's Christian Temperance Union, Rev. E. L. House, Rev. A. W. L. Nelson, and 40 others, of Salem, N. H., praying for the passage of the bill to prohibit the manufacture, sale, and importation of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. TURPIE presented a petition of ex-Union soldiers of Indiana, praying for the passage of the pension rated service bill; which was referred to the Committee on Pensions.

Mr. BOWEN presented a petition of citizens of La Plata County, Colorado, praying for the removal of the Southern Ute Indians from their present location; which was ordered to lie on the table.

Mr. PLUMB presented a petition of 126 citizens of the First, Second, and Fifth Congressional districts of Kansas, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL. I present a petition of the Woman's Christian Temperance Union of Missouri, officially signed, praying for the enactment of such statutes as shall provide for the adequate punishment of crimes against women and girls. The petition seems to pray for legislation to be applied all over the United States, and not simply to the District of Columbia.

The PRESIDENT *pro tempore*. To what committee shall the petition be referred?

Mr. COCKRELL. I suppose it ought to go to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. It will be so referred.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 1528) to reward the Esquimaux natives of the Asiatic coast of the Arctic Ocean for acts of humanity to shipwrecked seamen, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1851) to provide for an international marine conference for securing greater safety for life and property at sea, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 623) to promote the political progress and commercial prosperity of the American nations, reported it with amendments.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the memorial of Evansville (Ind.) Business Men's Association, praying for the establishment and maintenance of a marine hospital at that place, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

He also, from the Committee on Naval Affairs, to whom was referred the bill (S. 1975) to increase the pension of the widow of the late Naval Constructor Edward Hartt, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 622) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public, reported it with an amendment.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 525) for the relief of Samuel A. B. Woodford, reported it with amendments, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1007) granting a pension to John S. Coleman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 765) granting an increase of pension to Edward Durant, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, and the bills were severally postponed indefinitely:

A bill (S. 859) granting an increase of pension to James H. Thomas;

A bill (S. 740) granting a pension to Eleanor I. Armstrong;

A bill (S. 914) to grant increase of pension to Joseph P. Owen; and

A bill (S. 471) granting a pension to Richard W. Isbell.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1732) for the relief of H. P. Wells, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 316) for the relief of Edward Fitzgerald, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 402) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others, submitted an adverse report thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2001) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others; which was read twice by its title.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 901) for the relief of Sophia W. Wright;

A bill (S. 899) for the relief of Mary M. Briggs;

A bill (S. 1096) granting a pension to James Lucas;

A bill (S. 1717) granting a pension to Emma Von Bernewitz; and

A bill (S. 830) granting a pension to David Williams.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 811) granting a pension to Lydia D. Holtz, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Margaret Callanan, widow of Eugene Callanan, late private in Company F, Second Regiment New Jersey Volunteers, praying for the passage of a special act of Congress granting her a supplemental pension from March 18, 1864, to July 6, 1886, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; and they were severally postponed indefinitely:

A bill (S. 1411) for the relief of Margaret Engenock;

A bill (S. 1332) granting a pension to Peter James;

A bill (S. 1546) granting an increase of pension to James H. Harold;

A bill (S. 910) granting a pension to George Faulk; and

A bill (S. 989) for the relief of Margaret Madden.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 11) for the relief of Warren Mitchell, reported it without amendment, and submitted a report thereon.

Mr. RIDDLEBERGER. I submit a report to accompany the bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia. On account of amendments to the bill the report has been withheld to this time to conform to those amendments.

The PRESIDENT *pro tempore*. The report will be printed with the bill.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2002) for the relief of A. H. Sympson; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 2003) to grant to the city of The Dalles, in the State of Oregon, certain lands for the purpose of a public park; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. DAWES introduced a bill (S. 2004) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 3, 1885; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLUMB introduced a bill (S. 2005) to provide for the disposal of the Fort Wallace military reservation in Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2006) granting a pension to Mary E. Noll, widow of Philip Noll; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2007) granting a pension to N. J. Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2008) granting a pension to Cyrus Tuttle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BECK introduced a bill (S. 2010) to reimburse the several States for interest on moneys expended by them on account of raising troops employed in aiding the United States in suppressing the late rebellion;

which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HARRIS (by request) introduced a bill (S. 2011) for the relief of Gilbert Thompson, Veronica Ulke, Julia F. Laskey, and F. G. Barbadoes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK introduced a bill (S. 2012) granting an increase of pension to Marcus D. Raymond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLODGETT introduced a bill (S. 2013) for the relief of Forman Mathews and David Stout Parker; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2014) granting a pension to John Farlow; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2015) for the relief of H. K. Belding; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER (by request) introduced a bill (S. 2016) for the relief of William Wolff; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PALMER introduced a bill (S. 2017) providing for the purchase of a site and the erection of a public building at Saginaw, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AID TO COMMON SCHOOLS.

Mr. HALE. I ask that the Senate proceed now to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the unfinished business, being the bill (S. 371) to aid in the establishment and temporary support of common schools.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending amendment, submitted by the Senator from Kansas [Mr. PLUMB] will be read.

The CHIEF CLERK. It is proposed to strike out section 2 of the bill, and in lieu thereof to insert:

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories and in the District of Columbia, in proportion to their population, respectively, according to the census of 1880: *Provided*, That all of said money remaining undistributed at the date of the publication of the returns of population as shown by the census of 1890 shall be divided as aforesaid in proportion to the population according to said census of 1890.

Mr. HALE. Mr. President, the history of this bill and the discussions attend ant upon its consideration by the Senate are most interesting.

Unlike other measures, which by their inherent merit constantly gain in strength until at last opposition disappears, this bill has raised new doubts as to the wisdom of its provisions and has developed opposition at every stage of its consideration.

In the Forty-eighth Congress, when it first passed the Senate, the opposition to it largely came from Senators whose strict construction of the Constitution led them to the belief that the bill violated fundamental propositions of that great instrument.

In the Forty-ninth Congress the method of distribution of the vast fund provided by the bill was assailed. The debate in this Chamber during the last month has shown that other practical considerations are moving in Senators' minds, and we are brought face to face with wider and deeper defects in the whole scheme which has been so earnestly and faithfully urged forward by the Senator from New Hampshire, who has charge of the bill. It is the hard fortune of this measure, Mr. President, that, as time goes on, there are seen to be more reasons arising against its passage and fewer reasons are shown for its necessity as a great public measure. Not only is this apparent in the Senate, but it is clearly discernible outside of Congress, among the people at large.

The bill is philanthropic in its nature and appeals naturally to the liberality of sentiment which has always distinguished the American people, and which is apt to raise little question as to the cost in money of any great effort which is put forth for the removal of a great public evil. But the whole subject is so vast and so important that as the years have gone by the attention of thoughtful men, both in the North and the South, has been more and more directed to it, and especially in the last two years has this attention resulted in new investigation as to the real condition in the South and a new scrutiny into the history and methods of the great school systems in the Northern States. Increased correspondence and communication with school officials and leading educators at the South have brought to Congress and to the public much new information as to the extent of the common-school system in the Southern States, and the participation in the benefits of that school system by the colored population of the school age.

In addition to this, as has been disclosed by the debate here, Senators realize more clearly that, in the mass of illiteracy at the South, which every good citizen desires to see removed or lessened, there is a large portion of that mass which we must needs leave entirely out of the question. Neither by enactment nor appropriation here, nor by any school system maintained by the States, can that great body of illiteracy in the South, comprising all its colored population above the age of twenty years, be affected. This class embraces nearly three millions of colored illiterates.

Painful as it is, we must acknowledge the existence of this profound mass of illiteracy, and must bear with it and endure it until the tooth of time shall eat it away. So far as legislation goes it is dense, impenetrable, immovable.

To do what is wisest and best for the illiterates of a tender age, who can be sent to the common schools, who can be provided with books and teachers, and to whom intelligence can be communicated through the read and the written word, is the task to which the practical legislator should now give close attention. And, Mr. President, whatever may be the fate of this bill, whether it shall at length pass into law and the experiment involved in its provisions shall be fairly tried out at the South, or whether it shall, for one reason or another, come to wreck in its passage, I congratulate the Senator from New Hampshire, whose zeal and competency in its cause have never been questioned, upon the great good which has already been accomplished and is now going forward not wholly without being advanced by the discussion and interest which this measure has aroused.

The progress in the common-school system at the South, its increased importance as an element in the life of Southern people, the enlarged appropriation of money, the lengthening of the school terms, the encouragement and wages paid to teachers, the building of school-houses, and, in short, all the things which go to make a successful common-school system, such as we and our ancestors have witnessed at the North, are indeed most gratifying, and to many of us, who had not until lately looked closely into the subject, surprising.

For myself, Mr. President, I have never yet seen my way clear to vote for the passage of this bill, and I am free to say that the awakened public interest at the North, showing an approval of the vote which my colleague and myself gave against it in the last Congress, has not been unwelcome.

An editorial in the Portland Press, a leading Republican paper in the State which he and I represent on this floor, sets forth some of the reasons for this awakening of public sentiment. I read the significant portion of this article:

Mr. A. P. Marble, for many years superintendent of the Worcester schools, and a gentleman well known in Maine, writes to the New York Evening Post a letter in opposition to the Blair educational bill. When the matter of Federal aid to Southern schools was first broached Mr. Marble was inclined to favor it. But reflection and a study of the results of analogous experiments have changed his mind. He urges four reasons why the Blair measure should not become a law. In the first place he thinks the Southern people need no stimulus of this sort. "They have awakened," he says, "to the necessity of public education; and are actively and successfully at work in the right direction." Secondly, the South does not need the aid. It is as well and better able to establish and maintain proper schools than the border States of the West. Thirdly, a good deal of the money would be frittered away in distribution, and would never be applied to the use for which it was intended. Lastly, Mr. Marble believes the duty of taking care of schools is one that belongs to the people and not to the Government.

"If," says Mr. Marble, "the people can not take care of themselves, and if the Government must take care of them, we reduce ourselves to an absurdity, since the Government is nothing but the expression of the people's will." Mr. Marble says that nobody has a right to say that Massachusetts teachers are in favor of the Blair bill. Several associations have apparently declared for it, but these declarations can not be said to be a fair expression of the sentiment of the members of these associations, inasmuch as they have emanated from a minority and without a full discussion. It is quite evident to the most casual observer that discussion has not helped the bill in public favor. At first a great many assumed without much examination that the measure was going to promote education in the South, and for that reason favored it. Examination has cast suspicion on the correctness of this assumption, and consequently weakened public confidence in the bill as an educational measure.

To the same end, Mr. President, I also read a letter from a distinguished gentleman whose services in the cause of education entitle him to the everlasting gratitude of the American people.

General S. C. Armstrong, of the Indian Industrial School at Hampton, Va., whose intelligence and interest in the subject of education will be questioned by no one, has, within the last two weeks, written the following letter upon this subject:

To the Editor of the Evening Post:

SIR: As to our position towards the Blair bill, events seem to have pretty clearly defined it for us. From 1870 to 1884 we, with others, worked for Government aid for Southern schools, urging Senator Hoar's bill, which failed to pass the House, and accepting the "Blair bill" when it appeared as the best thing we were likely to get. But we never regarded it as a bill which a true educator would have framed, both because it granted too much aid in too short a time, and because there was danger of a final reaction when its bounty should cease.

As then the marvelous and, we confess, unexpected growth and strength of the Southern school system made themselves manifest, and we began to study the causes to which these were due, we found that a change of base was forced upon us. The justification for this change I find in the vigor of sentiment existing in the South in favor of the public-school system; in the impartial devotion to it of many ex-Confederate slaveholders, which I have personally witnessed; in the fact that it is hopeless and fatal for any politician, whatever his standing, to oppose it (the negro vote finding its chief excuse in the solidity with which it goes for "free schools"); in the surprising development of Southern resources; in the evident ability of the so-called border States to educate in a reasonable time all their children; in the great school endowment of Texas and the growing wealth of Georgia and Alabama; and in the progress of schools in Florida, Arkansas, and other States, which provide in all, it is estimated, 15,000 negro schools alone, of which Virginia has 1,600.

From our own standpoint we can say nothing stronger than that in the midst

of our struggle to secure from charity the means to support the Hampton School, we would not accept aid from State or people were it offered on the plan of the Blair bill, being conscious that in the end it would do us more harm than good. For here it is not merely education that we seek to give, but education through self-help. Take out the self-help and the rest is not worth much. Apply the Blair bill to the Southern school system and it will check the growth of the best thing in Southern life, the effort of the people to educate themselves. One-third of the Southern children of school age have to-day probably no chance for education; twenty years ago almost none had it; twenty years hence I believe all will have it.

Furthermore, as I see how far we are from securing the application of the rules of civil-service reform to our Indian work, a sweeping change of officers being in order at the opening of every political change, I feel less confidence that Government bounty to Southern schools could be applied to the best advantage, while on the other hand the use of funds from local taxation is carefully watched and abuses are fought with vigor.

Above all things, educational work ought to be wholly free from party interests. Its foundations must be sure and permanent, not spasmodic and shifting, and for these reasons I have come gradually to the conclusion that national aid, at least as provided by the Blair bill, is unwise and undesirable.

S. C. ARMSTRONG.

HAMPTON, VA., *January* 30.

I also read a very clear letter from President Hyde, of Bowdoin College, in Maine:

FROM PRESIDENT HYDE, OF BOWDOIN COLLEGE.

To the Editor of the Evening Post:

SIR: A sound and permanent school system must rest on the interest, the conviction, and the self-sacrifice of the local community. Federal aid would destroy these roots, from which a permanent system of common-school education must draw its life.

The support of the bill seems to be of two kinds. In so far as it is honest, it is based on the mischievous fallacy that it is the proper function of the Federal Government to do anything and everything that is in itself desirable. The other kind of support is due to the obvious availability of the bill as a channel through which the overflow in the Treasury can be drained off. Were it compelled to appeal directly to taxation for the money it proposes to expend, its defeat would be inevitable. To take advantage of the surplus for purposes outside of the legitimate objects of Federal taxation is simply a device for obscuring the fact that we are imposing on ourselves an absurd and anomalous burden of taxation.

At the head of a petition in favor of the Blair bill, which has been circulated industriously in these parts, the fact that there is a surplus in the Treasury was placed prominent among the reasons why the petition should be signed.

These, in brief outline, are my reasons for opposing the Blair bill, and I think it was owing to similar reasons that only one signature to the petition mentioned above was obtained from the college faculty.

Very truly, yours,

WM. DE W. HYDE.

BOWDOIN COLLEGE, BRUNSWICK, ME., *February* 8.

Also from President Angell, of the University of Michigan:

FROM PRESIDENT ANGELL, OF MICHIGAN.

To the Editor of the Evening Post:

SIR: In reply to your request for my opinion of the so-called Blair bill, now before the Senate, I beg leave to say that, while appreciating the high motives of those who are seeking the more general diffusion of education in the South, I am not able to favor the passage of the bill which Senator BLAIR and others are advocating.

Yours, truly,

JAMES B. ANGELL,
President of the University of Michigan.

WASHINGTON, D. C., *February* 10.

And from President Barnard, of Columbia College, and from President Robinson, of Brown University:

FROM PRESIDENT BARNARD, OF COLUMBIA.

To the Editor of the Evening Post:

SIR: I am already publicly on record in opposition to the measure proposed and advocated by Senator BLAIR, which has become generally and very properly known as "A bill to promote mendicancy." My objections are founded not only on the consideration that it is a bill to promote mendicancy, but also upon the higher consideration that it is totally without justification in the Constitution of the United States. There is not only in the Constitution no direct grant of power to Congress to do a thing of this kind, but the spirit of the provision in regard to the power of taxation is violated when it is proposed to distribute money among the States, not in proportion to the entire population, but in proportion to a particular class; and inasmuch as the distribution of these large sums of money has a manifest tendency to discourage the honorable spirit of self-help in the subsidized States, it is manifestly doing harm rather than good, and hence can not find even a poor pretext at justification under the much-abused "general-welfare" clause of section 8 of the Constitution.

It is very gratifying to observe the sweeping change of opinion which has taken place in regard to this bill since its first introduction, and the prospect now that it can be defeated even in the Senate is one which must be hailed with high satisfaction by all sensible men. I am sure that there are few New Yorkers who will not regard with surprise and pain the fact that this miserably unwise measure has found an advocate in the senior Senator from this State.

Respectfully, yours,

F. A. P. BARNARD.

COLUMBIA COLLEGE, NEW YORK,
President's Room, February 9.

FROM PRESIDENT ROBINSON, OF BROWN.

To the Editor of the Evening Post:

SIR: Ten years ago I was very strongly in favor of Federal aid to education in the Southern States. But the time for such aid has passed. My decided conviction now is that it is not only unnecessary, but would prove positively mischievous. It would work directly to the hinderance of the very object it aims to promote.

Yours, very truly,

E. G. ROBINSON.

BROWN UNIVERSITY, PROVIDENCE, R. I., *February* 7.

The considerations suggested by General Armstrong touching the profound importance of "education through self-help" can not fail to be appreciated, especially by any New England Senator who has seen the practical operation of the common-school system in New England as illustrated in the smaller towns and districts.

Bearing upon the necessity at the present time for the appropriations of money involved by this bill, which mainly are intended to re-enforce the common-school systems of the Southern States, I desire to give some facts and figures showing the comparison which can be made between the resources and condition of the common schools in Maine and some of the Southern States which it is claimed will be most benefited by this bill.

I start first, Mr. President, by assuming that the fundamental proposition of the advocates of this measure lies in the assertion that its object is to remove illiteracy and to thereby secure law and order and better citizenship. In touching upon the school statistics of Maine I begin by a statement, not boastfully made, but taken from the census statistics of 1880, in which are found carefully compiled tables showing the number of persons in each State who are unable to read in every 1,000 of its inhabitants. In this list it is gratifying to see that the State of Maine holds the third place, only Iowa and Nebraska leading her in this record. Out of every 1,000 inhabitants in Iowa only 24 were found in 1880 who were unable to read; in Nebraska, 25 out of every 1,000; and in Maine out of every 1,000 but 35 were found who were unable to read. Other States follow closely after, but none are so high in this scale as the three which I have given.

I can not speak for the other two States, but I know that in Maine it is the common-school system, which has been illustrated in her towns and villages, on her rocky hillsides, and by her weather-beaten shores, that has thus done its perfect work; and I should be less a lover of the State than I am if I did not point with gratification and pride to this record.

It would be a hard task, Mr. President, in all that great portion of the State of Maine which lies outside of its larger towns and cities, to find a man, woman, or child above the age of ten years who can not read or write. Illiteracy has been banished by the common-school system, which is maintained by the State, and by the State alone.

The Senator from Missouri [Mr. VEST], in the carefully prepared speech which he delivered here several weeks since, gave some statistics showing the enrollment of children of school age in Maine, with the average daily attendance and length of school year in days; but his figures were taken from reports made up no later than to the year 1870.

Not content with that, I have procured the reports of our State superintendent of common schools, a most faithful and competent officer, running down to and including his last report, which covers the condition of the public schools of Maine for the year 1885–'86. The annual report for 1886–'87 has not yet been published.

By this report I find that the whole number of scholars in the State, being children of school age, was 213,571. Of this number 68 per cent. are enrolled. The percentage of average attendance per year to the whole number of scholars in the State is 47. The average length of schools for the year is 20 weeks and 4 days, or, reckoning 5 school days to the week, an aggregate of 104 days.

I give the corresponding figures for some of the Southern States, as shown by the last reports of their superintendents of common schools:

States.	Percentage of enrolled schools.	Average daily attendance.	Length of school year in days.
Alabama	56	62	83
Mississippi	60	58	77½
South Carolina	63	69	70
North Carolina	56	62	62
Georgia	57	66	65
Kentucky	49	63	102
Tennessee	61	59	78
Florida	93	73	90
Missouri	68	75	100
Virginia	52	57	120
Texas	79	.....	100

Considering that the entire domestic institutions of the South were destroyed by war, and that in the restoring period which followed but little could be done in the ten years succeeding, it is most remarkable, Mr. President, that the disparity shown by these figures between Maine and old Southern slave States is no greater. In some of these slave States the length of the school year, it will be perceived, is in excess of that of the State of Maine.

Mr. BLAIR. If the Senator will permit me, I will say to him that the late returns do not justify his assumption.

Mr. HALE. I do not know what later information the Senator from New Hampshire has. He refers to the State of Florida, but the figures that I have given purport to come, and I suppose they do come, from the authorities.

This record, Mr. President, must be most gratifying to every good citizen and patriot. It shows what was not demonstrated by the census taken nearly ten years ago, that the advantages of common-school education for all the people and the necessity for a well-sustained common-school system have of late been appreciated in the Southern States.

The increase in fifteen years, in some of these States, of children attending school is shown as follows:

In 1869 only 108,074 attended school in Virginia. In 1884–'85 the number had increased to 303,343.

In Florida the number of scholars nearly doubled, the increase being from 38,315 to 62,327.

In Arkansas the increase from 1882–'83 to 1883–'84 was from 112,233 to 153,216.

In Alabama the common schools have grown in number, in four years, from 4,624 schools, with 177,428 pupils, to 5,595 schools, with 252,967 pupils.

In Georgia the increase in four years has been from 244,197 scholars to 309,594.

The increase in appropriations and expenditures for schools has been in the same proportion. In Alabama, in four years, the fund has increased from $392,904 to $523,353.

In Arkansas the increase in three years has been from $479,471 to $866,892.

In Georgia, in four years, the increase has been from $498,533 to $723,161.

In Florida the increase in four years has been from $133,260 to $400,000.

At this rate of increase, under present conditions, States having the same population as Maine or less will in a few years be spending more money for common schools than Maine, and the attendance of children at school and the length of the school year in days will be much greater.

The figures that I have given from the State of Maine, upon which has been built up her common-school system that has resulted in placing her almost at the head of the roll of States upon the comparison of illiteracy, show clearly three things:

First, that intelligence may be diffused and illiteracy disappear through the operation of its common-school system in a State which has in its borders no great cities nor very great accumulation of individual wealth, and which has received nothing from the General Government with which to increase its common-school fund. All the money in Maine expended upon common schools is derived from State or municipal taxation.

Secondly, these statistics show that it is not merely the amount of money expended nor the average length of the school year, in days, which gives life to an educational system. Something more than this is needed. It is what General Armstrong calls the "education that comes from self-help." Nowhere is this more plainly illustrated than in the State of Maine.

I turn, with pleasure, Mr. President, to the contemplation of the "self-help" that is given, especially in the smaller towns of the State of Maine, in the management of their schools and their school funds. In the annual March meetings of these towns, often held before the inclemency of the winter season has passed, all the voters of the town assemble to consider the subjects which shall, for the coming year, touch most closely their every-day life and the prosperity of the households which go to make up its population.

Mr. BUTLER. May I ask my friend, as a matter of information, how often those meetings occur?

Mr. HALE. I have referred to them as the annual meetings in the State of Maine. They are a most distinguishing feature in the life of New England people.

Mr. BUTLER. What is the geographical area represented by those meetings—townships or towns?

Mr. HALE. We call them towns in New England. The regular town, as laid out in the planning and plotting by different surveyors under different proprietorships, was generally 6 miles square. Some of the towns are a little larger and some are smaller, and from all the neighborhoods in this large territory come the farmers and the mechanics and the professional men, the doctors and the lawyers and the ministers, not clamoring for national aid or for outside support, but giving by their presence and their interest the self-help which has built up our New England towns and has made intelligence therein as diffusive as the air we breathe.

There is no subject which is discussed in these meetings that is not fully considered as a business matter, and which does not have the "self-help" of every man who has property to be protected and a family to be cared for. Roads and bridges, the care of the poor, the finances of the town, and, above all, the support which is to be given to the common schools, the money to pay for which shall be taxed upon the property of the town, are most fully discussed and decided upon.

If, as is not infrequently the case, the number of children enrolled in the schools is decreasing because of emigration from the State and the lessening of the numbers in families, the advantages of the shorter time to the boys and girls who attend such school are all the more appreciated.

Under this system illiteracy never shows its head. You may search such a town from corner to corner and no man, woman, or child above the age of ten years will be found in its borders who can not write an intelligible letter, or who can not, on Sunday morning, read a chapter in the New Testament.

I doubt, Mr. President, whether, if the General Government had added to the common-school fund of Maine the sum of half a million of dollars yearly during the last fifty years, a better condition of the population of that State, upon the test of illiteracy, would be shown to-day. The habit of home management, of home interest, of home support, which I have so imperfectly described, would have been seriously interfered with and might have had its ennobling foundation sapped and mined by such benefaction.

It is not, I say again, a question alone of money. The irrigation which any system of education needs to prevent its becoming dry and lifeless does not come alone in such ways. Only so much water can be poured through the pipe which at last gives the moistening and reviving effect of the constant supply. All the rest wastes and is worse than useless.

The third thing that is shown by the comparison which I have given between Maine and other States, is that, if it is determined that, from the redundant revenues of the Government, some aid should be given to public schools in the different States, under a bill so carefully guarded in its provisions that the appropriation shall be an incentive to work at home, rather than an excuse for such work ceasing, then the State of Maine, instead of being taxed for the benefit of other States, should receive its share according to population, which is indicated in the amendment offered by the Senator from Kansas.

Mr. President, every Senator should take satisfaction and encouragement in the condition of the South, as shown by the facts which have been brought to our notice within these last few years, relating to common schools. The system is by no means perfect in these States; but enough has been shown to make it clear that the material development in that section, which is one of the wonders of the present decade, has been accompanied by corresponding attention to and advancement in the work of education.

The next census will, I hope, disclose a condition there, both of material prosperity and advancing education, gratifying to every lover of his country, and will furnish statistics of illiteracy, as applied to age and to color, upon which, if need be, we can more intelligently legislate.

That the Southern States are no longer poor and unable to support common schools has already been settled.

I have never felt that in the destruction of slavery, and in giving freedom to the colored man, the Southern people, as a whole, lost in property. Emancipation did not destroy property, so far as the State and the public condition are concerned. Individuals lost, but the community gained. The sum of human endeavor, human enterprise, and human thrift was increased, and these make property. You might as well declare because Great Britain lost her greatest American colony in the war of the Revolution that thereby the world had lost, when everybody knows to the contrary.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. HALE. Yes, sir.

Mr. BLAIR. Conceding that what the Senator says is true, that the South as a whole was not impoverished by the liberation of the slaves, does he not recognize that the burden of education was increased by the fact that the slave population previously under individual control by law, have now become a free population of American citizens, requiring education and yet having no property of their own wherewith to obtain it?

Mr. HALE. I do not admit the last part of the Senator's proposition. From some investigation that I have been able to make I do not believe it to be true that the colored man in the South to-day is without property. One of the things that the colored man set himself to do after his emancipation, and after he passed through that fire of persecution that he endured afterwards, was to become interested in the soil, to acquire land, and he has been acquiring it ever since, and it is to me a good test as to his advancement that he has done so. All over the South the next census will show this remarkable capacity of the colored man for sustaining himself and acquiring property in addition to sustaining himself, and all these go as factors in making up a population that is able to support common schools.

I am impressed, Mr. President, by the consideration which has been presented of the gradual decline of State interest and aid to common schools when the General Government has taken upon itself a part of this burden. All experience shows that in any field occupied jointly by the Federal and the State governments, the absorption and aggression are in one direction. The Federal interest increases and the Federal control increases, and it is the State interest that yields and grows indifferent and slothful; but I will spend no further time upon this.

Mr. President, if I could see my way clear to vote for this bill I should be glad to do so. I recognize the patriotism, the zeal, and persistency with which its authors and supporters have urged and pressed its consideration.

The object which is sought is a noble one. To uplift that prostrate race, to communicate to its masses of children the light of intelligence, and thereby promote order and good citizenship, is a work to inspire the faintest and most flagging heart; but I do not find, and I am sure that other Senators do not find, in the measure before us that which will accomplish these most desirable objects. I am sure that, upon this

floor, many Senators, who in other Congresses have been willing to support the bill and to make the experiment which its provisions contemplate, are beset by new doubts and new fears.

As I said in beginning, it is the fate of the bill, as time goes on, that less necessity is seen for its enactment, and more and more objections arise to its provisions. It "drags at each remove a lengthening chain."

Mr. MORGAN. Mr. President, the very important constitutional question which is presented by this bill prompted me to consult some gentlemen whose opinions I value very highly upon constitutional questions, because they are men who have made diligent search and comparison of contemporaneous construction, and I have a reply to a letter that I wrote to one of these gentlemen, in whose opinion I have very great confidence, which I will read to the Senate as part of the argument, and I will submit no further remarks than merely to introduce this letter. The letter is dated February 5, 1888.

WASHINGTON D. C. *February* 5, 1888

HON. JOHN T. MORGAN,
United States Senate

MY DEAR SIR: In reference to the constitutionality of the Blair bill, and particularly as to the meaning and effect of the general-welfare clause of "The power of Taxation," I answer with great deference, because many Senators believe the bill to be constitutional. And I beg leave to confine myself to the federal instrument as written, its history, and the statements of those who were most efficient in devising and defending it.

Mr. BLAIR. I should like to ask the Senator from whom he is reading?

Mr. MORGAN. I am reading from an able constitutional lawyer.

The Senators alluded to base themselves on what they call the "power" "to provide for the common defence and general welfare;" and claim wide discretion under "the sovereignty of the national government." Not only is there no such "*power*," but the very phrase in which it is said to be couched, was actually considered by the convention of 1787, to refer alone to the *purposes* for which the "power" was to be delegated. And the Journal proves this statement; while the Federalist, and Jefferson and Madison always so stated the matter, as I shall proceed to show

I will begin by quoting, from the original constitution in the Secretary of State's office, "the power of taxation," as the Convention in its proceedings characterized it

"Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;
To regulate Commerce * * *;
To establish an uniform rule of Naturalization * * *;
To coin money * * *"

Here is an ocular demonstration that "to pay the debts," and "to provide for" "defence" and "welfare" were understood as *purposes*, for which the power of taxation was delegated. The paragraph opens and closes with "the power of taxation," and the rest is, so to speak in parenthentical relation to it. *Noscitur a sociis.* Special authority for such purposes was not needed, for all the specified powers were intended to effect them.

Now let us see how the matter appears in Madison's "Journal of the Debates of the Convention;" and in the official "Journal of the Convention."

On August 5, 1787, the committee on detail reported the constitution, with eighteen specified powers delegated to the legislature, the first being "to lay and collect taxes, duties, imposts and excises" [V Ell. Deb. 378]

On August 25, Mr. Sherman moved to add these words: "*for the payment of said debts, and for defraying the expenses that shall be incurred for the common defence and general welfare*" [*Ibid* 476; also I Ell. Deb. 264]. The addition was then deemed unnecessary; but on September 4, Mr. Brearly, from the committee of eleven, reported the section with the suggestion of Mr. Sherman added [*Ibid* 506] with a slight change of phraseology, and none of meaning.

And finally, the Convention, on the 14th of September, near the close of its work, removed all possible doubt as follows:

"Article I, sect. 8. The words '*but all such duties, imposts and excises shall be uniform throughout the United States*,' were unanimously annexed to THE POWER OF TAXATION." [*Ibid* 543; also I. Ell. Deb. 311.]

The phrase under consideration, then, merely states the purpose and use of the revenue to be raised, but gives no hint of delegating power [*Ibid* 560]. Now after the Convention has characterized the authority delegated as "the power of taxation," can there be right, or propriety, or truth in calling it *a power of defence and welfare*, especially as there is no ambiguity or doubt in the language, justifying a resort to construction?

It is this very idea that Madison signally refuted in No. 41 of the Federalist—an idea that was then *a charge by foes* to defeat the constitution, and it was so treated by Madison, Hamilton, Jay. He treats of the so-called construction thus: "It has been urged and echoed that the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States, amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defence or general welfare. No stronger proof could be given of the distress under which these writers labor for objections, than their stooping to such a misconstruction. Had no other enumeration or definition of the powers of the Congress been found in the constitution than the general expressions just cited, the authors of the objection might have some color for it. * * * But what color can the objection have, when a specification of the objects alluded to by these general terms immediately follows; and is not even separated by a longer pause than a semi-colon. * * * For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than, first to use a general phrase, and then to explain or qualify it by a recital of particulars."

He winds up by characterizing as an "absurdity" this assumption or pretended construction, so suspiciously agreed on by ancient foes and modern friends.

It has been intimated that Mr. Madison's views were afterwards modified; but this can not be so, because, late in life, while preparing his "Debates in the Federal Convention" for publishing, he reiterated the same view, and supported it by citations [see V Ell. Deb. 560 foot note—very important].

A single sentence from Jefferson will suffice: "To consider the phrase 'to provide for the general welfare,' as giving a distinct and independent power to Congress to do any act it pleases, which might be for the good of the union, would render all the preceding and subsequent enumerated powers completely useless." See the whole passage in Jefferson's Works Vol. 4, p. 525.

I conclude then, that as the words and ideas of the defence-and-welfare phrase equally suit each and all of the eighteen specified powers, the relation, meaning *and intent* of them (the intent being the vital point) can be best shown by a slight change of the collocation of the phrase, while keeping the words and punctuation without change. It is thus made to read as follows:

Section 8. The Congress, to pay the debts and provide for the common defence and general welfare of the United States, shall have power

To lay and collect taxes, duties, imposts, and excises; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money * * * ;
To regulate commerce * * * ;
* * * * * * *

The argument is factual—made up of historical truths and records, and in no-wise doctrinal; and I am confident that this statement exhibits the belief of all the original friends and defenders of the Constitution, so far as they reflected on the special point. For example, Jefferson thus expressed himself: "*Certainly no such universal power was meant to be given them. It was intended to lace them up straitly within the enumerated powers, and those, without which, as means, these powers could not be carried into effect.*" [4 J's Works 525.]

Fortunately the advocates of this bill show how unlimited for mischief such Congressional action can be. They claim that in taxing the people and spending the revenues, they act by virtue of "the sovereignty of the government"; and have no other limit in expenditure than their judgment of "the common defence and general welfare." Jefferson said, as to this alarming claim, "they reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States, and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased"

Note now Senator Evarts's expression: "It is constitutional to devote every dollar in the Treasury to the purposes of this bill; and then it is constitutional, by your next taxation, to raise the money" "to supply the void" "thus created"

And Senator Edmunds says, the clause which prohibits the drawing of money from the Treasury except "BY LAW," (which phrase means, of course, constitutional *law*), does not limit the power of appropriation, or confine it to the specified powers and purposes of the Constitution

These gentlemen and their coadjutors all seem to agree, that they can vote federal money out of the Treasury for purposes which the people have actually kept out of the Constitution, and assigned to other agents; and they all seem to forget that their sovereigns and masters have premonished them that *all* "*powers not delegated* * * * are reserved," *i. e.* kept back for other disposal

Moreover they seem not to consider what that plenary right of government, called sovereignty, is, and where it is. Daniel Webster said: "Sovereignty in government is unknown in North America. It dwells in the people." Said James Wilson, the greatest statesman of Pennsylvania: "The supreme, absolute, and uncontrollable power is in the people *after, as well as before*, a constitution is made. It never leaves them." No eminent "father" ever said or thought otherwise, because our form is entirely republican

These Senators hold and wield "powers," not sovereignty; and they hold them in trust to use for the people. The single phrase of Article I, "All legislative *powers* herein *granted* shall be *vested*," etc., taken with the fact that the said powers can but be "*delegated*," should show them that the sovereignty is above them, and in their masters, the people; that they never do, or can, hold and wield it; that they are always subject to it as agents; and, finally, that their authority is always derivative and never inherent.

The Bills of Rights of New Hampshire and Massachusetts, which are made up of universally accepted and everlasting principles, show the *status* of all whom the people choose for service, to be "substitutes and agents," as Messrs. Blair and Hoar can inform them. And they can read in John Jay's Address to the people of New York in 1788, that they have "business to manage" as "*agents* and *overseers* for the people." And the great triumvirate, Madison, Hamilton, and Jay, cap the climax in the Federalist, [No. 45], by saying that "*the federal and state governments are different agents and trustees of the people*"

Finally, the *onus* of proving the "*power*" rests on these Senators. If it exist they can show it. If they leave it in doubt they fail, for no president can approve, or court sustain the statute, because the doubt must be solved for the sovereign

This is to me a painful subject. As one of the people who never held or desired office, I protest against "undue administration," and the use of "powers" we have withheld; and I pray for the federal union and strict construction, considering them as vital to American institutional liberty

With great respect
Yours truly

B. J. SAGE.

I thought it was proper to place in the RECORD this exposition, which, I think, by its reference to the contemporaneous opinion and construction placed upon the power claimed under this bill, shows that it can not possibly exist. I think it makes a very clear and very exact statement of the history and of the facts attending the adoption of this feature of the Constitution and of the text of the Constitution itself. I thought I would take the liberty of placing it in the RECORD for the purpose of removing some of the difficulties created by very able and astute arguments made by Senators on the other side.

Mr. BUTLER. Mr. President, I do not rise for the purpose of discussing this bill—I have done that on a previous occasion—but to correct a misstatement, of course made unintentionally, by the Senator from Florida [Mr. CALL], to which I called his attention the other day, and which I was very much in hopes he himself would correct. In discussing this bill on the 8th of February he used this language:

But I want to allude to an act to promote the education of the blind, approved March 3, 1879. I do not know how my friend from Texas voted on that.

And then he makes a quotation from that act, and goes on:

Let us see what the vote was on that bill.
"Bailey, Bayard, Butler"—

Then he says:

I am surprised—
"Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke"—
I am again surprised.

And he then goes on with the further discussion of the bill. I find by reference to the CONGRESSIONAL RECORD of that date that the list of yeas and nays read by the Senator from Florida as relating to the measure for the education of the blind at Louisville, Ky., related to a question of concurring in the report of the committee of conference on the sundry civil appropriation bill, on which the yeas and nays had been demanded. So my friend was clearly out of the way in citing

my vote as having been cast for the educational bill for the blind. On that measure I find that I am recorded as absent and not voting at all. The explanation of that is, as I now recall it, that this vote having been taken on the 3d of March I had left for home, and therefore was not here to vote. On that educational bill for the blind the yeas were 40, the nays 7, and the absentees 29.

So the Senator was clearly and entirely mistaken in saying that I voted for the bill. I suppose his object was to convict me and those who oppose this bill of inconsistency. We have sins of commission enough to answer for without being called to account for those for which we are not responsible. I simply desire to make this correction that it may appear in the RECORD.

Mr. CALL. Mr. President, the RECORD is as follows after what the Senator from South Carolina has read:

Mr. BUTLER. What is the provision of that law, may I ask my friend?
Mr. CALL. I have already read it. I will read the list again.

And there comes a list of the real vote as given on the bill for the education of the blind.

Mr. BUTLER. My name is not on that list.

Mr. CALL. No; the Senator's name is not on that list, but the Senator proceeded to say:

That money was not thrust into all the States as this bill proposes to do; it was confined to a single institution, national in its character; and if I were put upon my *voir dire*, I would say that that was a straining of the Constitution somewhat, though I voted for it.

I had the Senator's statement for his vote, but I did not have the record.

Mr. BUTLER. I took the Senator's statement, supposing that he had examined the RECORD and quoted it correctly; but it seems that he had not. Of course I can not remember every vote I may have cast.

Mr. CALL. The real vote was given by me, and it happened by accident that at first the vote on the wrong bill was given, but it was corrected and the correct vote was given, and the Senator is the only one of the persons named who did not vote for the bill.

Mr. SAULSBURY. Mr. President, I had not intended to make any remarks on this bill at this time, as I have stated my objections to it on a former occasion. The more I have reflected upon it, however, the stronger has become my conviction that there never was a more indefensible measure proposed in the Senate of the United States. What is it? A proposition to take out of the Treasury of the United States $79,000,000 and pay it out to the States upon certain conditions to educate the children in public schools, and to distribute that money, not by any equitable or recognized principle of distribution, but upon a principle that has never before been applied in this country or any other country. It is not to be apportioned according to population or representation in Congress, but to be paid on the ratio of the ignorance of the people in the several States.

I shall not enter into the constitutional discussion of this question. I expressed my views when the bill was before the Senate at a former time somewhat at length, and argued the constitutional power of Congress to pass this bill. That question has been so ably discussed in this debate by those with whom I concur that I think it would be a work of supererogation to attempt to supplement their very conclusive arguments by any argument of my own now on that very important question.

The Senator from Missouri [Mr. VEST], who opened the discussion, presented a very clear and logical argument on the constitutional points involved. The Senators from Texas [Mr. REAGAN and Mr. COKE], my colleague, the Senator from Delaware [Mr. GRAY], and the Senator from Alabama [Mr. MORGAN] also ably discussed the constitutional questions, and I take it upon myself to say that their arguments in reference to the want of constitutional power were perfect and conclusive. There never was a mathematical problem more perfectly demonstrated than was the position which those gentlemen took in reference to the want of constitutional power to pass this measure. The same view was presented yesterday by the Senator from Connecticut [Mr. HAWLEY], who argued the question of want of authority in a manner that was unanswerable.

Whatever may be the fate of this bill, if it shall be passed or defeated, the Senators who oppose the measure have placed their opposition upon a foundation which can not be shaken.

I have listened, too, with a good deal of attention and interest to the argument made here in favor of the bill by the Senator from Alabama [Mr. PUGH], who sits on my left. I was pleased with the ingenuity which he displayed in trying to find a shelter, a place of refuge for the untenable position which he had taken in reference to this question. The great ability and ingenuity of that argument won my attention, as I have no doubt it attracted the attention of every member of the Senate; but how does he meet the argument against the authority to pass the bill? After a careful hunt through the Constitution for some authority on which to base the bill, he wound up by declaring that the power was in the discretion of Congress under the provision of the Constitution relating to the general welfare. Well, Mr. President, if the discretion of Congress is such that a bill like this can secure votes in the Senate, the discretion of Congress will justly be considered a very unsafe depository of power by the people of this country.

In the course of this debate I have heard the name of General Jackson cited as an authority in favor of an appropriation of this kind, and I have heard the name of John C. Calhoun also quoted in favor of such appropriation. Some years ago I took occasion to refer to the debates upon the distribution of the surplus funds in 1836, and I found the opinions of these gentlemen in connection with that subject, and as they have been cited now as authorities in favor of this bill I will call attention again to the views expressed by General Jackson on that subject, and also the views of Mr. Calhoun.

It will be remembered that General Jackson, as early as 1829, in his first annual message to Congress after his election, foreseeing that the public debt would soon be paid and that the revenues of the country would be piling up in the Federal Treasury, called the attention of Congress to the fact that the public debt would soon be extinguished, and under the then revenue system of the country there would accumulate in the public Treasury a large surplus, and he deprecated what he supposed would be the effect of a large surplus in the Treasury—that it would lead to wasteful legislation—and he urged Congress to make some provision whereby this anticipated surplus might be got rid of when it accumulated. I have an extract from that message, which I will read, in which he suggested that there might be a want of constitutional power to distribute it among the States, and suggested the propriety of a constitutional amendment for that purpose. I will read from his message:

After the extinction of the public debt it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which may reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations.

That was the view of General Jackson. Subsequent to that period Mr. Calhoun, after the surplus began to accumulate, brought in a resolution for the distribution of that money. It was referred to a select committee. It was a resolution proposing an amendment to the Constitution authorizing the distribution of this money among the several States according to the ratio of representation in Congress.

That resolution was referred to a select committee. That committee, however, came to the conclusion that owing to the change in the tariff system made in 1832 no plethora would arise, and failed to act upon it. Subsequently, when the surplus arose, Mr. Calhoun again introduced the subject of the distribution of the surplus then in the Treasury, and the surplus that should arise up to the year 1842, among the several States of the Union according to their ratio of representation in Congress. He referred to his former opinion that a constitutional amendment was necessary to meet the emergency, if time would allow.

Mr. Webster moved to strike out that provision which referred to the distribution of surplus yet to arise. I have not examined what his reasons for it were, but I suppose they were the same reasons which induced the committee to which it was referred to strike it out, because there was no constitutional power to distribute a fund in any way which had not arisen.

Mr. Calhoun's bill, the bill to which I have just alluded, was referred to a select committee. That committee acceded to the proposition of Mr. Webster to strike out the provision for the distribution of any surplus which should thereafter arise, and changed the bill from a bill of distribution to a bill to deposit with the States the money, and that was the bill which passed Congress afterwards.

The committee reported that bill and it was adopted, making a loan, a deposit with the States upon a certificate given by the State authorities to return the money whenever it should be required. Even that proposition was amended, because under that the Secretary of the Treasury, as the committee had reported it, would have been compelled to have gone to Congress for authority to use those certificates of deposit. Mr. Tallmadge, of New York, moved to make them assignable by the Secretary of the Treasury, and that was done; so that those certificates remain now in the public Treasury, assignable by the Secretary of the Treasury whenever the exigencies of the Government require it to realize the money from the certificates of the States.

I cite these instances in order to answer the allegation that General Jackson and Mr. Calhoun were in favor of such a distribution or ap-

propriation as is proposed in this bill. They were in favor of distributing the surplus in the Treasury if the constitutional power existed, General Jackson in his message suggesting the want of Federal power and recommending a resort back to the sources of power, to the people, by an amendment to the Constitution, to enable them to distribute the surplus money in the Treasury.

Mr. President, I do not intend to occupy much of the time of the Senate; but let me ask, if Congress has power to pass the bill, where is there any limitation to the power of Congress? The only authority claimed is under the provision of the Constitution in reference to the general welfare. As I before remarked, my friend from Alabama found the power lodged in that provision of the Constitution, and in the conclusion of his argument, as I understood it, admitted that the exercise of the power and the determination of what the general welfare required rested in the discretion of Congress. I again remark that the people of this country will consider the discretion of Congress a very unsafe depository of Federal power if this bill should pass.

But if you have authority to pass this bill, where, I ask again, is the limitation upon your authority? Can you not clothe the children under the same power just as well as to pay the tuition? Can you not feed the children who are to go to school just as legally and constitutionally as you can provide for the application of money to their education? And is there not the same necessity for such an application of public funds as to their education? How many children in the land to-day are starving for want of something to eat, who are unable to go to school because they have not anything which they can take with them to subsist upon. How many are to-day not clad sufficiently to go to school.

Mr. CALL. We are feeding them in this District.

Mr. SAULSBURY. I admit the power of Congress over this District, but there is a distinction between the power of Congress over the District of Columbia and the States of the Federal Union. It is not only these ill-fed and illy-clad children, but there are hundreds of thousands of people of all ages in the country to-day who are destitute of the means of proper subsistence, who are neither fed nor clad as they ought to be, and who are suffering to-day, as well as starving in cellars and in garrets for want of coal or other fuel to keep them warm.

If you have the power to pass this bill, you have the power to do anything you please, because it rests simply in the discretion of Congress to consider what will promote the general welfare. Would it not promote the general welfare just as much to feed the hungry and starving populations of your large cities, where women are making pantaloons for 7 cents apiece and other garments at mere starving prices, where they work on Sunday as well as every day and night in the week? The tramps who fill your land are but the representatives of a large class of people to-day who are suffering for want of something to eat and something to wear. If you have the power over the funds in the Federal Treasury that is claimed for the purpose of passing this bill, why not extend the benevolent hand of the Government and feed and clothe those people? Sir, you would perform as great a public service to the country as to pass this bill, and would perhaps save hundreds and thousands of men and women from the paths of vice and bring them up to be useful citizens, and you have just as much power to do that as you have to pass this measure.

It is claimed as one of the excuses for this bill that the Southern people are not able to educate the colored people. I deny it. I say here, and say it deliberately, upon reflection, that I have no question but that the Southern people are as able to educate the children in their midst as the people of any portion of this country. What are the resources of all the Southern States? Have you ever thought of it? Why, sir, to-day the evidences of wealth exist there to an extent that they do not exist in some other portions of this country. Look at their vast cotton crop, more than $300,000,000 annually produced from cotton alone. Look at their vast tobacco crop. I do not know the amount of tobacco raised, but I suppose from one to two hundred million dollars' worth at least of tobacco is raised in the Southern States annually.

Look at the fruit crop in the States represented by my friends, the Senators from Florida and Louisiana. Look at the rice and the sugar crop. Take up your papers and consult the markets in your nearest city, the city of Baltimore, and one of the first items that strikes you in the markets is the price of Southern wheat and Southern corn. They are raising a vast amount of cereals as well as other things. Besides that they have an untold amount of mineral wealth, iron and coal. I say the natural elements of wealth exist to-day as abundantly in the Southern States as in any other portion of this country.

Then there is one other point which might be taken into consideration. Their system of labor is the cheapest system of labor in the United States. There is no other section of this country which procures its labor at anything like the rates paid for labor in the Southern States. I venture the assertion to-day that the difference between the price of labor in the Northern and Western States and in the Southern States is fully equal to all the money expended in the South for educational purposes. I believe that the difference in the cost of labor in the Northern and Southern sections of this country would amount to as much money as is expended for educational purposes in those States.

Mr. GRAY. The cost of living?

Mr. SAULSBURY. Independently of that, I refer to the cost of labor itself to produce the cotton crop, the tobacco crop, the rice crop, the sugar crop. The difference in cost of all the varied crops which are produced would fully pay for the education of every child in the Southern States.

Mr. President, the plea that it is a matter of necessity, that the Southern people are too poor to educate their children, is all a delusion; there is no truth in it. As was said by the Senator from Connecticut [Mr. HAWLEY] yesterday, it may be that they have not yet realized the necessity for it as much as in some other sections of the country, but the ability of the Southern people is ample to meet this or any other emergency upon them.

Mr. President, I sincerely wish the bill could be defeated. There is no necessity for it, in my opinion, in any portion of this country; but if there was no other objection whatever, if there was perfect constitutional warrant to pass the bill, I should vote against it in the interests of education itself. The remarks which were made by the Senator from Connecticut yesterday were very appropriate, and must have commended themselves to the sound judgment of every member of the Senate. The moment that you remove the obligation which nature has put upon the parent and transfer it to the General Government, that moment you weaken the interest of the parent and of the local community in the education of the children therein, and they are turned over to the tender mercies of the General Government, deprived of the paternal and local interest felt in their education, so essential to their success.

I recall the days of my boyhood, when we had no free-school system in my State, where the parents of the children met and employed their teacher, saw that their children went to school, and gave personal attention and supervision to their education. That was the best system, so far as obtaining profitable results from education were concerned, of any that I have ever seen. Education might not have been so generally diffused; that I admit is true; but those who were educated under that system, under the immediate supervision of their parents, and of teachers employed by their parents, were better educated than they are in the common schools of the country to-day. Education may not have been so generally disseminated and diffused, but that system illustrated the interest of the parent and of the local community in the schools; and the moment you destroy that interest you inflict a greater injury upon the cause of education than all the money which is proposed by this bill will be worth.

Sir, for one I am sorry that this bill is to pass, as I believe it will pass the Senate, but I want to record my vote against it. I represent in part on this floor one of the smallest States in this Union, small in the extent of her territory and limited in her resources, with few natural advantages, few natural elements of wealth, with no mineral wealth within her borders, with no coal or iron, dependent to a very large extent for her sources of revenue upon taxation imposed upon her people.

But I am sure that the State, which was the first to adopt the Constitution and enter this Union, and by that act agreed to give up a part of her sovereign power to the General Government, but expressly reserved in the same instrument her control over her own domestic institutions, would not willingly surrender those reserved rights for all the money which she could derive under this bill.

I am certain of another thing, sir, that though she may be small in territory, small in resources, she is proud of the self-reliance of her own citizens, and will never barter away the reserved rights which she has under the Constitution, nor reach forth the hand of a mendicant to ask the charity of the Federal Government.

Mr. CALL. Mr. President, I wish to say only one word. I wish to call attention to a fact of record here before the debate closes.

The Senators who deny the power of Congress to make this appropriation every day vote against their own declarations and in favor of the power claimed in the bill. I call attention to the fact that within a few days they have voted to refund nearly $20,000,000 of taxes paid half a century ago, when it is manifest upon their propositions that they can find no enumerated power in the Constitution to refund taxes which have been paid for the legitimate purposes of Government.

I wish further, without making any speech upon this subject, to call attention to the fact that there have been appropriated, with full consent and by the votes of those very Senators, more than a quarter of a million dollars in the shape of public lands of the United States for the very purpose which they declare now will emasculate the people of the States and destroy the State governments.

Mr. BLAIR. Mr. President, in the few remarks that I desire to make in closing the debate upon this bill I wish first to recall the attention of the Senate to the issue. Much that has been said has been entirely wide, as I conceive, of the true question of fact and of the parties who are in court to-day. The debate has proceeded as though it were a question between the country at large and the grown people who make up the communities in the various States. On the part of many Senators there seems to be altogether a misapprehension upon this, which is the vital and most serious point and the real issue of the whole debate.

It is of very little consequence relatively what becomes of the present generation. What we are, we are, and are likely to be; but it is of great consequence what shall be the fate of the future, which depends so largely upon the conduct of the present. The real question is whether this generation, with matured powers for the control of the destiny of the country for the time being, is to make that provision for the generation to come which has been made for the generation existing by those who have preceded it; whether this generation, so far as it has the capacity to do so, is to make better preparation for the discharge of its duties on the part of the coming generation, so far as it should be made, than was made by those who preceded us.

That is the real question between the present generation and the coming generations, between the matured people of this great nation and the children of this country; and when we are told that to assist the cause of education is to destroy the principle of self-help we are merely listening to the uttermost absurdity. What coming generation ever educated itself? What Senator on this floor, what citizen of the United States ever was educated without receiving as much or more assistance from outside himself than it is proposed to give by the provisions of this bill, supplemented by the already great contributions of the country at large to the cause of common schools and higher education as well? What man now upon the arena of active life ever furnished the schoolhouse or qualified the teacher who gave to him instruction, provided himself with his own books, taught himself the alphabet, contributed in any way to his own education, without having supplied to him everything that it is proposed by this bill to give?

And yet we are told that to make this provision for the South, to furnish suitable conveniences and facilities for common-school education, for learning to read and to write, and to remove the two million of voters from our country who are now unable to read their ballots, and to prevent a substitution of a still larger number as the coming generation approaches—we are told that to do this, which was done for us by our fathers, is to destroy the principle of self-help; and college professors come here and college presidents come here and General Armstrong comes here after years of advocacy for the principles of this measure, and they declare now that to enact this bill into law is to destroy the great principle of self-help, and they stigmatize it as a bill for the promotion of mendicancy, of beggary. Why, Mr. President, are not the greatest beggars upon the face of God's earth the presidents of the colleges of the United States, and General Armstrong the superior of the whole? It is because they have been such accomplished and successful beggars that in this country to-day we have on the whole a higher education, superior to that of any other people on the face of the earth. It is largely because great beggars and successful beggars have succeeded, as General Armstrong has, in establishing an institution at Hampton which is the glory of the State and of the country. If they were not beggars they would be useless in the high vocation to which they have been called.

Why, Mr. President, I believe some have called this a bill for the promotion of mendicity. It has been so styled by the New York Post and the Washington Post and other organs of Jesuitism in this country, for this is a great fight initiating and already outlining itself for the future between the common schools of the United States and those influences which would subvert this great system. I tell you, sir, that upon this very floor, soon after we had passed this bill two years ago, and while it was in the hands of a packed committee of the House of Representatives, where it was finally strangled—on this very floor a Senator showed me, and I read it with my own eyes, the original letter of a Jesuit priest, in which he begged a member of Congress to oppose this bill and to kill it, saying that they had organized all over the country for its destruction, that they succeeded in the committee of the House, and they would destroy the bill inevitably, and if they had only known it early enough they could have prevented its passage through the Senate. They have begun in season this time, but they will not destroy this bill.

Twelve years ago when I was a member of the House of Representatives, and when we were undertaking to enact a constitutional amendment, which was to prevent the appropriation of the public money to the support of sectarian schools in this country, a friend of mine pointed out to me upon that floor nine Jesuits who were there log-rolling against that proposed amendment of the Constitution. I did not know them. He claimed to know them; and he pointed them out, nine at one time. They were not the Catholic Church, thank God! Within the sound of my voice sleep the remains of John Carroll and of Charles Carroll of Carrollton, men who were devoted to civil rights and to true religion; and against the memory of those men and against the great Catholic organization of this country, I say nothing, for I venerate their memories, and I venerate that great organization which, subject to my reverence for the faith of my fathers, is, in my belief, a true exemplar of Christianity. I care not how far it exerts, or how widely it extends its power; but within that organization is a Jesuit organization which has set out to control this country, which has been repudiated by every free country, Catholic and Protestant, in the Old World, and they have come to our borders and they are among us to-day, and they understand that they are to secure the control of this continent by destroying the public-school system of America. They are engaged in that nefarious and wicked work. And as Jesuits have been expelled from the Old World, let me say that the time is soon coming when the Jesuits will be looked upon as more the enemy of this country than is the Anarchist to-day. And the process either of their expulsion or of their conversion will be one in which the American people will some time be engaged, unless the order change their programme and their work.

Mr. President, I said that they began in season or attempted to, so far as the Senate is concerned, in this Congress, and I told the truth, and I have nothing more to say upon that point.

It is claimed here that the necessity of national aid to common schools has passed away, and all through the North the press has been so asserting, I know not under what influence. In this debate the point has been by irrefragable proof overwhelmingly met. I read here for three or four days demonstrations from every State in the South of the falsehood of this allegation that aid was no longer needed, demonstrations, I say, from the highest authorities and most reliable men that it was still a necessity and as much so as ever.

As the influence to which I have alluded found its way to the North great papers which a few years ago were advocating this measure changed their ground. The Chicago Tribune, which for years advocated even the extraordinary appropriation suggested by our revered and deceased associate, General Logan, which carried $80,000,000 in a year to the school system of this country, a sum exceeding the whole amount proposed in this bill to be appropriated for eight years, is now against this bill, and denounces it as a bill for the promotion of mendicity! What has produced that change? The Boston Herald was for years an advocate of this measure, but abandoned it in the last Congress about half-way through the discussion; then sitting conveniently for a short time on the fence, looking first one way and then the other, it finally concluded that on the whole perhaps the bill had better not pass, and ever since then it has been an opponent. The Boston Advertiser, the New York Times—the Times for years an advocate of this bill, and changing when there was no pretense that the necessity had passed away—are now against the bill. Why is this? Why, sir, upon the staff of every great paper of this country to-day is a Jesuit, and the business of that man is to see that a blow is struck whenever there is an opportunity to strike at the common-school system of America; and the further investigation there is in this direction the more patent will this appear.

I have here newspapers, the organs of these men, in which the bill is denounced and I am personally assailed, which show sufficiently, if there were any question about where this organization is.

There is another power which is against this bill. I have never seen it assailed by that power until this Congress; but it is awake to the idea that the general diffusion of intelligence through our common schools will result in less drunkenness and less consumption of intoxicating drinks; and the Sentinel, of this city, the organ of the power of which I now speak, recognized as the organ of that power for years—and there is not a Senator who does not know that it is so—comes out very recently in a violent assault upon this school bill, which had passed the Senate by a three-fourths vote on more than one occasion, which has been indorsed by the most eminent constitutional lawyers of the country and of the Senate, and in this Senate there are constitutional lawyers whose superiors are nowhere.

It is a bill which is petitioned for by the Chief-Justice of the Supreme Court, in favor of which one of the strongest speeches ever made on this floor was made demonstrating its constitutionality, if a demonstration on such a subject is a possible thing, by Mr. Justice Lamar. This bill as unconstitutional and undemocratic is denounced fiercely by these papers, but not so much because it is unconstitutional as because it is a bribe to the States and is an assault on the liberties of the people.

But I will use my time otherwise. I am going too far in these directions. I make these suggestions and leave that branch of the subject.

The Senator from Maine [Mr. HALE] says this bill has fallen off in public favor. I say that whenever this bill has failed to increase its popularity, to take hold on the public judgment and public conscience, it is because it has been lied about and persistently lied about, and when the lies have been exposed, the exposure has not been spread through the country as it ought to have been by a faithful press. Why, sir, I have not known a popular discussion on this bill anywhere that the bill did not come out stronger; and if the truth were stated upon this bill North or South, I would be willing to submit its fate to a three-fourths vote of the people, the number necessary to pass an amendment to the Constitution of the country.

Let me refresh the memory of Senators a little. This is no new idea. As soon as the war had destroyed the institution of slavery, the Republican party, which had been the instrumentality in the hands of God to accomplish the great work of the war, recognized its duty to give intelligence where it had given suffrage, and the great leaders of the party urged the accomplishment of this work upon the party at large. I have here the earnest recommendation of every President that the Republican party has ever elevated to power since this issue could properly be before the public mind; I have here views taken from the speeches of twenty-eight of the Senators who have expressed themselves on this floor, only about one-half of the number who have actually given their opinions by their votes on this question, not merely

indorsing the constitutionality of the measure, but also saying that it was a public necessity and an act of justice and of right. I can not take the time of the Senate in reading them; but by reason of the continual assumption which is made notwithstanding the exposure and the demonstration to the contrary that the South is increasing in good and increasing in capacity to endure taxation, and that illiteracy is disappearing in consequence of a better condition at the South and greater interest in public schools and an actual appropriation of the necessary funds—by reason, I say, of the continual iteration of this wrong proposition, I am obliged in these few closing moments to call the attention of the Senate again to some of that proof which is already in the RECORD of the Senate, but which I am conscious has failed to reach the ears of Senators.

Mr. President, here is one great fact to which I call attention; it is a large fact; it is not intermixed with the politics or the statistics of a single State or of communities in single States, but it is an admitted fact and nobody will undertake to contradict it. It was placed before the Senate in the beginning of this debate, and nobody has assailed it, and nobody can assail it. It is this, that the Southern States (leaving out Delaware, which is almost a Northern State, and Maryland which is close by us and a wealthy State, and Missouri, which has a school fund of some four or five million dollars), comprising almost one-third of our population to-day, some 18,000,000 at least of our population, and by reason of the greater fecundity of the two races in that portion of the country containing at least one-third of the educable population of the country in that portion of the Union, are now expending in the support of schools but about $11,000,000, while for the whole country the expenditure, according to the returns as I have them in the last printed report of the Commissioner of Education, was in the year 1885–'86 $111,000,000. That is to say, one-third of the school population of this country is actually receiving to-day only one-tenth of the school funds which are being applied upon the school population of the entire Union.

And it will be remembered, in addition to this, that whatsoever money is expended there is expended to far less advantage than it is in the Northern States; and why? I have the demonstration here by a careful calculation showing that it would require to-day the expenditure of $36,000,000 in these Southern States to give them the school plant and the school advantages which abound in the North—the facilities for giving instruction, I mean to say; $36,000,000, almost half the amount which it is proposed by this bill to give during the whole term of eight years. The sort of school-houses used there has been described, hundreds of them log houses without windows: In a single county, as I read to you, where there were nineteen school-houses, the superintendent of schools in that county returns that the value of school furniture does not average $1 per school-house.

In the State of Kentucky, with one hundred and fifty counties, when an attempt was made to have a State assemblage of the teachers, to hold a teachers' convention, there was a representation from but one-third of the counties, and a responsible lady who writes to me, and whose name and letter I have given in the RECORD, says there are whole counties in that State where there is no school whatever. But the point is, that where they do have school facilities they are of such inferior quality that the money actually expended is expended at great disadvantage. Any one can see that. And yet here in these States, laboring under these tremendous disadvantages as to the provision for education, the means of utilizing the efforts of teachers in the imparting of intelligence in these States, where there is one-third of the population and only about one-half the school population in any school whatever, they used only $11,000,000 of the $111,000,000 expended in the whole country. There is a fact of great significance. I do not know anybody who will dispute it unless he would dispute the shining sun.

I ask Senators to contemplate just that one fact, without putting me to the trouble of demonstrating it by an examination which bears out the general assertion in the various States at large. I have here the last report, the report of 1885–'86, and it shows in the State of Florida—which has been held up to admiration on this floor as a new El Dorado and something superior to anything we have seen before, and she is a glorious State in natural resources—that of the children between six and sixteen years of age, the very narrowest limit of the school age, some 48 per cent. attend schools. In the various Southern States the actual attendance upon schools is from 46, 48, 50 to 51, 52, 53, and 54 per cent. of the children between six and sixteen years of age. Nobody denies that. We have these statistics in the New York Post in its attacks upon this plea for mendicity, if that be the expression—beggary—which Senators are asked to believe, and every essential statement in its attacks I assert to be a falsehood exposed over and over again, and yet reiterated and reiterated with knowledge that it is false, and to the misleading of the great Northern mind.

I tell you, Mr. President, the time is not far ahead when the Northern people will understand this jugglery; they will know the facts; and they will be aroused to this deception, and the American people will have the truth from that gallery on which I now gaze.

I commend to anybody who doubts the necessity of aid to the Southern States, whoever may be complained of for its existence, an honest and careful perusal of the last report of our own officer, the Commissioner of Education; and I commend to such people, too, a perusal of the contents of the RECORD, so far as they relate to the question of the necessity of aid in these Southern States for further education. The highest authorities there say that on the whole illiteracy is increasing, and there is no question of the fact that illiteracy is in the aggregate increasing. The only question is as to whether it is increasing relatively, whether population and wealth are increasing more rapidly than illiteracy; but where there were two millions of men who could not read their ballots in the year 1880 there are as many or more who can not read their ballots to-day.

That is the stubborn fact which still exists, and the question arises whether it is to continue to exist. It is an evasion of the real issue to come here and say that the Southern people do not educate their children, and yet that they are able to do so. The fact is that these children are not educated, and it is of no consequence, relatively, where the blame lies. They are American children; they are a part of this great nation; they hold its destiny in their hands as much as do the children of Boston, or of Chicago, or of San Francisco. Are they to be educated?

The Senator from Connecticut [Mr. HAWLEY] said yesterday that the question of education was a local question; and assuming that false premise he went on to argue that this bill is unconstitutional. I say "that false premise"—not false in the sense that it implies any fault on his part, but an untrue premise. Is education a local matter? Is it in New Hampshire? Is it of no consequence to my friend who represents California, that I or my children may be barbarians and grow up a race of savages? Is this Union, composed of those whose citizenship covers this whole country, to have no interest in its several parts? Is it of no consequence to the parent in New Hampshire whether the child in Alabama be educated? Who of the fathers and of the really great men of this country or of any country, who have had the good of human nature and of human beings at heart, has ever failed to assert affirmatively, not to assert evasively or doubtfully, but affirmatively, that education is the grand basis of republican institutions? Who does not know that knowledge is power, and that there is no power but knowledge; that mind is superior to matter, and that the education of the child alone qualifies that child for citizenship?

I do not speak of education in the narrow and restricted sense of merely learning to read and write and cipher, or of intellectual education carried to any extent. I do not speak of that alone. I speak of the development, the education of the whole man; and the first necessity that a child may receive education in all the three great departments of its nature is that intellectual education, the training of the senses, an acquisition of the power to acquire knowledge—knowledge of the very elements of ordinary learning, the art of reading and of writing, the basis of the whole. And that is all that this bill undertakes to do, all that this bill undertakes to impart. It undertakes to carry that wherever it is needed, within the limits of the appropriation, and bases it upon the necessity as measured by the census—the only truthful and mathematical measure which is available to us as yet. It undertakes, I say, to carry within the limits of the amount covered by this bill, to every part of the country, the means of acquiring a common-school education by every child; and that is all it undertakes to do. It undertakes to give us uniform and homogeneous American citizenship; that all shall be elevated to one common level in order that each may have a fair chance in the race of life. That is all it undertakes to do.

It is a bill of beggary, is it? How is this generation to pay the debt owed by it to the last? Certainly we can not in any way compensate our fathers; but is it not our duty, are we not simply repaying a debt which we owe to those who have preceded us and who have given us the opportunity of working out this grand destiny of ours? Do we not, I say, owe to them that we transmit to others the great blessings which we have received? How is this nation to be made perpetual? How is this great people to be made perpetual unless it be that the citizenship be instructed and be made competent to understand its rights and to defend them?

Sir, the war liberated a race which by the last census had attained to the number of 6,580,000, poor, worked by hard taskmasters for two hundred and fifty years as slaves, the title to whom was vested in citizens of the South, but it was one common crime if it were a crime. The North grew rich out of the labor of the slave and his transportation to this country; it fattened on his labor while he was a slave in this country. We availed ourselves of his commercial value as well as did the people of the South. The war came and slavery was destroyed—destroyed by Northern power—and the Union was maintained intact, and we made these men citizens. We left them ignorant. We found them worth perhaps a dollar apiece, and within the last quarter of a century nearly, after diligent labor, they have come to be worth perhaps $15 apiece. I remember that the Senator from Georgia [Mr. BROWN], when this bill was discussed three or four years ago in this Chamber, stated that the colored people of the South had taxable property to the amount of $6,000,000. There were then a half million of them in that State. By statistics which have recently come to my knowledge and which I think are substantially correct, the colored people of this country own, by their own estimates, some $250,000,000. Nine million dollars of that is owned by colored people in the city of New York.

I believe it to be a fact that there are now at least 8,000,000, probably 8,500,000, colored people in this country. If they have increased since the last census as they did from 1870 to 1880, there must be 8,500,000 of them now. I do not suppose that the entire number living at the South are in possession of $125,000,000, or at most $150,000,000 of property to-day, and of taxable property I do not believe they have $100,000,000. The wealth of the United States to-day I can not, of course, tell exactly, but the Senator from Nevada estimated it at $75,000,000,000 only a few days ago here in debate. Assuming that the taxable property of the country is $35,000,000,000 or $40,000,000,000 to-day, that of the South is not over $4,000,000,000 in the whole. That portion of the American people upon whom devolves the education of at least one-third of the children of this great country are not to-day worth for the purposes of taxation more than one-tenth of the property of the other two-thirds, and the colored people whom we are endeavoring to reach mainly are the poorest of the whole. Perhaps the poor whites are not much better off; but take from the colored population the two or three millions who represent what was the dominant element before the war, and both white and colored, I doubt whether they average $30 apiece to-day, and the colored man at the South, I do not believe, is worth $10.

What does this signify? These are the people who have the children, these are the men who in mountains and valleys and hamlets and glens have the generation in charge that is to come, and that is rapidly becoming the nation to-day. What, I say, is the significance of these figures so far as the power to maintain schools is concerned? Do we not know that the power to raise money and to appropriate it to any purpose outside of the provision of the necessaries of life depends upon a surplus on the part of the individual? He must first provide shelter; he must provide clothing; he must provide food for his family. Actual existence must first be secured; and what taxable property has he left beyond that? To-day if the wealthy white population of the South did not pay far beyond what any like population pays anywhere else in proportion to the entire wealth of the whole, neither the poor white nor the colored man's child would be receiving any education at all. As it is, it hardly applies for three months in the year.

The Senator from Kansas [Mr. PLUMB], whom I respect and love as I know he loves me—though he never said so, I see it in his eye and in the sweep of his arm—says that the people of Kansas are taxing themselves and enduring greater burdens than the people of the South, and it is because these people of the South fail to do their duty that their children are not educated. Grant it for the moment, what of it? We are dealing with the child and with the future; with the fate of the Northern citizen and the Southern citizen, as my friend and myself know, in the time that is to come. We are not dealing with our friends who are supposed to be derelict in their duty. The fact, and the only fact that is essential, is that the education is not being received, and that the child is helpless to acquire it or provide it for himself, Dr. Eliot and other college presidents to the contrary notwithstanding.

In regard to the people of Kansas, they were Northern people; they were trained in the common school; they knew the institution; they comprehended that knowledge was power, and they went to that great country and conquered the wilderness and made it to blossom as the rose; and they have sent such men as you, Mr. President [Mr. INGALLS], and my friend here [Mr. PLUMB] to represent them on this floor, and they have done it by universal suffrage. The sovereignty is in the poorest man in Kansas as much as it is in the richest; and why is it there? Because he knows as much; and understanding the common school, knowing that it was a primary necessity, he established it in Kansas, and he has come to have the average proportion of wealth. The citizenship of Kansas, as a whole, can endure its taxation and maintain its schools, because wealth is there distributed.

It is not so at the South, and it never will be so at the South until the common school is the common institution of that country. My friend knows that; but he brings in his table here and he undertakes to show that we are robbing the State of New Hampshire and the State of Kansas by this proposed contribution to the necessity of the child of the South, saying nothing about the parents and the masters of the present time. He says we are robbing the child of the North. Let us see. I do not understand it that way. He has undertaken to show how much each State receives and how much each State will pay out in the form of taxation in this proposed contribution of $77,000,000. Could anything be more misleading or misguiding than the table which he introduces for the second time? He presented it in his former speech, and the inaccuracy and misleading tendency of it he could not but know, for it was fully exposed at that time.

He estimates that the taxation of the country is equally distributed per capita throughout the United States. He understands about the tariff, and that it is mainly levied on the luxuries of the country. He knows that the internal revenue comes from whisky and tobacco and a few other things which no man consumes unless he sees fit to do so. I take it that the people of Kansas do not wear the imported luxuries to any great extent or consume from the imported luxuries to any great extent. I know that the common people in my State do not; and so far as those personal habits are concerned upon which depends the consumption of articles taxed under the internal-revenue system, no man contributes unless he sees fit to do so. And so it seems to be the fact that no State pays more than she chooses, and the most of the people pay but very little of the actual taxation that gets into the Treasury of the United States either in the way of duties on imports or by internal revenue.

But even if it were so, I do not think the people of Kansas have very much to complain of. I have here the last report of the Postmaster-General, and it seems that my poor people in New Hampshire, starving to death on the summit of Mount Washington, battling with the hardships of the climate, have to assist the people of Kansas. It seems that the State of New Hampshire is actually contributing to the postal necessities of Kansas and various other States the amount of near $50,000 a year and has done so for a long time. In New Hampshire there was $56,411 last year excess of postal receipts over expenditures. Massachusetts contributes to the postal system of the Western States $1,074,577. The State of New York contributes almost $3,000,000—$2,922,000. Here is another State, Illinois, which contributes $426,629, and so on. I do not complain of that. We are helping to educate the West, for the postal system is a great educating system. It is advocated by those who are taking these revenues from New Hampshire, New York, and Massachusetts, on the ground that it educates the people. So it does, and I would be willing, my people would be willing, to give even more than they do beyond what is necessary to pay the expenses of the system in their own State.

Now, another illustration. Every year when there is not a veto we are called upon to contribute for the improvement of the rivers and harbors of the country. New Hampshire has a harbor to which there is no contribution of any consequence ever made, nothing in proportion to our taxation. We get but little. The interior States get next to nothing, yet all pay their tax; and can any one say it is a matter of indifference to me whether New York Harbor is improved, whether the coast shall be fortified and defended, whether anything necessary for the general welfare of this great country of ours be done? I have not learned my politics in this narrow and to my mind contemptible school. We shall not hold this country together another decade if the ideas which have been advanced on this floor for the defeat of this bill are to prevail.

I have no sympathy, Mr. President, with denunciation of the South. If the spirit is wanting, that is the greatest calamity of all; but, sir, the spirit is not wanting. How do we act with the heathen? Do we withhold our missionaries and our means of enlightenment because the people do not want them? Nay, verily, Mr. President, we pursue just the opposite course for that very reason. If we were, as it is assumed here that we are, dealing with a heathen population at the South, for that reason pour in the money, pour it in from the national Treasury, pour it there in self-defense; it is cheaper than another war.

Do you expect to hold this country together for twenty-five years longer upon the doctrines which have been advanced by Southern Senators upon this floor, who have advocated the very principles of secession to which they gave the best part of their lives? I tell you, Mr. President, that if the war did not accomplish the destruction of the doctrine which has been advocated here, there is another one coming. We shall never reach this elemental difficulty until we give education to the masses of the people there, for I tell you to-day, whatever her Senators may say, a majority of the people of Texas want this bill. A majority of the people of Kentucky would vote to-day for this bill. Wherever you give free suffrage, white or black, and show them this bill in any Southern State, in any State where their school privileges are lacking, they will vote for it.

Let this bill prevail in its provisions to such an extent as to give a thoroughly vitalized and fully extended system of common schools throughout the South; let it prevail for ten years and the old hide-bound aristocracy which owned land and man alike before the war will disappear forever from the face of the earth. One-half those Senators today are for this bill. They comprehend the signs of the times. They know that it is meant to accomplish something. They understand that universal intelligence is to be the indispensable condition of universal citizenship in the future. Those men lead their people. For them there is in the future a full assurance of hope.

But I tell you, Mr. President, that the other men who fight this bill on this floor are fighting for self-preservation and for a condition of things that is passing away. It received its first great death blow in the war, and this is but an indispensable and necessary and logical result of the war, for it makes free indeed those who, as the result of the war, were declared free under the constitutional and statutory enactments of the land.

There will be a universally diffused sovereignty one of these days, and there will be freedom at the South as well as at the North. That is why certain men oppose the common schools, and to-day all through the South they are the class of men who are opposing them, not only the contributions which we are attempting to get here, but opposing them in their actual establishment there.

But, Mr. President, it is no use to fight against the stars. Destiny is fixed. You may defeat this bill; you may do it by direction, or you

may do it by indirection, but the principles of the bill will prevail. The great force of national defense will vest itself in the results of common-school education at the South as well as at the North.

I ought to speak of General Armstrong, but I have not the time; it is no use, for the hour for the vote is almost at hand. I saw a moment or two ago the Senator from Connecticut [Mr. HAWLEY] here. The first meeting ever held in this city for the promotion of this bill was at General HAWLEY'S house, and I was more surprised than anybody else when I found him its enemy. I would dwell more upon that if the Senator from Connecticut were here.

Mr. FRYE. He is here now.

Mr. BLAIR. General Armstrong was long a friend of the bill. I do not know what has affected his mind. Only last year in his report to the people of Virginia he spoke of the great necessity of assistance in the education of the people of the South. I have heard that he is sick; I do not know whether he is or not. I do know that this bill has been in the clutches—it was in the last Congress—not of an adverse majority, but in the clutches of the leaders of an adverse minority, and that his institution depends upon appropriations; that he comes here and begs for them, and that he goes to Virginia and begs for them; and I do know, or I do think, that there must have been operating upon his mind, and operating upon the minds of others through his representations at the North who have been misled, some kind of motive that I can not explain, or if I can I am not going to do it.

The PRESIDENT *pro tempore* (at 3 o'clock p. m.). Unanimous consent was given on Wednesday last that at this hour debate on the bill should cease.

Mr. BLAIR. I can not ask for an extension of time. I have yielded the floor; I have said my say. I ask leave to print a letter just received from a professor at the head of a school, the senior principal of the Bryant School, at Roslyn, Long Island, New York, which has been drawn from him, dated February 13, by reason of this unaccountable performance of the educated and the cultivated, cold-blooded college professors and beggars of the North.

The letter referred to is as follows:

BRYANT SCHOOL, ROSLYN, LONG ISLAND, *February* 13, 1888.

DEAR SIR: My attention having been called to certain letters in Saturday's Evening Post, adverse to the Blair bill, I have something to say in the way of criticism. President Barnard says the bill is "totally without justification in the Constitution of the United States." Congress has granted millions of acres of land to the States for educational purposes, and, as the land was worth millions of dollars, has in effect granted millions of dollars already for the same object proposed by the Blair bill. President Barnard must therefore hold that Congress has been most unconstitutionally granting large values almost ever since the organization of the Government. And further, as President Barnard holds that such grants do great injury to communities by discouraging self-help, self-sacrifice, etc., therefore, according to the learned president, what an incalculable amount of harm Congress has already done! Look at Kansas, Minnesota, and other States which have been the recipients, the "mendicants" which have had the misfortune to get several millions in this way from grants of Congress for educational purposes!

If President Barnard's logic is good, these States must be suffering from a most deplorable lack of self-reliance, and the push, energy, and enterprise that proceed from self-reliance, as well as far behind in education compared with what they would have been if Congress had not most unconstitutionally inflicted upon them these grants of school lands! President Barnard also makes a fling at the "general-welfare" clause of the Constitution and says it is "much abused." President Barnard may regret, but he can not ignore the fact, that the "general-welfare" clause is in the Constitution, and in the very first paragraph, conferring powers upon Congress, and that Congress is just as much bound by it to provide for the "general-welfare" as it is to provide for the "common defense." I would ask the distinguished president, then, when and how this clause has been "abused"? Has Congress provided for the "general welfare" too much or too little? Has Congress overdone its duty in this respect or underdone it? Have we had a surfeit of welfare through Congressional zeal? I protest against the attempt to belittle this particular provision of the Constitution while laying extra stress upon others. The "general-welfare" clause is not second in dignity, importance, or mandatory authority to any clause of the Constitution.

Not only President Barnard, but several other college presidents, object to the Blair bill on the ground that it is a "bill to encourage mendicity," or, putting it into Anglo-Saxon, they call it a "bill to encourage beggary." Now, I would like to ask, What institutions have done more "begging" than colleges? If these presidents are logical and believe what they say, they should instantly insist that all the millions they have derived from bequests and State appropriations should be paid back, and that the colleges should be run in future on the "self-help" and "self-reliance" principle exclusively—they can not have too much of such a good thing.

I am not discussing the details of the bill; they may be objectionable in many ways. Experience has shown how unsafe it is to intrust large sums of money to State Legislatures. I have nothing to say on that subject, as the writers of the letters I allude to say nothing. I wish to comment upon one other remark, or objection, of President Barnard's. It is this: He objects very emphatically that the money is not to be distributed pro rata, according to population. I reply that it is just as important to me that the constituents of a Mississippi Representative or Senator be made intelligent by education as that the constituents of the New York Representatives and Senators should be, because they alike make laws that I must obey, and that the narrow, local self-government argument will not apply here so long as that is the fact. We appropriate money for improvement of rivers and harbors, not in proportion to population, but in proportion to the wants of the rivers and harbors. On the same principle the Blair bill appropriates money where most needed by the uneducated condition of the people, as the "general welfare" demands that American citizens everywhere be sufficiently intelligent to know and perform their duties.

E. HINDS.

Senator BLAIR.

Mr. PLUMB. The pending question is on my amendment to the second section.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. PLUMB. I ask leave to modify it so as to read according to the copy which I send to the desk.

The PRESIDENT *pro tempore*. The Senator has a right to modify his own amendment, the yeas and nays not having been ordered.

Mr. HARRIS. Before proceeding to vote on the amendment, I wish to give notice that at the proper time I shall move to amend the title so as to conform it to my own view as to what would be a proper title to the pending bill.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee desire to have it read now?

Mr. HARRIS. Yes, sir.

The PRESIDENT *pro tempore*. The proposed amendment to the title will be read.

Mr. BLAIR. I did not hear the remark of the Senator from Tennessee.

The PRESIDENT *pro tempore*. The Senator from Tennessee proposes to amend the title, and asks that his suggestion may be now read.

Mr. HARRIS. I give notice that I shall move it at the proper time.

Mr. BLAIR. In regard to this amendment, I may be permitted to say what I designed to say or ought to have said: If amendments are offered here which we can not discuss, I hope that the friends of the measure will stand by it just as it was reported, and just as it was passed at the last Congress; and if the bill shall go to the other House we can depend upon that body to make such modifications in secondary matters as should be made.

The PRESIDENT *pro tempore*. The Chief Clerk will read the amendment to the title proposed by the Senator from Tennessee.

The CHIEF CLERK. It is proposed to strike out the title and insert:

A bill offering a bribe to the States to relinquish the rights of local self-government.

The PRESIDENT *pro tempore*. The Chief Clerk will read the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The CHIEF CLERK. It is proposed to strike out section 2 of the bill and insert:

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories and in the District of Columbia in proportion to their population, respectively, between the ages of ten and twenty-one years, according to the census of 1880: *Provided*, That all of said money remaining undistributed at the date of the publication of the returns of population according to the census of 1890 shall be divided, as aforesaid, in proportion to the population between the ages of ten and twenty-one years, according to said census.

The PRESIDENT *pro tempore*. Will the Senate agree to this amendment?

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. If the Chair will excuse me, my attention was diverted, and I do not know the pending question.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. BLAIR. Which proposes to distribute the fund on the basis of population.

The PRESIDENT *pro tempore*. The amendment has just been read, and the yeas and nays have been ordered upon it. The Secretary will call the roll.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The roll-call will not proceed until order is restored in the Chamber. It is impossible to hear the responses while so much conversation continues.

Mr. BLAIR. The Senator from Kansas has modified his amendment, he tells me.

The PRESIDENT *pro tempore*. The amendment has been read at the desk.

Mr. BLAIR. Can it be read again?

The PRESIDENT *pro tempore*. It can, if the Senator desires.

Mr. BLAIR. I should be glad to hear it.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to strike out section 2 and insert:

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories and in the District of Columbia, in proportion to their population, respectively, between the ages of ten and twenty-one years, according to the census of 1880: *Provided*, That all of said money remaining undistributed at the date of the publication of the returns of population according to the census of 1890 shall be divided as aforesaid in proportion to the population between the ages of ten and twenty-one years according to said census.

The Secretary proceeded to call the roll.

Mr. VEST (when the name of Mr. EDMUNDS was called). I have received a message from the Senator from Vermont [Mr. EDMUNDS] stating that he is confined to his house by sickness, and asking me to pair with him on this bill. He is a friend to the measure, and I assume would vote against this amendment. I am opposed to the measure in every sense of the term, and I therefore announce the pair.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were here he would vote for the amendment, and I should vote against it.

Mr. VEST (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

The roll-call having been concluded, the result was announced—yeas 22, nays 48; as follows:

YEAS—22.

Aldrich,	Cullom,	Hawley,	Plumb,
Allison,	Dawes,	Hiscock,	Sabin,
Beck,	Farwell,	Ingalls,	Teller,
Butler,	Frye,	Jones of Nevada,	Wilson of Md.
Chace,	Gorman,	Manderson,	
Cockrell,	Hale,	Morgan,	

NAYS—48.

Bate,	Daniel,	Jones of Arkansas,	Riddleberger,
Berry,	Davis,	Kenna,	Saulsbury,
Blackburn,	Dolph,	Mitchell,	Sawyer,
Blair,	Eustis,	Morrill,	Spooner,
Blodgett,	Evarts,	Palmer,	Stanford,
Bowen,	Faulkner,	Pasco,	Stewart,
Brown,	George,	Payne,	Stockbridge,
Call,	Gray,	Platt,	Turpie,
Cameron,	Hampton,	Pugh,	Vance,
Chandler,	Harris,	Quay,	Voorhees,
Coke,	Hearst,	Ransom,	Walthall,
Colquitt,	Hoar,	Reagan,	Wilson of Iowa.

ABSENT—6.

Edmunds,	McPherson,	Sherman,	Vest.
Gibson,	Paddock,		

So the amendment was rejected.

Mr. BERRY. I move to amend the bill by striking out so much of section 4 as is included from the beginning down to and including the word "term" in line 24.

The PRESIDENT *pro tempore*. The Chief Clerk will report the part proposed to be stricken out.

The CHIEF CLERK. It is proposed to strike out all of section 4 from the first part of the section to and including the word "term" in line 24, as follows:

That no State or Territory shall receive any money under this act until the governor thereof shall file with the Secretary of the Interior a statement, certified by him, showing the common-school system in force in such State or Territory; the amount of money expended therein during the last preceding school year in the support of common schools, not including expenditures for the rent, repair, or erection of school-houses; whether any discrimination is made in the raising or distributing of the common-school revenues or in the common-school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived; the manner in which the same were apportioned to the use of the common schools; the number of white and colored children in each county or parish and city between the ages of ten and twenty-one years, both inclusive, as given by the census of 1880, and the number of children, white and colored, of such school age attending school; the number of schools in operation in each county or parish and city, white and colored; the school term for each class; the number of teachers employed, white and colored, male and female, and the average compensation paid such teachers; the average attendance in each class, and the length of the school term.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. BERRY].

Mr. BERRY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. I do not know how he would vote on this question. If he were here I should vote "nay."

Mr. VEST (when his name was called). I agreed to pair with the Senator from Vermont [Mr. EDMUNDS], if I could secure no other pair for him. I assume that he would vote against this amendment if he were present. I should vote for it.

The roll-call was concluded.

Mr. CHACE. I wish to announce that I am paired on this question with the Senator from Louisiana [Mr. GIBSON].

The result was announced—yeas 25, nays 44; as follows:

YEAS—25.

Bate,	Coke,	Hawley,	Saulsbury,
Beck,	Daniel,	Hearst,	Vance,
Berry,	Faulkner,	Kenna,	Voorhees,
Blackburn,	Gorman,	Morgan,	Wilson of Md.
Butler,	Gray,	Pasco,	
Call,	Hampton,	Ransom,	
Cockrell,	Harris,	Reagan,	

NAYS—44.

Aldrich,	Dawes,	Jones of Arkansas,	Riddleberger,
Allison,	Dolph,	Jones of Nevada,	Sabin,
Blair,	Eustis,	Manderson,	Sawyer,
Blodgett,	Evarts,	Mitchell,	Spooner,
Bowen,	Farwell,	Morrill,	Stanford,
Brown,	Frye,	Palmer,	Stewart,
Cameron,	George,	Payne,	Stockbridge,
Chandler,	Hale,	Platt,	Teller,
Colquitt,	Hiscock,	Plumb,	Turpie,
Cullom,	Hoar,	Pugh,	Walthall,
Davis,	Ingalls,	Quay,	Wilson of Iowa.

ABSENT—7.

Chace,	Gibson,	Paddock,	Vest.
Edmunds,	McPherson,	Sherman,	

So the amendment was rejected.

Mr. BERRY. I move to strike out section 12 of the bill.

The PRESIDENT *pro tempore*. The part proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to strike out section 12, as follows:

SEC. 12. That no second or subsequent allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or Territory, as required by section 9 of this act, and also a statement of the number of school districts in such State or Territory, and whether any portion of such State or Territory has not been divided into school districts or other territorial subdivisions for school purposes, and, if so, what portion, and the reasons why the same has not been so subdivided; the number of children of school age in each district, and the relative number of white and colored children in each district, and of the number of public, common, and industrial schools in each district; the number of teachers employed; the rate of wages paid; the total number of children in the State or Territory, and the total number taught during the year and in what branches instructed; the average daily attendance and the relative number of white and colored children; and the number of months in each year schools have been maintained in each school district. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes and in the manner herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified, it shall not be deemed a failure to comply with the conditions herein. If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then, and not otherwise, the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. And it shall be the duty of the Secretary of the Interior to promptly investigate all complaints lodged with him of any misappropriation by or in any State or Territory of any moneys received by such State or Territory under the provisions of this act, or of any discrimination in the use of such moneys; and the said complaints, and all communications received concerning the same, and the evidence taken upon such investigations, shall be preserved by the Secretary of the Interior, and shall be open to public inspection and annually reported to Congress.

Mr. MORGAN. On this question I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VEST (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

The roll-call having been concluded, the result was announced—yeas 24, nays 45; as follows:

YEAS—24.

Bate,	Coke,	Harris,	Ransom,
Beck,	Daniel,	Hearst,	Reagan,
Berry,	Faulkner,	Jones of Arkansas,	Saulsbury,
Blackburn,	Gorman,	Kenna,	Vance,
Butler,	Gray,	Morgan,	Voorhees,
Cockrell,	Hampton,	Pasco,	Wilson of Md.

NAYS—45.

Aldrich,	Dawes,	Jones of Nevada,	Sawyer,
Allison,	Dolph,	Manderson,	Spooner,
Blair,	Eustis,	Mitchell,	Stanford,
Blodgett,	Evarts,	Morrill,	Stewart,
Bowen,	Farwell,	Palmer,	Stockbridge,
Brown,	Frye,	Payne,	Teller,
Call,	George,	Platt,	Turpie,
Cameron,	Hale,	Plumb,	Walthall,
Chandler,	Hawley,	Pugh,	Wilson of Iowa.
Colquitt,	Hiscock,	Quay,	
Cullom,	Hoar,	Riddleberger,	
Davis,	Ingalls,	Sabin,	

ABSENT—7.

Chace,	Gibson,	Paddock,	Vest.
Edmunds,	McPherson,	Sherman,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

Mr. BERRY. Mr. President, I desire to ask unanimous consent that I be allowed five minutes in explanation to do myself justice as to my vote. I shall not occupy more than five minutes.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks——

Mr. STEWART. I regret to object.

The PRESIDENT *pro tempore*. Will the Senator suspend until the request of the Senator from Arkansas has been stated by the Chair? The Senator from Arkansas asks unanimous consent that he may be allowed five minutes in which to make a statement upon the pending bill.

Mr. STEWART. I shall have to object to granting unanimous consent under the circumstances. I have known it asked and denied in other cases on the ground that if it were granted to one it would have to be granted to another, and so would prolong debate and virtually abrogate the agreement.

Mr. BERRY. If the Senator from Nevada thinks proper to object, of course I recognize that under the agreement he has the right to do so.

Mr. HOAR. May I be permitted to suggest to the Senator from Arkansas that he will have a perfect right to make his personal statement after the vote on the bill?

Mr. BERRY. Of course I recognize the right of Senators to object under the agreement.

Mr. HARRIS. I appeal to the Senator from Nevada. Certainly, in my brief experience on this floor, I have never known an instance where a Senator wanted to make a personal statement that unanimous consent was not given.

Mr. BLAIR. Senators will allow me to suggest that there is not room for any further debate under the agreement heretofore arrived at. Let that be understood——

Mr. MORGAN. I object to debate, Mr. President.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Alabama and the Senator from Nevada to object.

Mr. STEWART. I withdraw my objection.

The PRESIDENT *pro tempore*. The Senator from Alabama the Chair understood to object.

Mr. MORGAN. I objected to the debate the Senator from New Hampshire was conducting; that was all.

The PRESIDENT *pro tempore*. The Chair will again submit to the Senate the request of the Senator from Arkansas, who asks that he may be allowed five minutes to make a statement upon the pending bill. Is there objection? [A pause.]

Mr. EVARTS. I understand it is a personal affair, to enable the Senator to make an address at this time. If it is on the bill, I certainly shall object to it.

Mr. BERRY. I will state to the Senator that it is simply a statement, not exceeding five minutes, of the reasons why I cast the vote I shall cast. It is not debate on the bill.

Mr. EVARTS. How is it a personal matter? A matter of debate, why I should or should not vote for a bill, is on the merits.

Mr. BERRY. If the Senator from New York objects, that ends the matter.

Mr. EVARTS. I do not object to a personal explanation. I want to know how it comes to be a personal explanation.

The PRESIDENT *pro tempore*. Unanimous consent is not recognized by the rules, and the enforcement of it rests wholly with the Senate. Having no power to enforce the agreement that has been made, the Chair asks of the Senate if there is objection to the request made by the Senator from Arkansas. The Chair understood the Senator from New York to make a qualified objection. In case the statement was purely personal he had no objection; but if it was debate he objected. The Chair can not undertake to decide any question of that description. It rests with the Senator from Arkansas and the Senator from New York.

Mr. BUTLER. Well, let us have the vote.

The PRESIDENT *pro tempore*. The bill is still open to amendment in the Senate. If there be no amendment, the question is, Shall the bill be engrossed and read the third time?

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Having been read three times, shall the bill pass?

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). On the question I am paired with the Senator from Louisiana [Mr. GIBSON]. If present I understand he would for this bill, and I should vote against it.

Mr. COCKRELL (when Mr. EDMUNDS'S name was called). The Senator from Vermont [Mr. EDMUNDS] is detained from the Senate Chamber unavoidably, and has requested my colleague [Mr. VEST] to pair with him. I have consented to pair with him. The Senator from Vermont, I understand, if present, would vote for this bill, and I should vote against it with pleasure.

Mr. GORMAN (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN]. If he were present, I should vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were present, he would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 39, nays 29; as follows:

YEAS—39.

Allison,	Daniel,	Manderson,	Riddleberger,
Berry,	Dawes,	Mitchell,	Sawyer,
Blair,	Dolph,	Morrill,	Stanford,
Bowen,	Eustis,	Palmer,	Stewart,
Brown,	Evarts,	Pasco,	Stockbridge,
Call,	George,	Payne,	Teller,
Cameron,	Hampton,	Platt,	Vance,
Chandler,	Hearst,	Pugh,	Walthall,
Colquitt,	Hoar,	Quay,	Wilson of Iowa
Cullom,	Jones of Arkansas,	Ransom,	

NAYS—29.

Aldrich,	Farwell,	Hiscock,	Sabin,
Bate,	Faulkner,	Ingalls,	Saulsbury,
Beck,	Frye,	Jones of Nevada,	Spooner,
Blackburn,	Gray,	Kenna,	Turpie,
Blodgett,	Hale,	Morgan,	Vest,
Butler,	Harris,	Plumb,	Voorhees,
Coke,	Hawley,	Reagan,	Wilson of Md.
Davis,			

ABSENT—8.

Chace,	Edmunds,	Gorman,	Paddock,
Cockrell,	Gibson,	McPherson,	Sherman.

So the bill was passed.

[The announcement of the passage of the bill was greeted with applause in the galleries.]

Mr. BERRY. Mr. President, if in order, I will say that I intended to state, when the Senator from New York objected, that in 1883 the Legislature of Arkansas passed a resolution instructing her Senators to vote for Federal aid to common schools. In 1885, four days before I was elected to the place that I now occupy, I stated publicly in an address to the Legislature that I had not been in favor of the passage of the Blair bill, but I would obey that instruction which was given by the Legislature in 1883, I believing the Legislature had a right to instruct. I think that some members of that Legislature voted for me in consequence of that promise. I would not have made it if I had not intended to keep it. I therefore believe that my honor is involved in keeping that promise. I have never made a promise to the people of Arkansas that I have not tried to keep, and I have kept this one. It is due to myself, however, to say that I have always doubted the wisdom of the bill, as I stated when I voted for it two years ago, and but for the legislative instruction and my pledged word I would have voted "nay."

CREDENTIALS.

Mr. DANIEL presented the credentials of John S. Barbour, chosen by the Legislature of Virginia a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1071) for the relief of A. B. Norton.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska;

A bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased;

A bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes; and

A bill (H. R. 4375) to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas relating to certain territory by them respectively claimed.

DIVISION SUPERINTENDENTS OF RAILWAY MAIL SERVICE.

Mr. PLATT. I move that the Senate proceed to the consideration of executive business.

Mr. SAWYER. I ask the Senator from Connecticut to give way for a moment until I can secure the passage of a little bill to authorize the appointment of two additional railway mail superintendents.

Mr. PLATT. The Senator from Wisconsin appeals to me to withhold the motion for a few minutes, that he may call up a bill; but I wish to say that, while I yield to him for that purpose, I will not yield for the calling up of any bill which I think will occasion debate.

The PRESIDENT *pro tempore*. The motion to proceed to the consideration of executive business is withdrawn.

Mr. SAWYER. I ask that the Senate proceed to the consideration of House bill 6439, Calendar No. 308.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments, in line 9, before the word "division," to strike out "eleven" and insert "two;" and in line 5, after the word "service," to insert "in addition to those heretofore authorized;" so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and is hereby, authorized to appoint and assign to duty two division superintendents of railway mail service, in addition to those heretofore authorized, who shall each be paid a salary of $2,500 a year.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. SAWYER, the title was amended so as to read:

A bill authorizing the appointment of two additional division superintendents of railway mail service.

R. R. TINSLEY.

Mr. JONES, of Arkansas. I ask unanimous consent of the Senate to take up Senate bill 313.

Mr. DAWES. I hope the Senator will allow us to finish the bill we had up yesterday. It is substantially through.

Mr. JONES, of Arkansas. I am anxious to take up this bill. I do not think it will occupy the attention of the Senate two minutes.

Mr. PLATT. What is the bill?

Mr. JONES, of Arkansas. It is a bill for the relief of a postmaster who is charged with a small amount of funds—$119 stolen from him. It is recommended by the Post-Office Department as being just, and they recommend that the amount shall be remitted, but the Postmaster-

General thinks under the law he has no right to credit the postmaster's account without action on the part of Congress. I presume there can be no objection made to the bill. It has been reported favorably twice to the Senate.

Mr. PLATT. If I have the right to do so, I renew my motion at this time.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of executive business.

Mr. JONES, of Arkansas. I was on the floor, and I do not think the Senator from Connecticut had the right to take me off the floor.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Connecticut had made the motion, and yielded temporarily and informally, as is frequently the case.

Mr. JONES, of Arkansas. I hope the Senator from Connecticut will not be unreasonable about this matter. I ask him to withdraw the motion.

Mr. PLATT. If the Senate will permit a word out of order, if I withdraw the motion for one I shall have to do so for all. I withdraw it absolutely.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate proceed to the consideration of the bill (S. 313) for the relief of R. R. Tinsley.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Postmaster-General, in his discretion, to credit the accounts of R. R. Tinsley, late postmaster at Nashville, Ark., with $119, lost by a robbery of the mails at or near Hope, Ark., on or about November 30, 1884.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. DAWES. I move that the Senate take up and complete the consideration of Order of Business 30, being the bill (S. 1095) to provide for the compulsory education of Indian children.

Mr. HARRIS. Pending which I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. DAWES. I think there will be no further debate on this matter if the Senate will only take it up.

Mr. HARRIS. I insist on my motion.

The motion being put, there were, on a division—ayes 33, noes 8.

Mr. SAWYER. I was anxious to get up the pension bills to-day, but to-morrow morning after the morning business is over I will endeavor to get the floor for that purpose.

The PRESIDENT *pro tempore*. The count shows 33 in the affirmative and 8 in the negative.

Mr. DAWES. I ask for the yeas and nays. ["No!" "No!"]

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will clear the galleries and close the doors of the Senate.

The Senate proceeded to the consideration of executive business. After one hour and twenty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 16, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 15th day of February, 1888.

RECEIVER OF PUBLIC MONEYS.

J. H. Craddock, of Marysville, Cal., to be receiver of public moneys at Marysville, Cal., *vice* Thomas J. Sherwood, term expired.

REGISTER OF LAND OFFICE.

Lewis C. Granger, of Oroville, Cal., to be register of the land office at Marysville, Cal., *vice* John C. Bradley, term expired.

ASSISTANT COLLECTOR OF CUSTOMS.

Thomas H. Kelly, of New Jersey, as assistant collector of customs for the port of Jersey City, N. J., in the district of New York, to succeed Asa W. Dickinson, whose term of office has expired by limitation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1888.

UNITED STATES CONSUL.

Henry Vincent Lamantia, of New Orleans, La., to be consul of the United States at Catania.

UNITED STATES MARSHALS.

Andrew H. Dill, of Pennsylvania, to be marshal of the United States for the eastern district of Pennsylvania.

Samuel L. Blaisdell, of Rhode Island, to be marshal of the United States for the district of Rhode Island.

REGISTER OF LAND OFFICE.

Jared A. Van Auken, of Georgetown, Colo., to be register of the land office at Central City, Colo.

INDIAN AGENT.

William W. Dougherty, of Liberty, Mo., to be agent for the Indians of the Warm Springs agency in Oregon.

FOR PROMOTION IN THE ARMY OF THE UNITED STATES.

First Regiment of Artillery.

Capt. William L. Haskin, to be major, August 11, 1887.

First Lieut. Frederic C. Nichols, to be captain, August 11, 1887.

First Lieut. Abner H. Merrill, to be captain, August 14, 1887.

Second Lieut. William C. Rafferty, to be first lieutenant, August 11, 1887.

Second Lieut. John L. Chamberlin, to be first lieutenant, August 14, 1887.

Additional Second Lieut. Oscar I. Straub, to be second lieutenant, August 11, 1887.

Additional Second Lieut. Fremont P. Peek, of the Fourth Artillery, to be second lieutenant, August 14, 1887.

Tenth Regiment of Cavalry.

Second Lieut. Percy E. Trippe, to be first lieutenant, January 17, 1888.

First Regiment of Artillery.

First Lieut. John M. K. Davis, to be captain, January 14, 1888.

Second Lieut. Charles J. Bailey, to be first lieutenant, January 14, 1888.

POSTMASTERS.

Fred Dutton, to be postmaster at Murray, in the county of Shoshone and Territory of Idaho.

J. Guy Hammer, to be postmaster at Hailey, in the county of Alturas and Territory of Idaho.

Joseph J. McBride, to be postmaster at Livingston, in the county of Gallatin and Territory of Montana.

D. O. Corcoran, to be postmaster at Oxford, in the county of Butler and State of Ohio.

Maurice Fitzgerald, to be postmaster at Conneautville, in the county of Crawford and State of Pennsylvania.

George Horton, to be postmaster at Sheffield, in the county of Warren and State of Pennsylvania.

Joseph F. Woodrow, to be postmaster at Havre de Grace, in the county of Harford and State of Maryland.

Charles B. Durland, to be postmaster at Norfolk, in the county of Madison and State of Nebraska.

Charles C. Ellis, to be postmaster at Sterling, in the county of Johnson and State of Nebraska.

William J. Keller, to be postmaster at Sutton, in the county of Clay and State of Nebraska.

Lafayette Myers, to be postmaster at Grand Island, in the county of Hall and State of Nebraska.

Oliver H. Scott, to be postmaster at Hebron, in the county of Thayer and State of Nebraska.

Bertha Kleven, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska.

H. Fred Wiley, to be postmaster at Kearney, in the county of Buffalo and State of Nebraska.

George F. Lewis, to be postmaster at Saginaw, in the county of Saginaw and State of Michigan.

Benjamin F. Osgood, to be postmaster at Mendon, in the county of St. Joseph and State of Michigan.

R. B. Henderson, to be postmaster at Henderson, in the county of Vance and State of North Carolina.

Michael E. Lennon, to be postmaster at Hurley, in the county of Ashland and State of Wisconsin.

Joseph W. Goodwin, to be postmaster at Wolfborough, in the county of Carroll and State of New Hampshire.

Jennie B. Hosley, to be postmaster at West Lebanon, in the county of Grafton and State of New Hampshire.

Theodore S. Bassett, to be postmaster at Birmingham, in the county of New Haven and State of Connecticut.

William H. Macartney, to be postmaster at Oakland, in the county of Kennebec and State of Maine.

George R. Smith, to be postmaster at Kennebunk, in the county of York and State of Maine.

William Barton, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts.

James B. Lowrie, to be postmaster at Portland, in the county of Jay and State of Indiana.

Marion H. Ingrim, to be postmaster at Winamac, in the county of Pulaski and State of Indiana.

Lodah T. Alexander, to be postmaster at Monticello, in the county of Jones and State of Iowa.

Richard Burke, to be postmaster at What Cheer, in the county of Keokuk and State of Iowa.

Sena Gidley, to be postmaster at Malvern, in the county of Mills and State of Iowa.

Hull Hoagland, to be postmaster at Emmetsburgh, in the county of Palo Alto and State of Iowa.

Amos H. Kisner, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa.

Thomas C. Medary, to be postmaster at Waukon, in the county of Alamakee and State of Iowa.

Newton S. Noble, to be postmaster at Anamosa, in the county of Jones and State of Iowa.

William C. Swigart, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa.

Henry Slikkerveer, to be postmaster at Orange City, in the county of Sioux and State of Iowa.

Jonathan B. Stutsman, to be postmaster at Harlan, in the county of Shelby and State of Iowa.

Joseph S. Lake, to be postmaster at Marion, in the county of Linn and State of Iowa.

Emory J. Landers, to be postmaster at Imlay City, in the county of Lapeer and State of Michigan.

J. I. McConnell, to be postmaster at Woodland, in the county of Yolo and State of California.

Charles P. Bilderback, to be postmaster at Boisé City, in the county of Ada and Territory of Idaho.

Dennis O'Brien, to be postmaster at Willmar, in the county of Kandiyohi and State of Minnesota.

O. A. Traugh, to be postmaster at Hollidaysburgh, in the county of Blair and State of Pennsylvania.

Charles J. Harrison, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 15, 1888.

The Clerk, Hon. JOHN B. CLARK, called the House to order and directed the reading of the following letter:

WASHINGTON, *February* 15, 1888.

Hon. JOHN B. CLARK,
Clerk of House of Representatives:

SIR: Mr. S. S. COX is designated to act as Speaker for this day.

JOHN G. CARLISLE, *Speaker.*

Hon. S. S. COX took the chair as Speaker *pro tempore.*

Prayer by Rev. Dr. BRUSH, president of Dakota University.

The Journal of yesterday's proceedings was read and approved.

BAGADUCE RIVER.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Bagaduce River, Maine; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LOTS IN DULUTH.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, with inclosures, in relation to the proposed acceptance by the United States of a deed tendered by the city of Duluth of certain lots in that city for purposes of navigation and commerce; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEYS OF THE MISSISSIPPI RIVER.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of examinations and surveys of the Mississippi River between St. Paul and St. Anthony's Falls, and of the Red River of the North from Morehead to Fergus Falls; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING, PORTLAND, OREGON.

The SPEAKER *pro tempore* also laid before the House the following Senate bills; which were severally referred as follows:

The bill (S. 20) to provide for the construction of a public building at Portland, Oregon—to the Committee on Public Buildings and Grounds.

The bill (S. 416) for the relief of Mrs. Harriet H. Robinson—to the Committee on Claims.

The bill (S. 424) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians—to the Committee on Indian Affairs.

The bill (S. 601) to authorize purchasing additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and for the erection of additions thereto—to the Committee on Public Buildings and Grounds.

A. B. NORTON.

The SPEAKER *pro tempore* also laid before the House a bill (S. 1071) for the relief of A. B. Norton.

Mr. ABBOTT. Mr. Speaker, I ask unanimous consent that that bill be taken up and put upon its passage. It has been favorably and unanimously reported by the Committee on Claims.

Mr. HOLMAN. I suggest that the bill and the report be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to A. B. Norton, late postmaster at Dallas, Tex., the sum of $1,853, being the amount paid by him involuntarily, under protest and moral duress, to the inspectors of the Post-Office Department in the year 1877, on account of certain money-order remittances made by the postmasters at Cleburne and Granbury, Tex.

The SPEAKER *pro tempore.* Is there objection to the request of the gentleman from Texas?

Mr. HOLMAN. I should like to hear the report read, Mr. Speaker, reserving the right to object.

Mr. ABBOTT. I should be pleased to have the report read.

Mr. LANHAM. The report is quite long.

Mr. HOLMAN. If the report is long perhaps the gentleman from Texas had better make a statement of the case.

Mr. ABBOTT. The circumstances of the case are these. During the summer of 1876 Mr. Norton, who was postmaster at Dallas, Tex., obtained leave of absence from the Postmaster-General and was traveling in the North, and during his absence certain registered packages passing through his office were lost—at least one of them was traced to his office; the other two were not. Those packages were lost. The Post-Office inspectors were sent down and they examined into the matter, and Mr. Norton paid over this money to the inspectors, but he made the payment under protest, and he received a receipt which is set forth in the report, and which I shall be glad to have the Clerk read. That receipt shows that the payment was a conditional one.

Mr. LANHAM. In addition to what my colleague has stated, I desire to say that this bill passed the Senate at the last Congress, and was favorably reported from the Committee on Claims in that Congress. It has been unanimously reported by the same committee this Congress. I have very fully and thoroughly investigated the case, and I have no doubt whatever that the bill is a meritorious one.

The SPEAKER *pro tempore.* Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ABBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER *pro tempore* also laid before the House the following Senate bills; which were severally referred, as follows:

The bill (S. 1103) to provide for an Indian school at Carson City, Nev.—to the Committee on Indian Affairs.

The bill (S. 937) for the relief of David L. Brainard and others—to the Committee on Military Affairs; and

The joint resolution (S. 35) appropriating $10,000 for the subtropical exposition at Jacksonville, Fla.—to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CARUTH for five days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. PHELAN obtained leave to withdraw from the files of the House the papers filed by Mrs. E. E. Carter in connection with the bills H. R. 5493 and 5492, one granting a pension and the other for her relief.

BEET-SUGAR CULTURE IN CALIFORNIA.

Mr. MORROW presented the report of a committee on beet-sugar culture in California, adopted by the Chamber of Commerce of San Francisco; which, by unanimous consent, was ordered to be printed in the RECORD.

It is as follows:

Report of committee on beet-sugar culture in California, adopted by the Chamber of Commerce of San Francisco, in special session, February 2, 1888.

RESOLUTIONS.

Whereas the public mind is now directed to the possibilities of beet-root sugar production in this country, and confidence is expressed in the adaptability of soil and climate in this State particularly to this culture, and large expectation is excited in respect to the benefits that would accrue by development of this industry, the fact remains that it is still in an experimental stage, and can not therefore be relied on as an ascertained source of sugar supply for immediate requirements, either for local consumption or for shipment; and

Whereas it has been suggested that an appeal to Congress for a bounty on beet-root sugar would tend to largely stimulate beet-root producers and encourage capital to invest in beet-root sugar factories in California and throughout the country; and

Whereas this is a step in the reduction of the duty on importations into the United States of foreign sugar, and therefore points in the direction of free trade, which we regard as dangerous to the best interests of the country at this time, and particularly menacing to the commercial growth of San Francisco, in that it would seriously interfere with the large trade that has been built up between this port and the Hawaiian Kingdom; and

Whereas we believe the introduction of a free-trade policy would be an act of bad faith to the country now enjoying the benefits of a treaty of reciprocity with

this country, which has recently been renewed for a period of seven years; and

Whereas the principle of free trade is not in harmony with the sentiment of the best thought of the people of the United States, and would cripple, if not destroy, many important manufacturing industries that have to contend against the underpaid labor of foreign countries; and

Whereas an effort to bestow a bounty on one industry would be opposed by others equally entitled to protection and encouragement, and the effort would therefore result in failure in the one instance or in the granting of a bounty to all, which would for the time unsettle values and work great injury to the commercial and manufacturing interest; and

Whereas the Southern sugar-producing States are equally interested in continuing the present tariff on sugar imported into this country, and are entitled to consideration at the hands of Cougress in the settlement of this vital question; and

Whereas all persons best informed on the beet-sugar question agree that the best possible encouragement this industry can have is a continuance of the present tariff on foreign sugars, and that a reduction of this duty will prevent further development for many years of the beet-sugar industry in California: Therefore,

Be it resolved, That the Chamber of Commerce of San Francisco regards the proposition to fix a bounty on beet-sugar produced in the United States at the present time unnecessary, and strongly urges Congress not to make any change in the present tariff in respect to the article sugar.

Resolved, That the proposition of a bounty, as suggested at this time, is a dangerous one in that it contemplates a policy which is not likely to be permanent enough to give sufficient assurance to capitalists, who are now disposed to invest money in manufactures, to warrant them in making such investments, and in developing manufacturing industries.

Resolved, That we regard it as unwise and dangerous to introduce any policy in the revenue system of the United States which departs so radically from the policy which has made our country one of the strongest nations in the world, politically and financially, and under which a development unknown in the history of nations has been experienced.

Resolved, That the Pacific coast delegation in Congress, and particularly the delegation from this State, be urged to use all possible means to defeat any action in Congress which contemplates a change in the present duty on sugar and the establishment of a bounty system.

Resolved, That the lumber, fruit, wine, wool, and other important interests of the Pacific coast are equally interested in maintaining the present tariff, and are urged to unite with the chamber in a firm and vigorous protest against the reductions suggested, which threaten to destroy these large interests.

IRA P. RANKIN.
FRED A. GIBBS.
W. H. DIMOND.

A true copy.
Attest:

WILLIAM L. MERRY, *President.*
[SEAL.] THOS. J. HAYNES, *Secretary.*

UNITED STATES COURTS AT OWENSBOROUGH, KY.

Mr. LAFFOON. Mr. Speaker, I ask unanimous consent to take from the Calendar the bill (H. R. 3361) to provide for holding terms of the United States courts at Owensborough, Ky., and to put it upon its passage. The bill does not carry any money.

The bill was read, as follows:

Be it enacted, etc., That the territory embraced within the following counties in said district, to wit, Daviess, Henderson, Union, Christian, Todd, Hopkins, Webster, McLean, Muhlenberg, Logan, Butler, Grayson, Ohio, Hancock, and Breckinridge, shall hereafter constitute and be known as the Owensborough division of said district; and regular terms of the circuit and district courts of the United States for said district shall be held semi-annually in the city of Owensborough, in said division, beginning on the —— Monday in —— and the —— Monday in ——, and continuing at each term for —— judicial days, if the business shall require it; and the judges of said courts shall have the same power to call special terms in said division as they may now do under the laws of the United States elsewhere in said district.

SEC. 2. That the said courts so sitting at Owensborough shall have and exercise the same jurisdiction, power, and authority in all civil actions, pleas, or proceedings, and in all prosecutions, informations, indictments, or other criminal or penal proceedings, conferred by general laws on the district and circuit courts of the United States; and where one or more defendants in any civil cause shall reside in said division, and one or more defendants to such cause shall reside out of said division but in said district, then the plaintiff may institute his action either in the court having jurisdiction over the latter or in the said division.

SEC. 3. That in and for said division the clerk of the said district, at Louisville, shall appoint a deputy who shall reside at Owensborough, and in case of the death or removal of said deputy, or from other cause, it becomes necessary, he shall appoint a successor or successors to said deputy in like manner in all respects as by law he may now appoint and remove deputies; and he may require bond of said deputy to himself, with surety for the faithful discharge of his duties and for indemnity in case of breach, on which actions may be maintained in said district court; and said deputy shall keep and preserve the records of the court at Owensborough; issue all writs, precepts, and process, and perform all other duties devolved upon his principal.

SEC. 4. That the marshal of said district shall, by himself or deputy, attend upon the terms of the court in said division; and he may appoint a deputy to reside at Owensborough (and shall do so if ordered by the court), who shall discharge all the duties of marshal; and the marshal may require a bond of indemnity to himself, similar to that referred to in the last section.

SEC. 5. That this act shall not affect the jurisdiction, power, and authority of the court as to actions, prosecutions, and proceedings already begun and pending in said district, but the same will proceed as though this act had not been passed, except that the court shall have power, which it may exercise at discretion, to transfer to the court in said division such of said pending actions, and so forth, as might properly be begun therein under the provisions of this act.

SEC. 6. That until the public building of the United States at Owensborough, the erection whereof has been provided for by an act of the present session of Congress, shall have been completed, the courts herein provided for shall be held at the court-house of Daviess County; and the deputy clerk shall provide himself with an officer at Owensborough, but in no event shall the United States be chargeable with rent or otherwise on account of either.

The Committee on the Judiciary recommended amendments as follows:

Section 1, line 11, insert before the word "Monday" the word "fourth;" same line, after the word "in," insert the word "January;" same line, before the word "Monday," near the end of the line, insert the word "first."

Section 1, line 12, at the beginning of the line, before the word "and," insert the word "June;" same line, before the word "judicial," insert the word "eighteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAFFOON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEDERAL JUDGMENTS AS LIENS ON REAL ESTATE.

Mr. ANDERSON, of Iowa, presented a joint resolution of the General Assembly of Iowa as to when Federal judgments shall constitute a lien on real estate; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD. It is as follows:

Joint resolution No. 3.

Be it resolved by the General Assembly of the State of Iowa, That our representatives in the Senate and House of Representatives in Congress be requested to use their efforts to secure the passage of a bill which shall require that before judgments rendered in the Federal courts sitting in the State of Iowa shall become liens upon real estate transcripts thereof shall be filed with the clerk of the court in the county where the real estate is located and be properly indexed.

Approved February 9, 1888.

I hereby certify that the foregoing joint resolution passed the senate and the house of representatives of the Twenty-second General Assembly of the State of Iowa.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

PENSIONS.

Mr. ANDERSON, of Iowa, also presented a resolution adopted by the Republican Club of Creston, Union County, Iowa, favoring a measure granting to each Union soldier who served in the war with Mexico or in the war of the rebellion a pension on the sole condition of an honorable discharge; which was referred to the Committee on Pensions, and order to be printed in the RECORD. It is as follows:

Be it resolved by the Republican Club of the city of Creston, Union County, Iowa, That while we recognize the importance of such legislation by our National Congress as shall foster and protect the agricultural, manufactural, and commercial interests of the country, yet, in view of the inestimable services rendered by our citizen soldiers on land and sea to our nation in the hour of her greatest need, we deem it a duty which the nation owes to these her heroic defenders that her Congress now assembled shall enact a measure granting to each Union soldier and sailor who served either in the war with Mexico or in the war of the rebellion a pension upon the sole condition that aid soldier or sailor was honorably discharged from said service.

Be it further resolved, That a copy of these resolutions be forwarded to our representatives in Congress, and they be hereby requested to do all in their power to have such measure passed at this session of Congress.

INTERNATIONAL COPYRIGHT.

Mr. ANDERSON, of Iowa, also presented the petition of the faculty of Amity College, Page County, Iowa, favoring fuller security to literary property and asking the speedy enactment of an international copyright law; which was referred to the Committee on Patents, and ordered to be printed in the RECORD. It is as follows:

To the honorable the Senate and House of Representatives of the United States:

We, the undersigned, members of the faculty of Amity College, at College Springs, Iowa, believing that both justice and expediency demand fuller security for literary property, hereby petition your honorable bodies for the speedy enactment of an international copyright law.

T. J. KENNEDY, *President*,
HENRY AVERY, *Professor English Literature*,
ELEANOR F. KRAIGER, *Didactics and History*,
JOHN O. TAYLOR, *Mathematics*,
C. O. WOODMANSEE, *Commercial Department*,
S. S. MAXWELL, *Natural Science*,
EMMA W. NELSON, *Music*,
All of College Springs, Iowa.

GREER COUNTY, TEXAS.

Mr. LANHAM. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill No. 4375, and that it now be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. LANHAM] asks unanimons consent to have considered in the House at the present time the bill which will be read.

Mr. REED. I respectfully suggest that recognitions for unanimous consent ought to take place with reference to the different sides of the House.

The SPEAKER *pro tempore*. The Chair was undertaking to do that.

Mr. REED. I do not see that it has been done.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Iowa [Mr. ANDERSON] and then turned to the other side.

Mr. REED. The gentleman from Iowa is not on our side of the House.

The SPEAKER *pro tempore*. The Chair will endeavor to observe fairly the practice in this regard. The Chair will state that on the list of members for recognition the gentleman from California [Mr. FELTON] was next, but the Chair did not see that gentleman on the floor.

Mr. REED. I think that by some accident the rule which has heretofore obtained in the House in regard to this matter has not been very well observed.

The SPEAKER *pro tempore*. There is nothing in the rules on the subject. The Chair will endeavor to be fair.

Mr. FELTON. I did not desire to be recognized this morning.

The SPEAKER *pro tempore*. The Chair understood that the gentleman did wish recognition.

Mr. DORSEY. I was to take the gentleman's place on the list.

The SPEAKER *pro tempore*. The Chair was not aware of that. The gentleman from Texas [Mr. LANHAM] asks unanimous consent for the consideration of the bill which will be read, the right to object being reserved.

The Clerk read as follows:

A bill (H. R. 4375) to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas relating to certain territory by them respectively claimed.

Whereas a controversy exists between the United States and the State of Texas over the title to that territory lying between the North and South Forks of Red River, east of the one hundredth degree of longitude, the same being designated on the maps of Texas as Greer County; and

Whereas all efforts heretofore made by and between the United States and the State of Texas for a settlement of said controversy have failed; and

Whereas it is desirable that said conflicting claims should be finally settled and determined: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a board of arbitration be, and the same is hereby, created for the purpose of deciding said controversy and finally determining the ownership of said territory.

SEC. 2. That said board of arbitration shall consist of five persons, who shall be learned in the law, two of whom shall be appointed by the President of the United States, two by the governor of Texas, and the fifth, who shall be the chief-justice or governor of some one of the States other than Texas, shall be agreed upon and appointed by the President of the United States and the governor of Texas.

SEC. 3. That said board of arbitration shall meet at such place or places as may be designated by a majority of its members, and shall have full authority to send for persons and papers, to administer oaths, and to hear and receive testimony in behalf of the respective claims of the United States and the State of Texas, including any evidence heretofore taken and received by the Joint Boundary Commission, under the act of Congress approved January 31, 1885, and to thoroughly investigate and decide said controversy, to the end that it may be definitely settled and determined whether said territory belongs to the United States or the State of Texas.

SEC. 4. That said board of arbitration shall be appointed and enter upon the work hereby assigned them as early as practicable after the passage of an act of similar import to this by the Legislature of the State of Texas, and shall render their decision as soon as the importance of the issue and a proper investigation thereof will justify, and when said decision is rendered the same shall be by said board of arbitration certified to the President of the United States and the governor of Texas, and shall be recorded in the respective general land offices of the United States and the State of Texas, and said decision shall be final and decisive of said controversy.

SEC. 5. That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, to defray the expenses and for compensation of those members of said board of arbitration appointed by the President: *Provided*, That the State of Texas shall pay a sum equal to that paid by the United States as compensation for that member of said board jointly appointed by the President and governor of Texas.

SEC. 6. That this act shall take effect and be in force as soon as the Legislature of Texas shall pass an act in accordance herewith.

The amendments reported by the Committee on the Judiciary were as follows:

In line 2, section 2, strike out "five" and insert "three," and strike out "two" and insert "one."

In line 4, section 2, strike out "two" and insert "one," and strike out "fifth" and insert "third."

Mr. ADAMS. Mr. Speaker, how does this bill come up? Has unanimous consent been given for its consideration?

Mr. LANHAM. I have asked unanimous consent for its consideration.

Mr. ADAMS. Has it been granted?

The SPEAKER *pro tempore*. It has not been. Is there objection to the consideration of the bill?

Mr. ADAMS. I will say to the gentleman from Texas that, while I have no objection to the passage of some measure which shall effect the purpose contemplated by this bill, I would greatly prefer a bill providing for the settlement of this controversy in the Supreme Court of the United States, where I think it ought to be and can properly be settled. When this report was made I reserved the right to dissent, intending, if I had the time (and I did not suppose the bill would be called up so soon), to try to examine the original case of the State of Georgia, which came up before the adoption of the amendment of the Constitution, in order to see whether that might not be a precedent in this regard.

Mr. LANHAM. I will say to the gentleman that there seems to be some doubt whether there is constitutional authority to create a court to decide this question or to confer jurisdiction authorizing the State of Texas to sue the United States or the United States to sue the State. This matter has received careful consideration, I take it, at the hands of the Judiciary Committee. The question is very important, and it is exceedingly desirable that it should be speedily settled. The controversy is one of long standing. In 1886 a commission was appointed by the President which went down to the State of Texas and, co-operating with a commission on the part of the State——

Mr. ADAMS. I am aware of that; and that commission failed simply because it was a commission. We should have had the case settled now if it had gone into the Supreme Court of the United States.

Mr. LANHAM. In the bill, however, now recommended by the Judiciary Committee it is proposed there shall be three arbiters—one to be selected by the President of the United States, another by the governor of Texas, and a third by the President and governor acting jointly. These arbiters are to be men learned in the law——

Mr. ADAMS. I am aware of that.

Mr. LANHAM. And it is believed this measure offers a greater hope of speedy settlement than any other bill that could possibly be draughted. Besides, the matter will go to the Judiciary Committee of the Senate, where it can be further deliberated upon and investigated. It is well known how difficult it is to get consideration of bills here. What we seek to do, so far as Texas is concerned, is to put an end to the controversy as soon as possible. I trust the gentleman from Illinois will not object.

There are some four or five thousand people living in what is known as Greer County, Texas. It is regularly organized as a county, and the civil and judicial machinery of the State government is in operation there. But it is claimed by some on the part of the United States that this county is a part of the Indian Territory, while it is earnestly asserted by Texas that it belongs to that State. We hope, by the creation of this board of arbitration, to have the matter settled fairly and finally.

Mr. ADAMS. Although I have grave doubts whether we ought to pass this bill until it is shown that a better mode of procedure can not be framed, I withdraw my objection, simply because of my unwillingness to object to anything which all the rest of the House agrees to consider.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill in the House?

Mr. REED. It is understood, I believe, that the words "or governor" are to be stricken out.

Mr. LANHAM. In order to obviate one objection, it has been suggested by the gentleman from Maine [Mr. REED] that in line 5 of section 2 the words "or governor" be stricken out. I am disposed to agree to that proposition, so that the umpire will be the chief-justice of some State other than the State of Texas.

Mr. OATES. The Judiciary Committee were not unanimously of opinion that those words should be retained in the bill; hence it would be best, perhaps, that the amendment now suggested be adopted.

Mr. CULBERSON. While I have no authority to speak for the Judiciary Committee on this subject, I have some knowledge of the views of individual members upon the proposition made by the gentleman from Maine; and I think it will meet their approbation if this amendment be adopted.

Mr. LANHAM. Then, Mr. Speaker, let that amendment be made.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none. The question is on the amendments.

Mr. LANHAM. Let the question be taken on the amendment just suggested as well as those proposed by the committee.

The SPEAKER *pro tempore*. If there be no objection, the question will be taken on the amendments together.

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM COMMITTEES.

The SPEAKER *pro tempore*. Committees will now be called for reports.

ANNULMENT OF TEXAS TITLES.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 1887) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SOUTHWESTERN ARKANSAS AND INDIAN TERRITORY RAILROAD.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (S. 322) to authorize the Southwestern Arkansas and Indian Territory Railroad Company to build a bridge across the Ouachita River in Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REVENUE-CUTTER FOR CHARLESTON, S. C.

Mr. PHELAN, from the Committee on Commerce, reported back favorably the bill (H. R. 1818) for construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

BRIDGE ACROSS TENNESSEE RIVER.

Mr. PHELAN also, from the Committee on Commerce, reported back favorably the bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BUREAU OF PUBLIC HEALTH.

Mr. DAVIS, from the Committee on Commerce, reported back with amendment the bill (H. R. 1526) to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

KANSAS CITY AND PACIFIC RAILROAD COMPANY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 3359) to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MOORHEAD, LEECH LAKE AND NORTHERN RAILWAY COMPANY.

Mr. NELSON, from the Committee on Indian Affairs, reported back a bill (H. R. 6650) granting the right of way through certain Indian lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company; which was laid on the table.

Mr. NELSON also, from the Committee on Indian Affairs, reported a bill (H. R. 7261) granting the right of way through certain Indian lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SOLDIERS' MONUMENT, ROCKLAND, ME.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 1495) granting to Edward Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining custom-house at Rockland, Me.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PUBLIC BUILDING, BAR HARBOR, ME.

Mr. MILLIKEN also, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 4467) for the erection of a public building at Bar Harbor, in Maine; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

APPRAISERS' WAREHOUSE, NEW YORK.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING, CHARLESTON, S. C.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 4358) to increase the limit of cost for the public building in course of erection at Charleston, S. C.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING, TEXARKANA.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back bills of the following titles; which were laid on the table:

A bill (H. R. 1865) providing for the construction of a public building at Texarkana, on or across the boundary line between the States of Texas and Arkansas; and

A bill (H. R. 2010) to provide for a public interstate building at Texarkana.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported a bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING, INDIANAPOLIS, IND.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1325) to provide for the purchase of additional ground in the city of Indianapolis, Ind., adjoining the post-office site, for the improvement of the building thereon, and appropriating $125,000 therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, COLUMBUS, GA.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1275) for the erection of a public building at Columbus, Ga., and appropriating money therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, BAY CITY, MICH.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1568, a bill (H. R. 7263) for the erection of a public building at Bay City, Mich.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 1568 was ordered to be laid on the table.

PUBLIC BUILDING, NEWARK, N. J.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and for the erection of additions thereto; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARY F. POTTS.

Mr. VANCE, from the Committee on Patents, reported back adversely the bill (H. R. 47) for the relief of Mary F. Potts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. VANCE. I understand the minority desire to be heard, and will submit their views hereafter.

PUBLIC BUILDING, MILWAUKEE, WIS.

Mr. POST, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 154) for the erection of a public building at Milwaukee, Wis.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CLAIMS OF THE STATE OF MARYLAND.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 1521) to provide for paying certain advances made to the United States by the State of Maryland; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE F. ROBERTS AND OTHERS.

Mr. SHAW also, from the Committee on Claims, reported back with amendments the bill (H. R. 2127) for the relief of George F. Roberts and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE B. HANSELL.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (H. R. 5336) for the relief of George B. Hansell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. GOUGH EDELIN.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (H. R. 6753) for the relief of P. Gough Edelin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM KNOWLAND.

Mr. KERR, from the Committee on Claims, reported back favorably the bill (H. R. 2686) for the relief of William Knowland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. C. SCANLAND.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 3496) for the relief of W. C. Scanland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CROUSE, from the Committee on War Claims, reported back adversely the bill (H. R. 4116) for the relief of Urias Buskirk; which was ordered to be laid on the table, and the accompanying report ordered to be printed.

CLAIMS FOR BOUNTY.

Mr. ROBERTSON, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1558) to provide for the payment of a bounty of $100 to soldiers enlisted in the military service of the United States under the act of July 22, 1861, and who were discharged by reason of surgeon's certificate for disability, or for promotion, before the expiration of two years, and who have not received $100 bounty; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, BRIDGEPORT, CONN.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill 1266, a bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.; which was read a first and second time, referred to the Committtee of the Whole House

on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1266 was ordered to be laid on the table.

PUBLIC BUILDING, HOBOKEN, N. J.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill 4990, a bill (H. R. 7265) for the erection of a public building at Hoboken, N. J.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 4990 was ordered to be laid on the table.

CORRECTION OF CALENDAR.

Mr. BELMONT. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BELMONT. I desire to correct a clerical error in the Calendar. In the transcribing of the resolution assigning special days to the Committee on Foreign Affairs, the Journal shows correctly that the days fixed are Thursday and Saturday, the 16th and 18th of February. It is here stated in the Calendar as March. It should be February.

The SPEAKER *pro tempore*. The Chair will state that the Journal is right. The original paper seems to have been wrong. It is no fault of the clerks at the desk.

Mr. BELMONT. The days assigned to the committee were Thursday and Saturday of this week.

LEGATION BUILDING IN JAPAN.

Mr. BELMONT, by unanimous consent, introduced a joint resolution (H. Res. 110) accepting from the Government of Japan the gift of a plat of ground for legation purposes, and making appropriations therefor; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LEGATION BUILDING AT BANGKOK, SIAM.

Mr. BELMONT also, by unanimous consent, introduced a bill (H. R. 7266) making appropriation for the repair and improvement of the buildings of the United States legation at Bangkok, Siam; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ADMISSION OF DAKOTA.

Mr. SPRINGER, by unanimous consent, presented a memorial of the constitutional convention of the State of Dakota, asking for the admission of South Dakota into the Union, and the formation of North Dakota into a Territory; which was referred to the Committee on the Territories, and ordered to be printed in the RECORD.

The memorial is as follows:

To the Congress of the United States:

The constitutional convention of Dakota, elected under the act of the Territorial Legislature approved by the governor March 9, 1885, with power under the act to adjourn from time to time, respectfully represents that it has maintained its organization and existence, and on this 9th day of January, 1888, again convened, pursuant to a previous adjournment, for the purpose of renewing and emphasizing the request of the people of South Dakota for a division of the Territory and their admission to the Union as a State.

That the people of all Dakota, north and south, have, during the past seventeen or eighteen years, contemplated division and the formation of two States you are well aware, and that the buildings and institutions of the Territory have been systematically duplicated, one of each class having been established in each division of the Territory. Nearly every Legislature which has convened in the past eighteen years has either memorialized Congress or taken some action in behalf of a division of the Territory.

The last convention of the Republican party, held at Yankton, in September, 1886, for the nomination of a Delegate to Congress, adopted the following resolution:

"*Resolved*, That the will of the people of all Dakota in favor of division of the Territory on an east and west line has been so clearly and so often expressed during the past fifteen years that there is no reasonable doubt of the determined purpose of a large majority to hold on steadfastly till this purpose is accomplished, and we earnestly ask Congress to pass such a measure without delay, said division to be on the boundary line of the counties nearest the forty-sixth parallel of north latitude."

The last convention of the Democratic party, which met at Aberdeen in 1886, to put in nomination a Congressional Delegate, adopted a resolution favoring a submission of the question of division to the voters of the Territory.

In accordance with the request of the foregoing resolutions and for the purpose of obtaining an authoritative and final expression of the whole people, the last Legislature submitted the question of division to the people of the Territory, with the result of a decisive majority for division.

South Dakota has a population of more than 360,000 people, and an area of 77,000 square miles, with every requisite of a strong and safe State. Fair men will never claim that the division of Dakota will injure the nation.

Objection has been made to the division of Dakota on the ground that if divided into two States there would not be sufficient resources in each to sustain a population equal to the older States. In reply, this convention would call the attention of Congress to the report of the Hon. L. Q. C. Lamar, Secretary of the Interior, in which the following populations are given in the several Territories seeking admission into the Union: Dakota, 568,400; Montana, 130,000; New Mexico, 160,000; Washington, 142,391. Of this population of Dakota, 208,000 are in North Dakota and 360,000 in South Dakota, showing in the less populous portion from 48,000 to 68,000 more population than either of the other Territories asking admission, and larger than some States. The Dakotas will be agricultural States, whose population never decreases.

But it is now with the people of Dakota not a question whether division is desirable, but whether the majority or the minority of her people shall direct her local affairs. If Congress shall declare that the minority shall prevail, or that the will of the majority shall be ignored, it will be a severe blow to republican institutions. It will establish a precedent which may hereafter work disaster to the country. It is a declaration that the General Government is drifting away from the principles upon which States have heretofore been admitted.

On behalf of the people of South Dakota we invite the attention of Congress to our situation and repeat our request that our long-deferred rights be granted us by the admission of South Dakota to the Union. The people of South Dakota would be false to the cardinal principles of the Republic if they should now accept admission as a whole. We believe they will never do it. If they possess the endurance and courage of men who are fitted for self-government, they can never surrender. We can suffer Territorial government, with all its privations and denials of justice indefinitely if it is forced upon us, but we can not abandon the principle, upon which the States of the Republic are founded, that the legally expressed will of the majority shall prevail.

We further respectfully request that, in pursuance of the vote of the people on November 8 last, the Territory be divided on the seventh standard parallel, instead of the forty-sixth parallel of latitude, as contemplated in the constitution adopted by the people in November, 1885, and that the State be designated as "South Dakota," and the north half of the Territory be permitted to enjoy the name which they undoubtedly desire, "North Dakota.

A. J. EDGERTON, *President.*

JOHN CAIN, *Secretary.*

Mr. SPRINGER also, by unanimous consent, presented a memorial of a convention assembled at Aberdeen, Dak., asking the admission of the whole Territory of Dakota as one State; which was referred to the Committee on the Territories, and ordered to be printed in the RECORD.

The memorial is as follows:

Memorial.

To the Congress of the United States:

The people of Dakota Territory, assembled in a delegate convention, respectfully represent that they are desirous of the admission of the Territory of Dakota as a State into the Federal Union. We are possessed of the requisite population to entitle Dakota to representation in the House of Representatives in case of admission. We therefore earnestly petition for the passage by Congress of an enabling act authorizing the election of delegates to a convention for the purpose of preparing a constitution, republican in form, to the end that the constitution so framed may be submitted to a vote of the people of said Territory at the next general election for ratification, and, if ratified, that Dakota Territory be admitted into the Union as the "State of Dakota."

Submitted herewith is the proceedings of the convention of the people of Dakota held at the city of Aberdeen, Dak., December 15, 1887, to all of which we earnestly invite your attention and pray for a favorable consideration.

L. G. JOHNSON, *of Brown County.*
M. L. McCORMACK, *of Grand Forks.*
W. E. DODGE, *of Cass County.*
GRANVILLE G. BENNETT, *of Lawrence County.*
P. B. McCARTY, *of Pennington County.*
JOHN L. PENNINGTON, *of Yankton County.*
ROBERT H. McBRIDE, *of Davison County.*
W. E. PURCELL, *of Richland County.*
ANTHONY GARNETT, *of Pembina County.*
C. H. WINSOR, *of Minnehaha County.*
F. A. GALE, *of Lincoln County.*
C. T. McCOY, *of Brown County.*
J. A. LEE, *of Day County.*
WILLIAM THOMPSON, *of Burleigh County.*
J. A. FRYE, *of Stutsman County.*

TERMS OF COURT IN NEBRASKA.

Mr. DORSEY. I ask unanimous consent to call up from the House Calendar, for consideration at this time, the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska, which has been reported by the Committee on the Judiciary with amendments.

The bill as proposed to be amended was read, as follows:

[Omit the parts in brackets and insert the parts printed in italics.]

Be it enacted, etc., That the State of Nebraska shall constitute one judicial district, which shall be called the district of Nebraska. For the purpose of trying all issues of fact, triable by jury in the United States circuit and district courts, said district is hereby divided into five divisions, which shall be called the eastern, southern, western, northern, and central divisions of the district of Nebraska. The eastern division shall include the counties of Douglas, Sarpy, Cass, Saunders, Washington, Dodge, Colfax, Platte, Boone, Nance, Merrick, Cuming, Burt, [Keya Paha,] Dakota, and Dixon; the southern division shall include the counties of Lancaster, Otoe, Nemaha, Richardson, Johnson, Pawnee, Gage, [Jefferson,] Butler, Seward, Saline, York, and Polk; the western division shall include the counties of Adams, Fillmore, *Jefferson*, Hamilton, Clay, Thayer, Nuckolls, Webster, Franklin, Harlan, Furnas, Red Willow, Hitchcock, Dundy, Chase, *Perkins*, Hayes, Frontier, Gosper, Phelps, and Kearney; the northern division shall include the counties of Madison, Stanton, Wayne, Cedar, Knox, Pierce, Antelope, Holt, Wheeler, Sioux, Brown, *Keya Paha*, Cherry, Dawes, Garfield, and Sheridan; the central division shall include the counties of Buffalo, Hall, Howard, Greeley, Valley, Sherman, Custer, Dawson, Lincoln, Keith, Cheyenne, Arthur, Grant, McPherson, Thomas, Blaine, Logan, [and] Loup, *and Box Butte*, and any unorganized territory or counties not herein named.

SEC. 2. That a deputy clerk of the said district and circuit courts shall be appointed at each place in the five divisions of said district where said court is required to be held, each of whom, in the absence of the clerk, may exercise all the official powers of clerk at the place within the division for which he is appointed. The marshal of the said district of Nebraska shall perform the duties of marshal for all the divisions of said district, and shall keep an office at each of the places in the five divisions of said district where the circuit and district courts thereof are required to be held. The district attorney of the district of Nebraska shall perform the duties of district attorney for all the divisions of said district, being allowed such assistants as in the judgment of the Attorney-General may be necessary.

SEC. 3. That the regular terms of the circuit and district courts in said district of Nebraska shall be held at the times and places following: In the eastern division of said district, at Omaha, on the first Tuesday in May and November; in the southern division of said district, at Lincoln, on the first Tuesday in January and October; in the western division of said district, at Hastings, on the first Tuesday in March; in the northern division of said district, at Norfolk, on the first Tuesday in April; in the central division of said district, at Kearney, on the first Tuesday in September.

SEC. 4. That in said district, all suits not of a local nature in the district courts against a single defendant, inhabitant of such State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suit may be brought in either division and duplicate writs may be sent to the other defendants. The clerk issuing such duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court in the proper division of the district; and the original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded in as one suit. All issues of fact in such

suits shall be tried at a term of the court held in the division where the suit is so brought.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I did not notice the exact terms of this bill, and wish to inquire of the gentleman from Nebraska whether this bill increases the number of places at which the Federal courts shall be held in Nebraska?

Mr. DORSEY. Certainly. That is the object of the bill.

Mr. HOLMAN. To what extent?

Mr. DORSEY. The bill adds three places.

Mr. HOLMAN. The courts are now held at two places?

Mr. DORSEY. Yes, sir; at Omaha and Lincoln, in the extreme end of the State.

Mr. HOLMAN. And the object is to provide three other places for holding courts?

Mr. DORSEY. Yes, sir.

Mr. HOLMAN. The business that goes into the Federal courts is, of course, business connected with the administration of Federal laws alone?

Mr. DORSEY. Yes, sir.

Mr. HOLMAN. What public reason is there for the increase of the number of Federal courts in the State of Nebraska?

Mr. DORSEY. In order to answer that question of the gentleman from Indiana, I ask that the report be read. It discloses the necessity for this legislation.

The report by (Mr. FULLER) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the district of Nebraska, having considered the same, report as follows:

Your committee find that under present law of the United States courts in Nebraska are held at Omaha and Lincoln. These two cities are in the eastern part of the State and not over 50 miles apart. Omaha is on the extreme eastern boundary of the State and Lincoln about 60 miles interior. The State of Nebraska is 400 miles from east to west and 200 from north to south, and has 76,000 square miles. When the present courts were established there were not over 300,000 inhabitants in the State. The present population is estimated at 1,250,000 people.

Litigants, witnesses, and jurors are now obliged to travel from 1 to 400 miles to attend court at great expense to themselves and the Government. Courts should be held at such points in a State as to accommodate the people of the entire State, and as this bill has this purpose in view, we are of the opinion it should pass, with the following amendments:

Strike out the words "Keya Paha" in twelfth line, and the word "Jefferson" where the same appears in fourteenth line. Insert the word "Jefferson" after the word "Fillmore" in the sixteenth line; also insert the word "Perkins" after the word "Chase" in the eighteenth line; also insert the words "Keya Paha" after the word "Brown" in the twenty-first line; also insert the words "and Box Butte" after the word "Loup" in the twenty-fifth line.

Mr. HOLMAN. I regret that the Committee on the Judiciary deem it necessary to so largely create facilities for entering the Federal court. The tendency of all this is to supersede, in a large degree, our State tribunals. We can not expect to secure legislation by which the jurisdiction of Federal courts shall be greatly diminished as long as this policy of increasing the number of Federal courts is continued. In my own State, which has much more reason for a large number of Federal courts than the State of Nebraska—its courts having admiralty business on Lake Michigan and the Ohio—there are courts held at four different places in the State, and a very enlightened Federal judge, one of the best in the country, Judge Gresham, formerly district judge of Indiana, now judge of the circuit, has always expressed the opinion that no public or legitimate purpose justified more than a single place for the holding of the Federal courts in that State. Fully concurring in that view from my own experience, I do not wish, however, to resist the unanimous expression of opinion of the Judiciary Committee; but I express regret, as I have often done before in this House, at this practice of enlarging at every session of Congress the number of Federal courts, and thus diminishing the importance and practical jurisdiction of State tribunals.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ROGERS. I think it is due to the Judiciary Committee that I should make a very few observations on this question. If the gentleman from Indiana had devoted his attention as closely to the work of the Judiciary Committee, or had had an opportunity of doing so, as he has to those branches of the public service with which he has been more immediately connected, I think he would have discovered one important fact, and that is that in the Forty-ninth Congress the jurisdiction of the Federal courts was curtailed to a greater extent in a single bill than in all the legislation which has been enacted in the past twenty-five years on that subject. And I undertake to say now that, except in so far as the Congress of the United States has created new penalties or has enacted new provisions under the land laws touching the public domain, in which I am sure the Judiciary Committee have had the hearty co-operation and sympathy of the gentleman from Indiana, he will not find a single instance of an increase of jurisdiction in the Federal courts on the part of the Forty-ninth Congress, and up to this time of the Fiftieth Congress; I mean jurisdiction over the subject matter of suits or the parties to suits. I say, differing, perhaps, from the gentleman from Indiana on that point, that all we have done is that we have tried to locate these courts, so that when citizens of the various States shall be brought unwillingly within the jurisdiction of the Federal courts, they shall not be dragged five or six hundred miles to attend a district court.

Mr. STEWART, of Vermont. And thereby diminishing the expense.

Mr. ROGERS. In that respect it diminishes the expenses of litigants, and to that extent relieves the operation of the laws of their harshest features.

Mr. HOLMAN. But still my friend will not say that it diminishes the expenses of the Federal Government. On the contrary, the discussion which we had here yesterday, in which the gentleman took part with so much ability, showed that the tendency of all these measures is to enormously increase the expenses of the Federal judicial system.

Mr. ROGERS. It does increase to a limited extent the expenditures of the Government, but that is not the question which the gentleman raised. The gentleman said that we were increasing the jurisdiction of the Federal courts and creating new facilities for them to take jurisdiction. That I controvert.

Mr. HOLMAN. I did not say that you were increasing the jurisdiction of the Federal courts, but that you were pursuing a policy which would render it impossible for any real reform to take place in the Federal court system. The effect of all this is to diminish the importance of the local State tribunals and to increase that of the Federal courts; and there has been no legislation, not even that to which my friend refers and of which I highly approve, which has to any large degree restricted the jurisdiction of the Federal courts.

Mr. ROGERS. Mr. Speaker, it astonishes me to hear so well informed a gentleman make a statement of that kind in so distinguished a presence, because everybody knows who has read what is called the Culberson bill that the curtailment of the jurisdiction of the Federal courts effected by that bill has been larger than by all others that have passed Congress during the last twenty years.

Mr. HOLMAN. That is conceded, of course; but at the same time the bill accomplishes nothing in comparison with what I think ought to be accomplished. I think this tendency to override the local tribunals of the States ought to stop somewhere, and that these facilities of the Federal courts ought to be diminished instead of increased.

Mr. ROGERS. Mr. Speaker, my whole training has been never to suffer any man who once makes an issue to make a departure. The statement of the gentleman from Indiana [Mr. HOLMAN] was that we were increasing the facilities for getting into the Federal courts.

Mr. HOLMAN. Yes, that is what I said.

Mr. ROGERS. Now, I want to know how it is possible to increase those facilities unless we increase the jurisdiction of the courts? What we really propose is to increase the facilities for the people to defend themselves in suits brought against them in the Federal courts, but we do not in any way increase the jurisdiction of those courts.

Mr. HOLMAN. You do not increase the jurisdiction directly, but do you not do it by increasing the number of Federal courts? What are all these demands for additional terms of those courts for, if not for the purpose of creating new and enlarged facilities for reaching those tribunals and giving them advantages over the local tribunals, thereby diminishing the relative importance of the local tribunals?

Mr. ROGERS. I now yield to the gentleman from Nebraska.

On motion of Mr. DORSEY, the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TARIFF COMPILATION.

Mr. HUDD, by unanimous consent, introduced a joint resolution (H. Res. 111) to provide for printing 20,000 copies of Senate Report No. 12, first session Forty-eighth Congress, known as the Tariff Compilation; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

NEW LIBRARY BUILDING.

Mr. RANDALL, from the Committee on Appropriations, submitted the following report:

IN THE HOUSE OF REPRESENTATIVES, *February* 9, 1888.

Resolved, That the Committee on Appropriations be, and is hereby, instructed to inquire and report to the House what contracts have been made for the construction of the building for the Library of Congress and the amount expended under the same, and for what purpose, and the cause of delay in the progress of the work on the building.

The Committee on Appropriations, to which was referred the accompanying resolution, having considered the same, reports it back with the recommendation that the following be adopted as a substitute therefor:

"*Resolved*, That a committee of five of this House be appointed by the Speaker to inquire and report to the House what contracts have been made for the construction of the building for the Library of Congress and the amounts expended under the same and for what purpose, and the cause of delay in the progress of the work on the building; and also what persons are now or have been employed and paid from the appropriations made for the purchase of the site for and the construction of said Library building, and the amount or rate of com-

pensation to each of said persons. And finally, said committee shall inquire and report fully as to the construction of said building for the Library of Congress, and are authorized to send for persons and papers and to employ a clerk at $6 per day, to be paid from the contingent fund of the House."

Mr. RANDALL. Mr. Speaker, the Committee on Appropriations favor the fullest investigation as to the expenditure of the appropriation heretofore made for the erection of the Library building, and desire all information which can possibly bear upon the estimate which has been sent in as the sum required for the coming year—$800,000. But in view of the manifold duties of the committee and their work in other directions, they do not believe that they can do justice either to themselves or to the subject in undertaking this investigation. They have therefore submitted the substitute which proposes a special committee for the purpose of making this inquiry.

Mr. McMILLIN. What objection is there to having this matter investigated by the Committee on the Library instead of appointing a special committee? If the Committee on the Library is not the proper body to investigate a question of this kind, I would like to know for what purpose that committee exists.

Mr. HOLMAN. Or the question might be referred to the Committee on Public Buildings and Grounds.

Mr. McMILLIN. Yes, either committee would do. But the Committee on the Library has been specially organized for the purpose of considering questions of this character; and if it is not to take cognizance of such an inquiry as this, I respectfully submit that the performance of a farce in connection with the existence of that committee might very properly cease.

Mr. HOLMAN. The Committee on the Library is, however, a joint committee.

Mr. RANDALL. The Library Committee, as the gentleman from Indiana suggests, is a joint committee, existing under the statute. Therefore the Committee on Appropriations has agreed with unanimity that this subject might properly go to a special committee.

Mr. BLOUNT. Is it not perfectly competent for the Speaker to designate as a portion of this proposed special committee the members of the Committee on the Library on the part of the House?

Mr. RANDALL. Undoubtedly the Speaker would have that power.

Mr. McMILLIN. But neither their knowledge, wisdom, nor means of information would be increased by the new designation.

Mr. HOLMAN. I suggest to the gentleman from Pennsylvania that the three members on the part of the House of the Joint Committee on the Library, with the addition of two other members, might properly be constituted as this special committee. The Committee on the Library have their own clerk, and would be able to transact this business without expense.

Mr. RANDALL. If the objection is to the appointment of a clerk, I think that can be obviated by withdrawing, with the consent of the House, that part of the resolution.

Mr. HOOKER. I will inquire of the gentleman from Pennsylvania whether this subject-matter has not in the Senate been referred to a special committee.

Mr. RANDALL. I so understand.

Mr. McMILLIN. I have no objection to the proposed investigation——

Mr. RANDALL. I think that every public interest warrants the investigation——

Mr. McMILLIN. I have no doubt that the investigation should be made——

Mr. RANDALL. And the investigation would have been undertaken by the Committee on Appropriations or by the subcommittee having jurisdiction of appropriations for the Library, had it not been felt that the regular duties of the committee would not permit them to do full justice to this question.

Mr. DOUGHERTY. Should not this resolution have properly gone, under the rules of the House, to the Committee on Expenditures on Public Buildings?

Mr. RANDALL. The House itself referred the resolution to the Committee on Appropriations—doubtless because it is the duty of that committee to report to the House appropriations for this work. Therefore this resolution, by the assignment of the Speaker, no doubt, or certainly with his concurrence, went to the Committee on Appropriations. But, as I have already said, the members of that committee, while desiring the fullest and most thorough investigation, do not feel that they can do full justice to this inquiry in view of other work incumbent upon them.

The question being taken on agreeing to the substitute reported by the Committee on Appropriations, it was agreed to.

The resolution as amended by the adoption of the substitute was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WIDOW OF JOHN A. S. TUTT.

Mr. WARNER. I ask unanimous consent for the present consideration of a bill now on the Calendar of the Committee of the Whole House—the bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $386 to the widow of John A. S. Tutt, deceased, of La Fayette County, Missouri, in full repayment to her of taxes erroneously assessed upon the salary of said John A. S. Tutt, as judge of the sixth judicial circuit of said State, from the year 1862 to the year 1870, inclusive, which said sum was erroneously collected of him as income tax upon his salary as said State judicial officer.

The amendment reported by the Committee on Claims was read, as follows:

After the word "dollars," in line 6, insert "or so much thereof as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by John A. S. Tutt as tax upon his salary as a State officer."

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I ask that the gentleman in charge of the bill make some statement of its effect.

Mr. WARNER. The purpose of this bill is to refund to the widow of the late Judge Tutt, of La Fayette County, Missouri, the income tax which was collected upon his salary as circuit judge in the State of Missouri. The amendment reported with the bill has been proposed at the suggestion of the Commissioner of Internal Revenue, because the reports in his office, which are not complete, show the payment of only about $200 by Judge Tutt as income tax. The bill as amended will simply authorize the refund of so much of the sum of $386 as may be shown to the satisfaction of the Commissioner to have been paid by Judge Tutt as income tax upon his salary. Gentlemen, of course, remember that the income tax as to officers of this class was declared illegal by the Supreme Court of the United States, so that there is no question the amount paid as such tax in this case ought to be refunded to the widow.

Mr. BROWNE, of Indiana. This, as I understand, is a personal claim for the refunding of income tax, and comes here because otherwise the statute of limitations would prevent the repayment of this money. I will inquire, why not pass a general law repealing, in this respect, the statute of limitations and allowing repayment in all cases of this kind? If the gentleman from Missouri [Mr. WARNER] assures me that he will assist in securing repayment on the same account for a constituent of mine I will interpose no objection.

Mr. WARNER. I will certainly do so. [Laughter.]

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Claims was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CREDIT TO UNITED STATES REVENUE-CUTTER SERVICE.

Mr. CLARDY, from the Committee on Commerce, reported the bill (H. R. 1240) to credit the revenue service for the transportation home by United States revenue vessels of shipwrecked seamen from the Arctic regions or from the Territory of Alaska; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. DOUGHERTY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to rent, during the remainder of this session of Congress, from Hon. B. F. Butler, a room in the building south of the Capitol for the use of the Committee on Expenditures on Public Buildings at a rental not to exceed $50 per month; and that the Clerk of the House be directed to suitably furnish said room at a cost not to exceed $400, which sums are to be paid from the contingent fund of the House.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of a bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriation for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. DINGLEY. A bill reported from the Committee on Banking and Currency was assigned for consideration for this day. If the gentleman from Missouri will permit me, I will call it up and move that it be postponed.

Mr. BURNES. It is necessary this appropriation bill should pass at once, and I must insist upon my motion. I move that all general debate in committee be limited to thirty minutes.

The motion was agreed to.

The question recurred on the motion to go into committee; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. By order of the House all general debate on the pending deficiency bill is limited to thirty minutes.

Mr. BURNES. I will yield as much of the thirty minutes to my colleague on the committee from the State of Texas [Mr. SAYERS] as he may see fit to occupy.

Mr. SAYERS. Mr. Chairman, I listened with much pleasure on yesterday to the remarks of my friend from Arkansas [Mr. ROGERS], and expected to have the greater pleasure of reading them in the RECORD of this morning, but I find that they have not been printed, and therefore, in what I have to say in reply, I will have to rely upon my memory, expecting that he will correct me if I should misquote him.

I understood the gentleman from Arkansas [Mr. ROGERS] to say that he had no complaint to urge against the bill under consideration; that he approved it, and that it met his hearty indorsement.

Mr. ROGERS. My friend states it stronger than I did. I did state that I did not intend to criticise the bill—that I had barely read it, but not critically. I may have amendments to offer to it, but do not know how that will be until we get to it.

Mr. SAYERS. I also understood the gentleman from Arkansas to say that there were unpaid expenses under the control of the United States marshal of the Federal court located at Fort Smith, Ark.—a large amount—as deficiencies for the fiscal year ending June 30, 1887.

Mr. ROGERS. My friend from Texas is singularly unfortunate. No such idea ever entered my head, and it will not be found in my remarks.

Mr. SAYERS. But did not the gentleman say there were unpaid deficiencies for the fiscal year ending June 30, 1887?

Mr. ROGERS. I made no such statement of that character, and you will not find a single, solitary statement of that kind in my remarks. I stated this, if the gentleman will permit me to proceed, that by reason of the failure of the deficiency bill for a former year the business of that year was crowded into the present fiscal year and absorbed a portion of the appropriation for the present fiscal year. Let me remark by way of explanation, in view of the fact that the gentleman is cognizant and knows that I am aware of the fact that the other deficiency bill, which went through, did cover those things, I do not see how he could have fallen into that error.

Mr. SAYERS. The other deficiency bill, passed during the present session, it is true, covers that appropriation; but inasmuch as the gentleman, as I understood him, was referring to the expenses of the courts for the year ending June 30, 1887, I took it, as a matter of course, that the appropriation made in the deficiency bill which failed in the last session of the Forty-ninth Congress, but which has recently passed, covered the deficiency of that year.

But be that as it may, Mr. Chairman, I desire to have read to the committee, for its information, the total appropriations made by Congress for this service during the years 1885, 1886, and 1887.

The Clerk read as follows:

1885—Marshals	$727,155
Jurors	450,000
Witnesses	621,408
Prisoners	300,000
	2,098,563
1886—Marshals	705,000
Jurors	540,000
Witnesses	787,150
Prisoners	250,000
	2,282,150
1887—Marshals	675,000
Jurors	500,000
Witnesses	550,000
Prisoners	240,000
	1,965,000

Mr. SAYERS. In order to show to the committee what proportion of these amounts was expended in the court for the western district of Arkansas, there being but one court, and that located at Fort Smith, I send to the desk a communication and ask that it be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 15, 1888.

Hon. J. D. SAYERS:

The expenses of the United States courts in the western district of Arkansas, as paid through the marshal, during the years 1885, 1886, and 1887, are as follows:

1885	$146,564.69
1886	200,746.91
1887	133,602.30

M. J. DURHAM, *Comptroller.*

Mr. SAYERS. It will be seen, Mr. Chairman, from the figures submitted, and which are official, that for the year 1885, of the total appropriations of this character, about 7 per cent. was paid to the United States marshal at Fort Smith, Ark.; for the year 1886, about 9 per cent., and for the year 1887, about 7 per cent. It should be borne in mind that these appropriations were intended to maintain all of the courts of the United States.

The gentleman from Arkansas, in order to sustain his attack upon the Committee on Appropriations, submitted to this committee on yesterday a statement from the clerk of the Federal court for the western district of Arkansas, and from thence he drew the conclusion that in consequence of the expanse of business throughout the country, of the growth of population, of the extension of settlements to all the western Territories, and of the enactment of new legislation by the Forty-ninth Congress, the expense of the judicial system of the country had been necessarily swollen to an amount much larger than during preceding years.

Now, I have not heard, and I call upon the gentleman to give to-day, or at some other time, a good reason why such expenses of the court at Fort Smith, Ark., should reach from five hundred to six hundred dollars per day during the entire year.

Mr. ROGERS. The time of the gentleman from Texas is very limited, I know, but it will afford me sincere pleasure to show him now the reason, if he will afford me the opportunity.

Mr. SAYERS. I have but a few minutes. The gentleman had an hour and twenty minutes yesterday.

Mr. ROGERS. I am only responding to the gentleman's invitation.

Mr. SAYERS. But not in my time. The gentleman took, as a predicate for his address to the House on yesterday and for his lecture to the Committee on Appropriations, the recommendations which appear in the report of the committee.

The House of Representatives, and especially the Appropriation Committee, are accustomed to receiving lectures from the gentleman from Arkansas. The distinguished gentleman from Indiana was treated to a lecture by him this morning. We all are accustomed to it; but when the gentleman proposes to lecture individuals, or committees, or the Congress he should be sure that he is in a position not to be criticised himself; and I now ask the question, which I hope will ring throughout the country, why is it that the court at the home of the gentleman from Arkansas, which he is defending here so vigorously, has received so large a percentage of the appropriations for the years 1885, 1886, and 1887?

Mr. ROGERS. Will the gentleman allow a brief answer to his inquiry?

Mr. SAYERS. I will yield to the gentleman with pleasure, but the answer must be brief, as I have but a few minutes left.

Mr. ROGERS. I will be very brief. In the first place, I was not undertaking to defend the court at Fort Smith, Ark., but was using the condition of things there merely as an illustration of the effect of a failure on the part of Congress to make the necessary appropriations or to make adequate appropriations to run the Government.

But I read now, to assist the gentleman from Texas along in his argument, what the Attorney-General says in regard to the court at Fort Smith:

The large expenditure for the support of courts in Fort Smith, arising from its jurisdiction over offenses committed in the Indian Territory, has caused the Department to send examiners to that point for the investigation of the conduct of its officers and the management of the court. They have staid there on two separate occasions two or three months, and have made careful reports to the Department. As far as it has been ascertained there does not appear to be ground for charging the court or its officers with neglect of duty or a desire to make fees for themselves. The great expense grows out of the condition of the law respecting the jurisdiction of offenses in the Indian Territory wherein a white man is implicated. This expense has grown and grown yearly, and may be expected to grow under the present legislation.

Very respectfully, A. H. GARLAND, *Attorney-General.*

And addressed to me, bearing date January 5, 1888.

And the document which I read in regard to the condition of that docket when the court adjourned, about the 20th of December last, shows there were forty-four murder cases on the docket at that time.

Mr. SAYERS. That is all in the gentleman's speech of yesterday.

Mr. ROGERS. I am answering the question which the gentleman addressed to me. Just one word more. I have one more suggestion to make. No fault has been found with the administration of that court, and if it has jurisdiction which it should not exercise it is not the fault of the court, but the fault of the Congress of the United States.

Mr. SAYERS. Now, I should not have alluded to the court at Fort Smith, Ark., but for the reason that the gentleman from Arkansas brought into the House statements *from the clerk of that court.* He invited the issue. He laid the predicate; and he ought to have come prepared with facts to sustain the predicate and to rebut any contradictory evidence.

I respectfully submit to this committee—there are no politics in this question—that the Committee on Appropriations were right in calling the attention of Congress and of the country to this method of distributing the appropriations. Here are large sums placed in the hands of the Government for disbursement. It is presumed that the disbursements will be made fairly and equitably throughout the country. But, on the contrary, we find staring us in the face the unpleasant fact that 9 per cent. of the appropriations of 1886 went to Fort Smith, Ark., alone, and that 7 per cent. of them for this year went into the same court. It is not surprising that everywhere the marshals and the jurors and the bailiffs are complaining. I have received letter upon letter from marshals in Texas, urging me to assist in procuring appropriations and having them placed on the urgent deficiency bill.

Mr. DOUGHERTY. Will the gentleman from Texas allow me to interrupt him for a moment?

Mr. SAYERS. Yes, sir.

Mr. DOUGHERTY. I wish to state as a fact in the line of the argument which the gentleman from Texas is pursuing, that at the last term of the United States district and circuit courts in the district of Jacksonville, Fla., the jurors and witnesses had to be discharged and the court adjourned because there was no appropriation to carry on the court.

Mr. SAYERS. If we had had the time after the remarks delivered by the gentleman from Arkansas yesterday evening, we would have brought before this committee an itemized statement showing how these large sums of money, placed under the control of the Government, had been distributed among the different courts of this Union.

I could only procure data amply sufficient to demonstrate, beyond contradiction, that Fort Smith, Ark., had received more than its just share. It is no wonder the gentleman from Arkansas is so anxious to defend these courts. It is to his interest to do so. They are at his home.

I do not believe, Mr. Chairman, that insufficient appropriations should be made. Every department of this Government should be supplied by Congress with funds enough to operate it efficiently. But there should be an impartial, economical administration in every branch. The gentleman seemed anxious to attack the Appropriations Committee, and to make it appear to the country that that committee was unwilling to give needful appropriations with which to properly discharge the public duties.

I submit to this committee that the proposition enunciated in the report of the Committee on Appropriations is a true one.

It declares that—

The system of allotment of appropriations by the Department is inherently bad, as, necessarily, no wisdom or judgment can prevent the giving of too much money to some courts and too little to others, thereby tempting the former to extravagance and compelling the latter in many instances to suspend proceedings.

Is this an attack upon the Attorney-General? Is there any intimation in this report from the beginning to the end that the Attorney-General of the United States has been guilty of any impropriety? No, sir; but it denounces the system as bad. It has been bad for years, and it is the duty of Congress to correct this system and remedy the evil, if it be possible to do so.

Who could have more appropriately brought this matter to the attention of Congress than they who have recommended appropriations and have become cognizant of the manner in which the public moneys are distributed throughout the country?

Mr. Chairman, the course of the gentleman from Arkansas reminds me of an anecdote which I heard around the House during the Forty-ninth Congress. It seems that a member on this floor was having a great deal of opposition at home, and that a very active and intelligent opponent who believed in the State-rights doctrine, and especially in confining the operations of the Federal courts within their legitimate and constitutional jurisdiction, was canvassing for the nomination and very bitterly assailed the then Representative because of his well-known friendliness to the Federal court system. On one occasion he made a very strong speech and before a very large audience. It was at the Representative's own home and the excitement was high. This candidate portrayed, in eloquent terms, the abuses that were growing out of this unnecessary, unlawful, and unconstitutional increase of the powers of the Federal judiciary. After he had gotten through, one old gentleman arose and said, "I'm not goin' to vote for you." "Why not, my friend?" inquired the orator; "are you not a Democrat?" "Yes," said the old man, "I am a Democrat, and a good one." "Then why won't you support me in the nominating convention?" "Well," said the old gentleman, "because one Federal court is equal to a second corn crop in this district." [Laughter.] Now, Mr. Chairman, I am willing that the gentleman from Arkansas [Mr. ROGERS] shall have a second corn crop, but I am not willing that he shall have a third and fourth corn crop unless like advantages shall be distributed throughout the country generally. [Renewed laughter.] The sole object of the recommendations in the report of the committee was to induce Congress, if possible, to correct the system out of which the evils complained of have almost necessarily grown. No reflection upon any official was intended.

Mr. BURNES. Mr. Chairman, I deem it my duty to call attention somewhat to the method and manner of making appropriations for the support of the Government. The Committee on Appropriations is periodically subjected to lectures and patronizing attacks, which I think could be most appropriately omitted; but they seem to be always in order, and it appears that when a gentleman can not possibly object to any provisions in a proposed bill, can not object to a single item of appropriations therein suggested, as has been the case with the bill under consideration, he will, finding nothing better to talk about, undertake to discuss even the simple language of recommendation contained in the report which the Committee on Appropriations has seen proper to make. The opposition to the report on this bill stands at this moment upon objections to certain propositions. The first is, that the ever-recurring deficiencies, both in annual estimates and consequently annual appropriations for the "expenses of United States courts," are entitled to the grave and thoughtful consideration of Congress. I will show that deficient estimates for these expenses have annually occurred. But first as to the general subject of appropriations. It is to be borne in mind that the Committee on Appropriations is divested, under the rules of the House, of changing existing law, of reporting appropriations that make such changes, or generally of reporting legislation in an appropriation bill, however necessary and proper it may be.

Therefore, being without any power, as before stated, and required to report appropriations simply, they can only further benefit Congress and the country by calling attention in their report to abuses they are powerless to correct and evils which other committees may never otherwise have called to their attention.

The gentleman from Arkansas [Mr. ROGERS] attacks us with regard to our methods of appropriation and for the necessity of certain deficiencies therein. We answer, "The trouble comes from deficient estimates," and this fact I shall soon proceed to abundantly show.

But first as to time and manner of appropriations. They are made annually, to commence with the beginning of the fiscal year succeeding that in which they are made.

When those appropriations are being made for the year to come there should be before the Committee on Appropriations accurate and reliable estimates for them by the various Executive Departments. An inaccurate, an unreliable, or a deficient estimate is absolutely abhorrent to good government; a deficient appropriation may be in the line of true economy, and certainly tends to lessen expenditures, and in no event can do any harm.

Estimates should be made in the light of the expenditures of the preceding year, which are, or ought to be, within the knowledge of the person making them. They should be made in the light of experience and observation, which should be sufficient to teach their makers the amounts that will be necessary under each head for expenses of the coming year.

With accurate and reliable estimates before them the Committee on Appropriations can consider with practical discrimination and judgment whether or not it is well to encourage economy by limiting the appropriations in the first instance to any less amount than that which is estimated. The committee can safely do this, for a deficiency in appropriation can be provided for after the lapse of half the year, and when both the Department and committee have the ascertained fact of expenditure for six months, and can more closely judge by comparison the requirements for the half year.

The SPEAKER *pro tempore*. The thirty minutes allowed for general debate have expired. The Clerk will now report the bill by sections.

Mr. BURNES. I ask five minutes more.

Mr. LONG. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri be allowed five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. LONG]?

Mr. ROGERS. Yes; unless we can have an opportunity to reply.

Mr. BURNES. I simply desire to say, Mr. Chairman, that out of my hour I gave the gentleman from Arkansas twenty minutes yesterday.

Mr. ROGERS. Mr. Chairman, I withdraw the objection.

Mr. BURNES. I now call for the reading of the bill by sections.

The Clerk, reading the bill by sections, read as follows:

For Treasury building, Washington, D. C.: For completion of silver vault, $1,000.

For new freight elevator, $2,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, and I yield my time to the gentleman from Missouri.

Mr. BURNES. Mr. Chairman, I was proceeding a few moments ago to call the attention of the House to the method of appropriating upon the annual estimates. This House meets upon the first Monday in December and proceeds to make appropriations after we have had the experience not only of the expenditures of preceding years and of the judgment of the estimating officers, but also the experience of six months of the year for which the appropriation was made. Now, you will observe that the fiscal year beginning on the 1st of July and Congress meeting on the first Monday in December, if there should have been made a deficient appropriation there is half the year left in which to remedy it by making an additional appropriation. Hence I say that deficient estimates are always to be abhorred, while deficient appropriations, which may be subsequently remedied, if experience shows a remedy to be necessary, are to be encouraged, and are in the line of true economy, tending to diminish the expenditures of the Government.

But, Mr. Chairman, I wish especially to call the attention of this Committee of the Whole to the issue which has been made. It is a little singular that, standing here with my colleague from Texas [Mr. SAYERS], representing the Committee on Appropriations, we are to meet criticism and objections in the house of our friends with regard to items of estimate and appropriation concerning which the Committee on Appropriations is absolutely and unconditionally without fault. Sir, you will find that under the head of judicial expenses for the current year the Department estimated $3,155,000. You will further find that the appropriations made or to be made in this bill will give that Department $3,374,400, making an excess of expenditure over the estimates, not over previous appropriations alone, of $219,400.

Let us consider the estimates and appropriations with regard to pay

of jurors. In 1885 the estimate for this item was $500,000. It will be observed that these estimates were made under a Republican administration; and for one, I can say that from the time I began service on this committee under a Republican administration, I have never stopped to consider whether the Departments were governed by Democrats or Republicans. In 1885 the estimate for expenses of jurors was $500,000; the appropriations were $450,000, $50,000 less than the amount estimated. This, we may say, was for the first half year of the Democratic administration and the last half of the Republican administration; and perhaps both parties were endeavoring to curtail expenses. In 1886 the estimates for pay of jurors were $500,000, the expenses $540,000, making in that year the excess of expenditures over estimates $40,000. In 1887 the estimates were $450,000; the appropriations and expenditures were $500,000, an excess of $50,000 over the estimates. In 1888 the estimates were $500,000, the appropriations and expenditures $650,000, an excess of $150,000 in the expenditures over the estimates.

[Here the hammer fell.]

Mr. BURNES. Now, Mr. Chairman, I take the floor in my own right. While upon this subject, let me call attention to a further fact. The gentleman from Arkansas yesterday gave as a reason why these expenses should increase, that population and business are increasing, and that, naturally enough, expenditures should increase. I find, sir, that in the estimates for 1889, the year to come, commencing next July, this same Department which found a deficiency of $40,000 in 1886 and of $50,000 in 1887, comes to us with an estimate of $50,000 less than the estimate for 1888. Does this indicate that that Department is aware of the growth of the country and the increase of business?

But let us come to the pay of witnesses. In 1885 the estimates for this item were $610,000; the appropriations and expenditures were $621,408.74, the excess of expenditures over estimates being only $11,408.74, which was very close work for the year 1885, and very creditable work both on the part of the Department and of Congress so far as estimates on appropriations were concerned. But in 1886 the estimate for pay of witnesses was $610,000 and the expenditures were $778,150, making an excess of expenditures over estimates, mark you, of $177,150 for a single year.

In 1887, in the light of this deficiency of $177,150, the estimates were $550,000—$60,000 less than the estimates for the preceding year. Evidently this Department had not then learned that there was any increase in the business of the country or of the courts, because in the light of an expenditure of $787,150 for the year 1886 the estimates for this service was reduced, not by the Appropriations Committee but by this Department, to $550,000. And what was the result? The appropriations and expenditures for 1887 were $750,000—$200,000 in excess of the estimates of this Department. Yet the business of the country and of the courts, it is said, is annually swelling!

More than that; we come now to 1888, and we find the Department had not yet awakened to the fact that the country was growing and the business of the courts increasing, for this same estimate of $550,000 is gravely submitted to Congress as the amount which will be required for this service. What are the facts? Congress appropriated $550,000, as asked in the estimates, supplemented in this bill by an appropriation of $300,000 more; so that for the current year the excess of expenditures and appropriations over estimates will be, in round numbers, $300,000. We can thus appreciate the wonderful light emanating from the gentleman from Arkansas, but which has not pervaded the Department he has undertaken to defend while he is attacking the Committee on Appropriations.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I move to amend by striking out the last two words——

Mr. ROGERS. Mr. Chairman——

Mr. HENDERSON, of Iowa. And I yield my time to the gentleman from Missouri [Mr. BURNES].

Mr. ROGERS. Mr. Chairman, if the five-minute rule is to be administered in this manner we had better proceed in the ordinary way, so that there may be fair time for response.

Mr. HENDERSON, of Iowa. If I am recognized, I yield my time to the gentleman from Missouri.

The CHAIRMAN. The Chair thinks that the arrangement now proposed would not be in accordance with the practice of the House.

Mr. LONG. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri, being in charge of this bill from the Committee on Appropriations, may have ten minutes.

Mr. ROGERS. I think the gentleman from Massachusetts [Mr. LONG] ought to broaden his motion——

Mr. LONG. I have no objection to allowing the gentleman from Arkansas an opportunity to reply. Shall we renew the general debate?

Mr. BURNES. Not at all. Mr. Chairman——

Mr. ROGERS. I make a point of order before the gentleman goes on. I want this matter settled at this stage of the proceeding.

The CHAIRMAN. The Chair holds that the gentleman from Missouri can not proceed further at present. The gentleman from Arkansas [Mr. ROGERS] is recognized.

Mr. ROGERS. The chairman of the Committee on Appropriations having in charge this bill can hardly afford to be unfair. He ought not, in justice to the truth of the law, as well as to the facts, to undertake now directly what, by virtue of this report, he did indirectly, attack the Department of Justice. I demonstrated yesterday, if I am able to demonstrate anything, that the Department of Justice does not disburse these moneys.

I wish to call attention to the single fact in this report of the gentleman from Missouri in regard to the court expenses. In 1887 the estimates were $550,000; the appropriation was $500,000.

Mr. BURNES. Allow me a minute. I say that it is no part of my purpose, desire, or intention, either in this report or on this floor, to criticise the administration of the Department of Justice. I call attention to the facts, but not for the purpose of criticism.

Mr. ROGERS. I do not know any other mode of criticising anybody justly except by stating the facts. I for one insist that the force of the gentleman's remarks is to reflect upon the Department of Justice. I will not undertake to inquire into his motives at all; but if he proposes to hold the Department of Justice responsible, candor ought to compel him to show the Department of Justice has the disbursement and control of these moneys, and has been derelict in its duties.

The gentleman from Pennsylvania says the "control of the estimates." I return to that subject. The estimates in 1886, for witness fees, were $610,000, and the appropriation $500,000. The deficit was $237,150. So that notice was served at that time on the Committee on Appropriations that for witness fees it took $737,150 to transact the business of that Department. In the succeeding year, under the administration of the same officer, the same estimates were made and like appropriation, and the expenditures fell short $37,000 of the previous year, or, in other words, was $200,000 instead of $237,000.

In that year the deficiency bill failed, and that deficiency bill is to this blessed hour entailing its evil effects. It is not my purpose to discuss whether or not that deficiency bill failed by reason of the misconduct of this House or the other House. I submit that proposition to the gentleman who is chairman of the committee in this end of the Capitol and the gentleman who is the chairman of that committee in the other end of the Capitol.

Mr. RANDALL. I will answer that the Senate is to blame. [Laughter.]

Mr. ROGERS. And the gentleman at the other end of the Capitol will say that the House is to blame. I am not going to undertake to settle between them, but will proceed to speak in reference to the matter now before us.

[Here the hammer fell.]

Mr. McCREARY. I will take the floor and yield my five minutes to the gentleman from Arkansas.

Mr. ROGERS. Now, Mr. Chairman, in 1888, there came over, by reason of this deficiency as estimated, not by the clerk of the court alone, but by the Department of Justice, as stated in the document procured from the Department of Justice and read yesterday, business sufficient to require the sum of $60,000, and I believe a much larger sum, that had to be paid out of the appropriation for this year; so that the $550,000 appropriated in conformity to the estimates for the year 1888 was reduced $60,000, by having to provide for business of a former fiscal year. The result was a deficiency, and the courts were suspended again in December for want of funds.

In that connection, as constituting absolute demonstration of the fact I am trying to show, I wish to send to the Clerk's desk to be read a letter from the Comptroller of the Treasury. It will show on the part of the several funds to the credit of the United States courts there was ample money for jury purposes, ample funds for all purposes except for witnesses, showing that the appropriation had been absorbed by the business forced upon it because of the suspension of the court in the preceding year.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., December 13, 1887.

SIR: As requested by you this morning when you were at the office, I transmit herewith a statement of the balances now standing upon the books of the Treasury Department to the credit of the following appropriations for the present fiscal year, to wit:

Payment of fees and expenses of United States marshals and deputies	$338,004.00
Fees of jurors	83,346.00
Fees of witnesses	629.93

As you will see, the appropriation for fees of witnesses is virtually exhausted.

Very respectfully,

M. J. DURHAM, *Comptroller.*

Hon. JOHN H. ROGERS, M. C.,
House of Representatives.

Mr. ROGERS. So that this letter demonstrates two facts: One is, as I have already stated, that we are carrying in this year's appropriation the business of a former fiscal year; and second, if there had not been a failure of the deficiency bill last Congress the courts would not have suspended on the 20th of December last, and there would have been at least $60,000 of this fund, as shown by the Comptroller's letter, to the credit of the witness fund when the courts suspended, to have carried them on until Congress could have met and made provision in the usual course for the balance of the fiscal year.

Now, having said that much, I yield the floor to the gentleman from Missouri, in order that he may answer, if he can.

Mr. BURNES. Mr. Chairman, I ask where the Clerk has left off the reading of the bill?

The CHAIRMAN. The Clerk concluded the reading of the second line on page 2.

Mr. BURNES. I ask for the reading of the next section.

The Clerk read as follows:

For repairs to Treasury building, $4,000.

Mr. BURNES. Mr. Chairman, I shall not detain the committee much longer; but I feel it incumbent upon me somewhat to defend this report.

The ever-recurring deficiencies both in annual estimates and appropriations for the "expenses of United States courts" are entitled to the grave and thoughtful consideration of Congress.

What is it that the committee recommend as entitled to the thoughtful and grave consideration of Congress?

Is it any error upon the part of the Department? Is it any attack upon the Administration? No, sir; it is simply calling the attention of this House and this committee to the expenses of the United States courts, of one of which at least the gentleman from Arkansas is a representative. It is to the expenses of the United States courts that we call the attention of the House, and we show that these expenses are gradually increasing year by year, until after a while the estimates will be the smallest part of the account in the transaction. That is to say, the deficiencies in estimates will be greater than the estimates themselves.

I think I have shown you that already with regard to the witnesses, although Congress gave every dollar asked for under this head for the year 1887, there was a deficiency of $200,000; and in the current year, although we gave every dollar asked for, there is a deficiency of $300,000. So you see the deficiencies are growing upon the estimates to such an extent that it has even now reached the proportion of three to five; and it seems to me, in the light of this state of things, that it will be but a question of time, and a short time at that, when the estimates will become a by-word and be entirely disregarded, both in this House and elsewhere.

I quarrel with no one. I am quarreling only with the estimates, and I state but the facts. If the facts which I allege are criticisms upon any individual, whether upon this side of the House or that side, or whether upon my own party or the party upon the other side of the House, so much the worse for either party which is responsible for it. The facts must be stated, and especially so under the great provocation which the Committee on Appropriations have had with regard to this report in connection with this bill.

But, sir, it is said that the Department of Justice has nothing to do with the allotment of the money to the marshals. Granted. That is a matter of no consideration. The Department of the Treasury or the subordinates of the Department of the Treasury send all estimates to this Congress, and it is against these estimates that I am complaining. It is against them, and not against the gentlemen who have not perhaps the time to look into the details of the business of the public. Be that as it may, this system is inherently bad, bad beyond all question.

We appropriated $500,000 to pay witnesses in the United States courts for a year. Somebody will administer upon that sum and divide it out into say sixty-five parts, not equal parts, as we have seen, but whoever has been fleetest of foot, whoever has been smartest in gaining access to, or who has come closest to the throne, has been able to get a very large proportion, sometimes, of this aggregate sum. So that while in some cases, as stated in this letter, where one marshal has more money than he needs, the marshal of my friend from Florida, as he has stated to the committee, has far less than he needs for the transaction of the public business. For this fault who is to blame? It is the fault of Congress, the fault of the law, the fault of legislation.

Mr. ROGERS. Mr. Chairman, the gentleman from Missouri falls from his high estate when he drops down into a personal attack upon me by charging that I represent any court. I submit, sir, that that is beneath the dignity of his high position and wholly unworthy of a gentleman who has won a place upon the Appropriations Committee of the House of Representatives.

Mr. BURNES. I ask the gentleman from Arkansas to allow me a moment.

Mr. ROGERS. Certainly.

Mr. BURNES. It has never been my purpose since I have stood upon this floor to criticise any gentleman offensively or harshly. In alluding to the gentleman as representing this court, in the use of language, I meant that there was a court in the district that the gentleman was so ably representing here. I did not propose to state that he was a part of the court, that he personally represented the court, or had anything to do with the details of the business of the court, but only that it was within his district.

Mr. ROGERS. While the gentleman from Missouri is explaining, he ought also to explain, in view of his recent disclaimer of his attack upon the Department of Justice, what he means when he says those marshals who are "swiftest of foot" and "nearest the throne" manage to get the larger proportion of the appropriations.

Mr. BURNES. I answer emphatically, if my friend from Arkansas will allow me, that that is the rule not only of this administration but of all other administrations. It is the rule of human nature. "First come, first served."

Mr. ROGERS. It was not the question of "first come, first served," but it was the question of those "nearest the throne." What is meant by the gentleman from Missouri by that expression? Is it not meant that those officers of the court who reside in the State from which the distinguished Attorney-General comes are the largest beneficiaries in this matter, and that it is because they do reside in that State? I submit that is beneath the dignity of honorable discussion on the floor.

Let me suggest in that connection another thing to the gentleman from Missouri and the country—whether he proposes to stand up here and defend the stoppage of courts in this country with forty-four men in jail awaiting trial on the charge of murder in one court, and impute improper motives to the Attorney-General or the Representative of that district because they advocate that sums sufficiently large shall be granted so that the people in that district shall have the constitutional right of a fair, speedy, and impartial trial under the law.

That is what I undertake to defend. I do not stand up for one court. I stand for the integrity of the whole system from ocean to ocean, and from the lakes to the sea. I stand against this system of doling out in insufficient sums money to run the courts, a system which results in the stoppage of the courts, in the increase of the expense and in the harshest, most tyrannical, and most unconstitutional oppression of the poor unfortunates who are incarcerated in the prisons throughout the land. If I am to be stigmatized for that, I am ready to accept the stigma at the hands of the gentleman from Missouri, or any one else.

I am for the supremacy of the law, in the administration of this Government on high and correct principles, and for such appropriations as will enable it to be administered on such principles. And I stand for one other thing. That is that the Fiftieth Congress of the United States shall lift itself out of the rut of vicious precedents and march forward abreast of the times.

[Here the hammer fell.]

Mr. SAYERS obtained the floor and yielded his time to Mr. BURNES.

Mr. BURNES. I shall not stand here and bandy words with the gentleman from Arkansas, who I suppose, under the rules of the House, has a right to express himself as he pleases. That is his business. I have probably the same right. But I propose not to consider with him in this place what is an honorable or a dishonorable line of debate. This is neither the time nor the occasion for such a consideration.

Now, sir, I am not quarreling with the administration of the Department of Justice, nor with the Attorney-General. My quarrel, if I may use the word, is with the estimates for judicial expenses, and for pay of jurors, witnesses, etc., in United States courts, made, I suppose, in the Department of Justice, which, as I have shown, have been persistently inadequate to cover the expenditures. It is no fault of Congress or of the Committee on Appropriations that courts have suspended, that witnesses and jurors have not been paid, but solely the natural result of deficient estimates, over which the Department of Justice has control. For the time has fully come when this much-misrepresented committee is compelled to give notice that every dollar that has been estimated for has been appropriated, and vastly more each year, as I have shown; and I submit as part of my remarks the report of the committee which has been the innocent object of assault, as follows:

EXPENSES UNITED STATES COURTS.

There are recommended in the bill, appropriations, on estimates submitted by the Department of Justice, for balance of the current fiscal year, as follows:

For fees of jurors	$150,000
For fees of witnesses	300,000
For pay of bailiffs, etc	75,000

The estimates, appropriations, and deficiencies for jurors and witnesses for the fiscal years 1886 to 1888, and the estimates submitted for 1889, are as follows:

Years.	For jurors.			For witnesses.		
	Appropriations.	Estimates.	Deficiency.	Appropriations.	Estimates.	Deficiency.
1885	$400,000	$500,000	$50,000	$500,000	$610,000	$121,408.74
1886	450,000	500,000	90,000	550,000	610,000	237,150.00
1887	450,000	450,000	50,000	550,000	550,000	200,000.00
1888	450,000	500,000	150,000	550,000	550,000	300,000.00
1889		450,000			550,000	

The ever-recurring deficiencies both in annual estimates and appropriations for the "expenses of United States courts" are entitled to the grave and thoughtful consideration of Congress. The real cause of them may be found—

1. In the system of allotment of appropriations by the Department, which is inherently bad; as, necessarily, no wisdom or judgment can prevent the giving of too much money to some courts and too little to others, thereby tempting the former to extravagance and compelling the latter in many instances to suspend proceedings.

2. In the power of appointment of clerks and certain other officers and employés of United States courts by the district judge, who too frequently gathers around him in official positions or employment those who by blood or marriage constitute his personal family.

3. In the want of a different system of disbursing the money appropriated for

these expenses, the present system of payment through the marshals being unsatisfactory and demoralizing.

At the place where a United States court is held a disbursing officer might well be appointed under existing law, who, being wholly disinterested, and under the law and strict regulations of the Treasury Department, could make the court disbursements without loss, delay, or irregularity, and at all times be ready to report the balance on hand. The cost of disbursement would not be thereby increased, and the great reform would be that the self-created creditor of the United States would not be the custodian of the money out of which he is to become paymaster to himself and associates.

It will be observed that in 1885 the expenditure for jurors was $450,000, which amount was $50,000 less than the estimates for that year. In 1886 the expenditures exceeded the estimates to the amount of $40,000; in 1887 the expenditures exceeded the estimates to the amount of $50,000; and in 1888, if the appropriation in this bill is made, the expenditures will exceed the estimates $100,000. Thus year by year there is a steady increase of expenditures over estimates, so that some remedy must be interposed if a due regard for the public money is to be observed.

In 1885 the expenditures for witnesses were $11,408.74 in excess of the estimates; in 1886 the expenditures were in excess of the estimates to the amount of $177,150; in 1887 the expenditures were in excess of the estimates to the amount of $200,000; in 1888 the expenditures, if the appropriation in this bill is made, will be in excess of the estimates to the amount of $300,000. How long will it be before the excess of expenditures over estimates or appropriations will be more than the amount estimated or appropriated for this service?

But the most painful and deplorable part of this subject has relation to the wrongs and outrages perpetrated, under the forms of law, upon poor and oftimes ignorant men, by deputy United States marshals and others because of some mere technical or imaginary petty misdemeanor, in order that a color of right may appear for retaining money of the United States for extraordinary expenses of witnesses and others. If the prodigal waste under this head were only the loss of money to the United States the injury would be inconsiderable as compared with the personal wrongs upon individual citizens perpetrated merely as a basis for large expenditures. The system now, and for years existing, pays a premium for cupidity and encourages assaults upon the body of the people.

If there has been any failure of justice, any stoppage of courts—if there has been any delay or default in the public business of the courts of the country, it has arisen either from the failure of the deficiency bill last year, for which this House was in no sense responsible, or it has come from a failure to make adequate and sufficient estimates of appropriation. This is an answer and these are facts which no sophistry can obscure and no criticism of the Committee on Appropriations can refute.

The Committee on Appropriations have called the attention of the House to only some—a few—of the deficiencies in the estimates of appropriations by the Department of Justice. An additional request has come through the House to the committee within the last two days for an estimated deficiency in the previous estimates for the support of prisoners in the various penitentiaries and in the jails for $90,000. And it is a curious fact that among these prisoners there appears in the report of the Attorney-General a statement that five hundred and one of them are prisoners in the jail at Fort Smith, Ark., now, or if not now, they were there only a short time ago. The cost of supporting these prisoners of the United States has risen from 9 cents a day each, as in my own State, for convicts in the penitentiary, to 47 cents a day.

This Government pays for prisoners confined this 47 cents for a day's boarding for each, when one-half that sum would be ample compensation for everything he gets.

It is due the Department of Justice to add that this increased cost of prisoners has resulted from recent legislation prohibiting them from working under certain conditions, whereby their labor has been lost to the States in whose prisons they are confined.

But that does not apply to the prisoners before conviction, nor to those poor, ignorant men who, for every imaginable petty misdemeanor, are seized and thrown into the jails of the country from one end of the land to another. Read the reports and you will find that thousands of these people are lying in jail unable to give bond, the unfortunate victims of a tyrannical and overbearing system of arrest by deputy marshals and commitment by United States commissioners, dependent upon the system for their fees. These men are supplemented by the jailor, who takes his extravagant fees for his common prison fare, and all of them and all parties connected in any way with the horrible business except the United States Government and the poor, helpless victims of its laws or officers, are cheerful and happy in their gains.

Some poor farmer, after his year's work is done, sells a quarter of a dollar's worth of the agricultural product of his own labor to some one not authorized by law to buy it, a licensed tobacco purchaser, for instance, and for this petty offense a marshal, or usually a deputy, seizes him as a criminal, carries him often a great distance from his home; a commissioner gravely examines into the matter by the aid of witnesses carrying on the industry of earning mileage and per diem for their discoveries, and of course the result is never doubtful. The prisoner is incarcerated, and we are boarding him at the rate of 47 cents a day or more. Five hundred persons in the jail at Fort Smith means an expenditure of about $250 a day. The Government foots the bill, and some people who keep that jail and feed those prisoners are none the poorer.

Mr. ROGERS. I know that the gentleman does not wish to state anything that is not true in fact. Will he tell us where he got his information that five hundred and one prisoners were in jail at Fort Smith at one time? There is not room for them to stand in the jail.

Mr. BURNES. That is the number during the year.

Mr. ROGERS. Oh, I suppose there are about five hundred trials during the year; but you said that there were that number there at one time, and yet you are attacking the court because it does not dispose of more business on less money!

Mr. BURNES. No. I am not attacking the court. I know the judge at Fort Smith. He was one of my respected Republican predecessors in this Hall. I know the judge well and believe him to be honest, and I indorse him as a man and as a judge. I am not complaining of the judge or of any person; I am complaining of this unfortunate system called our judicial system, which is to-day perpetrating more wrongs upon the people than any other system existing in this land.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I move to strike out the last word. I shall not stop to say anything in defense of the Committee on Appropriations. Long service here makes me quite aware that this criticism is one of the emoluments of a position on that committee, and I have really come to believe that I possess one of the most valued qualities of the prize-fighter, namely, to be able to stand more pummeling and come up more serenely than most of my colleagues. [Laughter.] I do say, however, that there is less reliance to be placed upon the estimates of the Department of Justice than upon those of any other Department of this Government, and I do not confine that remark to the Department of Justice as it is now organized. It has been so ever since my connection with the Committee on Appropriations began.

Now, the utter unreliability of those estimates must, in my judgment, result from one of two causes. Either there must be a lack of intelligence in administration, not a lack of honesty, but a lack of intelligence, or else the fault must be in the system. I have been convinced for years that the fault is in the system, and, as a member of the Committee on Appropriations in previous Congresses, I have more than once sought to have some provision placed upon the appropriation bill which would prevent this large expenditure of money, without in any way promoting the ends of justice; but it has been generally kept off the bill by points of order made under the rules of the House. We have had also, if I remember aright, the Judiciary Committee of the House endeavoring in a like direction, and, now what has the Committee on Appropriations done in this instance?

I have nothing to say about the strength of the language employed, but I have much to say with reference to the strength of the purpose of the committee, which is to bring this House and the people in control of the administration of justice in this country to a realization of what is necessary in this connection. If I may be permitted without offense to make the suggestion, I desire to bring to the attention of the Judiciary Committee of this House the propriety of considering and presenting some sort of amendment to the statute laws which will prevent the gross injustice that is being done to innocent and unoffending citizens in various parts of the country, and I was not surprised to see my friend from Missouri [Mr. BURNES] fall in with the suggestion that many of these wrongs and persecutions come from the administration of the internal-revenue laws. By all means abolish them! [Laughter and applause.] When we find a law or set of laws that result in doing wrong and inflicting persecution upon the citizen, it is our duty to duly consider the matter and find a remedy. I should not have risen at all, perhaps, except for the purpose of indicating to the proper committee of this House, in a calm, dispassionate, and gentle way [laughter], that there is something expected of them in this connection. I trust, without the least offense to my friend from Arkansas, that they will take the hint. "A wink is as good as a nod to a blind horse." [Laughter.]

Mr. ROGERS. Mr. Chairman, when the intellectual feast is about "played out" we take part in the physical feast; and I see if I can not be beaten down on the law and the facts I am to be worried out physically.

Now, Mr. Chairman, I sometimes take a "wink;" but when I "wink" I "wink" at the tariff.

Mr. RANDALL. All right; we shall "wink" together, it may be. [Laughter and applause.]

Mr. ROGERS. Mr. Chairman, if that suggestion means anything it affords me the most profound gratification, for heretofore we have not been "winking" together on that subject.

Mr. RANDALL. I would not like to say so, but perhaps the gentleman is a little blear-eyed on that point. [Laughter.]

Mr. ROGERS. Mr. Chairman, it is not the tariff that blears one's eyes; it is the product of the internal-revenue system that affects the eyes.

Mr. RANDALL. I would soon make them blind on that. [Laughter.]

Mr. ROGERS. I must accept the gentleman's statement on that subject. Mr. Chairman, the gentleman no doubt can tell just how to "wink" by the direction that the applause comes from.

Mr. RANDALL. Oh, no.

Mr. ROGERS. But I am not going to discuss either with him or the gentleman from Missouri the internal-revenue system. I turn that over to the Ways and Means Committee.

With these remarks I am perfectly willing, after all the gentleman from Missouri has said, to let his last remarks go by default, with a passing suggestion only—that in all my remarks of an hour and a quarter

yesterday and in those I have made to-day there will not be found, I think, a single sentence that can be construed into anything personally offensive to anybody. Moreover, I did not begin the scene which has taken place in the House to-day.

Mr. BURNES rose.

Mr. O'NEILL, of Missouri. "Let us have peace." [Laughter.]

Mr. BURNES. Mr. Chairman, I call attention to the report of the Attorney-General for the year 1887. By this report I find that of those in jail at Fort Smith, Ark., during the year, 122 are put down as in jail serving sentences and 501 as awaiting examination or trial. Now, you can construe that as you please. I give this statement from the report of the Attorney-General himself for 1887.

Mr. ROGERS. That is, during the year?

Mr. BURNES. I do not know whether it is or not. That is the number of persons set down as in jail awaiting examination or trial——

Mr. ROGERS. If you do not know how the fact is, you ought not to make the statement.

Mr. BURNES. I make the statement on the faith of what I see before me in this report—"of those in jail during the year serving sentence or awaiting examination or trial." It appears there are 122 serving sentence and 501 "hanging by the gills." [Laughter.]

A single remark in reply to my distinguished colleague on the committee, the gentleman from Pennsylvania [Mr. RANDALL]. I trust that no one will misunderstand my position because of the playful turn which that gentleman has given to my remarks.

Mr. RANDALL. I do not propose to commit you in advance.

Mr. BURNES. Mr. Chairman, I shall never cease to denounce the evils, the outrages, and the horrors that are perpetrated in the name of law by public officers under the internal-revenue system of this Government. At the same time I wish to say to the gentleman from Pennsylvania and to the country that we will first equalize the burdens of taxation and reduce the duties upon some of the necessaries of life before we undertake to diminish to any great extent the revenue from internal taxation. [Applause.]

Mr. HERBERT. Mr. Chairman, it will perhaps divert the attention of the House a little from the course this debate has taken to bring it back to the question suggested by the gentleman from Pennsylvania. He says, and says truly, that there is a defect somewhere in our judiciary system, or in the manner of its administration. That defect has been pointed out clearly to this House by successive Attorneys-General—by Attorney-General Devens, by Attorney-General Brewster, by Attorney-General Garland—all of them concurring in the opinion that this defect results from the fee system—from the payment of fees to marshals, fees to district attorneys, fees to commissioners. The gentleman from Pennsylvania has correctly stated that we once attempted to remedy this evil upon an appropriation bill. In the Forty-eighth Congress we sent to the Senate upon an appropriation bill provisions reforming this system; but the Senate, it seems, had not time to consider the subject, and some Senators, too, objected to the measure because it came in that way. I think this an appropriate occasion to appeal to the Judiciary Committee to bring into this House a bill which will remedy the evils of the existing system.

Mr. MILLIKEN. The gentleman will allow me to say that a bill for this purpose was introduced in the House in the Forty-ninth Congress, was discussed here, but failed to receive consideration in the Senate.

Mr. HERBERT. So it did. The House has long recognized the evils of this system, and if we would only take up this question promptly, as we ought, we might in a short time send to the Senate a bill which it would consider and which would remedy the great and growing evils now existing.

Mr. Chairman, the evil of the fee system results from the size of our judicial districts. The marshal's fees depend not only on the number of cases, on the number of warrants and subpœnas he has to serve, but upon the distances traveled to serve. Mileage is what pays him, and this is a standing temptation before him. The district attorney's fees depend on the number as well as on the character of the cases he prosecutes. It is the size of the district that causes the difference between the fee system of the States and the fee system when applied to Federal courts. This is true also of the States where generally the fee system obtains, but in the States, in every county, there are judicial officers, and there are executive officers, and they are responsible to the public opinion of that county, where all their duties are discharged, for the manner in which they conduct their offices. They arrest no man, they try no man who is not in that county, and generally every person arrested is a voter. But owing to the size of the judicial districts of the United States courts, a commissioner sits in the center of that district, and, having his office there, issues his warrants for men residing at great distances, sometimes hundreds of miles away, and brings them before him—men who are strangers to him, men who have no influence over public opinion in the community where the commissioner lives. So it is with the marshal and the district attorney. They are not directly amenable to the public opinion prevailing in the neighborhood of the prisoners arrested for the manner in which they transact the duties of their office, as similar officers are in the several States, because the prisoners they arrest and try are generally brought long distances from their homes.

I did not rise, however, in the brief time allotted to me, to attempt to discuss this question at any length, but merely to call the attention of the House at this juncture to this very great and important subject and to express the hope that the House will soon set itself to work to correct this evil.

[Here the hammer fell.]

By unanimous consent the *pro forma* amendment was withdrawn.

Mr. BURNES. There are some twenty-eight estimates for public buildings which have come to the committee, and which are in excess of the limit fixed in the law for the completion of public buildings. It is obvious, therefore, that a point of order would lie against each and every one of them. Submitting to the rule of the House, I have been instructed by the committee to ask unanimous consent to allow these amendments to be presented, and also to allow a similar amendment to be presented by the gentleman from Tennessee [Mr. WASHINGTON]. If unanimous consent be granted, these amendments can be considered. Without such consent, under the rule, no consideration can be had, as they are obnoxious to the point of order.

A MEMBER. Why were they not incorporated in the bill?

Mr. BURNES. Simply because they were obnoxious to the point of order, that inasmuch as they are in excess of the amount limited by the law for the construction of these public buildings. I desire to say the reason given by the Supervising Architect, in whom we have confidence, is that these expenditures, ranging from $1,000 to $50,000 or $60,000, will immediately finish these buildings and save large amounts in rent which the Government is now paying.

Senator Hitchcock appeared before us and stated the Government would save by completing the building in his town $12,000 now paid for rent. We are told the same thing is true in reference to these other public buildings. There is no question, therefore, but it is in the line of economy to appropriate this money. It would be appropriated without question if it were before the Committee on Public Buildings and Grounds. For these reasons the Committee on Appropriations have recommended that these appropriations be made, and in order that the matter may be brought before the committee for consideration, including the amendment of the gentleman from Tennessee [Mr. WASHINGTON], I will now ask by unanimous consent the point of order against them may be waived.

Mr. RANDALL. They were not incorporated in the bill because the committee were unwilling to take the position of violating the rules of the House.

The CHAIRMAN. The Chair hears no objection, and the point of order is waived, and the gentleman will send his amendment up.

Mr. BURNES. I submit the following amendment.

The Clerk read as follows:

For court-house and post-office at Aberdeen, Miss.: For iron fence, sidewalk of approaches, in excess of the limit, $4,000.

For post-office and court-house at Auburn, N. Y.: For completion, in excess of the limit, $30,000.

For fire-proofing building, $12,000.

For post-office and court-house at Augusta, Me.: For completion, in excess of the limit, $35,000.

For fire-proofing building, $12,000.

For custom-house and post-office at Buffalo, N. Y.: For completion, in excess of the limit, $500.

For court-house and post-office at Carson City, Nev.: For completion, in excess of the limit, $36,000.

For custom-house wharf at Charleston, S. C.: For extension and completion, in excess of the limit, $138,000.

For post-office and court-house at Concord, N. H.: For completion, in excess of the limit, $11,000.

For court-house and post-office at Dallas, Tex.: For completion, in excess of the limit, $11,000.

For court-house and post-office at Denver, Colo.: For extension and completion, in excess of the limit, $60,000.

For marine hospital at Detroit, Mich.: For boiler and engine house, $2,500.

For court-house and post-office at Fort Wayne, Ind.: For completion, in excess of the limit, $16,000.

For post-office at Hannibal, Mo.: For completion, in excess of the limit, $2,000.

For court-house and post-office at Jackson, Tenn.: For completion, in excess of the limit, $10,000.

For court-house and post-office at Keokuk, Iowa: For completion, in excess of the limit, $15,000.

For court-house and post-office at Leavenworth, Kans.: For completion, in excess of the limit, $3,000.

For court-house and post-office at Louisville, Ky.: That limit of cost of building be exclusive of amount paid for site.

For court-house and post-office at Lynchburgh, Va.: For completion, in excess of the limit, $2,000.

For post-office and court-house at Manchester, N. H.: For fire-proofing and completion, in excess of the limit, $46,000.

For post-office and court-house at Montpelier, Vt.: For completion, in excess of the limit, $20,000.

For fire-proofing building, $15,000.

For court-house and post-office at Pensacola, Fla.: For completion, in excess of the limit, $2,000.

For custom-house and post-office at Port Townsend, Wash.: For completion, in excess of the limit, $38,000.

For post-office at Poughkeepsie, N. Y.: For completion, in excess of the limit, $500.

For custom-house at Richmond, Va.: For completion, in excess of the limit, $33,000.

For court-house and post-office at Rochester, N. Y.: For fire-proofing and completion, in excess of the limit, $50,000.

For post-office and court-house at Shreveport, La.: For plumbing and completion, in excess of the limit, $2,000.

For post-office at Springfield, Ohio: For completion, in excess of the limit, $15,000.

For fire-proofing building, $23,000.

For post-office at St. Joseph, Mo.: For unforeseen expenditure, resulting from settling of the building and occasioning tearing down, strengthening foundations, and rebuilding, $40,000.

For post-office and court-house at Syracuse, N. Y.: For extension, granite work for approaches, and completion, in excess of the limit, $65,000. And said building may be extended on the north side thereof 15 feet and one story high.

For post-office at Terre Haute, Ind.: For completion, in excess of the limit, $32,000.

For custom-house and court-house at Toledo, Ohio: For completion, in excess of the limit, $17,000.

For court-house at Jefferson City, Mo.: For completion of the building, $3,000.

For court-house at Columbus, Ohio: For elevator, $8,000.

Mr. WASHINGTON proposed the following additional amendment:

The custom-house at Nashville, Tenn.: For the construction of an elevator, $4,000.

The CHAIRMAN. Is there objection to considering these several amendments?

Mr. ADAMS. I desire to ask, as it is not stated here in the bill, what amount is appropriated in connection with the building at Louisville—the amount paid for the site?

Mr. SAYERS. One hundred and forty-one thousand dollars.

Mr. ADAMS. I think it should have been stated in the bill.

Mr. RANDALL. Mr. Chairman——

The CHAIRMAN. Is there objection to the consideration of these several amendments?

Mr. BREWER. Let us hear from the gentleman from Pennsylvania first.

The CHAIRMAN. The first question is, will the committee consider these amendments?

There was no objection.

Mr. RANDALL. Mr. Chairman, I did not object to the consideration of these amendments, because I do not see that Congress can in any other way remedy the mistakes made in this bureau. It is really a wholesale change of law, with reference to some thirty of these buildings, as to the limits originally prescribed.

In my judgment, however, I should fail to properly discharge my duty on this floor if I did not direct attention to what I deem to be the loose, irresponsible, and uncertain manner of the expenditure of public money in connection with such matters. Whether such objectionable practices can be remedied by administration or will require the enforcement of statute law, I am not prepared to say with certainty at this time, but either one thing or the other should be done. There should be a reorganization of that bureau by the Administration, or else Congress should come to the rescue, through its appropriate committee in this House, and provide by statute how this business should be conducted.

It is well known that we give each year a certain amount of money for the payment of the employés, draughtsmen, sketchers, clerks, and others in this connection, and yet that appropriation of money gives no true index of the system of work there; nor do the expenditures give any fair and accurate information as to the amount of money that is actually expended.

Mr. HATCH. Will the gentleman yield to me for a question?

Mr. RANDALL. Yes, sir.

Mr. HATCH. Is not all that expense for draughting, etc., that the gentleman from Pennsylvania alludes to, taken out of each individual appropriation?

Mr. RANDALL. There is one of [illegible] mistakes of administration.

Mr. HATCH. Permit me a moment. I want to say that here is an appropriation to complete the building at Hannibal, Mo., of $2,000; and yet there would have been no lack of funds to complete it if it had not been that of the money already appropriated for that purpose amounts were used in draughting and other such expenses in that office which were supposed to be done under the general appropriation.

Mr. RANDALL. The gentleman is quite correct in his statement as to the Hannibal building. Not only is that true, but I know that of the appropriations made to some other buildings sums of money have been taken for work upon as many as twenty-five or thirty different buildings having no relation whatever with the appropriation and nothing to do with the object that Congress had in view in making the appropriation, and we knew nothing of it. Congress supposed when the appropriation was made, and a limit fixed, that the amount expended by the administration of this bureau was to pay only for the work upon the particular building specified. But in many instances sums have been taken out of the particular appropriation to cover expenses on various other buildings.

Mr. McKINNEY. By what right?

Mr. RANDALL. By the right of might. There is no law of Congress to justify it.

Mr. WILKINSON. Will the gentleman from Pennsylvania permit me to ask if this has been done by the present incumbent of the office?

Mr. RANDALL. Not to my knowledge; and I am inclined to believe that he is trying to remedy these mistakes.

But, Mr. Chairman, I am not inveighing against anybody. It has come as a tradition from former times that it can be done, and it is proper under such circumstances that I should make some suggestion as to what in my opinion should be done in this connection.

I am of the opinion that this bureau ought to be officered as other bureaus of the Government are officered in the Treasury; that you should give so much money to provide for the payment of salaries to certain capable draughtsmen, and that you should give sufficient salaries to secure proper copyists, sketchers, clerks, and others necessary. Why can not this be organized as other bureaus are organized? In this manner the expenditures there can be made specific; and the expenditures for plans, etc., of buildings, being done from a center, can be done under a system, while the amount necessary for the payment of janitors, superintendents, and custodians of public buildings at the particular location where the building is being erected will come entirely out of the fund appropriated by Congress for this purpose. Because of the omission to do this the many deficiencies to which attention has been called are brought to pass.

Mr. HATCH. Let me ask the gentleman if this can not be done without any additional legislation, if it is recommended by the Secretary, by putting it into the legislative appropriation bill?

Mr. RANDALL. My own judgment is, and my own opinion, that the administration of the Treasury Department will remedy the matter, and I am inclined to believe that it is within the range of administration. But if it is not done, then some organization ought to be brought about by legislation through the proper committee of this House, to wit, the Committee on Public Buildings and Grounds.

Pardon me, Mr. Chairman, for occupying so much time in this connection; but when I see a wholesale breakage of the law which has fixed the limits of these buildings, as now proposed, I think it due to the House to say that this should not be, and to incidentally and perhaps crudely undertake to suggest a mode of avoiding it in the future.

Mr. MILLIKEN. So far as this matter is concerned there certainly can be no reflection justly made upon the committee from which these bills come, and I can not see that there is any reflection justly to be made upon this House. In all the bills introduced in the last Congress, as far as my memory goes, appropriating money for public buildings, a clause was inserted, suggested by the gentleman from Indiana [Mr. HOLMAN], providing that no money should be appropriated, or at least used, until the Supervising Architect had made his estimates, and that the estimates should come within the limitation of the appropriation for the building.

Mr. SAYERS. Will the gentleman from Maine allow me to interrupt him to make a suggestion?

Mr. MILLIKEN. Yes, sir.

Mr. SAYERS. These items of appropriation here refer to buildings which were authorized to be erected.

Mr. MILLIKEN. I so understand it, and they were authorized, some of them, if not all of them, by the Forty-eighth and Forty-ninth Congresses; some of them certainly by the Forty-eighth.

Mr. HATCH. Some of them as far back as the Forty-seventh Congress.

Mr. MILLIKEN. Now, that provision was placed in the bills for the purpose of avoiding just what has occurred here to-day, for the purpose of bringing the cost of the public building within the amount appropriated, so that Congress might know, when it was appropriating this money, how much it was going finally to expend on these public buildings, and in order that it might not be said, as it has been so often said, "This appropriation is simply an entering wedge; by and by you will want to get something more appropriated."

That was one of the objections which were made against these appropriations. Now, so far as the present Supervising Architect is concerned, I have no reason—and if I had a reason I do not know I should do it—to make any criticism upon him at all. I do not know the gentleman personally, and I know very little about the administration of his office, and in the absence of that knowledge I assume that he is doing his duty judiciously and honestly. But certainly if these abuses have not sprung up during his administration they have not been amended by it. Perhaps he has not had time or opportunity during the brief term of his administration of his office to give his attention to them. I desire to treat him fairly.

I think there is something a little further than this in the matter. I think that after these public buildings have been commenced there has been sometimes a little too much politics in the matter of their construction. I desire to make a statement in regard to the building at Augusta, Me. I introduced into this House the bill for the erection of that building. An appropriation of $150,000 was made for it. I stated to the House the $150,000 would erect and finish the building. I understood it to be so from the Supervising Architect. He had made his plans and specifications, and that was the amount of money he said it was necessary to appropriate, and we appropriated it.

Now, how has the work gone on? Why, sir, instead of issuing an invitation for proposals, the substructure of the building, which was quite costly, has been built by days' work at a cost which many people believe to have been considerably larger than the sum which it could have been built for if the work had been done by contract. Then, when the question came of building the superstructure, the Department did advertise for proposals, and proposals were sent in.

[Here the hammer fell.]

Mr. RYAN was recognized, and yielded his time to Mr. MILLIKEN.

Mr. MILLIKEN. When the proposals were received it was found that there were half a dozen bids, more or less, for the building. As it happened a certain company, which perhaps has built more public buildings than any other in this country, a company entirely responsible, entirely capable of doing the best kind of work in the cheapest manner, for its granite works are within 2 miles of the spot where the building was to be constructed, was the lowest bidder; and what was the result? A little coterie of gentlemen came here, as I am credibly informed, protested against this company getting the work to do. Why? Because, and for no other reason in the world, the man who was at the head of this company, who I am sorry is now dead, who was recently governor of the State of Maine, Mr. Bodwell, was a Republican; and they said, "This work must not go into the hands of Republicans, because they would employ nobody but Republicans;" and the final event was all the bids were rejected. Then they advertised for proposals—I am stating what I know; indeed, what anybody may know if he will inquire—they advertised for proposals to furnish the material. Very well; when the bids came in it happened to be a repetition of the same old case; they were rejected again; and then they issued letters asking the bidders to revise their proposals.

Mr. WISE. Will the gentleman from Maine allow me a question?

Mr. MILLIKEN. Yes, sir.

Mr. WISE. Are you opposed to the erection of public buildings by days' labor?

Mr. MILLIKEN. I was opposed to the work I have referred to being done by days' labor, because I believed it could be done by contract for within the limit of the appropriation.

Mr. BLAND. When did all this take place?

Mr. MILLIKEN. This last summer.

Mr. BLAND. Who was in charge of the construction of public buildings at that time?

Mr. MILLIKEN. The same person who is in charge now.

Mr. BLAND. When was he appointed?

Mr. MILLIKEN. I do not say he is responsible, but somebody is. Further than that, Mr. Bodwell told me himself that he offered to take $150,000 and finish that building to the satisfaction of the Department, in as good style and manner as any building of the same class in the United States, and that offer was refused. The contract was given to another company; and while the substructure has been constructed of white granite they are building the first story of the superstructure of dark granite. Possibly they will build the third story, which has not yet been contracted for, of red granite; and if they continue as they have begun we shall have a public building like Joseph's coat—of many colors; and God only knows what it will cost if Congress shall, from time to time, be so indulgent as to furnish the money.

Now, I say there is something beyond what the House has control of in regard to these expenditures on public buildings. I am in favor of granting this $35,000, because it is necessary in order to put the building into habitable shape. You can not leave it without a roof; you can not leave it without a third story; you can not leave it unfurnished; and therefore, because it is necessary in the present state of the case, in order to make the building of any use to the Government, I am in favor of the amendment. But the whole trouble might have been avoided by going forward in a business-like, non-political way, as should be the course in every case of this kind. The construction of public buildings should be purely a matter of business, wherein politics should have no consideration.

Mr. RANDALL. Will the gentleman permit a question?

Mr. MILLIKEN. I will.

Mr. RANDALL. Are you not a member of the Committee on Public Buildings and Grounds?

Mr. MILLIKEN. I am.

Mr. RANDALL. Then, in view of the statements you have just made, I think it is the duty of that committee to in some way consider and recommend a proposition to be enacted into law, which would prevent a repetition of the evils you complain of.

Mr. MILLIKEN. The gentleman is older in Congress than I am, and if he will submit a bill for that purpose I doubt not the committee will consider it favorably, if indeed such a bill can be formulated.

Mr. RANDALL. I have a great many other things to attend to, and this business belongs to your committee.

Mr. BURNES. Mr. Chairman, by an oversight of the committee an omission has been made which will be supplied by the amendment I send to the desk.

The Clerk read as follows:

Post-office at Jersey City, N. J.: For necessary extension of the building, $12,200.

Mr. BURNES. Mr. Chairman, I ask unanimous consent to pass upon these propositions together in order to save time.

The CHAIRMAN. As the Chair understands, the committee has not agreed to consider the last proposition, and the gentleman in charge of the bill now asks unanimous consent that they all be considered together.

Mr. BURNES. Yes, I ask unanimous consent that all these amendments be taken as one paragraph and considered in gross.

There was no objection.

Mr. VOORHEES. Mr. Chairman, I desire to offer an amendment to this amendment.

The Clerk read as follows:

Strike out $82,000 and insert $250,000 as the limit for the construction of the public building at Port Townsend, Wash.

Mr. BURNES. I make the point of order against that amendment that there is neither an estimate of the Department for it nor of the Supervising Architect.

Mr. VOORHEES. I trust that the gentleman will withhold his point of order long enough to permit me to make a brief statement.

Mr. BURNES. Having made the point, I will withhold it for the gentleman's statement.

Mr. VOORHEES. Mr. Chairman, it is susceptible of the clearest and most positive demonstration that the customs district of Puget Sound is one of the most important in the United States. At a meeting of the city council of Port Townsend, which is the port of entry, in November last, a set of resolutions was adopted, which was ratified by the board of trade of that city, setting out in detail the statistics relating to this great customs district, and it appears that the appropriation originally made on the 3d day of March, 1885, for this public building is totally inadequate to erect a building sufficient to accommodate the growing commerce of this portion of the Pacific Northwest. At that time $70,000 was appropriated for the erection of a public building, which was to accommodate not only the customs business, but also the post-office and the United States courts at that point. Subsequently, on the 9th day of December, 1886, an additional appropriation of $12,000 was made, making the appropriation in all $82,000.

Now, Mr. Chairman, it is absolutely true that the superficial area of floor-room contemplated by the plans adopted for the construction of this public building will be less than is now furnished in the rented buildings occupied by the customs department, leaving no room whatever for the accommodation of the post-office and the courts.

It appears from these statistical details that in the customs district of Puget Sound there are more American steam-vessels engaged in the foreign trade than there are in any other American port; there is a greater tonnage of American steam-vessels engaged in the foreign trade than in any other port except New York.

In the aggregate number of American and foreign steam-vessels engaged in the foreign trade it stands second, New York being first. In the aggregate tonnage of American and foreign steam-vessels engaged in the foreign trade it stands seventh. In the aggregate number of entrances and clearances of American and foreign vessels, steam and sail, it stands fourth. In the aggregate tonnage of all vessels, American and foreign, steam and sail, it stands seventh.

This showing alone fully sustains my assertion that this customs district is one of the foremost in the United States.

It appears further, Mr. Chairman, that while the collections in this district in 1886 amounted to $79,000, there has been since that time such a phenomenal growth and increase in the transactions of the district that the collector now estimates that during the present year the collections will reach the sum of $250,000.

I submit, Mr. Chairman, that it is a matter of economy, pure and simple, to give us money enough to construct a building at this port which will accommodate the rapidly growing and increasing business of the district of Puget Sound.

[Here the hammer fell.]

Mr. CRAIN obtained the floor and said: I yield my time to the gentleman from Washington Territory [Mr. VOORHEES].

Mr. VOORHEES. I am very much obliged to the gentleman from Texas.

Mr. Chairman, I might read from these resolutions a great many additional reasons for this increased appropriation, but my time will not permit. The following suggestions are very valuable as establishing the commercial importance of this port of entry:

Port Townsend as a center of travel is rapidly growing in importance, being the first American port reached by large ocean steamers arriving and departing tri-monthly to and from Alaska; also the first port on Puget Sound connected by ocean steamer with San Francisco making weekly trips; also connecting by daily steamer with Victoria, British Columbia, and by two lines of daily steamers with southern and eastern inland points; also by two semi-weekly steamers with Vancouver, British Columbia; also having various local steamer lines radiating on daily, tri-weekly, and semi-weekly schedules. It is also the northern terminus of the Port Townsend Southern Railroad, a line of railway being projected southward to connect with the great transcontinental lines. Port Townsend is nearly opposite, and only 30 miles distant from, Victoria, the capital of the province of British Columbia, where the English Government has expended a million dollars or more in public works.

The first appropriation ever made for the benefit of Washington Territory for a purpose of this kind was the appropriation of $70,000, subsequently increased to $82,000, $9,000 of which it was necessary to expend for a site on which to erect this public building, leaving an insufficient amount available for the construction of the building and the payment of expenses incidental thereto.

It seems to me singular that the Government of the United States should hesitate to appropriate $250,000 to provide for the transaction of the business of this port in view of the fact that the British Government has expended more than $1,000,000 at Victoria, a point 30 miles to the northward, the commercial importance of which is no greater and possibly not as great as is that of Port Townsend.

Mr. Chairman, our exports of lumber, coal, wheat, and other products are estimated at $10,000,000 annually; and the statistics to which I have adverted indicate that this customs district is of sufficient importance to justify Congress in making an appropriation adequate for the construction of a building which will cost not less than $250,000, the limit asked for.

Mr. BOUTELLE. I wish to ask the chairman of the subcommittee how much these increased appropriations for public buildings embraced in this amendment will aggregate?

Mr. BURNES. About $800,000.

Mr. BOUTELLE. What information has the committee received upon which to base its judgment that these appropriations are necessary?

Mr. BURNES. We have received specific reports from the Supervising Architect, setting forth in detail the condition of the work in each case and the amount of work to be done in order to complete the building.

Mr. BOUTELLE. Has the committee or the House any guaranty or any evidence that the amounts now proposed to be appropriated will secure the completion of these buildings?

Mr. RANDALL. The committee can not give any guaranty.

Mr. BURNES. The committee can not guaranty, nor has anybody undertaken to guaranty to the committee, that such will be the result; but the Supervising Architect, in whose judgment and pains-taking care we have great confidence, assures us that these appropriations will complete the buildings.

Mr. BOUTELLE. And this officer in whose "pains-taking care" and judgment you have this confidence is the same officer who, in some instances, made the plans.

Mr. RANDALL. Oh, no.

Mr. BURNES. This officer has been in office only about a year.

Mr. BOUTELLE. Then you have more confidence in the present officer than in the former one.

Mr. RANDALL. A fairer way to state the matter would be that we have no confidence in the system.

Mr. BOUTELLE. What we want to get at is, whether the House has any assurance whatever that these buildings will ever be completed.

Mr. SPRINGER. Oh, yes; we now have a Democrat in charge.

Mr. FELTON. Will not their completion depend on the appropriations which may be made?

Mr. BURNES. I can say I have perfect confidence myself that these appropriations will complete these buildings. That confidence is based upon my knowledge of the character of the Supervising Architect, whose assurances to me in that respect are ample.

Mr. BOUTELLE. I am very glad to find that one gentleman is satisfied.

Mr. MILLIKEN. I suppose it is very certain the buildings will not be completed unless the necessary money be appropriated.

Mr. McMILLIN. Having been called to the Senate during the earlier part of this discussion, I desire to know whether any of the appropriations now proposed to be made will carry the gross amount of the appropriations for these buildings beyond the limits originally fixed.

Mr. BURNES. They are all increases.

Mr. BOUTELLE. Mr. Chairman, my object in making these inquiries has been more especially to ascertain to what extent the Treasury, by these expenditures, is being mortgaged for the future against the passage of measures providing public buildings for localities where the people ought to have the accommodations asked, and would be entirely content with the appropriation of a reasonable and moderate sum, but are unable to get action at the hands of this House, largely, as I believe, because of the improvident and extravagant increase of appropriations for buildings already authorized by law.

I have introduced and have now pending before the committee of this House a bill which has been before the House now during three Congresses, asking the moderate appropriation of $50,000 for a custom-house and post-office in one of the most rapidly growing districts of my State. The building proposed to be constructed is not to be a pauper institution, but the revenues from that customs district would pay for the building in the course of two or three years. Yet, while year after year we have been appropriating money to build court-houses and post-offices in various villages and hamlets all over the country, where there is not a solitary penny of revenue, where every dollar of expenditure must be given outright by the Government, and the only equivalent obtained is in the increased comfort of the legal fraternity attending court, it has been impossible in many instances to get deserving measures of this character before the House; and now we are proposing to spend $800,000 in the way of increased appropriations for buildings which have been heretofore provided for.

Mr. VOORHEES. I rise to a parliamentary inquiry. I desire to know the status of my amendment to the amendment.

The CHAIRMAN. The gentleman from Missouri reserved the question of order, which he will now state.

Mr. BURNES. My point of order is that this is not only an appropriation in excess of the limit fixed by law, but it comes here without any recommendation on the part of the Supervising Architect of the Treasury Department that it is necessary. I see no reason for it, and I insist upon my point of order.

The CHAIRMAN. The Chair can not see how any suggestion from the Supervising Architect would affect the point of order. The committee agreed to consider these several propositions although not authorized by law; and having agreed to consider them, it is in order to consider amendments to them.

Mr. SAYERS. I believe I have the floor.

Mr. CANNON. I wish to say that if I understood the Chair's decision——

Mr. SAYERS. I believe I have the floor.

The CHAIRMAN. The gentleman from Illinois wishes to be heard on the point of order, and will be recognized.

Mr. CANNON. If I understood the unanimous consent it was given for the purpose of reporting an amendment from the Committee on Appropriations covering certain items, and also to the gentleman from Tennessee [Mr. WASHINGTON] to make a similar amendment; but I did not know that unanimous consent was given for the purpose of offering other and independent amendments providing for other buildings.

The CHAIRMAN. The Chair does not so understand the fact. The gentleman from Missouri asked by unanimous consent to offer for consideration an amendment covering items of appropriation beyond the limit fixed in the laws providing for those public buildings, and unanimous consent was granted for that purpose and also to allow the gentleman from Tennessee [Mr. WASHINGTON] to move a similar amendment.

Mr. CANNON. Then this amendment is one of them?

The CHAIRMAN. Yes, this is one of them, and having agreed to consider them they are open to amendment.

Mr. CANNON. I did not understand that this was one of them.

The CHAIRMAN. Yes, this is one of them, and the gentleman's amendment to the amendment is in order.

Mr. SAYERS. I desire to ask the gentleman from Maine [Mr. BOUTELLE] whether we did not pass a bill for him in the Forty-ninth Congress, appropriating $100,000.

Mr. BOUTELLE. I did not hear the gentleman.

Mr. SAYERS. Did you not direct a bill to be introduced last Congress, and did not the House pass it?

Mr. BOUTELLE. In the last Congress a bill was passed restoring a public building in my Congressional district.

Mr. SAYERS. Was not $100,000 appropriated for that building?

Mr. BOUTELLE. Yes, for the purpose of restoring a public building destroyed by fire. That is all right. We were entitled to have the bill passed.

Mr. SAYERS. I would ask the gentleman whether or not the Committee on Public Buildings and Grounds did not recommend for him the construction of a public building in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses, and whether the same bill is not now before that committee?

Mr. BOUTELLE. I understand that bill is now before the Committee on Public Buildings and Grounds, and I am complaining because I can not get the committee to report it to the House.

Mr. SAYERS. Did not the gentleman have the bill before those three Congresses?

Mr. BOUTELLE. It ought to have been reported among the very first bills introduced in this Congress, but it has not been, and that is the reason I am complaining.

Mr. SAYERS. I wish to say, Mr. Chairman, that this House has done as much for the gentleman from Maine as he asked, and if the gentleman did not get his bill through during the Forty-seventh, Forty-eighth, and Forty-ninth Congresses it was because it was his fault or his misfortune.

Mr. BOUTELLE. I admit that it was my misfortune not to have gotten it through, and that is why I complain.

Mr. BELDEN. Mr. Chairman, the gentleman from Maine has made an inquiry as to whether there were detailed estimates for this work, which I desire to answer, and state that I speak understandingly and advisedly when I respond that this is the first estimate in detail that has been presented to the House within twenty years.

This estimate is given in detail, every item is presented, every single item set out in full, and the amount of the deficiency here is for items that were not in the original plan at all. It is not, therefore, a deficiency in the true sense of the word. The fact of the matter is that the estimates have been made up without care or attention, being made by men without ability to give them correctly. Many things which should have been included in the estimates have been left out entirely. But the present Architect has inserted every item in this appropriation bill, and has prepared an estimate, item by item, of the amount required.

Mr. LONG. You mean as to the building at Syracuse?

Mr. BELDEN. I mean as to several buildings.

I make the statement boldly that there never has been an estimate presented for the completion of a building so much in detail, prepared with so much care, and one that is so sure to be right as this one.

Mr. BOUTELLE. Then you share the confidence of the gentlemar from Missouri that these appropriations are to be final?

Mr. BELDEN. I do, sir.

Mr. BOUTELLE. I am glad of that.

Mr. BELDEN. I know the facts; I have gone over the whole subject in detail, and have examined what was left out in former estimates, and I tell the gentleman that there is not a dollar asked for here that he does not tell us exactly what it is for.

Much has been said in this discussion about deficiencies. The fact is that the Government work here has all been done cheaper than any other work or any private work could be done. But if the gentleman from Maine gets his $50,000 appropriated, and the estimate is changed, he will find that there will be a deficiency.

The gentleman from Pennsylvania [Mr. RANDALL] made the only suggestion which in my judgment will cover the question in future, and that is the appointment of competent men and a bureau having charge of the matter. It has been done by a lot of boys. Every gentleman here knows, who has had experience in such matters, that he can scarcely build an ordinary stable or a little house without having it cost much more than he estimated. You can not expect this Government work to cost less when boys have been making the estimates.

Mr. MILLIKEN. Will the gentleman from New York tell us whether the force of boys under the present Administration doing this work has been increased or diminished, and how long they have been there?

Mr. BELDEN. I do not know. The gentleman now in charge is a stranger to me. But I know from experience that it requires competent men to do this work. I have looked into the question and I feel that I am competent to give an opinion upon it.

Mr. MILLIKEN. I do not intend to impeach the Department, but the gentleman speaks of a lot of boys there.

Mr. BOUTELLE. Mr. Chairman, what is the particular question before the House?

The CHAIRMAN. The gentleman from New York has the floor.

Mr. BELDEN. I say, Mr. Chairman, that the estimates which have been made, almost universally, heretofore have been made by incompetent persons or without sufficient care, and we have no bureau that can do it. I say that the present gentleman who occupies the place, if he undertakes to do it all as well as he has made these estimates, will not be able to finish one-fourth of these buildings; and nothing but a plan similar to that suggested by the gentleman from Pennsylvania [Mr. RANDALL] will cover the difficulty.

[Here the hammer fell.]

Mr. BURNES. I now ask unanimous consent that debate upon this proposition be closed.

There was no objection, and it was so ordered.

Mr. HERMANN. Mr. Chairman, the State of Oregon is entitled to——

The CHAIRMAN. Debate has been closed by unanimous consent.

Mr. HERMANN. If unanimous consent is required, I object.

The CHAIRMAN. The gentleman is too late.

Mr. HERMANN. Then I ask unanimous consent to be permitted to occupy the floor for two or three or four minutes on the pending amendment. [Cries of "Too late!"]

Mr. BURNES. Let him have the time. [Cries of "Regular order!"]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Washington Territory.

The question was taken; and on a division there were—ayes 25, noes 78.

So the amendment was rejected.

Mr. HERMANN. I now move to strike out the first word.

Mr. Chairman, I wish to say——

The CHAIRMAN. Debate is closed by order of the committee.

Mr. HERMANN. Then I will offer the amendment to a succeeding paragraph.

Mr. ALLEN, of Michigan. Mr. Chairman, I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. When the motion of the gentleman from Missouri was made to close debate it was absolutely impossible for the gentleman from Oregon, or anybody sitting even two seats back of me, to hear a word because of the confusion upon the floor of the House. The gentleman during that confusion could not, of course, take cognizance of what was passing; and therefore I ask if this strict rule should be held to apply to him?

The CHAIRMAN. The Chair can not keep order upon the floor except with the co-operation of gentlemen on the floor. The Chair will take great pleasure in co-operating with the gentleman from Michigan and other gentlemen in preserving order.

The *pro forma* amendment was withdrawn.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri.

The amendments were agreed to.

The Clerk read the following paragraph:

Mints and assay offices:

For wages assay office at Boisé City, $1,890.

For wages assay office at Boisé City, being a deficiency for the fiscal year 1887, $335.

For wages assay office at Boisé City, being for the service of the fiscal year 1885, $335.

For freight on bullion and coin, mints and assay offices, $5,000.

Mr. HERMANN. I move to strike out the last word. I regret exceedingly, as representing a State more interested than any other in the amendment just disposed of, that the House has not deemed it wise or prudent to agree to the request made in the amendment offered by the Delegate from Washington Territory. Here comes a request, not from a single individual or Delegate, but it is a request which is backed up and indorsed unanimously by the Board of Trade of Port Townsend, and by the inhabitants of that enterprising and marvelously growing city, and by the unanimous request of the Legislative Assembly of the Territory of Washington.

When the original act was passed in March, 1885, granting an appropriation of $75,000 for the construction of this building, a different state of affairs existed in the northwestern portion of the country from what exists at the present time. Then the service of the customs department required but eighteen persons to perform it. Now the business has so grown in magnitude as to require thirty-six persons to perform that service. Then, Mr. Chairman, the receipts amounted to but $79,000, whereas now, in the remarkably short lapse of but three years, they have grown to the enormous amount of $250,000. More money is received each year by the collector of customs of that great district than is sufficient to erect the building which has been recently under consideration.

Mr. Chairman, it is not only to the local interests of the great Northwest that this amendment is of importance. The people of the entire nation are interested in it. My friend from Washington Territory has almost exhaustively gone over the ground and shown to this House ample and sufficient reasons why his amendment should have received favorable consideration. But he might also well have referred to the construction of two great transcontinental lines which now reach that inland sea. The Northern Pacific has its terminus on those waters, and the Canadian Pacific, with its present terminus at Vancouver, will be connected and is now being connected with the waters of Puget Sound. And thus becomes still greater the necessity for a proper custom-house at that place.

If there is anything required to confirm or corroborate the petitions sent to this House it is the exigency which exists at that place at this time. When you look at the resort the Government is compelled to make to renting outside buildings at an immense amount of rental annually, and when you look at the great amount of foreign commerce, the immense amount of local as well as foreign shipments, it seems to me that this House should not pause a solitary moment in voting every dollar requested.

The Government should be like an individual in matters of this kind. Its action in managing its affairs should be as economical and as painstaking as would be that of an individual. If he was prosperous in his circumstances, with an immense surplus at his disposal, in carrying on his business transactions would he allow himself to go to work and rent outside buildings just because he did not feel that the time had arrived to spend what was necessary in erecting a building? A man who would allow the money to remain in his pocket and pay rental for outside buildings, while at the same time recognizing the necessity for the construction of additional buildings for his own use, would be acting with as little wisdom as is shown in the refusal of the necessary appropriations for this purpose. The same rule which would apply to a discreet, economical individual or business association certainly should apply to the Government of the whole nation. The commerce of the entire country requires this, and the necessary appropriation should be made.

[Here the hammer fell.]

The *pro forma* amendment was withdrawn.

The Clerk read the following paragraph:

Light-stations:

Hell Gate light-station, New York: For lease of the ground used as a site for the light-house and fog-signal established at Hallet's Point, near Hell Gate, New York, from April 1, 1886, to June 30, 1888, $1,350. And the Secretary of the Treasury is hereby directed to remove the property of the Government from said leased ground on or before June 30, 1888.

Mr. LONG. I offer an amendment recommended by the Department since the bill was reported.

The Clerk read as follows:

Insert after line 2, page 3, the following:

"In addition to the amount appropriated by the act making appropriations for the sundry civil expenses of the Government, approved August 4, 1886, for the establishment of a light-house and fog-signal at Castle Point, Rhode Island, the sum of $5,000."

The amendment was agreed to.

Mr. LATHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 2, page 3, insert:

"Pamlico light-station, North Carolina: For establishing a light off Pamlico Point, North Carolina, to replace the one on the point, $25,000."

Mr. BURNES. I am compelled to interpose the point of order against that amendment.

Mr. LATHAM. I ask the gentleman from Missouri to withhold the point of order in order to allow me to make a statement.

Mr. BURNES. I reserve the point of order.

Mr. LATHAM. The Secretary of the Treasury in his letter transmitting the estimates of deficiencies in the appropriations to the committee, which is dated the 22d of December, 1887, asks that this appropriation should be made; and in his letter he calls the attention of the committee to the importance of its being made. He tells them in that letter that the light-house at Pamlico Point, at the mouth of Pamlico River, has been greatly undermined by the waves of the sound and of the river, so that it is insecure and has been abandoned.

In fact, in the month of October the light at that light-house was extinguished. The river is one of the largest in Eastern North Carolina. Forty miles above its mouth is one of the most prosperous towns in that section of the country. Along both banks of the river are large mills engaged in the preparation of lumber for the various markets of the world. It has a West India trade employing six or eight vessels, which carry freight to those islands and bring back large cargoes of salt, molasses, and fruit. A number of vessels from northern ports are constantly engaged in the lumber traffic, carrying out millions of feet of lumber every year. Besides that there is a semi-weekly line of large and commodious steamers run by the Old Dominion Company to Norfolk. There is another semi-weekly line run to the city of Baltimore.

There is another line from the town of Washington to the neighboring city of New Berne, N. C. The sound and the river are dangerous to navigate without this light. It is supplied simply with a gas buoy, which is utterly and entirely insufficient for the purposes of safe navigation. It is proposed by the Department to replace the light-house which is now upon the land with a screw light only a few hundred yards distant, which will be amply sufficient for the purpose. If the appropriation is not put into this bill, but is left for the sundry civil bill, the amount appropriated will not be available in time, and meanwhile vessels navigating there will be in great danger. The light can not be well built during the winter; the work must be done during the summer; so that if the appropriation is not put into this bill it will probably be twelve months before the new light will illuminate that coast. In the mean time, Mr. Chairman, while this amendment of mine may be wrecked here upon a point of order, the lives and the property of our fellow-citizens may be wrecked on the point off Pamlico River. I trust, therefore, that the point of order will not be insisted upon. We have not a sufficient number of lights in the sounds of North Carolina. You can go almost from one end of Long Island Sound to the other by the light of magnificent structures which the Government has erected there for the protection of navigation; but upon our waters those light-houses are twenty or thirty miles apart. I ask of this House that they will pass this appropriation now.

Mr. BURNES. Mr. Chairman, there can be no question in my mind, nor, I presume, in the mind of any one here, that what the gentleman says is true; but, nevertheless, this proposition is not in order. It is clearly a proposition to construct a new light in a different place and disconnected entirely with the old one. It has not been considered by the Committee on Commerce; it comes here directly; it is neither an urgent deficiency nor is it a proposition to execute any provision of an appropriation already existing under the law. It is a proposition for a new work. The present structure is about to be washed away and the danger is so great that the light upon it has been discontinued, and now they want to erect a light on the shore, which they say will be of greater value than the old light-house. I have no objection at all to the work; I presume it is a work of great necessity; but under the rules it must go to the Committee on Commerce and be authorized and established before we can appropriate for it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Northwest Seal Rock light-station, California: For continuing the construction of a light-house on Northwest Seal Rock, off Point St. George, California, $150,000.

Mr. CLARDY. Is not the amount proposed to be appropriated for this light-house in excess of the estimates?

Mr. BURNES. The gentleman is speaking of the Northwest Seal Rock light-house?

Mr. CLARDY. Yes.

Mr. BURNES. One hundred and fifty thousand dollars was the original estimate.

Mr. CLARDY. I will ask my colleague if the amount estimated was not $333,000, and if there has not been already appropriated $290,000; so that this $150,000 additional would make the total appropriation exceed the amount of the estimate?

Mr. BURNES. The facts are these: When this light-house, on the northwest coast of California, was established it was established on an estimate that the entire cost would be $333,000. Of that amount $290,000 has been appropriated, and nearly all of it expended. It is now estimated that the total cost will be $721,000, whereas the original estimate was $333,000.

Mr. CLARDY. When was this increased estimate for $721,000 made, and by whom?

Mr. BURNES. By the Department; the estimate comes from the Light-House Board.

Mr. CLARDY. Has any committee, except the Committee on Appropriations, ever acted upon this increased estimate?

Mr. BURNES. I really can not speak as to the practice; but the provision establishing this light, together with the first appropriation, was made in 1882.

Mr. CLARDY. By the Committee on Appropriations?

Mr. BURNES. I think perhaps by the Committee on Appropriations. Whether the Committee on Commerce reported the legislation establishing this light I do not know.

Mr. CLARDY. I ascertain the fact to be that the provision came from the Committee on Appropriations in 1882.

Mr. RANDALL. At that time the practice was for the Committee on Appropriations to originate and insert in their bills matters of this kind. Since that time the rules have been changed, and provisions for new work of this nature must be considered by the Committee on Commerce.

Mr. CLARDY. I have asked these questions in view of the philippic contained in the report, which I indorse.

Mr. BURNES. In justice to my distinguished colleague [Mr. CLARDY], the chairman of the Committee on Commerce, I will say I am satisfied that the first estimate for this matter went to the Committee on Appropriations. That estimate was relied upon, and the work was undertaken with the idea that it would cost only $333,000. Subsequent events have shown the original estimates to have been unreliable, and the total expenditure, as now estimated, will be $721,000.

Mr. CLARDY. Does not my colleague think that this provision would be obnoxious to a point of order?

Mr. BURNES. Oh, no, sir.

Mr. CLARDY. I mean the increased appropriation.

Mr. BURNES. There was no limit originally. There was simply an estimate for $333,000. The work was authorized, without any limitation as to cost.

Mr. CLARDY. I thought $333,000 was the amount specified originally as the limit of cost.

Mr. BURNES. No, sir; that was simply an estimate.

Mr. BRECKINRIDGE, of Kentucky. As I understand, $290,000 has already been spent upon this work.

Mr. BURNES. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. And the aggregate expense is estimated at $720,000, making the amount yet to be expended $430,000?

Mr. BURNES. About that.

Mr. BRECKINRIDGE, of Kentucky. The expense yet to be incurred, as I understand, will aggregate $430,000, if the last estimate holds good. Now, would it not be wiser to abandon the work and let the $290,000 go than to spend $430,000 additional upon it?

Mr. BURNES. For an answer on that point, I will refer the gentleman from Kentucky to the gentleman from California [Mr. MORROW].

Mr. MORROW. Mr. Chairman, this light is probably one of the most important on the Pacific coast. The light-house is being built upon a rock about eight miles out in the ocean, where it lies directly in the track of all the commerce of the Pacific coast from California to Oregon, Washington Territory, British Columbia, and Alaska. The fact that the light-house is being constructed upon a rock, which had been placed in condition for the superstructure, has been one of the reasons why the original estimate has proved insufficient. This work is being constructed under the direction of one of the best officers in the service, who has now made a careful estimate, and I have no idea that any deficiency can arise hereafter.

When this light-house is completed we shall have there one of the most interesting structures of the kind in the world. It will be most valuable for the safety it will give to commerce; for to-day vessels proceeding from San Francisco to Oregon go out of their regular course in foggy or stormy weather some twenty or thirty miles in order to avoid this Northwest Seal Rock. It was for years a matter of discussion why the Government of the United States failed to place a light-house there, such a work being so signally necessary for the commerce of our country.

I have a very careful statement from the engineer in charge of this work, and from this statement it appears that a part of the present deficiency is due to the fact that from the insufficiency of previous appropriations the work has at times been suspended during the seasons in which it should properly have been done. In this report the engineer points out how during the last year some $30,000 or $40,000 in plant was destroyed because of the fact that the appropriation ran out, and it was necessary for the time to abandon the work on the rock.

I am glad that the Committee on Appropriations has adopted the most economical method to secure the completion of the structure by appropriating at once the necessary amount so that the work will not be again suspended in consequence of insufficient funds, and that the tools and other appliances may not be allowed to go to ruin, or be washed away by the sea. This appropriation, Mr. Chairman, is one in the interest of economy, and the Committee on Appropriations has acted wisely in reporting the appropriation as recommended by the Department.

I take the liberty of appending to my remarks the recent report of the engineer in reference to this work:

OFFICE OF LIGHT-HOUSE ENGINEER, TWELFTH DISTRICT,
San Francisco, Cal., November 17, 1887.

SIR: As I am soon to be relieved in charge of this office, I have the honor to submit the following report, bringing to date the history of the work for the new light and fog-signal on St. George's Reef, California.

An appropriation of $120,000 became available on March 4, 1887, and under date of March 7 a project for the season's work was submitted to the board and approved by its telegram of March 19.

Work on the rock itself had been virtually suspended, by failure of sufficient appropriation, since the autumn of 1883, and for the same reasons our operations were limited to the quarrying and cutting of stone with a small force during the good working months of 1884 and 1885, and had been totally suspended since November, 1886.

During this long interval an expensive plant in rope, tools, etc., had so deteriorated as to need almost complete renewal; spars for derricks and buoys had rotted; landslides had filled up our cuttings, destroyed our tracks, derrick landings, and other arrangements for shipping materials at the quarry; and the piles of the wharf at the depot had been so eaten by worms as to be useless.

We had prepared, with the exception of a small quantity of rubble, sufficient stone to complete the eighth course of masonry of the pier, which would involve the transportation to the rock of over 4,000 tons of material, and was, in my judgment, all that we could hope to accomplish during the working season.

The re-establishment of our facilities for preparing and handling material on Humboldt Bay, the accumulation of the extensive and costly plant necessary, and the relaying of the moorings involved the expenditure of much time, and needed to be hastened to the utmost, if we were to hope for the full use in actual construction of the short working season at the rock.

In my project, therefore, I asked the board's authority to employ hired labor and make purchases in open market during these preparations. Work at the rock by other means than hired labor has always been regarded as out of the question, in view of the numerous contingencies to which it is subjected; but with the project was submitted a draught of specifications under which it was proposed to advertise for bids for the transportation from our depot in Humboldt Bay to the work.

On receipt of the board's approval of the various recommendations in the project, orders were at once telegraphed to Humboldt Bay to begin work in accordance with full written instructions which had been sent beforehand, and on the 21st of March a force began clearing out the quarry, repairing wharf, preparations of spars for buoys and derricks, and overhaul of the long-disused plant and rigging.

The schooner Sparrow, of about 200 tons burden, was chartered in Humboldt Bay on the 29th of March, and the same day we began to fit her out as quarter-boat, with eating and sleeping accommodations for a force of fifty to eighty men.

A large miscellaneous assortment of tools, rope, blocks, chain, iron work, and a powerful steam-winch for use on the depot wharf were purchased and shipped by the steamer Santa Maria, which had been chartered to lay moorings and set derricks at the rock. She left San Francisco on this errand on the 5th of April for Humboldt Bay.

On the 11th of April bids in answer to advertisement published March 23 for transportation of material were publicly opened, and the results reported to the board by letter the following day. There were only two offers, one for the steamer Alliance and the second for the Santa Maria, which was higher for the whole service required by about $10,000. I had no doubt that the Alliance, which could only carry 200 tons at a trip, would be found unequal to the task, and believed that the work could be done by the Santa Maria, of more than double the size. The difference between the two offers being so large, however, I submitted the whole matter, with my views, to the board, and received instructions to make contracts with the owner of the Alliance, which were accordingly entered into May 12, 1887.

The party on the Santa Maria experienced almost continuous bad weather, and made but slow progress with the moorings up to May 1, when it became necessary to return to Humboldt Bay for various supplies. The quarter-boat Sparrow having in the mean time been fitted out, was taken in tow by the Santa Maria on her return to the rock and placed at the moorings there on the 11th, not to leave them again till the close of the season's work.

The moorings being all in position, on the 18th of May the Santa Maria was discharged, and the working party taking up their quarters on the Sparrow spent the rest of the month in setting up and rigging the four small derricks, building a landing stage outside the pier outline, setting up and connecting boiler and engine, and other general preparations for receiving and handling material.

The big derrick mast 20 by 20 inches, standing since June, 1884, was found badly cracked by a blow of the sea at a point some 40 feet above its level, and had to be fished with iron bands. The benches as left in the autumn of 1883 were practically uninjured, though a good deal of material had washed out of the vertical walls left standing around the cistern space, which had probably been somewhat shaken in blasting.

The contractor's vessel, the Alliance, was detained in San Francisco by a trouble, discovered at the last moment, with her boilers, until the 28th of May. She was loaded for her first trip to the rock on June 2; but on arriving there was found so badly fitted for her work that it was necessary to lend her gear and the services of our own riggers before the material could be gotten out at all.

The first stone in the work was laid the morning of the 7th of June, and by the evening of the 9th the Alliance had discharged her 200 tons of freight. On the 11th all the material she had brought was in place in the pier and the construction party out of work. This first voyage of the Alliance proved beyond question that my fears, expressed to the board before making the contract, that she would be found unequal to the task, were well founded, and that if we were to hope for success additional means of transportation must be at once secured. It showed further than this, that with sufficient transportation our arrangements at the rock would enable us to lay the eight courses planned for the season almost beyond a doubt.

Under date of June 15 I telegraphed to the board a full account of the state of affairs, and in reply received authority to charter the Santa Maria for $7,000 per month to supplement the services of the Alliance, but as the first-named vessel was then under another charter I could not secure her services before July 1. The month of June, after the first trip of the Alliance, was almost an incessant storm. Reaching the rock on her second voyage, the 15th June, a gale sprung up after she was moored, and on the night of the 16th, through the parting of some of the Sparrow's lines, the two vessels narrowly escaped destruction by collision. On the 17th the Alliance managed to slip and get clear, lay four days for shelter in Crescent City roadstead, and was finally discharged on the 22d. During the storm on the 19th, one of the dimension stones on the north face, nearly 30 feet above the sea, and weighing over 2 tons, was washed out of its bed, tipped over against the back of the bench, and broken. The men had been forced off the rock before they had time to put in the dowel.

On the 27th the Alliance reached the rock on her third voyage; but incessant northwest gales prevented her from discharging until the 8th of July, on which date the Santa Maria made her appearance with her first cargo.

From this time the work went on smoothly without special incident; though during all of July and part of August there was a good deal of time lost from the strong northwest winds, for the prevalence and severity of which the summer was remarkable. After July 4 four men were left on the rock in a cabin, which was set on posts above the cistern space, and strongly secured against the vertical cistern wall, with the roof about flush with the highest part of the rock. This was a great help, because steam could be gotten up and the working party landed by the big derrick on days when this would have been otherwise impossible.

During July we got but fifteen working days; and of the whole period from July 1 to September 26, when work was discontinued, there were fifty-seven good days, fourteen days when the men landed but were driven off, and seventeen days when no landing was attempted. The total amount of material landed on rock was 4,196 tons, and the number of cubic yards of masonry laid was 1,729.

On the 15th of September the last dimension stone for the season was laid, finishing the eighth course. The masons were then put on the rubble backing and the cistern face walls, which were finished to top of the eighth course on the 22d. The landing stage was then filled in with concrete around the piles to a depth of about 8 feet; the small derricks, engine, and other portable plant, were taken off the rock, and the boiler made secure in the cistern space.

It had been intended to fill the cistern space entirely with dry rubble, but through a misunderstanding the necessary material was not sent out from the depot, and this idea could only be partly carried out. It has been found, however, that the pier wall so far built breaks the sea considerably, so it is believed that very little solid water will fall into the cistern space, and though I should prefer to have had it filled, I do not think any harm will come from the present condition of things.

Everything possible having been done for the security of the work, on the evening of the 26th the Sparrow was cast loose from her moorings and taken in tow by the Santa Maria. Reaching Humboldt Bay the 27th, the Santa Maria was discharged, and a force set to work stripping and clearing up the Sparrow, which was turned over to her owner on the 30th.

At the beginning of the season the dimension stone for eighth course was in store at the yard, but the rubble needed was all at the quarry with the exception of some 5,000 cubic feet still to be cut. Most of this backing was prepared by the men sent up to form the rock party. While the moorings were being laid, and during the construction work at the rock, the parties left on shore were almost exclusively employed in handling material. Some additional backing was, however, gotten out, and one stone-cutter was kept at the yard preparing dimension stone to be used in case of accident to any of those shipped.

At the end of October the following quantities of material remain on hand:

	Cubic feet.
Cut dimension stone at yard	2,275
Uncut dimension stone at yard	1,100
Uncut dimension stone at quarry	230
Cut rubble at quarry	5,900
Rough rubble at quarry	4,000

The season's work, in spite of more than ordinarily bad weather, was completely successful.

That no serious accident happened, and no material of any kind was damaged or lost, and that not one of the large face stones, weighing from 2 to 6 tons, was even chipped in all its handling, speaks of itself for the care and skill displayed by the superintendent of construction and his subordinates.

For stone cutting it can be said that in this curving wall, including an area of about 6,000 square feet, with an allowance of but three-sixteenths of an inch made for joints in the patterns, it was not necessary to use a tool on a face stone at the rock during the entire season.

The expense of the work overran our estimate mainly in the setting of the moorings, which reaches the large figure of about $16,000 in consequence of the terrible weather of April and May, and the high price which we had to pay for the charter of a suitable steamer.

There are submitted herewith two tables, the first showing generally the expenditure on the work to date, aggregating $273,434.48; the second, in detail the expenditure subsequent to the passage of the last appropriation, aggregating $113,348.38.

If the masonry laid last summer resists uninjured the winter storms, the work has passed its experimental stage, for the system of construction can never be so severely tested again. The pier, even in its present condition, has been found to so break up the sea from the north and west that it will be possible next season to keep the working party altogether on the rock.

The existing landing stage, which is the only available space outside the pier outline, is at the level of the cistern floor (25 feet below top of rock). This answered for last summer, but now that the work is higher it will be economical to raise the landing stage 20 feet so as to reduce the lifts with hand-power derricks after the material has been landed by steam. It is proposed to fit this space between the two levels of the landing stage as men's quarters, and believed that this arrangement can be made amply secure for the working season.

A suitable quarter-boat costs nearly $1,000 to fit out, and her expenses for charter and crew will be about $1,500 a month, beside which the outfit in rope to enable her to lie at the moorings will annually amount to nearly $3,000. Besides this direct saving in having the men on shore there is the time saved in getting the men on and off with the derrick, and days gained when work can be done though landing would have been impossible.

It will be an advantage also to be entirely clear of the contractors for transportation, if, as I suppose, this work is to be done by contract. During last season, with two vessels together at the moorings, it was constantly necessary for self-preservation for our men to give the contractor help, handling lines, making fast, etc., and in practice we had always to give their vessels our hawsers to the rock, which damaged them more than our own use.

At the close of this year's work we had only a balance of about $16,565.

Next session of Congress, being a long one, we can not expect new money before July 1. Notwithstanding this, I think that if money is available a good season's work can be done next year. Our moorings next season will only need slight repairs; and these can be made, the proposed workmen's quarters built, derricks and engines set up—in all probability during the first three weeks of July. In the same time contracts or other arrangements can be made, and vessels in readiness in Humboldt Bay to begin the transportation, so that we can secure the eight or nine best weeks of the season, during which last year the bulk of our work was really done. Of the 4,196 tons of material landed last summer 3,386 tons were landed after July 20.

With the advantages of height of pier already built, and men living on the rock, I have little doubt that we could handle 5,000 tons next season, even with the time thus shortened, which finishes pier to boiler-room floor; and I am also confident that with the little start we gain with funds now available, we could supply the necessary material by pushing things at the quarry and yard. The doubtful element is in the transportation, which will have to be managed better than last year to carry out this programme.

Whether this service is to be performed by contract or by hired labor, the service of two vessels, each with a capacity of some 400 tons dead-weight cargo, will be absolutely necessary.

Last spring the demand for vessels of every kind was something unprecedented and rates for charter and freight higher than known before. This was the reason why I received only two bids for the transportation, for a number of

responsible persons anxious to bid were prevented from doing so because they could not get vessels. To meet this demand a large fleet of steam schooners has been launched this summer, all vessels quite suitable for our work, and while it is impossible to predict whether or not the present extraordinary demand for lumber in Southern California will continue undiminished, I am inclined to the opinion that next year will be a more favorable one than last for a good contract for transportation, or the charter of the necessary vessels to do the work ourselves.

No detailed estimate has been made, in my knowledge, for the total cost of this light, and in the lack of experience which is now gained, no such detailed estimate with good claims for accuracy would have been possible.

I have had this estimate of the cost now required for completion prepared with much care, and the results are submitted in table No. 2, herewith. The cost of all materials as given in the first column is computed on the light-house wharf in Humboldt Bay, and the transportation and labor at the rock then added in the last. The pier itself now remaining to be built is figured on course by course, and then the tower is separated into two parts, the first from top of pier to top of ground floor, the second from thence to top of tower. The stone-work is kept by itself in the upper part of the table, and then follow the miscellaneous items of iron-work, wood-work, boiler, and machinery, lens and lantern. Separate small tables show the details of cost of cut stone, rubble, etc. The calculations are based on the adopted form of pier outline, carried to the top with rubble backing; and the general plan of tower shown on the board's drawings, with slight modifications in the latter to reduce to practicable dimensions stones shown of excessive sizes.

The labor of masons and stone-cutters is arrived at by adding to what the cost would be on shore the percentage shown to be necessary by the working days lost last season.

I have included in the estimate one important modification in the general plan which will increase the cost by some $10,000, but which will, I think, be found necessary.

It was proposed to cover the opening above the boiler-room in the top floor of the pier by an iron skylight with heavy glass in it. This is at an elevation of only 70 feet above the sea, and the roof of the fog-signal at Tillamook, 110 feet above the sea, has already been smashed in during a storm. The skylight will certainly get heavy blows, and will be, I think, a very bad arrangement for both light and ventilation. I strongly recommend a stone house like the deck-house of a steamer, forming an addition to the base of the tower and extended around this opening over the boiler-room.

With such a house the shutters or windows can be left open on one side or the other, when without it the covering over engine-room would have to be battened down like a ship's hatch. The item is by itself in the estimate.

The transportation from Humboldt Bay to rock is put at $10 per ton, and as the total amount remaining to be done is over 14,000 tons, the figure adopted for this service has a very important bearing. To those unfamiliar with the conditions of this case, $10 a ton for 60 miles of water carriage seems exorbitant, but we have a bad bar-harbor at one end of our line, a rock in the open sea at another, and only about nine weeks in the year when we can really count on smooth weather.

The contractor's vessel last season could land only 400 tons during all of June, and was on one trip obliged to wait eleven days before getting to the moorings. It must be remembered also that in spite of these drawbacks we must not only have the material landed, but it must be landed rapidly and in sufficient quantity to keep the rock gang busy. One large vessel will not do since we have only space to store between 200 and 300 tons of material at the rock; and, furthermore, because the vessels used last year were about as large as can with safety be handled at moorings in the open sea. Two vessels therefore must be used and two vessels lie idle during the many days of bad weather.

Before work began last summer I made a detailed calculation of what this work would cost with ordinary chances of weather if we did it ourselves, chartering two steamers, and it came out something over $9 the ton. Two bids were received—one of $10 from a man who had had a contract to land material on Tillamook under more favorable conditions as regarded a harbor, at $12 per ton, and the second from persons quite inexperienced in the matter, at varying prices for the different classes of material, which made their bid, from the amount actually paid them, $7.26 per ton. Their vessel proved entirely unequal to the work, and I was obliged to charter another to assist her; but I have good reasons to believe that, while only obliged to carry what he conveniently could, the contractor made no money, or lost some in the business. At all events he was glad to give up one load which he might have taken in the latter part of the season.

By the chartered vessel Santa Maria our transportation cost us $9.09 per ton in the best part of the season, with a master probably as capable a man for the business as could be found on the coast.

If our working time were to be limited to nine weeks before October 1, I think a contractor could make money at $9, or perhaps $8 per ton; but if he is to work from June 1, I don't believe that any man of good judgment and the necessary experience would offer to keep two vessels going and do it for less than $10; and I believe, further, that if we charter vessels and work without the stimulus of a contract during the same season it would not cost us much if any less.

It is to be remembered that there is a large element of risk of a total loss of vessel and cargo, and a still larger one of costly accidents, which all have to be figured on by a contractor, who can not for such services insure his vessels to their full value.

The transportation being by itself in the estimate, such weight as is desired can be given to these considerations, and the resulting modifications of my total figure easily arrived at. Certain figures of the estimate can only be reached by assuming a certain time for the completion of the work. Rope, a very costly item, can hardly be used more than one season; ship-chandlery and iron-work rapidly deteriorate with the rough usage received; and the annual maintenance of the moorings is very expensive. The wharf in Humboldt Bay, already once rebuilt, will only last from three to four years; the time assumed in my estimate is three seasons, including the short one of next year; and in this I think the station could be doubtless completed if sufficient funds are granted. One of these items, based on three years' construction, namely, the maintenance of moorings, over $30,000, will doubtless seem excessive, but I do not think it can be reduced.

The chains in use will, with some repairs, do next season, but after that I think they will have to be discarded and new ones bought. The sum named includes also the necessary service of a steamer, and this year alone the work on the moorings cost, with steamer, about $16,000.

The grand total of the estimate is in round figures $448,000, which, with the expenditure to date of, say, $273,000, gives us for the station complete $721,000. This figure may be thought surprising, but the general plan adopted before work began has not been departed from hitherto, and no changes for the future are recommended beyond the extension of the tower base over the boiler-room, before mentioned.

The work, in spite of its dangerous character, has so far been carried on without costly accident of any kind, and the fortunate discovery of granite on Mad River has enabled us to have our cut dimension stone ready for shipment in Humboldt Bay at a cost per cubic foot hardly greater than the rough granite from the Sierra, which it was originally intended to use, would have cost us on the wharf in San Francisco. In fact, it may be said that with a good general knowledge of the governing conditions, a cautious estimate for this work at the outset would have given even larger figures than my own as now submitted with the advantages gained in two seasons of actual work.

I have endeavored throughout the calculations to give outside figures, and it is possible that with sufficient appropriation and favorable contracts for transportation they may be reduced a little; but it is, on the other hand, certain that if sufficient annual appropriations are not granted the cost will be materially increased.

The history of this construction presents in a striking way the evil results of the existing method of appropriation for public work. The first appropriation was so small that it was necessary to wait a year for another before beginning. The sum of the first two appropriations was still scanty, and in consequence there was an unavoidable loss of two good months of the short working season. The third appropriation was so small that it compelled the giving up of vessels under charter and fitted for our service at much expense, the disbanding of a large skilled force, and the abandonment to destruction and depreciation of a costly plant.

For one year more the work dragged on with scanty funds, preparing material at an exaggerated cost for superintendence; another year was totally suspended, and then an appropriation sufficient to justify work finds us unprepared in every way, and forces the costly haste of last year's preparations for the full use of the working season.

The work is now again nearly out of money; and as the next is a long session of Congress, valuable time must again be lost next summer. In what has so far been spent I can show the loss of over $30,000 in items which can be closely figured upon, which has been absolutely thrown away in preparations afterwards made useless by failure of appropriation, and in repairing damages of all kinds due simply to delay. Besides this, there is the indirect damage, uncertain in amount, due to exaggerated cost of superintendence and other disadvantages inseparable from the endeavor to carry on extensive work with scanty and intermittent means.

The light was decided upon and sanctioned by act of Congress in 1881. Had sufficient appropriation been granted from the outset the light and signal could have been put in operation last autumn at a less cost by from $30,000 to $40,000 than is now possible even should Congress give all the remaining money needed in two successive appropriations.

I think I have succeeded in making plain the reasons for my recommendations that Congress be asked at the coming session for an appropriation of $200,000 for continuing construction of the light on St. George's Reef.

Respectfully submitted.

A. H. PAYSON,
Captain of Engineers, Engineer Twelfth Light House District.

CHAIRMAN OF LIGHT-HOUSE BOARD,
Washington, D. C.

The CHAIRMAN. There is no amendment pending. The Clerk will continue the reading of the bill.

Mr. BURNES. I move the following amendment.

The Clerk read as follows:

On page 7 strike out all after the word "dollars," in lines 1, 2, and 3, and insert as new paragraphs the following:

"For erecting two fire-escapes upon the buildings of the Reform School, of design and character to be approved by the building inspector of the District, $100.

"That one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia, and one-half from any money in the Treasury of the United States not otherwise appropriated."

The amendment was agreed to.

The Clerk read as follows:

Increase of water supply, Washington, D. C.: To enable the Secretary of War to complete the work of increasing the water supply of the city of Washington, under the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, namely: For completion of lining of the tunnel, $297,750; for completing shafts, west connection, and for superintendence and engineering, $37,250; and for general contingencies of the work, $20,000—in all $355,000, said sum to be subject to all the provisions and restrictions of the said act of July 15, 1882, and of the act approved July 5, 1884, making appropriations for the expenses of the government of the District of Columbia, as to its apportionment and settlement between the United States and the District of Columbia, and the refunding thereof. The work above provided for to be done under the contract heretofore made or by a reletting, as in the discretion of the Secretary of War shall be most promotive of the interest of the Government: *Provided*, That no contract shall be made at prices greater than the prices allowed under contract under which work has been heretofore done on said tunnel.

Mr. RANDALL. Members who have read the report of the committee in this connection will remember there were some strictures made on some officers of the Army heretofore connected with this work. These strictures have been taken by the officers involved as unjust. The attention of the committee was called to that part of the report, and by a supplementary report the cause of irritation was intended to be removed entirely. Whether it has been or not it is not necessary for me to say, but it is but just I should cause to be read as part of my remarks in this connection two letters from one of these officers, so they may, in justification of his conduct in that connection, be placed upon the public record.

I wish to say, in addition, that in all my intercourse as an official in this House with that gentleman he has appeared to me to be an intelligent man and an able engineer, and strictly upright in all his dealings.

The Clerk read as follows:

UNITED STATES ENGINEER OFFICE,
Pensacola, Fla., February 10, 1888.

DEAR SIR: I have this day received a copy of report submitted to accompany bill H. R. 6437—urgent deficiency bill—February 1, 1888, which contains severe strictures upon myself. This censure rests upon a statement of fact which shows that your committee have been grossly deceived. As the victim of this deceit, I earnestly request that I may be given an opportunity to appear before your committee and state the facts, with a view to such action as your committee may deem proper in the premises.

I propose to show that whereas the responsibility for the deficiency in the estimates for the extension of the Washington Aqueduct is, under this statement of fact, attributed to myself:

First. The work has been done under a plan of construction totally different from that presented to Congress as the basis of my estimates of 1879, and upon which the appropriation for this work was predicated.

Second. The appropriation was made July 15, 1882. The charge of the work was given to Maj. G. J. Lydecker August 11, 1882. He submitted his own project or plan for the work October 5, 1882, renewed his recommendation of the

same July 14, 1883, and advertised for proposals for construction in accordance with his project August 29, 1883. I was detailed as Major Lydecker's assistant; was never connected with this work in any other capacity, and was removed from this position by Major Lydecker, being replaced by Lieutenant Symons January 4, 1884, before the tunnel was commenced. Thereafter I had no official connection with this work, but protested against the method of its execution.

Third. My advice has been utterly disregarded in carrying on the work, and the result is only the abortion of what I advised while acting as Major Lydecker's assistant.

It is a perfectly fair rule that the officer in charge of a work is entitled to all the credit for the success of the plan he adopts, because he alone is responsible for its failure. It is, therefore, unjust and undignified to plead the advice of a subordinate in the event of failure; nevertheless, I would myself have volunteered this plea in behalf of the responsible officer in charge had my advice been acted upon. As it was disregarded and myself excluded from the direction of the work, I have no responsibility whatever for the result.

Very respectfully, your obedient servant,

R. L. HOXIE,
Captain of Engineers, United States Army.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

UNITED STATES ENGINEER OFFICE,
Pensacola, Fla., February 11, 1888.

DEAR SIR: I inclose herewith a memorandum of facts designed to accompany my letter to yourself of the 10th instant, but not completed in time. Will you kindly consider it as a part of that letter, to be considered in connection therewith?

Very respectfully, your obedient servant,

R. L. HOXIE,
Captain of Engineers, U. S. A.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

[Memorandum to accompany letter of February 10, 1883.]

The estimates submitted in 1879 contemplated the extension of the aqueduct by a brick conduit, with some slight tunnel work, perhaps, as an incident. Reference to the report of 1879 will show that the crossing of Rock Creek by "a tunnel" was simply an alternative proposition, the language of that report being as follows:

"Rock Creek may be crossed either by a gang of large cast-iron mains laid as siphons through the bed of the creek, or by a tunnel through the compact rock which underlies this stream. If borings in this rock are satisfactory, the latter method is, I (Captain Hoxie) believe, the best and cheapest."

The modification of the estimates of 1879, on which the appropriation was made in 1882, consisted solely in their increase to the extent of 10 per cent., in order, as stated by the then engineer commissioner, to make allowance for the rise that had taken place in the value of labor and material. It had absolutely nothing to do with changing from the plan of work submitted in 1879.

I explained to Major Lydecker in May, 1882, before this work was assigned to him, at his request, the plan which I then thought best, and which had been approved by Major Twining. This was a continuous rock-tunnel forced conduit, under heavy internal pressure, placed wholly in the gneiss-rock formation which underlies the District of Columbia, and below the general limit of surface disintegration. The success of the plan depended wholly upon the latter requirement.

Soon after he assumed charge of the work I was detailed as his assistant, and in accordance with his specific instructions conducted an examination to ascertain, by sinking one shaft, and from surface indications, the depth from the surface of the ground to the underlying bed-rock and the probable character of the rock. I reported the facts to him July 7, 1883, having ascertained them at the risk of my life.

I made the first draught of the specifications for the tunnel, requiring all shafts to be sunk until 30 feet of sound rock could be had above the roof of the tunnel, assuming a theoretical depth of shaft as a basis of award of contract, but requiring that the tunnel should be driven at any other depth without increased cost of the tunnel to the United States. These specifications were recast by Major Lydecker, retaining this vital feature.

January 4, 1884, I received, without warning, the following order:

"OFFICE OF THE WASHINGTON AQUEDUCT,
"*Washington, D. C., January* 3, 1884.

"Order: First Lieut. Thomas W. Symons, Corps of Engineers, having by direction of the Secretary of War, reported to the undersigned for duty upon the Washington aqueduct and the extension thereof, is hereby assigned as superintending engineer on the work, and as such will assume control of all active operations relating thereto. He will be obeyed and respected accordingly, and to that end all employés will report to and receive their instructions from him direct.

"G. J. LYDECKER,
"*Major of Engineers, United States Army.*"

Lieutenant Symons took immediate possession of my desk at the aqueduct office, and I had no further official connection with the work.

Early in March, 1884, I discovered, accidentally, that the tunnel had been started; examined the rock thrown out, found it unsound, and immediately warned Major Lydecker that he must go deeper with the tunnel. My advice was disregarded.

Again on March 27, 1886, it was brought to my notice, with apparent reflection upon myself, that the result of driving the tunnel above the general limit of surface disintegration had been disastrous; that methods of construction had been resorted to which I deemed fatal to the success of the work; and that the cost of excavating and lining had been increased beyond that prescribed by the specifications. I succeeded in having these questions referred to the highest board of engineers, and this board put a stop to the faulty method of construction, but substituted a thoroughly safe one at greater cost. This saved the work, but did not reduce the cost.

I had no other connection with this work.

The preliminary examination had developed only the depth from surface of ground to bed-rock, with surface indications and the evidence in existing excavations as to its character. The probing of the rock along the whole line by the five shafts and three air shafts at nearly equidistant points on the line of 4 miles was indispensable as a condition-precedent to deciding upon the depth at which the tunnel should be driven. The sinking of these eight shafts should have been supplemented, if necessary, by deep boring at these points with the diamond drill, a cheap and common method of exploring rock. If then thought necessary, intermediate points of the line should have been similarly explored. No expense should have been spared at this stage of the work to determine that feature upon which the success of the plan was wholly dependent—the location of the tunnel below the general limit of surface disintegration.

Instead of this, the tunnel was started independently, and at various dates, from the foot of each shaft, whenever the shaft reached what appeared to be sound rock, or a depth in decomposed rock which was thought sufficient for the purpose. The evidence of the air shafts was not waited for. That a serious error of judgment was made as to the soundness of the rock appears in the announcement, August 12, 1885, of a deficiency of $395,000 on the tunnel after Major Lydecker had reported, August 11, 1884, while the tunnel was progressing from every shaft, as follows:

"Our expectations as to the feasibility of the tunnel and the probability of carrying it in good rock have been more than realized.

* * * * * * *

"From present indications it may be fairly assumed that, excepting the deficiency before referred to in relation to the land for reservoir, the amounts already appropriated will serve to complete the several parts of the work of increasing the water supply; at least there is no reason at the present for asking any additional appropriation."

With the announcement of a deficiency, three years after his assignment to the charge of the work, comes the first allusion by Major Lydecker to my connection with the original estimates. In his annual reports of 1883 and 1884 he speaks of the work only as "my project." In connection with the former he declined my offer to present the usual report of an assistant, so that I had not the customary opportunity for putting my opinions on record while connected with the work.

I cite the foregoing facts, not in vindication of the soundness of my advice to Major Lydecker as his assistant—that is not here an issue—but to show how wide was the departure from that advice in the work actually done.

R. L. HOXIE,
Captain of Engineers, U. S. A.

Mr. BURNES. As a further evidence that the committee did not desire to do any injustice or to criticise these gentlemen, I ask to have printed as part of the proceedings the supplementary report of the committee.

There was no objection, and it was so ordered.

The report (by Mr. BURNES) is as follows:

The Committee on Appropriations submit the following as part 2 of the Report No. 208 presented to the House on the 1st instant, accompanying the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year 1888, and for other purposes.

Since the bill named was reported the committee have received, by the reference of the House, and have considered House Executive Documents Nos. 95, 105, 125, 131, 134, 135, and 136, and, based upon the said executive communications and House Executive Document No. 30, the committee recommend the following amendments to the bill, namely:

On page 7 strike out all after the word "dollars," in lines 1, 2, and 3, and insert as new paragraphs the following:

"For erecting two fire-escapes upon the buildings of the Reform School, of design and character to be approved by the building inspector of the District, $100.

"That one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia, and one-half from any money in the Treasury of the United States not otherwise appropriated."

On page 8, after line 13, insert the following:

"For needed repairs and improvements on the old Museum building and annex, on Tenth street, between E and F, now occupied by the record and pension division, Surgeon-General's Office, as follows:

"For new steam heating apparatus, including necessary pipes and radiators, $2,500.

"For new plumbing throughout, $2,000.

"For wood-work, including the repair of floors, windows, doors, and water-closets, $500.

"For calcimining walls, ceilings, hallways, and repairing plastering, $395.

"For necessary painting of wood and iron work, including cases, shelving, and necessary glazing, $500; in all, $5,895."

On page 10, after line 2, insert the following:

"For completing the construction and for maintenance of a military telegraph line from San Francisco, Cal., to a point at or near Point Reyes, California, via Point San José, California, $2,474.75."

On page 14, after line 11, insert the following:

"This amount for pay of special agents and necessary expenses to carry out the provisions of section 3 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' $10,000."

On page 15, after line 13, insert the following:

"For compensation of clerks in post-offices, $100,000.

"For rent, fuel, and light, $25,000."

On page 16, after line 1, insert the following:

"Support of convicts: For the support, maintenance, and transportation to and from the penitentiary of convicts from the District of Columbia, to be expended under the direction of the Attorney-General, $15,000."

On page 18, after line 4, insert the following:

"Salary of circuit judge: For salary of the additional circuit judge in the second judicial circuit, authorized by the act approved March 3, 1887, $6,000."

On page 23, after line 11, insert the following:

"Frederick Frerichs, $10,130.32, with interest at 5 per cent. from March 10, 1886.

"George E. Hendee, $8,178.01, with interest at 5 per cent. from March 21, 1887."

And on page 24, in lines 14 and 15, in lieu of the sum proposed, insert "$263,595.52."

The committee have also considered House Executive Document No. 121, submitting an estimate of $8,000 for an elevator in the public building at Columbus, Ohio, and make the same recommendation in reference thereto that they have made with reference to the estimates for public buildings submitted in House Executive Document No. 30, namely, that unanimous consent be asked in Committee of the Whole House to consider as an amendment to the bill the item in question.

In this supplementary report the committee deem it proper to refer to so much of the report already made, accompanying said bill H. R. 6437, as refers to the "increased water supply, Washington City," and to add that at the first session of the Forty-ninth Congress the subcommittee having in charge the District appropriation bill made a thorough investigation of the facts bearing upon the plan and progress of the work of completion of the tunnel for the water supply of Washington, embodying their views in report No. 3109 of that session. The following extract is taken therefrom:

"WATER SUPPLY, WASHINGTON, D. C.

"The amounts recommended under above head are in accordance with the estimates of Executive Document No. 39, present session. The $160,000 asked for the completion of the reservoir is needed, because it has been found necessary to replace much of the bottom of the same with hard clay at places where quicksand or other unsafe conditions were unexpectedly found, and to haul from other sections of the tunnel the stone needed for lining, that excavated nearest the reservoir being soft and crumbling.

"The sum needed to complete the tunnel is explained in the same document, and the reasons for its appropriation further set forth in the voluminous testimony which accompanies this report. The original estimates contemplated, as

a rule, a surface conduit, to connect the existing reservoir with the new ones, 4 miles distant. The plan finally adopted was for a siphon tunnel to be sunk under Rock Creek and driven (as was expected) through continuous solid rock. In the construction of the work, however, the rock has not been found continuously solid or homogeneous, and nearly one-half of the tunnel passes or will pass through rock which softens and crumbles on exposure to air and water. This has compelled heavy outlay for lining these portions, and the method pursued has been to insert in the sections of the tunnel which require treatment a brick lining with dry stone packing.

"Capt. R. L. Hoxie, United States Engineers, having submitted to the committee some written strictures on this method of lining, and maintained that a concrete lining would be safer and cheaper, he was given a full hearing before a subcommittee, and the engineers in charge, Maj. G. J. Lydecker and Capt. T. W. Symons, were also examined in defense of their plans. General M. C. Meigs, Col. Thomas L. Casey, Lieut. Col. W. P. Craighill, and Maj. William Ludlow, United States Engineers, were also consulted upon the questions raised.

"The subcommittee investigating the matter, though not convinced that a mistake had been made in the plans adopted for lining the tunnel, but recognizing the difficulty, the novelty, and the importance of these questions, and the expediency of submitting them to competent experts, have, in recommending the amount called for by the estimates, provided that the Secretary of War shall forthwith take the advice of the highest engineer board of the Army upon the plans and methods heretofore pursued. One-half of the above sums are chargeable to the District of Columbia."

In neither the report from which the above was taken nor that to which this is supplementary was it intended to point out or determine either the merits or demerits of the plan or plans of the work as adopted, nor was it the purpose or intention of either committee to cast blame upon or award praise to any particular person or persons for the part taken by him or them in either the inception or prosecution of the work. Beyond the errors, whether at the inception or subsequently, which experience has demonstrated, and the inequality of estimates, which appropriations, made and now to be made, have established, the subject need not in this paper be pursued.

The names of Capt. R. L. Hoxie, Maj. William Twining, Capt. T. W. Symons, and Maj. G. J. Lydecker, all of the Corps of Engineers of the United States Army, were mentioned in the reports, and each had more or less to do, at one time or another, with the work under consideration, and yet a more complete investigation than has been given and fuller knowledge of the subject might show circumstances or conditions, having relation to imperfections of the science of their profession or to geological or other mysteries, which neither industry nor skill can ascertain and determine in advance that would exonerate either one or all of them from censure. The Executive Department in authority or a special committee of Congress may appropriately make such investigation and determine wherein the faults properly lie.

This committee has sought only to make, and now again makes, an earnest protest against the great and growing evil of careless, inaccurate, or unreliable estimates of the cost of public works, upon which Congress is compelled to rely in the authorization of and the appropriations for such works. This evil has grown into an almost universal custom, and in nearly all cases Congress finds, when it is too late, that vast expenditures in excess of estimates are required. This excess is often double the estimates, and not infrequently is followed by the added burden of a suit and judgment in the Court of Claims on a careless contract. The alarming discrepancies between the estimated and actual cost of the works mentioned in the original report afford Congress an excellent opportunity to emphasize its abhorrence and make manifest the necessity of reform.

The Clerk read as follows:

War Department:

State, War, and Navy building: For the following additional force under the superintendent of the State, War, and Navy Department building from February 1 to June 30, 1888, namely:

For one assistant engineer, at the rate of $1,000 per annum, and twenty-eight charwomen, at the rate of $240 each per annum; in all, $3,203.60.

Mr. BURNES. I move the following amendment.

The Clerk read as follows:

On page 8, after line 13, insert the following:

"For needed repairs and improvements on the old Museum building and annex, on Tenth street, between E and F, now occupied by the record and pension division, Surgeon-General's Office, as follows:

"For new steam-heating apparatus, including necessary pipes and radiators, $2,500.

"For new plumbing throughout, $2,000.

"For wood-work, including the repair of floors, windows, doors, and water-closets, $500.

"For calcimining walls, ceilings, hallways, and repairing plastering, $395.

"For necessary painting of wood and iron work, including cases, shelving, and necessary glazing, $500; in all $5,895."

Mr. McKINNEY. I move to insert after the words "per annum" in the twelfth line, page 8, "and five laborers, at the rate of $660 per annum."

Mr. Chairman, it is with some degree of hesitancy, of course, that I attempt to amend the report of our able Committee on Appropriations, but it is well known that the force of the War Department is being put into that portion of the building heretofore occupied by the Navy Department; proper provision should be made for it. It is also well known this is a building occupying the same territory occupied by the Treasury Department, with the addition of being two stories higher. At the present time in that building occupied by the Navy Department there are four acres of corridors, rooms, lawns, skylights, etc., to be attended to. The laborers of that Department only number twelve. When the War Department occupies the balance of the building it will occupy two acres of corridors, lawns, etc., and they will have to be taken care of by the laborers of that Department.

Now, the chief engineer has asked the Appropriations Committee to add nine more laborers to his force, to take care of this more than 50 per cent. of additional work which will be necessarily carried on there. The Appropriations Committee has seen fit not to do so, but to require the seventeen laborers already employed to do over 50 per cent. more work.

I am credibly informed by the gentleman in charge of the laborers there that they are frequently obliged now to work from one to two hours after the time required in the Department, and are often called upon to work during the Sabbath day, for which they get no extra pay, in order to keep up with the requirements there. The chief engineer says it will be utterly impossible unless there is this increase in the laboring force, with the large increase of work required there, to carry it on at all. He has asked for an increase of nine, but I propose to compromise the difference between him and the Committee on Appropriations, and add five laborers, so that they will not be overworked, and yet be able to discharge the work required without exceeding the hours of labor required or authorized by the law.

I do not believe, in the present condition of the country, that the House of Representatives can afford to insist upon laborers working on Department work a longer time than is required by the law itself, and doing work beyond their strength, as I am informed by the chief engineer they will have to do if the force is not increased.

I hope, therefore, that the committee will now allow this amendment to be inserted; and if hereafter it shall be found that the business can be conducted without this increase, or that the force is larger than necessary, it can be remedied when the regular appropriation bills are presented.

Mr. BURNES. Mr. Chairman, I differ with my good friend from New Hampshire with very great regret; and will content myself now with simply calling the attention of the committee to the present force in charge of the building, which force we think is amply sufficient to take care of the corridors and sidewalks. Now, when I read this list you will bear in mind that this force of men and women have nothing to do with the rooms. They do not enter them at all. There is another force, an inside force, having charge of that work. The persons referred to here are for outside work alone—for the pavement and in the corridors. There are employed there now: One clerk, $1,200; six elevator-tenders, at $720 each; one chief engineer, $1,200; six assistant engineers, at $1,000 each; twelve firemen, at $720 each; one captain of the watch, $1,200; two lieutenants of the watch, at $840 each; forty-eight watchmen, at $720 each; one carpenter, $1,000; one machinist, $900; two skilled laborers, at $720 each; seventeen laborers, at $660 each; and fifty-four charwomen, at $240 each; making a force of one hundred and fifty-eight persons in the employ of this service.

If that force is not sufficient to take care of the corridors and pavements of that building and keep them clean then I admit the Appropriations Committee is at fault.

Mr. McKINNEY. Will the gentleman yield for a question?

Mr. BURNES. Yes, sir.

Mr. McKINNEY. Will the gentleman allow me to make the statement that this force to which I refer not only takes care of the pavements and corridors to which he refers, but also of the water-closets, the skylights, and the general cleaning up around the building? This small force is required to take care of all the space there, covering more than 6 acres in extent, and only seventeen persons to do it.

The gentleman from Missouri gives the force employed all around the building. I speak of these laborers alone. They have much work to do which is not included in what the gentleman has suggested. Every pound of freight that is brought into that building or taken away from every part of the War and Navy Department is to be carried out or carried inside by these seventeen men. It is not only the keeping of the corridors and the pavements clean, but they have the skylights to clean, the water-closets to attend to, and they must carry out heavy freight that comes into the building and goes out, every particle of it.

If seventeen men are able to take care of this mass of work they are only able to do it as I have shown you by working beyond their strength, working hours after the Department closes, and working on Sundays. I do not want to add one or two hours a day of extra labor longer than the law requires other employés and laborers to work; and if the Appropriations Committee think it right, I am willing that they shall take the responsibility for it; but I will not fail in every case of this kind, whenever the opportunity arises, to lift my voice against it, believing that the Congress of the United States and the Representatives of the people should set an example to the people of this country not to employ their laborers for longer hours than the law fixes for Government laborers, or put work upon them beyond their strength, or that we would not consider right and proper in any private business.

Mr. RANDALL. The Committee on Appropriations made a careful inquiry in relation to the matter contemplated by this amendment. I am aware of the pressure made in this connection, for I have had experience in that direction in all of these cases where an increase is asked in the employés of these Departments. Now, the truth is that as a general rule all of these Departments are crowded with employés, and if they do the work intended by the law the force in this particular is adequate. I am in great hopes that an examination this year of the numerical force of the Treasury Department, and in other Departments of the Government, will enable the Committee on Appropriations to recommend a considerable reduction in their numbers.

The fact is that these public buildings, some of them, have men enough around about them to take care of a city of 200,000 inhabitants, and they ought to be weeded out, the deadheads removed, and the active working, laboring men perhaps increased in number. But until that is done I advise the House they had better adhere to the recommendation of the Committee on Appropriations, which has made diligent inquiry into this particular case.

The question being taken on Mr. MCKINNEY'S amendment, it was not agreed to.

The Clerk read the following paragraph:

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs; signal equipments and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target ranges; telephone apparatus and maintenance of same, $5,000.

Mr. BURNES. I am instructed by the committee to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 8, after line 24, insert the following:

"That the sum of $50,000, or so much thereof as may be necessary, of the unexpended balance of $400,000 appropriated by the act of March 3, 1883, for armament of fortifications be, and the same is hereby, reappropriated and made available for the completion of and payment for the guns authorized by said act and now being manufactured by the South Boston Iron Works Company, under the contract dated September 24, 1883, and June 30, 1884, and the extension of the said contract is hereby authorized accordingly."

Mr. RANDALL. The gentleman from Massachusetts [Mr. COLLINS] has taken much interest in this matter and intended to advocate the amendment. I do not see him in his seat, and I will only in his place state what he probably would have stated if he had been present—that is, that this provision making this appropriation was incorporated by the House in two former fortification bills and that the committee all concurred in the propriety of its adoption.

The amendment was agreed to.

The Clerk read the following paragraph:

For furnishing, delivering, and laying 7 nautical miles of submarine cable to connect Martha's Vineyard, Mass., with the mainland, and for building necessary land connections on Nantucket and connecting islands to the mainland, $9,944.

Mr. BURNES. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 18, after line 2, insert:

"For completing the construction and for the maintenance of a military telegraph line from San Francisco, Cal., to a point at or near Point Reyes via Point San José, California, $2,474.75."

The amendment was adopted.

The Clerk continued to read, and concluded the portion of the bill relating to the War Department.

Mr. BURNES. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

GEORGE F. CHILTON.

Mr. WALKER. I ask unanimous consent to take from the Private Calendar the bill (H. R. 4557) for the relief of George F. Chilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to George F. Chilton, of Eminence, Mo., the sum of $187.50, for services as mail contractor on mail-route numbered 28620, from Van Buren, Mo., to Eminence, Mo., between May 2, 1886, and November 14, 1886, in addition to the amount already paid him for such service.

Mr. MCMILLIN. I should like to know something of the grounds on which this relief is sought.

Mr. WALKER. The bill is unanimously reported by the Committee on Claims and has the recommendation of the Post-Office Department. It proposes to give this party for his services as mail contractor the pay which has been too long withheld from him.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DINGLEY. I call up the bill (H. R. 2012) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes, the consideration of which was assigned for to-day, simply for the purpose of its going over until to-morrow and not losing its place. If necessary, I move that its further consideration be postponed until to-morrow.

The SPEAKER *pro tempore*. The Chair thinks the bill would go over until to-morrow as a matter of course.

Mr. DINGLEY. If the Chair so rules, I do not press the motion.

EXPENDITURES, ETC., OF FISH COMMISSION.

Mr. BRECKINRIDGE, of Kentucky, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Merchant Marine and Fisheries:

Resolved by the House of Representatives, That the Commissioner of Fish and Fisheries be, and is hereby, directed to report to this House as soon as practicable the expenditures of the Fish Commission for the fiscal year from July 1, 1886, to June 30, 1887, and from July 1, 1887, to February 1, 1888; the number of persons employed and the salaries paid; the property held by the commission, its cost, value, and location; the stations occupied by the commission, and the amount of unexpended appropriations, and for what purposes said appropriations were made.

INDEX OF SOUTHERN CLAIMS, ETC.

Mr. HIESTAND. I desire to make a privileged report from the Committee on Printing.

The resolution referred to the committee was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 4,000 copies of the Index of Southern claims and claims referred to the Court of Claims under the Bowman act, recently prepared under the direction of the Clerk of the House; 3,000 for the use of members of the House, 1,000 for the use of members of the Senate.

The report of the committee was read, as follows:

The Committee on Printing, to whom was referred the concurrent resolution authorizing the printing of 4,000 copies of the Index of Southern claims and claims referred to the Court of Claims under the Bowman act, recently prepared under direction of the Clerk of the House, report the same with the recommendation that it pass.

Estimated cost, usual number, $8,776.50; 4,000 additional, $2,776.90; total, $11,553.40.

Mr. RANDALL. Is that report presented for immediate action?

Mr. MCMILLIN. That is not a privileged report.

Mr. HIESTAND. I ask that it be referred to the Calendar.

The report was referred to the Committee of the Whole House on the state of the Union.

JOHN K. LE BARON.

Mr. HOPKINS, of Illinois. Mr. Speaker, I ask unanimous consent to take from the House Calendar the bill (H. R. 2093) reported from the Committee on Claims with an amendment, for the relief of John K. Le Baron, and to put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John K. Le Baron, postmaster at Elgin, Kane County, Illinois, the sum of $1,000, being the amount paid out by him for extra clerk-hire prior to July 3, 1883, and not provided for by the Post-Office Department.

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Claims, to whom was referred House bill 2093, beg leave to submit the following report:

The facts out of which this bill for relief arises will be found stated in House Report No. 4079, of the Committee on Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage with the following amendment: After the word "Le Baron," in line 4 of the bill, insert the word "ex," so that as amended the bill will read "John K. Le Baron, ex-postmaster," etc.

[House Report No. 4079, Forty-ninth Congress, second session.]

A bill similar to this (H. R. 10258) passed the House in the Forty-eighth Congress and was favorably reported from the Committee on the Post-Office and Post-Roads at the second session of that Congress. The committee return this bill with the recommendation that it do pass, and adopt the Senate report, which is as follows:

It appears from the evidence submitted to the committee that John K. Le Baron was appointed postmaster at Elgin, Ill., an office of the second class, on December 20, 1881, and that his successor was appointed June 21, 1884, the office rising from the second to the first class October 1, 1883. In the early spring of 1882 the publishing house of David C. Cook was removed from Chicago to Elgin, Ill. The gross receipts of the office at the time of this removal amounted to $14,571 per annum. By reason of the removal they were suddenly increased, and for the fiscal year ending June 30, 1883, amounted to $57,446. Clerk-hire was granted to the postmaster by the Post-Office Department as follows:

	Per annum.
October 1, 1879	$1,000
October 1, 1882	2,000
July 1, 1883	3,000

This last allowance of $3,000 seems to have been satisfactory to the postmaster and sufficient to reimburse him adequately for the actual clerical expenses of the office from and after July 1, 1883. Between the time, however, when the David C. Cook publishing house was removed to Elgin and the time when this $3,000 allowance was made the postmaster was conducting the office at a loss to himself, which he claims amounted to $1,000. And it is for that amount, $1,000, paid out during five quarters when the Department seemed to have been unable to grant him a sufficient allowance, that the claimant asks relief.

If $1,000, as asked in the bill, is granted by Congress, that amount will, when added to the current allowance made by the Department, give the postmaster an average allowance of $650 per quarter for the five quarters in question. That such an amount is no more than reasonable for the proper conduct of the office for that time is indicated by the fact that an allowance of $750 per quarter ($3,000 per annum) was made by the Department for the handling of a like amount of business from and after July 1, 1883.

The following table, made at the Post-Office Department, will show the exact condition of the Elgin office from 1880 to 1883, inclusive:

ELGIN, ILL.

Period.	Salary.	Class.	Rent.	Fuel.	Light.	Clerks.	Gross receipts.	Box-rents and commissions.
1880	$2,500	2	.....	.....	.....	*$1,000	$10,331	$4,325
1882	2,800	2	†$200	†$75	†$65	†2,000	14,571	5,941
1883	3,100	1	200	75	65	‡3,000	57,446	18,913

*October 1, 1879. †October 1, 1882. ‡July 1, 1883.

It has been for some time the settled policy of the Committee on the Post-Office and Post-Roads to disallow all claims of this character for clerk-hire where the expenditures exceed the allowances of the Department, even when recommended by the Department, as is done in this case. (See accompanying letter of the Acting First Assistant Postmaster-General to Hon. R. Ellwood.) But, in view of the extraordinary and exceptional circumstances surrounding this claim, the annual gross receipts of the office suddenly increasing from $14,571, on April 1, 1882, to $57,446 on July 1, 1883, by which increase the Government was largely benefited, and the claimant asking for but $650 per quarter for clerk-hire when $750 was afterwards allowed him by the Department for the same service, your committee deems it proper, and, in the interest of justice, trusts that the relief asked for may be afforded.

It therefore recommends the passage of the bill without amendment.

[Post-Office Department, Office of the First Assistant Postmaster-General, Salary and Allowance Division.]

WASHINGTON, D. C., *March* 13, 1884.

SIR: Your letter of the 2d instant, to the Postmaster-General, relative to claim of Mr. John K. Le Baron, late postmaster at Elgin, Ill., to be reimbursed in the sum of $1,000 for clerk-hire alleged to have been paid by him in excess of the amounts allowed by the Department, has been referred to this office.

In reply, you are informed that Mr. Le Baron was appointed as postmaster December 20, 1881, and his successor appointed January 21, 1884.

It appears from the records of this office that the allowance for clerk-hire from October 1, 1879, until October 1, 1882, was $1,000. At the last-named date the allowance for clerk-hire was increased to $2,000 a year, although the postmaster claimed at that time that he was compelled to pay $2,800 for clerk-hire.

On the 1st July, 1883, upon the reports of two inspectors who visited the office, the allowance for clerk-hire was increased to $3,000 a year.

It also appears from the records that the gross receipts of the Elgin office for the four quarters ended March 31, 1882, amounted to $14,571, and by the adjustment made on the four quarters ended June 30, 1883, the gross receipts were shown to be $57,466.

* * * * * * *

I have no hesitation in saying that a reasonable sum should be allowed to reimburse Mr. Le Baron, as postmaster, for the additional sums he paid for clerk-hire over and above the amount allowed by this Department.

The Department would have made ample provision for the expenses of the Elgin office if the appropriations applicable for the purpose would have warranted it.

Very respectfully,

JAMES H. MARR,
Acting First Assistant Postmaster-General.

Hon. R. ELLWOOD,
House of Representatives, Washington, D. C.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee, striking out the word "postmaster" from line 4, and substituting "ex-postmaster," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOPKINS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GROSVENOR. Mr. Speaker——

Mr. REED. Regular order!

The SPEAKER *pro tempore*. The regular order is the call of committees for the consideration of bills for one hour.

Mr. BLAND. I move that the House do now adjourn.

The motion was agreed to; and accordingly the House (at 5 o'clock and 10 minutes p. m.) adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. C. H. ALLEN: A bill (H. R. 7267) to remove the charge of desertion from the record of Patrick McGarry—to the Committee on Military Affairs.

By Mr. BOWEN (by request): A bill (H. R. 7268) for the relief of Hannah Hurdle, widow of Samuel R. Hurdle—to the Committee on Claims.

Also, a bill (H. R. 7269) for the relief of Veronica Ulke—to the Committee on the District of Columbia.

By Mr. T. H. B. BROWNE: A bill (H. R. 7270) granting a pension to William H. Holden—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 7271) for the relief of Forman Mathews and David Stout Parker—to the Committee on Claims.

By Mr. CULBERSON: A bill (H. R. 7272) for the relief of J. N. Boyd—to the Committee on Claims.

By Mr. DAVIS: A bill (H. R. 7273) granting a pension to Amasa Bullard—to the Committee on Invalid Pensions.

By Mr. FITCH: A bill (H. R. 7274) to remove the charge of desertion against the name of Michael Pfoertner—to the Committee on Military Affairs.

Also, a bill (H. R. 7275) granting an increase of pension to Abram Duryée—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 7276) for the relief of Alexander McKelvie—to the Committee on Military Affairs.

By Mr. GEAR: A bill (H. R. 7277) granting a pension to James A. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7278) granting an honorable discharge to Alexander S. Seber—to the Committee on Military Affairs.

By Mr. GLOVER: A bill (H. R. 7279) for the relief of John Julius—to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 7280) for the relief of E. Tubody, J. A. Summers, and J. P. Lundy—to the Committee on Expenditures in the Department of Justice.

By Mr. HATCH: A bill (H. R. 7281) granting a pension to Harrison Toops—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7282) for the relief of Samuel Pugh—to the Committee on Claims.

By Mr. S. T. HOPKINS: A bill (H. R. 7283) granting an increase of pension from $24 per month to $36 per month to James Nutt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7284) granting a pension to Isaac C. Butts—to the Committee on Pensions.

By Mr. HUTTON: A bill (H. R. 7285) for the relief of St. Charles College, Missouri—to the Committee on War Claims.

By Mr. LATHAM: A bill (H. R. 7286) for the relief of O. F. Adams—to the Committee on War Claims.

By Mr. LEE (by request): A bill (H. R. 7287) referring the claim of Edward F. and Gilbert B. Walden, heirs-at-law of John Walden, to the Court of Claims—to the Committee on War Claims.

By Mr. MACDONALD: A bill (H. R. 7288) for the relief of Perry Childs—to the Committee on Military Affairs.

By Mr. McADOO: A bill (H. R. 7289) to remove the charge of desertion against Rudolph Grischele—to the Committee on Naval Affairs.

By Mr. McKINNEY: A bill (H. R. 7290) granting a pension to Rae B. Cate—to the Committee on Invalid Pensions.

By Mr. MORSE (by request): A bill (H. R. 7291) to place on the pension-roll the name of Sarah E. Wetherbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7292) granting a pension to Mary McDonough—to the Committee on Invalid Pensions.

By Mr. PATTON: A bill (H. R. 7293) granting a pension to William Rimert—to the Committee on Invalid Pensions.

By Mr. PENINGTON: A bill (H. R. 7294) to grant an increase of pension to Thomas S. Biddle—to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 7295) granting a pension to Theresa Charles—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7296) for the relief of the Merchants and Miners' Transportation Company of Baltimore, Md.—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 7927) for the relief of William C. Robbins—to the Committee on War Claims.

Also, a bill (H. R. 7298) for the relief of Benjamin Wiley—to the Committee on War Claims.

Also, a bill (H. R. 7299) for the relief of A. P. Baker—to the Committee on War Claims.

Also, a bill (H. R. 7300) for the relief of Milton H. Eggner—to the Committee on War Claims.

Also, a bill (H. R. 7301) for the relief of C. T. Briggs—to the Committee on War Claims.

Also, a bill (H. R. 7302) for the relief of S. J. Waters—to the Committee on Claims.

By Mr. TAULBEE: A bill (H. R. 7303) for the relief of William Lock and James H. Tensley—to the Committee on Claims.

By Mr. WADE: A bill (H. R. 7304) for the relief of the heirs of Moses H. Shelton, deceased—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 7305) granting a pension to Aaron Gilkison—to the Committee on Invalid Pensions.

By Mr. S. V. WHITE: A bill (H. R. 7306) to pay a pension to John T. Bruen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7307) granting a pension to Joseph H. Tucker—to the Committee on Invalid Pensions.

By Mr. WILKINSON: A bill (H. R. 7308) for the relief of Thomas G. Mackie and the heirs-at-law of William A. Hyde, deceased—to the Committee on Claims.

Also, a bill (H. R. 7309) for the relief of Caroline L. Maury—to the Committee on War Claims.

Also (by request), a bill (H. R. 7310) for the relief of Stewart & Co.—to the Committee on Claims.

By Mr. T. H. B. BROWNE: A bill (H. R. 7311) referring the claim of John N. Gatewood against the United States to the Court of Claims—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 6806) for the relief of Benjamin F. Slaughter—from the Committee on War Claims to the Committee on Military Affairs.

Also, a bill (H. R. 5210) for the relief of Philip H. Clear—from the Committee on Claims to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Patrick McGarry, for relief—to the Committee on Military Affairs.

By Mr. C. S. BAKER: Petition of citizens of New York, Michigan, Connecticut, Ohio, Indiana, Pennsylvania, New Jersey, manufacturers and merchants of the larger cities of said States, in favor of the bill introduced by Mr. BAKER of New York, for reduction of letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Petition of Alexander Oldham, late of New Hanover County, North Carolina, now of Birmingham, Ala., for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Dr. R. M. Harvis and others, and of D. N. Patton and others, of Livingston, and of J. H. Holmes and others, of Cuba, Ala., against the passage of the Blair bill—to the Committee on Education.

Also, petition of 150 citizens of Alabama, for the passage of the Blair bill—to the Committee on Education.

By Mr. BAYNE: Petition of American Clay Tobacco-Pipe Employers and Employés' Association, for an increase of duty on clay pipes—to the Committee on Ways and Means.

By Mr. BLOUNT: Petition of L. N. Calloway, for heirs of Emily Speights, of Baldwin County, and of Sarah V. Tanner, heir of John C. Tanner, of Butts County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. C. E. BROWN: Memorial of the Cincinnati (Ohio) Chamber of Commerce and Merchants' Exchange, touching the importation of adulterated articles—to the Committee on Ways and Means.

By Mr. T. H. B. BROWNE: Petition of William H. Holden, for an original pension—to the Committee on Invalid Pensions.

Also, petition of John N. Gatewood, of Spottsylvania County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Hopkins Bros. & Co., and other citizens of Accomack County, Virginia, for the improvement of Onancock River—to the committee on Rivers and Harbors.

Also, memorial of L. L. Nottingham and others, of Northampton County, Virginia, for the creation of a Department of Agriculture, and other purposes—to the Committee on Agriculture.

By Mr. BUCHANAN: Petition of General John C. Frémont and others, for the improvement of Manasquan Inlet, New Jersey—to the Committee on Rivers and Harbors.

By Mr. COX: Petition of Michael Feeney, of New York City, for the removal of the charge of desertion, and for honorable discharge—to the Committee on Military Affairs.

Also, memorial of the mayor, aldermen, and commonalty of New York City, as to the war debt due from the United States—to the Committee on Claims.

By Mr. CROUSE: Petition of O. W. Scott and 65 others, for change in postal laws relative to seeds, plants, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CUTCHEON: Memorial of the municipal officers of the city of Cadillac, Mich., on the subject of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. DARLINGTON: Petition of Joseph S. Wilson, of Oxfordborough, Chester County, and of William S. Thompson Post, Grand Army of the Republic, of the same place, for the passage of House bill 549, granting a pension to said Joseph S. Wilson—to the Committee on Invalid Pensions.

By Mr. FINLEY: Petition of Charles C. Morris; of Harriet F. Murrell; of John H. Lewis; of W. D. Lyon; of Oliver Kirtley; of N. T. Johnson; of Mary Jones; of estate of Robert Hindman; of Swann Hutcherson; of James Hazlewood; of William M. Hicks; of Rachael Hudson; of M. P. Hatcher; of Jesse Harlow; of Elias Gaddis; of Bush W. Griffin; of E. R. Garvin; of R. E. Garvin; of Robert F. Gameson; of James J. Green; of William A. Elkins; of William W. Davis; of Robert M. Durham; of Patience D. Chapman; of Elizabeth Craddock; of W. J. Burd, and of Daniel B. Adams, of Kentucky, for reference of their claims to the Court ofClaims—to the Committee on War Claims.

By Mr. FLOOD: Petition of Dexter White and others, of the Twenty-eighth district of New York, for the amendment of the general pension law—to the Committee on Invalid Pensions.

By Mr. GAINES: Petition of J. L. Chelton, W. C. Spain, Robert S. Gaishum, and others, of Dinwiddie County, Virginia, for change of tariff on silk—to the Committee on War Claims.

By Mr. GIBSON: Petition for the improvement of Tuckahoe River, in Maryland—to the Committee on Rivers and Harbors.

Also, petition for the improvement of Still Pond Harbor, Maryland—to the Committee on Rivers and Harbors.

Also, petition of George T. Price, for pension for self and others—to the Committee on Pensions.

By Mr. GROUT: Petition of William Schauz, for removal of customs duties on works of art—to the Committee on Ways and Means.

By Mr. HARMER: Two memorials of citizens of Philadelphia, Pa., in favor of speedy action on the subject of protection to wool-growing and woolen manufacturing industries in this country—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of 34 citizens of St. Croix County, Wisconsin, for the erection of a government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. T. J. HENDERSON: Memorial of the authorities of Sterling, Ill., for a general appropriation for public buildings in certain cities—to the Committee on Public Buildings and Grounds.

By Mr. S. I. HOPKINS (by request): Petition of William Schaus, requesting that all imported paintings and sculptures be placed on the free-list—to the Committee on Ways and Means.

By Mr. KEAN: Two petitions of citizens of New Jersey, fishermen, and others, for a law to protect the food-fish along the New Jersey coast—to the Committee on Merchant Marine and Fisheries.

By Mr. KERR: Joint resolution of the Legislature of Iowa, for amendment of law in reference to liens of judgment of Federal courts—to the Committee on the Judiciary.

By Mr. LATHAM: A bill for the improvement of Turner's Cut, at the head of Pasquotank River, in North Carolina—to the Committee on Rivers and Harbors.

By Mr. LEE (by request): Petition of Elizabeth T. Pierce; of French Dodd, son of Methalem B. Dodd; of Virginia A. Shumate; of Susan T. Samuel; of Edward T. Preston; of Burr W. Garrett; of J. J. Mosby; executor of Adelaide Withers; of George W. Preston, and of Carter B. Cropps, of Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Alexandria County, Virginia, relative to the new bridge over the Potomac River—to the Committee on the District of Columbia.

By Mr. LONG: Petition of John H. Proutz and 72 others, citizens of South Scituate, Mass., for arrears of pensions—to the Committee on Invalid Pensions.

Also, petition of James H. Roberts, chairman, and Frank P. Oyer, secretary, of the Prohibition State Committee of Massachusetts, for a law prohibiting the importation of intoxicating liquors—to the Committee on Ways and Means.

Also, petition of the Universalist clergy of Boston and vicinity, for a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

Also, petition of same, for investigation of Icelandic records—to the Committee on the Library.

By Mr. LYMAN: Memorial of the authorities of Atlantic, Iowa, for a general appropriation for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. McADOO: Three petitions of many citizens of New Jersey, against the present methods of menhaden fishing on the coast of New Jersey—to the Committee on Merchant Marine and Fisheries.

By Mr. NELSON: Petition of Anne Lucas, for relief—to the Committee on War Claims.

By Mr. NICHOLS: Petition of S. L. Norfleet and others, citizens of North Carolina, for laws requiring all convict-made goods to be marked "convict made," with penalties and forfeitures to protect the labor of citizens—to the Committee on Labor.

By Mr. O'DONNELL: Petition of 35 citizens of Eaton Rapids, Mich., for legislation to protect innocent users of patented articles from prosecution—to the Committee on Patents.

By Mr. O'FERRALL: Petition of Basil Grigsby, of Rappahannock County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PATTON: Petition of William Rimert, for an original pension—to the Committee on Invalid Pensions.

Also, petition of 67 citizens of the Twentieth district of Pennsylvania, against removing the duty on coal—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of A. J. Ryan and others, citizens of Kansas, favoring the schedule of duties recommended by the wool-growers and woolen manufacturers—to the Committee on Ways and Means.

By Mr. PLUMB: Papers in the claim of Alva W. Hicks, for relief—to the Committee on Claims.

Also, petition of Irena Warlick (Cherokee Indian), for indemnification for certain trespasses under the auspices of Indian Office—to the Committee on Indian Affairs.

Also, papers in the claim of A. W. Hicks, for relief—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of Robert N. Hunter, and of the heirs of Thomas Ridout, of Rutherford County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of C. Heurich, of the District of Columbia, asking that the Commissioner of Agriculture be required to give his reasons for refusing to publish his findings in the analyzation of beer—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RUSK: Petition of Jacob D. Ruff, for relief—to the Committee on Military Affairs.

Also, paper in the case of Abraham Leidenstricker, for relief—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of the Cincinnati (Ohio) Musicians' Protective Union, favoring House joint resolution respecting the employment of Army and Navy bands—to the Committee on Military Affairs.

Also, memorial of William Schaus, relating to the tariff on imported works of art—to the Committee on Ways and Means.

By Mr. SNYDER: Petition of John Bray, of Robert C. Lilly, of William C. Price, of Thomas O. Terry, of trustees of Baxter Institute, of William Rigg, administrator of Henry Rigg; of John S. Fisher, and of John S. Cunningham, trustee of St. Mark's Protestant Episcopal Church, Coalsmouth, West Va., for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, resolutions of miners, laborers, and other citizens of Coalburgh, Hampton, and North Coalburgh, Kanawha County, West Virginia, protesting against coal, coke, and pig-iron being put upon the free-list—to the Committee on Ways and Means.

By Mr. SPRINGER: Petition of the authorities of Petersburgh, Ill., for a general appropriation bill for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. STAHLNECKER: Petition of William Schaus, regarding tariff on imported works of art—to the Committee on Ways and Means.

By Mr. TAULBEE: Papers relating to the bill for the relief of J. H. Tinsley—to the Committee on Claims.

By Mr. E. B. TAYLOR: Petition of citizens of Ashtabula Ohio, for a government telegraph system—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the village of Ravenna, Ohio, relating to public buildings—to the Committee on Public Buildings and Grounds.

By Mr. G. M. THOMAS: Papers in the case of N. L. Payne, for an original pension—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Petition of 148 citizens of Clarke County, Washington Territory, for national aid to common schools—to the Committee on Education.

By Mr. WADE: Petition of heirs of Moses H. Shelton, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. WALKER: Memorial of citizens of Pemiscot County, Missouri, asking that all bills preventing the compounding of lard with cotton-seed oil be defeated—to the Committee on Agriculture.

By Mr. WASHINGTON: Petition of D. C. Edmondson, executor of Matilda O'Neal, of Davidson County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. WEST: Petition of citizens of Johnstown, N. Y., for a general appropriation for building public buildings throughout the country—to the Committee on Public Buildings and Grounds.

By Mr. WHEELER: Petition of David B. Johnson, Laura E. Wilkinson, W. F. Hurt, and H. M. Jones, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, a bill to improve the navigation of the Tennessee River at Colbert Shoals—to the Committee on Rivers and Harbors.

By Mr. S. V. WHITE: Petition of John T. Bruen, late captain Tenth Independent Battery New York Light Artillery, for relief—to the Committee on Invalid Pensions.

Also, petition of Joseph H. Tucker, late colonel Sixty-ninth Illinois Volunteers, for relief—to the Committee on Invalid Pensions.

By Mr. WICKHAM: Petition of citizens of Lorain County, Ohio, for speedy action for the protection of the wool-growing and wool-manufacturing interests of this country—to the Committee on Ways and Means.

By Mr. WILKINSON: Petition of the Board of Underwriters of New Orleans, La., in favor of an international marine conference to formulate measures to lessen the dangers of navigation—to the Committee on Merchant Marine and Fisheries.

By Mr. W. L. WILSON: Petition of W. D. Whitted and 40 other miners of coal, etc., against reduction of tariff on soft coal—to the Committee on Ways and Means.

Also, petition of Isaiah Fenton and 160 other miners, of West Virginia, for same—to the Committee on Ways and Means.

By Mr. WISE: Petition for the creation of a Department of Agriculture, with a head as a member of the Cabinet—to the Committee on Agriculture.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. C. L. ANDERSON: Of J. H. Gray and others, of Jewell Hill and Shady Grove, Jasper County, Mississippi.

By Mr. BANKHEAD: Of J. G. Willingham and others, of New Lexington, Ala.

By Mr. BUNNELL: Of citizens of Colley, Pa.

By Mr. McCLAMMY: Of citizens of Dismal, Sampson County, and of Colly, Bladen County, North Carolina.

By Mr. ROWLAND: Of citizens of Brown Creek, N. C.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BACON (by request): Of 226 citizens of Orange County, New York.

By Mr. C. S. BAKER: Of 419 citizens of Monroe County, New York.

By Mr. BANKHEAD: Of 129 citizens of Tuscaloosa County, and of A. S. Whitehurst and others, of Northport, Ala.

By Mr. BOUTELLE: Of 174 citizens of Aroostook County, Maine.

By Mr. DE LANO: Of 247 citizens of Madison County, New York.

By Mr. HIESTAND: Of 471 citizens of Lancaster County, Pennsylvania.

By Mr. J. T. JOHNSTON: Of 314 citizens of Warren County, Indiana.

By Mr. LODGE: Of the First Baptist Church and 325 others, citizens of Essex County, Massachusetts.

By Mr. McKINNEY: Of 297 citizens of Rockingham County, New Hampshire.

By Mr. RUSK: Of 219 citizens of Baltimore County, Maryland.

By Mr. WEBER (by request): Of 250 citizens of Niagara County, New York.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BAYNE: Of 120 citizens of the Twenty-third district of Pennsylvania.

By Mr. FLOOD: Of F. W. Arnold and others, citizens of the Twenty-eighth district of New York.

By Mr. FULLER: Of 137 citizens of the Fourth district of Iowa.

By Mr. GROUT: Of 109 citizens of the Second district of Vermont.

By Mr. KERR: Of 120 citizens of the Fifth district of Iowa.

By Mr. LA FOLLETTE: Of F. M. Burrows and 113 others, citizens of Dane County, Wisconsin.

By Mr. LYNCH (by request): Of 169 citizens of the Twelfth district of Pennsylvania.

By Mr. J. D. TAYLOR: Of 136 citizens of the Seventeenth district of Ohio.

SENATE.

THURSDAY, *February* 16, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 13, 1888, the report of John L. Smithmeyer, architect of the building for the Library of Congress; which, with the accompanying report, was referred to the Select Committee on Additional Accommodations for the Library of Congress, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented a petition of the White River Valley Pomona Grange, of Royalton, Vt., praying for a reduction of the postage on seeds, plants, bulbs, scions, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. EDMUNDS. The other day I presented a petition which was rather informal, praying that a pension be granted to Sarah J. Foy, of Rutland, Vt. I now present another petition, which should have been presented at that time, but was mislaid, of this woman, for a pension. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. SHERMAN presented a petition of soldiers and sailors, citizens of Bainbridge, Ohio; a petition of the Middleport (Ohio) Post, No. 125, Grand Army of the Republic, and a petition of the Brooklyn (Ohio) Post, No. 368, Grand Army of the Republic, praying for the passage of what is known as the service-pension bill; which were referred to the Committee on Pensions.

Mr. SHERMAN presented a joint resolution of the General Assembly of Ohio, in favor of the passage of Senate bill 260, to reimburse the several States for interest paid on war loans, and for other purposes; which was ordered to be printed in the RECORD, and referred to the Committee on Claims, as follows:

[Senate joint resolution No. 13.]

Joint resolution relative to requesting our Senators and Representatives in Congress to do all possible for the passage of Senate bill No. 260.

Whereas there has been introduced in the Senate of the United States a bill (No. 260) to reimburse the several States for interest paid on war loans, and for other purposes: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be, and they are hereby, requested to vote for and urge the passage of the same, and that the governor forward a copy of this resolution to each of our Senators and Representatives in Congress.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 9, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify

that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 9th day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 10th day of February, A. D. 1888.

JAMES S. ROBINSON, *Secretary of State.*

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 10, 1888.

In compliance with the request contained in the resolutions above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

Mr. SHERMAN presented a petition of 138 citizens of the Eighth and Twenty-first Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Samuel Kramer, an acting chaplain at the navy-yard, Washington, D. C., praying to be retired under the act of 1881; which was referred to the Committee on Naval Affairs.

Mr. REAGAN presented resolutions adopted by the Grayson County (Texas) Medical Association, praying that medical and surgical instruments be placed on the free-list; which were referred to the Committee on Finance.

Mr. TELLER presented a petition of citizens of La Plata County, Colorado, praying for the removal of the Southern Ute Indians to the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented the petition of T. M. Patterson and other citizens of Denver, Colo., praying that an appropriation be made for the establishment of the reservoir system in the State of Colorado; which was referred to the Committee on Public Lands.

Mr. QUAY presented a petition of 126 citizens of the Sixth and Twenty-third Congressional districts of Pennsylvania, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CALL presented a petition of the Board of Trade of the city of St. Augustine, Fla., praying that an appropriation be made for the improvement of the harbor at St. Augustine; which was referred to the Committee on Commerce.

Mr. ALLISON. I present a petition numerously signed by citizens of McGregor and vicinity, in the State of Iowa, making a statement respecting the tariff duty on wool, and praying that the schedule of duties agreed upon by the representatives of the wool-growers and wool-manufacturers at Washington City, January 14, 1888, may be speedily enacted into a law. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. DANIEL presented the petition of William J. Canby and 201 other citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BLODGETT presented a petition of the Grand Division, Sons of Temperance, of New Jersey, officially signed, and a petition of Enterprise Temple, Temple of Honor, of New Jersey, officially signed, praying for a national commission of inquiry concerning the alcoholic liquor traffic; which were ordered to lie on the table.

Mr. DAWES presented a petition of 204 citizens of the Sixth, Eighth, Eleventh, and Twelfth Congressional districts of Massachusetts, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLATT. I present a petition of 254 citizens of the Second Congressional district of Connecticut, the district in which I reside, praying for prohibition in the District of Columbia. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PLATT presented a petition of 26 citizens of Utah Territory, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of the West Branch Lumberman's Exchange, of Williamsport, Pa., remonstrating against the proposed change in the tariff in relation to lumber; which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Minneapolis, Minn., remonstrating against the proposed regulation of transportation over Canadian railroads; which was referred to the Committee on Interstate Commerce.

Mr. SABIN presented a petition of the Woman's Christian Temperance Union of Minnesota, praying for the enactment of such statutes as shall provide for the adequate punishment of crimes against women and girls; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Board of Trade of Minneapolis, Minn., in favor of free trade and exchange between the people of the United States and those of Canada of the products and manufactures of both countries; which were referred to the Committee on Foreign Relations.

He also presented the petition of Professor Edward D. Porter, of the University of Minnesota, praying that an appropriation be made for the purpose of establishing agricultural-experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Board of Trade of Minneapolis, Minn., remonstrating against alleged discrimination in favor of Chicago by the General Government in its fast-mail service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of 168 citizens of the Second and Fourth Congressional districts of Maine, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BUTLER presented the petition of W. W. Timmons, T. B. Heinnent, M. D., C. M. Wise, and other citizens of Hymanville, Marlborough County, South Carolina, and the petition of Richard D. Lee, Marion Moise, E. W. Moise, and other citizens of Sumter, Sumter County, South Carolina, praying that an appropriation be made for deepening the bar at the entrance to Winyaw Bay; which were referred to the Committee on Commerce.

Mr. BROWN. I present the petition of H. C. Clement, president of the Georgia Marble Works Company, praying that the tariff on marble may not be reduced; reciting the fact that over $500,000 have been invested in marble works and marble quarries in Georgia, and if they should have to come in competition with the cheap labor of Italy and other foreign countries they would be obliged to labor under great disadvantages, if not to suspend their work. They therefore pray that the tariff may not be reduced upon marble. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. BROWN presented a petition of the faculty of the University of Georgia, at Athens, Ga., praying for the enactment of an international copyright law; which was referred to the Committee on Patents.

He also presented a petition of the Woman's Christian Temperance Union of Georgia, officially signed, representing 1,000 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. STEWART presented the petition of Charles D. Poston, a citizen of the United States, praying for an award of damages for losses sustained in Arizona for the want of Governmental protection; which was referred to the Committee on Claims.

Mr. WALTHALL presented a memorial of the Legislature of Mississippi, remonstrating against the passage of Senate bill 650, for the prevention of the use of cotton-seed oil as a substitute for hogs-lard; which was referred to the Committee on Agriculture and Forestry.

Mr. EVARTS presented resolutions adopted by the New York State Bar Association in favor of the passage of the bill increasing the pay of the United States judges resident in that State; which were referred to the Committee on the Judiciary.

He also presented a petition of citizens of the Twenty-fourth Congressional district of New York, and a petition of 169 citizens of the Eleventh, Twenty-second, Twenty-seventh, Twenty-eighth and Thirtieth Congressional districts of New York, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of 29 surviving soldiers and sailors of the Union Army and Navy; a petition of the David S. Cole's Command, No. 4, Union Veterans' Union, Department of New York, and a petition of the soldiers, sailors, and marines of the Union Army and Navy, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Rev. J. L. Roe, Rev. S. F. Wheeler, and other members of the Methodist Episcopal Churches, of Salem, N. J., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union, of the State of New York, officially signed, praying for legislation to provide for the adequate punishment of crimes against women and girls; which was referred to the Committee on the District of Columbia.

Mr. FARWELL presented a memorial of citizens of Washington, D. C., remonstrating against the removal of the tracks of the Baltimore and Potomac Railroad Company to south K street; which was referred to the Committee on the District of Columbia.

He also presented the petition of Dr. A. Dunbar, of Washington, D. C., praying that the scheme of weeding out the drunkard be tried in the District as a solution of the prohibition problem; which was referred to the Committee on the District of Columbia.

He also presented a petition of 154 citizens of the Tenth and Fourteenth Congressional districts of Illinois, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 1679) making a donation to the Kansas Veteran Association of two condemned brass cannons and two hundred stand of small-arms and equipments, have instructed me to report it adversely, and recommend that the bill be indefinitely postponed, for two reasons: first, that there are no brass cannon condemned and unappropriated; and, in the second place, we accompany this report with a price-list of

arms and accouterments for sale at all the various arsenals in the United States, and the price is so low that we do not think we should be justified in appropriating them. They can be purchased at all the various arsenals. The price-list is attached to this report, so that Senators can send it to persons desiring it in answer to any inquiries.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely, if there be no objection, and the report will be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1387) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1498) granting to the city of Grand Forks, Dak., the right to build two free bridges at said city across the Red River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio, reported it with amendments.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 604) for the relief of the heirs and legal representatives of Gerard Wood, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

Mr. SPOONER. Yesterday, by direction of a majority of the Committee on Claims, the Senator from Maryland [Mr. WILSON] reported favorably to the Senate the bill (S. 11) for the relief of Warren Mitchell. A minority of the committee, consisting of the Senator from Massachusetts [Mr. HOAR], the Senator from Pennsylvania [Mr. QUAY], and myself, dissent from that report, and I ask leave to present the views of the minority upon that bill at a day no later than to-morrow.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. HOAR. I think there will be no objection to have the Senate also delay the order to print the original report, so that the two reports may be printed together.

Mr. SPOONER. That can be done if the majority report has not been already printed.

The PRESIDENT *pro tempore*. The Chair is informed that the report of the majority of the committee has not been printed. Therefore it will be withheld from the Printer until the views of the minority are in, and they will both be printed together.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 3749) for the relief of Frank Baker, reported it without amendment, and submitted a report thereon.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1484) for the relief of G. Kaemmerling and others, reported it with amendments, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom were referred the following bills, reported them adversely; and they were severally postponed indefinitely:

A bill (S. 1149) to promote the efficiency of the public service in the Indian Bureau;

A bill (S. 1511) to amend an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians," and for other purposes; and

A bill (S. 620) to divide the Great Sioux reservation, in Dakota and Nebraska, and to secure to the Indians the title in fee simple to lands in severalty, and to open a portion to actual settlement, and to provide for the better education and civilization of the Sioux Indians.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory, reported it without amendment.

Mr. EDMUNDS. I reported the other day a bill to incorporate the Nicaragua Maritime Canal Company, but omitted to report with it the petition of P. Cudmore and many other citizens of Minnesota in support of that bill which had been referred to the committee by the Senate. I now return that petition to go on the files. It should have been returned with the report.

The PRESIDENT *pro tempore*. The petition will be placed on the files of the Senate.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 35) to authorize the promotion of certain assistant surgeons of the Army after twenty years' service, reported it with an amendment, and submitted a report thereon.

Mr. PAYNE, from the Committee on Foreign Relations, to whom was referred the bill (S. 630) for the relief of Edwin De Leon, reported it without amendment.

VALUATION OF IMPORTED MERCHANDISE.

Mr. ALLISON. The Committee on Finance unanimously instruct me to report a substitute for the bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes. I ask the Senate to allow this substitute to be printed as the original bill, so that it will appear when taken up for consideration as the original bill.

Mr. EDMUNDS. Then you had better report it as an original bill.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the amendment of the Committee on Finance, which is in the nature of a substitute for the entire bill, may be printed as an original bill.

Mr. EDMUNDS. To make the Journal right it ought to be reported as an original bill, with a new number, and then the other bill can be dropped.

Mr. HOAR. Then you do not have to take the question on the amendment and on the bill as amended separately.

Mr. ALLISON. Very well; I will adopt the suggestion.

The PRESIDENT *pro tempore*. The Journal entry, then, if there be no objection, will be changed so as to show that the Senator from Iowa, from the Committee on Finance, reports the original bill adversely; and the new bill will be read by its title.

Mr. ALLISON. The only reason why I suggested that the substitute be considered as the original bill is to continue the connection between the bill reported in December last and this bill. I think, on a moment's reflection, it will create less confusion if we connect the present bill with the one reported in December.

Mr. EDMUNDS. Very well; then the substitute is reported as an amendment intended to be proposed by the committee, and whether we will take it or the bill first reported when we proceed to consider the subject we will wait and see. That will be the straightway. No doubt there will be no objection then to substituting the amendment, but I should not wish to consent now until I see it.

Mr. ALLISON. I submit with the bill a written report, and ask that it be printed.

The PRESIDENT *pro tempore*. The Chair desires to know the wish of the Senator from Iowa concerning the substitute which he has reported.

Mr. ALLISON. There being objection to the course I suggested, I will let the bill take its usual course, whatever it may be. I simply report the bill which I send to the desk as a substitute for Senate bill 977.

The PRESIDENT *pro tempore*. Then Senate bill 977 is to be reported adversely and postponed indefinitely, and the substitute will be treated as the original bill.

Mr. ALLISON. No; I make no note of Senate bill 977. I now report a substitute for that bill.

The PRESIDENT *pro tempore*. But under the rules the Chair thinks a bill must be reported back either with an amendment, or adversely, or favorably without amendment. There is no method under the rules by which the bill can be reported back without recommendation, with another as a substitute.

Mr. ALLISON. But Senate bill 977 is in the control of the Senate. It was not recommitted to the Committee on Finance; it is in the possession of the Senate. I report now an amendment in the nature of a substitute for that bill, which is in the possession of the Senate.

The PRESIDENT *pro tempore*. The Chair understands that Senate bill 977 is reported back with an amendment.

Mr. HARRIS. That bill was reported to the Senate perhaps a month or six weeks ago and is now on the Calendar. The Senator from Iowa is directed by the Committee on Finance to report an amendment, and I think his object will be accomplished by printing the paper he now sends to the desk as an amendment proposed by the committee to the pending bill.

Mr. ALLISON. That is what I desire, Mr. President.

The PRESIDENT *pro tempore*. The report of the Senator from Iowa, from the Committee on Finance, will then be journalized as suggested by the Senator from Tennessee, and the report will be printed.

Mr. ALLISON. I desire to state that I wish to take the bill up at an early day. Of course I do not wish to interfere with any other pressing current business, but I give notice that on next Wednesday morning I shall ask the Senate to consider the bill, and to continue its consideration until it is completed.

Mr. HOAR. I desire to ask unanimous consent that 2,000 or 1,500 copies of the bill, whatever may be the number to bring it within the rule of the Senate, not requiring a reference to the Committee on Printing, be printed in pamphlet form for the use of the Senate.

Mr. MANDERSON. In document form?

Mr. HOAR. In document form. I suppose that will not exceed the limit fixed by the rule.

Mr. ALLISON. That is, to print the new bill?

Mr. HOAR. The new bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks an order that 2,000 copies of the amendment and the report may be printed.

Mr. HOAR. Not the report, but simply the new bill.

The PRESIDENT *pro tempore* The order to print 2,000 copies of the amendment for the use of the Senate will be made, if there be no objection.

Mr. MANDERSON. That will clearly be within the limit of $500 fixed by the rule.

Mr. HOAR. If the report would come within the rule of $500 I should like to have that printed also; but I suppose there would be some doubt about that, and so I will limit the motion to the bill.

Mr. HAWLEY subsequently said. The Committee on Finance a few moments ago reported a substitute or an amendment to Senate bill 977, and with it submitted a report which is to be very much in demand. Since the matter was up I have examined the report and am satisfied that the Senate can order the additional 2,000 copies spoken of far below the limit of $500. I therefore move that 2,000 additional copies of the report be printed.

The PRESIDENT *pro tempore*. In connection with the bill?

Mr. HAWLEY. With the bill.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that 2,000 copies of the bill and of the report of the Committee on Finance be printed for the use of the Senate. It will be so ordered, if there be no objection.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 2018) granting an increase of pension to Henry Sprague; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2019) to amend section 2 of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; which was read twice by its title.

Mr. EDMUNDS. I wish to say in regard to the reference of the bill, that it is a matter really and strictly judicial, but as the original bill, which it seems needs some correction, came at the last Congress from the Committee on Claims, I think it more convenient that this proposed amendment should go to that committee for consideration. I move that the bill be referred, with the accompanying papers, to the Committee on Claims.

The motion was agreed to.

Mr. MORRILL (by request) introduced a bill (S. 2020) for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. FARWELL introduced a bill (S. 2021) to brevet officers of the Army on the active and retired lists; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 2022) for the relief of Dr. William Kenney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SPOONER (by request) introduced a bill (S. 2023) to authorize the Commissioners of the District of Columbia to extend, widen, grade, curb, and lay sidewalks on Sixteenth street, between Boundary street and Columbia road; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 2024) to authorize the construction of a bridge over the Mississippi River at or near Clarksville, Mo., and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 2025) relating to pay of skilled workmen and leave of absence to all employés in the Government Printing Office; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a bill (S. 2026) to establish an additional land office at Springfield, in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2027) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SABIN introduced a bill (S. 2028) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2029) granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2030) in relation to bridge of Forest City and Watertown Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RIDDLEBERGER introduced a bill (S. 2031) for the relief of Hannah Hurdle, widow of Samuel R. Hurdle; which was read twice by its title.

Mr. RIDDLEBERGER. It would seem that the bill ought to be referred to the Committee on Claims, but as it proposes relief for injuries received in the service of the District of Columbia I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. QUAY introduced a bill (S. 2032) to provide for the purchase or condemnation of the entire property and appurtenances of the Monongahela Navigation Company, a corporation of Pennsylvania; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 2033) granting a pension to Joseph Wirth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2034) to authorize the citizens of the United States to return their estray cattle from the Republic of Mexico into the United States without the payment of duties; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. WILSON, of Iowa, introduced a bill (S. 2035) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2036) granting a pension to Mark F. Carter; which was read twice by his title, and referred to the Committee on Pensions.

Mr. BLODGETT introduced a bill (S. 2037) to remove the charge of desertion from the military record of John Fitzpatrick; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 2038) increasing the pension of Mary Minor Hoxey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2039) for the relief of the Albemarle and Chesapeake Canal Company; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TELLER introduced a bill (S. 2040) to establish a land office at Folsom, Territory of New Mexico; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McPHERSON introduced a bill (S. 2041) providing for the holding of the United States courts in the city of Newark, N. J.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a joint resolution (S. R. 55) abolishing the office of the United States surveyor-general for the district of Nebraska and Iowa, and authorizing the Secretary of the Interior to proceed, under the provisions of sections 2218 and 2219 of the Revised Statutes of the United States, in the transfer of the field-notes, maps, records, and other papers to the States of Nebraska and Iowa; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

He also (by request) introduced a joint resolution (S. R. 56) granting permission to officers and soldiers, members of the military order of the Loyal Legion of the United States and of the Grand Army of the Republic, to wear the badges adopted by those orders; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. DANIEL submitted an amendment intended to be proposed by him to House bill 6437, making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (H. R. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum; which was referred to the Committee on Printing, and ordered to be printed.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the bill (S. 1176) to authorize the sale to aliens of certain mineral lands; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2093) for the relief of John K. Le Baron; and

A bill (H. R. 4557) for the relief of George F. Chilton.

DIAMOND SHOAL LIGHT-HOUSE.

The PRESIDENT *pro tempore*. If there are no "resolutions, concurrent or other," the Chair lays before the Senate the resolution submitted by the Senator from Kansas [Mr. PLUMB] directing the Committee on Post-Offices and Post-Roads to make a thorough inquiry into the cause of inefficient mail service.

Mr. RANSOM. I ask the unanimous consent of the Senate to take up the bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina. I think it will give rise to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $500,000 for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina. Contractors for doing this work may be selected by the Light-House Board, such as may, in the judgment of the board, be best fitted by reason of skill, experience, possession of plant, and control of means to do the work, payments to be made in the discretion of the board, upon the approval of the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF S. A. BLAINE.

Mr. COKE. I ask unanimous consent to call up the bill (S. 147) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release S. D. Barclay, G. D. Adams, and William H. Kimbrew, sureties on the bond of Samuel A. Blaine, late Indian agent, against whom a judgment was rendered in the United States court for the northern district of Texas, at Waco, Tex., for $5,000, on the 22d of November, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MAIL SERVICE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The CHIEF CLERK. A resolution by Mr. PLUMB, directing the Committee on Post-Offices and Post-Roads to make thorough inquiry into the cause of inefficient mail service.

Mr. REAGAN. I ask the Senator from Kansas if he will consent to an amendment of the resolution by inserting the word "alleged" after the word "such" in the last line but one?

Mr. PLUMB. That has already been done, I think.

Mr. COCKRELL. That word has already been inserted, on my motion.

Mr. PLUMB. The resolution has been already so amended.

Mr. REAGAN. Very well.

The PRESIDENT *pro tempore*. Will the Senate agree to the resolution?

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. PLATT. I ask the Senate to consider at this time the bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher.

Mr. MANDERSON. I do not desire to antagonize this request, but is the order of morning business closed? I think there is another resolution following the one which has just been acted upon.

The PRESIDENT *pro tempore*. The Chair would be glad at this time to take the sense of the Senate upon a question affecting the order of business in the morning hour.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. Resolutions offered in the Senate are open to objection under the rule on the day they are offered, and under such objections they lie over for one day. It has been the practice of the Senate for some time to regard resolutions so objected to as entitled to consideration the next day or the day thereafter, whenever concurrent and other resolutions are called for. There are several resolutions either on the Calendar or on the table, the Chair is not able to say which, that have come over from a previous day under objection. The Chair desires to take the sense of the Senate, the rules being silent on the subject, whether those resolutions shall be called every morning under the order of "concurrent or other resolutions," or whether they shall go on the Calendar or on the table to be called up hereafter.

Mr. PLATT. I think that the orderly conduct of business in the Senate requires that resolutions which are objected to should be taken up the next day if opportunity offers; and therefore, although I desire the Senate to consider the bill to which I have referred, I will withdraw that request for the present.

Mr. SHERMAN. Mr. President, I have always understood that when resolutions were objected to under the rule they went over to the next day under the objection. They are then laid on the table of the Presiding Officer, and are submitted the next day at the close of resolutions then offered. An order of that kind was adopted at the last Congress; but if they were not disposed of on the first day after the objection was taken then they were placed on the Calendar. It seems to me that is the proper order of proceeding, because if a resolution comes over and the Presiding Officer lays it before the Senate, and it has its day in court and is not then disposed of, it ought to go to the Calendar and ought not to encumber the usual morning business of the Senate. That practice, I think, was adopted during the time I had the honor to preside over the Senate. Always, a resolution coming over under objection was submitted to the Senate at the proper time, at the close of resolutions on the following day, and if it was not then disposed of it went on the Calendar.

The PRESIDENT *pro tempore*. But if a resolution is not reached for consideration the next day after it is offered, or is not then submitted to the Senate, the Chair desires to be instructed whether the day having lapsed the resolution then is to go on the Calendar.

Mr. SHERMAN. I think the understanding was that a day should always be had, that one opportunity to dispose of the resolution should be given; and if it was not reached the first day it certainly would be the next, and then it would be laid before the Senate; but when laid before the Senate it is in the possession of the Senate, and it goes on the Calendar unless disposed of that day. I think that was the ruling adopted by the Senate while I occupied the chair.

Mr. HARRIS. I think the practice of the Senate has been, in the absence of a rule regulating it, very much as stated by the Senator from Ohio. Upon objection a resolution goes over; it lies on the table; attention is called to it on the next day. A concurrent or Senate resolution that went over comes over to the next day under that objection. Where the business of the morning hour is such that the whole time is consumed and the resolution not reached, but lies on the table, the practice, I think, has been to give it its day; that is, to call attention to it on the first day that it can be reached; but failing to be disposed of after the attention of the Senate has been called to the resolution on the table for the one day, it ought to take its place on the Calendar and be subject to the rules governing all cases on the Calendar.

Mr. PLUMB. I have had the impression, with the present occupant of the chair, that the rules laid it down that the resolutions objected to when offered come up as of course; that is to say, they have the right of way and are to be laid before the Senate when the order of resolutions is reached, and that applies to a resolution until action is taken or some understanding is reached, as in the case of a resolution I introduced. The Senator from Ohio, then presiding, did not lay it before the Senate. I called the matter to the attention of the Senate, and my recollection is quite clear that the present occupant of the chair then made a motion or a suggestion which resulted in an understanding or some affirmative act on the part of the Senate—I am not sure which—to the effect that these resolutions have the right of way until they are disposed of, and must be laid before the Senate when the order of resolutions is reached.

The PRESIDENT *pro tempore*. There are resolutions upon the Calendar which have been pending since the 21st of January undetermined, and have had no day before the Senate.

Mr. CULLOM. I wish to make an inquiry for the purpose of getting the attention of the Chair to the subject. Suppose a resolution is introduced and its consideration objected to the first day and laid over. Then, as I understand the Senator from Ohio and the Senator from Tennessee, it has another day, and is taken by the occupant of the chair and presented to the Senate. Suppose that resolution is taken up by the Senate for consideration, but not finally disposed of on that subsequent day, does it or not come up as unfinished business at some future time?

Mr. HARRIS. There is no unfinished business in the morning hour.

Mr. CULLOM. None at all?

Mr. HARRIS. None at all.

The PRESIDENT *pro tempore*. The Chair would think that a resolution having been considered would still retain its place on the Calendar, the resolutions coming over from a former day, or be laid on the table.

Mr. HARRIS. I think it would go to the Calendar. It loses its place on the table, clearly.

Mr. CULLOM. It seems to me a very unsatisfactory way of disposing of a subject after partially discussing it, that on its coming before the Senate, it is to go to the Calendar to be considered three months hence, perhaps.

Mr. HARRIS. It is always under the control of a majority of the Senate.

Mr. CULLOM. I think it should come up again as unfinished business at some time.

Mr. HARRIS. It is always in the control of a majority of the Senate, just as any other matter on the Calendar. It has had the advantage, at least, of one day in court.

The PRESIDENT *pro tempore*. The Chair, then, will lay before the Senate the first resolution coming over from a former day that has been considered. The title of the resolution will be stated.

The CHIEF CLERK. A resolution by Mr. CALL relative to the management of railroads by receivers appointed by United States courts.

The PRESIDENT *pro tempore*. The Chair is informed that this resolution was considered on the 9th of February and went over. The Chair, therefore, would hold that the resolution goes to the Calendar.

Mr. CALL. That is what I desire.

DISTRIBUTION OF REBELLION RECORDS.

The PRESIDENT *pro tempore*. The next resolution coming over from a former day will be stated.

The CHIEF CLERK. A resolution submitted by Mr. MANDERSON February 9, 1888, directing the Secretary of War to furnish certain information concerning the distribution of Records of the Rebellion.

Mr. MANDERSON. I understand that resolution is for consideration at this time.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of War be directed to report to the Senate what members of the Forty-seventh Congress have furnished lists for the distribution of the Records of the Rebellion as provided by law, the number of each volume thereof remaining undistributed, and the list of names and addresses of those designated to receive that publication by any member of Congress when notified so to do by either of the Senators from the State represented by said Congressman.

Mr. MANDERSON. I think it due the Secretary of War that I should say that, in a conversation had with him within a few days and since the presentation of this resolution, he said to me that in refusing to

grant, upon requests of members of Congress, the lists of names furnished by members of the Forty-seventh Congress of persons and libraries to receive the Rebellion Records he had been simply following a custom of the Department, not a rule that he himself had inaugurated, but that finding such a custom obtaining he simply continued it; that he saw no objection whatever to a resolution of this character and would be glad, as I understood him, to have it pass. I think it due to him that this statement should be made in his behalf.

Mr. President, while referring to this matter I wish to speak on a subject somewhat akin to it. A somewhat unfortunate result, so far as the comfort of many members of the Senate is concerned, came from the discussion of this question a few days ago, and it is somewhat of a commentary, I think, upon the strictures made by the Senator from Missouri [Mr. VEST] upon the extensive publication of public documents. My own mail has been much burdened, and I understand the mail of many other Senators has been inundated by requests for documents, some of them of the character that the Senator from Missouri characterized as very good literature, and other documents that he condemned as worthless. I wish to say here, for the purpose of relieving myself at least, that so far as this document, the Records of the Rebellion, is concerned, there are none within my gift, and there have been none for me to distribute. The whole issue of that valuable publication was monopolized by the members of the Forty-seventh Congress, and none others except those named upon the lists furnished by them can be distributed, unless it shall be in accord with the joint resolution that passed the Senate a few days ago, permitting the distribution of undistributed copies where members of the Forty-seventh Congress are not yet in Congress, such distribution to be by their immediate successors.

Mr. CULLOM. Allow me to say that I have had the same experience as to requests that the Senator indicates that he has had, and many of the requests made to me have been to the effect that perhaps I might get some public documents for the applicants from the distinguished Senator from Missouri, so as to accommodate the citizens of Illinois to some extent.

Mr. MANDERSON. Now, Mr. President, one word further in response to some of the suggestions made by the Senator from Missouri in his remarks upon the resolution submitted by him and referred to the Committee on Printing a few days ago. I regret that I was not in my seat on that day, and I regret that there was no member of the Committee on Printing in his seat to hear his remarks. The evils that he depicted have been recognized by that committee to exist in part. I think there was some degree of exaggeration of the evils by the Senator from Missouri, and I think he will find on full consideration of the subject-matter that to make changes of the sweeping character he seems to desire would be very injurious to the public service.

As I understood him from reading his remarks it is his desire to cut down in a large degree the usual number of public documents that are printed, and to reduce greatly the number of bills and resolutions that are printed for the use of Congress. I do not think that the Senator from Missouri could have looked carefully into the manner of distribution of these documents, else he would not have made the assertion that as to those issued under the rule of the usual number there are any for distribution by him. Take, for instance, the Senate Journal and the House Journal; none are for the distribution of the Senator from Missouri, and, as I understand it, none are upon the list for distribution by any member of Congress. In the printed blank that issues from the folding-room of the Senate that contains the list of documents issued for the public that are subject to distribution by members of the Senate, the Senate Journal and the House Journal will not be found, nor will any of the reports, valuable as many of them are, made by the committees of this body be found.

The bills that are printed and that he would reduce in number to, I think, 750 by his resolution, are now printed to the extent of 924 when they are Senate bills, and this is the disposition made of them: 440 of them go to the document-room of the House, so that every member of the House of Representatives may be furnished with at least one copy of the bill and that there may be some in excess for distribution. To the office of the Clerk of the House there go 308; to the office of the Sergeant-at-Arms of the Senate, 134; to the office of the Secretary of the Senate, 8; to the Department of State, 15; to the office of the Public Printer, 4, and there kept as file copies, 15, making the 924 which constitute the usual number of bills that are printed.

I had investigated, prior to the discussion upon this subject the other day, the question whether this number of bills could be reduced, and I am satisfied that as to what are known as private bills—take, for instance, the private pension bills—we could quite materially decrease the number, as they are not in great demand by members of Congress or by outside parties; but as to general bills, I doubt if the number could be reduced from 924 now printed under the law, which has been the number established by law for many years past.

As to documents of the Senate, the usual number, by legislation upon that subject had years ago, is 1,900. Of this number 940 are left unbound and 960 are bound copies, and this is the distribution made of these documents: To the document-room of the House of Representatives of unbound copies there go 411; to the office of the Clerk of the House 20; to the Sergeant-at-Arms of the Senate 243; to the Secretary of the Senate 6; to the folding-room of the Senate 190; to the Department of State 30; to the office of the Public Printer 4, and for file copies 36, making——

Mr. BUTLER. Is the Senator now referring to each publication—1,900 of each publication?

Mr. MANDERSON. Nineteen hundred of each document and report of Congress.

Mr. BUTLER. That is to say, 1,900 of the volume on Commerce and Navigation, and of the Message and Documents?

Mr. MANDERSON. No, I do not refer to them. Those are not documents or reports to Congress. The Senator refers to reports made by the Executive Departments, called executive documents, the number of which is fixed by law.

Mr. BUTLER. We each got about thirty-odd of those.

Mr. MANDERSON. I am not referring to those. My reference is to the documents published by order to print the usual number by Congress; for instance, there comes to either House of Congress a report from one of the Department chiefs, the Secretary of the Interior for example. It is ordered to be printed with the accompanying papers.

Mr. BUTLER. The annual report?

Mr. MANDERSON. Not the annual report, because that printing is provided for by general law passed many years ago. All the reports of committees that come here are ordered printed. That order implies that there shall be printed 1,900 copies.

Mr. BUTLER. I do not understand that those documents are printed for distribution.

Mr. MANDERSON. Not at all, and I am correcting the apparent misapprehension of the Senator from Missouri in that regard. They are not printed for distribution as public documents are usually distributed by members of Congress; but this is the distribution: Of the bound copies, numbering 960, there go to the Senate document-room 114; to the House document-room 313; to the Senate folding-room 43; to the Department of State 10; to the Department of the Interior 420, and these are for distribution among the libraries of the country that are designated as depositaries of public documents by law, being named as such by the members of the House of Representatives and of the Senate; 52 copies go to the Library of Congress; 10 to the library of the House of Representatives, and 1 is retained in the office of the Public Printer, making 960, and the two sorts, bound and unbound, composing the 1,900 copies that are thus printed.

Mr. HOAR. When the Senator has got through the particular point which he is making, I desire to ask him a question, prefacing it by a statement of the reason for it.

There is a general notion prevailing throughout the country that there is a vast storehouse here of all the public documents printed by order of Congress, not mentioning the documents provided for the transaction of the business of either House, but general documents like the Agricultural Report, and the Report of the Geological Survey, and the Surgeon-General's Report, and the Rebellion Records more particularly. I suppose there are two notions that prevail very extensively. One is that there is an unlimited number of these documents, so that any Senator or Representative can supply any constituent who wants them, no matter what the number may be, and many people think we are negligent if we do not supply everybody who requests them. The next is that there is an enormous waste of these documents, that they are stolen by members of either House, or that they are used for all manner of purposes that may be imagined.

I get from surgeons in the late war very proper requests, which I should be eager to comply with, for copies of the Medical and Surgical History of the War; and they feel quite disturbed that other persons who have not perhaps rendered military service themselves get them, and they do not. I am only stating now the experience of every Senator. I get from young gentlemen in the colleges applications for the Geological Report, for the report of Powell's Survey, and so on, and most costly and valuable reports, the Polaris Expedition, the Greely Expedition, and the other Arctic expeditions. I get perhaps only 10 or 15 copies of some of these reports. In the old district which I represented when I was in the other House there are now more than thirty public libraries; and I suppose in the Commonwealth which I represent there are more than three hundred, and this number does not begin to supply them.

Now, I should like to ask the chairman of the Committee on Printing if he will make a statement, which may go with his other statements to the country, of the number which are usually received for distribution by the members of this body of the more important reports, so far as he has it in his memory.

Mr. MANDERSON. I would hardly dare to trust my memory to respond in any detail to that question. I can only answer it in a general way.

The documents that are of the character referred to by the Senator from Missouri in his speech of a few days ago, being the reports of the Departments and the reports of the chiefs of bureaus, are published in the number that he described. There are not a great many of each one that come to the distribution of a member of Congress. In the aggregate, of course, they amount to a large number. Documents of the character described by the Senator from Massachusetts—for in-

stance, the Report of the Commissioner of Education, the Report of the Commissioner of Agriculture, the numerous publications of the Geological Survey, of the Smithsonian Institution, and of the Academy of Sciences, are published in numbers fixed by concurrent resolution by Congress.

The greatest number published of any one document is that of the Report of the Commissioner of Agriculture, and that runs into many hundred thousands annually. Four hundred thousand, I believe, is the usual number that has been printed for distribution. I have never, since I have had the honor of presenting these resolutions under instruction of the Committee on Printing, heard any proposition from any Senator on this floor to reduce the number, and I do not think there has ever been a motion as to any other of the documents that I have named to reduce the number that it was proposed should be printed. Very frequently the Senate Committee on Printing have proposed to reduce the number provided for in a House concurrent resolution, and the Senate has usually been in accord with us in that reduction. Occasionally we have increased, and the Senate has been with us in the matter of increase.

I think the number allotted to each member of the Forty seventh Congress of the Rebellion Records was 26, the Reports of the Geological Survey perhaps 15 or 16, and of the Ethnological Report 15 or 16. Of the late very valuable publication, known as Cattle and Dairy Farming, the number to each member of the Senate was, I think, 6.

Mr. PLATT. Eleven.

Mr. MANDERSON. Eleven, and 6 to each member of the House of Representatives. I will, at my earliest convenience, present a report that shall come either upon some special document that is to be printed or in response to the resolution of the Senator from Missouri, and attempt to show exactly the number of public documents issued, the allotment to each member of the Senate and each member of the House of Representatives, and the character of the publication.

Mr. TELLER. I should like to ask the Senator from Nebraska a question. How is the Cattle and Dairy Farming publication published?

Mr. MANDERSON. By authority of Congress, by concurrent resolution passed at the last session; that is to say, there was a motion made first that the usual number be printed.

Mr. TELLER. Did the resolution fix the number?

Mr. MANDERSON. The concurrent resolution fixed the number to both Senate and House beyond the usual number, and I think 1,000 copies were furnished to the State Department for distribution, it being a consular report and not one of the usual documents issued by order of Congress or the Executive Departments.

Mr. President, I did not rise for the purpose of going into this matter in any detail, but simply to say that the Committee on Printing has recognized some of the evils that are complained of by the Senator from Missouri. It has not, however, during the last two or three years felt that it was justified in making any radical change of the laws that had existed for so many years, and concerning which there never has been one word of complaint until that which emanated from the Senator from Missouri a few days ago. Under a resolution that was introduced at the last session of Congress the Committee on Printing started an investigation with a view of codifying the printing laws and remedying some of the abuses that are complained of. That work was well under way under the efficient care of Major Poore, the late clerk of the Committee on Printing. Its progress was interrupted somewhat by his death, but the committee is yet making the investigation in that regard and trying to reconcile some of the conflicting views on the subject. It also has in charge an investigation into the manner of the distribution of the public documents.

I recognize that there are great evils in the present method of distribution. Quite valuable reform has been obtained by the efforts of Dr. Ames, who is the superintendent of the distribution of documents in the Interior Department; but my own idea of the matter—and I confess that my views are rather crude upon this subject, as I have not yet brought them into tangible shape—is that in the distribution of the documents that are for issue by members of Congress it would be well that they should be distributed under some issuing executive officer, say, perhaps, a superintendent of documents. I do not believe that he should be under the control or a part of the Department of the Interior. I do not think he should be any more an executive officer than the Public Printer is an executive officer; and I think the most economical way of distributing these documents would be to have them taken from the Printing Office to, perhaps, some adjoining building, so that the cost of carriage would not be great, some building adapted for the purpose of their storage prior to distribution, where they would be protected from injury by dampness, and that there this superintendent of documents, who should be under the control of Congress—for let it be borne in mind that the printing which is conducted at the Public Printing Office is by an officer who is the creation of Congress, and the work that he does is under the direct control of Congress—I think this distributing officer should occupy a like position, and that the documents which are allotted to members of Congress for distribution among their constituents should be distributed through that channel; not that I would dispense with the document-room of either the Senate or the House, for we all know the convenience of having that distributing center near at hand.

Now, before closing, Mr. President, I simply want to show what becomes of the documents to the number of 960 that are known as the Senate reserve documents. I have already stated where they are sent, and this is the distribution made of them: There go to Senators 78 copies, and to the Library of Congress 2 copies. These 80 copies are bound in calf. There are bound in sheep the remaining 880 volumes, and they are thus distributed: To the Clerk's document-room of the House 313 copies; to the Senate library 36; to the House library 7; to the Department of State 10; to the Department of the Interior 420, these being for distribution to public depositories; to the Library of Congress 50; to the Senate folding-room 43, and one to the Public Printer, making the 960 copies bound in calf and sheep that are known as the bound copies of the reserved documents of the Senate.

The distribution of the Senate Journal is as follows: There go to the Senate document-room 66 copies; to the Department of the Interior for distribution 1,550—and that distribution is not only to the public libraries of the country, but, under the law, 1 copy is sent to every State library, 1 copy to the governor of every State and Territory, and 1 copy, I believe, to the secretary of state of each State, and a large number, of course, are sent to foreign countries through the Department of the Interior; to the Secretary of the Senate 150 copies; making 1,766 copies, and then, to be delivered as reserved documents according to the list I have before read, 960 copies, making the total number 2,726.

Mr. VEST. What is done with those 960 reserved documents?

Mr. MANDERSON. The 960 are distributed as I have said—to Senators 78 copies; to the Library of Congress 2 copies; 313 to the Clerk's document-room of the House; 36 to the Senate library; 420 to the Department of the Interior, etc. So that the distribution of these Journals is exactly the same as the distribution of the bound copies of the documents that are ordered in the usual number or of the reports of Congress.

I do not claim that this is the best method of distribution; but the Committee on Printing have not felt it well, as an independent proposition, that they should make any change in this number that the experience of many years without complaint seems to have taught Congress was the proper number and a wise system.

Mr. VEST. Mr. President, the fact that this abuse which the chairman of the Committee on Printing has admitted to exist has become crystallized by custom is no argument to me for its continuance. I repeat every word I have said heretofore in regard to the printing of public documents and the inexcusable waste of public money in that direction, and the experience of every day that we have been in session has confirmed me in my opinion.

I received this morning a communication from the Register's Office of the Treasury, referring to the remarks I had the honor to submit to the Senate on last Monday, written by Mr. Holladay, an employé of that Department, one of its principal employés, which states that so gross has become the abuse of piling up these perfectly worthless documents in the Treasury Department that the Secretary of the Treasury some six months ago appointed a committee of five employés of the Department, of which he was chairman, to ascertain what relief could be had from this nuisance, for it has become nothing else. The corridors were filled up, the garrets filled, and there was no room for the absolutely necessary records of the Department needed for the transaction of business—filled with the Journals of the House and Senate and every resolution that is printed here by Congress, and that matter has been accumulating there for the last thirty years.

Why, sir, the clerk of the Committee on Public Buildings and Grounds, as I said the other day, told me that last week he sent to the basement of this Capitol twenty-five bags of these documents which had never been opened, and the clerk of the Committee on Commerce, of which I am a member, corroborates the statement by saying that he does the same things. There is not a committee-room in this Capitol that is not crammed with them. There are over twenty-five hundred bags of unbound books in the cellar of the Capitol to-day.

Mr. MANDERSON. Are not those the books that are the allotment to each member of the Senate, not as yet distributed by him?

Mr. VEST. No, sir. They are sent to the committees, copies are distributed to every committee-room, and they are sent to each one of us individually besides.

Mr. MANDERSON. I should like to ask the Senator whether those copies of different documents in the committee-rooms are not of value, and whether they had not better be retained there, at least those of modern date, upon proper shelves and in proper cases, rather than have those committee-rooms stripped to the bare walls, as a great many are, and not a book to be seen upon any shelf.

Mr. VEST. I undertake to say that there is not a single member who will rise and declare that he consults one of these books in a committee-room. Every one of us knows that if we want to consult any publication of the Government we send to Mr. Smith at the document-room, and he sends us the record. Life is too short for us to go into these files of books and hunt out an item that is wanted in regard to

the proceedings of Congress or in regard to an expenditure that has been made in a Department. It is not done; we know that it is not done by us.

The Senator from Illinois, and I am sorry he did not have more originality, said that he supposed the people needed valuable public documents. I said, until I thought I had exhausted my command of the English language to express it, that I had no valuable documents, but I have old House Journals and Senate Journals and statistical reports, and if my friend appeals to me personally he can have them, but I do not think so poorly of the intelligence of the people he represents as to suppose they want them.

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. VEST. Certainly.

Mr. CULLOM. I simply stated that some of my constituents had the impression that the Senator had the Rebellion Records or some such work as that which they were very anxious to procure, and suggested that as I had none and never had any, possibly I might get some from the distinguished Senator.

I want to say, however, while I am on the floor, that I am not very well informed about the distribution of documents, but I suppose that so far as the committee-rooms are concerned, each committee-room is furnished with one copy of each public document at each session of Congress, and it seems to me that that is a very proper provision to be made. I am inclined to believe that the books which are going to the cellar or elsewhere out of the committee-rooms are old reports, probably twenty, thirty, forty, or fifty years old, which of course are not likely to be used by Senators in legislation at the present day. If that is the truth about it, which I take it to be, I still see no reason in that why the committee-rooms should not be furnished with a copy of each of the reports from year to year that are being made, for the use of the committees.

Mr. VEST. The Senator is very much mistaken. These are not old documents accumulated for a number of years, but they are books just issued to the committees and there is no room for them. In the room of the Committee on Commerce the glass cases provided for the files of these documents are full. You can not pile them on the floor. If all the books issued to the committees of the Senate were put in the committee-rooms, not a man could get into them—not one. We know that all we want is a file of the documents accessible to every member of the Senate and House, and that is in the document-room perfectly accessible and under the charge of a skillful officer. But yet a constant stream of publications goes to the committee-rooms and to each individual member of Congress.

My friend from Illinois says he has received communications from his constitutents stating that I had these publications. I stated expressly, as far as my feeble command of the English language would permit, and I have said it over and over again, that the documents I have are those issued to every member of the Senate, which are absolutely worthless to me and I suppose to them—these journals, these statistical reports issued to me for my personal and individual benefit, and for which I have no use.

Mr. MANDERSON. That the Senator may not be misunderstood by his constituents or the people at large, had he not better make the further statement that he gets but one copy of the Senate Journal and but one copy of the House Journal for his individual use?

Mr. VEST. I think I know whereof I speak on this subject. I am much obliged to my friend from Nebraska. What I do want to say is this: that I have no valuable documents; that I want more copies of the Records of the Rebellion; that I want more Agricultural Reports; that I want more Geological Reports; that I want more Reports on Cattle and Dairy Farming; that I want books that my people want, but I do not want this trash and the public money thrown away upon it. We have spent, as I showed the other day, and I repeat it, since the Forty-sixth Congress $1,200,000 that we might just as well have thrown into the Potomac River.

Mr. ALDRICH. Will the Senator from Missouri allow me to make a suggestion?

Mr. VEST. Certainly.

Mr. ALDRICH. It is that the books which he considers trash and which his constituents consider trash may be considered valuable by the constituents of other Senators.

Mr. VEST. Does the Senator from Rhode Island mean to say that his people want the Journals of the House and Senate?

Mr. ALDRICH. Certainly they do; and there is not a library in my State that would not wish to have them. The Senator made a mistake the other day in saying that these books were sent by the Secretary of the Interior to every library in every State in the United States. They are only sent to four libraries, and I have over forty public libraries in my little State that are anxious to receive these copies, and I do not have enough at my disposal to meet the demands within my State. If the Senator has a surplus I shall be very glad to relieve him.

Mr. VEST. I have heard that over and over again. I think I can distribute my charities without any suggestions from others. I find that so many of these public documents go to the Secretary of the Interior, and I am told that they are distributed to the libraries in the respective States.

Mr. ALDRICH. Four in each State, I think.

Mr. COCKRELL. Will my colleague permit me? It is not four to a State. One goes to a designation made by each Senator and each Representative, and it depends upon the number of Senators and Representatives a State has. Rhode Island gets four and Missouri gets sixteen.

Mr. VEST. I assert, and that is the salient point in this discussion, that instead of spending the money of the people upon books that they want, we are throwing it away upon books that they do not want and that we do not want ourselves. The Senator from South Carolina [Mr. BUTLER] says to me that he has a ton of these documents issued to him for his personal use, and if there is such a rush for these documents on the part of our Republican colleagues, I take it for granted he will supply the demand to a limited extent anyhow.

I understood the Senator from Nebraska to assert that none of these House and Senate Journals are distributed to Senators and Members.

Mr. MANDERSON. For distribution, I do say.

Mr. VEST. For their personal use.

Mr. MANDERSON. No; I distinctly said that each Senator and each Member of the House received one for his personal use, but that he did not receive any for distribution, and the Journals will not be found upon the document list for distribution.

Mr. VEST. I made no statement here the other day in regard to this matter that I did not get from the Printing Office and from the document-room. I spent a day in hunting up the truth in regard to this abuse and this nuisance. Here is the condition of the printing of the Senate Journal, to which I refer the Senator from Nebraska, and I suppose he has this book at his command:

Sixth. Of the public Journals of the Senate and of the House of Representatives, 1,550 copies.

That is under section 3798 of the Revised Statutes, passed February 18, 1875. Fifteen hundred and fifty "of the public Journals of the Senate and of the House of Representatives." By a mistake in the revision, to which the Printing Office called my attention, as also did Mr. Amzi Smith, there was put in another provision in the revision, section 3792——

Mr. MANDERSON. Will the Senator give the dates of those acts, so that we may see how that is?

Mr. VEST. I have given one—February 18, 1875; and now section 3799 of the Revised Statutes is:

Of the documents printed by order of either House, there shall be printed and bound 50 additional copies for the purpose of exchange in foreign countries.

In section 3792, 1,550 are authorized, and in the above paragraph which I have read 1,550 more, making 3,100. Instead of 1,550 copies as stated in the Revised Statutes, there is twice that number; first, under the section which I have read, of the public Journals of the Senate and of the House of Representatives, 1,550 copies, and under section 3792, which was enacted on the 25th of July, 1868, it is provided that—

Fifteen hundred and fifty copies of any document ordered by Congress shall be printed, and that number shall be known as the usual number. No greater number shall be printed unless ordered by either House or as hereinafter provided.

Fifteen hundred and fifty copies are printed under this section and bound, and 1,550 copies under the other section, and I am told by the superintendent of the document-room and by the Public Printer or his assistant, who is very competent in this matter, that that was a mistake in the Revised Statutes, and yet it has gone on from year to year at an enormous expense to the people of the United States.

Mr. MANDERSON. The Senator from Missouri, if he will permit me to make the suggestion, this error in the law having existed for the last thirteen or fifteen years, has been here the greater part of those years smarting under this terrible infliction of public documents and has until this time made no efforts to correct it.

Mr. VEST. I have not been upon the Committee on Printing. I permitted myself to rely on the opinion of my distinguished friend from Nebraska, who has been chairman of that committee, and never until the other day, in a debate utterly unpremeditated, was my attention called to this abuse, and on inquiry I found that the Public Printer had carried out what he conceived to be the law by publishing twice as many of these documents as Congress ever intended should be published; and he informed me—or rather Mr. Brian, the assistant of the Public Printer, who is very competent in these matters—that he had appeared before Committee after Committee on Printing and called their attention to this thing, but without avail, and it has been permitted to go on from year to year.

I leave to the Senate to judge what is the worth of a remark made by the Senator from Nebraska a moment ago that I had been smarting under this abuse and had called no attention to it. I have done my work. I have served faithfully on all committees where I have been placed, and I have relied on other committees to do their duty. It is an abuse; and if there is any doubt about it let any Senator go to the basement of this Capitol, let him look at the upper portion of the Capitol, and let him look at the committee-rooms, and he will find that thousands and thousands of dollars are thrown away without any sort of excuse for it.

All that I want to do is to take this money and apply it to useful publications, and cut off this nuisance. Instead of throwing away hundreds of thousands of dollars year by year upon books that nobody wants, let us apply this money to books that will do some good amongst the people, and disseminate intelligence and aid the people throughout the country. That is all I want.

Mr. COCKRELL. Mr. President, in regard to the Secretary of War not disclosing the names of persons to whom the Rebellion Records have been ordered to be sent, I can verify from my own personal knowledge the custom that has existed in the War Department for many years, and probably the same exists in other Departments in regard to the distribution of documents. The Secretary of War has declined ordinarily to give information in relation to the lists of names sent in by the different Senators and Representatives of their constituents for these documents to be sent to. I remember very distinctly that some years ago I applied there and discussed the matter fully with the Secretary of War, and told him why I wanted to see the list of names, for the purpose of making, not public use of it, but simply to save me labor in distributing, simply that I might not send my copies to persons designated by Representatives, and the Secretary then permitted me to go and examine the list. It is simply a regulation of the Department, and I presume the present Secretary only followed in that line.

In regard to the documents which are accumulating in the Departments, the select committee of the Senate in regard to the organization and methods of business of the various Departments has given some attention to that and will report a bill on that question, not only in regard to the documents which have accumulated in the Executive Departments, but also the files of valuable documents which are no longer needed in the current business and have no historical value or political interest. That report will be submitted at a very early day.

Mr. TELLER. Mr. President, I can not myself conceive of any such abuse having grown up in any Department of the Government as that a citizen of the United States asking for information of the character mentioned here should not receive it; much less that when a public officer, a member of this body or the House of Representatives, asks for it his request should be refused; and I was very much astonished, and I confess I was somewhat indignant, when I received from the Secretary of War a notice that I could not learn what libraries in my State were getting the Rebellion Records and that that was a state secret that must be kept close. I do not know but that that has been the rule, and when the Senator from Missouri [Mr. COCKRELL] says it has been I will not dispute his word. I simply say that it is an absurd, ridiculous rule, that, it seems to me, a man of ordinary intelligence would have wiped out on the first notice that such a rule had been adopted by somebody or had crept in by some system.

A Senator asks me if I ever heard of such a rule. I never heard of such a rule in the Interior Department, and I know such a rule never existed there, and does not exist there now.

On more than one occasion I have expressed my opinion about secrets in the Departments. I hold that there is no Department in this Government that has any business to have secrets from the public, except it may be the State Department, pending treaty negotiations or something of that character. Every decision made by the head of a Department ought to be an open book; every adjudication made by the head of a bureau ought to be an open book for the people of the United States to read and examine—not simply the public officials, but any man who does not go there out of simple idle curiosity, during the business hours of the day ought to have access to the public records. It is one of the essentials of a free people that they should know what their public servants are doing.

I may be pardoned if I depart a little from the subject. I consider the secret sessions of the Senate entirely unrepublican in character, except when there shall be, as there may occasionally be, a treaty under consideration that ought to be considered in the secrecy of an executive session; but there is no more reason why the confirmations of executive appointments should be behind closed doors, in my judgment, than there is that we should legislate behind closed doors, as we did some years ago.

Mr. PLUMB. Sympathizing somewhat with the Senator from Colorado, I should like to ask him what he thinks about the sessions of the President and his Cabinet on public matters. I do not want the matter to go off without considering the whole subject.

Mr. HAWLEY. He ought to include the Supreme Court also.

Mr. TELLER. I will include them all. I said the adjudications of a Department should be public. I do not say that when the Secretary of the Interior sits down to determine a judicial question, as he does, or when his law division sits down to determine it, pending that investigation everything should be made public. I do not suppose that when the President calls about him his Cabinet, what they discuss and what they say should be made public; but I do say that when they have come to a determination, that determination becomes the property of the people of the United States, and the President has no right to conceal it, and every member of his Cabinet ought to be compelled to take the responsibility for the advice that he has given the President.

So I hold here. If there is anything that the Senate desires to consider that it thinks it ought to consider in privacy, the application of two Senators closes the doors. When we have got through, the act should be made public, and it should be known how every man voted. That is what I say. And when the Senator from Connecticut asks me if the Supreme Court conferences should be public, he asks a question that has been asked by people who have not given thought to the subject. It is not a new and original proposition with him. It has been asked a dozen times by people who do not consider the difference between the processes of arriving at a conclusion and the conclusion itself. The Supreme Court renders its decisions in public when they are reached, and it does not attempt to hide the responsibility from the men who make them. Every man goes upon the record and the public knows just how each member of the judiciary votes; but the people do not know how the members of this body vote upon questions of infinitely more importance to them than the questions which are presented to the court.

Mr. HAWLEY. Will the Senator permit me a word?

Mr. TELLER. Certainly.

Mr. HAWLEY. I understood the Senator to be discussing the general proposition that all these things should be considered in public. He was not speaking so much about conclusions.

Mr. TELLER. I said expressly adjudications and determinations, when reached, should be made public.

Mr. HAWLEY. Then the Senator is satisfied if we have an ordinary executive session and announce afterwards the result, which we do always.

Mr. TELLER. I am not aware of that, but I am satisfied that would be an improvement on the present method. I am satisfied if I could say to my constituents, "On that nomination I voted so and so," it would be satisfactory to them; and I should be ashamed of myself if I ever cast a vote in the Senate, either in secret or open session, and was afraid to declare to them how I had voted. A treaty comes here of importance to the people, a treaty comes here that the whole people of the United States are interested in, and we sit with closed doors to consider it, and assume the responsibility of its rejection or its adoption.

I did not propose to discuss that question when I commenced. I only referred to it incidentally. I rose to say a word about these public records. I do not want to say anything offensive to anybody, but this is a very little matter. This is a good deal, if I can say it without being offensive, like a tempest in a teapot. If all the reforms now agitated and suggested should be carried out we should save comparatively little, a mere bagatelle, a mere nothing. Is it not better that we should err on the side of giving the people of the United States the advantage of knowing what their public servants have been doing? Is it not better that there should be too much publicity than not enough, that there should be books printed that they do not want rather than there should be books that they want and can not get left unprinted?

I agree with the Senator from Missouri, that we have not been advised perhaps sufficiently of the expenditure of money for this purpose, and that we get too few of valuable documents, like the one referred to a few moments since on Cattle and Dairy Farming, where great expense is incurred in getting the facts, with valuable plates and valuable pictures illustrative of the breed of cattle, and they are put in at great expense, and yet we get for the people of the United States less than 4,000 copies to distribute.

Mr. MANDERSON. If the Senator will permit me, I should like to suggest another practical difficulty in the road of publishing the best material. I do not mean to say that the Committee on Public Printing, as now constituted, would be efficient critics, and that if they would approve after reading it would benefit matters much; but I do say that it is a practical impossibility for the Committee on Printing to examine all the manuscript that is sent to them with a proposition to print. We must rely, and we invariably do rely, upon the recommendation of the heads of Departments from which a document emanates, not only as to the advisability of printing it, but as to the number that shall be printed.

Mr. TELLER. I hope the Senator will not understand that I am criticising the committee. It was farthest from my thought.

Mr. MANDERSON. I did not so understand the Senator.

Mr. TELLER. I know how this is done. I know we pay five or six hundred thousand dollars a year for geological surveys. The printing of the results of their labors costs a mere nothing. I can show one book which cost more than $100,000, yea $120,000, and I received 2 copies of it and my associates here received 2 copies of it. It would have cost a mere nothing to have given us 20 copies, because the labor consisted in preparing the data and acquiring the information; and when it was once put in print we might just as well have had 20 copies apiece as 2; and there is a demand in my State for a thousand of them to-day—a valuable book on mining.

If the Government is to expend its money to gather together these facts and this information, it gathers them for the people or it has no business with them at all. You have not any right to the valuable labors of scientific men if you are to bury the results. There should be enough copies printed of their works to enable at least a reasonable number of people to have them. I know we can not publish Agricultural Reports so that every farmer shall get one; but we can publish

them so that there can be a copy in every neighborhood; we can publish them so that there shall be a copy in every school-house; we can publish them so that there shall be a copy in every library, and that is what I want, and that is what the people want.

I have served in this body several years and I have not a public document on my hands, unless it is one that has come to me within a few days past, that has not gone out to the people whom I attempt to represent. I have never had a book given to me that I could not distribute, and my own personal reports and those of the action of this body and the other House I keep in my private library at home. I have carefully preserved them, and I will say to the Senator from Missouri that they are examined from time to time by the people of my State.

I received but a few days since a letter from a State senator of my State saying, "Send me one copy of every document that the Government publishes." He says, "I keep a library for the benefit of the community in which I live, and the people understand that when they come to my library they can find everything the Government has published, and they come here whenever they want to find anything of the character of a Government publication."

I repeat again that the $5,000 or $10,000 which would be saved is a mere nothing, for I do not believe all the reforms suggested would amount to $5,000 a year. What is that? It is a mere nothing. It is one of the essentials to the maintenance of a free government that the people understand what their servants are doing. When the eye of the people is upon the public servants, then you may expect that you will have better legislation, and if ever the time shall come when this Republic will be in danger it will be when the people of the United States shall be careless of what their public servants are doing and shall fail to bring them to the proper mark if they fail in the discharge of duties that they have been intrusted with here, and you can not give them too many books, you can not make your record too open, you can not make your proceedings here too open. It is no answer to me to say that I may want, when I rise to discuss a treaty with the King of the Cannibal Islands, to talk about a policy of the Government that I do not want the King of the Cannibal Islands to understand. If I want to discuss that I say to my neighbor sitting by my side, "Let us close the doors," and two men in this body can close them; but when we get through, the people of the United States are entitled to know how I voted upon that treaty with the King of the Cannibal Islands.

I am not afraid, I repeat again, at any time, upon any vote that I may be called to give—nay, more, I am glad to let the people whom I represent know how I voted, whether it is in accordance with their wishes and their will or not.

Mr. VEST. Mr. President——

The PRESIDING OFFICER (Mr. CHACE in the chair). The Chair would say to the Senator from Missouri that the morning hour has expired.

Mr. VEST. I wish to say a word.

Mr. MANDERSON. I hope the Senator from Missouri will be allowed to go on, and that we shall have the resolution disposed of.

Mr. SAWYER. I gave notice that I would call up the pension bills this morning. If this will not run on long, I will not interfere with the Senator from Missouri.

The PRESIDENT *pro tempore*. No objection being made, the Senate continues the consideration of the resolution submitted by the Senator from Nebraska [Mr. MANDERSON].

Mr. VEST. I have no disposition to detain the Senate by any remarks on this subject. The Senator from Colorado [Mr. TELLER] has discussed the whole matter, and says that the changes I propose amount simply to a saving at the best of five or ten thousand dollars in the course of a year. I read the other day the figures showing that we had wasted, in my judgment, $1,200,000 since the Forty-sixth Congress, and there is not a single session of Congress in which we have not thrown away over $150,000 on useless publications. It may be that that amount of money is not worth the consideration of the gigantic intellect of the Senator from Colorado; but I have been under the impression that we were here for the purpose of correcting just such abuses. I have neither furnished the teapot nor raised the tempest. This matter came here on a report of the Committee on Printing, and I took occasion to express my views in regard to an abuse that has grown up and which no Senator can fairly deny.

As to the declamation of the distinguished Senator from Colorado in regard to imparting general information to the people and taking secrecy off the proceedings of the Senate, I have nothing to say except that if that Senator will tell me how the presence of two thousand five hundred bags of unopened and bound documents in the cellar of this Capitol tends to disseminate intelligence among the people, I will bow with the greatest pleasure to his superior intellectuality. Yet this fact exists, and I assert now that the money is thrown away, and all I ask of my friend from Nebraska is, without imputing to him any neglect of official duty, that he look into the causes of this abuse, that he will, if possible—and he could do no higher public service—go through the list of documents distributed to Senators and Representatives personally and also for distribution by them, and increase the number of valuable documents and diminish those that are worthless. That is all. In that I doubt not the Senator from Colorado would cordially concur.

Mr. MANDERSON. The Senator will permit me to ask if that suggestion he has just made is not the very point of difference? The Senator says that certain documents are useless. The Congress of the United States for many years, some fifteen years, has designated by a majority that the documents he characterizes as useless are useful. Shall the Printing Committee or the chairman of the Printing Committee put up their opinion or his opinion as against that majority opinion of Congress that has operated for the last fifteen years?

Mr. VEST. Is there any limitation upon abuse? Is it possible that we are bound by precedent to such an extent that we can not go into the reform of the abuses of this Government? What are committees made for, what are Senators elected for, except for the specific purpose of improving the legislation of the country and introducing more economical methods in the public service?

Mr. MANDERSON. Who shall decide between the Senator and myself?

Mr. VEST. The Senate and House of Representatives of the United States in Congress assembled will decide. I point to an abuse, and I say now that there are twenty-five hundred bags of these documents in the basement of the Capitol that are useless.

Mr. MANDERSON. And I submit to the Senator that these bags of books that he refers to are books that have been accumulated in the committee-rooms that have been stripped of that which I say is useful in committee-rooms and have been sent to these places of deposit.

Mr. VEST. Since I have been speaking on this floor the clerk of the Committee on Foreign Relations has informed me that he sent down fifteen bags of these documents within the last few days, and I doubt not that every clerk of a committee of the Senate will corroborate the assertion. I ask the Senator from Nebraska if it is a fair criticism upon the public service that this enormous mass of volumes is issued unnecessarily? Why, sir, there are documents there unopened, bags unopened, that have lain in the basement of the Capitol for thirty years, and yet at the same time we have letters from my constituents, and from the Senator's constituents, and from all parts of the United States, asking for public documents that I can not supply—Smithsonian Reports, Agricultural Reports, Dairy Reports, Reports on Ethnology, the Geological Survey. Why not issue more of these? There is a list here, and the Senator from South Carolina [Mr. BUTLER] proposes to speak upon it, showing the publications of this Government. Of certain valuable documents there are given to each Senator and Representative five or a dozen, and then there is sent to him all this trash, utterly useless, that nobody ever reads; bound volumes, for which there is no storage room; and I have been told by some Senators since this question came up that they have sent books to their post-offices, and the postmasters wrote to them remonstrating that they could not distribute them, could not give them away; books sometimes printed for our personal use, with our names upon them. And the Senator from Rhode Island says that his constituents want them—Journals of the Senate and of the House! My constituents want something that is worth reading. I do not propose to insult their intelligence by sending them books that they will not read and that are only fit to be put in libraries for reference and left on file to be accessible to the public.

Mr. TELLER. Mr. President, I did not intend when I spoke before to cast a reflection upon the Senator from Missouri or to be offensive in any manner. I shall endeavor not to be excited, however, on this matter myself.

Mr. VEST. I am not excited.

Mr. TELLER. The Senator makes a statement as to cost which can not possibly be correct. I challenge the correctness of it, and it is not possible that he can make it out. He admits that of these various documents we must publish some. Now, the grand expense is in publishing the first volume. When you have got one book ready, when you publish but one, you have the great expense of the publication. Suppose you publish 3,100 of a certain class, and 1,500 are absolutely needed by Congress, when you have got the 1,500 ready you have incurred the grand expense; each volume after that will not cost over 40 per cent. of the first 1,500. So it will not do at all to multiply the expense of one volume by the total number of any given document to arrive at the gross expense. The great expense is in the first 1,000 or 2,000 of any work, and then the additional cost of further numbers is a matter simply of printing, paper, and binding. So it will not do to send out to the country a statement that we have wasted $1,200,000 in a few years.

While I do not intend myself in dealing with governmental affairs to be picayune and small, $1,200,000 is as much to me as it is to anybody, and I am anxious to save it. I have not been brought up in a way to despise dollars by any means, nor have I been brought up in a school that teaches me that I have any right to waste the public funds any more than my own.

Mr. VEST. If the Senator will permit me, I do not suppose there can be any difference between us as to the amount of money that has been spent. Here is what I referred to the other day:

I find on inquiry at the Printing Office that not one of these volumes has cost less than $2, and some of them cost as high as $2.85 and $3 apiece. There are 76 Senators and 334 Members and Delegates of the House, making 410 together in the two Houses. The number of public documents sent to each in the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Congresses is 729, making 300,348 volumes at $2 apiece, making $600,696, or $150,174 in each Congress.

My position, whether right or wrong, is that these books are absolutely worthless to us, and I have found out by experience in my public duties that they are useless to our constituents.

Mr. TELLER. The Senator says the whole money expended is a waste; but does ever a government in the world fail to publish the record of its legislative proceedings? Was there ever a government that failed to furnish the representatives of the people a copy of all the records of its action? Has there ever been a time in the history of this country when a Senator or Member of the House did not get a copy of the Journal, not only of his body, but of the other? And what kind of a government would it be if we got down to that point of economy that we could not afford to give to each Senator and Member a copy of the proceedings of both bodies, and that we could not afford to give a copy to the public libraries of this country? Thirty-one hundred copies will not more than furnish one to each library in this country; it will not begin to do it. In the State of Colorado we are entitled to thirteen numbers, but it does not begin to supply the libraries of the State, let alone private libraries. It does not supply the principal libraries of the State.

Mr. MANDERSON. I will say to the Senator, with his leave, that of the class of publication to which he refers, the Senate and House Journals and the bound reports of committees of both Houses, the State of Colorado gets but six copies. Three go to the libraries designated and one to each member of the Senate and House from the State.

Mr. TELLER. Nobody can complain of that. If the documents accumulate in the Capitol, if in one of the committee-rooms they accumulate excessively, the whole expense, I repeat, is not very great, and I do not see why they should not be in the committee-rooms.

I have not had the good fortune to be connected with committees that I had very much control of so as to have many of these books. I think at this session for the first time in my eight years' service in this body I am in a committee-room that has something of a library. It has the statutes; it has some of these proceedings, and I must say I felt quite elevated when I got in there where I could get a book when I went to the committee-room without having to send to the public Library, and that I could spend ten, fifteen, or twenty minutes with some advantage to myself, and I hope to that of my constituents, looking up a subject connected with legislation. I never had before, and I never before heard any Senator complain that his committee-room was overstocked with books since I have been here. They may be so, but it has been true so far as I am concerned in my committee-rooms that there are a great number of shelves which are bare on which many books might be put. I think it would be of advantage to some members of the committees, myself at any rate, especially if I should have time to study.

Mr. HAWLEY. If this discussion is to go on, I propose to contribute an observation that may possibly be of some use.

The Senator from Missouri talks of the overloaded committee-rooms. Many of the committee-rooms have a large number of books that are of no possible use for the studies of that committee-room; but if there be a committee-room that has a complete collection of the peculiar books needed for its exact work, I do not know where it is. One would suppose that the first desire of a committee would be to have in its room a collection of the reports made by that committee from the beginning. I think a few years ago there was not one in a single room in this building. I know that the Military Committee did not have it and many others did not. Mr. McKee, of the Senate library, formerly of the document-room, has been making a private effort in this direction for some months and has succeeded in getting one copy for each committee-room of the Senate and of the House of all the reports that those committees have made—some of them are, of course, comparatively new committees—but running back to the war of 1812, when many of the documents were destroyed. But not only would a committee desire to have the reports made by that committee, but they naturally need a collection of all the statutes, and of all Government documents pertaining to the business of that particular committee.

If I dared to make a practical suggestion in the way of advice, I would say to the chairmen of committees that the lack under which they labor is very largely their own fault; that they can direct their clerks to begin now to make a collection of the specialty library that the committee needs. I am doing that work and have very much interest in it.

Mr. GORMAN. Mr. President, the remarks submitted by the Senator from Missouri on Monday last, and which he has substantially repeated to-day, convey, though of course not so intended by him, a false impression, in my judgment, of this whole matter. That there are abuses, that there is some extravagance in the number of documents ordered to be printed by Congress, is, in my judgment, beyond question. But when the Senator from Missouri says that we are throwing away $150,000 per annum in the publication of useless documents, such as the Journals of the two Houses and the various reports from the Departments, he is entirely mistaken. As the Senator from Colorado has well said, the great cost of the publication of these documents is the setting them in type; and when you have ordered 500 or 1,000 copies to be printed, the additional number up to 1,900 or 2,000 is insignificant. It is the mere cost of the paper and press-work.

Mr. VEST. And the binding.

Mr. GORMAN. The binding, of course, costs so much per volume. But there is not $150,000 or any other great amount of money thrown away each Congress in printing.

I submit to the Senator from Missouri that the natural inference from what he has said would be that the Committee on Printing have not been looking to and guarding carefully the interests of the Government. I have served upon the Committee on Printing for six or seven years, and each and every year it has been endeavoring to reduce the expenditures on account of public printing. There has never been a proposition made by that committee to reduce the number and the cost of public documents, some of which were considered entirely useless—at all events the printing of which was extravagant—that my friend from Missouri, who is a great economist, has not led the fight to increase the number, and almost invariably the reports of the Committee on Printing have been disagreed to and the largest number proposed has been ordered. I submit in this matter of the publication of the Journals of the two Houses, 3,100 copies may possibly be an excessive number, but my attention had not been called to that particular publication before, and I doubt whether that of the chairman of the committee has been called to it. Possibly 600 copies might be sufficient; but surely of the message of the President of the United States and the reports of the various Departments 1,900 copies are not too great a number to be distributed among the people.

The Senator from Missouri and myself may not care to look at them; we can send to the document-room and get them; but for distribution throughout the country, in my judgment, 1,900 is not too great a number. There is never a message sent in by the President of the United States that there is not a motion made by either a member of the Senate or of the House, and usually agreed to unanimously, for the printing of an additional number.

I hold in my hand a statement made by the Public Printer showing the exact number of documents ordered, the number fixed by law, and the number ordered by resolution of either House of Congress or of both Houses. If the Senator will refer to the Public Printer he will find that the whole expenditure per annum is $550,000. The Committee on Printing have struggled for several years to reduce the number of reports to be printed and the illustrations, and in the Agricultural Report alone at the last Congress we saved $55,000 in the illustrations. The innumerable reports that come in from heads of Departments, of which an extraordinary number is ordered to be printed, have run this amount up; but under the supervision of the Committees on Printing of both Houses of Congress, while the volume of work from the Government Printing Office has exceeded by 20 per cent. that of four years ago, the expenses of that great department have been kept down, because we have eliminated the expensive illustrations which heretofore were found in all these reports.

Now, I say to the Senator from Missouri that there is absolutely nothing in this case, unless Congress shall determine that it will reduce the number of documents, such as the Journals of the two Houses and reports of the Departments, below what was thought necessary fifteen years ago. The broad proposition that will have to be met when his resolution comes up for consideration is whether the number is to be decreased; and when you decrease the number from 1,900 to 1,000 or 1,200, as proposed by my friend from Missouri, the saving will be insignificant.

Mr. VEST. The Senator will see that he is mistaken as to the numbers printed. Of the Senate Journal alone 3,194 copies are printed, and of the House Journal 3,128. The Public Printer is printing this number from year to year.

Mr. GORMAN. The fact the Senator from Missouri presents ought to be considered; but that practice has crept in and has not been corrected, and I am glad the Senator from Missouri has called attention to it; but what I wanted to do was to enter my protest against the natural inference to be drawn from the remarks of the Senator from Missouri, that the Committees on Printing had been careless in the expenditure of the money.

Mr. VEST. I did not say that.

Mr. GORMAN. No, sir; the Senator from Missouri did not say that, but it is the natural inference to be drawn from what he said as to the extravagant expenditures of an unnecessary $150,000 each year. It is not one-tenth of it.

Mr. VEST. I made no attack upon the Committee on Printing. They made a report here and I took occasion to call their attention to what the Senator from Maryland himself knows is a mistake in the Revised Statutes in regard to the printing of the Journals. I made no reflection on the committee. If I have succeeded in drawing attention to this matter and any reform is inaugurated, I shall be glad.

Mr. GORMAN. The exact language of the Senator from Missouri was:

In other words—

Referring to the printing of the executive documents and the Journals—

In other words, we have thrown away in these four Congresses alone $1,200,000 of the public money.

Mr. VEST. I repeat it.

Mr. GORMAN. I say the Senator is mistaken, notwithstanding the

fact that he repeats his statement. I say to him that there is no escape from printing the President's message and the accompanying documents from the Departments; there is no escape from printing the Journals of the House and Senate, and when you have ordered the printing of 100 copies, the number may be increased without amounting to one-tenth of the sum he has named, and therefore his statement is misleading. The impression of the country will be that we have been throwing away $1,200,000, when the fact is that by the passage of his resolution he would not save $50,000 per annum.

Mr. SAWYER. I move that the Senate proceed to the consideration of private pension bills favorably reported on the Calendar.

Mr. MANDERSON. I appeal to the Senator to give way. I do not think any one desires to be heard further on this resolution, and if it can be considered and passed, I desire to modify it.

Mr. SAWYER. If the Senate will come to a vote on the resolution, I will not insist on my motion.

The PRESIDENT *pro tempore*. The yeas and nays not having been ordered, the Senator from Nebraska has a right to modify his resolution.

Mr. MANDERSON. I send the modification to the desk.

The SECRETARY. It is proposed to strike out all after the word "undistributed," in the fourth line, and insert:

The Secretary of War is requested, whenever the information is desired by any member of Congress, to furnish such member a list of names of those designated to receive the publication within the State or district represented by such member of Congress.

The resolution as modified was agreed to.

THE MEXICAN FREE ZONE.

Mr. MORGAN submitted the following resolution:

Resolved, That the Secretary of the Treasury is directed to inform the Senate whether and to what extent the customs laws and regulations of Mexico, in the belt of country known as the Free Zone of Mexico, extending along our border, has encouraged smuggling across that border into either country, the estimated loss of revenue to the United States from that cause, the means employed, or that are necessary to prevent such smuggling, and the additional cost to the United States of the necessary agencies to prevent the violation of its laws in consequence of the existence of that Free Zone.

The resolution was considered by unanimous consent, and agreed to.

Mr. MORGAN. I submit the following resolution:

Resolved, That the Secretary of State is directed to send to the Senate copies of all correspondence with the Government of Mexico, or its diplomatic representatives, not heretofore published, respecting the laws and regulations of that Republic relating to customs duties and their collection in the belt of border country extending with our frontier from the mouth of the Rio Grande to the Pacific Ocean, known as the Free Zone of Mexico.

Mr. EDMUNDS. I suggest to the Senator from Alabama that the ordinary course has been, and I think it ought to be, in calling for diplomatic correspondence, that the request should be addressed to the President, with the usual clause, "if not in his opinion incompatible with the public interest."

Mr. MORGAN. I had been informed that the minister from Mexico had made a voluntary communication to the Secretary of State setting forth what the laws and regulations were.

Mr. EDMUNDS. I dare say that may be true as matter of fact, but officially we do not know it. I think we had better preserve the usual form.

Mr. MORGAN. That was the reason why I put the resolution in the form I did, knowing there was no secret about the matter. I am quite willing to change it so as to direct the resolution to the President, "if not incompatible with the public interest."

The PRESIDENT *pro tempore*. The modification of the resolution will be read.

The Chief Clerk read as follows:

Resolved, That the President, if not incompatible with the public interest, is requested to send to the Senate copies of all correspondence with the Government of Mexico, etc.

Mr. EDMUNDS. It should be, "if in his opinion not incompatible with the public interest."

The PRESIDENT *pro tempore*. The resolution as proposed to be modified will be read.

The Chief Clerk read as follows:

Resolved, That the President, if in his opinion not incompatible with the public interest, is requested to send to the Senate copies of all correspondence with the Government of Mexico, etc.

The resolution as modified was agreed to.

ADJOURNMENT TO MONDAY.

Mr. MORGAN. I move that when the Senate adjourn to-day it adjourn to meet on Monday next, at 12 o'clock.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives yesterday, were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 1612) to provide for holding terms of the United States district and circuit courts in the State of Nebraska;

A bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased;

A bill (H. R. 3361) to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensborough, in said district, and for other purposes; and

A bill (H. R. 4375) to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas relating to certain territory by them respectively claimed.

The following bills, received from the House of Representatives today, were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 2093) for the relief of John K. Le Baron; and

A bill (H. R. 4557) for the relief of George F. Chilton.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the act (S. 1754) for the relief of Henry H. Marmaduke, of Missouri; and on the 15th instant the joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

COMMITTEE SERVICE.

Mr. SAWYER. Before proceeding with the pension bills I wish to ask the Senate to excuse me from further service upon the Committee on Education and Labor. I have so much work to do on other committees that it is utterly impossible for me to attend to the business, and I ask that the Chair fill the place if the Senate will excuse me.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks to be excused from further service upon the Committee on Education and Labor, and that the vacancy caused by his resignation be filled by the Chair. Is there objection? The Chair hears none, and it is so ordered.

The Chair appoints the Senator from Virginia [Mr. RIDDLEBERGER] to fill the vacancy upon the Committee on Education and Labor.

IMPROVEMENT OF OHIO RIVER.

Mr. QUAY. I ask the Senator from Wisconsin to give way for one moment for the passage of a resolution calling on the War Department for information.

Mr. SAWYER. I yield for that purpose.

Mr. QUAY. I offer the resolution which I send to the desk.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to report to the Senate what amount of money could be profitably expended in the coming fiscal year in locating and continuing the improvement of the Ohio River between Davis Island Dam and a point at or near the mouth of Raccoon Creek in Beaver County, Pennsylvania, in accordance with reports of Col. W. E. Merrill, engineer in charge.

Mr. WILSON, of Iowa. I suggest to the Senator from Pennsylvania that that resolution should be modified so as to read "that the Secretary of War be directed," instead of "requested."

Mr. QUAY. I have no objection to that.

The PRESIDENT *pro tempore*. That modification will be made, if there be no objection.

The resolution as modified was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I ask that the Senate now proceed to the consideration of private pension bills on the Calendar favorably reported.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the Secretary will report the first private pension bill on the Calendar in their order on the Calendar.

Mr. VEST. Do I understand that this only applies to private pension bills?

Mr. SAWYER. Private pension bills reported favorably.

Mr. VEST. Why not take up all the private bills?

Mr. SAWYER. We always take the pension bills by themselves. We can take up the others subsequently.

Mr. VEST. Very well.

MARY GAMMELL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1298) granting a pension to Mary Gammell. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Gammell, widow of Andrew Gammell, late private in Company C, Thirty-fourth Massachusetts Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK BENO.

The bill (S. 39) to grant an increase of pension to Frederick Beno was considered as in Committee of the Whole. It proposes to increase the pension of Frederick Beno, of East Portland, Oregon, to $72 per month.

Mr. BUTLER. Is there a report in that case?

The PRESIDENT *pro tempore*. There is. The report will be read.

The Secretary proceeded to read the report submitted by Mr. PADDOCK January 10, 1888, and having read to the end of the letter signed "M. C. George," namely:

The Committee on Pensions, to whom was referred the bill (S. 39) granting

an increase of pension to Frederick Beno, have examined the same, and report:

That said Beno was a private in Company F, Twelfth Missouri Infantry, and was severely wounded in thigh and arm at battle of Vicksburg, May 22, 1863, and was only pensioned first at $4 per month; afterward increased to $50, and is clearly entitled to $72, as fully appears by the inclosed letters.

All the papers in the Department clearly establish this claim, and your committee recommend the passage of the bill with an amendment, inserting company and regiment in which he served.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 6, 188-.

DEAR SIR: I desire to especially call your attention to the pension case of Frederick Beno, certificate No. 131076, who desires to have his allowance increased from $50 per month to $72 per month, the full sum which I understand can be given for a total disability.

I desire to state, on my own personal knowledge, that Mr. Beno is totally disabled, being unable to walk and having no use of his arms or legs. He suffers intensely, and his neighbors frequently hear him several hundred yards away screaming in his misery. He is compelled to take morphine from six to twelve times a day, and has done so for years, to suppress his pain. From the use of morphine his body has become poisoned, until sores have appeared all over him, scarring his body almost completely. It is necessary to have some one by him all the time to attend to him. Both testicles have had to be removed. He has a wife and three children, and possesses no property, but is a subject of charity upon his relatives, friends, and neighbors. His pain causes him to become delirious at times, and I have seen him in a perfectly insane and raving state; in fact, he is frequently insane, and when in that condition is dangerous to handle, for he then appears to have the power to strike wildly with his arms.

In his sane moments I have conversed with him regarding his service in the war, and, strange to say, notwithstanding his terrible condition, he becomes enthusiastic over the fact that he has sacrificed everything in defense of his country; and I have heard him say he would do it all over again rather than to see his country destroyed.

If there was ever a case that possessed true merit for a full allowance for total disability it is this one.

Yours, truly,

M. C. GEORGE.

Hon. W. W. DUDLEY,
Commissioner of Pensions.

Mr. BUTLER. Unless some Senator desires the further reading of the report, I do not care to hear anything more. I am quite satisfied.

Mr. MITCHELL. I desire to state that I know this man well, and there is no man in the United States suffering more.

Mr. BUTLER. I have no doubt, from the reading of the report thus far, that the man is entitled to a pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JULIET G. HOWE.

The bill (S. 300) granting a pension to Miss Juliet G. Howe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miss Juliet G. Howe, a volunteer nurse during the late war, and pay her a pension at the rate of $25 per month.

Mr. COCKRELL. I call attention to the difference between the bill and the report. The report says "Mrs. Juliet G. Howe" and the bill says "Miss Juliet G. Howe."

Mr. PADDOCK. There should be a correction of the name as printed in the bill. The proper name is Mrs. Juliet G. Howe. She was a Miss Robbins.

The PRESIDENT *pro tempore*. If there be no objection, that amendment will be made.

Mr. COCKRELL. I should like to hear the report read. I should like to know some reason why this lady is given $25 when the widows of soldiers are given only $12. I shall move when the report is read to strike out "$25" and insert "$12."

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PADDOCK January 10, 1888:

That Mrs. Juliet G. Howe served during the war with great distinction as an army nurse, and is now suffering from disease contracted during such service.

The records in the office of the Surgeon-General show that Juliet G. Howe (at that time Juliet G. Robbins) served as a nurse in Hammond General Hospital, Point Lookout, Maryland, from August 3, 1862, to October 5, 1863; at Columbian College General Hospital, Washington, D. C., from June 6, 1864, to August 30, 1864, and at De Camp General Hospital, David's Island, New York Harbor, New York, from September, 1864, to September 19, 1865.

At all places she served with great acceptance to the sick and wounded soldiers and the surgeons in charge, and received flattering testimonials from them.

April 24, 1865, a testimonial, signed by nearly one hundred soldiers, says:

"She has always been kind to us, and we shall always remember her with pleasure. She is indeed the soldier's friend."

At Point Lookout, Maryland, Assistant-Surgeon Allen, United States Army, said:

"Faithful, efficient, always cheerful, beloved by the patients universally. A better nurse could not be obtained. She has had my warmest thanks, and has my heartiest indorsement."

William H. Gardner, assistant surgeon, United States Army, on October 18, 1863, at Hammond General Hospital, says:

"It gives me much pleasure to testify to the character and qualities of Mrs. Juliet G. Robbins (now Howe), who has long been a nurse in this hospital. * * * In her wards she was kind and attentive to the sick and wounded under her care, ever ready to relieve their wants, and never sparing of labor or pains which could conduce to their happiness or comfort."

At same hospital, April 10, 1866, Th. Siebold, acting assistant surgeon, United States Army:

"I take pleasure in offering this trifling mark of regard for Mrs. Juliet G. Robbins (now Howe) and Mrs. M. S. Poole, who have so faithfully attended in my ward since the 20th December last."

The above indorsed by S. H. Allison, acting assistant surgeon, United States Army, and surgeon of volunteers.

At De Camp General Hospital, May 22, 1865, T. E. Martindale, assistant surgeon, United States Volunteers, says:

"My connection with this hospital being about to terminate, I find it difficult to leave without tendering you this expression of my high esteem for you * * * testify to your untiring devotion, your unceasing attention, and your success in ministering to the patients * * * and the eminent abilities you have displayed in your profession of nurse."

This and other testimonials, and the proof of disease and suffering from the sacrifices she then made, satisfy your committee she is entitled to the pension she seeks, and they report said bill favorably, with an amendment changing the word "Miss" wherever it occurs in said bill to "Mrs."

Your committee have made diligent inquiry at the offices of Adjutant-General, United States Army, and Surgeon-General, and can not find that the said nurse was paid for any such service.

The committee recommend the passage of the bill.

Mr. COCKRELL. I move to strike out "$25" and insert "$12" in line 7 of the bill.

Mr. PADDOCK. I hope the Senator will not move that amendment.

Mr. SAWYER. If there is to be a contest, let the bill be passed over.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the bill by striking out "$25" where it occurs and inserting "$12;" so as to read:

And pay her a pension at the rate of $12 per month.

Mr. PADDOCK. I hope the Senator from Missouri will not insist upon the amendment. This is a most exceptional and meritorious case. This woman was a nurse throughout the whole period of the war. The testimonials as to her service are numerous and of the highest character. She never received a dollar of remuneration from any source whatever. She is now an invalid and bedridden. If she were an ordinary nurse she would be entitled to $12 a month; but owing to the fact of her disability she is entitled to an additional amount, and it seems to me that in such a case there ought to be no question as to the sum proposed by the committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. COCKRELL. Mr. President——

Mr. SAWYER. I think we had better pass over the bill and go on with the others, if there is to be a contest.

Mr. PADDOCK. I hope the Senator from Missouri will withdraw his amendment.

Mr. COCKRELL. I shall unquestionably not withdraw the amendment. There is no question but that the amendment is right, just, equitable, and fair in law and in equity. She is not entitled to a pension at all, and this is a mere gratuity. It is not based upon any disease or injury received or contracted in the service in the line of duty. There is not one word in the report to show that there was ever any injury or disability incurred in the service when she was performing the duty of a nurse. It is a mere gratuity. There is no law for granting this pension.

Mr. SAWYER. I ask that the bill be passed over.

Mr. PADDOCK. She received injury in the line of duty. Her health was broken down and ruined by reason of the service she performed. Of course there is no provision of law to cover such cases, but the equities are very strong.

Mr. PLATT. I wish to inquire of the chairman of the Committee on Pensions, or of the Senator from Wisconsin, who has these matters in charge, what has been the usual pension which has been allowed to a volunteer nurse, or whether there has been any usual rate of pension allowed?

Mr. PADDOCK. Will the Senator from Wisconsin——

Mr. SAWYER. I will answer that, if you will allow me.

Mr. PADDOCK. Allow me to make one statement in answer to the question of the Senator from Connecticut. This bill exactly as it is now passed the Senate at the last Congress, and the reasons for its passage now are infinitely stronger than they were then, because this woman is bedridden and ruined in health, and she is a very aged person.

Mr. SAWYER. In answer to the Senator from Connecticut, I will say that it has been the custom of the committee to grant a pension of $25 a month in such cases, but in the last Congress the other House cut most of the bills down, and we acquiesced. However, on a few of them we got a conference committee and some were allowed $20 and some $18, but the other House has been pretty persistent——

Mr. COCKRELL. In cutting them down to $12?

Mr. SAWYER. In cutting them down to $12. If this bill is going to give rise to any discussion, I will ask to have it passed over, unless the Senator from Missouri and the Senator from Nebraska can agree upon an amendment.

Mr. PADDOCK. I am unwilling to accept the amendment, but I will consent that the bill may go over.

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to a vote on his amendment, if he desires.

Mr. COCKRELL. I have no objection to the bill going over, if it is the desire that we shall go on and dispose of unobjected cases.

Mr. SAWYER. There is another bill of the same character which will soon be reached.

The PRESIDENT *pro tempore*. The bill will be passed over, and when again reached the amendment offered by the Senator from Missouri will be pending.

Mr. PADDOCK. I suggest that it be allowed to go over, retaining its place on the Calendar.

Mr. SAWYER. Of course.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

MATTIE GRAZIANI.

The bill (S. 303) granting a pension to Mattie Graziani, of Covington, Ky., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mattie Graziani, widow of Lawrence L. Graziani, late of Company A, Third Regiment United States Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE PARK.

The bill (S. 1299) granting a pension to George Park was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Park, dependent father of William C. Park, Company H, Fifty-seventh Massachusetts Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS January 10, 1888:

The Committee on Pensions, to whom was referred the petition of George Park, praying for a pension, have examined the same, and report:

The petitioner, George Park, alleges that his two sons, H. L. Park and William C. Park, both minors, enlisted in Company H, Fifty-seventh Massachusetts Volunteers. H. L. Park, the eldest, was killed in the battle of North Anna River, June 24, 1864, aged nineteen years. William C. Park was wounded in the battle of the Wilderness; returned to his regiment from hospital; was taken prisoner at the springing of the mine at Petersburgh, and sent to the prison at Danville, N. C., where he died January 6, 1865, aged eighteen years.

The mother is drawing a pension on account of the death of the eldest son, and the petitioner is advised that he can not be allowed a pension under existing laws because the mother is receiving a pension on account of the death of one of their deceased sons.

Petitioner is seventy-three years old; is unable to support himself without outside help; is troubled with varicose veins in his limbs and rheumatism in his shoulder-joints. The Commissioner of Pensions writes to the chairman of this committee in regard to this case:

"The parents had two sons, who were killed or died in the service. Unless the parents are living apart or at variance, the father can not be pensioned under the laws as they now exist."

F. Wessen deposes, August 22, 1866, that William C. Park worked for him for the last two years previous to enlistment, and that deponent paid his wages to the petitioner, amounting to about $40 a month.

October 13, 1866, said Wessen and one F. F. Hopkins made a joint affidavit; Wessen deposing that he employed William C. Park from July, 1860, to December, 1863, at which time he enlisted, and that he, Wessen, paid the father the son's wages, at the rate of $25 to $30 a month, the father being in delicate health and nearly dependent on the earnings of his son for support of his family of wife and four children.

Hopkins deposes that he has known the father and family four years, and that the above statement is true in all respects.

Both deponents also state that the soldier left surviving one sister (Theresa), whose age on January 3, 1866, was five years.

This claim was rejected by the following indorsement:

"May 13, 1877. Rejected. The mother alive."

In view of all the facts in this case, your committee recommend the passage of the bill which is herewith submitted.

Mr. COCKRELL. I should like to ask the Senator from Wisconsin if the mother is still living? This claim was rejected eleven years ago. May 13, 1877, is the date of rejection in the Pension Office. At that time the claim was rejected because under the general law only the mother could draw a pension, whilst living, on account of dependence upon the son. Is the mother still living?

Mr. SAWYER. This is a bill which was reported by the chairman of the committee, and the details are not in my mind. As he is not present, I ask that the bill be passed over. I can not explain it, because I have not in my mind the details.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

CORDELIA R. JONES.

The bill (S. 1300) granting a pension to Cordelia R. Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cordelia R. Jones, widow of Theodore Jones, a private in Company G, Twenty-eighth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HETTIE K. PAINTER.

The bill (S. 434) granting a pension to Mrs. Hettie K. Painter was announced as the next pension bill on the Calendar.

Mr. COCKRELL. Is there a report in that case?

Mr. SAWYER. I ask that this bill be passed over. It is a bill of the same kind reported by the Senator from Nebraska [Mr. PADDOCK] as the one which was passed over a few minutes ago.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar, if there be no objection.

HARLOW B. HYDE.

The bill (S. 1427) granting a pension to Harlow B. Hyde was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harlow B. Hyde, dependent father of George B. Hyde, late a private in Company C, Second Wisconsin Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. PEAVEY.

The bill (S. 1478) granting a pension to George W. Peavey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Peavey, late first lieutenant Fifty-seventh United States Colored Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. DAVIS.

The bill (S. 1111) granting a pension to Mary J. Davis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Davis.

Mr. PLATT. Ought not the bill to state the connection of Mary J. Davis with the service, or something of that sort?

Mr. COCKRELL. I ask for the reading of the report in that case.

Mr. PLATT. I ask first, if the Senator will permit me, that the bill be read once more.

Mr. HARRIS. Let the bill be read first.

Mr. COCKRELL. I was just glancing at the report. There is no soldier named in it.

The bill was read.

Mr. PLATT. My point was this: I thought something should appear in the bill showing some claim to a pension. It states nothing about it, whether she was a nurse, a dependent mother, or a widow.

Mr. COCKRELL. Let part of the report be read and then I will suggest an amendment to cover the point which the Senator raises, which is a legitimate one, I think.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. SAWYER January 17, 1888, as follows:

The Committee on Pensions, to whom was referred a bill granting a pension to Mary J. Davis, have examined the same, and report:

The claimant is the mother of the late Lorenzo Crittenden, who was ward-room steward on board the United States ship Guerriere. As to his service the Third Auditor says:

"He enlisted on the Ohio June 15, 1867, was transferred to the Guerriere the same day, and served on that vessel to May 15, 1869, when he was discharged."

He had previously enlisted and served on the United States ship Pawnee, and served out the term of his enlistment, when he was discharged.

A claim filed by him for pension, in consequence of disabilities incurred during his service, was pending at the time of his death, which occurred at Sailors' Home, Quincy, Mass., January 22, 1880.

The mother's claim was rejected July 18, 1885, "on the ground that the sailor's death was not the result of disease incurred in the service and line of duty, but, as indicated by the report made upon special examination, most probably the result of vicious habits."

This is certainly the conclusion of the special examiner appointed to investigate the claim, but in the opinion of the committee it is not justified by the testimony filed in the claim, nor does it furnish any information in addition or contrary to that already produced. The origin of the disease is shown by the testimony of his comrades.

Joseph Fletcher and Henry Peters swear that they knew Crittenden since the year 1867, being on the same ship with him; that they well remember his sickness on board the Guerriere by reason of the positions, Fletcher being steerage cook and Peters being ward-room waiter; they knew from the conversation of the doctor that Crittenden was sick with rheumatism.

Benjamin F. Page swears to his personal knowledge of the man and of his sickness on board the same vessel.

George F. Long swears that he was in the service with Crittenden, and knows he was sick before and after discharge.

William E. Corthel swears that he knew Crittenden since 1862; in 1869 and 1870 worked for the same man, and during that time he was lame and used up with rheumatism in left side, leg, and ankle; saw him often until he went to the Quincy Home, and afterwards saw him frequently and noticed that he was partially paralyzed.

William T. Prindell swears that he first knew Crittenden in 1867, and in October, 1869, sailor came to him lame and sick with rheumatism in left side, leg, and ankle. He offered to work without wages if witness would take him in. Witness did so, and Crittenden worked about the dining-room, at times so used up that he could do little or nothing. At this time Dr. Leighton boarded with witness and prescribed for both of them for rheumatism. In May, 1870, witness became embarrassed and gave up business, and Crittenden went to work for P. S. Wetherell on or about the same terms as for witness, and Dr. Leighton also boarded with Wetherell and prescribed for sailor. As witness and Crittenden were afflicted in the same way, it is natural that witness remembers that Crittenden kept getting worse and worse, and his disability increased until he became paralyzed. Dr. Leighton is dead and Wetherell has lost his mind.

Samuel D. Harrington and John P. Fitzgerald swear that sailor was treated from November 1, 1869, to the latter part of 1871 by Dr. Leighton for rheumatism, and he was not able to keep employment on account of his disability. Patrick Fitzgerald and Joel Wilder knew Crittenden from 1869 to 1871, and boarded where Crittenden worked; know that he had rheumatism off and on all the time, sometimes being confined to bed.

Philander T. Wetherell swears to Crittenden's being in his employ from November, 1869, to fall of 1871, and was attended by Dr. Leighton, now dead.

Dr. Thomas Hall swears that he was Crittenden's physician four years, and attended him various times for chronic articular rheumatism, from which he was never entirely free; and latterly for uræmic convulsions, followed by paralysis of left side, rendering him perfectly helpless.

Dr. Faxon, superintendent of Quincy Home, says Crittenden was admitted to home December 27, 1875. Disease, paralysis. No treatment aside from battery. Died January 22, 1880. Cause, paralysis, which, he says, was caused by tobacco.

It may be here remarked that the paralysis ensued after "chronic articular rheumatism," from which the man became partially before he was wholly paralyzed. He was a great and almost helpless sufferer from this first cause, and it seems a little strained and far from consistent to trace paralysis to tobacco.

These witnesses are all residents of Boston, Mass.

There were two special examinations, the first in Washington, the last in Boston. In the first there were no developments. The last was an *ex parte* investigation. No one representing the interests of the claimant had anything to do with it. In this examination Isaiah Prindell appears as a witness. He begins by saying that he is not certain, but thinks he knew Crittenden before 1860; and then goes on to testify in reference to him as to his condition prior to his voyage on the Guerriere. "It was about 1865 or 1866 that he worked for affiant." He

knows of his going to the home on account of rheumatism and paralysis. He does not know how he incurred rheumatism, but he said it was in the service. While he knew him his habits were fair. He smoked some; do not know that he chewed any. Did not smoke much.

Mrs. Mary Snow testifies in this examination, but it is principally as to what she does not know.

The doctors who treated him in hospital and at the home differ in their testimony. Some say he drank and smoked excessively. Some say he had delirium tremens, others not. Dr. Hall never saw him drunk. Testifies from memory. Dr. Faxon, of the home, says his disability when admitted to the home was paralysis; he died of general debility resulting from that; don't know that paralysis was the result of rheumatism; he really worried himself to death—disappointed that he could not recover from his paralysis. He did not drink, but he smoked; he (Dr. Faxon) served tobacco to all who were able to use it. Some he cut off; they were not strong enough. He could not say that tobacco caused his death. Again he says his paralysis was caused by tobacco; reason for this opinion is his conversations with him; he never examined him. George F. Going, his shipmate, sailed with him from Boston to Rio Janeiro. He used to smoke and took a glass occasionally; never saw him the worse for liquor.

William E. Corthel, who testified in the special examination, says his habits were good; never saw him under the influence of liquor; saw him many times day and evening. "It was not a fact that he was a hard drinker or smoker; saw him every day or two for nearly two years; he smoked cigars; he used to drink beer; have seen him and know."

Samuel D. Harrington, in special examination, says he was not a bad drinker; never saw him intoxicated; smoked like the average of men. This special examination has produced nothing new except some few contradictions.

A. H. Shattuck, Second Auditor's Office, in a letter to the Commissioner of Pensions, written October 13, 1884, says as to the son's supporting his mother that he was in no condition to do so.

"He always expressed a desire to assist his poor old mother, who was once a slave, but circumstances prevented. The claimant, Mrs. Mary J. Davis, and her daughter live together and support themselves by taking washing. I always thought Mr. Crittenden in every sense a gentleman; his habits were temperate, and the officer in the hospital in which he died spoke of him to me in the highest terms."

Mrs. Davis and her children were slaves. They first belonged to John C. P. Peter, late of Montgomery County, Maryland. They afterwards became the property of the Rev. Charles H. Nourse, of Georgetown, D. C., from whom Mr. W. W. Corcoran, of Washington, D. C., purchased their freedom. Lorenzo, the deceased son, was for some years after a servant in Mr. Corcoran's family. She has one daughter, feeble in health. The two have for years struggled to procure needful food by doing such work as they could get and were competent to perform. She was, beyond any question, a dependent mother, dependent, unfortunately, in the eye of the law, upon a sick and dying son. There is no question as to the relationship or the dependence. There is no pretense that the claim should not be allowed, except that stated in the communcation of the Commissioner of Pensions, that the son's death was attributable to "vicious habits." This inference can only be drawn from the contradictory testimony of some of the witnesses.

Lorenzo Crittenden was some five years in the service of the Navy. His last three years were in part spent in South American ports. The records of the Navy Department show that he was ill at more or less frequent intervals during the cruise. From the time of his discharge he was disabled, and his disability gradually increased until he was stricken down with paralysis, and death soon after ensued. The predominance of testimony is against the theory of vicious habits, and in the opinion of the committee, in view of the weight of respectable and convincing proof to the contrary, it is an unjust decision.

The bill is reported favorably with a recommendation that it do pass.

Mr. COCKRELL. I move to add to the bill, after the words "Mary J. Davis," the words "dependent mother of the late Lorenzo Crittenden." I am not exactly familiar with the designations of those employed in the service. I suppose it would be correct to add after "Lorenzo Crittenden" the words "an enlisted man in the naval service."

Mr. SAWYER. Yes, I think so.

Mr. PLATT. Anything that will identify the pensioner will do.

Mr. COCKRELL. He was a ward-room steward, and the Third Auditor says he was enlisted, and served, when he was discharged; so I suppose we could call him an enlisted man in the naval service.

Mr. SAWYER. It is an oversight that some such clause was not put in the bill.

Mr. DOLPH. Let the amendment be read.

The CHIEF CLERK. It is proposed to add to the bill, "dependent mother of the late Lorenzo Crittenden, an enlisted man in the naval service."

Mr. SAWYER. There is no objection to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. KAISER.

The bill (S. 124) granting a pension to Henry F. Kaiser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry F. Kaiser, late a private in Company E, Forty-ninth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SACKMAN, SR.

The bill (S. 465) granting a pension to William Sackman, sr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Sackman, sr., late a private in Company K, Fifth Regiment Missouri State Militia Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA DOUGLASS.

The bill (S. 339) granting a pension to Eliza Douglass was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Douglass, dependent mother of James Douglass, late of Company H, Fifth Regiment Colored Troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POLLY H. SMITH.

The bill (S. 43) granting a pension to Polly H. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Polly H. Smith, widow of the late John H. Smith, brevet captain Company L, Second Regiment United States Artillery, at the rate of $50 per month, from and after July 1, 1886.

Mr. COCKRELL. I should like to hear the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report, submitted by Mr. TURPIE January 17, 1888, as follows:

The Committee on Pensions, to whom was referred the bill (S. 43) granting a pension to Polly H. Smith, have examined the same, and report as follows:

The claimant is widow of John H. Smith, brevet captain Company L, Second Regiment United States Artillery, now deceased. The service record of husband is as follows:

He enlisted as a private in Battery L, Second Regiment Artillery, at Newport, Ky., January 27, 1854; was discharged by reason of expiring of term of service January 27, 1859; re-enlisted in same corps February 22, 1859; was discharged from second enlistment August 14, 1863, by reason of appointment as second lieutenant in same corps of artillery. Was promoted to first lieutenant June 13, 1864. He served in Army of Potomac, in Army of Cumberland, in Maryland and District of Columbia, in New York and Florida, until 1865, afterwards in California, in Washington, Arizona, and Alaska, in active service until December, 1879, sixteen years.

The history of the disability and death of the soldier is as follows: He was detailed in 1868 to act as assistant quartermaster and acting commissary of subsistence in Washington. His duties as such were very laborious, and he was almost constantly in the saddle. After several months' service as such, at the close of a long day's ride he discovered that he was injured; this was the beginning of fistula in ano. He underwent three operations of the knife for relief. The last wound was seven months in healing, and before healing the fistula appeared in another place, leaving him in a worse condition than at first, with health utterly broken. December 9, 1870, he applied to be relieved from active duty, and a retiring board of the Army, convened for that purpose at San Francisco, did retire him after fully hearing evidence, "as incapacitated for further duty by reason of disease contracted in the line of his duty." He died very suddenly at Portland, Oregon, September 8, 1885, reported as of "heart disease," while engaged in lifting a trunk. The evidence shows him to have been at the time of his enlistment and up to 1868 a man of excellent health, robust constitution; never before sick a day in his life. After 1870 never well; always suffering. The heart disease is characterized as sympathetic, the result of his other ailments and injuries. He died fifteen years after his retirement, but there is no evidence that he ever recovered his health. His ill health and disability were incurred in the line of service. The marriage took place at Fort Ridgely, March 5, 1860; is testified to by the adjutant-general of post and sutler, who were eye-witnesses.

It is recommended that the bill be reported back with recommendation that it do pass.

Mr. COCKRELL. I should like to call the attention of the committee in this case to the fact that after the name of John H. Smith appear the words—

Brevet captain Company L, Second Regiment United States Artillery, and to pay her a pension at the rate of $50 per month from and after July 1, 1886.

That is granting arrears of pension.

Mr. SAWYER. I suggest that those words be stricken out. Their insertion was an error.

Mr. COCKRELL. Before I move to strike out those words I wish to include a little more. This officer was never anything but a lieutenant. I have never known any one to be pensioned according to the brevet rank of a deceased officer or soldier. I move to strike out the words "brevet captain" and in lieu to insert "lieutenant," and it will then read, "John H. Smith, late lieutenant Company L, Second Regiment United States Artillery," and then I move to strike out the rest of the bill, so that it will pension her as the widow of a lieutenant.

Mr. SAWYER. Very well.

The PRESIDENT *pro tempore*. The proposed amendment of the Senator from Missouri will be read.

The CHIEF CLERK. In lines 6 and 7, it is proposed to strike out the words "brevet captain" and insert the words "late lieutenant."

The PRESIDENT *pro tempore*. The amendment will be agreed to, if there be no objection.

Mr. HOAR. Before the amendment is agreed to I should like to know whether the officer actually acted as captain, performing the duties of captain.

Mr. COCKRELL. He was simply a lieutenant in the regular Army. Any lieutenant, even a junior or second lieutenant, may occasionally perform the duties of a captain.

Mr. HOAR. On what account is the pension conferred?

Mr. COCKRELL. It is conferred because the Pension Office refused it. The Pension Office said the disease of which he died very suddenly did not originate in the service in the line of duty. The committee think that it is sufficiently attributable to his service to pension him.

Mr. HOAR. When the disease originated was the officer actually acting as captain in the advanced rank, whatever it was, or as lieutenant?

Mr. COCKRELL. Probably as a private. He was a private for a long time. It was only in 1863 that he became a lieutenant.

Mr. DOLPH. I call for the reading of that portion of the report which speaks of his duties at the time he discovered that he was injured.

Mr. HOAR. Before that is read, allow me to state, with the leave of the Senator from Oregon, a question which has been presented at the Pension Office and also presented to the Committee on Pensions of the

Senate. For instance, all the commissioned officers of a company may be killed in an action, the sergeant takes command, and while he is actually in command of the company he receives a wound which is the origin of his disability. Thereafter he is commissioned. The Pension Office under existing law declines to give him a pension attributable to the rank which he is actually exercising, pensioning him only in accordance with his actual rank. I believe justice requires that we should give the officer the pension in accordance with the rank he is actually holding, occupying, exercising at the time of his disability, and I do not want to insert anything in this bill which puts up the bars against that doctrine.

Mr. COCKRELL. I do not want anything to go into the bill that would seem to sanction the position taken by the Senator from Massachusetts. It is an old controverted question. It was before the Committee on Military Affairs for a long time, and it has been considered settled for a long time. There was at one time a bill passed authorizing a certain class of officers to be retired upon the rank of their command. A lieutenant-colonel under that law could be retired with the rank of major-general. That law was repealed after full discussion.

It has never been held in the whole service of the Army that because a lieutenant might be called upon to command a company, or a captain called upon to command a regiment, whilst he was so commanding he should be considered as holding the advanced rank as to pay and emoluments, or anything of that kind.

Mr. HOAR. I do not speak of that. I speak simply of his pension after a disability incurred when he was acting in an advanced position.

Mr. COCKRELL. If he should be pensioned according to the rank of his command, why should he not be paid according to it?

Mr. HOAR. I think there is a great difference when the man has been actually wounded.

Mr. COCKRELL. But that question would not be affected one way or the other by the amendment I propose, because my amendment simply gives him the rank he really held, about which there is no controversy.

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment proposed by the Senator from Missouri?

Mr. DOLPH. Let the portion of the report which refers to the disability which led to the death be read.

The PRESIDENT *pro tempore*. That part of the report will be again read.

The Secretary read as follows:

The history of the disability and death of the soldier is as follows: He was detailed in 1868 to act as assistant quartermaster and acting commissary of subsistence in Washington. His duties as such were very laborious, and he was almost constantly in the saddle. After several months' service as such, at the close of a long day's ride, he discovered that he was injured; this was the beginning of fistula in ano. He underwent three operations of the knife for relief.

Mr. DOLPH. That is enough. I simply desire to say that this is a very meritorious case, so far as the widow is concerned. Her necessities are great, and, in fact, she is in destitution. I of course would not desire to make a precedent which would be troublesome hereafter; but if the widows of other officers in similar cases have received the amount called for by the bill, there is no reason why there should be a discrimination made against this claimant.

Mr. COCKRELL. There is no reason why a discrimination should be made in her favor, and I want simply to place her on an equality with other widows whose husbands' deaths were caused directly by injuries received in the service in the line of duty.

This lieutenant died of heart disease, and it is only indirectly that you can attribute his disease to the service. Now we place her on an equality with all the others. If the others are getting $50 she will get it; if they are getting $40 she will get it, whatever the amount may be.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The CHIEF CLERK. After the word "month," in line 8, it is proposed to strike out the words "from and after July 1, 1886."

The PRESIDENT *pro tempore*. The amendment will be agreed to, if there be no objection.

Mr. COCKRELL. No; my amendment is to strike out all after the word "artillery," which would simply leave the case as was indicated a moment ago.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri will be so stated.

The CHIEF CLERK. After the word "artillery," in line 7, it is proposed to strike out the words:

And pay her a pension at the rate of $50 per month from and after July 1, 1886.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS CHAPMAN.

The bill (S. 74) to increase the pension of Thomas Chapman was considered as in Committee of the Whole. It proposes to increase the pension of Thomas Chapman, of Campbell County, Tennessee, to $25 per month, his disabilities being such as to require the constant attention of some person to take care of him.

Mr. COCKRELL. I should like to ask whether the special bill we passed recently would affect this case.

Mr. SAWYER. What is this case?

Mr. COCKRELL. It is the case of Thomas Chapman, proposing to increase his pension to $25, his disability being such as to require constant attendance. The bill we passed recently did not affect this kind of a case, I understand.

Mr. SAWYER. No, it did not affect this kind of a case. This case is all right, and the bill ought to pass just as it was reported.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'GRATH.

The bill (S. 1512) granting an increase of pension to John McGrath was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John McGrath, late a private in Company D, Twenty-third New Jersey Volunteers, at the rate of $30 per month, in lieu of that which he is now receiving.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. BLODGETT January 18, 1888, as follows:

The petitioner, who was a private in Company D, Twenty-third New Jersey Volunteers, enlisted August 26, 1862, was mustered out September 13 of the same year, and was discharged February 14, 1863. In his application for a pension, filed February 10, 1879, he claimed that in the fall and winter of 1862 he contracted a severe cold, which settled in his lungs, resulting in incipient consumption, which later became chronic. This claim he substantiated, and was pensioned from February 15, 1863, at $4 per month, and from March 3, 1880, at $8 per month. On April 11, 1880, he made application for an increase of pension on the ground of increased disability. This was granted August 27, 1880, since which time he has received $16 per month. He now prays for further increase, alleging diseases of heart, kidneys, and liver, and claims to be totally incapacitated for labor.

The reports of the examining surgeons fully substantiate the claims of the petitioner, and after careful examination of other evidence the committee feels justified in recommending favorable action on his petition and accompanying bill.

Mr. COCKRELL. I do not see in the Chamber the Senator from New Jersey [Mr. BLODGETT], who reported this bill. There is no mention made in the report of any action in the Pension Office since August 27, 1880. The Pension Office has always been, as I understand, liberal in allowing an increase and in reopening and reconsidering cases. I do not see that in this case any effort has been made since 1880 to have the pension increased. If no effort has been made at the Pension Office for an increase of pension, I submit that now, seven years after his pension was increased to $16, the Committee on Pensions ought not ask us to take this bill up and entertain jurisdiction of it until the matter has first been presented to the Pension Office. If we follow such a practice we shall simply turn the Senate into a pension office, to consider claims of every kind before they have been passed upon by the Pension Office itself.

Mr. SAWYER. The rule of the committee is as the Senator from Missouri has said it should be, but by some means a large number of such bills came to us. I ask that this bill may go over, as the Senator who reported it is not present, and I do not remember the case.

The PRESIDENT *pro tempore*. The bill will be passed over and retain its place on the Calendar, if there be no objection.

Mr. COCKRELL. Oh, yes; let it retain its place on the Calendar.

MANON VANGORDON.

The bill (S. 330) granting a pension to Manon Vangordon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Manon Vangordon, brother of Jacob Vangordon, late of Company K, Eighty-fourth Indiana Volunteer Infantry.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PADDOCK January 18, 1888:

The Committee on Pensions, to whom was referred the bill (S. 330) granting a pension to Manon Vangordon, have examined the same, and report:

It appears from the papers in this case that Jacob M. Vangordon enlisted September 28, 1862, and served as a private in Company K, Eighty-fourth Regiment Indiana Volunteers, and that while so serving he was killed by a gunshot wound received in the line of duty at or near Atlanta, Ga., in 1864. Manon Vangordon, the sole surviving brother of Jacob, who, except for his age, would be entitled to receive a pension, who is totally blind and helpless and was dependent upon his brother during his life-time for support, and who is now a subject of charity, applied to the Pension Office for pension, which application was rejected because he was more than sixteen years old when the soldier died. He was forty-five years old in September, 1885, when his claim was presented to the Pension Office.

The record shows Jacob Vangordon to have been a good, true, and brave soldier; that he served about two years, and finally lost his life in the line of duty, and the committee are of the opinion, considering his honorable and useful service and the loss of his life under such circumstances, and the dependent condition of the brother, that the Government can well afford to make an exception in this case.

They therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN KALBFLEISCH.

The bill (S. 331) granting a pension to John Kalbfleisch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Kalbfleisch, Company A, One hundred and sixteenth Ohio Volunteer Infantry, at the rate allowed for loss of leg.

Mr. PLATT. Is not that very indefinite, "at the rate allowed for loss of leg?"

Mr. PADDOCK. He lost his leg below the thigh.

Mr. PLATT. Ought not the bill to specify the loss of leg above the knee? I suggest that that amendment be made.

The PRESIDENT *pro tempore*. The amendment proposed will be read at the desk.

Mr. COCKRELL. It was the right leg in this case that was lost, but the report does not state whether it was lost above the knee or not.

Mr. PLATT. That is the amendment I propose.

Mr. PADDOCK. The proof discloses the fact that it was lost just below the thigh.

Mr. SAWYER. Then it was above the knee.

Mr. PADDOCK. It was above the knee, which is the technical expression.

Mr. COCKRELL. Then let the bill state that the pension is granted for the loss of leg above the knee.

Mr. PLATT. That is what I propose.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. After the word "leg," at the end of the bill, it is proposed to insert the words, "above the knee;" so as to read:

At the rate allowed for loss of leg above the knee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL LANE.

The bill (S. 122) granting a pension to Samuel Lane was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Lane, late of Company G, Fifty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. BALLIER.

The bill (S. 1613) granting an increase of pension to John F. Ballier was considered as in Committee of the Whole. It proposes to increase the pension of John F. Ballier, late colonel of Ninety-eighth Pennsylvania Volunteers in the war of the rebellion, at the rate fixed by law for cases of total disability.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILLIPE RAY.

The bill (S. 1614) granting a pension to Phillipe Ray was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phillipe Ray, late of Company B, First New Jersey Cavalry in the war of the rebellion.

Mr. COCKRELL. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report, submitted by Mr. QUAY January 24, 1888, as follows:

The Committee on Pensions, to whom was referred the petition of Philip Ray, of Philadelphia, Pa., praying to be allowed a pension, have had the same under consideration, and report:

Philip Ray, the claimant, was enrolled and mustered on the 20th day of August, 1861, as sergeant of Company E, First New Jersey Cavalry; was early in 1862 reduced to the ranks and transferred to Company B, where he was made a corporal; was captured by the enemy at Harrisonburgh, Va., June 6, 1862, and is borne as a prisoner upon the regimental rolls for May, June, July, and August of that year. At a date not of record he was returned as a paroled prisoner to Camp Parole, Annapolis, Md., and thence transferred to a Washington hospital September 22, 1862. He rejoined his regiment, re-enlisted at the expiration of his term of service, and was discharged as corporal Company B, July 24, 1865. A pension is claimed for disabilities originating in exposure while a prisoner at Belle Isle and Lynchburgh, Va. His application was filed originally in 1869, and relinquished by his attorney in 1871 with the avowal that the evidence required by the Commissioner of Pensions could not be furnished. The case was afterward reopened upon the personal application of the claimant, and on June 17, 1887, was finally disposed of adversely by the Assistant Secretary of the Interior, who said in his letter dismissing it that the claimant was no doubt a good soldier and may have contracted the disability in the service, but that he had failed signally to prove it by the scanty evidence adduced.

The evidence submitted to the committee consists of a certificate of ex-Surgeon Rulett, of the First New Jersey Cavalry, and an affidavit of M. Hutchinson as to the sound health of the claimant at enrollment, and affidavits of Mrs. E. Beech and Mrs. C. Hornby that he was suffering in 1873 from kidney disease, which he said was contracted while in the United States service. The medical examiners to whom his case was committed reported his disability from diabetes at one-fourth of total, and permanent, and that, in their belief, it originated in the service in line of his duty. Ray himself testifies that it had its origin in a severe cold contracted on account of want of shelter while a prisoner, and that his health improved after his return to his regiment, but that during "Burnside's mud march," in January, 1863, he suffered a relapse, since which this disease has been continuous. He accounts for the impossibility of securing favorable testimony from his comrades by stating that he was desirous of promotion, which would have been difficult if his physical condition was known.

Your committee, in consideration of the long service of this soldier, his disabled condition, and the possibility and fair probability that his statement is true, report back his petition with the accompanying bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH R. LANGDON.

The bill (S. 549) granting a pension to Hannah R. Langdon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hannah R. Langdon, widow of Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers in the war of the rebellion, at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ARABELLA CODDINGTON.

The bill (S. 293) granting a pension to Mrs. Arabella Coddington was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment to add to the bill the words "in lieu of the pension she now receives;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, at the rate of $25 per month, the name of Mrs. Arabella Coddington, widow of E. H. Coddington, late captain of Company H, Forty-fifth Regiment of Iowa Infantry Volunteers, in lieu of the pension she now receives.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case, showing why the change of pension is made.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PADDOCK January 31, 1888:

The Committee on Pensions, to whom was referred the bill (S. 293) granting a pension to Mrs. Arabella Coddington, have examined the same, and report:

The petitioner is the widow of E. H. Coddington, who was mustered into the Fourteenth Regiment, Company F, Iowa Volunteers, as a sergeant, and was mustered out as captain of Company H, Forty-fifth Regiment Iowa Volunteers.

During his lifetime he was pensioned for loss of arm, in consequence of which it is affirmed that he was totally disabled, and from which he subsequently died. After his death his widow was pensioned at the rate of $8 a month, and the purpose of this bill is to increase her pension to $25 a month.

In the opinion of the committee the increase provided for is just; but there is another reason why she should have it. Prior to her marriage she was a hospital nurse, served faithfully as such, was exposed to and contracted a contagious disease, that of measles, and by reason of exposure took cold, which so permanently and seriously impaired her health that she is a suffering invalid at the present time. In substantiation of this, affidavits have been filed with the committee which satisfactorily prove her service and suffering.

Independent of this, however, she is entitled to a pension corresponding with the grade of a captain's widow, and the committee report the bill favorably, with an amendment inserting after the word "volunteers," in the eighth line, the words, "in lieu of the pension she now receives," and recommend that the bill do pass.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELVIRA L. JOHNSON.

The bill (S. 752) to grant a pension to Mrs. Elvira L. Johnson, widow of Commodore Philip E. Johnson, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, to change the name "Philip E. Johnson" to "Philip C. Johnson;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to place the name of Mrs. Elvira L. Johnson, widow of Commodore Philip C. Johnson, on the pension-roll at the rate of $50 per month.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask the Senator from West Virginia [Mr. FAULKNER], who reported the bill, if this is the regular amount allowed by the Committee on Pensions in all similar cases of the same class and rank?

Mr. FAULKNER. It has been the rule in a number of cases; in fact I do not know any exception to it. There are numerous cases where the rank was lower than commodore where the amount was granted that is allowed in the bill.

As it does not appear in the report I desire to say further, for the information of the Senate, that Commodore Johnson was in fact an admiral at the time of his death by the regulations of the Navy Department. Owing to the death, or resignation, or retirement of an officer of that rank two days before Commodore Johnson's, he was in fact at that time, though not by commission, rear-admiral, and his widow would have been entitled to this pension.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to grant a pension to Mrs. Elvira L. Johnson, widow of Commodore Philip C. Johnson."

JACOB KINTZ.

The bill (S. 1086) granting a pension to Jacob Kintz, alias John Wal-

ters, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Kintz, alias John Walters, late of Company G, Second Battery, United States Infantry, afterward of the Twenty-first United States Infantry, and later, under new enlistment, assigned to Company I, Twenty-first United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTOPHER WISEMILLER.

The bill (S. 819) granting a pension to Christopher Wisemiller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christopher Wisemiller, late private Company B, Third Regiment Wisconsin Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN VERTESSY.

The bill (S. 821) granting a pension to John Vertessy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Vertessy, late a captain in Company E, of the One hundred and sixth Regiment of Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANGERONE P. COLE.

The bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IDA M. WELTON.

The bill (S. 1784) granting a pension to Ida M. Welton was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Ida M. Welton, only surviving child of George C. Welton, late a soldier in the Sixth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY MARTIN.

The bill (S. 174) granting a pension to Mary Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Martin, widow of Thomas Martin, late a private in Company C, Second Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBIE M. HAY.

The bill (S. 172) granting a pension to Abbie M. Hay was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abbie M. Hay, widow of Thomas H. Hay, late a captain in the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. VERY.

The bill (S. 173) granting a pension to Henry B. Very was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry B. Very, late a private in Company A, Twelfth Rhode Island Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. MYKINS.

The bill (S. 170) granting a pension to Mary A. Mykins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Mykins, widow of Daniel J. Mykins, late captain of Company E, One hundred and seventieth Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HEALEY.

The bill (S. 806) granting a pension to William Healey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Healey, late a private in Company L, Second Regiment Illinois Light Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BASILE CHAMPAGNE.

The bill (S. 801) granting a pension to Basile Champagne was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Basile Champagne, late private in Company B, First Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID A. SERVIS.

The bill (S. 820) granting a pension to David A. Servis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David A. Servis, late a private in Company B, of the Twenty-first Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY SULLIVAN.

The bill (S. 838) granting a pension to Mary Sullivan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Sullivan, widow of Michael Sullivan, late a private in Company K, Ninety-third Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET S. MURRAY.

The bill (S. 404) for the relief of Margaret L. Murray was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments: In line 6 to change the name "Margaret L. Murray" to "Margaret S. Murray," in line 7 to change the name "J. Edward Murray" to "T. Edward Murray," and in line 10 to change the name "Margaret L. Murray" to "Margaret S. Murray;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, ordered to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret S. Murray, of Worcester, widow of Henry Murray, mother of T. Edward Murray, musician in Company C, Third Battalion Massachusetts Rifles, who died from disease contracted in the service, leaving no widow, child, or children, and upon whom said Margaret S. Murray was dependent.

The amendments were agreed to.

Mr. COCKRELL. I should like to have the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. DAVIS January 31, 1888, as follows:

The Committee on Pensions, to whom was referred a bill (S. 404) for the relief of Margaret S. Murray, granting her a pension as the mother of T. Edward Murray, Company C, Third Battalion Massachusetts Rifles, have examined the same, and report:

This claim was rejected by the Bureau of Pensions June 9, 1879, and again April 11, 1884, for the reason that the soldier's death was not the result of a disability contracted in the service.

The deceased son enlisted April 19, 1861, for three months, and was discharged July 12, 1861, having been in the hospital since June 12, 1861, for treatment for typhoid fever. He died of consumption September 12, 1876, never having filed any claim for a pension. The claimant is his mother and a widow; and the proof as to her dependence on the deceased is, in the opinion of your committee, sufficient. The history of the deceased, subsequently to his discharge, appears by the following evidence:

Dr. O. Newton testifies, in March, 1879, that he was surgeon of the battalion of which deceased was private; that deceased was very sick with typhoid fever, and was sent home as soon as he was able to be moved; that when the fever left him he was afflicted with pustules filled with blood, which, when opened, could be stopped only by packing with lint saturated with Monsel's solution of iron. Deceased never came under affiant's treatment after leaving the Army, but affiant frequently saw him, and knows he never fully recovered; frequently saw him after consumption was manifest, which he believes was caused by malarial poisoning, and of which he has no doubt he died.

Dr. P. E. Hubon testifies, March, 1879, that deceased came under his care in July, 1861, in an almost moribund condition from typhoid malarial fever of lowest grade, liver apparently enlarged, and jaundiced and sickly appearance of skin. For days had to open rapidly-formed abscesses on face and body, and his case seemed hopeless. Under treatment he slowly recovered sufficiently to do some business. From that time to 1873, when affiant went to Europe, he treated deceased for various complaints, sore throat, cough, etc. In all treatment had to combat the malarial poison in his system.

Dr. F. J. McNulty testifies, March, 1879, that he treated deceased from November, 1873, to September, 1876; that when he saw him in 1873 he was suffering from an acute attack of bronchitis, which soon developed into a chronic form; and about the latter part of 1874 or beginning of 1875 well-marked symptoms of pulmonary phthisis presented themselves, which caused his death in 1876. In February, 1881, the same physician testifies that he attended deceased from early in 1873 until a short time before his death, February 12, 1876; that during this time affiant treated him for acute bronchitis; that the condition of his lungs during all this time was tuberculous, and he had frequent hemorrhages, and affiant's opinion is that he contracted his disease during the late war.

James J. McLane, late captain Company E, First Massachusetts Cavalry, testifies, April, 1880, that he was well acquainted with deceased, who was a sound man at his enlistment; that from exposure, etc., at Fort McHenry, Baltimore, was taken sick from a bad cold, which disabled him, and for which he was sent to hospital for treatment, where affiant frequently saw him suffering from hemorrhage and great weakness, which eventually caused his death. Affiant was with him during his service, and after his discharge until his death. Affiant saw deceased after his discharge in Little Washington, N. C., where he had a turn of bleeding, and afterward, in the fall of 1863, at Fort Washington, where he was so bad that affiant had him placed on a bed and carried to a hospital, "where I saw him several times bleeding from the lungs." Affiant saw him again at Roanoke Island, in 1865, where he was employed in the quartermaster's department as clerk. He was then troubled with spitting blood from his lungs, and after his discharge from that service until his death "throwing blood from his lungs."

George P. Burt testifies that he saw the deceased the next day after his discharge, when he appeared in a very sickly condition, suffering apparently from disease of some of his vital organs, and thereafter frequently saw him have hemorrhages until his death. In May, 1862, when troops were called for, he started for the seat of war, but was unable to go beyond Boston. In February, 1863, affiant called on deceased and found him bleeding from the lungs. In June, 1863, the deceased was appointed enrolling officer for the draft, but owing to his feeble condition was unable to accept. He soon after left for the front, where he remained until the spring of 1866, when he came home feeble and still suffering from frequent attacks of hemorrhage. He never rallied, but gradually failed from frequent attacks until his death.

Eliza O. Regan testifies that when deceased came home he was very feeble, appearing like a person with consumption.

Isaac Davis testifies that prior to deceased's enlistment he was a student in

affiant's office, and to all appearance he was a strong, robust, healthy man, and free from any disease or bodily injury.

Twenty of deceased's neighbors and townsmen testify that he was sound at enlistment and free from disease.

In reference to the application for a rehearing of the case, in 1881, a report on file in the Pension Office states:

"Claim was rejected June 9, 1879, on the ground that the disease—phthisis—which caused soldier's death was not the result of his military service. In my opinion the additional evidence on which claim is readmitted is not sufficient on which to base a change of action. It now appears from the testimony of Dr. McNulty that he did not attend soldier up to time of his death, so we have no medical testimony or record to show cause of death."

The testimony is uniform, however, that out of the fourteen or more years which elapsed between his discharge and demise, only a fraction of a year, and that immediately preceding his death, is unaccounted for, and that during all this time he was under treatment for malarial and consumptive diseases or ailments allied to them. Evidence less pertinent and consecutive has in hundreds of cases convicted men of serious crimes; and your committee think it is not straining the point of evidence or mercy in favor of the widowed and paupered mother of the dead soldier to conclude that testimony which shows a sound condition of health at enlistment, serious and almost fatal illness during service, and a state of health from that time to death that required the regular attendance of physicians, whose concordant statements are continuous up to within the year, and "a short time before his death," is sufficient and binding upon their judgment, and that it justifies a favorable report upon the subject under consideration.

This is, therefore, herewith made, and the passage of an amended bill is recommended, correcting the names of the said Margaret S. Murray and the said T. Edward Murray to correspond with the facts, which amended bill is herewith submitted.

Before the reading was concluded,

Mr. COCKRELL. I do not care to have the report read further. I wish to suggest an amendment. Before the word "mother," in line 6, I move to insert the word "and;" and after the word "mother" to insert the word "of." The language seems to create some confusion the way it is now: "the name of Margaret S. Murray, of Worcester, widow of Henry Murray, mother T. Edward Murray." There ought to be some connection between the words, and I move that the words I have suggested be inserted, so as to read:

The name of Margaret S. Murray, of Worcester, widow of Henry Murray, and mother of T. Edward Murray.

That will explain exactly the relation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Margaret S. Murray."

C. R. THOMAS.

The bill (S. 335) granting a pension to C. R. Thomas, was considered as in Committee of the Whole. It proposes to grant an increase of pension to C. R. Thomas, whose pension certificate is numbered 120171.

Mr. COCKRELL. I suggest after the name "C. R. Thomas" to insert "late a corporal Company D, Sixty-fourth Regiment Ohio Volunteers," so as to show what he is. I move that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY STAFFORD.

The bill (S. 679) granting a pension to Henry Stafford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Stafford, late a member of Company K, Seventh Regiment of Iowa Veteran Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. ALLGOWER.

The bill (S. 334) granting an increase of pension to Charles F. Allgower was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles F. Allgower, late captain of Company I, Seventy-seventh United States Colored Troops, at the rate of $72 a month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report, submitted by Mr. DAVIS January 31, 1888, as follows:

The Committee on Pensions, to whom was referred the bill (S. 334) granting an increase of pension to Charles F. Allgower, have examined the same, and report:

It appears by the records in the case of Charles F. Allgower that he entered the service of the United States as a private in Company C of the Sixth Regiment New York Volunteers; that during such service he lost his left arm by a cannon shot, necessitating its amputation near the shoulder joint; that by reason of such injury he was mustered out of service, and so remained until his arm had time to heal; that thereupon he re-entered the service and became captain of Company I, Seventy-Seventh Regiment United States Colored Troops; that while on such duty he was transferred to the staff of General T. W. Sherman, then commanding the eastern district of Louisiana, as inspector of artillery and ordnance officer; that while in the discharge of that duty he suffered a collision with other horsemen, in which he was thrown from and underneath his horse, rendering him senseless, and from which resulted partial paralysis of both legs and of the remaining arm, deafness in the right ear, and mental disorders consequent upon concussion of the brain. Added to these infirmities is the loss of an eye, which occurred as a special dispensation, and is not chargeable to his military service.

It is in evidence from successive boards of medical examiners, as well as from private and unofficial physicians, that his injuries have rendered him practically helpless, requiring the services of an attendant in nearly every process and function of life—in dressing and in walking, in lying down and in rising up, and in the eating as well as in the final disposition of his food. This evidence is continuous, and is strengthened in its cumulative effect by the attempted technical impeachment by a pension agent, who, finding that the captain had walked the length of a block in a city, and, under inspiring conditions of strength and weather, had covered a larger space in the country, reported him—with an eye and an arm gone, with tottering legs, and a reeling brain—as partially disabled.

Your committee think proper to embody in this report the following letter from Captain Allgower's commander, who was equally noted for his bravery, his discipline, and his justice:

"HEADQUARTERS THIRD ARTILLERY,
"*Fort Adams, Rhode Island, October* 17, 1866.

"DEAR SIR: Yours of the 15th instant is received. I am very glad to hear from you again, and that you are being well cared for.

"It gives me pleasure to state that you served faithfully on my staff as inspector of artillery and ordnance officer from March, 1864, until you became totally disabled from a fall with your horse in the year 1865. I will always bear witness to your zeal and devotion to duty, and your sincere desire (and success) to always promptly meet the views and wishes of your commander in the line of your duty. Your knowledge, too, of ordnance and artillery, and all subjects connected therewith, was far above the general run of that of volunteer artillery officers.

"You deserve much credit, besides, in striving to the performance of arduous service after you had lost an arm in battle in the cause of your country.

"Your misfortune in accidentally being thrown with your horse when in the performance of your duty, and thus totally disabling you, was seriously felt by me, as I had no officer in my command who could properly replace you.

"Hoping that you will continue to improve in your health, and that you will receive the reward of your country for your important services, I am, very respectfully,

"Your obedient servant,

"T. W. SHERMAN, B. M. G., U. S. A.,
"*Colonel Third Artillery, late Commander Eastern District Louisiana.*

"CHARLES F. ALLGOWER, Esq.,
"*Late Captain Seventy-seventh Colored Infantry,*
"*St. Luke's Hospital, New York City.*"

In this case there is a mass of papers which should suffice to define the status of a regiment; covering a score of years; comprising statements from nearly a score of doctors and many scores of acquaintances and attendants, and all establishing by testimony the facts hereinbefore detailed.

Your committee believe that Captain Allgower has earned in service and suffering the increase of pension for which he asks; and the bill for such increase is therefore reported favorably, and with a recommendation that it do pass.

Mr. COCKRELL. I move to amend the bill by adding at the end:

In lieu of the pension he is now receiving.

Mr. SAWYER. I have no objection to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN D. REDFIELD.

The bill (S. 1785) granting a pension to Stephen D. Redfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen D. Redfield, late a second lieutenant in Company A, Thirty-seventh Regiment Iowa Volunteers, at $17 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REUBEN BROWNMILLER.

The bill (S. 333) granting a pension to Reuben Brownmiller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Reuben Brownmiller, father of Jeremiah Brownmiller, late a private in Company H, Forty-eighth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BERRY DAY.

The bill (S. 737) granting a pension to Berry Day was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Berry Day, father of A. L. Day, deceased, late of Company I, Fifth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS S. HOPKINS.

The bill (S. 450) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, was considered as in Committee of the Whole. It proposes to exempt Thomas S. Hopkins, late a private in Company C, Sixteenth Maine Volunteers, by reason of mental incapacity, from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," to pay to him the same rate of pension, and the same arrears thereof, as if his application for a pension had been filed with and allowed by the Commissioner of Pensions prior to June 16, 1880.

Mr. PLATT. I should like to hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report submitted by Mr. DAVIS January 31, 1888.

Mr. PLATT. I withdraw the call for the reading of the report.

The PRESIDENT *pro tempore*. The call for the reading of the report is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDIE BELL.

The bill (S. 1506) for the relief of Addie Bell was considered as in Committee of the Whole. It proposes to pay to Addie Bell, daughter of Maranda Bell, deceased, mother of John S. Bell, late private in Company C, One hundred and forty-eighth Regiment New York State Volunteers, the pension granted by certificate No. 231248 to Maranda Bell, computing the amount due to the day of her death only.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. WHALEY.

The bill (S. 753) granting a pension to James D. Whaley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James D. Whaley, of Lawrence County, Missouri, late of Company H, Fourth Regiment Missouri State Militia Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBIE S. HUTCHINSON.

The bill (S. 733) granting a pension to Abbie S. Hutchinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abbie S. Hutchinson, widow of Charles F. Hutchinson, late private Company I, Sixth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH G. SCOTT.

The bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Goodale Scott, widow of Robert N. Scott, deceased, late lieutenant-colonel Third United States Artillery, at the rate of $50 per month, in lieu of the amount now received by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. JOHNSON.

The bill (S. 337) granting a pension to Mary E. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Johnson, dependent daughter of E. Johnson, late of Company A, Sixty-fourth Regiment Ohio Veteran Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE PAUL.

The bill (S. 749) granting a pension to Louise Paul was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louise Paul, widow of Brig. Gen. Gabriel R. Paul, at $100 a month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUARDIAN OF ENOS J. SEARLES.

The bill (S. 738) granting a pension to guardian of Enos J. Searles, of Clermont County, Ohio, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Enos J. Searles, late private Company L, Fifth Ohio Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN R. SMITH.

The bill (S. 286) granting an increase of pension to Stephen R. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen R. Smith, late a private in Company C, Thirty-first Regiment Iowa Infantry, at the rate of $40 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GENERAL S. W. PRICE.

The bill (S. 433) granting an increase of pension to General S. W. Price, was considered as in Committee of the Whole. It proposes to increase the pension of General S. W. Price, late of the ——— Regiment Kentucky Volunteer Infantry, from $72 to $100 per month, Price having become totally blind, the loss of his eyesight being the direct result of a gunshot wound received by him while in the service of the Government in the United States Army, at the battle of Kenesaw, during the late war of the rebellion.

Mr. MANDERSON. I move to fill the blank in the fifth line by inserting the word "Twenty-first," General Price having been colonel of the Twenty-first Regiment Kentucky Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABBY J. SLOCUM.

The bill (S. 169) granting an increase of pension to Abby J. Slocum was considered as in Committee of the Whole. It proposes to place the name of Abby J. Slocum, widow of John S. Slocum, late colonel of the Second Rhode Island Volunteer Infantry, on the pension-roll at the rate of $50 per month, in lieu of the rate of pension she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELEANOR S. LAWSON.

The bill (S. 175) granting a pension to Eleanor S. Lawson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eleanor S. Lawson, widow of Elias Lawson, late an acting ensign in the Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW FRANKLIN.

The bill (S. 626) granting an increase of pension to Andrew Franklin, alias McKee, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew Franklin, alias McKee, at the rate of $30 per month, in lieu of the pension he is now receiving under an act of Congress approved February 28, 1885.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PADDOCK February 1, 1888:

The Committee on Pensions, to whom was referred the bill (S. 626) granting an increase of pension to Andrew Franklin, alias McKee, have examined the same, and report:

The claimant was a soldier in the Mexican war, and is now about ninety-five years of age. By special act, approved February 28, 1885, he was granted a pension at $8 per month. He now asks for an increase of the same to $30 per month. The testimony which was produced before the committee at the time the bill granting him a pension was pending shows that the claimant saw hard service in the war with Mexico and was wounded in action.

On account of the great age, the infirmities, and the total dependence of the claimant, the committee are of opinion that the increase should be allowed. They therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. YOUNG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2467) to amend chapter 191 of the private acts of the Forty-ninth Congress, passed at the second session thereof, concerning James H. Young. It proposes to amend chapter 191 so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Young, formerly captain of Company L, Fifth Regiment Kansas Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE H. STRICKLAND.

The bill (S. 381) for the relief of Col. Jesse H. Strickland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the words "a pension," to strike out "that he be allowed" and insert "pay him;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Strickland, formerly colonel of the Eighth Regiment of Tennessee Cavalry, United States Volunteers, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Jesse H. Strickland."

WILLIAM C. WAIT.

The bill (S. 550) granting a pension to William C. Wait was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of William C. Wait, late a private in Company C, of the Fifth Vermont Volunteers, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. CRIMMINS.

The bill (S. 168) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Crimmins, widow of Patrick Crimmins, late a machinist's helper in the United States Navy, in service at the Naval Torpedo Station, Goat Island, Rhode Island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIZZIE WRIGHT OWEN.

The bill (S. 42) granting a pension to Lizzie Wright Owen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lizzie Wright Owen, only surviving daughter of George Wright, late a brigadier-general of United States volunteers, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. HOOK.

The bill (S. 1412) granting increase of pension to Mary B. Hook was considered as in Committee of the Whole. It proposes to pay Mary B. Hook, widow of James H. Hook, late a lieutenant-colonel in the Army, the sum of $50 per month in lieu of the amount she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN E. TEW.

The bill (S. 167) granting a pension to Ann E. Tew was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann E. Tew, widow of George W. Tew, late colonel of the Fifth Rhode Island Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET E. PIERCE.

The bill (S. 40) granting an increase of pension to Margaret E. Pierce was considered as in Committee of the Whole. It provides that the pension of Margaret E. Pierce, widow of Captain Henry Hubbard Pierce, late of the Twenty-first United States Infantry, who held the rank of major during the war of the rebellion, shall be increased to the amount allowed by law to the widow of a major.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHANNA LOEWINGER.

The bill (S. 739) granting a pension to Johnanna Loewinger was considered as in Committee of the Whole.

Mr. SAWYER. I move to amend the bill, in line 6, by striking out the name "Johnanna," and inserting "Johanna."

The PRESIDENT *pro tempore*. The bill will be read as proposed to be amended.

The Chief Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Johanna Loewinger, widow of Charles Loewinger, deceased, late of Company E, Twenty-eighth Regiment Ohio Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Johanna Loewinger."

PETER STUSSE.

The bill (S. 817) granting a pension to Peter Stusse was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter Stusse, late a private in Company K, of the Ninth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY MANNSFIELD.

The bill (S. 809) granting a pension to Betsey Mannsfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Betsey Mannsfield, mother of Franklin J. Mannsfield, late a private in Company I, of the Fifth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMASTASIA WALTER.

The bill (S. 816) granting a pension to Amastasia Walter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amastasia Walter, widow of Peter Walter, late a private of Company G, of the Twenty-six Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELIA U. PECK.

The bill (S. 803) granting a pension to Delia U. Peck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Delia U. Peck, widow of Thomas S. Peck, late private in Company (unassigned) of Twenty-second Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MELVINA GREENWOOD.

The bill (S. 805) granting a pension to Melvina Greenwood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Melvina Greenwood, widow of William B. Greenwood, late a private in Company B, of the Sixteenth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZA L. MACE.

The bill (H. R. 363) granting a pension to Mrs. Eliza L. Mace was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Eliza L. Mace, widow of Richard E. Mace, late of Company I, Third Maine Volunteers, deceased.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN SINGLETON.

The bill (S. 860) granting a pension to Stephen Singleton was considered as in Committee of the Whole. It proposes to place the name of Stephen Singleton on the pension-roll.

Mr. COCKRELL. I move to amend, after the name "Singleton," by inserting "late a private in Company G, Eighty-seventh Indiana Volunteers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA SUMMERS.

The bill (S. 472) granting a pension to Eliza Summers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Summers, widow of Cornelius Summers, deceased, late a private of Company I, Seventy-first Regiment Missouri Enrolled Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. RHOADS.

The bill (S. 842) granting a pension to Julia A. Rhoads was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia A. Rhoads, widow of James R. Rhoads, a soldier in the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR S. COLLINS.

The bill (S. 413) granting an increase of pension to Oscar S. Collins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Oscar S. Collins, late of Company F, First Regiment of Rhode Island Light Artillery Volunteers, at the rate of $36 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HUMES.

The bill (H. R. 365) granting a pension to John Humes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Humes, father of George W. Humes, deceased, late a private in Company E, Second Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES M'NEIL POTTER.

The bill (S. 1317) for the relief of Frances McNeil Potter was considered as in Committee of the Whole. It proposes to increase the pension of Frances McNeil Potter, daughter of the late General John McNeil, United States Army, from $30 to $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH C. DE WITT.

The bill (S. 451) granting a pension to Hannah C. De Witt was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Hannah C. De Witt, mother of George E. De Witt, late a private in the Seventh Battery Maine Artillery, who died in the service November 9, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA PROVOST.

The bill (S. 1884) granting a pension to Louisa Provost was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louisa Provost, widow of Peter Provost, late a soldier in Company B, Seventeenth Vermont.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY R. ARMSTRONG.

The bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong was

considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary R. Armstrong, mother of George R. Armstrong, late a member of Company L, Eleventh Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM RICHARDSON.

The bill (S. 1638) granting a pension to William Richardson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Richardson, late a private in Company K, First Ohio Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH ERRICKSON.

The bill (S. 822) granting a pension to Sarah Errickson, widow of James S. Errickson, late seaman United States Navy, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Errickson, widow of James S. Errickson, late seaman United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. A. LEMASTER.

The bill (S. 647) for the relief of W. A. Lemaster was considered as in Committee of the Whole. It provides for paying to W. A. Lemaster, of Iconium, Iowa, the whole sum of the pension due to George Lemaster, deceased, at the date of the death of George Lemaster, June 23, 1873, the pension having been erroneously withheld from March, 1861, during and up to June 23, 1873; but W. A. Lemaster shall first make proof satisfactory to the Secretary that he is the sole surviving heir of George Lemaster, deceased.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. BETSEY WINTERBOTTOM.

The bill (S. 895) for the relief of Mrs. Betsey Winterbottom was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mrs. Betsey Winterbottom, widow of John Winterbottom, late of Company A, Twenty-seventh Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE CAROLINE HACKLEMAN.

The bill (H. R. 120) for the relief of Charlotte Caroline Hackleman was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Charlotte Caroline Hackleman, the invalid daughter of Pleasant A. Hackleman, late a brigadier-general of United States volunteers, and who was killed at Corinth, Miss., in October, 1862, at $18 per month for and during her natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. KNIGHT.

The bill (H. R. 440) granting a pension to Mary C. Knight was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary C. Knight, dependent daughter of Luther M. Knight, of Franklin, N. H., late surgeon of the Fifth Regiment New Hampshire Volunteers and chief medical officer of the First Division Army Corps, at the rate of $18 per month, payable to her legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN. C. JOHNSTON.

The bill (H. R. 221) increasing the pension of John C. Johnston was considered as in Committee of the Whole. It provides that the pension of John C. Johnston (certificate No. 45303) as private Company A, Sixty-first Pennsylvania Infantry Volunteers, be increased to $36 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY EVERINGHAM BROWN.

The bill (H. R. 880) granting a pension to Mary Everingham Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Everingham Brown, a volunteer nurse during the war of the rebellion, at $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUBERT M. POTTER.

The bill (H. R. 2457) to increase the pension of Hubert M. Potter was considered as in Committee of the Whole. It proposes to increase the pension of Hubert M. Potter, late private Company B, Fourteenth United States Infantry, to the amount of $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GEIBEL.

The bill (S. 824) granting a pension to John Geibel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, to strike out "to date from the day he was discharged from the service of the United States;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Geibel, late a private in Company K, First Michigan Light Artillery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. T. LINDSEY.

The bill (S. 703) granting a pension to M. T. Lindsey, of Oregon, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of M. T. Lindsey, of Oregon, late a sergeant of Company B, First Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELISHA GRISWOLD.

The bill (S. 835) for the relief of Elisha Griswold was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elisha Griswold, formerly of Company F, Third Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR F. CARPENTER.

The bill (S. 930) to grant a pension to Oscar F. Carpenter, Eleventh Independent Battery of Ohio Light Artillery, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Oscar F. Carpenter, late of the Eleventh Independent Battery of Ohio Light Artillery, for a wound of right leg, accidentally inflicted in camp in December, 1862, by a pistol in the hands of a comrade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. TURLEY.

The bill (S. 45) granting a pension to the widow of John A. Turley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cynthia E. Turley, widow of John A. Turley, late a private in Company E of the Twentieth Kentucky Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN M. RANDOLPH.

The bill (S. 1354) granting a pension to Helen Randolph was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Helen Randolph, widow of John Randolph, late of Company I, Thirty-fourth Regiment New York Volunteers, and of Company G, One hundred and eighty-ninth Regiment New York Volunteers.

Mr. DOLPH. There should be an amendment by inserting the letter "M." in the name of Helen Randolph, making it "Helen M. Randolph," and "S." after "John," so as to make it "John S. Randolph." I move these amendments.

The amendments were agreed to.

The bill was reported as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Helen M. Randolph."

SARAH E. BRANSON.

The bill (S. 854) granting a pension to Sarah E. Branson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah E. Branson, widow of Philip W. Branson, deceased, late of Company F, Fortieth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES COEY.

The bill (S. 1413) to increase the pension of James Coey was considered as in Committee of the Whole. It proposes to increase the pension of James Coey, late major of the One hundred and forty-seventh Regiment, New York Volunteers, to $60 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES ANNE PYNE RICKETTS.

The bill (S. 393) for the relief of Frances Anne Pyne Ricketts was

considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frances Anne Pyne Ricketts, widow of James B. Ricketts, late a major-general in the United States Army, retired, at the rate of $100 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL BROOKS.

The bill (S. 338) granting a pension to Samuel Brooks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause, and in lieu thereof to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the name of Samuel Brooks, late of Company D, One hundred and fifth Regiment Ohio Volunteer Infantry; that such restoration be made as of the date when the name of the said Brooks was dropped from said rolls, and that said Brooks be paid the pension he would have received from the date when his name was so dropped the same as if his name had never been stricken from said rolls.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS February 14, 1888:

The Committee on Pensions, to whom was referred the bill (S. 338) granting a pension to Samuel Brooks, have examined the same, and report:

Samuel Brooks enlisted as private in Company D, One hundred and fifth Regiment Ohio Volunteers, August 2, 1862; was wounded at Fayetteville, N. C., on March 16, 1865; was discharged May 16, 1865; was pensioned at $4 per month from November 21, 1866, which pension, under the arrears act, related back to May 16, 1865, and was dropped December 1, 1870. The bill is for granting him a pension.

The declaration of the claimant for a pension was made on November 17, 1866. It recites, generally, that his wound was received at Fayetteville, N. C., in the service and in the line of duty, on or about the 16th day of March, 1865, and, particularly, that "while on the skirmish-line and entering the said town of Fayetteville he was wounded by a musket-ball from the rebels, passing through his left arm above the elbow, and through the left breast superficially," etc. Upon this declaration, the testimony of two comrades, one of whom saw him shot, and the other who knew of the fact from seeing him several days before and after the wound was received, and the company-roll of that date reporting him "absent, wounded," the pension was granted for the sum and of the date above mentioned. The claimant is an illiterate man, unskilled in expression, and the declaration for the pension was written by a person who, as the papers show, was clerk of the probate judge before whom the attestation was made.

The claimant drew his pension until December 1, 1870, when he was dropped without notice and without opportunity to answer or explain the attacks upon his character embodied in the report of a special agent of the Pension Office, who, under date of October 15, 1870, stated that "three citizens of Painesville, Ohio, and late members of Company D, One hundred and fifth Ohio Volunteers, informed him that claimant had been on duty as guard; that he had been called in and reported himself at camp; that claimant was intoxicated at the time, and was cautioned not to go away, as the regiment was about to move; that, not heeding the admonitions of his comrades, he went off, and while away was wounded; that the report was general that claimant was wounded in a house of ill-fame." The conclusion of the special agent is:

"The weight of evidence seems entirely against the fact that his wound was received in the line of duty, and I respectfully recommend that his name be stricken from the pension-roll."

In accordance with this report, based on *ex parte* and unsworn statements, the Commissioner struck the name of the claimant from the roll, as before stated, on December 1, 1870. After this fact had become known to claimant, and the ground of dismissal ascertained in general terms to be that his wound was not received in the line of duty, the claimant, for the first time, as shown by the records, made detailed statements of the circumstances attending its incurrence in a letter to the Commissioner and in a sworn declaration for renewal. The general facts thus detailed are that his regiment was in the advance as the army approached Fayetteville; that when they entered the town they were detailed for guard duty and placed in charge of properties; that his wound was received when he was relieved from guard and was obeying an order to rejoin his company on receiving notice that the regiment had evacuated the town, and that it occurred at meeting on the street a party of rebels in citizens' dress, with muskets, and who, on his refusal to halt and surrender, stabbed him in the hip with a bayonet and shot him in the arm and breast; that he escaped from them and rejoined his company at a ponton bridge outside the town, where his wounds were dressed by the regimental surgeon, and from whence he was taken on a stretcher to an ambulance.

The claimant states that Thomas Bowen, of Company A, same regiment, was with him when ordered off guard, accompanied him on his way to rejoin his company, and saw him shot. He protests that he has not knowingly made himself responsible for any conflicting statement to the above; that he does not write readily and is obliged to depend on others, and that any contradictory statement which may exist is due to misapprehension on the part of his attorneys; and that especially he never intended to say that he was wounded in a skirmish in which his regiment was engaged, or that he was wounded as the regiment entered Fayetteville, for the regiment had no skirmish. He denies the rumors of his being intoxicated and being at a house of ill-fame, and avers that he was not with his company or with any part of his regiment from an hour after the regiment entered the place until he got back to it, after being wounded.

Thomas Bowen, of Company A, same regiment, testifies in corroboration of the claimant in all essential points.

While the claimant, as many of his letters show, was making unavailing efforts to ascertain the precise charges against him, that he might have opportunity to answer and disprove them, and thus secure reinstatement, the secret-service division of the Pension Office was apparently more successful in its efforts to sustain the theory upon which the suspension was based, to wit, that the wound was incurred while absent from his command, off duty, and drunk. Four men, Taylor, Webster, Allen, and Grover, were found, who, under the immunity of secrecy, indorsed the statement reported by the detective to the Commissioner of Pensions on October 15, 1870. The verbal statements of these men were forwarded to the Commissioner May 1, 1872, and were made to play an important part in determining an appeal taken by the claimant from the Commissioner's decision of suspension to the Secretary of the Interior, which appeal was decided on November 30, 1872. This decision, after reviewing the whole case, concludes as follows:

"Applying the principle hereinbefore alluded to, I am clearly of the opinion that the sworn testimony in support of the claim outweighs the unsworn testimony against it, and therefore that the pension should be restored to the claimant. I do not deem the discrepancies existing between the two declarations of the claimant to be a sufficient ground for denying him a pension, if his right thereto is otherwise clearly established. They may have resulted from a defective memory—a very common fault. They do not of themselves indicate an attempt to defraud the Government, nor do I find anything of any weight in the papers that goes to justify a suspicion of fraudulent intent.

"Before the case is fully disposed of, however, I would suggest that every effort be made by your office to obtain the affidavits of Taylor, Grover, Allen, and Webster as to their knowledge of the circumstances as stated by them to the special agent of your office. If they will swear to what they have stated the weight of evidence will incline against the claimant and justify a continued suspension of Brooks's pension, or rather an entire cessation thereof."

The affidavits of the parties in question were secured by the detective, McColm, and transmitted to the safe custody of the secret-service division. The animus which moved the detective and his conception of duty in a case of antagonism between a soldier and his own official superior are indicated in the following extract from his report of January 29, 1873, transmitting to the Commissioner of Pensions the last of the four affidavits of which he was sent in quest:

"The affidavit of Grover completes the testimony called for by the honorable Acting Secretary of the Interior, in order that the weight of testimony made under oath, that of Taylor, Allen, Webster, and Grover, may sustain the decision of the honorable Commissioner of Pensions in the case."

If the detective had been inspired by a higher power than that which is credited with furnishing his class their acuteness, he could not more tersely or happily have interpreted the theory on which the Pension Office had proceeded in this case from the date of the order of suspension. These four affidavits of persons living in three different towns of two States, sworn to at dates twenty-seven days apart, were, as the originals show, written by the same hand, with the same ink and pen, on paper of the same water-lining and texture, doubtless at the same time, covering identically the same facts, using the same and peculiar forms of expression, and are, on their face, not the unbiased testimony of honest men, sorrowfully compelled, in justice to the Government, to do an injury to a comrade, but the coinage of a single brain, the work of a professional affidavit-monger, spiked throughout like thorns with malicious adjectives, and unmistakably intended to "sustain the decision of the honorable Commissioner of Pensions in the case," even at the cost of an act so wrongful that, without the legal penalty, it has all the moral obliquity of perjury.

None of these affidavits state as a matter of fact that claimant was at a house of ill-fame and was shot there, though they all suggest it, but all assert that claimant, after being ordered in from duty on guard, returned to his command in a state of intoxication and went away again against advice, receiving his wound during such later absence and when not on duty. These two specific charges—intoxication and receiving wound when off duty—being brought to the attention of the honorable Acting Secretary of the Interior, through these four affidavits of which he had suggested the procurement, secured from him on February 25, 1873, an affirmance of his suggestion of November 30, 1872, and a confirmation of the Commissioner's suspension of the claimant's pension.

It will be impracticable to follow in full detail the subsequent steps in the case. Frequent appeals were made by the claimant and his attorney to be informed of the alleged facts and theories relied on by the Pension Office in opposition to the restoration of the claimant's pension. One of these appeals, addressed to the late President Garfield, November 26, 1875, and by him referred to the Commissioner, embodies the following sensible and manly language:

"I reiterate my firm belief that a gross wrong is done this man by stopping his pension. Department officers act in good faith, I have no doubt, but the wrong comes from their practice of keeping from the claimant a knowledge of supposed facts and theories obtained through their secret-service division. I do not complain of the fact that the Government employs spies. I do insist that where the justice of their conclusion is strenuously questioned by a claimant he should be furnished, not with names of witnesses, but with a detailed statement of facts and circumstances alleged against him."

All appeals of this nature have been without effect. The Pension Office has rested secure in testimony with which it was satisfied, because it knew the detective who manufactured it, and which it was certain could not be technically disproved, because protected by the seal of departmental secrecy. The claimant's side of the case has, therefore, been conducted at manifest disadvantage, and according to the hints thrown out by chance and uncertain rumor. From the testimony obtained by claimant at various times since the suspension of the pension, and from that taken before different pension examiners and on file in the case, the committee extracts such portions as bear upon the issue raised by the affidavits procured by the detective of the secret-service division.

The affidavit of Henry Bowen, of Company A, of the same regiment with claimant, details the circumstances under which deponent came to be in claimant's company at the time the wound was received. Bowen testified, March 13, 1872, as follows:

"I was formerly a member of Company A, One hundred and fifth Regiment Ohio Infantry Volunteers, and well remember Samuel Brooks, the above-named soldier, who was a member of Company D, same regiment. Said Brooks was wounded in the left arm and breast on or about the 16th of March, 1865, while in the performance of his duty at Fayetteville, N. C., under the following circumstances, to wit: He was one of the detail to perform guard duty in the town, and was on duty most of the day. In the afternoon I saw said Brooks while passing on the street, and stopped with him. When the troops had left the town we did not receive information of it for some time—not until they had all got outside of the town. We were then notified by our sergeant to report to our companies, and we immediately started to comply. On the way we met five men dressed in citizens' clothes, and armed. They endeavored to stop us, but we would not halt. One of them charged bayonet on Brooks, and in the scuffle another one fired, wounding him as above stated. I did not see Brooks again until we reached the regiment. Brooks was not stationed at a house of ill-fame, nor did either he or myself visit such a house during the time I was with him. Neither of us had anything to drink during the day. The shooting was in no manner the fault of said Brooks; we were at the time on the way to join the companies of which we were members. I was the only man with Brooks at the time he was shot."

Marshall A. Teachout, sergeant of claimant's company, testifies:

"I was formerly sergeant Company D, One hundred and fifth Regiment Ohio Volunteer Infantry, and well remember Samuel Brooks, who was a member of the same company and regiment. When our right arrived at Fayetteville, N. C., on or about the 16th March, 1865, it was detailed, or at least a portion of it, to guard the place, and our major was acting provost-marshal. Said Brooks was one of the detail, and was on guard a large portion of the day. I was in charge of the guard at that portion of the town. While on guard said Brooks was wounded in left arm; by whom I do not know. He did not leave Fayetteville with the company, but my recollection is that he came to it just as it was about to start, and was then wounded. He was not then intoxicated, and if any person has stated that he was wounded at a house of ill-fame it certainly was a mere matter of conjecture with him."

Orrin Snediker, member of Company F of claimant's regiment, testifies:

"The regiment was there sent out on guard duty, and I distinctly remember that Samuel Brooks, of Company D, went out with the regiment, and when we returned to headquarters said Samuel Brooks was not there; but he returned within about thirty minutes, wounded in the arm and breast, and I then talked with him about his wounds. I know that he did not return from guard duty until after he was wounded."

Reuben M. Simmons, member of Company F, same regiment, testifies:

"We were ordered out on guard duty, and when we returned to headquarters, or within a few minutes after we got back, Samuel Brooks, of Company D, came in wounded in the arm and breast. I know he did not return to his command after he went out on guard duty until after he was wounded."

R. G. Morganridge, captain of claimant's company, testifies:

"Was with the company at Fayetteville, N. C., and that the claimant was with the company at said Fayetteville; that when the Army was there the One hundred and fifth Ohio Volunteer Infantry was detailed to guard the town, and my company with the rest, and claimant went on duty with the rest of the company. In order to better guard the town, it was decided to divide it into districts, which was done, one company being assigned to each district. Guards were then placed at such places in the town as would preserve order and protect property. In many instances guards were stationed at private houses. Claimant went on duty with the rest of the company, and while on said guard duty, or before he rejoined his company, he was wounded. I was not present when claimant received his wound, and did not see him when he was shot, but do know that he went on duty with the rest of the company, and that when he returned he was wounded.

"I would further say that when the army moved out of Fayetteville toward Goldsborough, N. C., the One hundred and fifth Ohio Volunteer Infantry remained on duty in the town until the army trains had all moved out; said regiment covering the extreme rear of the army. I would further state that the claimant was a brave soldier and did his full duty as a soldier while in my company and under my command. The truth of the above statements I can personally certify to because I was personally knowing to them."

It is proper to state with reference to Captain Morganridge that in 1885, two years after the above direct and positive testimony was given, he was subjected to an examination before Special Examiner Loomis, in which his testimony, while not specifically contradictory of the above, is vacillating and uncertain, and inclined, under the direction of leading questions by the examiner, to give color to suggestions and innuendoes against the claimant. His testimony as a whole, if it possesses any value, is in favor of the claimant; and particularly as to the fact of his being wounded before his return to his company from standing on guard, and so sustaining the theory that such wound was incurred in the line of duty.

In January, 1885, the case having been reopened by the Pension Office for the review of old evidence and the introduction of new, an examination of witnesses was had before Examiner Keeney. At this examination several witnesses testified, but at such length that the committee gladly avail themselves of the succinct and intelligent summary made by the examiner. For the same reason the committee rely on the summaries made in June, 1885, and August, 1886, by Examiners Sweetzer and Parker, respectively. The committee invite attention to the recommendations of each of these examiners, made with all the facts before them, and fresh from contact with witnesses who, for the first time in the history of the case, instead of testifying *ex parte*, were subjected to rigid and exhaustive examinations. The summary of testimony given before Examiner Keeney, dated January 21, 1885, follows:

"CLEVELAND, OHIO, *January* 21, 1885.

"SIR: I have the honor to return herewith all the papers and to submit my report in claim No. 91319, of Samuel Brooks, of Painesville, Lake County, Ohio, late a private in Company D, One hundred and fifth Ohio Volunteer Infantry. The claimant was present and availed himself, as far as he desired, of all his rights in the premises. When he was not actually present himself he was represented by Sextus Sloan, esq., of Painesville, Ohio, his attorney.

"The claim having been investigated by two special agents under the old *ex parte* system, and some two or three appeals taken therein, I entered upon this examination with an honest endeavor to arrive at the true, bottom facts, if possible, and finally set the whole matter at rest.

"Pension is claimed for gunshot wound of left arm and left breast, received at Fayetteville, N. C., March 16, 1865. The only point involved in the claim is line of duty.

"Samuel Brooks, claimant, alleges that the wound was received while on his way to his company and regiment, after having been relieved from duty and ordered at once to report; that he was attacked by five armed citizens, one of whom shot him. It was about midnight, March 16, 1865; Union forces were evacuating the town. He did not report to his company and wander off and get shot; was not under the influence of liquor; had not tasted a drop that day; is and was not then a drinking man; never saw his company that night until they came to him at the ponton bridge as they were moving out; was lying there shot. Manner, fair. Reputation, good.

"Almon Grover, Unionville, Ohio, testifies that claimant was, as he understood, wounded in line of duty on his way to report to his company after having been relieved from duty. Claimant did not, to witness's knowledge, report to his company, get relieved, and wander off and get wounded in a private quarrel; was not drunk or under the influence of whisky; was a temperate, man of peaceful disposition. This witness, it will be observed, is one of the parties purporting to have testified before Special Examiner McCohn. He renounces that affidavit and makes a strong deposition in favor of the claim. Manner, fair, unbiased. Reputation, good.

"Henry Scoville, Ashtabula, Ohio, testifies that he was on guard duty at a private house next to the one claimant was guarding; that the was relieved from duty just after claimant was and ordered to report to his company at once; that they were going to evacuate the city; that he took right on down the street after claimant, though on the other side; kept in sight of him and one Bowen, who was with him, and saw them attacked by armed citizens, and heard the firing; that when the difficulty arose he, witness, did not stop just then to make a 'close inspection of things,' but 'got away from there pretty lively' himself; that the next he saw of claimant was when they found him at the ponton bridge shot—wounded; that he was in line of duty when the wound was received; was not drunk or under the influence of liquor; was not a drinking man; was going direct to his company when wounded. This witness is a man of bad reputation for truth and veracity, but I was impressed, from the details he gave, with the belief that he told the truth as near as he could recall the facts. Manner, fair; exhibited no bias or prejudice.

"Samuel J. Potts, Painesville, Ohio, testifies: Wound, as he understood it, was received in line of duty, 'returning from post of duty.' Claimant had not reported to his company before wounded; first they saw of him was down at the ponton bridge, wounded; this as they moved out; he was sober then, not drunk; was a temperate man. Manner of testifying, fair. Reputation, good.

"James H. Taylor. This is another one of the witnesses seen by the special agent, McColm, and, while a man of good reputation, has a bearing and manner in testifying which impresses one with the belief that he is either telling a lie or not telling the whole truth. He goes 'square back' on his affidavit to McColm, as he had practically done before in having made an affidavit in support of the claim at the instance of the claimant, and now, before me, and in the presence of the claimant, he makes a deposition supporting the claim. Of course his conflicting statements renders the testimony worthless either for or against the claim. After he, himself, mentioned the *ex parte* statement made before McColm, I deemed it proper to cross-question him upon it, and did so. He is against all pensions and pensioners, and is a chronic grumbler about them, as well as other things which do not coincide with his particular views.

"Claimant's final statements: F. M. Webster, one of the witnesses testifying against him before McColm, is dead; was killed by the cars some years ago; and Minor Allen is now, I am informed, residing in San Raphael, Marin County, California. He is a most important witness, and should be seen and closely questioned.

"I was unable to find but one comrade who knew anything of the case who had not already testified, for the reason that since the rejection, or since the claimant was dropped from the rolls, he has scoured the whole country and procured almost all the members of his company's affidavits.

"In conclusion, I will say that I am firmly of the opinion, from the evidence before me, that this claim is meritorious. I believe the claimant was wounded as alleged, and had there been an open investigation in the beginning would never have been dropped from the rolls. I am further satisfied that the question of intoxication is without foundation, claimant being a man always temperate; never seen or heard of being under the influence of liquor at any other time before, during, or since the war; is strictly temperate now; never touches a drop of intoxicating liquors of any kind.

"Respectfully,

"L. C. KEENEY, *Special Examiner.*

"JANUARY 31, 1885.

"Approved: The summary is a true reflex of the testimony embodied in this report.

"LEONARD MARTIN.

"*Supervising Examiner, Cleveland District.*

"Hon. O. P. G. CLARKE,

"*Commissioner of Pensions.*"

The record of the case, so far as your committee have discovered, does not show any attempt on the part of the Pension Office to procure the testimony of the witness Allen, as advised by Special Examiner Keeney. Instead of that, Keeney is directed to take the testimony of two men who were not members of claimant's company, and who had no knowledge of claimant or his wound. On this, under date of May 29, 1885, Keeney reports as follows:

"In the month of January I investigated this claim and then procured all the testimony that could be found in this section of county material to the point at issue. I presume from an examination of the papers that the claim was returned for the testimony of George L. Mason, mentioned in Loomis's report, and for that of Locy Swartout, mentioned in office list of comrades, neither of whom were members of claimant's company, and very naturally know nothing whatever of the case; never knew the man.

"I am still of the opinion that this claim is meritorious. There must have been some mistake in sending it back here. It should have been sent as per recommendation in my former report, where it was certain evidence could have been found. It seems to me that we should not enter into speculation until we have exhausted certainties in the matter of securing evidence in a pension claim."

On June 25, 1885, Special Examiner Sweetzer made an examination of Dr. John Turnbull, assistant surgeon of the One hundred and fifth Ohio Volunteer Infantry, with the following report:

"Reputation good; unbiased; testifies that his age is forty-five; was assistant surgeon of the One hundred and fifth Ohio Volunteer Infantry, and as the surgeon was a portion of the time acting as brigade and division surgeon, he, deponent, was assistant surgeon in charge of the regiment during last two years of the war, he being at this time the only medical officer on duty with the regiment; personally knew applicant.

"On the night of the 15th and 16th of March, 1865, we were called up before midnight, in line of march, at Fayetteville, N. C., and awaited and assisted the trains in crossing the river on ponton bridges, acting as rear guard for our portion of the army; the rebel citizens and rebel soldiers attacked our regiment, repeatedly firing upon us; and during this skirmish Samuel Brooks was wounded by a gunshot wound in upper third of left arm; also in left breast, and a flesh wound in left hip, which had the appearance of being caused by a bayonet. He was brought across the river with a portion of our men, the last to cross, and after crossing with him they laid him down by an old building, and one of the soldiers (I can not name him) came to me and told me Samuel Brooks was badly wounded and needed my assistance. I went immediately and found him wounded as above described. I dressed his wounds as best I could, and had him placed upon a stretcher and carried forward by his comrades to the ambulance, which was the last time I have ever seen him.

"It must have been 1 or 2 o'clock a. m. when he found applicant lying wounded as stated above; has no reason for believing he was not in line of duty when wounded, but believes he was; well knows the regiment had a number of men placed around the town at different houses; knows it because there were a number of rebels scattered around, and some of them were lying wounded in these houses, and he (deponent) attended them, and thus he saw that some of our men were on duty, and he thinks Brooks was one of these. When deponent found Brooks lying wounded he was, to all appearances, perfectly sober; if he was not he would certainly have known it; soldier was not, to his knowledge, in the habit of drinking. He was a good soldier; no shirk and no coward, and always prompt in performance of duty, and a surgeon very soon finds out who shirks and cowards are; statements given herein are given from a record made on the morning sick report and prescription book of the One hundred and fifth regiment and partly from memory also; knew soldier sufficiently well to have known if he had been addicted to loose habits of any kind; believes him to have been in all respects a trusworthy, moral man; can not say whether soldier had any personal enemies.

"Conclusion: From the evidence thus submitted I am firmly of the opinion that the claim is meritorious, and that the applicant is clearly deserving of a restoration of pension. I myself saw and examined deponent's regimental sick report and prescription book, such as a medical officer would naturally keep, and therein I find laid down the important facts relating to dates, nature of wounds treated, and final disposition of the soldier so far as within the medical officer's jurisdiction. I recommend the case for further examination as per report of Special Examiner L. C. Keeney, dated January 21, 1885.

"Very respectfully,

"A. H. SWEETZER, *Special Examiner.*"

The record of Dr. Turnbull's examination bears the following indorsement:

"In view of the fact that a majority of the witnesses who testified against claimant in a former *ex parte* investigation have repudiated their adverse testimony, and the positive statements as to incurrence in line of duty by good and reliable witnesses, including that of Dr. Turnbull, I do not think, taking into consideration the distance the witness Allen lives, the case should be held for his deposition. I think it should be admitted, and, with Special Examiner Keeney, think that if a fair and impartial examination had been held in the first place the man's name would not have been dropped from the rolls.

"ROGERSON, *S. E. D.*

"SEPTEMBER 29, 1885."

On August 26, 1886, Special Examiner Parker took the testimony of Thomas Bowen, who was with the claimant when the wound was received. The conclusion of the examiner's report is given herewith, but the testimony is so closely identical in all essential points with that given by Bowen fourteen years before, and hereinbefore set forth, that its repetition is not considered necessary. It is as follows:

"Bowen is an ignorant man, but told his story in a truthful manner, and I believe him. I am of the opinion that this is a just claim, and I would recommend that claimant's name be restored to the pension-rolls.

"Very respectfully,

"R. W. D. PARKER."

These summaries embrace all the testimony, taken at the latest opening of the case for that purpose, of sufficient pertinency to influence any fair judgment as to the merits of the claimant's case, the proceedings in which have been presented with the degree of fullness herein employed that they might serve as an object lesson of the mode in which business has been conducted in a most important branch of the public service, a purpose the propriety of which will further appear before the reflections on the case are finally closed.

On November 30, 1872, according to the decision of the Acting Secretary of the Interior (the point of discrepancies in statements having been considered immaterial), the sole question remaining open in this case was that of the incurrence of the claimant's wound in the line of duty. The procurement by the detective, McColm, of the affidavits of the witnesses Taylor, Allen, Webster, and Grover, averring that the claimant, when wounded, was drunk and off duty, decided, in the opinion of the Acting Secretary of the Interior, this question against the claimant; and such decision was formally rendered by this official on February 25, 1873. Of the witnesses examined during 1885 and 1886, abstracts of whose testimony are hereinbefore given, many contradicted all and all contradicted many of the averments of the four affidavits, on which alone there was found justification for withholding the claimant's pension. These latter witnesses, however, furnished only cumulative testimony; for, as has already been shown by the committee, the affidavits of Taylor, Allen, Webster, and Grover contained inherent proofs of their falsity; and what the committee charge, the majority of these four affidavit-makers (one of whom is dead, and comprising two out of three who are still alive) themselves admit and sustain in their examinations of January, 1885.

It remains, therefore, that the theory and action of the Pension Office in this case are based on the *ex parte* testimony of one man; and by inherent as well as external evidence, by the affidavit itself, by the recanting oaths of his partners in wrong as well as by the unimpeached oaths of half a score of other witnesses, this one man is a thrice-proven perjurer; and yet upon this state of the case, and since these facts have thus been plainly demonstrated and placed on the records of the Pension Office, it has within the past year once more been solemnly decided that the claimant is not entitled to a restoration of his pension because his wounds were not received in the line of duty.

The wrong and outrage of this secret-service system is, not that it sometimes uses questionable means to secure just results, nor that by a more subtle cunning it frequently defeats conspiracy and fraud, but that its methods are applied to instances of technical wrong or simple discrepancy, and are thereafter perpetuated by the bureau rule of secrecy. If such secrecy were in fact total and perpetual, and so made to bear solely against the pecuniary rights or interests of the parties attacked, its evils would be comparatively lessened. But when to give force to needed evidence slander assails private character, and its poison, exhaled from careless employés or the more vicious dupes of the detective, spreads broodingly over the homes of its victims, the wrong and outrage become intolerable.

In the case under consideration the pitiable aspect is not that of the suspended pensioner groping amid the entanglements of concealed evidence and making ill-afforded journeys to discover comrades who would certify to his courage and character, years after his case had been sealed and closed in the secret-service division of the Pension Office, but it is when the busy gossip brings to his wife's unwilling ears the detective's falsehood of her husband's incontinence and crime. It is true that in this case slander did not impair the wife's confidence in her husband, and it is to their equal merit that such is the truth.

Among the voluminous papers which make up this case there is a letter from the wife of the claimant to the Commissioner of Pensions, written thirteen years after her husband had been dropped from the rolls, and bearing internal evidence that it was inspired by recent knowledge of the secret attacks upon her husband's character, as it also bears testimony of staunch womanliness and wifely devotion. The letter is badly spelled and inelegantly composed, but your committee venture to affirm that it was written by an honest wife and mother, to whom the pension is much for the comforts it would bring, but to whom it would be vastly more as the seal and pledge of the husband's honor and the family's good name. It is printed here without change:

"PAINESVILLE, *February* 16, 1884.

"SIR: I thought I would take the liberty of dropping you a few lines myself, seeing you did not answer my husband's letter. Now, all this talk that's about him is all falts, for I have known him from a boy up. Mr. Dudley, sir, I think that's a poor excuse to believe false stories. I think he had ought to have his pension. I think he has sent in sufficient proof, and good responcible men. It does seem to me that Rowdeys words are taken nowadays before good responcible men. You know the best of men have enemies. Now, if I could find out who those boys are he would make them prove it. I wish you would let me know if you could. Samuel's health is very poor and he can not work as other men can. His wounds bothers him dreadful bad. Oh, how they do pain him before a storm, and yet growing worse. My husband was a strong, healthy boy when he went into the army, and he has never had a days' good health since he came out. He has been a great distance to get his captain's affidavits and others also. They have respected him enough to drop him a card to see if he has redeemed his pension.

"If he was such a man as they say he was in the army, why would these business men be willing to help him. It has cost a great deal to go from one place to another, they live so far apart. They all seem to think that he was a good boy in the service. But, Mr. Dudley, he did not go in for money, he went in for his country, done his duty properly, never came home on a furlough, served almost three years until he got wounded, got an honorable discharge, like a man. His parents and relations are good Respectable and Responcible people, and mine also. Now, Mr. Dudley, I have a weakly family to take care off, and a sickly man and little to do with. Now, Mr. Dudley, please let me know what further proof you want. It would help me a great deal, for I need it bad; for I think it due to me, for he has lost both his health and wealth in the army. Now I hope I will hear a good news next time. This money is due to us if farety is shown. No more at present. Write soon, if you please, and let me know what you are going to do about this business.

"Very truly,

"MARIA BROOKS.

"Mr. W. W. DUDLEY."

Repeatedly since 1870, as the records show, on personal application and by attorney for copies of the charges alleged against the claimant, a declination has been returned, for the reason that it was in contravention of the rule of the Pension Office—holding sacred by such rule not the character of the soldier, but that of his defamers, and making of itself a breastwork behind which the slanderer could safely attack the unsuspecting and the weak. Such a system, so administered, is not merely pernicious and dangerous; it would be disgraceful in a despotism, and in a republic it is infamous.

It appears to your committee, after a full examination of the records of this case, that for the past seventeen years the Pension Office, in an effort to vindicate the feeble infallibility of a bureau, has not been careful to avoid trifling with the fame of an honest and faithful soldier, whose triple wounds should have been his protection; and, in such attempt, has caused the expenditure of more money than would have sufficed to pay his pension from the date of his discharge to that of his probable death. It is clear that this soldier has been wronged; and the bill directing his name to be placed on the pension-roll is amended so as to make such restoration relate back to the date when it was dropped therefrom; and, so amended, it is hereby reported back to the Senate, with the recommendation that it do pass.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. F. SELINA BUCHANAN.

The bill (S. 1985) granting an increase of pension to Mrs. F. Selina Buchanan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. F. Selina Buchanan, widow of the late McKean Buchanan, of the United States Navy, at $50 per month, in lieu of the amount she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES JACKSON PURMAN.

The bill (S. 656) granting an increase of pension to James Jackson Purman was considered as in Committee of the Whole. It proposes to grant to James Jackson Purman, late first lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, a pension at the rate of $45 per month in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. VIRGINIA GRIER.

The bill (S. 123) granting a pension to Mrs. Virginia Grier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Virginia Grier, widow of William N. Grier, late brevet brigadier-general and colonel of the United States Army, at the rate of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOBIAS BANEY.

The bill (S. 121) granting a pension to Tobias Baney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Tobias Baney, late of the One hundred and ninety-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. COLEMAN.

The bill (S. 1007) granting a pension to John S. Coleman was announced as next in order on the Calendar.

Mr. COCKRELL. I think that had better go over.

The PRESIDENT *pro tempore*. The bill is objected to, and will retain its place on the Calendar.

EDWARD DURANT.

The bill (S. 765) granting an increase of pension to Edward Durant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "fifty" and insert "twenty-seven;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Durant, late a private of Company G, Eighth Regiment Illinois Volunteer Infantry, who is now pensioned under certificate numbered 175166, and pay him a pension at the rate of $27 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOPHIA W. WRIGHT.

The bill (S. 901) for the relief of Sophia W. Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sophia W. Wright, a volunteer nurse during the war of the rebellion, at the rate of $25 per month.

Mr. COCKRELL. I move to strike out "25," in line 7, and insert "12."

Mr. PADDOCK. I hope the Senator from Missouri will consent to let the bill go over instead of pressing the amendment.

Mr. COCKRELL. Let it pass over.

Mr. SAWYER. Let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over, the pending question being on the amendment of the Senator from Missouri.

MARY M. BRIGGS.

The bill (S. 899) for the relief of Mary M. Briggs was announced as next in order. It proposes to place on the pension-roll the name of Mary M. Briggs, a volunteer nurse during the war of the rebellion, at $25 per month.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection, retaining its place upon the Calendar.

JAMES LUCAS.

The bill (S. 1096) granting a pension to James Lucas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Lucas, late a private in Company H, One hundred and eleventh Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA VON BERNEWITZ.

The bill (S. 1717) granting a pension to Emma Von Bernewitz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma Von Bernewitz, a nurse in the Medical Department, United States Army.

Mr. PLATT. There is no amount specified in that bill.

Mr. COCKRELL. I move to insert "$12 a month."

Mr. SAWYER. I have no objection.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. The proposed amendment is to add to the bill "and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA D. HOLTZ.

The bill (S. 811) granting a pension to Lydia D. Holtz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "infantry," to strike out "to date from January 16, A. D. 1869, the date of William F. Holtz's death;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia D. Holtz, widow of William F. Holtz, late a private in Company G, Fourth Regiment Minnesota Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THERESA B. HOFFMAN.

The bill (S. 1665) granting a pension to Theresa B. Hoffman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theresa B. Hoffman, widow of E. G. Hoffman, deceased, late a captain in the One hundred and sixty-fifth Regiment of New York Volunteers, and to pay her a pension at the rate of $20 per month, to commence from the date of the death of E. G. Hoffman, August 16, 1886.

The Committee on Pensions reported an amendment to strike out "to commence from the date of the death of the said E. G. Hoffman, August 16, 1886."

The amendment was agreed to.

Mr. COCKRELL. What is the amount allowed to a captain? Is that the usual allowance?

Mr. SAWYER. Twenty dollars is the law. This is the same as the general amount.

Mr. COCKRELL. All right.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID WILLIAMS.

The bill (S. 830) granting a pension to David Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Williams, late a private in Company F, of the Twenty-eighth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I appeal to the Senator from Tennessee to give way to me for one moment to call up a bill which was passed over informally,

Mr. HARRIS. I do not hear the Senator from Nebraska.

Mr. PADDOCK. I ask the Senator to give way to me a moment to call up a bill which was passed over on account of an objection interposed, which is ready to be withdrawn.

Mr. HARRIS. One of the pension bills that has been passed over to-day?

Mr. PADDOCK. Yes, sir.

Mr. HARRIS. For that purpose I will withdraw the motion, but I beg to say to Senators that if I were to yield to one, I should have to yield to every other one; but inasmuch as the Senate, by unanimous consent, agreed to take up pension bills, I will allow the Senator from Nebraska to call up the bill to which he alludes, provided it does not lead to debate and discussion.

Mr. PADDOCK. I think it will not lead to debate. It is Order of Business 39, being the bill (S. 300) granting a pension to Mrs. Juliet G. Howe.

Mr. COCKRELL. I hope the Senator will not insist on disposing of that question now. There are several cases involved. It will occasion some discussion, and there is a general bill now on the Calendar reported by the committee in regard to all nurses. I think it had better go over until we can look into it a little further. There may be some special reason why this bill should be passed, but we have not time to look into it now.

Mr. HARRIS. If this is going to lead to discussion, I decline to withdraw my motion.

Mr. PADDOCK. I made the request under the impression that my friend from Missouri, after the very full statement of the case I made to him, would not interpose any further objection to its passage. As I find now that he does interpose an objection and insists upon it, I will not press the matter.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive business the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until Monday, February 20, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 16th day of February, 1888.

SOLICITOR-GENERAL.

Charles S. Cary, of New York, to be Solicitor-General, *vice* Alexander McCue, resigned.

REGISTERS OF LAND OFFICE.

R. B. Wilson, of Russellville, Ark., to be register of the land office at Dardanelle, Ark., *vice* Adolphus G. Leming, term expired.

Henry W. Scott, of Jetmore, Kans., to be register of the land office at Larned, Kans., *vice* William R. Brownlee, removed.

Edward G. Spilman, of Rapid City, Dak., to be register of the land office at Devil's Lake, Dak., *vice* Henry W. Lord, term expired.

NOMINATION WITHDRAWN.

William L. Bradford, to be consul of the United States at Barranquilla.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1888.

UNITED STATES CONSUL.

J. Harvey Brigham, of Louisiana, to be consul at Kingston, Jamaica.

COLLECTOR OF CUSTOMS.

Alonzo L. Miles, of Maryland, to be collector of customs for the eastern district, in the State of Maryland.

RECEIVERS OF PUBLIC MONEYS.

Charles M. Foree, of Shelbyville, Ky., to be receiver of public moneys at Lewiston, Idaho.

J. H. Craddock, of Marysville, Cal., to be receiver of public moneys at Marysville, Cal.

REGISTERS OF LAND OFFICE.

Lewis C. Granger, of Oroville, Cal., to be register of the land office at Marysville, Cal.

Willis Holmes, of Natchitoches, La., to be register of the land office at Natchitoches, La.

Edward O. Miller, of Visalia, Cal., to be register of the land office at Visalia, Cal.

Francis F. Patterson, of Salem, N. C., to be register of the land office at Lewiston, Idaho.

Henry O. Billings, of Alton, Ill., to be register of the land office at Hailey, Idaho.

REVENUE SERVICE.

Fred R. Falkenstein, of Maryland, to be a second assistant engineer in the revenue service of the United States.

Second Lieut. Walstein A. Failing, of New York, to be a first lieutenant in the revenue service of the United States.

Second Lieut. William C. De Hart, of New Jersey, to be a first lieutenant in the revenue service of the United States.

Second Lieut. Albert Buhner, of South Carolina, to be a first lieutenant in the revenue service of the United States.

Third Lieut. Horace B. West, of Pennsylvania, to be second lieutenant in the revenue service of the United States.

Third Lieut. George A. Starkweather, of Wisconsin, to be a second lieutenant in the revenue service of the United States.

Third Lieut. John C. Moore, of Maryland, to be a second lieutenant in the revenue service of the United States.

Third Lieut. Charles D. Kennedy, of Massachusetts, to be a second lieutenant in the revenue service of the United States.

John E. Reinberg, of the District of Columbia, to be a third lieutenant in the revenue service of the United States.

Frank H. Dimock, of Massachusetts, to be a third lieutenant in the revenue service of the United States.

PROMOTIONS IN THE NAVY.

Passed Assistant Paymaster William W. Barry, to be a paymaster in the Navy.

Assistant Paymaster Leeds C. Kerr, to be a passed assistant paymaster in the Navy.

Commodore Daniel L. Braine, a resident of New York, to be a rear-admiral in the Navy from the 4th September, 1887.

Capt. George Brown, a resident of Indiana, to be a commodore in the Navy from the 4th September, 1887.

Commander William Whitehead, a resident of Pennsylvania, to be a captain in the Navy from the 4th September, 1887.

Lieut. Commander Charles A. Schetky, a resident of New Jersey, to be a commander in the Navy from the 4th September, 1887.

Lieut. Benjamin F. Tilley, a resident of Rhode Island, to be a lieutenant-commander in the Navy from the 4th September, 1887.

Lieut. John O. Nicolson, junior grade, a resident of Alabama, to be a lieutenant in the Navy from the 4th September, 1887.

Ensign George W. Denfield, a resident of Massachusetts, to be a lieutenant, junior grade, in the Navy from the 4th September, 1887.

Lieut. George T. Emmons, junior grade, a resident of New Jersey, to be a lieutenant in the Navy from the 1st November, 1887.

Ensign Albert W. Grant, a resident of Wisconsin, to be a lieutenant, junior grade, in the Navy from the 1st November, 1887.

Naval Cadets John G. Tauresey, a resident of Delaware; Albert C. Diffenbach, a resident of Pennsylvania; Theodore C. Fenton, a resident of Pennsylvania; Volney O. Chase, a resident of Louisiana; George R. Slocum, a resident of Illinois; William G. Miller, a resident of Virginia; George W. Kline, a resident of New Jersey; John P. McGuinness, a resident of Idaho Territory; Joseph Strauss, a resident of Virginia; Charles S. Stanworth, a resident of Virginia; Robert L. Russell, a resident of Georgia; Harrison A. Bispham, a resident of Pennsylvania; Armistead Rust, a resident of Virginia; George R. Evans, a resident of Massachusetts; Edward W. Eberle, a resident of Arkansas; James E. Shindel, a resident of Pennsylvania; David S. Nes, a resident of Pennsylvania; Charles M. McCormick, a resident of Virginia; Glennie Tarbox, a resident of South Carolina; William W. Gilmer, a resident of Virginia; Robert E. Coontz, a resident of Missouri, and Benjamin Wright, a resident of Tennessee, all graduates of the Naval Academy, to be ensigns in the Navy from the 1st July, 1887.

PROMOTIONS IN THE ARMY.

Paul Shillock, of Minnesota, to be assistant surgeon with the rank of first lieutenant, January 31.

Second Regiment of Cavalry.

Second Lieut. Francis D. Rucker, to be first lieutenant, January 31, 1888.

Fourth Regiment of Artillery.

Second Lieut. Clarence P. Townsley, to be first lieutenant, January 16, 1888.

Third Regiment of Infantry.

Second Lieut. John H. Beacom, to be first lieutenant, January 20, 1888.

SECOND LIEUTENANTS IN THE ARMY, TO RANK FROM FEBRUARY 6, 1888.

Third Regiment of Infantry.

2. Corp'l William C. Neary, Company E, Battalion of Engineers.

Fifth Regiment of Infantry.

1. Sergt. James Baylies, Company A, Fifth Infantry.

Sixth Regiment of Infantry.

4. Quartermaster Sergt. George A. Detchmendy, Third Infantry.

Eighth Regiment of Infantry.

3. Sergt. Joseph C. Beardsley, Company B, Fourth Infantry.

Eleventh Regiment of Infantry.

5. First Sergt. Thomas J. Watkins, Light Battery C, Third Artillery.

Twelfth Regiment of Infantry.

6. Corp'l Earl C. Carnahan, Company G, Sixteenth Infantry.

Twentieth Regiment of Infantry.

7. Sergt. Archibald A. Cabaniss, Troop B, Fourth Cavalry.

Twenty-second Regiment of Infantry.

8. Sergt. Maj. Thomas M. Moody, Ninth Infantry.

Twenty-fourth Regiment of Infantry.

9. Sergt. Charles E. Tayman, Company K, First Infantry.

Twenty-fifth Regiment of Infantry.

10. Sergt. Thomas H. McGuire, Company B, Eighteenth Infantry.

POSTMASTERS.

Orlo S. Rockwell, to be postmaster at Kent, in the county of Portage and State of Ohio.

Morgan H. Hoyt, to be postmaster at Brewster, in the county of Putnam and State of New York.

John B. Abbott, to be postmaster at Geneseo, in the county of Livingston and State of New York.

James L. Clark, to be postmaster at Glenwood Springs, in the county of Garfield and State of Colorado.

John H. Rolfe, to be postmaster at Penacook, in the county of Merrimack and State of New Hampshire.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 16, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. BRUSH, president of Dakota University.

The Journal of the proceedings of yesterday was read and approved.

UNITED STATES PENITENTIARY, BOISÉ CITY, IDAHO.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an appropriation for the improvement of the United States penitentiary at Boisé City, Idaho; which was referred to the Committee on Appropriations, and ordered to be printed.

GEORGE W. CHAPMAN VS. UNITED STATES.

The SPEAKER laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in the case of George W. Chapman *vs.* The United States; which was referred to the Committee on War Claims.

W. R. BILLINGSHED VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in the case of W. R. Billingshed, administrator, *vs.* The United States; which was referred to the Committee on War Claims.

J. S. THOMPSON VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in the case of Joseph S. Thompson against the United States; which was referred to the Committee on War Claims.

APPROPRIATION FOR MILITARY ACADEMY.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an amendment to the bill making appropriations for the support of the Military Academy for the next fiscal year; which was referred to the Committee on Military Affairs, and ordered to be printed.

URGENT DEFICIENCIES, POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Postmaster-General of appropriation for urgent deficiencies in the Post-Office Department; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPORTATION OF ADULTERATED FOOD.

Mr. BUTTERWORTH. Mr. Speaker, I desire to present to the House, and to have printed in the RECORD, a resolution of the Cincinnati Chamber of Commerce, asking legislation to prevent the importation of adulterated articles of food.

The SPEAKER. The resolution will be referred to the Committee on Ways and Means, and, in the absence of objection, will be printed in the RECORD.

The resolution is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The board of directors of the Cincinnati Chamber of Commerce and Merchants' Exchange has recently memorialized your bodies for the enactment of such laws as will prevent the mixture of certain articles of human food, hurtful or otherwise, to be sold under names that were calculated to practice an imposition upon consumers, on the one hand, and to work injury to great industries, on the other. This was intended in its application to reach, in general terms, articles of domestic production. We, however, can not fairly impose exactions upon our own people which do not attach to articles produced in other lands. We do therefore pray that such laws may be enacted as will prevent the introduction into this country of all adulterated, mixed, doctored, or compounded articles entering into the consumption of the people, whether of food or drink, under any other name than that which legitimately pertains to the same, to the end that the health of the people may be protected, a better code of business morals created, and that honest industry, both at home and abroad, may find suitable encouragement and protection.

LEVI C. GOODALE, *President.*

WM. E. HUTTON, *Secretary.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, an-

nounced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 313) for the relief of R. R. Tinsley; and

A bill (S. 371) to aid in the establishment and temporary support of common schools.

Mr. MILLS. I call for the regular order.

REPORT UPON DOCUMENTS WHICH CAN NOT BE SUPPLIED.

Mr. RICHARDSON. I rise to make a privileged report from the Committee on Printing.

The Clerk read the report, as follows:

The committee have made the investigation called for under House resolution adopted on January 23, which is as follows:

"*Resolved*, That the Committee on Printing inquire into and report the reason why members of Congress can not procure books standing to their credit on the books of the Doorkeeper, if such fact exists."

In answer to the inquiry the committee submit the following letter from the Doorkeeper of the House, dated January 27, 1888:

"OFFICE DOORKEEPER,
"HOUSE OF REPRESENTATIVES UNITED STATES,
"*Washington, D. C., January* 27, 1888.

"SIR: Your communication of the 25th instant, inclosing a copy of a resolution introduced in the House by Hon. W. P. TAULBEE, and stating that the committee will be pleased to receive from me any communication I may desire to make in answer to the proposed inquiry, has been received.

"In reply I have the honor to hand you herewith a letter from the superintendent of the folding-room, which explains the reasons why certain books standing to the credit of members can not be furnished. I have no personal knowledge of the matters stated by the superintendent in reference to Fish and Fisheries, Agricultural Report for 1880, and Shackelford and Garfield eulogies.

"The report of L. F. Warder, Acting Doorkeeper, dated December 7, 1885, House Miscellaneous Document No. 20, first session Forty-ninth Congress, shows that there were only 44 copies of the Agricultural Report of 1880 on hand at that time, and I do not suppose that any copies have been printed and delivered since this report was made.

"The report of my immediate predecessor, House Miscellaneous Document No. 17, first session Fiftieth Congress, shows that there were but 27 copies of Fish and Fisheries on hand at the time the inventory was taken, while a later inventory, taken at my instance, shows that there were 14 sets of this book on hand at that time, copies having in the mean time been delivered to the members entitled to receive them. There are due members and ex-members 437 sets of Fish and Fisheries.

"Very respectfully,

"A. B. HURT,
"*Doorkeeper House of Representatives.*

"Hon. JAMES D. RICHARDSON,
"*Chairman Committee on Printing.*"

Upon the same point the committee submit the following letter from the superintendent of the folding-room:

"OFFICE SUPERINTENDENT FOLDING-ROOM,
"HOUSE OF REPRESENTATIVES UNITED STATES,
"*Washington, D. C., January* 25, 1888.

"DEAR SIR: In reply to your verbal inquiry for information in regard to the subject-matter of the resolution of Mr. TAULBEE, which resolution is as follows: "*Resolved*, That the Committee on Printing inquire and report the reason why members of Congress can not procure books standing to their credit on the books of the Doorkeeper, if such fact exists," I have to state that the only books standing to the credit of members of Congress on the books of the folding-room which can not at this time be promptly furnished, are the following:

"1. Agricultural Report of 1880.
"2. Shackelford eulogies.
"3. Hayden's Report, volume 3.
"4. Fish and Fisheries.
"5. Eulogies on Garfield.

"The reasons why these books can not be furnished are as follows:

"First. Agricultural Report, 1880: The deficiency in these reports occurred, I am informed, during the Forty-seventh Congress, and was occasioned by the failure of the then Public Printer to furnish the folding-room with the full quota as required by law.

"Second. Shackelford eulogies: During the Forty-eighth Congress a fire occurred in the folding-room and destroyed, or damaged so badly as to be unfit for distribution, a quantity of books, among which were the Shackelford eulogies.

"Third. Hayden's, volume 3: As will be seen from the accompanying letter from the foreman of the bindery of the Printing Office, there is still due the folding-room 473 copies of this report. The supply of these books in the folding-room being exhausted, no more orders for them can be filled until the remainder are furnished by the Government Printing Office.

"Fourth. Fish and Fisheries: It seems that in prorating these books about the 1st of February, 1886, a mistake was made by prorating 6,000 copies instead of 5,000 copies, the actual number printed for the House. This mistake credited each member with three more sets of this book than they were entitled to receive, making the folding-room about 1,000 sets short of the number credited. As the mistake was not discovered for nearly eighteen months after, and very many members had in the mean time drawn the number thus placed to their credit, it was too late to fully correct the error. After it was discovered, however, three sets were deducted from the accounts of members who had that number still remaining to their credit, and where only one or two sets were to the credit of members the account was canceled. On account of this error there are 437 sets of this book still to the credit of members and ex-members which can not be furnished until some provision is made to supply the folding-room with that quantity of them.

"The Department is short of the Garfield eulogies about 100. Why this is so I have no means of knowing. They were received during the Forty-seventh Congress.

"Respectfully, your obedient servant,

"JOHN G. HEALY, *Superintendent.*

"Mr. A. B. HURT,
"*Doorkeeper House of Representatives.*"

The foregoing letter of the superintendent of folding-room shows there are Agricultural Reports for 1880 to the credit of members which can not be now supplied.

The reason of this appears, in part at least, from the letter of the Public Printer herewith submitted, dated February 1, 1888:

"GOVERNMENT PRINTING OFFICE,
"*Washington, D. C., February* 1, 1888.

"SIR: I have the honor to acknowledge the receipt of your letter of January 28, in reference to the shortage in the delivery of the Agricultural Report for 1880.

"From the best information available, I beg leave to state that the shortage occurred in this way: When the report for 1879 was about all delivered it was discovered that it was 4,680 copies short, and Mr. Defrees, Public Printer, arranged with Mr. Parrish, a book-dealer of this city, to supply the shortage, and he (Mr. Defrees) to repay him with an equal number of the report of 1880, saying it was cheaper than to put the 1879 report back to press. When the 1880 report was printed Mr. Defrees paid Mr. Parrish the 4,680 books, but failed to make that number extra, for the reason, I learn, that the 4,680 extra lithographs necessary were not ordered. I further learn that when Mr. Rounds took charge of the office his attention was called to the matter, but he questioned his authority to order the lithographs and make good the shortage in books.

"Respectfully, yours,

"TH. E. BENEDICT,
"*Public Printer.*

"Hon. JAMES D. RICHARDSON,
"*Chairman Committee on Printing, House of Representatives.*"

The statement is made in this letter that "when the report for 1879 was about all delivered it was discovered that it was 4,680 copies short," etc., and further explains how the Public Printer (Mr. Defrees) attempted to remedy this error. Why this shortage occurred in the report of 1879 is not shown, and the committee can not answer further upon it. It may possibly have been a mistake simply in the count, there being so large a number printed. At any rate the committee have no knowledge as to how the error was made.

The shortage in the "Shackelford eulogies" is explained by reason of the fire which occurred during the Forty-eighth Congress in the folding-room. A number of these volumes, it seems, were damaged in that fire and thus lost to members.

The "Garfield eulogies," it appears, are about 100 short. Why this is so the superintendent of the folding-room says he does not know. The Garfield eulogies were received in the Forty-seventh Congress. The number short is so small, and the error, if any, so far back, the committee did not prosecute the inquiry further as to these eulogies.

The error in the account as to the volume entitled "Fish and Fisheries" is fully explained by the superintendent in his letter, and need not be repeated here. A letter from the Public Printer, herewith filed, shows that the full number ordered has been printed and delivered to Congress:

"GOVERNMENT PRINTING OFFICE,
"*Washington, D. C., February* 2, 1888.

"DEAR SIR: In reply to yours of January 28, in the matter of Fish and Fishery books referred to, I find that the full number ordered has been printed and delivered to Congress, and there are no further numbers due from this office. We have on hand 507 sets reserved in this office for sale under authority of law, for which we have regular demands at the hands of private parties weekly.

"Respectfully, yours,

"TH. E. BENEDICT,
"*Public Printer.*

"Hon. JAMES D. RICHARDSON,
"*Chairman Committee on Printing, House of Representatives.*"

From the foregoing letter it will appear that there are now in the Government Printing Office 507 sets of this work, Fish and Fisheries, which, under the law, have been reserved for sale to private parties. The deficit in the House folding-room, as shown hereinbefore, in members' accounts is 437 sets; so that if it is desired, and the former law on the subject so modified, instead of selling the sets in the Government Printing Office, they may be turned over to the Doorkeeper of the House to supply the deficit.

The only remaining work which can not be supplied, as appears from the letter of the superintendent of the folding-room, is Hayden's Report, volume 3, which was ordered about 1876. The facts in relation to this deficit are shown in a letter from the Public Printer of this date, February 15, which is herewith submitted, and is as follows:

"GOVERNMENT PRINTING OFFICE,
"*Washington, D. C., February* 15, 1888.

"DEAR SIR: I am enabled now to dispose of the last of your three requests for information, received January 28, after a long and painstaking examination and inquiry.

"I find that a part of Hayden's Report, volume 3, ordered about 1876, is in this office in an incomplete condition, owing to the lack of the necessary plates to finish same. The deficiency on the order amounts to 1,236 volumes, as near as we can make out from the imperfect records concerning same, of which we have the printed signatures complete for about that number of volumes.

"We find that there is a deficiency in eighteen different plates, averaging a shortage of 1,230 down to 50. Before the work can be finished Congress must authorize new lithographic work to meet this deficiency. As yet we have been unable to find the original books showing the receipt of plates, and can not answer as to whether the same were paid for. I learn from one of the clerks, verbally, that they were not delivered, and it is probable that they were not paid for.

"Respectfully, yours,

"TH. E. BENEDICT,
"*Public Printer.*

"Hon. JAMES D. RICHARDSON,
"*Chairman of House Committee on Printing.*"

The committee have thus answered the inquiry ordered in said resolutions, and ask to be discharged from the further consideration of the subjects involved.

Mr. RICHARDSON. If the House will indulge me, I desire to occupy only a few moments in explaining the facts covered by this report.

The resolution directed the committee to inquire what documents standing to the credit of members on the books of the Doorkeeper could not be furnished. The fact is developed that there are five publications the copies of which can not be supplied. These five are the eulogies on Shackelford, the eulogies on Garfield, the Agricultural Report of 1880, the Report on Fish and Fisheries, and the third volume of Hayden's Reports. The number of Garfield eulogies which could not be supplied was very small; and the committee suppose that possibly a mistake was made in counting them in the first instance. They were ordered furnished, however, and were published during the Forty-seventh Congress.

In regard to the Shackelford eulogies, it is shown that a number of

copies were destroyed or damaged in the fire which occurred in the folding-room during, I believe, the Forty-eighth Congress, so that the shortage in respect to that work is thus accounted for.

In regard to the Agricultural Reports for 1880, the deficit has occurred in this way: A very large number were printed—possibly 300,000—and the committee suppose that the Public Printer made an error in the computation of the number printed.

It appears that of the edition of 1879 there was found, when the documents came to be delivered, a shortage of 4,680 volumes; and the then Public Printer, Mr. Defrees, borrowed from a private dealer in this city that number of copies in order to supply Representatives and Senators, promising that he would return to this dealer an equal number of copies of the edition of 1880. When the edition of 1880 was printed the Public Printer failed to get the appropriation to cover the publication and lithographing for the additional number of copies, and therefore he could not comply with his promise. He returned to the dealer the number of copies he had borrowed of the edition of 1879, but the quota of members was thereby diminished to that extent.

Mr. BURROWS. The gentleman from Tennessee has referred to the Public Printer getting a number of documents from a private dealer. I wish to ask the gentleman whether he has ever had occasion to inquire into that matter, so as to ascertain how it happens that very valuable documents, like the Medical and Surgical History of the Rebellion and other Government publications, can be obtained here of second-hand dealers. The question is, where those volumes come from and how the dealers get them.

Mr. RICHARDSON. Mr. Speaker, our committee has had no orders to make any such investigation; and of course any information I might give on that subject would be entirely personal.

Mr. BURROWS. I believe I shall introduce a resolution on that subject at an early day.

Mr. RICHARDSON. I suppose it is possible that impecunious members sell their books, though I know nothing of any sale.

Mr. HOLMAN. Or Senators.

Mr. RICHARDSON. Surely not Senators. I do not know any other way to account for the fact.

Mr. BURROWS. These books belong to the public, and are not the personal property of members.

Mr. PAYSON. I would like to ask the chairman of the Committee on Printing whether his committee is advised, or whether he can explain, how the Public Printer could procure from a second-hand dealer this large number of Agricultural Reports, when they had not yet been delivered to the folding-room, and were supposed not to have gone out of the Public Printing Office.

Mr. RICHARDSON. I am unable to answer that question. The Public Printer at that time was Mr. Defrees; and as he is dead, I do not know how we can get that information. These reports are taken away from the Printing Office and delivered to members in installments; that is, they begin to deliver before the entire edition is ready. It is possible, I suggest, that the private dealer got some of the first books sent out.

Mr. PAYSON. It seems very strange that a Public Printer, finding a deficiency of documents to which members of Congress are entitled, should make up that deficiency by going to a second-hand dealer down town, and borrowing from him more than four thousand volumes in order to supply members of this House.

Mr. RICHARDSON. It does seem a little singular; but it is possible, if the dealer procured the books from the first lot sent out by the Printing Office.

Mr. PAYSON. It is wholly inexplicable.

Mr. BURROWS. How did the dealer get them?

Mr. RICHARDSON. I have no means of knowing; it occurred away back in 1879 or 1880.

Mr. CUTCHEON. He probably "raised" them.

Mr. GALLINGER. Mr. Speaker, it is utterly impossible to know what is going on.

Mr. RICHARDSON. I shall detain the House but a few moments longer.

I do not know positively how it is possible—I answer in response to gentlemen—that this could have occurred, that book-sellers in the city of Washington are able to supply public books; but as a matter of fact, while I have never bought or sold one of these in my life, I know from very reliable information that these books can be bought from regular dealers in this city. How they get them I am not able to say, nor is it a part of the inquiry imposed upon the committee.

That, however, explains the deficiency in the number of Agricultural Reports for 1880. In regard to the book "Fish and Fisheries" I will state that this was ordered printed by the Forty-seventh Congress, and it seems that when the Doorkeeper of the House came to make the allotment to members, he supposed, on information he received, as he says, that the edition comprised 6,000 copies, and he made a pro rata distribution upon that basis. It turned out, however, that the whole number ordered printed for the House was only 5,000, and therefore there being the mistake of 1,000 volumes there were at least 3 books too many given to each member who received his allotment. Now, a number of members came forward and got the 17, the full number they would have been entitled to if the number printed had been 6,000.

Some eighteen months after the distribution, when the error was discovered, it was found that he could not supply the members with 17 copies each. Each would have been entitled to about 14, if a proper distribution had been made from the beginning, but he could not supply them that number because of the fact that the number of members who had already received 17 copies reduced the total number for distribution to such an extent that he could not even supply to the members the number to which they were properly entitled—that is, 14 copies. Thus 437 volumes of this work can not now be supplied to members, that number having been taken out by members under the error made in the first allotment, in excess of what those members were entitled to.

But in this connection let me say there are now 507 copies of the work in the hands of the Public Printer, left there under the law which authorized their publication, for sale by the Public Printer to private parties. In addition to the 5,000 copies ordered printed for the House and the usual number for the Senate, there were 1,000 copies ordered to be left in the hands of the Public Printer for sale to private parties.

If Congress desires it, a portion of the number left there to be sold may be appropriated to make up the allotment to members, rather than have them sold as first contemplated. A change of the law, however, will be necessary in order to turn over to members these 437 copies. In this way the deficit in the numbers of this book can be supplied, and it would still leave, of course, a small number in the hands of the Printer for sale to private parties.

The only other volume unaccounted for is Hayden's volume, number 3, printed by order of the Forty-fourth Congress, some ten or twelve years ago. Four hundred and seventy-three copies of this work are short. How they came to be missing the Public Printer is unable to state, as he says, and the committee have no means of determining how the deficit occurred. He is also unable to find all the plates necessary for a reprint of the book, or the manuscript; and hence is unable to supply the demand unless Congress makes a new appropriation to cover the cost of the lithographic plates and other work necessary.

But, Mr. Speaker, permit me to say in this connection that I do not believe the volume in question ought to be republished, but all the facts in relation to it will be included in the subsequent report that the committee will make as to delayed work in the Government Printing Office under a resolution heretofore passed. This volume relates to some of the old geological surveys, as I am informed, and I believe that the plates are plates of old bones, discovered in the great West, of animals that inhabited the forests there many, many years ago. I doubt very much whether the expense incident to the republication ought to be incurred.

Now, I believe I have noticed all the facts in connection with this matter. There is nothing in the report to reflect upon anybody. The committee could find no reason to think in any of the cases that there had been anything more than unintentional error, and which, as I have shown, crept into the accounts of members, and which now prevents a full distribution of the documents in question.

I move that this report be printed and ordered to lie upon the table for the use of members.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SAYERS. I demand the regular order.

Mr. GROSVENOR. I hope the gentleman will yield to me for a moment, with the view of submitting four resolutions of the Ohio Legislature, as I am compelled to leave the House.

Mr. SAYERS. I will withdraw the demand for the regular order for that purpose.

Mr. GROSVENOR. I request unanimous consent, Mr. Speaker, to submit at this time certain joint resolutions of the Legislature of the State of Ohio, with reference to reimbursing the States for interest on war loans; a resolution in reference to arrears of pensions to certain pensioners; one in reference to the payment of bounties, and another with regard to the cattle industry of this country, which I ask to have printed in the RECORD.

There was no objection, and it was so ordered.

The resolutions are as follows:

INTEREST ON WAR LOANS.

[Senate joint resolution No. 13.]

Joint resolution relative to requesting our Senators and Representatives in Congress to do all possible for the passage of Senate bill No. 260.

Whereas there has been introduced in the Senate of the United States a bill (No. 260) "to reimburse the several States for interest paid on war loans, and for other purposes:" Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be, and they are hereby, requested to vote for and urge the passage of the same; and that the governor forward a copy of this resolution to each of our Senators and Representatives in Congress.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 9, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 9th day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus the 10th day of February, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 10, 1888.

In compliance with the request contained in the resolutions above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

ARREARS OF PENSION IN CERTAIN CASES.

[Senate joint resolution No. 7.]

Joint resolution instructing our Senators and requesting our Representatives in Congress to use all honorable means to secure the passage of Senate bill No. 913.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act all persons on the pension-rolls of the United States who are drawing pensions on account of loss of limb or limbs shall be entitled to receive arrears of pension from date of discharge or disability, and covering all the time up to the passage of the act or acts authorizing the issuance of their last pension certificate, at the same rate per month to which that certificate entitles them:" Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators in Congress are instructed and our Representatives in Congress are requested to use all honorable means to secure the passage of such bill; and that the governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 1, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 1st day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus the 2d day of February, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 3, 1888.

In compliance with the request contained in the resolutions above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

PAYMENT OF BOUNTIES.

[House joint resolution No. 14.]

Joint resolution requesting Congress to pass Senate bill No. 1206, Fiftieth Congress, first session, to equalize the bounties of soldiers, sailors, and marines of the late war for the Union.

Whereas unjust discrimination was used in granting and payment of bounties by the United States Government to the volunteer soldiers, sailors, and marines of the late war for the Union;

Whereas there are many soldiers, sailors, and marines suffering at this time from said unjust discrimination: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That it is the sense of this General Assembly that Congress should at the earliest possible opportunity pass the above-named Senate bill No. 1206, popularly known as the "Logan bill," and recently reintroduced by Senator PLUMB, of Kansas.

Resolved, That the governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 1, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 1st day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus, this 2d day of February, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 3, 1888.

In compliance with the request contained in the resolutions above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

PLEURO-PNEUMONIA AMONG CATTLE.

[House joint resolution No. 15.]

Joint resolution requesting our Senators and Representatives in Congress to support Senator T. W. PALMER's bill relative to the eradication of contagious pleuro-pneumonia among cattle.

Whereas the danger to the cattle industry of this country from contagious pleuro-pneumonia is so great as to necessitate the most thorough means of eradication of this insidious disease; and,

Whereas the bill indorsed by all the Cattle Breeders' Associations, and introduced by Senator T. W. PALMER in the United States Senate, is the only adequate measure devised for the swift and sure stamping out of this disease: Therefore,

Be it resolved, That this General Assembly commend this measure, thus indorsed by the cattle growers of America, and request our Senators and Representatives in Congress to give said bill their support.

Resolved, That the governor be requested to transmit a copy of these preambles and resolutions to each of our Senators and Representatives in Congress.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 1, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 1st day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus, the 3d day of February, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 4, 1888.

In compliance with the request contained in the resolutions above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

SOCIETY OF OLD BROOKLYNITES.

Mr. FELIX CAMPBELL. I desire to present a petition from the "Society of Old Brooklynites," containing nearly 10,000 names, for an appropriation for the erection of a monument to commemorate the virtues of the "Martyrs of the prison-ships." I ask that the memorial be printed in the RECORD without the names, and that it be referred to the Committee on Military Affairs.

There was no objection, and it was so ordered.

The memorial is as follows:

BROOKLYN, *January* 5, 1888.

To the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners, an incorporated society of the city of Brooklyn, under the title of the "Society of Old Brooklynites," would respectfully represent:

That the remains of more than 11,500 martyrs to the cause of liberty lie entombed in this city, who died during our Revolutionary war, on board the prison-ships of the British at the Wallabout, and which were buried on our shores during that memorable struggle, many of which were, by the action of the waves, washed out of their shallow graves, their bones scattered along the beach, exposed to the summer's sun and winter's storm, until the year 1808, when the Tammany Society or Columbian Order, of the city of New York, had them collected and buried with imposing ceremonies, in which the governors of several States, mayors of cities, and civil, military, and ecclesiastical dignitaries from all parts of the country took part.

The place of burial was on Jackson street, in this city, and the tomb, a temporary wooden structure, in which they were placed became so dilapidated by reason of changes made in the surroundings, and from natural decay, that the sacred remains were again exposed to the gaze of the multitude, until the park commissioners of this city, with the sanction of the city government, prepared with great care and expense a permanent and imperishable tomb for their reception on the historic ground of Fort Greene, a charming elevation in Washington Park, in this city, overlooking the scene of their sufferings and death, to which the sacred remains were carefully removed and deposited.

Those devoted patriots, from every one of the original thirteen States, were prisoners of war taken by the British army and navy, and numbered more than were killed in all the battles, both by sea and land, in that long and desperate struggle for freedom.

When it is remembered that constant and unremitting efforts were made by the British officers to induce these prisoners to purchase their freedom and save their lives by enlisting in the service of the enemy; that many, probably the majority of them, had families who were suffering by reason of their absence; that to remain in these horrible prisons was almost certain death, and that under all these circumstances they remained faithful to the cause in which they had enlisted, and preferred death to dishonor, we must concede that they earned the title of "Martyrs of the prison-ships," and deserve such recognition from the Government, to aid in the establishment of which they sacrificed their lives, as will show to the world that republics are not ungrateful, but that we cherish their memories, honor their devotion to their country, and will erect such an enduring monument to commemorate their virtues as will stimulate future generations to emulate their patriotism.

We therefore most respectfully ask that your honorable body will make an appropriation of not less than $100,000 toward the erection of a suitable monument to be erected at or near the spot where their sacred remains now lie, the site for which will be donated for that purpose by the city of Brooklyn.

This society will most cheerfully give all the aid in their power toward the accomplishment of the object of this petition.

Very respectfully,

JOHN W. HUNTER, *President.*

SAMUEL A. HAYNES, *Secretary.*

To the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners, citizens of the United States, do respectfully and earnestly pray your honorable body to hear and grant the petition of the Society of Old Brooklynites, and to cause the erection of the long-delayed monument to the "Martyrs of the prison-ships."

WINDMILL ISLAND, DELAWARE RIVER.

Mr. BUCHANAN, by unanimous consent, presented a joint resolution of the Legislature of New Jersey requesting Congress to make an appropriation for the removal of Smith's or Windmill Island from the Delaware River; which was referred to the Committee on Rivers and Harbors.

PUBLIC BUILDING AT NEWBURGH, N. Y.

Mr. BACON, by unanimous consent, introduced a bill (H. R. 7312) for the erection of a public building at Newburgh, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REGULATION OF COMMERCE.

Mr. BACON also, by unanimous consent, introduced a bill (H. R. 7313) to amend chapter 104 of the statutes of the United States of America, passed at the second session of the Forty-ninth Congress, entitled "An act to regulate commerce;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FEES, ETC., OF UNITED STATES DISTRICT ATTORNEYS AND MARSHALS.

Mr. COWLES, by unanimous consent, submitted a resolution asking

information as to compensation and fees of United States district attorneys and marshals; which was referred to the Committee on Expenditures in the Department of Justice.

SERVICE PENSIONS.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to have printed in the RECORD, and referred to the Committee on Invalid Pensions, a petition of eleven old soldiers of Hendrysburgh, Belmont County, Ohio, praying for a service pension.

There was no objection.

The petition is as follows:

HENDRYSBURGH, OHIO, *February* 13, 1888.

To the honorable Members of Congress:

In the name of common justice, have the old soldiers of the country got no friends among the law-makers of our nation? All the legislation for years has been to the interest of the moneyed men. The dear bondholder has been provided for, while the old soldier has been left out in the cold. The widows of generals have been provided for. Can't we old soldiers, who stood the burden and the heat of battle, get nothing? We are poor; we have nothing to pay men to work for us. We do all we can. We vote for what we think to be men who will advance our interests in Congress, but yet they seem to entirely forget us when they get there. If we had remained at home when the war broke out where would our country have been to-day? The result would have been an entirely different form of government than we are now enjoying. But, instead of the boys staying at home, they went to the front at the call of the President for volunteers; and then what kind of money did we get paid off in? Money worth about 33 cents on the dollar. The bondholder got his in gold, just what the soldier was promised would he enlist.

So you see we performed our part of the contract, but the Government has failed on her part. What the old soldiers of the country want is a service pension; that is, the long-termed men, the men who went at the first call and staid until the last gun was fired at Appomattox.

Look what was done for the Mexican soldiers. They got their land-warrant for 160 acres of land and now get $8 per month pension, and they saved the State of Texas, while we saved the nation, and we were promised a land-warrant; that is, those of us that went in 1861. Have we got it? No, we have not.

Names and length of service:

Leander D. Bevan	months...	47
Joseph Penn	do.....	37
William Kirk	do.....	36
David Smith	do.....	52
Hugh Donley	do.....	12
Henry Conkel	do.....	48
R. A. Heaney	do.....	24
James W. Thompson	do.....	36
Napoleon B. Agy	do.....	43
William I. Clark	do.....	48
John W. Taylor	do.....	36

SUBMARINE CABLES.

Mr. NORWOOD, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 5614) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SAYERS. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. SAYERS. I move to dispense with the morning hour for the call of committees.

Mr. TAULBEE. I have two reports which I desire to present which I have had in my hands for some time.

Mr. BUCHANAN. Let it be understood that gentlemen can hand the reports to the Clerk.

Several MEMBERS. Oh, no!

Mr. ADAMS. I ask unanimous consent to make a report from the Committee on the Judiciary.

The SPEAKER. The gentleman from Texas has called for the regular order, which cuts off requests for unanimous consent. The question is on the motion of the gentleman from Texas to dispense with the morning hour for the call of committees.

The question being taken, there were—ayes 31, noes 47.

So (further count not being called for) the motion was not agreed to.

ADVERSE REPORTS.

Mr. ADAMS, from the Committee on the Judiciary, reported back with adverse recommendations bills of the following titles; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3403) appointing the first Monday of October in each year as the day on which Congress shall meet;

A bill (H. R. 1830) to provide for the execution of bonds of all officials by their sureties in aliquot parts;

A bill (H. R. 2361) for the relief of Weissinger and Bate, Edward Holbrook, and others;

A bill (H. R. 1808) to amend section 847 of the Revised Statutes of the United States; and

A bill (H. R. 1807) to amend section 1014 of the Revised Statutes of the United States.

NICARAGUA CANAL COMPANY.

Mr. CLARDY, from the Committee on Commerce, reported back with amendments the bill (H. R. 5615) to incorporate the Maritime Canal Company of Nicaragua; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. CLARDY. I ask that my colleague on the committee, the gentleman from Tennessee [Mr. PHELAN], be permitted to present the views of the minority on this bill.

There was no objection, and the views of the minority were ordered to be printed with the report of the committee.

HYDROGRAPHER OF THE NAVY.

Mr. HERBERT, from the Committee on Naval Affairs, reported, as a substitute for the bill H. R. 5024, a bill (H. R. 7314) to authorize the appointment of a hydrographer and assistant hydrographer of the Navy; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN W. PHILIP.

Mr. HERBERT also (for Mr. COCKRAN) reported back with a favorable recommendation the bill (H. R. 639) to authorize Commander John W. Philip, of the United States Navy, to accept a silver pitcher from the Government of the United States of Colombia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DIVISION OF GREAT SIOUX RESERVATION.

Mr. PEEL, from the Committee on Indian Affairs, reported back, as a substitute for the bills named below, a bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bills, as follows, were severally laid on the table:

A bill (H. R. 1940) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

A bill (H. R. 3286) to divide the Great Sioux reservation in Dakota and Nebraska, and to secure to the Indians the title in fee-simple of lands in severalty, and to open a portion to actual settlement, and to provide for the better education and civilization of the Sioux Indians.

A bill (H. R. 3287) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

SAN JUAN COUNTY, NEW MEXICO.

Mr. JOSEPH, from the Committee on the Territories, reported back with a favorable recommendation the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan, in the Territory of New Mexico;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. TAULBEE, from the Committee on Claims, reported back adversely joint resolution (H. Res. 19) to provide for the payment of compensation to jurors summoned in the condemnation of a site for the new Congressional Library; which was laid on the table, and the accompanying report ordered to be printed.

ALBERT A. EMERY.

Mr. TAULBEE also, from the Committee on Claims, reported with an amendment the bill (H. R. 3176) for the relief of Albert A. Emery; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

On motion of Mr. TAULBEE, leave was granted to Mr. LYNCH, of Pennsylvania, to submit the views of the minority, to be printed with the report.

COMMISSIONERS OF CLAIMS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3367) to authorize the President to appoint three commissioners of claims; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADJUDICATION OF CLAIMS.

Mr. STONE, of Kentucky, also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3366) authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of fraud in insurrection districts within the United States;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PROMOTION OF ANATOMICAL SCIENCE.

Mr. ATKINSON, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 5042) for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. BOOTHMAN, from the Committee on Accounts, reported back adversely the bill (H. R. 5843) for the relief of Robert Dougherty; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that when the business of this day shall be concluded, the House shall take a recess until 8 o'clock this evening for the purpose of debate only on the bill (H. R. 1426) to require the Pacific railroads to maintain telegraph lines.

There was no objection, and it was so ordered.

CLAIMS UNDER EIGHT-HOUR LAW.

Mr. O'NEILL, of Missouri. I rise to make a privileged report from the Committee on Labor, which I ask the Clerk to read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 7, 1888.

Mr. TAULBEE submitted the following; which was referred to the Committee on Labor:

"*Resolved*, That the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster-General, and the Attorney-General be, and they are hereby, requested to inform the House what amounts are deemed necessary to pay the claims arising in their respective Departments, under the provisions of a bill now pending in the Senate, entitled 'A bill providing for the adjustment of the accounts of laborers arising under the eight-hour law,' and numbered 1853, should said bill become a law."

The Committee on Labor, to which was referred the accompanying resolution of inquiry, report the same back with the following amendment, and request its adoption as amended:

Amend by striking out the word "Senate," in line 11, and all after, and inserting "House, entitled 'H. R. 1322, providing for the adjustment of the accounts of laborers and mechanics arising under the eight-hour law,' should said bill become a law."

Mr. O'NEILL, of Missouri. This amendment simply substitutes the title of a House bill for that of a Senate bill which has not yet been reached in the House.

Mr. TAULBEE. I ask unanimous consent that the bill to which the amendment relates may be printed in the RECORD with the resolution.

Mr. O'NEILL, of Missouri. I do not object to that.

The SPEAKER *pro tempore* (Mr. HATCH). The first question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The question being taken on the adoption of the resolution as amended, there were—ayes 51, noes 13.

Mr. OATES. No quorum.

Tellers were ordered; and Mr. O'NEILL, of Missouri, and Mr. OATES were appointed.

The House again divided; and the tellers reported—ayes 130, noes 10.

Mr. OATES. I withdraw my point that no quorum has voted.

So the resolution was adopted.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TAULBEE. Did the Chair submit to the House my request for unanimous consent that the bill to which this resolution relates be printed in the RECORD with the report?

The SPEAKER *pro tempore*. The Chair will submit that question now. If there be no objection, the bill indicated by the gentleman from Kentucky will be printed in the RECORD. The Chair hears no objection, and it is so ordered.

The bill is as follows:

A bill (H. R. 1322) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor.

SEC. 2. That all claims for labor so performed in excess of eight hours per day are hereby referred to the Court of Claims, to be adjudicated upon the basis that eight hours constitute a day's work, and are to be paid for at the price per day as provided for in the first section of this act, and judgment given against the United States in favor of each claimant for the amount found due, to be paid as other judgments of the Court of Claims against the United States; and no statute of limitation, or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in the first section of this act, shall bar the right of recovery: *Provided*, That all suits under this act shall be commenced within two years from and after its passage; and any number of said claimants may join in the same suit.

LEAVE OF ABSENCE.

Mr. WHITING, of Massachusetts, by unanimous consent, obtained indefinite leave of absence, on account of important business.

DIVISION SUPERINTENDENTS, RAILWAY MAIL SERVICE.

The SPEAKER *pro tempore* laid before the House, with the amendments of the Senate, the bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service.

The amendments of the Senate were read, as follows:

In line 2 strike out "eleven" and insert "two."

In line 3, after the word "service," insert "in addition to those heretofore authorized."

Amend the title of the bill so as to read: "An act authorizing the appointment of two additional division superintendents of railway mail service."

Mr. DOCKERY. I ask that these amendments be concurred in. They are only verbal and make more specific the intention of the House bill.

The amendments were concurred in.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, my purpose being that the House resume the consideration of the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. ADAMS. Mr. Speaker, is that motion in order before the second morning hour?

The SPEAKER *pro tempore*. It is.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of House bill No. 6437.

The Clerk, resuming the reading of the bill, read as follows, under the heading "Increase of the Navy:"

Navigation: For completing the navigation outfit of the Chicago, including compass binnacle and electric-lighting supplies, $2,500.

Mr. HERBERT. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Between lines 10 and 11, on page 11, insert the following:

"For the purpose of making 100 feet longer the dry-dock now under contract to be built at the Brooklyn navy-yard, $100,000, or so much thereof as may be necessary."

The CHAIRMAN. Does the gentleman desire to be heard on this amendment?

Mr. HERBERT. I do not think it necessary. The Committee on Appropriations make no objection to the amendment. I will simply ask that the letter which I send to the desk be printed in the RECORD.

There was no objection.

The letter is as follows:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, February 6, 1888.

SIR: Referring to our conversation this afternoon in relation to the lengthening of the dry-dock at New York, I beg leave to state that the dock can be lengthened 100 feet for the sum of $100,000. The contractors are now at work on the excavation and are driving the piles around the dock to which the timbers are secured, and it is important that the money required should be appropriated within three weeks, in order that there may be no extra expense to haul out the piles referred to. The advisability for this increased length is apparent. Two companies owning steamship lines that cross the Atlantic are building ships of 560 feet in length and 64 feet beam, for which there is not a dock in the United States large enough to take them in. Although these ships are under the English flag, all the money in them is the money of citizens of the United States. This increased length would accommodate these new vessels and would also be of great advantage to the Government, as it often happens that two vessels of less than 300 feet in length require docking at the same time, and it could be done in this dock, if 600 feet in length, at much less cost than if docked singly.

I beg leave respectfully to urge upon Congress speedy action in this matter, as it seems but a proper thing to do, in view of the disposition of the Government to foster, as far as possible, the shipping interests of the citizens of the United States.

Very respectfully, your obedient servant,
D. B. HARMONY, *Chief of Bureau.*

Hon. H. A. HERBERT,
Chairman Committee on Naval Affairs.

The amendment of Mr. HERBERT was agreed to.

The Clerk read as follows:

Offices of surveyors-general:

Office of surveyor-general of Arizona: For salaries of clerks in his office, $1,000.

Office of surveyor-general of California: For salaries of clerks in his office, $2,000.

Office of surveyor-general of Colorado: For salaries of clerks in his office, $1,000.

Mr. CANNON. I move to strike out the last word. I wish to call attention, Mr. Chairman, to these appropriations to different surveyors-general. The cost of these offices in the way of salaries in the aggregate for this year is over $100,000, and has been more than that for the two years past. Their duties are to make contracts for the survey of the public lands. Since the commencement of this Administration the survey of the public lands has been practically abandoned. Yet here is the machinery in all these surveyors-general's offices in the different States and Territories costing over $100,000, and no substantial expenditure being made for survey of the public lands!

There was some talk yesterday about the industries down in Arkansas, namely, the expenditures of large amounts for witnesses, etc., in the courts; in fact, that was said to be the principal industry in that State. [Laughter.] I wish to call attention, for a moment, to some of the industries in these Territories, useful so far as these surveyors-general are concerned in the main in the payment of salaries to officials, but not in the expenditure by these officials in the survey of public lands. In addition to that which they now receive they are still hungry for more, and come in and ask for additional appropriations by way of deficiencies. And the Committee on Appropriations, of which

I have the honor to be a member, not with my approval, but against my vote, report these deficiency appropriations.

I apprehend gentlemen know what these surveyors-general do. Their principal business is to make contracts with deputy surveyors or contract surveyors for the survey of public lands. In theory of law they examine the work of the deputy surveyors, but in point of fact they do not examine it after the work is done. The deputy surveyors get no pay until after their work is examined by special agents sent out from the Department.

So then, Mr. Chairman, we have in most of the Territories and some of the States a lot of clever gentlemen, I take it, with corps of clerks, in many instances from their own families, who are drawing these comfortable salaries, doing substantially no work in facilitating the survey of the public lands. I will call the attention of the gentleman from Arkansas again to the fact that some other portions of the country besides Arkansas have industries connected with the civil service of the Government. [Laughter.]

I withdraw the *pro forma* amendment.

The Clerk read as follows:

Office of surveyor-general of Dakota: For salaries of clerks in his office, $3,000.

Mr. HERMANN. I desire to ask the gentleman from Missouri [Mr. BURNES], having charge of this bill, why it is there is no appropriation made for the surveyor-general of the State of Oregon? Why is not that office mentioned in connection with these deficiencies for clerical service?

Mr. CANNON. It was estimated for like all the others, but I do not know for what reason it was omitted.

Mr. BURNES. It was with the greatest reluctance that the Committee on Appropriations consented to incorporate in the bill any of these deficiencies. The committee were inclined to follow the suggestion of the gentleman from Illinois as the result of his experience in reference to these matters and strike them all out. Why Oregon should be omitted I am at a loss to determine. If the others remain in the bill, I think Oregon should also be included, and will help the gentleman to have the bill so amended.

Mr. HERMANN. I thank the gentleman from Missouri. Let me inquire whether Oregon was not also included in the recommendations of the Department?

Mr. BURNES. Yes; I think it was included in the recommendations of the Department.

Mr. HERMANN. For how much?

Mr. BURNES. One thousand dollars.

Mr. HERMANN. Then I move an amendment for that amount.

Mr. BURNES. The estimates of the Department were scaled in each case, and the amendment of the gentleman should provide as in the other cases, and $800 would be the proper amount.

The CHAIRMAN. Does the gentleman from Oregon move any amendment to the bill?

Mr. HERMANN. Mr. Chairman, with the consent of the chairman of the subcommittee, I move a further amendment to this paragraph.

The Clerk read as follows:

Office of surveyor-general of Oregon: For salaries of clerks in his office, $1,000.

Mr. BURNES. Say eight hundred, and we will accept it.

Mr. SAYERS. Make it $500.

Mr. HERMANN. I think I have suggested the proper amount.

Mr. SAYERS. I desire to call the attention of the committee, and especially that of the gentleman from Oregon, to the report of the Commissioner of the General Land Office in reference to the condition of the surveys of public lands in Oregon:

The number of acres surveyed up to June 30, 1887, was 39,867,995. The lands disposed of up to that date, June 30, 1887, amounted to 19,652,488 acres, leaving surveyed and undisposed of 20,215,507 acres.

So it seems, Mr. Chairman, from the report of the Commissioner of the General Land Office that there is really no necessity for this deficiency, because there are already more than twenty millions of acres of land that have been surveyed and are now undisposed of in the State of Oregon, or were on the 30th day of June, 1887.

Mr. HERMANN. Mr. Chairman, permit me to state, in response to what the gentleman has said, and also in addition to it, that there is possibly no State or Territory in this Union which has been so sadly neglected by the Committee on Appropriations as my own State in connection with her public lands; and I will further supplement what the gentleman from Texas has said by stating that while there are in round numbers some 20,000,000 acres of public lands which are surveyed and undisposed of, there are 20,000,000 acres or more yet unsurveyed and which it is desired shall be surveyed in order that settlers who are awaiting the opportunity may go upon them, make their settlements, and obtain titles.

Permit me also to make the additional suggestion that the surveyor-general of that State, by the report of the last Committee on Appropriations of the House, was cut down from the compensation allowed to other surveyors-general to the miserable pittance of $1,800, where the maximum allowed has been $2,500; and yet, Mr. Chairman, that officer, as competent possibly as any other officer holding a similar position in any State or Territory of this Union, is, or was, compelled by the action of the House a year ago to live on this beggarly sum of $1,800 in a city where the cost of living is possibly as great as in any other Western city on the continent. I asked that the amount should be increased to the maximum, but that amendment was rejected; and when I asked that it be increased to at least $2,200 it was refused. Every amendment looking to an increase to a reasonable sum was rejected.

In view of the rapid settlement of that State and the demand for public lands, in view of the incoming tide of settlers moving very rapidly into that region and seeking a resting place and an opportunity to acquire title to lands within the dominion of this country, I ask, Mr. Chairman, this committee to grant this small pittance of $1,000 as an addition for clerk-hire in the office of the surveyor-general there, the same as you have granted in other land offices.

And in further corroboration of the statement I have made, that great injustice has been done to this officer, I submit that the bill as it now stands, from this Committee on Appropriations, entirely ignores my State, Oregon not even being mentioned in this connection, notwithstanding the report of the Secretary that this officer should have at least $1,000 for this service. I ask, therefore, in bare justice, that the amendment I offer be accepted, and I hope sincerely in the name of justice that there will be no objection from any quarter to it.

Mr. SAYERS. If the gentleman from Oregon will accept $800 as a compromise in order to get along with this bill, we will agree to it.

Mr. HERMANN. Very well; I will agree to it as a last alternative.

The CHAIRMAN. The gentleman from Oregon modifies his amendment.

Mr. HERMANN. I move that the amount be fixed at $800.

Mr. CANNON addressed the Chair.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oregon.

Mr. CANNON. Mr. Chairman, I was endeavoring to get the attention of the Chair before the question was submitted to the committee. I wanted a minute in connection with this subject, and will move as an amendment to the amendment of the gentleman from Oregon to strike from the bill all of the appropriations for offices of surveyors-general on pages 12 and 13 of the bill; and I want to say upon that amendment that the gentleman from Oregon is right, and that if any of these appropriations are to go into the bill Oregon ought to have a share.

Mr. BURNES. She has got it.

Mr. CANNON. I want to say further that I congratulate my friend, as well as the surveyor-general of Oregon, that they are such good friends; and want to add that in my opinion in the present condition of the public service $800, in addition to the appropriation for Oregon, and these other appropriations in addition all along the line here, will not survey one acre of public land or make contracts for one extra acre.

I call attention again to the fact that for this year there is but $50,000 for public surveys and that is not all being spent.

Mr. BURNES. I want to call the attention of my friend from Illinois to the fact that all of these items are for mere clerical assistance. It is not proposed to survey an acre of land with any of these appropriations, but to give the surveyors-general clerical assistance to enable them to dispose of the rapidly accumulating business in their offices.

Mr. CANNON. Let us see just how much work has accumulated. Mind you, the Democracy came into power in 1885 on the cry of "reform." They were going to have a new order of things. Well, the surveys of the public lands amounted to $6,000 in 1886. In 1887 the surveys amounted to substantially nothing; and in this year you will expend less than $40,000 in the survey of public lands, and now, with three years' experience, with a force in the offices of the surveyors-general costing over $100,000 annually, you come with an additional appropriation for clerical service, and say it is needed in these various land offices for surveys of the public lands. In other words, you keep the machinery to do the work, but you have not and are not now working.

Well, I suppose it is desirable that in the State of Oregon, and the other States and Territories which have these officers, our Democratic friends who have been long out of office should have these salaries; and I suppose it is desirable that they should have this clerk-hire. But I want to call attention to the fact that in three years for this service you have spent over $300,000 in salaries and less than $60,000 in surveys or contracts for surveys, and that is all these officers do substantially; so that the claim of the gentleman, that this is merely for clerical service, which he claims to be necessary, is tolerably thin.

Therefore, I shall insist on my amendment to strike out these appropriations for all these surveyors-general.

Mr. RICE. I desire to state that these appropriations are absolutely too low already. The gentleman from Illinois should take into consideration that west of the Mississippi River there is now a large extent of territory into which people are swarming all the time, and that Washington Territory, New Mexico, and other Territories are clamoring for more surveys, but can not have them because the law does not justify them or because the appropriations are insufficient for the clerical work of these offices.

I have lived on the Mississippi River for more than forty years, and have been over all these Territories, and know it is absolutely neces-

sary this expense should be incurred. The public-land system of this Government can not be carried on unless these offices of surveyors-general are maintained and money appropriated to carry on this work. They are just as necessary to the practical conducting of the public-land system as the engineer department is to the management of a railroad. No one would undertake to say that railroads could be carried on without an engineer department and an efficient one. The records must be brought up, the work must be prosecuted, and sufficient appropriations made for carrying on the public-land system. And I will say to the gentleman from Illinois that instead of the appropriations in this bill being too large they are not half enough for the purposes intended. Having submitted these observations I will not take up more of the time of the committee.

The CHAIRMAN. The Chair understands the amendment of the gentleman from Illinois [Mr. CANNON] to cover the amendment of the gentleman from Oregon [Mr. HERMANN] as well as the paragraphs making appropriation for offices of surveyors-general, on pages 12 and 13 of the bill.

Mr. CANNON. My amendment is intended to cover all, including the amendment of the gentleman from Oregon.

The question being put on Mr. CANNON'S amendment, there were—ayes 62, noes 43.

Mr. RICE. I make the point that a quorum has not voted.

Mr. RANDALL. This is an amendment, which will be reported to the House, and can be voted upon in the House.

The CHAIRMAN. Does the gentleman withdraw the point of no quorum?

Mr. RANDALL. I suggest to the gentleman from Minnesota that the amendment can be voted upon separately in the House.

Mr. RICE. I withdraw the point of no quorum.

The Clerk read the following paragraph:

Transportation of Indian supplies: To pay necessary expenses of transportation of goods, provisions, and other articles for the various tribes of Indians, including pay and expenses of transportation agents, $40,000.

Mr. SAYERS. I am instructed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 14, after line 11, insert the following:
"This amount for pay of special agents and necessary expenses to carry out the provisions of section 3 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' $10,000."

The amendment was agreed to.

The Clerk read the following paragraph:

POST-OFFICE DEPARTMENT.

Letter-balances, scales, and test-weights: For letter-balances, scales, and test-weights, $7,000.

Mr. SAYERS. I am instructed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 15, after line 13, insert the following:
"For compensation of clerks in post-offices, $100,000.
"For rent, fuel, and light, $25,000."

The amendment was agreed to.

Mr. SAYERS. I am instructed by the committee to offer an amendment to come in on page 16, after the heading "Department of Justice."

The Clerk read the amendment, as follows:

Support of convicts: For the support, maintenance, and transportation to and from the penitentiary of convicts from the District of Columbia, to be expended under the direction of the Attorney-General, $15,000.

The amendment was agreed to.

Mr. HENDERSON, of Iowa. I move to strike out the last word, and desire to print as part of my remarks a statement of appropriations for expenses of United States courts. It covers the last ten years.

I call attention to the fact that this statement does not include most of the deficiencies for 1887 and 1888, which will be considerable.

Since that statement was prepared we have notice of $90,000 more than we had before, and I desire to call attention to certain facts which will appear from this table. The expenditures for 1886, when we had the deficiencies in, as compared with the expenditures for 1878, show an excess in round numbers of $429,000. In 1886, as compared with 1881, there is an excess of $191,000, and as compared with 1888 the expenditure in 1881 is $180,000 less. Take the years 1878, 1879, 1880, and 1881, aggregate them and get the average, and you have $3,140,000, which is, in round numbers, $280,000 less than the expenditures for 1886. In this connection I desire to call attention to the fact that the internal-revenue laws have been practically wiped out, and that a vast number of prosecutions which used to be conducted under the Department of Justice have ceased. I merely state these cold, naked facts, and call the attention of the House to them. I withdraw the *pro forma* amendment.

The statement is as follows:

Statement of appropriations for expenses of United States courts.

[Including items in the deficiency bill already passed and the accompanying bill.]

	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.
Expenses of U. S. courts:											
Annual appropriation.	$2,650,000.00	$2,750,000.00									
Deficiencies	285,000.00	425,000.00									
Claims	19,481.57	66,520.49									
Total	2,955,481.57	3,241,520.49									
Fees and expenses of marshals:											
Annual appropriation.			$600,000.00	$650,000.00	$600,000.00	$600,000.00	$600,000.00	$600,000.00	$675,000.00	$675,000	$675,000
Deficiencies			30,000.00	60,000.00	50,000.00	150,000.00	91,724.67	127,155.03	30,000.00		
Claims				32,243.37	2,058.55	30,549.96	786.30				
Total			630,000.00	742,243.37	652,058.55	780,549.96	692,510.97	727,155.03	705,000.00	675,000	675,000
Fees of district attorneys:											
Annual appropriation.			300,000.00	350,000.00	325,000.00	325,000.00	325,000.00	325,000.00	350,000.00	350,000	325,000
Deficiencies			25,000.00	20,000.00	87,370.37	119,500.00	80,000.00	40,000.00	25,568.81		
Claims				2,417.06	3,067.05	3,228.33	175.60				
Total			325,000.00	372,417.06	415,437.42	447,728.33	405,175.60	365,000.00	375,568.81	350,000	325,000
Pay of assistant attorneys:											
Annual appropriation.											100,000
Fees of clerks:											
Annual appropriation.			160,000.00	160,000.00	150,000.00	160,000.00	160,000.00	160,000.00	175,000.00	175,000	175,000
Deficiencies			25,000.00	45,000.00	55,000.00	60,000.00	50,000.00	54,744.50	8,465.87		
Claims				1,257.65	65.49	1,283.20	38.00				
Total			185,000.00	206,257.65	205,065.49	221,283.20	210,038.00	214,744.50	183,465.87	175,000	175,000
Fees of commissioners:											
Annual appropriation.			140,000.00	140,000.00	100,000.00	130,000.00	130,000.00	100,000.00	100,000.00	100,000	50,000
Deficiencies			230.90	16,000.00	55,000.00	20,000.00	5,000.00	46,056.22	60,000.00		
Claims				3,119.80	780.95	488.93	131.85				
Total			140,230.90	159,119.80	155,780.95	150,488.93	135,131.85	146,056.22	160,000.00	100,000	50,000
Fees of jurors:											
Annual appropriation.			400,000.00	400,000.00	450,000.00	450,000.00	450,000.00	400,000.00	450,000.00	450,000	450,000
Deficiencies			40,756.35	40,000.00	20,000.00		60,000.00	50,000.00	90,000.00	50,000	150,000
Claims				2,154.65	62.20	87.70	80.20				
Total			440,756.35	442,154.65	470,062.20	450,087.70	510,080.20	450,000.00	540,000.00	500,000	600,000
Fees of witnesses:											
Annual appropriation.			550,000.00	550,000.00	600,000.00	600,000.00	600,000.00	550,000.00	550,000.00	550,000	550,000
Deficiencies			60,497.14	30,000.00	70,000.00	6,080.00	60,321.50	121,408.74	237,150.00	200,000	300,000
Claims				6,185.83	247.55	3,171.66	98.80				
Total			610,497.14	586,185.83	670,247.55	609,251.66	660,420.30	621,408.74	787,150.00	750,000	850,000

Statement of appropriations for expenses of United States courts—Continued.

	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.
Support of prisoners:											
Annual appropriation.			$193,000.00	$200,000.00	$325,000.00	$325,000.00	$300,000.00	$300,000.00	$250,000.00	$240,000	$250,000
Deficiencies			128,972.13	100,000.00					11,740.68	40,000	
Claims				3,657.93	3,804.50	5,678.53	263.00				
Total			321,972.13	303,657.93	328,804.50	330,678.53	300,263.00	300,000.00	26,740.68	280,000	250,000
Rent of court-rooms:											
Annual appropriation.			67,000.00	75,000.00	75,000.00	70,000.00	50,000.00	50,000.00	50,000.00	50,000	60,000
Deficiencies			360.00				5,559.40	7,409.90	8,623.03	13,500	
Claims					750.00						
Total			67,360.00	75,000.00	75,750.00	70,000.00	55,559.40	57,409.90	58,623.03	63,500	60,000
Pay of bailiffs, etc.:											
Annual appropriation.											100,000
Deficiencies											75,000
Total											175,000
Miscellaneous expenses:											
Annual appropriation.			280,000.00	300,000.00	325,000.00	325,000.00	310,000.00	325,000.00	300,000.00	314,400	214,400
Deficiencies			26,608.04				15,000.00		13,361.53	20,000	
Claims				6,858.91	1,418.90	949.93	2,021.50				
Total			306,608.04	306,858.91	326,418.90	325,949.93	327,021.50	325,000.00	313,361.53	334,400	214,400
Total by years	$2,955,481.57	$3,241,520.49	3,027,424.56	3,193,895.20	3,299,625.56	3,386,018.24	3,296,200.82	3,206,774.39	3,384,914.92	3,227,900	3,374,400

The Clerk read as follows:

For miscellaneous expenses, Department of Justice, being a deficiency for the fiscal year 1886, $244.04.

For miscellaneous expenses, Department of Justice, being a deficiency for the fiscal year 1885, $68.88.

Mr. HOOKER. I move to strike out the last word. Mr. Chairman, I desire to ask of the gentleman having this bill in charge some explanation of the deficiencies which occur in the Department of Justice, as set forth in this bill. I find, on page 17, these deficiency appropriations:

Fees of jurors, United States courts: To supply a deficiency in the appropriation for fees of jurors, United States courts, $150,000. Fees of witnesses, United States courts: To supply a deficiency in the appropriation for fees of witnesses, United States courts, $300,000. Pay of bailiffs, etc., United States courts: To supply a deficiency in the appropriation for pay of bailiffs, United States courts, $75,000. Fees and expenses of marshals: For fees and expenses of marshals, United States courts, being a deficiency for the fiscal year 1886, $10,000. Fees of commissioners: For fees of commissioners and justices of the peace acting as commissioners, being a deficiency for the fiscal year 1886, $10,000. For fees of witnesses, United States courts, being a deficiency for the fiscal year 1884, $321.50. For fees of witnesses, United States courts, being a deficiency for the fiscal year 1883, $5,080.

Then comes an item of $20,000 for "miscellaneous expenses of the United States courts," making an aggregate of deficits in the United States courts for the payment of fees of witnesses, marshals, bailiffs, and commissioners of $550,080, deficiencies, some of them running back, as will be observed, as far as 1884. Now, sir, I take it that ordinarily deficiencies ought to be provided for in the next ensuing fiscal year after they have occurred, and I think that they most generally are. I can not understand how this accumulation of deficiencies in the United States courts could have grown up, extending as far back as 1884, and I want some explanation of it from the gentleman having the bill in charge.

It will be observed that in one case there is a deficiency for witness fees alone of $300,000. I refer generally to these appropriations, because I do not care to take them up *seriatim* at this time. I refer to them collectively in order that the gentleman having charge of the bill may explain how it is that these extraordinarily large deficiencies have grown up, and I think that a solution of the difficulty that occurs in this case, and some explanation of the suggestions made by the gentleman from Arkansas [Mr. ROGERS], in the general remarks which he submitted upon this subject the other day, might be found if the Judiciary Committee, which, I suppose, would be the appropriate committee for the purpose, would formulate a law providing that the compensation of district attorneys in these courts should be by annual salaries of proper amount to pay them for the labor they perform. If that was the case, if a salary was attached to this office of district attorney instead of fees, then these extraordinary expenses, the fees of marshals for the transportation of witnesses, and the fees of the witnesses themselves, which grow up in the multiplied suits which are engendered in these courts, might not be incurred.

[Here the hammer fell.]

Mr. RANDALL took the floor and yielded to Mr. HOOKER.

Mr. HOOKER. I have said this much on this subject because heretofore in my experience in the Congress of the United States, and also in Congresses of which I had not the honor to be a member, it has been suggested that we should compensate, by fixed salaries, these officers who represent the United States in the prosecutions which grow up under one form or another, whether under the internal-revenue laws or under the timber acts, which latter are the most prolific source of prosecutions in the Federal courts. In whatever form these suits arise, it is undoubtedly proper and most desirable that the prosecuting officers should be paid regular salaries, and should not be animated by a desire to accumulate a large number of suits so as to show extra efficiency on the part of the land officer or the district attorney himself. Let the prosecuting officers be salaried, and if these fees are to be collected, let them be paid into the Treasury of the United States to help to defray the expenses of the Government.

This measure of reform has at times been proposed heretofore, and I think the adoption of such a proposition would add largely to the justice with which the Government pursues its citizens for violations of these very highly penal laws, under which, in some cases, the question of intention is eliminated from consideration, so that a technical violation of the internal-revenue law, or the timber act, renders the party amenable to very severe penalties.

A MEMBER. A bill of that kind is now pending.

Mr. HOOKER. I am informed by a gentleman sitting near me that a bill of that sort is pending. I think that the enormous expenses in the administration of our Federal courts, for which the Committee on Appropriations now find it necessary to provide, demonstrate the necessity of some such legislation as will abridge the exercise of these extraordinary penal powers on the part of the courts. You might as well say that the judge sitting upon the bench to determine these questions should receive a salary in proportion to the number of cases decided, a salary paid by the litigants who may be defeated in the suits, as to say that the district attorney should be compensated in this way. He is an officer of the Government, and, like the Attorney-General of the United States, ought to be a salaried officer. If it is proper that fees be collected, they should, when collected, be paid over into the Treasury of the United States in order to avoid these large deficiency bills which constantly recur and which grow out of the exercise of this jurisdiction on the part of Federal officials.

Mr. KERR. Mr. Chairman, I move to strike out the last word of this clause, or, if in order, I will move to strike out all these appropriations for extra expenses of the Department of Justice. In this connection I wish to say that I listened with much interest to the debate of yesterday. The gentleman from Missouri [Mr. BURNES], in his closing remarks on this subject, said he would not favor just now a change of policy in this respect. The gentleman, however, represents in part the State of Missouri; and a few years ago a Democratic convention of that State passed a resolution in favor of sweeping out this entire internal-revenue system—in favor of overthrowing it altogether—giving as one reason for that position the vast expense attending the administration of the system.

Mr. BURNES. Do I understand my friend to say that in a Democratic State convention of Missouri such a resolution was passed?

Mr. KERR. I do, sir.

Mr. BURNES. I am not aware of it.

Mr. KERR. A resolution adopted in their State convention made such a declaration; and if the gentleman will examine their platforms of a few years ago, he will find it.

Mr. BURNES. How many years ago?

Mr. KERR. Some few years ago; I can not at this moment state the exact number.

Mr. BURNES. I feel confident the gentleman is mistaken.

Mr. KERR. Now, I wish to know whether the reason of the change of position on the part of the gentleman and his party is that they now have under their control the Federal offices for the administration of those laws? I wish to know whether the vast expenses attending the

administration of the law in connection with prosecutions for the enforcement of the tobacco and whisky taxes, which expenditures go into the pockets of members of the gentleman's political party, are the reason for this change of policy? I know that in my own district these expenses are very large. A man who places two cigars on top of a tobacco box is prosecuted and fined to the amount of $100; and such fines go into the pockets of men belonging to the gentleman's party. There is a universal demand that these laws shall be swept out of existence.

I wish further in this connection to call attention to the platform of the gentleman's party, adopted in Chicago three years ago:

Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest and principal of the public debt, can be got under our present system of taxation from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury and bearing lightest on articles of necessity.

That is the pledge on which the national Democracy have been standing before the country for the last three years.

Mr. BLAND. Why does not the gentleman read the whole of that platform?

Several MEMBERS. It is too long.

Mr. BLAND. Read the whole of it, and then give us your own platform on the same subject.

Mr. KERR. Mr. Chairman, I might read also the provision of the same platform in regard to civil-service reform [laughter] and many other things; but I do not choose to do so.

Now, I ask that this party, claiming to represent the views of the American people to-day, shall redeem the pledges they have made, or else in plain terms repudiate those pledges, and say that the time has come in the history of their organization when the pledges made by a great party are to be repudiated in the administration of the law.

[Here the hammer fell.]

Mr. HATCH. Mr. Chairman, I will yield time enough to the gentleman from Iowa [Mr. KERR] if he will tell me in what year and by what Democratic body in the State of Missouri any resolution was ever passed asking for a repeal of the internal-revenue system.

Mr. KERR. I have it at home. [Laughter.]

Mr. HATCH. I will wait till the gentleman can go home and get it. It will take the balance of his life to find it. It never had an existence. No Democratic convention or Legislature in the State of Missouri ever passed such a resolution.

Mr. KERR. The gentleman is mistaken; such a resolution was passed.

Mr. HATCH. I challenge the gentleman to produce it.

Mr. KERR. I will produce it.

Mr. HATCH. Very well; bring it out if you can. The gentleman can not find it. He will find that the Legislature of the State of Missouri and every Democratic convention that has been held in that State for the past ten years have passed resolutions demanding that Congress shall wipe from the statute-book that provision of the internal-revenue law which prevents the farmers of the country from selling their leaf-tobacco to anybody but a licensed dealer. That is as far as they have gone; and that provision which they have asked to have repealed was passed by a Republican Congress and signed by a Republican President. It fastened the shackles upon the farmers of this country, so that they could not sell a pound of tobacco unless to a licensed dealer without violating the law and being subject to fine and imprisoment.

Mr. JOHNSTON, of Indiana. Why do you not repeal the law? You have the power.

Mr. HATCH. We have been knocking at the doors of Congress ever since my advent here in the Forty-sixth Congress trying to have it repealed. We can pass it through a Democratic House, but we can not get it through the Republican Senate. [Laughter and applause.]

Mr. ROWELL. Have you ever tried to pass it through a Democratic House?

Mr. HATCH. Yes, we have repeatedly.

Mr. ROWELL. When?

Mr. HATCH. In the Forty-sixth and Forty-eighth Congresses. [Laughter.]

Mr. MILLIKEN. The gentleman's party is in power and why is it not passed now?

Mr. HATCH. It passed the House in one bill and went to the Senate and was modified there so that at this time the growers of tobacco are allowed to sell the products of their farms to the extent of $100 in value.

Mr. HENDERSON, of Iowa. Will the gentleman from Missouri yield to me?

Mr. HATCH. Yes, with pleasure.

Mr. HENDERSON, of Iowa. Why was the tax put upon tobacco? [Applause.]

Mr. HATCH. For the best reason in the world; the Government needed the amount of money at that time. [Applause.]

Mr. HENDERSON, of Iowa. A moment, if you please. Then my friend from Missouri takes his share of the responsibility?

Mr. HATCH. Yes; the gentleman from Missouri never shirked his share of the responsibility. [Applause.]

Mr. HENDERSON, of Iowa. If my friend will allow me to finish my question.

Mr. HATCH. Certainly.

Mr. HENDERSON, of Iowa. I understand that he does not criticise the Republican Congress which put the tax on tobacco?

Mr. HATCH. I do not.

Mr. HENDERSON, of Iowa. Nor the Republican President who signed the law?

Mr. HATCH. I do not.

Mr. HENDERSON, of Iowa. I wish that to be understood.

Mr. HATCH. I only criticised——

Mr. HENDERSON, of Iowa. Let the responsibility for the repeal lie with the Democratic majority which has the control of this House.

Mr. HATCH. I only criticised the House that put that law upon the statute-book, and which I regard as one of the most infamous, which prevents the growers of a great product in this country like that of tobacco from selling it to anybody but to a licensed dealer of the Government.

Mr. O'NEILL, of Missouri. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. O'NEILL, of Missouri. What is the section of the bill which this discussion relates to? [Laughter.]

Mr. RANDALL. Mr. Chairman, I only want to say, so far as the country is to-day involved, it matters not what has been the action of the past; let us in the future all join hands and strike from the statute-book this iniquitous system. [Applause.]

Mr. HATCH. I will join the gentleman from Pennsylvania in that when the bonds and debts of the Government for which that tax was imposed have been paid and when the clothing and fuel of the poor people of the country have been relieved from taxation.

Mr. RANDALL. Neither the bonds nor any other debt of the United States is in the least danger of not being paid.

Mr. HATCH. Ah, you levied this war tax to pay war debts so long as one of them is in existence. When the money was needed this was a fair rate and this was a fair subject of taxation.

Mr. REED. Let me ask the gentleman a question. Are you opposed, then, to the repeal?

Mr. HATCH. I am opposed to the repeal until the price of blankets comes down. Wait until we reduce the tax on the necessaries of life.

Mr. BUCHANAN. Mr. Chairman, I hope in the heat and ardor of the discussion on economic questions that the effect of the amendment of the gentleman from Indiana [Mr. KERR] will not be lost sight of. I desire, in the few remarks I shall make, to call the attention of the committee back to the question under consideration. The amendment of the gentleman from Indiana is to strike out this deficiency for jurors and witnesses in United States courts. I hope that motion to strike out will not prevail, and for this reason: On the 12th day of December last the Attorney-General of the United States notified this House, through its Committee on Appropriations, that the appropriation to pay witnesses was already exhausted when only five and a half months of the fiscal year had expired, so that in many sections of the country the United States courts had practically to suspend their operations. And they remain, so far as the criminal business is concerned, suspended to-day, and if this amendment prevails they will remain suspended until the 1st day of July next.

Now, I do not hesitate to say that there is something strange about this. Who is responsible for it? The originator of this state of things I do not know, and do not care to know. It is enough for me that this state of facts is in existence, and that there has been mismanagement somewhere.

If, Mr. Chairman, an appropriation of $550,000, made at the last session of Congress, was thought to be sufficient by the Department of Justice, and at this session of Congress we are called on to supplement that by on additional appropriation of $300,000, nearly three-eighths of the whole sum necessary, five-eighths of that which was necessary having been appropriated in the first instance, either the Department of Justice did not understand its business when it made up its estimates, or the Committee on Appropriations did not understand its business when it made up its bill; and I do not care whether the responsibility rests upon the one or the other; it is somewhere between them. I repeat, this money must be voted, or the business of the courts will remain at a standstill. In my own State the courts have been suspended since December 12.

Mr. SAYERS. Mr. Chairman, the gentleman from Mississippi [Mr. HOOKER] asked a few moments ago for information in regard to those items of appropriation for the Judicial Department which appear in the bill now under consideration. I have to say on behalf of the Committee on Appropriations that they have in this bill given every dollar that was recommended by the Judicial Department.

For the fees of jurors in the United States courts, covering $150,000, I have to state that $450,000 were appropriated originally, being the sum estimated for, and that the committee were informed but a few days ago that of this amount of $450,000 only $25,000 was on hand for the balance of this fiscal year.

As to the item of $300,000 for fees of witnesses, $550,000 were appropriated in accordance with the recommendations of the Department of

Justice, and a few days since the Committee on Appropriations was officially informed that of this amount only $100 remain on hand, all the rest having been exhausted, and that an indebtedness of about $70,000 has accrued.

As to the pay of baliffs, the appropriation for which amounted to $100,000, in accordance with estimates sent to Congress, the information was given the committee that it was completely exhausted on the 1st of January last. Seventy-five thousand dollars has been recommended by the committee. This is in accordance with the estimate of the Department.

The deficiencies for prior years were ascertained only since the Forty-ninth Congress. They are deficiencies not previously reported, and the committee felt it their duty to provide for them. So that the committee in its action has thus far given to the Judicial Department every dollar that has been asked for.

Mr. BUCHANAN. Do I understand my friend from Texas to say that when the Department of Justice asked for an appropriation for witnesses of $550,000, it really asked for $300,000 less than was necessary that year?

Mr. SAYERS. That seems to be the necessary deduction, because it comes now and asks for an additional $300,000.

Mr. BUCHANAN. And you are satisfied that it is needed?

Mr. SAYERS. We have the word of the Department of Justice.

Mr. HOOKER. I will call the attention of the gentleman from Texas to that clause of the bill to which I referred, which provides:

For fees of witnesses, United States courts, being a deficiency for the fiscal year 1883, $5,080.

How does that happen to be incorporated here, or that it has not been provided for in previous bills?

Mr. SAYERS. Because the estimate only came to the present Congress.

Mr. HOOKER. And was not called to the attention of any intervening Congress between that date and this?

Mr. SAYERS. So I am informed.

Mr. BURNES. Mr. Chairman, on yesterday there was slight allusion made to the subject of tobacco during the course of the debate, and another allusion of the same sort has been made to-day. From the ever-constant readiness with which this House bubbles over at the mention of this commodity, I am inclined to believe that if another commodity, also covered by the internal-revenue laws, and from which a large tax is derived, were mentioned that there would be a regular Pandora's box opened upon the floor of the House, and confusion would reign supreme. [Laughter.] At all events, the mention of the subject which has so aroused the House in connection with this amendment induces me to turn to the consideration of that other element under the internal-revenue laws, which upon this occasion need not be mentioned, and ask unanimous consent that this debate on this provision and the pending amendments be now closed by the committee.

The CHAIRMAN. To what paragraph does the gentleman's request apply?

Mr. BURNES. I ask unanimous consent that the debate be closed with reference to all the items under the head of "Department of Justice." and all amendments pending thereto.

There was no objection, and it was so ordered.

The Clerk again reported the amendment offered by Mr. KERR.

The question being taken, the amendment was not agreed to.

Mr. NEAL. I offer an amendment, to come in after the heading "Judicial" at the top of page 17.

The Clerk read the proposed amendment, as follows:

Insert the following:
"For pay of assistant district attorneys for the year ending June 30, 1888, $20,550."

Mr. NEAL. I desire to send to the desk a communication from the Department of Justice, to be read as an explanation of that amendment.

Mr. SAYERS. I raise the point of order against the reading of that letter. The committee having unanimously agreed that further debate should be stopped on the amendment offered by the gentleman from Iowa, and on the provisions of the bill to which that amendment referred, I submit that reading the letter, being in the nature of debate, is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUCHANAN. But the amendment of the gentleman from Iowa only applied to the paragraph ending with line 17 on the sixteenth page.

Mr. NEAL. I desire to be heard on the point of order made by the gentleman from Texas.

The CHAIRMAN. The Chair will state that the gentleman from Missouri [Mr. BURNES] asked unanimous consent that all debate be closed on the provisions relating to the Department of Justice and all the amendments thereto. The Chair submitted that request to the committee, and it was agreed to.

Mr. NEAL. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair does not think it necessary to take up time in discussion as to the point of order, as he has already ruled upon it. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from Tennessee.

The question being put, the Chairman stated that, in the opinion of the Chair, the noes had it.

Mr. NEAL. I call for a division.

The committee divided, and there were—ayes 20, noes 23.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Pay of bailiffs, etc., United States courts: To supply a deficiency in the appropriation for pay of bailiffs, United States courts, $75,000.

Mr. LAIRD. I call the attention of the gentleman having charge of the bill to the necessity of amending the enumeration of items in that paragraph relating to the "pay of bailiffs, etc."

Mr. SAYERS. This item is in the exact language in which it came from the Department of Justice; but the committee recognize the propriety of the amendment suggested by the gentleman from Nebraska.

Mr. LAIRD. I submit that the language of the law should be followed.

Mr. SAYERS. We have an amendment for that purpose which I send to the desk.

The Clerk read the proposed amendment, as follows:

On page 17 strike out lines 8, 9, and 10, and insert in lieu thereof the following:
"For pay of bailiffs and criers; of expenses of district judges directed to hold court outside of their districts; of meals for jurors when ordered by the court; of compensation for jury commissioners, not exceeding $5 per day, not exceeding three days for any one term of court; for stenographic clerk for the Chief-Justice and for each associate justice of the Supreme Court, at a sum not exceeding $1,600 each, $75,000."

The amendment was agreed to.

Mr. SAYERS. I offer the amendment which I send to the desk.

The Clerk read the amendment, as follows:

On page 17, after line 10, insert:
"Support of United States prisoners: For support of United States prisoners, including necessary clothing and medical aid and transportation to place of conviction, $90,000."

The amendment was agreed to.

The Clerk read the following paragraph:

Fees and expenses of marshals: For fees and expenses of marshals, United States courts, being a deficiency for the fiscal year 1886, $10,000.

Mr. CANNON. As I understood the agreement limiting debate, it had reference to all items under the head "Department of Justice," on page 16 of the bill, and did not apply to the provisions on page 17, under the heading "Judicial." I desire to offer an amendment *pro forma*, to strike out the last word, and I do so for the purpose of calling the attention of the committee for a moment to the appropriations recommended for witnesses.

Mr. BURNES. I will not make the point of order on the gentleman from Illinois, but will ask unanimous consent that he be permitted to make his statement,

Mr. CANNON. I did not understand that the agreement covered page 17.

Mr. BURNES. The Chair has already decided that unanimous consent has been given for closing debate on all these paragraphs relating to appropriations for the Department of Justice, including judicial expenses.

The CHAIRMAN. If there has been any misunderstanding as to this, the Chair does not desire to enforce his ruling. He asks the gentleman from Missouri to restate his request, as there seems to have been a misunderstanding as to its extent.

Mr. BURNES. I now ask unanimous consent to terminate debate in five minutes on all the paragraphs relating to the Department of Justice, judicial expenses, and miscellaneous expenses of the United States courts.

Mr. CANNON. I prefer not to be limited.

Mr. BURNES. Well, say ten minutes.

Mr. CANNON. I do not think the debate will run over ten or fifteen minutes. The gentleman from Tennessee [Mr. NEAL] desires to offer an amendment, and to be heard on it.

The CHAIRMAN. The Chair begs the attention of the gentleman from Missouri [Mr. BURNES]. There is some question as to the extent of the request made by that gentleman. The Chair may be in error in regard to that, and does not desire to take advantage of any gentleman by reason of his own error. He desires therefore to know from the gentleman from Missouri the extent of his request.

Mr. BURNES. It was my intention to cover the whole matter relating to these appropriations for the Department of Justice.

The CHAIRMAN. The Chair so understood and so submitted the request, and will enforce that agreement.

Mr. CANNON. I was paying particular attention, and I did not understand that the items under the head "Judicial," on page 17, were covered by this agreement. My understanding was that the agreement applied only to those on page 16, under the head "Department of Justice."

Mr. BLAND. The gentleman [Mr. BURNES] first asked that unanimous consent be given to close the debate on all matters in the bill relating to the Department of Justice and on all amendments thereto.

The CHAIRMAN. The Chair so understood the gentleman from Missouri [Mr. BURNES], and so submitted the question.

Mr. McCULLOGH. Mr. Chairman, it would obviously be impossible for the gentleman to get unanimous consent to curtail debate on matters which had not been read. Any gentleman may have an amendment to submit to some of these items that have not been read.

The CHAIRMAN. The House does many things by unanimous consent.

Mr. BURNES. I am satisfied that the Chair is right, and I am satisfied of my own intention in regard to this matter. Let us, therefore, not be harsh, and, as there was some misapprehension upon the other side, I am willing to meet the gentleman in a spirit of accommodation.

Mr. CANNON. If the Chair understands that I am not entitled to the floor on an amendment on page 17, I can say all that I desire to say on an amendment on page 18. [Laughter.]

Mr. BURNES. Very well.

The Clerk read as follows:

Miscellaneous expenses: For miscellaneous expenses, United States courts, $20,000, being a deficiency for the fiscal year 1887.

Mr. SAYERS. I send to the desk an amendment which I desire to come in at that point.

The amendment was read, as follows:

Page 18, after line 4, insert the following:
"Salary of circuit judge: For salary of an additional circuit judge in the second judicial circuit, authorized by the act of March 3, 1887, $5,000."

The amendment was agreed to.

The Clerk read as follows:

Public printing:
To enable the Public Printer to comply with the provisions of the law granting fifteen days' annual leave to the employés of the Government Printing Office, $5,000.

Mr. CANNON. I move to strike out the last word, in order that I may say what I desired to say a few moments ago. I wish to call the attention of the committee to the fact that if the Attorney-General and the officers subordinate to him in his Department who appeared before the Committee on Appropriations can be relied upon, the courts will be closed about the middle of May next under the appropriations for the current year re-enforced by these deficiency appropriations. Take the item of witnesses. If gentlemen will turn to Appendix K, page 25 of the Estimates, they will find the Attorney-General making use of this language:

FEES OF WITNESSES.

The appropriation $550,000 has borne expenses that properly belonged to the year 1887, owing to the failure to pass a deficiency bill at the last session of Congress. The average expense per month from July 1, 1887, to December 1, 1887, five months, is $110,000 a month. If the expenses for the remainder of the fiscal year shall equal this average there will be needed $660,000, thus making the expenses of the appropriation for this year $1,100,000.

Now, I have no doubt from that statement that the expenses for witnesses will be at least $1,100,000, because——

Mr. BURNES. Let me ask the gentleman what becomes of the appropriation for the deficiency of 1887, which was in the bill that we passed the other day?

Mr. CANNON. That is to be expended. I am not now speaking of the sufficiency of the excuse that the Attorney-General gives for this increased appropriation; I am merely reading what he says and calling attention to the fact that this appropriation for witnesses was exhausted on the 1st day of last December, leaving seven months of the year, and if it runs on for the remainder, seven months, as it ran for the first five months it will require $1,320,000. And the gentleman will recollect that when the officials from this Department were before the committee they did not claim that this appropriation of $300,000 would last longer than the middle of May. So that while we have given the full amount of the estimate it appears that the courts will close by the middle of next May unless additional estimates are sent in and additional money given. That is all I wanted to say, and I wanted to say it in the hearing of the gentleman from Arkansas [Mr. ROGERS]. When I made substantially this statement the other day that gentleman said that the statement, coming as it did, was entitled to but little consideration, and I wanted to show that it comes not from me, but from his Attorney-General.

Mr. BURNES. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker *pro tempore*, Mr. BLOUNT, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 6437) to provide for certain of the most urgent deficiencies, etc., and had come to no resolution thereon.

Mr. BURNES. Mr. Speaker, I yield now to my friend from New York [Mr. BELMONT], the chairman of the Committee on Foreign Affairs.

BUSINESS OF COMMITTEE ON FOREIGN AFFAIRS.

Mr. BELMONT. Mr. Speaker, this day was, by special order of the House, assigned for the consideration of business reported by the Committee on Foreign Affairs, subject, under the rules, to the priority of appropriation and revenue bills. Under this provision of the order, the consideration of the deficiency bill has occupied a considerable part of the time which might have been devoted to our business; and the hour is now so late that in justice to important bills reported by our committee, we feel bound to ask the assignment of another day, instead of to-day, for our business. Saturday of this week has already been assigned to us; and on consulting the Calendar we find that Thursday, the 1st of March, is unoccupied. I therefore ask that, in addition to next Saturday, Thursday, the 1st of March, be assigned in place of to-day for the business of the Committee on Foreign Affairs.

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman from New York asks unanimous consent that Thursday, the 1st day of March, be assigned——

Mr. SPRINGER. After the consideration hour.

The SPEAKER *pro tempore*. After the consideration hour be set apart, in lieu of this day, for the consideration of business reported by the Committee on Foreign Affairs. Is there objection? The Chair hears none; and it is so ordered.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. BLOUNT in the chair) and resumed the consideration of the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The CHAIRMAN. Unless objection be made, it will be understood that the *pro forma* amendment which was pending is withdrawn.

Mr. O'NEILL, of Missouri. I move an amendment to be inserted as a new paragraph between the first and second subdivisions of the bill in regard to public printing. I ask the Clerk to read the amendment.

The Clerk read as follows:

The Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

Mr. BURNES. Mr. Chairman, I feel constrained to say that this amendment is in my judgment subject to a point of order.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. BURNES. I am willing to reserve my point of order if my colleague [Mr. O'NEILL] desires to be heard.

Mr. O'NEILL, of Missouri. Mr. Chairman, I fail to realize how this amendment can be subject to a point of order, as it does not increase expenses and has a tendency to improve the service. It looks to improving the efficiency of the service at no additional expense of the Government.

The necessity for a provision of this kind arises from the fact that in the Government Printing Office to-day you will find hundreds of men who, under some peculiar system of managing their work as to overtime and extra compensation, are employed and paid for ten, twelve, fourteen, and sixteen hours a day, while you see hundreds of printers walking this town with their toes out of their shoes. The object of this proposition is simply to pare down the bills of men who are taking more than their share of the work. This amendment proposes that they take their equal chances with others.

This clause may very properly be attached to a provision granting privileges to these employés in the Printing Office. We have on our Calendar a bill granting to these employés an additional fifteen days' leave of absence, and I am in favor of that measure. But when workingmen are demanding of us an eight-hour law I demand that they themselves shall live up to it. The spirit of an eight-hour law means that men should not work longer than that time if thereby they deprive others of the opportunity to be brought within the ranks of industry. That is the spirit in which this amendment is offered. It can not be subject to a point of order. It will give us better service and with no additional expense to the Government.

Mr. BURNES. Mr. Chairman, I believe I but state a fact when I say there is now a law regulating this matter. (To Mr. O'NEILL, of Missouri:) We have an eight-hour law, have we not?

Mr. O'NEILL, of Missouri. There is a general eight-hour law, which has not been enforced for years.

Mr. BURNES. Well, then, we have such a law.

Mr. O'NEILL, of Missouri. The object of this amendment is to enforce the law. You believe in enforcing laws, do you not?

Mr. BURNES. Now, Mr. Chairman, there is a law covering this subject. It seems to me this provision has no place in an appropriation bill. It is either legislation or it is nothing. We have no authority to direct any officer of the Government to enforce diligently the law. That is not our business. If an officer fails to execute the law, we can perhaps deal with him in some form; but I do not see why we should undertake by a provision in an appropriation bill to direct any officer of the Government to enforce strictly the law. It seems to me this provision is clearly out of order, and ought not to be engrafted on this bill.

The CHAIRMAN. The Chair will ask the gentleman from Missouri [Mr. BURNES] to cite the statute in reference to this matter. The gentleman seems to admit with his colleague that there is an eight-hour law applying to this class of labor.

A MEMBER. To the various classes of Government employment.

Mr. O'NEILL, of Missouri. There is an eight-hour law, or, rather, there was one. There is one which is frequently invoked just before elections, and forgotten just after them. [Laughter.] There is that sort of an eight-hour law. This is a good time to enforce that law—a very opportune time; and if the Chairman of this Committee of the Whole has that political sagacity for which I give him credit, he will certainly rule on my side of this question [laughter], and give members of this House the chance to show their political sagacity in voting for it. This is a question properly to be submitted to the House.

The CHAIRMAN. The Chair understood the gentleman from Missouri [Mr. BURNES], in charge of the bill, to raise the question of order on the ground that the amendment offered by his colleague changed existing law. The Chair now understands him to admit that it does not change existing law; and if it does not, the Chair would not feel disposed to exclude it.

Mr. O'NEILL, of Missouri. I move the adoption of the amendment.

Mr. CANNON. Mr. Chairman, let us understand precisely the situation of this amendment. The amendment is in order, because the law is that way; that is, it does not change existing law, and is therefore in order. What is the necessity, then, of the amendment, if the law is that way now? What does it accomplish?

Mr. O'NEILL, of Missouri. Let us have a vote on it, so that everybody shall know it is the law, and enforce it.

Mr. BROWNE, of Indiana. Read the amendment.

The amendment was again read.

Mr. CANNON. I wish to ask the gentleman from Missouri his reason for merely mentioning this one office of the Public Printer?

Mr. O'NEILL, of Missouri. I wish to enforce it in every one of them.

Mr. CANNON. The mention of one excludes the other.

Mr. O'NEILL, of Missouri. Not necessarily, as they are not all embraced in this section. This is the only one before the House.

Mr. CANNON. The gentleman will repeal the eight-hour law in all of the other Departments of the Government.

Mr. BURNES. I have no objection to putting in anything which pleases the taste and fancy of the House; but I wish to put myself on record against incorporating into one of the general appropriation bills mere directory legislation in regard to any officer of the Government failing or not failing to execute the law. It is not any item of appropriation. It has no place in the bill. It is foreign to the nature and to the purpose of the bill. These items are appropriations to supply deficiencies. This is not any deficiency of appropriation. It seems to be a deficiency as to the execution of the law, and that is the only deficiency there is about it. I hope the House will not place itself in the attitude of appearing to be ridiculous by engrafting the amendment on this appropriation bill.

The CHAIRMAN. The point stated by the gentleman was not raised on the point of order.

Mr. O'NEILL, of Missouri. The Public Printer should enforce the law. He did not offer one reason why he should not enforce the whole of it; therefore I have moved that amendment.

Mr. BURNES. In reply to the gentleman from Indiana and to my colleague, I wish to say there has been some talk and some innuendo in regard to the failure of the Public Printer to execute the laws; but that I have yet to learn from any authority, from any one I deemed to be authority, that this officer has really failed to execute the law. My colleague seems to be under the impression that the Public Printer has failed in the execution of the law, but I presume he speaks from the information derived from others. His word would be sufficient for me, but I say that it is not right to assume, in reference to a faithful and efficient officer of the Government, that he is violating the law unless there is some good, substantial authority for making such assertion.

Mr. O'NEILL, of Missouri. I have no intention whatever to reflect on the Public Printer, but knowing there is enough—I have had man after man, until they have amounted to dozens of printers who have come to me appealing for aid to get employment in that department, and claiming they could not because they say a certain class of employés, under some system, managed to work fourteen, fifteen, and eighteen hours a day; under their system of paying two hours for one hour at night they could earn pay for eighteen or twenty hours—I say there is proof enough.

Mr. WARNER. How is this done?

Mr. O'NEILL, of Missouri. Of course it is done under the foremen of the Public Printing Office. I do know one thing, that there is a large number of public printers standing around your streets not having the means of livelihood, because of a set of men in there of greedy proclivities absorbing all the revenue of the Printing Office to themselves. When that is the case it is time, in my judgment, to call attention of the House to the necessity of compelling the Public Printer to enforce the law.

Mr. WARNER rose.

Mr. O'NEILL, of Missouri. I can not understand why there should be so much trouble about the enforcement of the eight-hour law under the Public Printer; but it is a fact that the law is not enforced.

Mr. BROWNE, of Indiana. I am with the gentleman from Missouri in the proposition which he submits. I wish him to state for the information of the House whether he has any information he regards as reliable that the officer he instructs here is not enforcing the law?

Mr. O'NEILL, of Missouri. I know the law is not being enforced to limit the work to eight hours.

Mr. BROWNE, of Indiana. All the statute-books declare on the part of Congress is that eight hours shall be regarded as a day's work. That is all of it.

Mr. O'NEILL, of Missouri. That is it.

Mr. BROWNE, of Indiana. They pay a certain class of employés by the hour, and if they work ten hours they ought to be paid for the ten hours, and if they work for fourteen hours they ought to be paid for fourteen hours. Does the gentleman from Missouri mean to say that a man shall not work for more than eight hours a day if he wants to or the necessities of his family compel him to do so?

Mr. O'NEILL, of Missouri. The meaning of the eight-hour law is to limit a day's work to eight hours, so as to reduce the number out of employment to as great an extent as possible. If I had the power I would prohibit all the Departments from violating the spirit of the eight-hour law, so that an additional number of unemployed labor, out in the country, might be enabled to go to work. That is the spirit of the law.

Mr. WARNER. Is not that the purpose of the amendment—to prevent men working more than eight hours a day?

Mr. O'NEILL, of Missouri. Yes, that is the object of it.

Mr. OATES. Does not the gentleman know that a large number of the employés there work by the piece?

Mr. O'NEILL, of Missouri. This does not apply to them.

Mr. OATES. Does the gentleman think the Government ought to provide work for the people; to take care of them, and say when they shall work or quit work, and how long they may work?

Mr. BROWNE, of Indiana. Mr. Chairman, I happen to know something about laborers in the Public Printing Office. I know that there is a class of men who labor there and do the drudgery of that office who receive a rate of compensation equal to 25 cents an hour. If they work, or are permitted to work, but eight hours, their compensation will be then but $2 per day. These men have house rent to pay, children to educate, families to support, and I undertake to say that if we adopt this amendment these men have either got to suffer or else Congress must increase their compensation.

The other day one of them came to me and said that notwithstanding he had been given fourteen hours a day for many days during the month, that when he paid his little grocery bill, his house rent, and bought some school-books for his children, he had not only been compelled to invest every penny that he had earned, but he had to borrow $2 from a friend to meet the monthly expense. I would be glad to see the day's labor, or the labor of every man, cut down to eight hours if it were possible to do so; and while I favor an eight-hour law I never intend to vote to prohibit men from working just as many hours in a day as they please. That is liberty; it is the liberty of the citizen, and I never will, so far as my vote is concerned, assist in touching the liberty of the laboring man to labor so long as he may find employment with adequate compensation.

This eight-hour law that we talk about is simply a statute that says in the absence of any other or different agreement that eight hours shall constitute a day's labor. That is to say, if the engagement is to labor a day in any public employment, that day shall mean eight hours. That is all it means. It does not say that the bureaus of the Government may not give longer hours employment than that. It does not prohibit it. It ought not to prohibit it, I undertake to say, and the Public Printer is doing exactly right when he permits these poor men laboring at this small pittance of 25 cents an hour to work ten hours, or fourteen hours, or even sixteen hours, if he is prepared to give them work for that length of time at that compensation.

Mr. O'NEILL, of Missouri. And let the balance starve.

Mr. BROWNE, of Indiana. The object of the gentleman from Missouri, however, appears to be to establish by his amendment the fact that he is determined to follow the law. Now, I am glad to know that a Democrat occasionally does observe the law, or tries to observe it [laughter], for it is not often that they do so when they can avoid it; but when they do I am opposed to casting any reflections upon them for it. [Laughter.]

The CHAIRMAN. What was the amendment of the gentleman from Indiana?

Mr. BROWNE, of Indiana. My amendment was to strike from the amendment the words "eight hours," so it will read, "the Public Printer shall enforce the law."

The question being taken on the amendment of Mr. BROWNE, of Indiana, the House divided, and there were—ayes 31, noes 30.

Mr. O'NEILL, of Missouri. Tellers.

Mr. BROWNE, of Indiana. Mr. Chairman, I simply offered my amendment to emphasize the point; and inasmuch as it has prevailed, I will, with the permission of the committee, now withdraw it.

There being no objection, the amendment was withdrawn.

Mr. O'NEILL, of Missouri. I now ask the adoption of the resolution I have presented.

Mr. ROGERS. Let it be again reported.

The amendment was again read.

The question was taken; and on a division there were—ayes 60, noes 43.

Mr. RICHARDSON and Mr. OATES. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. RICHARDSON and Mr. O'NEILL, of Missouri, were appointed tellers.

Mr. BURNES. With the understanding that we shall have this matter disposed of in the House, I hope my friend from Tennessee will withdraw the call for tellers.

Mr. O'NEILL, of Missouri. I am perfectly willing to have a yea and nay vote in the House.

Mr. RICHARDSON. With that understanding I am willing to withdraw the demand.

The CHAIRMAN. If the point of no quorum is withdrawn, the Chair will announce the result. The amendment is agreed to.

Mr. OATES. What was the announcement made by the Chair?

The CHAIRMAN. The Chair announced that the amendment was agreed to.

Mr. OATES. I thought there was a call for tellers on the point of no quorum?

The CHAIRMAN. That was withdrawn, as the Chair understands, by some private understanding.

Mr. RICHARDSON. No; not by a private understanding.

Mr. RANDALL. It was withdrawn on a public statement that there might be a yea and nay vote in the House.

Mr. O'NEILL, of Missouri. Why should there not be a yea and nay vote?

Mr. RANDALL. Well, if gentlemen want to make the arrangement that there shall be a yea and nay vote, without regard to the requirement of one-fifth of the members demanding it, I see no objection.

Mr. RICHARDSON. This is a very important matter, and that ought to be clearly understood before this demand is withdrawn.

Mr. OATES. I shall certainly object to withdrawing the point of no quorum, unless there is to be a yea and nay vote in the House.

Mr. BURNES. I ask unanimous consent that there be a vote in the House.

The CHAIRMAN. The Chair will state that the Committee of the Whole can not bind the House. The matter, however, is in the control of the gentleman in charge of the bill, who has the right, in the House, to ask for a separate vote.

Mr. ROGERS. I rise to a question of order. The gentleman from Alabama [Mr. OATES] made the point of no quorum.

The CHAIRMAN. The point of order has been made by the gentleman from Alabama that a quorum has not voted. The Chair will appoint as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Missouri [Mr. O'NEILL].

The committee divided; and the tellers reported—ayes 95, noes 58.

So the amendment was adopted.

Mr. BROWNE, of Indiana. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the amendment just adopted the following:
"*Provided*, That no employé in the Government Printing Office shall have employment or pay for more than eight hours for work on any one day."

Mr. BLAND. I make the point of order that that amendment changes existing law. The amendment of the gentleman from Missouri [Mr. O'NEILL] made no change of existing law.

I appreciate the remarks of the gentleman from Indiana [Mr. BROWNE] in which he stated that he would not support any measure that prohibited employés in the Printing Office or elsewhere working over eight hours if their necessities required it. I indorse that sentiment myself. But the amendment of the gentleman from Missouri did not change that, for the eight-hour law provides, as I understand, that employés in that department and others, if they agree and make a contract to that effect, to work over eight hours, may do so, or they may work by the piece. It seems to me this provision looks to changing that part of the law and preventing the very thing which my friend from Indiana a moment ago said he was in favor of.

Mr. BROWNE, of Indiana. I am very much inclined to the opinion that the point of order is well taken. But as I am sure the gentlemen of the majority who voted for the amendment of the gentleman from Missouri intended to have the working people of this country understand that that amendment had some force and did in some way change existing law in favor of the wage-worker, and inasmuch as I suppose it was sought to have them believe that it was intended to limit the number of hours of employés in that office, I thought I would see whether or not the point of order would be interposed to an amendment which crystallized the fact that gentlemen wanted some people in this country to believe that they were doing this thing. If it be true that the amendment of the gentleman from Missouri leaves the law just where it was before his amendment was adopted, then we have put ourselves to a good deal of trouble in occupying the time of the House and the country in doing nothing but manufacturing, I suppose, a very small amount of exceedingly cheap buncombe.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk proceeded to read the portion of the bill headed "Judgments Court of Claims," beginning on page 19.

Mr. BURNES. There are several pages occupied by these judgments of the Court of Claims. The reading is simply the reading of the names of the judgment creditors and the amounts. I ask unanimous consent that the Clerk may pass them.

Mr. McMILLIN. What do the judgments aggregate?

Mr. BURNES. Three hundred and forty-five thousand dollars.

Mr. McMILLIN. I suggest the propriety of having that portion of the bill read.

The Clerk proceeded to read it.

Mr. SAYERS. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 20, after line 2, strike out the word "dollars" and insert the word "cents;" so that it will read: "Patrick H. Drake and William P. Ward, $483.53."

The amendment was agreed to.

Mr. GLASS. I ask the gentleman who has charge of the bill what is the difference between these claims and the claims on the Private Calendar coming from the Court of Claims? Are these all judgment claims?

Mr. SAYERS. These are judgments rendered under the law which gives the Court of Claims exclusive jurisdiction and makes its judgments final.

Mr. SAYERS. I offer the amendment which I send to the desk.

The Clerk read the amendment, as follows:

On page 23, after line 11, insert:
"Frederick Frerich, $10,130.31, with interest at 5 per cent. from March 10, 1886.
"George E. Hendee, $3,178.01, with interest at 5 per cent. from March 21, 1887."
And on page 24, in lines 14 and 15, in lieu of the sum proposed, insert "$263,595.52."

The amendment was agreed to.

The Clerk read the following paragraph:

For ordnance stores, mounting guns, etc., 1887, $25.50.

Mr. McADOO. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting after line 10, page 35:
"The claim of the Hoboken Land Improvement Company the sum of $15,800."

Mr. BURNES. I suppose my friend is hardly serious in the presentation of this claim.

Mr. McADOO. I am always serious. Does my friend from Missouri oppose a point of order against the amendment?

Mr. BURNES. No, sir; I shall make no such point.

Mr. McADOO. I desire to state to the House that this claim has been pending against the Government for many years. It has been examined repeatedly by the Treasury Department and allowed. The claim is for a steam ferry-boat owned by the Hoboken Land Improvement Company, of Hoboken, N. J., a corporation in my district, which was contracted for and chartered by the Government during the war.

After she had been chartered by the Government she was put in charge of a Government pilot; she was subject entirely to his control; she was taken down to Hampton Roads, and finally, I believe, to Hatteras Inlet. After she reached Norfolk she collided with another vessel there and was taken up to Baltimore for repairs. The Government disallowed the time that she was being repaired, as well as the time they did not actually use this boat. The collision occurred while she was in charge of the Government pilot, and after she had been repaired the Government saw fit to allow her to remain at the Roads without using her. Now, the claim on the part of the claimants is, that they are entitled to pay for every day that that steam-boat was under the control of the Government, under the terms of their contract and in charge of the Government pilot. I will read from the decision of Judge Maynard, of the Treasury Department, who has examined all the facts of this case. He concludes his report as follows:

It will be seen from the statement of facts in the foregoing report that on December 20, 1861, the claimant was the owner of the steamer Chancellor Livingston, and that upon that day the Government, by its duly authorized agent, entered into an agreement with the claimant, known as a "charter-party of affreightment," whereby the Government immediately took the steamer into its service and employ, and agreed to pay the owner the sum of $200 for each and every day that the steamer was so employed.

It is satisfactorily shown that the steamer remained in the employ of the Government, subject to the control and direction of the military authorities, until September 29, 1862, when she was discharged and returned to her owner.

For the time between February 22, 1862, and March 21, 1862, and between April 6, 1862, and the time of her discharge the owner has been paid for her service at the charter-party rate; but no payment has been made for the time embraced between December 20, 1861, and February 21, 1862, and between March 21, 1862, and April 6, 1862, amounting in all to seventy-nine days.

Inasmuch as it satisfactorily appears that the steamer was in the Government service during all of this time under the charter-party, and that the owner has fully performed all the terms and conditions of the agreement on his part, I am unable to reach any other conclusion than that the United States is indebted to the owner for the service at the price agreed upon, which is correctly stated above.

I. H. MAYNARD, *Comptroller.*

Now, Mr. Chairman, the whole case is this: This steam-boat was disabled in an accident after she reached Norfolk, while, as I have said, she was under the control of the Government pilot. She was delayed in movements by storms and heavy seas. She was in the Government service at all times; she was subject to the control of the Government during the time that she was being repaired; she was taken out of the

very valuable service of her owners as a ferry-boat between Hoboken and New York, to their great loss; and after she was repaired, if the Government saw fit not to use her, or to use her sparingly, or could not from her shape and size use her under all conditions, that was their concern. Her owners lost her services, and I do not see why, in justice and in law, the Government of the United States should not pay for this boat during the time they had her in use or in possession under this solemn written charter-party contract for use and employment.

[Here the hammer fell.]

Mr. BUCHANAN. I will take the floor, and yield to my colleague if he desires further time.

Mr. McADOO. I thank my colleague, but I have said all that I desire to say until I hear from the committee.

Mr. BURNES. Mr. Chairman, I desire to very earnestly call the attention of this committee to the principle that is involved in the amendment submitted by the distinguished gentleman from New Jersey [Mr. McADOO]. Here is a claim originating in the year 1861, a claim which was presented to the Government in the year 1862, which has been before the Congresses of the United States successively, off and on, from that time to the present, and has never been considered without meeting rejection.

The judgment of Congress and the judgment of the country has been uniformly against it. Not only the judgment of the committee, but the judgment of the Forty-eighth Congress, and, I believe, of the Forty-ninth Congress, and of numerous Congresses preceding, has been against this claim. This vessel was chartered at the rate of $200 a day, an extraordinary price, to begin with. Then there were seventy-nine days when, in consequence of unfavorable winds or something else, the vessel was not in the service of the Government. The Government of the United States settled with the parties and paid them at the rate of $200 per day for every day that the vessel was in service; but the claim was made for seventy-nine days when the vessel was not in service. Now, will this Committee of the Whole House of the Fiftieth Congress reverse the judgments of preceding Congresses, reverse the judgments of twenty-seven years of administration of the Government, simply in consequence of a recent adjudication by one of the accounting officers of the Treasury Department? I need not say more than this. If it be the judgment of Congress year after year to meet and throttle this claim and then, after innumerable considerations and rejections of it, then, in the exuberance of our good will and in the abundance of public money in the Treasury, we are now to reverse all precedents and now pay it, let us meet it and do it boldly and bravely.

Let us say that the Departments of this Government were unwilling from year to year for twenty-seven years to pay a just debt; let us say that every administration of the Government in all these years has been unjust and dishonest with regard to this transaction; let us say that preceding Congresses, meeting nearer to the time when the transaction took place than we meet, knew nothing with regard to the subject on which they acted, and that we now take up this twenty-seven-year old claim thus investigated, thus adjudicated, thus settled, and gravely put it in an appropriation bill for payment, when there can be no pretense that it is other than a constructive claim against the Government. When we have paid men or corporations for the time actually employed in the service of the Government; when we have paid every reasonable claim that they can possibly make; when all these tribunals have decided that the Government has done its duty to this Hoboken Land Improvement Company, I do submit in great earnestness to the Committee of the Whole that this amendment should be voted down. I hope that we shall not be compelled year after year and generation after generation to fight these claims which have not received proper sanction from those best qualified to ascertain the facts.

Mr. McADOO. Mr. Chairman, it is only just to say that this claim has never hitherto been before the House. My distinguished friend from Missouri [Mr. BURNES] says that Congress has time and again rejected this claim. Sir, the claim finds voice on this floor now for the first time. It has been passed upon by the Treasury officials time and again, and instead of being rejected has been allowed.

Mr. DUNN. Why did they not pay it?

Mr. BURNES. Let me say to my friend from New Jersey [Mr. McADOO] that I am sure he is mistaken. This claim, within my knowledge, was before the Forty-eighth and Forty-ninth Congresses.

Mr. REED. Before the House?

Mr. BURNES. Before the House once during those two Congresses. It came here in the Forty-ninth Congress as a Senate amendment.

Mr. McADOO. If my friend from Missouri will permit me, I will read the record, which I think will set him right.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., November 20, 1886.

This claim was originally examined and adjusted by the Third Auditor August 23, 1884, and a certificate made that there was due from the United States to the claimant the sum of $15,800, and the certificate and papers in the case were transmitted to the Second Comptroller, who, on September 2, 1884, confirmed the settlement of the Auditor and certified the balance above stated in favor of the claimant.

That is the first step.

There being no appropriation available for the payment of the amount so certified, the same was reported by the Secretary of the Treasury, under existing laws, to the second session of the Forty-eighth Congress, which adjourned without making any appropriation therefor.

I presume, in other words, the Committee on Appropriations did not put the necessary item in an appropriation bill.

Before again certifying the amount allowed—

Observe the language—

Before again certifying the amount allowed to the first session of the Forty-ninth Congress, the Secretary of the Treasury returned the certificate and papers in the case to the Second Comptroller for re-examination under section 191 of the Revised Statutes, and the claim was thereupon re-examined by me and the former allowance approved, and the claim was again certified to Congress, in Executive Document No. 210, page 22.

That was the second step.

No appropriation was made by the last Congress for its payment, but in the deficiency bill, page 53, the Secretary of the Treasury was directed to cause the proper accounting officers of the Treasury to re-examine this claim—

That was Congressional inaction, not action—

and if it should be again certified to Congress the reasons in full for the certification should be submitted with a detailed statement of the facts upon which the claim originated.

Pursuant to that direction, the Secretary of the Treasury has again referred the claim to the Second Comptroller for re-examination; and pursuant to such reference and the authority thus given, I do hereby certify and report that I have re-examined said claim, and again certify the same for allowance, with my reasons in full for such certification, and a detailed statement of the facts upon which the claim originated.

The Third Auditor in his original report upon the claim has presented an exhaustive review of the facts and transactions out of which the claim arose, and being satisfied from a personal examination of the proofs and papers on file with the claim that such report contains a full and fair statement of the facts, for the information of Congress I insert herein a copy of same, which is as follows.

Then follows the statement of facts.

Mr. REED. By whom is that signed?

Mr. McADOO. By Mr. Maynard, then Second Comptroller of the Treasury.

Mr. REED. And at present Second Assistant Secretary of the Treasury?

Mr. McADOO. Yes, sir.

Mr. SAYERS. How long a period elapsed between the time when this claim is said to have accrued and the time when it was first presented to the accounting officers of the Treasury?

Mr. McADOO. So far as this record shows, I presume from the time of the war until 1884. Of that I am not certain.

Mr. SAYERS. How many years was that?

Mr. McADOO. I do not know; the gentleman is an arithmetician and can make his own computation.

Mr. SAYERS. More than twenty years.

Mr. McADOO. Now, sir, here is a fact which can not be gotten away from——

[Here the hammer fell.]

Mr. BURNES. Mr. Chairman, I find in the report of the Third Auditor this statement:

The Quartermaster-General states that the records of his office show that the services of the steamer terminated on the 29th of September, 1862, and that payment for services from December 20, 1861, to February 22, 1862, and from March 21, 1862, to April 6, 1862, was refused for the reason that proper certificates covering services for those periods were not presented as required by the charter.

Mr. BUCHANAN. But does not the Comptroller, on a review of all the facts, find that the claim is just, and should be paid? The conclusion of the accounting officers of the Treasury is that the claim should be paid.

Mr. BURNES. I have read this statement from the report of the Third Auditor for the purpose of showing that in 1862 the officers of the Treasury solemnly adjudicated that every dollar due to this corporation had been paid.

Mr. REED. Where is that statement? Will the gentleman please read it?

Mr. BURNES. I have just read it.

The Quartermaster-General states that the records of his office show that the services of the steamer terminated on the 29th of September, 1862, and that payment for services from December 20, 1861, to February 22, 1862, and from March 21, 1862, to April 6, 1862, was refused for the reason that proper certificates covering services for those periods were not presented as required by the charter.

Mr. REED. That does not agree with what the gentleman just said.

Mr. BURNES. (Reading:)

The claim presented is for the unpaid time, to wit, 79 days, as stated by the Quartermaster-General, amounting to the sum of $15,800.

Mr. REED. I call the gentleman's attention to the fact that what he has read does not agree with his statement a moment ago, that it has been solemnly adjudicated by the officers of the Treasury that the claim should not be paid.

Mr. BURNES. This is a solemn adjudication——

Mr. REED. What the gentleman has read simply shows that at the time referred to certain certificates had not been presented.

Mr. BURNES. It is stated that payment "was refused for the reason that proper certificates covering services for those periods were not presented as required by the charter."

Mr. REED. That merely shows that at the time in question those certificates had not been produced.

Mr. BURNES. I will say to the gentleman from Maine that this decision of the accounting officers of the Treasury in 1862——

Mr. REED. There is no decision.

Mr. BURNES. There must have been a decision, or the claim would have been paid.

They said there were certain things lacking.

Mr. REED. The present Secretary——

Mr. BURNES. Never mind about the present Secretary; he can take care of himself. The point I wish to call attention to is that this corporation thus refused payment of this claim in 1862, seemingly accepted the judgment of the accounting officers of the Treasury and made no claim, according to the gentleman from New Jersey, who I think is mistaken, until 1884, twenty-two years after this Auditor's decision, or this refusal being made to pay the amount of the claim.

Mr. BUCHANAN. Was the decision of the accounting officers accepted?

Mr. BURNES. My opinion is, and my understanding and belief are, they came several times before Congress with their claim, and when defeated in Congress they subsequently, in 1884, appealed to the accounting officers of the Treasury.

Mr. REED. Is that in the record you have in your hands?

Mr. BURNES. It is not. I will say furthermore that, having passed on so many of these claims during the past year, I may be mistaken as to some of these things and confuse one case with another; but I do not believe I do.

Mr. REED. On what ground did the present Assistant Secretary of the Treasury decide that this claim ought to be paid?

Mr. BURNES. He has made no such decision in the matter.

Mr. REED. But the gentleman from New Jersey has just read it.

Mr. BURNES. I beg pardon, he read from the Third Comptroller.

Mr. REED. No; Third Auditor.

Mr. BURNES. No; Third Comptroller.

Mr. REED. But it is the same one.

Mr. BURNES. It is the same man, but not the same official.

Mr. REED. Yes; it is the same man who is now the Assistant Secretary of the Treasury.

Mr. BURNES. That may be his position now, but his position then was Third Comptroller.

Mr. REED. What was the decision?

Mr. BURNES. That the contract covered seventy-nine days——

Mr. REED. That the money was due?

Mr. BURNES. It was that something ought to be paid; but these certificates have never been furnished to this House.

[Here the hammer fell.]

Mr. McADOO. Mr. Chairman, I think that the gentleman from Maine [Mr. REED] is right, and that the present Assistant Secretary of the Treasury Maynard has given a decision. In point of fact, when I first assumed the floor I read from the decision of Mr. Maynard, wherein he followed in the line of his predecessors in the Comptroller's Office, and in my judgment that decision was a just one.

Now, so far as this case is outside of the record I have no personal knowledge of it. I have never conversed with any of these claimants who live in my district about this matter. I place the case before the House upon the facts which are to be found in the official records.

I presume the silence in reference to this claim was occasioned by the fact that the claimants had not presented a case, but as soon as they presented the facts to the proper accounting officers of the Treasury and they examined them, this claim was unhesitatingly allowed. And when I take up the Book of Estimates of last year, I find the same statement which is in this Book of Estimates, and which was in the book for the year before. It is here now, and I ask the House on voting on this item to be guided by the official estimates incorporated in this book.

But the gentleman says that $200 a day is a large sum to pay for this ferry-boat, and that the owners can afford to lose seventy-nine days when in the employ of the Government and not used by it.

But I call the attention of the House and of the gentleman from Missouri to this fact: This was a steam ferry-boat, plying between two large and populous cities, between Hoboken and the city of New York. She was worth that as a ferry-boat, and especially when we remember the rates of carriage for persons and freight were much higher then than now. She was worth that to this company, and her loss for seventy-nine days on this great ferry route between New York City and Hoboken was a loss of $200 a day to the New York and Hoboken Improvement Company.

If this claim is not just, if you can show me that it is not backed by testimony, that it is unjust, that it is inequitable, not good in law and conscience, I will join with the gentleman in asking the House to reject it; but when the facts bear out the deductions and conclusions of the accounting officers of the Treasury——

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman yield for a question?

Mr. McADOO. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. Has this claim ever been referred to any committee of the House; and has it undergone the ordinary consideration given to such matters by a committee, and been reported to the House?

Mr. McADOO. I can not answer that question, I will state to the gentleman, because I do not know the secrets of committees.

Mr. BRECKINRIDGE, of Kentucky. The gentleman knows whether it has been introduced in the ordinary way, as such claims are introduced, and gone to a committee and been reported back in the form of a bill, or otherwise.

Mr. McADOO. I know that it has gone to a committee of the House, but whether it has been examined or not I do not know.

Mr. BRECKINRIDGE, of Kentucky. Has it ever been introduced in the form of a bill?

Mr. REED. It is introduced by the report which comes to the committee from the Department, and is acted upon in that shape.

Mr. BRECKINRIDGE, of Kentucky. But has this ever undergone an investigation by a committee of the House and been reported back one way or the other?

Mr. McADOO. It has never been introduced as a separate bill that I am aware of; but it has been before a committee.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, a word only in reference to this matter. Whether in fact this amendment has or has not merit, I do not know. I do know, however, that under the law, and from a long-established practice, ever since the organization of the Treasury Department, I may say substantially since the foundation of the Government, the United States has referred under its laws a certain class of claims, covered by contract, for adjudication to the accounting officers of the Treasury. Gentlemen here are familiar with the course of proceeding there. First the Auditor examines and approves the contract and makes a finding, then it goes to one of the Comptrollers, in this case to the Second Comptroller, and the Comptroller has power to overrule or modify or confirm the finding of the Auditor.

Now, in a great many classes of claims presented heretofore, when these officers of the Treasury perform the duties, the judicial duties imposed upon them, and have made their findings, without any further ceremony the claims have been paid under existing appropriations. But lately, with the repeal of permanent appropriations, these claims, known as "audited claims," have been certified to Congress for appropriation, and the rule is that Congress makes the appropriations.

Why take up the bill which is before us? Here are claims covering nearly half of the bill certified for appropriations; claims sounding in contracts adjudicated by the accounting officers of the Treasury, the Auditor and Comptroller, and without further form or ceremony are sent to Congress and the appropriations made by this body.

For instance, I read:

Interior Department (Indian) claims allowed by the Second Auditor and Second Comptroller.

And then follows a list of appropriations under that head, and so on throughout the bill. The bill is full of them. Now, while I am not upon the subcommittee that prepared the bill, and I can not rise here in my place and say that this allowance of these audited claims, amounting to many thousands, yes, hundreds of thousands, of dollars is absolutely correct, for I do not know, yet I must take the facts as I find them. Life is not long enough for me to examine them all; but the judicial authorities of the Treasury under the law, the Auditor and the Comptroller, have investigated the matter under the law, and we are compelled to rely upon them and the performance of their duty, and when we have received their findings we do our duty by appropriating the money to pay them.

I do not say that Congress would be wise in making appropriations for every audited claim. Perchance there may be fraud here or there, or a mistake may be committed; but if fraud is alleged, or a mistake is made upon the part of the judicial tribunal which has charge of the investigation, then it is our duty to go into a full investigation of the matter, and if we can say that there has been gross error or fraud our duty would be to refuse the appropriation. For one I can not say this touching the pending amendment. It stands on the same footing as any claim in the bill that has been audited.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, as I interrupted the gentleman from New Jersey before he got through with his argument, I now take the floor for the purpose of yielding him the time allotted to me so that he shall not suffer by that interruption.

Mr. McADOO. I thank the gentleman from Kentucky, and take the floor by his courtesy for the purpose of answering the question that he has asked me.

The gentleman from Kentucky asked if this claim had been before Congress, and if it had ever received consideration by a committee or had been reported upon; in other words, if it had gone to a committee of the House for investigation. So far as I know, certainly since the beginning of my service in the Forty-eighth Congress, this has never been introduced as a separate and independent proposition, and never has been before any committee in that shape, so far as my knowledge goes, because, as it came from the Treasury Department and was certified in the ordinary way, it was sent direct to the Committee on Appropriations.

Mr. REED. These audited claims never are submitted in the shape

of original bills. They go to the committee in the reports from the Department.

Mr. MCADOO. No; they go in the ordinary course of business to the Committee on Appropriations. Whether this has been analyzed by that committee, before which it was placed, I must leave to the determination of the House, because the committee have been asking me questions in reference to it which it would seem, if they had examined the claim, would have been known to themselves.

Therefore, I take it, with the highest respect for the committee and the gentleman from Missouri, that this claim has simply been passed over by them; that it has been sent up by the Treasury Department with the facts and the deductions and the statements and the official request to appropriate for it. The committee have simply ignored it.

If the claim is unjust let us settle it once for all. I do not want these constituents of mine to come here year after year before Congress with the official certification of those officially bound to pass on such matters saying it is a just claim, if it is unjust; and I know the gentlemen interested in this matter are claimants who do not want this thing if it is an inequitable or unconscionable claim on the Treasury. And I have brought it up to-day that the House may pass upon it, lest the committee in the future, as in the past, may ignore it.

Mr. WILSON, of Minnesota. Does this claim depend upon legal evidence or not?

Mr. MCADOO. It is based on a contract, a charter-party. The Government solemnly and in writing contracted for this boat at $200 per day, put her under Government control and kept her so. What they did with her was no matter to the claimant.

Mr. WILSON, of Minnesota. Then by lapse of time the evidence is not at all obscured?

Mr. MCADOO. Not at all, because when the claim was made the officers, engineers, and pilots gave their testimony, it is in this book, that she was absolutely under the control of the officers of the Government every day she was away from the company.

Mr. BURNES. I move to strike out the last word. I take my friend from New Jersey [Mr. MCADOO] at his word, and I have as much confidence in him as I have in any man. But I propose to show to this committee absolutely, unconditionally, and beyond all question, that this is an "unconscionable" claim.

To do this I will read a paragraph from the report of the Third Auditor on the claim in which he concludes by recommending its payment. Here is what he says:

> By the charter of the steamer which was executed on the 20th day of December, 1861, the claimant agreed that she should sail at the first good opportunity from the port of New York, or elsewhere, and proceed direct to such ports and places as ordered by the quartermaster or duly authorized agent of the War Department; and the Government was bound to pay during the existence of the contract, as hire of the said steamer, the sum of $200 a day for each and every day she might be employed.

Now, for seventy-nine days she was not employed; and this very auditing officer declares that by the terms of the charter-party, which we have not before us, the owners of the vessel were not to be paid except for the days employed.

Mr. REED. Why, then, did he decide to pay this?

Mr. BURNES. I do not know.

Mr. REED. Let us have both sides of the question presented.

Mr. BURNES. I do not know what made the Auditor decide that they should be paid for the whole time.

A MEMBER. Read what the Auditor says.

Mr. BURNES. Life is too short to read the whole. It is stated by the Third Auditor that that is the law of the contract. Why he reached a different conclusion God knows; I do not. He says the contract was to pay $200 a day for each day she might be employed.

Mr. BUCHANAN. The word is not "running," but "employed."

Mr. BURNES. That is, employed in the business for which she was engaged.

Mr. DUNN. I wish to ask the gentleman from Missouri one question just there. He read from the Auditor's decision in 1862 or the quartermaster's decision, that pay for these seventy-nine days was then refused because the claimant failed to produce certificates of employment for those seventy-nine days. Now these officers who have made this decision twenty-four years later hold that those seventy-nine days ought to be paid for, not because certificates of employment for those days have been furnished, but because their construction of the contract is that it would be equitable to pay it. That is the status of the case as I understand it.

Mr. BURNES. That is true, precisely.

Mr. DUNN. Then this claim is the result of an afterthought and a construction of a contract invented by somebody twenty-four years afterward—I guess by some shrewd attorney.

Mr. BURNES. I suggest to the gentleman from New Jersey if these certificates have been presented for the seventy-nine days during which the vessel was employed in the service of the Government, that he should show them to the committee.

[Here the hammer fell.]

Mr. MCADOO. I have no papers in this case, and have no knowledge of it except the facts officially stated here. I take the gentleman from Missouri at his word. He recites the contract, the charter-party, as saying "for every day she is in the employ of the Government." That is the language recited by the officer who made this decision and after he had examined all the facts; after he had examined this fact, for instance, that every day that that vessel was at Hampton Roads or Hatteras Inlet her engineer reported to the United States authorities what were the orders for the day; and following that very word "employed" Mr. Maynard in his decision says this:

> It is satisfactorily shown that the steamer remained in the employ—

The very word with which the gentleman from Missouri confronts me as against this claim—

> remained in the employ of the Government—

Under a charter contract to be employed under the Government of the United States—

> subject to the control and direction of the military authorities until September 29, 1862, when she was discharged and returned to her owner.

My friend from Arkansas [Mr. DUNN] makes a suggestion; he says the quartermaster decided differently.

Mr. BUTTERWORTH. Let me ask you right there: During those seventy-nine days could the captain have moved his vessel away and used it as he might please without violation of the charter?

Mr. MCADOO. Of course not. Every hour and every minute that that vessel was there she was subject to the control of the Government.

Now, as to the word "employed," does my friend from Missouri [Mr. BURNES] mean to rest his case on the kind of employment, on the quantity of employment, or upon the fact upon which Mr. Maynard makes his decision, that the vessel was employed at all? It does not make any difference as to this case whether she made one trip a day or was working one hour a day or twenty-four hours a day. So long as her owners were deprived of her use, so long as she was subject to the control of the United States, so long as she was used at all and kept in control of the Government, she was employed in the legal meaning of that word as used in this contract, and the Government should pay for her.

Mr. BURNES. Will the gentleman allow me a word?

Mr. MCADOO. Certainly.

Mr. BURNES. This having been an employment by the day, I claim that the words used in the report of the Third Auditor mean that the Government was to pay for every day that the vessel was in use and at work. If I hire a man by the day, and he is to have $2 a day for every day that he is employed, that means every day that he works. But there is another question that I desire to present to the gentleman from New Jersey [Mr. MCADOO].

Mr. BUCHANAN. Let me ask the gentleman from Missouri a question.

Mr. BURNES. Wait a moment. I now ask the gentleman from New Jersey [Mr. MCADOO] if he is not aware of the fact that this vessel was not waiting subject to the orders of the Government during these seventy-nine days? I say to him, and if he will read the record he will ascertain the fact, that a collision took place between another vessel and this boat, which belonged to the owners, whose duty it was to repair it, and that this boat went into the docks and was there undergoing repair during a portion, and perhaps the greater portion, of these seventy-nine days.

Mr. MILLIKEN. Under whose control was she when the collision occurred?

Mr. BURNES. She was the vessel of her owners, the property of her owners; she was chartered by them, by the day, to perform service for the Government, and it was their business to keep their boat in order to do that service, and when a collision took place it was the duty of the owners to repair the boat and keep her in condition to render the service which they had contracted to render. I ask the gentleman from New Jersey if that is not the fact?

Mr. MCADOO. I meet the gentleman in the same spirit of frankness which he manifests. This vessel was under the control of the Government officer at the time the collision occurred. That was the very question of fact that the Treasury Department was dealing with, the question of who controlled the vessel's movements, and after elaborate argument and investigation they found that it was the Government pilot who directed the movements of this vessel, and hence they fastened the responsibility upon the Government.

Now, since the gentleman has called my attention to the word "employed," I have examined a little more carefully the statement of the Comptroller, and I will read what he says about the terms of the contract:

> By the charter of the steamer, which was executed on the 20th of December, 1861, the claimant agreed that she should sail at the first good opportunity from the port of New York or elsewhere, and proceed direct to such ports and places as ordered by the quartermaster or duly authorized agent of the War Department, and the Government was bound to pay during the existence of the contract as hire of the said steamer the sum of $200 a day for each and every day she might be employed.

The charter-party was, in substance, this: That the steamer was to be subject to the control of the Government; that she was to leave the port of New York at a certain date and to be employed in certain work, and during the time that she was away from the control and use of her owners her hire was to be $200 a day. That is the substance of the contract, and that is the basis upon which this claim rests.

Mr. STEWART, of Vermont. And the right of it.

Mr. McADOO. And the right of it.

Mr. BURNES. One word more. I submit that this is an urgent deficiency bill; and as this corporation has slept upon this claim so long, it can not possibly be said that it is a very urgent one. I submit, further, that when we pass upon this claim the contracts ought to be before the House. We do not want to pass, and the law does not authorize us to pass, upon a claim like this on the opinion of an Auditor or Comptroller. They only certify to us for consideration. The general deficiency bill will come up in a few days, and I am so confident that a review of the papers and of the facts will show that this is an unworthy claim that I am ready to prepare all the facts, to demand the charter-party and lay it before the lawyers of this House, and let them and the House determine the question upon the general deficiency bill a month hence.

Mr. McADOO. Will the gentleman allow me at that time to offer this amendment to that bill?

Mr. BURNES. I will allow the gentleman to offer it, as I did to-day, and I submit that this claim ought not to be considered in the absence of the contract.

Mr. McADOO. For myself I would gladly do what the gentleman suggests, but in view of the murmurs of dissent around me I do not wish to take the responsibility.

Mr. REED. Since this Auditor made this decision he has been promoted by the Secretary of the Treasury. [Laughter.]

Mr. BUCHANAN. And very properly promoted.

The question was taken on the amendment of Mr. McADOO, and the Chair announced that the noes seemed to have it.

Mr. McADOO demanded a division, but withdrew the demand.

The amendment was not agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. SAYERS. I ask unanimous consent that we may return to page 13 in order to adopt the following amendment:

After line 21, on page 13, insert:
"For the examination of surveys heretofore made, $10,000."

There being no objection, the amendment was considered and adopted.

Mr. SAYERS. I now move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union, having had under consideration House bill 6437, had directed him to report the same back with sundry amendments, and to recommend that it be passed as amended.

Mr. BURNES called the previous question on agreeing to the amendments and on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is now upon agreeing to the amendments reported from the Committee of the Whole. Is a separate vote demanded on each amendment?

Mr. BURNES. I call for a separate vote on two amendments—the one striking out the provisions for clerks in offices of surveyors-general and the amendment inserted on motion of the gentleman from St. Louis [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I want to correct the gentleman's reference to me. I am from the State of Missouri. I do not claim to represent solely the city of St. Louis. [Laughter.]

The SPEAKER *pro tempore*. If there be no objection, the vote will be taken in gross on all the amendments, except the two on which a separate vote has been demanded.

There was no objection, and the remaining amendments were agreed to.

The SPEAKER *pro tempore*. A separate vote has been demanded on the amendment which will be read.

The Clerk read as follows:

On pages 12 and 13 of the bill, strike out the following:

"Offices of surveyors-general:

"Office of surveyor-general of Arizona: For salaries of clerks in his office, $1,000.

"Office of surveyor-general of California: For salaries of clerks in his office, $2,000.

"Office of surveyor-general of Colorado: For salaries of clerks in his office, $1,000.

"Office of surveyor-general of Dakota: For salaries of clerks in his office, $3,000.

"Office of surveyor-general of Louisiana: For salaries of clerks in his office, $1,000.

"Office of surveyor-general of Montana: For salaries of clerks in his office for fiscal year 1888, $1,500.

"Office of surveyor-general of Nevada: For salaries of clerks in his office, $1,000.

"Office of surveyor-general of New Mexico: For salaries of clerks in his office, $2,000.

"Office of surveyor-general of Utah: For salaries of clerks in his office, $1,500.

"Office of surveyor-general of Washington: For salaries of clerks in his office, $3,000.

"Office of the surveyor-general of Wyoming: For salaries of clerks in his office, $1,000.

"Office of the surveyor-general of Oregon: For salaries of clerks in his office, $800."

Mr. NELSON. Was there not, in connection with that, an amendment as to the surveyor-general of Minnesota?

The SPEAKER *pro tempore*. The Chair is advised that the Clerk has read the entire amendment adopted by the Committee of the Whole.

Mr. BRECKINRIDGE, of Kentucky. The amendment just read is recommended by the Committee of the Whole, not by the Appropriations Committee.

The SPEAKER *pro tempore*. It is an amendment reported from the Committee of the Whole.

The question being taken on agreeing to the amendment, it was not agreed to; there being—ayes 34, noes 80.

The SPEAKER *pro tempore*. The next amendment on which a separate vote has been demanded will be read.

The Clerk read as follows:

After line 9, on page 18, insert the following:
"And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge."

The SPEAKER *pro tempore* (having put the question on agreeing to the amendment) said: The noes seem to have it.

Mr. O'NEILL, of Missouri. I demand the yeas and nays.

The yeas and nays were ordered; there being ayes 40, noes 72—more than one-fifth voting in the affirmative.

Mr. DUNHAM. As this vote by yeas and nays can be taken in the morning just as well as now, I move that the House adjourn.

Mr. RANDALL. Oh, no.

Mr. DUNHAM. Inasmuch as a session has been ordered for to-night, I will modify my motion so as to take a recess until 8 o'clock this evening.

Mr. RANDALL. That will bring everybody here to-night on this bill.

Mr. DUNHAM. The understanding is that this bill can not come up to-night.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. DUNHAM. I desire to ask a parliamentary question. I understand that under the order of business for the evening session this bill can not come up.

The SPEAKER *pro tempore*. By unanimous consent the House agreed that when it concluded the business of this day's session, it would take a recess until 8 o'clock this evening, the evening session being set apart for debate upon a certain bill, no other business to be transacted.

Mr. DUNHAM. Then I make my motion for a recess.

Mr. RANDALL. I hope the House will consent to dispose of this bill before we take the recess.

The question being taken on the motion of Mr. DUNHAM for a recess, there were—ayes 84, noes 76.

Mr. BUCHANAN. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. REED. This bill, at any rate, will come up as the first business in the morning.

Mr. BUCHANAN. I desire to know whether this bill will be pressed to-morrow morning to the exclusion of private business.

Mr. RANDALL. It will be pressed constantly until disposed of.

Mr. REED. It comes up without any pressing.

Mr. BUCHANAN. Then I withdraw my point.

Mr. BURNES. This bill provides for at least 10,000 soldiers who have bounty and back pay due them, by the non-payment of which they are suffering.

Mr. BUCHANAN. I asked whether this bill would be pressed to-morrow morning, and on being assured that it would I withdrew my point.

Mr. LONG. Then, Mr. Speaker, has not the recess already been ordered?

The SPEAKER *pro tempore*. No time was set for taking the recess; the agreement was that when the House should conclude the business of the day session it would take a recess until 8 o'clock.

Mr. LONG. But by the vote just taken the recess has been ordered.

The SPEAKER *pro tempore*. The point was made that no quorum voted.

Mr. LONG. That has been withdrawn.

Mr. BUCHANAN. Being assured that this bill will be pressed to-morrow morning I have withdrawn the point of no quorum.

The SPEAKER *pro tempore*. That point being withdrawn, the motion for a recess is agreed to.

The House accordingly (at 5 o'clock and 5 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The House reassembled at 8 o'clock p. m., and was called to order by Mr. THOMAS O. TOWLES, Chief Clerk, who had read the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 16, 1888.

SIR: Hon. CHARLES H. MANSUR, of Missouri, is hereby designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore* (Mr. MANSUR in the chair). The House is in session this evening for debate only on bill H. R. 1426, supple-

mentary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act.

Mr. DOCKERY. Mr. Speaker, I had expected the presence of the gentleman from New York [Mr. WHITE] this evening, and that he would make some definite arrangement in reference to the distribution of the time for this debate; but he is not here at this moment, and I will yield the floor to my colleague on the committee, the gentleman from Mississippi [Mr. ANDERSON].

Mr. ANDERSON, of Mississippi. Mr. Speaker, the design of the bill under consideration, briefly stated, is to force the land-grant railroads to resume their telegraph functions in connection with and as part of their respective railroad systems, and to operate their telegraph lines without discrimination against the Government or the public, or against any connecting line of telegraph. In other words, to compel these favored corporations to obey the fundamental laws of their existence.

The bill is the outgrowth of an investigation had by the Committee on the Post-Office and Post-Roads in the Forty-ninth Congress, pursuant to a resolution of that body. The authority for the bill is derived from certain provisions of the acts of Congress incorporating the several Pacific railways. Each of these acts, beginning with the Union Pacific act of July 1, 1862, provided that the railroad company thereby incorporated should "lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph, with the appurtenances," etc.

The right of way and authority to use stone, timber, and other materials were granted "for the construction of said railroad and telegraph line;" and "for the purpose of aiding in the construction of said railroad and telegraph line" large subsidies of public lands and bonds were granted. These grants were upon the express conditions that the company should keep "said railroad and telegraph line in repair and use," and "that the whole line of said railroad and branches and telegraph shall be operated and used for all the purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected continuous line."

The investigation by the committee disclosed in detail what was already known to the public in a general way, that the land-grant roads had, in one way and another, transferred their telegraphic franchises to the Western Union Telegraph Company. This, I hold, was a violation of their charter obligations. It separated their telegraphic functions from their railroad functions and resulted in a monopoly of the telegraph business, whereas it was the intention of the acts by which they were incorporated to create competing lines of telegraph. They were as much under obligation to maintain and operate a telegraph line for the equal benefit of all as a railroad line. In support of this assertion I need only to read a provision contained in the acts referred to:

That the several railroad companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line; and, in such operation and use, to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others; and it shall not be lawful for the proprietors of any line of telegraph authorized by this act, or the act amended by this act, to refuse or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offense the sum of $100, and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any State or Territory of competent jurisdiction.

The investigation by the committee originated from complaints made by the Baltimore and Ohio Telegraph Company of gross discriminations against it by the Western Union in the latter's operations of the land-grant wires.

At that time the Baltimore and Ohio was the sole remaining telegraph line in the country which offered competition with the Western Union, all the others having been absorbed by that giant corporation. The evidence showed that wherever the Baltimore and Ohio line connected with a land-grant wire it cost from 30 to 50 cents more to send a dispatch, say, from Washington City to San Francisco, on the Baltimore and Ohio line, than it cost to send the same dispatch on the Western Union, notwithstanding the rates on the Baltimore and Ohio were cheaper than on the Western Union. And this was because the line of the Baltimore and Ohio extended no further westward than Omaha, and from that point the dispatch had to be carried on the wires of the Union Pacific, which were under the control of the Western Union.

Since the adjournment of the Forty-ninth Congress the Baltimore and Ohio, like all the other telegraph lines which dared to cope with the Western Union, has succumbed to the wealth and diplomacy of its all-powerful rival. This is in keeping with the other acts of the Western Union in the deals by which it had acquired possession of other lines of telegraph, notably in the transactions by which it gained control of the wires of the Union Pacific. In its lawsuit with the Union Pacific, which has been referred to in the debate, fearing an adverse decision, it forestalled the action of the court by buying up the Union Pacific and paying half the cost, and the suit was dismissed by mutual agreement. Doubtlessly, in buying up the Baltimore and Ohio, it thought to forestall the action of Congress, as had been so successfully accomplished with the courts. It remains to be seen whether this estimate of the American Congress is correct or not.

The minority report, which accompanies the bill, and the debates on the floor of the House present two questions for our consideration. The one relates to the power of Congress under the Constitution to pass this bill, in view of the effect it would have upon the alleged vested rights of the Western Union; and second, whether there is a demand or public necessity for the proposed legislation. The majority report insists that Congress has the power, and that there is a public necessity for its exercise. Both propositions are denied by the minority, who argue in effect that the bill will commit the Government to harsh and oppressive measures against the Western Union Telegraph Company and the land-grant railroad companies, impairing the rights of the one and compelling the others to violate their obligations solemnly entered into with the Western Union.

The constitutional and legal questions at issue have been ably, and, I think, sufficiently argued by the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Kansas [Mr. PETERS].

They have brought to the attention of the House all the prominent features of the committee report and of the evidence accompanying it. I do not care to weary the House by following too closely in the same line of discussion. I will therefore, for the present, take for my text another and a different report. I refer to the report of the Pacific Railway Commission, appointed under the act of Congress approved March 3, 1887, "to investigate the books, accounts, and methods of the railroads which have received aid from the United States, and for other purposes."

The limited time allotted me will not admit of my going far into this report, which is rather voluminous. I think, however, I can cull enough from it to convict these subsidized corporations of having willfully and systematically violated their obligations to the Government and the people, from the time they turned the first shovelful of earth in the construction of their roads up to the present time. In the first place, let us see what the Government has done for these Pacific Railroads. On page 49 I find this statement:

The following is a general statement of the aid extended to these companies by the United States:

Bonds.	Amount.
Union Pacific	$27,236,512
Kansas Pacific	6,303,000
Central Branch Union Pacific	1,600,000
Sioux City and Pacific	1,628,320
Central Pacific	25,885,120
Western Pacific	1,970,560
	$64,623,512

Lands.	Acres.	Rate per acre.		
Union Pacific	11,309,844	$1.25	14,137,305	
Kansas Pacific	6,000,000	1.25	7,500,000	
Central Branch Union Pacific	222,560	1.25	278,200	
Sioux City and Pacific	43,336	1.25	54,170	
Central Pacific	8,000,000	1.25	10,000,000	
Western Pacific	453,794	1.25	567,243	
Total	26,029,534			32,536,918
Total bonds and lands				97,160,430

This statement is a refreshing little exhibit of bonds to the amount of more than sixty-four and a half millions of dollars, and public lands which, estimated at $1.25 per acre, amount to over thirty-two and a half millions. And still the whole is not told. The accrued interest on the bonds exceeds the principal. Sum up the whole and it runs so far up into the millions that all actual comprehension of its magnitude is lost in mere verbal sound. This enormous extension of the Government's credit and this lavish expenditure of the public lands could only be justified, if at all, on grounds of the highest public utility. As to that I am content for the purposes of this argument to adopt the language of the Wilson committee contained in its report made on the 20th of February, 1873:

Your committee can not doubt that it was the purpose of Congress in all this to provide for something more than a mere gift of so much land and a loan of so many bonds on the one side, and the construction and equipment of so many miles of railroad and telegraph on the other.

The United States was not a mere creditor, loaning a sum of money upon mortgages. The railroad corporation was not a mere contractor, bound to furnish a specified structure and nothing more. The law created a body politic and corporate, bound as a trustee so to manage this great public franchise and endowments that not only the security for the great debt due the United States should not be impaired, but so that there should be ample resources to perform its great public duties in time of commercial disaster and in time of war.

This act was not passed to further the personal interests of the corporators, nor for the advancement of commercial interests, nor for the convenience of the general public alone; but in addition to these, the interests, present and future, of the Government, as such, were to be subserved. A great highway was to be created, the use of which for postal, military, and other purposes was to be se-

cured to the Government "at all times," but particularly in time of war. Your committee deem it important to call especial attention to this declared object of this act, to accomplish which object the munificent grant of lands and loan of the Government credit was made. To make such a highway and to have it ready "at all times," and "particularly in time of war," to meet the demands that might be made upon it; to be able to withstand the loss of business and other casualties incident to war and still to perform for the Government such reasonable service as might under such circumstances be demanded, required a strong, solvent corporation, and when Congress expressed the object and granted the corporate powers to carry that object into execution, and aided the enterprise with subsidies of lands and bonds, the corporators in whom these powers were vested and under whose control these subsidies were placed were, in the opinion of your committee, under the highest moral to say nothing of legal or equitable obligations to use the utmost degree of good faith toward the Government in the exercise of the powers and disposition of the subsidies.

Here, then, we have it from this high authority that the prime object of projecting these railroads into the remote regions of the West was to provide the Government with military and postal roads. This makes it apparent why the language of the incorporating acts invariably couples telegraph with railroad functions.

Telegraph facilities are not less a military necessity than railroads, and the importance and usefulness of either are increased by having them under one and the same system and management. To accomplish the great enterprise in view, required "a strong, solvent corporation," and upon that ground alone is it attempted by the Wilson committee to justify the Government in having endowed the Pacific railways with such munificent portions of the nation's wealth. In the language of the report, they were "under the highest moral to say nothing of legal or equitable obligations to use the utmost degree of good faith toward the Government in the exercise of the powers and disposition of the subsidies."

It was never intended that their properties and franchises should be made the basis of pooling and stock-jobbing deals by which to defraud the Government, impose on the people, and destroy the solvency of the corporations themselves, to the end that a few unscrupulous individuals might be enriched. The magnitude of the enterprise is not more amazing than the childlike confidence of the Government in delegating to these corporations such high powers and intrusting to them such immense wealth without requiring of them any guaranties or bonds for the faithful discharge of their duties. Let us see in what light they viewed their high moral obligation. I read from page 51:

The Union Pacific Railroad, from Omaha to Ogden, was constructed under three contracts, known as the "Hoxie contract," the "Ames contract," and the "Davis contract." Through the intervention of assignments, made by the holders of these contracts to trustees, and through the intervention of the construction company known as the "Credit Mobilier of America," the profits from these contracts were secured to the officers and promoters of the Union Pacific Railroad itself. The persons who received these profits determined the amount thereof by their own votes. The result of these three contracts was as follows:

Cost to railroad company:		
Hoxie contract		$12,974,416.24
Ames contract		57,140,102.94
Davis contract		23,431,768.10
Total		93,546,287.28
Cost to contractors:		
Hoxie contract	$7,806,183.33	
Ames contract	27,285,141.99	
Davis contract	15,629,633.62	
		50,720,958.94
		42,825,328.34
To this should be added the amount paid Credit Mobilier on account of 58 miles		1,104,000.00
Total profit on construction		43,929,328.34

The actual profits realized from the three contracts, after reducing the bonds issued to their cash value and charging the stock issued at 30 cents on the dollar, were $23,366,319.81. These profits are stated as follows:

Ames and Davis contracts.

Bonds (cash value)	$11,310,900.00
$24,000,000 stock, at 30	7,200,000.00
Cash	2,346,000.00
	20,856,900.00

The profits on the Hoxie contract, as before stated, were $6,272,232.71.

Treating all of this as stock, except $1,125,000 of first-mortgage bonds, divided as hereinafter stated, the profits, cash values, on this would be as follows:

$1,125,000 first mortgage bonds, at 85	$965,250.00
$5,147,232.71 stock, at 30	1,544,169.81
Total cash profit	23,366,319.81

The benefits arising from the Hoxie contract were secured by an assignment to Thomas C. Durant, Cornelius S. Bushnell, Charles A. Lambard, and H. S. McComb (all directors of the Union Pacific Railroad Company), and Gray.

The profits arising from the Ames contract were secured to the stockholders of the Credit Mobilier, and the contract itself was assigned, in trust, to Thomas C. Durant, Oliver Ames, John B. Alley, Sidney Dillon, Cornelius S. Bushnell, Henry S. McComb, and Benjamin E. Bates, all of whom were stockholders in the Union Pacific Railroad Company.

The profits arising from the Davis contract were secured to the Credit Mobilier stockholders by an assignment to the same trustees.

These officers and promoters of the Union Pacific, these trustees, whose sense of moral obligation had commanded the supreme confidence of the Government, manifested their appreciation of the compliment by accepting the trust with a still keener appreciation of the grand opportunity it afforded for spoils and plunder. By that ingenious contrivance familiar to history as the Credit Mobilier, they secured to themselves out of the construction of the road net cash profits to an amount exceeding twenty-three millions of dollars.

To that extent they impaired the solvency of the Union Pacific, and lessened its capacity for paying its debt to the Government. But that sum does not measure the damage done to the innocent stockholders of the company itself. It necessitated the issuance of many millions more of the company's stock and bonds which could not be floated except at a heavy discount. If the Credit Mobilier were but a single and isolated act of bad faith, we might let the many years which have intervened throw a mantle of silence over it. But we are not permitted to do so, in the light of recent developments, which show that that scheme was only the beginning of a series of like transactions which have followed it, and for which it has served as an example.

The directors of the Union Pacific who were involved in the Credit Mobilier, after being exposed by the investigation of the Wilson committee in 1873, were sued by the United States to make them disgorge their ill-gotten gains. They demurred to the complaint on the ground that the United States had disclosed no cause of action; that the money which they had stolen was not the property of the United States, but was the property of the Union Pacific Company.

The demurrer was sustained, and on appeal the decision was affirmed by the United States Supreme Court.

After this it seems to have become a favorite plan to build railroads by the Credit Mobilier method. When a railroad was to be built certain men, whose names have become famous in railroad circles, would buy a controlling interest in the stock, and at the same time organize themselves into a "construction company," put in a bid for the contract for building the road, then, as directors of the road, vote to accept their own bid. I notice in the report of the Pacific Railway Commission such names as the "Construction Finance Company," "The Western Development Company," "The Pacific Improvement Company," and other names equally as high-sounding. I will only take time to read from the report of the Commission the latest scheme of the kind mentioned. On page 79 I find the following:

The Pacific Improvement Company was subsequently formed for the same general purpose. Its stock was $5,000,000. The ownership was in Stanford, Huntington, Hopkins, and Crocker. No money was paid for the stock of any of these companies, the available funds needed by the company being in the form of direct loans of money or credit by the stockholders to the respective companies. The contract between the Central Pacific Railroad Company and the Pacific Improvement Company for the construction of the California and Oregon Railroad between Delta and the State line was made in October, 1886. This contract was awarded to the Pacific Improvement Company by the votes of Stanford, Huntington, Hopkins, and Crocker.

The consideration for the construction of these 103 miles of railroad and of the equipment, as stated in the contract, was 80,000 shares of the stock of the Central Pacific Railroad Company, $8,000,000, and $4,500,000 of the bonds of the Central Pacific Railroad Company, part of which bonds were issued under a mortgage of the California and Oregon Railroad and part issued under a mortgage of the Central Pacific Railroad Company, dated October 1, 1886. The stock was to be delivered on the execution of the contract, the bonds as the work progressed. The stock was accordingly delivered in October, 1886. All of the bonds have been delivered except $317,000. (See evidence of Douty, volume 5, page 2703.) The amount reserved is sufficient to cover the cost of the completion of the contract. (Same page.)

The average market value of the Central Pacific stock, taken from the actual quotations of the New York Stock Exchange, during the month of October, 1886, was $48. At this rate, the $8,000,000 stock was worth, in cash, $3,840,000. The bonds paid to the Pacific Improvement Company were worth par. They were accepted by the Central Pacific Railroad Company from the Pacific Improvement Company in payment of a loan due by them to the Central Pacific sinking fund. (See evidence of Stanford, volume 5, page 2666.)

The actual cash value then paid to the Pacific Improvement Company for the construction from Delta to the State line, and for the equipment, was—

In stock	$3,840,000
In bonds	4,500,000
Total	8,340,000

The books of the Pacific Improvement Company, showing the actual cost of this construction and of the equipment, were examined by Mr. Stevens, and this cost, exclusive of the unfinished work, which Mr. Douty testified would not exceed the $317,000 of bonds which had been retained, was $3,138,609.32. (See evidence of Stevens, volume 6, page 3528.) The accuracy of the conclusions reached by Mr. Stevens was conceded by the counsel for the Central Pacific road. (See Haymond's statement, volume 6, page 3534.)

In the statement of cost of construction contained in the table at page 3531 the retained $317,000 bonds have been added to the above figure, making the total cost of the completed road and equipment $3,505,609.32. As compensation for this expenditure Stanford, Huntington, and Crocker have voted to themselves stock and bonds of the value, as above stated, of $8,340,000. And this extraordinary transaction is being consummated to-day, in the face of this investigation and in violation of every duty which these directors owe to the stockholders of that company and to the Government as its chief creditor.

This needs no further comment. The slight notice that it has attracted from the press and the public, as compared with the storm of popular indignation which arose on the disclosures of the Credit Mobilier, is a commentary on the times in which we live. I trust that this silence is but an indication of confidence in the determination of the Government to right these wrongs, which will not be disappointed.

Mr. PETERS. If the gentleman from Mississippi will allow me, I would like to put in a word there about a fact which has come to my knowledge since I spoke the other day; that is, as to the cost of the original telegraph line. The Pacific Telegraph Company built the line from Brownsville, Nebr., to Salt Lake City, Utah, 1,100 miles; and the entire cost of that line was $147,000, according to the evidence of Charles M. Stebbins, who was the contractor who built it; and that line, by the management and financiering of two Western Union directors, was capitalized at a million of dollars, and this million of dollars of Pacific Telegraph stock was afterward taken into the Western Union

Telegraph Company by issuing therefor two millions of dollars of Western Union Telegraph stock.

The basis, therefore, of that two million of Western Union stock was the $147,000 which was the actual cost of construction of this Pacific Telegraph.

Mr. ANDERSON, of Mississippi. I am obliged to the gentleman for supplementing my remarks with that valuable statement.

Now, sir, as a further illustration of the way in which these corporations have performed their obligations, I will read an extract from page 107 of this report:

By the second section of the act of July 2, 1864, the Union Pacific Railroad Company was required to make assessments upon its stockholders of not less than $5 per share, and at intervals not exceeding six months from and after the passage of the act, until the par value of all the shares subscribed should be fully paid. Money only was to be received for any such assessment, or as equivalent for any portion of the capital stock authorized.

The commission reports that this obligation has not been kept by any of the bond-aided railroad companies. The capital stock of the Union Pacific Railway Company now outstanding is $60,868,500. On this amount not more than 16 per cent. has been received in cash.

The stock of the Kansas Pacific Railroad Company before consolidation was $9,687,900. Of this amount no part was issued for cash.

The capital stock of the Western Pacific Railroad Company before consolidation was $7,900,000. Not more than $200,000 was received by the said company for this stock.

The capital stock of the Central Pacific Railroad Company now outstanding is $68,000,000. Of this amount not more than $7,000,000 was issued for cash.

The capital stock of the Central Branch Union Pacific Railroad Company was $1,000,000, on which $392,225.53 was received in cash.

I think enough has been said to show that the financial and fiduciary relations of the land-grant companies to the Government have been characterized by wanton and reckless bad faith on the part of the corporations and by wonderful forbearance on the part of the Government. In this connection, however, I want to read an account of a little transaction and call the attention of the House to it—a little episode in which some prominent railroad men figured in more respects than one, but in which Jay Gould was the hero by long odds. It will be borne in mind that Mr. Jay Gould is a gentleman who is appealing to Congress to respect his alleged vested rights in the telegraphic franchises granted by the Government to the Union Pacific Railroad.

I will ask the Clerk to read the marked passage on page 58.

Mr. WHITE, of New York. Will the gentleman from Mississippi please favor us with his authority for the statement that Mr. Gould is appealing to Congress in behalf of his vested rights in the Western Union?

Mr. ANDERSON, of Mississippi. On behalf of the telegraphic franchises of the Western Union acquired from the Union Pacific.

Mr. WHITE, of New York. I desire the gentleman to give his authority for that statement as I have seen nothing of the kind in the record, and I desire his authority for making the statement that we may be prepared to answer it.

Mr. ANDERSON, of Mississippi. My authority is the gentleman from New York [Mr. WHITE] himself. His argument the other day was based almost upon the sole ground that the Western Union Telegraph Company, which is nothing more nor less than Jay Gould, had acquired vested rights in the telegraphic franchises of the Union Pacific Railroad Company by virtue of the contract entered into between the two companies.

Mr. WHITE, of New York. I move one step further into the transaction; and I want to know where it appears in the record that Jay Gould and the Western Union Telegraph Company are substantially one and the same.

Mr. ANDERSON, of Mississippi. If the gentleman will delay a moment I will come to that.

Mr. WHITE, of New York. I will delay.

Mr. ANDERSON, of Mississippi. What I have asked the Clerk to read refers to the consolidation between the three land-grant railroads mentioned just above the marked passage. I ask the Clerk to call them off.

The Clerk read as follows:

The Union Pacific, the Kansas Pacific, and the Denver Pacific.

Mr. WHITE, of New York. Where is the Clerk reading?

Mr. ANDERSON, of Mississippi. From page 58 of the Report of the United States Pacific Railway Commission.

The Clerk read as follows:

The scheme of a consolidation between these three companies appears to have had its inception in the spring and summer of 1879. In October of that year Messrs. Gould, Sage, Dexter, Atkins, F. L. Ames, and Baker addressed a communication to Solon Humphreys and Grenville M. Dodge, requesting them to investigate the three railroads and to report what in their judgment would be a fair plan for consolidation.

Messrs. Ames, Dexter, Atkins, and Baker resided at Boston. Much discussion appears to have occurred during the month of October between these gentlemen and Messrs. Gould, Dillon, and Sage, relating to the subject of consolidation. They all favored consolidation, but differed as to the terms. (See evidence of F. L. Ames, volume 2, page 661; Dexter, volume 2, pages 702 to 704; Atkins, volume 2, page 755; Baker, volume 2, page 739; Oliver Ames, volume 2, pages 612, 613, and 808.)

Early in November negotiations for a consolidation came to an abrupt end. The Boston gentlemen above referred to declined to accept a consolidation on the terms demanded by Mr. Gould. The rupture appears to have been a sharp and angry one. (See evidence of Dexter, volume 2, pages 703, 704; Oliver Ames, volume 2, page 808.)

Mr. Gould immediately went to Kansas, and in an incredibly short space of time effected a purchase of the following railways: On the 13th of November, 1879, apparently without extensive negotiation or deliberation, he bought from Commodore C. K. Garrison the Missouri Pacific Railroad, extending from St. Louis to Kansas City, a distance of about 300 miles, and paid therefor the sum of $3,000,000. (See evidence of Gould, volume 1, page 477; volume 2, page 529.) At the same time, and as part of the same transaction, he purchased a controlling interest in the Kansas Central, a narrow-gauge road about 166 miles long, extending from Leavenworth, Kans., on the Missouri River, about 25 miles north of Kansas City, and extending thence westerly parallel with the Kansas Pacific and at an average distance of 30 miles therefrom. He paid for a controlling interest in the stock and bonds of this road $479,000.

On and shortly after the 7th day of November, 1879, he purchased from Oliver Ames a controlling interest, represented by 7,616 shares of stock, of the Central Branch Union Pacific Railroad Company, extending from Atchison about 50 miles north of the Kansas Pacific, and thence westerly and parallel with the Kansas Pacific, a distance of 100 miles.

The average rate paid by Mr. Gould for the stock of the Central Branch Union Pacific was $238 per share. (See evidence of Gould, volume 1, page 524; Oliver Ames, volume 2, page 807 to 812.) The stock of that company had sold within a year of this transaction as low as 10 cents on the dollar, and there was nothing at all in the financial condition of the company which justified, as a mere business transaction, the payment of any sum approximating in any degree the amount paid by Mr. Gould. (See evidence of Nichols, volume 7, page 4114; see report of Perrenoud, volume 8.)

The object of these purchases by Mr. Gould is explained by him with great clearness in his own evidence. He states that he had formed a plan of constructing a Pacific railway from St. Louis to the Pacific Ocean by extending the Kansas Pacific through the Loveland Pass to Salt Lake City and thence to San Francisco by the Central Pacific. (See evidence of Gould, volume 1, page 505.) At page 509, when asked how great an injury the extension of the Missouri Pacific, according to his views, would have been to the Union Pacific, he answers, "It would have destroyed it."

His purposes were immediately made public, and the effect on the Boston directors, were it not for the magnitude of the interests involved, would appear almost ludicrous. They appear to have been, one and all, terror-stricken. (See evidence of Oliver Ames, volume 2, page 808; Dexter, volume 2, page 704; Baker, volume 2, page 740.)

There followed a series of interviews between these gentlemen and Mr. Gould, which finally culminated in an agreement which led to the consolidation of the companies, effected at the house of Mr. Gould on the evening of January 14, 1880. The witnesses all describe Mr. Gould as being conciliatory, persuasive, and much more reasonable than during the prior negotiations. Persistent efforts on the part of the examiners failed to disclose in what respect, if in any, he modified the terms.

Mr. ANDERSON, of Mississippi. Here we find that Mr. Gould, the man who now owns the Western Union Telegraph Company, and the man to be affected by the proposed act, admitting that his purchase of the railroads mentioned was for the purpose of destroying the Union Pacific Railroad, which had been created by the Government as a military and postal road, to subserve the highest ends and interests of the Government. We have it from his own lips that he was bent upon destroying a railroad to which had been intrusted more than $27,000,000 of the people's money, and the earnings of which road afforded the sole chance of the Government to get the money back. And yet he is the man—I repeat it notwithstanding the objections raised by the gentleman from New York [Mr. WHITE]—who is appealing to Congress, while considering this bill, to respect his vested rights. What respect had he for the vested rights of the people in the Union Pacific when he went into that scheme to compel the road to accede to his terms or to go under?

Before laying aside the report of the Pacific Railway Commission I will call attention to another misdeed of the land-grant roads, more iniquitous than any to which I have yet referred. It will be remembered that these roads are solemnly prohibited by their charters from discriminating against the public. They have violated this obligation not less grossly than their obligations to the Government. I have not the time to relate the many acts of this kind which are detailed in the report. The Clerk will please read the marked passages on page 182.

The Clerk read as follows:

When the Commission visited the communities which were served by the Union Pacific Railway Company there was a general complaint of high rates. But the greater complaint made by shippers was against discriminating rates. If rates were uniform, certain, and permanent, a shipper knew that skill, ability, and enterprise would help him on. But when the question became one of favor with the railroad manager then capital was paralyzed.

Farmers complained (see p. 1527) that they could not get rates for shipment to Chicago within 5 or 8 cents of the figure which the elevator men obtained.

The firm of Himebaugh & Merriam, of Omaha, owns thirty-two elevators along the Union Pacific system; and when the farmers at Marysville, Kans., tried to ship directly to the market they found they could not compete with that firm. Their complaint was that three-fifths of the product of their labor went to the railroad company, one-fifth to interest, and one-fifth was left for subsistence. At Marysville, Kans., it was testified (see page 1540) that at one time the Union Pacific Company reduced its rates on corn from 32 cents to 27 cents per 100 pounds, to enable farmers to ship to market; but the rate went back again to 32 cents as soon as the market justified it. It, therefore, mattered little to the farmer whether his crop was large or small. If large, the company appropriated a considerable proportion of it in high rates; if small, it only allowed him enough to live on.

The following is a list of the favored shippers who had the greatest preferences:

Name.	Article.
Omaha and Grant Smelting and Refining Company	Ore and bullion.
Continental Oil Company (Standard)	Oil.
Consolidated Tank Line Company (Standard)	Oil.
Himebaugh & Merriam, Omaha	Grain.
Union Elevator Company, Council Bluffs	Grain.
Union Stock Yards Company (W. A. Paxton)	Cattle.
Utah Forwarding Company (Lyman & Wallace)	Salt and coke.
Adams & Keisel	Salt.
Marshall Consolidated Coal Mining Company	Coal.
Union Pacific Railroad Company, coal department	Coal.

The Omaha and Grant Smelting and Refining Company received rebates of $570,000 in a period of three years, and, in addition, was allowed free switching at its yards, which was worth $15,000 a year, while other smelting companies were forced to pay switching charges. Among the stockholders in this company were Mr. Sidney Dillon and Mr. Frederick L. Ames, directors of the Union Pacific Railroad Company.

When the president of the Union Pacific Railway Company was asked to explain why it had discriminated in favor of the Omaha and Grant Works, he said that the other roads into Denver were backing other smelting establishments, and that the Union Pacific therefore backed the Omaha and Grant Works against all other smelters in that system. He admitted that it was a great evil (see p. 1997), and that it was a vicious way of conducting business, but confessed his utter inability to remedy the evil.

Mr. ANDERSON, of Mississippi. These are but a sample of the many acts of like nature recited in the report. There is nothing the magnates of the Pacific railways believe in if not monopoly. They have centralized the most important industries along the line of their roads into the hands of a few, taking care to come in themselves for a share of the profits. The iron and coal mines, the smelting works, the salt works, the quarries, the elevators, the stock-yards are allowed to exist only under this arrangement, and the farmer must be content with one-fifth of his labor. Is it, then, to be wondered at that we find their telegraphic franchises concentrated into the hands of one company, the Western Union?

Mr. Speaker, the bill makes no reference to the Western Union Telegraph Company, nor is it the intention to injure that corporation. It does not devolve on us to consider what effect the bill may have in that respect. We are dealing with the land-grant and bond-aided railroads. We claim that the contracts by which they surrendered the control of their wires to the Western Union are void and vicious so far as the Government and the public are concerned. The bill merely ignores these contracts, or nullifies them, if you please, by amending the charters of the Pacific roads. The power to amend is reserved to Congress by an act passed before any of these roads were built.

The debate so far has had reference particularly to the contract between the Western Union and the Union Pacific, which has been taken as a sample of all the contracts between the Western Union and the land-grant roads. This contract has been spoken of as an assignment by the Union Pacific Railroad Company of its telegraphic franchises to the Western Union. I do not so construe it. In my opinion the contract creates a partnership, pure and simple.

What kind of a partnership is it? In the first place I read from the contract to show that up to the time that it was entered into, on the 1st day of July, 1881, the Union Pacific Railroad Company was exercising its telegraphic functions.

Mr. WHITE, of New York. And is doing so now.

Mr. ANDERSON, of Mississippi. Yes, sir; in a certain way—in a way, however, to evade its charter obligations. It is obvious, from all the operations of this company, that so far from carrying out in good faith its obligations to the Government and the public, its whole purpose has been to trim, so as to appear to be complying with them, while at the same time flagrantly violating them.

I will now read the portion of the contract to which I refer.

After the usual whereases is the following:

Now, therefore, for the purpose of providing telegraphic facilities for the parties hereto, and of maintaining and operating the lines of telegraph along the railway company's railroads in the most economical manner in the interest of both parties, and for the purpose of fulfilling the obligations of the railway company to the Government of the United States and the public in respect to the telegraphic service required by the act of Congress of July 1, 1862, and the amendments thereto, and in consideration of the covenants and agreements herein contained, the parties hereto have mutually agreed as follows.

Here is a distinct acknowledgment by both of the high contracting parties, that at the time the contract was entered into, to wit, July 1, 1881, the Union Pacific was under obligations to the Government and the public in respect to telegraphic service. But how unfounded is the pretense that the contract was entered into for the purpose of fulfilling these obligations. There is nothing in the whole range of testimony taken by the committee which shows, or tends to show, that the Union Pacific was unable to fulfill its own obligations. The truth is the Western Union had already got control of the wires of all the other land-grant roads, and the Union Pacific was the only one left which offered competition, and the contract was made to destroy this competition. I want no better evidence than the testimony of Norvin Green, who is the president of the Western Union, to establish what I say. I quote his language from the report of the committee:

The Pacific railroads built their own telegraph lines, and for a long time operated them in competition with the Western Union Telegraph Company. They connected with every opposition that came along, and fought us during the whole time up to 1881.

And the battle was ended by negotiations which resulted in the surrender of the Union Pacific for a consideration. The contract contains the terms of capitulation. It starts out with a declaration of honest purposes as regards the Government and the public, but this is followed and falsified by a series of provisions which secure to the Western Union the telegraphic franchises of the Union Pacific, guarded by stipulations which effectually prevent competition. In the few moments of my time left me I can only briefly state the substance of those clauses of the contract to which I wish to call the attention of the House.

By item third of the contract the railway company assures to the telegraph company the exclusive right of way over its lands and bridges, and binds itself not to transport men or material for any competing line of telegraph, except at the railroad's regular local charges, and not to furnish to any such competing line any facilities which the railway company may lawfully withhold, nor to stop its trains, nor distribute material therefor at any other than regular stations.

Item four provides that no employé of the company shall be employed by or have any connection with any other telegraph company than the Western Union, and that the latter shall have the exclusive right to the occupancy of, and connection with, the railroad company's depots, for commercial and public telegraph purposes as against any other telegraph company. By another provision of the contract the railroad company is permitted to retain from one to three wires to be used exclusively for railroad business, and the railroad is pledged not to transmit any message for any person or any officer of the Government unless expressly required to do so by the person tendering the message.

The evidence shows that the railroad have but few, if any, up-town telegraph offices at Omaha, Kansas City, Cheyenne, and other towns along its line, and that the sign-boards of the Western Union are posted at all the depots and station-houses, while the railroad has no such sign-boards. How shallow, then, is the pretense that the Union Pacific is still carrying on its telegraphic functions for the use of the Government and the public.

The SPEAKER. The time of the gentleman has expired.

Mr. GUENTHER. Mr. Speaker, I have voted in the Committee of the Post-Office and Post-Roads, of which I have the honor of being a member, in favor of this bill, although I should have preferred a bill to place the whole telegraph business of the country under Government regulation, which in my opinion would accomplish more good to the whole people of the United States and remedy all the evils that this bill seeks to accomplish much more effectually, and which would not interfere with any of the alleged vested rights about which the gentleman from New York [Mr. WHITE] and the minority report of the committee speak. But as the committee had only to deal with those railroads and telegraph lines which had received subsidies from the General Government, the committee was not competent to consider the greater and more important subject of regulating the whole telegraph service of the country.

Therefore, when the alternative presented itself either to adopt or reject the bill under consideration, I voted in favor of it, believing that the effect of this legislation would tend to bring about competition, which, owing to the contracts entered into by the Pacific roads and the Western Union Telegraph Company, whereby this company acquired an absolute monopoly, has been impossible.

If this bill becomes law, equal facilities will be afforded to every telegraph company, and competition, heretofore impossible, may at least result. In any event I consider it good and sound policy to require railroad, telegraph, and all other companies, created and aided by the Government, to live up to the stipulations and requirements of their charter.

As to the fine and complicated principles of law and the constitutional questions involved, I do not pretend to address myself. I am not a lawyer, much less a constitutional lawyer, and I trust you will take my word for it as freely as I accept that of the gentlemen who say they are. [Laughter and applause.]

I believe, however, that if this proposed legislation should be in violation of the Constitution and become law, the Pacific railroads and the Western Union Telegraph Company would lose no time to take the question before the courts and have it passed upon by the highest judicial tribunals.

I have observed during this debate, as well as in many others involving the Constitution, that gentlemen of acknowledged legal ability and high standing as jurists differ quite largely. How, then, is it possible for a layman like myself to arrive at an intelligent and sound conclusion? It is, however, a fixed principle with me, in cases like this, where the rights of the people of this country are involved as against powerful and subsidized corporations, to give the benefit of the doubt to the people. If I do err, I want to err on the side of justice to the people. If I do lean, to lean toward them, not toward the power of aggregated capital, knowing that if the slightest injustice is done the courts will give adequate, I think I may say even technical, legal remedies to powerful corporations, which to my mind at least was amply illustrated in the recent decision of Justice Field concerning the power of the Pacific Railroad Investigating Commission.

But no matter what the courts may deem their duty, let us, the representatives of the people of the United States, without distinction of party, justify the confidence reposed in us by them by defending their rights and prerogatives, and by our votes uphold their dignity and their sovereignty, their supremacy, and declare in a manner that can not be misunderstood, that the people of the United States are mightier than the most gigantic corporation; more powerful even than a combination of all of them, and that all the tremendous influence their unlimited wealth can procure, all the legal talent they can command, all the persuasive eloquence they employ, all the sophistry they so adroitly use,

count for nothing when arrayed against the law of the land, against the people, the common people of this great Republic. [Loud applause.]

Mr. LIND. Mr. Speaker, when the bill was reported by the committee I did not intend to discuss the measure on the floor of the House. It has occurred to me, however, since it was brought up for discussion, that inasmuch as the principal objection made to the bill is not on the question of expediency, but rather because it is alleged to violate constitutional rights, that I would occupy the time of the House sufficiently long to state my reasons why I think there is absolutely no constitutional question involved in the consideration of this bill. If there is a constitutional question it of course merits the most careful consideration. But, as stated, I think I am justified in saying that there is no such question involved, and to demonstrate this I will cite authorities further on.

Upon the question of expediency, which is always a question of prime importance for legislative bodies to consider, I think there is room for difference of opinion. I do not think, if this bill becomes a law, that it will settle the question of telegraphic communication to the satisfaction of the people of the country, for I do not believe that the solution of the problem lies in the direction of creating competing lines, and this for the simple reason that duplicating your telegraph lines and multiplying the offices, and thereby increasing the employés to be maintained on those lines and the officers necessary, is not going to cheapen the telegraphic service in the aggregate. Hence I believe that the telegraph business, being a natural monopoly—you can make nothing else out of it—and being only another branch of the mail—another method of transmitting intelligence and communications between the people—should be entirely under the control of the Government itself. And in my opinion a postal telegraph, owned and operated by the Government, is therefore the only solution of the problem.

But until Congress shall adopt postal telegraphy or some better system than we now enjoy, it is necessary to have some remedial legislation, and the bill under consideration is a wholesome measure, as far as it goes. So long as the policy of the country is to secure relief by establishing competing lines, and if possible to obtain competition on the Pacific lines, which we have not now, we should legislate to make this system effective. I stated that I did not think that any constitutional question was involved in the consideration of this bill. It was stated the other day, and rather broadly, by a gentleman from the State of Illinois, as I understood him, that the powers of Congress were as supreme in regard to the matters of this kind as the powers of Parliament are, and that it was under no other or greater limitation than Parliament is.

That, perhaps, was stating the question a little too broadly—putting it much too broadly—as a general proposition, but when it comes to regulating either a railroad or telegraph company in the manner of executing its business, or the manner in which it shall execute its trust in serving the people, then I say there is no limitation whatever upon the powers of Congress. So long as Congress exercises, as we may call it, and as the books call it, "the police power," it is not limited. The power "of police"—of regulation—is something that can not be contracted or bargained away, and the question involved in this bill being, as the highest court of the land has already decided, nothing but the attempt to exercise and establish police regulations with regard to the manner of conducting the business of these companies, it can not possibly involve any constitutional question. And upon that point, Mr. Speaker, I ask the indulgence of the House to cite authorities.

In the case of Stone *vs.* Mississippi, 101 United States Reports, page 817, Chief-Justice Waite adopts and uses this language with approval:

> All agree that the Legislature can not bargain away the police power of the State. Irrevocable grants of property or franchise may be made if they do not impair the supreme authority to make laws for the right government of the State. But no Legislature can curtail the power of its successors to make such laws as they may deem appropriate in matters of police.

So I say it is settled in the Supreme Court of the land that upon questions of "police" there can be no such thing as a violation of charter or contract rights, because they are not involved.

Now, then, the next and only other question that can possibly arise as to this bill is, what does Congress assume to do? Does it assume to exercise these "police powers?" If it does, and if the provisions of the bill are in that direction, as they are, then it is entirely within the powers recognized in the decision of the Supreme Court of the United States which I have just cited. On the point that the provisions of this bill are but the exercise of "police powers," I will cite you to one of the "Granger cases," that all the members are probably familiar with. I refer to Munn *vs.* Illinois, 94 United States Reports, page 113:

> Under these (the police) powers the Government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, inn-keepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day statutes are to be found in many of the States upon some or all of these subjects with the fifth amendment in force. Congress in 1820 conferred power upon the city of Washington "to regulate * * * the rates of wharfage at private wharves, * * * the sweeping of chimneys, and to fix the rates of fees therefor, and the weight and quality of bread" (3 Statutes at Large, 587, section 7), and in 1848 to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers (9 Statutes at Large, 224, section 2).

It was held in the other Granger cases, which involved the identical proposition that is before the House at this time, that passing the laws involved in those cases was only exercising the "police power;" and on that ground the Illinois and Iowa and all the other "Granger laws" have been sustained, and the Supreme Court has repeatedly reiterated that so far as the exercise of police power is concerned there can be no such thing as the right of one Legislature or one generation to bargain away the rights of the next.

Hence I feel that I am justified in saying that the constitutional question is entirely out of this inquiry, because from any view in which you consider this bill you can not say that it is anything else but an attempt to exercise police powers.

There is one other point I would like to suggest, because I think that in the course of the arguments that have thus far been made some members have, in my opinion, wandered from the real point involved in the question before us. I shall not weary the House by reading long extracts either from the statute or from the reports. I will simply call attention to the status of the railroad scheme and the telegraph companies at the time of the passage of the act which I will cite. The overland telegraph companies were in existence at the time that the laws incorporating the Pacific railroads were enacted. It was thought undoubtedly at the time that it was a great and stupendous undertaking to span this continent with a continuous line of railroad, and so it was—the greatest undertaking that the world had known.

No one had any accurate idea of the amount of money that it would require. The men who were the incorporators and undertook the enterprise, while wealthy, did not have the money in sight to build this road. By the charter which incorporated the railroad companies they were required not only to construct and operate a railroad, but also, in connection with it, to construct and operate a telegraph line. The company was granted vast amounts of aid in the way of bonds and lands to enable it to undertake this great enterprise; and, further, Congress virtually said to them this: "There being already an overland telegraph line, if you can make an arrangement with the companies owning that telegraph line to move it to your right of way we will consider that a compliance with the condition requiring you to construct a line of telegraph."

Congress in effect said, "If you have not sufficient means to construct new lines we will permit you to make use of a 'second-hand' line for the time being (if I may use that expression), and obtaining this 'second-handed' line we will consider a compliance with your charter requirements, so far as construction goes." I submit to any man who will read this statute and consider it in connection with the circumstances and surroundings of the company at the time when it was enacted whether my view is not correct, and whether he will not come to the same conclusion that I have. In support of this I will read section 19 of the act authorizing the construction of a telegraph line between the Atlantic and Pacific States. It provides as follows:

> That the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri River and San Francisco may be moved upon or along the line of said railroad and branches as fast as said roads and branches are built; and if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph.

Construction, that is the entire extent to which the transfer shall be considered compliance with the requirements imposed upon the company by the charter—nothing else. And if any corporation or any company has assumed to make a contract or secure rights other than those expressed and allowed by the statute it is *ultra vires*. [To Mr. WHITE, of New York:] You can base no rights upon it; you can assert no claims under it, because it is in violation of law. The Government said, "We are willing you should for the time being serve the public with a 'second-hand' line instead of a new one." But that is the extent and the entire extent to which Congress has as yet spoken on the subject. Then how can you speak of vested rights? It is bosh. There are no vested rights in it. The duty rested on the Union Pacific Railroad Company when it accepted its charter to operate the franchise of telegraphy as much as to conduct its railroad; and it has never been relieved from it. That duty is imposed on the company to-day.

All that we seek to do by this bill is to require them to fulfill the promises that they made and the legal requirements that were imposed upon them. Is that unjust? Is it unreasonable? What contract right do we violate? I assure the House that I would not think for a moment of voting for the violation of a contract even with Jay Gould, but why raise these bugbears of constitutional violations every time that a question in behalf of the rights of the people comes up (as my friend from Wisconsin [Mr. GUENTHER] has suggested)? It is for this reason that I, though a young man, have taken the liberty to speak on this bill, which otherwise I would not have done.

Mr. PETERS. Right there I would like to call the attention of my friend from Minnesota [Mr. LIND] to another proposition of law, namely that in grants from the sovereign to the subject nothing passes by implication; that only passes which is, in clear and unmistakable terms, granted.

Mr. LIND. Yes; and it is a fundamental principle of law that when the exercise of a public right or duty is conveyed to an individual, the grant implies that he shall exercise that right fully and completely and by himself; he can not delegate it to anybody else. Now that the gentleman calls my attention to that proposition of law, I shall weary the House a few minutes longer to express another thought that occurs to me.

Mr. HERBERT. Before the gentleman leaves that point, will he state the date of the passage of the act which he has just quoted?

Mr. WHITE, of New York. July 1, 1862.

Mr. HERBERT. How long after that, if at all, did the railroad companies themselves operate these lines of telegraph that had been moved over onto their right of way?

Mr. LIND. As I understand it, the railroad companies did not operate the lines of telegraph at all over the entire distance from the Missouri River to the Pacific.

Mr. DOCKERY. The gentleman is in error as to that, I think.

Mr. LIND. They operated only over a portion, not over the entire distance.

Mr. DOCKERY. I think the gentleman is in error on that point. The railroad companies operated the telegraph lines, the Central Pacific Railroad until 1877 and the Union Pacific until July 1, 1881. They did construct and did operate their telegraph lines until those dates, respectively.

Mr. WHITE, of New York. Will the gentleman from Minnesota pardon me if I make a suggestion in answer to the question of the gentleman from Alabama [Mr. HERBERT]?

Mr. LIND. Certainly.

Mr. WHITE, of New York. As I understand the history of these transactions between the railroad companies and the telegraph companies, the railroad companies never did exercise the telegraph functions as companies. The Union Pacific formed the Atlantic and Pacific Telegraph Company, which it owned, and that telegraph company operated that portion of the line along the Union Pacific road. The Central Pacific Railroad Company organized the Pacific and Atlantic Telegraph Company, and that telegraph company exercised the telegraph functions on that part of the line, and the two telegraph companies, in combination, exercised those functions in behalf of the railroad companies over the whole line. Those telegraph companies were finally absorbed by the Western Union Telegraph Company, or an arrangement was made between them; but the railroad companies themselves were not engaged at any time in the business of sending through messages, as they were bound to be under their charter, if the law placed that obligation upon them.

Mr. LIND. That is what I understand from the report, that they never did carry on the business of telegraphy over the aggregated road; that is, over the continuous line from the Missouri River to the Pacific Ocean.

Mr. HERBERT. Then they never did at any time comply fully with their obligations, as you understand it?

Mr. LIND. They never did.

Mr. PETERS. The Central Pacific and the Union Pacific proper, exclusive of what was afterwards known as the Kansas Pacific, did construct and operate their own line of telegraph. The only portion of the land-grant roads that did not construct its own telegraph line was the Kansas Pacific for a distance of three hundred and about forty-three miles west from Kansas City, Mo.

Mr. HOPKINS, of Illinois. Did not the Kansas Pacific, in applying for the aid which it was to receive under the act of 1862, report to the Government commissioners that they had constructed the telegraph line in accordance with the provisions of the charter, and did not the Government extend its aid on the faith of that representation?

Mr. PETERS. Certainly.

Mr. WHITE, of New York. The question of the gentleman from Alabama [Mr. HERBERT] was not as to construction, but as to operation, and the facts will bear me out in what I have said, to wit, that the railroad companies never did operate as common carriers of commercial messages from one terminus to the other terminus of those lines, that is, as telegraph companies, but they organized a wheel within a wheel, the Atlantic and Pacific from Omaha to Ogden, the Pacific and Atlantic from Ogden to San Francisco, and demitted the telegraph business to those companies.

Mr. HERBERT. Did those railroad companies at any time perform, or cause to be performed, the duties imposed upon them by the act of Congress, or by their charter, which duties they disabled themselves from performing by subsequently making a contract with the Western Union Company?

Mr. WHITE, of New York. Never, sir, as I claim; but others may differ with me about that. It is a question for elucidation.

Mr. DOCKERY. If my friend from Minnesota will yield to me a moment, I wish to say that under the acts authorizing the construction of the Union Pacific Railroad and telegraph line and the Central Pacific Railroad and telegraph line, it was provided that each 40 miles of railroad and telegraph line, as completed, should be received or accepted on the part of the Government by commissioners to be appointed by the President; and the records in the office of the Secretary of the Interior show that the commissioners thus appointed certified to the fact of the completion of the railroads and telegraph lines as each section of 40 miles was received.

Mr. WHITE, of New York. That is conceded.

Mr. ANDERSON, of Mississippi. And the officers of the companies had to make affidavit.

Mr. DOCKERY. Certainly; the commissioners in receiving each 40 miles of railroad and telegraph line accepted them on the affidavits of officers of the company.

Mr. ANDERSON, of Mississippi. I would like to explain, before the gentleman from Minnesota resumes, that the Union Pacific Railroad extends only from Council Bluffs, Iowa, to Ogden, in Utah Territory, and does not extend to the Pacific coast.

Mr. LIND. That fact, I think, is generally appreciated by members.

Without wearying the House, I wish to make only one additional suggestion. It is immaterial, so far as this bill is concerned, whether the railroad companies did or did not construct these lines in the first instance. If they did construct the lines, then they have already done what the bill *in hæc verba* requires them to do; they have complied with their charters so far as the construction of these lines is concerned. If they did not construct the lines, and did not fulfill their obligations by having second-hand lines, as I have termed them, placed on their railways, then the bill simply requires them to comply with the original requirements of the law. That is nothing more that what we have a legal right to insist upon, and aside from that, I say that, without reference to any obligations in their charters, we have the common-law right—a right which no previous Congress had the power to alienate from us—to demand of these companies that they carry messages for each and every individual, whether a corporate or a natural person, without discrimination, and upon equal, fair, and reasonable terms, and that is virtually all that this bill demands.

Mr. WHITE, of New York, rose.

Mr. LIND. Under these circumstances, what can be urged against this bill? I will yield to the gentleman from New York for a question, if he wishes.

Mr. WHITE, of New York. I did not wish to ask a question. In reply to the gentleman's suggestion as to the requirement that these companies transact their business without discrimination and upon equal and reasonable terms, I was about to remark, so say we all of us. Of course they are bound so to do.

Mr. LIND. If that is conceded by the gentleman, then I will sit down. [Applause.]

Mr. ANDERSON, of Illinois. Mr. Speaker, I consider this one of the most important measures that can be presented to this Congress. I do not know, however, that I ought to say anything upon it, because the minority, who have opposed the bill, seem to have been so completely routed that they have fled from the field. I always have a great deal of sympathy for the "under dog," and for this reason I feel almost inclined either to say nothing or to take the other side of the question, if my conviction would permit me to do so.

This bill, which I had the pleasure of voting in our committee to report favorably to the House, seeks to compel the railroad companies, known as the "land-grant railroads," to do certain things. I think but one question can arise in the consideration of this measure; and that is, was there any legal obligation on the part of these companies to do what this bill seeks to have done? If I could be brought to the conviction that no such obligation existed, I certainly would oppose the measure. I do not believe in fastening upon corporations any more than individuals, requirements which do not rest upon any legal obligation.

In this connection I will remark that I do not share in the extremely hostile feeling that some persons entertain toward corporations—a feeling which inclines them to antagonize such companies whenever the occasion will permit. I believe that individuals and corporations, when they exercise their functions in the proper manner, as some of them have done, are a blessing to the country. I believe that when an individual or a collection of individuals use their money in a creative sense in developing the resources of the country, as has been done in a great many cases, they are entitled to the consideration of the people. But, on the other hand, I feel that when a corporation has sought favor of the people and has received it, it ought, of all others, to be compelled to discharge its legal obligations. In looking at the act to which reference has been made, we can readily see whether any legal obligation rests upon these companies to do what this bill seeks to enforce.

The act of 1862 requires these companies to construct, maintain, and operate railroads and telegraph lines. There is no distinction between them; they are put upon the same footing. Under the law the obligation is just as urgent for these companies to maintain and operate a telegraph line and conduct public business upon it in the manner specified as it is to conduct the railroad business. The language is so plain that no person, however warm an advocate he may be of these railroad and telegraph lines, can gainsay this position.

We have, then, first, this obligation imposed upon these companies in the manner provided in the acts. As a part of the consideration for the discharge of these obligations, these companies have received large assistance from the Government, and the obligation is one which they

can not lay aside or abandon at their will or pleasure. The only remaining question is, then, whether they have in any manner performed this obligation or done that which exempts them from what this bill proposes to require.

As I understand, the minority of the committee take the position that section 19, which authorized the overland telegraph lines which were in existence at that time to be removed to the line of these railroads as they were constructed, under such arrangements as could be made between the companies, lifted the obligation from the railroad companies to maintain these telegraph lines themselves. Now, in my view, there was in the mind of the National Legislature at that time some reason for that provision. It is well known that at that time no individual or company could construct a line across our western plains which would be a productive line. Congress knew that the moment a railroad was constructed through that section of country the necessities of the people in the cities and towns which would be built up along the line of the railroad would require telegraphic accommodations. And inasmuch as the overland roads had been assisted in building by Government aid, it was considered a public advantage to give them permission to remove their lines there. It was never intended, it was never thought, that by doing that it would remove the obligations of these railroad companies to carry on, to operate, and to maintain, as required by the statute, their own telegraph lines.

When these lines were removed over there (and I agree with the gentleman from New York [Mr. WHITE] in his position in reference to the manner in which these companies have acted—that they have not attempted to comply with the law); I say after they removed their lines over there, they made an arrangement by which these lines were removed over there, and they were allowed to operate them for the public. That was continued until competition arose. We can trace this throughout.

There were a number of them, but the principal competing lines were, first, the United States line, under which it sought to avail itself of the advantages of this section. When they had built their line to reach the western termini of these lines, which ought to have been built and maintained for the benefit of all without discrimination—when they sought to avail themselves of the advantage of this they found that the land-grant companies had not fulfilled the obligations of law and they could make no connection for the simple fact that the Western Union had swallowed up the overland telegraph line, and their only method of competing with them through to the Pacific coast was by building a line themselves through the non-productive section of the country known as the plains.

I say that no individual, and no company, could afford to do that, and the reason of this provision in the statute was wisely meant to meet that necessity. They knew no company could compete with any line built by Government aid through those vast plains. That was the reason the statute required them to maintain a telegraph line in connection with the railroad. The Western Union having swallowed up those overland lines stood in the attitude of refusing to allow the United States Company to have the same advantages they were getting from the railroad companies. The result was that the United States Company, not being able to compete, was swallowed up.

Another company was organized in the State of New York, the Atlantic and Pacific Telegraph Company, I think, with $5,000,000, which built its lines to Chicago and made an arrangement by which they extended them to Omaha. That company did get in a position to compete with the Western Union by the terms of this statute by making an arrangement with the Central Pacific Railroad Company. The history of the competition that followed there will explain the whole attitude of this measure. With their line to Chicago and through lines tc Omaha, and their contract with the Central Pacific Railroad Company, they have stood in the position of competing with the Western Union. What was done then?

The Western Union and the Central Pacific Railroad Company, in the face of the statute, in the face of the obligation resting on the Central Pacific, entered into a contract by which they cut off the privileges of the Atlantic and Pacific and made a monopoly for the Western Union. That competition was so vigorous before this contract was entered into between the Western Union and Central Pacific that a telegram of ten words from New York to Kansas City only cost 25 cents. It was a bitter competition, and the only manner in which the Western Union could oppose it was by persuading the Central Pacific to evade the law, and in face of the law and in defiance of its obligations, to enter into a contract by which they cut off the privilege they were entitled to under the statute, and enter into a contract with the Central Pacific to cut them off. The end was that the Atlantic and Pacific Telegraph Company was also swallowed up.

Mr. OATES. What was required of these companies by the granting act in respect to the operations of these lines of telegraph, and wherein is the present method of operating a departure from or failure to comply with what was required in the granting act?

Mr. ANDERSON, of Illinois. Under the act of 1862, under which these railroads were built, they were required to construct in connection with their railroad lines telegraph lines, so that their eastern termini would receive telegraph business from every individual and company, without discrimination. They were obliged to maintain and operate them for the public benefit, without discrimination or favoritism to anybody. These companies had a right to expect——

Mr. OATES. Can you give the language of that part of the act?

Mr. ANDERSON, of Mississippi. I think the same provision applies to all of these land-grant railroads.

Mr. ANDERSON, of Illinois. It is found in section 3 of the act:

That messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line or either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the Government shall have priority.

Now, these companies that were organized after the Western Union had swallowed up the Atlantic and Pacific were governed by that provision; but I will answer the question by referring to this in another way. Another company was organized, called the American Union Telegraph Company. It built its branches and lines from the east until it reached the eastern terminus of the railroad lines, and expected when it reached the eastern termini of the land-grant roads to have its messages received by the railroads operating telegraph lines, according to the obligations resting upon them under the statute. They went to that expense and built their lines in order to make connection with the eastern termini of the railroad lines.

When they got there and demanded that these roads should live up to the obligations of the statutes and receive for transmission their messages over their lines, they found that the railroads were not operating telegraph lines at all, and that their messages could not be received. They were simply told, "We are not doing any telegraphic business; this is in the hands of the Western Union Company, and you must contract with them." The American Company, after working with the officers of the several roads and the Western Union, found that the only terms upon which their messages could be transmitted was by paying an increased amount on their messages.

Mr. PETERS. Will the gentleman permit me to interrupt him, to state that in addition to that the evidence taken before the Committee on the Post-Office and Post-Roads shows that these land-grant railroad companies had no telegraph office at all at Kansas City or Omaha?

Mr. ANDERSON, of Illinois. Yes, sir; I was going to state that. When the Western Union offered to take their messages, that is to say, when a message sent from Washington City, for instance, reached Omaha or Kansas City, they added to it an additional amount; and their excuse for this was that they had to repeat the name of the city and the date, and charged an additional amount, making the tariff so heavy that the telegraph companies were absolutely cut off from doing anything at all over these land-grant lines.

Mr. DOCKERY. Will you state what was the additional amount required?

Mr. ANDERSON, of Illinois. I think it was from 30 to 50 cents additional on each message; so that if the gentleman from New York [Mr. WHITE] takes the position that the Western Union was operating so as to discharge these railroad companies from their obligations to the public and to the Government under their charters, then he ought to show that this Western Union Company was doing what was required of the railroad companies which it claimed the right to succeed in this business.

Mr. OATES. Or, in other words, that the public did not suffer by the arrangement made with the Western Union.

Mr. ANDERSON, of Illinois. Yes, sir; and he can not do that because all this testimony shows that there was a discrimination. In other words, that the telegraph lines were turned over to the Western Union, and they dictated the terms in their own interest to cut off all competition.

At that time, it must be remembered, Mr. Speaker, that it was absolutely unreasonable to require this new company to build its line across that part of the country. It would not have been possible to do so. They could not have done it, because they were not in the line of competition, unless they were favored by Congress and were voted money to build the line with. The reason of this grant was manifestly to protect all lines that wanted to reach the Pacific, and to give each of them the benefit of what the Government had done for these other companies. So that the reason of this action on the part of the Western Union was manifestly to get all the benefits itself of what Congress had done for all these companies by destroying all possible competition. That ended the American Union Company.

It had constructed its line, at a considerable expense, up to the eastern termini of the land-grant railroads, assuming, as I have said, that they were operating telegraph lines according to the terms of the statute, but found they were mistaken.

Mr. LIND. Will the gentleman allow me to interrupt him for a moment, to read one passage from the contract entered into between the Western Union and the Union Pacific Railroad system, which bears particularly upon this point?

No employé of the railway company shall, while in its service, be employed by or have any connection with any other telegraph company than the telegraph company party hereto.

That is, the Western Union.

And the telegraph company shall have the exclusive right to the occupancy

of and connection with the railway company's depots or station-houses for commercial or public telegraph purposes as against any other telegraph company.

Mr. ANDERSON, of Illinois. Now, Mr. Speaker, when the American Union Telegraph Company found that they could not receive the benefits expected under this section of the statute, and to which they were entitled, they wrote a very pertinent letter to the officials of these roads, and demanded of them that they comply with the requirements of the statute. That called forth from the attorneys of these railroad companies, the eminent counsel, Mr. Dillon and Mr. Bartlett, a rather lengthy opinion, in which they stated to both the railroad companies that the obligation resting upon them to maintain and operate telegraph lines in connection with the railroad lines was just as much of an obligation as the maintenance of the road itself.

At once they saw that something must be done, and then it was that they took forcible possession of the telegraph line that led to the injunction that my friend from Kansas spoke of the other day. This brought about this condition of affairs. When the railroad companies found that their legal advisers took the position that they were violating the statutes, and the obligation to maintain the line of telegraph rested upon them, and could not be avoided, in order to fortify themselves and come within the statutes they took forcible possession of the first telegraph line constructed on this right of way.

They applied for an injunction, and Judge McCrary, in passing upon this question——

Mr. OATES. Who applied for an injunction?

Mr. ANDERSON, of Illinois. The Western Union applied for an injunction restraining these Pacific railroads from interfering with or taking possession of their lines. Judge McCrary, in passing upon that, says that the obligation resting upon the railroad companies to maintain these telegraph lines is as binding as that of maintaining the railroads, and that it can not be abandoned, and that any contract entered into with these railroads by the Western Union was *ultra vires;* that they had no power, no legal authority to make such a contract. That question also came up before Justice Miller, of the Supreme Court, and he reiterates the language of Judge McCrary and says the same thing; that although they had entered into a contract with the Western Union by which they sought to abandon the requirements of operating or maintaining a telegraph line and turn over the whole thing to the Western Union, yet, says Justice Miller, of the Supreme Court of the United States, that was a matter they had no power to do; they could not abandon their obligation, and any contract with that end in view was *ultra vires.*

Mr. WHITE, of New York. Will the gentleman from Illinois explain why Justice Miller continued that injunction?

Mr. ANDERSON, of Illinois. I will. He passed upon the question between the two parties, the equities between the railroad and the Western Union. It was not a question as to the rights of the public, as to whether the railroad company had abandoned its obligation or was violating the statute. But in passing upon the equities between the two companies he said he thought the railroad company had treated in its acts the Western Union Company in such a manner that it was entitled to some consideration at least; but he did not in all of his decision, or in any part of it, in passing upon the question of the contract between these two companies and the equities between them—he did not in passing upon that feature of the question touch the question of the legal obligation resting upon these railroads to maintain and operate their telegraph lines.

Mr. WHITE, of New York. Has the gentleman got Justice Miller's opinion before him?

Mr. ANDERSON, of Illinois. I have.

Mr. WHITE, of New York. Will you please read where he made that decision?

Mr. ANDERSON, of Illinois. It is quite a long decision.

Mr. WHITE, of New York. There are only a few words bearing upon that question. I will find the part which I should like to have read.

Mr. ANDERSON, of Illinois. Here is what Judge McCrary says:

This suit was brought to prevent the Union Pacific Company from ousting the telegraph company, the railroad company having so attempted because of the written opinion of Counsel Sidney Bartlett and John F. Dillon to the effect that it was the duty of the railroad company under its charter to operate its telegraph lines without discrimination for the business of all corporations.

He says further:

In my judgment—

This is quoted from page 750, 1 Federal Reporter, giving the opinion of Judge McCrary—

In my judgment the act of July 1, 1862, and its amendments must be construed as chartering the Union Pacific Railroad Company and devolving upon it individually and personally the power and duty of constructing, operating, and maintaining a line of telegraph as well as a railroad. This is made manifest by the consideration that the Government endowed the corporation with large grants of land and bonds to aid in the construction of these lines, and impressed upon the company the duty of reimbursing the Government from the earnings of the road and telegraph line.

I can not find Justice Miller's decision just now, but he says in substance this: "I concur in what Judge McCrary has said." And there is not one single syllable—I say, the gentleman from New York notwithstanding, there is not one single syllable in Justice Miller's opinion that is contradictory to this. He affirms it and says in specific words, "I concur in what Judge McCrary says."

There were certain things required of this company. Their mortgage covers both the railroad and the telegraph lines. And I wish to say right here, there were commissioners appointed, and it is a strange and I might say an unfortunate commentary upon the officers of this Government that this state of affairs should have existed so long as it has done without detection.

Officers who were appointed especially to look to this matter and see that these statutes were complied with, commissioners whose duty it was to see that this law was enforced—I say they stood blindly, and were in some manner or other put to sleep by the Pacific railroads, so that they were absolutely blind to what was being done; and it was only brought out by the competition of telegraph companies struggling to compete with the Western Union. I say it is strange, and it is unfortunate, and it is sad to think that with all the officials that had to do with this matter it rested with the telegraph companies themselves to bring on this fight.

Now, the American Union Telegraph Company, as I was saying, was swallowed up by the Western Union when it found that it could not reach the Pacific coast. On top of that another company struggled to compete, the Baltimore and Ohio Company. They built their lines through at a large expense, expecting, and having the same right to expect, that they would find open lines to the Pacific when they had reached the eastern termini of these railroads; and when they had reached Kansas City and Omaha, respectively, they let that fact be known, and asked the railroad companies where they would connect and upon what terms their business was to be received. Week after week and month after month for six months did the officers of the Baltimore and Ohio Company pursue the officers of the Pacific railroads and of the Western Union Telegraph Company before they could get them to admit that the railroad companies had not a single telegraph office.

In all this immense line stretching along these railroads not one single telegraph office under the control of the railroads or operated by them was open to public business. Over the doors of all the offices was the sign of the Western Union Telegraph Company, and finally the railroads had to admit that there was no place where they could receive the business of the Baltimore and Ohio Telegraph Company, and then the Baltimore and Ohio people carried the fight to Congress and brought on the investigation that has disclosed to the public this state of facts. It seems to me that any person cognizant of all these facts and believing that the laws ought to be upheld has certainly very warped views if he can undertake to justify the conduct of these railroad companies.

For one I believe that these companies, who have been favored by the public, whose roads have been built by Government aid upon condition that they should accommodate the public—I believe, I say, that they ought to be held to the strictest account and ought to be made to live up to the very letter of the law. Yet we find gentlemen here who know full well the amount of aid that these roads have received, and that it was granted and received with the express understanding that they should afford facilities to the public and construct and maintain telegraph lines for the benefit of the public, and who, I am sure, can not possibly persuade themselves into believing that the companies have fulfilled, or intend to fulfill, if they can help it, the requirements of the law—we find gentlemen knowing all this who are yet willing to stand upon the floor of this House and justify and defend these companies. It seems to me very strange indeed.

Mr. WHITE, of New York. I thought you said in the opening of your speech that the representatives of the other side had disappeared—that they were all gone.

Mr. ANDERSON, of Illinois. Probably that is the answer.

Mr. GUENTHER. There is the minority report, though.

Mr. ANDERSON, of Illinois. But, Mr. Speaker, I would go further than I have stated. If gentlemen will examine the statutes they will find that in 1864, before any part of this work was done, there was an amendatory act passed which contained a penal clause; and I, for one, believe not only that these railroad companies ought to be compelled to do what they were obligated by law to do, what they undertook to do, and what they received compensation for doing—not only that, but that they ought to be punished for violating the law, and punished to the utmost extremity of the law.

Mr. WHITE, of New York. I call the gentleman's attention to the fact that I have now found the portion of Judge Miller's opinion to which I referred awhile ago. The gentleman can read it, or I will read it myself.

Mr. ANDERSON, of Illinois. The gentleman may read it.

Mr. WHITE, of New York. I read from page 215 of the report of the committee:

I concur with Judge McCrary in the opinions delivered by him on the former applications before him to dissolve this injunction: that on the face of the acts of Congress of 1862 and 1864, called "the Pacific railroad acts," the obligation of building a telegraph line along its right of way, and of operating that line or having it operated under the control of the railroad company, was an obligation which they could not abandon, and which was inconsistent with the contract made in this case, so far as those two acts are concerned; and that if the case rested on the provision of these original Pacific railroad acts, namely, the act of 1862 and amendatory act of 1864, the present contract would be void, as in

violation of the obligation imposed upon the railroad company by those acts; and I do not propose to add anything to what he has said on that subject. If, therefore, there are no other acts of Congress on the subject, nor anything else that will remove that inherent vice in the contract between the two companies, the injunction ought to be dissolved and the railroad company permitted to operate the telegraph in accordance with the obligations which those acts impose upon it for the benefit of the public.

The amended bill, however, which was not before Judge McCrary when he decided that proposition, sets up an act approved July 2, 1864, entitled "An act for increasing the facilities of telegraph communication between the Atlantic and Pacific States and the Territory of Idaho," and claims that by virtue of that statute the present contract is a valid one. The first section of that act declared that "the United States Telegraph Company and their associates were authorized to erect a line of magnetic telegraph between the Missouri River and the city of San Francisco, in the State of California, on such route as they may select, to connect with the lines of said United States Telegraph Company now constructed and being constructed through the States of the Union." It gave the right of way over the public lands of the United States and the right to draw materials for the construction of the line from the same public lands.

The fourth section is as follows: "That the several railroad companies authorized by the act of Congress of July 2, 1862, are authorized to enter into an arrangement with the United States Telegraph Company, so that the line of telegraph between the Missouri River and San Francisco may be made upon and along the line of said road and branches as fast as said road and branches are built. And if said arrangement be entered into and the transfer of said telegraph line be made in accordance therewith, to the line of said railroad and branches, such transfer shall, for all purposes of the act referred to, be held and considered a fulfillment on the part of said railroad companies of the provision in the act in regard to the construction of telegraph lines. And in case of disagreement said telegraph company is authorized to remove their line of telegraph along and upon the line of railroad therein contemplated, without prejudice to the rights of said railroad companies."

The allegation of the amended bill is, that the Western Union Telegraph Company was at the time it made the contract for the erection of the telegraph line now in question with the Kansas branch of the Pacific Railroad Company, the successor in right and in power of the United States Telegraph Company mentioned in this act.

And thereupon, upon the act of July 2, 1864, added to the original acts of 1862 and 1864, Judge Miller continued the injunction, and held that if these facts were successfully controverted on the final hearing there might be a decree in favor of the railroad company, but that if such were not the case the injunction would have to be continued.

Mr. ANDERSON, of Illinois. I yield to my friend [Mr. HOPKINS] to answer the gentleman from New York and to address the House on this bill.

Mr. HOPKINS, of Illinois. Mr. Speaker, in the inception of my remarks I will refer to the question put by the gentleman from New York [Mr. WHITE] as to the decision of Judge Miller, promising that later, if it will not trespass too much upon the House, I shall state clearly my position on that question. But, sir, every person who has read the decision of Judge Miller just quoted by the gentleman from New York knows that that opinion was predicated upon the state of facts presented by the telegraph company; that a demurrer was interposed by the railroad company admitting those facts to be true as between the railroad company and the telegraph company; and Judge Miller, while he indorsed all that had been said by Judge McCrary in the decision referred to by the gentleman from Illinois [Mr. ANDERSON], said that in view of the claims and allegations of the telegraph company predicated upon what is known as the "Idaho act," he would grant a preliminary injunction, not for the purpose of passing upon the question, but simply to give himself an opportunity to investigate it; and while the railroad company was admitting everything claimed by the telegraph company, Judge Miller was so guarded in his position that he used this language:

I am not prepared to say with any degree of assurance that if this case comes to a final hearing, and no more evidence is then given of the corporate existence of the first United States Telegraph Company of New York, and of the transfer of the powers granted to it by the act of Congress of 1864—

The Idaho act already referred to—

to the Western Union Telegraph Company than has been presented on this hearing, that the contract can be sustained under the act of 1864.

Mr. Speaker, the gentleman from Kansas [Mr. PETERS] when on the floor on the day before yesterday stated what is the fact, that all the conditions on which the opinion of Judge Miller was predicated are denied to-day by the railroad company and by the public, and that the Western Union Telegraph Company does not now claim that those charges and allegations are true. That statement was made in the presence of the gentleman from New York, and went unchallenged, I understand.

Mr. WHITE, of New York. The time for "challenging" will come by and by.

Mr. HOPKINS, of Illinois. It is a safe thing, Mr. Speaker, for a man, when his position is an untenable one, to reserve his fire until his opponents have no chance to reply. I commend the discretion of the gentleman.

Mr. OATES. Will the gentleman from Illinois allow me a question?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. OATES. Did not Judge Miller continue the injunction upon the ground that as the act of 1864 permitted, as the railroads were completed, these telegraph lines to be removed upon them, such removal was a compliance with the requirements of the granting act so far as construction went, but left the question of operating untouched?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. OATES. And the question of operating is the real question involved in this bill, is it not?

Mr. WHITE, of New York. I want to say just one word in reply to the remark of the gentleman from Illinois [Mr. HOPKINS] in regard to "reserving the shot." I would like to inquire—it is a sort of a parliamentary inquiry—whether the gentlemen having charge of this bill will not have the right to close the debate? Am I not right in that?

Mr. HOPKINS, of Illinois. That does not apply to gentlemen who have spoken upon this question, and to whom the gentleman from New York claims he is reserving his time to reply.

Mr. WHITE, of New York. Does the gentleman impute to the manager of this bill incompetency to reply to the arguments which shall be made by those who may speak in support of the minority report?

Mr. HOPKINS, of Illinois. Not at all.

Mr. WHITE, of New York. I imagine the gentleman in charge of this bill will have the "last shot."

Mr. HOPKINS, of Illinois. I claim that that gentleman is not only capable of replying, but will do so in a manner which will completely satisfy the gentleman from New York, if reason and argument and law will satisfy him.

Mr. ANDERSON, of Mississippi. In this connection I would like to read a brief extract from the testimony of Mr. Norvin Green, the president of the Western Union Telegraph Company. Referring to these injunction cases, he says:

The railroad immediately repudiated it, and connected with the American Union Telegraph Company, then running in opposition to our company. They went further, and attempted to cut our lines off from their bridge at Council Bluffs, and to restrain us from doing business on the road. We got an injunction restraining them from interfering with our lines or our business, and predicated our injunction, as far as we could, upon that contract, also upon our rights under the charter. The decisions, which were never final, but which squinted adversely, were altogether in respect of that contract.

We were very willing to have that contract dissolved, because we would then get back our two millions and a half in stock, or its equivalent in money, which was worth more to us than their connection. Although all the decisions perpetuated our injunctions and we carried our point in every instance before the courts, still there were intimations that that contract was one that the railroad company had no right to make.

Mr. HOPKINS, of Illinois. Mr. Speaker, when this bill was brought before the House the other day by the gentleman from Missouri, I had not had an opportunity to examine the majority and minority reports of the Committee on the Post-Office and Post-Roads, and of course was compelled to rely for the time being upon the statements of parties representing the majority and minority of the committee as to the facts at issue and the law. In listening to the debate I felt constrained to take issue with the statement of law announced by the gentleman from New York, the champion of the minority report in this case. I had occasion during the debate to state that the Dartmouth College case, cited by him, did not, in my judgment, apply to this class of cases; that the people of this country are supreme upon all questions of this kind, and their rights can not be legislated away. I found, Mr. Speaker, that my position was criticised by men for whose good opinion I care much; and this has caused me to examine more carefully not only the report of the committee, but the evidence before the committee in the Forty-ninth Congress and the law which governs the case. This investigation has not only confirmed me in the view which I took of the law while the debate was in progress, but has caused me to dissent from the statement of facts as given by the gentleman from New York on behalf of the minority of the committee. I take issue with him as to the rights of the Western Union Telegraph Company—not only as to the facts upon which he claims there is a valid contract between that company and these railroad companies, but as to the law itself.

The Dartmouth College case has ever since 1819 been invoked in aid of the rights of corporations, little and big; but the principle involved in that case is not, in my judgment, applicable here. As stated by Mr. Webster in his celebrated argument before the Supreme Court of the United States, the Dartmouth College was not a civil, although it was a lay, corporation. He claimed that it was an eleemosynary corporation and it was for private charity. The argument made by Mr. Holmes and the Attorney-General of the United States in opposition, attempted to enforce as a fundamental proposition that it was a public corporation, and therefore subject to the legislation attempted to be enforced in the State of New Hampshire. Mr. Hopkinson, who was associated with Mr. Webster in the argument in that case, in replying to Mr. Holmes and the Attorney-General, took issue with them on that question and insisted, as did Mr. Webster, that it was a private corporation, eleemosynary in character, and therefore had certain vested rights which could not be legislated away.

I have not the time to read that decision here this evening, or to go on and show wherein that case is not applicable. Any person who has examined the decisions of the Supreme Court of the United States in this class of questions knows that from the time of the case of Munn *vs.* Illinois, which is reported in 94 United States Reports, and even long before that, the broad ground assumed by the gentleman from New York [Mr. WHITE] has been limited and curtailed. That and the Granger cases, referred to during the debate by the gentleman from Minnesota [Mr. LIND], hold that on all questions of a public character which relate to the welfare of the people no Congress nor State Legislature can grant vested rights.

I, sir, spoke in the language of the law when I took the position I

did the other day in that debate, and now, with the time given me to investigate this subject, will, with the indulgence of the House, challenge the attention of the gentleman from New York and the members of the House to decisions of the courts which sustain my position.

This proposition, Mr. Speaker, comes under what are known as the police powers of the Government. In the License cases, 5 Howard, decided when Chief-Justice Taney was on the Supreme bench of the United States, in speaking of police powers, that learned justice gave this definition, which in my judgment is comprehensive enough to cover the question involved in the pending bill. The definition is as follows:

> But what are the police powers of a State? They are nothing more nor less than the powers of government inherent in every sovereignty to the extent of its dominions. And whether a State passes a quarantine law, or a law to punish offenses, or to establish courts of justice, or requiring certain instruments to be recorded, or to regulate commerce within its own limits, in every case it exercises the same power, that is to say, the power of sovereignty, the power to govern men and things within the limits of its dominion (License case, 5 How ard, 583).

In the opinion of the court in the Munn case, to which I have referred, Chief-Justice Waite used the following language:

> From this source (referring to the maxim *sic utere tuo ut alienum non lædas*) come the police powers, which, as was said by Mr. Chief-Justice Taney in the License cases, 5 How., 583, "are nothing more nor less than the powers of government inherent in every sovereignty, that is to say, the power to govern men and things." Under these powers the government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own property, when such regulations become necessary for the public good.

In the opinion of the Supreme Court of the United States, in Stone vs. Mississippi, 101 United States, 814, after referring to the Dartmouth College case, where the court held that a charter to a private corporation may contain a contract which can not be impaired by subsequent legislation, it is said:

> In this connection, however, it is to be kept in mind that it is not the charter which is protected, but only any contract the charter may contain. If there is no contract there is nothing in the grant in which the Constitution can act. Consequently the first inquiry in this class of cases always is, whether a contract has in fact been entered into, and, if so, what its obligations are.

And after discussing the terms of the charter, which authorized the maintenance of a lottery for the term of twenty-five years for an express pecuniary consideration, the opinion proceeds:

> If the Legislature that granted this charter had the power to bind the people of the State and all succeeding Legislatures to allow the corporation to continue its corporate existence, there is no doubt about the sufficiency of the language employed to effect that object. * * * Whether the alleged contract exists, therefore, or not, depends on the authority of the Legislature to bind the State and the people of the State in that way. All agree that the Legislature can not bargain away the police power of a State.

The court then quote with approbation the following from Metropolitan Board of Excise vs. Barrie, 34 N. Y., 657:

> Irrevocable grants of property and franchise may be made if they do not impair the supreme authority to make laws for the government of the State; but no Legislature can curtail the power of its successors to make such laws as they deem proper in matters of police.

And further on (page 820) the court lay down these general propositions, the soundness of which ought never to be questioned:

> But the power of governing is a trust committed by the people to the government, no part of which can be granted away. * * *

I may remark in passing that in the case to which I have just called the attention of the House the question presented was whether the State of Mississippi, in its sovereign capacity, could bind itself irrevocably by a contract to permit a certain corporation, for a limited number of years, to receive subscription and sell and dispose of certificates of subscriptions which would entitle the holders thereof to any land, books, paintings, etc., or any other property or things, etc., awarded to them by the casting of lots, or by lot, chance, or otherwise.

It is undisputed that under such an arrangement the Legislature of the State of Mississippi chartered a lottery company, having all the powers incident to such a corporation for a limited number of years, and that the corporation paid into the State treasury $5,000 in consideration of such chartered privileges.

A subsequent Legislature attempted to repeal the law granting these rights to that lottery company; and it claimed, as the gentleman from New York [Mr. WHITE] claims here, that it had obtained vested rights under a charter of the Legislature of the State, and that that contract could not be violated by subsequent legislation. The question came to the Supreme Court of the United States, and they gave expression to the construction of that contract which I have just read to the House, and in that decision held that those powers could not be granted away by any Legislature.

Now, I desire to call the attention of the members of the House to the situation of these parties under the contract that is claimed by the Western Union Telegraph Company.

As was stated by the gentleman from New York the other day, some of these telegraph companies were first in the field; that is, under the act of Congress of 1860. These land-grant railroads, the Central Pacific and the Union Pacific roads, were built under the acts of 1862 and 1864. Now, in this case the incorporators were required to construct, maintain, and operate a telegraph line precisely the same as they were required to construct, maintain, and operate the railroads. These two propositions were integral parts of the same great object in view.

In section 4 of the act of 1862 it was provided that if the incorporators under these several land-grant acts would go on and comply with them in the spirit and letter of the legislation, that whenever 40 miles of road was constructed and 40 miles of telegraph line was constructed in compliance with it, and a report made to the Government, that commissioners would be appointed to go out and examine the constructed portions and make reports thereon, and then aid would be granted them in accordance with the original stipulations in the charters.

Now, Mr. Speaker, every one of these land-grant railroads, I care not which one it may be, claimed in every instance that the telegraph line was constructed and operated precisely as the railroad was constructed and operated, and it was upon that representation, and that representation alone, that the United States granted this aid by giving them millions of acres of land, and thousands, and even millions, of money.

I hold, sir, that whatever the subsequent facts may be, these railroad companies are bound by the representations they made to the General Government at the time they procured the land grants and the money aid. I claim that the doctrine of estoppel applies here, and these parties can not be heard to say when the Congress of the United States undertakes to enforce their charter duties and obligations and compel them to maintain and operate the telegraphlines, as they are compelled to operate and maintain the railroads, that they have made any contract with the Western Union Telegraph Company or any other telegraph company. That doctrine is as old as the common law itself. It is a doctrine that will commend itself to the judgment of every man. Every lawyer in the House knows that it applies in the most primary and every-day transactions of life.

Mr. Speaker, if my colleague here sitting at my left [Mr. ROWELL] is the owner of a fine horse and carriage, and I am with him, and some person comes along and desires to buy the horse and carriage, and I assume the ownership or right to make a contract and the right to sell the horse and carriage in the presence of my colleague, who permits the contract to be made without dissenting, the law comes in with its estoppel and says that he shall not be heard after that to claim that property from the person to whom I had sold it; and that I can not repudiate my assumed ownership to escape any claim the purchaser may bring against me. And so I insist that where these railroads have come to the General Government and claimed to have complied with their charter obligations, and on the faith of that obtained aid from the Government, that they can not be heard in Congress or in the courts to deny that statement when the General Government attempts to enforce its reserved rights under the terms of their charter.

Mr. PETERS. Will the gentleman permit me to interrupt him a moment to say that that position is still stronger if it is shown, as in this case, that the Western Union is the successor of these telegraph lines and was privy to that condition of things?

Mr. BRUMM. In other words, they have made false statements by which they secured Government aid, and they can not take advantage of their own fraud. That is the proposition.

Mr. HOPKINS, of Illinois. Yes, sir; that is correct.

All of these facts were known to the telegraph companies that the Western Union claims under as having vested rights in the premises. This was all known, as has just been stated by the gentleman from Kansas [Mr. PETERS].

I stated, Mr. Speaker, that on investigation I was constrained to dissent from the facts as presented by the gentleman from New York [Mr. WHITE]. If I understood his argument the other day, he claims that, as a matter of fact, under what is known as the Idaho act, certain portions of these land-grant railroads at least took advantage of that act and instead of constructing a line of telegraph along their roads, as required by the statutes of 1862 and 1864, made contracts with telegraph lines by which these lines were conveyed to the right of way of the railroad companies, and that thereby they had complied with all the requirements of the General Government, and then had power to enter into the contract which the Western Union Telegraph Company claims as the contract of 1881. If I am not correct in stating the position of the gentleman, I ask him to set me right.

Mr. WHITE, of New York. I did not intend to be so understood. I will state the legal proposition in a word or two, if the gentleman desires.

Mr. HOPKINS, of Illinois. I ask the gentleman to state the facts.

Mr. WHITE, of New York. Then I will state the facts. I have not claimed that there was any attempt made at the time to take advantage of the nineteenth section of the act of July 1, 1862, on the part of either the railroad company or the telegraph companies.

Mr. HOPKINS, of Illinois. What do you claim, then?

Mr. WHITE, of New York. I will state what I claim. I stated that the right was granted by the acts of July 1, 1862, and of July 2, 1864, to these railroad companies to enter into an arrangement with the telegraph companies that the telegraph companies should be operated or constructed over their right of way; and that those laws are unrepealed to-day, and it was so held by Judge Miller when he continued the injunction at Topeka, Kans.

Mr. HOPKINS, of Illinois. My answer to the gentleman from New York on that branch of the case is this: That those rights under the provisions of the acts of 1862 and 1864 that the gentleman speaks of were simply as to the construction of the telegraph lines. Now, if the

railroad companies, which were required to construct and maintain telegraph lines along their railroad lines as an integral part of their obligation to the Government and the people, did not take advantage of that in the construction of their lines, then the power ceased under those sections; and after that any contract that might be made would be in violation of the chartered rights of these companies. And I am glad to have the gentleman from New York state as frankly as he has done to-night his position, because it cuts away the last vestige of ground from under him, both in law and in fact.

There is no lawyer who has studied carefully these acts and the decisions of the Supreme Court of the United States who will ever sustain him in his position either in this House or out of it.

Mr. WHITE, of New York. Was Justice Miller's professional standing up to the concert pitch in 1880, when that decision was made, when he continued the injunction, the vitality of which depended solely upon the act of 1864, giving the right to the Union Pacific Railroad Company to make a contract with the telegraph companies—was that eminent jurist's standing at that time sufficient to satisfy the gentleman?

Mr. HOPKINS, of Illinois. Judge Miller is one of the greatest legal lights of this country.

Mr. WHITE, of New York. So I think.

Mr. HOPKINS, of Illinois. He is a man for whose great legal learning and high character I have the greatest respect; and I believe Judge Miller will be found as vigorously dissenting from the position taken by the gentleman from New York to-night, if that question is brought before him, as I have done in my weak way.

Justice Miller does not in his decision take the position the gentleman has assumed for him. I want to state in defense of that great man's character and integrity and legal learning, that his position in that opinion is not the position that is assumed for him by the learned gentleman from New York. I stated when I was first upon the floor that that opinion of Judge Miller was predicated upon the truthfulness of the charges made in the bill filed by the Western Union Telegraph Company.

Mr. PETERS. I call the gentleman's attention to another fact, that the final demurrer by the railroad company admitted the facts for the purposes of the demurrer.

Mr. HOPKINS, of Illinois. Yes. I stated further, Mr. Speaker, that the railroad company, which now seems to be aiding and abetting the telegraph company, came into court before Judge Miller and admitted as true all of these charges and allegations which were made in that bill. Judge Miller stated that if these allegations were true, the law would be so and so; but as I read when I was on the floor before, Judge Miller said that even then if, on the final hearing, the telegraph company did not bring more proof to show the organization of the United States Telegraph Company and its transfer to the Western Union, he should be constrained not to continue the injunction. That is the substance of his decision.

Mr. WHITE, of New York. In other words, Judge Miller did not decide the case finally, because it was a preliminary motion to dissolve the injunction, but he stood prepared to decide it according to the facts as they should be put in proof upon the trial of the case, and held, *prima facie*, that the averments of the bill were sufficient, and that the act of July 1, 1864, did grant the power to the railroad companies to give the telegraph companies the right to operate over their right of way.

Mr. HOPKINS, of Illinois. Mr. Speaker, that statement of the gentleman is the worst kind of special pleading, because every lawyer knows that where a party goes into court and asks for a preliminary injunction, and a demurrer is interposed, it admits as true the facts stated——

Mr. WHITE, of New York. I have heard of that demurrer a good deal, and I now call upon the gentleman to show that there was a demurrer. The hearing was upon a motion to dissolve, upon the bill. It may be in the nature of a demurrer, but there was no demurrer.

Mr. HOPKINS, of Illinois. I will ask the gentleman if a motion to dissolve an injunction has not, in legal parlance, the same effect as a demurrer?

Mr. WHITE, of New York. It may have, or it may not. A man may contradict the facts or he may support them by affidavits, and he does not sign away his case.

Mr. HOPKINS, of Illinois. How was it in this case? Were there any affidavits filed?

Mr. WHITE, of New York. I don't know, sir.

Mr. HOPKINS, of Illinois. Do you not know, from the reading of the case, that if it was a motion it had the same force and effect as a demurrer?

Mr. WHITE, of New York. I know this——

Mr. HOPKINS, of Illinois. Don't you know that, sir? Answer my question.

Mr. WHITE, of New York. I have answered your question once.

Mr. ROWELL. Is not a motion to dissolve on a bill without answer equivalent to a demurrer?

Mr. WHITE, of New York. If there are no affidavits in the case, yes. If there are affidavits, no.

Mr. ROWELL. I said on the bill. Is not that equivalent to a demurrer?

Mr. LIND. The record shows this to have been on the bill.

Mr. HOPKINS, of Illinois. The record shows that it was on the bill, and I was trying to get the gentleman from New York, who has announced such extraordinary law here, to admit the fact.

Mr. WHITE, of New York. My law is of the most ordinary kind, such law as is dealt out by the Supreme Court of the United States. It is not extraordinary law at all. Now, I do not wish to interrupt the gentleman any further. I have stated with the utmost candor my reasons for believing that this bill is unconstitutional, and I predicate my belief upon Judge Miller's decision, to which I have called attention. When I come to discuss the pending bill, I will cite that decision and show the gentleman and the committee its bearing and force in relation to this question.

Mr. HOPKINS, of Illinois. I have read Judge Miller's decision carefully.

Mr. WHITE, of New York. So have I.

Mr. HOPKINS, of Illinois. And I say that it does not decide any question in this case. As was shown by the gentleman from Kansas [Mr. PETERS] the other day, that decision was predicated upon a series of "ifs," a series of contingencies, none of which the facts show to exist; and, as suggested by the gentleman from Kansas, even the Western Union Telegraph Company does not now claim that they exist.

Now, if that be true, how absurd it is to invoke the great name of Judge Miller before the members of this House in support of a proposition that can not be sustained either upon the law or upon the facts. Why, Mr. Speaker, I hold in my hand the opinion of two of the attorneys of the Union Pacific Railroad Company, one of whom, as I understand, drew this contract of 1881 between the Western Union Telegraph Company and the Union Pacific Railroad Company, wherein they both say to the president of this great railroad corporation that under these acts of Congress the railroad company has no power to make any lease or any contract with the Western Union Telegraph Company, or with any other company. In that opinion they hold that the right or duty to construct, operate, and maintain a telegraph line is an integral part of the great object had in view by Congress in granting these rights, and that that right or duty can not be delegated to any other corporation.

That decision is found on page 19 of Executive Document No. 2, and, with the indulgence of the House, I will call attention to the exact language which was used by Mr. Dillon and Mr. Sidney Bartlett:

> The Pacific railroads were authorized by Congress to construct, maintain, and manage a continuous railroad and telegraph from the Missouri River to the Pacific Ocean. Lands were granted, and bonds issued by the Government to aid in the construction of the railroad and telegraph lines. It was only on the completion and equipment of said railroad and telegraph lines that the companies became entitled to lands and bonds from the Government.

Now, mark that! As these attorneys themselves claim, it was only on the completion of the telegraph line, as well as the railroad, that the companies were entitled to the bonds and lands which in the acts to which I have referred the Government agreed to give them.

> One of the conditions of the grants by Congress is that the companies shall keep said railroad and telegraph lines in repair and use, and shall at all times transmit dispatches over said telegraph lines. The companies were, moreover, required to operate and use said roads and telegraphs for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one continuous line, without discrimination of any kind; and it was expressly enacted not to be lawful for the proprietors of any line of telegraph authorized by this act to refuse or fail to convey messages and news for all persons requiring such transmission.
>
> On well-known principles of law, such franchises are inalienable without express legislative authority. Not only is there an absence of such authority, but its existence is plainly negatived by the nature of the rights reserved to the Government and the special duties toward the Government and the public enjoined on the companies, which they alone can perform. It results, therefore, that no valid lease or other contract can be made by the companies to surrender or to devolve on other parties their duty to maintain, control, and manage their respective lines of telegraph. They can no more do this in respect of their lines of telegraph than they can in respect of their lines of railway. Any lease or contract to that effect is, in the language of the law, *ultra vires*.

This opinion, Mr. Speaker, was rendered upon the 22d of February, 1880, three years after the contract of 1877 was made. This opinion was given by two of the great constitutional and corporation lawyers of this country, with full knowledge of all the rights and powers guaranteed under the several acts of 1862 and 1864 and the Idaho act to which I have referred. This opinion was rendered, if I remember correctly, after the decision of Judge Miller.

Mr. WHITE, of New York. You will find by reference to the minority report that October, 1880, was the date of Judge Miller's opinion.

Mr. HOPKINS, of Illinois. That point is immaterial. This opinion was rendered by these attorneys to the railroad company prior to the contract of 1881, under which the gentleman from New York claims the Western Union Telegraph Company has "vested rights." I speak of this to show to members of the House, and all interested in this subject, that the railroad company and the telegraph company entered into this contract with a full knowledge of what was understood as being the object and scope of the legislation which had preceded this contract.

To show that the Western Union Telegraph Company had full knowledge as to what was claimed, I call attention to section 3 of this contract which is so sacred in the eyes of the gentleman from New York. I find there this language:

> The railway company, so far as it legally may, hereby grants and agrees to assure to the telegraph company, etc.

Thus the very question at issue was reserved in this contract. The managers of the railroad company had before them this opinion of these lawyers, their own attorneys, that they had no authority whatever to enter into a contract of this kind; and by the language of the contract itself they recognized the limitations on their power in this respect.

But again, the gentleman says, rights were acquired under previous contracts and by other telegraph companies which have been absorbed by the Western Union. I call attention to the closing sections of this contract of 1881, where the Union Pacific Railroad Company expressly dissents from the claims which are made by the Western Union Telegraph Company, and denies that it has any lawful contract with it by which it can control and operate these telegraph lines to the exclusion of the railroad.

Mr. Speaker, the lateness of the hour admonishes me that I should draw my remarks to a close. This bill is a matter of prime importance to the people of this country. When these acts were passed this country was going through a crucial period, the like of which has not been seen in any other nation, ancient or modern. These acts were intended, not for the benefit of private individuals, but for the purpose of cementing and uniting the different portions of this great country.

The object was, by aid of steam and electricity, to make the people upon the Pacific coast and in the southwestern portion of our country brethren and friends with those in the Middle and New England States. Congress hedged about these grants in a manner which they supposed would protect the people. They did all that could be done. It has only been by the inertness of subsequent Congresses that these great corporations like the Western Union have been able to make contracts in violation of law, of justice, and of the commercial rights of mankind.

I would not take a dollar from the Western Union Telegraph Company, but when it makes a contract which under the law of the land is unlawful, when and by virtue of which it claims a right inimical to the interest of the American people, then I say, as a representative of a portion of those people in this Congress, that it is my duty to do what I can to check its growing power and to see that these land-grant companies shall be compelled to carry out their charter obligations and duties to the American people.

Mr. BUCKALEW. Mr. Speaker, I should like to inquire of the gentleman who spoke last, whether I am in error in supposing these railroad charters reserved the power in Congress to amend, alter, and repeal the charters which they have granted to these companies?

Mr. HOPKINS, of Illinois. Yes, that power is reserved to Congress in every one of these charters. I did not speak on that point of the case, because it was gone over so fully by the gentleman from Kansas [Mr. PETERS] in his remarks.

Mr. BUCKALEW. I submit, then, the debate on the abstract power of Congress to pass this bill is irrelevant, because no doctrine is clearer or of more general acceptance than that where the power is reserved by Congress or a State to amend, alter, or repeal a charter under the provision of the Constitution and the decisions of the courts, the question of the sacredness of a contract is entirely out of the question. I do not see, therefore, why this debate in its future progress in the House need cover that field of inquiry. If this power is reserved by Congress it holds it independently. The simple question is whether the proposed amendment to the charters of these companies is obnoxious to some other objection?

Mr. WHITE, of New York. I feel my sense of obligation to the gentleman in outlining to me the course I should pursue in this matter, and if I do not take his advice it will not be from want of personal respect for him, but because of difference of judgment.

Mr. BUCKALEW. I may be allowed to say the observations just made by the gentleman from New York were not called for by anything said by me. My remarks were general, and had no reference to him more than to any other member of the House.

Mr. DOCKERY. Before submitting the motion to adjourn, I ask, by unanimous consent, that members desiring to do so may have the privilege of printing their remarks on this bill in the RECORD.

There was no objection, and it was ordered accordingly.

Mr. DOCKERY. I had intended to say something on the first section of the bill, but as the hour is growing late I will defer it for the present. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. ATKINSON: A bill (H. R. 7316) granting a pension to Mary P. Thompson—to the Committee on Invalid Pensions.

By Mr. BELDEN: A bill (H. R. 7317) for the relief of Mrs. Jane Lester, widow of William H. A. Lester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7318) for the relief of Richard Good—to the Committee on Military Affairs.

Also, a bill (H. R. 7319) for the relief of Emory R. Seward—to the Committee on Claims.

By Mr. BLISS: A bill (H. R. 7320) for the relief of Margaret Malloy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7321) granting a pension to Phebe A. Romaine, widow of Joseph Romaine—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 7322) granting a pension to James G. W. Hardy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7323) granting a pension to Robert C. Spurlock—to the Committee on Invalid Pensions.

By Mr. FORD: A bill (H. R. 7324) to remove the charge of desertion and to grant an honorable discharge to Elijah J. Mingis—to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 7325) directing the Secretary of War to remove the charge of desertion from all soldiers mustered into the Seventh Tennessee Infantry, and for other purposes—to the Committee on War Claims.

By Mr. GLOVER: A bill (H. R. 7326) for the relief of Frank Backof—to the Committee on Military Affairs.

Also, a bill (H. R. 7327) for the relief of D. H. Silver—to the Committee on War Claims.

Also, a bill (H. R. 7328) for the relief of the officers and crew of the United States steamers Forest Rose and Argosy, late of the Red River expedition—to the Committee on War Claims.

Also, a bill (H. R. 7329) for the relief of O. H. Applegate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7330) for the relief of Frederick Linnes and others—to the Committee on War Claims.

Also, a bill (H. R. 7331) granting a pension to John F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7332) granting a pension to Michael Caulfield—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 7333) granting a pension to Joseph S. Wickham—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 7334) granting a pension to Mary A. Canfield, widow of Job A. Canfield—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 7335) granting a pension to Mrs. Zelinda Hill—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 7336) for the relief of Ellery C. Folger—to the Committee on Military Affairs.

By Mr. SENEY: A bill (H. R. 7337) granting a pension to Lydia Harringer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7338) for the relief of John P. Howenstine—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 7339) for the relief of James Oakley—to the Committee on War Claims.

Also, a bill (H. R. 7340) authorizing the construction of a bridge across the Mississippi River at Hickman, Ky.—to the Committee on Commerce.

By Mr. G. M. THOMAS: A bill (H. R. 7341) for the relief of Eli Davis—to the Committee on Invalid Pensions.

By Mr. VOORHEES: A bill (H. R. 7342) authorizing the Secretary of the Treasury to refund to Charles A. McDaniel the sum of $2,959.55—to the Committee on Claims.

By Mr. WALKER: A bill (H. R. 7343) relieving William Howard of the disability of a prior homestead entry—to the Committee on the Public Lands.

By Mr. WICKHAM: A bill (H. R. 7344) granting a pension to Henrietta Waldron—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 7345) for the relief of Samuel J. Jackson—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 6406) for the relief of Thomas McDonald—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 359) for the relief of John S. Boswell—from the Committee on Claims to the Committee on War Claims.

Also, a bill (H. R. 3876) for the relief of Jeremiah Rumsey—from the Committee on Pensions to the Committee on Military Affairs.

Also, a bill (H. R. 2956) to repeal section 4716 of the Revised Statutes—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 2576) granting a pension to John F. Neville—from the Committee on Pensions to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition of the Cigar-Makers' International Union, No. 15, of Chicago, Ill., for speedy settlement of the internal-revenue tax reduction question—to the Committee on Ways and Means.

By Mr. C. H. ALLEN: Petition of John F. Kimball, Adams & Co., Putnam & Co., and 80 others; of William Shepard, F. Nickerson, and

others; of W. M. Sawyer, E. B. Patch, Aug. Fels, and others; of Charles E. Carter, F. P. Spalding, and others, and of Staples Bros., P. O. Heam, and others, citizens of Lowell, Mass., in aid of a public building for that city—to the Committee on Public Buildings and Grounds.

By Mr. E. P. ALLEN: Protest of the West Branch Lumberman's Exchange, of Williamsport, Pa., against the repeal of the duty on lumber—to the Committee on Ways and Means.

By Mr. A. R. ANDERSON: Petition of the faculty of Amity College, College Springs, Page County, Iowa, favoring fuller security to literary property, and asking the speedy enactment of an international copyright law—to the Committee on Patents.

Also, resolution of the Republican Club of Creston, Union County, Iowa, for a pension to each Union soldier who served in the Mexican or the late war, on sole condition of an honorable discharge—to the Committee on Pensions.

Also, joint resolution of the General Assembly of Iowa, as to when Federal judgment shall constitute a lien on real estate—to the Committee on the Judiciary.

Also, petition of Dorus M. Fox, for pension relief—to the Committee on Invalid Pensions.

By Mr. C. S. BAKER: Petition of citizens of Rome, and of citizens of Rochester, N. Y., in favor of the bill to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNES (by request): Petition of the Woman's Christian Temperance Union of Georgia, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

Also, petition of William Gibson, administrator of Sterling Gibson, of Warren County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition for reduction of letter postage from 2 cents to 1 cent an ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. C. R. BRECKINRIDGE: Petition of J. A. McEven, heir of A. M. McEven, of Pope County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. W. C. P. BRECKINRIDGE: Petition of the Typographical Unions of Frankfort and Lexington, Ky., asking that the employés of the Government Printing Office be paid the rates paid prior to March 4, 1877—to the Committee on Printing.

By Mr. T. H. B. BROWNE: Petition of Capt. John E. Parker and other citizens of Accomack County, Virginia, for continuing the improvement of Onancock River—to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: Joint resolution requesting an appropriation for the removal of Smith's or Windmill Island from the Delaware River—to the Committee on Rivers and Harbors.

By Mr. BUTTERWORTH: Petition of the board of directors of the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, against the importation of adulterated articles of food—to the Committee on Ways and Means.

By Mr. FELIX CAMPBELL: Six numerously signed petitions from the Society of Old Brooklynites, of Brooklyn, N. Y., for the erection in that city of a monument to commemorate the prison-ship martyrs—to the Committee on the Library.

By Mr. CAREY: Petition and memorial of residents of Sundance, Wyo., for a land office at that place—to the Committee on the Public Lands.

By Mr. CASWELL: Petition of the faculty of Racine College, for the passage of an international copyright law—to the Committee on Patents.

By Mr. COGSWELL: Petition of the heirs of Michael Coughlin, a sailor in the American Navy, in the war of the Revolution, for certain prize-money—to the Committee on War Claims.

By Mr. COX: Memorial of the mayor, aldermen, and commonalty of New York, praying for the passage of a bill to pay the claim of said city for principal and interest on bonds issued to the Union defense committee of that city in 1861 and 1862 for necessary equipments, etc., of troops engaged in the service in pursuance of the requisition of the President of the United States—to the Committee on Claims.

Also, memorial of the authorities of Sing Sing, N. Y., for discontinuing the present system of appropriations for public buildings, and favoring a general appropriation bill for Government post-office buildings in every city and town of the Union of 3,000 inhabitants or over—to the Committee on Appropriations.

By Mr. CUTCHEON: Petition of citizens of Pentwater, Mich., in favor of increase of pay of crews in Life-Saving Service—to the Committee on Commerce.

By Mr. ENLOE: Petition of Martha A. Robinson, administratrix of William L. Robinson, of Madison County, and of George W. Differ, administrator of Moses Differ, of Henderson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of West Branch Lumberman's Exchange of Williamsport, Pa., against free lumber—to the Committee on Ways and Means.

Also, memorial of the Reading (Pa.) Board of Trade and Labor Council, against abolishing the internal-revenue tax on cigars—to the Committee on Ways and Means.

Also, memorial of James Vick, for reduction of postage on seeds—to the Committee on the Post-Office and Post-Roads.

Also, memorial of E. L. Goff and others, for reduction of postage on seeds, and for fractional currency—to the Committee on the Post-Office and Post-Roads.

By Mr. FISHER: Petition of Frank Emerick and 39 others, and of W. A. French and 18 others, for a harbor of refuge at False Presque Isle, Michigan—to the Committee on Rivers and Harbors.

By Mr. FORD: Petition of V. W. Seely, Jacob Baar, and others; of R. B. Vanderhoef, W. S. Walker, and others, and letter of V. W. Seely, for increased compensation for keepers and surfmen in the Life-Saving Service—to the Committee on Commerce.

Also, memorial of the Grand Rapids (Mich.) Board of Trade, for a survey of a water route from said city to Lake Michigan—to the Committee on Rivers and Harbors.

By Mr. FORNEY: Petition of citizens of St. Clair County, Alabama, for national aid to education and in favor of the Blair bill—to the Committee on Education.

By Mr. GEST: Memorial from the cities of Bushnell and Monmouth, Ill., concerning the erection of Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. GIFFORD: Petition of Lincoln Evans and 20 others, of William M. Penwell and 10 others, of A. A. Faust and 20 others, of Rudolph Clander and 13 others, of James O. Dean and 35 others, of C. Christianson and 12 others, of C. R. Waters and 14 others, of George Bainey and 13 others, of John Dickinson and 15 others, of S. W. Melcher and 20 others, of Lewis Peterson and 10 others, of W. F. Lott and 8 others, of Charles G. Brown and 95 others, of P. E. Anderson and 20 others, and of W. A. Drake and 8 others, citizens of Dakota, for a postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. GLASS: Petition of James Burress, of Gibson County, and of H. H. Mahon, administrators of Josiah B. Moss, of Crockett County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GLOVER: Petition of workingmen employed in the manufacturing of painted and stained glass, relative to tariff on stained glass—to the Committee on Ways and Means.

Also, petition of citizens of the Ninth district of Missouri, for a Government system of telegraph—to the Committee on the Post-Office and Post Roads.

By Mr. GROUT: Resolutions of Pomona Grange, of Royalton, Vt., for reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of J. M. Huston Post, No. 394, of Victor, Iowa, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HIRES: Joint resolution for an appropriation for the removal of Smith's or Windmill Island from the Delaware River—to the Committee on Rivers and Harbors.

By Mr. S. I. HOPKINS (by request): Petition of the West Branch Lumberman's Exchange, against placing lumber on the free-list—to the Committee on Ways and Means.

By Mr. JACKSON: Petition of David F. Enoch and 35 others, citizens of Washington County, Pennsylvania, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. J. T. JOHNSTON: Petition of J. L. Sebring and 57 others, soldiers and citizens of Sullivan County, Indiana, for the passage of House bill 5052, or a similar one—to the Committee on Military Affairs.

By Mr. LAIRD: Petition of faculty of Doane College, Crete, Nebr., for removal of duty on books—to the Committee on Ways and Means.

Also, petition of same, for an international copyright law—to the Committee on Patents.

By Mr. LYMAN: Papers in support of House bill No. 7014, for relief of John Dungan—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of the faculty of Frederick College, Maryland, for an international copyright—to the Committee on Patents.

Also, petition of the heirs of Jesse Hinckle, of Alleghany County, Maryland, for payment of their claims—to the Committee on War Claims.

Also, memorial of the Modern Language Association of America, for repeal of tariff on foreign books—to the Committee on Ways and Means.

Also, petition of Henry Show, of Washington County, Maryland, for payment of his war claims—to the Committee on War Claims.

By Mr. McKINLEY: Petition of citizens of Bucyrus, and of Wyandotte and Carey, Ohio, for speedy action on the petition for protection to the wool-growers and woolen manufacturers of this country—to the Committee on Ways and Means.

Also, joint resolution of the Legislature of Ohio, urging the passage of Senate bill No. 260, to reimburse the several States for interest paid on war loans, and for other purposes—to the Committee on War Claims.

Also, memorial of the Society of Friends in conference at Richmond, Ind., September, 1887—to the Committee on Foreign Affairs.

By Mr. MAISH: Petition of Mary Gibson, for increase of her pension—to the Committee on Pensions.

By Mr. MILLIKEN: Petition of C. M. Bailey and others, for the settlement of international disputes by arbitration—to the Committee on Foreign Affairs.

By Mr. MOFFITT: Memorial of the Eastern Iron Ore Association, protesting against any reduction from the present duty on iron ore—to the Committee on Ways and Means.

By Mr. NEAL: Petition of W. R. Henson, administrator of John Henson, of Sequatchie County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Mr. NORWOOD: Petition of Mary E. Cullane and Gertrude Power, of Harry Hayne, and of Levi Lilienthal, of Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. O'DONNELL: Petition of the Central City Soap Company, of Jackson, Mich., G. F. D. Bennett, president, for removal of the duty on tin-plate—to the Committee on Ways and Means.

Also, protest of the West Branch Lumberman's Exchange, of Williamsport, Pa., against the repeal of the duty on lumber—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Joint memorial of the Board of Trade, Commercial, Maritime, Drug, Grocers', and Importers' Exchanges, Vessel-Owners and Captains' Association of Philadelphia, Pa., urging the removal of Smith's and Windmill Islands and the shoals, etc., so as to improve the channel of the Delaware River—to the Committee on Rivers and Harbors.

By Mr. OSBORNE: Petition of William Schaus, in regard to the tariff on imported works of art—to the Committee on Ways and Means.

By Mr. PEEL: Petition of Samuel Gollaher, heir of Henry Gollaher, of Washington County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PENINGTON: Petition of William Schaus, on the subject of the tariff—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of P. M. Butler, administrator of T. O. Butler, of Rutherford County, and of Clement A. Featherstone, of Franklin County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. C. A. RUSSELL: Memorial from the authorities of Danielsonville, Conn., in favor of erecting Government post-office buildings in places of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

By Mr. SENEY: Petition of A. G. Brown and 20 others, of Seneca County, Ohio, favoring the wool schedule as agreed upon by the Wool Growers and Woolen Manufacturers' Convention at Washington, January 14, 1888—to the Committee on Ways and Means.

Also, joint resolution of the General Assembly of Ohio, favoring Senate bill No. 260, to reimburse the States for interest paid on war loans—to the Committee on War Claims.

By Mr. SHAW (by request): Petition of William Schaus, of New York, for placing imported paintings and sculptures on the free-list—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Petition of Lafayette Brockway, for increase of pension (House bill 6804)—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Address to Congress by the constitutional convention of Dakota, relative to division of said Territory and its admission into the Union—to the Committee on the Territories.

By Mr. STAHLNECKER: Petition of the West Branch Lumberman's Exchange, of Williamsport, Pa., respecting their interests and tariff changes—to the Committee on Ways and Means.

By Mr. STEPHENSON: Memorial of the authorities of Stevens Point, Wis., for a general appropriation for erecting public buildings in cities of 3,000 or over—to the Committee on Public Buildings and Grounds.

By Mr. J. W. STEWART: Petition of Thomas Ryan and others, to increase pay of court bailiffs in southern district of New York—to the Committee on the Judiciary.

By Mr. G. M. THOMAS: Petition of Eli Davis, to accompany bill for his relief—to the Committee on Invalid Pensions.

Also, petition to accompany bill for the relief of John G. Harmon—to the Committee on Invalid Pensions.

By Mr. VANDEVER: A bill for the survey of the harbor of San Buenaventura, Cal., and an estimate of the cost of making it a harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. WHITTHORNE: Petition of Mrs. Canyada Brewer, of Wayne County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WICKHAM: Memorial of authorities of Mansfield, Ohio, for a general act for the erection of post-office buildings in cities and towns of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. HOGG: Of A. J. Cunningham and 23 others, of Pleasants County, West Virginia.

By Mr. HOUK: Of 31 citizens of Sevier County, Tennessee.

By Mr. KENNEDY: Of Francis Harper and 54 other citizens of Logan County, Ohio.

By Mr. WHITTHORNE: Of James McGhee and others, of Wayne County, Tennessee.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of 327 citizens of Middlesex County, Massachusetts.

By Mr. DAVENPORT: Of 232 citizens of Ontario County, New York.

By Mr. ELLIOTT: Of 423 citizens of Beaufort County, South Carolina.

By Mr. FLOOD: Of 280 citizens of Schuyler County, New York.

By Mr. HAUGEN: Of 259 citizens of Pierce County, Wisconsin.

By Mr. MAISH: Of 390 citizens of York County, Pennsylvania.

By Mr. MORROW: Of 112 citizens of San Francisco, Cal.

By Mr. NELSON: Of 155 citizens of Morrison County, Minnesota.

By Mr. PAYSON: Of 132 citizens of Livingston County, Illinois.

By Mr. SAWYER: Of 483 citizens of Genesee County, New York.

By Mr. SHAW: Of 220 citizens of Baltimore County, Maryland.

By Mr. WICKHAM: Of 599 citizens of Lorain County, Ohio.

By Mr. THOMAS WILSON: Of 100 citizens of Fillmore County, Minnesota.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. DINGLEY: Of 123 citizens of the Second district of Maine.

By Mr. GRANGER (by request): Of 254 citizens of the Fourth district of Connecticut.

By Mr. HAUGEN: Of 109 citizens of the Eighth district of Wisconsin.

By Mr. MAISH: Of 100 citizens of the District of Columbia.

By Mr. MOORE. Of 129 citizens of the District of Columbia.

By Mr. ROWELL: Of 172 citizens of the Fourteenth district of Illinois.

By Mr. WEBER: Of 135 citizens of the Thirty-third district of New York.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 17, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. BRUSH, president of Dakota University.

The Journal of yesterday's proceedings was read and approved.

IMPROVEMENT OF PATUXENT RIVER, MARYLAND.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of examinations and surveys of Patuxent River, in Maryland; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SENATE BILL REFERRED.

The SPEAKER, under the rule, laid before the House the bill (S. 371) to aid in the establishment and temporary support of common schools; which was read a first and second time, and referred to the Committee on Education.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PENINGTON, indefinitely, on account of sickness in his family.

To Mr. HIESTAND, for six days, on account of important business.

ALABAMA AGRICULTURAL AND MECHANICAL COLLEGE.

Mr. OATES. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 4082) for the relief of the Agricultural and Mechanical College of Alabama, and put it upon its passage.

The SPEAKER. The Chair will state to the gentleman from Alabama that, as shown by the Journal, a bill comes over this morning as unfinished business to be first disposed of.

Mr. OATES. I ask unanimous consent that this be considered now, as it will take but a very short time.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to relieve the Agricultural and Mechanical College at Auburn, Ala., from all money responsibility for so much of the ordnance and ordnance stores issued to said college under its bond dated February 9, 1886, as was destroyed by fire on June 24, 1887.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURROWS. I would like some explanation of this, first.

Mr. OATES. This bill, I think, will require but a very brief explanation. The Agricultural and Mechanical College of Alabama obtained from the War Department 135—I think was the number—muskets for the use of the cadets in that school.

Last summer the main building of the college was destroyed by fire. This bill is simply to relieve the college from liability for this loss; that is all. It is the unanimous report of the Committee on Military Affairs.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON THE PANAMA CANAL.

Mr. WHITTHORNE, by unanimous consent, introduced a concurrent resolution to authorize the printing of 3,000 copies of Lieut. C. C. Rogers's report on the Panama Canal; which was referred to the Committee on Printing.

FICTITIOUS TRANSACTIONS IN AGRICULTURAL PRODUCTS.

Mr. HATCH. Mr. Speaker, on Monday last I introduced a bill by request, House bill 7051, entitled "A bill to prohibit fictitious and gambling transactions on the price of articles produced by American farm industry." I indorsed on the bill the request that it be referred to the Committee on Agriculture. As I said on a previous occasion, when this subject was introduced, I did not hear the Chair change the reference of that bill to the Committee on the Judiciary.

I desire to call the attention of the Chair to the fact that I was governed in this reference by the action of the then occupant of the chair, on January 23, 1888, in referring House bill 5689, a bill introduced by the gentleman from Tennessee [Mr. ENLOE], entitled "A bill to punish dealings in futures in agricultural products," and which was referred to the Committee on Agriculture. The subject-matter of these two bills is identical, and the Committee on Agriculture having the subject-matter of the bill of the gentleman from Tennessee before them, when the subsequent bill was presented by me I asked that it also be referred to the same committee, being upon the same subject, so that both might be considered together. Now, if it is the intention of the House to adhere to the reference of these matters to the Committee on the Judiciary, then it follows that both bills should go to that committee.

Mr. REED. Is this debatable?

The SPEAKER. It is not. The Chair understood the gentleman to be making a statement simply.

Mr. HATCH. I am stating the facts for the information of the Chair and the House.

The SPEAKER. The Chair will state to the gentleman from Missouri that it was of the impression that the bill introduced by the gentleman from Tennessee was referred to the Committee on Agriculture by a vote of the House.

Mr. HATCH. I find by reference to the CONGRESSIONAL RECORD of that date the following:

FUTURES IN AGRICULTURAL PRODUCTS.

Mr. ENLOE introduced a bill (H. R. 5689) to punish dealing in futures in agricultural products; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

There is nothing in the RECORD to show that the House took any action further than the action of the Speaker in referring it to that committee in the presence of the House. But the gentleman from Tennessee can speak for himself on that point.

Mr. OATES. The motion of the gentleman from Missouri to change this reference was stopped by my objection, or rather by my calling for the reading of the bill. I have since examined the bill, and while it is properly referred to the Committee on the Judiciary, yet it might have been referred, and very properly, to the Committee on Agriculture.

It is of that character where either of those committees may take jurisdiction, and I withdraw any objection to the change of reference.

Mr. ENLOE. I wish to make a statement as to the reference of the bill which I introduced. I called the attention of the chairman of the Judiciary Committee to it and submitted it for his inspection, and he suggested the proper reference was to the Committee on Agriculture. I indorsed on the bill that reference, and it was made.

The SPEAKER. The Chair still thinks, under the rule of the House, the bill to which the gentleman from Missouri refers belongs to the Committee on the Judiciary; but that gentleman moves to refer it to the Committee on Agriculture. Of course the House has power to send it to the Committee on Agriculture.

The motion of Mr. HATCH was agreed to, and the bill was referred to the Committee on Agriculture.

SIGNAL CORPS.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 7346) to increase the efficiency of the Signal Corps of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUIS JACOBSON.

Mr. FELTON. I ask unanimous consent to take from the Private Calendar, for present consideration, the bill (H. R. 1158) for the relief of Louis Jacobson.

The bill was read, as follows:

Be it enacted, etc., That the sum of $217.70 be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse Louis Jacobson, postmaster at Redwood City, San Mateo County, State of California, for money stolen from the post-office at that place on the night of August 21, A. D. 1886, the said sum of money so stolen being the proceeds of stamps sold by him at said place.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RANDALL. I do not want to make an arbitrary objection, but I think the right to object should be reserved, that we may inquire whether there has been a report by a committee in favor of this claim.

Mr. FELTON. The bill is favorably reported by the Committee on Claims. I ask that the report be read.

Mr. RANDALL. Is the report unanimous?

Mr. FELTON. Yes, sir.

The report (by Mr. LAIDLAW) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1158) for the relief of L. Jacobson, beg leave to submit the following report:

The claimant was postmaster at Redwood City, Cal.; his post-office was broken open by burglars August 21, 1886, and $624.78 of postage-stamps, postal funds, and money-order funds were stolen by the burglars.

The burglary was examined into by a post-office inspector, and it appeared from his report that all of the stamps and funds aforesaid were kept in an iron safe, which had been broken open, and that there was no negligence on the part of the claimant in keeping the stamps and funds.

That he made a claim on the Department for credit for his loss as follows:

For postage-stamps	$294.30
For postal funds	217.70
For money-order funds	112.78
Total	624.78

The Post-Office Department gave him credit for the $294.30 for postage-stamps; also for $112.78 for money-order funds, less $20, for which they did not give him credit, because it was not deposited promptly, as was claimed; but the Department refused to give him credit for the $217.70 for postal funds, upon the sole ground that there was no provision of law under which the Postmaster-General could allow him the credit.

The claimant made oath that the postal funds amounted to the sum now claimed, to wit, $217.70; and that is about the amount he would reasonably have on hand, compared with his former sales of stamps; and the committee find that he lost said sum of $217.70, and that his claim is just and reasonable and should be paid; and they respectfully recommend that the bill do pass.

Mr. FELTON. I simply desire to say, in addition to what has just been read, that all that is set forth in the report is a matter of record in the courts of the State of California. There is no question as to the justice of the claim.

Mr. RANDALL. Does the Post-Office Department recommend this bill?

Mr. FELTON. No, sir; the Post-Office Department has made no recommendation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FELTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order.

Mr. HENDERSON, of North Carolina. I wish to offer a resolution for reference.

The SPEAKER. The regular order is demanded by the gentleman from Texas.

SUGAR TRUST IN NEW YORK.

Mr. MILLIKEN. I rise to a privileged matter. On the 7th day of this month I introduced a resolution in the House directing the Secretary of the Treasury, through the collector of the port of New York, to make an investigation of the sugar trust in New York. That resolution was referred to the Committee on Manufactures. The committee has not yet reported; and from the best information which I can get I do not see any prospect that they will report it. I move that the committee be instructed to report that resolution back to the House on next Monday.

The SPEAKER. The gentleman from Maine, as a matter of privilege, moves to instruct the Committee on Manufactures to report back next Monday a resolution of inquiry directed to the Secretary of the Treasury.

Mr. RANDALL. The rule requires that and should be obeyed.

The SPEAKER. The rule requires the report to be made in one week. The gentleman from Maine says the report has not been made, and he therefore makes this motion.

The question being put, the motion was agreed to.

Mr. MILLIKEN. On the suggestion of one of the members of the committee, that the chairman of the Committee on Manufactures is not present, and that the committee can not get together as soon as next Monday, I desire to amend the motion by substituting "Friday."

Mr. MCKINNEY. I desire to make a statement. The Committee on Manufactures did not have a meeting this morning, but adjourned for one week, and will assemble at half-past 11 o'clock next Friday. It is for that reason I asked to have the motion modified so that when we get together we may act upon the resolution.

There was no objection, and the motion was modified by substituting "Friday" for "Monday."

URGENT DEFICIENCY BILL.

The SPEAKER. The regular order is demanded, which is the further consideration of the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the services of the Government for the fiscal year ending June 30, 1887, and for other purposes. The pending question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. O'NEILL], which the Clerk will read.

The Clerk read as follows:

After line 9, page 18, to insert:
"And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge."

The SPEAKER. On this amendment the yeas and nays have been ordered.

The question was taken; and there were—yeas 182, nays 53, not voting 88; as follows:

YEAS—182.

Adams,	Dalzell,	La Follette,	Romeis,
Allen, C. H.	Darlington,	Laidlaw,	Rowell,
Allen, E. P.	Davidson, R. H. M.	Lane,	Ryan,
Anderson, A. R.	Davis,	Lind,	Sawyer,
Anderson, G. A.	De Lano,	Lodge,	Scott,
Arnold,	Dingley,	Lyman,	Scull,
Atkinson,	Dockery,	Lynch,	Shaw,
Baker, C. S.	Dorsey,	Macdonald,	Smith,
Baker, Jehu	Dunham,	Mahoney,	Sowden,
Barnes,	Farquhar,	Mansur,	Spooner,
Bingham,	Felton,	Mason,	Springer,
Bliss,	Finley,	Matson,	Stahlnecker,
Blount,	Fuller,	McAdoo,	Steele,
Boothman,	Gaines,	McComas,	Stewart, Charles
Bound,	Gallinger,	McCormick,	Stewart, J. W.
Boutelle,	Gear,	McCreary,	Stockdale,
Bowden,	Gest,	McCullogh,	Stone of Ky.
Bowen,	Glover,	McKenna,	Struble,
Breckinridge, C. R.	Greenman,	McKinley,	Taylor, E. B.
Brewer,	Grout,	McKinney,	Taylor, J. D.
Brower,	Guenther,	McShane,	Thomas, G. M.
Brown, C. E.	Harmer,	Merriman,	Thomas, O. B.
Browne, T. H. B.	Hatch,	Montgomery,	Thompson, A. C.
Browne, T. M.	Haugen,	Morrill,	Tracey,
Brumm,	Hayden,	Morrow,	Turner, E. J.
Bryce,	Heard,	Neal,	Vance,
Buchanan,	Henderson, D. B.	Nichols,	Vandever,
Burrows,	Henderson, J. S.	O'Donnell,	Wade,
Butler,	Hermann,	O'Ferrall,	Walker,
Bynum,	Hires,	O'Neall, J. H.	Warner,
Campbell, Felix	Hitt,	O'Neill, Charles	Weaver,
Campbell, J. E.	Hogg,	O'Neill, J. J.	Weber,
Campbell, T. J.	Holman,	Osborne,	Wheeler,
Candler,	Holmes,	Outhwaite,	White, S. V.
Cannon,	Hopkins, A. J.	Owen,	Whiting, J. R.
Caswell,	Hopkins, S. I.	Patton,	Wickham,
Cheadle,	Houk,	Payson,	Wilber,
Clark,	Hovey,	Perkins,	Wilkinson,
Cockran,	Howard,	Peters,	Williams,
Cogswell,	Jackson,	Phelan,	Wilson, Thomas
Compton,	Johnston, J. T.	Phelps,	Wilson, W. L.
Cooper,	Johnston, T. D.	Pidcock,	Yardley,
Cowles,	Kean,	Post,	Yoder,
Cox,	Kelley,	Randall,	Yost.
Crouse,	Kennedy,	Reed,	
Cutcheon,	Kerr,	Rockwell,	

NAYS—53.

Abbott,	Dougherty,	Hutton,	Perry,
Allen, J. M.	Dunn,	Jones,	Rice,
Anderson, C. L.	Elliott,	Laffoon,	Richardson,
Blanchard,	Enloe,	Lanham,	Robertson,
Breckinridge, WCP	Forney,	Latham,	Rogers,
Buckalew,	Glass,	Martin,	Rowland,
Burnes,	Granger,	McClammy,	Sayers,
Clements,	Grimes,	McRae,	Stewart, J. D.
Cobb,	Hall,	Mills,	Taulbee,
Cothran,	Hare,	Moore,	Turner, H. G.
Crain,	Hemphill,	Morgan,	Washington,
Crisp,	Hooker,	Newton,	Whitthorne.
Culberson,	Hudd,	Oates	
Dargan,		Peel	

NOT VOTING—88.

Anderson, J. A.	Butterworth,	Ermentrout,	Hayes,
Bacon,	Carleton,	Fisher,	Henderson, T. J.
Bankhead,	Caruth,	Fitch,	Herbert,
Barry,	Catchings,	Flood,	Hiestand,
Bayne,	Chipman,	Foran,	Hopkins, S. T.
Belden,	Clardy,	Ford,	Hunter,
Belmont,	Collins,	French,	Ketcham,
Biggs,	Conger,	Funston,	Kilgore,
Bland,	Cummings,	Gay,	Lagan,
Brown, J. R.	Davenport,	Gibson,	Laird,
Bunnell,	Davidson, A. C.	Goff,	Landes,
Burnett,	Dibble,	Grosvenor,	Lawler,
Lee,	Norwood,	Seney,	Thomas, J. R.
Lehlbach,	Nutting,	Sherman,	Thompson, T. L.
Long,	Parker,	Shively,	Tillman,
Maffett,	Penington,	Simmons,	Townshend,
Maish,	Plumb,	Snyder,	West,
McMillin,	Pugsley,	Spinola,	White, J. B.
Milliken,	Rayner,	Stephenson,	Whiting, William
Moffitt,	Russell, C. A.	Stone of Mo.	Wilkins,
Morse,	Russell, J. E.	Symes,	Wise,
Nelson,	Rusk,	Tarsney,	Woodburn.

So the amendment was agreed to.

On motion of Mr. LANHAM, the reading of the names of members voting was dispensed with.

The following-named members were announced as paired until further notice:

Mr. TOWNSHEND with Mr. GROSVENOR.
Mr. BACON with Mr. DAVENPORT.
Mr. WILKINS with Mr. GOFF.
Mr. PENINGTON with Mr. HIESTAND.
Mr. ERMENTROUT with Mr. BELDEN.
Mr. FORAN with Mr. KETCHAM.
Mr. BARRY with Mr. PUGSLEY.
Mr. CHAPMAN with Mr. COOPER.
Mr. TILLMAN with Mr. PARKER.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. TARSNEY with Mr. PATTON.
Mr. STONE, of Missouri, with Mr. ANDERSON, of Kansas.

The following were announced as paired until Monday next:

Mr. CLARDY with Mr. RUSSELL, of Connecticut.
Mr. CUMMINGS with Mr. MOFFITT.

The following were announced as paired for this day:

Mr. HERBERT with Mr. FITCH.
Mr. MILLIKEN with Mr. DIBBLE.
Mr. CARUTH with Mr. JOHN R. BROWN.
Mr. SENEY with Mr. LONG.

The following were announced as paired on this vote:

Mr. NORWOOD with Mr. HUNTER.
Mr. RUSSELL, of Massachusetts, with Mr. BUNNELL.

Mr. MILLIKEN. Mr. Speaker, I am paired for this day with Mr. DIBBLE. If I were not paired, I should vote "ay."

Mr. MOFFITT. Mr. Speaker, I am paired with Mr. CUMMINGS. If I were not, I should vote "ay."

The result of the vote was then announced as above recorded.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LONG, for one week, on account of important business.

To Mr. JOHN R. BROWN, indefinitely, on account of extreme illness in his family.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. LANHAM. I move to dispense with the call.

The motion was agreed to.

INVESTIGATION OF INTERNAL-REVENUE FRAUDS.

Mr. HENDERSON, of North Carolina, offered the following; which was read, and referred to the Committee on Appropriations:

Whereas the Attorney-General in his last annual report states, for the information of Congress, that "a fund which was annually appropriated for years for the use of the Commissioner of Internal Revenue in the investigation of frauds has been reduced largely, and the service of the bureau has to a limited extent been thrown upon the judiciary appropriation in the matter of making arrests of illicit distillers. * * * The expenses are payable from fees and expenses of marshals, as employés of the revenue agent are temporarily commissioned as deputy marshals:" Therefore,

Resolved by the House of Representatives, That the Attorney-General be called upon to inform the House in what districts, to what persons, and in what amount and for what purposes such expenses have been paid or incurred, and by what authority of law any portion of the judiciary appropriation has been used in paying the employés of revenue agents.

SOUTHERN JUDICIAL DISTRICT OF GEORGIA.

Mr. GRIMES, by unanimous consent, introduced a bill (H. R. 7347) to create a new division in the southern judicial district of Georgia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS TRAIL CREEK, INDIANA.

Mr. DUNHAM, by unanimous consent, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 2097) to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, State of Indiana; which was referred to the

Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS RED RIVER, DAKOTA.

Mr. DUNHAM also, from the Committee on Commerce, reported, as a substitute for House bill 4421, a bill (H. R. 7348) granting to the city of Grand Forks, Dak., the right to build two free bridges outside of the city across the Red River; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 4421) was laid on the table.

BOUNDARY LINE BETWEEN THE UNITED STATES AND MEXICO.

Mr. CRAIN, by unanimous consent, introduced a joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules of the Washington convention of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order.

NATHANIEL M'KAY AND OTHERS.

The SPEAKER. The Chair is advised that a bill comes over from last Friday, with the previous question ordered upon its passage. Therefore it now comes up for consideration. It is the bill (H. R. 2477) for the relief of Nathaniel McKay and others.

Mr. LANHAM. Do I understand the Chair to hold that the first thing in order now is the vote upon the passage of House bill No. 2477, which was considered in Committee of the Whole on last Friday, reported to the House, and advanced, I believe, as far as the engrossment and third reading, or probably the previous question may have been ordered on the passage?

The SPEAKER. If the previous question was ordered on the passage of the bill, it comes up now for consideration. If not, it will come up as unfinished business when the Committee of the Whole rises to-day. The Chair will cause the Journal to be examined. [A pause.] The Journal shows that the previous question was ordered on the passage of the bill. The Chair was under the impression that it had been ordered on the engrossment and third reading.

Mr. SPRINGER. I desire to call attention to the proceedings on this bill as they appear in the RECORD. I think there was a mistake in the Journal at that time. The proceedings as reported in the RECORD will be found on page 1128. The previous question was ordered on the engrossment and third reading of the bill, not upon its final passage. This is what the RECORD shows. I ask that the proceedings as they appear in the RECORD be read.

The SPEAKER. The Journal of the House is the official record of its proceedings.

Mr. SPRINGER. This is also an official record of its proceedings; and if a mistake has occurred I think the House should not act on that mistake. I am satisfied that the Official Reporters have reported everything that was done and said at the time. I ask to have read what the RECORD shows the proceedings to have been.

Mr. DINGLEY. I call the attention of the gentleman from Illinois to the fact that the statement was made at the time to the House by the gentleman from Texas [Mr. MILLS] that the previous question had been ordered on the passage of the bill, and that the bill would come up the first thing to-day.

Mr. SPRINGER. The gentleman from Texas made that statement, but he was mistaken, as will be seen by the reading of the RECORD.

Mr. LANHAM. I make the point——

The SPEAKER. Of course the Chair is governed by the Journal of the House; but the gentleman from Illinois may have the RECORD read. The Clerk will read.

The Clerk read as follows:

NATHANIEL M'KAY AND OTHERS.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay.

Mr. STONE, of Kentucky. I move the previous question on the bill and amendments.

The previous question was ordered.

The amendments reported by the Committee of the Whole House on the Private Calendar were agreed to.

The bill was ordered to be engrossed and read a third time; and was read the third time by its title.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. SPRINGER. I call for the yeas and nays on that question.

On ordering the yeas and nays there were—ayes 15.

The SPEAKER *pro tempore*. In the opinion of the Chair one-fifth have not voted in favor of the call for the yeas and nays.

Mr. SPRINGER. I ask for tellers on ordering the yeas and nays.

Tellers were not ordered, only 18 voting in favor thereof.

Mr. SPRINGER. I demand the reading of the engrossed bill.

The SPEAKER *pro tempore*. That is in order; the gentleman has the right to make that demand. The previous question has been ordered.

Mr. MILLS. Mr. Speaker, if the House should adjourn now, would not this bill come up as unfinished business?

The SPEAKER *pro tempore*. It would come up on the next day when the same class of business is in order—that is next Friday.

Mr. MILLS. I suggest to the friends of the measure to let the bill go over until next Friday, as it will take some time to engross it. It will come up as unfinished business next Friday, and can be passed the first thing. I move that the House adjourn.

The motion was agreed to; there being—ayes 128, noes 37.

So (at 4 o'clock and 20 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday next.

Mr. LANHAM. Mr. Speaker, I think the Journal and the RECORD correspond substantially. I call for the regular order.

The SPEAKER. The Chair is governed by the Journal.

Mr. SPRINGER. I call the attention of the Chair and the gentleman from Texas and the House to the fact that at the time when this bill was last under consideration the Clerk, the Speaker *pro tempore*, and the gentleman from Texas were laboring under the impression that the motion made by the gentleman from Kentucky [Mr. STONE] for the previous question on the bill and amendments (which applied only to the question of ordering the bill to be engrossed and read a third time) included the previous question on the final passage of the bill. As the RECORD shows, the motion for the previous question was agreed to; then the amendments were agreed to; the bill was ordered to be engrossed and read a third time, and there was never another motion made for the previous question; but it was assumed that the previous question as already ordered covered the bill clear on to its passage, which was a mistake. That error was naturally fallen into from the fact that the previous question was called "upon the bill and amendments." I was watching the proceedings very closely, desiring when the bill should come up again to be permitted to show at this stage that the bill ought not to pass and to make a motion to recommit. Therefore I know the RECORD is correct.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The gentleman from Illinois makes no motion.

Mr. SPRINGER. I desire to move that the bill be recommitted.

Mr. STONE, of Kentucky. Is that motion now in order?

The SPEAKER. Under the rules of the House it is in order to recommit a bill, either with or without instructions, pending the motion for the previous question on the passage of the bill or after the previous question has been ordered.

Mr. SPRINGER. Before my resolution is read I desire to ask whether the Chair holds that the previous question was ordered on the passage of the bill or merely moved.

The SPEAKER. The Journal of the House shows that the previous question was ordered on the passage of the bill.

Mr. SPRINGER. That is not correct. I ask the Clerk to read the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the bill be recommitted to the Committee on War Claims with instructions to investigate the claims of a similar character heretofore presented to the Navy Department and the amount involved in such claims.

Mr. SPRINGER. Pending the motion to recommit I ask unanimous consent to have read a letter from the Secretary of the Navy in reference to this subject.

Several members objected, and called for the regular order.

The question being taken on agreeing to the resolution of Mr. SPRINGER, there were—ayes 35, noes 72.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 27, noes 81; more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the negative—yeas 63, nays 168; not voting 92, as follows:

YEAS—63.

Abbott,	Crain,	Hudd,	Oates,
Allen, J. M.	Dargan,	Hutton,	O'Neall, J. H.
Anderson, A. R.	Davidson, A. C.	Johnston, J. T.	Perry,
Anderson, C. L.	Dockery,	Jones,	Rogers,
Baker Jehu	Elliott,	Kerr,	Rowland,
Bankhead,	Forney,	Kilgore,	Sayers,
Barnes,	French,	Landes,	Shively,
Bland,	Glass,	Lane,	Springer,
Blount,	Hall,	Lanham,	Stewart, J. D.
Breckinridge, WCP	Hare,	Latham,	Turner, H. G.
Buckalew,	Hatch,	Martin,	Washington,
Burnes,	Hayes,	Matson,	Weaver,
Bynum,	Hemphill,	McMillin,	Wheeler,
Campbell, J. E.	Henderson, J. S.	Mills,	Whitthorne,
Cobb,	Holman,	Moore,	Wise.
Cowles,	Hopkins, S. I.	Morgan,	

NAYS—168.

Adams,	Brown, C. E.	Clark,	Enloe,
Allen, C. H.	Brumm,	Cockran,	Farquhar,
Allen, E. P.	Bryce,	Cogswell,	Felton,
Anderson, G. A.	Buchanan,	Compton,	Finley,
Arnold,	Bunnell,	Cooper,	Flood,
Atkinson,	Burnett,	Cox,	Fuller,
Bingham,	Burrows	Crouse,	Funston,
Bliss,	Butler,	Cutcheon,	Gaines,
Boothman,	Butterworth,	Dalzell,	Gallinger,
Bound,	Campbell, Felix	Darlington,	Gear,
Boutelle,	Campbell, J. E.	Davis,	Gest,
Bowen,	Candler,	De Lano,	Glover,
Brewer,	Caswell,	Dingley,	Grimes,
Browne, T. H. B.	Catchings,	Dougherty,	Grout,
Browne, T. M.	Cheadle,	Dunham,	Guenther,

Harmer,	Lynch,	Payson,	Stockdale,
Haugen,	Macdonald,	Perkins,	Stone, of Ky.
Hayden,	Mahoney,	Peters,	Struble,
Heard,	McAdoo,	Phelan,	Taulbee,
Henderson, D. B.	McComas,	Phelps,	Taylor, E. B.
Hitt,	McCreary,	Pidcock,	Taylor, J. D.
Hogg,	McCullogh,	Pugsley,	Thomas, G. M.
Holmes,	McKenna,	Reed,	Thomas, O. B.
Hooker,	McKinley,	Rice,	Thompson, A. C.
Hopkins, A. J.	McKinney,	Richardson,	Tracey,
Hopkins, S. T.	McRae,	Robertson,	Turner, E. J.
Houk,	McShane,	Rockwell,	Vance,
Hovey,	Merriman,	Romeis,	Wade,
Howard,	Montgomery,	Rowell,	Walker,
Jackson,	Morrill,	Russell, J. E.	Warner,
Johnston, T. D.	Morrow,	Ryan,	Weber,
Kean,	Morse,	Sawyer,	White, J. B.
Kelley,	Neal,	Scull,	White, S. V.
Kennedy,	Newton,	Shaw,	Whiting, J. R.
La Follette,	Nichols,	Sherman,	Wickham,
Laffoon,	O'Donnell,	Snyder,	Wilber,
Lagan,	O'Ferrall,	Sowden,	Wilkinson,
Laidlaw,	O'Neill, Charles	Spooner,	Williams,
Lee,	O'Neill, J. J.	Stahlnecker,	Wilson, Thomas
Lehlbach,	Osborne,	Steele,	Yardley,
Lodge,	Owen,	Stewart, Charles	Yoder,
Lyman,	Patton,	Stewart, J. W.	Yost.

NOT VOTING—92.

Anderson, J. A.	Culberson,	Hunter,	Randall,
Bacon,	Cummings,	Ketcham,	Rayner,
Baker, C. S.	Davenport,	Laird,	Russell, C. A.
Barry,	Davidson, R. H. M.	Lawler,	Rusk,
Bayne,	Dibble,	Lind,	Scott,
Belden,	Dorsey,	Long,	Seney,
Belmont,	Dunn,	Maffett,	Simmons,
Biggs,	Ermentrout,	Maish,	Smith,
Blanchard,	Fisher,	Mansur,	Spinola,
Bowden,	Fitch,	Mason,	Stephenson,
Breckinridge, C. R.	Foran,	McClammy,	Stone, of Mo.
Brower,	Ford,	McCormick,	Symes,
Brown, J. R.	Gay,	Milliken,	Tarsney,
Cannon,	Gibson,	Moffitt,	Thomas, J. R.
Carleton,	Goff,	Nelson,	Thompson, T. L.
Caruth,	Granger,	Norwood,	Tillman,
Chipman,	Greenman,	Nutting,	Townshend,
Clardy,	Grosvenor,	Outhwaite,	Vandever,
Clements,	Henderson, T. J.	Parker,	West,
Collins,	Herbert,	Peel,	Whiting, William
Conger,	Hermann,	Penington,	Wilkins,
Cothran,	Heistand,	Plumb,	Wilson, W. L.
Crisp,	Hires,	Post,	Woodburn.

So the motion to recommit was not agreed to.

During the roll-call,

Mr. COX moved, by unanimous consent, to dispense with the reading of the names.

The motion was agreed to.

The following additional pairs were announced:

Mr. GRANGER with Mr. LAIRD, for the rest of the day.

Mr. DAVIDSON, of Florida, with Mr. HUNTER, for the rest of the day.

The vote was then announced as above recorded.

Mr. SPRINGER. I ask for the reading of the engrossed bill.

The SPEAKER *pro tempore*, (Mr. MCMILLIN in the chair). The question is on the third reading of the engrossed bill.

Mr. SPRINGER. The reading of the engrossed bill is demanded.

The SPEAKER *pro tempore*. The bill will be read.

Mr. SPRINGER. I demanded the reading of the engrossed bill previous to the adjournment on Friday of last week. I want it read now.

The SPEAKER *pro tempore*. The engrossed bill will be read.

The engrossed bill was read.

Mr. SPRINGER. Mr. Speaker, I now make the point of order that this is the first time the bill has been read a third time. The question is now, shall the bill pass? No previous question could have operated upon the passage of the bill until after it had been read the third time. I demanded the third reading of the engrossed bill last Friday, just before the adjournment. The question now is upon the passage of the bill; and I make the point that no previous question could have been ordered upon it, and therefore that I have the floor to discuss the question whether the bill shall pass or not.

Since the bill has been read a third time no member has taken the floor to demand the previous question on its passage. It was never read a third time until this moment; and until it was read the third time it was not in order for any member to take the floor and demand the previous question on its passage.

Mr. STEELE. We do not want to hear the bill discussed any further.

The SPEAKER *pro tempore*. The present occupant of the chair is advised that the previous question has been ordered on the passage of the bill; and that being so, debate is not now in order.

Mr. SPRINGER. The previous question could not have been ordered on the passage of the bill until after the reading of the engrossed bill, and the third reading of the engrossed bill has just taken place. It was the only time when the bill could have been read the third time. I took the floor immediately, and since then no previous question has been ordered upon the passage of the bill, the only time, I insist, when it could have been demanded.

The SPEAKER *pro tempore*. The present occupant of the chair was not in the chair when the order was made, but he is informed the previous question was ordered on the passage of the bill. That being so, the Chair is of the opinion that debate is not in order.

Mr. SPRINGER. That would have been true if the bill had been read a third time; but I demanded the third reading of the engrossed bill, at which time an adjournment took place.

The SPEAKER *pro tempore*. The demand for the third reading of the bill did not occur, as the Chair is informed, before the demand for the previous question was made and ordered. It was the right of the gentleman to have the engrossed bill read. The engrossed bill has been read, and, as the Chair is advised, the previous question is now operating upon the passage of the bill, which cuts off debate.

Mr. STONE, of Kentucky. I ask for a vote.

Mr. SPRINGER. I demand the yeas and nays on the passage of the bill.

The House divided; and there were—ayes 38.

The SPEAKER *pro tempore*. Not one-fifth of the last vote.

Mr. SPRINGER. Count the other side.

The other side was counted, and there were 116.

So the yeas and nays were ordered, one-fifth voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 120) for the relief of Charlotte Caroline Hackleman;

A bill (H. R. 221) increasing the pension of John C. Johnston;

A bill (H. R. 363) granting a pension to Mrs. Eliza L. Mace;

A bill (H. R. 365) granting a pension to John Humes;

A bill (H. R. 440) granting a pension to Mary C. Knight;

A bill (H. R. 880) granting a pension to Mary Everingham Brown;

A bill (H. R. 2457) to increase the pension of Hubert M. Potter; and

A bill (H. R. 2467) to amend chapter 191 of the private acts of the Forty-ninth Congress, passed at the second session thereof, concerning James H. Young.

Also, that the Senate had passed bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 147) for the relief of S. D. Barclay, G. D. Adams, and William Kimbrew;

A bill (S. 1283) making an appropriation for the erection of a lighthouse on or near Diamond Shoal, Cape Hatteras, North Carolina;

A bill (S. 39) granting an increase of pension to Frederick Beno;

A bill (S. 40) granting an increase of pension to Margaret E. Pierce;

A bill (S. 42) granting a pension to Lizzie Wright Owen;

A bill (S. 43) granting a pension to Polly H. Smith;

A bill (S. 74) to increase the pension of Thomas Chapman;

A bill (S. 121) granting a pension to Tobias Baney;

A bill (S. 122) granting a pension to Samuel Lane;

A bill (S. 123) granting a pension to Mrs. Virginia Grier;

A bill (S. 124) granting a pension to Henry F. Kaiser;

A bill (S. 167) granting an increase of pension to Ann E. Tew;

A bill (S. 168) granting a pension to Mary E. Crimmins;

A bill (S. 169) to increase the pension of Abby J. Slocum;

A bill (S. 170) granting a pension to Mary A. Mykins;

A bill (S. 172) granting a pension to Abbie M. Hay;

A bill (S. 173) granting a pension to Henry B. Very;

A bill (S. 174) granting a pension to Mary Martin;

A bill (S. 175) granting a pension to Eleanor S. Lawson;

A bill (S. 286) granting an increase of pension to Stephen R. Smith;

A bill (S. 293) granting a pension to Mrs. Arabella Coddington;

A bill (S. 303) granting a pension to Mattie Graziani;

A bill (S. 330) granting a pension to Manon Vangordon;

A bill (S. 331) granting a pension to John Kalbfleisch;

A bill (S. 333) granting a pension to Reuben Brownmiller;

A bill (S. 334) granting an increase of pension to Charles F. Allgower;

A bill (S. 335) granting a pension to C. R. Thomas;

A bill (S. 337) granting a pension to Mary E. Johnston;

A bill (S. 338) granting a pension to Samuel Brooks;

A bill (S. 339) granting a pension to Eliza Douglass;

A bill (S. 381) for the relief of Col. Jesse H. Strickland;

A bill (S. 393) for the relief of Frances Ann Pyne Ricketts;

A bill (S. 404) for the relief of Margaret S. Murray;

A bill (S. 413) granting an increase of pension to Oscar S. Collins;

A bill (S. 433) granting an increase of pension to General S. W. Price;

A bill (S. 450) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers;

A bill (S. 451) granting a pension to Hannah C. DeWitt;

A bill (S. 465) granting a pension to William Sackman, sr.;

A bill (S. 472) granting a pension to Eliza Summers;

A bill (S. 549) granting a pension to Hannah R. Langdon;

A bill (S. 550) granting a pension to William C. Wait;

A bill (S. 626) granting an increase of pension to Albert Franklin, alias McKee;

A bill (S. 647) for the relief of W. A. Lemaster;

A bill (S. 656) granting increase of pension to James Jackson Purman;

A bill (S. 679) granting a pension to Henry Stafford;

A bill (S. 703) granting a pension to M. T. Lindsey, of Oregon;

A bill (S. 733) granting a pension to Abbie S. Hutchinson;

A bill (S. 737) granting a pension to Berry Day;

A bill (S. 738) granting a pension to the guardian of Enos J. Searles;

A bill (S. 739) granting a pension to Johanna Loewinger;

A bill (S. 749) granting a pension to Louise Paul;

A bill (S. 752) to grant a pension to Mrs. Elvira L. Johnson;

A bill (S. 753) granting a pension to James D. Whaley;
A bill (S. 765) granting an increase of pension to Edward Durant;
A bill (S. 801) granting a pension to Basile Champagne;
A bill (S. 803) granting a pension to Delia U. Peck;
A bill (S. 805) granting a pension to Melvina Greenwood;
A bill (S. 806) granting a pension to William Healey;
A bill (S. 809) granting a pension to Betsey Mannsfield;
A bill (S. 811) granting a pension to Lydia D. Holtz;
A bill (S. 815) granting a pension to Angerone P. Cole;
A bill (S. 816) granting a pension to Amastasia Walter;
A bill (S. 817) granting a pension to Peter Stusse;
A bill (S. 819) granting a pension to Christopher Wisemiller;
A bill (S. 820) granting a pension to David A. Servis;
A bill (S. 821) granting a pension to John Vertessy;
A bill (S. 822) granting a pension to Sarah Errickson;
A bill (S. 824) granting a pension to John Geibel;
A bill (S. 830) granting a pension to David Williams;
A bill (S. 835) for the relief of Elisha Griswold;
A bill (S. 838) granting a pension to Mary Sullivan;
A bill (S. 842) granting a pension to Julia A. Rhoads;
A bill (S. 854) granting a pension to Sarah E. Branson;
A bill (S. 860) granting a pension to Stephen Singleton;
A bill (S. 895) for the relief of Mrs. Betsey Winterbottom;
A bill (S. 930) to grant a pension to Oscar F. Carpenter;
A bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott;
A bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong;
A bill (S. 1086) granting a pension to Jacob Kintz, alias John Walters;
A bill (S. 1096) granting a pension to James Lucas;
A bill (S. 1111) granting a pension to Mary J. Davis;
A bill (S. 1298) granting a pension to Mary Gammell;
A bill (S. 1300) granting a pension to Cordelia R. Jones;
A bill (S. 1317) for the relief of Francis McNeil Potter;
A bill (S. 1354) granting a pension to Helen Randolph;
A bill (S. 1412) granting an increase of pension to Mary B. Hook;
A bill (S. 1413) to increase the pension of James Coey;
A bill (S. 1477) granting a pension to Harlow B. Hyde;
A bill (S. 1478) granting a pension to George W. Peavey;
A bill (S. 1506) for the relief of Addie Bell;
A bill (S. 1613) granting an increase of pension to John F. Ballier;
A bill (S. 1614) granting a pension to Phillipe Ray;
A bill (S. 1638) granting a pension to William Richardson;
A bill (S. 1665) granting a pension to Theresa B. Hoffman;
A bill (S. 1717) granting a pension to Emma Von Bernewitz;
A bill (S. 1784) granting a pension to Ida M. Welton;
A bill (S. 1785) granting a pension to Stephen D. Redfield;
A bill (S. 1884) granting a pension to Louisa Provost; and
A bill (S. 1985) granting an increase of pension to Mrs. F. Selina Buchanan.

NATHANIEL M'KAY AND OTHERS.

Mr. SHAW. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The gentleman will state it.

Mr. SHAW. Is the question on the passage of the bill as amended?

The SPEAKER *pro tempore*. The question is on the final passage of the bill.

The question was taken; and there were—yeas 156, nays 72, not voting 95; as follows:

YEAS—156.

Adams,	Dalzell,	Kean,	Richardson,
Allen, C. H.	Darlington,	Kennedy,	Rockwell,
Allen, E. P.	Davis,	Laffoon,	Romeis,
Anderson, A. R.	De Lano,	La Follette,	Rowell,
Arnold,	Dorsey,	Laidlaw,	Russell, J. E.
Atkinson,	Dunham,	Lee,	Ryan,
Baker, C. S.	Enloe,	Lehlbach,	Scull,
Bingham,	Farquhar,	Lodge,	Shaw,
Bliss,	Felton,	Lyman,	Sherman,
Boothman,	Finley,	Macdonald,	Spooner,
Bound,	Flood,	Mahoney,	Stahlnecker,
Boutelle,	Ford,	Mason,	Steele,
Bowden,	French,	McComas,	Stewart, J. W.
Brewer,	Fuller,	McCormick,	Stone of Ky.
Brower,	Funston,	McCullogh,	Struble,
Browne, T. H. B.	Gaines,	McKenna,	Taulbee,
Browne, T. M.	Gallinger,	McKinley,	Taylor, E. B.
Brown, C. E.	Gear,	McKinney,	Taylor, J. D.
Brumm,	Gest,	Merriman,	Thomas, G. M.
Bryce,	Glover,	Montgomery,	Thomas, O. B.
Buchanan,	Greenman,	Morrill,	Tracey,
Bunnell,	Grimes,	Morrow,	Turner, E. J.
Burnett,	Grout,	Neal,	Vance,
Burrows,	Guenther,	Nichols,	Wade,
Butler,	Hall,	O'Donnell,	Walker,
Campbell, Felix	Harmer,	O'Ferrall,	Warner,
Campbell, J. E.	Haugen,	O'Neill, Charles	Weber,
Campbell, T. J.	Hayden,	O'Neill, J. J.	Wheeler,
Cannon,	Heard,	Osborne,	White, J. B.
Caswell,	Henderson, D. B.	Outhwaite,	White, S. V.
Catchings,	Hitt,	Owen,	Whiting, J. R.
Cheadle,	Holmes,	Patton,	Wickham,
Clark,	Hooker,	Payson,	Wilber,
Cockran,	Hopkins, S. T.	Perkins,	Wilkinson,
Cogswell,	Houk,	Peters,	Williams,
Compton,	Hovey,	Phelan,	Wilson, Thomas
Cooper,	Howard,	Pugsley,	Yardley,
Cox,	Jackson,	Reed,	Yoder,
Crouse,	Johnston, T. D.	Rice,	Yost.

NAYS—72.

Abbott,	Cowles,	Johnston, J. T.	Newton,
Allen, J. M.	Crisp,	Jones,	Oates,
Anderson, C. L.	Culberson,	Kerr,	O'Neall, J. H.
Anderson, G. A.	Dargan,	Kilgore,	Peel,
Baker, Jehu	Davidson, R. H. M.	Lagan,	Perry,
Bankhead,	Dockery,	Landes,	Pidcock,
Barnes,	Elliott,	Lane,	Rogers,
Bland,	Forney,	Lanham,	Rowland,
Blount,	Glass,	Latham,	Sayers,
Breckinridge, C. R.	Hare,	Lynch,	Shively,
Buckalew,	Hatch,	Martin,	Simmons,
Burnes,	Hayes,	Matson,	Smith,
Bynum,	Hemphill,	McClammy,	Sowden,
Candler,	Henderson, J. S.	McMillin,	Springer,
Carlton,	Holman,	McRae,	Stewart, J. D.
Clements,	Hopkins, S. I.	McShane,	Turner, H. G.
Cobb,	Hudd,	Moore,	Weaver,
Cothran,	Hutton,	Morgan,	Whitthorne.

NOT VOTING—95.

Anderson, J. A.	Dougherty,	Long,	Scott,
Bacon,	Dunn,	Maffett,	Seney,
Barry,	Ermentrout,	Maish,	Snyder,
Bayne,	Fisher,	Mansur,	Spinola,
Belden,	Fitch,	McAdoo,	Stephenson,
Belmont,	Foran,	McCreary,	Stewart, Charles
Biggs,	Gay,	Milliken,	Stockdale,
Blanchard,	Gibson,	Mills,	Stone of Mo.
Bowen,	Goff,	Moffitt,	Symes,
Breckinridge, WC P	Granger,	Morse,	Tarsney,
Brown, J. R.	Grosvenor,	Nelson,	Thomas, J. R.
Butterworth,	Henderson, T. J.	Norwood,	Thompson, A. C.
Caruth,	Herbert,	Nutting,	Thompson, T. L.
Chipman,	Hermann,	Parker,	Tillman,
Clardy,	Hiestand,	Penington,	Townshend,
Collins,	Hires,	Phelps,	Vandever,
Conger,	Hogg,	Plumb,	Washington,
Crain,	Hopkins, A. J.	Post,	West,
Cummings,	Hunter,	Randall,	Whiting, William
Cutcheon,	Kelley,	Rayner,	Wilkins,
Davenport,	Ketcham,	Robertson,	Wilson, W. L.
Davidson, A. C.	Laird,	Russell, C. A.	Wise,
Dibble,	Lawler,	Rusk,	Woodburn.
Dingley,	Lind,	Sawyer,	

So the bill was passed.

Mr. LANHAM. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. RANDALL with Mr. BUTTERWORTH, on all political questions, for this day.

Mr. STEWART, of Texas, with Mr. THOMPSON, of Ohio, for the rest of the day.

Mr. COLLINS with Mr. WEST, for the remainder of the day.

Mr. DUNN with Mr. DINGLEY, for the remainder of the day.

Mr. HOGG. I was absent on important business in my committee. I desire to vote.

The SPEAKER *pro tempore*. Was the gentleman within the bar when his name was called?

Mr. HOGG. I was not.

The SPEAKER *pro tempore*. Then the gentleman's vote can not be recorded.

Mr. HOGG. If present, I should have voted "ay."

The result of the vote was then announced as above stated.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

Mr. SPRINGER. Pending the latter motion, I move to amend the title, and on that motion I desire to be heard. I move to amend by adding to the title the following words: "And for other purposes."

I call the attention of the House to a letter I have received from the Secretary of the Navy in reference to this claim and other claims of a similar character which are pending before the Navy Department or in Congress at this time. I send the letter to the Clerk's desk, and ask the careful attention of the House to its contents.

Mr. LANHAM. Will it not satisfy the gentleman from Illinois to send it to the desk simply to have it printed in the RECORD?

Mr. SPRINGER. No; it is very important and ought to be listened to.

The Clerk read the letter, as follows:

NAVY DEPARTMENT, *Washington, February* 16, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, inclosing a copy of H. R. bill No. 2477, "for the relief of Nathaniel McKay and the executors of Donald McKay," and requesting information as to the amount involved in the claims therein specified, and as to the number of cases of contractors similarly situated whose claims may be presented in the event of the bill referred to becoming a law.

In reply I have to state that it appears from the report of the board of officers convened by the Department pursuant to a resolution of the Senate of March 9, 1865 (Ex. Doc. No. 18, first session Thirty-ninth Congress), "to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863, cost the contractors over and above the contract price and allowance for extra work," that the contractors referred to in the bill did not present their claims to that board for examination, although notified to do so. But their claims were considered by a board appointed under authority of the act of Congress approved March 2, 1867, directing the Secretary of the Navy "to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864," and the following report in relation to the United States steamers Squando,

Nauset, and Ashuelot was made by the board, and communicated to Congress by the Department November 26, 1867, and all other information required by the act referred to (Senate Ex. Doc. No. 3, second session Fortieth Congress):

	McKay & Aldus, for Squando.	Donald McKay, for Nauset.	Donald McKay, for Ashuelot.
Contract price	$395,000.00	$386,000.00	$275,000.00
Whole increased cost of the work over the contract price as claimed by the contractor	337,329.46	314,768.93	81,447.50
Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due	None.	None.	None.
Amount already paid the contractors over and above the contract price (obtained from the bureaus)	194,535.70	192,110.98	22,415.92

From the foregoing statement it will be seen that the contractors therein named presented claims to the Department for compensation for an alleged increase of cost of the work of building the Nauset, the Squando, and the Ashuelot over and above the contract prices therefor; that the contract price for said three vessels was $1,056,000; that the Department had already paid at that time over and above the contract price the sum of $409,062.60, and that the contractors made the further claim of $323,483.29, which the board appointed at that time upon said claims reported as not due.

From these figures the amount of the present claim upon each boat may be stated as follows:

SQUANDO.

Amount claimed	$337,329.46
Amount allowed by the Department	194,535.70
Amount involved in present claim	142,793.76

NAUSET.

Amount claimed	314,768.93
Amount allowed by the Department	192,110.98
Amount involved in present claim	122,657.95

ASHUELOT.

Amount claimed	81,447.50
Amount allowed by the Department	22,415.92
Amount involved in present claim	59,031.58

Referring to the report made to Congress by the Department November 26, 1867, hereinbefore mentioned as contained in Executive Document No. 3, second session Fortieth Congress, which shows the names of all the contractors whose claims were examined under authority of the aforesaid act of March 2, 1867, the names of the vessels built, and the description of work contracted for, the following statement will afford you information as to the aggregate sums involved in the claims presented on account of and connected with the building of said vessels, including the three to which said bill relates, namely:

Total of contract prices under the several contracts	$14,201,050.00
Aggregate amount of claims presented by the contractors for increased cost of the work over the contract price	10,184,592.50
Aggregate amount paid the contractors by the Department over and above the contract price	5,282,847.92
Aggregate amount determined by the board as due to the contractors for increased cost of the work over and above the contract price, and in addition to the sums allowed by the Department	187,475.56
Aggregate amount of the sums claimed as due over and above the contract price, the allowances made by the Department, and the amounts determined by the board	4,714,269.02

I deem it proper to state for your further information that the several sums found due the contractors, as reported by the board, were appropriated by the act of Congress approved July 13, 1868 (Stats. at Large, vol. 15, page 379), and that the case of Nathaniel McKay and others was reported upon by the Senate Committee on Naval Affairs during the second session of the Forty-fourth Congress (Senate Report No. 639).

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. WILLIAM M. SPRINGER,
House of Representatives.

Mr. SPRINGER. I ask the Clerk to return to me that communication.

Mr. STONE, of Kentucky. I make the point of order that the amendment offered by the gentleman from Illinois is not germane.

Mr. SPRINGER. The point of order is made too late. We have been discussing this amendment for some time.

The SPEAKER *pro tempore*. The Chair thinks that after discussion has proceeded it is too late to make the point of order.

Mr. STONE, of Kentucky. In support of the point of order I submit that the discussion had not commenced. The letter had been sent up to be read, but I made the point of order before the discussion commenced. And I submit that this being a private bill and for a specific purpose, the amendment to add the words "and for other purposes" can not be entertained.

The SPEAKER *pro tempore*. The Chair is of opinion that the letter could only have been read as partaking of the nature of debate. The Chair understood the gentleman from Illinois to send it up to be read as occupying part of his time and the Chair has charged that gentleman with the time consumed in its reading. The Chair would not have recognized the right to have the paper read except as debate. The Chair is of the opinion that the point of order comes too late.

Mr. STONE, of Kentucky. I only desire that there should be some discussion of the point of order.

Mr. SPRINGER. I desire the attention of the committee and I will be as brief as I possibly can.

The SPEAKER *pro tempore*. The gentleman from Illinois will suspend for a moment. The Chair will state that he has no desire to cut off the gentleman from Kentucky from discussing the point of order if he desires to be heard.

Mr. SPRINGER. But not in my time.

The SPEAKER *pro tempore*. Of course not.

Mr. STONE, of Kentucky. I do not want to take up time, but I wish to have this question decided and to know whether after a bill has passed the House, and thereby had the indorsement of the House, an amendment which is clearly not germane to the subject of the bill can be used as an instrument by which the business of this House shall be delayed and the consideration of other bills behind this one shall be hindered.

The SPEAKER *pro tempore*. The Chair remembers a case analogous to this, the decision in which covers this question. A Representative from Kentucky, Mr. White, adopted the same course as has now been taken by the gentleman from Illinois, and the point of order was made that he could not be recognized to debate the question on the motion to amend the title. It was decided then and has since been held by the Chair that debate on the motion to amend the title was in order.

Mr. STONE, of Kentucky. The only point I desire to make is that this amendment is not germane, and it does not seem to me that it can ever be too late to make that point.

The SPEAKER *pro tempore*. The Chair would have been glad to consider that point if it had been made at the time the gentleman from Illinois presented his amendment, but the amendment having been offered and discussed, the Chair can not now entertain the point.

Mr. STEELE. Mr. Speaker——

Mr. SPRINGER. Mr. Speaker, I desire to have the floor to proceed with my remarks.

Mr. STEELE. Mr. Speaker, is there no way of getting rid of the speech of the gentleman from Illinois? [Laughter.]

The SPEAKER *pro tempore*. The Chair knows none under the rules.

Mr. SPRINGER. I hope the gentleman from Indiana [Mr. STEELE] will not undertake to steal the floor from me. [Laughter].

Mr. COX. You stole it from the gentleman from Kentucky [Mr. STONE].

The SPEAKER *pro tempore*. The gentleman from Illinois is entitled to the floor.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. What is the question under consideration?

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] to amend the title of the bill that has just been passed.

Mr. BROWNE, of Indiana. By adding to the title the words "for other purposes?"

The SPEAKER *pro tempore*. Yes.

Mr. BROWNE, of Indiana. And the discussion, therefore, proceeds to the amendment?

Mr. SPRINGER. Yes. I want to show that it is for other purposes, and I want to show what other purposes are involved. Mr. Speaker, I ask the attention of the committee to what I am about to say, and I shall be as brief as possible in stating the facts.

Mr. STONE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STONE, of Kentucky. My inquiry is whether I did not have the floor and was not recognized as having the floor when the gentleman from Illinois [Mr. SPRINGER] rose to offer his amendment.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. STONE] moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table. The latter motion not being debatable, it took the gentleman off the floor. Pending that motion, the gentleman from Illinois [Mr. SPRINGER] made a motion, which at that stage was in order, that is to amend the title of the bill. The motion of the gentleman from Kentucky will come up in order to be voted upon.

Mr. STONE, of Kentucky. The question I wish the Chair to decide is, whether I can be taken from the floor by the gentleman from Illinois rising to offer an amendment.

The SPEAKER *pro tempore*. The gentleman took himself off the floor when he made an undebatable motion, and then acquiesced in the motion of the gentleman from Illinois, making no point of order against it till after it had been debated for some minutes; and whatever right there might have been to make the point of order, it now comes too late.

Mr. STONE, of Kentucky. That is all true, sir; but the question I ask the Chair to decide is whether or not the recognition of the gentleman from Illinois for the purpose of making a motion to amend took away my right to the floor.

Mr. COX. You being the man who has charge of the bill, too.

Mr. STONE, of Kentucky. Yes; I being the man who has charge of the bill. My question is whether the recognition of the gentleman from Illinois deprived me of my rights at that time.

The SPEAKER *pro tempore*. The gentleman was recognized and made his motion, which, as stated before, was not debatable; and then the motion of the gentleman from Illinois was in order.

Mr. COX. Oh, yes; he was on the floor.

The SPEAKER *pro tempore*. The Chair was of the opinion that the gentleman from Kentucky merely desired to move the reconsideration of the vote, and the gentleman from Illinois moved to amend the title.

Mr. STONE, of Kentucky. But I did not yield the floor for the gentleman's speech. My purpose was to bring action upon the bill to a close, and I yielded only for the purpose of the motion to amend being made, not for a speech or an argument on the bill or on the amendment.

The SPEAKER *pro tempore*. The gentleman from Illinois is entitled to the floor.

Mr. STONE, of Kentucky. I ask to have my question decided, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair has stated the order in which the motions were made, and it is evident that under all the circumstances the gentleman from Illinois is entitled to the floor for the purpose of discussing the matter.

Mr. SPRINGER. The motion which I have made is——

Mr. STONE, of Kentucky. I appeal from the decision of the Chair.

Mr. SPRINGER. I do not think I can be taken from the floor after I have been on it for ten minutes. After I have taken the floor and have had this letter from the Secretary of the Navy read in my time, no point of order can be made that will deprive me of the floor.

Mr. COX. The point of order can always be made. The gentleman from Illinois is flying in the face of the sentiment of the House; he has committed a sort of a ravishment [laughter] on the gentleman from Kentucky and on a lot of statistics, and I propose that a vote on the appeal of the gentleman from Kentucky [Mr. STONE] from the decision of the Chair shall now be had. We have some rights on private bills.

The SPEAKER *pro tempore*. The Chair desires to state again, in order that there may be no misunderstanding on this point, that the gentleman from Kentucky [Mr. STONE] moved to reconsider the vote by which the bill was passed, and to lay that motion on the table; the gentleman from Illinois [Mr. SPRINGER] then rose and moved to amend the title of the bill, and the Chair recognized him for that purpose. The gentleman from Kentucky made no protest against the recognition, and the gentleman from Illinois proceeded to debate the question by having read at the Clerk's desk what could not be read otherwise than as debate. And, as a matter of fact, seventeen minutes have elapsed since the discussion began. The gentleman from Kentucky, holding that the gentleman from Illinois was not entitled to the floor, desires now to appeal from the ruling of the Chair.

Mr. REED. I suggest to the gentleman from Kentucky that we have already got rid of seventeen minutes of this time, and it really would be cheaper in point of time, although in nothing else, to let this go on. [Laughter.]

Mr. STONE, of Kentucky. I withdraw the appeal.

The SPEAKER *pro tempore*. The gentleman from Kentucky withdraws his appeal from the decision of the Chair.

Mr. SPRINGER. I am much obliged to the gentleman from Maine [Mr. REED].

Now, Mr. Speaker, if gentlemen will give me their attention, I think they will agree with me that this title ought certainly to be amended, even if the bill should be passed. I have no desire to interpose any factious opposition to this bill. I am perfectly willing that it should pass upon the vote of the majority of the House, if gentlemen will give me their attention long enough to understand a little further the facts in regard to this claim and other claims similarly situated. That is all I desire, and if the House will bear with me patiently for a few minutes, I shall have said all I wish to say; and then the responsibility for the passage of the bill will rest with those who have recorded themselves in favor of it.

The first question involved here was the amount covered by the bill, as to which no gentleman could give me accurate information when the bill was last under consideration. The Secretary of the Navy states in the letter which has just been read that the whole amount claimed by the two parties who are claimants in the pending bill, under the original contract with the Government, amounted to $1,056,000; that they filed a claim much in excess of this amount for extras; that the Navy Department by a board, or in some other way, passed upon those extras, and allowed on that account $409,000, making $1,465,000, which the claimants were paid on a contract involving originally $1,056,000. They have claimed in addition to the amounts audited by the Navy Department the further sum of $323,483, which, according to the statement of the Secretary of the Navy, is the amount that these claimants would ask in the Court of Claims if this bill should pass.

I asked the Secretary of the Navy also what other claims were in a similar situation to this, and in this letter he states in reply that other contracts were let for the building of gun-boats during the war at about the same period that these claims arose; that the whole amount involved in the contracts as originally let was $14,201,000; that the claimants presented claims for extras amounting to $10,184,000; that the Navy Department, by the adjudications of a number of boards, ending in the ordinary way, passed upon these claims of liability of the Government for extras, and finally, in the aggregate, allowed to these claimants the sum of $5,282,000 in addition to the contract prices of their work. So that, it seems, on contracts for the expenditure of $14,000,000, the contractors received that sum, and also received in addition, for extras ordered by the Government, $5,282,000. They have received, under the action of the Marchand board, the further sum of $147,000, leaving $4,714,000 as the amount of the claims of these gentlemen still unpaid. This is the amount of the claims they are now presenting, or would present, in the Department and before Congress, if this bill and the other bills in precisely the same category should be passed.

As I said before, this matter has been in controversy for a great many years. As far back as 1866 the cases were reported to the Senate favorably, the report being made by Mr. Nye, then Senator from Nevada. At that time Mr. Grimes, then Senator from Iowa, than whom no more honest or able Senator has ever represented that State in the Congress of the United States——

Mr. HAYDEN. Was not Senator Hendricks an equally good man?

Mr. SPRINGER. I can not be interrupted now. There was debate in the Senate at that time on the subject, and in that debate Senator Grimes made this statement, to which I call the attention of his friends on this floor:

> Let it not be supposed by any Senator that after we shall have passed this bill, which includes about two and a quarter millions of money—

That was on one of those contract bills—

> we are therefore absolved from making any future appropriations for contracts entered into between private individuals and the Government under precisely similar circumstances, for I have upon my desk an abstract of contracts between the Government and contractors, made under similar circumstances, upon which there would be claims as much entitled to consideration as almost any that are embraced within the bill now under consideration, amounting to nearly $60,000,000. If there be a loss upon that property equal to the amount which it is claimed has been lost by the contractors provided for in this bill, then the amount which hereafter will be claimed from the Government by these contractors will exceed the sum of $12,000,000.

That was the amount claimed by gun-boat contractors whose cases were in precisely the same condition as these cases. I wish now to call attention to a report made to this House in the Forty-fifth Congress by Mr. John Hanna, of Indiana, at that time representing in this House the Indianapolis district, a gentleman well known to all who were then members, and especially to members of the Indiana delegation. Mr. Hanna was a member of the subcommittee of the Committee on Naval Affairs of this House, and reported several cases of similar import to this, and among them, I believe, the one now before the House.

By the unanimous report of that committee in the Forty-fifth Congress, second session, Mr. Hanna, from the Committee on Naval Affairs, submitted the following report on the claim of Secor & Co. and Perine, Secor & Co.:

> The Committee on Naval Affairs, to whom were referred the petition and statement of Secor & Co. and Perine, Secor & Co., respecting the claims for losses sustained in building the harbor and river monitors Tecumseh, Mahopac, and Manhattan, also in relation to sundry payments received by them as "extras" on those vessels, having considered the same, respectfully submits the following report:
>
> Your committee finds that the contract price for the building of each of said vessels was the sum of $460,000; that said contract price has been fully paid; that, in addition to the contract price, the claimants have been paid, on account of said three vessels, the sum of $614,312.56; being an average of $204,770.85 for each vessel above the contract price.
>
> A brief history of what has been done by the Navy Department, as well as by Congress, with reference to these three vessels, is as follows:
>
> On the 9th of March, 1865, the Senate passed the following resolution:
>
> "*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department, in the years 1862 and 1863, cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered."
>
> Under this resolution Thomas V. Selfridge, Montgomery Fletcher, and C. H. Eldredge were appointed as members of the board. That board convened, and, among other claimants and contractors, heard the statement of Zeno Secor, one of the firm of Secor & Co. and Perine, Secor & Co., and also heard the statement of James F. Secor, an employé of said firms. This board, in their report, concluded by saying:
>
> "The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases, over and above the contract price and allowance for extra work, to be as follows:

Name of vessel.	Contractor.	Excess of cost determined by board.
Tecumseh	Z. & F. Secor	$119,020.57
Mahopac	Z. & F. Secor	119,020.57
Manhattan	W. Perine, Z. & F. Secor	119,020.57

> It appears that the report of this board was not carried into effect, and is therefore alluded to as the judgment of one tribunal.
>
> Afterward, on the 2d of March, 1867, Congress passed an act providing for the creation of a board, who by the law were empowered "to ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract; but no allowance for any advance in the price of labor or materials shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government

aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor."

Under this act of Congress a board, consisting of J. B. Morehouse, J. N. King, and Edward Foster, was organized. These same claimants submitted their claim to this board, who found that the contract price for the construction of the three vessels was the sum of $460,000 each, or $1,380,000; that the whole increased cost of the work over the contract price, as claimed by the contractors, was the sum of $1,236,101.22; amount of such increased cost caused by the delay and action of the Government as determined by the board to be due, $115,539.01; amount already paid the contractors over and above the contract price, $521,195.58.

Afterwards, on the 6th of August, 1869, by order of the Secretary of the Navy, another board was organized, consisting of Thomas S. Boggs, Charles H. Lowry, and J. W. Easby, for the purpose of examining the claims of Messrs. Secor & Co. and Perine, Secor & Co. for charges extra to the contracts in the construction of the harbor and river monitors Tecumseh, Manhattan, and Mahopac.

This committee or board performed the duty assigned them and made report to the Secretary of the Navy. The Secretary of the Navy, in a letter to the Chief of Bureau of Construction and Repair, under date of December, 1869, says:

"The board appointed by the Department by order dated August 6, 1869, to examine and report in writing concerning the claims of Secor & Co. and Perine, Secor & Co. for charges extra to the contracts in the construction of the harbor and river monitors Tecumseh, Manhattan, and Mahopac, having reported, under date of August 20, 1869, that they have examined the matter submitted and find that there is due from the Department to the said persons the sum of $93,116.98, and recommend the payment of the same, and I having myself examined the said reports and the bills and papers, and finding the said claims so due to be for work actually done and accepted, and finding also the previous orders of the Department that all bills of this character to the various contractors be paid alike, and that other parties have been paid bills under like circumstances, I hereby approve the report of said board and direct that the sums thereby reported due and recommended paid to the said firms, amounting in the aggregate to $93,116.98, be paid to them, respectively, in accordance with said reports, and the bills will be made out and paid accordingly."

Your committee further find that this sum of $93,116.98 has since said report been fully paid, and this sum, added to the amount found by the Morehouse board, makes the said sum of $614,312.56, the sum paid over and above the contract price.

Now, in view of all these facts, the claimants come again and ask Congress to authorize the Court of Claims to take jurisdiction of these alleged claims and ascertain whether or not some additional sum can not be had out of the Treasury. First, they get the contract price. Second, their claim for extra work, as adjusted by the officers of the Navy, is received. Third, the amount found to be due by the Morehouse board is received, and a receipt given in full discharge of all claims against the United States on account of the vessels upon which the board made the allowance as per their report under the act of March 2, 1867. The act of Congress of July 13, 1868, providing for the payment of these awards required that the receipts so given should thus be a finality. Fourth, the Boggs board, created by the Secretary of the Navy, make an additional allowance of $93,116.98, and that has been paid.

Pray when are we to have a finality? The alleged claim is barred by the statute of limitation. It has been adjusted by a board created at the instance of claimants, and the award received was receipted for in manner and form as stated. The claimants are estopped by every rule of law or equity from further asserting lawful claim. With full payment, limitations, and estoppel staring us in the face, we are asked to consent that the whole matter may be relitigated. To consent would be to trifle with public justice.

Your committee report adversely.

Following immediately after that report from the same Committee on Naval Affairs at the same session of the same Congress, the second session of the Forty-fifth Congress, Mr. Hanna, from the Committee on Naval Affairs, submitted the following report on the claim of Nathaniel McKay (the claim now before Congress), in which he says:

The Committee on Naval Affairs, to whom was referred bill H. R. 1969, having considered the same, respectfully submit the following report:

This is a bill for the relief of Nathaniel McKay, who claims "further compensation for the construction of the light-draught monitor Squando, one of the vessels referred to and embraced in the act entitled 'An act for the relief of certain contractors for the construction of vessels of war and steam machinery,' approved March 2, 1877." The bill proposes to refer this claim to the Court of Claims for adjudication, vesting that court with "authority and jurisdiction" in the premises.

Under the facts and the law, should the prayer for relief be granted?

Without going into all the details, it is sufficient to say that during the late war the Secretary of the Navy was authorized and empowered by law to contract for the construction of a number of a certain class of vessels, of which the monitor Squando was one. Your committee find that McKay & Aldus were the contractors; that the contract price was $395,000; that the whole increased cost of the work over the contract price as now claimed by the contractors is the sum of $337,329.46; that the contractors have been paid the full contract price, and in addition thereto have also been paid the sum of $194,535.70.

From all the information which your committee has been able to obtain, it seems that the contract provided for the payment of a specific sum of money, and then in case of changes or modifications of plans or unreasonable delays caused by the Government, such additional sum as they might fairly be entitled to. Upon settlement with the Secretary of the Navy, it appears that, in addition to the contract price, they were paid and they received from the Government the sum of $194,535.70, as the sum found fairly due them in addition to the contract price on account of changes, modifications, etc. Then they claimed $337,329.46, but that claim was investigated and passed upon by officers provided by law, and the sum found fairly due and owing by virtue of the terms and provisions of the contract was $194,535.70, and this sum was paid to and accepted by the contractors.

Thus the matter was first adjusted in manner and form as by law provided. It appears that afterward, on the 2d of March, 1867, Congress passed an act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam machinery;" that to carry into effect the provisions of this act the Secretary of the Navy, on the 6th of July, 1867, appointed a board, to whom claims of this character should be referred for re-examination and report to Congress. That board consisted of Marchand, King, and Foster. On the 4th of December, 1867, the Secretary of the Navy communicated to Congress the report of that board. It appears that McKay & Aldus submitted to that board their claim for remuneration. The board found and reported the contract price; that it had been paid the amount overpaid by reason of changes and modifications of plans; but that nothing additional was due the claimants on account of the matters complained of. Thus for the second time has this claim been acted upon in manner provided by law. Competent and lawful authority has twice settled this matter adversely to the claimants.

Your committee is clearly of opinion that the claim is without merit; that it has no foundation in either law or equity.

Having arrived at this conclusion upon the merits, it is deemed unnecessary to present the questions of limitations and estoppel, each of which would be fatal to the claim.

Courts regard with favor statutes of repose, and do not favor reopening matters of controversy in the absence of fraud. The time has come when this claimant and all of the same class should distinctly understand that they have had their day in court, and that it will be fruitless to attempt further recognition. The Government, by no known rule of law or equity, ought to consent that claimants of this class may enter her courts for further hearing. Such policy would not subserve the ends of justice.

More, further exhibits were made in this case, but it is not necessary I should go over them at this time.

Another report was submitted by Mr. Hanna, from the Committee on Naval Affairs, for the relief of certain naval contractors. It was submitted February 28, 1878, and is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1264) for the relief of certain contractors for the construction of vessels of war and steam machinery, having considered the same, submit the following report:

All the matters of law and fact necessarily embraced in the consideration of this bill have been duly considered by the committee. The reports submitted on bill H. R. 1969, "A bill for the relief of Nathaniel McKay," and on the memorial of Secor & Co. and Perine, Secor & Co., present fully the views and conclusions to which your committee have arrived. The original contract price appears, in every instance, to have been paid. All lawful charges for extra work appear to have been fully paid. A board created by law, at the special instance of these contractors, have heard and determined all the matters complained of, and in all cases where said board found any sum due the contractor such sum has been received and receipted for in full of all claims. In some instances no sum whatever was found to be justly due. Your committee are of the opinion that all the claimants who are seeking further relief by virtue of the provisions of this bill have had their day in court; that great wrong and injustice might and would be done the Government to in any manner further recognize the existence of any legal or equitable claim against the Government; that by well-settled rules of law these alleged claims are not only barred, but in fact are without merit. Your committee therefore report adversely.

Further, I find in the same book the report submitted by the same gentleman with regard to the claim of Donald McKay, one of the claimants involved in the pending proposition, in reference to which they say briefly:

This bill is of a similar character to House bill No. 1969, and the law and the facts applicable thereto are the same to all intents and purposes.

Therefore on that bill the committee also reported adversely.

Mr. BLAND. Will the gentleman yield for a question?

Mr. SPRINGER. I will.

Mr. BLAND. I notice the name of Secor amongst the claimants to which you have referred, and I would like to ask if the pending bill proposes to pay any portion of that claim.

Mr. COX. Not a dollar.

Mr. BLAND. I am acquainted with the fact that a certain distinguished Secretary of the Navy acquired that prefix to his name because of a certain connection, or alleged connection, with that claim, which was denounced throughout all parts of the country and especially by the Democratic press. If this is the same claim, or if it is involved—of course, I do not know—we ought to investigate and ascertain the facts in relation to it. For if there ever was a claim that received severe denunciation, and especially from the Democratic side of the House and press, this is the one.

Mr. SPRINGER. The Secretary of the Navy in the letter I have had read uses this language:

Referring to the report made to Congress by the Department November 26, 1867, hereinbefore mentioned as contained in Executive Document No. 3, second session Fortieth Congress, which shows the names of all the contractors whose claims were examined under authority of the aforesaid act of March 2, 1867, the names of the vessels built, and the description of work contracted for, the following statement will afford you information as to the aggregate sums involved in the claims presented on account of and connected with the building of said vessels, including the three to which said bill relates.

Then following is presented a table, showing the several sums claimed.

Now I have that executive document referred to there before me, and I find this caption to a table of those claims:

Tabulated statement showing the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy to examine the claims of certain contractors for the construction of vessels of war and steam machinery, under the act of Congress approved March 2, 1867.

And the very first name in this tabulated statement is the name of Secor & Co., and Perine, Secor & Co., for the monitors Manhattan, Tecumseh, and Mahopac, and the contract price was $1,380,000.

The Government paid, however, in addition to the contract price, for extras ordered by the Government, the sum of $521,000, and also by the Marchand board $115,000, and they have still claims, I presume, according to what it is said the extras would cost, amounting to something over a million of dollars in addition.

Mr. O'FERRALL. Let me ask the gentleman if this is one of the claims to which he refers?

Mr. COX. There, you have got him.

Mr. SPRINGER. I will answer the gentleman. The claim in the bill is for building the Ashuelot, the Squando, and one other vessel, and the contract price is specified for the three. But the Secretary of the Navy refers to the list of claims which are similarly situated; that is, claims which stand upon the same basis as those to which he refers in that letter. The Secretary referred me to the executive document which I hold in my hand as showing the claims similarly situated, which the Secretary states would amount to an extra claim above the amount already allowed by the Government of $4,700,000.

Mr. COX. Now, will the gentleman yield a moment?

Mr. SPRINGER. Yes; for a question.

Mr. COX. I desire to be heard for a few moments.

If the claim now pending is not one of the class of claims to which you refer, why do you argue it?

Mr. SPRINGER. I will show you why.

Mr. COX. Let me say something before you show it.

Mr. SPRINGER. I can not yield now.

If it is right to grant the relief asked to McKay, that is one question; but it is a claim exactly in the same predicament as the other class of claims to which the Secretary refers, and I will show that we are already called upon to do the same thing in several other cases of this kind. I desire to call the gentleman's attention to the fact that there is pending now House Report 147 from the Committee on War Claims upon the case of Perine & Co., which was one of the Secor claims, and will come following quickly along in the track of this one if this is passed. There is also the case of Alexander Swift & Co., one of the claims similarly situated, which will be pushed along in a few days, if we go on with the Private Calendar.

Mr. COX rose.

Mr. SPRINGER. I yield for a question to oblige my distinguished and courteous friend.

Mr. COX. I thought the gentleman had concluded. I want to be heard a moment.

Mr. SPRINGER. I will yield later.

Mr. BLAND. Do I understand that the Secretary of the Navy puts all of these claims upon the same footing?

Mr. COX. But they are not in this bill.

Mr. BLAND. They are claims of the same class. There is no difference between them.

Mr. COX. But they are not in this bill at all.

Mr. BLAND. Whether they are or are not, they are claims of the same class, and it is so stated by the Secretary of the Navy.

Mr. COX. They do not come in this category at all.

Mr. KERR. May I ask the gentleman from Illinois a question?

Mr. SPRINGER. Yes, sir.

Mr. KERR. Is the same principle involved in this bill as is involved in the other cases to which the gentleman has been referring?

Mr. SPRINGER. Precisely so. If we grant the relief asked by this claimant we can not in conscience refuse any other man who comes and asks to have his case reopened, unless this man is to be peculiarly favored and others turned away empty who ask for relief. I call the attention of the House to the opinion of the Supreme Court of the United States on a claim similar to that now pending.

Mr. LANHAM. May I ask the gentleman a question?

Mr. SPRINGER. Yes, sir.

Mr. LANHAM. I think I understood the gentleman to make a statement that a bill for the relief of these claimants was vetoed.

Mr. SPRINGER. Yes, sir.

Mr. LANHAM. On what grounds was it vetoed?

Mr. SPRINGER. There was a veto of a bill which allowed all the persons embraced in this list, numbering fifteen, twenty, or more, to go to the Court of Claims.

Mr. PAYSON. What was the ground of the veto?

Mr. SPRINGER. President Grant vetoed the bill on the ground that it allowed these parties to show that some of the damages were caused by the increased prices brought about by the inflation of the currency. The President thought that was not a good ground for relief, and vetoed the bill.

Now, as to another case, the case which was before this House in the Forty-seventh Congress. The gentleman from Georgia, Mr. Hammond, on two separate Fridays made speeches in opposition to the passage of the bill for the relief of that claimant. And in that Republican Congress, after that distinguished gentleman had shown the injustice of that bill, the committee rose, and the House without division recommitted it to the Committee on War Claims; and it has never been heard of since in this House.

There was another case of the same kind, where a claimant was asking to be heard, in the Forty-seventh Congress. A bill was passed for the relief of one of these gun-boat contractors. It went to the Court of Claims; from the Court of Claims it went to the Supreme Court of the United States, and it was decided by Mr. Justice Miller, or rather Mr. Justice Miller pronounced the unanimous judgment of the court. To that decision I ask the attention of the lawyers on this floor who desire to do justice to the Government as well as to the claimant in this matter.

A MEMBER. What case is that?

Mr. SPRINGER. It is the case of Charles P. Chouteau, surviving partner of the firm of Chouteau, Harrison & Valle, and William A. Steel, appellants, *vs.* The United States, found in 95 United States Reports.

Mr. O'FERRALL. Will the gentleman from Illinois allow me to ask him a question?

Mr. SPRINGER. Yes, sir; but I do not desire to be diverted from my present point.

Mr. O'FERRALL. I want to understand this. I understand the gentleman from Illinois is not now discussing the case at present before the House. He is discussing other cases. When he gets through discussing them I would like to know where is the similarity between those cases and this case.

Mr. SPRINGER. The similarity is this: In the beginning of the war the Government passed an act authorizing the construction of gunboats, and appropriating some ten or fourteen million dollars for that purpose. Contracts were let about the same time to parties in different cities, and the work progressed for some months. After the work was completed it was found there had been great delays and extras ordered; and all the contractors came forward and demanded extra pay. They were paid extra. That did not satisfy them, and they got a general bill passed to allow them all to go to the Court of Claims. That bill President Grant vetoed. Since then these claimants have been seeking relief in separate bills, as does the claimant in this bill; and there are other cases on the docket arising under the same circumstances, which will be up for consideration in the Committee of the Whole House as we progress in the consideration of the Private Calendar.

One of these cases went to the Court of Claims by virtue of a special act of Congress and thence it went to the Supreme Court. And the Supreme Court in that case held as follows:

> It is very clear that both parties contemplated the probability that the work would not be completed at the precise period of eight months from the date of the contract. They also contemplated that changes would be made in the construction of the battery. They made such provision for these matters as they deemed necessary for the protection of each party. For the reasonable cost and expenses of the changes made in the construction payment was to be made, but for any increase in the cost of the work not changed no provision was made.
>
> There was a provision for delay, by which the contractor was to submit to pay $4,500 for every month of that delay. This provision, the only one on that subject, if strictly enforced, might have made him a still greater loser, but it seems to have been waived. But we are very clear that without any such provision he must be held to have taken the risk of the prices of the labor and materials which he was bound to furnish, as every other contractor does who agrees to do a specified job at a fixed price. It is one of the elements which he takes into account when he makes his bargain, and he can not expect the other party to guaranty him against unfavorable changes in those prices.
>
> The judgment of the Court of Claims is affirmed.

The argument is given at length upon this particular case, and the particular question involved, which was raised in this case on last Friday, as to whether the receipt was a bar to the claim, was passed upon by the court in that case, where a receipt was produced, and the court was of the opinion that the receipt was a bar to any further right on the part of the claimant to present a claim against the Government. That was the opinion of the court in a case under precisely the same condition of affairs that exists in the case now pending.

Mr. CASWELL. Let me remind the gentleman that these were contracts for a class of monitors, all in the same class, all alike; the Government was not conversant with their construction, but was obliged to change the plans from time to time. In the Forty-fifth Congress Mr. Hanna went to the very bottom of the question and made an exhaustive report, and the House was disposed to agree with his conclusions as to this class of claims and went against the bill.

Mr. SPRINGER. It is true, Mr. Speaker, that these cases were exhaustively treated in the Forty-fifth Congress, in a report made by Mr. Hanna, which received the unanimous approval of the House at that time.

Mr. CASWELL. And he was one of the ablest lawyers in this House.

Mr. SPRINGER. Yes; gentlemen who knew Mr. Hanna know that he was one of the ablest lawyers in the State of Indiana, and one of the ablest lawyers upon the floor of this House at that time.

Now, Mr. Speaker, I have said all that I desire to say in regard to this case. I only want to ask the House to treat this as a serious matter of business. These parties have had their day in court. They have shared liberally of the bounty of the Government. They received their pay. At a time when the Government was in possession of all the facts, when the witnesses were alive, the claimants were heard in at least two distinct boards, which were provided for the hearing of these cases. After that Mr. Robeson was Secretary of the Navy, and he assisted one of these claimants in furthering his claim for larger compensation; and gentlemen know that the result of that effort on his part has caused the name of Secor to be regarded with distrust throughout the country.

That Secor case was just as meritorious as this is, so far as the right to go before the Court of Claims for a new hearing is concerned, and if you pass this bill you must pass every bill where a claimant comes here and says to you that he is not satisfied with the judgment of the tribunal which was created to pass upon cases like his which sat close to the scene, and at the time of the contract, and which finally, and, as I had supposed forever, adjudicated these claims. But if the Government is never to have relief, if we are to be harassed with these matters at every session of Congress, then pass this bill, pass this claim, pass others similarly situated, undo all the adjudications of the war, and you will soon arrive at the condition which Senator Grimes predicted in the Senate of the United States many years ago when he said that claimants similarly situated and having an equal right to a rehearing of their claims, would come in and demand of the Government at least $60,000,000 upon matters long since disposed of and supposed to forever be settled. I thank you, gentlemen of the House, for your very kind attention.

Mr. STONE, of Kentucky. Mr. Speaker, ever since I came into the House of Representatives, more than two years ago, I have continually found upon this floor gentlemen who seek to make reputation with their constituents at home, in order that they may be re-elected to seats here, by producing enormous arrays of figures whenever a claim against the Government is presented. Pushed to the last extremity, they surround every claim that comes before this House with a mass of figures and a bringing in of names obnoxious to the country, for the purpose of trying to defeat not only the bill under consideration at the time, but every other bill that is pending before the House for the payment of any claim against this Government. Gentlemen who have listened attentively to the remarks of the gentleman from Illinois [Mr. SPRINGER] must see clearly that those remarks are made, not for the purpose of showing even the shadow of an objection against the justice of this claim, but for the purpose of casting discredit upon it by coupling it with other claims which have arisen out of the building of other vessels, and in connection with which there has been more or less scandal in the country. The claimants in this case have never received any pay at the hands of the Marchand board.

These are an entirely distinct class of cases. The only resemblance between the two classes of cases is in the fact that they both originated in the construction of a vessel or a set of vessels. The gentleman has read here adverse reports that have been made on other claims, what the Secretary of the Navy has said and what certain gentlemen have said in their speeches, and in every one of them the McKay case is referred to simply as one of a class of cases originating out of the building of vessels. That is all. I call the attention of the House to the bill in this case. It is guarded at every point. There is no chance for the Government to become liable for a single solitary dollar if it can be shown that these claimants have already been paid for their extra labor.

Mr. SPRINGER. Will the gentleman allow me to make a suggestion?

Mr. STONE, of Kentucky. No, sir; I will not. Just please sit down and keep quiet. [Laughter.] I am running this side of the machine.

Mr. SPRINGER. All right.

Mr. STONE, of Kentucky. The gentleman has attempted to make the House believe that this is an outrage which is attempted to be practiced upon the country; that we are here attempting to pass a bill by which enormous frauds are to be perpetrated, a bill injurious to the best interests of the country.

That is not true; not a word of it is true. This bill has passed the House, and by such a majority as indicates that members have examined the question and have become satisfied as to the merits of the measure.

In addition to that, I will say there have been favorable reports on this very bill and on bills very much harder to defend than this. There have been six reports from six Committees on War Claims in this House, and eight favorable reports in the Senate of the United States. Four times has this proposition passed the House and six times has it passed the Senate. Yet gentlemen who oppose this bill would have you believe that it is an enormity; that it is favorably reported to the House for the first time; that it is an attempt to accomplish something which would involve the country in an immense expenditure. There is no obligation resting upon the House to pass any bill with regard to any other claim, because perchance this bill may pass.

But, gentlemen, these claimants have not been paid; that is what they assert, that they have not been paid. They come to Congress and ask to be allowed to go to the Court of Claims and show whether they have been paid or not. The bill is so well guarded that every dollar which the claimants have ever received will be charged against them in the settlement of their accounts; and if nothing is found to be due to them, they will get nothing. If all this array of stuff which has been brought in here by the gentleman from Illinois can be shown to be relevant to the McKay case, then the McKays will get nothing.

I, for one, am willing, where men make a reasonable show of a just claim, to allow them to go to the courts for a determination whether or not they have such a claim. That is all there is in this case. The speech of the gentleman from Illinois has been gotten up for the purpose simply of delaying the business of the House——

Mr. SPRINGER. Oh, no.

Mr. STONE, of Kentucky. And of exhibiting the gentleman before the country as opposing fraudulent claims. He has succeeded in destroying, for practical business purposes, another day allotted to the people of the country, the only day in every week on which needy claimants may come before Congress asking relief. The rest of the week is taken up, Mr. Speaker, with attempting to discuss questions of great national importance, which go down from one Congress to another and are never acted upon finally, because the two "wings" upon either side of the House do not happen to "flap together." Yet, too often this one day of the week, which is of so much importance to the people of the country, in order that they may have their private rights determined here, is destroyed, as this day has been, and for no other purpose than to keep claimants like these from having a proper hearing before Congress or the courts.

Mr. Speaker, I have said all on this question that I want to say. I am not here to advocate improperly the payment of the claims of Mr. McKay or any other man, but so long as I am in Congress I am willing to raise my voice in behalf of allowing men who have the showing of a just claim against this Government—not to have their cases passed on in Congress upon *ex parte* testimony, but to have them examined by a court, and the question judicially determined whether they are entitled to anything or not.

Mr. COX rose.

Several MEMBERS. Demand the previous question.

Mr. STONE, of Kentucky. How much time does the gentleman from New York want?

Mr. COX. Only a few moments.

Mr. STONE, of Kentucky. I yield to the gentleman such time as he may wish.

Mr. COX. Mr. Speaker, at the conclusion of my remarks I shall demand the previous question, so as to save, if possible, some part of to-day for valuable business purposes.

When the gentleman from Illinois [Mr. SPRINGER] the other day defied the House, and said that he did not care, that he would speak his hour or three-quarters of an hour at his pleasure, I almost wished the incident had occurred in the English Parliament——

Mr. PAYSON. I rise to a question of order. We are all desirous to hear what the gentleman from New York says, and he can be easily heard if gentlemen will remain in their seats.

The SPEAKER *pro tempore*. The House will come to order. Gentlemen will take their seats.

Mr. COX. I will make my remarks very brief. The gentleman from Illinois evidently thought to-day to make the impression by his large array of quarto upon folio that the Secor case and other cases which are odious belong to the same category as the McKay case. The gentleman knows that this bill is supported by gentlemen here to day who voted all the way through against the Secor cases; and I am one of them. But I never voted, and never will vote, to defeat a claim against this Government upon a contract when the Government has changed the plans upon which the contract was based, and by doing so has raised the cost of the work to the contractor. There is the equity of this case. Does the gentleman from Illinois get at the equities of the case? Have these cases ever been decided upon equitable considerations? Never. The very point of this bill, which is guarded by half a dozen provisos, is all the way through that the contractor shall have, as a matter of equity, the benefit of such additional allowance as should properly be made by reason of changes in the plans of the vessels after the contract was made.

On this matter I take the view which any fair man engaged in ordinary business must do. I have sometimes made contracts with builders for the erection of a house; I have had occasion to do so in this city; and if, after making the contract, I change the plan of my parlor, or my basement, or my attic, if I had one, like the gentleman from Illinois [laughter], I would not expect the cost of these changes not contemplated by the contract to be thrown upon the builder. I would pay him extra for the additional expense of the change. I would be an honest man by paying him for the change. I would not be the unreasonable person to go around and make changes in the building of my house and expect the builder to pay for them. I would give the man *quid pro quo;* that is the Turkish for *quantum meruit.* [Great laughter.] A man who does not stand up for equity, who undertakes to ring in old cases which have no relevancy to this case, ought to have the previous question called on him. [Great laughter.] And I call it now.

Mr. WILSON, of Minnesota. May I ask the gentleman a question?

Mr. COX. No; I have taken up so much time already.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. WILSON, of Minnesota. I hope he will not decline to yield to me.

Mr. BLAND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLAND. What is the question pending?

The SPEAKER *pro tempore*. The question pending is the amendment offered by the gentleman from Illinois [Mr. SPRINGER] to the title of the bill, upon which the gentleman from New York has demanded the previous question.

Mr. WILSON, of Minnesota. May I ask the gentleman from New York one question?

Mr. COX. I have demanded the previous question; I will not take up the time of the American Congress——

Mr. WILSON, of Minnesota. I hope there will be no attempt to choke off the fullest debate on this subject.

Mr. BLAND. Why was not this claim paid twenty years ago?

Mr. COX. Because some person was derelict.

Mr. SPRINGER. Four hundred thousand dollars additional have been paid already on these cases.

Mr. HOUK. The fault has been with this House that they have not been paid.

The previous question was ordered.

Mr. SPRINGER'S amendment to the title was disagreed to.

The question recurred on the motion of the gentleman from Kentucky [Mr. STONE] to lay the motion to reconsider the vote by which the bill was passed upon the table.

The House divided; and there were—ayes 111, noes 22.

Mr. BLAND. No quorum has voted.

The SPEAKER *pro tempore* appointed as tellers Mr. BLAND and Mr. STONE, of Kentucky.

The House again divided; and the tellers reported—ayes 147, noes 17.

Mr. SPRINGER. I demand the yeas and nays on the motion to lay the motion to reconsider on the table.

Mr. COX. I demand tellers on the yeas and nays.

The SPEAKER *pro tempore*. Those in favor of tellers on the yeas and nays will rise. [After a pause.] Tellers are not ordered, 8 only having risen.

Mr. COX. I withdraw the demand for tellers.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 154, nays 74, not voting 95; as follows:

YEAS—154.

Adams,	Crouse,	Howard,	Rogers,
Allen, C. H.	Dalzell,	Jackson,	Romeis,
Allen, E. P.	Darlington,	Kean,	Rowell,
Anderson, A. R.	Davis,	Kelley,	Russell, J. E.
Arnold,	De Lano,	Kennedy,	Ryan,
Baker, C. S.	Dingley,	Laidlaw,	Sawyer,
Bayne,	Dougherty,	Lee,	Scott,
Bingham,	Dunham,	Lehlbach,	Scull,
Blanchard,	Enloe,	Lind,	Shaw,
Bliss,	Farquhar,	Lodge,	Sherman,
Boothman,	Felton,	Lyman,	Snyder,
Bound,	Finley,	Macdonald,	Spooner,
Bouteile,	Fisher,	Mahoney,	Stahlnecker,
Bowden,	Flood,	Mason,	Steele,
Bowen,	French,	McComas,	Stewart, J. W.
Breckinridge, C. R.	Fuller,	McCormick,	Stone of Ky.
Brewer,	Funston,	McCullogh,	Struble,
Brower,	Gaines,	McKinley,	Taulbee,
Browne, T. H. B.	Gallinger,	McKinney,	Taylor, J. D.
Browne, T. M.	Gear,	Merriman,	Thomas, G. M.
Brown, C. E.	Gest,	Montgomery,	Thomas, O. B.
Bryce,	Glover,	Morrill,	Tracey,
Buchanan,	Greenman,	Morrow,	Turner, E. J.
Bunnell,	Grimes,	Neal,	Wade,
Burnett,	Grout,	Newton,	Walker,
Burrows,	Guenther,	Nichols,	Warner,
Butler,	Hall,	O'Donnell,	Weber,
Butterworth,	Harmer,	O'Neill, J. J.	White, J. B.
Campbell, Felix	Hayden,	Osborne,	White, S. V.
Campbell, J. E.	Henderson, D. B.	Outhwaite,	Whiting, J. R.
Campbell, T. J.	Henderson, T. J.	Owen,	Wickham,
Cannon,	Hires,	Peters,	Wilber,
Catchings,	Hogg,	Post,	Wilkinson,
Cheadle,	Holmes,	Pugsley,	Williams,
Clark,	Hooker,	Reed,	Wise,
Cogswell,	Hopkins, A. J.	Rice,	Yardley,
Compton,	Hopkins, S. T.	Richardson,	Yost.
Cooper,	Houk,	Robertson,	
Cox,	Hovey,	Rockwell,	

NAYS—74.

Abbott,	Crisp,	Kerr,	O'Ferrall,
Allen, J. M.	Culberson,	Kilgore,	O'Neall, J. H.
Anderson, C. L.	Dargan,	La Follette,	Peel,
Anderson, G. A.	Davidson, A. C.	Lagan,	Perkins,
Atkinson,	Dockery,	Landes,	Sayers,
Baker, Jehu	Elliott,	Lane,	Shively,
Bankhead,	Forney,	Lanham,	Smith,
Barnes,	Glass,	Lynch,	Sowden,
Bland,	Hatch,	Maish,	Springer,
Breckinridge, WCP	Hayes,	Martin,	Stewart, J. D.
Buckalew,	Heard,	Maison,	Turner, H. G.
Bynum,	Hemphill,	McClammy,	Washington,
Candler,	Henderson, J. S.	McMillin,	Weaver,
Carlton,	Holman,	McRae,	Wheeler,
Caswell,	Hopkins, S. I.	McShane,	Whitthorne,
Clements,	Hudd,	Moore,	Wilson, Thomas
Cobb,	Hutton,	Morgan,	Wilson, W. L.
Cothran,	Johnston, J. T.	Nelson,	
Cowles,	Jones,	Oates,	

NOT VOTING—95.

Anderson, J. A.	Ermentrout,	Mansur,	Rusk,
Bacon,	Fitch,	McAdoo,	Seney,
Barry,	Foran,	McCreary,	Simmons,
Belden,	Ford,	McKenna,	Spinola,
Belmont,	Gay,	Milliken,	Stephenson,
Biggs,	Gibson,	Mills,	Stewart, Charles
Blount,	Goff,	Moffitt,	Stockdale,
Brown, J. R.	Granger,	Morse,	Stone of Mo.
Brumm,	Grosvenor,	Norwood,	Symes,
Burnes,	Hare,	Nutting,	Tarsney,
Caruth,	Haugen,	O'Neill, Charles	Taylor, E. B.
Chipman,	Herbert,	Parker,	Thomas, J. R.
Clardy,	Hermann,	Patton,	Thompson, A. C.
Cockran,	Hiestand,	Payson,	Thompson, T. L.
Collins,	Hitt,	Penington,	Tillman,
Conger,	Hunter,	Perry,	Townshend,
Crain,	Johnston, T. D.	Phelan,	Vance,
Cummings,	Ketcham,	Phelps,	Vandever,
Cutcheon,	Laffoon,	Pidcock,	West,
Davenport,	Laird,	Plumb,	Whiting, William
Davidson, R. H. M.	Latham,	Randall,	Wilkins,
Dibble,	Lawler,	Rayner,	Woodburn,
Dorsey,	Long,	Rowland,	Yoder.
Dunn,	Maffett,	Russell, C. A.	

So the motion to lay on the table was agreed to.

By unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced until further notice:

Mr. PIDCOCK with Mr. GROSVENOR.

Mr. TOWNSHEND with Mr. O'NEILL, of Pennsylvania.

The following were announced as being paired for this day:

Mr. THOMPSON, of California, with Mr. WOODBURN.

Mr. MCADOO with Mr. HERMANN.

Mr. HARE with Mr. ATKINSON.

Mr. ROWLAND with Mr. MCKENNA.

Mr. LAWLER with Mr. BRUMM.

Mr. MILLS with Mr. PHELPS.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. LANHAM. Mr. Speaker, inasmuch as we have consumed so much time to-day in roll-calls and discussion that it will be now practically impossible to make any substantial progress during the balance of the afternoon with the Private Calendar, I move that the House now take a recess until half past 11 o'clock to-morrow.

Mr. STEELE. I hope the gentleman will allow us to make reports on private bills first.

Mr. BAYNE. I ask the gentleman to yield to me to pass a resolution, which will take but a moment.

Mr. LANHAM. Very well.

OBSTRUCTIONS IN THE DELAWARE RIVER.

Mr. BAYNE. I ask unanimous consent to pass the joint resolution I send to the desk.

The resolution was read, as follows:

Joint resolution authorizing the Secretary of War to appoint a board of three engineers to examine and report in relation to the Delaware River between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes.

Be it resolved, etc., That the Secretary of War be, and he is hereby, authorized to immediately appoint a board of three engineers from the United States Army, whose duty it shall be to examine in all their relations to commerce the islands known as Smith's Island, Windmill Island, and Petty's Island, in the Delaware River, between the city of Philadelphia, in the State of Pennsylvania, and the city of Camden, in the State of New Jersey; which board shall forthwith report to the Secretary of War as to whether said islands or any shoal in the said river between or adjacent to the said islands, or any of them, constitute an obstruction to the commerce of the Delaware River, or to the passage of vessels between the said States, and with a view to removing said islands and shoals; to report a plan with the estimate of cost for their removal in whole or in part, and for the improvement of the harbor of the port of Philadelphia, including the probable cost to the Goverment of said islands, so as to secure free and uninterrupted commerce upon the said Delaware River and the unobstructed passage of vessels to and from and between the said States; and the sum of $5,000, or so much thereof as shall be necessary, is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to defray the expense of such survey and report.

Mr. BAYNE. Mr. Speaker, this joint resolution is unanimously reported from the Committee on Rivers and Harbors.

The SPEAKER *pro tempore*. Is there objection to the consideration of the joint resolution?

Mr. MACDONALD. I object.

Mr. DOCKERY. Regular order!

Mr. LANHAM. I now insist upon my motion.

Mr. STEELE. I hope the motion of the gentleman from Texas will be voted down.

Mr. BOUTELLE. Let members have an opportunity of submitting reports from committees.

Mr. LANHAM. I will withdraw the motion for that purpose.

Mr. BAYNE. I hope the gentleman from Minnesota will not insist upon his objection. This, as I have said, is reported unanimously from the Committee on Rivers and Harbors and is a matter that should be promptly attended to.

Mr. MACDONALD. Very well; I will withdraw the objection.

The SPEAKER *pro tempore*. Is there further objection to the consideration of the joint resolution?

There being no objection, the joint resolution (H. Res. 113) was read a first and second time, ordered to be engrossed for a third reading, and being read the third time, was passed.

Mr. BAYNE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. At the request of a number of gentlemen, I withdraw the motion I made a short time since.

Mr. DOCKERY. I demand the regular order.

Mr. ROGERS. I ask unanimous consent to make a report from the Committee on the Judiciary.

Mr. STEELE. I hope we can be permitted to submit reports on private bills.

PROTECTION OF UNITED STATES OFFICIALS IN INDIAN TERRITORY.

Mr. ROGERS, by unanimous consent, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 4920) for the protection of the officials of the United States in the Indian Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

J. Q. BARTON.

Mr. BOUTELLE, by unanimous consent, from the Committee on Naval Affairs, reported back with amendments the joint resolution (H.

Res. 68) in favor of J. Q. Barton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

SARAH C. MORRISON.

Mr. BOUTELLE also, by unanimous consent, from the Committee on Naval Affairs, reported back with an amendment the bill (H. R. 5550) for the relief of Sarah C. Morrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

THOMAS W. LORD.

Mr. STEELE, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 409) for the relief of Thomas W. Lord; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS STATEN ISLAND SOUND.

Mr. CRISP, by unanimous consent, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 5929) to extend the time for the completion of a bridge across Staten Island Sound; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. HEARD.

Mr. STOCKDALE, by unanimous consent, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5589) for the relief of John A. Heard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE L. KEY.

Mr. STOCKDALE also, by unanimous consent, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 753) for the relief of George L. Key; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE A. NORTON.

Mr. GAINES, by unanimous consent, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 651) for the relief of George A. Norton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IMPORTATION OF FOREIGNERS UNDER CONTRACT.

Mr. BINGHAM, by unanimous consent, introduced (by request) a bill (H. R. 7381) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, or the District of Columbia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

BUSINESS OF LABOR COMMITTEE.

Mr. O'NEILL, of Missouri, by unanimous consent, from the Committee on Labor, reported with the recommendation that it be adopted the following resolution; which was read, and referred to the House Calendar:

Resolved, That Tuesday the 13th and Wednesday the 14th day of March, 1888, immediately after the hour for the consideration of bills, be set apart for the consideration of bills and resolutions from the Committee on Labor, and that pending the consideration of such bills and resolutions the speeches be limited to fifteen minutes.

PROTECTION OF FISHERMEN.

Mr. DINGLEY. I ask unanimous consent to present a communication for reference. It is the report of United States Commercial Agent Robertson, at Yarmouth, Nova Scotia, suggesting the importance of measures to protect fishermen sent out in dories from vessels engaged in fishing. I ask that the report be referred to the Committee on Merchant Marine and Fisheries, and that it be printed.

There was no objection, and it was so ordered.

EXPENDITURES OF FISH COMMISSION.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Merchant Marine and Fisheries, reported back, with the recommendation that it be adopted, the following resolution:

Resolved by the House of Representatives, That the Commissioner of Fish and Fisheries be, and he is hereby, directed to report to this House as soon as practicable the expenditures of the Fish Commission for the fiscal year from July 1, 1886, to June 30, 1887, and from July 1, 1887, to February 1, 1888, the number of persons employed and the salaries paid; the property held by the commission, its cost, value, and location; the stations occupied by the commission, and the amount of unexpended appropriations, and for what purpose said appropriations were made.

The resolution was adopted.

SARAH C. MORRISON.

Mr. WILLIAMS. I ask unanimous consent to call up from the Private Calendar for consideration at this time the bill (H. R. 5550) for the relief of Sarah C. Morrison, which has been reported by the Committee on Naval Affairs with an amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sarah C. Morrison, during her lifetime, all pay and allowances due and to become due to George F. Morrison, lieutenant-commander United States Navy (retired), now in the Government Hospital for the Insane, as long as he may live; excepting therefrom the sum of $100 per annum heretofore directed by the Secretary of the Navy to be paid to the superintendent of said hospital.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I hope there will be a word of explanation in regard to it.

Mr. BOUTELLE. Having reported this bill from the Committee on Naval Affairs I can briefly explain what its purpose is. This officer is now an inmate of the Government Hospital for the Insane and is permanently disabled. This bill provides that the mother, who is the guardian of the officer, but who now is unable to apply any of his salary except the $100 provided by order of the Secretary of the Navy for maintenance in the hospital—that the mother being the only dependent, the officer having no wife or child, may receive the pay and devote the portion of it not required for the maintenance of the officer to her own support.

Mr. HOLMAN. Does the bill provide that this shall be paid to her during her life?

Mr. BOUTELLE. It provides that it shall be paid to her as long as this officer may live.

Mr. MACDONALD. Are the committee satisfied that this officer is afflicted by an incurable malady?

Mr. BOUTELLE. The committee made an investigation as to that, and got a report from the surgeon that the malady is what is called chronic dementia.

The amendment reported by the committee was read, as follows:

In line 3, strike out "Treasury" and insert "Navy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GLASS. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 1070) for the relief of J. A. Wilson.

Mr. BLAND. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Missouri, that the House do now adjourn.

Mr. LANHAM. Mr. Speaker, I rose to make a motion, and yielded the floor temporarily.

The SPEAKER *pro tempore*. The floor can not be yielded conditionally, but the Chair will entertain the motion which the gentleman from Texas desires to make, he having stated that he rose for that purpose.

Mr. LANHAM. I move then, sir, that the House do now take a recess until half past 11 o'clock to-morrow.

Mr. BLAND. I renew my motion.

The SPEAKER *pro tempore*. The gentleman from Texas moves that the House take a recess until to-morrow at half past 11 o'clock, and pending that the gentleman from Missouri [Mr. BLAND] moves that the House do now adjourn.

Mr. BURROWS. Mr. Speaker, I desire to make a suggestion to the gentleman from Texas.

The SPEAKER *pro tempore*. A motion to adjourn or to take a recess is not debatable, and the gentleman from Michigan can proceed only by unanimous consent.

Mr. BURROWS. I merely want to suggest to my friend that instead of taking a recess until 11 o'clock to-morrow, it seems to me that we might, by unanimous consent, have gentlemen recognized alternately on each side of the House for private bills, and might pass a good many more of those bills this afternoon than we can to-morrow. There is a large number of them to which there is no objection.

The question was taken on the motion to adjourn; and on a division there were—ayes 40, noes 87.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Texas [Mr. LANHAM] to take a recess until half past 11 o'clock to-morrow.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOOKER. My inquiry is this: The House, by a former order made on a former day, designated yesterday and to-morrow as days for the consideration of reports from the Committee on Foreign Affairs. The whole of yesterday was occupied by other matters, and subject-matters reported from that committee were excluded from consideration, and if this proposed recess is taken it will effect the same object to-morrow. I see no reason for it at all. These matters on the Private Calendar can be considered in the order in which they occur.

The SPEAKER *pro tempore*. That is a matter of argument and not a parliamentary inquiry. The question is on the motion of the gentleman from Texas [Mr. LANHAM] to take a recess until half past 11.

Mr. HOOKER. Pending that motion, I move that when the House adjourns it adjourn to meet on Monday next.

The question was taken on the motion of Mr. HOOKER, and there were—ayes 101, noes 47.

Mr. TAULBEE. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Texas [Mr. LANHAM].

The tellers took their places, and the division began.

Mr. BLAND. Mr. Speaker, I now move that the House adjourn.

The SPEAKER *pro tempore*. That motion is not in order, because since the last motion to adjourn was decided no business has intervened, and, besides, the House is now dividing.

Mr. LANHAM (before the report of the tellers). I will withdraw the motion made by me to take a recess until half past 11 o'clock to-morrow, and will move that the House do now adjourn.

Mr. TAULBEE. I make the point of order that the House is now dividing and that the gentleman's motion is not in order, and if he withdraws his motion for a recess I will renew it.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky [Mr. TAULBEE] renew the point that no quorum has voted?

Mr. TAULBEE. No, sir. It is not necessary to renew it. I made it and it has not been withdrawn.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Mississippi [Mr. HOOKER] to withdraw his motion.

Mr. HOOKER. The gentleman from Texas [Mr. LANHAM] withdraws his motion, and I withdraw mine, and he moves that the House do now adjourn.

Mr. TAULBEE. I move that the House take a recess until half past 11 to-morrow.

The SPEAKER *pro tempore*. The gentleman from Mississippi [Mr. HOOKER] withdraws his point of order; the gentleman from Texas [Mr. LANHAM] withdraws his motion, and the gentleman from Kentucky [Mr. TAULBEE] renews it.

Mr. TAULBEE. I do.

Mr. BLAND. Mr. Speaker, I made the point of order, and I have not withdrawn it.

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Mississippi [Mr. HOOKER] had made it, and on that account appointed him a teller. The Chair begs pardon of the gentleman from Missouri [Mr. BLAND]. The point of order being insisted upon, the tellers will resume their places.

Mr. BLAND. Mr. Speaker, as I understand it, the gentleman from Mississippi withdraws his motion and I withdraw the point of order.

Mr. STEELE. I move that when the House adjourn it adjourn to meet on Monday next.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. TAULBEE] renews the motion that the House take a recess until half past 11 o'clock to-morrow, and, pending that, the gentleman from Indiana [Mr. STEELE] moves that when the House adjourn it be to meet on Monday next.

Mr. LANHAM. Pending that, I move that the House do now adjourn.

The SPEAKER *pro tempore*. The motion to fix a day to which the House will adjourn takes precedence of a motion to adjourn, and the question is on the motion of the gentleman from Indiana [Mr. STEELE] that when the House adjourn it be to meet on Monday next.

The question was taken; and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. TAULBEE. I call for a division.

The question being again taken,

The SPEAKER *pro tempore* said: On this question the ayes are 97, the noes 33.

Mr. BLAND. No quorum.

Mr. TAULBEE. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from Kentucky [Mr. TAULBEE] and the gentleman from Texas [Mr. LANHAM].

Mr. BURROWS. We may as well have the yeas and nays on this question. I demand the yeas and nays.

Several MEMBERS. Oh, no!

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. BURROWS] demands the yeas and nays on this question.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. As I understand, the motion on which we just voted was that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER *pro tempore*. That is correct.

Mr. TAULBEE. If that motion be carried, will it give any rights to the Foreign Affairs Committee under the special order?

Several MEMBERS. Oh, no!

The SPEAKER *pro tempore*. If this motion should be agreed to, the House would not be in session to-morrow.

Mr. LANHAM. The reason I withdrew my motion for a recess was because the Committee on Foreign Affairs had had to-morrow specially assigned for their business.

The SPEAKER *pro tempore*. On this question the yeas and nays are demanded.

The question having been put on ordering the yeas and nays,

The SPEAKER *pro tempore* said: Only 19 have voted in the affirmative—not one-fifth of the last vote.

Mr. TAULBEE. On what question was the House dividing?

The SPEAKER *pro tempore*. On the proposition that when the House adjourns to-day it adjourn to meet on Monday next. There not being one-fifth of the last vote in favor of ordering the yeas and nays, the yeas and nays are refused. The gentleman from Kentucky and the gentleman from Texas will take their places as tellers.

Mr. LANHAM. Is it in order to move that the House now adjourn?

The SPEAKER *pro tempore*. The Chair will state that the motion to fix the day to which the House shall adjourn is of higher privilege than the motion to adjourn.

Mr. LANHAM. But on that motion no quorum has voted.

The SPEAKER *pro tempore*. The point being made that no quorum voted, it is competent for the House to take a vote on the motion to adjourn. No quorum appearing on the motion to adjourn over, and the point of order being insisted upon, there are, under the rules, only two motions in order, the motion to adjourn and the motion that there be a call of the House.

Mr. TAULBEE. I withdraw the point of no quorum.

Mr. LANHAM. I move that the House adjourn.

The SPEAKER *pro tempore* (having put the question on the motion to adjourn) said: The noes seem to have it.

Several members called for a division.

The SPEAKER *pro tempore* proceeded to put the question again on the motion to adjourn; and announced—ayes 57.

Mr. MACDONALD (before the count of the negative vote on the motion to adjourn). I rise to a parliamentary inquiry. What will be the result of this motion if adopted?

The SPEAKER *pro tempore*. If adopted, the House will at once adjourn; if not, it will remain in session.

Mr. PERKINS. Adjourn till when? I submit the adjournment must be till Monday; for certainly the House has adopted that order.

The SPEAKER *pro tempore*. But the point was made that no quorum voted on that question. The question is on the motion of the gentleman from Texas, that the House do now adjourn.

Mr. BUCHANAN. But, Mr. Speaker——

The SPEAKER *pro tempore*. The House is dividing on that motion.

Mr. BUCHANAN. Was not the motion adopted that when the House adjourns it adjourn to met on Monday next?

The SPEAKER *pro tempore*. It was not; no quorum voted, and the point of order was insisted upon that there was no quorum voting.

Mr. PERKINS. The point of "no quorum" was withdrawn, and therefore upon the vote which had been taken the motion must have carried.

The SPEAKER *pro tempore*. The House will be in order.

Mr. HOOKER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman from Mississippi will state his point of order.

Mr. HOOKER. My point is this: The gentleman from Kentucky made a motion that when the House adjourns, it adjourn to meet on Monday next.

Mr. STEELE. I made that motion.

Mr. HOOKER. Very well; the gentleman from Indiana [Mr. STEELE] made that motion. Now, while the House was dividing on that motion, as I understand, it was withdrawn.

Several MEMBERS. Oh, no!

Mr. HOOKER. And then the gentleman from Texas [Mr. LANHAM] moved that the House adjourn, which, if agreed to, would of course be an adjournment until 12 o'clock to-morrow.

Mr. STEELE. I rise to a point of order. I submit that until my motion is disposed of the motion to adjourn until to-morrow is not in order. I made a motion that when the House adjourns it adjourn until Monday next; the vote of the majority was in favor of that motion; the point of "no quorum" was made, which point was subsequently withdrawn, and hence my motion carried.

Mr. PERKINS. The announcement of the result of the vote on the motion to adjourn till Monday had not been made by the Chair.

The SPEAKER *pro tempore*. As the Chair now remembers, the final result had not been announced.

Mr. PERKINS. No, sir. As the point that no quorum voted was withdrawn the Chair should have announced the result; and the motion to adjourn is not in order until that is done.

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Missouri [Mr. BLAND] made the point that no quorum voted.

Mr. PERKINS. Oh, no; the gentleman from Kentucky [Mr. TAUL-

BEE] made the point and withdrew it; and then the result should have been announced.

The SPEAKER *pro tempore*. The Chair will announce the result of that vote. The ayes are 97, the noes 33. The ayes have it, and the motion prevails.

Mr. BLAND. What motion is that?

The SPEAKER *pro tempore*. That when the House adjourns to-day it adjourn to meet on Monday next.

Mr. BLAND. I made the point of order that no quorum voted on that motion.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] makes the point of order that no quorum voted. The Chair will state that there could be no point made until the announcement of the result of the vote.

Mr. TAULBEE. I rise to a point of order. My point is that when the Chair announced the number voting on the motion of the gentleman from Indiana, that when the House adjourns to-day it adjourn to meet on Monday next, I made the point that no quorum had voted. Tellers were then ordered. Afterward I withdrew the point of "no quorum," and the Chair has announced the result. I submit that it is now too late for the gentleman from Missouri to make his point of order.

Mr. BLAND. I made the point at the same time as the gentleman from Kentucky. I desire to say, Mr. Speaker——

The SPEAKER *pro tempore*. The House will be in order, and the Chair will recognize no gentleman until it does come to order.

Mr. RYAN. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair will entertain the motion of the gentleman in due time. The Chair will state that having announced the vote in the House on the motion that when the House adjourns it adjourn to meet on Monday next, there being 97 in the affirmative and 33 in the negative, the gentleman from Missouri [Mr. BLAND] and probably others then made the point that no quorum had voted.

Mr. STEELE. The gentleman from Kentucky [Mr. TAULBEE] made that point.

The SPEAKER *pro tempore*. It makes no difference who made it; that point is now before the House.

Mr. TAULBEE rose.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman in a moment.

The Chair appoints as tellers the gentleman from Missouri and the gentleman from Kentucky. The gentleman from Kentucky will now be recognized.

Mr. TAULBEE. My point is this: When the number voting on the motion of the gentleman from Indiana had been announced, I made the point that no quorum had voted, and the Chair then appointed the gentleman from Texas and myself as tellers. Whether or not the gentleman from Missouri [Mr. BLAND] made the point of order is now immaterial, from the fact the Chair proceeded to announce the result of that division, and did announce it, and therefore the point of order of the gentleman from Missouri, that no quorum had voted, comes too late.

Mr. BLAND rose.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] rose in his place and insisted that he made the point at the time that the gentleman from Kentucky made it. The Chair is bound to take the statement of the gentleman from Missouri——

Mr. TAULBEE. I make the further point that it is now immaterial whether or not he made the point of order.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Missouri after the gentleman from Kentucky.

Mr. TAULBEE. My point of order is that it is now immaterial whether or not the gentleman from Missouri made the point that no quorum had voted as the result of the vote had been announced by the Chair [confusion in the Hall], because of the fact of my withdrawal of the point of order which I had made. [Laughter and confusion.]

The SPEAKER *pro tempore*. The Chair begs to state that if not successful in preserving order he will be compelled to resort to other means provided by the rules. [After a pause.] The Chair appointed the gentleman from Missouri and the gentleman from Kentucky to act as tellers. The gentleman from Missouri [Mr. BLAND] having insisted that he made his point of order in time, the Chair is bound to accept his statement as conclusive, and therefore the tellers will resume their places.

Mr. DUNHAM. Is the motion to adjourn in order? [Laughter.]

The SPEAKER *pro tempore*. Not pending a division of the House on a motion to adjourn over.

Mr. TAULBEE and Mr. BLAND resumed their places as tellers.

The House divided; and the tellers reported—ayes 109, noes 18.

The SPEAKER *pro tempore*. Is the point of no quorum insisted upon?

Mr. TAULBEE. I withdraw it.

Mr. HOOKER. I make the point that no quorum has voted.

The SPEAKER *pro tempore*. The Chair will recognize no one until order is restored.

Mr. BAKER, of New York. I demand the yeas and nays on the motion to adjourn over.

The SPEAKER *pro tempore*. The gentleman from Missouri insists upon the point that no quorum has voted, and pending that, there being no quorum present and the point of order being insisted on, the gentleman from Kansas moves that the House adjourn.

The House divided, and before the result was announced—

Mr. STEELE. I move when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER *pro tempore*. That is not in order pending the announcement of the vote on the motion to adjourn.

Mr. BURROWS. Why, Mr. Speaker, it has been decided over and over again that pending the motion to adjourn, even after the call of the roll on such motion is completed, but before the announcement of the result, a motion is in order to fix the day to which the House will adjourn. The motion of the gentleman from Indiana is clearly in order.

The SPEAKER *pro tempore*. Upon reflection the Chair thinks the gentleman from Michigan is correct.

The gentleman from Indiana [Mr. STEELE] now moves that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

The result of the vote on the motion to adjourn was then announced, there being—ayes 99, noes 49; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Monday.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BLAND: A bill (H. R. 7349) for the relief of James Morgan—to the Committee on Pensions.

By Mr. BLOUNT: A bill (H. R. 7350) for the relief of Mrs. Mary S. Stone, administratrix—to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 7351) granting a pension to Mary M. Smith, widow of J. A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7352) granting pension to Jasper Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7353) granting a pension to Elizabeth J. Johnson, widow of William H. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7354) for the relief of the legal representatives of Miranna Jennings—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 7355) for the relief of Charles Lee—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 7356) to provide for the payment of the mayor, aldermen, and commonalty of the city of New York—to the Committee on War Claims.

By Mr. COMPTON: A bill (H. R. 7357) for the relief of Henrietta V. Minnix—to the Committee on the District of Columbia.

By Mr. FINLEY: A bill (H. R. 7358) for the relief of Stephen J. Watts—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 7359) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Orggon—to the Committee on Claims.

By Mr. HUTTON: A bill (H. R. 7360) granting a pension to Thomas M. Swearinger—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 7361) for the relief of John Joseph Bradshaw—to the Committee on War Claims.

Also, a bill (H. R. 7362) for the relief of John Heflebower—to the Committee on War Claims.

By Mr. MERRIMAN: A bill (H. R. 7363) for the relief of the legal representatives of James Hale—to the Committee on Claims.

By Mr. MORSE: A bill (H. R. 7364) for the relief of Joseph Richardson—to the Committee on Invalid Pensions.

By Mr. NELSON (by request): A bill (H. R. 7365) for the relief of John W. West—to the Committee on Indian Affairs.

By Mr. J. H. O'NEALL: A bill (H. R. 7366) granting relief to Miles Ragsdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7367) for the relief of Daniel Monaghan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7368) for the relief of John W. Wainman—to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 7369) for the relief of Jabez C. Jackson—to the Committee on War Claims.

By Mr. PEEL: A bill (H. R. 7370) for the relief of Elizabeth Fitzhugh—to the Committee on War Claims.

Also, a bill (H. R. 7371) for the relief of Thomas I. Hicks—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 7372) for the relief of Mahala Fields—to the Committee on War Claims.

Also, a bill (H. R. 7373) granting a pension to Charlotte C. Evans—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 7374) granting a pension to Samuel Withrow—to the Committee on Invalid Pensions.

By Mr. J. D. TAYLOR: A bill (H. R. 7375) for the relief of Francis Hammond—to the Committee on Ways and Means.

By Mr. WILLIAMS: A bill (H. R. 7376) to place the name of Edward Drury on the pension-roll—to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 7377) to remove the charge of desertion against John G. Alstrom—to the Committee on Military Affairs.

By Mr. HOLMES: A bill (H. R. 7378) granting a pension to Edwin D. Partridge—to the Committee on Invalid Pensions.

By Mr. VANDEVER: A bill (H. R. 7379) granting a pension to Charles H. Edmonds—to the Committee on Invalid Pensions.

By Mr. S. V. WHITE: A bill (H. R. 7380) granting a pension to Mary Fillyrave—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 1152) for the relief of the legal representatives of Eliza M. Ferris—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 6410) for the relief of Frank W. Webster—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

Also, a bill (H. R. 575) for the relief of Payne, James & Co.—from the Committee on Claims to the Committee on War Claims.

Also, a bill (H. R. 2954) to grant a pension to William T. Williams—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 167) for the relief of Daniel T. Hedges and Edward B. Spalding, executors of Charles E. Hedges—from the Committee on Claims to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers in the claim of Daniel Brown, of Tishomingo County, Mississippi—to the Committee on War Claims.

By Mr. C. S. BAKER: Petition of citizens of Conostoga, N. Y., in favor of the bill to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Petition of Jonathan Sides, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Papers in the claims of Ezra B. Towne, of Euphrazee Carlin, of Louisa B. Martin, of John J. Gardiner, of Emil V. Glover, of Jeff. J. Caffery, of Jane Hopkins, of Carter Carr, of Zuline Augamar, of John Mocbins, administrator of Irena Brown, of Jasper Gall, of Celestine Dauterive, of Mary E. Jones, of Johanna Unkle, of Thomas K. Smith, of Benjamin Temple, of Jane M. Anderson, and of Francis Bouligny, of Louisiana—to the Committee on War Claims.

By Mr. BOWDEN: Petition of S. G. Webb and others, for survey of Chuckatuck River—to the Committee on Rivers and Harbors.

By Mr. W. C. P. BRECKINRIDGE: Petition of Joseph L. Flood, of Elizabeth Demaree, of James Cobline, of Parkham Calloway, of William A. Bohannon, of Stephen Scobee, of Harrison Robert, of William Pollard, of Francis Ford, of J. M. McClelland, of Chistie Scobee, and of Paschall Rucker, of Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. T. M. BROWNE: Memorial of 456 citizens of Richmond, Ind., for an appropriation of $100,000 for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. BRUMM: Petition of the borough of Ashland, Pa., for a general law for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. BURNETT: Memorial of the selectmen of Milford, Mass., for the Government to own its post-offices, etc.—to the Committee on Public Buildings and Grounds.

By Mr. BURROWS: Petition of clerks in the post-office at San Francisco, Cal., for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of Rebecca Bowers, for relief—to the Committee on Invalid Pensions.

Also, petition of John Gilbert, of Hancock County, and of William T. Smallman, and of John Holt, sr., of Hamblen County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BUTTERWORTH: Petition of Proctor & Gamble, Emery Candle Company, M. Werk & Co., and others, manufacturers, of Cincinnati, Ohio, for increase of duty on glycerine—to the Committee on Ways and Means.

Also, petition of Mary Dammert, of Cincinnati, Ohio, widow of the late William Dammert, of the First Regiment Ohio Battery, for a pension—to the Committee on Invalid Pensions.

Also, petition of the Western Tract Society, of Cincinnati, Ohio, for reduction in postage on monthly periodicals—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Chamber of Commerce, recommending increase of appropriations for improvement of the Kentucky River—to the Committee on Rivers and Harbors.

By Mr. FELIX CAMPBELL: Petition of members of the Society of Old Brooklynites of Brooklyn, N. Y., for the erection of a monument at that city in memory of the prison-ship martyrs—to the Committee on the Library.

By Mr. CANNON: Petition of John Price and others, of Fairmount, Ill., to pension Charles Lee, late of Company I, Thirty-fifth Regiment Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. CLARDY: Petition of 25 plate-glass blowers, and of 20 plate-glass blowers, of Jefferson County, Missouri, for retention of tariff on plate-glass—to the Committee on Ways and Means.

Also, paper to accompany House bill 6013, for the relief of Anthony Connolly—to the Committee on Invalid Pensions.

Also, petition of 28 window-glass workers, of St. Louis County, Missouri, against reduction of tariff on window-glass—to the Committee on Ways and Means.

Also, petition of the Cigar-Makers' Union, of St. Louis, protesting against the repeal of the tax on cigars—to the Committee on Ways and Means.

By Mr. COCKRAN: Petition from 190 woolen and worsted mills of the United States and 110 merchants of New York City, for the classification of worsted as woolen cloth—to the Committee on Ways and Means.

By Mr. COGSWELL: Petition of Richard Matthews, for a pension—to the Committee on Invalid Pensions.

By Mr. COMPTON: Petition of John Hughes, of N. Brewer, executor, and of Thomas J. Franklin, of Anne Arundel County, Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. COX: Papers in the case of Hugo Wedeles, for relief—to the Committee on Indian Depredation Claims.

By Mr. CUTCHEON: Memorial of Bricklayers' Union, of Muskegon, Mich., recommending John T. Lynch—to the Committee on the Library.

By Mr. DE LANO: Petition from the S. L. Judd Grand Army of the Republic Post, No. 377, of Windsor, N. Y., for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. DINGLEY: Petition of John J. Frye and others, of Maine, for settlement of disputes between the United States and Great Britain by arbitration—to the Committee on Foreign Affairs.

By Mr. ERMENTROUT: Memorial of J. W. Bird, M. D., for the passage of the bill to reduce postage on seeds, plants, and bulbs—to the Committee on the Post-Office and Post-Roads.

By Mr. FISHER: Petition of F. H. Brooman and 25 others, and of F. W. Gilchrist and 28 others, requesting that salary of keepers of Life-Saving Service and surfmen be increased—to the Committee on Commerce.

Also, petition of the common council of Petoskey, Mich., for public buildings in all towns of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

By Mr. FRENCH (by request): Petition of members of Mad River Grange, No. 71, Patrons of Husbandry, of Waterbury, Conn., for reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. FULLER: Petition of Dorus M. Fox, for a pension from date of disability—to the Committee on Invalid Pensions.

Also, petition of the faculty of Upper Iowa University, of Iowa, for an international copyright law—to the Committee on Patents.

By Mr. GIFFORD: Petition of Ralph Ely Post, No. 45, Grand Army of the Republic, of Dakota, for the passage of dependent pension bill—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of the Grand Lodge of Good Templars of Vermont, for a commission to inquire into the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of same, for prohibitory constitutional amendment—to the Committee on the Judiciary.

Also, protest of West Branch Lumberman's Exchange, of Williamsport, Pa., against reducing the duty on lumber—to the Committee on Ways and Means.

Also, resolutions of a meeting of citizens of San Francisco, Cal., demanding the exclusion of Chinese—to the Committee on Foreign Affairs.

By Mr. HARMER: Two memorials of the Junior Order of United American Mechanics, in favor of declaring Washington's birthday a legal holiday—to the Committee on the Judiciary.

By Mr. HAUGEN: Petition of the Red Cedar Assembly, No. 5448, of Menomonee, Wis., for relief—to the Committee on Labor.

By Mr. J. S. HENDERSON: Petition of William Schaus, for placing paintings and sculptures on the free-list—to the Committee on Ways and Means.

Also, memorial of the Laundrymen's National Association, in favor of the Mitchell anti-Chinese bill—to the Committee on Foreign Afairs.

Also, resolutions of citizens of San Francisco, Cal., for the exclusion of Chinese from the United States—to the Committee on Foreign Affairs.

Also, memorial of the Board of Trade and others, of Philadelphia, for an international maritime conference—to the Committee on Commerce.

By Mr. T. J. HENDERSON: Petition of Emma Sanger and others, of Amboy, Ill., for a pension to Louis Sanger—to the Committee on Pensions.

By Mr. S. I. HOPKINS: Petition of John M. Stewart, administrator of Richard Parsons, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Thomas Y. Mosby, of Bedford County, Virginia—to the Committee on War Claims.

By Mr. S. T. HOPKINS: Memorial of the authorities of Kingston, N. Y., for discontinuing the present system of appropriations for public buildings, etc.—to the Committee on Public Buildings and Grounds.

By Mr. HOUK: Petition of A. A. Caldwell, of Jefferson County, and of D. H. Willis, administrator of Dr. R. Snead, of Knox County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HUDD: Petition of James Bell, mayor of Sheboygan, Wis., and the aldermen and citizens of said city, for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. JACKSON: Evidence in the case of George H. Rider—to the Committee on Invalid Pensions.

Also, evidence in the cases of George Harkin and of William P. Withrow for relief—to the Committee on Military Affairs.

By Mr. LAIDLAW: Petition of the Thirty-fourth district of New York, relating to the tariff on wool—to the Committee on Ways and Means.

By Mr. LAFFOON: An act of the General Assembly of Kentucky relative to the improvement of the Green and Barren Rivers—to the Committee on Rivers and Harbors.

By Mr. LEE: Papers in the claim of Peter and Anson B. Nodine—to the Committee on War Claims.

By Mr. McADOO: Joint resolution for an appropriation for the removal of Smith's, or Windmill Island, from the Delaware River—to the Committee on Rivers and Harbors.

By Mr. McCLAMMY: Petition of J. T. Foy, son and heir of Mary A. Foy, late of Pender County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCOMAS: Petition of Charles G. Biggs, administrator of B. F. Rohrback, of Washington County, Maryland, for reference of his claim—to the Committee on War Claims.

By Mr. MORGAN: Papers in the claim of Georgie C. Greer, of Panola County, Mississippi—to the Committee on War Claims.

By Mr. NEWTON: Petition and protest of citizens of Madison, La., against the Dawes bill for suppression of cotton-seed oil in its use as a substitute for hog lard—to the Committee on Agriculture.

By Mr. CHARLES O'NEILL: Protest of the West Branch (Pa.) Lumberman's Exchange, against the change in the duty on lumber—to the Committee on Ways and Means.

Also, memorial of the Paint Club, of Philadelphia, for a survey and an appropriation for the removal of Smith's, or Windmill, and Petty's Islands from the Delaware River—to the Committee on Rivers and Harbors.

By Mr. OSBORNE: Resolutions of West Branch Lumberman's Exchange, of Pennsylvania, protesting against removal of duty on lumber—to the Committee on Ways and Means.

Also, joint memorial of the Board of Trade, Commercial Exchange, etc., for an international maritime conference to be held in the United States—to the Committee on Foreign Affairs.

Also, resolutions of citizens of San Francisco, Cal., relating to Chinese immigration—to the Committee on Foreign Affairs.

By Mr. PEEL: Papers in the claim of John Miser, of Bruten County, Arkansas—to the Committee on War Claims.

By Mr. PERKINS: Petition of John F. Thompson, J. P. Slaughter, and others, citizens of Chetopa, Kans., for a Government system of telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. PHELAN: Petition of Henry M. Green, of Fayette County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PUGSLEY: Petition of William H. Glen and 199 other members of the John M. Barrier Post, Grand Army of the Republic, for the repeal of the second section of the arrearage-of-pension act of March 3, 1879—to the Committee on Invalid Pensions.

Also, petition of S. S. Wells and 83 others, citizens of Bainbridge, Ross County, Ohio, for the passage of a 1 cent per day pension bill—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Lawrence Johnson & Co., Pennsylvania Warehousing and Safe Deposit Company, and others, that duties on imported merchandise deposited in bonded warehouse be assessed upon the quantity delivered from, instead of quantity entering into, the warehouse—to the Committee on Ways and Means.

Also, resolution of the Junior Order United American Mechanics, of Philadelphia, Pa., asking that the 22d day of February be declared a legal holiday—to the Committee on the Judiciary.

By Mr. RICE: Resolution of the Chamber of Commerce of Minneapolis, Minn., protesting against certain proposed legislation with respect to commerce between the United States and Canada, and amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. RICHARDSON: Petition and papers of Eth. B. Wade, heir of Levi Wade, of Rutherford County, Tennessee, for reference to the Court of Claims—to the Committee on War Claims.

Also, petition of James J. Ward, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCULL: Memorial of the authorities of the borough of Tyrone, Pa., relative to public buildings—to the Committee on Public Buildings and Grounds.

By Mr. STAHLNECKER: Joint memorial of the Board of Trade, Commercial, Maritime, and Drug Exchanges, Vessel-Owners and Captains' Associations, calling for an act authorizing an international maritime conference in the United States—to the Committee on Commerce.

By Mr. STEELE: Petition of citizens of Blufftown, Ind., that instead of spending so much money for large cities, Congress appropriate, say, $2,000 for each 1,000 people for public buildings in towns of 3,000 inhabitants—to the Committee on Public Buildings and Grounds.

By Mr. J. D. TAYLOR: Petition of 11 old soldiers from Hendrysburgh, Belmont County, Ohio, for a service pension—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Petition of T. H. Bellany, for relief—to the Committee on Invalid Pensions.

Also, petition of Seth Parker Post, No. 63, Grand Army of the Republic, and others, in favor of the bill to remove the limitation of arrearages of pensions—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: Papers in the case of Thomas Foster, for relief—to the Committee on Claims.

By Mr. WASHINGTON: Petition of heir of James W. Hoggett, of Davidson County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition and joint memorial for an international maritime conference—to the Committee on Commerce.

By Mr. WHEELER: Papers in the claim of heirs of L. E. Wilkerson, of Harriet M. Jones, of F. D. Hurt, and of David B. Johnson, of Alabama—to the Committee on War Claims.

Also, petition of heirs of Jesse T. Trice, of Jackson County; of A. Eckeberger and of Henry C. Rice, of Lawrence County, and of Mary M. Westmoreland, of Lauderdale County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of H. C. Moses, of Giles County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of George Deck; of Mary A. Kile; of Anna P. Myers, administratrix of James Myers; of James W. Glenn, administrator of William Grove; of John Beck; of John M. Harmon; of John W. Gardner, heir of Francis Gardner; of Hannah T. F. Butler; of John W. Gardner; of Louisa Eichelberger, widow of George W. Eichelberger; of W. H. Neargs, executor of Aaron Bean; of A. H. Tanguary, administrator of David Fry; of George Shaw; of Moses C. Bayler, and of Andrew Aldrige, of West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. YOST: Memorial of the Board of Trade, etc., of Philadelphia, Pa., for an act authorizing the calling of an international marine conference in the United States—to the Committee on Commerce.

Also, resolutions of the West Branch Lumberman's Exchange of Williamsport, Pa., protesting against placing lumber on the free-list—to the Committee on Ways and Means.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. COWLES: Of citizens of Mulberry, Wilkes County, North Carolina.

By Mr. ERMENTROUT: Of J. M. Stonerod, of Birmingham, Pa.

By Mr. T. D. JOHNSTON: Of Barah Wright and others, of Short Off, and of J. L. Burchfield and others, of Tito, N. C.

By Mr. McCLAMMY: Of citizens of Montrose, Cumberland County, North Carolina.

By Mr. PATTON: Of 56 citizens of Salona, Clinton County, Pennsylvania.

By Mr. ROWLAND: Of citizens of Wharey, Cabarrus County, North Carolina.

By Mr. WHEELER: Of W. J. Swann and 7 others, of Jackson County, Alabama.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education.

By Mr. C. R. BRECKINRIDGE: Of 141 citizens of White County, Arkansas.

By Mr. BUNNELL: Of 240 citizens of Beaver County, Pennsylvania.

By Mr. GALLINGER: Of 137 citizens of Hillsborough County, New Hampshire.

By Mr. GROUT: Of 419 citizens of Windham County, Vermont.

By Mr. HALL: Of 397 citizens of Mercer County, Pennsylvania.

By Mr. S. T. HOPKINS: Of 215 citizens of Delaware County, New York.

By Mr. WEBER (by request): Of 271 citizens of Erie County, New York.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. SCULL: Of citizens of the Seventeenth district of Pennsylvania.

By Mr. GRANGER (by request): Of citizens of the Fourth district of Connecticut.

By Mr. PATTON: Of 118 citizens of the Twentieth district of Pennsylvania.

SENATE.

MONDAY, *February* 20, 1888.

Prayer by Rev. WILLIAM BRUSH, D. D., president of Dakota University, Mitchell, Dak.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting copies of the new parcels post convention between the United States and the Bahamas; which, with the accompanying documents, was referred to the Committee on Post-Offices and Post-Roads.

CHARLES R. WESTBROOK.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 31, 1888, a copy of the stenographic notes of the testimony of Charles R. Westbrook as assistant district attorney for the southern district of New York; which was read.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 31, 1888, the facts attending the employment and compensation of Charles R. Westbrook as assistant district attorney for the southern district of New York, together with copies of correspondence on the subject.

The PRESIDENT *pro tempore*. These communications, with the accompanying papers, will lie on the table until the Senator from Maine [Mr. HALE] comes in.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of the United States, respecting the opening of what is known as the Neutral Strip, and asking for the establishment of a land district and the location of a land office at Central City; which was referred to the Committee on Public Lands.

He also presented the petition of C. M. Bellows, of New York, praying for the appointment of a commission to investigate the alleged charges against the Roman Catholic priesthood because of the practice of auricular confession; which was referred to the Committee on Education and Labor.

He also presented a petition of 24 citizens of New London, Conn., praying that the salary of the keepers of the Life-Saving Service be increased to $1,000 a year; also that the pay of surfmen of that service be raised to $75 a month; which was referred to the Committee on Appropriations.

He also presented the petition of J. J. Parker, Fredonia, Kans., praying for the abolition of the internal-revenue system of taxation, for the removal of restrictions from American shipping and commerce by repealing registration laws, for the removal of the duty on wool used in carpet manufacture, and for the removal of the duty on garden and other seed; which was referred to the Committee on Finance.

He also presented resolutions of the National Temperance Society, in favor of the passage of the bill prohibiting the liquor traffic in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. QUAY presented a petition of Union soldiers and sailors of Tioga County, Pennsylvania, praying for the passage of a service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of New Jersey, praying for the passage of a law prohibiting the taking of fish for any other purpose than for food within 3 miles of the Atlantic coast; which was referred to the Committee on Fisheries.

Mr. EDMUNDS. I present the memorial of Governor E. J. Ormsbee, of Vermont, Oliver Ames, governor of Massachusetts, and Charles H. Sawyer, the governor of New Hampshire, and of the directors of the Bennington Battle Monument Association, setting forth the state of the moneys that have been raised and appropriated by Congress and by these several States and by private citizens to that object, the progress they have made, and stating in substance that some further moderate appropriation is necessary for the purpose of erecting an iron staircase in the monument and having an iron or bronze door at the entrance at the bottom, and putting on what they suggest, the effigies of two or three of the Revolutionary heroes who were engaged in that battle; which, together with an accompanying paper of the engineer in charge, I commend to the favorable consideration of the Committee on Public Buildings and Grounds, to whom I move that the memorial be referred.

The motion was agreed to.

Mr. EDMUNDS. I present the petition of a large number of citizens of the First and Second Congressional districts of Vermont, praying for the passage of the bill prohibiting the manufacture and sale of alcoholic drinks in this District. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. SHERMAN presented a petition of the soldiers and sailors' convention, Geauga County, Ohio, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a joint resolution of the Legislature of Ohio, praying that Union soldiers confined in rebel prisons without compensation or pay be granted a pension of not less than $12 a month and $2 a day for time of imprisonment; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

[House joint resolution No. 8.]

Joint resolution requesting Congress to pass a law granting a pension to every honorably discharged Union soldier who was confined in rebel prisons, and the payment of an additional $2 per day for every day so imprisoned.

Resolved by the General Assembly of the State of Ohio, That the Senate and House of Representatives of the United States are requested by the Sixty-eighth General Assembly of the State of Ohio, to pass a law providing that all honorably discharged Union soldiers of the late war who were confined in rebel prisons be placed on the pension-rolls of the United States at not less than $12 per month, and that they receive the sum of $2 per day for the time they were so imprisoned.

Resolved, That the governor of the State of Ohio forward a copy of this resolution to the Senate and House of Representatives.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
WM. C. LYON,
President of the Senate.

Adopted February 10, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 10th day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus, the 10th day of February, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 11, 1888.

In compliance with the request contained in the resolution above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

Mr. SHERMAN presented a petition of 29 soldiers of Mercer County, Ohio, praying for the passage of the one cent a day pension bill; which was referred to the Committee on Pensions.

He also presented a resolution of the Cincinnati (Ohio) Chamber of Commerce, urging the prevention of the importation of adulterated articles of food or drink under any other names than those which legitimately pertain to them; which was referred to the Committee on Finance.

He also presented a joint resolution of the General Assembly of Ohio in favor of the passage of the bill to grant arrears of pension to soldiers drawing pensions for loss of limb or limbs; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

[Senate joint resolution No. 7.]

Joint resolution instructing our Senators and requesting our Representatives in Congress to use all honorable means to secure the passage of Senate bill No. 913.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act, all persons on the pension-rolls of the United States who are drawing pensions on account of loss of limb or limbs shall be entitled to receive arrears of pension from date of discharge or disability, and covering all the time up to the passage of the act or acts authorizing the issuance of their last pension certificate, at the same rate per month to which the certificate entitles them:" Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators in Congress are instructed and our Representatives in Congress are requested to use all honorable means to secure the passage of such bill, and that the governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 1, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio, on the 1st day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus, the 2d day of February, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 3, 1888.

In compliance with the request contained in the resolutions above set forth I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

Mr. SHERMAN presented a petition adopted at a mass meeting in the First Colored Baptist Church of Richmond, Va., praying for the passage of the bill to reimburse the depositors of the Freedman's Savings and Trust Company; which was referred to the Committee on Finance.

He also presented a petition of soldiers and sailors of the Union Army and Navy, of Guernsey, Ohio, praying for the passage of what is known as the one cent a day pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Henderson, Ohio, praying for the removal of the duty on salt; which was referred to the Committee on Finance.

He also presented a petition of citizens of Virginia, praying that Joseph Passeno be allowed $25 per day for ferriage across the Potomac River until the Aqueduct bridge is completed; which was referred to the Committee on the District of Columbia.

He also presented a resolution of the Cincinnati Chamber of Commerce, in favor of a liberal appropriation for the improvement of slackwater navigation on the Kentucky River; which was referred to the Committee on Commerce.

He also presented a petition of the Chicago Laundrymen's Association, praying for the passage of a law to prohibit Chinese immigration; which was referred to the Committee on Foreign Relations.

He also presented a joint resolution of the General Assembly of Ohio, in favor of the passage of Senate bill No. 1206, to equalize the bounties of soldiers, sailors, and marines of the late war for the Union; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

[House joint resolution No. 14.]

Joint resolution requesting Congress to pass Senate bill No. 1206, Fiftieth Congress, first session, to equalize the bounties of soldiers, sailors, and marines of the late war for the Union.

Whereas unjust discrimination was used in granting and payment of bounties by the United States Government to the volunteer soldiers, sailors, and marines of the late war for the Union;

Whereas there are many soldiers, sailors, and marines suffering at this time from said unjust discrimination: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That it is the sense of this General Assembly that Congress should, at the earliest possible opportunity, pass the above-named Senate bill No. 1206, popularly known as the "Logan bill," and recently reintroduced by Senator PLUMB, of Kansas.

Resolved, That the governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 1, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 1st day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus, the 2d day of February, A. D. 1888.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 3, 1888.

In compliance with the request contained in the resolutions above set forth I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

Mr. SHERMAN. I present the petition of the widow and daughter of Dr. Charles Francis Hall, late an Arctic explorer, praying to be allowed a pension. I ask that this very interesting paper be printed as an ordinary document, and that it be referred to the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. SHERMAN presented a petition of the General Assembly of Ohio, praying for the passage of the pleuro-pneumonia bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

[House joint resolution No. 15.]

Joint resolution requesting our Senators and Representatives in Congress to support Senator T. W. PALMER's bill relative to the eradication of contagious pleuro-pneumonia among cattle.

Whereas the danger to the cattle industry of this country from contagious pleuro-pneumonia is so great as to necessitate the most thorough means of eradication of this insidious disease; and

Whereas the bill indorsed by all the cattle-breeders' associations and introduced by Senator T. W. PALMER, in the United States Senate, is the only adequate measure devised for the swift and sure stamping out of this disease: Therefore,

Be it resolved, That this General Assembly commend this measure, thus indorsed by the cattle growers of America, and request our Senators and Representatives in Congress to give said bill their support.

Resolved, That the governor be requested to transmit a copy of these preambles and resolutions to each of our Senators and Representatives in Congress.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.
THEO. F. DAVIS,
President pro tempore of the Senate.

Adopted February 1, 1888.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State:

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 1st day of February, A. D. 1888, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed by name and affixed my official seal at Columbus, the 3d day of February, A. D. 1888.

JAMES S. ROBINSON, *Secretary of State.*

EXECUTIVE CHAMBER, *Columbus, Ohio, February* 4, 1888.

In compliance with the request contained in the resolutions above set forth, I have the honor to transmit a certified copy of the same herewith.

J. B. FORAKER, *Governor.*

Mr. BUTLER presented resolutions adopted by citizens of Beaverhead County, Montana Territory, remonstrating against any change of the boundary lines of the Territory; which were referred to the Committee on Territories.

He also presented a memorial of citizens of the district of Alaska, remonstrating against the passage of the bill providing for a Territorial form of government for the district of Alaska; which was referred to the Committee on Territories.

Mr. MCPHERSON presented a joint resolution of the Legislature of New Jersey, favoring an appropriation for the removal of Smith's or Windmill Island from the Delaware River; which was referred to the Committee on Commerce.

Mr. PALMER presented a petition of 107 citizens of the Fifth, Seventh, and Tenth Congressional districts of Michigan, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the heirs of Henry Bradley, praying to be relieved from the payment of certain taxes; which was referred to the Committee on the District of Columbia.

He also presented a resolution of the Board of Trade of Detroit, Mich., in favor of the passage of the bill to organize a naval reserve corps upon the Northern lakes; which was referred to the Committee on Naval Affairs.

He also presented a petition of the officers of the Farwell Transportation Company, and other citizens of Michigan, and a petition of S. B. Grummord and other citizens of Michigan, praying for a survey and estimate of cost of a harbor of refuge at False Presque Isle, Lake Huron; which were referred to the Committee on Commerce.

He also presented the petition of G. G. Hartung and 25 other citizens of Macomb County, Michigan, praying for the better protection of wool-growing and woolen manufacturing industries; which was referred to the Committee on Finance.

Mr. CHACE presented a petition of 129 citizens of the District of Columbia, praying for prohibition in that District; which was referred to the Committee on the District of Columbia.

Mr. PADDOCK presented a petition of the Bricklayers' Union, No. 3, of Beatrice, Nebr., praying that the labor organizations be recognized in the construction of the Congressional Library building; which was referred to the Select Committee on Additional Accommodations for the Library of Congress.

He also presented the petition of William Schaus, of New York, praying that certain imported works of art shall be placed on the free-list; which was referred to the Committee on Finance.

Mr. HISCOCK presented a petition of 30 citizens of Hudson, N. Y.; a petition of 41 citizens of Alpine, N. Y.; a petition of 72 citizens of Cortland, N. Y.; a petition of 68 citizens of Windsor, N. Y., and a petition of 49 citizens and ex-soldiers of Philadelphia, N. Y., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. COKE presented a petition of citizens of Texas, praying for a reduction of the tariff duties on books, periodicals, pamphlets, etc.; which was referred to the Committee on Finance.

Mr. FARWELL presented a memorial of citizens of Alaska, remonstrating against the passage of the bill providing a Territorial form of government for the district of Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Chicago Board of Trade, praying for the passage of a law requiring refiners and dealers to brand adulterated lard "compound lard;" which was referred to the Committee on Agriculture and Forestry.

Mr. HAMPTON presented a petition of citizens of South Carolina, praying that an appropriation be made for the development of the Congaree River; which was referred to the Committee on Commerce.

Mr. VOORHEES. I present a petition numerously signed by surviving soldiers and sailors of the Union Army and Navy, praying for the passage of the per diem rated service-pension bill. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. DAVIS presented the petition of Frank Waldorf and other citizens of Minnesota, praying for the removal of the duty on salt; which was referred to the Committee on Finance.

He also presented the petition of Albert Swift and others, citizens and ex-Union soldiers and sailors of Minnesota, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented a memorial of citizens of Alaska, remonstrating against the passage of the bill providing a Territorial form of government for the district of Alaska; which was referred to the Committee on Territories.

He also presented a petition of ex-Union soldiers and sailors of Michigan, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented resolutions of the Pomona Grange No. 10, Patrons of Husbandry, of Hillsdale, Mich., praying the passage of a bill giving protection to innocent purchasers of patented articles; which were referred to the Committee on Patents.

He also presented a petition of the mayor and other citizens of Owosso, Mich., praying for the passage of a general bill for the erection of public buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. SAWYER presented a petition of 158 citizens of the First, Seventh, and Eighth Congressional districts of Wisconsin, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BLAIR. I present the petition of the National Woman's Christian Temperance Union, officially signed, representing 200,000 members, praying for a submission to the States of a prohibitory amendment to the Constitution. This is signed officially by the president, Frances E. Willard; Caroline B. Buell, corresponding secretary; Mary A. Woodbridge, recording secretary, and Esther Pugh, treasurer. I move the reference of the petition to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR presented a petition of the Woman's Christian Temperance Union of Indian Territory, officially signed, and a petition of the Woman's Christian Temperance Union of Eastern Washington Territory, praying for the submission to the States of a prohibitory amendment to the Constitution; which were referred to the Committee on Education and Labor.

Mr. BLAIR. I present a petition of the Woman's Christian Temperance Union, by the general officers thereof, under the instruction of the national convention, praying for further legislation for the suppression of the crime of rape, and that the age of possible consent on the part of females be raised to eighteen years, to be referred to the Committee on the Judiciary. The petition is brief, and I will read it. It is in these words, addressed to the Senate and House of Representatives:

> The increasing and alarming frequency of assaults upon women and the frightful indignities to which even little girls are subject have become the shame of our boasted civilization.
>
> A study of the statutes has revealed their utter failure to meet the demands of that newly-awakened public sentiment which requires better legal protection for womanhood and girlhood.
>
> Therefore we, the general officers of the National Woman's Christian Temperance Union, do most earnestly appeal to you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls. We also urge that the age at which a girl can legally consent to her own ruin be raised to at least eighteen years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

The petition is signed by Frances E. Willard, president; Caroline B. Buell, corresponding secretary; Mary A. Woodbridge, recording secretary; Esther Pugh, treasurer, and L. M. N. Stevens, assistant recording secretary, the general officers, by direction of the national convention of the Woman's Christian Temperance Union, assembled during the last autumn, and represents the action of the whole union, which numbers more than 200,000 active members, resident in every State and Territory and in the District of Columbia.

In connection with that petition, I present also another larger petition, signed by these same general officers, in their personal capacity, and also by about 15,000 others, mostly male citizens of the United States. This petition was circulated throughout the country by direction of the national convention of the Woman's Christian Temperance Union, and they have also been assisted in its circulation by the Knights of Labor, which ordered it to be distributed among the assemblies of the order, and who were largely instrumental in obtaining these signatures, the two great organizations thus acting in unison for the promotion of this good object.

I may say in this connection that our civilization seems to have developed almost an unknown phase of crime in the annals of the race, and to-day the traffic in girls and young women in this country, especially in our large cities, has come to be more disgraceful and worse than ever was that in the girls of Circassia. It has attracted public attention, and it must be known to Senators that even now there are developments in one of our great cities which show how grievously girlhood and young womanhood are in absolute need of the protection of law as prayed for in this petition.

I believe, in fact I may say I feel and I know, that this appeal of the womanhood of the country to the protection of its manhood and statesmanship will not be in vain.

I ask that the petitions be referred to the Committee on the Judiciary, with the bill which accompanies it, which I ask unanimous consent to introduce at this time, so that they may go together to the committee. It is a bill draughted by the Woman's Christian Temperance Union, proposing increased protection of the law against crimes by force against women, and raising the age of consent to eighteen years throughout the jurisdiction of the United States.

The PRESIDENT *pro tempore*. The bill will lie on the table until that order is reached, and the petitions will be referred to the Committee on the Judiciary.

Mr. BERRY presented a petition of the Little Rock (Ark.) Medical Association, praying for the removal of import duties from all medicines and surgical appliances, and from everything required in the treatment or diagnosis of disease; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of citizens of Alaska, remonstrating against the passage of the bill providing a Territorial form of government for the district of Alaska; which was referred to the Committee on Territories.

He also presented a petition of 43 citizens of Meredosia, Ill., dairymen, dealers in and consumers of dairy products, praying for the removal of the duty on foreign salt; which was referred to the Committee on Finance.

He also presented a petition of the village authorities of Kewanee, Ill., praying Congress to make provision by a general law for the erection of post-office buildings in every city of over 3,000 inhabitants; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of 24 dairymen, dealers in and consumers of dairy products, residents of Trenton, Ill., praying for the removal of the duty on foreign salt; which was referred to the Committee on Finance.

He also presented a petition of the board of directors of the Chicago Board of Trade, officially signed, praying for the enactment of such laws as will compel refiners and dealers to brand all adulterated lard in such a way as to plainly distinguish the pure from the impure article; which was referred to the Committee on Agriculture and Forestry.

Mr. STEWART presented a memorial of citizens of Alaska, remonstrating against the passage of the bill providing for a Territorial form of government in the district of Alaska, and asking for the passage of such laws as will be applicable to the condition of that district; which was referred to the Committee on Territories.

Mr. DAWES presented a petition of Government laborers and others, praying for the adjustment of their claim under the eight-hour law; which was referred to the Committee on Education and Labor.

Mr. FAULKNER. I present a petition of the authorities of the city of Martinsburgh, W. Va., under the corporate seal and signed by C. O. Lambert, mayor, and C. A. Young, clerk, praying Congress to discontinue the practice of passing appropriation bills for Government buildings, and instead thereof to enact a general law providing for the erection of Government post-office buildings in every city and village of the Union of 3,000 inhabitants or over. I move the reference of the petition to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. SPOONER presented a petition of the faculty of Racine College, at Racine, Wis., praying for the passage of an international copyright law; which was referred to the Committee on Patents.

He also presented the petition of John Gould and other citizens of Trempealeau, Wis., praying for speedy action on the subject of protection to the wool-growing and woolen manufacturing industries of the country; which was referred to the Committee on Finance.

He also presented resolutions adopted by the Board of Trade of La Crosse, Wis., urging upon Congress the favorable consideration of the resolutions in favor of river improvements adopted by a convention held at Dubuque, Iowa, January 17 and 18, 1888; which were referred to the Committee on Commerce.

Mr. MANDERSON presented a petition of 30 post-office clerks at Omaha, Nebr., praying for an increase of the salaries of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Lincoln, Nebr., praying that an appropriation be made for paving the street in front of the post-office in that city; which was referred to the Committee on Appropriations.

Mr. WILSON, of Iowa, presented a petition of dairymen, dealers in and consumers of dairy products, citizens of Bancroft, Iowa, praying for the removal of the duty on salt; which was referred to the Committee on Finance.

Mr. TELLER presented a petition of the Board of Trade of Sterling, Colo., and a petition of the Board of Trade of Colorado Springs, Colo., praying that an appropriation be made for the construction of reservoirs for irrigation purposes in Colorado; which were referred to the Committee on Public Lands.

Mr. PLUMB presented a memorial of citizens of Alaska, expressing disapprobation of the bill to provide for a Territorial form of government for the district of Alaska; which was referred to the Committee on Territories.

Mr. MITCHELL. I present a memorial of the Laundrymen's National Association showing the nature and extent of the laundry interest in the United States, and the extent to which such industry is being degraded from a respectable American to a dangerous and hostile pagan avocation.

The memorial asserts that there are in operation in the United States to-day 6,243 American laundries, employing 93,645 hands, and paying

to these $29,217,240 in wages annually; having $14,730,000 capital employed and doing $65,027,200 worth of business annually.

It is further stated that these figures, enormous as they are, very inadequately indicate the real interests which the mass of the people have in these humble and quiet establishments.

It is further represented that from these laundry establishments, so far as conducted by American citizens, emanate no immoral influences and the seeds of no physical, moral, or religious leprosy, but, on the contrary, they are healthful factors in the great civilizing organization of American industry.

The memorial further suggests that the Chinese Empire, which was for so many centuries closed against the enlightenment of true civilization and shut up as a vast hot-bed of monstrous political, social, moral, and superstitious propagation, having, unfortunately for the rest of the world, opened its national doors, appears now to be ridding itself of a large surplus population by a strong organic effort to cast the poisonous fruitage of its corrupt system upon our shores.

It is stated, moreover, as the belief of the Laundrymen's National Association that the 250,000 Chinese at present forced upon us are but the *avant-couriers* of an army to come unless the wise provisions of the Chinese exclusion bill introduced by myself in this body are adopted.

It is further asserted as a fact that a much larger proportion of Chinese immigrants than that of any other foreign element gravitates naturally into the laundry business. It is stated that of the 250,000 Chinese now here, 98,500 are laundrymen, and their laundries to-day number 12,973, more than double the number of those conducted by Americans; that they employ no American help; that three-fourths of them are controlled by the Chinese syndicate known as the Six Companies, whose agents are in every hamlet in the land, making weekly collections from each laundry, and reminding these pagan people, wherever they go, that they are still the slaves of the Chinese Government as they are of the hideous vices with which that country's effete society is reeking.

The memorial further states that of the $26,983,840 which they draw annually from this country, giving back no return in taxes or any form of loyalty, many millions are expended in China for the means to indulge their national vices and to hire what is really slave labor to compete with American laborers.

It declares that the meagerness of their business expenditures, from which this country could alone realize any benefit in their presence, is indicated by the estimate that their total laundry outfit costs less than $325,000, while many of their laundries are opium dens of the lowest type.

The further suggestion is made in this memorial that the 60,000 wage women now employed in American laundries might have their number more than quadrupled if these Chinese seed-beds of leprosy could be closed. And in this connection it is asserted that one form of the Chinese laundryman's business economy is the temporary conversion of customers' clothing into beds, where they absorb every form of filth.

It is further stated that all the arguments against Chinese immigration, drawn from economic or other physical considerations, are really trifling compared with the gross immoralities which everywhere attend them and the pagan rites with which they continually insult and tend to debauch every Christian sentiment.

The memorial declares that the Chinese, in short, are the one people among all our representatives of foreign nationalities from whom our country has the least to hope and the most to fear. The more intimately they and their imperial customs and national characteristics become known among us, the more fixed is the wise determination of our native population that Mongolian character and rites shall not be incorporated into our nationality; and it is said that side by side with this determination is the clear conviction that the only way to prevent this immeasurable evil is to absolutely close the door against Chinese immigration.

The memorial further attracts attention to the fact that while heretofore the chief opposition to the influx of this hopelessly degraded people has existed on the Pacific coast, now they are rapidly spreading themselves over all parts of the country, and especially through the thickly populated regions of the Atlantic seaboard, where the opposition to their coming is arising at every point where their character and national purposes and personal practices become known, and in this connection it is said in this memorial the East is now vying with the West in demanding their total exclusion.

The memorial concludes as follows:

To avert all these evils and dangers, therefore, we solemnly pray you to grant the relief herein which all classes of American citizens are asking, by adopting and enacting as law the Mitchell anti-Chinese bill now pending before your honorable body.

Signed on behalf of all American citizens and all American institutions, as well as of the association we represent.

OLIVER K. REED,
President, Philadelphia, Pa.
C. N. CARR, *Philadelphia, Pa.*,
J. A. BOWDEN, *Columbus, Ohio*,
C. H. JEWETT, *Salem, Mass.*,
C. A. ROYCE, *Springfield, Mass.*,
T. SYERS, *Louisville, Ky.*,
Executive Committee of the Laundrymen's National Association.

And attested by—
B. W. ECCLESTON,
Secretary, Philadelphia, Pa.

I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MITCHELL. I also present a memorial adopted at a mass meeting of the citizens of San Francisco, held at Metropolitan Hall, in that city, December 28, 1887, earnestly protesting against further immigration of Chinese to this country and praying Congress to pass a law absolutely excluding all such immigration in the future.

As reasons, they characterize the Chinese in our midst as distinct in their civilization; un-American in their habits and customs; in dress, religion, and language as entirely distinct as it is possible for two peoples to be—one hoary with age, the other a youth full of life and hope; one a democrat, the other a slave; a people whose mode and system of living enable them to successfully compete against any other human labor, displacing, therefore, and ruining all who come in contact with them.

The memorial asserts that as a result of this competition—

Mr. BECK. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Senator from Kentucky will state his parliamentary inquiry.

Mr. BECK. My inquiry is whether the Senator from Oregon is making a "brief statement" of the contents of these petitions. I do not hear any part of the statement he is making, but it seems to take a good while for a "brief statement." I call attention to the rule.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Oregon that the rule requires that when a petition is presented it shall be accompanied by "a brief statement of its contents, made by the Presiding Officer or the Senator presenting it."

Mr. MITCHELL. The Senator from Oregon is perfectly familiar with the rule. For that reason he is conforming to the rule strictly in making a brief statement of the contents of the memorial.

This memorial, Mr. President, asserts—it is not long—that as a result of this competition, low wages prevail, preventing a civilized people from living in comfort, respectably rearing their families, giving their children a proper education, making them good citizens, and providing for themselves in old age; that this competition furthermore deprives thousands of our people of legitimate employment and robs our children of an opportunity of earning an honest living, driving many of them to crime and shame.

The memorial declares that the present laws respecting the admission of Chinese are so inefficient as to not materially impede their admission, and to open wide the doors to fraudulent and corrupt practices, making the intent of the law a mere sham. Furthermore, that the class of Chinese thus admitted contrary to the intent of our existing laws, consists largely of coolies imported substantially as slaves, of criminals of the most vicious and brutal kind, and of prostitutes or young women sold into slavery to become such.

It is further declared that the absolute disregard which these people have for any law, oath, truth, or decency prevents our own judiciary from having any hold on them, while they maintain a system of jurisprudence of their own among us, enforcing their own illegal edicts by blackmail and murder, and resorting to every device and trickery that their low cunning is possible of devising, to frustrate and resist the successful prosecution of their criminals in our own courts.

The memorial further sets out that their gambling hells, opium joints, and dens of iniquity and vice serve to entice our boys and girls, prompted by inducements too great to resist, while our laws seem powerless to suppress them; and yet the entire taxes paid by the Chinese population are insufficient to cover the cost of maintaining the Chinese prisoners of the State.

The memorial further advises Congress that the resources of the Pacific coast are so great that millions may be furnished homes where now there are but thousands; but by reason of this terrible Asiatic curse our progress is retarded, our development checked, our industries dwarfed, and a healthy increase of our American population discouraged, while at the same time our very free and liberal institutions are menaced by the unwholesome and corrupt influences at work by these people, who are determined to maintain the foothold they now have in this country.

The memorial concludes with a resolve as follows—two lines:

That we consider exclusion the only practical remedy, the present restriction laws having presented no bar to their entrance.

I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CAMERON presented resolutions of the Board of Trade, the Commercial Exchange, the Maritime Exchange, the Drug Exchange, and the Vessel-Owners and Captains' Association, all of Philadelphia, favoring the passage of an act of Congress authorizing the calling of an international maritime conference; which were referred to the Committee on Commerce.

He also presented resolutions of the West Branch Lumberman's Exchange, of Williamsport, Pa., remonstrating against the reduction of the duty on lumber; which were referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of the representatives of the several commercial organizations of Philadelphia, in favor of the enactment of a law that will permit the improvement of the

harbor of the port of Philadelphia, Pa.; which was referred to the Committee on Commerce.

He also presented a petition of members of the faculty of Lebanon Valley College, at Annville, Pa., praying for the speedy enactment of an international copyright law; which was referred to the Committee on Patents.

He also presented a petition of Pennsylvania dairymen and others, praying for the removal of the duty on foreign salt; which was referred to the Committee on Finance.

He also presented a petition of surviving soldiers and sailors of the late war, residents of Tioga County, Pennsylvania, praying for the immediate passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Pennsylvania, officially signed, praying for such legislation as shall provide for the adequate punishment of crimes against women and girls; which was referred to the Committee on the District of Columbia.

He also presented a petition of 354 citizens of the Ninth, Twelfth, Twenty-third, Twenty-fifth, and Twenty-seventh Congressional districts, and a petition of 136 citizens of the Fourth, Nineteenth, and Twenty-fifth Congressional districts of Pennsylvania, praying for prohfbition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of Joseph S. Wilson, of Oxford, Pa., praying for the passage of a bill granting him an invalid pension; which was referred to the Committee on Pensions.

He also presented a petition of the members of William S. Thompson Post, Grand Army of the Republic, of Oxford, Pa., praying for the passage of a bill granting a pension to Joseph S. Wilson; which was referred to the Committee on Pensions.

Mr. TURPIE presented a petition of J. M. Drake Post, No. 484, Grand Army of the Republic, of Lima, Ind., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. DOLPH. I present a petition addressed to the Senate and House of Representatives of the United States, signed by several hundred citizens of Alaska, praying for the extension of the land laws over that district; also praying for public buildings; that the district be provided with proper mail facilities; and praying for the passage of laws applicable to the social and political condition of the people of Alaska. Although there are several subjects embraced in the prayer of the petition, as the Committee on Public Lands has under consideration a bill proposing to extend the land laws over Alaska, I move the reference of this petition to that committee.

The motion was agreed to.

Mr. EVARTS presented a petition of 10 surviving soldiers and sailors of the Union Army and Navy; a petition of 58 surviving soldiers and sailors of the Union Army and Navy; a petition of 83 surviving soldiers and sailors of the Union Army and Navy, and a petition of 40 surviving soldiers and sailors of the Union Army and Navy, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. BROWN. I present the petition of the Savannah Volunteer Guards, reciting that the Adjutant-General of the United States Army having in his last annual report to the Secretary of War recommended the detail during the winter of officers of the regular Army to instruct the volunteer forces throughout the country, and the great advantages to be derived from such skilled military tuition being manifest, the petitioners ask their Senators and Representatives to do all that can possibly be done to secure the passage of a bill carrying out the recommendation of the Adjutant-General. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BROWN. I present the petition of James Mitchell, of Atlanta, Ga., praying for Federal aid to education, and suggesting an improvement of the school bill. As the bill has passed the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. BROWN presented a petition of the Medical Society of Atlanta, Ga., praying Congress, in the cause of humanity, to remove all import duties from all medicines, medical and surgical appliances, and from everything used in the treatment or diagnosis of disease; which was referred to the Committee on Finance.

Mr. BROWN. I present the petition of J. O. Matthewson & Co., of Augusta, Ga., general agents of the Pacific Guano Company of South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee. The petitioners recite in substance that they oppose the passage of the bill which has been introduced to prohibit seine fisheries for menhaden fish on the Atlantic coast. They recite that the menhaden fish furnish the ammonia for the Pacific Guano Company's fertilizer. After the oil is expressed the fiber and bone yield from 5 to 10 per cent. of ammonia more potent than any other.

They state that there are 343 vessels employed in the business, 3 per cent. of them steamers. The capital invested is $2,550,000; the fish taken last year numbered 563,327,000, equal to 1,877,767 barrels, and the product was 53,625 tons of compressed fiber and bone, which furnished for farm use 7,507,500 pounds of ammonia in the best possible organic form. This quantity of ammonia is equal to nearly 26,000 tons of Chincha Island Peruvian guano, worth in gold $1,560,000. Besides the ammonia these fish furnished nearly 1,072,500 pounds of phosphate of lime, equal to nearly 23,000 tons of Peruvian guano. In addition to all this, in 1875 there were produced 2,681,487 gallons of oil.

Professors Baird and Goode say that the catch has only taken one out of every million million.

The Pacific Guano Company, of Boston, Mass., with works at Wood's Holl, Mass., and Charleston, S. C., has used this fish for ammonia in the soluble Pacific guano for twenty-three years. It has a capital of $1,000,000, and the superiority of its fertilizer is due to the menhaden fish.

The petitioners then state that it is thought the bill resisted originated with a fishing club of Philadelphia, who fish for sport.

As the petition relates to fisheries in the Atlantic Ocean, I intended to move that it be referred to the Committee on Commerce, but it is suggested that it had probably better go to the Committee on Fisheries. I move that it be referred to the Committee on Fisheries.

The motion was agreed to.

Mr. VEST presented a memorial of 800 citizens of Alaska, remonstrating against the passage of the bill providing a Territorial form of government for the district of Alaska; which was referred to the Committee on Territories.

Mr. BECK presented the petition of G. D. Burdett and other dairymen, of Garrard County, Kentucky, and the petition of B. N. Stansifer and other dairymen, of Key West, Ky., praying that salt be placed on the free-list; which were referred to the Committee on Finance.

Mr. CALL. I present the petition of Hon. J. M. Tolbert, of Columbia County, Florida, relating to the Arredondo grant and the entries upon it in the State of Florida. The petition states that there is a large amount of land within this grant that ought to be subject to homestead entry, and prays for the passage of a different bill from that introduced by myself, praying that Senate bill No. 239, in relation to that subject, may not be passed by the Senate. I ask the consent of the Senate to have the petition printed as a miscellaneous document, and in connection with it the exhibit contained in the report to Congress in the Forty-eighth Congress at its first session, being Executive Document No. 154, which contains the names of the persons who have entered land during the last forty years upon this grant.

There are perhaps several thousand people located upon portions of this grant, and I ask that it be printed in order that they may be advised of the precise state of facts in regard to their title. I therefore move that the petition, with the accompanying exhibit, be printed for the use of the Senate and referred to the Committee on Public Lands.

My colleague and myself only desire to have such a bill passed as will satisfy the people, protect such equitable rights as have grown up under ancient possession, and will open as large a part of the grant as may be done consistently with prior possession and prior right to homestead entry and settlement.

The motion was agreed to.

Mr. DANIEL presented the petition of David E. Porter, of Falls Church, Va., praying for reinstatement as a captain in the United States Army; which was referred to the Committee on Military Affairs.

He also presented the petition of George Dillman, late private in the Fourth Regiment United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DOLPH presented petition of citizens of Washington County, Oregon, praying that an appropriation be made for the improvement of the Tualitin River; which was referred to the Committee on Commerce.

Mr. COCKRELL presented a petition of 145 citizens of the Third, Eleventh, and Twelfth Congressional districts of Missouri, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. JONES, of Arkansas, presented a petition of the Little Rock (Ark.) Medical Society, praying that the import duty be removed from all medicines, medical and surgical appliances, and from everything used in the treatment or diagnosis of disease; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1158) for the relief of Louis Jacobson;

A bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay;

A bill (H. R. 5550) for the relief of Sarah C. Morrison;

A bill (H. R. 4082) for the relief of the Agricultural and Mechanical College of Alabama;

A bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of Government for the fiscal year ending June 30, 1888, and for other purposes; and

Joint resolution (H. Res. 113) authorizing the Secretary of War to appoint a board of three engineers to examine and report in relation to the Delaware River between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6439) authorizing the appointment of two additional division superintendents of railway mail service; and it was thereupon signed by the President *pro tempore*.

REPORTS OF COMMITTEES.

Mr. RANSOM, from the Committee on Private Land Claims, to whom were referred the following bills, reported them adversely; and they were severally postponed indefinitely:

A bill (S. 536) to provide for ascertaining and settling private land claims in certain States and Territories;

A bill (S. 894) to establish a United States land court, to define its jurisdiction and duties, and to provide for the settlement of private land claims in the Territory of Arizona and New Mexico and the State of Colorado;

A bill (S. 1796) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories; and

A bill (S. 1845) to provide for the appointment of justices of the supreme court of the Territory of New Mexico authorized to determine the validity of Spanish and Mexican land grants in said Territory.

Mr. RANSOM. I am also instructed by the Committee on Private Land Claims, in lieu of these various bills, to report an original bill; and the Senator from Vermont [Mr. EDMUNDS] requests me to say that as a member of the committee he has not agreed to this bill.

The bill (S. 2042) to establish a United States land court and to provide for the settlement of private land claims in certain States and Territories was read twice by its title.

Mr. CHACE, from the Committee on the District of Columbia, to whom was referred the bill (S. 116) to incorporate the American Trust Company of the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 766) granting an increase of pension to John Moore, reported it without amendment, and submitted a report thereon.

Mr. FRYE. I am instructed by the Committee on Foreign Relations to report back sundry petitions for a maritime congress. I have already reported in behalf of the committee a bill providing for a maritime congress. I report these petitions back, and ask that the committee be discharged from their further consideration, and that they lie on the table.

The report was agreed to.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 1588) to amend an act entitled "An act to provide additional regulations for homestead and pre-emption entries of public lands," approved March 3, 1879, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States, reported it with an amendment.

Mr. HISCOCK, from the Committee on Interstate Commerce, to whom was referred the bill (S. 285) to prevent the issue of passes to official persons, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2005) to provide for the disposal of the Fort Wallace military reservation, in Kansas, reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1941) for the erection of a public building at Helena, Mont., reported it with amendments.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report back the bill (S. 160) authorizing the Secretary of War to have an iron bridge constructed from the Naval Observatory grounds across the Potomac River to the Arlington estate. The Committee on Military Affairs instruct me to request that they be relieved from the further consideration of this bill and that the same be referred to the Committee on Public Buildings and Grounds, it having had heretofore the investigation of this proposition. We have, however, accompanied the bill with a report, which I ask may be printed.

The report was ordered to be printed, the committee was discharged, and the bill referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3957) for the relief of Peter March, Thomas J. Wright, administrator, and others, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1593) for the relief of Giles B. Overton, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MANDERSON. I am also instructed by the Committee on Military Affairs to report back unfavorably the bill (S. 1445) for the relief of Emma H. Fish. While there is an unfavorable report I believe it is the desire of the Senator from Michigan [Mr. PALMER] that the bill be placed on the Calendar. I ask that that action be taken.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the petition of Chancy M. Payne, of Chicago, Ill., praying a correction of his military record, asked to be discharged from its further consideration; which was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Public Lands, to whom was referred the bill (H. R. 4556) to confirm New Madrid location survey No. 2889, and to provide for issue of patent therefor, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1481) making an appropriation to construct a road and approaches from Pineville, La., to the national military cemetery near that town, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and they were severally postponed indefinitely:

A bill (S. 1538) to establish the rank of Andrew R. G. Smith, of Whitefield, Me., as assistant surgeon of the Second Regiment of Maine Cavalry, on the 1st day of December, 1865;

A bill (S. 984) to remove the charge of desertion against Levi Beer; and

A bill (S. 520) for the relief of Benwood Hunter.

Mr. QUAY, from the Committee on Pensions, to whom was referred the bill (S. 1338) granting an increase of pension to Kate Q. Dalzell, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Agriculture and Forestry, reported a bill (S. 2083) to provide for the establishment of a bureau of animal industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes; which was read twice by its title.

Mr. PALMER. I will say that hereafter a written report, possibly a majority and minority report, will be submitted.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The bill will be placed on the Calendar awaiting the written report.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the act (S. 274) authorizing the construction of a bridge across the Missouri River at some accessible point in the county of St. Charles, in the State of Missouri, below the city of St. Charles; and on the 18th instant the act (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

BILLS INTRODUCED.

Mr. PLUMB (by request) introduced a bill (S. 2043) authorizing the removal of certain obstructions in the Hudson River opposite Poughkeepsie, in the State of New York; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 2044) in aid of the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill; which was read twice by its title, and referred to the Committee on the Library.

Mr. VOORHEES introduced a bill (S. 2045) for the purchase of a site and the erection of a public building thereon in the city of La Fayette, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2046) granting a pension to William H. Fletcher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2047) granting a pension to Lucinda Brunson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2048) to regulate and fix the compensation of employés of the Government Printing Office; which was read twice by its title, and referred to the Committee on Printing.

Mr. MCPHERSON introduced a bill (S. 2049) to equalize the grades of officers of the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 2050) granting a pension to Mrs. Bridget Hackett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 2051) for the relief of John C. Phillips; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2052) for the relief of Bridget A. Murphy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2053) for the relief of Frederick Parker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2054) for the relief of Ernst Shillinger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2055) for the relief of Mrs. Catherine E. Whitall; which was read twice by its title, and referred to the Committee on Claims.

Mr. EVARTS introduced a bill (S. 2056) to provide for the payment of the claim of the mayor, aldermen, and commonalty of the city of New York; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2057) for the relief of Nehemiah Osburn; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2058) to increase the pension of John Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK introduced a bill (S. 2059) for the relief of John T. Sechler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2060) granting a pension to John R. Duey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 2061) granting a pension to Sarah M. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 2062) for the relief of the heirs of the late Solomon Spitzer; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2063) to provide for the payment of the mayor, aldermen, and commonalty of the city of New York; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2064) granting a pension to Titus Wilder; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2065) granting a pension to ex-soldiers and sailors at rates as within set forth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. REAGAN introduced a bill (S. 2066) for the relief of Lucy A. Hopkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK (by request) introduced a bill (S. 2067) granting a pension to William O. Doyel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 2068) for the relief of Jacob Kearn; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 2069) granting a pension to Penrose Frank; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2070) to increase the pension of Peter Elser; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2071) granting a pension to Mary S. Wells; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2072) for the relief of Henry Clay Wood; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2073) granting a pension to Margaret Blades; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2074) to amend the Revised Statutes relating to the crime of rape within the territorial, admiralty, and maritime jurisdiction of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. QUAY introduced a bill (S. 2075) granting a pension to Stephen Summers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2076) to make the Commissioner of Fish and Fisheries an officer of the Navy Department; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 2077) to provide for the supervision of the affairs of the District of Columbia by the Secretary of the Interior; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2078) to restore correct rank to certain graduates of the United States Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DANIEL introduced a bill (S. 2079) for the relief of George Brown; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2080) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2081) for the relief of John J. Shipman; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 2082) for the relief of Mitchell Trotter; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES. I ask leave to present a paper in connection with the bill I have heretofore offered in the Senate for the construction of a public building at Madison, Ind. I move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. 1458) to amend an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORT ON INSECTICIDES.

Mr. PALMER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That a report on insecticides, being an exhaustive treatment of the different remedies for insects injurious to vegetation, be printed without illustrations, and that 10,000 additional copies be printed, of which 3,000 copies shall be for the use of the Senate, 6,000 for the use of the House, and 1,000 for the use of the Department of Agriculture.

BREAKWATER AT HOUSATONIC RIVER'S MOUTH.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to report to the Senate any information in his possession concerning the utility of a breakwater at the mouth of the Housatonic River, in the State of Connecticut, together with such facts and considerations as he may deem important respecting the same.

EDUCATIONAL LAND GRANTS.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to inform the Senate what amount of business has accumulated in his Department under the various grants to States and Territories for educational purposes, and how long it will require to dispose of such business with the present clerical force at his command, and what additional force, if any, is necessary to dispose of such business, and also to dispose of the current business under said grants.

TREATMENT OF PETITIONS.

Mr. BLACKBURN. I submit a resolution, which I ask may be referred to the Committee on Rules.

The Chief Clerk read the resolution, as follows:

Resolved, That it shall not be in order for Senators to offer petitions or memorials in the Senate, nor shall there be any call therefor, but all petitions and memorials shall be placed in a box provided for that purpose and placed at the Clerk's desk, with indorsement stating the nature or purpose of the petition or memorial, together with the name of the Senator presenting the same and the committee to which reference is to be made. The title of each petition and memorial, the committee to which referred, and the name of the Senator introducing it shall appear in the RECORD of the succeeding day.

Mr. HARRIS. I desire to suggest to the Senator from Kentucky that that is not quite the form of reaching the object of the Senator's resolution.

Mr. BLACKBURN. I do not know but what the suggestion of the Senator from Tennessee may have force in it. I only submit whether the Committee on Rules, if they shall conclude to adopt the views suggested here, may not perfect the proposition and put it in the most effective shape.

Mr. HARRIS. That is certainly true; but I was going to say that if the Senator would for the present withhold the resolution, I should like to confer with him about it; and we might be able to put the proposed rule in shape and give the necessary notice, and then refer it.

Mr. BLACKBURN. If that will expedite things, I have no preference about it, but I took it for granted the Committee on Rules would determine for itself when making its report.

Mr. SHERMAN. I think it had better be referred at once to the Committee on Rules. Then they will have jurisdiction of the subject.

Mr. HARRIS. I have no objection to the reference of the resolution.

Mr. SHERMAN. My own conviction is that there is no trouble with the present rule if Senators will simply obey it. The rule forbids anything beyond a simple abstract of what the purpose of a petition is. I think that is the better way, far better than the House practice, because it gives the people at large, through the CONGRESSIONAL RECORD, knowledge of the current of petitions coming to the Senate, while if they are printed at the end of our proceedings they are not seen. My attention has often been called to the fact that a petition introduced into the Senate gets a conspicuous notice in the RECORD, but it does not in the House, because, as you know, it is put at the end of a great mass of stuff. If we observe the rule, there is no trouble.

Mr. BLACKBURN. I submit to the Senator from Ohio, in the light of his long experience as a Senator and even in the light of his recent observation of this morning, whether there is not too much of the time of the Senate occupied outside of the rule as it stands to-day.

Mr. SHERMAN. I agree to that, but I think we can get along if we adhere to the rule.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Rules.

DEPENDENT PENSION BILL.

Mr. DAVIS. I move that Senate bill 181, being a general pension bill, be made the special order for to-morrow at 2 o'clock.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. Order of Business 130, bill S. 181, granting pensions to ex-soldiers and sailors who are incapacitated from the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that this bill be made the special order for to-morrow at 2 o'clock. The question is on that motion.

The motion was agreed to, two-thirds of the Senators present voting in the affirmative.

RESTORATION OF FORT MOULTRIE.

Mr. BUTLER submitted the following resolution; which was read:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate estimates for restoring the quarters and buildings of Fort Moultrie, Charleston harbor, so as to place said fort in condition to be occupied by a garrison of United States troops, and to report what changes, if any, should be made in the plan of said fort to place the same in the highest state of strength for defensive purposes.

Mr. BUTLER. I ask for the present consideration of the resolution.

Mr. RIDDLEBERGER. I ask the Senator from South Carolina if the resolution is to be put on its passage without debate.

Mr. BUTLER. I take it so. It is simply one of inquiry.

Mr. RIDDLEBERGER. I do not want to object, but I am in charge of a bill of much more importance than this resolution, which I am waiting for the morning business to be completed so that I can present it to the Senate. I will not make any objection, but I should like to have an end to the morning hour.

Mr. BUTLER. This is simply a resolution of inquiry. I can not see how it is to lead to any debate.

The PRESIDENT *pro tempore*. The question is on the resolution.

The resolution was considered by unanimous consent, and agreed to.

WASHINGTON'S BIRTHDAY.

Mr. HOAR submitted the following resolution, and asked for its present consideration:

Resolved, That on Wednesday, February 22, the Farewell Address of Washington be read to the Senate by the Presiding Officer after the conclusion of the morning business, and that thereafter the Senate will proceed with its business as usual.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution offered by the Senator from Massachusetts [Mr. HOAR]?

Several SENATORS. Let it be again read.

Mr. HOAR. Of course it will go over one day if any Senator objects to its present consideration.

Mr. VOORHEES. Let it be read again. Perhaps there will be no objection to it. It was not heard in this part of the Chamber when read.

The resolution was again read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. VOORHEES. I do not object to its consideration. I should like it better if it said that at the conclusion of the reading of the Farewell Address of Washington the Senate should adjourn.

Mr. HOAR. It will be in the power of the Senate to do so if it see fit.

Mr. VOORHEES. I should be glad to have it incorporated in this resolution, so that we may know exactly what we are to do. I think it a proper mark of respect to the day, and if the Senator from Massachusetts is willing I should do so I will move——

Mr. HOAR. I shall agree to strike out that portion about proceeding with business as usual.

Mr. VOORHEES. Very well; that will do.

The PRESIDENT *pro tempore*. The resolution will be read as modified.

The Secretary read as follows:

Resolved, That on Wednesday, February 22, the Farewell Address of Washington be read to the Senate by the Presiding Officer after the conclusion of morning business.

The resolution was considered by unanimous consent, and agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 1158) for the relief of Louis Jacobson—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay—to the Committee on Claims.

The bill (H. R. 5550) for the relief of Sarah C. Morrison—to the Committee on Naval Affairs.

The bill (H. R. 4082) for the relief of the Agricultural and Mechanical College of Alabama—to the Committee on Claims.

The bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the services of the Government for the fiscal year ending June 30, 1888, and for other purposes—to the Committee on Appropriations.

The joint resolution (H. Res. 113) authorizing the Secretary of War to appoint a board of three engineers to examine and report in relation to the Delaware River between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes—to the Committee on Commerce.

Mr. HOAR. The Chair just laid before the Senate—I listened for the title, but it escaped me as it was read—a bill for the relief of Nathaniel McKay and the executors of Donald McKay. I have reported a bill similar to that bill from the Senate Committee on Claims, and it is upon the Calendar. I should like, therefore, to have this bill lie on the table. I am not aware that it will require a reference to the Committee on Claims.

The PRESIDENT *pro tempore*. The order of reference will be withdrawn, and House bill 2477, having been read twice, will lie on the table.

WASHINGTON CABLE ELECTRIC RAILWAY.

Mr. RIDDLEBERGER. I move to take up the bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of the bill named by him. [Putting the question.] The noes appear to have it.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Kentucky that the motion is not debatable.

Mr. MORRILL. Can we not have the bill read before we vote?

The PRESIDENT *pro tempore*. The yeas and nays have been ordered. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). The Senator from Delaware [Mr. GRAY] has been called away, and I am paired with him. I do not know how he would vote on this question if present.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], but I understand he would vote for taking up this bill if present, and therefore I vote "yea."

The roll-call was concluded.

Mr. WALTHALL (after having voted in the negative). I am paired generally with the Senator from Wisconsin [Mr. SPOONER]. As he has not voted I withdraw my vote.

The result was announced—yeas 29, nays 14; as follows:

YEAS—29.

Aldrich,	Davis,	Ingalls,	Riddleberger,
Allison,	Evarts,	Jones of Arkansas,	Stewart,
Brown,	Farwell,	Jones of Nevada,	Teller,
Butler,	Faulkner,	Manderson,	Vest,
Cameron,	Frye,	Mitchell,	Wilson of Iowa.
Chandler,	Gibson,	Morrill,	
Coke,	Harris,	Palmer,	
Daniel,	Hoar,	Platt,	

NAYS—14.

Bate,	Cockrell,	McPherson,	Voorhees,
Beck,	Edmunds,	Pugh,	Wilson of Md.
Berry,	George,	Sherman,	
Call,	Hampton,	Vance,	

ABSENT—33.

Blackburn,	Eustis,	Paddock,	Sawyer,
Blair,	Gorman,	Pasco,	Spooner,
Blodgett,	Gray,	Payne,	Stanford,
Bowen,	Hale,	Plumb,	Stockbridge,
Chace,	Hawley,	Quay,	Turpie,
Colquitt,	Hearst,	Ransom,	Walthall.
Cullom,	Hiscock,	Reagan,	
Dawes,	Kenna,	Sabin,	
Dolph,	Morgan,	Saulsbury,	

So the motion was agreed to.

Mr. HARRIS. I ask unanimous consent that the first or formal reading of the bill may be dispensed with, so that the committee's amendments may be acted on as they are reached during the reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks that the pending bill be read for amendment, the amendments reported by the Committee on the District of Columbia being acted on as they are reached in the reading of the bill. Is there objection?

Mr. BECK. Is the motion of the Senator from Tennessee debatable?

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. HARRIS. I asked unanimous consent.

Mr. BECK. When I rose to object to the motion to take up the bill proposed by the Senator from Virginia [Mr. RIDDLEBERGER], out of order as it turned out, I did not rise for the purpose of objecting to that particular bill, for I knew nothing about it. It comes from the Committee on the District of Columbia, but it stands on the Calendar after perhaps one hundred and fifty other bills that have been reported, and I am one of those who believe that the only way to get through the business of the Senate is to take up the Calendar regularly, so that we can have the bills before us, the reports before us, and we shall know what is coming up on the Calendar that is before us every day. Then we know how to look over the bills and look over the reports and see whether we desire to object to them or debate them or not, whereas when a particular bill that is not expected to be brought up is called up on motion, we have neither the bill before us, nor the report before us, nor any information in regard to it, and it becomes then a general scramble among Senators as to who can get the eye of the Chair and who can be recognized to bring up the matters that he considers it important enough to get precedence for over the Calendar of cases that have been already reported.

I do not believe that is an orderly way to do business, but I want to give notice now that the vote of the Senate to-day has indicated that to be the mode of proceeding sanctioned by a two-thirds majority, and from this time on I will vote for every motion to take up bills, and I will endeavor to get in a general scramble myself for five or six that I have been ordered to report, if I can secure the attention of the Chair, and I hope I can. I will do as much scrambling as anybody else. I feel instructed by the vote to-day that the first one to get the attention of the Chair is to be sustained by two-thirds of the Senate to bring up any bill that he thinks important enough to have taken up.

I merely want to say to gentlemen whose bills are in my hands of a private character from the Committee on Finance and the others that I have been ordered to report, that I will do my best to get them up in the general scramble.

Mr. PLATT. Mr. President, I think the Senator from Kentucky is right in saying that we ought to proceed with the Calendar. I did not understand that this was a question between taking up this bill and proceeding with the Calendar.

Mr. BECK. It was.

Mr. PLATT. If that point had been made, it is very possible that the vote of the Senate would have been different; but as we have been going on here, it has been quite a matter of courtesy to vote to take up a bill that any Senator asked to have taken up. I think whenever the Senator from Kentucky makes the point that we shall go regularly to the Calendar, he will find that he is sustained by the Senate.

Mr. BECK. I will just say that I have no desire to interfere with this bill or its consideration; but at the close of morning business to-morrow I shall move to proceed to the Calendar regularly, and hope Senators will agree to it. Let us go on for a while with that without any of us trying to get the advantage of the others.

Mr. PLATT. That is right.

The PRESIDENT *pro tempore*. The Chair will state that after the conclusion of morning business until 2 o'clock the Calendar is in order, without a motion, for the consideration of bills to which there is no objection; but a majority of the Senate have a right to depart from that order upon the motion of any Senator who desires to proceed to the consideration of any bill not regularly in order.

Mr. BECK. I understand that, and it is because that is the rule that the Calendar is up to-day, as I understand, in regular order, and a gentleman moves to take up a special bill and is sustained by two-thirds of the Senate as against the Calendar. If we are going to do that every morning when the Calendar comes up it is in the power of any gentleman to move to take up a bill and the Calendar is at once put aside, and you can not prevent, under the rule of the Senate, any Senator making such a motion.

Mr. RIDDLEBERGER. Allow me to tell the Senator that this bill has been on the Calendar long before many of the bills that are now on the Calendar. It has been passed by the Senate twice.

Mr. BECK. I am not talking about the Senator's bill.

Mr. RIDDLEBERGER. No; you are talking so as to consume the time up to 2 o'clock.

Mr. BECK. I hope what I do say will have as much purpose as some other speeches I have heard made on this floor, and I know it is quite as much in order. All I desire to say is that I want to give bills on the Calendar a chance. Now, let this bill be read in full, so that we can catch something of what it is, and let the report be read as well.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the reported amendments to be acted on as the reading proceeds. Is there objection to that suggestion?

Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. The bill, then, will be read at length.

PUBLIC BUILDING AT ROANOKE, VA.

Mr. DANIEL. Before that is gone into, as it will take considerable time, I ask unanimous consent to call up Senate bill 1294, for the erection of a public building in the city of Roanoke, Va.

The PRESIDENT *pro tempore*. The Senator from Virginia asks that the pending order may be informally laid aside to enable him to ask the Senate to proceed to the consideration of Order of Business 307, being the bill (S. 1294) for the erection of a public building in the city of Roanoke, Roanoke County, Virginia. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 6, after the word "post-office," to strike out "internal-revenue offices;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building for the accommodation of the post-office and other Government offices in the city of Roanoke, Roanoke County, Virginia.

The amedment was agreed to.

The next amendment was, in line 31, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to read:

For the purpose of this act the sum of $50,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

Mr. COCKRELL. Is there any report with the bill?

The PRESIDENT *pro tempore*. There is. The report will be read if the Senator desires to have it read.

Mr. COCKRELL. If it is not too long.

The Secretary read the following report, submitted by Mr. DANIEL February 13, 1888:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 1294) for the erection of a public building in Roanoke City, Roanoke County, Virginia, for the accommodation of the Government offices, at a cost of $100,000, respectfully report the same with a substitute appropriating $50,000 instead of $100,000 for said building.

Roanoke City is situated in the valley of Southwest Virginia, at the junction of the Norfolk and Western and Shenandoah Valley Railroads. It is a new city that has rapidly developed within a few years. It is in the midst of a rich mineral and agricultural region, and it has the prospect of large increase of population.

POPULATION.

In 1881 it was a village of 600 inhabitants, known as Big Lick. In 1882, upon the completion of the Shenandoah Valley Railroad, it was incorporated as Roanoke.

PUBLIC REVENUES.

The receipts of the post-office there at this time amount to about $11,000 per annum, and the receipts of the internal-revenue office to about $26,000; aggregate, $37,000; and those sources of revenue are both upon the increase, as the following tables show:

A statement of the revenues collected at Roanoke City, Va.

[Wholly from tobacco.]

From July 21, 1885, to July 1, 1886	$15,335.32
From July 1, 1886, to July 1, 1887	21,033.20
From July 1, 1887, to January 1, 1888 (six months only)	13,757.02
Total	50,125.54

H. SHEPPERD, *Collector*.

LYNCHBURGH, VA., *January* 24, 1888.

No data at hand for 1884.

Comparative annual increase of postal receipts at Roanoke, Va.

Years.	Stamp sales.	Box rents.	Total receipts.
1882	$3,123.66	$282.00	$3,405.66
1883	7,642.69	645.00	8,287.69
1884	7,700.95	915.00	8,615.95
1885*	7,145.61	965.43	8,111.04
1886	8,014.25	965.00	8,979.25
1887	10,148.48	945.00	11,093.48

*In 1885 the decrease in gross receipts is explained by the fact that the internal-revenue offices of this district were removed from Roanoke.

Thus in 1887 the gross receipts of the Roanoke, Va., post-office are shown to have been $11,093.48, against $3,405.66 in 1882, or more than three times as great as in that year, an increase of more than 300 per cent. in five years, and an increase in the last year of more than 25 per cent. over the preceding year (1886), while stamp sales for the month of January indicate for the ensuing year a larger increase than 25 per cent. over the gross receipts of 1887.

MONEY-ORDER BUSINESS.

In this branch the increase has also been great, averaging in 1887 about twenty-three per day for the latter portion of the year, besides the international orders, and aggregating an average of about $1,000 a week, while in 1882 the number issued makes an average of less than ten a day.

REGISTRY BUSINESS.

This is not less increased than the money-order business in an even proportion. Approximate number, 1886, 920; for 1887, 2,204.

LETTER MAIL.

In 1882 the entire mail deposited in and dispatched from the Roanoke office, according to the calculation upon stamp commissions, was less than one-third the number of letters alone dispatched in 1887 by actual count, as shown in the following statement:

Year.	Per day.	Per week.	Per month.
1882 (including every article of mail).....	401	2,806	11,220
1887 (letters only).....	1,325	9,725	37,100

In this statement the mail matter of every description is calculated in the statement of number of articles dispatched in 1882, while only letters are counted in statement of 1887, to the exclusion of all postal-cards, papers, packages, registered matter, etc., which would nearly double the figures in the foregoing table.

"I hereby certify that the foregoing statement of business of the Roanoke, Va., post-office is correct, to the best of my knowledge and belief, and are careful calculations from the records of this office.

"OSCAR D. DERR, *Postmaster.*

"ROANOKE, VA., *February* 2, 1888."

During a portion of the time between the years 1882 and 1885 the postal business was largely augmented by the presence here of the central offices of the United States internal revenue for the sixth district. Since 1885 the increase in gross receipts and general business is the outcome of permanent increase in business and population of Roanoke.

STEADY ANNUAL INCREASE OF STAMPS.

The foregoing comparative statements show the steady annual increase of business in every branch, which gives an index to the increase for the coming year, and in five years this would indicate more than double the present revenue and general business without any additional business interests being established here. But the enterprises which have already been commenced and will in one or more years be in full operation insure an increase more than treble as great as these figures would reach.

Besides, the business in the present month has already shown an increase of more than 25 per cent. in business for the year 1888.

With either or both the railroads which are being now surveyed to Roanoke the increase of postal business will be more than 100 per cent. within the next two years.

INCREASED POST-OFFICE ACCOMMODATIONS NEEDED.

The great increase in business and population here already demands increased post-office room. The present house is totally inadequate to the demands of business.

The Government now pays a rent of $600 per annum for this meager quarter, and will have to pay largely in excess if proper house room is provided.

The large increase in the receipts of the post-office at Roanoke, Va., will entitle that place to a free delivery in May, 1888, and to provide for a free delivery larger and better office accommodations must be provided.

From less than $8,000 the sale of stamps will have increased to upwards of $12,000 within the past year to May 30, 1888. And with all the new enterprises now planting themselves here and those prospecting for that purpose, the indications point to an increase to double that amount in the next fiscal year.

ENTERPRISE.

Roanoke City has now a population of about 10,000 people. Its enterprises are numerous and varied. The largest at present are the locomotive and car-erecting shops, which employ from 1,000 to 1,500 men.

Several tobacco factories make an annual output of 700,000 pounds of manufactured tobacco. Besides, the leaf-dealers ship an average of 1,000,000 pounds of tobacco in the raw state.

The steel and iron furnace here employs about 200 people, besides a large number of miners.

Several other mining companies have opened their headquarters here and commenced operations in the vicinity, which, as soon as developed, will add largely to the business as well as to the population of Roanoke.

Among the early probabilities are the Roanoke and Southern Railroad, running from Atlanta, Ga., through North Carolina and South Carolina and the finest mercantile and mineral belt in the country, and terminating at Roanoke, where it will connect through to Philadelphia by means of the Shenandoah Valley line and other roads connecting therewith. Work is now commenced upon this road, and the charter is such as to require the principal offices and works to be located in Roanoke.

A rolling-mill company has been organized, and capital paid up for an enterprise which will soon be in operation, employing 300 men.

A Philadelphia syndicate contemplates the erection of a large steel plant in the coming spring, which will employ about 200 or 300 men. Besides they will operate mines near the city with a large force of hands.

A silk manufacturer has also selected a site in Roanoke upon which his industry is to be established and conducted upon a large scale.

In brief, Roanoke has the plant of a considerable and prosperous city, and is destined to become a manufacturing center. A furnace and car works and tobacco factories, fruit canneries, stock-yards, spoke factories, box factories, lumber mills, bottling works, machine-shops, carriage and plow factories are already established, and the building now recommended will soon be needed, and will in no wise surpass the calls of the public service.

Appended is the letter of the Supervising Architect, inclosing a communication from the postmaster of Roanoke on the subject.

"TREASURY DEPARTMENT,
"OFFICE OF THE SUPERVISING ARCHITECT,
"*Washington, February* 9, 1888.

"SIR: I have the honor to inclose herewith the report of the postmaster relative to the necessity for a public building at Roanoke, Va., for your information.

"Respectfully, yours,

"WILL. A. FRERET.
"*Supervising Architect.*

"Hon. JOHN W. DANIEL,
"*United States Senate.*"

"UNITED STATES POST-OFFICE,
"*Roanoke, Va., February* 7, 1888.

"SIR: In response to your interrogatories concerning the necessity for construction of a public building here, I beg to submit in detail the following maturely considered and carefully prepared reply:

"1. The amount of room now occupied for post-office purposes is only 1,250 square feet on the ground floor.

"2. This room is totally inadequate to the demands of present business and has been so reported to the Post-Office Department by inspectors who have been sent here to examine it. The embarrassment to business has been temporarily relieved by leasing another much larger building, about 4,500 square feet in area.

"3. To meet the present demands of business a building containing 5,000 or 7,000 square feet of room will be necessary, according to internal design and arrangement. But in view of the rapid and continuously increasing growth of this place, and consequent increase of postal business, the demands of the near future indicate 10,000 square feet of room to be a safe and conservative estimate for the size of a suitable building, and to guard against the necessity for constructing an addition within the next ten years. When it is considered that this place but five or six years ago was a wheat-field and is now a city of more importance than any other in Southwest Virginia, and destined by its geographical situation to be the commercial and manufacturing center of the southwest, to which it is rapidly progressing, it will be seen that this estimate is a most conservative one.

"Not having at hand the data for ten years back, I hereto append a statement showing the increase in postal receipts for the past six years.

"*Increase by years.*

Years.	Gross receipts.	Years.	Gross receipts.
1882.....	$3,405.66	1885.....	$8,111.04
1883.....	8,287.69	1886.....	8,979.25
1884.....	8,615.95	1887.....	11,093.48

"From this increase, shown in six years, from $3,405.65 in 1882, to $11,093.48 in 1887, it is a safe estimate, based upon the natural pro rata increase without the addition of the usual per cent. from aggregated increases, that ten years hence the postal revenue at this place will be $66,560.98 per annum. This is calculated upon the simple pro rata increase in revenue of the past six years, and were it calculated upon the increase for the past ten years in the same manner it would be much greater. So it is safe to say, that while this estimate may fall short of what the amount of postal receipts will in that time reach, it can not be in excess of the gross receipts at that time.

"4. The number of regular employés in Government pay is only four. But this number is totally inadequate to the demands of the postal business, and has to be supplemented by assistants paid out of my private means. In the coming spring, when free delivery shall have been put in operation here, the force will of necessity be largely increased, as will also the demand for more room.

"5. The amount of rent now paid is $600 per annum. Upon the basis of increase of value of real estate and in proportion to the rent now demanded the increase of rent for postal accommodations will be $3,500 or $5,000 per annum.

"INTERNAL REVENUE.

"6. The internal-revenue collections through the collector here have been increased 50 per cent. in the past three years. His collections, wholly upon tobacco, from $15,335 in 1885 arose to $26,000 in 1887. Whisky revenue is at present all collected through the office at Lynchburgh, Va.

"Office room at present is scarcely 1,200 square feet.

"This is insufficient and should be three times its present size, as an increase of facilities would increase the gross receipts.

"In three years the gross receipts have been augmented 50 per cent., or just double in that time. In ten years the increase will be about 200 per cent.

"COST OF SUITABLE SITE.

"The cost of suitable site, centrally located, for the erection of a public building to meet the demands of business here will not exceed $12,000 if purchased within the coming year; but owing to the rapid enhancement of values difficult to approximate the cost for a greater period than this mentioned.

"Respectfully,

"OSCAR D. DERR, *Postmaster.*

"Col. W. A. FRERET,
"*Supervising Architect.*"

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Chair calls the attention of the Senator from Virginia to that which he thinks needs an amendment in the bill as to the amount. In one part of the bill the amount is "$100,000," and elsewhere the bill says "$50,000."

Mr. DANIEL. I move the amendment according to the report.

The PRESIDING OFFICER. The Senator moves that the bill be amended in line 11 by striking out "$100,000" and inserting "$50,000."

The amendment was agreed to.

The PRESIDING OFFICER. There seems to be necessity for another change, in line 20, page 2, by striking out "$100,000" and inserting "$50,000." The bill will be so amended if there be no objection. The Chair hears none.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CABLE ELECTRIC RAILWAY.

The PRESIDING OFFICER. The bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia is before the Senate as in Committee of the Whole, and will be read.

Mr. RIDDLEBERGER. The Senator from Tennessee [Mr. HARRIS] made some suggestion as to the amendments, most of which are very immaterial, and it is suggested that as we go on with the reading of the bill they be acted on. For instance, in the first section, line 6, the name "R. W. Jackson" should be "I. N. Jackson." That is one committee amendment. If it is agreeable the amendments may as well be acted on as the bill is read.

The PRESIDING OFFICER. The first amendment of the Committee on the District of Columbia will be stated.

The CHIEF CLERK. In section 1, line 3, after the name "C. J. Bell," the Committee on the District of Columbia report to insert the name "John W. Thompson."

The amendment was agreed to.

The CHIEF CLERK. The next amendment reported by the committee is in section 1, line 6, to strike out the initials "R. W." before the name "Jackson," and insert "I. N.," so as to read, "I. N. Jackson."

The amendment was agreed to.

Mr. COCKRELL. Is there any report with the bill?

The PRESIDING OFFICER. The Chair is informed that there is no report.

Mr. RIDDLEBERGER. I beg pardon of the Chair. There is a report, which has been printed and laid on the desks of Senators.

Mr. COCKRELL. I ask that the report be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. RIDDLEBERGER February 15, 1888:

The Committee on the District of Columbia, having considered Senate bill No. 931, respectfully report thereon as follows:

The object of this bill is to incorporate a company and authorize it to construct and operate a street railway, to be supplied with all the modern appliances and equipments, and to propel its cars by cable or electric power. The bill also designates the streets and highways over and along which the road is to be constructed and operated.

Your committee report that the route contemplated by this bill is along streets upon which no street cars are operated, save and except at one or two central points where the road will occupy a short section of a given street in common with the other roads simply to make the line continuous, in which cases the bill provides for joint use; but with these exceptions the line does not interfere with nor infringe upon the rights of any existing street-car line. We also report that it furnishes facilities for the traveling public along substantially the whole line not provided by any of the lines now in existence. Nearly all the trading, marketing, and business portions of the city are limited to parts of few streets; hence the people from all other parts of the city need a rapid public conveyance to accommodate them, and existing lines do this now in limited portions of the city only.

It is our opinion that these additional facilities are needed by the people of the city. It will not cost the city or its people anything, but will increase the value of all property adjacent to the lines. It will place the city along with other prosperous, progressive, and enterprising cities of the country in the matter of street travel. This system will furnish more rapid transportation and improve facilities for clerks and citizens for reaching cheap homes in the suburbs, greater accommodations as to cars and carrying capacity, greater cleanliness in the streets, will relieve the town from the filth and stench incident to the horse-car lines, and will add largely to the revenues of the District, owing to the large tax imposed upon the gross receipts of the company.

This proposition does not seek to destroy existing lines, but confers like privileges in the carrying trade for market and business points in the city upon a fair living basis. The bill secures the completion of the work of construction of the main lines within two years and the branch lines within four years, and provides that unless work is commenced and prosecuted in good faith on the main lines within six months from the passage of this bill the charter shall become void, and also secures the continuous and successful operation of the same when built.

The names of the incorporators comprise exclusively citizens of the District, and are a sufficient guaranty of the good faith of the enterprise. They represent ample financial ability to construct and operate the road successfully. We also report that all the restrictions, requirements, and exactions found in any of the charters of existing lines are incorporated in this bill, and in addition thereto there are several requirements found therein not imposed on any other road.

One change in this regard is that requirement which exacts payment of 50 per cent. in cash of all stock subscribed, a requirement not exacted of any other company; which limits the amount of bonds that may be issued, gives Congress the power to control passage rate, and reserves to Congress the right to alter, amend, or repeal the charter. The bill is substantially the measure which, after full discussion and careful consideration, passed the House of Representatives in the last session of the Forty-ninth Congress by more than a three-fourths vote, and was supported by a petition of over 20,000 citizens of the city. The committee, having in view the possibilities of electricity, have thought best to include it as a permitted motive power for the cars on this line; although it is not yet demonstrated to be a success for this purpose, yet it is within the range of possibility in the near future; they have also provided the cable power for this purpose, because it is demonstrated by the concurrent testimony of the mayors of all the cities in this country where it is in use to afford the best known means to this end. Not the least of the advantages afforded by the cable system is its undoubted cleanliness, an object not to be overlooked in this beautiful city.

It is also proposed by the incorporators that grooved rails of the latest improved pattern shall be used; that no wood shall be used in the construction, but that the track shall be laid in concrete; thus insuring the most permanent structure, avoiding frequent repairs, and reducing interruption of ordinary street travel to the minimum. We conclude from all the testimony before us, that cable or electric motive power is especially desirable for this city for the following reasons:

1. The accommodations are more satisfactory to the traveling public than horse-car.

2. They give the maximum of constant and continuous service under all conditions, and in point of fact are as little liable to serious interruption as horse-cars, when all conditions are considered.

3. They cause less inconvenience and destruction to other modes of travel than horse-cars.

4. They result in less tearing up of the streets when once constructed, and require less repair than the horse system.

5. They present no obstruction to other travel not incident to horse-cars, and in point of cleanliness and reliability are incomparably better.

The committee present this bill as one which it believes should be passed by the Senate at an early date, in order that should it become a law these much-needed improvements may be begun as soon as possible.

We recommend the passage of the bill with the amendments proposed by the committee.

The PRESIDING OFFICER. The reading of the bill will be resumed for action on the amendments.

Mr. COCKRELL. I ask for the reading of the bill in full. Objection was made to unanimous consent for acting on the amendments as they were reached.

The PRESIDING OFFICER. The bill will be read at length.

Mr. RIDDLEBERGER. Does the Senator from Missouri wish to interfere with the amendments being considered at this time, changing the names of corporators?

The PRESIDING OFFICER. The reading will proceed, and after the reading the amendments can very readily be disposed of.

The Secretary resumed and continued the reading of the bill to the end of line 74 of section 1.

Mr. MCPHERSON. Before we depart from the particular section just read, relative to the routes over which the electric railroad is proposed to pass, I should like to ask a question of the Senator who has charge of the bill.

I see in lines 19 and 20, as near as I can judge from the reading of the bill, it is proposed to occupy almost the entire line of K street. I see also in lines 39 and 40 it is proposed to occupy almost the entire line of Massachusetts avenue—two important thoroughfares that have been laid, and very well laid, with asphalt pavement, the only two driving avenues in the city of Washington leading from one end of the city to the other in this direction. I find that it appears to be intended to occupy both these avenues. I wish to say that in my opinion never should there be a horse-car line or a cable road permitted on either of these avenues.

The great fault and misfortune of most of our cities—and certainly it would be a great misfortune in the city of Washington after having gone to the expense of properly paving these avenues, not too wide even for driving purposes, to now permit a cable company to tear up and absolutely destroy the pavement, and in that way destroy the only two available avenues for carriages between the further end of the city and this.

Judging from the reading of the bill so far, it practically surrenders both K street and Massachusetts avenue to this cable company. I ask the Senator from Virginia if he can give us any information on that point. I made inquiry of a member of the committee and was informed that it was not intended to occupy either K street or Massachusetts avenue, except a small portion to make some connections; but by the reading of the bill, as I understand it in the particular lines to which I have referred, I am certainly unalterably opposed to granting any such power to any company.

Mr. RIDDLEBERGER. I know that these general names are used, but I beg the attention of the Senator from New Jersey to the fact that this road goes only a short distance on K street, not more than the second square this side of the K street bridge leading to Georgetown. It does not come this side. It takes that part of K street that is not built up by residences; I think it only takes from Twenty-sixth street down to the bridge.

Now, as to Massachusetts avenue, I think the incorporators here know how anxious the District people would be when there was any suggestion of laying down a railroad on one of the prominent avenues. I call the attention of the Senate to the fact that the use it is proposed to make of Massachusetts avenue is only where you find the little provision that allows the cable road to join the North Capitol street and the O street line, and get around the Capitol onto B street, and thence onto Eleventh street east, and from Eleventh street east down to the navy-yard. It does not touch Massachusetts avenue at any important part. There is just a little triangular park where it comes onto the North Capitol and O street road. It is utterly impossible to get to Eleventh street east in any other way. We have Eleventh street west now with a railroad, close to where I live, and yet we have Eleventh street northeast, and it is 2 miles from one to the other, and no connection. Senators should get their geography into their minds to understand this bill. There is no railroad on that Eleventh street, and it is proposed by this line to utilize it in getting to the navy-yard. It does not touch anybody's residence on Massachusetts avenue. It only comes in, as I say, at a little triangular space, and then comes around on the North Capitol and O street route to B, and thence to Eleventh street, passing large tracts of land on which there is not a brick. On the whole line of Eleventh street down to the navy-yard you will find almost farms.

These men give you the assurance that 50 per cent. of their money shall be paid up, and the further assurance that they shall commence the work within six months or forfeit their charter; and in the event of commencing within six months they shall complete the work within two years or then forfeit the charter; and the Congress of the United States has the right to regulate the fare, and under no circumstances shall their rate exceed 5 cents on the entire route. It comes in conflict with no other railroad traffic except that which I have just spoken of which comes in at Massachusetts avenue on the North Capitol and O street line up to Eleventh street, conserving the purpose of all the people who live on the streets. It goes out on T street, where there is no line of communication, and it comes back on S street, utterly and totally undeveloped so far as property is concerned. It goes down Twenty-sixth and Twenty-fourth streets, Twenty-first street, and takes K street only for one or two squares up to K street bridge to get over to Georgetown, in order that the people there may get the advantage of going up Twenty-ninth street and back on Thirtieth street, where there is now no railroad communication and where even a cart does not run now—a descending plane that never brings a cart to the wharf.

I beg the Senator's pardon if I have answered his question a little more at length than he expected, but that is all the use expected to be made of K street.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary resumed the reading of the bill at line 75 of section 1, and concluded the same.

The PRESIDING OFFICER. The amendments proposed by the Committee on the District of Columbia will now be acted on, treating the action previously had as a nullity.

The first amendment reported by the Committee on the District of Columbia was in section 1, line 3, after the name "C. J. Bell" to insert "John W. Thompson," and in line 6 to strike out the initials "R. W." before the name "Jackson" and insert "I. N.;" so as to read:

That A. T. Britton, C. J. Bell, John W. Thompson, William W. Dudley, Austin H. Herr, George E. Lemon, E. K. Johnson, O. G. Staples, H. D. Cooke, M. M. Parker, J. L. Barbour, George W. Cochrane, and I. N. Jackson, of Washington, D. C., and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Washington Cable Electric Railway Company of the District of Columbia.

The amendment was agreed to.

The next amendment was in section 1, line 17, after the words "and the," to strike out "engineer commissioner" and insert "commissioners;" so as to read:

With authority to construct and lay down a single or double track railway, with the necessary switches, turnouts, and other mechanical devices, and sewer connections necessary to operate the same by cable or electric power, in the District of Columbia, through and along the following avenues and streets, with the privilege of entering the Capitol grounds under such restrictions as the Architect of the Capitol and the commissioners of the District may prescribe.

The amendment was agreed to.

The next amendment was in section 1, line 34, after the words "Fifteenth street," to insert:

Provided, No additional space beyond 18 inches on one side of the street shall be occupied by the company than is now occupied by the tracks of the Washington and Georgetown Railroad Company.

The amendment was agreed to.

The next amendment was in line 37, after the amendment just inserted, to strike out the words "along New York avenue to Fourteenth street," and in line 38, after the word "along," to strike out "Fourteenth" and insert "Fifteenth;" so as to read:

Along Fifteenth street to G street; along G street to Massachusetts avenue; along Massachusetts avenue to North Capitol street; along North Capitol street to B street northeast; along B street to Eleventh street northeast; along Eleventh street northeast and southeast to M street southeast; along M street southeast to Tenth street southeast; along Tenth street to Georgia avenue, and along Georgia avenue to Eleventh street southeast; also, commencing at Sixth street and Boundary northwest, with a double track, along Sixth street to the Potomac River.

Mr. GORMAN. It strikes me that there is very serious objection to this amendment. At the corner of Pennsylvania avenue and Fifteenth street the street way is quite narrow, and all the traffic from two-thirds of the town centers there. There are three different lines of cars, the avenue railroad, which is the line from the navy-yard to Georgetown, and their branch that goes up Fourteenth street, and the Columbia line; and I think every gentleman who has resided in Washington must see the impropriety of putting another railroad track there.

Mr. RIDDLEBERGER. I should like to hear what the Senator from Maryland says, but I can not.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. GORMAN. There is no more contracted space, none more difficult to pass to-day, than that point at the corner of Pennsylvania avenue and Fifteenth street, and it seems to me that if we are to have in addition to the present lines another there propelled by steam or electricity, it will be an intolerable nuisance.

I should like to have some explanation why it is that this line is not to be built to continue on down New York avenue, which is a very wide street, to Fourteenth, and then down Fourteenth to G. I think the time must come before very long when, even with the present railroads occupying Fifteenth street, with the immense business that centers there from the whole northwestern part of the city, that point shall be freed from the obstruction of railroads and the street widened.

I trust this amendment of the committee will not be adopted. I think it would be a great outrage upon the public to encumber Fifteenth street at that point with another line. Think of the immense number of people from all the Departments crossing that point in the afternoon. There is great danger in crossing there as it is to-day. Now, add a steam railroad or one run by electricity, which I for one will never consent to, because we have not advanced far enough yet to be sure that it will be safe, and it would incommode everybody who passes along on foot or in a carriage. I therefore trust the amendment will not be adopted. If the road is to be built, let it pass down New York avenue, which is wide, to Fourteenth street, and then go on Fourteenth street to G.

The PRESIDING OFFICER. The question recurs on the amendment last read.

Mr. RIDDLEBERGER. I have sent for the map, which I propose to lay before the Senator from Maryland, to be used by him at his leisure, for I am sure that he misapprehends the object of this amendment of the committee.

The PRESIDING OFFICER. The pending amendment will be read.

The CHIEF CLERK. In section 1, line 37, after the word "company," it is proposed to strike out "along New York avenue to Fourteenth street;" and in line 38, after the word "along," to strike out "Fourteenth" and insert "Fifteenth;" so as to read:

Along Fifteenth street to G street.

The PRESIDING OFFICER. The question is on this amendment.

Mr. GORMAN. I should like to have the yeas and nays on that amendment. It seems to me very important, and I am confident that every Senator knowing the location with a map before him or on an inspection of this point must see that nobody would vote for it without further consideration.

Mr. RIDDLEBERGER. Let us see the map.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. RIDDLEBERGER. I submit that whatever argument ought to be introduced should be addressed to the Chair. There is no opportunity to hear it unless it is.

The PRESIDING OFFICER. Does the Senator from Maryland yield the floor?

Mr. GORMAN. I have been examining the map. There is not a Senator who has passed by the junction of the avenue and Fifteenth street, nor a resident of this city, who does not know that there is a greater crowd passing up Fifteenth street at the junction there of Pennsylvania avenue and New York avenue than at any other point in the city of Washington. It is the one point which all the persons coming from the northwestern section of the city and Georgetown necessarily pass. I have no statistics to show the number of people, but I do know the fact that with the present railroad tracks and with the present condition there is no more difficult point to pass with a carriage or on foot than this very point.

The bill, as originally drawn by those who projected the road, continued it after reaching Fifteenth street straight down New York avenue, which is a very wide avenue, until it came to Fourteenth street, and then down that street to G. If this road is to be built, that original route is the proper one, and it would incommode an immense number of people and be a great nuisance if the amendment of the committee should be adopted. If it is permitted to make a short turn opposite the Treasury Department, and thence by the Riggs House down G street, the money saved to the company will be a mere nothing; and the distance, according to the map furnished me by the Senator from Vermont [Mr. EDMUNDS], of going on New York avenue to Fourteenth street will be very slight, and the additional cost to the company a mere nothing, but to the public it would be a great convenience to have it off Fifteenth street, and I therefore ask for the yeas and nays on the amendment.

Mr. RIDDLEBERGER. I prefer that the yeas and nays be called. The contest which the Senator from Maryland makes is the gist of this whole matter. The monopoly of the city is from Seventeenth to Fifteenth street. You had just as well say that there should be one railway system here, as say that no other railway shall come down on Pennsylvania avenue from Seventeenth street to Fifteenth street.

Mr. GORMAN. I do not say that.

Mr. RIDDLEBERGER. You had as well say it. I beg pardon for using the pronoun "you" in that way, without addressing the Chair.

The President of the Senate will recollect that three or five years ago the people of the District asked for these railways, and they were refused them because it was said they could not stand two more tracks on that piece of road. Now they are to give up 18 inches on one side, and there are four carriage ways on each side of that. The Washington and Georgetown Railroad Company now has the exclusive right of the use of the avenue between Seventeenth and Fifteenth streets, and you can not get on that portion of the avenue except over their lines, and they stand here all the time refusing to allow any other company to use their lines.

The people of this District are ready to-day to accept this cable system and cover the Washington and Georgetown line, but they can not lay a cable unless they go with it a distance from the center of their track, and they ask only 18 inches.

Who opposes it here? Anybody from Washington City? Is there anybody here representing the Washington people opposing it? My observation has been within five years that the people of Washington want this cable system, and they do not want it obstructed or retarded by the fact that 18 inches of Pennsylvania avenue lying between Fifteenth and Seventeenth streets may be taken up in order to allow a cable to be laid to the left on one side or the right on the other.

There is a bill lying behind this that proposes to do the same thing. Senators on this floor, if I may be permitted to say it, have appeared before the committee and urged the passage of a bill that proposes to appropriate this piece of avenue for the same purpose in the interest of another corporation. This one came in three or four years ago. This bill has been passed twice by the Senate. Twice the company has changed its route to conform to the views of the monopoly system of street railways in this city, and at this session there comes in a proposition to steal the entire map of the city. That is what it amounts to.

This railway company that I am telling you here proposes to build this road is not touching any other railway in the city, except from Seventeenth to Fifteenth streets, and there is no proposition here to charter any other one that does not propose to do the same thing, and

then to tap the North Capitol and O Street Railway on Massachusetts avenue, as I have already stated.

After they have gone into this matter for three years, and twice have passed this bill through the Senate, they are now confronted with competitive propositions of irresponsible people who want to get a pocket charter to sell. I say that this charter never was excelled in all of its requirements by any that was ever passed by a legislative body. They are required to pay in 50 per cent. of their money, and even the bond subscription is limited by the very amendment that is proposed by the Senator from Maryland. Everything is guarded.

Now, so far as the Senator from Vermont is concerned or his map of Duluth—I know he was going to develop that, for he seems to be fond of parading photographs and maps—that Duluth which he parades is avoided entirely by the change that is made in this bill and made to conform to the views of the existing monopoly in this city. Last year it was proposed to run this road down Louisiana avenue. That was objected to on the ground that it would be competing with the Seventh street railway system, and that it would bring on some sort of dangerous crossing at Seventh street and Louisiana avenue. I tried to combat it, and did so as well as I could; and finally this railroad company said, "We will abandon Louisiana avenue." Now they come down to the principal corner in this city, and we are told that nothing can have any right there but the cobble-stone and the horse railway in the city of Washington. It makes three turns there, if you may so call them, but certainly two. I examined it on Saturday morning; it has not the twist as my friend from Maryland seems to think. Out of consideration for the people of the District I stood with my foot on the box of a shoe boy in order to count, and I counted sixteen herdics making that turn while six cars did the same. The cable railway makes but a short turn from the avenue around to G street, and it comes along G street to the North Capitol and O street line, and goes down Eleventh street to the navy-yard, and gives people on the hill a service they have never had by wild-cat charters with incorporators brought here from points remote from the District of Columbia who want to speculate upon the Congressional franchise.

Mr. President, the point I want to make in the Senate is that if the Senator from Maryland can impress upon this body that the railway system shall not come down Pennsylvania avenue from Seventeenth street to Fifteenth street, he seals the power of the Congress of the United States to legislate at all for the relief of the people who want to ride on a cheap railway system. You can not get to G street in any other way, and the suggestion of New York avenue is too ingenious not at least to elicit, I will not say suspicion, but consideration. I think there are two tracks on New York avenue now, piled up like a mound. You can not go over them with a carriage or a herdic.

These tracks are an obstruction that ought to be taken out of the middle of that avenue, and there should be built there a surface railway; and the people who will put up their money to do it will be benefactors to this city, and especially to those who have to use street-car travel in preference to carriages. You can not get down New York avenue now with any comfort. That is an ingenious suggestion to defeat the whole policy of this proposed system of railway that comes in conflict with no other in the whole District except as it strikes Pennsylvania avenue from Seventeenth street to Fifteenth street and where it strikes the North Capitol road to go up B street, and then it develops an undeveloped part of the city.

As to the K street matter, that street is only used to get to Georgetown over High street, developing things there with the whole acclaim of the people of North and West Washington; but we are met here with the idle suggestion that it can not be done because between the White House and Fifteenth and G streets is the crooked part of Pennsylvania avenue, where we only ask to go in order to be relieved of the obligation that would rest on this company, that proposes to give five times the service that a horse railway can give, tearing up the cobble-stones of the streets and the avenues of Washington and requiring this company, as the committee amendments do, to lay asphalt pavement between their own tracks. They have no center-bearing track, have nothing that a carriage can not pass over as smoothly as it would pass over this floor. And yet a proposition like that is met with objection and the ingenious suggestion that they shall have all the privileges they want if they will give up that only line which will give them a connection between Northwest and Northeast Washington.

Mr. President, accustomed as I am to standing a good deal of talk in the discussion of amendments I can not fail to understand what it means, because to adopt the proposition made by the Senator from Maryland would be the absolute destruction of this bill. It would be to say to the citizens of the District of Columbia, "You can not have another railway system without the *imprimatur* of the Washington and Georgetown Railroad Company." That is what it amounts to. They have got more than the pavement necessary for a car-track between the two tracks on that street; yet I am told here, not directly, but in the way in which it comes to me to-day, that nothing more can pass over Pennsylvania avenue from Seventeenth to Fifteenth streets. "Thus far shalt thou come, but no farther," says the Washington and Georgetown Railroad Company. "Touch me nowhere."

Let them have all the advantages they have been accumulating from that peculiar legislation which has emanated from the two Houses of Congress, and I say that the people of this neglected section of this District should have railway facilities that will bring them around this Capitol and take them to the Northwest and will let the people of K street and Twenty-fourth, and Twenty-fifth, and Twenty-sixth streets, and the people over in Georgetown up to Twenty-ninth and Thirtieth streets be able to get here and back again.

The men interested in this bill ask nothing from this Government except the poor privilege of building this railroad under a charter guarded in such a way as that I undertake to say the Senator from Maryland would hardly allow himself to be an incorporator. They are limited in the number of bonds with such guardianship as is thrown around no other corporation in the District.

Now, then, give me some other reason, if you can, or give the Senate some reason why you should repel these people who are asking for this franchise, than the one that they can not get the privilege of laying a track on either side of the present railway between Seventeenth and Fifteenth streets on Pennsylvania avenue, owned by the Washington and Georgetown Railway Company.

I repeat, for it is sometimes necessary to repeat things in order to fasten them in the minds of men, that the suggestion of New York avenue to get to G street is ingenious. I give the Senator from Maryland credit for contriving it, for he knows that there are two tracks now on New York avenue, and that there is no public concern there that is not served by the present railway tracks.

I hope it will be the pleasure of the Senate to keep this bill under consideration until it shall be passed or defeated. Whatever may be the judgment of the Senate, of course we must acquiesce in. It is necessary, if passed at all, that the bill should be passed quickly. It is necessary for the reason that the company are confined within certain limits; and I believe that we are conserving the interests of nine-tenths of the people of the District of Columbia when we pass this bill, if we shall do it in time to send it to the other House and let them act upon it as their judgment shall dictate to them.

Mr. GORMAN. Mr. President, I am not content to allow the remarks of the Senator from Virginia to go without a word of reply. It seems he has made a great mistake as to what my real position is. He seems to be laboring under the impression that my suggestion covers that portion of the avenue now occupied by the Washington and Georgetown Railroad Company from Twenty-sixth street to Fifteenth street. It does not. It has no reference to that branch of it whatever. This road, if constructed, must of necessity use that portion of Pennsylvania avenue. I agree to that. So the Senator is entirely mistaken as to the purport of my suggestion.

He describes it as an ingenious suggestion. Here are people who come to Congress for a great franchise, a valuable one, one that ought never to be granted unless we tax them as other cities tax them and make them pay a large proportion of the cost of running the District government. It is a valuable franchise, and I am not opposed to giving the franchise upon proper terms. I am not opposed to giving them the right to use that portion of the avenue between Fifteenth and Seventeenth streets. It is a necessity to the scheme; but these ingenious men who are looking after their own interests, when they made their proposition to Congress, had not the hardihood themselves to ask to come up G street to Fifteenth street and use a portion of Fifteenth street opposite the Treasury Department, the corner where Riggs's Bank and the Treasury Department are on opposite sides. So when they came to Congress they had their bill drawn to run the line from G street to Seventeenth street, thence to Pennsylvania avenue, and along Pennsylvania avenue to Fifteenth street, and then along New York avenue to Fourteenth street, and down Fourteenth street, and then down G street. That was their original proposition. If the road is to be constructed—and I am not arguing against the road—their original proposition was exactly right in the interest of the people of this city.

Now, the Senator lays great stress on the Washington and Georgetown Railroad Company. I would vote for a bill to-day, and I think the interest of the city demands it, requiring that company to move their tracks from Fifteenth street and go up Fourteenth street and around New York avenue, as I would have this road go; but it is there to-day, and it will require Congressional legislation to make them remove their tracks from Fifteenth street. This bill as amended by the committee would add to that use and create further and greater embarrassment.

I say to the Senator from Virginia that no talk about other corporations who have vested rights here, no intimations that their interests require the defeat of this bill, will prevent me now or at any time from, so far as I can by my vote and my voice, relieving the citizens from the embarrassment which has grown up by loose legislation in the past. The fact that an existing company has a charter which gives it rights that never ought to have been granted is no reason why we should continue to grant additional rights and privileges to other corporations.

These abuses ought to be corrected; and I say to the Senator from Virginia that in my judgment he would best serve this District, he would best serve this new corporation that is coming into existence, by compelling it to do exactly what it asked when it brought this proposition to the Senate. In other words, the amendment of the Committee on the District of Columbia is embarrassing and bad, and my sug-

gestion is only to vote down that proposed amendment and let the bill go as it was presented here, in a much better form than the amendment will make it.

Mr. RIDDLEBERGER. Mr. President, good faith requires that I should state explicitly the reason why the amendment was proposed.

The Senator criticises the corporators. He has stated what was their proposition; but the committee refused to allow it, and they acquiesced in the unanimous judgment of the committee. They have accepted just what the committee proposed.

Mr. GORMAN. Then the committee is wrong.

Mr. RIDDLEBERGER. Then my friend from Maryland ought to have attacked the committee and not the corporators.

So far as the mere matter of taxation is concerned, this bill provides that this company shall pay 4 per cent. of its gross proceeds to the District of Columbia. Does any other corporation pay that much? Further, it provides that it shall make its returns by the 15th of January of each year of its gross earnings, with the affidavit of its officers. About one-half of 1 per cent. of gross earnings would measure the amount of taxes paid in this city by corporations that have heretofore secured their franchises from Congress.

That is all I desire to say.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on the District of Columbia.

Mr. SPOONER. Let the amendment be read.

The PRESIDING OFFICER. It will be again read.

The SECRETARY. In line 37 of section 1, after the word "company," it is proposed to strike out "along New York avenue to Fourteenth street," and in line 38, after the word "along," to strike out "Fourteenth" and insert "Fifteenth;" so as to read:

Along Fifteenth street to G street.

The PRESIDING OFFICER. Did the Chair understand the Senator from Maryland to call for the yeas and nays?

Mr. GORMAN. I withdraw the call for the yeas and nays; it is not necessary now.

The PRESIDING OFFICER. The question is on the amendment. [Putting the question.] The noes appear to have it.

Mr. RIDDLEBERGER. I call for a division.

The PRESIDING OFFICER. A division is called for.

The question being put, there were on a division—ayes 13, noes 14.

Mr. RIDDLEBERGER. I ask for the yeas and nays. I fear the Senate is under a misapprehension. The question is on the committee amendment, and not on the amendment of the Senator from Maryland.

The yeas and nays were ordered.

Mr. DAWES. I have not heard from the Senator from Virginia or any friend of this measure a single reason given for turning down Fifteenth street instead of Fourteenth street. You reach G street as well by turning down Fourteenth street as you do by turning down Fifteenth street. There is certainly some reason in the suggestion that Fifteenth street at that point is exceedingly crowded. I do not see that the corporation does not get everything it wants by turning down Fourteenth street.

Mr. HOAR. Turning from where?

Mr. DAWES. Turning from G street to Pennsylvania avenue at Seventeenth street and from Pennsylvania avenue to reach G street again. When they reach Fourteenth street and New York avenue they have but to go one block down Fourteenth street, instead of Fifteenth.

I am willing to co-operate with this committee in making this the best bill possible. I would vote for their amendment if I could hear any reason why it would be better for the corporation—why it would be better for the public. I may be mistaken about it. I understand a good deal about monopolies from the speech of the Senator from Virginia, and about the over-reaching of corporations, but I do not see that that applies to this question, though it may. I should like to hear from some other member of the committee, if the Senator from Virginia does not favor us with them, reasons why the public would not be served just as well by the corporation going on New York avenue to Fourteenth street.

Mr. HOAR. I do not understand this question, and have not formed any opinion. I thought I was following the committee, and so voted on the division; but I wish to ask my colleague a question. I have been told that when the Treasury building is closed daily there are some two thousand eight hundred persons in it. Those persons all dwell elsewhere; and twice a day, saying nothing of persons who go there on business, there are in all five thousand six hundred persons who arrive at and leave the Department at that point. Now, is not the convenience of passing by the Treasury a pretty strong reason for the amendment?

Mr. DAWES. The route in the bill passes the Treasury just the same.

Mr. HOAR. Is that so? That is what I wanted to know.

Mr. DAWES. It passes the Treasury along one front, but at that corner it is not so near one Treasury door, quite, as it is to another Treasury door on Fifteenth street; but it is so near the Treasury door opposite G street it seems to me to make no real difference in convenience.

Mr. FARWELL. I desire to explain what this amendment is. The original route of the road near to the corner of Pennsylvania avenue and Fourteenth street was to go from there on New York avenue to Fourteenth street, and then down Fourteenth street to G. The amendment is to turn it at Fifteenth street towards the Riggs House at G street. The amendment is to run the line from the junction where Fifteenth street and Pennsylvania avenue come together, along Fifteenth street south to G street at the Riggs House. That is the amendment of the committee.

Mr. DAWES. The Treasury building faces the road on the north; and when it gets to the corner of the Treasury building, where the road turns down Fifteenth street, it turns a short corner. By the original bill it goes right along to Fourteenth street. The difference is between its going on two sides of the Treasury building and going on one side. That is all.

Mr. CHANDLER. The Senator from Massachusetts [Mr. DAWES] asks why it is not just as well to go around New York avenue and down Fourteenth street to G street as it is to strike directly from the corner of the Treasury lot across to G street and then on. The answer is that it makes a crooked road out of a road which will be comparatively a straight one.

I am not clear as to the necessity of this road to the District of Columbia; but if Congress proposes to authorize a new road to pass in front of the White House, south of the present tracks, then I am clear that when it reaches the Treasury lot corner and must get across these other tracks, the best way is to send it almost directly across by a line slightly diagonal, and get it into G street, and get it out of the way, and then let it go on G street to Massachusetts avenue; whereas if this amendment is rejected the track, having reached the corner of the Treasury building, as the Senator from Massachusetts says, but really the corner of the Treasury lot, has then to cross these same tracks and go to the north a little up New York avenue until it reaches Fourteenth street, going away from G street, and then turning quite a distance, probably several hundred feet, down Fourteenth street to G, and then making the turn.

It seems to me that that is all unnecessary, and that it will not relieve the crowding at that point at all; and if this road is to be allowed to go from Georgetown along G street until it strikes the State Department lot, then to go a few feet up Seventeenth street to Pennsylvania avenue, and along Pennsylvania avenue in front of the White House until it strikes Fifteenth, then the best way for it is to go by a slight, short diagonal into G street, and not to be sent the three-quarters of a circle that is proposed by the bill as originally introduced. This is my idea about it in connection with the bill as it has been reported by the committee.

Mr. DAWES. What is the difference in distance?

Mr. CHANDLER. I should think the extra distance would be a great many rods, and it would make more a divergence to the north than passing directly into G street would make to the south, and then after it had gone to the north up New York avenue you would have to make a very sharp turn around an acute angle down into Fourteenth street, and then when you got to G street you would have to make a direct right angle turn at that point. It seems to me that if this road is to be built at all, it would be the height of folly to send it around in this direction. I do not believe it will relieve the crowd one particle more than it would be relieved upon the line as proposed by the Committee on the District of Columbia.

Mr. DAWES. I do not understand mathematics very much, but I think there is about as much distance the one way as the other. The only difference is the difference of space between where New York avenue strikes Fifteenth street and G street. That is a mathematical certainty, inasmuch as two sides of a parallelogram we always understood were equal to the two opposite sides. There is a difference of distance between the point where New York avenue strikes Fourteenth street and G street. That distance is added to the corner, and there are precisely as many angles to be turned in the one case as in the other. I have no choice, and do not know which is the best. I only state the reasons against the change as they strike me.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the Secretary will call the roll.

The yeas and nays were taken.

Mr. HAMPTON. My colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. TELLER. I am paired with the Senator from Arkansas [Mr. BERRY] on all political questions. I do not suppose this is a political question, but I notice that the other side of the Chamber have voted pretty solidly one way. I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. PUGH (after having voted in the negative). I have a general pair with the Senator from Vermont [Mr. EDMUNDS], so I withdraw my vote.

Mr. GORMAN. The Senator from Vermont is against the amendment; he so informed me.

Mr. PUGH. With that understanding I vote "nay."

Mr. ALDRICH. I am paired with the Senator from Minnesota [Mr. SABIN.] If present he would vote "yea," and I should vote "nay."

The result was announced—yeas 23, nays 20; as follows:

YEAS—23.

Bowen,	Farwell,	Paddock,	Spooner,
Chace,	Frye,	Palmer,	Stanford,
Chandler,	Hoar,	Plumb,	Stewart,
Cullom,	Manderson,	Riddleberger,	Stockbridge,
Davis,	Mitchell,	Sawyer,	Wilson of Iowa.
Evarts,	Morrill,	Sherman,	

NAYS—20.

Bate,	Coke,	Gorman,	Payne,
Beck,	Colquitt,	Hampton,	Pugh,
Blackburn,	Dawes,	Harris,	Vance,
Call,	Eustis,	Hearst,	Vest,
Cockrell,	George,	Pasco,	Walthall.

ABSENT—33.

Aldrich,	Dolph,	Jones of Arkansas,	Sabin,
Allison,	Edmunds,	Jones of Nevada,	Saulsbury,
Berry,	Faulkner,	Kenna,	Teller,
Blair,	Gibson,	McPherson,	Turpie,
Blodgett,	Gray,	Morgan,	Voorhees,
Brown,	Hale,	Platt,	Wilson of Md.
Butler,	Hawley,	Quay,	
Cameron,	Hiscock,	Ransom,	
Daniel,	Ingalls,	Reagan,	

So the amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 1, after the words "Potomac River," at the end of line 47, to strike out—

Also commencing at the corner of Twenty-first street and Boundary northwest, with a double track, along Twenty-first street to G street northwest, there to connect with the main line east and west; also commencing at the corner of Twenty-first and S streets northwest, with a single track, along S street to Sixth street northwest, along Sixth street to T street northwest, along T street to Boundary, and along Boundary to place of beginning.

And in lieu thereof to insert:

Also commencing at the corner of T street and Boundary, along T street to Boundary, along Boundary to Twenty-first street, along Twenty-first street to G street, connecting with main line, along main line to Twentieth street, along Twentieth street to S street to Sixth, along Sixth street to Boundary, along Boundary to T street, with single track.

The amendment was agreed to.

The next amendment was, in section 1, line 66, after the words "judgment of the," to strike out "engineer commissioner" and insert "commissioners;" in line 67, after the word "District," to insert "of Columbia;" in the same line, after the word "by," to strike out "him" and insert "them;" and in line 73, after the words "by the," to strike out "engineer commissioner" and insert "commissioners;" so as to read:

Provided, That when said lines coincide with the duly authorized lines of any other duly incorporated street railway of the District of Columbia, said Washington Cable Electric Railway shall lay separate and independent tracks in the original construction of the said lines whenever in the judgment of the commissioners of the District of Columbia it shall be deemed by them possible and practicable so to do. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street-railway company in the District of Columbia, either or both companies may use the same tracks, when, on account of the width of the streets, or for other sufficient reasons, it shall be deemed by the commissioners of the District to be necessary.

The amendment was agreed to.

Mr. VANCE. Are any but the amendments of the committee in order now?

The PRESIDING OFFICER. Not at this time, unless an amendment to an amendment proposed by the committee. The next committee amendment will be stated.

The next amendment was, in section 1, after the word "charged," at the end of line 97, to strike out the following words:

Said road shall be deemed real estate and its franchise and property be liable to taxation as other real estate and personal property in the District of Columbia.

The amendment was agreed to.

Mr. EDMUNDS. I should like to ask the Senator in charge of this bill, on the subject of taxation, whether there is any provision for the taxation of the stock as personal property? I suppose the stock is made personal property. The provision just agreed to provides merely as to the plant being taxed as real estate. Is there anything on the subject of taxing the stock?

Mr. RIDDLEBERGER. The amendment just acted on relates to the realty. The stations, etc., are taxed as realty. All other taxation is covered by the one general provision of 4 per cent. upon gross receipts. I believe it is the general expression of the press as well as the view of the committee that we can not tax the track and rolling-stock as realty, and therefore we reach all by the process of taxing 4 per cent. on gross receipts, and besides, all their realty, which is described in the bill, is taxed as other realty in the District of Columbia. That is the bill as I understand it.

Mr. EDMUNDS. But I see that the amendment just agreed to on page 5 strikes out the statement in the original bill that the road shall be deemed real estate, and its franchise and property be liable to taxation as other real estate in the District of Columbia; and in the amendment of the committee on page 14 it is provided that there shall be a payment of 4 per cent. of the gross earnings for the preceding year, and that that—

shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, including its cars and motive power, but the real estate of the company may be taxed as other real estate in the District: *Provided*, That the tracks of the company shall not be taxed as real estate.

That is, the whole of their line and rails "shall not be taxed as real estate," so that all that would be left for taxation outside of the 4 per cent. of gross earnings would be their offices and stables and things of that sort that had nothing to do with the operating of the line of the railway, incidental to it and necessary to it of course, but entirely outside of the property. How much the people of this District and of the United States are to get out of a scheme of that kind remains to be seen.

Mr. HOAR. Will the Chair direct the amendment just adopted to be reported again?

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. After the word "charged," at the end of line 97 of section 1, the amendment was to strike out the following words:

Said road shall be deemed real estate, and its franchise and property be liable to taxation as other real estate and personal property in the District of Columbia.

Mr. HOAR. I desire the attention of the Senator from Virginia. The doctrine of that amendment leaves the bill to enact that the property and franchise of the road shall not be called upon to contribute to taxation and yet shall be liable to sale for non-payment of taxes. Undoubtedly the committee meant to have the amendment extend a little further.

Mr. EDMUNDS. The latter words ought to come out as a matter of course if the other amendment is adopted.

Mr. HOAR. There is a mistake in the extent of the amendment.

Mr. SPOONER. The words "and its property and franchise shall be liable to sale for non-payment of the same" should also be stricken out.

Mr. EDMUNDS. Let that be done now.

The PRESIDING OFFICER. Is there objection to striking out the words mentioned, which will be read by the Secretary, so that there may be no misunderstanding?

The CHIEF CLERK. It is proposed to strike out the words "and its franchise and property shall be liable to sale for non-payment of the same."

The PRESIDING OFFICER. Are those the words which are to be stricken out?

Mr. SPOONER. Those are the words.

The PRESIDING OFFICER. Is there objection to striking out the words just read? The Chair hears none. It is so ordered.

Mr. HOAR. I should like to be informed by the committee whether a 4 per cent. tax on gross earnings is in their judgment a sufficient contribution to be required of this road, including its shares, for all public purposes. I do not know what the experience of other roads is.

Mr. SPOONER. The committee was of the opinion that the best mode of taxing such properties was the exaction of a tax upon the gross earnings or gross receipts of the company, rather than by way of assessment or attempted assessment upon the tracks. That system of taxation which has been applied to street railways in this District has been very near a failure. We fixed this rate of taxation at 4 per cent. for the reason that this is an experiment; the road is to be constructed through portions of the city not extensively settled; and the power at any time to increase the rate is reserved to Congress. It is the opinion of the committee that the result of that will probably be large enough.

The Senator from Massachusetts asks a question, whether this is in lieu of taxation upon stockholders. It was not so intended. This tax is simply a tax upon the company. It is a tax which is exacted from the corporation; it has no relation whatever to the private property of the stockholders. When one purchases stock in a corporation, or takes it by subscription, it is his personal property, and he deals with the matter as he does with other property, and he has to pay his taxes upon it I suppose; but the bill simply proposes a rate of taxation upon the company, the corporation itself.

Mr. HOAR. Mr. President, it seems to me, with great deference to the committee, that the proper method of dealing with this company and with all like companies is analogous to that which we use in dealing with national banks, that the proper mode is that pursued in principle in dealing with the national banks. That is to say, the visible real estate should be taxed as a separate subject of taxation. I do not speak now of the franchise, or tracks or the mere right of way, but I speak of offices and such like things, and then they being taxed to the company, should include the rolling-stock, which is a distinct article and which goes with the realty in almost all railroad jurisprudence. Then having taxed that at its value, as we tax a counting-room or as we tax a factory with the machinery fixed in it, there should be in lieu of any attempt to reach the franchise a reasonable tax on the gross earnings just as you have the bank tax on circulation and deposits, and then the share, which is the personal property of the shareholder, should be taxed with his personal property where he dwells. If he dwells in another State he can be taxed there; if he dwells in the District he pays his tax as on other personal property in the District.

Mr. EDMUNDS. The States tax national-bank shareholders by permission of Congress.

Mr. HOAR. The national-bank act is dealing with a national institution performing some of the functions of Government, but which

so far as it is a property owner has a location in a particular State. It is very inconvenient to make the shares of national banks taxable where the shareholder happens to reside. The principle which I stated in the main would not apply to national banks, and in the main would not, I suppose, apply to steam railroads in the various States, with some exceptions in different States, and I should hope the committee would consent to have this bill based on that principle.

Mr. EDMUNDS. Mr. President, this bill apparently, as far as I have been able to run it over, does not contain any provision subjecting the shares in the corporation to any taxation anywhere, but with the amendment of the committee and the provision stricken out that has already been stricken out in the text of the bill, it provides that 4 per cent. of the gross earnings shall be paid as a tax in lieu of all other taxes of every kind. That is the short of it.

In the national-bank act where it was provided that the corporation itself should pay certain taxes, and that that should cover everything, it was thought necessary, and it was done, to insert a particular and special provision that the shares of stock should be deemed personal property, and should be liable to taxation at the same rate that other moneyed capital was in the hands of the holders of that stock in the community or place where the bank was located.

Now, therefore, if it is the desire of the Senate to tax the shareholders of this corporation for the value of their personal interest in it, separate from the corporate interest, according to the course of legislation, it will be necessary to say so in this bill, or you will be met in the courts by the circumstance and the fact that in all other similar legislation it had been thought necessary to insert a special provision that the stock should be liable to taxation, and it will be argued, and I suspect with some success, that this sweeping provision which now stands here was intended to exclude by the omission of the other provision existing in other laws the idea of taxing the stockholders at all; and then you have got a concern of this great magnitude that is only to pay all around, corporate or personal or anything else, 4 per cent. of the gross earnings of the concern into the Treasury, which is altogether wrong, as I believe.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

Mr. HOAR. What amendment is now before the Senate?

The PRESIDING OFFICER. The Senate adopted the amendment striking out lines 98, 99, and 100. The next amendment is the insertion of new words in line 103, which will be stated.

The CHIEF CLERK. In section 1, line 103, after the word "rails" it is proposed to insert:

Of American manufacture and——

Mr. VANCE. I trust the Senate will not concur in that amendment. It has frequently happened that in our legislation concerning ships or some institutions which the Government established or engaged in the construction of, the character of the material has been dictated in the law; but I have never known an instance where Congress has dictated to a private corporation where it should buy its materials. It seems to me that the public interest is sufficiently subserved when we enact that the rails shall be of the best material, without adding that they shall be of American manufacture, for it does not always follow that they are of the best material because they are of American manufacture. But at all events, it seems to me, it is an unusual stretch of power for us to take upon ourselves, and that with equal propriety we might prescribe that every particle of their machinery and apparatus used in the operation of this road should be likewise of American material; that the harness that was used in connection with their establishment should be of American manufacture; that their conductors should be dressed in American clothing, and so on to the end of the chapter. I think this is altogether absurd, and I hope the Senate will not concur in the amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. STEWART (when his name was called). I am paired with the Senator from Texas [Mr. REAGAN].

Mr. TELLER (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY]. The understanding was that whenever I thought he would vote differently from myself I should be paired with him. If he was here I presume he would vote "nay," and I should certainly vote "yea."

The roll-call was concluded.

Mr. CULLOM (after having voted in the affirmative). I cast my vote awhile ago, forgetting that I had paired with the Senator from Delaware [Mr. GRAY]. I ask, therefore, to withdraw it. I would vote "yea" if I had the opportunity.

Mr. EVARTS (after having voted in the affirmative). I voted "yea," but I must withdraw my vote, as I am paired with the Senator from Alabama [Mr. MORGAN], who, I presume, would vote "nay."

Mr. FRYE. My colleague [Mr. HALE] is necessarily detained from the Senate, and is paired with the Senator from Kentucky [Mr. BECK]. My colleague, if here, would vote "yea."

Mr. PUGH. My colleague [Mr. MORGAN] is paired with the Senator from New York [Mr. EVARTS].

The result was announced—yeas 25, nays 17, as follows:

YEAS—25.

Blair,	Edmunds,	Mitchell,	Spooner,
Bowen,	Farwell,	Morrill,	Stanford,
Brown,	Frye,	Paddock,	Stewart,
Chace,	Gorman,	Palmer,	Stockbridge.
Chandler,	Hiscock,	Platt,	
Davis,	Hoar,	Plumb,	
Dawes,	Manderson,	Riddleberger,	

NAYS—17.

Bate,	Eustis,	Hearst,	Walthall,
Blackburn,	George,	Pugh,	Wilson of Md.
Call,	Gibson,	Reagan,	
Coke,	Hampton,	Vance,	
Daniel,	Harris,	Vest,	

ABSENT—34.

Aldrich,	Cullom,	Jones of Nevada,	Saulsbury,
Allison,	Dolph,	Kenna,	Sawyer,
Beck,	Evarts,	McPherson,	Sherman,
Berry,	Faulkner,	Morgan,	Teller,
Blodgett,	Gray,	Pasco,	Turpie,
Butler,	Hale,	Payne,	Voorhees,
Cameron,	Hawley,	Quay,	Wilson of Iowa.
Cockrell,	Ingalls,	Ransom,	
Colquitt,	Jones of Arkansas,	Sabin,	

So the amendment was agreed to.

Mr. EDMUNDS. It is desirable that there should be an executive session, and I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. If the Senator from Vermont will withhold the motion for a moment, I ask leave to offer an amendment to the pending bill and have it printed.

Mr. EDMUNDS. I withhold the motion for that purpose.

Mr. HOAR. I move, at the end of section 5, on page 14, line 26, to amend the committee amendment by adding:

And that the shares in said corporation shall be included in the valuation of the personal property of the owner for the purposes of taxation as other personal property.

The PRESIDING OFFICER. The amendment will be received and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 639) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher from the Government of the United States of Colombia; and

A bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida.

EXECUTIVE SESSION.

Mr. EDMUNDS. I renew my motion.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 21, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 20th day of February, 1888.

REGISTER OF LAND OFFICE.

William H. Steele, of Colorado, to be register of the land office at Montrose, Colo., *vice* David S. Hoffman, term expired.

RECEIVERS OF PUBLIC MONEYS.

Henry Charles Fink, of Colorado, to be receiver of public moneys at Montrose, Colo., *vice* Charles D. Peck, term expired.

Leonard B. Cornell, of New York, to be receiver of public moneys at Spokane Falls, Wash., *vice* Malcolm G. Barney, removed.

INDIAN AGENTS.

E. P. Briscoe, of Port Gibson, Miss., to be agent for the Indians of the Crow agency in Montana, *vice* Henry E. Williamson, resigned.

Enos Gheen, of Mount Pleasant, Iowa, to be agent for the Indians of the Sac and Fox agency in Iowa, *vice* William H. Black, resigned.

COLLECTOR OF CUSTOMS.

Francis E. Pedrick, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts, *vice* Francis A. Osgood, term expired.

CONFIRMATION.

Executive nomination confirmed by the Senate February 20, 1888.

POSTMASTER.

Daniel D. Woodward, to be postmaster at Mexico, in the county of Audrain and State of Missouri.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 20, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. BUTLER, of Washington, D. C.

The Journal of Friday's proceedings was read and approved.

FEES OF WITNESSES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Attorney-General in relation to the discrimination in mileage between witnesses in the United States courts and witnesses before United States commissioners in the district of Colorado; which was referred to the Committee on Appropriations, and ordered to be printed.

STENOGRAPHIC CLERKS FOR JUSTICES OF SUPREME COURT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an appropriation for stenographic clerks for the Chief-Justice and the associate justices of the Supreme Court; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY RESERVATION, FORT ROBINSON, NEBR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for the extension of the military reservation at Fort Robinson, Nebr.; which was referred to the Committee on Military Affairs, and ordered to be printed.

EXPERT TESTIMONY, GOVERNMENT SUITS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an appropriation for expenses of experts in suits against defaulting officers; which was referred to the Committee on Appropriations, and ordered to be printed.

EIGHT-HOUR LAW.

The SPEAKER also laid before the House a letter from the Attorney-General, in response to a resolution of the House calling for information relative to claims arising in that Department from the proposed adjustment of accounts of employés under the eight-hour law; which was referred to the Committee on Labor.

CAPTURED FLAGS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, with inclosures, in response to a resolution of the House calling for information relative to captured standards, flags, and colors; which was referred to the Committee on Military Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOOKER, for ten days, on account of important business.

To Mr. ALLEN, of Michigan, for four days, on account of important business.

To Mr. BIGGS, indefinitely, on account of illness.

To Mr. DOUGHERTY, for six days, on account of important business.

To Mr. HOUK, until Tuesday next, on account of important business.

DIRECTORS COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The SPEAKER announced the appointment of Mr. HEMPHILL and Mr. HITT as directors of the Columbia Institution for the Deaf and Dumb.

COLUMBIA HOSPITAL, ETC.

The SPEAKER also announced the appointment of Mr. COLLINS and Mr. KETCHAM as directors of the Columbia Hospital for the ensuing year.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 6439) authorizing the appointment of two additional division superintendents of railway mail service.

BREAKWATER, CLEVELAND, OHIO.

Mr. FORAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and is hereby, requested to transmit to this House, for the use of the Committee on Rivers and Harbors, all papers, maps, tracings, and recommendations on file in the War Department in relation to the breakwater at Cleveland, Ohio, especially all such papers, maps, tracings, and recommendations relative to the extension of said breakwater easterly substantially on the present line without material deflection toward the shore, for the whole length now authorized and an additional length of not less than 2,000 feet.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered, and agreed to.

Mr. FORAN moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RODERICK M'INTOSH.

Mr. DAVIS. I ask unanimous consent that the Committee of the Whole House be discharged from the consideration of the bill (H. R. 393) to provide for the payment of the claim of Capt. Roderick McIntosh, and that it be brought before the House for present consideration.

The bill was read, as follows:

Be it enacted, etc., That there be appropriated and paid out of the Treasury of the United States, from moneys not otherwise appropriated, the sum of $166.96, in addition to the sum of $180 heretofore paid, to Capt. Roderick McIntosh, master of the schooner Bucephalus, for services in rescuing, transporting, and subsisting the officers and crew of the schooner Astoria, of Bucksport, Me., in July, 1885.

The bill was reported from the Committee on Claims with an amendment to strike out "ninety-six," in line 5, and insert "sixty-six."

Mr. MCMILLIN. Let the report be read.

The report was read.

Mr. MCMILLIN. I ask the gentleman from Massachusetts whether these rescued officers and crew were in the service of the United States Government when wrecked.

Mr. DAVIS. They were not.

Mr. MCMILLIN. Then upon what ground did the liability of the Government accrue?

Mr. DAVIS. On the ground of the loss to the owner of the vessel while performing this act of humanity.

Mr. MCMILLIN. I wish to know on what ground the Government of the United States is liable for this claim. If the persons rescued were in the naval or marine service of the Government, the actual service of the Government of the United States, an equitable claim would be fixed on the Government. But I wish to see how in this case the liability arises.

Mr. DAVIS. The law recognizes a certain liability on the part of the Government and the Government paid $180 on account of that legal liability. The sum provided for in the bill is an amount beyond that, the accounting officers not feeling authorized to go beyond the amount of $180.

Mr. MCMILLIN. That does not answer my question. How does the liability of the Government arise?

Mr. DAVIS. It arises under the statute law. I can not refer to it at this moment, but there is undoubtedly a statute law that covers the case.

Mr. MCMILLIN. And the only question is as to the amount which was paid not complying with the statute?

Mr. DAVIS. The amount paid probably complied with the statute; but it is admitted by the officers of the Treasury Department that the amount paid is not sufficient. There is a certain amount allowed in such cases, but it is hardly ever sufficient, and in this case the amount allowed was clearly insufficient; so there is an equitable claim on the part of these persons, the equity of the claim on their part being conceded.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. OATES. I object.

CONSIDERATION OF TELEGRAPH BILL.

Mr. DOCKERY. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Saturday, the 3d of March, 1888, immediately after the reading of the Journal be set apart for the further consideration of House bill 1426, with amendments.

Mr. BLAND. What bill is that?

Mr. DOCKERY. The bill requiring the Pacific railroads to construct telegraph lines; a bill which has been already considered by the House.

The SPEAKER. In the absence of objection, the question is on agreeing to the resolution.

The resolution was adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES IN GEORGIA AND FLORIDA.

Mr. YODER. I ask unanimous consent to call up from the Private Calendar for present consideration the bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida, reported by the Committee on Commerce with amendments.

The bill was read, as follows:

[The amendments of the committee are to strike out the words printed within brackets and to insert the words printed in italics.]

Be it enacted, etc., That the East Tennessee, Virginia and Georgia Railroad Company be, and are hereby, authorized to construct a bridge over the river Saint Mary's, in the county of Camden and State of Georgia, and in the county of Nassau and State of Florida, at the point where said railroads cross said river.

SEC. 2. That the East Tennessee, Virginia and Georgia Railroad Company be, and is hereby, authorized to construct a bridge over the river [Satella] *Satilla*, in the county of Camden, in the State of Georgia, at the point where said railroad crosses said river.

SEC. 3. That said bridges shall be so constructed, either by draw, span, or otherwise, so that a free and unobstructed passage may be secured to all vessels and other water-craft navigating said rivers.

SEC. 4. That the said East *Tennessee, Virginia and* Georgia and Florida Railroad Company be, and is hereby, authorized to construct fixed bridges over the Little [Satella] *Satilla* River, between the counties of Camden and Glynn, and over Crooked River, in the county of Camden, in said State of Georgia, at the points selected by said company where said railroad crosses said rivers, with one span, and to make said bridges of such height as they may see fit: *Provided*, That the height be sufficient to permit the passage of timber rafts and other vessels navigating said rivers under said bridges.

SEC. 5. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States; *and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for said postal-telegraph purposes.*

SEC. 6. That if any of the said bridges authorized to be constructed by this act shall be constructed as a draw-bridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge or bridges as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such obstructions shall be removed and alterations made at the expense of the owner or owners of said bridge: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the bridge erected under this act from the operation of the same.

SEC. 7. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 8. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object said company or corporation shall submit to the Secretary of War a design and drawings of said bridge to be erected, for his examination and approval, and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of War; and until said plan and location of said bridge or bridges are approved by the Secretary of War said bridge or bridges shall not be built; and should any change be made in the plan of any bridge authorized to be constructed by this act, during the progress of the work of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 9. *That this act shall be null and void if actual construction of the bridge therein authorized be not commenced within one year and completed within three years from the date thereof.*

SEC. [9] 10. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structures, or their entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Amend the title so as to read: "A bill to authorize the construction of bridges over the rivers Saint Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida."

The SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none.

Mr. CRISP. There is still some error about the name of the company. The other amendments submitted by the committee are correct. Instead of the name of the railroad submitted by the committee it should be "The Jacksonville and East Tennessee Railroad Company." That correction has to be made in three places in the bill; in the first section, line 3; in the second section, line 1; and in the fourth section, line 1. The proper name of the road is "The Jacksonville and East Tennessee Railroad."

The SPEAKER. The question is on agreeing to the amendments, including the amendment offered by the gentleman from Georgia [Mr. CRISP].

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to correspond with the amendments made.

COMMANDER JOHN W. PHILIP.

Mr. MORROW. I ask unanimous consent to consider at this time the bill (H. R. 639) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher from the Government of the United States of Colombia.

The bill was read, as follows:

Be it enacted, etc., That Commander John W. Philip, United States Navy, be, and he is hereby, authorized to accept a silver pitcher, tendered him by the Government of the United States of Colombia, for services rendered to that government.

Mr. MORROW. The bill relates to a silver pitcher that has been prepared by the United States of Colombia to be presented to Commander Philip for his services in inspecting a revenue-cutter built for that government at Wilmington, Del.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DUTY ON STATUARY AND PAINTINGS.

Mr. WHITE, of New York. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the petition of the Rembrandt Club of Brooklyn, praying for the repeal of duties upon statuary and paintings.

There was no objection; and it was so ordered.

The petition, which was referred to the Committee on Ways and Means, is as follows:

REMBRANDT CLUB, *Brooklyn, N. Y., February* 18, 1888.

To the Senate and House of Representatives of the United States in Congress assembled:

The Rembrandt Club, of Brooklyn, N. Y., an association of gentlemen interested in art matters, would respectfully offer this their petition to Congress to take measures to repeal the law which authorizes the levying of customs duties on paintings and statuary, believing that such action would receive public approval.

WALTER K. PAGE, *Secretary.*

INTERNAL-REVENUE TAX ON ALCOHOLIC LIQUORS.

Mr. BUTLER. Mr. Speaker, I desire to present the petition of the Woman's Christian Temperance Union of Tennessee, comprising nearly 6,000 members, asking the abolishment of the internal-revenue tax on alcoholic liquors. I ask to have the petition printed in the RECORD.

The SPEAKER. The petition will be referred to the Committee on Ways and Means, and, in the absence of objection, will be printed in the RECORD.

The petition is as follows:

[National Woman's Christian Temperance Union, Department of Legislation and Petitions. Superintendent, Mrs. Ada C. Bittenbender, Lincoln, Nebr.]

To the United States House of Representatives in Congress assembled:

The National Woman's Christian Temperance Union most respectfully and earnestly asks that the internal-revenue tax on all alcoholic liquors be abolished, for the reason that it operates to render more difficult the securing and enforcement of prohibitory laws, and so postpones the day of national deliverance from the evils arising from the liquor crime.

MRS. LIDE MERIWETHER,
President of Tennessee W. C. T. U.; residence, Memphis.
MRS. NAT. BAXTER, SR.,
Corresponding Secretary of Tennessee; residence, Nashville.
MISS SALLIE R. CORNELIUS,
Recording Secretary of Tennessee; residence, Nashville.
MRS. W. S. ABERNETHY,
Treasurer of Tennessee; residence, Memphis.

Representing nearly 6,000 members.

ORDER OF BUSINESS.

Mr. MCMILLIN. Regular order.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] demands the regular order. This being Monday, the regular order is the call of the States and Territories for the introduction of bills and resolutions.

DUTIES AND COMPENSATION OF UNITED STATES MARSHALS.

Mr. HERBERT introduced a bill (H. R. 7383) relating to the duties and compensation of United States marshals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTIES AND COMPENSATION OF UNITED STATES ATTORNEYS.

Mr. HERBERT also introduced a bill (H. R. 7384) relating to the duties and compensation of United States attorneys; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 837, REVISED STATUTES.

Mr. SYMES introduced a bill (H. R. 7385) to amend section 837 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAMPA COLLECTION DISTRICT.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 7386) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS FOR CAPTURED AND ABANDONED PROPERTY.

Mr. STEWART, of Georgia, introduced a bill (H. R. 7387) to authorize certain parties to prosecute their claims in the Court of Claims for captured and abandoned property, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HORSES LOST IN THE MILITARY SERVICE.

Mr. CANDLER introduced a bill (H. R. 7388) to amend the act approved March 3, 1849, which provides for the payment for horses, etc., lost in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSTMASTERS.

Mr. BLOUNT introduced a bill (H. R. 7389) to regulate the qualification, compensation, and allowances to postmasters, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING, STERLING, ILL.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 7390) to provide for the construction of a public building at Sterling, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROTECTION OF SETTLERS ON PUBLIC LANDS.

Mr. PAYSON introduced a bill (H. R. 7391) for the protection of settlers on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FEMALE NURSES IN THE WAR OF THE REBELLION.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 7392) to provide compensation for services of female nurses during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, SOUTH BEND, IND.

Mr. SHIVELY introduced a bill (H. R. 7393) for the erection of a public building at South Bend, Ind.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BRIDGING THE OHIO RIVER.

Mr. HOWARD introduced a bill (H. R. 7394) to amend an act approved February 14, 1883, entitled "An act supplementary to an act approved December 17, 1872, entitled 'An act to authorize the construction of bridges across the Ohio River and to prescribe the dimensions of the same;'" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIENS ON JUDGMENTS IN UNITED STATES COURTS.

Mr. LYMAN presented a joint resolution of the General Assembly of the State of Iowa in regard to liens on judgments in United States courts; which was referred to the Committee on the Judiciary.

TRANSCRIPTS OF JUDGMENTS, UNITED STATES COURTS.

Mr. FULLER presented a joint resolution of the General Assembly of the State of Iowa, requesting the passage of a bill requiring transcripts of judgments in the United States courts to be filed in the county where lien is sought to be established, and also properly indexed; which was referred to the Committee on the Judiciary, and ordered to be printed.

REIMBURSEMENT OF STATES.

Mr. KERR introduced a bill (H. R. 7395) to reimburse the several States for interest on moneys expended by them on account of raising troops employed in aiding the United States in suppressing the late rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT BURLINGTON, IOWA.

Mr. GEAR introduced a bill (H. R. 7396) authorizing the construction of a public building at Burlington, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT KEOKUK, IOWA.

Mr. GEAR also introduced a bill (H. R. 7397) making an additional appropriation for the erection of a public building at Keokuk, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLAIMS OF IOWA POSTMASTERS.

Mr. GEAR also introduced the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of claims of postmasters in the State of Iowa, made under act of March 3, 1883, which have been disallowed in whole or in part, showing by actual computations already made the amount of commissions under act of 1854, the amount of salary paid, and the actual excess of commissions over the amount of salary paid; such statement to include every such claim for each and every period of service within the biennial periods between July 1, 1854, and July 1, 1874, in which by the computation made and entered upon jackets, compared with the amount of salary paid for the same time, it appears that the salary paid is 10 per cent. or more less than the amount of such computed commissions.

EASTERN JUDICIAL DISTRICT OF LOUISIANA.

Mr. ROBERTSON introduced a bill (H. R. 7398) to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of court therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOUISIANA STATE UNIVERSITY, ETC.

Mr. ROBERTSON also introduced a bill (H. R. 7399) to increase the endowment of the Louisiana State University and Agricultural and Mechanical College; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PUBLIC BUILDING AT OPELOUSAS, LA.

Mr. ROBERTSON also introduced a bill (H. R. 7400) for the erection of a public building at Opelousas, La.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIGHT-HOUSE, JOHN'S ISLAND, MAINE.

Mr. DINGLEY introduced a bill (H. R. 7401) providing for the establishment of a light-house upon John's Island, in John's Bay, on the coast of Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, SACO, ME.

Mr. REED introduced a bill (H. R. 7402) to provide for the construction of a public building at the city of Saco, State of Maine; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

POSTMARKING AND CANCELING MACHINES.

Mr. COLLINS introduced a bill (H. R. 7403) authorizing the Postmaster-General to continue the use of postmarking and canceling machines; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COMPENSATION OF THIRD-CLASS POSTMASTERS.

Mr. COLLINS (by request) also introduced a bill (H. R. 7404) to increase the compensation of third-class postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

STAFF OFFICERS OF THE NAVY.

Mr. MORSE introduced a bill (H. R. 7405) to equalize the rank and pay of certain staff officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

POSTAGE UPON SEEDS, PLANTS, ETC.

Mr. MACDONALD introduced a bill (H. R. 7406) to reduce the rate of postage upon seeds, plants, and merchandise; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RETIREMENT OF ARMY OFFICERS.

Mr. MACDONALD also introduced a bill (H. R. 7407) to place upon the retired-list of the Army certain officers with rank of major-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FEES AT LOCAL LAND OFFICES.

Mr. CATCHINGS introduced a bill (H. R. 7408) to regulate fees collected by registers and receivers in the local land offices; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COINAGE OF DOUBLE EAGLES, ETC.

Mr. BLAND introduced a bill (H. R. 7409) limiting the coinage of double eagles and discontinuing the coinage of certain United States coins; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

SETTLERS UPON OLD CAMP SHERIDAN MILITARY RESERVATION.

Mr. DORSEY introduced a bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FEES OF CLERKS, ETC., WYOMING.

Mr. McSHANE introduced a bill (H. R. 7411) to increase the fees and costs to be allowed clerks, marshals, and attorneys for circuit and district courts in the United States in the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LEAVES OF ABSENCE OF INSPECTORS OF CUSTOMS, ETC.

Mr. MERRIMAN introduced a bill (H. R. 7412) to grant leaves of absence with pay to inspectors of customs and clerks in the customs service; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

UNITED STATES POSTAGE-STAMP.

Mr. MERRIMAN also introduced a bill (H. R. 7413) to authorize the Postmaster-General to emboss the United States postage-stamp upon letter sheets; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEAVE OF ABSENCE TO GOVERNMENT PRINTING OFFICE EMPLOYÉS.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 7414) relating to pay of skilled workmen and leave of absence to all employés in the Government Printing Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PENSION TO PERSONS TOTALLY INCAPACITATED.

Mr. DE LANO introduced a bill (H. R. 7415) to increase the pension of those totally incapacitated for the performance of any manual labor, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPRAISER'S WAREHOUSE, BROOKLYN, N. Y.

Mr. MAHONEY introduced a bill (H. R. 7416) for the purchase of a site and the erection thereon of an appraiser's warehouse in the city of Brooklyn, in the State of New York, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SECTION 3019, REVISED STATUTES.

Mr. FELIX CAMPBELL introduced a bill (H. R. 7417) to amend section 3019 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF ACT OF CONGRESS APPROVED MARCH 3, 1883.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 7418) to amend section 6 of an act of Congress approved March 3, 1883; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DRAWBACK ON EXPORTS OF DOMESTIC MANUFACTURES.

Mr. CUMMINGS (by request) introduced a bill (H. R. 7419) to amend the statutes relating to the allowance of drawback on exports of domestic manufacture; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUPPORT AND MAINTENANCE OF COMMON SCHOOLS.

Mr. SIMMONS introduced a bill (H. R. 7420) to deposit with the States and Territories certain moneys to aid in the support and maintenance of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

REPEAL OF TAXES ON SPIRITUOUS AND MALT LIQUORS, ETC.

Mr. BROWER submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Rules be, and they are hereby, requested to report to the House for its action the resolution introduced by J. M. BROWER, instructing the Committee on Ways and Means to report House resolutions 1693, 1694, and 1695, to repeal the internal-revenue taxes on spirituous and malt liquors, tobacco, and brandy made from fruits, and for other purposes, to the House for its action; and said resolution is hereby made special order for 2 o'clock p. m., February 21, 1888.

SUPPORT OF COMMON SCHOOLS.

Mr. BROWER also submitted the following resolution; which was referred to the Committee on Rules:

Resolved. That the Committee on Education be, and is hereby, directed to report Senate bill 371, being the bill to aid in the establishment and temporary support of common schools, to the House for its action on or before March 20, 1888, and said bill is hereby made a special order for 2 o'clock p. m. on March 20, 1888.

ESTABLISHMENT OF A LIGHT OFF PAMLICO POINT, NORTH CAROLINA.

Mr. LATHAM introduced a bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PENSIONS TO INMATES OF CONFEDERATE PRISONS.

Mr. WILKINS submitted a memorial from the Legislature of the State of Ohio, relating to pensions to inmates of Confederate prisons; which was referred to the Committee on Invalid Pensions.

PUBLIC BUILDING, CANTON, OHIO.

Mr. MCKINLEY introduced a bill (H. R. 7422) to provide for the erection of a public building in the city of Canton, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAYMENT OF GREENBACK CERTIFICATES, DISTRICT OF COLUMBIA.

Mr. CROUSE introduced a bill (H. R. 7423) to provide for the payment of the 8 per cent. greenback certificates of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

COMPENSATION OF EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. FORAN introduced a bill (H. R. 7424) to regulate and fix the compensation of employés of the Government Printing Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

TARIFF.

Mr. BOOTHMAN submitted a joint resolution of the General Assembly of the State of Ohio, relating to the tariff; which was referred to the Committee on Ways and Means.

UNION SOLDIERS WHO WERE PENSIONERS.

Mr. BOOTHMAN also submitted a joint resolution of the General Assembly of the State of Ohio, relating to pensions to Union soldiers who were prisoners of war in the war of 1861–65; which was referred to the Committee on Invalid Pensions.

HOMESTEAD LAWS.

Mr. JACKSON introduced a bill (H. R. 7425) to amend the homestead laws, to prevent aliens acquiring title to public lands, and to secure homes for actual settlers who are citizens of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed

ARREARS OF PENSIONS.

Mr. DALZELL introduced a bill (H. R. 7426) to grant arrears of pension in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message also announced the approval of the following bills:

A bill (H. R. 1213) to punish robbery, burglary, and larceny in the Indian Territory;

A bill (H. R. 2974) for the relief of John Snoddy;

A bill (H. R. 5352) to grant an American register to the foreign-built bark Nordstjernen;

A bill (H. R. 2578) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.; and

A bill (H. R. 5514) to amend section 4883 of the Revised Statutes to enable the Assistant Secretary of the Interior to sign patents.

MONTHLY PAYMENT OF PENSIONS.

Mr. OSBORNE introduced a bill (H. R. 7427) to authorize the payment of pensions to be made monthly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. BINGHAM introduced a bill (H. R. 7428) regulating the rate of postage on second-class mail matter at letter-carrier offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RECOVERY OF GOVERNMENT PROPERTY.

Mr. WISE (by request) introduced a joint resolution (H. Res. 114) making an appropriation for the payment of expenses in gathering information for the recovery of certain property of the United States, and authorizing the appointment of an agent therefor; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE, PAGE'S ROCK, VIRGINIA.

Mr. THOMAS H. B. BROWNE introduced a bill (H. R. 7429) for the establishment of a light-house on Page's Rock, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, HOG ISLAND, VIRGINIA.

Mr. THOMAS H. B. BROWNE also introduced a bill (H. R. 7430) for the establishment of a first-order light-house on Hog Island, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. HUDD introduced a joint resolution (H. Res. 115) providing an amendment to Article II of the Constitution of the United States of America; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, SHEBOYGAN, WIS.

Mr. HUDD also introduced a bill (H. R. 7431) for a public building at Sheboygan, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, GREEN BAY, WIS.

Mr. HUDD also introduced a bill (H. R. 7432) for a public building at Green Bay, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, MANITOWOC, WIS.

Mr. HUDD also introduced a bill (H. R. 7433) for a public building at Manitowoc, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

APPROPRIATIONS FOR PENSION BUREAU.

Mr. HUDD also introduced a bill (H. R. 7434) to provide for the proper application of money in the Pension Bureau of the Interior Department; which was read a first and second time, referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

ARTIFICIAL LIMBS, SOLDIERS AND SEAMEN.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 7435) to amend section 4787 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT YANKTON, DAK.

Mr. GIFFORD introduced a bill (H. R. 7436) for the erection of a public building at Yankton, Dak.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INDUSTRIAL SCHOOL AT BISMARCK, DAK.

Mr. GIFFORD also introduced a bill (H. R. 7437) for the establishment and maintenance of an industrial school at Bismarck, Dak.; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

ABERDEEN, BISMARCK AND NORTHWESTERN RAILROAD.

Mr. GIFFORD also introduced a bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDIAN RESERVATIONS IN MONTANA.

Mr. TOOLE introduced a bill (H. R. 7439) to extend the laws of the Territory of Montana over portions of certain Indian reservations through which rights of way have been granted to certain railway companies; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories is completed. If there be no objection, the Chair will now recognize gentlemen who were not in their seats when their States were called.

There was no objection.

STEAM ENGINEERING IN THE DISTRICT.

Mr. HEMPHILL introduced a bill (H. R. 7440) to amend an act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ELEVATORS IN THE DISTRICT.

Mr. HEMPHILL also introduced a bill (H. R. 7441) to amend an act entitled "An act to regulate the construction and operation of elevators in the District of Columbia, and for other purposes," approved March 3, 1887; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EXTENSION OF VERMONT AVENUE.

Mr. HEMPHILL also (by request) introduced a bill (H. R. 7442) to extend Vermont avenue, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CONTRACT SYSTEM PRISON LABOR.

Mr. MASON (by Mr. YARDLEY) submitted a resolution requesting the Judiciary Committee to present bill in regard to contract system prison labor; which was referred to the Committee on the Judiciary.

CHICAGO, KANSAS AND WESTERN RAILROAD.

Mr. TURNER, of Kansas, introduced a bill (H. R. 7443) to authorize the Chicago, Kansas and Western Railroad Company to build its road across the Fort Hays military reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT OBERLIN, KANS.

Mr. TURNER, of Kansas, also introduced a bill (H. R. 7444) for the erection of a public building at Oberlin, in the State of Kansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FORT WALLACE MILITARY RESERVATION, KANSAS.

Mr. TURNER, of Kansas, also introduced a bill (H. R. 7445) to provide for the disposal of the Fort Wallace military reservation, in Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES NAVY-YARD EMPLOYÉS.

Mr. COMPTON introduced a bill (H. R. 7446) authorizing and directing the Secretary of the Navy to grant leaves of absence to employés in the United States navy-yards; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LIFE INSURANCE IN THE DISTRICT.

Mr. GIBSON (by request) introduced a bill (H. R. 7447) to provide for regulating life insurance in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TESTIMONY BEFORE PACIFIC RAILWAY COMMISSION.

Mr. OUTHWAITE submitted a concurrent resolution providing for printing 1,900 copies of the testimony taken by the United States Pacific Railway Commission and accompanying papers and maps; which was referred to the Committee on Printing.

BUREAU OF ENGRAVING AND PRINTING.

Mr. WILKINS submitted a resolution calling upon the Secretary of the Treasury for certain information pertaining to the Bureau of Engraving and Printing; which was referred to the Committee on Banking and Currency.

ADULTERATED LARD.

Mr. BYNUM submitted the following resolution of the Board of Trade of Indianapolis; which was referred to the Committee on Agriculture, and, by unanimous consent, ordered to be printed in the RECORD:

Whereas a bill is now pending in Congress intended to regulate the manufacture and sale of impure lard; and

Whereas, in justice to the manufacturers, jobbers, and retailers of pure lard and for the protection of consumers, the manufacturers of adulterated lard, that is lard mixed with ingredients other than pure hog fats, should be required under penalty to stamp or brand each and every package of such adulterated lard when made or offered for sale, showing its true ingredients: Therefore,

Be it resolved by the Board of Trade of the city of Indianapolis, That the members of Congress be requested to support this and like measures for the enforcement of the proper branding of adulterated lard.

EXPORT OF MEATS, ETC.

Mr. BYNUM also submitted the following resolution of the Board of Trade of Indianapolis relative to exports of meats, etc.; which was referred to the Committee on Agriculture, and, by unanimous consent, ordered to be printed in the RECORD:

Whereas we understand a bill has been reported favorably to the Senate from the Committee on Foreign Relations at Washington relating to the exportations of provisions, requiring that they shall be in salt sixty days before any vessel carrying them can get its clearance, also providing for the inspection of same by Government officials, and knowing that such restrictions upon the exportation of meats would be detrimental to our trade, as the English, who are the largest foreign consumers of American meats, do not use meats over thirty days in salt; and believing the inspection clause would be impracticable and cause both costly and vexatious delays after arrival of meats on dock: Therefore,

Be it resolved by the Indianapolis Board of Trade, That we are opposed to any legislation that is calculated to embarrass our foreign trade.

GOVERNMENT POST-OFFICE BUILDINGS.

Mr. LIND submitted the following memorial of the authorities of the city of New Ulm, State of Minnesota; which was referred to the Committee on Public Buildings and Grounds, and, by unanimous consent, ordered to be printed in the RECORD:

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

The authorities of the city of New Ulm, county of Brown, State of Minnesota, would most respectfully petition your honorable bodies to discontinue the practice of passing appropriation bills for Government buildings, and instead thereof to pass a general appropriation bill providing for the erection of Government post-office buildings in every city and village of this Union of 3,000 inhabitants or over, the appropriation to be made upon the basis of inhabitants, say not less than $2,000 for each 1,000 inhabitants, or such other sums as you may deem most expedient.

As reasons for the foregoing, we would respectfully submit the following for your consideration:

First. It is unjust discrimination to make appropriations for public buildings for the larger cities only, because smaller cities are as much entitled to Government favors in proportion to their population and needs as are the larger, and because they have been and are contributing their just and proportionate share of the revenue to the Government.

Second. Special legislation is wrong in principle, is corrupting and demoralizing, and ought to be abolished.

Third. The passage of such a bill would result in the erection, as near as we have been able to determine, of about 1,200 buildings at an aggregate expenditure not exceeding $20,000,000.

Fourth. It would save the Government millions of dollars now directly and indirectly paid for rent for accommodations for postmasters and other Government officials; would give safer and more convenient offices, and would be more in conformity with the dignity of a great nation.

Fifth. It would tend to nationalize public sentiment, and would be hailed with delight by the whole people.

CARL WESCHCK, *Mayor*.
LOUIS SCHILLING, *Clerk*.

CITY OF NEW ULM, *February* 14, 1888.

Mr. MILLS. I call for the regular order.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service.

INTERNATIONAL EXHIBITION AT BRUSSELS.

The SPEAKER laid before the House the following message from the President; which was read, and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith, and commend to your favorable consideration, a report from the Secretary of State in relation to an invitation which this Government has received from the Belgian Government, to participate in an International Exhibition of Sciences and Industry which will open at Brussels in the month of May next.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1888.

INTERNATIONAL GEODETIC ASSOCIATION.

The SPEAKER also laid before the House the following message from the President; which was read, and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State relative to an invitation from the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1888.

ORDER OF BUSINESS.

The SPEAKER. This being the third Monday in the month, the regular order is the call of committees for motions to suspend the rules.

Mr. CULBERSON (when the Committee on the Judiciary was called). I move to suspend the rules, so as to take up and put upon its passage the joint resolution (S. R. 13) proposing an amendment to the Constitution of the United States.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, as part of the Constitution, namely:

"The term of office of the President and of the Fiftieth Congress shall continue until the 30th day of April, in the year 1889, at noon. The Senators whose existing term would otherwise expire on the 4th day of March in the year 1889, or thereafter, shall continue in office until noon of the 30th day in April succeeding such expiration; and the 30th day of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of the official term of the President, Vice-President, Senators, and Representatives in Congress."

The twelfth article of the amendments to the Constitution of the United States shall be amended by striking out the words "4th day of March" and substituting instead thereof the words "30th day in April, at noon."

Mr. CULBERSON. I yield the floor to the gentleman from Massachusetts [Mr. COLLINS].

The SPEAKER. Is a second demanded?

Mr. CRAIN. I demand a second.

Mr. COLLINS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that a second be considered as ordered?

Mr. CRAIN. It seems to me, Mr. Speaker, that fifteen minutes on each side is not enough time for this House to consider an amendment to the Constitution of the United States; but if we can have, by unanimous consent, an extension of the time for debate, I am perfectly willing that a second shall be regarded as ordered.

The SPEAKER. How much time does the gentleman suggest?

Mr. CRAIN. An hour on each side.

The SPEAKER. The gentleman from Texas [Mr. CRAIN], before answering whether he objects or not, asks unanimous consent that the time for debate upon this joint resolution be fixed at one hour on each side.

There was no objection, and it was so ordered.

The SPEAKER. In the absence of objection, a second will be considered as ordered. The Chair will recognize the gentleman from Massachusetts [Mr. COLLINS] to control the time in support of the joint resolution, and the gentleman from Texas [Mr. CRAIN] to control the time in opposition to it.

Mr. COLLINS. Mr. Speaker, this joint resolution passed the Senate in the Forty-ninth Congress, and it passed the Senate again early in the present session, I believe unanimously. Its effect is to change the term of members of Congress from the 4th day of March to the 30th of April, and extend the Presidential term and the inauguration to that day, beginning with the Fifty-first Congress. It fortunately or unfortunately prolongs our own term of office from the 4th of March to the 30th of April, and that is the only personal objection I have to it, and the only one that I can conceive that may be presented. But nevertheless I believe the only wise and practical thing for this House to do is to agree with the Senate in passing it. Mr. Winthrop, in the masterly oration which was delivered here upon the life and character of George Washington, used these words:

Most happy would it be if the 30th of April, on which the first inauguration of Washington took place in 1789, could henceforth be the date of the future inaugurations, as it might be by a slight amendment to the Constitution, giving as it would a much needed extension to the short session of Congress, and letting the second century of our constitutional history begin where the first century practically began.

If we pass the resolution and it be adopted, one hundred years after the inauguration of George Washington the next President of the United States will be inaugurated. But, aside from sentiment, the practical and beneficial effect will be to extend the short session into a long one, and in that much of the needed business of the country can be transacted. Many of the State Legislatures will not be in session a month hence; most of them, I believe, are biennial, and I regard it as highly important that this resolution should be considered at this time and should be promptly submitted to the different State Legislatures. I understand, of course, that the gentleman from Texas [Mr. CRAIN], who demanded a "second," and who claims the floor to antagonize this resolution, has a measure of his own that he desires to press. I have very little to say beyond what I have already uttered as to the benefit which this constitutional amendment will confer upon the people of this country, and therefore I reserve the remainder of my time until I hear what may be said, not in favor of some other measure, but in opposition to this one.

Mr. CRAIN. Mr. Speaker, the objects sought to be accomplished by Senate resolution 13, as I understand from the gentleman from Massachusetts [Mr. COLLINS], are first to carry out a sentimental idea, which is that the successor of the present incumbent of the executive chair should be inaugurated on the same day of the year as that on which George Washington was installed in office; and the second object is to lengthen the short session of each term of Congress. Those are the only two objects which, in the judgment of the gentleman from Massachusetts, will be accomplished if this amendment should be ratified by the States.

Mr. COLLINS. I did not say that.

Mr. CRAIN. Well, I should like to have the gentleman state his proposition again. I so understood him. I do not desire to misrepresent the gentleman, and I hope he will repeat his proposition.

Mr. COLLINS. I simply said that those were two reasons; and that I would reserve the remainder of my time until I found out whether there was any ground of objection to this measure.

Mr. CRAIN. Well, I submit to the House that it must be a weak proposition if the gentleman in charge of the resolution is afraid to give his reasons for its adoption. I submit, Mr. Speaker, that a sentimental reason is a very poor one for an organic change of the law of the land; there ought to be something better.

It is true, as I hear a gentleman suggest, that I have a "scheme" of my own with reference to this question; but that "scheme" does not necessarily antagonize the entire proposition submitted by the gentleman from Massachusetts. I have no objection at all to the change of the day of inauguration; but I do oppose this resolution so far as it affects the term of members of the House of Representatives. I am perfectly willing to amalgamate these two propositions in such a way that the prominent idea embraced in Senate resolution 13 shall be submitted to the States for ratification or rejection; but I do say I do not believe that a sentimental reason is a sufficient one to justify the submission of a constitutional amendment to the States.

In addition, however, to the question of sentiment, there is, I submit to the consideration of the House, another reason for this proposed change, a reason which has not been presented by the gentleman from Massachusetts. It is this: that owing to the inclemency of the weather usual on the 4th of March it would be much better to change inauguration day, because there is extreme danger that the gentleman elected by the people of the United States to fill the Presidential chair may subject himself to an attack of pneumonia, or some other disease, by being inaugurated on the day now fixed. There has been but one President, I believe, who succumbed to the effects of the weather by reason of his being inaugurated on the 4th day of March, and I have to hear of the first gentleman on either the Democratic or the Republican side of the political combinations of this country who has rejected a nomination tendered him, because, forsooth, he would run the chance of losing his life on inauguration day on account of the inclemency of the weather.

But I am willing to pass over all these objections and submit to the gentleman who presents this resolution on the part of the Judiciary Committee that the term of the beginning and close of the official term of the President is not fixed by the Constitution, but by law. There is nothing in the Constitution of the United States which says, even by implication, unless it be in the twelfth amendment of the Constitution of the United States, that the term of office of President shall begin and end on the 4th of March.

The first President of the United States was inagurated on the 30th of April. Why? Because there had to be a Congress in session to count the votes; the electoral college had to meet; it met under a resolution submitted by the Congress of the Confederation in pursuance of authority vested in it by the constitutional convention. After the electoral college met and elected George Washington President and John Adams Vice-President, what further had to be done? The Congress had to meet, and John Adams was installed as Vice-President on the 21st day of April, the very day on which the Republic of Texas achieved its independence; and George Washington was inaugurated as President on the 30th day of April, after the Senate and House of Representatives had arranged for his inauguration. On the 1st day of March, 1792, the President of the United States approved an act of Congress from which I will read a single section:

SEC. 12. *And be it further enacted,* That the term of four years for which a President and Vice-President shall be elected shall in all cases commence on the 4th day of March next succeeding the day on which the votes of the electors shall have been given.

While the Constitution fixes the term of the President and Vice-President at four years, it does not fix the day on which that term shall begin; and I submit to this House whether it be actually necessary to consider a constitutional amendment on this subject when the day for beginning the Presidential term is fixed by law, not by the Constitution.

If there be a question of doubt about it, and if it be desirable to make the change from any proper consideration, then I admit a constitutional amendment is the preferable method to adopt. But it is a serious question for consideration, in view of the fact that there is no day fixed by the Constitution for the beginning and end of the Presidential term, and in view of the further fact that the beginning of that term has been fixed by an act of the Second Congress as the 4th day of March, whether it is necessary for us to pass a constitutional amendment on this subject and submit it to the States for their ratification or not. Although, as it is a doubtful question, it might be preferable to determine the question by amendment.

As to the changes proposed by this resolution, so far as the term of members of the House is concerned, I respectfully submit that the real evils of which the country so much complains will not be remedied in any particular by the provisions of this resolution.

Under the present system a member of the House elected in November begins to draw his salary the 4th day of March next succeeding his election. He does not meet at the Capitol and enter upon the active discharge of the duties of his office until the first Monday in December. For nine months this House is without a Speaker. Elections are held between sessions. Before a member has made his record as a Representative of the House of Representatives, he is called upon to choose between the horns of a dilemma—either to remain at his post of duty and have himself undermined at home, or abandon his post of duty and go amongst his people and defend himself against attacks of another who desires to fill his place.

If the amendment at present submitted is adopted how is that changed? It is not changed at all. The elections are the same. A member is elected in November and he comes here when? He comes here in December, thirteen months afterwards.

It is true that the short session is lengthened; and what is the effect of that? The effect is simply to extend the time from the 4th of March until the 30th of April when his salary shall begin.

In this connection let me suggest another evil which every old member of the House must have observed. Let a man be defeated between the sessions, he comes back here to the short session an inefficient member, and so, naturally, the people worship the rising sun; they turn their backs on the setting sun. A defeated member of Congress is only less in the estimation of the people of this city and of the members of the House and of the people in his district—he is only less, I say, than an ex-member of Congress. He comes here repudiated by his people. Another has been chosen to take his place. He feels chagrined, mortified, humiliated; and the uppermost idea in his mind is that the session may close as quickly as possible so that he may go back and attend to his private affairs, which have been neglected.

This state of facts should not exist. While it is true you may change the time for the meeting of Congress by law, yet in order to do that you will necessarily have to curtail the term of some House of Representatives. The election day is fixed by a law of Congress. The experience of the States has demonstrated beyond question that the time fixed is the best for all parts of the Union. There is no immediate prospect of the change of the day of election on that account. How can you have the members of the House come here at any other time unless you interfere with the day of the election? The very fact that a bill would necessarily have to do this by action of Congress, even if this resolution should be adopted, shows that the resolution itself is radically defective.

If the House of Representatives has its term fixed in the Constitution, as seems to be the opinion of leading lawyers, that term would not be curtailed by law and it could only be shortened by a constitutional amendment.

Mr. OATES. Will the gentleman yield to me for a question?

Mr. CRAIN. Certainly.

Mr. OATES. I understand this amendment under consideration is, according to the gentleman, of no practical value?

Mr. CRAIN. I do not say that.

Mr. OATES. Because the beginning of the term is fixed by law to four years. How can you change and extend the term to the 30th day of April or any other day for the inauguration of the incoming President unless you change the Constitution? How can you do it by statute?

Mr. CRAIN. I said it was questionable whether it was necessary to have a constitutional amendment, because the beginning of the term is fixed on the 4th of March. If the time is fixed by law for the beginning of the term, why can not you change the time by law?

Mr. OATES. You provide for the time intervening.

Mr. CRAIN. If what this proposes to do be correct——

Mr. OATES. How can you change the term by law when the Constitution says the term shall be four years?

Mr. CRAIN. The Constitution and law must be construed together. If it is fixed by law it shall begin on a certain day there is no reason why you should not fix it to begin some other day. The President, like every other official, takes his office as fixed by the Constitution and law. The gentleman misunderstands that as a proposition from me, that a constitutional amendment will not be necessary. That is something I pass over and do not propose to discuss, because I am on a different subject, which is the term of the members of the House.

So far as the proposition is concerned, namely, to extend inauguration day to the 30th day of April, I care nothing about it, I will state to the gentleman from Alabama. I am perfectly willing that inauguration day shall be extended, for to that I can see no possible objection; but I am not willing to vote for the amendment which has been suggested here, which changes the term of the members of the House of Representatives. All it does is to extend the session of Congress for sixty days longer.

It does not eliminate a single objection that I have already urged to the present condition of things. You have an election intervening between the sessions just the same as you have now, and there is nothing whatever to commend it. You have a House without a Speaker for seven months.

Mr. OATES. Let me interrupt the gentleman to say that I quite agree with him that the sessions of the House should begin on the 1st day of January.

Mr. CRAIN. Very well; then you ought not to stand by the amendment of the Judiciary Committee. I think an amendment ought to be submitted which would embrace the two propositions. I am not, I repeat, making any contest against that proposition which is embodied in the present amendment to extend the inauguration day, and I wish that to be distinctly understood here and now; but that part of the resolution which we are now considering, that simply extends the term of the members of the House of Representatives for sixty days, is the point of my attack. Its effect is simply to do this—without remedying a single evil now complained of—it pays the members of this House two months' extra salary.

If you vote for this amendment you simply vote in favor of giving to yourselves two months' extra salary, that is, for the time between the 4th day of March, when the term expires, and the 30th day of April, to which you propose to extend it. But so far as it affects the short session of the House it does nothing but extend the time that much, namely, two months.

Now, Mr. Speaker, we all know that when the Speaker's gavel falls at 12 o'clock on the 4th day of March the session of Congress terminates. Under the amendment which I propose there would be no determination of the House until the 31st day of December of the second year after its election, unless both Houses shall otherwise determine. If it were found that a deficiency bill, for instance, was in the hands of a conference committee and there was not time to consider it and the day for adjournment was fixed by both Houses, then the resolution or motion fixing the day of adjournment could be changed to meet the difficulty. As it is now you can not change it. When the hour of 12 o'clock comes what do you do? You have either to set the clock back, as has been done, or afford the President an opportunity of saying that he has not had sufficient time to consider an important bill, because of the adjournment of the House of Representatives before he has had such time. This is precisely what was done in reference to the river and harbor bill in the last Congress. That bill was lost here because the day and the hour for the adjournment of the House being irrevocably fixed, when 12 o'clock came the gavel of the Speaker descended, and all legislation terminated, and the President stated that he could not return the river and harbor bill because he had not had time to consider it.

Why, Mr. Speaker, one of the first bills which we passed at this very session of Congress was a deficiency bill that had passed both Houses of Congress in the last session but had failed to become a law, and why? Because at the hour of 12 o'clock on the 4th day of March the existence of the Forty-ninth Congress terminated. This state of things ought not to continue.

So far as the question of inauguration day is concerned I believe that Congress ought to be in session when the President is inaugurated. It is an anomalous condition of affairs in our system of government to find that at 12 o'clock on the 4th of March, when a new President is inaugurated, Congress dissolves, and I remember well that when Mr. Cleveland was inaugurated, the gentleman from Texas [Mr. MILLS], who is now the distinguished chairman of the Committee on Ways and Means of this House, objected to the House of Representatives going in procession, because, forsooth, it was not given an appropriate place, and for the reason that it was no longer in existence.

If this amendment should prevail—namely, to have Congress begin its term on the 1st day of January, and its term expire on the 31st day of December of the second year following, and to have Congress meet in session on the first Monday in January of each year—I say if that amendment were adopted we would have Congress in session at the inauguration, and the President of the United States, instead of delivering his inaugural message from the steps or front of the Capitol, would send in a written message to the Congress then in existence. In other words, instead of the President delivering an inaugural message he would send to the Congress in actual existence a written message on the condition of the Union.

Another feature of the amendment I propose which should commend it to favorable consideration, is that the House elected in November would count the Presidential vote. The electoral college having met,

the report of its action would be forwarded to the capital, and the House elected at the same time with the President would count the electoral vote.

There is yet another feature which commends it, in my humble judgment, to the favorable consideration of the House, and that is, that a man elected in November would be at work here inside of sixty days after his election. He would be legislating upon questions submitted to the people at the time of his election. How is this at present? Issues which agitate the people from Maine to Texas during the canvass may be dead or may have been settled by an adverse Congress before he comes to the capital and begins the actual discharge of his duties.

All these evils which I have suggested, sir, are covered by the resolution which I introduced and which, with one single exception, comes with the unanimous approval of the Committee on the Election of President, Vice-President, and Representatives in Congress. I think the House ought to vote down this resolution, and if it be the will of the House that the inauguration day should be changed, and also the will of the House that the time of the commencement and termination of the official term of the House of Representatives should be changed, then a substitute should be presented—which could not be done, however, under a suspension of the rules—incorporating both provisions and combining them in one proposition which would, no doubt, meet the unanimous approval of the members of the House.

I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has thirty-five minutes of his hour remaining.

Mr. COLLINS. I yield as much time as he desires to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. Aside from the patriotic sentiment said to be embraced in this proposition I desire in a very few moments to state what I understand to be its legal effect if it should be ratified by the States.

Under the law as it now exists the term of the President closes on the 4th of March of next year, and the effect of this amendment will be simply to prolong the Executive term to the 30th of April of next year, and also to extend the present terms of the members of this Congress two months.

Now, the benefit or the advantage to be derived from this amendment as I understand it is that it places the inauguration of the President at a better season of the year, and it enables Congress to devote two additional months in the short session to the legislation of the country. The law as it now stands requires Congress to assemble on the first Monday in December of each year.

Our sessions now begin on the first Monday of December of each year, and the short session embraces the months of December, January, and February. If this amendment is ratified there will be two additional months devoted to the legislation of the country in the short session, which instead of closing on the 4th of March will close on the 30th of April.

Mr. CRAIN. Will the gentleman allow me to interrupt him?

Mr. CULBERSON. I prefer not to be interrupted just now. I sympathize with the gentleman from Texas [Mr. CRAIN] in his desire to change the time of the sessions of Congress, and if this proposition came up singly and alone, and in the proper way, I should have no objection to voting for such a proposition. But it is not necessary in order to change the times of the meeting of Congress to alter and change the Constitution of the United States. That has no place whatever in a proposition to amend the Constitution of the United States.

Mr. CRAIN. I would like to have the question stated correctly. My proposition is not simply for changing the time of the meeting of Congress, but it is to cut off the term of Congress on the 31st of December. The proposition before the House is to extend it to the 30th of April.

Mr. CULBERSON. The proposition of the gentleman from Texas is this: He proposes to substitute the 31st of December for the 4th of March as the time for the termination of the term of Congress. He proposes to shorten the term two months instead of prolonging the term two months. And in addition to that he proposes that Congress shall meet on the first Monday of January thereafter instead of on the first Monday of December. Now, I say the latter object of the gentleman can be accomplished by an act of Congress without changing the Constitution of the United States.

Mr. CRAIN. If the first part is adopted there would be no Congress to do it.

Mr. CULBERSON. There may be something in that; but I say Congress can change the time of meeting.

Mr. CRAIN. There is no question about that.

Mr. CULBERSON. If this resolution should be ratified by the States Congress can alter by an act the time of the meeting of Congress; they can allow the law to remain in force as it is now for a session commencing on the first Monday of December in each year, or they may change it to the first Monday of May in each year, or any other time.

I think, therefore, as between these two measures, the one submitted by the gentleman from Texas and the one reported by the Committee on the Judiciary, which is a Senate resolution, the House should, in my opinion, adopt the proposition that is now pending before it.

Mr. SHIVELY. If the gentleman from Texas will permit me, I will say, as I understand it, the proposition substantially is this: That this Congress in connection with the State Legislatures shall increase the terms of the President and of the Senators and Members of this Congress by two months.

Mr. CULBERSON. That is the proposition, while the proposition of the gentleman from Texas shortens the term by two months.

Mr. CRAIN. That is the effect of the pending proposition on the present House. Mine does not affect this House at all.

Mr. CULBERSON. But it affects the next House. It shortens the term of the House it applies to.

Mr. CRAIN. I yield two minutes to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. I send to the desk an amendment, which I ask to have considered by unanimous consent.

The Clerk read as follows:

Provided, That the President, United States Senators, and members of Congress whose terms of office are extended by this joint resolution shall not receive any compensation for the time so extended.

Mr. TAULBEE. I have no argument to offer on the merits of the pending proposition. I simply wish to say that I agree with the gentleman from Texas [Mr. CULBERSON] in his statement that this proposition to amend the Constitution of the United States is a very patriotic one, especially in its application to the members of the present Congress, the United States Senators whose terms of office are affected by it, and the President of the United States. If there is anything in power or any inducement to seek a position as a member of Congress or as President in the simple fact of the salary received——

Mr. MACDONALD. I desire to make a parliamentary inquiry.

Mr. TAULBEE. I do not consent that this shall be taken out of my time. I have only two minutes.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Kentucky declines to be interrupted.

Mr. MACDONALD. I think I have a right to make the inquiry.

Mr. TAULBEE. If this is a patriotic proposition, by reason of these considerations, we certainly could claim that an amendment to the Constitution extending our terms of office for two years longer would be still more patriotic.

Mr. MACDONALD. Will the gentleman hear my question, or does he want to have all the speeches made first?

Mr. TAULBEE. I am perfectly willing to answer the gentleman's question. I have no speech to make. I am not a speech-making man. [Laughter.]

Mr. MACDONALD. The question I desired to ask was whether the gentleman's amendment is in order.

Mr. TAULBEE. If the gentleman had listened to what I stated when I sent the resolution to the Clerk's desk, the necessity of his question would have been obviated, because I then said that this amendment would not be in order unless by unanimous consent, in which event I believed it would be.

Now, Mr. Speaker, I quite agree that a change of the date of inauguration and of the date for the meeting of Congress is desirable, but I certainly will not agree, having been elected for a term of two years, to extend my term of power and my compensation as a member of Congress under the guise of patriotic sentiment. I know the extension of power for two months might be considered a little thing, and a salary-grab of $800 might be winked at by the constituents of some gentlemen upon this floor, but I do not want to be a party to either, and if I were in the minority of this House, if I belonged to that party which is adverse in sentiment to the Administration, I should certainly be unwilling to fasten upon the country a tenure of power extending beyond that for which they have been chosen.

The SPEAKER. The gentleman's time has expired.

Mr. TAULBEE. I am glad of it. [Laughter.] For these reasons, sir, I shall be constrained to vote against this proposition.

Mr. OATES. Would the gentleman accept a modification of his amendment so as to make it apply only to himself? [Laughter.]

Mr. TAULBEE. No. If the balance of you undertake to adopt this amendment, I will draw my pay too. [Renewed laughter.]

Mr. COLLINS. Mr. Speaker, I shall be forced to object to the introduction of the amendment of the gentleman from Kentucky [Mr. TAULBEE] for quite as patriotic reasons as those which he has undertaken to advance in support of it. An analysis of this proposed amendment to the Constitution will show that if it be adopted members of Congress will be obliged to serve their country two months longer, and, upon the most patriotic and honorable grounds in the world, I believe in paying them for the service thus required of them. I do not believe that the United States of America, any more than a private individual, ought to exact service from me without making reasonable compensation. I need not have said this much with reference to this particular matter because the rule governs the case, and the same objection to unanimous consent would defeat the amendment. The only objection that I have personally to the proposition reported from the committee, an objection which is overshadowed by the public benefit to ensue, is, that it keeps me in Congress two months longer than I want to serve with compensation or without it. The gentleman from Kentucky [Mr. TAULBEE] speaks of this as a salary-grab. It is noth-

ing of the kind. A salary-grab is voting money that you do not earn and that you never contracted to earn. Such a transaction was the passage of a bill which increased the salaries of members of Congress 50 per cent.

Mr. TAULBEE. Will the gentleman permit a question?

Mr. COLLINS. Certainly.

Mr. TAULBEE. In the election of members to the Fiftieth Congress was there any contract, either express or implied, that those members should earn their salaries during the months of March and April?

Mr. COLLINS. I shall have to ask the gentleman to state his question again.

Mr. TAULBEE. My question was this, Mr. Speaker, brought out by the gentleman's objection to my statement that this was a salary-grab. He said that a salary-grab could only be a claim for a compensation for which the member had never contracted with the people, and my question was whether or not he considered that in the election of members to the Fiftieth Congress there was any contract, either express or implied, in law, equity, or conscience, by which members of this Congress should have compensation for the months of March and April, 1889?

Mr. OATES. If the Legislatures of twenty-seven States agree to it, will not that make it all right?

Mr. COLLINS. Mr. Speaker, since the gentleman from Kentucky [Mr. TAULBEE] has amplified his question and made it so comprehensive, I can answer it very clearly, and I will answer it frankly. In order to accomplish the public benefit contemplated it will be necessary not only to extend the terms of the President and Vice-President and of the Senators, but also our own term, and I am willing to submit to that prolongation of my term simply for the purpose of accomplishing a great public benefit. There was no contract with the people, express or implied, when we came here that our term should be extended for two months or that it should not be extended, but what I characterize as a salary-grab is not such a proposition as this, such an act as the people of the United States have already characterized in that way, namely, an act increasing the salaries of members 50 per cent. and making its operation retroactive when the gentlemen voting for that act had contracted to serve the people for $416 a month.

Mr. CRAIN. Does the gentleman say he is not in favor of staying here those extra two months?

Mr. COLLINS. Yes; and I think I am the only member on this floor that can say that truthfully. [Laughter.]

Mr. CRAIN. Then, if that be true, why don't you vote for an amendment which cuts off not only the two months, but the whole of the short session?

Mr. COLLINS. I would if that proposition were here and we could vote upon it, if I merely consulted my own interest and convenience. Moreover, because I am very much more patriotic than to be constantly thinking of my own comfort.

Mr. O'NEILL, of Missouri. There is no law against your resigning.

Mr. COLLINS. None at all, sir, and when I get ready to resign I will do so without asking leave of anybody here, and my constituents, who always believe that I do the wise thing at the right time, will believe that I have done right now. What do you think of that constituency?

Mr. CRAIN. The gentleman is the first man I ever saw that was ravished by his constituents.

Mr. COLLINS. The gentleman's experience, no doubt, has been very different from mine. I do not propose to exchange either places or experience with him. But let me say one thing more seriously: we can not pass this constitutional amendment without a two-thirds vote of this House and the concurrence of three-quarters of the States, and if there be any objection raised in the State Legislatures, or outside of them among the people, it will not be to the prolonging of our terms of office and our receiving two additional months' pay; because my experience teaches me that the people of the United States are not a mean people; that they are always willing to pay their bills and to allow just compensation for services rendered to them.

Now, Mr. Speaker, I am not enamored of this bill, but I am sorry to believe that the gentleman from Texas [Mr. CRAIN] is more enamored of his own proposition than he is desirous of getting through some remedy for the existing evil.

Mr. CRAIN. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, I do not consider this a very great matter; yet I do think it is a step in the dark which it is worth the while of the House to consider. The life that we lead here, however we may jest about it and listen to the jests of others, is a wearisome life. It is full not only of public business but also of private business. It takes all our time, all our attention, and all our thoughts during the session of Congress. The long session is wearisome indeed; and it is immediately followed for almost all of us by a campaign still more wearisome, which reaches almost until the opening of the next session; so that practically we are occupied continuously from December of one year until March 4 of the second year succeeding. Now to this period of almost continuous work it is proposed to add two months. Is there any justification for it in reason and good sense? Is there any demand for it in the business of the country? I think not; and the reason why I say so will be apparent to men who have had the experience of even one short session.

A short session is crowded with business toward the end, not on account of its brief duration, but on account of its having a fixed terminus. Wherever you put that terminus, there business will be crowded, I do not care whether it is on the 30th of April or the 30th of August. The fact is that the short session is a business session; it is one in which a great deal of business is transacted; and that happens because everybody knows that the time is limited, and everybody sets to work. At a short session we do not dawdle away three months in the way we have been doing at this session, because there are no three months to be wasted.

Why, sir, the last tariff bill was passed at a short session; and I think a great many more of the most important bills of the country have been passed at such sessions. If we were crowded for time, would it not manifest itself in matters which are within our power? When have we ever been so crowded at the short session that we did not take ten days or more of vacation for the Christmas holidays? Are we such children that this vacation must be taken to the absolute neglect of public business? Why, sir, we all know such is not the fact. What, then, are the motives for this transaction—the real motives? The gentleman from Massachusetts [Mr. COLLINS] has given one of them—that Mr. Winthrop, a Massachusetts statesman of long ago, has written a letter in favor of it; and the other reason is that it will make a much nicer holiday for the city of Washington on the last day of April than on the 4th day of March. [Laughter and applause.]

Mr. COLLINS. I yield five minutes to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. Speaker, it seems to me that even if one motive for changing the date of inauguration is to place it at a more agreeable season of the year, that is no objection. The inauguration of a President of the United States is a great event; and if it can be fixed at a season of the year which will be more agreeable on account of the greater likelihood of pleasant weather, so that a larger number of persons may attend and enjoy the exercises, while I do not in the least think that alone a sufficient reason for such a change, I do think it constitutes no objection, but adds weight to the other reasons in favor of the proposition.

Nor do I think that the consideration of mere historical sentiment is a sufficient reason by itself for such a change; but I nevertheless regard it as worthy of consideration that Washington was inaugurated on the 30th of April, and anything which can be done to preserve and perpetuate patriotic associations of that character well deserves the attention of this House.

But the real reason which seems to me to make this change most desirable is the fact that it will add sixty days to the short session of Congress, during which, as the gentleman from Maine [Mr. REED] has just said, some of the most important legislation is passed. The tariff bill of 1883, for example, to which he has referred, was passed at the short session. As every one is aware, it was passed under such pressure that, if I remember rightly, it required a suspension of the rules to get it through. In view of the fact that so much important legislation is passed at the short session the addition of sixty days seems to me very desirable, so that this important legislation may be properly considered.

At the second session Congress comes together with its committees formed, and the members familiar with their work and with each other. They are able to go on and transact business immediately. As a rule, they take hold promptly of the important business which has come over from the last session, and much of it is then transacted.

I believe, further, that if this change be made it will have the effect of taking off the two most disagreeable months of the long session. Members would feel that there would be time in the short session for the consideration of measures which now keep them here during the summer months of the long session. It seems to me much more desirable that members of the House should be relieved of the necessity of spending in Washington those hot months of summer immediately preceding a political campaign than that they should be free from their Congressional duties during the two months immediately following the 4th of March.

Apart from the historical consideration, it seems to me this is a change which promises very considerable practical benefit. The proposition advocated by the gentleman from Texas [Mr. CRAIN] for altering the time for beginning the Congressional session does not seem to me to be affected by this question; that is a matter which can be reached by law. But I hope the resolution now under consideration, which promises practical advantage to good legislation, may go through Congress in time for prompt action by the various State Legislatures.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. I do not know who controls the time of the House, Mr. Speaker, but I should like to have about five minutes.

Mr. COLLINS. I will yield to the gentleman from Illinois, with pleasure, five minutes of my time.

Mr. HENDERSON, of Illinois. Mr. Speaker, I thank the gentle-

man from Massachusetts for his courtesy. I only desire to say, Mr. Speaker, that I am not inclined to vote for this resolution in its present form. And yet I would vote for it if it went a little farther than it does. I think instead of Congress meeting on the first Monday in December it should meet at an earlier day, say on the first Monday in October, and continue until the 30th of April, whatever may be said as to the season of the year.

We hardly ever do anything for the first five or six weeks of the first session of Congress when we meet on the first Monday in December, and not much at the second session until after the holidays. For this reason, as I have said, I would vote for the proposition if we could change the time of the meeting of Congress, at least of the first session, from the first Monday in December to the first Monday in October. There are no good reasons, it seems to me, for any distinction between the two sessions of Congress as to the length of the session. Why not have both sessions adjourn on the 30th day of April; or, if it would be better, have the first session of the new Congress meet on the first Monday of October, without limit, as now, as to time of the adjournment, and the second session meet on the first Monday in January and adjourn on the 30th of April? That would be, it occurs to me, a wise change. But I am not inclined to vote for this proposition simply to transfer inauguration day from the 4th of March to the 30th of April.

[Here the hammer fell.]

Mr. SHIVELY. Mr. Speaker——

The SPEAKER. How much time does the gentleman desire?

Mr. SHIVELY. Only two minutes.

Mr. CRAIN. I yield the gentleman from Indiana two minutes.

Mr. SHIVELY. Mr. Speaker, permit me to observe that I can not fully agree with the gentlemen who regard this proposition as a salary-grab, as it only contemplates a continuance of salary during an extension of service. But aside from the moral aspects of this question, the proposition involves a principle which should not be overlooked. The right of members of this House to their seats was not derived from the Fiftieth Congress, which is asked to adopt this amendment, nor was this right derived from the State Legislatures who are to ratify or reject this amendment.

On the contrary, this right was derived directly from the voters of the respective Congressional districts under a tacit but solemn contract for service for a fixed length of time at a fixed compensation. Now, sir, if we have the right to extend the tenure of our office here from two years to twenty-six months, we certainly have the right to extend the same tenure to forty months, or even four years—a course of action which would be as wrong in principle as vicious in policy. I am in favor of changing inauguration day and the time for the meeting of Congress, but not by a method which steals a march on the people and increases our tenure of office without the consent of those who gave it.

Mr. CRAIN. I now yield for five minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. BUCKALEW. Mr. Speaker, I am in favor of two of the objects proposed by this resolution. First, that the inauguration of the President shall be fixed on the last day of April every fourth year. I am also in favor of abolishing what has long prevailed in this Government, I mean the short sessions of Congress. But, on the other hand, I feel a strong objection to voting for this resolution because it blocks the way and will prevent the adoption of a much more searching and valuable change of our fundamental act.

As it is now the meetings of Congress differ in their arrangement from the meetings of the Legislatures of all our States. It is the law of American political action that a Legislature in any of our thirty-eight States shall meet soon after it is chosen, that members of the Legislature who have been displaced by a popular election shall not afterwards meet to speak with the voice of the people or to enact their laws. The only exception applies to Congress, and the anomalous condition in which we find ourselves in reference to this subject in Congress was owing to accident, to casual and unforeseen and unarranged circumstances when the Government was founded. Now, sir, if we are to reach our hands out to this part of the Constitution and change it for the future, let us change it so we shall assimilate Congress to the Legislatures of the States in reference to the time of meeting and adjournment.

What! Congress displaced by popular election, probably condemned by the people, now meets here, and serves every second year and makes their laws! What! a Congress displaced by a new and fresh one every second year, voted for and chosen along with candidates for President and Vice-President, that Congress is to meet here and count the electoral votes; and if the people have not succeeded in giving an absolute majority to any candidate, that displaced Congress, that moribund and defunct body is to choose the President of the United States! A House of Representatives voted for at some other Presidential election proposes every fourth year to say who shall be the President of the United States for the future! That ought not to be.

We ought, at the very earliest opportunity, to make a change in this respect which will assimilate Congress to the State Legislatures in this particular. I am, therefore, in favor of refusing to pass this amendment in its present shape; but I do favor a compromise between those who favor the proposition now pending and the amendment of the gentleman from Texas [Mr. CRAIN], by which we can have this measure in a better form, better matured, and affording a remedy for the difficulties of which complaint is made. If such concession, such a consolidation of the two measures, could be effected and presented to the House I should expect to see a two-thirds majority heartily indorse it; and the Legislatures of the States when it is presented to them would, I have no doubt, discover its merits and gladly determine that it shall be a part of the Constitution of the country.

[Here the hammer fell.]

Mr. COLLINS. I now yield five minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, it is true that the matter of sentiment—the history of the country disclosing the fact that the 30th of April was the day on which the first President was inaugurated—of itself is not a sufficient reason for a change of the Constitution, yet it does and ought to cut some figure in the consideration of this resolution.

The substantial reason why this amendment ought to be adopted, in addition to those given by the gentleman from Pennsylvania [Mr. BUCKALEW], who has just resumed his seat, is the necessity for lengthening the second session of Congress. While we do get through with the business in some sort of style, the short length of time now allowed for the consideration of bills and measures of great public importance necessarily results in much hasty and illy considered legislation, which is always deleterious to the best interests of the people and the country. With the annually increasing volume of business it is quite impossible during the short session to do the business which the country demands and has a right to expect of the Congress.

Now, sir, while the law prescribes the date of the beginning and termination of the official term of the President, the Constitution having given him four years, you can not change that term; you can not by law lengthen that term, nor can you shorten it. An amendment of the Constitution is therefore necessary if you make any later date than the 4th of March the expiration of his term and the date for the inauguration of his successor.

The fact that the 4th of March is a disagreeable season of the year, while not of itself a sufficient reason for the change of the Constitution, is certainly entitled to some consideration. The important question, however, is to extend the term of the short session of Congress for two months longer than it can now be held.

Now, the objections raised by the gentleman from Pennsylvania that this proposition does not go far enough because it does not prescribe that Congress shall assemble soon after it is elected to organize and commence its work is, I think, not well founded. While in fact that is an objection, yet it is not a good one as against the measure now under consideration, for the reason that the Constitution declares Congress shall assemble on the first Monday in December or such other time as may be appointed by law. So that the evil of which he complains can be overcome by legislation. While the terms of office prescribed by the Constitution can neither be lengthened nor curtailed by legislation, the time at which Congress shall assemble may be changed and fixed by law. A constitutional amendment is not necessary to accomplish that object.

When this constitutional amendment is adopted and ratified, as I hope it will be, it will then be an easy matter to legislate that the Congress, soon after it is elected and while the Representatives are fresh from the people, shall assemble to transact its business; and in that aspect of the case I think this proposed amendment to the Constitution is very desirable.

Mr. CRISP. I would like to ask the gentleman from Alabama how the proposed change would accomplish the purpose suggested by the gentleman from Pennsylvania [Mr. BUCKALEW], that is to say, that Congress shall assemble soon after its election, and while it is fresh from the people consider the issues and questions upon which possibly the election of its members may have depended?

Mr. OATES. This amendment provides for the expiration as well as the commencement of the term of Congress. It carries the present Congress along to the 30th day of April. The term of the new or succeeding Congress would begin at that time, and no difficulty would be found in adjusting the law to the change, so as to meet the point suggested. It would be a matter of mere legislation. The Fifty-first Congress, elected next November, might be required to hold their first session beginning on the 30th of April or 1st day of May.

I wish to say also, Mr. Speaker, a word in reply to the suggestion of the gentleman from Indiana who preceded me [Mr. SHIVELY] and the gentleman from Kentucky [Mr. TAULBEE] that this is legislating the present Congress into office for two months beyond the term for which they were elected. Why, the gentleman from Indiana stated that if we could do that, we could continue our term for two or four years. That is true, even for ten or twenty years; because it is within the power of the States of this Union to so amend the Constitution. But never can this proposed extension have any force or effect until it is ratified by the Legislatures of at least twenty-seven of the thirty-eight States of the Union. The ratification by the Legislatures of three-fourths of the States will make any proposition a part of the Constitution of the United States when it has been proposed and passed by two-thirds of both Houses of Congress.

[Here the hammer fell.]

Mr. COLLINS. I now yield five minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, I believe all the gentlemen who have thus far spoken upon this subject, with the exception of the gentleman from Maine [Mr. REED], have admitted that it would be well, if there were no reasonable objection against the manner of accomplishing it, to extend the second session of Congress for two months. It is the observation of most of us who have experience here that important bills fail in every Congress for want of sufficient time to consider them. It would be very easy to specify.

In Congress after Congress bills have been introduced here and referred to the committee presided over by the gentleman from Indiana on my left [Mr. HOLMAN] relating to public lands, which ought to be passed upon, bills which, if they could have been reached and considered, would have passed and reverted to the Government millions and millions of acres of land that railroad companies have held up to this day because we had not time here to attend to the people's business. Bills also have been introduced into the last three Congresses proposing to change the mode of paying marshals and district attorneys. There is no manner of doubt that any one of the last three Congresses that could have had time to consider thoroughly and act upon these bills would have passed them—not perhaps precisely as they were when introduced, but some measures of relief, some remedy for existing evils in the administration of justice, would have been found but for want of time.

The gentleman from Kentucky [Mr. TAULBEE], who made perhaps the most effective appeal against the passage of this resolution, himself admitted that the second session ought to be longer at least by two months; but his argument in substance was we could not afford to vote for it because of what might be thought of it at home. He admitted it was right, yet confessed here he could not vote for it.

Mr. Speaker, I never made an admission of that kind in my life, and never will. If I believe a measure is right, if in my opinion the good of the country demands it, I propose to cast my vote for it.

In this case two months, it is true, would be added to the term of those who were elected for only two years. But it would not be at the expense of the incoming Congress; it would not be at the expense of the people. The people would be paying precisely the same money, dollar for dollar, during the months of March and April, 1889, whether we passed this bill or not. If it be right that the term ought to be extended for two months, if the public necessities demand it, are you afraid, gentlemen, you who are members of this House, to give the people of the States, without whose ratification this proposition can never become law, the chance to say so? That is the plain question.

Mr. TAULBEE. Will the gentleman allow me to interrupt him?

Mr. HERBERT. Yes, sir.

Mr. TAULBEE. If I caught the words of the gentleman from Alabama correctly when he undertook to repeat what I had said they were about these: that I was in favor of this proposition, but would not support it because I was afraid of the people. Now, if I misunderstood the gentleman I would like to have him say so. If I understood him correctly I would like to have him say so.

Mr. HERBERT. My proposition was that the gentleman from Kentucky admitted that we needed two months longer for the short session. Am I right in that?

Mr. TAULBEE. The gentleman is incorrect.

Mr. HERBERT. I wish to be correct.

Mr. TAULBEE. What I said was this: That as an abstract proposition I was in favor of changing the time of the inauguration of the President and of the term of Congress, but I was opposed to this House legislating itself into power for two months, and by its own action with the concurrence of a sufficient number of the State Legislatures, taking to itself a salary for two months longer than the people had elected its members to serve.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HERBERT. One word more. My reply to what has just been said by the gentleman from Kentucky is simply this: It will not be the members of this Congress extending their own term. But if it be true, and I think it is clearly so, that we ought to have two months added to the second session, then this Congress ought to give the people of the States a chance to say so by presenting an amendment of this kind.

Mr. COLLINS. I yield five minutes to the gentleman from New York [Mr. COX].

Mr. COX. Does the gentleman from Kentucky [Mr. TAULBEE] represent the democratic-republican sentiment when he suggests that we are by our action here in adopting a constitutional amendment voting ourselves into an extension of our term? Let us see if he is right. I shall not quote from the language of the gentleman from Kentucky. I will say that the highest possible refinement of republican institutions is the right to amend our Constitution by the prescribed mode.

We follow in this bill that mode. We can if we choose lengthen our term of service. We can do anything connected with our organic polity. I stood here, sir, on the floor advocating the power to abolish slavery. I argued the power on the ground that there was no limitation on that power of amendment of the Constitution except the good sense of the people. That common sense is exercised in the last resort here through Congress and State Legislatures. We can by appeal to our constituencies, by our own votes in Congress, and by the three-fourth consenting States, extend the term for two months, or any length, if we pursue the mode fixed.

Certainly any gentleman who has been here for some time—for instance, the gentleman from Maine [Mr. REED], who has been here so long and so worthily—must have found out that two months added to a short session would be of immense importance in the public interest. Why do I say that? Because in the great accumulation of Federal questions and interests since the war that come before Congress we can not do our duty here, or subserve the public interests or the common weal by the short session of three months, or what is virtually a session of about two months.

Therefore, if we can not go now to the full extent of the propositions here, as we might like to go, let us do the best we can. We can not reach the Calendar in this peculiar suspension hour and pass this as an amended bill. Let us do all that we can and vote the addition of two months to the short session. And if we can do no better, we may glorify a historic day and make it one of inauguration, so that the great masses of our people, many of them coming from a distance, may not witness the ceremony in the inclemency of a snow-storm in the month of March. Let us give to the people who come to see the majesty of the Republic in the inauguration of its Chief a chance to do it at a better season of the year, when nature adds her crowning beauty to the scene.

Mr. CRAIN. I yield three minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. I regret that it has become my duty to express my views upon this measure immediately following the eloquent speech of the distinguished gentleman from New York [Mr. COX], but, Mr. Speaker, there is one feature in the resolution which I can not support. Not only must I oppose it by my vote, but I feel that I must not remain silent while such a proposition is pending in the Congress of which I have the honor to be a member.

The resolution provides that—

> The term of officers * * * of the Fiftieth Congress shall continue until the 30th day of April, 1889, at noon.

This resolution involves a great principle. It involves the question as to the right of the members of a legislative body by their votes to extend the term of the office to which they were elected.

On November 4, 1886, the good people of the Eighth district of Alabama did me the high honor of selecting me as their Representative in the Fiftieth Congress.

The Constitution of the United States prescribes that the Congress to which I was elected should cease to exist on March 4, 1889. What right have I by my vote to extend that power and authority for a single day, or even a single hour, much less to add two months to the term of service for which I was elected? If we have the power to extend our term of legislation for two months, we might extend it for six months, or even for a longer period, and there is no limit to the danger that might threaten the country from the establishment of such a precedent.

Mr. WILLIAMS. Does this joint resolution give us the power to extend it?

Mr. WHEELER. It gives the Legislatures the power to do it; that is to say, after the Legislatures of three-fourths of the States have ratified the proposed amendment it becomes a part of the Constitution. But we do not get our power from the Legislatures. We hold it from the people. We have no right to extend the powers which were given to us by the people on the 4th day of November, 1886, and I, for one, will not vote to do it. Something has been said here, Mr. Speaker, about being afraid of the people. If "afraid of the people" involves the idea of being unwilling to violate the trust reposed in us by the people by voting for a resolution one of the effects of which is to extend our term of office, then I am proud to say that I am afraid of the people. If refusing to usurp power which has never been intrusted to us is an exhibition of fear of the people, then let us all be endowed with that fear. The underlying principle upon which our Government is founded is that all power belongs to the people, and I, for one, will not set a bad example by usurping any part of that power.

Mr. WISE. Will the gentleman allow a question?

Mr. WHEELER. Yes, if it does not come out of my time.

Mr. WISE. Does not the gentleman know that this is not a proposition that Congress shall alter the term of Representatives in this body, but a proposition that a constitutional amendment shall be submitted to the people?

Mr. WHEELER. No, sir; not to the people, but to the Legislatures. Submit it to the people and the case would be different, because the people elect us. We represent the people and not the Legislatures. This is an important question for us to consider.

The pending resolution proposes that power which belongs to the people shall be assumed by Congress, and it is no sufficient justification

to us to say that the purpose is not accomplished until our proposition is ratified by the Legislatures of a certain number of States.

Mr. MILLIKEN. Who elects the Legislatures but the people?

Mr. WHEELER. It is true that Legislatures are elected by the people, but to put it in the best light, is it not a matter of very doubtful propriety for Congress to propose to the Legislatures to ratify an amendment to the Constitution which extends the power of Congress beyond what was contemplated when the Congress was elected?

Mr. WISE. This is a proposition to change the organic law in accordance with the prescribed method.

Mr. WHEELER. I will vote for an amendment which cuts off our power, but not for an amendment which extends it. If we establish the precedent that Congress can extend its own term, there is no telling what use may be made of that precedent at some future period in the history of our Government. There is no telling what injury may ensue hereafter to the liberties of the people.

I can recall many instances in history where, had the law-making power been able to perpetuate itself, or even extend its term for a short period, evils of the greatest magnitude would have resulted.

I therefore feel, Mr. Speaker, that we should hesitate a long time before establishing a precedent of this character.

But, Mr. Speaker, the difficulties which have been alluded to by gentlemen who advocated this resolution can be solved without amending the Constitution of the United States. One embarrassment is the loss of time in the beginning of each Congress. To avoid this I had the honor early this session to introduce a bill which I will read:

A bill to designate the time for the convening of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fifty-first Congress shall be convened at 1 o'clock p. m. on the 4th day of March, 1889, at which time the House shall be organized by the swearing in of the members, the election of the Speaker, Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain.

SEC. 2. That unless the House is requested by the President to continue its sittings, it will then adjourn to the first Monday in December following.

SEC. 3. That all the members who were not members of the preceding Congress will be entitled for their attendance on this session the actual amount paid by them as railroad, steam-boat, or stage fare in traveling from their homes to Washington and returning to their homes.

SEC. 4. That Congresses subsequent to the Fifty-first Congress shall in like manner and for like purposes be convened at 1 o'clock p. m. on the 4th day of March, one hour after the time fixed by law for the final adjournment of the preceding Congress.

If this bill should become a law the Speaker would have from the 4th day of March to the first Monday in the following December to prepare the committees and they could be announced on the first meeting of Congress in December. A month of valuable time would be saved and the business of the country would be attended to with more deliberation. Let us have some such measure as this, but by all means let us vote down the pending proposition, containing as it does an element inconsistent with the spirit of American institutions, and to say the least an encroachment on the rights of the people.

That is all, Mr. Speaker, I desire to say on the subject.

Mr. CRAIN. I yield three minutes to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Mr. Speaker, it has been claimed by the advocates of this joint resolution that there is nothing in it which proposes to extend the term of this Congress to which we have been elected.

Mr. COLLINS. Who claims that?

Mr. TAULBEE. While that feature of this resolution may not be prominent, it is undeniably the effect of the joint resolution to extend the time of this Congress for sixty days, thus usurping, by the co-operation of a sufficient number of the State Legislatures, powers for the exercise of which we have not been elected, and setting to subsequent Congresses a precedent by the following of which they in turn may usurp to themselves greater powers. I call upon gentlemen who advocate this resolution to answer directly whether or not, following this proposed act of ours, subsequent Congresses may not enact themselves into perpetual power?

Mr. OATES. With the consent of three-fourths of the State Legislatures they could.

Mr. TAULBEE. The gentleman from Alabama [Mr. OATES] correctly says that with the consent of three-fourths of the State Legislatures they could. I am glad that he has made that frank admission. We are to-day proposing to set a precedent by which the people of this country are to have wrested from them the right of franchise guarantied to them by the Constitution and the laws, thus thwarting their will by indirection, and I am opposed to it. Complaint has been made that I have attempted to make an *ad captandum* argument. If gentlemen are prompted by motives so purely patriotic, why is it that the amendment which I have offered, which proposes that the extension of the term of members of this Congress shall be without compensation, is not to be considered in connection with this joint resolution?

The SPEAKER. The gentleman's time has expired.

Mr. CRAIN. I now yield three minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, a desirable thing to do, in my opinion, is to so legislate that the Congress elected in any given November can assemble in the succeeding December, thus doing away with the anomalous state of affairs which now exists in this country of a man being elected to Congress and not entering upon his duties, unless called in extra session, until thirteen months after his election.

Under our present system the Congress which meets in December following a Congressional election may have been repudiated at the polls, yet notwithstanding such expression of the people's disapprobation, it can not only legislate, not only inaugurate a President, but, as suggested by the gentleman from Pennsylvania, may elect the President.

Mr. Speaker, the rule which I would like to see adopted could be brought about, perhaps, by shortening the term of this Congress instead of lengthening it. If a provision should be adopted that the term of this Congress shall expire on the first of December of this year, we should thereby accomplish the purpose. Then the Congress which will be elected next November would meet here in December, would inaugurate the President, and could remain in session as long as the business of the country might require.

That same Congress can meet the following December and remain in session till April or May, as the public business may require, can then adjourn, the members can go home, and their acts can be reviewed by the people. Any proposition which will bring about this state of affairs will meet my hearty approval; but any amendment which merely changes the date of the inauguration of the President and leaves us in other respects practically as we are now, should not, it seems to me, receive the support of this House. It occurs to me that every fair-minded man must say that the true rule is to permit the members elected by the people to appear here to represent them at the very first assembling of Congress after such election.

[Here the hammer fell.]

Mr. OATES. I will ask the gentleman whether questions as to the time of electing Representatives and the time for the assembling of Congress are not matters of statutory regulation.

Mr. CRISP. That is true; but unless some Congressional term be shortened by constitutional amendment in the manner I have suggested, the result desired can never be brought about, as I understand, by statutory regulation.

Mr. CRAIN. Mr. Speaker, the amendment which I submitted (which was called a "scheme" by some gentleman on the other side) and which has been reported favorably by the Committee on the Election of President, Vice-President, and Representatives, will carry out exactly the idea contemplated by the gentleman from Georgia [Mr. CRISP]. And I will say to the gentleman from Alabama [Mr. OATES] that unless you change the day of election from the first Tuesday in November to some time before that day it is impossible by legislation to change the time for the meeting of Congress so as to cover the objection raised. If we now pass a law providing that Congress shall meet on the first Monday in January, we should still have coming here every second year a House of Representatives a portion of which had been repudiated by the people. If the amendment now under consideration be adopted, members elected in November would commence their terms on the 30th of April, so that they would not come here until sixteen months after their election.

The amendment which I propose, and which I have asked these gentlemen of the Judiciary Committee to amalgamate with the one which they recommend, would, upon taking effect, cut off two months of the term of one Congress, so that, if it were applicable to the Fiftieth Congress, that Congress would expire on the 31st of December of this year, instead of the 4th of March of next year. The constitutional amendment now under consideration extends the term of the Fiftieth Congress to the 30th of April, 1889, leaving the condition of things of which the country complains just as it is now—an election between the sessions of a Congress; defeated members coming back at the second session to legislate for constituencies which have repudiated them; the short session terminating at a fixed hour without regard to the condition of measures of importance; the House of Representatives nine months without a Speaker; the President just inaugurated coming in at one door of the Capitol as members of the House go out of another. All these things would remain just as they are if the amendment advocated by the gentleman from Massachusetts [Mr. COLLINS] should be adopted.

The gentleman from Texas [Mr. CULBERSON], who honors the position of chairman of the Judiciary Committee as much as he is honored by the position, professes to sympathize with me. I need no sympathy from him or any other member of this House. When I need sympathy I shall ask it from men who are in a condition to give it. I have studied this question pretty thoroughly—a little more thoroughly than some members of the Judiciary Committee, as is evidenced from their ignorance of the questions involved. I understand exactly the position which I assume, and in my opposition to the present measure I am not actuated by any desire to have my amendment adopted, for there is no chance for that to-day under the rules of the House, this being suspension day; but I am animated by the single motive of desiring to remedy the condition of affairs to which I have adverted and which in my judgment should be changed.

If any gentleman on either side of the House has a proposition which carries out this idea better than mine, I am willing to put my measure under my feet and embrace his willingly and gladly. But I do think there ought to be some change which will remedy the evils of the ex-

isting system; and the only method by which this can be accomplished, it seems to me, is, not by extending the term of the Fiftieth Congress, but by curtailing the term of some other Congress. The adoption of my resolution might affect this Congress, though I think not, because I believe, and I submit for the consideration of the gentleman from Massachusetts, that any measure of this kind which we may now submit to the State Legislatures would not be ratified in time to be applicable to the Fiftieth Congress, because it could not secure within the required period action at the hands of a sufficient number of the State Legislatures.

In addition to what I have submitted, gentlemen who are familiar with legislative affairs in the various States know that a newly elected governor comes into office simultaneously with a new Legislature, and to that body he submits his message. Nowhere in this country do we see an anomaly corresponding with that presented in our national affairs, whereby the Chief Executive does not communicate with the legislative body which was elected when he was chosen, but waiting thirteen months after his election and sending his first message to a legislative body the terms of one-half of whose members expire at the next election.

So far as the argument of the gentleman from New York [Mr. COX] is concerned, I have the highest admiration for his distinguished ability. At the same time I must say it is unworthy of him that on the floor of the American Congress he should announce himself in favor of a constitutional amendment in order that a President may be inaugurated in sunshine instead of a snow storm.

Mr. KERR. I ask the gentleman to yield to me.

Mr. CRAIN. I will for five minutes.

Mr. KERR. Mr. Speaker, I am of the opinion of the gentleman from Texas we ought not to provide for a sunshiny day for the inauguration of the President. I do not think it adds to the respect for the Government to have ostentatious displays at the inauguration of the President. It should be remembered that in the days of a Democratic administration Thomas Jefferson rode to the Capitol on horseback from the Executive Mansion and hitched his horse to a post while he went in and took the oath of office as President. [Applause.]

I do not think it would hurt the country if the inauguration was made to take place on such a cold day as would put such displays out of the question.

I think while we have the power, perhaps, to do this it would be taking steps which would lead to the extension of our own term; and while it would not be properly a charge against this House, it would give occasion for the charge that we were seeking to extend our own terms if such a course were adopted. I think while it ought to be the rule that the term of the members of Congress should begin on the 1st of January, as is the case of the term of members of the various State Legislatures, that nevertheless such an amendment ought to be provided to the Constitution as would not allow it to take effect until after the Congress had expired, that had submitted it, so that it would not affect vested rights.

[Here the hammer fell.]

Mr. COX. I ask the gentleman from Massachusetts to yield to me.

Mr. COLLINS. With pleasure.

Mr. COX. Mr. Speaker, I have only one word to reply to the gentleman from Texas [Mr. CRAIN]. It will not do to repeat the talk in different language as to the inauguration ceremonies connected with our Government. They did not start with a Democratic administration. A large and most extensive one came with General Grant. Whatever of simplicity we have in our Administration to-day comes from our side of the House. Whatever of ostentatious display there is comes from gentlemen of another party. But I would not amend the Constitution solely on that ground, as my friend from Texas thinks I would undertake to do. I would amend the Constitution so, if possible, to assert the great days in our history, what has been achieved by our people and our Government.

Nor am I opposed to the proposition of the gentleman from Texas, and had I spoken longer I would have so indicated it. The trouble is just now, we can not amend the proposition of the gentlemen of the Judiciary; we can not propose anything in addition, such as suggested by the gentleman from Texas. We are tied up by our rules to-day. I know there are bills on the Calendar which I think may reach it. No man in this House is so opposed as I am to the duration of that old, miserable, moribund-like condition, going back here thirteen months for the purpose of doing business when the Administration has been set aside; and whenever the opportunity comes I will join with the gentleman——

Mr. CRAIN. If you adopt this you can not; they are antagonistic.

Mr. COX. No, sir. Now, a gentleman awhile ago argued it would shorten the time of the present Congress. How? By having two Congresses, one lapping over another, trying to finish the business of the other? If you have the power to cut off a day of Congress before it is fairly under way, then why not for ten months or for all the time?

The SPEAKER. The gentleman's time has expired.

Mr. COX. I ask whether the man with that great superfluity of strength in these debates can not make some arrangement with the gentleman from Massachusetts by which we can vote on one harmonious bill?

Mr. CRAIN. That is what I propose.

Mr. COX. Why not get this bill now, when you do not propose to give us a better one?

[Here the hammer fell.]

Mr. CRAIN. I asked the gentleman from Massachusetts who has charge of this resolution to arrange with the House so as to withdraw it, in order that the two ideas might be connected into one proposition which would meet the approval of both sides of this question. He said that he was powerless to do so.

I wish to say in response to the gentleman from New York [Mr. COX] that it is impossible to pass the amendment I propose if you adopt this pending proposition, because they are antagonistic. This proposes to lengthen the term of Congress from the 4th day of March to the 30th day of April, while mine proposes to cut it off by shortening the term from the 4th day of March to the last day of December preceding. That is just the difference between them.

But while the gentleman from New York is talking of the grand possibilities of the future he is showing by his voice and vote that he is himself doubtful of the facts, for he appears to be afraid that our President will not remain in there unless he puts him in two months longer by a constitutional amendment. [Laughter.]

Mr. COLLINS. Mr. Speaker, I can not assume as much as the gentleman from Texas would have me do; that is, to undertake to guide the course of legislation in this body. If the gentleman from Texas and I constituted the House of Representatives we could make any bargain we pleased. But there are, fortunately or unfortunately, 323 other members who have something to say about it, and any bargain my friend and I might make would of course have to be subject to the approval of our fellow-members.

Now, sir, I wish to say a few words in conclusion of this discussion. There is no reason in the world, whether a man be a great constitutional lawyer and knows all about this subject, as the gentleman from Texas professes to, because, as he says, he has studied it——

Mr. CRAIN. I was talking of my own constitution. [Laughter.]

Mr. COLLINS. There is no reason in the world to lose sight of a plain, practical question. I do not know how much or how little the gentleman from Texas has studied the Constitution of the United States, and I apprehend that he is equally ignorant as to my diligent search and my familiarity with the constitutional foundation upon which our Government rests. But there is another reason for passing this resolution, and it is a pressing one. It is because this is the only resolution looking to relief that is fairly on the way to the Legislatures of the different States, and any delay will hazard its fate.

The fact that there is another scheme pending is no cause for opposing this; in fact I have not heard so much said against this measure as I have heard said in praise of something else. And I must say that I can not, because I do not know, wholly agree with the gentleman from Texas that his scheme is antagonistic to this.

Pass this proposition, which is the only one that has a chance to meet the Legislatures in session before the expiration of the Fiftieth Congress, and you can, by legislation of the House hereafter, carry out substantially all the gentleman from Texas desires, except to embalm in the Constitution an amendment which shall be known to all the ages as the "Crain amendment." [Laughter.]

Mr. CRAIN. Did you not tell me yourself that this could not be done except by a constitutional amendment, though you thought at first it could be done by law?

Mr. COLLINS. I am very sorry if there is any impairment of the gentleman's hearing. I said no such thing. This must be carried out by a constitutional amendment, but the substance of what the gentleman desires need not. A statute will do it.

Mr. CRAIN. You did not tell me a moment ago that you could not curtail the term of a member of Congress except by a constitutional amendment?

Mr. COLLINS. I do not understand the gentleman from Texas.

Mr. CRAIN. Did not you say that you could not curtail the term of a member of Congress by law, and that it could only be done by a constitutional amendment?

Mr. COLLINS. I told the gentleman that I had no power to make any bargain with him, if that is what he means.

Mr. CRAIN. I am not talking of that, but that the proposition curtailing the term of a member of Congress could not be adopted except by a constitutional amendment.

Mr. COLLINS. We will have misunderstandings which may have arisen between the gentleman from Texas and myself.

Mr. CRAIN. But I do not want the gentleman to place me in a wrong position.

Mr. COLLINS. I do no such thing. I repeat, Mr. Speaker, the substance and essence of the scheme of the gentlemen from Texas can be carried out by statute law after the enactment of the proposition now pending. That is what I said.

But we are told, sir, that this House is usurping power extending its term; that we are taking the power from the people to extend our own official life. I deny that proposition. We are doing nothing of the kind. If we have the right to submit this proposition to the Legislatures of the States and they adopt it, it becomes a constitutional pro-

vision. This is the only way open to us for the relief required. But I do not want gentlemen to vote in ignorance of the exact effect of this proposition.

If we are going to extend our term, and take the salary for two months more than we were elected for, out of whose pockets is it to come? Is any one wronged, or an additional dollar taken out of the Treasury? We do not receive pay for non-service, but the term of service is extended for two months longer at the same compensation. It makes no difference whether the salary for these two months be paid to the members of the Fiftieth Congress or to the members of the Fifty-first Congress; and, as I have already suggested, the only objection that can possibly be urged to this amendment is that it extends the term of one Congress for two months, and it may be answered in reply that it costs nothing to the people because it postpones the term of the next Congress just that much. There is almost always some inconvenience when you are trying to reach a result, and in order to reach this result—and I regret it—it becomes necessary to extend our own term of service.

Now, I believe the second session of Congress ought not to be limited; that it should expire on a day certain, but it ought to be longer than it is. Hence I think the 30th of April is a better resting point than the 4th of March.

The gentleman from Maine [Mr. REED] undertook to tell the reasons which he supposed I had, and which I never gave and never had, for the passage of this amendment. He said, thoughtlessly, I think, that it was a mere sentiment, based upon a letter written by Mr. Winthrop, of Massachusetts; he said somewhat inconsiderately, at last, that Mr. Winthrop belongs to a past generation.

I think this reflection unworthy of the gentleman from Maine. He was listening to me no more attentively than another gentleman, and I am sorry he does not know that the suggestion came in a masterly oration of Robert C. Winthrop delivered in this hall on a memorable occasion; and I am sorry for the reflection which was made. Robert C. Winthrop is as much a living force in this generation as the gentleman who made the remark ever was, is, or will be. And I prefer to sit at the feet of the sages and learn wisdom from them than to be diverted by the shallow persiflage of some modern politicians.

This proposition accomplishes three things. It prolongs the session of Congress and the term of President and Vice-President. It almost insures good weather for inauguration day. It gives Congress more time to do its business. And it does meet a sentiment, and the world is all the brighter for having a sentiment to guide men: the next President of the United States will, if this passes, be inaugurated precisely one hundred years after the greatest man that ever was President was inaugurated. If there be some better provision than this we have not the same chance of passing it as we can pass this by concurring with the Senate and be certain of its ratification. We do a good thing for our people. I believe there is no citizen of the United States who will find fault with us. There may be some timid members of Congress who may be afraid of their constituents, or unable to explain their votes. I am sorry for them and their relations to their constituents. I wish to commend them to the best constituency of all, the Fourth Massachusetts. That never finds fault with its Representative. [Applause.]

[Here the hammer fell.]

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

Mr. CRAIN. I ask for the yeas and nays.

The yeas and nays were ordered, 57 members voting therefor.

The question was taken; and there were—yeas 129, nays 128, not voting 66; as follows:

YEAS—129.

Allen, C. H.	Funston,	McAdoo,	Ryan,
Allen, J. M.	Gibson,	McClammy,	Scott,
Atkinson,	Glover,	McComas,	Scull,
Baker, C. S.	Greenman,	McKinley,	Seney,
Barnes,	Guenther,	McKinney,	Shaw,
Bayne,	Hare,	McShane,	Smith,
Bingham,	Haugen,	Milliken,	Snyder,
Boothman,	Hayden,	Mills,	Springer,
Bound,	Hayes,	Morrill,	Stewart, J. W.
Browne, T. M.	Henderson, D. B.	Morrow,	Struble,
Bryce,	Henderson, J. S.	Morse,	Symes,
Butler,	Herbert,	Neal,	Taylor, E. B.
Campbell, T. J.	Hitt,	Nichols,	Taylor, J. D.
Candler,	Hogg,	Nutting,	Thomas, G. M.
Cannon,	Holman,	Oates,	Thomas, O. B.
Caswell,	Hopkins, A. J.	O'Neall, J. H.	Thompson, T. L.
Cheadle,	Hopkins, S. I.	O'Neill, J. J.	Tracey,
Clark,	Hovey,	Osborne,	Wade,
Cogswell,	Howard,	Outhwaite,	Weber,
Collins,	Hudd,	Owen,	Whitthorne,
Cooper,	Hutton,	Patton,	Wickham,
Cox,	Johnston, J. T.	Payson,	Wilkins,
Crouse,	Jones,	Perkins,	Wilkinson,
Culberson,	Kelley,	Phelps,	Williams,
Dalzell,	Kennedy,	Plumb,	Wilson, Thomas
Davis,	Laird,	Rice,	Wilson, W. L.
Dingley,	Lawler,	Robertson,	Wise,
Dunn,	Lee,	Rockwell,	Yardley,
Enloe,	Lehlbach,	Rogers,	Yoder,
Farquhar,	Lodge,	Romeis,	Yost.
Foran,	Lyman,	Rowell,	
Ford,	Mansur,	Russell, C. A.	
Fuller,	Mason,	Rusk,	

NAYS—128.

Abbott,	Crisp,	Ketcham,	Reed,
Anderson, A. R.	Cummings,	Kilgore,	Richardson,
Anderson, G. A.	Dargan,	La Follette,	Rowland,
Baker, Jehu	Darlington,	Lagan,	Sawyer,
Bankhead,	Davidson, A. C.	Laidlaw,	Sayres,
Blanchard,	De Lano,	Lane,	Sherman,
Bland,	Dibble,	Lanham,	Shively,
Bliss,	Dockery,	Latham,	Simmons,
Blount,	Dorsey,	Lind,	Sowden,
Boutelle,	Elliott,	Macdonald,	Spooner,
Bowden,	Felton,	Mahoney,	Stahlnecker,
Bowen,	Finley,	Maish,	Steele,
Breckinridge, C. R.	Fisher,	Matson,	Stephenson,
Brewer,	Forney,	McCormick,	Stewart, Charles
Brower,	French,	McCreary,	Stewart, J. D.
Browne, T. H. B.	Gallinger,	McCullogh,	Stockdale,
Buchanan,	Gear,	McKenna,	Stone of Ky.
Buckalew,	Gest,	McMillin,	Taulbee,
Bunnell,	Granger,	McRae,	Thompson, A. C.
Burnes,	Grimes,	Merriman,	Turner, E. J.
Burrows,	Grout,	Moffitt,	Turner, H. G.
Bynum,	Hall,	Montgomery,	Vance,
Campbell, Felix	Hatch,	Moore,	Vandever,
Campbell, J. E.	Hemphill,	Morgan,	Walker,
Carlton,	Henderson, T. J.	Nelson,	Warner,
Caruth,	Hermann,	Newton,	Washington,
Clardy,	Holmes,	Norwood,	Weaver,
Clements,	Hopkins, S. T.	O'Donnell,	Wheeler,
Cobb,	Jackson,	O'Ferrall,	White, J. B.
Cothran,	Johnston, T. D.	Perry,	White, S. V.
Cowles,	Kean,	Peters,	Whiting, J. R.
Crain,	Kerr,	Pugsley,	Wilber.

NOT VOTING—66.

Adams,	Chipman,	Harmer,	Phelan,
Allen, E. P.	Cockran,	Heard,	Pidcock,
Anderson, C. L.	Compton,	Hiestand,	Post,
Anderson, J. A.	Conger,	Hires,	Randall,
Arnold,	Cutcheon,	Hooker,	Rayner,
Bacon,	Davenport,	Houk,	Russell, J. E.
Barry,	Davidson, R. H. M.	Hunter,	Spinola,
Belden,	Dougherty,	Laffoon,	Stone of Mo.
Belmont,	Dunham,	Landes,	Tarsney,
Biggs,	Ermentrout,	Long,	Thomas, J. R.
Breckinridge, WCP	Fitch,	Lynch,	Tillman,
Brown, C. E.	Flood,	Maffett,	Townshend,
Brown, J. R.	Gaines,	Martin,	West,
Brumm,	Gay,	O'Neill, Charles	Whiting, William
Burnett,	Glass,	Parker,	Woodburn.
Butterworth,	Goff,	Peel,	
Catchings,	Grosvenor,	Penington,	

So (two-thirds not having voted in the affirmative) the joint resolution was not passed.

Mr. JACKSON. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following pairs were announced:

Until further notice, on all political questions:

Mr. CHIPMAN with Mr. GAINES.

Mr. DOUGHERTY with Mr. J. R. BROWN.

Mr. BURNETT with Mr. WHITING, of Massachusetts.

Mr. BIGGS with Mr. FELTON.

Mr. BRECKINRIDGE, of Kentucky, with Mr. HARMER.

Mr. HOOKER with Mr. LONG.

Mr. PIDCOCK with Mr. GROSVENOR.

Mr. TOWNSHEND with Mr. O'NEILL, of Pennsylvania.

Mr. BACON with Mr. DAVENPORT.

Mr. PENINGTON with Mr. HIESTAND.

Mr. ERMENTROUT with Mr. BELDEN.

Mr. TILLMAN with Mr. PARKER.

Mr. SPINOLA with Mr. THOMAS, of Illinois.

Mr. TARSNEY with Mr. BRUMM.

Mr. STONE, of Missouri, with Mr. ANDERSON, of Kansas.

For this day:

Mr. RANDALL with Mr. GOFF.

Mr. RUSSELL, of Massachusetts, with Mr. HOUK.

Mr. LANDES with Mr. FLOOD.

Mr. HEARD with Mr. ADAMS.

Mr. DAVIDSON, of Florida, with Mr. DUNHAM.

Mr. COCKRAN with Mr. HIRES.

Mr. ANDERSON, of Mississippi, with Mr. HUNTER.

Mr. LAFFOON with Mr. GAINES.

Mr. RAYNER with Mr. WEST.

The result of the vote was then announced as above stated.

NEW LIBRARY BUILDING.

The SPEAKER announced the appointment of the Select Committee to Investigate the Construction of the New Library Building, as follows:

Mr. HOLMAN of Indiana, Mr. STAHLNECKER of New York, Mr. RAYNER of Maryland, Mr. STEWART of Vermont, and Mr. CASWELL of Wisconsin.

Mr. WILKINS. I move that the House do now adjourn.

The motion was agreed to—ayes 96, noes 58.

And accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. J. A. ANDERSON: A bill (H. R. 7448) for the relief of Robert Pruitt—to the Committee on Military Affairs.

By Mr. G. A. ANDERSON: A bill (H. R. 7449) granting a pension to Mary S. Bates and Sarah Bates—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 7450) for the relief of George Jackson—to the Committee on Military Affairs.

By Mr. FELIX CAMPBELL: A bill (H. R. 7451) to place Jane Young on the pension-roll—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 7452) for the relief of the Southern Illinois Normal University—to the Committee on Military Affairs.

By Mr. CARUTH: A bill (H. R. 7453) for the relief of K. P. Thixton—to the Committee on War Claims.

By Mr. COGSWELL: A bill (H. R. 7454) granting a pension to Maria N. Parker—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 7455) for the relief of heirs-at-law and personal representatives of James H. Newland, deceased—to the Committee on Claims.

By Mr. CROUSE: A bill (H. R. 7456) for the relief of the heirs of John Hogan—to the Committee on War Claims.

Also, a bill (H. R. 7457) granting a pension to Eleanor D. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7458) for the relief of Carl F. Kolbe—to the Committee on War Claims.

By Mr. DE LANO: A bill (H. R. 7459) for the relief of the heirs of Asa O. Gallup—to the Committee on War Claims.

By Mr. FELTON: A bill (H. R. 7460) for the relief of the Oceanic Steamship Company—to the Committee on Claims.

By Mr. FINLEY: A bill (H. R. 7461) for the relief of W. F. Goggin—to the Committee on War Claims.

Also, a bill (H. R. 7462) for the relief of G. W. Sternes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7463) for the relief of the heirs of Jefferson M. Potts—to the Committee on War Claims.

Also, a bill (H. R. 7464) granting a pension to John D. Smith—to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 7465) granting a pension to Mrs. Janet L. P. Taylor—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 7466) granting a pension to Hannah H. Grant—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7467) granting a pension to Thomas Sinclair—to the Committee on Pensions.

By Mr. GLOVER: A bill (H. R. 7468) for the relief of the officers and crew of the United States steamers Forest Rose and Argosy, late of the Red River expedition—to the Committee on War Claims.

Also, a bill (H. R. 7469) for the relief of Catharine Mehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7470) for the relief of Alfred J. Worcester—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 7471) granting a pension to Moses L. Chase—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 7472) granting a pension to C. C. Blanton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7473) to grant a pension to Benjamin E. Morris—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 7474) granting a pension to Charles L. Reeder—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 7475) granting a pension to Pauline T. Carpenter—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 7476) granting a pension to William O. Doyel—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: A bill (H. R. 7477) granting a pension to James E. Barton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7478) for the relief of Joseph E. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 7479) for the relief of Thomas W. Wiley—to the Committee on Military Affairs.

Also, a bill (H. R. 7480) for the relief of James E. Railsback—to the Committee on Military Affairs.

Also, a bill (H. R. 7481) for the relief of Rudolph F. Williamson, Company I, Tenth Regiment Indiana Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7482) granting a pension to Mary Forsythe, widow of John R. B. Forsythe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7483) granting a pension to Barbra Murphy—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7484) for the relief of the First National Bank of Marion, Iowa—to the Committee on Claims.

By Mr. KETCHAM: A bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 7486) for the relief of Thomas Drake—to the Committee on War Claims.

Also, a bill (H. R. 7487) for the relief of the heirs of W. L. Jenkins, deceased—to the Committee on War Claims.

By Mr. LAGAN: A bill (H. R. 7488) for the relief of the Newark Filtering Company, of Newark, N. J.—to the Committee on Claims.

By Mr. LAWLER: A bill (H. R. 7489) for the relief of Edward A. Galleher—to the Committee on Military Affairs.

By Mr. MACDONALD: A bill (H. R. 7490) for the relief of Sidney W. Whitelock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7491) granting a pension to Lewis Telyea—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 7492) for the relief of Mary A. Porter—to the Committee on Invalid Pensions.

By Mr. McCULLOGH: A bill (H. R. 7493) granting a pension to Jacob Hicks—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 7494) for the relief of John S. Boswell—to the Committee on War Claims.

Also, a bill (H. R. 7495) to increase the pension of Mrs. Mary L. Scott, of Lincoln County, Kentucky—to the Committee on Pensions.

Also, a bill (H. R. 7496) for the relief of Abner B. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7497) for the relief of the administrator of John Engleman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7498) for the relief of Stephen H. Jackson, of Madison County, Kentucky—to the Committee on Military Affairs.

By Mr. McSHANE: A bill (H. R. 7499) for the relief of Sarah E Ingham—to the Committee on War Claims.

By Mr. MERRIMAN: A bill (H. R. 7500) for the relief of Samuel Schiffer, survivor of J. Schiffer & Co.—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 7501) for the relief of H. Clay Wood—to the Committee on War Claims.

By Mr. MORRILL: A bill (H. R. 7502) for the relief of Anna Holborn—to the Committee on Indian Affairs.

By Mr. McRAE: A bill (H. R. 7503) for the relief of Mitchell Trotter—to the Committee on War Claims.

By Mr. NORWOOD: A bill (H. R. 7504) for the relief of Lachlan H. McIntosh—to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 7505) to place the name of E. G. Fleming on the pension-roll—to the Committee on Invalid Pensions.

By Mr. OWEN: A bill (H. R. 7506) for the relief of Addison G. Moore—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 7507) granting a bounty to John D. Rohnstadt—to the Committee on War Claims.

By Mr. PUGSLEY: A bill (H. R. 7508) granting a pension to Julia E. Ambrose—to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 7509) granting to the York Harbor and Beach Railroad Company a right of way—to the Committee on Military Affairs.

Also, a bill (H. R. 7510) granting a pension to Stephen A. Seavey—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7511) for the relief of Samuel Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. H. 7512) granting a pension to Johanna Eckle, widow of Joseph Eckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7513) for the relief of Joseph Scholfield and Sarah N. Giese—to the Committee on Pensions.

By Mr. ROWELL: A bill (H. R. 7514) for the relief of James Hounselman—to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 7515) for the relief of George W. Leipps—to the Committee on Military Affairs.

By Mr. SENEY: A bill (H. R. 7516) to increase the pension of Sylvester Stearns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7517) granting a pension to Conrad Stephan—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 7518) granting a pension to Richard Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7519) for the relief of James Oakley—to the Committee on War Claims.

Also, a bill (H. R. 7520) for the relief of J. H. Bugg—to the Committee on War Claims.

Also, a bill (H. R. 7521) for the relief of B. F. Moses—to the Committee on War Claims.

Also, a bill (H. R. 7522) for the relief of Caldwell County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 7523) for the relief of Joseph Bridges—to the Committee on War Claims.

Also, a bill (H. R. 7524) for the relief of C. T. Bridges—to the Committee on War Claims.

Also, a bill (H. R. 7525) for the relief of G. C. Lovelace—to the Committee on War Claims.

Also, a bill H. R. 7526) for the relief of W. C. Robbins—to the Committee on War Claims.

Also, a bill (H. R. 7527) for the relief of Mrs. Mary A. Miller—to the Committee on War Claims.

Also, a bill (H. R. 7528) for the relief of G. L. Hughes—to the Committee on War Claims.

Also, a bill (H. R. 7529) granting a pension to the widow of Green Hopper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7530) for the relief of Charles A. Tart—to the Committee on War Claims.

Also, a bill (H. R. 7531) for the relief of the legal representatives of William Wallis—to the Committee on War Claims.

Also, a bill (H. R. 7532) for the relief of the legal representatives of William W. Hildreth, deceased—to the Committee on War Claims.

By Mr. E. J. TURNER: A bill (H. R. 7533) granting a pension to Philander Hodgman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7534) for the relief of W. H. Collards, John A. Elsaser, Peter Johnson, George Shade, M. G. Brown, Jonas F. Reitz, and L. H. Boyd—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 7535) for the relief of Aaron Wilhite—to the Committee on Military Affairs.

Also, a bill (H. R. 7536) for the relief of Elizabeth Looney—to the Committee on War Claims.

Also, a bill (H. R. 7537) for the relief of Anderson Wilhite—to the Committee on Military Affairs.

Also, a bill (H. R. 7538) to refer the claim against the United States of J. L. Young, of Lawrence County, Alabama, to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 7539) to refer the claim against the United States of Caroline Devan, of Lawrence County, Alabama, to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 7540) to refer the claim against the United States of James A. Patterson, of Colbert County, Alabama, to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 7541) to refer the claim against the United States of John Wyninegean, of Colbert County, Alabama, to the Court of Claims—to the Committee on War Claims.

By Mr. WILBER: A bill (H. R. 7542) granting a pension to Jane A. Dunbar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7543) granting a pension to Mary H. Casler, widow of Marcus R. Casler—to the Committee on Invalid Pensions.

By Mr. WOODBURN: A bill (H. R. 7544) for the relief of John S. Luff—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 7545) for the relief of Algernon S. Dorsey—to the Committee on Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 3601) granting a pension to William Dorman—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 6578) for the relief of Margaret S. Jones—from the Committee on Invalid Pensions to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of W. G. Morrisey and others, citizens of Alaska, against bill providing Territorial form of government for said district—to the Committee on the Territories.

By Mr. G. A. ANDERSON: Petition of citizens of Pike and Calhoun Counties, Illinois, for removal of sand bar in harbor in Mississippi River near Clarksville, Mo.—to the Committee on Rivers and Harbors.

By Mr. ARNOLD (by request): Petition for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. C. S. BAKER: Resolution of Root Post, No. 151, Grand Army of the Republic, Syracuse, N. Y., in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. JEHU BAKER: Memorial to the Senate and House of Representatives, from the authorities of the city of Collinsville, Madison County, Illinois, and of Nashville, Ill., relative to a general law for the erection of post-office buildings—to the Committee on Public Buildings and Grounds.

By Mr. BAYNE: Resolution of Pride of the North Council, Junior Order United American Mechanics, of Allegheny, Pa., requesting Congress to declare Washington's birthday a national holiday to the same extent as other national holidays—to the Committee on the Judiciary.

Also, resolution of Hope Council, Junior Order United American Mechanics, of Allegheny, Pa., requesting Congress to declare Washington's birthday a national holiday to the same extent as other national holidays—to the Committee on the Judiciary.

Also, resolution of the commissioners for the improvement of the Ohio River and its tributaries, for the improvement of the Ohio River and the free navigation of the Monongahela and Green and Barren Rivers—to the Committee on Rivers and Harbors.

Also, resolution of Stone Mason's Union, No. 9, of Pittsburgh, Pa., recommending the appointment of John T. Lynch as superintendent of new Library building—to the Joint Committee on the Library.

Also, papers relating to bill for relief of the widow of John Montgomery—to the Committee on War Claims.

Also, papers relating to claim of Mary P. Thompson, for a pension—to the Committee on Invalid Pensions.

By Mr. BLISS: Petition of Alan Mead, Walter Mead, and Mary Ann Sniffin, for relief—to the Committee on War Claims.

By Mr. T. M. BROWNE: Protest of the Indianapolis Board of Trade against legislation calculated to embarrass our foreign commerce—to the Committee on Foreign Affairs.

Also, memorial and resolution of the Indianapolis Board of Trade in favor of the passage of an act to prevent the adulteration of foods—to the Committee on Agriculture.

By Mr. BOWDEN: Papers in the claim of John C. Neaville, of Portsmouth, Va.—to the Committee on War Claims.

Also, memorial of the vestry of Trinity Church, Portsmouth, Va., for relief—to the Committee on War Claims.

By Mr. BUCHANAN: Petition of citizens of Ocean County, New Jersey, for increased pay for surfmen—to the Committee on Commerce.

Also, petition of citizens of Ocean County, New Jersey, for increased pay to surfmen—to the Committee on Commerce.

Also, memorial of Philadelphia Board of Trade and other commercial bodies, in behalf of act authorizing international marine conference—to the Committee on Foreign Affairs.

Also, protest of Williamsport (Pa.) Lumbermen's Exchange, against putting lumber on the free-list—to the Committee on Ways and Means.

Also, petition of 84 citizens of Hammonton, N. J., in favor of lower postage rates on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of 73 citizens of Hammonton, N. J., in favor of reissue of postal currency—to the Committee on the Post-Office and Post-Roads.

Also, petition of Quartermaster-General of the United States for increase of pension to Mrs. Annie Gibson Yates—to the Committee on Invalid Pensions.

By Mr. BUNNELL: Petition of dairymen and citizens of Hopbottom, Susquehanna County, Pennsylvania, asking that salt be put on the free-list—to the Committee on Ways and Means.

Also, petition of the people of Alaska, expressing disapproval of the bill providing a Territorial form of government—to the Committee on the Territories.

By Mr. BURROWS: Petition of citizens of Kalamazoo, Mich., for a reduction of letter postage to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. T. J. CAMPBELL: A bill making an appropriation for the removal of a ledge of rocks situated at the foot of Tenth and Eleventh streets, also from the foot of Broome street to the foot of Tenth street, in the city of New York—to the Committee on Rivers and Harbors.

By Mr. CARUTH: Papers in the case of Kell P. Thixton, for relief—to the Committee on War Claims.

By Mr. CHEADLE: Petition of the authorities of Frankfort, Clinton County, Indiana, for the construction of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. CLARDY: Petition of C. Dillon and 20 others, of Jefferson County, and of William J. Kirk, of Moxville, Mo., for the retention of the tariff on plate-glass—to the Committee on Ways and Means.

By Mr. CLARK: Petition of the authorities of Berlin, Green Lake County, Wisconsin, relative to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. COGSWELL: Petition of Maria N. Parker, for a pension as a nurse—to the Committee on Invalid Pensions.

By Mr. COLLINS: Memorial of the Sons of Martha's Vineyard for the improvement of Vineyard Haven—to the Committee on Rivers and Harbors.

By Mr. COWLES: Petition resisting Territorial form of government for Alaska—to the Committee on the Territories.

By Mr. DALZELL: Petition of the General Putnam, the Laurel, the Wilkinsburg, and the Bunker Hill Councils of the Junior Order of United American Mechanics, that February 22d shall be made a national holiday—to the Committee on the Judiciary.

By Mr. DARGAN: Petition of citizens of Florence, S. C., for an appropriation to build a road to the national cemetery near that place—to the Committee on Military Affairs.

By Mr. DARLINGTON (by request): Petition for the removal of the duty on salt—to the Committee on Ways and Means.

Also (by request), petition to make February 22d a legal holiday—to the Committee on the Judiciary.

By Mr. DE LANO: Petition of soldiers of Kirkwood, Broome County, New York, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DOCKERY: Petition of soldiers of Gentry County, Missouri, for passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of purchasers of the land on Omaha Indian reservation, asking extension—to the Committee on Indian Affairs.

By Mr. DUNN: Petition of the Little Rock (Ark.) Medical Society, relative to tariff on medicines, medical and surgical appliances, etc.—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of Mount Pleasant Council, No. 37, of the Junior Order of United American Mechanics, to make Washington's birthday a holiday—to the Committee on the Judiciary.

By Mr. FARQUHAR: Petition of 19 manufacturers of painted and stained glass windows, of Buffalo, N. Y., relative to tariff on stained glass—to the Committee on Ways and Means.

By Mr. FINLEY: Petition of John S. Kendricks, administrator of Amanda Goggin, of Pulaski County, Kentucky, for relief—to the Committee on War Claims.

By Mr. FRENCH (by request): Petition of James H. Patten, first selectman of Portland, Conn., for general appropriation bill for Government post-office buildings in cities and towns of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

By Mr. FULLER: Petition of J. M. Wetherber and 72 other citizens of West Union, Iowa, for enactment of schedule agreed upon by the wool-growers and woolen manufacturers—to the Committee on Ways and Means.

By Mr. GEAR (by request): A bill making appropriations for improvement at the Des Moines Rapids Canal—to the Committee on Rivers and Harbors.

By Mr. GIBSON: Petition for the improvement of the Manokin River, in Somerset County, Maryland—to the Committee on Rivers and Harbors.

By Mr. GLOVER: Petition for the relief of James Clarkson—to the Committee on War Claims.

Also, memorial of the Cigar-Makers' Union of St. Louis, Mo., against any change in tariff on cigars—to the Committee on Ways and Means.

Also, papers in connection with bill for the relief of Frank Backoff—to the Committee on War Claims.

By Mr. GROUT: Petition of Liberty Grange, of Tunbridge, Vt., for better protection of farm products, and for other purposes—to the Committee on Ways and Means.

Also, remonstrance of citizens of Alaska, against the formation of Territorial government for Alaska—to the Committee on the Territories.

By Mr. GUENTHER: Petition of the authorities of Negaunee, Mich., relative to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: Petition of citizens of Trempealeau County, Wisconsin, for tariff reform—to the Committee on Ways and Means.

Also, remonstrance of residents of Alaska, against a Territorial form of government for that district—to the Committee on the Territories.

By Mr. HAYES: A bill making an appropriation for the improvement of the channel of the Mississippi River near Beaver Island, at Clinton, Iowa—to the Committee on Rivers and Harbors.

Also, petition of the city of Clinton, Iowa, for an appropriation for the same, to accompany bill—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition of the National Laundrymen's Association, against Chinese immigration—to the Committee on Foreign Affairs.

Also, paper from William Ryan & Sons, of Dubuque, Iowa, relating to adulterated lard—to the Committee on Agriculture.

Also, paper from E. S. Ormsby, of Emmetsburgh, Iowa, relating to legislation touching public lands—to the Committee on the Public Lands.

Also, letter of General O. O. Howard and other papers relating to pay of Army chaplains—to the Committee on Military Affairs.

Also, resolutions of a mass meeting in San Francisco, Cal., protesting against Chinese immigration, and asking for more stringent legislation—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of Hon. W. H. Griffith, mayor, and authorities of Savanna, Ill., and of mayor and authorities of Freeport, Ill., for a general appropriation for public buildings in towns of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

Also, petition of 622 people of Alaska, for land laws, public buildings, and against a Territorial form of government—to the Committee on the Territories.

By Mr. A. J. HOPKINS: Petition of the Bricklayers and Masons' International Union of America, relative to work on the Library building—to the Committee on Public Buildings and Grounds.

Also, memorial against Territorial government for Alaska—to the Committee on the Territories.

By Mr. S. I. HOPKINS (by request): Petition of citizens of Alaska, against a Territorial form of government for that district, etc.—to the Committee on the Territories.

By Mr. HUDD: Petition of 3,000 citizens, tax-payers, and electors of Sheboygan, Wis., for a public building at Sheboygan, Wis.—to the Committee on Public Buildings and Grounds.

Also, petition of Capt. J. Kane and others, and of Thomas D. McBudge and others, of Sheboygan, Wis., for increased pay of life-saving crews—to the Committee on Commerce.

By Mr. J. T. JOHNSTON: Petition of Mary Forsythe, widow of John R. B. Forsyth, for a bill granting her a pension—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Petition of the city officials of Santa Fé, N. Mex., in reference to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. KERR: Memorial of city authorities of Cedar Rapids, Iowa, for a general appropriation for Government post-office buildings—to the Committee on Public Buildings and Grounds.

By Mr. KETCHAM: Petition of soldiers of Columbia County, and of Hudson, N. Y., for the passage of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Elias Brown, late postmaster at Wappinger's Falls, Dutchess County, New York, for relief—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of the Farmers' Club, of Columbia County, New York, against the repeal or modification of the oleomargarine law—to the Committee on Agriculture.

By Mr. LAFFOON: Petition of John Anderson, of Nathaniel M. Clark, of James Davis, of Patton Alexander, of Sarah J. Bishop, of C. B. Baker, of Hopkins County; of N. H. Boyd, of Underwood R. Payne, of Peter Ryan, of Christian County; of William A. Erastus and of Rachael Rouse, of Henderson County, and of J. A. Barr, of Daviess County, Kentucky—to the Committee on War Claims.

Also, of papers in claim of Thomas Drake; of claim of W. A. Easten, and of W. L. Jenkins, deceased—to the Committee on War Claims.

Also, petition of Jackson McClain and others, citizens of Henderson, Ky.—to the Committee on Rivers and Harbors.

By Mr. LEE: Petition of William H. Taylor, of Fairfax County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Petition of 27 citizens of Arbor Hill, Iowa, for reduced rates of postage, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOMAS: Papers in the claims of Mary A. Jones and others, of DeFord & Co., of William Dadds, of James M. Andrews, of Joseph C. Hill, of George Hoking, of Daniel S. Loy, of Lloyd A. Kessler, of David Kailor, of Joseph H. J. Rutter, of heirs of Jonathan Tobey, of T. W. Stonestreet, of Joseph H. Maddox, of Christian Shuff, of Charles R. Gregory, of Ezra M. Thomas, of David Kailer, and of M. Culler, of Maryland—to the Committee on War Claims.

Also, petition and resolutions of miners and others of Frostburgh, Md., against free bituminous coal—to the Committee on Ways and Means.

Also, petitions of C. M. Keedy, of Robert K. Thrasher, of John H. Garrett, of Jacob Friend, executor, of Robert W. Grove, of Isaac Gruber and others, of Jacob Grim, of George D. Herman, of Mary E. Holtzman, of George Hering, of Frisby Hildebrand, of David L. Martin, of James W. Pearre, trustee, of B. P. Rench, of Samuel Nigh, of Henry Rouzer, of William Rouzer, of Thomas H. Rabbitt, of W. S. Offutt, jr., of Samuel T. Magruder, of William T. Lewis, executor, of John H. Lewis, of Stephen M. Lyddane; of Tobias Johnson, executor, of Jasper M. Jackson, of Samuel Gantz, of Louisa G. Beall, of Sarah Ellen Cady, of Charles A. Duvall, of William F. Unger, of Benjamin F. Ball, of Columbus W. Thompson, of George Thomas, of George I. Adams, executor, of Jacob D. Eavery, of Charles Barton, of Eli Bowman, of William H. Chipley, of Sallie Carroll, executrix, of Michael J. Brown, of George Dentler, of H. K. Douglas, of J. P. Fleming, of Sarah E. Williams, of William S. Wilson, and of Osborn S. Wilson, of Maryland, for relief—to the Committee on War Claims.

Also, petition of John Ward and 40 other soldiers for relief—to the Committee on War Claims.

Also, petition of Anna Verneuil for a pension—to the Committee on Invalid Pensions.

Also, petition of Eliza S. Jones and others, for relief—to the Committee on Claims.

Also, petition of Daniel Killigan, for increase of pension—to the Committee on Invalid Pensions.

By Mr. McCORMICK: Petition of D. D. Heffner and over 1,000 others, citizens of the Sixteenth district of Pennsylvania, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petition of W. J. Landram and Charles Gallagher, of Garrard County, Kentucky, for relief—to the Committee on Pensions.

By Mr. McCULLOGH: Memorial of the borough of Connellsville, Pa., in regard to public buildings in smaller cities—to the Committee on Public Buildings and Grounds.

Also, memorial of the Junior Order of American Mechanics, asking that February 22 be declared a legal holiday—to the Committee on the Judiciary.

By Mr. MACDONALD: Memorial of the authorities of Faribault, of Red Wing, of Northfield, and of Hastings, Minn., in relation to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

Also, memorial of the Farmers' Alliance of Carver County, Minnesota—to the Committee on Agriculture.

Also, protest of the Minneapolis (Minn.) Board of Trade, against the passage of certain resolutions restraining commerce by railways between the United States and Canada—to the Committee on Commerce.

By Mr. MAISH: Petition of Mrs. Bridget Brown, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the borough of Hanover, Pa., against appropria-

tions for public buildings—to the Committee on Public Buildings and Grounds.

Also, memorial of the war damage commissioners of Pennsylvania, on House bill No. 1777—to the Committee on War Claims.

Also, memorial of Emeline Matcher, widow of William Matcher—to the Committee on Invalid Pensions.

By Mr. MANSUR: Memorial of city officers of Carrollton, Mo., and of Chillicothe, Mo., against special acts to build public buildings—to the Committee on Public Buildings and Grounds.

By Mr. MILLIKEN: Petition of D. J. Sawyer and others, for the passage of the bill to prevent towing rafts from Nova Scotia into the United States—to the Committee on Commerce.

By Mr. MORROW: Petition of ex-soldiers of the late war who enlisted prior to that war, for legislation granting them a bounty—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of Ed. H. Seymour, heir of H. C. Seymour, of Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. NELSON: Petition of citizens of Minnesota, for a pension for Pierre Bottineau—to the Committee on Invalid Pensions.

Also, memorial of the Produce Exchange of Duluth, Minn., relative to bridge across ship-canal at that place—to the Committee on Commerce.

Also, resolutions of the Board of Trade of Minneapolis, Minn., against certain amendments of the interstate-commerce law—to the Committee on Commerce.

Also, resolutions of the same, in favor of a naval reserve—to the Committee on Naval Affairs.

By Mr. O'DONNELL: Two petitions of citizens of Alaska, protesting against a Territorial form of government—to the Committee on the Territories.

Also, memorial of the city officers of Hastings, and of Albion, Mich., for legislation to erect public buildings by the Government at cities of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

By Mr. OSBORNE: Memorial of the Junior Order of United American Mechanics, against immigration embodying elements detrimental to the institutions of our country—to the Committee on Commerce.

Also, resolutions of the National Butter, Cheese, and Egg Association, relative to the oleomargarine law—to the Committee on Agriculture.

Also, resolutions of the Merchants' and Cotton Exchanges of Memphis, Tenn., against taxing cotton-seed oil—to the Committee on Ways and Means.

Also, memorial of Laundrymen's National Association, for the passage of the Mitchell anti-Chinese bill—to the Committee on Foreign Affairs.

By Mr. PATTON: Petition of Dr. A. P. Herghold and Col. J. R. Lawrence, of Pennsylvania, in favor of a pension to Mrs. General Logan, etc.—to the Committee on Invalid Pensions.

By Mr. PETERS: Papers relating to the claim for bounty of John D. Rohnstadt, of Ellinwood, Kans.—to the Committee on War Claims.

By Mr. RICE: Resolutions of Cigar-Makers' Union, No. 98, of St. Paul, Minn., protesting against bill to remove the tax on cigars and tobacco—to the Committee on Ways and Means.

Also, resolution of the Board of Trade of Minneapolis, Minn., protesting against certain proposed legislation in regard to commerce between the United States and Canada, and amendment of the interstate-commerce law—to the Committee on Commerce.

Also, resolutions of the Board of Trade of Minneapolis, Minn., indorsing bill providing for the enrollment of a naval militia and organization of a naval reserve force—to the Committee on Naval Affairs.

By Mr. RICHARDSON: Petition of J. G. Willis, administrator of J. T. Crockett, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of J. A. James and 25 others, citizens of Erie County, Ohio, for the restoration of the tariff on wool to the rate in 1883—to the Committee on Ways and Means.

By Mr. ROWLAND: A bill to improve and deepen the channel of Lumber River, in North Carolina—to the Committee on Rivers and Harbors.

Also, a bill to improve and deepen the channel of Lockwood's Folly River, in North Carolina—to the Committee on Rivers and Harbors.

By Mr. RUSK: Petition of Joseph Scholfield and Sarah N. Giese, children of Revolutionary soldier, for relief—to the Committee on Pensions.

By Mr. RYAN: Memorial of the authorities of Burlington, Kans., relative to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. SCULL: Memorial of the Fork Council and of the Good Will Council of the Junior Order of United American Mechanics, to make February 22 a national holiday—to the Committee on the Judiciary.

By Mr. SHAW: Petition of heirs of Samuel Reel, of Washington County, Maryland, for reference of their claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of people of Alaska against a Territorial form of government, and for other relief—to the Committee on the Territories.

By Mr. SHIVELY: Memorial of the authorities of Goshen, Ind., for a general law authorizing the construction of public buildings in all towns and cities of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS: Petition of O. H. Perry, administrator of George W. Perry, of Craven County, North Carolina, for reference of his claim to the Court of Claims.

Also, petition of A. T. Hill, mayor of Kinston, N. C., and W. A. Aldridge, for public buildings at towns of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

By Mr. STAHLNECKER: Petition of members of Tammany Hall general committee, for a bill for the relief of the employés in the post-office in New York City—to the Committee on Labor.

By Mr. STEELE: Petition of officers of the Fourteenth Infantry and First Artillery at Vancouver Barracks, Washington Territory, asking for a pension for Mary Ellen Fitzgerald—to the Committee on Invalid Pensions.

By Mr. J. W. STEWART: Petition of George W. Austin and 5 other letter-carriers of Burlington, Vt., for increased compensation to letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. E. B. TAYLOR: Memorial of the Legislature of Ohio, in favor of pension for prisoners of war—to the Committee on Invalid Pensions.

Also, memorials of the city authorities of Warren, Ohio, upon the subject of public buildings—to the Committee on Public Buildings and Grounds.

Also, memorial of soldiers and sailors of Geauga County, Ohio, in favor of Senate bill 1537—to the Committee on Invalid Pensions.

Also, petition of citizens of Ashtabula County, Ohio, in favor of one-cent letter post stamp—to the Committee on the Post-Office and Post-Roads.

By Mr. T. L. THOMPSON: Petition of citizens of Alaska for relief—to the Committee on the Territories.

Also, memorial of the Board of Forestry of California relative to timber lands—to the Committee on the Public Lands.

By Mr. E. J. TURNER: Petition of George Crilley for legislation affecting the Des Moines River land grant—to the Committee on the Public Lands.

By Mr. VANDEVER: A bill for a survey and estimate for the establishment of a harbor of refuge at San Buenaventura, Cal.—to the Committee on Rivers and Harbors.

By Mr. WALKER: Petition of 500 citizens of Butler and other counties in Missouri, asking an appropriation of $25,000 for the improvement of the navigation of Black River, in Missouri—to the Committee on Rivers and Harbors.

By Mr. WASHINGTON: Petition of administrator of Eleazer Hamilton, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of T. L. Daily and others, for a bill to aid national education—to the Committee on Education.

Also, petition of Joseph Bohannon, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. S. V. WHITE: Petition of citizens of Brooklyn, N. Y., asking that a pension be granted to Maria N. Abbey—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: Memorial of the common council of Mount Clement, Mich., for a general appropriation bill for the erection of Government post-office buildings—to the Committee on Public Buildings and Grounds.

By Mr. WICKHAM: Petition of citizens of Huron County, Ohio, for speedy action to protect the wool-growing and woolen manufacturing industries of this country—to the Committee on Ways and Means.

By Mr. WILBER: Memorial of the Society of Friends, for international arbitration—to the Committee on Foreign Affairs.

Also, petition of 52 ladies of Poland, N. Y., for the protection of young girls—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of John Horming and 300 others, citizens of Ohio, for an appropriation and governmental control of the Muskingum River, from Zanesville, Ohio, to Dresden, Ohio, the head of navigation on the said river—to the Committee on Rivers and Harbors.

Also, petition of J. M. Given and 100 citizens of Chandlersville, Ohio, protesting against the reduction of the duty on wool—to the Committee on Ways and Means.

By Mr. THOMAS WILSON: Memorial in favor of the erection of public buildings in cities and villages of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

Also, petition in favor of per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: Petition of Joseph F. Strider; of John Melvin; of Abel L. Kile; of David W. Swisher; of A. R. Staley; of I. W. Williams; of J. Van Rhoderick; of Thomas Rutherford; of George H. Flagg; of Garrett J. Long; of Garrett J. Long, agent for James

Long; of William Coffinbarger, and of Susan Engle's heirs, of West Virginia—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BUTLER: Of Sundry citizens of Broylesville, Washington County, Tennessee.

By Mr. COWLES: Of citizens of Glade Creek, Alleghany County, North Carolina.

By Mr. HERMANN: Of citizens of Paynesville, and of Laurel, Oregon.

By Mr. HOGG: Of N. B. Davis and 83 others, of Wirt County, West Virginia.

By Mr. LEE: Of citizens of Louisa County, Virginia.

By Mr. H. G. TURNER: Of William Marshall and others, of Lowndes County, Georgia.

By Mr. WASHINGTON: Of J. R. Dunn and 20 others, of Turnersville, Robertson County, Tennessee.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. E. P. ALLEN: Of J. K. Fisher and 585 others, citizens of Hillsdale County, and of 381 citizens of Lenawee County, Michigan.

By Mr. ARNOLD: Of 280 citizens of Providence County, and of 147 citizens of Kent County, Rhode Island.

By Mr. CHEADLE: Of 364 citizens of Hamilton County, Indiana.

By Mr. JACKSON: Of 338 citizens of Beaver County, Pennsylvania.

By Mr. LAIDLAW: Of 252 citizens of Allegany County, New York.

By Mr. TRACEY: Of 147 citizens of Albany County, New York.

By Mr. WHEELER: The following petitions, heretofore referred in the Forty-eighth and Forty-ninth Congresses, and severally withdrawn from the files of the House:

Of the African Methodist Episcopal Church, South; of sundry citizens of Alabama; of Knights of Labor of Alabama; of American Local Science Association; of sundry citizens of Arkansas; of sundry citizens of California; of sundry citizens of Colorado; of sundry citizens of Connecticut; of sundry citizens of Delaware; of Woman's Christian Temperance Union of Delaware; of sundry citizens of District of Columbia; of Woman's Christian Temperance Union of the District of Columbia; of sundry citizens of Florida; of sundry citizens of Georgia; of sundry citizens of Illinois; of sundry citizens of Indiana; of Woman's Christian Temperance Union of Indiana; of State Teachers' Association of Iowa; of sundry citizens of Iowa; of Woman's Christian Temperance Union of Iowa; of Woman's Christian Temperance Union of Kansas; of sundry citizens of Kansas; of sundry citizens of Kentucky; of sundry citizens of Louisiana; of Ministerial Association of Louisiana; of Educational Society of Louisiana; of Legislature of the State of Louisiana; of sundry citizens of Maine; of sundry citizens of Maryland; of Baltimore Society of Friends, Maryland; of Baltimore Educational Society, Maryland; of sundry citizens of Massachusetts; of Woman's Christian Temperance Union of Massachusetts; of Moral Educational Society of Massachusetts; of Methodist Episcopal Church Conference of Massachusetts; of Methodist Women's Home of Foreign Missions of Massachusetts; of sundry citizens of Michigan; of sundry citizens of Minnesota; of Woman's Christian Temperance Union of Minnesota; of sundry citizens of Mississippi; of sundry citizens of Missouri; of St. Louis School Board, of Missouri; of sundry citizens of Montana; of sundry citizens of Nebraska; of Teachers' Institute of Hall County, Nebraska; of Woman's Christian Temperance Union of Nebraska; of sundry citizens of Nevada; of sundry citizens of New Hampshire; of Woman's Christian Temperance Union of New Hampshire; of sundry citizens of New Jersey; of sundry citizens of New Mexico; of M. A. Newell; of sundry citizens of New York; of Brooklyn Library Union, New York; of Woman's Christian Temperance Union of New York; of sundry citizens of North Carolina; of Rapides Educational Society of North Carolina; of Woman's Christian Temperance Union of North Carolina; of Woman's Christian Temperance Union of Ohio; of sundry citizens of Ohio; of sundry citizens of Oregon; of sundry citizens of Pennsylvania; of Pennsylvania Club, Pennsylvania; of school superintendents of Pennsylvania; of sundry citizens of Rhode Island; of sundry citizens of South Carolina; of Teachers' Institute of South Carolina; of sundry citizens of Tennessee; of Nashville Colored Institute, Tennessee; of Educational Society of Tennessee; of State Teachers' Association of Tennessee; of sundry citizens of Texas; of Teachers' Association of Texas; of Woman's Christian Temperance Union of Texas; of United Labor League of America; of sundry citizens of United States; of sundry citizens of Vermont; of sundry citizens of Virginia; of Legislature of the State of Virginia; of sundry citizens of West Virginia; of sundry citizens of Wisconsin; of State Teachers' Association of Wisconsin; of Henry A. Wise.

By Mr. WILKINS: Of 147 citizens of Licking County, Ohio.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. FARQUHAR (by request): Of 132 citizens of the Thirty-second district of New York.

By Mr. FRENCH (by request): Of 103 citizens of the Second district of Connecticut.

By Mr. GEST: Of 114 citizens of the Eleventh district of Illinois.

By Mr. HALL: Of citizens of the Twenty-sixth district of Pennsylvania.

By Mr. McCREARY: Of 100 citizens of the Eighth district of Kentucky.

By Mr. PETERS: Of 207 citizens of the Seventh district of Kansas.

By Mr. J. W. STEWART: Of M. R. Headle and others, citizens of the First Congressional district of Vermont.

By Mr. TOOLE: Of citizens of Helena and of Miles City, Mont.

By Mr. WEBER (by request): Of 144 citizens of the Thirty-third district of New York.

By Mr. WILBER (by request): Of 184 citizens of the Twenty-fourth district of New York.

SENATE.

TUESDAY, *February* 21, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERNATIONAL GEODETIC ASSOCIATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State relative to an invitation from the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1888.

INTERNATIONAL EXHIBITION OF SCIENCES AND INDUSTRY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, and commend to your favorable consideration, a report from the Secretary of State in relation to an invitation which this Government has received from the Belgian Government to participate in an International Exhibition of Sciences and Industry which will open at Brussels in the month of May next.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1888.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 6, 1888, an estimate of the expense necessary to make the present channel from Grosse Point, in Lake St. Clair, to the entrance of the Detroit River, Michigan, navigable; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of January 9, 1888, certain information in reference to a bridge over the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, authorized by act of March 3, 1887; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting reports of chiefs of divisions and correspondence with the Speaker of the House of Representatives, requesting an additional appropriation of $60,000 for pay of assistant custodians and janitors; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY CEMETERY AT MOUND CITY, KANS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, in response to a resolution of February 9, 1888, in relation to a military cemetery at Mound City, Kans.; which was read.

The PRESIDENT *pro tempore*. This communication, being in answer to a resolution submitted by the Senator from Kansas [Mr. PLUMB], will lie on the table until he comes in.

Mr. PLUMB subsequently said: I should like to call attention to the report of the Secretary of War, in response to a resolution passed by the Senate some time since, concerning a military cemetery at Mound City, Kans. I ask the Secretary to read the letter of the Secretary of War.

The PRESIDENT *pro tempore*. The letter of the Secretary of War will be again read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, February* 16, 1888.

The Secretary of War has the honor to report to the United States Senate, in response to the resolution of the 9th instant, asking whether the military cemetery at Mound City, Kans., is under the charge of this Department, and, if so, whether adequate means have been taken for its care and protection, that there is no national cemetery at Mound City, Kans., the one nearest that point being at Fort Scott. There is, however, a national cemetery at Mound City, Ill., under the care of this Department.

WILLIAM C. ENDICOTT,
Secretary of War.

The PRESIDENT *pro tempore, United States Senate.*

Mr. PLUMB. It will be noted that the Secretary of War misses the point of the resolution, apparently, and undoubtedly unconsciously. The inquiry, as he states in his reply, was as to "the military cemetery" at Mound City, and not as to a national cemetery there or elsewhere. I shall undertake to call his attention specially to this matter, and in the mean time ask that his reply lie on the table. There will be no necessity for printing it.

The PRESIDENT *pro tempore*. The communication will lie on the table. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 639) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher from the Government of the United States of Colombia was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida, was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a memorial of the General Assembly of the State of Iowa, relating to the election of United States Senators; which was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

Memorial and concurrent resolution relating to the election of United States Senators.

Whereas the proper time for the election of United States Senators is uncertain by reason of the ambiguity in the language of section 14, United States Statutes at Large, in providing that such election shall be held "on the second Tuesday after the meeting and organization of the State Legislature," leaving it uncertain which is intended, the temporary or permanent organization: Therefore,

Be it resolved by the senate (the house concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to introduce and urge the adoption of an amendment to said section 14, so that the election of United States Senators shall occur on the second Tuesday after the permanent organization of the two houses of the Legislature.

Resolved, That the secretary of state be, and he is hereby, instructed to forward duly certified copies of the foregoing preamble and concurrent resolution to each of our Senators and Representatives in Congress.

I hereby certify that the foregoing memorial and concurrent resolution has passed the senate and house of representatives of the Twenty-second General Assembly of the State of Iowa.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. WILSON, of Iowa, presented a petition of 25 dairymen and dealers in and consumers of dairy products, citizens of Noble, Washington County, Iowa, praying that the import duty on salt be removed; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union, praying for the suppression of the sale of alcoholic liquors in military and naval institutions of the United States; which was referred to the Committee on Military Affairs.

He also presented the petition of P. F. Milligan, of Washington, D. C., praying for legislation tending to prevent railroad accidents; which was referred to the Committee on Railroads.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying that more land be secured for the post-office site at that place, and that $80,000 be appropriated therefor; which was referred to the Committee on Public Buildings and Grounds.

Mr. PLATT presented a petition of 1,669 citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PADDOCK presented a petition of dairymen, citizens of Roca, Nebr., praying for the removal of the duty on salt; which was referred to the Committee on Finance.

He also presented a petition of the United States Maimed Soldiers' League, praying for the passage of a substitute for Senate bill 1127, to increase the pensions of those who, having lost eyes, limbs, or the use of them, are totally helpless, and for other purposes; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of the Northwestern Laundry Union, of Minneapolis, Minn., and a petition of the Northwestern Ohio Laundry Association, of Toledo, Ohio, praying for the passage of Senator MITCHELL'S bill to prohibit Chinese immigration; which were referred to the Committee on Foreign Relations.

Mr. MANDERSON. I present a petition signed, I think, by all the purchasers of the lands of the Omaha Indians placed in market some years ago. The petition attached to the signatures shows the value of the improvements made by these purchasers of the land. They set forth their condition as to their ability to pay for the lands under the existing law, and pray that the time allowed them for further payments may be extended by proper legislation. I hope the Committee on Indian Affairs, as the first payment will be due in June, 1888, will take speedy action upon this matter, and that they may see their way to granting the prayer of the petition. I move its reference to that committee.

The motion was agreed to.

Mr. TELLER presented a petition of the authorities of the city of Colorado Springs, Colo., signed by the mayor and clerk, praying for the passage of a general appropriation bill providing for the erection of Government post-office buildings in towns of 3,000 inhabitants and upwards; which was referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON presented a petition of the commissioners for the improvement of the Ohio River and its tributaries, praying for the improvement of the Monongahela River; which was referred to the Committee on Commerce.

He also presented certain papers to accompany the bill (S. 2071) granting a pension to Mary S. Wells, heretofore introduced by him; which were referred to the Committee on Pensions.

Mr. McPHERSON presented a petition of 106 citizens of the First and Sixth Congressional districts of New Jersey, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HISCOCK presented a petition of 43 surviving soldiers and sailors of the Union Army and Navy, citizens of the State of New York, praying for the passage of the per diem service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 114 citizens of the United States in behalf of the wool growing and manufacturing industries, praying the passage of a joint resolution correcting the erroneous classification of worsteds; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 897) for the relief of Rev. Corydon Millard;
A bill (S. 1343) granting a pension to Cordelia Emery;
A bill (S. 900) for the relief of Mrs. Alice Croarkin;
A bill (S. 896) for the relief of Mrs. Louise Silvers;
A bill (S. 898) for the relief of Frank Oredsnick;
A bill (S. 1325) for the relief of John McKernan; and
A bill (S. 767) granting a pension to Robert H. Sturgess.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 884) granting a pension to Mary Morford, reported it with an amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Catharine K. Bailey, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the petition of Joseph Lewis, praying for restoration to the invalid-pension roll, submitted a report thereon, accompanied by a bill (S. 2084) to restore to the pension-roll the name of Joseph Lewis; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 781) granting a pension to John Fagan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1048) granting a pension to Francis Knapp, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. 251) authorizing the Secretary of the Treasury to overrule and reverse the decisions of all inferior officers of the Treasury Department in respect to all matters of account, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1423) authorizing the President to appoint William English an officer in the regular Army of the United States, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1302) granting the right of way to the Denver and Rio Grande Railroad Company across the United States military reservation for the canton-

ment on the Uncompahgre River, in the State of Colorado, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 1016) granting a pension to Lieut. Adolph Henning, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 470) granting a pension to Amanda F. Deck;
A bill (S. 468) granting a pension to Broadus G. Roberts;
A bill (S. 646) granting a pension to Robert Gray;
A bill (S. 1015) granting a pension to Margaret M. Collins; and
A bill (S. 625) granting a pension to George W. Schell.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1646) to increase the appropriation for a public building at Troy, N. Y., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 132) for the erection of a public building at New Orleans, La., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices, in San Francisco, Cal., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1549) for the erection of a public building at Hudson, N. Y., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C., reported it with amendments.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were severally postponed indefinitely:

A bill (S. 990) granting a pension to Frank Casart;
A bill (S. 991) granting a pension to Sarah E. Beeman;
A bill (S. 1555) granting a pension to Charles W. Gore; and
A bill (S. 469) for the relief of Patrick H. Estes, a veteran invalid soldier of the Mexican war.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the petition of Maria Smith, widow of Cyrus T. Smith, private in Company I, Fourth Regiment Vermont Infantry Volunteers, praying for the passage of a special act of Congress granting her a supplemental pension from October 1, 1881, to November 7, 1885, submitted an adverse report thereon, which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1827) granting a pension to Philomelia L. Dark;
A bill (S. 1004) granting a pension to Anna Verneuil;
A bill (S. 1173) to increase the pension of Jeptha A. Jones;
A bill (S. 981) granting a pension to Elizabeth Bauer;
A bill (S. 1629) granting a pension to Erastus B. Burnham; and
A bill (S. 1556) granting a pension to Martin N. Kellogg.

SARAH C. MORRISON.

Mr. CAMERON. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 5550) for the relief of Sarah C. Morrison, to report it favorably without amendment; and I ask for its immediate consideration.

Mr. EDMUNDS. Let the bill be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay to Sarah C. Morrison, during her lifetime, all pay and allowances due and to become due to George F. Morrison, lieutenant-commander United States Navy (retired), now in the Government Hospital for the Insane, as long as he may live; excepting therefrom the sum of $100 per annum, heretofore directed by the Secretary of the Navy to be paid to the superintendent of said hospital.

Mr. EDMUNDS. Is there a report?

Mr. CAMERON. I will state for the benefit of the Senator from Vermont that there is a report made by the House committee, which the Senate committee have adopted.

Mr. EDMUNDS. Let us hear it read.

Mr. CAMERON. I can state briefly what is in the report; but if the Senator prefers that it shall be read, I have no objection.

Mr. EDMUNDS. If the report is at the desk, let it be read.

Mr. SHERMAN. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BOUTELLE, from the Committee on Naval Affairs of the House of Representatives:

The Committee on Naval Affairs, to whom was referred bill H. R. 5550, for the relief of Sarah C. Morrison, having considered the subject, make the following report:

The committee find by the evidence submitted that Lieut. Commander George F. Morrison, United States Navy (retired), was admitted to the Government Hospital for the Insane January 26, 1880, when about twenty-eight years of age, at which time he was suffering from chronic mania, which had then existed for two years. Under date of January 13, 1883, W. W. Godding, Superintendent of the Government Hospital for the Insane, states that—

"The history of his mental disease has been that of gradually increasing dementia, which has progressed to that degree that his conversation is altogether incoherent, and his mind forms no intelligent conception of incidents transpiring around him. In my opinion the mental disability is permanent, and his restoration to a normal state of mind can not be looked for. His physical health has been in general very good during his entire residence at the hospital, and continues so at this time.

"The Navy Department has set aside the sum of $100 per annum out of Lieutenant-Commander Morrison's retired pay, which is paid in quarterly installments to the hospital for the purchase of clothing, etc., for him. The remainder of his pay is drawn, as I am informed, by his mother, Mrs. Sarah C. Morrison, of Dayton, Ohio, who is also his guardian.

"Very respectfully,

"W. W. GODDING, *Superintendent.*"

The evidence submitted shows that the officer was never married, and that his mother is his nearest living relative. She is at present unable to use any of the pay for other purposes than for the son's maintenance, which requires but a small sum, and the committee recommend the passage of the bill H. R. 5550 with an amendment striking out the word "Treasury" and inserting the word "Navy," in line 3.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I should like to inquire, if I may, reserving the right to object, whether this gentleman has any brothers or sisters who, by the laws of Ohio, where I infer his home is, would, in case of his death, be entitled to inherit in common with his mother, as is usual in most State laws.

Mr. SHERMAN. I know something about this case, because it is a matter of public notoriety. This officer was the only child of this lady, a lady very respectably connected in every way, but very poor, and she has by being appointed guardian been able to draw the whole salary, and pay a certain amount for his support, and the balance she has kept.

Mr. EDMUNDS. There is no person to inherit but the son?

Mr. SHERMAN. None at all. The report states that.

Mr. EDMUNDS. I have no objection to the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The Chair is informed that there is no amendment reported by the committee.

Mr. CAMERON. There is no amendment. There was an amendment to the bill as introduced in the other House, substituting the Secretary of the Navy for the Secretary of the Treasury, but that was agreed to in the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEGED OUTRAGE IN TEXAS.

Mr. HOAR, from the Committee on Privileges and Elections, reported the following resolutions; which were referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections and any subcommittee thereof be authorized to complete the investigation into the circumstances of and connected with certain events alleged to have taken place in the State of Texas, and set forth in the petition of Stephen Hackworth and others, and for that purpose have power to employ a stenographer, to send for persons and papers, and have leave to sit during the sessions of the Senate; and that said subcommittee, for the purposes of such investigation, be a committee of the Senate to all intents and purposes.

Resolved, That the necessary expenses of said committee for said investigation be paid out of the appropriation for miscellaneous items of the contingent fund of the Senate upon vouchers to be approved by the chairman thereof and by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2085) to provide for protecting the navigation of the Illinois River by extending the system of beacon lights to said river; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES. I was under the impression yesterday morning that I had already introduced a bill for the erection of a public building at Madison, Ind., and I then presented a paper to accompany that bill. I find that I was under a mistake, and I now ask leave to introduce the bill, and that it be referred, with the accompanying papers, to the Committee on Public Buildings and Grounds.

A bill (S. 2086) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Madison, in the State of Indiana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. SHERMAN introduced a bill (S. 2087) granting a pension to Julia B. McComb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2088) granting a pension to Mattie V. Boothe and Mary M. Boothe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2089) for the relief of Mrs. Elizabeth White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2090) for the relief of Hiram W. Love; which was read twice by its title, and, with the accompanying papers and the papers on file relative to the case, referred to the Committee on Claims.

Mr. DAWES (by request) introduced a bill (S. 2091) granting a pension to Frances H. Plummer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE introduced a bill (S. 2092) granting a pension to William H. Daly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2093) to create a port of delivery at Lincoln, Nebr., in the district of New Orleans, La.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAMERON introduced a bill (S. 2094) to remove the charge of desertion from the record of Isaac W. Rhawn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CHANDLER introduced a bill (S. 2095) regulating the appointment of assistant naval constructors; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLATT introduced a bill (S. 2096) to provide for the establishment of an experimental grass and forage-plant farm, and for the conducting of experiments relating to grasses and forage plants; which was read twice by its title.

Mr. PLATT. I move the reference of the bill to the Committee on Agriculture and Forestry, and on the question of reference I should like to say a few words. I see that the chairman of the committee is not present, but I suppose he may read in the RECORD the few remarks which I shall make. I should like to call the attention of the Committee on Agriculture and Forestry to the importance of this bill. It seems to me of very much more importance than upon first thought will appear.

The grass crop of this country is its most valuable crop and amounts to over a thousand million dollars a year, to say the least. The grass crop is really the foundation of all our animal food. The Scripture says that "all flesh is grass," and it is so in its most literal sense. The quality and quantity of our meats, our wool, our butter, our cheese, and our milk very largely depend upon the kind and quality of grass which is cultivated throughout the United States. To put it tersely, good grass means good beef, and good mutton, and good pork, and good butter, and good cheese, and good milk.

Very little attention has been paid to the subject of grasses in the past by our Agricultural Department or by our agriculturists. The cereals have had their share of scientific investigation and of practical investigation to determine how the best wheat, and the best corn, and the best oats, and the best barley might be grown in the United States; and yet there has been a very general neglect of this matter of the cultivation and development of the best qualities of grass and the qualities of grass best adapted to the soil and conditions of climate in the different sections of our country.

My attention was called to this matter and my interest was excited in it by the very interesting experiments made at our agricultural experiment station in Connecticut, and ever since my attention was first called to it the importance of the subject has grown upon me.

I first thought that I would introduce a bill for the establishment of an experimental grass and forage-plant farm near Washington; but when I came to talk with other Senators I was convinced that the place for it is in the West; that the comparatively arid regions of the West are those which need most the investigation and experimentation of the Agricultural Department upon the subject. So my bill provides for the purchase of a farm in the vicinity of the one hundredth meridian, where extended experiments are to be carried on; and it also authorizes the Commissioner of Agriculture, without the purchase of land or going into it to the extent which a farm would involve, to carry on experimentation in relation to the matter of grasses near the city of Washington, and to communicate the result of his experiments to the different agricultural colleges and to agriculturists throughout the land.

I think that the more the Committee on Agriculture and all Senators think of this they will see the importance of it. We have been spending about a hundred thousand dollars a year on vegetable and garden seeds, but this transcends in importance, as it seems to me, all the present operations of the Agricultural Department.

I move that the bill be referred to the Committee on Agriculture and Forestry.

Mr. PLUMB. Before that reference is made, I wish to state, for the benefit of the Senator and of the Senate, that this subject was presented to the Appropriations Committee last year very intelligently by Mr. Vasey, the botanist of the Agricultural Department. We looked up the record of his experiments that he had already made and were so much impressed by it that we inserted an item in the agricultural appropriation bill for this purpose, having special reference, however, to the question as it related to the extreme western portion of the country. But in the conference which resulted upon the bill the House conferees declined to yield upon it, and the appropriation was therefore lost.

The committee, I think, was quite thoroughly impressed with the belief that the experiments which had been already made should be supplemented by others, and that the field of experimentation should be enlarged, having reference to the great value of this product and the fact that it had not heretofore received the attention which it seemed to require, either in reference to the plains country, as it may be called, or to any portion of the country, perhaps.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Agriculture and Forestry.

Mr. HISCOCK introduced a bill (S. 2097) to erect a public building at Yonkers, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2098) for the erection and completion of a monument to the memory of the victims of the prison-ships, at Fort Greene, Brooklyn; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCPHERSON (by request) introduced a bill (S. 2099) for the relief of Wilbur F. Cogswell; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BLAIR introduced a bill (S. 2100) granting a pension to Charles Tidmarsh; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2101) granting a pension to Daniel K. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2102) for the relief of the heirs of Hamilton Slawson, jr.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO A BILL.

Mr. SHERMAN submitted an amendment intended to be proposed by him as a substitute for the bill (S. 1217) to establish in the Department of the Treasury a bureau on adulteration, and to provide for the maintenance thereof, and to regulate or prohibit the importation, manufacture, and sale of adulterated articles of food and drugs; which was referred to the Committee on Finance, and ordered to be printed.

NAVAL EMPLOYÉS OF FISH COMMISSION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate what officers and men of the Navy are now engaged in performing work for the Fish Commission, and what annual expense is thereby occasioned to the Government; also, what has ordinarily heretofore been the force so employed and its cost to the Government since the establishment of the commission.

EXPENDITURES OF FISH COMMISSION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Fish and Fisheries be directed to report to the Senate the expenditures of the Fish Commission for the fiscal year ending June 30, 1887, and from that date to February 1, 1888; the number of persons employed and the salaries paid; the property held by the commission, its cost, value, and location; the stations occupied by the commission; and also a statement of the appropriations which have been made annually for the work of the commission since its establishment.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday signed the act (S. 1022) to relinquish the interest of the United States in certain lands in Kansas.

THE VIRGINIUS INDEMNITY FUND.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a report furnished by the Secretary of State, in response to a resolution of the Senate of the 2d instant, making inquiry respecting the present condition of the Virginius indemnity fund.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 21, 1888.

TREATMENT OF PETITIONS.

Mr. HARRIS. I give notice that I will to-morrow move to amend Rule VII by striking out of the first clause the words—

The presentation of petitions and memorials.

And amend clauses 3 and 4, making them one clause, to read as follows:

Before any petition or memorial shall be received it shall be signed by the petitioner or memorialist, and a brief statement of its contents indorsed thereon by the Senator presenting it. It shall then be filed with the Secretary, who shall journalize and note its reference to the proper committee; it shall also be noted in the RECORD, but it shall be in order at any time during the call for "concurrent and other resolutions" to move to change any such reference.

But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received unless the same be transmitted to the Senate by the President.

I send to the desk the notice required by the rule of an intended

change of rules and ask that it be printed and referred to the Committee on Rules.

The PRESIDENT *pro tempore*. The resolution will be printed and referred to the Committee on Rules.

DISTRIBUTION OF SURPLUS DOCUMENTS.

Mr. VEST submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Secretary and the Sergeant-at-Arms of the Senate be, and they are hereby, authorized and directed to deliver to the Department of the Interior such surplus public documents now in the folding-rooms, document-rooms, committee-rooms, the library, and other offices under their care as are not appropriated under the rules and regulations of the Senate to the use of Senators in the Fiftieth Congress, and as are not required for the use of the library, the committee-rooms, and other offices of the Senate; and the Secretary of the Interior shall distribute such documents to public, university, college, and school libraries in the several States and Territories, for the purpose of supplying deficiencies in the same, or shall sell them to parties desiring to purchase, under the provisions of joint resolution of March 3, 1887, providing for the sale of public documents.

THE WASHINGTON CABLE ELECTRIC RAILWAY.

Mr. RIDDLEBERGER. I move now that the Senate proceed to continue the consideration of Senate bill 931.

The PRESIDENT *pro tempore*. Are there further resolutions, concurrent or other?

Mr. SHERMAN. The bill referred to by the Senator from Virginia will come up at 2 o'clock as the regular order, it being the unfinished business. I trust he will allow us to have one hour to go over the Calendar. There are two or three cases early on the Calendar that ought to be disposed of at once.

Mr. MANDERSON. The general pension bill is the special order at 2 o'clock.

Mr. SHERMAN. I think the unfinished business may as well go over to such time as the Senator from Virginia may suggest, and let us go on with the Calendar.

Mr. RIDDLEBERGER. I do not propose to lose the time allotted to this bill by debating the order of business. Does the Senator from Ohio, having been Presiding Officer of the Senate, say that the bill comes up at 2 o'clock?

Mr. SHERMAN. There is no doubt about it. It comes up as unfinished business.

The PRESIDENT *pro tempore*. The bill alluded to will come up at 2 o'clock as the unfinished business, notwithstanding the special order.

Mr. RIDDLEBERGER. My position is that at 2 o'clock there is a special order, and I do not want to appear as antagonizing a pension bill. I can not see, therefore, why the Senator from Ohio should not allow this bill to come up now and be disposed of so that we can pension those who should receive pensions.

The PRESIDENT *pro tempore*. Will the Senate agree to the motion of the Senator from Virginia?

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia, the pending question being on the amendment reported by the Committee on the District of Columbia, in section 1, line 107, to strike out the words "engineer commissioner" and insert "commissioners;" and in line 108, after the word "District," to insert "of Columbia;" so as to read:

Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, laid upon an even surface with the pavement of the street, with the gauge to correspond with that of other city railroads, all to be approved by the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment reported by the Committee on the District of Columbia was, in section 1, line 111, to strike out the word "order" and insert "repair;" and in line 113, before the word "aforesaid," to strike out "engineer commissioner" and insert "commissioners;" so as to read:

The tracks of said railway, the space between the tracks, and two feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good repair at its own expense, and subject to the approval of the commissioners aforesaid.

The amendment was agreed to.

The next amendment was, in section 1, line 113, after the word "aforesaid," to insert:

And if the corporation shall fail to make the necessary repairs within ten days after notice by the commissioners, the repairs shall be made by the commissioners, and the cost of such repairs be recovered by the commissioners before any court of competent jurisdiction.

The amendment was agreed to.

The next amendment was, in section 1, line 127, to strike out "engineer commissioner" and insert "commissioners aforesaid;" so as to read:

And said sewer connections shall have such traps or other devices as may be required by the commissioners aforesaid.

The amendment was agreed to.

The next amendment was, in section 1, line 132, to strike out "engineer commissioner" and insert "commissioners;" in line 134, after the words "boiler house," to insert "or houses;" and in line 135, before the word "operation," to strke out "successful;" so as to read:

It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the commissioners of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the operation of a cable or electric-motor railroad.

The amendment was agreed to.

The next amendment was in section 2, line 2, after the word "exceed," to strike out "three million" and insert "two million five hundred thousand;" so as to read:

SEC. 2. That the capital stock of said company shall not exceed $2,500,000, and be not less than $1,000,000, in shares of $50 each.

The amendment was agreed to.

The next amendment was, in section 2, line 19, after the word "and," to strike out "the highest bidder shall be taken to be;" in line 21, after the word "due," to insert "shall be taken as the highest bidder), and the sale shall be conducted according to;" and in line 23, before the word "such," to strike out "under;" so as to read:

And if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted according to such general regulations as may be adopted in the by-laws of said company.

The amendment was agreed to.

The next amendment was, in section 2, line 36, to strike out "engineer commissioner" and insert "commissioners," and in line 39, after the word "bonds" to insert:

Or stock over and above the minimum hereinbefore mentioned, provided the total bonds and stock of the company shall not exceed at any time in amount $2,500,000, the bonds to be.

So as to read:

The said company shall buy, lease, construct, and maintain passenger-rooms, ticket-offices, workshops, depots, lands, and buildings as they may deem necessary, at such points along its line as may be approved by the commissioners of the District, and as the business of the railway and the convenience of the public may require; and the said corporation shall have the right to issue bonds or stock over and above the minimum hereinbefore mentioned, provided the total bonds and stock of the company shall not exceed at any time in amount $2,500,000, the bonds to be secured by mortgage of its franchise and property, real and personal.

The amendment was agreed to.

The next amendment was, in section 2, line 44, after the word "personal" to strike out "and the said bonds to be issued shall not exceed $40,000 for each mile of construction of single track."

The amendment was agreed to.

The next amendment was in section 2, line 46, after the word "provided," to strike out "within" and insert "that within;" so as to read:

Provided, That within thirty days after the passage of this act the corporators named in the first section, their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened.

The amendment was agreed to.

The next amendment was in section 2, line 66, after the word "subscribing," to insert "and the additional installments hereinbefore provided for;" in line 68, before the word "national," to strike out "established;" and in the same line, after the word "national," to strike out "banking house" and insert "bank;" so as to read:

Provided further, That nothing shall be received in payment of the 10 per cent. at the time of subscribing and the additional installments hereinbefore provided for except lawful money or certified checks from any national bank.

The amendment was agreed to.

The next amendment was in section 2, line 77, before the word "newspapers," to strike out "public" and insert "daily;" so as to read:

And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, their associates, successors, or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two daily newspapers published in the city of Washington; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

The amendment was agreed to.

The next amendment was to add to section 2 the following additional proviso:

Provided, however, That no bonds shall be issued hereunder until at least $500,000 shall have been actually paid into the treasury of the company upon stock subscriptions.

The amendment was agreed to.

The next amendment was in section 3, line 4, after the words "year, and," to strike out "till others" and insert "until their successors;" and in line 5, after the word "qualified," to strike out "to take their places as directors;" so as to read:

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the said directors (a majority of whom shall

be a quorum) shall elect one of their number to be president of the board, who shall be president of the company.

The amendment was agreed to.

The next amendment was in section 3, after the word "stockholders," at the end of line 25, to strike out "said company shall have at all times the free and uninterrupted use of the roadway, and if" and insert "if;" and in line 28, after the word "mischieveously," to strike out "and" and insert "or;" and in line 35, after the word "dollars," to strike out "to said company;" so as to read:

If any person or persons shall willfully, mischievously, or unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the tracks or cars of said railway, depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than $25 nor more than $100, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid.

The amendment was agreed to.

The next amendment was in section 3, after the word "aforesaid," at the end of line 38, to strike out the following clause:

No person shall be prohibited the right to travel on the cars of said road or ejected therefrom by the company's employés for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, for the use of obscene or profane language, or refusing to pay the legal fare, or to comply with the lawful regulations of the company.

The amendment was agreed to.

The next amendment was, in section 3, line 50, before the word "interrupt," to insert "unnecessarily," and in line 51, after the word "construction," to insert "or operation;" so as to read:

Provided, That it shall not unnecessarily interrupt the travel of such other railways in such construction or operation.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That the president and secretary of said company shall report to Congress at the commencement of each session the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of receipts and expenditures of the company, and such reports shall be verified by the affidavits of said officers.

And in lieu thereof to insert:

SEC. 5. The said Washington Cable Electric Railway shall, on or before the 15th day of January of each year, make a report to Congress of the names of all the stockholders therein, and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source, and on whatever account, for the preceding year ending December 31, which report shall be verified by the affidavit of the president and secretary of said company, and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, 4 per cent. of its gross earnings for the preceding year, as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property, including its cars and motive power, but the real estate of the company may be taxed as other real estate in the District: *Provided*, That the tracks of the company shall not be taxed as real estate.

Mr. HOAR. I move to amend the amendment by adding:

And that the shares in said corporation shall be included in the valuation of the personal property of the owner for purposes of taxation, as other personal property.

Mr. SPOONER. I suggest to the Senator from Massachusetts whether it would not be better to insert the word "may" in lieu of the word "shall," so as to let the law of the domicile control.

Mr. HOAR. That is the purpose of the amendment.

The PRESIDENT *pro tempore*. If there be no objection, the word "may" will be substituted for "shall," and the amendment as modified will be read.

The CHIEF CLERK. It is proposed to add to the amendment of the committee the following:

And that the shares in said corporation may be included in the valuation of the personal property of the owner for purposes of taxation, as other personal property.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

Mr. SAULSBURY. I move to amend, in section 5, line 4, after the word "each," by inserting "at the cash value thereof."

The PRESIDENT *pro tempore*. The motion of the Senator from Delaware is to amend the amendment of the committee.

Mr. SAULSBURY. It is provided here that the stock shall be assessed as personal property. There is nothing, so far as I can see, to determine what the actual valuation of the stock shall be. It ought to be assessed at its cash value; so I propose to insert in line 4 the words "at the cash value thereof."

The amendment to the amendment was agreed to.

Mr. GORMAN. I move to strike out "four" and insert "ten" as the per cent. of gross receipts to be paid.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 13 of the proposed amendment, before the words "per cent.," it is proposed to strike out "four" and insert "ten;" so as to read:

And said company shall pay to the District of Columbia, as taxes for each year, 10 per cent. of its gross earnings for the preceding year, as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears.

Mr. RIDDLEBERGER. The animus of that amendment is apparent. I beg pardon for saying a word before I address the Chair. Mr. President, 10 per cent. for the privilege, if it be a wrong privilege, will not make it good. If it be a right one, then do not make the grantees pay 10 per cent. for the purpose of exercising this privilege.

Mr. GORMAN. I offer this amendment because I think it is a proposition which commends itself to the tax-payers of this city. It is one-half the amount that other cities have taxed such companies for a like privilege, and a privilege not so valuable as this. The city of Baltimore, for the great privilege of the roads using the streets of that city, taxed them 20 per cent. of the gross receipts, and the result was that from the gross receipts of one line of street railroad we built a magnificent park.

Mr. SPOONER. Allow me to ask a question.

Mr. GORMAN. Certainly.

Mr. SPOONER. Was that rate of taxation imposed at the time the franchise was granted or afterwards?

Mr. GORMAN. At the time the franchise was granted, and from that day to this there is not a street railroad in the city running across the town in the sparsely settled sections that will fill up on which there is a tax of less than 9 per cent. of the gross receipts. These are the taxes upon our street railroads in Baltimore.

In the city of Philadelphia, if I am not mistaken, 6 per cent. of the gross receipts of the street railroad companies has been exacted for the purpose of purifying the streets and keeping up the parks of the city.

The history of New York in relation to such enterprises in the last few years has convinced everybody that for the great privilege of using the highways, the almost exclusive use of them, a monopoly of them, a rate of tax of 10 per cent. on the gross receipts is moderate, is less upon the corporations than the ordinary tax of a cent on the hundred dollars' worth of property owned by the citizen. I understand, and I believe it to be true, that in every city of the Union where these privileges are now being granted a much more onerous tax than is proposed by my amendment is considered just in the interest of the people. Why is it that in Washington, running through the very center and heart of the city, a cable road (which is a little more expensive to inaugurate but more valuable when once introduced), passing over streets that it has cost millions of dollars to grade and improve, can not be required to pay a fair tax? It is contrary, as I have said, to the experience of every other city on the Atlantic coast that has legislated on these matters of late years.

Mr. SPOONER. The Committee on the District of Columbia was entirely willing, and not only willing but anxious that an adequate tax should be imposed upon this corporation; and in view of the fact that such a railway is at best somewhat experimental, that the cost of construction is ten times the cost of constructing the ordinary street railway, the committee was inclined to think that 4 per cent. tax on the gross receipts at the outset would be an adequate tax. There is no reason to expect that for some years to come, taking into account the line of route of this railroad, that its earnings will be extraordinary. I think the expenses ordinarily of operating such railroads would be about 50 per cent., so that a tax of 4 per cent. upon the gross earnings would be equivalent to a tax of 8 per cent. on the net receipts of the corporation; and this rate was fixed in view of the fact that the bill reserved to Congress the right, which it may exercise of course at any time, and which it ought to exercise whenever the earnings of this company make it appear that it was not paying a proper tax, to increase this rate.

Mr. GORMAN. Will the Senator from Wisconsin permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. GORMAN. I make the statement that there is not a city with a population of 200,000 where such a charter is granted where, if it were put up for sale at auction, as is being done now with the railroads in the city of New York, you would not receive for this charter at least a half million dollars bonus besides agreeing to pay the rate of 10 per cent. on the gross proceeds. Let me say to the Senator from Wisconsin that I would stake my reputation as a business man that if this act were passed authorizing the District commissioners to offer the franchise at public sale it would bring a bonus of half a million dollars with the condition that the corporators should pay 10 per cent. tax on the gross receipts.

I have no disposition to interfere with the enterprise of the gentlemen who are getting up this scheme; but my amendment is simply to

make them pay, after they have received this valuable franchise, a fair equivalent for it to the city, for one half the money expended by the District is raised by taxation, the Government paying one half and the other half being paid by the citizens of Washington.

Mr. SPOONER. I am not in a position to accurately judge whether the Senator from Maryland would be in danger of losing his reputation if he staked it as he proposes to do or not. His statement, so far as relates to the street horse-railway companies in the city of New York, and perhaps Philadelphia, Boston, Chicago, and the larger cities, may be true, based upon experience. As to cable railroad companies I think it can not be true, for there are comparatively few such railroads in operation in the United States.

The committee desires that this company shall be thoroughly taxed, that it shall pay a fair tax, a just tax. We have provided in this bill that it shall pay a tax on all its real estate, except that which is necessarily used in connection with the operation of the road. This tax of 4 per cent. on gross earnings is only in lieu of other taxes on personal property.

The Senator from Maryland can not tell what the earnings of this corporation will be, or what its financial status will be, nor can I, nor could the committee. Knowing that the expenditure per mile of construction was very great, nearly $100,000, and guarding in every possible way, as the committee did, against the franchise being used for any purpose other than the construction and operation of the road, we thought that we had better put this tax at 4 per cent. at the outset, considering it reasonable to assume that Congress would increase it if the result should demonstrate that it ought to be increased.

I do not know what this franchise would sell for at auction. We did not suppose it would be extremely safe for the Government of the United States to be selling at auction, as horses and watches are sold, this franchise, and therefore did not resort to that as a basis of calculating this tax. I know that in the State in which I reside our tax upon the gross earnings of the steam railroad companies of the State is 4 per cent., and we have found it to be abundant and to have given a larger revenue each year than the tax levied upon an ad valorem basis in other States.

Mr. COCKRELL. I would suggest to the Senator that it would be a mere matter of justice, it seems to me, in adjusting this tax, that for the first year or two years the rate of taxation should not be as high as it should be afterwards. For the first two or three years there will probably be a very small profit off the investment, and therefore a smaller tax would be more onerous then than a much larger tax would be after the road was completed and in good running business condition.

Mr. SPOONER. Certainly.

Mr. COCKRELL. And therefore there ought to be for the first and second years a certain percentage of tax, and after that it ought to be decidedly larger.

Mr. SPOONER. That assumes, what the Senator can not know, that the growth of the business will be in two years such as to warrant the imposition of a larger tax. We can tell nothing about the future. The right is reserved to Congress, as it shall be advised from time to time and as the necessity shall exist, to increase this tax; and it is reasonable, I think, to suppose that, if the earnings of this corporation should be found to be such as to warrant it, Congress would be found ready to increase the tax and require the corporation to bear its fair proportion of the public burdens. It is because we thought the tax at the outset should be comparatively low that the power is reserved to Congress to increase the rate from time to time whenever the situation demands it; that we fixed the rate at 4 per cent. instead of 8 or 10.

Mr. COCKRELL. Does the Senator think Congress would be likely to increase this tax after having fixed it once at 4 per cent.? Would the company not come in and claim that it had a vested right which could not be disturbed, and that to raise the tax would be an infringement of their rights? Has the legislation of Congress in regard to corporations in the District of Columbia been such as to induce the Senator to believe that Congress would turn around and impose an additional tax over and above what is fixed in this charter?

Mr. SPOONER. It is due to my estimate of the intelligence of Congress to say that I can not for a moment entertain the thought that Congress would be deterred from imposing an additional tax by the claim that there was a vested right, when the act itself expressly reserved the right to Congress to impose an additional tax whenever it saw fit. I do not know that Congress has in the past done what it should have done as to the taxation of corporations. I think it has not. I think in this District the taxation has been upon a false and erroneous basis; but this bill contains a new departure in that respect. Instead of an attempt to assess by miles the tracks of this corporation, we propose a tax on its gross earnings, and I think we may safely leave Congress to take care of this matter in the future.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maryland [Mr. GORMAN] to the amendment of the committee.

Mr. GORMAN. I accept the suggestion of the Senator from Missouri, that after two years the tax shall be 10 per cent.

Mr. SPOONER. I desire while the Senator is drawing his amendment to call attention to a manifest verbal error in the first line of section 5. The section reads:

> The said Washington Cable Electric Railway shall, on or before the 15th day of January of each year, make a report to Congress.

I ask that the word "company" be inserted after the word "railway."

The PRESIDENT *pro tempore*. That modification will be made if there be no objection.

Mr. GORMAN. I move to insert after the word "taxes," in line 13 of the amendment of the committee, the words:

> For the first two years after the completion of the railroad 4 per cent., and each year thereafter 10 per cent.

Mr. HOAR. I had proposed to move, in order to cover the suggestion made by the Senator from Missouri, to add after the word "arrears," in the seventeenth line—

> Said rate of taxation may be hereafter increased or reduced in the discretion of Congress—

So as to expressly reserve the power to change the rate of taxation. It would be rather a harsh proceeding to impose a tax of 10 per cent. of the gross earnings as a tax four years ahead to be absolutely paid. I think that would leave the matter to be dealt with. If 4 per cent. should be insufficient it would show the persons who accept the act that the Government contemplates making a change hereafter.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts propose an amendment?

Mr. HOAR. I understand another amendment is now pending, proposed by the Senator from Maryland. If that be rejected, I shall propose this.

Mr. SPOONER. There will be no objection to that.

The PRESIDENT *pro tempore*. The amendment of the Senator from Maryland will be reported.

The SECRETARY. In line 13, after the word "taxes," it is proposed to strike out "for each year 4 per cent.," and insert—

> For the first two years after the completion of the road, 4 per cent., and for each year thereafter 10 per cent.

Mr. BLAIR. I understand that this is a charter which covers the whole city, and the completion of the road is likely to occupy a long time; and in that view I ask when the amendment will become operative?

Mr. SPOONER. I was about to say that while I do not wish to take the time of the Senate in discussing this amendment, I hope it will not be adopted for two or three reasons; among others that suggested by the Senator from New Hampshire. A fixed time is allowed by the bill for the completion of this railway. So this amendment is not adapted to the general provisions of the bill.

Another thing; it is manifestly impossible for Congress with any accuracy to assume that the earnings of this corporation in three years will render 10 per cent. a fair rate of taxation in contradistinction to 4 the first year and the second year; and it is expected that from time to time the rate of taxation will be changed, and that is one theory on which the right to alter and amend is reserved. If this is found to be a success, from time to time the corporation will be authorized and perhaps required to extend its lines beyond the limits of the city in order to afford facilities in that direction; and I think altogether, while we all desire that the company should be properly taxed, this matter had better be left as the committee has left it, 4 per cent. for the present, with the right of Congress to increase it.

Mr. MCPHERSON. Mr. President, the Congress of the United States have full charge and jurisdiction over the affairs of the city of Washington. Any municipal government that we have here is simply a creature of Congress, and therefore there is no power in the world lodged in the people of the District of Columbia to protect their own rights and interests. They are tax-payers; they pay into the public Treasury every year a large amount of money to keep the streets of Washington in good repair and condition. Here is a corporation asking the privilege of occupying the streets, of tearing them up, of subjecting the people of the District to a great deal of inconvenience, and the streets themselves to a great deal of expense to repair them and replace them.

Mr. SPOONER. The Senator will allow me to say that the bill requires the corporation to make those repairs and keep the streets in repair at its own expense.

Mr. MCPHERSON. I understand that; but unless all experience is at fault there never was a street railroad company in any city at any time that ever conformed to the ordinances of the city made in respect to such matters.

Mr. SPOONER. Anticipating that possibly that might be so elsewhere, in this case this bill provides that on complaint being made against this corporation, within so many days they must make the repairs required by the commissioners of the District, and if not, that they shall be made by and under the supervision of the commissioners at the expense of the corporation.

Mr. MCPHERSON. So much the better for that. I hope that is well guarded.

Here is a corporation that takes possession of the streets of the city of Washington, running tracks from one end of the city to the other, pass-

ing through a densely populated part of the city, and with the power hereafter to extend the lines *ad libitum*. They may go out to any part of the city where the population goes, for the purpose of making profit to themselves, and at the same time benefiting, as I know such roads do, the people.

I would not be strenuous for compelling these corporations to pay large taxes provided that the rates of fare over their railroads were made so low that the people could receive benefit by reason of low fares on the roads; but you propose in this bill to grant this company the power to charge 5 cents for each passenger. From every passenger that boards a car they can exact 5 cents fare. In the city of New York you may start from the Battery and you can go 8 miles away up into the northern part of the city, into the country, indeed, for a single fare of 5 cents. The fare is 5 cents upon all the surface street-car lines in the city of New York. The fare has been reduced in the city of Philadelphia; the same is true in the city of Chicago; but here we propose to-day to grant a corporation the power to occupy practically the best part of the city of Washington and charge 5 cents for all passengers, qualifying them to issue stock and bonds to the amount of $5,000,000—$2,500,000 of bonds and $2,500,000 of stock—when the railroad will certainly never cost one-third of that amount, and then it is proposed to tax them only 4 per cent. on their gross receipts.

If they really have $5,000,000 invested in this property, they certainly ought to be compelled to pay taxes on that money invested in the stock and bonds of the road in the same manner and to the same extent that I am compelled to pay on my real estate in this District. If I or any other citizen of this District—for I claim to be a citizen here in a certain sense—forego the right to use these public streets and suffer the inconvenience this railroad will cause to the people of Washington, then I submit that with this great franchise, with these privileges, with this profitable enterprise that they engage in, they ought to be compelled to pay taxes the same as any individual in the city pays.

To-day if the street railroads of the city of New York, including the elevated lines, were a subject of competition by persons desiring to invest their money in those enterprises—for they are practically a monopoly, and so would also this railroad become a monopoly—those franchises would sell for 20 per cent. annually of the gross receipts of the roads. Now, we propose in the city of Washington to grant a corporation the power to occupy the streets, to go anywhere over the city, because that is the meaning of it ultimately, and the citizens have not even the poor remuneration of low fare.

Mr. SPOONER. I do not suppose the Senator means to be understood that this bill authorizes the corporation to go anywhere over the city?

Mr. MCPHERSON. It proposes to go over a variety of lines, as the Senator from Maryland [Mr. GORMAN] yesterday showed me on the map, so that there is but really little left in the city of Washington that it would be desirable to occupy except the lines occupied by the proposed cable railroad.

The policy to-day pursued by all the cities of this country is to compel these companies that occupy the public streets for improvements of this character to pay for them and to contribute a fair share to the annual taxes of the city. I think the Senator from Maryland is exceedingly liberal to the company when he asks them to only pay 4 per cent. for the first two years and then 10 per cent. afterwards. He ought to have asked that they pay 20 per cent. instead of 10, and they would willingly pay it if we insisted on it; or if they would not do that rather than suffer the loss of their charter, there are other people who would like to have the opportunity of paying 20 per cent. of their gross receipts and take this valuable franchise which it is proposed to give to this corporation.

Mr. GIBSON. Mr. President, there is no time within which this railway must be completed, and I would therefore suggest to the Senator from Maryland that his amendment apply to the road as it is completed by sections.

Mr. SPOONER. If the Senator will allow me to have his attention I think I can show him that he is mistaken. Line 136 of section 1 provides:

> The main line of said road shall be completed within two and its branches within four years from the passage of this act.

Mr. GIBSON. The time is specified?

Mr. SPOONER. Yes, sir.

Mr. GORMAN. I ask permission to modify my amendment to cover the objection made by the Senator from New Hampshire. I will make it read:

> For the first four years 4 per cent. per annum, and thereafter 10 per cent.

Mr. SPOONER. It was impossible to hear what the Senator said in this part of the Chamber.

The PRESIDENT *pro tempore*. The proposed modification will be reported from the desk.

The SECRETARY. In line 13 of the committee's amendment, after the word "taxes," it is proposed to strike out "for each year 4 per cent." and insert:

> For the first four years 4 per cent. of its gross receipts per annum, and thereafter 10 per cent.

Mr. BLACKBURN. Mr. President, by reason of service upon the Committee on the District of Columbia in the last Congress, by which this bill was very elaborately considered, as the President knows, I am not altogether ignorant of the provisions of the bill under consideration, nor of the objects sought to be effected and attained by its passage.

We had as well be frank about this matter. The city of Washington to-day, so far as its facilities for travel by street railway are concerned, is in the hands of as grasping and grinding a monopoly as ever afflicted any community on earth. They have made as heavy dividends and they have extorted as much money from a public to whom they have given as indecent facilities as were ever known in this or in any other country.

That this proposed road, if this bill pass, may become a monopoly, I think altogether probable; but these people will be the victims of what they have long endured, and it will at any rate be an improvement in the matter of travel and the mode that is furnished to the people depending upon these lines. I am not opposing the amendment offered by the Senator from Maryland. If it be possible to find the figures, I am in favor of putting the rate of taxation in this bill at the very highest under which it is possible to secure the investment of capital to build an electric railway in the city of Washington. I do not believe that 4 per cent. permanently as proposed by this bill is enough. I mean to support the amendment offered by the Senator from Maryland fixing it at 4 per cent. for the first four years and 10 per cent. upon the gross earnings after that time. I would support an amendment to this bill that looked to the putting of this franchise up at public auction and selling it to the highest responsible bidder.

There is not a city with the population of Washington to-day upon this continent that has as indecent and as inconvenient methods of street travel as the capital of this country. You may go West and in towns of ten or fifteen thousand population you find cable railways, but you find none here, because, under the protection that Congress has afforded, the monopoly that so long has fattened and fattened upon this outraged people are unwilling to furnish any accommodations better than the towns of the West twenty-five years ago were accustomed to enjoy.

This District is in the hands of Congress. It has no municipal authority; it has no common council; it can pass no city ordinance; it is the creature of the Federal Congress. You control it as you please. Whether it be its street railways, its gas companies, or what not, you regulate the price, you name the conditions. Your power is absolute, and it is arbitrary; and the monopoly that has so long existed and the inconveniences to which this people have so long been subjected ought to terminate, and this bill ought to pass, but in my judgment it ought to pass with the severest restrictions put upon it possible and the lowest charge to the people and the highest rate of taxation that will induce capital to invest for the purpose of accomplishing its object.

I believe that the amendment offered by the Senator from Maryland will not prevent the construction of a cable railway. I believe that the Senator from New Jersey stated the truth when he said that pretty much every valuable street and avenue in this city on which a cable railway company would want to construct a road is embraced in the bill that is now under consideration. It is impossible that any counter or antagonistic system could endure here in opposition to this one if you pass this bill and grant this franchise. The one contemplated in the bill now pending covers pretty much all the valuable avenues and streets of the city of Washington. I am in favor of giving it to them, but I want to give it to them under such conditions as will protect the traveling public as far as possible, and extort from them the last dollar of taxation to which the city of Washington and the District of Columbia are fairly entitled. I do not believe that the permanent rate of 4 per cent. on gross earnings is enough, and I believe that the amendment offered by the Senator from Maryland ought to be adopted. Tax them 4 per cent. on gross earnings for four years, and tax them 10 per cent. for the rest of their time, and I am satisfied that they will make profits beyond the conception of those who are supporting this bill, even under the operation of that amendment.

Mr. MCPHERSON. Can the Senator inform me how much tax the existing companies pay?

Mr. BLACKBURN. I can not. I am no longer a member of the District committee. I have not the data before me as we had in the last Congress. I doubt not that the Senator from Wisconsin has the data before him.

Mr. SPOONER. I can not inform the Senator. Not long since the Senate adopted a resolution instructing the Committee on the District of Columbia to investigate that matter and report whether the existing railway companies were bearing their proportion in the way of taxes and public burdens, and whether the present system, which is an ad valorem tax, should not be changed; and that committee is making the investigation.

Mr. MCPHERSON. If there is any power remaining in Congress to increase the tax upon the existing horse-car lines, to make it equal to the amount we propose to compel this company to pay, I am in favor of exercising it. If there is no power by reason of a contract express or

implied existing between the authorities and the companies, I am in favor of reducing the rates of fare to a point that will give the people of the city of Washington a corresponding benefit.

I make no invidious distinctions as between the company that now asks this privilege and the companies that now have possession of the streets; but I do say that we ought to compel these railway companies to pay largely into the city treasury for the benefits they receive.

Mr. RIDDLEBERGER. Mr. President, as a matter of course we understand that when an amendment is offered to a bill it is offered for the purpose of correcting the bill. When I see the Chesapeake and Ohio Canal I know it. There is no 10 per cent. assessed upon any corporation in the District of Columbia, and though I shall shut my eyes here from month to month and from year to year, and swear I won't see, it is only as a matter of charity that I do so.

This amendment means just what it imports to every sensible man who is capable of occupying a place on this floor as a Senator. It means to intermingle that which we have had in committee, and over which committee you have had the honor, sir, to preside. This means Rock Creek Railway, and it means nothing else. Ten per cent. means the death of this road to give a chance to the Rock Creek road. I understand now, as I did not understand before, that it means a political thing. If it shall be so, let it be so. Put forward the chairman of the Congressional committee of the national Democratic party to make this a contest that shall compel or impel Senators here on this floor to pair one with the other. Yes, smile and smile, but I will risk the truth of my assertion. Ten per cent. is not a fair tax; the object is to repel any investment of capital in the District of Columbia in this enterprise. Baltimore, the Jew store of the country, is to conserve all the purposes of the national capital.

I am sorry I have said it, but it has gone, and let it go for all it is worth. Ten per cent. tax is to repel the investment of capital in this railway. If the chairman of the Congressional committee of the Democratic party shall conceive it essential to the purposes which he has in view to use a railway scheme to affect a candidacy for the Presidential nomination, be it so.

Does he want to make this an outlying province of Baltimore? It means that and nothing more, that Washington shall be a suburb of Baltimore; and then there comes the suggestion, which appropriately comes from Baltimore, that this franchise shall be put up at public auction. Does the Congress of the United States intend to say that it will pass a bill to give exclusive privileges to corporations and put them up at public auction? If so, it is a fit time that I shall go out of it and remain at home. It becomes the auctioneers of this country to sell franchises and not to represent sixty millions of people. Pass a bill here that it is said will involve the investment of capital, as the Senator from Maryland has said to-day, and put it up at public auction, and who is to be the responsible bidder? It is not for representatives of the Government of the United States to do such a thing. It makes a man wonder whether he is the representative of a constituency or not, to hear such a proposition advanced. Sell a franchise! A franchise is that which belongs to the Government. Let him only who is capable of selling a franchise do it; but I never will.

This bill, coming back to it, amounts to nothing but a street railway on streets that are not traversed by any other railway in this city; but Baltimore, within the short period that I shall remain here, shall not infold the District of Columbia. Rock Creek is one thing, as the President of the Senate well understands, and coming around over T and S streets, and around Twenty-first and Twenty-fourth and Twenty-sixth streets, is another.

Every statement the Senator from Maryland has made is controverted by reading the names of the streets where this road is to pass. There is not one fact remaining, not a fact. It is the same with the steam-railway fight made here each year, along with the District street-railway fight. The Senator from Maryland had just as well develop himself, for if he does not I will develop him. [Laughter.]

I will venture the assertion now that he does not know where T street is. I will venture the further assertion that he does not know whether S street is this side of T street, or whether there is an avenue which passes between them. I will venture the further assertion that he does not know whether this proposed road comes down Sixth street from T street to the Potomac River. I will venture the further assertion that he does not know whether it comes down G street by Twenty-sixth. I will venture the further assertion that he does not know anything about this matter except that he does not want this bill to pass.

Mr. President, having said that much as to the suggestion to tax capital to the extent of 10 per cent. a year and the challenge to the Congress of the United States to put up a franchise that is salable by an auctioneer, I leave the whole question with the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maryland [Mr. GORMAN] to the amendment of the Committee on the District of Columbia.

Mr. GORMAN called for the yeas and nays, and they were ordered.

Mr. FRYE. Will the Chair have the amendment reported?

The PRESIDENT *pro tempore*. The amendment will be again stated.

The CHIEF CLERK. In line 13 of the amendment of the committee it is proposed to strike out the words:

For each year 4 per cent.

And to insert in lieu thereof the words:

For the first four years 4 per cent. of its gross receipts per annum, and thereafter 10 per cent.

Mr. BUTLER. I simply desire to state that I shall vote for this amendment; but I trust the Senator from Maryland will offer an amendment similar to this to the charter of the other railroads in the District. I think they all ought to be put upon the same footing.

Mr. CHACE. We can not hear the Senator, as we are anxious to do.

Mr. BUTLER. I simply stated that I would vote for this amendment to this bill, and that I trusted somebody would offer an amendment to the charters of the other street railroads in this District imposing the same conditions upon them. I think they all ought to be upon an equality.

The Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BECK (when Mr. HALE'S name was called). The Senator from Maine [Mr. HALE] is necessarily absent. I am paired with him on all questions. Not knowing how he would vote on this amendment, I announce the pair.

Mr. DAWES (when Mr. HARRIS'S name was called). The Senator from Tennessee [Mr. HARRIS] was obliged to leave the Senate for a few moments, and I agreed to pair with him on any question on which I thought we ought to be paired. I have voted against this amendment. The Senator from Tennessee is upon the committee, and I assume by my vote that the Senator would vote against this amendment; but if any Senator knows that I am mistaken, I shall withdraw my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the Senator from Iowa [Mr. ALLISON]. Not seeing him in his seat and not knowing how he would vote on this question if present, I do not vote. I would vote "yea" if he were present.

Mr. TELLER (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY], who is detained from the Senate on account of sickness in his family. I do not know how he would vote if present, and therefore I refrain from voting.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. Not knowing how he would vote, as he is not present, I decline to vote.

The roll-call was concluded.

Mr. CULLOM (after having voted in the negative). I am paired with the Senator from Delaware [Mr. GRAY], and I therefore ask leave to withdraw my vote; and while I am on my feet I desire to announce that the Senator from Pennsylvania [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER]; that the Senator from Michigan [Mr. STOCKBRIDGE] is paired with the Senator from North Carolina [Mr. RANSOM]; that the Senator from Michigan [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]; that the Senator from New York [Mr. EVARTS] is paired with the Senator from Alabama [Mr. MORGAN]; and the Senator from New Hampshire [Mr. BLAIR]—I do not know whether he announced it or not—is paired with the Senator from Mississippi [Mr. GEORGE]. I make these announcements now so that they may be noted.

Mr. BUTLER. I should be glad if the Senator from Illinois [Mr. CULLOM] would arrange a pair for the Senator from Virginia [Mr. DANIEL]. I saw him just on the eve of taking his departure this morning, and he had not arranged a pair, and he requested the Senator from New York [Mr. HISCOCK] to pair with him.

Mr. HISCOCK (after having voted in the negative). I will pair with the Senator from Virginia [Mr. DANIEL], and withdraw my vote.

Mr. PASCO. My colleague [Mr. CALL] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. PUGH].

Mr. HISCOCK. Am I to understand the Senator from Virginia [Mr. DANIEL] is in favor of the amendment?

Mr. BUTLER. I am not able to say.

Mr. RIDDLEBERGER. He voted for the bill in committee.

Mr. BUTLER. I have no idea of getting into a controversy with the Senator from Virginia [Mr. RIDDLEBERGER] on that subject.

Mr. RIDDLEBERGER. Then let the Senator not do it.

The PRESIDENT *pro tempore*. Debate is not in order during the taking of the vote.

Mr. EDMUNDS. I am paired generally with the Senator from Alabama [Mr. PUGH], but understanding from his friends that if present he would vote the same way that I should on this amendment, I shall record my vote.

Mr. COKE. My colleague [Mr. REAGAN] is absent, but he is paired with the Senator from Nevada [Mr. STEWART]. My colleague would vote "yea" if present.

Mr. DAWES. I am informed by the Senator from Tennessee [Mr. BATE] that his colleague [Mr. HARRIS] would vote for this amend-

ment if present. I therefore withdraw my vote, and announce that if he were present I should vote against it.

Mr. COCKRELL (after having voted in the affirmative). I am paired with the Senator from Connecticut [Mr. HAWLEY]. His colleague [Mr. PLATT] is not here, and I do not know how either of them would vote if present. I withdraw my vote.

Mr. HISCOCK. Did I understand the Senator from South Carolina [Mr. BUTLER] to say that the Senator from Virginia [Mr. DANIEL] requested him to procure a pair with me?

Mr. BUTLER. Yes, sir. He requested me to speak to the Senator from New York to pair with him, as he had neglected to secure a pair. I have no idea how he would vote on this amendment if he were present.

Mr. HISCOCK. Then I withdraw my vote.

Mr. FARWELL. Does the Senator from South Carolina know how the Senator from Virginia [Mr. DANIEL] would vote on this question?

Mr. BUTLER. I have stated twice that I did not know.

Mr. FARWELL. My impression is that the Senator from Virginia would vote "nay" on this proposition.

Mr. BUTLER. I have no information on the subject. He simply asked me to speak to the Senator from New York to pair with him. I have discharged my duty.

Mr. HISCOCK. I withdraw my vote.

Mr. MITCHELL. I am paired generally with the Senator from Arkansas [Mr. JONES]. If he were here I should vote "nay" on this question.

Mr. PAYNE (after having voted in the affirmative). I am a little uncertain whether I am not paired on this question with my colleague [Mr. SHERMAN]. If so, I withdraw my vote.

Mr. SABIN (after having voted in the negative). My attention has just been called to the absence of the Senator from West Virginia [Mr. KENNA], with whom I am paired. I am advised that if here he would vote "yea" on this question, and as I voted "nay" I withdraw my vote.

The result was announced—yeas 17, nays 17; as follows:

YEAS—17.

Bate,	Coke,	Hampton,	Walthall,
Blackburn,	Edmunds,	McPherson,	Wilson of Md.
Blodgett,	Eustis,	Pasco,	
Brown,	Gibson,	Turpie,	
Butler,	Gorman,	Vest,	

NAYS—17.

Bowen,	Farwell,	Morrill,	Spooner,
Chace,	Frye,	Paddock,	Wilson of Iowa.
Chandler,	Hoar,	Plumb,	
Davis,	Ingalls,	Riddleberger,	
Dolph,	Manderson,	Sawyer,	

ABSENT—42.

Aldrich,	Dawes,	Jones of Nevada,	Sabin,
Allison,	Evarts,	Kenna,	Saulsbury,
Beck,	Faulkner,	Mitchell,	Sherman,
Berry,	George,	Morgan,	Stanford,
Blair,	Gray,	Palmer,	Stewart,
Call,	Hale,	Payne,	Stockbridge,
Cameron,	Harris,	Platt,	Teller,
Cockrell,	Hawley,	Pugh,	Vance,
Colquitt,	Hearst,	Quay,	Voorhees.
Cullom,	Hiscock,	Ransom,	
Daniel,	Jones of Arkansas,	Reagan,	

The PRESIDENT *pro tempore*. There is not a quorum voting; the roll will be called.

The roll was called and the following Senators answered to their names:

Aldrich,	Coke,	Ingalls,	Sawyer,
Allison,	Cullom,	McPherson,	Sherman,
Bate,	Davis,	Manderson,	Spooner,
Beck,	Dawes,	Mitchell,	Stanford,
Blackburn,	Dolph,	Morrill,	Teller,
Blair,	Farwell,	Paddock,	Turpie,
Blodgett,	Frye,	Pasco,	Vance,
Bowen,	Gibson,	Payne,	Vest,
Brown,	Gorman,	Platt,	Voorhees,
Butler,	Hampton,	Plumb,	Walthall,
Chace,	Hearst,	Riddleberger,	Wilson, of Iowa,
Chandler,	Hiscock,	Sabin,	Wilson, of Md.
Cockrell,	Hoar,	Saulsbury,	

The PRESIDENT *pro tempore*. Fifty-one Senators have answered to their names. The roll will be again called on the amendment of the Senator from Maryland to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. Not knowing how he would vote, I withhold my vote. I should vote "yea" if he were present.

Mr. BLAIR (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL], and therefore refrain from voting.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were here, I should vote "nay."

Mr. TELLER (when his name was called). I again announce that I am paired with the Senator from Arkansas [Mr. BERRY].

Mr. VANCE (when his name was called). My pair with the Senator from Michigan [Mr. PALMER] has been transferred, and I vote "yea."

The roll-call was concluded.

Mr. PLATT. I am paired with the Senator from Florida [Mr. CALL], and because I do not know how he would vote on this question, I do not vote. My colleague [Mr. HAWLEY] is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. I would suggest, if it meets the approbation of the Senator, that he transfer the pair of his colleague to the Senator from West Virginia [Mr. KENNA].

Mr. BLACKBURN. The Senator from West Virginia [Mr. KENNA] is paired with the Senator from Minnesota [Mr. SABIN], and that pair has already been announced. I know nothing except that the Senator from Minnesota stated that he was paired generally with the Senator from West Virginia who is absent. No pair was stated for him on the first call of the roll, and the Senator from Minnesota himself stated the pair afterward.

Mr. SABIN. I stated that I was paired on the other vote; but as the pair is now transferred to the Senator from North Carolina [Mr. RANSOM], I shall vote "nay" on this question.

The PRESIDENT *pro tempore*. The Chair can not undertake to adjust pairs between Senators. The name of any Senator will be called if he desires.

Mr. COCKRELL. I will let my pair remain, and let the Senator from Minnesota [Mr. SABIN] and the Senator from West Virginia [Mr. KENNA] remain paired.

Mr. VANCE. I am informed that my colleague [Mr. RANSOM] is paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. DAWES. I wish to make the same announcement I made on the first vote, that I am considered paired. Has the Senator from Tennessee [Mr. HARRIS] voted?

The PRESIDENT *pro tempore*. The Senator from Tennessee is not recorded.

Mr. DAWES. Then I consider myself as paired with him. I should vote "nay," and he would vote "yea" if present.

The result was announced—yeas 21, nays 21; as follows:

YEAS—21.

Bate,	Eustis,	Pasco,	Voorhees,
Blackburn,	Gibson,	Payne,	Walthall,
Blodgett,	Gorman,	Saulsbury,	Wilson of Md.
Brown,	Hampton,	Turpie,	
Butler,	Hearst,	Vance,	
Coke,	McPherson,	Vest,	

NAYS—21.

Allison,	Dolph,	Morrill,	Spooner,
Bowen,	Farwell,	Paddock,	Stanford,
Chace,	Frye,	Plumb,	Wilson of Iowa.
Chandler,	Hoar,	Riddleberger,	
Cullom,	Ingalls,	Sawyer,	
Davis,	Manderson,	Sherman,	

ABSENT—34.

Aldrich,	Dawes,	Hiscock,	Quay,
Beck,	Edmunds,	Jones of Arkansas,	Ransom,
Berry,	Evarts,	Jones of Nevada,	Reagan,
Blair,	Faulkner,	Kenna,	Sabin,
Call,	George,	Mitchell,	Stewart,
Cameron,	Gray,	Morgan,	Stockbridge,
Cockrell,	Hale,	Palmer,	Teller.
Colquitt,	Harris,	Platt,	
Daniel,	Hawley,	Pugh,	

So the amendment to the amendment was not agreed to.

Mr. MORRILL. In section 1, line 15, on page 2, I move to strike out all after the word "streets"——

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Vermont that the amendment of the committee has not yet been acted upon.

Mr. SAULSBURY. Is it in order to offer an amendment to the committee's amendment?

The PRESIDENT *pro tempore*. It is in order.

Mr. SAULSBURY. On looking at the language in reference to taxes on this property, I am not certain how it would be construed. Certainly it would be claimed by any railroad company to be a contract in relation to the amount of taxes to be paid. The language is:

And said per cent. of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property.

I am sure the committee did not intend it to have that effect, and I am not sure that it would properly have it on a correct legal interpretation; but to exclude any idea that it was the intention of Congress to make any contract in reference to taxation I offer the following amendment, to come in at the end of the amendment of the committee:

Provided further, That nothing in this section shall be construed as a contract with the company as to the amount of taxes it shall be required to pay at any time hereafter, or the manner in which they shall be imposed.

Mr. HOAR. I had prepared an amendment in the same direction which I like a little better than that of my honorable friend from Delaware, although I am not aware that there is much substantial difference between them. I will suggest it for his consideration. It is to add, after the word "arrears," in the seventeenth line of section 5:

Said rate of taxation may be hereafter increased or reduced or the manner thereof changed in the discretion of Congress.

Mr. SAULSBURY. Both answer the same purpose. The object is to exclude any idea of a contract with the company. I have had some experience in such matters, and the question of the liability to increased taxation by the legislation of a State has been contested by railroad companies. I am sure they would put the construction that the language was intended as a limitation of the power of Congress to tax them. It is to exclude that idea that I want the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware [Mr. SAULSBURY] to the amendment of the committee.

Mr. RIDDLEBERGER. I ask to have that amendment read.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware will be read.

The CHIEF CLERK. It is proposed to add to the amendment of the committee the following:

Provided further, That nothing in this section shall be construed as a contract with the company as to the amount of taxes it shall be required to pay at any time hereafter, or the manner in which they shall be imposed.

Mr. WILSON, of Iowa. It seems to me that one of the amendments proposed by the committee covers this ground completely, and that is the last section, section 6, which provides—

That this act may at any time be altered, amended, or repealed by the Congress of the United States.

It does not seem to me that it is necessary to include in each section a reservation of the power to amend, alter, or repeal the act with regard to the subject embraced in the particular section, but that this general reservation of power covers the entire ground and reaches the question of taxation as well as any other question involved in the bill.

Mr. SAULSBURY. I was fully aware of that provision in the sixth section, and I am not certain but that the construction put upon that section would be to affect any agreement as to the amount of tax. You might alter the franchise in a great many respects, and yet when you have a special provision in the fifth section which might be construed as a limitation of the power of Congress to impose taxation, though you might alter the act in many other respects, you could not alter that contract into which they had entered. You might repeal the charter, you might alter the charter in a great many respects, but I apprehend that if you take the language of the fifth section and consider it as a contract in reference to the amount of taxation the company shall pay, then Congress would have no power to alter that particular feature of it if it was a contract existing with the company. I am not sure but that would be the construction put upon the language of the fifth section, and hence I seek to avoid it by my amendment.

Mr. WILSON, of Iowa. It seems to me that the statement made by the Senator from Delaware concedes the whole case. He says that Congress may, under this reservation of power, repeal the entire act. It seems to me that the greater includes the less, and if so that it could amend the provision in respect to taxation as well as any other provision of the law, and as well as repeal the entire act. Then the decisions of the courts with reference to this reservation of power cover the entire ground. This is a reservation of an entire control over the provisions of this act; and I should regret exceedingly to have the action of the Senate by implication put a different construction upon the effect of language of this kind in a law passed by Congress.

Mr. HOAR. Mr. President, the answer to the Senator from Iowa is, I think, that we have had before both Houses of Congress—certainly I listened when I was a member of the Judiciary Committee in the other House to arguments from very able counsel at great length and weight that the general clause for the alteration, amendment, or repeal of an act did not involve the power of Congress to modify. They might repeal the whole charter, but it was contended that while they left the charter unrepealed as a burden on the corporation, anything in the act which could be considered a contract could not be touched. There are in many States of this country judicial decisions limiting very much what was apparently the comprehensive effect of this general clause. It has been held that you can not so amend a charter as to put on a corporation burdens not within the general scope of its charter, and so on, and that you can not affect special and particular contracts with the company. There was a case argued before our supreme court by very able counsel, now upon the bench, in which I was on the other side, during the last vacation, where that ground was taken in behalf of a railroad company. Our Legislature undertook to regulate the matter of fares and freights, and it was claimed on the part of the company with great earnestness that the power to alter, amend, or repeal that charter did not affect a special contract which the Legislature had made in it that the Legislature would not meddle with its affairs until its earnings exceeded a certain percentage of its capital. The court did not decide the point, but it is certainly much better, as the Senator from Delaware proposes, to make it clear beyond question.

Mr. WILSON, of Iowa. There are many cases to which the rule suggested by the Senator from Massachusetts would apply; as for instance, take the act of Congress chartering the Pacific railroad companies, especially that with reference to the Central Pacific; in fact, the power reserved in those acts to amend, alter, or repeal was limited by a phrase somewhat in this language: "Having due regard to the interests of the companies;" and on that a question has been raised in the courts as to whether there could be an entire repeal or an entire change in any of the provisions of the act out of which there seemed to spring a definite contract between the Government and the companies. But on this general reservation of power it does seem to me that where it is declared in advance, notice given to the company in the very act which gives them the charter, that at any time the act may be altered—that means in any respect; it may be amended—that means any part of it; that it may be repealed—that means the whole of it; and you can not have a stronger reservation of power.

Mr. SAULSBURY. I know that, notwithstanding a provision of that kind, questions have been raised as to the power to alter the taxation when it assumed any form of contract. I remember a case arose in my own State where the general power of revocation was reserved in the constitution, where the Legislature can not pass an act of incorporation without reserving the power to the State to repeal, alter, or amend the charter; and yet a case arose where a tax was imposed on a railroad company, and the company did raise the question and claimed that they had the benefit of a contract existing, and not only contested it in the district court of the United States, but brought it to the Supreme Court of the United States and fought it there on the same principle.

I apprehend that the language of this amendment (unless there is something to exclude the idea that there is anything like a contract) will be considered by the company a contract, and that whenever there is any attempt on the part of Congress to increase the taxation imposed in this bill they will claim that there is a contract under this language and fight it in the courts sooner than pay it.

At any rate the amendment which I offer, which excludes the idea of any contract with the company in that regard, can do no harm. If the power is still reserved under the general clause in the sixth section my amendment can do no harm, and it may be, and I apprehend it will be, valuable in any contest with the company in reference to the limitation of its taxes. I hope, therefore, the amendment will be agreed to.

Mr. RIDDLEBERGER. I should like to have the amendment read again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The SECRETARY. It is proposed to add at the end of section 5 the following proviso:

Provided further, That nothing in this section shall be construed as a contract with the company as to the amount of taxes it shall be required to pay at any time hereafter, or the manner in which they shall be imposed.

Mr. RIDDLEBERGER. Speaking as what we would call here, I suppose, the manager of the bill, as the organ of the committee, I do not think that there could be any rational objection to the amendment except the fact that the amendment is not right in itself, Congress by it trying to give judgment to a court that the act shall not relate back or shall not have a prospective view. Everything is relegated to Congress. After the passage of this bill Congress will have even the regulation of the passenger tariff of this railway.

The argument which has been adduced by the Senator from Iowa is sufficient, and I hope that my friend from Delaware will not insist upon intruding any more of his law upon us.

Mr. SPOONER. I am perfectly satisfied myself that the contention of the Senator from Iowa as to the legal effect of section 6 is correct as a proposition of law. I think the Supreme Court of the United States has abundantly settled it; but this debate demonstrates the fact that there may be in the minds of sensible men a question about it. There is no reason why this legislation should leave open any question upon the subject, and I therefore hope that the amendment, or an equivalent amendment, will be adopted. It certainly can do no harm. If I were in charge of the bill I should accept it, and if the Senator in charge of the bill had not already stated his objection I should express the wish that he would accept the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. MCPHERSON. I desire to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from New Jersey that the question now under consideration is the amendment proposed by the committee to section 5.

Mr. MCPHERSON. Have all the amendments of the committee been read through?

The PRESIDENT *pro tempore*. They have all been agreed to except sections 5 and 6.

Mr. MCPHERSON. I will withhold my amendment, if the Chair desires, until the amendments of the committee have been acted upon.

The PRESIDENT *pro tempore*. The order of the Senate was that the bill should be read for committee amendments, and when those are concluded the bill will still be open to amendments from the beginning. Are there further amendments to the amendment proposed by the committee known as section 5? If there are none the question is, will the Senate agree to the amendment as amended?

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the committee will be stated.

The SECRETARY. The committee report to insert as an additional section the following:

SEC. 6. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

The amendment was agreed to.

Mr. MORRILL. I desire to offer an amendment. On page 2, beginning after the word "streets," in line 15 of section 1, I move to strike out all down to and including the word "prescribed," in line 18, as follows:

With the privilege of entering the Capitol grounds under such restrictions as the Architect of the Capitol and the commissioners of the District may prescribe.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. MORRILL].

Mr. MORRILL. This road is to go up North Capitol street and then east on B street. I do not think that we ought to consent that the public grounds should be entered until we know exactly what the company want and whether it would be any detriment to the public grounds. We had better wait.

Mr. SPOONER. The Senator from Virginia is in charge of the bill, but he does not seem to be in the Chamber now. I can only say about the amendment that I do not know that it would interfere with the exercise of the franchise.

Mr. MORRILL. Not in the least.

Mr. SPOONER. The committee thought if it were left to the Architect of the Capitol and the commissioners to restrict the exercise of this privilege, it would perhaps sufficiently protect the Capitol grounds from any unnecessary or improper invasion. I can only say that much about it.

Mr. BUTLER. I offer the following as an additional section——

The PRESIDENT *pro tempore*. The question has not yet been taken on the amendment proposed by the Senator from Vermont.

Mr. BUTLER. I beg pardon.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORRILL. I have another amendment to offer. On page 3, beginning at line 46 of section 1, I move to strike out the following words:

Also commencing at Sixth street and Boundary northwest, with a double track, along Sixth street to the Potomac River.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. MORRILL].

Mr. MORRILL. It will be noticed that this provides for a line parallel to and only one square away from Seventh street the whole length of the city, beginning at Boundary street and going to the Potomac River. I am quite ready to adopt the idea of a cable railroad, but I do not want when this road is completed that we shall have any unnecessary railroads running through the city. If there is to be a cable railroad at all in that vicinity, most assuredly it ought to be on Seventh street.

It strikes me that this is imposing a burden upon the city of having a track laid where it is not needed. If there is to be a cable railroad, it would strike me as more proper that the committee should report a bill giving the opportunity to the railroad on Seventh street to change to a cable road.

I hope, therefore, that these words will be stricken out. The road would come down Sixth street and pass by the Baltimore and Potomac Railroad depot on Sixth street. It strikes me that there would be some inconvenience about it. Certainly there is no call for a road at this time on that line. I call the attention of the Senator from Virginia to what I say.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont [Mr. MORRILL].

Mr. SPOONER. I ask that the amendment may be read for the benefit of the Senator from Virginia, who is in charge of the bill.

The PRESIDENT *pro tempore*. The amendment will be again read.

The SECRETARY. On page 3 it is proposed to strike out lines 46 and 47 of section 1, as follows:

Also commencing at Sixth street and Boundary northwest, with a double track, along Sixth street to the Potomac River.

Mr. RIDDLEBERGER. I may misapprehend the Senator from Vermont, but it certainly appears to me that if those words are stricken out there is no connection at all between the lines from T and S streets down to the avenue and to the principal market-places of Washington. I ask the Senator from Vermont to consider that there is nothing in the way of accommodation along that street until you get down to Pennsylvania avenue, at the very point at which the Senator from Vermont wants to remove the Sixth street depot. If you shall remove the Sixth street depot, would it not be an important consideration that the people of Washington, even as far remote from the center of the city as T street, should come down to that part of the town on a street-railway car? I beg the Senator to consider that point. The road can come down there without molesting any one. In the event of the removal of the Sixth street depot there would still be a line of cars going out to that part of the town, but in the event that that depot shall never be removed there would still be a line of travel from T street or the boundary down to the Sixth street depot.

I know that the Senator from Vermont is not an enemy of the bill; I know he thinks kindly of these bills; and I believe if he will look at the map he will see that he is doing an act of unkindliness to strike out this provision and let the bill pass without it. If you look at the map you will see that the road comes from T street down through Sixth street and goes to the Potomac River, and there is no line in connection with it or in competition with it.

Mr. MORRILL. I have pretty thoroughly studied this matter. It is obvious to all Senators that this is a parallel road to that on Seventh street, almost entirely independent of the entire scheme of the bill. I doubt not the Committee on the District of Columbia have bestowed an infinite amount of labor on this bill, but it is very clear to me at all events that if there is to be a cable railroad, as I hope there will be, it should be established on Seventh street instead of on Sixth street; it would accommodate a far greater amount of business.

I hope, therefore, that the committee will not object to striking out these words. If they see fit they can bring in another bill or make a provision by which the railroad on Seventh street shall become a cable railroad.

Mr. RIDDLEBERGER. Will the Senator from Vermont allow me, before he takes his seat, to state to him that last year the proposition was made and it met with opposition? This bill changes the route so as to meet the opposition in the last Congress, so far as we can understand it. It is proposed to take Sixth street, to leave Seventh street entire, to go right across the Sixth street mall park of the city, if I may so express it. It is not proposed to touch the Seventh street line, because the very moment that is touched then comes the opposition of a competing line. I think the Senator from Vermont is mistaken in this matter. The line goes straight through Sixth street and does not touch Seventh street at all. It does not even go down the avenue there that makes the point we had in the bill of last year on Seventh street. It leaves all that off and goes right straight down Sixth street to the Potomac River.

I beg the Senator to look at the map and see if he is not mistaken.

Mr. MORRILL. But the Senator must see that these roads are to be built for the accommodation of the people of this District, and that they do not require two roads through the whole length of the city on Sixth and Seventh streets. I am for obviating the difficulty which may arise from having so many railroads. If this was on a fresh, open space, where a road was required, I would make no objection to it, but I could not support a bill proposing a road to run two or three miles through the city where it is not required. It strikes me that the amendment is pertinent and one that ought to be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. MORRILL].

Mr. COCKRELL. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. On page 3 it is proposed to strike out lines 46 and 47 of section 1 in the following words:

Also commencing at Sixth street and Boundary northwest, with a double track, along Sixth street to the Potomac River.

The question being put, there were on a division—ayes 9, noes 14; no quorum voting.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. I dislike to detain the Senate with the consideration of a matter of purely local interest here. I have made a study of this subject, but without any personal interest in it beyond that which you could acquire with a canceled postage-stamp. My venerable friend from Vermont would, with one single stroke, destroy this whole proposition. I do not like to call a Senator a crank, and neither will I; but he has stood in his committee-room and has looked across the Mall to the Potomac River until it seems to me it is like setting water before a mad dog to talk to him about running a railway car on Sixth street.

This is a proposition consonant with his own ideas, for he has advocated here the relegation of that railway system out beyond Virginia and Maryland avenues, on the theory that people could be brought in from the north, the east, the west, the northwest, and the northeast, at a five-cents fare; and yet if his proposition shall obtain here to-day, and you strike out this clause, you stop the street railway at Sixth street and you remove the steam railway to what point soever the Senator from Vermont shall ask you to take it.

Now, sir, we are not considering any matter of that sort. A cable railway would be an improvement to that portion of the city. It would tear up the cobble-stones on the south side of the avenue, and it would give some sort of cheap access into the city, if we are to have the steam railway removed from the central part.

Here is a bill which says in so many words that Congress may alter, amend, or repeal it, and it opens the way for carrying out the projected scheme of the Senator from Vermont. How do you propose to get people into this city? Shall there be before arriving passengers a Hudson River without a tow-boat, even, to take them across? Shall there be a

Hudson River between Virginia and the District of Columbia, or an omnibus run along the route? That is what this amounts to.

Nobody complains of this provision. Tell me of a Senator who objects to it. Tell me his constituency and from what State he comes, and I will narrow you down at last to the Senator from Vermont. There is nothing behind this amendment but Senatorial age and that dignity and that lovable character which commends itself to everybody. The amendment proposed by the Senator from Vermont would draw a Hudson River, if it were possible to do it, between Washington and the rest of the world, without a tow-boat to give access to this city.

I am not advocating this bill as one who has any personal interest in it, and there I propose to draw the line between myself and the gentlemen on the other side of this Chamber, who have made it a party question and have announced their pairs. It is well for Senators on this side to understand at once that the District of Columbia is to be, if I may so express it, circumnavigated by a cable railway, and the only question is as to who is to be its president. I see that this morning for the first time. I am sorry to have seen my friend from Kentucky [Mr. BLACKBURN] making a political question of the cable railway. I am not surprised now that the other Senator from Kentucky [Mr. BECK] should have announced himself so positively as he did yesterday.

It has come to this, Mr. President, not as to which company shall be incorporated, but as to whether the company which has been asking the privilege of the franchise for three years shall be defeated. That is what it amounts to.

The Senator from Delaware [Mr. SAULSBURY] brought in his objections, and they were just as good as the objections which were brought in against secession in 1860 and 1861. One of the Senators from Kentucky wants a taxation amounting to 10 per cent. That amounts to what? It amounts to killing the enterprise. If I did not know that Senator as I do, I might be cruel enough to apply to him a strong term, but I shall not do so.

I ask the Senate to vote down the pending amendment, and pass the bill as it came from the committee.

I wish to make one other further suggestion. When anything comes here from the Committee on Foreign Relations we are almost bound to accept it. When anything comes here from the Committee on Appropriations we are almost bound to accept it. It seems to me that the Senator from Vermont considers it a sacrilege for the Senate to touch a report which emanates from his committee. Yet there is not an amendment proposed to this bill that does not emanate from a committee which, I think, has four of the members of his own lordly committee on it. I ask the Senate to pass the bill as it was reported from the Committee on the District of Columbia.

The PRESIDING OFFICER (Mr. WILSON, of Iowa, in the chair). The pending question is on the amendment proposed by the Senator from Vermont [Mr. MORRILL], on which the yeas and nays have been ordered.

Mr. HARRIS. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be again read.

The CHIEF CLERK. It is proposed to strike out lines 46 and 47 of section 1, in the following words:

> Also commencing at Sixth street and Boundary northwest, with a double track, along Sixth street to the Potomac River.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Vermont.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I have announced before that I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent from the city. Not knowing how he would vote on the bill or any of the amendments, I shall withhold my vote. I make this announcement once for all during the pendency of the bill.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH]. As I do not know how he would vote on this question, I beg leave to withhold my vote.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

The roll-call was concluded.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote. If he were present, I should vote "yea."

Mr. MORGAN. I wish to announce my pair with the Senator from New York [Mr. EVARTS]. I do not know how he would vote. If he were here, I should vote "yea."

Mr. COKE. I wish to announce the pair of my colleague [Mr. REAGAN], who is absent, with the Senator from Nevada [Mr. STEWART].

The result was announced—yeas 22, nays 15; as follows:

YEAS—22.

Bate,	Butler,	Eustis,	Hampton,
Blackburn,	Coke,	Gibson,	Harris,
Blodgett,	Dolph,	Gorman,	Hearst,
McPherson,	Payne,	Vance,	Walthall.
Morrill,	Saulsbury,	Vest,	
Pasco,	Turpie,	Voorhees,	

NAYS—15.

Allison,	Dawes,	Paddock,	Spooner,
Bowen,	Farwell,	Plumb,	Stanford,
Chace,	Hoar,	Riddleberger,	Wilson of Iowa.
Chandler,	Manderson,	Sawyer,	

ABSENT—39.

Aldrich,	Daniel,	Hiscock,	Quay,
Beck,	Davis,	Ingalls,	Ransom,
Berry,	Edmunds,	Jones of Arkansas,	Reagan,
Blair,	Evarts,	Jones of Nevada,	Sabin,
Brown,	Faulkner,	Kenna,	Sherman,
Call,	Frye,	Mitchell,	Stewart,
Cameron,	George,	Morgan,	Stockbridge,
Cockrell,	Gray,	Palmer,	Teller,
Colquitt,	Hale,	Platt,	Wilson of Md.
Cullom,	Hawley,	Pugh,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Coke,	Hearst,	Riddleberger,
Allison,	Cullom,	Hoar,	Sabin,
Bate,	Davis,	Ingalls,	Saulsbury,
Beck,	Dawes,	McPherson,	Sawyer,
Blackburn,	Dolph,	Manderson,	Spooner,
Blair,	Edmunds,	Mitchell,	Stanford,
Blodgett,	Eustis,	Morgan,	Teller,
Bowen,	Farwell,	Morrill,	Turpie,
Brown,	Frye,	Paddock,	Vance,
Butler,	Gibson,	Pasco,	Vest,
Chace,	Gorman,	Payne,	Voorhees,
Chandler,	Hampton,	Platt,	Walthall,
Cockrell,	Harris,	Plumb,	Wilson of Iowa.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, and a quorum being present, the yeas and nays will be again called on agreeing to the amendment of the Senator from Vermont [Mr. MORRILL].

The Secretary proceeded to call the roll.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. I do not know how he would vote, and I therefore withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. TELLER (when his name was called). On all questions connected with this bill I am paired with the Senator from Arkansas [Mr. BERRY].

The roll-call was concluded.

Mr. CULLOM. The Senator from Connecticut [Mr. PLATT] is paired with the Senator from Florida [Mr. CALL]. The other pairs I have announced before, and it is not necessary to repeat them.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE]. I should vote "nay" if he were here.

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Bate,	Eustis,	McPherson,	Vance,
Blackburn,	Gibson,	Morrill,	Vest,
Blodgett,	Gorman,	Pasco,	Voorhees,
Brown,	Hampton,	Payne,	Walthall,
Butler,	Harris,	Saulsbury,	Wilson of Md.
Coke,	Hearst,	Turpie,	

NAYS—18.

Aldrich,	Davis,	Ingalls,	Spooner,
Allison,	Dawes,	Manderson,	Stanford,
Bowen,	Farwell,	Paddock,	Wilson of Iowa.
Chandler,	Frye,	Riddleberger,	
Cullom,	Hoar,	Sawyer,	

ABSENT—35.

Beck,	Dolph,	Jones of Arkansas,	Quay,
Berry,	Edmunds,	Jones of Nevada,	Ransom,
Blair,	Evarts,	Kenna,	Reagan,
Call,	Faulkner,	Mitchell,	Sabin,
Cameron,	George,	Morgan,	Sherman,
Chace,	Gray,	Palmer,	Stewart,
Cockrell,	Hale,	Platt,	Stockbridge,
Colquitt,	Hawley,	Plumb,	Teller.
Daniel,	Hiscock,	Pugh,	

So the amendment was agreed to.

Mr. MCPHERSON. I now desire to have my amendment considered. On page 9, line 44 of section 2, after the word "personal," I move to insert the following additional proviso:

> *And provided further*, That the entire issue of stock and bonds by said company shall not exceed the cost of construction and equipment of said road.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCPHERSON. Mr. President, I feel this morning very much like congratulating the people of the whole country. I certainly congratulate the Democratic party. I feel very much like congratulating also the Republican convention, which is soon to meet in the city of Chicago, on the fact that the list of non-eligibles in that convention has been somewhat increased. I congratulate my own party upon the fact that hereafter in political strifes before the people of this country

there can be no longer any controversy as to which of the great political parties in this country is in favor of the rights and interests of the people as against the interests of corporations. All that will be required for us to do in the way of campaign literature is to take a copy of the RECORD containing to-day's proceedings and give it circulation all over the country. It will save us a vast amount of money certainly for campaign literature, which has troubled us very much in the past, for surely there never was an issue so directly and distinctly drawn, or so finally and decisively determined.

We are sitting here practically as a municipal government, legislating for the people of the District of Columbia, and that municipal government boldly and openly avows that it will grant a corporation the privilege of charging the highest possible amount of fares, and will compel them in no sense to pay any part of the public taxes. If you were to present that proposition before the Legislature of any State in the Union, from Maine to Louisiana, from the Atlantic to the Pacific Ocean, they would sit down on it at once. Here are two great political parties arrayed on each side of this Chamber, representing, as we suppose, the highest intelligence of the people, supposed to legislate for the rights and interests of the people as against corporations wherever the rights of the two clash. One side of this Chamber, with perhaps one exception, votes deliberately to give this great franchise to a corporation without taxation, and the other side votes to compel them to pay only a small measure of tax, because they had not the courage to ask for more.

Now, I have offered another little amendment. I find that since my service in this body we have been importuned time after time with petitions asking and entreating Congress, and petitions have come before the State Legislatures requiring that when corporate power was given privileges and franchises they be permitted not to capitalize their establishment for more money than it absolutely cost to build it; in other words, that no fictitious capital, that no water, so to speak, be put in the stock and bonds of the company.

There is a double reason why in this bill and at this time the proviso which I offer should be adopted. You propose hereafter, as you say, denying it to-day, to reserve the right to compel this railroad company to pay taxes, and I hope that Congress will rise up some time to the dignity of compelling them to pay the same amount of tax upon the money they have invested in a profitable railroad enterprise that every poor resident of this city has to pay upon his house and lot; but to-day you refuse to do it. However, you do say, "We will reserve the power hereafter to compel them to pay taxes."

I want the capital stock of this company to represent what? Nothing but the property itself; so that hereafter when we come to them and ask them to pay taxes they can not reply to us, "We can not pay you any more taxes, for we earn but 2 per cent. upon our capital." What is the capital? The capital by this bill is fixed at $5,000,000. The probable cost of the establishment will be $1,000,000. In other words, they have four parts water and one part of stock actually paid for and represented, and hereafter when an attempt is made to require them to exhibit their earnings by certifying the amount of earnings of the preceding year——

Mr. RIDDLEBERGER. I should like the Senator, if I——

Mr. MCPHERSON. Not at present. I shall be through in a moment.

Mr. RIDDLEBERGER. If the Senator——

The PRESIDING OFFICER. The Senator from New Jersey declines to yield.

Mr. MCPHERSON. So that there shall be no reason whatever existing why they shall not pay taxes when taxes are demanded of them. Now, I will yield to the Senator from Virginia.

Mr. RIDDLEBERGER. The Senator has taken his seat and therefore has yielded the floor. His information, I suppose, is measured by the last statement he made, that the capital stock of the company is $5,000,000. I should like to ask the Senator from New Jersey where he got that information.

Mr. MCPHERSON. On page 9 of the bill, if the Senator will permit me——

Mr. RIDDLEBERGER. He has just multiplied it by two, and has possibly looked through a pair of broken spectacles, like mine, for there is no such thing in the bill.

Mr. MCPHERSON. I find that the bonds are for $2,500,000——

Mr. RIDDLEBERGER. I decline to yield, as the Senator did.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. RIDDLEBERGER. I will take it for granted that he is looking through the same spectacles he had on his nose when he wanted to bring free ores from Spain to the United States. He has undertaken to do what I endeavored to call the attention of the Senate to a while ago, to make this a question of protection. I am ready to meet him on that basis and on that issue, and nothing gives me more pleasure. I never knew a common-school teacher, even when I was a school-teacher, to undertake to elucidate more facts when he had no facts behind him than the Senator from New Jersey has done to-day. He has not made one single statement that is correct; and it is not because he lacks veracity, but because he lacks information.

There is no company in the District of Columbia, no corporation, and no private property that is taxed as we propose to tax this company, the charter of which emanates from the Committee on the District of Columbia. But I do not want to appear here as the mere handler of a bill that is to be assailed by the Senator from New Jersey, who does not know anything about it. My business here is to show that he is in error.

I say that the capital stock of this company is not $5,000,000. I ask the Senator from New Jersey to make good his declaration or else to withdraw it. I say his statement that they have an unlimited right to issue bonds is not in the charter, and I ask the Senator from New Jersey to make good his statement. I am not called upon to prove a negative, but I am here to deny an affirmative.

When you make it a party issue, I say that that statement is not correct. Now, then, make it good, and let me have the opportunity of proving the negative if it be necessary, or at any rate to deny the affirmative by proof.

What I said before is made good now, that it is proposed to make a party issue of a railway track in the District of Columbia. There are two propositions pending before Congress relative to the District of Columbia. There is no use to conceal it any more. Two years ago I brought this bill forward in the Senate, without owning a piece of property in the District or expecting to own it. This amounts to a contest between the two parties as to which shall have the ownership of the District of Columbia. I am close enough to the District to recognize that which a Northwestern man possibly does not, and which a Northeastern man possibly does not; but the fact is staring me in the face, and I will not yield one jot or tittle to any man North, South, East, or West. The question is as to whether there shall be a cable railway with Dudley as president on one side or Corcoran on the other, and these desks draw the line. If I must be relegated to it, I know on which side I am going to remain.

I thought there was more charity, that there was more kindly feeling; I thought that even I could implead with the Senator from Vermont to withdraw that amendment of his. I have done everything I could do as a member of the committee to get this bill in the shape in which I thought it ought to be sent to the other House. My friend from Vermont has had his amendment adopted. I know how hard it is for a Senator to vote against any proposition that the Senator from Vermont may suggest; but still I hope the time will come when my friend will be put upon a conference committee to decide the differences between the two Houses, and when he sends the Sixth street depot out he will let the Sixth street cable railway go on.

But, Mr. President, that remark was parenthetical. We have here to-day in the District of Columbia nothing but a political contest, and deaf is he who does not hear it. I know it and I see it. I heard it voiced for the first time by the Senator from Maryland this morning. It is a political contest as to who shall control the affairs of the District of Columbia, where people live without the franchise.

I am not standing here to advocate any one bill as against another, but I ask Senators to come up and say whether they have objections to this route and whether they have objections to this railway. I challenge these gentlemen now to come to the front and say what objections they have to this bill, and not by slow approaches and parallels, by details, to kill it off. That is what it means, and without making an application to any one, I say that means cowardice.

This railroad touches nobody who has not an interest. It touches no Senator who has not a weak point or a weak spot. It touches nothing but the Washington and Georgetown Railroad from Seventeenth to Fifteenth streets. Yet these amendments come piling in here one after the other, without a man to stand behind them and say that he is opposed to this whole system. But Senators are simply opposed to it in the way that they can approach it by amendments.

Mr. President, I am sorry that the Republicans and Democrats of the Senate should have thought that it was nearly approximating a political question, and that they should cut off Sixth street; but still there are reserved brains behind the Senate which will bring it all back to the consideration of this body.

Look at the proposition now pending before the Senate. I ask the Senator from Maryland, without any apprehension that he will answer the question, whether he is not in favor of a bill that takes its entire route on Sixth street and goes up to Madison place?

Mr. President, leaving that subject just where it is and dealing with that of protection, I will ask the Senator from New Jersey if he did not advocate two years ago a proposition to deliver the Spanish ores on the Atlantic coast, where he perhaps has an interest in his own manufactures? That is his protection doctrine. He was for free Spanish ores; he would have them brought here without duty; and yet he takes this opportunity to make that a part of his speech on the question of building a cable railway in the city of Washington.

Mr. MCPHERSON. Does the Senator want an answer?

Mr. RIDDLEBERGER. I would rather have it, except that it would come in more properly after I have concluded.

Mr. MCPHERSON. I did not vote for the admission of any ores to the coast or anywhere free, for the benefit of any manufacture.

Mr. RIDDLEBERGER. The Senator did not vote, and I never ac-

cused him of voting. There was one other Senator in this Chamber who said that he was paired with his colleague, and if his colleague were here he would vote the other way. I know what the Senator's position was. He did not vote; he was not here to vote, but he was in favor of free raw material. He has introduced that on this question. He is not as anxious to answer that as he was to interrupt me to interlard his statement that he did not vote for free ore. He has put this into these modern improvements, and he must stand whatever shall come of it. I say that New Jersey as represented by that Senator is in favor of free ore, and I will challenge him now to deny that. Mr. President, they say that silence sometimes gives consent.

Now I ask that the Senate will proceed with the consideration of the pending bill, leaving the Senator from New Jersey and his protection theories undisturbed, because they are only protection for the manufactured article. I ask the Senate to proceed with the consideration of the bill, and not to the consideration of the suggestions made by the Senator from New Jersey.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from New Jersey.

Mr. SPOONER. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be again read.

The CHIEF CLERK. In section 2, line 44, after the word "personal," it is proposed to insert:

And provided further, That the entire issue of stock and bonds by said company shall not exceed the cost of construction and equipment of said road.

The amendment was agreed to.

Mr. BUTLER. I offer the following amendment, to come in as section 6 of the bill:

That this and all street railways in the District of Columbia be hereafter subject to a tax of 10 per cent. per annum on their gross earnings, and all acts and parts of acts inconsistent herewith are hereby repealed.

I ask for the yeas and nays on the amendment.

Mr. RIDDLEBERGER. That is simply nonsense. How can you change the charter of other companies by a proposition inserted in this bill? How can you do it? I have no objection to it except that it looks like nonsense, and I do not propose to vote for nonsense.

The PRESIDENT *pro tempore*. The Senator from South Carolina calls for the yeas and nays on the amendment proposed by him.

The yeas and nays were ordered.

Mr. SPOONER. I perhaps ought to say to the Senator from South Carolina and to the Senate that the Committee on the District of Columbia is already charged by resolution passed by the Senate at this session with the duty of investigating the question as to the street railway companies as to whether they are paying sufficient taxes, and reporting to the Senate whether the method should not be changed and a different rate of tax imposed. The committee is engaged under that resolution in making that investigation.

Mr. BUTLER. I hope that committee will finally come to a conclusion. I think perhaps, if the Senate should adopt the amendment I have had the honor to offer, it would simplify their labors very much. I shall therefore insist on the amendment.

Mr. HARRIS. I should like to ask my friend from South Carolina if it does not do a little more than simplify it, if it does not make the investigation entirely unnecessary? It seems to put the action before the investigation, to decide the question and leave a committee to investigate it later. That is not, in my opinion, the best method of dealing with a question of general taxation. I think it would be better to investigate first and then determine what is the proper method and proper amount of taxation to be imposed.

Mr. BUTLER. Well, Mr. President, I was thoroughly satisfied that that investigation should terminate at some time. I do not know but that the observation of my friend from Tennessee might have some force. ordinarily, but I fear it will be like some other investigations. We might as well have a vote on the amendment.

Mr. EUSTIS. There seems to be a great difference of opinion in reference to some features of this bill and the amendment offered by the Senator from South Carolina [Mr. BUTLER]; therefore I move to recommit the bill.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to recommit the bill to the Committee on the District of Columbia.

Mr. EUSTIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. SABIN (when his name was called). My pair with the Senator from West Virginia [Mr. KENNA] is transferred with the Senator from North Carolina [Mr. RANSOM].

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY].

Mr. PLATT. I am paired with the Senator from Florida [Mr. CALL], except as to those matters in which I am advised that we should both vote alike. Not knowing how he would vote on this motion, I do not vote. My colleague [Mr. HAWLEY] is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present I should vote "yea," and I presume he would vote "nay."

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he has not voted, I desire to withdraw my vote.

The PRESIDENT *pro tempore*. The Chair is informed that the Senator from Delaware has voted.

Mr. ALLISON. Then I allow my vote to stand.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE]. I would vote "nay" if he were present.

Mr. RANSOM. The Senator from Minnesota [Mr. SABIN] stated that he and myself were paired on this bill. I wish to vote, as he is here. I vote "yea."

Mr. ALDRICH. I am paired with the Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Bate,	Eustis,	Pasco,	Voorhees,
Blackburn,	Gibson,	Payne,	Walthall,
Blodgett,	Gorman,	Ransom,	Wilson of Md.
Brown,	Hampton,	Saulsbury,	
Butler,	Hearst,	Turpie,	
Coke,	McPherson,	Vest,	

NAYS—22.

Allison,	Farwell,	Morrill,	Spooner,
Bowen,	Frye,	Paddock,	Stanford,
Chace,	Harris,	Riddleberger,	Vance,
Chandler,	Hoar,	Sabin,	Wilson of Iowa.
Davis,	Ingalls,	Sawyer,	
Dawes,	Manderson,	Sherman,	

ABSENT—33.

Aldrich,	Daniel,	Hiscock,	Pugh,
Beck,	Dolph,	Jones of Arkansas,	Quay,
Berry,	Edmunds,	Jones of Nevada,	Reagan,
Blair,	Evarts,	Kenna,	Stewart,
Call,	Faulkner,	Mitchell,	Stockbridge,
Cameron,	George,	Morgan,	Teller.
Cockrell,	Gray,	Palmer,	
Colquitt,	Hale,	Platt,	
Cullom,	Hawley,	Plumb,	

So the motion to recommit was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from South Carolina [Mr. BUTLER], on which the yeas and nays have been ordered.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I ask the Senator to give way that I may make a motion to reconsider.

Mr. EDMUNDS. I withdraw the motion.

THE MAIL SERVICE.

Mr. PADDOCK. I move to reconsider the vote by which the Senate adopted the resolution submitted by the Senator from Kansas [Mr. PLUMB] in relation to the mail service.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to reconsider the vote by which the Senate agreed to the resolution offered by the Senator from Kansas [Mr. PLUMB] concerning the mail service.

Mr. PADDOCK. I do this for the purpose of obtaining the opportunity to submit a few remarks.

Mr. EDMUNDS. You merely wish to enter the motion now?

Mr. PADDOCK. That is all.

The PRESIDENT *pro tempore*. The motion will be entered.

PROPOSED ADJOURNMENT TO THURSDAY.

Mr. RIDDLEBERGER. I move what is considered a privileged motion, that when the Senate adjourn this evening it be to convene on Thursday next.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to make the motion.

Mr. RIDDLEBERGER. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that when the Senate adjourn to-day it be to meet on Thursday next.

Mr. HOAR. I call for the yeas and nays.

Mr. VOORHEES. There was an order for to-morrow made on the motion of the Senator from Massachusetts, and a duty pointed out.

Mr. CULLOM. I hope the vote will be taken without the formal call of the yeas and nays.

The PRESIDENT *pro tempore*. The Chair would suggest that this motion is not debatable. The question is on the motion submitted by the Senator from Virginia, that when the Senate adjourn to-day it be to meet on Thursday next.

The motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1495) granting to Edwin Libby Post, Grand Army of

the Republic, permission to erect a soldiers' monument on vacant land adjoining the custom-house at Rockland, Me.;

A bill (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company; and

A bill (H. R. 6153) to authorize condemnation of land for sites of public buildings.

The message also announced that the House had passed the bill (S. 388) for the relief of L. B. Townsend, Louis S. Lovel, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harter, and Peter Hackett.

PAPERS WITHDRAWN.

On motion of Mr. BECK, it was

Ordered, That leave be given to withdraw from the files of the Senate the papers in the case of R. H. Crump *et al.*, no adverse report having been made thereon.

WASHINGTON FOUNDLING ASYLUM.

Mr. HOAR submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Appropriations be directed to inquire and inform the Senate whether or not there is or has been in the management of the Washington Asylum for Foundlings discrimination between white and colored children.

EXECUTIVE SESSION.

Mr. EDMUNDS. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-four minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 22, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate the 21st day of February, 1888.

ASSISTANT SURGEON IN THE NAVY.

James Finley Keeney, a resident of Illinois, to be an assistant surgeon in the Navy, to fill a vacancy.

THE FISHERIES TREATY.

The Senate has removed the injunction of secrecy from, and directed the publication in the RECORD of, the following:

Message from the President of the United States, transmitting a treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.

FEBRUARY 20, 1888.—Read; treaty read the first time, referred to the Committee on Foreign Relations, and, together with the message and the accompanying documents, ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States:

In my annual message transmitted to the Congress in December, 1886, it was stated that negotiations were then pending for the settlement of the questions growing out of the rights claimed by American fishermen in British North American waters.

As a result of such negotiations a treaty has been agreed upon between Her Britannic Majesty and the United States, concluded and signed in this capital, under my direction and authority, on the 15th of February instant, and which I now have the honor to submit to the Senate, with the recommendation that it shall receive the consent of that body, as provided in the Constitution, in order that the ratifications thereof may be duly exchanged and the treaty be carried into effect.

Shortly after Congress had adjourned in March last, and in continuation of my efforts to arrive at such an agreement between the Governments of Great Britain and the United States would secure to the citizens of the respective countries the unmolested enjoyment of their just rights under existing treaties and international comity in the territorial waters of Canada and Newfoundland, I availed myself of opportune occurrences indicative of a desire to make without delay an amicable and final setttement of a long-standing controversy—productive of much irritation and misunderstanding between the two nations—to send through our minister in London proposals that a conference should take place on the subject at this capital.

The experience of the past two years had demonstrated the dilatory and unsatisfactory consequences of our indirect transaction of business through the foreign office in London, in which the views and wishes of the Government of the Dominion of Canada were practically predominant, but were only to find expression at second hand.

To obviate this inconvenience and obstruction to prompt and well-defined settlement, it was considered advisable that the negotiations should be conducted in this city, and that the interests of Canada and Newfoundland should be directly represented therein.

The terms of reference having been duly agreed upon between the two Governments, and the conference arranged to be held here, by virtue of the power in me vested by the Constitution, I duly authorized Thomas F. Bayard, the Secretary of State of the United States, William L. Putnam, a citizen of the State of Maine, and James B. Angell, a citizen of the State of Michigan, for and in the name of the United States, to meet and confer with the plenipotentiaries representing the Government of Her Britannic Majesty, for the purpose of considering and adjusting in a friendly spirit all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which were in dispute between the Governments of the United States and that of Her Britannic Majesty, and jointly and severally to conclude and sign any treaty or treaties touching the premises; and I herewith transmit for your information full copies of the power so given by me.

In execution of the powers so conveyed, the said Thomas F. Bayard, William L. Putnam, and James B. Angell, in the month of November last, met in this city the plenipotentiaries of Her Britannic Majesty, and proceeded in the negotiation of a treaty as above authorized. After many conferences and protracted efforts an agreement has at length been arrived at, which is embodied in the treaty which I now lay before you.

The treaty meets my approval, because I believe that it supplies a satisfactory, practical, and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it relates.

A review of the history of this question will show that all former attempts to arrive at a common interpretation, satisfactory to both parties, of the first article of the treaty of October 20, 1818, have been unsuccessful; and with the lapse of time the difficulty and obscurity have only increased.

The negotiations in 1854, and again in 1871, ended in both cases in temporary reciprocal arrangements of the tariffs of Canada and Newfoundland and of the United States, and the payment of a money award by the United States, under which the real questions in difference remained unsettled, in abeyance, and ready to present themselves anew just so soon as the conventional arrangements were abrogated.

The situation, therefore, remained unimproved by the results of the treaty of 1871, and a grave condition of affairs, presenting almost identically the same features and causes of complaint by the United States against Canadian action and British default in its correction, confronted us in May, 1886, and has continued until the present time.

The greater part of the correspondence which has taken place between the two Governments has heretofore been communicated to Congress, and at as early a day as possible I shall transmit the remaining portion to this date, accompanying it with the joint protocols of the conferences which resulted in the conclusion of the treaty now submitted to you.

You will thus be fully possessed of the record and history of the case since the termination, on June 30, 1885, of the fishery articles of the treaty of Washington of 1871, whereby we were relegated to the provisions of the treaty of October 20, 1818.

As the documents and papers referred to will supply full information of the positions taken under my administration by the representatives of the United States, as well as those occupied by the representatives of the Government of Great Britain, it is not considered necessary or expedient to repeat them in this message. But I believe the treaty will be found to contain a just, honorable, and therefore satisfactory solution of the difficulties which have clouded our relations with our neighbors on our northern border.

Especially satisfactory do I believe the proposed arrangement will be found by those of our citizens who are engaged in the open-sea fisheries adjacent to the Canadian coast, and resorting to those ports and harbors under treaty provisions and rules of international law.

The proposed delimitation of the lines of the exclusive fisheries from the common fisheries will give certainty and security as to the area of their legitimate field; the headland theory of imaginary lines is abandoned by Great Britain, and the specification in the treaty of certain named bays especially provided for gives satisfaction to the inhabitants of the shores without subtracting materially from the value or convenience of the fishery rights of Americans.

The uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed, and the four purposes for which our fishermen under the treaty of 1818 were allowed to enter the bays and harbors of Canada and Newfoundland within the belt of 3 marine miles are placed under a fair and liberal construction, and their enjoyment secured without such conditions and restrictions as in the past have embarrassed and obstructed them so seriously.

The enforcement of penalties for unlawfully fishing or preparing to fish within the inshore and exclusive waters of Canada and Newfoundland is to be accomplished under safeguards against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delays and inconvenience, and unnecessary expense.

The history of events in the last two years shows that no feature of Canadian administration was more harassing and injurious than the compulsion upon our fishing vessels to make formal entry and clearance on every occasion of temporarily seeking shelter in Canadian ports and harbors.

Such inconvenience is provided against in the proposed treaty, and this most frequent and just cause of complaint is removed.

The articles permitting our fishermen to obtain provisions and the ordinary supplies of trading vessels on their homeward voyages, and under which they are accorded the further and even more important privilege on all occasions of purchasing such casual or needful provisions and supplies as are ordinarily granted to trading vessels, are of great importance and value.

The licenses which are to be granted without charge and on application, in order to enable our fishermen to enjoy these privileges, are reasonable and proper checks in the hands of the local authorities to identify the recipients and prevent abuse, and can form no impediment to those who intend to use them fairly.

The hospitality secured for our vessels in all cases of actual distress, with liberty to unload and sell and transship their cargoes, is full and liberal.

These provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the treaty of 1818 for which contention has been steadily made in the correspondence of the Department of State and our minister at London, and by the American negotiators of the present treaty.

The right of our fishermen under the treaty of 1818 did not extend to the procurement of distinctive fishery supplies in Canadian ports and harbors; and one item supposed to be essential, to wit, bait, was plainly denied them by the explicit and definite words of the treaty of 1818, emphasized by the course of the negotiation and express decisions which preceded the conclusion of that treaty.

The treaty now submitted contains no provision affecting tariff duties, and, independently of the position assumed upon the part of the United States that no alteration in our tariff or other domestic legislation could be made as the price or consideration of obtaining the rights of our citizens secured by treaty, it was considered more expedient to allow any change in the revenue laws of the United States to be made by the ordinary exercise of legislative will and in promotion of the public interests. Therefore, the addition to the free-list of fish, fish-oil, whale and seal oil, etc., recited in the last article of the treaty, is wholly left to the action of Congress; and in connection therewith the Canadian and Newfoundland right to regulate sales of bait and other fishing supplies within their own jurisdiction is recognized, and the right of our fishermen to freely purchase these things is made contingent, by this treaty, upon the action of Congress in the modification of our tariff laws.

Our social and commercial intercourse with those populations who have been placed upon our borders and made forever our neighbors is made apparent by a list of United States common carriers, marine and inland, connecting their lines with Canada, which was returned by the Secretary of the Treasury to the Senate on the 7th day of February, 1888, in answer to a resolution of that body; and this is instructive as to the great volume of mutually profitable interchanges which has come into existence during the last half century.

This intercourse is still but partially developed, and if the amicable enterprise and wholesome rivalry between the two populations be not obstructed, the promise of the future is full of the fruits of an unbounded prosperity on both sides of the border.

The treaty now submitted to you has been framed in a spirit of liberal equity and reciprocal benefits, in the conviction that mutual advantage and convenience are the only permanent foundation of peace and friendship between states, and that with the adoption of the agreement now placed before the Senate a beneficial and satisfactory intercourse between the two countries will be established so as to secure perpetual peace and harmony.

In connection with the treaty herewith submitted I deem it also my duty to transmit to the Senate a written offer or arrangement, in the nature of a *modus vivendi*, tendered after the conclusion of the treaty on the part of the British

plenipotentiaries, to secure kindly and peaceful relations during the period that may be required for the consideration of the treaty by the respective Governments and for the enactment of the necessary legislation to carry its provisions into effect if approved.

This paper, freely and on their own motion, signed by the British conference, not only extends advantages to our fishermen pending the ratification of the treaty, but appears to have been dictated by a friendly and amicable spirit.

I am given to understand that the other governments concerned in this treaty will, within a few days, in accordance with their methods of conducting public business, submit said treaty to their respective legislatures, when it will be at once published to the world. In view of such action it appears to be advisable that, by publication here, early and full knowledge of all that has been done in the premises should be afforded to our people.

It would also seem to be useful to inform the popular mind concerning the history of the long-continued disputes growing out of the subject embraced in the treaty and to satisfy the public interests touching the same, as well as to acquaint our people with the present status of the questions involved, and to give them the exact terms of the proposed adjustment, in place of the exaggerated and imaginative statements which will otherwise reach them.

I therefore beg leave respectfully to suggest that said treaty and all such correspondence, messages, and documents relating to the same as may be deemed important to accomplish these purposes be at once made public by the order of your honorable body.

GROVER CLEVELAND.

EXECUTIVE MANSION,
February 20, 1888.

Whereas differences have arisen concerning the interpretation of Article I of the convention of October 20, 1818, the United States of America and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, being mutually desirous of removing all causes of misunderstanding in relation thereto and of promoting friendly intercourse and good neighborhood between the United States and the possessions of Her Majesty in North America, have resolved to conclude a treaty to that end, and have named as their plenipotentiaries—that is to say:

The President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan;

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon. Joseph Chamberlain, M. P.; the Hon. Sir Lionel Sackville Sackville West, K. C. M. G., Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America; and Sir Charles Tupper, G. C. M. G., C. B., minister of finance of the Dominion of Canada;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree to appoint a mixed commission to delimit, in the manner provided in this treaty, the British waters, bays, creeks, and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

ARTICLE II.

The commission shall consist of two commissioners to be named by Her Britannic Majesty and of two commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this treaty.

The commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as commissioner instead of the commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I of this treaty shall be marked upon British admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the commission, be signed by the commissioners in quadruplicate, one copy whereof shall be delivered to the Secretary of State of the United States and three copies to Her Majesty's Government. The delimitation shall be made in the following manner, and shall be accepted by both the high contracting parties as applicable for all purposes under Article I of the convention of October 20, 1818, between the United States and Great Britain.

The 3 marine miles mentioned in Article I of the convention of October 20, 1818, shall be measured seaward from low-water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor, in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the convention of October 20, 1818, at points more than 3 marine miles from low-water mark, shall be established by the following lines, namely:

At the Baie des Chaleurs the line from the light at Birch Point, on Miscou Island, to Macquereau Point light; at the Bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabisintac Gully; at Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the southeasterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound, the line from the southeast point of Cape Fogo to White Island, thence to the north end of Peckford Island, and from the south end of Peckford Island to the east headland of Ragged Harbor.

At or near the following bays the limits of exclusion shall be 3 marine miles seaward from the following lines, namely:

At or near Barrington Bay, in Nova Scotia, the line from the light on Stoddard Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island light to Green Island light, thence to Point Rouge; at Mira Bay, the line from the light on the east point of Scatari Island to the northeasterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

ARTICLE V.

Nothing in this treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within the 3 marine miles mentioned in Article I of the convention of October 20, 1818.

ARTICLE VI.

The commissioners shall from time to time report to each of the high contracting parties, such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the high contracting parties, and be binding after two months from such proclamation.

ARTICLE VII.

Any disagreement of the commissioners shall forthwith be referred to an umpire selected by the Secretary of State of the United States and Her Britannic Majesty's minister at Washington; and his decision shall be final.

ARTICLE VIII.

Each of the high contracting parties shall pay its own commissioners and officers. All other expenses jointly incurred in connection with the performance of the work, including compensation to the umpire, shall be paid by the high contracting parties in equal moieties.

ARTICLE IX.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in any such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern or northeastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, transship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports, promptly upon application and without charge; and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States fishing vessel, of its official number on each bow; and any vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein penalties shall be fixed by the court, not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all $3 for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defense, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defense only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the governor-general of Canada in council, or the governor in council of Newfoundland, before the same are executed.

ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels, by annual licenses, free of charge, for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits;
2. Transshipment of catch, for transport by any means of conveyance;
3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

ARTICLE XVI.

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate; and by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at Washington this 15th day of February, in the year of our Lord 1888.

T. F. BAYARD.	[SEAL.]
WILLIAM L. PUTNAM.	[SEAL.]
JAMES B. ANGELL.	[SEAL.]
J. CHAMBERLAIN.	[SEAL.]
L. S. SACKVILLE WEST.	[SEAL.]
CHARLES TUPPER.	[SEAL.]

I.

PROTOCOL OF FISHERIES CONFERENCE.

WASHINGTON, *November* 22, 1887.

The fisheries conference having formally met, the full powers of the plenipotentiaries were exhibited and found to be in good and due form, as follows:

Grover Cleveland, President of the United States of America, to all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the integrity and ability of Thomas F. Bayard, Secretary of State, William L. Putnam, of Maine, and James B. Angell, of Michigan, I hereby invest them with full power, jointly and severally, for and in the name of the United States, to meet and confer with plenipotentiaries representing the Government of Her Britannic Majesty, for the purpose of considering and adjusting in a friendly spirit all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between the Government of the United States and that of Her Britannic Majesty, and any other questions which may arise and which they may be authorized by their respective Governments to consider and adjust; and I also fully empower and authorize the said Thomas F. Bayard, William L. Putnam, and James B. Angell, jointly and severally, to conclude and sign any treaty or treaties touching the premises, for the final ratification of the President of the United States, by and with the advice and consent of the Senate, if such advice and consent be given.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington this 18th day of November, in the year of our Lord 1887, and of the Independence of the United States the one hundred and twelfth.

[SEAL.]

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

VICTORIA R. and I. *Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, etc., etc., etc., to all and singular to whom these presents shall come, greeting:*

Whereas for the purpose of considering and adjusting in a friendly spirit with plenipotentiaries to be appointed on the part of our good friends the United States of America all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between our Government and that of our said good friends, and any other questions which may arise which the respective plenipotentiaries may be authorized by their Governments to consider and adjust, we have judged it expedient to invest fit persons with full power to conduct on our part the discussions in this behalf. Know ye therefore that we, reposing especial trust and confidence in the wisdom, loyalty, diligence, and circumspection of our right trusty and well beloved Councilor Joseph Chamberlain, a member of our most honorable Privy Council, and a member of Parliament, etc., etc.; of our trusty and well beloved the honorable Sir Lionel Sackville Sackville West, Knight Commander of our most distinguished Order of St. Michael and St. George, our envoy extraordinary and minister plenipotentiary to our said good friends the United States of America, etc., etc., and of our trusty and well beloved Sir Charles Tupper, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, Companion of our most honorable Order of the Bath, minister of finance of the Dominion of Canada, etc., etc., have named, made, constituted, and appointed, as we do by these presents name, make, constitute, and appoint them our undoubted plenipotentiaries: Giving to them, or to any two of them, all manner of power and authority to treat, adjust, and conclude, with such plenipotentiaries as may be vested with similar power and authority on the part of our good friends the United States of America, any treaties, conventions, or agreements that may tend to the attainment of the above-mentioned end, and to sign for us and in our name, everything so agreed upon and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work in as ample manner and form, and with equal force and efficiency as we ourselves could do if personally present: Engaging and promising upon our royal word that whatever things shall be so transacted and concluded by our said plenipotentiaries shall be agreed to, acknowledged, and accepted by us in the fullest manner, and that we will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto, as far as it lies in our power. In witness whereof we have caused the great seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents which we have signed with our royal hand. Given at our Court at Balmoral the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and eighty-seven, and in the fifty-first year of our reign.

The British plenipotentiaries proposed that Mr. Bayard, Secretary of State of the United States, should preside.

Mr. Bayard, while expressing appreciation of the proposal, stated the opinion, in which the other United States plenipotentiaries concurred, that it was not necessary that any one should preside; and the proposal was permitted to rest.

Mr. John B. Moore, Third Assistant Secretary of State of the United States, acting as secretary to the United States plenipotentiaries, and Mr. J. H. G. Bergne, C. M. G., superintendent of the treaty department of the British foreign office, acting as secretary to the British plenipotentiaries, were requested to make the protocols of the conference.

After some discussion of questions before the conference, it was adjourned to 12 o'clock m. of the 28th of November.

PROTOCOL.

The treaty having been signed by the British plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the treaty.

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and Newfoundland shall be granted to United States fishing vessels by annual licenses at a fee of $1.50 per ton—for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If, during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, etc.), the said licenses shall be issued free of charge.

3. United States fishing-vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom-house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offenses of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the colonial authorities.

J. CHAMBERLAIN.
L. S. SACKVILLE WEST.
CHARLES TUPPER.

WASHINGTON, *February* 15, 1888.

PROTOCOL.

The American plenipotentiaries having received the communication of the British plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the fisheries during the period which may be requisite for the consideration by the Senate of the treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British plenipotentiaries, by the means referred to, to maintain the relations of good neighborhood between the British possessions in North America and the United States; and they will convey the communication of the British plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the treaty, when the latter is submitted to that body for ratification.

T. F. BAYARD.
JAMES B. ANGELL.
WILLIAM L. PUTNAM.

WASHINGTON, *February* 15, 1888.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 21, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. BRUSH, president of Dakota University.

The Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PAYSON, the reading of so much of it as related to the introduction and reference of bills and joint resolutions was dispensed with. The remainder of the Journal was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BREWER, for three days, on account of important business.

To Mr. LAFFOON, for this day, on account of sickness.

THE POTOMAC FLATS, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report upon the probabilities of damage to the improvements and the necessity for immediate work on the flats above the Long Bridge, in front of Washington, D. C.; which was referred to the Committee on Rivers and Harbors.

THE EIGHT-HOUR LAW IN THE NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, in response to a resolution of the House calling for information relative to claims arising under the bill for the adjustment of accounts of employés under the eight-hour law; which was referred to the Committee on Labor, and ordered to be printed.

LIGHT-HOUSE, GULL SHOAL, NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of Appropriations for a light-house and fog-signal at Gull Shoal, Pamlico Sound, North Carolina; which was referred to the Committee on Commerce.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally referred as follows:

The bill (S. 147) for the relief of S. T. Barclay, G. D. Adams, and William H. Kimbrew—to the Committee on Claims.

The bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina—to the Committee on Commerce.

The SPEAKER. The Senate has also transmitted to the House a large number of private pension bills, which, if there be no objection, the Chair will present in bulk and have them entered upon the Journal with the proper references.

There was no objection, and it was so ordered.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company, and that the same be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The following amendments were recommended by the Committee on Commerce:

Section 2, lines 7, 8, 9, and 10, strike out the words "and provision shall be made in the height of the bridge, and in the location and construction of abutments and approaches, to allow the free passage of flood water," and insert in lieu thereof the following:

"And the bottom chord of the bridge shall not be of less elevation than 1 foot above the plane of the highest flood known at the locality, and provision shall also be made in the location and construction of abutments and approaches to allow the free passage of flood water."

Section 4, after the word "bridge," in line 8, insert "and equal privileges in the use of said bridge shall be granted to all telegraph companies."

Section 5, after the word "be," in line 8, insert "commenced in one year and be." Line 9, strike out "two" and insert "three."

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendments reported by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

L. B. TOWNSEND AND OTHERS.

Mr. FORD. Mr. Speaker, I ask unanimous consent to take from the Private Calendar the bill (S. 388) for the relief of L. B. Townsend and others, and to put it upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That L. B. Townsend, Louis S. Lovell, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harter, and Peter Hackett, of Ionia, Mich., sureties upon the several bonds of the late J. C. Dexter, given as security for the faithful performance by said J. C. Dexter of his duties as receiver of public moneys and disbursing agent of the United States land office at Ionia, Mich., from 1861 to 1867, be, and they are hereby, released and discharged of and from all and every obligation and liability whatsoever on account of said bond.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Mr. Speaker, I hope that before we are asked to consider the bill there will be some explanation given of it, either by reading the report or otherwise.

Mr. FORD. Mr. Speaker, the report is quite long, and I think I can save time by stating the gist of it. In 1867 one John C. Dexter was receiver of public moneys at Ionia, Mich. When he went out of office he and his sureties supposed that he owed nothing to the Government. In 1880 he died. He was a man of considerable wealth; and in 1881 his wife died, and his estate has been distributed to his heirs.

In 1887 the Government brought suit against the sureties for an alleged deficiency, amounting with interest to about $10,000. Since Mr. Dexter's death three of the sureties have died; and now, twenty-two years after he went out of office, this suit is brought.

This bill was introduced in the last Congress, was passed by the Senate, and favorably reported by a committee of this House, but it reached the Calendar too late to be acted upon during that Congress. At this session the bill has again passed the Senate, and is favorably reported by the Committee on Claims of this House.

Mr. HOLMAN. I wish to make one further inquiry. How long is it since the fact was ascertained that there was a defalcation?

Mr. FORD. About sixteen months. Of course the statute of limitations can not run against the Government, but it seems to me there ought to be some period of time within which suits of this character must be brought. If it had been known prior to the death of Mr. Dexter that he was indebted at all to the Government the amount might easily have been collected. But as I before remarked, both he and his wife are now dead, and their estate has been distributed. Of the seven sureties three are dead, and their estates have been distributed. And now, after the lapse of over twenty years, the Government brings suit.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, was accordingly read the third time, and passed.

Mr. FORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DIBBLE. I call for the regular order.

PRINTING FOR COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. RICHARDSON. I rise to make a privileged report from the Committee on Printing. I am directed to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 13, 1888.

Mr. MCCREARY submitted the following resolution; which was referred to the Committee on Printing:

"*Resolved*, That the Committee on Private Land Claims be authorized to have printed and bound such papers and documents, for the use of said committee, as it may find necessary, connected with subjects considered by said committee during the present Congress: *Provided*, The amount to be printed by said committee shall not exceed the sum of $100."

Mr. RICHARDSON. I move the previous question.

The previous question was ordered, and under the operation thereof the resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNDISTRIBUTED COPIES OF REBELLION RECORDS, ETC.

Mr. RICHARDSON. I have another report which I desire to present; it is a privileged report, I think. The committee has directed me to report back the Senate resolution which I send to the desk, with a recommendation that it pass.

The joint resolution was read, as follows:

Joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all copies of the Records of the War of the Rebellion, reports of the Tenth Census, and reports of the Public Lands Commission remaining undistributed of the quota of ex-members of Congress shall be put to the credit and distributed upon the orders of their successors, respectively, in the Fiftieth Congress, in accordance with existing provisions of law: *Provided*, That copies of the above-named documents standing to the credit of ex-members who, in consequence of changes in the boundaries of Congressional districts, have no direct successors in the present Congress shall be sold at cost or distributed to libraries yet unsupplied: *And provided further*, That this resolution shall not be construed as withholding from parties already named to receive complete sets of said documents the volumes yet to be issued.

Mr. RICHARDSON. I ask that the report of the committee be read.

The Clerk read as follows:

The committee have considered the joint resolution (S. R. 4), and report the same back with the recommendation that it do pass. The committee agree fully with the Senate Committee on Printing as to the necessity for the passage of this resolution, and beg to submit the report of that committee on said resolution, which they adopt as their own:

"The committee, to whom was referred the resolution providing for the disposition of undistributed copies of the Rebellion Records and other public documents, report as follows:

"In the opinion of the committee, documents put to the credit of members of Congress that are not distributed within two years, except where sets are to be completed, should be turned over to their successors, or otherwise distributed by order of Congress.

"A letter from John G. Ames, superintendent of documents in the Interior Department, is herewith submitted.

"The committee recommends the passage of the resolution.

"'DEPARTMENT OF THE INTERIOR,
"'*Washington, January* 30, 1888.

"'SIR: Referring to your communication of the 26th instant, requesting an expression of my opinion as to the propriety of the provisions of Senate joint resolution No. 4, relative to the disposition of the undistributed copies of the Rebellion Records, reports of the Tenth Census, and report of the Public Lands Commission standing to the credit of ex-members of Congress, and also information as to the number of copies of the same on hand, I have to say that I have been surprised that the action contemplated by said resolution was not some time since taken by Congress. It would seem entirely proper that if documents put to the credit of members of Congress in any Department of the Government were not within a reasonable time distributed they should be turned over to their successors for this purpose. Certainly documents that have been held for four or even two years, awaiting the order of ex-members of Congress for their distribution, can with all propriety be now made subject to distribution upon the order of their successors.

"'The publications of the Government should, in my judgment, be put into the hands of libraries and of the public as soon as possible after they are issued, and I have no doubt that the adoption of this joint resolution will hasten the distribution of volumes that have been so long awaiting the order of members of Congress to whom they were originally assigned.

"'Regarding the documents specified in the resolution, I have to say that the Records of the War of the Rebellion are delivered to and distributed by the honorable the Secretary of War, so that this office has no information regarding the number still on hand. Of the reports of the Tenth Census it is only that portion which still stands to the credit of ex-Representatives in the Forty-seventh Congress that would be affected by the provisions of the resolution, as it was only the quota of the House of Representatives which was made distributable in perpetuity upon the order of Representatives in the Forty-seventh Congress. The Senate never took corresponding action regarding its quota.

"'This Department has always construed the law relative to the Senatorial quota of Census reports and the entire edition of report of the Public Lands Commission printed for the use of Congress as subjecting these documents to the order of actual members of Congress, so that the undistributed portion belonging to members of the Forty-seventh Congress was put to the credit of those of the Forty-eighth Congress, and if any still remained undistributed by the Forty-eighth Congress they were put to the credit of members of the Forty-ninth Congress, etc. It follows, therefore, that only the undistributed copies of the reports of the Tenth Census standing to the credit of ex-Representatives in the Forty-seventh Congress would be affected by the provisions of this resolution.

"'Without taking the time at present to determine the precise number of these reports, I may say that upon an approximate estimate there remain 325 complete sets and also about 175 broken sets of the final volumes, these broken sets being deficient in from one to ten volumes each. Additional to these are about 8,000 copies of the Compendium, 1,600 copies of Statistics of Population, 500 copies

of Statistics of Manufactures, and 1,800 copies of Statistics of Agriculture. There remain also about 300 sets of the report of the Public Land Commission, which, as I say above, are being distributed upon the order of members of the Fiftieth Congress, successors to members of the Forty-eighth and Forty-ninth Congresses who failed to distribute their respective quotas.

"'Very respectfully,

"'JOHN G. AMES,
'"*Superintendent of Documents.*

"'Mr. W. H. MICHAEL,
"'*Clerk of Printing Records, United States Senate.*'"

Mr. RICHARDSON. The Senate report just read sets forth very fully the purposes of this joint resolution. I do not care to indulge in any debate upon it; and if no gentleman desires to make any inquiry, I will move the previous question.

Mr. KERR. I understand that where there has been a new apportionment of Representatives in any State, such State would be entirely cut off by this resolution from any share in the distribution of these documents. It seems to me that if there is a surplus belonging to any of the former members from any State, that surplus should go to the State, and not be sold. I would like to submit an amendment to that effect.

Mr. RICHARDSON. The gentleman is correct in so far as he represents this resolution as providing that where, in case of the reapportionment of Representative districts in any State, counties have been assigned to different districts from those to which they formerly belonged, so that ex-members of the Forty-seventh Congress have no direct successors in this Congress, it would be impracticable for gentlemen representing the new districts to receive the allotment of old members, the quota of documents on hand in such cases is to be sold, or distributed to libraries yet unsupplied; but there is a proviso that where the documents have been assigned to persons and public libraries in those districts, those persons and libraries shall continue to receive them. I do not understand that the amendment which the gentleman from Iowa [Mr. KERR] indicates, as I caught it, would remedy the difficulty that arises in the distribution; but so far as I am personally concerned I have no objection to the amendment.

Mr. KERR. Then I move to amend by providing that the share of public documents belonging to members from States in which there has been a recent apportionment shall be reserved for that State, to be distributed among its members.

The SPEAKER. The gentleman will reduce his amendment to writing.

The amendment, having been reduced to writing, was read, as follows:

Add to the resolution the following:

"*Provided*, That the share of public documents not called for by members of previous Congresses, where there has been a recent apportionment, shall be distributed among the members of that State pro rata."

Mr. RICHARDSON. I ask to have the joint resolution read again, as a number of members failed to hear it.

The resolution and the amendment were again read.

Mr. TAULBEE. Is not this amendment of the gentleman from Iowa [Mr. KERR] subject to a point of order?

The SPEAKER. What is the gentleman's point?

Mr. TAULBEE. I make the point that the amendment is not germane, as it relates to public documents generally, while the original resolution provides for the distribution of certain documents specially named.

Mr. RICHARDSON. The point of order, I presume, is addressed to the Chair.

Mr. TAULBEE. I only turned to the gentleman from Tennessee to call his attention to my understanding of the original resolution.

Mr. RICHARDSON. The gentleman is correct in that. The resolution applies only to the distribution of the Rebellion Records, the reports on the Tenth Census, and the report of the Public Land Commission.

Mr. TAULBEE. So I understand. My point of order is that the resolution proposed by the gentleman from Iowa applies to all public documents without exception.

The SPEAKER. The Chair will state that the resolution would be in order if it were made to read that the share of "said" public documents, etc., so as to make the amendment applicable only to the documents mentioned in the original resolution.

Mr. KELLEY. I think the resolution as read would probably lead to the divesting of the older members of the House of copies of public documents that they have been reserving from year to year to meet a special class of applications from institutions or individuals. I am in that category. It was but yesterday that a gentleman from Georgia, who was peculiarly desirous of obtaining a copy of the Agricultural Report for 1874, applied to me to assist him. I was, so far as he could learn, the only person who could supply it, and I did it with a great deal of pleasure. I hold these books for new members or for old members and for correspondents who may want to get them, and I am always glad to oblige when I can in that respect.

I think the phraseology of this resolution, however, would divest me of these books and send them for sale with the others which have not been distributed.

Mr. PERKINS. This, as I understand, applies only to ex-members.

Mr. RICHARDSON. The resolution provides for the distribution of undistributed books of the quota of ex-members of the Forty-seventh Congress among the members of the Fiftieth Congress under the conditions specified in the resolution.

Mr. KELLEY. Yes, sir; but I was a member of the Thirty-seventh Congress, and these are books and papers I have held for many years for public use when I have applications for them.

Mr. RICHARDSON. But this, as I say, does not affect members or ex-members of the Thirty-seventh Congress. It does not go back of the Forty-seventh Congress, and it relates only to the three classes of documents mentioned in the resolution, which were ordered to be printed by that Congress.

Mr. EZRA B. TAYLOR. I think the gentleman from Pennsylvania is mistaken as to the operation of the original resolution, but I think the amendment of the gentleman from Iowa [Mr. KERR] would take from me, who was a member of the Forty-sixth and Forty-seventh and succeeding Congresses, books that I have reserved for the same reason the gentleman from Pennsylvania has mentioned, and distribute them to the State pro rata.

A large proportion of the copies of the Rebellion Record belonging to me remain undisposed of for the reason stated; and yet the amendment provides that all of these books that stand to the credit of members of the Forty-seventh Congress in States where there has been a reapportionment shall be distributed pro rata among the members of the present House.

Now, I think a member who has retained a certain proportion of these books for distribution should not be deprived of them in this manner, and yet this amendment, if adopted, would take from me and give to those members of my State who have already disposed of what they were entitled to the volumes which I have retained for distribution.

Mr. TAULBEE. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I wish to ask if the gentleman from Iowa who offered that amendment has so modified it as to make it in order?

The SPEAKER. The Chair suggested to the gentleman that if the word "said" be inserted in the amendment, so as to make it relate to the documents covered by the original resolution, it would be in order.

Mr. TAULBEE. I understood the statement of the Chair some moments ago; but my inquiry was whether or not such modification has been made?

The SPEAKER. The Chair understood the gentleman to consent to do it, and the Clerk has inserted the word.

Mr. HOLMAN. Let me suggest to the gentleman from Tennessee, inasmuch as this subject is before the House now for the first time, that its consideration be postponed and the resolution be recommitted to the committee so as to give us time to consider its effect. I therefore move, with the consent of the gentleman from Tennessee, that this resolution and the report be printed in the RECORD and recommitted to the committee.

Mr. HENDERSON, of Iowa. That is a good idea.

Mr. RICHARDSON. That is perfectly satisfactory to the committee.

The SPEAKER. The Chair understands the gentleman to ask consent for the printing of the entire report.

Mr. RICHARDSON. That also includes the printing of the letter appended to the report—the letter of the superintendent of documents in the Department of the Interior. I ask that the report and joint resolution and the proposed amendment be recommitted to the Committee on Printing, that we may try to obviate the difficulties suggested. In the mean time, let them be printed in the RECORD, that members may understand the matter.

The SPEAKER. Without objection, that will be done.

There being no objection, the report and documents were ordered to be printed in the RECORD, and recommitted to the committee.

The report is printed above.

ORDER OF BUSINESS.

Several members addressed the Chair.

The SPEAKER. The regular order has been demanded, and the Chair will state that he can only recognize gentlemen who have privileged reports.

Mr. WILKINS. I have a privileged report to submit.

The SPEAKER. The gentleman will send it up.

Mr. WILKINS, from the Committee on Banking and Currency, reported back the following resolution with the recommendation that it be adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish for the information of the House of Representatives the number of steam-power presses used in plate printing in the Bureau of Engraving and Printing; whether the same are owned by the Government, and, if not, from whom leased; the name and address of the owners; the amount of royalty paid and time of payment, and the reason why the Government is not the owner of the said presses; the average cost per diem when in operation, including wages to attendants; the number of hand plate presses, the cost of each per diem when in operation, including the wages of attendants; the average percentage of work performed in this department by both steam and hand presses. The labor performed by one steam press is equal to the labor of how many skilled hand pressmen? Whether the work performed by steam presses is equal in quality, finish, and workmanship to that performed by the hand presses.

The resolution was agreed to.

Mr. WILKINS moved to reconsider the vote by which the resolution

was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL HOUSE EMPLOYÉS.

Mr. BOUND. I rise to make a privileged report from the Committee on Accounts. I am directed by that committee to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be authorized to appoint one additional messenger, at a salary of $75 per month during the remainder of the session, and one night watchman, at a salary of $60 per month, during the remainder of the session; both of whom shall be assigned to duty with the committees of the House of Representatives located in the Butler building, and both of whom shall be paid out of the contingent fund of the House.

The resolution was adopted.

Mr. BOUND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES OF UNITED STATES DISTRICT ATTORNEYS, ETC.

Mr. COWLES. I rise to make a privileged report from the Committee on Expenditures in the Department of Justice.

The resolution referred to the committee, on motion of Mr. COWLES, was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish this House, at the earliest practicable day, with a statement showing the amount of compensation and fees earned by the several district attorneys of the United States, and also by the several marshals for district courts of the United States, and the amount actually allowed and paid, under existing law, said district attorneys and marshals on account of such earnings, fees, and compensations, with a statement of the fixed salary of each; and also the number of assistant district attorneys doing service in the respective districts and the amount of compensation paid to each of them. Said information to cover the years of 1885, 1886, and so much of 1887 as practicable.

The report of the committee was read, as follows.

The Committee on Expenditures in the Department of Justice having had under consideration the accompanying resolution, report the same back with the recommendation that the same be adopted.

The resolution was adopted.

Mr. COWLES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARIES OF HOUSE MESSENGERS.

Mr. BOOTHMAN. I desire to make a privileged report from the Committee on Accounts. I am directed to report a substitute for the bill (H. R. 5632) to equalize the salaries of messengers of the House of Representatives, and for other purposes.

The proposed substitute was read, as follows:

Resolved, That the Committee on Appropriations be, and it hereby is, requested to report in the forthcoming legislative, executive, and judicial appropriation bill an item appropriating the sum of $4,582 to be expended in equalizing the salaries of the following employés of the House, namely:

Five persons in attendance at the north door of the House.
Four persons in attendance at the east door of the House.
Three persons in attendance at the west door of the House.
Four persons in attendance at the east lobby door of the House.
Four persons in attendance at the west lobby door of the House.
One person in attendance at the seal room of the House.
One person acting as captain of House pages.
One person in attendance at the ladies' reception room of the House.
Seven persons in attendance at the north gallery doors of the House.
Three persons in attendance at the south gallery doors of the House.
Four persons in attendance at the west gallery doors of the House.
Six persons in attendance at the east gallery doors of the House.

In all forty-three persons; and that such sum shall be expended so as to make the whole pay of said employés equal to $100 each per month for the time they are so employed.

Mr. HOLMAN. Is that a privileged proposition?

The SPEAKER. It is not. Under the rules of the House only those resolutions which propose to expend money out of the contingent fund are privileged. This is a resolution instructing the Committee on Appropriations to report an appropriation of money out of the public Treasury.

Mr. BOOTHMAN. I will state that the original bill proposed that the salaries of the employés should be paid out of the contingent fund of the House. This resolution is proposed as a substitute.

The SPEAKER. This proposition can not be entertained if the point of order is made.

Mr. BOOTHMAN. I withdraw the report for the present.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded, which is the call of committees for reports.

DIRECT TAX.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary reported with amendments the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

POLYGAMY.

Mr. CULBERSON, from the Committee on the Judiciary, reported as a substitute for the joint resolution (H. Res. 45) for the amendment of the Constitution of the United States in regard to polygamy and polygamous association or cohabitation between the sexes, and the joint resolution (H. Res. 49) proposing an amendment to the Constitution of the United States prohibiting polygamy, a joint resolution (H. Res. 116) proposing an amendment to the Constitution of the United States prohibiting polygamy; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The joint resolution H. Res. 45 and the joint resolution H. Res. 49 were severally laid upon the table.

PORT OF ST. PAUL, MINN.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported as a substitute for the bill H. R. 3252 a bill (H. R. 7546) to amend sections 2595 and 2596 of the Revised Statutes of the United States, and to provide a collector at the port of St. Paul, Minn., and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REV. STEPHEN M. COLLIS.

Mr. FORD, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JAMES S. JOUETT.

Mr. FORD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 4777) in reference to the restoration of James S. Jouett to military service in the Army of the United States; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES L. HENDERSON.

Mr. GEAR, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEAR also, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 319) for the relief of Rodolph Randol.

A bill (H. R. 96) for the relief of S. A. Saint John.

JOHN POWERS.

Mr. LAIRD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 6800) for the relief of John Powers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PORTER ACADEMY, CHARLESTON.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5025) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POSTAL CRIMES.

Mr. DOCKERY, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 7052) relating to postal crimes and amendatory statutes therein mentioned; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HUDD, the Committee on Indian Affairs was discharged from the further consideration of a bill of the following title, and it was referred to the Committee on Expenditures in the Interior Department:

A bill (H. R. 3402) to authorize the Secretary of the Interior to apply the unexpended balance of the appropriations made by the act entitled "An act to authorize the Secretary of the Interior to ascertain amounts due citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequently to June 1, 1862, and prior to the massacre of August, 1862, and providing for the payment thereof," approved March 3, 1885.

RIGHT OF WAY, YANKTON RESERVATION, DAKOTA.

Mr. GIFFORD, from the Committee on Indian Affairs, reported, as

a substitute for House bill 3065, a bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway through the Yankton reservation in Dakota; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3065) was laid on the table.

OMAHA INDIAN RESERVATIONS, NEBRASKA.

Mr. McSHANE, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 4988) to extend the time of payment to purchasers of land on Omaha Indian reservation, State of Nebraska; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SEDALIA, MO.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1599) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, PORTLAND, OREGON.

Mr. POST, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (S. 20) to provide for the construction of a public building at Portland, Oregon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, TROY, N. Y.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1690) to increase the appropriation for the erection of the public building at Troy, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HOT SPRINGS, ARK.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back as a substitute for House joint resolution 36 a joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original joint resolution (H. Res. 36) was laid on the table.

PUBLIC BUILDING AT HELENA, ARK.

Mr. BANKHEAD also, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 4472) for a public building at Helena, Ark.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. BANKHEAD also, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (S. 217) to change the limit of appropriation for the public building at Jacksonville, Fla.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT WILKES BARRE, PA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported as a substitute for House bill 1783 a bill (H. R. 7548) for the erection of a public building at Wilkes Barre, Pa.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 1783 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT STATESVILLE, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT NEW ORLEANS, LA.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported as a substitute for House bill 3373 a bill (H. R. 7549) for the procurement of a site for a public building at New Orleans, La.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 3373 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT ST. PAUL, MINN.

Mr. NEWTON also, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 3401) for the erection of a post-office building at St. Paul, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WORKSHOP AT NATIONAL ARMORY.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 5639) for erecting a fire-proof workshop at the National Armory; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CASTLE ISLAND, BOSTON HARBOR.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back favorably the joint resolution (H. Res. 56) authorizing the use and improvement of Castle Island, in Boston Harbor; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT HASTINGS, NEBR.

Mr. McSHANE, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 3421) for the erection of a public building at Hastings, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOSEPH DRISKILL.

Mr. YODER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5829) for the relief of Joseph Driskill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH BUFFINGTON.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5388) granting a pension to Elizabeth Buffington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD B. HOLT.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 447) granting an increase of pension to Edward B. Holt; which was laid on the table, and the accompanying report ordered to be printed.

LIZZIE F. REED.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4685) granting a pension to Lizzie F. Reed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY O. GRAY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6586) granting a pension to Nancy O. Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OLIVE WALLACE.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4106) granting a pension to Olive Wallace; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. CARR.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4102) granting a pension to Mary A. Carr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLOTTE BROAD.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 816) granting a pension to Charlotte Broad; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MEHITABLE WHEELOCK.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4110) granting a pension to Mehitable Wheelock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HANNAH F. BROCK.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAIAH G. MAYO.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 824) granting a pension to Isaiah G. Mayo; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

HORATIO R. MARYMAN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 807) for the relief of Horatio R. Maryman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILES S. SCRIBNER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 822) granting a pension to Miles S. Scribner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WALKER, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6300) granting a pension to Samson M. David;

A bill (H. R. 6013) for the relief of Anthony Conolly; and

A bill (H. R. 5200) granting a pension to Hannah M. Cross.

MORRIS T. MANTOR.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4633) granting a pension to Morris T. Mantor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIA A. GRIFFEN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2694) granting a pension to Julia A. Griffen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET E. GRAVES.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6984) granting a pension to Margaret E. Graves; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE THOMAS.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 159) granting a pension to Jane Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAHALA ROBBINS.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2177) granting a pension to Mahala Robbins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LEORA GEAR.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6732) granting a pension to Mrs. Leora Gear; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN ROWE.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2518) granting an increase of pension to John Rowe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAXWELL CARROLL.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3603) to increase the pension of Maxwell Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHLOE QUIGGLE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOAB M. HALEY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2259) to grant a pension to Joab M. Haley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 227) granting a pension to Anna Baughman; which was laid on the table, and the accompanying report ordered to be printed.

MRS. EMILY M. WYMAN.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 4672) granting an increase of pension to Mrs. Emily M. Wyman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY S. WELLS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 6789) granting a pension to Mary S. Wells; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY G. MILLS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 4534) for the relief of Emily G. Mills; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. BLISS also, from the Committee on Pensions, reported back adversely the bill (H. R. 894) for the relief of James Moss; which was laid on the table, and the accompanying report ordered to be printed.

MARY B. KIRBY.

Mr. FINLEY, from the Committee on Pensions, reported back favorably the bill (H. R. 4626) for the relief of Mary B. Kirby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEHEMIAH GARRISON, ASSIGNEE.

Mr. LANHAM, from the Committee on Claims, reported back with amendments the bill (H. R. 7109) for the relief of the executor or administrator of the estate of Nehemiah Garrison, assignee of Moses Perkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM COLLINS.

Mr. LANHAM also, from the Committee on Claims, reported back with amendments the bill (H. R. 793) for the relief of William Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID A. HAYWOOD.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 3132) for the relief of David A. Haywood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FLORA SKINNER.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 3135) for the relief of Flora Skinner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATHEW H. FULTON.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 2710) for the relief of Mathew H. Fulton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAPOLEON B. LEATH AND OTHERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back adversely the claim of Napoleon B. Leath, T. Levisay, and forty-eight others; which was ordered to be laid on the table, and the adverse report printed.

BENJAMIN R. WALLER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 289) for the relief of Benjamin R. Waller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTIAN CHURCH, HENDERSON, KY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3631) for the relief of the Christian Church, of Henderson, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M'FALL.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 5591) for the relief of John McFall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. GORSUCH.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3727) for the relief of William P. Gorsuch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCY ANN LEE AND ALLEN G. LEE.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 65) for the relief of Lucy Ann Lee and Allen G. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. HUGHES.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3819) for the relief of John J. Hughes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS L. PRICE, DECEASED.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 6905) for the relief of the estate of Thomas L. Price, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HEFLEBOWER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 7362) for the relief of John Heflebower; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALLOWANCE OF CERTAIN CLAIMS FOR MILITARY STORES.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 7592) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported to the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF FOREIGN STEAMSHIP COMPANIES.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (H. R. 3195) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies, arising from illegal exaction of tonnage dues; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIG TALLY-HO.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 6757) to refer the claim of the owners of the brig Tally-ho to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. R. TINSLEY.

Mr. MANSUR also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4484) for the relief of R. R. Tinsley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE HILL, JR.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back with amendments the bill (H. R. 452) for the relief of George Hill, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

HEIRS OF JOSEPH ANDERSON.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5797) for the relief of the heirs of Joseph Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with adverse recommendations the following petitions; which were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of Joseph B. McClintock;

The petition of Nicolla Malatesta;

The petition of Julius Witkowski;

The petition of Elisha Nelson;

The petition of Henrietta C. Davie, daughter and an heir-at-law and personal representative of L. B. Wortham, deceased; and

The petition of Priscilla Burwell, executrix of Armstead Burwell, deceased.

REV. JOHN G. KYLE.

Mr. CROUSE, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5401) for the payment of the funeral expenses of Rev. John G. Kyle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL H. NYE.

Mr. CROUSE also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6331) for the relief of Daniel H. Nye; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CROUSE also, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 2628) for the relief of L. M. Pearlman; which was laid on the table, and the accompanying report ordered to be printed.

RELIEF OF VOLUNTEER SOLDIERS.

Mr. O'NEALL, of Indiana, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3325) for the relief of certain volunteer soldiers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. WALKER, M. D.

Mr. O'NEALL, of Indiana, also, from the Committee on War Claims, reported back with amendments the bill (H. R. 4265) for the relief of Mary E. Walker, M. D.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

Mr. MCCREARY rose to present a report from the Committee on Private Land Claims.

Mr. STEELE. Before another report is made I desire to hear the report in the last case read.

The SPEAKER. The Chair will state to the gentleman from Indiana that the bill to which he alludes has been referred to the Committee of the Whole House on the Private Calendar, and the Chair has recognized the gentleman from Kentucky [Mr. MCCREARY] to make another report.

Mr. STEELE. I did not at the moment catch the name, and desire to have the report read.

The SPEAKER. Does the gentleman insist on having the report read?

Mr. STEELE. I should certainly like to hear it read.

The SPEAKER. The Chair knows of no rule by which the gentleman can ask for the reading of the report at this time. He can demand the reading of the bill, but the reading of the report is in the nature of debate. The Chair does not know of any rule which authorizes the reading of the report at this time.

Mr. STEELE. I merely stated I would like to have it read.

Mr. STRUBLE. The gentleman had better withdraw his request until the bill comes up for debate in its regular order.

HAYERN & TAYLOR.

Mr. MCCREARY, from the Committee on Private Land Claims, reported back with a favorable recommendation a bill (H. R. 6394) for the relief of Hayern & Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OWNERSHIP OF REAL ESTATE IN TERRITORIES.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with a favorable recommendation a bill (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, approved March 3, 1887; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SALE OF CERTAIN REAL ESTATE, DISTRICT OF COLUMBIA.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 5683) to authorize the commissioners of the District of Columbia to complete a contract for the sale of certain real estate to Job Barnard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMPENSATION OF MESSENGERS, HOUSE OF REPRESENTATIVES.

Mr. BOOTHMAN, from the Committee on Accounts, reported back as a substitute for the bill H. R. 5632 a resolution (Mis. Doc. 263) to equalize salaries of messengers of the House of Representatives, and for other purposes; which was committed to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 5632) was laid on the table.

SUBTREASURY, GALVESTON.

Mr. MARTIN, from the Committee on Coinage, Weights, and Measures, reported back with a favorable recommendation a bill (H. R. 1879) to provide for the establishment of a subtreasury at Galveston, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COUNTERFEIT LARD.

Mr. STOCKDALE, by unanimous consent, presented a concurrent resolution of the Senate and House of Representatives of the State of Mississippi in reference to the House bill to regulate the manufacture and sale of counterfeit or compound lard; which was referred to the Committee on Agriculture.

CLAIMS FOR CAPTURED AND ABANDONED PROPERTY.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 1872) in relasion to claims arising under the provisions of the captured and abandoned property acts, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. EZRA B. TAYLOR obtained leave to present the views of the minority, to be printed with the report.

PORT OF NEW ORLEANS.

Mr. PHELAN, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 3376) to extend the limits of the port of New Orleans; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OHIO CONNECTING RAILWAY COMPANY BRIDGE.

Mr. PHELAN also, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 3215) to authorize the construction of the Ohio Connecting Railway Company Bridge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY, FORT D. A. RUSSELL MILITARY RESERVATION.

Mr. MAISH, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5713) to authorize the Cheyenne Street Railway Company to build its road on and across Fort D. A. Russell military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFUND OF THE DIRECT TAX.

Mr. OATES. Mr. Speaker, the gentleman from Ohio [Mr. EZRA B. TAYLOR] has made a favorable report upon the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861. I desire permission to present the views of the minority upon that bill, to be printed with the report of the committee, and I ask to be allowed the remainder of the week in which to file them.

There was no objection, and it was so ordered.

ADMISSION OF DAKOTA.

Mr. BAKER, of New York. Mr. Speaker, I am directed by the Committee on Territories to report the two Dakota bills adversely. I have prepared a minority report, and the chairman of the committee will hand in later the report on the part of the majority.

The SPEAKER *pro tempore*. Does the Chair understand that the gentleman presents his report in behalf of the minority of the committee?

Mr. BAKER, of New York, Yes, sir. The committee has directed the bills to be reported adversely, and I desire to present the views of the minority.

The SPEAKER *pro tempore*. The Chair submits to the gentleman from New York [Mr. BAKER] that the report of the majority of the committee must first be presented.

Mr. BAKER, of New York. I would like to get this report into the hands of the printer as soon as possible.

The SPEAKER *pro tempore*. It is absolutely necessary under the rule that the report accompanying the bills shall be made by the majority of the committee, and then, with the permission of the House, the minority can submit their views, to be printed with the report.

Mr. BAKER, of New York. But the instruction of the committee was that I should report the bills back adversely.

The SPEAKER *pro tempore*. The Chair thinks the proceeding is irregular, and that it must take the course suggested by the Chair—that is, that the gentleman representing the majority must first make his report. Then the gentleman from New York may present the views of the minority, and the Chair will recognize him for that purpose at any time during the day.

CONSOLIDATION OF CUSTOMS DISTRICTS.

Mr. BRECKINRIDGE, from the Committee on Ways and Means, reported back with amendments the bill (H. R. 5875) to authorize the consolidation of customs collection districts in certain cases, and to provide for the compensation of certain collectors and surveyors of customs; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OPENING OF THE INDIAN TERRITORY.

Mr. WARNER, of Missouri. Mr. Speaker, I ask unanimous consent to present and have printed in the RECORD a memorial and resolutions adopted by the convention for the opening of the Indian Territory, held at Kansas City, Mo., February 8, 1888.

There was no objection.

The memorial and resolutions are as follows:

Memorial.

To the Senate and House of Representatives of the United States in Congress assembled:

We, the representatives of the people of Missouri, Kansas, Arkansas, Texas, New Mexico, and the Indian Territory, in convention assembled at Kansas City, Mo., on the 8th day of February, 1888, do make the following declaration, presenting soberly and earnestly some of the reasons why definite action should be taken for the reorganization of all or a part of the Indian Territory:

We realize that the time has come when a change of policy is imperatively demanded; we believe that further postponement will be at the risk of incurring disorder and evils not within the reach of moderate remedies; we know that this Territory is becoming a hot-bed of disturbance and crime, as it always has been a mass of ignorance and idleness, of wastefulness and vice.

It is a large expense to the Government, a burden on the people of the entire country, a menace to the good order of the surrounding States, an impediment to commerce, and a disgrace to our civilization and nation.

The Indians remain in the bonds of their ancient barbarism; while chiefs, cattlemen, and others who have married into the tribes fatten on the wealth nominally belonging to the Indians as a class.

The Indian is of a comparatively pure, long-sustained race, with strong original characteristics, and as soon as he leaves the temporary influence of church and school he drops back to his former superstitions and manner of life. While he is being governed by chiefs and councils he maintains his habits and traditions, and is being forced rapidly toward extinction.

We maintain that the highest obligation of a government toward a helpless, conquered people, penned in a tract of country, every boundary of which touches aggressive and highly organized civilization of a wholly antagonistic character, is to teach them the arts by which they alone can endure, and to infuse into them the spirit of self-reliance and industry, which underlies all civilization and all permanent prosperity.

Not the narrow charity which, while it feeds the hungry, encourages dependence and indolence, but rather that broader and wiser policy of philanthropy which, in aiding, also encourages and develops the inherent principles in man of self-maintenance, industry, and independence. Left in their present condition they, in the aggregate, are the prey of the adventurers, the victims of oppression, and the food of disease. Instead of giving this people the best of our civilization, its peaceful industries and higher code of morals and laws, we have given them everything which, separate and apart, would have destroyed any people or nation in the world's history.

While the industrious and the intelligent, the temperate and the honest white man is barred from making for himself and family a home in this fertile domain, the lazy and the vicious, the criminal and the outlaw roam and plunder there in freedom and safety, ready and anxious to reward this generous partiality by furnishing introduction and example to the people of his decivilizing accomplishments.

The harmonious development of the Southwest and the commerce and industries of the nation require the organization of this Territory.

It is not restless adventurers and land-grabbers who ask for this act of philanthropy and statesmanship, but the honest laborers, in every avocation, those who have produced the wealth of the nation, and who have within one hundred years extended the lines of its settlement and power from a narrow belt of seacoast across a mighty continent. Not schemers, but business men, the equal in honesty, intelligence, and philanthropy of any class of American citizens, who, while they may appear to have less sentiment, certainly have better opportunities for practical knowledge than those far removed from the Territory.

It is not in the interest of personal gain, but to secure the blessings of good order and a permanent government for the Indians and settlers, commercial and industrial enterprises.

Again, we would call attention to the extent of the lands now held by the Indian tribes, and in trust by the United States, in trust for certain purposes in the Indian Territory. This Territory contains about 41,000,000 acres. The lands west of the so-called civilized tribes, or the portion included in one or more bills now pending in Congress, amount to about 21,000,000, and with the Neutral Strip added 25,000,000 acres. Nearly all these lands are fertile and well watered, having a population-supporting capacity equal to that of any body of land west of the Missouri River, and so favorable in climate and in soil that we are justified in expecting it to become within a few years after it is open to settlement one of the wealthiest of Territories.

The consuming capacity of such a country would be enormous. The effect upon manufactures and trade would be felt in all parts of the country in the creation of a new market of large demands.

The mineral resources of this country are just beginning to be understood. Coal of a superior quality is found in abundance; lead has been discovered in many places, and silver is known to exist in the western part.

A few railroad and other corporations and agencies, with no claim upon the bounty of the Government, are securing the benefits to accrue from these coal lands, and adventurers all over the Territory are striving to obtain leases which will give them control of these rich mineral resources.

The lands cultivated are almost exclusively in the hands of half-breeds and so-called "squaw men," whose holdings are almost unlimited, and who amass large wealth of which the full-bred Indian receives no share.

The Indian Territory lies in the center of Southwestern civilization, an obstacle to trade development and an injury to every State which borders upon it. The continuity of commerce is broken; the progress of business organization towards Mexico is blocked; Kansas is separated from Texas, and Arkansas from New Mexico and Colorado.

Looking into the Territory from a citizen's standpoint, it must be observed that the lawlessness which reigns there is unbearable and disgraceful to all forms of government. Criminals of the most desperate and infamous character take refuge there, absolutely despising the futile Indian police regulations, and usually safe from criminal processes of the Federal courts, on account of the sparsely settled condition of the country, and of the aiders and abettors of criminals in the Territory. Scores of murders were committed there during the past year. Some authorities place the number of lives lost as high as three hundred. The killing of United States officers while in the discharge of their duties would seem to be, from the number so sacrificed, rather a pastime than a crime.

The almost total absence of civil jurisdiction cripples the small trade, which might be increased were it not that all classes of business are uncertain and hazardous. Even those tribes which are called civilized are approaching our

standard of development slowly, if at all. Race distinctions in these tribes of Indians are fast dying out. The absorption of the freedman, and the amalgamation and intermarriage with other persons of African descent and "squaw men," have left but comparatively few individuals of the original pure Indian source. Of the three processes, amalgamation, annihilation, and civilization, the former two have the mastery, and are fast deciding the melancholy destiny of that race.

If the Government proposes to consider only the welfare of the Indians, we must insist that a comprehensive plan for organizing the whole Territory under laws in harmony with those governing the balance of the country is demanded by every sentiment of rational philanthropy and every principle of common sense and justice. That this will be done is certain, if a full knowledge of all the facts, conditions, and circumstances were available before the law-making power of this nation. The machinations, the intrigues, and the influence of interested leaders, beneficiaries of monopoly contracts, and "squaw men" have obscured the truth as to the wishes of the main body of Indians. These persons have control of many sources of profit and power, which they are determined not to surrender; it is they who have opposed all attempts for the correction of the evils of isolation and degradation; it is they who are opposed to every form of civilization which may protect and elevate the great mass of these people.

There is a strong under-current of feeling among the five civilized tribes in favor of throwing themselves upon the protection and power of the white man's laws. This feeling does not find public expression because of the reign of terror which pervades the nation under the intimidating and crushing power of the dominating influences heretofore mentioned. As long as the Government deals exclusively with the chiefs, "squaw men," and other recipients of the benefits of monopoly and power, nothing can be done. That the Indians, as individuals, would be vastly benefited by organizing the Territory under a systematic government, no one who is practically informed will deny. The money obtained from the sale of their surplus lands would make them a richer people per capita than those of any State in the Union. Their individual land-holdings in severalty would be guarantied to them, and with the privileges and responsibilities of citizenship they would rapidly and without social friction assume the benefits of independence, industry, culture, and prosperity. The only losers would be the cunning privileged classes who are preying upon their simplicity, superstitions, and ignorance. Over and again has it been demonstrated that individual Indians, when brought in direct contact and kept within the direct influence of white men, are industrious, temperate, and frugal. To think of preserving the present relations between the United States and its Indians, under the plea of guarding the rights of the weaker race, is an evidence of unthinking sentimentalism. The present relations are wholly wrong and the Indian is the sufferer.

Of the extent to which the Government has power to change present conditions in the Territory it is not our province to speak. The power to reorganize with the consent of the Indian is self-evident; and we hold that it is the plain duty of the Government to exercise that power without delay, to the fullest extent, as a means to settle what may be a dangerous agitation to the people of the country at large, to preserve the Indians from the evil and destructive influences by which they are surrounded, and to advance the cause of good government and a higher civilization. If the motive of the Government were to secure the greatest benefit to the laboring white man of the country, the honest seekers of homes in this fertile and yet unproductive domain, the question would be of easy and rapid solution.

While everywhere the American is known to be the gentlest and kindest of men, in the great West he prides himself upon being a fair man and a practical one. He knows that the fertile public lands are about exhausted. The pioneer settler, who has overcome every obstacle and laid the foundation of every State in the Union, is still looking for a home for himself and family upon the public lands. He approaches the borders of this vast, rich, and unproductive Territory, from which, if he be an honest man, with a dependent family, he is excluded. He looks across the dividing line and sees millions of acres of the most productive soil on the continent untouched by the plow. He sees tracts of thousands of untilled acres controlled by a "squaw man;" he learns that vast tracts are farmed out by chiefs to cattle-growers; he would not, if he could, leave his family and enter this Territory as a "squaw man;" he would not surrender his strong Anglo-Saxon pride of race to enter anywhere, for land or gold; he learns that the Government has bought at least a portion of this land for purposes to which it has never been and never can be applied. There is where he will preempt; there is where he will make a home. He is driven from his little cabin and expelled from the Territory by Federal power. Knowing all these facts, and all the conditions and influences which surround and control that Territory, in the fullness of his indignation he exclaims that it is not fair, and all over the Southwest it re-echoes, "It is not fair."

Our duty demands that we should follow this subject a little further, so that whatever mistakes the future may develop, they may not be laid at our door. The sense of unjust treatment in regard to this important question is growing rapidly in the five States adjoining the Territory. The pressure of the population for these rich lands is becoming stronger every year, and the difficulty of holding it back will shortly test the wisdom of a policy in which we can see only disaster. All along the borders the people know this subject practically in its every phase. The border counties of the adjacent States have been filled with a restless and energetic population, and they are liable at any time to be filled again with a greater number, which it will be difficult to control. What was troublesome to repress before will be almost impossible to handle in two more years, and we will find then that in order to suppress we must remove the cause.

It is difficult to exactly determine the number of Indians west of the five civilized tribes. From the most careful data we have been able to obtain they do not exceed 10,000, and are scattered over about 21,000,000 acres of land. These Indians could be merged into a general body of settlement, with lands in severalty, surrounded by the proper safeguards, which would not only be wise and judicious, but eminently beneficial to them; or they could be induced to settle on other tracts of land or given reservations sufficient for their use within the present lines, since they do not in any case derive sustenance from the soil.

The proceeds from the sale of the other lands would create a fund far beyond the means of supporting them in affluence. The Government would not be called upon for expenditure, nor would the Indians be in danger of losing a single valuable possession.

The plans heretofore under consideration for the opening of the Indian Territory may be classed under two divisions: One is to organize the whole Territory, including the five civilized tribes, under a Territorial government, using the authority of the General Government, justified by the paramount necessity of correcting lawlessness and checking widespread and increasing crime, and preventing the subjugation of the Indian masses to the selfish rule of intrenched power, exercised by individuals and corporations. Since it is a well-known fact that the great body of Indians in the civilized tribes have little influence in the council proceedings, derive little benefit from the wealth belonging to the tribes, and do not even enjoy the security of the laws of protection, the comprehensive, compulsory nature of this plan does not seem to violate the principles of just government. The other policy is to leave the Five Nations to their own course, and to organize the western portion of the Territory, dealing with every question of vested right by negotiation, and by treaty and law protecting every interest of the Indians.

We will not presume to recommend in detail any plan of action. We have endeavored to present dispassionately the real circumstances and facts surrounding a question of the deepest and most direct significance to the States of the Southwest.

The one thing of supreme importance is the immediate opening of this Territory to the industries and commerce of the nation. Trivial and unimportant excuses should no longer delay this necessary result. Interested and powerful individuals, corporations, and combinations should no longer be permitted to stand in the way of the best interests of the great mass of the people. In view of all the facts and legal precedents and decisions, there should be no hesitation in reaching at once a conclusion.

In dealing with the tribes and with the individual it does not appear that a change of policy will be required. The Government has always dealt with this class with the most unqualified paternalism. From this we must conclude that a paternalism which leaves polygamy, ignorance, laziness, and crime to fester in contact with populous Commonwealths may well proceed further without exhausting its right of interference. This request for a Territorial organization is also a request for fair dealing with the Indians, maintaining a jealous guard for their rights and interests; for fair dealing with the white settlements of the Southwest; for the advancement of political liberty and material civilization. As it stands to-day, this Territory is an absurdity in a republican form of government, an evil to all classes interested, and a menace to the peace and good order of the surrounding States.

RESOLUTIONS.

Resolved by the convention of the citizens of Missouri, Kansas, Arkansas, Colorado, and Texas, and the Territories of New Mexico and Indian Territory, assembled at Kansas City, Mo., on February 8, 1888, That the time has fully come when the social, agricultural, and commercial interests of the whole Southwest, the moral, educational, financial, and political interests of the Indians themselves, and those of the country at large, demand the speedy opening of the Indian Territory to settlement under the laws of the United States applicable to other Territories.

Resolved, That for all lands taken for this purpose the present owners should be fully and justly compensated, but that it is contrary to the public good to allow them to retard and obstruct the advance of civilization or maintain the present lawless condition of affairs in the Indian Territory by arbitrarily refusing to part with lands that they do not need and are not using, and that would otherwise become a source of happiness and wealth to our industrious, law-abiding, and progressive people, and of strength to the Government.

Resolved, If it be deemed inadvisable or impracticable at this time to include the five civilized tribes within a general plan of reorganization, that the solidification of all reserved lands west of the five nations, together with No Man's Land, under a regular Territorial government, is an act of plain political and social necessity to which we demand the present Congress should at once address itself.

Resolved, That any law passed defining and establishing a Territory of or from the Indian Territory should provide to the fullest extent for the wants of American home-seekers, holding in check the tendency to absorb large bodies of land under single ownership.

Resolved, That we look with suspicion and alarm upon any system which permits persons and corporations to negotiate with and obtain from either tribes or individuals contracts for lands, coal or other minerals, and that we call upon the Departments of the General Government for a vigilant enforcement of every regulation and law for the protection of this domain from monopolies, and to keep intact all of its resources, which should be available to the settler whenever it is opened by law for his occupancy.

Resolved, That the chairman of the convention appoint a delegation of eighteen persons to present this memorial to Congress, and to urge upon that body the action herein contemplated.

Resolved, That the joint committee of the Kansas City Board of Trade and Commercial Club be continued as the executive committee of this convention.

At the close of the reading of the resolutions there was much applause by the convention, and Col. George W. Warder at once moved their adoption. The motion prevailed by a unanimous vote.

The chair then appointed the following committee: Judge J. N. Galloway, Fort Scott; Dr. Morrison Munford, of Kansas City; M. W. Reynolds, Geuda Springs; T. S. Case, Kansas City; John W. Earlie, Indian Territory; George Leis, Lawrence; T. A. Osborne, Topeka; Maj. E. S. W. Drought, Kansas City, Kans.; C. H. Kimball, Parsons, Kans.; Joseph King, Indian Territory; Waller Young, St. Joseph; E. N. Dingley, Leavenworth, Kans.; A. A. Newman, Arkansas City; P. P. Greene, Denton, Tex.; W. H. Miller, Kansas City; H. J. Rodman, Little Rock, Ark.

Col. T. S. Case then asked that his name be taken from the committee, and that of Col. R. T. Van Horn substituted, stating that he would not be able to go to Washington. The change was made as requested. John R. Furlong, of Purcell, Ind. T., then moved that the name of Capt. W. L. Couch be added to the committee, and the motion prevailed. On motion, Col. Samuel Crocker was also added to the committee.

MORRISON MUNFORD,
Chairman of Delegation.

DUTY ON WOOL.

Mr. LA FOLLETTE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD certain resolutions passed at the wool-growers' meeting held at Rio, Wis., January 7, 1888, which I now present.

There was no objection.

The resolutions are as follows:

Resolutions passed at the wool-growers' meeting held at Rio, Wis., January 7, 1888.

Whereas since the reduction of the duties levied upon foreign wool in 1883 the sheep-breeders and wool-growers of the United States have sustained severe losses from the depression which has prevailed, and without any resulting benefits to the people of the country at large; and

Whereas the Executive of the nation in his recent message to Congress urges the necessity of placing wool upon the free-list, which will result in the near future to our dependence upon foreign countries for our clothing, making it harder for the poor man than ever was experienced in the nation's history:

Resolved, That this association is decidedly opposed to such a legislation as fraught with incalculable danger to the future of an industry of the greatest benefit to this country, and one in which so many agriculturists are largely interested.

Resolved, That our Representatives in Congress be urged by every means in their power to oppose such legislation, as only calculated to injure an industry national in character, and the destruction of which would only aid alien wool-growers at the expense of our own countries.

Resolved, That Congress be requested to so revise and change the present classification of foreign wools as to prevent in the future the fraudulent importations of so-called "waste wool tops," etc., at a lower rate of duty than their value demands, and that the duties be so arranged as to protect from unjust competition the manufacturer and dealer who aims to conduct his business honestly and in accordance with the laws of the country.

Resolved, That this association indorse the protection which was advocated by

the sugar planters of Louisiana in their convention of December 8, 1887, knowing that the wonderful growth of our country is simply the natural result of an intelligent protective policy, backed by the plucky, untiring, and progressive spirit of our people, and not from slavish dependence on other countries for the necessaries of life.

Resolved, That this association is of the opinion that any revision of the tariff should be upon the basis of ample protection to the industries of the country, and that a reduction of the revenue can be brought about without disturbing a single industry in which any number of our citizens are interested. We believe that the future prosperity of the United States is inseparably connected with the maintenance of a protective tariff.

Resolved, That we are opposed to large syndicates of foreigners occupying Government land in the West without paying rent or taxes while we pay high prices for our land and support the Government.

H. HUTCHINSON, *President*.

F. H. GREENE, *Secretary*.

WASHINGTON'S BIRTHDAY.

Mr. MILLS. Mr. Speaker, gentlemen on both sides of the House have expressed a desire that the House shall adjourn over to-morrow, but there is a difficulty in the way. To-morrow will be one of the five days heretofore set apart by the House for the consideration of business reported from the Committee on Public Buildings and Grounds, and before making the motion to adjourn over I ask unanimous consent that if we do adjourn over the Committee on Public Buildings and Grounds shall be given some other day this week instead of to-morrow.

Mr. BLAND. Why not extend their time on one of the days assigned to them, by giving them the full day beginning immediately after the reading of the Journal?

Mr. MCMILLIN. Can not the Committee on Public Buildings and Grounds get through their business in four days? An extraordinary amount of time, it seems to me, has already been appropriated to this business.

Mr. BLAND. I submit that if on one of these days the committee be allowed the whole day after the reading of the Journal that ought to be satisfactory.

Mr. MILLS. The gentleman from South Carolina [Mr. DIBBLE] can reply to the suggestion of the gentleman from Missouri [Mr. BLAND].

Mr. DIBBLE. In answer to the gentleman from Missouri, I will say that either the giving of a whole day after the reading of the Journal or the substitution of Wednesday week for to-morrow would be satisfactory to our committee. If a whole day after the reading of the Journal is to be given, the committee would designate next Thursday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to set apart the whole of next Thursday, immediately after the reading of the Journal, for the consideration of reports from the Committee on Public Buildings and Grounds, provided the House should adjourn over from to-day till Thursday. Is there objection?

Mr. MCMILLIN. I suggest that the proposition made by the gentleman from Texas ought to be satisfactory; and it would be better, I think.

Mr. DIBBLE. That is perfectly satisfactory.

The SPEAKER. The gentleman from Texas asks unanimous consent to set apart next Wednesday—to-morrow week——

Mr. BURROWS. My recollection is that there is a special order for that day.

The SPEAKER. There is.

Mr. DIBBLE. That being the case, I would recur to the other proposition, to allow to our committee the whole of Thursday after the reading of the Journal. Our present order embraces to-morrow as well as Thursday.

Mr. MILLS. You propose to take one day in lieu of two?

Mr. DIBBLE. We propose to take the whole of Thursday next after the reading of the Journal, in lieu of to-morrow after the consideration hour.

Mr. MCCREARY. I would like to amend the motion of the gentleman from Texas [Mr. MILLS]. Last Saturday was assigned for business of the Committee on Foreign Affairs, but the House by its adjournment from Friday till Monday prevented the committee from occupying that day. I now desire to substitute the 6th of March for last Saturday—the day which we lost in consequence of the House adjourning over.

Mr. RYAN. That is an independent proposition.

The SPEAKER. The Chair understood the gentleman from Tennessee [Mr. MCMILLIN] to object to the request of the gentleman from South Carolina [Mr. DIBBLE], which was to set apart Thursday next, immediately after the reading of the Journal, for the consideration of reports of the Committee on Public Buildings and Grounds.

Mr. MCMILLIN. I will ask the gentleman from South Carolina whether the four days which remain, even if we adjourn over, would not be ample for the work of the committee?

Mr. DIBBLE. That is a question I feel entirely unable to decide, because I can not anticipate how much time the House may desire to spend on any particular bill.

Mr. MCMILLIN. That has already been fixed by the terms of the order.

Mr. DIBBLE. But the yeas and nays may be called on any bill, and that takes half an hour.

Mr. MCMILLIN. I do not desire to stand in the way of adjourning over, as proposed by the gentleman from Texas; and inasmuch as giving the consent now asked by the gentleman from South Carolina will not extend, in the aggregate, the time which has heretofore been allowed for the business of his committee, I will not make objection.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that Thursday next—the day after to-morrow—immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Public Buildings and Grounds, provided that the House should to-day adjourn over, to-morrow being one of the days already set apart for business of that committee. Is there objection? The Chair hears none.

ADJOURNMENT TILL THURSDAY.

Mr. MILLS. I move that when the House adjourns to-day, it adjourn to meet on Thursday next.

The motion was agreed to.

BUSINESS OF THE COMMITTEE ON FOREIGN AFFAIRS.

Mr. MCCREARY. The House will remember that by its adjournment on last Friday until Monday the Committee on Foreign Affairs was prevented from occupying Saturday with its business, as had been agreed on. I now ask unanimous consent that in lieu of last Saturday, which our committee lost, the Committee on Foreign Affairs be allowed the 7th day of March.

Mr. STEELE. Will this be entirely satisfactory to the chairman of the committee? I do not see him present.

Mr. MCCREARY. Yes, sir. I take that responsibility.

The SPEAKER. The Chair desires to ascertain whether the gentleman's request is that the whole day immediately after the reading of the Journal or only after the consideration hour be allotted to the committee.

Mr. MCCREARY. I propose that the order already applicable to Saturday last shall apply to the day I have named.

The SPEAKER. The 7th day of March has been already assigned to the Committee on Indian Affairs.

Mr. MCCREARY. How many days have been assigned to that committee?

Mr. PERKINS. The 6th, 7th, and 8th of March have been set apart by a former order to the Committee on Indian Affairs.

Mr. MCCREARY. Then I will name the 14th of March.

The SPEAKER. Immediately after the reading of the Journal?

Mr. MCCREARY. Yes, sir.

Mr. MILLS. Not to interfere with revenue and appropriation bills.

Mr. MCCREARY. Yes, sir.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to set apart the 14th of March, immediately after the reading of the Journal, for the consideration of business reported from the Committee on Foreign Affairs, not to interfere with appropriation or revenue bills.

Mr. HOLMAN. I hope the gentleman will except also reports from the Committee on Public Lands.

Mr. MCCREARY. We propose to occupy only one day. I hope the gentleman from Indiana will not insist on that condition.

Mr. HOLMAN. As only a single day is to be occupied, I do not insist.

The SPEAKER. Is there objection?

Mr. DINGLEY. I object, unless the proposition be modified so that the business of the Committee on Foreign Affairs shall come up after the hour for the consideration of bills.

Mr. MCCREARY. I will make that exception, as I have to do it.

The SPEAKER. The gentleman modifies his request so that the proposed order, instead of taking effect immediately after the reading of the Journal, shall operate after the hour for the consideration of bills. Is there objection to the proposition as thus modified? The Chair hears none.

PROTECTION OF INMATES OF INSANE ASYLUMS.

Mr. JOSEPH D. TAYLOR, by unanimous consent, introduced a bill (H. R. 7593) for the relief of sane persons confined in insane asylums in the District of Columbia, the forts and arsenals, and the Territories of the United States, by placing inmates of insane asylums under the protection of the laws, by securing to them their postal rights; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHTS OF MARRIED WOMEN IN DISTRICT OF COLUMBIA.

Mr. JOSEPH D. TAYLOR also, by unanimous consent, introduced a bill (H. R. 7594) to change the common law of marriage to the customs of modern civilization, by the emancipation of married women in the District of Columbia, the forts and arsenals, and the Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BLACK BOB INDIAN LANDS.

Mr. DIBBLE. I demand the regular order of business.

The SPEAKER. The morning hour begins at eight minutes past 2 o'clock, and the regular order is the consideration of business reported from committees. The House resumes the consideration of a bill (H. R. 6364) to provide for the sale of land allotted and patented to certain

members of the Black Bob band of Shawnee Indians, and for other purposes, reported from the Committee on Indian Affairs.

Mr. PERKINS. Members of the House will remember that this bill was under consideration several days ago, and that considerable time was consumed in its discussion. Unless some one desires to ask additional questions in reference to its provisions, I will now ask that the bill be read by sections for amendment.

The first section was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, with the consent of the Indians, severally, to whom patents have been issued for lands assigned to them in what is designated as "Black Bob's settlement," under the provision of the second article of the treaty with the Shawnee Indians, bearing date May 10, 1854, or the heirs at law of such, expressed in such manner as he may prescribe, be, and he hereby is, authorized to cause to be appraised by three disinterested appraisers, one of whom, at least, shall be a freeholder and resident of the State of Kansas, and sold in tracts not exceeding 200 acres, all the land allotted and patented to said Indians the title to which has not passed out of the patentee, or his heirs, by deeds of conveyance approved by the Secretary of the Interior, as required by the conditions contained in the patents issued under the provisions of the eleventh section of the act of Congress approved March 3, 1859, or the title to which has not passed by virtue of any decree heretofore rendered by the United States circuit court for the district of Kansas, under the provisions of the joint resolution approved March 3, 1879. Said lands shall be appraised as if in a state of nature, but the enhanced value thereof by virtue of the settlement and improvement of the surrounding country shall be considered in ascertaining their value, and the facts and circumstances under which said improvements were made shall be taken into consideration: *Provided*, That the improvements thereon shall be appraised separate and distinct from the land.

Mr. FUNSTON. Mr. Speaker, I have amendments prepared to move to the first section, which I ask the Clerk to read.

The Clerk read as follows:

In line 10 strike out "3" and insert the letter "a;" in lines 11 and 12 strike out the words "one of whom at least shall be a freeholder and resident of the State of Kansas;" also strike out of the section, after the word "nature," in line 24, the words "but the enhanced value thereof by virtue of the settlement and improvement of the surrounding country shall be considered in ascertaining their value, and the facts and circumstances under which said improvements were made shall be taken into consideration;" and in line 28 insert the words "at an average of not more than $6 per acre."

The SPEAKER. These are three distinct amendments and can only be submitted by the gentleman from Kansas one at a time, except by unanimous consent.

Mr. PERKINS. I move, by unanimous consent, that my colleague be permitted to move these three amendments at the same time.

There was no objection, and it was ordered accordingly.

Mr. FUNSTON. These changes which I have proposed, Mr. Speaker, are material in their effect, and I desire to explain them before the House is called upon to vote upon them.

In the first place, the amendments change the bill from three assessors to one disinterested assessor, whose duty it shall be specially to determine the value of the land as between the settlers for the purpose of determining what portion each of these settlers shall be required to pay of the aggregate amount arising from the average of not more than $6 the acre.

There is a simple history connected with this land transaction which must be given in order that the matter may be understood. Before proceeding to give that history I will say that there is no one in this House as greatly interested in this matter as I am, although I have not a dollar invested in the whole affair; but it is a bill which interests my neighbors, men among whom I have lived for twenty years, men of whom I know every struggle of their lives, men who came over twenty years ago from Indiana, Ohio, and Kentucky, and located in this part of Kansas, and who did so under the encouragement of the Indian Bureau of the Interior Department. At that time (1854) these Black Bob Shawnee Indians, who are concerned in this transaction, were located in that part of Kansas, but before 1866 almost the whole of that tribe of Indians had left Kansas and gone elsewhere.

These settlers came in there seeking homes and they went on these lands. They wanted to know whether the lands could be sold to them at a fair price, and they appealed to Mr. Clarke in 1866, who represented us on this floor at that time, and he applied to the Commissioner of Indian Affairs, who wrote as follows:

By a treaty recently negotiated with the Black Bob band of the Shawnee tribe of Indians what is deemed a just provision has been made for the protection of the rights of settlers upon payment of a fair price for the land they respectively occupy, and a similar provision will be made in any negotiation which may hereafter be made.

Now, these men who went in there were not trespassers upon these lands; they went there by the permission of the Indian Bureau of the Interior Department. They located their homes upon these lands on condition they were to purchase them at a fair compensation.

It proved on investigation this treaty referred to by Mr. Cooley in the extract I have just read was never ratified and did not become a law. Nevertheless, the settlers believed they would receive their lands at a fair compensation.

I wish to refer here to some of the history connected with this whole question, so that the House may fully understand it. In 1867 the Interior Department issued patents in severalty to fifty-nine of these Indians. After the Indians had received the fifty-nine patents they sold a number of their farms, consisting of 200 acres each, to actual settlers, and other persons who were speculators picked up the balance. Then afterwards, in 1869, the settlers who had resided there since 1854 and 1858 again petitioned the Secretary of the Interior to grant lands in severalty to the Indians occupying the homes that they were living on, in order that the Indians might, by thus acquiring title, be able to sell them the homes which they had created for themselves in that region on these lands.

In pursuance of this the Secretary of the Interior ordered the issuance of fifty-five additional patents in severalty to these Indians, and just as soon as these land speculators ascertained that the patents were about to be issued to the Indians and would thus come into the possession of the actual settlers upon the lands, they went amongst the Indians and bought up their homes, or their patents, thus securing possession of every home that these settlers were living upon. The speculator then comes up into the settlement and says, "Here I have got deeds to your homes that you now occupy. They are in my grip."

Then, in order to protect themselves, these settlers presented a new petition to the Interior Department directly in opposition to what they had asked before, requesting that these patents be not issued to the Indians, for the reason that the lands had passed into the hands of speculators.

Now, the Secretary of the Interior, by the request of the Senate, stopped the issuance of the patents and refused to issue them to the Indians, and in that condition these patents were left until 1879. Then in 1879 a joint resolution was passed through Congress instructing the Attorney-General to bring suits to quiet the titles to these lands, and that went into the courts and the settlers lost their homes, which fell into the hands of the speculators; and the only way that these men could get any title to their homes at all was by paying, as they were compelled to pay, to the speculators three or four times the actual price of the lands.

Now, in 1874—and, Mr. Speaker, here come the lands in which we are specially interested—in 1874 the agent of the Government and the agent of the Indians made their selections in severalty which they desired to have issued to the Indians, in order that they might sell these actual settlers their homes. But here comes the double-jointed speculator again. He smells it again from afar; the miserable blood-sucker that follows the laboring man from one end of the country to the other comes again upon the field to steal from these people their homes or compel them to pay an extravagant price for them. He ascertained what was going on and goes with the Government agent to the Indians. He accompanies the agent into the Indian Territory, going there with this representative of the Government, and when the patent gets into the hands of one of the Indians, he says, "I have got so much money to give you for that patent. I have got the money here now, and you can hand it over to me; you will not get another dollar for it. There is the agent of the Government, and I am the man appointed to buy your lands."

Now, Mr. Speaker, by this means this speculator actually succeeds in buying up the homes of these poor people for his own self-aggrandizement. These people, my constituents, your neighbors, Indiana and Ohio men, who went there twenty years or more ago and made their homes amidst all the hardships and privations of frontier life in order to have a place to rear their families, are at the mercy of these miserable speculators, who can take them by the throat in order to force from them a larger price for the lands.

The speculator comes into their settlement, comes with the deeds and patents to their own homes—men who have lived there and reared their families in cabins, as I said a short time ago, subjected to all the hardships of a frontier life, with children to rear—these men come with the deeds in their hands and say, "You sign this power of attorney authorizing me to do what I have done." He says, "I have got your homes in my own hands; you must sign a certain contract and give me power of attorney to do what I have done in your behalf or I will make it cost you dearly." Mind you, he comes amongst the farmers and the humble agricultural people, men who are not supposed to be versed in the law or the ways of the world, and says, "I have this power of attorney here; you must sign it. It goes back and covers most of the transactions which I have made on your behalf under the terms of this contract which is to be signed, binding me upon certain conditions to convey the lands to you. You are to constitute me your agent. I am to buy the lands for you under this power of attorney and you are to pay me the cost, and all expenses, and pay for my labor, and for the use of my money, and whatever else may have been necessary for the transaction of the business."

Now a number of these men, under the press of their peculiar circumstances, signed that contract and the power of attorney, believing it to be their only hope and all that was left for them to do in order to save their homes. But afterwards they ascertained that there was something wrong. They began to ask, "Why, what is that contract we have signed? If this man goes to Washington and he has the deeds with him and this power of attorney and the contract, and gets our titles, what is to prevent him from stopping on the road home and selling our lands away from us; and then when he comes back home and we ask him for the title to the lands for which he is acting as agent, his reply is, 'I have sold your lands.'" But the farmer says, "Where is the contract?" To this the speculator replies, "Oh, I am worth nothing, the contract is worth nothing; I have nothing; you can not get anything out of me; and I have sold your lands before I got back home."

Now, Mr. Speaker, these poor men found this out before the matter of these deeds had been approved at Washington, and so they turned again and asked the Secretary of the Interior to withhold his approval of these deeds to Indian lands until they could be heard.

I neglected to state, Mr. Speaker, before this, that the Government in 1884 had sent an agent down to these Indian lands to see if the selections had been properly made, and to assess or value the lands, so as to furnish a schedule to guide the Department in the future. He placed those lands from $2 to $15 per acre, and recommended to the Secretary of the Interior that provision be made for allowing those settlers to have their lands at $3 per acre. This was in 1884. Immediately after this, however, the speculators came in and bought these lands. Then the settlers protested, as I have said, against the approval of the deeds, and the Secretary sent another agent to ascertain whether enough had been paid the Indians; but that assessor decided that the Indians had not received sufficient.

The nature of this amendment is that we do not send any more assessors down among those men; that we take it into our own hands to-day as a matter of equity; that we say we have the power to settle here what those lands are worth. We do not desire to conceal the fact that these lands, if you count all the improvements and surroundings, are much more valuable. But mark you, those improvements have been made by actual settlers—settlers on Indian lands. The Indians have not built a school-house, have not contributed a dollar. Everything that has been done to enhance the value of the land has been done by the settlers, and in justice they ought to have the land for what it was worth in 1866. But this amendment proposes we should strike out all pertaining to the assessors. We do not want to send more. These lands have been assessed over and over again; and every time a man comes with a plug hat on the settlers think he is certain to be an assessor or speculator, with perhaps instructions to tell them to leave. We want to stop this work, and we want to send an assessor to assess this land at an average of no more than $6 per acre, that each one may pay for his land according to its quality.

Why do we say $6 an acre? Simply because the speculators bought this land from the Indians for $3 per acre, and the Secretary of the Interior decides it insufficient. The speculator who is here to-day trying to have his deeds approved bought it for $3. Now, we ask the settlers shall have it for $6. Is there anything unfair about this? Certainly not. And the settlers are given all the protection in the payment of the $6 an acre that is provided for in the remainder of the bill. There is nothing unfair about it; there is nothing unjust to the Indian, because he gets double the amount for which he sold his land to the speculators. It provides for taking care of him in every respect. It provides for the time in which payment may be made, and refunds to the speculator the money he paid for the lands.

This is about all I wish to say; but if any gentleman desires to ask me for any further explanation I shall be delighted to answer him.

Mr. PERKINS. While I have no authority from the committee to accept this amendment, yet in my judgment it is right and just.

I would like to add to what my colleague [Mr. FUNSTON] has said, that these lands have been sold by the Indians to the Mr. Carney who is named in the bill, at $3 an acre. This on investigation was found, in the judgment of the Indian Office, to be inadequate and unfair; and for that reason the Secretary of the Interior has refused to approve these deeds. But it is, in my judgment, eminently fair and proper that the settlers should get these lands at $6 an acre, as proposed in the amendment of my colleague. I think to that proposition there would be no objection on the part of the Indian Office or Interior Department. If the Indians themselves were satisfied to sell the lands to this man, Mr. Carney, at $3 an acre, they could not object to the provisions of the bill which give them for the same lands $6 an acre, with the advantage also, as suggested by my colleague, of the other provisions of the bill enabling the settlers to take the land at that price, rather than allowing it to be given to the speculators.

For that reason I hope the amendment of my colleague will be accepted by the House. I might add that after the lands were bought by Mr. Carney from the Indians the Attorney-General of the United States, at the request of the Secretary of the Interior, directed the United States district attorney for the district of Kansas to investigate this matter, and to ascertain whether this man Carney had bought the lands in good faith from the Indians and as to whether there had been any fraud or corruption in the matter, and also to ascertain and report what would be a fair price for the land.

I have here the recent report of the Commissioner of Indian Affairs, in which he says that the United States district attorney did investigate the matter and found that there was no fraud, no collusion, no corruption, and he finds that $3 an acre is an adequate price for the land and offers evidence in support of his view. So, in view of this report, it seems to me there can be no objection to the amendment proposed——

Mr. WEAVER. Then why not make the price $3?

Mr. PERKINS. Well, the Indian Office has refused to approve deeds transferring these lands at $3. That is the reason my colleague named $6, thinking that then there could be no objection to that by the Interior Department, by the Indian Office, by the Indians, or by any one who desires that which is just and right.

If the amendment is accepted justice can be done to all, and these unfortunate settlers who for years have been trying to get a title to their homes can succeed, and the embarrassments and perplexities that have surrounded and annoyed them all the years of their residence upon the land will be removed, and yet full and fair justice done to the allottees—the Indians who have the legal title to this land.

The amendments offered by Mr. FUNSTON were agreed to.

The Clerk read the second section of the bill, as follows:

SEC. 2. That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land office, in tracts not exceeding 200 acres, which shall be the limit of the amount any one person shall be allowed to purchase, to the highest bidder for cash: *Provided*, That the said Secretary may dispose of the same upon the following terms as to payment, that is to say, one-third of the price of any tract of land sold under the provisions of this act to be paid by the purchaser on the day of sale, one-third in one year, and one-third in two years from said date, with interest on the deferred payments at the rate of 5 per cent. per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of six months shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made, and the land thus forfeited shall again be sold as in the first instance: *Provided further*, That any settler who has in good faith been residing upon any of said land or has made valuable improvements thereon shall, upon proof to that effect to the satisfaction of the Secretary of the Interior, be permitted to purchase at the appraised value thereof the tract so resided upon or improved by him, not exceeding 200 acres; and if any such settler shall fail to purchase the tract of land occupied or improved by him within a limited time, to be fixed by the Secretary of the Interior, which shall not be less than six months after the appraisement thereof, the same shall be sold without regard to the preference-right to purchase conferred upon the settler by the provisions of this act: *And provided further*, That in event of the sale of any tract herein authorized to any person other than the settler thereon, the purchaser thereof shall pay to such settler the appraised value of his improvements, as determined and fixed under the provisions of this act, and who shall not be let into the possession of the land purchased by him until he has made or tendered to the settler the full payment of the appraised value of his improvements.

Mr. MCADOO. I move to amend that section, line 8, after the word "say," by striking out all that follows down to and including the word "instance" in line 18, and inserting in lieu thereof the following:

To be paid for in four equal payments, one payment within six months of sale, one payment in two years from date of last payment, one payment in two years from the date of last payment, and a final payment in one year from the date or last payment, with interest on deferred payments at the rate of 5 per cent. per annum.

I hope that the gentleman from Kansas [Mr. PERKINS] will not object to this.

Mr. PERKINS. The effect of the amendment is to make four payments instead of three.

Mr. MCADOO. Yes. I want to give the poor people out there who desire to buy these lands the best terms that we can.

The amendment was agreed to.

The remaining sections of the bill were read.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5550) for the relief of Sarah C. Morrison.

The message also announced that the Senate had passed the bill (S. 1294) for the erection of a public building in the city of Roanoke, Roanoke County, Virginia; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. SPRINGER (when the Committee on the Territories was called). I ask unanimous consent that this hour be now considered as closed. Only fifteen minutes of the hour remain; and the gentleman who has expected to speak upon the bill which the Committee on Territories desires first to bring up wishes to occupy a full hour.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the hour for the consideration of bills be now considered as closed. Is there objection? The Chair hears none.

Mr. BAKER, of New York. I ask leave to make a report from the Committee on Territories on the Dakota bill.

Mr. SPRINGER. The gentleman wishes to make a minority report, but the report of the majority of the committee is not yet ready to be presented.

Mr. BAKER, of New York. The majority of the committee can present their report whenever it is ready.

Mr. SPRINGER. I will try to have it ready on Thursday next; but as that report has not been presented, it seems to me it would be an extraordinary proceeding to receive in advance the minority report.

The SPEAKER. Has a report been made by the committee?

Mr. SPRINGER. No, sir; the committee has authorized an adverse report, which is to be submitted hereafter. The gentleman from New York [Mr. BAKER] was designated by the minority of the committee to submit their views. He now desires to do so before the report of the majority has been presented.

The SPEAKER. It can only be done by unanimous consent. Is there objection?

Mr. MANSUR. I object.

CONDEMNATION OF LAND FOR PUBLIC BUILDINGS.

Mr. DIBBLE. I now demand the regular order, and call up for consideration under the special order a bill now on the House Calendar, the bill (H. R. 6153) to authorize condemnation of land for sites of public buildings.

The bill was read, as follows:

Be it enacted, etc., That in every case in which the Secretary of the Treasury has been, or hereafter shall be, authorized to procure a site for the erection of a public building for Government uses, he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or more advantageous to the Government to do so.

The amendments reported by the Committee on Public Buildings and Grounds were read, as follows:

Omit the word "more" in eighth line.

Add at the end of the bill the words "and the United States circuit or district court of the district wherein such site is located shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney-General of the United States, upon every application of the Secretary of the Treasury under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice."

Mr. DIBBLE. This bill as amended proposes simply to give to the Secretary of the Treasury, by a general enactment, authority which has in some particular bills been omitted; and it also proposes to extend to the district courts the jurisdiction which the Supreme Court has already decided is possessed by the circuit courts under the judiciary act.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' MONUMENT, ROCKLAND, ME.

Mr. DIBBLE. I call up from the House Calendar the bill (H. R. 1495) granting to Edwin Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining custom-house at Rockland, Me.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to grant permission to the Edwin Libby Post, Grand Army of the Republic, to erect a soldiers' monument on vacant land belonging to the Government and adjoining the United States custom-house at Rockland, Me., on such conditions as may seem to him proper.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the motion by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DIBBLE. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the purpose of taking up bills under the special order.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of bills under the special order. The Clerk will report the first bill.

PUBLIC BUILDING AT CHARLESTON, W. VA.

The Committee of the Whole proceeded to the consideration of the bill (H. R. 3253) appropriating the sum of $52,000 for the enlargement and improvement of the United States Government building at Charleston, W. Va.

The bill was read, as follows:

Be it enacted, etc., That the sum of $52,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the enlargement and improvement of the United States Government building at Charleston, W. Va.; such enlargement and improvement to be made under plans and specifications approved by the Secretary of the Treasury.

Mr. DIBBLE. I yield five minutes to the gentleman from West Virginia [Mr. SNYDER].

Mr. HOLMAN. I suggest that before the gentleman from West Virginia proceeds, the report be read. It is short, I presume.

The report (by Mr. HOGG) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill 3253, submit the following report:

This bill was before the Committee on Public Buildings and Grounds in the Forty-ninth Congress, and the following report made by that committee is incorporated as part of this report:

"The work of constructing the public building at Charleston, W. Va., was begun in 1881, and the building completed in 1884.

"Since the plans for the building were adopted and the work begun, Charleston has become the capital of the State, and its growth in population and that of the surrounding country has been so rapid and business so largely increased as to render the present building wholly inadequate for the transaction of the Government business. This fact was so apparent that in November, 1885, the Supervising Architect of the Treasury, at the request of the judge of the United States district court for that district, sent the general superintendent of repairs of public buildings to Charleston to ascertain and report what repairs or changes were necessary to be made in said building to enable the business of the Government to be transacted with convenience and comfort to the public and to its officers. Such parts of said report as go to the merits of this bill are here inserted:

"'As per your order of the 24th instant, I proceeded to Charleston, W. Va., and held a conference with his honor, Judge J. J. Jackson, of the West Virginia United States district court, with reference to improving and enlarging the court-room in United States court-house and post-office building.

"'The room is entirely too small for this point, as about three-fourths of the work of the United States courts of the State of West Virginia is done here.

"'After making a full inspection and thorough examination of the building I find that it would not be at all expedient to make any changes, as the building is too small to admit of it, and the construction is such that it would be impracticable to attempt it. The only way the additional room which is required can be given is by adding a wing to the building of the following dimensions: 40 by 47 feet on the rear end of 52 by 8 end, and falling back 3 feet from each corner.

"'As far as the post-office is concerned it will do for a short time, but I believe in twelve months it will be too small for the expeditious handling of the business, which is constantly increasing. Even now there is no place in which to put an office for registered letters and money-orders. All the offices are cramped and crowded.

"'The jury-rooms are in the third story, or attic, and are in bad condition. The little dormer windows do not give sufficient ventilation or light, gas having to be used in daylight. The whole building needs more or less alterations, and it will require the following amounts to meet repairs in order that it may be made suitable for the dispatch of the public business.'

"The total amount recommended is $51,723. The Supervising Architect has concurred in the report of the superintendent of repairs, and has recommended the appropriation as therein stated."

Statements submitted by the judge of the United States district court and the postmaster at Charleston show that the building as now constructed does not permit of the proper transaction of the public business.

Your committee therefore recommend the passage of the bill.

The CHAIRMAN. The gentleman from West Virginia [Mr. SNYDER] is entitled to the floor.

Mr. SNYDER. As the report just read states this case very fully, I do not desire to occupy time.

The question being taken, the bill was laid aside to be reported to the House with the recommendation that it pass.

PUBLIC BUILDING AT ALLENTOWN, PA.

The next business on the Calendar under the special order was the bill (H. R. 4357) to erect a public building at Allentown, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and for other Government uses, at the city of Allentown, in the State of Pennsylvania. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 30 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Pennsylvania shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendments reported by the committee were read, as follows:

In line 4, insert after the word "purchase" the words "acquire by condemnation;" in line 12, insert after the word "hundred" the words "and twenty-five;" and in line 23, strike out the word "thirty" and insert "forty."

Mr. SOWDEN. I desire to offer on behalf of the committee an additional amendment—to insert, after the word "hundred," at the end of line 20, the words "and twenty-five."

The amendment was read by the Clerk.

Mr. PAYSON. Is that amendment authorized by the committee?

Mr. SOWDEN. Unanimously. I call for the reading of the report.

Mr. STRUBLE. Is the report lengthy?

Mr. SOWDEN. I have no objection to withdrawing the request.

Mr. PAYSON and Mr. HOLMAN. Let the report be read.

The report (by Mr. SOWDEN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill H. R. 4357, beg leave to submit the following report:

Allentown is one of the most flourishing and growing manufacturing cities in the State of Pennsylvania, and is particularly noted for its fine and costly public buildings, handsome churches, colleges, and school-houses; its large and extensive hotels, banking-houses, furnaces, foundries, machine-shops, rolling-mills, pipe works, boiler works, barb-wire works, furniture factories, planing-mills, tanneries, silk, thread, and woolen mills, shoe and cigar manufactories, breweries, and other innumerable industrial establishments.

It is the county seat of Lehigh County, and is located on the Lehigh River, 90 miles due west from the city of New York, and about 56 miles north of Philadelphia. Its railroad facilities are unequaled by any inland city of its size. Its population in 1870 was 18,884; in 1880, 18,063, and now it is estimated to be from 24,000 to 26,000. It has been of steady and substantial growth, and, in fact, it can not help going ahead, as nothing fictitious has given it apparent prosperity. Her citizens, although prudent, have never been backward in encouraging whatever tends to her permanent prosperity, and her manufactured goods are sent all over the United States. Few larger cities present such attractions for the stranger who has an eye to business. Allentown is a center of wealth, which is gradually being developed and increased as well as its population. Owing to its rapid growth and increase of population it is very difficult to obtain tenant houses, and 296 new buildings were erected during the year 1887.

The statistics of her post-office business during the years 1886 and 1887 give some idea of her growing importance. The gross postal receipts for the postal year ending June 30, 1886, were $20,930.57; the total expenses were $11,664.73, and the net income to the United States, $9,265.84. For the postal year ending June 30, 1887, the gross postal receipts were $23,397.54; the total expenses $12,547.49; the net income to the United States, $10,850.05.

There were 3,434 money-orders issued during the fiscal year ending June 30, 1887, at the Allentown post-office, amounting to $42,146.96, and 1,520 postal orders, amounting to $2,643.85. There were 6,422 money-orders paid by this office during the same period, amounting to $45,166.32, and 3,548 postal-notes, amounting to $7,184.84.

The amount of postage collected on second-class matter during the postal year ending June 30, 1887, amounted to $1,438.30, while the amount of local postage collected during the same period was $1,780.02 There were 1,648 registered letters and parcels mailed at this office during the year ending June 30, 1887.

It appears by the report of the Postmaster-General for 1885 that the United States paid $909.75 for rent, light, and fuel for the Allentown office for the same year. It now pays $1,300 per annum, under a lease dated April 1, 1885, and which expires on April 1, 1889. (See Postmaster-General's Report for 1887, page 158.)

There is also a United States pension examining board located in Allentown, Pa.

The United States deputy collector of internal revenue for the Allentown subdivision of the first collection district of Pennsylvania has his office at Allentown, Pa. This is an important branch of the public service, and yields the Government a large amount of revenue.

During the last ten years the United States has realized in its collections of internal-revenue taxes in this subdistrict nearly $1,000,000. The amount collected annually in this subdistrict exceeds the collections in the States of Alabama, Maine, Mississippi, Nevada, and Vermont.

A bill for the erection of a public building at Allentown, Pa., was introduced in the Forty-eighth Congress, again in the Forty-ninth Congress, and was favorably reported by the Committee on Public Buildings and Grounds, but too late to be considered by that Congress. The number of the report is 3604, and contains a statement relating to some of the leading industrial works in the city of Allentown, Pa., which your committee deem unnecessary to republish in this report.

Your committee, after careful consideration, and in view of the foregoing facts, respectfully recommend the passage of the accompanying bill, with the following amendments:

In line 4 insert, after the word "purchase," the words "acquire by condemnation;" in line 12 insert, after the word "hundred," the words "and twenty-five;" in line 20, after the word "hundred," insert the words "and twenty-five;" and in line 23, strike out the word "thirty" and insert "forty."

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 18, 1888.

SIR: In answer to yours of the 17th instant, in relation to the free-delivery system at Allentown, Pa., I have the honor to reply that the business at that office has steadily increased since it was established as a free-delivery office in 1882, as the inclosed statement will clearly show.

Very respectfully,

J. F. BATES,
Superintendent Free-Delivery System.

Hon. W. H. SOWDEN, M. C.,
House of Representatives, Washington, D. C.

Nature of business.	Year ended June 30, 1886.	Year ended June 30, 1887.
Mail letters delivered	575,849	743,640
Mail postal-cards delivered	146,229	211,052
Local letters delivered	45,453	65,477
Local postal-cards delivered	17,602	26,092
Newspapers, etc., delivered	314,978	396,928
Registered letters delivered	2,262	2,420
Total pieces delivered	1,102,373	1,445,609
Letters collected	415,077	525,676
Postal-cards collected	152,064	192,062
Newspapers, etc., collected	33,746	46,998
Total pieces collected	620,887	764,735
Total number pieces handled	1,723,260	2,210,344

Mr. BLAND rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SOWDEN] is entitled to the floor for five minutes longer.

Mr. SOWDEN. I reserve my time.

Mr. BLAND. I desire to inquire whether there are any United States courts held at Allentown?

Mr. SOWDEN. I am frank to say there are none.

Mr. BLAND. We may as well settle an important question here and now as to permit it to go undetermined. I have no more objection to a Government building in Allentown, if it is needed, than at any other place. But the policy pursued by Congress heretofore has been, as I understand it, without exception, that at least United States courts should be held at a place, showing to that extent the necessity for a Government building; and, if I am not mistaken, various bills were vetoed at the last session of Congress because no United States courts were held at the several places where public buildings were proposed to be erected. I say this presents the question whether or not this House proposes to depart from the policy heretofore pursued of erecting these public buildings at places where the courts of the Government are held.

We remember very well in the Forty-seventh Congress a very liberal policy was pursued with regard to public buildings. Several of them were authorized to be built where terms of United States courts were not held, and the Republican party was criticised all over the country, and especially by the Democratic press, for its extravagance in reference to public buildings. And as we have allotted several days to this committee in this House to be devoted to the passage of such bills, we may go home to our constituents to meet the condemnation of our people for wasteful extravagance in making appropriations for this purpose. I appeal therefore to our friends on this side of the House at least, who wish to present some measure of economy, some record on their part to the people in the coming campaign, to be a little careful about extravagant appropriations to be made for these public buildings, many of which are wholly unnecessary.

I say we ought to confine this committee to those bills for such places where the demand is made on account of the courts of the Government being held there. It is a notorious fact that the Government can rent buildings much cheaper than it can erect them and provide for the payment of other expenses after they are erected. I say it is a departure from the policy heretofore adopted. We must call a halt and say whether or not we intend to break down all barriers and rush into bills of all sorts and characters for public buildings, and bring down upon us the vetoes of the President and the condemnation of the people. [Cries of "Vote!" "Vote!"]

Mr. MILLIKEN. Mr. Chairman, I desire to say the gentleman is simply mistaken as to the policy heretofore, and appropriations of the Government have not been confined to buildings for United States courts. But the Government has wisely recognized the fact that it is just as necessary for the post-office and postmaster to be housed and have conveniences as it is for the courts. Indeed, I think there is no office under the Government with which the people has so much to do and with which they are so intimately connected as the post-office. It is just as necessary the customs service of the country should be housed and have conveniences as it is that the courts should be provided for. I think the Government of the United States, when it provides for the necessities of the public service, whether demanded in reference to the accommodations for the custom-house, the post-office, or anybody else—that when we provide for the demands of the public service, giving to the Government the conveniences it should have in order that its offices should be administered well and economically and for the advantage of the people, I have no fear that my constituents will call me, and I have too much respect for the gentleman's constituency to fear they will call him, to account for doing justice simply because it does not happen to be in the line of erecting a court-house. [Cries of "Vote!" "Vote!"]

Mr. BLAND. Mr. Chairman, I might go on further in illustration of this, as one extravagance begets another. There is a complaint growing in this country which ought to be recognized in this House, and that is the overshadowing power of the Federal courts. We find, Mr. Chairman, that the encroachment of the Federal courts upon the State judiciary is being perpetuated.

Mr. MILLIKEN rose.

Mr. BLAND. I do not yield. The next proposition will be that they shall have a Federal court, because they have a Federal building, and I am reminded that gives them further jurisdiction. That may be so, and in every community where you establish a Federal court you ally with that system the people of that community. They do not want to have a court-house, but in order to ask for the jurisdiction of a court and to popularize it.

The policy ought to be to make them unpopular; and if I had my way I would not have more than one in every State, and make it 500 miles to get to it. Then we should come to see a demand from every part of the country that Congress should put the jurisdiction back to where it was in 1779, and where it was intended to be by our forefathers.

I say that one extravagance inevitably begets another, and this wholesale system of erecting public buildings here is but an invitation for the further extension of the Federal judiciary and Federal power over the States. I, as a Democrat, representing a Democratic constituency, have no hesitancy here and now in denouncing the whole system and the extravagance connected with it. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendments of the committee.

The amendments proposed by the Committee on Public Buildings and Grounds were agreed to.

The question recurred on the amendment of Mr. SOWDEN, to insert after the words "one hundred" in the bill the words "twenty-five;" so as to read "one hundred and twenty-five thousand dollars."

Mr. STEELE. I move to strike out the hundred thousand, as an amendment to the amendment, and leave it twenty-five thousand, in the twenty-first line of the bill.

The question being taken on the amendment to the amendment, there were—ayes 32, noes 99.

Mr. BLAND. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLAND and Mr. SOWDEN were appointed tellers.

The committee again divided; and the tellers reported—ayes 14, noes 151; so the amendment to the amendment was rejected.

The question recurred on the amendment of Mr. SOWDEN.

The committee divided; and there were—ayes 130, noes 18.

Mr. BLAND. No quorum.

Mr. ALLEN, of Mississippi. Let the amendment be again read.

The proposed amendment was again reported.

Mr. SOWDEN. I will state for the information of the House——

The CHAIRMAN. Debate can take place only by unanimous consent.

Mr. SOWDEN. I am aware of that, but wish to state for the information of the committee, as it seems to be laboring under a misapprehension, that this is no amendment of mine. It is simply to supply an omission on the part of the Public Printer to print the bill as reported from the committee. The amendment I suggest being an omission on the part of the Public Printer is in fact one of the amendments of the committee, it being necessary in order to harmonize the provisions of the bill, because the limit already passed upon is $125,000; and this conforms the bill to the limit.

What we seek here, therefore, is to harmonize the provisions of the bill, making it read so as to limit the entire amount to be expended to $125,000, that sum being already fixed as the limit.

The CHAIRMAN. The Chair was misled by the fact that the amendment did not appear in the bill, and the Chair did not understand the gentleman in offering it to draw the distinction he now draws.

Mr. SOWDEN. The committee unanimously voted for the adoption of this amendment.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLAND and Mr. SOWDEN were appointed tellers.

The committee again divided; and the tellers reported—ayes 156, noes 9.

So the amendment of Mr. SOWDEN was adopted.

Mr. DIBBLE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The question was taken; and on a division there were—ayes 121, noes 5.

Mr. BLAND. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLAND and Mr. SOWDEN were appointed tellers.

The committee again divided; and the tellers reported—ayes 160, noes 5.

So the motion was agreed to; and the bill was laid aside to be reported to the House with a favorable recommendation.

PUBLIC BUILDING, LANCASTER, PA.

The next special order on the Calendar was the bill (H. R. 1788) for the erection of a public building in Lancaster, Pa.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, in the city of Lancaster, in the State of Pennsylvania, a suitable and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $125,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 40 feet, including streets and alleys; and for the purposes herein mentioned the sum of $125,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Pennsylvania shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. DIBBLE. I reserve the fifteen minutes in favor of this bill.

Mr. BLAND. We had better have the report read.

The report (by Mr. SOWDEN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1788) to provide for the erection of a public building at Lancaster, Pa., having considered the same, respectfully report:

Lancaster is located on the main line of the Pennsylvania Railroad, 66 miles west of Philadelphia, and is one of the oldest towns in the State. The county of Lancaster was organized in 1729, and in 1730 the town of Lancaster was made the seat of justice for the county. In 1742 a borough charter was granted it by the Legislature of the State, and in 1818 it was incorporated a city. From 1799 to 1812 it was the capital of the State. Until 1824 it was quoted as the largest "inland town" in the United States, and the census of 1880 shows the county of Lancaster to be the foremost agricultural county in the Union. The county has a population of 150,000 people, who for enterprise and thrift are not excelled by those of any other county in the United States. Thirty thousand of this population are in the city of Lancaster, which, on account of the growing manufacturing industries, is rapidly increasing.

The proposed building is intended to accommodate the post-office, office of the United States commissioner, and the office of the collector of internal revenue for the ninth district of Pennsylvania, and such other United States offices as may be established. The rents paid by the Government for a post-office are $2,000 per year, and for the office of the collector of internal revenue $650. The net receipts of the post-office for the fiscal year ending June 30, 1887, were $19,007.43. Before the reduction of postage they exceeded $22,000. The amount paid out for money-orders during the last fiscal year was $90,870.37.

The internal revenue collected for the last fiscal year in the ninth collection district was $1,688,017.66. There are no vaults for the protection of the money, papers, and documents of both these important offices; safes alone have to be relied on for safety. Stamps are frequently on hand in the office of the collector of internal revenue to the value of $100,000. With reference to the present accommodations of the post-office building, the postmaster, Henry E. Slaymaker, says:

"The present capacity of the building is taxed to its utmost extent on account of this being the center of distribution for the whole county of Lancaster, the county having 170 post-offices, all of which receive their mail through this office.

It will thus be seen that it will not be long before additional space will be required at a great additional cost to the Government unless this building is authorized."

There are 6 national banks in the city of Lancaster and 15 in the towns of the county, with an aggregate capital of over $4,000,000, as well as several individual banking houses, doing a large and profitable business. The business of all kinds carried on on an extensive scale makes increased postal facilities an absolute necessity. The cotton interests alone are represented by 6 large mills, using 700,000 pounds of cotton per year and giving employment to over 2,000 operatives.

Lancaster city and county have paid into the United States Treasury in internal-revenue taxes $500,000 per year since the revenue office was established, in August, 1862, which in twenty-five years aggregated $12,500,000. The net receipts of the post-office for the years 1882, 1883, 1884, 1885, 1886, and 1887 were $116,580. After paying these millions into the Treasury, it is deemed but fair and right that the small sum asked for should be granted to aid and facilitate in their collection and safe-keeping.

These are a few of the many reasons that can be given by your committee in favor of the erection of a public building at Lancaster, Pa., and they recommend the passage of the accompanying bill (H. R. 1788) with the following amendment:

In line 4, after the word "purchase," insert the words "acquired by condemnation."

Mr. BLAND. Now, Mr. Chairman, I wish to call the attention of the committee to some points in connection with this proposition. I notice in this report, sir, that the rents paid by the United States Government are $2,600 all told, annually, and yet we propose to erect at that point a building at a cost of $125,000. Where is this money to come from?

Mr. BUCHANAN. Right out of that locality that has already paid over twelve millions of dollars into the Federal Treasury.

Mr. BLAND. I answer that is to come from all sections of this country, and is to be paid by the people who can not go into the money markets and secure loans for less than from 7 to 10 per cent. In other words, you wring from the tax-payers $125,000 on which they have to pay 6, 7, or 10 per cent. interest in order to erect a public building at Lancaster to cost $125,000, that will be only worth about $2,600 a year to the Government after it is built, costing the people therefore annually a loss of over $7,000 on the investment. Besides, sir, when this is erected we must have the necessary watchmen, janitors, and many other officials who are to be placed around the building for its protection and preservation at a cost probably, if we are to measure the cost by the interest paid by the tax-payers of the country, of at least eight or ten thousand dollars a year. No courts are to be held, no necessity exists for the building, save the necessity to erect a beautiful building at public expense for the benefit of the citizens of Lancaster and their Representative here.

I say, Mr. Chairman, we should call a halt upon that, and declare that no public building bill shall pass here unless there is a public demand and necessity for it shown by United States courts being held, or other public requirements which demand it. Such has been the rule, mainly, in the past; and, as I said before and repeat now, bills that passed the House in the last Congress and the Senate were vetoed by the President, because there was no United States court or public necessity for the building.

Mr. SOWDEN. How about Asheville?

Mr. BLAND. We ought to be admonished to conform our legislation to the business of this country, and to the requirements of economy. If I understand correctly the Democratic party in its platform, it proposed to conduct this Government on an economical basis, declaring that no expenditures were to be made except where there was an absolute necessity for them; and instead of making excuses for further taxation and increasing the revenue we were pledged to reduce the taxation and the revenue. I denounce it as against the best interests of the people of this country and as a scandal on this Congress that it should pass bills in this shape.

Mr. SOWDEN. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The question is on the amendment offered by the committee.

Mr. HOLMAN. Having had the honor to act as chairman of the Committee on Public Buildings and Grounds in the Forty-fourth Congress, I had some opportunity to become familiar with the then existing state of things in regard to public buildings. I then formed the opinion which I have so often expressed on this floor, that the objection to our system of erecting public buildings lay in the large sums of money appropriated for each building, a sum greatly beyond the amount that would be expended by the States in similar improvements. And inasmuch as these structures are to be erected in the cities of the several States, there should be some conformity, it seems to me, between the buildings erected by State authority and those erected by Federal authority. The sums expended by a State for a building for public use would indicate the public sentiment of the State as to the extent of such expenditure. The Federal Government certainly ought not to be more lavish than the States in the erection of buildings for similar public purposes.

Pennsylvania, for instance, as shown by her plain, grand old capitol at Harrisburg, has been economical in these matters. The sums of money appropriated have been comparatively small, although sufficient to secure solid and substantial public buildings for the use of the State. In the State I have the honor in part to represent the court-houses do not, on an average, exceed a cost of $75,000. The site, of course, is usually provided in the laying out of the county seat, and the building erected for a court-house for $75,000 includes a room for the holding of the courts, a clerk's office, a recorder's office, sheriff's office, auditor's and treasurer's offices, and such other offices as the public convenience may require, such as the consultation room for the judges and the like. I do not wish either to antagonize or criticise the work of this honorable committee, but I wish to suggest to the gentlemen of that committee whether it would not be better that some regard be paid to the policy and legislation of our States on this subject of public buildings. Every county in every State, every parish, has erected public buildings, and it seems to me the practice adopted there might be well considered as in a fair degree a rule for Congress in regard to edifices erected in the States.

Take, for instance, a post-office. It seems to me that a city with a population of 20,000 does not require a larger edifice for that purpose than a city with a population of less than 10,000, for the reason that one has a free-delivery system and the other has not; and a city with a population of 50,000 would not require a larger or more expensive building than one of greatly less population. It appears to me, therefore, that where the object is to erect a public building for a post-office, as in the case of this bill, and sometimes including room for a minor office, as I understand is the case here, or for the board of examining surgeons or the like, the amount appropriated for each building should not be so large as it usually has been in our past experience, but more in harmony with the real object of the building.

Is it not better for the country and more just to our people to erect more of such public buildings, but at a material reduction of cost?

It is hardly necessary to go, as has been our custom, to the State of Maine to quarry granite and remove it at great expense to remote States. The people of the States do not build such edifices or incur such expense. Their court-houses generally are constructed with the admirable material found at home in perhaps every State and comparatively inexpensive.

I have said my objection is to the large amount appropriated for each structure, not to the number authorized. I suggested to my friend who had charge of the bill last before the committee which appropriated $125,000 that I did not wish to vote against it, but I thought the amount too large. I did not wish to vote against it, for I understand the enterprise and spirit of the city in which he lives, and under any circumstances would greatly regret to oppose any measure he favored.

[Here the hammer fell.]

The CHAIRMAN. The time allowed for opposition to the bill has expired.

Mr. HOLMAN. I ask leave to say a few words more. I think that in that case $100,000 would have been at least a fair appropriation. The site in such cases would seldom cost more than ten or fifteen thousand dollars, often not so much, and a building costing from seventy-five to eighty thousand dollars would certainly be very ample for the purposes of a post-office in any except our great cities.

I presented these views years ago to the House in connection with the subject of our public buildings. I have never sought to cast needless obstacles in the way of the passage of such bills; but I have always insisted that in this field of expenditure as well as elsewhere economy should govern, and that the policy of the people of our States in determining what is reasonable to appropriate for such purposes should influence the action of Congress. I think this appropriation of $125,000 is too great. I think it should not exceed $100,000. As to my own State, a State containing large towns, I understand this honorable committee contemplates reporting some bills for public buildings favorably, one in my own section of the State, and I am sure that I will very cheerfully abide by the suggestions I have made if they shall be applied to my own State or my own district.

Mr. DIBBLE. I do not like to call the rule upon my friend from Indiana; but as he is not speaking on the bill before the committee I am disposed to do so.

Mr. HOLMAN. I am coming right to that bill. I desire just a moment further.

Mr. DIBBLE. I yield the gentleman two minutes.

Mr. HOLMAN. I thank my friend for giving me a moment. I only wish to repeat that my objection is to the amounts of the appropriations contained in these bills. I do not think that the cost of a post-office in even a large city (except at our great centers of trade) should exceed the sum the people of a State would pay in erecting the public buildings necessary for a great county.

Mr. SENEY. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. SENEY. Suppose the county building in a given place was valued at $200,000, what, then, would the gentleman be willing to appropriate for a public building for the Federal courts?

Mr. HOLMAN. What the gentleman suggests might occur under particular circumstances, at the capital of a State, for example.

Mr. SENEY. If the gentleman will allow me, I speak of this particular case. I say that the county building there has cost $200,000, and now I ask the gentleman what he would think a reasonable amount for a Federal building in the same town?

Mr. HOLMAN. In the county building there are offices for the courts, for the sheriff, for the recorder, for the treasurer, for all the county officers, while here is a building for a single purpose, requiring only a comparatively small amount of space.

Mr. SENEY. The gentleman does not answer my question. I wish he would tell us what he thinks ought to be the cost of a Federal building in a town where the county building cost $200,000?

Mr. HOLMAN. It would depend upon its uses.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. DIBBLE. Mr. Chairman, the city in which this building is to be located is a city of 30,000 people. There have been cases where, for a post-office alone for a city of that size, appropriations of this amount have been made, and in this case I would call attention to the very large amount of internal revenue that is collected at this point. The Blue Book shows that there is a large internal-revenue force there. It is the center of a collection district. There is a collector there; he has a number of deputies, gaugers, etc., located at that point, and a large amount of revenue is annually collected which requires safe deposit. Now, unless the Democratic party, the majority in this House, intend to abolish the internal-revenue laws, these officers must be continued, and they must have accommodation. But that is not the policy that is to be pursued, so these accommodations will still be required; and therefore I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BLAND. If the business is so great, how does it happen that it has been transacted all these years without this large appropriation?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Missouri?

Mr. DIBBLE. I do not, sir.

Mr. ALLEN, of Mississippi. I move to amend the bill by striking out "$125,000" and inserting "$75,000."

The CHAIRMAN. The question is first on the amendment proposed by the committee.

The amendment was rejected.

The question was taken on the amendment offered by Mr. ALLEN, of Mississippi; and there were—ayes 37, noes 115.

Mr. BLAND. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Missouri, Mr. BLAND, and the gentleman from South Carolina, Mr. DIBBLE.

The House again divided; and the tellers reported—ayes 14, noes 149.

So the amendment was rejected.

Mr. BLAND. I move to amend by striking out "$125,000" and inserting "$100,000." I think that is an ample appropriation for this building.

Mr. HIESTAND. Mr. Chairman, I accept that amendment.

The amendment was agreed to.

Mr. DIBBLE. Now, Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BLAND. I ask for a division.

The committee divided; and there were—ayes 126, noes 8.

So the motion was agreed to.

Mr. SOWDEN. Mr. Chairman, I ask unanimous consent that the bill which I introduced be reported for the same amount, $100,000 instead of $125,000, and that the bill be made to conform to this request.

The CHAIRMAN. The bill having been passed over, that could only be done by unanimous consent. The request can be made in the House when the bill is before the House. The Clerk will report the next bill.

PUBLIC BUILDING, LOWELL, MASS.

The Clerk read the bill (H. R. 7217) reported as a substitute for House bill 1546, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office, and for other Government uses, at the city of Lowell, Mass. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $200,000; nor shall any site be purchased until estimates for the erection of a building which shall furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $200,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Massachusetts shall cede to the United States exclusive jurisdiction over the same during

the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. BLAND. I call for the reading of the report.

The report (by Mr. SOWDEN) was read, as follows:

The Committee on Public Buildings and Grounds reports a substitute for House bill 1546 with a favorable recommendation.

The city of Lowell, Mass., is situated in the historic Middlesex County, and is the largest city of the United States devoted to the manufacture of textiles. With its growing population, already numbering nearly 70,000, it is certainly the third, and probably the second, city in population in the State, and the third or fourth largest in New England.

The Boston and Lowell Railroad, with its western and northern connections; the Lowell and Lawrence Railroad; the Salem and Lowell Railroad; the Framingham and Lowell Railroad; the Stony Brook Railroad, and the Boston and Maine Railroad, all combine to give the city direct and easy communication with the different parts of New England and the West.

The city of Lowell is widely known on account of the development of the natural water-power, and for its immense cotton mills and factories, calling for a permanent manufacturing capital of over $20,000,000, and giving employment to many thousand operatives. From the character of the business interests many people are drawn to the city in times of commercial prosperity, whose families perhaps reside elsewhere, and the volume of letters and packages of mail matter making up the postal business really indicates a greater number of individuals doing business with the post-office than would appear from a hasty comparison of the figures—and for the same reason requires a large amount of room for the economical handling of the mails.

The amount of mail matter handled the last fiscal year shows not only a large increase over previous years, but also indicates a volume of business sufficiently large to warrant a liberal expenditure on the part of the Government in affording every proper facility for transacting it with economy and promptness.

The following statistics from the tables in the report of the Postmaster-General for the last year show the amount of business done at the Lowell post-office as compared with other cities of Massachusetts.

1887.

Office.	Number of carriers.	Number of pieces of mail handled.
Fall River	12	3,843,189
Lawrence	13	3,952,576
Springfield	13	3,556,537
Worcester	19	3,463,362
Lowell	19	4,298,581

Table showing relation of gross receipts to net revenue.

Office.	Population (1885).	Gross receipts.	Net revenue.
Fall River	56,870	$33,376.38	$15,358.23
New Bedford	33,393	41,578.48	23,331.29
Lynn	45,867	50,494.82	26,385.00
Springfield	37,577	85,689.12	58,656.21
Worcester	68,383	101,587.09	66,956.31
Lowell	64,107	78,049.06	48,542.18
Lawrence	38,862	29,946.46	11,286.81

The rent paid for the present post-office accommodations is $3,000 per annum.

The necessity for an ample and commodious public building for an office situated as this one is, in the midst of a great manufacturing community, is at once apparent, and if the Federal Government is to continue its practice of erecting public buildings in our large cities, the case presented by the city of Lowell, Mass., commends itself to all, and your committee recommend the passage of the accompanying substitute for bill H. R. 1546.

Mr. BLAND. Mr. Chairman, this bill seems to belong to the same class as others we have had under consideration. It appears from the report just read that the Government business is now very well accommodated at Lowell by an expenditure of $3,000 a year for rental of the necessary buildings. This bill proposes to appropriate $200,000, as I understand, for the erection of a public building at that place. What will this cost to the tax-payers of the country? As I have already remarked, the business people of our country can not obtain the use of money for less than 6 per cent. per annum, and the rates in many cases run up to 10 and 15 per cent. The money must be taken from the pockets of the tax-payers to meet this expenditure; and as interest to-day is not less than 6 per cent., $12,000 per annum at least is the burden of interest imposed upon the people of the country by this bill, whereas under the existing condition of things only $3,000 is expended for furnishing the necessary accommodations.

How does it happen that in this town of Lowell for one hundred years the public business has been amply accommodated by the rental of buildings? Such propositions as these come here only because we have an overflowing Treasury—only because the taxes wrung from the people are piled up in the vaults of the Government, so that we have $100,000,000 of surplus. This must be squandered in some way; and expenditures of this kind seem to be the most plausible method. Let that money be appropriated for the purpose of paying the public debt; stop your unnecessary taxation of the people; let taxation be imposed only so far as necessary to meet the purpose of the Government economically administered, and then we shall have an end of this extravagance upon public buildings.

There is no necessity for expenditures of this kind except in cases where there are United States courts. For the ordinary purposes of the Government, buildings can be rented for a smaller annual expense than the interest on the cost of these public buildings and the expenditures necessary for taking care of them. Mr. Chairman, the policy here seems to be to reduce the surplus, not by reducing taxation, but by making extravagant appropriations.

Mr. DIBBLE. I move that the bill be laid aside to be reported favorably to the House.

Mr. JACKSON. Mr. Chairman, this day having been set apart by order of the House for consideration of bills reported from the Committee on Public Buildings and Grounds, and believing, as I do, that many of these bills are of great public importance, I wish to occupy but little time in debate.

I have listened to the remarks of the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Missouri [Mr. BLAND], as well as others, in regard to this bill for a public building at Lowell, Mass., as well as the one previously discussed for the city of Lancaster, in my own State of Pennsylvania, and am compelled to say that I can not agree with them.

Mr. Chairman, I wish to express my dissent from the reasons urged here to-day in opposition to these bills. Gentlemen tell us that the Government has so far got along without public buildings at these places, and therefore it follows always can do without them.

They inform you how little the Government has paid in the past as rent, and advise you to continue to transact the public business in the cheapest buildings that can be obtained, without considering for one moment the question whether in this way the public are to be fairly accommodated or convenienced. Failing to convince the House that there is no need for public buildings in these cities, they labor to reduce the appropriations below the moderate sums recommended by the committee.

Mr. Chairman, the same reasons which have been given in these cases for small appropriations, or no appropriations at all, would apply to every Government project, to every Government improvement. I desire to place myself on record as believing it the correct policy of this Government to erect public buildings wherever the public business reasonably requires them. I think it the duty of the Government to erect public buildings in all such places, and I do not believe it a loss of public money to expend it properly in this way. On the other hand, expenditures of this kind are generally a matter of economy in themselves. The Government uses these buildings continuously for long terms of years; it has in its own buildings places suitable for the public business and the convenience of the people. Their location becomes known to all, and the increase in the value of real estate in our rapidly growing cities in a short period will almost pay the original outlay.

The money is in the Treasury; the Government is rich; it is strong; it is able to erect these buildings. The money when expended goes into the hands of the people who furnish material or labor. This money is not lost. The increased employment thus given to men needing it, and the activity thus promoted in the general business of the country, make these expenditures a matter of real economy. But the argument of the opposition here seems to be that if any sort of a structure can possibly be rented for Government purposes in any of these places, we ought not to erect a public building. Such a policy I pronounce a mistake.

Neither do I agree with the suggestion that public buildings should only be erected in cities where United States courts are to be held. It is more than intimated by gentlemen of the majority that in the last Congress executive approval was withheld from similar bills when appropriations were made to erect buildings where no United States courts are held. I recollect very well the vetoes that were sent to the last Congress by the present occupant of the Presidential chair.

But I can say to the gentlemen on the other side of this House that they have undertaken a hopeless task when they attempt to give any consistent reason for those vetoes.

They might, perhaps, be classified geographically as applying mostly to cities north of Mason and Dixon's line, but, like the numerous vetoes of pension bills, they more clearly indicate the feeling and disposition of the Executive toward the persons immediately interested than they do any other settled policy.

It is a mistake to consider these public buildings as only necessary for United States courts. It is true in many places the courts do require them. So do officers of the revenue and customs service. But the great and most important use of all these buildings is for post-office service. No Department of our Government is of such general and universal use to all our people as the Post-Office Department. It is a service that comes nearest to all. It is the duty of Congress to deal liberally with this Department. Its officials are the hardest worked and generally the poorest paid of all of our Government employés. I would be pleased to see many of them more liberally paid than they are now. I should like to see all Departments of the Government economically and carefully managed, but it has never been considered the proper policy to make the Post-Office Department a paying institution. It is for the convenience and benefit of the people, and it is right to expend the people's money in giving them all reasonable conveniences in this direction. We establish offices and carry mails in the thinly settled parts of the South and West where the revenues do not pay the expenses, because it is a duty the Government owes its citizens, just the

same kind of duty the Government owes when it builds court-houses, pays judges, and bears the expenses of executing the laws which bring in no direct revenue. The post-offices in large cities like Lowell and Lancaster are more than self-sustaining. They produce a revenue that goes to support smaller offices in the more sparsely settled parts of the country. The least we can do is to give these people comfortable and suitable buildings. I should be pleased to have the Government build a post-office building in every town where the revenues justify free delivery, and I trust the day is not far distant when Congress will be willing to do this. I may say further that the free delivery of mails is working so satisfactorily in towns of 10,000 population or of $10,000 revenue that we may well consider the advisability of extending it to towns of one-half the size or one-half the revenue that is now required to entitle them to the benefits of the law.

It is a very great mistake to treat these appropriations for public buildings as if it was so much money lost. It is expended in our midst. It goes almost entirely to our own citizens. It gives employment to the mechanic, the tradesman, and the laborer. It renders a double blessing.

I am surprised at the policy of an administration which seems to think we can only grow rich by hoarding money in the Treasury. A nation, like an individual, ought to spend its money so far as it is able in permanent and necessary improvements. What would be thought of a farmer or mechanic who would refuse to build a comfortable home to shelter himself and family when he had money plenty, simply to enable him either to hoard the money or because he might rent some unsuitable building for a little less than the interest on the cost of a good one?

But I repeat what I said before and what I have said to Congress on other occasions, money paid by the Government to her own citizens in payment of just debts or in reasonable public improvements is not lost to the Government.

I have used this, as many of you know, as one of the arguments why the Government ought to be prompt and generous to all her creditors. The money paid to her disabled soldiers and their dependent relatives goes into circulation among all the people where it is most needed. And in this connection I beg permission to again urge upon Congress the great propriety of additional pension legislation. The people will sustain us in making liberal appropriations for a just and good cause. They only complain when money is wasted in needless extravagance.

It is said that we are liberal now in the matter of pensions to which I have referred. I claim we are not liberal; we are not even just. The Union soldiers and the American people do not believe we are liberal. Let me call your attention to the numerous petitions that are being now sent to this Congress, known as one cent a day pensions, and which ask us not only for additional pensions to the disabled, but for a graded service pension to those who bore the heat and burden of the war; a most just and fair request. Let me say to you that the loyal citizens of this country approve, as I do, of legislation that will do these men justice, such as these petitions request.

But to return to the subject more immediately before us. I earnestly trust the House will pass these bills with the full appropriation recommended by the committee.

I have consumed the brief time allotted me, and I claim to make these remarks from an entirely disinterested standpoint. There is no bill pending in this Congress, nor has there been one in any preceding Congress, for the erection of a public building in any town in my district, as there are no large cities in my district, but I desire to place myself on the side of fair, of even liberal, appropriations by the Government for the construction of needed public buildings. I do not confine my remarks to any particular locality. Whether the application comes from the East or the West, the North or the South, if the business of any town fairly justifies the Government in erecting a public building, I think it good policy to do so, rather than continue to pay rent.

I go farther: I think the Government now, when it is rich and strong, when its coffers are overflowing with money, ought to build permanent and durable buildings, such as would be an example to the people—such as might serve as models of taste and good architecture; an example in sound public policy which is true economy.

If this Government will promptly pay its honest debts; will pass laws to do justice to the soldiers and dependent relatives of those who, under God, saved its existence in its time of peril, and will make proper and reasonable appropriations for needed public improvements, I can promise you that at the end of the year, without either waste or extravagance, there will be no surplus in the Treasury to complain of. Then we will be relieved of the only argument that has been offered in favor of a reduction of the tariff, and for an attack upon the industries of the country. This plan is so fair, so just, so reasonable, that I am surprised that the Democratic party, having a majority here, does not change its principles and practice and adopt it as the best policy to win the approval of the people.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. KERR obtained the floor.

Mr. DIBBLE. I desire to ask, Mr. Chairman, whether I control the time.

The CHAIRMAN. Under the special rule, fifteen minutes are allowed for debate on each side. That time has not been exhausted on either side. When a gentleman rises to speak the Chair is unable to ascertain, until he proceeds, whether he desires to oppose or favor the bill. But if the gentleman from Iowa [Mr. KERR] rises to oppose the bill, there is still time remaining for that purpose.

Mr. DIBBLE. I believe I control the time in favor of the bill.

The CHAIRMAN. If the gentleman from South Carolina desires to occupy the floor for the purpose of discussing the bill, the Chair will recognize him.

Mr. BLAND. I rise to a parliamentary inquiry. How much time remains for opposing the bill?

The CHAIRMAN. Five minutes.

Mr. BLAND. I desire to yield that time to the gentleman from Illinois [Mr. LANE].

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina [Mr. DIBBLE] if he seeks recognition now.

Mr. DIBBLE. I do not want to interfere with the gentleman from Iowa, who is now on the floor under the recognition of the Chair, if he is opposed to the bill and proposes to speak in the time of the opposition.

Mr. KERR. Mr. Chairman, a petition was presented in this House a day or two ago recommending that appropriations for the erection of post-offices in our various towns be made upon the basis of $2,000 to $3,000 for every thousand inhabitants. I think that this rule would provide post-office accommodations at a large number of places in the United States where the Government is now paying rent, and would be the means of preventing extravagant appropriations in this direction.

Mr. BLAND. I rise again to a parliamentary inquiry. I do not understand that the gentleman from Iowa [Mr. KERR] is opposing this bill; and I desire to yield the time in opposition to a gentleman on this side.

The CHAIRMAN. The gentleman from Iowa is recognized in opposition to the bill.

Mr. KERR. Well, I am in opposition to the bill. I understand that the building now proposed is to be erected in a town which has population enough to warrant the appropriation under the rule proposed; but I submit that $100,000 or $150,000 would be a sufficient expenditure for a public building which would be adequate to accommodate the public wants.

Mr. JACKSON. Does the gentleman know the size of the city now under consideration?

Mr. KERR. I do; it has about 80,000 inhabitants. But I am speaking now of the general proposition.

Mr. JACKSON. This bill proposes to appropriate only $200,000.

Mr. KERR. But with a population of 80,000, if $2,000 were allowed for every thousand of population, the appropriation would be only $160,000. And that is enough. The proposition to which I refer is before this House and is on record. It contemplates appropriating from $2,000 to $3,000 for every thousand of inhabitants.

Mr. BOUTELLE. Is that a rule of the House?

Mr. KERR. It is on record.

Mr. BOUTELLE. What record?

Mr. KERR. It is in the RECORD of yesterday's proceedings. It is a petition introduced by some gentleman on the other side of the House. I have in my district three or four towns from 5,000 to 20,000 inhabitants, each without any post-office building whatever.

Mr. STEELE. The gentleman says the petition was presented by "some gentleman on the other side of the House." Now, as I presented it myself, I do not wish to be overlooked in that regard. [Great laughter.]

Mr. KERR. I am glad my friend presented the petition. I entirely approve of it.

I commend to gentlemen on the other side of the House the message which was sent to the Legislature of the State of New York by a governor of that State who has been held up as a model for imitation by gentlemen on the other side. [Cries of "Name him!"] I refer to Governor Tilden, who sent a message to the New York Legislature, in 1876, denouncing these extravagances of appropriation for public buildings. I call the attention of gentlemen to the fact that his message on that occasion received the indorsement of the American people as expressive of sound political doctrine. [Cries of "Vote!"]

Mr. DIBBLE. Mr. Chairman, just one year ago Congress passed a bill for Worcester, Mass., appropriating $250,000, which also passed the Senate and was approved by the Executive and became a law. Now, the city of Lowell has the same carrier force, handles a larger number of pieces of mail, and is very nearly of the same population. Relatively, if Worcester should have $250,000 the committee thought it would meet with the approval of the House, and meet with the approval of the Senate and of the Executive, to give Lowell $200,000. For this reason we recommended this bill to the House, and so stated in our report. I move it be laid aside with a favorable recommendation.

Mr. LANE. I move to strike out "$200,000" and insert "$100,000."

The Clerk proceeded to read the amendment.

Mr. LANE. I will make it $150,000, and will say in support of the amendment——

The CHAIRMAN. Debate is exhausted except for six minutes in support of the bill, which has been reserved by the chairman of the committee [Mr. DIBBLE].

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. Notwithstanding the fifteen minutes debate on each side has been exhausted, is it not in order to debate amendments proposed to the bill? While debate in opposition to the bill and in favor of the bill has been exhausted, are not amendments proposing to change the bill open to debate? I do not know of anything in the rule against it.

Mr. MILLIKEN. If that be the case, then by introducing amendments the whole day might be taken up, and to-morrow, too.

Mr. DIBBLE. I call the attention of the Chair to the fact that this special order was adopted as a compromise between various propositions, and was accepted in good faith with the full understanding that the debate on either side should be limited to fifteen minutes; that there should be thirty minutes in all, fifteen minutes for those supporting the bill and fifteen for those opposing it. This special order superseded the ordinary rules in reference to this class of business.

Mr. BLAND. I think myself, Mr. Chairman, the debate for and against the bill is by the special order of the House limited to thirty minutes, fifteen minutes on either side. But here is an amendment which has been moved while time yet remains of the thirty minutes for debate. It may be that the amendment is for the purpose of perfecting the bill or to get it in shape, and I do not see why the time which is remaining may not be used for explaining the amendment.

The CHAIRMAN. The gentleman from South Carolina controls the time in favor of the bill and there is of that time remaining six minutes. The Chair is not aware the point of order has been raised before, and he is now inclined to think that thirty minutes, fifteen minutes on each side, should be the limit of debate under the special order.

Mr. DIBBLE. The time remaining, under the agreement, unanimously made, belongs to the friends of the bill.

The CHAIRMAN. If the gentleman from South Carolina seeks the floor for the purpose of engaging in debate, the Chair will recognize him for the time remaining on that side.

Mr. DIBBLE. How much time has been consumed in the debate on the point of order?

The CHAIRMAN. The Chair will state that if the gentleman does not seek the floor to debate the question, there is time remaining on that side, and the Chair will recognize somebody else for that purpose.

Mr. DIBBLE. I prefer under the special order to take the time in support of the bill. How much time remains?

The CHAIRMAN. Six minutes.

Mr. DIBBLE. How much has been occupied by the discussion on the point of order?

The CHAIRMAN. That is never taken out of the time.

Mr. DIBBLE. I am willing to consider that as taken out of the six minutes, and will yield the remainder to the gentleman from Illinois [Mr. LANE] to explain his amendment.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that it has never been held that the time occupied in the discussion of a point of order should be taken out of the time of the gentleman who is occupying the floor when the point of order arises.

Mr. DIBBLE. I will yield three minutes of the time remaining to the gentleman from Illinois [Mr. LANE].

Mr. LANE. Mr. Chairman, I wish to say that while I favor the erection of public buildings, and like to see grand public structures, yet at the same time I would like to see some proportion between public and private buildings, and prefer that such appropriations should be properly distributed among the people who provide the means for their erection. I do not think, sir, that the conduct of this House to-day in the passage of these extraordinary appropriations is warranted by the condition of the country. I think that the parties who pay for the buildings ought to have some expression in this House.

To the men who pay from their day's labor, under the infamous tariff system of taxation now in operation, 40 per cent. of that labor for such public works it may be some satisfaction to know that they have in the State where they live some of these great public buildings; and that when their day's labor is done, although by this infamous system of taxation they pay 40 per cent. of it to put up the building, it may be some satisfaction for them to go there and see it and know it is in their State. But such a system is not in harmony with our institutions.

In a part of the district which I have the honor to represent here we have a hundred thousand people, inhabiting 600 square miles of as fine country as the world can produce; but this Government has never paid a dollar by a vote of the House for the benefit of the people there. The money for public purposes is all given to some large city, and the people in general derive no benefit whatever from it. We are taxed—the people are taxed—for this money, and I repeat, the system is an infamous one, and unjust in itself, which would deprive the tax-payers of the benefit of any portion of the tax they are compelled to pay.

Mr. Chairman, there should be some general law by which the money paid by the tax-payers would be returned in some shape to them in proportion to the amount of tax levied in each of the districts throughout the country. For example, in my district there are several towns containing 4,000 inhabitants. Now, if you give money in some large city for a Government building, it should be given in like proportion to the people in these smaller towns, who are also called upon to bear their share of the expense in the erection of these buildings in the larger cities.

[Here the hammer fell.]

Mr. DIBBLE. I now yield the remainder of my time to the gentleman from Massachusetts [Mr. ALLEN].

Mr. ALLEN, of Massachusetts. Mr. Chairman, I have avoided taking any of the time of the committee in discussing this bill, because I thought that all of the reasons necessary for its being passed by the House were set forth fully in the report of the committee which has been read. But I find that debate and differences of opinion have been developed, and it seems to me that it is only justice to the people I represent, and who have come before this House and the Committee on Public Buildings and Grounds in large numbers, asking, by petition, that this appropriation be made, that I should take a few moments of the time of the committee to express their views and wishes upon the subject.

Lowell, Mass., is a city of some 75,000 people; a very hive of active industry, employing some $20,000,000 in active working capital in the cotton mills, giving employment almost every day in the year to nearly 26,000 operatives, and producing over 250,000,000 yards of cotton cloth yearly. These people, from the very nature of the case, are separated, many of them, from their families, and in times of great commercial activity it is necessary for them to leave the farm and the homestead and go into the city to labor. The effect of this gives rise necessarily to large additional demands for post-office accommodations over and above what the number of population would seem to indicate; and the fact that Lowell has paid to the Government a net income in the year 1887 on the postal business there of over $52,000 would seem to be a sufficient answer to any objections which may be urged against this bill. If that does not of itself establish a *prima facie* case where the Government should come forward and appropriate for additional facilities for carrying on the postal business, I would like to know what the House wants in the shape of such recommendations.

I listened, sir, to the gentleman from Missouri [Mr. BLAND] and tried to persuade myself that he was honest in his argument; but if that argument meant anything it has been met in this instance, in every case, by the people of that city themselves, who have provided heretofore for the requirements of the Government.

Another fact with reference to the net revenue of the Lowell post-office is found in the peculiar condition of affairs under which the large patent-medicine houses of the J. C. Ayer Company, C. I. Hood & Co., and E. W. Hoyt & Co., who buy outside of the local office more than $50,000 worth of stamps, as they are able to do from country newspaper and other sources at a discount; so that inasmuch as the receipts of the office are dependent upon the stamps sold and are not dependent upon cancellation, if this additional amount of revenue could be properly credited to the office, as it ought, the net revenue to the Government would approach very close to $100,000 yearly.

Should Congress authorize the issue of fractional currency, the use of stamps as a medium of exchange would be done away with, and the net income of the office would increase very materially at once.

Of the seventy-two first-class offices, including the great cities of the country, Lowell stands well up on the list in the amount of revenue turned in to the Treasury, and presents a very strong case for consideration.

The people of that city do not come asking anything in charity. They feel the importance of the city is such as to entitle it to all it asks. Call it a loan, if you like, and the revenues of the office will pay the amount ($200,000) in four years. The gentleman from Indiana [Mr. HOLMAN] on Tuesday thought the amount appropriated in these cities should bear some relation to the amounts the people themselves were willing to expend on their public buildings; and touching right upon that point, this same city of Lowell has now under consideration, in its city council, a resolution appropriating $500,000 for a new city hall, while the amount asked for a Federal building is less than half that sum.

[Here the hammer fell.]

Mr. DIBBLE. I move that this bill be laid aside and reported to the House with the recommendation that it do pass.

Mr. BLAND. The first question is on the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question being taken, on a division there were—ayes 16, noes 128.

Mr. BLAND. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLAND and Mr. DIBBLE were appointed tellers.

Mr. DIBBLE. Mr. Chairman, as the hour for adjournment, fixed by the House in the special order, has nearly arrived, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken

the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the special order, had instructed him to report sundry bills to the House with various recommendations.

ORDER OF BUSINESS.

Mr. TAULBEE. I ask unanimous consent to introduce a resolution for reference.

Mr. DIBBLE. I call for the regular order.

Mr. TAULBEE. I only ask to refer this.

Mr. DIBBLE. I shall not object to refer it if there is time.

The SPEAKER *pro tempore*. Under the resolution adopted by the House fixing the special order, the hour of 5 o'clock having now arrived, the House stands adjourned until Thursday at 12 o'clock.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BLAND: A bill (H. R. 7550) for the relief of Thaddeus Collard—to the Committee on War Claims.

By Mr. BURROWS: A bill (H. R. 7551) for the relief of Charles J. Gibbs—to the Committee on Military Affairs.

By Mr. COGSWELL: A bill (H. R. 7552) for the relief of Sarah G. Avery, widow of George Avery—to the Committee on War Claims.

By Mr. CRISP: A bill (H. R. 7553) for the relief of John G. Davis—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 7554) granting a pension to Cornelius O'Leary—to the Committee on Invalid Pensions.

By Mr. DUNHAM (by request): A bill (H. R. 7555) to place on the pension-roll and pay Charles C. Merrick, late captain Company G, Fifty-first Regiment Illinois Volunteer Infantry, the same rate of pension from date of his discharge as is now allowed him—to the Committee on Invalid Pensions.

By Mr. FORAN: A bill (H. R. 7556) granting increase of rating of husband's pension to Hamilton D. Dickey—to the Committee on Invalid Pensions.

By Mr. FORD: A bill (H. R. 7557) for the relief of Andrew E. Jackson, Jerre H. Quackenbush, John Gallagher, Edward W. Wiggins, and Peter C. Andre—to the Committee on Claims.

By Mr. HERMANN: A bill (H. R. 7558) for the relief of Col. James C. Duane—to the Committee on Claims.

By Mr. S. T. HOPKINS: A bill (H. R. 7559) granting an increase of pension to William H. Garrison—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: A bill (H. R. 7560) for the relief of William Bunch—to the Committee on Military Affairs.

Also, a bill (H. R. 7561) for the relief of James D. Kelley—to the Committee on Military Affairs.

By Mr. LAIRD: A bill (H. R. 7562) to restore J. Rock Williamson to the pension-roll—to the Committee on Invalid Pensions.

By Mr. MCSHANE: A bill (H. R. 7563) granting a pension to John Beichley—to the Committee on Invalid Pensions.

By Mr. NEAL: A bill (H. R. 7564) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.—to the Committee on Commerce.

By Mr. NORWOOD: A bill (H. R. 7565) for the relief of the Importing and Exporting Company of Georgia—to the Committee on Claims.

By Mr. OWEN: A bill (H. R. 7566) granting a pension to George W. Lloyd—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 7567) granting a pension to Mary J. De Wolf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7568) granting a pension to William S. Spratt—to the Committee on Invalid Pensions.

By Mr. SCULL: A bill (H. R. 7569) granting a pension to John McDonnell, private Company M, Twelfth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7570) for the relief of James Bookhamer—to the Committee on Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 7571) for the relief of Rev. William Gregston—to the Committee on War Claims.

By Mr. TAULBEE: A bill (H. R. 7572) granting a pension to Ashley Wood—to the Committee on Invalid Pensions.

By Mr. YARDLEY: A bill (H. R. 7573) granting a pension to Abraham Charler—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 7574) granting a pension to Frank Lewis—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 7575) granting a pension to James E. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7576) for the relief of John M. Griffin—to the Committee on Claims.

By Mr. O'DONNELL: A bill (H. R. 7577) granting a pension to Lewis C. Keck—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: A bill (H. R. 7578) granting pay and allowances of a first lieutenant of artillery to Charles S. Warn—to the Committee on Military Affairs.

By Mr. S. V. WHITE: A bill (H. R. 7579) for the relief of Maria N. Abbey—to the Committee on Invalid Pensions.

By Mr. RAYNER: A bill (H. R. 7580) for the relief of the heirs of William B. Muse—to the Committee on Claims.

By Mr. TAULBEE: A bill (H. R. 7581) granting a pension to Benjamin C. Gillam—to the Committee on Invalid Pensions.

By Mr. YOST: A bill (H. R. 7582) for the relief of J. W. C. Meeks—to the Committee on War Claims.

Also, a bill (H. R. 7583) for the relief of the heirs of David Buchanan—to the Committee on War Claims.

Also, a bill (H. R. 7584) for the relief of Samuel Hamner & Bro.—to the Committee on War Claims.

Also, a bill (H. R. 7585) for the relief of William Hodges—to the Committee on War Claims.

Also, a bill (H. R. 7586) for the relief of J. R. Buchanan—to the Committee on War Claims.

By Mr. T. J. HENDERSON: A bill (H. R. 7587) for the relief of the heirs and legal representatives of Ellen Hill—to the Committee on War Claims.

By Mr. J. D. TAYLOR: A bill (H. R. 7588) for the relief of J. W. Potts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7589) for the relief of Stewart Dotey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7590) granting a pension to David Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7591) for the relief of M. M. Aldredge—to the Committee on Ways and Means.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 7232) for the relief of C. L. Wilson—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BANKHEAD: Petition of William W. Williams, of Walker County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BARRY: Petition of Seward Brothers and others, of Ackerman, Miss., for free salt—to the Committee on Ways and Means.

By Mr. BLAND: Paper to accompany bill for relief of James Morgan—to the Committee on Pensions.

Also, petition of Thaddeus Callard, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLOUNT: Petition of A. Goolsby, executor of William Goolsby, of Jasper County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Petition of Catherine R. Hinton, and of Henrietta M. Johnson, of Monroe County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. T. H. B. BROWNE: Petition of N. S. Smith and others, citizens of Chincoteague Island, Virginia, for increased salary of crews of the Life-Saving Service—to the Committee on Commerce.

Also, memorial of the Board of Trade, Maritime Exchange, etc., of Philadelphia, Pa., for an international maritime conference—to the Committee on Foreign Affairs.

Also, petition of Henry Ulke, of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BUCHANAN: Memorial of conference of Society of Friends in behalf of international arbitration—to the Committee on Foreign Affairs.

By Mr. BURNES: Protest of citizens of Alaska against the establishment of a Territorial government—to the Committee on the Territories.

By Mr. BURROWS: Petition of citizens of Alaska, for relief—to the Committee on the Territories.

By Mr. BUTLER: Petition of Rufus J. Kidwell, of Hamblen County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BUTTERWORTH: Petition of Anna Abihl, widow of David Abihl, for a pension—to the Committee on Invalid Pensions.

Also, petition of William Glenn & Sons and others, merchants of Cincinnati, Ohio, protesting against the passage of the pure-food bill—to the Committee on Ways and Means.

By Mr. CAINE: Petition of the Bar Association of Salt Lake City, Utah, for the appointment of an additional judge for Utah Territory—to the Committee on the Territories.

By Mr. T. J. CAMPBELL: A joint resolution authorizing and requiring the Secretary of War to contract for the improvement of Harlem River navigation—to the Committee on Rivers and Harbors.

By Mr. CARLTON: A bill making an appropriation for a resurvey of portion of the Sa annah River, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill making appropriations for improvement of a portion of

Oconee River, Georgia, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. CASWELL: Petition of D. A. Olin, mayor of Racine, Wis., and 205 others, for an increase of salary of keepers of the Life-Saving Service—to the Committee on Commerce.

Also, petition of Solon Brown and 29 others, citizens of Jefferson, Wis., for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. CATCHINGS: Petition of William Owens, administrator of Sarah Harris, of Warren County, and of Annie Stewart, of Coahoma County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. COMPTON: Petition of certain dairymen and dealers in dairy products, for the removal of duty on salt—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition of Cornelius O'Leary, late Company B, Sixty-ninth New York Volunteers, for special-act pension—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers in the case of Nicholas Lochbokler, for relief—to the Committee on War Claims.

Also, petition of Coal Valley Council of Junior Order of United American Mechanics that February 22 be made a legal holiday—to the Committee on the Judiciary.

Also, memorial of Thomas Marlow Lodge, of Homestead, Pa., of Amalgamated Association of Iron and Steel Workers, in favor a protective tariff—to the Committee on Ways and Means.

By Mr. DAVIS: Petition of Charles W. Swett and 33 others, citizens of Wellfleet, Mass., in favor of an increase of salaries of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

By Mr. DE LANO: Petition of the Cigar-Makers' Union, No. 125, of Norwich, N. Y., that the internal-revenue tax on cigars be retained—to the Committee on Ways and Means.

By Mr. DUNHAM: Resolutions of the directors of the Chicago (Ill.) Board of Trade, favoring laws to require the branding of all adulterated lard—to the Committee on Agriculture.

By Mr. ELLIOTT: Petition of citizens of Hymanville, of Manning, of Society Hill, and of Kingstree, S. C., for the improvement of Winyah Bay bar—to the Committee on Rivers and Harbors.

By Mr. ENLOE: Petition of L. W. Contrell, of Hardin County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of A. C. Leichler, of Bower B. Greisimer, and of D. H. G. Kuser, of Berks County, Pennsylvania, for the passage of a bill to reduce postage on seeds, bulbs, etc., and to authorize the issuing of money-orders at a lesser rate—to the Committee on the Post-Office and Post-Roads.

By Mr. FORAN: Petition of vessel-owners and citizens of Cleveland, Ohio, for liberal appropriations for improvements of the harbors and channels of the Great Lakes—to the Committee on Rivers and Harbors.

Also, petition of the faculty of Adelbert College, Cleveland, Ohio, for an international copyright law—to the Committee on Patents.

Also, petition of S. T. Everett and many others, citizens of Cleveland, Ohio, for the reduction of letter postage to 1 cent—to the Committee on the Post-Office and Post-Roads.

Also, petition of 200 citizens of Cleveland, Ohio, for Government control of the telegraph system of the United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of 150 citizens of Cleveland, Ohio, for the passage of House bills 5040, 5041, and 5664, providing for the classification of post-office clerks and the adjustment of their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. FORD: Petition of the mayor and clerk of Allegan, Mich., for the erection of Government buildings in every town of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

Also, memorial of Bissell Carpet Sweeper Company, asking that tin-plate be placed on the free-list—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of citizens of Marshall County, Alabama, for national aid to education—to the Committee on Education.

By Mr. FRENCH: Petition of A. S. Chase and others, of Waterbury, Conn., for an appropriation and order that said city shall have a public building for postal purposes at a cost not to exceed $150,000—to the Committee on Public Buildings and Grounds.

By Mr. FULLER: Petition of W. K. Barker and 22 soldiers, of Cresco, Iowa, for the passage of a per diem service-pension law—to the Committee on Invalid Pensions.

Also, statement of Alfred E. Baldridge, late private Nineteenth Regiment Iowa Volunteers and first lieutenant United States Colored Volunteers, in reference to pay and bounty due him—to the Committee on Military Affairs.

By Mr. GEAR: Petition of Benjamin Eicher, to put foreign salt on the free-list—to the Committee on Ways and Means.

Also, memorial and concurrent resolution of the Iowa General Assembly, relating to the election of United States Senators—to the Committee on the Judiciary.

By Mr. GEST: Petition from the city of Macomb, Ill., for a general appropriation for Government buildings instead of special acts—to the Committee on Public Buildings and Grounds.

By Mr. GLASS: Petition of P. H. Jackson, of Gibson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HATCH: Petition of the manufacturers of crackers, for a law requiring packages containing compounds of lard to be plainly marked, so as to prevent fraud and deception in the sale thereof—to the Committee on Agriculture.

Also, petition of the Board of Trade of Chicago, for law by which "compound" can be distinguished from pure lard—to the Committee on Agriculture.

Also, memorial of the directors of the Chamber of Commerce of Cincinnati, Ohio, and Merchants' Exchange, for a law to protect manufacturers and consumers of lard against compounds that are sold as lard, and to compel the adulterated or compounded article to be sold on its merits—to the Committee on Agriculture.

Also, memorial of the Pork Packers' Association of Cincinnati, for the same—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Memorial and concurrent resolution of the Iowa Legislature, relating to the election of United States Senators—to the Committee on the Judiciary.

By Mr. J. S. HENDERSON: Resolutions of the Rowan County Medical Society of North Carolina, to abolish import duties on all medicine, medical and surgical instruments, etc.—to the Committee on Ways and Means.

By Mr. HOLMAN: Petition of William E. Burris and 18 others, citizens of Madison, Ind., for a law to adjust the accounts of laborers, workmen, and mechanics under the eight-hour law—to the Committee on Labor.

Also, petition of W. T. Hewly and 3 others, citizens of Madison, Ind., for a law that Government contractors shall pay their employés once every two weeks—to the Committee on Labor.

By Mr. HOUK: Petition of Adam A. Douglass, heir of Alexander Douglass, of Jefferson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOVEY: Petition of Jasper Gellett and 60 others, for protection to the wool interests of the country—to the Committee on Ways and Means.

By Mr. HUTTON: Petition for an appropriation for the Missouri River at New Haven, and for the Mississippi River at Clarksville, Mo.—to the Committee on Rivers and Harbors.

Also, petition of citizens of St. Charles, Mo., relative to public buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the faculty of the Central Wesleyan College, of Warrenton, Mo., for an international copyright law—to the Committee on Patents.

By Mr. J. T. JOHNSTON: Petition of William Burch, private Company B, One hundred and twentieth Regiment Indiana Volunteers, for correction of his military record—to the Committee on Military Affairs.

Also, petition of citizens of Sullivan County, Indiana, for improvement of the Wabash River—to the Committee on Rivers and Harbors.

Also, petition of James D. Kelley, for relief—to the Committee on Military Affairs.

By Mr. T. D. JOHNSTON: Petition of Mary Allison, of Transylvania County, North Carolina, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. KEAN: Petition of Assembly No. 103, Knights of Labor, of New Brunswick, N. J., for the establishment of a postal telegraph system, with the indorsement of the assemblies of Long Branch, Sayreville, Perth Amboy, South River, Ford's Corner, Woodbridge, and New Brunswick—to the Committee on the Post-Office and Post-Roads.

Also, petition of people of Alaska, against a Territorial form of government—to the Committee on the Territories.

By Mr. KERR: Petition of citizens of Gilmore, Iowa, to reduce the duty on tin-plate—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of Bricklayers and Masons' Union, No. 44, of Poughkeepsie, N. Y., for the appointment of John T. Lynch as superintendent of the new Library building—to the Committee on the Library.

Also, petition of Albert Wager, father of George A. Wager, for a pension—to the Committee on Invalid Pensions.

By Mr. LAIRD: Memorial of citizens of Red Willow, Thomas, Hitchcock, and Perkins Counties, Nebraska, for the addition of McCook to the bill fixing additional terms of the United States courts—to the Committee on the Judiciary.

By Mr. McCULLOGH: Memorial of Dawson (Pa.) Council, No. 75, Junior Order of United American Mechanics, asking that February 22 be made a legal holiday—to the Committee on the Judiciary.

By Mr. MOFFITT: Petition of Smith M. Wead, Peter S. Palmer, and others, of Plattsburgh, N. Y., for an appropriation to improve the river and harbor at that port—to the Committee on Rivers and Harbors.

Also, petition of 187 citizens of Champlain, N. Y., for an appropriation of $10,000 for the improvement of the Chazy River—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Petition of Tyler Logan, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the case of Mary C. Shields, of Benton County, Mississippi, for relief—to the Committee on War Claims.

Also, petition of J. H. Brooks, of Marshall County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NELSON: Letters and petitions for the relief of Pierrie Bottineau—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of citizens of Marengo, Mich., for a pension for Lewis C. Keck—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of R. M. Jones, J. D. Newport, and other citizens of Crestline, Kans., and soldiers of the late war, for the passage of the Hoar service-pension bill—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of 185 citizens of Sumner County, Kansas, favoring the passage of Oklahoma bill—to the Committee on the Territories.

By Mr. PHELAN: Petition of Mary and James Boro, for payment of rent and damage to property by the United States Army—to the Committee on War Claims.

Also, 34 petitions from various parts of Tennessee, Mississippi, and Arkansas, against the passage of all laws for the taxation and inspection of compounds of lard with cotton-seed oil—to the Committee on Agriculture.

By Mr. RANDALL: Resolutions of the Chosen Friends' Council, Junior Order of United American Mechanics, of Pennsylvania, to declare Washington's birthday a legal national holiday—to the Committee on the Judiciary.

Also, memorial of the municipal authorities of McKeesport, Pa., for a general appropriation for a post-office building in every town of the United States of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

By Mr. RICE: Petition of millers of Minneapolis, Minn., for a reduction of duty on burlaps—to the Committee on Ways and Means.

Also, memorial of Emily M. Hool, for relief—to the Committee on Claims.

By Mr. RICHARDSON: Petition of William A. Wood, and of guardian of minors of Leah Bray, of Lincoln County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of 120 citizens of the Fourth district of Ohio, that the crews of life-saving stations be paid additional compensation—to the Committee on Commerce.

By Mr. SCULL: Memorial of the Junior Order United American Mechanics, Cambria Council, of Wilmore, Pa., to make February 22 a legal holiday—to the Committee on the Judiciary.

By Mr. SENEY: Petition of E. P. Hooker and others, of Defiance, Ohio, for the removal of the duty on salt—to the Committee on Ways and Means.

Also, joint memorial of the Board of Trade, Commercial, Maritime, and Drug Exchanges, and Vessel Owners and Captains' Association, of Philadelphia, Pa., for international maritime conference to be held in the United States—to the Committee on Commerce.

Also, joint resolution of the General Assembly of Ohio, favoring pensions to ex-Union soldiers confined in prisons, and $2 per day extra while so confined—to the Committee on Invalid Pensions.

Also, memorial of the West Branch Lumberman's Exchange, opposing tariff legislation respecting lumber—to the Committee on Ways and Means.

Also, memorial of Charles Stoughton, for the improvement of Harlem River—to the Committee on Rivers and Harbors.

Also, petition of citizens of Alaska, against the pending bill providing a Territorial government for Alaska—to the Committee on the Territories.

Also, memorial of the State Board of Forestry of California—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition of the people of the district of Alaska, expressing their disapprobation of the bill providing a Territorial form of government for Alaska—to the Committee on the Territories.

By Mr. STEELE: Resolutions of the Board of Trade of Indianapolis, Ind., relative to the exportation of salt meats—to the Committee on Ways and Means.

Also, resolution of the same, relative to branding adulterated lard—to the Committee on Agriculture.

By Mr. STRUBLE: Memorial and concurrent resolution of the Legislature of Iowa, to amend section 14 of the United States Statutes at Large so that the election of United States Senators shall occur on the second Tuesday after the permanent organization of the Legislatures of the respective States—to the Committee on the Judiciary.

By Mr. TAULBEE: Petition for the relief of Ashley Wood—to the Committee on Invalid Pensions.

Also, petition of Benjamin C. Gillam, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. J. D. TAYLOR: Memorial from the city of Bellaire, Ohio, for the passage of a general law for the erection of public buildings instead of the present debasing method of appropriations for the same—to the Committee on Public Buildings and Grounds.

By Mr. E. J. TURNER: Petition of William Wilson and others, for the passage of a per diem rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of S. M. Hartley and others, for the removal of duty on salt—to the Committee on Ways and Means.

By Mr. S. V. WHITE: Petition of the Rembrandt Club, of Brooklyn, N. Y., for the repeal of the duty on paintings and statuary—to the Committee on Ways and Means.

By Mr. J. R. WHITING: Petition of vessel-owners and shippers of Alpena, Oscoda, Au Sable, Cheboygan, and Duncan City, for the construction of a harbor of refuge at Port Sanilac, Michigan—to the Committee on Rivers and Harbors.

By Mr. WHITTHORNE: Petition of Zachariah Belew, of Lawrence County, Tennessee, for relief—to the Committee on War Claims.

Also, petition of E. T. and J. D. Fry, administrators of Jesse Fry, of Giles County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Petition of dairymen, for removal of duty on salt—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition of Thomas G. Flagg, executor, of Berkeley County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. ATKINSON: Of citizens of Cisna's Run, Pa.

By Mr. BARRY: Of J. G. Harris and others, of Liddell, Miss.

By Mr. R. H. M. DAVIDSON: Of P. F. Messer and others, citizens of Dellwood, Fla.

By Mr. FORAN: Of Gustave Schmidt and others, citizens of Cleveland, and of William Stoneman and others, citizens of Cuyahoga County, Ohio.

By Mr. NICHOLS: Of citizens of Raleigh, N. C.

By Mr. RANDALL: Of Calvin Wallace and others, of Pennsylvania.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. ARNOLD: Of 286 citizens of Washington County, Rhode Island.

By Mr. BUNNELL: Of 305 citizens of Bradford County, Pennsylvania.

By Mr. BURROWS: Of 286 citizens of Kalamazoo County, Michigan.

By Mr. DAVIS: Of L. Nichols and 239 others, citizens of Bristol County, Massachusetts.

By Mr. DUNN: Of citizens of Clay County, Arkansas.

By Mr. GROUT: Of 350 citizens of Washington County, Vermont.

By Mr. HALL: Of 246 citizens of Butler County, Pennsylvania.

By Mr. HAUGEN: Of 183 citizens of St. Croix County, Wisconsin.

By Mr. HITT: Of 240 citizens of Winnebago County, Illinois.

By Mr. KERR: Of 198 citizens of Linn County, Iowa.

By Mr. NUTTING: Of 245 citizens of Cayuga County, New York.

By Mr. PATTON: Of 252 citizens of Centre County, Wisconsin.

By Mr. STEPHENSON: Of C. A. Anderson and 200 others, citizens of Taylor County, Wisconsin.

By Mr. WILBER: Of 483 citizens of Herkimer County, New York.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. FORAN: Of 113 citizens of the Twenty-first district of Ohio.

SENATE.

WEDNESDAY, *February* 22, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

Mr. HOAR. Mr. President, I ask unanimous consent, in consideration of the fact that to-day is a legal holiday, that the morning business be dispensed with, and that the order adopted day before yesterday be immediately executed.

Mr. EDMUNDS and others. Agreed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the formal morning business for this day be dispensed with. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the resolution of the Senate adopted on Monday last.

The Chief Clerk read as follows:

Resolved, That on Wednesday, February 22, the Farewell Address of Washington be read to the Senate by the Presiding Officer after the conclusion of morning business.

The PRESIDENT *pro tempore*. On the 19th day of September, 1796, George Washington, being then at nearly the close of his second Presidential term, delivered the following

FAREWELL ADDRESS.

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom the choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given any peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amid appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing wishes that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free Constitution which is the work of your hands may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in like intercourse with the *West*, in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of the indispensable outlets for its own productions to the weight, influence, and future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interests, as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to a mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the

auxiliary of governments for the respective subdivisions will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*, *Atlantic* and *Western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is, to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself provisions for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities are destructive of this fundamental principle, and of fatal tendency. They serve to organize factions; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government, and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passion. Thus the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments ancient and modern—some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connection with private and public felicity. Let it be simply asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. What

ever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be that Providence has connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in the place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions and obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times, it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter without adequate inducements or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens, who devote themselves to the favorite nation, facility to betray or sacrifice the interest of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak nation toward a great and powerful one, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing with powers so disposed (in order to give to trade a stable course, to define the rights of our merchants, to enable the government to support them) conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not having given more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and the other evidences of my conduct must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your

approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in interest and duty to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which it is necessary to give it, humanly speaking, the command of its own fortune.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, 19th *September*, 1796.

Mr. VOORHEES. I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 23, 1888, at 12 o'clock m.

SENATE.

THURSDAY, *February* 23, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief Signal Officer, setting forth the necessity for the deficiency estimate of $5,000 for rent, etc., for offices of the Signal Service for the present fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a request of the Commissioner of Fish and Fisheries that provision be made by Congress for the payment of his salary for the current fiscal year, the act of January 20, 1888, making no provision therefor; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation of $10,000 for examinations and surveys of Indian reservations; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of February 9, 1888, a report from the Commissioner of the General Land Office in regard to the charges made by the registers and receivers of land offices for reducing to writing the testimony in contested and other cases; which, with the accompanying report, was referred to the Committee on Public Lands, and ordered to be printed.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore* laid before the Senate the following bills received from the House of Representatives on Tuesday last; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 6153) to authorize condemnation of land for sites of public buildings; and

A bill (H. R. 1495) granting to Edwin Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining the custom-house at Rockland, Me.

The bill (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of ex-prisoners of war, resident in New York, praying for the passage of Senate bill 779, for pensioning prisoners of war who were confined in Confederate military prisons during the late war; which was referred to the Committee on Pensions.

He also presented a petition of 47 citizens of Kansas, praying for the passage of what is known as the rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 26 citizens of Kansas, praying for the repeal of the duty on foreign salt; which was referred to the Committee on Finance.

Mr. VANCE presented a petition of the North Carolina Medical Society, praying that surgical instruments may be placed upon the free-list; which was referred to the Committee on Finance.

Mr. BECK presented the petition of F. K. Reynolds and other dairymen and citizens of Cynthiana and Oddville, Ky., praying that the import duty on salt be removed; which was referred to the Committee on Finance.

Mr. COKE. I present a petition of the Houston (Tex.) Cotton Exchange and Board of Trade, praying that the work of improvement of Buffalo Bayou, Texas, prosecuted by the United States Government, for the passage of vessels of 12 feet draught, navigating Galveston Bay to the city of Houston, be continued to rapid completion, and that appropriations be made by Congress for the full amount of the estimates of the United States engineers for that work. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. TURPIE presented a petition of 173 citizens of the First, Eighth, Eleventh, and Thirteenth Congressional districts of Indiana, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented two petitions of citizens of Norwich, Windsor County, Vermont, praying for the passage by Congress of laws diminishing the postage upon seeds, plants, bulbs, and other packages; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented the petition of J. W. Van Schaick and other citizens of Milwaukee, Wis., praying that the compensation of life-saving crews be increased; which was referred to the Committee on Commerce.

Mr. FARWELL presented a petition of citizens of New York, praying that a pension be granted to Maria N. Abbey, a nurse during the war; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented the petition of Richard Von Dorin, of Fairfield, Iowa, praying that he be granted a pension for services in the Mexican war, including participation in the battle of Buena Vista; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Western Washington Territory, officially signed, representing 300 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of the Woman's Christian Temperance Union of Dakota, officially signed, representing 1,815 members, praying for a repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented resolutions adopted by Allison Post, No. 34, Grand Army of the Republic, of Audubon, Iowa, in favor of the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PLATT presented a petition of 133 citizens of the Third and Fourth Congressional districts of Connecticut, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL presented a petition of importers at the port of St. Louis, Mo., praying for the passage of Senate bill 532, in regard to the transportation of dutiable goods, etc.; which was referred to the Committee on Commerce.

Mr. CAMERON presented resolutions adopted at a meeting of Thomas Marlow Lodge, No. 56, of Amalgamated Association of Iron and Steel Workers, held at Homestead, Pa., and resolutions adopted at a meeting

of Custer Lodge, No. 13, of Amalgamated Association of Iron and Steel Workers, held at Pittsburgh, South Side, Pa., remonstrating against any reduction of the present tariff; which were referred to the Committee on Finance.

He also presented a petition of dairymen and dealers in and consumers of dairy products, residents of Pennsylvania, praying for the removal of the duty on foreign salt; which was referred to the Committee on Finance.

He also presented a petition of 115 citizens of the Second, Ninth, Twelfth, Twentieth, Twenty-fifth, and Twenty-sixth Congressional districts of Pennsylvania; a petition of 214 citizens of Pennsylvania; and a petition of citizens of the Seventh, Eighteenth, and Twenty-seventh Congressional districts of Pennsylvania, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Chester County, Pennsylvania, praying that exemplary penalties be provided for seduction, and that the age of consent may be raised to at least eighteen years in the District of Columbia and other places within the jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Jennie Hart Mullany, widow of the late Rear-Admiral Mullany, United States Navy, praying to be allowed an increase of pension to $50 per month; which was referred to the Committee on Pensions.

He also presented a petition of the Paint Club of Philadelphia, praying Congress to appropriate money for the purchase and removal of Smith's or Windmill and Petty's Islands, in the Delaware River; which was referred to the Committee on Commerce.

Mr. CHACE presented a petition of 100 citizens of the Second Congressional district of Rhode Island, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HALE presented the memorial of Ticknor & Co., publishers at Boston, Mass., remonstrating against the passage of House bill No. 4910, relating to second-class postage rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Annie A. McDonald, widow of William O. McDonald, late second lieutenant Company C, Twenty-sixth Regiment Maine Volunteers, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. DOLPH presented a petition of the Woman's Christian Temperance Union of Eastern Washington Territory, officially signed, representing 300 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented resolutions adopted by the Board of Trade of Portland, Oregon, urging the passage of a bill to increase the compensation of United States district judges; which were referred to the Committee on the Judiciary.

Mr. SHERMAN. I present the petition of John C. Brown, State treasurer, and a large number of other citizens of the State of Ohio, praying for the passage of Senate bill No. 1779, for the protection and administration of the forests on the public domain, introduced by the Senator from Maine [Mr. HALE]. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SHERMAN presented a petition of 9 ex-Union soldiers of Ohio, praying for the passage of what is known as the one-leg or one-arm pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 215 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 158 citizens of the Ninth, Tenth, Eleventh, and Twenty-fifth Congressional districts of Ohio praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Amalgamated Association of Iron and Steel Workers of the United States, favoring a protective policy for the Government; which was referred to the Committee on Finance.

Mr. MANDERSON. I present a petition signed by citizens of New York, Chicago, Cleveland, Omaha, and other places, who are publishers and editors of papers published in the Bohemian language. They pray that there may be legislation which will permit books printed in foreign languages to be imported free, claiming that the duty now laid is not a protective tariff, but a tax on intelligence. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. MANDERSON. I present a petition numerously signed by ex-Union soldiers, citizens of Nebraska, praying for the passage of what is known as the per diem service-pension bill. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. MANDERSON presented a petition of the Board of Trade and citizens of Nebraska City, Nebr., praying to have the terms of the United States court held at that place; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented a memorial of citizens of Alaska, remonstrating against the passage of the bill providing a Territorial form of government for the district of Alaska, and in favor of the passage of such laws as may be applicable to the condition of that district; which was referred to the Committee on Territories.

He also presented a petition of citizens of Oregon, praying that speedy action be taken by Congress on the subject of protection to the wool-growing and woolen manufacturing industries of the country; which was referred to the Committee on Finance.

He also presented a petition of the Chicago Laundrymen's Association, praying Congress to pass a law abrogating all treaties heretofore made between the United States and China in so far as they provide for, recognize, or permit the immigration of Chinese into the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Legislative Council of Washington Territory, praying that an appropriation be made for the removal of obstructions to navigation in the Columbia River, near Vancouver, in that Territory; which was referred to the Committee on Commerce.

Mr. HOAR presented a petition of 125 citizens of the Ninth and Eleventh Congressional districts of Massachusetts, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of 258 members of the Chicago (Ill.) Board of Trade, praying for the passage of Senate bill 614, to establish a postal telegraph; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS presented a petition of 20 members of Gillett Post, No. 556, Grand Army of the Republic, of Northville, N. Y.; a petition of 42 surviving soldiers and sailors of the Union Army and Navy, citizens of Orange County, New York; a petition of 29 members of Hudson Post, No. 3, Grand Army of the Republic, of Columbia County, New York; a petition of 29 members of Lockwood Post, Grand Army of the Republic, of Columbia County, New York, and a petition of 78 members of J. N. Warner Post, No. 565, Grand Army of the Republic, Department of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. ALDRICH presented resolutions adopted by the Grand Army of the Republic, Department of Rhode Island, favoring a change in the law for retiring enlisted men in the United States Army; which were referred to the Committee on Military Affairs.

He also presented the petition of W. Thornton Parker, late hospital steward, United States Volunteers, praying that he be allowed a pension from January, 1868; which was referred to the Committee on Pensions.

Mr. PLUMB presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the authorities of the city of Ottumwa, Kans., praying for the passage of a general appropriation bill for the erection of Government post-office buildings in every city and village of the Union of 3,000 inhabitants or over; which was referred to the Committee on Public Buildings and Grounds.

Mr. HISCOCK presented a petition of ex-Union soldiers, residents of Truxton, N. Y., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 273 citizens of the Twenty-sixth, Thirty-third, and Thirty-fourth Congressional districts of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that Hon. SAMUEL S. COX, a Representative from the State of New York, had been elected by the House of Representatives Speaker *pro tempore* during the temporary absence of the Speaker.

The message also announced that the House had passed a bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 288) for the erection of a public building at Sioux City, Iowa, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1333) for the erection of a public building at Cheyenne, Wyo., reported it back with an amendment.

Mr. WILSON, of Iowa, from the Committee on Interstate Commerce, to whom was referred the bill (S. 874) to provide for licensing railway conductors on certain railways within the United States, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Commerce, to whom was referred the bill (S. 460) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein, asked to be discharged from its further consideration, and that it be referred to the Committee on Interstate Commerce; which was agreed to.

He also, from the Committee on Interstate Commerce, to whom was referred the bill (S. 1536) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on the Library, to whom was referred the bill (S. 1514) to establish a national art commission, reported it with amendments.

He also, from the Committee on Claims, to whom was referred the bill (S. 145) for the relief of Edward Braden and Job W. Angus, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the petition of Jesse T. Battle, praying to be allowed an invalid pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 1716) granting a pension to Mary L. Williams, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1006) granting a pension to Mary E. Blackman, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida, reported it with an amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 464) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1697) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, for the purpose of constructing a railway, and for other purposes, reported it with amendments.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 1633) to extend the Southern and Western boundaries of the State of Kansas, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1824) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians, in Montana, reported it with an amendment.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1232) for the relief of Thomas G. Corbin, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 119) for the relief of Edward H. Leib, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 120) for the relief of John W. Gummo, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1020) granting a bounty of $100 to the Second Regiment Kansas Volunteer Infantry, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 904) concerning the Pay Department of the Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 682) authorizing the President to appoint and retire Alfred Pleasonton a major of cavalry in the Army of the United States, reported it with amendments, and submitted a report thereon.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1650) for the relief of Maj. Gen. W. W. Averell, reported it with an amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa, reported it without amendment, and submitted a report thereon.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the bill (S. 1033) providing for the purchase of the Capron collection of Japanese works of art, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1803) in aid of the Centennial and Memorial Association of Valley Forge, and to secure the Washington headquarter mansion and grounds occupied by the Continental army of 1777 and 1778, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1764) for the relief of the heir of Constantino Brumidi, reported it without amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 570) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon, reported it with an amendment, and submitted a report thereon.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (S. 1211) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Va., reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 39) authorizing and requiring the Secretary of the Treasury to have struck copies of certain medals, and to deliver the same to certain Departments and to various States and Territories, reported it with amendments.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1653) granting a pension to Catherine E. Babcock, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1040) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office, reported it with amendments, and submitted a report thereon.

MRS. NANCY GARDEN.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Oregon [Mr. DOLPH] December 19, 1887, to pay to the sister of James Brown, deceased, late a messenger of the Senate, the sum of $720, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to Mrs. Nancy Garden, sister of James Brown, deceased, late a messenger of the Senate, the sum of $720, being an amount equal to six months' salary as messenger aforesaid; and said sum to be considered as including funeral expenses and all other allowances.

POWERS OF PACIFIC RAILWAY COMMITTEE.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution of the Senator from Maine [Mr. FRYE], submitted February 13, 1888, authorizing the Select Committee on the Pacific Railway Commission Report to employ a stenographer, print testimony, etc., to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the select committee, to which was referred the message of the President of the United States, transmitting the reports of the commissioners appointed by the President to examine into the affairs of the Pacific railways, appointed under resolution of the Senate of January 25, 1888, in pursuing their investigation, shall have power to send for persons and papers, to administer the necessary oaths, to employ a stenographer and such clerical and other assistance as it may deem necessary; and that said committee have authority to cause its proceedings and testimony taken to be printed from time to time, as it may see fit, exclusively for its use; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 2103) granting an increase of pension to Mrs. Elizabeth Bayard Anderson, widow of General Robert Anderson, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN (by request) introduced a bill (S. 2104) to define the qualifications, duties, rank, and pay of chaplains in the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 2105) granting an increase of pension to Joseph Verbisky; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2106) granting a pension to William Kelsey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2107) granting a pension to William Demoss; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2108) granting a pension to George W.

De Motte; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2109) for the relief of J. C. Berry; which was read twice by its title; and referred to the Committee on Pensions.

Mr. VOORHEES (by request) introduced a bill (S. 2110) granting the right of way for the construction of a railroad through the Hot Springs reservation, State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLAIR introduced a bill (S. 2111) for the relief of Mrs. Sarah L. Brookfield, widow of the late Lieutenant Brookfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2112) for the erection of a public building at Danbury, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced a bill (S. 2113) relieving municipalities in the Territories in certain cases; which was read twice by its title, and referred to the Committee on Territories.

He also (by request) introduced a bill (S. 2114) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a bill (S. 2115) to provide for the construction of a public building at the city of Saco, State of Maine; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON introduced a bill (S. 2116) to provide aid to State Homes for the support of disabled soldiers and sailors of the United States and their widows and orphans; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2117) granting a pension to Ellen Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2118) granting a pension to Richard H. Van Dorin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2119) making appropriation for the protection and preservation of the left bank of the Skagit River at Mount Vernon, Skagit County, Washington Territory; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SPOONER introduced a bill (S. 2120) granting a pension to Stanley G. Bowron; which was read twice by its title, and referred to the Committee on Pensions.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. EDMUNDS. I wish to ask the unanimous consent of the Senate to take up at this time for consideration, and I hope for passage, as it ought not to take more than a very few moments, the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua. Why I ask this indulgence of the Senate is because I expect to be compelled to be absent from the Senate during the most of next week, and possibly a part of the week after. I am not often in a condition to feel obliged to trespass upon the indulgence of the Senate, but as the matter is one of great national importance, and is in my charge, I feel it a duty to ask the Senate to do me the favor to take up the bill now in order that it may be considered.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. VEST. Would it suit the convenience of the Senator from Vermont to let the bill go over until to-morrow? I see that the Senator from Massachusetts [Mr. HOAR] is not in his seat.

Mr. EDMUNDS. The Senator from Massachusetts is near. He was here a moment ago.

Mr. VEST. I do not see him.

Mr. EDMUNDS. He is in.

Mr. VEST. To tell the truth, I have not had time to examine the bill, and I should like to look into it, if it would suit the Senator's convenience to let it go over until to-morrow.

Mr. EDMUNDS. If we are to sit to-morrow it would be just as convenient to me, but I am a little afraid we have gotten into a habit of adjourning over.

Mr. VEST. I do not think we shall adjourn over from to-day.

Mr. EDMUNDS. Out of deference to my friend from Missouri I will wait until to-morrow, when I shall ask the indulgence of the Senate to take up the bill and consider it.

FORFEITURE OF UNEARNED RAILROAD LANDS.

Mr. PLUMB. I desire to give notice that on Monday next, at the conclusion of the formal morning business, I shall ask the Senate to proceed to the consideration of Senate bill 1430, reported from the Committee on Public Lands, to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

PRINTING OF REPORTS, ETC.

Mr. DOLPH. On the 1st instant I reported from the Committee on Foreign Relations executive resolution No. 1, calling for copies of the correspondence concerning the ratification of the treaty with the Hawaiian Islands, with a written report, and upon my motion the injunction of secrecy was removed from the resolution and report. The intention was to have the report printed, but either by my mistake or some inadvertence it was not so ordered. I ask now that the report be printed.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. HALE. There are on the Calendar two matters from the Secretary of the Treasury in response to inquiries by the Senate; and I ask to call them up in order that they may be printed.

The PRESIDENT *pro tempore*. The order to print can be entered without further formal action, and will be made if there be no objection.

PROTECTION OF SUBMARINE CABLES.

Mr. DOLPH. I ask the Senate at this time to take up the bill (S. 1900) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. BECK. I wish to inquire whether the Calendar will not be in order unless it be set aside by calling up special bills.

The PRESIDENT *pro tempore*. The Calendar is in order after the conclusion of formal morning business under what is commonly known as the Anthony rule, or Rule VIII; that is, bills to be called subject to objection, and open to debate by each Senator for five minutes only. But the Chair holds that under the uniform practice of the Senate a motion to proceed to the consideration of any other subject on the Calendar would be a setting aside of that order.

Mr. BECK. So I understand; I have, perhaps, no objection to the bill the Senator from Oregon now wishes to call up, but before hearing the bill I desire again to make an effort to go to the Calendar, hoping that the Senate will proceed regularly with the Calendar instead of taking up special business. I do not make this request because I have any objection to this bill, or any other bill, but I desire to go to the Calendar regularly, if the Senate will do so.

Mr. DOLPH. The Senator will have no objection to the bill when stated, if I can get an opportunity to state what it is and the necessity for it. It is a matter of public interest.

The PRESIDENT *pro tempore*. The title of the bill, the consideration of which has been moved by the Senator from Oregon, will be stated.

The CHIEF CLERK. A bill (S. 1900) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables.

Mr. DOLPH. I ask that the communications which I send to the desk, which are very short, be read at this time, and I will add nothing to what they contain.

The PRESIDENT *pro tempore*. Debate is not in order. The first question is whether the Senate will proceed to the consideration of the bill. [Putting the question.] The ayes appear to have it. The ayes have it, and the bill is before the Senate as in Committee of the Whole.

Mr. BECK. I call for the yeas and nays. I thought the noes had it by the sound.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks that on the question of proceeding to the consideration of this bill, the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. DOLPH. I ask permission to occupy just a moment before the vote is taken.

The PRESIDENT *pro tempore*. Debate is not in order except by unanimous consent. Is there objection to the Senator from Oregon proceeding to debate?

Mr. BECK. I have no objection to this bill, but I object to anything which stands in the way of the Calendar.

Mr. HARRIS. I wish to state to the Senator from Kentucky, if I can have permission, that I remember to have heard a statement from the Senator from Oregon which seems to me to make this particular bill a very exceptional case as a question of time, and I think perhaps it would be well for us to hear the Senator from Oregon.

Mr. BECK. All right, then. My whole object is to get to the Calendar. If this is an exceptional case, let it go; I withdraw all objection.

Mr. DOLPH. This is a public matter in which I have no more interest than the Senator from Kentucky.

The PRESIDENT *pro tempore*. If there be no objection the ordering of the yeas and nays will be reconsidered, and the bill is before the Senate as in the Committee of the Whole, and will be read at length.

The Chief Clerk read the bill, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 1, line 3, after the word "willfully" to insert the words "and wrongfully;" so as to read:

That any person who shall willfully and wrongfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on convic-

tion thereof, shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding $5,000, or to both fine and imprisonment, at the discretion of the court.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

SEC. 12. That any document drawn up in pursuance of article 7 or article 10 of the convention shall be admissible in any proceeding, civil or criminal, as *prima facie* evidence of the facts or matters stated therein.

The amendment was agreed to.

The next amendment was to strike out section 13, as follows:

SEC. 13. That the district courts of the United States shall have jurisdiction of all suits of a civil nature arising under this act; and from all decrees or judgments in such suits, where the matter in dispute exceeds the sum of $50, exclusive of costs, an appeal or writ of error shall be allowed as now provided by law in case of decrees and judgments of said courts.

The amendment was agreed to.

The next amendment was in section [15] 13, line 1, before the word "courts," to insert the word "district;" in line 3, before the word "civil," to insert "suits of a," and after the word "civil," to strike out the word "actions" and insert "nature;" so as to read:

That the district courts of the United States shall have jurisdiction over all offenses against this act and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or outside of the said waters.

The amendment was agreed to.

The next amendment was, in section [15] 13, line 6, after the word "that," to insert "in case such infraction is committed outside of the territorial waters of the United States," and in line 8, after the word "which," to strike out the words "the infraction" and insert the word "it;" so as to read:

Provided, That in case such infraction is committed outside of the territorial waters of the United States, the vessel on board of which it has been committed is a vessel of the United States.

The amendment was agreed to.

The next amendment was to add to section [15] 13 the following words:

From the decrees and judgments of the district courts in actions and suits arising under this act appeals and writs of error shall be allowed as now provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of this act shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found; and suits of a civil nature may be commenced in the district court for any district within which the defendant may be found and shall be served with process.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Oregon sent certain papers forward which he desired to have read.

Mr. DOLPH. They only refer to the urgency of legislation.

The PRESIDENT *pro tempore*. Does the Senator desire to have them read?

Mr. DOLPH. I do not care to have them read now.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

URGENT DEFICIENCY BILL.

Mr. VOORHEES. I notice that the bill passed by the House of Representatives, known as the urgent deficiency bill, is before us, and I would ask the Senator from Iowa when he expects to be able to consider it in the Senate.

Mr. ALLISON. I will say to the Senator from Indiana that I hope early next week that bill will be reported from the Committee on Appropriations.

Mr. VOORHEES. The Senator from Iowa is more conversant with the details of the bill than I am, and I should like to inquire whether it embraces any of the accounts audited and adjusted by the accounting officers or the judgments of the Court of Claims since January 15.

Mr. ALLISON. I believe the bill, as it came from the House of Representatives, includes these accounts up to January 18, not since.

Mr. VOORHEES. I was desired to call the attention of the chairman of the Committee on Appropriations of the Senate to the fact that since that time there have been quite a number of accounts audited and adjusted by the Treasury Department, and likewise some judgments rendered by the Court of Claims that are just as meritorious and stand upon the same footing with those already in the bill. I would be glad if they should be embraced in this bill along with others of the same class. There is no reason why they should not be; and where debts are honest the sooner they are paid the better. If they are not embraced in this bill the parties interested will have to wait a long time, probably. I desire to call the attention of the chairman of the Committee on Appropriations to that point.

Mr. ALLISON. I will say to the Senator that the committee will ask for a list of those claims that they may be embodied, if the committee concludes to insert them.

Mr. VOORHEES. That is satisfactory.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning business being concluded, the first case on the Calendar under Rule VIII will be stated.

The bill (S. 419) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands was announced as first in order.

Mr. MORRILL. I desire to move to take up a bill about which there is a pressing necessity that action should be had early. It is a bill that has passed the House of Representatives for a site and building for the Signal Office. It is Order of Business 399, House bill 4359.

SIGNAL OFFICE BUILDING.

The PRESIDENT *pro tempore*. Tho Senator from Vermont moves that the Senate proceed to the consideration of the bill (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 9, to strike out the name "Ferguson" and insert "Fergusson;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site containing about 54,000 square feet of ground, and the building thereon, on the northeast quarter of square numbered 25, corner of Twenty-fourth and M streets northwest, Washington, D. C., belonging to David Fergusson, for the use of the Signal Bureau of the War Department, and cause to be erected on such portion of the site as is not now occupied by buildings substantial and commodious buildings, with fire-proof vaults, for use as store-houses for the accommodation of the office of the Chief Signal Officer of the Army, and for other Government uses, at Washington, D. C.

The amendment was agreed to.

Mr. HALE. I noticed in the reading of the bill that the word "Mr." appears before the name of "Fergusson." I have never known that to be done.

Mr. MORRILL. That should have been amended. It was amended in line 9, and it ought to be amended by inserting, instead of "Mr.," in line 21, the name "David."

Mr. HALE. Yes, David. Now let us see how it will read.

The PRESIDENT *pro tempore*. That part will be read.

The CHIEF CLERK. The next amendment of the Committee on Public Buildings and Grounds is, in line 21, to strike out "Mr. Ferguson," and insert "David Fergusson;" so as to read:

Provided, That not more than $112,000 be paid to David Fergusson for the property herein referred to; nor shall any site be purchased until estimates for the erection or purchase of a building, including the necessary store-houses, which will furnish sufficient accommodation for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment of the Committee on Public Buildings and Grounds was, in line 34, after the word "feet," to insert "except Government buildings;" so as to read:

And no site nor plans for said building or buildings shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $150,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by a space of at least 50 feet, except Government buildings, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill read a third time.

Mr. BECK. I think I am in favor of the bill, but I should like to ask if there is a report in regard to it.

Mr. MORRILL. There is a full report.

Mr. BECK. Is that the block of land near the Columbia Hospital?

Mr. MORRILL. Next to it; a large lot of land with an extensive building constructed in the most substantial manner.

Mr. BECK. The same proposition that the Committee on Appropriations last year recommended?

Mr. HALE. The same proposition put on the appropriation bill last year by the Senate, but struck out in conference.

Mr. BECK. Then it is all right as far as I know.

The bill was read the third time, and passed.

CALIFORNIA SCHOOL LANDS.

The PRESIDENT *pro tempore*. The reading of the first bill on the Calendar under Rule VIII was interrupted by the motion of the Senator from Vermont [Mr. MORRILL]. It will be resumed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 419) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL MARINE CONFERENCE.

Mr. FRYE. I ask that Order of Business 337, being Senate bill 1851, be now considered.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. FRYE] is entitled to the floor.

Mr. FRYE. That is a public bill of very great importance. It calls for a maritime conference to meet on the 1st of October. It is a bill recommended by the President and Secretary of State, and indorsed by nearly all the boards of trade, chambers of commerce, and maritime associations. It is rather important that it should receive early consideration in the Senate.

Mr. COCKRELL. What is the number of it?

Mr. FRYE. It is Order of Business 337. It is unanimously reported by the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Calendar being in order under Rule VIII, the Senator from Maine moves that the Senate now proceed to the consideration of the bill (S. 1851) to provide for an international marine conference for securing greater safety for life and property at sea.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 1, line 7, after the word "year," to strike out "eighteen" and insert "one thousand and eight," so as to make the section read:

That the President of the United States be, and he hereby is, authorized and requested to invite the government of each maritime nation to send delegates to a marine conference that shall assemble in the city of Washington on the 1st day of October, in the year 1888, or at such other time and place as he may designate, to appoint five delegates to represent the United States at said marine conference, and to fill vacancies in their number.

The amendment was agreed to.

The next amendment was, in section 3, line 1, before the word "dollars," to insert "thirty thousand;" after "dollars," to insert "or so much thereof as may be necessary;" in line 6, after the word "who," to insert "if not officers in the service of the Government;" and in line 8, after the word "pay," to strike out "and allowances;" so as to make the section read:

SEC. 3. That the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, for the necessary expenses of said marine conference, including the pay and allowances of the representatives of the United States therein, who, if not officers in the service of the Government, shall receive the same pay as members of the House of Representatives in the Congress of the United States.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 4. That it shall be the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures incurred under the provisions of this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for an international marine conference to secure greater safety for life and property at sea."

NO MAN'S LAND.

Mr. VOORHEES. I ask that the Senate take up Senate bill 1080, Order of Business 154.

Mr. SHERMAN. Can we not have the Calendar for once?

The PRESIDENT *pro tempore*. The Calendar under Rule VIII is in order.

Mr. VOORHEES. I know the Calendar is in order, but this is an exceptional bill.

Mr. SHERMAN. I shall adopt that rule myself.

Mr. VOORHEES. Then I will ask the sense of the Senate on the subject. I say that this is a bill——

The PRESIDENT *pro tempore*. The Chair would remark to the Senator from Indiana that debate is not in order.

Mr. SHERMAN. I merely intended to say that if it is the understanding that we are not to go on with the Calendar, I shall move certain bills which are very pressing. We ought to go to the Calendar.

The PRESIDENT *pro tempore*. The Calendar, under Rule VIII, being in order, the Senator from Indiana moves that the Senate do now proceed to the consideration of the bill (S. 1080) to extend the laws of the United States over certain unorganized territory south of the State of Kansas. The question is on this motion.

The question being put, it was declared that the noes appeared to prevail.

A division was called for.

Mr. VOORHEES. I ask leave of the Senate to say a word.

The PRESIDENT *pro tempore*. The question not being debatable, the Senator from Indiana asks leave to be heard. Is there objection? The Chair hears none.

Mr. VOORHEES. This is a piece of country 145 miles long and about 45 miles wide, over which there are no laws whatever. It is an anomaly in the history of the Government and it calls for prompt remedy. It is properly called under the name of "No Man's Land." It is a place where criminals sequester themselves. You can not make a requisition for a criminal down there. There is no authority there to honor a requisition. It is a place for escape and refuge. There are 10,000 people there now, and I can not imagine a bill calling more loudly for the immediate action of the Senate; and as I saw that the rule was relaxed in the case of the Senator from Maine, I thought I might be permitted to ask a similar favor, especially as I seldom do, and never object to favors being extended to anybody else. This bill is reported unanimously by the Committee on Public Lands, and I do not see why it should call for any objection or even any debate.

I am much obliged to the Senate for hearing the reason why I press the bill upon their attention.

The PRESIDENT *pro tempore*. A division being demanded——

Mr. FARWELL. What the Senator from Indiana states about the condition of No Man's Land I personally know. There are a large number of people living there without any law whatever. It is very important that that condition of things should be ended and some law be applied to them.

Mr. VOORHEES. I have asked for a division.

The PRESIDENT *pro tempore*. A division is demanded.

The question being put, the ayes were 29; and no further count being demanded, the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the laws of the United States, except those providing for pre-emption, timber-culture, and desert-land entries of the public lands, over the unorganized territory south of the States of Kansas and Colorado, and between the Indian Territory and the Territory of New Mexico, and north of Texas, known as the Public Land Strip.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 11, after the word "ranges," to strike out "thirty" and insert "twenty-four;" and in line 12, before the word "west," to strike out "thirty-one" and insert "twenty-five;" so as to read:

And that for the purpose of the execution of said laws all that portion of the State of Kansas lying south of the sixth standard parallel south, and west of the line between ranges 24 and 25 west of the sixth principal meridian, and the tract of unorganized territory known as the Public Land Strip as aforesaid, be, and are hereby, constituted a new and separate land district, to be called the Cimarron land district.

The amendment was agreed to.

The next amendment was, in section 1, line 38, after the word "than," to strike out "three" and insert "one;" and in the same line, before the word "acres," to strike out "twenty" and insert "sixty;" so as to read:

Provided, That no more than 160 acres shall be embraced in one town-site entry.

The amendment was agreed to.

The next amendment was to add to section 1 the following proviso:

Provided, That the public lands in said strip shall not be subject to entry by land-warrants or land-scrip of any description.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VALUATION OF IMPORTED MERCHANDISE.

The PRESIDENT *pro tempore*. The Calendar will be proceeded with.

The bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes, was announced as regularly in order.

Mr. SHERMAN. Let that bill be passed over informally.

The PRESIDENT *pro tempore*. The bill will be passed over.

SETTLERS ON DES MOINES RIVER LANDS.

The bill (S. 287) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was announced as next in order.

Mr. WILSON, of Iowa. As it is evident that the consideration of that bill can not be concluded before 2 o'clock and I do not desire to interfere with the progress of the general pension bill after that hour, I suggest that the bill be passed over informally, retaining its place on the Calendar, to be taken up at some future day upon such an agreement as we may be able to make concerning it.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

MAJ. WILLIAM M. MAYNADIER.

The bill (S. 503) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army, was considered as in Committee of the Whole. It provides for the payment to William M. Maynadier of $3,726.50, the amount paid by him into the Treasury in liquidation of a deficiency in his accounts as paymaster at Prescott, Ariz., caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April

3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of $100 paid by Maynadier for the arrest of Chandler; the restoration of both sums having been recommended by the board of inquiry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD TO KEY WEST.

The bill (S. 256) for a survey and estimate for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the St. John's River, for military and naval purposes, was announced as next in order.

Mr. PASCO. My colleague [Mr. CALL] takes an interest in this bill. It was reported adversely from the Committee on Military Affairs, and in his absence I ask that it go over.

The PRESIDENT *pro tempore*. There being an adverse report the bill will be passed over.

JOHN B. READ.

The joint resolution (S. R. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance, claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made; also in relation to the claim of William E. Woodbridge, based upon the plea of alleged priority in this line of invention, was announced as the next business in order.

Mr. TELLER. Let that go over.

The PRESIDENT *pro tempore*. The joint resolution will be passed over under objection.

Mr. HAMPTON. May I ask the Senator from Colorado to withdraw that objection for a minute? I think with a word of explanation there will be no objection to the joint resolution.

Mr. TELLER. I withdraw the objection if the Senator wishes to make a statement.

Mr. HAMPTON. The joint resolution passed both Houses at the last session, but owing to the lack of time could not reach the President before final adjournment. It is simply asking for information. A board of officers having no judicial power are to investigate the matter, but their action is to be reported to Congress and Congress is to act upon it. I do not know that there can be any objection to such a proposition.

Mr. TELLER. I renew my objection.

The PRESIDENT *pro tempore*. The joint resolution goes over under objection.

FOREIGN OWNERSHIP IN DISTRICT OF COLUMBIA.

The bill (S. 1029) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887, was considered as in Committee of the Whole.

Mr. PLUMB. I move to amend by inserting at the close of the bill:

To prevent the acquisition of property in said District for the use of any foreign government or the diplomatic or consular representatives of such.

Mr. SHERMAN. The Committee on Foreign Relations thought there was no public reason why foreigners should not hold land in the District of Columbia, but as that was not the matter we had mainly in charge, I make no objection to this amendment, which simply permits diplomatic agents and officers to erect buildings here. That meets the immediate request of the Secretary of State, and I therefore shall not oppose the amendment.

Mr. BUTLER. May I inquire how the bill will read as amended?

The PRESIDENT *pro tempore*. The bill as proposed to be amended will be read.

The Secretary read as follows:

Be it enacted, etc., That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, be so amended that the same shall not apply or operate in the District of Columbia to prevent the acquisition of property in said District for the use of any foreign government or the diplomatic or consular representatives of such.

Mr. SHERMAN. I shall not vote for the amendment, but I make no objection to it. The bill with the amendment will still accomplish the object for which it was introduced at the request of the Secretary of State.

Mr. MITCHELL. I shall not object to the passage of this bill at this time, but I wish to call attention to the fact that another bill has been reported from another committee on the same subject.

Mr. SHERMAN. This is confined to the simple object of allowing foreign governments who are represented here by foreign ministers to purchase sites for their diplomatic buildings.

Mr. MITCHELL. I understand that, and I shall not object, but I wish it understood that this is not all the amendment that the act needs. There is a bill reported by the Committee on Mines and Mining which ought to be acted on.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHIP ISLAND QUARANTINE STATION.

The bill (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi, was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to cause the removal of the national quarantine station now located on Ship Island, in the Gulf of Mexico, to some other island in the Gulf, or in such pass in the Mississippi Delta as may be recommended by a board to be designated by him, and that the necessary quarantine buildings and appliances be established thereon; $45,000 is appropriated for the purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UMATILLA INDIAN LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 970) to amend an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March 3, 1885.

It proposes to amend the act of March 3, 1885, so as to provide that the lands described in its second section shall be sold at the court-house door in the city of Pendleton, Umatilla County, Oregon, instead of at the proper land office of the United States, as provided in and by that section.

Mr. COCKRELL. I ask the Senator from Massachusetts if that is the county seat of the county wherein the land is situated.

Mr. DAWES. Pendleton? The original place fixed for the sale was the county seat, which is 60 miles from the reservation.

Mr. COCKRELL. The original place, I understand, was the land office.

Mr. MITCHELL. In another county.

Mr. DAWES. The original place was the land office, 60 miles off. The bill proposes to have it sold at the court-house in Pendleton, which is adjoining the agency, close by; but it is proposed by the Commissioner of Indian Affairs instead of having it sold at Pendleton to have it sold at the agency on the reservation. I was going to offer that amendment, and I now offer it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment of the Senator from Massachusetts will be stated.

Mr. DAWES. In line 9, after the word "at," I move to strike out all down to and including the word "Oregon," in line 10, and insert instead:

At the agency on said reservation.

It makes very little difference. It is 2 or 3 miles distance. That is all.

Mr. MITCHELL. I should like to hear the amendment read from the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 10, after the word "Oregon," it is proposed to strike out to and including the word "act," in line 13, and to insert in lieu thereof:

At the agency on said reservation.

Mr. MITCHELL. I think the Senator from Massachusetts is under a misapprehension as to where the amendment should come in. The amendment should commence on line 9.

Mr. DAWES. That is what I said, after the word "at," on line 9, and ending with the word "instead," on line 10.

Mr. MITCHELL. It is simply necessary to strike out the words "at the court-house door in the city of Pendleton" and insert the words "at the agency."

Mr. DAWES. Do you want "Umatilla County, State of Oregon," left in?

Mr. MITCHELL. Yes, sir.

Mr. DAWES. Very well.

The PRESIDING OFFICER. The amendment as modified will now be stated.

The CHIEF CLERK. In line 9, after the word "at," *it is proposed to* strike out down to and including the word "Pendleton," in line 10, as follows:

The court-house door in the city of Pendleton.

And to insert in lieu thereof the words:

The agency on said reservation.

So as to make the bill read:

Be it enacted, etc., That section 2 of an act entitled "An act providing for the allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March 3, 1885, be, and the same is hereby, amended so as to provide that the lands described in said section shall be sold at the agency on said reservation, Umatilla County, State of Oregon, instead of at the proper land office of the United States, as provided in and by said section, such sales in all other respects to be made in the manner as prescribed in said act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BUTLER. I should like to hear the bill read as it now stands.

The bill was read.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. 5550) for the relief of Sarah C. Morrison; and it was thereupon signed by the President *pro tempore*.

COMPULSORY EDUCATION OF INDIAN CHILDREN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1095) to provide for the compulsory education of Indian children.

Mr. BUTLER. May I inquire of the Senator who has charge of this bill if the provisions of it apply to all the Indians outside of the five civilized tribes and the Osage Indians?

Mr. DAWES. It is not intended to apply, of course, to the civilized tribes. If it is necessary to except those in words, it can be done.

Mr. VEST. This is an exceedingly important question, and it seems to me that the Congress of the United States should proceed with great deliberation upon it. This bill is an entire departure in regard to the Indian question; it establishes an entirely new system. This bill practically amounts to nothing without an appropriation for it to take effect. The bill as it stands does not appropriate a single dollar. Unless Congress shall hereafter, by a general or special appropriation, vote the money to carry the provisions of this law into effect, it is a mere *brutum fulmen* and amounts to nothing. I ask the attention of the Senate to it.

It is important because it announces the opinion on the part of the Congress of the United States that we should now enter into the practice and upon the system of compulsory education of Indian children. There is no subject that comes before the Congress or people of the United States on which there is greater discussion, more difference of opinion, more humanitarian sentiment, or more ignorance than that of the condition of the Indians. The little I know of it has been based upon practical and personal observation. We are to-day confronted with the proposition that we must adopt the idea that these people are to be exterminated, and that we are under no obligation to consider them at all, or we must abandon the present system in regard to Indian affairs and adopt something like the proposition that is contained in the pending bill.

I assert the proposition, and I do not believe that any man conversant with the subject at all can successfully deny it, that day schools among Indians are absolutely worthless. My friend from Massachusetts [Mr. DAWES], for whose views on this subject I have great respect, shakes his head.

Mr. DAWES. Allow me to say to the Senator that a good many of those schools are absolutely worthless, because there is no power to compel the attendance of the children.

Mr. VEST. I think I am justified in not making any qualification or exception, for this reason: I do not pretend myself to have seen all the Indian day schools; I saw some eleven or twelve while serving upon the Committee on Indian Affairs, when I visited in person the Indian tribes of Montana three years ago. I did not see one single day school that amounted to anything at all, and a little reflection and a little acquaintance with the Indian character will substantiate the fact that what I say applies and must apply to all these day schools.

The trouble is with the education of Indian children, because the condition of the old Indians is hopeless. They are exactly in the condition of the older negroes of the South; you can not reach them by any law you may make. The only chance now for us to benefit these people and to escape from the proposition that they shall become finally and exclusively a burden on the people of the United States is to take hold of the younger ones, the children under eighteen years of age, and take them away from their parents and adopt the system of compulsory education in regard to them.

The universal experience of all men who take any interest at all in this subject is that the Indian boy or girl who goes to a day school three, four, or five hours during a day, and then returns to the wigwam at night, is absolutely without benefit by the education or pretended education given in the schools. They are not taken away from barbarism. The North American Indian believes that labor is a curse, a disgrace, and almost a crime. They believe that the only pursuit of manhood should be war or hunting, and that labor should be left to squaws alone; and no greater insult can be heaped upon an Indian warrior than to tell him that he must engage in agriculture or mechanical avocations, and no greater insult can be given by one Indian woman to another than for one to say to the other, "I saw your husband at work, cooking his dinner, or bringing wood, or feeding his ponies, a few days ago." The Indian squaw that submits to such an insult as that has acquired a large share of Christianity. They believe that women are made to work and men are made to fight and hunt.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator's time has expired, the Senate being now proceeding under Rule VIII, which limits debate to five minutes by each Senator.

Mr. TELLER. I hope the Senator will be allowed to proceed.

The PRESIDING OFFICER. If there be no objection, the Senator from Missouri will proceed, by unanimous consent.

Mr. BECK. I rise to suggest that before we get up a discussion on this bill under the five-minute rule there will be quite important amendments, and I hope the bill will go over. I hope it will be made the special order for some time.

Mr. DAWES. If there are amendments to be submitted, let them be offered.

Mr. BECK. I do not wish to make remarks, but to submit an amendment.

Mr. VEST. I did not want to make a speech. I did not know the subject was coming up. I feel interested in the Indian question, like all other Western men, and I think I know something about it. What I propose to say is in direct antagonism to the idea that any day school at all among Indians should receive a dollar of appropriation from the Government of the United States. I would abolish them all to-morrow, if I could.

Mr. DAWES. If the Senate will indulge me, I think it is better that this bill should be disposed of now that it is up, and I should like to see the amendments in print.

While I agree with the Senator from Missouri in much that he says about Indian schools, I think he has lost sight of the remedy. I think if the Senator had devoted a good deal more of time to this matter than he has, his growth in grace would have continued, for the Senator's views, I think, must, like mine, have undergone a change all the time. There was a time when I thought as he did about these day schools; as he knows, we visited many of them together. The Indian situation, however, is changing all the time, and the adaptation of the school system to the changed condition is as necessary as any part of it. While what he says about the day schools is true to some extent, yet to dispense entirely with the day schools is to carry out an idea utterly impracticable, that you can take an Indian child away from all the influences under which he has lived for a year or two and then set him right back among those with whom he formerly lived and not to be tempted to return to the old mode of life.

Mr. VEST. I did not say that.

Mr. DAWES. He must be in constant contact with the two kinds of civilization all the time. That will make him choose the better rather than choose the worse. Along with this system, if you have any kind of schools, you must have power over the children. I know it will be a terribly harsh treatment to impose compulsory education in all cases; but there are cases where it is necessary to the efficiency of a day school and a boarding-school and all kinds of schools; and if anybody can be trusted with the exercise of that power, it must be, of course, the Department of the Interior.

Mr. VEST. The only hope of the Indians now on this continent is in the compulsory education of their children in industrial boarding-schools. I have thought on this question for years; I have examined it personally, and I have no doubt about it. I do not think that the proposition can be successfully contradicted in any quarter.

Mr. DAWES. The Senator overlooks the fact that the Indian policy to-day is to distribute the Indians, to set them out all over the country in reservations at distant points, like families. It is utterly impracticable to take all their children into a boarding-school at one place upon a reservation and board and keep them there like the scholars at schools in our cities or large towns. We must establish such a system, and endeavor to enforce it under such difficulties as we may, that would carry a school to the place where the Indians are attempting to work out their own support upon the reservations. How that is going to be done I do not know yet. There is a bill coming on pretty soon to define the duties of a superintendent of Indian schools, with sufficient salary to command, by the appointment of the President, one who will work out that problem.

Mr. VEST. All that the Senator speaks of is a matter of detail. I am speaking about a system. Where the schools shall be established or how many of them are to be established is a question of detail; but I am now asserting the broad principle that no more important question can ever come before Congress. It involves the destiny of a whole race of people, a people who occupy relations to us *sui generis*, unknown in all history.

The Senator from Colorado [Mr. TELLER] announced a proposition the other day to which I will never consent. I am a Western man; I came from a State which was called "the dark and bloody ground" on account of the terrible wars between the red and the white races, and my forefathers were engaged in them, and I lost relatives in them. I was raised with the prejudices of the men that fought against these Indians; but with advancing years, and I trust with more charity and more enlargement of observation and judgment, I say to-day that the proposition that these people must be left to extinction is the most horrible that can be contemplated by any intelligent man.

Mr. TELLER rose.

Mr. VEST. I do not charge the Senator from Colorado with saying that, but I was about to allude to his proposition that the Indians never owned any land in this country. Mr. President, they had this continent in fee-simple absolute, as entirely and completely as I own to-day

my own house in which I live. I know that the European nations announced the doctrine that they had the right in the name of the Christian religion to come here and take this land from these people because they did not earn their bread by the sweat of their faces. That proposition I will never assent to.

Mr. TELLER. Will the Senator yield to me to state what I did say on that subject?

Mr. VEST. Of course.

Mr. TELLER. When speaking of how we had treated the Indians, I said that no other people except the English-speaking people had ever recognized the aborigines as owning the soil, I mean wild aborigines, savage men, men not using the soil as having property in it. I said that the Spaniards and the French when they landed on this continent repudiated the idea that there was property in the soil in the Indians. It is not a practical question any longer whether we did right or whether we did wrong. We have settled the question. We have admitted their right to the soil to a certain extent, and that can not now be changed, but it does become a very grave question when you charge that we have not treated the aborigines properly, when we compare our treatment of the aborigines in this country with the treatment of the aborigines of Australia, of all Spanish and French America, of South America, and of the world that has been settled since the discovery of the Western continent. I have not suggested that we should undo what we had done, but I say, and I repeat now, that the question must be met whether these people are to be civilized or extinguished, and in that the Senator, I believe, will agree with me.

Mr. VEST. I agree with the Senator in that I was about to observe that we had made over four hundred and thirty-odd treaties with these people in which we recognized their fee-simple title to the soil.

Mr. TELLER. Yes, and paid them over $300,000,000.

Mr. VEST. And out of that not $300,000 ever reached the Indians. They have been robbed, as the Senator knows very well.

Mr. TELLER. I think the Senator ought to qualify that. I admit that much of it has been robbed from them; but when 1,400 Indians have $3,000,000 in the United States Treasury held in trust for them, and when they have already got half a million dollars of the principal besides the interest, it shows that at some time these 1,400 Indians had three and a half millions held for them by the Government. I think the Senator ought to qualify his statement that they only got $300,000 of the $300,000,000.

Mr. VEST. No doubt the Senator is much more familiar with that part of the subject than I can possibly be, for he acted as Secretary of the Interior, and as a matter of course is able to state exactly how much money is in the Treasury for the Indian tribes; but I know myself, without any official contact with the question except as a member of the Committee on Indian Affairs of the Senate, that Congress appropriated thousands of dollars for supplies to the Indians in Montana in a starving condition, to take a single case——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia. The pending amendment will be read.

Mr. DAWES. I ask that the amendment to the bill which was just under consideration be offered and printed.

Mr. VEST. I was about to do so. I send it to the Chair.

The PRESIDING OFFICER. If there be no objection, the amendment will be received and printed.

THE WASHINGTON CABLE ELECTRIC RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia.

Mr. RIDDLEBERGER. I wish to offer to the Senate now an amendment proposed by the committee, on the second page, thirty-first line——

The PRESIDING OFFICER. Will the Senator from Virginia wait until the pending amendment is read?

The CHIEF CLERK. It is proposed to add as a new section—

That this and all street railways in the District of Columbia be hereafter subject to a tax of 10 per cent. per annum on their gross earnings; and all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. BUTLER. Have I control of that amendment now?

The PRESIDING OFFICER. The Senator from South Carolina will please suspend. Does the Senator from Virginia propose to offer an amendment to the pending amendment?

Mr. RIDDLEBERGER. A committee amendment, to make a distinction of streets between Thirtieth and Thirty-first, just to get the bill perfected.

Mr. BUTLER. I was going to open a way for the Senator to do that without embarrassment. Upon the assurance of the Senator from Tennessee who now occupies the chair, and of the Senator from Wisconsin, that they, as a subcommittee of the Committee on the District of Columbia, are investigating this whole question of the taxation of street railroads, and as I do not desire to embarrass that investigation, I propose to withdraw the amendment. My only object in introducing it was to put all street railroads in the District upon the same footing in regard to taxation. I now withdraw the amendment, in order that the bill may be perfected by its friends.

The PRESIDING OFFICER. The yeas and nays having been ordered on the amendment proposed by the Senator from South Carolina, it can only be withdrawn by unanimous consent. Is there objection? The Chair hears none, and the amendment is withdrawn. The amendment of the Senator from Virginia will now be stated.

Mr. RIDDLEBERGER. It is a committee amendment, which I send to the desk.

The CHIEF CLERK. In line 21 of section 1 it is proposed to strike out the word "Washington" and to insert the word "Green;" in the same line to strike out the word "Thirtieth" and insert "Twenty-ninth;" in line 22 to strike out the word "Washington" and insert "Green;" in the same line to strike out "Thirtieth" and insert "Twenty-ninth;" in line 23, to strike out "Fifth" and insert "Seventh;" in line 24 to strike out the letter "R" where it first occurs and insert the letter "T;" in the same line to strike out "Fifth" and insert "Seventh;" in the same line to strike out the letter "R" where it occurs the second time and to insert the letter "T;" in the same line to strike out the word "Frederick" and insert "Fayette;" in the same line to strike out "Thirty-fourth" and insert "Thirty-fifth;" in line 25 to strike out the word "Frederick" and insert "Fayette;" in the same line to strike out "Thirty-fourth" and insert "Thirty-fifth;" in line 26 to strike out "Congress" and insert "Washington;" in the same line to strike out "Thirty-first" and insert "Thirtieth;" in line 27 to strike out "Congress" and insert "Washington;" and in the same line to strike out "Thirty-first" and insert "Thirtieth;" so as to read:

Commencing at the corner of G and Twenty-fourth streets northwest, with a single track, along Twenty-fourth to K street; along K street to Water street; along Water street to Green or Twenty-ninth street; along Green or Twenty-ninth street to Stoddard street; along Stoddard street to High street; along High street to Seventh or T street; along Seventh or T street to Fayette or Thirty-fifth street; along Fayette or Thirty-fifth street to N or First street; along N or First street to Washington or Thirtieth street; along Washington or Thirtieth street to Water street.

The PRESIDING OFFICER. Is there objection to considering these various verbal amendments as one amendment? The Chair hears none, and they will be treated as one amendment.

The amendment was agreed to.

Mr. MORRILL. I offer an amendment to come in before the last amendment adopted, as an additional section; this to be section 6.

The CHIEF CLERK. It is proposed to insert as a new section the following:

That the railway company owning and running the street railroad on Seventh street is hereby authorized and required to replace the present track by constructing a cable electric railway, commencing at Seventh street and Boundary northwest, and running along Seventh street to the Potomac River, upon the terms and conditions imposed by this act upon the Washington Cable Electric Company: *Provided*, That if the existing railway company on Seventh street, shall not accept the provisions of this section within one year from the date of the passage of this act, then the Washington Cable Electric Company shall be authorized and required to construct a railway commencing at Seventh street and Boundary northwest, and running along Seventh street to the Potomac River; and if more than one company shall have railroad tracks on said Seventh street, no additional space beyond eighteen inches on one side of the street shall be occupied by the tracks of the Washington Cable Electric Railway Company.

Mr. MORRILL. Mr. President, the Senate having stricken out the provision by which this road was to run over Sixth street, only one square away from an existing line, for two miles and a half in extent across the city, it is obviously proper that we should have this improved electric cable railway on Seventh street, a business street, which would accommodate a far larger number. This amendment proposes that the company now existing with a line on Seventh street may put a cable electric road upon that street, and if they should not do so, then that the Washington Cable Electric Company shall have the power of doing it. I think that will be acceptable even to the Committee on the District of Columbia. It will, I know, be acceptable to those to whom I have exhibited it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont [Mr. MORRILL].

The amendment was agreed to.

Mr. MCPHERSON. I wish to ask what was done with the amendment offered by the Senator from Maryland [Mr. GORMAN] the other day respecting the change of tracks at Fourteenth street and Pennsylvania avenue?

The PRESIDING OFFICER. The Chair is informed by the Secretary that the amendment was defeated by a tie vote.

Mr. VEST. I offer an amendment, in section 1, to strike out all of lines 3, 4, 5, 6, and 7 to the word "be," in line 7, and to insert in lieu thereof:

That such persons, not exceeding thirteen in number, their successors and assigns, as may, under rules and regulations to be prescribed by the commissioners of the District of Columbia and the Secretary of the Interior, be the highest and best bidders for the privileges and franchise hereinafter granted.

The observations made the other day by the Senator from Virginia [Mr. RIDDLEBERGER] indicated that he considered any proposition of this sort derogatory to the dignity of the Government of the United States, and that such legislation would be considered entirely improper, putting up to public auction franchises granted by this Government.

I am not hostile to a system of cable railways. I think that the time for the horse-car is gone, and that in a few years it will not be known, except in some non-progressive town or city which has failed to keep up with the progress of invention and of the age. In the city

where I now live there are now five cable railways, and they have entirely supplanted within the past few years the system of horse-car railroads, and are giving entire satisfaction. I think that to-day the horse-car railroad occupies relatively the same position as to transportation of passengers in cities or towns that the old flint-lock musket has to the improved fire-arms of the present period. Whilst this is so, and I believe that in the city of Washington, as in all other cities of the country, we must eventually come to a system of cable railways, I want to assert the principle, and I believe it to be a correct principle, that the franchises granted to such corporators should bring the largest amount of money possible to the general public.

It is an accepted proposition on both sides of this Chamber, that the Government with all its privileges and all its franchises belongs to the people of the country without distinction. If a franchise can be operated just as well and at the same time relieve the other people of a municipality or of the country of taxation, why should not that principle be adopted? What is there disgraceful or improper in asserting the proposition when granting the right to use the attributes of the Government for private gain, whilst at the same time it is for the accommodation of the people. Why should not the benefits inure to all the people of the municipality or of the country?

We know by experience that in every city of this country where these franchises have been granted by municipal councils or by State Legislatures, there has been gross scandal accompanying the grant of any such privilege. It goes without saying almost that this legislation has not been had anywhere in the country unaccompanied by all sorts of scandals, even at times going to criminal prosecutions on account of granting these franchises to certain individuals and associations.

The cable railways pay enormous profits. On one horse-car railroad in the city of Washington the subscribers to its stock have paid $30 on the $100, and to-day the stock is worth $300, and it has been three times watered. Why should not the men who are reaping enormous fortunes from a grant of that sort contribute to the payment of the general taxes of the community? One-half of the taxes of this District are paid by the private owners of property, and one-half is paid by the Government of the United States; in other words, by the people of the whole United States. Why should not the men who own this enormous privilege, who will amass thousands and thousands of dollars by its being granted to them, not pay to the general public for this enormous privilege?

I hold that putting up the franchise under proper restrictions and regulations to the highest bidder is fair, is republican, is democratic, and there is nothing in it which should meet with any criticism in any quarter. I wish that this principle may obtain in every State and every municipality of this whole Union, and for that purpose I have offered the amendment in good faith, not as an enemy to the cable system, not in a disposition to strike down this bill or to injure these incorporators, but because I should like to see the Congress of the United States initiate a principle which in every respect will inure to the benefit of the people, which can not be criticised, it seems to me, justly upon any proper ground, and which when once put in force will elevate the national character, whilst at the same time it will not injure the public service.

Mr. PLUMB. I should like to ask the Senator a question. Does his amendment contemplate the putting up of a lump sum or of an annual sum in lieu of taxation?

Mr. VEST. The amendment as I have offered it would simply contemplate a lump sum. I have no pride of opinion on that subject. If an annual sum is better, let that be placed in the amendment. It says "under such rules and regulations as may be adopted by the commissioners of the District and the Secretary of the Interior."

Mr. PLUMB. Another question. The Senator has spoken about the people who are now running railroads in the District of Columbia, and he has asked a very pertinent question, why they should not be required to pay a share of the burdens of the government of the District. Of course he knows his amendment will not affect them.

Mr. VEST. I know that.

Mr. PLUMB. But while we are on this question it seems to me we ought to take some care that they do not enjoy a franchise without contributing something; and while we are on the general subject it seems to me we might very well bring them within the purview of our legislation and require them to pay something to the expenses of the District.

So far as this particular bill is concerned, I know nothing about its provisions. I have not examined it nor gone over the city sufficiently to know whether it provides for railroads on the proper streets or not; but I do know that this city is worse provided with means of public transportation than any city in the United States that I know anything about. One city in my State of 40,000 people has more miles of street railroad than Washington. I know another thing. I know that the railroads of this city are reaping enormous profits and rendering very poor accommodations indeed to the public. Any favor I have felt towards this bill grows largely out of the desire to break up the monopoly of those who are now engaged in the transportation of the public by means of street railways in this District.

I think, on the whole, while this subject is up, if we are to put on a new line—and I am entirely willing to agree to that—we should provide as stringent rules as possible in regard to this franchise, so it does not yield an undue profit to those who may invest in the railroad it provides for, and that the public may have all the benefit they ought to have out of the grant of this franchise. We ought to attach also the most onerous conditions to existing lines. Unless we do it by means of some such bill, we shall never do anything. These other railroads have franchises worth large sums of money. They are realizing on them now. The uncertain time has gone by. Whatever risks there were have been encountered and overcome, and they are now in the possession of a very certain income, a very large one and a largely increasing one. They not only do not keep the streets in proper repair, and they do not furnish adequate accommodation to the public, but they are small, narrow, and mean in every particular—the meanest I think of all the corporations of that kind I know anything about, considering the inducement there is before them constantly to serve the public in a generous and ample way.

I think while we are at it we ought to take up the entire question and deal with them in the proper way, making them amenable to the proper taxes and such regulations as will secure from them that which they have heretofore failed to give, adequate service to the public.

But my only fear in regard to the amendment of the Senator from Missouri is that the existing railroads will get hold of this charter and bid for it and then not carry it out. If that amendment is to be adopted, there ought to be ample provision on that point, and the amount bid ought not, I think, to be a lump sum, because that would put it wholly within the reach of the rich, but it ought to be an annual sum to be paid. If you say an annual sum, it should be an annual sum perhaps in addition to the taxation provided, so that persons of moderate means, comparatively, might come in and buy this franchise and not be required to at once put up an enormous sum at the outset of an adventure that would of course have its contingencies. It seems to me, therefore, the Senator from Missouri ought to modify his amendment.

Mr. VEST. I do not say that the Senator's view is not correct. I drew the amendment hurriedly the other day while the debate was progressing. I have not the slightest objection to extending the enactment to all the street railways of this District. I think that would be just and right. I have not examined their charters, but I have no doubt that under the right to amend or repeal we have the power to apply this legislation to them. I think that would be entirely proper.

As to the method of this business, whether it should be a yearly sum or a lump sum, I have not the slightest preference for one or the other. If gentlemen with some experience as to these matters have a preference, I am willing to accede to their view. All I want to do is to require that this franchise be put up to the highest bidder under rules and regulations prescribed by the commissioners and the Secretary of the Interior. As to the details, I am willing to accede to any proposition in that regard.

Mr. RIDDLEBERGER. Mr. President, I was not apprised that this amendment would be offered, but I had reason to believe that it would be proposed to-day. I am not going to anticipate the action of the Senate of the United States in a matter of this sort, for I believe they are a little tired of the idea of selling franchises.

But, sir, when it comes to the matter of taxation, who can fail to understand that 20 or 30 per cent. means that this railway shall not be built? It means that, and nothing less than that. Where is the man who will put his money into an enterprise of this sort to be taxed 10, 20, or 30 per cent. on gross receipts? Deal with the American public as you will, but you had better treat them fairly and squarely.

Now, it is proposed to amend this charter. Every rational, reasonable amendment that has been proposed has been accepted by those who have at heart the interests of the people of the District of Columbia. All those that have been propounded in their interest have been accepted. Never was a bill put in that so conformed itself to every representative view as this bill. For three years it has been under the surveillance of the Presiding Officer of this body, and he has made it conform to his views; he has made alterations in it. There seems now to be no one opposed to it except parties who represent an interest antagonistic.

Mr. President, I ask that the Senate pass this bill as it is, unless some Senator shall offer an amendment which makes it, if I may so express it, more perfect. I do not think that it is in the power of any Senator. But when it comes to putting up a privilege under the hammer of an auctioneer, then I propose to have it understood that what I offer here is never to be the subject of barter and sale. Do not put up the bill, but put up the Senator and sell him. When an American Congress can pass an act with a provision that they shall be put up at public auction, then the time will have come when the President of the United States shall come into his room and sign the bill and sell himself with the Senate. I am opposed to any such provision.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

Mr. SPOONER. Mr. President, the amendment offered by the Senator from Missouri presents this question, whether the Congress of the United States in creating franchises of this sort shall designate corporators or shall put up at public auction in the District the franchise for

sale. The Senator has given, I think, a fair statement of the argument to be made in favor of such a proposition. It was considered informally in the committee, I may perhaps properly state. For myself, although it may be very much a matter of sentiment, with great deference to the Senator, I must say that it seems to me an unseemly, hardly a decent thing for the Congress of the United States to be engaged in selling at auction the franchises which it presumably creates only in the public interest. Why not sell other franchises? Why not put up at auction in the city the franchise to organize a national bank? Why not in all cases where a franchise, the right to exist as a corporation and to exercise peculiar powers that can only be given by the Congress of the United States, is to be granted, make of it a subject of barter and traffic, put it up at auction, and let that man or that set of men having the most money, regardless of character, bid for it and take it?

I am not aware that in any city—although I confess I have not given the subject examination—this policy has been adopted. I do not understand that it has been adopted as a policy in the city of New York. I understand it was attempted on one occasion with unsatisfactory results.

It seems to me we ought to be moved by one purpose only in the enactment of such a law. Does the public interest require the creation of such a corporation? If it does, under proper safeguards and to proper persons, let us give the franchise. If the public interest is not to be subserved by such legislation, let us withhold the franchise.

I believe that the sale of a franchise by a State or by Congress brings into the contract an element which never ought to exist at this day between the law-making power and the recipient of such a corporate franchise.

When we grant an ordinary franchise it is taken upon the condition that the recipients of it shall exercise it in accordance with the terms of the law and for the public benefit. Congress and State Legislatures at this day always reserve the power to discipline such corporations, to increase taxes, to impose additional duties, to create additional restrictions, to amend their charters, and even to exercise the extreme power of a repeal of the charter. I believe there should be in the consideration of such a question no element of money. I think no corporation should be permitted to stand in its relations to Congress upon a footing which would enable it to turn to the law-making power, when called to account for some breach of faith or for some violation of its charter, and say, not as they must say now, "We are performing our duty under this law," but "We bought the franchise; we paid for it." It would be an element of embarrassment. It would afford, not in a strict or technical sense, a sufficient foundation for the argument of contract with which legislative bodies are apparently always met by corporations which they call to account, but it might be a strong moral ground upon which to avert legislative interference for a corporation to be able to say, "We paid a million dollars for this franchise."

I do not know why, as I have said before, a franchise for the operation of a little street railway within the corporate limits of the city of Washington should be put up at auction and sold as my friend might sell a horse or a wagon. It may be more sentiment than sense, but to me it seems an unseemly thing for the Government of the United States to do.

These corporations ought to pay taxes; they ought to pay a full measure of taxes. This is not the means to compel it. We reserve the right to change the tax, which we fix in the charter itself. If this rate is not sufficient, Congress has the power to increase it, and if we pass this bill fixing the rate of taxation on gross earnings at 4 per cent., or 10 or 20 per cent., and in the course of time it should appear that this corporation was not bearing its proportion of the public burdens, not paying its share of taxes in proportion to the burdens which other property bears, Congress could increase it to 50 per cent., require them even, if it were thought best, to pay one-half of their net earnings. Congress has constantly the right to deal in the way of taxation and in other respects with this corporation. Three years from now it might be wise in the judgment of Congress to reduce the fares which this corporation is authorized by the bill to charge from 5 to 3 cents, or even to 2 cents. No one can tell what the necessities of the future will develop in that regard. Do you want to put the corporation in a position to come to Congress and say as a reason why that should not be done, "We paid our money to the United States for this franchise; we bought it as you made it; we bought it as you laid down the terms in the law, and having paid for it, it should be let alone?"

I think, without taking the time of the Senate, and with all deference to the Senator, that this is not a good policy for the Congress of the United States to adopt as to corporate franchises.

Mr. VEST. Mr. President, there seems to be something in the word "auction" which excites the indignation of my friend from Wisconsin. There seems to be something in the word "auction" to which he specifically objects. There is nothing, it seems to me, objectionable in that phrase, if the auction be a perfectly fair one.

Mr. SPOONER. I hope the Senator from Missouri will do me the justice to assume that it was not the phrase, it was the act to which I objected. It is the letting of the franchise to the highest bidder and the striking it off to the highest bidder to which I object, not to any mere word or to taking money for it.

Mr. VEST. And yet what can be more objectionable than the manner in which these franchises have been hitherto obtained in this country? A lot of enterprising gentlemen get together and form a syndicate for the purpose of obtaining one of these franchises for the entirely legitimate purpose of making money for themselves. They proceed immediately to manipulate a town council or a Legislature and to procure the franchise on as favorable terms as possible to themselves. In the great State of New York such abuses have obtained in regard to this matter that to-day the system adopted in the city of New York is to sell these franchises to the highest bidder, as is proposed in this amendment, and that has been necessitated by the terrible scandals and the outrageous abuses which to-day have expatriated certain men from their country and threaten the liberty of others. What system could be more objectionable than that?

Mr. SPOONER. I think the remedy for that is to send boodlers to the penitentiary and to keep pure the municipal bodies by an enforcement of the law. That has been done in Illinois and has been done in New York. That is a more efficacious way; it is a more dignified remedy than the sale at auction of the franchise, I submit to the Senator.

Mr. VEST. It goes without saying that every criminal should be sent to the penitentiary if the offense is such as to require that punishment; but that does not answer the proposition which I make here now, and that is that the system which is proposed in the bill reported by the committee, and which has been thoroughly tried throughout this country, has originated the abuses to which I have alluded, which have necessitated sending some people to the penitentiary and endangering others.

A word now as to the argument made by my friend from Wisconsin in regard to the legal aspect of the case. If this franchise is put up and sold to the highest bidder, then the parties obtaining it may, he says, come in and claim that they have vested rights, that those rights can not be impaired because they paid a money consideration. He certainly, as a lawyer, does not seriously assert that there is any difference between that aspect of the case and the one presented in the original bill. We define what powers shall be given to a certain corporation; we create the franchise; we put it into existence. Have we not the right, then, without endangering the power of Congress in any subsequent litigation, to say now, under the discretion of the Secretary of the Interior and the commissioners of the District of Columbia, the highest and best bidder shall obtain this franchise?

Mr. SPOONER. The Senator will allow me to say that I expressly admitted the power of Congress to terminate the charter, to repeal or amend the franchise even if it were sold at auction; but my argument was this: It has been found almost impossible to exercise as against these corporations in this city, and in the various States where the franchises have been granted to corporators, this reserved power. Arguments of every sort, with which the Senator is familiar, have been made against such an exercise of the reserved power. And my proposition was, that if added to all these were this element of purchase it would be practically impossible to exercise this reserved right.

Mr. VEST. Ever since the Dartmouth College case every refinement and subtlety of construction has been invented for the purpose of creating what is called a contract between the Government and the corporators, the creation of vested rights, and we can not pass any charter, adopt any charter for any corporation, under which this claim would not be made. But it passes my comprehension how the mere fact that we simply say the highest and best bidder shall receive these privileges on the part of the Government adds to the strength of the position that there is a contract or that there are vested rights given by the Government of the United States to the corporators in this bill. Could they not with equal force go before a judicial tribunal and say, "We pay 4 per cent. tax, an extraordinary taxation, and that creates a contract?" How can the payment of money, with or without an auction, change the legal aspects of the question?

I know very well that to-day every railroad corporation in this city claims vested rights. During the last Congress I offered a resolution instructing the Committee on the Judiciary to inquire and report to the Senate whether the rights claimed by the Baltimore and Ohio and the Pennsylvania Railroad Companies were vested rights which the Congress of the United States could not touch. The resolution went the way of all others sent to that committee in regard to that subject, and to-day one of these corporations is controlling the public grounds of the Government as a dumping place for its old cars and its machinery, in express violation of the charter that was granted them heretofore by Congress. But it seems there is no remedy. It seems that these corporations to-day are able by some sort of means—I do not undertake to define what—to prevent any bill or any resolution from passing either House of Congress which affects them in the slightest degree as to abuses that are known everywhere to exist.

I propose now simply to assert the doctrine, and I am not particular as to the details of it, that when any number of individuals ask the Government to part with a portion of its governmental powers in order to construct public works they shall be made to pay the highest sum for the privilege in order to relieve the other tax-payers of this municipality or of the country. That is all.

Mr. MORRILL. Mr. President, when the proposition was made by

the Senator from Maryland [Mr. GORMAN] to increase the rate of taxation, I was strongly disposed to vote in favor of it, but I find that the proposition of the bill is 4 per cent. on the gross earnings of the company. That will certainly be equal to 8 per cent. on the net earnings. I do not know but that that is enough to begin with, and as the power has been reserved in the bill to increase or diminish the rate, I am disposed to let it remain as it is. I merely wish to say that that power being in the bill of increasing the rate of taxation or of diminishing the rate, the power being left in the hands of Congress, I do not believe that the sale of the privilege to construct this road would be of any sort of value. I can not suppose that any corporators would build it with these powers reserved and offer anything for the privilege.

Mr. BUTLER. Mr. President, I shall not discuss the legal aspects of this amendment of the Senator from Missouri, either present or prospective. If an original proposition of that kind had been made, in other words, if the franchises of this District in the incipiency of such enterprises had been put up at auction at public sale, perhaps there might have been some force in what the Senator from Missouri has said. But outside of and apart from all these considerations I ask the Senate if it is exactly the fair and right thing to do at this late day to adopt that policy. There are other corporate bodies in this District. I do not know how many there are, but perhaps there are five or six street railways. Of course, I assume that all those are opposed to any new enterprises.

For one, sir, I shall support any measure which offers additional accommodations to the people of this city and District.

I shall vote for chartering any corporation of respectable, responsible men who are willing to invest their money to give increased facilities of travel for the people of this District. I do not happen to know these corporators, perhaps I know one of them, but they appear to come here in good faith; they appear to be in earnest; and I can not understand the policy of imposing burdens upon this corporation which do not apply with equal force to the others. Hence it was that I introduced my amendment day before yesterday.

I have not even informed myself of the route of this road except in a very general way, but I will state in corroboration of what fell the other day from the Senator from Kentucky [Mr. BLACKBURN] that I do not believe there is a city in the United States pretending to have street-railway facilities that is not better provided than the city of Washington. I make the assertion without the fear of contradiction. I never get on what is known as the F street line of cars, running from this neighborhood to where I live, near Du Pont Circle, that before I reach home I am not compelled to take my stand in those street cars in order to give a seat to ladies. I can perfectly well understand how that could happen under a pressure of circumstances or the occasion of a crowd, but that it should happen every day is unaccountable. I therefore repeat that I will vote for any measure giving such a franchise to any set of reaponsible or respectable men who will come to Congress and ask for the privilege of investing their money to furnish better facilities for the traveling public.

I do not ordinarily complain about the inconveniences to which these institutions very often subject individuals, but it is well known that if any Senator upon this floor, or any other person outside the Senate, gets upon a street car and does not pay his fare he is at once put off, and I submit that having paid the fare required by law it is the duty of the corporations to furnish facilities commensurate with what they charge. My friend from Alabama [Mr. MORGAN] suggests to me that I do not object to the system which prevents free passes. I was not aware that any free passes had ever been offered anybody on any street railroad here. I certainly have never known of such a thing. My friend informs me that in former years it was customary. It has not been so since I have been a member of the Senate, I can state.

But, recurring to the amendment of the Senator from Missouri, as I understand it, the proposition is to put this franchise up to the highest bidder. What might be the practical effect of that? What would prevent all the street railroad corporations in this District from combining and purchasing the franchise and putting a stop to this proposed line? I know nothing to prevent it. It might be very much to their interest to prevent the building of this line of cable railway. As I have said, they are no doubt opposed to it.

So, practically and apart from the legal aspect of the question presented by the Senator from Wisconsin, in which I submit there is great force as a practical question, in my judgment it is unwise and unfair and unjust to impose this additional burden upon a corporation which is proposed to be established by Congress.

Mr. VEST. Will the Senator permit me to make one suggestion?

Mr. BUTLER. Yes, sir.

Mr. VEST. He can draw an amendment in two lines stating that this road shall be commenced in a certain time and finished in a certain time, which will meet his last argument completely.

Mr. BUTLER. I understand there is a provision already in the bill to that effect.

Mr. VEST. That is all right, then.

Mr. BUTLER. But it does not still meet the point I make, that the existing street railways might combine and prevent the construction of this line by buying whatever charter rights we grant and simply suppressing it. Perhaps at the next session of Congress a new application might be made, and they would have to buy it again.

Mr. VEST. Then I suggest to the Senator that the Secretary of the Interior and the commissioners can simply adopt the rule which prevails now, or should prevail—it did a few years ago in regard to contracts for public works, where they put out work under contract—that the party bidding shall give a bond that he will carry out the bid in good faith. That can be done.

Mr. BUTLER. I ask my friend in perfect seriousness and candor if he thinks it is fair to new enterprises applying for incorporation by Congress that the corporations already in existence and doing business should have this very great advantage? If there is any process by which the present street railways doing business in this District can be reached and their franchises put up at auction, I will join the Senator; but until that is done it would be an unfair discrimination in effect to adopt the amendment submitted by the Senator from Missouri.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment?

Mr. MCPHERSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY], who was called away on account of sickness.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH], who is necessarily out of town.

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BUTLER (when Mr. HISCOCK's name was called). The Senator from New York [Mr. HISCOCK] requested me to announce his pair with the Senator from Virginia [Mr. DANIEL].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. I do not know how he would vote, and I therefore withhold my vote.

Mr. PLATT (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. VANCE (when Mr. RANSOM'S name was called). I wish to announce that my colleague [Mr. RANSOM] is paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. COKE (when Mr. REAGAN'S name was called). I desire to announce that my colleague [Mr. REAGAN] is paired with the Senator from Nevada [Mr. STEWART].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON]. I do not know how he would vote.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. I do not know how he would vote. If he were present I should vote "yea."

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were here I should vote "yea."

The result was announced—yeas 14, nays 24; as follows:

YEAS—14.

Bate,	Eustis,	McPherson,	Vest,
Berry,	Gibson,	Morgan,	Voorhees.
Blackburn,	Gorman,	Pasco,	
Coke,	Hampton,	Teller,	

NAYS—24.

Bowen,	Dolph,	Morrill,	Sherman,
Butler,	Evarts,	Paddock,	Spooner,
Chace,	Harris,	Payne,	Stanford,
Chandler,	Hearst,	Plumb,	Walthall,
Colquitt,	Hoar,	Riddleberger,	Wilson of Iowa,
Davis,	Manderson,	Sawyer,	Wilson of Md.

ABSENT—38.

Aldrich,	Daniel,	Hiscock,	Ransom,
Allison,	Dawes,	Ingalls,	Reagan,
Beck,	Edmunds,	Jones of Arkansas,	Sabin,
Blair,	Farwell,	Jones of Nevada,	Saulsbury,
Blodgett,	Faulkner,	Kenna,	Stewart,
Brown,	Frye,	Mitchell,	Stockbridge,
Call,	George,	Palmer,	Turpie,
Cameron,	Gray,	Platt,	Vance.
Cockrell,	Hale,	Pugh,	
Cullom,	Hawley,	Quay,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Coke,	Hearst,	Saulsbury,
Allison,	Colquitt,	Hoar,	Sawyer,
Bate,	Cullom,	Kenna,	Sherman,
Beck,	Davis,	McPherson,	Spooner,
Berry,	Dawes,	Manderson,	Stanford,
Blackburn,	Dolph,	Mitchell,	Teller,
Blair,	Edmunds,	Morgan,	Turpie,
Blodgett,	Eustis,	Morrill,	Vance,
Bowen,	Evarts,	Pasco,	Vest,
Butler,	Gibson,	Payne,	Voorhees,
Chace,	Gorman,	Platt,	Walthall,
Chandler,	Hampton,	Plumb,	Wilson of Iowa,
Cockrell,	Harris,	Riddleberger,	Wilson of Md.

The PRESIDING OFFICER. There are fifty-two Senators present. There being a quorum present the question recurs on the amendment of the Senator from Missouri [Mr. VEST], upon which the yeas and nays have been ordered.

Mr. TURPIE. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed, in section 1, to strike out all of lines 3, 4, 5, 6, and 7 to the word "be," in the seventh line, and to insert in lieu:

That such persons, not exceeding thirteen in number, their successors and assigns, as may, under rules and regulations to be prescribed by the commissioners of the District of Columbia and the Secretary of the Interior, be the highest and best bidders for the privileges and franchise hereinafter granted.

The PRESIDING OFFICER. The question is on agreeing to the amendment, on which the roll will be called.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired on this question with the Senator from Delaware [Mr. GRAY].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MITCHELL (when his name was called). I am paired generally with the Senator from Arkansas [Mr. JONES].

Mr. PLATT (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. VANCE (when his name was called). I announce again that I am paired with the Senator from Michgan [Mr. PALMER].

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. SAULSBURY]. I should vote "nay," if I were not paired.

Mr. PASCO. I wish to state that my colleague [Mr. CALL] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. COCKRELL. I announce my pair with the Senator from Connecticut [Mr. HAWLEY]. I should vote "yea" if he were present.

Mr. WALTHALL. My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

The result was announced—yeas 16, nays 27; as follows:

YEAS—16.

Bate,	Coke,	Gray,	Pasco.
Berry,	Eustis,	Hampton,	Teller,
Blackburn,	Gibson,	McPherson,	Turpie,
Blodgett,	Gorman,	Morgan,	Vest.

NAYS—27.

Aldrich,	Davis,	Manderson,	Sherman,
Beck,	Dawes,	Morrill,	Spooner,
Bowen,	Dolph,	Paddock,	Stanford,
Butler,	Evarts,	Payne,	Walthall,
Chace,	Harris,	Plumb,	Wilson of Iowa.
Chandler,	Hearst,	Riddleberger,	Wilson of Md.
Colquitt,	Hoar,	Sawyer,	

ABSENT—33.

Allison,	Farwell,	Jones of Nevada,	Sabin,
Blair,	Faulkner,	Kenna,	Saulsbury,
Brown,	Frye,	Mitchell,	Stewart,
Call,	George,	Palmer,	Stockbridge,
Cameron,	Hale,	Platt,	Vance,
Cockrell,	Hawley,	Pugh,	Voorhees.
Cullom,	Hiscock,	Quay,	
Daniel,	Ingalls,	Ransom,	
Edmunds,	Jones of Arkansas,	Reagan,	

So the amendment was rejected.

Mr. COCKRELL. In section 5, line 13, after the word "year," I move to insert "for five years from the passage of this act;" and after the word——

The PRESIDING OFFICER. The Chair would suggest to the Senator from Missouri that he is informed by the Secretary that the amendment he now proposes is to amend an amendment of the committee which has already been agreed to. That being so, his amendment will not be at this time in order. It will be in order when the bill shall have been reported to the Senate, but is not in order in Committee of the Whole.

Mr. COCKRELL. Then I offer now as a new section, to come in between sections 5 and 6, the following——

The PRESIDING OFFICER. The Secretary informs the Chair that there has already been a section 6 agreed to this morning. The Senator can make it section 7.

Mr. COCKRELL. Let it be section 7. It will be the same thing.

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. COCKRELL] will be read.

The CHIEF CLERK. It is proposed to insert a new section as section 7, as follows:

That hereafter, on or before the 15th day of January of each year, all and every one of the existing street-railroad companies now or hereafter owning, running, or operating any street railway in Washington shall make a report to Congress, stating fully the names of all the stockholders therein, the amount of stock held by each, and also the amount of all receipts and expenditures from all sources and on all accounts for the preceding year ending December 31, said report to be duly verified by the affidavits of the president and secretary of each of said companies; and if such reports and each of them are not so made at said date, or within ten days thereafter, the commissioners, or proper officers of the District, shall cause proceedings to be instituted to forfeit their respective charters. And each of said companies shall pay to the District of Columbia as taxes for each year 10 per cent. of its gross receipts from all sources and on all accounts for the preceding year, as shown by said verified report, to be paid to such person at such time and in such manner as other taxes, and subject to the same penalties.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment of the Senator from Missouri [Mr. COCKRELL]?

Mr. TELLER. I did not hear the percentage of tax proposed to be paid by the amendment.

The PRESIDING OFFICER. Ten per cent.

Mr. TELLER. I should like to suggest to the Senator from Missouri that it seems to me it would be a great deal better to have this report made to the commissioners direct, who are to deal with the subject, than it would be to have it made to Congress. Let the report be made either to the commissioners or the Secretary of the Interior. It seems hardly the thing to have several street railroad companies make their reports to Congress. As the commissioners by the amendment are authorized to act, it seems to me the report should be made to the commissioners, so that they would know whether there had been a failure or not.

Mr. COCKRELL. I made it to correspond with the report required of the Electric Railway Company, so that they will be placed on an equal footing. Section 5 requires the Electric Railway Company to report to Congress, and I made my amendment to correspond with that section.

Mr. TELLER. I think that section ought to be changed also. I do not think that these railroad companies ought to make their reports to Congress; the reports ought to be made to either the Secretary of the Interior or to the District commissioners. It seems to me it would be proper to have the reports made to the commissioners inasmuch as the provision is that the commissioners shall take steps in case the railroads do not comply with the requirements of the section.

Mr. COCKRELL. The language could be changed and both sections made to correspond. All I want to do is to put all the street railway lines on an equality. If the pending amendment is adopted I shall offer an amendment when we get the bill into the Senate, proposing that after five years from the passage of this act the Electric Railway Company shall also pay 10 per cent. on its gross earnings, and that it shall pay 4 per cent. for the first five years after the passage of the act.

Mr. DAWES. Make the report returnable to the commissioners in the pending amendment, and then move the amendment to the other section.

Mr. COCKRELL. Then I will provide that they shall report to the commissioners of the District as the proper officers.

Mr. DAWES. There is great force in what the Senator says.

Mr. COCKRELL. I modify the amendment by striking out "Congress" and inserting "the commissioners of the District."

Mr. DAWES. I should like to hear the amendment again read.

The PRESIDING OFFICER. The amendment as modified will be read.

The CHIEF CLERK. It is proposed to insert a new section as section 7, as follows:

That hereafter, on each year, before the 15th day of January of each year, all and every one of the existing street railroad companies now or hereafter owning, running, or operating any street railway in Washington shall make a report to the commissioners of the District of Columbia, stating fully the names of all the stockholders therein, the amount of stock held by each, and also the amount of all receipts and expenditures from all sources and on all accounts for the preceding year ending December 31, said report to be duly verified by the affidavits of the president and secretary of each of said companies. And if such reports and each of them are not so made at said date, or within ten days thereafter, the commissioners, or proper officers of the District, shall cause proceedings to be instituted to forfeit their respective charters. And each of said companies shall pay to the District of Columbia as taxes for each year 10 per cent. of its gross receipts from all sources and on all accounts for the preceding year, as shown by said verified report, to be paid to such person, at such time, and in such manner as other taxes, and subject to the same penalties.

Mr. SPOONER. I move to amend the amendment by striking out all after the word "charters."

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin to the amendment of the Senator from Missouri will be stated.

The CHIEF CLERK. It is proposed to strike out all after the word "charters," as follows:

And each of said companies shall pay to the District of Columbia as taxes for each year 10 per cent. of its gross receipts from all sources and on all accounts for the preceding year, as shown by said verified report, to be paid to such person, at such time, and in such manner as other taxes, and subject to the same penalties.

Mr. SPOONER. So far as the amendment calls for reports from the various street-car companies, while it is not germane strictly to this bill, I see no objection to it. I think the reports should be required. The portion of the amendment which I move to strike out is the one which levies the 10 per cent. tax upon all of these corporations. The subject has been considered pending this bill several times by the Senate, and I venture to say, although I know the Senator from Missouri is very well informed upon subjects generally coming before the Senate, he has hardly given the investigation which would be necessary into the condition of these various corporations and their charters to warrant him in saying that a 10 per cent. tax is either authorized by law or is a fair tax. I do not know, and I would like to ask the Senator from Missouri [Mr. COCKRELL] whether the power to alter, amend, and repeal these charters was reserved in each of the charters.

Mr. COCKRELL. I have not examined the charters, but I say as a matter of constitutional law and right that whether it was reserved in the charters or not, Congress has full authority and power to impose taxes and to alter and amend the charters. I do not care whether there was any reservation in the charters or not, Congress holds that power.

Mr. SPOONER. I do not propose to enter into a discussion with the Senator from Missouri upon the question of law as to whether, where Congress has years ago granted a charter in which it fixed a rate of taxation, and the right was not reserved to alter or repeal it, it may fix the rate of taxation at its will; but the answer of the Senator from Missouri affords foundation for me to say that he has not the information upon which the Senate ought to base such legislation.

As I stated day before yesterday, the Senate has adopted a resolution instructing the Committee on the District of Columbia to investigate this question in its relation to each of the street-car companies. I understand that in some cases the earnings are large, and that in the case of one or two corporations the earnings are much less. It might be proper to impose this 10 per cent. tax upon the earnings of one company, and it might be an outrage to impose the 10 per cent. tax upon another. Some of these franchises are exercised in densely populated portions of the city, where it is beyond dispute that the corporations are not paying the taxes which they ought to pay. I understand that there are others of these franchises exercised in portions of the city remote from the dense population, in which cases the earnings of the corporations are not such that it would be just to impose such a rate of taxation.

Is it asking too much of the Senate to trust the Committee on the District of Columbia for a few days to investigate, under its order and in the discharge of the duty which the Senate has imposed upon it, this question as to the rate and manner of taxation which should be imposed upon existing street-railway companies? The Senator may rest well assured that within a very short time that committee will report to the Senate the facts as to each corporation and all of the information which it shall be able to gain which is essential to an accurate and reasonable judgment on the part of the Senate.

This proposition, coming from a Senator who has not even examined the charter, and who can not, I fancy, from what he says, explain to the Senate the difference in the condition of the various corporations, to impose this rate of 10 per cent. upon each, is certainly at this time not a fair proposition.

Mr. COCKRELL. Will the Senator from Wisconsin tell the Senate that 10 per cent. upon any existing railroad corporation as a tax is unjust and inequitable?

Mr. SPOONER. The Senator from Wisconsin will not tell the Senate any such thing.

Mr. COCKRELL. No, he will not, because it is not the case.

Mr. SPOONER. When the Senator from Wisconsin has finished the investigation which he is making upon this subject he trusts he will be able to tell the Senate what is a fair and what is not a fair rate of taxation as to each of these corporations. I venture the assertion that the Senator from Missouri is no better supplied to-day with the requisite information upon the subject than the Senator from Wisconsin.

That is all I care to say about this general proposition to tax at a fixed rate all the street railway corporations doing business in the city of Washington. I am quite sure that the rate of taxation proposed by the bill upon the Electric Cable Company is ample, and if a proposition is again to be made to increase the taxes upon this proposed corporation, I would suggest this proposition: that for the first four years after the completion of the road the rate of taxation shall be 4 per cent., for the next four years 6 per cent., the next four years 8 per cent., and thereafter 10 per cent., which I think is more equitable and elastic than that offered by the Senator from Maryland, and that it will better adapt itself to the growth of this corporation and the growth of its business. But the proposition made by the Senator from Missouri I hope will be voted down, so far as it relates to the tax.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. SPOONER] to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. I hope the Senator from Missouri understands me. My proposition is not to strike out the whole of his amendment. I agree to his amendment so far as it requires reports to be made to the commissioners.

Mr. COCKRELL. It is to strike out all that part of it which imposes a tax.

Mr. SPOONER. Yes.

Mr. COCKRELL. It is to strike out all that part which has any merit or right or equity in it.

Mr. SPOONER. I propose to strike out all that part which imposes a 10 per cent. tax upon all corporations while we do not know that it is a just tax.

Mr. TELLER. I voted a few moments since to put up this franchise at public auction. I voted for that because the people who are now asking to have this charter have not any money in it; they have no investment here; and if it went higher than they wanted to pay, I voted for that amendment so that they need not take it. But here are some men who have put money into several street railways. I understand that two of these lines are paying well, and I have no doubt they could stand a tax of 10 per cent. I understand that for some of the other lines it would probably be burdensome to pay that amount.

I think that the objection to the amendment of the Senator from Missouri is that he does not discriminate between the different corporations; that he treats them all alike. Of course they do not stand alike unless they are earning alike. Their taxes should only be in proportion to the value of their property, and if one earns $100,000 and another earns $20,000, of course the latter should pay less taxes than the former.

I should be quite willing myself to vote to levy upon perhaps two roads a tax of 10 per cent. that I believe could stand that rate; but inasmuch as the Committee on the District of Columbia are now considering that question and are to report upon it, I propose to vote in favor of striking out that portion of the amendment.

Mr. HARRIS. During the present session the Senate adopted a resolution requiring the Committee on the District of Columbia to investigate and report to the Senate upon this whole question of taxation of street-railway corporations. The Committee on the District of Columbia is now engaged in investigating that subject with the hope of giving to the Senate definite and distinct and full information upon the general question of the condition of those roads, and what taxes they are now paying, and what taxes in the opinion of that committee, after investigation, they should pay.

After the Senate has instructed the committee to investigate and report upon that question, if the Senate chooses to take the matter out of the hands of the committee and undertakes by adopting the amendment of the Senator from Missouri to finally settle that question, I shall immediately thereafter ask the Senate to excuse the committee from prosecuting such investigation, because the Senate will have taken the whole subject-matter out of the hands of the committee to which it has been referred.

Mr. COCKRELL. Will the Senator permit me to ask him a question?

Mr. HARRIS. I will permit the Senator.

Mr. COCKRELL. Will the Senator, as a member of the Committee on the District of Columbia, state to the Senate that that committee will report a measure to the Senate proposing to tax these railroad companies as that committee thinks they ought to be taxed, so that the Senate will have jurisdiction of the matter?

Mr. HARRIS. It is as impossible for me as it is impossible for the Senator from Missouri to tell what any committee to which he belongs will report *in futuro* upon this or any other question. But I will tell the Senator from Missouri that I have no more doubt of the fact that the Committee on the District of Columbia will report, giving to the Senate such information as it can obtain and such conclusions as it shall have arrived at upon that information, as I have that it or any other committee will report upon any subject that is referred to it. If that answer is satisfactory, it affords me pleasure to give it.

Mr. COCKRELL. Will that report be made within a reasonable time, so that the Senate will have an opportunity of acting upon it?

Mr. HARRIS. Again I must inform the Senator from Missouri that I can tell no more about at what time it will be made than he can tell me as to what hour of what day any report will be made from any one of the committees to which he belongs. It is impossible for him as it is impossible for me; but at the earliest day consistent with the duties and the varied business of that committee that it can be done, it will be done.

Mr. COCKRELL. If the Committee on the District of Columbia will report back to the Senate the measure which has been intrusted to them, giving the Senate the benefit of all the investigations they have made and the information they have acquired, and submit the question to the Senate so that the Senate will have jurisdiction of it, then I am perfectly willing to abandon this amendment and withdraw it. But if no report is to be made, and if that question is to be kept from action by the Senate, then I shall insist upon the amendment.

Mr. SPOONER. Why does the Senator from Missouri imply that the Committee on the District of Columbia may not report upon this subject?

Mr. COCKRELL. Because it never has done so heretofore.

Mr. SPOONER. Wait one moment. When and by whom was the Committee on the District of Columbia charged with this duty? Not upon the motion of the Senator from Missouri, not upon the motion of any of the Senators who are apparently so distressed because the street-railway companies are not paying their proportion of the taxes in this District.

I had the honor, if it be an honor, to introduce myself the resolution under which the Committee on the District of Columbia is prosecuting that investigation, and I can assure the Senator that it was not introduced for buncombe; it was introduced because I believed, from the casual investigation I had been able to make, that some of these corporations were earning very largely, and that they were not paying their proportion of taxes in the District.

The resolution was introduced in good faith; the investigation will be prosecuted in good faith; the report will be as complete as it can be

made under the circumstances; and the Senator from Missouri has no right to assume that it will be unduly delayed.

Mr. COCKRELL. The Senator from Missouri has not assumed that fact.

Mr. SPOONER. Very well; if the Senator from Missouri has not, then my remark was not pertinent to any suggestion he made.

Mr. COCKRELL. It does not make any difference whether it was pertinent or not to the Senator from Missouri, for there is nothing personal in the Senate in the discussion of questions of public concern. I hope that I have always been above any personal flings or thrusts at anybody and incapable of receiving them on the floor of the Senate.

The statements made by the Senator from Wisconsin and made by the Senator from Tennessee now occupying the chair, I think are entirely satisfactory so far as this matter is concerned. All in the world I want is that this question shall be brought before the Senate so that the Senate may discuss it and pass upon it.

I want this bill to pass if it can be put in good shape, but I do not want it to pass so that it will inure to the benefit of the existing corporations and be gobbled up by them. I want it to pass as an independent measure, and one that will be a rival and a competitor to the existing corporations, and not be swallowed by them and merged into their power.

With the assurance I have received, I shall withdraw the amendment which I have offered, if I can do so at this time.

Mr. SPOONER. I wish to disclaim the slightest intention to be personal or offensive to the Senator from Missouri.

Mr. COCKRELL. I did not so understand it.

Mr. SPOONER. I certainly had no such purpose.

Mr. TELLER. I suggest to the Senator from Missouri that he allow his amendment to stand except as to the part objected to by the Senator from Wisconsin. It is a valuable addition to this bill to require the companies to make report to the proper authorities. Let that part stand. There is no objection to that provision.

Mr. COCKRELL. I have no objection to that course. I think they ought to make the report just the same as the other companies, and if it can be done——

The PRESIDING OFFICER. The Senator from Missouri can modify his amendment.

Mr. COCKRELL. I will modify it by omitting the part which the Senator from Wisconsin has moved to strike out, and then I will ask unanimous consent at the same time that, in line 3 of section 5, the amendment already adopted, where the report is required to be made to Congress, the word "Congress" be stricken out and "the commissioners of the District of Columbia" inserted. I hope the Senate will agree to that, so that all these reports will be made to the commissioners of the District of Columbia.

The PRESIDING OFFICER. The Chair suggests to the Senator from Missouri that the pending amendment be disposed of, and that the Senate then recur to the fifth section.

Mr. COCKRELL. Yes; let that course be taken. That is what I suggest.

The PRESIDING OFFICER. If there be no objection, the yeas and nays having been ordered on the amendment of the Senator from Wisconsin to the amendment of the Senator from Missouri, the Senator from Wisconsin will withdraw his amendment, and the Senator from Missouri modifies his as suggested. The question is, Will the Senate agree to the amendment of the Senator from Missouri as modified?

The amendment as modified was agreed to.

Mr. COCKRELL. Now I make the suggestion that, by unanimous consent, the word "Congress," in line 3 of section 5, be stricken out, and the words "the commissioners of the District of Columbia" be inserted.

Mr. SPOONER. I hope the Senator from Virginia having the bill in charge will consent to that amendment.

The PRESIDING OFFICER. If there be no objection, that amendment will be agreed to. The Chair hears none, and it is agreed to. Are there further amendments to the bill as in Committee of the Whole?

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Shall the question be taken on the amendments made as in Committee of the Whole in gross or separately?

Mr. SHERMAN. I should like to have a separate vote on the amendment adopted on the motion of the Senator from Delaware [Mr. SAULSBURY]. I think the amendment is not worded so as to accomplish his purpose. I ask for a separate vote on that amendment.

The PRESIDING OFFICER. That amendment will be reserved. Are there other reservations?

Mr. GORMAN. I should like to have a separate vote on the amendment on page 3, lines 37 and 38 of section 1, striking out "along New York avenue to Fourteenth street," and on the amendment inserting "Fifteenth street," in line 39.

The PRESIDING OFFICER. Does the Senator from Maryland desire to reserve a separate vote on more than one amendment? The Chair did not understand him clearly.

Mr. GORMAN. Yes, two amendments were made, one striking out the words "along New York avenue to Fourteenth street," in lines 37 and 38, and the other inserting the word "Fifteenth," in line 39.

The PRESIDING OFFICER. If there be no further reservation——

Mr. COCKRELL. I reserve section 5 for a separate vote, because I want to have it amended.

The PRESIDING OFFICER. Section 5 is reserved. If there be no objection all the amendments except those already reserved will be considered as concurred in in the Senate. They are concurred in. The first reserved amendment will be stated.

Mr. SAULSBURY. Mr. President, I desire to say that on looking over this bill I find myself unable to vote for it. I see that it gives to the control of this cable company nearly every street in the city that I suppose is available for purposes of this kind. In other words, it creates a monopoly in the cable electric company and virtually deprives the city hereafter of any competition with the company incorporated by this measure. To a proposition of that kind I am opposed.

I should be willing to give to this company, or to any other company that would establish such a line, a perfect right to establish a line either north or south or east or west through the city, but I can not consent to give my vote that any one company shall absorb all the streets of the city for its own purposes and exclude competition on the part of others who may hereafter desire to establish similar lines through any of the streets.

I know but very few, perhaps only one, of these corporators. I know nothing against the character of any man connected with this proposed road, but I would not consent by my vote to give this unlimited control over the streets of this city to any one company, composed of whomever it might be.

So far as the question of taxation is concerned, I believe there is great force in the remarks so well made day before yesterday by the Senator from Maryland and the Senator from New Jersey. A company of this kind, with the ample powers granted to it over the streets of this city, can well afford to pay the tax which it is proposed it shall pay. But, whatever might be the tax, if it was even double what is proposed, I would not vote for the bill, believing as I do that it will become a perfect monopoly and deprive other parties in this the capital of the country from any possibility of establishing similar lines of street cars.

I shall, therefore, vote against the bill.

The PRESIDING OFFICER. The Secretary will report the first reserved amendment.

The CHIEF CLERK. On page 3, in section 1, line 37, the Senate as in Committee of the Whole struck out the words "along New York avenue to Fourteenth street," and in line 38 struck out the word "Fourteenth" and inserted the word "Fifteenth" in lieu thereof; so as to read:

Along Fifteenth street to G street.

The PRESIDING OFFICER. The question is, Will the Senate concur in this amendment made as in Committee of the Whole?

Mr. COCKRELL. I should like to have the Senator from Maryland explain exactly what change that amendment would make.

Mr. GORMAN. The amendment adopted by the Senate as in Committee of the Whole changed the bill as it was originally drawn so as to permit this railroad, when it reaches Fifteenth street coming down Pennsylvania avenue in front of the President's House, to make the short turn at Fifteenth street, down Fifteenth street one square to G, at the most crowded part of the entire city, whereas, as the bill originally stood, and as I want to retain it, it would have permitted them to come from Seventeenth street down Pennsylvania avenue to Fifteenth street and straight across, following New York avenue to Fourteenth street, and then down Fourteenth to G street.

I ask the Senate to non-concur in the amendment, in order to obviate what would unquestionably be a great nuisance hereafter. It is now, indeed, with the present lines of railroad, the herdics, and the carriages, the most crowded spot in the city of Washington. I suppose there are more persons passing that corner than any other, and the space is very narrow.

I ask that this be done for the convenience of the citizens, and it can be done without disturbing the main line of the road in any way.

The PRESIDING OFFICER. Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was non-concurred in.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The CHIEF CLERK. The Senate as in Committee of the Whole inserted a new section as section 5, as follows:

SEC. 5. The said Washington Cable Electric Railway Company shall, on or before the 15th day of January of each year, make a report to the commissioners of the District of Columbia of the names of all the stockholders therein, and the amount of stock held by each, the cash value thereof, together with a detailed statement of the receipts and expenditures, from whatever source, and on whatever account, for the preceding year ending December 31, which report shall be verified by the affidavit of the president and secretary of said company, and if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for each year, 4 per cent. of its gross earnings for the preceding year, as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu

of all other assessments of taxes of whatsoever character upon its personal property, including its cars and motive power, but the real estate of the company may be taxed as other real estate in the District: *Provided*, That the tracks of the company shall not be taxed as real estate, and that the shares in said corporation may be included in the valuation of the personal property of the owner for purposes of taxation as other personal property.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. GORMAN. I now renew the amendment to this section that I offered in Committee of the Whole. The amendment is in line 13, and provides for a tax of 4 per cent. for the first four years and 10 per cent. per annum thereafter.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maryland to the fifth section will be stated.

Mr. RIDDLEBERGER. I believe that is the same amendment proposed day before yesterday, but the Senator from Wisconsin has certainly healed all the wounds there can be in this bill relating to the question of taxation. If it be the proposition to require so much money in advance so that the road never can be built, it would seem to me to be only fair that it should be promulgated now. The amendment of the Senator from Wisconsin provides 4 per cent., I believe, for a certain period, 6 per cent. for another period, 8 per cent. for another period, and 10 per cent. for another. Does the Senator from Maryland think that more tax ought to be imposed than that which is placed in the bill by the proposition of the Senator from Wisconsin?

Mr. GORMAN. I do not remember that such an amendment was proposed by the Senator from Wisconsin.

Mr. RIDDLEBERGER. It was 4, 6, 8, and 10 per cent., was it not?

Mr. GORMAN. The Senator from Wisconsin did not offer that amendment.

Mr. RIDDLEBERGER. Yes; and I understood that it was adopted.

Mr. MORRILL and others. No.

Mr. RIDDLEBERGER. I thought it was adopted.

Mr. GORMAN. I understand that it was not offered.

The PRESIDING OFFICER. The Senator from Wisconsin argumentatively stated that as his proposition, but no such amendment has been offered.

Mr. RIDDLEBERGER. That is my mistake; I thought it was adopted. But I ask that the Senate will not inflict upon this corporation a tax which will certainly stop the building of the railway. I am here asking not for a franchise alone, but asking for a condition on which there may be a cable railway built. There seems to be some sort of opposition to the granting of the franchise. It touches nobody; it hurts no interest; and yet I find Senators here who claim to be lawyers on this floor——

Mr. MORRILL. I suggest to the Senator from Virginia that I think the Senator from Maryland will accept the proposed amendment of the Senator from Wisconsin.

Mr. RIDDLEBERGER. I want to make this statement in reply to those gentlemen who seem to parade themselves here as lawyers, even if I am the youngest of that profession on this floor. How many times have we had amendments offered to this bill to make parties to it existing corporations who are no party to the contract at all, and can not be made so except by legislative enactment? When I said on this floor day before yesterday that it was nonsense, I meant in the proper sense in which the word "nonsense" is used. You put upon this bill a proposition to annul a part of the charter of the Washington and Georgetown Railroad, or of the F street road, or of the Seventh street or the Boundary road, and they are not contracting parties to it. You simply burden this bill with that which increases opposition at the other end of this Capitol building.

There is pending before the Committee on the District of Columbia to-day a bill which proposes to give the Washington and Georgetown Railroad Company the entire route that is proposed to be taken by this line. Upon that bill would properly come the condition that when they accept the franchise they shall agree to pay 10 or 20 per cent. of taxes. Then you will have the two parties to a contract; but when you deal with one corporation, and the other is not even named in the bill, except by slight amendments, I undertake to say, believing my statement to be true. that it is done to defeat the bill.

I say to you, Mr. President, who are better acquainted with the action of the Committee on the District of Columbia than I am, for you have been much longer on it, and not alone that, but more attention have you given to it, a bill is pending there to give the same franchise to this same railway company. On that bill let us put the amendment and tax them 10, 15, or 20 per cent., for it is they who have now this relief from taxation which is proposed to be put upon every other corporation in the District of Columbia.

I put it as a prominent law proposition that you can not bind a party in this bill who is not asking for a franchise and is no party to any condition that you may put upon it. So asserting, I ask that the bill shall be passed, and that whatever right be necessary, whether of eminent domain or any other in the jurisdiction of Congress over these street railways, we shall exert and exercise as becomes the American Congress.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment made as in Committee of the Whole.

Mr. SPOONER. I should like to have the amendment read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. In section 5, line 13, after the word "year," it is proposed to insert:

For the first five years after the completion of the road 4 per cent. and for each year thereafter 10 per cent.

Mr. SHERMAN. I have taken no part in the consideration of this bill, although I feel interested in increasing the railroad facilities of this city; but I think I have a proposition which will meet the views of the Senator from Delaware [Mr. SAULSBURY] whose amendment, I think, is somewhat faulty. I do not think his amendment as drawn will accomplish the object he had in view. I will therefore propose at the proper time—and it would come in now as well as at any other time—to make this section read as follows:

And said company shall pay to the District of Columbia, as taxes for each year, 4 per cent. of its gross earnings for the preceding year, as shown by said verified statement, until Congress shall otherwise order, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the right to increase or diminish said tax is expressly reserved to Congress.

The language of the amendment of the Senator from Delaware is as follows:

Provided further, That nothing in this section shall be construed as a contract with the company as to the amount of taxes it shall be required to pay at any time hereafter, or the manner in which they shall be imposed.

The objection I have to that amendment is that it does not expressly reserve to Congress the right to increase or diminish the tax, but simply declares that it shall not be a contract to that effect. On consideration it seems to me that it is better to deal directly with the question. I do not see why Congress in granting the franchise ought not only to reserve the full power to amend, alter, or repeal, but to expressly reserve the power of taxation—a power which it can not delegate, but ought always to hold. We pass a law, for instance, now that the limitation upon taxable property in this city is about 1½ per cent., but we have the power to increase that so as to affect all the citizens of the District by an increased tax, and I do not see any reason why these corporations, which are subject to the power of Congress, should not be dealt with in precisely the same way. This tax of 4 per cent. on gross earnings, as I understand, is to compensate for the charter conferred and the injury to the roadway. It seems to me the express power to change, either to increase or diminish, that tax ought to be resumed.

I did not intend to interfere with the amendment of the Senator from Maryland, but I supposed the amendment I have suggested would cover what he desired to accomplish.

Mr. GORMAN. No.

Mr. SHERMAN. If not, I have nothing to say.

Mr. SAULSBURY. I have no doubt the language of the Senator from Ohio would accomplish the same thing that my amendment does practically; but my object was to guard against a certain effect of language which I thought might be construed as possibly favoring the idea that there was a contract intended by the language here used. I have had in the course of my professional life some experience with questions of this kind. I have found cases where language like that here was used, where a certain tax was imposed in lieu of all other taxes, and it was claimed that that was a contract which the legislative power had entered into with the corporation as to the amount of taxes they should pay. The question came up and was very elaborately argued in regard to a bank in the State of Pennsylvania, under a bank charter. It has been argued in various other cases. I know it was argued in a case that arose in my own State in regard to the taxation of a railroad company.

My object, therefore, was to exclude the idea that there was any contract. If there is no contract existing the legislative power certainly is competent to impose additional taxation. My amendment excludes the idea that there is any contract whatever. The Senator from Wisconsin supposed that that power was reserved by the sixth section, which reserves the power to appeal, alter, or amend. Provisions of that kind have come before the courts, and that language has not been deemed sufficiently broad to exclude a contract where a contract had been made. While you might alter the charter—the franchise of the company—and while you might go to the extent of repealing it, yet the power existing under the contract could not be touched in any manner whatever. As long as the corporation exists the contract into which it has entered with the Government can not be abrogated. I do not think the amendment of the Senator from Ohio accomplishes anything more than is accomplished by the amendment I offered the other day.

Mr. SHERMAN. The Senator from Delaware does not distinguish between the powers of Congress and the powers of a State government. The Constitution of the United States declares that no State shall impair the validity of a contract. If we were dealing now with a charter granted by a State, which is prohibited from making a law violating a contract by an express provision of the Constitution of the United States, his argument would apply; but that clause does not apply to Congress. There is no express limitation of the power of Congress. The question

has often arisen upon that subject in the courts. There may be a difference of opinion about it, whether Congress, not being expressly prohibited when it is dealing within the powers expressly conferred upon it, may not, like the Parliament of Great Britain, override a contract, and therefore any case arising in the State courts would not apply.

I think when the Senator simply says this shall not be construed as a contract, he stops short of what he ought to do to accomplish his purpose. He ought to expressly declare that as Congress now says a tax of 4 per cent. shall be put upon this corporation as a reasonable tax, it reserves the power at any time, in dealing with the question of taxation, to levy such tax as it may deem to be right and proper; and there is no danger that Congress will ever abuse this power. All I desire is to make clear what the Senator wishes to accomplish.

Mr. SAULSBURY. The distinction between the legislative power of Congress and of the States may exist as stated by the Senator from Ohio; but I apprehend that if any party was to come here and allege that by previous legislation the Congress of the United States had entered into a contract with him, he would find very few Senators willing to abrogate that contract, or to violate it in any particular.

The amendment of the Senator from Ohio places the power of additional taxation in the hands of Congress, and I apprehend from some years' experience here that you will find the same opposition to increasing taxation that you find to-day to putting an additional tax to that proposed by the committee. I simply wanted to exclude the idea that there was any contract, so that if Congress hereafter desired to increase the tax upon this company it should not be met with the declaration that the Congress of the United States had entered into a contract with this company which in good faith ought to be kept. I think my amendment accomplishes that, and that is all I desire.

Mr. WILSON, of Iowa. Mr. President, I stated the other day my objection to this amendment. It was voted into the bill then, and I suppose it will be retained to-day; but I suggest to Senators that it involves a question which ought to be very carefully considered, for it may not expend its force on this particular company and on this particular tax if it shall become a law. Running through the legislative history of this country for many years, Congress has been in the habit of including in acts of the character of this bill and others a general reservation of power such as is embraced in what was the sixth section of this bill, "that this act may at any time be altered, amended, or repealed by the Congress of the United States." Why shall we begin a movement in connection with this bill that shall lead on into the future, inducing doubt as to the efficiency of the reservation made in all acts that have been passed with respect to the powers of Congress over them and the subjects to which they relate?

As I have said, I presume this amendment will be retained in the bill, but I want to-day to put my protest on the record of Congress in opposition to any such step being now taken. It is because of thoughtlessness in like instances in the past that we have been confronted by some of the most stupendous questions that now trouble us in this country; and we are likely to duplicate it in the case to-day by the action we are taking. I want to go upon the record, as I have said, against weakening these declarations on the part of Congress that the reservation of power general in its terms is not sufficient to meet all the contingencies contained in this or any like bill.

Mr. GORMAN. There are quite a number of Senators who think that the 10 per cent. per annum is too much, and I therefore ask leave to modify my amendment to conform to the suggestion made by the Senator from Wisconsin. I ask that the Secretary shall read it.

The PRESIDING OFFICER. The modification will be read.

The CHIEF CLERK. Page 14, line 13, after the word "for," it is moved to strike out "each year 4 per centum" and insert, in lieu thereof:

The first four years 4 per cent. per annum, and for the next four years 6 per cent. per annum, and thereafter 8 per cent. per annum.

Mr. RIDDLEBERGER. I desire to call attention to what I have just heard, that the Senator from Maryland this morning amended this bill so as to conform to the views he had when the Senate was in Committee of the Whole, to have the line go down New York avenue to Fourteenth street. I thought that the Senator from Maryland would at least suggest something like a disposition to renew that amendment in the Senate. He did not; it was beaten when the Senate was in Committee of the Whole; but in some way has got in. That error is the destruction of this bill, and no man knows it better than the Senator from Maryland. If I had heard his proposition and had brought it to the attention of the Senate in session, as was done in Committee of the Whole, I believe he would have been voted down, as he deserved to be.

The argument that I made against going down New York avenue it is not necessary to repeat here, for the Senator from Maryland knows it is a mountain barrier. To say that this cable railway shall go down that way is to say—if I may be permitted to express it—that a horse-railway shall not go through Georgetown. I have investigated these matters to my satisfaction, and all that I want to hear from any Senator on this floor is a plain, open statement that I can understand.

I understand the parliamentary custom to be that as there is no recorded vote any Senator may move to reconsider. So I move now to reconsider the vote by which the amendment of the Senator from Maryland was adopted in open session to-day after it had been defeated day before yesterday in Committee of the Whole.

The PRESIDING OFFICER. The Senator from Virginia moves to reconsider the vote by which the Senate disagreed to an amendment made in Committee of the Whole.

Mr. GORMAN. The Senator from Virginia was present when that vote was taken. There is no objection to taking it over again. I rose in my seat and reserved that amendment. If it escaped the attention of the Senator from Virginia and he wants another vote on it, I have no doubt it will be granted by unanimous consent.

The PRESIDING OFFICER. If there be no objection, the vote by which that amendment was rejected will be considered reconsidered. The Chair hears no objection, and it is reconsidered. The question recurs, Will the Senate agree to the amendment made as in Committee of the Whole?

Mr. RIDDLEBERGER. On that I ask for the yeas and nays.

Mr. SHERMAN. Let the amendment be read.

The PRESIDING OFFICER. The amendment made as in Committee of the Whole will be read.

The CHIEF CLERK. On page 3, section 1, line 37, after the word "company," strike out the words "along New York avenue to Fourteenth street," and in line 38 after the word "along" strike out "Fourteenth" and insert "Fifteenth;" so as to read:

Along Fifteenth street to G street; along G street to Massachusetts avenue, etc.

Mr. RIDDLEBERGER. I understand it now. An "ay" vote is to adopt the amendment?

The PRESIDING OFFICER. To concur in the amendment made as in Committee of the Whole; and those who are opposed to concurring will vote "no."

Mr. RIDDLEBERGER. Those who are in favor of the report of the committee will vote "ay?"

The PRESIDING OFFICER. The Senator is quite right.

The question being put, it was declared that the noes appeared to prevail.

A division was called for, and the ayes were—13.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. EVARTS (when his name was called). As this appears to be a party question I announce that I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. PADDOCK (when his name was called). On all votes on this bill I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were here, I should vote "yea" on this amendment.

Mr. EDMUNDS (when Mr. PUGH'S name was called). The Senator from Alabama [Mr. PUGH] is necessarily absent, and I am paired with him.

Mr. RANSOM (when his name was called). I have a general pair with the Senator from Michigan [Mr. STOCKBRIDGE]. So I will not vote on this matter. I should vote "nay," but I do not know how he would vote if present.

Mr. CHACE (when the name of Mr. WILSON, of Maryland, was called). I am paired with the Senator from Maryland. It is understood that he and I would vote differently on this question, and so I announce the pair.

The roll-call was concluded.

Mr. FRYE. I am paired with the Senator from Georgia [Mr. BROWN].

Mr. HISCOCK. I am paired with the Senator from Virginia [Mr. DANIEL].

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. As he might vote "yea," I will not vote. I should vote "nay" if he were present.

Mr. BUTLER. On this occasion I am paired with my colleague [Mr. HAMPTON]. He had to leave the Chamber, and requested me to pair with him.

The result was announced—yeas 15, nays 18; as follows:

YEAS—15.

Allison,	Dolph,	Sabin,	*Stanford*,
Chace,	Hale,	Sawyer,	Teller,
Chandler,	Hoar,	Sherman,	Wilson of Iowa.
Davis,	Riddleberger,	Spooner,	

NAYS—18.

Bate,	Colquitt,	Kenna,	Turpie,
Beck,	Dawes,	Morrill,	Vest,
Berry,	Gorman,	Pasco,	Walthall.
Blackburn,	Harris,	Payne,	
Coke,	Hearst,	Saulsbury,	

ABSENT—43.

Aldrich,	Edmunds,	Hiscock,	Plumb,
Blair,	Eustis,	Ingalls,	Pugh,
Blodgett,	Evarts,	Jones of Arkansas,	Quay,
Bowen,	Farwell,	Jones of Nevada,	Ransom,
Brown,	Faulkner,	McPherson,	Reagan,
Butler,	Frye,	Manderson,	Stewart,
Call,	George,	Mitchell,	Stockbridge,
Cameron,	Gibson,	Morgan,	Vance,
Cockrell,	Gray,	Paddock,	Voorhees,
Cullom,	Hampton,	Palmer,	Wilson of Md.
Daniel,	Hawley,	Platt,	

The PRESIDING OFFICER. There is not a quorum voting. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Hiscock,	Sawyer,
Allison,	Davis,	Hoar,	Sherman,
Bate,	Dawes,	Kenna,	Spooner,
Berry,	Dolph,	Morgan,	Stanford,
Blackburn,	Edmunds,	Morrill,	Teller,
Blodgett,	Evarts,	Paddock,	Turpie,
Butler,	Frye,	Pasco,	Vance,
Chace,	Gibson,	Platt,	Vest,
Chandler,	Gorman,	Ransom,	Walthall,
Cockrell,	Gray,	Riddleberger,	Wilson of Iowa.
Coke,	Hale,	Sabin,	
Colquitt,	Harris,	Saulsbury,	

The PRESIDING OFFICER. There are forty-six Senators present, being a quorum. The question recurs, Will the Senate concur in the amendment made as in Committee of the Whole? on which the roll will be called.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I really am not advised as to how my colleague [Mr. HAMPTON] would vote on this amendment. He requested me to pair with him on the passage of the bill, but, in the absence of information on the subject, I withhold my vote.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. PADDOCK (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. VANCE (when his name was called). I announce that I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call was concluded.

Mr. CHACE. I am generally paired with the Senator from Maryland [Mr. WILSON], but I reserved the right to vote on this question, and therefore I vote "yea."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. I would vote "nay" if he were present.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I would vote "yea."

The result was announced—yeas 18, nays 22; as follows:

YEAS—18.

Allison,	Dolph,	Riddleberger,	Stanford,
Chace,	Evarts,	Sabin,	Teller,
Chandler,	Hale,	Sawyer,	Wilson of Iowa.
Cullom,	Hoar,	Sherman,	
Davis,	Manderson,	Spooner,	

NAYS—22.

Aldrich,	Coke,	Hearst,	Saulsbury,
Bate,	Colquitt,	Kenna,	Turpie,
Beck,	Dawes,	Morgan,	Vest,
Berry,	Gorman,	Morrill,	Walthall.
Blackburn,	Gray,	Pasco,	
Blodgett,	Harris,	Payne,	

ABSENT—36.

Blair,	Eustis,	Ingalls,	Pugh,
Bowen,	Farwell,	Jones of Arkansas,	Quay,
Brown,	Faulkner,	Jones of Nevada,	Ransom,
Butler,	Frye,	McPherson,	Reagan,
Call,	George,	Mitchell,	Stewart,
Cameron,	Gibson,	Paddock,	Stockbridge,
Cockrell,	Hampton,	Palmer,	Vance,
Daniel,	Hawley,	Platt,	Voorhees,
Edmunds,	Hiscock,	Plumb,	Wilson of Md.

So the amendment made as in Committee of the Whole was nonconcurred in.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maryland [Mr. GORMAN], which will be again read.

The CHIEF CLERK. In section 5, line 13, after the word "for," insert:

The first four years 4 per cent. per annum, and for the next four years 6 per cent. per annum, and thereafter 8 per cent. per annum.

Mr. RIDDLEBERGER. I should like to hear where that will come in.

The CHIEF CLERK. On page 14, section 5, line 13, after the word "for."

Mr. RIDDLEBERGER. That is a reasonable amendment proposed by the Senator from Maryland.

Mr. SPOONER. If it were not that the Senator having this bill in charge has commended this amendment, I intended to suggest to the Senator from Maryland that it would be fairer if the Senator would make the tax payable from the time the road is completed. Until the earning capacity of the road is tested, heavy taxation should not be imposed.

Mr. GORMAN. I followed the verbiage of the bill. I had no object whatever except to modify the rate proposed in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

Mr. GORMAN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. BUTLER (when his name was called). I am paired with my colleague [Mr. HAMPTON].

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. FRYE (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN].

Mr. HISCOCK (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES] is paired with the Senator from Oregon [Mr MITCHELL].

Mr. PADDOCK (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]; but as if he were here he would vote "yea," I shall vote "yea."

The roll-call was concluded.

Mr. BUTLER. As I presume my colleague [Mr. HAMPTON] if present would vote "yea," I vote "yea."

The result was announced—yeas 40, nays 3; as follows:

YEAS—40.

Aldrich,	Colquitt,	Hale,	Sabin,
Allison,	Cullom,	Harris,	Saulsbury,
Bate,	Davis,	Hearst,	Sherman,
Beck,	Dawes,	Kenna,	Spooner,
Berry,	Dolph,	Manderson,	Teller,
Blackburn,	Eustis,	Morgan,	Turpie,
Blodgett,	Evarts,	Morrill,	Vest,
Butler,	Gibson,	Paddock,	Voorhees,
Chandler,	Gorman,	Pasco,	Walthall,
Coke,	Gray,	Payne,	Wilson of Iowa.

NAYS—3.

Riddleberger,	Sawyer,	Stanford.

ABSENT—33.

Blair,	Farwell,	Jones of Arkansas,	Ransom,
Bowen,	Faulkner,	Jones of Nevada,	Reagan,
Brown,	Frye,	McPherson,	Stewart,
Call,	George,	Mitchell,	Stockbridge,
Cameron,	Hampton,	Palmer,	Vance,
Chace,	Hawley,	Platt,	Wilson of Md.
Cockrell,	Hiscock,	Plumb,	
Daniel,	Hoar,	Pugh,	
Edmunds,	Ingalls,	Quay,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is, Will the Senate concur in the amendment made as in Committee of the Whole, as amended?

Mr. RIDDLEBERGER. I do not understand this last amendment. I simply want to ask the Chair to state what it is or the Clerk to read it.

The PRESIDING OFFICER. The amendment as amended will be read by the Secretary.

The Chief Clerk read as follows:

And said company shall pay to the District of Columbia as taxes, for the first four years 4 per cent. per annum, and for the next four years 6 per cent. per annum, and thereafter 8 per cent. per annum of its gross earnings for the preceding year, etc.

Mr. RIDDLEBERGER. That is the only matter now for the consideration of the Senate, that one amendment?

The PRESIDING OFFICER. The question is on concurring in the amendment made in Committee of the Whole, as amended.

Mr. RIDDLEBERGER. All of them?

The PRESIDING OFFICER. Section 5, as amended.

Mr. RIDDLEBERGER. I want to object——

The PRESIDING OFFICER. The bill is in the Senate, and the question is, Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. RIDDLEBERGER. I am not objecting now in the Senate to this last amendment, the one just propounded, but the other one, the amendment changing the route down New York avenue. That one I reserved the right to object to in the Senate.

The PRESIDING OFFICER. That question has been settled by the Senate. The question now is on concurring in the amendment made as in Committee of the Whole, known as section 5, as amended.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be reported.

Mr. SHERMAN. I withdraw my proposed amendment to that amendment. The Senator from Delaware thinks it will answer his purpose, and I will not delay the Senate.

The PRESIDING OFFICER. If there be no objection, this reserved amendment will be considered as concurred in. It is concurred in.

Mr. WILSON, of Iowa. What is that amendment?

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. The amendment is to add to section 5:

Provided further, That nothing in this section shall be construed as a contract with the company as to the amount of taxes it shall be required to pay at any time hereafter, or the manner in which they shall be imposed.

The PRESIDING OFFICER. The amendment will be regarded as concurred in.

Mr. RIDDLEBERGER. I think it would be well to add the Con-

stitution of the United States to it, so as to make it perfectly understood.

The PRESIDING OFFICER. Does the Senator object to concurrence in the amendment?

Mr. RIDDLEBERGER. No, sir.

The PRESIDING OFFICER. It is concurred in. The question now is, Shall the bill be engrossed for a third reading?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPENDENT PENSION BILL.

Mr. MANDERSON. I ask that the Chair will lay before the Senate the special order for the day.

The PRESIDING OFFICER. The Chair lays before the Senate the special order, which is the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated from the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

Mr. CULLOM. I believe that the Senator from Nebraska desires to address the Senate upon this bill, and as it is now before the Senate as unfinished business and will come up at the regular time to-morrow, I move that the Senate do now adjourn.

Mr. PADDOCK. I ask the Senator to withhold his motion to give me an opportunity to submit an amendment to the deficiency bill.

The PRESIDING OFFICER. The Senator from Nebraska offers an amendment to the deficiency bill, which will be printed, and referred to the Committee on Appropriations.

Mr. CULLOM. I now insist on my motion.

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 24, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 23, 1888.

The House met at 12 o'clock m.

ELECTION OF SPEAKER PRO TEMPORE.

Mr. JOHN B. CLARK, the Clerk, called the House to order.

He said: It becomes my duty to announce to the House the enforced absence of the Speaker, on account of serious illness in his family, in which event it is the duty of the Clerk to call the House to order.

Rule I, clause 7, provides that the Speaker may substitute any member to perform the duties of the Chair, and in his absence and omission to make such appointment that the House shall proceed to elect a Speaker *pro tempore* to act in his absence. Nominations are now in order.

Mr. MILLS. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Hon. SAMUEL S. COX, a Representative from the State of New York, be, and is hereby, elected Speaker *pro tempore* during the present temporary absence of the Speaker.

The resolution was adopted unanimously; and Mr. S. S. COX took the chair, amid applause, as Speaker *pro tempore*.

Prayer by Rev. Dr. BRUSH, president of Dakota University.

NOTIFICATION OF THE SENATE.

Mr. MILLS. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to inform the Senate that the House of Representatives has appointed Hon. SAMUEL S. COX, a Representative from the State of New York, as Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was adopted.

The Journal of Tuesday's proceedings was read and approved.

REVENUE VESSEL IN SOUTHERN WATERS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the construction of a steam revenue vessel for use in Southern waters; which was referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON TERRITORY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an amended estimate from the secretary of Washington Territory of appropriation for legislative expenses of that Territory for the fiscal year ending June 30, 1889; also, transmitting an act of the Legislative Assembly fixing a time for the meeting of the Assembly; which was referred to the Committee on Appropriations, and ordered to be printed.

SURVEY OF PUBLIC LANDS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting, with inclosures, a letter from the surveyor-general of Idaho in relation to the necessity of increased appropriations for surveying the public lands; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF FACT BY COURT OF CLAIMS.

The SPEAKER *pro tempore* also laid before the House letters from the assistant clerk of the Court of Claims, transmitting copies of the findings of fact in the following cases; which were referred to the Committee on War Claims:

Case of Francoise P. Perrett;

Case of Martha L. Trigg; and

Case of Eli T. Diamond.

SENATE BILL REFERRED.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1294) for the erection of a public building at Roanoke, Roanoke County, Virginia; which was referred to the Committee on Public Buildings and Grounds.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5550) for the relief of Sarah C. Morrison.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EZRA B. TAYLOR, indefinitely, on account of important business.

To Mr. HATCH, for one week, on account of important business.

To Mr. ROWLAND, indefinitely, on account of sickness in his family.

To Mr. PERRY, for three days, on account of important private business.

To Mr. MCCLAMMY, for three days after Thursday, on account of important business.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair would state to the House that the remainder of this day is for the consideration of bills reported from the Committee on Public Buildings and Grounds. The Chair recognizes the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. I desire to present some reports from the committee.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 1551, a bill (H. R. 7595) for the erection of a public building at the city of Kalamazoo, Mich.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1551 was laid on the table.

PUBLIC BUILDING AT YONKERS, N. Y.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1676) for the erection of a public building at Yonkers, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT LOGANSPORT, IND.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 3550) for the erection of a public building at Logansport, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT PATERSON, N. J.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 1624, a bill (H. R. 7596) for the erection of a public building at Paterson, N. J.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1624 was laid on the table.

PUBLIC BUILDING AT NEW BERNE, N. C.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 4318) to provide for the erection of a public building at the city of New Berne, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT SAN FRANCISCO.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 1242, a bill (H. R. 7597) to increase the limit of cost for the purchase of a site for a building for a post-office, court-house, and other Government offices in San Francisco, Cal.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1242 was laid on the table.

PUBLIC BUILDING, ALLEGHENY, PA.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds. reported, as a substitute for the bill H. R. 1774, a bill (H. R.

7598) to provide for the construction of a public building for the accommodation of the post-office and other Government offices in the city of Allegheny, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 1774, was laid on the table.

PUBLIC BUILDING, ZANESVILLE, OHIO.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 1731) to provide for the erection of a public building in the city of Zanesville, Ohio; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, YOUNGSTOWN, OHIO.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back a bill (H. R. 6139) for the erection of a public building in the city of Youngstown, Ohio; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, WINONA, MINN.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back a bill (H. R. 3400) to increase the appropriation for the erection of a public building at Winona, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, HOULTON, ME.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with an amendment a bill (H. R. 1507) for the erection of a public building at the town of Houlton, Me.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, ATCHISON, KANS.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back a bill (H. R. 4463) to provide for the erection of a public building for the use of a post-office and Government offices at the city of Atchison, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, HAMILTON, OHIO.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 1741) for the erection of a public building at Hamilton, Ohio; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, AKRON, OHIO.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 4323) for the erection of a public building at Akron, Ohio; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, NORFOLK, VA.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported as a substitute for House bill 1902 a bill (H. R. 7599) to provide for the erection of a public building in the city of Norfolk, State of Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 1902) was laid on the table.

PUBLIC BUILDING, SIOUX CITY, IOWA.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported as a substitute for the bill H. R. 1395 a bill (H. R. 7600) for the erection of a public building at Sioux City, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 1395) was laid on the table.

PUBLIC BUILDING, MADISON, IND.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (H. R. 1342) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Madison, in the State of Indiana; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SUSPENSION BRIDGE, N. Y.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1689) providing for the erection of a public building at Suspension Bridge, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, HELENA, MONT.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported as a substitute for the bill H. R. 1961 a bill (H. R. 7601) for the erection of a public building at Helena, Mont.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 1961) was laid on the table.

PUBLIC BUILDING, CHEYENNE, WYO.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back as a substitute for the bill H. R. 4451 a bill (H. R. 7602) for the erection of a public building at Cheyenne, Wyo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 4451) was laid on the table.

PUBLIC BUILDING, VICKSBURG, MISS.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with amendments a bill (H. R. 1591) to provide a building for the use of the United States court, post-office, custom-house, and internal-revenue offices at Vicksburg, Miss.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARINE HOSPITAL, EVANSVILLE, IND.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 1321) for the erection of a marine hospital at Evansville, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, KANSAS CITY, MO.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (S. 281) for the erection of a public building at Kansas City, Mo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN P. HAGEMAN.

Mr. HITT, from the Committee on Foreign Affairs, reported back with a favorable recommendation a bill (H. R. 4691) for the relief of John P. Hageman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREE IMPORTATION OF BOOKS IN FOREIGN LANGUAGES.

Mr. GALLINGER, by unanimous consent, presented the following resolution of the Association of Colleges in New England, in favor of placing on the free-list books printed in foreign languages or by foreign governments, etc.; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

At the thirty-first annual meeting of the Association of Colleges in New England, held in Cambridge, on November 8 and 9, 1887, the following resolution was adopted:

That the association recommend the governing boards of the several colleges, and the college officers as individuals, to urge Congress to place on the free-list in the tariff—

1. Books, the principal part of which is in a language or in languages other than English.
2. Books published by foreign governments, by learned societies, by literary societies, or by the assistance of such bodies.
3. Completed volumes of periodicals.

The secretary was directed to forward copies of the resolution to the presidents of the various colleges.

FRANK BOLLES,
Secretary.

PUBLIC BUILDING AT DANBURY, CONN.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. 7603) for the erection of a public building at Danbury, Conn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BOUNDARY BETWEEN VENEZUELA AND BRITISH COLONIES.

Mr. MCADOO, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Whereas it is stated that the British Government has made claim to a considerable portion of valuable territory, now and hitherto in the possession of the Republic of Venezuela, and is, through its agents at Demerara, in British Guiana, proceeding without legal or equitable right and in defiance of the protests of Venezuela, to exercise dominion over the same, and has refused to arbitrate the question of disputed boundary; and

Whereas the United States has, by its settled policy and practice, defended the existence and independence of all American countries against European domination and control, and is particularly interested in maintaining republican government and rights in both Americas: Therefore,

Be it resolved, That the President of the United States be, and he is hereby, requested to send to the House, if not incompatible with the public interest, all documents and correspondence, if any there are, between our Government and the Governments of Great Britain and Venezuela, or either of them, relating to the question of disputed boundary between said British colonies and Venezuela.

LIGHT-HOUSE, ETC., GULL SHOAL, NORTH CAROLINA.

Mr. LATHAM, by unanimous consent, introduced a bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina; which was read a first and

second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS, PRIVATE CALENDAR.

Mr. TAULBEE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That in the order of business on the Private Calendar measures which passed the Forty-ninth Congress and failed to reach the President in time for his consideration shall have priority of consideration in Committee of the Whole and shall be taken up in their order on the Calendar.

POSTAGE ON SEEDS, PLANTS, ETC.

Mr. ENLOE, by unanimous consent, presented the following petition of the State Agricultural Wheel of Tennessee, asking reduction of postage on seeds, plants, etc.; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed in the RECORD:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, your petitioners, citizens and voters in the State of Tennessee, respectfully represent:

1. That the rate of postage on seeds, plants, bulbs, and scions is excessive. These articles are put in the fourth class of mail matter, upon which the postage is 1 cent per ounce, or 16 cents per pound.

2. The act of January 9, 1873, amended section 133 of the act of June 8, 1872, so as to authorize the transmission by mail of packages of seeds, cuttings, bulbs, and scions at 1 cent for each 2 ounces (8 cents per pound). The act of June 23, 1874, section 4, reiterates the rate of 1 cent for each 2 ounces (8 cents per pound).

3. We respectfully petition your honorable body to re-establish the old rate of postage of 1 cent for each 2 ounces (8 cents per pound) on seeds, plants, bulbs, and scions by classing them as mailable matter of the third class. This will greatly promote the dissemination of new, improved, and valuable varieties of plants among our people. It would add much to the wealth and resources of the country and to the happiness and health of our people. The increased business that would follow this reduction would, we believe, largely compensate the Government for the loss of revenue incurred, if, indeed, it did not produce a surplus.

4. If the limit of weight for packages on seeds, plants, bulbs, and scions could be increased from 4 to 8 pounds, it would further promote their dissemination.

5. We also ask that money-orders for $5 or less be issued for a fee of 3 cents, and that the postal-notes be abolished and fractional paper currency issued for use in the mails.

J. H. McDOWELL,
President State Executive Board Agricultural Wheel.

PUBLIC BUILDING AT LOWELL, MASS.

Mr. DIBBLE. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of business under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. McMILLIN in the chair) and resumed the consideration of bills reported from the Committee on Public Buildings and Grounds, the pending question being the bill (H. R. 7217) for the erection of a public building at Lowell, Mass.

The CHAIRMAN. The pending question is upon an amendment which was offered by the gentleman from Illinois [Mr. LANE], which will be read.

The Clerk read as follows:

In line 12, strike out "$200,000" and insert "$150,000."

Mr. BLAND. If I remember correctly, when this amendment was last under consideration no quorum voted, and that question is still pending.

The CHAIRMAN. The point of "no quorum" was made, as the gentleman states; but an adjournment has since occurred, and the Chair will put the question again on agreeing to the amendment.

The question having been taken,

The CHAIRMAN said: The noes seem to have it.

Mr. BLAND. I call for a division.

The question being again taken, there were—ayes 3, noes 135.

Mr. BLAND. I make the point that no quorum has voted.

Tellers were ordered; and Mr. BLAND and Mr. DIBBLE were appointed.

The committee again divided; and the tellers reported—ayes 10, noes 153.

So the amendment was not agreed to.

Mr. BLAND. I move to amend by striking out "$200,000" and inserting "$175,000."

The question being taken on the amendment of Mr. BLAND, there were—ayes 13, noes 126.

Mr. BLAND. No quorum.

The CHAIRMAN. No quorum having voted, the Chair appoints as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from South Carolina [Mr. DIBBLE].

The committee again divided; and the tellers reported—ayes 8, noes 157.

So the amendment of Mr. BLAND was not agreed to.

The CHAIRMAN. The question recurs on the motion of the gentleman from South Carolina [Mr. DIBBLE] that the bill be laid aside to be reported favorably to the House.

The question being taken, there were—ayes 130, noes 4.

Mr. BLAND. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from South Carolina [Mr. DIBBLE].

The committee again divided; and the tellers reported—ayes 160, noes 6.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, BIRMINGHAM, ALA.

The next business under the special order was the bill (H. R. 5062) for the erection of a public building at Birmingham, Ala., reported from the Committee on Public Buildings and Grounds with amendments.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts and post-office, and for other Government uses, at Birmingham, State of Alabama. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $500,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plans for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $500,000 for site and building; and the site purchased shall leave the building [unexposed to danger from fire by an open space of at least 25 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Alabama shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. DIBBLE. I move the amendments to the bill be agreed to, and the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BLAND. I ask for the reading of the report.

The report (by Mr. BANKHEAD) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 5062) for the erection of a public building at Birmingham, Ala., respectfully report that they have had the bill under consideration, and report a substitute for the original bill, and recommend its passage.

Birmingham is in the midst of the iron and coal district of Alabama, and near the center of the State. Within fifteen years of its first settlement it has grown into a city of 40,000 inhabitants. Its population has quite doubled within two years, and there are no indications of any abatement in this marvelous growth.

Four great trunk lines of railroad connect it with every part of the country. Other important roads—the Columbus and Western, the Mobile and Birmingham, and the Sheffield and Birmingham are in course of construction, with only inconsiderable gaps to be filled. Other roads are projected. It has 75 miles of city and surburban and street railways in operation, and others are to be built to promote speedier intercourse between the different parts of the city. It has 5 national banks, with an aggregate capital of $1,550,000, and deposits amounting to $2,260,496, and 2 savings banks, with a capital of $700,000. It has now in operation 11 blast-furnaces, with a daily capacity of 1,000 tons of pig-iron; and 10 other furnaces, 4 of which will be among the largest in the world, are in process of construction, and in a few months will be in operation. These 21 will have a capacity of 2,500 tons a day, or of about 900,000 tons a year, worth, at $15 a ton, $13,500,000. More than $50,000,000 of capital is invested in railways, manufacturing, mining, and other industrial enterprises. There was built within its limits last year $4,500,000 worth of houses, and the transactions in real estate for the same period amounted to $10,000,000. In the month of October alone it received and sent out by three of its railroads 10,000 car-loads of freight. Property in the city was assessed for taxation in 1881 at $3,000,000, and in 1887, for same purpose, at $33,000,000, which is probably one-third of its real value. The county of Jefferson is now building in it a court-house that is to cost $250,000, the one built a few years ago, at a cost of $50,000, being found entirely insufficient. It has 3 daily and 10 weekly newspapers, 2 gas companies, and 2 electric-light companies; water-works that cost $1,000,000, and a complete system of sewerage. It built 9 churches last year, 4 of which are colored. It has 7 public-school buildings, 3 of which are colored. The net revenue of the Birmingham post-office for the year ending June 30, 1887, was $32,087.97, and this business increased about 50 per cent. for the quarter ending September 30, 1887, and the estimated net receipts for the year ending June 30, 1888, is $50,000. This net revenue is equaled by that of no other post-office in Alabama. There are only fifty-seven post-offices in the United States with as large a net revenue, and in fifteen States and Territories there is not one. This great business is conducted in a building rented at a cost of $2,700 a year, of which, however, the citizens pay $900, leaving the rent charged to the Government $1,800 a year. A suitable building can not be had at the rental the Government is willing to pay, and the business men of the city are compelled to bear a portion of the charge necessary to secure a proper handling of their mail.

The United States circuit and districts courts are held on the third floor of a building which is entirely unsuited and unfit for such use.

The business of the courts is becoming so great, the need of better postal facilities are so urgent, and the want of a suitable building for court-rooms and post-office is so manifest that your committee have felt it a duty to recommend the erection of a structure adapted to these Government uses.

We therefore recommend the passage of the bill with the following amendments:

1. After the word "purchase," in line 4, section 1, insert "acquire by condemnation."

2. Strike out the words "five hundred thousand" where they occur in the bill and insert "three hundred thousand."

3. Strike out the words "twenty-five" in line 23 and insert "forty."

Mr. BLAND. It seems, Mr. Chairman, that this is a case different from the others, in that terms of the United States courts are held in Birmingham, Ala. But I wish again to call the attention of the country to the growth of United States courts and their extension all over the country, and to the eagerness with which these extensions are made, and to a great extent in order to have public buildings erected wherever they are extended.

While I stated in the outset perhaps there would be no objection in many places, and most places where United States courts are held, to have erected public buildings for their accommodation, yet, sir, there

would be a growing reduction in the expenditures of public money for the erection of public buildings for United States courts if the aim were not for the last twenty years to extend the jurisdiction of United States courts in order to make an excuse for public buildings to be erected throughout the various districts and in a greater degree than is necessary for the accommodation of litigants.

On the subject of Federal courts I desire to send to the Clerk's desk and have read the warnings of the father of the Democratic party in our early history.

The Clerk read as follows:

Mr. Jefferson wrote to Judge Roan, March 9, 1821:

"The great object of my fear is the Federal judiciary. That body, like gravity, ever acting, with noiseless foot and unalarming advance, gaining ground step by step, and holding what it gains, is ingulfing insidiously the special governments into the jaws of that which feeds them. The recent recall to first principles, however, by Colonel Taylor, by yourself, and now by Alexander Smith, will, I hope, be heard and obeyed, and that a temporary check will be effected. Yet be not weary of well-doing. Let the eye of vigilance never be closed."—*Jefferson's Works*, volume 7, page 221.

On November 21, 1821, he wrote Nathaniel Macon:

"Our Government is now taking so steady a course as to show by what road it will pass to destruction, to wit, by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the Federal judiciary; the two other branches the corrupting and corrupted instruments."

He wrote to Mr. Nicholas on the 11th of December, 1821, as follows:

"I fear, dear sir, we are now in such another crisis, with this difference only, that the judiciary branch is alone and single-handed in the present assaults on the Constitution. But its assaults are more sure and deadly as from an agent seemingly passive and unassuming. May you and your contemporaries meet them with the same determination and effect as your father and his did the alien and sedition laws, and preserve inviolate a constitution which, cherished in all its chastity and purity, will prove in the end a blessing to all the nations of the earth."

Still later, on the 25th of March, 1825, after (to use Mr. Jefferson's own language) "chilling winters had rolled over *his* head and whitened every hair on it," he wrote to Mr. Edward Livingston·

"One single object, if your provision attains it, will entitle you to the endless gratitude of society—that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government. * * * They are practicing on the Constitution by inferences, analogies, and sophisms as they would on an ordinary law.

"They do not seem aware that it is not even a constitution formed by a single authority and subject to a single superintendence and control, but that it is a compact of many independent powers, every single one of which claims an equal right to understand it and to require its observance. * * * This member of the Government was at first considered as the most harmless and helpless of all its organs. But it has proved that the power of declaring what the law is, *ad libitum*, by sapping and mining slyly and without alarm the foundations of the Constitution, can do what open force would not dare to attempt."

Mr. BLAND. How much of my time have I left?

The CHAIRMAN. The gentleman has five minutes of his time remaining.

Mr. BLAND. Mr. Chairman, how well the warnings of Jefferson have been verified when we see States in this Union to-day sending questions to the United States courts concerning only acts of State Legislatures or the construction of those laws—questions which belong to the supreme court of a State; when we see States place State acts in which no Congressional legislation or constitutional provision is involved in the Federal courts, whereby the Federal judiciary have overturned the construction of the State supreme courts as to the interpretation of their own laws as to the issue of bonds for the construction of railroads and other organizations. Why, sir, to-day men are languishing in jails under order of the Federal judiciary, who could be brought to justice in State courts in the neighborhood of where the litigation originates; but Congress has transferred the litigation to the Federal judiciary, so that a poor man is dragged into the Federal courts for the purpose of litigating sums not exceeding $100 in many instances, and except in so far as the law was amended in the last Congress.

To be brief, Mr. Chairman, we know that the Federal judiciary has been extended to questions affecting the rights and liberties of the people at the ballot-box, that the Federal judiciary has taken hold of the proceedings of the State, that Federal marshals have been placed at the polling places in every neighborhood, to control the elections of the country in the interest of the jurisdiction of the Federal courts and corporations. Hence I say, sir, Mr. Jefferson was perfectly just in the apprehensions which he expressed in reference to the encroachment of the Federal judiciary against the courts and interests of the several States. And hence it is that I am opposed to erecting Federal buildings except where the Federal judiciary is located, and I am in favor of confining the location of these public buildings to those places only. I am opposed to establishing United States courts at places merely for the purpose of preparing the way for the building of court-houses by an appropriation from the United States Treasury. I am opposed to Congress granting these requests for courts to be held merely to furnish an excuse to ask Congress to erect a new building in those localities.

Why, sir, we passed a bill which was vetoed by the President at the last Congress, because no court was held at Springfield, Mo.

Mr. STEELE rose.

Mr. BLAND. I suppose to make a necessity for a public building at that place such a bill has been passed, extending the jurisdiction of Federal courts in the State of Missouri, or rather dividing that State into various districts, making five in number, one being established at Springfield in order to supply the necessity for a public building at that place. So it is that whenever it is desired to have more Federal courts, and a further extension of the system, the plan is first to come here and ask for a public building, and if you grant the appropriation you have simply paved the way for another Federal court, and as a consequence the extension of the system. Thus, year by year, the growth continues and the system is extended.

[Here the hammer fell.]

Mr. DIBBLE. I now yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I would be perfectly willing to be governed in this case by the rule laid down by the distinguished gentleman from Indiana [Mr. HOLMAN], that is, to accept an amount for the erection of this building in Birmingham proportionate to the amount expended there for the erection of a public building by the county of Jefferson. But, sir, let me call your attention for a few moments to some facts in connection with this question. The history of Birmingham, from the organization of that city up to the present time, shows that she has never built anything that is at all equal to the present pressing demand. The recent census of Birmingham shows a population of 45,000 people, a phenomenal growth in the last few years. The postal receipts for the year 1887 were $50,000, while the United States courts there, sir, are being held in the garret of a store-house. The business of the post-office is being conducted on the streets; and if this great Government of ours, Mr. Chairman, is not willing, or if it is not able, to erect a public building in the city of Birmingham equal to the demands of that town, then we do not ask or expect you to make the appropriation.

Mr. Chairman, I wish to state very candidly to this House that the people whom I have the honor to represent would greatly prefer that no appropriation at all should be made for a public building there if you are not able to appropriate sufficient to erect one equal to the demands of the locality. If this House is not willing to appropriate $300,000 for the erection of a United States court-house, post-office, and internal-revenue offices at Birmingham, why, then, I repeat, we do not ask or expect it.

The county of Jefferson is now building, at a contract cost of $250,000, a court-house, to say nothing of what the city is doing, and no suitable site can be purchased in the city upon which to put such a building as this for less than $100,000.

There is no economy, there is no business sense, in a proposition to appropriate less than is suited to the necessities and demands of the public service there.

I can see well why my distinguished friend from Missouri [Mr. BLAND] can come before this House and say that he is satisfied with an appropriation of $140,000 for the erection of a public building in his town, because from all I can gather, sir, it is nothing more than a wide, wide place in the road somewhere out there in Missouri. [Great laughter.]

Mr. BLAND. Let me tell the gentleman——

Mr. BANKHEAD. No, sir; I decline to yield. And further, I suppose that expenditure out there may be accounted for by the fact that the laboring men who did the work were paid in silver dollars worth 70 cents on the dollar. [Laughter.]

Now, then, I repeat, if this House is not willing to give Birmingham $300,000 for the erection of a public building; if they are of the opinion that the Government of the United States is too poor to do it, then we do not ask it; and, as I stated just now, if such be the wish of Congress, we are willing that the courts that dispense justice in behalf of this great Government in Birmingham shall still continue to hold their sessions in the attic of a three-story store-house, and we will continue to carry on the postal business, which pays the Government $50,000 in revenue, upon the streets, as we have been doing for the past year.

[Here the hammer fell.]

Mr. DIBBLE. I move to lay the bill aside with a favorable recommendation.

The CHAIRMAN. The question is first upon the amendments of the committee.

Mr. BANKHEAD. Mr. Chairman, this bill, let me state, was introduced originally for $500,000, but after consultation with the committee we agreed that $300,000 should be the limit. Now, I asserted before the committee, and I assert here again, that not less than $100,000 will be required to purchase a suitable site in Birmingham.

The CHAIRMAN. The Clerk will report the first amendment proposed by the committee.

The Clerk read as follows:

Amend, in the twelfth line of the first section of the bill, by striking out "$500,000" and inserting "$300,000."

Mr. BLAND. I move to amend the amendment by making the amount "$200,000."

Mr. WEAVER. I rise to state to the gentleman from Alabama that if he desires the bill, to construct a Federal court-house in his town, passed, he had better withdraw his attack upon the silver dollar. [Laughter and applause.]

Mr. BANKHEAD. We are willing to take every dollar of the money in silver dollars. [Renewed laughter.]

Mr. WEAVER. Then, I understand, he admits that the appropriation asked for is about 30 per cent. greater than it ought to be?

Mr. BANKHEAD. We have already consented to cut down the appropriation two-fifths. The bill was originally proposed for $500,000. We are content to take now $300,000.

The question was taken on Mr. BLAND's amendment to the amendment, and the Chairman stated that the "noes" seemed to have it.

Mr. BLAND. I call for a division.

The committee divided; and there were—ayes 16, noes 150.

So the amendment to the amendment was not agreed to.

The CHAIRMAN. The question recurs on the amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment recommended by the committee.

The Clerk read as follows:

In line 24 strike out "twenty-five" and insert "forty;" so that it will read "an open space of at least forty feet, etc."

The amendment was agreed to.

The Clerk read the next amendment recommended by the committee, as follows:

In line 22 strike out "five" and insert "three," making it read "the said sum of $300,000 for site and building."

The amendment was agreed to.

The Clerk read the following amendment recommended by the committee:

In line 4, after the word "purchase," insert "acquire by condemnation."

The amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. BLAND. I move to amend by striking out "$300,000" and inserting "$250,000."

The CHAIRMAN. That amendment is not in order, the amendment of the committee having been inserted in the bill.

Mr. BLAND. Is it not in order to move to amend an amendment?

The CHAIRMAN. The time to have amended that amendment of the committee was when it was pending and under discussion.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GOVERNMENT BUILDING AT COUNCIL BLUFFS, IOWA.

The next business on the Calendar, reported by the Committee on Public Buildings and Grounds, was the bill (H. R. 1394) authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of Government offices in Council Bluffs, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he hereby is, authorized to purchase, for the United States, the 30 feet of ground lying immediately west of the ground now owned by the United States in the city of Council Bluffs, State of Iowa, on which a United States public building is now in process of erection, said 30 feet of ground to extend from Broadway street in said city to the first alley south of said Broadway street: *Provided*, That the said Secretary of the Treasury shall deem said 30 feet of ground necessary for the proper protection of the said public building and the property of the United States: *And provided further*, That said 30 feet of ground can be purchased at a sum not to exceed $10,000.

Mr. BLAND. I would like to have some explanation of this.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. NEWTON) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1394) authorizing the Secretary of the Treasury to purchase additional grounds for the accommodation of Government offices in Council Bluffs, Iowa, have had the same under consideration, and submit the following report thereon:

There is now in process of erection by the Government in said city, the same being nearly completed, a fine post-office and court building. The grounds on which said building is situated are inadequate for its proper accommodation and safety. Adjacent thereto and adjoining said grounds on the west are 30 feet of vacant ground, which can now be purchased at a reasonable rate, and which is rapidly increasing in value.

The committee is of opinion that said 30 feet of ground is required for the proper accommodation and safety of the said Government building, and they recommend the passage of the bill.

Mr. BLAND. I do not understand from the report what the dimensions of this building are, what the original cost was, or what particular necessity there is for the purchase of this additional piece of ground.

Mr. DIBBLE. I yield three minutes to the gentleman from Iowa [Mr. LYMAN].

Mr. LYMAN. I did not distinctly catch the objection made by the gentleman from Missouri [Mr. BLAND]. But I will say this is an act authorizing the Secretary of the Treasury, if in his discretion it shall be found necessary, to purchase 30 additional feet on the west side of the ground now owned by the Government of the United States in Council Bluffs. For some reason, I do not know what, at the time the ground was originally purchased the usual 40 feet adjacent to the building on the west were not provided for. The building is now erected and about ready for the inside finishing.

The Supervising Architect of the Treasury at the last Congress recommended that this ground be purchased. A bill for that purpose was introduced, and my recollection is that it passed the House, but did not pass the Senate. The ground can now be purchased at less rates than it can be hereafter. It is certainly needed for the proper protection of the Government property at Council Bluffs from fire.

I do not know that I need say any more as to this, except that the ground is needed and that the Government officers have recommended it.

Mr. WHITE, of New York. And the discretion still rests with the Secretary of the Treasury not to buy the ground if he does not need it?

Mr. LYMAN. Certainly.

Mr. DUNHAM. Are you putting up a fire-proof building there?

Mr. LYMAN. As I have said, the building is almost completed, and it has been built in accordance with the plans of the architects.

Mr. BLAND. What amount of ground was originally purchased?

Mr. LYMAN. One hundred and ninety feet one way, and I think two lots and a half the other way, which I think would be 125 feet, if I am correct in that statement, but I am not quite sure.

Mr. FARQUHAR. How nearly does the property now in the hands of the Government conform to the usual 40 feet?

Mr. LYMAN. The distance from the west side of the building to the west side of the property is 15 feet.

Mr. FARQUHAR. The Government has to take care of its own property under the forty-feet rule.

Mr. BLAND. I presume the difficulty arose from the Supervising Architect erecting a larger building than was originally intended. It is usually the case that you start with $200,000 and reach a million before you end.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING IN DULUTH, MINN.

The next bill on the Calendar, reported by the Committee on Public Buildings and Grounds, was the bill (H. R. 7218) for the erection of a public building in the city of Duluth, State of Minnesota.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts, the United States custom-house, post-office, land office, signal office, and other Government offices held and located, or to be held and located, in said city. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Minnesota shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The report (by Mr. NEWTON) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1583) to provide for the erection of a public building at the city of Duluth, in the State of Minnesota, beg leave to report as follows:

Duluth is now a city of over 30,000 inhabitants, and is in an active, aggressive, and rapid state of growth.

The following United States offices are located here, paying rents as follows: Post-office, $1,400 a year, with accommodations totally inadequate, although enlargement was made during the past year to accommodate the office at a cost of $2,500 to $3,000, all of which was paid by private subscription. The figures of the office will speak for themselves as to the growth of business and the demand for greater accommodations.

Next the custom-house, up in the fourth story of a building, pays a rent of $600 per year, besides accommodating the steam-boat inspectors.

The land office occupies rooms assessed at $672 a year, but the amount is assessed on the other occupants of the same building, thus putting the Government in the position of receiving gratuities where she should furnish conveniences of her own.

The signal office occupies rooms in the Metropolitan block at $300 a year. The harbor engineers are allowed but $400 a year for meager accommodations. The steam-boat inspectors would be required to pay $250 a year but for the accommodating disposition of the collector, who needs all the room he now has and more too.

The outcome of the whole matter is that the Government is occupying space here at a cost of $3,622 annually, and in every instance the officials need more and better accommodations. These offices are now scattered about in five different places, quite widely separated, making it extremely inconvenient for those who have business to transact with them.

The Duluth post-office occupies a floor space of 50 by 60 feet, or in all 3,000 square feet. Eight clerks, 10 letter-carriers, 3 substitute carriers, and 1 special-delivery carrier are employed in the office. The following statement shows the gross and net income of the office for the years 1886 and 1887:

Total receipts:	
1886	$27,497.27
1887	39,254.79
Net income (profit to the Department)	23,676.97
Collector's office, Duluth—Arrivals and clearances of vessels, 1887:	
Number	2,473
Tonnage	2,021,789
Value of domestic exports from Duluth, 1887	$3,888,138.00
Value of merchandise entered for warehousing	11,317.00
Duty on same	3,784.67
Value of free goods	128,658.00
Value of dutiable goods	20,357.00
Amount duties collected	5,386.74

The transactions of the United States land office at Duluth for the year 1887 were as follows:

Total entries	2,839
Total acreage	406,238.16
Total cash	$311,500.34

Banks and banking.

Year.	Capital.	Surplus.	Deposits.	Loans.
1887	$1,447,937	$361,147	$3,443,352	$3,941,272
1886	600,000	218,730	2,034,281	2,471,565
Increase in 1887	847,937	142,417	1,409,071	1,469,707

The growth of the commercial and shipping interests of Duluth has so increased the admiralty and other Federal law business as to urgently call for the holding of Federal terms of court at this point.

A bill for the establishment of Federal courts at Duluth has passed the House of the present Congress, and will, in all probability, become a law.

The committee is of opinion that a bill should pass for the erection of a public building in the city of Duluth, for the purposes expressed in H. R. 1583, but that the limit of the cost of said building should not exceed $150,000.

The committee, therefore, report the accompanying substitute for H. R. 1583, and recommend its passage.

Mr. BLAND. I hardly think the gentleman from Alabama [Mr. BANKHEAD] in whose district Birmingham is situated was very happy in his criticisms of the silver dollar and the laboring people of this country. Thousands of them have been thrown out of employment because they are unable to get the silver dollar.

Mr. DIBBLE. Do I understand the gentleman from Missouri is speaking in favor of the bill?

Mr. BLAND. I am speaking in my own time and in my own way. I propose to address myself to this bill and to all other bills of like character.

Mr. DIBBLE. But, Mr. Chairman, there is fifteen minutes time allowed in support of the bill, and fifteen minutes time in opposition to it. I judge from the gentleman's remarks that he is supporting the bill.

Mr. BLAND. I am opposed to the bill.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina [Mr. DIBBLE] to control the time in favor of the bill.

Mr. BLAND. I say, Mr. Chairman, that the gentleman from Alabama [Mr. BANKHEAD] was unhappy in making that expression, or at least the expression itself was unhappy, and I think it will make him so before he hears the last of it.

Mr. BANKHEAD. I desire to say to my friend from Missouri that I am exceedingly happy just now.

Mr. BLAND. The gentleman may not be so happy, Mr. Chairman, before he is done with the laboring people of this country on that question. [Cries of "Oh!" "Oh!"] We all remember, Mr. Chairman, that when that question was before the last Congress, every lodge of Knights of Labor throughout this country sent petitions here demanding the free coinage of silver and opposing its suspension, and I commend the gentleman to his constitnents, the workingmen of Birmingham, Ala., as to that question.

Mr. BROWNE, of Indiana. Were not those petitions for the free coinage of the silver dollar sent here at the instance of the present Administration?

Mr. BLAND. The present Administration has coined more silver the past year than any other in the same time. While I do not indorse all that they have said and done on that question, I say that they have coined more silver and put more silver in circulation than any other Administration in the same length of time.

The gentleman from Alabama [Mr. BANKHEAD] referred to a public building which he said was in my town. He was unhappy in that statement, also. There is no public building in the town in which I reside. There is a public building at Jefferson City, the capital of the great State of Missouri, which is in the district that I have the honor to represent. United States courts, both district and circuit, are held there, and the cost of that building is only $146,000, all told, including an appropriation of $46,000 in addition to the original amount. And why, sir, should there be $300,000 appropriated for a public building in Birmingham, when only $146,000 was given for a public building in the capital of one of the greatest States of the American Union?

But, Mr. Chairman, to this bill. It simply illustrates what I said a while ago, that these public buildings are not following after the creation of the courts, but we are actually erecting public buildings in anticipation of the establishment of courts; we are now proposing to pass a bill to create and establish courts at Duluth, and I suppose that of the public-building bills pending or introduced nearly all are for places in which it is expected that United States courts will be established. How many such bills are there, sir, and what amount of money do they carry?

Mr. WILKINS. Will it interrupt the gentleman if I ask him a question?

Mr. BLAND. I can not yield at this point. Mr. Chairman, there are one hundred and thirty-nine such bills already introduced in the House and the Senate, covering an expenditure of nearly $25,000,000.

Mr. TIMOTHY J. CAMPBELL. Won't that distribute the surplus?

A MEMBER. Is not that moderate?

Mr. BLAND. The gentleman asks, "Is not that moderate?" Oh, yes; and so is the Blair educational bill moderate! The proposition is to take the surplus from the Treasury by means of these schemes, the Blair educational bill and these public-building bills. Only about a week ago I was called out into the lobby to see a gentleman who was very particular about the protective policy and a certain industry which he did not want destroyed. When I spoke to him of the excessive taxation borne by the people of this country and the overflowing Treasury, he said, "Turn the money out of the Treasury for the erection of public buildings. Give the people employment!"

Mr. SOWDEN. A very sensible suggestion.

Mr. BLAND. While the Democratic party, by its President and its platforms and all its declarations of principles, favors an economical administration of the Government and the expenditure of the public money only where it is necessary, here in this Democratic House we are passing bill after bill to take the public money from the Treasury and squander it upon measures which the people condemn. It is time to call a halt. If we want to reduce taxation, let this Blair bill, these public-building bills, these dependent-pension schemes, and all other schemes for corrupting the public mind and squandering the public money be suppressed. It is about time for the Democratic party in this House to set its foot upon these schemes, and standing here to assert the true principles of Democracy and to defend the interests of the people of this country who, under the protective system, are taxed as heavily—the poor man with his family—as Jay Gould and the Vanderbilts with their hundreds of millions. I shall do all I can to defeat them. To that end, Mr. Chairman, I will have printed as a part of my remarks a list of these bills, taken from the New York Times, for the erection of public buildings, showing the number of bills, the location, and the amounts proposed to be appropriated, in order that the House may understand these schemes.

Mr. STEELE. We will understand them when the bills are called up.

The list submitted by Mr. BLAND is as follows:

List of bills pending for the erection of public buildings, showing locations and amounts.

One hundred and twenty-three members ask for one hundred and forty-nine new buildings, as follows:

Akron, Ohio	$100,000	Jackson, Tenn	$1,000
Albuquerque, N. Mex	100,000	Jeffersonville, Ind	25,000
Alexandria, La	100,000	Jersey City, N. J	
Allegheny, Pa	200,000	Kalamazoo, Mich	100,000
Allentown, Pa	100,000	Kansas City, Kans	100,000
Altoona, Pa	150,000	Kansas City, Mo	1,000,000
Annapolis, Md	50,000	Keene, N. H	100,000
Atchison, Kans	100,000	Lancaster, Pa	125,000
Atlanta, Ga	75,000	Lansing, Mich	100,000
Atlantic City, N. J	100,000	Lima, Ohio	50,000
Asheville, N. C	100,000	Logansport, Ind	75,000
Baltimore, Md	650,000	Los Angeles, Cal	178,500
Bar Harbor, Me	50,000	Louisville, Ky	10,000
Bay City, Mich	250,000	Lowell, Mass	250,000
Baton Rouge, La	100,000	Lynn, Mass	100,000
Beatrice, Nebr	40,000	Madison, Ind	75,000
Birmingham, Ala	500,000	Malone, N. Y	20,000
Boston, Mass	250,000	Manchester, N. H	46,000
Bridgeport, Conn	200,000	Manchester, Va	50,000
Bridgeton, N. J	50,000	Manistee, Mich	50,000
Bay City, Mich	250,000	Maysville, Ky	50,000
Baton Rouge, La	100,000	Milwaukee, Wis	1,200,000
Beatrice, Nebr	40,000	Moberly, Mo	75,000
Birmingham, Ala	500,000	Monroe, La	100,000
Boston, Mass	250,000	Morristown, Tenn	20,000
Bridgeport, Conn	200,000	Muskegon, Mich	100,000
Bridgeton, N. J	50,000	Nashua, N. H	100,000
Brownsville, Tex	60,000	Newark, N. J	250,000
Bristol, Tenn	20,000	New Berne, N. C	100,000
Brunswick, Ga	100,000	New London, Conn	150,000
Charleston, S. C	400,000	New Orleans, La	1,500,000
Charleston, W. Va	52,000	Newport News, Va	100,000
Charlotte, N. C	200,000	Newport, Vt	50,000
Chattanooga, Tenn	300,000	New York, N. Y	1,500,000
Chester, Pa	75,000	New York, N. Y	250,000
Cheyenne, Wyo	80,000	Norfolk, Va	250,000
Chicago, Ill	200,000	Oakland, Cal	250,000
Columbus, Ga	150,000	Olney, Ill	75,000
Dallas, Tex	12,000	Omaha, Nebr	1,500,000
Defiance, Ohio	25,000	Onancock, Va	25,000
Denver, Colo	1,000,000	Oneonta, N. Y	75,000
Dover, N. H	100,000	Palestine, Tex	75,000
Duluth, Minn	300,000	Paterson, N. J	100,000
East St. Louis, Ill	40,000	Pensacola, Fla	50,000
Elmira, N. Y	150,000	Piqua, Ohio	60,000
Eureka, Cal	60,000	Plattsmouth, Nebr	40,000
Evansville, Ind	100,000	Point Pleasant, W. Va	75,000
Fayetteville, N. C	75,000	Portland, Oregon	500,000
Findlay, Ohio	30,000	Portsmouth, Ohio	60,000
Fond du Lac, Wis	50,000	Pueblo, Colo	200,000
Fort Dodge, Iowa	100,000	Racine, Wis	100,000
Fortress Monroe, Va	10,000	Roanoke, Va	100,000
Fort Worth, Tex	130,000	Sacramento, Cal	150,000
Fredericksburgh, Va	50,000	Saginaw, Mich	200,000
Fremont, Nebr	100,000	St. Albans, Vt	75,000
Gallipolis, Ohio	25,000	St. Paul, Minn	
Garden City, Kans	100,000	Salem, Oregon	100,000
Grand Haven, Mich	100,000	San Diego, Cal	150,000
Grand Island, Nebr	100,000	San Francisco, Cal	850,000
Greenville, S. C	100,000	San Francisco, Cal	400,000
Hamilton, Ohio	100,000	Schenectady, N. Y	75,000
Helena, Ark	80,000	Sedalia, Mo	75,000
Helena, Mont	100,000	Sioux City, Iowa	300,000
Hoboken, N. J	100,000	Sioux Falls, Dak	100,000
Hot Springs, Ark	50,000		
Houlton, Me	50,000		
Hudson, N. Y	100,000		
Huntington, W. Va	100,000		
Hutchinson, Kans	100,000		
Indianapolis, Ind	125,000		
Jackson, Mich	100,000		

List of bills pending for the erection of public buildings, etc.—Continued.

Springfield, Mo	$100,000	Washington, D. C	$800,000
Statesville, N. C	150,000	Watertown, N. Y	120,000
Staunton, Va	75,000	Wichita, Kans	100,000
Stillwater, Minn	100,000	Wilkes Barre, Pa	150,000
Stockton, Cal	85,000	Winfield, Kans	50,000
Suspension Bridge, N. Y	150,000	Winona, Minn	200,000
Tallahassee, Fla	75,000	Yonkers, N. Y	100,000
Texarkana, Ark	100,000	York, Pa	150,000
Texarkana, Tex	50,000	Youngstown, Ohio	150,000
Tiffin, Ohio	30,000	Zanesville, Ohio	150,000
Vicksburg, Miss	125,000		
Vincennes, Ind	75,000	Total	24,994,500

The table below gives the number of buildings proposed for each State, with the total prices for the States:

States.	Number of buildings proposed.	Estimated cost of new buildings.
Alabama	1	$500,000
Arkansas	2	230,000
California	8	2,123,500
Colorado	2	1,200,000
Connecticut	2	350,000
Florida	2	125,000
Georgia	3	325,000
Illinois	3	315,000
Indiana	6	475,000
Iowa	2	400,000
Kansas	6	550,000
Kentucky	2	60,000
Louisiana	4	1,800,000
Maine	2	100,000
Maryland	2	700,000
Massachusetts	3	600,000
Michigan	8	1,010,000
Minnesota*	4	600,000
Mississippi	1	125,000
Missouri	4	1,250,000
Nebraska	5	1,780,000
New Hampshire	4	346,000
New Jersey*	6	600,000
New York	10	2,665,000
North Carolina	5	625,000
Ohio	11	780,000
Oregon	2	600,000
Pennsylvania	7	950,000
South Carolina	2	500,000
Tennessee	4	341,000
Texas	5	327,000
Vermont	2	125,000
Virginia	8	660,000
West Virginia	3	227,000
Wisconsin	3	1,350,000
Dakota	1	100,000
Montana	1	100,000
New Mexico	1	100,000
Wyoming	1	80,000
District of Columbia	1	800,000
Total	149	24,994,500

*The estimates for the public buildings at St. Paul, Minn., and Jersey City, N. J., are not furnished. The Senate bill for St. Paul calls for $1,200,000, and the Jersey City building may be put at $250,000 to $500,000.

A prominent Eastern Republican, whose attention was directed to the fact that the Fiftieth Congress was preparing to make an extraordinary record for the passage of public-building bills, answered that it would be found that most of them were for Southern cities. Well, look at the following analysis and see if that is true. Take the Eastern States first:

States.	Proposed buildings.	Total cost.
Connecticut	2	$350,000
Maine	2	100,000
Massachusetts	3	600,000
New Hampshire	4	346,000
Vermont	2	125,000
Total	13	1,521,000

The Middle States expect to draw more and richer prizes. Their share is as follows:

States.	Proposed buildings.	Total cost.
New Jersey	6	$600,000
New York	10	2,665,000
Pennsylvania	7	950,000
Total	23	3,315,000

The West cries for the lion's share of the plunder, and asks for these appropriations:

States.	Proposed buildings.	Total cost.
California	8	$2,123,500
Colorado	2	1,200,000
Illinois	3	315,000
Indiana	6	475,000
Iowa	2	400,000
Kansas	6	550,000
Michigan	8	1,010,000
Minnesota	4	600,000
Nebraska	5	1,780,000
Ohio	11	780,000
Oregon	2	600,000
Wisconsin	3	1,350,000
Total	60	11,183,500

This is the share of the South:

States.	Proposed buildings.	Total cost.
Alabama	1	$500,000
Arkansas	2	230,000
Florida	2	125,000
Georgia	3	325,000
Kentucky	2	60,000
Louisiana	4	1,800,000
Maryland	2	700,000
Mississippi	1	125,000
Missouri	4	1,250,000
North Carolina	5	625,000
South Carolina	2	500,000
Tennessee	4	341,000
Texas	5	327,000
Virginia	8	660,000
West Virginia	3	227,000
Total	48	7,795,000

The Territories and the District of Columbia come in for a small share:

Territories, etc.	Proposed buildings.	Total cost.
Dakota	1	$100,000
District of Columbia	1	800,000
Montana	1	100,000
New Mexico	1	100,000
Wyoming	1	80,000
Total	5	1,180,000

SUMMARY.

Divisions.	Buildings.	Total cost.
Eastern States	13	$1,521,000
Middle States	23	3,315,000
Western States	60	11,183,500
Southern States	48	7,795,000
Territories	5	1,180,000
Total	149	24,994,500

Does any one doubt, after reading this chapter, that a large surplus in the Treasury is demoralizing to legislators, or that the Fiftieth Congress is more anxious to spend money than it is to reduce taxes?

E. G. D.

Mr. KERR. Will the gentleman from Missouri [Mr. BLAND] yield for a question?

Mr. BLAND. I reserve the balance of my time.

Mr. DIBBLE. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BLAND. I move to strike out "$150,000" and insert "$100,000."

The CHAIRMAN. The amendment of the gentleman from Missouri [Mr. BLAND] will be read.

The Clerk read as follows:

In the thirteenth and fourteenth lines strike out "$150,000" and insert "$100,000."

Mr. SHIVELY. I wish to trespass briefly on the time of the Committee of the Whole for the purpose of having read as part of my remarks the extract which I send to the desk.

Mr. DIBBLE. How long a time will be consumed by reading this extract?

Mr. SHIVELY. Only a few minutes. I am in favor of the gentleman's bill.

Mr. DIBBLE. I understand that; but our time is limited. I yield one minute to the gentleman for the purpose of having this extract read.

The Clerk proceeded to read the following from the speech of Hon. J. Proctor Knott in the House of Representatives January 27, 1871:

I accidentally overheard some gentleman the other day mention the name of Duluth. [Great laughter.] Duluth! The word fell upon my ear with peculiar and indescribable charm, like the gentle murmur of a low fountain stealing forth in the midst of roses, or the soft, sweet accents of an angel's whisper in the bright, joyous dream of sleeping innocence. Duluth! 'Twas the name for which my soul had panted for years, as the hart panteth for the water-brooks. [Renewed laughter.] But where was Duluth? Never, in all my limited reading, had my vision been gladdened by seeing the celestial word in print. [Laughter.] And I felt a profounder humiliation in my ignorance that its dulcet syllables had never before ravished my delighted ear. [Roars of laughter.] I was certain the draughtsman of this bill had never heard of it, or it would have been designated as one of the termini of this road. I asked my friends about it, but they knew nothing of it. I rushed to the library and examined all the maps I could find. [Laughter.] I discovered in one of them a delicate, hair-like line diverging from the Mississippi near a place marked Prescott, which I suppose was intended to represent the river St. Croix; but I could nowhere find Duluth.

Nevertheless I was confident it existed somewhere, and that its discovery would constitute the crowning glory of the present century, if not of all modern times. [Laughter.] I knew it was bound to exist in the very nature of things; that the symmetry and perfection of our planetary system would be incomplete without it [renewed laughter]; that the elements of material nature would long since have resolved themselves back into original chaos if there had been such a hiatus in creation as would have resulted in leaving out Duluth. [Roars of laughter.] In fact, sir, I was overwhelmed with the conviction that Duluth not only existed somewhere, but that wherever it was it was a great and glorious place. I was convinced that the greatest calamity that ever befell the benighted nations of the ancient world was in their having passed away without a knowledge of the actual existence of Duluth; that their fabled Atlantis, never seen save by the hallowed vision of inspired poesy, was in fact but another name for Duluth; that the golden orchard of the Hesperides was but a poetical synonym for the beer-gardens in the vicinity of Duluth. [Great laughter.] I was certain that Herodotus had died a miserable death because in all his travels and with all his geographical research he had never heard of Duluth. [Laughter.] I knew that if the immortal spirit of Homer could look down from another heaven than that created by his own celestial genius upon the long lines of pilgrims from every nation of the earth to the gushing fountain of poesy opened by the touch of his magic wand, if he could be permitted to behold the vast assemblage of grand and glorious productions of the lyric art called into being by his own inspired strains, he would weep tears of bitter anguish that, instead of lavishing all the stores of his mighty genius upon the fall of Ilion, it had not been his more blessed lot to crystallize in deathless song the rising glories of Duluth. [Great and continued laughter.] Yet, sir, had it not been for this map kindly furnished me by the Legislature of Minnesota, I might have gone down to my obscure and humble grave in an agony of despair because I could nowhere find Duluth. [Renewed laughter.] Had such been my melancholy fate, I have no doubt that with the last feeble pulsation of my breaking heart, with the last faint exhalation of my fleeting breath, I should have whispered, "Where is Duluth?" [Roars of laughter.]

But, thanks to the beneficence of that band of ministering angels who have their bright abodes in the far-off capital of Minnesota, just as the agony of my anxiety was about to culminate in the frenzy of despair this blessed map was placed in my hands; and as I unfolded it a resplendent scene of ineffable glory opened before me, such as I imagine burst upon the enraptured vision of the wandering Peri through the opening gates of Paradise. [Renewed laughter.] There, there for the first time my enchanted eye rested upon the ravishing word "Duluth."

During the reading of the foregoing, when one minute had expired,

The CHAIRMAN said: The time yielded to the gentleman from Indiana [Mr. SHIVELY] by the gentleman from South Carolina has expired.

Mr. GUENTHER. I rise to a parliamentary inquiry; would it be in order to ring the "chestnut bell?" [Laughter.]

The CHAIRMAN. The gentleman from South Carolina was recognized to control the time in support of the bill. If he desires to occupy the time——

Mr. DIBBLE. I propose to go on with the business of the House. Therefore, I can not yield further time for this reading.

Mr. SHIVELY. This is the business of the House.

The CHAIRMAN. The Chair will be compelled to recognize for the remaining portion of the time in support of this bill any gentleman who rises to speak in its favor.

Mr. DIBBLE. After a motion has been made to lay aside the bill for a favorable report?

The CHAIRMAN. The gentleman from South Carolina can control the time if he seeks to do so; but he can not prevent others from occupying it for the purpose of debate.

Mr. DIBBLE. Then I yield a few minutes longer to the gentleman from Indiana [Mr. SHIVELY], in order that the reading of his extract may be concluded.

Mr. SHIVELY. I ask that the Clerk proceed with the reading.

Mr. DUNHAM. I make the point of order that it is more proper for the gentleman from Indiana to read this than to require the Clerk to do so.

Mr. TAULBEE. I hope these interruptions will not come out of the time of the gentleman from Indiana.

The Clerk resumed the reading, but was interrupted by

Mr. MILLIKEN, who said: In order to save time, I ask unanimous consent that the gentleman from Indiana have leave to print the remainder of that old Duluth speech.

Mr. SHIVELY. Let me make a request——

Mr. DIBBLE. I desire to yield to the gentleman who introduced this bill.

The CHAIRMAN. One minute remains of the time in favor of the bill and seven minutes in opposition.

Mr. DIBBLE. The gentleman from Indiana is consuming with this reading the time allowed for debate in favor of the bill.

Mr. SHIVELY. I hope the gentleman will wait just one moment, and I will settle this business.

Mr. BLAND. From the time I have remaining I yield enough to allow the Clerk to finish the reading.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina after the reading is concluded.

The Clerk resumed and concluded the reading of the extract, as already given.

Mr. SHIVELY. The Clerk has now read all that I desired. I am very much obliged to the gentleman from South Carolina and the gentleman from Missouri for yielding me time.

Mr. BLAND. Mr. Chairman, if my time has not expired, I wish to reserve what remains.

The CHAIRMAN. It will be reserved.

Mr. DIBBLE. I yield the one minute I have remaining to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. Chairman, I have no desire to take up the time of this committee. I merely wish to say in reference to the speech of Proctor Knott, from which an extract has just been read, that while perhaps in the first instance Proctor Knott made Duluth famous, Duluth is now and has been for years making him famous; and thousands of years after he shall have been dead and buried he will be known only through the spires and domes and towers of that great metropolis on the shores of Lake Superior. [Applause.]

With reference to the amendment of the gentleman from Missouri [Mr. BLAND], I desire to say that this Committee of the Whole has just voted in favor of an appropriation of $300,000 for a public building at Birmingham, Ala., an appropriation which I believe is just. But if like justice were done to Duluth, that city ought to have, not the appropriation which this bill proposes—$150,000—but at least $200,000 or $250,000. However that may be, I do not quarrel with the committee, but say it in response to the amendment of the gentleman from Missouri.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Missouri has five minutes remaining.

Mr. BLAND. Mr. Chairman, that only illustrates this whole proceeding. Because we have made an excessive appropriation at one point it is made an argument for the same sort of appropriation at another point. Because we erect a public building in one town we are asked to erect them in towns all over States not having a population perhaps as great, but having a population of five or ten thousand inhabitants. Such propositions come into this House for public buildings in towns of five or ten thousand population because a public building was located in Duluth. That is brought forward as a reason for erecting a public building everywhere else. So, one extravagance, sir, begets another.

Now, Mr. Chairman, one hundred and thirty-nine propositions for public buildings are pending before this House. If we erect public buildings asked for at this Congress we will grant the requests coming to us from towns of ten or even less than ten thousand population. Propositions, indeed, are made for the erection of public buildings at towns of only 2,000 population.

When is there to be an end to such extravagance? Every new public building erected by Congress seems to be an excuse and argument for every other which is proposed. As I have said, one hundred and thirty-nine propositions for public buildings are now pending before Congress, and they are to be followed, no doubt, by two hundred and thirty-nine, or three hundred and thirty-nine, or four hundred at the next Congress. A gentleman who represents a particular district and secures the erection of a public building for his town of ten or fifteen thousand population places the representative of a neighboring district, who has been more modest, leaning more toward economy, and in favor of reducing taxation—he who is for economy and reform is placed, I say, by the fact of granting a public building to a town of ten or fifteen thousand population in a neighboring district at a disadvantage with those members who are ready to put their hands into the public Treasury simply to accommodate their constituents in their desire of having Congress provide appropriations for the erection of public buildings in their districts.

Mr. Chairman, this lamp of Aladdin in the hands of a Congressman as he approaches the Treasury, with its $100,000,000 of surplus in it, is a tempting thing. His constituents, when they want a public building erected in his district, must have it. If places of ten, fifteen, or twenty thousand population get an appropriation in one neighborhood for that purpose, then every other place and every other neighborhood of a like population must also have a public building provided for by appropriation of Congress. So it comes if we appropriate $500,000 for one point, that seems to be the excuse and argument for a similar appropriation at every other point.

Now, how is it this Government has existed so long without these extravagant demands for appropriations? Is it now because the public Treasury is overflowing with a hundred millions of surplus revenue?

[Here the hammer fell.]

The question recurred on Mr. BLAND'S amendment.

The committee divided; and there were—ayes 7, noes 120.

Mr. BLAND. No quorum.

The CHAIRMAN appointed as tellers Mr. DIBBLE and Mr. BLAND.

The committee again divided; and the tellers reported—ayes 12, noes 152.

So the amendment was disagreed to.

Mr. DIBBLE moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 132, noes 5.

Mr. BLAND. I insist upon a quorum.

The Chair appointed as tellers Mr. DIBBLE and Mr. BLAND.

The committee again divided; and the tellers reported—ayes 154, noes 9.

So the motion was agreed to.

The bill accordingly was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, NEWARK, N. J.

The next business under the special order was a bill (H. R. 7219) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States o America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to purchase or acquire by condemnation sufficient additional land adjoining the United States custom-house and post-office building in Newark, N. J., and cause such changes and improvements to be made in the building thereon, and to erect such addition thereto as in his judgment may be necessary to render the same suitable for the transaction of the public business; and for the purpose herein mentioned the sum of $350,000, or so much thereof as may be necessary, to be immediately available, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. DIBBLE. I move that Senate bill 601, which is upon the Calendar, be taken up and acted upon instead of the House bill, as it is in identically the same language.

The CHAIRMAN. Both bills can be reported to the House by unanimous consent, and the gentleman can move to pass the Senate bill instead of the House bill. That can only be done, however, by unanimous consent.

Mr. DIBBLE. I move to take up the Senate bill instead of the House bill.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Senate bill 601 was read.

Mr. DIBBLE. Mr. Chairman, the city of Newark, N. J., has a population of something over 150,000 inhabitants. A public building was erected in that city some thirty years ago. This building is wholly inadequate, and this is one of those cases where there is the greatest inconvenience, owing to the condition of the present building, in the transaction of the postal business. The building, I repeat, is utterly inadequate.

There is, however, adjoining the present site, a piece of ground upon which has been, until recently, and I believe there now is, a church. By procuring that building and making certain alterations, connecting it with the post-office building, both being built of brown-stone, the public business could be accommodated; and the estimate for the purchase of the site, and the Supervising Architect's estimate, carefully made, of the cost of accommodating the present building to the new purpose to which it is to be applied, amount to the sum of $350,000. We improve this property instead of buying other property which would probably greatly increase the cost to the Government. I doubt very much if a new site could be purchased and a proper building erected for less than from $600,000 to $700,000. It is, therefore, a matter of very urgent necessity and great economy to pass this bill.

I reserve the remainder of my time; and unless some gentleman desires to be heard in opposition to it, I move that the bill be laid aside with favorable recommendation.

Mr. ANDERSON, of Mississippi. I call for the reading of the report accompanying the House bill.

Mr. DIBBLE. I have already stated the substance of the report, except that the revenue there from postal receipts amounted to about $100,000.

The report (by Mr. LEHLBACH) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1649) for the extension and repair of the public building at Newark, N. J., and for the purchase of additional land, respectfully report:

The public building at Newark, N. J., was built between the years 1855 and 1858. The population of the city of Newark at that time was about 50,000, while its present population is estimated to be from 100,000 to 165,000. Abundant proof was submitted to your committee to show that the said building is entirely inadequate for the transaction of the public business.

The Supervising Architect recommends that the sum of $350,000 should be appropriated for the purposes contemplated by the accompanying bill, and your committee is of opinion that the said sum will be required to purchase the additional land needed upon which to build the addition necessary for a satisfactory transaction of the public business, and to make the needed improvements thereon. The postal receipts of the Newark post-office for the fiscal year ending June 30, 1887, after deducting all the expenses, amounted to nearly $100,000. Newark is rapidly increasing in population and the immediate enlargement of the said public building is imperatively demanded by reason of the increased growth of the city.

Your committee therefore recommend that the accompanying substitute for bill H. R. 1649 do pass.

Mr. ANDERSON, of Mississippi. I think, Mr. Chairman, that very much may be said in a very few words in favor of the position I take that these appropriations asked for the erection of public buildings throughout the country are exorbitant. I would not, however, undertake to add anything to what has already been so well said by the gentleman from Missouri [Mr. BLAND] on this subject except to say that I heartily agree with him.

Mr. LANE. Mr. Chairman, I wish to make just this suggestion: that it seems to me these appropriations for public buildings are entirely too large and wastefully extravagant. I have no objection whatever to the construction of necessary public buildings by a general bill covering the whole subject, to which I shall presently refer, but let me state that public buildings erected by the States throughout the country cost no such sums of money as those demanded here.

I had the pleasure this summer of being in the city of Fredonia, Kans., where they are erecting as handsome a court-house as is necessary, or would be found in any city of its size. It contains a great room, which seems to be as large as this Hall; it has eight or nine large offices, besides the court-room, and has a very imposing and elegant effect; and yet I am informed that the entire cost of that building is but $35,000. It seems to me that in all of these appropriations asked for here fifty to seventy-five thousand dollars would cover all the necessary expense for the construction of such buildings as the public demands may require.

I send to the desk a memorial bearing directly upon this subject and ask to have it read as a part of my remarks.

Mr. DIBBLE. Let me ask first if the gentleman knows how much the site for a public building would cost in the city of Newark?

Mr. LANE. I am not able to answer the gentleman.

Mr. DIBBLE. I supposed not. I will tell the gentleman that it will cost about $100,000; possibly more.

Mr. LANE. I ask the Clerk to read the memorial.

The Clerk read as follows:

Memorial.

To the Senate and House of Representatives of the United States in Congress assembled:

The authorities of the city of Shelbyville, Ill., would most respectfully petition your honorable bodies to discontinue the practice of passing appropriation bills for Government buildings, and instead thereof to pass a general appropriation bill providing for the erection of Government post-office buildings in every city and village of this Union of 3,000 inhabitants or over, the appropriation to be made upon the basis of inhabitants, say not less than $2,000 for each 1,000 inhabitants, or such other sum as you may deem most expedient.

As reasons for the foregoing, we would respectfully submit the following for your consideration:

First. It is unjust discrimination to make appropriations for public buildings for the larger cities only, because smaller cities are as much entitled to Government favors in proportion to their population and needs as are the larger, and because they have been and are contributing their just and proportionate share of the revenue to the Government.

Second. Special legislation is wrong in principle, is corrupting and demoralizing, and ought to be abolished.

Third. The passage of such a bill would result in the erection (as near as we have been able to determine) of about twelve hundred buildings at an aggregate expenditure not exceeding $20,000,000.

Fourth. It would save the Government millions of dollars now directly and indirectly paid for rent for accommodations for postmasters and other Government officials; would give safer and more convenient offices, and would be more in conformity with the dignity of a great nation.

Fifth. It would tend to nationalize public sentiment and would be hailed with delight by the whole people.

D. W. MARKS, *Mayor*,
W. H. SILVER, *Clerk*,
City of Shelbyville, Ill.

FEBRUARY 13, 1888.

Mr. LANE. Mr. Chairman, it seems, from the large number of buildings which are proposed here, that every gentleman on this floor must have a court-house, and if he has not he wants one, in his district. I am unfortunate, therefore, in not being in that pool.

Mr. O'NEILL, of Missouri. Well, your turn will come after a while.

Mr. LANE. My district does not seem to have a city large enough in it to come within the limit demanded here to get an appropriation for a public building. It does not seem to be sufficient to warrant the erection of a court-house or postal building. Therefore I adopt the views of the citizens of my district, as embodied in that memorial, that the universal practice of appropriating these large amounts of money to public buildings throughout the country should be discontinued, and by an appropriation made under a general law these moneys should be expended where necessary.

My opposition is to the cost, or the large amount of money that is expended for these buildings. I speak from observation when I say that I know the cost is largely in excess of what it ought to be; and I have had experience in connection with public buildings for the last twenty years. Speaking from that experience, I know that public buildings should not cost the enormous sums that are here proposed to be appropriated. For the purpose of procuring substantial and good public buildings, equal to all the demands that may be made upon them, no such sums are neccessary. There is no necessity whatever for such extravagant appropriations. It is an extravagance that can not be justified. It is the throwing away of public money, and the public good does not require it.

The great ornamentation and expense that is put upon many of these buildings is totally unnecessary and useless. It adds largely to the cost; and I think it would be safe to say that they spend a third of the sum appropriated in mere ornamentation. I am in favor of substantial, good, fire-proof buildings in all the cities where it is necessary for the public business, and in such cases it is highly proper and desirable that public money should be expended. But it is not proper to tax the people for the purpose of ornamentation in these cities, and we should not expect the people who are not benefited by such expenditures to pay the tax without a murmur of discontent. In the district I represent we have been paying them for years, and yet not a dollar has been expended there for a public building.

I say it is not just to the entire people; and I am in favor of a just law that will give the benefit to those who pay the taxes in proportion to the amount they do pay. The amount asked for in these several cases is excessive, exorbitant, and unjust.

Mr. DIBBLE. Is the gentleman from Illinois not aware of the fact that the mere purchase of a site in the city of Newark would take as much money as is asked for this whole thing if it were not an addition merely to the present building?

Mr. LANE. I do not know.

Mr. DIBBLE. But that is the fact.

Mr. LANE. I know that you appropriate more money here than is necessary to erect a suitable building.

Mr. DIBBLE. I can not see the consistency of the gentleman's position with his own remarks as to saving money. The committee have reported that this expenditure will save an expenditure of double the amount, and the necessity for it exists.

Mr LEHLBACH. I will merely state, as representing the district in which this building is located, that this bill did not originate with either Senator McPHERSON or myself, but with the Post-Office authorities. If it had been possible to purchase the site and erect the additions proposed for $250,000, the sum proposed by the amendment, a larger amount than that would not have been inserted in the bill. The people of Newark have long suffered great inconvenience on account of the insufficient accommodation. It often occurs that men, women, and children are compelled to stand in line in all sorts of weather and wait from ten to twenty minutes to simply transact post-office business, such as registering letters, purchasing stamps, etc. I am much surprised that the gentleman who has just spoken, who has visited Newark and knows all about it, should throw obstacles in the way of the prompt passage of this bill, when even the gentleman from Missouri [Mr. BLAND] and others who have objected to the passage of these bills have been silent. While they objected to the other bills which have passed, on account of the small populations, it certainly is not consistent to object to an appropriation of $350,000 for a city having a population of 165,000, especially when cities of the like size have buildings erected which cost the Government from a million to a million and a half dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. ANDERSON].

Mr. HARE. I call for the reading of the amendment.

The amendment was again read.

The question being taken, there were—ayes 10, noes 118.

Mr. BLAND. No quorum.

The CHAIRMAN appointed as tellers Mr. ANDERSON, of Mississippi, and Mr. DIBBLE.

The committee again divided; and the tellers reported—ayes 10, noes 153.

So the amendment was not agreed to.

Mr. LANE. I move to amend by striking out "$350,000" and inserting "$300,000."

The committee divided; and there were—ayes 11, noes 114.

Mr. LANE. No quorum.

The CHAIRMAN appointed as tellers Mr. LANE and Mr. DIBBLE.

The committee again divided; and the tellers reported—ayes 13, noes 151.

So the amendment was not agreed to.

Mr. DIBBLE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The committee divided; and there were—ayes 124, noes 5.

Mr. LANE. No quorum.

The CHAIRMAN appointed as tellers Mr. LANE and Mr. DIBBLE.

The committee again divided; and the tellers reported—ayes 162, noes 6.

So the motion was agreed to.

ORDER OF BUSINESS.

Mr. DIBBLE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration, under the special order, bills on the Calendar reported by the Committee on Public Buildings and Grounds, had instructed him to report back sundry bills with various recommendations.

The SPEAKER *pro tempore*. The Clerk will report the first bill.

PUBLIC BUILDING AT CHARLESTON, W. VA.

The first bill reported back from the Committee of the Whole was the bill (H. R. 3253) appropriating the sum of $52,000 for the enlargement and improvement of the United States Government building at Charleston, W. Va.

Mr. DIBBLE. This bill is reported favorably from the Committee of the Whole. Discussion has been had on it in the committee. I move the previous question on the engrossment and third reading.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 174, noes 0.

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were refused—ayes 10, noes 161.

So the bill was passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT ALLENTOWN, PA.

The next bill reported from the Committee of the Whole was the bill (H. R. 4357) to erect a public building at Allentown, Pa.

The bill was reported with amendments.

Mr. DIBBLE. I ask unanimous consent to withdraw the amendment which increases the amount from $100,000 to $125,000.

There was no objection.

The SPEAKER *pro tempore*. If there be no objection, the question will be on the remaining amendments.

Mr. BLAND. I call for a division.

Mr. DIBBLE. Let the amendments be reported.

The remaining amendments were read, and were severally agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the amended bill.

The question being taken, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 175, noes 8.

Mr. BLAND. I call for the yeas and nays.

The House divided; and there were—ayes 9, noes 176.

So the yeas and nays were refused.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The question being taken, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 178, noes 3.

Mr. BLAND. I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and only 7 members voted in the affirmative.

Mr. BLAND. Count the other side.

Mr. BROWNE, of Indiana. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. BROWNE, of Indiana. It is that a gentleman has no right, as a matter of course, to demand a count of the other side. If I understand the rule, it is that those who demand the yeas and nays must be at least equal in number to one-fifth of the last preceding vote. Where the Speaker is in doubt about it, he may count the other side; but where there has been recently an affirmative vote one way or the other which demonstrates the number of members actually present, then the Speaker may require that there shall be in the affirmative a vote equal to one-fifth of the last vote; and if that number do not vote in the affirmative, the other side has no right to demand a count of the votes in the negative.

Mr. BLAND. That has not been the practice.

The SPEAKER *pro tempore*. The Constitution provides that it shall be one-fifth of those present. The Chair must decide about that.

Mr. WHITE, of New York. I desire to make a parliamentary inquiry in regard to another matter. Only seven gentlemen having risen, is it necessary for the Chair to count more than 36 votes in order to determine that one-fifth of the last vote have not risen?

The SPEAKER *pro tempore*. It would not be necessary. Those opposed to ordering the yeas and nays will rise.

The question was taken, and the yeas and nays were refused.

The bill was then passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

Mr. BLAND. I ask for a division on the motion to reconsider.

Mr. DIBBLE. Mr. Speaker, my motion was to reconsider, and to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. That was the gentleman's motion.

The question was taken on laying the motion to reconsider on the table; and there were—ayes 177, noes 9.

Mr. BLAND. I call for the yeas and nays.

The question was taken on ordering the yeas and nays and they were refused, only 13 members voting in the affirmative—not one-fifth of the last vote.

The motion of Mr. DIBBLE to reconsider the vote by which the bill was passed, and to lay the motion to reconsider on the table, was then agreed to.

PUBLIC BUILDING, LANCASTER, PA.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 1788) for the erection of a public building in Lancaster, Pa., reported from the Committee on Public Buildings and Grounds with amendments.

Mr. BLAND. I call for the reading of the bill.

The bill was again read.

Amendments reported from the Committee of the Whole striking out the words "and twenty-five" in the thirteenth, fourteenth, twenty-third, and twenty-fourth lines, were agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of this bill as amended.

Mr BLAND. I ask for a division.

The question was taken; and there were—ayes 172, noes 5.

So the bill was ordered to be engrossed and read a third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. BLAND. On that I ask for a division.

The House divided; and there were—ayes 176, noes 4.

So the bill was passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

Mr. BLAND. Upon that I call for a division.

The question was taken; and there were—ayes 178, noes 2.

So the motion to lay the motion to reconsider on the table was agreed to.

PUBLIC BUILDING AT LOWELL, MASS.

The next bill reported from the Committee of the Whole was the bill (H. R. 7217) for the erection of a public building at Lowell, Mass.

Mr. DIBBLE. I move the engrossment and third reading of the bill.

Mr. BLAND. Let the bill be read.

Mr. DIBBLE. My motion was that the bill be engrossed and read a third time. I am glad the gentleman agrees with me for once.

The SPEAKER *pro tempore*. The gentleman has a right to demand the reading of the bill.

Mr. DIBBLE. That is my motion. It has had two readings.

Mr. BLAND. I want the bill read before it is passed.

Mr. DIBBLE. The time for it to be read is on the third reading.

The SPEAKER *pro tempore*. The bill will be read after it is engrossed, in the usual way. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time—yeas 178, noes 7.

The Clerk proceeded to read the bill.

Mr. TAULBEE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. What reading of the bill is this?

The SPEAKER *pro tempore*. The third reading.

Mr. TAULBEE. Is this the reading of the engrossed copy of the bill?

The SPEAKER *pro tempore*. It is not the engrossed copy. The Clerk will read the bill.

The question being taken on the passage of the bill, there were—ayes 171, noes 6.

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were not ordered.

So the bill was passed.

PUBLIC BUILDING AT BIRMINGHAM, ALA.

The next bill reported from the Committee of the Whole House on the state of the Union with the recommendation that it pass with an amendment, was the bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.

The amendment reported from the Committee of the Whole was agreed to.

Mr. DIBBLE. I ask for a vote on ordering the bill as amended to be engrossed and read the third time.

The question being taken, there were—ayes 178, noes 4 (the division being demanded by Mr. BLAND).

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were not ordered, only 16 voting in favor thereof.

So the bill was ordered to be engrossed and read a third time; and being engrossed it was read the third time in full upon the demand of Mr. BLAND.

The bill was then passed, there being—ayes 162, noes 6.

PUBLIC BUILDING AT COUNCIL BLUFFS, IOWA.

The next bill reported from the Committee of the Whole House on the state of the Union with a recommendation that it pass, was the bill (H. R. 1394) authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of Government officers in Council Bluffs, Iowa.

Mr. DIBBLE. I ask for a vote on ordering the bill to be engrossed and read a third time.

The question being taken (the division being demanded by Mr. BLAND), there were—ayes 174, noes 6.

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were not ordered, only 7 voting in favor thereof.

So the bill was ordered to be engrossed and read a third time; and it was read the third time in full, upon the demand of Mr. BLAND.

Mr. DIBBLE. I ask a vote on the passage of the bill.

The question being taken (a division being demanded by Mr. BLAND), there were—ayes 168, noes 5.

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were not ordered, only 5 voting in favor thereof.

So the bill was passed.

PUBLIC BUILDING AT DULUTH, MINN.

The next bill (reported from the Committee of the Whole House on the state of the Union with a recommendation that it pass, was the bill (H. R. 7218) for the erection of a public building in the city of Duluth, State of Minnesota.

Mr. DIBBLE. I call for a vote on the engrossment and third reading of the bill.

The question being taken (a division being demanded by Mr. BLAND), there were—ayes 152, noes 2.

Mr. BLAND. Mr. Speaker, did a quorum vote?

The SPEAKER *pro tempore*. No quorum has voted.

Mr. BLAND. I make that point.

The SPEAKER *pro tempore*. The gentleman from Missouri makes the point that no quorum has voted. The Chair appoints as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from South Carolina [Mr. DIBBLE].

The House again divided; and the tellers reported—ayes 159, noes 6.

So the bill was ordered to be engrossed and read a third time; and it was read the third time in full, upon the demand of Mr. BLAND.

The question being taken upon the passage of the bill (a division being demanded by Mr. BLAND), there were—162 in the affirmative, 1 in the negative. [Laughter.]

So the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the offices of the Chief Signal Officer of the Army, at the city of Washington, D. C.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 419) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands;

A bill (S. 503) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army;

A bill (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi;

A bill (S. 970) to amend an act entitled "An act providing for the allotment of lands in severalty to Indians residing upon Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March 3, 1885;

A bill (S. 1029) to amend an act to restrict the ownership of real estate in the Territories to American citizens, and so forth, approved March 3, 1887;

A bill (S. 1080) to extend the laws of the United States over certain unorganized territory south of the State of Kansas;

A bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea; and

A bill (S. 1900) to carry into effect the international convention of the 14th of March for the protection of submarine cables.

PUBLIC BUILDING AT NEWARK, N. J.

The next bill, reported from the Committee of the Whole House on the state of the Union with a recommendation that it be laid on the table and Senate bill No. 601, on the same subject, be substituted, was the bill (H. R. 7219) to authorize the purchase of additional ground at Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto.

Mr. DIBBLE. Mr. Speaker, in this case the Committee of the Whole

recommended that the House bill lie on the table, and the Senate bill be substituted therefor.

The SPEAKER *pro tempore*. If there be no objection, the House bill will be laid on the table, and the Senate bill will be considered as before the House for action.

There was no objection; and the House proceeded to consider the bill (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto.

The SPEAKER *pro tempore*. The question is on ordering this bill to a third reading.

The bill was ordered to a third reading; and was read in full upon the demand of Mr. BLAND.

The question being then taken on the passage of the bill (a division being demanded by Mr. BLAND), there were—ayes 165, noes 3.

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were not ordered—only 8 voting in favor thereof.

So the bill was passed.

Mr. DIBBLE. I move to reconsider the several votes taken; and also that the motion to reconsider be laid on the table.

Mr. BLAND. Let us have a division on that.

Mr. DIBBLE. I withdraw the motion; and now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the business assigned to this day.

Mr. BLAND. Division.

The House divided; and there were—ayes 156, noes 3.

Mr. BLAND. No quorum.

The SPEAKER *pro tempore*. The Chair will order tellers.

Mr. DIBBLE. As the hour is so near for adjournment, I am willing to withdraw the motion.

The SPEAKER *pro tempore*. Under the resolution adopted by the House fixing the special order, the hour of 5 o'clock having now arrived, the House stands adjourned until Friday at 12 o'clock m.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 7605) for the relief of Baldwin Cann—to the Committee on War Claims.

By Mr. BUNNELL: A bill (H. R. 7606) to remove the charge of desertion from the record of Parmenus M. Smith, Company H, Seventh Pennsylvania Reserves—to the Committee on Military Affairs.

By Mr. COLLINS: A bill (H. R. 7607) for the relief of John Hurley—to the Committee on Military Affairs.

Also, a bill (H. R. 7608) conferring the rank and pay of commodore upon Chief Engineers B. F. Isherwood and Theodore Zeller, of the Navy—to the Committee on Naval Affairs.

By Mr. COMPTON: A bill (H. R. 7609) for the relief of William W. Morris—to the Committee on Claims.

By Mr. GROSVENOR: A bill (H. R. 7610) for the relief of Jacob R. Davis—to the Committee on Claims.

By Mr. HEARD: A bill (H. R. 7611) for the relief of William England—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7612) granting a pension to Aaron Sternes—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 7613) for the relief of George Johnson—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 7614) for the relief of Mrs. T. B. Grasty—to the Committee on War Claims.

By Mr. McCULLOGH: A bill (H. R. 7615) granting a pension to James C. Whaley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7616) for the relief of William Scott—to the Committee on Claims.

Also, a bill (H. R. 7617) to remove the charge of desertion from the military record of Aaron Loughner—to the Committee on Military Affairs.

By Mr. MOFFITT: A bill (H. R. 7618) for the relief of the Shepard and Morse Lumber Company, of Burlington, Vt.—to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 7619) to correct the military record of Lieut. Cornelius McLean, late of Company G, Thirty-ninth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 7620) for the settlement of the claims of Lieut. James Glentworth, of the Revolutionary army for the commutation pay authorized by Congress—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 7621) for the relief of Miss Jane Linn—to the Committee on War Claims.

Also, a bill (H. R. 7622) for the relief of Wilbur F. Cogswell—to the Committee on Naval Affairs.

By Mr. J. D. TAYLOR: A bill (H. R. 7623) granting a pension to Mary Caffrey—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 7624) for the relief of Coburn D. Outten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7625) for the relief of Mary E. Newton—to the Committee on Claims.

By Mr. VANDEVER: A bill (H. R. 7626) granting a pension to Charles H. Edmonds—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: A bill (H. R. 7627) for the relief of John W. Athey—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H.R.7628) for the relief of Henry C. Worthington—to the Committee on Military Affairs.

By Mr. WASHINGTON: A bill (H. R. 7629) for the relief of Andrew Johnson, of Davidson County, Tennessee—to the Committee on War Claims.

By Mr. YODER: A bill (H. R. 7630) for the relief of John C. Douglass—to the Committee on Military Affairs.

Also, a bill (H. R. 7631) for the relief of Gerhard Schreiber—to the Committee on Military Affairs.

By Mr. YOST: A bill (H. R. 7632) to grant a pension to John P. Chenoweth—to the Committee on Invalid Pensions.

By Mr. G. A. ANDERSON: A bill (H. R. 7633) granting a pension to Capt. Michael Piggott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7634) for the relief of William B. Payne—to the Committee on War Claims.

By Mr. ENLOE: A bill (H. R. 7635) for the relief of Catharine Ashly—to the Committee on War Claims.

Also, a bill (H. R. 7636) to pay W. C. Dillahunty for cotton seized by the United States authorities in 1863—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 7637) for the relief of John H. Perkins—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 7638) for the relief of J. R. Stanfill—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 7639) granting a pension to Mrs. Sarah M. Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7640) granting a pension to Mrs. Malinda Higgins—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: A bill (H. R. 7641) for the relief of Walter Nelson—to the Committee on Private Land Claims.

By Mr. REED: A bill (H. R. 7642) granting a pension to Abbie R. Brown—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 953) for the relief of William Johnson—from the Committee on Invalid Pensions to the Committee on Claims.

Also, a bill (H. R. 3908) increasing the pension of Jesse L. Garrett—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. S. BAKER: Petition of citizens of Ogden, Monroe County, New York, for bill to reduce letter postage to 1 cent per ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Petition of D. T. McCullas and others, of Motes, Ala., for the passage of the Blair bill—to the Committee on Education.

By Mr. BAYNE: Petition of citizens of Allegheny, Pa., for the reduction of letter postage to 1 cent per ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. BELDEN: Petition of citizens of Onondaga County, New York, in favor of protection of wool—to the Committee on Ways and Means.

By Mr. BOOTHMAN: Petition of B. A. Welch and 31 others; of Eli Downing and 33 others; of H. H. Harrod and 30 others; of C. Neff and 31 others; of Fred Billman and 33 others; of J. S. Hallinvill and 26 others; of M. B. Evers and 32 others; of W. G. Glenn and 31 others; of John E. Hart and 29 others, and of B. F. Shoop and 29 others, citizens and ex-soldiers of Van Wert, Ohio, for the per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: Petition of W. F. Mansfield and others, of Jonesport, Me., for increase of compensation for keepers of life-saving stations—to the Committee on Commerce.

By Mr. W. C. P. BRECKINRIDGE: Petition of 149 citizens of Fayette County, Kentucky, for the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. CAINE: Petition of James Chesney and 14 others, citizens of Salt Lake County, Utah, for readjustment of the duties on wool and woolens on the schedule of the Wool Growers' Convention recently held in Washington, D. C.—to the Committee on Ways and Means.

Also, memorial of the mayor and city recorder of Ogden City, Utah, for the erection of Government buildings in every city and town of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

By Mr. COGSWELL: Petition of Hon. William H. Huse and other citizens of Newburyport, Mass., that the salary of keepers of life-saving stations may be increased—to the Committee on Commerce.

By Mr. COLLINS: Petition of John Hurley, alias John Shine, late Company I, Nineteenth Regiment Massachusetts Volunteers, for relief—to the Committee on Military Affairs.

By Mr. COMPTON: Petition of representatives of Peregrine Davis, deceased, late of Charles County, Maryland, for relief—to the Committee on War Claims.

By Mr. COOPER: Petition of Cynthia A. Butler and of David Sparrow, for pensions—to the Committee on Invalid Pensions.

Also, petition of Samuel Engle, for relief—to the Committee on Military Affairs.

Also, memorial of authorities of Delaware, Ohio, for a bill providing for the erection of post-office buildings in towns of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

Also, petition of John J. Rose and 29 others, of Daniel Herbert and 24 others, and of James Harrison and 24 others, citizens of Ohio, for an act fixing duty on wool as requested by Wool-Growers' Convention at Washington, D. C.—to the Committee on Ways and Means.

By Mr. CRAIN: Petition of citizens of McMullen County, Texas, to have that county excluded from the operations of House bill No. 1878—to the Committee on the Judiciary.

By Mr. CUMMINGS: Petition for the repeal of the customs law permitting a rebate on imported damaged green and dried fruits and nuts—to the Committee on Ways and Means.

By Mr. DAVENPORT: Petition of H. J. Tyler and 118 others, citizens of Ontario County, New York, for the passage of an act fixing the duty on wool in accordance with the request of the meeting of wool-growers held at Washington, D. C., January 14, 1888—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Petition of B. M. Branner and other citizens of Hillsborough County, Florida, for an appropriation to improve the Alafia River—to the Committee on Rivers and Harbors.

Also, petition of Oswald Wilson and other citizens of Marianna, Fla., for reduction of postage on certain mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DORSEY: Petition of citizens of Boone County, Nebraska, for a per diem service pension—to the Committee on Invalid Pensions.

Also, petition of John Roricky and others, publishers of literature in the Bohemian language, that the duty be taken from books printed in foreign languages—to the Committee on Ways and Means.

Also, petition of citizens of Nance County, Nebraska, for schedule of duties recommended by the Wool-Growers' Association—to the Committee on Ways and Means

By Mr. ERMENTROUT: Petition of United American Mechanics, asking that Washington's birthday be made a legal holiday—to the Committee on the Judiciary.

Also, memorial of John M. Black, and of John H. Morley, for an act to reduce postage on monthly periodicals—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Theresa Veitch, for adjustment of French spoliation claims—to the Committee on Claims.

Also, petition of Elias, John, and Jacob Diffenback, of Berks County, Pennsylvania, for reduction of postage on seeds, bulbs, etc., and for other purposes—to the Committee on the Post-Office and Post-Roads.

Also, memorial of J. C. Kelso, of Berks County, Pennsylvania, for bill to reduce postage on seeds, bulbs, etc., and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: Petition of Benjamin E. Moody, of Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GEAR: Petition of Thomas Dawson and 34 others, farmers, for speedy action in regard to the protection of the wool interests—to the Committee on Ways and Means.

By Mr. GIFFORD: Petition of J. T. Haight and others, of Dakota, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the Board of Trade and business men of Big Stone, Dak., for the improvement of Big Stone Lake and contiguous watercourses—to the Committee on Rivers and Harbors.

Also, petition of the Woman's Christian Temperance Union of Dakota, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. GREENMAN: Petition of 39 veteran soldiers and sailors of Lansingburgh, N. Y., urging the passage of a per diem rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the corporate authorities of Fort Edward, N. Y., for a general appropriation bill for erecting post-office buildings in cities and towns of 3,000 inhabitants and over—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Memorial of Ezra L. Butts and 50 others, of Athens County, Ohio, for protection to wool, and the restoration of the tariff of 1867—to the Committee on Ways and Means.

By Mr. GROUT: Petition of J. Trask, for reduction of postage on seeds, bulbs, and plants—to the Committee on the Post-Office and Post-Roads.

Also, statement of war and frontier services of A. P. Frick, acting assistant surgeon, United States Army—to the Committee on Military Affairs.

By Mr. HARMER: Resolutions of the West Branch Lumbermen's Exchange, of Williamsport, Pa., against the proposed change in the tariff on lumber—to the Committee on Ways and Means.

Also, resolutions of Councils No. 16, 84, and 135, Junior Order of United American Mechanics, of Pennsylvania, in favor of declaring Washington's birthday a legal national holiday—to the Committee on the Judiciary.

By Mr. HAUGEN: Petition of members of the Grand Army of the Republic post at Chetek, Barron County, Wisconsin, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, memorial of the authorities of Menomonee, and of Prairie du Chien, Wis., for a general appropriation bill for post-office buildings in all cities and villages of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

By Mr. HEARD: Petition of citizens of the Sixth district of Missouri, for the improvement of the Missouri River at and near Miami, Mo.—to the Committee on Rivers and Harbors.

By Mr. J. S. HENDERSON: Petition of Ferdinand Hare, of Borgertown, Pa., for the abolition of the tobacco tax—to the Committee on Ways and Means.

By Mr. HUDD: Petition of citizens of Two Rivers, Wis., for a bill to increase the pay of life-saving crews—to the Committee on Commerce.

Also, petition of H. Schellenburg and others, of Ozaukee County, Wisconsin, for removal of duty on salt imported for dairy purposes—to the Committee on Ways and Means.

By Mr. GALLINGER: Resolution of the Association of Colleges in New England, in favor of placing books printed in foreign languages on the free-list—to the Committee on Ways and Means.

By Mr. GROUT: Petition of many citizens of Alaska, against a Territorial government for said district—to the Committee on the Territories.

By Mr. JACKSON: Protest of the Amalgamated Association of Iron and Steel Workers of Cannonsburgh, Pa., against reduction of tariff duties—to the Committee on Ways and Means.

Also, petition of the Junior Order of American Mechanics, of Phillipsburgh, Pa., in favor of making Washington's birthday a legal holiday—to the Committee on the Judiciary.

Also, petition for the relief of George Harkin—to the Committee on Military Affairs.

Also, memorial and evidence in case of William P. Withrow, for relief—to the Committee on Military Affairs.

Also, petition of George Inglis and 43 others, citizens of Washington County, Pennsylvania, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. KETCHAM: Petition of 37 soldiers, of 29 soldiers, and of 42 soldiers of Columbia County, New York, for the passage of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: Petition of John Willing and numerous other citizens of Wisconsin, for increase of duty on wool and woolen manufacturing industries—to the Committee on Ways and Means.

By Mr. LANHAM: Petition of citizens of Tom Green County, Texas, in relation to tariff on wool—to the Committee on Ways and Means.

By Mr. LYMAN: Resolution of Allison Post, No. 34, Grand Army of the Republic, of Iowa, in favor of the one-cent pension bill—to the Committee on Invalid Pensions.

By Mr. McCULLOGH: Petition of A. C. Martin and others, for a Government telegraph system—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Lanier, Penn, Philos, Bethany, and Mayflower Councils, Junior Order United Order American Mechanics, asking that February 22 be made a legal holiday—to the Committee on the Judiciary.

By Mr. McKENNA: Resolutions of wool-growers of California, for relief—to the Committee on Ways and Means.

By Mr. McKINLEY: Petition of citizens of Stark and Carroll Counties, Ohio, for speedy protection to the wool-growers and woolen manufacturers of the country—to the Committee on Ways and Means.

Also, resolutions of Bricklayers and Masons' Industrial Union of America—to the Committee on the Library.

By Mr. MILLIKEN: Petition of Derigo Grange, No. 29, Patrons of Husbandry, for increased duties on certain agricultural products—to the Committee on Ways and Means.

By Mr. MOORE: Petition of A. Haidenrick, of Scoboda, Tex., and other editors, for repeal of duties on books and papers published in foreign countries—to the Committee on Ways and Means.

By Mr. MORGAN: Petition of Mrs. J. T. Brown, for relief—to the Committee on War Claims.

By Mr. MORROW: Petition of the Woman's Christian Temperance Union of Northern California, for repeal of internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of San Francisco, for the establishment of a national park in the vicinity of Mount Shasta, Siskeyou County, California—to the Committee on the Public Lands.

By Mr. NUTTING: Petition of William Purdy and 99 others, citizens of Cayuga County, New York, that no change be made in the tariff on wool—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Petition of Mrs. Jennie Hart Mullany, widow of the late Rear-Admiral J. R. Madison Mullany, United States Navy, for increase of pension to $50 per month—to the Committee on Invalid Pensions.

By Mr. PENINGTON: Memorial of citizens of Alaska, against a Territorial form of government for said district—to the Committee on the Territories.

By Mr. PERKINS: Memorial of Rawlins Post, Grand Army of the Republic, of Elk Falls, Kans., for the passage of the Hoar service-pension bill—to the Committee on Invalid Pensions.

By Mr. PETERS: Resolutions of citizens of Morton County, Kansas, opposing annexation of any part of Kansas in a land district with "No Man's Land"—to the Committee on the Public Lands.

By Mr. PIDCOCK: Petition of the citizens of the Fourth district of New Jersey, for a Government system of telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. RICE: Memorial of the Board of Trade of Minneapolis, Minn., for an appropriation of $80,000 for the purchase of the ground adjoining the Government building at Minneapolis—to the Committee on Public Buildings and Grounds.

By Mr. RUSK: Petition of 3,500 citizens of Baltimore, Md., in support of bill for the relief of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. SAWYER: Petition of 38 soldiers, and of 92 soldiers, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPOONER: Evidence in claim of Jesse L. Garrett, for increase of pension—to the Committee on Pensions.

By Mr. STRUBLE: Petition of Samuel Adams and 40 others, citizens of Sac County, Iowa, for the schedule of duties agreed upon by the Wool Growers' Convention, held at Washington, D. C., January 14, 1888—to the Committee on Ways and Means.

By Mr. SYMES: Petitions for a land office at Trinidad and at Boston, Colo.—to the Committee on the Public Lands.

Also, petition relative to a Territorial form of government for Alaska—to the Committee on the Territories.

Also, memorial of the Chamber of Commerce of Denver, and the Boards of Trade of Greeley, Longman, and Boulder, Colo., for an appropriation for reservoir purposes—to the Committee on Agriculture.

By Mr. TAULBEE: Petition of Thomas S. Reed, for an original pension—to the Committee on Invalid Pensions.

Also, petition of Nancy Shalley, widow of Thomas Shalley, for relief—to the Committee on Military Affairs.

By Mr. J. D. TAYLOR: Petition of Thomas Cosgrove and 16 others, of Brown, Ohio, for the per diem service-pension bill (H. R. 1537)—to the Committee on Invalid Pensions.

Also, memorial of the Ohio Legislature, in favor of bill 260, to reimburse the States all interest on war loans, etc.—to the Committee on Appropriations.

Also, memorial of the Ohio Legislature, and petition of J. B. Jamison and 35 others, of Harrison County, Ohio, for the Palmer bill, to protect cattle from pleuro-pneumonia—to the Committee on Agriculture.

Also, memorial of the Ohio Legislature, in favor of Senate bill 1206, to equalize bounties—to the Committee on Invalid Pensions.

Also, memorial of same, to place all prisoners of war on the pension-roll at $12 per month and pay $2 per day for each day imprisoned—to the Committee on Invalid Pensions.

Also, memorial of same, for arrears of pension to be granted all soldiers who are now pensioned for loss of limb or limbs—to the Committee on Invalid Pensions.

Also, a petition of Thomas A. Ford and 74 others, of Belmont County, and of Isaac Wilson and 109 others, of Noble County, Ohio, for speedy action to protect the wool-growing and woolen manufacturing industries of this country—to the Committee on Ways and Means.

Also, petition of A. S. Taylor and 52 others, for the enactment into law of the schedule of protection agreed upon by the wool-growers and woolen manufacturers January 14, 1888—to the Committee on Ways and Means.

By Mr. G. M. THOMAS: Petition of Thomas A. Davis, for relief—to the Committee on War Claims.

Also, papers to accompany bill for relief of Mary E. Newton—to the Committee on Claims.

By Mr. E. J. TURNER: Petition of J. H. Morgan and others, for per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: Petition of Robert Cato and of John H. Williams, of Davidson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition of La Salle, N. Y., for better protection of agricultural products—to the Committee on Ways and Means.

By Mr. WEST: Petition in favor of the bill to reduce letter postage to 1 cent per ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. J. B. WHITE: Petitions of soldiers of La Grange County, and Wolcottville, Ind., in relation to the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: Petition of R. A. McDonald, W. J. Richards, and 115 others, citizens of Lapeer County, Michigan, for the passage of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: Petition of manufacturers and business men of Piqua, Ohio, in favor of House bill 5675—to the Committee on Public Buildings and Grounds.

By Mr. W. L. WILSON: Petition and papers to accompany bill for relief of John W. Athey—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of West Virginia, for repeal of internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Henry C. Worthington—to the Committee on Military Affairs.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BANKHEAD: Of Ellis Logan and others, of Davis Creek, Fayette County, Alabama.

By Mr. BLANCHARD: Of N. S. Williams and 24 others, citizens of Louisiana.

By Mr. BOOTHMAN: Of Victor Burg and 40 others, citizens of Matamora, Ohio.

By Mr. BUNNELL: Of citizens of Simon, Wayne County, Pennsylvania.

By Mr. COWLES: Of citizens of Topia, Alleghany County, North Carolina.

By Mr. DUNN: Of J. W. Williams and others, of Arkansas.

By Mr. J. S. HENDERSON: Of D. C. Baldwin and 21 others, and of W. L. Auman and 35 others, of Montgomery County; of J. M. Wilson and 21 others, of Randolph County; of S. M. Stokes and 57 others, of Stanly County; of J. A. Sperrill and 68 others, of Catawba County; of W. W. Norman and 68 others, of Yadkin County; of J. W. D. Baity and 25 others, of Davie County, and of V. C. Holmes and 25 others, of Iredell County, North Carolina.

By Mr. LEE: Of citizens of Mallory, Louisa County, Va.

By Mr. STONE, of Kentucky: Memorial of citizens of Hamlin, Calloway County, Kentucky.

Also, of citizens of Fancy Farm, Ky.

By Mr. W. L. WILSON: Of S. W. Phillips and others, of John Bowman and others, of Jesse Shaw and others, of John Ward and others, of J. L. Merrifield and others, of Wesley Phillips and others, of Isaac Chaney and others, of J. A. Baughman and others, of H. Harlock and others, of A. H. Harper and others, of C. L. Hall and others, of H. Stuckey and others, of H. N. Gray and others, of H. P. Hook and others, of Thomas Moore and others, of Daniel Black and others, of J. W. Chambers and others, of Augustus Clindrist and others, of L. T. Moreland and others, of A. A. Brill and others, of S. W. Swisher and others, of George Newkirk and others, of Marshal Ringer and others, of Miles King and others, of John Saunders and others, of William S. Denison and others, of C. E. Timberlake and others, of J. A. Findley and others, of J. S. Wisner and others, of J. R. Arnett and others, of Dr. H. B. W. Rau and others, of J. W. Crisp and others, of B. F. Straight and others, of G. W. Lantz and others, of Noah Judy and others, of P. B. Richardson and others, of West Virginia.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BOUTELLE: Of 229 citizens of Penobscot County, Maine.

By Mr. BROWER: Of 322 citizens of Guilford County, North Carolina.

By Mr. FORNEY: Of citizens of Sulphur Springs, De Kalb County, Alabama.

By Mr. JACKSON: Of 481 citizens of Washington County, Pennsylvania.

By Mr. PATTON: Of 163 citizens of Elk County, Pennsylvania.

By Mr. PENINGTON: Of 180 citizens of Kent County, of 170 citizens of Sussex County, and of 158 citizens of Sussex County, Delaware.

By Mr. J. W. STEWART: Of 465 citizens of Rutland County, Vermont.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. HITT: Of 119 citizens of the Sixth district of Illinois.

By Mr. JACKSON: Of 159 citizens of the Twenty-fourth district of Pennsylvania.

By Mr. SYMES: Of 140 citizens of Colorado.

SENATE.

FRIDAY, *February* 24, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

DISTRICT SCHOOL BUILDINGS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the president of the board of commissioners of the District of Columbia, transmitting, in response to a resolution of February 6, 1888, a statement relative to the public-school buildings rented by the District; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Corbin, Kans., and a petition of ex-Union soldiers, sailors, and marines, of McPherson County, Kansas, praying for the speedy passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the citizens' county committee, Washington, D. C., praying for the passage of Senate bill 2023, providing for the extension and improvement of Sixteenth street northwest, in that city; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN. I present a petition of the Central American Transit Company, claiming the exclusive right of transit over the proposed route of the Maritime Canal Company of Nicaragua, and praying that its claim be investigated by Congress. As the bill to which reference is made is now pending in the Senate, I move that this petition lie on the table, and be printed.

The motion was agreed to.

Mr. SHERMAN presented a petition of 115 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, and a petition of 91 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. CULLOM presented a petition of 145 citizens of the Sixth, Eleventh, and Seventeenth Congressional districts of Illinois, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VEST presented a petition of the faculty of the State university of Missouri, at Columbia, Mo., praying for the enactment of an international copyright law; which was referred to the Committee on Patents.

He also presented a petition of the Armour Packing Company and other packers and grocers and dealers in tin-plate, of Kansas City, Mo., praying for the removal of the import duty on tin-plate; which was referred to the Committee on Finance.

He also presented resolutions adopted by the Board of Trade of Boonville, Mo., urging an appropriation of $50,000 for the purchase of a site and erection thereon of a public building for a post-office and land offices at that place; which were referred to the Committee on Public Buildings and Grounds.

Mr. CHANDLER. I present the petition of Mrs. N. H. Knox, of Littleton, N. H., president; Miss C. R. Wendell, of Dover, N. H., corresponding secretary; Miss Clara E. Rowell, of Franklin, N. H., recording secretary, and Miss Abby E. McIntire, of Exeter, N. H., treasurer of the New Hampshire Woman's Christian Temperance Union, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States. Similar petitions have been referred to the Committee on the District of Columbia, I understand.

The PRESIDENT *pro tempore*. There are two sets of petitions being received—one relating to the punishment of such crimes in the District of Columbia, and the other a general petition. There has been some confusion about the reference of the petitions. The Chair will refer the petitions on the general subject to the Committee on the Judiciary, if there be no objection. The petition presented by the Senator from New Hampshire will be referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Connecticut, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of 184 citizens of the Second and Fourth Congressional districts of Connecticut, and a petition of 40 citizens of the Territory of New Mexico, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented resolutions of the court of common council of the city of Norwich, Conn., urging the improvement of the Thames River; which were referred to the Committee on Commerce.

Mr. PLATT. I present a petition of citizens of Arizona, praying for the passage of an act to allow cattle which have strayed into Mexico to be returned to their owners in the United States without the payment of duty.

Petitions upon this subject have been referred to the Committee on Foreign Relations, but the Committee on Foreign Relations, I am informed, is this morning to report, asking to be discharged and to have that matter referred to the Committee on Finance. I move that this petition be referred to the Committee on Finance, and I call the attention of the chairman of that committee to what seems to me to be the importance of the matter.

The motion was agreed to.

Mr. HOAR presented a petition of the Woman's Christian Temperance Union of Massachusetts, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. BLODGETT presented a petition of the Woman's Christian Temperance Union of New Jersey, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Maine, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of surviving soldiers and sailors of the Union Army and Navy, residents of Milesburgh, Pa., and a petition of surviving soldiers and sailors of the Union Army and Navy, residents of Carbonville, Pa., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. FARWELL presented a petition of citizens of Chicago, Ill., praying that the salaries of keepers of the Life-Saving Service be increased; which was referred to the Committee on Commerce.

Mr. PAYNE presented petitions signed by 434 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the enactment of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of 48 dairymen of Ashtabula County, Ohio, praying for the removal of the duty on foreign salt; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade, vessel-owners, and others, of Philadelphia, praying for the passage of an act authorizing the calling of an international maritime conference to be held in the United States; which was ordered to lie on the table.

He also presented a memorial of the Vessel-Owners' Association, of Cleveland, Ohio, remonstrating against the passage of the bill for the erection of a bridge across the canal entrance at Duluth; which was referred to the Committee on Commerce.

Mr. MANDERSON presented petitions of the Woman's Christian Temperance Union of the Territories of Dakota and Montana, officially signed, praying for better legal protection of women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

Mr. BLAIR. I present a petition of the Woman's Christian Temperance Union of the District of Columbia, of the same union of New Mexico, of Western Washington Territory, and also of the Indian Territory, all officially signed, praying for the better legal protection of women and girls in the Territorial, admiralty, and maritime jurisdiction of the United States. I move the reference of the petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. BLAIR presented a petition of citizens of Hillsborough, N. H., praying for speedy action on the subject of protection of the wool-growing and woolen manufacturing industries of the country; which was referred to the Committee on Finance.

Mr. WALTHALL presented a petition of the Woman's Christian Temperance Union of Mississippi, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of ex-soldiers and sailors of the United States Army and Navy, resident in Indiana, praying for the passage of the per diem rated pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Indianapolis (Ind.) Board of Trade, remonstrating against any legislation calculated to embarrass our foreign trade in provisions, meats, etc.; which was referred to the Committee on Finance.

He also presented a resolution adopted by the Indianapolis (Ind.) Board of Trade, favoring the passage of the bill regulating the manufacture and sale of impure lard; which was referred to the Committee on Agriculture and Forestry.

Mr. DAVIS presented the petition of H. H. Gilman and 15 other citizens of Minnesota, praying for additional protection to the wool-growing and woolen manufacturing industries of the country; which was referred to the Committee on Finance.

He also presented the petition of Pierre Bottineau, guide and scout, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of C. J. Humason and 36 others, ex-Union soldiers and sailors, of Minnesota, praying for the passage of a general law granting to ex-Union soldiers and sailors a pension at the rate of one cent a day for every day of service; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present a petition of 140 citizens of Iowa, residents of Tama County, praying for the reduction of the postage on seeds, bulbs, scions, etc.; also, that money-orders for $5 or less be issued for a fee of 3 cents, and that the postal-notes be abolished and fractional paper currency issued for use in the mails. I move the reference of the petition to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of 54 surviving soldiers and sailors of the Union Army and Navy, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. TELLER. I present a petition of citizens of Arizona and New Mexico, praying for the enactment of a law that shall enable them to return their stock without payment of duty when it shall stray into the neighboring territory of Mexico.

I introduced a bill on this subject which went to the Committee on Foreign Relations. I understand that committee will report it back and ask to have it referred to the Committee on Finance.

I should like to say that in my judgment no statute on the subject is necessary, if the laws now existing are properly administered. There can be no duty upon citizens' cattle which accidentally go across the Mexican line, but as the law is now administered on the border, although that fact is brought to the official notice, the officials insist on collecting a duty. It was to correct an error or an improper administration of the law that I introduced the bill.

I move that the petition be referred to the Committee on Finance, as that committee is to have charge of the matter.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens and ex-soldiers of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present a petition of the authorities and citizens of Washington, Franklin County, Missouri, praying for a discontinuance of the practice of passing bills for separate Government buildings, and, instead thereof, the passage of a general appropriation bill providing for the erection of Government post-office buildings in every city and village in the Union with 3,000 inhabitants and over; the amount of the appropriation to be on the basis of inhabitants, not less than $2,000 for each 1,000 inhabitants, and such other sums as may be deemed sufficient. I move the reference of the petition to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. COCKRELL presented a petition of Capt. James Johnson Post, No. 350, Grand Army of the Republic, Department of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BUTLER presented the petition of James E. Davis, Daniel J. Bradham, and other citizens of Manning, Clarendon County, South Carolina, and the petition of William A. Carrigan and L. E. Carrigan and others, citizens of Society Hill, Marlborough County, South Carolina, praying that an appropriation be made for deepening the entrance to Winyah Bay, in that State; which were referred to the Committee on Commerce.

Mr. SABIN presented resolutions adopted by the city council of Winona, Minn., indorsing resolutions adopted by the Mississippi River convention held at Dubuque, Iowa, January 17 and 18, 1888, favoring the improvement of the Mississippi River; which were referred to the Committee on Commerce.

He also presented a memorial of the Minneapolis (Minn.) Chamber of Commerce, remonstrating against proposed amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of 34 ex-Union soldiers and sailors of Canby, Minn., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Kandiyohi County Alliance of Minnesota, favoring the placing of sugar, coal, lumber, etc., on the free-list, and indorsing present revenue laws as applied to liquors and tobacco; which were referred to the Committee on Finance.

He also presented resolutions adopted by the Kandiyohi County Alliance of Minnesota, favoring an inquiry into the complaints from all parts of the country regarding alleged monopoly of fuel resources; which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Kandiyohi County Alliance of Minnesota, favoring equitable freight rates and transportation over railways; which were referred to the Committee on Railroads.

He also presented resolutions adopted by the Kandiyohi County Alliance of Minnesota, favoring appropriations for the construction of the Sault Ste. Marie and Hennepin Canals; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Kandiyohi County, Alliance of Minnesota, favoring Government control of the telegraph system of the country; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY presented the petition of F. B. Knowles and 111 others, citizens of the Second Congressional district of Connecticut, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Richard T. Abbe and 24 others, citizens of South Windsor, Conn., interested in the raising of leaf-tobacco, praying that the tax on the manufacture of cigars be removed; which was referred to the Committee on Finance.

Mr. MORGAN presented a resolution adopted by the Medical and Surgical Society of Montgomery County, Alabama, favoring the removal of all import duties from medicines, medical and surgical appliances, and everything used in the treatment and diagnosis of diseases; which was referred to the Committee on Finance.

He also presented a petition of the faculty of the University of Alabama, praying for a reduction of the duty on school-books and other foreign publications when imported into the United States; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Alabama, officially signed, representing 600 members, praying for the repeal of the internal-revenue tax on alcoholic liquors; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1394) authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of Government offices in Council Bluffs, Iowa;

A bill (H. R. 1788) for the erection of a public building in Lancaster, Pa.;

A bill (H. R. 3253) appropriating the sum of $52,000 for the enlargement and improvement of the United States Government building at Charleston, W. Va.;

A bill (H. R. 4357) to erect a public building at Allentown, Pa.;

A bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.;

A bill (H. R. 7217) for the erection of a public building at Lowell, Mass.; and

A bill (H. R. 7218) for the erection of a public building in the city of Duluth, State of Minnesota.

The message also announced that the House had passed the bill (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon and the erection of additions thereto.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 71) for the relief of Rear-Admiral Carter, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1876) for the purchase of a site and erection of a custom-house and post-office at St. Albans, Vt., reported it with an amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 619) granting an increase of pension to Leopold Mayer, reported it without amendment, and submitted a report thereon.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1789) for an extension of appropriation for the erection of a public building at Los Angeles, Cal., reported it without amendment, and submitted a report thereon.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1145) granting the right of way to the Durango, Cortez and Utah Railroad Company through the Southern Ute Indian reservation, in Southwestern Colorado, reported it with an amendment, and submitted a report thereon.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4964) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races or boat races, reported it without amendment.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 985) to remove the charge of desertion against Edward Whitehouse, alias Edward Williams, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 73) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 726) for the relief of Chauncy M. Lockwood or his legal representatives, reported it with an amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom

was referred the bill (S. 2034) to authorize the citizens of the United States to return their estray cattle from the Republic of Mexico into the United States without the payment of duties, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. HOAR. I am directed by the Committee on the Library, to whom was referred the petition of the Marietta (Ohio) Centennial Monument Association, praying for aid in erecting a centennial monumental structure to commemorate the acquisition of the Northwest Territory and its permanent settlement, to report an amendment to the sundry civil appropriation bill. I desire to have the amendment and the petition printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The petition and amendment will be printed and referred to the Committee on Appropriations.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1438) to provide for the appointment of assistants to the chiefs of bureaus of the Navy Department, reported it with an amendment.

DELAWARE RIVER AT PHILADELPHIA.

Mr. CAMERON. I am instructed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 113) authorizing the Secretary of War to appoint a board of three engineers to examine and report in relation to the Delaware River, between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes, to report it favorably without amendment. I ask for its immediate passage.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks that the joint resolution be now considered by the Senate. Is there objection?

Mr. EDMUNDS. I reserve the right to object. I shall not object if it does not take any time.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information, subject to objection.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to immediately appoint a board of three engineers from the United States Army, whose duty it shall be to examine, in all their relations to commerce, the islands known as Smith's Island, Windmill Island, and Petty's Island, in the Delaware River, between the city of Philadelphia, in the State of Pennsylvania, and the city of Camden, in the State of New Jersey, which board shall forthwith report to the Secretary of War as to whether said islands or any shoal in the said river between or adjacent to the said islands, or any of them, constitute an obstruction to the commerce of the Delaware River or to the passage of vessels between the said States, and with a view to removing said islands and shoals, to report a plan with the estimate of cost for their removal in whole or in part, and for the improvement of the harbor of the port of Philadelphia, including the probable cost to the Government of said islands so as to secure free and uninterrupted commerce upon the said Delaware River, and the unobstructed passage of vessels to and from and between the said States; and the sum of $5,000, or so much thereof as shall be necessary, is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to defray the expenses of such survey and report.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. Having been read at length, a further reading will be waived, if there be no objection.

The joint resolution was roported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2121) authorizing the construction of a public building at Burlington, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM introduced a bill (S. 2122) to remove the charge of desertion from the military record of Capt. Franklin Post, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAULSBURY introduced a bill (S. 2123) to authorize the removal of an obstruction to the navigation of Broad Creek, in the State of Delaware; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAVIS introduced a bill (S. 2124) granting a pension to John Bush; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR (by request) introduced a bill (S. 2125) for the relief of George Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BOWEN introduced a bill (S. 2126) to pension Winemah Riddell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2127) to remove the charge of desertion from the record of William F. Harris; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introdueed a bill (S. 2128) granting an increase of pension to Mary H. Nelson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2129) to increase the pension of Mary A. Gibson, widow of Commander William Gibson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2130) granting a pension to Valentine B. Hummel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 2131) to provide for the erection of a public building in the city of Boonville, in the State of Missouri; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BECK introduced a bill (S. 2132) for the relief of Catherine Woodruff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 2133) authorizing the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of a part of the Crow Indian reservation in Montana Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

FRENCH PROHIBITION OF AMERICAN PRODUCTS.

Mr. CULLOM submitted the following resolution, which was read:

Resolved, That the President of the United States be, and he is hereby, requested to inform the Senate (if it is not in his judgment deemed incompatible with the public interests to communicate such information) whether the Government of France has prohibited the importation into France of any American products; and if so, what products of the United States are affected thereby, the date of such prohibition, and what steps, if any, have been taken by the Government of the United States to secure the rescinding of such prohibition.

Also, whether any correspondence upon said subject had passed between the Governments of France and the United States prior to the message of the President to Congress, dated January 12, 1888, containing the report of the Secretary of State in relation to the invitation from the Government of France to this Government to participate in the international exhibition to be held at Paris in 1889, which report recommended that said invitation be accepted and the necessary appropriation be made therefor; and if so, the substance and purport of such correspondence.

Mr. CULLOM. I ask for the immediate consideration of the resolution.

Mr. BECK. I suggest to the Senator from Illinois that it would be as well to include Germany, Portugal, and other continental nations. I understand the prohibition of our pork and other products extends to Germany, Portugal, and several other countries, and we might as well get the information as to all. If it will embarrass the resolution, however, I do not care to press the suggestion.

Mr. CULLOM. I think it would be well enough to enlarge the scope of the resolution as the Senator from Kentucky indicates if it were not for the Paris exposition, which is referred to and included in my resolution. Therefore, I prefer to have the resolution passed as I have drawn it.

Mr. BECK. I do not object to the resolution, except that I thought that at the same time we ought to inquire as to Germany and the other continental nations.

Mr. CULLOM. I think we ought to have that information also, but I think this resolution ought to be adopted as it stands.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

FRANKING OF PUBLIC DOCUMENTS.

Mr. BUTLER. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Postmaster-General be, and he is hereby, directed to inform the Senate under and by virtue of what provision of law Government publications franked and deposited in the mail by a United States Senator are returned to that Senator with the information that they have been held for postage.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BUTLER. Mr. President, I wish to state by way of explanation that some days ago I got certain public documents from the Commissioner of Public Education, his monthly bulletins I believe they are called. I had them inclosed in a yellow envelope and directed, and put my own frank upon them. They were sent to the post-office. In the course of a week or ten days they were returned to me with the information that they were held for postage. I made some inquiry here and was told that they were returned because the words "public document" and "free" were not put upon them. I then requested the Senate Postmaster to find out under what regulation or by what law such an absurdity should be required of a Senator or a Member of the other House. If it was intended to protect the mail against fraud by a Senator, I do not see how that could be accomplished, because if he were going to frank something which he had no right to frank he would put those words on the package just as readily. It subjected me to some inconvenience, and it is the second or third time it has happened.

I have had the regulations of the Post-Office Department examined and I find no authority for it; I have had the statutes examined and I find no authority for it; and although it may appear to be a very trivial and insignificant matter, even those additional words do amount to something where there is a large amount of writing to be done; and I wish to know why this requirement is made. I am told by Senators sitting near me that the same thing has happened to them. If there is no law for it, I submit that it would be a very absurd regulation on the part of the Post-Office Department. I desire to get the information for my own convenience, for it is an inconvenience to me, as I suppose it is to everybody, where there is a great deal of writing to be done.

The resolution was agreed to.

CLAIMS ALLOWED BY THE TREASURY DEPARTMENT.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act approved June 20, 1874, since the allowance of those which are embraced in House Executive Document No. 90 of present session; also, schedule of claims allowed on account of compensation of postmasters readjusted under the act of March 3, 1883, since the allowance of those embraced in House Executive Document No. 31, present session; also, a list of all judgments of the Court of Claims not heretofore transmitted to the present Congress, for which appropriations should be made; said schedules to embrace all claims allowed up to and including the 25th day of February instant.

LETTER OF A. H. MARKLAND.

Mr. HAWLEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be, and he is hereby, directed to transmit to the Senate the letter dated September 1, 1887, sent to his Department by A. H. Markland, superintendent of the railway mail service during the late war.

TILLAMOOK INDIAN LANDS.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate when, and under what circumstances, and by virtue of what authority, if any, the tribe of Indians known as the Tillamooks have relinquished their claim to lands in Tillamook County, Oregon; and if no such relinquishment has been made, the nature and extent of any such claim said tribe of Indians may have to any lands in such county.

ADJOURNMENT TO MONDAY.

Mr. CAMERON. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ROCK CREEK BRIDGE.

Mr. HARRIS. Some days ago House bill 1184 was laid before the Senate, at which time I asked the unanimous consent of the Senate to consider it, I having reported from the Committee on the District of Columbia substantially the same bill, but it was objected to by the Senator from Vermont, and I supposed the bill had been ordered to be printed and referred. I find it has been lying on the table since that day. I ask that it be printed and referred to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road in the District of Columbia, having been read twice by its title on a previous day, will be referred to the Committee on the District of Columbia.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. EDMUNDS. If there be no further morning business, I move that the Senate proceed to the consideration of Order of Business 280, Senate bill 1305.

The PRESIDENT *pro tempore*. If there be no further morning business, the Chair announces that that order is closed; and the Calendar of general business being in order under Rule VIII, the Senator from Vermont moves that the Senate proceed to the consideration of the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 1, line 22, before the word "conferred," to strike out "or may be;" so as to read:

Are hereby constituted and created a body corporate and politic in deed and in law, by the name, style, and title of "The Maritime Canal Company of Nicaragua," for the construction, equipment, management, and operation of a ship-canal from the Atlantic to the Pacific Oceans, either entirely through the territory of the Republic of Nicaragua or through Nicaragua and in part through the territory of the Republic of Costa Rica, with such collateral, connecting, or cross canals as may be necessary to connect therewith, and to exercise such other powers as have been conferred by the Government of Nicaragua.

The amendment was agreed to.

Mr. HOAR. I should like to inquire of the Senator from Vermont whether the provisions and limitations and safeguards which were inserted in a bill like this by the Senate last year, and which I think it is generally understood, certainly as stated by the Senator from Vermont, were necessary for the safety of such a bill, are in this bill. There were certain provisions put into the ship-railway bill on the motion of the Senator from Vermont, and they were also added to the Nicaragua Canal bill, which came up shortly after that. I ask whether those have been included in this bill?

Mr. EDMUNDS. No, Mr. President, a great many of them have not been, and for this reason: That subject was considered by the Committee on Foreign Relations when this bill was sent to it, and the gentlemen who are concerned in this bill, a half a dozen or more of them who are named here as the corporators, headed by Judge Charles P. Daly, of New York, who has for twenty-five years been the president of the American Geographical Society, and a gentleman of the highest character and attainments, explained to the Committee on Foreign Relations the reason for the structure of this bill, which we have now reported with two or three amendments to make it more complete.

They stated that the bill as it passed last year was in such a form and condition that they could not have availed themselves of it and would not have organized under it had it passed both Houses and become a law; that in an immense undertaking of this kind the corporation must get its money (unless perhaps, French fashion, we should take up with the De Lesseps way of getting public subscriptions at $10 a share and float it in that way) by large transactions, and must get the work done by giving stock and bonds combined to the contractors; and in respect of Nicaragua herself the concession requires that she shall have a certain proportion of the stock in consideration of the grant that she makes of the privileges and the plant and property, etc., which she grants in aid of this canal.

It became, therefore, we thought, a question whether the United States was willing to run such risks as this bill, subject at all times to our control by amendment or repeal, creates, whatever risks they may be, in regard to jobbery and cheating, rather than to deny to these gentlemen a national character and thus put us in a national political relation to that structure which is to be built there. They can go under the laws of New York, or undoubtedly to the Legislature of New York, and get a special charter of just such character as this one is, but they prefer a national recognition, and I confess that I think a majority of the committee greatly prefer to put the Government of the United States in its political character into a certain relation to this great and most important work, so that we should have in the political sense a certain voice in respect to what should be done there and the *modus operandi* of carrying it on under circumstances that may be foreseen after it shall have been built.

I say then frankly to my friend from Massachusetts that the things that a year ago I thought were necessary to go into this bill in committee and tried to get in, and some of which I did get in, just as I would fix a charter for a State corporation of Vermont to build a State railroad in that State, and which were put into both the bill for a railway across Mexico and into this bill at the last session, are for the practical purposes of these gentlemen inadmissible; and if they are put in now the bill may as well be abandoned, because the gentlemen assure me that it would be a charter which they could not accept.

The report of the committee gives the interview to which I have alluded and the statement of Judge Daly and his associates, and I wish Senators had read it before. It also contains a copy of the concession. If the character of the transaction as it now stands, and if the character of these gentlemen, be not sufficient to induce us to run whatever risk there may be in respect to the directors and managers of this corporation undertaking to commit frauds on anybody, then it is useless to attempt to do anything so far as these gentlemen are concerned, because they say they can not raise the money and put the thing on its feet and do it under the limitations and restrictions that existed before.

I state this with frankness, so that the Senate can understand just how it is.

Mr. BUTLER. May I inquire of the Senator what the date of that concession is?

Mr. EDMUNDS. It was finally approved by the Chamber of Deputies of Nicaragua on the 20th of April, 1887; it was approved by the Senate on the 23d of April, and by the President of the Republic on the 24th—the three steps of putting it through the two houses and receiving the approval of the President—1887.

Mr. BUTLER. May I now ask the Senator another question? I ask if the Committee on Foreign Relations have considered the protest, or paper of some kind, which was sent to me couched in very vigorous language by what is called, I think, the Atlantic and Pacific Interoceanic Company? I do not know anything about it, but I merely want to get what information the Senator may have on that subject.

Mr. EDMUNDS. I am very glad to give it. This same protest, or one of the same nature, was presented to the committee in the last Congress, and we examined it as we have now, and have got the whole history of the affair, and the substance of it is this: In the year 1849, I think, now nearly forty years ago, Nicaragua did make a grant to somebody under this name, or a name of a predecessor, which finally emerged about the year 1850 into a thing of this name. The substance of that grant, claimed by Nicaragua to be for a full ship-canal—but no matter for that, the substance was that the canal should be built within a certain time, and that the grantees should pay the Republic of Nicaragua, I think, $10,000 a year, or some sum, for not going on until it should be done, as a kind of penalty, and so on. Nothing whatever was done about it. The grantees did not pay their $10,000 a year, if that was the sum. I have it all here, but I state it generally to save time. They did not pay and they did not build, and the Government of Nicaragua thereupon, after a long lapse of time, annulled and repealed the whole grant, just as our Congress or a State Legislature in similar circumstances would do; but every time that anybody anywhere in the United States undertakes to look to doing that work for national purposes, as we know—and I can say it without impropriety, because the injunction of secrecy has been taken off—when in the Senate there was a treaty looking to that object by the action of the two Governments, no sooner did the United States start in her public character to deal with Nicaragua about that,

than up turn these gentlemen with their demand for compensation. It was then repudiated. Now, when this enterprise is started, these claimants come to these corporators and say in substance, "We must have some of this stock allotted to us free gratis in consideration of the fact that we have got this old grant, and if you do not give it to us we will defeat your bill, or eat it to pieces by amendments."

The gentlemen who compose this corporation, the corporators named in this bill, are not the kind of people who will submit to that sort of thing. So they did not. But it is perfectly obvious to the committee and would be to any lawyer or statesman who looked at the history of this matter of 1849 that it has not a shadow of right to stand upon even if it were anything to us if it had. That is a matter between them and Nicaragua.

Mr. HOAR. It seems to me that this is a very remarkable proposition for respect of persons in legislation by the Senate of the United States. Last year a proposition was made to the Senate for a ship railway by an eminent engineer, who now, unfortunately for the country and unfortunately for the completion of his own career, has died. He desired an act of incorporation to enable him to construct a ship railway across Mexico. It was stated that he had already a pledge of some $10,000,000, I think, from well-known men and strong capitalists, and a concession from the Mexican Government. When that bill was before the Senate the honorable Senator from Vermont insisted that the safeguards which have been found by the most careful legislation necessary to prevent stock-jobbing, watering of stocks, and putting worthless and pretended stocks upon the markets of the world, should be inserted in that bill. Especially there was a provision that the company should not proceed without a certain amount of stock actually having been paid in cash, a certain percentage of it, and then the residue must be paid in cash within a certain other time. The handcuffs were, upon the urgency of the Senator from Vermont, put around the limbs of that measure. They were accepted. The gentleman who had that measure in charge, and the corporators who were proposing the bill thought that they would be able to comply. Now we come in here with a bill proposed in behalf of the constituents and friends of the honorable Senator from Vermont and others, and it is proposed to omit all these securities, and to pass a bill which merely gives some gentlemen an act of incorporation which if they part with to any other persons, or any one or two or a dozen of the original corporators do not take stock in, and allow other persons to do so, may be put upon the markets of the world under the apparent authority of the Congress of the United States.

The Senator says that these gentlemen can not do the business which they undertake to do under an act of Congress if the ordinary legislative securities are applied to them. Now, I say, Mr. President, that if it be true—and of course it is true; the honorable Senator from Vermont informed himself upon that subject before he made the statement—it is better that this scheme should fail, it is better that they should go to a State Legislature and let a State Legislature deal with them in its discretion, than it is that we should set the example of saying that whenever a company of gentlemen come here who are certified to be respectable men of high standing by a Senator of the United States, all ordinary legislative securities shall be thrown away.

In giving public franchises and public privileges and public corporate powers we can not legislate on the theory that A, if he is certified to be a respectable man, may have them, and B, who is not supposed to be a respectable man by some member of the Senate, shall not have them. We must have a legislative policy, and a legislative policy which protects the people and protects mankind against being defrauded by schemes which have the sanction and the support of the corporate authority of the American Congress.

I shall desire, therefore, to propose to the Senate to add to this bill the provisions for security and safety which were contained in the same bill moved in behalf of the same gentlemen last winter, and which were inserted by the Senate, many of them on the motion of the honorable Senator from Vermont, in the ship-railway bill.

Mr. SHERMAN. Mr. President, we have not much time to debate this bill, and therefore I shall say but a few words about it.

I sincerely trust, and I appeal to the Senator from Massachusetts and the Senator from Vermont, that we shall not bring up the old controversy in respect to this bill. At the last session of Congress I voted for the Eads bill, and also for this bill, and I was opposed to the extreme propositions which were put on each bill.

This charter is a naked authority organizing and incorporating certain well-known gentlemen in the United States, who propose to build one of the greatest improvements, if completed, that have been made in modern times. They propose to build a line of canal and navigation across the continent. Everybody regards it as one of the greatest propositions for the improvement of the commerce of the world now mentioned as among the possible works of mankind. All that these gentlemen ask of the Government of the United States, the nation most interested in the construction of this work, is a naked authority, a corporate power to organize themselves into a company with one million shares of capital stock, and with the power to issue bonds and securities to construct this work. The Government of the United States disclaims any liability, assumes no responsibility, but if this work is completed by American citizens or by others who invest in this improvement, the United States of America will be the chief beneficiary.

Now, as to the terms of this grant, and as to the terms of this incorporation, I have very little care, because I think it is not a matter that the United States is at all interested in. It is true we ought not to organize a fraud or ought not to permit under our organization a fraud to be committed upon persons at home or abroad. No pretense of that kind can be said to exist here. The charter is plain and simple. It depends upon the concession of a foreign country. The rights granted are carefully defined, and we know exactly the extent of those rights, because we have the printed documents containing the concession before us. I say for one, if there is still a desire to build the Eads railway, I should be willing to take this charter, which has been very carefully prepared under the advice, too, of good lawyers—because a very good lawyer appeared before the Committee on Foreign Relations on the subject—as the model and example for the organization of a plan to build the ship-railway on the Eads plan across the continent.

It seems to me that we ought not to have any controversy or renew the controversy of old, because I believe that if the amendments proposed by the Senator from Massachusetts, although very plausible, are adopted they will defeat the project, because the gentlemen who are interested in it say that they can not build this expensive work, involving an enormous sum of money, with unusual liability, unless they have the opportunity of not only selling bonds secured by the property, but of giving with the bonds shares of stock; and I may say to Senators that it is now the common measure and manner of constructing great public improvements in all the countries of Europe, and you may say in all the countries of the world, that the bonds furnish the means of building the structure and the stock furnishes the possibility of profit, and therefore the sales of bonds and stock, perhaps a given amount of bonds and a given amount of stock go together for a sum of money. If there is a profit in the transaction, the profit is in the advance of stock, while if there is a loss in the transaction, the stock is worth nothing and the bonds go to less than par. This mode of measuring the value of corporate property is the best mode that has been yet devised and the fairest mode by which a person embarking in a hazardous enterprise may measure his profit with the possibility of his loss. Without this provision in the bill it is scarcely possible that the hundred billions of dollars desired to make this improvement can be borrowed or obtained. I hope, therefore, that the bill will pass as reported.

Now, with regard to the other company alluded to by the Senator from South Carolina, I have sent for a copy of its protest. Another company, organized forty years ago, sent me its remonstrance against the passage of this bill, claiming that it had the right alone and held an anterior right from Nicaragua to construct this work. Here is that protest. I presented to-day from the same company another protest asking that Congress would investigate this subject. My answer is that the State of Nicaragua had in its sovereign capacity, having a clear right to do so, given a concession to certain persons named in this bill now pending, and that whatever rights other persons may have under an old grant is a question for the people and the Government of Nicaragua to decide. At all events it is claimed that this old charter had been abandoned by the persons engaged in it, and that the concession has been repealed; that every branch of the Government of Nicaragua regards it as utterly null and void, and that the owners of this concession have acknowledged that it is no longer of any binding force and effect. Whether this be so or not, is not for us to try. It is for the people of Nicaragua and the Government of Nicaragua. We do not want to decide that question. If our charter does not confer any right to build the canal, as a matter of course no damage is done. Nor can we postpone the construction of this great work until the persons who had an intangible right and a possible chance to build this Nicaragua canal forty years ago shall have satisfied themselves that that right has ceased to exist. We can not wait in the construction of this improvement until a controversy of that kind is determined. If we do, we may have to wait a hundred years, or a thousand years, because, forsooth, there is some old, undeveloped, unacted-upon grant of the Government of Nicaragua which has not yet been surrendered. We do not propose to enter into that question at all. That is a question for the courts either in the United States or in Nicaragua, if they have any courts there that are authorized to decide upon a question of that kind.

At any rate, the Government of Nicaragua, recognized as an independent power, has granted this concession to American citizens recently, and they come to us represented by men of character and responsibility and say that they are willing to embark their hundred billion dollars in a work so vast and important to the people of the United States and to the whole commercial world. All they ask of us is a corporate right to proceed to organize their capital, combine it together in a mass—that is the only benefit of a corporation—so that they may go on and complete this work. If they fail, or if the work turns out to be a bad speculation, it is not our loss. If they succeed, we get the benefit of it by simply passing a paper charter. Therefore, it seems to me perfectly clear and right, and if those engaged in the Eads enterprise, or any other enterprise of similar character, shall be able to succeed by a like charter from the United States of America, I think it ought to be granted. That is probably the only way in which these

great public works beyond our jurisdiction will ever be built, because, although I think, and have so said over and over again, that the United States ought itself to step forward and construct some of these great monumental works, and I should be glad to see it commence the Nicaragua canal, and I would to-day vote from the Treasury of the United States enough to commence it, enter upon it, and complete it as a nation, yet that is evidently against the general popular voice, and so, as a matter of course, I must abandon it, and we must invite the people of the world under an American charter to engage in this enterprise. Therefore I hope the bill will be passed without any controversy.

Mr. VEST. Mr. President, I have no disposition to revive what the Senator from Ohio has styled the old controversy on this subject. I remember Captain Eads well, and I remember his views in regard to these propositions. I introduced his measure by request, a bill for the incorporation of the Tehuantepec Ship-Railway Company, but it was not my intention to take charge of it. I assume now that after the six weeks' debate had in the last Congress in regard to that bill when it was passed through the Senate, the guards and restrictions they put upon it are to be taken as guides in such legislation. There was no controversy at that time between the friends of the Tehuantepec Ship-Railway and the Nicaragua Canal scheme, except such as was created by the Senator from Vermont when he put amendments, which I considered most extraordinary and most unjust, upon the Tehuantepec Company. In the language of the Senator from Massachusetts, he handcuffed that bill until there were no grants in it that were worth anything at all, and for one I had no sort of regret to see that it failed to pass the House of Representatives.

Now we hear an entirely different strain of argument and of feeling upon this subject. Then the Senator from Vermont thought that the interests of the American people were vitally connected with certain amendments that he offered, and that it was absolutely useless to consider the Tehuantepec bill at all without the following amendment placed upon it:

That nothing in this act contained shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever, other than in respect of the payment of tolls as provided in section 8 of this act.

That provision is left out of the bill now reported to the Senate; in other words, the very argument urged then by the Senator from Vermont against the Tehuantepec Ship-Railway bill, that the incorporators, who were men of just as high character as any named in the bill now pending, with Captain Eads at their head, might go into a foreign market to offer their bonds for sale and their stock, and say to the purchasers or persons who might wish to purchase those securities, "We come here with the sign-manual of the Government of the United States upon this enterprise," is here abandoned. We were warned then not to do that thing. Powerful examples were paraded here of charters and privileges granted by the Government of the United States which had afterwards involved us in assumed pecuniary obligations. Some of them were most pertinent, as the appropriation to the exposition at New Orleans. Afterwards when that corporation failed to pay the foreign exhibitors the Government of the United States was compelled to step forward, in order to preserve the national name and the national honor, and make an additional appropriation in order to pay off those claims.

Now, that limitation is stricken out deliberately from this bill for a purpose, and we are told that these corporators can not sell their bonds unless the prohibition against liability on the part of the United States Government is stricken out. What does that mean? Does it mean that we are to be liable directly or indirectly or by implication? Is the Senator from Ohio willing to vote for a bill without that limitation upon it? Is he willing to see the corporators, I do not care how high may be their position socially or politically or otherwise, to go into the foreign markets and say, "Here we have a charter from the Government of the United States, and we struck out the provision that the Government should never be responsible?" Afterwards disaster comes to this enterprise. They then come to the Congress of the United States and say, "You gave us your name and it will be soiled and besmirched before the nations of the world unless you make good our securities in foreign markets."

Mr. SHERMAN. The Senator asks me a question. I do not know whether he desires an answer. I am perfectly ready to answer.

Mr. VEST. I will hear the Senator's answer.

Mr. SHERMAN. I have no doubt, and I do not think there can be any doubt, that this charter as it stands does not create any liability whatever on the part of the Government of the United States.

Mr. VEST. That is not the point. Why was the provision stricken out which declared that the United States should never be liable? It was put on the Tehuantepec bill; it was put in this bill when it passed before and went to the House; and now it is taken out by the Committee on Foreign Relations. What do they mean by that?

Mr. SHERMAN. That is a different question.

Mr. VEST. That was the question, and I put it now to the Senator.

Mr. SHERMAN. It was put on the Tehuantepec bill against my vote.

Mr. VEST. It was put on that bill and then put in this bill, and I have it before me in the tenth section.

Mr. MORGAN. I desire to say to the Senator that he is mistaken, and does great injustice to the Committee on Foreign Relations. We have not taken anything out of this bill or any bill submitted to us at this session of Congress. We have not put that provision in in express terms; but this bill was not predicated at all on the basis of the bill formerly passed. It relates to a different concession; it relates to a different situation entirely. The gentleman does the committee great injustice by saying we have taken anything of that sort out of this bill.

Mr. HOAR. The honorable Senator from Missouri will pardon me a moment. This bill goes on word for word with the bill of last winter. It may be predicated on that except in leaving out these securities.

Mr. MORGAN. No doubt the Senator can find the words of this bill in fifty acts of incorporation.

Mr. VEST. I do not want to do the committee injustice.

Mr. MORGAN. That bill was not before the committee at this session, was not acted upon in connection with this bill. We took no provision out of it, and neither this bill nor any provision in it has any respect to that bill whatever.

Mr. VEST. Here is my proposition, and the record shows it to be absolutely correct: The Senator from Vermont insisted that it was unsafe and unwise, and he put the proposition in every sort of terms, to pass any charter without putting in the provision that the Government of the United States should not be liable in any event. I said here over and over again during six long weeks that the incorporators of the Tehuantepec ship railway were men of high character, that Captain Eads stood as fair before the American people, as responsible a gentleman as lived on this continent; but I was told by the Senator from Vermont and the friends of the Nicaragua scheme that that would not do, that social standing and past exploits amounted to nothing, that they wanted it down in the letter of the bond that this Government should never be held responsible; and after six long, dreary weeks, handcuffed and emasculated, that Tehuantepec bill passed the Senate.

Mr. EDMUNDS. Will the Senator permit me to ask him a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. If the Senator would kindly read to us the so-called Mexican concession to which the Tehuantepec charter was to apply, as I remember—I have it not before me and am not speaking by the book—I think he will see a provocation, at least, for putting in the exclusion of liability on account of provisions that existed in that concession. If the Senator has the original paper, I should be glad to hear it.

Mr. VEST. That is thrashing old straw. The concession did not create any liability or any prospective liability on the part of the United States. It could not have done it; it was impossible; it never existed.

Now, in answer to the Senator from Alabama, I admit, though I know nothing about it, that the bill containing the provision which I shall read was not before the Committee on Foreign Relations: but I refer now to and I have before me the bill that passed the Senate incorporating this identical company, which went to the House of Representatives, and the tenth section of which on my motion was inserted, the very provision that was put upon the Tehuantepec ship-railway bill. The Senator from Vermont was forced to accept it. I use the word "forced" in the parliamentary sense, because he was compelled to take his own medicine. He had given the dose and we gave it to him, and I propose to give it to him again:

SEC. 10. That nothing in this act contained shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever other than in respect of the payment of tolls as provided in section 8 of this act.

Why was that taken out? What better case may be made for these corporations in selling their stocks and bonds on a foreign market than to take these two bills and say, "Here is the bill that passed the Senate in one Congress, and we were enabled to strike out that provision and create the implied obligation upon the part of the United States against which the original bill provided?" Why was it taken out?

Mr. MORGAN. It was not taken out.

Mr. VEST. Why was it left out? Why was this bill altered from the shape in which it passed the Senate before?

Mr. MORGAN. If the Senator from Missouri thinks it necessary, let him offer his amendment.

Mr. VEST. I intend to offer it.

Mr. MORGAN. Do not malign or denounce the committee by saying we left a provision out of the bill that the Government of the United States should not be responsible.

Mr. VEST. That is a subject of argument.

Mr. MORGAN. No, it is not. It is a question of fact.

Mr. VEST. It is a subject of argument. Here is a bill preventing liability; here is a bill reported from the same committee leaving out that provision. I have the right, whether I use the word "malign" or any other word, to draw my proper deductions, and I say they are logical.

Mr. MORGAN. I say they are untrue.

Mr. VEST. If Senators do not intend to create any liability on the part of the Government, they can say so. As a matter of record the fact exists that that provision was taken out of the bill.

Mr. MORGAN. I again deny it.

Mr. VEST. Here are the bills, and the record will settle that question. I do not say this bill was before that committee, but I say here is the bill that passed the Senate, and it had that provision in it, and

the present bill does not have it. That is what I propose to say in regard to it. The record will determine who is right and who is wrong.

The Senator from Vermont has spoken of the concession. I want to call the attention of the Senate to the concession which is made a part of the contract between this company and Nicaragua. I want the Secretary to read the provisions I have marked, under which this charter is created. I call attention to these provisions because they are exceedingly important in the present case.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Secretary will read the paper.

The Secretary read as follows:

ARTICLE XLIV.

As compensation for the privileges and concessions that Nicaragua grants by this contract, it is hereby stipulated that the republic shall enjoy the special privilege that Nicaraguan vessels sailing under the Nicaraguan flag may navigate the canal at a reduction of 50 per cent. from the general tariff while engaged in the coasting trade or the reciprocal trade with the other republics of Central America. It is declared that the vessels referred to in the preceding paragraph must be exclusively of the register of the republic, and they must not be owned, either in whole or in part, by citizens of other countries.

A reduction of 50 per cent. from the general tariff is also granted to vessels that begin their voyage for a foreign country in any of the ports belonging to the republic, with a cargo wholly composed of products of the country. All the privileges to which this article refers shall be extended to the other republics of Central America whenever Nicaragua shall find itself free from international obligations which may prevent it, or whenever one or more of the said republics shall form a single nation with Nicaragua. The company can not collect any navigation dues whatever upon vessels and craft navigating the Lake of Nicaragua and its prolongations without passing out of the locks. The Nicaraguan vessels of war, and, in the case above provided, those of the Republics of Central America, shall not pay any dues on passing through the canal.

* * * * * * *

ARTICLE XLIX.

As a guaranty of the fulfillment of the obligations which the company incurs in accordance with Article XLVII, it shall deposit to the order of the Government of Nicaragua, in a bank or in a mercantile house in the city of New York which the government may designate, and within sixty days from the date of the ratification of this contract, the sum of $100,000, American gold, which the company shall forfeit to the republic if it do not fulfill the said obligations, and which sum otherwise shall be considered an advance to the government on account of the necessary expenses of payment of the police of the canal, according to the stipulations set forth in Article XXXVII. This deposit, as soon as made, shall be at the disposal of the government.

ARTICLE L.

In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the republic shall receive in shares, bonds, certificates, or other securities which the company may issue to raise the corporate capital, 6 per cent. of the total amount of the issue.

Such shares, bonds, certificates, or other securities shall be free of all payment on the part of the republic, being considered as paid in full. The 6 per cent. shall in no event be less than $4,000,000; that is to say, forty thousand shares or obligations of whatsoever kind of $100 each.

Of said shares, bonds, certificates, or securities of whatsoever class, two-thirds shall not be transferable; but all shall participate in the benefits, interests, partitions, dividends, sinking fund, rights, privileges, and in all the advantages given to paid-up shares without any distinction. The government in its capacity of shareholder shall besides have the right to appoint one director who shall represent its interest in the board of directors of the canal company from the time of its definite establishment. The shares referred to in this article shall be delivered to the agent the government may appoint to receive them, and as soon as the company shall be ready to issue the certificates for its capital.

Mr. VEST. Now, Mr. President, in view of the fact that that provision, which absolutely excludes the liability of the Government of the United States in any event, is not in this bill, whether it was considered by the Committee on Foreign Relations or not, it becomes of the greatest importance for us to know the terms of the concession on the part of Nicaragua. If Senators have paid the slightest attention to what has been read by the Secretary, they will have seen that this concession strictly guards the rights and interests of the State of Nicaragua, and that they are large gainers by this concession. In the first place, $100,000 is to be deposited in New York as a guaranty on the part of these incorporators. In the next place, 50 per cent. of the tolls through this canal are to be taken off on all vessels belonging to Nicaragua, and in fact belonging to all of the Central American Republics.

Mr. EDMUNDS. Engaged in the coasting trade of those Republics.

Mr. VEST. Well, in the coasting trade. All vessels that are loaded with the products of Nicaragua and all those Republics enjoying the same benefits; and of the securities of this company 6 per cent. are to be given as full-paid to the Government of Nicaragua, guarantied to amount to at least $4,000,000. It is the most liberal contract on the one side that has ever come before the Senate. What has the Government of the United States to gain by this concession or under the terms of this concession? The construction of the canal and its benefit to commerce, it may be conceded, is the only thing that this country is to obtain.

This charter comes before us now with the provision which I have attempted to discuss stricken out of it, or not in it—and I do not care what phrase expresses the idea—with no such provision in it, notwithstanding the argument made here before in regard to this provision and its necessity upon both the Tehuantepec railway bill and as contained in the bill that went from the Senate to the House of Representatives in regard to the Nicaragua canal at the last session. The same arguments obtain in that regard now as obtained then. That is not the only provision which is left out, or not embraced in this bill if the Senator from Alabama objects to the phrase "left out." The bill which we passed for the incorporation of this company and sent to the House of Representatives contained this additional amendment to which I ask the attention of the Senate.

No part of the capital stock—

And I believe this was done by the Senator from Vermont and urged by him most eloquently at that time.

No part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders or in any manner diverted from the proper uses of the corporation. Every person violating or aiding in the violation of the foregoing provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding five years, or by both said punishments, in the discretion of the court.

I have here in the CONGRESSIONAL RECORD the argument of the Senator from Vermont in behalf of that amendment, in which he declared that without putting that amendment upon the Tehuantepec bill the United States would be endangered to the extent that its name might be used for a fraudulent conspiracy in order to get the money of innocent parties, trusting and credulous people. I distinctly remember that the Senator from Vermont then made this Hall reverberate with the declaration, "How are persons who put their money into a charter granted by the Congress of the United States to enter into the subtleties and refinements of legal obligations? If we grant a charter without these provisions money may be obtained from widows, from orphans, from the lame, and the blind, and the halt, and afterwards Congress may be told that through their indifference or their neglect this money should not be lost to these worthy people." The bill does not contain that provision which the Senator from Vermont forced upon the Tehuantepec bill and finally convinced the Senate was absolutely necessary to fair dealing and honest investment.

That is not the only amendment. Here is another, drawn by the Senator from Vermont, that then was considered of paramount importance:

SEC. 9. That if stock to the amount of $10,000,000—

And against this the friends of the Tehuantepec bill protested and begged and entreated, but in vain.

SEC. 9. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said canal shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

No such provision as that is in the present bill. *Tempora mutantur, et nos mutamur in illis.*

The same proposition is now before us, with a majority of the same incorporators who were named in the bill of last year, in which that amendment was considered necessary and was adopted by the Senate. Some sort of revelation has come to the Senator from Vermont, and now he stands before the Senate and affirms that these gentlemen of high character say they can not sell their bonds if these amendments are put on the bill. Then the bonds should not be sold. No such bill should be passed by Congress without the amendment that in no contingency shall the Government of the United States be held responsible for any of the debts or obligations of the company, and I sincerely hope that without these amendments this bill will not become a law.

Mr. MORGAN. Mr. President, if I lived in a State which had direct and important railway facilities connecting it by cheap and competing lines of transportation with the Pacific Ocean——

Mr. EDMUNDS. Will the Senator from Alabama permit me, before he goes on, to make one explanation to the Senator from Missouri?

Mr. MORGAN. Very well.

Mr. EDMUNDS. The Senator from Missouri seems to have imputed to the committee, or to the member of the committee who introduced the bill—myself—some rather sharp, skillful, or improper practice in leaving out of this bill or taking out of it some provisions that were in the other bill that was passed.

Mr. VEST. I hope the Senator will not put a wrong construction on what I said.

Mr. EDMUNDS. I withdraw all construction.

Mr. VEST. I did not speak of any improper practice; it is a question of legislation. I say this bill has left out of it certain limitations and restrictions which the Senate thought necessary then, and which if necessary then are necessary now.

Mr. EDMUNDS. The evident tendency of the Senator's observations was, that the member who introduced this bill, myself, or the committee, had taken out, by some sort of process that was not visible to the general eye, wholesome provisions that were in the former bill and excluded them from this. I do not want to make any reply to the Senator's observations at present, but merely to state the single fact that Judge Daly, of New York, whom I need not speak of more than to name, without any advice or consultation from me or with me, prepared this bill in the city of New York. What he had before him in preparing it I do not know and never knew. He sent it to me by mail, with a statement that he wished I would introduce it. I did introduce it without even reading it then, because I assumed it to be respectful in its tone and character, coming from such a man as sent it to this committee, and I think this committee considered it without any reference or recurrence to the operations of last year, either in the committee or

in the Senate; but we did put upon it what we thought was necessary, and that was a provision to confine the corporate powers named in this bill to the precise and identical and described Nicaraguan grant, so that it would not be a floating corporate power to do something indefinite and unknown, but a corporate power to do exactly the thing that Nicaragua, and no others, had authorized this company to do. Now, I am done.

Mr. MORGAN. I was about to observe that if I lived in a State with the advantages of two competing lines to the Pacific Ocean I might not feel so much interest in some scheme by which the commerce of the more southern tier of States on the Gulf of Mexico should find an outlet to the Pacific Ocean. I have felt it to be my duty since I have had the honor to be on this floor to advocate any and every scheme that furnished any reasonable probability of furnishing to the Gulf States and the South Atlantic States this coveted outlet to the Pacific Ocean, believing as I do that there is no project that can be named which would confer such blessings on those States as getting a canal or building a ship-railway across the Isthmus of Tehuantepec or the Isthmus of Darien. So I have been waiting and endeavoring to give my support to any and every measure that furnished any probability of success which would connect the waters of the Gulf of Mexico with the waters of the Pacific Ocean either by a ship-railway or by a ship-canal.

I was very much in hopes that Mr. De Lesseps would succeed in his grand project, though it never commanded my confidence as an engineering project—not that I am an engineer, but I take the opinions of great engineers, who seem now to realize the fact that Mr. De Lesseps' project, backed by, I may say, the almost entire French people and a large number of persons in England, is about to explode and fail. I regret it exceedingly, although I thought there was some possible complication in the De Lesseps project at which the United States might look with a good deal of apprehension——

The PRESIDING OFFICER. It is the duty of the Chair to say that the hour of 2 o'clock has arrived and to lay before the Senate the unfinished business, being Senate bill No. 181, relative to pensions to certain soldiers.

Mr. EDMUNDS. I ask unanimous consent that that may be laid aside informally, to go on with this Nicaragua canal bill. I am sure it will not involve very long debate. I shall not occupy much time.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. MANDERSON] has the floor on the unfinished business.

Mr. MANDERSON. If it was evident that this canal bill would not lead to prolonged debate, I certainly would not object to the request of the Senator from Vermont. I feel the importance of the bill under consideration, and I would be pleased to see it go on until it is finished; but I think it must be apparent to any one who has listened to the debate of the last half hour that if this bill shall go on it will consume all the afternoon and probably go into the next day's sitting.

Mr. EDMUNDS. I think the Senator from Nebraska is probably entitled to go on with the pension bill, which I certainly do not wish to interfere with, but I give notice that as soon as the unfinished business is disposed of, if I can get the floor, I shall move to take up this Nicaragua bill again.

Mr. HOAR. I wish the Senator would allow me to make an observation. I would like to say to the Senator from Vermont that I hope he will allow this bill to go over until to-morrow morning. I should like to look at it carefully. I do not think for myself, and I am quite sure I can include the Senator from Missouri [Mr. VEST], that the mere possible putting of any Senator into an attitude of inconsistency in his action on this bill and on the bill of Captain Eads last winter, ought to be a reason for prolonging the debate seriously; and I certainly for myself have no disposition to interfere with the prompt passage of this bill; but it is an important one, and without any reference to what may have happened to this or any other bill in the past, it is very important that the legislative precedent in regard to the security of the public against enterprises which may by possibility lead to improper dealings in stocks should be carefully considered and properly established.

While I have no doubt the gentlemen whose names are mentioned in this bill are all that the Senator from Vermont says they are, and, indeed, some of them I have personal knowledge of, as he has—I still think that this bill ought to contain all the securities which can be inserted in it without impairing its strength or usefulness to the parties—all the securities, so that it may be a precedent for other like cases. I should like to look at it over night with a view of seeing whether there should not be more safety than it now contains. I shall not attempt to delay or embarrass its passage in the least.

Mr. EDMUNDS. I should be glad to gratify the Senator from Massachusetts; but unfortunately I have to be absent next week after a day or so, and it was laid over yesterday at the request of the Senator from Missouri [Mr. VEST]. I am sorry that I can not consent to have it go over until Monday if there should be an opportunity to give any fair consideration to it after the pension bill is through.

Mr. HOAR. The Senator will find his bill will get through quicker if he will be more accommodating.

Mr. EDMUNDS. It may be, but I must try to do my duty nevertheless.

Mr. VEST. If the bill goes over I offer an amendment to be printed.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1394) authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of Government offices in Council Bluffs, Iowa;

A bill (H. R. 1788) for the erection of a public building in Lancaster, Pa.;

A bill (H. R. 3253) appropriating the sum of $52,000 for the enlargement and improvement of the United States Government building at Charleston, W. Va.;

A bill (H. R. 4357) to erect a public building at Allentown, Pa.;

A bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.;

A bill (H. R. 7217) for the erection of a public building at Lowell, Mass.; and

A bill (H. R. 7218) for the erection of a public building in the city of Duluth, Minn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 166) for the relief of William Thompson;

A bill (H. R. 6071) for the relief of Mary Penfield;

A bill (H. R. 6562) for the relief of W. W. Screws; and

A bill (H. R. 6887) for the relief of Henry Brock.

The message also announced that the House had passed the following bills:

A bill (S. 313) for the relief of R. R. Tinsley;

A bill (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi; and

A bill (S. 1900) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.

DEPENDENT PENSION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

Mr. MANDERSON. Mr. President, during the last session of the Congress of the United States a bill "for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support" (H. R. 10457), which originated in the House of Representatives, passed that body by a vote of 180 for and 76 against the bill. It came in due course to the Senate, received a favorable report from the Committee on Pensions, and, although it led to much debate as to the construction and legal effect of its language, there was such unanimity of feeling in favor of the bill that no voice was raised against it and not a single vote was recorded as opposed to its passage. The bill went to the President and was one of the many that received the executive veto.

Pending the consideration of the bill in the two Houses many petitions, numerously signed, were received praying for its passage. After its return to the House in which it originated, and after the objections of the Chief Executive had been entered at large upon its Journals and made known to the general public, hundreds of petitions, with many thousands of names, were presented to both Senate and House of Representatives praying that the bill should become a law, the objections of the President of the United States to the contrary notwithstanding. Thereupon there came full and free debate, and when the yea-and-nay vote, required by the Constitution, came to be taken it was found that although a majority of the House remained unconvinced by the reasons urged by the President in support of his veto, the requisite constitutional two-thirds could not be obtained and the measure failed by a vote of 175 for and 125 against the bill.

I recall these incidents of late occurrence because I believe they show a state of facts without precedent in the history of the Republic, and not likely again to occur. That, after such apparent unanimity of expression, ensuing full deliberation in the committees of and ample debate in both branches of Congress, there should come the destroying veto, excites remark. That after veto, couched in words of condemnation and much verbosity of objection, there should be no perceptible change of legislative sentiment, excites wonder. There was no question of constitutional right or privilege—no claim of power by one coordinate branch of the Government denied by another. There was no pretense of hasty and inconsiderate legislation, based upon mistaken facts, which it was the duty of the reviewing power to correct by veto,

giving the truth and prompting to careful consideration. No, it involved simply the question of the wisdom, the expediency of the proposed legislation, and upon this the veto message, although redundant in reason, exuberant in expression, and prolix in argument, seemed to be without effect either upon the legislative mind or the view taken by the general public of the important matters involved.

If this veto message had carried the weight of conviction that we have the right to expect from objections coming from so high a source, there would either have been no effort to pass the condemned bill over the veto, or, upon trial so to do, the falling off of supporting votes would have conclusively shown the strength of the Executive position. If this veto message had possessed the strength of reason and the vigor of objection that should characterize such utterances we would not today, within less than one year of actual time and within less than one-third of a year of legislative time, see upon the Calendar of the Senate a bill similiar in its terms, subject to many of the late adverse criticisms of the President, with a unanimous report from the Committee on Pensions of this body, and indorsed—yea, its passage ardently prayed for—by many millions of the best citizenship of the Republic.

Mr. President, the bill under consideration comes to us from an organization whose members have earned the right to be heard upon the question of pensions.

As presented to the Senate and as referred to its committee—and I am glad to know that that committee has not materially changed its provisions—it represents the calm deliberation, the matured thought of the ex-soldiers of the Union. Of the two million five hundred thousand men who enlisted in the Union Army during the war of rebellion, over half a million were either killed in battle or had died of wounds or disease when the war closed. Of the two million who survived the terrible conflict, there have probably passed away during the last twenty-three years of peace fully one-half. There probably yet survive about one million men who participated on the side of the Union during the great war, although I am inclined to the belief that three-quarters of a million is nearer to the correct number.

Of these survivors over four hundred thousand belong to the organization known as the Grand Army of the Republic—"a society founded upon deep-seated sentiments of patriotism, so burned in as to have become akin to religion, and one which completely commands the confidence of the people." Its watchwords are "fraternity, charity, and loyalty." It teaches "true allegiance to the United States of America, based upon a paramount respect for and fidelity to its Constitution and laws." It discountenances "whatever tends to weaken loyalty, incites to insurrection, treason, or rebellion, or in any manner impairs the efficiency and permanency of our free institutions." It "encourages the spread of universal liberty, equal rights, and justice to all men." It asks no questions concerning the religious belief or the political faith of any man wishing to join its ranks. There belong to it men of all political parties, and of the two great party organizations it is well ascertained that the number of Republicans and Democrats upon its rolls bear equal proportion to the number of ex-soldiers of the Republic belonging to those two leading parties. At its post meetings and at its departmental and national encampments leading men of all possible politics take active and prominent part, advising conservative action and conducting into proper paths. McClellan and Grant, Hancock and Logan were all members of this patriotic order, desiring no higher position in it than that of comrades, and claiming no superiority over the enlisted men they had so often led to victory. At their graves there was read the same simple ritual for the dead that is spoken when the humblest private soldier who followed them in battle is laid to rest. At rare intervals some selfish member of the order, forgetful of his oath "never to use the organization for partisan purposes," has attempted to prostitute the order to base uses and advance his own or his party's interests; but such effort has always failed miserably, and ever will.

By its creed every one of its members has promised "to assist such former comrades in arms as need help and protection, and to extend needful aid to the widows and orphans of those who have fallen." This promise is not mere lip-service. "By their fruits shall ye know them." Many hundreds of thousands of dollars are expended annually in the relief of those who have been promised aid in the time of need. The greater portion of the sum expended is by members of the order in their private capacity, and of this alms-giving there is no record on earth, but from the charity fund of 6,312 posts, with 320,946 members, existing on the 31st day of March, 1887, there had been paid out to 26,600 impoverished and suffering comrades $253,935 for the twelve months ending that day.

This organization, through its officers, its aid committees, and its committee on pensions, has opportunity afforded to none other to know what is needed in the direction of that legislation that lies in the direction of this bill. Its national committee on pensions, selected because of the peculiar fitness of the men who compose it, has year after year given much time and great labor, without compensation other than the satisfaction that comes from a duty performed, to the research and investigation needed to relieve suffering comrades by legal enactments that would be fair to the civilian tax-payer and to the ex-soldier recipient, and that would be in accord with the promises so freely made when the nation was engaged in the dire struggle for life and called upon its citizens to enroll themselves in her defense.

The bill that passed the Forty-ninth Congress and was vetoed by the President, usually known as the "dependent pension bill," was not one that emanated from this committee. The bill that expressed its views upon the subject of pensions was the one that passed the Senate early in the first session of the Forty-ninth Congress (S. 1886). On May 24, 1886, the commander-in-chief of the Grand Army of the Republic issued a general order expressing his—

great pleasure in announcing that the faithful labors of the pension committee of the national encampment have been rewarded by the passage through the Senate of bill No. 1886, and that it now rests with the immediate representatives of the people, who hold seats in the lower House of Congress, to determine whether or not this measure of "generous justice" shall become the law of the land and begin at once its needed work of beneficence. A glance at its provisions will show that it means that henceforward there shall be for the "disabled and dependent" comrade and for the now aged and dependent parents a better refuge for their last days than the common almshouse.

He closed the order with an appeal to the members of the House of Representatives to pass the Senate bill. The first session of the Forty-ninth Congress closed, and this beneficent and well-considered bill remained locked up in the House Committee on Pensions and never again saw legislative light. There did come from it, however, the bill condemned by the President, and as to its history I beg leave here to quote from the report of the Grand Army of the Republic committee on pensions to the national encampment, held in St. Louis in September last. They say:

The Pension Committee of the House * * * reported in place of S. bill 1886 a new bill, less liberal in its provisions and far less desirable than that which had met the approval of this committee. Appeals by our friends to permit amendments to this bill were in vain, and it was passed as presented by the House committee, and became generally known as the "dependent pension bill."

Your committee were in session in Washington during this discussion, and immediately held conferences with prominent members of both Houses whose sympathy with the veterans is unquestioned. The bill was far from comprising such a liberalization of the pension laws as we had asked in your name, but it was then near the close of the session, with an immense amount of important public business pressing for consideration. The bill would at least have removed from the public pauper-houses of the land 12,000 veterans; provided for fully as many more dependent upon private charity, making these comrades of ours pensioners instead of paupers, and it established a principle then recognized by no general pension law and now existing only in the act in behalf of the survivors of the war with Mexico, that a pension might be granted for present need or disability without absolute proof that such disability arose from service in the war against rebellion and could be traced in unbroken continuance through the intervening quarter of a century.

For these reasons your committee, at a hearing courteously granted by the Senate Committee on Pensions, urged that the bill be passed by the Senate without change. The committee unanimously so voted, the bill was reported the same day, and a few days later was passed. Almost at the same hour, just previous, a bill embodying a like principle, but far more liberal in scope, had been passed in favor of the veterans of the war against Mexico, including in its provisions even those who in our later struggle had taken up arms on the side of rebellion. This bill met the approval of the President of the United States, and we were fairly stunned when from the same hand came a veto of the measure of like principle, but infinitesimal in degree, for the veterans of the war against treason.

Your committee, with the earnest indorsement of the commander-in-chief, appealed to the posts of the country for an expression of opinion upon that veto, for the information of Congress. The reply was prompt, vigorous, and almost unanimous.

With an emphasis creditable to their soldierly instincts, the 300,000 members of the Grand Army of the Republic gave reply that there was neither fair fulfillment of the promises of the nation, loyal remembrance of the sacrifices upon the altar of the Union, nor a grateful recognition of patriotic service in a veto that doomed 25,000 veterans of the late war to remain public paupers instead of becoming deserving pensioners. Although receiving a large majority, the bill failed to secure the two-thirds vote necessary to its passage over the veto. Disappointed but not disheartened, your committee at once took up the work for a fresh contest.

The result of their labors was the bill that I had the honor of introducing in the early days of the present Congress. It does not contain all the measures of relief that are demanded by existing distress, but it is certainly good so far as it goes. Under the direction of the commander of the Grand Army of the Republic it has been submitted to a vote of the 6,300 posts of the order. Up to the time of the holding of the last national encampment 2,718 posts had voted upon the question, and there were in favor of the measure 106,160, and against it 3,609.

I have gone into this history at this length, because I have seen it stated that the ex-soldiers of the country do not favor this sort of legislation and that it is really their opinion that pension legislation has gone quite far enough. Mr. President, I think the facts and figures given by me effectually dispose of that statement. The pension-roll of this country is a great one, and the amount paid for pensions during nearly the quarter of a century that has elapsed since the rebellion was conquered is a vast one, but there never was so great a war, and the results obtained in other contests of arms are as "sounding brass and tinkling cymbal" as compared with the glorious end obtained by the men who fought for the Republic from 1861 to 1865. The Commissioner of Pensions reports that there were furnished by all the States and Territories to the Union Army 2,772,408 men, which, reduced to a three years' standing, and by that means getting rid of probable re-enlistments, would show 2,320,272 as the number engaged. I think 2,500,000 is more nearly correct. The number of invalid pensioners now on the rolls is 294,445, which is less than 12 per cent. of those engaged. If you add the 85,010 army widows, minor children, and dependent relatives carried on the rolls, it will make but 15 per cent., and the total of all is less, much less,

than the number who perished during the four years of war. If you estimate the survivors of the war at 1,000,000, it will be seen that less than 30 per cent. are borne upon the invalid-pension list.

Mr. President, the pension-list of this country constitutes its roll of honor, and is its only patent of nobility. Whether the pension be granted to one wounded in battle and maimed and suffering from the effect of such wounds; to one disabled from disease contracted from the exposure of the camp and the field; to the widow, or child, or dependent father or mother of the dead soldier, or whether it be granted for a disability or dependence induced by old age or by an enfeebled condition that came after the term of military service had expired, it is alike right to give it and honorable to receive it. From time immemorial the civilized nations of the world have recognized the payment of pensions to soldiers and the care of their dependent families not only as right in the highest degree, but advisable for the most selfish as well as for the best interests of the state. In ancient Athens the disabled ex-soldier received support, and the sons of those who fell in battle were educated at the public expense. Solon applauded the law and Plato and Aristides approved it. It was adhered to by Athens as the sheet-anchor of her hope. Pericles, in his oration over the Athenians who fell in the Peloponnesian war, referred to this law and said, "When virtue is best rewarded, then will patriotism most prevail."

The student of history is impressed with the fact that the more enlightened and the more highly civilized the nation, the more prompt and liberal the recognition of the worth of the sacrifice of those ready to shed their blood for their country. The British Parliament after the battle of Waterloo, not content with the liberal pension laws in existence upon her statute-books, passed an act allowing all of her soldiery who had aided toward the downfall of Napoleon to count two years in reckoning their pay and pensions, and England raised millions of dollars besides for the wounded and diseased and for the dependent relatives of those who fell upon the field that Wellington and his braves immortalized. The great nation "whose drum-beat is heard around the world," in her generous recognition of the services of her sons, seems to have had the same thought expressed by the House of Representatives of the United States in July, 1848, in a report of that date: "The amount of pension that should be granted, your committee supposes, should be in proportion to the ability of the nation to confer at the time;" and further said, "Let us by one act refute the slander that republics are ungrateful." Far be it from me to say that this great Republic of ours has been ungrateful. The splendid generosity of her people has been reflected by the acts of their representatives, until upon the pension-lists there appear the names of 406,007 recipients of her bounty. This great number are of the classes following:

Rebellion army invalids	294,445
Widows, children, and dependent relatives	85,010
Navy invalids	3,281
Navy widows, minor children, and dependent relatives	1,973
1812 war survivors	1,069
1812 war widows	11,831
Mexican war survivors	7,503
Mexican war widows	895
Total	406,007

As the years roll on even this number must be increased, but it will not be long until, as other years roll on, from the effect of wounds, disease, and exposure, the hundreds of thousands will become tens of thousands, and the Grand Army will dwindle to a division, it in turn to be reduced to a brigade, and soon but a small battalion will respond to the call of the roll of honor.

Some one has well expressed it by saying:

> The living records of the war of the rebellion are like the books of the Sibyl—as they diminish in number they increase in value.

Mr. President, a prominent metropolitan newspaper, speaking a few days ago in condemnation of the dependent pension bill that passed Congress last session, proceeds to commend the Chief Executive for his veto of that bill and severely denounces the legislation contained in the bill now under consideration. It says:

> It is time to call a halt. We should go back to the original principle established by the fathers of the Republic, that of granting pensions only for wounds, disease, or death contracted while in line of duty in the military service.

Is it true that there are no precedents in the early history of the Republic for pensions for other causes than those enumerated? Far from it. In the utterances of men of prominence in both private and official station, in executive messages, and in legislative enactments will be found abundant evidence that from the foundation of the Government pensions for disability occurring after the war service and not by direct proof attributable to it; for a dependent condition not to be traced to such service; for advanced years lessening the ability for self-support; yea, and for the mere military service with no resulting disability or dependence, have been granted by Congress and approved by the President without censure or rebuke from even a respectable minority of a grateful and appreciative people. I will not refer to the numerous expressions from individuals, but content myself with references to language in Presidential messages and to laws enacted.

From 1778 to 1805 pensions were granted strictly for disability incurred in the line of duty, but in 1805 there was significant extension of the law of 1803. By the act of that year, but the twenty-second after the close of the Revolutionary war, it was provided that those who "resigned their commissions, or took discharges, or who, after incurring disabilities, were taken captive by the enemy and remained in captivity or on parole" should be pensioned as well as those who from wounds received during the Revolution "have since become and continued disabled in such manner as to render them unable to procure a subsistence by manual labor."

This broadening of the law led naturally to the message of President Monroe in 1817—thirty-four years after the war—in which he says:

> Our attention is called with peculiar interest to the surviving officers and soldiers of our Revolutionary army. * * * It is believed that among the survivors there are some not provided for by existing law who are reduced to indigence or real distress. These men have a claim on the gratitude of their country, and it will do honor to this nation to provide for them.

In 1818, after much debate, the indigent act was passed. It provided a pension to those who by reason of reduced circumstances were in need of assistance for support. There were many who objected to the so-called "pauper" clause as degrading to the soldier and defiling the benevolence of the Republic; but the opposition to the bill was on the part of those who would go further and give a service pension to all. The agitation that followed the pauper act of 1818 led to laws each year more and more liberal, until, in 1832, a full service-pension law was passed.

In nearly every executive message during these years a service pension was recommended, and we find that grand old-time Democrat, Andrew Jackson, saying in 1829:

> I suggest a review of the pension law for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties and who is unable to maintain himself in comfort. These relics of the war of independence have strong claims upon their country's gratitude and bounty.

The bill of 1832 granting service pensions to all who served, without reference to either disability or dependence, followed as of course, without opposition worthy of mention from any source.

Senator Frelinghuysen said in the debate upon this bill:

> The act of 1818 exacted the humiliating confession of absolute poverty. It required of the aged veteran that he should publicly and in the presence of the sons by the side of whose father he had fought and suffered expose the wretchedness of his condition, produce the proof of his pauperism and swear to it. Sir, a noble spirit would exclaim, "I will die in want first. If my country exacts such ignoble conditions, let her withhold the miserable pittance." Public opinion would no longer brook such terms of national honor and gratitude. No deserving relic of times so dearly cherished should be neglected or forgotten.

It is not needed that I should do more than merely refer to the acts by which the soldiers of the war of 1812, and finally the survivors of the war with Mexico, passed through the different stages of pension for disability contracted in the service to that for disability and dependence, and finally to a simple service pension.

Mr. President, a very large majority of the ex-soldiers of the Republic do not believe that the time has yet come for granting to the survivors of the war of rebellion a service pension. They recognize the generous treatment received by those who for disabilities of different grades contracted in the line of duty during the service are able to prove the facts alleged by the strict interpretation of laws that are themselves too strict. They now point to the quarter of a century that has gone by since that dreadful civil strife ended, with its ever-lengthening roll of dead comrades, and stand ready to show the impossibility of making proof by reason of the death of the officer who knew of, the comrade who saw, or the surgeon who treated the wound received or the disease contracted. There are many men to-day suffering from disabilities contracted during the war who have tried for years to find those who, if living or within reach, could establish the facts required to be shown by existing law. For these they ask relief. They go a step further. They demand a pension for every honorably discharged ex-soldier who served three months during the war and is "suffering from mental or physical disability not the result of his own vicious habits, which totally incapacitates him for the performance of manual labor." They do not ask that a condition of pauperism shall be a condition-precedent to a pension, but they do demand that their disabled and enfeebled comrades shall be taken from the paupers' homes and almshouses of the Republic they saved. They have high authority for such demand, if not in the action of the present Executive at least in his words. In his annual message in 1886 President Grover Cleveland said to Congress and the country:

> Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I can not rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment, under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy, or the tender mercies of social and political influence with their unjust discriminations.

Can it be possible that the hand that wrote these lines could also have written that cruel veto message that on February 11, 1887, destroyed that beneficent act in strict accord with the spirit, ay, almost the letter, of the sentences just read? What a marvelous change came over

the spirit of his dream in the few months that elapsed between the penning of the annual and the writing of the veto message.

In the first, his "patriotic heart responds to a tender consideration" for those who "are reduced to destitution and dependence, not as an incident of their service." In the last, he "can not believe" that those "who having been disabled by the casualties of war justly regard the present pension-roll on which their names appear as a roll of honor, desire at this time and in the present exigency to be confounded with those who through such a bill as this are willing to be objects of simple charity, and to gain a place upon the pension-roll through alleged dependence."

In the annual message he says these ex-soldiers who are destitute and dependent not as a result of their service, but from after causes, "are entitled to the benefit of an enactment under which relief may be claimed as a right." When the enactment, in strict accord with his views and so admitted to be by his party friends in both Houses of Congress, came to him he writes in his veto message, "the race after the pensions offered by this bill would not only stimulate weakness and pretended incapacity for labor, but put a further premium on dishonesty and mendacity."

In his annual message his "patriotic heart responds to a tender consideration" for those who have served their country, and he "yields to no one in the desire to indulge this feeling of consideration." In the veto message he is constrained to say that "there exists a widespread disregard of truth and good faith" in the prosecution of pension claims, by "the expectant beneficiaries," meaning the ex-soldiers for whom his "patriotic heart responds to a tender consideration," albeit they have become "in the twinkling of an eye," as it were, guilty of subornation of perjury, perjury, and fraud. He says in this latter manifesto of "patriotic consideration," that seems to come from the head rather than the heart, that this "widespread disregard of truth and good faith in the matter of procuring pensions" is existing and "inevitable." On behalf of the ex-soldiers of the Republic, I deny it. The charge is basely, cruelly libelous, and so gross in its conception that it needs no refutation before the American people.

The late honorable and efficient Commissioner of Pensions, who sacrificed a leg in the cause of the Union, says, in a late annual report, that, with the most searching investigation of all cases of suspected fraud, the result showed that in the number of allowed claims one-tenth of 1 per cent., or one in each thousand only of allowed cases, were fraudulent. Can it be possible that under the painstaking and efficient care of the present Commissioner, that gallant soldier and experienced lawyer, General John C. Black, these frauds have increased and are "inevitable?" No! They are no greater under Commissioner Black than they were under General Dudley, for the simple reason that the great majority of American citizens are honest, and those of them who served the Republic in her days of need will not perjure themselves to obtain the pitiful pension allowed under our laws. The report of Commissioner Black in 1886 shows that among the hundreds of thousands of allowed and pending claims but two hundred and seventy-eight criminal cases had been commenced during the year, and that during that time there had been but one hundred and twenty-seven convictions. Turning to his thorough report for 1887 I read:

> It can not be denied that wrongs occasionally arise and are perpetrated upon both the claimant and the Government, but this condition of affairs is inseparable from the *ex parte* system of the preparation of cases; and my judgment is that the amount of wrong is reduced to a minimum under the present practice, and the amount of good has reached its maximum. I mean to say that I regard the number of cases of imposition as comparatively few.

The bill of last Congress was not a service-pension bill. It was properly called the dependent pension bill. That which is now under consideration is not a service-pension, but can properly be called a disability-pension bill. The former one pensioned those "suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, incapacitating them for the performance of labor in such a degree as to render them unable to earn support and who are dependent upon their daily labor for support." This bill pensions those "suffering from mental or physical disability, not the result of their own vicious habits, which totally incapacitates them for the performance of manual labor." Thus it will be seen that there must be total disability for manual labor, and where there is this condition the unfortunate one is to receive $12 per month. The essence of the relief is the total disability, not merely the service, just as the essence of the law vetoed was partial incapacity and total dependence and not service merely.

It was not needed in the veto message that the President, Grover Cleveland, should so severely condemn service pensions and declare that "hitherto such relief has been granted to surviving soldiers, few in number, venerable in age, after a long lapse of time since their military service and as a parting benefaction tendered by a grateful people." For one I do not believe in "benefactions" so long delayed that death prevents their enjoyment by the "venerable" recipient. *Post-mortem* "benefactions" of an earthly character are not particularly enjoyable to the departed. Perhaps, however, the condemnation of service pensions in 1887 was that a sharp contrast might be afforded to the words of Citizen Grover Cleveland in 1884. In June of that year of grace a petition was sent to Congress praying "your honorable body to grant a pension of at least $8 a month to all honorably discharged soldiers of the Union Army." It was numerously signed, and near the bottom of the names was written:

> I am sure the subject of this petition is worthy of the prompt and careful consideration of Congress, and that the fullest justice should be done to the parties in whose interest this movement is made.
>
> GROVER CLEVELAND.

The parties in interest in 1884 were three years further removed from "venerable age" than when the veto of 1887 was written, and yet what was justice then is wrong now. The words of the citizen are so different and vary so strangely from the language of the President that, not having seen the petition, I feel constrained to give my authority for its existence as Hon. C. C. MATSON, a Representative from Indiana and a Democrat. I do not attempt to account for the change of sentiment from 1884 to 1887, and hope it will not be suggested by any unkind person that an election intervened between the petition and the message, or that any one will be mean enough to say that—

> When the devil was sick,
> The devil a saint would be;
> But when the devil was well,
> The devil a saint was he.

Certainly the change of sentiment and action was not needed to place the President in line with his party. Repeatedly had Democratic party platforms declared in favor of great liberality in the granting of pensions to soldiers. Turning back a quarter of a century, even to 1864, when the Democratic party in national convention declared the war to have been four years of failure and that it should cease, we read:

> *Resolved*, That the sympathy of the Democratic party is heartily and earnestly extended to the soldiery of our Army who are, and have been, in the field under the flag of our country; and in the event of our attaining power they will receive all the care and protection, regard and kindness that the brave soldiers of the Republic have so nobly earned.

And these soothing words of gentle kindness have reappeared in every platform since that memorable year. And I am glad to know the Democrats in both Houses of Congress have repeatedly lived up to these promises of "care, protection, and kindness." I recall the fact that the Blair pension bill passed the Senate last Congress by the votes of several Democrats joining the solid Republican vote for the bill. I am glad to record the further fact that when the vetoed dependent pension bill passed the House last session many Democratic votes were recorded for the bill, and in the Senate no Senator desired to record his vote against it. It is claimed by his Mugwump supporters that "the President is better than his party," but surely in matters pertaining to a just appreciation of the services of those who fought for the Union "the party is much better than its President." Perhaps there would be evidence of higher appreciation of sacrifices made if he had served upon one side or the other.

Section 2 of this bill proposes to pay $12 a month to those ex-soldiers having three months' service, who, being disabled, are "totally incapacitated for the performance of manual labor." How many are thus situated who are not now upon the pension-roll it is difficult to say; neither is it possible to closely approximate the cost annually under this law. I submit that it matters little what it does cost, provided the measure is just and right. With our plethoric public pocket-book we need feel no great alarm over the increased cost.

I believe the guesses and estimates made upon the bill of last winter were very greatly exaggerated. Not all of those who are inmates of the soldiers' homes and almshouses who are not yet pensioned will be recipients under this bill. Some, unfortunately, are incapacitated from their own vicious habits, and these would not be benefited. Many others are not totally disabled, and these would receive nothing, for the bill does not propose a ratable pension. Let us look, however, at some of the uncomfortable figures that show the sad and broken condition of those who survive the great war. In the National Soldiers' Homes there has been a constant increase in the number of inmates and many hundreds are turned away for want of room.

There were inmates present:

In 1883	6,738
In 1884	7,494
In 1885	8,118
In 1886	8,758
In 1887	9,718

On June 30, 1886, the number present and absent was 11,184, and the number cared for during the year ending that date was 13,154. On June 30, 1887, those present and absent were 12,779, and the number cared for during the year 14,608. On February 10, 1888, there were present in the homes 11,473; absent, 2,213; making a total of 13,686. Thus it will be seen how rapid is the increase of those needing aid. The number of those receiving pensions among the inmates is comparatively small, never having amounted to one-half. Of the 12,779 inmates in 1887, but 5,451 were pensioners, most of them drawing small sums.

It is an interesting fact, that in passing I can not refrain from referring to, that of the 13,154 inmates in 1886 there were native born, 4,837; foreign born, 8,317; and of the 14,608 in all the homes in 1887 there were native born, 5,694; foreign born, 8,914, a proportion of foreigners to Americans of about 2 to 1—a statement that is at least comforting to one's pride as an American.

The charge is frequently made that the war of the rebellion was fought to a successful issue very largely by the aid of foreigners. Citizens of foreign birth did perform splendid service in the cause of human liberty and for the land of their adoption, and all credit to them for it, but it was the native-born element that fought this war to its grand conclusion, and this is true of both sides in the civil strife. With some difficulty I have obtained a table that shows the nativity of 2,018,400 of the enlisted men of the Union Army. They were born as follows:

British America	53,500
England	45,500
Ireland	144,200
Germany	176,800
Other nations	48,400
Unknown	26,500
Total foreign	494,900
Total American	1,523,500
Grand total	2,018,400

It is my belief that less than 10 per cent. of the Union Army were men of foreign birth, who came to this country after the minimum year for service as a soldier. But this digression has little to do with the bill under consideration. I have been unable to obtain the number of inmates in the State soldiers' homes. They exist because of the lack of just such legislation as this bill and because of the crowded condition of the national homes. They are to be found in Vermont, Massachusetts, New York, Michigan, Iowa, Ohio, Minnesota, California, and Nebraska. It is matter of pride with me that the young State that I have the honor to represent in part upon this floor, within thirty days after the veto of the dependent pension bill declared an emergency to exist, and appropriated the money needed to build a home for disabled and indigent soldiers, their dependent widows and minor children. The inmates of these State homes are believed not to exceed two thousand.

I now turn to an exhibit that should fill any "patriotic heart," not only with grief and indignation, but an earnest desire to change the existing. It is believed that there are to-day nearly 10,000 ex-soldiers in the poor-houses, almshouses, and like charitable institutions of this country. I give an extract from the report of Commissioner Black in 1886, and the shameful facts therein contained were known when, in February, 1887, the dependent pension bill was vetoed.

INDIGENT SOLDIERS AND SAILORS.

About the first of the present calendar year I directed an investigation to be made with a view to determine the number of soldiers and sailors who, having served in the Army and Navy of the United States, were supported in whole or in part from the public funds or organized charities. To this end the gentleman having charge of this investigation communicated with the county officers, clerks of courts, county judges, overseers of the poor, etc. The reports as to Connecticut and Michigan were made by State officers. Two of the States, New Jersey and Delaware, did not furnish the information as called for. Partial information has been furnished from nearly all the remaining States, however, and full reports have been received from 1,240 counties of the United States. The inquiry does not include those in the soldiers' homes supported by the United States. Upon the information thus furnished computations were made which are believed to exhibit approximately correct results. The number so found receiving support, as before stated, is, in round numbers, 9,000.

He goes on to say that the oldest man was one hundred and three years of age. The mean age was fifty-seven years. Only 13 per cent. were pensioners (probably some of those, over 32,000 in number, who are on the pension-roll at $2 and less per month, being the munificent sum of 6⅔ cents per day). Nineteen per cent. of the number were blind or insane. We read this record with a sense of shame and the conviction of a duty neglected. The remedy for some of the evils lies in the passage of this bill.

Mr. President, I will refer very briefly to the other sections of this proposed law and no longer detain the Senate.

The first section makes simply a new character of proof to enable a dependent father or mother to obtain a pension, where there is no widow or child surviving. If "without other means of support than their own manual labor, or the contribution of others not legally bound for their support," they shall be pensioned. Surely this is right. The law as it now stands requires proof that the dependence upon the soldier son should have existed at the time of his death. The parent then might have been able to support himself or herself, but advancing age with its infirmities now prevents. This legislation is in strict accord with the special legislation of Congress in private pension bills, and has abundant recommendation. The Secretary of the Interior in 1886, in his report, suggests it.

Secretary Lamar said:

In considering appeals from the decisions of the Pension Office I find some classes of cases of such peculiar hardship that I deem amendatory legislation advisable. Section 4707 limits the claim of dependence of an aged parent and fixes its initiative at the moment of time of death of a soldier on account of whose death the dependent is made pensionable. It seems to me to be a wiser rule, and a more just one, that where dependence has occurred in the natural order of events at a time subsequent to the death of the soldier, on account of increasing years or of misfortune not contributed by the beneficiary, the dependent pension should then have its foundation and beginning.

In the report of the Commissioner of Pensions for 1887 will be found the following:

DEPENDENT MOTHERS AND FATHERS.

The commencement of the period of dependence on the part of a father or mother in order to establish the right to pension is now fixed at the soldier's death. I respectfully suggest that the recognition of dependence and the claim of the father and mother upon the son for support are too narrowly bounded by fixing the period of dependence at the moment of the death of the son. If the condition of dependence has arisen without fault of the father or mother at a period subsequent to the death of the son—that is, if that condition of affairs is shown to exist without fault upon the part of the parents which, if the son had been living, would have thrown the burden of support upon him—that condition, it seems to me, should be recognized in the law. The greater the age the greater the natural right and claim on the son for support.

This law simply gives legislative sanction to these wise suggestions.

Section 3 provides that when an invalid pensioner shall die leaving either a widow, minor child, or dependent father or mother, such dependent relative shall be placed upon the pension-roll without being compelled to show that the death was caused by the wounds received or disease contracted in the service and in the line of duty—a most salutary change of the present hide-bound law and calculated to relieve Congress of much private pension legislation.

The same section contains a provision that the rate of pension to minor children shall be raised from $2 to $5 per month, and in case of insanity, idiocy, or helplessness shall continue during such disability. This is also in strict accord with the recommendation of Commissioner Black, who in his last report says:

MINOR CHILDREN.

The number of minor children entitled to pension is diminishing and must continue rapidly so to do. I respectfully suggest that the additional amount allowed them of $2 per month is inadequate for their ordinary support. This is far less in amount than the cost of the support of charity children in any of our great institutions, no odds how ably conducted, and there should be enough allowed which, coupled with a reasonable exertion upon their part, would prevent them from suffering. The amount of $5 per month does not seem to me excessive, and where incurable and disabling disease exists the pension should continue during life.

The next section of the act limits the fee of the attorney to $10 in each case, and provides the usual penalties for exacting a larger fee.

Mr. President, I have endeavored, as briefly as the importance of this bill would allow, to show its beneficent provisions and the necessities for its passage. It does not contain all the remedies that it should. In some directions it should go much further. We ought to stop the farcical action of the Pension Office under existing law, by which nearly forty thousand invalid pensioners are receiving sums of $1, $1.25, $1.87, $2, $2.12½, $2.33, $2.66, and $2.66⅔ per month.

The medical man or layman who can dissect and divide so as to be able to determine whether the unfortunate recipient shall receive $2.66 or $2.66⅔ per month could with perfect ease split a hair or analyze a molecule. Where pensions are granted at all they should be rated according to the degree of disability at $4, $8, and $12 per month, and I hope to see such change during the present Congress.

I would be glad to see it placed upon the bill under consideration, but having been charged by the Grand Army of the Republic with the duty of helping to pass this bill as it came from the hands of its pension committee, I would regret to see it materially changed. I believe it will pass both Houses without change, and that in the "present exigency," in this year of grace 1888, it will not receive the veto of the Chief Executive.

If the President should feel an inclination to falter in the performance of his plain duty in this behalf, I, with all due respect, commend to him the parting words of the great martyr of liberty, the man who knew of the soldiers' sacrifices and appreciated the results of their labors, believing that in reading them he will find strength given him to do the right.

With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan; to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Mr. TURPIE. Mr. President, I do not give my support to this bill upon grounds of compact or agreement. When the soldier signed the last pay-roll and received his final discharge, there was on both sides an end of the contract. Neither party could, under its terms, demand anything more of the other. But nations, as well as individuals, have acted upon and recognized other obligations beside those of contract. Nobleness obliges. Let us rather rejoice that we are bound by no covenant; it is only the nobility of the national character which moves us to make provision for the needy who, by their service in a perilous time, have deserved well of the Republic.

We, who were successful in that stupendous conflict which closed in 1865, gain nothing by any disparagement of the genius, the courage, or the resources of those whom we met and overcame; even this can not lessen the magnificent results of that achievement. The war for the Union was the greatest tournament of arms fought in modern times, when we consider the numbers engaged on either side, the extent of country covered by its operations, or the momentous questions submitted to the arbitrament of the sword dependent upon the issue. That issue is the principal fact in our history as it is in that of the age. This age has witnessed the siege and fall of Sebastopol, the stricken fields of Sadowa and Sedan, but those were not so fraught with meaning to mankind as Gettysburgh and Appomattox.

We are yet too near the event to take the true measure of its magnitude. Accounts of it we have, numerous, variant. We have even an autograph Odyssey by the Ulysses of this storied epic; but these are merely the materials for a history yet to be written. The writer has

not yet appeared. He is waited for. Such a theme will not lack a celebrant. He will come—an American of no section, native to the wide manor of the nation born, a man of exhaustless patience and tireless industry, of large understanding, of calm, impassive, judicial spirit, zealous only for truth, skilled to protray men and events in just proportion, in true perspective, with eloquence to make the militant past live and move again for those who are to follow us.

The historian of the war will be as remarkable a personage as any of the actors therein. In the pages of this future Thucydides one character, as the armed champion of the Union, will appear proudly eminent upon the march, in the bivouac, in the assault, in "the imminent deadly breach," in captivity to the insolent foe, hoping all things, enduring all things—the man with the musket, the private in the ranks, the chief beneficiary of this measure.

Not only during the war, but in the peace that followed it, does the conduct of the citizen-soldier and his comrades entitle them to grateful recognition. When before did a great civil war end like this of ours? The cessation of hostilities was marked by an event in every way as notable, as important, as the surrender of the enemy, the disbanding of the armies of the Union. The legions of the first Cæsar won at Pharsalia only for their leader; they forgot liberty; they did not restore the republic. The Ironsides who conquered at Naseby and Worcester were never discharged; they remained not members of the commonwealth they dreamed of, but subjects of the lord protector, under a rule as absolute as that of any English monarch of the time.

The forces of the French directorate, after the complete subjugation of the royalists of La Vendée, became in rapid succession the real support of the consulate and the empire. In many like instances, as seen in historic annals, the victorious army in a civil war was retained to support and prolong the ascendency of the political section to which it owed its organization and equipment.

Emancipation as the result of the war was not more beneficent than disarmament. It may be said these men only obeyed the order of those in authority. What is authority without power? Where was the actual power at this moment of military dissolution? With the bayonets; with those who obeyed, not with those who gave the order for retirement.

Thus, then, we may conceive the motive which swayed this myriad mass with arms in their hands—a devoted, unquestioning loyalty to the free institutions of their country. In a moment, in the twinkling of an eye, their purpose accomplished, these veteran cohorts of a dauntless chivalry, these warriors of the people, disappeared. Regiments, brigades, divisions vanished away, to be known thenceforth only as legends of a glorious passage through the Red Sea of revolution. They founded no dynasty; they disturbed not the regular order of constitutional government. Under these auspices the great Republic in the fullness of time returned to and resumed in every portion of its domain the ancient form and usages of freedom.

Emancipation gave liberty to another race; disarmament preserved it for our own. It were well to consider, to look at this time with somewhat of fixed inspection upon the mountain height of temptation and opportunity, whereon these men stood that day, that day the enemy yielded. They had the sword. Why was it sheathed? They held the purse. Why was it closed? The sumless treasure of a nation's wealth was theirs by right of salvage. What moiety of it have they received or taken?

Shall those who stood once at the front, but have in the march of life since fallen behind, be abandoned to want and destitution? The beneficence of the Government should supplant either public or private charity in granting this stipend for the support and maintenance of the necessitous among its defenders.

Not as compensation and not as alms should this stipend be given. It is neither. But it should be given as a token of distinction, like the cross of the Legion of Honor, like the chaplet of myrtle or of roses worn by victors of old—roses which, reversing the beautiful legend of St. Elizabeth, may turn to bread for those who need it.

As representatives of the States and the people we have lawful warrant to levy and collect taxes for the purpose of providing for the common defense, to raise armies, to declare war, and to use all necessary means to make such declaration effective. We have the advice and example of the first of patriots and Presidents, to prepare for war in time of peace. This measure is a part of that preparation.

Moreover, this measure is a provision for the payment of a portion of the war debt, a part thereof, let us hope, heretofore casually overlooked; omitted in casting up the accounts. Yet it is a debt, in faith and honor, as incapable of repudiation as that secured by constitutional enactment. It is as worthy of settlement and liquidation as any of the vast sum which has been transmuted into bonds by the officer of the Treasury. The people of the State which I have in part the honor to represent would just as cheerfully pay the needy soldier as the bonded creditor. Willing to pay both, the unfunded debt of gratitude is that preferred.

This is legislative encouragement for enlistment in the armies of the future; an act to promote and foster the love of country; a sentiment more powerful than fleets or armies—the most perfect armament of nations. It may be that invasion shall threaten us; that insurrection shall lift its hand against lawful authority, or, as all great peoples of martial spirit have prosecuted expeditions in distant fields, the goddess of Liberty, some evening of this date in the next century, may throw the light of her flaming torch upon the flags and pennants of the Atlantic fleet, bearing the army of Europe to do battle in some just quarrel for human rights beyond the sea.

In whatever age, into whatever clime the American soldier may go, let us see to it that he carry with him the remembrance of his country's constant solicitude and regard.

How often have we listened, in this high presence, to the most splendid predictions of national prosperity—prophecies which will not fail if we be true to the obligations of conscience and duty. Can any man now estimate how large a share of our own future good fortune, fame, and thrift shall be due to the soldiers of the Union, the returned and the unreturning brave?

We have hardly yet since the convulsion of a so recent past gathered together the sum of our resources, nor felt the impetus, the increased momentum of the new conditions and elements surrounding us. We behold in every section the advancing steps of social and material reconstruction. We catch yet but faintly the hum of those mighty populations approaching to plant their homes in the rich Territories of the new Northwest. There shall be the colonies of the nation, rebuilt, reestablished, retarded in their growth by no civil commotions or the fear of them—offspring of the family of States, highly favored. The boundaries of this Republic are advanced far toward the confines of Asia. There must needs be another statue gazing toward the farther Orient, the shining sandals of whose feet shall be laved in the waters of the Pacific.

We have entered upon a period of grand national renaissance. Is this a time to hesitate about granting the means of subsistence to those needing them, of the number of that host which bore our flag to victory? Should we not rather hasten to do this act of justice, to place these, our fellow-citizens, in a condition to enjoy with us the calm which has followed the storm and stress, the peace which has succeeded to hostilities so dreaded; the Union of these States at last attained, disinthralled, regenerated; the Union—not as it was, but as it is, and shall be—forever one, free and indivisible?

The PRESIDENT *pro tempore*. The first amendment proposed by the Committee on Pensions will be stated.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting that motion the Chair will lay before the Senate sundry bills from the House of Representatives, to be read twice and referred.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. 166) for the relief of William Thompson—to the Committee on Military Affairs.

A bill (H. R. 6071) for the relief of Mary Penfield—to the Committee on Pensions.

A bill (H. R. 6562) for the relief of W. W. Screws—to the Committee on Public Lands.

A bill (H. R. 6887) for the relief of Henry Brock—to the Committee on Claims.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened, and (at 3 o'clock and 54 minutes p. m.) the Senate adjourned until Monday, February 27, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1888.

POSTMASTER.

Charles W. Ellison, to be postmaster at Melrose, in the county of Middlesex and State of Massachusetts.

RECEIVER OF PUBLIC MONEYS.

Knute O. Harris, of Fergus Falls, Minn., to be receiver of public moneys at Fergus Falls, Minn.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 24, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. BRUSH, president of Dakota University.

The Journal of yesterday's proceedings was read and approved.

MILITARY POST NEAR CHICAGO.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to commence the construction of the mili-

tary post at Highwood, near Chicago, Ill.; which was referred to the Committee on Military Affairs, and ordered to be printed

METEOROLOGICAL INSTRUMENTS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an amended estimate from the Secretary of War for manufacture, materials, and repairs of meteorological instruments, and the expenses in connection therewith; which was referred to the Committee on Appropriations.

MILITARY SURVEYS, ETC.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, with inclosures, in relation to the estimates for surveys and reconnaissances in military divisions and departments; which was referred to the Committee on Military Affairs.

HARBOR OF SAN DIEGO, CAL.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of survey of the entrance and outer bar of the harbor of San Diego, Cal.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEYS OF THE PUBLIC LANDS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting certain petitions from the governor and other officers of Colorado, in support of estimates for increased appropriations for surveying the public lands; which was referred to the Committee on Appropriations, and ordered to be printed.

SIGNAL-SERVICE OFFICE BUILDING, WASHINGTON.

The SPEAKER *pro tempore* laid before the House the amendments of the Senate to the bill (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary storehouses for the use of the office of the Chief Signal Officer of the Army at the city of Washington, D. C.

Mr. DIBBLE. I ask unanimous consent to concur in the amendments of the Senate. I will state, Mr. Speaker, that the House has already passed this bill, and the only change made by the Senate is a verbal one—the name of the party being misspelled. There is also a slight change with reference to the limit for another building. In the House this was fixed at 50 feet, but it was found that the Government, which owns the rest of the square, had a small brick stable within 30 feet of this building, and the amendment provides that the 50-foot limit shall not extend to a Government building on the same property. There is no other change.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the Senate amendments to the House bill?

There being no objection, the amendments were concurred in.

REFERENCE OF SENATE BILLS.

The SPEAKER *pro tempore* also laid before the House bills of the following titles; which were read twice, and referred as follows, namely:

A bill (S. 419) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands—to the Committee on the Public Lands.

A bill (S. 503) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army—to the Committee on Claims.

A bill (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi—to the Committee on Commerce.

A bill (S. 970) to amend an act entitled "An act providing for the allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March 3, 1885—to the Committee on Indian Affairs.

A bill (S. 1029) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887—to the Committee on Foreign Affairs.

A bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea—to the Committee on Foreign Affairs.

PROTECTION OF SUBMARINE CABLES.

The SPEAKER *pro tempore* also laid before the House a bill (S. 1900) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables; which was read a first and second time.

Mr. NORWOOD. I ask unanimous consent that this bill be put upon its passage now; and in this connection I send to the desk to have read a telegram bearing upon the subject.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That any person who shall willfully and wrongfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable, in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding $5,000, or to both fine and imprisonment, at the discretion of the court.

SEC. 2. That any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding $500, or to both fine and imprisonment, at the discretion of the court.

SEC. 3. That the provisions of the foregoing sections shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel: *Provided*, That he takes reasonable precautions to avoid such breaking or injury.

SEC. 4. That the master of any vessel which, while engaged in laying or repairing submarine cables, shall fail to observe the rules concerning signals that have been or shall hereafter be adopted by the parties to the convention with a view to preventing collisions at sea; or the master of any vessel that, perceiving or being able to perceive the said signals displayed upon a telegraph ship engaged in repairing a cable, shall not withdraw to or keep at a distance of at least 1 nautical mile; or the master of any vessel that, seeing, or being able to see, buoys intended to mark the position of a cable when being laid, or when out of order, or broken, shall not keep at a distance of at least a quarter of a nautical mile, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment for a term not exceeding one month or to a fine of not exceeding $500.

SEC. 5. That the master of any fishing vessel who shall not keep his implements or nets at a distance of at least 1 nautical mile from a vessel engaged in laying or repairing a cable; or the master of any fishing vessel who shall not keep his implements or nets at a distance of at least a quarter of a nautical mile from a buoy or buoys intended to mark the position of a cable when being laid, or when out of order or broken, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment for a term not exceeding ten days, or to a fine not exceeding $250, or to both such fine and imprisonment, at the discretion of the court: *Provided, however*, That fishing vessels, on perceiving or being able to perceive the said signals displayed on a telegraph ship, shall be allowed such time as may be necessary to obey the notice thus given, not exceeding twenty-four hours, during which period no obstacle shall be placed in the way of their operations.

SEC. 6. That for the purpose of carrying into effect the convention, a person commanding a ship of war of the United States or of any foreign state for the time being bound by the convention, or a ship specially commissioned by the Government of the United States, or by the government of such foreign state, may exercise and perform the duties vested in and imposed on such officer by the convention.

SEC. 7. That any person having the custody of the papers necessary for the preparation of the statements provided for in article 10 of the convention, who shall refuse to exhibit them or shall violently resist persons having authority according to article 10 of said convention to draw up statements of facts in the exercise of their functions, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment not exceeding two years, or to a fine not exceeding $5,000, or to both fine and imprisonment, at the discretion of the court.

SEC. 8. That the penalties provided in this act for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury.

SEC. 9. That when an offense against this act shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

SEC. 10. That unless the context of this act otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons, corporate or unincorporate. The term "convention" shall be taken to mean the international convention for the protection of submarine cables, made at Paris on the 14th day of May, 1884, and proclaimed by the President of the United States on the 22d of May, 1885.

SEC. 11. That the provisions of the Revised Statutes, from section 4300 to section 4305, inclusive, for the summary trial of offenses against the navigation laws of the United States, shall extend to the trial of offenses against the provisions of sections 4 and 5 of this act.

SEC. 12. That the provisions of this act shall be held to apply only to cables to which the convention for the time being applies.

SEC. 13. That the district courts of the United States shall have jurisdiction over all offenses against this act and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or outside of the said waters: *Provided*, That in case such infraction is committed outside of the territorial waters of the United States the vessel on board of which it has been committed is a vessel of the United States. From the decrees and judgments of the district courts in actions and suits arising under this act appeals and writs of error shall be allowed as now provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of this act shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found; and suits of a civil nature may be commenced in the district court for any district within which the defendant may be found and shall be served with process.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. NORWOOD. I ask now to have read a telegram from our minister in France, Mr. McLane, addressed to Secretary Bayard.

The Clerk read as follows:

[Telegram.]

FROM UNITED STATES LEGATION IN FRANCE,
Paris, February 15, 1888.

French Government must put in operation May 1 convention for protection of submarine cables. To do so it must receive before March 15 the text of the laws stipulated for in article 12 of that convention.

If Congress does not act in time the convention will go into operation without the United States, which will be greatly regretted by all interested in telegraphic communication.

McLANE, *Minister*.

BAYARD, *Secretary*,
Washington.

Mr. NORWOOD. It will be remembered that in 1884 some twenty-seven or twenty-eight of the civilized governments met and formed a convention for the purpose of protecting submarine cables. It was provided by that convention that each one of those powers should enact laws to be operative within its own territory for the protection of its own submarine cables. I believe all of them have acted except the

United States; and we are now upon the eve of the period when, if we do not act, the United States will lose the benefits that are to be derived from that convention. As stated by the telegram which has been read from Minister McLane, we must have the text of our law in Paris by the 15th of March in order to get the benefit of that convention. The bill has been considered by the House Committee on Foreign Affairs for two Congresses. It was reported back by myself a few days ago. The Senate has also considered the matter, and reported their action here yesterday. And I now ask that the Senate bill which has been submitted to the members of the House committee be passed.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. NORWOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill with the same title (H. R. 5614) was laid on the table.

R. R. TINSLEY.

The SPEAKER *pro tempore* laid before the House the bill (S. 313) for the relief of R. R. Tinsley.

Mr. McRAE. A bill exactly similar to the Senate bill No. 313 has been favorably reported by the Committee on Claims. I ask that the Senate bill be put upon its passage. It contains no appropriation.

Mr. LANHAM. Is it likely to lead to discussion?

Mr. McRAE. Oh, no.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized, in his discretion, to credit the accounts of R. R. Tinsley, late postmaster at Nashville, Ark., with the sum of $119, lost by a robbery of the mails at or near Hope, Ark., on or about November 30, 1884.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill of the same title (H. R. 4484) was laid on the table.

QUARANTINE STATION AT SHIP ISLAND, MISSISSIPPI.

The SPEAKER *pro tempore* also laid before the House the bill (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi.

Mr. STOCKDALE. A bill identical with this Senate bill has been reported by the Commerce Committee of the House. It is a matter of great importance to the whole continent that that quarantine station at Ship Island should be removed. I ask unanimous consent that the Senate bill be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to cause the removal of the national quarantine station now located on Ship Island, in the Gulf of Mexico, to some other island in said gulf, or in such pass in the Mississippi Delta as may be recommended by a board to be designated by him, and that the necessary quarantine buildings and appliances be established thereon; and that the sum of $45,000, or so much thereof as may be necessary, is hereby appropriated to carry out the purposes of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STOCKDALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill of the same title (H. R. 1588) was laid on the table.

NO MAN'S LAND.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1080) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which was read a first and second time, and referred to the Committee on the Public Lands.

W. W. SCREWS.

Mr. HERBERT. I ask unanimous consent to take up for consideration at this time the bill (H. R. 6562) for the relief of W. W. Screws.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to W. W. Screws, the sum of $100.37, for advertising done by the direction of the Commissioner of the General Land Office in 1884 and 1885.

Mr. HERBERT. This bill involves only an amount of $100. It is for advertising done by order of the Commissioner of the General Land Office, and is the unanimous report of the committee.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY PENFIELD.

Mr. BURROWS. I ask unanimous consent to discharge the Committee of the Whole House from the consideration of the bill (H. R. 6071) for the relief of Mary Penfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Penfield, late a nurse in the United States Army, and that she be granted a pension at the rate of $50 per month.

Mr. BURROWS. This bill is the unanimous report of the committee.

The bill was reported by the Committee on Invalid Pensions with an amendment, in line 7, to strike out "fifty" and insert "twenty-five;" so that it will read:

A pension at the rate of twenty-five dollars per month.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BURROWS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR OF OSWEGO, N. Y.

Mr. STEWART, of Texas, from the Committee on Rivers and Harbors, submitted the following as a privileged report:

Whereas it appears, by the report of Chief of Engineers in regard to river and harbor improvements for 1887, that about 150 linear feet of the west breakwater or pier in the harbor of Oswego, N. Y., has been swept away; it also appears that between two and three hundred linear feet of the east breakwater or pier in said harbor has been built; and

Whereas it is alleged that the above-described breach in the said pier or breakwater, in time of storm, allows the sea to come into the inner harbor to the extent that commerce (and vessels with the property connected therewith) is endangered; it is also alleged by sailors and masters of vessels frequenting said harbor that the said portion of the east pier or breakwater already built is too near the west breakwater, thereby making the channel necessarily passed by vessels so narrow that in heavy weather, with west-northwest winds, all vessels are in danger in passing through, and that in fact since the building of said part of said east breakwater vessels have been wrecked because of the position of the said east pier or breakwater: Therefore,

Resolved, That the Secretary of War, by the Chief of Engineers aforesaid, be, and he is hereby, requested, if consistent with the public welfare, to report to this House—

1. Whether the said breached part of said west breakwater or pier ought at once to be repaired, and, if so, what the cost of such repair will be.

2. Whether in the opinion of the engineers the said east breakwater, so called, now erected in the mouth of the river, does endanger vessels entering said harbor, and whether vessels have been injured and wrecked on said east pier, and whether said pier ought or ought not to be removed, and if it ought to be removed what the cost of such removal will be.

3. Whether the $80,000 recommended in the Engineer's report for 1887 to be appropriated to Oswego Harbor by Congress at this session includes the expenditures necessary to repair said west breakwater and remove said east breakwater, if the said pier or breakwater should be repaired and removed.

4. What the Chief of Engineers recommends Congress to appropriate for the benefit of Oswego Harbor, and the amounts and particular purposes for which said money should be expended, including the repair of said west pier or breakwater and the removal of the said east pier, if such piers ought to be repaired and removed.

The Committee on Rivers and Harbors, to which was referred a resolution asking the Secretary of War to furnish certain information in regard to proposed improvements of the harbor at Oswego, in the State of New York, beg leave to report that they have duly considered the same, and recommend the passage of the said resolution.

Mr. STEWART, of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

The resolution was agreed to.

WILLIAM THOMPSON.

Mr. HENDERSON, of Iowa. Mr. Speaker, I ask unanimous consent that the bill (H. R. 166) for the relief of William Thompson be now taken up and put upon its passage. There is a unanimous report by the committee in its favor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay William Thompson, late of Company H, Third Regiment of Michigan Volunteer Infantry, the pay and allowance of a second lieutenant of infantry from November 28, 1865, until June 9, 1866, deducting therefrom the pay he received as a principal musician of infantry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALONZO ALDEN.

Mr. GREENMAN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 2663) for the relief of Alonzo Alden be put upon its passage. It has been unanimously reported by the committee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Alonzo Alden, late colonel of the One hundred and sixty-ninth Regiment New York Volunteers and brevet brigadier-general, from $50 to $100 per month from and after the passage of this act.

Mr. MATSON. Mr. Speaker, is that bill proposed to be considered by unanimous consent?

The SPEAKER *pro tempore*. The gentleman from New York [Mr.

GREENMAN] has asked unanimous consent for the present consideration of the bill. Is there objection?

Mr. MATSON. I object.

Mr. LANHAM. I demand the regular order.

INVESTIGATION OF THE GOVERNMENT PRINTING OFFICE.

Mr. RICHARDSON. Mr. Speaker, I desire to offer a privileged resolution.

The resolution was read, as follows:

Resolved, That the testimony taken by the special committee appointed under the House resolution of January 30, 1888, to investigate the administration of the Government Printing Office during the incumbency of the present occupant and that of his predecessor, be printed, together with such documents and papers relating to matters referred to said committee as it may consider necessary, and that 50 extra copies be printed for the use of the committee.

Mr. RICHARDSON. I demand the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Several members addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. LANHAM] has demanded the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 113) authorizing the Secretary of War to appoint a board of three commissioners to examine and report in relation to the Delaware River between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes.

The message further announced that the Senate had passed a bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia; in which the concurrence of the House was requested.

HEIRS OF SOLOMON SPITZER.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 2699) for the relief of the heirs of the late Solomon Spitzer, and that the same be put upon its passage.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $12,500, to pay to the heirs of Solomon Spitzer the claim of the said Spitzer for the unexpected increase in the work of weighing imports at the port of New York, under his contract with the Secretary of the Treasury during the year 1879.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at this time?

Mr. PAYSON. Let the report be read.

The report (by Mr. TIMOTHY J. CAMPBELL) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2699) for the relief of the heirs of Solomon Spitzer, would respectfully report:

That a similar bill was favorably reported by Mr. TILLMAN, from the Committee on Claims, in the Forty-eighth Congress. Your committee concur in the report, which is hereto annexed, and recommend that it do pass.

"The Committee on Claims, to whom was referred the bill (H. R. 1089) for the relief of Solomon Spitzer, and accompanying papers, have had the same under consideration, and make the following report:

"This bill appropriates the sum of $12,500, or so much thereof as in the opinion of the Secretary of the Treasury may be necessary, to pay the claim of Solomon Spitzer for the unexpected increase in the work of weighing imports at the port of New York under his contract with the Treasury Department for the year 1879.

"It appears that Spitzer entered into a contract with the Treasury Department to do all the work of weighing imports at the above-named port for three years from February 1, 1878, at a compensation of $75,000 per annum.

"The contract also specified that in case the work was increased more than 10 per cent. by legislative action increasing the classes of weighable goods, the contractor should be entitled to compensation in proportion to the increase, less the 10 per cent. specified.

"An unanticipated increase in the volume of importations took place in the latter part of the year 1879, and the quantity of weighable goods imported continued to increase to such an extent that Spitzer was no longer able to perform his contract, and it was terminated on the 1st of January, 1880. Spitzer presented a claim to the Treasury Department for extra compensation on account of the unexpected increase, and it was referred to a committee of Treasury officers, appointed by the Secretary of the Treasury. They examined the matter carefully, and reported that, under the terms of the contract, Spitzer was equitably entitled to additional compensation to the extent of $12,500, but there was no power vested in the Department to pay same, and recommended legislative action. The Secretary of the Treasury concurred in the report of the committee.

"The average number of tons weighed during each of the six years from 1873 to and including 1878 was 1,104,488; and it is fair to assume bidders for furnishing the labor in question took into consideration in making their bids to perform the service the average number of tons weighed during former years. The quantity of goods weighed in 1879 was 1,570,907 tons, or 466,419 tons more than the average of each of the six preceding years—an increase of about 42 per cent.—while the price paid by the Government for the labor performed was over $100,000 less than 1877, according to the report of the Treasury officials.

"The collector of the port of New York, the deputy naval officer, and General Curtis all seem to indicate, by communications to the Department on this subject, that in their judgment it would be equitable to allow Mr. Spitzer 33 per cent. in addition to his contract price for such period as the Secretary might deem proper.

"The report of the collector of February 10, 1880, states that according to Spitzer's pay-rolls the labor under the contract cost him $32,000 in 1879 more than the $75,000 received from the Government. He also estimated that during the year 1880 the work done by Spitzer would cost something like $144,000, and experience has shown that this was an underestimate.

"Your committee are therefore of the opinion that as Spitzer made his contract in good faith, and, as it is fair to assume, on the estimate as furnished by the Government for the six years preceding 1878, that, in accordance with said contract, he would be equitably entitled to an addition of 33 per cent. to his contract price for the last half of the year 1879, or $12,500.

"At the commencement of the first session of the Forty-seventh Congress, in 1882, Mr. Spitzer came to Washington and presented his claim, and, while here prosecuting said claim, was suddenly taken sick, and died April 13, 1882.

"In view of the foregoing facts your committee therefore report back the bill, amended so as to pay said amount of $12,500 to the legal representatives of the late Solomon Spitzer, and recommend that it do pass."

Mr. BYNUM. Mr. Speaker, I think that bill is of too great importance to be taken up and passed in this way.

Mr. TIMOTHY J. CAMPBELL. I hope the gentleman will not object. I ask unanimous consent to make a brief statement. This bill was favorably reported in the Forty-seventh and Forty-eighth Congresses, and now it has been favorably reported in the Fiftieth Congress. It is a matter of charity to this poor man's family, and a matter of justice also. I have thoroughly examined the case, and I am satisfied that it is a proper bill.

Mr. MCCREARY. How much does the bill appropriate?

Mr. TIMOTHY J. CAMPBELL. Twelve thousand five hundred dollars, or so much thereof as the Secretary of the Treasury may deem necessary. The bill has been favorably reported, and there is no objection to it.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BYNUM. I object.

SETTLEMENT OF PRIVATE LAND CLAIMS.

Mr. LANHAM. I call for the regular order.

Mr. MCCREARY. If the gentleman from Texas will yield a moment, I desire to ask unanimous consent to report back adversely from the Committee on Private Land Claims three bills, and to report a bill in lieu thereof.

There being no objection,

Mr. MCCREARY reported back adversely from the Committee on Private Land Claims bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1219) to provide for ascertaining and settling private land claims in certain States and Territories;

A bill (H. R. 5044) to provide for ascertaining and settling private land claims in the Territories of New Mexico, Arizona, and the State of Colorado; and

A bill (H. R. 6114) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona, New Mexico, Wyoming, Utah, and the States of Colorado and Nevada.

Mr. MCCREARY also, from the Committee on Private Land Claims, reported a bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona, New Mexico, and in the State of Colorado; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HENRY BROCK.

Mr. LEHLBACH. I ask unanimous consent to take from the Private Calendar and put on its passage now the bill (H. R. 6887) for the relief of Henry Brock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry Brock, out of any money in the Treasury not otherwise appropriated, the sum of $387, the same being justly due said Henry Brock for rent of his house, No. 200 New Jersey avenue, Washington, D. C., and damage to the same while it was being occupied under authority of the House of Representatives.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. LEHLBACH. I will merely state, in order to save the necessity of reading the report, that the rooms for the use of which this bill proposes to pay were rented by the authority of this House. [Cries of "Vote!" "Vote!"]

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. LEHLBACH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. TURNER, of Kansas. I rise to a question of privilege. I desire to have corrected the improper reference of a bill. House bill No. 7445, to provide for the disposal of the Fort Wallace military reservation, in Kansas, was referred to the Committee on Military Affairs, when it should have been referred to the Committee on Public Lands, inas-

much as the reservation to which it relates was turned over to the Interior Department several years ago.

The SPEAKER *pro tempore*. If there be no objection, the change of reference, as indicated, will be made.

There being no objection, it was ordered accordingly.

LETTER-CARRIERS AND POSTAL CLERKS.

The SPEAKER *pro tempore* (Mr. COX). With the permission of the gentleman from Texas [Mr. LANHAM] and of the House, the Chair desires to lay before the House a petition from John Blakely and 34,999 others, merchants and citizens of New York City and Brooklyn, representing the sentiment of the city and State of New York in relation to bills now pending in this House for relief of letter-carriers and postal clerks, and requesting the passage of those bills.

Mr. O'NEILL, of Pennsylvania. Can we not have read to the House the body of that petition?

Mr. PERKINS. With the signatures? [Laughter.]

The SPEAKER *pro tempore*. The Chair will also present a petition of 12,000 postal employés in various parts of the country, including especially the city of Pittsburgh. From the bulk of these voluminous petitions the Chair has not been able to see how they could be presented through the petition-box.

Mr. O'NEILL, of Pennsylvania. Can we not have the heading of those petitions read?

The SPEAKER *pro tempore*. The Chair will ask permission that the body of these petitions—without the names, of course—be printed in the RECORD. Is there objection? The Chair hears none.

Mr. O'NEILL, of Pennsylvania. I hope that the number of those interested will be fully stated in the RECORD at the same time.

The SPEAKER *pro tempore*. The Chair will see that that is done.

The body of the petition referred to is as follows:

To the honorable members of the Senate and Congress of the United States:

The undersigned, business men and citizens generally of New York City and the State of New York, appreciating the great importance of the Post-Office Department to the business public and to all classes of the community, and believing that the steadily increasing population of our great cities and the immense business connected therewith urgently require that the postal facilities should be kept up with this increasing demand for their services, take leave very respectfully to recommend to your favorable consideration the appeal of the letter-carriers and post-office clerks to your honorable bodies for the passage of an act of Congress (bills for which have been presented at this session of Congress by Hon. S. S. COX, of New York) to increase and regulate their salaries, similar to that now in force in the interest of letter-carriers and railway postal clerks. We would, with great respect, pray your favorable action in their behalf, believing that the vast amount of labor they are required to perform, requiring much ability and a long period of special training, is of great value to the public, and that their compensation should be such as to secure the services of thoroughly qualified men.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PHELAN, for two days, on account of sickness.

To Mr. FRENCH, for four days, on account of important business.

To Mr. HAYDEN, indefinitely, on account of important business.

To Mr. HOPKINS, of Virginia, for four days.

ORDER OF BUSINESS.

Mr. LANHAM. I now call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports of a private nature.

NICKOLAS LEUSCHEN AND OTHERS.

Mr. WISE, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 4601) to amend the naval record of Nickolas Leuschen, Peter Leuschen, and Loth Possum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH CASSON.

Mr. PAYSON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 3613) for the relief of Joseph Casson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THERESA B. HOFFMAN.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. 2873) granting a pension to Theresa B. Hoffman; which was laid on the table.

He also, from the same committee, reported back favorably the bill (S. 1665) granting a pension to Theresa B. Hoffman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

S. D. BARCLAY, G. D. ADAMS, AND WILLIAM H. KIMBREW.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (S. 147) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

J. R JONES.

Mr. BOWDEN, from the Committee on Claims, reported back favorably the bill (H. R. 4201) for the relief of J. R. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES CALER.

Mr. BOWDEN also, from the Committee on Claims, reported back favorably the bill (H. R. 2661) for the relief of James Caler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POTOMAC STEAM-BOAT COMPANY.

Mr. BOWDEN also, from the Committee on Claims, reported a bill (H. R. 7644) for the relief of the Potomac Steam-boat Company; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP LONEY.

Mr. BOWDEN also, from the Committee on Claims, reported back favorably the bill (H. R. 5737) for the relief of Philip Loney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. R. STOTT.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 5729) for the relief of J. R. Stott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHESAPEAKE BANK, BALTIMORE, MD.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 4531) for the relief of the Chesapeake Bank, of Baltimore, Md.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONTINENTAL FIRE INSURANCE COMPANY, ETC.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (H. R. 4528) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York City; the Western National Bank, the Merchants' National Bank, and the Maryland Insurance Company, of Baltimore, Md.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHAMBERS & BROWN.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (H. R. 329) for the relief of Chambers & Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. M. ANDERSON AND OTHERS.

Mr. SIMMONS, from the Committee on Claims, reported back favorably the bill (H. R. 5222) for the relief of A. M. Anderson and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR STORES AND SUPPLIES.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 7645) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. NEWGENT.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 5212) for the relief of Andrew J. Newgent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMPSON M'KINLEY.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back favorably the bill (H. R. 2267) to pay Thompson McKinley $375 for service voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster of the United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BLISS.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back favorably the bill (H. R. 5382) to grant relief to William Bliss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM PFAENDER.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3766) for the relief of William Pfaender; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. S. FLAKE.

Mr. WILKINSON, from the Committee on War Claims, reported back favorably the bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MIGUEL SALINAS.

Mr. HIESTAND, from the Committee on War Claims, reported back favorably the bill (H. R. 3117) for the relief the heirs of Miguel Salinas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY J. HEWITT.

Mr. CROUSE, from the Committee on War Claims, reported back the bill (H. R. 4558) for the relief of Henry J. Hewitt; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 7646) for the relief of Henry J. Hewitt; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF THOMAS NILES.

Mr. CROUSE also, from the Committee on War Claims, reported back favorably the bill (H. R. 786) for the relief of the estate of Thomas Niles, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES GALLAGHER.

Mr. PENINGTON, from the Committee on War Claims, reported back favorably the bill (H. R. 6187) for the relief of Charles Gallagher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOTEL REPUBLIC COMPANY, DISTRICT OF COLUMBIA.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 7149) to incorporate the Hotel Republic Company, of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of committees is now completed. If there be no objection, the Chair will recognize gentlemen to submit reports who were not in their seats when their committees were called. The Chair is also informed that several gentlemen desire to submit reports that do not relate to private bills.

If there be no objection, the Chair will recognize them for that purpose.

There was no objection.

JAMES A. HALEY.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 509) granting a pension to James A. Haley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID L. BRAINARD AND OTHERS.

Mr. ROBERTSON, from the Committee on Military Affairs, reported back favorably the bill (S. 937) for the relief of David L. Brainard and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, reported a bill (H. R. 7647) as a substitute for the bill (H. R. 4877) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ENCOURAGEMENT OF MINING, ETC.

Mr. O'FERRALL, from the Committee on Mines and Mining, submitted a supplemental report to accompany the bill (H. R. 1937) to amend chapter 340 of the United States Statutes at Large, volume 24, Forty-ninth Congress, and to promote and encourage mining; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AUTHORITY OF DISTRICT COMMISSIONERS TO MAKE CONTRACTS.

Mr. GROUT, from the Committee on the District of Columbia, reported, as a substitute for H. R. 4947, a bill (H. R. 7648) to extend the authority of the commissioners of the District of Columbia in making contracts; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4947 was laid on the table.

POST-OFFICE INSPECTIVE FORCE.

Mr. DOCKERY, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 6438) to provide for the appointment, organization, and compensation of the inspective force of the Post-Office Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INCREASE OF PENSION FOR DEAFNESS.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back favorably the bill (S. 509) authorizing an increase of pension in case of deafness; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SECTION 3019, REVISED STATUTES.

Mr. WHITE, of New York, by unanimous consent, introduced a bill (H. R. 7649) to amend section 3019 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House now resolve itself into Committee of the Whole House for the consideration of bills upon the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills upon the Private Calendar, and the Clerk will report the title of the first bill.

PETER MARCH AND OTHERS.

The first business on the Private Calendar (Court of Claims cases) was the bill (H. R. 6203) of the Forty-ninth Congress for the relief of Peter March, Thomas J. Wright, administrator, and others.

Mr. LANHAM. Mr. Chairman, I will state that a bill covering the subject-matter of this claim has been already passed, on motion of the gentleman from Ohio [Mr. BUTTERWORTH] on a new bill and new report made to this Congress. Hence the bill now upon the Calendar, the title of which has been read, ought to be laid upon the table.

The CHAIRMAN. The Chair is informed that the statement of the gentleman from Texas is correct, and if there be no objection this bill will be laid aside to be reported to the House with the recommendation that it be laid upon the table.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The next bill on the Private Calendar (Court of Claims cases) was the bill (H. R. 8088) of the Forty-ninth Congress for the relief of Henry Bazsinsky, administrator of Abraham Bazsinsky.

Mr. LANHAM. I desire to state that heretofore I have submitted certain objections to the consideration of bills on this part of the Calendar, growing out of the fact that they have not been introduced at this Congress or reported by any committee of this Congress. However, I discover that a bill was introduced January 4, 1888, and reported back to the House by the Committee on War Claims February 3, which, I understand, covers a number of the cases embraced in these claims. I am informed by the gentleman from Kentucky [Mr. STONE], and also by the gentleman from Tennessee [Mr. RICHARDSON], that the reports have been made at this session of Congress on the claims embraced in that omnibus bill. For that reason I shall make no objection to the consideration of the bills embraced in the bill reported on the 3d of February.

Mr. TAULBEE. Would it not be better to consider the bill to which the gentleman from Texas has referred, which covers these bills? Would it not be better to consider a single bill than the separate bills? I think to do so would expedite the business on the Calendar.

Mr. STONE, of Kentucky. It will be remembered by the committee that these cases which are on this part of the Calendar created considerable discussion here as to what should be done with the bills which came over from the Forty-ninth Congress. We are in the same trouble yet as to those bills unless we can substitute the bill which has been reported back from the Committee on War Claims for these various bills. And if in order I move to pass over the bills included in the omnibus bill introduced by the gentleman from Tennessee [Mr. RICHARDSON] and take up that bill. The necessity for this is very apparent because these bills are on the Calendar, and they will always be a stumbling-block in the way of the action of the House unless something is done to dispose of them; and I think what I have suggested is the shortest way out of the trouble.

Mr. RICHARDSON. There is only one word which I desire to say, and it is this: The claims included in this omnibus bill are every one of them for supplies furnished to the Union Army during the war. This fact has been found in each case by the Court of Claims, organized for the express purpose of making this investigation. The preliminary inquiry in each case was as to the loyalty of the claimant. That fact is found favorably by the Court of Claims; and in addition to that fact

that the claim is just; that the claim in each case is for supplies furnished to the Union Army is also favorably found. Therefore I think there can be no objection to considering the omnibus bill, inasmuch as it only includes cases for supplies.

Mr. LANHAM. What is the number of the bill?

Mr. RICHARDSON. It is the bill H. R. 2952.

Mr. LANHAM. How many claims are embraced in that bill?

Mr. RICHARDSON. To answer the gentleman I would have to count them up. I think there are some twenty-five.

Mr. O'FERRALL. Does it specify each claim, giving each name?

Mr. RICHARDSON. It states the particular claim, and sets out the finding by the Court of Claims.

Mr. Chairman, in order that there may be no misunderstanding I want to say in addition that the findings of fact by the Court of Claims are particularly certified by that court under its seal. There was a finding in each particular case. That finding in each case was submitted to this House during the Forty-ninth Congress, and was regularly referred to the Committee on War Claims. Each case was considered upon the findings of the Court of Claims in the Committee on War Claims, and unanimously reported by the Committee on War Claims. They have been again unanimously reported in this omnibus bill by the Committee on War Claims of this Congress.

Mr. WHITTHORNE. May I ask my colleague a question?

Mr. RICHARDSON. Certainly.

Mr. WHITTHORNE. Are not the methods pursued by this bill precisely the methods pursued in the disposition by the House of the 4th of July claims?

Mr. RICHARDSON. Precisely; except that, as the House will understand, the findings in the 4th of July claims are by Departmental officers, the Quartermaster-General through his agents. In these cases the facts are found, but by a court of competent jurisdiction composed of some four or five judges, able and learned in the law. The claims are regularly prosecuted there, in each case the United States Government being represented by the Attorney-General or his assistant, and the claimant by his attorney. The proceedings are conducted just as if they were cases in chancery.

Mr. LANHAM. Would it not be well to have the bill read and enter upon its consideration regularly?

The CHAIRMAN. There is but one bill now before the committee. The gentleman from Kentucky asks consent that the bills on this part of the Calendar be laid aside, and that the bill which the Clerk will read be taken up for consideration.

CLAIMS UNDER THE BOWMAN ACT.

The CHAIRMAN. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," namely:

To Mary A. Blackwell, of Shelby County, Tennessee, $940.

To Urias Buskirk, of Logan County, West Virginia, $672.

To John M. Campbell, of Gibson County, Tennessee, $1,046.50.

To Anna M. Cogswell, of Garland County, Arkansas, $3,884.

To Henry Bazsinsky, administrator of Abraham Bazsinsky, of Warren County, Mississippi, $23,648.

To the corporation of the Roman Catholic Clergymen of Maryland, $4,035.50.

To W. H. Cook, sr., of St. Mary's Parish, Louisiana, $2,085.

To Elizabeth P. Dyer, of Fayette County, Tennessee, $480.

To Newitt Harris, of Fayette County, Tennessee, $600.

To David H. Hildebrand, of Shelby County, Tennessee, $1,078.

To Horace P. Hobson, administrator of John O. Graves, deceased, of Fayette County, Tennessee, $3,231.

To Indiana E. Hughes, administratrix of John P. Hughes, deceased, of Shelby County, Tennessee, $1,436.

To James C. Jenkins, administrator of Thomas C. Jenkins, deceased, of Hardeman County, Tennessee, $1,275.

To Sarah McFerrin, administratrix of Robert Waters, deceased, of Shelby County, Tennessee, $1,752.

To John R. McKinnie, administrator of David McKinnie, deceased, of Hardeman County, Tennessee, $1,142.

To Sarah E. Mendenhall, of Shelby County, Tennessee, $583.73.

To John A. Ourslers, administrator, of Fayette County, Tennessee, $2,439.10.

To Thomas F. Perkins, administrator of Eliza M. Dawson, deceased, of Marshall County, Mississippi, $19,237.68.

To John B. Reid, of Fayette County, Tennessee, $1,000.

To Robert Smith, of Madison County, Tennessee, $510.

To S. H. Brodnax, executor of George T. Taylor, deceased, of Tipton County, Tennessee, $1,435.

To James Tucker, of Fayette County, Tennessee, $500.

To Robert H. Walton, of Hardeman County, Tennessee, $360.

To Americus V. Warr, administrator of Nicholas H. Isbell, deceased, of Fayette County, Tennessee, $13,475.15.

To John R. Watkins, administrator of Matilda W. Anderson, deceased, of Haywood County, Tennessee, $2,530.

To Simom Witkowski, of West Carroll Parish, Louisiana, $7,200.

To Mrs. Ann Moreau, of Avoyelles Parish, Louisiana, $5,995.

To John R. McDowell, administrator of John McDowell, deceased, of Fayette County, Tennessee, $15,570.

To John Loague, administrator of Delos A. Harrell, of Shelby County, Tennessee, $885.

To T. J. Powell, administrator of Warren M. Benton, deceased, of West Carroll Parish, Louisiana, $14,585.

To John H. Mitchell, of Sebastian County, Arkansas, $2,070.

To Elizabeth Greggs, administratrix of Charles Murphy, deceased, of Hardeman County, Tennessee, $3,187.

To John Kelley, of Alleghany County, Virginia, $6,571.71.

To John Loague, administrator of Elizabeth Becton, of Shelby County, Tennessee, $1,055.

Mr. STONE, of Kentucky. Mr. Chairman, I ask unanimous consent that this bill be now taken up for consideration in lieu of separate bills covering the same claims which are pending upon the Calendar.

Mr. HOLMAN. I hope that in the first place the report will be read. If there is a full report covering all these various items, that will largely influence the question of unanimous consent.

Mr. TAULBEE. Mr. Chairman, I suggest that if the report upon this bill does not cover in full the findings of the Court of Claims in all these cases, we have those findings read in connection with the bill.

Mr. HOLMAN. I will be satisfied with that, and I hope that course will be taken in the first instance.

Mr. STONE, of Kentucky. The report is not a very long one; it covers only two pages and can soon be read.

Mr. HOLMAN. The gentleman from Kentucky [Mr. TAULBEE] has suggested that after the reading of this report the conclusions reached by the Court of Claims in these cases shall also be read. There may be some of the claims that gentlemen are familiar with. I am familiar with some of them myself, and as to those we are not familiar with, I suggest that we call for the reading of the findings of the court, and then determine whether the bill shall be before the House or not.

The CHAIRMAN. The Clerk will first read the report of the committee upon the pending bill.

Mr. STONE, of Kentucky. In connection with that I wish to say, Mr. Chairman, that the committee did not think it necessary to incorporate into their report the findings of the Court of Claims in each case, because those findings are before the House officially and can be had by any gentleman who desires them at any time.

Mr. RICHARDSON. To supplement the statement of the gentleman from Kentucky [Mr. TAULBEE], I will add that we have here printed findings, under seal of the Court of Claims, in each case, and at the proper time I will ask that those findings, which are very brief in each case, be printed in the RECORD in order that gentlemen may see for themselves that all these cases have been reported upon by the court.

Mr. TAULBEE. I think that is a very fair proposition, with this further understanding, that if a part of this omnibus bill is reached covering a case as to which any gentleman desires to have the finding of the court read, he shall have the right to have it read in that particular case.

Mr. RICHARDSON. Yes, that is right.

Mr. TAULBEE. So far as I am concerned personally, I do not think I shall require it, because I have examined these claims pretty extensively.

Mr. RICHARDSON. Mr. Chairman, in order that the committee may understand exactly how each one of these cases has been reported upon, I suggest that the report in the case which was first reached be now read, and I state that in every case the finding is almost identical in language with the finding in that case.

Mr. O'FERRALL. Mr. Chairman, at the proper time I desire to offer an amendment to this bill. I find that one of the claims which were on the Calendar in the last Congress, a case standing precisely in the same position as these other cases, the claim of Elizabeth Mulvehill, has been omitted, and I desire to move to amend by inserting it.

The CHAIRMAN. That is not in order at this time.

Mr. BLAND. Are all the claims reported by the Court of Claims in this bill?

Mr. STONE, of Kentucky. No, sir; only those that were reported here at the beginning of the session and for which new bills have been introduced in this Congress.

Mr. BLAND. That is, this bill includes only those claims that came over from the last Congress.

Mr. STONE, of Kentucky. Yes; or that were reported here before the beginning of this session. The claims reported since that time are included in other bills now upon the Calendar.

The CHAIRMAN. The Clerk will read the report of the committee.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act," make the following report:

The facts out of which this bill for relief arises will be found stated in House Report No. 4031 of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto annexed and made a part of this report.

Your committee adopt the said report as their own; and report back the bill and recommend its passage with the following amendment: Strike out the whole of lines 92 and 93. The reason for this amendment is that provision has been made for the payment of this claim in another bill reported from this committee.

[House Report No. 4031, Forty-ninth Congress, second session.]

The Committee on War Claims of the Forty-eighth Congress, to whom were referred the claims embraced in the foregoing bill, not being fully and clearly

advised of all the facts in said claims, referred the same to the Court of Claims for findings of fact, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. These claims have been returned by said court with several findings of fact, and the same having been referred to the Committee on War Claims of the present Congress, were adopted by said committee and severally reported back to the House as meritorious claims and with a recommendation that the same be paid.

The committee now refer to the report made in each case by this committee when the bills were reported to the House to show the particular facts of the case, and do not deem it necessary or proper to restate these facts at large in this report, as it would be merely a republication of reports already once submitted to the House and printed.

By the act of July 4, 1864, Congress recognized the obligation of the Government to pay loyal citizens of the United States in non-insurrectionary States for property taken from them by and for the use of the Army and Navy of the United States, and have continuously and without question paid all such claims that have been passed by the Quartermaster and Commissary Generals and recommended by the accounting officers of the Treasury by an annual appropriation called the "4th of July act," and by the act of March 3, 1871, Congress recognized the right of loyal citizens of insurrectionary States to be paid for similar property, and annually, by an appropriation bill called the "Southern claims bill," paid all such claims passed by the Southern Claims Commission and reported to Congress.

The claims so passed upon and paid were subjected to no judicial tests, were examined and adjudicated *ex parte*, while the claims herein named, of the same character in every particular, have been subjected to the crucial test of a judicial investigation by a United States court of competent jurisdiction under the following rules of procedure:

"97. When a case is transmitted to the court by either House of Congress, or a committee thereof, under the first section of said act, involving the investigation and determination of facts in any claim or matter, the clerk shall examine the papers and send notice by mail to every person whose post-office address is given, who appears therefrom to be directly interested therein, and to the Attorney-General, noting the fact on the record and specifying the names of the parties notified and the dates thereof.

"98. Within two months after the mailing of such notices, or within such further time as the court may allow, any person directly interested in the case may appear as a party therein, by filing his petition, under oath, in accordance with rule 7. Thereafter the case shall be proceeded with in like manner and subject to the same rules, so far as applicable, as other cases in the court under its general jurisdiction.

"99. In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late war for the suppression of the rebellion, no testimony shall, without authority of a judge of the court or the consent of both parties, be taken in regard to the merits of the claim until after the preliminary inquiry in regard to the claimant's loyalty, required by section 4 of the act aforesaid, shall have been decided in his favor.

"100. Cases in which the claimant's loyalty is to be decided shall be brought upon the trial docket in reference to that question as prescribed by rule 51. Each party shall file one copy of a brief referring to the evidence relied upon, but the same need not be printed."

Under these rules the testimony is taken under the forms of law, and both parties are represented, the claimant by an attorney and the Government by the Attorney-General of the United States, and it is submitted that such claims stand on a higher plane and are more entitled to the respectful consideration of Congress than any claims heretofore submitted for an appropriation.

The committee are clearly satisfied of the loyalty of the several claimants throughout the entire war, as found by the court, and that property to the amount specified was taken from them, severally, or furnished by them, severally, to, and that the same was used by, the Army of the United States, and that the whole amount mentioned in each case should be allowed and paid to the parties named.

Your committee report the accompanying bill, No. 11083, and recommend that the same do pass with the following amendments, and in lieu of the bills formerly reported in these several cases:

After line 93 add:

"To Elizabeth Griggs, administratrix of Charles Murphy, deceased, of Hardeman County, Tennessee, $3,187.

"To John Kelley, of Alleghany County, Virginia, $6,571.71.

"To John Loague, administrator of Elizabeth Becton, of Shelby County, Tennessee, $1,055."

Mr. RICHARDSON. I now desire to have read the finding of the Court of Claims in the first of these cases. The findings in the various cases are, as I have stated, almost identical.

The CHAIRMAN. The bill is not yet before the committee.

Mr. HOLMAN. This bill, which would be duly reached in the course of time, is intended, as I understand, to take the place of a large number of claims which came over from the last Congress. While I do not think these claims stand upon a different footing from other claims reported from the War Claims Committee, I see no reason in fairness why this bill should not be taken up and considered now. If that should be done—and I make no objection—I desire it to be done on the condition that in each case the report or finding of the Court of Claims, if called for, shall be read.

Mr. STONE, of Kentucky. There will be no objection to that.

The CHAIRMAN. The Chair will state the request of the gentleman from Kentucky. It is that the bill which the Clerk has read be now taken up and considered by the Committee of the Whole, instead of considering the separate bills upon the Calendar relating to the same claims. Is there objection?

Mr. BURROWS. Let it be understood that the reading of the report may be called for in each case.

The CHAIRMAN. The Chair will state that if the bill be taken up for consideration it will be considered under the rules and by items; each claim will be read and amendments will be in order to each item; and the reading of the report in reference to each item will be in order.

Mr. HOLMAN. Let it be understood that the report in each case shall be read.

Mr. BURROWS. If called for.

Mr. HOLMAN. I prefer that the matter be stated the other way—that the report in each case shall be read unless by unanimous consent the reading be waived.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] supplements the request of the gentleman from Kentucky [Mr. STONE] with the request that it be understood the report of the Court of Claims in each case be read, unless otherwise ordered by the Committee of the Whole. Is there objection to the request of the gentleman from Kentucky with the conditions stated? The Chair hears none; and it is so ordered. The Clerk will now read the bill down to and including the item with reference to the first claim.

Mr. STONE, of Kentucky. I wish merely to state that my objec in asking that this bill be substituted for the various bills embracing separately the same items was to meet the objection which we find interposed to the consideration of these separate bills as they stand on the Calendar. They are there as a stumbling-block to our proceedings unless passed over by unanimous consent. My only interest in asking consent for the consideration of this bill now was to remove this difficulty. Outside of that consideration, I feel no special interest in this matter; but I think it best for the business of the House that the single bill embracing these various claims be considered now.

The CHAIRMAN. The Chair will state that this bill will be subject to amendment on each item.

Mr. HOLMAN. Certainly.

The CHAIRMAN. In order that the bill may be considered intelligently, the Clerk will read the bill down to and including the first item.

Mr. HOLMAN. Each item will, of course, be open for debate.

The CHAIRMAN. Each item will be open to amendment and debate.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," namely:

To Mary A. Blackwell, of Shelby County, Tennessee, $940.

The CHAIRMAN. The Clerk will now read the finding of the Court of Claims in reference to this claim.

Mr. LANHAM. I think the reading is hardly necessary. The report is before us, showing the court found that the property was taken and used by the Army, and the value of it. It seems to me, for the sake of economizing time and to avoid encumbering the RECORD, there is no necessity for the reading where it is apparent that the report has been made and the facts found.

Mr. RICHARDSON. One of the reports had better be read for the information of the Committee of the Whole.

Mr. BURROWS. I object to dispensing with the reading.

The CHAIRMAN. Objection being made, the Clerk will read the finding of the Court of Claims upon this subject.

The Clerk read as follows:

In the Court of Claims. Mary A. Blackwell vs. The United States. Congressional case No. 365.

At a Court of Claims held in the city of Washington on the 29th day of March, A. D. 1886, in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy be sent to the Committee on War Claims of the House of Representatives.

By the court.

In the Court of Claims. Congressional case No. 365. Mary A. Blackwell vs. The United States.

FINDINGS OF FACT. FILED MARCH 29, 1886.

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 2d day of March, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 8th day of March, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and Lewis Cochran, esq., of counsel for the defendants, finds the following facts:

I.

During the years 1863 and 1864 the claimant, a widow, resided upon a farm owned or occupied by her near the town of Bartlett, in Shelby County, Tennessee.

Within that time there were taken from the claimant by the Union forces o the United States for their use and used by them:

3 horses and 1 mule of the value of $150 each	$600
300 bushels of corn of the value of	300
4,000 pounds of hay of the value of	40
	940

The claimant has received no pay for the same.

By the court.

A true copy of record.

Test, this 30th day of March, 1886.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. BURROWS. I observe that in this case the court makes no finding upon the question of the loyalty of the claimant.

Mr. WHITTHORNE. Under the Bowman act, as the gentleman will recollect——

Mr. BURROWS. I understand the provisions of the Bowman act; but I simply remark that no report is made by the court upon the question of loyalty. I am aware that under the Bowman act the court has no jurisdiction of the claim unless it first finds the fact of the loyalty of the claimant. Still I believe it is usual for the court to report on that subject.

Mr. WHITTHORNE. It does not, as I understand.

Mr. BURROWS. I am aware that it is a jurisdictional question.

Mr. RICHARDSON. In response to the gentleman from Michigan [Mr. BURROWS] I will say it is usual for the court to set out as one of its findings the fact that the claimant is loyal.

Mr. BURROWS. So I supposed.

Mr. RICHARDSON. This is the only report, I believe, in which that fact is not set out; and the omission escaped my attention until now. As has been remarked, however, the loyalty of the claimant is a jurisdictional question, and the court, I am sure, would not have considered the claim unless that fact had been found in favor of the claimant. Still, it is not set out specifically in this report that the loyality of the claimant was affirmatively found.

Mr. BURROWS. I do not insist on any objection.

Mr. RICHARDSON. The claimant, it will be observed, was a woman—a widow—and therefore a non-combatant.

Mr. BURROWS. As the loyalty of the claimant is a jurisdictional fact, the court no doubt determined that question favorably before acting on the case.

The CHAIRMAN. If there be no objection, the Clerk will report the next item.

The Clerk read as follows:

To Urias Buskirk, of Logan County, West Virginia, $672.

The CHAIRMAN. The Clerk will now read the finding of the Court of Claims.

The Clerk read as follows:

I.

The claimant did not give any aid or comfort to the late rebellion, but was throughout that war loyal to the Government of the United States.

II.

Thirty-two head of beef cattle, worth $672, were taken from the claimant by officers of the Army in July or August, 1862, for the use of and were used by the Army of the United States.

III.

This claim was duly presented to the Commissary-General of Subsistence under section 300 B, Revised Statutes.

IV.

Said cattle were taken in Logan County, West Virginia, by Lieut. Col. W. H. Russell, of the Fourth West Virginia United States Infantry.

Mr. HOLMAN. Mr. Chairman, I notice this claim comes from West Virginia. Now West Virginia is one of the States embraced under what is known as the 4th of July law. It has been classified as one of the loyal States. Citizens of that State and of Tennessee were entitled to a hearing before the Quartermaster-General and the Commissary-General for supplies taken by the Army and Navy for the use of the United States.

Mr. LANHAM. Did that apply to old Virginia, or only to certain counties of old Virginia?

Mr. HOLMAN. It applied to what is now known as the State of West Virginia. It is important, therefore, whether any of these claims have been considered by the Quartermaster-General or the Commissary-General, and if so, what was the finding of that tribunal.

It is a well-known fact, Mr. Chairman, that some seventy millions of dollars of claims were filed before the Quartermaster-General and the Commissary-General, and that those claims continued to be filed as late as 1879, when the limitation applied. Under that law the Quartermaster-General and the Commissary-General were clothed with ample authority to send out agents for the purpose of taking testimony wherever it was necessary in the investigation of these claims. I would like to ask the gentleman from Tennessee, therefore, whether he thinks, where claims were considered before the Quartermaster-General and Commissary-General for supplies taken for the use of the Army, they having such ample authority under the 4th of July law to send out agents in all directions to procure whatever testimony was necessary, it is not desirable we should know just exactly what was the finding upon the cases which were examined, and why if cases were not investigated they were not brought to the attention of those tribunals within the time limited by the law?

Mr. RICHARDSON. Mr. Chairman, I can not answer the question of the gentleman fully as to the claim which is now pending. I know this, however, that this claim was reported favorably to the House, and that the report was written by the chairman of the Committee on War Claims of the last Congress, Mr. Geddes, of Ohio, who was a most careful man in the consideration of war claims.

In addition to that fact I submit this principle to the gentleman from Indiana, that even if this case had been considered at one time by either the Quartermaster-General's Department or the Commissary-General's Department and disallowed, which I am not prepared to say in reference to the claim now pending, it has been because I have not sufficient knowledge of the subject; but even if it had been, we must remember that this claim by Congress has been referred for sufficient reason to the Court of Claims, a court organized for the express purpose of investigating the facts raised in this case.

This Court of Claims is better prepared, better equipped, and better qualified to pass upon the question of loyalty and the justice of a claim, and on the claim in every respect as to its merits. The United States is represented by counsel and the claimant is represented by counsel. If this party was loyal to the Government of the United States during the war, if his property was taken and used for supplies by the Quartermaster's Department or the Commissary Department, I say if those are the findings of fact, then, as a member of the Committee on War Claims of the last Congress, I did not go back to see whether the claim had been once looked after by some wise agent of the Quartermaster's Department or the Commissary Department.

I do not know, as I have already said, how that fact is as to the pending claim, but I prefer in the discharge of my duty as a member of Congress to take the finding of a court composed of efficient judges, with ample powers and organized for the express purpose of examining into these claims, clothed with general facilities for investigating them in every respect.

Mr. HOLMAN. I wish to ask the gentleman from Tennessee another question while he is upon the floor, and it is this: How do the amounts reported by the Court of Claims compare with those of the claims when originally presented?

Mr. RICHARDSON. Of course, Mr. Chairman, I can not answer how that is in reference to each case, but I wish to say there have been referred prior to the beginning of this Congress a little over two thousand cases arising out of the war, and of these, that court has been so careful, so particular, and so rigid in applying the principles of law in each and every case coming before it, that less than 10 per cent. of all the cases referred to it have been passed upon favorably.

Mr. HOLMAN. But as to the amounts?

Mr. RICHARDSON. The Committee on War Claims found in nearly every case the Court of Claims cut them down and allowed only a small proportion of the amount asked. In some cases they allowed the full amount, but in most of them the claims were cut down largely. I can not answer, of course, as to every particular case, and especially as to the pending case, which, as I have said, was reported at the last Congress by the gentleman from Ohio, Mr. Geddes, and not by myself.

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

To John M. Campbell, of Gibson County, Tennessee, $1,046.50.

Mr. HOLMAN. Before leaving this question, the gentleman from Pennsylvania [Mr. BUCKALEW] sitting near me calls my attention to the fact that the report shows that this claim was before the Quartermaster-General.

Mr. STONE, of Kentucky. The gentleman from Indiana, if he will allow me, was, I think, one of the gentlemen on this floor, if the records are correct, at the time of the passage of the Bowman act?

Mr. HOLMAN. That is true.

Mr. STONE, of Kentucky. These bills all went to the Court of Claims under the provisions of that act.

Now, you can not take a case to the Court of Claims under the Bowman act unless it has been first considered by some other tribunal. No case that was not filed in time and examined and reported on by somebody who had a right to adjudicate it, could go, under the provisions of that act, to the Court of Claims. The House, it is true, can refer any claim to that court, but the Committee on War Claims had no such power; and I must confess that I was somewhat astonished to hear the gentleman from Indiana ask the question he did, whether any of these claims had been considered by anybody else before this reference, because the act itself under which they go to that court prescribes that they shall have been so considered, and the Court of Claims could not take jurisdiction of them if they did not come strictly within the law, which is, as I have said, that they must have been filed somewhere else before they went to that court.

Mr. RICHARDSON. I would like to ask if the inquiry of the gentleman from Indiana refers to the claim of Urias Buskirk.

Mr. HOLMAN. I referred to the second case which has been read.

Mr. RICHARDSON. The report or findings of the Court of Claims shows:

This claim was duly presented to the Commissary-General of Subsistence under section 300 B, Revised Statutes.

Mr. HOLMAN. That is the 4th of July law.

Mr. BUCKALEW. Why does not the report tell what was done with it?

Mr. RICHARDSON. As I understand it no Congress has given to the Commissary-General any agents with which to make the investigations as to these commissary supplies.

Hence, this claim was not reported upon by the Commissary-General. The quartermaster's stores were reported on, because agents of that department have been sent out into the field and their reports have been submitted. But if I understand the law correctly, the Commissary-General was not furnished with agents to investigate such claims, and there are numbers of them lying in the Department here now uninvestigated.

Mr. HOLMAN. The act of 1864 applies in the same degree to each of the departments, the Quartermaster and the Commissary Department.

But, Mr. Chairman, I wish to say a word on this subject generally. I think that after a party has had his day in court he can not complain if the bar of the statute of limitations is insisted upon. All persons are expressly barred by law from filing such claims after the 1st day of July, 1879. I think that was the limit, and the Bowman act expressly

excludes from the jurisdiction of the Court of Claims claims that are barred.

Mr. RICHARDSON. I am quite sure that none of these claims are barred, or otherwise the Court of Claims would not have taken cognizance of and reported upon them.

The CHAIRMAN. The Clerk will continue the reading.

The Clerk read as follows:

To John M. Campbell, of Gibson County, Tennessee, $1,046.50.

The findings of the Court of Claims are as follows:

I.

That John M. Campbell, of Gibson County, Tennessee, did not give any aid or comfort to the Confederate cause during the late war of the rebellion, but was throughout that war loyal to the Government of the United States.

II.

That during said period there was taken from him by the United States forces, by proper authority, for their use, quartermaster's stores and subsistence supplies of the value of $1,046.50.

III.

That the claimant has never received pay for any portion of said stores and supplies.

Mr. BURROWS. Is that all the report discloses in regard to this case?

The CHAIRMAN. The Chair is informed that the Clerk has read all the findings of the Court of Claims.

Mr. BURROWS. The court in this case announces its decision that on the testimony presented the claimant was loyal during the war. But I desire to send to the Clerk's desk, to have read, the report of another tribunal made considerably earlier than this one, at a time when witnesses were alive, which casts some doubt upon the question of loyalty. It seems that this gentleman was an officer under the Confederate government, holding in 1862 an office, and was then a candidate for re-election.

The Clerk read as follows:

Claim of John M. Campbell: One horse, $150; 150 bushels of corn, $150; 1 mare, $150; 1 saddle and bridle, $20; 2 saddles, $35; 1 saddle and bridle, $25; 1 horse, $150; 1 mare, $150; 50 hogs, $35; 1 ox, $25; 1,100 bundles of fodder, $16.59; total, $1,371.50.

This claim was before the Quartermaster-General, and was reported against on the ground that the claimant had failed to prove his loyalty. Testimony taken in support of the claimant before this commission indicates the claimant was practically disloyal. He was elected constable in 1860; held the office for two years; discharged its duties, and in so doing recognizing the authority of the Southern Confederacy. He was a candidate for re-election again in 1862, and was beaten by his opponent. We are not satisfied with the evidence in support of loyalty. In view of this fact and the fact that his brothers were in the Confederate service, and the failure on his part to prove any active loyalty, we therefore reject the claim.

Mr. BURROWS. It seems that this claim has been twice examined, once by the Quartermaster's Department, and rejected because the department was not satisfied as to the loyalty of the claimant. That department declares that he was practically disloyal. It was then presented again to the Southern Claims Commission, examined by that commission, and reported against on the ground of disloyalty. And the commission state in their report that the claimant was practically disloyal; that in 1860 he was an officer in the State of Tennessee, and was a candidate in 1862 under the Confederate government; that he was then running for office, and seemed to be in perfect harmony with the "powers that be."

It seems to me that the evidence taken by the Quartermaster-General and the Southern Claims Commission fifteen years ago is entitled to quite as much consideration as the evidence, whatever it might be, submitted to the Court of Claims at this late day. I simply present these facts, not expecting the claim will be rejected, but I desire to have those facts go along with the history of the case.

Mr. WHITTHORNE. In the State of Tennessee we regard a constable as a peace officer, and should accept it as evidence that he was disloyal to the "powers that be" if he were seeking the office of constable in 1862, and as evidence of at least a want of sympathy with those powers. But waiving that, I submit to the learned gentleman from Michigan that the mere holding of a civil office while war was raging, or the seeking of that office, should be held as evidence of a non-combatant, and that that was his real status.

Mr. KERR. Will the gentleman permit me to ask him a question?

Mr. WHITTHORNE. Yes, sir.

Mr. KERR. Would not that office require him to take an oath to the Southern Confederacy?

Mr. WHITTHORNE. In 1862 I imagine it would. It did not in 1860. But there is no evidence that he was elected in 1862.

Mr. BURROWS. I stated he was a candidate for office.

Mr. JOHNSTON, of North Carolina. What office?

Mr. WHITE, of New York. The office of constable.

Mr. WHITTHORNE. I will not submit to the candor of the gentleman from Michigan that the fact that he was not elected in 1862 was evidence of his loyalty; but I submit to him that it is a rule of international law to recognize civil offices, civil positions, as the performance of the duty of a citizen. I am aware, and I think other gentlemen upon this floor are aware, that in the State of Tennessee, when President Johnson was made military governor of the State, his first business was to call upon the citizens of that State to accept civil positions; and my recollection further is that he was not very careful in his inquiry as to what had been their sentiment.

But whilst I am on the floor I desire to say another word, and that to my friend from Indiana. In an investigation of these loyal claims, for one I think I can speak the voice of the people of Tennessee, the voice of loyal men. The Government erected fair tribunals. The claimants have been given a fair opportunity. But in the administration and execution of the law I submit to my colleague from the Knoxville district that impartiality has not at all times marked the conduct of the agents of the Government. They have been more or less, as he is well aware, secret in their examinations; more often and frequently governed by their individual notions.

Now, when the Quartermaster-General certified that he is not convinced either of the loyalty or of the fact, the citizen of Tennessee has no appeal. He has got no other tribunal to go to than to make his appeal to Congress. The Secretary of War refuses to hear an appeal. The Quartermaster-General refuses to reopen the case. He must come here; and when he comes here, Congress, in its sense of duty and of justice to the men who claim to have been loyal to the Government, who claim to have furnished it means of conducting the war, has in that spirit of justice referred the claimants to an impartial tribunal and charged that tribunal first with the inquiry as to the loyalty of the claimant, and then with the inquiry as to the fact. And in doing that Congress has given to the citizen a fair chance; that is, an opportunity of being confronted with the witnesses who question either his loyalty or the fact of his property being taken. That opportunity he has never had fully before, until Congress, in a spirit of justice, referred him to this impartial tribunal, the courts of the country.

Mr. BURROWS. Will my friend from Tennessee allow me to inquire if the claimant had not an opportunity to produce witnesses before the Southern Claims Commission?

Mr. WHITTHORNE. In the actual administration of it I should answer my friend "no." If my friend will go back he will find the Southern Claims Commission adopted a part of the machinery of the Quartermaster-General's Office and sent its secret agents out to inquire; and as frequently as otherwise its decision was based on the report of the secret agents.

Mr. BURROWS. But while sending out agents, at the same time they heard testimony; and in one case I remember one hundred and fifty pages of testimony were taken by the commissioners on the question of loyalty.

Mr. WHITTHORNE. The gentleman will not understand me as questioning that that did happen from time to time. But my colleague from the Knoxville district [Mr. HOUK], who was identified with the cause of the Union at all stages, is a witness as to the conduct and manner of investigation of these other tribunals. But I believe my colleague will answer that this is the first fair opportunity that the loyal citizen or claimant has had before impartial tribunals of the country.

Mr. HOUK. Mr. Chairman, I know nothing in the world about this case over which this debate has arisen except what I have heard since it was reached, but I want to say that it will not do to assume that a claimant was disloyal because the Quartermaster-General has refused to certify the claim on the ground that he, the Quartermaster-General, is "not satisfied" of the man's loyalty. To illustrate that, I want to state two or three facts. A few years ago there was a claimant from my district, whose case I am about to state. It was only one of hundreds that were treated in the same way, and I call attention to this particular case now simply because I happen to remember it and know all about it.

The claimant was John W. Lee, of Anderson County, Tennessee. He filed a claim in the Quartermaster-General's Office for property furnished to and used by the Army. I knew him when the war began, and I knew him all through the war. There was no sort of question about the Government having received and used every dollar's worth of property that he claimed; yet, since I have been a member of this body the Quartermaster-General has reported to him that his case was rejected because that office was "not satisfied" of the claimant's loyalty.

Now, what were the facts? To my personal knowledge that man was as true, as devoted, as earnest, as patriotic a Union man as ever breathed the breath of life. He was so devoted to the Union that when a detachment of rebel soldiers seized his wagon in the town of Clinton, for the purpose of impressing it into the rebel service, he took an ax and cut the spokes out of the wheels of the wagon rather than let them drive it off for use in the Confederacy, and thereupon the Confederate authorities kept him in prison week after week, simply because of his devotion to the Union. Yet the claim of that man was rejected, as the records of the Quartermaster-General's Office will show, because they were "not satisfied" of his loyalty! The only mean thing I know him to be guilty of is that he has voted the Democratic ticket ever since the war. [Laughter.] If they were trying him upon the accusation that he was a Democrat, they found the right verdict; but it was an official slander upon that man to dismiss his claim because they were "not satisfied" of his loyalty.

More, Mr. Chairman, I do not know anything about this particular pending claim, but I am unwilling that the statement should go to the

country that because the Quartermaster-General has passed upon the case that must estop us from acting upon it here. I feel that I am quite below the mark when I say that I have personal knowledge of between two hundred and five hundred claims that have been rejected by the Quartermaster-General since I have had a seat upon this floor on the ground of want of loyalty, cases in which I personally knew that the men were devotedly attached to the Union, and some of them Federal soldiers. There have been claims rejected by the Quartermaster-General's Office of men who were in the Union Army when their property was taken and used.

One word on the subject of a man running for office in those days. I tell you, gentlemen, that the man down there who was a Union man and had not courage enough to run away from home, as I and others did, was devilish glad at that time to run for office to keep out of the rebel army, because they were going around and picking them up. [Laughter.] I am not talking for the benefit of this particular claim, because I do not know anything about it; but I am unwilling to hear my people misrepresented. There was a class of men in Tennessee at that time known as rebel enrolling or conscript officers, and in my part of the State those men rendered better service to the United States than any other class of men in the whole country.

How? Nearly everybody there was for the Union, and when a Union man was appointed an enrolling officer, he would go around and tell the boys, "Well, I will have to come for you next week or the week after next;" and between that and the time when he was to come for them they hied across the mountains and enlisted under the old flag and became good Union soldiers. [Laughter.] Why, sir, I recruited my regiment in that way. A thousand men were sent to me by the enrolling officers of East Tennessee. But, unfortunately, the Southern Claims Commission and the Quartermaster-General held that if a man was a Confederate enrolling officer he was disloyal and therefore not entitled to have his claim paid. I know men whose claims have been rejected who served as enrolling officers and who worked day and night in the interest of the Union cause, giving notice to the Union boys all through that part of the country in order that they might get away across the mountains, and we went over there, some thirty and odd thousand of us.

In regard to the Southern Claims Commission, I have been appealed to by one of my colleagues. I do not think any of these gentlemen quite understand the machinery of that Southern Claims Commission. I was for a time an integral part of that machinery, and I know all about it. I was what was known as a special commissioner to take testimony for that commission. In doing so I represented, presumably, both the Government and the claimants. All I had to do was to see that the record was properly made up. But in many cases where the proofs were made and loyalty established the claim was by some hocus-pocus, outside of the testimony and the record, rejected on the ground of disloyalty.

Perhaps I shall not get another opportunity to say what I want to say on this question. I do not often talk, and do not like to do so unless I can do some good by talking; and I know I could not convert my friend BURROWS if I should talk a thousand years. [Laughter.]

It was a benevolent and just act on the part of Congress to organize the Southern Claims Commission; but I say here upon my responsibility as a Representative on this floor that the manner in which that commission adjudicated claims was a travesty and a farce in regard to the Union people of the South. If you will look over the testimony and investigate the records before that commission, you will find that in almost every case where the proof of loyalty could not be dodged, where that fact was thoroughly established, so that the commission was bound to allow something, the commission proceeded in this way: Where the proof established a $10,000 claim, $1,000 perhaps was allowed, although no proof in the record justified cutting down the amount of the claim; if the claim was for $5,000, $500 was perhaps allowed; if the claim was for some poor man's horse or cow, or if it was for the last corn that he had in his crib, and if the amount of property taken was proved to have been worth $150 or $200, the claim was cut down to $50, $60, or $75—provided always that there was no other way to dodge the question and get out of paying.

Without knowing or caring anything particularly about this claim, I say that the way the Union people of the border States—the Union people especially of my part of Tennessee—have been treated by this Government in regard to the property they furnished for the use of the Government has been a mockery in the relief pretended to be extended to them from time to time by the Quartermaster-General and the Southern Claims Commission. I say it is the patriotic duty of this Congress and this Government to take up every one of these claims, wherever a man comes forward and shows grounds for it, to reinvestigate them, to examine all the facts and circumstances, the life history of the claimant——

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me one question? John Morgan went through the county in which I live, burning property, taking the horses of loyal men, laying waste the country. I would like to know whether the gentleman thinks the claims of our citizens who suffered in that way ought not to be paid?

Mr. HOUK. Nobody, I believe, has ever proposed to pay for what the rebel army took. Do you want to put the rebel army as a screen for your people?

Mr. JOSEPH D. TAYLOR. Do you not think those claims ought to be paid?

Mr. HOUK. No, sir; I do not. I do not think that a dollar ought to be paid out of the National Treasury for what the rebel army destroyed or took. I will never speak or vote in favor of paying for any property that was used by Jeff Davis and the Confederacy. But I do say that this Government in honor, in right, in law, in justice, upon every consideration of fair dealing which should operate between a great government and its people, owes it to the loyal citizens of the border States to pay them for every dollar of property that the Government took for its use.

Mr. GROSVENOR. If the gentleman will allow me to interrupt him, I wish merely to say that the Legislature of Ohio some years ago provided for the division of the claims growing out of the Morgan raid into three classes, one of which was property taken by the Union troops. All claims of this class have been recognized a long time ago, and have for the most part been paid. I say this to shield Ohio from the suspicion that she did not recognize her duty in that behalf. But neither Ohio nor any other authority has ever paid for property taken by John Morgan and converted to his own use.

Mr. JOSEPH D. TAYLOR. Is it not true that the Government got a large amount of that property, property which was first taken by Morgan's soldiers and subsequently captured by the Government, and that it has never been paid for?

Mr. GROSVENOR. In regard to the action of the United States Government in this matter, I am not undertaking to defend it. I am talking about the government of the State of Ohio.

Mr. HOUK. I can not yield further. I knew that Ohio would come to the front if there was anything to get. [Laughter.] In such a case she is always on hand.

Mr. GROSVENOR. She could not get a great deal out of Tennessee.

Mr. HOUK. This is a case in which she would like to make more than she will ever get. Ohio thinks she is entitled to anything she asks, but other States should be excluded.

But, Mr. Chairman, in reference to the question of the gentleman from Ohio on my right [Mr. JOSEPH D. TAYLOR] no man or set of men so far as I know have ever contended that in justice the Government of the United States should pay for the devastations committed by John Morgan and his men. But when the officers of the Government went through the South, they proclaimed to the people down there, "You, in this part of the country, who, under adverse circumstances, stand by the Union, shall be paid for all that we take and use." But how has this promise been fulfilled? We ask for a fish, and the Government gives us a stone. I could quote the rest, but I am afraid I might astonish some of my Democratic friends by quoting Scripture. [Laughter.]

Mr. STEWART, of Vermont. I would like to ask the gentleman a question for information, because he seems to have been in a situation to know something.

Mr. HOUK. Well, I know a great deal.

Mr. STEWART, of Vermont. I want to ask the gentleman whether he understands that the Southern Claims Commission was both dishonest and incompetent?

Mr. HOUK. No, sir; I do not understand either. I have no remarks to make on that point. The best answer I can make to the gentleman's question is that they did not deal justly with those who filed their claims. Having said that, I leave the gentleman to render his decision upon the matter. The people of the South did not get justice at the hands of that commission. I say the commission, in rendering their decisions, did not follow the testimony; and if you will go to the Third Auditor's Office and look at the proof, you will see that they did not.

Mr. STEWART, of Vermont. Then they were dishonest.

Mr. HOUK. I will not dispute the gentleman's judgment on that; I have no controversy with him. I have not and will not impute anything of the kind to those gentlemen. Their judgments were defective, or their opinions warped. I will say further, that when the term of office of those Southern Claims Commissioners expired by limitation of law they had before them hundreds and thousands of cases in support of which testimony had been taken, but as to which the papers were never opened, much less investigated; they were simply wrapped up and dumped into the Treasury Department upon an adverse report. When we talk of one of them and bring it here they say that is rejected by the Southern Claims Commission. [Laughter.]

Another word. Mr. Chairman, we had more Union men in my part of the country than they had in any other State of the Union. [Great laughter.] There were more Union men in East Tennessee than in Massachusetts; or in Ohio, either. [Renewed laughter.]

Mr. PERKINS. That is not much of a compliment to the Democrats of the country. [Laughter.]

Mr. HOUK. No, sir; I am not complimenting the Democrats of the country just now. [Laughter.] I am making this fight in behalf of the old Union men of the country, who stood true everywhere, at all times, and under all circumstances. It was an easy thing to be loyal up in Ohio. [Laughter.] It was a mighty easy thing to be loyal in Vermont, where my friend comes from. It was easy to be loyal in Michigan; but

when it comes to where we live in East Tennessee, where the power of a great military organization was brought to bear upon us, where all the influences of social life and all the machinery of a State, and everything else, was brought to bear upon us, and calculated to crush out all human hopes, there the loyal sentiment in my part of the country burned brightly during the entire war. [Applause.]

I have the honor, Mr. Chairman, of representing a district in Congress, although it belongs to the solid South, that gave more soldiers to the Union Army according to population than any other district in the United States, and I dare you to go to the War Department and investigate it. [Applause.] I speak from the record, for I made this same statement in the Chicago convention in seconding the nomination of General John A. Logan, and I wish he had lived so I might second it again to beat these Democrats. Of course we are going to defeat them, anyway. [Laughter and applause.] But we would have done it more easily if we had had General Logan as our candidate. [Laughter and applause.] I made the statement in that convention that the First and Second districts of Tennessee gave more soldiers to the Union Army than any two districts in the United States according to population. Men questioned it. I investigated it and I know it is a fact from the War Department. Go there and investigate for yourselves, if you do not believe it. More than your district, sir, or yours [pointing to Mr. BURROWS, Mr. STEWART, of Vermont, and others who had interrupted], or any other man's district.

These men, whose claims you reject because they accepted an enrolling place, those are the men who by day and by night aided to get those men through the mountains for the purpose of getting them into the Federal Army. I have always thought it was an outrage on a man whom I knew was an honest man, simply because he took the opportunity to accept a position under the Confederate authority to find his way and lead others to the old flag of the Union and to aid the old Government—I say it was an outrage to reject his claim simply because he used that means of getting men into the Union Army.

Now, Mr. Chairman, I hope I am understood. [Laughter and applause.] I am going to vote on this bill as I vote upon every bill which comes before this House for consideration, according to my conscience and judgment. If I believe this man Campbell was a Union man I will vote for it. If I believe he was not loyal I will vote against it.

On that let me say a word as to the Southern Claims Commission and the War Department. [Laughter]. I am not going back to rediscuss that matter further than to say that the investigations were informal; they were not of that square judicial character which is to be expected from the Court of Claims.

I do not know the gentlemen who compose that court, but I take it for granted men who attain that high position—and I never heard anything to the contrary—are honest and competent in the discharge of the duties imposed upon them. These claims went to that Court of Claims under the law, and that makes the question a jurisdictional fact. The Bowman act, as the first question which the Court of Claims has addressed to it, is that it must be satisfactorily proved the claimant was loyal to the Government. If that is not proved to the satisfaction of the court, then and there the case ends, and ends forever. Clothed with power, accustomed to adjudicate great principles, to look into testimony, composed of men of high character, before whom the claimant is represented by counsel and the Government by its special attorney-general, I am willing to accept their findings, everything else out of the way, so far as I am concerned.

Look at the law. Look at the obligation of the court. Look at the purpose had in view. When they decide a man is loyal they have satisfactory testimony before them for the purpose of judging whether he is or not loyal.

Mr. RICHARDSON. Will my colleague permit me to ask him if it is not a fact that the five judges of the Court of Claims were all appointed under a Republican administration, and are presumed to be Republicans themselves?

Mr. HOUK. I have no personal knowledge of the fact, but I so understand it. So far as I know, every man of that court is a Republican.

Mr. KERR. Let me ask the gentleman if it is not a fact that there is no examination of witnesses except on behalf of the claimant?

Mr. HOUK. That is not correct. They have commissioners appointed by the Court of Claims, similar to those or rather bearing the same relation to the court that a Federal or United States commissioner does to the Federal courts, circuit and district. In many of the claims now on the docket I know as a matter of fact that the Government officer, lawyer, assistant attorney-general, or whatever you call him, came down to Knoxville and cross-examined the witnesses and looked into the question on behalf of the Government, while the lawyer on the other side represented the claimant.

Mr. PERKINS. Was that the practice in the Southern Claims Commission?

Mr. RICHARDSON. They were limited to a certain amount, and had power to bring witnesses here only when the claim exceeded a certain sum.

Mr. HOUK. The Southern Claims Commission had authority, in cases involving claims of $10,000 and upward, to bring the witnesses and hear the testimony here in Washington; while in these other little cases involving smaller sums they sent out special commissioners to the locality, one of whom I was which. [Laughter and applause.]

Mr. Chairman, I only intended to respond to my colleague's very clever request to know if I did not understand certain things to be true in that locality. I have taken occasion in responding to him to say several other things, and I hope I have not hurt anybody in so doing. But, Mr. Chairman, when I remember what a Union man had to go through in the South during that period, and what he had to endure in order to save himself, and see how that man is treated when he comes here and presents a claim, I do say that it exceeds belief, and I assert that it is an outrage that no honest man ought to encourage. [Applause.]

Mr. WHITE, of New York. Mr. Chairman, there is, it seems to me, a fundamental principle running through all of these cases that have been reported to this House from the Court of Claims, which can be better illustrated in the pending case, perhaps, than in any other which has yet been presented, and which I desire to state now in all fairness. That proposition, applied to the present case, is this: There being at the time of its submission to the Court of Claims a doubt as to the claimant's loyalty, and as to the amount of property taken from him, as well as a doubt as to the value of that property, the United States, through Congress, submitted it to the Court of Claims, a court presided over by eminent jurists, having power to send for persons and papers, acquainted with the forms of law and the competency of testimony.

The Government submitted to that court the right to pass upon the questions at issue; and it seems to me when they have passed upon any or all of those questions that in honor the Government of the United States is bound by the finding of that court. The Government selected its own tribunal, and when the man presented a claim coming within certain conditions entitling him to compensation for property, the Government said, "Go to the tribunal we have selected and that court will pass upon the question between us." When that is done it seems to me the time has passed when in honor we can question any of the material findings of fact ascertained by the court, one of which, in this case, was the question of the claimant's loyalty.

Mr. BURROWS. Mr. Chairman, I am very glad to have been the innocent instrument of giving to the committee a treat in the shape of a speech from my friend from Tennessee [Mr. HOUK]. I, myself, never make a speech for the purpose of making one. He says that he knows nothing about this case, which is entirely apparent from his statements in connection with it. I know nothing about it. When this name was reached during the reading of the bill, by accident I discovered that the claim had been twice considered, first before the Quartermaster's Department, and after a thorough examination rejected on the ground that he had failed to prove his loyalty. I also found that the claim was again examined by the Southern Claims Commission, and fifteen years ago, when the witnesses were living and when the claimant, if loyal, would have had no difficulty in establishing that fact, I find that the commission rejected the claim because claimant was disloyal. They report that they find him holding office in 1860 in the State of Tennessee, and two years after, when the State had seceded they find that he was running for office again under the Confederate States Government. From this fact they pronounce against his loyalty. They find further facts also in confirmation of it. They find that his brothers, all of them, were in the Confederate service.

I had no idea, Mr. Chairman, when I presented these facts to the committee, of provoking this discussion, but was surprised to find that the Court of Claims had reported that there was no question of the claimant's loyalty, although the proof showed that he was holding an office under the Confederate Government. That report I have presented to the committee. I desired to have it read, and my desire has been fully met. Simply wishing that it should be placed along with the report of the Court of Claims, I leave the committee to vote upon the case as they shall best determine. For the purpose of having the committee vote upon that question, in view of all this, I move to strike out lines 19 and 20.

Mr. RICHARDSON. I desire to ask a question of the gentleman from Michigan [Mr. BURROWS]. Under the practice the Court of Claims, as I understand it, in the investigation of these cases take not only the testimony of witnesses who may be produced now, but they take the evidence that was before the Southern Claims Commission and before the Quartermaster-General's Department also as evidence, if there be any such, in the investigation at this time. Therefore the fact that it occurs thus late does not prevent that court from looking to any testimony which the Quartermaster-General or the Southern Claims Commission had before them. And in addition to that testimony they had the opportunity to bring the witnesses face to face before the court.

Mr. BURROWS. Does the gentleman know what the evidence in this case was before the Court of Claims?

Mr. RICHARDSON. I do not. I rely entirely upon the findings of the Court of Claims. The claim was reported in the last Congress by Mr. Geddes, the chairman of the committee in that Congress, and not by myself.

Mr. BURROWS. And have you any knowledge that it was shown before the court that this claimant did not hold office?

Mr. RICHARDSON. I have not.

Mr. BURROWS. I insist on my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 19 and 20, as follows:
"To John M. Campbell, of Gibson County, Tennessee, $1,046.50."

The committee divided; and there were—ayes 70, noes 41.

Mr. BUTLER. No quorum.

Mr. TAULBEE. I desire to ask this question: Can a yea-and-nay vote be had on this amendment in the House? I ask unanimous consent to have that order made.

The CHAIRMAN. That request can not be entertained now. The Constitution regulates the manner of having the yeas and nays ordered. If the gentleman, at the time the question is on agreeing to the amendment in the House, has the requisite number to order them, the yeas and nays must be taken; otherwise not.

Mr. TAULBEE. Could it not be understood in the committee that that course would be taken in the House?

The CHAIRMAN. The Chair thinks not. The committee has no power to bind the House.

Mr. TAULBEE. Has it not been customary for such an agreement to be made in committee, and for the House to follow it?

The CHAIRMAN. The Chair does not know that that has been customary. This amendment having been agreed to by the vote just taken, if the bill is reported to the House it will be reported with an amendment, and the House must pass on the amendment.

Mr. BURROWS. And a yea-and-nay vote can be demanded.

The CHAIRMAN. Certainly; and the yeas and nays will be taken if the requisite number call for them.

The amendment was agreed to.

The Clerk read the next clause in the bill, as follows:

To Anna M. Cogswell, of Garland County, Arkansas, $3,884.

The CHAIRMAN. The Clerk will report the findings of fact in this case by the Court of Claims.

The Clerk read as follows:

In the Court of Claims. Congressional case No. 121. Anna M. Cogswell *vs.* The United States.

FINDINGS OF FACT. FILED JUNE 7, 1886.

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 27th day of May, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 22d day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esquire, of counsel for the claimant, and Lewis Cochran, esquire, of counsel for the defendants, finds the following facts:

I.

During the late war for the suppression of the rebellion Anna M. Cogswell, the claimant in this case, resided at Memphis, Tenn., and did not give aid and comfort to said rebellion, but was throughout the war loyal to the United States Government.

II.

She was a married woman during the war, but had a separate estate from her husband, being the owner of real estate in the city of Memphis and in Tunica County, Mississippi. She was the owner during said time of mules and horses and other personal property in Memphis and in the State of Mississippi. In the latter part of 1862 and in the early part of 1863 the United States, by the command of its military officers, took from the claimant personal property, consisting of stores and supplies for the use of the Army, said stores and supplies consisting of horses, mules, corn, hay, harness, and other supplies, amounting in the aggregate to the sum of $3,884. No payment has been made to the said claimant or to any person for her use for said property.

The clerk will transmit a copy of these findings to the Committee on War Claims of the House of Representatives.

By the court.

A true transcript of record.
Test this 8th day of June, 1886.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The Clerk read the next paragraph, as follows:

To Henry Bazsinsky, administrator of Abraham Bazsinsky, of Warren County, Mississippi, $23,648.

The CHAIRMAN. The Clerk will read the findings of the Court of Claims in this case.

The Clerk read as follows:

In the Court of Claims. Henry Bazsinsky, administrator of Abraham Bazsinsky, *vs.* The United States. Congressional case No. 392.

At a Court of Claims held in the city of Washington on the 12th day of April, 1886, in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy of same be certified to the Committee on War Claims, House of Representatives.

By the court.
[SEAL.]

In the Court of Claims. Congressional case No. 392. Henry Bazsinsky, administrator of Abraham Bazsinsky, *vs.* The United States.

FINDINGS OF FACT. FILED APRIL 12, 1886.

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 3d day of March, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 25th day of March, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and Lewis Cochran, esq., of counsel for the defendants, finds the following facts:

I.

Abraham Bazsinsky, deceased, in the year 1863 was residing on his plantation, about 4 miles from Vicksburg, Warren County, Mississippi, where he had stored a large amount of groceries and dry goods, which he had removed there from his stores in Vicksburg, where he had long been engaged in trade.

II.

He was loyal to the Government of the United States throughout the war, as the court found January 11, 1886, upon a preliminary inquiry.

III.

There were taken from said deceased during said year by the military forces of the United States for the use of the Army the following stores and supplies, of the value herein specified, and the same have never been paid for:

3,750 bushels corn, at 60 cents	$2,250
14,200 pounds beef, at 6½ cents	923
3 head of horses, at $120	360
6 head of mules, at $125	750
1 wagon	75
1 wagon at	50
11,000 pounds bacon, at 7 cents	770
50 head of hogs, at $5	250
30 hogsheads of sugar, 36,000 pounds, at 12½ cents	4,500
20 barrels of molasses, 800 gallons, at 65 cents	520
8 barrels of flour, at $10	80
1,000 pounds coffee, at 30 cents	300
12 barrels, 480 gallons, whisky, at $2	960
10 boxes of shoes, 600 pairs, $2 less ½ for ladies' shoes	900
One lot clothing	2,500
Fodder, growing corn, 400 tons, at $10 per ton	4,000
7,000 cords of wood, standing timber, at 50 cents per cord	3,500
320 cords of wood (rails), at $3	960
	23,648

COURT OF CLAIMS:

I certify that the foregoing are true transcripts of record.
Test, this 14th day of April, 1886.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. HOLMAN. I would like to inquire what the amount of the original claim was as referred to the Court of Claims. Can the gentleman from Kentucky [Mr. STONE] answer that question?

Mr. STONE, of Kentucky. I do not know what the original amount of the claim was. The facts having been investigated by the Court of Claims, the Committee on War Claims would not undertake to revise the findings of the court. They accepted the judicial findings of the court as preferable to anything the committee could obtain in an *ex parte* manner.

Mr. HOLMAN. These can hardly be regarded as decisions; they are merely findings of fact, not decisions of law. I wish to call the attention of the committee to the state of the law in regard to these claims. It is well known the law in regard to bounties of soldiers is absolutely barred. The law in regard to losses of horses by soldiers of the Union Army is barred. The bar has been applied against almost all claims against the United States, and against none more effectually than the class of claims now under consideration; and I want to call the attention of the committee to that fact. I ask that the third section of the Bowman act be read by the Clerk.

The Clerk read as follows:

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

Mr. HOLMAN. Now, in view of the absolute bar contemplated by that provision and the effect given to the bar by the court, I ask that the law in regard to both the Southern Claims Commission and the proceedings under the 4th of July law may be read. What I now send to the desk is in regard to the 4th of July claims.

The Clerk read from the statutes of the third session of the Forty-fifth Congress, chapter 287, as follows:

SEC. 2. That the agents appointed under the provisions of sections 2 and 3 of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States," and acts amendatory thereof, to investigate and report upon all claims filed under said act, are hereby authorized to administer oaths and affirmations and to take depositions of witnesses.

SEC. 3. That all claims not presented and filed under said act, and the acts amendatory thereof, prior to the 1st day of January, A. D. 1880, shall be forever barred.

Mr. HOLMAN. Now, as to the claims filed under the Southern Claims Commission, I wish the Clerk to read what I send to the desk.

The Clerk read from the statutes of the second session of the Forty-fifth Congress, chapter 243, as follows:

SEC. 5. That the Commissioners of Claims shall not receive any evidence on behalf of any claimant or claimants for the allowance of any claim or claims unless such evidence shall have been taken, presented, and filed by the 10th day of March, 1879, except in rebuttal of evidence introduced on behalf of the Government; and all claims wherein the evidence of the claimant or claimants is not so filed in the office of the Commissioners of Claims, and which have not been submitted to the commissioners for decision within the time herein limited, shall be barred forever thereafter; and the Commissioners of Claims shall report all such claims so barred to Congress at its next session thereafter.

Mr. HOLMAN. Now, the committee will observe that by the third section of the Bowman act the court is not authorized to take jurisdiction of claims that are absolutely barred. And the committee will see that claims under the 4th of July law, claims that came from loyal States, were all barred, the bar to take effect on the 1st day of January, 1880; while all claims from the South which went before the Southern Claims Commission were barred, the bar to take effect on the 10th day of March, 1879. This is an extraordinary state of things.

Mr. CATCHINGS. Is there not some other statute relating to this subject than those which the gentleman from Indiana has caused to be read?

Mr. HOLMAN. I am not aware that there is.

Mr. CATCHINGS. Then how did the Court of Claims take jurisdiction of this?

Mr. HOLMAN. I have myself asked that question repeatedly.

Mr. RICHARDSON. As I understand, the Court of Claims will not take jurisdiction where the claims are barred.

Mr. HOLMAN. My friend from Tennessee must perceive that by the express terms of the law creating that commission, the bar applies to all claims that were not filed and the testimony in support of them furnished by the 10th day of March, 1879, and as to claims in the northern section of the country, including West Virginia and Tennessee, it applied to those which were not filed under the 4th of July law prior to the 1st day of January, 1880. All claims not filed at those dates were to be absolutely barred. And yet the Court of Claims under the Bowman act, which expressly denies jurisdiction because these claims are barred, proceeds to make this report; but my friend will observe that the court does not in any of these cases say whether the claim is barred or not.

Mr. CATCHINGS. The court undoubtedly reached the conclusion that it did have jurisdiction, or it would not have taken jurisdiction.

Mr. HOLMAN. Will the gentleman explain how the court could have jurisdiction? There were only the two classes of claims from the two sections of the Union, and they were both barred.

Mr. BLAND. I do not understand the conditions of these claims, but I take it for granted that they are claims that were presented within the time prescribed and were rejected.

Mr. RICHARDSON. All of them were presented within the time.

Mr. HOLMAN. In that case, of course, they are barred.

Mr. CATCHINGS. If these claims were presented to the Southern Claims Commission and the testimony taken within the time prescribed by the statute, then the bar would not attach at all.

Mr. O'FERRALL. If the gentleman will pardon me, my understanding of the law is this, though I may be mistaken. I believe that there are a great many of these claims that were filed before the Southern Claims Commission, and no testimony whatever taken in them, and the act of Congress provided that if the parties who filed those claims did not prosecute them and present their testimony within a given time, the claims should be barred and barred forever. But where a case was prosecuted before the commission and the testimony taken, and that case was passed upon by the commission, it is not barred under the statute, as I understand it, and that is the class of cases that have gone to the court by act of this House.

Mr. HOLMAN. Well, Mr. Chairman, I hope the committee will consider these claims from that standpoint. Here are claims which have had their day in court, and before so respectable a tribunal as the Court of Claims, with this advantage to the claimant, that, under the act of Congress, agents were appointed without limit, who went into all the Southern States to obtain testimony, both for the claimants and against them, and upon the cases so prepared these claims were adjudicated. Now, after these parties have had their day in court, before a properly organized judicial tribunal, with ample facilities for ascertaining the facts, and after these claims have been disallowed by that tribunal, is it to be expected that Congress should occupy its time trying these cases over again in this *ex parte* manner?

Mr. CATCHINGS. Did the Southern Claims Commission have jurisdiction to render judgment against the United States, or did they simply go through some such performance as the Court of Claims goes through?

Mr. HOLMAN. The two laws were intended to cover the two distinct sections of the country. The 4th of July law was passed first and applied to all the loyal States. The act of 1879 applied to the loyal people of the States that had been in insurrection. No final judgment was rendered by either the Southern Claims Commission or the Court of Claims, but they were required to report the claims allowed to Congress, and year after year during the existence of the commission, Congress passed the usual bill appropriating money to pay the claims reported during the preceding year by the commission; just as we now report, and for twenty years past have reported, appropriations to pay the claims allowed annually by the Quartermaster-General under the 4th of July law. So that the claimants in both sections of the country stood exactly in the same position. Claims of both classes had their day in court in the same way, except that the time for the Southern Claims Commission was extended into 1880, while under the 4th of July law the limit was fixed on the 1st day of January, 1880.

Mr. CATCHINGS. The gentleman says that the Southern Claims Commission did not have power to render a judgment.

Mr. HOLMAN. It had not.

Mr. CATCHINGS. Then even an adverse report by the commission would not amount to an estoppel.

Mr. HOLMAN. It would amount to an estoppel, in my judgment, unless Congress should choose to go back upon its own action in establishing the bar.

Mr. CATCHINGS. Suppose this claimant had had his claim before the commission and they had reported upon it adversely, would not the Court of Claims have had jurisdiction nevertheless?

Mr. HOLMAN. I think it ought not to have; I think it has not, in fact. I think the claim is clearly barred under the statute. I think that when Congress has once furnished a tribunal to try these claims, with ample facilities to try them on their merits, and when that tribunal has passed upon them, that ought to be an end of the matter.

Mr. RICHARDSON. Can the gentleman inform us how many cases remained unadjudicated when the commission expired and were never considered at all?

Mr. HOLMAN. They were not filed. They were simply reported to the proper Department.

Mr. RICHARDSON. Are there not thousands of them sent to Congress which have never been considered by the commission?

Mr. HOLMAN. No, sir; not where the testimony is furnished, if the reports are correct.

Mr. RICHARDSON. They took no action whatever upon hundreds, and, as I understand, upon thousands of cases which were pending there, and which were simply sent to Congress and can be referred to the court.

Mr. HOLMAN. I will not speak with absolute certainty, because I have not read lately the final report of that commission, but my recollection is distinct that the commission had completed its work, and the claims referred to by the gentleman from Tennessee [Mr. HOUK] as having been "dumped" in a body into one of the Departments were claims on which no testimony was furnished. That is my understanding; and of course those claims were barred. I think that gentlemen of one section of the country should ask no more than they would extend to citizens of another section.

Mr. WASHINGTON. Were those claims unadjudicated by the commission because of a failure or refusal on the part of the claimant to offer testimony, or because the commission had more work than it could accomplish in the time allowed it by law? The latter was the fact according to my understanding.

Mr. HOLMAN. Oh, no.

Mr. WASHINGTON. Thousands of them were dumped into the Treasury Department unheard, the papers never opened.

Mr. HOLMAN. I remember the facts very well. It may be——

Mr WASHINGTON. In many cases no testimony was allowed to be presented because the cases could not be heard before the commission.

Mr. HOLMAN. My friend is mistaken about that. All cases in regard to which the testimony was furnished within the time prescribed by law were acted on. I do not think a solitary exception will be found. That is my impression. I have not examined the reports lately, but it is my impression that all the cases which were not considered were cases where no proofs were furnished; and, of course, those cases would be barred.

I wish to add a single word as to the considerations of justice affecting this question. We have provided for citizens of both sections of the country an ample tribunal for the examination of their claims—better than a court, because the Quartermaster-General sent out in the North agents fully competent to obtain testimony for the claimants as well as for the Government. Similar agents were sent into the South. The Southern Claims Commission was in session ten years. Now, gentlemen who uphold the bar which the law has established as to a class of men who certainly ought not to be especially discriminated against. The bar against the presentation of claims of soldiers for horses lost on the field of battle has not been removed. The bar in regard to the presentation of claims for additional bounty has not been removed. Yet we propose here, in a wholesale manner, so to speak, to open up these claims from one section of the Union which are barred. Why not claims from another section?

I would not willingly speak any word which can possibly be construed as expressing sectional sentiment; I simply mention the fact that Congress has acted with even-handed justice toward both sections of the country, has treated both sections with fairness, as I think, in furnishing tribunals in which their claims may be presented and considered. I say again, as I have often said on this floor, that much as some gentlemen may rail against their Government, there is not in the history of mankind any instance where a government has been so fair, impartial, and just toward all claimants against it in all sections of its country as the United States Government has been in regard to claims against it growing out of the late war.

Mr. BLAND. Will the gentleman permit a single inquiry? I am not very familiar with the Bowman act; hence I will inquire of the gentleman from Indiana what class of claims he thinks come properly under it?

Mr. HOLMAN. The third section of the act expressly declares what claims shall not be considered. The Court of Claims is now, under the Bowman act, exactly what it was in the beginning. When that court was organized in 1855, it was simply vested with power to ascertain the facts in reference to the cases coming before it and report them to Congress. In all instances—there was no exception—those cases were then referred under the law to the Claims Committee. There was then but one Claims Committee of the House. Those cases were then carefully re-

examined. The court simply reported upon the facts, as it does now in the cases under the Bowman act. Within the last ten years claims have been considered by this House which were reported upon by the Court of Claims prior to 1861. It was not taken for granted, as gentlemen seem to argue, as the gentleman from New York argued, that the findings of this tribunal, authorized simply to ascertain the facts, and acting largely *ex parte*, should stand upon the same footing as a decision, and especially where the court defies the legislation of Congress, which has sought to establish a bar as to certain claims against the Government.

Mr. TAULBEE. The gentleman will allow me to inquire whether I am correct in supposing that in the ascertainment of the facts in these cases by the Court of Claims the Government of the United States is represented by the Attorney-General.

Mr. HOLMAN. That is theoretically the case.

Mr. RICHARDSON. And practically so; it is absolutely the fact.

Mr. TAULBEE. Is not that the fact in each of these cases?

Mr. RICHARDSON. It is.

Mr. HOLMAN. That is theoretically the case, and I have no reason to suppose it is not practically so.

Mr. TAULBEE. I have no desire to consume the time of this House; on the contrary, I would be glad to expedite the business upon this Calendar. But notwithstanding my high regard for the gentleman from Indiana [Mr. HOLMAN], and the great confidence that I have learned to exercise in his judgment, I am not willing to allow his remark to pass unnoticed when he states that by the creation of the Southern Claims Commission and the passage of the 4th of July law the Government of the United States furnished to claimants in both sections of this country a fair and equitable tribunal, better, in his language, than a court.

I live in that section of the country to which the 4th of July law applies. These claims, I understand, come from that section of the country where the Southern Claims Commission was operating. I understand the gentleman to state that the two laws were similar in their application to the respective sections of the country.

Mr. HOLMAN. Yes, sir.

Mr. TAULBEE. I can speak with some definiteness in regard to the operation of the machinery by which the Government has attempted to carry out the 4th of July law. I speak from the record—and I will cite particular cases to sustain my assertion—when I say that in instances coming within my knowledge, the examinations and judgments were not only *ex parte*, but the findings of the Quartermaster-General were in flagrant opposition to all the evidence filed with reference to the claims.

Take the case of Bryce Shepherd, of Magoffin County, Kentucky, in which the special agent of the Quartermaster-General's Department went into the neighborhood and took the testimony of captains and soldiers of the Union Army, of men who had held office under the Government during the war, and especially upon the question of loyalty. The witnesses all agreed that this claimant was loyal during the war. But the agent of the Department in making up his report stated it was notorious in the neighborhood where this claimant lived he was disloyal because he had voted the Democratic ticket, and the record still further shows that he was still voting with the Democratic party. That is the record which was made, I believe, in 1874. This case was decided on the simple fact stated by the agent of the Quartermaster's Department in 1874, that this claimant, Bryce Shepherd, of Kentucky, had voted the Democratic ticket, and therefore he was to be regarded as a disloyal man.

But let me say to the gentleman from Indiana [Mr. HOLMAN] that men will continue to make complaints against any administration of the law which refuses to do justice to men to whom the Government owes money for supplies taken and used by it.

Mr. KERR. Do I understand the gentleman to say the case to which he refers was a case occurring in Vicksburg?

Mr. TAULBEE. Yes; I understood from the gentleman from Indiana the case came from that portion of the country to which the act creating the Southern Claims Commission applied.

A MEMBER. The 4th of July act.

Mr. TAULBEE. I understand this case to come from Mississippi.

Mr. KERR. While I am up I hope the gentleman from Kentucky will permit me to ask him another question.

Mr. TAULBEE. Certainly.

Mr. KERR. If that is the case, let me ask how did this go from the Southern Claims Commission to the Court of Claims?

Mr. RICHARDSON. It was referred, on the resolution of the Committee on War Claims, to the Court of Claims.

Mr. KERR. By special act?

Mr. RICHARDSON. No.

Mr. KERR. Then how was it?

Mr. RICHARDSON. Under the provision of the Bowman act.

Mr. KERR. I understood that does not apply to the cases coming from loyal States or portions of States which were loyal.

Mr. RICHARDSON. The Bowman act covers cases arising anywhere, but the 4th of July act applied to the cases of claimants coming from loyal States.

Mr. TAULBEE. In reference to the cases to which I have called attention my statements will be verified by examination of the records in each case. In the case of Harrison Swango, of Hazel Green, Ky., it was proved by a member of the Kentucky Legislature who had been an officer of the Union Army and by divers other reputable witnesses the claimant had been loyal during the war; yet in 1874, on the finding of the agent of the Department in this case, which is on file, the claim was rejected on the ground the claimant was disloyal, because he had voted the Democratic ticket and still continued to do so. [Laughter.]

Mr. KERR. Is this in writing?

Mr. TAULBEE. Yes, it is in writing, and is a part of the record in the case of Bryce Shepherd, of Magoffin County, Kentucky. This will appear by examination of the record of the Department.

Mr. KERR. I should like to see it in the record.

Mr. TAULBEE. You will find it in the Quartermaster-General's Office on file there, that the claim of Bryce Shepherd, of Magoffin County, Kentucky, and the claim of Harrison Swango, of Hazel Green, Ky., were rejected on the report of the agent that they were disloyal because they had voted the Democratic ticket, and in 1874 still continued to vote the Democratic ticket.

Now, I am unwilling that men who come to Congress for relief shall be estopped under the claim they have had their day in court when they have been tried by the Southern Claims Commission or the Quartermaster-General's Office. I insist that should not be a bar to their claim coming before Congress.

Mr. RICHARDSON. Where the Southern Claims Commission reported adversely to a claim filed before it and no action was taken by Congress in regard to it, that would not be barred by the Bowman act; and on that point I wish to call attention to a late case decided by the Court of Claims, in which the court held——

Mr. HOLMAN. I hope the gentleman will read the whole case.

Mr. RICHARDSON. It is the case of Orien L. Dodd *vs.* The United States, and I will read a part of the syllabus, which is as follows:

The Southern Claims Commission reports adversely on the claim. Congress took no action on the report. The Committee on War Claims of the House transmits the claim to the court.

1. A claim adversely reported to Congress by the Southern Claims Commission is not thereby barred within the intent of the Bowman act (22 Stat. L, 485, sec. 3) nor of the act of 3d March, 1871 (16 Stat. L., 524).

Mr. HOLMAN. And yet the Bowman act says so in express terms.

Mr. RICHARDSON. Now, there is the express adjudication of the five able judges composing that court that such a claim is not barred by the statute, the opinion of the able and learned gentleman from Indiana to the contrary notwithstanding.

Mr. O'FERRALL. Mr. Chairman, I do not understand that there is anything before the committee.

Mr. HOLMAN. I move to strike out the last word, for the purpose of saying that I hope the gentleman will have occasion before this bill comes up again to examine these various statutes, and I am quite confident in the belief that it will be found, notwithstanding such an expression of opinion on the part of Justice Davis of the Court of Claims, that Congress expressed its purpose, both as to those cases which came before the Southern Claims Commission and those which under the law were properly referable to the Quartermaster-General, that they should be barred after a certain time, and the period within which they could be presented expired in reference to the one tribunal in 1879 and to the other in 1880.

But further I say, for fear that my friend from Tennessee might think that being from a State of the Union not supposed to be specially affected by this question, and having little interest in the subject-matter of the allowance of such claims, and therefore I was raising objections to them upon that ground, that such an opinion is entirely without foundation. It has no weight whatever with me so far as the allowance of such claims is concerned. On the contrary, if such is the opinion of the gentleman, I wish to state to him that I happen to represent a district on the Ohio River from which a large body of such claims as are subject to adjudication under the 4th of July law arises.

A large part of my district was overrun at one time at least by conflicting armies, and a vast amount of property taken and appropriated to public use, especially during the time of the Morgan raid.

A large number of claims, I concede, were rejected on the ground that it did not affirmatively appear that the claimants were loyal. In many instances the determination of the Quartermaster-General and the body of efficient officers acting with him was not, in my opinion, warranted by the evidence. I agree with the gentleman from Kentucky [Mr. TAULBEE] that in examining many such cases adjudicated by the Southern Claims Commission, as well as by the Quartermaster-General's Department, I have not been able to concur in the conclusions reached.

I have examined carefully many cases in which I had doubts as to the propriety of the findings; and it has been my duty in connection with my service on the Committee on War Claims for a number of years in this House to examine such cases and pass upon them, and I am willing to concede that in some cases I could not agree to the findings by which the claims were rejected.

But the question I put to the gentleman in this case, and to the com-

mittee, is this: Here are claims aggregating perhaps in the neighborhood of $7,000,000 before each tribunal, one class going before the Southern Claims Commission and the other before the Quartermaster-General's Department, and I ask if it is fair and proper to go to work in this way and select a claim here or there and pass upon that, especially in view of the fact that there are only about 7 per cent. of the claims allowed which went before the Southern Claims Commission and a very small proportion have been allowed before the Quartermaster-General's Department, although there are nearly $7,000,000 pending?

Is it proper, therefore, to select out here and there a case, whether it be North or South, and bring it here for adjudication and settlement? If this class of claims is to be opened up, let it be done in a body, and let them all be placed upon the same footing. Let it be done in all cases, and not in this manner, which is, in my opinion, the very worst form of favoritism—by special legislation.

Heretofore it has been claimed that Congress could not deny a hearing to any of its citizens who chose to come before it, because it was alleged that there was no tribunal or commission before which they could be adjudicated, and no opportunity to present the claims and have them passed upon. But that is not the case here. We have furnished facilities for the ascertainment of the facts on which these claims were based, and a more efficient court could not have been devised, composed of three gentlemen of fine attainments, thoroughly competent to preside over the court and pass upon the evidence presented. The Southern Claims Commission was composed of three persons. One of the ablest lawyers of the day, Judge Ferriss, who served here for many years, was one; a gentleman who served as a Senator from Iowa was another, and the third was a gentleman who held a high judicial position in Vermont. Every facility was given by the Government for the procurement of testimony in behalf of the claimant as well as the Government. It seems to me, therefore, that after this has been done, if these adjudications are to be opened up, it ought to be in some manner that would do justice to the whole people and get rid of this idea of favoritism.

Mr. BLAND. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. BLAND. I wish to ask if the claims adjudicated by the Southern Claims Commission are opened up, ought not also the Quartermaster-General's claims to be opened up? What is the difference under the Bowman act? I do not see any difference between the classes of claims as far as the statute of limitation is concerned.

Mr. HOLMAN. I do not think that either is opened up.

Mr. BLAND. But I understood the gentleman to make that point.

Mr. HOLMAN. No, I did not make any point that there was any discrimination.

Mr. RICHARDSON. Does the gentleman claim that this pending claim is barred?

Mr. HOLMAN. I did not address my remarks as to the question of discrimination, or assert that there was discrimination as between the sections from which the claims come. I asserted that the tribunal appointed to consider these claims applied to both sections of the Union, and that the work has been done, but little remaining undisposed of in the Quartermaster-General's Office, the examinations having proceeded so far that the remainder can probably be finished up in the course of a year.

Mr. BLAND. But are both classes of claims equally barred by the statute of limitation?

Mr. RICHARDSON. The Bowman act of itself bars them, I understand to be the gentleman's position.

Mr. HOLMAN. My friend misapprehends me. What I object to is this mode of disposing of claims against the Government. The idea, as I understand it, of these tribunals was to get the claims out of Congress. We could not attend, we were told, to our legitimate business here as long as the time of Congress was taken up with the consideration of these claims.

Mr. RICHARDSON. What was the Bowman act passed for if it was not for the relief of the Calendars of the House? Now here is a case that is properly established, why not pay it?

Mr. HOLMAN. Because the case is barred.

Mr. RICHARDSON. Does the gentleman say this claim is barred?

Mr. HOLMAN. I think that all the claims of this class, both under the 4th of July act and the other, are barred, and that Congress intended to bar them in both instances.

The acts of Congress have been absolutely impartial, treating one section of the country exactly with the same fairness as the other sections. But you must perceive that here and there in a favored case an appeal is taken from the tribunal which has already decided it to the Court of Claims. How many of these have already been considered, and can we afford that kind of injustice?

Mr. BURROWS. Will the gentleman from Indiana allow me a word?

Mr. HOLMAN. Yes, sir.

Mr. BURROWS. Whatever may be the effect of an examination and a disallowance of a claim by the Southern Claims Commission as to that constituting a bar against further prosecution—whether that be so or not, I do not think in this case it ought to apply. This ought to be an exception, even if the claim is barred.

Mr. HOLMAN. There is no question in regard to this case. I have not adjusted my remarks to this case.

Mr. BURROWS. It is true this case was presented to the Southern Claims Commission and passed upon by that commission. But it was disallowed by that commission solely upon the ground that the claimant was not a citizen of the United States, the commission holding that under the act which authorized it they were directed to inquire into those claims of citizens who remained loyal to the Government of the United States. They held that this claimant not having taken the oath of allegiance to the Government until 1868 the claim was not within the jurisdiction of that court.

Now, although he applied promptly for relief, it appears to me, whatever may be the law touching the case, this is a case where Congress ought to take favorable action, because action was not taken before the commission simply on the ground that the claimant was not a citizen of the United States.

Mr. CATCHINGS. I am much obliged to the gentleman from Michigan for disclosing that fact. I knew the party personally and knew he was not a citizen.

Mr. BURROWS. I ask the Clerk to read the remarks of the commission in this case.

The Clerk read as follows:

The claimant is a native of Prussia. He came from Europe in 1852. On the 2d of July, 1858, he declared his intention to become a citizen of the United States in open court, held by Judge Yerger, of the third judicial district of the State of Mississippi. He was not fully naturalized until after the war. His certificate of citizenship was granted by the same court on the 28th of January, 1868, Mr. Bazsinsky having that day declared on oath that he would support the Constitution of the United States, and that he did absolutely and entirely renounce all allegiance and fidelity to every foreign prince, etc., particularly to the King of Prussia, "of whom he was heretofore a subject." The claimant was not, when his property was taken, nor was he at any time during the war, a citizen of the United States. The act creating this commission requires us to examine the claims of "those citizens who remained loyal adherents to the cause and the Government of the United States during the war." Mr. Bazsinsky was not a citizen, and the claim is disallowed.

Mr. BURROWS. Now, it seems to me this claimant has never had his day in court. It seems to me if the finding of the Court of Claims that he was loyal is unquestioned, the claim is a just one.

Mr. HOLMAN. I ask that the items composing the claim be read.

Mr. CATCHINGS. The record in the case not only discloses that the claimant has not had a day in court, but it shows that he was not guilty of any sort of laches; that he has been persistent in bringing up the claim.

The Clerk read the items composing the claim before the Southern Claims Commission, as follows:

Material of one complete gin-house	$2,500	22 hogsheads white sugar	$7,920
Material of one carriage-house	150	26 hogsheads brown sugar	7,800
Material of two corn cribs	150	30 barrels molasses	1,360
Material of one horse and mule stable	250	5 barrels strup	250
3,750 bushels corn	3,750	15 barrels flour	270
26 cows	1,040	5 sacks coffee	500
18 young cattle	630	5 boxes tea	400
6 work oxen	300	14 barrels whisky	1,176
2 carriage-horses	250	3 barrels superior whisky	378
1 riding horse	150	3 barrels vinegar	63
6 mules	750	5 boxes boots	240
1 mule-wagon	75	18 boxes shoes	2,700
1 ox-wagon	50	2 bolts sheeting	500
1 light family wagon	125	15 bolts linen	300
2 sets harness	40	1 lot clothing	5,000
11,000 pounds bacon	2,200	1 lot hardware	500
6 stacks fodder	180	200 acres growing corn	4,000
12 tons hay	360	80 acres timber, 8,000 cords wood	4,000
50 bushels peas	100	32,000 rails, 320 cords wood	960
65 hogs	325	1 set carriage harness	60
		Total	51,752

Mr. RICHARDSON. Mr. Chairman, it is distinctly understood, I suppose, that the Court of Claims did not find all of these items. The amount they found was $23,648.

Mr. LANHAM. Mr. Chairman, I want to make a suggestion for the purpose of abridging as much as possible the discussion upon these claims. There are thirty-four different and distinct claims embraced in the bill; we have consumed until about 4 o'clock in the day, and we have gotten through with only five of them; in fact, we are still upon the fifth claim. If we ever hereafter in this session reach this business it is very important that we make better speed in the consideration of this bill, and I have risen to ask unanimous consent that all debate upon the pending claim be limited to one minute.

Mr. RICHARDSON. I think the discussion upon this claim is exhausted now.

Mr. LANHAM. Then I ask unanimous consent, Mr. Chairman, that it be considered as closed.

Mr. O'FERRALL. I desire to offer an amendment, to come in before the next paragraph of the bill.

Mr. RICHARDSON. Does the gentleman offer it as an amendment to this item?

Mr. O'FERRALL. No, sir; as an independent item, to come in at this point.

The CHAIRMAN. The Chair thinks that under the order of the

committee, which was made by unanimous consent, to proceed to the consideration of the items in this bill in lieu of other separate bills now pending, the gentleman's amendment would not be in order at this time.

Mr. LANHAM. I suggest to the gentleman from Virginia [Mr. O'FERRALL] that it will not expedite the passage of his amendment to have it offered at this time. It can be inserted, if at all, when we get through the bill; it may then come in as a separate additional item.

Mr. O'FERRALL. It should have been put in the bill.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order at this time, but would be in order at the end of the bill as a new paragraph.

Mr. O'FERRALL. Why can it not come in at this point as an independent proposition?

The CHAIRMAN. It can come in only by unanimous consent.

Mr. LANHAM. Can the gentleman from Virginia [Mr. O'FERRALL] inform me whether any bill for this claim has been introduced in this Congress?

Mr. O'FERRALL. I understand so. I know there was a bill in the last Congress, and the case has been passed on by the Court of Claims.

The CHAIRMAN. The Chair is of opinion that the amendment can not be entertained now except by unanimous consent.

Mr. O'FERRALL. Then I ask unanimous consent.

Mr. LANHAM. I think it had better wait until the end of the bill.

The CHAIRMAN. The Clerk will report the next item in the bill.

Mr. O'FERRALL. Mr. Chairman, I do not understand that objection is made to this amendment. Does the gentleman from Texas object?

Mr. LANHAM. Do I understand the gentleman from Virginia to state that a bill for this claim has been introduced in this Congress?

Mr. O'FERRALL. That is my understanding. I know that the bill was introduced in the last Congress, and I know there was a report made upon it.

Mr. LANHAM. I understand all that. We can ascertain hereafter whether there has been a bill introduced in this Congress or not. At present I object.

The Clerk proceeded to read the next paragraph of the bill.

Mr. O'FERRALL. I trust the gentleman from Texas [Mr. LANHAM] will not insist on his objection. I submit this amendment and ask unanimous consent to have it considered.

The amendment was read, as follows:

Insert after the twenty-seventh line of the bill the following: "To Elizabeth Mulvehill, late of Alleghany County, Virginia, the sum of $4,345.17."

Mr. HOLMAN. I hope the report will be read.

Mr. WILLIAMS. Is not that a proposition to put upon this bill a claim which has not been before the Court of Claims?

Mr. O'FERRALL. It has been before the Court of Claims and has been reported by the court.

Mr. WILLIAMS. Favorably?

Mr. O'FERRALL. Oh, yes.

The CHAIRMAN. The Clerk will read the report of the committee.

The report (by Mr. Geddes) was read, as follows:

The Committee on War Claims, to whom was referred the claim of Elizabeth Mulvehill, beg leave to report:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims to the committee with the following findings of fact, filed January 11, 1886, to wit:

"In the Court of Claims. December term, 1884. Elizabeth Mulvehill *vs.* The United States. Congressional case No. 100.

"FINDINGS OF FACT. FILED JANUARY 11, 1886.

"This case, referred to the court by the Committee on War Claims of the House of Representatives the 25th day of April, 1884, under the act of March 3, 1883 (22 Stat., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the United States, as required by said act, the court upon the evidence finds the facts to be as follows:

"1. That this claim was referred to the Court of Claims by the Committee on War Claims, House of Representatives, under the first section of the act approved March 3, 1883, commonly called the "Bowman act," April 25, 1884.

"2. That the Court of Claims, on preliminary inquiry, as required by the fourth section of said act, found that the claimant did not give aid and comfort to the rebellion, but was throughout that war loyal to the Government of the United States; and that the Assistant Attorney-General of the United States appeared for the defense and protection of the interest of the United States in this pending investigation.

"3. That the claimant was residing with her husband, since deceased, at Greenbrier White Sulphur Springs, in the State now of West Virginia; that her husband was a railroad contractor at that place, and was engaged in railroad work with one Thomas K. McCann, late assistant quartermaster United States Volunteers, brother of the claimant; that claimant and her husband went to Virginia in about 1857, and were natives of the State of Pennsylvania; that at the breaking out of the war claimant's brother left the State of Virginia for the North, and that some time in 1862 claimant's husband escaped in the night time and went North, leaving his wife, the claimant, what ready money he had, she at the time having a young child, and could not go with him.

"4. That claimant afterwards applied to the Confederate military authorities for a pass to enable her to follow her husband to the Union lines, but was refused such pass. That she went to reside in the family of one John Waldron, a contractor and Union man, on the next section of the railroad, all the property of herself and husband having been confiscated after his escape.

"5. That she was informed that no person would be allowed to carry money through the Confederate lines, all persons being carefully searched.

"That she had managed to keep the money secreted up to this time.

"That at John Waldron's house she discussed with him what they should do with their money; they could not invest it in real estate, and could not carry the money away with them. They concluded to buy tobacco and secrete it. She accordingly employed Mr. Waldron and furnished him the money to purchase the tobacco, which was purchased at Lynchburgh, Va., at different times in 1863, and stored, with other tobacco belonging to Waldron, at Sweet Chalybeate Springs, Alleghany County, Virginia, with one John Kelly, proprietor of said springs.

"That about 126 boxes and packages were stored at that place, of which the following belonged to claimant, namely:

6 boxes Julia Dean, 633 pounds, at 95 cents	$601.35
10 boxes Rough and Ready, 985 pounds, at $1	985.00
12 boxes J. W. North, 1,294 pounds, at 80 cents	1,035.20
2 boxes W. S. Dodd, 188 pounds, at 87½ cents	164.50
4 boxes Simpson, 395½ pounds, at 75 cents	296.62
5 boxes Horseshoe, 527 pounds, at $1.25	658.75
6 boxes Julia Dean, 629 pounds, at $1.15	723.35
Total	4,464.77
Deduct one box lost, 104 pounds, at $1.15	119.60
	4,345.17

"6. That the bills of purchase were shown to her at the time, but claimant could not keep the bills or have the tobacco stored in her own name for fear of confiscation.

"7. That the tobacco was all in good condition when stored; none of the boxes or packages were broken; it was stored in a safe place, where it remained until on or about November 15, 1863, when the same was taken by the troops under the command of General Averell, of the United States Army, at that place, in the daytime, and carried away, together with the tobacco belonging to Waldron, in all amounting to about 126 boxes and packages.

"8. That all of said tobacco was in good order when stored with said John Kelly for safe-keeping by said Waldron, and remained securely stored and locked and was in good order at the time the same was taken by the command of General Averell, as shown in finding 7; that the prices charged were reasonable and just for the time and place, and that claimant has never received pay or compensation therefor from any source or for any part thereof, but that the same is still unpaid, and that reasonable value of the tobacco so taken from claimant was $4,345.17.

"9. That claimant's husband died in 1873; that his estate was settled and his debts all paid, and that the money used in the purchase of the tobacco, which is the subject-matter of this claim, was left with claimant by her husband, and was accumulated by him in the course of his business prior to the war.

"ORDER OF THE COURT.

"*Ordered*, That a copy of the foregoing findings of fact, duly certified, be reported to the Committee on War Claims of the House of Representatives, together with a copy of this order.

"By the court.

"A true transcript of record.

"Test, this 13th day of March, 1886.

"[SEAL.]

"JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

Your committee therefore report a bill herewith providing for the payment of the amount found by said Court of Claims, and recommend that it do pass.

The CHAIRMAN. Is there objection to the consideration at this time of the amendment offered by the gentleman from Virginia [Mr. O'FERRALL]?

Mr. HOLMAN. Mr. Chairman, I believe that the only things for which a claim could be properly allowed are quartermaster's and commissary's supplies, and such property as was taken and applied to the use of the Army. The court are careful to avoid saying what was done with this tobacco. It is manifest that the property was taken by a military officer, but whether it was applied to the use of the Army, or whether it came within the description of "quartermaster's or commissary's supplies" does not appear.

Mr. RICHARDSON. Mr. Chairman, having reported this bill, and made the statement in the outset that it included only claims for quartermaster's stores and commissary's supplies, I feel that it is proper for me to say now that upon that ground I did not include in the bill this particular claim. I did not consider it a claim for quartermaster's stores and supplies, and therefore did not include it in this omnibus bill. I make no objection to the offering of this claim as an amendment; but I want to set myself right in view of the statement which I made this morning in presenting the bill.

Mr. HOLMAN. As the gentleman is familiar with the proceedings of the War Claims Committee, I wish to ask him whether or not it is the policy of the Government to pay for property of this class—property which was not applied to the use of the Army.

Mr. RICHARDSON. The gentleman is more familiar with the rules and precedents which have been established in regard to the payment of war claims than I am, for he has occupied a position on this same committee. I will say, however, that I have not understood such was the policy.

The CHAIRMAN. The gentleman from Virginia [Mr. O'FERRALL] asks unanimous consent to offer this amendment. Is there objection?

Mr. PERKINS. Before consent is given, I would like to call the attention of the gentleman from Tennessee [Mr. RICHARDSON] to two passages in this finding of the court. In finding 8, the court states that the tobacco was in good order at the time it was "taken by the command of General Averell, as shown in finding 7." Turning to finding 7, I do not discover that the court find the tobacco was taken by order of General Averell, but they find instead that it was "taken by the troops under the command of General Averell." Now, I do not understand it has been the policy of Congress or the Government to answer for the lawless acts of troops. It seems to me this matter involves a very important question.

Mr. RICHARDSON. As the gentleman from Kansas [Mr. PERKINS] has addressed his remark to me, I will say that I have not read this report, and am not familiar with the case. The claim is not included in the bill presented here to-day and which we are now considering.

Mr. PERKINS. I think that this claim had better be passed over for the present.

Mr. O'FERRALL. I have no disposition whatever to retard the progress of this bill; and if my amendment is to excite objection or discussion I withdraw it.

The CHAIRMAN. The gentleman from Kansas objects to the consideration of the amendment of the gentleman from Virginia at this time. The Clerk will report the next item in the bill.

The Clerk read as follows:

To W. H. Cook, sr., of St. Mary's Parish, Louisiana, $2,085.

The CHAIRMAN. The Clerk will now read the finding of the Court of Claims upon this case.

The Clerk read as follows:

Court of Claims. William H. Cook, sr., *vs.* The United States. Congressional case No. 783.

At a Court of Claims held in the city of Washington on the 10th day of January, 1887, the court filed the following findings of fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 7th day of May, 1886, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 4th day of January, 1887, the court, upon the proofs and evidence, and after hearing Gilbert Moyer, esq., of counsel for the claimant, and Lewis Cochran, esq., of counsel for the defendants, finds the following facts:

I.

Upon a preliminary inquiry, December 13, 1886, at which counsel for the claimant and defendants appeared, the court found that the claimant was loyal to the Government of the United States throughout the war for the suppression of the rebellion.

II.

During 1863 there was taken from the claimant by the military forces of the United States, for their use, stores and supplies, consisting of horses, mules, pony, corn, fodder, harness, fences, and cattle, in all amounting in value to $2,085.

The claimant was a citizen of Centreville, in St. Mary's Parish, State of Louisiana, and the property was taken from him at that place by a portion of the military forces attached to the command of General Banks.

By the court.

A true copy.

Test this 12th day of January, 1887.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. HOLMAN. Does it appear in this case that the property was applied to the use of the Government?

Mr. RICHARDSON. Yes, sir.

The CHAIRMAN. The next item of the bill will be read.

The Clerk read as follows:

To Elizabeth P. Dyer, of Fayette County, Tennessee, $480.

The CHAIRMAN. The Clerk will read the finding of the Court of Claims upon this case.

The Clerk read as follows:

United States Court of Claims. Elizabeth P. Dyer *vs.* The United States. Congressional case No. 370.

CLERK'S OFFICE, *Washington, February* 16, 1886.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the said order and the findings of fact filed February 15, 1886, in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883.

I am, very respectfully, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

In the Court of Claims. Elizabeth P. Dyer *vs.* The United States. Congressional case No. 370.

At a Court of Claims held in the city of Washington on the 15th day of February, A. D. 1886, in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy be certified to the Committee on War Claims of the House of Representatives.

By the court.

FINDINGS OF FACT. FILED FEBRUARY 15, 1886.

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives March 2, 1885, the Attorney-General, by his assistants, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry, the court found (January 11, 1886) that the claimant was loyal to the Government of the United States throughout the war.

On the 8th day of February, 1886, the case was brought to a hearing on the merits, Gilbert Moyer, esq., being counsel for the claimant, and H. J. May, esq. (assistant to the Attorney-General), for the defendants. The court, upon the proof and evidence, and after hearing the counsel on both sides, finds the facts to be as follows:

I.

The claimant resided during the war of the rebellion in Fayette County, Tennessee. During the war there were taken from her, by officers of the United States for the use of the Army, two mules, two cows, and two heifers, for which voucher was given to her, of which the following is a copy:

"LA GRANGE, TENN., *December* 31, 1862.

"Received of Mrs. Dyer two mules for the use of the United States Government, and also two cows, and two heifers.

"ROBERT MAJOR,
"*Second Lieutenant Company F, Fifth Regiment Ohio Volunteer Cavalry.*"

II.

The uncontradicted evidence shows that the mules were worth $175 each, the cows $35 each, and the heifers $30 each; in all, $480.

By the court.

A true transcript of record.

Test this 16th day of February, 1886.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The Clerk read the next item of the bill, as follows:

To Newitt Harris, of Fayette County, Tennessee, $600.

The finding of the Court of Claims was read, as follows:

In the Court of Claims. Newitt Harris *vs.* The United States. Congressional case No. 374.

At a Court of Claims held in the city of Washington on the 1st day of June, A. D. 1886, in the aforesaid cause the court filed its findings of fact, and it was ordered that a copy thereof be certified to the Committee on War Claims of the House of Representatives.

By the court.

FINDINGS OF FACT. FILED JUNE 1, 1886.

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 2d day of March, 1885, and the attorney-general having appeared for the defendants, and the suit having been brought to a hearing on the 17th day of May, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and H. J. May, esq., of counsel for the defendants, finds the following facts:

I.

During the late war for the suppression of the rebellion the claimant resided on his plantation, between La Grange and Somerville, in Fayette County, Tennessee, and gave no aid or comfort to said rebellion, but was throughout the war loyal to the United States.

II.

In December, 1863, and August, 1864, forces of the United States, under command of officers, took from the claimant, for the use of the Army, fresh and salt pork, the reasonable value of which was $600, for which no payment has been made to claimant.

By the court.

A true copy.

Test this 2d day of June, A. D. 1886.

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The next item of the bill was read, as follows:

To David H. Hildebrand, of Shelby County, Tennessee, $1,078.

Mr. STEELE. Mr. Chairman, I find that this bill was reported to the House on the 3d of February; and I do not see why it should take precedence of a bill on the Calendar which was reported upon the 17th of January. Gentlemen appear to be undertaking to run in these claims ahead of others which were reported some days previously.

The CHAIRMAN. This bill is being considered under an arrangement agreed to by unanimous consent, and, of course, the items as they are found in the bill must be considered. The gentleman's objection would have been in order when unanimous consent for the consideration of this bill was asked.

Mr. STEELE. I was not aware that there was any request for unanimous consent.

Mr. RICHARDSON. If the gentleman will examine the claim to which he refers, I think it more than likely—indeed, I am almost certain—he will find it is not for quartermaster's stores or supplies. If it had been, I think it would have been embraced in this bill.

Mr. STEELE. My point is that this bill, which was reported on the 3d of February, is taking precedence of a bill which was reported on the 17th of January.

The CHAIRMAN. This bill has been taken up by unanimous consent.

Mr. STEELE. I was not aware of that.

The CHAIRMAN. The Clerk will report the finding of the Court of Claims in reference to the item last read.

The Clerk read as follows:

In the Court of Claims. David H. Hildebrand *vs.* The United States. Congressional case No. 188.

FINDINGS OF FACTS. FILED FEBRUARY 1, 1886.

This case, referred by the Committee on War Claims of the House of Representatives under the provisions of the act of March 3, 1883, chap. 116 (22 Stat., 485), having been heard by the court, the Attorney-General by his assistants appearing for the defense and protection of the interests of the United States, the court upon the evidence finds the facts to be as follows:

I.

During the war for the suppression of the rebellion there were taken from the claimant three horses and two mules for which the claimant had paid the following prices: For one horse $225, for another horse $175, and for the third horse $163; for one mule $340, for the other mule $175.

II.

The horses and mules were taken under the following circumstances: About April 1, 1864, between 10 and 11 o'clock in the forenoon, a force of some 300 or 400 United States mounted soldiers, commanded by an officer who represented himself to be a captain, halted at claimant's house in Shelby County, Tennessee, and by the direction of the said commander seized and led away two horses and one mule. In the evening of the next day before sundown a similar force under similar circumstances seized the remaining horse and mule.

III.

Nothing has been shown to identify the command, which was unknown to claimant; the value of the stock has not been shown further than as stated in Finding I; no receipts or vouchers were given claimant or sought by him.

ORDER.

The clerk will transmit to the Committee on War Claims of the House of Representatives a duly certified copy of these findings.

By the court.

A true transcript of record.

Test, this 2d day of February, A. D. 1886.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The next item of the bill was read, as follows:

To Horace P. Hobson, administrator of John O. Graves, deceased, of Fayette County, Tennessee, $3,231.

The finding of the Court of Claims was read, as follows:

In the Court of Claims. Horace P. Hobson, administrator of John O. Graves, deceased, *vs.* The United States. Congressional No. 363.

At a Court of Claims, held in the city of Washington, on the 12th day of April, 1886, in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy be sent to the Committee on War Claims of the House of Representatives.

By the court.

In the Court of Claims. Congressional case No. 363. Horace P. Hobson, administrator of John O. Graves, deceased, *vs.* The United States.

FINDINGS OF FACT. FILED APRIL 12, 1886.

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 2d day of March, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 5th day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and H. J. May, esq., of counsel for the defendants, finds the following facts:

I.

That John O. Graves, deceased, late of Fayette County, Tennessee, did not give any aid or comfort to the Confederate cause during the late war of the rebellion, but was throughout that war loyal to the Government of the United States.

II.

That the said John O. Graves, deceased, resided near La Grange, Tenn., during the late war, engaged in farming, and that the Federal forces took from him (the said John O. Graves), for their use, quartermaster stores and subsistence supplies of the value as shown in Finding VI.

III.

That said stores and supplies so taken and appropriated to the use of the United States Army have never been paid for.

IV.

That General Hamilton, by whose command the property was taken, on the 6th day of November, 1862, at his headquarters near La Grange, Tenn., delivered to the claimant the following order, to wit:

"HEADQUARTERS LEFT WING, ARMY OF TENNESSEE,
"*Camp near La Grange, November 6, 1862.*

"The bearer of this, Mr. John O. Graves, and a citizen residing 2 miles northeast of Davis's mill, is hereby protected in his property.

"All foraging parties and soldiers are forbidden to take the grain housed and stored in the buildings about his residence.

"By order of General Hamilton.

"J. A. DEWEY,
"*Captain and Aid-de-Camp.*"

V.

That the first property was taken in said month of November, and all of such property taken while Graves held the said order of protection.

VI.

Hogs, 11,250 pounds	$700.00	5 mules	$625.00
Cattle, 10 head, worth	180.00	1 horse	120.00
Bacon, 800 pounds	56.00	Meal, etc	50.00
Sweet potatoes	60.00	200 cords of wood	500.00
Corn, 1,600 bushels	640.00		
Fodder	300.00	Total	3,231.00

By the court.

COURT OF CLAIMS:

I certify that the foregoing are true transcripts of record.

Test this 14th day of April, 1886.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. HOLMAN. I believe it does not appear anywhere in the report that this property was taken for the use of the Army.

Mr. RICHARDSON. I did not give close attention to the finding of the Court of Claims as stated in the reading of the report, but my impression is the findings of fact did show it was taken for the use of the Army.

Mr. HOLMAN. In the hasty reading of the report by the Clerk I think that did not appear.

Mr. RICHARDSON. Finding II of the Court of Claims is as follows:

II.

That the said John O. Graves, deceased, resided near La Grange, Tenn., during the late war, engaged in farming, and that the Federal forces took from him (the said John O. Graves) for their use quartermaster stores and subsistence supplies of the value as shown in Finding VI.

Mr. HOLMAN. I had not noticed that phraseology in the reading of the report, but still, Mr. Chairman, it seems to me it should be found this property was taken by some competent governmental authority for the use of the Army.

Mr. RICHARDSON. That is the statement in the report.

The CHAIRMAN. The Clerk will read the next case.

The Clerk read as follows:

To Indiana E. Hughes, administratrix of John P. Hughes, deceased, of Shelby County, Tennessee, $1,436.

Mr. HOLMAN. Let the report be read in that case.

The report (by Mr. Geddes) from the Committee on War Claims, June 12, 1886, was read, as follows:

The Committee on War Claims, to whom were referred the findings of the Court of Claims in the case of Indiana E. Hughes *vs.* The United States, beg leave to report:

The Committee on War Claims of the Forty-eighth Congress, not being fully and clearly advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims with the following findings of fact, filed June 1, 1886, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

"In the Court of Claims. Indiana E. Hughes, administratrix, *vs.* The United States. Congressional case No. 383.

"At a Court of Claims held in the city of Washington on the 1st day of June, A. D. 1886, in the case aforesaid, the court filed its findings of fact, and it was ordered that a copy thereof be certified to the Committee on War Claims of the House of Representatives.

"By the court.

"[SEAL.]

"FINDINGS OF FACT. FILED JUNE 1, 1886.

"The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 2d day of March, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 22d day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and H. S. May, esq., of counsel for the defendants, finds the following facts:

I.

"John P. Hughes, late of Shelby County, Tennessee, who died in the year 1867, did not give aid or comfort to the rebellion during the late war, but was throughout that war loyal to the Government of the United States.

"Said Hughes was the owner of a farm near Colliersville, Shelby County, Tennessee, from which there were taken by the United States forces during said war and appropriated to their use, quartermaster's and subsistence stores, consisting of horses, a mule, cattle, corn, hogs, fodder, and blacksmith tools, reasonably worth at the time the sum of $1,436, for which no payment has been made.

"By the court.

"A true copy.

"Test, this 2d day of June, 1886.

"[SEAL.] "JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

Your committee therefore recommend the passage of the accompanying bill.

Mr. BROWNE, of Indiana. Mr. Chairman, I should like to understand the theory upon which this legislation is proceeding. These reports from the Court of Claims recite, as in this particular case, that certain quartermaster or commissary stores were taken and appropriated by United States troops. In some instances it is stated they were taken by the command of an officer of the United States. I take it that means simply they were taken by troops under the command of a certain officer; not that they were taken and appropriated under the order of an officer, but were taken and converted to the use of the troops, by the troops themselves.

Now the point I wish to inquire about is, whether or not it is the intention of this committee to have the Government of the United States pay for all quartermaster or commissary stores which may have been taken irregularly or wantonly by troops of the United States Army, or is it the purpose that the Government shall reimburse only loyal claimants for such quartermaster and commissary stores as may have been taken regularly by an officer in command having authority to direct the appropriation? In one case it is an appropriation to pay for the wanton trespass of the troops, while in the other it is but reasonable a loyal claimant should be reimbursed for such property as may have been taken for the use of the Army by order of the officer in command.

Mr. Chairman, I happen to know how things were done during the war down in East Tennessee. I appropriated many bushels of corn myself down there, or the troops under my command, without inquiring particularly as to whether the owner was loyal or disloyal, and under the circumstances I did not think I was placing the Government in such position it was bound to assume the responsibility for my act of reimbursing all those from whom that property was taken by the troops under my command.

Mr. RICHARDSON. I recognize the inquiry made by the gentleman from Indiana as one eminently proper and correct. As a member of the Committee on War Claims I can state emphatically that committee has never reported in favor of paying for any quartermaster or commissary stores or supplies wantonly taken by the troops. I was not aware the Committee on War Claims has understood the Government is liable for any such supplies so taken. That committee has refused to appropriate for any claim where it was shown the supplies were taken wantonly.

If the gentleman will allow me further, I desire to call his attention to the language used by the Court of Claims in this very case. "There was taken from the claimant under proper authority, and appropriated to the use of the Army these stores and supplies." That means, I have always understood, they were not wantonly taken, but by due authority, by order of the officer in command, and that the supplies were properly taken for the use of the Army; and I think payment should be made in all such cases where the parties are found to have been loyal during the war. It will be noticed in each case the Court of Claims finds the

claimants, in whose favor reports are made, to have been loyal to the Government during the war.

Mr. BROWNE, of Indiana. If these cases are of that character—claims made by loyal citizens for property properly taken for the use of the Army during the war, by order of the officer of the United States Army in command—then I do not know I have any disposition to interpose against their payment. But, sir, I think after listening to the reading of these several reports at the Clerk's desk they do not state with sufficient explicitness the property was taken in a single place under the authority and by order of the officer in command for the use of the Army.

A moment ago a case was presented of some men belonging to some one, or to some government, real or pretended; who they were, the claimant did not know; did not know the name of an officer, or if it was an officer who was with them; appropriated his mules and horses, being valuable mules and horses, too, it seems; and yet the committee have found upon that evidence that these troops did in fact belong to the United States Army, and that this person in charge of them was in fact a captain who had undoubted authority from the General Government to make appropriations of this class.

Now, for all there is in this report it might have been somebody who was creating a little disturbance upon the other side who did this thing.

Mr. RICHARDSON. I want to say, in reply to what the gentleman from Indiana has stated, that if there is a solitary case reported here where it is not shown that the supplies were taken by proper authority and for the use of the United States Army, I will not only vote to strike it out, but will move to strike it out myself. I do not understand this to be such a case, nor do I understand the gentleman from Indiana to make the point that it is.

Mr. BROWNE, of Indiana. I had reference to a case about three claims back.

Mr. RICHARDSON. I certainly have no knowledge of the existence of such a case, and, as I have stated, would not only not vote to support it but would move to strike it out.

Mr. PERKINS. Let me ask the gentleman from Tennessee if it is the language of the committee or the Court of Claims which he quoted a few moments ago?

Mr. RICHARDSON. It is the language of the Court of Claims?

Mr. PERKINS. In this case?

Mr. RICHARDSON. No, in the case of James C. Jenkins, which is the next case, I believe. I did not happen to have the report in this case, it being in the hands of the Clerk, but that presented the point I wished to submit at that time.

Mr. PERKINS. But it is not the case now under consideration, because I have that before me.

Mr. RICHARDSON. No, sir; it is another case.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill, as follows:

To James C. Jenkins, administrator of Thomas C. Jenkins, deceased, of Hardeman County, Tennessee, $1,275.

The findings of fact by the Court of Claims were read, as follows:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 3d day of March, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 15th day of April, 1886, the court, upon the proofs and evidence, finds the following facts:

I.

That Thomas C. Jenkins, deceased, late of Hardeman County, Tennessee, did not give any aid or comfort to the rebellion during the late war, but was throughout that war loyal to the Government of the United States.

II.

That during said period there was taken from decedent by the United States forces, under proper authority, and appropriated to their use, eight mules and two horses, valued at $1,275.

III.

That the claimant has never been paid for any portion of this stock.

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

To Sarah McFerrin, administratrix of Robert Waters, deceased, of Shelby County, Tennessee, $1,752.

The findings of fact by the Court of Claims were read, as follows:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 22d day of December, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 15th day of April, 1886, the court, upon the proofs and evidence, finds the following facts:

I.

That Robert Waters, deceased, late of Shelby County, Tennessee, never gave any aid or comfort to the rebellion during the late war, but was throughout that war loyal to the Government of the United States.

II.

That during the period of said war there was taken from decedent by the Federal forces under proper authority and appropriated to their use quartermaster stores of the value of $1,752. Said property was taken in the winter of 1863.

III.

That the claimant has received no pay for said quartermaster stores. The kind and value is set forth in Finding IV.

IV.

5 mules	$650
2 horses	240
1,500 bushels of corn, at 50 cents per bushel	750
15 stacks of fodder, 15,000 pounds	112

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

To John R. McKinnie, administrator of David McKinnie, deceased, of Hardeman County, Tennessee, $1,142.

The findings of the Court of Claims were read, as follows:

Court of Claims. John R. McKinnie, administrator, etc., *vs.* The United States. Congressional case No. 364.

At a Court of Claims held in the city of Washington on the 17th of January, 1887, the court filed the following findings of fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims, House of Representatives, on the 4th day of March, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 29th day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and Lewis Cochran, esq., of counsel for the defendants, finds the following facts:

David McKinnie, the intestate, was owner of the property taken. He resided 5 miles from Middleburgh, Hardeman County, Tennessee, and was a farmer. The property taken consisted of commissary supplies, which were not paid for because the Commissary-General was not satisfied as to the owner's loyalty. The larger part of the supplies was carried by the intestate to Middleburgh, Tenn., and delivered there to assistant quartermasters in charge. For some, receipts were given; some were taken by details of troops sent out to collect supplies, and of all a full itemized account was made by the intestate at the time, which account was subsequently presented to the Commissary-General. The officers to whom the supplies were delivered or by whom they were taken were Assistant Quartermaster Baldwin, Second New Jersey Cavalry; Lieut. William Newsom, regimental quartermaster Sixth Tennessee Cavalry; Capt. Gustavus Schurager, Iowa Cavalry, and Lieut. W. B. Perrott, assistant quartermaster Twelfth Michigan Volunteers. The supplies were taken at various times between November 17, 1862, and May 2, 1864, and consisted of 6,500 pounds pork, 11 barrels flour, 200 pounds lard, 1,600 pounds beef, 1,000 pounds ham, 500 pounds bacon, 350 pounds salt, 600 gallons honey, 500 pounds of salted meat; the aggregate value of which was $1,142.

Mr. PERKINS. I wish to call the attention of the gentleman from Tennessee to the fact that I do not think there is a finding of loyalty there. As I understand it, this claim was rejected by the Quartermaster's Department because of a lack of that evidence. If so, and if this is to be understood as proceeding by unanimous consent, I should object to the consideration of the claim.

The CHAIRMAN. This bill is being considered now by paragraphs. Each portion of the bill is before the committee as it is read for amendment, or such other action as the committee may see proper to take.

Mr. HOLMAN. I hope the findings in this case will be again reported.

The findings of the Court of Claims were again read.

Mr. LANHAM. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House, having had under consideration the bill H. R. 2952, had come to no conclusion thereon; also that the committee had had under consideration the bill H. R. 6203, and had directed him to report the same to the House with the recommendation that it be laid on the table.

PETER MARCH, THOMAS J. WRIGHT, AND OTHERS.

The bill (H. R. 6203) for the relief of Peter March, Thomas J. Wright, administrator, and others, reported from the Committee of the Whole with the recommendation that it be laid on the table, was considered and the recommendation of the committee concurred in.

FRUIT BRANDY.

Mr. COWLES, by unanimous consent, introduced a bill (H. R. 7690) to amend Title XXXV of the Revised Statutes, chapter 4, section 3255, and to repeal the tax and restrictions on the manufacture and sale of brandy distilled from apples and peaches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONTESTED ELECTION—M'DUFFIE VS. DAVIDSON.

Mr. MAISH. I rise to make a privileged report. I present the report of the Committee on Elections in the contested-election case of McDuffie *vs.* Davidson, Fourth district of Alabama. I wish to give notice that in all probability this case will be called up for consideration next Monday week.

Mr. LODGE. I desire to present the minority report in the same case.

The report of the committee and the views of the minority were ordered to be printed.

SUGAR TRUSTS IN NEW YORK.

Mr. BRECKINRIDGE, of Arkansas. I desire to present a privileged report from the Committee on Manufactures.

The Clerk read the resolution referred to the committee, on motion of Mr. MILLIKEN, on the 6th of February, as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, authorized and directed to make a thorough investigation of the so-called sugar trusts in the city of New York, and that he direct the collector of the port of New York

and Mr. Joseph Treloar, in charge of the correspondence bureau in the New York customs district under the said collector, to formulate the information in his or their possession relating thereto to this House.

Mr. BRECKINRIDGE, of Arkansas. The committee report adversely on the resolution. The committee was instructed to report to the House on this day. The House seems to have been under the impression that the resolution in question was a resolution of inquiry, and, being under that impression, that the Committee on Manufactures had been dilatory in reporting upon it. The committee did not construe the resolution to be a resolution of inquiry, and that was the reason for their apparent dilatoriness. I have no desire to make any remarks or to occupy the time of the House in regard to the action of the committee; and if there be no objection and if no one desires to occupy time I move that the resolution be laid upon the table, and that the accompanying report be printed.

Mr. MILLIKEN. I ask unanimous consent that that report lie over until Monday. I want to make some remarks which I can not do at this time, as the House seems desirous of adjourning.

Mr. BRECKINRIDGE, of Arkansas. I will call it up on Monday.

There being no objection, the report was ordered to lie over until Monday.

REV. STEPHEN M. COLLIS.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent to call up for consideration at this time from the Private Calendar the bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to place the name of Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof, and that he be mustered from the —— day of April, 1865, and mustered out on the —— day of September, 1865.

The following amendment was reported by the Committee on Invalid Pensions:

In line 6 fill the blank with the word "first;" and in line 7 fill the blank with the word "first;" so that it will read: "mustered from the 1st day of April, 1865, and mustered out on the 1st day of September, 1865."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. B. VAN CLEVE.

Mr. PERKINS. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 771) granting a pension to A. B. Van Cleve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of A. B. Van Cleve, late of Company E, Thirty-seventh Kentucky Mounted Infantry Volunteers, subject to the provisions and limitations of the pension laws, and to pay him a pension from and after the passage of this act.

Mr. PERKINS. This is a unanimous report of the committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCCREARY addressed the Chair.

Mr. LANHAM. I move that the House do now adjourn.

The SPEAKER *pro tempore*. Before putting the question on the motion to adjourn——

Mr. MCCREARY. I rise to a question of order. I had the floor, and had not yielded it when the gentleman from Texas moved to adjourn.

The SPEAKER *pro tempore*. The motion to adjourn is always in order. Pending the motion to adjourn the Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto;

A bill (S. 388) for the relief of L. B. Townsend, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harley, and Peter Hackett;

A bill (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.; and

Joint resolution (H. Res. 113) authorizing the Secretary of War to appoint a board of three engineers to examine and report in relation to the Delaware River between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes.

Mr. LANHAM. I withdraw the motion to adjourn.

COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. MCCREARY. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Thursday, the 15th of March, 1888, immediately after the hour for the consideration of bills called up by committees, be set apart for the consideration of bills and measures reported from the Committee on Private Land Claims in such order as may be designated by said committee; this order not to conflict with prior orders, nor with revenue bills, nor with general appropriation bills.

Mr. HOLMAN. Is the order confined to one day?

Mr. MCCREARY. Yes, sir.

The resolution was adopted.

Mr. MCCREARY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMISSION OF DAKOTA.

Mr. SPRINGER. Mr. Speaker, I desire unanimous consent to report two bills from the Committee on the Territories, in order that the reports may be printed. The reports are adverse, and the gentleman from New York [Mr. BAKER] wishes to file the views of the minority.

The SPEAKER *pro tempore*. The Clerk will report the titles of the bills.

The Clerk read as follows:

A bill (H. R. 1679) to provide for the admission of South Dakota into the Union, and for the organization of the Territory of North Dakota.

A bill (H. R. 1942) to provide for the formation and admission into the Union of the State of North Dakota, and for other purposes.

The report was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. BAKER, of New York, submitted the views of the minority; which were ordered to be printed with the report of the committee.

BRIDGE ACROSS THE OHIO RIVER.

Mr. LAFFOON, by unanimous consent, introduced a bill (H. R. 7691) to authorize the construction of a bridge across the Ohio River at or near the city of Owensborough, in the State of Kentucky; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LANHAM. I renew my motion that the House do now adjourn.

The question was taken; and there were—ayes 48, noes 46.

So the motion was agreed to; and the House accordingly (at 5 o'clock p. m.) adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. C. H. ALLEN: A bill (H. R. 7650) granting a pension to Nancy J. Searer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7651) granting a pension to Achsah Hanscomb—to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 7652) for the relief of Avery Bancorn—to the Committee on Invalid Pensions.

By Mr. BLOUNT: A bill (H. R. 7653) for the relief of Matthew R. Bell—to the Committee on Claims.

By Mr. BOUND: A bill (H. R. 7654) for the relief of John C. Forsyth, postmaster at Northumberland, Northumberland County, Pennsylvania—to the Committee on Claims.

By Mr. T. M. BROWNE: A bill (H. R. 7655) for the relief of Thomas Burns—to the Committee on Military Affairs.

By Mr. T. H. B. BROWNE: A bill (H. R. 7656) for the relief of John D. Tyler—to the Committee on Claims.

By Mr. FORAN: A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7658) granting arrears of increase of pension to Lawrence Clifford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7659) granting arrears of pension to Erastus R. Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7660) to remove the charge of desertion from the military record of Daniel Saxton—to the Committee on Military Affairs.

Also, a bill (H. R. 7661) to remove the charge of desertion from the military record of Ebenezer F. Woodworth—to the Committee on Military Affairs.

Also, a bill (H. R. 7662) granting a pension to the widow and two minor children of Leonidas Z. Wilson—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 7663) extending the provisions of section 1225 of the Revised Statutes to the Iowa Weslyan University of Mount Pleasant, Iowa—to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 7664) for the relief of William Flinn—to the Committee on Military Affairs.

By Mr. LANE: A bill (H. R. 7665) granting a pension to John E. Lewis—to the Committee on Invalid Pensions.

By Mr. SCULL: A bill (H. R. 7666) granting a pension to Solomon Comp—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 7667) granting a pension to Elias Deveny—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 7668) for the relief of J. G. Carraway—to the Committee on War Claims.

Also, a bill (H. R. 7669) for the relief of John F. White—to the Committee on War Claims.

Also, a bill (H. R. 7670) for the relief of Mrs. E. H. Hopper—to the Committee on War Claims.

Also, a bill (H. R. 7671) for the relief of John R. Elkins—to the Committee on War Claims.

By Mr. McCORMICK: A bill (H. R. 7672) authorizing and directing the Secretary of War to revoke the order dismissing Second Lieut. Edwin F. Nixon—to the Committee on Military Affairs.

By Mr. MERRIMAN: A bill (H. R. 7673) granting a pension to Emilia Meyer—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 7674) granting a pension to William G. Bailey, guardian of Frank H. Reed—to the Committee on Invalid Pensions.

By Mr. MOFFITT: A bill (H. R. 7675) for the relief of E. B. Eddy, of Hull, Quebec—to the Committee on Claims.

By Mr. McRAE: A bill (H. R. 7676) authorizing the Kansas City, Texarkana and Gulf Railroad Company to bridge the Red and Little Rivers in the State of Arkansas—to the Committee on Commerce.

By Mr. NUTTING: A bill (H. R. 7677) granting a pension to Patrick Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 7678) granting a pension to Martha A. Bowling—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 7679) for the relief of Z. W. Pickrell and T. T. Broocks—to the Committee on War Claims.

By Mr. DINGLEY: A bill (H. R. 7680) granting a pension to Mrs. Mary O. Hall—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 7681) for the relief of Joseph Hudnall—to the Committee on Invalid Pensions.

By Mr. PEEL: A bill (H. R. 7682) granting a pension to William Tennis—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 7683) granting increase of pension to Hugh Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7684) granting a pension to George W. De Motte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7685) granting a pension to Martha Nierly—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 7686) for the relief of Seth Wheeler—to the Committee on Patents.

By Mr. FARQUHAR: A bill (H. R. 7687) for the relief of John Finn, late lieutenant Company C, One hundred and fifty-fifth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. SHIVELY: A bill (H. R. 7688) granting a pension to John Glenning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7689) granting increase of pension to George Bernhard—to the Committee on Invalid Pensions.

Change in reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 7445) to provide for the disposal of the Fort Wallace military reservation in Kansas—from the Committee on Military Affairs to the Committee on the Public Lands.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition in aid of a pension for Achrah Hanscomb—to the Committee on Invalid Pensions.

By Mr. C. L. ANDERSON: Memorial of citizens of Wayne County, Mississippi, relating to an appropriation for the improvement of the Chickasawha River, in Mississippi—to the Committee on Rivers and Harbors.

By Mr. JEHU BAKER: Petition of Gotlib M. Wilhelm, C. F. W. Pieper, Simeon Harris, and 8 other surviving soldiers of the Union Army, indorsing the per diem rated service-pension bill, and urging its immediate passage—to the Committee on Invalid Pensions.

By Mr. BARNES: Petition of J. Hunt Jones and H. Philip Jones, heirs of James N. Jones, of Burke County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BELMONT: Petition of citizens of Good Ground, of Southampton, of Far Rockaway, of Bay Shore, of Moriches, of Riverhead, and of Bay Shore, Long Island, N. Y., for increased compensation for Life-Saving Service—to the Committee on Commerce.

By Mr. BOOTHMAN: Memorial of the authorities of Napoleon, Ohio, relating to the construction by the United States Government of public buildings in cities and villages having 3,000 or more population—to the Committee on Public Buildings and Grounds.

Also, memorial of authorities of Van Wert, Ohio, relating to the construction by the United States Government of public buildings in cities and villages having 3,000 or over population—to the Committee on Public Buildings and Grounds.

Also, four petitions of citizens and ex-Union soldiers of Van Wert County, Ohio, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOUND: Petition of John Harris Council, No. 174, Junior Order of United American Mechanics, Harrisburg, Pa., praying that the 22d of February be declared a legal holiday—to the Committee on the Judiciary.

By Mr. T. H. B. BROWNE: Petition of John D. Tyler, of Accomack County, Virginia, for relief—to the Committee on Claims.

Also, petition of Charles P. Finney and others, of Accomack County, Virginia, for the improvement of Onancock River—to the Committee on Rivers and Harbors.

Also, petition of W. E. Brickhouse and others, of Accomack and Northampton Counties, Virginia, for the improvement of Occohannock Creek—to the Committee on Rivers and Harbors.

Also, petition of Shields Bros. and others, against improving Occohannock Creek, in Virginia—to the Committtee on Rivers and Harbors.

Also, petition of J. E. Johnson, captain, and crew of the life-saving station at Hog Island, and S. Bloxam, captain, and the crew of the life-saving station at Pope's Island, for increase of salary—to the Committee on Commerce.

Also, petition of superintendents of Life-Saving Service, for increase of salary in the first, second, fifth, and eighth districts—to the Committee on Commerce.

By Mr. BRUMM: Petition of George W. Snyder and others, of Beallsville, Washington County, Pennsylvania, and also of J. C. Barre and others, of the same county and State, praying for fractional currency—to the Committee on Banking and Currency.

By Mr. BURNETT (by request): Petition of F. M. Bowker and others, of Sudbury, Middlesex County, Massachusetts, for issue of fractional currency—to the Committee on Banking and Currency.

Also, a petition for the adjustment of accounts of laborers, etc.—to the Committee on Labor.

By Mr. BURROWS: Petition of citizens of St. Joseph County, Michigan, and also a petition of citizens of Kalamazoo County, Michigan, for Congress to take speedy action on the subject of protection to the wool-growing and wool-manufacturing industries—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Hiram S. Sloan, of Grainger County, Tennessee, for reference of claims for stores and supplies to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: Petition of ex-soldiers of Ohio, for a per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. CASWELL: Petition of L. S. Blake and 155 others, citizens of Racine County, Wisconsin, for the protection of wool growers and manufacturers, and for the correction of classifications of duties—to the Committee on Ways and Means.

By Mr. CLARK: Petition of citizens of Aurorahville, Wis., for reduction of postage on seeds, plants, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CONGER: Papers to accompany House bill 157, for relief of Robert McNutt—to the Committee on Military Affairs.

Also, papers to accompany House bill 2213, for relief of Telline W. Wilson—to the Committee on War Claims.

By Mr. COX: Petition of John Blakely and 24,999 others, merchants and citizens of New York City and Brooklyn, praying for the passage of the bills for the relief of the letter-carriers and postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Don M. Dickinson and 67 others, citizens of Michigan, and of Thomas B. Robertson and 41 others, citizens of New York, for the passage of the bill to pension Life-Saving Service mariners—to the Committee on Commerce.

By Mr. CRISP: Petition, affidavits, etc., filed by Mary E. Forrester and A. B. Duncan in support of bill for their relief—to the Committee on Claims.

By Mr. CUTCHEON: Petition of business men and others, citizens of Muskegon, Mich., for increase of pay of keepers and surfmen of Life-Saving Service—to the Committee on Commerce.

Also, two petitions of citizens of Osceola County, Michigan, in favor of a service pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Manistee, Mich., for a modification of the patent laws—to the Committee on Patents.

By Mr. DALZELL: Petition of cork manufacturers of the United

States, protesting against putting cork on the free-list—to the Committee on Ways and Means.

Also, petition of Bainbridge Council of Junior Order of United American Mechanics, that the 22d of February be made a national holiday—to the Committee on the Judiciary.

Also, two other petitions of Order of United American Mechanics, that the 22d of February be made a national holiday—to the Committee on the Judiciary.

Also, petition of Custer Lodge, Amalgamated Association of Iron and Steel Workers, in favor of protective tariff—to the Committee on Ways and Means.

By Mr. ENLOE: Papers in the claim of Robert H. Hall, of Clarksburgh, and of Eli T. McGill, of Davidson County, Tennessee—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of N. B. Keeney & Son, for an act reducing rates of postage on seeds, plants, and bulbs—to the Committee on the Post-Office and Post-Roads.

By Mr. FARQUHAR: Petition of John Finn, late of Company C, One hundred and fifty-fifth Regiment New York Volunteers, for relief—to the Committee on Military Affairs.

By Mr. FORAN: Petition of L. B. Luckerman and others, citizens of Cleveland, Ohio, for Government control of the telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: Petition of W. L. Pyle, of Cherokee County, Alabama, for a forfeiture of the grant of lands to the Coosa and Chattooga Railway Company—to the Committee on the Public Lands.

Also, petition of James M. Dillard and of James M. Dillard, jr., for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Benjamin E. Moody, of Alabama—to the Committee on War Claims.

By Mr. FULLER: Petition of John S. Bradley and others, for the passage of bill adopted and recommended by the National Association of ex-Prisoners of War and the Grand Encampment Grand Army of the Republic at St. Louis—to the Committee on Invalid Pensions.

Also, petition of 22 soldiers of Howard County, Iowa, for a per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Memorial of the mayor and council of Pomeroy, Ohio, against building large Government buildings by special appropriations, and asking for appropriations in bulk for small buildings—to the Committee on Public Buildings and Grounds.

Also, memorial of Joseph Hudnalt, with papers, for relief—to the Committee on Invalid Pensions.

By Mr. HAUGEN. Resolutions of the Chamber of Commerce of West Superior, Wis., against the bill authorizing construction of railroad bridge from Rice's Point to Minnesota Point across Superior Bay—to the Committee on Commerce.

By Mr. HEARD: Petition of the faculty of the Missouri State University, in favor of an international copyright law—to the Committee on Patents.

By Mr. D. B. HENDERSON: Petition of George A. Day and 99 others, citizens of Delaware County, Iowa, for the passage of the one cent a day pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the farmers of Hardin County, Iowa, for the retention of the oleomargarine law—to the Committee on Agriculture.

By Mr. HERBERT: Papers in the claim of Lewis Owen, of Montgomery County, Alabama—to the Committee on War Claims.

By Mr. HIRES: Petition of Cornly & Flanigan and others, of Philadelphia, Pa., to remove the duty on tin-plate and place same on the free-list—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of New Jersey, for the repeal of internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. HITT: Argument of Luther Maddocks against the bill to prohibit the use of seines, traps, and weirs for the capture of menhaden and other fish in the waters of the United States—to the Committee on Merchant Marine and Fisheries.

Also, petition of the directors of the Chicago Board of Trade for a law requiring the branding of compound lard—to the Committee on Agriculture.

By Mr. HOLMAN: Petition of Revel W. Fugitt and 102 others, Union soldiers of Ohio County, Indiana, for the passage of the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Mark Lopen and 47 others, of F. H. King and 18 others, of J. S. Carmichael and 48 others, of W. P. Ward and 81 others, of David Kennelly and 26 others, of H. C. Lautz and 54 others, of W. W. Clark and 57 others, of Joseph Whitaker and 20 others, and of J. W. Howe and 27 others, residents of the public land strip west of Indian Territory, for a government and land district and land office—to the Committee on the Public Lands.

By Mr. A. J. HOPKINS: Memorial of officers of the city of Sycamore, Ill., relative to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. HOUK: Petition of W. B. Caldwell, administrator of Robert Caldwell, of Jefferson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. KEAN: Petition of citizens of Spring Lake, Monmouth County, New Jersey, for the passage of a bill to protect the food-fish along the New Jersey coast—to the Committee on Merchant Marine and Fisheries.

By Mr. LAIDLAW: Petition of citizens of Allegany County, New York, against the repeal of the tax on tobacco—to the Committee on Ways and Means.

By Mr. LANE: Petition of the authorities of Litchfield and of Vandalia, Ill., for a general appropriation bill for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. LATHAM: Petition of citizens of North Carolina, for increase of pay of keepers and surfmen in the Life-Saving Service—to the Committee on Commerce.

Also, papers to accompany bill for the relief of O. F. Adams, of Washington, D. C.—to the Committee on War Claims.

By Mr. LAWLER: Petition in favor of the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. McCORMICK: Petition of Elizabeth Garland Elder, for an increase of pension—to the Committee on Pensions.

By Mr. McKENNA: Petition of members of the faculty of the California University, in favor of international copyright—to the Committee on Patents.

By Mr. McKINLEY: Petition of Ayers Lodge, No. 49, of Youngstown, Ohio, against any revision of the tariff—to the Committee on Ways and Means.

By Mr. McMILLIN: Petition of executor of Mary Calgy, late of Sumner County, Tennessee, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of citizens of the Third district of Arkansas, against the Farwell bill, and for the abolition of the national banking system—to the Committee on Banking and Currency.

By Mr. MANSUR: Memorial of the Chamber of Commerce of St. Louis, Mo., for the organization of Oklahoma Territory—to the Committee on the Territories.

By Mr. MATSON: Petition of John Brogan and 45 others, Union soldiers, for a per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition of soldiers of the late war, asking for the difference between the inflated currency in which they were paid and the money paid as interest to the holders of American bonds—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of W. N. Rowell and others, asking that a pension be granted to William G. Bailey—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of 10 firms, curers, packers, and exporters of meat, of Boston, Mass., protesting against the passage of Senate bill No. 535—to the Committee on Foreign Affairs.

By Mr. NEWTON: Papers in the claim of Lucy F. Brown and others, heirs of Eliza M. Nolly, of Madison Parish, and of Henry Van Hofen, of Louisiana—to the Committee on War Claims.

By Mr. NUTTING: Petition of Joseph Harris and 75 others, citizens of Lock, Cayuga County, New York, for the protection of wool and woolen manufacturers from free trade in wool—to the Committee on Ways and Means.

By Mr. O'DONNELL: Resolutions of Lewis Clark Post, No. 275, Grand Army of the Republic, in favor of per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Papers in the claim of Elkanah Faucett, of Frederick County, and of Bazil Grigsby, of Rappahannock County, Virginia—to the Committee on War Claims.

Also, papers in the claim of Bettie B. Riley, of Frederick County, Virginia—to the Committee on War Claims.

By Mr. PATTON: Petition of 36 soldiers of G. L. Potter Post, Grand Army of the Republic, in the Twentieth district of Pennsylvania, for per diem pension bill—to the Committee on Invalid Pensions.

By Mr. PEEL (by request): Petition of John L. Owen, for removal of charge of desertion—to the Committee on Military Affairs.

Also, memorial of city council and citizens of Fayetteville, Ark., for an appropriation to grade road to Federal cemetery—to the Committee on Military Affairs.

Also, papers in the claim of Pascal Turner, of Benton County, Arkansas—to the Committee on War Claims.

By Mr. PETERS: Petition of 20 ex-soldiers of Sumner County, and resolutions of a meeting of ex-soldiers of McPherson County, Kansas, favoring a rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of W. W. Ross, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of prisoners of war for an act granting them a pension—to the Committee on Invalid Pensions.

By Mr. J. E. RUSSELL: Petition of F. J. Kinny, secretary of Tatnuck Farmers' Club, of Worcester, Mass., for a higher rate of duties on agricultural productions—to the Committee on Ways and Means.

Also, petition of Emily A. Cook, for widow's pension—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Hugh Brady, for increase of pension—to the Committee on Invalid Pensions.

Also, papers relating to pension bill of Martha Nicely—to the Committee on Invalid Pensions.

By Mr. SAYERS: Resolutions of the Houston (Tex.) Cotton Exchange and Board of Trade, for the concentration of all appropriations for the development of harbors on the Texas coast upon one point—to the Committee on Rivers and Harbors.

By Mr. SCULL: Memorial of the Junior Order United American Mechanics, Council No. 85, of Johnstown, Pa., to make February 22 a legal holiday—to the Committee on the Judiciary.

By Mr. SHIVELY: Memorial of the Indianapolis (Ind.) Board of Trade, asking for the branding of adulterated lard—to the Committee on Agriculture.

Also, memorial of same against legislation interfering with our foreign trade—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Petition of citizens of Milwaukee, Wis., in favor of House bill 4414, relating to wages—to the Committee on Labor.

By Mr. SPRINGER: Ten memorials of citizens of the United States residing on the Public Land Strip, praying for the passage of the Oklahoma bill as amended by the Committee on the Territories—to the Committee on the Territories.

By Mr. STOCKDALE: Papers in the claim of Emily E. Bishop, of Pike County, Mississippi—to the Committee on War Claims.

By Mr. SYMES: Affidavits in support of bill for pension of Jacob D. Miller, Company D, One hundred and ninety-first Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. TAULBEE: Petition of James A. Stamper, of Wolfe County, Kentucky, for relief—to the Committee on Invalid Pensions.

By Mr. J. D. TAYLOR: Petition of Isaac M. Hudson, administrator of James Love, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. G. M. THOMAS: Paper to accompany bill for the relief of Mary E. Newton—to the Committee on Claims.

Also, papers to accompany bill for relief of Martha A. Bowling—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of W. H. A. Fenton and others, employés of post-office at Hartford, Conn., for legislation fixing salaries and hours of labor of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. W. Roberts and others, citizens of the First district of Connecticut, for reduced rates on certain mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. W. Roberts and others, citizens of the First district of Connecticut, for reissue of fractional currency—to the Committee on Banking and Currency.

Also, petition of Byron Lumis and others, citizens of the First district of Connecticut, for abolition of tax on manufacturers of cigars—to the Committee on Ways and Means.

By Mr. WEAVER: Memorial and concurrent resolution of the General Assembly of Iowa, relative to the election of United States Senators—to the Committee on the Judiciary.

By Mr. WEBER: Petition of ex-soldiers for a per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. J. B. WHITE: Petition of Eliza T. Glass, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: Petition of W. C. Hodge, of executor of Lemuel Farmer, of widow of Henry Holt, and of executor of Oliver B. Hays, of Williamson County, and of S. P. Watson, administrator of Ann J. Turner, of Maury County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Petition for a per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. YARDLEY: Memorial of Councils No. 21 and 100 of the Junior Order of United American Mechanics, asking that February 22 be made a national holiday—to the Committee on the Judiciary.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. C. L. ANDERSON: Of C. M. Atwood and others, citizens of Milldale, Neshoba County, Mississippi.

By Mr. BUNNELL: Of citizens of Fassett, Bradford County, Pennsylvania.

By Mr. LATHAM: Of citizens of Carteret County, and of Perquimans County, North Carolina.

By Mr. McKINLEY: Of citizens of Cornersburgh, Mahoning County, Ohio.

By Mr. PEEL: Of citizens of Kingston, Ark.

By Mr. TAULBEE: Of citizens of Riddle, Ky.

By Mr. YOST: Of citizens of New Canton, Va.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. C. S. BAKER: Of 238 citizens of Monroe County, New York.

By Mr. BAYNE: Of 177 citizens of Allegheny County, Pennsylvania.

By Mr. McKINNEY: Of 169 citizens of Carroll County, New Hampshire.

By Mr. MILLIKEN: Of 201 citizens of Kennebec County, Maine.

By Mr. ROCKWELL: Of 236 citizens of Berkshire County, Massachusetts.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. DORSEY: Of citizens of Nebraska.

By Mr. GIFFORD: Of Rev. G. Sumner Baskerville, of Tower City, and 101 others, citizens of Dakota.

By Mr. NUTTING: Of L. J. Silcox and 148 others, citizens of the Twenty-seventh district of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 25, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D., president of Dakota University.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr ENLOE, by unanimous consent, was granted leave of absence for one day, on account of important business.

POST-OFFICE AT LINCOLN, NEBR.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting, with accompanying papers, a letter from the Supervising Architect in regard to the bill for paving and grading around the site of the post-office at Lincoln, Nebr.; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE, SWAN POINT BAR, MARYLAND.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for the establishment of a light-house at Swan Point Bar, Chesapeake Bay, Maryland; which was referred to the Committee on Commerce, and ordered to be printed.

F. MATTHEWS AND D. S. PARKER VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of F. Matthews and D. S. Parker *vs.* The United States; which was referred to the Committee on War Claims.

WASHINGTON CABLE ELECTRIC RAILWAY.

The SPEAKER *pro tempore* also laid before the House a bill (S. 931) to incorporate the Washington Cable Electric Railway of the District of Columbia; which was read a first and second time, and referred to the Committee on the District of Columbia.

DOCUMENTS REFERRED.

At the request of Mr. HERMANN, by unanimous consent, Executive Document No. 125, first session Forty-ninth Congress, and Executive Document No. 77, second session Forty-ninth Congress, were ordered to be taken from the files of the Clerk's office and referred to the Select Committee on Indian Depredation Claims.

DEPOSITIONS IN CAUSES IN UNITED STATES COURTS.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the House Calendar the bill (H. R. 1859) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States, and to put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That in addition to the mode of taking the depositions of witnesses in causes pending at law in the district and circuit courts of the United States, it shall be lawful to take the depositions or testimony of witnesses in the mode prescribed by the laws of the State in which the courts are held.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY B. KIRBY.

Mr. YOST. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 4626) for the relief of Mary B. Kirby, and that the same be put upon its passage.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary B. Kirby, widow of Reynold Marvin Kirby, major of the First Regiment of United States

Artillery, who died at Fort Sullivan, in the year 1842, while in the line of duty, from disease contracted in the service, and pay her a pension at the rate of $30 per month, to date from the 7th day of October, 1842.

Mr. McMILLIN. Mr. Speaker, reserving the right to object, I would like to have the report in that case read, showing the cause for the additional pension which is proposed in this bill.

The report (by Mr. FINLEY) was read, as follows:

The Committee on Pensions, to whom was referred the petition for relief of Mary B. Kirby, widow of Reynold Marvin Kirby, brevet major First Regiment United States Artillery, who died, while in line of duty, from disease contracted in the service, having had the same under consideration, respectfully submit the following report (accompanied by a bill, the passage of which they recommend):

It is in evidence that the said Major Kirby, husband of the petitioner, was a distinguished officer of the United States Army. The records of the War Department, and other evidence before the committee, show that on the 18th day of April, 1812, he was commissioned by Governor Elbridge Gerry, of Massachusetts, as a lieutenant in a regiment of the Second Brigade, Ninth Division of Massachusetts Militia; that on the 9th day of July, 1813, he was commissioned by the President a third lieutenant in the Third Regiment United States Artillery; that on the 1st of October, 1813, he was commissioned a second lieutenant in the same regiment, and on the 15th of August, 1814, he was brevetted first lieutenant for "gallant and meritorious conduct during the siege of Fort Erie;" that on the 17th of September, 1814, he was brevetted captain for "his gallant and good conduct in the sortie from Fort Erie;" that in the "peace establishment of 1815" he was retained as second lieutenant in the Corps of Artillery; that on April 29, 1816, he was appointed assistant adjutant-general, with brevet rank of major, and assigned to duty on the staff of General Brown, at Sackett's Harbor, N. Y., and thence transferred to staff of General Ripley, commanding Division of the South, and thence, on 7th January, 1818, transferred to staff of General Macomb, at Detroit, Mich., commanding Division of the North.

The office of assistant adjutant-general of the Army having been abolished at the reduction of the Army in 1821, he was assigned to the First Artillery as a first lieutenant, to rank as such from March 23, 1818, being the rank to which he would have succeeded by regular promotion in the corps of artillery. That on the 5th of August, 1824, he was commissioned a captain in First Regiment United States Artillery, and on the 17th of September, 1824, promoted to brevet major for "ten years' faithful service."

It is also in evidence that Major Kirby participated in many engagements which shed luster upon his character as a brave and gallant soldier, among which were the battle near Cornwall, Canada, on the 11th of November, 1813; the battle of Chippewa, 1814; the battle of Lundy's Lane, July 25, 1814; and the siege of Fort Erie, in 1814, where, as an aid to General Ripley, "he received him in his arms when he fell wounded, and was twice brevetted for gallant service during that siege."

It is also in evidence that he commanded the United States troops sent from Fortress Monroe to suppress the negro insurrection in Southampton County, Virginia, in the year 1832, under the negro leader Nat. Turner, and in the same year he was with General Scott in Charleston, S. C., in defense of the Government during the nullification excitement; that in the years 1836, 1837, and 1838 he was actively engaged in the Florida war with the Seminole Indians, during which service he contracted a disease which terminated his life. From May to August, 1838, under General Scott, he took part in the removal of the Cherokee Indians. After this service he was transferred with his command to the northeastern frontier, where he was intrusted with important and delicate duties relating to the correspondence between the American and British authorities during the "Maine boundary-line" dispute with Great Britain, and for the manner in which he discharged this duty was complimented by General Scott in general orders. It is in evidence that he was afterwards transferred to the command of Fort Sullivan, near Eastport, Me., where, on the 7th day of October, 1842, he died of pleurisy, the result of his service in the Florida war.

Although from the death of Surgeon Wharton, who attended him in Florida, and also the deaths of Surgeons Sprague and McPhail, who subsequently attended him, it is made impossible to obtain the customary medical certificate, yet it is the opinion of the committee, from the evidence submitted, that his death was the result of disease contracted in the line of duty while in the military service of the Government.

The evidence submitted establishing this fact is as follows, to wit:

1. Affidavit of Catharine Russell, of the town of Palatka, county of Putnam, State of Florida, who, qualifying before the county judge of said county, with the seal of his court affixed, swears that she was well acquainted with the husband of the petitioner during the Seminole war in that State; that in 1836 he was relieved from active duty in the field, in consequence of a severe attack of fever contracted in the swamps; that his sickness was long and severe; that she personally attended him during his illness, and that her personal knowledge of him continued therefrom and to the day of his death; and that she has reason to know from personal knowledge that he never recovered from said illness.

2. Affidavit of Frances M. Webster, of York, county of York, State of Pennsylvania, who swears that she is the widow of the late Col. L. B. Webster, of the United States Army; that she was a resident of St. Augustine during the Florida war with the Seminoles; that she was personally acquainted with the late Maj. Reynold M. Kirby, of the First Regiment United States Artillery; that in the year 1836, while on active duty, the said Reynold M. Kirby was, by reason of sickness, relieved from duty in the field and retired to St. Augustine, and was under medical treatment at the house of her father, Judge J. L. Smith. The health of Reynold M. Kirby was greatly impaired by his exposure and illness as above stated, and caused his death.

3. Affidavit of George R. Peake, of Kansas City, Mo., who, under seal of a notary public, swears that he was for a long period of time personally acquainted with the late Major Kirby; that he served his country faithfully in the Indian wars in Florida, and there impaired his health by disease contracted in the swamps, and in this condition was ordered to Eastport, Me., where his health was completely sapped by the sudden transfer from the glades of Florida to the colder latitude of Maine, where he died in the prime of life, aged fifty-two years, as he unquestionably believes from devotion to the service of his country and in obedience to the orders of his superiors in command.

4. Affidavits of G. E. Hawes and E. S. Crill, who, under the seal of the county court of Putnam County, Florida, having been sworn by the judge of said court, swear that they are medical practitioners of the State of Florida, and have been such, the former for thirty years and the latter for thirteen years, and as such are well informed as to the nature and character of the diseases incident to that country and climate. They further depose that it is a well-known fact to the medical profession that fever contracted in the swamps of that State always leaves the constitution, should the patient recover, more or less impaired; and that rheumatism, pleurisy, and other kindred diseases frequently result therefrom.

The Hon. J. T. S. Houghton, judge of the county court, certifies, under seal, to his personal knowledge of the above-named affiants as highly credible persons.

It is in evidence that the petitioner, Mary B. Kirby, was married to the said Major Kirby on the 22d day of December, 1831, as shown by a marriage-bond of that date, and the testimony of M. Gretter and Jane K. Peake filed before the committee, who were eye-witnesses to the ceremony.

It is also in evidence that at the time of the death of the said Major Kirby, his widow, the petitioner, was left with the care of five children helpless and dependent. That she has not since remarried, but has remained a widow from the period of his death to the present time; that she is now, in her declining years, at the advanced age of seventy-six, in a needy condition and without means of support save a pension of $8 per month, which was granted her under the act of March 9, 1878, for services of her husband during the war of 1812, and which is totally inadequate to her support.

The pension laws governing this case are as follows:

Section 4732, Revised Statutes of the United States, is as follows:

"The widows and children under sixteen years of age of the officers, non-commissioned officers, musicians, and privates of the regulars, militia, and volunteers of the war of 1812, and the various Indian wars since 1790, who remained at the date of their death in the military service of the United States, or who have received an honorable discharge and have died or shall hereafter die of injury received or disease contracted in the service and in the line of duty, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time he received the injury or contracted the disease which resulted in his death. But no half-pay pension shall exceed the half-pay of a lieutenant-colonel, and such half-pay pension shall be varied after the 25th day of July, 1866, in accordance with the provisions of section 4712 of this title."

Section 4712 of the Revised Statutes, to which the foregoing alludes, is as follows:

"The provisions of this title in respect to the rates of pension to persons whose rights accrued since the 4th day of March, 1861, are extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the 4th day of March, 1861, to take effect from and after the 25th day of July, 1866; and the widows of Revolutionary soldiers and sailors receiving a less sum shall be paid at the rate of $8 per month from and after the 27th day of July, 1868."

Under the provisions of the foregoing acts, had the petitioner made proper application, she would have been entitled to a half-pay pension of a captain of artillery, which at the time of the death of the husband of the petitioner was as follows, as appears from a statement of the Second Auditor of the Treasury Department, to wit:

"It appears from the books of the Second Auditor of the Treasury Department that the late Capt. R. M. Kirby, First Artillery, received as pay and emoluments for the month of September, 1842, being the month immediately prior to his death, the sum of $143.50."

This statement bears the signature of the Second Auditor, and is among the papers filed with the committee. Thus it appears she would have been entitled to a half-pay pension of $71.75 per month from the month of September, 1842; but having failed to make such application, she is barred by the provisions of section 4713, which provides—

"That in all cases in which the cause of disability or death originated in the service prior to the 4th day of March, 1861, and an application for pension shall not have been made within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing, by the party prosecuting the claim, the last paper requisite to establish the same. But no claim allowed prior to the 6th day of June, 1866, shall be affected by anything herein contained."

And also by the provisions of section 4 of the act approved March 9, 1878, amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, and for other purposes, which provides as follows:

"That all applications for pensions of the classes provided for in this act heretofore, or which may hereafter be made, shall be considered and decided as though made under this act."

Thus the petitioner is unable to avail herself of the provisions of laws that would have given her the relief she prays for in the bill now before the committee had she made proper application.

It is in evidence from the petition of the claimant that the laches were occasioned by the following causes, to wit:

"Your petitioner has for years been trying to get the justice now asked; but owing to the death of several who had charge of the matter, and the loss of her important papers, and other consequent impediments, and the late war, and all its troubles and obstacles, she has never had a hearing by any Pension Commissioner or committee of Congress. * * * That many of her papers were mislaid and lost since 1853 until the month of March, 1878, which facts she states to remove all prejudice against her claim because of delay which she could not possibly avoid or overcome."

The petitioner thus appeals to Congress as the only means of relief, and the committee, in view of all the facts in the case, and the foregoing testimony, and the peculiar hardships it presents, and in view of the advanced age of the claimant and the distinguished services of her husband, who for more than thirty years was actively engaged, with signal ability, courage, and patriotism, in the military service of his country, during which he sacrificed his life, and left the petitioner a widow with the care of five helpless and dependent children, whom she raised and supported without aid from the Government, although clearly entitled to the same, and in view of her present needy condition, are of opinion that the evidence is such as to establish her claim upon the Government for relief, and they therefore report to the House the accompanying bill, and recommend the passage of the same.

Your committee recommend that the bill be amended as follows: By striking out the word "thirty" in the ninth line, and inserting instead thereof the word "fifty;" and by striking out the words "7th day of October, 1842," in the tenth and eleventh lines, and inserting instead thereof the words "29th day of April, 1878, date of filing application," and that the bill so amended should pass.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I will not object to the present consideration of the bill if the gentleman from Virginia [Mr. YOST] will make it conform to what has been the custom in this House, and in the last four Congresses, so far as I know, by striking out the arrears feature. Every member of the House has had to submit to that for eight or ten years past on all private bills for relief of individuals. If the gentleman is willing to make that change I shall not object.

Mr. YOST. Well, Mr. Speaker, I think it is very unjust, but I will accept the gentleman's suggestion.

Mr. McMILLIN. The amendment would strike out the provision reported from the committee, that the pension shall date from the time of filing the application.

The amendments reported from the Committee on Pensions were agreed to, striking out "thirty" before the word "dollars;" also, striking out the words "7th day of October, 1842," and substituting therefor the words "29th day of April, 1878, date of filing the application."

Mr. STRUBLE. I ask that the bill as amended be read.

The bill as amended was read.

Mr. STRUBLE. Mr. Speaker, I desire to move an amendment to the bill as reported. I move to strike out the word "fifty" before the word "dollars" and insert "thirty," and I desire to be heard briefly upon that amendment.

The SPEAKER *pro tempore*. There is already pending an amendment reported by the committee.

Mr. STRUBLE. Does the amendment of the committee propose to strike out "$30" and insert "$50?"

The SPEAKER *pro tempore*. It does.

Mr. STRUBLE. Then I desire to speak briefly on this proposition of the committee.

Mr. Speaker, I not only concur in the propriety of the amendment suggested by the gentleman from Tennessee [Mr. McMILLIN], but I think this bill ought not to grant a higher rate of pension than $30 a month. I have listened to part of the report on this bill; I have also read a portion of the report; and I acknowledge the meritorious character of the services rendered by the deceased husband of this applicant. But, sir, it will be noticed by those who have listened to the report that the rank of this officer was that of a captain and a major by brevet. His actual rank was that of captain; and he had been brevetted a major for ten years' gallant service in the Army. Now, unless I am entirely mistaken, no bill was passed during the last two Congresses pensioning the widow of a captain or a major at a higher rate than $30 a month. If I am mistaken in this statement, I desire to be corrected. The point I wish to urge upon the attention of the House is that here is another attempt to secure by special act not only the allowance of arrears of pension, but also the advancement of the rate for the widow of a commissioned officer of inferior rank. I am in favor of removing all unjust limitations upon the right of soldiers and their widows to pensions, but this should be done by general and not special legislation——

Mr. WISE. Will the gentleman allow me to interrupt him a moment?

Mr. STRUBLE. Certainly.

Mr. WISE. The provision of the bill which proposed to grant arrears has been stricken out, so the gentleman's remarks on that subject do not apply here.

Mr. STRUBLE. The feature of the bill allowing arrears has been, I understand, stricken out on motion of the gentleman from Tennessee [Mr. McMILLIN]; assented to by the gentleman from Virginia [Mr. YOST]; but I have the further objection which I have just indicated, that this is an attempt, contrary to the precedents obtaining in Congress, contrary at least to the policy of the last two Congresses, to give to the widow of a captain a pension of $50 a month. The last Congress, if I remember correctly, confined such allowances to grades not below that of lieutenant-colonel. I do not think, Mr. Speaker, that even in this very meritorious case we are justified in making a still wider distinction between the rates of pension allowed to the widows of private soldiers and the rates accorded to the widows of commissioned officers.

Mr. McKINNEY. The gentleman is right.

Mr. STRUBLE. I recognize that it is now too late to question the fact of such a distinction, but I do hold, taking in view the history of Congressional legislation on this subject, that we ought not to advance the rates of these minor commissioned officers or their widows up to those given, I believe, to the widows of brigadier-generals. Are we to stop nowhere within reasonable limits in the bestowal of gratuities upon officers and their widows? I realize it is a difficult matter. I know from my experience on the Committee on Pensions during the Forty-eighth, Forty-ninth, and again in this Congress that the widows of officers have not ceased to appeal to that committee for an enlargement of their allowance. If they are receiving the full rate allowed by general law they implore that they may have $30 or $50 in lieu of the lawful pension, and in every case some specially strong equitable fact or circumstance is urged why the general law should be set aside and the application be granted.

Mr. DIBBLE. Mr. Speaker, I rise to a question of order. Is this discussion in order?

The SPEAKER *pro tempore*. Only by unanimous consent, which has not yet been given.

Mr. DIBBLE. I dislike to interrupt my friend from Iowa, but many of us are very much interested in the business which has been assigned by the House for to-day, and the time now being occupied really comes out of the time assigned to the Committee on Public Buildings and Grounds. If this bill is to provoke any very serious or lengthy debate, I must demand the regular order.

Mr. STRUBLE. I understand that the consideration of this bill is the regular order.

The SPEAKER *pro tempore*. It is not.

Mr. SCOTT. I demand the regular order.

Mr. STRUBLE. I do not desire to consume any time in opposition to the wishes of gentlemen having other business in charge; but I deem this question of sufficient importance to justify me in calling the attention of the House to the objection which I think rightly applies to the passage of this bill in the form reported by the committee.

Mr. SCOTT. I call for the regular order.

The SPEAKER *pro tempore*. The Chair will correct his statement of a moment ago. The consideration of this bill had been proceeded with, and an amendment suggested by the gentleman from Tennessee [Mr. McMILLIN] was adopted. The bill is therefore before the House for action.

Mr. RYAN. Then this is the regular order.

Mr. WISE. It has been made so by unanimous consent.

Mr. STRUBLE. Only one word in conclusion. If this House is ready at the present time to extend further the liberality of our national legislation, and to give a pension of $50 a month to the widow of a captain, let it be done, but not until the matter has been duly considered as it ought to be by the members of this body; and if Congress is to continue to thus emphasize the distinction between the widows of the more favored of those who serve in our military service, as compared with the widows of the privates and non-commissioned officers, I for one hope to God the time is not far distant when the sense of fair play, for which the American people are to some extent noted, may demand of Congress such equitable readjustment of our pension system as will recognize in the private soldier and his widow objects of far more liberal consideration than they seem at present to be regarded. When this time comes it will not be long until the unjust barrier known as the limitation of arrears, now in the way of thousands of the private soldiers of the country, is removed, as it ought to be during this session of Congress; and also to more nearly equalize pensions granted those who serve their country in time of war.

The SPEAKER *pro tempore*. The amendment suggested by the gentleman from Tennessee [Mr. McMILLIN] was adopted. The question is now on the amendment reported by the committee to strike out "thirty" and insert "fifty."

Mr. STRUBLE. I rise to a parliamentary inquiry.

Mr. YOST. I would like the opportunity for a word of explanation.

Mr. STRUBLE. I would be glad to have it understood by the House what the pending proposition is.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. STRUBLE] will state his own proposition.

Mr. STRUBLE. I sought a few moments ago to move an amendment striking out $50 a month, and inserting $30.

The SPEAKER *pro tempore*. As $30 is the amount named in the bill, and the committee amendment is to strike out "thirty" and insert "fifty," the object sought by the gentleman from Iowa will be accomplished by voting down the amendment proposed by the committee.

Mr. STRUBLE. Then I ask that the amendment be voted down.

Mr. YOST. Mr. Speaker, I wish to say one word. This is not a question of "liberality" on the part of the House, as the gentleman from Iowa [Mr. STRUBLE] would seem to indicate; nor does this bill propose even to do mere justice to this widow of a highly meritorious officer. This woman has been for almost fifty years knocking at the door of Congress for the passage of a measure of this kind; and if full justice were done her, she would be entitled to receive from the Government $40,000. This soldier rendered distinguished service for thirty years; and if his widow had made application in time, she would have been entitled to a pension of $71.75 a month from 1842, the time of his death. But through no fault of hers she has been deprived of the pension to which, during all these years, she was entitled. She has come here and asked to be placed on the pension-rolls, dating back to 1842; but the committee as a compromise has said, "No, we will not give you what the Government justly owes you, but will put you on the pension-roll at the rate of $50 a month from the date of your application." This will give her about $6,000, in lieu of the $40,000 which the Government justly owes her. She is now seventy-eight years old, and the bill as amended can do her but little good.

The SPEAKER *pro tempore*. The Chair will state the pending proposition. The first question is on the amendment of the committee, which the Clerk will report.

The Clerk read as follows:

The committee recommend the striking out of "thirty," where it occurs in the bill, and inserting "fifty;" so that it will read "$50 per month."

Mr. JOHNSTON, of Indiana. I rise to a parliamentary inquiry. What is the pending question?

The SPEAKER *pro tempore*. On the amendment of the committee, which has just been read by the Clerk.

Mr. JOHNSTON, of Indiana. There has been so much confusion that it was impossible here to understand it.

The question being taken on the amendment of the committee, there were, on a division—ayes 111, noes 56.

Mr. STRUBLE. I demand the yeas and nays on the question. [Cries of "No!" "No!"] I think we ought to have a record on this vote, as there is a principle involved.

The yeas and nays were ordered, there being 44 members voting in favor thereof.

Mr. BRECKINRIDGE, of Arkansas. Will the Chair state the proposition again?

The SPEAKER *pro tempore*. The question is on the amendment of the committee to strike out "thirty" and insert "fifty;" so it will read "$50 per month."

The question was taken; and there were—yeas 150, nays 70, not voting 103; as follows:

YEAS—150.

Allen, Mass.	Fisher,	Lodge,	Sherman,
Allen, Mich.	Ford,	Lyman,	Simmons,
Anderson, Iowa	Fuller,	Macdonald,	Smith,
Anderson, Ill.	Funston,	Maish,	Sowden,
Atkinson,	Gallinger,	Mason,	Stahlnecker,
Barry,	Gear,	McAdoo,	Steele,
Bayne,	Gibson,	McKenna,	Stephenson,
Boothman,	Glover,	McKinley,	Stewart, Vt.
Boutelle,	Greenman,	McShane,	Stone, Ky.
Bowden,	Grosvenor,	Milliken,	Symes,
Brewer,	Grout,	Moffitt,	Tarsney,
Browne, T. H. B., Va.	Guenther,	Morrow,	Taylor, E. B., Ohio
Brown, Ohio	Hall,	Nelson,	Taylor, J. D., Ohio
Burnett,	Harmer,	Newton,	Thomas, Ky.
Burrows,	Haugen,	Nichols,	Thomas, Wis.
Campbell, Ohio	Henderson, Iowa	Nutting,	Thompson, Ohio
Caruth,	Henderson, N. C.	O'Donnell,	Tracey,
Caswell,	Henderson, Ill.	O'Ferrall,	Vandever,
Catchings,	Hermann,	O'Neill, Mo.	Wade,
Clardy,	Hiestand,	Osborne,	Warner,
Clark,	Hitt,	Outhwaite,	Washington,
Cockran,	Hogg,	Owen,	Weaver,
Cogswell,	Holman,	Patton,	Weber,
Conger,	Holmes,	Perkins,	West,
Cooper,	Hopkins, Ill.	Peters,	Wheeler,
Crouse,	Houk,	Phelps,	White, Ind.
Cutcheon,	Hovey,	Plumb,	Whiting, Mich.
Dalzell,	Kennedy,	Post,	Wickham,
Darlington,	Ketcham,	Rayner,	Wilber,
De Lano,	Laffoon,	Reed,	Wilkinson,
Dibble,	La Follette,	Rice,	Williams,
Dorsey,	Lagan,	Richardson,	Wilson, Minn.
Dunham,	Laidlaw,	Robertson,	Wilson, W. Va.
Elliott,	Laird,	Romeis,	Wise,
Ermentrout,	Lawler,	Rowell,	Yardley,
Farquhar,	Lee,	Russell, Mass.	Yost.
Felton,	Lehlbach,	Ryan,	
Finley,	Lind,	Scott,	

NAYS—70.

Abbott,	Dargan,	Kilgore,	Neal,
Allen, Miss.	Davidson, Fla.	Landes,	Norwood,
Baker, Ill.	Davis,	Lane,	Oates,
Bankhead,	Dockery,	Lanham,	O'Neall, Ind.
Barnes,	Dunn,	Latham,	Peel,
Bland,	Forney,	Lynch,	Rogers,
Blount,	Glass,	Mansur,	Sayers,
Breckinridge, Ark.	Grimes,	Martin,	Shively,
Breckinridge, Ky.	Hare,	Matson,	Spooner,
Browne, Ind.	Heard,	McCreary,	Springer,
Buckalew,	Hemphill,	McKinney,	Stewart, Ga.
Bynum,	Herbert,	McMillin,	Stockdale,
Candler,	Hudd,	McRae,	Struble,
Cheadle,	Hutton,	Mills,	Turner, Ga.
Clements,	Johnston, Ind.	Montgomery,	Walker,
Cobb,	Johnston, N. C.	Moore,	Wilkins.
Cothran,	Kelley,	Morgan,	
Crisp,	Kerr,	Morrill,	

NOT VOTING—103.

Adams,	Carleton,	Hires,	Randall,
Anderson, Miss.	Chipman,	Hooker,	Rockwell,
Anderson, Kans.	Collins,	Hopkins, Va.	Rowland,
Arnold,	Compton,	Hopkins, N. Y.	Russell, Conn.
Bacon,	Cowles,	Howard,	Rusk,
Baker, N. Y.	Cox,	Hunter,	Sawyer,
Belden,	Crain,	Jackson,	Scull,
Belmont,	Culberson,	Jones,	Seney,
Biggs,	Cummings,	Kean,	Shaw,
Bingham,	Davenport,	Long,	Snyder,
Blanchard,	Davidson, Ala.	Maffett,	Spinola,
Bliss,	Dingley,	Mahoney,	Stewart, Tex.
Bound,	Dougherty,	McClammy,	Stone, Mo.
Bowen,	Enloe,	McComas,	Taulbee,
Brower,	Fitch,	McCormick,	Thomas, Ill.
Brown, J. R., Va.	Flood,	McCullogh,	Thompson, Cal.
Brumm,	Foran,	Merriman,	Tillman,
Bryce,	French,	Morse,	Townshend,
Buchanan,	Gaines,	O'Neill, Pa.	Turner, Kans.
Bunnell,	Gay,	Parker,	Vance,
Burnes,	Gest,	Payson,	White, N. Y.
Butler,	Goff,	Penington,	Whiting, Mass.
Butterworth,	Granger,	Perry,	Whitthorne,
Campbell, F., N. Y.	Hatch,	Phelan,	Woodburn,
Campbell, T. J., N. Y.	Hayden,	Pidcock,	Yoder.
Cannon,	Hayes,	Pugsley,	

So the amendment was agreed to.

Mr. HOPKINS, of Illinois. I move to dispense with the reading of the names.

Mr. ALLEN, of Mississippi. I object.

The Clerk proceeded to recapitulate the names of those voting.

Mr. STRUBLE. I ask unanimous consent to dispense with the further reading of the roll.

Mr. ALLEN, of Mississippi. I object.

The Clerk resumed and concluded the reading of the list.

The following pairs were announced on all political questions, until further notice:

Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. TILLMAN with Mr. PARKER.
Mr. ERMENTROUT with Mr. BELDEN.
Mr. PENINGTON with Mr. HIESTAND.
Mr. BACON with Mr. DAVENPORT.
Mr. TOWNSHEND with Mr. O'NEILL, of Pennsylvania.
Mr. HOOKER with Mr. LONG.
Mr. BIGGS with Mr. FELTON.
Mr. DOUGHERTY with Mr. JOHN R. BROWN.
Mr. CHIPMAN with Mr. GAINES.
Mr. GRANGER with Mr. ROCKWELL.
Mr. HOPKINS, of Virginia, with Mr. WHITING, of Massachusetts.
Mr. PIDCOCK with Mr. EZRA B. TAYLOR.
Mr. FRENCH with Mr. ADAMS.
Mr. ROWLAND with Mr. HAYDEN.
Mr. BRYCE with Mr. CANNON.
Mr. STONE, of Missouri, with Mr. ANDERSON, of Kansas, from February 10 until the close of the investigation by the Select Committee on Existing Labor Troubles in Pennsylvania.
Mr. VANCE with Mr. MOFFITT, until Tuesday, February 28.
Mr. CUMMINGS with Mr. FITCH, until Wednesday, February 29.
The following were announced as being paired for to-day:
Mr. SNYDER with Mr. BUTTERWORTH.
Mr. RANDALL with Mr. GOFF.
Mr. SENEY with Mr. HUNTER.
Mr. BELMONT with Mr. BINGHAM.
Mr. HATCH with Mr. MCCORMICK.
Mr. THOMPSON, of California, with Mr. BUNNELL.
Mr. COWLES with Mr. HOPKINS, of New York.
Mr. CRAIN with Mr. JACKSON.
Mr. TAULBEE with Mr. BOWEN.
Mr. TIMOTHY J. CAMPBELL with Mr. RUSSELL, of Connecticut.
Mr. FELIX CAMPBELL with Mr. MCCULLOGH.

The result of the vote was then announced as above recorded.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOST moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION.

Mr. ALLEN, of Michigan. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALLEN, of Michigan. On Monday last the House voted upon the joint resolution extending the term of the President of the United States and the Fiftieth Congress to the hour of noon of April 30, 1889. The written Journal and the printed RECORD show that I did not vote on that proposition. I was present, in my seat, and voted "no" on the first roll-call. I desire the RECORD to show that fact. I was excused by the House on Monday until this morning, and have taken the first opportunity to correct this error.

The SPEAKER *pro tempore*. The correction will be made.

ORDER OF BUSINESS.

Mr. DIBBLE. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

REMOVAL OF RESTRICTION ON EX-CONFEDERATE OFFICERS.

Mr. STEWART, of Georgia, from the Committee on the Judiciary, reported back favorably the bill (H. R. 5633) to repeal section 1218 of the Revised Statutes of the United States, and rendering eligible to any position in the Army of the United States any person who has served in any capacity in the military, naval, or civil service of the Confederate States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. STEWART, of Georgia, also, from the Committee on the Judiciary, reported back adversely the bill (H. R. 5056) for punishing the passing of Confederate money as true and genuine United States obligations; which was ordered to be laid on the table, and the adverse report printed.

QUARANTINE STATION, CAPE CHARLES, VIRGINIA.

Mr. THOMAS H. B. BROWNE, from the Committee on Commerce, reported back favorably the bill (H. R. 4387) to establish a permanent quarantine station at or near Cape Charles, Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIFE-SAVING STATION, KEWAUNEE, WIS.

Mr. TARSNEY, from the Committee on Commerce, reported back favorably the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT LOUISVILLE, KY.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported with amendments the bill (H. R. 3370) to provide for building an annex to and improving the public building in Louisville, Ky.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1451) for the completion of a public building at Wichita, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FEES OF EXAMINING SURGEONS.

Mr. WALKER, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6651) establishing the fees and expenses of examining surgeons; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

WILLIAM H. CROOK.

Mr. BOWDEN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 9) for the relief of William H. Crook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OWNERS, ETC., OF BRITISH BARK CHANCE.

Mr. BOWDEN also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 660) for the relief of the owners, officers, and crew of the British bark Chance; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHMOND AND DANVILLE RAILROAD COMPANY IN DISTRICT.

Mr. LEE, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of committees for reports has been completed. In the absence of objection the Chair will now recognize gentlemen who were not in their seats when their committees were called.

JAMES IREDELL MEARES.

Mr. SIMMONS, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5480) for the relief of James Iredell Meares; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

KERNERSVILLE MANUFACTURING COMPANY.

Mr. SIMMONS also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5820) for the relief of the Kernersville Manufacturing Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY F. POTTS.

Mr. OSBORNE, in accordance with leave heretofore granted, presented the views of the minority of the Committee on Patents on the bill (H. R. 47) for the relief of Mary F. Potts; which were ordered to be printed with the report of the committee.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will now call the committees for one hour for the consideration of bills.

UNDISTRIBUTED COPIES OF REBELLION RECORDS, ETC.

Mr. RICHARDSON. I desire to present a privileged report. The Committee on Printing directs me to report back with an amendment the Senate resolution which I send to the desk.

The joint resolution was read, as follows:

Joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all copies of the Records of the War of the Rebellion, Reports of the Tenth Census, and Reports of the Public Lands Commission remaining undistributed of the quota of ex-members of Congress shall be put to the credit and distributed upon the orders of their successors, respectively, in the Fiftieth Congress, in accordance with existing provisions of law: *Provided*, That copies of the above-named documents standing to the credit of ex-members who, in consequence of changes in the boundaries of Congressional districts, have no direct successors in the present Congress shall be sold at cost or distributed to libraries yet unsupplied: *And provided further*, That this resolution shall not be construed as withholding from parties already named to receive complete sets of said documents the volumes yet to be issued.

The report of the committee was read, as follows:

The Committee on Printing have again considered Senate joint resolution No. 4 providing for the distribution of undistributed copies of the Rebellion Records and other public documents, the same having been recommitted to this committee, together with an amendment proposed by Mr. KERR. The committee report back the same with an amendment, as follows:

In the ninth line of the engrossed resolution, after the word "Congress," strike out the words "shall be sold at cost or distributed to libraries yet unsupplied" and insert the words "shall be put to the credit pro rata of the several Representatives of the State in which such districts are located who were not Representatives in the Forty-seventh Congress."

With this amendment the committee recommend that the resolution do pass, and that the amendment proposed by Mr. KERR do lie on the table.

Mr. RICHARDSON. I presume this matter is fully understood, and I will not take up the time of the House.

Mr. JOSEPH D. TAYLOR. I noticed the reading of the latter part of the resolution in regard to Congressional districts where changes in the boundaries have been made. I wish to ask the gentleman from Tennessee what provision is made by this amendment with regard to Ohio, for instance? All the districts there have been changed. I represent a district which was formerly in two districts, part in one and part in another. What provision is made for my district and for other districts in the same State where such changes have been made?

Mr. RICHARDSON. The gentleman from Ohio will understand that the joint resolution is intended to provide only for three documents, the Records of the War of the Rebellion, the Report of the Public Lands Commission, and the Reports of the Tenth Census; and the provisions of the resolution only affect ex-members of Congress who were members when these documents were ordered published and allotted, but who are not now members of this Congress. Any member who is a member of this Congress and who was a member when the allotment was made is not affected in the least by this resolution; but in the event of States having been reapportioned and the boundary lines of districts changed, then the new members of this Congress apportion among themselves equally or pro rata the undistributed documents left on hand by those ex-members who have gone out.

Mr. JOSEPH D. TAYLOR. Another question: What provision does it make for members of this Congress who were members of the Forty-seventh and Forty-eighth Congresses, but were not members of the Forty-ninth?

Mr. RICHARDSON. It does not touch them at all. If they have books undistributed, they are still there. There is no effort to interfere with the members of any Congress heretofore who are now members of Congress.

Mr. DUNHAM. But the resolution as read specially excepts members of the Forty-ninth Congress.

Mr. RICHARDSON. If the Clerk will read the resolution as amended, the gentleman will see that it does not refer to members of the Forty-ninth Congress.

Mr. JOSEPH D. TAYLOR. Then let us have the resolution as amended read again.

The resolution was again read.

Mr. DUNHAM. I see that the reference is to the Forty-seventh Congress, but I understood the Clerk to read it the first time as the Forty-ninth Congress.

Mr. RICHARDSON. If he did, it was a mere clerical error. I now desire to move the previous question upon the amendment.

Mr. JOHNSTON, of North Carolina. The resolution provides, I see, that the documents shall be distributed upon the orders of the successors of former members of Congress. But suppose that in any given case there is no immediate successor. Take my own case. I represent the Eighth district of North Carolina, but formerly the districts were differently divided, and the same territory was in the Ninth district; therefore I am not the direct successor of the former member. How will the resolution affect such a case?

Mr. RICHARDSON. The effect of the resolution is this: If your predecessor, the gentleman who represented your district, took all of these documents to which he was entitled, of course the district has been supplied; but if there are any left undistributed, then the present new members will get them pro rata.

Mr. JOHNSTON, of North Carolina. That is, I will get my share of whatever is left?

Mr. RICHARDSON. Yes, sir.

Mr. WICKHAM. How does the resolution affect those persons who were designated by former members to receive copies of the War Records?

Mr. RICHARDSON. The resolution does not affect allotments made to individuals or libraries under existing law.

Mr. WICKHAM. Then they will continue to be received by such person.

Mr. RICHARDSON. Certainly.

The amendment reported by the committee was agreed to.

The joint resolution as amended was then read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for the consideration of bills for one hour. The hour commences at twenty-five minutes of 2 o'clock, and the call rests with the Commit-

tee on the Territories. The gentleman from Illinois [Mr. SPRINGER] is entitled to the floor.

OKLAHOMA.

Mr. SPRINGER. I call up the bill (H. R. 1277) to provide for the organization of the Territory of Oklahoma, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. Is there objection?

Mr. HOLMAN. I desire to make a suggestion. I shall not object to the proposition of the gentleman from Illinois [Mr. SPRINGER] if the understanding is that the bill shall be open to debate and amendment as in Committee of the Whole.

Mr. SPRINGER. Certainly; that is the understanding.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

Mr. THOMPSON, of Ohio. I object.

Mr. PERKINS. Is it likely that we shall get beyond general debate upon the bill this morning?

Mr. SPRINGER. We have only one hour this morning.

Mr. PERKINS. Therefore we shall not enter to-day upon the consideration of the bill in detail?

Mr. SPRINGER. No, sir.

Mr. PERKINS. Then I should think that the gentleman from Ohio would withdraw his objection.

Mr. BARNES. I object.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole for the consideration of the pending bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill (H. R. 1277) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. SPRINGER. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BRECKINRIDGE, of Kentucky. It is understood that no vote is to be taken to-day?

Mr. SPRINGER. That is understood.

There being no objection, the first reading of the bill was dispensed with.

Mr. CROUSE. Mr. Chairman, what is the regular order?

The CHAIRMAN. The regular order is the consideration of the bill the title of which has been read, known as "the Oklahoma bill."

Mr. CROUSE. Is it too late to object to the request for unanimous consent?

The CHAIRMAN. It is too late. The request of the gentleman from Illinois for unanimous consent to dispense with the first reading of the bill was stated by the Chair and was agreed to.

Mr. SPRINGER. I yield to the gentleman from Missouri [Mr. MANSUR].

Mr. MANSUR. Mr. Chairman, in seeking to organize and give laws to our last foot of territory, it is well to take a retrospect of the past. I have always thought Deity held back the discovery of this continent until the old was like a bee-hive ready to swarm, with a purpose to build up a nation that by its vigor, intelligence, inventive genius, and prowess should surpass all that had gone before. When, four hundred years ago, the time had come, Deity raised up one man who by his intelligence knew there was a western world, and that this globe was round. Columbus, besides his genius, was the bravest man the world ever knew. Manifold thousands have faced the cannon's mouth and met death unflinchingly, but he alone of all his generation could rise superior to the groveling superstition of his age, and, with courage born of a faith and knowledge none other possessed, hold his little band of sailors on their western voyage for seventy days, and amid their weeping, wailing, and fears of death hold them to their duty. And even when his men were about to mutiny, he could banish their fears and keep them steadfast to the object in view. On the morning of October 12, 1492, a new world was discovered.

For a period of one hundred and fifteen years there is no English settlement in all America. Then the English landed at Jamestown, and now for one hundred and seventy-five years the process of populating the new world goes on. Thirteen colonies are formed, extending up and down the Atlantic seacoast. Civilization nowhere extends 250 miles inward. The war of the Revolution is fought. Three million people for liberty throw down their gage of battle to the then proudest, most arrogant and wealthy people on the globe. After seven years' warfare, with heroic devotion and courage, often tracking their faith in blood upon the frozen snows, they win a glorious heritage. A new nation is born, and men and angels sang as never since the night when the Star of Bethlehem led the wise men of the East. Then followed the adoption of the Federal Constitution, and thirteen peoples are one, and one people have thirteen local governments. The problem of self-government is solved, and a young giant is let loose among the nations of the earth. And now a century is passed and the world stands amazed at our progress. Three millions of people have become sixty millions. From the poorest nation we have become the wealthiest. With our cotton we clothe a moiety of all the races. With our cereals, our beeves, and our hogs we fix the price of the food of all humanity. By our inventive genius, our self-reliance, our pluck we are in the van of all our rivals. Our myriad great cities, our 150,000 miles of railroad, our 5,000,000 of agriculturists, and our hundreds of thousands of wage-workers in the mines, the manufactories, and the workshops, our internal and external commerce—all attest the wonderful strength, unity, and grandeur of the American people. What has caused this? Is it our republican form of government? Is it the freedom and liberty that here is the joint heritage of each and all of us?

Let me admit frankly that these have contributed in a wonderful degree to the result pictured. But I assert that all good government imaginable, coupled with the largest liberty and freedom, without our broad acres, our virgin soil, our salubrious climate, and the products of our mines, never in the same period of time elsewhere than in our own broad country could have produced and created a nation the peer of our own. I ascribe to our virgin new lands and their great area a very large part, indeed the largest, of our wonderful wealth and prosperity. Let us then see whence our territory, our national domain came. The United States, when formed, had no claim or title to any land in the thirteen original States. Its first public lands were those ceded by some of the States who claimed ownership by grant from Great Britain. Virginia, the mother of Presidents, was also the mother of States, giving to the Union about 165,000,000 acres of land. Georgia gave about 57,000,000, and other States added enough to make in all about 260,000,000 acres. In 1803, under the Democratic administration of Mr. Jefferson, we acquired from France the Louisiana territory, about 757,000,000 acres; larger in extent than all the thirteen original States and their possessions. This purchase included all of Louisiana, Arkansas, Missouri, Iowa, Nebraska, Dakota, Idaho, Montana, with nearly all of Kansas and Minnesota, parts of Colorado and Wyoming, and the Indian Territory, embracing the lands included in the bill under consideration.

For sixteen years we rested, when again, under a Democratic administration, Mr. Monroe's, in 1819, we bought Florida from Spain with almost 38,000,000 acres.

For again twenty-nine years we add nothing to our area, when in 1848, under the Democratic administration of Mr. Polk, by the treaty of Guadalupe Hidalgo, we buy for $15,000,000 about 334,500,000 acres of land, and this gives to us California, Nevada, and large parts of Arizona, Colorado, Utah, and New Mexico. In 1850, under a Whig administration, we bought for $16,000,000 about 65,000,000 acres of land from Texas. In 1853, under the Democratic administration of Mr. Pierce, by the Gadsden treaty, we bought from Mexico for $10,000,000 almost 30,000,000 acres of land, parts of Arizona and New Mexico. And finally, in 1867, under Mr. Johnson's Republican or Democratic administration—gentlemen may have it either way—for $7,200,000 we purchased Alaska, containing about 370,000,000 acres of rocks, mountains, and icebergs, with the seals thrown in.

In round numbers, then, we may assert, the entire public domain contained about 1,820,000,000 of acres, of which it is highly problematical if 100,000,000 yet remain adapted to the agricultural wants of our people. In this nearly 4,000,000 of square miles of area the United States is without a compeer. Stretching in a broad belt in the north temperate zone from ocean to ocean, she spans a continent, and gathers within her borders all elements of greatness and power, whether it be by the brawn and muscle of the liberty-loving sons of Europe, that have done so much to make her great and populous, or whether it be by way of the West the wealth and commerce of the Orient are turned into her coffers. It is this great, grand, glorious domain, more beautiful, more virgin, more fruitful, and with more hidden wealth than any other equal area of the earth's surface, coupled with our temperate and salubrious climate, that has here crowned man's highest political and social comfort and happiness, and in the shortest era of time has built up the foremost nation the world has ever known. Excluding Alaska, we have carved out of our national domain twenty-five States and eight Territories, and now, in all probability, are about to carve out and organize a ninth Territory, in Oklahoma.

Ay, the end is here! We can not much longer sing the song, "Uncle Sam is rich enough to give us all a farm;" for we are nearing the hour when the Government will possess no longer any lands desirable to the honest settler for a home, or to the land sharks and unscrupulous speculators as the basis of fortunes more fabulous than those created by a touch of Aladdin's lamp.

With this glance at the past let me, as descriptive of the territory embraced in the bill, its area, and its Indian population, read from the report of the committee in charge of the pending bill, as follows:

The first section of the bill provides for the organization of a Territory to be known as Oklahoma, to be composed of all that part of the Indian Territory west of the lands occupied by the five civilized tribes, and also what is known as the Public Land Strip, lying north of Texas, east of New Mexico, south of Colorado and Kansas, and west of the Indian Territory.

As a portion of the area of this new territory is now occupied by Indian tribes under departmental orders, or in pursuance of special agreements with such tribes, it is provided that nothing in the act organizing the territory shall be construed to impair the rights of such tribes under the laws and treaties of the United States. The lands embraced within the limits of the proposed territory

contain about 23,267,719 acres. That portion of the territory occupied by Indian tribes is shown in the following table, which also shows the number of each tribe, the acreage per capita, the acreage required by Indians, allowing them 160 acres for family of four, and the amount of surplus lands:

Name of tribe.	Population.	Acreage of reservation.	Acreage per capita.	Acreage required by Indians, allowing them 160 acres for family of four.	Surplus.
Osage	1,552	1,470,059	947½	62,080	1,407,979
Kansas (Kaw)	225	100,137	440½	5,000	95,137
Pawnee	1,045	283,120	270⅝	41,800	241,220
Sac and Fox	457	479,667	1,049½	18,280	461,387
Pottawatomie	550	575,877	1,047	22,000	553,877
Tonkawa	92	100,000	1,087	3,680	96,320
Ponca	574	101,894	177½	8,610	93,284
Otoe and Missouria	266	129,113	485½	10,640	118,473
Iowa	89	228,418	2,566½	3,260	225,158
Kickapoo	346	206,466	596⅜	14,590	190,876
Cheyenne and Arapaho	3,609	4,297,771	1,193⅝	144,160	4,153,611
Wichita	189	743,610	3,900	7,560	736,050
Kiowa, Comanche, and Apache.	3,032	2,968,893	979	121,280	2,847,613
Total	10,374	11,685,035	.....	462,940	11,582,684

The area in said territory not occupied by Indian tribes and the acreage thereof is as follows:

	Acres.
Cherokee Outlet	6,022,244
Public Land Strip	3,672,640
Oklahoma lands	1,887,800
Total	11,582,684

These areas do not include what is known as Greer County. The bill simply provides that the territory to be organized shall be bounded on the south by the State of Texas wherever that line may be determined hereafter to be. If it should be decided that Greer County is a part of the Indian Territory and belongs to the United States, it will be embraced within the provisions of the bill and the lands thereof be opened to settlement. Including this county the area of the territory organized under this bill comprises 38,718 square miles, or 24,779,885 acres, an area about the size of the State of Ohio. The Indian tribes now located within said territory by departmental orders and special acts of Congress are included within the territory for judicial purposes, and for such other purposes as may be consistent with our treaty obligations with each of these tribes. But it is expressly provided, as stated heretofore, that nothing in the bill shall interfere with any right which any Indian tribe may now have under any treaties or agreements with the United States heretofore ratified.

The bill to provide for the organization of the territory of Oklahoma, reported to the House of Representatives from the Committee on Territories of the Forty-ninth Congress, included within the limits of the territory for judicial purposes the reservations occupied by the Cherokees, Creeks, Chickasaws, Choctaws, and Seminoles, known as the five civilized tribes. Representatives of those tribes appeared before that committee during that Congress and protested against being included within the limits of the proposed territory. It will be observed that the bill now reported does not include the lands occupied by the five civilized tribes within its provisions.

If there were no question of Indian title to the lands described in this bill there would be nothing peculiar to the organization of this Territory. There are, however, divers persons and Indian tribes who seem to apprehend and assert that the United States have no claim to the lands under consideration. This necessitates a careful consideration of the title of the Government.

So far as the titles are concerned, it may be said we have four different kinds to the land embraced in the boundaries of the contemplated new territory:

First. The Public Land Strip, known popularly as "No Man's Land," a strip about 34½ miles wide and 168 miles long, containing 3,672,640 acres, which will without town sites afford homes for 22,954 families of five each, a population of 113,770, giving to each family 160 acres, or with 80 acres to the family, would give homes to 227,540 people. The title to this land in the United States is clear and without limitation. It was purchased from Texas in 1850, and has hitherto been wholly outside of all Territorial and court jurisdiction. It has been in an anomalous condition. No law of the United States is there in force; crime abounds and guilt goes unpunished; and so unique is the situation in this strip that the Western people, with peculiar fitness, have stamped its character in its popular name, "No Man's Land."

Second. That tract of land known as "Oklahoma" proper, the central east portion of the contemplated territory, lies on both sides of the Cimarron River, and extends south to the Canadian, irregular in shape and widest at the north, contains 1,887,800 acres, and was ceded by treaty by the Creeks and Seminoles to the United States in 1866. Article 26 of that treaty says:

This convention shall supersede and take the place of all former treaties between the United States and the Creeks, the United States and the Florida and Seminole Indians, and between the Creeks and Seminoles inconsistent herewith.

This would give to 11,705 families of five each a home of 160 acres, being a population of 58,525, or with farms of 80 acres a population of 117,050. This was a part of the Louisiana purchase, and the title is clear if there be no trust or limitation imposed by the treaty of 1866 made with the Creeks and Seminoles.

Whatever claim for any right, title, or interest on the part of these Indians to the Oklahoma lands proper exists is to be found on the part of the Creeks in the language of the first part of article 3 of their treaty, to wit:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain.

And the claim made upon the part of the Seminoles is based upon the opening lines of their treaty of 1866, as follows:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain.

Let it be understood that these grants of land were made by the Indians for a good and valuable consideration, the Creeks selling for a total compensation of $975,168, or 30 cents per acre, and on the part of the Seminoles for $325,362, or 15 cents per acre.

It will be observed that the language of both treaties, so far as the inducement on the part of the United States that apparently led to the treaty is concerned, is in the same exact words, to wit:

In compliance with the desire of the United States to locate other Indians and freedmen thereon.

The Seminoles rest content with this statement, and ask nothing more; while the Creeks in their treaty go further, and, after having used the words "hereby cede and convey to the United States," add "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon." Herein is claimed to be the limitation.

In the case of the Seminoles, surely there is no shadow of right to these lands. The language used merely states the motive, the inducement, that led up to the purchase by the United States. Is not this a fair illustration? My friend from Illinois has a good horse and is willing to sell. I go to him and say, "I want to buy a good buggy-horse." Thereupon a trade is made and the price fixed and paid. He writes and gives to me a bill of sale for the horse in language following: "In compliance with the desire of the gentleman from Missouri to buy a buggy-horse, for the consideration of $100 to me paid, I hereby sell and deliver to him my horse Charley," and signs it. Suppose I conclude after a time I wish to use the animal as a wagon-horse. Would any sane man assert that the gentleman from Illinois had any claim or interest? Surely not. The mere fact that the United States in the treaty states why it purchased the land can not constitute any limitation upon its fee.

Mr. STEELE. Suppose the case was put in this way: You have two lots of ground, one of which you sell to a neighbor in order that he may build a house upon it and establish a home; that is the understanding, and there is a clause in the deed to that effect. Suppose afterward your neighbor concludes to put up a blacksmith-shop on that lot. Have you not the right to an action for damages against him for deteriorating your property?

Mr. MANSUR. If there were a specific provision in the grant to the effect stated there might be something in the point suggested by the gentleman; but it does not apply in this case, for here the simple language in the treaty with the Seminoles is what I have stated—that in compliance with the desire of the United States they agree to sell——

Mr. STEELE. For a certain purpose.

Mr. MANSUR. But they do not attempt to put any restrictions upon the title.

Mr. STEELE. But the Indians sell the land to the United States, as they state, for the purpose of allowing the United States to settle thereon other Indians. Now, is not that understanding binding upon the United States?

Mr. MANSUR. The inevitable conflict going on between the two civilizations would, I think, settle that question in due time; but that is a question that does not affect the title of the United States. I will say to the gentleman that in the remarks which I have prepared I have anticipated many objections of this kind. I will also add that the bill contains a provision that no right or interest of the Indians in any of these lands can be acquired without first paying for them. That is a conclusive answer; but my object now is more especially to show that there are some equities in behalf of our Government and people as well as in behalf of the Indians.

I now quote still further from these treaties:

Whereas the Seminole Nation made a treaty with the so-called Confederate States August 1, 1861, whereby they threw off their allegiance to the United States, and unsettled their treaty relations with the United States, and thereby incurred the liability of forfeiture of all lands and other property held by grant or gift of the United States; and * * *

Whereas the United States, in view of said treaty of the Seminole Nation with the enemies of the Government of the United States and the consequent liabilities of said Seminole Nation, and in view of its urgent necessities for more lands in the Indian Territory, requires a cession by said Seminole Nation of part of its present reservation, and is willing to pay therefor a reasonable price, while at the same time providing new and adequate lands for them.

And in the case of the Creeks:

Whereas existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities; and

Whereas the Creeks made a treaty with the so-called Confederate States on the 10th of July, 1861, whereby they ignored their allegiance to the United States and unsettled the treaty relations existing between the Creeks and the United States, and did so render themselves liable to forfeit to the United States all benefits and advantages enjoyed by them in lands, annuities, protection, and immunities, including their lands and other property held by grant or gift from the United States; and

Whereas in view of said liabilities the United States require of the Creeks a portion of their land whereon to settle other Indians. * * *

I think these quotations throw great light on the question of title. These tribes, as well as the Cherokees, Choctaws, and Chickasaws, had been in rebellion. They had put themselves in the attitude of enemies and rebels. Their treaty relations with the United States were disturbed if not altogether annulled, and new treaties had become desirable to the Indians.

The United States did not intend to surrender all the advantages of its situation, and so it said substantially to the Creeks and Seminoles, "You have rendered yourselves liable to forfeit all advantages and benefits you enjoy, including the lands you hold from us;" and to the Seminoles they go further and say, "In view of my urgent necessities for more lands in the Indian Territory, we require you to cede a part of your lands;" and to the Creeks, "In view of your liabilities and rebellion, we require a portion of your lands whereon to settle other Indians."

Mr. HEARD. Do I understand the compensation given by the Government to the Indians for this land was 15 to 30 cents an acre?

Mr. MANSUR. Yes, sir.

Mr. HEARD. Is there a provision in the bill for giving them increased compensation?

Mr. MANSUR. The bill proposes to pay them additional compensation not exceeding $1.25 an acre.

Mr. HEARD. I regard the terms made with the Indians by the original treaty as an outrage upon them, and I desire to see that wrong corrected in this bill.

Mr. MANSUR. It does so.

Mr. HEARD. I am glad to accept the gentleman's statement on that point.

Mr. SPRINGER. The arrangement is to be made with the consent of the Indians themselves.

Mr. STEELE. The Indians were first scared almost to death, and then their lands were taken away from them.

Mr. MANSUR. When the Creeks and Seminoles, being the weaker parties and knowing themselves to have been in the wrong, or to have been on the vanquished side, which was to them practically the same as a confession of being in the wrong, comply with the demand and requirement of the Government and cede and convey their lands. Now, under such circumstances, and considering these treaties as a whole, is it possible any one can really claim that the second reiteration in article 3 of the treaty with the Creeks, wherein it is stated that the lands ceded to the United States are "to be sold to and used as homes for other civilized Indians as the United States may choose to settle thereon," can be construed as a limitation upon the power of the Government to change its purpose and settle white men upon the lands conveyed instead of Indians if it chooses to do so? I can not believe it.

INDIAN LANDS.

Third. The third class to which I now refer, embracing the remainder of the territory, excluding the Cherokee Strip or Outlet, contains 11,582,684 acres, with eighteen Indian tribes, having a population of 10,374. This area would give to each Indian, large or small, aged or young, about 1,100 acres. The Choctaws and Chickasaws, having been in rebellion, as well as the Creek and Seminoles, were likewise required in 1866 to make new treaties with the United States, by which they ceded to it all their lands lying west of the ninety-eighth meridian. The 11,000,000 of acres now referred to was thus obtained by the Government from the four tribes last named, and it is apparent that prior to all these treaties of 1866 the ownership of all these lands was in the Indians, subject to the limitations that if the Indians became extinct or abandoned the same they had to revert to the United States, nor could the Indians sell the same to any other party than the United States or by its assent.

Since these treaties were made there has been granted a reservation to the Kiowas and Comanches by treaty of October 21, 1867, which embraces nearly all the lands relinquished by the Choctaws and Chickasaws that lie south of the Washita River, believed to contain about 8,000 square miles. And by another treaty, made in October of the same year, there was granted to the Cheyennes and Arapahoes a reservation lying in the southwest part of the Territory with about 9,000 square miles. By another treaty, the same year, there was granted a reservation to the Sacs and Foxes of 750 square miles. This lies west of the land of the Creeks and to the north of the land of the Seminoles. Also there was assigned a reservation of nearly the same size to the Pottawatomies, adjoining west of the tract of the Seminoles. Afterwards, by various treaties and departmental orders, made the same year, small reservations were assigned to the Iowas, Wichitas, Kickapoos, Nez Percés, Kansans, Pawnees, Poncas, Otoes, and Missourias. I do not propose to discuss the interest or title, if any, of these various tribes, nor whether it be one of fee or mere occupancy, as by the terms of the bill under consideration it is distinctly asserted and provided that nothing in the act under consideration—

Shall be construed to impair the rights of persons or property or to impair any patent to lands now pertaining to the Indians in said territory under the laws and treaties of the United States, or to include any territory occupied by any Indian tribe to which title has been conveyed by patent from the United States, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma until said tribes shall signify their assent to the President of the United States to be included in said Territory of Oklahoma, except for judicial purposes, as herein provided, or to affect the authority of the Government of the United States to make any regulation or to enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

As then the Indians will be a necessary party to any treaty or agreement that affects their rights in or occupancy of the lands under discussion, I need not further consider the same.

Fourth. The fourth class of land titles are to be found in the

CHEROKEE STRIP.

By the treaty of 1828—

ART. 2. The United States agrees to possess the Cherokees and to guaranty to them forever, and that guaranty is hereby solemnly pledged, of 7,000,000 of acres of land, to be bounded as follows, namely: Commencing on that point on Arkansas River [gives description] to a point at which a line running north and south from river to river will give the aforesaid 7,000,000 of acres. In addition to the 7,000,000 of acres thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of the above-described limits, and as far west as the sovereignty of the United States and their right of soil extend.

TREATY OF 1833.

In the preamble of this treaty is reiterated the description of the lands and outlet of the treaty of 1828.

In article 1, same treaty, the 7,000,000 acres of land hereabove called for is described by metes and bounds, which I do not quote. But article 1, after the description, reiterates the outlet provision in the following language:

In addition to the 7,000,000 of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of said 7,000,000 of acres as far west as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the great western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; and letters patent shall be issued by the United States as soon as practicable for the land hereby guarantied.

TREATY OF 1835.

Again the provisions of the treaties of 1828 and 1833 are here recited in article 2 of this treaty in the same language, both as to the 7,000,000 acres and as to the Outlet; and in addition, and for and in consideration of $500,000—

The United States Government hereby covenant and agree to convey to the said Indians and their descendants by patent in fee-simple the following additional tract of land [describing it], estimated to contain 800,000 acres of land.

And then by—

ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the Outlet, and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1830. * * *

TREATY OF AUGUST 7, 1836.

ARTICLE 1. That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit; and a patent shall be issued for the same, including the 800,000 acres purchased, together with the outlet west promised by the United States in conformity with the provisions relating thereto contained in the third article of the treaty of 1835 and in the third section of the act of Congress approved May 28, 1830, which authorizes the President of the United States, in making exchanges of lands with the Indian tribes, "to assure the tribe or nation with which the exchange is made that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them, and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same.

TREATY OF 1866.

Afterwards, by the treaty of 1866, the United States made an agreement to purchase the Outlet, which, according to the terms of the treaty, to be found in article 16, is as follows:

ART. 16. The United States may settle friendly Indians in any part of the Cherokee country west of 96 degrees, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide. Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed upon between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President. The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96 degrees of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, February 13, 1888.

SIR: Referring to your late personal call in reference to the patent issued to the Cherokees for their lands in Indian Territory, I have the honor to state that I find on record in this office a patent in favor of the Cherokees, dated December 31, 1838,

which recites the stipulations of Cherokee treaties of 1828, 1833, 1835, and act of Congress of May 28, 1830, and the fact of a survey of the land having been made, and conveys the land to the Cherokee Nation of Indians, with boundaries therein given as defined by the survey, and according to said treaties embracing with other lands all of what is known as "the Outlet," and pointed out by you as such on the map of this office on the occasion of your late call, the whole containing 14,374,135.14 acres.

Respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. CHARLES H. MANSUR,
House of Representatives.

The act of May 28, 1830, referred to by Mr. Stockslager, reads as follows:

SEC. 3. *And be it further enacted*, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guaranty to them and their heirs or successors the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same.

There is one other article of the Cherokee treaty of 1866 to be noticed:

ART. 16. The United States may settle friendly Indians in any part of the Cherokee country west of 96 degrees, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes, thus to be settled; the boundaries of each of said districts to be distinctly marked and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty as the United States may decide. Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President, and if they should not agree, then the price should be fixed by the President. The Cherokee Nation to retain right of possession of and jurisdiction over all of said country west of 96 degrees of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

So far as the United States have settled any friendly Indians upon these lands up to this time the Cherokees have been paid. Whatever other interest or jurisdiction the Cherokee Nation may have to the lands referred to in article 16 will have to be the subject of extinguishment by agreement between the parties under the limitations and by the commission provided for in the bill under consideration.

Mr. STEELE. I will ask the gentleman this question: After certain lands have by solemn treaty been dedicated to the use of the Indians, does the gentleman believe that Congress has the power to set aside that treaty and to take those lands in order to distribute them to settlers, without the consent of the Indians?

Mr. MANSUR. If the question were simply one of power I presume it could be done; but as a question of right, morality, and legal justice, I would say that it could not be done without giving the Indians some compensation. If the gentleman will wait a few moments I will come to that question.

I desire, however, in this connection, to read a letter, for which I am indebted to the speech of my friend from Iowa [Mr. STRUBLE], made at the last session of Congress. It is a letter of Secretary Calhoun's, and I invite attention to the date of it.

SECRETARY CALHOUN'S LETTER.

DEPARTMENT OF WAR, *October* 8, 1821.

BROTHERS: I have received your communication of the 24th of July last, complaining that the promises of the Government in relation to intruders upon your lands and to an outlet to the west have not been performed. It has always been its intention to carry into effect fully every promise made to you, and which I was under the impression had been done, particularly upon the points complained of, as orders were issued some time since for the removal of the whites from your lands and from the tract of country to the west of your reservation, commonly called "Lovely's Purchase," by which you would obtain the outlet promised. Copies of these orders are herewith inclosed for your information.

Governor Miles, who is now here, on his return to the Arkansas Territory, informs me that he knows of but one person who has settled upon your lands, and he believes that person resides there with the permission of the nation.

He is, however, authorized to call the attention of Major Bradford to the orders above referred to, and if they should not have been previously carried into effect, to request him to do so without further delay. It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the west, you acquire thereby no right to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country. * * *

J. C. CALHOUN.

TEKE-E-TOKE, JOHN JOLLY, BLACK FOX, W. WEBBER, THOS. GRAVES,
Chiefs of the Arkansas Cherokees.

After I had read and examined these treaties and learned that a patent had been issued embracing the "Outlet," I began to hunt for the authority by which it was made to embrace the Outlet, and especially the authority that prescribed its boundaries, its metes and bounds; and to my mind, I find no sufficient authority therefor in any law or treaty for a patent in fee to the lands in the Outlet. When we remember that in 1828 the entire country west of Arkansas was wild and unorganized, the home of roving bands of Indians, a country unknown except to the hunter and ranger, while vast droves of buffalo covered the face of the earth, which were to the Indians bread, meat, clothing, wealth, we can at once understand the necessity to the Cherokees of an outlet from their reservation, and the right to hunt, kill, and appropriate at will the buffalo of the plains. I began to inquire for the origin of the Outlet, thinking if I could find it that I would surely learn that it was intended to be a mere right of passage over certain lands, an easement granted to the Cherokees for the purpose of passing to the great hunting plains of the West. After divers inquiries I was referred to the letter of Mr. Calhoun, which I have read in your hearing above, and, lo! the riddle was expounded. Mr. Calhoun states:

It is to be always understood that in removing the white settlers from Lovely's purchase—

For what?

for the purpose of giving the outlet promised you to the west, you thereby acquire no right to the soil, but merely to an outlet of which you appear to be already apprised.

Now, here the soil is expressly reserved. But this is not all. The Secretary proceeding farther, says:

The Government reserves to itself the right to make such disposition of the Outlet as it may think proper with regard to salt springs.

This was seven years before the first treaty of 1828 was made, and this reservation of salt springs and of the right of other Indians, at the pleasure of the United States, to go to the salt springs and use the same, and thereby use the Outlet also, is expressly reserved in the treaty of 1833 and reiterated in that of 1835.

An examination of the treaties or inquiry upon my part where the authority for locating the Outlet existed has so far resulted in failure. I went in person to the Land Office some days ago and explained fully the character of the information I desired, and in due time received the letter of the Land Commissioner just read in your hearing. To my mind the letter does not give or cite any due authority for granting in fee the lands of the Outlet, or establishing its boundaries by metes and bounds, as now constituted.

The act of Congress of May 28, 1830, does not suffice. It simply calls for the patent to be made in certain cases by the Government to the Indians, nothing more. By article 2 of the treaty of 1835 it is stated:

Whereas by the treaty of May 6, 1828, and the supplementary treaty thereto of February 14, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of country: Beginning at a point, * * * to said due west line, to make 7,000,000 of acres within the whole described boundary. In addition to the 7,000,000 of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 of acres, as far west as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plains in common with the Cherokees, and letters patent shall be issued as soon as practicable for the land hereby guarantied.

In article 3, same treaty, is reiterated as follows:

The United States also agree that the land above ceded by the treaty of February 14, 1833, including the Outlet, and those ceded by this treaty, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830.

I call attention that by the terms of article 3 the lands ceded by two treaties, including the Outlet, but not the lands of the Outlet, are all to be included in one patent. I now call attention to the language of article 2, just read. The United States guaranty and secure to be conveyed by patent a tract of country (describing it) to contain 7,000,000 acres; then the Government proceeds and says, "In addition to the 7,000,000 acres thus provided for and bounded, we further guaranty to you a perpetual outlet west and a free and unmolested use of all the country west of the western boundary of your 7,000,000 acres as far as the sovereignty of the United States and its right of soil extend."

Now, in the case of the 7,000,000 acres, the treaty uses this language, "guarantied and secured to be conveyed by patent." What? The 7,000,000 acres, bounded as stated. Then when it comes to the Outlet uses this language, "In addition to the land I guaranty a perpetual outlet west." A marked distinction in language and meaning.

And in a prior treaty made with the Cherokee Nation in 1834 they use this language:

The United States agrees to possess the Cherokees and to guaranty to them forever, and that guaranty is hereby solemnly pledged, of 7,000,000 acres of lands, to be bounded as follows, namely.

After describing the land, the article proceeds:

The United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west.

And the article concludes as follows:

And letters patent shall be issued to the United States for the land hereby guarantied.

Saying nothing about the Outlet.

It will thus be seen in this passage the "letters patent" do not really call for any outlet to be included.

I have been unable to find any other law or treaty bearing upon this question, and without further comment state that I see no sufficient reason in law or equity to include the fee of the lands in the Outlet in the patent issued by the Government to the Cherokee Nation. Nor do I find anywhere any valuable or other consideration emanating from the Cherokee Nation to the United States to support a change of the easement or right of passage over and on top of the lands of the Outlet into a fee or full ownership of the land. Yet with this land as with all others embraced in the contemplated territory, for the purpose of peace and harmony and to end all possible strife, banish litigation, and be generous to a weak and ofttimes helpless party, the United States Government in the plenitude of its generosity says, "Waiving all questions

of ownership on our part, we will buy again these lands of you at a price not to exceed $1.25 an acre, less such amounts as we have heretofore paid you on account of these lands." This is generous and in accord with a spirit of high morality. It will not do to permit the Indians to set their own price upon these lands, untrammeled by intimation or limit upon our part of their value. They can not sell to any other than to the United States. Public policy forbids their sale otherwise. There can be no other purchaser than the United States. It is not the Indians that have given an increased value to these lands, if any they have, over the normal price at which all our public domain has been sold. The Indians in their original condition would to-day have been a nomadic race of hunters and warriors, living not from the direct products of the soil but existing by the chase. Whatever of increased value by way of increment has accrued to these lands comes from the genius, the hardy prowess and civilization of the white men of our Government. These lands are to-day practically in a state of nature, possessing no special value to the Indian otherwise than as they may sustain the animals of the chase and hunt. All other value must come to the Indian from a simple knowledge of the wants and necessities of the white people to have and control these lands.

Mr. PERKINS. I wish to ask the gentleman whether, in view of the investigation he has given to this subject, he does not think that $1.25 an acre is very liberal compensation for this land?

Mr. MANSUR. Under the shadow of an overwhelming victory we bought 400,000,000 acres of land from Mexico, for which we paid only 6¼ cents an acre; and out of that land we have taken $3,000,000,000, enabling this Government to pay its debts and to become the most prosperous country on the face of the globe. When we deal with these Indians in the same spirit and pay them the full normal value of their lands, I think we go to the uttermost extent of justice.

If, then, with a dignified morality and an honorable purpose to pay them anew for these lands, in spite of, as I assert, their want of title, the United States shall appoint a commission to make an agreement with them to buy anew their lands, within certain limits of price, but being the same at which this Government has always sold its own land to its own settlers, who is there that can justly assail the honor of the nation in thus dealing with the Indian tribes of the Territory? These remarks will apply to the purchase and extinguishment of all the rights and of all the equities of all Indian tribes wherever located in the proposed territory.

Why have I quoted in full these various provisions of the several Indian treaties? Why have I made this argument, attempting to show how frail a claim the Indians have to these lands under discussion? I answer, to show that when equities are claimed to exist on behalf of the Indians to the lands of the Indian Territory lying west of the lands of the civilized tribes, equal equities may be claimed to exist in behalf of the United States and of its white population. Parties asking equity must do equity. The underlying truth of this whole controversy may be stated, in my humble opinion, to exist in an irreconcilable conflict between the civilization of the white man and the customs and usages of the Indians. I hope and believe I can do the Indian fair justice. I would not rob him of a fair share of his heritage. Gentlemen may be sentimental upon the Indian question, but sentimentality will not change the great law of human nature that the weaker succumbs to the stronger. The tiger is chained by his nature to the jungles of India; so is the Polar bear to the Arctic zone; they can not exchange habitats or customs. Equally conflicting are the habits and customs of the white man and of the Indian. One or the other must succumb when in contact and conflict. Deny it as we may, twist it as we will, argue from any standpoint imaginable, yet the verdict of the white man will always be that in America the Indian must eventually come to the civilization of the white man or become extinct. For him there remain only final adoption of the white man's habits and assimilation into our body-politic or his utter extinction, and his name and fame as a warrior people will only remain as a memory.

The provisions of this bill, after making due deduction for all lands necessary to give to the whole number of Indians the amounts in severalty to which they are entitled under the law passed in February, 1887, would still leave lands enough to create a trust fund to be held by the Government for the benefit of the various tribes occupying the Indian Territory of millions of dollars, and to the Cherokees alone a fund of over $7,000,000 in addition to what has been paid, provided the lands are sold at $1.25 an acre—enough to make them per head the richest agricultural people in this country, if not upon the globe.

Mr. PETERS. Does this bill provide for paying $1.25 an acre for this Cherokee Outlet?

Mr. MANSUR. Yes, sir. It proposes to pay at that rate, deducting what has been already paid.

Mr. PETERS. In other words, this bill, in order to treat the Indians with the utmost liberality, proposes to pay them for something to which they have no title.

Mr. MANSUR. It is remarkable that in the Cherokee Strip we have about 6,000,000 acres of land not used or occupied by any Indian or tribe——

Mr. HENDERSON, of Iowa. Why is that?

Mr. MANSUR. It has been simply an outlet—a division line between the Kansas Indians and the Southern Indians.

Mr. BAKER, of New York. Does the gentleman refer to the land covered by the cattle leases?

Mr. MANSUR. Yes, sir. This land has not been used or occupied by any Indian or tribe, yet leased by the Cherokee Nation to nearly one hundred cattle barons and speculators, who with barb-wires and cowboys hold possession and bar out the unauthorized settlers, hungry for homes with a passion beyond words to portray.

Mr. WEAVER. And there is no treaty with the cattlemen giving them the right to occupy this land?

Mr. MANSUR. None. Shall the Government favor the few and the wealthy? Or shall it be just to the many, and by its sovereign and police power clear away the barb-wires, destroy the leases of the cattle barons, put the lands under the operation of local law, and in a short time bring into existence a new and prosperous commonwealth?

Right here I may add that the terms of this lease to the Cherokee Live-Stock Association will expire next October. The Indians rented it to them for $100,000 and they sublet it for $500,000, pocketing $400,000 profit, because of their ability to evade the laws of the United States.

In all the limits of the Territory the bill seeks to favor the actual settler. None for money alone can buy land. In No Man's Land the actual settler can obtain a home under existing homestead laws and at the usual fees. In all other parts he must pay such price only as it may require to extinguish Indian titles, and must actually live upon the land homesteaded three years before he obtains a title. And this is just. The day is here when all the remainder of our agricultural lands should be disposed of alone to the actual settler. And I assert now and here, I would glory in an opportunity to vote for a law that would repeal all other modes of gaining title to our agricultural lands except by homesteading them. I shall not attempt now to argue this; but state, if the committee in charge of this bill have been as successful in their efforts to frame it as they sought to be, there is no chance for land sharks and speculators to make fortunes out of the lands of the Territory. And with but one homestead to a person, and that to be earned by three years' actual residence and improvement, all scheming gentlemen who live by their brain and use kid gloves are fairly barred out of the Territory.

Mr. PETERS. Is there any credit given to ex-soldiers for their military service?

Mr. MANSUR. Yes, sir.

It has been said, and may be repeated in this debate, that negotiations with the Indians ought to be made before we establish Territorial government. This policy would result in defeating the purposes of this bill, and leave the Indian Territory, for many years to come, with its millions of fertile and vacant lands, in its present deplorable condition. Do not gentlemen know that not more than twenty-five men who hold the cattle leases and now control the lands of that country can make it for the interest of a few Indian chiefs to refuse indefinitely all propositions on the part of the Government to open the lands to settlement? I have heard it asserted that an alliance offensive and defensive existed between the former and the latter. Thus far this improper alliance has proven stronger than the Government of the United States on the one hand or the mass of the Indian tribes on the other. It demands the defeat of this bill. It practically asks of Congress continued possession. And this would enable them to control the affairs of the Indian Territory in defiance of all existing laws, and on its own terms and in its own way. With the establishment of local government the Indians would be emancipated from the demoralizing influences of a few corrupted chiefs, and we have reason to believe, from information given to your committee, that there are many Indians who would themselves rejoice in the opportunity afforded alike to them and to our white population by the settlement and the civilization of the Territory.

Complaint has been made because the act of March 3, 1885, providing for negotiations with the Cherokees, Creeks, and Seminoles to open the Cherokee Outlet and Oklahoma lands to settlement was not carried into effect. Whatever may have been the reasons why this was not done, it is clear to my mind that no part of the public domain should be disposed of under our land laws or by any method whatever without the people who settle thereon are protected by a local Territorial government. Land speculators could wish no more fruitful field than a country without local law in which to practice their vocation. Men who go there in good faith but poor in purse would fall an easy prey to the soulless and the unscrupulous. The protection of law and all its beneficent purposes, general and local, should go hand in hand with the pioneers who march in the vanguard of our wonderful civilization. Ireland demands of England local government and emancipation from the control of English landlords. And Ireland is right. The future best interests of the Indian Territory demand the same relief from Congress. For it may be said that some of the same landlords who dominate the soil of Ireland are part owners and participants in the schemes of the syndicates of cattle barons which now hold so large a part of the broad acres of the Indian Territory under their absolute control.

Let us see by what elements of prosperity, civilization, and population the proposed territory is surrounded. On the north by Kansas, a marvelous development of modern power and greatness; in 1854 virgin soil and homeless; to-day with 1,600,000 people within her borders; possessed of an estimated wealth of not less than $800,000,000; and whereas in 1865 she had but 40 miles of railroad, on February 8, 1888, by the report of her board of railroad commissioners, she had 8,198 miles, building in 1887 no less than 2,535 miles of new railway. Colorado, younger and more mountainous, in 1870 had but 157 miles of railroad; yet she entered on 1887 with 2,943, and is possessed of a population, live, energetic, and vigorous, of 400,000, and to-day furnishes more than one-fourth of all the silver mined anywhere—the popular money of the world. New Mexico is rapidly coming to the front, and is building little towns and cities in all her valleys, and, with her marvelous climate and mining resources, will soon become one of the great States of the Union. In 1878 she only had 8 miles of railroad. She closed the calendar in 1886 with no less than 1,236 miles, and to-day has an estimated conservative population of 175,000. Texas, the largest State in area in the Union, in 1864 had but 451 miles of railroads. The 31st of December, 1886, found 7,295 miles of completed railway within her borders. Represented in Congress to-day by eleven members of Congress, she claims, by careful estimate, not less than 2,500,000 population within her borders. Thus in the States of Texas, Colorado, and Kansas, with the Territory of New Mexico, surrounding the contemplated new territory on three sides, we have not less than four and a half million of people, many of whom are waiting with intense anxiety the opening up of Oklahoma Territory.

We of Missouri have also an interest in this measure, outside of those of our citizens who may desire, as many do, to locate there and aid in the populating and civilizing of a territory lying so close to our western border and to Kansas City, which must prove so much back-water to Missouri's prosperity and progress. Missouri, entering into the Union at the same time as Maine, is to-day our fifth State, and has on her western border the youngest giant of the continent, Kansas City, which must and will dominate and control the trade and commerce of the Oklahoma country. While our Republican friends of the West cry aloud, and justly, to attest the great development of the State of Kansas, yet we of Missouri take toll from all her prosperity. Kansans know how to build up a State, but not a city. Kansas City, marvel of the age, I knew her when less than twenty years ago she did not have 20,000 population; to-day she numbers 200,000. During all these years, from time to time, I have seen her progress. To-day she is either the termini or a chief city en route on from one-fourth to one-third of all the railroad mileage and systems of the country. And these make great her prosperity and daily blazon abroad her glory. To accommodate her growing national business, this month the Senate has appropriated $1,200,000 to build her a new custom, post, and court house. To show her growth let me cite: In 1857 her post-office receipts were $64,221, in 1887 they were $342,910, an increase of over 500 per cent. To show the increase of her internal-revenue business, in 1877 the receipts were $187,550, and in 1887, $1,314,445, an increase of over 700 per cent.

In October and November last I was in attendance upon the United States court at Kansas City for nearly three weeks. There were then under way some fifteen buildings, not one of which would cost to erect less than $250,000, and several a million or more. Her citizens dig down great bluffs, burn up high cliffs of clay, fill vast sink-holes; and nature in her sternest mood presents no obstacle the pluck of Kansas City can not overcome. She is a new Chicago, a very Behemoth, and within ten days past she sent forth her commands by and through a monster meeting, embracing the genius, the power, and moral force of the whole great Southwest, that the Oklahoma must be opened.

Kansas City is like unto "She"—the one who must be obeyed.

The organization of this territory in point of time and location is anomalous. Composed of an area as large as Ohio, with a soil fertile and finely watered, a climate salubrious, with grass so nutritious that cattle live all the winter without the aid of man, it is capable of sustaining a denser population than an equal area in Kansas on the north or Texas on the south. All around it stand millions of an aggressive, progressive, surging, and ever-changing population and civilization. Yet here in the very heart of the continent, thousands of miles from the Pacific, and nearly as far from Manitoba and the Atlantic, is to be organized the last Territory in all our broad domain. Why is this? Because in the protection of an inferior people claiming these lands our laws have built up a Chinese wall, an impassable barrier, over and beyond which no settler, no man obedient to the spirit of our law and the ægis of our Constitution, may go or pass; but these teeming, anxious, and otherwise aggressive millions, restrained by the mighty power of this nation, stand at the barriers and cast longing, wistful eyes upon the fair and happy possessions lying beyond! The Government has done by them like the Lord did unto Moses—has led them up into a fair and beautiful view of the happy land of Canaan. Shall they, like Moses, die at the sight and be debarred from entering into possession? The Lord forbid! All morality forbids. All justice to our race and to the wants of the toiling masses of the West seeking frugal yet happy homes forbids; and I believe Congress, speaking for the nation, will say, "We forbid."

During the delivery of the foregoing remarks the hour expired; when

Mr. BAKER, of New York, said: I ask unanimous consent that the time of the gentleman from Missouri [Mr. MANSUR] be extended.

Mr. DIBBLE. I have no objection, provided to-day's session be also extended ten minutes by unanimous consent, so that the House shall adjourn at ten minutes after 5, instead of 5 o'clock.

The CHAIRMAN. In the opinion of the Chair, the order with regard to adjournment can only be modified by action of the House—not by the Committee of the Whole.

Mr. DIBBLE. If we can have an honorable understanding that such an arrangement will be made by the House, I do not object to the gentleman from Missouri proceeding.

Mr. BLAND. I hope that will be the understanding. [Cries of "All right!"]

The CHAIRMAN. Is there objection to extending the time of the gentleman from Missouri [Mr. MANSUR] for ten minutes? The Chair hears none.

Mr. MANSUR then resumed and concluded his remarks as already given.

Mr. DIBBLE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having resumed the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 1277) to provide for the organization of the Territory of Oklahoma, and had come to no resolution thereon.

EXTENSION OF TO-DAY'S SESSION.

Mr. DIBBLE. Before calling for the special order assigned for to-day I wish to call attention of the House to the fact an understanding was arrived at in the Committee of the Whole whereby the session for to-day would be extended till ten minutes past 5 o'clock, in consideration of ten minutes' extension of time to the gentleman from Missouri [Mr. MANSUR] for the completion of his speech, and to ask that that understanding be now ratified in the House.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is agreed to; and the session for to-day will be extended to ten minutes past 5 o'clock.

PUBLIC BUILDING, CHATTANOOGA, TENN.

Mr. DIBBLE. I now move the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the special order.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The first business in order under the special order was the bill (H. R. 7220) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and the act amendatory thereof approved February 21, 1887.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and the act amendatory thereof, approved February 21, 1887, be, and the same is hereby, so amended as to provide that the cost of said building, including site and building complete, shall not exceed the sum of $275,000.

SEC. 2. That the sum of $75,000, it being the amount provided for in the first section of this act as increase of limit of cost of said building, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

The report (by Mr. NEAL) is as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 6159) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and the act amendatory thereof, approved February 21, 1887, respectfully submit the following report:

At the second session of the Forty-eighth Congress a bill was passed authorizing the erection of a public building at Chattanooga, to cost $100,000. No appropriation, however, was made. On February 25, 1886, in a letter of the Secretary of the Treasury to Hon. SAMUEL DIBBLE, chairman, etc., it is stated that "to provide all the floor-space called for by the Government officers at that place would involve an expenditure of over $250,000, but that it was believed that all the accommodations necessary could be provided for $250,000."

A bill was passed to fix the limit of cost at $200,000, which was approved February 21, 1887. Under this act a site has been procured by donation, and the present plan and specifications of the building, under the limit of cost, with the site donated, only provide for a building barely sufficient to meet the necessities of the public service, and failing even to provide for at least one of the Government officials at that place. To provide for the space in the present plan the exterior facing is to be of brick instead of stone, and leaves the upper floors and roof non-fire-proof. The Supervising Architect of the Treasury says:

"To complete the building, using limestone or sandstone facing for the exterior walls, instead of pressed brick, as provided for in the estimate, and for fire-proofing the upper floors and roof, there will be required, in addition to the present limit fixed by Congress, $75,000."

The city of Chattanooga is a prosperous, growing, commercial and manufacturing city, situated on the south bank of the Tennessee River, which drains a territory of more than 30,000 square miles. It is the chief point in the three great systems of Southern railroads and the terminus of eight trunk lines, with three more in process of construction.

When the present limit of cost of public building was fixed Chattanooga con-

tained a population of about 26,000. In last July the population had increased to 37,000, and it is still rapidly increasing in population and business.

The United States circuit and district courts are held at that place, and the business of the courts, on account of the large commercial business done at Chattanooga, is rapidly increasing.

The business of the post-office has kept pace with the increase of population and business. Comparing the business done in the month of January, 1887, when it was greater than it had ever been before, with the business transacted in the month of January, 1888, we find that the sale of stamps for January, 1888, amounted to $4,442.50, being an increase over January, 1887, of 18 per cent.; that the number of pieces of mail delivered in January, 1888, amounted to 234,777, being an increase of 32 per cent., and the number of pieces collected 85,697, being an increase of 64 per cent.

Chattanooga is a port of entry, and last year paid into the Treasury customs duties amounting to $8,571.85, less expenses, $784.53. It has a marine hospital, deputy collector of internal revenue, board of examining surgeons, etc.

The committee are of the opinion that in view of the fact that the site has been donated, and of the growing importance of the city of Chattanooga, that the additional cost of $75,000 should be appropriated, so that a fire-proof building can be constructed with the present plans, and that the exterior facing should be of stone. They therefore recommend the passage of the accompanying bill as a substitute.

Mr. BLAND. For the information of the committee, Mr. Chairman, I ask the Clerk to read the amendment which I send up to the desk, and which I propose, at the proper time, to offer to the pending bill.

The Clerk read as follows:

That hereafter public buildings shall not be constructed, nor appropriations made therefor, except as to buildings now authorized by law, unless some one of the Executive Departments of the Government shall first certify to Congress that no building can be procured for public business pertaining to such Department at any named place at any annual rental of not more than $5,000, and recommend the construction of such building, accompanying such recommendation with suggestions as to the dimensions of such building and all other facts necessary to show its character and necessary cost: *Provided*, This inhibition shall not apply where it may appear to such Executive Department that no suitable building can be had at any named place for conducting the governmental business of that Department.

Mr. BLAND. Mr. Chairman, the opposition I have to these bills comes from the system as much at least as from the character of the various bills themselves. We all know the difficulties under which we labor, owing to the feeling in the House to which we all are more or less amenable, and from which I plead no exemption on my part. We all know it is a matter of ambition to show our constituents the influence and power we have in Congress in the way of procuring a public building in our respective districts. Hence we see, sir, public-building bills introduced here and referred to the Committee on Public Buildings and Grounds in places having only 2,000 inhabitants, as I am told. Some of them have been reported and put upon the Calendar to-day, where the rent paid by the Government for public uses is only four or five hundred dollars a year.

When one hundred and thirty-nine or one hundred and forty members of this House have introduced public-building bills for their respective districts, we see what pressure has been brought to bear upon the Committee on Public Buildings and Grounds—a pressure which could hardly be resisted. It is marvelous indeed, under this state of affairs brought to bear upon the committee, they have not reported more bills than they have or yielded more to members in their demands. It is not against the reports of the Committee on Public Buildings and Grounds personally I object. We know the utter inability of the committee and of members of this House to resist the enormous pressure brought to bear upon them. I propose, then, the amendment which has been read at the Clerk's desk, in order we may have some system adopted by which members of the House may be relieved of the responsibility now imposed upon them. When a member of one district is fortunate enough to procure a building for his town of ten, fifteen, or twenty thousand population, where the rental for public buildings does not exceed four or five hundred dollars, then the member from the neighboring district has to procure a public building to show his power and influence here and to satisfy his constituents—the public mind is so corrupted by these bills, as I have stated already—or else he is placed at a disadvantage under our system if he can not procure a public building for his district also.

Now, sir, that amendment proposes in no case shall a public building be erected at any particular point unless the rental is more than $5,000 a year, or provided there is no possibility of procuring a building suitable for the Government at that particular point. It is made the duty of the Department desiring the building—that is, the Post-Office Department, desiring a building for a post-office; the Department of Justice, where a building may be required for a court of the United States; or the Treasury, for custom-houses—that the Departments desiring the building in every instance shall certify the facts to Congress no suitable building can be procured or the rental is over $5,000; that the request for a public building shall be accompanied by the facts as to the character of the public building to be erected, the probable cost, and all other incidentals necessary for intelligent and proper legislation. Then the committee can revise the estimates of the Department and Congress can look into the matter. It will take from this House and the Senate the pressure which has grown so great, so that we find ourselves involved more or less in log-rolling in reference to these matters.

Now, Mr. Chairman, I do not want to be discourteous to this committee, and I withdraw the words "log-rolling;" but we all know that when a member has a public-building bill before the committee it will not do for him to antagonize another member having a similar bill; and so it is, every man having a public building before that committee and the House feels himself bound to assist the other man who is in the same position, until we find the House tied up to-day by the fact that nearly one-half of the members have such bills before the committee.

Mr. Chairman, I have made these remarks in explanation of the amendment I propose to offer at the proper time, and will reserve the remainder of my time.

Mr. DIBBLE. Mr. Chairman, the question of rental is too broadly stated in this amendment. It is not the rule that should govern, and it is a great deal better for the Congress of the United States to decide, as they have a right to do, every case upon its own merits. For instance, take the question of the erection of a court-house. It may be the case that a county court-house has been furnished by a county to the Federal courts free of charge. It may be that, through the kindness of some lawyer who has a spare room in his office, as is now the case in some instances pending before the committee, the records of the court are stored away in a back room of a lawyer's office without charge for rent; and yet the security of these records, involving questions affecting the liberty and the property of the citizens throughout a large section of the country, may be involved in the Government securing for these records safety from destruction by fire or other casualty—circumstances which would justify the erection of a public building. So also with reference to the question of competition about post-offices. Where one section of the town is willing to give it for nothing, or at most at a nominal rental, perhaps such location would be to the great inconvenience of the mass of the citizens; and if you want to put the post-office in a proper place, a higher rental would have to be paid, or perhaps a proper site could not be rented at all. All such questions enter into the discussion of the subject, and hence the amendment does not afford a fair test of the propriety of erecting or refusing to erect a public building.

Now, a word as to the work of the committee. I am glad to see that the gentleman from Missouri gives to the committee a slight measure of justice. Everything the gentleman has stated in his amendment, as essential for the House to know before bills are reported favorably, has been exacted by the committee from the Treasury Department and the other Departments of the Government before reporting the bills. All these questions of estimates, all these questions of necessity, have been submitted to the proper Departments, and we have the action of those Departments as to the necessity and probable cost of the buildings; and I will say to this Committee of the Whole that in a great many instances the Committee on Public Buildings and Grounds has seen fit to present to the House for its consideration bills amounting to considerably less than the Departments of the Government have demanded from Congress for the various purposes expressed in our reports.

So that, so far as that part of the amendment is concerned, the Committee on Public Buildings and Grounds has done already substantially everything that it demands; and in every case in the bills now pending that has been the practice. That is the usual course in the committee. I have been a member of it for four or five years. I found that to be the custom when I first became a member, and it has been observed carefully ever since. We are in constant communication with the Departments of the Government; and the subcommittees inquire and investigate as to the particulars of every bill. After a subcommittee has carefully discharged its duty, then a revising committee, consisting of the chairmen of the various subcommittees, goes over all the bills again before they go to the full committee, and then the full committee acts, discusses, and authorizes reports to the House upon them.

All the business is conducted under a methodical and business-like system, and the result is, that while we have already presented to the House the bulk of the business we propose to bring before it during this session, and during this Congress, the great bulk, I repeat, having been already presented, yet we have presented less than 30 per cent. of the amounts demanded of us by the various bills referred to the committee. Again, while I do not claim for the committee infallibility of judgment, while I am willing to concede that in some instances we have made mistakes and reported too much, and while I believe that in other instances we have made mistakes and reported too little, I will say that we have acted on evidence presented, and the business presented to this Committee of the Whole by us for its consideration is in such shape that the House can pass understandingly upon every proposition, and it is now for this Committee of the Whole and the House itself to accept or reject it.

Therefore I oppose the amendment. Let every case stand upon its own merits. If the amendment were passed, Mr. Chairman, and it became a law, it would not control the House in its action upon a single bill; for Congress has the power to change the law, and we could present and pass bills precisely as we do at present.

Mr. BROWNE, of Indiana. Will the gentleman yield to me for a moment?

Mr. GROSVENOR. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. I did not hear this amendment when it was first read——

The CHAIRMAN. It will be again reported after the discussion is ended, or, in the absence of objection, it can be reported now.

Mr. GROSVENOR. I want to make the point of order that the amendment is not in order.

The CHAIRMAN. The Chair will state that the amendment having been discussed, it is too late to make the point of order now.

Mr. GROSVENOR. That may possibly be, Mr. Chairman; but I did not desire that such an amendment should be presented here and go by unchallenged, inasmuch as it involves the principle of ingrafting upon a private bill an amendment which embodies general legislation. The same rule would apply in the case of a private pension bill to an amendment which might be incorporated upon such a bill affecting the general pension laws of the country, increasing or diminishing them.

Mr. DIBBLE. How much time have I remaining?

The CHAIRMAN. The gentleman has eight minutes.

Mr. DIBBLE. I yield one-half of that time to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. The gentleman from Missouri [Mr. BLAND] put upon the record the other day a list of one hundred and thirty-nine bills that had been presented during the present session of Congress asking appropriations for the erection of public buildings. The amount aggregates, if I remember correctly, something over $24,000,000. Economist as I am, I take the responsibility of saying that I hope the Committee on Public Buildings and Grounds will report favorably upon every measure that asks the construction of a public building in city, town, or village where the wants of the Government or the interests of the public demand one.

I want to say more. I know of no better way to distribute the surplus in the present overflowing condition of the national Treasury than that of sending out into the sovereign States money enough for post-office buildings and buildings for that overshadowing institution known as Federal courts or Federal court-houses.

I am not afraid of the intrusion of a post-office into the sovereign State of Indiana. I do not think that it will interfere with the sovereignty of that State in the slightest degree. I would welcome one there as I do the national flag or the Bland silver dollar. They are both national institutions; one the emblem of the glory of the Republic and the other of its power; for it takes a powerful nation to make 70 cents' worth of silver worth a dollar. [Laughter.]

Now, suppose we do take for those purposes twenty-four or twenty-five million dollars, if you please, if I remember correctly, the message of His Excellency the Executive stating the amount of the surplus in the Treasury at the end of the present fiscal year at $140,000,000, there will be still $115,000,000 left; quite enough to be put into the custody of the party now in power.

Suppose we do spend twenty-five millions, how much is it? Why, the revenues of the Government are a million of dollars a day. Every hour of the ten working hours of the day there drop into the national coffers $100,000. And if we were to count the revenue that comes into the Treasury of the Government during the time that has been consumed by the very excellent speeches of the gentleman from Missouri we would discover that he has delayed our action long enough to have secured in the ordinary course of the collection of our revenues enough money to pay for all the public buildings that Congress has provided for during the session.

I ask again, suppose we do spend $25,000,000, how much is it? Less than 6 per cent. of the sum of our annual revenue. And what do we do with it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNE, of Indiana. I hope not. My speech is not yet finished. I would like a couple of minutes more.

Mr. DIBBLE. I have promised the rest of my time to the gentleman from Tennessee, who has charge of the bill.

Mr. BROWNE, of Indiana. Give me a minute.

Mr. DIBBLE. Very well.

Mr. BROWNE, of Indiana. I say what do we do with it? We send this money into the several States. We employ it in the purchase of material. We pay it into the hands of the laboring people. It puts this sum into the arteries of commerce. We stimulate industry. We afford in this way employment to people who now demand labor.

I want it understood I am in favor of taking this money out of the Treasury. Take it out of the Treasury, where it is useless and accomplishing no purpose, and put it into circulation where it will do the people in the several States and sections of the country some good. And while we are spending it the mills of the gods keep grinding on that particular commodity which I favor so much. The Bland dollar of 412½ grains of standard silver is still rolling in at the rate of from two to four millions a month.

[Here the hammer fell.]

Mr. DIBBLE. I yield the remainder of my time to the gentleman from Tennessee [Mr. NEAL].

Mr. NEAL. I reserve the three minutes for the present.

Mr. BLAND. The speech of the gentleman from Indiana [Mr. BROWNE] is one that I am glad to hear. I wanted it to come from that side of the House that we are here to dispose of the surplus in wasteful and extravagant appropriations, instead of reducing taxes, and I hope I may have a little more aid on this side of the House.

Mr. BROWNE, of Indiana. I inquire of the gentleman how we increase taxation by spending the money that forms the surplus in the Treasury?

Mr. BLAND. I decline to yield. That is the issue in this House, and will be the issue in the next campaign—the lamp of Aladdin, as I said before, in the hands of Congress.

That overflowing Treasury of $100,000,000 is tempting bait. Every one puts his hands into it to see how much he can extract from it. Where has that $100,000,000 come from? It has come from the men who labor, who are taxed 50 per cent. for the hats they wear, 40 per cent. for the blankets that cover them. Every dollar paid into the Treasury of that amount of $100,000,000 has cost the tax-payers of this country at least $5. That amount represents $500,000,000 that have gone into the hands of monopolies and trusts and syndicates and capitalists under this infamous system of a protective tariff.

Why, Mr. Chairman, we have a public debt on which this money can be paid, and I am only sorry my friend from Texas [Mr. MILLS] has not brought forward for consideration his bill that authorizes this money to be paid out on the public debt.

Suppose, Mr. Chairman, this money was devoted, as it should be, to the payment of the public debt and taxation reduced so that we had not a surplus in the Treasury, but there was stringency in the Treasury Department, where would these bills be then? If it were proposed to issue bonds for the purpose of paying for these public buildings, the laboring people of this country would turn out every member who voted for a single one of them.

And yet we are to tax them, they are to pay the taxes which are to be expended for these public buildings; it comes from their pockets at last. We are asked by these public-building bills, and by the Blair educational bill, and by other bills, to take one hundred millions of dollars from the public Treasury and squander it, and then, when you have done that, where will be your argument for the reduction of taxation? I do not wonder that the other side of the House have voted solidly for all these bills, and that they are doing everything in their power to take this money from the Treasury in order that they may be able to perpetuate a system of taxation which is onerous and burdensome and which has been denounced by the laboring people of this country.

Mr. KERR. Will the gentleman yield for a question?

Mr. BLAND. I can not yield.

Mr. KERR. I wanted to ask the gentleman whether all these bills are not reported unanimously by a Democratic committee? [Laughter on the Republican side.]

Mr. BLAND. Yes; and, Mr. Chairman, if that side of the House could wield sufficient influence, as suggested by the gentleman from Indiana [Mr. BROWNE], we would have bills here that would squander millions more of the public money. As I said before, it is simply marvelous that, with all the pressure that is brought to bear upon the Committee on Public Buildings and Grounds, we have so little of this sort of expenditure as we have.

Now, Mr. Chairman, my amendment is one which requires the Departments, first, to certify to Congress in each case the necessity for the proposed building, the character of the building, and the amount that it will cost. Those estimates are to come in here like any other estimates that are sent in from the various Departments. Then they can be examined and scrutinized by Congress, and the amount asked for allowed or refused as Congress shall determine. The amendment does not take the power away from us, but it does lift the responsibility from the individual member of Congress, and it prevents these wholesale exactions from the Committee on Public Buildings and Grounds for buildings in various places where there is no necessity for them at all. Why do I limit the amount of the rental to $5,000 a year, which is intended to be a limit upon the Departments as well as upon Congress; at least an admonition to the Departments?

Because there is not a place, so far as my memory now serves me as to any bill passed at this session or for which there is a bill upon the Calendar, where you can not procure sufficient accommodations for the Government offices at a rental of $5,000 per annum; and a public building that costs $100,000 costs the tax-payers of this country $6,000 per annum for rent, because the money is worth that much to the tax-payer in his pocket. Sir, there ought to be some system in this matter of appropriating for public buildings; there ought to be some responsibility attached to the Executive Departments of this Government in the first instance; they should send in here their estimates for public buildings like other estimates, and not wait for the importunities of members of the House.

If this amendment were enacted into law it would have a wholesome effect upon Congress in its legislation upon this subject. The Executive Departments would not take the responsibility of sending in recommendations for public buildings in places where none were needed; but if they did, the power would still remain in Congress to grant or not to grant the appropriations asked for. The initiative would be taken by the Executive Departments, and the estimates would come from the President of the United States, with his recommendations, stating where the building was proposed to be erected, the necessity for it, giving the facts and figures and all the particulars that Congress ought to have before it makes such appropriations. The adoption of such a law would be the establishment of a system in this business of erecting public buildings, and we must have some system, or the whole thing will break down of its own weight, as it has broken down here.

Mr. COWLES. I wish the gentleman would tell us how we can

have an iron rule upon this subject. I am in favor of his amendment, but I do not see how we can have such a rule.

Mr. BLAND. I hope, Mr. Chairman, that we shall have a yea-and-nay vote on this question. I want to put the other side of the House on the record, so that they may not go into the campaign and accuse the Democratic party of waste and extravagance in making appropriations for public buildings when they are not on record themselves on that subject. Let us have the yeas and nays.

Mr. MILLIKEN. Then this seems to be a matter of politics with the gentleman and not a matter of business. The question with him is not whether these buildings are needed or not, but what effect these appropriations are going to have upon his party.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BLAND] has expired.

Mr. KERR. I ask unanimous consent to ask the gentleman a question.

Mr. DIBBLE. I object.

Mr. BLAND. If I am granted additional time I shall be glad to answer the gentleman's question.

Mr. NEAL. This discussion so far has not touched the merits of the particular bill under consideration. This bill provides for an increase in the limit of the cost of the public building at Chattanooga, Tenn. From the gentleman's remarks many persons might be led to believe that Chattanooga is a village of some 2,000 inhabitants upon the banks of the Tennessee. Many within the sound of my voice perhaps know something of it—gentlemen who visited that locality in 1863.

What was then a straggling village upon the south bank of the Tennessee, important only from a military standpoint, has now become a live, progressive city of over 40,000 people. What were then uncultivated fields and barren hills, lighted up with the camp-fires of mighty and hostile armies, are now lighted up with the industrial and productive fires of our forges and our furnaces. [Applause.] Men who were then arrayed in hostile and opposing lines of battle, now the heads of happy families and prosperous homes, stand side by side in a nobler struggle—the noblest in which man can engage—as to who can best succeed in the arts and avenues of peace.

Chattanooga is no village of 2,000 inhabitants. It is, as I have stated, the chief point in the three great Southern systems of railroads. It is the terminus of eight completed trunk-line railroads, and two more are in process of construction which will center there. We have a United States district and circuit court. We have a port of entry which has paid in net revenues to this Government during the last year a sum approximating $10,000. The net postal receipts of that city were something over $30,000 in the last fiscal year, and according to the statements of the post-office officials, have increased during the present fiscal year from 24 to 40 per cent., so that there will be paid to the Government from this source for the year a net revenue of over $40,000.

I have spoken only of Chattanooga proper. But we have upon the north bank of the Tennessee River a city called "Hill City," not embraced within the corporation of Chattanooga; we have Ridgedale; we have St. Elmo; we have Missionary Ridge, and other suburban places which have their own post-offices, though they are reached by our street-car and dummy lines, and should be estimated in considering the business and population of Chattanooga. Even Lookout Mountain, upon whose top historic poetry made Hooker fight his battle "amid the clouds," is now by the science of modern engineering traversed by the iron horse, bearing its living freight to prosperous and sumptuous homes upon the summit. Missionary Ridge, destined to be famed and historic as long as American and Saxon valor shall be known, is now covered with the residences of a happy and contented people, looking down upon the live population of one of the pluckiest cities on the American continent. [Applause.] This is the city for which we are asking a public building; and we have the estimates of the Department for this appropriation.

[Here the hammer fell.]

Mr. DIBBLE. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. BLAND. I now offer my amendment.

Mr. DIBBLE. I reserve all points of order on the amendment.

The CHAIRMAN. The amendment having been discussed, the Chair is of opinion it is now too late——

Mr. DIBBLE. The gentleman has just offered the amendment.

The CHAIRMAN. The Chair understood the gentleman to offer it before.

Mr. DIBBLE. No, he stated that he intended to offer it.

Mr. BLAND. At the proper time.

Mr. DIBBLE. Now is the only proper time, and I reserve all points of order upon the amendment.

Mr. BLAND. This is a bill referring to a public building; it is not a general appropriation bill; and I submit my amendment is germane to a bill of this character.

Mr. DIBBLE. I ask for a decision on the point of order.

The CHAIRMAN (having examined the amendment previously read). This bill provides merely for the extension of a building already in process of construction; and inasmuch as this amendment does not relate to or affect the building to which the bill has reference, the amendment, in the opinion of the Chair, would hardly be in order.

Mr. BLAND. I desire to offer another amendment.

Mr. DIBBLE. I will say that if the gentleman from Missouri will introduce his proposition next Monday as a separate bill, I shall be delighted to have it referred to our committee; and I feel justified in promising him that the committee will report it. I hope this bill will now be laid aside to be reported favorably to the House.

Mr. BLAND. I move an amendment to strike out "$75,000," and insert "$50,000," coupling with this amendment the proposition already sent to the desk.

Mr. DIBBLE. Oh, Mr. Chairman, that will not do.

The CHAIRMAN. In the opinion of the Chair it is scarcely in order to introduce this proposition as an amendment to a bill which provides merely for the extension of a building already authorized by law.

Mr. BLAND. Very well. I withdraw that proposition, and offer merely the amendment to strike out "$75,000," and insert "$50,000."

The question recurred on Mr. BLAND'S amendment.

The committee divided; and there were—ayes 12, noes 135.

Mr. BLAND. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. BLAND and Mr. NEAL.

The committee again divided; and the tellers reported—ayes 12, noes 124.

So the amendment was disagreed to.

Mr. DIBBLE. I move the bill be laid aside to be reported to the House with the recommendation it do pass.

The committee divided; and there were—ayes 144, noes 5.

Mr. BLAND. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. DIBBLE and Mr. BLAND.

The committee again divided; and the tellers reported—ayes 156, noes 7.

So the motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, BUFFALO, N. Y.

The next business under the special order was the bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or acquire by condemnation, a site in the city of Buffalo, State of New York, upon which shall be erected a substantial and commodious building for the use and accommodation of the United States post-office and for other Government uses: *Provided*, That the site so selected shall be of such dimensions as to leave an open space of not less than 40 feet in width, including streets and alleys, around the building to be constructed thereon: *And provided further*, That the sum to be paid therefor shall not exceed $300,000.

SEC. 2. That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated for making said purchase, out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no part of this sum shall be expended until a valid title to said site shall be vested in the United States, and the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The report (by Mr. NEAL) is as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y., respectfully submit the following report:

The committee are of opinion, from the investigation they have been able to give the subject, that a new site should be purchased for a public building at the city of Buffalo, and especially refer to the annexed letters of the Supervising Architect, the First Assistant Postmaster-General, and the postmaster at Buffalo as to the necessity for additional accommodations for the public service at that place.

The committee, however, are of the opinion, based upon information received in their investigation of the matter, that a suitable site can be procured for a less sum than $250,000. They therefore recommend that the bill be amended by striking out, in the thirteenth line, "three hundred" and inserting "two hundred and fifty," and by striking out, in line 1, section 2, "three hundred" and inserting "two hundred and fifty," and that, when so amended, the bill do pass.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, January 26, 1888.

SIR: Your communication of the 24th instant, inclosing copy of H. R. No. 1678, providing for the purchase of a site for a public building at Buffalo, N. Y., with the request that I inform you as to the necessity of said purchase, is received, and in reply I desire to state that the capacity of the present post-office building is insufficient to accommodate the various United States offices in that city, which compels this Department to rent offices for customs purposes and inspectors of steam-vessels, for which an annual rental is paid amounting to $1,250. In addition to the customs service, offices are rented for the United States Corps of Engineers, paymaster, and quartermaster. A large portion of the White fire-proof building in that city, consisting of ten or more rooms, is used for this purpose.

The last addition to the post-office building only provided more accommodations which were needed for the internal-revenue department, the United States court-rooms, and post-office. The gain of accommodations was in the enlargement of the postmaster's room and that portion which is occupied by the Post-Office Department, but failed to provide any room for those officers who were then and are still located in rented buildings. In this connection it may be proper to state for your information that when the present post-office building was erected the population of Buffalo was less than 160,000, which has increased to over 250,000, and at the present rate of the growth and increase of business the present building will be entirely inadequate to accommodate the public business to be transacted in that city within a very short time.

Respectfully, yours,

WILL. A. FRERET, *Supervising Architect.*

Hon. JOHN R. NEAL,
Chairman Subcommittee of Public Buildings and Grounds,
House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., January 27, 1888.

SIR: In reply to your verbal request, I beg to furnish the following information relative to the post-office at Buffalo, N. Y.:

Gross receipts which accrued at the said office for the four quarters ended March 31, 1885, amounted to $332,014; March 31, 1886, $338,193; March 31, 1887, $356,778.

I also inclose copies of statements showing money-order transactions at the said office for each of the fiscal years ended June 30, 1886, and June 30, 1887.

Very respectfully,

A. E. STEVENSON,
First Assistant Postmaster-General.

Hon. JOHN M. FARQUHAR,
813 *Twelfth Street, northwest, Washington, D. C.*

POST-OFFICE DEPARTMENT,
OFFICE OF SUPERINTENDENT OF MONEY-ORDER SYSTEM,
Washington, D. C., January 26, 1888.

SIR: Please cause to be filled up, for the information of the First Assistant Postmaster-General, the blank spaces below with the number of money-order and postal-note transactions at the office, and for the period indicated.

Very respectfully,

W. B. COOLEY,
Chief Clerk.

CHIEF OF RECORDING DIVISION,
Office of Auditor of the Treasury for the Post-Office Department.

Office at Buffalo, N. Y., year ended June 30, 1886.

	Issued.	Paid.	Repaid.
Domestic	17,754	54,889	141
International	5,118	3,299	25
Certificates of deposit	8,292	.....	.....
Postal-notes	11,499	37,209	.....

Money-order transactions	$3,132.78
Postal-notes issued	114.99
Postal-notes paid	279.06
Total	3,526.83

POST-OFFICE DEPARTMENT,
OFFICE OF SUPERINTENDENT OF MONEY-ORDER SYSTEM,
Washington, D. C., January 26, 1888.

SIR: Please cause to be filled up, for the information of the First Assistant Postmaster-General, the blank spaces below with the numbers of money-order and postal-note transactions at the office, and for the period indicated.

Very respectfully,

W. B. COOLEY, *Chief Clerk.*

CHIEF OF RECORDING DIVISION,
Office of Auditor of the Treasury for the Post-Office Department.

Office at Buffalo, N. Y., year ended June 30, 1887.

	Issued.	Paid.	Repaid.
Domestic	19,756	69,617	141
International	5,822	3,652	25
Certificates of deposit	10,399	.....	.....
Postal-notes	12,528	40,335	.....

Money-order transactions	$3,829.42
Postal-notes issued	125.28
Postal-notes paid	302.51
Total	4,257.21

UNITED STATES POST-OFFICE,
Buffalo, N. Y., January 25, 1888.

MY DEAR SIR: Yours of the 23d only reached me this a. m., and I hasten to reply. Inclosed I send statement of gross receipts, total expenses, and net revenue of the office from 1879 to 1887, inclusive.

You will notice the falling off of the receipts at the time the 2-cent law went into effect.

The receipts for the year 1888 ending next June, estimated on the past eight months, will exceed $400,000, showing a steady, healthy growth of business for the last ten years, which will be largely increased for the next five years. Our office, I mean the large distributing room, is cramped, and we are obliged to do our circular and newspaper work in a dark, damp basement, a very unhealthy place for our men.

No city stands more in need of a new post-office, as no city can show such a poor place and poorer accommodations for furnishing 250,000 people, spread over an area of 42 square miles, than Buffalo.

I am, very truly, yours,

JOHN B. SACKETT.

Hon. JOHN M. FARQUHAR.

Receipts and expenditures of the Buffalo post-office from 1879.

Year.	Gross receipts.	Total expenses.	Net revenue.
1879	$161,882.47	$60,030.03	$101,852.45
1880	195,836.05	64,446.14	131,389.91
1881	234,648.66	65,080.07	169,568.59
1882	268,827.94	65,852.22	202,975.72
1883	326,063.33	73,554.75	252,518.58
1884	371,398.09	77,703.68	293,694.79
1885	328,405.67	91,776.39	236,628.68
1886	333,432.28	98,920.41	234,515.87
1887	366,695.51	111,916.28	254,779.23
1888	*400,000.00	.....	.....

*Estimated.

Mr. DIBBLE. I move the adoption of the amendments to the bill reported by the Committee on Public Buildings and Grounds.

Mr. BLAND. Mr. Chairman, I propose to show where the tax—the money—comes from to pay for these public buildings. I want to talk for a moment to some of my Western friends, and especially to my friend from Indiana [Mr. BROWNE], who represents an agricultural State.

Now, sir, the customs tax is a tax on what? It is a tax on commerce. What are the subjects of commerce in this country? The products of the farm compose nearly the whole of them. The tillers of the soil pay nearly all of the tax. Our Constitution wisely or unwisely prohibits any tax on exports, but under the protective system we have a singular way of evading that constitutional provision.

When our wheat and corn—when our breadstuffs are exported to foreign countries they go out of our ports without the payment of tax, apparently; but, sir, the moment the farmer exchanges his wheat, or corn, or other products of the farm for manufactured articles from abroad, whether of iron or woolen, and brings that return cargo into an American port he there finds the tax-gatherer, who charges him from 50 per cent. to 100 per cent. on the exchanges which he brings in. While the Constitution has prohibited Congress from taxing the products of the farm which are exported in the first instance, nevertheless the moment the products of the farm exported are exchanged for something else, the moment the goods are landed for which the farm products have been exchanged, a Government officer, in the guise of an assessor, assesses a custom-house tax of from 50 per cent. to 100 per cent.

In other words, he may have a mule and he wants to send it abroad and exchange for some commodity, we will say a horse, for instance, as an illustration. It is not taxed when it leaves our port, but after exchanging it for a horse, when that horse comes in the tax attaches, and the constitutional provision is in that way evaded.

What is the result? The Western farmers to-day throughout this country are languishing under a system of taxation that is unparalleled in the history of the world. I send to the desk and ask to have read an extract from a newspaper showing their condition as compared to the prosperous condition of manufacturing and industrial States. I will state that the mortgages referred to there are held chiefly by the New England manufacturing States, which make an Ireland of the West and the South.

The Clerk read as follows:

FARM MORTGAGES.

The Times-Democrat has already spoken of the large mortgages owed by Western farmers. The subject was first brought to light by the Department of Agriculture, which made a partial examination of the subject, and found that the Western farmers were heavily mortgaged, almost to the selling value of their places. This was something of a surprise. Western papers had been wont to speak in pitying terms of the farmers of the South, who were in debt, they declared, up to their necks. The impression was conveyed that the agriculturists of the West were happy and prosperous and owed nothing; and the immigrant comparing the two sections naturally preferred the Western States, where the farmers prospered and owed nothing, to a section where they could scarcely meet the interest on their mortgages.

It was, as we said, the report of the Bureau of Agriculture which first pointed out that there might be some mistake here, and the Ohio farmer not be the happy man he seemed. The bureau's report, however, did not give a full idea of the amount of this indebtedness. A report of the bank commissioners of Vermont showed that one New England State alone had many millions advanced on Western farms. The more the subject has been investigated the greater this debt has become, and the total is now placed for the Western States as follows:

Ohio	$701,000,000
Indiana	398,000,000
Illinois	620,000,000
Wisconsin	250,000,000
Michigan	350,000,000
Minnesota	175,000,000
Iowa	351,000,000
Nebraska	140,000,000
Kansas	200,000,000
Missouri	237,000,000
Total farm mortgages in the ten States	3,422,000,000

This is a staggering total—twice the national debt of the country, and an average of $200 for each of the inhabitants of the States; and it is, per capita, a greater debt than any country in the world owes.

It is found in the State of Michigan that one-half of the farms are mortgaged. In the older and more prosperous States of the West every fourth or third farm is mortgaged, and in the newer ones two out of three are in that condition, and the bulk of these claims is held in the prosperous and rich States of the East. The insurance companies of the little city of Hartford, Conn., own $70,000,000 in Western farm mortgages, and the loan companies of Boston hold $76,000,000 more.

Another unpleasant feature is the fact that while the annual net earning on the capital invested in farms in the United States is only 4, or, at most, 5 per cent., with the prices now prevailing, these mortgages command from 7 to 9 per cent.

Mr. BLAND. We see there, Mr. Chairman, the "extraordinary prosperity" of the farming community, protected as they are protected under this protective system of taxation to which it was to furnish a market. Three billions of dollars rest to-day upon the great West in the shape of mortgages—a sum greater nearly three times than the whole national debt, and owned almost exclusively by the industrial and manufacturing States of the East. I commend that condition of affairs to my distinguished friend from Indiana [Mr. BROWNE], who has nearly four hundred millions on the shoulders of his own people. [Applause.]

Mr. GROUT. Let me say to the gentleman——

Mr. BLAND. I decline to yield.

Mr. GROUT. I only want the gentleman to understand that Vermont is not a manufacturing State, but is an agricultural State.

Mr. BLAND. I must decline to yield.

And yet, Mr. Chairman, this money that has been robbed from these people and piled into the Treasury of the United States is to be used for such purposes as are proposed here, so as to prevent any relief being accorded to the people from the terrible burdens under which they labor. [Applause.] I do not wonder that the "galled jade winces," but I can say to the gentleman from Vermont that before the next campaign is over it will wince much more than that. [Renewed applause.]

Here we have this spectacle in the House to-day: For the purpose of continuing this infamous system of robbery upon the agricultural communities of this country, we are asked to unload the Treasury of its hundred millions of dollars and thereby afford an excuse for an increase instead of a reduction of taxation. I say, no sir; never! Let that money be paid upon the bonded debt of the Government, as everybody demands.

Mr. WEAVER. That is right.

Mr. BLAND. Stop these excessive appropriations, this waste of public money upon such bills as this. Let us come down to the old Democratic doctrine of economy in the expenditures of the Government and a levying of taxation only for the support of the Government economically administered, and not by squandering it upon a public building in every town and neighborhood, and in every hamlet as we are now asked to do, enable the system to be perpetuated without any hope of relief. [Applause.]

We have about $220,000,000 of 4½ per cent. bonds that can be paid now, and $700,000,000 of 4 per cents.

Mr. WEAVER. They can be paid now, too.

Mr. BLAND. Our sinking fund requires a payment of about forty-five millions annually; and let us pass the bill of the gentleman from Texas [Mr. MILLS], the chairman of the Ways and Means Committee, and devote the whole of the surplus in the Treasury to the payment of the public indebtedness in order to reduce the bonded debt of the Government. Then let us cut down the expenditures to an economical administration of the Government, or the demands of the Government economically administered, and we will then have no use for these bills in order to rob the people and take the money from them as we are now doing.

Mr. MILLIKEN. Is that the recommendation of the present Administration?

Mr. BLAND. I decline to yield.

"One hundred million dollars in the public Treasury." That is constantly rung in our ears as an excuse for these appropriations. I say let us put a stop to this thing. How does that money come there? I have already said that in order to get this $100,000,000 into the public Treasury we have taxed three billions of dollars upon the farming interests of this country; and that in order to raise $1 in customs duties the farmer pays about four or five dollars to the protected manufacturer.

Mr. BINGHAM. Will the gentleman yield to me for a question?

Mr. BLAND. Yes, sir.

Mr. BINGHAM. Has not the Democratic party been in control of this branch of Congress since 1874, with one exception, the Forty-seventh Congress?

Mr. BLAND. Ah! the Forty-seventh Congress.

Mr. BINGHAM. I say with that single exception since 1874.

Mr. BLAND. I am glad the gentleman refers to the Forty-seventh Congress. [Laughter and applause on the Democratic side.] A pretended attempt to reduce taxation was made there, and where did they reduce taxation? They reduced it on banks and on the corporations of this country.

Mr. CUTCHEON. The Forty-seventh Congress is the only one that has given us any reduction of the tariff since the Democrats came in power here in 1874.

Mr. BLAND. They took the tax off patent medicine, and they went everywhere to reduce taxes except to these monopolies.

Mr. GROUT. I move to strike out the last word.

Mr. BLAND. I do not yield. It is very plain, and I am sorry to say it, the Democratic party has been derelict in its duty in this matter. Somehow or other our Republican friends have always had a few on this side of the House tied up with them on that question as they seem to be tied up with them in this matter of public-building bills, whose great business has been to defeat the Democratic party—four-fifths of them—in its attempts at reform. But our Administration—and thanks to Grover Cleveland for it—has sent a message to this Congress which Democrats can not ignore and call themselves Democrats. [Applause.] In the line of that message, with the recommendations of President Cleveland, I stand here as a Democrat denouncing every attempt to take money from the people by public-building bills, educational bills, or other squandering measures, and saddle the people with still more debt.

Mr. LEHLBACH. Does not the vote disclose that you have only four or five Democrats voting with you?

Mr. BLAND. You have not got through so many bills as you expected, and the vote, I think, will disclose that you will get very few in the future. I believe the bills you have passed within the last few days aggregate about a million and a quarter of dollars; and let me pledge my Democratic word you will get very few more. You have but one day more, and you will not get the order renewed if I can help it.

Mr. LEHLBACH. I ask the gentleman if by the course he has taken he has not violated the spirit of the order?

Mr. BLAND. I have not violated the spirit of the order when I demand a quorum and take care that these bills shall not go through except in their regular order; that a handful of men shall not sweep these bills through in the face of opposition and in shame and scandal. I am willing to take the responsibility whatever it may be. I understand it to be the constitutional privilege of every member of this House to demand that the business of the House shall proceed in order; and that it is his right to demand that a majority of the members elected shall vote on every bill before it passes, and to have a yea-and-nay vote if it is possible; and that I intend to do.

[Here the hammer fell.]

Mr. GROUT. I move to strike out the last word.

Mr. DIBBLE. I have the floor. I move the adoption of the amendment.

Mr. TAULBEE. Will the gentleman from South Carolina allow a question?

Mr. DIBBLE. Yes, sir.

Mr. TAULBEE. I for one have not had time to read the report. I would like to have it read, and also to have it disclosed how many public buildings this city has, what they now ask for, and what they are to cost.

Mr. DIBBLE. I would have been very glad to answer the question of the gentleman from Kentucky, but I could not hear it in the confusion.

The CHAIRMAN. The time controlled by the opposition is exhausted. Fourteen minutes remain in support of the bill.

Mr. DIBBLE. I move the adoption of the amendment.

Mr. TAULBEE. Inasmuch as the gentleman did not answer my question I would like his permission to restate it.

Mr. GROUT. I desire the floor for a few moments. I am in favor of the bill.

The CHAIRMAN. If the gentleman from South Carolina does not claim the floor, the Chair will recognize the gentleman from Vermont [Mr. GROUT].

Mr. DIBBLE. How much time does the gentleman want?

Mr. GROUT. Two minutes.

Mr. DIBBLE. I yield the gentleman two minutes.

Mr. GROUT. I do not rise to make a speech, but I heard as I came into the Hall the Clerk reading what, as I was informed, was a newspaper article to the effect that some officer in Vermont, who must have been the inspector of finance, had reported that many millions of dollars were placed by the people of Vermont on farm mortgages in the West, which I have no doubt is correct.

A MEMBER. Good security.

Mr. GROUT. Yes, I presume so; but the gentleman from Missouri then went on to say that the farmers in the West were struggling beneath a great burden of debt, and that they labored under a great disadvantage in consequence of the tariff bearing so heavily upon them; and cited in proof of it the fact that the manufacturing States of New England, which were fattening off the tariff, were sending millions of money West.

Now, I want to remind the gentleman from Missouri and the House that Vermont is not a manufacturing State. It is strictly an agricultural State, almost exclusively so. And this report from the inspector of finance was respecting the savings institutions of the State, which carry the earnings and savings of the farmers in that State. So if the farmers in the West are suffering to the extent the gentleman says in consequence of the protective tariff, which bears in Vermont precisely as in Missouri, the people of Missouri better move to Vermont, where the farmers find no fault with the protective tariff except that it is not high enough. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina.

Mr. TAULBEE. Will the Chair state the question?

The CHAIRMAN. That the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. TAULBEE. I desire to have the report read and my question answered; and with that view I move to strike out the last word.

The CHAIRMAN. There is no amendment pending.

Mr. DIBBLE. I call the attention of the Chair to the fact that there is pending an amendment by the committee changing $300,000 to $250,000. And I will answer the question of the gentleman from Kentucky by stating, and the report states no more, that Buffalo is a city of some 250,000 people, and the public building there is inadequate to accommodate the business, which is all clustered in one building.

There is a lot with a church on it, and there are other lots there, which can be purchased, and the object is to give accommodation to the overflow of public business in a new building. From the advices which we received, and the testimony of different persons in Buffalo,

we came to the conclusion that this amount was necessary to secure a proper site, and this is a very auspicious time to buy this site, which can probably be bought now a good deal cheaper than at a later day.

Mr. CUTCHEON. Can the gentleman tell us how much the Government is paying in rents in the city of Buffalo now?

Mr. JOHNSTON, of Indiana. I want to ask the gentleman a question.

Mr. TAULBEE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. I want to know who has the floor?

The CHAIRMAN. The gentleman from South Carolina [Mr. DIBBLE].

Mr. TAULBEE. I understood the gentleman from South Carolina [Mr. DIBBLE] to move that the bill be laid aside to be reported to the House, and to yield the floor.

The CHAIRMAN. The gentleman from South Carolina afterwards, pursuant to his right, resumed the floor to answer, as the Chair understood, a question put by the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. I would be glad to have the Chair state by what right the gentleman from South Carolina could take me off the floor. I moved an amendment to the bill, to strike out the last word, without asking a question of the gentleman from South Carolina; I did not yield the floor if I had it, and if I did not have it, I want to know when I can get it. [Laughter.]

The CHAIRMAN. It has been the custom of the Chair to recognize the chairman of a committee, where the member in charge of the bill was not recognized, for the purpose of controlling the time in support of the measure. If the gentleman from South Carolina [Mr. DIBBLE] does not desire to yield to the gentleman from Kentucky, the Chair will take pleasure in recognizing the gentleman from Kentucky [Mr. TAULBEE].

Mr. DIBBLE. I will yield some time to the gentleman if he is in favor of the bill.

Mr. TAULBEE. I am not in favor of the bill, and I am sorry that any one should understand me to be so. [Laughter.]

Mr. DIBBLE. Then, Mr. Chairman, the time in opposition to the bill having been exhausted, I call for a vote on the amendment.

[Cries of "Vote!" "Vote!"]

Mr. COWLES. I desire to ask the gentleman from South Carolina [Mr. DIBBLE] a question.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. DIBBLE] yield to the gentleman from North Carolina [Mr. COWLES]?

Mr. JOHNSTON, of Indiana. I want to ask the gentleman from South Carolina [Mr. DIBBLE] a question.

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Indiana for a question?

Mr. DIBBLE. Yes, sir.

Mr. JOHNSTON, of Indiana. Is this a bill to buy a site for a public building?

Mr. DIBBLE. It is.

Mr. JOHNSTON, of Indiana. Is there any necessity for the building?

Mr. DIBBLE. In the opinion of the Committee on Public Buildings and Grounds there is.

Mr. JOHNSTON, of Indiana. Then why don't you report a bill for the construction of the building at the same time that you report an appropriation to buy the site?

Mr. DIBBLE. For the simple reason that the site was asked for, and the committee after full examination and discussion of the question thought it was for the public interest in this, as well as in other cases, to purchase a site first and afterwards have estimates made for the buildings. The committee have so reported after discussion and due reflection, but if the Committee of the Whole think that is not the proper thing to do, of course they can refuse their assent. The Committee on Public Buildings and Grounds, however, believe that this is the best way.

Mr. COWLES. I desire to ask the gentleman from South Carolina a question.

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from North Carolina [Mr. COWLES]?

Mr. DIBBLE. If the gentleman be in favor of the bill.

Mr. PAYSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. Is it proper, at this stage of the proceeding, for the gentleman from North Carolina to propound the ancient question to the gentleman from South Carolina? [Laughter.]

Mr. COWLES. I understand that question to be in order at any time. [Renewed laughter.]

Mr. DIBBLE. I have the floor, I believe.

Mr. COWLES. I want to ask the gentleman whether it is proposed to buy out a church and put a public building on the site? If so, I think the country has more need for churches than for public buildings; but this is not the first time the Committee on Public Buildings and Grounds has made such a proposition here. [Laughter.]

Mr. RICHARDSON. Mr. Chairman, I would like to know what spirit prompts the inquiry of the gentleman from North Carolina. [Laughter.]

Mr. DIBBLE. I am perfectly willing to yield time to gentlemen who favor this bill, or even to those opposed to it, if they desire to engage in fair discussion. But the object is apparent on the part of some gentlemen to violate the spirit of an agreement made by this House. When I consented on behalf of the Committee on Public Buildings and Grounds that the hour of 5 o'clock should be fixed for adjournment on the days when our business was to be considered, it was upon an understanding on my part that the bills should be fairly considered on their merits, and that there should be no "dilatory motions;" and this term would in spirit certainly embrace a great deal that has been done by gentlemen here while we have been proceeding under this special order. Hence, when the gentleman from Missouri asserts on this floor in a triumphant spirit that by reason of these motions which he is making we shall get through very few of our bills, I do not feel called upon to waste any of the time which I control by yielding to gentlemen who are opposing these measures. Therefore, I hope we shall have a vote at once on the amendments.

Mr. TAULBEE. Will the gentleman allow me a question?

The CHAIRMAN. The time for debate is exhausted.

Mr. TAULBEE. I understand the gentleman is willing to yield.

Mr. DIBBLE. I decline to answer any question.

Mr. TAULBEE. Then I want it understood that there has been no debate in opposition to this bill. [Cries of "Vote!" "Vote!"] Can I print the remainder of my remarks? [Cries of "No, no!" and laughter.]

The CHAIRMAN. The committee will be in order. The first question is upon the amendments reported by the Committee on Public Buildings and Grounds, to which the gentleman from Missouri [Mr. BLAND] indicated a purpose to offer an amendment.

Mr. BLAND. I desire to offer a substitute.

The CHAIRMAN. The Clerk will first read the amendments reported by the committee.

The Clerk read as follows:

In line 13, section 1, strike out "three hundred" and insert "two hundred and fifty."

In line 1, section 2, strike out "three hundred" and insert "two hundred and fifty."

Mr. BLAND. If this is the point where it can properly be done, I desire to offer now the amendment which I sent up as an amendment to the other bills. I wish to offer that as a substitute for this bill and the amendments.

Mr. SOWDEN. That has already been ruled out of order.

Mr. BLAND. But it is not out of order as a substitute for the whole bill. It relates to the subject-matter of the bill.

Mr. DIBBLE. I raise a point of order against the amendment as not being germane.

The CHAIRMAN. The Chair thinks that the amendment of the gentleman from Missouri is not germane to the subject of this bill.

The question being taken on the amendments reported by the Committee on Public Buildings and Grounds, they were agreed to.

Mr. DIBBLE. I ask a vote on my motion that the bill as amended be laid aside to be reported favorably to the House.

Mr. BLAND. On that question I demand a division.

The question being taken, there were—ayes 135, noes 11.

Mr. BLAND. No quorum.

The CHAIRMAN. The point of "no quorum" being made, the Chair appoints as tellers the gentleman from South Carolina [Mr. DIBBLE] and the gentleman from Illinois [Mr. LANE].

The committee again divided; and the tellers reported—ayes 152, noes 11.

So the bill was laid aside to be reported to the House with the recommendation that it pass.

PUBLIC BUILDING AT OMAHA, NEBR.

The next bill in order was the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or acquire by condemnation proceedings, in accordance with the laws of Nebraska, a suitable lot of land in the city of Omaha, in the county of Douglas and State of Nebraska, and cause to be erected on the ground so purchased a building suitable for the accommodation of the courts of the United States, of the custom-house, post-office, internal-revenue office, and other Government offices in that city, at a cost which shall not exceed for the site and building complete the sum of $1,200,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no moneys appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided*, That it shall be the duty of the Secretary of the Treasury, after the site for the said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure, in the erection and completion of said building and the approaches thereto, exceeding the portion of said $1,200,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining

after paying for the site of said building, and the erection of said building shall not be commenced until after plans, specifications, and full estimates for the same shall have been previously made and approved according to law: *And provided further*, That nothing herein contained shall be construed in any event to increase the cost of the site and building, including approaches, when completed, beyond the sum of $1,200,000, as provided in this section.

SEC. 2. That the present post-office and custom-house building shall be used for the purpose for which it is now used until such time as the building herein provided for shall be completed and ready for occupancy, and when it shall be occupied for the purposes named the present post-office and custom-house building shall be turned over by the Secretary of the Treasury to the Secretary of War, and shall be used for the offices of the Department of the Platte, under the direction of the Secretary of War.

SEC. 3. That the sum of $1,200,000 is hereby appropriated for the purpose of the purchase of said site and the erection of said building thereon out of any moneys in the Treasury not otherwise appropriated.

The amendment reported by the Committee on Public Buildings and Grounds was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or acquire by condemnation proceedings, in accordance with the laws of Nebraska, a suitable lot of land in the city of Omaha, in the county of Douglas and State of Nebraska, to be used for the construction thereon of a building suitable for the accommodation of the post-office, the courts of the United States, and other Government offices in said city, at a cost which shall not exceed for said site the sum of $500,000: *Provided*, That the site shall leave the building, when constructed, unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no moneys appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"SEC. 2. That the sum of $500,000, or so much thereof as shall be necessary, is hereby appropriated for the purpose of the purchase of said site, out of any moneys in the Treasury not otherwise appropriated."

Amend the title so as to read: "An act to provide for the purchase of a site at Omaha, Nebr."

Mr. TAULBEE. I would like the chairman of the Committee on Public Buildings and Grounds, or some member having charge of this bill, to explain why this substitute for the original bill has been reported.

Mr. DIBBLE. Does the gentleman speak in opposition to the bill?

The CHAIRMAN. The Chair can not tell.

Mr. TAULBEE. That will appear in the course of my remarks.

Mr. DIBBLE. I desire to know now.

Mr. TAULBEE. I take the floor in my own right in opposition to the bill.

The CHAIRMAN. The Chair recognizes the gentleman to oppose the bill.

Mr. TAULBEE. I think it due to this House that an explanation should be given as to why this committee does not propose to erect a public building on the site which is to be purchased. In the substitute reported by the committee there seems to be no provision whatever for the erection of a building. Now, the ordinary mind would naturally expect, in view of the vast amount of work done by this committee, that it would provide for the erection of this building if there is any emergency requiring its construction; and if there is no emergency I want to know why the Government proposes to enter the real-estate market and buy land for which it has no immediate use.

I tried to obtain the floor in opposition to the bill providing for the purchase of a site in Buffalo, N. Y., but under the rule the time had been consumed by the gentleman from Missouri [Mr. BLAND], who, as the House will remember, did not touch the merits of the case under consideration, but made a very splendid tariff speech. Now, in that case as in this, the committee, without providing for the erection of a building, has recommended the purchase of real estate with a view, no doubt, to the future "booms" in the real-estate market, and on the hypothesis that it is improbable, if not impossible for the prices of property in these cities to decline at any time in the future, especially when it becomes necessary for the Government to utilize this property.

I claim it is better for us, if we are so exceedingly anxious to get rid of the money in the Treasury, to apply it to the legitimate purpose for which it was intended, as stated by the gentleman from Missouri [Mr. BLAND], and that is, to the payment of our public debt. I maintain it is just as proper to pass a bill to purchase a tract of timber or coal lands with a view to the future increase of price as to purchase a site for a public building when there is no present emergency for its occupancy, when there seems to be no immediate necessity for the erection of any public building thereon.

Mr. GUENTHER. But there is a necessity for the erection of this building in this place.

Mr. TAULBEE. If there be a necessity for a public building at this place, then explanation is due to this House from the committee why some provision is not made in this bill for the erection of that building. Why does it merely provide for the purchase of a site?

Mr. GUENTHER. The proposition which passed the Senate appropriated $1,200,000 for the erection of this building.

Mr. TAULBEE. I can not see how that has anything to do with the proposition I have stated, that if a public building is needed at Omaha, Nebr., or Buffalo, N. Y., it was the duty of the Committee on Public Buildings and Grounds to provide for the erection of those buildings, while this bill merely proposes to purchase a site for the erection of a building at Omaha.

Mr. GUENTHER. That is the first step.

Mr. TAULBEE. If it is the first step, it is not a regular step in that direction, nor is it a proper thing to do. There is no necessity for the passage of more than one bill to purchase the site and provide for the erection of the public building. But by the purchase of a site for a public building an obligation is assumed by the Government which will compel future Congresses to build on that site, whether the building is or is not needed.

Mr. GUENTHER. Yes, that is what is intended; to erect the building after the site has been purchased.

Mr. TAULBEE. If we pass a bill providing for the purchase of the site of a public building then the member who is interested in the construction of that public building will claim hereafter we are compelled to erect that building whether it is or is not needed for the uses of the Government, or else we will lose the plant or the money already invested in the site. There should be no concealment in this matter.

Mr. GUENTHER. And there is none. [Laughter.]

Mr. TAULBEE. When Congress is called upon to purchase a site and erect a public building, it is due to Congress they should know how much the public building is to cost, including the site. But there is no method of ascertaining that fact in this case.

I am opposed to the purchase of property by the Government for which it has no need. If the Government does need this building, and it is a proper thing to erect it, then I am in favor of expending money enough to purchase a site, and also to erect a public building on it.

In the case of Buffalo, N. Y., there appears to be a provision in the bill for the purchase of a church property upon which it is proposed hereafter to erect a public building. As to how many public buildings that city has already, or the necessity for the erection of an additional building, this House has had no opportunity of ascertaining, except from the reading of the bill. We have not been informed even by the reading of the report; and gentlemen will bear me witness and the record will show the fact there was no discussion had upon this floor as to the merits of that bill, or as to the necessity for the erection of a public building there.

I for one am unwilling to vote for any expenditure of public money where I do not understand how that money is to be applied or the necessity of the purpose for which it is to be expended.

Mr. GUENTHER. You would vote against it anyhow. [Laughter.]

Mr. TAULBEE. Now, Mr. Chairman, that is an assumption my good-natured friend can not afford to make, and were it not for the halo of brightness and partiality which swept over his countenance when he said it——

Mr. GUENTHER. I had to smile when I heard you. [Laughter.]

Mr. TAULBEE. An insinuation of that kind, if made in earnest, would deserve a rebuke which I would feel unwilling under any state of the case to give to my amiable friend.

Mr. GUENTHER. Then do not do it. [Laughter.]

Mr. TAULBEE. I believe my record, so far as the evidence is concerned, will bear out the statement I am governed by the convictions of my own conscience on each and every question, independent of whatever may be the convictions or partialities of others in reference to it. I want to vote on this bill with a full knowledge of all the facts.

Mr. NUTTING. Will the gentleman yield for a question?

Mr. TAULBEE. Certainly.

Mr. NUTTING. In this bill provision is made for the purchase of the real estate upon which to erect a building at some future time. Does the gentleman not regard that as good economy? Is it a good plan to go there and say to the people, "If you will give us a suitable site at a reasonable price we will erect a Government building here?" For if that proposition is made there will be an effort on the part of the people to furnish that site at a cheap rate to the Government; whereas if you pass the bill which provides for the erection of the building and the purchase of a site at the same time, then of course this condition of things will have been removed, and they will naturally fix a larger price for the property.

Mr. TAULBEE. I think the gentleman's question lets the cat more decidedly out of the wallet than anything that has been stated heretofore—that the purpose of most of these bills is not to subserve the purposes of the United States Government or to meet existing demands——

Mr. NUTTING. The gentleman does not answer my question.

Mr. TAULBEE. But to go on and make a purchase of the property upon which it is proposed in future to erect a public building. That is the plan.

Mr. NUTTING. You yielded to me for a question?

Mr. TAULBEE. I did, certainly.

Mr. NUTTING. And you have not answered it. It is a mere proposition in economy. I would be glad to have an answer.

Mr. TAULBEE. Certainly I will answer it if the gentleman will hold still.

Mr. NUTTING. Go on.

Mr. TAULBEE. If that be good policy, I claim that I can go into five hundred villages in this country and make such a proposition to the property-holders there, and they will furnish a site for a public building for nothing. I believe every one of them would rush to the front

and cheerfully give the property, with the understanding that if the site was given the Government of the United States would be induced to erect thereon a public building, because they know it would tend to enhance the value of their property.

Mr. NUTTING. A moment, if you please. That is not answering my question.

Mr. TAULBEE. Well, state the question again.

Mr. NUTTING. In substance, this: If the gentleman desires to put up the building first before he purchases the property?

Mr. TAULBEE. Oh! Mr. Chairman I can not afford to answer such a question as that. I have not been understood as advocating any idea of that kind, and the gentleman knows it as well as the other members of the House.

Mr. Chairman, I maintain that this bill carries out the idea incorporated in the gentleman's first proposition or question, and that is, whether or not it was a mistake on the part of the Government to enter the markets while the property was cheap and purchase sites for public buildings regardless of the necessities of the Government. I answer the gentleman that that is not only void of all principles of economy, but it is contrary to our Constitution and every theory of our Government that Congress should enter the markets and purchase real estate as a matter of speculation. We have no right to expend the money collected from the people of this country, whether by wise or unwise taxation, for any such purpose.

Mr. NUTTING. Will the gentleman yield for another question?

Mr. TAULBEE. Certainly.

Mr. NUTTING. Will the gentleman tell this House what provision of the Constitution is violated by passing an act to purchase real estate upon which to erect a Federal building hereafter?

Mr. TAULBEE. Now, Mr. Chairman, I think that every one who has listened to the question——

Mr. CUTCHEON. Give the section and clause.

Mr. TAULBEE. I had hoped that you would not join in a question of that kind. [Laughter.]

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. NUTTING. The gentleman has not yet answered the question. I want him to state the provision of the Constitution.

Mr. DIBBLE rose.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. TAULBEE. I will answer the gentleman if I can get the floor. I did not know that my time was so nearly exhausted.

Mr. DIBBLE. I have the floor and am not inclined to yield to any one.

I have but a few words to say in response to the gentleman from Kentucky. He asks what induced the committee to put the bill in this shape. Now, it is not in order for me to say what were the individual views of the members of the committee; but the proposition submitted to us by the Senate, and for which the gentleman will vote if he has been consistent, and which is before us here, was to buy a site and to expend so much money for a building.

There was a difference of opinion in the committee in this instance. I will express my own views. Our inquiry elicited the fact that the amount that was necessary to purchase the site would be in the neighborhood of $500,000, leaving under this bill $700,000 for the erection of a building. In the opinion of the Senate that was the thing to be done. I suppose the gentleman from Kentucky concurs in that view. There is no doubt in the minds of any of the committee of the necessity of a building. So far as I was concerned I was not prepared to vote for the expenditure of $700,000 for the building, and other members of the committee were of the same opinion without further instruction upon that question. As a matter of fact it usually takes about a year to acquire a site, to examine the title and to transact all the business necessary to the acquisition of the title and the land. The experience of members here—and I am one of them—shows it takes about a year to acquire a site.

The urgent necessity of the building is undoubted. The present building at Omaha was erected when that city had a population of about 15,000. It now has about 125,000.

Mr. HENDERSON, of Iowa. And it will have 200,000 in a very short time.

Mr. DIBBLE. There is no doubt about the necessity; but in the interest of economy I preferred as far as I was concerned that we should purchase the site and have additional estimates for that site procured, when the Architect could know on what place he was to put that building. I desired to have accurate estimates before I was prepared to vote for an expenditure of $700,000 on the building.

The majority of the committee concurred in that view, and upon that proposition we finally agreed upon this report; but if the gentleman prefers the expenditure upon the basis of the bill of the Senate, which is for the site and the building—I will say that the opinion of the Senate is based on the rough estimate which is all the Architect can at present give—if the gentleman desires to vote for that, he can vote down the amendment and then vote for the bill as it came from the Senate.

As I said in relation to another bill just considered, this judgment of the committee was arrived at after deliberate discussion, and they adopted this policy in regard to all these large buildings, because they thought the estimates on buildings involving an expenditure of as much as $700,000 ought to be adopted with care after the site was obtained. That is the whole proposition, and the matter is in the hands of this Committee of the Whole to do as they think best in the premises. I move the adoption of the substitute.

Mr. BLAND. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 11, section 1, strike out "$500,000" and insert "$200,000;" also, in line 1, section 2, strike out "$500,000" and insert "$200,000."

Mr. BLAND addressed the Chair.

The CHAIRMAN. Debate in opposition to the bill is exhausted.

Mr. BLAND. I understood there were fifteen minutes in opposition and fifteen minutes in favor; and that the whole half hour for debate has not been exhausted.

The CHAIRMAN. That is true; and if there be no objection the Chair will recognize the gentleman from Missouri.

Mr. DIBBLE. I propose to give the remaining time to some gentleman who is in favor of the bill. I do not understand the gentleman from Missouri is.

Mr. BLAND. I am not.

Mr. DIBBLE. The time in opposition has been exhausted.

The CHAIRMAN. The point of order being raised, the Chair will say that he knows of no ruling on this question. He would be inclined to hold, in the absence of a ruling, which the Chair would be glad to yield to, if there be one, that the time for debate allowed to those in favor of the measure could not be consumed by those in opposition. The question is on the amendment offered by the gentleman from Missouri.

The question being taken, the Chairman stated that the "noes" seemed to have it.

Mr. BLAND. I call for a division.

The committee divided; and there were—ayes 22, noes 141.

So the amendment was not agreed to.

Mr. BLAND. I move to amend by striking out "$500,000" and inserting "250,000."

The question being taken, the Chairman stated that the "noes" seemed to have it.

Mr. BLAND. I call for a division.

The committee divided; and there were—ayes 8, noes 130.

Mr. BLAND. No quorum.

The CHAIRMAN appointed as tellers Mr. BLAND and Mr. DIBBLE.

The committee again divided; and the tellers reported—ayes 8, noes 157.

So the amendment was not agreed to.

Mr. BLAND. I move to amend by striking out "$500,000" and inserting "$300,000."

The question being taken, the Chairman stated that the "noes" seemed to have it.

Mr. BLAND. I call for a division.

The committee divided; and there were—ayes 14, noes 129.

Mr. BLAND. No quorum.

The CHAIRMAN appointed as tellers Mr. DIBBLE and Mr. BLAND.

The committee again divided; and the tellers reported—ayes 14, noes 149.

So the amendment was not agreed to.

Mr. BLAND. I move to amend by striking out "$500,000" and inserting "$350,000."

Mr. DIBBLE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had the special order under consideration, had directed him to report back sundry bills with various recommendations.

ORDER OF BUSINESS.

Mr. DIBBLE. Mr. Speaker, there is a joint resolution on the House Calendar about which there is no contention, and which my friend from Arkansas [Mr. ROGERS] desires to have taken up and considered at this time.

Mr. ROGERS. It is a joint resolution (H. Res. 117) which does not involve any expenditure; on the contrary, it proposes to bring money into the Treasury.

The SPEAKER *pro tempore*. In the absence of objection the joint resolution will be read.

The Clerk proceeded to read the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes. Before the completion of the reading,

The SPEAKER *pro tempore* (at 5 o'clock and 10 minutes p. m.). The Clerk will suspend. By order of the House this day's session ends at this hour, and it can be extended only by unanimous consent. Is there objection?

Mr. COCKRAN. I object.

Mr. BLAND. Regular order.

The SPEAKER *pro tempore*. The hour fixed for adjournment having arrived, the House stands adjourned until Monday.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. ANDERSON, of Iowa: A bill (H. R. 7692) for the relief of John Barlow—to the Committee on Pensions.

By Mr. BACON: A bill (H. R. 7693) granting an increase of pension to Peter C. Cheeks—to the Committee on Invalid Pensions.

By Mr. BARRY: A bill (H. R. 7694) for the relief of David Day—to the Committee on Claims.

By Mr. BLISS: A bill (H. R. 7695) granting an additional pension to Hugh Donnelly—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 7696) granting a pension to Mary Mitchell—to the Committee on Invalid Pensions.

By Mr. CASWELL: A bill (H. R. 7697) for the relief of Julius Meyer—to the Committee on Military Affairs.

By Mr. COOPER: A bill (H. R. 7698) granting a pension to Hiram P. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7699) granting a pension to Mary J. Curtis, widow of Samuel P. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7700) granting a pension to Isabel Shull, widow of Edward F. Shull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7701) granting a pension to Mary Copeland, widow of George Copeland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7702) granting a pension to David A. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7703) to remove the charge of desertion from the name of Michael Hyde—to the Committee on Military Affairs.

By Mr. FINLEY: A bill (H. R. 7704) for the relief of Elijah Gaddie—to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 7705) granting a pension to Frederick Bischer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7706) granting a pension to E. A. Hiffard—to the Committee on Invalid Pensions.

By Mr. LATHAM (by request): A bill (H. R. 7707) for the relief of the legal representatives of John Baptiste Ashe—to the Committee on War Claims.

By Mr. MAISH: A bill (H. R. 7708) to increase the pension of Annie Gibson Yates—to the Committee on Pensions.

By Mr. MATSON: A bill (H. R. 7709) granting a pension to Jane Winans—to the Committee on Invalid Pensions.

By Mr. MERRIMAN: A bill (H. R. 7710) for the relief of Cornelius W. Campbell, of the city of New York—to the Committee on Claims.

By Mr. MILLIKEN: A bill (H. R. 7711) to donate condemned cannon to the Grand Army Post at Ellsworth, Me.—to the Committee on Military Affairs.

By Mr. NELSON: A bill (H. R. 7712) for the relief of John H. Linnemann—to the Committee on Claims.

By Mr. O'DONNELL: A bill (H. R. 7713) granting a pension to James McIntyre—to the Committee on Invalid Pensions.

By Mr. PLUMB: A bill (H. R. 7714) for the relief of Eva Blake—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 7715) for the relief of Georgia A. Stricklett—to the Committee on Invalid Pensions.

By Mr. O. B. THOMAS: A bill (H. R. 7716) to relieve Sylfest Thompson from the charge of desertion—to the Committee on Military Affairs.

By Mr. WICKHAM: A bill (H. R. 7717) granting a pension to Mrs. Catharine Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7718) for the relief of Milo McCrillis—to the Committee on Claims.

Also, a bill (H. R. 7719) granting an increase of pension to George W. Kincaid—to the Committee on Pensions.

By Mr. J. R. WHITING: A bill (H. R. 7720) granting a pension to Austin N. Corbett—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 7721) granting a pension to Martha Linten—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 7722) granting a pension to Mary Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7723) granting a pension to Marcus Hotbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7724) for the relief of Alexander Thompson—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 7725) for the relief of W. H. Smith—to the Committee on War Claims.

By Mr. FORAN: A bill (H. R. 7726) to refund to George F. Hardie $300 paid by him in commutation of draft—to the Committee on War Claims.

Changes in references of bills improperly referred were made in the following cases, namely:

A bill (H. R. 5431) for the relief of Addie Bell—from the Committee on Invalid Pensions to the Committee on Claims.

Also, a bill (S. 1412) granting an increase of pension to Mary B. Hook.

Also, a bill (H. R. 3901) for the relief of Margaretha Sussman—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 4013) granting a pension to John Walters, alias Jacob Kuntz—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 2702) granting a pension to Mary Ann Shook—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of C. L. Hart and 48 others, of Humeston, Wayne County, Iowa, that salt be placed on the free-list—to the Committee on Ways and Means.

Also, joint resolution of the General Assembly of Iowa, for amendment of section 14, United States Statutes at Large, in relation to the election of United States Senators, purging it of ambiguity—to the Committee on the Judiciary.

Also, petition of Samuel King and others, of Bethlehem, Wayne County, Iowa, that salt be placed on the free-list—to the Committee on Ways and Means.

Also, petition of J. R. Standley and others, of Taylor County, Iowa, for speedy action to protect wool growing and manufacturing—to the Committee on Ways and Means.

By Mr. BACON: Petition of H. W. McKoon and others, for a pension to T. W. Alberts—to the Committee on Invalid Pensions.

Also, memorial of A. B. Wheeler and others, and of William H. Wood and others, in relation to the service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: Petition of J. B. Longsworth and 18 others, and of Jacob Tracy and others, citizens and ex-Union soldiers of Van Wert County, Ohio, for the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. T. M. BROWNE: Petition of 36 ex-Union soldiers of Henry County, Indiana, for the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, protest of 60 citizens of Indiana, against the repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. CAINE: Petition of Samuel D. Carson and 5 others, citizens of Fairfield precinct, Utah County, Utah, for readjustment of duties on wool and woolens on the schedule adopted by the Wool-Growers' Convention, recently held in Washington, D. C.—to the Committee on Ways and Means.

By Mr. CASWELL: Petition of Julius Meyer, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. COOPER: Petition of David A. Lawrence, private Company B, Eighteenth Regiment Ohio Volunteer Infantry, for relief—to the Committee on Invalid Pensions.

Also, petition of William Parry and 70 others, citizens of Minnesota, for increase of duty on foreign wool and readjustment of duty on worsted—to the Committee on Ways and Means.

By Mr. CUTCHEON: Petition of citizens, ex-soldiers, of Burlington, Mich., in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Eureka, South Side, and Mansfield Councils, Junior Order of United American Mechanics, that February 22 be made a national holiday—to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of citizens of Richmond, Ontario County, New York, for protection to wool—to the Committee on Ways and Means.

Also, petition of citizens of Woodhull, and of soldiers and sailors of Dundee, N. Y., for the per diem rated pension—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of citizens of Nebraska, that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of the Saginaw (Mich.) Board of Trade, against free salt and lumber—to the Committee on Ways and Means.

By Mr. FULLER: Petition of H. R. Shamway and 204 soldiers, of Cresco, Howard County, Iowa, for the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition for increase of pay to Life-Saving Service men—to the Committee on Commerce.

By Mr. GEAR: Petition of D. D. Money and 14 others, of Abingdon; of S. H. Walker and 6 others, of Batavia; of T. Bell and 58 others, of Fairfield, and of S. H. Byers and 25 ex-soldiers, of Iowa, for a per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Memorial of Hon. A. W. Glazier and 105 others, citizens of Belpre, Ohio, in favor of a service pension based on time of service—to the Committee on Invalid Pensions.

By Mr. GROUT: Statement of the postmaster of Newport, Vt., as to the necessity of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. A. J. HOPKINS: Resolutions of the Board of Trade of Chi-

cago, Ill., relative to transportation and duties on products between the United States and Canada—to the Committee on Ways and Means.

Also, memorial and resolutions of a convention held at Kansas City, Mo., February 8, 1888, for opening of the Indian Territory—to the Committee on the Territories.

By Mr. JOSEPH: Two petitions of citizens of Lincoln County, New Mexico, for the establishment of a land office at Roswell, N. Mex.—to the Committee on the Public Lands.

By Mr. KERR: Petition of farmers, for the protection of certain farm products and for the repeal of the internal taxes on tobacco—to the Committee on Ways and Means.

By Mr. LYMAN: Petition of 137 citizens of Fontanelle, and of 54 ex-soldiers of Griswold, Iowa, in favor of the one cent a day pension bill—to the Committee on Invalid Pensions.

Also, petition of grocers of Atlantic, and of the New Glenmore Canning Company, to put tin-plate on the free-list—to the Committee on Ways and Means.

By Mr. McKINLEY: Petition of citizens of Licking County, and of Holmes County, Ohio; of Bristol County, Massachusetts, and of the State of Colorado, asking for speedy action on the subject of protection to the wool-growers and woolen manufacturers of this country—to the Committee on Ways and Means.

By Mr. MAISH: Petition in favor of the erection of a public building in York, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. MORRILL: Petition of J. C. Hughes and 53 others, ex-soldiers, for per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of citizens of Grant and Stevens Counties, Minnesota, for a per diem service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Duluth (Minn.) Chamber of Commerce, relating to transportation on certain railroads—to the Committee on Commerce.

Also, resolutions of the Kandiyohi County Alliance, for reduction of the tariff, and for other purposes—to the Committee on Ways and Means.

By Mr. O'DONNELL: Petition of 21 members of Edmonds Post, of Burlington, Mich., in favor of per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of 23 citizens of Homer, Mich., praying that James McIntyre be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Petition of Samuel Fries and others, for better protection of the farming interests of the country—to the Committee on Ways and Means.

Also, petition of M. H. Thomas, N. G. Moore, and others, citizens of Shenandoah and Rockingham Counties, Virginia, for a bill to extirpate pleuro-pneumonia, etc., among cattle—to the Committee on Agriculture.

By Mr. OSBORNE: Petition of ex-Union soldiers and sailors, and of John Scurry and others, praying for the passage of per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of Typographical Union No. 5, of Columbus, Ohio, for restoration of wages in the Government Printing Office—to the Committee on Labor.

By Mr. PETERS: Petition of 81 ex-soldiers of McPherson County, Kansas, favoring the rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Charles Taylor and 7 others, citizens of Rice County, Kansas, for increased duty on wool—to the Committee on Ways and Means.

By Mr. PLUMB: Memorial of the authorities of Ottawa, Ill., for a general law to provide suitable Government buildings in all towns of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

By Mr. RICE: Resolutions of the Chamber of Commerce of Duluth, Minn., protesting against certain proposed restrictive legislation in regard to transportation over Canadian railroads—to the Committee on Commerce.

By Mr. SPRINGER: Resolution of the Board of Trade of Chicago, asking that all adulterated lard be branded "compound lard"—to the Committee on Agriculture.

Also, resolution of the same, for a Government telegraph system—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Meredosia, Ill., for free salt—to the Committee on Ways and Means.

Also, petition of citizens of Alaska, relative to Territorial form of government for said district—to the Committee on the Territories.

By Mr. STAHLNECKER: Letter from the Secretary of the California State Board of Health, urging the passage of an act to establish a quarantine station at the port of San Francisco—to the Committee on Commerce.

By Mr. STEELE: Petition of C. F. Nelson Post, Grand Army of the Republic, of Disco, Ind., for a per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Petition of W. W. Patterson, mayor of Ashland, Ky., relative to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. TRACEY: Petition of Seth Wheeler, for extension of certain letters patent—to the Committee on Patents.

By Mr. WASHINGTON: Petition of Charlotte Fanning, widow of Tolbert Fanning, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of George Crankshaw and 60 others, citizens of Lapeer County, Michigan, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of Austin N. Corbett, for original pension—to the Committee on Invalid Pensions.

The following petition, for an increase of compensation of fourth-class postmasters, was referred to the Committee on the Post-Office and Post-Roads:

By Mr. COBB: Of R. W. Manning and others, of Ashland, Ala.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DAVENPORT: Of Methodist Episcopal Church, of Middlesex, and of T. A. Stevens, pastor of First Baptist Church, and 190 others, citizens of Yates County, New York.

By Mr. GROUT: Of 371 citizens of Windsor County, Vermont.

By Mr. HERMANN: Of 117 citizens of Yam Hill County, Oregon.

By Mr. SAWYER: Of 253 citizens of Orleans County, New York.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BLAND: Of 567 citizens of the District of Columbia.

SENATE.

MONDAY, *February* 27, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting an estimate of appropriation, in the sum of $3,600, to pay the expenses of gauging the waters of the Lower Mississippi River and its tributaries; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 4, 1888, a report of the Chief Signal Officer of the Army, showing the maximum annual, the minimum annual, and the mean precipitation for each month of the year (all in rainfall or melted snow) for Washington Territory, Oregon, Colorado, Idaho, Nevada, Utah, Arizona, California, Wyoming, New Mexico, Indian Territory, and Texas; which, with the accompanying papers, was, on motion of Mr. COCKRELL, ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Freedom, Ind., praying for the passage of Senate bill 583, repealing the limitation in the act granting arrears of pension; which was referred to the Committee on Pensions.

He also presented a petition of residents of Atchison, Kans., a petition of citizens of Ohio, and two petitions of residents of Kansas, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Hancock, Mich., praying that the salaries of life-saving crews may be increased; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the fourth quarterly conference of the Metropolitan Methodist Episcopal Church, held at Washington, D. C., praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a memorial of residents of Washington, D. C., remonstrating against the continued occupancy of streets by the Baltimore and Ohio Railroad; which was referred to the Committee on the District of Columbia.

He also presented a memorial of dairymen of South Leavenworth, Kans., remonstrating against the proposed repeal of the oleomargarine act; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the officers and trustees of the Tem-

perance Home of Washington, D. C., praying for the passage of the bill appropriating $50,000 for that institution; which was referred to the Committee on Appropriations.

Mr. CULLOM presented resolutions adopted by Zeb Branson Post, No. 462, Grand Army of the Republic, located at Ipava, Ill., favoring the passage of laws granting service-pensions to the surviving soldiers of the late war under proper restrictions; which were referred to the Committee on Pensions.

He also presented resolutions adopted by the board of directors of the Chicago (Ill.) Board of Trade, protesting against the enactment by Congress of any legislation that will prevent the citizens of the United States from availing themselves of the facilities offered by the Canadian railroads for transporting the products of the United States through the Dominion of Canada and into the United States free of duties under proper bonded restrictions; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 41 ex-soldiers of the Union Army and Navy, of Pearl, Ill., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Peoria (Ill.) Board of Trade, in favor of the establishment by the General Government of a cheap and efficient telegraph service open to all without discrimination; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 13 citizens of Collinsville, Ill., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Illinois, praying for the removal of the import duty on salt; which was referred to the Committee on Finance.

Mr. SAULSBURY presented a petition of the Woman's Christian Temperance Union of Delaware, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a memorial of a committee of publishers appointed at a meeting held in Washington, D. C., remonstrating against any change in the law of March 3, 1879, which shall deny to libraries the enjoyment of the lowest rates accorded to periodical publications; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FAULKNER presented the petition of John Shepherd and 74 others, citizens of Tyler County, West Virginia, praying for the passage of the per diem rated pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of West Virginia, officially signed, praying for the better legal protection of women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of 450 ex-Union soldiers residing in Ohio, a petition of 70 ex-Union soldiers residing in Ohio, and three petitions of ex-Union soldiers and sailors residing in Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a memorial of the Cleveland (Ohio) Vessel-Owners' Association, remonstrating against the passage of House bill 6135, for the better protection of human life on merchant steam-vessels of the United States; which was referred to the Committee on Commerce.

He also presented resolutions adopted by Buckeye Lodge, No. 25, Steubenville, Ohio, favoring a protective tariff; which were referred to the Committee on Finance.

He also presented a petition of 160 citizens of the Third, Sixth, and Fourteenth Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SABIN presented a petition of dairymen of Minnesota, praying that salt be placed on the free-list; which was referred to the Committee on Finance.

He also presented three petitions of ex-Union soldiers and sailors of the Army and Navy, of Delaware, Grant County, Minnesota; of Logan, Grant County, Minnesota, and of El Dorado, Stevens County, Minnesota, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented resolutions adopted by the Chamber of Commerce of Duluth, Minn., remonstrating against unjust discriminations in freight rates over lines of railroad from the East to the West and entering Canada; which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Minneapolis (Minn.) Board of Trade, favoring the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Minneapolis (Minn.) Board of Trade, favoring the passage of the bill for the purpose of establishing a naval reserve; which were referred to the Committee on Naval Affairs.

Mr. DAVIS presented the petition of L. W. Channey and other citizens of Northfield, Rice County, Minnesota, praying for the absolute suppression of Mormonism; which was referred to the Committee on Territories.

He also presented the petition of Ebenezer Westcott and 35 other ex-Union soldiers and sailors residing in Minnesota, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Winona, Minn., praying for favorable consideration by Congress of the resolutions adopted by the Mississippi River convention, held in Dubuque, Iowa, January 17, 1888; which was referred to the Committee on Commerce.

He also presented a petition of the State Farmers' Alliance of Minnesota, praying for the appropriation of a sum of money to enlarge the Sault Ste. Marie Canal sufficiently to enable ocean vessels to pass through it; which was referred to the Committee on Commerce.

Mr. HISCOCK presented a petition of citizens of Fort Plain, N. Y., praying for the passage of the bill to reduce letter postage to 1 cent an ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New York Mercantile Exchange, praying that the law allowing reductions of duty in respect to merchandise damaged during importation, etc., be amended; which was referred to the Committee on Finance.

He also presented a petition of 78 citizens of Woodhull, N. Y.; a petition of 29 citizens of Hudson, N. Y.; a petition of 29 citizens of Philmont, N. Y.; and a petition of L. M. Taber Gillett Post, No. 556, Grand Army of the Republic, department of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. GORMAN presented a petition of the attendants of the Hospital for the Insane, in the District of Columbia, praying to be allowed increased compensation; which was referred to the Committee on Appropriations.

He also presented the petition of John Dunn and other citizens of the District of Columbia, praying compensation for the destruction of their property by the tearing down of the Northern Liberty Market in the year 1873; which was referred to the Committee on the District of Columbia.

Mr. TURPIE presented two petitions of ex-Union soldiers and sailors, citizens of Indiana, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. VEST presented the petition of Thomas S. Bugbee and others, cattle-dealers of Kansas City, Mo., praying for legislation providing for the cleansing of cars used in the transportation of cattle from one State to another; which was referred to the Committee on Interstate Commerce.

Mr. BLAIR presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of New Hampshire, praying for the passage of the bill proposing pensions at the rate of 1 cent per month for every day of service; which was referred to the Committee on Pensions.

Mr. FARWELL presented a petition of ex-Union soldiers and sailors, residents of Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PADDOCK presented a petition of the Woman's Christian Temperance Union of Nebraska, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Saginaw (Mich.) Board of Trade, praying that the import duty on salt be not removed; which was referred to the Committee on Finance.

Mr. EVARTS presented a petition of 185 citizens of the Seventeenth, Eighteenth, Twenty-seventh, and Thirty-first Congressional districts of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 42 ex-Union soldiers and sailors, of Middletown, Orange County, New York; a petition of 41 ex-Union soldiers and sailors, of Marathon, N. Y.; a petition of 22 ex-Union soldiers and sailors, of New York; a petition of 36 ex-Union soldiers and sailors, of North Collins, N. Y.; and a petition of 15 ex-Union soldiers and sailors of Olcott, Niagara County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Michigan, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CHANDLER presented a petition of John A. Bowdlear and 19 other ex-Union soldiers and sailors, residing at Milton, N. H., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. DAWES presented a petition of the Woman's Christian Temperance Union of Massachusetts, officially signed, representing 11,000 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. FRYE presented the petition of A. J. Abbott and others, of Oxford County, Maine, praying for the repeal of the duty on salt; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of 100 surviving ex-Union soldiers and sailors, of Manchester, Iowa; a petition of 54 surviving ex-Union soldiers and sailors, of Griswold, Iowa; and a petition of 58 surviving ex-Union soldiers and sailors, of Fontanelle, Iowa, praying for the passage of the per diem rated pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the executive board of the National Farmers' Alliance, representing organized bodies of farmers in the United States, comprising an aggregate membership of over fourteen hundred thousand persons, praying for the establishment, at the present session of Congress, of a Department of Agriculture, with a Cabinet minister at its head; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Faculty of Iowa College, at Grinnell, Iowa, praying for the removal of the duty on imported books, and if it shall not seem wise to admit all books free, that all books in foreign tongues be admitted free of duty; which was referred to the Committee on Finance.

He also presented a petition of the New Glenwood Canning Company, at Glenwood, Iowa, officially signed, and a petition of R. H. Baily, and 10 others, citizens of Atlantic, Iowa, praying that tin-plate be placed on the free-list; which were referred to the Committee on Finance.

He also presented a petition of a large number of licensed officers of steam-vessels, residing in Keokuk, Fort Madison, and Burlington, Iowa, praying for the repayment of a yearly tax of five and ten dollars collected from all licensed officers of steam-vessels from 1864 to about the year 1880, and further stating that such tax, or fee, was a tax on labor, and consequently unjust and unlawful; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented a petition of 24 surviving soldiers and sailors of the Union Army and Navy, residents of Van Wert, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SAWYER presented resolutions adopted by the Chamber of Commerce of West Superior, Wis., remonstrating against the passage of a bill authorizing the construction of a railroad draw-bridge across Superior Bay from Rice's Point to Minnesota Point; which was referred to the Committee on Commerce.

He also presented a petition of Solon Brown and other citizens of Wisconsin, praying that the duty be removed from foreign salt; which was referred to the Committee on Finance.

He also presented a petition of importers of the city of Milwaukee, Wis., praying for the passage of Senate bill No. 532 to amend the statutes relating to the immediate transportation of dutiable goods; which was referred to the Committee on Commerce.

Mr. PLUMB. I present a petition of ex-Union soldiers and sailors of Russell Springs, in the State of Kansas; also, a similar petition from a large number of ex-Union soldiers and sailors in the State of Kansas; a similar petition from a much larger number of ex-Union soldiers and sailors of the State of Kansas; and a petition of Beecher Post, No. 431, Grand Army of the Republic, Department of Kansas, located at Allison, in the State of Kansas, praying for the passage of the per diem rated pension bill. I move the reference of the petitions to the Committee on Pensions.

The motion was agreed to.

Mr. PLUMB presented a memorial of dairymen of South Leavenworth County, Kansas, remonstrating against the proposed repeal of the oleomargarine act; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 1,200 citizens of Sedgwick, Kans., praying for the passage of a bill for the immediate opening of the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

Mr. CHACE presented a petition of citizens of Rhode Island, praying that the pay of surfmen in the Life-Saving Service be increased; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am instructed by the Committee on Finance to ask to have printed as a miscellaneous document the letter of the Secretary of the Treasury transmitting a statement of amounts to the credit of the Pacific railroad companies.

The PRESIDENT *pro tempore*. The order to print will be made, if there be no objection.

Mr. COKE, from the Committee on the Judiciary, to whom was referred the bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice, reported it without amendment.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (S. 356) to obtain prison statistics, reported it with an amendment.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax," reported it without amendment.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds, reported it with amendments.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 55) abolishing the office of United States surveyor-general for the district of Nebraska and Iowa, and authorizing the Secretary of the Interior to proceed, under the provisions of sections 2218 and 2219 of the Revised Statutes of the United States, in the transfer of the field-notes, maps, records, and other papers to the States of Nebraska and Iowa, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred Senate Executive Document No. 77, being a letter from the Secretary of the Interior, transmitting, in response to Senate resolution of January 31, 1888, information relative to sale of lands in the Omaha reservation, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 2056) for the relief of Joel J. Goss, reported it without amendment.

Mr. HAMPTON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1292) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia, to report it with an amendment. A similar bill was reported favorably at the last Congress, and the committee have adopted the former favorable report. The amendment is made in accordance with the recommendation of the Secretary of War, it being an increase of the appropriation proposed from $10,000 to $11,000, as recommended by him.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (H. R. 6562) for the relief of W. W. Screws, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1078) for the relief of Florida Kennerly, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 4082) for the relief of the Agricultural and Mechanical College of Alabama, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

ROCKLAND SOLDIERS' MONUMENT.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1495) granting to Edwin Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining custom-house at Rockland, Me., to report it favorably without amendment.

Mr. HALE. Mr. President——

Mr. MORRILL. This is a very brief bill, and the Senator from Maine [Mr. HALE] desires to have action upon it this morning if there is no objection. The bill has passed the other House.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF APPROPRIATION BILLS.

Mr. BLACKBURN. I am directed by the Committee on Rules, to whom was referred the resolution submitted by me on the 14th instant, providing for a change of rules in relation to the consideration of appropriation bills by the Committee on Appropriations, to report it with an amendment in the nature of a substitute, and recommend its favorable consideration.

The PRESIDENT *pro tempore*. The proposed amendment of the rules reported by the Committee on Rules will be read.

The Chief Clerk read as follows:

Amend Rule XIV. Add as an additional clause:

"That it shall not be in order, except by unanimous consent, for the Committee on Appropriations to report to the Senate for consideration or action any general appropriation bill other than an urgency deficiency bill without having had such bill under consideration for a period of five days or more."

Mr. EDMUNDS. Let it be placed on the Calendar.

The PRESIDENT *pro tempore*. The proposed amendment of the rules is in the form of a resolution and will be placed on the Calendar.

PACIFIC RAILWAY COMMISSION TESTIMONY.

Mr. MANDERSON. The Senate referred to the Committee on Printing the message of the President of the United States transmitting the majority and minority reports of the Pacific Railway Commission. On a report of the committee heretofore made the Senate ordered the printing of the usual number of the message and the two reports, and

referred to the committee the question of printing the testimony, which is quite voluminous. The committee instruct me to report favorably to the printing of the usual number of copies of the testimony, and I ask that that order be made.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The Chair hears none.

TREATMENT OF PETITIONS.

Mr. ALDRICH, from the Committee on Rules, to whom were referred the following resolution, submitted by Mr. BLACKBURN on February 20:

Resolved, That it shall not be in order for Senators to offer petitions or memorials in the Senate, nor shall there be any call therefor, but all petitions and memorials shall be placed in a box provided for that purpose and placed at the Clerk's desk, with indorsement stating the nature or purpose of the petition or memorial, together with the name of the Senator presenting the same and the committee to which reference is to be made. The title of each petition and memorial, the committee to which referred, and the name of the Senator introducing it shall appear in the RECORD of the succeeding day;

And the following amendment, submitted by Mr. HARRIS on February 21:

To strike out of the first clause of Rule VII the words:
"The presentation of petitions and memorials."
And amend clauses 3 and 4, making them one clause, to read as follows:
"Before any petition or memorial shall be received it shall be signed by the petitioner or memorialist, and a brief statement of its contents indorsed thereon by the Senator presenting it. It shall then be filed with the Secretary, who shall journalize and note its reference to the proper committee; it shall also be noted in the RECORD, but it shall be in order at any time during the call for 'concurrent and other resolutions' to move to change any such reference.
"But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received unless the same be transmitted to the Senate by the President"—

Reported the following as a substitute; which was ordered to be printed:

Amend Rule VII, section 4. Strike out the words:
"Before any petition or memorial shall be received it shall be signed by the petitioner or memorialist, and a brief statement of its contents made by the Presiding Officer or Senator presenting it."
And insert:
"Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate."

BILLS INTRODUCED.

Mr. VANCE introduced a bill (S. 2134) for the relief of the legal representatives of John Baptiste Ashe; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. VEST introduced a bill (S. 2135) for the relief of Richard W. McMullin; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 2136) to regulate the manufacture, blending, and compounding of duty-free spirits for use in manufactures, the arts and sciences, and for purposes of fuel; which was read twice by its title.

Mr. CULLOM. I wish to state that I am not sufficiently familiar with the subject to know whether I am myself for the bill, but I ask the special attention of the Committee on Finance to it, as it is a matter of great importance. I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

Mr. ALLISON introduced a bill (S. 2137) for the relief of Rosaloo Sage; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2138) granting an increase of pension to Ezra A. Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO introduced a bill (S. 2139) granting pensions to the soldiers and sailors of the Florida or Seminole Indian war of 1835 to 1842, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2140) for the relief of Elijah J. M. Button, apothecary at the United States Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 2141) to establish a court of patent appeals of the United States; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 2142) to amend section 4887, Revised Statutes, in relation to patents; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 2143) to amend sections 476, 477, 4911, and 4912 of the Revised Statutes, relating to the District of Columbia; which was read twice by its title, and referred to the Committee on Patents.

Mr. PAYNE introduced a bill (S. 2144) granting a pension to Rosalie Alex; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2145) granting a pension to John W. Yost; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2146) to provide for the allowance of pensions under the provisions of the general laws upon applications filed in the Pension Office before the passage of special acts granting pension to such applicants under the general laws; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2147) for the erection of a public building at Kansas City, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2148) for the erection of a public building at Lawrence, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. STEWART introduced a bill (S. 2149) relating to appeals and writs of error in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2150) to provide for the payment of the expenses of district judges of the United States holding court outside of their respective districts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAWYER introduced a bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2152) for the erection of a public building at Norwalk, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CHANDLER introduced a bill (S. 2153) for the purchase of the painting, "The Highest North of All Time;" which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Library.

Mr. CHANDLER. I desire to have the bill referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. All such bills are usually referred to the Committee on the Library.

Mr. CHANDLER. I will state that the object is to allow the Secretary of War to purchase one of these paintings, and the Secretary of the Navy to purchase another, a bill for which I am about to introduce. The paintings are not to be exhibited at the Capitol.

The PRESIDENT *pro tempore*. The bill will be referred as suggested by the Senator from New Hampshire, if there be no objection.

Mr. SHERMAN I think the rule requires a reference to the Committee on the Library.

Mr. CHANDLER. If the rules require that the bill shall be sent to the Committee on the Library, I have no objection.

Mr. SHERMAN. It is the custom, at least.

The PRESIDENT *pro tempore*. The Chair understands that the uniform practice, if not the language of the rule, requires the reference of such bills to the Committee on the Library.

Mr. CHANDLER. Then I make the request that the bill be referred to the Committee on the Library.

The PRESIDENT *pro tempore*. The bill will be so referred.

Mr. CHANDLER introduced a bill (S. 2154) for the purchase of the painting, "Camp Clay, or the Rescue of Lieutenant Greely and Party;" which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 2155) relating to retirements in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DAVIS introduced a bill (S. 2156) granting a pension to Mrs. Josephine Amsden; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2157) granting increase of pension to Theodore F. Casamer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2158) granting increase of pension to Dwight Toogood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 2159) for the relief of Alonzo Alden; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2160) for the relief of Peter A. Allendorf; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2161) granting a pension to John Godson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2162) for the relief of Mary M. Strong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL (by request) introduced a bill (S. 2163) for the relief of Alfred J. Worcester; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 2164) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WILSON, of Maryland, introduced a bill (S. 2165) relating to the compensation of postmasters; which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL introduced a bill (S. 2166) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. CALL and Mr. STEWART (by request) submitted amendments intended to be proposed by them, respectively, to the urgent deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER (by request) submitted an amendment intended to be proposed by him to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof;

A bill (H. R. 771) granting a pension to A. B. Van Cleve;

A bill (H. R. 1859) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States; and

A bill (H. R. 4626) for the relief of Mary B. Kirby.

The message also announced that the House had passed the joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto;

A bill (S. 388) for the relief of L. B. Townsend, Louis S. Lovell, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harter, and Peter Hackett;

A bill (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.; and

Joint resolution (H. Res. 113) authorizing the Secretary of War to appoint a board of three engineers to examine and report in relation to the Delaware River between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes.

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDENT *pro tempore*. If there be no further petitions or memorials, reports of committees, bills or joint resolutions, concurrent or other resolutions, the Calendar under Rule VIII is in order.

Mr. EDMUNDS. I move, pending that, that the Senate proceed to the consideration of the Nicaragua canal bill.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua. Will the Senate agree to the motion of the Senator from Vermont?

Mr. PLUMB. I wish to say that I gave notice some days ago that immediately on the conclusion of the morning business to-day I should ask the Senate to take up the land-grant-forfeiture bill; but in view of the fact that the Senator from Vermont is to be absent and this bill has been partially considered, I will make no objection now to the bill being brought forward, but to-morrow, at the conclusion of the morning business, I shall move to take up the land-grant-forfeiture bill.

Mr. PLATT. I make no objection to taking up this bill, but I wish to state that it had been my intention last week to move to take up to-day the bill for the admission of South Dakota. However, the Senator from South Carolina [Mr. BUTLER], who represents the views of the minority of the committee, has been called home to South Carolina for the week. Therefore I shall ask the Senate on next Monday, a week from to-day, to consider the question of the admission of South Dakota as a State.

Mr. ALLISON. While these notices are being given——

The PRESIDENT *pro tempore*. The Chair would observe that debate is in order only by unanimous consent.

Mr. EDMUNDS. There can be no objection to these statements.

The PRESIDENT *pro tempore*. The Senator from Iowa will proceed.

Mr. ALLISON. I only desire to give notice that as soon as the matter in charge of the Senator from Vermont and the pension bill which is now under consideration I think, after 2 o'clock, shall be disposed of, I intend to call up the undervaluation bill, so called, of which I gave notice last week.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont to proceed to the consideration of the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The Secretary will report the pending amendment reported from the Committee on Foreign Relations.

The SECRETARY. In section 1, line 23, after the word "Nicaragua," the committee report to strike out the words "or Costa Rica," and insert:

By the concession of that republic to the Nicaragua Canal Association, through Mr. A. G. Menocal, its representative, and dated the 23d day of March, A. D. 1887, and finally approved by the legislative and executive authority of the republic on the 20th, 23d, and 24th days of April, A. D. 1887, and such powers as the Republic of Costa Rica may confer of the same kind as those named in said concession.

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment?

Mr. MORGAN. When the bill was last up I had the floor and desired to make some remarks which would have been somewhat extended; but the explanation given by the Senator from Vermont of the attitude of the committee toward the bill has taken away from me the wish to extend my remarks on that subject, and I will not detain the Senate.

The amendment was agreed to

The PRESIDENT *pro tempore*. The next amendment of the committee will be stated.

The SECRETARY. In section 1, line 47, after the word "concession," insert the word "so," and after the word "made," in the same line, strike out the words "or to be made;" in line 48, after the words "Nicaragua or," insert the words "to be made by the Republic of," and after the words "Costa Rica," in the same line, strike out the words "or both," and insert the words "as aforesaid;" so as to read——

Mr. VEST. I can not understand these amendments. No copies of the bill are here. I have sent for it twice. It is impossible for us to know how the bill is being amended without seeing a copy of it. I have a copy now. I ask the Secretary to read the amendment over.

The PRESIDENT *pro tempore*. The amendment will be again stated.

The SECRETARY. In section 1, line 47, after the word "concession," insert the word "so," and after the word "made," in the same line, strike out the words "or to be made;" in line 48, after the words "Nicaragua or," insert the words "to be made by the Republic of," and in the same line, after the words "Costa Rica," strike out the words "or both," and insert the words "as aforesaid;" so as to read:

It may receive, purchase, hold, and convey such real and personal estate, property, and rights of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; may issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full-paid stock and not liable to any further calls or assessments; may do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits, and grants contained in any canal concession so made by the Republic of Nicaragua or to be made by the Republic of Costa Rica, as aforesaid.

The amendment was agreed to.

The next amendment was, in section 1, line 53, after the word "and," to strike out "right," and insert "rights;" so as to read:

And to aid in the construction of said canal and to carry out the purposes of this act, the said Maritime Canal Company of Nicaragua is hereby authorized to issue its bonds, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise to be a corporation.

The amendment was agreed to.

Mr. EDMUNDS. In section 2, line 27, there is a misarrangement of the print which I ask to have corrected. It reads "noticet;" it should be "notice," and then a comma, and the "t" should be put before the letters "he."

The PRESIDENT *pro tempore*. That modification will be made without a formal amendment. The next amendment will be stated.

The next amendment of the Committee on Foreign Relations was in section 3, line 4, after the word "qualified," to insert "and a majority of whom shall be citizens and residents of the United States;" so as to read:

SEC. 3. That the affairs of the said company shall be managed by a board of directors, fifteen in number, who shall hold their office for three years and until their successors are duly chosen and qualified, and a majority of whom shall be citizens and residents of the United States.

The amendment was agreed to.

The next amendment was in section 3, line 10, after the word "president," to insert the words "who shall be a citizen and resident of the United States;" so as to read:

The said board shall elect from its number a president, who shall be a citizen and resident of the United States, and one or more vice-presidents of the company, who shall hold office for such terms as the by-laws of said board may provide and until their successors are duly elected and shall have qualified.

The amendment was agreed to.

The next amendment was in section 5, line 3, after the word "may," to insert the word "so;" so as to read:

That Congress shall at all times have the power to alter, amend, or repeal this act, when in its judgment the public good may so require.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The bill is still open to amendment as in Committee of the Whole.

Mr. EDMUNDS. Not by the authority of the committee, but I have no doubt I should have had it if I had called their attention to it,

I think it wise, in order not by any implication to stir up any existing treaty of the United States with Nicaragua, to add a section to come in before section 5.

The PRESIDENT *pro tempore*. The proposed section will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 5. Nothing in this act contained shall be deemed or construed to in any wise restrict or impair any right of the United States under any treaty in force with the Republic of Nicaragua.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Are there further amendments to the bill in Committee of the Whole?

Mr. VEST. I have submitted certain amendments on which I ask action.

The PRESIDENT *pro tempore*. They will be stated *seriatim*. The Secretary will read the first amendment offered by the Senator from Missouri.

The SECRETARY. It is proposed to insert the following:

That nothing in this act contained shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever, other than in respect of the payment of tolls as provided in this act.

Mr. EDMUNDS. I do not think, as there is nothing——

The PRESIDENT *pro tempore*. The Senator from Vermont will suspend one moment. The amendment does not indicate the point in the bill at which it is to be inserted. The Senator from Missouri will please indicate it.

Mr. EDMUNDS. To come in before section 5 would be a good place.

Mr. VEST. Yes; that will do; before section 5.

Mr. EDMUNDS. There is nothing whatever in this bill that by any possibility can imply any such thing. That is my only reason for hoping that the Senate will not put it in, although in some past bill where different words were used it may have been thought necessary. There is not a hint anywhere in the bill of any possible future liability on the part of the United States.

Mr. VEST. I have no argument to make upon the subject. I simply refer the Senate to the argument made by my friend from Vermont when the Tehuantepec ship-railway bill was pending here in the last Congress, which had no provision in it that bound the United States or which, in my judgment, could possibly bind it. In that legislation Captain Eads and his associates did not ask a single dollar from the Government of the United States, nor any guaranty as to a single dollar. Yet after six weeks' discussion the Senate then came to the conclusion that this very amendment was necessary. The bill which I had the honor to introduce some three weeks ago for the incorporation of the Tehuantepec ship railway has these provisions in it. I took it for granted that when the Senate by a yea-and-nay vote in the last Congress thought that these amendments were necessary it would adhere to that resolution.

That is all I desire to say. If the Senate now, on the same state of facts, thinks that these provisions are not necessary, I shall bow to the superior influence and judgment of the Senator from Vermont.

Mr. EDMUNDS. Mr. President, I hope that this great public and, as I think, most important national measure—the subject of this canal having reached the point where I think it is now or never with the United States, whether we shall have any influence in respect of it or not—will not be injured or disturbed by any previous errors or misconduct of mine. The people of the United States and their interests are much more concerned in the national matter involved in this enterprise than they are in anything that my behavior in the future or in the past could possibly lead them to be concerned in.

A very few words will end my discussion of any point between the Senator from Missouri and myself. I differed last year with my friend from Missouri, if I remember rightly, and I think I do, in respect of the necessity of imposing such a clause on the Tehuantepec bill as distinguished from this bill as it now stands. I think I remember—I have not had the opportunity to look at the so-called Tehuantepec-Mexican concession—that it was distinctly stated in that concession that a corporation then incorporated by the United States should be and become *ipso facto* a corporation of the Republic of Mexico, and in that concession were provisions for liabilities, and so on, that I then sincerely feared would involve the United States in pecuniary liability. Whether I was right or wrong is immaterial.

But in this case no gentleman can suggest the slightest line, syllable, or intimation of any possible liability, real or constructive, on the part of the United States. I wish there were, for if my vote and voice would do it, I would add a section to this bill, or have an additional bill, which should provide that the United States should become a stockholder in this corporation to the extent of $50,000,000. But it is not there, and I do not propose to put it there; but I do propose, so far as I may, to endeavor to have this enterprise, as far at least as giving it the name and entity of the United States and not of Nicaragua, set on foot.

Mr. VEST. The Tehuantepec bill as offered here by Captain Eads—he framed it—provided for a subscription on the part of the United States to the capital stock of the company—governmental aid in that form. That proposition was abandoned. It was found utterly impracticable to obtain Government aid in that way.

The next proposition that I had the honor to offer on behalf of Captain Eads was that the United States should guaranty the payment of certain interest upon the bonds of the company. That proposition went down before the same opponents and that was abandoned.

The third and last proposition was a simple, naked act of incorporation; and how the fact that that corporation upon Mexican soil was to be a Mexican corporation affected the liability of the United States passes my comprehension. It was expressly understood that all that Captain Eads and his associates asked was a naked charter; and yet when that charter came into the Senate, my friend from Vermont thought it absolutely necessary to the interests of the United States that these amendments be put upon the bill. I am not attacking the Senator from Vermont. I simply say that his logic at that time prevailed. I could read here his arguments, which were considered by the Senate unanswerable.

It was proposed then by the Senator that although the Tehuantepec ship-railway bill simply created a corporation without liability on the part of the United States in terms, still, as was then urged most eloquently upon us, if we passed that bill without expressly denying any liability on the part of this Government the incorporators would take advantage of persons not informed, credulous persons wishing to make money by investments, and afterwards if any loss should occur to such persons we should be called upon to make good the national pledge and redeem the national honor which had led innocent investors to put in their money. I considered the question settled. I was beaten after six weeks' discussion, and the Senate deliberately, by a yea-and-nay vote, under the lead of my friend from Vermont, said that these amendments were necessary.

Now, reluctantly, I ask for the yeas and nays on the adoption of the pending amendment.

Mr. PLUMB. I want to call the attention of the Senator from Missouri to the fact that this bill is not the same as the bill which he favored before, and on which the amendment he speaks of was put. The proposition of Captain Eads went through the various stages the Senator has spoken of. First, there was a claim for subsidy, and next aid in another shape was asked, and finally it came before the Senate in a modified way, but not as a claim for financial aid. It was still, however, a proposition to take the Government into partnership, and it was still a proposition to give the Government special rights on the railway, namely, the right to use it exclusively at certain times for the transportation of troops and munitions of war. Section 5 was as follows:

SEC. 5. That the United States shall, upon payment of three-fourths of the customary rates, and having first obtained the consent of the Government of Mexico, as provided in said concession, enjoy the use of said railway for the transportation of troops, munitions of war, mails, and property.

That was, of course, an exclusive use. Then section 6 provided:

SEC. 6. That the United States shall be entitled to such a representation on the board of directors of said company, not, however, in any event exceeding two-ninths of its members, as may be provided for in any treaty hereafter made between the United States and Mexico.

The Government and Mr. Eads were jointly interested. The work was to be done in this way. It is true the Government was not to put money in it according to the stated terms of the bill, but it evidently looked to an enlistment of the Government to some extent in the enterprise to give it credit, to give it character; and in view of these provisions there was a certain propriety from the standpoint of the Senator from Vermont at the time, that it should be expressly stated that nothing more was intended than that which was actually expressed in regard to the connection of the Government with the railway.

Now, this bill is entirely different. This brings up the question whether we are willing to permit American citizens to incorporate for the prosecution of a work of great magnitude outside the limits of the United States, and yet one of great commercial value to the people of this country; and it seems to me we are sticking in the bark. I am willing to say under whatever responsibility I act that if any reputable citizens of the United States or any association of reputable citizens of the United States want a charter for the purpose of constructing a railroad or canal under it in South America or Central America, they may have it. I will not inquire very narrowly into the relations they may assume to the stockholders or to the public after they get the charter. Such an association of men could organize under the general laws of the State of Missouri, the Senator's own State, and obtain a charter by the payment of a very small sum of money, a fee, to the secretary of state, which would be as liberal as this charter is in its terms. They could do the same thing under the laws of the State of Kansas; they could do the same thing under the laws of the State of West Virginia; they could even get a better charter under the laws of Colorado. Under the laws of almost any of the States of the United States these persons could incorporate for this particular purpose without any burdens whatever, that is to say, without the payment of any taxes, and without subscribing to any stringent rules in regard to their dealings among themselves or with those persons whom they might enlist with them in the shape of stockholders.

Now, is it better to have these people driven to organize under the laws of some of the States of which I have spoken, or is it better to give them for this great work of an international character a national charter? We do not thereby bind ourselves to anything. We are not interested in relationship with the company, as we should be if we had

two members of the board of directors, as was proposed in the case of the Eads railway; as we should be if we reserved special rights in regard to the transportation of Government troops, munitions of war, and other property.

It seems to me that we are backing water on all these questions. On one side of the Chamber the country is berated because it has no foreign commerce; because its active and enterprising citizens do not go abroad for the purpose of engaging in commerce and trade to build up and dignify this country; and it is said it is because we have a tariff; and yet the very moment it is proposed to enter upon works of that character the very men who are all the time berating the American people because they are not doing these things step in to prevent them being done.

The PRESIDENT *pro tempore*. Upon the amendment proposed by the Senator from Missouri [Mr. VEST] he suggested that the yeas and nays be entered on the Journal.

The yeas and nays were ordered.

Mr. TELLER. I should like to have the amendment read.

The PRESIDENT *pro tempore*. It will be read.

The SECRETARY. It is proposed to add as section 5:

That nothing in this act contained shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever, other than in respect of the payment of tolls as provided in this act.

The Secretary proceeded to call the roll.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

Mr. VEST (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he is present, I shall vote "yea."

Mr. EDMUNDS. My colleague [Mr. MORRILL] has gone.

Mr. VEST. He has gone to Mr. Corcoran's funeral, I suppose. I announce the pair unless he comes in.

The roll-call was concluded.

Mr. GRAY (after having voted in the affirmative). The Senator from Illinois [Mr. CULLOM] is not in his seat, and as I am paired with him generally, I withdraw my vote.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from Delaware [Mr. SAULSBURY]. Not seeing him in his seat, I withdraw my vote.

The result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Bate,	Coke,	Harris,	Turpie,
Beck,	Colquitt,	Hoar,	Walthall,
Berry,	Daniel,	Jones of Arkansas,	Wilson of Md.
Call,	George,	Morgan,	
Chace,	Gibson,	Pasco,	
Cockrell,	Hampton,	Pugh,	

NAYS—22.

Aldrich,	Evarts,	Jones of Nevada,	Sherman,
Blair,	Farwell,	Mitchell,	Spooner,
Chandler,	Frye,	Paddock,	Stockbridge,
Davis,	Gorman,	Payne,	Teller.
Dolph,	Hale,	Plumb,	
Edmunds,	Ingalls,	Sabin,	

ABSENT—33.

Allison,	Eustis,	Morrill,	Stanford,
Blackburn,	Faulkner,	Palmer,	Stewart,
Blodgett,	Gray,	Platt,	Vance,
Bowen,	Hawley,	Quay,	Vest,
Brown,	Hearst,	Ransom,	Voorhees,
Butler,	Hiscock,	Reagan,	Wilson of Iowa.
Cameron,	Kenna,	Riddleberger,	
Cullom,	McPherson,	Saulsbury,	
Dawes,	Manderson,	Sawyer,	

So the amendment was rejected.

Mr. VEST. Now, at the end of section 4 I propose the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. At the end of section 4, it is proposed to insert as a new section:

That no part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders or in any manner diverted from the proper uses of the corporation. Every person violating or aiding in the violation of the foregoing provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding five years, or by both said punishments, in the discretion of the court.

Mr. VEST. I will simply remark that that is another amendment which was considered necessary at the last Congress on the Tehuantepec bill, and was also put upon the bill incorporating this same company that was passed by the Senate and sent to the House of Representatives. I take it for granted the Senate has not changed its mind.

Mr. EDMUNDS. It comes now simply to a question whether the Congress of the United States is willing to give these gentlemen the ordinary charter for such works in view of the circumstances that now exist. This provision was put on the Tehuantepec charter, and put on for reasons which I thought then and still think, if the case were in the same attitude as it was then, would justify its being put there. Whether I was right or wrong—the Senate thought I was right—is not material. It was put onto the charter of this company after the Tehuantepec bill had passed. It passed without any objection on my part, and half a dozen other very strong amendments were put on because I knew perfectly well that the Nicaragua bill at that stage of the session, just at the end of it almost, would never even be reached in the House of Representatives, and I wanted to have the Nicaragua bill as a name go as well as the Tehuantepec bill to the other house to guard against a public misapprehension, both here and in the Republic of Nicaragua. I, therefore, did not oppose any kind of amendment that any gentleman chose to put on, as far as I remember. The question is quite different now.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. I have not had time to examine the amendment, but it seems to me it can not but be considered as hostile to this bill. I do not understand exactly what the amendment means. A Senator asks me if I understand how it affects the people who propose to put their capital in. I should like to have the amendment read. I want to catch the exact idea of what the amendment intends.

The PRESIDENT *pro tempore*. The amendment will be read.

The Secretary read the amendment of Mr. VEST.

Mr. TELLER. If it is simply the purpose of the mover of this amendment to say that there shall be no misappropriation of the funds of this company, I have no objection to it. On first reading that would seem to be all that the amendment proposes. If it means that after having gone on and spent considerable money in the transaction the stockholders are not to be at liberty to withdraw, I do not think that would be a proper thing. I should like to know what the purpose of the amendment is, what the Senator intends by it.

Mr. VEST. I refer the Senator from Colorado to the debate had at the last Congress. The Senator from Vermont [Mr. EDMUNDS] very eloquently expounded the office of this amendment then. As I recollect, it was intended to prevent any stock being taken back after it was subscribed for and paid in—in other words, to prevent any fraud in the manipulation and watering of stock.

Mr. TELLER. I do not suppose because it was put on another bill, very different from this bill, the Senator from Vermont or any other Senator would have us insist on an unreasonable and improper amendment. The Senate voted it on one bill last year, but I do not suppose that is any reason why we should do the same thing now.

Mr. VEST. If it was right then, it is now.

Mr. TELLER. If the Senator did not think it was a right amendment then, he does not think it is right now, and of course he will not vote for it.

Mr. VEST. When the Senate deliberately, after six weeks' discussion, voted me down, I yielded as a matter of course to their superior wisdom; and when this feature was introduced into the Tehuantepec bill I put it in again this year, supposing of course that this body, after so grave, long, and elaborate discussion, would not turn around under what I think are exactly the same circumstances and vote down the same amendment.

Mr. TELLER. As was stated by the Senator from Kansas a few moments ago, the ship-railway bill is an entirely different bill. In that bill the Government of the United States had some hand or control. In short, as stated by the Senator from Vermont, it was a partner. About the same time we passed a bill of the same general character with this bill, although it was somewhat different. It was intended for the purpose of building a canal, and there was a provision in that bill that the Government of the United States might exercise certain control over it and have certain influence in the direction of it. All these things of course changed the situation. While it might have been proper then to declare to the world that the United States did not intend to assume any responsibility, it is a very different thing now.

So far as I am concerned, I am exceedingly anxious that somebody should construct this canal. I would have the United States Government construct the canal, but I have long since come to the conclusion that no project so beneficial to the people, and I think exhibiting so much statesmanship, would find a response in either branch of Congress. We see now in the southern part of the continent a canal being constructed by the French at a very great expense. It is said that canal will ultimately be abandoned. That is very doubtful. It is very doubtful whether, the French people having put so much money in it, the French Government will not be compelled to build that canal in order to save their people who have advanced their money. I think it is almost certain that they will build that canal unless it is pretty well established that somebody proposes to build the Nicaragua canal. If the latter shall be constructed, we shall have across this continent, between the Atlantic and Pacific, a water-way in which our people have the greatest interest. We do not want it in the hands of a government abroad, I will not say a hostile government, but a hostile interest, commercially at least.

I do not suppose it will be possible to induce Congress to contribute any money to build this canal; but if any citizens of the United States, either with their own money or moneys that they may obtain abroad, want to build this canal, it seems to me we ought to give them every opportunity. There ought not to be any suggestion from anybody that because money coming forward in aid of some other enterprise that

was meritorious did not receive fair treatment at the hands of Congress this should not. There is not a more important undertaking in the minds of men to-day than the building of this canal; there is not one that can have a greater influence upon American commerce than this canal if it should be built; and the American people can not afford to have this great canal built and held in hostility to us.

I have said before on the floor of the Senate, and I repeat now, that it was the duty of the Administration, in my judgment, to have said to those foreigners when they started the Panama canal enterprise that no canal should be put across the continent that the American people did not control. I believe now, late as it is, we ought to say to them that while we have quietly allowed the work on this great canal to go on, and have let them waste their money on it as an individual enterprise, whenever it shall be brought to our attention that it becomes a national enterprise by the French people, we shall declare that we will not submit to it.

Mr. President, I am a believer in the Monroe doctrine. I admit that it is a thing that has fallen into "innocuous desuetude;" I admit that the Monroe doctrine has not any special advocates or friends now apparently; and yet I believe there never was a wiser doctrine propounded than that we as a nation would let the world understand that in all American countries, north and south, European influence should not dominate. We see England, having control of vast continents and empires, now putting her hand upon South America. We see her power in British Guiana being slowly but surely moving towards the interior of Venezuela, and nobody in this country suggests that it is a violation of the Monroe doctrine and that we shall not complacently sit still and look on at her absorption of power in South America as she has proceeded in India and elsewhere, so that she to-day rules 300,000,000 of the peoples of the world and has dependencies in the commercial world of nearly 100,000,000 more. She has been allowed without a protest from anybody to enter upon what every man must see who will stop to think of it and look at it means the subjugation of republics in South America, if not to her absolute will and absolute control, at least to commercial dependence entirely as much as that of Turkey or Egypt to-day.

If there is anything that the American people can do that will have a tendency to give us some control of those people and of those interests, if we can open a water-way with the western coast of South America cheaply and quickly, I am in favor of doing it even at the expense of the General Government; and I am much more anxious on that subject than any other that is presented to the American people for its attention with reference to its foreign affairs. If we can not do that, as it has been demonstrated we can not; if we can not get the consent of the legislative department, at least when individuals say they are willing to do it without calling upon the Government of the United States for any assistance in the matter except the mere privilege of existence as a corporation, it does seem to me, notwithstanding the Senator from Vermont may have been on a former occasion very inconsistent, that it is very inconsistent now on our part if we throw any obstacles in the way of that enterprise.

Mr. HOAR. Mr. President, I suggest to the Senator from Missouri to modify his pending amendment by adding after the word "corporation," in the third line, the words "unless for the purposes of withdrawing from or winding up its business."

I quite agree with the Senator from Colorado that whatever may have been the action of the Senate at the last Congress, it is hardly worth while to insert clauses in this bill which ought not to be there, for the sake of exhibiting the injustice practiced by the Senator from Vermont toward another bill at the last session; but it seems to me that it is quite clear that this proposition of the Senator from Missouri ought to be adopted.

I suppose this bill, however excellent and important its purpose, has no more excellent or important purpose than the Union Pacific Railroad bill had, and the scandals and troubles which came in the past from that legislation consisted chiefly in the omission of the clause which is now proposed. The managers of the Union Pacific Railroad Company were never guilty of any misconduct toward their own road, as has been supposed.

The directors and managers were the owners of that road. The Credit Mobilier was a corporation whose owners owned entirely the stock of the Union Pacific Railroad, not a part of its managers contracting with the road which they managed for their own benefit; but the difficulty with the Union Pacific Railroad was that having got from the United States the bonds and lands which the United States gave them as they completed from time to time different sections of 25 miles, they proceeded to put the bonds into their own pockets, mortgaged the lands, and distributed amongst themselves as individuals, through the guise of road-building contracts, all the resources of the road, and left it, instead of being a well-ordered, well-equipped, and strong road, to stand as an equal among the business institutions of the country, bankrupt, beggared, and plucked.

That disappointed very largely one of the principal objects the United States had in chartering and endowing that road. We did not get an institution that served the business interests of this country as New York Harbor or as the Erie Canal had done in the past. We got a feeble institution unable to hold up its head among its equals; and also when the stock went into the market it went into the market under circumstances which made its acquisition an injury to those who acquired it.

Now, I hold that it is the duty of every legislative body in chartering a corporation, however meritorious its purpose or however strong the immediate desire for the accomplishment of that purpose, to protect the public against the tampering with and the improper use of the stock; and I do not believe there is a Senator in this Chamber who, in the light of the railroad experience of the last twenty years in this country, will not say that every State Legislature and Congress should put these securities into all such bills. And if these men are honest—as we are assured by Senators who know them, and as I suppose the reputation of some of them assures us who know that reputation, there can be no doubt of that—they will not object to having the provisions put in the bill which ought to be there as a matter of sound legislative precedent in every railroad act of incorporation which we shall pass, or every canal incorporation bill, and that is, that the stock which persons are permitted to acquire by offering their stock to the public shall be kept for the endowment of the road or canal.

Under the English equity system this would be, I have no doubt, the law, if it were not there in express terms, as between the corporation and the creditors—that is, if the corporators have subtracted the capital of the road beyond what was required for reasonable dividends and put it into their pockets, they would be held by a court of equity bound to restore it as against existing creditors. We want to go further in our legislation, it seems to me, and we ought to provide that the capital stock of the company shall be kept in its treasury or within its power as a bond to protect the public against future indebtedness which it shall contract on the faith of the road. It is impossible for many classes of creditors to know what are the precise resources of the great corporations with which they contract—laborers, small contractors, persons from whom they obtain supplies, from whom they obtain iron and materials for the construction of their road, or rolling-stock. They give the company credit on its general reputation, and not on an examination of its assets at a particular time.

I hope the gentlemen who are promoting this bill, without any regard to anything else, will not object to adhering to a sound and decent and honest legislative precedent in such cases. As I understand this provision, it simply is that when the capital which they are bound to pay in shall have been used and the canal shall enter upon its functions it shall be retained there intact for the purposes of the concern so long as it goes on with the business. If they want to wind up or withdraw, as the Senator from Colorado suggests, the modification of the amendment provides for that case.

Mr. TELLER. I should like to move an amendment to the amendment—to strike out the words "withdrawn or returned to the stockholders," simply making it a misdemeanor to improperly divert the stock.

Mr. VANCE. It seems to me, Mr. President, there is a fatal defect about this bill which none of the amendments offered affect. That defect is not overcome by the amendment proposed by the Senator from Colorado [Mr. TELLER]. I felt quite sure the Senator from Massachusetts [Mr. HOAR] would provide for it, but he did not, but led up to another phase of the subject. That defect, it seems to me, is one which contravenes the past policy of the Senate. It is the omission to provide that this corporation shall purchase all its material, all its machinery, its steel, iron, etc., of American manufacturers.

Mr. TELLER. If the Senator will allow me, I should like to say that if he will move that amendment I shall cheerfully vote for it.

Mr. VANCE. The sincerity of the Senator may be tested. On the last day of our session of last week, when a company of our citizens proposed to build a street railroad through the streets of this city and improve our transportation, that provision was put on. They proposed to spend their own money and spend it in our midst and for the benefit of our people, and the Senate said that they should lay tracks of American-made iron and none other.

But a little more than a year ago the Commissioner of Agriculture and the scientific gentlemen engaged with him in experimenting for the benefit of agriculture reported that they had not sufficient machinery for the purpose of solving the problem of crystallizing sugar from the juice of the sorghum cane, and furthermore reported upon scientific information that American-made machinery was not adequate for the purpose; but this Senate declared that we should have sweetening made from American-made machinery or go without. The great question of introducing so wondrous and so fruitful an industry as the manufacturing of sugar from sorghum cane was nothing in comparison with giving a job to some American manufacturer!

When we were undertaking to build the ironclads and the fast-sailing cruisers that were to bear our flag across the water, and to some extent remove our reproach from among the nations that we had no navy to protect our flag and our commerce—we had no commerce either, for that matter—a reasonable man and a plain man would have supposed that our manifest duty would have been to have purchased the best material that the world afforded to manufacture those ships, and to have armed them with the most perfect armor the ingenuity of man could have invented; and then, placing our fellow-citizens on the decks of these vessels, and with our blessing to send them forth to fight and to die if need be in behalf of the flag which floated above them. But

the Senate took a different view of the question. The flag of the United States, its honor and its glory, the protection of our commerce, and the lives of the gallant men that entrusted themselves on board these cruisers were nothing in comparison to the interest of American iron-masters and steel manufacturers, and we required the material to be of American steel and iron.

I have searched this bill through from beginning to end, and at first I would not believe the evidence of my senses, but I was forced to upon continuing the investigation, when I found that there was not one word or one line which compelled this corporation to buy anything of American manufacture, and now that omission is so marked that it amounts to a license and an authority to this corporation to do otherwise. And if it shall ever do anything more than appears upon paper, and ever get down into Central America and commence digging, I can prophesy to to you, Mr. President, what is going to happen. Just so sure as you live these fellows will buy iron and other materials from whomsoever they can get them the cheapest and of the best quality. Why not guard against that? Should such a state of things as that come along and men be permitted to buy where they please? Do we not all know that doom is impending over us; and when it falls, who can tell the consequences of thus allowing a man, or a corporation which is an artificial man, to buy where he can get the cheapest material and of the best quality? Is it not an evasion of the duty that we owe to these manufacturers of ours? Is it not a practical abdication of the allegiance which you and I have sworn to them, to legislate for them and not for the interests of the Government? Is not the end of all things nigh when we can charter a foreign corporation, or a corporation to act in foreign parts, with permission to buy iron and steel and materials from this old tyranny that is going into all the corners of the earth? The Senator from Colorado has just warned us that she is reaching out her paw over Venezuela, and here are a lot of North Americans, incorporated by the authority of this Congress, who are buying iron from that lion and trading with him; and is not the profit which they make by that transaction a fraud upon the iron and steel manufacturers of the United States? Are they not being robbed?

I will not offer an amendment compelling the corporation to buy solely in the American market; that is not my business; but I thought in the character of *amicus curiæ* I might perhaps suggest to the Senators who have these special interests in charge that they were omitting a very important provision in this bill; and with that suggestion, if the result which I have prophesied shall follow, their blood be upon their own heads. [Laughter.]

Mr. TELLER. Mr. President, if there is one thing that this Administration and its friends have special opposition for, it is American manufactures. They seem to have in some way incurred the displeasure, not only of the Chief Executive, but of the chief representatives of that political party here in this body as well as elsewhere. All the taunts and flings they can get at American manufactures are considered the proper thing. If there is anything in the world that excels their hostility to American manufactures, it is their anxiety to be allowed to encourage foreign manufactures. Their love for foreign manufacturers and their anxiety to furnish foreign laborers a market is about equal to their hostility to American manufacturers and their desire to rob the American laborer of the opportunity of finding any market for his labor.

Mr. President, so far as the corporation created by this bill is concerned, I want to say to the Senator from North Carolina that if they are untrammeled by this bill they will buy where they can buy cheapest the picks and the shovels and the plows that they will use in this great enterprise, and if they buy where they can buy the cheapest they will buy in this, as he says, curse-ridden protective-tariff country, for they can buy a shovel or a pick in this country for the same money that will do more labor than a pick or a shovel bought in any other part of the world; and the Senator from Maine [Mr. FRYE] suggests to me that the great engineer who is putting up a rival establishment, and in whose interest I think some gentlemen at least are acting, gets his machinery from American mechanics. I do not mean to say that gentlemen here are interested in that rival enterprise, but their action benefits it. That engineer, however, gets his machinery from American mechanics.

The Senator need not worry himself about these American mechanics. They are capable of producing under our protective tariff the best machinery in the world for any purpose, whether it be for making shovels or anything else, when there is a market for the machine. If when the Commissioner of Agriculture wanted to find a machine he could not get one made by American mechanics, it was because there had been no demand made upon American mechanics for the exercise of their ingenuity and skill in that direction.

There are not anywhere in the world men who can fashion machinery that will move and do the work that the American mechanic has shown he is able to manufacture whenever there is a demand; and under the protective tariff he has a demand for a multitude of machines that have by their skill in production and the ingenuity exhibited astonished the world. I repeat that when men want the best and cheapest article, except it may be human labor, they will find it on this continent cheaper than they will find it on any. We do not need to put in a provision that they shall buy their tools in this country.

I am quite willing myself to take the chances that they will buy their tools on American soil, because this is a subject on which I speak with some knowledge when I say they can buy them cheaper here, considering the character of the tools they want, than they can anywhere else. I will admit that if there was no demand for sugar-making machines in this country they could not be bought here, simply because nobody had been offered a market to make them, and therefore men had not made them. There is not any article that requires skill and intelligence of a high order in its manufacture that we can not make and compete with every other portion of the world in its manufacture. When it is a question of the exercise of brain power we do not need any protective tariff; we only need a market, and then we have the provision in our hands. When it is only a question of human effort without brain power, then we need some protection against the labor of other portions of the world.

I do not propose to discuss the tariff question on this bill. We shall be prepared at all times to discuss that question with the gentlemen on the other side of this Chamber from any standpoint that they choose. They will not find us retiring. They have had some opportunity to discuss it now, which they have not seemed very anxious to avail themselves of. They will have further opportunity, and when that question comes up in some other shape I shall express myself upon that question also.

Mr. VEST. Mr. President, I agree with the Senator from Colorado that we need not speak of the tariff question just now. All of us will have a chance to discuss it, and we on this side shall not be laggards when it comes on. The issue has already been made, and the question of the tariff will be before the people of the United States next November.

I want to submit a word in reply to the remarks of the Senator from Colorado about a great enterprise, a rival enterprise. So far as my opinions are now concerned, there is not a rival enterprise of mine in existence as to a transit across the American Isthmus. I believe, thoroughly, without entering on the details of the matter, that the genius of Eads would have constructed the Tehuantepec ship-railway. I knew him so well, and had seen him do so much——

Mr. TELLER. The Senator misunderstood me. I referred to the DeLesseps canal. I would like to say that all the Senator has said of Mr. Eads and his great capacity I have on more than one occasion indorsed, and I certainly never had any hostility to that enterprise. I only referred to the French canal.

Mr. VEST. I misunderstood the Senator. I take this occasion to correct a statement in the RECORD the other day, in which the Reporter represented me as saying what I did not intend to say, and what I think I did not say. I endeavored then to make the Senate understand that the larger portion of my interest in the Tehuantepec ship-railway died with Captain Eads. My confidence was so great in his genius, I had seen him do so much against the established opinions of the engineers of the world, that I believed, without fully understanding the whole matter, that he would be able to accomplish this wonderful feat of the construction of a ship-railway across the Isthmus of Tehuantepec. When Captain Eads died the larger portion of my interest in that enterprise ceased; but I introduced the bill at this session "by request," as the RECORD shows, stating to the gentlemen who are now at the head of it that in my judgment the heart and the soul of it had gone out with the death of my friend Captain Eads.

I am not here to-day actuated by any spirit of antagonism or rivalry to this enterprise; but these amendments that the Senate of the United States deliberately adopted last year ought, in my judgment, to be put in this bill. It has been said here that the circumstances are different; that this is a different piece of legislation. Why, Mr. President, why do these incorporators come to Congress for this act of incorporation? Why do they not go to the imperial State of New York, where most of them reside? Why do they not go to some other States of this Union and secure there, under the general statute laws of the State, an act of incorporation that would give them all these corporate powers? Do we not know that the reason is because they want the Government of the United States to protect their property? Do we not know, whilst there is nothing in the bill which says the United States shall afford necessary military and naval force to protect this enterprise, that we shall do it? Do we not know that after granting this act of incorporation, if these gentlemen go on and Nicaragua or any other power attempts to violate their rights, we would hold ourselves bound to the last extent of our national power to protect their property?

The Senator from Kansas [Mr. PLUMB] says we went into partnership with Captain Eads in the Tehuantepec ship-railway bill. I deny it. There could have been no partnership. It is true that two of the directors of the incorporation were to be citizens of the United States; but what do we find in the third section of this bill?

SEC. 3. That the affairs of the said company shall be managed by a board of directors, fifteen in number, who shall hold their office for three years, and until their successors are duly chosen and qualified, and a majority of whom—

Not "two," but—

a majority of whom shall be citizens and residents of the United States.

And we have amended the bill on the motion of the Senator from Vermont [Mr. EDMUNDS] declaring that the president of the company,

besides, shall be a citizen and resident of the United States. What is the meaning of that? Do we not know what it means? That these gentlemen want to go with this charter to the investors of the world and say to them, "This is an American enterprise under the auspices of the United States; we ask you to invest in it because that great republic would never have granted this charter if it did not intend with all its might to protect every grant within it." That is all of it.

I am not here to charge inconsistency, to gratify any personal feeling. I honestly believe that after we put these amendments in we ought to adhere to them, and if we do not—mark my prediction—after we have voted down the declarations which we thought were necessary at the last session as to this very incorporation, that the United States should not be in any way held liable pecuniarily, it will be used as an argument in the markets of the world that we have receded from that position, and that there is an indirect and implied responsibility.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being Senate bill No. 181.

Mr. EDMUNDS. I appeal to my friend from Minnesota [Mr. DAVIS] in charge of the unfinished business to allow it to be laid aside informally in order that we may dispose of this matter. It will be a great personal accommodation to me and save the time of the Senate. So I ask the Senator to allow it to be laid aside informally, if there be no objection by anybody else, and let us go on with the canal bill.

Mr. DAVIS. I shall not object if the pension bill does not lose its priority.

Mr. EDMUNDS. It will not by informally laying it aside.

The PRESIDING OFFICER. Does the Senator from Minnesota consent to the proposed disposition of the bill? Is there objection to the request of the Senator from Vermont?

Mr. CHACE. I object.

The PRESIDING OFFICER. The Senator from Rhode Island objects.

Mr. EDMUNDS. I do not ask a vote of the Senate to displace the pension bill; but I will try, if I can, to get the floor when the pension bill is disposed of to call this up again.

Mr. CHACE. Very well, Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Is there further objection? If not, the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua continues before the Senate as in Committee of the Whole.

Mr. TELLER. Speaking of the Panama canal a while ago, I stated that the Administration ought to have taken some steps in regard to it. My attention has been called to what I said, and the question asked by some Senators if I meant to reflect upon the then State Department? I did not. I meant simply that the American Government, the American people as represented in the two Houses, had taken no action, because I was aware that not only in the Administration which came in in 1877, but in the succeeding one, every effort was made to induce Congress to take some steps in the matter. Messages were sent here, and influences were attempted to be brought upon the legislative department of the Government to induce the legislative department to take some steps to prevent the building of that canal, and nothing was ever done by the legislative department. A simple resolution passed by this body or by the other, or by both, would have prevented a dollar of French money being wasted in that canal, if wasted it shall prove to be.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Missouri [Mr. VEST].

Mr. EDMUNDS. The Senator from Missouri accepted the modification.

Mr. VEST. Yes, sir; I accepted it.

The PRESIDING OFFICER. The question then recurs on the amendment of the Senator from Missouri [Mr. VEST], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote on this question if present.

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. VEST (when Mr. MORRILL'S name was called). I was paired with the Senator from Vermont [Mr. MORRILL], but I have transferred the pair to the Senator from Florida [Mr. CALL]. So I announce the pair between the Senator from Vermont and the Senator from Florida.

Mr. VANCE (when Mr. RANSOM'S name was called). My colleague [Mr. RANSOM] is paired with the Senator from Massachusetts [Mr. DAWES]. I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call was concluded.

Mr. GRAY. I see the Senator from Illinois [Mr. CULLOM] is now present, and therefore I vote "yea."

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. I do not see him in the Chamber. If he were here, I should vote "yea." My colleague [Mr. BECK] is paired with the Senator from Maine [Mr. HALE].

Mr. COCKRELL (after having voted in the affirmative). I am paired with the Senator from Connecticut [Mr. HAWLEY]. I should vote "yea" if he were present. I withdraw my vote.

Mr. HAMPTON. My colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. GEORGE (after having voted in the affirmative). I have a general pair with the Senator from New Hampshire [Mr. BLAIR]. He is not present and I withdraw my vote, announcing that I would vote "yea" if he were present.

The result was announced—yeas 17, nays 26; as follows:

YEAS—17.

Berry,	Hampton,	Pasco,	Walthall,
Coke,	Harris,	Pugh,	Wilson of Md.
Colquitt,	Hoar,	Reagan,	
Gibson,	Jones of Arkansas,	Saulsbury,	
Gray,	Kenna,	Vest,	

NAYS—26.

Allison,	Edmunds,	Mitchell,	Sherman,
Bowen,	Evarts,	Morgan,	Spooner,
Brown,	Farwell,	Paddock,	Stewart,
Chandler,	Frye,	Platt,	Stockbridge,
Cullom,	Gorman,	Plumb,	Teller.
Davis,	Hiscock,	Sabin,	
Dolph,	Ingalls,	Sawyer,	

ABSENT—33.

Aldrich,	Chace,	Hearst,	Riddleberger,
Bate,	Cockrell,	Jones of Nevada,	Stanford,
Beck,	Daniel,	McPherson,	Turpie,
Blackburn	Dawes,	Manderson,	Vance,
Blair,	Eustis,	Morrill,	Voorhees,
Blodgett,	Faulkner,	Palmer,	Wilson of Iowa.
Butler,	George,	Payne,	
Call,	Hale,	Quay,	
Cameron,	Hawley,	Ransom,	

So the amendment was rejected.

Mr. VEST. I move at the end of section 3 to insert what I send to the desk, and on that I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. At the end of section 3 it is proposed to insert:

That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said canal shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

The yeas and nays were ordered.

Mr. EDMUNDS. I hope the amendment will not be adopted. I explained at the opening of the bill the desirability, as was thought, of leaving the bill stand as reported by the committee. I do not wish to take time.

Mr. VEST. I want to say a single word. There is not a charter passed by the Senate that has not this provision upon it, and we adopted it as the result of painful experience of practices that had obtained to a large extent in this country of persons coming to Congress for national charters and then hawking them in the markets of the country, their intention being, in the first place, to make money and not to construct the work and carry out the enterprise. I have nothing to say against these incorporators, but I say that the rule should not be varied from. We give them two years in which to commence the work, and $10,000,000 only is required to have been subscribed, and we give them a certain time in which to finish the work. The rule is a good one. For that reason I hope the amendment will be adopted.

Mr. EDMUNDS. I must be pardoned for occupying one minute on this amendment.

I agree with the Senator from Missouri in respect of a municipal corporation to do things that are definitely within our reach, that what he says is a good rule and I should always vote for it; but we are now acting for policies and considerations and for a scheme of such magnitude that, reserving the power to alter, amend, and repeal this charter, I think it would be extremely unwise, if we are for this thing at all, to hamper it with any limitations which are not absolutely essential to the public foreign policy of this country. That is all I have to say.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I should vote "yea" if the Senator from Nebraska [Mr. MANDERSON] were present. I am paired with him.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. HISCOCK (when his name was called). I was paired last week with the Senator from Virginia [Mr. DANIEL]. I do not see him in his seat, and therefore shall continue that pair.

Mr. VANCE (when his name was called). I again announce my pair with the Senator from Michigan [Mr. PALMER].

The roll-call was concluded.

Mr. PUGH (after having voted in the affirmative). I am paired with the Senator from Ohio [Mr. SHERMAN], and withdraw my vote.

Mr. KENNA. I desire to inquire whether the Senator from Minnesota [Mr. SABIN] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. KENNA. I voted on the last vote without knowing he was absent. I withhold my vote now.

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I would vote "yea."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I would vote "nay."

The result was announced—yeas 15, nays 25; as follows:

YEAS—15.

Bate,	George,	Hearst,	Turpie,
Berry,	Gibson,	Jones of Arkansas,	Vest,
Coke,	Hampton,	Pasco,	Walthall.
Colquitt,	Harris,	Reagan,	

NAYS—25.

Allison,	Evarts,	Morgan,	Stewart,
Blair,	Farwell,	Paddock,	Stockbridge,
Bowen,	Frye,	Platt,	Teller.
Brown,	Gorman,	Plumb,	Wilson of Iowa.
Chandler,	Ingalls,	Saulsbury,	
Davis,	Jones of Nevada,	Sawyer,	
Edmunds,	Mitchell,	Spooner,	

ABSENT—36.

Aldrich,	Cullom,	Hiscock,	Quay,
Beck,	Daniel,	Hoar,	Ransom,
Blackburn,	Dawes,	Kenna,	Riddleberger,
Blodgett,	Dolph,	McPherson,	Sabin,
Butler,	Eustis,	Manderson,	Sherman,
Call,	Faulkner,	Morrill,	Stanford,
Cameron,	Gray,	Palmer,	Vance,
Chace,	Hale,	Payne,	Voorhees,
Cockrell,	Hawley,	Pugh,	Wilson of Md.

So the amendment was rejected.

Mr. VANCE. In response to the suggestion of the Senator from Colorado, I offer the following amendment, to come in at the end of the italics in line 5, on page 5:

And all laborers employed in such work shall be either native or naturalized citizens of the United States.

The section has provided by an amendment of the Senator from Vermont that a majority of the directors shall be citizens and residents of the United States, and by another amendment that the president of the company shall be a citizen and resident of the United States. Now, if there is any good thing done there I want our workingmen to have a hand in it. So I offer the amendment and call for the yeas and nays.

The PRESIDENT *pro tempore*. The amendment will be read from the desk. The Chair calls the attention of the Senator from North Carolina to the fact that the Chief Clerk was not able to catch the entire amendment proposed. Will the Senator send his amendment to the desk?

Mr. VANCE. "And all laborers employed in such work shall be either native or naturalized citizens of the United States." I send it to the desk.

The SECRETARY. After the word "States," in line 5, section 3, it is proposed to add:

And all laborers employed in such work shall be either native or naturalized citizens of the United States.

The PRESIDENT *pro tempore*. Upon this question the Senator from North Carolina [Mr. VANCE] asks that the yeas and nays be entered in the Journal.

The yeas and nays were ordered.

Mr. SAULSBURY. I shall vote against that amendment. The amendment is offered obviously to embarrass the proposition. I have never been very anxious to couple this Government with this proposed canal. I have always had some doubts whether we might not get into complications with foreign governments by such enterprises being incorporated by the Congress of the United States. I have therefore not been very anxious that it should be done; but there is an evident disposition on the part of this country to take possession of the intercommunication between the two oceans, and I do not propose by any action of mine to embarrass the enterprise by voting for a proposition of this kind. I have too much consideration for the laborers of the United States to desire to send them to that climate to end their days in that enterprise. I have no objection to American citizens who desire to go there going by their own voluntary action; but when you restrict the labor performed on the canal to American laborers you virtually say that it shall not be done unless men are willing to go there from the United States in such numbers as would require that one-third or one-half of them should be buried in the enterprise. I am opposed to it. I have as high a regard for American labor as anybody else. I have been a laborer all my life and never have had much rest. I have been constantly at work from boyhood up, and my sympathy is with the American laborer; but I have too much regard for him to desire to see him transported to that climate to end his days. It is not proposed or expected that American citizens will go down there to dig this canal. I suppose the object of the amendment is hostile to the bill. I shall vote against it.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 10, nays 33; as follows:

YEAS—10.

Berry,	George,	Harris,	Wilson of Md.
Blackburn,	Gray,	Vest,	
Coke,	Hampton,	Walthall,	

NAYS—33.

Bate,	Evarts,	Mitchell,	Spooner,
Blair,	Farwell,	Morgan,	Stewart,
Bowen,	Frye,	Paddock,	Stockbridge,
Brown,	Gibson,	Platt,	Teller,
Chandler,	Gorman,	Plumb,	Turpie,
Colquitt,	Hale,	Pugh,	Wilson of Iowa.
Cullom,	Hearst,	Reagan,	
Davis,	Ingalls,	Saulsbury,	
Edmunds,	Manderson,	Sawyer,	

ABSENT—33.

Aldrich,	Daniel,	Jones of Nevada,	Riddleberger,
Allison,	Dawes,	Kenna,	Sabin,
Beck,	Dolph,	McPherson,	Sherman,
Blodgett,	Eustis,	Morrill,	Stanford,
Butler,	Faulkner,	Palmer,	Vance,
Call,	Hawley,	Pasco,	Voorhees.
Cameron,	Hiscock,	Payne,	
Chace,	Hoar,	Quay,	
Cockrell,	Jones of Arkansas,	Ransom,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

Mr. VEST. I wish now to reserve one amendment——

Mr. EDMUNDS. Let us first dispose of the amendments made in committee.

Mr. VEST. This is one of them I want to reserve a vote upon.

The PRESIDENT *pro tempore*. The amendment reserved by the Senator from Missouri will be stated.

The Chief Clerk read as follows:

SEC. 5. That nothing in this act contained shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever, other than in respect of the payment of tolls as provided in this act.

Mr. EDMUNDS. That was lost in committee.

The PRESIDENT *pro tempore*. That is not in the bill.

Mr. EDMUNDS. It can be moved again after the committee amendments are disposed of.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments made as in Committee of the Whole were concurred in.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] now offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to add, as a new section:

SEC. 5. That nothing in this act shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever, other than in respect of the payment of tolls as provided in this act.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK].

Mr. KENNA. The Senator from Minnesota [Mr. SABINE] having come in, I vote "yea."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "yea."

The result was announced—yeas 22, nays 26; as follows:

YEAS—22.

Bate,	Gibson,	Kenna,	Turpie,
Berry,	Gray,	Morgan,	Vest,
Blackburn,	Hampton,	Pasco,	Walthall,
Coke,	Harris,	Pugh,	Wilson of Md.
Colquitt,	Hearst,	Reagan,	
George,	Jones of Arkansas,	Saulsbury,	

NAYS—26.

Allison,	Edmunds,	Mitchell,	Spooner,
Blair,	Evarts,	Paddock,	Stewart,
Brown,	Farwell,	Platt,	Stockbridge,
Chandler,	Frye,	Plumb,	Teller,
Cullom,	Gorman,	Sabin,	Wilson of Iowa,
Davis,	Ingalls,	Sawyer,	
Dolph,	Manderson,	Sherman,	

ABSENT—28.

Aldrich,	Chace,	Hawley,	Payne,
Beck,	Cockrell,	Hiscock,	Quay,
Blodgett,	Daniel,	Hoar,	Ransom,
Bowen,	Dawes,	Jones of Nevada,	Riddleberger,
Butler,	Eustis,	McPherson,	Stanford,
Call,	Faulkner,	Morrill,	Vance,
Cameron,	Hale,	Palmer,	Voorhees.

So the amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. EDMUNDS (when Mr. MORRILL's name was called). My colleague [Mr. MORRILL] is paired now with the Senator from Florida [Mr. CALL]. If my colleague were present, he would vote "yea."

Mr. PLATT (when Mr. HAWLEY's name was called). My colleague [Mr. HAWLEY] has been paired on all these votes with the Senator from Missouri [Mr. COCKRELL].

The roll-call was concluded.

Mr. HALE. I was paired on this question with the Senator from Kentucky [Mr. BECK]. I have transferred the pair to the Senator from Pennsylvania [Mr. QUAY] and I desire to vote.

Mr. FAULKNER. I understand that the pair between the Senator from Pennsylvania [Mr. QUAY] and myself has been transferred, and I therefore vote "nay."

The result was announced—yeas 38, nays 15; as follows:

YEAS—38.

Aldrich,	Dolph,	Ingalls,	Saulsbury,
Allison,	Edmunds,	Manderson,	Sawyer,
Blair,	Evarts,	Mitchell,	Sherman,
Brown,	Farwell,	Morgan,	Spooner,
Chace,	Frye,	Paddock,	Stewart,
Chandler,	Gorman,	Payne,	Teller,
Colquitt,	Gray,	Platt,	Turpie,
Cullom,	Hale,	Plumb,	Wilson of Iowa.
Daniel,	Hearst,	Pugh,	
Davis,	Hoar,	Sabin.	

NAYS—15.

Bate,	Faulkner,	Kenna,	Vest,
Berry,	George,	Pasco,	Walthall,
Blackburn,	Gibson,	Reagan,	Wilson of Md.
Coke,	Hampton,	Riddleberger,	

ABSENT—23.

Beck,	Cockrell,	Jones of Arkansas,	Ransom,
Blodgett,	Dawes,	Jones of Nevada,	Stanford,
Bowen,	Eustis,	McPherson,	Stockbridge,
Butler,	Harris,	Morrill,	Vance,
Call,	Hawley,	Palmer,	Voorhees.
Cameron,	Hiscock,	Quay,	

So the bill was passed.

The PRESIDENT *pro tempore*. The question is now on agreeing to the preamble.

The preamble was agreed to.

JESSE H. STRICKLAND.

Mr. BLAIR. I ask for the following order:

Ordered, That Jesse H. Strickland have leave to withdraw his papers filed in support of his bill in the Forty-ninth Congress for use in support of his claim and bill now pending in the House of Representatives.

There has been in that case an adverse report, but a new bill is now pending in the House with additional evidence. It is desired that the papers on file here shall be transmitted there.

The PRESIDENT *pro tempore*. The rules provide for the proceeding in such cases. The order will be made subject to the rules.

Mr. BLAIR. The papers are quite extensive and they are only to be used in the other end of the Capitol. Is it necessary to leave copies?

The PRESIDENT *pro tempore*. The Chair would suggest that the House committee would have the right to call for the papers, but under the rules the Chair does not think they can be withdrawn without copies being left, the report having been adverse.

Mr. BLAIR. I ask, then, unanimous consent that these papers be withdrawn for use before the House committee.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the papers, no copies being left and an adverse report having been made? The Chair hears none.

Mr. HOAR. I understood the Senator from New Hampshire to ask for the order precisely as the Chair stated. I understand the object of the rule is that papers shall not be taken away and a fraudulent claim which the evidence before the Senate has once caused to be rejected brought up here afterward and the old evidence suppressed. A great many claims are defeated, where they are fraudulent, by reference to the papers which are on the files of the Senate, these papers having been originally filed in their support. I understood the request of the Senator from New Hampshire was that the papers on the files of the Senate might be sent to the committee of the House of Representatives—nothing more. That does not violate the policy of the rule. I suppose after the House committee use them they return them.

The PRESIDENT *pro tempore*. The Secretary will read the second clause of Rule XXX.

The CHIEF CLERK. Rule XXX, clause 2:

2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

Mr. HOAR. My suggestion was that the unanimous consent of the Senate should be given simply to sending the papers to the committee of the House of Representatives, not to a withdrawal by the petitioner.

The PRESIDENT *pro tempore*. The order will be so entered, if there be no objection.

SPANISH AND AMERICAN CLAIMS COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a report furnished by the Secretary of State in response to a resolution of the Senate of January 12, 1888, making various inquiries respecting the awards of the late Spanish and American Claims Commission and the disposition of moneys received in satisfaction thereof.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 27, 1888.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Postmaster-General, transmitting, in compliance with a resolution of the Senate of the 24th instant, a letter dated September 1, 1887, sent to the Post-Office Department by A. H. Markland, superintendent of railway mail service during the late war.

The PRESIDENT *pro tempore*. The communication will lie on the table until the Senator from Connecticut [Mr. HAWLEY] who offered the resolution shall come in.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof—to the Committee on Military Affairs.

The bill (H. R. 771) granting a pension to A. B. Van Cleve—to the Committee on Pensions.

The bill (H. R 1859) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States—to the Committee on the Judiciary.

The bill (H. R. 4626) for the relief of Mary B. Kirby—to the Committee on Pensions.

DISTRIBUTION OF PUBLIC DOCUMENTS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents; and it was referred to the Committee on Printing.

ALFRED PLEASONTON.

Mr. TELLER. I ask leave to have Calendar Order No. 423, being Senate bill No. 682, authorizing the President to appoint and retire Alfred Pleasonton a major of cavalry in the Army of the United States, recommitted to the Committee on Military Affairs. There is an error in the bill, and I desire it to go back to the committee for correction.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

DEPENDENT PENSION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, in section 1, line 8, before the word "without," to strike out "or have been;" so as to read:

That in considering the pension claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor child or children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other means of support than their own manual labor or the contributions of others not legally bound for their support.

Mr. BERRY. Is the bill open to amendment at this time?

The PRESIDENT *pro tempore*. The first question is on the amendments proposed by the committee, the first of which has just been stated.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, in section 1, line 10, after the word "*Provided*," to strike out:

That all pensions allowed under this section of this act shall commence from date of actual dependence, if claim was filed prior to July 1, 1880, and in case of applications thereafter made the pension shall commence from the date of the filing of the application in the Pension Office, or from date of subsequent dependence.

And in lieu thereof to insert:

That all pensions allowed under this section shall commence from the date of the passage of this act, or from the date of subsequent dependence, and shall continue no longer than the existence of such dependence.

The amendment was agreed to.

The next amendment was, in section 3, line 8, after the word "*Provided*," to strike out:

That the cause of death of such pensioner was not or is not due to a violation of civil or military laws, or the result of vicious habits: *And provided further.*

The amendment was agreed to.

The next amendment was to insert a new section, in the following words:

SEC. 5. That section 4716 of the Revised Statutes is hereby modified so that the

same shall not apply to this act: *Provided*, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in the military service against the United States.

Mr. WILSON, of Iowa. I think the section should be amended by inserting after the word "military," in line 6, the words "or naval," so as to apply both to the military and naval service.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 6 of the proposed amendment, after "military," insert "or naval;" so as to read:

And no person shall be pensioned under this act for any disability incurred while engaged in the military or naval service against the United States.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

Mr. WILSON, of Iowa. I think the amendment is somewhat indefinite as it stands now. I therefore move to strike out, in the sixth line, the word "the" and insert "any."

The PRESIDENT *pro tempore*. The proposed amendment to the amendment will be read at the desk.

The CHIEF CLERK. In line 6, of the proposed amendment, strike out the word "the" before "military," and insert in lieu thereof the word "any;" so as to read:

And no person shall be pensioned under this act for any disability incurred while engaged in any military or naval service against the United States.

Mr. PLUMB. I should like to have it stated where that amendment comes in.

The PRESIDENT *pro tempore*. The Chief Clerk will again state the amendment.

The CHIEF CLERK. In line 6 of the proposed amendment——

Mr. PLUMB. What is the proposed amendment?

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed by the Committee on Pensions to insert a new section as section 5, as follows:

SEC. 5. That section 4716 of the Revised Statutes is hereby modified so that the same shall not apply to this act: *Provided*, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in the military or naval service against the United States.

In line 6 of the amendment it is proposed to strike out the word "the," and insert the word "any;" so as to read:

And no person shall be pensioned under this act for any disability incurred while engaged in any military or naval service against the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments reported by the Committee on Pensions.

Mr. BERRY. In line 7 of section 2, after the word "labor," I move to add, "and who are dependent on their daily labor for support."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 2, line 7, after the word "labor," it is proposed to insert the words, "and who are dependent on their daily labor for support;" so as to read:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which totally incapacitates them for the performance of manual labor, and who are dependent on their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same in the degree herein specified.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. BERRY].

Mr. BERRY. Mr. President, the words that I have offered as an amendment were contained in the bill that passed the last Congress, but which bill was vetoed by the President of the United States.

The theory of this bill, as I understand it, is not that it is a service-pension bill, but the object and purpose is to prevent those who served in the Union Army, and who have since become disabled from any cause, from becoming a charge upon the public and being confined in the poor-houses or almshouses of the country. The arguments which have been used in favor of the bill from the beginning are that many of the old soldiers who can not trace their disability or their wounds to anything that occurred while they were in the service are now so totally disabled that they are unable to earn a livelihood; that in consequence of it they are in the almshouses and the poor-houses throughout the nation; and that such state of affairs is not creditable to the Government of the United States. It was asserted by the Senator from Nebraska [Mr. MANDERSON] on Friday last that some nine or ten thousand are at this time in that situation.

When the last Congress passed the bill it provided that if the soldier was disabled, and if he was dependent upon his labor, the Government should protect him, but this bill leaves out the words "dependent upon his daily labor." The result would be that if the soldier served for sixty days and then quit the service, although he might have accumulated a large fortune during the war and be receiving to-day an income of $5,000 or $10,000 a year, yet he would be entitled to receive a pension if this bill should become a law.

It was asserted by the Senator from Nebraska that the bill which passed last year should have been approved; that it was a good bill; that it was one which commended itself to the Union soldiers of the country. If it was a good bill containing those words, I can not see why those words should be stricken from it to-day. It was passed before by a majority of Congress and it was vetoed by the President, and the words I have offered as an amendment were contained in the bill at that time.

It seems to me if this bill is proceeding upon the theory that the soldier should be protected from becoming a charge upon the different counties of the different States, then it should only apply to those who are dependent upon their labor, and that if one has a sufficient income he could not, unless it were a service bill, properly claim that he was entitled to receive the bounty of the Government.

That is the object and purpose of the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. BERRY].

The question being put there were, on a division—ayes 13, noes 10; no quorum voting.

Mr. WILSON, of Iowa. I ask for the yeas and nays.

Mr. SHERMAN. I understand members of the committee to say that there is no objection to this amendment.

Mr. DAVIS. So far as I can speak for the committee, there is no objection upon our part to the amendment. For my part I think it is correct and right.

Mr. PLATT. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I ask that the amendment be again read.

The amendment was again read.

Mr. DAVIS. I stated a moment ago that in my opinion the general principle expressed by the proposed amendment is correct enough, and for my part I have no objection to it; but upon hearing the amendment read again I suggest that the phrase "daily labor" will restrict the beneficent operation of the act within limits altogether too narrow.

I offer as an amendment to the amendment, if in order, or suggest it to the Senator from Arkansas for his acceptance, to strike out the word "daily," so as to make the phrase read, "and who are dependent on their labor for support."

Mr. PLATT. As the amendment was read it seemed to me that it excluded from the operation of the bill a class of persons whom nobody would want to exclude from its operation; that is, a class of persons who are dependent upon charity for support.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota propose to amend the amendment?

Mr. DAVIS. I propose to amend the amendment by striking out the word "daily," so as to make it read:

And who are dependent on their labor for support.

Mr. BLAIR. It will be observed that the amendment can not possibly apply to the class who are included in the section. The class included in this section are those, and those only, who are totally incapacitated for labor. If they are unable to labor, they can not be dependent upon their labor for support. I suggest to the Senator from Arkansas that he adopt this phraseology: "and who are without adequate means of support."

Mr. SPOONER, and others. That is better.

Mr. BERRY. I will state that I copied the words from the bill which was passed by both Houses during the last Congress and was vetoed by the President. The words I have used were taken from that bill. However, I am not particular as to the words, and I have no objection to the modification suggested by the Senator from New Hampshire.

Mr. REAGAN. I suggest the use of the word "other" instead of "adequate," so as to read, "and who are without other means of support."

Mr. BERRY. Yes, let it read, "and who are without other means of support."

The PRESIDENT *pro tempore*. Will the Senator from Arkankas send his proposed amendment to the desk?

Mr. BLAIR. The use of the word "other" instead of "adequate" and to say "without other means of support" would make it necessary that the beneficiary should be an absolute pauper to the absence of a single cent. I suppose the Senator would like to have the act apply to somebody, if it passes.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Arkansas will be read at the desk.

Mr. BERRY. Let it read "and who are without other means of support."

The PRESIDENT *pro tempore*. The Chair understands that by unanimous consent the amendment and the amendment to the amendment were withdrawn. The Senator from Arkansas now suggests an amendment, which will be read.

The CHIEF CLERK. In line 7 of section 2, after the word "labor," insert the words—

And who are without other means of support.

Mr. PLATT. That will not do.

Mr. BLAIR. I move to insert after the word "other" the word "adequate;" so as to read:

And who are without other adequate means of support.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to amend the amendment by inserting after the word "other" the word "adequate;" so as to read:

And who are without other adequate means of support.

Mr. EVARTS. I suppose we all have the same object in view in the amendment. It seems to me that the clause as now read rather diverges somewhat from the project, and that when the predicament is described of those who are wholly incapacitated for the performance of manual labor, we ought not to be relieved from giving this aid because there are other people who can support them. The point is whether their condition of disability entitles them to the aid and comfort of the public; and that might be met, it seems to me, by a phrase to this effect: "Which totally incapacitates them for the performance of manual labor, and they are not otherwise able to support themselves." I suggest that that would meet the difficulty without seeming to deprive them of the right to our gratitude or aid because there are other persons who might support them if the country did not support them.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Arkansas [Mr. BERRY].

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

Mr. TELLER. How will it read now?

The PRESIDENT *pro tempore*. The amendment as amended will be read.

The CHIEF CLERK. In line 7 of section 2, after the word "labor," insert the words:

And who are without other adequate means of support.

Mr. BERRY. I ask that the question be put again. I think the amendment proposed by the Senator from New Hampshire to my amendment was misunderstood on this side of the Chamber.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks that the question may be again submitted on the amendment proposed by the Senator from New Hampshire to the amendment of the Senator from Arkansas. The amendment will be stated.

The CHIEF CLERK. Insert in the proposed amendment, after the word "other," the word "adequate;" so as to read:

And who are without other adequate means of support.

Mr. BLAIR. I have no objection to the adoption of the phraseology suggested by the Senator from New York [Mr. EVARTS] if that be the ground of objection in calling for this further vote. Did the Senator from Arkansas mean to suggest that as a substitute for his amendment that suggested by the Senator from New York be adopted?

Mr. BERRY. I was not able to hear the statement of the Senator from New York. The amendment proposed by the Senator from New Hampshire inserting the word "adequate" will leave my amendment without meaning. The word "adequate" might mean a great deal for one person and very much less for another. It is very objectionable in that way; and therefore I hope the word "adequate" will not be adopted, because if that be adopted the amendment would be of very little, if any, value.

Mr. BLAIR. Would the Senator prefer the word "sufficient" to "adequate?"

Mr. BERRY. I would prefer it to stand "and who are without other means of support." I presume that that would be construed by the Department———

Mr. BLAIR. The Senator will see that it applies to persons totally incapacitated for labor, who can not labor, who do not labor, or may not have labored for twenty years, and such persons, dependent upon their daily labor only, shall receive the benefits of this act. It applies to nobody. Nobody is dependent on daily labor who is incapable of performing it.

Mr. BERRY. I accepted the change suggested so as to make it read, "and who are without other means of support."

Mr. BLAIR. To say "without other means than daily labor for support" would answer the purpose, but their daily labor is another thing.

Mr. HOAR. Suppose a man has some trifling means of his own, but not enough to give him full support, this would seem to deprive him, as it reads now, of the benefit of the act. Let us suppose a man absolutely unable to labor who has a little property, or an annuity, or income which gives him two or three dollars a week and that is all. If this is left in either way, it would seem to me to deprive him of the benefit of the measure.

Mr. BLAIR. I will say that this is a bill drawn perhaps by the Senator from Nebraska, but advocated and approved in all its phraseology by the Grand Army, and there is an effort to be made to pass it just as they sent it to us. It is a bill which amounts to little, but it has been drawn with the hope of getting around, or over, or outside a Presidential veto.

Mr. HOAR. They will not complain if we do better for them than they ask.

Mr. BLAIR. We are trying to do as nearly as possible what they want us to do.

Mr. MANDERSON. I desire to say, in reference to the suggestion of the Senator from New Hampshire, that while I introduced the bill, it was not draughted by me. I introduced it simply as it came from the committee on pensions of the Grand Army of the Republic.

Mr. BLAIR. However that may be, what I said as to the motive of the committee I think the chairman and all the members will justify me in saying, that we are trying to do what the Grand Army desire, as nearly as possible. It is undoubtedly a service pension as granted, and it provides that any person who has this total incapacity and who served for three months shall receive $12 a month, whether he be wealthy or whether he be poor. The effort of the Senator from Arkansas will bring the bill directly within the purview of the Presidential veto of the last Congress, and thus it will of course entirely nullify the object of the Grand Army to get a bill which will help somebody. It would undoubtedly help a very large class, while it might give $12 a month to a very few who are not dependent.

The PRESIDENT *pro tempore*. The motion being to amend the amendment by inserting the word "adequate," the Senator from Arkansas asks that the question may be taken again, the vote having been previously announced. If there be no objection, the vote will be again taken.

Mr. MANDERSON. I ask that the proposed amendment be read.

The PRESIDENT *pro tempore*. The proposed amendment is to insert the word "adequate" before "means." The Senator from Arkansas asks that the vote may be again taken on it.

The question being put, there were, on a division—ayes 19, noes 16, no quorum voting.

The PRESIDENT *pro tempore*. The result of the vote discloses the absence of a quorum.

Mr. TELLER. Let us have the yeas and nays. There is a quorum here.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is paired with the Senator from Missouri [Mr. COCKRELL]. If my colleague were present, he would vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. I should vote "nay" if he were present.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. VANCE. My colleague [Mr. RANSOM] was paired with the junior Senator from Michigan [Mr. STOCKBRIDGE], but the pair has been transferred to the senior Senator from Michigan [Mr. PALMER].

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "nay."

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK]. If he were here, I should vote "yea" and he would vote "nay."

The result was announced—yeas 29, nays 22; as follows:

YEAS—29.

Aldrich,	Davis,	Jones of Nevada,	Spooner,
Allison,	Dawes,	Manderson,	Stewart,
Blair,	Dolph,	Mitchell,	Teller,
Bowen,	Evarts,	Paddock,	Turpie,
Brown,	Farwell,	Platt,	Wilson of Iowa.
Chace,	Hiscock,	Plumb,	
Chandler,	Hoar,	Sawyer,	
Cullom,	Ingalls,	Sherman,	

NAYS—22.

Bate,	Daniel,	Jones of Arkansas,	Vance,
Berry,	Gibson,	Morgan,	Vest,
Blackburn,	Gorman,	Pasco,	Walthall,
Call,	Gray,	Payne,	Wilson of Md.
Coke,	Hampton,	Reagan,	
Colquitt,	Harris,	Saulsbury,	

ABSENT—25.

Beck,	Faulkner,	McPherson,	Sabin,
Blodgett,	Frye,	Morrill,	Stanford,
Butler,	George,	Palmer,	Stockbridge,
Cameron,	Hale,	Pugh,	Voorhees.
Cockrell,	Hawley,	Quay,	
Edmunds,	Hearst,	Ransom,	
Eustis,	Kenna,	Riddleberger,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Arkansas as amended.

Mr. PLATT. Now, let it be read, so that we may know what it is.

The PRESIDENT *pro tempore*. The amendment as amended will be read.

The CHIEF CLERK. In section 2, line 7, after the word "labor," insert the words:

And who are without other adequate means of support.

Mr. PLATT. I ask the Chief Clerk to read a little before the word "labor."

The CHIEF CLERK. So as to read:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which totally incapacitates them for the performance of manual labor, and who are without other adequate means of support, shall, upon due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive $12 per month.

Mr. EVARTS. I move to insert, before the word "support," the word "self."

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In the proposed amendment, before the word "support," insert the word "self;" so as to read:

And who are without other adequate means of self-support.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PLUMB. In section 2, line 6, I move to strike out the word "totally," before the word "incapacitated;" so as to read:

Which incapacitates them for the performance of manual labor.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I have no doubt that under that phraseology all persons would be excluded from the benefits of this bill except those who were absolutely incapacitated for the performance of any labor whatever, unless they were, as the Senator from Massachusetts [Mr. DAWES] says, absolutely on their backs in bed. Any person who could labor at all, any person who could do anything in the shape of manual labor which would contribute to his support, would be entirely cut out from the benefits of this bill if that phrase is allowed to remain.

If there is any rational ground upon which this bill can be supported, it is that there are a considerable body of men who served the Government in a military capacity who are now, presumably by reason of such service, less able to take care of themselves than the great mass of their fellow-citizens who did not render such service. If there are not such people, then of course there is no warrant for the bill. If there are, I should like to ask the Pensions Committee why they propose to distinguish between those who are incapacitated one-quarter or one-half and those who are incapacitated totally.

Why should not the rule which applies in all other pension cases apply in the class of cases provided for by the bill, that whoever is disabled at all by reason of his service shall receive a pension according to the degree of that disability; that is to say, a compensation which makes up to him, at least measurably, that which he has been deprived of by reason of the military service which he rendered to the Government?

If the amendment which I have moved, to strike out the word "totally" in line 6, shall be adopted, I propose to ask the Senate to strike out, in line 11, the words "twelve dollars per month" and insert in lieu thereof the words "a pension according to the degree of such disability, not less than $4 or not more than $12 per month in any case." That would have the effect of making the pension dependent upon the degree of disability, except that the minimum pension would be $4 per month; and I assume that if any one is disabled in any appreciable degree, he ought to be compensated by a pension of at least $4 per month. Less than that represents practically nothing.

Mr. BERRY. If the word "totally" is stricken from the bill it practically amounts to a service-pension bill to all those who served in the Union Army.

Mr. BLAIR. And who are disabled.

Mr. BERRY. If it is applied to those who are incapacitated for labor there are very few of those who served in the Army twenty-five years ago, or twenty-two years ago, but who can prove that to some extent they are now incapacitated for manual labor.

As I said before, if it be the object and purpose of the bill to grant a pension to all those who served in the Union Army, the fair and open way would be to say so in direct terms; but if you undertake to strike out the word "totally" it practically has that effect, because, as I stated before, if you leave out the word "totally," and leave it to a man to prove that he is incapacitated for manual labor, without stating to what extent, there are very few who can not prove that they are to a certain extent incapacitated. To strike out the word "totally" practically opens the door for pensioning all those who served in the Union Army, and who are not now on the pension-roll.

Mr. MANDERSON. I do not agree with the construction placed upon the bill by the Senator from Arkansas if it shall be amended as proposed by the Senator from Kansas. I would regret to see material changes in this bill, not that I have any pride in its language, but simply because it has come in the words in which we find it from the great organization of the ex-soldiers of this country. At the same time I recognize that the bill might very greatly be bettered by a change of its language and a change in some of its terms. I voted for the change which proposed to insert the words "and who are without other adequate means of self-support;" but I did so with some regret, because it placed in this bill that element of dependence or indigence which it seems to me ought not to be a requisite in legislation of this character. As I attempted to show on Friday last, that element of indigence is the great feature which provoked the opposition to what was known as the pauper pension bill passed many years after the close of the Revolutionary war. It does seem a very great hardship, something that should not be expected of men who have served their country, that they shall be compelled in the face of the country and before the Executive Departments to show a condition of pauperism, and that they are dependent upon others for their support. But that amendment has been adopted, and I have no special objection to it.

It is proposed now by the Senator from Kansas to strike out the word "totally," so that if there shall be an incapacity for the performance of manual labor joined with the further fact that there are no adequate means for self-support, a pension shall be granted; and he states that he proposes to follow the amendment by inserting the character of graded pensions which shall be awarded to those who are within the meaning of this proposed act; that for the least degree of disability which shall be pensionable there shall be an allowance of $4 a month; for the next grade, $8 a month, and that for an incapacity which is total in its character there shall be an allowance of $12 a month.

There is very grave question what would be the construction placed by the Pension Office upon the language of the bill as it now stands. Its terms are substantially the language of the pension law of to-day so far as the incapacity to labor is concerned. Under the pension laws that exist to-day, where the ex-soldier is able to show by the proof required by the law and by the rules of the Pension Office that he is totally incapacitated, it simply means that the incapacity is equal in extent to the entire loss of use of an elbow joint. It does not mean that he can not labor at all, but the construction of the words "total disability" by the Pension Office has been simply what I have stated, that if the degree of disability is equal to a want of power to use the elbow joint in manual labor, that is total incapacity under the law. I suppose that would be the construction placed by the Pension Office upon this language if the pending bill should become a law.

I do not believe that if the bill is changed, as proposed by the Senator from Kansas, it will result that all who have the least degree of incapacity will be placed upon the pension-roll, as suggested by the Senator from Arkansas. It will mean simply what the words import, that if there is a degree of incapacity to the extent of the meaning or construction of the words "total disability" in other laws, the recipient will receive $12 per month; if there is a degree of two-thirds such disability he will receive $8 a month, if the amendment suggested obtains; and if there is a degree of disability equal to one-half or one-third he will receive $4 a month.

I am in hearty sympathy with the efforts of the Senator from Kansas to obtain such a law as will prevent the farce which we see every day, of the allowance to disabled veteran soldiers of sums ranging from $3 down to $1 per month—that sort of construction of the pension law which gives to a man who is declared to be disabled and a proper recipient under the present law the sum of $1.25 or $1.50 or $1.66 per month. As this amendment is in that direction, while I regret to see the bill materially changed, it certainly meets with my hearty approbation, and I propose to vote for it.

Mr. EVARTS. I am heartily in favor of the amendment proposed by the Senator from Kansas in the sixth line, but I do not favor his grading of compensation. I think whoever takes under this well-guarded section should have $12 a month. Nor do I think that the section would be less well guarded by omitting the word "totally." It would then read, "which incapacitates them for the performance of manual labor." If it incapacitates them it is total enough without putting in the word "totally" for somebody else to hang a doubt on that it means something more than being incapacitated.

I therefore would desire that the word "totally" should be left out, as leading to a perfectly intelligent and proper explanation and explication of the subject. When a person is incapacitated for manual labor he comes within the list of pensioners. I hope in consequence of striking out "totally" no effort will be made to grade the incapacity. When it is incapacity for labor it is enough for me that he should have the whole $12.

Mr. PLATT. The term "total disability" is already in the statutes. Now, if the words "totally incapacitates them for the performance of manual labor" are to have the same construction in the Pension Office which the words "total disability" have in the Pension Office, the soldier who can not trace his disease or difficulty back to his Army service would be put in the position of getting $12 for the same disability which one who could trace his disease back to his Army service would only get $8 for.

I can scarcely think that the Pension Office would put any such construction as that upon it, so I am bound to assume that the Pension Office would put upon these words such a construction as that no one would get a pension under this act upon the ground of total incapacity

who could perform any labor whatever; and as it stands now it would shut out from the operation of the act everybody who, although disabled and mainly unable to do anything, yet might do a little something in the way of labor.

Mr. DAVIS. The amendment proposed by the Senator from Kansas, and the one which he suggests will follow it, are matters which have been discussed in every consideration of this question for several years. For my own part I am exceedingly anxious to see a bill pass which will receive the Executive approval, which will be open to none of the objections which were taken to the bill by the President last year, and I much prefer to give my support to a bill of that character than to endanger the whole scheme in an endeavor to gain that which, though it may be strictly just, is, I think, at this time impossible of attainment.

In the bill which passed the last Congress, and which was disapproved by the President, the phrase in regard to disability was "mental or physical disability * * * which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support * * * shall receive for such total inability to procure their subsistence by daily labor" the pension provided by that act.

Those who have perused the message by which the veto was conveyed are perfectly familiar with the fact that the President construed that provision very strictly as against the claimant, and made the phraseology then under consideration one of the main reasons for his disapproval of the bill.

Under these circumstances the members of the Grand Army of the Republic, viewing this question as a practical question (and it is a deeply practical question to them), met in St. Louis last summer and discussed this subject with a discrimination and a moderation which will not be excelled in any discussion elsewhere in this country.

As the result of their deliberations they formulated the bill introduced by the Senator from Nebraska, not because they thought it gives all they are entitled to, not because they thought it filled the measure of justice to them, but because they supposed that in the present temper of public feeling in at least one of the political parties of this country it was the best thing that could be obtained. For that reason your committee, when many of these features which have been called to the attention of the Senate were called to their attention, felt exceedingly loath to disturb the phraseology or the principles upon which it was placed.

I differ with the Senator from Kansas in regard to the sweeping effects of the phrase "total incapacity." The phrase is not "totally disabled;" the phrase is "totally incapacitated." Its predicate is the man who has not the capacity for manual labor. It means that if he undertakes it for one day he may break down for the next three days. It means that his physical system and constitution have not the capacity to enable him to make the continuous exertion of daily labor.

In my view, a proper, a charitable, and a fair construction of this phrase would be that the man is totally incapacitated for manual labor who would be rejected as a workman when making application for day labor, where they would say, "You are not fit; you would break down after two hours." It does not mean a hopeless paralytic or a bedridden man. It means a man who lacks the capacity, the power to exert himself continuously and regularly in manual toil.

Such has been the construction of the Pension Office in regard to the phrase "total disability" as it has existed in the pension acts for many years. Hence, anchylosis of the ankle, anchylosis of the wrist, the loss of the sight of one eye, the loss of the index or second finger, and the loss of the thumb are rated, as they have been for many years, as total disability, a phrase which has come to be technical in the administration of the pension laws.

The act of June 18, 1874, is a much more stringent act in its expression, in my judgment, than the one under consideration, and by that act it was provided that—

> All persons * * * who have been so permanently and totally disabled as to require the regular aid and attendance of another person by the loss of sight or by any other injury resulting in total or permanent helplessness shall be entitled to a pension of $50 per month.

The phrase "total or permanent helplessness" was construed by Secretary Chandler, I think, and he held, February 11, 1876—

> The word "helplessness," as used in the act of June 18, 1874, does not imply utter physical prostration, but should be understood as referring not only to the physical helplessness which compels him to depend at times upon the personal aid or assistance of another person, but also to his helplessness, to wit, his inability to gain a subsistence by his own exertions.

I maintain that not only a fair and liberal construction but a just construction of the phrase "totally incapacitated for manual labor," should be held and probably would be held to mean "inability to gain a subsistence by his own exertions."

For the reasons which I have stated, the phraseology of the bill of the last Congress, which received the Executive disapproval, was changed by those who framed the pending bill after the maturest consideration.

They also considered the idea of a graded scheme as applicable to their claims for present relief. They too looked into the history of the pension measures, as we are compelled to look into it if we pass anything that is destined to become a law and give the relief of which thousands are in the sorest need. They saw that a graded bill was sent from the Senate to the House at the last Congress, framed, if I recollect correctly, precisely upon the theory attempted to be put in force by the Senator from Kansas. That bill was ignored by the other House, and the House bill of last winter was sent back here in its place. The Senate, with great reluctance, viewing the course they took as the only one practical to obtain relief, passed that bill, and it perished under the Executive disapproval.

As I said before, while I do not think, and I do not believe any man on this floor who has viewed this subject from a proper standpoint thinks, that this measure fills to one-tenth the measure of justice which this country owes its defenders, yet, if they have looked at it in a business point of view and have formulated something which they say they will be content with, because they think it is the best and the most they can get, that we imperil the chances of this great measure of relief and throw it over a year, and perhaps years to come, by doing that which, although it may be intrinsically just, puts the bill itself and its ultimate success in jeopardy.

No man will go further than I in rendering full and complete justice to those to whom we owe the preservation of the Union. I would go with the Senator from Kansas to any reasonable extent, and he would go no further; but I think we should view this matter from a business point of view with the idea of obtaining the immediate success of this bill rather than to imperil it by subjecting it to the fate which its predecessor met last year.

Mr. PLUMB. I should like to ask the Senator from Minnesota a question before he sits down. He understands, of course, that the term "total incapacity for manual labor," as used in this bill, would give a pension of $12 a month to a person who is bedridden, absolutely unable to do anything, does he not?

Mr. DAVIS. There is no question about that.

Mr. PLUMB. Would it give the same pension, according to the Senator's construction of it, to a person who could labor five hours out of six or nine hours out of ten each day?

Mr. DAVIS. Those precise questions were put at the last session by one Senator to the other here. I do not know what a proper ruling under the extreme circumstances supposed would be. In some cases the same pension might be allowed for different degrees of disability, and in some cases it might not. It does not create any objection to the bill as it stands that cases of that character may be supposed to arise in actual administration of the statute. It does not constitute any objection to the actual, general theory of this bill that difficulties and conundrums of that kind may be propounded which do not touch the philosophy or correctness of the bill at all.

Mr. PLUMB. The answer of the Senator only illustrates, it seems to me, the weakness of his position. The President last year vetoed the bill which we sent him, partly because of what he claimed to be its indefinite character, a doubt as to what the proper construction of it might be. If the Senator will say that he believes those who are disabled the smallest possible ascertainable degree should get $12 a month as well as those who are disabled totally in the most comprehensive sense of that term, then I shall understand exactly what this bill means.

Mr. DAVIS. Will the Senator allow me a moment? Of course, for any disability which is pensionable, $8 or $12 a month is very meager compensation; but one of the iniquities, I was about to say, certainly one of the inequalities, of the pension law has been the infinitesimal system of grading pensions, whereby one disease is graded a little above another and one man a little above another until the pension ran from $1 a month to $8 a month. It was the idea of the men who drew this bill and the idea of the committee who considered it that any person who is worthy of a pension at all by reason of the degree of disability expressed in the bill is entitled to $12 a month.

Mr. PLUMB. Then I understand the Senator to say that there would be no grading of pensions under this act at all?

Mr. DAVIS. None whatever.

Mr. PLUMB. I did not understand the Senator as asserting with any degree of positiveness at all, but I understood him to say in substance at the beginning that this $12 a month would be the maximum, and it would be graded from that down.

Mr. DAVIS. The bill is very plain that no grading of the pension is intended by it.

Mr. PLUMB. The point is that total incapacity means either total incapacity or it means something else. The Senator now thinks it means something else; that it does not mean total incapacity, but it means simply any incapacity from the least appreciable disability up to a total disability. I am not going to quarrel with the committee. I agree with the Senator entirely; but I do not think there can be any grading of pensions under this bill, and therefore I fear that the office will adopt the rule or theory that none except those who are actually totally incapacitated in the strongest possible sense of that term can receive the benefits of it.

Mr. PLATT. There is no doubt about it.

Mr. PLUMB. Therefore hardly anybody would get the benefit of it; not a handful of men; not five thousand in all the United States;

probably not a thousand. Section 4692 of the Revised Statutes is the first section of Title LVII, under the heading of "Pensions," and it provides that—

Every person specified in the several classes enumerated in the following section who has been, since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive for a total disability or a permanent specific disability such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability.

There is the warrant for the system of grading pensions of which the Senator from Minnesota has spoken. If there had been no provision in the law for grading pensions, of course no one who was not totally disabled or who had not a specific permanent disability would have received a pension.

Of course we are to some extent groping in the dark. We may pass this bill or any other bill, but somebody else must construe it. What we ought to do is, as nearly as possible, to put the idea which is in our minds as legislators in such phrase that we may have the best possible chance of reaping such a result as we desire. If it is the idea of the committee that $12 shall be the minimum pension under this bill, and that not only those who are totally incapacitated, but those who are partially incapacitated, shall share the benefits of it to that extent, let it be put in adequate phrases, in order that those who come to construe it may have no chance of getting away from its plain provisions.

The difficulty with this bill is to have it reach as nearly as possible the class for whom I think it was designed. I want to take the class who are disabled, that is to say, who are so affected presumably by reason of their military service that they can not do the full amount of manual labor which might be expected of persons in their otherwise condition, as the Senator from Massachusetts [Mr. DAWES] well suggests, those whose ability is impaired, which is not in a normal condition. But we are saying here in this bill what I believe will apply to nine-tenths at least of all those who get the benefit of it, that the impairment of their ability occurred by reason of their military service. If that be so, we ought to put it beyond all controversy that all persons whose ability is thus impaired shall receive the benefit of this act, and we ought not to leave it to the chance of an adverse construction. When I say "adverse" I do not mean to say necessarily with a design to give the least benefit possible to the bill, but I refer to a construction which the Attorney-General of the United States if it should be submitted to him, the President of the United States, the Secretary of the Interior, or the Commissioner of Pensions might with an unbiased judgment apply to it.

I do not want to get into those things which are in the purview of the Committee on Pensions; I do not want to do anything which shall in any way impair the harmony of the bill which they have brought here; I do not want to do anything which will in any way impede the passage of this bill; but I do not want to assist in the passage of a bill which, according to my belief, will result in a minimum of good, and I do not want to assist in the passage of a bill upon the theory that somebody will construe it otherwise than it is construed on this floor.

Mr. FRYE. I confess, Mr. President, that I do not like this bill. I do not regard it as liberal enough to the soldiers. I find trouble in the very first section, in the seventh and eighth lines:

That in considering the pension claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor child or children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other means of support than their own manual labor or the contributions of others not legally bound for their support.

If the parents have a farm worth, say, a thousand dollars, which every Senator knows would be entirely inadequate to their support without manual labor, it seems to me that if that language should be construed literally they might be deprived of any benefit under this act. Suppose the parents have a thousand-dollar United States bond from which they draw $40 a year interest, it seems to me that the possession of a thousand-dollar bond prevents them from being helped by this act. There are thousands of dependent parents who have small farms or farms under mortgage, or who have, it may be, a United States bond which the boy who died furnished them the money to buy, who need the benefit of this bill, just exactly as much as a parent who has not any farm or any bonds; and it seems to me that the word "adequate" should be inserted, so as to read "without other adequate means of support." I think there should be such an amendment in the first section.

Now, in regard to the section which is under consideration, I have observed, because I have addressed very large numbers of bodies of old soldiers, that nine out of ten of the private soldiers who served in the war two years, three years, or four years, are to-day broken-down men. You may take a thousand old soldiers and place them in line and then a thousand civilians of the same age and place them in line, and the difference is more than 25 per cent. in health and vigor in favor of the civilians. I have no doubt that there are tens of thousands of as brave soldiers as shouldered a musket and went into the war who never were in a hospital during their service, who never had a surgeon, and who under the laws of the United States to-day and the rules of the Pension Office can not by any possibility obtain a pension who are just as much entitled to it under the spirit of the law as are the men who lost a leg or an arm or anything of that kind. The constitutions of those men were pricked by the service, and I think it is safe to say that the constitutions of four soldiers out of five who served as privates were pricked by the service which they endured through the four or five years of war, and yet they are utterly unable to obtain a pension to-day because, forsooth, while in the war they were not in hospital and did not receive the aid of a surgeon.

I want a bill which shall provide for every one of those men; and the first bill which the Senate passed some four or five years ago did provide for those men when it provided—I can not give the exact words—that all soldiers in the Union Army who are now disabled, no matter how, no matter where, no matter when, but all soldiers who are now disabled shall receive a pension from the United States.

I agree entirely with the Senator from Kansas; I wish to leave to no Secretary of the Interior, I wish to leave to no Commissioner of Pensions the question as to what "total incapacity" means. I do not believe in giving a pension of $12 a month to a Union soldier who is totally incapacitated for labor as I understand the words "total incapacity." In the first place, I do not believe in giving any soldier who is entitled to a pension less than $12 a month under any circumstances, and I believe that this nation can afford to pay any soldier who is incapacitated even in the slightest degree by his service in the Army from taking care of himself $12 a month, however slight the incapacity may be; and if it is total, if that man can do no labor, then I believe in paying him very much more.

Mr. President, I am not asserting that I will not vote for this bill. I respect the source from which it came originally, and I respect the Pension Committee, from which it is presented here to the Senate of the United States; but when I vote for it I simply wish to enter my protest that it is not in response to my feelings of justice to the soldiers, even in a very slight degree, nor to my sense of justice to dependent parents whose soldier boys are sleeping to-day in death in consequence of their attempt to save the life of the Republic.

Now, Mr. President, a good deal of talk has been made in the last five or six years that we are going too fast and too far for the soldiers. I entertain no such feeling as that, and I have no sympathy with it from whatever source it may come. I say the time is not far distant when we shall pension every soldier who served in the Army, give him a service pension, and that will come from the presumption that age has incapacitated him from earning his living, and we shall all unite in that. That time, it may be, has not now come, and I do not advocate a service pension; but on the same principle that I would vote for that when age rendered it probable that he was incapacitated from service, I would pension to-day every soldier in the United States Army who by reason of his services, or from any other reason whatsoever, except his own vicious course or his own negligence or his own act, was incapacitated in any degree from obtaining his living; and this bill does not answer that demand of my conscience.

Mr. PLATT. Mr. President, like the Senator from Maine, I shall vote for the best possible pension bill that it is practicable to get; but I want to say that, upon an examination of this bill and a comparison of it with an existing statute, I believe that no person will receive any pension under this bill unless he is utterly, absolutely, and completely incapable of performing any manual labor. I do not see how there can be any other construction put upon the bill. The language is this:

Suffering from mental or physical disability * * * which totally incapacitates them for the performance of manual labor.

If that were an original clause there might be some doubt as to what it meant, but it is language which has already been inserted into another statute, the statute of March 3, 1883, which provides—

That all persons now on the pension-roll, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or—

And here comes the language—

or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, * * * shall receive a pension of $30 per month.

There is no difference between the language in the statute and that in this proposed law, except that the word "totally" is introduced and the word "any" is left out before "manual labor," but that does not change the meaning in any respect. The meaning is the same as the clause in the act of March 3, 1883; and unless some member of the Pension Committee can say that under the rules of the Pension Office he is satisfied that there is to be a grading of the $12 pension provided for in this act, then only those persons will get $12 a month who, if they can trace their disability to their army service, now get $30 a month because they are incapacitated for performing any manual labor.

So, then, if this bill passes, my judgment is that it will reach and help but a very small proportion of the soldiers suffering from disability who ought to have relief.

Mr. BLAIR. Mr. President, when in the Forty-sixth, the Forty-seventh, and the Forty-eighth Congresses I had the honor to express the idea that our dependent and disabled soldiers should be taken care of, as I recollect, I received sneers and opprobrium from both sides of the Chamber. I thought then the day would come when I should find one

side of the Chamber at least unanimous in support of the principle of the measure then proposed and advocated by myself, and I rejoice exceedingly that it is now quite apparent that if we had no obstacles in the way but ourselves we should be able after these long years to do something like tardy justice to the men who preserved this Government. As a member of the Committee on Pensions I have the same convictions now that I had formerly, and I should be extremely glad if it were possible for us to hope that the other branch of Congress and the Executive participated in the same just feelings towards the soldiery of the country. But we know very well, as we have found out in all these past years, that it is impossible to obtain that legislation which we believe should be enacted. It is utterly impossible to obtain probably the passage of a bill much if any more liberal than the terms of the one which the committee have reported.

I agree that this bill is here presented and supported by the great soldier organization of the country because they understand that it will receive and be subject to the narrow construction which has been suggested by the Senator from Connecticut and by other Senators who have criticised the bill. It is not expected that it applies to any but those who are in almshouses and who are, if still living, entirely unable to do one single thing towards their support. I support just that bill because the Grand Army ask us to give them even this legislation, and they have devised it with great ingenuity in the hope that it will escape the obstacles which lie between action on it here and its becoming a law.

It is an unjust bill, it is an absurd bill, it is a bill which it is almost a disgrace to enact into a law in view of the facts; but the Grand Army, the great soldier organization of the country, are of the opinion that it is the most they can ask for now with the hope of success. I do not feel that I am at liberty to act according to my own impulses, because those impulses, based, as I think, upon my judgment, are liable to make me go too far. There will be no statute, there will be no remedy whatever unless this be passed.

I have in my hand the veto message of the President, not of the measure which was devised in the Senate and passed twice by the Senate, once in the Forty-eighth and once in the Forty-ninth Congress, a measure identical in principle with the amendment now suggested, part of it offered by the Senator from Kansas. That bill provided for a grading of pensions from $4 to $24 per month, according to the actual degree of the disability. It failed to meet the approbation of the other House. We passed it in connection with the Mexican pension bill, which carried a service pension to those who had fought for the flag in the Mexican war, they very largely resident in the South, and the two bills were sent by the Senate to the House together. One was passed and the other was ignored. We elected to do the generous thing, and we gave a pension to the soldiers of the Mexican war by the action of the Senate.

The other bill failed, and to-day the soldiers of the Union are begging, the disabled class, not those who were provided for in the Mexican war pension bill, which included the millionaires and all together, and some of them applied for its benefits—the soldiers of the war of the Union only asked for pensions where they were disabled, and service pensions to those who had coupled with their service disability and destitution, but they have failed so far to get even that.

As I was saying, in the last Congress we sent the bill providing for a pension where there were disability and destitution, according to disability, between the sum of $4 and $24. The House refused to pass that, but sent to us instead of it the bill which was vetoed by the President. I have in my hand his veto message, and I wish to call the attention of the Senate to the grounds on which he based that veto. On the fifth page of the veto he said:

> It seems to me that the "support" here mentioned as one which can not be earned is a complete and entire support, with no diminution on account of the least impairment of physical or mental condition. If it had been intended to embrace only those who by disease or injury were totally unable to labor—

Senators will observe that the word "totally" is taken from the message and incorporated in the present bill—

> If it had been intended to embrace only those who by disease or injury were totally unable to labor it would have been very easy to express that idea, instead of recognizing, as is done, a "degree" of such inability.

Then he said:

> It must be borne in mind that in no case is there any grading of this proposed pension. Under the operation of the rule first suggested, if there is a lack in any degree, great or small, of the ability to earn such a support as the Government determines the claimant should have, and by the application of the rule secondly suggested, if there is a reduction in any degree of the support which he might earn if sound, he is entitled to a pension of $12.
>
> In the latter case, and under the proviso of the proposed bill, permitting persons now receiving pensions to be admitted to the benefits of the act, I do not see how those now on the pension-roll for disabilities incurred in the service, and which diminish their earning capacity, can be denied the pension provided in this bill.

Further on:

> I am of the opinion that it may fairly be contended that under the provisions of this section any soldier whose faculties of mind or body have become impaired by accident, disease, or age, irrespective of his service in the Army as a cause, and who by his labor only is left incapable of gaining the fair support he might with unimpaired powers have provided for himself, and who is not so well endowed with this world's goods as to live without work, may claim to participate in its bounty; that it is not required that he should be without property, but only that labor should be necessary to his support in some degree; nor is it required that he should be now receiving support from others.
>
> * * * * * * *
>
> Recent personal observation and experience constrain me to refer to another result which will inevitably follow the passage of this bill. It is sad, but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those who as agents undertake to establish claims for pensions, heedlessly entered upon by the expectant beneficiary, and encouraged, or at least not condemned, by those unwilling to obstruct a neighbor's plans.
>
> In the execution of this proposed law under any interpretation, a wide field of inquiry would be open for the establishment of facts largely within the knowledge of the claimants alone; and there can be no doubt that the race after the pensions offered by this bill would not only stimulate weakness and pretended incapacity for labor, but put a further premium on dishonesty and mendacity.

It is apparent from this veto message that the bill which has been devised by the Grand Army, which has been reported with no substantial variation or amendment on the recommendation of our committee, is framed as carefully and as strictly as possible to evade the objections of the President, in the hope of obtaining relief for the most needy, the most dependent, and the most suffering class of our soldiers who are not now provided for. And while I am myself sorry to vote for the bill, and would not vote for it if there were in so doing any implication that more was not just, that more was not necessary, yet in view of the fact that after careful discussion throughout the country by the soldiers in their assemblies, by the public, and finally in the great assembly of the Grand Army and by recommendation of their committee, and made known to the committee of the Senate, this is the utmost we can hope for, I shall not oppose the bill. I participate in the feeling expressed by the Senator from Maine, but it is this, as the committee have felt, or nothing; and even with this it is possible that there will be nothing really.

Mr. MANDERSON. I simply desire to make one suggestion to correct that which I think is a misapprehension on the part of the Senator from Maine. He seems to think that section 1 of the bill establishes some new rule of law with reference to the character of dependence of the dependent parent. That is not so. The language that he objects to on page 1, lines 8, 9, and 10, of section 1, is identical with the present law as to dependent parents. It may be that the language is open to the criticism that he makes; but no new rule of dependence is attempted by this bill. The Grand Army committee apparently simply take that as the law, but all the change that is made by section 1 is that the time for obtaining the pension is changed; that is to say, under the existing law if the dependence is upon the son at the time of his death, then the dependent father can obtain a pension, while under this bill if there was no dependence at the time of the death of the soldier-son, but it shall come afterwards by the loss of fortune or with advancing age, then such dependent parent can obtain a pension under the bill. So the remedy sought to be applied by this bill is the remedy as to the time of dependence, and not the dependence itself.

Mr. FRYE. Mr. President, I remembered from bitter experience what the language of the old law was. We members of Congress learn a great deal about pension laws and have occasion to know a great deal about them, and I have known very many instances of parents being deprived of the benefits of the old law because they held a small piece of land, or because they were the owners of a farm that was under mortgage, or because they had a house and lot on which they were obliged to pay taxes. So my complaint is just as much against the old law as against this proposed one. I would not vote the same language in a new law that prevailed in the old law when I was undertaking to do some further benefit to the pensioners. I would prefer not to have this amendment of the law.

Mr. MANDERSON. I quite agree with the Senator as to his strictures on the old law, but I wanted to correct what was apparently a misapprehension on his part. That was all. The idea simply was on the part of the Grand Army committee and on the part of the Pension Committee of the Senate that failure would come if too radical a change was attempted; that in this matter of pensions the old motto was a very excellent one, that we should make haste slowly.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. HARRIS and others. Let it be read.

The SECRETARY. In section 2, line 6, after the word "which," strike out "totally;" so as to read:

> Which incapacitates them for the performance of manual labor, etc.

Mr. PLUMB. I call for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "nay."

Mr. HALE (when his name was called). I was paired with the Senator from Kentucky [Mr. BECK]. I have transferred that pair to the Senator from Pennsylvania [Mr. QUAY], and vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PUGH (when his name was called). I am paired with the Sen-

ator from Vermont [Mr. EDMUNDS], who would vote "yea" if present, and I should vote "nay."

The roll-call was concluded.

Mr. KENNA. I beg to say that if I were not paired I should vote "nay."

Mr. BLAIR (after having voted in the affirmative). I ask unanimous consent to withdraw my vote. Having a fear as to the ultimate fate of the bill if thus amended, I do not wish my vote to stand.

The PRESIDENT *pro tempore*. The Senator from New Hampshire withdraws his vote.

The result was announced—yeas 27, nays 23; as follows:

YEAS—27.

Aldrich,	Dolph,	Ingalls,	Sherman,
Allison,	Evarts,	Manderson,	Spooner,
Bowen,	Farwell,	Mitchell,	Stewart,
Chandler,	Frye,	Paddock,	Stockbridge,
Cullom,	Hale,	Platt,	Teller,
Davis,	Hiscock,	Plumb,	Wilson of Iowa.
Dawes,	Hoar,	Sawyer,	

NAYS—23.

Bate,	George,	Jones of Arkansas,	Turpie,
Berry,	Gibson,	Morgan,	Vance,
Blackburn,	Gorman,	Pasco,	Vest.
Call,	Gray,	Payne,	Walthall,
Coke,	Harris,	Reagan,	Wilson of Md.
Faulkner,	Hearst,	Saulsbury,	

ABSENT—26.

Beck,	Cockrell,	Jones of Nevada,	Ransom,
Blair,	Colquitt,	Kenna,	Riddleberger,
Blodgett,	Daniel,	McPherson,	Sabin,
Brown,	Edmunds,	Morrill,	Stanford,
Butler,	Eustis,	Palmer,	Voorhees.
Cameron,	Hampton,	Pugh,	
Chace,	Hawley,	Quay,	

So the amendment was agreed to.

Mr. PLUMB. I now move, in line 15 of section 2, to strike out the words "in the degree herein specified." That language seems to imply that we should not be at liberty to change in respect to the rate of pensions as we pleased.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 2, line 15, after the word "same," it is proposed to strike out the words "in the degree herein specified;" so as to read:

And such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. I should vote "nay" if he were present.

Mr. KENNA (when his name was called). I should vote "nay" on this proposition, but that I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. I should vote "nay" and he would vote "yea," if present.

The roll-call was concluded.

Mr. BLACKBURN. I believe the Senator from Maine [Mr. HALE] heretofore stated that my colleague [Mr. BECK] was paired with the Senator from Pennsylvania [Mr. QUAY]. My colleague, if present, would vote "nay."

Mr. HALE. Has the pair of the Senator from Pennsylvania [Mr. CAMERON] been announced?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. HALE. The Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from South Carolina [Mr. BUTLER]. They are both absent. The Senator from Pennsylvania, if present, would vote for the amendment.

The result was announced—yeas 26, nays 22; as follows:

YEAS—26.

Aldrich,	Evarts,	Manderson,	Spooner,
Allison,	Farwell,	Mitchell,	Stewart,
Chandler,	Frye,	Paddock,	Stockbridge,
Cullom,	Hale,	Platt,	Teller,
Davis,	Hiscock,	Plumb,	Wilson of Iowa.
Dawes,	Hoar,	Sawyer,	
Dolph,	Ingalls,	Sherman,	

NAYS—22.

Bate,	George,	Morgan,	Vance,
Berry,	Gibson,	Pasco,	Vest,
Blackburn,	Gray,	Payne,	Walthall,
Call,	Hampton,	Reagan,	Wilson of Md.
Coke,	Harris,	Saulsbury,	
Faulkner,	Hearst,	Turpie,	

ABSENT—28.

Beck,	Blodgett,	Brown,	Cameron,
Blair,	Bowen,	Butler,	Chace,
Cockrell,	Gorman,	McPherson,	Ransom,
Colquitt,	Hawley,	Morrill,	Riddleberger,
Daniel,	Jones of Arkansas,	Palmer,	Sabin,
Edmunds,	Jones of Nevada,	Pugh,	Stanford,
Eustis,	Kenna,	Quay,	Voorhees.

So the amendment was agreed to.

Mr. PLUMB. On page 3, line 26, at the close of section 2, there is a verbal error. I think the word "thereunder" should be "hereunder." I ask the chairman of the committee if that change should not be made?

Mr. DAVIS. That refers to line 10 and to line 21 also.

Mr. KENNA. Is not the question in both lines referred to existing laws, so that this bill refers to pensions under existing law?

Mr. PLUMB. Then it should be "thereunder." I want now to move to amend section 3 by inserting, after the word "act," in line 12, the following:

All pensions granted to widows under this or any other general law shall take effect from the date of the death of the husbands of such widows, respectively.

Under the law now the pension to widows takes effect only from the date of application. There are various reasons why there is a considerable lapse of time in almost every case between the death of the husband and the application of the widow. It would involve a great deal of indelicacy, to say the least, for a widow to make application the very next day after her husband died. Many of them are ignorant of their rights, and many of them are distant from the point where medical testimony can readily be obtained, and weeks and months often elapse before the application is made. There is every reason why there should be no hiatus between the date of the pension due to the husband failing by reason of his death and the widow's pension beginning.

Mr. PLATT. I do not think I can vote for this amendment. The law hitherto has been such that the widow must prove that her husband's death was the result of his Army service in some way; so that widows who have been unable to prove that up to the present time have not been able to obtain pensions. We now propose to change the law so that the widow of a soldier who lost her husband prior to the passage of this act, the soldier having died prior to the passage of this act, shall be entitled to a pension; and I can scarcely go to the extent of saying that she shall have that pension away back to 1862 or 1865.

Mr. PLUMB. I will modify it so as to say "not dating back of the passage of this act."

Mr. PLATT. That I will agree to.

Mr. MANDERSON. I should like to ask the Senator from Kansas if he is confident of his statement that in the case of widows the pension begins from the time of filing the application?

Mr. PLUMB. From the date of the application.

Mr. MANDERSON. Then the law must have been changed as I read it in section 4702 of the Revised Statutes.

Mr. PLUMB. I have the statement of the Commissioner of Pensions in his annual report.

Mr. MANDERSON. The law apparently requires that the pension shall commence from the death of the husband, unless it has been changed since the passage of that act.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. In section 3, line 12, after the word "act," it is proposed to insert:

All pensions granted to widows under this or any other general law shall take effect from the date of the death of the husbands of such widows, respectively, but not dating back of the passage of this act.

Mr. PLUMB. I will just read a paragraph from the last report of the Commissioner of Pensions:

Under existing law a widow's pension certificate can only bear date from the day on which she files her application.

Mr. MANDERSON. Yet I read this as the law, that it shall "commence from the death of the husband or father," speaking of the widow and the minor child in section 4702 of the Revised Statutes. That may, of course, have been changed since the passage of that act.

Mr. PLUMB. I do not like to be guilty of an error in making a statement. The Commissioner recommends the change.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. In section 3, line 12, after the word "act," it is proposed to insert:

All pensions granted to widows under this or any other general law shall take effect from the date of the death of the husbands of such widows, respectively, but not dating back of the passage of this act.

The amendment was agreed to.

Mr. CALL. I offer the following amendment: After the word "rebellion," in line 3, section 2, insert:

Or in any Indian war in which the United States has been engaged.

Mr. MORGAN. I have prepared an amendment on that point.

Mr. CALL. Then I withdraw mine at the request of the Senator from Alabama.

Mr. MORGAN. I ask the Senator from Florida to modify his amendment as follows: After the word "rebellion," in line 3, section 2, insert the words:

Or in the war with Mexico or in any of the wars with the Indian tribes.

Mr. CALL. I accept that.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 2, line 3, after the word "rebellion," it is proposed to insert:

Or in the war with Mexico or in any of the wars with the Indian tribes.

So as to read:

SEC. 2. That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, or in the war with Mexico, or in any of the wars with the Indian tribes, and who have been honorably discharged therefrom, etc.

Mr. MORGAN. "Prior to 1861," I will insert after the words "Indian tribes."

The PRESIDENT *pro tempore*. The proposed amendment will be read as modified.

The Chief Clerk read as follows:

Or in the war with Mexico, or in any of the wars with the Indian tribes prior to 1861.

Mr. MANDERSON. I ask the Senator from Florida, who probably is more familiar with the subject, whether it is not true that under the Mexican pension law passed during the last Congress the survivors of that war, where they are disabled or have reached the age of sixty-two, have all the rights which they could possibly have under this amendment?

Mr. CALL. Under that act they receive but $8 a month, and those who do not come within the provisions of that act would be embraced in this bill if it be amended as proposed by the Senator from Alabama.

Mr. MITCHELL. What period of service does this cover? How long must a soldier have served?

Mr. MORGAN. Three months.

Mr. MITCHELL. Why make it so long? A great many men served in Indian wars and suffered very great hardships and rendered very great results, and yet they were not in the service for that length of time. I would suggest that the time be made shorter.

Mr. CALL. I have no objection, if the Senator proposes such an amendment. I have no doubt he is correct in regard to many Indian wars. While that is not true in regard to the Mexican war, it is true in respect to wars with Indian tribes. If the Senator will propose an amendment applying exclusively to service in Indian wars, I shall have no objection.

Mr. MITCHELL. I would amend the time so as to say "thirty days."

Mr. CALL. I have no objection.

The PRESIDENT *pro tempore*. The Senator from Florida proposes to modify his amendment.

Mr. DOLPH. I suggest that what is desired to be accomplished may be done by inserting after the word "or" the words "for thirty days."

Mr. CALL. I accept that.

The PRESIDENT *pro tempore*. The amendment as modified will be read.

The CHIEF CLERK. As proposed to be amended, it will read:

That all persons who served three months or for thirty days in the military or naval service of the United States, etc.

Mr. DOLPH. That is not the amendment.

Mr. COCKRELL. I shall have to offer an amendment.

Mr. DOLPH. What I proposed was to make the amendment read:

Or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes prior to 1861.

The Secretary had the words inserted after the wrong "or."

The CHIEF CLERK. It is proposed to insert in the proposed amendment, after the second word "or," the words "for thirty days;" so as to read:

In the war with Mexico, or for thirty days in any of the wars with the Indian tribes prior to 1861.

The PRESIDENT *pro tempore*. Now the section will be read as proposed to be amended.

The Chief Clerk read as follows:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes prior to 1861, and who have been honorably discharged therefrom, etc.

Mr. DAVIS. I would suggest an amendment to the amendment, striking out the words "prior to 1861." One of the most widespread and bloody Indian wars that ever happened on this continent took place in Minnesota in 1862, and the survivors of that war would be entirely cut out of the benefits of this act by the limitation to 1861.

Mr. CALL. I will accept that amendment if the Senator proposes it.

Mr. MITCHELL. I would suggest to the chairman of the committee and the Senator from Florida, why fix any limit? One of the bloodiest Indian wars we have ever had in this country took place in Oregon in 1865-'66. I suggest that there be no limitation of time.

Mr. CALL. I have no objection to that modification.

The PRESIDENT *pro tempore*. Will the Senator from Florida state in what language he desires to have his amendment submitted?

Mr. CALL. Strike out the words "prior to 1861."

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. It is proposed to modify the amendment so as to read:

Or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes.

The PRESIDENT *pro tempore*. The question is on the amendment as modified.

Mr. PLATT. I should like to know just what I am voting on. I want to know whether soldiers who have been engaged in any war with an Indian tribe are now drawing pensions under any other law.

Mr. MITCHELL. Not one, I think.

Mr. PLATT. Had we not better keep this disconnected from that matter and pass a bill with a full understanding of what we are doing with reference to pensioning soldiers who have been in wars with Indian tribes, and how far that language goes? There has been a bill introduced and referred to the Committee on Pensions.

This is an entirely independent matter, and while it may be just, it seems to me that we are in danger of enacting some legislation which we do not exactly understand by putting it onto this bill in the nature of an amendment. Does the Senator mean that whenever there has been an outbreak of an Indian tribe in which soldiers have been used anywhere, at any time in the history of the Government, the soldiers who were thereby incapacitated in the way described in this bill are to share benefits of the bill? What is meant by "wars with Indian tribes?"

Mr. MITCHELL. Nearly every Indian war we have had has been recognized as an Indian war in some way or other by the Government of the United States. We have paid soldiers for their services in the Indian wars and have granted land warrants. There is no difficulty in designating the Indian wars on the frontier by the Department.

I will say to the Senator from Connecticut that I believe this very proposition, or one much similar to it, was incorporated in a bill that passed both Houses of Congress at the last session, and was vetoed by the President. It will be remembered that we had a discussion on the floor at the time the section was enacted. I have never seen, so far as I am concerned, why we should pension soldiers who fought in the war of the rebellion for thirty days or three months, and fail to pension those who fought in the Indian wars under like circumstances. I hope the amendment will be adopted.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I hope the Senator will allow me to introduce an amendment.

Mr. HARRIS. I yield for that purpose.

Mr. BLAIR. I move to amend in section 2——

Mr. MITCHELL. There is an amendment pending.

Mr. BLAIR. I only want to give notice of an amendment. I move to amend section 2, beginning in the fourth line, at the word "therefrom," by striking out all down to the word "month" in line 11; that is, striking out the words:

And who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which totally incapacitates them for the performance of manual labor, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive $12 per month.

And inserting in lieu thereof:

Not now receiving or electing and entitled to receive a pension under the general pension laws, shall be placed upon the pension-roll and paid a pension of $10 a month.

So as to read:

SEC. 2. That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, not now receiving or electing and entitled to receive a pension under the general pension laws, shall be placed on the pension-rolls and paid a pension of $10 a month.

Making it a service pension at the rate of $10 a month.

Mr. SHERMAN. I should like to have an order for printing the bill as it now stands with the amendments.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 28, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 27th day of February, 1888.

TERRITORIAL JUDGES.

Lucius B. Nash, of Washington Territory, to be associate justice of the supreme court of the Territory of Washington, *vice* George Turner, resigned.

John E. Carland, of Dakota, to be associate justice of the supreme court of the Territory of Dakota, *vice* C. S. Palmer, whose term expires February 28, 1888.

Moses J. Liddell, of Louisiana, to be associate justice of the su-

preme court of the Territory of Montana, *vice* James H. McLeary, resigned.

POSTMASTER.

Miss Mary F. Ballantine, to be postmaster at Syracuse, Otoe County, Nebraska, *vice* Morris Dennis, term expired February 4, 1888.

CIRCUIT JUDGE.

Emile Henry Lacombe, of New York, to be additional circuit judge for the Second judicial circuit, as provided by act of Congress approved March 3, 1887.

The nomination of E. Henry Lacombe for said office, delivered to Senate December 7, 1887, is withdrawn.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 27, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D., president of Dakota University.

The Journal of the proceedings of Saturday was read and approved.

ORDER OF BUSINESS.

Mr. ROGERS. Mr. Speaker, the Judiciary Committee of the House has directed its chairman to offer the resolution which I send to the desk. He being absent because of sickness in his family, I offer it, by his request, for him.

The resolution was read, as follows:

Resolved, That Saturday, the 17th day of March, and Saturday, the 7th day of April, immediately after the morning hours, be set apart for the consideration of bills and resolutions reported from the Committee on the Judiciary in such order as may be designated by the committee. This order not to conflict with prior orders, revenue or general appropriation bills.

Mr. ROGERS. I ask unanimous consent for the present consideration of the resolution.

There was no objection.

Mr. DIBBLE. Mr. Speaker, I desire to offer an amendment to the resolution.

The amendment was read, as follows:

That the third Tuesday in March, April, and May next, after the hour for the consideration of bills reported from committees, be set apart for the consideration of bills reported from the Committee on Public Buildings and Grounds, and that during the time so set apart no dilatory motions shall be entertained by the Chair except, at or after 5 o'clock p. m., the motion to adjourn; and not more than thirty minutes shall be consumed in debate on any bill, including debate on questions of order, of which time fifteen minutes shall be controlled in favor of the bill by the committee and fifteen minutes by those opposed to the bill.

Mr. ROGERS. I make the point of order against that amendment. I insist that it is not germane to the resolution that we have before us, and is not a proper amendment to that resolution.

Mr. DIBBLE. I desire to be heard on the point of order.

Mr. RANDALL. I desire to reserve the right to object without reference to the point of order.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I desire to be heard upon the point of order.

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. DIBBLE] is on the floor with reference to the point of order.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I wish to make the further point of order against this amendment that, as it contemplates a change of the rules, it can not be considered without being first referred to the Committee on Rules. The consent given for the present consideration of the resolution offered by the gentleman from Arkansas [Mr. ROGERS] does not cover the proposed amendment.

Mr. ROGERS. Mr. Speaker, I understand that I still have the floor. I have not yielded to the gentleman from South Carolina.

Mr. DIBBLE. I took the floor in my own right to offer an amendment.

Mr. ROGERS. I make the point of order that I had not yielded the floor.

The SPEAKER *pro tempore*. The Chair will decide the point of order, unless the gentleman from South Carolina desires to be heard upon it. The gentleman stated that he rose for that purpose.

Mr. ROGERS. But my point is, that I have not yielded the floor.

Mr. DIBBLE. If the gentleman from Arkansas wishes to speak to the point of order——

Mr. ROGERS. I do not care to be heard upon the point at this time.

Mr. DIBBLE. Then I do, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from South Carolina on the point of order, and will afterwards recognize the gentleman from Arkansas on the same point.

Mr. DIBBLE. Mr. Speaker, the proposition is made here to set apart certain days for certain purposes. That is the subject-matter of the resolution submitted by the gentleman from Arkansas [Mr. ROGERS]. It is a proposition which of course involves *pro tanto* a change of the rules. It could not be entertained except by unanimous consent, and the Chair asked whether there was objection to the request for the present consideration of the resolution, and announced that he heard no objection. Therefore there was no objection to the request of the gentleman from Arkansas, and the resolution offered by him is before the House for consideration.

Now, Mr. Speaker, as I have already said, the subject-matter of that proposition is that the House set apart certain days for certain specific purposes, and the House having entertained the consideration of that proposition at this time, I submit that it is in order to amend the resolution. The proposition is before the House for consideration; the time for raising the points of order against it has passed, and whenever a matter is brought up for consideration in the House and the previous question has not been ordered, that proposition, I care not what it may be, is open to amendment as to any matter that is germane to it. So, Mr. Speaker, the only question that can be raised under the point of order is whether this amendment is germane. As to that, it has been decided heretofore in this House again and again that such a proposition is germane. The subject-matter is certainly the same. The question is not the question that is involved in offering a general amendment to a private bill; the question before the House is whether it will now agree to set apart certain days for certain purposes.

When the House is considering that question it can set apart one day, or two days, or three days for a particular purpose. Now, the gentleman's proposition was to set apart two days of the time of the House for a certain purpose; and my amendment is, that instead of simply doing that, the House shall set apart three additional days for another purpose. The amendment is germane; it is consistent with the substance of the resolution; and if the House does not wish to agree to it, all it has to do is to vote it down.

I claim that the amendment is in order and should be submitted for the consideration of the House, which has entered upon the question of setting apart days for particular business. I contend further that my proposition is fully justified in fairness and justice, because the Committee on Public Buildings and Grounds have not had the time to which they were entitled under the spirit of the agreement heretofore made. When I consented on behalf of that committee to limiting the sessions of the House assigned to our business, so as to adjourn each day at 5 o'clock, I understood there would be no "dilatory motions," the spirit of the understanding being that there should be no unnecessary consumption of time. The committee has been obstructed; it has not had the fair showing which the order contemplated; and this addition of so much of three days as may remain after the second morning hour will only compensate the committee for the time of which they have been deprived, and may enable us to pass the reasonable number of bills which we expected to pass in the time heretofore allotted to us by the House.

Mr. MILLS. I rise to a parliamentary inquiry. Was unanimous consent given for the introduction of this resolution?

The SPEAKER *pro tempore*. Unanimous consent was given for the gentleman from Arkansas to introduce a resolution——

A MEMBER. And it was read.

The SPEAKER *pro tempore*. The Chair put the request to the House, as the record will show, and no objection was made. The gentleman from Arkansas, however, states that he did not resume his seat.

Mr. ROGERS. I did not. I stood as I stand now, holding this paper.

The SPEAKER *pro tempore*. The Chair is bound, of course, to accept the gentleman's statement. Therefore. the point of order raised by the gentleman from South Carolina will be overruled, the Chair now expressing an opinion whether or not the matter of the amendment proposed by the gentleman from South Carolina is germane. The gentleman from Arkansas is entitled to the floor to make a motion in pursuance of the unanimous consent given.

Mr. ROGERS. I demand the previous question upon the adoption of my resolution.

Mr. DIBBLE. I hope the House will vote down the previous question, in order to let in the amendment.

The SPEAKER *pro tempore* (having put the question). In the opinion of the Chair, the ayes have it.

Mr. DIBBLE. I call for a division.

The SPEAKER *pro tempore* proceeded to take the question again, by a rising vote. During the count,

Mr. ROGERS said: Mr. Speaker, I withdraw the resolution, and ask to have it referred——

Mr. DIBBLE. I object. The House is now dividing, and nothing is in order but the division.

The SPEAKER *pro tempore*. There has been no decision on the resolution, and the gentleman from Arkansas has the right to withdraw it. The resolution is withdrawn.

ORDER OF BUSINESS.

Mr. HEMPHILL. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of States and Territories for the introduction of bills and resolutions.

INVESTIGATION OF SUGAR TRUST.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, if in order, I desire to call up now as a matter of privilege the report of the Commit-

tee on Manufactures upon the resolution introduced by the gentleman from Maine [Mr. MILLIKEN].

The SPEAKER *pro tempore*. The gentleman from Arkansas rises to a privileged question, and calls up the resolution which will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, authorized and directed to make a thorough investigation of the so-called sugar trust in the city of New York, and that he direct the collector of the port of New York and Mr. Joseph Treloar, in charge of the correspondence bureau in the New York customs district under the said collector, to furnish all the information in his or their possession relating thereto to this House.

Mr. BRECKINRIDGE, of Arkansas. I ask that the report of the Committee on Manufactures upon this resolution be read.

The report (by Mr. BRECKINRIDGE, of Arkansas) was read, as follows:

The Committee on Manufactures, to whom was referred the resolution of February 6, 1888, introduced by Mr. MILLIKEN, and relating to "trusts," report the same back to the House, with the following remarks and recommendations:

The committee was instructed to report this resolution to the House on this day. The construction placed upon the resolution at the time the House made the order referred to is different from that which has been and is placed upon it by the committee.

The proceedings upon this point in the House were brief, and as follows:

"SUGAR TRUST IN NEW YORK.

"Mr. MILLIKEN. I rise to a privileged matter. On the 7th day of this month I introduced a resolution in the House directing the Secretary of the Treasury, through the collector of the port of New York, to make an investigation of the sugar trust in New York. That resolution was referred to the Committee on Manufactures. The committee has not yet reported; and from the best information which I can get I do not see any prospect that they will report it. I move that the committee be instructed to report that resolution back to the House on next Monday.

"The SPEAKER. The gentleman from Maine, as a matter of privilege, moves to instruct the Committee on Manufactures to report back next Monday a resolution of inquiry directed to the Secretary of the Treasury.

"Mr. RANDALL. The rule requires that and should be obeyed.

"The SPEAKER. The rule requires the report to be made in one week. The gentleman from Maine says the report has not been made, and he therefore makes his motion.

"The question being put, the motion was agreed to.

"Mr. MILLIKEN. On the suggestion of one of the members of the committee, that the chairman of the Committee on Manufactures is not present, and that the committee can not get together as soon as next Monday, I desire to amend the motion by substituting 'Friday.'

"Mr. MCKINNEY. I desire to make a statement. The Committee on Manufactures did not have a meeting this morning, but adjourned for one week, and will assemble at half past 11 o'clock next Friday. It is for that reason I asked to have the motion modified so that when we get together we may act upon the resolution.

"There was no objection, and the motion was modified by substituting 'Friday' for 'Monday.'"

From this it will be seen that the resolution was considered a resolution of inquiry, such as is usually directed to the heads of Departments for information respecting matters pertaining to the Departments, and is defined as follows in Rule XXIV, clause 1:

"Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and resolutions for printing and reference without debate, * * * and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter."

The resolution introduced by Mr. MILLIKEN is as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to make a thorough investigation of the so-called sugar trust in the city of New York, and that he direct the collector of the port of New York and Mr. Joseph Treloar, in charge of the correspondence bureau of the New York customs district under the said collector, to furnish all the information in his or their possession relating thereto to this House."

This resolution was referred by the House to the Committee on Manufactures on the 6th instant. The committee, as before stated, did not and does not consider the foregoing resolution to be what is usually understood as "a resolution of inquiry." It is rather a resolution directing the Secretary of the Treasury to make an "investigation," not of proceedings within his Department, but "of the so-called sugar trust in the city of New York." This involves the whole question of the policy of the House with reference to such combinations upon the part of citizens as are known as trusts, etc. It involves the question of investigating the sugar trust first, or of first investigating some other trust; and whether the investigation of the sugar trust should be confined to such existence as it may have in the city of New York, or whether the investigation should include the trust and its operations in other cities also.

It further involves a question as to whether an investigation of this character should be through the agency of the Secretary of the Treasury or through that of a committee of the House. Viewing the resolution, therefore, as one ordering a line of proceedings, and as one of general policy, instead of being simply a resolution of inquiry, the committee did not report it to the House, as it would have reported such a resolution under the rules; and it now reports the resolution in obedience, of course, to the order of the House, and in accordance with what it believes to be its real nature and character.

Possibly the latter part of the resolution could be construed as of the nature of an ordinary inquiry. It did not, however, appear to be separable from the main character and intent of the resolution. It was suggestive to the committee in conducting their own preliminary inquiries, and they requested the chairman to write to the collector of the port of New York for any official information in his possession. The following letters were received in reply:

"CUSTOM-HOUSE, NEW YORK, *Collector's Office, February* 11, 1888.

"DEAR SIR: Your letter, with copy of resolution, came to hand this morning. I have placed it in the hands of Deputy Collector Charles P. McClelland for immediate investigation and report.

"Very respectfully, yours,

"D. MAGONE, *Collector.*

"Hon. HENRY BACON,
"*House of Representatives, Washington, D. C.*"

"CUSTOM-HOUSE, NEW YORK, *Collector's Office, February* 11, 1888.

"DEAR SIR: On receipt of your letter of 10th I referred it to Mr. Deputy Collector McClelland, and inclose his report, which please return after perusal. I will make further inquiries.

"Yours, truly,

"D. MAGONE, *Collector.*

"Hon. HENRY BACON,
"*House of Representatives, Washington.*"

"CUSTOM-HOUSE, COLLECTOR'S OFFICE, *New York, February* 11, 1888.

"SIR: I have received your letter of this date, inclosing a communication from Hon. Henry Bacon, M. C., and a copy of the resolution regarding the 'sugar trust,' passed by Congress, wherein the Secretary of the Treasury is directed to investigate the so-called 'sugar trust,' and to call upon the collector at the port of New York to furnish all the information in his possession relating thereto. As requested by you, I have given the matter prompt attention, and carefully investigated, with a view to determining whether this office has any information regarding the so-called 'sugar trust.'

"I have to report to you that after making such investigation, and conferring with the heads of the several departments, I am unable to find that there is anything in the records of this office to show the existence of any such trust, nor have the heads of the several departments with whom I have conferred any official information regarding the existence of any such trust. I have caused a careful examination to be made of the records to ascertain whether importations of sugar in large quantities had been imported by any new concern, but I find that the consignments made for the past six months are by about the same concerns, and in the same ratio as theretofore.

"I can confidently advise you that you may report in response to said resolution that this office has no knowledge of the existence of any such trust.

"Very respectfully,

"CHAS. P. MCCLELLAND,
"*Deputy Collector.*

"Hon. DANIEL MAGONE,
"*Collector of the Port.*"

The question, then, reverts to the main point of having the Secretary of the Treasury undertake an "investigation of the so-called sugar trust in the city of New York."

If this question had not already been anticipated and superseded by previous action on the part of the House, it would present a number of points that would have to be very clearly examined into before it could be prudently decided affirmatively. The question would arise of the power of the House to direct the Secretary to examine into matters not conducted in or under his Department, his power to conduct an examination of this character differently from that of an ordinary inquirer after information, the power of the House or of Congress to clothe him with power to compel attendance of witnesses, the giving of testimony, and the production of books and papers in this case. Passing from the probable efficiency or inefficiency of an investigation in this way, we come to the question of the probable effect upon the general business of the Treasury Department of the Secretary being required to devote his time to so great a task, extraneous to his official duties, as that of investigating the trust.

But the House had this whole subject under consideration upon the 25th day of last month. It then adopted the following resolution:

"IN THE HOUSE OF REPRESENTATIVES, *January* 25, 1888.

"Mr. BACON, from the Committee on Manufactures, submitted the following; which was agreed to:

"Whereas it is alleged that certain individuals and corporations in the United States engaged in manufacturing, producing, mining, or dealing in some of the necessaries of life and other productions, have combined for the purpose of controlling or curtailing the production or supply of the same, and thereby increasing their price to the people of the country, which combinations are known as associations, trusts, pools, and like names; and

"Whereas such combinations not only injuriously affect commerce between the States, but impair the revenues of the United States as derived from its duties on imports: Therefore,

"*Resolved*, That the Committee on Manufactures be, and the same is hereby, directed to inquire into the names and number and extent of such alleged combinations, under whatever name known, their methods of combination or doing business, their effect upon the prices of any of the necessaries of life and of all productions to the people of the country, upon its internal or foreign commerce, and its revenues from import duties, together with any and all other matters relating to the same which may call for or suggest legislation by Congress, and report the same to the House with such recommendations as the said committee may agree upon. And for these purposes the Committee on Manufactures is authorized to sit during the sessions of the House, to employ a stenographer, to administer oaths, examine witnesses, compel the attendance of persons, and the production of papers. And the expense of such investigation shall be paid out of the contingent fund of the House.

"Attest:

"JOHN B. CLARK, *Clerk.*"

From this it will be seen that the whole question of investigating associations, trusts, and combinations of like names was submitted to the Committee on Manufactures, with instructions to make investigations and to report the result of the same to the House.

Since the House took this action the committee have been engaged in making those preliminary inquiries, which upon so vast and so new a subject must necessarily precede the adoption of a wise and definite line of policy. Previous to the assignment of this duty to the committee by the House, the members of the committee had had assigned to them very important work upon other committees. This, while doing the preliminary work relative to the investigation referred to, they have been steadily getting through with, and they will soon be able to begin these investigations and sittings unembarrassed by conflicting duties.

The committee are of the opinion that it is better not to alter the character of or disperse the investigation already ordered by the House. Hence the committee report adversely upon Mr. MILLIKEN's resolution as not being conducive to the end contemplated, and they recommend that it do lie upon the table.

Mr. BRECKINRIDGE, of Arkansas. I believe the gentleman from Maine [Mr. MILLIKEN] desires to submit some remarks on this question. I will ask how much time he wants.

Mr. MILLIKEN. Five minutes will be sufficient.

Mr. BRECKINRIDGE, of Arkansas. I yield to the gentleman from Maine for five minutes.

Mr. MILLIKEN. Mr. Speaker, I shall occupy the time of the House very briefly in the remarks which I have to submit. I did not introduce this resolution for the purpose of antagonizing in any way the Committee on Manufactures or trenching upon their province in regard

to this investigation. I see that one of the complaints made against the sugar trust is that the duties upon sugar are of such a character and are so taken advantage of by the trust as to give it great opportunities and in such a way as to be harmful to small manufacturers of sugar, if any such shall attempt the manufacture, and also to consumers. It appears that the duty is very small upon the low grades of raw sugars, such grades as are not fit for consumption without refining, while the duties upon those classes of sugar which, without going through the process of refining, might be used by the people are so high that they can not be imported so as to compete with the refined sugars.

It seemed to me this was a subject which could be investigated better by the Secretary of the Treasury, through the custom-house in New York, than by anybody else or anywhere else, and for this reason, among others, I introduced this resolution, in order that the Secretary of the Treasury, through the collector of customs at New York, might examine this specific subject, which possibly might not be brought to the attention of the Committee on Manufactures.

There has been great complaint, Mr. Speaker, against this sugar trust. There have been loud accusations against it. There has been some degree of alarm as to what may be the effect of its operations; and I think the people have reason to complain. When a great trust is formed which not only controls the price of what the people have to eat and drink, but also controls the amount of the product itself, thus indirectly fixing the price, it is time that we should at least investigate and know where we are and what complaints really lie against such operations.

Now, Mr. Speaker, not to argue the question further, I have to say that some things have been already ascertained by the investigation growing out of this resolution which are embodied in this report. In the first place, that our friends on the Committee on Manufactures are certainly ready and willing, and I am glad of it, to investigate this matter themselves, if they do not deem it proper to investigate it through the Treasury Department, where, to say the least, it would cost nothing to the Government to ascertain the facts. In the second place, they have given to the House some information as to what they are doing, and I am glad to see that they are taking steps towards what they promise shall be a thorough investigation of the subject, and I sincerely hope that before the committee leaves the consideration of this question they will give it such a searching investigation and ascertain so thoroughly all the facts in connection with the matter that they may be able to place them before us clearly, so that we may then legislate in the manner we shall deem to be for the best interests of all the people. And, in the third place, it is certainly ascertained that the collector or the custom-house in New York seems to have known beforehand that it does not know anything about the subject at all. Indeed, there does not seem to be any anxiety, to say nothing further, on its part to investigate it.

It was my purpose this morning to move that this resolution go to the Calendar; but since the statement of the chairman of the committee I am willing that it shall lie on the table, as he proposes, and I will endeavor to reach the subject in another way.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I wish to submit only a word in connection with what has been said by the gentleman from Maine.

In the first place, there is nothing in the resolution submitted to the Committee on Manufactures that indicates an inquiry with reference to the cost of sugar to the consumers. We know that the concern felt by the people generally on the subject of trusts is hinged upon the enhancement of the price to the consumers of products throughout the country.

I may express some mild regret that the gentleman from Maine has seen fit to state that the collector at the port of New York knew beforehand, as indicated by his correspondence, that he knew nothing, as collector of that port, of the existence of the sugar trust.

Mr. MILLIKEN. Will the gentleman permit me to interrupt him? I did not purpose to reflect upon the collector of the port of New York. I simply stated the facts as cited in the report. I did not intend to reflect upon anybody.

Mr. BRECKINRIDGE, of Arkansas. That is the only point that I desired to bring out. I think the collector's statement is a perfectly frank one; and I do not suppose that the gentleman from Maine, or any other gentleman upon the floor, has any idea that a cargo of sugar was ever imported there consigned to what is commonly known as the "sugar trust." Hence it is an impossibility that the collector should have official knowledge of the existence of the sugar trust there.

I move that the resolution do lie upon the table, and upon that motion I ask the previous question.

Mr. BUCHANAN. Before that, will the gentleman from Arkansas permit me to ask him a question for information?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. BUCHANAN. There was so much confusion during the time of the reading of the report here, and we have been unable to understand a word the chairman of the committee has said, that I wish to ask whether the proposition is to lay the resolution of the gentleman from Maine on the table, on the ground that by another resolution the Committee on Manufactures have full authority to investigate the sugar trust.

Mr. BRECKINRIDGE, of Arkansas. That is primarily the reason that is behind.

The previous question was ordered; and under the operation thereof the motion to lay on the table was agreed to.

REGULATIONS AS TO CERTAIN PENSION APPLICATIONS.

Mr. MATSON. I wish to submit a privileged report, and ask unanimous consent that the resolution accompanying it be read, and then, for the purpose of saving time, that I be allowed to state the substance of the report of the committee. The report itself is quite voluminous, and I am very sure that I can state its substance in a few words.

The SPEAKER *pro tempore*. The Clerk will read the resolution.

The Clerk read as follows:

Whereas it is charged that the Commissioner of Pensions has issued a circular to pension claimants, as follows:

"The declaration for pension in the above-entitled claim was filed ——. Alleged disability ——. Repeated calls from this bureau for evidence of —— which is required to complete the claim, remain unanswered. The claim can not be admitted as it now stands. If the claimant desires to file evidence to complete it, he should avail himself of the opportunity without further delay. The claim will be held open for that purpose for one hundred days from this date, at the end of which time, should no further evidence be filed in compliance with the repeated calls made by this bureau, the claim will be adjudicated as it stands." And

Whereas the said circular letter states, in substance, that unless the additional evidence requested is filed within one hundred days the said claim will be rejected: Therefore,

Be it resolved, That the Committee on Invalid Pensions be directed to request of the honorable the Commissioner of Pensions whether such circular letter has been issued by him; and, if so, to how many claimants the same has been addressed; and further, what, if any, pension claims have been rejected by reason of the non-compliance with the request contained in such circular letter.

Mr. MATSON. Mr. Speaker, the resolution just read has received the consideration of the Committee on Invalid Pensions. Accompanying the report is a letter from the Commissioner of Pensions, and also a letter from each one of the chiefs of the adjudicating divisions in the Pension Office, stating the facts in relation to this matter.

I may state briefly that it appears from those letters the circular was issued, and that it was sent to all the claimants where there seemed to be a neglect of their claims, and that in the opinion of the Commissioner, as he states in the letter, the effect was very salutary. Many claims which had lain dormant and not prosecuted for many years were vigorously prosecuted and many of them allowed. That is the substance of the whole matter.

The resolution was introduced by the gentleman from Illinois [Mr. MASON]; and while I do not wish to yield the floor, because I apprehend the House does not desire to take up much time about it, I yield the gentleman from Illinois [Mr. MASON], at his request, ten minutes.

Mr. MASON. I understand the chairman of the Committee on Invalid Pensions has not made any recommendation as to the passage of the resolution.

Mr. MATSON. The recommendation is that the resolution lie upon the table. I will say that the whole subject is exhausted. If the resolution should be adopted we could go no further. We have exhausted the subject already.

Mr. MASON. I should like for the use of my statement during the ten minutes assigned me to have the report sent me. I do not want it read. I want to quote some parts of it, and I ask first that the circular letter against which my resolution is directed shall be read by the Clerk—the letter known as the one-hundred-day circular.

The Clerk read as follows:

BUREAU OF PENSIONS, *Washington, D. C.*

SIR: The declaration for pension in the above-entitled claim was filed ——. Alleged disability ——. Repeated calls from this bureau for evidence of —— which is required to complete the claim, remain unanswered. The claim can not be admitted as it now stands. If the claimant desires to file evidence to complete it, he should avail himself of the opportunity without further delay. The claim will be held open for that purpose for one hundred days from this date, at the end of which time, should no further evidence be filed in compliance with the repeated calls made by this bureau, the claim will be adjudicated as it stands.

Very respectfully,

——— ———, *Commissioner.*

Mr. MASON. Mr. Speaker, when I first received a copy of this circular letter from my district, I supposed, not being familiar with the pension laws, that the Commissioner had some authority to apply the statute of limitation after the lapse of a certain time. I find upon examination and inquiry that there is no statute of limitation, and I find by a fair analysis of the letter which the Commissioner sends out and calls the one-hundred-day circular, that it is a mere usurpation on the part of the Commissioner of Pensions. He states in so many words to the claimants who have claims pending in the Pension Office that unless those claims are perfected within one hundred days he will dismiss them.

Now, I say that there is no statute of limitations; that the Commissioner had no right to issue such a circular letter; and this report shows that in one department seven or eight hundred claims had been dismissed because the applicants had failed to comply with the rules laid down by the Commissioner, which rules, as I claim and believe, the Commissioner had no right at all to make.

The Commissioner says this has expedited business. I have no doubt that it would expedite the pension business of this country if he would fix ten days' time in which all claims must be perfected. I do not care whether it has expedited business or not. Thousands and thou-

sands of these old soldiers have had notice served upon them that they must complete their claims within one hundred days or have them dismissed. The Pension Commissioner has no authority of law to issue any such circular letter addressed to any claimant in his department.

He says in his letter as to the one-hundred-day order that he is entirely satisfied in every particular with its results. I have no doubt he is satisfied. He goes on to state further that it has resulted in thousands of men proving up their claims, which they would not have done if he had not sent them notice. He frightens them into the idea that they must prove their claims within one hundred days. And then he tells you further on in the report that the circular letter means nothing, because as a matter of fact a pension claim is never dismissed, but stands ready to be opened at any time on the furnishing of new evidence. That statement, however, is not in this letter; and I say, looking at it from a business standpoint, as suggested by the gentleman from Indiana, here are thousands of men who have claims pending before the Commissioner. The Pension Commissioner says they are not pushing them fast enough. He tells us that he has not clerks enough to attend to the business of his office, and yet in this report he tells us that he has gone back into the abandoned or neglected claims, stirred them up from their sleep, and told the claimants that they must complete their cases within one hundred days or they would be dismissed. There is no other construction to be placed upon that circular. At every session of Congress it has been proposed to limit in some way by statute the time within which abandoned or neglected claims might be established, but Congress has never passed any such law. I think the resolution offered by me, or one like it, ought to be adopted. The Commissioner of Pensions, in my judgment, in issuing this one-hundred-day circular letter, has undertaken to put himself in the place of the Congress of the United States. "Ah, but," gentlemen say, "after the Pension Office dismisses the claim, it notifies the claimant that at any time in the future the case may be reopened."

But, Mr. Speaker, that does not meet the objection. If the Commissioner wishes to be fair to these claimants, if he wishes not to mislead applicants for pension, he should make that statement in the same letter in which he tells them that their cases will be dismissed unless they are completed within one hundred days. That, however, is not his plan, but in a carefully and skillfully worded circular, he tells each of these claimants that his claim can not be allowed as it now stands, and that unless it is completed within one hundred days it will be "adjudicated as it now stands," which of course means that it will be dismissed. Mr. Speaker, it is a poor boon that the old soldiers of this country ask, only that their claims shall be allowed to lie, rusty and dusty, in the files of the Pension Bureau. It is a small favor simply to be allowed to stand on the record as honorable applicants for pension; but this Commissioner of Pensions, who claims that he has not clerks enough to attend to the business of his office which is actually pending, can nevertheless find time to go back among the old files of claims that have been lying there for years and to undertake to frighten those claimants by saying to them, "You must complete your claim within one hundred days or it will be dismissed."

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. ANDERSON, of Iowa. I desire to ask the gentleman a question.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON] is entitled to the floor.

Mr. ANDERSON, of Iowa. I ask the gentleman to yield me time enough to ask a question.

Mr. MATSON. I yield the gentleman one minute.

Mr. ANDERSON, of Iowa. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. MASON] how much greater limitation is this order as it now stands upon the old soldiers in the matter of cutting off their claims than the rule which has been in practice in the Pension Office for twenty years, requiring every soldier to prove by two good witnesses his physical ability at the time of enlistment, although the Government had given him a certificate of ability at that time, and had accepted and had the benefit of his services, perhaps, throughout the entire four years of the war.

Mr. MASON. Mr. Speaker, with the consent of the gentleman from Indiana [Mr. MATSON], I will say to the gentleman from Iowa [Mr. ANDERSON] that I have not undertaken in this resolution to prescribe for all the ills that the Pension Office is heir to. I have simply attempted to remedy one disease which I think is very dangerous to a large class of citizens of this country.

Mr. BRUMM. Let me say that that system to which the gentleman from Iowa refers has been changed.

Mr. LIND. It has not been changed.

Mr. MATSON. Mr. Speaker, I desire to say, in reply to the gentleman from Illinois [Mr. MASON], that the recommendation of the committee that this resolution do lie upon the table is based upon the ground, as I have already stated, that the subject is exhausted, and that even if the resolution were adopted, nothing more could be learned in regard to the matter. We were obliged to go to the Commissioner of Pensions to get the information sought by the gentleman from Illinois [Mr. MASON], and his reply, as I have already said, completely exhausts the subject.

He states that he did issue the circular, that he issued it in cases than had been pending for years. The blank shows that it was intended only for cases which had been pending for years and cases in which the Pension Office had made repeated calls for evidence without receiving any response, cases that were neglected. The Commissioner further states that the effect of this letter was to stimulate the claimants in many cases, so that a large number of them who had neglected their claims were induced to prosecute them actively, and he says that many such claims were allowed; it is not necessary that I should give the precise number; the gentleman from Illinois [Mr. MASON] does not question the fact. But the gentleman says that the Commissioner of Pensions exceeded his authority in issuing a circular of that kind. I do not agree with him.

The Commissioner of Pensions has a very wide discretion under the law—a very wide discretion. Indeed he is limited by very few rules of law as to the adjudication of pension claims. The law is very liberal, and I apprehend that neither the gentleman from Illinois [Mr. MASON] nor any other gentleman will say that the present Commissioner has been illiberal in the administration of the pension laws. The records of the office show that during his administration more original claims and more increase claims have been allowed than were ever allowed in any equal period of time in the history of the Government. More liberal rules have obtained; more work has been done. The general effect of his administration has been highly beneficial to the soldiers of the country, and I apprehend that there is no complaint about it anywhere, except the complaint that the Commissioner has exceeded his authority.

I apprehend the gentleman can not show that the Commissioner has anywhere violated the law. On the contrary, the Commissioner has, I submit, this wide discretion which I have already described, enabling him under the law and by authority of law to serve a reasonable notice upon claimants, and to say to them after repeated calls have been made, that if, after a further lapse of one hundred days, no evidence is furnished the claim will be adjudicated as it stands.

There is no such thing as a statute of limitations upon a claim of this kind which has been filed. The Commissioner of Pensions does not say in his circular letter that there is any such thing. He states that if further evidence be not filed within the time mentioned that the claim will be rejected; yet every one knows, I apprehend, that the rejection of a claim in the Pension Office is merely formal; and though once rejected, it may be reopened at any time afterward upon the filing of new and material evidence. There can not be any question about that. There is no pretense here that any claim will be dismissed. I do not think there is any language of that kind in the circular, or any that can be so construed.

Mr. MORGAN. If further time were asked, would it not be granted?

Mr. MATSON. If further time were asked in any case, I have no doubt it would be granted. The object of the circular was simply to call the attention of the claimant to the fact that he was neglecting his claim, and that it was liable to be adjudicated upon the evidence already in, as it might rightly be, because of his neglect.

Mr. WEAVER. The claimant would not have to ask further time. The mere filing of additional testimony would be regarded as a reopening of the case.

Mr. MATSON. Yes, the mere filing of one scrap of new evidence would take the case out of the operation of this rule, and there would not be even a formal rejection. Certainly there can be no wrong or abuse in the matter. The issue of this circular was certainly in the interest of the claimants.

Mr. Speaker, as the subject has now been exhausted, and as I do not desire that the time of the House shall be occupied in unprofitable discussion, I move the previous question upon the adoption of the report.

Mr. MASON. I desire just two or three minutes to reply to the gentleman.

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. MATSON] yield?

Mr. MATSON. I do not; I think the subject has been exhausted.

Mr. MASON. I move that the resolution be recommitted with instructions which I will submit; and on that motion I desire to be heard.

Mr. Speaker, the chairman of the committee concedes every point that I have contended for——

Mr. MATSON. Mr. Speaker, by what right is the gentleman proceeding to debate this question?

Mr. MASON. I do not yield to the gentleman. I have been recognized, and will not yield him any time now. Later on I will give him all the time he wants.

Mr. MATSON. I rise to a point of order. By what right is the gentleman from Illinois [Mr. MASON] occupying the floor?

Mr. MASON. That is not a point of order.

Mr. MATSON. It is a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will have read an extract from Rule XIV in reference to the priority of motions.

The Clerk read as follows:

When a question is under debate no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without de-

bate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

Mr. MASON. I suppose the gentleman from Indiana does not expect to gain anything by denying fair discussion upon this matter.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that this question is not debatable. The question must, under the rules, be put in the first place upon the motion to lay on the table. If that be voted down, another motion may be made.

Mr. MATSON. In order to avoid any feeling about this matter, if the gentleman from Illinois wants only two or three minutes and is willing then to have the vote taken, I will withdraw my motion and yield to him.

Mr. MASON. I may want more than two minutes.

Mr. CUTCHEON. I rise to a parliamentary inquiry. The motion of the gentleman from Illinois [Mr. MASON] is to recommit with instructions. Is not that motion debatable?

The SPEAKER *pro tempore*. It is not at this stage. The first question is upon the proposition to lay the resolution on the table. If that is voted down——

Mr. CUTCHEON. One further inquiry. As I understand, if the previous question should be sustained, then a motion to recommit with instructions will be in order, will it not?

The SPEAKER *pro tempore*. The pending motion is a motion to lay on the table, which takes precedence. There is no previous question upon a motion to lay on the table. That motion, the Chair thinks, takes precedence of a motion for the previous question.

Mr. CUTCHEON. But the motion of the gentleman from Indiana [Mr. MATSON] was a motion for the previous question upon the motion to lay on the table. My parliamentary inquiry is whether, if the previous question be ordered, a motion to recommit will not then be in order.

Mr. McCREARY. I rise to a point of order. I understood the gentleman from Indiana to move the previous question; and thereupon the gentleman on the other side made a motion to recommit.

Mr. CUTCHEON. With instructions.

Mr. McCREARY. I submit that the motion for the previous question takes precedence of the motion to recommit. Only a motion to adjourn or to lay on the table can take precedence of the motion for the previous question.

Mr. STEELE. I make the point of order that the motion to recommit is in order before or after the ordering of the previous question.

The SPEAKER *pro tempore*. The Chair would overrule the point of order. The motion to lay upon the table takes precedence according to the rules. The question is now upon that motion.

The question being taken, there were—ayes 64, noes 92.

Mr. MATSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 119, nays 99, not voting 105; as follows:

YEAS—119.

Abbott,	Dargan,	Lynch,	Robertson,
Allen, Miss.	Davidson, Fla.	Macdonald,	Rogers,
Anderson, Iowa	Dibble,	Maish,	Russell, Mass.
Anderson, Miss.	Dockery,	Mansur,	Sawyer,
Anderson, Ill.	Elliott,	Martin,	Shively,
Bacon,	Enloe,	Matson,	Simmons,
Bankhead,	Ermentrout,	McAdoo,	Snyder,
Barry,	Foran,	McCreary,	Sowden,
Bland,	Ford,	McKinney,	Springer,
Bliss,	Forney,	McRae,	Stahlnecker,
Blount,	Gallinger,	Merriman,	Stewart, Tex.
Breckinridge, Ark.	Glass,	Mills,	Stewart, Ga.
Breckinridge, Ky.	Glover,	Montgomery,	Stockdale,
Buckalew,	Greenman,	Morgan,	Stone, Ky.
Burnes,	Grimes,	Morrill,	Tarsney,
Burnett,	Hall,	Morse,	Taulbee,
Bynum,	Hare,	Neal,	Thompson, Cal.
Campbell, Ohio	Hayes,	Newton,	Tillman,
Campbell, T. J., N. Y.	Heard,	Norwood,	Tracey,
Candler,	Hemphill,	Oates,	Turner, Ga.
Caruth,	Henderson, N. C.	O'Ferrall,	Walker,
Catchings,	Herbert,	O'Neall, Ind.	Washington,
Chipman,	Hogg,	O'Neill, Mo.	Weaver,
Clardy,	Holman,	Outhwaite,	Weber,
Clements,	Hudd,	Peel,	Whitthorne,
Cobb,	Laffoon,	Penington,	Wilkins,
Cothran,	Landes,	Perry,	Wilkinson,
Crain,	Lane,	Randall,	Wilson, Minn.
Culberson,	Lanham,	Rice,	Yoder.
Cummings,	Latham,	Richardson,	

NAYS—99.

Adams,	Browne, T. H. B., Va.	Darlington,	Guenther,
Allen, Mass.	Browne, Ind.	Davis,	Haugen,
Allen, Mich.	Brown, Ohio	De Lano,	Henderson, Iowa
Arnold,	Buchanan,	Dorsey,	Hermann,
Baker, N. Y.	Butler,	Dunham,	Hiestand,
Baker, Ill.	Caswell,	Finley,	Hires,
Bayne,	Cheadle,	Fuller,	Holmes,
Belden,	Cogswell,	Funston,	Hopkins, Ill.
Bingham,	Conger,	Gaines,	Houk,
Boothman,	Cooper,	Gear,	Hovey,
Bound,	Crouse,	Gest,	Kean,
Boutelle,	Cutcheon,	Grout,	Kelley,
Kennedy,	McKinley,	Plumb,	Taylor, E. B., Ohio
Kerr,	Milliken,	Post,	Taylor, J. D., Ohio
Ketcham,	Morrow,	Pugsley,	Thomas, Ky.
La Follette,	Nelson,	Reed,	Thomas, Wis.
Laidlaw,	O'Donnell,	Romeis,	Turner, Kans.
Laird,	Osborne,	Rowell,	Vandever,
Lehlbach,	Owen,	Russell, Conn.	White, Ind.
Lind,	Parker,	Ryan,	White, N. Y.
Lodge,	Patton,	Sherman,	Wickham,
Long,	Payson,	Steele,	Williams,
Lyman,	Perkins,	Stephenson,	Yardley,
Mason,	Peters,	Struble,	Yost.
McKenna,	Phelps,	Symes,	

NOT VOTING—105.

Anderson, Kans.	Davenport,	Jackson,	Sayers,
Atkinson,	Davidson, Ala.	Johnston, Ind.	Scott,
Barnes,	Dingley,	Johnston, N. C.	Scull,
Belmont,	Dougherty,	Jones,	Seney,
Biggs,	Dunn.	Kilgore,	Shaw,
Blanchard,	Farquhar,	Lagan,	Smith,
Bowden,	Felton,	Lawler,	Spinola,
Bowen,	Fisher,	Lee,	Spooner,
Brewer,	Fitch,	Maffett,	Stewart, Vt.
Brower,	Flood,	Mahoney,	Stone, Mo.
Brown, J. R., Va.	French,	McClammy,	Thomas, Ill.
Brumm,	Gay,	McComas,	Thompson, Ohio
Bryce,	Gibson,	McCormick,	Townshend,
Bunnell,	Goff,	McCullogh,	Vance,
Burrows,	Granger,	McMillin,	Wade,
Butterworth,	Grosvenor,	McShane,	Warner,
Campbell, F., N. Y.	Harmer,	Moffitt,	West,
Cannon,	Hatch,	Moore,	Wheeler,
Carleton,	Hayden,	Nichols,	Whiting, Mich.
Clark,	Henderson, Ill.	Nutting,	Whiting, Mass.
Cockran,	Hitt,	O'Neill, Pa.	Wilber,
Collins,	Hooker,	Phelan,	Wilson, W. Va.
Compton,	Hopkins, Va.	Pidcock,	Wise,
Cowles,	Hopkins, N. Y.	Rayner,	Woodburn.
Cox,	Howard,	Rockwell,	
Crisp,	Hunter,	Rowland,	
Dalzell,	Hutton,	Rusk,	

So the resolution was laid on the table.

During the roll-call,

On motion of Mr. WILLIAMS, the reading of the names was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. HOOKER with Mr. GOFF.

Mr. SPINOLA with Mr. THOMAS, of Illinois.

Mr. FRENCH with Mr. FLOOD.

Mr. BRYCE with Mr. GROSVENOR.

Mr. JOHNSTON, of North Carolina, with Mr. JOHNSTON, of Indiana.

Mr. TOWNSHEND with Mr. O'NEILL, of Pennsylvania.

Mr. BIGGS with Mr. FELTON.

Mr. DOUGHERTY with Mr. JOHN R. BROWN.

Mr. GRANGER with Mr. ROCKWELL.

Mr. HOPKINS, of Virginia, with Mr. WHITING, of Massachusetts.

Mr. PIDCOCK with Mr. EZRA B. TAYLOR.

Mr. ROWLAND with Mr. HAYDEN.

Mr. STONE, of Missouri, with Mr. ANDERSON, of Kansas, until the conclusion of the investigation by the special committee.

Mr. VANCE with Mr. MOFFITT, on all political questions until Tuesday, February 28.

Mr. CUMMINGS with Mr. FITCH, on all political questions until February 29.

For this day on all political questions:

Mr. COCKRAN with Mr. HOPKINS, of New York.

Mr. KILGORE with Mr. BUNNELL.

Mr. HENDERSON, of Illinois, with Mr. JONES.

Mr. LEE with Mr. HARMER.

Mr. HOWARD with Mr. BOWEN.

Mr. HUTTON with Mr. DALZELL.

Mr. COWLES with Mr. HUNTER.

Mr. MAHONEY with Mr. MCCORMICK.

Mr. HATCH with Mr. DAVENPORT.

Mr. LAWLER with Mr. SCULL.

Mr. FELIX CAMPBELL with Mr. MCCULLOGH.

Mr. DAVIDSON, of Alabama, with Mr. WADE, on this vote.

The vote was then announced as above recorded.

PENSIONS, TARIFF, AND SURPLUS.

Mr. WILLIAMS. I ask by unanimous consent to present the memorial which I send up to the Clerk's desk, and which I ask to have read and printed in the RECORD.

Mr. HEMPHILL. I object to its being read. Why not let it be referred and printed in the RECORD? Nearly two hours of this day have already been consumed.

Mr. WILLIAMS. Very well, let it go into the RECORD, and be referred to the Committee on Invalid Pensions.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

DAYTON, OHIO, *February* 7, 1888.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

We the undersigned, Union veteran soldiers of the war of the rebellion, and representing as a committee for the purposes hereinafter stated, John A. Logan

Command No. 7, Union Veterans' Union of Dayton, Ohio, would most respectfully submit to you our views and desires as to pensions, the tariff, and the surplus.

Without expressing our individual shades of opinion upon the tariff, we would remark that while we, in common with our comrades of all political parties, deprecate the reduction of the tariff below a point sufficient to not only provide for all the expenditures of the Government, including pensions, but sufficient also to sustain our manufactures and protect labor, yet we are in favor, at the proper time, of so reducing our tariff and internal revenue as will produce no more revenue than sufficient to accomplish the foregoing results. A national surplus without a legal and sensible object of expenditure is a national curse.

Three great questions confront you: the soldier, the surplus, the tariff, each of great importance in the order named. We will have by June, 1888, one hundred and forty million surplus. To let it remain locked up from the people threatens financial ruin. It can not be used upon the national debt before 1910, neither do the people demand the rapid payment of the debt. A national debt is a public blessing.

To expend the surplus in making preparations for future wars would be waste. The expenditure of millions upon coast defenses would be unsound statesmanship. The world is progressing with the invention and construction of terrible engines of destruction, as well as a tendency toward universal peace, too fast for coast defenses, such as would now be constructed, to ever be of any value, if ever needed; besides, the best coast defenses for our future are the volunteer soldiers of the Republic now growing up amid the halo of their fathers' martial renown. The ties which will bind these future volunteers to their country will be strengthened tenfold by the remembrance that their fathers, who gave their lives and sacrificed their health and vitality to save the Union in its hour of greatest peril, were justly and honorably rewarded by a grateful Republic. These fathers have never been fully compensated nor justly rewarded. We ask that before the tariff laws be reconstructed that the old veteran soldiers be remembered. We demand that before the enormous surplus be frittered away by scheming politicians for their own aggrandizement, that a graded service-pension bill be passed, granting a service pension to every Union soldier of the late war. What grander, nobler, more patriotic or sensible object can be devised for expending the surplus judiciously and circulating it among the people than by giving it to defenders of the Republic?

While we can not but express our highest admiration for the fairness, impartiality, and executive ability of our veteran comrade who so ably administers the present pension laws, yet we contend that all our comrades can never receive full and complete justice until two more laws are passed, one repealing the odious limitation act of 1879, and the other a service-pension bill.

Permit us briefly to call your attention to the limitation act of 1879. It provides that all Union soldiers who may have filed their applications for pension prior to July 1, 1880, shall draw pension "from date of discharge, and all who may file subsequent to that date can only draw from date of filing their applications"—a most unjust feature, for every soldier, to get a pension, must prove a pensionable disability from discharge. The date of application never determines the merit of a pension. The men who periled their lives from patriotic motives have in many instances from the same motive delayed seeking the relief to which they were entitled so long as they could earn their living without doing so.

But great as is the necessity for the repeal of the limitation act of 1879, a still greater necessity exists for the passage of a service-pension bill, one purely for service and in addition to all disability acts.

The most popular bill of this kind is the one recently formulated by the national encampment of the Union Veterans' Union, at Dayton, Ohio. This bill provides for a service pension to all Union soldiers, without regard to disability, by the payment each month of a sum equal to 1 cent a day for each day of service; that is, a one-year man to get 365 cents per month, and a three-years' soldier to get 1,095 cents per month, payable quarterly.

No good reason exists why such a bill should not be granted. Congress has granted a service pension to the soldiers of the Mexican war. What for? Why, the Mexican soldiers saved the State of Texas. Well, the Union soldiers saved the Government, all the States, Texas included, from a worse fate than would have been the loss of Texas.

The political cry that there are too many Union soldiers is not tenable. The country is rich and prosperous, made so by the Union soldiers, and with an enormous surplus on hand; and the additional fact that almost all Union soldiers are now between fifty and sixty-five years of age, and in fifteen or twenty years hence will be no more forever, renders it certain that no man's taxes will ever be increased by a service pension one single penny. Union soldiers do not ask a service pension on the ground of charity. They ask no charity of the Government they saved. We do not favor the passage of any so-called dependent-pension bills. All bills of that character so far formulated are unequal and unjust, and would be most pernicious in operation, and they rest upon a wrong basis, that of pauperism, because they compel every soldier seeking relief to swear he is destitute and unable to provide for himself. What we ask is a recognition of our rights as soldiers, not our helplessness as citizens.

We demand a service pension, first, as a fulfillment of the contract of service. No soldier ever received $13 per month. We were forced to accept greenbacks, the promissory note of the Government, always depreciated during war times and oftentimes only worth one-fourth their face. This loss we bore, and you, for whom we fought, have never reimbursed our loss. Second, we ask it on the ground of lost vitality, expended in behalf of the Government. It is a notorious fact that health and constitutions of at least 90 per cent. of all the soldiers who ever saw army service at the front were more or less impaired. A large proportion of these men can not get a disability pension because the origin of the disease was so obscure and its development so slow as not to be observable in the service.

We request the service pension because we gave the flower of our lives to the nation's service, and expended our health and undermined our physical constitution that the Constitution of our country might live.

We demand it as a right, against the granting of which no valid reason exists. If in repaying to us this debt, which can never be outlawed, the nation can do it in a spirit of gratitude for deeds nobly performed, and also do it with a view to the encouragement of volunteer enlistments in future wars, it will solve the vexed question of providing the most formidable coast defenses ever devised and reducing the surplus by distributing it among the people.

We have the honor to be, very respectfully,

ISAAC B. STEVENS *Colonel Commanding*,
HOMER ENYART, *Quartermaster*,
I. B. BROCKMAN, *Adjutant*,
JARVIS FORD, *Major*,
Committee, Union Veterans' Union.

THOS. S. STEWART, *Lieutenant Commanding*.
T. J. BARRY,
O. D. CHARLES WETZ.

DUTY ON SALT AND LUMBER.

Mr. CUTCHEON, by unanimous consent, presented the following memorial; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD.

The memorial is as follows:

Memorial to the Senate and House of Representatives of the Congress of the United States, adopted at a meeting of the Saginaw Board of Trade held February 18, 1888.

Your memorialists, citizens of that State which stands first in the Union in the production of salt and lumber, respectfully but earnestly protest against the tariff legislation now pending in Congress, which threatens with disaster these industries upon which in a great measure the prosperity of the entire State depends.

The annual surplus of $120,000,000 flowing into the national Treasury is made the pretext for abolishing the duties on salt and lumber, upon which there is annually realized less than $2,000,000, while the main schedule of customs duties is to remain comparatively unchanged.

If the surplus is to be arrested by cutting down customs dues, wise statesmanship would say that those taxes should be first removed which bear most heavily upon the people.

We here present a partial list of the duties paid in 1885, according to the official tables of the Treasury Department, compiled under the supervision of the late Secretary Manning:

Articles.	Duty paid.	Amount per capita.
		Cents.
Sugar	$52,184,743	89.13
Wool, and manufactures of	27,459,234	48.10
Iron and steel, and manufactures of	11,973,908	20.97
Cotton, and manufactures of	10,932,245	19.15
Flax, and manufactures of	7,584,343	14.00
Glass, and manufactures of	3,714,068	6.51
Fruits	3,672,273	6.41
Leather	2,869,224	5.03
Rice	1,619,523	2.60
Lumber, sawed	1,111,164	1.95
Seeds	754,866	1.33
Salt	751,330	1.32

An inspection of the revenue tables quickly shows whence much of the surplus comes, and what taxes in fact burden the people; and it shows further that the duties which now serve to slightly protect from foreign rivalry the dealers and workers in lumber and salt, should be among the last to be swept away, because they contribute appreciably neither to the surplus nor the burden.

But there are other reasons why Congress should not lay its hands heavily on these industries.

Salt is an article of prime necessity. It is therefore contrary to the spirit of national safety and independence to invite England and her dependencies to make our country a dumping ground for surplus salt, breaking down the home manufacture, and causing us to look abroad for our main supply.

The men of the South, who during the late war dug up the dirt floors of smokehouses to extract the salt therefrom, know what it is to have depended on this same foreign supply, yet to-day one-third of the salt consumed in this country is of foreign manufacture. Liverpool salt is mined under a scale of wages not quite one-half that paid in the salt works of Michigan. It is shipped to this country as ballast or at a nominal freight, and distributed from the seaboard into the interior to points where the increasing freight rates compel it to yield the field to the American product.

While England has ceased to be a fighting nation in a military sense, she still fights the war of commercial domination with a vigor peculiarly her own.

Let the 12 cents per 100 pounds now paid as duty be expended in paying additional freight and she can flood with foreign salt the markets of Cincinnati, Chicago, St. Louis, and Kansas City, and will not rest until the ruin she has worked with the salt makers of Louisiana and West Virginia comes to those of New York, Ohio, and Michigan, and they find themselves, like their brothers near the seaboard, victims of the need and greed of England.

The development and independence of the salt industry has been in the past, and should be now, a matter of national concern.

To develop it the National Government gave to the State of Michigan 72 square miles of land, and the State in turn gave 40 cents per barrel bounty to the manufacturer. Thus encouraged, the enterprise and inventive talent of her citizens became engaged, and here are the results:

There is no better salt made in the world than in Michigan, and we challenge the world to the test,

The salt product of Michigan, which in 1860 was 4,000 barrels, in 1887 was 4,200,000 barrels.

Salt, which cost along the Great Lakes in 1860 $2.35 per barrel, sold in Michigan, in barrels which cost 20 cents, in 1866 for $1.80 per barrel; in 1871 for $1.46 per barrel; in 1876 for $1.05 per barrel; in 1881 for 95 cents per barrel; in 1886 for 65 cents per barrel; in 1887 for 58 cents per barrel.

At present prices the entire cost to the American people for the salt they annually consume is but 8 cents per capita, or less than one-eleventh of the tariff tax of 89 cents which they pay on sugar alone.

What is there in this record, unparalleled in the annals of American industry, which includes the development of a great national resource, and the cheapening of a life necessity to one-third its former price, to justify Congress in cutting off the markets which we are ready to supply?

And before the repeal of the present protective tariff on either lumber or salt we would invite your consideration to the magnitude of the investments to be impaired, and the amount of labor to be thrown out of employment, and we would respectfully ask you, charged as you are with the welfare of all the people, how these investments are to be made good, and in what new field this labor is to be employed?

And it should not be overlooked that the duties on lumber and salt are not prohibitory, for one-third of the salt used in this country is imported, while one-half of the entire lumber product of Canada comes in to compete with the home supply.

The duty collected on Canadian lumber is less than 16 per cent. This percentage does not to-day equal the difference in the cost of labor in the two countries, and while great armies of men are employed in the lumber business, at least $120,000,000 worth of dutiable commodities are used annually in the production of American lumber.

Yet it is proposed that the lumberman shall sell his lumber in the open market, competing with the world, and yet be compelled to buy his rails and locomotives for his logging railroad, his engines, boilers and machinery for his saw-mills, his axes, saws, chains, and like equipments for his lumber camps, not in the world's market, but from the more favored sons of Pennsylvania, sheltered behind a tariff wall of 35 per cent. against foreign competition.

But a cry which originated in Montreal with men who sought free access to our lumber markets has been echoing through the East, that the Government should protect the forests of the country from destruction. To this we answer that when the lumberman buys his timber from the Government or its grantee,

and converts it into lumber to give shelter to man, he has not destroyed it, but rather converted it to its highest use, the one for which it was ordained.

The forest resources are ample for the day and will be for all time.

It is the history of nations that as they grow in age and riches the use of lumber gives way to that of material more costly, but more durable, and to-day, with a pinery of 235,000,000,000 feet standing in the Southern States alone awaiting the demand which is just beginning to be felt, the man who would invite Canada with her 50,000,000,000 feet of pine into our market to save our forests from destruction by making it unprofitable for the owners to cut them, would, in our judgment, be equally wanting in good sense and honest patriotism.

We believe in the principle of protection against foreign industrial invasion in every form, but whatever revenue system is to prevail we ask under it an even place for the interests we represent.

If there is to be free trade in lumber and salt and we are to be compelled to sell our products cheaper, then the free-trader should give us free sugar, free iron and steel, and free woolens. If the system be beneficent, we too are entitled to share its benefits.

But if the theory of protection to American enterprise and American labor is still to prevail, then the protectionist should continue to give to our great industries that just measure of protection which they deserve, and we therefore, from protectionist and free-trader alike, ask simply justice.

SAGINAW BOARD OF TRADE,
JOHN S. ESTABROOK, *President.*

C. W. GRANT, *Secretary.*

ORDER OF BUSINESS.

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STEELE. When a member makes a point of order and it is overruled by the Chair, and the member finds out afterward that the Chair was wrong, and he was right, what is the proper thing to do under the circumstances?

The SPEAKER *pro tempore*. To appeal from the decision of the Chair at the time.

Mr. STEELE. I should like to show the fact.

The SPEAKER *pro tempore*. The Chair will confer with the gentleman at some other time.

CALL OF STATES.

The SPEAKER *pro tempore*. This being Monday, the States will be called for the introduction of bills and joint resolutions for reference.

QUARANTINE STATION, SAN FRANCISCO.

Mr. MORROW introduced a bill (H. R. 7727) to establish a quarantine station at the port of San Francisco; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. MORROW also submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the President be, and he hereby is, requested to communicate to this House, if in his opinion not incompatible with the public interests, what, if any, steps have been taken in the direction of treaty stipulations or otherwise to prevent the continued immigration of Chinese laborers into the United States, notwithstanding the provisions of the treaty of November 17, 1880, between the United States and the Empire of China, and the laws of the United States passed in pursuance thereof suspending such immigration.

EXPERIMENTAL GRASS AND FORAGE-PLANT FARM.

Mr. RUSSELL, of Connecticut, introduced a bill (H. R. 7728) to provide for the establishment of an experimental grass and forage farm, and for conducting experiments relating to grasses and forage-plants; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PUBLIC BUILDING, WATERBURY, CONN.

Mr. FRENCH introduced a bill (H. R. 7729) for the erection of a public building at Waterbury, Conn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES BARRACKS, ATLANTA, GA.

Mr. STEWART, of Georgia, introduced a bill (H. R. 7730) to appropriate money to be expended in the continuation of the construction of the United States barracks at Atlanta, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GENERAL JOSÉ ANTONIO PAEZ.

Mr. BAKER, of Illinois, submitted the following concurrent resolution; which was read, ordered to be printed in the RECORD, and referred to the Committee on Foreign Affairs:

Whereas a commission of distinguished persons appointed by the Government of Venezuela has arrived in New York for the purpose of conveying the mortal remains of General José Antonio Paez to Venezuela, with a view to their interment in the National Pantheon at Caracas; and

Whereas General Paez (who died in New York in 1873) bore a very eminent historical part in the greatand protracted struggle for South American independence, and was the first President of the Republic of Venezuela: Therefore,

Be it resolved by the House of Representatives of the United States of America in Congress assembled (the Senate concurring), That, as a proper and graceful act of national courtesy in such case, the Secretary of the Navy is hereby authorized and directed to designate a national vessel of war to convey the mortal remains of General Paez, together with the commission aforesaid, from New York to the port of La Guayra, Venezuela.

SANITARY SERVICE, UNITED STATES.

Mr. DUNHAM introduced a bill (H. R. 7731) to perfect the sanitary service of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MAXWELL LAND GRANT.

Mr. HOLMAN submitted the following resolution; which was read, and referred to the Committee on Private Land Claims:

Whereas it is alleged that the entire so-called "Maxwell land grant," situated partly in New Mexico and partly in Colorado, was required, because of the final judgment of the Secretary of the Interior of December 31, 1869, to be treated and surveyed as public lands; and

Whereas it is alleged that said final judgment of the Secretary of the Interior, under which homestead and pre-emption settlers acquired private and vested rights, has never been reversed by any motion or proceeding for that purpose, either in the Interior Department or in the courts; and

Whereas it is alleged that said tract of land was required in 1874 to be treated as public land, and is now being treated as a private land claim: Therefore,

Be it resolved, That the Committee on Private Land Claims do inquire into the matter hereinbefore set forth, with a view to the relief of the homestead and pre-emption settlers on said tract of land; and that the said committee be, and the same is hereby, authorized to summon and examine witnesses, compel their attendance and the production of books and papers, and report thereon by bill or otherwise; and the expense of such investigation shall be paid out of the contingent fund of Congress.

COUNTERFEITING TRADE-MARKS, ETC.

Mr. BYNUM introduced a bill (H. R. 7732) imposing punishment for the counterfeiting, etc., of trade-marks, labels, etc.; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ELECTION OF SENATORS.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7733) to amend sections 14, 16, and 17 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDEX OF APPROPRIATIONS.

Mr. HENDERSON, of Iowa, also submitted the following resolution; which was read, and referred to the Committee on Appropriations:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to cause to be prepared and transmitted to the House of Representatives an index to all appropriations made by Congress from March 4, 1789, to March 4, 1887; which index shall exhibit in alphabetical order each object of appropriation, the year for which made, and the amount appropriated for each year, the number and page of the volumes of Statutes at Large in which to be found, and the aggregate of appropriations under each object up to March 4, 1887.

ELECTION OF UNITED STATES SENATORS.

Mr. LYMAN submitted a memorial and concurrent resolution of the Twenty-second General Assembly of the State of Iowa in reference to the amendment of the laws of Congress in reference to the election of United States Senators; which was referred, on motion, to the Committee on the Revision of the Laws.

Mr. CONGER presented a memorial and concurrent resolution of the senate and house of representatives of the State of Iowa, urging the adoption of an amendment to section 14 of the Statutes at Large, in relation to the election of United States Senators.

The SPEAKER *pro tempore*. The resolution will be referred to the Committee on the Revision of the Laws.

Mr. CONGER. I move to refer it to the Committee on the Judiciary.

Mr. CONGER'S motion was agreed to.

TRANSCRIPTS OF JUDGMENTS IN FEDERAL COURTS.

Mr. CONGER also presented a joint resolution of the General Assembly of the State of Iowa, urging the passage of a bill requiring transcripts of judgments in Federal courts to be filed in the courts where real estate is located before they shall become a lien upon such real estate; which was referred to the Committee on the Judiciary.

LARD.

Mr. CONGER also presented a concurrent resolution of the senate and house of representatives of the State of Iowa, in relation to the sale of lard, its adulteration, etc.; which was referred to the Committee on Agriculture.

ELECTION OF UNITED STATES SENATORS.

Mr. FULLER presented a memorial and concurrent resolution of the Legislature of Iowa, asking that section 14 of the United States Statutes at Large be amended so that the election of United States Senators shall occur on the second Tuesday after the permanent organization of the two houses of the Legislature; which was referred to the Committee on the Judiciary.

JUDICIAL DISTRICTS IN IOWA.

Mr. HAYES introduced a bill (H. R. 7734) amending the act of July 20, 1882, dividing the State of Iowa into two judicial districts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT EMPORIA, KANS.

Mr. RYAN introduced a bill (H. R. 7735) for the erection of a public building at Emporia, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. PERKINS introduced a bill (H. R. 7736) granting an increase of pension in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered te be printed.

POST-OFFICE BUILDINGS.

Mr. PERKINS also introduced a bill (H. R. 7737) to provide for the erection of post-office buildings in cities, towns, and villages of 3,000 inhabitants or more, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EXTENSION OF EIGHTEENTH STREET, DISTRICT OF COLUMBIA.

Mr. PERKINS also (by request) introduced a bill (H. R. 7738) to provide for the extension of Eighteenth street, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

COLUMBIA ROAD.

Mr. PERKINS also (by request) introduced a bill (H. R. 7739) to provide for the widening of Columbia road, in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

OMAHA, KANSAS AND EL PASO RAILROAD.

Mr. PETERS introduced a bill (H. R. 7740) to grant right of way through the Public Land Strip to the Omaha, Kansas and El Paso Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. McCREARY introduced a bill (H. R. 7741) to amend the act entitled "An act granting pensions to soldiers and sailors of the Mexican war, and for other purposes," so as to dispense with the provision which requires that the claimants or widows of the officers and enlisted men shall be sixty-two years of age before they can claim the benefits of said act; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BLAIR EDUCATIONAL BILL.

Mr. McCREARY also presented a resolution of the Legislature of Kentucky, requesting Senators and Representatives from that State to vote against and use their influence to defeat the passage of the bill known as the Blair educational act; which was referred to the Committee on Education.

REFUND OF DIRECT TAX.

Mr. McCREARY also presented a resolution of the Legislature of Kentucky, requesting the members of Congress from that State to urge the passage of a bill to refund to the States money collected from them by the United States as direct tax; which was referred to the Committee on the Judiciary.

PAY OF EMPLOYÉS IN GOVERNMENT PRINTING OFFICE.

Mr. BRECKINRIDGE, of Kentucky, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives, That the Committee on Printing be, and is hereby, directed to inquire and report to the House the difference in the scale of prices now paid to the employés of the Government Printing Office and that paid before January 1, 1877; and further, whether the former rate of prices ought not to be re-established.

PROTECTION OF LIFE TO FISHERMEN.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 7742) for the better protection of life to fishermen of the United States engaged in the deep-sea fisheries, and for other purposes; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

SECTION 1225, REVISED STATUTES.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 7743) to amend section 1225 of the Revised Statutes of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEDICAL HISTORY OF THE REBELLION.

Mr. STONE, of Kentucky, introduced a joint resolution (H. Res. 118) for printing 25,000 copies of each of parts first, second, third, fourth, fifth, and sixth of the Medical and Surgical History of the Rebellion; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

EXPORTATION OF SUGAR.

Mr. MILLIKEN submitted a resolution of inquiry as to the exportation of sugar from the port of New York and the classification of the same; which was referred to the Committee on Commerce.

PAY OF SUPERVISORS OF ELECTION.

Mr. DAVIS introduced a bill (H. R. 7744) providing for the payment of supervisors of election in 1886; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

DUTIES ON SUGAR.

Mr. LONG. Mr. Speaker, I desire to introduce and have referred to the Committee on Ways and Means a bill which has been sent to me by the Home Market Club of Boston.

The title of the bill was read, as follows:

A bill (H. R. 7745) to amend the laws relating to the duties on sugar and the taxes on tobacco and distilled spirits, and to reduce the surplus.

The bill was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, TAUNTON, MASS.

Mr. LONG also introduced a bill (H. R. 7746) for the erection of a public building at Taunton, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

Mr. RICE introduced a bill (H. R. 7747) to provide for the payment of claims for Indian depredations examined, allowed, and reported to Congress under the provisions of the act of March 3, 1885, and for the final disposition of all other Indian depredation claims; which was read a first and second time, referred to the Select Committee on Indian Depredation Claims, and ordered to be printed.

CROW RESERVATION, MONTANA.

Mr. RICE also introduced a bill (H. R. 7748) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of a part of the Crow Indian reservation in Montana Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE AT WABASHA, MINN.

Mr. WILSON, of Minnesota, introduced a bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FEES OF REGISTERS AND RECEIVERS OF LAND OFFICES.

Mr. MACDONALD introduced a bill (H. R. 7750) in relation to certain fees allowed registers and receivers of land offices; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOCATION OF LAND-SCRIP.

Mr. STOCKDALE introduced a bill (H. R. 7751) for the location of scrip issued under the acts of August 31, 1852, and June 22, 1860; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. BLAND introduced a bill (H. R. 7752) to provide for the construction of public buildings and appropriations therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WATCHMEN IN GOVERNMENT PRINTING OFFICE.

Mr. GREENMAN (by request) introduced a bill (H. R. 7753) to determine and increase the pay of the watchmen in the Government Printing Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ADMISSION OF STATES AND ORGANIZATION OF TERRITORIES.

Mr. BAKER, of New York, offered the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be compiled, under the direction of the Committee on the Territories, a history of the several acts relating to the admission of States into the Union and the organization of the several Territories by acts of Congress, and particularly with reference to debates thereon as shown by the Annals of Congress, Congressional Debates, or Congressional Globe, or RECORD; and the necessary expense attending the execution of this order shall be paid out of the contingent fund of the House on the approval of the Committee on Accounts.

LIFE-SAVING SERVICE.

Mr. BUCHANAN introduced a bill (H. R. 7754) making provision for persons becoming disabled while in the Life-Saving Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BUCHANAN also introduced a bill (H. R. 7755) making more adequate compensation to persons employed in the Life-Saving Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VETERINARIANS IN THE ARMY.

Mr. WHITE, of New York, introduced a bill (H. R. 7756) to provide for the proper organization, compensation, and rank of the veterinarians of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORESTS IN ROCKY MOUNTAINS.

Mr. WHITE, of New York, also offered the following resolution; which was read, and referred to the Committee on Public Lands:

Resolved, That the Commissioner of Agriculture be requested to forward to this House any facts or statistics in his office relating to the forest conditions of the Rocky Mountains, and any matter pertinent to their consideration not heretofore reported.

PUBLIC TIMBER LANDS.

Mr. WHITE, of New York, also submitted the following resolution; which was read, and referred to the Committee on the Public Lands:

Resolved, That the honorable Secretary of the Interior be directed to send to this House a report by Special Agent Bowers to the Secretary, containing in outline the desirable features of legislation for the public timber lands, together with the needful argumentation of its provisions, and referred to in the report of the late Secretary of the Interior, Mr. Lamar.

AMNESTY FOR OFFENSES UNDER INTERNAL-REVENUE LAWS.

Mr. BROWER introduced a bill (H. R. 7757) granting amnesty for all offenses committed against the internal-revenue laws prior to February 22, 1888; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. CROUSE introduced a bill (H. R. 7758) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost the sight of one eye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS OF COLORED TROOPS.

Mr. COOPER introduced a bill (H. R. 7759) to extend to officers of colored troops the benefits of the act approved February 3, A. D. 1887, providing for the muster and pay of certain officers and enlisted men; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OHIO CENTENNIAL EXPOSITION.

Mr. OUTHWAITE introduced a joint resolution (H. Res. 119) authorizing the several Executive Departments of the Government to loan to the Ohio Centennial Exposition certain articles for exhibit; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. OUTHWAITE. I ask unanimous consent that this joint resolution be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives, etc., That it is desirable in any way consistent with existing laws and without risk to Government property or expense to the national Treasury, to encourage the opening and holding of a grand industrial and educational exposition of the whole country, but more especially that portion of it known one hundred years ago as the Northwest Territory, commencing on the 4th day of September, 1888, and ending on the 20th day of October, 1888, at the city of Columbus, in the State of Ohio, to be known as the "Ohio Centennial Exposition," and the interests of our country demand it be made an unqualified success; and it be, and is hereby, approved that the heads of the several Executive Departments shall, in whatever respects they may in their judgment see convenient and proper, loan any articles or material suitable to such purpose: *Provided*, That such loan be made entirely on the responsibility of said Ohio Centennial Exposition, and shall not be of material needed for use in either Department, and shall not in any way interrupt the daily routine of duty or order in any branch of the Government, and shall be returned to the proper Department in good order within one month after the close of the exposition: *Provided further*, That the head of any Department who shall intend to make any such loan may employ or send a suitable person or persons to take charge of and care for any articles or material so loaned at the expense of said exposition: *And provided further*, That before any such loan shall be made the proper head of the Department shall require and receive a good and sufficient bond by or in behalf of such exposition for the safe return thereof as aforesaid and to indemnify and save harmless the Government of the United States or any Department thereof from any liability or expense on account thereof or on account of this resolution.

LAKE SHIPPING.

Mr. FORAN introduced a bill (H. R. 7760) to regulate lake shipping; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

SOLDIERS AND SAILORS' PAY, ETC.

Mr. BROWN, of Ohio, introduced a bill (H. R. 7761) to recognize the validity and provide for the payment of soldiers' and sailors' pay, bounty, and pensions; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RESTORATION OF BOYS TO REFORM SCHOOL.

Mr. ATKINSON introduced a bill (H. R. 7762) authorizing the restoration to the Reform School of boys who have been discharged on probation, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REAL ESTATE TITLE INSURANCE COMPANY, DISTRICT OF COLUMBIA.

Mr. ATKINSON also (by request) introduced a bill (H. R. 7763) authorizing the Real Estate Title Insurance Company of the District of Columbia to accept and execute trusts; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

COMPENSATION OF POSTMASTERS.

Mr. ERMENTROUT (by request) introduced a bill (H. R. 7764) relating to the compensation of postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. ERMENTROUT. This bill is introduced by request of the committee appointed by the postmasters' convention, held last December in Washington, to look after legislation affecting them. It is the bill agreed upon by the convention.

INSTRUCTION OF INDIANS.

Mr. BAYNE submitted the following resolution; which was read, and referred to the Committee on Indian Affairs:

Whereas it is alleged that the Commissioner of Indian Affairs has promulgated an order forbidding the missionaries of various denominations from teaching the Indians in the schools supported or partly supported by the Government of the United States the sacred Scriptures in the native languages of the Indians; and

Whereas complaint has been made that such order seriously affects the progress and effectiveness of the work of the missionaries and teachers in such schools: Therefore,

Be it resolved, That the Secretary of the Interior be requested to inform the House if any such order exists, and, if so, the reasons therefor, and under what authority of law such order was issued.

NATIONAL HOMES FOR DISABLED SOLDIERS.

Mr. BAYNE also introduced a bill (H. R. 7765) for the relief of national homes for disabled volunteer soldiers, and to establish out-pension furloughs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRADING STREETS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL (by request) introduced a bill (H. R. 7766) to grade streets in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RECORDER OF DEEDS, ETC., DISTRICT OF COLUMBIA.

Mr. HEMPHILL also (by request) introduced a bill (H. R. 7767) to regulate the fees and limit the compensation of the recorder of deeds of the District of Columbia and the register of wills of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MURDER IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL also introduced a bill (H. R. 7768) to divide the crime of murder in the District of Columbia into degrees, and to define each grade thereof and the punishment thereof; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ASSAULTS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL also introduced a bill (H. R. 7769) to provide for the punishment of assaults in the District of Columbia with deadly or dangerous weapons; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TERMS OF PRESIDENT, ETC.

Mr. CRAIN introduced a joint resolution (H. Res. 120) proposing amendments to the Constitution changing the time for the commencement and limitation of the terms of the President, Vice-President, and members of Congress, and altering the date of the annual meeting of Congress; which was read a first and second time, referred to the Committee on the Election of President, Vice-President, and Representatives in Congress, and ordered to be printed; and also ordered to be printed in the RECORD.

The joint resolution is as follows:

Joint resolution proposing amendments to the Constitution changing the time for commencement and limitation of the terms of the President, Vice-President, and members of Congress, and altering the date of the annual meeting of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, namely:

ARTICLE —.

The term of office of the President shall continue until the 30th day of April, in the year 1889, at noon, and the 30th day of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of the official term of the President and Vice-President.

The twelfth article of the amendments to the Constitution of the United States shall be amended by striking out the words "4th day of March" and substituting instead thereof the words "30th day in April, at noon."

ARTICLE —.

The 31st day of December, at noon, is substituted for the 4th day of March as the commencement and termination of the official term of the Senators and of the Members of the House of Representatives.

The Congress in existence when the members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term of office shall expire on the 31st day of the following December.

The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected.

Congress shall assemble at least once in each year, and such meeting shall be on the first Monday in January unless Congress shall by law appoint a different day.

MILITARY ROAD IN HENRICO COUNTY, VIRGINIA.

Mr. WISE introduced a bill (H. R. 7770) to construct a road from the city of Richmond to the national cemetery at Seven Pines, in the county of Henrico, in the State of Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SORGHUM.

Mr. WISE also submitted resolutions of the General Assembly of Virginia relative to the manufacture of sugar from sorghum; which were referred to the Committee on Agriculture.

AGRICULTURAL STATION AT ARLINGTON, VA.

Mr. WISE also submitted resolutions of the General Assembly of Virginia in favor of establishing a central agricultural station at Arlington; which were referred to the Committee on Agriculture.

AMENDMENT OF REVISED STATUTES.

Mr. BOWDEN introduced a bill (H. R. 7771) to amend the fifth paragraph of section 4414, Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, PETERSBURGH, VA.

Mr. GAINES introduced a bill (H. R. 7772) for the improvement and enlargement of the public building at Petersburgh, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SUPERINTENDENTS OF LIFE-SAVING DISTRICTS.

Mr. THOMAS H. B. BROWNE introduced a bill (H. R. 7773) to equalize the compensation of superintendents of life-saving districts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. THOMAS H. B. BROWNE also introduced a bill (H. R. 7774) to amend and re-enact section 5 of an act entitled "An act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," approved May 4, 1882; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON CITY INEBRIATE ASYLUM.

Mr. SNYDER introduced a bill (H. R. 7775) to amend an act entitled "An act to incorporate the Washington City Inebriate Asylum, in the District of Columbia," approved March 30, 1876; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 7776) to authorize the construction of a bridge across the Missouri River in the county of Monona, in the State of Iowa, and in the county of Burt, State of Nebraska, and to make the same a post-route; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDIAN LANDS IN MONTANA TERRITORY.

Mr. TOOLE introduced a bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CENTRAL LAND DISTRICT, TERRITORY OF NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 7778) to establish a central land district in the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADMISSION OF WASHINGTON TERRITORY TO THE UNION.

Mr. VOORHEES submitted the following memorial of the Legislative Assembly of Washington Territory; which was referred to the Committee on the Territories, and ordered to be printed in the RECORD:

UNITED STATES OF AMERICA,
Territory of Washington, Office of the Secretary:

I, N. H. Owings, secretary of the Territory of Washington and custodian of the great seal, do here certify that I have carefully compared the annexed copy of writing, *i. e.*, house memorial praying for the admission of Washington Territory as a State, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the great seal of the said Territory, at Olympia, this 16th day of February, 1888.

[SEAL.] N. H. OWINGS,
Secretary of Washington Territory.

House memorial praying for the admission of Washington Territory as a State.

To the Senate and House of Representatives of the United States:

Your memorialists, the Legislative Assembly of Washington Territory, represent:

That Washington Territory has now a population of from 175,000 to 200,000 energetic, intelligent, law-abiding citizens within its boundaries, and that its population is rapidly adding thereto;

That its agricultural, lumbering, mining, and grazing interests are already of vast importance, and that their development is constantly increasing the wealth and importance of the Territory;

That its commerce is of such magnitude that the volume of shipping of its port of entry is exceeded only by but few ports of entry in the whole of the United States;

That she confronts one of the most active of the foreign powers, which is constantly exerting the greatest energy in the building up of naval stations and maritime ports just outside our borders;

That she has now worn her Territorial robes for thirty-four years, a period of time surely sufficiently long to entitle her to an invitation to statehood.

In support of our ability to maintain a State government we submit:

That our school children under the age of twenty-one, who are entitled to draw public money, number 47,431, and that we have paid out during the year for school purposes the sum of $305,000;

That we have an asylum for our insane erected at a cost of $100,000, and we have and maintain all the other charitable institutions usually maintained in the States of the Union;

That we have a Territorial university, and various and numerous private schools and colleges scattered throughout the Territory;

That we have completed within the last year a penitentiary at a cost of $82,000, and are fully prepared to take care of our idle and vicious;

That our taxable property outside of railroad property aggregates the sum of $61,562,739, and have little or no indebtedness;

That we have over 941.2 miles of railroad constructed in our Territory already, and that the era of railroad building is the most prosperous and promising;

With all these reasons, and the further great one that the genius of American institutions are builded upon self-government, we believe that our disabilities should be removed and that we should be permitted from henceforth to govern ourselves as a State.

Wherefore we respectfully but earnestly ask that the Territory of Washington be admitted as one of the States of the Federal Union,

And your memorialists will ever pray.

Passed the house December 13, 1887.

W. M. CLARK,
Speaker of the House.

Passed the council December 20, 1887.

JOHN R. THOMPSON,
President of the Council.

Mr. VOORHEES also submitted the following memorial of the Legislative Assembly of Washington Territory; which was referred to the Committee on the Territories, and ordered to be printed in the RECORD:

UNITED STATES OF AMERICA,
Territory of Washington, Office of the Secretary:

I, N. H. Owings, secretary of the Territory of Washington and custodian of the great seal, do hereby certify that I have carefully compared the annexed copy of writing, *i. e.*, council memorial in relation to the admission of Washington Territory and Northern Idaho as a State, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the great seal of said Territory, at Olympia, this 16th day of February, 1888.

[SEAL.] N. H. OWINGS,
Secretary of Washington Territory.

Council memorial in relation to the admission of Washington Territory and Northern Idaho as a State.

To the honorable the Senate and House of Representatives of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent: That all that part of Idaho Territory known as Northern Idaho, and bounded as follows: Commencing at a point in the middle channel of Snake River on the eastern boundary line of Washington Territory, thence running southerly along the middle of said river to where the forty-fifth parallel crosses said river; thence east along said parallel to where it intersects the meridian 37° 30′ west from Washington; thence northerly along said meridian to the line of the British Possessions; thence west along said line to the eastern boundary line of Washington Territory; thence south along said line to the place of beginning, and separated from the remainder of Idaho Territory by an almost impassable chain of mountains, and that the same is separated from Washington Territory only by an imaginary line through an open agricultural country; and

Whereas the people thereof for years past have been and must always continue to be connected by close commercial and business relations with the people of Washington Territory, and they have always been and must continue to be cut off and isolated from the balance of Idaho Territory, and at a remote and inconvenient distance from their capital, and the natural barriers being such that this condition must forever remain; and

Whereas the people of said Northern Idaho having by ballot and otherwise signified a unanimous desire to be united with Washington Territory for governmental purposes, the house of representatives of said Idaho Territory having on different occasions passed memorials praying your honorable body that said Northern Idaho be attached to and made a part of the State of Washington when the Territory of Washington should be admitted into the Union; and

Whereas the present number of its inhabitants, which fully equals that of many of the States of this Union, and the almost unparalleled increasing population which is being induced by the magnitude of the mineral, agricultural, and other magnificent natural resources, the equable climate, and the rapid development of its material interests; and believing that the time has arrived when Washington Territory should be admitted to full sisterhood with the other States of the Union, should be allowed to renew her allegiance to the grandest Government the world has ever seen, standing erect in the majesty and dignity of statehood:

Firmly believing this, and that by such admission the happiness and best interests of this people, and the harmony and welfare of the General Government will be promoted, therefore your memorialists humbly and earnestly pray your honorable bodies to pass an enabling act authorizing and empowering the people of Washington Territory and said Northern Idaho to form a State constitution preparatory to their admission into the Union as a State. And your memorialists will ever pray.

Passed the council January 26, 1888.

JOHN R. THOMPSON,
President of the Council.

Passed the house January 27, 1888.

W. M. CLARK,
Speaker of the House.

CHINESE ON THE PACIFIC COAST.

Mr. VOORHEES also submitted a memorial of the Legislative Assembly of Washington Territory, concerning the evils arising from the presence of Chinese on the Pacific coast, and praying for suitable legislation to remedy the same; which was referred to the Committee on Foreign Affairs.

SURVEY OF LANDS IN WASHINGTON TERRITORY.

Mr. VOORHEES also submitted a memorial of the Legislative Assembly of Washington Territory, praying for an appropriation for the

survey of unsurveyed lands in said Territory; which was referred to the Committee on Appropriations.

INDIAN DEPREDATION CLAIMS.

Mr. VOORHEES also submitted a memorial of the Legislative Assembly of Washington Territory, praying for the settlement of Indian depredation claims of 1855–'56; which was referred to the Select Committee on Indian Depredation Claims.

COLVILLE INDIAN RESERVATION.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the vacation of the Colville Indian reservation in said Territory; which was referred to the Committee on Indian Affairs.

PUBLIC BUILDING, PORT TOWNSEND.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for an additional appropriation for the construction of the public building at Port Townsend, in said Territory; which was referred to the Committee on Public Buildings and Grounds.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the removal of a bar in the Columbia River near the mouth of the Willamette River; which was referred to the Committee on Rivers and Harbors.

DECEPTION PASS, WASHINGTON TERRITORY.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for an appropriation of $10,000 for the improvement of Deception Pass in said Territory; which was referred to the Committee on Rivers and Harbors.

DUNCAN ROCK, STRAITS OF SAN JUAN DE FUCA.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the removal of Duncan Rock in the Straits of San Juan de Fuca; which was referred to the Committee on Rivers and Harbors.

IMPROVEMENT OF SNAKE RIVER.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the removal of obstructions to navigation in Snake River; which was referred to the Committee on Rivers and Harbors.

IMPROVEMENT OF UPPER COLUMBIA RIVER.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the removal of obstructions to navigation in the Upper Columbia River; which was referred to the Committee on Rivers and Harbors.

IMPROVEMENT OF NOOKSACHK RIVER.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for an appropriation of $10,000 for the improvement of the Nooksachk River; which was referred to the Committee on Rivers and Harbors.

DENIS STORRS AND OTHERS.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for the passage of a bill for the relief of Denis Storrs, Donald McDonald, Fritz Dibbern, living, and of the heirs of Daniel Himes and Marion Minnick, deceased; which was referred to the Committee on Claims.

NAVAL STATION, PACIFIC COAST.

Mr. VOORHEES also introduced a joint resolution (H. Res. 121) providing for the appointment of a commission to select a site for a naval station on the Pacific coast; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDED ORTHOGRAPHY.

Mr. VOORHEES also (by request) introduced a bill (H. R. 7779) to provide for an amended orthography to be taught in the public schools of the Territories and in the District of Columbia, and in the Military and Naval Academies and Indian and colored schools in the Territories of the United States; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

ADMISSION OF WYOMING.

Mr. CAREY introduced a bill (H. R. 7780) to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

J. T. AND C. T. HULETT.

Mr. CAREY also introduced a bill (H. R. 7781) for the relief of J. T. and C. T. Hulett; which was read a first and second time, referred to the Select Committee on Indian Depredation Claims, and ordered to be printed.

FEES OF TERRITORIAL COURT OFFICIALS.

Mr. CAREY also introduced a bill (H. R. 7782) to extend the act of Congress, entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys in the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, and section 837 of the Revised Statutes of the United States, to the Territories of New Mexico, Arizona, and Wyoming; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS THE TENNESSEE RIVER.

Mr. HOUK introduced a bill (H. R. 7783) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CIRCULAR LETTERS, PENSION OFFICE.

Mr. MASON introduced the following resolution; which was read, and referred to the Committee on Invalid Pensions:

Resolved, That hereafter all circulars and letters issued by the Pension Commissioner fixing the time when proofs in pension claims shall be furnished shall also contain a statement in substance that there is no statute of limitation applicable to pension claims, and that all said claims are subject to be reopened on furnishing additional evidence in support of said claims.

UNCLAIMED PUBLIC DOCUMENTS.

Mr. LAIDLAW submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That all documents and books published by the authority of the Forty-ninth Congress, which now stand to the credit of such members of the Forty-ninth Congress as are not members of the Fiftieth Congress, shall be, and the same hereby are, placed to the credit of their successors, respectively.

THOMAS R. MONAHAN.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent to submit at this time, and have printed in the RECORD, a memorial for reference to the Committee on Foreign Affairs.

There being no objection, the resolution was referred to the Committee on Foreign Affairs, and ordered to be printed in the RECORD.

It is as follows:

NASHVILLE, TENN., *February* 23, 1888.

To the honorable the House of Representatives, United States of America:

The petition of Thomas R. Monahan, a citizen of the State of Tennessee, United States of America:

Your petitioner respectfully shows and represents unto your honorable body that in the year of 1884 he was employed as a locomotive engineer on the Mexican Central Railroad, and that as such engineer it was his duty to take charge of engine No. 11, and control and run the same between the city of Mexico and San Juan del Rio; that the time of arrival and departure to and from said points and intervening stations and rate of speed was fixed by schedule, with which he was furnished, and which he was bound to obey; that said schedule could only be changed by special telegram from the train-dispatcher, directed and delivered to him, and by him received and receipted for in the presence of the telegraph operator so delivering the same; that by said schedule he was to meet south-bound train of the same class at Marquez; that between Angelies and Marquez his train collided with south-bound train, causing the death of his fireman and injuries to himself of a permanent nature, and also wrecking the trains; that by said schedule said south-bound train should then have been at Marquez; that after said collision the conductor and the telegraph operator made affidavits for the Mexican Government that the operator had received from the train-dispatcher and delivered to said conductor at San Antonia a telegraphic order directing petitioner to meet south-bound train at Angelies instead of Marquez; that the conductor in the absence of petitioner receipted for the same and subscribed petitioner's name thereunto without his knowledge or consent, and had never made known the existence of said order to petitioner, and that petitioner was without fault as to said collision.

Your petitioner further shows that he proceeded to the city of Mexico, and was there seized and thrown in jail by the Mexican Government; from there, after the imprisonment of two weeks, he was removed to and incarcerated in the jail of Tolucca, where he was held prisoner five months.

Your petitioner further shows that during all of said imprisonment he was denied the aid of counsel; not allowed to know the charges made against him, or the names of the witnesses, or to examine the same, and was refused admission to bail, and also a hearing of his cause; that he was confined in the filthiest of Mexican bastiles, covered with vermin, and compelled to purchase his food because of the unwholesome and insufficient prison fare, and was frequently beaten and robbed by Mexican lazzaroni. Against all of this treatment he remonstrated, and appealed to the American Government for relief, but in vain. Finally, President Arthur demanded through Minister Morgan the immediate trial or release of petitioner, whereupon Judge Merrimon, of the district court of Tolucca, came to petitioner and asked that he execute bond for his appearance; which being declined, he said to petitioner, "I give you your liberty," and discharged him.

Petitioner then returned to his home in Nashville, Tenn., where he has ever since resided. He laid his grievances before the Secretary of State, who replied in substance that nothing could be done without a certified transcript of the record, and that as Congress provided no fund for such purpose petitioner must pay for the same, which would cost $25. Petitioner agreed to pay said sum. Thereupon and for years the Mexican Government refused such transcript, because they said the case had been appealed to the supreme court, and nothing could be done until it was finally disposed of there. Afterwards petitioner, by the American Secretary of State, was informed that the case was concluded and that he could have a transcript of the record by him or his attorney demanding the same and paying $222 therefor. Petitioner informed the Secretary of State that he was a poor man, dependent upon a small salary for the support of himself and family and hence unable to pay said sum, and suggested that a portion of the secret-service fund be used for that purpose. To this he received no reply, but afterwards he was informed that he or his attorney must demand a certified copy of the record, which his attorney has repeatedly done, but thus far has been unable to hear the result of his application.

Petitioner prays that your honorable body may take such action as the nature of the case demands and as comports with the honor and dignity of the American Government, and as in duty bound will ever pray.

Respectfully,

THOMAS R. MONAHAN.

OKLAHOMA TERRITORY.

Mr. PEEL introduced a bill (H. R. 7784) appointing a commission to negotiate with the Creek and Seminole tribes of Indians in the Indian

Territory for the full relinquishment of their interest in the territory of Oklahoma, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OTTAWA INDIANS OF BLANCHARD PARK.

Mr. PEEL also submitted a resolution of inquiry as to land and settlement with the Ottawa Indians of Blanchard Park, etc.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GOVERNMENT INSANE HOSPITAL.

Mr. COMPTON introduced a bill (H. R. 7785) for the relief of the attendants of the insane at the Hospital for the Insane in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FREE MAIL MATTER.

Mr. BLOUNT introduced a bill (H. R. 7786) relating to free matter in the mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING AT BOONVILLE, MO.

Mr. HEARD introduced a bill (H. R. 7787) to provide for the erection of a public building at Boonville, Mo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LAND DISTRICT IN MISSISSIPPI.

Mr. STOCKDALE introduced a bill (H. R. 7788) to establish a new land district in the State of Mississippi; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MUSTER AND PAY OF VOLUNTEERS.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 7789) to repeal section 3 of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer force," approved June 3, 1884; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE AT LITTLE ROCK, ARK.

Mr. ROGERS introduced a bill (H. R. 7790) to authorize the construction of a bridge across the Arkansas River at Little Rock, Ark.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CIVIL SERVICE.

Mr. ABBOTT introduced a bill (H. R. 7791) to amend clause 3 of the second subdivision of the second section of "An act to regulate and improve the civil service of the United States," approved January 16, 1883; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

IMPROVEMENT OF KENTUCKY RIVER.

Mr. TAULBEE presented a memorial of the General Assembly of the State of Kentucky, asking for the improvement of the Kentucky River; which was referred to the Committee on Rivers and Harbors.

DIRECT TAX.

Mr. TAULBEE also presented a memorial of the General Assembly of the State of Kentucky in favor of refunding to the States moneys collected by direct taxation; which was referred to the Committee on the Judiciary.

BLAIR EDUCATIONAL BILL.

Mr. TAULBEE also (by request) presented a memorial of the General Assembly of the State of Kentucky in opposition to the Blair educational bill; which was referred to the Committee on Education.

PENSION FOR LOSS OF ONE EYE.

Mr. REED (by request) introduced a bill (H. R. 7792) to increase the pension for the loss of one eye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIO GRANDE AND UTAH RAILROAD.

Mr. SYMES introduced a bill (H. R. 7793) granting the Rio Grande and Utah Railroad the right of way through the Southern Ute Indian reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MEMORIAL OF INDIANS.

Mr. NUTTING. I have in my hand a curious paper, and I desire the attention of the Speaker, that I may know really what is my duty to do with it.

I noticed in the press a little while ago that a memorial, signed by more than 80,000 names, had been presented to one of the monarchs of the European continent upon a recurring anniversary of his marriage. That memorial was got up in elaborate form, bound in leather, and studded with precious stones. We had very little to do with that, because it was simply a representation of kingly power. We had a memorial here last week presented by one of my colleagues with 25,000 names attached to it, which was got up in a beautiful way, representing our country and the best postal system probably in the world.

But I have a paper here that I do not know what to do with, and I want to appeal to the Chair for guidance. It is a petition signed by the chief of the Saint Regis Indians, in the State of New York, and thirty of his followers, every signature being made by mark. It is not formally addressed to the House of Representatives, but their request seems to be that the Congress of the United States will take some measure to provide that their children shall be allowed some means of education. I confess that it has touched me deeply; whether it will make the same impression upon other members of the House remains to be seen. I ask, Mr. Speaker, that this petition be read, and printed in the RECORD.

Mr. NELSON. Mr. Speaker, by way of helping the gentleman out, as he seems to be puzzled, I would suggest that these Indians have the benefit of the Blair bill in homeopathic doses.

The SPEAKER *pro tempore*. The Chair will state that the rule in relation to petitions is uniform, and this petition would go into the box like all others, unless some other disposition be made of it by unanimous consent. The Chair understands the gentleman from New York [Mr. NUTTING] to now ask unanimous consent that this petition shall be printed in the RECORD.

Mr. NUTTING. Yes; I ask to have it read and printed in the RECORD.

Mr. HEMPHILL. I would like to know how long that document is. We have already consumed three hours of the day in other business than that which was assigned especially for to-day.

Mr. NUTTING. The petition contains only sixteen lines and twenty-nine names.

Mr. HOOKER. I suggest that the gentleman have it printed without the names.

Mr. NUTTING. I do not ask to have the names read, but I ask unanimous consent to have the petition read, and I desire that the names shall be printed in the RECORD with the petition.

There was no objection.

The petition was referred to the Committee on Education, and was ordered to be printed in the RECORD. It is as follows:

HOGANSBURGH, FRANKLIN COUNTY, N. Y., 1888.

At a meeting held on the 2d day of January of the chiefs of the St. Regis Indians, the following resolution was unanimously passed:

Resolved, That a committee of three be appointed to visit Washington and urge upon Congress the necessity of extending more to our children the benefits of an education in the Eastern schools. Those of our children who are now in Lincoln Institution, Philadelphia, are receiving every kindness and attention, and we judge from their letters and reports that they are learning what will be very useful to them when they return home. Therefore, we would like more sent to that school.

Your petitioners will ever pray.

Undersigned:

CHIEFS: LEWEY GRAY, his x mark.
JOHN RANSOM, his x mark.
JOHN COOK, his x mark.
JOSEPH GARLOUR, his x mark.
JOHN ALQUET, his x mark.
THOMAS CREE, his x mark.
ALECK DEUM, his x mark.
PETER TERANCE, his x mark.
LEWEY LAZAR, his x mark.
GEORGE WOOD, his x mark.
THOMAS CURRYHEAD, his x mark.
PHILLIP WOOD, his x mark.
ANGUS WHITE, his x mark.
LORAN COOK, his x mark.
MARTIN CHUPP, his x mark.
PETER WOOD, his x mark.
LEWEY COOK, his x mark.
JOHN RANSON, his x mark.
JOSEPH COOK, his x mark.
ANGUS RANSOM, his x mark.
ALEX. CHUPP, his x mark.
PETER COOK, his x mark.
LORAN SHAKOIANISAL, his x mark.
JOHN SMOKE, his x mark.
FRANCIS TERANCE, his x mark.
CHARLEY WHITE, his x mark.
PHILLIP WHITE, his x mark.
LEWEY JACOB, his x mark.
JACOB THOMPSON, his x mark.
JOHN BOOTS, his x mark.
JOHN GRAY, his x mark.

ORDER OF BUSINESS.

Mr. GRIMES. Mr. Speaker, I am directed by the Committee on Accounts to make a report, for which I ask unanimous consent; and I also ask that the resolution upon which the report is founded be now considered by the House. It will take but a moment.

Mr. HEMPHILL. I shall be compelled to object. I dislike to do it, but I can not give up the whole day to other business than that for which the day has been set apart.

Mr. GRIMES. I trust the gentleman will not urge his objection. This matter can be disposed of in a moment.

Mr. HEMPHILL. If I yield to the gentleman I shall have to yield to others also; otherwise I should be very happy to do it.

JOHN POWERS.

Mr. HOPKINS, of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, a bill (H. R. 6800) for the relief of John Powers.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the record of John Powers, late a member of Elgin Battery, Illinois Light Artillery, any charge of desertion that may exist against him as a member of said Elgin Battery, and issue to him an honorable discharge, subject to the laws and regulations of the War Department.

Mr. STEELE. Let us hear the report in that case.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred House bill 6800, submit the following report:

This bill authorizes and directs the Secretary of War to remove the charge of desertion from the record of John Powers, late a member of Elgin Battery, Illinois Light Artillery.

Your committee find that said Powers, when he was scarcely sixteen years of age, in the summer of 1862, enlisted as a member of the Elgin Battery, Illinois Light Artillery, at Elgin, Ill. His enlistment was without the knowledge or consent of his parents, and they took steps to have him released from said enlistment and to take him home. He was anxious to serve as a soldier, and without knowing or realizing the consequences of such a course, ran away from said battery to the State of New York and enlisted in Company K, Sixteenth Regiment New York Cavalry, and served in that company and regiment during the war under the name of George Canon. He was a faithful and honorable soldier, and did his country good service.

His case is not covered by the act of Congress approved July 5, 1884, or other acts for removal of charge of desertion. Nor is it covered by the act of May 17, 1886, as more than three months elapsed from the time of his leaving the Elgin Battery to his re-enlistment in the Sixteenth New York Cavalry. In view of his youth at the time of his desertion from the Elgin Battery, and from the further fact that he re-enlisted and served as a faithful and honorable soldier during the war, your committee report favorably the bill for his relief, and recommend its passage.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 6, 1888.

SIR: Referring to the application for removal of charge of desertion and for an honorable discharge from Elgin Battery, Illinois Light Artillery, in the case of John Powers, alias George Canon, Company K, Sixteenth New York Cavalry, I have the honor to inform you that the official records show that the soldier deserted November 19, 1862, and, without having received a discharge from that organization, enlisted August 19, 1863, under the name of George Canon, in Company K, Sixteenth Regiment New York Cavalry, in violation of the twenty-second (now the fiftieth) article of war, and thereby became a deserter by operation of law.

The following is the text of the article:

"ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered."

The law views him as in a continuous state of desertion during the whole period of his second enlistment.

Neither the legality of his second enlistment, nor any claim for service rendered under it, can be recognized by the Department.

The case is not covered by the act of Congress approved July 5, 1884, or other acts for removal of charge of desertion.

The Department, therefore, is not empowered to afford any relief.

The case is not covered by the act of May 17, 1886, as the man was absent in desertion more than three months.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

Hon. A. J. HOPKINS,
House of Representatives.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOPKINS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARIES UNITED STATES COMMISSIONERS UNITED STATES COURTS.

Mr. FARQUHAR introduced a bill (H. R. 7794) to provide salaries for the commissioners of the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONVICTIONS UNITED STATES COURTS.

Mr. FARQUHAR also introduced a joint resolution (H. Res. 122) providing for the indexing of the records of convictions in the United States district court for the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWARD, for ten days, on account of illness.

To Mr. JOHNSTON, of North Carolina, for five days, on account of important business.

To Mr. JOHNSTON, of Indiana, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. NELSON, by unanimous consent, obtained leave to withdraw from the files of the Committee on Commerce a petition of the Duluth Produce Exchange, relative to the building of bridges across the canal entrance to the harbor of Duluth.

GOVERNMENT CONTRACTS.

The SPEAKER *pro tempore* laid before the House a memorial signed by 8,000 citizens, in relation to contracts for Government work, and asked that it be printed in the RECORD.

There was no objection, and it was so ordered.

The memorial is as follows:

To the members of the House of Representatives of the United States in Congress assembled:

Whereas under the present system of letting contracts for buildings and other Government work, great hardships are forced on the employés by reason of the inability of some of the contractors to pay their help until a certain amount of work is completed and accepted by the Government officials, and in some instances the help have been kept out of their pay for six months or more, as in the case of those employed, preparing the granite work for the Pittsburgh, Pa., post-office, at East Blue Hill, Me.; we, the undersigned, citizens of the United States, respectfully request that your honorable body will enact a clause to be inserted in all contracts for work done for or on behalf of the United States Government, requiring all contractors on Government work to pay their help of all grades at least once in every two weeks, and requiring a guaranty for the faithful performance of such provision, and for any violation thereof their contract to be void. And your petitioners, as in duty bound, will ever pray, etc.

LEAVE OF ABSENCE.

Mr. ENLOE, by unanimous consent, obtained leave of absence for Mr. PHELAN indefinitely, on account of illness.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Under the new rule of the House, the remainder of this day is set apart for the consideration of business to be called up by the Committee on the District of Columbia.

OWNERSHIP OF REAL ESTATE BY FOREIGN LEGATIONS, ETC.

Mr. HEMPHILL. I call up for consideration the bill (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, be so amended that the same shall not apply to or operate in the District of Columbia.

The amendment reported by the Committee on the District of Columbia was read, as follows:

Add to the bill the following:

"So far as relates to the ownership of legations, or the ownership of residences by representatives of foreign governments, or attachés thereof."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTRACTS BY DISTRICT COMMISSIONERS.

Mr. HEMPHILL. I call up for present consideration the bill (H. R. 7648) to extend the authority of the commissioners of the District of Columbia in making contracts. This bill is a substitute for House bill No. 4947.

The SPEAKER *pro tempore*. If there be no objection, House bill No. 4947, for which the bill now called up is a substitute, will be laid on the table.

There was no objection.

The House proceeded to the consideration of House bill No. 7648; which was read, as follows:

Be it enacted, etc., That when, in the opinion of the commissioners of the District of Columbia, a saving of expense may be made by entering into contracts for illuminating and cleaning the streets within said District for a longer period than now prescribed by law, they shall have the right to enter into such contracts not exceeding the term of three years.

Mr. BUCHANAN. I would like the gentleman from South Carolina to explain the necessity for this bill.

Mr. HEMPHILL. I yield to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. I call for the reading of the report.

The report (by Mr. GROUT) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4947) to extend the authority of the commissioners of the District of Columbia in making contracts, respectfully report:

That under existing law the commissioners of the District of Columbia can not enter into contracts for a longer period than one year, which limitation in ordinary transactions does not interfere with securing contracts of a favorable and satisfactory character, but that in some instances it does. It was represented to the committee that were the commissioners not so limited they might be able to secure a contract for lighting the streets with electricity in a way that should be more satisfactory and less expensive than now, but that such contract must be for a longer period than one year; and the committee were of opinion that if the commissioners, by entering into a contract for a longer time, could thereby make a saving in expense, they should be allowed to do so; and that if by a contract for a longer time they could also make a saving in the expense of cleaning the streets it would be wise to allow such contracts. The committee did not, however, feel like recommending a longer time for these contracts than three years. They therefore recommend the passage of the accompanying substitute bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFORM SCHOOL FOR GIRLS.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 1361) to incorporate the reform school for girls in the District of Columbia.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House.

Mr. HEMPHILL. I ask unanimous consent that the bill be considered in the House.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Samuel S. Shellabarger, Augustus S. Worthington, Adoniram J. Huntington, William C. Dodge, Mills Dean, Owen G. Staples, James E. Fitch, Thomas P. Morgan, and Alexander Graham Bell, and their successors, be, and they are hereby, created a body corporate to be known as the Board of Trustees of the Girls' Reform School of the District of Columbia.

SEC. 2. That said corporation is hereby authorized and empowered to establish and maintain a reform school for girls at any place within the District of Columbia, and for that purpose may take and receive, by gift, grant, or devise, such real estate and personal property as may be necessary for the purposes of said corporation: *Provided*, That at the dissolution of said corporation, or if it should cease for the space of six months to maintain a reform school for girls, all the property, real and personal, of said corporation shall vest in the District of Columbia.

SEC. 3. That the said board of trustees shall have the same power and authority in relation to girls as the board of trustees of the Reform School of the District of Columbia now possess in relation to boys.

SEC. 4. That said board of trustees shall have authority to appoint such officers, agents, teachers, and other employés as may be necessary, and fix the rate of compensation of the same, subject to the approval of the commissioners of the District of Columbia.

SEC. 5. That the said board of trustees shall have authority to make such by-laws and rules and regulations as shall be necessary for the government of the officers, teachers, employés, and inmates of the school, and from time to time alter, amend, and change the same.

SEC. 6. That all the sections of the act of May 3, 1876, entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," not inconsistent with the provisions of this act, are hereby made applicable to the Reform School for Girls of the District of Columbia, except the word "girls" shall be understood wherever the word "boys" occurs in said act, and the words "eighteen years" wherever the words "sixteen years" occur.

SEC. 7. That within thirty days after this act is passed said trustees shall meet and organize by electing a president; and they shall draw lots and decide the length of service of said trustees. Three of said trustees shall serve for one year, three for two years, and three for three years, and their successors in office shall be appointed in like manner as the trustees of the Reform School of the District of Columbia are now appointed.

SEC. 8. That Congress shall have the right to alter, amend, or repeal this act at any time.

The report was as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia, respectfully report:

They have had the same under consideration. From their information of the law as it now exists, there is no place to send young girls who have been convicted of small offenses, if over the age of twelve years, except to the workhouse or common jail. In these institutions young girls who have perhaps been convicted for the first time, and might be reformed if sent to a good reform school, are thrown with hardened and more advanced criminals, and all hopes of reformation are lost. There is in active work a similar institution for boys in the District, and your committee feel that the enactment of this bill will supply a needed institution.

The committee therefore report the bill to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. HEMPHILL. I next call up for consideration the bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia.

The SPEAKER *pro tempore*. This bill is in the Committee of the Whole House.

Mr. HEMPHILL. I move that the bill be considered in the House.

There being no objection, the House proceeded to consider the bill, which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Edward F. Beale, Edward C. Dean, A. L. Barber, George Truesdell, James L. Barbour, George E. Moore, Charles C. Duncanson, Michael Connor, and Joseph Paul, of the District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Eckington and Soldiers' Home Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with the necessary switches, turn-outs, and other mechanical devices and sewer connections necessary to operate the same by horse, cable, or electric power, in the District of Columbia through and along the following avenues, streets, and highways: Commencing on New York avenue at its intersection with Seventh street northwest, thence eastwardly along said avenue to its intersection with Third street northeast, thence along Third street north to T street, thence east to Fourth street: *Provided*, That, in order to avoid crossing the Baltimore and Ohio Railroad, the District commissioners may, if they deem it necessary, require said company to acquire by purchase the right of way along the west side of said railroad from New York avenue to Third street east; also a branch commencing at the intersection of New York avenue with First street west; and thence north along First street to the south line of the grounds of the Soldiers' Home; also with the privilege of extending said main line along New York avenue to Ivy City within one year after said avenue is opened and graded to Ivy City, with the right to run public carriages thereon propelled by horse, electric, or cable power. Said company shall receive a rate of fare not exceeding 5 cents per passenger for any distance between the termini of said main railway or between the termini of its branch railway, or between either terminus of said main railway and the terminus of said branch railway.

SEC. 2. That said Eckington and Soldiers' Home Railway Company shall, on or before the 15th of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of personal taxes for the next ensuing year, 4 per cent. of its gross earnings upon traffic for the preceding year, as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That whenever the net receipts of said company from its business upon said road shall, for any years, exceed 10 per cent. of the actual cost of such road, then said company shall, under the direction of the said commissioners, reduce the rate of passenger fare to an amount, as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed 10 per cent. of the actual cost for the construction thereof.

SEC. 3. That the said railway shall be laid in the center of the avenue and streets as near as may be, to be constructed of good materials, and in a substantial and durable manner, with the rails of the most approved pattern, all to be approved by the commissioners of the District, laid upon an even surface with the pavement of the street, and in such a manner as to interfere with the ordinary travel as little as practicable; and the gauge to correspond with that of other city railroads.

SEC. 4. That the said corporation shall, at its own expense, keep said tracks within the city limits, and for the space of 2 feet beyond the outer rails thereof, and also the space between the rails and tracks, at all times well paved and in good order, to be approved by the commissioners of the District; and beyond the limits of said city shall keep its tracks, and for the space of 2 feet beyond the outer rails thereof, and also the space between the rails and track, well graded or paved, and in good order, so as to impede the general travel as little as possible.

SEC. 5. In the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the track of this corporation, it shall be the duty of said company to change its said railroad so as to conform to such grade as may have been thus established.

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the engineer commissioner. It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the commissioners of the District, an engine house or houses, boiler-house, and all other buildings necessary for the successful operation of an electric or cable motor railroad.

SEC. 7. That it shall not be lawful for said corporation, its successors or assigns, to propel its cars over said railroad, or any part thereof, within the city limits, at a rate of speed exceeding 10 miles per hour; and without the city limits, at a rate of speed exceeding 15 miles per hour; and for each violation of this provision said grantees, their successors or assigns, as the case may be, shall be subject to a penalty of $50, to be recovered in any court of competent jurisdiction at the suit of the commissioners of the District of Columbia.

SEC. 8. That the main line of said railway company shall be commenced within three months and completed within twelve months from the passage of this act; and the branch of the same shall be completed within two years from the time First street is graded; and if the said work on the main line shall not be so commenced and completed, then the privileges and powers herein granted shall be void.

SEC. 9. That the capital stock of said company shall not exceed, if horse-power is to be used for the main line, $60,000, which may be increased when work is commenced on the First street branch $45,000, and on the Ivy City branch $32,000. If electric power is to be used, the capital stock for the main line shall not exceed $102,000, which may be increased when work is commenced on the First street branch $84,000, and Ivy City branch $60,000. If propelled by cable the capital stock for the main line shall not exceed $204,000, which may be increased when work is commenced on the First street branch $168,000, and on the Ivy City branch $120,000; and that the stock shall be divided into shares of $50 each, transferable in such manner as the by-laws of said company may direct; and said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the construction of such road; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable; or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 10. That the company shall place cars of the best construction on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time-table or schedule adopted by the company, a copy of which shall be filed with the commissioners of the District of Columbia, and to be approved by them.

SEC. 11. That the company shall buy, lease, or construct such passenger rooms, ticket offices, work-shops, depots, lands, and buildings as they may deem necessary, at such points on its line as may be approved by the commissioners of the District.

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from 9 o'clock in the forenoon

till 5 o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be the stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent. at the time of subscribing, except lawful money or certified checks from any established banking-house. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 14. That the government and direction of the affairs of the company shall be vested in the board of nine directors, who shall be stockholders of record, and who shall hold their office for one year, and until their successors are duly elected and qualified; and the said directors, a majority of whom shall be a quorum, shall elect one of their number president of the board, who shall also be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, the latter of whom shall give bond, with good and sufficient surety, to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, or otherwise, the vacancy so occasioned shall be filled by the remaining directors.

SEC. 15. That the directors shall have the power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company and the management of its business, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia.

SEC. 16. That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 17. That said company shall have at all times the free and uninterrupted use of their roadway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than $25 nor more than $100 to said company, to be recovered as other fines and penalties in said District, and shall be liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid.

SEC. 18. That the said Eckington and Soldiers' Home Railway Company of the District of Columbia shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employés, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful regulations of the company. The corporators herein named, or the corporation hereby created, shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided, and then only after having obtained the written consent of the stockholders representing two-thirds in value of the capital stock.

SEC. 20. That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of this act, for the purposes of this act, are hereby repealed, so far as the same are inconsistent herewith.

SEC. 21. That Congress reserves the right to alter, amend, or repeal this act at any time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. SOWDEN called for the yeas and nays.

Mr. HEMPHILL. I hope the gentleman will not insist on calling the yeas and nays. There is no objection to the bill.

Mr. SOWDEN. I withdraw the call for the yeas and nays, as I find this is not the bill I supposed it was.

The question being taken on the passage of the bill, there were—ayes 78, noes 8.

So the bill was passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOB BARNARD.

Mr. HEMPHILL. I call up the bill (H. R. 5683) to authorize the commissioners of the District of Columbia to complete a contract for the sale of certain real estate to Job Barnard.

The SPEAKER *pro tempore*. This bill is in the Committee of the Whole House.

Mr. HEMPHILL. I ask unanimous consent that it be considered in the House.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia are hereby authorized to carry out and complete the contract of sale made by W. Dennison, J. H. Ketcham, and S. L. Phelps, former commissioners of said District, with Job Barnard, dated June 12, 1877, duly acknowledged and recorded in liber 858, at folio 220, one of the land records of said District, and that on payment by said purchaser of the money therein agreed to be paid the said commissioners shall execute and deliver a deed to said purchaser, his heirs or assigns, conveying thereby the title of said District to the real estate described in the said contract.

Mr. ADAMS. Is there a report accompanying this bill?

Mr. HEMPHILL. There is. I could explain the bill in a very few words, but perhaps the report had better be read.

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5683) authorizing the commissioners of the District of Columbia to complete a contract for the sale of certain real estate to Job Barnard, respectfully report that they have had the same under consideration, and find that on the 12th day of June, 1877, Job Barnard entered into a contract in writing with the then commissioners of the District whereby the said commissioners leased and demised unto the said Barnard a piece or strip of land known "as the north 20 feet of lots 8 and 9, block 3, of Howard University subdivision of Effingham Place," which strip of land immediately adjoins the property whereon the said Barnard resides, reserving a yearly rental of $20. The lease further provides that the commissioners shall at any time during the continuance of the lease, when vested by law with the power to sell the land therein demised, sell and convey the land so leased to the said Barnard at the rate and price of 20 cents per square foot; that under the provisions of this lease the said Barnard entered into possession of the premises, improved the same, and erected thereon a barn, and ever since said date has been, and now is, in the occupancy and possession thereof; that the yearly rent reserved has been paid to the commissioners semi-annually. The said Barnard now desires to complete the contract for the sale of said land and perfect his title to the same. The bill has been referred to the present commissioners of the District, who recommend favorable action thereon.

Your committee are of the opinion that the bill is proper and just; they therefore report it back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROCK CREEK RAILWAY COMPANY.

Mr. HEMPHILL. I call up the bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia.

Mr. HENDERSON, of Iowa. I rise to a parliamentary inquiry. I have some amendments which I desire to offer to this bill, and I want the right of amendment distinctly reserved. I will inquire whether these amendments may be offered at the appropriate places as the bill is read.

The SPEAKER *pro tempore*. The bill is now in Committee of the Whole, and can not be considered in the House except by unanimous consent.

Mr. HEMPHILL. I move that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House.

A MEMBER. As in Committee of the Whole?

Mr. HEMPHILL. Yes, sir; as in Committee of the Whole.

Mr. HENDERSON, of Iowa. I object to that, unless it be understood I shall have the right to offer amendments. I have several which I wish to submit.

Mr. HEMPHILL. The gentleman may move to amend, so far as I am concerned, as we go through the bill.

Mr. HENDERSON, of Iowa. On the first reading?

Mr. HEMPHILL. Yes, sir.

The SPEAKER *pro tempore*. If there be no objection, the Committee of the Whole will be discharged from the further consideration of this bill, and it will be considered in the House as in Committee of the Whole. The Chair hears no objection.

Mr. HENDERSON, of Iowa. Of course it is the understanding that the right to offer amendments is reserved.

The SPEAKER *pro tempore*. That seems to be the understanding between the two gentlemen. If there be no objection, the first and formal reading of the bill will be dispensed with.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. The bill will now be read by sections for amendment.

The Clerk proceeded to read the bill and the amendments reported from the Committee on the District of Columbia.

Mr. ROWELL. It is the intention of the Committee on the District of Columbia to substitute for the bill which the Clerk is reading a bill containing all the amendments reported from the Committee on the District of Columbia.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that the usual custom is to read the text of the bill, and then to read the amendments to each section as it is reached.

Mr. HEMPHILL. We desire the bill to be read as a substitute, and that each section shall be considered wit the amendments agreed to, as they are reported from the committee.

The SPEAKER *pro tempore*. The Clerk will proceed to read the bill with the amendments of the committee as they are proposed, which is the usual way.

Mr. HEMPHILL. Why not read the bill as a substitute bill, and then we can get the benefit of the amendments reported from the Committee on the District of Columbia?

The SPEAKER *pro tempore*. The amendments which have been reported by the Committee on the District of Columbia have been reported to the bill H. R. 2017, and that committee has not reported any substitute bill.

Mr. HEMPHILL. They are proposed to the original bill and are embraced in the substitute bill, as if they had all been adopted. There-

fore I ask that the substitute bill be read and considered section by section for amendment.

The SPEAKER *pro tempore*. Has any substitute been reported by the committee for this bill?

Mr. HEMPHILL. The substitute is a complete bill, containing all the amendments recommended by the committee.

The Clerk proceeded with the reading of the bill, as follows:

Be it enacted, etc., That Gardiner G. Hubbard, George Truesdell, Samuel W. Woodward, Otis F. Presbrey, John F. Waggaman, Benjamin K. Plain, John Ridout, Albert F. Stevens, Le Roy Tuttle, Lawrence Sands, Edward C. Dean, James B. Wimer, Samuel S. Shedd, Le Roy Tuttle, jr., Robert J. Fisher, jr., and Pitman Mann, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, under the name of the Rock Creek Railway Company of the District of Columbia, and may make and use a common seal, and by that name sue and be sued, plead and be impleaded, with authority to construct and lay down a single or double track railway, with the necessary switches, turn-outs, and other mechanical devices, and sewer connections necessary to operate the same, by horse, cable, or electric power, in the District of Columbia, through and along the following streets, avenues, and roads: Beginning for the main line of said road at the intersection of Connecticut avenue and Boundary street; thence along the west side of Columbia road to Woodley road; thence along Woodley road by single track on west side thereof to Woodley Park; thence diverging from Woodley road through said park by such route as may be satisfactory to the owners of said park to the westerly line of said park, and returning by the aforesaid route through Woodley Park to the intersection of Woodley road and Connecticut avenue extended; thence along Connecticut avenue extended to California avenue, formerly Oakland avenue; thence along California avenue to its intersection with Columbia road, and thence along Columbia road to the place of beginning; also with the privilege of building and constructing a branch of said road from the westerly line of said Woodley Park, near Woodley road, to its intersection with the Tennallytown road, returning over the same route and connecting at said westerly line of Woodley Park with the main line of said road. Said company shall receive a rate of fare not exceeding 5 cents for each passenger for each continuous ride between all points of its main and branch lines, but shall sell tickets in packages of six each for not exceeding 25 cents per package: *Provided*, That whenever the net receipts of said company, from its business upon said road, shall for any year exceed 10 per cent. of the actual cost of such road, then said company shall, under the direction of said commissioners, reduce the rate of passenger fare to an amount as near as the same can be approximated so that the net receipts of said company from its business upon such road shall not exceed 10 per cent. of the actual cost for the construction thereof.

Mr. HENDERSON, of Iowa. I move the following amendment:

The Clerk read as follows:

Insert, after the word "Park," in the twenty-fourth line, "and subject to the approval of the commissioners of the District of Columbia."

Mr. HENDERSON, of Iowa. That leaves the line of certain parts of the route to be determined by the owners, and my amendment is for the purpose of giving the commissioners who have the responsibility here, a voice also as to that undetermined part of the route of the road.

Mr. HEMPHILL. We do not object to that amendment.

Mr. HENDERSON, of Iowa. Very well, let it be adopted.

The amendment was agreed to.

Mr. HENDERSON, of Iowa. I move to strike out the word "ten," in line 42, and insert "eight."

Mr. Speaker, it is provided here when the earnings of the road give a net income of 10 per cent. then a reduction may be made; that is, it is proposed to reduce it from 10 per cent. to 8 per cent. Now, I think, with the interest now being paid, with the dividends received on investments, when this corporation receives a net dividend of 8 per cent. it is getting enough and can afford to make a reduction from 10 per cent. to 8 per cent. Ten per cent. is too big, as they are now receiving profits in this country.

I find the compensation paid to the employés of these various car lines is very inconsiderable and insignificant compared with the profits which those corporations are receiving. The time, in my judgment, has come now, when we are parting with charters to corporations, to put a reasonable limit on their profits; and I submit that 8 per cent. is enough. My amendment is to strike out 10 per cent. and insert 8 per cent.

Mr. HEMPHILL. We do not oppose that amendment.

Mr. HENDERSON, of Iowa. Very good; I am glad to hear it.

Mr. WILSON, of West Virginia. Will the gentleman from Iowa permit me to ask him whether he considers there is any validity in a proposition of that kind?

Mr. HENDERSON, of Iowa. It is on the safe side, I will say to my friend from West Virginia.

The SPEAKER *pro tempore*. Where does the gentleman's amendment come in?

Mr. HENDERSON, of Iowa. In line 42 of the bill I have.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from South Carolina and to the House that we are departing from the usual custom to some extent and there may be some confusion. These amendments reported from the Committee on the District of Columbia should be adopted as they are read.

Mr. HEMPHILL. Why can not the amendments to the original bill be considered as adopted, and that be considered as the substitute bill?

The SPEAKER *pro tempore*. Because the gentleman's committee did not report any substitute to the House, but merely reported back the bill H. R. 2017 with amendments thereto, and that bill and the amendments to it the Clerk has proceeded to read.

Mr. HEMPHILL. Very well, then; let that bill with those amendments be considered as a substitute for the original bill.

The SPEAKER *pro tempore*. The amendments of the committee are themselves amendable. The Chair will endeavor, however, to extricate the bill from any difficulties surrounding it; and will suggest that by unanimous consent the amendments of the committee be considered as agreed to, as they are read, unless objection is made at the time.

Mr. BREWER. Would it not be in order to make a motion that this bill, as amended and reported by the committee, shall stand as a substitute bill reported by them?

The SPEAKER *pro tempore*. The Chair endeavored to effect that object at the beginning, and has just asked of the House unanimous consent that the bill be considered as a substitute bill taking the place of the original, which bill, if there be no objection, will be laid upon the table and the substitute of the same number will take its place. The amendments to the original bill, which were incorporated in the substitute when adopted, may be considered as amendable; otherwise there would be confusion. If there be no objection, that arrangement will be made.

There was no objection.

Mr. HENDERSON, of Iowa. I wish to submit a further amendment to this part of the bill.

The Clerk read as follows:

Strike out the word "ten," in line 47, page 3, and insert "eight."

The amendment was adopted.

The Clerk read as follows:

Said railway shall be constructed of good materials and in a substantial manner, with the rails of American manufacture and of the most approved patterns, subject to approval by the commissioners, laid upon an even surface with the pavement of the street or road, embedded in concrete where the same passes over the surface of the paved streets of the District of Columbia, with the gauge to be approved by the commissioners of the District of Columbia. The track of said railway, the space between the tracks, and 2 feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation in good repair, at its own expense, and subject to the approval of the commissioners aforesaid; and if the corporation shall fail to make the necessary repairs within ten days after notice by the commissioners of the District of Columbia, the repairs shall be made by the said commissioners, and the cost of such repairs be recovered by the commissioners before any court of competent jurisdiction.

Mr. HENDERSON, of Iowa. I move a further amendment.

The Clerk read as follows:

After the word "jurisdiction," in line 67, page 4, of the first section, insert "and the amount so paid by the commissioners shall be a lien upon all property of said company from the time that said repairs are made until paid by said company."

Mr. HEMPHILL. There is no objection to that.

The amendment was adopted.

The Clerk read as follows:

It shall be lawful for said corporation, its successors or assigns, to operate its said road by horse, cable, or electric power, and to make all needful and convenient trenches and excavations and sewer connections in any of said streets, roads, or places where said corporation may have the right to construct and operate its road, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the engineer commissioner. It shall also be lawful for said corporation, its successors or assigns, to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the commissioners of the District, an engine house or houses, boiler house or houses, and all other buildings necessary for the successful operation of a cable or electric-motor railroad.

Mr. ADAMS. I wish to ask, Mr. Speaker, if I am correct in the understanding that after these parts of the bill are read over, unless amendments are offered at the time, it will not afterwards be in order to offer them?

The SPEAKER *pro tempore*. Amendments may be offered to any section after it is read.

Mr. ADAMS. With that understanding, I ask the gentleman in charge of this bill whether it is his intention to provide that the buildings to be erected by this corporation shall not, even with the permission of the commissioners, be erected on any part of the public highway? Or does it mean that they shall only be erected upon ground to be acquired by the corporation?

I desire, unless it shall be unnecessary, to offer an amendment, which I confess I have not yet written.

Mr. HEMPHILL. It is to prevent the erection of such buildings upon any part of the public grounds.

Mr. ADAMS. I desire to offer such an amendment, and, with the consent of the House, will offer it hereafter.

Mr. HEMPHILL. I have no objection to that.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that he can offer his amendment hereafter unless the previous question cuts him off.

The Clerk proceeded to read, as follows:

The rate of speed on said road shall not exceed 15 miles an hour. The work upon the main line of said road shall be commenced within ninety days, and the same shall be completed within one year from the date of the passage of this act; and the work upon the branch line thereof shall be commenced within one year and completed within two years from the said date; and if the said work on the main line of said road shall not be so commenced and completed, then the privileges and powers herein granted to said corporation shall be void. The corporators herein named or the corporation hereby created shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided.

Mr. HENDERSON, of Iowa. I move the amendment I send to the desk.

The Clerk read as follows:

Strike out the words "line of," in line 98 of this section of the bill.

Mr. HENDERSON, of Iowa. My object is this: This part of the section seems to be framed for the purpose of preventing this corporation or company from speculating in their franchise—selling it to others—and making the rights we are granting to them a matter of speculation.

Mr. HEMPHILL. If the gentleman from Iowa will permit me to interrupt him, we will accept that amendment.

Mr. HENDERSON, of Iowa. Very well.

The amendment was agreed to.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that the first section has now been read through, if the gentleman desires to offer his amendment.

Mr. ADAMS. I am informed that this is a corporation on private land, and does not concern the public streets at all; hence the amendment I had contemplated does not seem to be required. I hope, however, that some gentleman, before the bill passes, will tell us where this line is to run.

The Clerk read as follows:

SEC. 2. That the capital stock of said company shall not exceed, if horse-power is to be used for main line, $32,000, which may be increased when work is commenced on the branch $11,000. If electric-motor power is to be used, the capital stock for the main line shall not exceed $60,250, which may be increased when work is commenced on the branch $20,000. If cable-power is to be used, the capital stock for the main line shall not exceed $122,000, which may be increased when work is commenced on the branch $40,000, in shares of $50 each. Said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the corporators, the amounts severally subscribed by them, as follows, namely: 10 per cent. at the time of subscribing and 20 per cent. each thirty days thereafter until 50 per cent. thereof shall have been paid, the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless 10 per cent. thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, or as required by a resolution of the board of directors after ten days' notice, in writing, of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder, and the sale shall be conducted according to such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable; or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a schedule or time-table to be adopted by said board of directors, a copy of which shall be filed with the commissioners of the District of Columbia, and to be approved by them, and shall not take on any of its cars more passengers than can be accommodated, and shall cause its cars to be heated during the winter season, subject to regulations to be prescribed by the commissioners of the District of Columbia. The said company shall buy, lease, or construct passenger-rooms, ticket-offices, workshops, depots, lands, and buildings as they may deem necessary, at such points along its line as may be approved by the commissioners of the District, and as the business of the railway and the convenience of the public may require.

Mr. HEMPHILL. There is a verbal amendment in the twenty-ninth line. The word "the" is stricken out after "and" in that line. This word should be restored.

The amendment was agreed to.

The Clerk read as follows:

Within thirty days after the passage of this act the corporators named in the first section, their associates, successors or assigns, or a majority of them, or if any refuse or neglect to act then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the District of Columbia, from 9 o'clock in the forenoon till 4 o'clock in the afternoon, for a period to be fixed by said corporators, not less than ten days (unless the whole stock shall be sooner subscribed) and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void.

Mr. HENDERSON, of Iowa. I offer a further amendment.

The Clerk read as follows:

Add the word "and" after the word "section," in the sixty-sixth line; and strike out the words "successors or assigns," in the same line.

Mr. HENDERSON, of Iowa. My object is to make the bill conform in this portion of it with the provisions on page 5, so as to cut off selling by speculation any part of the line in advance of the construction of the main line.

Mr. HEMPHILL. There is no objection to that.

The Clerk read the following paragraph:

Provided further, That nothing shall be received in payment of the 10 per cent. at the time of subscribing except lawful money or certified checks from any established national banking house.

Mr. HENDERSON, of Iowa. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "money" to the end of the sentence, namely, these words, "or certified checks from any established national banking house."

Mr. HENDERSON, of Iowa. My object in offering this amendment is this: I propose when these parties subscribe for this stock they shall pay for it, and not go to some accommodating bank and get a certified check.

Mr. HEMPHILL. We will agree to that.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 1495) granting to Edwin Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining the custom-house at Rockland, Me.

The message also announced that the Senate had passed the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua; in which the concurrence of the House was requested.

ROCK CREEK RAILWAY COMPANY.

The Clerk read the following paragraph of section 3:

Provided, That said board of directors shall not have the power to sell or lease the said road or any part thereof, or to purchase or lease any other railroad or any part thereof, without first obtaining the written consent of two-thirds of said stockholders.

Mr. ADAMS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 28 of section 3, after the word "stockholders," insert "and of the commissioners of the District of Columbia."

Mr. ADAMS. The object of the amendment is that the consent of the commissioners shall be obtained as well as that of two-thirds of the stockholders.

Mr. HEMPHILL. We agree to that.

The amendment was agreed to.

Mr. HENDERSON, of Iowa. I offer another amendment to come in after the amendment just adopted by the gentleman from Illinois.

The Clerk read as follows:

Add the following:

"*Provided*, That said company shall have no power to sell or lease said road or any part thereof until after the main road has been constructed and operated."

Mr. HEMPHILL. I accept that.

The amendment was agreed to.

Mr. BUCHANAN. I would like to call the attention of the gentleman from South Carolina to the fact that in lines 25 and 26 there is authority granted to this road "to purchase or lease any other railroad." Is that so intended?

Mr. HEMPHILL. The language is:

Said board of directors shall not have the power to sell or lease——

Mr. BUCHANAN. The words to which I refer are these:

Or to purchase or lease any other railroad.

Mr. ROWELL. They are forbidden to do that.

Mr. BUCHANAN. They are prohibited from doing it without first obtaining the consent of the stockholders. But if they obtain the consent of the stockholders, then under this clause they can buy a road a thousand miles long.

Mr. HEMPHILL. If they can get the consent of the stockholders and of the District commissioners. But I have no objection to striking that out.

Mr. BUCHANAN. Then I move to strike out the words "or to purchase or lease any other railroad or any part thereof."

Mr. HEMPHILL. I think if my friend from New Jersey will look at it for a moment he will not press this amendment. There is no other road which they can get possession of, unless it is already chartered, in the District; and it may be a matter of convenience to the public that this road should obtain some extension by means of a road already chartered.

Mr. BUCHANAN. Then let them come to Congress to get the power.

Mr. HEMPHILL. The road must be first built before they have the power to buy or lease it. The only objection I have to the amendment is that it is sometimes convenient, as the gentleman himself must know, for two roads to run in combination, as is done in this city in a number of cases. When they do that it reduces the fare to one fare, where otherwise there would be two..

Mr. BUCHANAN. My objection is not of that character. This power is not limited to the acquisition of a cable, electric, or horse railway, but the acquisition of any railroad is permitted.

Mr. HEMPHILL. This is for the purpose of a street railway, and of course it relates to that, because we can not charter a railroad to run anywhere else, in Maryland or Virginia.

Mr. BUCHANAN. But by this we give them authority to acquire any railroad Maryland may charter.

Mr. HEMPHILL. The gentleman's objection I think will be met by inserting the word "street" before the word "railroad," in line 26. I offer that amendment.

Mr. BUCHANAN. That is right. I withdraw my amendment.

The amendment of Mr. HEMPHILL was adopted.

The Clerk read the following paragraph:

The said company shall have at all times the free and uninterrupted use of its

roadway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the powers of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than $25 nor more than $100, to be recovered as other fines and penalties in said District, and shall, in addition to said penalty, be liable to said company for any loss or damage occasioned by his, her, or their acts as aforesaid.

Mr. SOWDEN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 35 strike out the words "and unnecessarily."

Mr. HEMPHILL. If the gentleman will think of it a moment he will see that it becomes necessary to obstruct the streets to some extent in building the road.

Mr. SOWDEN. I understand that, but I think my amendment should be adopted.

Mr. HEMPHILL. I shall not object to it.

The amendment offered by Mr. SOWDEN was agreed to.

Mr. HENDERSON, of Iowa. Mr. Speaker, I would like to ask the gentleman in charge of this bill why the bill has been changed by striking out the provision which I now read:

No person shall be prohibited the right to travel on the cars of said road, or ejected therefrom by the company's employés, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, for the use of obscene and profane language, refusing to pay the legal fare, a failure to comply with the lawful regulations of the company.

That provision was in the original bill. Can the gentleman tell me why it was struck out?

Mr. HEMPHILL. I do not remember any discussion of the provision at all, and I would have no objection myself to restoring it.

Mr. HENDERSON, of Iowa. I move to restore the provision. We do not want any discrimination between people by this railroad company on account of "race, color, or previous condition of servitude." [Laughter.]

Mr. HEMPHILL. No; let them all ride.

Mr. BREWER. That provision was in the original bill, and I know that the action striking out was not taken in the committee. It was dropped out accidentally, I suppose.

Mr. HEARD. By mistake.

Mr. HENDERSON, of Iowa. Well, it is one of those little "mistakes" that are very apt to occur against poor devils who can not look out for themselves.

Mr. HEARD. I hope the gentleman will be satisfied with the restoration of the provision.

Mr. BREWER. Mr. Speaker, I am surprised at the suggestion made by the honorable gentleman from Iowa [Mr. HENDERSON]. It is strange that he would accuse the gentlemen who have this bill in charge, and who have reported it to the House, of trying to prevent the class of persons to whom he alludes from riding on the street-cars in the city of Washington. I do not think there is anything in the life or character of the gentlemen who reported this bill that would indicate any such disposition on their part.

Mr. HENDERSON, of Iowa. Mr. Speaker, I do not know who made this "mistake," but I do know that this is a bill to incorporate a line of road out in the Woodley Lane region, where we are going to have nabobs and no "bobs" [laughter], and where, two weeks ago, this House appropriated $35,000 under the pretense of building a bridge across Rock Creek, but which, with this bill before us, we find was really for the purpose of raising the grade there at the expense of the government of the District, in order to run this railroad over it. I do not know who made the mistake; I accuse no gentleman; but I find cut bodily out of the original bill a wise provision designed to enable every citizen, black or white, to ride upon the cars of this railway company which this Congress proposes to incorporate. I do not want any one to feel hurt about the matter; and since we are all agreed that the provision can go back into the bill, let it go, and everything will be lovely so far as that is concerned.

Mr. ROWELL. Mr. Speaker, I reported this bill, and in reading the proof I did not notice the brackets that by accident got around that provision. Let me say, however, that the company would have exactly the same powers with that provision in as if it were out, and the gentleman from Iowa [Mr. HENDERSON] is too good a lawyer not to know it. I do not care anything about his insinuations.

Mr. HENDERSON, of Iowa. On with the dance!

Mr. ROGERS. I call the attention of the gentleman from Iowa to the fact that in the amendment he has left out a word which seems necessary to express the sense fully. I think the word "be" should be inserted before the word "ejected."

Mr. HENDERSON, of Iowa. That is correct. I did not draw the amendment. I took it as it was in the original bill.

The SPEAKER *pro tempore*. In line 52, after the words "legal fare," the word "or" should be inserted, so as to make the clause read, "for the use of obscene or profane language, refusing to pay the legal fare, or a failure to comply with the lawful regulations of the company."

The amendments were agreed to.

Mr. O'NEILL, of Missouri. Mr. Speaker, I want to ask the chairman of the committee having charge of this bill what he means by the use of the word "unclean" in this provision?

Mr. HEMPHILL. That question should be addressed to my friend from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, this bill was not introduced by me, but by the gentleman from Alabama [Mr. WHEELER]. I moved to restore this provision as I found it in the original bill.

Mr. O'NEILL, of Missouri. I only wish to say this, Mr. Speaker, that we don't want to put words in a bill that will permit some crank to eject men from the cars of this road simply because they happen to be mechanics returning from their labor.

Mr. HEMPHILL. Oh, we are not going to do that.

Mr. O'NEILL, of Missouri. Well, you are not the only person that will be running the cars. [Laughter.] I move to strike out the word "unclean."

The SPEAKER *pro tempore*. If there is no objection, "unclean" will go out. [Laughter.]

There was no objection, and it was so ordered.

Mr. SOWDEN. I ask that we go back to line 35, for the purpose of amending by inserting the word "and" between the words "willfully" and "mischievously;" so as to read, "if any person or persons shall willfully and mischievously obstruct or impede," etc.

Mr. HEMPHILL. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the next section, as follows:

SEC. 4. The said Rock Creek Railroad Company shall, on or before the 15th day of January, this year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the 31st, which report shall be verified by the affidavit of the president and secretary of said company; and if the said deposit is not made at the time specified or within ten days thereafter, it shall be the duty of the commissioners to cause proceedings to be instituted to forfeit this charter; and said company shall pay to the District of Columbia, as taxes for the each year, 4 per cent. of its gross earnings for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of taxes of whatsoever character upon its personal property; but the real estate of the company may be taxed as other real estate in the District, provided that the tracks of the company shall not be taxed as real estate.

Mr. HENDERSON, of Iowa. I move to amend by inserting after the words "January, this year," in the second line of this section, the words "and annually thereafter."

Mr. ROWELL. All right.

The SPEAKER *pro tempore*. If there be no objection, that amendment will be agreed to. The Chair hears none.

Mr. ROWELL. The words "this year" should read "each year." I move that amendment.

Mr. HEMPHILL. No objection.

The amendment was agreed to.

Mr. SOWDEN. I move to amend by striking out the word "the" before the word "each," in line 13; so as to read, "taxes for each year."

The amendment was agreed to.

Mr. BUCHANAN. I believe that the effect of the two amendments which have been adopted to line 2 of this section is to make the language redundant. I ask the Clerk to read the first part of the section as it now stands.

The Clerk read as follows:

The said Rock Creek Railway Company shall, on or before the 15th day of January and annually thereafter each year.

Mr. ROWELL. It should read "on or before the 15th day of January in each year." I move to amend it in that way.

The SPEAKER *pro tempore*. If there be no objection that amendment will be agreed to.

There was no objection.

Mr. ATKINSON. I move to amend by striking out the word "deposit," in line 9, page 12, and inserting "report;" so as to read, "if the said report is not made at the time specified," etc.

The amendment was agreed to.

Mr. SOWDEN. I move to amend by striking out the word "may," after the word "company," in line 29, and inserting "shall;" so as to read, "the real estate of the company shall be taxed," etc,

Mr. HEMPHILL. There is no objection to that amendment.

The amendment was agreed to.

The Clerk read the remaining sections of the bill, as follows:

SEC. 5. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which shall be open to the inspection of the public; but when such property has been unclaimed for one year the company may sell the same.

SEC. 6. Congress reserves the right to alter, amend, or repeal this act at any time.

Mr. HENDERSON, of Iowa. I will ask the gentleman in charge of this bill (for I have not read it) whether it contains any provision for the personal liability of stockholders?

Mr. HEMPHILL. There is no such provision.

Mr. HENDERSON, of Iowa. All provisions of that kind have been carefully omitted from the bill?

Mr. HEMPHILL. They are not "carefully omitted." I trust the gentleman will not discuss the bill in this spirit. The object of the committee was to give the House a perfectly safe bill; and I think it unfair and unjust for the gentleman to throw out these imputations. So far as I have known, no railroad bill ever put through this House contained a provision for the personal liability of stockholders. A provision of that kind may appropriately be inserted where the bill is to incorporate a banking or trust company or anything of that kind, but I have never in my life known a provision of that sort to be inserted in a railroad bill.

Mr. HENDERSON, of Iowa. I have not examined all the railroad bills which have passed through here; but I think a provision of that kind ought to be put in this bill.

Mr. HEMPHILL. If the gentleman thinks so, all right; but he should not cast unjust imputations upon the committee. I do not want to get into any quarrel over this bill. I want to do what is fair and just. I have (and I am sure I can say the same of every other member of the committee) no other interest in this matter than simply to do what is fair and right. For the gentleman to say or insinuate that we have "carefully omitted" some provision or other is to put upon the committee an imputation which is not just.

Mr. HENDERSON, of Iowa. Well, that provision is not in the bill.

Mr. HEMPHILL. It is not.

Mr. CANNON. Will the gentleman from Iowa allow me a question? I have not read this bill carefully; but I want to say to the gentleman that by reason of the facility with which amendments have been received, and in view of the substance of many of the amendments, there has been aroused in my mind a query whether this is not a bill designed, not so much to enable a street or suburban railway to be constructed as to promote real-estate speculation without the building of a railway.

Mr. HEARD. Will the gentleman allow me——

Mr. HENDERSON, of Iowa. The gentleman from Illinois [Mr. CANNON] addressed his remark to me, and I would like to answer it. I am not so sensitive as some other gentlemen seem to be. I will say to the gentleman from Illinois in all candor that the fear which he finds gradually developing in his mind is thoroughly developed in mine. I believe that the purpose of this bill is what he suggests.

Mr. CANNON. I know nothing about it.

Mr. HENDERSON, of Iowa. That is my judgment, and I think, in that view, this project is in perfect logical harmony with the bill which was put through here two weeks ago to build a bridge across Rock Creek, a bill which you will find raises the grade in order to accommodate this railroad company, and by that proceeding of two weeks ago $35,000 is dumped into the lap of this corporation.

Mr. HEARD. If the House will indulge me a moment, I wish to call attention to the fact that since the gentleman from Iowa [Mr. HENDERSON] occupied a position on the subcommittee of the Appropriations Committee, whose duty it was to consider appropriations for District affairs, he seems to feel as if this District were in a certain sense under his special care; and to such an extent does he undertake to enforce his assumed guardianship that he does not hesitate to indulge in language conveying imputations upon the character, or, at least, the conduct, of other men who present bills here with reference to this District, and who stand before the House and the country in as good a light as the gentleman himself.

Now, sir, to come to the inquiry of the gentleman from Illinois [Mr. CANNON], which the gentleman from Iowa [Mr. HENDERSON] was particularly desirous to answer——

Mr. HENDERSON, of Iowa. And did.

Mr. HEARD. And did after his own fashion, of course. Now, I ask in all candor of the gentleman from Illinois [Mr. CANNON] how could these people encourage or accomplish a real-estate speculation without the completion of the road? If it was intended to foster a real-estate speculation rather than to build the road, then let me ask what would the charter accomplish in the direction of any real-estate speculation without the completion of the road?

Mr. CANNON. I have not read this bill, but I have heard the proceedings which have taken place, and I have seen one after another amendment offered and accepted, and it has occurred to me, without knowing much about the matter, that some of these amendments were of a character which would prevent anybody putting his money in any such street-railway venture in the event those amendments are to be retained in the law. This begot a suspicion in my mind possibly the building of this street railway had for its object to enable certain parties to boom real estate. I doubt very much whether the bill would enable any parties to build that road; still I know nothing about it personally.

Mr. HEARD. I regret the gentleman from Illinois has any reason for the apprehension this road may not be built and the public may not get the benefit which the road professedly promises. I also regret the gentleman's inattention to the bill in its progress and consideration before the House requires him to say he knows very little about the matter. A suspicion has crept into his mind, it would seem, when, I apprehend, there has been no room for suspicion in the minds of those who have paid attention to the bill.

Mr. CANNON. I will ask the gentleman frankly whether he knows anybody who, under the provisions of this bill, would invest their money in the building of this road?

Mr. HEARD. I do; I know that the people who ask this charter do it in good faith, and that they intend in good faith to build this road.

Mr. CANNON. Under the bill as amended?

Mr. HEARD. Yes, under the bill as amended.

Mr. CANNON. Did the gentleman observe the amendments which were adopted on this bill?

Mr. HEARD. Yes; and no amendment has been adopted which will interfere under the bill with the building of this railroad. In my judgment, the amendments are, on the contrary, improvements to the bill.

I see no reason, Mr. Speaker, why the people who ask this charter, and who are asking it in good faith, should not be permitted to carry out all they propose to do. There has been no interference with the real purpose of the bill by anything which has been done so far during the consideration of the amendments either of the Committee on the District of Columbia or those moved on the floor.

Mr. WARNER. Will my colleague permit me to ask him a question?

Mr. HEARD. Certainly.

Mr. WARNER. There seems to be some doubt in the minds of members whether this is a bill to secure the building of a road or to boom real estate. It is known, I apprehend, generally, to those who live in cities where these cable lines are projected, it is not an unusual thing to find their purpose is to boom real estate.

Mr. ROWELL. Perhaps that is so in your city.

Mr. WARNER. Yes, it is; because we live in a booming town.

Mr. HEARD. What is my colleague's question?

Mr. WARNER. My question is this: Has the committee considered the propriety of adopting amendments to this bill, such as I apprehend are placed upon all bills in all cities where they have undergone experience in reference to these enterprises; that is to say, requiring these corporators to deposit a sufficient sum of money as earnest for the building of the road, and to demonstrate the fact it is not altogether a real-estate speculation?

Mr. HEARD. There is a provision in this bill which requires the subscribers to deposit at the time a certain percentage of the amount they subscribe.

Mr. WARNER. The gentleman says there is sufficient provision for that purpose in the bill, because they have required at the time they subscribe they shall deposit 10 per cent. of the amount they subscribe. That, however, does not meet the objection, for they may never subscribe, and they have got their charter without subscribing.

Mr. HEARD. If they do not, then under this bill the charter does not pass.

Mr. WARNER. If I understand that correctly, it does not meet the objection. You have got your boom; you have sold your real estate; you have got your advance, and no road will be built.

Mr. HEARD. That may be true.

Mr. WARNER. No gentleman ever asked a valuable franchise without being required to put up a sufficient deposit.

Mr. HEMPHILL. This is not a valuable franchise, but so far as I am concerned I do not object to a provision of that kind going in.

Mr. HEARD. If my colleague will permit me——

Mr. WARNER. I wish to state first that I cast no imputations upon anybody in what I say.

Mr. HEARD. I do not understand that you did.

Mr. CANNON. Permit me to interrupt and say that I certainly did not have any such intention; and if my remarks could have been so construed, I want to withdraw them.

Mr. MASON. I want to ask a question of the gentleman in charge of this bill: whether there has been any intimation before the committee, or elsewhere, that the present street railways of the city of Washington are really afraid of a real-estate boom?

Mr. HEMPHILL. Well, the present street railways, or many of them, are opposed to any improvements that can be made; but I do not understand their grounds of opposition.

Mr. HERBERT. I send to the desk an amendment in the shape of an additional section to the bill.

The Clerk read as follows:

SEC. 7. Said company shall only admit upon its cars or carriages such persons as can be accommodated with seats; and any habitual or willful violation of this provision shall cause the forfeiture of the charter of the company.

Mr. HENDERSON, of Iowa. That is good.

Mr. HEMPHILL. Will the gentleman from Alabama permit me to say that this question has been somewhat considered by the committee, not, however, with reference to this particular bill. While we all appreciate what the gentleman is driving at, it is difficult to regulate this matter by statute, for the reason that if a man is out in bad weather, or has a number of people with him when there are but two or three seats vacant in the car, and possibly half a dozen people waiting to get on, they all want to go together and will submit to the inconvenience of standing rather than be obliged to wait. It seems that it would be unjust under such circumstances to subject the company to a repeal of

its charter; and under many circumstances such a provision would work greater hardship upon the public than upon the company.

Mr. HERBERT. Mr. Speaker, there is nothing very difficult about this matter. In all other countries, so far as I know, an admission upon a public conveyance like a street-car, or an omnibus, as in Paris or London, means not only admission but a seat. It means that after you have paid for a seat you are not required to get up and give it to some one else. I think that ought to be the rule established not only with reference to new railways that we may charter, but we ought to apply that same rule to all railway companies now in operation in the District of Columbia; and I have proposed this amendment for the purpose of taking the sense of the House upon this question. Now is the time, when we are chartering a new company, to adopt such a provision; and I hope the House will adopt it, and after it is adopted, as soon as convenient hereafter, the same principle may be applied to all the present railroads in the District.

Mr. TAULBEE. Will the gentleman from Alabama allow me to make a suggestion to him? I believe the purpose of his amendment is good, but I also believe that the penalty is a little too severe, and therefore I would ask if he would not consent to so frame the amendment as to provide that the company should only collect fares from such of the patrons of the road as have seats furnished to them.

Mr. HERBERT. In answer to the gentleman from Kentucky, I will say that if he notices the verbiage of the amendment it refers to "habitual violation" or "willful violation" of the provisions specified, and that only such violation shall be a cause of forfeiture. I think the courts would construe the term "violation," as there used, to mean such an open and continued violation that the company are bound to take notice of it; and that the term "willful violation" will be construed to mean only such violation as was manifestly willful on the part of the managing officers of the company. That, I think, is the meaning.

Mr. HEARD. I will ask the gentleman if his attention has been directed to that provision of the bill between lines 42 and 45, inclusive, on page 7 of the bill?

Mr. HERBERT. No, sir, it has not, and if it bears upon this question I should like to have it read.

Mr. HEARD. I desire to direct the attention of the gentleman to it. It contains something that does not appear in the charters of any of the roads now operating in the District of Columbia, and is in the direction he desires. I think it is in the direction of good service, too, as far as it is within the power of words to regulate the matter.

Mr. HENDERSON, of Iowa. Will the gentleman be kind enough to read it? I think it will be found that the proposition of the gentleman from Alabama is more comprehensive and has more sting in it to enforce its conditions. I will yield to have it read.

Mr. HEARD. I will read it. I am much obliged to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. You are quite welcome.

Mr. HEARD. It is as follows:

That said company shall place first-class cars on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require—

Now, this is the extra provision; that is, a provision in addition to that which occurs in any other charter of the roads here—

in accordance with a schedule or time-table to be adopted by said board of directors, a copy of which shall be filed with the commissioners of the District of Columbia and to be approved by them.

Which is designed to give to the commissioners of the District of Columbia control to regulate the number of cars to be run; that is, that they shall put on enough to accommodate the public under conditions existing at the time.

Mr. HEMPHILL. Read on. You have not concluded the provision.

Mr. HEARD. The bill provides further—

And shall not take on any of its cars more passengers than can be accommodated, and shall cause its cars to be heated during the winter season, subject to regulations to be prescribed by the commissioners of the District of Columbia.

Mr. HERBERT. What is the penalty for taking more than can be accommodated? Is there any penalty for taking them on? And then it does not state how they shall be accommodated. We are "accommodated," usually, when we come down the Avenue by standing room.

Mr. HEARD. I will say to the gentleman from Alabama that putting the control and regulation of the number of cars, etc., in the hands of the District commissioners was thought by the commissioners to be a sufficient safeguard in that particular. Although there is no specific penalty affixed in that section, yet I apprehend any penalty which would be incurred by the company for violating its charter obligations would be punishable. I apprehend there would be no difficulty in finding means of punishing them for any violation of the charter.

Mr. HERBERT. I will say to my friend that my amendment is offered in abundant good faith.

Mr. HEARD. I have no doubt of that.

Mr. HERBERT. With no desire to prevent the passage of a proper and just bill. Perhaps it would meet the views of the gentleman if I inserted the word "and" instead of the word "or;" so that it will read, "habitually and willfully."

Mr. HEMPHILL. I appreciate the gentleman's motive, and I have myself suffered what he complains of. But if I choose when in a car to rise and stand up, or if I choose to give my seat to a lady, I should not be deprived of that privilege. And if the company is willing to carry me without being able to give me a seat it might be very inconvenient to me to be excluded. A man is willing to take his chances in things of that kind.

I am willing to say, however, a man shall not be required to pay a fare unless he gets a seat. I think that is reasonable enough; but I do not think it is reasonable to say, if a man chooses to stand up rather than lose his ride he shall not be taken on a car.

Mr. MORGAN. If you concede that, will you not bring about the very result you are antagonizing—that of excluding a man from the cars who would gladly ride and stand up?

Mr. HEMPHILL. If we put in that amendment offered by the gentleman from Alabama we can not ride at all if the company does not provide a seat.

Mr. MORGAN. And then the company will exclude you.

Mr. HEMPHILL. Of course.

Mr. HERBERT. It is simply a conflict between two systems. That which I propose to provide for by this amendment, as experience has shown in other countries where it is practiced, has had this result, that the company in charge of a line of transportation always puts on enough cars or enough omnibuses to give better accommodation to the public at large than is the case under our system. Under any system there will be occasional hardships. There will be occasionally, and are now, cases in which even under our system men can not get on the cars and can not ride; but a comparison of the two systems will show up altogether in favor of the system of law which compels the street-car company to put on enough cars to accommodate the public.

The gentleman says it is very hard if he can not be allowed in a car to get up and give his seat to a lady.

Mr. HEMPHILL. I did not say that.

Mr. HERBERT. You said something of that kind; that you ought to be allowed to get up in a car and give your seat to a lady. Of course if the company refuses to provide accommodation for a lady, then the gentleman from South Carolina with his accustomed gallantry ought to be allowed to do it at his own expense. But the purpose of this amendment is to compel the company to give accommodation not only to the lady, but to the gentleman from South Carolina when he pays his money.

Mr. WEAVER. Will the gentleman yield to me?

Mr. HERBERT. Yes, sir.

Mr. WEAVER. I wish to ask the gentleman a question. Let us see what the practical effect of this amendment would be. Take the hour from 4 to 5, the hour when the clerks in the Departments in or near the Treasury can quit work and can go home. The F street cars and the Avenue cars are all full. Standing room is all that can be got; and if the amendment should obtain it will keep those people waiting for one hour or two hours before they can get started for home at all.

Mr. HERBERT. The result would be that the company would have cars there at the time and place where they were needed.

Mr. HEMPHILL. Let us have a vote. I think the House understands the question.

The amendment of Mr. HERBERT was again read.

Mr. BREWER. I suggest that amendment is not very severe. I suggest that the managing director of the company should be hung next morning also. [Laughter.]

The question being taken, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. HENDERSON, of Iowa. I call for a division.

The House divided; and there were—ayes 17, noes 99.

Mr. HENDERSON, of Iowa. No quorum.

The SPEAKER *pro tempore* appointed as tellers Mr. HENDERSON, of Iowa, and Mr. HEMPHILL.

The House again divided; and the tellers reported—ayes 15, noes 151.

So the amendment was not agreed to.

Mr. HENDERSON, of Iowa. I rise to a question of order. It is now ten minutes to 5; is it not time for the House to adjourn?

The SPEAKER *pro tempore*. There is no order fixing the hour of adjournment for to-day. That order was for the days when bills for public buildings were being considered.

Mr. ADAMS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "District of Columbia" insert:
"And for the willful violation of any such regulation said company shall be liable to a fine of $200 for each day on which such regulation shall be violated, such fine to be recovered in any court of competent jurisdiction.

Mr. HEMPHILL. I will accept that amendment.

Mr. SOWDEN. I move to amend line 46, page 7, by inserting after the word "accommodated" these words: "And if they do, no fare shall be collected from said passengers or passenger."

Mr. HEMPHILL. I accept that amendment.

Mr. HENDERSON, of Iowa. Mr. Speaker——

Mr. HEMPHILL. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from South Carolina [Mr. HEMPHILL] in charge of the bill.

Mr. HENDERSON, of Iowa. I have been trying to get an opportunity to offer an amendment, and the understanding was that the fullest opportunity would be given for amendments. I move to change the title of the bill so that it will read: "A bill to boom real estate along the Woodley Lane road."

The SPEAKER *pro tempore*. That is not in order at this stage.

Mr. HEMPHILL. Now, Mr. Speaker, I move the previous question upon the bill and the amendments.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The House divided; and there were—ayes 105, noes 13.

Mr. HENDERSON, of Iowa. No quorum.

The SPEAKER *pro tempore*. No quorum has voted, and the Chair will appoint to act as tellers the gentleman from Iowa [Mr. HENDERSON] and the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HENDERSON, of Iowa. I move the House do now adjourn.

REFUND OF DIRECT TAX.

Pending the motion to adjourn,

Mr. OATES, by unanimous consent, presented the views of the minority of the Committee on the Judiciary, to be printed with the report of the committee, on the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

WILLIAM W. CORCORAN.

Mr. WILSON, of West Virginia, offered the following:

This being a day set apart for consideration of business relating to the District of Columbia, this House deems it not inappropriate to place upon its records a testimonial of respect for the memory of that eminent citizen of the District, the late William W. Corcoran, who, as a munificent patron of arts, sciences, letters, and many public and private charities, both at the national capital and in the country at large, has left a memory that deserves to be gratefully cherished, not only by every resident of the District of Columbia, but by all the people of the country of the working of whose institutions he was a conspicuous illustration.

The SPEAKER *pro tempore*. Before putting the question the Chair desires to say a word. The present occupant of the chair has known this eminent man for thirty years and has cherished his friendship as a jewel of great price. His urbanity, his probity, and his large-hearted benevolence, exhibited in all the departments of human art and enterprise, make this resolution peculiarly fitting. It is fitting for any day of our session. It is peculiarly fitting for a day dedicated to the District which he loved so well and within whose precincts his temple of art and his home of charity will perpetuate his name and fame forever.

The question is on the adoption of the resolution, unless other gentlemen desire to be heard.

The resolution was adopted unanimously.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. I renew my motion that the House do now adjourn.

The motion was not agreed to.

The SPEAKER *pro tempore*. The House refuses to adjourn. The tellers will take their places. The question is on ordering the previous question on the engrossment and third reading of the bill.

Mr. HEMPHILL. I ask unanimous consent that the vote be taken on this bill in the morning.

Mr. HENDERSON, of Iowa. I object.

The House divided; and the tellers reported—ayes 116, noes 3.

Mr. HEMPHILL. Mr. Speaker, I think we have made a good fight, and as it is quite evident that the House is largely in favor of this bill and will pass it as soon as we reach a vote, and as it is beyond the usual hour of adjournment, I move that the House do now adjourn.

The motion was agreed to; and accordingly the House (at 5 o'clock and 27 minutes p. m.) adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. A. R. ANDERSON: A bill (H. R. 7795) for the relief of Mary E. Miller—to the Committee on Invalid Pensions.

By Mr. C. S. BAKER: A bill (H. R. 7796) for the relief of James A. Murphy—to the Committee on Military Affairs.

By Mr. BLISS: A bill (H. R. 7797) for the relief of Matthew Brady—to the Committee on Claims.

By Mr. BOWDEN: A bill (H. R. 7798) for the relief of Anna M. Mixson, administratrix of the estate of Charles W. Mixson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7799) for the relief of Albemarle and Chesapeake Canal Company—to the Committee on Naval Affairs.

Also, a bill (H. R. 7800) for the relief of John D. Bree, executor of Margaret T. Higgins—to the Committee on War Claims.

By Mr. T. J. CAMPBELL: A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy—to the Committee on Claims.

Also, a bill (H. R. 7802) for the relief of the heirs, executors, and assigns of Balthasar Kreischer—to the Committee on Patents.

By Mr. CARUTH: A bill (H. R. 7803) for the relief of T. R. Mason—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 7804) for the relief of G. P. Gaines—to the Committee on War Claims.

By Mr. CLARDY: A bill (H. R. 7805) for the relief of Mary E. Boffinger, Oby Robirds, and the representatives of Newman Robirds—to the Committee on Claims.

By Mr. COMPTON: A bill (H. R. 7806) for the relief of Annie R. Chesley and Emily J. Carter—to the Committee on War Claims.

Also, a bill (H. R. 7807) for the relief of Grace Methodist Episcopal Church in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CROUSE: A bill (H. R. 7808) for the relief of Joanna Ludwig—to the Committee on Pensions.

By Mr. ENLOE: A bill (H. R. 7809) for the relief of Samuel Howard—to the Committee on War Claims.

By Mr. ERMENTROUT: A bill (H. R. 7810) for the relief of George W. Heilig and George H. Yocom, late deputy collectors fourteenth division, first district of Pennsylvania—to the Committee on Claims.

By Mr. FULLER: A bill (H. R. 7811) granting a pension to Catharine Whitcome—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 7812) to place the name of John Herforth on the pension-roll—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 7813) for the relief of the heirs at law of Maj. Tarolton Woodson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7814) for the relief of J. T. Morriss, of Petersburgh, Va.—to the Committee on Military Affairs.

By Mr. GALLINGER: A bill (H. R. 7815) granting a pension to Mary A. West—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 7816) granting a pension to John W. Osborn—to the Committee on Invalid Pensions.

By Mr. HIRES: A bill (H. R. 7817) referring the claim of the owners of the steamer Norwood to the Court of Claims—to the Committee on Claims.

By Mr. HEARD: A bill (H. R. 7818) for the relief of Patrick Connor—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 7819) for the relief of John Lester—to the Committee on War Claims.

Also, a bill (H. R. 7820) for the relief of George Eckel, sr.—to the Committee on War Claims.

Also, a bill (H. R. 7821) for the relief of Aaron Griffith, late nurse and acting chaplain of Tennessee troops—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7822) for the relief of Jacob S. Fritts, of Emory Gap, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7823) for the relief of John C. Rector, of Union County, Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 7824) for the relief of Duncan McGee—to the Committee on Military Affairs.

Also, a bill (H. R. 7825) for the relief of Isaac Risedon, Company E, Eleventh Tennessee Cavalry—to the Committee on Military Affairs.

By Mr. KENNEDY: A bill (H. R. 7826) granting a pension to Alexander Belt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7827) granting a pension to George W. Dickinson—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7828) to increase the pension of Isadora F. Lincoln—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7829) granting a pension to Thomas McGuire—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 7830) for the relief of John J. Shipman—to the Committee on Claims.

By Mr. MACDONALD: A bill (H. R. 7831) for the relief of James H. Bacon—to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 7832) for the relief of Joseph Bishop—to the Committee on War Claims.

Also, a bill (H. R. 7833) granting a pension to Mary E. Tipton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7834) granting a pension to Larkin Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7835) granting an increase of pension to John Shepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7836) to restore the name of J. F. Herd to the pension-roll—to the Committee on Pensions.

Also, a bill (H. R. 7837) for the relief of Ray Moss—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 7838) for the relief of William S. Grant—to the Committee on War Claims.

By Mr. MORSE: A bill (H. R. 7839) for the relief of the legal representatives of William Johnnot, Joseph Torrey, and Thomas Blackwell—to the Committee on Claims.

By Mr. NEWTON (by request): A bill (H. R. 7840) for the relief of Dr. Stephen E. Curry—to the Committee on War Claims.

By Mr. O'DONNELL: A bill (H. R. 7841) granting a pension to Laura Throop—to the Committee on Invalid Pensions.

By Mr. ROMEIS: A bill (H. R. 7842) granting a pension to Julia Volty—to the Committee on Invalid Pensions.

By Mr. M. A. SMITH: A bill (H. R. 7843) granting to Citrous Water Company right of way across Papago Indian reservation in Maricopa County, Arizona—to the Committee on Indian Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 7844) to fix a salary in lieu of fees for the clerks of the circuit and district courts at Paducah, Ky.—to the Committee on Claims.

By Mr. TAULBEE: A bill (H. R. 7845) for the relief of William Preston—to the Committee on War Claims.

Also, a bill (H. R. 7846) for the relief of H. C. Jett, of Breathitt County, Kentucky—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 7847) granting a pension to Catharine Breslin—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7848) authorizing the payment of $100 bounty to the honorably discharged members of the First Regiment Alabama Volunteer Cavalry—to the Committee on War Claims.

Also, a bill (H. R. 7849) for the relief of David C. Williams—to the Committee on War Claims.

By Mr. WILLIAM WHITING: A bill (H. R. 7850) granting a pension to Gertrude M. Starkweather—to the Committee on Invalid Pensions.

By Mr. HUDD: A bill (H. R. 7851) to increase the pension of Eben E. Smith—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R, 7852) to correct the military record of John A. Davis—to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 7853) for the relief of William J. Verdier, administrator of Paul F. Chaplin—to the Committee on the Judiciary.

Also, a bill (H. R. 7854) for the relief of the legal representatives and successors in interest of Sarah J. Verdier—to the Committee on the Judiciary.

By Mr. LA FOLLETTE: A bill (H. R. 7855) for the relief of John Sullivan—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT (by request): Petition of the wool growers of Bosque County, Texas—to the Committee on Ways and Means.

By Mr. E. P. ALLEN: Petition of Rogers Brothers and 58 others, citizens of Lenawee County, Michigan, for speedy action on the subject of protection to the wool industries of this country—to the Committee on Ways and Means.

Also, petition of Fayette Grange, No. 251, Patrons of Husbandry, for laws to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. C. S. BAKER: Petition in favor of the bill for the relief of James A. Murphy, late of Company K, Second New York Heavy Artillery—to the Committee on Military Affairs.

By Mr. BLISS: Petition of Louise Pemberton, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: Petition of Irenaus Stukey and 60 others, citizens and ex-Union soldiers of Van Wert County, Ohio, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of John Seaman and 33 others, of Samuel Murphy and 30 others, and of Robert Fife and 114 others, citizens and ex-Union soldiers of Van Wert County, Ohio, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOUND: Resolutions of Steelton Council, 162, and Hemminger's Mills Council, 172, Junior Order United American Mechanics, praying that Washington's birthday be made a legal holiday—to the Committee on the Judiciary.

By Mr. BREWER: Petition of Tunis Cronkite and 33 others, citizens and soldiers of Bath, Mich., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of J. A. Hurst and 80 others, for an amendment to the patent laws—to the Committee on Patents.

Also, petition of H. A. Lathrop and 26 others, citizens of Macomb County, Michigan, that the duty on wool be fixed as agreed upon by the Wool Growers and Woolen Manufacturers' Association—to the Committee on Ways and Means.

Also, resolutions of the Business Men's Association of Lansing, Mich., for the construction of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. J. E. CAMPBELL: Petition of ex-soldiers and sailors, for the passage of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. T. J. CAMPBELL: Petition for the relief of W. F. Nindeman, formerly a seaman in the Navy—to the Committee on Claims.

By Mr. CARUTH: Petition of Alfred Jenkins, of William Wirtz, of Robert Wirtz, of George Firsghenk, of Acton Ackterman, of Jacob Wurtelle, of Frederick Andress, of John Young, of Herman Karfhoge, of estate of William Thixton, of Jacob Klotter, of W. L. Porter, and of Isaiah James, of Jefferson County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, resolution of the Board of Trade of Louisville, Ky., in favor of the bill against the adulteration of lard—to the Committee on Agriculture.

Also, papers in the claim of T. R. Mason, for relief—to the Committee on the Post-Office and Post-Roads.

Also, papers in the claim of G. P. Gaines, for relief—to the Committee on War Claims.

By Mr. CATCHINGS: Papers in the claim of Dr. A. O. H. Hardenstein, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. CLARDY: Protest of William Matkin and 68 others, farmers of St. Francis County, Missouri, against reducing the duty on iron ore—to the Committee on Ways and Means.

By Mr. COMPTON: Petition of Francis D. Hayden, of St. Mary's County, Maryland, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COX: Petition, numerously signed by citizens of New York State, for a law requiring all contractors on Government work to pay their help at least once in every two weeks—to the Committee on Labor.

By Mr. CRAIN: Memorial of citizens of Calhoun County, Texas, that the salaries of keepers of the Life-Saving Service be increased—to the Committee on Commerce.

Also, petition of Jerome C. Berry, for compensation for deprivation of fishery rights—to the Committee on the District of Columbia.

By Mr. CUMMINGS: Memorial of R. O. Stanard and others, of the National Convention of the American Shipping and Industrial League of New Orleans, La.—to the Committee on Commerce.

By Mr. DAVIS: Petition of L. Jones and 26 others, and of S. B. Kelly and 42 others, citizens of Harwich, Mass., for increase of salaries of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

Also, petition to amend section 4703, Revised Statutes of the United States, relative to increase of pensions to soldiers' widows—to the Committee on Invalid Pensions.

By Mr. DE LANO: Petition of J. S. Curran and 28 others, citizens of Binghamton, N. Y., against repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. DOCKERY: Petition of soldiers of Caldwell County, Missouri, for a service pension—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of citizens of Knox County, Nebraska, for reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. DUBOIS: Petition of citizens of Pocatello, Idaho, for a town-site at Pocatello, on Fort Hall Indian reservation—to the Committee on Indian Affairs.

Also, protest of 200 citizens of Idaho County, Idaho, and of the Board of Trade of Boisé City, Idaho, against any division of Idaho—to the Committee on the Territories.

By Mr. DUNHAM: Resolution of the Chicago Board of Trade, against legislation that will deprive American citizens of using facilities offered them by the great commercial highways of Canada in transporting products of the United States from one State to another by passing through Canada—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of W. N. Hedges, of Madison, N. J., for reducing postage on seeds, bulbs, plants, printed matter, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. FARQUHAR: Petition of ship-owners, ship-masters, ship-builders, and others, of Buffalo, N. Y., for increase of salaries of keepers and surfmen in the United States Life-Saving Service—to the Committee on Commerce.

By Mr. FISHER: Petition of William E. Bennett and 87 others, of Presque Isle County, Michigan, that salaries of life-saving surfmen be raised—to the Committee on Commerce.

By Mr. FORAN: Petition of William H. Stigman and 300 others, citizens and veterans of Cleveland, Ohio, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Remonstrance against the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. GAINES: Petition of Samuel B. R. Loving, of Amelia County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GIFFORD: Petition of A. E. Ward and other ex-Union soldiers, of Jamestown, and of 63 ex-Union soldiers of Ralph Ely Post, Grand Army of the Republic, of Dakota, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of W. H. Swaby, for reduction of postage on seeds, plants, and bulbs—to the Committee on the Post-Office and Post-Roads.

By Mr. GUENTHER: Petition of citizens of Alaska against a Territorial form of government for said district—to the Committee on the Territories.

Also, petition of citizens of Waukesha County, Wisconsin, for reduc-

tion of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. D. B. HENDERSON: Paper from J. S. Dixon, of Lancaster, Wis., for the passage of bill giving $72 for general disability—to the Committee on Invalid Pensions.

By Mr. HERBERT: Petition of Lewis Owen, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the Woman's Christian Temperance Union of Alabama, for repeal on tax on all alcoholic liquors—to the Committee on Ways and Means.

Also, memorial of the faculty of the University of Alabama, relative to duty on certain books—to the Committee on Ways and Means.

By Mr. HITT: Petition of Hon. D. W. Dame and 19 others, citizens of Carroll and Stephenson Counties, Illinois, for opening of Oklahoma, and for the Springer bill—to the Committee on the Territories.

Also, petition of T. W. Newcomer, late postmaster at Lanark, Ill., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. S. T. HOPKINS: Memorial of the authorities of Catskill, N. Y., against the practice of passing appropriation bills for Government buildings, etc.—to the Committee on Public Buildings and Grounds.

By Mr. HOUK: Petition of citizens of Dandridge, Tenn., favoring equalization of bounty—to the Committee on Invalid Pensions.

Also, petition of Hugh Dowling, of Knox County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HUDD: Protest of citizens of Green Bay and Fort Howard, Wis., against repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. JOSEPH: Petition of citizens of New Mexico, for the establishment of the central land district in said Territory—to the Committee on the Public Lands.

By Mr. KENNEDY: Petition of M. J. Sullivan and others, for speedy action looking to the protection of wool and woolen interests—to the Committee on Ways and Means.

Also, petition by joint resolution of the Ohio Legislature for the pensioning of all persons who served in rebel prisons—to the Committee on Invalid Pensions.

Also, petition of J. Wheeler Lowe, mayor of Circleville, Ohio, relative to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. KETCHAM: Petition of A. M. Underhill, administrator, of Poughkeepsie, N. Y., for relief—to the Committee on Claims.

By Mr. LATHAM: Petition of citizens of Dare County, North Carolina, for an increase of pay of keepers and surfmen in the Life-Saving Service—to the Committee on Commerce.

By Mr. LEE (by request): Petition of Lydia H. Jones, of Loudoun County, Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LONG: Petition of Henry Huff and 60 others, of Freeman H. Holmy, and 43 others, of Allen T. Holmy and 53 others, and of Horace E. Baker and 32 others, citizens of Massachusetts, for increase of salaries in the Life-Saving Service—to the Committee on Commerce.

Also, petition of Jesse H. Jones and 75 others, of Abingdon, Mass., for Government ownership and control of the telegraph system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alden H. Blake and 50 others, of Taunton, Mass., for repeal of limitation of time for application for pensions—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petition requesting the removal of duty on foreign salt—to the Committee on Ways and Means.

Also, papers in the case of Mary E. Tipton, for a pension—to the Committee on Invalid Pensions.

Also, petition of Lucy A. Scott, of George Sageser, of John M. Owens, of Zachariah C. Merritt, of John Moss, and of Lewis Carter, of Jessamine County; of George W. King, of James F. Dawson, of Edward Alcorn, of Benjamin B. Allen, of Felix Bruce, of Bennett Cloyd, of John L. Dawson, of Thomas Welsh, of Hiram Roberts, of Sarah Wells, of Susan Saunders, of Braddock Withers, of Pinkney Spraggins, of William A. Lee, of D. M. Lyon, of John Mershon, and of John Baughman, of Lincoln County; of Benjamin F. Bryant, of William M. Notan, of Amos Davis, of Alexander Hopkins, of David A. Jessie, of George Johnson, of Henry T. Montfort, of Adam Middleton, of Lee Tharp, and of Garland Williams, of Shelby County; of Nancy Bobbitt, of Thomas J. Frith, of C. W. Adams, of John Owens, of J. H. Todd, and of John Griffin, of Rockcastle County; of estate of George W. Thompkins, of Walter Denny, and of T. H. Daviess, of Mercer County; of Matilda Yocum, of Anderson County; of W. H. Berry, of Bath County, and of Montrose Graham, of Laurel County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. McKINNEY: Petition of citizens of Manchester, N. H., against repeal of duty on cigars and cheroots—to the Committee on Ways and Means.

By Mr. MACDONALD: Petition of certain dairymen of Minnesota, for removal of the duty on foreign salt—to the Committee on Ways and Means.

By Mr. MAISH: Petition of Mary Ann Reid, for a pension—to the Committee on Pensions.

By Mr. MILLIKEN: Petition of C. D. Holbrook and others, for reduction of postage on seeds, bulbs, plants, and scions—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nathan Dolan and others, for increase of duties on wool and woolens—to the Committee on Ways and Means.

By Mr. MOFFITT: Petition of J. T. Smith and others, for repeal of limitation of time for making application for pensions—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of the Farmers' Alliance of Minnesota, for the improvement of the Sault Ste. Marie Canal—to the Committee on Rivers and Harbors.

By Mr. O'DONNELL: Petition of 56 citizens of Jackson, Mich., praying that Laura Throop be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Memorial of the Grocers and Importers' Exchange of Philadelphia, in favor of an international marine conference—to the Committee on Foreign Affairs.

Also, resolutions of the America Council, No. 30, of Junior Order of United American Mechanics, of Philadelphia, for a law making February 22 a national holiday—to the Committee on the Judiciary.

By Mr. OWEN: Petition of B. W. Carr and others, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. PARKER: Petition of citizens of De Kalb, N. Y., for more liberal pensions—to the Committee on Invalid Pensions.

Also, petition for a per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition of ex-soldiers and sailors for a rated pension law—to the Committee on Invalid Pensions.

Also, petition of Eldridge G. Rollins, for registry of the sloop Home—to the Committee on Commerce.

By Mr. PENINGTON: Petition of citizens of Sussex County, Delaware, for an appropriation for the improvement of Prime Hook Creek, Delaware—to the Committee on Rivers and Harbors.

By Mr. PERKINS: Protest from the seamen and mariners on the great chain of lakes, against any modification of the present law pertaining to the collection of seamen's wages—to the Committee on Commerce.

By Mr. PETERS: Resolutions of the South Leavenworth County Dairymen's Association of Kansas, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. REED: Petition of packers of Maine for removal of duty on tin-plates—to the Committee on Ways and Means.

By Mr. SIMMONS: A bill to provide for the survey of Fishing Creek, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill to provide for the survey of the White Oak River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill to provide for the survey of the Swift Creek, North Carolina—to the Committee on Rivers and Harbors.

By Mr. STAHLNECKER: Memorial and resolutions of a convention at Kansas City, Mo., for the opening of the Indian Territory—to the Committee on the Territories.

By Mr. STEELE: Petition of W. P. Beard and 57 other soldiers of Salamonia, Jay County, Indiana, favoring the per diem act—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Memorial of the city of Wausau, Wis., for a general appropriation bill for the erection of Government buildings in towns of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

By Mr. STONE, of Kentucky: Memorial of citizens of Clinton, Ky., asking that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. SYMES: Petition for the protection of the wool-growing interests—to the Committee on Ways and Means.

By Mr. TAULBEE: Petition for the relief of Paschal Haney—to the Committee on War Claims.

Also (by request), resolutions of the Board of Trade of Louisville, Ky., in relation to the adulteration of lard—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Memorial of the Warren (Ohio) Lodge of Amalgamated Association of Iron and Steel Workers, against reduction of duties—to the Committee on Ways and Means.

Also, five petitions of citizens of Geauga and Lake Counties, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Petition of ex-Union soldiers, for the per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. O. B. THOMAS: Papers in the case of Anne C. Rivingston, for relief—to the Committee on War Claims.

By Mr. A. C. THOMPSON: Petition of Samuel McElhany and others, citizens of Portsmouth, Ohio, for a law requiring all contractors on Government work to pay their help at least once in every two weeks, etc.—to the Committee on Labor.

Also, memorial of the authorities of Gallipolis, Ohio, for the erection of Government post-office buildings in cities and villages of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

Also, petition of James McCammon and others, citizens of Clarion County, Pennsylvania, and of S. L. Scott and others, citizens of Vinton County, Ohio, for protection to the wool-growing and woolen manufacturing industries of this country—to the Committee on Ways and Means.

Also, petitions of J. A. Bowen and others, of Athalia; of Jacob G. Miller and others, of Wilkesville; of John J. Goff and others, of Buffalo; of James Jenkin and others, of Waterloo; of T. J. Neal and others, of Flag Springs, and of 488 ex-soldiers of Gallia County, Ohio, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Resolution of the city council of Vancouver, Wash.; also, letter of Brig. Gen. John Gibbon, and also extract from the minutes of the Board of Trade of Vancouver, favoring the removal of a sand-bar in the Columbia River near the city of Vancouver—to the Committee on Rivers and Harbors.

By Mr. WARNER: Petition of Reuben E. Lawrence, for relief—to the Committee on Military Affairs.

Also, petition of Catharine Breslin, widow of John Breslin, late private Company E, Second Missouri Light Artillery, for a pension—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: Petition of Thomas R. Monahan—to the Committee on Foreign Affairs.

By Mr. WEBER: Petition of ex-soldiers, for the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Samuel D. Brock and others; of Samuel Hazelwood, administrator of Thomas Hazelwood, of Lawrence County, and of Robert C. Reed, of Franklin County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. S. V. WHITE: Memorial to accompany the bill to provide for the organization of the veterinary corps of the United States Army—to the Committee on Military Affairs.

Also, memorial of Norvin Green, president of the Western Union Telegraph Company, remonstrating against the passage of the bill for the establishment of a Government system of postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM WHITING: Petition on behalf of the East Charlemont (Mass.) Farmers' Club, for more effectual protection of agriculture—to the Committee on Agriculture.

By Mr. WILLIAMS: Petition of J. R. Cook and others, against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition of James A. Tennant; of Jane Cook, administratrix of John Cook; of B. F. Harrison, administrator of Mary E. Hensell; of Joseph L. Roberts; of John J. Dillow, and of Jacob Merritt, of Jefferson County, West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BLANCHARD: Of T. J. Hawell and 42 others, of D. P. Gaudy and 43 others, and of J. B. Vandeguer and 12 others, citizens of Louisiana.

By Mr. HARE: Of sundry citizens of Odell, Tex.

By Mr. O'FERRALL: Of citizens of Eastham, Albemarle County, Virginia.

By Mr. CHARLES STEWART: Of sundry citizens of Taylor's Bayou, Tex.

By Mr. STOCKDALE: Of J. R. Walker and 50 others, of J. B. Flannagan and 30 others, of G. W. Brown and 68 others, of J. E. Wheat and 70 others, and of H. A. Cameron and 35 others, of Hancock County; of W. G. Morgan and 43 others, of H. M. McCallum and 25 others, and of W. P. Sumrall and 30 others, of Perry County; of J. V. Jefcoat and 50 others, G. M. Mott and 50 others, and of J. C. Bradley and 50 others, of Jones County; of T. Boeme and 87 others, of S. E. Slade and 70 others, of E. O. Rooke and 50 others, of J. A. McLeod and 50 others, and of J. Whiddon and 50 others, of Marion County; of Peter Maris and 40 others, and of T. E. Tate and 70 others, of Pike County; of W. W. Williams and 70 others, and of Neil McInnis and 50 others, of Lawrence County; of A. S. Germany and 50 others, of Williamson County; of J. S. Cobb and 50 others, of Harrison County; and of W. E. Strock and 50 others, of Jackson County, Mississippi.

By Mr. ANDERSON, of Iowa: A bill (H. R. 7795) for the relief of Mary E. Miller—to the Committee on Invalid Pensions.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DARLINGTON: Of 110 citizens and of 52 citizens of the Sixth district of Pennsylvania.

By Mr. PARKER: Of 248 citizens of St. Lawrence County, New York.

By Mr. RANDALL: Of T. Brown and 280 others, of Philadelphia County, Pennsylvania.

By Mr. WILLIAM WHITING: Of 287 citizens of Hampshire County, Massachusetts.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. DARLINGTON: Of citizens of the Sixth district of Pennsylvania.

By Mr. DINGLEY: Of members of the Evangelical Alliance and 361 citizens of the District of Columbia.

By Mr. WILBER (by request): Of 117 citizens of the Twenty-fourth district of New York.

SENATE.

TUESDAY, *February* 28, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting a letter from the Adjutant-General of the Army, inclosing a petition of certain clerks and messengers in his office, praying that an appropriation be made to pay them reasonable compensation for extra service rendered after office hours from November 29, 1886, to March 14, 1887, there being at that time an accumulation of pension cases requiring examination in that office; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also presented a communication from the governor of Washington Territory, transmitting council joint memorial, passed by the Legislature of Washington Territory at its recent session, favoring the payment of the Indian war claims of 1855–'56; which was read.

Mr. DOLPH. The bill I introduced providing for the payment of those claims was referred to the Committee on Military Affairs. I move that the memorial be referred to that committee.

The motion was agreed to.

The PRESIDENT *pro tempore* presented a petition of 97 citizens of Kansas, praying for the passage of the rated service-pension bill; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a concurrent resolution of the General Assembly of Iowa; which was read, and referred to the Committee on Pensions, as follows:

Be it resolved by the Twenty-second General Assembly of the State of Iowa, That our Senators and Representatives in Congress be, and are hereby, instructed and requested to favor the immediate repeal of that part of the pension law adopted March 3, 1879, known as the "arrears limit;" and further, we recommend that they use their best endeavors in the future pension legislation to secure the enactment of law granting to all honorably discharged soldiers and sailors of the late war a service pension, and also to use their utmost endeavor to secure the immediate adoption of the prisoners-of-war pension bill; and that the secretary of state be instructed to furnish each of our Senators and Representatives in Congress with a copy of this memorial resolution.

Approved February 22, 1888.

I hereby certify that the foregoing joint resolution passed the senate and the house of representatives of the Twenty-second General Assembly of the State of Iowa.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. WILSON, of Iowa, presented a petition of 786 citizens of the State of Iowa, praying for the passage of a prohibitory liquor law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 160 surviving soldiers and sailors of the Union Army and Navy, residents of Cass County, Iowa, and a petition of 60 surviving soldiers and sailors of the Union Army and Navy, residents of Guthrie Centre, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PLATT. I present a petition of 266 members of the Independent Order of Good Templars in the District of Columbia, praying for the passage of a prohibitory liquor law for the District of Columbia; also a petition of 119 citizens of the State of New Jersey, praying for the same object; also a petition of 600 citizens of the States of Virginia and West Virginia, praying for the same object. I desire to say with regard to these petitions that they are mainly from persons who belong to the Independent Order of Good Templars, who have signed their individual names to the petitions. I move the reference of the petitions to the Committee on the District of Columbia.

The motion was agreed to.

Mr. REAGAN presented a petition of the Board of Trade and Cotton Exchange of Houston, Tex., praying that an appropriation be made for the improvement of Buffalo Bayou; which was referred to the Committee on Commerce.

Mr. VANCE. I present a memorial of 3,000 male citizens of the District of Columbia, remonstrating against the enactment of prohibitory legislation, not in New Jersey or in Iowa, but in the District of Columbia, where they reside. I move the reference of the memorial to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VOORHEES presented resolutions adopted by the Board of Trade of Indianapolis, Ind., petitioning Congress to secure pure lard against the adulteration of that article; which were referred to the Committee on Agriculture and Forestry.

Mr. VOORHEES. I present six petitions, numerously signed by ex-soldiers of the Union Army, resident in Indiana, praying for the passage of the rated service-pension bill. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES presented a petition of the Business Men's Association of the city of Evansville, Ind., praying for the passage of a bill providing for the construction and maintenance of a marine hospital at that place; which was referred to the Committee on Naval Affairs.

He also presented a petition of ex-Union soldiers, citizens of Indiana, praying for the repeal of the limitation of the arrears-of-pensions act; which was referred to the Committee on Pensions.

He also presented the petition of Mariah Nash, widow of Samuel Nash, late of Company G, Fifty-eighth Regiment Indiana Volunteers, praying that she be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Robert B. Wheatley, late a private in Company H, First United States Veteran Volunteer Engineers, praying that he be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Indiana, officially signed, representing 3,500 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. PAYNE presented several petitions signed by 719 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the enactment of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. CULLOM. I present a petition signed by 860 residents of Illinois, not of the District of Columbia, praying for the passage of a prohibitory liquor law for the District of Columbia. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CULLOM presented a petition of 43 surviving soldiers of the war of the rebellion, residents of Hailey, Idaho, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CHACE presented a petition of 361 citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of 292 ex-Union soldiers, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a resolution adopted by Tuscarawas Lodge, No. 54, of New Philadelphia, Ohio, and a resolution adopted by Ayers Lodge, No. 13, of Youngstown, Ohio, favoring the policy of a protective tariff; which were referred to the Committee on Finance.

Mr. EVARTS presented a petition of citizens of the Twenty-fourth Congressional district of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SPOONER presented a petition of Burr Oak Grange, No. 280, of Galesville, Wis., praying that there be no further extension of the time for the payment of the public debt; that there be no extension of the charters of the national banks, and no increase of the percentage of the currency to these banks on their present securities; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented a petition of 189 citizens of the Second, Third, Sixth, and Eighth Congressional districts of Michigan, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Board of Trade of East Saginaw, Mich., remonstrating against the reduction of duties on lumber and salt; which was referred to the Committee on Finance.

Mr. WILSON, of Maryland, presented a petition of citizens of Worcester County, Maryland, praying that the pay of the keepers of the Life-Saving Service and of the surfmen connected therewith be increased; which was referred to the Committee on Commerce.

Mr. VEST presented the petition of T. A. Bull and other citizens of Fairmount, Clark County, Missouri, praying for legislation giving pensions to all honorably discharged ex-Union soldiers at the rate of one cent a day for their term of service; which was referred to the Committee on Pensions.

Mr. TELLER. I present a petition of a large number of citizens of Bent County, Colorado, praying for the establishment of a new land district in Southeastern Colorado. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. ALLISON presented a petition of 146 surviving soldiers and sailors of the Union Army and Navy, residents of Atlantic and vicinity, in the State of Iowa; a petition of 60 surviving soldiers and sailors of the Union Army and Navy, residents of Guthrie Centre and vicinity, in the State of Iowa; and a petition of 54 surviving soldiers and sailors of the Army and Navy, residents of Crawford County, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of James G. Archer and 26 others, citizens of Davenport, Iowa, praying that tin-plate be placed on the free-list; which was referred to the Committee on Finance.

Mr. HALE presented the petition of Rebecca A. Blaine, of Washington, D. C., praying for relief in the case of inadequate compensation being awarded to her in the condemnation of certain real estate taken by the General Government for the purposes of the new Library building; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL presented the petition of T. A. Bull, Joseph Brosius, and other citizens of Fairmont, Clark County, Missouri, praying for the passage of the per diem rated pension bill; which was referred to the Committee on Pensions.

Mr. FARWELL presented a petition of dairymen resident in Illinois, praying for the removal of the duty on salt; which was referred to the Committee on Finance.

Mr. MANDERSON presented the petition of Dr. Frederick Robinson, late assistant surgeon United States Army, praying that his pension be increased to $30 a month; which was referred to the Committee on Pensions.

He also presented a petition of the executive board of the National Farmers' Alliance, praying that the Department of Agriculture be made an Executive Department of the Government; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Chase County, Nebraska, praying that terms of United States courts be held at McCook, Nebr.; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Nebraska engaged in the business of canning certain products, and dealers in canned goods, praying for the removal of the import duty on tin-plate; which was referred to the Committee on Finance.

He also presented a petition of residents of North Platte, Nebr., praying that that place be selected for holding terms of United States courts; which was referred to the Committee on the Judiciary.

Mr. McPHERSON presented the petition of James H. Sands, commander United States Navy, praying Congress to grant him the relief recommended by the board of admirals convened pursuant to the joint resolution of February 5, 1879; which was referred to the Committee on Naval Affairs.

Mr. EVARTS presented a petition of surviving soldiers and sailors of the Union Army and Navy now resident of Brooklyn, N. Y., praying the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. 1216) providing for the investment of certain funds in the Treasury, to report it with an amendment. The original bill contained a provision authorizing national banks to issue circulating notes to the par value of their bonds. The committee thought it proper to separate this feature from the remaining part of the bill, and the amendment simply is to strike out that clause. I shall introduce a bill at a later stage to provide for that object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1147) granting an increase of pension to Daniel Fike, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1973) granting a pension to John Black;
A bill (S. 1967) granting a pension to Sarah J. Tompkins;
A bill (S. 1972) granting a pension to J. W. Meadows;
A bill (S. 887) granting a pension to Robert Foss;
A bill (S. 1142) granting a pension to Keziah E. Strong;
A bill (S. 1957) granting a pension to Virtue Smith;
A bill (S. 1017) granting a pension to Stephen Schiedel;
A bill (S. 1968) granting a pension to Eliza A. Talbott; and
A bill (S. 1743) granting a pension to Zephaniah H. Bones.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (S. 1172) for the relief of Henry Ayres, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Pensions, to whom was

referred the bill (S. 654) granting a pension to Caroline Motz, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 782) granting a pension to Mary A. Row, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 34) for the relief of Silas D. Baldwin, submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 596) granting a pension to William M. Hendrix, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the bill (S. 411) for the relief of I. W. Ambler and the bill (S. 412) for the relief of I. W. Ambler, submitted an adverse report thereon, which was agreed to; and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Mary E. Woodward, widow of Dr. James B. Woodward, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2167) granting a pension to Mary E. Woodward; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of 115 ex-soldiers and citizens of Dallas City, Ill., praying that Francis Marion Walker be placed upon the pension-roll, submitted a report thereon, accompanied by a bill (S. 2168) granting a pension to Francis Marion Walker; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1239) granting an increase of pension to Mrs. Annie Gibson Yates, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 415) granting a pension to Martin L. Stover, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1457) granting a pension to George W. Welden;

A bill (S. 5) granting a pension to Mrs. Margaret Gallagher;

A bill (S. 2071) granting a pension to Mary S. Wells;

A bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright McFalls; and

A bill (S. 1045) granting a pension to Rhoda Williams.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the petition of Andrew J. Konkle, late major First Ohio Light Artillery, praying an increase of pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 1115) granting a pension to Abraham Howard, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 432) for the relief of Joel B. Morton, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 461) for the relief of Lindsay Murdoch, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2112) for the relief of Capt. John Burkhart, reported it with an amendment, and submitted a report thereon.

Mr. CHACE, from the Committee on the District of Columbia, to whom was referred the bill (S. 690) to amend an act entitled "An act to incorporate the National Safe Deposit Company, of Washington, in the District of Columbia," approved January 22, 1867, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 606) to incorporate the Washington Safe Deposit and Trust Company, reported it with an amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1121) granting a pension to Harmon Bunn, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1076) granting a pension to the widow of John Leary, deceased, submitted an adverse report thereon.

Mr. CALL. I ask that that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1005) granting to Mrs. Helen W. Mauck, widow of Maj. Clarence Mauck, Ninth United States Cavalry, a pension as of the rank and grade held by her husband at the time of his death, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 54) for the relief of R. G. Combs and others, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 46) for the relief of the First National Bank of Portland, Oregon, reported it without amendment, and submitted a report thereon.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1781) to authorize the President of the United States to place upon the retired-list of the Navy Pay Inspector Luther G. Billings, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1971) to re-examine the homestead claim of Ira Haworth, reported it with amendments.

ROCK CREEK BRIDGE.

Mr. HARRIS. The Committee on the District of Columbia direct me to report back the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek, at the Woodley Lane road, in the District of Columbia, with an amendment, and with a recommendation that it pass. Inasmuch as the time is approaching when it is important that the work provided for should be commenced, I ask the unanimous consent of the Senate to consider the bill at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. In line 7 of section 2, by direction of the Committee on the District of Columbia, I move to strike out the word "six," after the word "seventy," and insert the word "eight." It is a misdescription of the act referred to.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 2, line 7, after the words "June eleventh," it is proposed to strike out "seventy-six" and insert "seventy-eight;" so as to make the section read:

> That the sum which shall be expended under the provisions of this act shall be treated and regarded as part of the general expenses of the District of Columbia, and the United States shall be credited with the amount which it may pay under this act upon the 50 per cent. of the expenses of the District of Columbia, as provided in the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia."

The amendment was agreed to.

Mr. MORRILL. I know scarcely anything about this bill, certainly not enough to indicate which way I ought to vote myself; but I have received more than one communication from citizens of the District in relation to it—one I received yesterday, but I neglected to bring it with me from my home—stating that the bridge there now was very recently constructed, that it is a safe and substantial bridge, and that the proposed bridge is one of extravagant cost, to be charged to the expenses of the District for no other purpose than to enable some railroad to have a better crossing over the place and for the benefit of speculators in land in that region.

I merely state these facts for whatever they are worth. I do not vouch for them at all, as I know nothing about the matter personally.

Mr. HARRIS. Mr. President, there are some few people within the limits of the city of Washington who are contending that this is an unnecessary expenditure. I have heard perhaps more of them than the Senator from Vermont. The facts, however, are these: There has been within the last ten years collected from the people of the county outside of the city and expended upon improvements within the city about $300,000, or, in other words, the sum of $300,000 less expended on improvements in the country outside of the city than has been collected from the people outside of the city.

The bridge now existing on that road over Rock Creek was constructed some twelve or fifteen years ago. It is an old wooden structure and a very low bridge, with very precipitous banks on either side, making it absolutely impracticable to anything like heavy wagon traffic. This new bridge that the District commissioners recommend, and that the people residing in that section recommend and insist upon, will remedy to a large extent that evil and is necessary to a part of the District rapidly improving and a densely populated part of the country outside of the city. I know of nobody who complains of it except a few people within the limits of the city. The country people desire it and regard it as a necessity to their convenience. I hope the bill will pass.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. Order of Business 257, which is the bill (S. 1053) to authorize the construction of a bridge across Rock Creek, on the Woodley Lane road, in the District of Columbia, being substantially the same as the House bill just passed, I move its indefinite postponement.

The motion was agreed to.

Mr. HARRIS. I move that the Senate insist upon its amendment to the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek, at the Woodley Lane road, in the District of Co-

lumbia, and request a conference with the House of Representatives upon the disagreeing votes.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

EXECUTIVE SESSION PROCEEDINGS.

Mr. ALDRICH. I am directed by the Committee on Rules, who have had under consideration the proposition of the Senator from Connecticut [Mr. PLATT] to amend the rules regulating the proceedings of the Senate in executive session, to report sundry amendments to the thirty-sixth and thirty-seventh rules, which I ask to have printed.

Mr. PLATT. If there is no objection, I should like to hear the amendments read which are proposed to Rules XXXVI and XXXVII, as reported by the Senator from Rhode Island, the chairman of the Committee on Rules.

Mr. SHERMAN. They will be printed. One could not understand them very well by merely hearing them read at the desk.

Mr. HARRIS. They will be printed and lie on the table. We do not ask for the present consideration of the matter.

The PRESIDENT *pro tempore*. They can be printed in the RECORD, if the Senator desires.

Mr. ALDRICH. It would be difficult to understand the effect of the proposed amendments without comparing them with the rules now in force.

Mr. PLATT. Let them be printed in the RECORD.

The PRESIDENT *pro tempore*. They will be printed in the RECORD.

The proposed amendments are as follows:

Amend Rule XXXVI. Add after the word "business," in line 1, clause 2, the words:

"Unless the same shall be considered in open executive session."

Add at the end of clause 3 the words:

"Or unless the same shall be considered in open executive session."

Amend Rule XXXVII, clause 1, by striking out "or," in the third line of the first paragraph, and inserting at the end of said paragraph the words "to remove the injunction of secrecy, or to consider it in open executive session;" so that the paragraph would read:

"When a treaty shall be laid before the Senate for ratification it shall be read a first time; and no motion in respect to it shall be in order except to refer it to a committee, to print it in confidence for the use of the Senate, to remove the injunction of secrecy, or to consider it in open executive session."

By adding to the second paragraph of clause 1 the words:

"At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open executive session."

ALLEGED OUTRAGE IN TEXAS.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred the resolutions submitted by the Senator from Massachusetts [Mr. HOAR] relative to the investigation of alleged outrages in Texas, to report them favorably with several verbal amendments, striking out the words "the State of Texas" and "set forth," transposing the words "to employ a stenographer," and striking out the words "appropriation for miscellaneous items of the" before the words "contingent fund." I ask for the present consideration of the resolutions and their adoption as proposed to be amended by the committee.

The PRESIDENT *pro tempore*. The resolutions will be read as proposed to be amended.

The CHIEF CLERK. It is proposed to amend the resolutions so as to read:

Resolved, That the Committee on Privileges and Elections and any subcommittee thereof be authorized to complete the investigation into the circumstances of and connected with certain events alleged to have taken place in the petition of Stephen Hackworth and others, and for that purpose have power to send for persons and papers, to employ a stenographer, and have leave to sit during the sessions of the Senate; and that said subcommittee, for the purposes of such investigation, be a committee of the Senate to all intents and purposes.

Resolved, That the necessary expenses of said committee for said investigation be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman thereof and by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolutions were considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2169) authorizing the issue of circulating notes to national banks to the par value of bonds deposited therefor; which was read by its title.

Mr. SHERMAN. This bill is to take the place of the clause stricken out of Senate bill 1216 by the Committee on Finance.

The PRESIDENT *pro tempore*. Does the Senator desire to have the bill referred?

Mr. SHERMAN. Let it be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The bill will be so referred.

Mr. SHERMAN (by request) introduced a bill (S. 2170) for the relief of W. T. Scovill and John Kouns, surviving partner of George L. Kouns, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2171) granting a pension to Mrs. Catharine W. Collins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2172) to prohibit the manufacture and sale of alcoholic liquors in the Territories, except for medicinal, scientific, and mechanical purposes, and to regulate the manufacture and sale thereof for such excepted purposes; which was read twice by its title.

Mr. BLAIR. This bill was prepared by the president of the Woman's Christian Temperance Union and their attorney, Mrs. Bittenbender, I introduce it by request, and move that it be referred to the Committee on Territories.

The motion was agreed to.

Mr. BLAIR. I introduce two bills which are pending in the House of Representatives. The parties interested desire to be heard by the Committee on the Judiciary. I introduce them, and ask their reference to that committee.

The bill (S. 2173) for the relief of sane persons confined in insane asylums in the District of Columbia, the forts and arsenals, and the Territories of the United States, by placing the inmates of insane asylums under the protection of the laws by securing to them their postal rights, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (S. 2174) to change the common law of marriage to the customs of modern civilization by the emancipation of married women in the District of Columbia, the forts and arsenals, and the Territories of the United States, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER introduced a bill (S. 2175) creating an additional land district in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VOORHEES introduced a bill (S. 2176) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2177) authorizing the survey of the Grand Calumet River, in the State of Indiana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HARRIS (by request) introduced a bill (S. 2178) for the relief of Sarah A. Etchvarne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. JONES, of Arkansas, introduced a bill (S. 2179) authorizing the Kansas City, Texarkana and Gulf Railway Company to bridge the Red and Little Rivers, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PASCO (by request) introduced a bill (S. 2180) for the relief of the legal representatives of Joseph Sierra, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 2181) for the relief of Samuel G. Cabell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CHANDLER introduced a bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 2183) granting a pension to Rachel Plummer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2184) granting a pension to Nicholas Goodale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a joint resolution (S. R. 57) making an appropriation for ventilators and chimney caps for the Senate and House of Representatives; which was read twice by its title, and referred to the Committee on Appropriations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HALE, it was

Ordered, That the memorial of Henry J. Sleeper and accompanying papers be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. VANCE, it was

Ordered, That Patrick Cook have leave to withdraw from the files of the Senate the papers in his case.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia;

A bill (H. R. 4756) to amend "An act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March 3, 1887;

A bill (H. R. 5683) to authorize the commissioners of the District of Columbia to complete a contract for the sale of certain real estate to Job Barnard;

A bill (H. R. 6800) for the relief of John Powers;

A bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia; and

A bill (H. R. 7648) to extend the authority of the commissioners of the District of Columbia in making contracts.

THE MAIL SERVICE.

Mr. PADDOCK. I desire to call up the motion entered by me the other day, to reconsider the vote by which the resolution of the Senator from Kansas [Mr. PLUMB], in relation to the inefficient character of the mail service, was adopted.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate now proceed to the consideration of the motion entered by him on a former day.

Mr. PADDOCK. I make the request simply for the purpose of submitting a few remarks.

The PRESIDENT *pro tempore*. The request of the Senator from Nebraska is that the Senate proceed to the consideration of the motion entered by him on a former day to reconsider the vote by which the Senate agreed to the resolution offered by the Senator from Kansas [Mr. PLUMB], January 30, 1888, respecting the mail service, for the purpose of submitting some remarks thereon.

There being no objection, the Senate proceeded to consider the motion to reconsider the vote by which the Senate passed the following resolution:

Whereas there have been for many months serious complaints as to the inefficient character of the mail service, especially in the West and South, and the same continue, indicating that the trouble is of a permanent character:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to make thorough inquiry into the cause of such inefficient mail service, and report to the Senate their conclusions thereon, with suggestion as to remedy.

Mr. PADDOCK. Mr. President, I had not intended to say anything on the subject presented by this resolution, but on a somewhat critical examination a few days since of the statements and figures presented by the Senator from Texas, I concluded that it was my duty to very briefly review so much of them as relates to the increase of postal facilities in our State and section, and to the alleged unreasonableness—I think that was the term the Senator employed—of our complaining.

First of all, Mr. President, I desire to indorse all that has been said here by my colleague and by the Senator from Kansas as to the deplorable condition of the postal service in the West. I do not believe, however, that this condition of things, so far at least as our State is concerned, is chargeable so much to the inefficiency of the local officers connected with the service as to the total inadequacy of the clerical force on the railways and in the larger post-offices, and, indeed, to the insufficiency of the postal facilities generally in that State, for all of which, in my opinion, the Post-Office Department is alone responsible.

The Omaha Herald, the leading, the ablest, and the most influential Democratic organ in the trans-Missouri country, stated the case exactly the other day when it said:

The trouble with the postal service is that as a rule one man is required to perform the work of three.

Mr. President, the total increase in the miles of railway service in the States of Kansas and Nebraska from June 30, 1886, to January 31, 1888, according to the figures of the Senator from Texas, was 4,474.10, but from the best information I have been able to obtain on the subject I place the actual increase of railway mileage constructed in these two States at about 5,000 for the period named. The total mileage of railway postal service on June 30, 1886, in these States was 8,289.92, if the tables furnished by the Senator from Texas are correct, as I have no doubt they are. If we add to this the increased railway service from June 30, 1886, which was 4,474.10 miles, there will appear to have been on January 31, 1888, an aggregate of 12,764.02 miles of railway service; and when the mileage of all the new roads shall have been properly covered it will make the aggregate mileage nearly 13,000 in these two States.

Now, granting that the force of postal clerks in these States was adequate to the requirements of the service before these 5,000 miles of new railroad were added, which most decidedly it was not, there would be a demand upon the Post-Office Department for an increase of about 60 per cent. on account of this new mileage. The entire increased service on account of new construction of railroads in all the other States and Territories, outside the sixth and seventh postal divisions, was 2,637.85, while the increase of mileage in the sixth and seventh divisions, of which the States of Kansas and Nebraska are an important part, was 9,824.72.

In the allotment of the increased number of clerks, which the Senator from Texas states at 415 for all of the nine postal divisions for the period commencing July 1, 1886, and ending January 31, 1888, the 9,824.72 new mileage in the sixth and seventh divisions, which embrace all the vast region west of the Mississippi, except Louisiana, and include Illinois, Wisconsin, and a part of Michigan besides, received 228 additional clerks, while the 2,637.85 miles in the South and extreme East received 187. Now, sir, on this basis of 187 clerks for each 2,637.10 miles of increase, the 9,824.72 of the sixth and seventh divisions should have received, other things being equal, nearly 700 instead of 228, and of this number Kansas and Nebraska should have received about 350 instead of a small divide out of 228 allotted to fifteen States and Territories.

There are some other facts disclosed by this analysis of the tables furnished by our friend from Texas equally as favorable to the theory that the sixth and seventh divisions have not received anything like their full share of this increase of postal clerks. During the fiscal year 1886 each postal clerk in the sixth and seventh divisions handled an average of 103,758 more pieces of mail matter than each clerk in all the other divisions combined. During the fiscal year 1887 each postal clerk in these two divisions handled an average of 76,882 more pieces of mail matter than each clerk in all the others combined, although a very large proportion of the increase of clerks to which I have referred was made during that year. This makes an average excess of 180,640, in round numbers, for each of the postal clerks of the sixth and seventh divisions for the two fiscal years ending June 30, 1887, over the average work for each of the clerks in all the others combined, which would require 127 clerks in addition to the number employed at that time in the sixth and seventh divisions to equalize the actual labor between these and all the others, and nearly the same disproportion exists to-day, notwithstanding the additional increase of clerks made from that date to the present time.

Mr. President, I present here some tables in support of all the foregoing statements and for some others which will follow. Most of them have the indorsement of the Senator from Texas, and all, including those that I have added, are based upon the last report of the Postmaster-General:

DESCRIPTION OF THE NINE POSTAL DIVISIONS OF THE UNITED STATES.

First division.—Comprising the New England States; George E. Dame, superintendent, Boston, Mass.

Second division.—Comprising New York, New Jersey, Pennsylvania, Delaware, and the Eastern Shore of Maryland; R. C. Jackson, superintendent, New York, N. Y.

Third division.—Comprising Maryland (excluding the Eastern Shore), Virginia, West Virginia, North Carolina, and the District of Columbia; C. W. Vickery, superintendent, Washington, D. C.

Fourth division.—Comprising South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; B. M. Turner, superintendent, Atlanta, Ga.

Fifth division.—Comprising Ohio, Indiana, Kentucky, and Tennessee; Joseph B. Gwin, superintendent, Cincinnati, Ohio.

Sixth division.—Comprising Wisconsin, Illinois, Iowa, Nebraska, Minnesota, upper peninsula of Michigan, Dakota, and Wyoming; James E. White, superintendent, Chicago, Ill.

Seventh division.—Comprising Missouri, Kansas, Arkansas, Texas, Colorado, New Mexico, and Indian Territory; Ernest W. Warfield, superintendent, St. Louis, Mo.

Eighth division.—Comprising California, Nevada, Oregon, Alaska, Arizona, Idaho, Montana, Utah, and Washington; James L. Wilder, superintendent, San Francisco, Cal.

Ninth division.—Comprising the through mails via Buffalo, Suspension Bridge, Toledo, and Detroit, the lines of the Lake Shore and Michigan Southern Railroad, and the lower peninsula of Michigan; W. G. Lovell, superintendent, Cleveland, Ohio.

Z. Moses, assistant superintendent, attached to the office of the Third Assistant Postmaster-General, Division of Registration.

Statement showing the number of pieces of ordinary mail matter distributed by railway post-office clerks during the fiscal years of 1884–'85, 1885–'86, *and* 1886–'87.

Divisions.	1884–'85.	1885–'86.	1886–'87.
First division	397,920,790	437,864,610	455,635,755
Second division	610,714,650	665,999,985	730,048,880
Third division	259,212,200	267,855,940	299,048,780
Fourth division	362,805,340	378,687,860	419,665,270
Fifth division	877,192,590	933,003,320	1,024,865,900
Sixth division	993,733,060	1,072,872,890	1,191,179,190
Seventh division	773,284,050	840,648,300	937,570,330
Eighth division	162,504,570	174,304,460	181,870,310
Ninth division	510,692,150	558,284,110	591,806,460
Total	4,948,059,400	5,329,521,475	5,834,690,875

Table showing the increase in the mileage of railway post-office service, by divisions, from July 1, 1886, *to January* 31, 1888.

Divisions.	Total mileage June 30, 1886.	Total mileage June 30, 1887.	Increase during fiscal year 1886–'87.	Total mileage January 31, 1888.	Increase in seven months of current year.
First division	7,168.58	7,184.24	15.66	7,184.24	.....
Second division	14,105.67	14,328.90	223.23	14,401.72	72.82
Third division	6,560.56	6,827.58	267.02	6,973.22	145.64
Fourth division	11,595.51	12,076.14	480.63	12,527.36	451.22
Fifth division	19,342.25	19,832.75	490.50	20,044.99	212.24
Sixth division	31,263.53	33,745.17	2,481.64	35,804.89	2,059.72
Seventh division	20,340.83	22,988.83	2,648.00	25,124.19	2,135.36
Eighth division	6,344.43	6,779.61	435.18	6,951.80	172.19
Ninth division	7,023.79	7,195.31	171.52	7,195.31	.....
Total	123,745.15	130,958.53	7,213.38	136,207.72	5,249.19

Table showing the gain in the number of railway postal clerks, by divisions, from July 1, 1886, to January 31, 1888, nineteen months.

Divisions.	Clerks in service June 30, 1886.	Clerks in service June 30, 1887.	Clerks in service January 31, 1888.	Increase fiscal year 1886–'87.	Increase in seven months of current fiscal year.	Increase during past nineteen months.
First division	403	406	407	3	1	4
Second division	623	647	660	24	13	37
Third division	281	288	288	7	0	7
Fourth division	326	361	375	35	14	49
Fifth division	782	815	822	33	7	40
Sixth division	973	1,037	1,079	64	42	106
Seventh division	586	662	708	76	46	122
Eighth division	135	154	165	19	11	30
Ninth division	464	481	484	17	3	20
Total	4,573	4,851	4,988	278	137	415

MAIL MATTER HANDLED, 1886 AND 1887.

Total pieces handled during fiscal year ending June 30, 1886	5,329,521,427
Total clerks handling mail	4,573
Total pieces handled during fiscal year ending June 30, 1886, by clerks in sixth and seventh divisions	1,923,521,190
Total clerks in sixth and seventh divisions	1,559
Total pieces handled in 1886 in all others combined	3,406,000,285
Total clerks in all other divisions combined	3,014
Pieces handled during year ending June 30, 1887, by clerks of sixth and seventh divisions	2,128,749,520
Total clerks in sixth and seventh divisions	1,699
Pieces handled during year ending June 30, 1887, by clerks of all other divisions combined	3,706,941,355
Total clerks in all other divisions	3,152

COMPARISON OF AVERAGES FOR 1886 AND 1887.

Individual average of pieces handled by each clerk in sixth and seventh divisions for fiscal year ending June 30, 1886	1,233,817
Individual average of all other divisions combined for same year, 1886	1,130,059
Average of pieces handled by each clerk in sixth and seventh divisions for fiscal year ending June 30, 1887	1,252,942
Average of pieces handled by clerks of all other divisions combined for fiscal year ending June 30, 1887	1,176,060
Average excess of pieces handled per clerk in sixth and seventh divisions for year 1886 over amount by clerks of other divisions	103,758
Average excess per clerk in sixth and seventh divisions for 1887	76,882
Aggregate excess labor per clerk for both years for sixth and seventh divisions in pieces handled	180,640
Number of clerks needed to equalize labor on basis of two years' showing	127

RAILWAY MAIL SERVICE, SIXTH AND SEVENTH DIVISIONS, 1887.

Miles of railroad over which postal clerks of sixth and seventh divisions run (Postmaster-General's report, 1887, p. 702)	53,541.90
Miles of railroad over which clerks of all other divisions combined run	63,067.22
Excess of miles run by all other divisions combined over those by the clerks of sixth and seventh divisions	9,526.32

NUMBER OF CLERKS ACTUALLY RUNNING, 1887.

Employed in sixth and seventh divisions (Postmaster-General's report, 1887, p. 702)	1,618
Employed in all other divisions	2,785

Average of clerks to miles run, sixth and seventh divisions, 1 clerk to every 3,309 miles.

All others combined, 1 clerk to every 2,627 miles.

States and Territories.	Railroad service established during year ended June 30, 1887.	Railroad service established from July 1, 1887, to January 31, 1888.	Total miles.
	Miles.	*Miles.*	
Indian Territory		321.91	321.91
Arkansas		154.96	154.96
Colorado		368.45	368.45
Illinois	576.48	468.74	1,045.22
Minnesota	417.75	229.47	647.22
Iowa	335.35	413.20	748.55
Texas	603.68	602.33	1,206.01
Florida	271.00	66.52	337.52
Kansas	1,393.06	1,350.66	2,743.72
Nebraska	754.66	965.72	1,720.38
Dakota	449.13	1,079.66	1,528.79
Oregon	268.33	None.	268.33
Total	5,069.45	6,021.62	11,091.06

Mail transportation in Kansas and Nebraska, June 30, 1887.

States.	Total length of routes.	Star.	Railroad.	Number of miles traveled annually.		
				Star.	Railroad.	Total.
Kansas	15,391.63	9,217.25	6,174.38	3,220,558.50	5,882,086.75	9,102,645.25
Nebraska	10,094.72	5,841.52	4,253.20	1,644,228.27	3,880,530.36	5,524,758.63

Cost of mail transportation in Kansas and Nebraska, June 30, 1887.

States.	Payment to railway postal clerks and mail messengers.	Cost of transportation.	Total.	Excess of postal expenditures of all kinds over postal receipts of all kinds.
Kansas	$111,358.75	$777,315.67	$888,674.42	$269,189.77
Nebraska	111,943.49	902,607.58	1,014,551.07	592,258.05
Total				661,447.82

It further appears that the average of clerks to miles run on all the routes in the sixth and seventh divisions was one clerk to every 3,309 miles, while the average for all others combined was one to every 2,627 miles. And again, it appears that in the matter of closed pouches handled daily for the same period the clerks in the sixth and seventh divisions handled 2,895 as against 2,780 for all the other divisions except the first and second, in which the great cities of New York, Philadelphia, etc., are located. Now, sir, I do not wish to be understood by this statement as entering any complaint because the postal divisions outside the sixth and seventh, of which the States of Kansas and Nebraska are a part, appear to have been allotted more clerks relatively than their increase of mileage and the labor of handling the mails entitle them to. Indeed, I am of the opinion that if the whole number of the increase during the past twenty months had been given to those divisions alone, and the sixth and seventh divisions had received about the same number, there would not have been too many, considering the enormous increase of the business of the whole country and the corresponding demand upon the postal service.

Another count in our indictment by the Senator from Texas is that the Post-Office Department has given us at great expense to the Government a fast mail from Chicago to Omaha. The Senator is mainly wrong in this matter. It is true we have a fast mail which arrives in the evening, after the business day is ended, instead of in the morning, as formerly, before the business day commenced. It does not help us materially, and was not put on at our special request nor for our special benefit. This service was given for the advantage particularly of New York, Chicago, and San Francisco. It expedites the mails between New York, San Francisco, Australia, etc. It enables the great Chicago dailies to deliver their papers to Iowa and a part of Nebraska and Kansas and to Western Missouri the day they are issued, but as to any substantial benefits to Nebraska and Kansas therefrom they are mainly imaginary. We certainly acknowledge no such indebtedness to the Department as is charged against us by the Senator from Texas on this account. The road from Chicago to Omaha is only a section in this great transcontinental postal line; the demand for the expedition of the enormous Pacific coast and Oriental mails forced its utilization, and if there is a resulting benefit to us it is entirely incidental and was unpremeditated.

Moreover, Mr. President, after a very careful investigation, I have not been able to discover any special or additional appropriation to inaugurate or maintain this particular service. It seems to have been provided for out of the usual appropriations for railway mail service in the sixth division without extra compensation therefor.

In marked contrast with this is the special provision for extraordinary facilities on certain trunk lines in the South. I desire to call your attention to the following table, page 583, Report of the Postmaster-General for 1887:

Special facilities.—Tabular statement showing the disposition of the appropriation for special facilities on trunk lines.

Termini.	Railroad company.	Leave.	Arrive.	Miles.	In transit.	Speed per hour.	Pay.
					H. M.	*Miles.*	
New York—Springfield	New York, New Haven and Hartford.	New York 5.01 a. m.	Springfield 10.25 a. m.	136.00	5 24	25.20	$17,647.06
New York—Albany	New York Central and Hudson River.	New York 4.35 a. m.	Albany 8.20 a. m.	144.00	3 45	38.40	25,000.00
Philadelphia—Bay View	Philadelphia, Wilmington and Baltimore.	Philadelphia 7.20 a. m.	Bay View 9.32 a. m.	91.80	2 12	41.26	20,000.00
Bay View—Quantico	Baltimore and Potomac.	Bay View 9.32 a. m.	Quantico 12.05 p. m.	79.80	2 33	31.29	21,900.00
Quantico—Richmond	Richmond, Fredericksburgh and Potomac.	Quantico 12.08 p. m.	Richmond 2.39 p. m.	81.50	2 31	32.38	17,419.26

Special facilities.—Tabular statement showing the disposition of the appropriation for special facilities on trunk lines—Continued.

Termini.	Railroad company.	Leave.	Arrive.	Miles.	In transit.	Speed per hour.	Pay.
					H. M.	*Miles.*	
Richmond—Petersburgh	Richmond and Petersburgh	Richmond 2.48 p. m.	Petersburgh 3.25 p. m.	23.39	0 37	37.92	4,268.67
Petersburgh—Weldon	Petersburgh	Petersburgh 3.27 p. m.	Weldon 5.18 p. m.	64.00	1 51	34.59	11,680.00
Weldon—Wilmington	Wilmington and Weldon	Weldon 5.38 p. m.	Wilmington 9.55 p. m.	162.07	4 17	38.30	29,577.77
Wilmington—Florence	Wilmington, Columbia and Augusta.	Wilmington 10.10 p.m.	*Florence 1.15 a. m.	110.00	3 05	35.67	20,075.00
Florence—Charleston Junction	Northeastern	Florence 1.30 a. m.	Charleston Junction 4.40 a. m.	95.00	3 10	30.00	17,337.50
Charleston Junction—Savannah	Charleston and Savannah	Charleston Junction, *3 a. m.	Savannah 6.41 a. m.	108.00	3 41	29.31	19,710.00
Savannah—Jacksonville	Savannah, Florida and Western.	Savannah 7.06 a. m.	Jacksonville 12 noon.	171.50	4 54	34.79	31,298.75
Jacksonville—Tampa	Jacksonville, Tampa and Key West and South Florida.	Jacksonville 12.30 p. m.	Tampa 9 p. m.	242.57	8 30	28.53	44,269.02
Baltimore—Hagerstown	Western Maryland	Baltimore 4.40 a. m.	Hagerstown 7.45 a. m.	86.60	3 05	28.08	15,804.50
Total				1,596.23			295,987.53

*Change to Central time, one hour slower than Eastern standard.

It appears from this table that $296,000, stated in round numbers, were specially appropriated for a special service like that from Chicago to Omaha on a number of roads in the first, second, third, and fourth postal divisions, about $220,000 of which went to Southern railroads. I do not make complaint of this. I think it was right. I only mention it to emphasize my statement that the special service from Chicago to Omaha, which was without extra compensation, is no evidence of a special consideration for the postal interests of Nebraska over and above all others, as charged by the Senator from Texas.

Now, Mr. President, I think it will be apparent to any one from this record, most of which the Senator himself presented, that the sixth and seventh divisions, and particularly the States of Kansas and Nebraska, have not only not been specially favored in the matter of increase of postal service therein, but that such increase as has been given is totally inadequate to the needs of that rapidly growing and prosperous section. To give greater emphasis to his arraignment of Nebraska on account of these complaints, which he characterizes as unwarranted and prompted by a political motive, the Senator from Texas presented a table showing the excess of expenditures over receipts from the postal service in that State. As a partial answer thereto I will present a few figures to accompany these remarks, showing that the deficit on this account in his own State is greater than that of Nebraska. And it may be further said for Nebraska in this connection, as I have before indicated, that the great bulk of the Oriental mails, not only for New York and the other chief commercial centers of this country, but for Europe as well, and also the very large mails for the Territories beyond us and for the Pacific coast, pass through our State, and the cost of this transportation both ways is chargeable to Nebraska on nearly 500 miles of carriage within our limits, and but for this the excess of expenditures over receipts charged against the State would be greatly reduced if not altogether wiped out.

But, sir, granted that this deficit occurs on account of and is chargeable directly and properly to the local demand for postal service in the great State of Nebraska, which has an area of nearly 80,000 square miles, and has grown from a Territory having a possible population of 10,000 in 1857 to a State having 1,200,000 in 1888, and paying over $2,000,000 of internal-revenue taxes annually, what will it avail the pessimist in this contention? Is it not true, sir, that they who raise cotton on Southern plantations, they who transform it into cloth in New England, they in New Jersey, Pennsylvania, and other Eastern States who make steel and iron rails, and every variety of wares from iron and wood and other materials, and they in the great commercial centers of the East who are engaged in the sale or the exchange of these commodities for the wheat, corn, beef, pork, wool, etc., produced in that great and fertile region beyond the Missouri, and in the shipment and distribution of them to the whole world, have an interest in the growth and development of that country? There is not a new farm opened, nor a rod of railroad built, nor an additional mile of postal service put on in all that section that does not in some degree benefit the East. The demand for increased postal service in Nebraska is the incident of growth, of development, and of increased requirement for the goods, wares, and merchandise of endless variety which the East has to sell. The wise business man, the manufacturer, the wholesale dealer, the capitalist who employs his capital in building railroads, the banker who aids in making the exchanges between that great section and the commercial centers of the East all understand this, and they gladly indorse the most liberal postal and other policies calculated to develop and strengthen that tributary country, and these are the men who are mainly called upon in their tax-paying to make up these postal deficits in Nebraska and in Texas, and they cheerfully do it.

Mr. President, this implied criticism for the Nebraska deficit, introduced by the Senator from Texas to sustain his argument in defense of a pessimistic postal policy, is unworthy, particularly, of him, and it would ill become any representative of the State of Texas, which has a larger deficit than Nebraska and has received corresponding benefits from the generous postal policies, particularly of Republican Administrations since the war.

In the course of the debate on this resolution, the Senator from Texas laid down another most astonishing proposition. I quote from his remarks:

> The Post-Office Department has for its main purpose to carry the private correspondence of the people, their social correspondence, their business correspondence, to facilitate them in their private affairs, and when they are thus facilitated in their private affairs, is it right that those who enjoy its benefits should pay for those benefits, or are you to tax the people generally for the benefit of those who use the Post-Office Department?

Mr. President, the State of Texas is an empire in area. It stands in about the same relation to the southern half of the republic that Kansas and Nebraska do to the northern half. Its growth, its development have been somewhat phenomenal considering certain unfortunate conditions; but, sir, I unhesitatingly affirm that if this rule, indorsed by the Senator—perhaps I should say originated by him—had been observed during the past quarter of a century his State to-day would have been a "howling wilderness." If every one in the State of Texas had been required to pay for his business and private letters exactly what it cost the Government to deliver the same to him there would have been many hundreds of thousands of people less in that State than there are to-day. The assessed valuation of the property of the State would have been many millions less than it is now, the mileage of railroads would have been insignificant in comparison with what it is at this time, and there would have been general decrepitude and decay where now there is a healthful and vigorous growth and an encouraging promise for future development. I need not elaborate. This is a self-evident proposition.

Statement of relative receipts and expenditures, 1887.

Gross receipts:	
Texas	$943,923.08
Nebraska	775,840.71
Excess of expenditures over receipts, 1887:	
Texas	618,151.49
Nebraska	592,258.05
Nebraska, internal-revenue taxes paid—fiscal year 1887	2,000,000.00
Texas, internal-revenue taxes paid—fiscal year 1887	209,343.92

Mr. President, to the charge that these complaints, this "serious arraignment of the Post-Office Department," as the Senator terms it, is chargeable to a political motive, I answer that this condition of things, universally complained of by the business men of all parties from one end of the country to the other, is chargeable solely and directly to an unreasoning, unpatriotic party policy, which has deprived the Government, under this Democratic Administration, of the necessary means for a strong, thorough, and efficient public service in any of its Departments. A policy, sir, which has demanded of every officer in every branch of the Government that he shall contribute as largely as possible to the general effort to cut down the estimate for appropriations without due regard to the necessities and the exigencies of the service, to the end that our Democratic friends here and elsewhere, as was attempted by the Senator from Texas the other day, may have a chance to make it appear to the uninformed that the sum of the appropriations under this Democratic Administration is smaller than was the sum of the appropriations under the preceding Republican administrations.

Indeed, they feel themselves compelled to this in order to appear to justify the charges made by them on the stump and elsewhere, before and since the incoming of this Administration, that the Republican party when in control of the National Government was guilty of criminal extravagance in the expenditure of the people's money.

In willing obedience to this demand the late Postmaster-General, as soon as he was inducted into office, began to pare down the estimates for his Department, although it must have been perfectly apparent to him when he commenced his task that they had already been reduced to the minimum, considering the actual requirements of his Department

under an enormously increasing demand upon the same, resulting from the rapid growth of the country and the marvelous advancement of business enterprises. But he persisted in the effort to save at the spigot—ay, even to reduce the size of the spigot itself—while at the same time he was enlarging the bung, through which the business energies and the business interests of the country were being wasted.

Why, sir, if the late Postmaster-General had been a man of only ordinary business sagacity—and he was more than this—and if he had been free from party trammels, which he was not, he could not have failed to discover three years ago the rising tide of business activity which was setting in from every part of the country; he could not have failed to discover the full-flowing river of business enterprise and business development, which threatened even to engulf his own Department if he undertook to stem the current with inadequate postal facilities to meet the constantly swelling flood, and he would have governed the policy of his Department accordingly. But, sir, he either could not or would not see it. He even refused the means and instrumentalities voluntarily proffered him by the Congress to increase the usefulness of his Department in a new and most important field held by our foreign competitors to our exclusion, because they were able to employ these very means and instrumentalities while we were not. He placed his Department, which in all time before had led the procession as the pioneer of development, across the very pathway of progress, impeding, obstructing its onward march. Now, sir, it will not do to charge the present unsatisfactory condition of postal affairs to the Post-Office Committee of the Senate, nor to the Senate itself as a body. The Senate can not move. It is bound hand and foot. It can command no result by its own independent action. It is chained to a reactionary force, which says, "Thus far shalt thou go, and no farther."

Mr. President, the average American citizen is a man of broad views, strong in purpose, intensely patriotic, aggressive, and enteprising. He is proud of his country and its institutions, he demands of the governing power that it shall be the aggregate personification of what he himself is, and the party having the responsibility of administration which refuses great opportunities when properly presented to increase the wealth, the prosperity, the power, and the glory of the Republic, and spends its time in trying to save a few dollars in the purchase of tape, and tabs, and wrapping-paper will surely come to grief when the people, who are the sovereign, can reach it through the ballot-box.

And now, sir, a word more about the railway postal service.

This service will forever stand as a monument to the foresight, the ingenuity, and the progressive spirit of Republican administration. Devised by Superintendent George B. Armstrong, a Republican, extended in its scope by George S. Bangs, a Republican, it was fostered and enlarged in its application by succeeding Republican postal administrations until its beneficent work was successively applied to every trunk line of railroad in the Union. There was no discrimination as to sections. Under a Republican administration the question of the contributing receipts of different States to the support of the railway mail service was never raised. Recognizing no locality, and only solicitous for the prompt dispatch and accurate and rapid distribution of the mails of the whole country, neither labor nor funds were spared to make the service not self-sustaining, but self-sufficient for the duties imposed upon it. It was virgin soil. There was no prototype. No other nation had inaugurated such a system, because no other nation had to deal with such expanses of territory. Nearly 100,000 miles of railway were to be supplied with service. Postal cars were to be devised, plans of administration inaugurated, schemes of mail distribution to connecting lines to be mapped and worked out. A force of several thousand clerks had to be collected and trained. In the face of all these obstacles the railway mail service was founded, fostered, and built up. In 1885 it was handed over to the tender mercies of a Democratic administration. I make bold to assert that in the past three years not a single notable improvement has been made in the system.

But, sir, it is due to the present able and painstaking superintendent of this service to say that he has been handicapped by the poverty of the appropriations for which I believe he has been in no way responsible.

A few clerks have been added, three more years of individual experience have decreased the number of errors made by the old and well-tried servants of the service, but in all the most minute details of administration the service stands as it did when the party whose spirit of progress and enterprise inaugurated this marvel of ingenuity for meeting the wants of an age of steel and electricity transferred it to their successors.

It is a petty spirit of economy which would overwork this, the most skilled and labor-ridden class of Government employés to make a showing of decreased appropriations. Speaking from personal knowledge of the clerks employed in the sixth and seventh divisions, I assert that there is no employé of the National Government subjected to the long hours, the nervous strain, and the constant dangers through accident as are the clerks of the railway postal service. Nor is there any other class engaged in the Federal service whose compensation for labor performed is less adequate to the work, responsibility, and skill required. A policy which robs alike the people of the East and West of facilities demanded for the transaction of their business and wears out brain and muscle in order to save a few dollars annually for the purpose of showing an economy which is falsely designated reform, will not, I am convinced, Mr. President, receive the sanction of the people of this country.

So far as the West is concerned, the results, while affecting it only in connection with the patrons of the mails all over the country, are brought more directly to its attention. It has arisen in protest, irrespective of party, and is voicing its indignation through the public press and in memorials and letters to its representatives in Congress. The issue is solely whether the development of our great country, the interest of every section of which is indissolubly bound up with that of every other, is to be retarded and checked by a penny-wise and pound-foolish policy. Every interest of trade, of commerce, of manufacturing demands that the United States mails shall be carried safely, surely, and quickly by the most expeditious available means of communication. The country will assuredly set its seal of disapproval on any policy, by whomsoever formulated, which throws a barrier in the way of the most rapid and the best service possible for the dispatch and the distribution of the mails.

Measured by this standard the management of the Post-Office Department for the past three years has been a failure. This failure is more conspicuous, perhaps, than many of the other shortcomings of the Administration, because the operations of this Department from day to day are more directly with the mass of the people and they can more readily observe, investigate, and understand them. But the indictment against the present Administration contains many counts. The failure is general and absolute.

I beg to warn our Democratic friends that the deluge is at hand, and there will have to be some very lively swimming on their part or they will go down beneath the waves of popular disfavor and popular distrust which their own Administration has set in motion by its incompetency and its blunders.

I now ask leave to withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. Shall the Senator from Nebraska have leave to withdraw his motion to reconsider?

Mr. WILSON, of Maryland. I hope the Senator from Nebraska will not insist on withdrawing his motion. I desire to submit some observations on the subject myself, and had intended to do so this morning, but I am not in physical condition to do it, and therefore I ask that the motion be left pending until to-morrow.

The PRESIDENT *pro tempore*. A motion to reconsider can only be withdrawn by leave of the Senate.

Mr. PADDOCK. I withdraw the request.

The PRESIDENT *pro tempore*. The motion will lie over if there be no objection.

Mr. WILSON, of Maryland. That is what I desire.

JOHN B. READ.

The PRESIDENT *pro tempore*. The first bill on the Calendar under Rule VIII will now be stated.

Mr. HAMPTON. I ask leave to call up the joint resolution which was laid over the day before yesterday on the motion of the Senator from Colorado [Mr. TELLER]. I have proposed to amend the resolution so as to meet the objection which he indicated. It is Senate joint resolution No. 5.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from South Carolina moves that the Senate proceed to the consideration of Senate joint resolution No. 5, the title of which will be stated.

The CHIEF CLERK. A joint resolution (S. R. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance, claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made; also in relation to the claim of William E. Woodbridge, based upon the plea of alleged priority in this line of invention.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAMPTON. I wish to propose an amendment.

The PRESIDENT *pro tempore*. The joint resolution will first be read.

The Chief Clerk read the joint resolution.

Mr. HAMPTON. I move in the preamble of the joint resolution——

The PRESIDENT *pro tempore*. The question on the preamble will come after the resolution has been passed.

Mr. HAMPTON. I move, then, that all after the word "same," in line 21, down to and including the same word, "same," in line 27, all that part relating to the claim of Woodbridge, be stricken out, so that that question will not come before the board at all.

The PRESIDENT *pro tempore*. The proposed amendment of the Senator from South Carolina will be read.

The SECRETARY. After the word "same," in line 21, it is proposed to strike out:

And that it shall be made the duty of said board to examine at the same time

with said Read's case the allegation and claim of said Woodbridge as to priority of his form of projectiles, its use or advantage to the United States, and to specify such sum, if any, as the board may decide to be a fair compensation for the same.

The amendment was agreed to.

Mr. HAMPTON. In line 28, it will be necessary to change the words "cases" and "claims" to "case" and "claim," converting the plural into the singular. I move that amendment.

The amendment was agreed to.

Mr. PLUMB. I do not rise to offer any amendment. Some years ago, when I was a member of the Military Committee, I had occasion to look into this claim to some extent, and the impression which I formed of it was favorable; but I want to say that the beneficiary of this bill gets a bonanza in having a board of Army officers examine his claim. Boards of Army officers never fail to mulct the Government in the largest possible amount. I would rather, if I wanted the Government to have a chance, submit it to the prime minister of England than to a board of Army officers.

Mr. PLATT. I do not suppose that anything I can say will prevent the passage of this resolution. I do not believe myself that Mr. Read has any claim whatever. There are two individuals who think they have a claim against the Government for this device, which, as I understand it, without using technical terms, is a soft-metal rim about the vent of a shell for cannon. One is Mr. Read and the other is Mr. Woodbridge. Mr. Woodbridge has been asking for many years to go to the Court of Claims to prove his priority of invention and his right to some compensation from the Government. I think he ought to be allowed to go there. I would not have any earthly objection to Mr. Read's going to the Court of Claims, but Mr. Read never seems to have desired to go to the Court of Claims, so far as I know anything about the history of this case. He wants to go to a board of Army officers.

Now, as it seems to me, when we have a Court of Claims to which we have given jurisdiction of all cases which arise upon contract where the statute of limitations has not run against them, and when we have not only enlarged the jurisdiction of that court so that now it has jurisdiction of other cases besides those in which it is to render judgment—that is, cases which may be referred to it by Congress—and that year by year we have been widening the jurisdiction of the Court of Claims, it seems to me that if Mr. Read has a claim, or thinks he has, there is where he ought to go with it.

I have never been in favor of the passage of this joint resolution referring it to a board of Army officers. It is not the way we dispose of claims against the Government usually. It seems to me that it is not a good way to dispose of claims against the Government, and I quite agree with the Senator from Kansas that the tribunal that is selected and insisted upon shows that this is a claim with which, to say the least, the party seeking money from the Government prefers to go to a board rather than to the Court of Claims. There is nothing to prevent his going to the Court of Claims except the statute of limitations. I think, so far as I know about it, there is nothing to prevent his going and getting a judgment, if, as he claims, he has a contract with the United States, except the statute of limitations. But, however that may be, Congress can easily send the matter to the Court of Claims for the purpose of finding the facts; and for one it will have to be rather a peculiar and extraordinary case that gets my vote to send it to a board of Army officers to determine whether the United States is indebted to the individual or not, rather than to the Court of Claims.

Mr. PUGH. Will the Senator from Connecticut allow me to ask him if he remembers that the contract provides that the amount due at any time shall be ascertained by a board of Army officers? The mode of ascertaining the amount due is provided for in the contract itself with the Government.

Mr. PLATT. I am not familiar with the details of the claim; but whether that be so or not, back of all that is the question whether he has any claim whatever against the Government which ought to be determined.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAMPTON. I move that in the preamble the words "also in relation to the claim of William E. Woodbridge, based upon the plea of alleged priority in this line of invention" be stricken out.

The PRESIDENT *pro tempore*. There is no preamble to the joint resolution.

Mr. HAMPTON. Then I move to amend the title.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves to amend the title in the manner which will be stated.

The CHIEF CLERK. It is proposed to strike out the words—

also in relation to the claim of William E. Woodbridge, based upon the plea of alleged priority in this line of invention.

So that the title will read:

A joint resolution in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance, claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made.

The amendment to the title was agreed to.

PUBLIC BUILDING AT NEW ORLEANS.

Mr. EUSTIS. I move that the Senate proceed to the consideration of Order of Business 396, Senate bill 132.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Louisiana moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The CHIEF CLERK. A bill (S. 132) for the erection of a public building at New Orleans, La.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds, with amendments, in line 7, after the word "post-office," to insert "United States courts," and in line 10, after the word "million," to strike out "five" and insert "two;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise provide, a site and cause to be erected thereon a substantial fire-proof building, with fire-proof vaults, for the accommodation of the post-office, United States courts, and for other Government uses, at the city of New Orleans, in the State of Louisiana: *Provided*, That the site and building, when completed, shall not exceed in cost the sum of $1,200,000; that plans, specifications, and full estimates for said building shall be previously made and approved according to law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GIBSON. I ask that the report accompanying this bill may be read.

The Secretary proceeded to read the report submitted by Mr. STANFORD February 21, 1888, but before concluding was interrupted by

Mr. GIBSON. I ask unanimous consent that the report may be published in the RECORD without being read.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Louisiana asks unanimous consent that the report be inserted in the RECORD. The Chair hears no objection.

The report is as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 132) for the erection of a public building at New Orleans, La., have had the same under consideration, and respectfully report it back favorably with amendments, the first of which provides that, in addition to post-office accommodations, the building shall be used for the United States courts. The second amendment reduces amount from $1,500,000 to $1,200,000.

In this connection the committee submit the following from the Supervising Architect of the United States Treasury Department:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, February 20, 1888.

SIR: In response to a communication from the clerk of the Committee on Public Buildings and Grounds, with reference to Senate bill No. 132, providing for the erection of a public building at New Orleans, La., I have the honor to submit that the following amounts are now paid in that city for Government purposes:

Light-House Board	$960
Quartermaster, United States Army	2,880
Customs purposes	156
Corps Engineers, United States Army	1,440
Total (per annum)	5,436

The present building is extremely ill adapted for a post-office and the United States courts on account of its location and peculiar construction. The necessity for a new public building is to provide accommodations for the post-office and the United States courts, reserving the present building for customs purposes and other Government uses. The present post-office would be admirably adapted for a public store or warehouse, which is needed in that city. The post-office occupies a space of about 19,000 square feet in the basement or ground floor, the objections to which are insufficient room as well as light and ventilation. It would be advisable to provide in the new building accommodations, in addition to the United States courts, for the United States engineers, the Light-House Board, and for the United States quartermaster. To properly accommodate these officers it will require a building about 250 by 130 feet, three stories high. The lot should be about 300 by 200 feet, and would cost about $400,000.

The cost of a fire-proof building, faced with granite or marble, would cost $1,100,000, and the site $400,000, would require $1,500,000.

Respectfully, yours,

WILL. A. FRERET,
Supervising Architect.

Hon. LELAND STANFORD,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, February 4, 1888.

SIR: In response to a communication from the clerk of the Committee on Public Buildings and Grounds, inclosing Senate bill No. 132, providing for the erection of a public building at New Orleans, La., I have the honor to transmit herewith copies of all papers on file in this office showing the necessity for a public building in that city.

Respectfully, yours,

WILL. A. FRERET,
Supervising Architect.

Hon. LELAND STANFORD,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., February 16, 1886.

SIR: A bill has been recently introduced in Congress authorizing the construction of a building for the accommodation of the post-office and other Government offices located in your city. This Department is desirous of obtaining

full information as to the necessity for the construction of such a building, and for this purpose will be greatly obliged if you will carefully answer the following questions:

1. What amount of floor space, in square feet, does your office at present occupy?
2. Is this space sufficient for the present business? If not, what amount of additional space is required?
3. To what extent has the postal business in your city increased in the last ten years, and what is the prospect of further growth in the next ten years?
4. What is the number of employés in your office?
5. What is the amount of annual rent paid for premises occupied, and to what extent, if any, is this charge likely to increase in the next ten years?
6. What other Federal offices are located in your city? If any, name them in detail, and furnish similar information as to them severally as is requested above in respect to the postal business.
7. What, in your judgment, would be the probable cost of a suitable site, centrally located, for the said building, said site to be a corner lot, and to have dimensions not less than 180 by 140 feet?

Your prompt and careful reply to the above inquiries will be greatly appreciated.

Respectfully yours,

M. E. BELL, *Supervising Architect.*

POSTMASTER, *New Orleans, La.*

POST-OFFICE, *New Orleans, La., March* 2, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 16th ultimo, and in reply will say that the delay in answering was owing to the time consumed in collecting the necessary data, so as to enable me to answer the interrogatories therein propounded.

1. About 19,000 square feet.
2. No; 10,000 square feet additional.
3. For answer to the first question in interrogatory 3 I refer you to my letter of January 6, 1886, addressed to Hon. A. E. Stevenson, First Assistant Postmaster-General, a copy of which I herein inclose. And for answer to the second question in interrogatory 3, will say there is a large and constantly increasing business between this office and foreign countries, and especially with South America, in which country, it is my opinion, the increase in the next decade will amount to at least 100 per cent. There is also a steady increase in the domestic business of this office. In view of the above facts I am confident that the business of this office will increase fully 33⅓ per cent. in the next ten years.
4. One hundred and fifty-three.
5. Nothing. This office is located in the custom-house, which is a Government building.
6. Collector of customs, naval officer, surveyor of the port, subtreasurer, collector of internal revenue, United States marshal, United States district court, United States circuit court, United States district attorney, coiner, register land office, surveyor-general, superintendent of mint, United States engineer, Light-House engineer, and numerous others, all located in United States custom-house.
7. Four or five hundred thousand dollars.

I inclose a copy of a letter from Hon. Alfred Bradley, superintendent of repairs, etc., which will give you considerable information.

Very respectfully,

JOHN H. BUCK, *Postmaster.*

Hon. M. E. BELL,
Supervising Architect, Washington, D. C.

POST-OFFICE, *New Orleans, La., January* 6, 1886.

SIR: In view of the beginning of another quarter I take occasion respectfully to state the necessities of the New Orleans post-office for additional clerical force and an increased allowance beyond the present amount of $54,650, which, having been reduced from $56,000 for the year 1884, in pursuance of the instructions contained in the letter of the First Assistant Postmaster-General of the 26th of August of that year, still remains at a lower figure than that of five years ago, notwithstanding the increase of the volume of business since that time.

The allowances for the past six years have been:

1880	$55,400
1881	55,400
1882 (to June 30, including allowances for Algiers and Carrollton stations)	55,400
1882 (to June 30, 1883)	56,000
1883 (April 3)	54,600
1883	56,000
1884	54,650

Reduced 25th of August, 1884.

And the receipts and disbursements appear as follows:

Year.	Receipts.	Payments.
1880	$222,752.87	$105,234.78
1881	250,510.10	101,874.11
1882	271,730.88	102,526.36
1883	296,428.46	111,984.35
1884	266,800.50	109,794.41
1885	283,323.28	122,287.05

From which it will be observed that the excess of receipts over expenses in 1880, being $117,518.09, have augmented to $161,036.23; the excess for the last year being $43,518.14 greater than that of 1880. In the mean while, though there has been an increase of disbursements in the five years of $17,052.27 (from $105,234.78 in 1880 to $122,287.05 in 1885), this increase is by no means proportional to the amount of gain, $43,518.14, as above stated, and it must also be borne in mind that the additional expense incurred in consequence of the world's industrial and cotton centennial exposition of 1884-'85, and the continued augmenting of the salaries of letter-carriers, quite a number having been increased, under the provisions of law, from $600 to $1,000 per annum each during this period, may account sufficiently for the increase of payments. During the period of five years there has been an increase (continuous, with the exception of 1884, caused by the reduction of postage of the 1st October, 1883) in receipts, attaining the amount, $60,570.41, against an increase of expenditures of $17,052.27, and even this amount of expenditures would have been much less had its amount not been augmented by unusual expenditures which are not likely to be incurred hereafter.

I would also respectfully ask that you would take into consideration that the amount of mail matter, in number of pieces as well as weight, has largely increased by reduction of postage, and that it is hardly to be expected that a force barely adequate to transact the business of five years ago can be sufficient to transact the increased business of this date with the accuracy and thoroughness with which the Government business should be performed.

With respectful and earnest request that the allowance for post-office expenditures at New Orleans be increased to the sum of $66,400, to take effect with the beginning of the ensuing quarter,

I have the honor to be, most respectfully,

J. H. BUCK, *Postmaster.*

Hon. ADLAI E. STEVENSON,
First Assistant Postmaster-General, Washington, D. C.

OFFICE OF SUPERINTENDENT OF REPAIRS, ETC.,
UNITED STATES CUSTOM-HOUSE,
New Orleans, La., February 26, 1886.

DEAR SIR: Your favor 24th instant, asking to have my views as to the probable cost of a suitable building for a post-office in this city, and such other information on the subject as I may be able to impart, is at hand, and in reply I have the honor to submit the following:

The floor space now occupied by the post-office in the basement of this building is about 19,000 square feet, which, as you are aware, is not sufficient for the convenient handling of the mail matter now passing through the office. It follows, therefore, that as the business of the office increases this inconvenience will become more apparent. Another disadvantage the department labors under is the want of natural light, gas being required in the office even in the brightest sunny days, which, when added to the fact that the present post-office is not in the business center of the city, you have the principal objections to the existing conditions.

The first consideration, therefore, would be the selection of a suitable site for a new building, which, in my opinion, should embrace an area of at least 35,000 square feet.

The cost of this site would depend on its location, and would probably reach $400,000.

The cost of cleaning off, driving piles, and laying foundations, etc., would probably increase the above expenditure to $500,000. This would be all that would be required the first year. The completion and furnishing the building would depend on the style adopted by the Department.

It should be strictly fire-proof, constructed of brick and iron, with high ceilings, well lighted, properly ventilated, and three stories or more in height. There should be a center court for the admission of light to the interior of the building. The details of construction should be carefully prepared, and should embrace all modern improvements, including heating, lighting, ventilation, sewerage, elevators, etc.

The interior finish should be plain but substantial. The exterior should be of cast-iron, ornamental in design, and properly backed with brick. The upper floor of the building could be utilized as offices of the United States engineers, Light-House engineers, Signal-Service office, etc., and if the Department so ordered could be rented to corporations or individuals.

The great desideratum for a post-office is plenty of room and light on the lower floor, which can not be had in this building.

The cost of such a building as would be required for the post-office as above indicated, when completed and finished, would probably reach $1,000,000, in addition to the cost of the site.

I am, very respectfully,

ALFRED BRADLEY, *Superintendent.*

Hon. J. H. BUCK,
Postmaster, New Orleans, La.

Mr. GIBSON. I have given some attention to this subject, and I hope the Senators will vote for a public building in New Orleans. I offered a bill in the last Congress which provided for a building in that city, and the report in favor of this bill shows some of the data I then collected. I visited in person the building in which the post-office is now kept, and I found that the public service was very much impaired for the want of space, and that it was conducted entirely and exclusively by gas-light. I offered a bill in the present Congress, on the first day of the session, for this purpose, and handed a copy of it to Senator STANFORD, chairman of the Committee on Public Buildings and Grounds, with the request that it might be submitted to Mr. Freret, the Architect, for his examination and report, and that I desired at the earliest moment before the committee, and presented petitions of the Chamber of Commerce of the city of New Orleans and of the Produce Exchange. I offered the bill again at the opening of this Congress, and the same bill has been presented in the House of Representatives at my request and favorably reported from the committee of that House, and is now on the Calendar. I hope that this bill may pass. The building is very much needed indeed for the public service in the city of New Orleans.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN AUSTIN, TEX.

Mr. COKE. I move that the Senate proceed to the consideration of House bill 2993, Order of Business 328.

The PRESIDING OFFICER. The Calendar under Rule VIII being in order, the Senator from Texas asks unanimous consent that the Senate proceed to the consideration of a bill, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 2993) to authorize the Secretary of War to convey to the city of Austin, Tex., a tract of land in said city for educational purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Secretary of War to convey to the city of Austin, Tex., for educational purposes, a certain parcel of land known as the "Arsenal Block," and lying in the southeast portion of the city, and bounded on the east by East avenue, on the south by Third street, on the north by Waller Creek, and on the west by Red River street.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, to strike out the word "track" and insert "tract;" so as to read "tract or parcel of land."

Mr. COKE. The word "tract" appears in the Senate bill spelled "track." The House bill as first printed spells it correctly, t-r-a-c-t.

The PRESIDING OFFICER. The Chair understands it is simply a misprint in the House bill as now printed.

Mr. COKE. It is simply a misprint.

The PRESIDING OFFICER. Then no correction is needed.

Mr. WALTHALL. I made the report. The bill as it came from the House to the Senate was correct, but in the print of the bill as it came to the Senate the spelling is wrong in three places.

The PRESIDING OFFICER. The Chair understands the engrossed bill is correct, so that there is no necessity for amendment.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. Let the report in that case be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. WALTHALL February 14, 1888:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2993) to authorize the Secretary of War to convey to the city of Austin, Tex., a tract of land in said city for educational purposes, having considered the same, report as follows:

Your committee adopt the following report of the House Committee on Military Affairs, made at the present session, and recommend the passage of the bill:

"The Committee on Military Affairs, to whom was referred House bill 2993, respectfully report:

"It appears from the subjoined letters of the Secretary of War that the block of land in question came to the United States by operation of the treaty of annexation with Texas; that it is no longer of use to the Government for military purposes, having been abandoned since 1875, and is now only a bill of expense. The value of the realty is estimated at $3,000, and of the fixtures at $300. The fixtures are described as three dilapidated frame buildings. The donation of the property is asked by the city of Austin to the end that they use it as a site for a public school. In view of the fact that the land is no longer required for military purposes, your committee are in favor of the donation and recommend the passage of the bill with the following amendment: Add after the word 'street,' in line 9 of the bill as printed, the following: '*Provided*, That any conveyance made by the Secretary of War pursuant to this act shall contain a condition that the title to the property in question shall revert to the United States whenever the city of Austin shall cease to use the same for educational purposes.'

"WAR DEPARTMENT, *Washington City, February 24*, 1887.

"SIR: In connection with previous correspondence relative to the lot of ground in the city of Austin, Tex., which has heretofore been used by the Government for military purposes, and for the conveyance of which to the city of Austin for educational purposes a bill (H. R. 10620) has been introduced in the present session of Congress, I now have the honor to advise you that it appears from the report of the commanding general, Department of Texas, to whom the matter was referred, that the Government owns a block of ground in the city of Austin, bounded by Live Oak street, East avenue, Water and Red River streets; that its present estimated value is $3,000; that the improvements consist of three dilapidated frame buildings worth about $100 each; that it has not been used for military purposes since August 23, 1875, and that it came into the possession of the United States by the treaty of annexation with Texas.

"From a letter of the commissioner of the general land office of the State of Texas, dated June 30, 1879, it appears that in 1839 the Congress of the Republic of Texas provided for a commission to select a site for the seat of its government, to be called 'Austin,' and a block designated as 'Arsenal Block' was set apart under the authority of the Congress upon which a magazine and other buildings were erected and used for military purposes by the Republic of Texas until its annexation. The act of Congress of the United States of March 1, 1845, stipulated that Texas should be admitted into the Union under certain conditions, among which was one that the 'said State should cede to the United States all fortifications, barracks, forts, * * * magazines, * * * and all other property and means pertaining to the public defense belonging to said Republic.'

"These conditions were accepted by the Republic of Texas in an act of its Congress of June 23, 1845, whereby it seems that the United States became possessed of the Arsenal Block in the city of Austin, now under consideration.

"Very respectfully, your obedient servant,

"WILLIAM C. ENDICOTT,
"*Secretary of War.*

"Hon. JOSEPH D. SAYERS,
"*House of Representatives.*

"WAR DEPARTMENT, *Washington City, December* 17, 1887.

"SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, requesting to be furnishd with copies of the report of General Stanley, commanding the Department of Texas, and of all indorsements thereon, relating to the Government property in Austin, Tex., with the cost of taking care of the same for ten years prior to June 30, 1887, and the probable cost for the present fiscal year.

"In reply I beg to state that the substance of General Stanley's report and of the reports of other officers in this matter was communicated to you in Department letter of the 24th of February last.

"As regards the cost of taking care of the property in question, the report from the Quartermaster-General's Office on the subject states that it does not appear from the records of that office that there was any custodian in charge previous to December 16 last, on which date a custodian was employed by authority from this Department at the rate of $75 per month, and that, so far as known, his services will continue during the remainder of the current fiscal year.

"It appears also that during the past thirteen years an expenditure of only $280 has been authorized for repair of the buildings located upon the land referred to.

"Very respectfully, your obedient servant,

"R. MACFEELY,
"*Acting Secretary of War.*

"Hon. JOSEPH D. SAYERS,
"*House of Representatives.*"

The bill was ordered to a third reading, read the third time, and passed.

FORT HAYS MILITARY RESERVATION.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 83, Senate bill 973.

The PRESIDING OFFICER. The Calendar being in order under Rule VIII, the Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 973) to authorize the Omaha, Hays City and Southwestern Railway Company to build its road across the Fort Hays military reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. There is a similar bill in almost exactly the same language which ought to be disposed of, Order of Business 141, Senate bill 1473.

Mr. PLUMB. I would say to the Senator from Missouri that there is another bill for a right of way through the same reservation.

Mr. COCKRELL. I have moved to take it up.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of Order of Business 141, Senate bill 1473.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1473) to authorize the Chicago, Kansas and Western Railway Company to build its road across the Fort Hays military reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. AYRES.

Mr. GORMAN. I ask that the Senate proceed to the consideration of House bill 4911, Order of Business 152.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4911) to carry out the findings of the Court of Claims in the case of James H. Ayres. It provides for the payment to James H. Ayres, of Baltimore, Md., of $945, being the amount due him upon a contract with the United States, for expenses incurred in carrying out the same, as found by the Court of Claims.

Mr. SPOONER. By what committee was that reported?

The PRESIDING OFFICER. The Chair is informed that it was reported from the Committee on Claims by the Senator from West Virginia [Mr. FAULKNER].

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOMMITTAL OF A BILL.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

Mr. HOAR. The Senator having that bill in charge being absent for a moment, I suggest that it be informally laid aside for fifteen minutes and that we proceed with the Calendar.

Mr. STEWART. I will ask unanimous consent to recommit a bill, Order of Business 334, being the bill (S. 1888) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the bill named by him be recommitted to the Committee on Mines and Mining. If there be no objection the bill will be considered as recommitted. The Chair hears no objection, and that order is made.

NATIONAL ART COMMISSION.

Mr. HOAR. I ask unanimous consent that the unfinished business be laid aside informally, that the Senate proceed to the consideration of Order of Business 411, Senate bill 1514.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the unfinished business be informally laid aside, and that the Senate proceed to the consideration of the bill (S. 1514) to establish a national art commission.

Mr. BLAIR. Will that lead to debate?

Mr. HOAR. I do not think it will lead to any debate.

Mr. BLAIR. I hope we shall go on with the unfinished business.

Mr. HOAR. The bill provides for no expenditure.

Mr. BLAIR. How is the board to be selected?

Mr. HOAR. By the President of the United States. Let the bill be read for information.

The PRESIDING OFFICER. The bill is not yet in order. The Senator from Massachusetts asks that the unfinished business be informally laid aside. Is there objection?

Mr. PLUMB. I do not know that I have any objection to this bill, but the pension bill ought to be disposed of.

The PRESIDING OFFICER. The question is not open to debate. Is there objection?

Mr. HOAR. As the Senator having the pension bill in charge is in his seat and wants to go on with the bill, I waive the request.

The PRESIDING OFFICER. The request of the Senator from Massachusetts is withdrawn.

DEPENDENT PENSION BILL.

The Senate, as in Committee of the Whole, resumed the considera-

tion of the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

The PRESIDING OFFICER. The pending question is on the amendment submitted by the Senator from New Hampshire [Mr. BLAIR], the Chair is informed.

Mr. BLAIR. I desire to modify the amendment.

Mr. MITCHELL. I thought the amendment of the Senator from Florida [Mr. CALL] was pending.

The PRESIDING OFFICER. The Chair was mistaken. The pending amendment is the amendment of the Senator from Florida [Mr. CALL] as modified, which will be read.

The CHIEF CLERK. In section 2, line 3, after the word "rebellion," insert:

Or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes.

The amendment was agreed to.

Mr. BLAIR. I now offer a modification of the amendment which I suggested last night.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 2, line 3, it is proposed to strike out the words "during the late war of the rebellion" and insert "during any war, including Indian wars, in which the United States have been engaged;" so that the section will read:

That all persons who served three months or more in the military or naval service of the United States during any war, including Indian wars, in which the United States have been engaged, or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, etc.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

Mr. BLAIR. The amendment as read is not the amendment. I desire the whole to be read; it is all one amendment. The remaining portion also ought to be read.

The PRESIDING OFFICER. The entire amendment proposed by the Senator from New Hampshire will be read. It consists of two amendments.

Mr. HARRIS. Where does that amendment come in?

The PRESIDING OFFICER. The Chair is unable to say.

The CHIEF CLERK. It is proposed to amend section 2 by striking out, in the third line, the words "during the late war of the rebellion," and inserting instead thereof the words "during any war, including Indian wars, in which the United States have been engaged."

Also by striking out all after the word "therefrom," in the fourth line, down to and including the word "month," in the eleventh line, and inserting instead thereof:

And are without adequate means of self-support, and who are not now receiving nor entitled to receive a pension under the general laws, shall be placed upon the pension-roll and paid a pension of $10 per month.

So as to read:

That all persons who served three months or more in the military service of the United States during any war, including Indian wars, in which the United States have been engaged, and who have been honorably discharged therefrom, and are without adequate means of self-support, and who are not now receiving nor entitled to receive a pension under the general laws, shall be placed upon the pension-roll and paid a pension of $10 per month, and such pension shall commence from the date of the filing of the application in the Pension Office, etc.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. Mr. President——

Mr. PUGH. Will the Senator allow me to call his attention to the fact that the amendment just adopted in reference to Indian wars requires service for thirty days, and his amendment requires three months' service. The Senator should change the phraseology of his amendment so as to conform to the action already taken.

Mr. BLAIR. I have no objection, if the bill be modified in the way I have suggested in the amendment, that a shorter term of service be made to entitle those engaged in Indian wars to the benefit of a pension.

Mr. MITCHELL. I would suggest to the Senator from New Hampshire that the amendment already adopted applies to all Indian wars.

Mr. BLAIR. I do not design to offer any amendment which limits the time to less than three months for those whose service was in the late war; but the amendment of the Senator from Florida, which has just been adopted as I understand it, relates only to the services of those engaged in Indian wars.

Mr. MITCHELL. The Senator is mistaken. The amendment reads as follows: "Or in the war with Mexico or for thirty days in any of the wars with the Indian tribes." It limits the time as to Indian wars to thirty days. It should be thirty days both as to those who served in the Mexican war and in the Indian wars.

Mr. BLAIR. It may be easy to raise confusion between the amendments on that point, but I have something else to which I wish to call the attention of the Senate that is of more importance.

The bill as it now stands, the amendments being adopted that have passed the Senate as in committee, as I understand, and as I think no one can fail to understand, now that the debate has demonstrated that the construction of the word "incapacity" must be such as to carry the pension wherever it exists in the slightest degree, is a bill which will add to the pension expenditures in a larger degree than any bill which has been pending in Congress since I have known anything of pension legislation.

It carries a pension at the rate of $12 a month to all the soldiers of the Union laboring under any degree of incapacity for labor, regardless entirely of the origin of that incapacity, whether it was incurred in the service and now constitutes a disability which is pensionable under the general law, or whether it results from sickness, or from accident, or from any actual cause originating since the service, or whether it be a natural and inevitable effect of increasing age and the decrepitude which is an inevitable consequence of it. Thus it places upon the roll all those who are to any degree dependent and lacking means of adequate self-support—nearly the entire mass of survivors of the late war.

Of course, from the provision adopted in the early part of the section this consequence does not directly result; but the last portion of the section, as Senators will perceive, gives to those who are now drawing pensions under the general law now existing their election to seek remedy under this, so that the inevitable result must be that we are establishing as a minimum pension the rate of $12 per month for the slightest disability which is pensionable under existing laws or which is pensionable under this proposed enactment. The equities resulting from various degrees of disability, of course, will be taken care of above that amount; and the logical results of the situation in subsequent legislation flowing from an act of this kind must be very great. If we are to legislate in this way, it seems to me that we should consult economy as well as justice in the operation of the act, by dispensing at once with matters of proof, except such matters as are necessary to show the actual rendition of service and the honorable discharge and some degree of dependence, which I suppose would exist with reference to at least three-fourths of the surviving soldiers of the war of 1861. It was with that view, both as a matter of economy and as a matter of facility in practical administration, that I have offered this amendment, which will practically provide a service pension to all who are to any degree dependent upon their labors or who lack adequate means of self-support.

But there is some reason to believe, from what I hear said by Senators about the Chamber, that if this bill be not embarrassed by amendments of this kind any further, there may be an inclination to disagree to those which have already been adopted, and that the bill may be finally passed substantially as it came from the committee, with the amendment and its modifications offered by the Senator from Arkansas. If that is to be done, the bill will again become that little, small bill which came from the committee, and yet, though relatively little and inconsequential, having reference to a great deal that ought to be remedied, a great act of justice that ought to be done, and this bill will reach some twelve or fifteen thousand of the soldiers of the war of the Union who are now in almshouses who are upon their backs, incapable of the slightest physical exertion, and dependent upon others for their support. A bill of that kind reaching fifteen or twenty thousand, perhaps, by the estimate of the committee of the Grand Army, is not to be lightly defeated; and as I do not believe that in its present form, or even with the amendment which I have suggested, it can ultimately become a law and pass successfully over the wide waste that lies between here and the statute-book, I am myself, with this explanation, inclined to withdraw the amendment which I have offered, and support the bill as nearly as I can as it came from the committee.

The PRESIDING OFFICER. The Senator from New Hampshire withdraws his amendment.

Mr. CULLOM. It seems that the further we get away from the great war which produced the condition of things we are trying to take care of, the less we are actually doing for those persons who are asking for pensions at the hands of the Government. In looking over the history of pension legislation for a few years, since I have been in the Senate, I find that the Senate in 1884 passed a bill with the following clauses on the subject of disability: That every soldier who has been in the service

for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent, wholly or in part, upon his own labor or upon pecuniary assistance from others for the means of comfortable support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted by virtue hereof, which shall be for total incapacity to perform any manual labor, shall be $30, which is hereby made divisible upon that basis for any less degree of disability.

That bill was passed by the Senate in 1884, the proposition being to give those who were incapacitated from any cause, not the result of their own vicious habits, for total disability a pension of $30, and then in a lesser degree in accordance with the smaller degree of disability. So that it did not deprive any soldier who was in any degree disabled from getting a pension in proportion to the degree of disability, if he was in any degree dependent, up to the sum of $30. That bill had several

other provisions in it, but that was the chief one, proposing to give a pension to all disabled soldiers who were in any degree dependent upon their own labor or upon pecuniary assistance from others for the means of comfortable support. That bill passed the Senate and went to the House of Representatives, and, so far as I remember, it never went any further.

Then, in 1886, the Senate passed a bill having substantially the same provisions in it in reference to disability, the language being this:

That all persons who served three months or more in the military or naval service of the United States in the war for the suppression of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability to procure their subsistence by daily labor, $12 per month.

That bill seems to have the word "total" in it, and the pension was brought down from $30 to $12 a month, and passed the Senate, as I understand from the bill, but it provided for the degree of disability. Whatever degree of disability a man might be under, he would be entitled to a pension in proportion to that disability.

Then, in 1887, the Senate passed and the House also passed a bill which, I believe, was moderated below what the bill of 1886 provided. So that, as we have gone along from year to year, instead of increasing the pensions to the soldiers entitled to pensions, we have been going the other way and diminishing what we propose to give them.

Mr. BLAIR. Allow me to correct a statement as to the order of events. The bill, the Senator stated, was sent from the Senate to the House. Our bill at the last Congress was from $12 down; but the House ignored the Senate bill and reported an original bill of its own. The bill which came from the House into the Senate and was vetoed originated in the House.

Mr. CULLOM. I think that is correct.

Mr. BLAIR. It had no Senatorial standing.

Mr. CULLOM. Still the Senate passed the bill, and it was vetoed. What I am trying to show is that, instead of doing more for the class of volunteer Union soldiers, as we have gone farther away from the period in which they served, and as their disability naturally has increased, we have seemed, as a Congress and Government, to do less than we started in to do five or six years ago. I am not inclined to believe that there is any less disposition on the part of the Senate to take care of this class of veterans who fought for and saved the Union, but for some reason or other, whether it is because we have had numerous vetoes from the President of the United States, including the last general pension bill, or what not, the fact is that every year we have done or attempted to do apparently a little less than we attempted to do before. Now, sir, it seems to me that we are coming to a time when we ought to do more instead of less; at least we ought to attempt to do more instead of attempting to do less, as we seem to be doing now.

I am not finding fault with the Committee on Pensions at all, because I have no question myself but they have felt that it was their duty to report the bill as the committee of the Grand Army had presented it to them and asked them to have it passed through the Congress of the United States, if possible; but when you come to examine the bill there really is not much in it, and it seems to me that it ought to be strengthened rather than weakened, and I believe the Senate has done that to some extent. That is all I want to say upon that point.

Now, with reference to the propositions which have been introduced here, which take in all wars, I think we had better hesitate before we put those amendments on this bill. This is a bill designed exclusively and entirely for the volunteer soldiers in the late war, and I think that the Committee on Pensions ought to resist the amendment that has been in a sort of manner adopted by the Senate without any substantial vote.

I think they ought to resist the adoption of that amendment, and let this bill go to the other House in whatever shape we may be able to get it, pertaining exclusively and alone to the volunteer soldiers in the late war of the rebellion. I had the honor of introducing in the Senate myself during the present session a bill providing for pensioning the soldiers of the Black Hawk and other Indian wars, which I think perhaps ought to be passed, but let us not encumber this bill, that was proposed for the volunteer soldiers of the late war and presented to the Committee on Pensions, and reported by them here, by any amendment that does not pertain entirely and exclusively to that class of soldiers for whom we are attempting to legislate.

I think that the amendment which was adopted a little while ago, offered by the Senator from Florida [Mr. CALL], ought to be reconsidered, and that we should pass this bill either as it came from the committee in the first instance, or with such amendments as the Senate has adopted, offered by the Senator from Kansas [Mr. PLUMB] and others, and let it go to the House of Representatives a pure and simple bill for the benefit of the veterans of the late war.

Mr. MANDERSON. Mr. President, I am not a member of the Committee on Pensions of this body, and have felt no particular sense of responsibility for, or charge of this bill since it was reported from the Committee on Pensions and placed upon the Calendar; but I hope that that committee will, when the bill shall be reported from the Committee of the Whole to the Senate, take separate votes upon the different propositions that have been adopted in Committee of the Whole, so that we may have the benefit of the discussion that we have heard this morning and that which came to us yesterday after some of these amendments were adopted.

It is true that this bill is, as suggested by the Senator from Illinois, somewhat barren in its results, or will be when it is put in actual operation. I heartily sympathize with his desire and with the desire of the Senator from New Hampshire to go further in the direction of granting pensions than this bill. For one, I would be glad to see that which would be, with proper modifications and safeguards, in the nature of a service-pension bill, but I do not think that it is well to encumber this proposed act with that idea.

There is more in the bill, however, than is suggested by the Senator from Illinois. There are some elements of value in it which seem to have escaped his consideration; that, for instance, in the first section, which provides that the dependent mother, or in the event that she be dead the dependent father, there being no widow or minor child surviving, shall receive a pension from the time when the dependence, not existing at the time of the death of the soldier, occurred by reason of advancing age or because of adversity. That is a very important change in the existing law which we shall obtain by the passage of this bill.

Then, too, another section—section 4, I think, of the bill—provides that minor children during their minority shall receive $5 per month hereafter instead of $2 per month. That is a very valuable change and one that we should seek to accomplish.

Mr. President, this bill has been frequently referred to as one that comes from a responsible body or organization, speaking in behalf of the ex-soldiers of the country. I, for one, have seen with regret the departure from the language adopted by them in section 2 of this bill. I have not feared an unfair construction of that language of the bill which speaks of total incapacity for manual labor.

I do not believe that it would receive at the hands of any Commissioner of Pensions desirous of doing his honest duty under the law that limited construction which would permit those only to be helped who are bedridden or utterly helpless, but that the words "total incapacity" would receive the construction that has been given to the words "total disability" under the existing law, where it being a measurable degree of disability, one that reaches, as I understand the decisions of the Pension Office to be, the equivalent of the loss of the use of an elbow joint, it would be termed total disability, and under this law a total incapacity, which must receive $12 per month.

And when this bill comes into the Senate and we come to the consideration of this question I hope that we shall retrace our steps with the idea of getting back to where we started, and that is to the passage of the bill as formulated by these ex-soldiers, who ask this limited amount of relief simply because they have tried year after year for greater relief and have failed.

Mr. CULLOM. I suppose that the Senator from Nebraska does not regard this bill as giving any soldier who is entirely prostrate and helpless any greater pension than $12, and that, according to the Senator's suggestion, the least disability, such as the loss of an arm, for instance, would give him that sum.

Mr. MANDERSON. No; it must be construed in connection with the other general pension laws—that if a man has lost both arms he shall receive $72 a month. If he is utterly helpless and needs the attention of an attendant constantly, like one who is paralyzed, he receives, I think, $72 a month under the present law. This does not reduce any existing pension.

Mr. CULLOM. Where men are receiving a pension under the laws now existing; but here is a bill proposed to be enacted into a law that gives a pension of $12 a month for total disability. Any soldier who applies for a pension under this act, certainly, whatever his condition may be, can not receive more than the $12 a month.

Mr. MANDERSON. He can if he can trace that injury to his service in the Army. Then he is taken out, as I understand, of the operation of this bill.

Mr. CULLOM. Then he comes under the other statute.

Mr. MANDERSON. He comes in under the general law. If he can show, for instance, that he was wounded during the war in the spine, and there comes a time when there is total paralysis of the lower limbs; if he becomes a paralytic, and he traces that disability to the wound in the war, he does not come within the operation of this bill, as I understand it.

Mr. CULLOM. I understand; but the question I am trying to get at is whether under this proposed law any soldier, whatever his disability, if he applies under this statute, can get more than $12.

Mr. MANDERSON. I do not understand that he can.

Mr. CULLOM. He can not; and is there any degree of disability less than total that would give him a less pension than $12?

Mr. MANDERSON. I do not understand that this is a ratable bill, but any man who applies under it and receives a pension because of it, receives a pension of $12 a month.

Mr. CULLOM. The point I have already made, and desire to make again, is that it seems to me the bill should provide that a soldier applying under this act who is under a very great degree of disability should be entitled to a greater pension than a man who applies who is under very slight disability; that it should be graded down in proportion as the disability was less than total.

Mr. MANDERSON. I quite agree with the suggestions of the Senator from Illinois. I should like to see ratable pensions of the character he speaks of, and I should like to see other features in this bill; but what I fear is that the result suggested by the Senator from New Hampshire [Mr. BLAIR] may come to us, that either this bill may fail in another place, passing this body, or it may reach the fate of the House bill that was passed unanimously by the Senate at the last session of Congress and received the Executive veto.

Mr. CULLOM. I desire to say in accordance with what the Senator has already suggested that there are provisions in this bill to which I heartily agree, such as giving minors $5 a month instead of $2, and providing more definitely for dependent parents. Those provisions are, I think, very important, and are an improvement on any previous bill, as I understand.

Mr. MANDERSON. It has not only those meritorious provisions, but it also provides as to widows, that they shall be placed on the pension-roll upon the death of the pensioner without being required to prove that his death was caused by disease contracted in the service, the only proviso being that the husband was a pensioner at the time of his death.

Mr. BLAIR. Allow me to suggest to the Senator from Nebraska that the concluding sentence of section 2 will enable, as the Senator from Illinois will see, all soldiers who draw pensions under the existing law, but whose rating has been the ridiculous sums which have been mentioned here, $1, $2, $3, and $4, as the case may be, to apply under this bill, and if they have the disability, as of course they have, if there is any degree of dependence, any lack of capacity for work, they applying under this bill will receive all of them $12 per month, which of course is a great increase over what they can draw under existing law.

Mr. MANDERSON. I have but one further suggestion to make about the changes that have been placed upon the bill in Committee of the Whole.

Mr. BECK. Will the Senator from Nebraska allow me to ask him a question?

Mr. MANDERSON. Certainly.

Mr. BECK. Did I understand him to say that the bill the President vetoed passed the Senate unanimously?

Mr. MANDERSON. I did say it passed the Senate unanimously—that is, there was no yea-and-nay vote taken, and none demanded at the time of its passage.

Mr. BECK. I only desire to say for myself that I have never understood that when a minority of the Senate thought it was defeated and did not call for the yeas and nays, that would warrant the statement that the measure was passed unanimously.

Mr. MANDERSON. Perhaps the statement was a little broad.

Mr. BECK. I think it was.

Mr. MANDERSON. We certainly heard no opposition either by vote or voice on the other side of the Chamber to that bill.

Mr. BECK. For one I know I never voted for such a bill and never intend to.

Mr. MANDERSON. Perhaps the Senator from Kentucky stood mute, and we all understand the legal effect of that silence.

Mr. BECK. Then the yeas and nays had better be called on every question hereafter if one gentleman desires to record his vote, if that is to be the construction.

Mr. MANDERSON. My suggestion is simply this as to the bill that passed the Senate at the last session of Congress: that when the House bill came to this body it was debated at considerable length, the debate being mainly upon this side of the center aisle of the Chamber, and that no voice was raised against it, nor was there a vote recorded against it upon the other side. There did not seem to be then that activity that there is now in opposition to the bill.

Mr. McPHERSON. I wish to ask the indulgence of the Senator who has charge of the bill, the Senator from Nebraska——

Mr. MANDERSON. I have not charge of the bill. I beg to correct the Senator.

Mr. McPHERSON. The bill has been read through, and a multitude of amendments having been agreed upon, I ask that the bill be postponed and the bill with all the amendments printed.

Mr. MANDERSON. All the amendments are printed in the bill and it is on the Senator's table with the amendments adopted yesterday in print.

Mr. McPHERSON. I have not seen the amendments in any print on my table, but Senators having it, I withdraw the suggestion.

Mr. MANDERSON. As to the amendments adopted in Committee of the Whole upon the pending bill, I simply wish to make a suggestion. I would very greatly prefer that the Senate should strike out, when it shall come to the consideration of the bill in the Senate, even that provision as to dependence, so that there should not be even that extent of departure from what is asked by this great body of the ex-soldiers of this country, because it brings into this bill that dependent principle, that element of pauperism that it seems to me is clearly objectionable.

If there is a total incapacity for manual labor, I care not whether the party who is thus incapacitated be dependent or not, I think if he desires a pension he is entitled to it, and he should not be driven into the position so admirably described in the speech made by Senator Frelinghuysen in 1832, in reference to those who survived the Revolutionary war, when he said it was a shame and an outrage that those men should be compelled to go to the Executive Departments and make proof of their own pauperism and their condition of dependence, in the presence of the sons of those fathers by whose side they had fought. I feel very much the same way with reference to this provision of the bill.

Mr. HARRIS. I wish to suggest to the Senator from New Jersey that while the print of the bill laid on our tables this morning is, I suppose, as it was amended, the print does not show what are amendments and what the original text. Hence no Senator can tell from this print what amendments have been made and what was the original text of the bill.

Mr. PLATT. I desire to ask the Senator from Nebraska a question to see if I understood his remarks a short time ago. The bill before it was amended had in it this language:

> Mental or physical disability * * * which totally incapacitates them for the performance of manual labor.

Now, do I understand that the Senator thinks that the construction which those words would receive at the Pension Office would be that degree of disability which is now known at the Pension Office by the words "total disability?"

Mr. MANDERSON. I am inclined to so think; that is, that one who had a friendly disposition toward this bill and to those who would be recipients under it would give that construction to the law, following the precedents that we have had heretofore.

Mr. PLATT. Then we should be put in this position, that the soldier who could not trace his total disability to the war would receive $12 per month under this bill, while the soldier who could trace his total disability to the war would receive $8 per month under existing law.

Mr. MANDERSON. No; by the proviso——

Mr. PLATT. That is what I am coming to. The soldier for total disability under existing law gets $8 per month. If this bill is to be construed so that soldiers for total disability will get $12 per month, then every soldier will, under the proviso in lines 17 and 18, drop his pension which he receives under existing law and apply for a total-disability pension under this act. So then all soldiers who are now receiving $8 will for the same disability get $12 under this act. Is that what I understand?

Mr. MANDERSON. That is as I understand the proviso, which simply reads:

> *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act.

The difficulty with the change that was adopted yesterday is that such soldier desiring to rise to that $12 per month would not only have to show total disability within the construction of that language by the Pension Office, but with this change of the law he would be compelled to show pauperism as well, and that I object to.

Mr. DAVIS. Mr. President, since this bill has come before the Senate for consideration it has been subjected to an unexpected series of amendments, the reasons against which I endeavored to state yesterday—amendments which, in my judgment, jeopardize the ultimate success of this bill and make it in its present shape a clear departure from the intentions and views of those who draughted it and for whose benefit it was introduced by the Senator from Nebraska.

I desire here to restate and to emphasize the history of this bill as the reason why it was cast in its present form. It is perfectly well known that during the last session a bill came here from the House of Representatives in place of a Senate bill rejected or ignored by that body which contained phraseology upon which the Executive descanted for the purpose of justifying a veto, and that the large body of deserving men who were in urgent need of the relief provided by that bill went remediless.

Accordingly those men now appear before us as petitioners. They have embodied their petition in this bill. They have told us after deliberate consultation and debate that "although we think we are entitled to much more, although we think the time may come when we will be justly entitled to call upon this country for a service pension, although we think we were entitled to have the bill of the preceding Congress become a law, yet in view of plain history and of apprehended facts and of the urgent necessity for some action in behalf of the 10,000 people who are now in the almshouses, we ask you to grant our petition and give us what we think, upon a full deliberation and consideration of the facts, we can get."

Mr. President, if the framing of legislation upon this subject had been left to any man upon this side of the Chamber, or any member of the Pension Committee, of course this bill would never have been drawn

in its present restricted shape. Its scope would have been made ampler. Many of the suggestions coming from the Senator from Kansas and others would undoubtedly have been embodied in the bill. But when a committee representing 400,000 members of a great and patriotic organization, speaking with authoritative voice, knowing the situation and the wants to be remedied, come here with a bill in the nature of a petition and say, "We will be content with that; we ask no more for the present; we will trust to the future for the further relief to which we are undoubtedly entitled," I think we ought to pause before voting into the bill amendments which history shows will place it in the utmost jeopardy.

To me this is a measure of relief for a class which appeals to our sense of duty as well as to our sympathies. The question is not whether we shall gain or lose political advantages. It is a question whether we shall reject this large class of petitioners by finding fault with them for not claiming more for them than they chose to claim for themselves, and who have themselves abridged their deserts by the limitations which they have put upon their petition.

I am very glad to see the Senator from Nebraska take the position he does this morning in regard to what he hopes will be the action of the committee. I will state that the committee was entirely unanimous upon this bill. My own opinion is that all amendments which were adopted yesterday should be stricken from the bill, except the amendment of the Senator from New York [Mr. EVARTS] inserting the words, "and who are without other adequate means of self-support." I think the word "totally" ought to go back into the bill in the place from which it was stricken.

Mr. MANDERSON. If the Senator from Minnesota will allow me, he refers to the amendment of the Senator from New York. The introduction of the word "self" was an amendment to an amendment introduced by the Senator from Arkansas [Mr. BERRY], and the element of dependence was not in the bill as it came from the committee.

Mr. DAVIS. I am not endeavoring to state the minute history of the bill with entire accuracy as it went through the Senate yesterday.

Mr. MANDERSON. The only force of my suggestion is that if the Senate is desirous that the bill should be restored to where it was as it came from the committee it would be necessary to strike out the provision as to dependence as well.

Mr. DAVIS. I am frank to say that I see no urgent reason why this bill should not be shaped to benefit the survivors of the Mexican war or the Indian war; but, under the circumstances, I agree with the Senator from Illinois that it will be better if it is not thereby complicated in the manner proposed. The survivors of the Mexican war are already provided for to the extent of $8 per month by the act of last winter. I would cheerfully vote for an amendment of that law which would raise that pension to $12 per month.

Mr. CULLOM. Will the Senator allow me to inquire whether the Committee on Pensions has not a bill before it providing for pensioning the soldiers of the Indian wars?

Mr. DAVIS. I was about to proceed to that point. I will state that the Committee on Pensions has a most ample and comprehensive bill before it which will undoubtedly be reported favorably, as I can gather from interviews with the members, covering in the most liberal manner this whole question of pensions to the survivors of Indian wars.

Mr. MITCHELL. I should like to make an inquiry of the Senator in that connection. I am very glad to hear that statement from the chairman of the Committee on Pensions. If that is the case I shall not insist for one upon encumbering this bill. I should like to ask for information whether the subject is being considered as to the propriety of pensioning the teamsters in the Quartermaster's Department in different wars.

Mr. PLUMB. And sutlers?

Mr. MITCHELL. No, I am not asking about sutlers.

Mr. DAVIS. I do not think that any bill on the question of teamsters, etc., is before the committee.

Mr. MITCHELL. There are several bills of that character which have been introduced and are pending in Congress now.

Mr. DAVIS. I do not remember. I will state for the further information of the Senator from Oregon in regard to the Indian war pension bill, that it was submitted to his colleague [Mr. DOLPH], who is deeply interested in the subject, and it is entirely satisfactory to him.

Mr. President, it seems to me that a bill which originated in this manner, framed by the organization by which it was framed, agreed upon in the committee by men of all shades of opinion, approved by vote of the organization itself, having a direct and limited object, containing restrictions which it was believed would obviate all fear of disapproval in other places, ought not to be placed in jeopardy in the vain hope of obtaining that which the history of legislation of this character teaches us under present circumstances is unattainable.

I shall move at the proper time that the opinion of the Senate be taken separately upon these various amendments, in the expectation and hope that the bill will be restored, with the exception stated, as nearly as possible to the condition in which it came from the committee.

Mr. PLUMB. Mr. President, the question what this bill means is still in very great doubt. The Senators from Minnesota and Nebraska express a somewhat guarded opinion that it means that every one who is disabled to any degree whatever shall receive a pension of $12 a month; and yet I do not believe that either one of those Senators really and sincerely believes that will be the construction put upon it by the Pension Department. There is more or less jugglery here.

I am willing to vote for any bill which the Committee on Pensions will present and stand by; but I am not going to vote for it upon the theory that I do not know what is going on. The effort is being made here to accommodate a bill, not to meet the wishes of Congress, but to meet the wishes of somebody else. We are told here very gravely that the Grand Army of the Republic having settled down upon this bill, we are not to change it with the dotting of an "i" or the crossing of a "t," and yet no one is able to say what the Grand Army desire to accomplish by means of this bill. I say the Grand Army do not want this bill, and that if you would present it to-day in any encampment of the Grand Army, to any association of persons who have served under the flag of the Union, they would say they did not want it.

I do not mean to say that the bill did not come here with the sanction of that organization. It came from a committee which that organization appointed, and I give due credit to, and I am willing to do as far as I can what represents the honest feeling even of that committee, if I know what that is; but I am not bound to suppose that that committee presented something which is not to be amended in the slightest particular, when even those who propose the bill here are not agreed as to what it means, when according to all the canons of interpretation of language it means something which would give no benefit practically at all to the ex-soldiers.

Somebody is going to be cheated. It is either the Grand Army committee or the Grand Army itself. If the amendment which was adopted yesterday striking out the word "totally" makes the bill more illiberal towards the ex-soldier, then I am willing it shall be restored. Can the Senator from Nebraska tell me that it makes the bill less valuable to those who will be its beneficiaries?

Mr. MANDERSON. I do not think it will make it less valuable. I do not think, however, in the hands of one desirous of properly construing its language, that it materially changes the legal effect of the bill.

Mr. PLUMB. The Senator from Nebraska, for the purpose of interpreting this bill, refers to some indefinite individual, to some unknown person. Why does he not tell the Senate what he thinks about it himself? That is the point.

Mr. MANDERSON. I aimed to do that.

Mr. PLUMB. Very well; let us hear from the Committee on Pensions. I should like to hear the Senators who voted for it in committee on the other side of this Chamber. I should like to know what they think about it. If we are framing a bill here simply to meet the opinion of somebody outside, and for that purpose only, and not with the design of relieving anybody, then I admit the bill as it came from the committee was in very good form and language.

Even with the word "totally" stricken out, and with all the other amendments which have been put on with a view of liberalizing it, I venture to say that the bill will be a great disappointment to those who are looking to it with the most confidence. If it bore the construction which it to-day does in fact bear, the construction which the Senator from Nebraska puts upon it, if it does mean not only that every person who is disabled at all shall have a pension of $12 a month, but that all persons who are now getting from $1 a month to $8 a month shall get $12, I question whether any member of that committee on the other side of the Chamber would vote for it. The question is, when we get through with this bill who is to be cheated?

Mr. MANDERSON. If the Senator from Kansas will allow an interruption, I simply desire to correct one misapprehension that he seems to be under. The fact is that this bill in exact language, as introduced in the early part of this session, was formulated by the pension committee of the Grand Army of the Republic. In that printed form, under an order issued by the commander of the Grand Army of the Republic, it was submitted to the posts of the Grand Army throughout the country, and they voted by ballot upon it. The report shows that out of 2,718 posts that had voted prior to the holding of the national encampment at St. Louis, there were 106,160 votes for the bill and 3,609 against it. After this showing had been made to the national encampment, there was debate in that body upon the language of the bill, and as submitted and as voted for by this large number it was adopted and was introduced.

The only reason why I suggest that we should not materially change the language of the bill is because it has met with this careful scrutiny.

When the Senator from Kansas says that it has not met with the approval of the ex-soldier element of the country, and they have not been heard upon it, I simply suggest that he is mistaken as to the facts.

Mr. PLUMB. I venture to say that the Grand Army do not indorse the bill as it stands to-day, for whatever that may be worth. But I go back of all that; I am here to legislate; I am here to do that which I conceive is justified by a proper consideration of what is due to the ex-soldiers of the Union, and to an enlightened public opinion; and here we are dickering about the construction of the bill. I say if the bill is passed there will not be 5,000 persons at the outside who will

get the benefit of it of all the 2,000,000 men who served in the Union Army.

All this talk about persons in almshouses getting the benefit of it amounts to nothing, because being in the almshouse is not the test. If it was, I would not vote for the bill. I am not going to vote simply for a measure to pension persons who are in almshouses. It has got to be accompanied by a total incapacity to perform any degree of manual labor in order to meet the conditions required.

I say under that construction of it, and that is the only construction which I believe can be put upon it, it would not get ten votes out of every hundred among the Grand Army men.

I should like to have the Senator from Indiana [Mr. TURPIE], who spoke in favor of this bill, tell the Senate whether he believes the effect of the bill will be that every person who is now getting $1 a month and from thence up to $8 will receive $12 a month. I should like to hear from him. I should like to have him tell the Senate whether he believes that this bill will give to every person, however disabled, $12 a month; and I should like to have the same declaration on the same point from all the other members of the Pensions Committee on that side of the Chamber.

We may be able to put into the bill by means of declarations of this kind something that will have effect upon its construction after it shall pass, if it does pass; but I ask why all this talk has been with a view of getting the bill in such a way that it might be signed. I ask the Senator from Nebraska and the Senator from Minnesota if they believe the President of the United States will sign this bill if he shall think it will be construed to give to every person $12 a month who is now getting $1 a month and from thence to $8 a month? No one believes anything of the kind. We are therefore to pass something which may be signed and ease our consciences with that which gives nothing while sounding loud in the index.

I think I shall vote for whatever the Pensions Committee propose as a final, ultimate thing, but I am not going to allow this bill to go through without exposing what I believe to be its weakness, its inefficiency, its entire lack to meet the situation. In fact, I believe that it is at all events calculated by its language to cheat some one.

Mr. SHERMAN. Is there an amendment pending?

The PRESIDENT *pro tempore*. No amendment is pending.

Mr. SHERMAN. I hope the bill will be reported to the Senate.

The PRESIDENT *pro tempore*. The bill is still open to amendment as in Committee of the Whole.

Mr. FAULKNER. Mr. President, I had not intended to say anything in regard to this bill, but as the Senator from Kansas [Mr. PLUMB] has made a special reference to members of the Committee on Pensions upon this side of the Chamber, I deem it proper to make a few remarks in explanation of the position which I shall take by my vote in the Senate.

I am frank to say that after a careful analysis and examination of the provisions of this bill, as a member of the Committee on Pensions, I gave to it my support in that committee, and when I support a bill in committee, unless some very good and satisfactory reasons are given to me in the Senate why my position should be changed, I hope to support it in open Senate.

But I am frank to say that if the amendments which have been added to the bill by the vote of the Senate are attached to it and incorporated in it, when it comes to the final vote upon the passage of the bill I shall have no hesitation whatever in casting my vote in the negative.

There is not a pension bill, in my judgment, which has been presented to the Senate at the present session that would take from the Treasury of the United States the amount of money which will be taken from it under the amendment striking out the word "total" in connection with "incapacity." We are now paying the sum of $80,000,000 for pensions annually, and if that amendment is carried and the bill passed and it becomes a law upon the statute-book, $150,000,000 would not cover the annual expenditure for pensions in this country. The per diem bill which was introduced here would not draw as much money from the Treasury as that amendment. The rated-pension bill, as it is called, would not draw as much from the Treasury as the provisions of this bill with the word "total" stricken out.

When you strike out the word "total" it leaves the slightest incapacity for manual labor, under the construction which has been placed upon incapacity, helplessness, or disability by the Pension Department, as a subject pensionable under the law; and you would find that there is no man who has been a soldier who at this period subsequent to the war has not really some incapacity which would entitle him to a payment of $12 a month.

This is a liberal bill. It is a bill which the members of the Grand Army of the Republic, I am not surprised, are anxious should be passed. The first section of the bill alters the law in a very material respect, and one which I would not have voted for in committee, I am frank to say, if it were not for the facts that were brought to my attention by the discussion which occurred in that committee. Under the law as it exists to-day a dependent relative can only obtain a pension by showing that the death occurred by reason of a wound or disability incurred in the line of duty; that that was the cause of death. That is wiped out now entirely, and it of course will be a great benefit to those dependent relatives in the construction and operation of this measure.

I will state the reason why I favored that proposition. Upon a calculation of the ages of the parties who necessarily will receive the benefit of that provision it will be found that in all probability it will include no one who is under sixty-three, sixty-four, or sixty-five years of age at this time, and for that reason, believing that age incapacitated for manual labor, I supported the bill with that provision in it.

No disability occurring to a man who served in the Federal Army during the war is pensionable under any general law at this time unless it occurred in the line of duty. Almost all the cases which the Pensions Committee of the Senate have before them to-day are cases turning upon the question whether the disability originated in the line of duty, and they have been rather liberal in the construction and analysis of the evidence to reach a conclusion differing very often from that of the Pension Bureau. But the second section of the bill removes all that difficulty. It is so wide as to pension any man who served three months, not as the Senator from Illinois in reading the act of 1884 and comparing it with this thought, but far more liberal. That act requires, if my recollection is correct, a service of three years, and then gave $30 a month. It may be that I am wrong in that statement; but here the bill provides that any Federal soldier who served three months in the Federal Army and is totally incapacitated at the time he makes application after the passage of this bill shall receive $12 a month.

Mr. CULLOM. If it will not interrupt the Senator, I will state that as a question of time it is the same in this bill that it was in the acts of 1884, 1886, and 1887, I think.

While I am upon the floor I desire, by the Senator's permission, to inquire what he means by "total incapacity;" whether a soldier who is able to perform any labor is entitled to a pension under this proposed law, or whether it would be necessary that the person applying should be totally disabled, helpless. As he is a member of the Committee on Pensions I should like to have him define, as nearly as possible, so that we may have some light on this subject, if the bill passes, just the condition the soldier must be in to entitle him to a pension of $12 a month.

Mr. FAULKNER. I have not yet been able to find any decision by the Pension Bureau or by the Secretary of the Interior directly upon the question of the term "total disability," but as the Senator himself has used the word "helplessness" as synonymous with "total disability," I do find a decision upon that term which I have not been able to learn by an examination of the proceedings of the Pension Bureau has been in any way modified or reversed:

The word "helplessness," as used in the act of June 18, 1874, does not imply utter physical prostration, but should be understood as referring not only to the physical helplessness which compels him to depend at times upon the personal aid or assistance of another person, but also to his helplessness, to wit, his inability to gain a subsistence by his own exertions.

Mr. CULLOM. May I ask the Senator whether that is his own opinion of the construction of the statute?

Mr. FAULKNER. It depends very much upon the facts in each particular case. I do not feel authorized to announce what should be a proper legal construction of the term "total disability" as applied to this bill, but it strikes me that certainly it comes clearly within the definition of the word "helplessness" as construed by the Pension Bureau—the inability of a person to earn a subsistence for himself.

I have no hesitation in answering the Senator from Kansas that in my judgment this bill will not increase under the general law the pension of those who are receiving pensions for partial disability ranging from $1 up to $12. It will not give the man who receives $1, or $2, or $3, or $4, a $12 pension under my construction of this proposed law, because the very fact that he is receiving that is an evidence of the construction of the Pension Bureau that he is not totally disabled under the terms of the former act.

Mr. PLUMB. Let me call the Senator's attention to the first proviso in section 2.

Mr. FAULKNER. I know it.

Mr. PLUMB. It is provided—

That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefit of this act.

I ask the Senator what the meaning of that is, according to his judgment.

Mr. FAULKNER. Of course it is very clear what the meaning of it is—that anybody who is receiving a pension under a former act and believes that he can increase that pension, if it is, for example, an eight-dollar pension, may apply for an increase to a twelve-dollar pension under this bill. Where the defiision of the Pension Bureau has been that the party is totally disabled, and he is now receiving $8 by reason of that decision, he could apply under this bill and receive $12 instead of $8 by virtue of that fact.

Mr. PLUMB. What would be the effect upon one who was receiving less than $8?

Mr. FAULKNER. The statute would not affect one receiving less than $8, in my humble judgment, unless he could show by a review of the case that he had become totally disabled since the granting of his

former pension. He could obtain an increase by showing that, and having the case reviewed and reopened by the Pension Bureau, but only in that way.

There is another provision here to which I call attention; and I want the Senate to understand, and I want the other side of the Chamber to understand, exactly the position they are putting themselves in. The third section of the bill increases the age of minor children entitled to its benefits from sixteen to eighteen years. It more than doubles the monthly quota of those children from $2 to $5. All that is in the interest of the soldiers of the last war.

I voted for that provision in committee, and I shall vote for it if it comes back in the Senate as reported from the committee, or with slight amendments which would not change the principles of the bill; but I am frank to say that, with the amendments attached to it now, I shall not feel justified in voting in favor of the bill.

I wish to say that I do not think the responsibility for the utter defeat of this bill by reason of these amendments can rest upon this side of the Chamber. It must rest upon the side of the Chamber who act directly in the teeth of a message which expressly has passed upon this question of disability in objecting to the former bill. The Executive indicated to the Senate and to Congress that under his construction of his duty he did not feel that he could give it his sanction.

Those Senators who have put these amendments into the bill with full knowledge of the effect and extent of the veto message of the President sent to Congress at its last session, do it with their eyes open, and understanding that consistent not only with what were his sentiments of duty at that time and which are supposed to govern him now (although there is an election perhaps coming off this year) we have a right to assume that the same conscientious sentiments of duty that controlled his action then will do so now if a similar measure is presented for his approval. I think I have a right, therefore, to assume that when the other side of the Chamber added the amendments it did it with full knowledge and information derived from that official document that the bill as amended in all probability would be returned without Executive approval.

Therefore, I say that so far at least as we are concerned upon this side of the Chamber, those on the other side must take the responsibility of the defeat of the bill if they carry the views which they have incorporated into it to the extent which is now proposed.

Mr. PLUMB. I should like to ask the Senator, before he sits down, in what respect he thinks the striking out of the word "totally" changes the bill?

Mr. FAULKNER. I think it changes it in this respect, that any incapacity, no matter how slight, how trivial it may be, which would in any way affect the person in the performance of manual labor, would, under the discussion which is an indication of the sentiment and purpose of the legislative body in passing the law, give to it a construction which would entitle any man, no matter how slight his incapacity or how trivial it might be, to obtain a pension under the second section of the proposed act.

Mr. PLUMB. Then it follows, I think, from that, if the Senator will permit me, that under the bill as reported from the committee there must be an absolute, complete, and total incapacity to perform any manual labor before a person can receive the benefit of the bill.

Mr. FAULKNER. No, sir; it does not. I have read the construction of the word "helplessness" in order to give to some extent the view which I have upon that subject. But I do not think that the view stated by the Senator from Kansas is the view of the committee. I do not think it is absolute, total inability, but inability to earn a subsistence by manual labor. That is as near a definition as I can give of my construction of that language.

Mr. PLUMB. Then, if I do not interrupt the Senator too much, will he permit me to inquire why, under the construction which he now seems to put upon it, one who is disabled, even partially, slightly, would not receive the benefit of it as well as one who is disabled to a much greater degree?

Mr. FAULKNER. Simply because we have a general law which provides that any man, whether partially or totally disabled, who can trace that disability either to wounds or disease contracted in the line of duty shall be pensioned. Consequently this is opening the broad field that without any proof of that sort the party has the right to come in and obtain a pension by proving total disability.

Mr. PLUMB. Does the Senator believe there would be any grading of pensions under this proposed act?

Mr. FAULKNER. I do not.

Mr. PLUMB. Whoever, therefore, receives any pension at all will receive $12 per month?

Mr. FAULKNER. Yes, sir.

Mr. PLUMB. Does the Senator feel warranted in saying to the Senate that in his belief the President would veto the bill if passed in the form adopted by the committee up to date?

Mr. FAULKNER. I express no opinion——

The PRESIDENT *pro tempore*. One moment. It has always been held to be a breach of order in debate to allude to the action of the Executive.

Mr. PLUMB. I am sorry the Chair did not think of that when the Senator from West Virginia was speaking.

Mr. SAULSBURY. I should like to inquire if a Senator may not as well refer to the action of the President as to get up in the Senate and openly avow that a bill has been prepared by the Grand Army of the Republic and that it is to be passed in the form presented by them?

The PRESIDENT *pro tempore*. The Chair had intended before this time to say what he will now take occasion to observe, and that is, that it has never been held to be in order in debate in the Senate to refer to the opinion of the Executive or the action of the Executive as an argument for or against pending legislation.

Mr. TELLER. That, I suppose, refers to his action on a pending bill. A Senator may refer, of course, to what he may have done heretofore.

The PRESIDENT *pro tempore*. That is unquestionably in order.

Mr. FAULKNER. I made my remarks in view of the prior action of the President as I understood his course in the past. I simply desire to say in answer to the Senator from Kansas, without trespassing upon the rule as laid down by the President of the Senate, that I have no opinion whatever upon the subject except so far as formed from the veto message of the President.

Mr. PLUMB. I certainly misunderstood the Senator, and I think that misunderstanding was general on this side of the aisle. I understood him to say that the President of the United States would be constrained by consistency, if not by principle, even if there were perhaps an election pending. I did not understand the qualifying remark about an election; I understood it was to occur any way. I only used the language which the Senator himself used, and I did not then think of the Senator being out of order. I only want to have the rule uniformly applied.

That brings me to this point, Mr. President, if the Senator from West Virginia has concluded his remarks: We have been beating about the bush in this whole business in claiming that there has been an effort made to produce a bill here and get it through the Senate, irrespective of what it would accomplish, if the President signed it. That is all I desire to say about it. I can not make it any clearer than that. It never would have received a single vote in the Committee on Pensions from the Democratic side of the Chamber if it had not been for the expectation that it had been framed exactly in accordance with the views of the President of the United States, and that totally irrespective of the question whether it would benefit anybody or not.

To this it has come at last, that we are to take the responsibility of no legislation which does not meet or may not meet the views of the President of the United States. If that is not complete subordination of the legislative to the executive, then I do not see how it can be made any more so. We are not even to contemplate the possibility of passing the bill over the veto of the President. We are not to express any opinion in regard to the matter which may run counter to his opinion, if he has heretofore been kind enough to open his mouth and let us know what he thinks upon the subject.

If the Senate is willing to put itself in that attitude I shall make no objection. So far as I am concerned, I propose to discuss measures that are pending here, now and always, upon what I conceive to be their merits, and not upon what I think the President of the United States may think about them. To me he is a private citizen, no more, no less. His opinion may be good or it may be bad, but he can only express it in the method pointed out by the law. If there is anything clearer than another found in the Constitution of the United States it is that our functions are separate from his, and that we are to exercise them without any reference whatever to him. We are not, at all events, to put ourselves prone upon our front and ask him in advance what he is going to sign.

Mr. BLACKBURN. Does my friend from Kansas mean to say that the Chief Executive officer of this country is nothing but a private citizen and does not represent one of the co-ordinate departments of the Government?

Mr. PLUMB. No, Mr. President, I did not say anything of the kind.

Mr. BLACKBURN. I ask the Senator whether he did not say the Chief Executive was nothing but a private citizen?

Mr. PLUMB. So far as the effect of his opinion upon me is concerned in the exercise of my duties as a Senator upon this floor; that is all. He is Grover Cleveland, no more, no less; "a primrose by the river's brink."

Mr. FAULKNER. I should like to ask the Senator from Kansas by what authority he makes the statement that no Senator on this side of the Chamber, a member of the Committee on Pensions, would have voted for the bill in committee unless he knew the opinion of the Chief Executive.

Mr. PLUMB. I will yield the floor to all of them collectively or *seriatim*, or otherwise, to get up and say what they do mean by this bill, and whether they would vote for it if it were otherwise than in its present shape.

Mr. FAULKNER. I ask the Senator upon what authority he bases his statement that no member of the Pension Committee would vote upon this bill in the affirmative unless he knew the view of the Executive in reference to its provisions.

Mr. PLUMB. Chiefly by reason of the declaration of the Senator himself. He told this side of the Chamber that if we amended the bill we should run the risk of an Executive veto, and by inference that he did not intend to run any such risk, and that the responsibility was on this side of the Chamber for such amendments as were put on the bill in a shape that it would not meet with the pleasure of the President.

Mr. FAULKNER. In that connection, if the Senator will permit me, I disclaim all personal knowledge of any view of the Executive in regard to the matter. I distinctly said that I based my judgment as to what he would be required to do, after the amendment of the bill, upon the veto message which he signed and sent to Congress.

Mr. PLUMB. I did not suppose that the Senator from West Virginia had talked with the President. I had not been led to believe that the President gave his confidence very considerably to Senators on that side of the Chamber. His communications with them I presume have been more curt than would seem to be implied. But whatever it is, whether it be by analogy, by induction, or otherwise, it is plain to be seen that the effort is made here to get a bill which the President will sign, and that that is to be the limit, the verge of what we are to do.

Mr. BLAIR. Mr. President, as one member of the majority I will say that I do take into consideration what is possible; and the fact that from the message of the President of the United States, construed with any degree of fairness, it is evident that this bill will be vetoed if it passes in accordance with the amendments which have been made, I am opposed to those amendments. I am coerced by a knowledge of the fact that unless we take this legislation as it is proposed, substantially as reported by the committee, we shall get nothing whatever in the way of remedy for those men who are suffering, living perpetually in constant death year after year. Unless we take the bill as it is, we get nothing for those men; and we are told there are twenty thousand of them. We can not ignore the fact that the President is one co-ordinate part of the Government. It is a fact, and we know it to be a fact; and those men, in suffering all over this country, are appealing to us to legislate in view of the facts and not with reference to the campaign of next autumn.

Mr. TELLER. Mr. President, if this class of debate is to continue I believe I shall be constrained to call Senators to order. I do not think myself it is the right thing to threaten the Senate of the United States with the Executive displeasure. I have never heard it before in this body. I should like to be able to say that I hope I shall never hear it again, but I very much doubt whether I may not hear it again.

I do not know exactly whose business it is to see that Senators do not violate a well-established rule of parliamentary government. It does seem to me, though, that it is a great degradation to the Senate when a Senator stands up and says he proposes to be governed in his vote by what the Executive thinks or feels or wants; that he is either to be cajoled and persuaded or he is to be driven by what the Executive may do. He is a co-ordinate branch of the Government, but he is not a legislative department of the Government; and if this great, high body, that has maintained for a hundred years a decent, dignified position among the people, is to be threatened with Executive displeasure, there will be, and there ought to be, an end of the American Senate.

I come here charged under my oath to legislate according to my judgment, and not his. I come here to do my duty as a representative of a State, representing back of the State the people of the United States, Am I to be told, "Govern your vote by what Grover Cleveland, the Executive, may think is proper?" Am I to be told that I must surrender my judgment to his? Who gave him the power, where is it found in the Constitution, to threaten me or to threaten the aggregated body of Senators here?

Mr. President, we have had a good deal of that. We have had such lectures from the Executive in the last two or three years as never reached the Senate before 1885. No such vetoes were ever sent to the Senate as we have received since that time. But it remains for this last day for Senators to rise here and tell us that if we do not vote for the bill as it was reported we know how the President of the United States viewed this matter a year ago, and therefore we must govern ourselves by his will and his wish.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. TELLER. Certainly.

Mr. BECK. Like the Senator from Colorado, I have been a listener during this debate. Since he has advised us in regard to our duties in relation to the President, I hope he will be kind enough to tell us what he thinks of the discourse delivered by the Senator from Nebraska [Mr. MANDERSON] as to the action of the Grand Army of the Republic, the beneficiaries under this bill, who, through their lodges, their posts, and their different associations, determined what they wanted us to do and what we ought to do. We were advised how carefully everything had been drawn to do what the men who are to be benefited by the legislation thought it was best for them we should do; and I ask the Senator from Colorado to consider how far that is legitimate in regard to legislation.

Mr. MANDERSON. Will the Senator from Colorado give me a moment, as the inquiry seems to be directed to me?

Mr. TELLER. I will.

Mr. MANDERSON. I shall not attempt to usurp the province of the Chair by attempting a decision upon the case presented by the Senator from Kentucky, but I at least can be pardoned for making a suggestion and giving my own opinion as to the propriety or impropriety of the language used by me upon Friday last.

I submit that the Grand Army of the Republic, as citizens of this country, have the right of petition, not only because of their citizenship but because of the exalted character of their citizenship. If the Senator from Kentucky would deprive them of the right of petition, as he seems to suggest, I do not think that even on that side of the Chamber he would meet with those who would second his effort in that regard.

Mr. BECK. Oh, Mr. President——

Mr. MANDERSON. I deny that the Grand Army of the Republic as an organization is to be benefited by this bill. It is not true that the great majority of the men who belong to that organization are to be benefited by its passage. It will reach the cases of those unable to serve upon the pension committees of the Grand Army, unable by reason of their disability to attend its encampments, and their comrades say, "On behalf of the disabled and the incapacitated, on behalf of the dependents, we ask this legislation at the hands of Congress."

Have they come here in any other form than as petitioners? True, they present a form of bill. True, they have submitted it to the men who are familiar with what is needed in the direction of legislation. Are they to be criticised and condemned for it? Perhaps the time has been reached when they should apologize, not only that they have exercised the right of petition, but that they helped to maintain a legislative body to which they could appeal for the redress of their wrongs.

Mr. BECK. Now, Mr. President, one word more.

Mr. TELLER. I decline to yield for a speech.

Mr. BECK. One other word. I will take but a moment. I have never suggested anything intimating that the Grand Army of the Republic had not the right of petition, nor has anybody suggested that the President of the United States had not the right to veto an obnoxious measure. The criticism was made that we were talking about what the President would do and what we thought in regard to what he had done, and it was in regard to the action of Senators that I was addressing the Senate, and not in regard to the action of the Grand Army of the Republic.

It is not half an hour ago since the Senator from Nebraska rose in his place and in conversation with the Senator from Illinois went on to tell that the reason of the action of the Committee on Pensions and of the Senate grew out of the action of those posts and the votes they had taken and the wishes they had expressed, they themselves representing the beneficiaries. If he thinks he can make any capital by saying that I am intimating that they had no right to petition, when I was answering that, I say his speech was more degrading to the Senate of the United States, to be acting not as independent Senators but because some other body had dictated to them what they should do, as he substantially confessed, than to allude to what the President has done in the exercise of his official right.

Mr. TELLER. Mr. President——

Mr. MANDERSON. One word more, if the Senator from Colorado will permit me. I am at a loss to conceive what there is so immaculate and so unapproachable about the present Chief Magistrate that we should not criticise his past actions. My criticism was as to the veto message which was received by the House of Representatives upon the bill passed by Congress at the last session. I do not think the Senator from Kentucky would go so far as to call me to order for that sort of criticism, yet that was the head and front of my offending.

Why I should be lectured for unparliamentary language or improper conduct I am at a loss to see. I claim the right not only in my capacity as Senator, but as citizen, to criticise even the acts of the President of the United States. I did not indulge in the debate that went on all through the Senate Chamber as to what the probable action of the President of the United States might be as to this bill, except to suggest, as was suggested on both sides of the Chamber and perhaps from every man who has spoken upon the subject, that we desired that it should become a law, and that we had the right to look at past experience in legislation and to past experience in the executive department to see what probably would or would not become a law.

Mr. TELLER. I had not criticised the Executive; I had complained of the Senate, and not of the Executive. If there is a fault, it lies here. I had said nothing about the Executive. The Senator from Kentucky seems to think that he must rush to the defense of somebody. I suppose, of course, it must be the Senate.

When a body of men send here a petition in the form of a bill and say, "We pray you to pass this in this form," I trust the Senator from Kentucky can see a wide difference between that act and Senators representing the Administration side or any other, rising in the Senate and saying, "Here, you know that if you adopt that amendment there will be a veto to this bill." Can not the Senator see some distinction? Can he not see that there may be a degradation to the Senate in the last act and none in the other? Can he not see that the people of the United States may petition us with bills stating the character and form

in which they want relief, and that we are neither intimidated nor threatened by that?

Mr. HOAR. Will the Senator from Colorado allow me to suggest that the manifestation of desire which has come to us from the soldiers of the country is a desire that we shall not go so far in the benefits we are disposed to extend to them as we otherwise should be likely to do? It is not an urgency that we should do something we otherwise would not do, but simply a desire of restraint and moderation.

Mr. TELLER. Whatever it may be, nobody doubts their right to be heard. It will be a sad day indeed when a great body of men who represent the soldier element of this country or any other element can not come here without its being said that they infringe upon the dignity of the Senate.

But that is not the complaint I am making. I am making the complaint that there has pervaded in the Senate from the beginning of this debate, covertly declared, a claim that this bill was shaped to escape a veto, and then we are told to-day in open Senate that of course the Senate must understand that the President of the United States will veto this bill unless we yield our judgment to him. I feel a degradation in hearing that in the American Senate, and I think every Senator ought to feel a degradation.

I am not attacking the Executive if he is responsible for it. I do not say he is. If he was, he ought to be impeached. He is a co-ordinate branch of the Government, and his duties begin when ours end. He has no business catching our ear with his suggestions before a bill goes to him, except as he does it under the Constitution in open Senate when he sends his message. He has no right to say to a Senator from one State or from another State, "I should be pleased if your legislation is this, and if it is that."

In 1845 a member of the Cabinet walked into the House of Representatives, as we would say now, to suggest to the friends of the administration what the administration desired—a Democratic administration—and there was a feeling produced by that act which came very near bringing an impeachment by the very men who believed in the bill. That was an occurrence of which everybody who has talked with the old members of the House of Representatives of 1845 must have heard. There was a time when Executive interference was not thought of, and I do not say it is now. I do not say that the Executive has suggested to anybody to make this threat, but I do say that it is entirely out of place in this body to assert or declare that our legislation must be shaped by the wishes or the will of the Executive.

It does not make any difference to me that the Executive in this case happens to differ with me politically. I should resent it just as quickly from one of my own political faith. Since I have been a member of the Senate—and most of the time we have had a Republican Senate—I never heard from a Republican Executive a suggestion that legislation of a certain character would please him. I hope the Democrats on the other side of the Chamber may say the same thing, and I do not pretend that they can not. That, at least, ought to be the condition of things when we come here to legislate. When we have disposed of this bill under our oaths and under the Constitution and sent it to the Executive, then his duty begins; and when he has acted, if he sends it here and two-thirds of this body do not believe that he has acted wrongfully, the bill fails.

Mr. President, I do not want anybody to assume that I have attacked the Executive. I did not propose to give what I said a partisan bias. I proposed simply to bring back the Senate to where it belongs, and where every Senator in his heart must know it ought to stand, above and beyond Executive influence, above and beyond threats from Executive influence or promises from the executive department of the Government; and that can never be unless the rule is rigidly adhered to that when we discuss questions here we discuss them on their merits, leaving to the proper authorities the responsibility when we have passed a bill through this body what the other House shall do with it and what the Executive shall do with it.

Mr. BLACKBURN. Mr. President, I deprecate as much as any Senator may do a violation of that very proper rule which prohibits a member of this body from undertaking to influence its legislative action by a reference to any course that the Executive may have marked out for himself. I have heard that rule violated three times in debate on this floor, once by the Senator from Minnesota [Mr. DAVIS], again by the Senator from Nebraska [Mr. MANDERSON], and again by the Senator from New Hampshire [Mr. BLAIR], each and all of whom have told us that this bill had to be shaped and framed and fashioned to avoid a veto message at the hands of the Executive.

Their authority for the statement they probably will vouch for and make good. I do not know what it was; but I do know there is but one political organization in this country to-day that is in perfect marching order, ready to take the field with knapsacks packed upon an hour's notice. It is not the Democratic party. Flushed with its recent victory, it has lost something of its realization and appreciation of the necessity for discipline. It is not the Republican party, confronted by its long-expected and well-earned defeat. Its disintegration has rendered it anything except an efficient political organization at this time. But the Grand Army of the Republic represents the only efficiently organized political system on this continent to-day.

The Senator from Nebraska, who so ably champions this bill, admitted in the speech he made to this Chamber and told the country that the bill was the demand made by the Grand Army of the Republic, and he protested substantially against any material amendment, because that organization had formulated—what? Not its petition to an American Congress, but its demand upon an American Congress for legislation of which my colleague spoke advisedly and correctly when he said that they were to be the beneficiaries of it.

This is what we are confronted with, and three Republican Senators tell us that we must not change this bill; that we must not put an amendment on it for fear that the Executive will veto it, and they would lead us to believe that they have reason to think that that is what he is determined to do. I do not know a man on this side of the Chamber who has any right to express either hope or fear as to the action of the Executive upon this or any other bill. I unite with the Senator from Colorado in deprecating anything, as a mistake on the part of the Executive, that would give warrant to any Senator or any Member of the House of Representatives for such an assertion as I have heard in the shape of a threat from three Republican Senators during the discussion of this bill.

I do not believe that the Chair was amenable to the criticism which the Senator from Kansas sought to cast upon him this morning, when the Chair called attention to the fact that it was a violation of the spirit of the rules of debate in the Senate to undertake to state what the President of the United States might do or might not do. He is not a co-ordinate branch of the legislative or law-making power of the Government. He does represent a co-ordinate branch of this Government; but it is purely executive, and neither the Senator from Colorado nor any other Senator will go farther than I in resisting and repelling any effort, or even the semblance of an effort, that may come from the White House in the direction of influencing or controlling the legislation of this body.

But I do insist that if the Senator from Nebraska, the champion of this bill, is to be accepted—and for one I am sure that I am ready to accept him—as authorized to speak for it and all who stand behind it, this is not a petition, but it is a demand sent here by a great, well-organized, and perfectly systematized political agency that proposes to unlock the troubles which now environ both Houses of Congress, to do away with revenue bills, and revisions of tariffs, and abolitions of internal-revenue taxes, and disposition of the surplus in the Federal Treasury by yielding to the demand made by the Grand Army of the Republic; and that, it seems to me, is the only practical solution that the Republican party offers to us for the financial difficulties in which it finds us involved to-day.

I deny that the Senator from Minnesota, or the Senator from Nebraska, or the Senator from New Hampshire, either one or the other, has any right or any authority to charge or to intimate upon this floor that the President of the United States had made up his mind to veto this bill if it went to him in one shape or another.

Mr. MANDERSON. Will the Senator allow me to ask one question?

Mr. BLACKBURN. Certainly.

Mr. MANDERSON. Suppose the bill introduced and now under consideration was identical in language with that which passed both Houses and was vetoed by the President at the last session of Congress, would it not be a proper matter for consideration that a veto had come to that bill, and a proper statement that the natural Executive action would be again its veto?

Mr. BLACKBURN. I answer and say no. Under the rules of this body it would be altogether proper for the Senator from Nebraska to refer to the fact that a veto message of a certain bill had come to the Senate, but it would not be in order for him to undertake to tell what might happen in the future.

Mr. BLAIR. Now, will the Senator allow me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. BLAIR. Does the Senator expect us to believe that it is logic or common sense to say that one may put in evidence before the Senate the fact that the President has recently vetoed just such a bill as we are now considering, and that he may not go further and as matter of argument draw the deduction that it is an unwholesome thing for this bill that he undertake to press it with amendments which shall make it coincide precisely with what has been vetoed? May we put in facts only, not argument? That is the question which I ask.

Mr. BLACKBURN. I will answer the Senator, and say that it may to him seem to be an unreasonable thing for me to demand of him that he shall know the rules that govern this body, for the rules of the Senate are fixed and in print and on his desk, or in it, and they preclude him, as the Presiding Officer of this Chamber this very morning warned him, that he was traveling beyond the limits of the rules in undertaking to threaten the Senate with any action on the part of the Executive.

Mr. BLAIR. The Senator will permit me to say that no such rule as he lays down exists; and I submit that he can not but concede what he says explicitly may be done, and he may allude to facts of history in connection with the Executive, stating them as facts, on the floor of the Senate, and can not be denied the right of arguing from those facts.

Now, let me say further that here is an entirely gratuitous admission all the way around the Chamber that any allusion has been made to the action of the President in a way to dishonorably or in a degrading manner influence the action of the Senate. I alluded to a fact, and only to a fact, that the President has vetoed a bill substantially as it was attempted to make this bill, and that there was that fact existing, and that as reasonable, sensible men we must accept it as we would accept a rock in the stream—a most undesirable fact, but a fact, and a man who has common sense will treat it as a fact to be considered in shaping his course upon the legislation which he proposes in this body. It is no disgrace to the President that we refer to what he has done. Undoubtedly he has acted conscientiously, and we are to act with reference to what we can accomplish, and it is a fact to be considered that the President is undoubtedly opposed——

Mr. BLACKBURN. I thought I yielded for a question. I want to say just one thing and then I have done.

Gentlemen upon that side of the Chamber may treat this bill as a memorial or a petition. I take it under the authorized statement of the Senator from Nebraska to be more of a demand made upon the American Congress, and at the same time a declaration of line and limit made to the Executive of this country. I do not understand that the President has thrust himself in the way to threaten anybody with an impending veto. I will not stop to remind this Chamber and the country of a fact that is known to all of us, that it would not be altogether singular if the President was not enamored of this body of petitioners or demanders, as the case may be. If this be a demand made upon Congress and the President, it is not the first time that the Grand Army of the Republic has resorted to methods to coerce an Executive, and their action has been repudiated by the conservative element of the American people. It is not to be wondered at if these gentlemen in their zeal should undertake in advance to warn the super-loyal of the land against the disloyal methods and policies of a loyal Executive. If these gentlemen are unwilling to submit their bill for the determination of an American Congress, but must needs tell us that it must go through in a stereotyped form, after a Procrustean fashion, because, forsooth, the Grand Army of the Republic has so decreed, and means to dispose of the surplus revenue of an overtaxed and overburdened people in that way and none other, then let them be frank enough to state the issue and go to the country upon it.

Mr. TELLER. Mr. President, I did not think of giving this debate a partisan turn, and I am not responsible for it now. I complained of a violation of the Senate rules. Now the Senator from Kentucky says the violation was on this side of the Chamber. I have not said where it was. He can not have overlooked the fact that the threat of which I complained first came from his side of the Chamber.

Mr. BLACKBURN. From that side, three times from the Republican side, and never here.

Mr. TELLER. I heard no threat on this side of the Chamber. There was an indefined sort of suggestion made, but not openly, that this bill must not go beyond a certain step. Now, whether that was because of hostility on the other side of the Chamber or in the other body or somewhere else was never stated. To-day for the first time we were threatened with Executive displeasure on this bill. That was why I complained; and I can see, as everybody else must see, a wide distinction between that kind of talk and a petition sent here by the Grand Army of the Republic with a bill of which they said, in substance, "Please do not go as far as we believe the generosity of the American people would lead you to go and as your own judgment would go; give us less than we are entitled to."

The Senator from Kentucky says there is only one marshaled army in the country, and that is the Grand Army; they have got their baggage and they are all ready for battle. Mr. President, these people are entitled to some voice in this Government. I do not propose to renew any of the animosities growing out of the war, but I shall never fail here and elsewhere to insist that the men who carried the flag, who saved the country, are entitled to more credit when we glory in a united and successful country, than the men who attempted its destruction. I shall never fail to give to the Grand Army people the meed of praise that they are entitled to for having conducted the greatest campaign in the history of the world, and having by their courage and by their bravery and skill brought out of it the greatest result in the history of mankind. I shall be ready to see them with their buckled armor on at all times, because their arms do not mean danger to the Constitution or to the Republic. They are men in whose hands you can trust the welfare of the whole people; and when they laid down their arms there were no people in the world who laid down their animosities as these men laid down theirs, and the men who came begging pardon from the Government of the United States for the violation of its laws found no more willing hands to receive them than the brave-hearted soldiers who are now organized in the Grand Army of this country. They are entitled to be in marching order, they are entitled to march and to be heard as no other people were ever heard in the history of a free people. They saved the country, and when the war was over they held out their hands and said to the other side, "Come with us; participate with us in all the great results of this war on equal terms."

But they have a right to say to us when he who carried the flag and who won for it renown and glory, stands in a pauper's home, that he shall be fed and clothed out of the magnificent sum that we have in our Treasury; and if they come by bill praying for that relief, it is no threat to this body; it is no insult to this body; and we ought to receive it, and so far as our judgment will allow us we ought to be guided by it, because they have the right as citizens and they have the further right as soldiers to be heard here and everywhere. I am glad they are in marching order, and I hope they will keep up the organization and keep in marching order; and if they were not in marching order and if they did not command a couple of hundred thousand votes there would be no votes on the other side of the Chamber for any pension except that which the bare statute gave them when they entered the service of the United States.

The President in his veto message a year ago said he did not overlook the fact that we had dealt with our soldiers as no people had ever dealt with their soldiers before. Did he remember that no people had ever had such an army as this? Did he remember that the men who went out to battle for us were not hirelings? Did he remember that they were the flower of the whole American people, and not to be compared with the serfs of Europe who enter their armies? They were the governors, they were the rulers, and I thank God that they made their voice potent even to this day when this Chamber is full of men who fought against them, and I do not believe the American people are ready now or ever will be ready to have it said when they come here in a respectful manner that they are not entitled to be heard.

Mr. HOAR. Mr. President, I wish to say a word upon the parliamentary question which has arisen in this debate. I do not understand the rule of parliamentary law to be as stated by the Senator from Kentucky. When the President of the United States vetoes a bill his objections to it are communicated to the two Houses of Congress by a constitutional and parliamentary process, and they pass into the legislative history of the country; and when that communication arrives it is a subject for discussion and debate, whether that discussion and debate arise on the constitutional question of passing the bill notwithstanding his objections or whether it arise in the attempt to pass a new measure which shall avoid those objections; and I am yet to learn that the principle which prevents an attempt to intimidate the Senators by appealing to Executive purposes or Executive wishes or Executive approbation or disapprobation has anything to do with a discussion which arises under such circumstances.

It may be that when an original measure is before a parliamentary body it is out of order to say, "You had better not pass it, because the President will veto it;" but it is perfectly in order—and the contrary rule, it seems to me, would be utterly ridiculous and unreasonable—to say, "You had better not pass it, because the President has vetoed it."

Our Constitution requires the assent of three separate branches, three separate legislative departments, to make a law the constitutional will of the American people. It is necessary that either of those departments should endeavor, if possible, within reasonable and proper limits, to conform its own judgment and will to that of the other two, in order that concurrence and harmony in legislation may be the result; and it is no more out of order for any Senator to say here in his seat, "It is not wise to insert a certain provision in this bill, because that provision has been vetoed by the President," than it would be an indignity to us for the President to say in a communication to Congress that he desires to conform his official action, as far as may be within his sense of constitutional duty, to the judgment or the will of both Houses or either House of Congress.

It seems to me also that the honorable Senator from Kentucky utterly misapprehends the attitude of the soldiers of the country. I do not know whether he referred to them by his contemptuous expression of "super-loyal" that he compared with his example of loyalty, the present Chief Magistrate of the Republic. That organization has come here neither with dictates nor demands. Its members come here to say that, knowing that it is the desire of this body, as manifested by a vote which, as has been already said, was without a record and without a dissent and without an opposing voice lifted here from any seat, to make certain provisions for them, they are willing and contented that we should make a less liberal and favorable provision than that which they know we think they are entitled to; that the Grand Army of the Republic, knowing that the Senate desire to pass a pension bill with certain liberal provisions in it which has met the disapproval of another department of the Government, come to us to say that they trust we will so moderate and limit the legislation in their behalf that it may pass through without any disapprobation.

Now, what is there in such a proceeding as that to justify its being described by the term "dictation" or "demand," or that the men who make it should be spoken of as men with their knapsacks packed ready for a march? I do not understand, I do not think it is quite true, as the other Senator from Kentucky [Mr. BECK] said, to speak of the Grand Army of the Republic, the veteran soldiers of the country, as "beneficiaries," if that word is to be used in the sense in which we speak of paupers or other persons dependent on public bounty. They are entitled by the contract under which they entered upon the public service to a liberal, sufficient, and ample pension system, to be meas-

ured only by the sense of Congress of the public expediency and the public power and means from time to time as time goes on. They are persons having a right, a right to which the public faith is pledged in the most sacred manner, not only by the offers made them when they enlisted, but now recognized, if I mistake not, in the Constitution of the United States itself. It is we, and not they, that are the beneficiaries; it is to them that our existence is due, and not to us that their existence or their glory or their fame is to be attributed; it is because they at one time, with their knapsacks packed and marching in order, put down certain constitutional theories and certain purposes which would have overthrown the Government and broken the country itself asunder that we owe the privilege and the dignity and the honor of sitting in these seats to-day.

I think, Mr. President, the wishes of this great body of soldiers, as voiced to us by a committee which itself contains some famous, honored soldiers, is worthy of a reverence which for one I should be prepared to pay to no other living body of men on the face of the earth. I think the wish of the men who saved the Republic, constitutionally and respectfully uttered, is worthy of the profoundest deference when the voice of the Republic is to be spoken in legislation. And when these men come to tell us, "Do less for us than the majority of the American people as represented by both parties without a division we know well is disposed to give," they should be listened to with respect; and when they say to us, "Adjust your legislation as far as you can to the opinion of the Executive Magistrate of the country, for whom in his great office we as American soldiers and as American citizens, whatever may be our political opinions, desire to express respect," I think the loyal soldiers of the Republic occupy an attitude and utter a voice which is becoming their great character and their great fame, and when we listen to its behests we are doing something which is only becoming of the gratitude which the Republic feels for them.

Mr. BLACKBURN. Mr. President, I thoroughly agree with the Senator from Massachusetts when he says that the President of the United States in vetoing a bill performs rather a legislative than an executive duty. There are duties that attach to the President that are legislative in character just as there are duties that attach to this Chamber which are executive in their character. For instance, the conjunction that is made between this Chamber and the Executive in the matter of treaties or the confirmation of appointments to office devolves executive rather than legislative duties upon the Senate; and when the President sends a veto message to Congress, I confess, as the Senator from Massachusetts has very well and very properly put it, he discharges rather a legislative than an executive duty and function.

But that does not reach the point that is here involved. The question presented here is on a point of order, a purely parliamentary question to which the Senator from Massachusetts rose to speak, and that is as to whether it is in order to do what the Chair had to-day directed should not be done, without having his attention called by any Senator to the fact that it was not in order under the rules of the Senate, to undertake to threaten us with any probable or possible action on the part of the Executive.

I reiterate every word that I said before. It is entirely proper for any Senator to comment upon an executive act, or an act, whether executive or legislative, that has been performed by the President; but it is not in order, as the Chair has notified the Senate and as the rule plainly shows, for either the Senator from Minnesota, the Senator from Nebraska, the Senator from New Hampshire, or the Senator from West Virginia to undertake to threaten us with anything that the President may propose to do.

Mr. BLAIR. Will the Senator allow me to ask a question?

Mr. BLACKBURN. Certainly.

Mr. BLAIR. He will recall to his mind the fact that during the discussion of the education bill the eloquent Senator from Missouri [Mr. VEST] closed his remarks in eulogy of ignorance as the source of virtue, and reprobation of intelligence as the source of crime, by a dramatic gesture pointing to the White House as the source of the death of the bill by a veto; and the redoubtable Senator from Texas [Mr. REAGAN] entered upon his vigorous vindication of the State of Texas by saying that if that bill passed and Texas was threatened with the curse of its enactment by the two Houses of Congress there was hope yet in the White House. Was that not an improper interference? [Laughter and applause in the galleries.]

Mr. BLACKBURN. Mr. President, I am very sure that it will hardly be in keeping with the reputation of the Senator from New Hampshire for doing all fair and generous and manly things, to undertake to involve me in struggles and quarrels with so many gentlemen on my own side when I have my hands full already. [Applause and laughter in the galleries.]

I know that I am not amenable to the criticism the Senator from Massachusetts seeks to put upon me by the reference I may have made, I think not to the Grand Army of the Republic, but I thought I was alluding to certain Senators here upon this floor who were exhibiting more than ordinary zeal in supporting this bill. When I spoke of the "super-loyal," I did not think at the time, and I do not yet believe that the stenographer's notes will show, that I applied that description to the Grand Army of the Republic at all; but if in that I am mistaken, and if the Senator from Massachusetts be correct, and I did speak of that honorable body as a super-loyal element of the American people——

Mr. HOAR. What I said was that I did not know whether the Senator applied that phrase to the Grand Army of the Republic or not.

Mr. BLACKBURN. I do not think that I did, but if I did, I must have meant not to do that organization any discredit, but, upon the contrary, to compliment it by describing it as in contradistinction to my own lack of loyalty, for I have no secrets about that thing; I was not super-loyal from 1861 to 1865, and the records of my country do not tell me that the Senator from Massachusetts was either. [Laughter.] The soldier was, but I do not understand that the Senator stands on even terms with this grand organization that comes here to-day to make its demand for legislation in its own interests.

The Senator need not take offense at the term "beneficiary," which was employed by my colleague and repeated by myself. It may seem strange to the American Senate for anybody to have the hardihood to criticise its English. I think it is appalling. To say that they are beneficiaries of this measure does not even charge or intimate that they are paupers or beggars or recipients of public bounty. It means that they simply become the legatees, the residuary legatees, the acceptors, the receivers of the benefits of public legislation. And if the Grand Army of the Republic, as an organization, was not to be benefited by the passage of this bill, I guaranty that the Senator from Nebraska would ask to withdraw it and apologize for ever having introduced it.

There is no way to escape the conclusion. I did not mean to make myself especially offensive, and yet I am very sure that I am not standing here to apologize either to the Grand Army of the Republic or to anybody else. Unlike some gentlemen, I am not dependent upon their votes; unlike many other gentlemen, I am not a self-constituted possibility in the shape of a Presidential nomination. [Laughter and applause in the galleries.] I have no promises to make and no favors to ask.

The PRESIDENT *pro tempore*. The Senator will suspend one moment. The Chair is confident that a suggestion that the rules of the Senate expressly forbid disapprobation or applause, will prevent a repetition of the disorder which has thrice already manifested itself in the galleries.

Mr. BLACKBURN. Mr. President, I have simply to add that I as sincerely trust as the Senator from Colorado does that the Senator may be able to disabuse his mind of any fear or apprehension that may have been raised by any of the threats that may have been made from the other side of this Chamber as to the purposes the President may have as to this bill, should it become a law so far as the two Houses of Congress are concerned, and let us consider it on its merits.

Mr. TELLER. How about the threats on your side of the Chamber?

Mr. BLACKBURN. I have heard no threat from my side of the Chamber, unless it was from the Senator from West Virginia, and I am very sure that he would not be held to strict accountability if he brought in an assurance that had been given him by the Senator from New Hampshire, the Senator from Minnesota, and the Senator from Nebraska.

Mr. FAULKNER. The Senator will permit me a moment.

Mr. BLACKBURN. Certainly.

Mr. FAULKNER. I desire to say distinctly, as I have said before, that I have uttered no threat similar to that to which allusion has been made. I did draw an inference from the veto message of the President. Since I have been in the Senate I have heard that often done, and I know it is not in violation of the rule laid down by the Chair when he called the Senator from Kansas to order. I made no allusion whatever to any knowledge on my part of the action of the President, except as that knowledge was derived from his past action and the similarity of the two measures since the adoption of the amendments in the Committee of the Whole.

Mr. BLACKBURN. I have but one word more to say and I have done. I trust that this bill will be defeated here in the Senate Chamber. If it should not, I sincerely trust that it will die in the other House; and if it does not die there, I sincerely trust that it will die when it gets to the White House.

Mr. MANDERSON. I think the last part of the speech of the Senator from Kentucky is a very delightful commentary upon his lectures to the rest of the Senate upon the proper observance of parliamentary rules. I felt somewhat fearful when I heard the Senator from Kentucky describe in his graphic way the position of this Grand Army of the Republic, with knapsacks packed, arms upon their shoulders, and ready, as he said, for the field, and saw his martial air, bold front, and the mounting by him of

> Barbed steed
> To fright the souls of fearful adversaries,

that we were to have a renewal of "the late unpleasantness;" but a moment's consideration satisfied me that notwithstanding the fierce appearance of the Senator from Kentucky, we had nothing to dread upon that score. I think we all know him well enough to know that the language used by him on one occasion heretofore was heartily meant, that he "long ago sheathed his sword in the friendships of the men who fought against him." He takes occasion, however, to inveigh

somewhat against the existence of the Grand Army of the Republic. I am not here to defend that organization or to make for it the unnecessary claim that it has the right to exist. I do not think, after the tributes paid to that society by the Senators from Massachusetts and Colorado, that anything is needed at my hands; but what I should like to do would be to clear away a little of the dust stirred up by this cavalry attack and get down to what is really complained of by the Senator from Kentucky.

First, it seems to be that this organization has not come here in due and ancient form, but has seen fit to formulate a bill rather than present a petition to this body. Why, Mr. President, that is not without precedent. With the course that is taken with petitions, I might almost say the disregard that is paid to them in both bodies of Congress, the common practice seems now to obtain that those desiring legislation should come by prepared bill and present it to the Congress of the United States rather than by signed petition. We have notable instances of that character. The Secretary's desk will be found covered, the pigeon-holes in the committee-rooms will be found filled with abundant bills presented by many different organizations in this country. If I mistake not, the oleomargarine bill that passed this body came as a bill presented on request by a Senator, prepared by an association. The Knights of Labor organization have not contented themselves merely with the presentation of petitions——

Mr. HOAR. My friend will allow me to call his attention in that connection to the fact that the Senate has passed an order that bills introduced "by request" shall be so recorded in the print of the bill, and it is now done, recognizing the propriety of that course.

Mr. MANDERSON. Unquestionably. The Knights of Labor organization have not contented themselves with the mere introduction of petitions here to be referred, but they have formulated bills which have been presented in some instances "by request," and in other instances the Senator presenting adopting the paternity of the bills, to a certain extent. The Woman's Christian Temperance Union has come with similar suggestions. One great organization in this country that certainly will command the respect, if not the entire approval of the Senator from Kentucky, has gone so far as to formulate an amendment to the Constitution having reference to the subject of suffrage; and as prepared by that organization and submitted by them to the citizens interested in that question it has come here and is upon the Calendar of the Senate to-day.

So, it seems to me, it does not lie in the mouth of the Senator to criticise and animadvert upon this organization that it has seen fit to come here with a bill. It does not propose to dictate to this or the other branch of Congress, but simply adopts this, the most convenient form, the best form by which it can suggest its desires with reference to this sort of legislation.

Now, Mr. President, we are told that they should be condemned because they are beneficiaries under this bill. That is a very strange sort of comment to make, as it seems to me. The Grand Army of the Republic is not as an organization, the great majority of its members, as individuals, are not beneficiaries under this bill. Those that will be benefited by the bill that has been formulated are simply those who come within its terms; and I for one am thankful for the fact that the number is limited as compared with the number that belong to the Grand Army of the Republic.

I have no word either of apology or explanation for any reference that I have made to the President of the United States. I made, as I think I had a right to make, comment and criticism upon his action with reference to the veto of the pension bill of last session. I made, as I think I had the right to make, even under the strictest construction of parliamentary rule, reference to this bill as to what might be its probable future as to defeat or victory by reason of the experience of the past.

I certainly did not hold up any threat of a veto. No such threat was made by this side of the Chamber. I am not authorized so to do. Certainly I am not one of the mouth-pieces of the Chief Executive of the country. All that I sought to do, and I think all that the effort made by the Senator from Minnesota [Mr. DAVIS] in charge of this bill, and the Senator from New Hampshire [Mr. BLAIR], has been to make this bill such a one as we could reasonably expect would become a law and reach to the measure of the great good that we expect from it.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before putting the motion of the Senator from Missouri the Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes; in which it requested the concurrence of the Senate.

ROCK CREEK BRIDGE.

The PRESIDENT *pro tempore* appointed Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia;

A bill (H. R. 5683) to authorize the commissioners of the District of Columbia to complete a contract for the sale of certain real estate to Job Barnard;

A bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia; and

A bill (H. R. 7648) to extend the authority of the commissioners of the District of Columbia in making contracts.

The bill (H. R. 6800) for the relief of John Powers was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, and so forth, approved March 3, 1887, was read twice by its title, and referred to the Committee on Foreign Relations.

RECOMMITTAL OF A BILL.

Mr. TURPIE. I reported adversely this morning, from the Committee on Pensions, the bill (S. 1076) granting a pension to the widow of John Leary, deceased, and on the suggestion of the Senator from Florida [Mr. CALL] it was placed on the Calendar. I now move to recommit the bill to the Committee on Pensions.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. COCKRELL. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, February 29, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1888.

UNITED STATES MARSHAL.

Fernando J. Moreno, of Florida, to be marshal of the United States for the southern district of Florida.

INDIAN AGENT.

Rickard D. Gwydir, of Covington, Ky., to be agent for the Indians of the Colville agency, in Washington Territory.

POSTMASTERS.

Henry K. Peffer, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania.

John P. Merrill, to be postmaster at Crown Point, in the county of Lake and State of Indiana.

Felix R. Shepley, to be postmaster at Massillon, in the county of Stark and State of Ohio.

John H. Howell, to be postmaster at Eagle Grove, in the county of Wright and State of Iowa.

Samuel A. Murdock, to be postmaster at Havana, in the county of Mason and State of Illinois.

Frederick Hoover, to be postmaster at Holton, in the county of Jackson and State of Kansas.

Hiram Bogardus, to be postmaster at Coxsackie, in the county of Greene and State of New York.

James B. Lucas, to be postmaster at Romeo, in the county of Macomb and State of Michigan.

E. F. Dónnelly, to be postmaster at Whitewater, in the county of Walworth and State of Wisconsin.

William T. Bailey, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

Clarence P. Buckey, to be postmaster at Spencer, in the county of Clay and State of Iowa.

James P. Carleton, to be postmaster at Iowa Falls, in the county of Hardin and State of Iowa.

S. Larkin Fairlamb, to be postmaster at Rock Rapids, in the county of Lyon and State of Iowa.

William P. Ross, to be postmaster at Wilton Junction, in the county of Muscatine and State of Iowa.

John H. Stubenrauch, to be postmaster at Pella, in the county of Marion and State of Iowa.

George Underhill, to be postmaster at Onawa, in the county of Monona and State of Iowa.

Frank A. Winchell, to be postmaster at Kingsley, in the county of Plymouth and State of Iowa.

Justice Webb, to be postmaster at Georgetown, in the county of Scott and State of Kentucky.

James A. Elder, to be postmaster at Emmittsburgh, in the county of Frederick and State of Maryland.

Miss Ella Lewis, to be postmaster at Gallatin, in the county of Summer and State of Tennessee.

Isaac P. Bibbs, to be postmaster at Huntsville, in the county of Randolph and State of Missouri.

Executive nominations confirmed by the Senate February 28, 1888.

ADDITIONAL CIRCUIT JUDGE.

Emile Henry Lacombe, of New York, to be additional circuit judge for the second judicial circuit.

PROMOTION IN MARINE CORPS.

Second Lieut. Samuel L. Jackson, United States Marine Corps, a resident of Massachusetts, to be a first lieutenant in that corps from January 7, 1888.

PROMOTIONS IN THE NAVY.

Lieut. Harry Knox, a resident of Ohio, to be a lieutenant-commander in the Navy from January 2, 1888.

Lieut. York Noël, junior grade, a resident of Pennsylvania, to be a lieutenant in the Navy from January 2, 1888.

Ensign Frank R. Heath, a resident of Virginia, to be a lieutenant, junior grade, from January 2, 1888.

Lieut. Chapman C. Todd, a resident of Kentucky, to be a lieutenant-commander in the Navy from November 9, 1886.

Lieut. Alfred Reynolds, junior grade, a resident of Indiana, to be a lieutenant in the Navy from November 9, 1886.

Ensign Horace M. Witzel, a resident of Wisconsin, to be a lieutenant, junior grade, in the Navy from November 9, 1886.

Lieut. George A. Norris, a resident of Maine, to be a lieutenant-commander in the Navy from December 13, 1886.

Lieut. J. Marshall Robinson, junior grade, a resident of New York, to be a lieutenant in the Navy from December 13, 1886.

Ensign Omenzo G. Dodge, a resident of Kansas, to be a lieutenant, junior grade, in the Navy from December 13, 1886.

Lieut. William H. Parker, a resident of the District of Columbia, to be a lieutenant-commander in the Navy from December 14, 1886.

Lieut. George H. Peters, junior grade, a resident of Pennsylvania, to be a lieutenant in the Navy from December 14, 1886.

Ensign Albert G. Winterhalter, a resident of Michigan, to be a lieutenant, junior grade, in the Navy from December 14, 1886.

Lieut. Joseph N. Hemphill, a resident of Ohio, to be a lieutenant-commander in the Navy from January 26, 1887.

Lieut. Bradley A. Fiske, junior grade, a resident of New York, to be a lieutenant in the Navy from January 26, 1887.

Ensign John M. Orchard, a resident of Missouri, to be a lieutenant, junior grade, in the Navy from January 26, 1887.

Lieut. Abraham B. H. Lillie, a resident of New York, to be a lieutenant-commander in the Navy from January 29, 1887.

Lieut. Frank Holmes, junior grade, a resident of California, to be a lieutenant in the Navy from January 29, 1887.

Ensign Hiero Taylor, a resident of Illinois, to be a lieutenant, junior grade, in the Navy from January 29, 1887.

Lieut. John W. Stewart, junior grade, a resident of Maryland, to be a lieutenant in the Navy from March 1, 1887.

Ensign John N. Jordan, a resident of Maine, to be a lieutenant, junior grade, in the Navy from March 1, 1887.

Commander John Crittenden Watson, a resident of Kentucky, to be a captain in the Navy from March 6, 1887.

Lieut. Commander James G. Green, a resident of Massachusetts, to be a commander in the Navy from March 6, 1887.

Lieut. William T. Swinburne, a resident of Rhode Island, to be a lieutenant-commander in the Navy from March 6, 1887.

Lieut. Lucien Flynne, junior grade, a resident of Texas, to be a lieutenant in the Navy from March 6, 1887.

Ensign August F. Fechteler, a resident of New York, to be a lieutenant, junior grade, in the Navy from March 6, 1887.

Lieut. John F. Parker, junior grade, a resident of Ohio, to be a lieutenant in the Navy from April 21, 1887. Subject to the examinations required by law.

Ensign Thomas M. Brumby, a resident of Georgia, to be a lieutenant, junior grade, in the Navy from April 21, 1887.

Lieut. Hamilton Hutchins, junior grade, a resident of New Hampshire, to be a lieutenant in the Navy from May 21, 1887.

Ensign Valentine S. Nelson, a resident of Tennessee, to be a lieutenant, junior grade, in the Navy from May 21, 1887.

Ensign Edward E. Wright, a resident of Massachusetts, to be a lieutenant, junior grade, in the Navy from May 21, 1887.

Lieut. Commander George E. Wingate, a resident of New Hampshire, to be a commander in the Navy from May 26, 1887.

Lieut. William H. Emory, a resident of New York, to be a lieutenant-commander in the Navy from May 26, 1887.

Lieut. John M. Bowyer, junior grade, a resident of Iowa, to be a lieutenant in the Navy from May 26, 1887.

Ensign Albert Gleaves, a resident of Tennessee, to be a lieutenant, junior grade, in the Navy from May 26, 1887.

Lieut. Charles T. Hutchins, a resident of Pennsylvania, to be a lieutenant-commander in the Navy from June 30, 1887.

Lieut. John C. Colwell, junior grade, a resident of Pennsylvania, to be a lieutenant in the Navy from June 30, 1887.

Ensign Selim E. Woodworth, a resident of New York, to be a lieutenant, junior grade, in the Navy from June 30, 1887.

Lieut. Seth M. Ackley, a resident of Massachusetts, to be a lieutenant-commander in the Navy from June 30, 1887.

Lieut. William R. A. Rooney, junior grade, a resident of Pennsylvania, to be a lieutenant in the Navy from June 30, 1887.

Ensign James P. Parker, a resident of North Carolina, to be a lieutenant, junior grade, from June 30, 1887.

Lieut. Edward J. Dorn, junior grade, a resident of Missouri, to be a lieutenant in the Navy from June 30, 1887.

Ensign Henry C. Wakenshaw, a resident of New Jersey, to be a lieutenant, junior grade, in the Navy from June 30, 1887.

Ensign Benjamin W. Hodges, a resident of Mississippi, to be a lieutenant, junior grade, in the Navy from June 30, 1887.

Lieut. William W. Gilpatrick, a resident of Kansas, to be a lieutenant-commander in the Navy from July 1, 1887.

Lieut. Bernard O. Scott, junior grade, a resident of Alabama, to be a lieutenant in the Navy from July 1, 1887.

Ensign Herbert O. Dunn, a resident of Rhode Island, to be a lieutenant, junior grade, from July 1, 1887.

Commodore Bancroft Gherardi, a resident of Massachusetts, to be a rear-admiral in the Navy from August 25, 1887.

Captain William E. Fitzhugh, a resident of Ohio, to be a commodore in the Navy from August 25, 1887.

Commander Henry B. Robeson, a resident of Connecticut, to be a captain in the Navy from August 25, 1887.

Lieut. Commander Joshua Bishop, a resident of the District of Columbia, to be a commander in the Navy from August 25, 1887.

Lieut. Benjamin S. Richards, a resident of Pennsylvania, to be a lieutenant-commander in the Navy from August 25, 1887.

Lieut. David Peacock, junior grade, a resident of New Jersey, to be a lieutenant in the Navy from August 25, 1887.

Ensign Arthur W. Dodd, a resident of Indiana, to be a lieutenant, junior grade, in the Navy from August 25, 1887.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 28, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D., president of Dakota University.

The Journal of the proceedings of yesterday was read and approved.

AUGUSTIN DE YTURBIDE.

Mr. SENEY, by unanimous consent, from the Committee on the Judiciary, reported back adversely the bill (H. R. 5818) to authorize the United States district court for the northern district of California, in the case of the executor and heirs of Augustin de Yturbide, deceased, appellants, against the United States, appellees, to hear and determine the same on its merits; which was laid upon the table, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. SENEY also, from the Committee on the Judiciary, reported back adversely the bill (H. R. 5030) to repeal section 714 of the Revised Statutes; which was laid on the table, and the accompanying report ordered to be printed.

UNITED STATES JUDICIAL DISTRICTS IN GEORGIA.

Mr. SENEY also, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. DIBBLE. Mr. Speaker, I demand the regular order.

INDIANS OF WARM SPRING RESERVATION.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for the purchase of land near the Dalles of the Columbia River, Oregon, for the use of the Indians of the Warm Spring reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RAILWAY AT WATERVLIET ARSENAL, NEW YORK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Sec-

retary of War of an appropriation for paving the railway through the Watervliet Arsenal grounds, West Troy, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, SAN FRANCISCO, CAL.

The SPEAKER *pro tempore* also laid before the House a letter from the Acting Secretary of the Treasury, transmitting the report of the commission appointed to select a site for the public building at San Francisco, Cal.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EXTRA PAY FOR WAR DEPARTMENT EMPLOYÉS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Adjutant-General, a petition from clerks and messengers for extra-service pay; which was referred to the Committee on Appropriations, and ordered to be printed.

REMUSTER OF VOLUNTEER ARMY OFFICERS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House, a report by the Adjutant-General of progress in the examination and adjudication of claims for remuster of officers of the volunteer forces under acts of June 3, 1884, and February 3, 1887; which was referred to the Committee on War Claims, and ordered to be printed.

SURVEY OF SALT RIVER, KENTUCKY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of examination and survey of Salt River, Kentucky; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF TILLAMOOK BAY, OREGON.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of the examination and survey of Tillamook Bay and Bar, Oregon; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MARITIME CANAL COMPANY OF NICARAGUA.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOPKINS, of Illinois, for one week, on account of important business.

To Mr. WHITTHORNE, for to-day, on account of sickness.

ORDER OF BUSINESS.

Mr. TIMOTHY J. CAMPBELL. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration——

Mr. DIBBLE. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

STAYS ON EXECUTIONS.

Mr. FULLER, from the Committee on the Judiciary, reported back favorably the bill (H. R. 4948) to amend section 988 of the Revised Statutes, regulating stays on executions in courts of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS IN NEBRASKA.

Mr. FULLER also, from the Committee on the Judiciary, reported back adversely the bill (H. R. 4987) to provide for holding terms of the United States district and circuit courts in the State of Nebraska; which was laid on the table, and the accompanying report ordered to be printed.

WATER SUPPLY FOR CHICAGO.

Mr. DUNHAM, from the Committee on Commerce, reported back with amendment the bill (H. R. 3333) to authorize the city of Chicago to erect a crib in Lake Michigan for water-works purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EMILY GOODALL.

Mr. THOMPSON, of California, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3682) to pension Emily Goodall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. JOHNSON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 428) granting a pension to William B. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

KELSEY CURTIS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3183) for the relief of Kelsey Curtis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE GARDNER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5118) granting a pension to Theodore Gardner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. ORR.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6761) for the relief of James H. Orr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HETTIE K. PAINTER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSIONS UNDER SPECIAL ACTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1422) relating to pensions granted by special acts of Congress; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARGARET L. MURRAY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 404) for the relief of Margaret L. Murray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. BRANSON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 854) granting a pension to Sarah E. Branson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN D. REDFIELD.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1785) granting a pension to Stephen D. Redfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 2260) granting a pension to George Forster; and

A bill (H. R. 6301) granting a pension to William A. Bacon.

MAHALA DEXTER.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4104) granting a pension to Mahala Dexter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. PRIBBLE.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 818) granting a pension to Sarah E. Pribble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN THURSTON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6812) granting an increase of pension to Stephen Thurston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS S. HOPKINS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 450) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH C. DE WITT.

Mr. GALLINGER also, from the Committee on Invalid Pensions, re-

ported back favorably the bill (S. 451) granting a pension to Hannah C. De Witt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. WAIT.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 550) granting a pension to William C. Wait; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 4097) to restore to the pension-roll the name of William C. Wait; which was laid on the table, and the accompanying report ordered to be printed.

ABBIE S. HUTCHINSON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 733) granting a pension to Abbie S. Hutchinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH S. LANGDON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 549) granting a pension to Hannah S. Langdon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 5986) granting an increase of pension to Frederick Moser; which was laid on the table, and the accompanying report ordered to be printed.

CLARISSA HARVEY.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7237) granting a pension to Clarissa Harvey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK AUGUSTIN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 5499) granting an increase of pension to Frederick Augustin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MARY E. CARPENTER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 3014, granting a pension to Mary E. Carpenter and the minor heirs of William Johnson, deceased, a bill (H. R. 7856) granting a pension to Emma R. Johnson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3014 was laid on the table.

MARY ROBINSON.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6759) granting a pension to Mary Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANGERONE P. COLE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BETSEY MANNSFIELD.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 809) granting a pension to Betsey Mannsfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DELIA M. PECK.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 803) granting a pension to Delia M. Peck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IDA M. WELTON.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 1784) granting a pension to Ida M. Welton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

FRANCES PYNE RICKETTS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 393) for the relief of Frances Pyne Ricketts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ELVIRA L. JOHNSON.

Mr. DE LANO, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 752) to grant a pension to Mrs. Elvira L. Johnson, widow of Commodore Philip C. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HANCOCK.

Mr. FINLEY, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 1071) granting a pension to John Hancock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMORY R. SEWARD.

Mr. KERR, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7319) for the relief of Emory R. Seward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEMON, BACHE & CO.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2666) for the relief of Semon, Bache & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SONE & FLEMING MANUFACTURING COMPANY.

Mr. LAIDLAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3859) for the relief of the Sone & Fleming Manufacturing Company, limited, of the State of New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY GUMBERTS, SR.

Mr. LAIDLAW also, from the Committee on Claims, reported back with amendments the bill (H. R. 4658) for the relief of Henry Gumberts, sr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CHARLES M. HEMIUP.

Mr. LAIDLAW also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3858) for the relief of Charles M. Hemiup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER MOFFITT.

Mr. LAWLER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6347) for the relief of Alexander Moffitt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. E. P. MALLOY.

Mr. LAWLER also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHINEAS T. RICHARDSON.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back with amendments the bill (H. R. 3112) for the relief of Phineas T. Richardson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR MILITARY EXPENDITURES, 1812.

Mr. GAINES, from the Committee on War Claims, reported back with amendments the bill (H. R. 1893) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIZZIE E. M'CORD.

Mr. PENINGTON, from the Committee on War Claims, reported

back with a favorable recommendation the bill (H. R. 4252) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FLETCHER.

Mr. SHIVELY, from the Select Committee on Indian Depredation Claims, reported back with a favorable recommendation the bill (H. R. 128) for the relief of John Fletcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER *pro tempore*. The call of committees for reports has now been completed; but, in the absence of objection, members who were not present when their committees were called will be permitted to present reports.

SECTIONS 4488, 4489, REVISED STATUTES.

Mr. DAVIS, from the Committee on Commerce, reported back with an amendment the bill (H. R. 1524) to amend sections 4488 and 4489 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

A. B. TYAN.

Mr. PHELPS, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 7255) for the relief of A. B. Tyan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAMY ROINS.

Mr. BLISS, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 6343) to increase the pension of Namy Roins, the oldest Revolutionary pensioner on the rolls, she being nearly ninety-six years of age; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE SCHNEIDER.

Mr. BLISS also, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 112) granting a pension to George Schneider; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DUTY ON IRON ORE.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent to have read and printed in the RECORD a very brief petition, only half a dozen lines long, signed by 700 miners in the mining region of Michigan, protesting against the abolition or reduction of the duty on iron ore.

The petition was read.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Michigan [Mr. BURROWS] to have this petition printed in the RECORD?

Mr. BLAND. I would like to inquire whether those miners are in the same condition as the miners in Pennsylvania; whether they are starving under the present protective tariff?

The SPEAKER *pro tempore*. The Chair can not answer that question. Is there objection to the request of the gentleman from Michigan [Mr. BURROWS]?

Mr. MILLS. I object. Let the petition be referred to the Committee on Ways and Means.

Mr. BURROWS. Mr. Speaker, is there objection to the printing of the petition?

The SPEAKER *pro tempore*. The petition having been read, will be printed. Is there objection to the printing of the petition in the RECORD?

Mr. TAULBEE. Yes, sir.

The SPEAKER *pro tempore*. Objection is made. The petition will be referred to the Committee on Ways and Means.

Mr. BUCHANAN. Who objects?

The SPEAKER *pro tempore*. The gentleman on the right of the Chair.

Mr. BUCHANAN. What is his name?

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS].

PRINTING REPORT OF PACIFIC RAILROAD COMMISSION.

Mr. ANDERSON, of Iowa. I rise to a question of privilege, and offer the resolution which I send to the desk, on which I ask immediate action.

The Clerk read as follows:

Whereas this House on the 18th day of January, 1888, passed a resolution in the words and figures following:

"*Resolved*, That 10,000 copies of the President's message and the accompanying reports of the Pacific Railroad Commission be printed for the use of the House;" and

Whereas said resolution seems not to have been complied with, and said documents, including the evidence taken by said commission, placed at the disposal of the members of this House; and

Whereas more than forty days have elapsed since the passage of said resolution; and

Whereas the purpose of said resolution to print said documents "for the use of this House" will be entirely defeated if the same are not speedily supplied: Therefore,

Be it resolved, That the Public Printer be, and he is hereby, directed to report to this House forthwith what steps, if any, he has taken to execute said resolution, stating in detail his action thereunder, giving the number of copies, if any, that he has printed, what disposition he has made of them, and to whom he delivered them, or any portion of them, and what instructions, if any, he gave to the person or persons to whom he delivered said documents as to the disposition thereof.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. RICHARDSON. By what right is this resolution presented now? I do not understand that it is a privileged question.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. ANDERSON] presents it as a question of privilege, but the Chair has not yet decided whether it is such. [After examining the resolution.] The present understanding of the Chair is that it is not privileged at this time. Being a resolution of inquiry, if referred it would be, when reported back, a question of privilege. Is there objection to the introduction of the resolution?

Mr. RICHARDSON. I object.

Mr. DIBBLE. I call for the regular order.

Mr. ANDERSON, of Iowa. Mr. Speaker——

The SPEAKER *pro tempore*. In the opinion of the Chair the resolution can not be introduced as a question of privilege at this time.

Mr. ANDERSON, of Iowa. I would like to say a word if the Chair will hear me.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman.

Mr. ANDERSON, of Iowa. I understand this resolution to present a question of privilege. This House, on the 18th day of January, made, in the form of a resolution, an order with reference to printing. The present resolution recites that there has been, unless some satisfactory explanation can be made, a non-compliance with that order. Certainly if the Public Printer has not complied with an order of this House, the question is one which concerns the dignity of the House as well as the rights of members in their representative capacity.

Mr. SPRINGER. This is simply a resolution of inquiry——

Mr. ANDERSON, of Iowa. No, sir, it is not.

Mr. SPRINGER. And can be introduced upon the call of States during the morning hour on Monday.

Mr. DUNHAM. The object of this resolution is to secure obedience to the instructions of this House.

Mr. ANDERSON, of Iowa. That is it.

The SPEAKER *pro tempore*. The Clerk will again read the resolution.

The resolution was again read.

Mr. ROGERS. I rise to a parliamentary inquiry: I wish to know where this resolution comes from.

The SPEAKER *pro tempore*. It comes from the gentleman from Iowa [Mr. ANDERSON].

Mr. ROGERS. Is it reported from a committee?

The SPEAKER *pro tempore*. It is not; the gentleman from Iowa presents it in his individual capacity. The Clerk will read Rule IX, defining "questions of privilege."

The Clerk read as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only.

Mr. ANDERSON, of Iowa. It seems to me, Mr. Speaker, under the rule just read——

Mr. ROGERS. Has a point of order been made against this resolution?

Mr. RICHARDSON. I have made the point.

The SPEAKER *pro tempore*. The point of order is now pending; and the Chair recognizes the gentleman from Iowa [Mr. ANDERSON] upon the point of order.

Mr. BLOUNT. Has not the Chair ruled on the question?

The SPEAKER *pro tempore*. The gentleman from Iowa desires to be heard on the point of order before it is finally decided; and for the purpose of presenting the question properly, the Chair has caused the resolution to be again read.

Mr. ANDERSON, of Iowa. Now, Mr. Speaker, if I may be permitted to proceed, I submit that this resolution presents, not only a question of privilege, but a question of the very highest privilege. If not, I ask, how can this House enforce compliance with its orders? We have adopted a resolution which, in its very nature, implies a demand for immediate action on the part of the officer to whom it is directed. That resolution orders the printing of certain documents "for the use of this House." More than forty days have now elapsed since that order was made, yet I find it impossible, so far as I am concerned, to have the benefit of any practical execution of that order. It seems to me, therefore, this is a matter of the very highest privilege, and as such I present it and ask immediate action by the House on the resolution.

Several members rose.

The SPEAKER *pro tempore*. The Chair is ready to rule upon the question. Rule IX states that—

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

The Chair is inclined to think that the question presented by this resolution comes within the category stated in the rule. The gentleman from Iowa is recognized to introduce the resolution. The question is now on its adoption.

Mr. RICHARDSON. I move the reference of the resolution to the Committee on Printing.

The SPEAKER *pro tempore*. That motion is in order.

Mr. ANDERSON, of Iowa. I hope it will not be agreed to.

Mr. ROGERS. On the motion to refer, I demand the previous question.

Mr. HOOKER. I ask for the reading of the resolution.

The SPEAKER *pro tempore*. If there be no objection, the resolution will be again read.

The Clerk again read the resolution.

Mr. OUTHWAITE. Mr. Speaker, I should like to make a brief statement concerning this resolution.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. ROGERS] has demanded the previous question on the motion to refer.

Mr. OUTHWAITE. I merely wish to state that the pending resolution submitted by the gentleman from Iowa [Mr. ANDERSON] proposes to censure the Public Printer for something which the original resolution did not require him to do. [Cries of "Order!"] Let me make a brief explanation on the subject. [Cries of "Order!"]

Mr. ANDERSON, of Iowa. If there is to be any explanation, let it be made by the Public Printer after the resolution has been adopted. If they wanted to make an explanation there was a due and proper way to make it. Let them make it in that way, and let the resolution be now adopted. [Cries of "Order!"]

Mr. TAULBEE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. I understand the pending question to be on the motion of the gentleman from Tennessee [Mr. RICHARDSON] to refer the resolution to the Committee on Printing.

Mr. RICHARDSON. Yes, that is my motion.

Mr. TAULBEE. My point of order is, as the motion to refer to the Committee on Printing is not debatable, there is no necessity for demanding the previous question on that motion.

The SPEAKER *pro tempore*. The resolution is amendable, and the previous question applies to all amendments.

Mr. BLAND (exhibiting a printed document). Here is the document, and there are plenty of them in the document-room.

Mr. WEAVER. That is not the document at all.

Mr. BLAND. It is the document.

Mr. WEAVER. No, it does not contain the testimony.

Mr. BLAND. No resolution is required on the subject at all. [Cries of "Order!"]

The House divided on ordering the previous question; and there were—ayes 98, noes 115.

Mr. BLAND. I demand the yeas and nays. The document is here, and what is the use of adopting any such resolution?

Mr. RICHARDSON. I hope the gentleman will not insist on his demand for the yeas and nays.

Mr. CUTCHEON. I wish to move an amendment.

The SPEAKER *pro tempore*. The yeas and nays are demanded on the motion to refer and no amendment is now in order. Gentlemen will come to order.

Mr. BLAND. I withdraw the demand for the yeas and nays.

So the previous question was not ordered.

The SPEAKER *pro tempore*. The question recurs on the motion to refer to the Committee on Printing.

Mr. RICHARDSON. Is that debatable?

The SPEAKER *pro tempore*. It is not.

Mr. CUTCHEON. Is a motion to amend in order?

The SPEAKER *pro tempore*. It is.

Mr. CUTCHEON. I move to add to the motion "with instructions to report the resolution back"——

A MEMBER. In five minutes. [Laughter.]

Mr. CUTCHEON. Within three days.

Mr. REED. We can not have the Public Printer a daily issue.

Mr. CUTCHEON. I withdraw my amendment.

The SPEAKER *pro tempore*. The question is on referring the resolution to the Committee on Printing.

Mr. BLAND. I demand a division.

The House divided; and there were—ayes 110, noes 128.

Mr. RICHARDSON. I call for the yeas and nays.

Mr. SPRINGER. Tellers?

Mr. RICHARDSON. No; the yeas and nays.

The yeas and nays were ordered.

Mr. OUTHWAITE. Mr. Speaker, is it proper to have the original resolution read [cries of "Order!"], which will show the Public Printer is not required [cries of "Regular order!"]—that the Public Printer was not required to print the testimony? [Cries of "Order!"]

The SPEAKER *pro tempore*. Gentlemen will take their seats. No business will be done until they do so and order is restored in the Hall.

The pending question is on the motion to refer to the Committee on Printing, on which the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 131, nays 130, not voting 62; as follows:

YEAS—131.

Abbott,	Dockery,	Lee,	Rogers,
Anderson, Miss.	Elliott,	Lynch,	Russell, Mass.
Anderson, Ill.	Enloe,	Macdonald,	Rusk,
Bacon,	Ermentrout,	Mahoney,	Sayers,
Bankhead,	Fisher,	Maish,	Scott,
Barnes,	Foran,	Mansur,	Seney,
Barry,	Ford,	Martin,	Shaw,
Blanchard,	Forney,	Matson,	Shively,
Bland,	Gibson,	McAdoo,	Simmons,
Blount,	Glass,	McClammy,	Snyder,
Breckinridge, Ark.	Glover,	McCreary,	Sowden,
Breckinridge, Ky.	Greenman,	McKinney,	Springer,
Brice,	Grimes,	McMillin,	Stahlnecker,
Buckalew,	Hall,	McRae,	Stewart, Tex.
Burnett,	Hare,	McShane,	Stewart, Ga.
Bynum,	Hayes,	Mills,	Stockdale,
Campbell, F., N. Y.	Heard,	Montgomery,	Stone, Ky.
Campbell, T. J., N. Y.	Hemphill,	Moore,	Tarsney,
Candler,	Henderson, N. C.	Morgan,	Taulbee,
Carlton,	Herbert,	Neal,	Thompson, Cal.
Caruth,	Hogg,	Newton,	Tillman,
Catchings,	Holman,	Norwood,	Tracey,
Chipman,	Hooker,	Oates,	Turner, Ga.
Clements,	Hudd,	O'Ferrall,	Walker,
Cobb,	Hutton,	O'Neall, Ind.	Washington,
Collins,	Jones,	Outhwaite,	Weber,
Cothran,	Kilgore,	Peel,	Wheeler,
Crisp,	Laffoon,	Penington,	Whiting, Mich.
Culberson,	Lagan,	Perry,	Wilson, Minn.
Dargan,	Landes,	Randall,	Wilson, W. Va.
Davidson, Ala.	Lane,	Rice,	Wise,
Davidson, Fla.	Lanham,	Richardson,	Yoder.
Dibble,	Lawler,	Robertson,	

NAYS—130.

Adams,	Davenport,	Ketcham,	Reed,
Allen, Mass.	Davis,	La Follette,	Romeis,
Allen, Mich.	De Lano,	Laidlaw,	Rowell,
Allen, Miss.	Dingley,	Laird,	Russell, Conn.
Anderson, Iowa	Dorsey,	Lehlbach,	Ryan,
Atkinson,	Dunham,	Lind,	Sawyer,
Baker, N. Y.	Farquhar,	Lodge,	Sherman,
Baker, Ill.	Finley,	Long,	Smith,
Bayne,	Flood,	Lyman,	Spooner,
Belden,	Fuller,	Mason,	Stephenson,
Bingham,	Funston,	McComas,	Stewart, Vt.
Boothman,	Gaines,	McCormick,	Struble,
Bound,	Gallinger,	McCullogh,	Symes,
Boutelle,	Gear,	McKenna,	Taylor, E. B., Ohio
Bowden,	Gest,	McKinley,	Taylor, J. D., Ohio
Brewer,	Goff,	Milliken,	Thomas, Ky.
Brower,	Grout,	Moffitt,	Thomas, Wis.
Browne, T. H. B., Va.	Guenther,	Morrill,	Thompson, Ohio
Browne, Ind.	Harmer,	Morrow,	Turner, Kans.
Brown, Ohio	Haugen,	Nelson,	Vandever,
Brumm,	Henderson, Iowa	Nichols,	Wade,
Buchanan,	Henderson, Ill.	Nutting,	Warner,
Burrows,	Hermann,	O'Donnell,	Weaver,
Cannon,	Hiestand,	Osborne,	West,
Caswell,	Hitt,	Owen,	White, Ind.
Cheadle,	Houk,	Parker,	White, N. Y.
Clark,	Hovey,	Patton,	Wickham,
Cogswell,	Jackson,	Payson,	Wilber,
Conger,	Johnston, Ind.	Perkins,	Williams.
Crouse,	Kean,	Peters,	Yardley,
Cutcheon,	Kelley,	Phelps,	Yost.
Dalzell,	Kennedy,	Post,	
Darlington,	Kerr,	Pugsley,	

NOT VOTING—62.

Anderson, Kans.	Cowles,	Hopkins, Ill.	Rockwell,
Arnold,	Cox,	Hopkins, Va.	Rowland,
Belmont,	Crain,	Hopkins, N. Y.	Scull,
Biggs,	Cummings,	Howard,	Spinola,
Bliss,	Dougherty,	Hunter,	Steele,
Bowen,	Dunn,	Johnston, N. C.	Stone, Mo.
Brown, J. R., Va.	Felton,	Latham,	Thomas, Ill.
Bunnell,	Fitch,	Maffett,	Townshend,
Burnes,	French,	Merriman,	Vance,
Butler,	Gay,	Morse.	Whiting, Mass.
Butterworth,	Granger,	O'Neill, Pa.	Whitthorne,
Campbell, Ohio	Grosvenor,	O'Neill, Mo.	Wilkins,
Clardy,	Hatch,	Phelan,	Wilkinson,
Cockran,	Hayden,	Pidcock,	Woodburn.
Compton,	Hires,	Plumb,	
Cooper,	Holmes,	Rayner,	

So the motion to refer was agreed to.

The following pairs were announced until further notice on all political questions:

Mr. TOWNSHEND with Mr. WHITING, of Massachusetts.

Mr. SPINOLA with Mr. ADAMS.

Mr. HATCH with Mr. HOPKINS, of Illinois.

Mr. FRENCH with Mr. FLOOD.

Mr. HOWARD with Mr. GROSVENOR.

Mr. JOHNSTON, of North Carolina, with Mr. JOHNSTON, of Indiana.

Mr. BIGGS with Mr. FELTON.

Mr. DOUGHERTY with Mr. JOHN R. BROWN.

Mr. GRANGER with Mr. ROCKWELL.

Mr. ROWLAND with Mr. HAYDEN.

Mr. STONE, of Missouri, with Mr. ANDERSON, of Kansas.

Mr. CUMMINGS. I am paired with my colleague, Mr. FITCH, and, as this seems to be a political question, I have declined to vote.

The following pairs were announced for this day:

Mr. WILKINS with Mr. BUTTERWORTH.

Mr. WHITTHORNE with Mr. BOWEN.

Mr. CRAIN with Mr. ARNOLD.

Mr. LATHAM with Mr. HOPKINS, of New York.

Mr. BELMONT with Mr. HUNTER.

Mr. COCKRAN with Mr. SCULL.

Mr. COWLES with Mr. O'NEILL, of Pennsylvania.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for one hour for the consideration of bills. The call rests with the Committee on the Territories.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. What was the announcement of the last vote by the Chair?

The SPEAKER *pro tempore*. One hundred and thirty-one votes in the affirmative, and 130 in the negative.

Mr. DUNHAM. We here understood the Speaker to announce the vote as 121 in the affirmative.

The SPEAKER *pro tempore*. The record will show correctly.

Mr. MANSUR. Mr. Speaker, by unanimous consent of the Committee on the Territories, I am requested to ask unanimous consent of the House for the adoption of the resolution I send to the desk.

The SPEAKER *pro tempore*. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That Saturday, March 3, Saturday, March 10, and Tuesday and Wednesday, the 13th and 14th of March, immediately after the call of committees for reports, be set apart for the consideration of bills reported from the Committee on the Territories, in such order as may be designated by said committee, this order not to conflict with prior orders, revenue or general appropriation bills.

Mr. SPRINGER. I understand that Saturday, March 3, has already been assigned to business from the Committee on the Post-Office and Post-Roads, and I ask unanimous consent to omit that day from the resolution.

Mr. DOCKERY. I shall otherwise object to the present consideration.

The SPEAKER *pro tempore*. The first question is, Will the House consent to consider the resolution?

Mr. SPRINGER. I desire to modify it in that way.

The SPEAKER *pro tempore*. That modification can be made hereafter by substituting another day.

Mr. SPRINGER. I did not propose to modify it by fixing another day at present, but to leave that date blank to be filled in hereafter.

Mr. HEMPHILL. I ask that the resolution be again read.

Mr. STEELE. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STEELE. I wish to state that I was in my seat during the first roll-call, but did not hear my name called. I would like to have my vote recorded on that proposition.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that it is too late now to entertain his request, as the House has started upon another hour.

Mr. STEELE. I wish to state that if I had been present I should have voted in the negative. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair was putting a question to the House whether there was objection to the consideration of this resolution.

Mr. BLOUNT. I desire to make a parliamentary inquiry before that consent is given.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. I wish to know whether it would be in order to amend the pending proposition by fixing days for other committees?

The SPEAKER *pro tempore*. The Chair will state that it requires unanimous consent to consider this proposition, and that is now the pending question.

Mr. MILLS. Has unanimous consent been given?

The SPEAKER *pro tempore*. It has not yet been given.

Mr. MILLS. I ask that this resolution be referred to the Committee on Rules.

Mr. HOOKER. Let it be read again.

Mr. BLOUNT. I hope the Chair will answer the parliamentary inquiry I have suggested.

The SPEAKER *pro tempore*. The Chair would not like to decide the question until it comes up.

Mr. BLOUNT. Then I object to the consideration of the resolution.

Mr. HOOKER. I ask that it be again reported.

The SPEAKER *pro tempore*. Objection has been made to its present consideration.

Mr. BLOUNT. I have no objection to its being read for information.

Mr. MILLS. If consent is given to consider the resolution I shall make the point of order that it must go to the Committee on Rules. I demand the regular order.

Mr. SPRINGER. Is there objection to referring this resolution to the Committee on Rules?

There was no objection, and the resolution was so referred.

OKLAHOMA.

The SPEAKER *pro tempore*. The hour for the consideration of bills under the rule begins at twenty-five minutes past 1 o'clock.

Mr. SPRINGER. I move that the House now resolve itself into Committee of the Whole to consider bills under the rule in the hour. The Oklahoma bill is the pending one.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and the Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 1277) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. SPRINGER. This is the second hour for the consideration of this bill. The gentleman from Georgia [Mr. BARNES] will occupy the time in opposition to the bill.

Mr. BARNES. I send to the Clerk's desk a bill which I desire to offer as a substitute for the pending bill.

The Clerk read the proposed substitute, as follows:

A bill to be entitled "An act to provide a commission for the purpose of negotiating with the Indians in the Indian Territory, with a view of opening a part of said Territory to white settlement."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, by and with the advice and consent of the Senate, is hereby authorized and directed to appoint three commissioners, whose duty it shall be to negotiate and make treaties with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians, for the purpose of securing homes and reservations east of the ninety-eighth degree of longitude for the Kiowa, Comanche, Apache, Cheyenne, and Arapaho Indians, and the Wichita and affiliated bands living with them.

SEC. 2. That in order to open up the country for occupancy by citizens of the United States west of the ninety-eighth degree of longitude, now occupied by the Comanches, Kiowas, and Apaches, and the country occupied by the Cheyennes and Arapahoes, and by the Wichita and affiliated bands, said commissioners shall treat with said Indians for an exchange of the lands now occupied by them for permanent homes and reservations east of said ninety-eighth degree of longitude.

SEC. 3. That in treating with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians for the occupancy by American citizens of the country west of the ninety-eighth degree of longitude, leased, sold, ceded, or agreed to be ceded by them to the United States for the settlement of Indians and freedmen thereon, it shall be stipulated that the lands so to be occupied by citizens of the United States shall not be paid for at a greater rate than $1.25 per acre, and that any and all sums of money heretofore received by any of said Indians as a payment thereon shall be deducted from the amounts agreed to be paid.

SEC. 4. That negotiations with the tribes and bands of Indians now living west of the ninety-eighth degree of longitude shall proceed upon the basis of securing to them homes and reservations east of said degree of longitude in perpetuity, and compensation for their removal and settlement in a new country, and pay for their improvements.

SEC. 5. That in treating with any and all of said Indians, consideration shall be given to any and all matters unsettled, or about which any controversy exists, between said Indians and the United States, growing out of any treaty or agreement or statute heretofore made by the authority of the United States, to the end that all such matters may be finally determined.

SEC. 6. That said commissioners shall be allowed pay at the rate of $10 per day each, and necessary traveling and other expenses, while actually engaged in the discharge of the duties required herein; and a stenographic secretary, whose pay shall be at the rate of $6 and actual expenses while engaged as such secretary.

SEC. 7. That the President direct the speediest accomplishment of the requirements of this act; and the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to carry the same into effect.

Mr. BARNES. Before I proceed to submit my remarks I desire to ask unanimous consent that the substitute which I have offered, together with such other matter as I may not be able to bring within the hour, be printed in connection in the RECORD.

Mr. SPRINGER. There is no objection to that.

The CHAIRMAN. The Chair hears no objection to the request made by the gentleman from Georgia, and that order will be made.

Mr. BARNES. Mr. Chairman, it is with regret that I find myself compelled, under a sense of duty, to oppose the report which has been presented by the majority of the committee. It is always a matter of far more pleasure to me to join with my associates in recommendations which they may see fit to make, than to be compelled to differ from them; but believing, as I do, that there are serious objections to this bill I can not conscientiously unite with them in this report; and I find myself constrained to present the views which I entertain upon this subject.

In order that I may be understood, I am compelled, as the subject embraces many matters of fact, to travel to a great extent over ground which I was compelled to go over during the last session of the last Congress. It is necessarily of a narrative character, and I therefore invite the patient attention of members who feel interested in the subject on which I am about to speak.

What is known as the Indian Territory has never been organized as a political division. It is a part of the territory acquired from France in 1803. The Indian title to this tract the Government of the United States extinguished by treaty with the Osages in 1825.

It may be as well here to explain what is meant by Indian title. Chief-Justice Marshall, in 8 Wheaton, 574, says:

Discovery is the original foundation of titles to land on the American continent, as between the European nations, by whom conquests and settlements were made here. The original inhabitants were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their discretion. While the European nations respected the rights of the natives as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised as a consequence a power to grant the soil while yet in possession of the natives. These grants have been understood by all to convey a title to the grantee, subject only to the Indian right of occupancy.

The Supreme Court of the United States have lately, in 19 Wallace, 503, treating of the same question, said:

The right of use and occupation by the Indians is unlimited. They may exercise it at their discretion. If the lands are desirable for purposes of cultivation, they may be cleared of their timber to such an extent as may be reasonable under the circumstances. The timber so cut may be sold. * * * Any cutting beyond this would be waste, and such timber could not be sold. The timber while standing is a part of the realty, and it can only be sold as the land could be. * * * When rightfully severed, as for purpose of cultivation, its severance is only a legitimate use of the land, * * * and it can be sold.

The court is preserving throughout the distinction between a sale of land and a sale of the use of it. The court subsequently states the doctrine more broadly, thus:

These are familiar principles in this country, and well settled, as applicable to tenants for life and remainder-men. But a tenant for life has all the rights of occupancy in the lands of the remainder-man. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainder-man the Indians may do upon their reservations, but no more.

This was the kind, and only kind, of title which Indians held to land in this country prior to the year 1830, as interpreted by the courts.

As early as 1804, immediately after the acquisition of the Louisiana territory, the Government of the United States began a policy which looked to the transfer of the Indians on the east side of the Mississippi to the territory on the west side; and in that year Congress passed an act which authorized the President of the United States to exchange with the Indians lands on the west side of the Mississippi River for the lands which they held on the east side.

One of the tribes which, at the earliest period, looked to this exchange was what was known as the Cherokee tribe, residing in North Carolina, South Carolina, Georgia, Alabama, and Tennessee. This tribe became divided in sentiment. There was a large portion of them, about one-third in number, who were anxious to move to the hunting-grounds of the West, and the other two-thirds were desirous of remaining in their old homes. They came to Washington and they had an interview with the President. As a result of this, one-third of the tribe went West in 1817 and located in what is now the State of Arkansas.

In 1828 the Government of the United States entered into a treaty with these people looking at the same time to a union with them of the portion of their tribe still on the east side of the river. They entered into a treaty with them in 1828, and in 1833 they made a treaty which was supplementary to that treaty. On the 6th of May, 1828, this treaty was made. In that treaty the Government declared it to be its wish to secure permanent homes for the Cherokee Nation, as well those residing in Arkansas as those residing on the east side of the Mississippi—*a home that shall never in all future time be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing State or Territory.*

The Government declared by the treaty of that date that the United States agree to possess to the Cherokees and guaranty it to them forever, and that guaranty is thereby solemnly pledged of seven millions of acres therein described, together with a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of the previously described limits, and as far west as the sovereignty of the United States and their right to the soil extend.

In 1833 a supplementary treaty was made. In that treaty a change was necessary on account of the location of the Creeks, but the guaranty is precisely the same. And in 1835 a treaty was made at New Echota, in the State of Georgia, with the Eastern band of Cherokees by which they agreed to remove to this same land.

In 1830 the Government of the United States passed an act in further aid of this policy of transferring the tribes on the east to the west side of the Mississippi River. In that act they authorized the President of the United States, if the Indians desired and would exchange their lands on the east for those on the west side of the river, to grant them a patent to the lands which they might receive on the west side.

I may as well here as anywhere say what I propose to say in reply to what fell from the distinguished gentleman from Missouri [Mr. MANSUR] on Saturday last in reference to this title to the Outlet.

It was admitted, in reference to the 7,000,000 acres which lie in the northeast corner of what is known as the Indian Territory, that the title was perfect and indisputable, but it was said that there was no authority for granting a fee to what is now known as the Cherokee Outlet. In the course of the argument reference was made to a letter written by Mr. Calhoun, in October, 1821, while Secretary of War, wherein he seemed to think at that time that this proposed outlet west was to be simply an easement, an outlet to the western hunting-grounds. But it is to be borne in mind that at that time the negotiations were entirely with the Arkansas Indians—those who had settled in Arkansas. At that time such a thing as title by patent to an Indian or an Indian tribe had never existed, possibly had never been contemplated. It was not until seven years later—1828—that the treaty was made, and it was not until 1833 that the other treaty was made, and in 1835 a treaty was made with the Eastern band of Cherokees with the view of locating the Cherokees all together. To my mind, when I take these circumstances into consideration, when I read these treaties, when I see that the guaranty to these Indians was of the 7,000,000 acres and the free and unmolested use of this outlet west, saving and except that to other red men were reserved the use of the saline plains, if saline plains were found thereon—to my mind, I say, it is clear that it was the intention of the Government to grant them the use of the soil. An exception was made as to its use by other tribes simply for the purpose of procuring salt, but with that exception the Cherokee use of this outlet was to be entirely unmolested.

And, if there be any doubt in the case, it would seem that the exception would prove the rule, and establish the fact that they were to have the unmolested use. But beyond that, when the Government came to treat with the Cherokees who were still in the State of Georgia, in order to induce them to move additional stipulations were inserted in this treaty of 1835, made at New Echota. Among other stipulations, it was specially provided by article third of that treaty that a patent should issue. For what? Why, for the 7,000,000 acres, for the Outlet, and for 800,000 acres besides that were granted to those Indians in that treaty, and it was provided that all three should be included in one patent, according to the provisions of the act of 1830. In view of all the circumstances, it is quite clear to my mind that it was the intention of the Government that it should all be, as it was, included in one patent, and that they should hold all these lands by the same sort of title. That that was the idea of the Government appears further from the fact that when, subsequently, in 1846, the Eastern and Western Cherokees got into disputes with each other, the Government put its own construction upon this treaty, and in adjusting the matters between the two branches of the tribe, the Government said this, in article 4 of the treaty of 1846:

In consideration of the foregoing stipulation on the part of the United States the Western Cherokees, or Old Settlers, hereby release and quitclaim to the United States all right, title, interest, or claim that they may have to a common property in the Cherokee lands east of the Mississippi River, and to exclusive ownership of the lands conceded to them by the treaty of 1833 west of the Mississipi, including the outlet west; consenting and agreeing that the said lands, together with the 800,000 acres conceded to the Cherokees by the treaty of 1835, shall be and remain the common property of the Cherokee people, themselves included.

Such was the treaty of 1846. But I have not time to dwell on this question. The Government itself put its own construction upon the treaty, and issued the patents in conformity with these views. The Department has time and again recognized that the title to the Outlet was substantially the same as the title to the 7,000,000 acres. Judge Parker in his decision in the western district of Arkansas in the case of Rogers has so said. There has been pointed out to me the case of the United States *vs.* Soule, where it is said this decision was reversed; but an examination of the case shows that there is no decision on the point of title. The distinction between the case decided by Judge Brewer, reported in 30 Federal Reporter, and the decision of Judge Parker, reported in 23 Federal Reporter, is simply this: The Congress of the United States had passed an act assigning certain portions of the Indian Territory, some to the district court in Texas, some to the district court in Wichita, Kans., and some to the district court at Fort Smith, Ark., and the language was that the portion which was "set apart and occupied" by the Cherokees should go to the district court in Arkansas.

Judge Brewer, when he comes to consider the question, differs with Judge Parker as to the meaning of the word "occupied," and he places his decision on two grounds: first, the geographical situation of the Outlet; and secondly, because of the use of the word "occupied," when the land was not in fact occupied by the Cherokees and they were dwelling altogether on the 7,000,000 acres. For these reasons he held that it was not included in the district assigned to Arkansas; whereas Judge Parker took the view that because the Cherokees had jurisdiction over the Outlet they should be held to "occupy" it in the legal sense of the word.

Mr. WARNER. Will the gentleman permit a question?

Mr. BARNES. Certainly.

Mr. WARNER. Does not Judge Parker expressly decide that the Outlet was not granted to the Cherokees as a whole, but simply as ground over which to pass to the unoccupied grounds of the West? Are not those nearly his identical words?

Mr. BARNES. I do not think so. I do not so understand the decision.

Mr. WARNER. I have it quoted here on my desk.

Mr. BARNES. I have not time to go into that question now.

Mr. WARNER. The gentleman will pardon me for interrupting him.

Mr. BARNES. Certainly. I understand that the gentleman dissents from the view I have stated; but I still adhere to that view, and

I think Judge Parker agrees with me, for in a decision made only a few days ago, which I find in a newspaper handed me this morning, he speaks of the lands of the Cherokees, and he says that the title to all the lands was obtained by grant from the United States. I hardly think, as a district judge, he would have said this had he understood Judge Brewer, the circuit judge, to have decided as my friend thinks.

Let me add here, I draw a distinction between what Judge Brewer actually decided and statements which he may have made in the course of delivering his opinion. I find on examination he does speak of the Outlet as a passage ground over which the Cherokees might pass to unoccupied lands in the West. But in the case he does not decide what were their rights of property involved in the decision of the question before him. The decision lately made by Judge Parker was in the case of The Cherokee Nation *vs.* The Southern Kansas Railroad Company, which runs, as I am informed, through what is known as the Cherokee Outlet; and therefore when Judge Parker speaks of the Cherokee lands in this case he must at least include the Cherokee Outlet. In this late case he says, in the report which I have:

The title to all the lands of the Cherokee Nation was obtained by a grant from the United States. This title is a base, qualified, or determinable fee, without the right of reversion but only the possibility of reversion in the United States. This in effect puts all the estate in the Cherokee Nation.

Now, I repeat that I hardly think Judge Parker would in this late case have used this language had he understood Judge Brewer's decision as my friend does.

Mr. WARNER. I trust the gentleman will pardon one other inquiry. In his former argument on this question did not the gentleman contend that the title to the Outlet and the 7,000,000 acres was identically the same as the title to the 800,000 acres?

Mr. BARNES. I think so still.

Mr. WARNER. Now, does not Judge Parker, in the very decision which is before the gentleman, say that that title is not a fee-simple, but a base or qualified fee?

Mr. BARNES. Yes, sir; he does say so; and I took the position then—and I think now the position was a perfectly sound one—that it was the intention under the treaty of 1835, which provided that all these lands should be included in one patent, that they should be held by the same title.

Mr. WARNER. Will the gentleman allow one other question?

Mr. BARNES. My time is limited. I would like to answer as many of these questions as possible; and I would yield to the gentleman but for the fact that this particular point is really not a matter of great moment or importance from the fact that the Government has repeatedly recognized the title to the Outlet as being in the Cherokee Nation. It recognized this title by the treaty in 1846, and is estopped from denying it. Under the treaty of 1866, negotiating for the purchase of these very lands in the Outlet from the Cherokee Nation, the Government recognized the title in them, and it recognized it as a fee-simple title. Through every department the Government has always recognized it; and I say whatever might be the original merits of the question, the Government, by its past history, is entirely estopped. There is no necessity, therefore, for hesitancy or doubt on this question.

To resume: The Creeks immediately thereafter acquired all the land lying to the south of the Cherokees, and acquired it with a similar guaranty that at no future time should any State or Territory be organized there or the lines of a State or Territory be pressed over them. The same was the case with reference to the Choctaws; and to both the Creeks and Choctaws patents for this entire land were issued. That is the way the case stood. Has it ever been modified?

In article 16 of the treaty of 1866 between the Government of the United States and the Cherokees it was agreed that

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Jurisdiction over and right of possession in this land remain in the Cherokee Nation—and it so continues—until the lands are disposed of in the manner mentioned in this article, and when so disposed of the United States can settle thereon none but friendly Indians.

Who was to convey this land? The Cherokees were to convey it. And how was the land to be conveyed? This article answers, in fee-simple. How were the Cherokees to convey this land in fee-simple if they had not a fee-simple title? Here was a recognition of their title by the Government. I repeat:

The land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

As I have remarked, here was a distinct recognition that the fee-simple title was in the Cherokees; but they were to convey it out of themselves to these other tribes whom the United States was to locate on those lands. I would like to see how any gentleman can undertake to escape from that proposition.

Let us see now what were the terms of the cession made by the Creeks in the treaty of 1866:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south. The eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agree to pay the sum of 30 cents per acre.

The Seminoles ceded their entire domain. Article 3 of their treaty reads:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain.

I say that when they made this cession they did not cede all their interest; they retained an equity in that land. It was an equity in accordance with the policy of the Government when it established the Indian Territory, that that land should be forever free from the intrusion of white men. The Indians were put there to be in a compact body, and by avoiding contact with white men we were to see that those aborigines were preserved.

The gentleman from Missouri [Mr. MANSUR] the other day—and I was astonished that he should use so trifling an illustration—asked the question whether, if he sold a horse to his friend from Illinois [Mr. SPRINGER] as a buggy-horse, that gentleman could not afterward use the horse for some other purpose. He could do so, because in the case supposed there would be a parting with the whole interest. But when a tribe and a people have entered into an agreement, as in this case, for a specific purpose, and when the Government has adopted a policy with reference to a specified body of land, I say good faith requires that the Government shall observe the terms of the treaty.

Why, sir, I cut out the other day, because it struck me with great force, an extract from the report of the gentleman from Indiana [Mr. HOLMAN] when he was in charge of a commission which went to the Indian country. This remark illustrates the Indian view of this question, and it seems to me that it is an honest view:

The Indian view of such a settlement, a white settlement on these lands, is most aptly described in the testimony of an Indian, Pleasant Porter, on page 226 of the report of the Indian Commission recently submitted to the House (Report 1076):

"The location of citizens of the United States upon any portion of it would be an infringement of the bond."

Does not every man in his honest heart feel that after those Indians have surrendered those lands, with the understanding that none but friendly Indians should be their neighbors, if the Government now, in violation of that understanding, places white men upon that land, to which the fathers of the present generation of Indians were invited to go fifty or sixty years ago by General Jackson and Generals Cass, Coffee, Eaton, and other representatives of the Government, a solemn declaration being then made that no white man should intrude upon the soil—under such circumstances, does not every man here join with this honest Indian in feeling that if such a policy is pursued it will be an "infringement of the bond?" "The Indians would regard it as the beginning of the end. They (the Indians) have a remaining equity in it—a right to have a properly specified object carried out—and the Government has promised to do that." This is what this Indian said in reference to this treaty. It is a just and an honest interpretation, and the Government should honestly adhere to it.

I come now to the case of the Choctaws and Chickasaws. By treaty of June 11, 1855, these tribes leased all their lands to the United States west of the ninety-eighth degree of west longitude for the permanent settlement of the Wichitas and such other tribes or bands of Indians as the Government may desire to locate thereon, excluding forever all the Indians of New Mexico, and also those whose usual ranges at present are north of the Arkansas River, and whose permanent locations are north of the Canadian River, but including those bands whose permanent ranges are south of the Canadian, or between it and the Arkansas, provided, however, the territory so leased shall remain open to settlement by Choctaws and Chickasaws, as heretofore.

No one can fail to be struck with the exceedingly specific and definite character of this conveyance. The land leased is to be a home for Indians, and friendly Indians. It is provided that the Choctaws and Chickasaws are to have for their neighbors not only none but Indians, but only such Indians as they are willing to accept as neighbors. And that the Government should be precluded from making any changes in these respects hereafter, it was specially provided that the settlement of the Indians, who were to be located by the Government on these lands, should be a permanent settlement. This character of a permanent settlement was inconsistent itself with a mere lease, and accordingly, when the treaty of 1866 was made, the Choctaws and the Chicka-

saws ceded what was known as "the leased district." In the article of cession nothing is said about the purposes of cession. But an examination of the entire treaty will show that the Government specially provided therein only for freedmen who had been slaves of the Choctaws and Chickasaws. As to them it was provided that slavery should be abolished, and that as to the freedmen as long as they remained among the Choctaws and Chickasaws they should be entitled to settlements among them. The treaty further declared that the United States reaffirmed all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaws and Chickasaws in force at the time of the rebellion not inconsistent herewith.

Considering that by the terms of the lease of 1855 the land leased was to be a home, a permanent home, for the friendly Indians for whom it was secured, that the only other people than Indians for whom special provision was made for any kind of settlement under the treaty of 1866 was for negroes, on account of their changed condition from slavery to freedom, and that the former stipulations of all other treaties not inconsistent with this were renewed and reaffirmed, it can not be doubted, that the condition accompanied the cession that no white settlement was to be made on the land ceded, hitherto known as the leased district. Besides, the treaty was made very nearly at the same time with the treaties of 1866 entered into with the Creeks and Seminoles, and, as in their case, the cession was made for the purpose of locating other Indians and freedmen thereon. The three treaties all taken together indicate a common policy to locate on the ceded lands none but Indians and freedmen. The terms are not expressed in the same manner in the Choctaw and Chickasaw treaty, because the ceded land had already been leased, and it had been leased as a permanent home for Indians, and it was necessary therefore only to make special provision in this case for the freedmen.

In the opinions which I have expressed I am entirely supported by the Department of the Interior. In February, 1882, the Senate passed a resolution of inquiry concerning the status of the lands in the Indian Territory, and in response the then Secretary of the Interior, Hon. S. J. Kirkwood, communicated the opinion of Acting Commissioner Holcombe as to the construction of the various treaties of 1866 with the five tribes. I quote: "The treaties by which the United States reacquired title to any of the lands in the Indian Territory or obtained the conditional right to control the disposal of any of said lands were the treaties with the Seminoles March 21, 1866; with the Choctaws and Chickasaws of April 29, 1866, with the Creeks of June 14, 1866, and with the Cherokees of July 19, 1866. By the third article of the treaty with the Seminoles (14 Stat., 756) said Indians ceded to the United States about 2,100,000 acres of land 'in compliance with the desire of the United States to locate other Indians and freedmen thereon.' In compliance with the same desire the Creeks by the third article of the treaty with that tribe (14 Stat., 786) ceded about 3,200,000 acres to the United States 'to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon.' The freedmen referred to were the former slaves of Indian tribes. The treaty stipulations as uniformly understood and construed have no application to any other freedmen than the persons freed from Indian bondage. They relate exclusively to friendly Indians and to Indian freedmen of other tribes in the Indian Territory whom it was the desire of the United States to provide with permanent homes on the lands ceded for that purpose. The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trusts named, and then only in the manner provided for by law. * * *

"The Choctaw and Chickasaw cession of April 28, 1866 (14 Stat., 769), was by the tenth section thereof made subject to the conditions of the compact of June 22, 1855 (11 Stat., 613), by the ninth section of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands as the United States might desire to locate thereon. The lands embraced in the Choctaw and Chickasaw cession were also included in a definite district, established by the stipulations of that treaty of 1855, pursuant to the act of Congress of May 28, 1830, the United States re-engaging by the seventh article of said treaty to remove and keep out from that district all intruders.

"Articles 15 and 16 of the treaty with the Cherokees (14 Stat., 803, 804) provide that the United States may settle any civilized Indians friendly with the Cherokees and adjacent tribes within the Cherokee country on unoccupied lands on certain terms and conditions specified in the treaty. These provisions made the United States the agent of the Cherokees for the sale and disposal of unoccupied lands in the Cherokee country for the benefit of said tribe, but restricted such sale and disposal exclusively to friendly Indians. In pursuance of the stipulations of the foregoing compacts, and in the exercise of the trusts assumed by the United States under the several treaties, and in accordance with the specific provisions of law and the lawful orders of the President, all the lands in the Indian Territory to which the United States has title have been permanently appropriated or definitely reserved for the uses and purposes named. * * *

"The title of the United States to lands in the Indian Territory is, as heretofore shown, subject to specific trusts, and it is not within the lawful power of either the legislative or executive departments of the Government to annihilate such trusts, or to avoid the obligations arising thereunder. (See Senate Executive Document No. 111, Forty-seventh Congress, first session.)

I now call attention to the following opinion of Carl Schurz, Secretary of the Interior, May 1, 1879, in response to a letter of the Secretary of War of April 30, same year, and which can be found in Senate Executive Document No. 50, Forty-eighth Congress, second session. Speaking of the old treaties with the five tribes, under which, in different portions, the entire Indian Territory was assigned them, he says:

By these treaties title was guarantied to the several tribes, and it was provided that the lands should never be included within the territorial limits or jurisdiction of any State or Territory, but should remain subject to the intercourse laws, which laws have, as before stated, continued in force in all parts of the Territory to the present time.

The title acquired by the Government by the treaties of 1866 was secured in pursuance and furtherance of the same purpose of Indian settlement which is the foundation of the original scheme. That purpose was the removal of Indian tribes from the limits of the political State and Territorial organizations and their permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects. The purpose is expressly declared in the said treaties. The cessions of the Creeks and Seminoles are stated to have been made "in compliance with the desire of the United States to locate other Indians and freedmen thereon." These words must be held to create a trust equivalent to what would have been imposed had the language been "for the purpose of locating Indians and freedmen thereon." The lands ceded by the Choctaws and Chickasaws were by article 9 of the treaty of June 22, 1855, leased to the United States "* * * for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate thereon. The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust.

But although thus amply sustained in the view that I have submitted that the Creeks, Seminoles, Choctaws, and Chickasaws still retain an equitable interest in all the lands ceded by them under the treaties of 1866, and that the Cherokees, by the express terms of their treaty of 1866, retain the right of possession of and jurisdiction over all of their country west of the ninety-sixth degree of longitude until sold and occupied in accordance with its provisions, there is still yet another view concerning these treaties of 1866 which I desire to present.

The Government not only provided for an extension of its original policy by these treaties by securing the right to locate other Indian tribes within this territory, but proceeded further and provided for its perpetuation by the establishment of an Indian government. Each of the five tribes under these treaties gave its assent, whenever the Secretary of the Interior deemed it practicable, to the creation of a legislative assembly for the entire Territory, to which each tribe lawfully resident in said Territory was to send delegates. The superintendent of Indian Affairs, or some other person designated by the Secretary of the Interior, was to preside over this legislative council. They were empowered to pass laws affecting the general interests of the entire Territory, subject to suspension by the President of the United States. This was the general scheme contemplated by the parties at the time; and although never carried into practical execution, it shows how foreign was the idea that under these treaties the Government acquired any right to locate white citizens within the limits of the Territory, and how fixed and determined the idea of all parties was that the use of the lands ceded or agreed to be ceded was to be definitely restricted to the precise purposes therein mentioned, and to no other purposes whatsoever. It shows more, that each tribe located within these territorial limits was to have an interest in this policy of preserving the entire Indian Territory as a perpetual home for Indians, and for Indians alone.

When we recollect what were the inducements held out to these Indians to give up their old homes in exchange for a perpetual home in this Territory, and when we consider all this past history in connection with the treaties with these people, I am astounded at the claim which members set up of a right on the part of the Government to locate white settlers within the limits of this Territory. National honor, national good faith, strict law, all forbid it.

But, Mr. Chairman, I say that something more is demanded of us in this case than mere *bona fides*. Why, when men meet together, of equal intelligence, upon equal ground, and treat and contract on a subject open to the investigation and examination of both of them, the law says that in such a case *bona fides* must be observed in the enforcement of the contract.

We are frequently told, as between these people and the Government, they are in a state of pupilage; that they are mere wards of the Government, and the Government can not treat with them. It may be true, if the relation exists, that a guardian should not treat with the ward; but there is a law, a higher law, which says that when a superior treats with the inferior, when the guardian treats with the ward, a faith higher than mere *bona fides* must be observed. We learn this old law, not from the old common law of England, but we learn it from the old Roman pagan law—that law which says where the superior treats with the inferior mere *bona fides* will not answer. The Roman pagan law tells us in such cases there is required on the part of the superior toward the inferior what is termed, in the richness of its language, *uberrima fides*. It is the highest faith known to human nature, a rich, copious, abounding faith, the faith, as the origin of the word indicates, which a mother would observe toward her nursing child.

That was the kind of faith the Roman pagan law insisted should be observed on the part of the superior toward the inferior.

Now, when we come to examine this question, gentlemen here talk about the law, about conditions-precedent and conditions-subsequent, and invoke nice, abstruse, subtle distinctions. Away with such distinctions in the treatment of such a question! There is but one rule to guide me in this matter, and that rule is to ascertain what was the fair intention of the parties at the time; what did they understand by the contract; and if the Government did make the contract, although the Government may be the loser, in honesty, in God's name, in the name of common humanity and justice let us stand by our bargain. [Applause.]

But I have a great deal more to say on this matter, which I will take the privilege of incorporating in my printed remarks.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman commenced at twenty minutes to 1, and has now twenty minutes remaining.

Mr. BARNES. I would like to say something on the subject of the Cherokee lease, as it is called, which it is proposed under this bill to annul, and at the same time declare all leases made by any of the Indian tribes null and void. In my judgment this is virtually to confiscate the lands of the Cherokee Outlet. I argued this question considerably at length in the last Congress. I will not attempt in the few minutes left me to go over that argument now, but I will incorporate what I then said with these remarks.

Now, what is that lease, as it is called, and what were the circumstances under which it was made? It is true, as I understand, that the Cherokee Outlet in large part is occupied by certain cattle syndicates. I am not here to advocate any cattle syndicate, nor am I here to stand up in favor of any cattle monopoly or any other monopoly, but I am here to stand up and maintain the solemn guaranty into which we entered with these people. I repeat, what were the circumstances under which this Cherokee Strip lease was made?

Why, before it was made, the Indian agent, Tufts, resident in the Territory in March, 1883, reported that there were constant lawless incursions being made into the Territory upon these lands from the surrounding States. People were grazing their cattle there, and were paying nothing to the Indians; that the Indians were receiving no benefit, or that they were receiving nothing for the pasturage; that these people were cutting down timber and destroying it as far as the Cimarron River, as much as 60 miles south of the Kansas line; that unless this wholesale destruction was stopped all timber on these lands would be destroyed within three years, and that much of the land would be rendered worthless.

Mr. Price was then the Commissioner of Indian Affairs, and called the attention of Chief Bushyhead, of the Cherokees, to the facts as reported by the agent. What does he do? He calls a council of the Cherokees, and when they assemble they pass an act in which provision is made for a contract for a lease, as it is called, of the lands to a certain incorporated company in the State of Kansas. It has been stated that the Government never approved of this lease, but Chief Bushyhead furnishes a copy of that lease to the Commissioner of Indian Affairs. Is any objection raised by the Government about it? If there was an objection to it, then was the time to make the objection.

If it was not fair, if it was not equitable or legal, why was not the objection then made to it?

Mr. PETERS. Let me ask the gentleman if there was not this objection: Did not the Secretary of the Interior state positively that he would not approve the lease, but that he would protect the lessees as against any other party or parties who went in there without a lease?

Mr. BARNES. I do not understand the latter part to be true. I understand the position of the Secretary of the Interior to be just this: that the Cherokees had a perfect title to the land, and that it was no business of the Government of the United States what they saw proper to do with it; that he, the Secretary of the Interior, would not interfere in any way; that while he did not approve or disapprove of the lease, the reason was because they had as much title to the lands as any white man had.

Mr. WEAVER. The gentleman does not pretend to state that that was the official decision of the Secretary of the Interior.

Mr. BARNES. I do, sir; and I will quote that opinion in full after a while. That was the ground of the decision, that these people had the title just like a white man had; and so the Secretary of the Interior, Mr. Teller, refused to approve or disapprove the lease because the Government had no right to interfere either for approval or disapproval.

I may as well here refer to the answer of Secretary Teller, January 3, 1885, to a resolution of the Senate of December 3, 1884, inquiring concerning leases of lands in the Indian Territory, to be found in Senate Executive Document No. 17, Forty-eighth Congress, second session:

> The Cherokees have a fee-simple title to their lands, and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto.

And again, speaking of the Cherokee Strip, on page 5:

> The land is theirs, and they have an undoubted right to use it in any way that a white man would use it, with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Indian Department or Congress, what is to their advantage or disadvantage, and the Government can not interfere with their rightful use and occupation of their lands, which are rightfully theirs, as the public domain is that of the United States, subject only to the provisions of Article XVI of the treaty of 1866, which, at most, is only a contract to sell certain portions of the land; but, until the Government settles friendly Indians thereon and pays for the land, the right of possession and occupancy is especially reserved.

This letter of Secretary Teller still controls the Department of the Interior, for Commissioner of Indian Affairs Atkins, in his letter of July 10, 1885, in the Faucett case, thus expresses himself in regard to it:

> The opinion of the Department as to the title by which the Cherokee Nation holds its lands is a matter of official record in Department letter of January 3, 1885. And "under the general power of supervision of Indian affairs, vested by law in the Secretary of the Interior, the views of the Department as thus expressed must, until reversed or modified by competent authority, be held to govern this office."

Mr. PERKINS. I do not wish to interrupt the gentleman, but would like to ask this question: If it was not the position or the opinion of the Attorney-General that, as you suggest, the Government of the United States had no right to interfere, but yet it was a matter that was being discussed and considered by Congress, and for that reason he would take no formal action, but leave it to be determined by Congress?

Mr. BARNES. No, sir; I do not find any such statement as that from the Attorney-General.

Mr. PERKINS. I understand that was his position.

Mr. BARNES. I do not think it was.

Mr. STRUBLE. His position, if I understand it, was expressly against the legality of the leases without reference to Congressional action.

Mr. BARNES. But that is another question entirely. I will come to that directly.

The opinions of the Attorneys-General have been quoted here—two Attorneys-General—that of Mr. Devens and of Attorney-General Garland. Both have been quoted in the majority report. The opinion of Mr. Devens was that the Cherokees could not settle Indians or Cherokees in that Territory; and why? Because, while they might go there temporarily, they could not make a settlement.

A settlement implies a permanent residence, and his opinion was that they could not permanently locate there, because, under the provisions of the sixteenth article of the treaty of 1866, such permanent location would conflict with the clear right of the United States under that treaty to settle friendly Indians thereon; and to allow the Cherokees to settle thereon would consequently render it impossible to carry out the provisions of this treaty.

Mr. WEAVER. Then the gentleman concedes that if they can not settle Indians there they can not allow white men under leases to occupy the lands.

Mr. BARNES. That, the allowance of white men to graze cattle thereon, is another and quite a different question, and I will answer it in the course of time. I am perfectly willing to answer any question, but really this is taking up too much of my time, and I expect to answer all such questions in the course of the discussion. While on this question about the opinions of the Attorneys-General I want to dispose of what has been said by Attorney-General Garland, in which he held that these leases themselves were void.

In the first place, in reference to that opinion, so far as relates to the so-called Cherokee Strip lease, it is entirely *obiter dictum*, so to speak. It is entirely extra-official. It is not in response to the facts upon which the opinion was asked. The circumstance under which that opinion was sought by the Commissioner of Indian Affairs was this: There were certain disturbances growing out of the leases of lands occupied by the Cheyenne and Arapaho Indians, and it was a question whether the proper authority among the tribes had made the leases, and it was on these lands the whole disturbance arose. There was no disturbance in reference to the Cherokee Strip at all.

After Commissioner Atkins took charge of the office of Indian Affairs, in 1885, in a letter of June 25 to the Secretary of the Interior he calls attention to the disturbances on the Cheyenne and Arapaho reservations. He says not a word of the Cherokee Strip or lease, and in the letter which was sent to the Secretary of the Interior, and which was subsequently sent by the Secretary of the Interior to Attorney-General Garland, dated July 7, 1885, for his opinion, he expressly says that these inquiries concerning validity of contracts, leases, etc., have no reference whatever to the lands now occupied by the five civilized tribes. Secretary Lamar, it is true, does extend the inquiry further, but there were no facts giving occasion for any such extension of the inquiry. The Commissioner of Indian Affairs, in his two letters, mentions the facts, confines his inquiries to them, and specially excludes the lands of the five civilized tribes. There were disturbances only among the Cheyennes and the Arapahoes.

I want to call attention to the further fact that when the President of the United States, two days after this answer of Attorney-General Garland, issues his proclamation, he does not say one word about the Cherokee Strip—not one syllable.

The President issued his proclamation within two days after the Attorney-General's opinion, showing that that opinion had been given in response to questions based on a state of facts reported by the Commis-

sioner of Indian Affairs, and confined that proclamation entirely to the lands occupied by the Cheyennes and the Arapahoes. More than that, when the cattle were driven out from the Cheyenne and Arapaho reservations and were being driven on other lands—many of them on this Cherokee Strip; and General Schofield in his official telegram to the Government reports the fact that they are being driven over the Cheyenne and Arapaho reservation on the Cherokee Strip—not a word is heard from the President, from the Secretary of the Interior, or from the Commissioner of Indian Affairs, claiming that it was illegal to locate them on that strip. So much for the opinion of the Attorney-General on this subject. It was entirely extra-official.

Mr. MORGAN. Did the Attorney-General frame the proclamation of the President?

Mr. BARNES. I do not know whether he did or not. I have not inquired about that.

But let us look at this question for ourselves.

Section 2116 of the Revised Statutes reads:

No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution.

Section 2117 of the Revised Statutes provides that—

Every person who drives or otherwise conveys any stock of horses, mules, or cattle to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of $1 for each animal of such stock.

Now, I do not wish to argue about the mere names of things. I do not care whether you call this contract which was made in regard to this Cherokee Outlet by the Cherokee Nation (who held a perfect title to it) with this syndicate—I do not care whether you call it a lease or a contract. I shall not go into any technical definition nor look into the work of any dictionary maker to see whether it comes up to his definition of what is or what is not a lease. Section 2116 of the Revised Statutes prohibits a certain kind of contract being made; section 2117 of the Revised Statutes allows a certain kind of contract to be made.

Now, section 2117 does refer to the right of pasturage, and that is all that is contemplated by this contract with this Cherokee Live-Stock Company. They are prohibited from making any permanent settlement; they are prohibited from erecting any permanent structure. It is declared positively that the contract is in conformity with the sixteenth article of the treaty of 1866. They are to do nothing but graze their cattle. Secretary Teller says, in his opinion, that until lately this right of pasturage has never been doubted. How could it be doubted?

The very difference which exists between the provisions of section 2116 and the provisions of section 2117 of the Revised Statutes is based on the distinction between the right to the land—involving the right of alienation—and the mere right to use it. As far back as the case of Johnson *vs.* McIntosh, in 8 Wheaton Reports, already cited, the Supreme Court of the United States recognized the distinction between the two cases, holding that while the Indian did not hold his land under a fee-simple title, he had an unlimited right to the use of the products of that land at his discretion. This view has been reaffirmed by the Supreme Court of the United States, in 19 Wallace, in the case of The United States *vs.* Cook.

That is a case to which I call the attention of the committee—the case of uncivilized Indians having merely a title by occupancy. In that case the court says:

The right of use and occupation by the Indians is unlimited. They may exercise it at their discretion. If the lands are desirable for purposes of cultivation, they may be cleared of their timber to such extent as may be reasonable under the circumstances. The timber so cut may be sold. * * * Any cutting beyond this would be waste, and such timber could not be sold. The timber while standing is a part of the realty, and it can only be sold as the land could be. * * * When rightfully severed, as for purposes of cultivation, its severance is only a legitimate use of the land, * * * and it can be sold.

The court is preserving throughout the distinction between a sale of land and a sale of the use of it.

The court subsequently states the doctrine more broadly, thus:

These are familiar principles in this country, and well settled, as applicable to tenants for life and remainder-men. But a tenant for life has all the rights of occupancy in the lands of the remainder-man. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainder-man the Indians may do upon their reservations, but no more.

Now, Mr. Chairman, here is a clear distinction recognized by the Supreme Court of the United States from the earliest decisions down to the very latest; so that even the uncivilized Indian who holds merely by the right of occupancy can use the lands and the products of them at his discretion; and Secretary Teller says that the right of the Indian to the use of the pasturage of his lands never has been questioned until lately.

Further than that, we have a statute, not yet referred to at any time in the course of this debate (22 Stat., 590), wherein the Government of the United States has seen fit to make a distinction between the right of pasturage and the right to the products of the soil in the case of the five tribes, and the same rights in the cases of the other Indians throughout the country.

By this statute it is provided that the income of other tribes from pasturage, etc., shall be covered into the Treasury, but the five civilized tribes are specially excepted.

Now, here are people holding these lands by the same sort of title by which any white man holds title to his land. Here they have made a contract by which this Cherokee Strip Live-Stock Association comes into possession of this land, a contract made with full knowledge on the part of the Government, and with no objection raised at the time whatever. Here is this distinction, which has been recognized from the foundation of the Government, that the Indian has the right, even where he holds his land by the mere title of occupancy, to the unlimited use and disposition of the products of the soil.

I say, Mr. Chairman, that to step in now, when the lease has been made under such circumstances, if you call it a lease—I say, strictly speaking, it is not a lease, but, as I have remarked, I care not for names; here is a contract which has been entered into—to step in now and say that this lease shall be void—what is it to do? It is to confiscate this land. The Cherokee Indian can not make use of it himself, and you say he shall not rent it out to the white man; you say he shall not have the profits from the pasturage of that land as a white man should. Why, sir, this is to confiscate the land; and when you do this, you hold out to him this inducement—that if he will consent to this Territorial government and give up the possession of this land under these circumstances, you will pay him a good price; and you call that free, full, and fair consent! You go with a bribe in one hand and with the instruments of coercion in the other, and you seek in this way to deprive these people of some six million acres of land. I say such a proceeding is unbecoming the character of a great government in its dealings with a weak and helpless people.

This proposition concerning the leases is in conformity with all the other features of the bill which comes from the committee. The policy of the Government had been to provide these Indians with homes free from contact with or intrusion by white men. The treaties of 1866 merely extended this policy by locating other tribes within the original designated limits for this Indian Territory, and locating them with the same hopes and expectations. Under this policy some fifteen or twenty other tribes have been induced to give up their old homes and accept permanent homes, around which no State nor Territorial lines were to extend.

As late as 1870, in a paper prepared by the then Secretary of the Interior, Mr. Cox, and which was indorsed by General Grant, this policy of preserving the integrity of the Indian Territory, of preserving the Indian Territory as far as possible from intrusion by white settlers in any form, is declared to be regarded as firmly established, and it is recommended should be firmly adhered to.

The newly located, as well as the original five tribes, have been located under the idea that they would have permanent homes and be free from the intrusion of white men. Now, what does this bill propose? It proposes to organize a Territory to be composed, in the first place, of what is known as the "No Man's Land," embracing an area of some three and a half million acres—wholly insufficient in itself for a territory—and then so much of the Indian Territory as is not actually occupied by any of the five civilized tribes.

The bill provides that as to the rest of the Indian Territory it shall not include "any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States, or to which such tribe may be entitled by law or treaty with the consent of said tribe, or any territory which, by treaty or agreement with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Oklahoma until said tribe shall signify its assent to the President of the United States to be included in the said Territory of Oklahoma." My first objection is that the territory is created by law prior to any negotiation, even—which is a violation of the treaty engagements—and that the consent of the Indians is to be sought afterwards. You seek their consent when they are no longer in a position to give or withhold assent. The passage of the bill establishes such a predetermination on the part of a great Government to erect this Indian land into a distinct political Territorial division that a weak and defenseless people are left without choice; they have nothing else left to them but to submit. The passage of this bill, as I have said heretofore, is the creation of a Territorial government *in terrorem* over them. It seeks to compel their acquiescence by saying, through your proposed commission, "You have no choice. See, the Government of the United States, against which you are helpless, is determined to erect this Territorial government. A powerful sentiment in the surrounding States has exacted it of Congress. Congress has yielded. Why should you hold out longer? Why not surrender?" A consent so obtained, Mr. Chairman, would, in my judgment, be a violation of both the letter and the spirit of the covenants into which our fathers entered with these people. Impartial history would hereafter record its passage as a great dishonor inflicted on the American name.

But if the bill could be carried out honestly and fairly as it purports on its face that it will be—and this I do not believe to be possible—permit me to state that then it would be utterly impracticable. Why do I say so? Because the only land it proposes to organize into a Territory absolutely are these three and a half million acres located in No Man's

Land, and which is entirely outside of the Indian Territory, and entirely insufficient for the formation of a Territory. The other part, being a part of the Indian Territory, and which is proposed to be included on the happening of certain events in the proposed Territory, and if they do not happen then not to be included, is occupied now by some fifteen or twenty different Indian tribes. I hold that the assent of all these Indians is necessary, while my friends SPRINGER and MANSUR may hold that as to some assent is entirely unnecessary. That is a difference of opinion. How, then, are these differences of opinion to be reconciled? We stretch a line and say that we will organize this Territory which shall contain one, two, three, or four millions of acres occupied by certain tribes. Who is to determine whether the one, two, three, or four millions of acres occupied by these tribes shall be included or not? Where is the line to be?

My friends say that no assent is necessary so far as the Indian tribes occupying these acres are concerned. I say it is necessary. The Indians say it is necessary. Who shall decide the difference? Who shall settle the question? I say again, where will your line be? Suppose the Seminoles consent, but the Sac and Fo tribe refuse, and the Pottawatomies refuse, and we find that the assent of these tribes is necessary, then the country of the Seminoles is a part of your Territory, and yet you are separated from that part of your proposed Territory by the land of the Sac and Fox and the land of the Pottawatomies. Your officers have got to travel over foreign land to reach a part of their own Territory. Again, suppose the Sacs and Foxes consent, but the Iowas, Kickapoos, and Pottawatomies refuse, how will you reach the land of the Sacs and Foxes. One tribe gives its assent and another tribe by its side refuses its assent. One tribe comes in; the other refuses to come in. What is to be the effect of their refusal? Why, you place the tribe which refuses in contact with the white man, without its consent, when your Indian policy invited it to surrender its old home and take up its new abode under the expectation that it was to be saved from the intrusion of the white man.

A mere glance at the map will show how uncertain and indefinite your boundaries must be. You contract your Territory in one place, widen it out in another, stretch it out here, and narrow it a little there. It ought to be called an india-rubber Territory.

But, Mr. Chairman, it is further liable to very serious objections.

Mr. HERMANN. Let me ask the gentleman from Georgia a question. Suppose these Indians do not agree, what then would be the limits of the Territory proposed?

Mr. BARNES. I do not know of any Territory then except No Man's Land. I would like to have the information if in such an event any other land would be included.

Mr. SPRINGER. If I understand my friend from Georgia correctly, he says that the Kiowas and the Comanche Indians should be consulted as to this Cherokee Outlet.

Mr. BARNES. I did not say it, but I do say they have an interest to the extent of the interest they have in the preservation of the Territorial policy which the Government established concerning this Territory. More than that, I hold that the Chickasaws and the Choctaws, too, should be directly consulted as to the land occupied by the Comanches, Kiowas, and Wichitas, but I suppose my friend SPRINGER would differ with me in reference to that.

Mr. SPRINGER. Certainly.

Mr. BARNES. Just as I expected. Who is to decide the difference?

Mr. SPRINGER. They do not own the land.

Mr. BARNES. I think they do. I think they have certainly an equitable title. Who is to settle that difference?

Mr. STRUBLE. Let me ask the gentleman from Georgia if he claims that the Choctaws and the Chickasaws have any interest whatever in this Cherokee Strip?

Mr. BARNES. No; no direct property interest, but with all the tribes they have an interest in the preservation of that Territorial policy which guaranties the integrity of the entire Indian Territory. I wish to answer my friends in this way: Each of these tribes having gone into this Territory in pursuance of a governmental policy which recognized the entire Indian Territory as homes for Indians, this policy was virtually part and parcel of the contract whereby they surrendered lands—their former homes—and took others in exchange; that under this condition of affairs and in pursuance of this contract, it is not in the power of any tribe, either the Kiowas or the Comanches, to consent to the proposition which will thereby locate white men side by side with any other tribe who may not give their consent. In other words, each tribe is interested in the whole of the Territory, and in not being intruded upon by white settlers. The consent of one tribe will not authorize you to place white settlers by the side of another tribe which refuses.

Mr. WARNER. Let me interrupt the gentleman to ask this question: If the substitute is adopted could not any number, say one hundred Indians, have the power to block the opening of the Territory?

Mr. BARNES. I was coming to that question and will answer it in a moment when I come to the consideration of the substitute. I will merely state now that the difference between the cases is this: That bill organizes the Territory first, and proposes to negotiate with the Indians afterwards. The substitute, on the contrary, proposes to open negotiations with the Indians first, and if the gentleman will wait I think I can satisfy him and the members of this committee that the substitute should be passed as a fair and just proposition.

Now, to come to that substitute——

Mr. STRUBLE. Before the gentleman disposes of this question let me interrupt him for a moment.

Mr. BARNES. I have but a moment longer.

Mr. STRUBLE. The gentleman, I understand, if he will pardon me a moment, maintains that the assent of each and every tribe should be had before the Government takes action in the way of opening this Territory.

Mr. BARNES. I think so.

Mr. STRUBLE. Is it not true that each treaty stands independent of the others in respect to the ownership of lands by the Indians and the jurisdiction of the Government under the treaties?

Mr. BARNES. That may be said in reference to the ownership of the lands; but all of these treaties were in pursuance of the same general policy which proposed the establishment of these Indians in the Indian Territory free from the intrusion of the white men.

Mr. STRUBLE. But let me say——

Mr. BARNES. If the gentleman will excuse me, I regret I can not yield any further. When I come to the explanation of the substitute the gentleman will see that it is directly in accordance with the recommendations proposed by the Commissioner of Indian Affairs for three years past in each of his reports, and, moreover, it preserves the spirit of the policy which has hitherto prevailed concerning the Indians in this Territory. While it may reduce the size of the Territory, it will only do this after open negotiation. If the negotiation is successful, as I believe it will be, there will still be left an ample territory for the homes of these Indians and for many others who may hereafter be located within the same ample limits. It keeps them all together in one compact body, each tribe with its neighbor tribe, separated from white population, free from white intrusion, and then still hoping to enjoy their own homes without molestation or intrusion. The substitute here speaks for itself:

A bill to be entitled "An act to provide a commission for the purpose of negotiating with the Indians in the Indian Territory, with a view of opening a part of said Territory to white settlement."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, by and with the advice and consent of the Senate, is hereby authorized and directed to appoint three commissioners, whose duty it shall be to negotiate and make treaties with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians, for the purpose of securing homes and reservations east of the ninety-eighth degree of longitude for the Kiowa, Comanche, Apache, Cheyenne, and Arapaho Indians, and the Wichita and affiliated bands living with them.

SEC. 2. That in order to open up the country for occupancy by citizens of the United States west of the ninety-eighth degree of longitude, now occupied by the Comanches, Kiowas, and Apaches, and the country occupied by the Cheyennes and Arapahoes, and by the Wichita and affiliated bands, said commissioners shall treat with said Indians for an exchange of the lands now occupied by them for permanent homes and reservations east of said ninety-eighth degree of longitude.

SEC. 3. That in treating with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians for the occupancy by American citizens of the country west of the ninety-eighth degree of longitude leased, sold, ceded, or agreed to be ceded by them to the United States for the settlement of Indians and freedmen thereon, it shall be stipulated that the lands so to be occupied by citizens of the United States shall not be paid for at a greater rate than $1.25 per acre, and that any and all sums of money heretofore received by any of said Indians as a payment thereon shall be deducted from the amounts agreed to be paid.

SEC. 4. That negotiations with the tribes and bands of Indians now living west of the ninety-eighth degree of longitude shall proceed upon the basis of securing to them homes and reservations east of said degree of longitude in perpetuity, and compensation for their removal and settlement in a new country, and pay for their improvements.

SEC. 5. That in treating with any and all of said Indians, consideration shall be given to any and all matters unsettled, or about which any controversy exists, between said Indians and the United States, growing out of any treaty or agreement or statute heretofore made by the authority of the United States, to the end that all such matters may be finally determined.

SEC. 6. That said commissioners shall be allowed pay at the rate of $10 per day each, and necessary traveling and other expenses, while actually engaged in the discharge of the duties required herein; and a stenographic secretary, whose pay shall be at the rate of $6 and actual expenses while engaged as such secretary.

SEC. 7. That the President direct the speediest accomplishment of the requirements of this act; and the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to carry the same into effect.

Before I add anything further to what I have already said concerning its merits, let me say that it is in full accord with the recommendations of the Commissioner of Indian Affairs in his three last reports. He certainly has given great study to this subject, and his views are entitled to the highest consideration.

On page 13 of the report of 1885 he says:

If any part of the Indian Territory is to be opened to homestead entry and settlement, it should be the western part, running a line north and south through the Territory, and removing all Indians west of that line to lands lying east of said line. Thus the Indians would be upon lands better adapted to their support, and they would also be adjacent to each other and in a more compact form.

In his report of 1886 he says:

A year ago these Indians—speaking of the Cheyennes, Arapahoes, and other tribes west of 98° west longitude—had less to attach them to their homes than they now have, and therefore their removal east would have been less distasteful then than now. Nevertheless, as the distance is short and the lands to which they might be moved are much superior to those which they now occupy, I doubt not that by paying them for their improvements or by making similar improvements on their new homes they would cheerfully obey the wish of Congress should that body conclude to remove them to Oklahoma or to some other fertile unoccupied lands east of 98°.

There is a similar recommendation again in the report of 1887:

As the question still remains undecided before Congress and the country, and more than ever increases in interest, I have repeated herewith views indicated in my former reports; and I again offer the recommendation that Congress authorize the Department to appoint a commission which shall visit the tribes now living west of 98°, and ascertain their views on the question of removal to other suitable lands in the Indian Territory east of that meridian.

Now, what the substitute proposes is this: It violates no treaty, because it proposes before the organization of any Territory to open negotiations with these Indians through three commissioners appointed by the President, who are directed to visit the Territory, and there to negotiate all questions whatsoever, whether arising under treaty, under statute, or under executive order, and have them fairly adjusted by an open-handed negotiation, instead of trying to settle them by first having a government erected over them. The plan in the substitute proposes to do this fairly, squarely, and above-board.

There is another thing which will be gained by this negotiation. The Commissioner of Indian Affairs tells you that he believes those tribes west of 98°, generally wild Indians, but who have made some improvement, the Kiowas, the Comanches, the Wichitas, the Cheyennes, and the Arapahoes—he believes they could be induced to change their present location and go east of the meridian of 98°.

Now, what is the effect of that? You will secure territory with no vague, uncertain boundaries. You open very nearly 14,000,000 acres of land to white settlement. You do this by open negotiation. You violate no treaty. You preserve the honor of the Government unsullied. The Indians will still be there in the Territory, but in a compact form. And the spirit of the original policy based on contract is preserved by which these Indians, when they remove east of the meridian of 98°, will still be kept, as hitherto, in a compact form with Indian populations as neighbors, and free from intrusion or contact with white men.

Mr. PETERS. May I ask the gentleman a question?

Mr. BARNES. Yes, sir.

Mr. PETERS. In what respect does this substitute differ from the law passed in the second session of the Forty-eighth Congress?

Mr. BARNES. Oh! The gentleman wants to open up the partisan question, why the President did not carry out that law.

Mr. PETERS. Oh, no.

Mr. BARNES. Then I beg the gentleman's pardon. The difference is simply this: it was held by the President and the Secretary of the Interior, Mr. Lamar, that the commission provided for by the act of 1884 or 1885 made it discretionary with the President to appoint the commission; but this makes it obligatory. That is the distinction between that act and my substitute.

I have run over this matter within the limited time I have had, and will endeavor to supplement as far as I can in my printed remarks what I have now said.

A MEMBER. You have still five minutes.

Mr. BARNES. But I can not enter upon a new branch of the subject within that time.

In conclusion, I want briefly to state my objections to the original bill.

In the first place it erects a Territorial government, when the original treaty said there should be no Territorial government erected. It violates that obligation. It seeks to get around that obligation by negotiations with the Indians, but it provides for negotiating with this Territorial government erected over them when they can not exercise freedom of volition.

I say, in the second place, that it is a bill with vague, uncertain, and indefinite boundaries, and nobody to settle what those boundaries may be.

I have a third objection. I believe, under this bill, with the popular feeling as strong as it is in the surrounding States, a rush will be made into the Territory. Even now men can hardly be kept out of it. United States troops for years have been constantly engaged in removing trespassers. For years societies, organized societies, have induced the ignorant to believe that they had the right to locate there. Large amounts of money have been realized by the leaders of these societies out of their dupes. Colonel Hatch, commanding the district of Oklahoma, in his report of August 22, 1884, speaking of the agitation by Payne and others, says: "They will keep up this agitation, that they may obtain money from the ignorant people deluded into the purchase of claims and town lots and from the fees paid on joining what they term the 'Oklahoma colony.' The payments for surveys, claims, town lots, and initiation fees must in the aggregate have already amounted to the neighborhood of $100,000, all of which has been divided among the leaders." (See Senate Executive Document No. 50, Forty-eighth Congress, second session.) Proclamation after proclamation has been made by Presidents; order after order issued by military commanders to restrain these trespasses. Still the intruders go in, and still United States troops are kept busy driving them out. No wonder the Commissioner of Indian Affairs, in his report for 1886, says that the settlement of Oklahoma, surrounded on three sides by territory now occupied by Indians, by white people, even if it were lawful, would be attended with considerable risk to the peace of both races.

The moment you pass this bill the Army of the United States will not be able to keep out the hordes that will rush in. The Army has tried to keep them out; but now there are thousands and tens of thousands under the direction, as I understand, of secret societies, with signs and grips and pass-words, organized for the purpose, ready to rush in as settlers. The Indian, with ear to the ground, listens with dread and apprehension to the tread of these advancing hosts.

Pass this bill, it will be impossible to keep them out. Bring them in contact with the Indians, irritation and collision and strife will ensue. I say it with all solemnity after all the thought I have been able to give the subject, the passage of this bill by this Congress will inaugurate a war of races within the limits of the Indian Territory. I do not believe it can be prevented, and I believe there is danger, great danger, in this bill.

Mr. HENDERSON, of Iowa. Can you get their consent after that?

Mr. BARNES. I reckon the only consent you would get from the Indian after that would be the silent consent of the dead.

Mr. SPRINGER. What would be the difference between your bill and the bill of the committee in that respect?

Mr. BARNES. The difference between your bill and mine is this: Your bill violates the solemn engagements of the Government, and it is impracticable in that it provides for no fixed and definite boundaries. It is more than that; it is a bill which means war upon the Indian, and war means, in my judgment, the extinction of his race, at least within the Indian Territory. I believe that if you let that white population rush in there, there will be war. It will be impossible to prevent it. The separation of the Indian from contact with the white men, the policy of our fathers, is founded in a profound knowledge of human nature. Bring them in contact and strife will ensue. All history shows the antagonism of races dwelling together. Blood is thicker than water, and when the strife comes each will naturally rush to the defense of its own side. All history in the past has taught, and all history in the future will teach the same lesson.

We read that Moses in the earliest dawn of history, taken from the bulrushes in infancy, reared in youth under the direction of the learned and wise of the Egyptian court, surrounded with all the pomp and splendor of an Egyptian prince, forgot it all when he saw the despised Hebrew smitten by the Egyptian, and true to the instincts of the blood which coursed in his veins, slew the Egyptian and hid his body in the sand. So it has ever been and so it ever will be. You will create conflict and strife and war. A mere barrier of snow will separate the civilized Indians from the wall of fire around them. They too will melt away and perish from the face of the earth. I offer you a substitute which is above-board, which opens negotiations with these people, which secures 14,000,000 acres of these lands to white settlement, and which preserves the remainder to the red man in a compact form, free from the contact of white populations and the intrusion of the white race. The one bill is violative of the national honor; it is unwise; it is impracticable; it means war. The other preserves the national faith, maintains the national honor, does justice to the Indian, preserves the original policy which our fathers inaugurated, and preserves the Indian population in peace and safety. These are the two bills; these are their respective characters. They are before the House. Solemnly appealing from the committee, I appeal to the whole House and say, let the House choose between them. [Applause.]

Mr. SPRINGER was recognized.

Mr. SPRINGER. How much of the hour remains?

The CHAIRMAN. The hour has just expired.

Mr. SPRINGER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MCMILLIN, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 1277) for the organization of the Territory of Oklahoma, and for other purposes, and had come to no resolution thereon.

HOT SPRINGS, ARK.

Mr. DIBBLE. Mr. Speaker, the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes, was referred to the Committee on Public Buildings and Grounds, who reported a substitute therefor, with the recommendation that the original resolution should lie on the table. I ask unanimous consent that the original resolution do lie on the table, and that the substitute be now taken up.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the original resolution was laid on the table when the report was made by the committee.

Mr. DIBBLE. There is a verbal amendment necessary in the substitute. In the thirty-eighth line the word "of" should be "off."

The amendment was agreed to.

Mr. DIBBLE. Mr. Speaker, in this case I would state on behalf of the committee that we heard the parties interested in relation to this resolution, and the substitute is the result of the agreement of those who at first had opposite views. It was concurred in by all parties, and for that reason, and as it is in conformity to the recommendation of the Secretary of the Interior and of the superintendent of the Hot Springs

reservation, and, I suppose, will provoke no opposition, I move the previous question on the engrossment and third reading of the joint resolution as amended.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DIBBLE. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills under the special order.

STREET IMPROVEMENTS, WASHINGTON, D. C.

Pending the motion of Mr. DIBBLE, the Speaker *pro tempore* laid before the House a letter from the chairman of the board of commissioners of the District of Columbia, submitting a schedule of proposed improvements of streets; which was referred to the Committee on Appropriations.

The motion of Mr. DIBBLE was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

PUBLIC-BUILDING BILLS.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills under the special order. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.

There were amendments pending, as follows:

Line 11, page 4, of the printed Senate bill, strike out "five hundred thousand" and insert "three hundred and fifty thousand;" also, line 1, section 2, strike out "five hundred thousand" and insert "three hundred and fifty thousand."

The amendments were rejected.

Mr. BLAND. Mr. Chairman, I think three hundred and fifty thousand is ample; but inasmuch as it has been voted down, I move to amend by striking out "five hundred thousand" and inserting "four hundred thousand." I assert that that is amply sufficient for the purpose.

The question being taken on the amendment of Mr. BLAND, it was agreed to; there being—ayes 46, noes 34.

Mr. DIBBLE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PUBLIC BUILDING AT BAR HARBOR.

The next business on the Calendar was the bill (H. R. 4467) for the erection of a public building at Bar Harbor, Me.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building for the accommodation of the post-office and other Government offices at Bar Harbor, in the State of Maine. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Maine shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner of the same, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of $50,000 be, and the same is hereby, appropriated, from any money in the Treasury of the United States not heretofore appropriated, to enable the Secretary of the Treasury to carry out the provisions of this act, which sum shall be immediately available.

Mr. BLAND. I am not certain that I understand the amount which this bill proposes to appropriate.

A MEMBER. Fifty thousand dollars.

Mr. BLAND. That is only for the purpose of purchasing a site?

A MEMBER. For the site and building.

Mr. BLAND. Well, let us have the report read. This is an interesting bill.

Mr. DIBBLE. It is understood the report is read in the time allowed to gentlemen who oppose the bill.

The CHAIRMAN. The time occupied in reading the report will be counted as part of the time in opposition to the bill.

The report (by Mr. MILLIKEN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 4467) to provide for the erection of a public building at Bar Harbor, in the State of Maine, submit the following report:

Bar Harbor has already become the most important watering place upon the Atlantic coast. Its population during the summer is more than 10,000, not including some 6,000 that board at the hotels and many more who find accommodations at boarding-houses, and both its permanent and transient population are increasing at a very rapid rate, a rate indeed quite unknown to New England towns. Its winter population, though several thousand, is considerably less than in summer, yet it is rapidly increasing. Its combination of mountains and sea, of fine harbors, magnificent scenery, bracing air, and abundance of pure water, make it one of the most desirable summer residences on the globe. It is resorted to by people from every State in the Union and from abroad, and the time is not distant when, at its present rate of increase, it will contain more than 100,000 people in summer.

Its present valuation approximates $8,000,000, and new residences and places of business are constantly being erected. It has already 14 hotels, with a capacity for 6,000 guests. It has 120 stores, and others are being built.

It has four trains of cars per day, with two large steamers which land every day and two others three times per week. This does not include a number of steamers which ply between Bar Harbor and adjacent ports on Frenchman's Bay and the neighboring coast. Bar Harbor is lighted by electric lights. It has an extensive system of sewerage, and is amply supplied with pure water by a system of water-works connecting it with Eagle Lake.

The receipts of the post-office for the year 1887 were $6,310.62, the largest receipts for any month being $1,775.52, for August.

The money-orders for the same year amounted to $1,644, and the postal-notes to $1,200. The number of registered letters average 105 per month.

There are five mails per day and one three times per week, and the Bar Harbor post-office is a distributing office for East Harbor and Seal Harbor. The office employs one postmaster and five clerks.

The labors of the office and mail matter are increasing with the rapid increase of population and business.

The present post-office accommodations are entirely inadequate to meet the wants of the public service, and real estate is increasing in value at the rate of 100 per cent. per year. Economy, therefore, demands that the purchase of a site for a public building be not delayed.

Your committee therefore recommend that the bill pass.

Mr. BLAND. Mr. Chairman, I have been somewhat amused at the interest which the gentleman from Maine [Mr. MILLIKEN], for whom I have the highest personal respect, has seemed to take in these public buildings. The other day, when we had here a question as to a public building located somewhere in Maine, it was claimed that the Department here in Washington will not permit a Republican to have a contract for the erection of one of these public buildings. In view of this fact, I had supposed my friend from Maine would defer his demand for a public building and wait till his party—not in the near future, but in the remote periods of uncertainty—shall have control of the Government.

Mr. MILLIKEN. If I were such a partisan as the gentleman is, I would probably have taken that position; but I am not.

Mr. BLAND. I am not partisan enough to accuse a Department of doing that which it has not done.

Now, I supposed, when I read that a proposition for a public building at Bar Harbor was to come before us, that Bar Harbor was a city of probably 100,000 people, or 50,000, or at least 25,000. Certainly I supposed it was among the first or second class post-offices of the country. I picked up the report of the Postmaster-General, and, running over the catalogue of first-class post-offices, I did not find Bar Harbor. Then I said to myself, "It must certainly be among the second-class post-offices;" and I examined the report two or three times to ascertain that fact, but to my utter astonishment I did not find Bar Harbor even among the second-class post-offices. Then I came down to offices of the third class, and there I found Bar Harbor as a third-class post-office, the salary of the postmaster being $1,700 a year, and not a dollar allowed for clerk-hire.

Now, this illustrates the character of a great many of the public-building bills coming before us. The gentleman from Maine has been rushing up and down, running about the House like a cockroach on a kitchen floor [laughter], nursing his little bantling at Bar Harbor, and the whole excitement of the gentleman as exhibited the other day and to-day is explained by the fact that Bar Harbor is here with a proposition for a public building.

Mr. Chairman, I yield the rest of my time to the gentleman from Mississippi [Mr. ALLEN].

The CHAIRMAN. The gentleman from Mississippi [Mr. ALLEN] is entitled to the floor for nine minutes.

Mr. ALLEN, of Mississippi. Mr. Chairman, the members of this House know how amiable I am and what a sweet disposition I have. [Laughter.] They know, therefore, what a painful duty it is to me to antagonize the pet schemes and projects of my brother members—a thing I would only do in response to my conception of my duty. But, sir, in view of what is being said and done here with reference to these bills for public buildings, and the further fact that the few of us who oppose much of this legislation have been unable to get a yea-and-nay vote, so as to place ourselves upon record, I desire to make a few remarks on the pending bill, and to express some views on the general subject of the erection of public buildings.

The responsibility of leadership resting on me [laughter] makes it proper that I should put on record my disapproval of much that is being done in this direction, for those of us who accept the honors and privileges of leadership must not shirk the responsibility of our positions. [Laughter.] As has been stated here, there have been introduced in this Congress one hundred and thirty-nine bills for the erection of public buildings, asking appropriations amounting in the aggregate to nearly $25,000,000.

Three months of the session have not yet passed and the Committee on Public Buildings and Grounds have reported bills favorably amounting to more than $8,000,000, all of which will pass readily if a vote could be had on them, if we are to judge by what we have seen here for the last few days. We seem to be in the midst of a great public-building boom. From the activity exhibited here on the floor by the friends of these various measures in the hustling around to get a quorum and suppress opposition, we can readily imagine what a pressure has

been brought to bear on the committee to get favorable reports on these various bills.

That some of these measures are meritorious, I do not deny. That many of them are extravagant in the amounts called for, and some of them wholly unnecessary, I firmly believe. The proposition submitted in the amendment offered by the gentleman from Missouri [Mr. BLAND] a few days ago, by which he proposed to establish a rule for the government of the House for the purpose of checking this growing evil, was in my judgment a wise one. That is, that we should only pass these bills where the executive officers of the Government recommend them and show the necessity for them, or in cases where rentals paid by the Government would make it a matter of interest to the Government, on economical business principles, to build instead of renting. Let us examine, now, the bill before the House.

It appropriates $50,000 for the erection of a public building at Bar Harbor, Me., for the suitable accommodation of the post-office and other Government offices at that place. I have read the report prepared by the gentleman from Maine [Mr. MILLIKEN] carefully, and suppose he has stated the case as strongly as the facts will justify. The post-office seems to be the only Government office there.

The entire receipts of the post-office for the year 1887 were $6,310.62. The postmaster receives a salary of $1,700. It appears to be a town to which some people resort during the heat of summer, and to which fact it owes its chief importance. We are also told it has an abundance of pure water and bracing air.

Now, Mr. Chairman, what sort of a showing is this for the erection of a $50,000 building? Of all people who have little use for a public building it would seem to me that those who are lounging at a summer resort would have the least. [Laughter.]

It is true the considerations of bracing air and pure water are not to be overlooked. The question of an abundance of pure water, I admit, sir, is a growing question. [Laughter.] But exactly why bracing air and pure water bring into requisition a public building, I am not able to see.

When you have erected a public building at a cost of $50,000 and appointed the customary number of employés to take care of it, and add to that the expense of lighting, heating, and repairs, and deduct the salary of the postmaster from the entire receipts of the office there, and if the Government does not come out badly behind on Bar Harbor, then I am a poor book-keeper; yet we are told by the committee that economy demands this appropriation.

For one, Mr. Chairman, in the interest of an overtaxed constituency, I must enter my protest against all such appropriations, and I desire here and now to dissent from the utterances we have been listening to on this floor for the last few days from gentlemen who contend that this is the proper way to dispose of the surplus in the Treasury.

This is not my idea of the proper solution of this surplus question. Of all the extravagance-breeding and demoralizing conditions of this Government, I know of none more vicious and prolific of ill-advised and extravagant legislation than the condition we have of an overflowing Treasury.

It is used as an excuse in justification for appropriations that have no other merit than that of taking money out of the Treasury. The gentleman from Indiana [Mr. BROWNE] in his advocacy of the proposition to appropriate $25,000,000 for public buildings told us the other day that there was dropping into the till of the Treasury $100,000 each hour of every day. My solution of this question lies in an opposite direction from that suggested by gentlemen who favor this system of extravagance.

This money is collected by taxation from people a large majority of whom have a hard struggle to get it and are illy able to pay it, and so long as I have a voice or a vote as a member of this House I shall favor reducing taxation to the lowest possible limit consistent with a good, business-like, economical administration of the Government. I do not wonder that gentlemen who vote for such bills as the one now under consideration object to and vote down propositions for the ayes and noes.

I believe there are many of those who compose the grand army who have been passing through the tellers to vote for this sluice of public-building bills within the last few days who, if they had been required to go on record, would have refused to vote as they did. I for one think the distinguished gentleman from Missouri [Mr. BLAND] is entitled to the thanks of the country for his manly fight against the public-building boom.

While it may have resulted in preventing some meritorious measures from being reached, it was plain to be seen that enough members had pooled their interests to have passed every public-building bill on the Calendar without any discrimination between the good and the bad.

I understood the chairman of the Committee on Public Buildings and Grounds to say in the debate the other day that all these bills reported by the committee had been estimated for and recommended by some Executive Department of the Government.

I remember, Mr. Chairman, during the Forty-ninth Congress the Chief Executive of the Government frequently by his veto messages remonstrated against the passage of just such bills as the one under consideration, and many others that have passed this House in the last few days, and I think the great mass of the people in this country indorse those vetoes, and unless he has changed his mind, it might be well for him to look after some of those under him in the Administration if they are making recommendations so antagonistic to his ideas of good policy.

Mr. DIBBLE. I will take the floor and yield for five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I do not need more than one minute, for I do not want to disturb the effect of the chaste and delicate wit of my friend from Missouri [Mr. BLAND], nor the lucid and luminous eloquence of my friend from Mississippi [Mr. ALLEN]. [Laughter.] The speech of the gentleman from Missouri I have heard so many times in this House, and it has been answered so often since these public-buildings bills came up, that I feel it is unnecessary to make further reply to it.

That gentleman is something like the old woman who had been borrowing a kettle all her life. At last, after forty years, she got one of her own, when she resolved never to borrow or to loan any more. My friend has obtained an appropriation of $146,000 for his little town of Jefferson City, not of so much importance as Bar Harbor nor growing as fast, and now he does not want any other place in the country to have an appropriation to put up a public building. [Laughter.] And as to my friend from Mississippi [Mr. ALLEN], I know he would oppose the erection of a public building at any place where the diet is simply pure water. [Laughter.]

Mr. DIBBLE. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BLAND. I move, in the first section, to strike out "$50,000" and insert "$25,000;" and also to make the same amendment in the second section.

Mr. MILLIKEN. I accept that amendment on the part of my friend from the West.

The CHAIRMAN. The gentleman can not accept the amendment.

The amendment was agreed to.

Mr. TAULBEE. I move to strike out the enacting clause of the bill.

Mr. DIBBLE. Is that in order?

The CHAIRMAN. The committee can recommend the striking out of the enacting clause to the House.

Mr. TAULBEE. I move to strike out all of the bill after the enacting clause.

The committee divided; and there were—ayes 18, noes 114.

Mr. TAULBEE. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. TAULBEE and Mr. DIBBLE were appointed tellers.

The committee again divided; and the tellers reported—ayes 10, noes 155.

So the amendment was rejected.

Mr. BLAND. Mr. Chairman, $40,000 is enough for this in all seriousness.

Mr. DIBBLE. Why it is only $25,000 now. [Laughter and applause.]

Mr. BLAND. Well, I am very glad of the change. I did not know it had been accepted, and withdraw the amendment. [Renewed laughter.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

APPRAISER'S WAREHOUSE, NEW YORK.

The next business on the Private Calendar was the bill (H. R. 1661) for the erection of an appraiser's warehouse in the city of New York, and for other purposes.

The bill was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site, and cause to be erected thereon a substantial and commodious fire-proof building, for the use of the United States appraiser, and for other Government uses, at the city of New York, in the State of New York. The site purchased shall embrace an area sufficient, in the opinion of the said Secretary, for the purposes above mentioned; and the said site shall be selected after an advertisement for at least ten days for proposals in six of the leading newspapers published in said city, and shall not exceed in cost the sum of $850,000; and the building to be erected on said site, when purchased, shall be plain and without porticoes, towers, or needless ornamentation, but shall contain the necessary accommodations and appliances for an appraiser's warehouse, sufficient to insure the examination and appraisal of imported merchandise with facility and dispatch, and shall not exceed in cost the sum of $650,000; nor shall any plan for the said building be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $700,000 for said building completed for use, including heating apparatus, approaches, and other incidental expenses; and the sum of $850,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of a site as aforesaid, and the sum of $650,000 is hereby appropriated for the erection of the said building out of any moneys in the Treasury not otherwise appropriated.

"SEC. 2. That the said Secretary is hereby further authorized and directed, in his discretion (in lieu and stead of the purchase of a site for an appraiser's warehouse only), to purchase a site embracing an area sufficient for the purposes mentioned in this section for the erection of a new custom-house building, in addition to said appraiser's warehouse; or the said Secretary of the Treasury may, in his discretion, purchase two sites in the vicinity of each other in said city of New York, suitable for both of said purposes of the appraiser's storehouse and custom-house; and then and in that event the said single site for custom-house and appraiser's warehouse as aforesaid, or two sites in the vicinity of each other, as the case may be, shall not exceed in cost the sum of $1,500,000, which

sum, or so much thereof as may be necessary, is hereby appropriated for the purpose, out of any moneys in the Treasury not otherwise appropriated (in lieu and stead of the sum of $800,000 hereinbefore appropriated), and is to be available only in case the said single site for both custom-house and appraiser's warehouse, or two sites in the vicinity of each other, shall be purchased as herein set forth.

"SEC. 3. That no part of said sum or sums shall be expended for any site until a valid title to such site shall be vested in the United States, nor until the State of New York shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"SEC. 4. That in case of the purchase of a single site for both custom-house and appraiser's warehouse, or of two sites in the vicinity of each other, as provided in section 2 of this act, then the appropriation of $700,000, or so much thereof as may be necessary for the erection of an appraiser's warehouse, shall be available for the purpose, in like manner as provided in section 1 of this act."

Mr. DIBBLE. I desire to call attention to some clerical errors which I ask to correct before we proceed with the regular consideration of the bill.

In line 18 of the second section of the amendment the sum $800,000 should be $850,000, to conform to the provisions of the bill. Again, in line 4 of section 4, $650,000 should be inserted instead of $700,000, as it appears in the bill.

The CHAIRMAN. If there be no objection, the verbal amendments suggested by the gentleman from South Carolina will be considered as adopted.

There was no objection.

Mr. DIBBLE. Mr. Chairman, I would state very briefly that this bill, while not identical in words, is identical in substance, barring some minor details, with the bill which was unanimously reported by the Committee on Public Buildings and Grounds in the Forty-ninth Congress, after a visit of a subcommittee to the city of New York for the purpose of inspecting the necessities there existing, after a full conference with the collector and appraisers, after full conferences with all the members representing the city of New York in Congress, on which occasion Mr. Hewitt went around with us for half a day, and other members of Congress from that city were with us and conferred with us from time to time; that it then had the approval of the Secretary of the Treasury, and that it represents probably the most pressing necessity for a public building now existing in the United States.

The appraiser's warehouse in New York is a rented building. It has been leased for a short term of years under an agreement that at each renewal there shall be an appraisal of the premises by a commission appointed, one by the owner, one by the Government, and an umpire by the two.

The last appraisal of this property—and it should be remembered that this is quite an old building, almost in ruins; it is an old sugar-house or something of that sort converted into its present purposes by temporary repairs—at the last appraisement the value ran from $750,000 up to $1,000,000, but finally, when they called in an umpire, it was appraised at $810,000. Under the terms of the lease the Government has to pay 8 per cent. of that amount, or about $64,000 rental; and, in addition to that expense, whatever money is necessary for repairs, and owing to the dilapidated condition of the building this item forms a considerable addition to the rental.

The building is inconvenient, not adapted to the purpose at all. It is such a great distance from the custom-house in New York that the business of importers is delayed in the transmission of papers from one to the other; and I believe it is the unanimous opinion of everybody who has any means of determining the necessities of the case that the custom-house and appraiser's warehouse should be near to each other, at convenient places selected; and if the Secretary of the Treasury should be able to find a single site, or two sites, near to each other, for this purpose, why, then, with this appropriation he will be able to build the appraiser's warehouse, and the money for which the present site of the custom-house in New York would sell to-day, which is admitted by good judges to be one of the most valuable pieces of ground in the city—the Government paid for it when it bought it years ago $1,000,000, and it is estimated to be worth at least three millions to-day—the sale of that site in Wall street for business purposes will probably pay the expense incurred in the proposed new structure, and in fact, after finding a new site and building the appraiser's warehouse and the custom-house, ultimately I doubt if the Government will have to spend any money at all, or if it does, but a very small sum.

Mr. DUNHAM. Will the gentleman yield for a question? How far do you require this building to be from any other building?

Mr. DIBBLE. The proposition contemplates buying a square of ground, so that it will have a street on each side.

Mr. DUNHAM. Have you any clause in the bill to that effect?

Mr. COX. Yes, I think so.

Mr. DIBBLE. If there is not, I would certainly consent that it should be put in. I presume there would be no objection from any quarter to that.

Mr. DUNHAM. I ask the gentleman for information. I know that in other bills the committee are requiring that no building shall be within 40 feet of any other. I want to know if you have put that requirement in this bill. I think that is the demand of the Treasury Department for all.

Mr. DIBBLE. It is a proper provision, and I have no objection to its being put in this bill if it is not already there. But I may state that whether it shall be a single site or a double site it will be a site with a street on either side, which provides for the requirement which the gentleman has referred to.

Mr. DUNHAM. The gentleman from South Carolina knows I do not think that the 40-feet provision is necessary; but the committee are requiring that in other bills, and that is the reason why I ask the chairman of the committee if it is provided for in this bill.

Mr. DIBBLE. I see it is not in the bill. It was left out by inadvertence in the redraught. I am willing the gentleman should move an amendment to have that provision inserted.

Mr. DUNHAM. I suggest that since the committee expressed itself as determined that no building should be put up by the Government unless there was a distance of 40 feet from every other, the gentleman himself should move that amendment. I have tried to get something through the committee which would allow us in the city which I have the honor in part to represent to have a fire-proof building without that requirement. But the committee would not allow it. I do not know why a building should be put up in New York without a specification of that kind any more than in Chicago.

Mr. DIBBLE. The committee have no objection to the amendment suggested, and I will insert it in the usual words.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from South Carolina.

Mr. BLAND. Does this close the debate on the pending bill?

The CHAIRMAN. No gentleman had arisen to oppose the bill. The Chair will recognize the gentleman from Missouri.

Mr. DIBBLE. I reserve the balance of my time. How much time have I?

The CHAIRMAN. The gentleman has four minutes of his time remaining.

Mr. BLAND. I did desire to be recognized, but the gentleman from Iowa [Mr. KERR] informed me that he wished to be heard at this time.

Mr. KERR. I am much obliged to the gentleman from Missouri for permitting me to make the remarks I desire to make on this bill and on all the bills before the House proposing the erection of additional public buildings. I for one am not in favor of expending $25,000,000 in the erection of public buildings in this country at this time until the line of policy in reference to our taxation shall be adopted and be permanent.

There are different theories now existing and striving for ascendency in this country as to the methods of taxation. On one side it is contended that all the Government revenues should be raised by taxes upon the imports into this country. If that system should be adopted, which I think it ought to be, there would then be no necessity for nearly all of the public buildings that are being asked for in this Congress.

The other day a bill went through practically without opposition, asking for the appropriation of several hundred thousand dollars for the erection of a building in a city formerly the home of the present Executive of the United States, simply for the purpose of purchasing the ground; and it was shown in the report accompanying that bill that the buildings which have been erected recently in that place have been erected mainly for the accommodation of the internal-revenue offices of the United States. I hold that it is a waste of money to appropriate for erecting buildings for that purpose. I hold furthermore that it is in violation of the express pledges of the party now in power in this Government; and not only that, but it is in opposition to the traditional policy of the Democratic party in this country.

I wish to read now from an authority that ought to have some force. I mean the Federalist, thirty-sixth number, and coming from so eminent authority as Alexander Hamilton. He states in this number the objections that have existed in this country all the time to the creation of these internal-revenue offices:

Many specters have been raised out of this power of internal taxation to excite the apprehensions of the people, double sets of revenue officers, a duplication of their burthens by double taxations, and the frightful forms of odious and oppressive poll-taxes have been played off with all the ingenious dexterity of political legerdemain.

Now, this eminent authority was simply quoting what was the argument of the Democratic party in this country for the first hundred years of its existence; and even Mr. Hamilton never imagined that this system of taxation would be a permanence. He says:

As to the first point, there are two cases in which there can be no room for double sets of officers: one, where the right of imposing the tax is exclusively vested in the Union, which applies to the duties on imports; the other, where the object has not fallen under any State regulation or provision, which may be applicable to a variety of objects. In other cases the probability is that the United States will either wholly abstain from the objects preoccupied for local purposes, or will make use of the State officers and State regulations for collecting the additional imposition. This will best answer the views of revenue, because it will save expense in the collection, and will best avoid any occasion of disgust to the State government and to the people.

This was the position of Alexander Hamilton. And yet gentlemen on that side to-day are going further in these enactments and in insisting upon these theories than ever was maintained by the strongest of strong government men.

As regards the position of the Democracy on this subject, the gentleman from Missouri said the other day that only that side was opposed

to these measures. I tell the gentleman these public-building measures have been reported by the unanimous vote of the Democratic committee and the members of the committee belonging to the Republican side of the House, and every one of them that has been appointed by the Democratic Speaker of this House has a public building that he wants passed [laughter]; so that the country ought not to hold the Republican party responsible for these measures.

Mr. TIMOTHY J. CAMPBELL. I would like to ask the gentleman one question.

The CHAIRMAN. Does the gentleman yield to the gentleman from New York [Mr. TIMOTHY J. CAMPBELL]?

Mr. KERR. No, I do not. [Laughter.]

Mr. TIMOTHY J. CAMPBELL. I only want to know if this is a party question.

Mr. BROWNE, of Indiana. Oh, to be sure it is.

Mr. KERR. Certainly it is a party question. These bills are reported by the unanimous vote of a Democratic committee, and they are being pushed through by that Democratic committee, and those on this side who are opposed to them have had no opportunity to express their views on the subject.

Mr. LEHLBACH. I would like to ask the gentleman [Mr. KERR] whether he is speaking for the Republican side of the House or not?

Mr. KERR. I am. [Laughter.] Now, Mr. Chairman, the Republican side of this House, as I understand their position, and as they have declared it, are not in favor of continuing this system of internal taxation, putting upon the people of this country the burden of paying taxes on tobacco and upon whisky, and compelling them to take the entire responsibility of sustaining this Government.

We are to-day in this country raising $103,000,000 annually, every dollar of which comes upon the poorer classes of society, and we are maintaining a system of wealthy and unscrupulous men who are degrading public morals and injuring the nation. This system of taxation is being continued in violation of the pledges made by the Democratic party in the national campaign, because they said then that they were not in favor of continuing these war taxes any longer than was necessary, and they went on to say in their platform that sufficient revenue to pay all the expenses of the General Government could be obtained from customs duties.

Mr. TIMOTHY J. CAMPBELL. I would like to ask the gentleman what he did the other day when the Council Bluffs building was up here. The record shows that he voted for it.

Mr. KERR. The gentleman asks me a question. I propose to vote on every question that is before this House upon its merits. The gentleman suggests that I voted for the Council Bluffs appropriation. I voted for an appropriation of $10,000 for a building in Council Bluffs, because $350,000, as the report showed, was in danger of being consumed and destroyed unless $10,000 or $15,000 additional was allowed to protect it from fire.

Mr. HENDERSON, of Iowa. That is a very good defense.

Mr. KERR. I wish to say further, Mr. Chairman, that I am also in favor of all necessary public buildings; but I protest against the gentleman from Missouri [Mr. BLAND] coming before this House to advocate the reduction of taxation and opposing these bills, and claiming that his position is sustained by the Democratic party, when this legislation comes to us by the unanimous report of a Democratic committee of this House, and when the record shows that there is not a single Republican on that committee placed there at the request of the House; they have all been selected by the Democratic Speaker of this House, and every one of them, with one or two exceptions, has been appointed at his own request. [Laughter.]

Mr. DUNHAM. Mr. Chairman, as I understand that this New York building is to be on a square by itself, surrounded by four streets, I have no desire to press the "forty-feet" amendment which I suggested a short time ago.

Mr. COX. Mr. Chairman, the gentleman from Illinois [Mr. DUNHAM] is very just in making that statement. I will say to the committee that if this bill is passed and carried into effect we shall have in New York the custom-house and perhaps the appraiser's stores so near the water-ways as to be perfectly convenient for the merchants of that city; and the only object of this bill, which has been introduced here for some seven or eight years and has been indorsed by all the administrations of the Treasury, both in New York and in this city—the only object of this bill is to afford convenience to the mercantile community and to the people throughout the Union who are interested in the collection of our customs duties.

Why, sir, New York collects five-sevenths of all our customs taxes, and it is almost indispensable now for the convenient transaction of that great business that we should have commodious buildings situated near each other. We have struck out from the bill, for wise reasons, so as not to have any speculative tendencies connected with legislation, any provision for the location of the site by legislation, leaving it to the integrity of the Department to select the proper place for the custom-house and the appraiser's stores after getting the best judgment of our merchants. The present custom-house, the old Merchants' Exchange, has been in use for nearly fifty years, and it is badly ventilated, badly lighted, and utterly unfit for the business; but, in the mean time, the value of the ground has so increased that, even without the building, we can now sell for three millions what we bought for one million; so that if the Government were disposed to be economical and to make money out of the transaction instead of spending, it could build the new structures out of the proceeds of the sale of the old custom-house on Wall street.

So that, when we come down to business, as some gentlemen here have suggested, there never was a more meritorious case presented. It is a case to be determined by business considerations alone. It does not belong to parties; and it is utterly unfair to argue the question on either side from any party standpoint. I refer gentlemen on both sides to reports of Judge Folger and other Secretaries of the Treasury, including the present Secretary. I cite also the indorsement not only of the present Chief Executive, but also of the late President Arthur, who was at one time himself connected with the collection of customs. Year after year these high officials have asked Congress to give the merchants of New York this much-needed accommodation.

I feel, Mr. Chairman, as if I ought not to say much on this subject. I have pursued it a good many years. I pursued it last spring, seeking from what was supposed to be a dying bed to do what I could for New York City. The bill failed then, because of lack of time. Having served this House to the best of my ability in other relations, I have now the pleasure of asking it, not for any political reasons, but for large mercantile business reasons, to give to New York this accommodation, which in the end will cost the Government not one cent of money. [Applause.]

I take the liberty of appending to my remarks a letter on this subject from the naval officer at the port of New York:

PORT OF NEW YORK, NAVAL OFFICE, *February* 8, 1888.

MY DEAR MR. COX: I have your very encouraging letter of yesterday's date. I can not now lay my hands upon any printed copy of the numerous reports made by me and others regarding the inadequacy of the present customs buildings, at this port. I can, however, give you some points.

In a report made by a commission appointed by the Secretary of the Treasury in October, 1886, to inquire generally into the condition of the collector's office at this port occurs the following:

"Every effort for the better arrangement of the force has met its most serious obstacle in the antiquated edifice which is used as the custom-house of this port. It would be difficult to find a building of the proper dimensions less suitable for the purpose or one more positively incurable in its defects. Inclosed by lofty structures on all sides, it is deprived of needed light and ventilation, is destitute of decent sanitary appliances, and is so constructed as to afford the maximum of inconvenience with the minimum of accommodation."

In a communication to the Secretary of the Treasury, dated October 20, 1887, in alluding to the unfitness of the New York custom-house, I said:

"It was built originally for a different class of business; a hollow-square building facing four streets was intended to contain distinct offices to be rented, and within the square was erected a great circular rotunda as a merchants' exchange. Constructed after the disastrous fire of December, 1835, this building was made in the most massive style and out of the most durable and hardest materials. The offices were a series of vaulted cells, built of brick burnt to a flinty hardness, and were only accessible by granite staircases from the four corners, and in each instance leading directly to the streets and away from the rotunda and other parts. The window space is not one-half that given in modern buildings, and, the apertures being through walls nearly 3 feet thick, the quantity of light admitted is much reduced, and what does enter is largely intercepted by the massive brick piers supporting the vaulted ceilings.

"While it is probably more nearly fire-proof than any edifice at this port it is also more incapable of any alteration or improvement; thus it lacks light, ventilation, sanitary condition, and most other requirements without the slightest opportunity of amelioration in those respects. In this unsuitable building, a great part of the customs business at this port has been transacted during the past twenty-five years; within its dark, somber, crowded, unwholesome, and inconvenient quarters the United States Government has required a great work to be accomplished, a work so great of its kind that the world has never seen its like. Within the quarter of a century this building has been occupied for customs purposes there has been collected within its granite walls the almost inconceivable sum of $3,000,000,000 in gold or its equivalent. I have sought in history for any sum collected as taxes through the forms of law at any one place that would even approach this in magnitude, considering the period of time occupied. The greatest annual collection ever made in the whole United Kingdom of Great Britain and Ireland was in 1879 when it reached £24,824,578 or $120,810,008, and there are thirteen years since 1866 in each of which a greater sum than the above was collected at the single port of New York, and in the year 1872 it exceeded the above maximum of all the British ports by $33,000,000. Another astonishing illustration of this immense collection is shown by the sum of the aggregate collection of customs duties within the whole United States from their establishment under the Constitution to and including 1862, when the present custom-house was first occupied, a period of seventy-four years; this aggregate sum was $1,614,993,569.20, or comparatively but little more than half the sum collected in that edifice from the end of that period in 1862 to the present date.

"It would seem reasonable that the Government should provide suitable quarters for the discharge of such an important duty as the collection of this vast revenue. In addition to the unsuitable accommodations of the custom-house, there is a present annual expenditure of nearly $100,000 for rented buildings occupied by the appraiser, the public store, and the naval office. At the minor ports of Philadelphia and San Francisco commodious appraisers' stores, far beyond the business demands, have been erected at the public expense. At New York an inconvenient building is rented, and, in spite of the large expenditures by the Government, is insufficient in space accommodation, to the serious detriment of the public business and to the interests of the importers."

I will add that in the year 1876, some three years after the present appraiser's stores at this port were first occupied, the number of packages of imported goods examined there was 154,201, and the number examined there in the year 1887 was 328,153, an increase of 173,952, or over 112 per cent.

It is obvious that the customs business transacted at the port of New York materially increases in the successive years. Secretary Fairchild illustrates this increase by statistics, given on page 22 of his last annual report.

Whether the tariff rates be high or low, so long as customs duties are collected every package imported into the country will have to be entered at the custom-house and be officially identified and inspected. There is therefore no doubt that the customs business at the port of New York will continue to increase, and probably in a greater ratio than at present.

There have been projects to add to the space in the present custom-house by building additional stories. This could be done at great expense, but the area thus added would not be in the lower part, where it is needed, and would be inconvenient of access to the great and steady throngs of persons who pass in and out during the active business hours every day. These additions would not add a cent to the value of the building when necessarily abandoned within a few years and sold by the Government.

Delay in the matter will increase the difficulty in obtaining desirable sites and add to their expense, while no time to begin such a building could be more opportune than the present, when the Treasury is overflowing.

I am, sir, with great respect, sincerely yours,

SILAS W. BURT.

Mr. DIBBLE. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to, followed by applause.

PUBLIC BUILDING AT CHARLESTON, S. C.

The next business on the Calendar was the bill (H. R. 4358) to increase the limit of cost for the public building in course of erection at Charleston, S. C.

The bill was read, as follows:

Be it enacted, etc., That the limit of cost for the public building about to be erected for the use of the United States courts, post-office, Signal Service, railway mail service, and other Government uses, at Charleston, in the State of South Carolina, be fixed at the sum of $400,000 instead of the present limit of cost.

The amendment reported by the Committee on Public Buildings and Grounds was read, as follows:

Strike out "four" and insert "three," so as to read, "three hundred thousand dollars."

Mr. DIBBLE. Mr. Chairman, having been during the last two Congresses a member of the Committee on Public Buildings and Grounds and having entered upon the same duties in the present Congress, I feel bound to say in reply to the gentleman who addressed the House in relation to the membership of this committee that when I was first selected by the Speaker for a position on this committee I had no public building to ask from Congress. When the Speaker did me the honor in the last Congress to appoint me the chairman of this committee, I was still in the same position. The reason why an application for a public building was presented to the House in behalf of the city of Charleston, which I have the honor to represent, was because of the visitation of a public calamity, which occurred while I happened to be the chairman of this committee. I have a grateful sense of the alacrity with which both Houses of Congress responded to the appeal of Charleston during her adversity. The Senate passed at the last session the bill appropriating $400,000 to erect at Charleston a building designed to replace two buildings which were wrecked by the earthquake. That bill coming to this House was speedily reported by the committee. It had, I may say, in the last Congress the accord of both sides of the House, with the exception of perhaps seven or eight members, but as the records will show, a member of this House seemed to regard it as his duty to interpose dilatory motions. The alternative presented to me was either to allow the bill to fail or to accept as the appropriation for the building a sum which the Architect then said would be insufficient to erect it. The estimate then made by the Architect was that this building would cost $400,000, but I was compelled by dilatory motions to assent to an appropriation of only $200,000.

At the beginning of this session I introduced a bill to increase the limit of cost to the amount which received the approval of the Senate in the last Congress, and which this House, on full discussion, was willing, with the exception, as I have said, of a very small minority, to grant. In asking that the limit of cost be fixed at $400,000 I followed the estimates submitted to the last Congress. Closer estimates made by the present Supervising Architect show, if his judgment be correct, that the sum of $300,000 will be sufficient. I therefore ask the committee to reduce the amount named in the bill and to report in favor of fixing the limit at $300,000. I hope, Mr. Chairman, that with this explanation the amendment of the committee will be adopted, and the bill laid aside to be favorably reported to the House.

Mr. BLAND. How much will the whole amount be?

Mr. DIBBLE. Three hundred thousand dollars.

Mr. BLAND. Including the $200,000 heretofere authorized?

Mr. DIBBLE. This bill authorizes the expenditure of an additional $100,000, making $300,000.

Mr. BLAND. That seems to be a reasonable amount. I do not think any gentleman here would be inclined to oppose restoring this public building to that stricken city. Certainly I am not. [Applause.]

The amendment of the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it pass.

PUBLIC BUILDING AT TEXARKANA.

The next business on the Calendar was the bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts, post-offices, and other Government offices at the city of Texarkana in Arkansas and Texas. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 50 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the States of Arkansas and Texas each shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That said building shall be constructed across said boundary line between said States in such manner as to provide for all necessary Government offices and for a post-office delivery in each of the States of Arkansas and Texas, and also to provide on the Arkansas side suitable apartments for holding the terms of the United States courts now required to be holden.

Mr. BLAND. Let the report be read.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom were referred House bills Nos. 1865 and 2010, for the erection of a public building at the city of Texarkana, situated on both sides of the boundary line between the States of Arkansas and Texas, report the same back with the recommendation that they be laid upon the table, and that the accompanying bill pass as a substitute therefor.

This dual city claims a population of about 15,000, and possesses all the elements of rapid and permanent growth, and promises to be a city of great importance as a manufacturing and railroad center. It is already the center of the railroad systems of Arkansas and Texas. It is about equally divided in business population and territory by State Line avenue, the line between the two States, and a separate municipal government, county seat, and post-office exist for each side of the city.

On the Arkansas side there are two terms of the United States circuit and district courts held annually, and offices maintained and kept open all the time for the deputy clerk and marshal for that division of the district. The gross receipts of the post-office for the year ended December 31, 1887, amounted to $6,856.44, and the total box rents to $781.80. The money-orders and postal-notes issued during the year ended September 30, 1887, were 6,356, and amounted to $72,469.56.

On the Texas side the receipts of the post-office are but little less than those derived from the office on the Arkansas side. The precise sum is not accessible to the committee at this time. The office on the Texas side was established only a few years ago, and the receipts are increasing rapidly.

Your committee has ascertained that Texarkana, Ark., and Texarkana, Tex., are both county seats, and therefore under the law a post-office is required to be established and maintained on both sides, or in each town.

Your committee are advised that on account of the proximity of these offices and the dual character of the towns much confusion and unnecessary expense result. It is believed by your committee that the public service would be greatly promoted by the construction of a public building at this place.

Your committee therefore recommend the passage of the substitute.

Mr. BLAND. I observe that United States courts are to be held in the building proposed to be erected. I would like to know whether the building is to be for the benefit of both States or only one.

Mr. DIBBLE. I will state, for the information of the gentleman, that the building is to be erected right on the State line. There is a wide avenue running through the town of Texarkana, and the middle of that avenue is the line between the two States. This location is tolerably central——

Mr. BLAND. Are the courts of both States to be held in the same building?

Mr. DIBBLE. So I understand.

Mr. HOLMAN. No; the court is to be held in Arkansas, not in Texas.

Mr. BLAND. What amount does the bill carry?

Mr. DIBBLE. One hundred thousand dollars. I move the bill be laid aside to be reported favorably to the House.

Mr. KENNEDY. Mr. Chairman, inasmuch as the gentleman from South Carolina has not occupied the whole of his time, I desire to say a word. In answer to the gentleman from Iowa [Mr. KERR], who addressed the House a moment ago, I wish to say that he does not represent me on the floor of this House; and I will say also to the gentleman from Missouri [Mr. BLAND], who places himself in opposition to all these measures, that he does not represent me on this floor.

I am in favor of the passage of this bill, though it may be a measure that comes from Texarkana. I am in favor of redeeming a part, at least, of the pledges we made to the people of the United States. I call the attention of gentlemen on the other side of the Chamber to the fact that they came into this House ninety days ago, having made pledges to the people of this country. As to what single one of those pledges are you prepared to go back to the people and say to them, "We have redeemed our pledge?"

You are within ninety days of a Presidential convention, a convention which is to throw into the political arena a Democratic candidate, and yet I say the pledges these men made to the people of the United States are not to-day redeemed. They promised to disburse the surplus revenue in the Treasury amongst the people, and yet it stands there to-day, piled up, a mountain of gold and a mountain of silver. [Applause.]

They promised to do many things they have not done. Every day we see them opposing legislation from committees on that side of the House. Not only the gentleman from Missouri [Mr. BLAND] throws himself in the way of just and proper legislation, but we still wait for the promised reports from committees of the House on bills which have been introduced and referred to them. Why, sir, no pension bill has yet been reported with $130,000,000 of surplus in the Treasury, while

the soldiers of the Government are clamoring for that which was promised to them by the country in the hour of its need and the hour of its danger. Not only the soldier, but the widows and orphans of this land are asking a part of this great surplus of the Government, that it shall be taken and distributed throughout the length and breadth of the land to gladden their hearts. I would like, Mr. Chairman, to take a part of it and give it to the soldiers who preserved the Government. I would give a part of it especially to the men who lay in the prison pens during the war. We would then have at least a portion of the pledges made by Democratic members on the other side of the Chamber to the people of the United States redeemed by their action on this floor.

Whenever you take the surplus and put it into a public building—and I believe it is proper and right to erect public buildings wherever the Government of the United States needs them—whenever you take any portion of the surplus in the Treasury and put it into a public building, there is to that extent a public improvement. You thereby contribute to the labor of many men throughout the length and breadth of the land. You go into the stone-quarries, you go into the brick-yards, you go into the nail-mills, you go into every department of industry and labor. You scatter this money where it does the most good. You give thousands of men throughout this great land that which they need for their support. You give comfort to hundreds of thousands of firesides by distributing the money which now remains idle in the Treasury. [Applause.]

I am in favor of this bill. I believe it should pass. I protest against the gentlemen upon the other side of the Chamber remaining out of their seats, leaving these benches unoccupied in order that they may obstruct the bills coming before Congress.

Mr. Chairman, I call attention to the fact that three-fourths of the vote in favor of these bills come from the Republican side of the House. [Applause on the Democratic side.] I say that is true, and gentlemen may applaud, but let me tell them the people of the United States will sit in judgment upon them and their acts, and that judgment will be recorded in November next. [Applause on the Republican side.] And as sure as the sun rises and as sure as it sets at the close of that day, so sure will the people of the United States condemn the Democratic party of this country. [Applause on the Republican side.]

Mr. DIBBLE. I simply desire to say to the gentleman who has just addressed the House that I consider the political issues dividing the parties of the country are of a graver and more serious nature than the discussion of what adds to the convenience of transacting the public business. I think both sides of the House, whatever their differences on party questions, can proceed to apply business principles to the necessary provisions for convenience of transacting the current business of the Government without getting into political questions. In my belief every member of this House is here to exercise his judgment as he may deem right and proper in solving these business matters for himself.

So far as I am concerned, in submitting these propositions to the House, we have submitted our judgment after a due investigation of the subject. In reference to the question of amendments, as far as that goes, it is perfectly legitimate and proper for any member to offer them, provided the amendments are made in a fair spirit and not with the object of consuming the time which the House has accorded to us for the disposition of the business of the committee.

I have had reason, I think, Mr. Chairman, to complain that, in some instances, the business of the committee has been interrupted with amendments which seemed to me, in spirit at least, to be simply dilatory, though perhaps not technically so. But I do not know that such obstructive action can be charged upon one side of the House, merely in the present instance. [Cries of "Vote!" "Vote!"]

I hope we shall proceed to consider this as a business question, not in a partisan spirit, but in a business way.

Mr. KERR. I move to reduce the amount covered by the bill to $75,000.

Mr. CULBERSON. I hope the gentleman will not insist upon that motion.

The question being taken, the amendment was rejected.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, INDIANAPOLIS, IND.

The next business on the Calendar was the bill (H. R. 1325) providing for the purchase of additional ground in the city of Indianapolis, Ind., adjoining the post-office site, and for the improvement of the building thereon, and appropriating $125,000 therefor.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase all the ground adjoining the ground owned by the United States in the city of Indianapolis and State of Indiana, upon which the Government buildings used for a post-office and court-house are situate, bounded on the west by Pennsylvania and on the south by Court street, and on the east by the alley running north and south between Delaware and Pennsylvania streets, and to cause such changes, modifications, and improvements to be made in the buildings situate thereon and such changes and modifications in the post-office building as in his judgment may be necessary to render the same suitable for occupation and use by the Government; and for the purpose herein mentioned, the sum of $125,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The committee recommend the adoption of the following amendment:

Insert after the word "purchase," in line 4, the words "or acquire by condemnation."

The CHAIRMAN. The question is on the amendment of the committee.

Mr. HOLMAN. In the hasty reading of the bill I did not notice whether the provision in regard to condemnation is stated in the bill.

Mr. DIBBLE. That is the amendment now being voted upon.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, COLUMBUS, GA.

The next business on the Calendar was the bill (H. R. 1275) for the erection of a public building at Columbus, Ga., and appropriating money therefor.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building for the accommodation of the post-office and other Government offices at the city of Columbus, Ga. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $150,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Georgia shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner of the same, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of $150,000 be, and the same is hereby, appropriated, from any money in the Treasury of the United States not heretofore appropriated, to enable the Secretary of the Treasury to carry out the provisions of this act, which sum shall be immediately available.

Mr. BLAND. I call for the reading of the report.

The report (by Mr. BANKHEAD) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1275) for the erection of a public building in the city of Columbus, in the State of Georgia, having had the same under careful and mature consideration, report:

Columbus is at this time the center of six important railroads, at the head of steam-boat navigation on the Chattahoochee River, and is the seat of numerous factories, steam mills, foundries, iron works, and other industries of various kinds. Its population is rapidly increasing. A post-office building has at all times been rented, and the sum of $900 per annum is now paid as rental. The population of Columbus is about 20,000, being an increase of nearly 100 per cent. since the census of 1880, and, including the suburban population, it will exceed 30,000. It is a large manufacturing city, perhaps the largest in the State, including in this cotton and woolen mills, with 90,000 spindles, oil mills, bagging factory, iron works, fertilizing factory, and scores of other enterprising institutions, employing as many as 5,000 operatives. The annual cotton receipts of this place vary from 70,000 to 110,000 bales. A free-delivery system was here established in July, 1887. The number of pieces of mail matter handled in the first month of the service by public carriers was 47,010, and has increased healthily for six months thereafter until it has reached in round numbers 90,000 pieces handled monthly, not including much mail matter delivered from boxes and general delivery. The gross revenue of the post-office at this place for the fiscal year ending June 30, 1887, is $16,709, showing a very healthy increase over years previous. The money-order business will compare favorably with other offices supplying a like population. The population within the delivery of the office is fully 30,000. From this it will be very clearly seen that the prospects of a very rapid increase are reasonable.

There are six railroads running into this city. There are three more under contract, which are now being built, besides several others chartered. There is located here the largest iron foundry in the South, besides other foundries of lesser magnitude. With a banking capital of some $2,000,000 and a surplus of about half that sum, Columbus has bright prospects.

In view of the growing importance of this place, and the amount now expended by the Government in rent of building, etc., your committee are of the opinion that, as a matter of wise economy, the erection of a public building is warranted by the increasing importance of this growing city, situated as it is at the head of navigation on the Chattahoochee River, which flows to the Gulf of Mexico, and which has so large and increasing a wholesale and retail trade. The water-power here is known as the Coweta Falls, and is unsurpassed in the South.

Wherefore your committee recommend that the bill do pass with the following amendments:

Amend by striking out the words "and fifty" in the tenth line of the first section of said bill, and by also striking out the words "and fifty" in the first line of the second section of said bill.

Mr. KERR. Mr. Chairman, I move to reduce the amount covered by the bill to $75,000.

The money that they now pay at this place is $900 for the rental of necessary buildings, I learn, and that will be less than 1 per cent. on the amount of money they ask to expend. I think it would be good economy to keep on paying rent instead of erecting a building; but as this seems to have received the approval of the committee, I move the reduction of the amount to $75,000.

The amendment was rejected.

Mr. HOLMAN. I wish to inquire whether United States courts are established there or not?

Mr. GRIMES. I will state, in response to the gentleman from Indiana, that I have myself introduced a bill at the present session of Congress providing for the establishment of Federal courts at that place. It is now pending before the Committee on the Judiciary, and I am very much in hopes of getting a favorable report, because the merits of the

bill, I think, without having had any intimation from any of the gentlemen comprising the committee, are such as to commend it to them.

Mr. BLAND. Mr. Chairman, this seems to be the same growing evil, to have first Federal courts and then public buildings, or public buildings and then Federal courts. They all seem to run in the same groove. One is an excuse for the other and *vice versa*.

Now, I must call attention again and take issue with some gentlemen, especially the last who spoke on the other side of the House, as to the question of the surplus in the Treasury. Why, it is even claimed that these buildings ought to be erected in every town of 5,000 and 10,000 inhabitants throughout the country in order to have public buildings all over the land and give employment to labor. But, Mr. Chairman, labor paid that surplus money into the Treasury, and when it was exacted from the laborers of the country they had a right to suppose it would be devoted to some legitimate public purpose. If it is not so devoted it was a robbery under the forms of law. We took this money out of their pockets, and if we are honest robbers even we will return it to them without asking another day's labor for it. It is their money; it belongs to them, and we have no right to ask them to put up public buildings for it or devote it to anything else but the legitimate purposes of the Government. If we have no such purpose to apply it to let us give it back to them. When we take from the people their money that is not used for the legitimate purposes of the Government, but to be wasted, we do it under a system of taxation that is an absolute robbery. Every dollar of it belongs to the laborer, and if we are not going to pay it out on the public debt then let us distribute that surplus which has accumulated to the laboring men who paid it, and, I repeat, not ask them to return another day's labor for it.

Mr. DIBBLE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. DIBBLE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, under the special order, had instructed him to report back sundry bills with various recommendations.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

The first bill reported from the Committee of the Whole was the bill (H. R. 7220) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and the act amendatory thereto, approved February 21, 1887.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall the bill pass?

Mr. BLAND. I think we had better have a vote on that.

The House divided; and there were—ayes 156, noes 3.

Mr. BLAND. I shall not demand a quorum on this bill. As the hour remaining to the Committee on Public Buildings and Grounds is drawing to a close, as we have not passed very many of these bills, and as most of them have merits, it is not my disposition to deprive the committee of the few short minutes they now have remaining.

So (further count not being called for) the bill was passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT BUFFALO, N. Y.

The next bill reported from the Committee of the Whole was the bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.

The bill was reported with amendments, which were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall the bill pass?

Mr. BLAND. Upon that question I call for a division.

The House divided; and there were—ayes 161, noes 17.

So the bill was passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT OMAHA, NEBR.

The next bill reported from the Committee of the Whole was the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.

The bill was reported with amendments, and the amendments were agreed to.

The bill as amended was ordered to a third reading, and it was accordingly read the third time.

The question was on the passage of the bill.

Mr. TAULBEE. I call for a division.

The House divided; but before the count was completed,

Mr. TAULBEE said: It is perfectly apparent a majority of the House is for the bill, and I withdraw the demand for a division.

So the bill was passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title of the bill was amended so as to read: "A bill for the purchase of a site for a public building at Omaha, Nebr."

PUBLIC BUILDING AT BAR HARBOR, ME.

The next bill reported from the Committee of the Whole was the bill (H. R. 4467) for the erection of a public building at Bar Harbor, in Maine.

The bill was reported with amendments, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. ALLEN, of Mississippi. I call for a division.

The House divided; but before the count was completed,

Mr. ALLEN, of Mississippi, said: I withdraw the call for a division.

So the bill was passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPRAISER'S WAREHOUSE, NEW YORK.

The next bill reported from the Committee of the Whole was the bill (H. R. 1661) for the erection of an appraiser's warehouse in the city of New York, and for other purposes.

The bill was reported with amendments, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT CHARLESTON, S. C.

The next bill reported from the Committee of the Whole was the bill (H. R. 4358) to increase the limit of cost for the public building in course of erection at Charleston, S. C.

The bill was reported with amendments, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT TEXARKANA.

The next bill reported from the Committee of the Whole was the bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The lattter motion was agreed to.

PUBLIC BUILDING AT INDIANAPOLIS, IND.

The next bill reported from the Committee of the Whole was the bill (H. R. 1325) providing for the purchase of additional ground in the city of Indianapolis, Ind., adjoining the post-office site, and for the improvement of the building thereon, and appropriating $125,000 therefor.

The bill was reported with amendments, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT COLUMBUS, GA.

The next bill reported from the Committee of the Whole was the bill (H. R. 1275) for the erection of a public building at Columbus, Ga., and appropriating money therefor.

The bill was reported with amendments, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DIBBLE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the special order.

Mr. RICHARDSON. I ask the gentleman to withhold that motion until I can submit a privileged report. I think it will not occupy a moment.

Mr. GUENTHER. I object.

Mr. RICHARDSON. I desire to make a privileged report.

Mr. DIBBLE. I submit that this time is set apart for a special purpose.

Mr. GUENTHER. I withdraw the objection on condition that this does not occupy more than two minutes.

Mr. DIBBLE. I yield for two minutes.

REPORTS OF PACIFIC RAILROAD COMMISSION.

The following resolution, referred this day to the Committee on Printing, was read:

Whereas this House on the 18th day of January passed a resolution in the words and figures following:

"*Resolved*, That 10,000 copies of the President's message and the accompanying reports of the Pacific Railroad Commission be printed for the use of the House;" and

Whereas said resolution seems not to have been complied with and said documents, including the evidence taken by said commission, placed at the disposal of the members of this House; and

Whereas more than forty days have elapsed since the passage of said resolution; and

Whereas the purposes of said resolution to print said documents "for the use of this House" will be entirely defeated if the same are not speedily supplied: Therefore,

Be it resolved, That the Public Printer be, and he is hereby, directed to report to this House forthwith what steps, if any, he has taken to execute said resolution, stating in detail his action thereunder, giving the number of copies, if any, he has printed, what disposition he has made of them, and to whom he delivered them or any portion of them, and what instructions, if any, he gave to the person or persons to whom he delivered said documents as to the disposition thereof.

The report of the committee was read, as follows:

The Committee on Printing have considered the resolution of Mr. ANDERSON, of Iowa, this day referred to the committee. The resolution directs the Public Printer to report to the House forthwith what steps he has taken to execute the resolution of the House passed on the 18th of January, 1888, ordering the printing of 10,000 copies of the President's message and the accompanying reports of the Pacific Railroad Commission.

The committee report the resolution to the House with the recommendation that it do not pass. Congress has passed no law authorizing the printing of said message and reports. The Public Printer should not, therefore, be called upon to explain why the same have not been printed.

Mr. RICHARDSON. Mr. Speaker, on the 20th day of January the House did pass the resolution——

Mr. BUCHANAN. Let this go over until to-morrow.

Mr. RICHARDSON. No, sir. On the 20th day of January this House did pass a concurrent resolution authorizing the printing of 10,000 copies of the President's message and of the majority and minority reports of the Pacific Railway Commission. That resolution was transmitted to the Senate on the 23d day of January by the Clerk of this House, the Senate not being in session on 21st and 22d. On the next day, January 24, the concurrent resolution was referred to the Senate Committee on Printing, and it is now sleeping in that committee. [Applause on the Democratic side.] For that reason, Mr. Speaker, the Public Printer has not printed this document. I only wish to add that if gentlemen would investigate a little more carefully for themselves the facts which they propose to have investigated at the Government Printing Office there would be fewer investigations ordered in this House. [Applause on the Democratic side.] I move that the resolution lie on the table, and that the report be printed.

There was no objection, and it was so ordered.

Mr. ANDERSON, of Iowa. Mr. Speaker——

Mr. DIBBLE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the further consideration of business under the special order.

Mr. ANDERSON, of Iowa. Mr. Speaker——

Mr. GUENTHER. Mr. Speaker, I withdrew my objection to the request of the gentleman from Tennessee [Mr. RICHARDSON] on condition that this matter should not consume more than a few minutes. It has already occupied more than six minutes, and I now renew my objection.

Mr. ANDERSON, of Iowa. Mr. Speaker, I would like to say a few words.

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. DIBBLE] resumes the floor.

Several MEMBERS. Regular order!

Mr. ANDERSON, of Iowa. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Iowa. It is on this question.

Mr. RICHARDSON. Mr. Speaker, I am willing to let the gentleman have two minutes, if he desires it.

Mr. DIBBLE. Mr. Speaker, I am willing to consent to that, provided the time of the day's session be extended.

Mr. REED. Mr. Speaker, it does seem as if common fairness required that the gentleman from Iowa [Mr. ANDERSON] should have an opportunity to be heard.

Mr. DIBBLE. I ask unanimous consent that the time which has been taken from the business of the Committee on Public Buildings and Grounds in this way be made up by extending the session for the same length of time after 5 o'clock.

Mr. REED. That is all right. The House will give you that.

Mr. RICHARDSON. I have no objection.

Mr. DIBBLE. I ask unanimous consent that the time be extended.

The SPEAKER *pro tempore*. For how many minutes?

Mr. DIBBLE. Ten minutes.

Mr. ANDERSON, of Iowa. Mr. Speaker, I ask for the reading of the report in relation to the Public Printer.

Mr. BLAND. Mr. Speaker, I have not consented to an extension of the session for ten minutes. I have no objection to five minutes.

The SPEAKER *pro tempore*. It requires unanimous consent.

Mr. STEELE. Mr. Speaker, I make the point that the time was extended without objection. The Chair decided that there was no objection.

The SPEAKER *pro tempore*. The Chair could not decide that. The gentleman rose and stated that he had objected. He was in time. The Chair is apt to be too quick, but not on this occasion. [Laughter]. How much time does the gentleman from South Carolina [Mr. DIBBLE] desire added to the session?

Mr. DIBBLE. Ten minutes.

The SPEAKER *pro tempore*. Is there objection to that understanding?

Several members objected.

The SPEAKER *pro tempore*. Is there objection to an extension of five minutes, as suggested by the gentleman from Missouri [Mr. BLAND]?

There was no objection.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. ANDERSON] has five minutes.

Mr. ANDERSON, of Iowa. Mr. Speaker, it has been suggested by the gentleman from Tennessee [Mr. RICHARDSON] that if gentlemen would make closer inquiry they might learn more facts. I introduced this resolution this morning in good faith, after having made inquiry for the documents that I wanted at the places where I had a right to expect to find them in response to the resolution passed by this House more than forty days ago. That resolution I understood to be a simple resolution of this House calling upon the Public Printer to print 10,000 copies of the President's message and of the majority and minority reports of the Pacific Railroads Commission, and I understood that that included, as a matter of course, the evidence taken in support of the allegations contained in the reports, because there is not a single allegation made in either report that is good for anything apart from the evidence on which it is based. The evidence is part and parcel of the report.

The report of the Pacific Railroad Commission—either the majority or the minority report is as idle as the wind, a meaningless and immaterial thing, if the evidence taken by the Commission and which was the basis on which they formulated their report, does not accompany the document. Unless this evidence be published the time and money spent in printing and distributing the 10,000 copies of the report will be simply wasted.

So far as concerns the question of not having made a personal investigation, I will say that this proposition concerns a matter of very great moment about which a great deal of suspicion has been excited in this country at one time or another; and I submit to members that in view of the history of this matter it was not unnatural for me to suspect that there might be something of the same kind of policy pursued with reference to printing and publishing this report that was pursued by eminent witnesses, some of whom fled from the approach of the Commission, others of whom when they appeared stood mute and refused to answer, or took refuge in places which I will not name.

Mr. BLAND. I suppose, then, the gentleman suspects the Senate Committee on Printing, as that appears to be the only body that is responsible in this matter.

Mr. ANDERSON, of Iowa. My resolution simply called for a report from an officer of this body as to what had been done under a previous resolution of the House.

Mr. RICHARDSON. Does the gentleman understand the statement I made, that the Senate has not yet acted on the resolution which was adopted by the House; that the resolution has not even been reported back from the Senate Committee on Printing?

Mr. ANDERSON, of Iowa. Well, I am not responsible for the ac-

tion of the Senate, and the statement made by the gentleman shows no reason why it was not the duty of this public officer to make a report of his doings under resolutions of the House.

Mr. OUTHWAITE. Does the gentleman understand that this was a concurrent resolution, and could not become operative until the Senate, as well as the House, had passed it?

Mr. RICHARDSON. As the expense of printing the document would be more than $500, it could not be printed except under a concurrent resolution, which, though passed by the House, could of course have no force until concurred in by the Senate. This concurrent resolution, as I have been shown, was promptly passed by the House.

Mr. ANDERSON, of Iowa. Well, sir, the purpose of presenting this question has been served. It has been shown why this document has not been printed; and I am entirely content that the responsibility has been placed where it belongs.

Mr. RICHARDSON. The gentleman must see that this responsibility is not on this side of the House, much less upon the Public Printer.

The SPEAKER *pro tempore*. If there be no objection the resolution will lie upon the table, and the report of the committee be printed.

There was no objection; and it was ordered accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2993) to authorize the Secretary of War to convey to the city of Austin, Tex., a tract of land in said city for educational purposes; and

A bill (H. R. 4911) to carry out the findings of the Court of Claims in the case of James H. Ayres.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 132) for the erection of a public building at New Orleans, La.;

A bill (S. 973) to authorize the Omaha, Hays City and Southwestern Railway Company to build its road across the Fort Hays military reservation;

A bill (S. 1473) to authorize the Chicago, Kansas and Western Railway Company to build its road across the Fort Hays military reservation; and

Joint resolution (S. Res. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance, claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made.

The message also announced that the Senate had passed with an amendment the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia; asked a conference with the House on said bill and amendment, and had appointed as conferees on the part of the Senate Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL.

ORDER OF BUSINESS.

Mr. DIBBLE. I move that the House again resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MCMILLIN in the chair), and resumed the consideration of bills reported from the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT BAY CITY, MICH.

The first business on the Calendar was the bill (H. R. 7263) for the erection of a public building at Bay City, Mich.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts, post-office, customs office, internal-revenue office, and for other Government uses at Bay City, Mich. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $200,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $200,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Michigan shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process.

Mr. HOLMAN. I ask for the reading of the report.

The report (by Mr. NEWTON) was read, as follows:

Bay City, at the mouth of Saginaw River, is in rank the third city of Michigan. West Bay City, just on the opposite side of the river, contains a population of 9,000 to 10,000, according to the State census of 1884. Provision has been made by the Legislature of Michigan to unite the two cities, containing together a population of 50,000. Bay City is now and has long been noted for its ship-building and commerce. Fifteen of the largest vessels plying on the lakes were constructed at this port. The value of vessels constructed there annually has been from $1,000,000 to $3,000,000 per year during the past fifteen years. During the season of navigation for the past year 2,230 vessels arrived at this port, and 2,101 cleared from it, with a total tonnage of 780,257. A large trade is carried on between this city and ports on Lake Huron.

The tonnage of shipments from Bay City is larger than that of any other port in Michigan, and, excepting Chicago, Milwaukee, and Buffalo, larger than that of any port on the Great Lakes.

The office of collector of customs of Bay City is an important one, and needs suitable accommodations. The office of deputy collector of revenue for the eighth district of the State is located at Bay City.

The business of the Federal courts held at Bay City is large and constantly increasing. There are no adequate accommodations for the courts. The county court-house now used at a nominal rent is totally inadequate for the requirements of these courts. The lumber and salt products of this region are enormous, amounting annually to some $28,000,000. There is no Government building at Bay City. The requirements are such as to demand one for the use of the Federal courts, post-office, customs, revenue, and other governmental purposes.

Your committee, therefore, report the accompanying substitute for House bill 1568, and recommend its passage.

Mr. HOLMAN. Mr. Chairman, it seems to me, after listening to this report, that the amount recommended by the committee in this case is in excess of the sum generally appropriated for public buildings in cities of about the same population as the place now in question. It is true that accommodation is to be afforded for United States courts and customs offices, Bay City being a port of entry and delivery; yet I submit that $150,000 would be a sufficient appropriation for the purpose contemplated. The postal business in that city is not large, and the internal-revenue interests there are not very important. The main objects of the bill are to accommodate the courts and the customs officers. Hence I submit that taking as a standard bills of this kind passed in former years, $150,000 would be fully up to the average.

There is a tendency apparently inevitable, and I can well understand how the Committee on Public Buildings and Grounds necessarily feel the influence of this tendency, to increase the amount of appropriations for these purposes. This tendency received its main impulse when the great buildings in New York, Chicago, St. Louis, and Cincinnati were being erected. Prior to that time the amounts appropriated for these purposes were small. Steadily since then the tendency has been to increase the appropriations.

I submit to my friend, the chairman of the Committee on Public Buildings and Grounds, that $150,000 would seem to be a reasonable amount. The site for such a building in a city like Bay City should not exceed $10,000. That would leave $140,000 for the erection of the building; and that sum, even, would exceed the average of public buildings requiring more room in most of the towns of the State of Michigan.

Mr. FISHER. What is the gentleman's amendment?

Mr. HOLMAN. My amendment is to reduce the appropriation from $200,000 to $150,000. The site would cost from ten to fifteen thousand dollars.

Mr. FISHER. A suitable site for a public building in Bay City would cost $50,000.

Mr. HOLMAN. If my friend will take a list of the cities where appropriations have heretofore been made for sites, he will find that a comparatively small sum is the average. There are but six public buildings in the United States where the appropriation has been large. The appropriation for the public building passed a few moments ago is about the seventh largest sum ever appropriated for that purpose. I think but in six instances have we reached half a million of dollars. In the large number of sites purchased they do not exceed ten or fifteen thousand dollars.

Mr. FISHER. Has the gentleman from Indiana offered his amendment?

Mr. HOLMAN. I have.

Mr. FISHER. What is it?

Mr. HOLMAN. I move to reduce the appropriation from $200,000 to $150,000.

Mr. FISHER. I accept the amendment.

The amendment was agreed to.

Mr. DIBBLE. I move the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, MILWAUKEE.

The next business under the special order was the bill (S. 154) for the erection of a public building at Milwaukee, Wis.

The Senate bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue office, pension office, and other Government offices, at the city of Milwaukee, Wis. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $1,200,000; and it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plans and specifications of said building to be prepared, which said plans and specifications shall have reference to the prob-

able increase of the population of said city and the consequent needs of the Government during the next twenty years, but shall not involve an expenditure in the erection and completion of said building exceeding the amount remaining of the total sum appropriated by this act after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings, and adequately provided with light, by an open space of not less than 50 feet, including streets and alleys, on all sides of said building; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Wisconsin shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided further*, That the Secretary of the Treasury shall be, and he is hereby, authorized, whenever in his judgment the public interest will admit, in his discretion, to sell and convey the present property of the United States in said city now occupied as a public building, with the site thereof, the proceeds of the sale of said property to be covered into the Treasury: *Provided, however*, That the said Secretary may, in lieu of purchasing an entirely new site as aforesaid, purchase additional necessary ground adjoining the site of the present public building in said city, and cause to be erected thereon said new building; but in the event that said present site shall be so utilized for said new building, the cost of said building, including said additional ground, shall not exceed $1,100,000.

SEC. 2. That the sum of $1,200,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

The amendments of the committee were read, as follows:

Substitute for the first section the following:

"That the Secretary of the Treasury be, and he is hereby, directed and authorized to purchase, acquire by condemnation, or otherwise provide a site for a suitable building for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue office, pension office, and other Government offices, at the city of Milwaukee, Wis., at a cost not to exceed for said site the sum of $400,000; and the site purchased shall suffice to leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Wisconsin shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein."

Amend the second section by striking out "$1,200,000" and inserting "$1,400,000."

The report (by Mr. POST) is as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 154) for the erection of a public building at Milwaukee, Wis., submit the following report thereon:

The Federal building now in use in the city of Milwaukee was built some thirty years ago, when the population of the city was about 35,000. The population now is 175,000 or more, and the city is rapidly growing both in population and commercial importance. It is situated on Lake Michigan, is the metropolis of the State, and a port of great commercial importance. It is the headquarters of the eastern judicial district of the State, which embraces the oldest and most populous counties. The judicial business transacted in the district and circuit courts is very large. The present building is totally inadequate to afford sufficient accommodation for the transaction of court, post-office, and other Government business.

The number of mail pieces collected and delivered by carriers in 1875 was 6,992,214; in 1885, 21,011,627. The post-office receipts for the calendar year 1875 were $143,074.70; for the year ending June 30, 1886, $252,224.49, and for year ending 1887, $274,040.41. There is no proper vault or storage room in the present building. For want of room a considerable portion of the business of the post-office is necessarily transacted outside of the building. Offices are rented for United States pension agency, United States commissioner, inspector of hulls, inspector of boilers, engineers lake harbors and Wisconsin River, engineers Lake Superior, Green Bay, East Shore, and Signal Service and station, surgeon marine hospital, board of pension examiners, etc. The room afforded by the present building to the collector of customs and his force is entirely inadequate to the necessities of his service.

The erection of a new building has been recommended by the Supervising Architect of the Treasury.

The committee is of opinion, however, that the present bill should be limited to the purchase of a site, and they recommend the passage of the Senate bill with the following amendments:

"1. That the Secretary of the Treasury be, and he is hereby, directed and authorized to purchase, acquire by condemnation, or otherwise provide a site for a suitable building for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue office, pension office, and other Government offices at the city of Milwaukee, Wis., at a cost not to exceed for said site the sum of $400,000; and the site purchased shall suffice to leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Wisconsin shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"2. Strike out in section 2 the words 'one million, two' and insert the word 'four' in lieu thereof.

"3. Amend the title so as to read: 'An act for procuring a site for a public building at Milwaukee, Wis.'"

Mr. DIBBLE. I move the adoption of the amendments proposed by the Committee on Public Buildings and Grounds.

Mr. HOLMAN. What are the amendments?

Mr. DIBBLE. The committee propose a substitute for the first section of the Senate bill, and in the second section to reduce the appropriation from $1,200,000 to $400,000.

Mr. HOLMAN. I wish to call the attention of my friend from South Carolina to this fact, and I will take but a moment to do it. The site taken by condemnation for the great Congressional Library in this city, a piece of land twice the size of this proposed site at Milwaukee, cost $550,000. I have a list of the sums appropriated at various places of equal importance with Milwaukee, and $400,000 is the average. There are six instances, as I remarked a moment ago, where the appropriation runs up to $500,000. Those are in the great cities, commencing with New York. It seems to me the site for a public building at Milwaukee should not exceed the average which has heretofore been allowed for this purpose.

Mr. DIBBLE. The amendment was made upon the evidence which we had before the committee; a suitable site would cost that amount.

Mr. BUCHANAN. We increased the site for a public building at Indianapolis.

Mr. HOLMAN. I move to amend the amendment by striking out "four" and inserting "three." Under our free-delivery system an exactly central position is not of as much importance as it was, and heretofore that has been the reason for the great expense incurred in the purchase of a site.

Mr. GUENTHER. Let a vote be taken on the amendment, so that we may not lose the bill.

Mr. ENLOE. Are all these bills subject to the regular discount of 20 per cent.?

Mr. GUENTHER. We accept the amendment of the gentleman from Indiana.

Mr. HOLMAN'S amendment to the amendment was agreed to.

The amendments proposed by the committee, as amended, were agreed to.

Mr. DIBBLE. I now move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. DIBBLE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the special order, had instructed him to report sundry bills with various recommendations.

BILLS PASSED.

The bill (H. R. 7263) for the erection of a public building at Bay City, Mich., was considered, the amendment of the committee concurred in, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The bill (S. 154) for the erection of a public building at Milwaukee, Wis., was considered, the amendments of the committee concurred in, and the bill as amended ordered to a third reading; and being read the third time, was passed.

Mr. DIBBLE moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. ALLEN, of Mississippi, to extend his remarks on public buildings in the RECORD.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COCKRAN for the remainder of the week.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 1495) granting to Edwin Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining custom-house at Rockland, Me.;

A bill (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi;

A bill (S. 1900) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables; and

A bill (S. 313) for the relief of R. R. Tinsley.

CASTLE ISLAND, BOSTON HARBOR.

Mr. DIBBLE. I move to take from the House Calendar for present consideration the joint resolution (H. Res. 56) authorizing the use and improvement of Castle Island, in Boston Harbor.

The joint resolution was read, as follows:

Resolved, etc., That permission be, and is hereby, granted to the city of Boston, in the State of Massachusetts, through its park commissioners, to improve and beautify Castle Island, situated in said city, and belonging to the United States, in connection with a public park to be laid out on land adjoining and connecting with said island, with the right to said city of Boston to make such excavations and fillings and erect and maintain such structures as the Secretary of War may from time to time approve: *Provided*, That this resolution shall not be construed to pass any title in said island, but that the ownership and control of the said grounds shall remain entirely in the United States, and shall be subject to such changes and uses for military purposes as the Secretary of War may direct.

Mr. MCMILLIN. I would suggest to the gentleman from South Carolina that this reserves to the United States only the right to this property for military purposes.

Mr. DIBBLE. It is a military reservation.

Mr. MCMILLIN. I know; but the Government ought not to part with any part of the title that it now holds.

Mr. DIBBLE. This provides—

That this resolution shall not be construed to pass any title.

Mr. McMILLIN. It does not; but it only reserves the right to resume control for military purposes.

Mr. DIBBLE. I read from the resolution itself:

Subject to such changes and uses for military purposes as the Secretary of War may direct.

Mr. McMILLIN. I would suggest that the words "or other," after the word "military," should be inserted.

Mr. DIBBLE. Very well, I will move to amend in the fifteenth line by inserting after the word "military" the words "or other;" so that it will read:

For military or other purposes.

The SPEAKER *pro tempore*. If there be no objection, the amendment will be agreed to.

The amendment was adopted.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McADOO. Mr. Speaker, I ask unanimous consent to take from the Calendar of the Committee of the Whole House on the state of the Union the bill (H. R. 7265) for the erection of a public building at Hoboken, N. J. This is a small bill, and will take but a few minutes to consider it.

Mr. WARNER. To that I shall enter no objection; but I wish to ask at the same time that it be coupled with unanimous consent to take from the Calendar a bill for the purchase of a site for a public building in the city of Kansas City, one of the most important bills on the Calendar.

Mr. McADOO. This is the very next bill on the Calendar.

Mr. MILLS. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. WARNER. I ask that the time of adjournment be extended by unanimous consent.

Mr. MILLS. I object.

The SPEAKER *pro tempore*. The hour of 5 o'clock and 10 minutes having arrived—the time fixed by the House for adjournment—the Chair declares the House adjourned until 12 o'clock to-morrow.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 7857) to increase the pension of Henry L. Potter—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: A bill (H. R. 7858) granting a pension to Jennie Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7859) granting a pension to Gabriel Watson—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Arkansas: A bill (H. R. 7860) for the relief of the estate of Thomas Hough, deceased, of Arkansas—to the Committee on War Claims.

By Mr. BROWER: A bill (H. R. 7861) for the relief of W. R. Albright—to the Committee on War Claims.

By Mr. CARLTON: A bill (H. R. 7862) to pay A. R. Elliott, postmaster at Bowman, Ga., for money stolen from post-office—to the Committee on Claims.

By Mr. COX: A bill (H. R. 7863) to reimburse certain officers of the Navy for losses incurred by fire—to the Committee on Naval Affairs.

By Mr. CRAIN. A bill (H. R. 7864) to pay for alley condemned in square No. 493—to the Committee on the District of Columbia.

By Mr. FINLEY: A bill (H. R. 7865) for the relief of J. S. Brassfield—to the Committee on War Claims.

By Mr. GOFF: A bill (H. R. 7866) granting a pension to Abraham Shriver—to the Committee on Invalid Pensions.

By Mr. HUDD: A bill (H. R. 7867) granting a pension to Andrew Blesch—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 7868) for the relief of Jesse Cook—to the Committee on War Claims.

Also, a bill (H. R. 7869) for the relief of Gabriel G. Loran—to the Committee on War Claims.

Also, a bill (H. R. 7870) for the relief of Margaret J. Bailey—to the Committee on War Claims.

By Mr. LAGAN: A bill (H. R. 7871) to amend chapter 165 of the Revised Statutes of the United States, authorizing the building of a bridge across the Mississippi River at Memphis, Tenn., passed February 26, 1885—to the Committee on Commerce.

By Mr. LAWLER: A bill (H. R. 7872) for the relief of the estate of Thomas English—to the Committee on War Claims.

By Mr. McCULLOGH: A bill (H. R. 7873) to place James T. Peale on the retired-list of the United States Army—to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 7874) granting a pension to Philip Michael—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7875) granting a pension to David Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7876) granting a pension to William O. Major—to the Committee on Invalid Pensions.

By Mr. PATTON: A bill (H. R. 7877) to place Mary Karstetter on the pension-roll—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7878) granting a pension to Peter T. Miller, guardian of minor children of Augustus Appelstiel, Troop B, Seventh United States Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7879) for the relief of Jacob Ruff—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 7880) granting a pension to William Brower—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 7881) to increase the pension of J. W. McMillan—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 7882) granting a pension to John Kinney—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 7883) granting a pension to Susan L. Watson—to the Committee on Pensions.

Also, a bill (H. R. 7884) for the relief of Louise H. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7885) granting a pension to Fanny Elgar—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 7886) for the relief of William A. Wilson—to the Committee on Claims.

By Mr. J. D. TAYLOR: A bill (H. R. 7887) granting an increase of pension to Jonathan C. Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7888) for the relief of David Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7889) granting an increase of pension to James M. Dalzell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7890) granting a pension to Charles J. Bishard—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 7891) for the relief of Cynthia J. Leroy—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 7892) for the relief of George Somerville—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A bill (H. R. 7893) to remove the charge of desertion from the military record of Michael Needy—to the Committee on Military Affairs.

By Mr. MONTGOMERY: A bill (H. R. 7894) for the relief of Ansel Davison—to the Committee on Military Affairs.

By Mr. J. R. WHITING: A bill (H. R. 7895) for the relief of Thomas A. Fisher—to the Committee on Military Affairs.

Also, a bill (H. R. 7896) for the relief of Wallace Harsen—to the Committee on Military Affairs.

Also, a bill (H. R. 7897) for the relief of Julia Ann Moreau—to the Committee on Military Affairs.

By Mr. YOST: A bill (H. R. 7898) for the relief of Jacob Warrick—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Ala., and for other purposes—to the Committee on Commerce.

Also, a bill (H. R. 7900) to refer the claim against the United States of David C. Williams to the Court of Claims—to the Committee on War Claims.

Changes in reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 5426) for the relief of St. Joseph Commercial College of St. Joseph, Mo.—from the Committee on Education to the Committee on War Claims.

Also, a bill (H. R. 408) for the relief of Caroline M. Montgomery—from the Committee on Military Affairs to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of W. W. Tipton, of Attala County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. G. A. ANDERSON: Petition of Louis P. Huffman and 28 others, cigar-makers, of Quincy, Ill., protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. BANKHEAD: Petition of Jacob B. Stedman, heir at law of James Stedman, of Walker County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BELDEN: Petition of soldiers of Marathon, of Cortland, of Truxton, of Grand Army of the Republic Post 151, of Syracuse, and of Allan Post, Grand Army of the Republic, of Fabius, N. Y., praying

for the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Baldwinsville, N. Y., favoring the protection of the wool-growing interests and home manufactures—to the Committee on Ways and Means.

Also, memorial from Freetown Grange, No. 488, Patrons of Husbandry, of Freetown Corners, N. Y., protesting against the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. BOOTHMAN: Petition and papers of Gabriel Watson, for a pension—to the Committee on Invalid Pensions.

Also, petition of James Stoner and 28 other citizens, and of John J. Fritch and 28 others, citizens of Defiance County, Ohio, protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, petition of G. W. Forder and 69 others, citizens of the Sixth district of Ohio, relating to the duty on wool and woolen manufactures—to the Committee on Ways and Means.

By Mr. W. C. P. BRECKINRIDGE: Petition of John Branhill, of John R. Gathright, of James Vincent, and of Butler Stonestreet, of Oldham County; and of Nancy J. Beard, of T. J. Allmuth, of James Guthriel, sr., of John D. Alexander, of Squire M. Clark, of William T. Rees, of Jephtha Marrow, of Thomas H. Ritchie, of Jesse L. Green, of Daniel Chandler, and of William Barnhill, of Owen County; and of W. F. Jones, of W. L. Gist, of John Holland, and of Thomas F. Jenkins, of Henry County; and of Lucinda Vanhook, of William Weller, and of John W. Martin, of Harrison County; and also of J. H. Schoeffer, of Fayette County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BUTLER: Petition of Robert J. Daniel, of Hamblen County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CARUTH: Remonstrance of 3,000 male adult residents and citizens of the District of Columbia, against prohibitory legislation—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CATCHINGS: Petition of Eliza E. Green, to refer her claim to the Court of Claims—to the Committee on War Claims.

By Mr. COBB: Petition of S. C. Cloud, administrator of Jerry T. Cloud, of Macon County, Alabama, for reference of his claims to the Court of Claims—to the Committee on War Claims.

By Mr. COLLINS: Petition of E. T. Cowdrey and others, for legislation to place tin-plate on the free-list—to the Committee on Ways and Means.

Also, petition of Hugh O'Brien, mayor of Boston, Mass., and others, asking that Neponset River channel, in Boston Harbor, be widened and deepened—to the Committee on Rivers and Harbors.

By Mr. CONGER: Preamble and resolutions of the Bricklayers and Masons' International Union of America, against the appointment as superintendent of construction of the new Library building any person not in accord with organized labor—to the Committee on the Library.

By Mr. COOPER: Petition of W. H. Robb and others, citizens of Union County, Ohio; of Fred M. Miles and others, of Val Verde, Tex., and of Joseph Young and others, of Sweetwater, Wyo., for the protection of the wool-growing and woolen manufacturing industries of this country—to the Committee on Ways and Means.

By Mr. CUTCHEON: Memorial of the Board of Trade of Saginaw, Mich., in regard to the duty on salt and lumber—to the Committee on Ways and Means.

Also, a petition of citizens of Alaska, against the erection of a Territorial government over Alaska—to the Committee on the Territories.

By Mr. DALZELL: Petition of Duquesne, Vine Cliff, and Iron City Councils, Junior Order of United American Mechanics, that the 22d of February be made a national holiday—to the Committee on the Judiciary.

Also, petition of Anchor Lodge and of Republic Lodge, Amalgamated Association Iron and Steel Workers, against change in tariff laws—to the Committee on Ways and Means.

By Mr. A. C. DAVIDSON: Petition of T. H. and Joseph Tulford, heirs at law of P. S. Tulford, of Dallas County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Memorial from the executive committee of the Farmers' National Alliance, for the establishment of a department of agriculture—to the Committee on Agriculture.

By Mr. DOUGHERTY: Petition of Absalom Nobles, of Alachua County, Florida, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ENLOE: Petition of administrator of Thomas Warfield, of Hardin County, and of E. J. Kyle, of Carroll County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Lee J. Hill, executor of Jacob Hill, of Madison County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FINLEY: Petition of Harriet M. Lair, of William Hudson, of Kissrah Hughes, of John C. Love, of Daniel Meece, of Joseph M. Owens, of J. L. Reynolds, of James W. Richardson, of Milton G. Swell, of Silas Shepherd, of Benjamin W. Sloan, of George W. Smith, of Coleman Stigell, of Ivy Tarter, of Jacob Tarter, of Joseph Thurman, of James Jasper, of B. F. Hawk, of Charles Hart, of Smith B. Gossett, of John W. Goff, of James P. Floyd, of Patrick Gillespie, of Sanford F. Durham, of William Denham, of Fountain T. Cundiff, of George E. Cooper, of James P. Burton, of Samuel Bryant, of R. F. Beattie, of Linza A. Ashley, of John Owens, of John B. Lester, of Abel McDaniel, of Barney C. McKinney, of Reuben Porter, of Samuel Smith, of F. F. Stigall, and of John Stockdale, of Pulaski County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of George W. Sweeney, of Casey County, of David Watts, jr., of David Watts, sr., of H. W. Royalty, of Anderson Crenshaw, of John B. Farris, of A. C. Davidson, of E. D. Holder, of W. T. Bush, of Edwin Moore, and of E. M. Button, of Barren County; and of William Buchanan, of Yelverton Cowherd, of Joseph Robinson, and of Francis H. Graves, of Taylor County; and of H. M. Saller and William Young, of Wayne County; of John A. Liveridge, of Russell County; and of Elijah A. Smith, of R. L. Jolly, of Peter Burnell, of Richard C. Mansfield, of J. E. Durham, of J. A. Maddox, of Isaac A. Edwards, and of William L. Dodson, of Hart County; and of Howard Newman, of Samuel Shannon, of G. W. Forrest, and of Henry C. Bybee, of Metcalf County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of William T. Weaver, of R. S. D. Kelley, of James M. Kelly, of Calvin Hughes, of Benjamin D. Hudson, of Samuel Gover, of Harriet Gorsett, of Andrew L. Gorsett, of Henry P. Floyd, of Fountain C. Burton, of Spencer Hudson, and of Fredrick W. Prather, of Pulaski County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GAINES: Petition of John B. Dunn and 41 others, citizens of Amelia County; and of T. A. Hite and 62 others, citizens of Lunenburgh County, Virginia, for repeal of internal-revenue taxes, etc.—to the Committee on Ways and Means.

By Mr. GAY: Petition of Sidonie Delahoussaye, of the parish of St. Mary's, Louisiana, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GEAR: Petition of Orson Young, asking for a pension—to the Committee on Invalid Pensions.

Also, protest of George F. Leedham and 28 others, of Mount Pleasant, Iowa, against repeal of internal-revenue laws in regard to cigars and cigarettes—to the Committee on Ways and Means.

Also, joint resolution of the General Assembly of Iowa, for repeal of the pension laws relative to "arrears limit" and for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GLASS: Petition of Nicholas T. Perkins, jr., of Haywood County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GOFF: Petition of S. J. Whitelain and others; of Eli Kearns and others, and of a conference of ex-soldiers of Ellenborough, W. Va., in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Sarah E. Crislip, and others, for a pension to Mary E. Crislip—to the Committee on Invalid Pensions.

Also, petition of miners of Coalburgh, and laborers and other citizens of West Virginia, opposing reduction of import duties on coal, iron ore, etc.—to the Committee on Ways and Means.

Also, petition of C. C. Harter and others, of Monongalia County, West Virginia, in favor of the protection of the wool-growing and woolen manufacturing industries of the country—to the Committee on Ways and Means.

Also, petition of John Somerville and others, of Ritchie County, West Virginia, relative to the productions of agriculture and the protection thereof—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Resolutions of the General Assembly of Iowa, relative to pensions—to the Committee on Invalid Pensions.

By Mr. HERMANN: Petition of employés of the Portland (Oregon) post-office, for the passage of House bills 5040, 5041, and 5042—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Memorial and resolutions of the directors of the Board of Trade of Chicago, protesting against legislation that would deprive them of the competition of Canadian railroads under bonded transit—to the Committee on Commerce.

By Mr. JACKSON: Petition of George S. Graham and 47 others, citizens of Washington County, Pennsylvania, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. KERR: Memorial of the Iowa Legislature, for the repeal of that part of the pension law known as the arrears limit, and for the enactment of other pension laws—to the Committee on Invalid Pensions.

By Mr. LAFFOON: Papers in the claim of Gabriel G. Loran and of Margaret J. Bailey, for relief—to the Committee on War Claims.

Also, memorial of the authorities of Hopkinsville, Ky., for the erection of post-office buildings in cities and villages—to the Committee on the Post-Office and Post-Roads.

Also, petition of Peter Baker, of Eliza A. Massie, of J. G. Webb, of N. H. Boyd, of William Campbell, of S. L. Cox, of E. A. Cushman, of

George W. Means, of J. J. Elliott, of J. H. McClain, of W. W. Foster, of James Richardson, of W. D. Fuller, of A. O. Lackey, of John S. Lawder, and of Mrs. B. E. Kenner, of Christian County, Kentucky; also, of Lem. S. McHenry and of L. A. Webster, of Daviess County, Kentucky; also, of Abner D. Ezell, of D. U. Hunter, of Simon King, of William Simmons, of William H. Ogden, of James H. Hunter, and of Julia A. Cannon, of Webster County; and of John E. Robertson, of George Givens, of R. P. Hendricks, of John Bidwell, and of James Wilson, of McLean County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LAFFOON: Petition of Peter R. Givens, of Allen Owan, of John M. Young, of Joshua W. Collins, of George Huston, of George Hite, of Joseph W. Givens, of Henry S. Fowler, of Aaron Clements, of Thomas Dillon, of Daniel E. Buckman, of Samuel Burch, of Mary Barrey, of William Albert, of Pius A. Hager, of estate of Aaron Harris, of Walter Clemens, of Daniel J. Saunders, of Nancy Berry, of William A. Kibby, of James Logan, of Andrew Lynn, of S. J. Mitchell, of Samuel H. Neal, of George W. Riddle, of Thomas J. Wolf, and of E. P. Tuley, of Union County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Petition of W. M. Hyzer and 59 others, ex-Union soldiers, in favor of the passage of the one cent per day pension bill—to the Committee on Invalid Pensions.

Also, petition of Council Bluffs Canning Company and others, asking that tin-plate be placed on the free-list—to the Committee on Ways and Means.

Also, petition of J. L. Perkins and 52 others, citizens of Little Sioux, Iowa, in regard to rates of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOMAS: Petition of Joseph E. Trundle and others, of Montgomery County, Maryland, for payment of their war claims—to the Committee on War Claims.

Also, petition from Hagerstown, Md., in favor of a general appropriation bill for public buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Jacob Friend, executor of Henry Friend; of Isaac Gruber, executor of John Cowton; of Samuel Poffinberger, of Eli Yourtee, son of George W. Yourtee; of William B. Wheela, executor of Henry Weast; of Margaret South, executor of Benjamin South; of Jacob F. Miller, of William Roulette, of Ezra Doub, of Elias Snivelys, administrator of Frisby Hildebrand; of Ezra A. Snyder; of Samuel H. Miller, trustee for Jacob Miller; of John F. Dellinger, administrator of William Dellinger; of Samuel M. Folz, executor of Jacob Folz; of John Grice; of Samuel H. Miller, administrator of Morgan Miller; of Adam Hutzel, of Leonard Emmert, of Charles T. Hamilton, and of David Beelers, administrators, of Washington County; of James W. Peorre, trustee for J. H. Besant; of John E. Crone, of William J. Kepler, of John C. Fleming, of Frederick County, Maryland, and of David Reel, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCORMICK: Petition of Joseph McLean and 27 others, protesting against the repeal of the internal-revenue laws on cigars and cheroots—to the Committee on Ways and Means.

By Mr. McKINLEY: Petition of sailors and soldiers of the late war, indorsing the per diem rated service-pension bill—to the Committee on Invalid Pensions.

Also, joint resolution of the Legislature of Ohio, that all honorably discharged Union soldiers who were confined in prisons be placed on the pension-rolls at not less than $12 per month, and that they receive $2 per day for the time so imprisoned—to the Committee on Invalid Pensions.

Also, memorial of the authorities of East Liverpool, Ohio, in favor of a general appropriation bill for a post-office building for every city and village of 3,000 inhabitants or over—to the Committee on Public Buildings and Grounds.

Also, petition of dairymen and dealers in and consumers of dairy products, for removal of duty on foreign salt—to the Committee on Ways and Means.

Also, petition of citizens of Elkhart County, Indiana; of Armstrong County, Pennsylvania, and of Montana, for speedy action to protect the wool-growing and woolen manufacturing interests of this country—to the Committee on Ways and Means.

By Mr. McRAE: Petition of Mrs. U. A. Barnard, heir of Amanda J. Swink, of Clark County, Arkansas, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. MONTGOMERY: Petition of Charles W. Yager, of W. B. Vertruce, of W. W. Vertruce, of John W. Tarpley, of Miles H. Thomas, of Mathias J. Syphers, of Munson G. Stith, of Milton Stith, of Henry Sprigg, of B. Frank Slaughter, of F. W. Simmons, of John R. Perry, of Nancy Pendleton, of William F. Patterson, of William Patterson, of estate of T. W. Patton, of Hiram Overall, of Claybourn Overall, of Andrew J. Nall, of Lewis H. Nall, of Mrs. E. V. McGlosson, of T. B. Nunford, of Albert Morgan, of W. C. Moore, of J. Toll. Miller, of David G. Miller, of Cyrus D. Miller, of estate of E. C. Lucas, of estate of Jacob W. La Rue, of Jesse V. La Rue, of A. H. Kennedy, of Robert Kennedy, of Moses Klinglesmith, of Samuel Hansbrough, of J. E. Geoghegan of Hardin County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of William W. English, of John English, of R. R. English, of Edon Brashier, of Warren C. Bethel, of Hardin County; also, John M. Taylor, of Simeon Schreusberry, of David Smith, of Jubel S. McCoy, of Crawford Lyons, of Wilson Jolly, of Elisha T. Drane, of William H. Cain, and of Margaret O. Board, of Breckinridge County; also, of William Y. Scott, of J. J. Johnson, of Robert Hough, and of Austin Hough, of Bullitt County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of L. A. Foote, of Mary Orndorf, of Thomas M. Miller, of Breckinridge County; and of George L. Rodgers, of Bullitt County; and of William Jennings, of Garrard County; and of Jiles Kelley and of M. D. Hightown, of Grayson County; and of David S. Waide, of Henry B. Helm, of George W. Fisher, and of James Jenkins, of Hardin County; of J. B. Fisher, of Jefferson Brownfield, of William Bethel, of Charles Dewel, of Marshall Key, of Gideon Mayfield, of John H. West, of James Miller, and of Richard W. Wilkins, of La Rue County; also, of Alvey M. Sturn, of William Duke, of Robert Holbrook, of B. N. Patterson, of William P. Simmons, and of F. M. Sinclair, of Ohio County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of John B. Spaulding, of William Robinson, of Henry Bland, of Augustus L. Hayden, of estate of Govey Hood, of Abel A. Thompson, of Matilda Ingram, of Calestus Abell, of George W. Abell, of William M. Abell, of Buford Musson, of John Osborn, of Rodmon Prewitt, of Richard Wathen, and of James Yowell, of Marion County; also of Jackson Young, of William Tatum, of estate of James M. Trent, of Martha A. Walker, of Thomas Yates, of Ogden W. Stiles, of estate of Mary E. Smith, of Robert Simms, of Benjamin Piles, of Henry B. Moore, of Thomas Hamilton, of John P. Bush, and of William H. Border, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also petition of John Bewley, of Marvel N. Bewley, of George W. Neafus, of Edward Pinkston, of Ferdinand H. McGehee, of Daniel J. Saunders, of Jesse L. Shaklett, of Catharine E. Washington, of John A. Hardesty, of James M. Hamilton, of Benjamin Hamilton, of Thomas J. Drury, of Edward Buren, of Edward M. Johnson, of James Kendall, of Thomas G. Robinson, of James F. Jones, of J. K. Rosson, of Enoch B. Reiser, of Elizabeth Rawlings, of Isaac Rickett, of Thomas Woodridge, of Rachael Williams, of Samuel Stith, and of Mrs. M. J. Walker, of Meade County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Jesse J. Stith, of David Stith, of William R. Brickett, of Meade County; of Enoch Berry, of Henry Cissell, of Evelin R. Cowherd, of John Crutcher, of William W. Elliott, of James Foucher, of Alexander Hodges, of James W. Hall, of John C. Lawson, of Alonzo Park, of Henry K. Pusey, and of Jerry Adams, of Meade County, Kentucky; of Thomas W. Taylor, of James M. Brown, of Rebecca Herndon, of John E. Browman, of John H. Geoghegan, of Nat. G. Thomas, of James Thompson, of Michael Tewell, of estate of Munson H. Sweeney, of Nelson County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of estate of Munson H. Sweeney, of estate of Joseph Y. Sweazy, of W. A. Sweasey, of W. A. Smith, of Jacob Robey, of Benedict Pash, of John R. Osbourn, of Theodore O'Brien, of John Newman, of R. W. Nevitt, of Bryant Y. Neal, of Fielding Merrifield, of Beverly Mann, of Samuel O. McMakin, of Isaac McClosky, of Elisha Mannaker, of Francis M. Head, of James Howard, of Lewis Hayden, of William and Theodore B. Hardman, of Isaac J. Hahn, of Posey Grant, of Michael Cahill, Baptist Church of Bloomfield, Nelson County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also petition of W. H. Conner, of Juliet Colton, of Joseph Elder, of John Fenton, of Thomas Vowels, of Coleman Wells, of Samuel M. Vittiton, of John Unsill, of Joseph W. Berkley, of Martha Brasher, of Frank Bealman, of W. H. Bemiss, of John Bayne, of John Anderson, of Benedict J. Adams, and of George Bland, of Nelson County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Petition of members of the Iron Molders' Union, No. 164, of San Francisco, Cal., in favor of the passage of House bills 1529, 1530, and 1539—to the Committee on Labor.

Also, petition of citizens of San Francisco, Cal., for legislation requiring all contractors on Government work to pay their help at least once in every two weeks, etc.—to the Committee on Labor.

By Mr. NEAL: Petition of administrator of Cornelius C. Lamb, of Bledsoe County, and of Malinda Peak, of Meigs County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. NUTTING: Petition of Lewis Gay, chief of the St. Regis Indians, and 30 of his people, for help to educate the children of the tribe—to the Committee on Indian Affairs.

Also, petition of C. Hewitt and 260 others, ex-Union soldiers, of New York, in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. OWEN: Petition of Nathaniel Bates and others, of James A. Burnham and others, and of Willis Pruitt and others, for a per diem pension bill—to the Committee on Invalid Pensions.

By Mr. PAYSON: Petition of A. C. Beardsley and numerous citizens, of Kankakee and Iroquois Counties, Illinois, that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. PERKINS: Resolutions of the Dairymen's Association of Leavenworth County, Kansas, against the repeal or modification of the oleomargarine act—to the Committee on Agriculture.

By Mr. PETERS: Petition of 97 ex-soldiers of McPherson County, Kansas, favoring a service rated pension bill—to the Committee on Invalid Pensions.

By Mr. PHELAN: Petition of H. C. Brewer, of W. W. Goodwin, administrator of A. W. M. Rosebrough, of Greenwood Rushing, of A. W. M. Rosebrough, of heirs of Francis A. Cole, of Charles R. Stewart, and of Aaron Davidson, of Shelby County; of Francis J. and Benjamin T. Lewis, and of Alexander P. Rose, of Fayette County, and of J. K. P. Clift, executor of F. J. Clift, and of William H. Siddons, of Hardeman County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PHELPS: Petition for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. ROMEIS: Petition of Henry Imler, for equity relief—to the Committee on War Claims.

By Mr. RYAN: Statement relating to the bill to grant an increase of pension to J. W. McMillan—to the Committee on Invalid Pensions.

Also, resolution of the dairymen of South Leavenworth, Kans., against the repeal of the oleomargarine law—to the Committee on Agriculture.

Also, petition of 259 citizens of Butler County, Kansas, for legislation to quiet title of bona fide settlers upon the Osage trust and diminished reserves in Kansas—to the Committee on Public Lands.

By Mr. SENEY: Petition of Jacob Fetzer and 113 ex-Union soldiers, of George W. Pierce and 40 ex-Union soldiers, and of Frank Miller and 40 citizens of Crawford County; of John O. Davis and 35 others, ex-Union soldiers of Tiro; of Fred R. Kibler and 32 others, ex-Union soldiers, of New Washington; of P. W. Poole and 36 others, citizens of Crestline; of Jacob Rice and 36 others, ex-Union soldiers, of Sulphur Springs, and of Wallace Stahle and 30 others, ex-Union soldiers, of Crestline, Ohio, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. SHIVELY: Petition of John Davenport and others, citizens of Elkhart County, Indiana, against reduction of the tariff on wool—to the Committee on Ways and Means.

Also, joint memorial of the Board of Trade, Commercial, Maritime, and Drug Exchanges, of Philadelphia, in favor of an international maritime conference to be held in the United States—to the Committee on Foreign Affairs.

By Mr. STRUBLE: Joint resolution of the Legislature of Iowa, for the repeal of the law limiting the recovery of arrears of pensions, for service pensions to all honorably discharged soldiers, and for the bill pensioning prisoners of war—to the Committee on Invalid Pensions.

Also, concurrent resolution of the same, for legislation prohibiting the sale of adulterated lard throughout the United States—to the Committee on Agriculture.

By Mr. TAULBEE: Petition of Joseph Craft, of Letcher County; of Parks D. Britton, of Knox County; of William H. Scrivner, of Estill County; of John W. Vance and of David W. Miller, of Floyd County; of Calvin Kuykendall, of Marshall County; of Miles W. Nickels and of James B. Fugitt, of Morgan County; of Hezekiah Bowen and of Scott Gray, of Powell County; of U. B. Thomas, of A. Lindsay, and of J. W. Denton, of Montgomery County; of Edward Craw, of Pendleton County, and of Sarah Mars, of Pike County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. E. B. TAYLOR: Memorial of the Amalgamated Association of Iron and Steel Workers, of Niles, Ohio, relating to the tariff—to the Committee on Ways and Means.

By Mr. J. D. TAYLOR: Petition of James Gladden and 94 others, of Belmont County, Ohio, for the speedy action on the subject of protection to wool-growing and woolen manufacturing industries—to the Committee on Ways and Means.

By Mr. O. B. THOMAS: Remonstrance of 50 manufacturers and workmen, of La Crosse, and of 75 manufacturers and workmen, of La Crosse, Wis., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. TOOLE: Two petitions of citizens of Fergus County, Montana, for the establishment of a new land office at Fort Benton, Mont., and that Fergus County be included therein—to the Committee on the Public Lands.

Also, petition of citizens of Stephensville, Mont., for the passage of a law prohibiting the manufacture and sale of alcoholic liquors, etc.—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. VANCE: Petition of G. S. Gregory and others, citizens of Fairfield County, and of Foster Brothers and others, citizens of Darling, Conn., for an appropriation for improving the harbor at Wilson's Point, in Norwalk, Conn.—to the Committee on Rivers and Harbors.

By Mr. VOORHEES: Memorial of the Legislative Assembly of Washington Territory for the admission of Washington Territory with the four counties of North Idaho annexed as a State into the Union—to the Committee on the Territories.

By Mr. WILKINSON: Petition of estate or Elizabeth and Alfred Ingraham for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of Simon B. Dresser and others, for the passage of an act placing the name of Edward Dury on the pension-roll—to the Committee on Invalid Pensions.

Also, memorial of John A. Logan Commandery, No. 7, Union Veterans' Union, of Dayton, Ohio, relative to the tariff and pensions—to the Committee on Invalid Pensions.

Also, petition of J. R. Cook and others, protesting against the repeal of the internal-revenue laws on cigars and cheroots—to the Committee on Ways and Means.

By Mr. YOST: Petition of letter-carriers of Staunton, Va., for increased salaries to carriers—to the Committee on the Post-Office and Post-Roads.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BROWER: Of citizens of Sumner, Guilford County, North Carolina.

By Mr. CANDLER: Of citizens of Silver Shoals, Ga.

By Mr. GOFF: Of Wesley Heater and others, of Lewis County, West Virginia.

By Mr. JACKSON: Of citizens of Candor, Washington County, Pennsylvania.

By Mr. MORGAN: Of S. W. Smith and 132 others, of Harmontown, Lafayette County, Mississippi.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. ATKINSON: Of 184 citizens of Juniata County, Pennsylvania.

By Mr. BELDEN: Of citizens of Syracuse, N. Y.

By Mr. BURNETT: Of 269 citizens of Norfolk County, Massachusetts.

By Mr. DARLINGTON: Of 255 citizens of Chester County, Pennsylvania.

By Mr. DAVENPORT: Of 383 citizens of Steuben County, New York.

By Mr. HIESTAND: Of 167 citizens of Lancaster County, Pennsylvania.

By Mr. LAIDLAW: Of 508 citizens of Chautauqua County, New York.

By Mr. McCORMICK: Of 145 citizens of Sullivan County, Pennsylvania.

By Mr. PATTON: Of 179 citizens of Centre County, Pennsylvania.

By Mr. PETERS: Of 314 citizens of Scott County, Kansas.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. J. E. CAMPBELL: Of 1,669 citizens of the District of Columbia.

By Mr. CUTCHEON: Of 600 citizens of Virginia and West Virginia; of 786 citizens of Iowa; of 860 citizens of Illinois, and of 119 citizens of New Jersey.

SENATE.

WEDNESDAY, *February* 29, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General urging an appropriation of $20,000 to be included in the deficiency bill for the support of prisoners for the year 1887; which, with the accompanying letter, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 20, 1888, information as to the amount of business accumulated in his Department under the grants to States and Territories for educational purposes, the time necessary to dispose of such business with the present clerical force, and what additional force is necessary; which, on mo-

tion of Mr. STEWART, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Board of Trade of Topeka, Kans., praying that the Indian Territory be opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Kansas, praying for the passage of the rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SAWYER presented a petition of dairymen of Wisconsin, praying for the removal of the duty on foreign salt; which was referred to the Committee on Finance.

Mr. TURPIE presented a petition of ex-soldiers of the Union Army, citizens of Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BATE presented the petition of Everett Ritter, of Carroll County, Tennessee, praying for the removal of the charge of desertion from the military record of his two sons, John Ritter and Henry Ritter; which was referred to the Committee on Military Affairs.

Mr. PAYNE presented 16 petitions of surviving soldiers and sailors of the Union Army and Navy, residing in Ohio, praying for the enactment of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SHERMAN presented petitions of 736 ex-Union soldiers, and petitions of 125 ex-Union soldiers, residing in the State of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Hocking County, Ohio, praying for a correction of the erroneous classification of worsteds; which was referred to the Committee on Finance.

He also presented a memorial of Weathersfield Lodge, No. 32, of the Amalgamated Association of Iron and Steel Workers, of Niles, Ohio; a memorial of Wolf Lodge, No. 21, of the Amalgamated Association of Iron and Steel Workers, of Steubenville, Ohio; a memorial of Cataract Lodge, No. 2, of the Amalgamated Association of Iron and Steel Workers, of South Cleveland, Ohio, and a memorial of Dover Lodge, No. 37, of the Amalgamated Association of Iron and Steel Workers, of Canal Dover, Ohio, favoring a protective-tariff policy; which were referred to the Committee on Finance.

Mr. MANDERSON presented a petition of citizens of Nelson, Nebr., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PADDOCK presented the petition of James Grace, of Washington, D. C., praying to be paid for medical expenses, etc., incurred by reason of injuries received while in the discharge of his duties as a laborer at the Capitol; which was referred to the Committee on Claims.

Mr. MORGAN. I present the petition of a number of citizens of Marshall and Etowah Counties, Alabama, praying for the forfeiture of the land grant of the Tennessee and Coosa Railroad Company. I ask that the petition lie on the table, because a bill is pending here reported from the Committee on Public Lands which provides for that matter. The petition also contains some allusions to my course in the Senate upon the subject of this land-grant forfeiture. It was sent to the President of the Senate, and he very kindly placed it in my possession with the view that I should scan it, for which I thank him. I ask that it lie on the table, and when the bill comes up I will make some explanation of the matters contained in the petition.

The PRESIDENT *pro tempore*. The bill having been reported, the petition will lie on the table.

Mr. STOCKBRIDGE presented a petition of 191 ex-Union soldiers and sailors, residing in the State of Michigan, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. McPHERSON presented the petition of Mrs. Annie Leonard, widow of Terrance Leonard, late of Company D, Sixty-third Regiment New York Volunteers, praying that she be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of New Jersey, officially signed, representing 6,000 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. HISCOCK presented two petitions of ex-Union soldiers and sailors, residing in the State of New York, and a petition of 308 veterans of the late war, residing in the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of citizens of New York, praying for the passage of a joint resolution correcting the present erroneous classification of worsteds, by directing that they be classified as woolen goods; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of C. P. Hovey & Co., White, Brown & Co., Jordan, Marsh & Co., and other importers, of the city of Boston, Mass., praying that jurisdiction be conferred on the Court of Claims to hear and determine their claim for the recovery of certain taxes alleged to have been illegally assessed and collected; which was referred to the Committee on Finance.

Mr. PLATT. I have received certain resolutions of the Hat Makers and Finishers' Association of Connecticut, which, while they are addressed to the Senators from Connecticut, seem to me resolutions which should properly be addressed to the Senate. They are protesting against any reduction of the duty upon manufactured hats, whether wholly or partially manufactured, and asking that the duty be increased. They are the workmen who are engaged in the manufacture of hats. I ask that the resolutions may be received and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The resolutions will be received, if there be no objection, and referred to the Committee on Finance.

Mr. PALMER presented a petition of Tunis Cronkite and 31 others, members of William T. Sherman Post, No. 355, Grand Army of the Republic, of Bath, Mich., and a petition of Lewis Clark Post, No. 275, Grand Army of the Republic, Department of Michigan, praying for the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a resolution adopted by Fayette Grange, No. 251, Patrons of Husbandry, of Jonesville, Mich., favoring the amendment of the patent laws for the protection of innocent users of patented articles; which was referred to the Committee on Patents.

He also presented a resolution adopted by the Farmers' Club, of Columbia County, New York, in favor of sustaining the oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of N. A. Beecker and 13 other prominent citizens of Flint, Mich., praying for the passage of Senate bill 1779, for the preservation of forests; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Saginaw (Mich.) Board of Trade, remonstrating against the removal of the duties on lumber and salt; which was referred to the Committee on Finance.

He also presented a petition of James A. Stultz and 112 other citizens of Gratiot County, Michigan, praying for the protection of the wool-growing and woolen manufacturing industries of the country; which was referred to the Committee on Finance.

He also presented a petition of George Kemp and 40 other citizens of Sault Ste. Marie, Mich., praying an increase of salaries of keepers of the Life-Saving Service to $1,000 a year, and of surfmen of that service to $75 a month; which was referred to the Committee on Commerce.

Mr. EVARTS presented a petition of 24 members of Post No. 547, Grand Army of the Republic, surviving soldiers and sailors of the Union Army and Navy, and citizens of Newfane, Niagara County, New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CULLOM presented resolutions adopted by Douglas Lodge, No. 6, State of Illinois, of the Amalgamated Association of Iron and Steel Workers of the United States, located at Chicago, officially signed, and resolutions adopted by Mississippi Lodge, No. 5, State of Illinois, of the Amalgamated Association of Iron and Steel Workers of the United States, located at East St. Louis, officially signed, remonstrating against any revision of the present tariff and against any legislation that would tend toward crippling the industries of the country; which were referred to the Committee on Finance.

He also presented a petition of 81 ex-soldiers of the Union Army, citizens of White County, Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. VEST presented resolutions adopted by the Missouri State Board of Agriculture, favoring legislation by Congress for the eradication of pleuro-pneumonia in cattle; which were referred to the Committee on Agriculture and Forestry.

Mr. PLUMB. I present the petition of a large number of ex-Union soldiers, resident in Kansas, praying for the passage of the per diem rated service-pension bill. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. CALL presented the petition of Mary N. Robinson, widow of Frederick Robinson, late first lieutenant and brevet captain Fifth Regiment United States Artillery, praying that her certificate of pension may be changed from February 7, 1884, to November 1, 1882, so as to enable her to receive such arrearages as might become due her in consequence thereof; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom were referred the findings of facts by the Court of Claims January 23, 1888, in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, *vs.* The United States, referred to said court by the Committee on Claims in the Forty-eighth Congress, second session, submitted a report thereon, accompanied by a bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court; which was read twice by its title.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 1089) for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts;

A bill (S. 1194) granting a pension to Mary Whirry;

A bill (S. 1146) granting a pension to L. J. McGoffin;

A bill (S. 1286) granting a pension to Michael Lane;

A bill (S. 1607) granting a pension to Robert A. Bride, or McBride;

A bill (S. 1742) granting a pension to W. A. Hicks;

A bill (S. 1288) granting a pension to John Child;

A bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford;

A bill (S. 1193) granting a pension to John R. Wheelock; and

A bill (S. 808) granting a pension to Julius C. Monson.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1609) for the relief of James McLaughlin;

A bill (S. 1018) granting a pension to Joseph W. Eubank; and

A bill (S. 1124) to increase the pension of John W. January.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2135) for the relief of Richard W. McMullin, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 2216) for the relief of Thomas A. Osborn, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON. On the 9th of February, under the direction of the Committee on Military Affairs, I reported back favorably the bill (S. 671) to provide for the sale of the site of Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site, and the construction of suitable buildings thereon, which is on the Calendar. I now desire to submit a written report in connection with that bill, and ask that it be printed.

The PRESIDENT *pro tempore*. The report will be received and printed.

Mr. MANDERSON. There came to the Committee on Printing a motion to print for the use of the Senate a large number of copies of the bill (S. 977) to regulate the importation of foreign merchandise, and to secure uniformity in the classification and valuation thereof, and for other purposes. I understand from the Senator from Iowa [Mr. ALLISON] in charge of the bill that he does not desire it printed at this time, and I therefore report back the motion and ask that the committee be discharged from its further consideration.

The report was agreed to.

Mr. ALLISON, from the Committee on Finance, reported an amendment intended to be proposed to the bill (S. 977) to regulate the importation of foreign merchandise, and to secure uniformity in the classification and valuation thereof, and for other purposes; which was ordered to lie on the table and be printed.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom the subject was referred, to report a bill.

The bill (S. 2186) supplementary of and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884, was read twice by its title.

Mr. SHERMAN. I give notice that as soon as practicable I shall call the attention of the Senate to the bill in the hope of its passage.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SHERMAN. I also report back several bills referred to the Committee on Foreign Relations which are covered by the bill just reported from the committee, and ask that the committee be discharged from their further consideration.

The following bills were indefinitely postponed:

A bill (S. 1797) to enforce restrictions on Chinese immigration; and

A bill (S. 582) abrogating all treaties heretofore made and now operative between the United States Government and the Chinese Empire, in so far as they, or any of them, provide for, recognize, or permit the coming of Chinese to the United States, and in so far as they, or any of them, inhibit the United States from absolutely prohibiting the coming of Chinese to the United States; and repealing all acts of Congress in so far as they, or any of them, recognize or permit the coming of Chinese to the United States; and absolutely prohibiting the coming of Chinese to the United States, excepting only diplomatic, consular, and other officers, and prohibiting the landing of any Chinese therein, excepting only such diplomatic and other officers.

Mr. SHERMAN. I am also directed by the Committee on Foreign Relations to report back a great number of memorials in regard to the same matter with a recommendation that they lie upon the table.

The PRESIDENT *pro tempore*. That order will be made.

EXCLUSION OF CHINESE LABORERS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report back the concurrent resolution submitted by the Senator from Nevada [Mr. STEWART] January 9, 1888, requesting the President to negotiate a treaty with the Emperor of China, excluding Chinese from entering the United States, with an amendment in the nature of a substitute, and I ask for its present consideration, if there be no objection.

The PRESIDENT *pro tempore*. The original resolution will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested, at the earliest practical moment, to negotiate a treaty with the Emperor of China containing a provision that no Chinese shall enter the United States except embassadors and others engaged in the diplomatic service of the Chinese Empire and merchants engaged in trade between the United States and foreign countries, and providing further that the United States shall be at liberty to ascertain, by such officers or tribunals as Congress may designate, whether Chinese offering to enter the United States are of the excepted classes.

The PRESIDENT *pro tempore*. The resolution as amended will now be read.

The Chief Clerk read as follows:

Resolved by the Senate of the United States, That in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States.

The PRESIDENT *pro tempore*. The Senator from Ohio asks that the resolution be now considered.

Mr. MITCHELL. I ask that it go over until to-morrow.

The PRESIDENT *pro tempore*. It will lie over under the rule.

Mr. MITCHELL. And be printed.

The PRESIDENT *pro tempore*. The order to print will be made.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2187) to authorize the retirement of Lieut. John A. Payne with the rank of major; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2188) for the relief of certain merchants who paid duties on goods imported by the steamship Asia on the 3d of March, 1867; which was read twice by its title, and referred to the Committee on Finance.

Mr. WALTHALL (by request) introduced a bill (S. 2189) for the relief of Sophia G. Mitchell and Eliza Jane Mahon; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS (by request) introduced a bill (S. 2190) imposing punishment for counterfeiting or imitating trade-marks and labels; which was read twice by its title, and referred to the Committee on Patents.

Mr. WILSON, of Iowa, introduced a bill (S. 2191) for the relief of the estate of J. M. Hiatt; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS (by request) introduced a bill (S. 2192) to authorize the extension of Vermont avenue, in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2193) to provide for the payment of the 8 per cent. greenback certificates of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McPHERSON introduced a bill (S. 2194) granting a pension to Annie Leonard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2195) granting arrears of pension to Mrs. Mary R. Archer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2196) to remove the charge of desertion from the military record of F. Spurgeon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PALMER introduced a bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing-vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES, of Arkansas, introduced a bill (S. 2198) to authorize the building of a railroad bridge at Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 2200) to amend paragraph 1 of section 4821, chapter 2, of the Revised Statutes; which was read twice by its title, and referred to the Committee on Military Affairs.

PROPOSED NATIONAL PARK IN OREGON.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be, and they are hereby, instructed to inquire into the propriety and advisability of having seven or eight townships of the public domain surrounding and including Mount Hood, in the State of Oregon, set apart as a national park, and to report by bill or otherwise.

LAND-PATENTS.

Mr. CALL submitted the following resolution; which was read:

Resolved, That the Committee on Public Lands of the Senate are hereby instructed to report a bill declaring all patents on the public lands of the United States issued by the Secretary of the Interior without authority of law to be absolutely void, and requiring the Attorney-General of the United States to bring suit to vacate and set aside the same.

Mr. CALL. I believe that under the rule if the resolution goes over it will come up to-morrow morning, when I shall ask the Senate for the privilege of submitting a few remarks very briefly upon the subject of the resolution.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule, and be printed.

USE OF WATER AT HOT SPRINGS, ARK.

Mr. BERRY. If the morning business is concluded——

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or other, the morning business is closed.

Mr. BERRY. There is a joint resolution on the table which came from the House of Representatives in regard to the use of hot water at Hot Springs, Ark. It is a literal copy of a bill reported by the Senate Committee on Public Lands, which is now on the Calendar. I ask that the joint resolution may now be considered.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes, was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks that the Senate now proceed to the consideration of the joint resolution. Is there objection?

Mr. VOORHEES. I should like to have it read.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information, subject to objection.

The Chief Clerk read the joint resolution.

Mr. CULLOM. Is that a House bill?

The PRESIDENT *pro tempore*. It is.

Mr. CULLOM. Is it now up for consideration?

The PRESIDENT *pro tempore*. The joint resolution has been read twice by its title, and the Senator from Arkansas asks unanimous consent that the Senate now consider the same.

Mr. CULLOM. That is a measure to which I desire to offer an amendment, but I am not prepared to do it now. I would like to have it go over.

The PRESIDENT *pro tempore*. The Senator from Illinois objects to the present consideration of the joint resolution, and therefore under the rule it must lie over until to-morrow.

Mr. BERRY. I hope the Senator will withdraw the objection and offer his amendment, and let us consider it. The joint resolution is a literal copy of a bill reported by the Committee on Public Lands of the Senate—a literal and absolute copy—and I would be glad to have it considered.

Mr. CULLOM. If the Senator will let it go over to-day I shall not resist taking it up to-morrow. I do not desire to throw any obstruction in the way of its consideration, but I would a little rather not consider it to-day as I am not prepared to offer such an amendment as I think I desire to have made to it.

NATIONAL ART COMMISSION.

Mr. HOAR. I move that the Senate proceed to the consideration of Senate bill 1514.

The PRESIDENT *pro tempore*. The Chief Clerk will state the first bill on the Calendar under Rule VIII, and the Chair will then submit the motion of the Senator from Massachusetts.

The CHIEF CLERK. Order of Business 30, a bill (S. 1095) to provide for the compulsory education of Indian children.

The PRESIDENT *pro tempore*. This bill being in order under Rule VIII, the Senator from Massachusetts moves that the Senate proceed to the consideration of the bill (S. 1514) to establish a national art commission.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the Library with amendments.

The first amendment was, in section 1, line 3, after the word "President," to strike out the word "may" and insert the word "shall;" so as to read:

That the President shall appoint a commission of fourteen persons, four of whom shall be eminent sculptors, four of whom shall be eminent painters, three of whom shall be eminent architects, and three of whom shall be selected from other employments for their knowledge and good taste in art, who shall together constitute the national art commission.

The amendment was agreed to.

The next amendment was, in line 8, to strike out "five" and insert "four;" so as to read:

Four of those first appointed shall hold office for one year, five for two years, and five for three years each. Their successors shall hold office for three years each. The President may also, in case of any vacancy in said commission, make appointments for the unexpired term of the person whose place shall be so vacant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PLUMB. I do not care to interrupt the passage of this bill. I simply want to give notice that it will develop into a very considerable institution before it has been twelve months old. Inside of three years it will cost the Government $100,000 a year, besides sticking its nose into a great many things which it has no business to touch. If I had any reason to believe that it would pass the House of Representatives, I certainly should oppose it.

The bill was passed.

G. KAEMMERLING AND OTHERS.

Mr. MCPHERSON. I ask for the present consideration of Senate bill 1484, Order of Business 356.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from New Jersey moves that the Senate proceed to the consideration of the bill (S. 1484) for the relief of G. Kaemmerling and others.

Mr. SHERMAN. Why not go on with the Calendar? We can accomplish three times as much in that way as by taking up bills here and there on special application.

Mr. TELLER. Let us go on with the Calendar.

Mr. MCPHERSON. I will answer the Senator from Ohio. This is an important bill, affecting the status of certain engineers in the Navy. It will not take a moment to pass it, and I think it is important that the status of these officers should be determined.

The PRESIDENT *pro tempore*. Under the rules debate is not in order. Will the Senate proceed to the consideration of the bill moved by the Senator from New Jersey?

The motion was not agreed to.

COMPULSORY EDUCATION OF INDIAN CHILDREN.

Mr. SHERMAN. The regular order.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 1095) to provide for the compulsory education of Indian children.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the bill. It has been read at length on a previous day, and the pending question is on the amendment proposed by the Senator from Missouri [Mr. VEST]. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That it shall be the duty of the Secretary of the Interior to establish, under such rules and regulations as he may think proper, an industrial boarding-school on every Indian reservation upon which there may be located any Indian tribe numbering five hundred or more adult Indians. The Secretary shall cause an enumeration of the children of said Indians between the ages of eight and eighteen years to be made at least once in every two years, and he shall cause said children to be placed in the schools so established and there kept for a period not exceeding five years.

SEC. 2. That the children so placed in said school shall be taught, in addition to reading, writing, arithmetic, and geography, useful labor. The males shall be instructed in agricultural pursuits, care and management of stock, poultry, and general farm work, and they shall also be learned some useful mechanical trade; and the girls shall be instructed in household work, sewing, the care of poultry, and other employment suitable to their sex.

SEC. 3. That the Secretary of the Interior may, when the parents or natural guardians of such children refuse or neglect to send them to said schools and to keep them there, in accordance with the rules and regulations made by the Secretary, withhold rations and annuities from the parents or natural guardians of such children until there shall be a proper compliance with the rules prescribed by the Interior Department.

SEC. 4. That nothing herein contained shall prevent the education of Indian children in schools outside of the reservations with consent of their parents or guardians, and no provisions of this act shall apply to the five civilized tribes nor to the Osage Indians of the Indian Territory.

Mr. VEST. Mr. President, I believe I had the floor when the hour of 2 o'clock arrived in our last discussion of this bill, but I do not know that I can add anything to what I said then in regard to this amendment.

Mr. STEWART. Let us have the amendment read so that we may understand it.

Mr. VEST. The amendment has just been read.

Mr. STEWART. I could not hear it.

Mr. VEST. The substance of it is simply this: It changes the entire system in regard to the treatment of Indian children which now prevails. I stated before, and I repeat what has been the result of my observation and experience in regard to the subject of Indian education, that the only hope for the generation of Indians who are now coming on, for the children of the Indian tribes, is in compulsory education. The same motives that affect the civilized man are utterly powerless with the savage. The Indian believes that labor is degrading, and that any knowledge except that of war and the chase is absolutely useless.

The day schools supported now by the Government of the United States amount to nothing. There may be here and there a sporadic school which is doing some little good, but not in proportion to the amount of money expended upon it. I visited schools among the tribes in Montana where the rolls showed from five hundred to seven hundred

pupils, and they attended school but once in the week, and that was when beef was distributed among them, and every other day the number of pupils would be from ten to twenty-five, and they were absolutely taught nothing. The school-mistresses and school-teachers were receiving $800 and $1,000 a year, and they made no impression upon the tribes at all.

There is but one remedy, and that is compulsory education. The Indian child who attends one of the day schools and goes back to the tepee at night, goes back to barbarism, goes back to the filth and degradation taught him by his parents. He is taught that labor is degrading and that the chief end of man is war and the hunt.

I am almost afraid to allude to the Jesuits; but I see my friend from New Hampshire [Mr. BLAIR] is not in his seat, and I can do so with safety. The best schools on this continent to-day are conducted by the Jesuits. Wherever you see an Indian school conducted by Jesuits it is conducted upon the proper principle, and that is the result of nearly a century of absolute experience.

I visited those schools and found compulsory education for male children and for female children. The Jesuits commenced in the first place with the education of males, and they found that to be a failure. They found that the young man who had graduated went back to his tribe and there became the object of ridicule because he had adopted the language and the habits of the white man, and ridicule is the most potent weapon with the Indian everywhere. The result was that without any support except self-support, unaided and alone, he relapsed into barbarism, and then out-Heroded Herod in defense of savage customs and savage fashions.

The result of this experience was that the Jesuits have now established dual schools for both sexes, the female schools under the conduct of nuns and the male schools under the conduct and management of members of the Jesuit order. When they graduate they intermarry, and the couple, assisted by the Jesuits and by the agent on the reservation, with a small piece of land cleared and a house erected and a bunch of cattle, in Western parlance, become the nucleus of civilization and Christianity. They support each other. I visited their houses and saw husband and wife living together, enjoying all the benefits of Christianity and civilization, and raising their children in the same way. Any of my brother Senators who have been along the Northern Pacific Railroad and passed through the Flathead reservation in Montana have seen the results of this Jesuit education.

I was instrumental, and I am proud of it, as proud as of any act of my public life, some few years ago in obtaining $8,000 from Congress for the establishment of an industrial school under the charge of the Jesuits upon that reservation.

The PRESIDENT *pro tempore*. The time of the Senator under the rule has expired.

Mr. TELLER (to Mr. VEST). Do you want to go on?

Mr. VEST. I shall never finish that speech.

Mr. STEWART. If the Senator does not wish to go on, I should like to make a few remarks in regard to this measure.

Mr. PLUMB. I ask unanimous consent that the Senator from Missouri may be allowed to proceed.

Mr. VEST. I wish only a few minutes more, and I shall not want to discuss the bill any further.

The PRESIDENT *pro tempore*. The Senator from Missouri will proceed by unanimous consent.

Mr. VEST. The result of that appropriation was that an industrial school was established at the Jesuit mission on that reservation, and you can look from the windows of the cars to-day and see comfortable houses, farms fenced in, horses and cattle grazing, and a law-abiding population, the result of that single experiment. Those Indians are to-day further advanced in civilization than any upon this continent except the five civilized tribes in the Indian Territory. I was there last summer, and I saw the Indian boys, with their aprons on, engaged in mechanical pursuits. They make their own clothes from hat to boots and shoes. They go into the forests and cut down timber and cut it into lumber and build their houses. They are blacksmiths. They put up two dormitories, which accommodate forty boys and forty girls, and all the principal work, under the direction of a skilled workman, has been done by those Indian boys.

They have learned agriculture. The Jesuits devote their whole lives to this service. The members of the order feel themselves dedicated to that purpose from their boyhood up, and I saw one of them who for fifty years had been engaged in this work among the Indians of North America, who had come here when he was twenty years old. This experiment shows that the industrial boarding-school is the only hope for the Indian. The Jesuits take charge of the children, and do not permit them to go back to their parents' houses until they finish their education. The parents can go and visit them, but they do it in the presence of a Jesuit father. When vacation comes they are taken out in charge of the Jesuits. The result is to be seen there by any one, a state of civilization advanced beyond that of any other tribe on the continent outside of the Indian Territory.

I know my friend from Massachusetts [Mr. DAWES] is ready to defend day schools to some extent. If there are day schools that to-day pay for the money expended on them by the Government of the United States I have never seen them. Any man who knows the Indians, any man who knows their prejudices, it seems to me must come to the conclusion that the only system that we can adopt is that of compulsory education.

I speak earnestly upon this question because it is a terrible problem submitted now to the Congress of the United States. We must take one road or the other. We must say upon the Indian question, "Let them alone and let them perish"—and I mean by using the word "perish" let them remain in barbarism, utterly worthless in the great struggle for civilization that we are making upon this continent—or we are to recognize the fact that their children can only be educated by compulsory means, and shoulder the expense and adopt the proper instrumentalities to that end. I admit that this bill is simply a declaration. I would be willing to vote for an appropriation now to carry into effect the principles announced in the amendment I have offered; but as the bill stands emasculated, simply declaring the opinion of the Congress of the United States on this subject, the real struggle and the real question that comes to issue will be when the subject of an appropriation for this purpose is placed before the Senate.

Mr. DAWES. I suggest to the Senator from Missouri a verbal amendment in line 5 of section 2, by striking out the word "learned" and inserting the word "taught."

Mr. VEST. Of course I have no objection to that.

Mr. DAWES. There is another amendment needed, which is also verbal—in the third line of the third section of the Senator's amendment, to strike out before the word "schools" the word "said," and after "schools" to insert "established by authority of the Interior Department;" so as to read:

That the Secretary of the Interior may, when the parents or natural guardians of such children refuse or neglect to send them to schools established by authority of the Interior Department and to keep them there, etc.

If that amendment shall be adopted, I should for one be entirely content with the substitute the Senator from Missouri offers to this bill. The difference between the bill with that amendment and the bill as it exists now is simply this: It authorizes the Secretary of the Interior to compel, if he sees fit, attendance only at the boarding-schools, and leaves the day schools and the schools of charitable organizations to take care of themselves; and the Senator seems to be frank enough to avow that he wants to extinguish all these schools and confine the education of the Indians to the boarding-schools on the reservations.

Mr. VEST. I will accept that amendment, not because it meets any idea I have, for I do not think the day schools amount to anything; but I know a great many of them are established, and we can not expect to remove the vicious system all at once. Therefore, I will accept that amendment.

Mr. DAWES. There are a great many valuable schools that the Interior Department has located in different localities that ought not to be left to take care of themselves. The Senator has said a great many good things about the boarding-schools, and a great many other things about day schools; but the Senator will permit me to say that he loses sight, I think, of the altered condition of things going on constantly upon the reservations; and with a compulsory process applied to day schools, as well as to boarding-schools, I think the condition of things which it has been the misfortune of the Senator from Missouri to see among day schools will pass away.

There is a bill pending to create a superintendency of Indian schools, which now is a creation simply of the Indian Bureau, into a respectable office to be appointed on the nomination of the President and confirmation by the Senate, and its duties prescribed, among which is to visit all the schools and suggest in a report what improvements and changes should be made. So I think it is the hope of the Department and all those responsible for the institution of the law that a better system of schools, more adapted to the altered state of things, will grow up; but the bill as now modified by the Senator is an excellent bill and makes progress in the right direction. I speak only for myself, not for the committee.

Mr. STEWART. Mr. President, I desire to congratulate the committee on having taken a step in the right direction. I have observed the Indian policy of this country for the last forty years, and it has had very little effect in improving the condition of the Indians. No people have yet taken any step in the direction of civilization except it was necessary for them to make efforts to supply their present necessities. The Indians in our country are equal to those of any other part of America, but as a whole they are far behind those in other countries of America, and I have attributed it to our mode of dealing with them. We have treated them as nations, recognized their tribal relations, made treaties with them, paid them money, invested it for them; and by feeding them we take away the first great necessity of man, to supply himself with food. The result has been that they are in a more helpless condition now than the Indians of Mexico. The great mass of the people of Mexico are of Indian blood. They have had an Indian for President. Juarez was an able man, was equal to any ruler of almost any country. Others have occupied high positions in that country. They were not relieved by any action of their government from the necessity of providing themselves with food.

I have been in British Columbia, north of us, and I found the Indians there much more advanced than they are in our country. They are making contracts; they are individually responsible; they are recognized as men and treated as such, and there they are acquiring property and adopting the principles of civilization. I have observed in our own country where the Indians have not been specially cared for that they have taken care of themselves by labor, which is the first element of progress. In my own State the Indians that have not been fed by the Government have done remarkably well, because we have not taken away the great incentive from the adult Indians to become civilized by removing the necessity to supply themselves with food, thus bringing themselves and their children to a position of dependence.

Whatever may be the policy as to feeding the adult Indians, where our treaty obligations require us to provide for them in that way, certainly we should not allow their children to grow up in ignorance and idleness. The habits which they acquire by being fed, added to their savage habits, have made it difficult to do anything with the children by the appropriation of money.

We must either educate them or let them grow up in idleness and finally be exterminated and cease to exist at all, because there are no fields for them, there is no new country for them to roam over, there are no hunting-grounds now. If they continue to exist, it must be in a state of civilization. The children can not be civilized unless they are forced to attend school and forced to acquire habits of industry, and forced not only to learn from books, but to learn how to take care of themselves, how to work. While they are young it is the duty of this Government, in the helpless condition in which they are, to try to make them self-supporting. We have ruined the Indians by feeding them, by recognizing their tribal relations. We have taken away that inducement to exertion that has elevated the condition of other Indians on this continent, and if we leave the children in that condition we shall entirely destroy the race.

The PRESIDENT *pro tempore*. The Senator's time has expired under the rule.

Mr. TELLER. I ask that the Senator from Nevada have leave to proceed.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. STEWART. I have said about all that I care to say on the subject. There is no other way to civilize these children and do them any good than this.

The remarks of the Senator from Missouri [Mr. VEST] are entirely appropriate, they are just, and they indicate the policy which must be pursued or we shall finally kill the Indians, destroy them by feeding them, by placing them in a state of idleness and ignorance which will ultimately wipe them from the face of the earth.

So I shall vote for this bill. I should like to see a little more power given to the Secretary of the Interior. I should like to see the bill go farther, but I shall vote for it most heartily as a step in the right direction, looking to the reclamation of these children from barbarism.

Mr. TELLER. Mr. President, I introduced the bill under consideration, and I am quite willing to accept the amendment offered by the Senator from Missouri, which I think is an improvement on the bill. I did not go as far as he has gone, but I went as far as I thought would probably be successful. If there is a disposition to go farther I am very glad of it, and I welcome his amendment as going still farther than the bill. The Senator from Nevada says he congratulates the committee on this advanced step. I congratulate the Indians of this country on this advanced step.

When this bill was under discussion a few days ago, I took occasion to speak of the tenure by which the Indians hold their land. The Senator from Missouri took exception to my statement, and declared that they had an absolute fee-simple title, as I understood him to say, to their lands as much as the Senator had to his property in Missouri or anywhere else. I only want to say to the Senator that on this subject he is at variance with the Supreme Court of the United States.

As early as 1823, sixty-five years ago, the Supreme Court declared that they only had the right of occupancy. That was reiterated later, and these authorities can be found cited in 8 Wheaton, in 5 and 6 Peters, and as late down as 106 United States Reports. There is a case in 19 Wallace, which I have on my desk, and I shall call attention to what the court said in that case. It was not a case where the Indians had the simple occupation when the country was settled. They were holding under a treaty made with the United States, by which the United States gave them a certain area of ground, and afterwards an act was passed fixing their boundaries, not defining what their title was except that they had the occupancy. The court say:

> The Indians having only a right of occupancy in the lands, the presumption is against their authority to cut and sell the timber. Every purchaser from them is charged with notice of this presumption. To maintain his title under his purchase it is incumbent on the purchaser to show that the timber was rightfully severed from the land.

Mr. VEST. What case is that?

Mr. TELLER. The case of the United States *vs.* Cook.

Mr. VEST. In the Indian Territory?

Mr. TELLER. Oh, no. In the Indian Territory they have a fee-simple title by patent. The Supreme Court has settled the fee-simple title there. The Cherokees and Chickasaws and all those tribes hold under a patent issued many years ago, and have a fee-simple title, as has been declared by the Supreme Court of the United States. The Supreme Court has said that if the restriction that was put in the patent that the land should revert to them took it out of a fee, it would still be a fee, because there was nothing in the treaty that justified the putting of that restriction in the patent.

I speak now of the general character of Indian possessions without a patent. I say that it never was held that they had anything more than an occupancy. It was held early that the Government of the United States might disregard that occupancy if it saw fit, and in very many instances it did. I can show from the statutes lying before me now very large tracts of country ceded to the Government of the United States by the Indians for nominal sums, ranging from $250 up to $10,000. Prior to 1830 it was a very large sum of money to pay $10,000 for any cession that was made by Indians. The amount paid was simply to purchase their good-will and to induce them to move from that to some other section.

That is the tenure by which the Indian title has been held in this country except, as I said before, in that portion of the country originally occupied by the French and the Spaniards, which includes New Mexico, Arizona, California, Nevada, and Louisiana, and part of Colorado. In all that section of country there never was a suggestion by the authorities that they were to treat with the aborigines for the soil. We never recognized, as the Senator from Connecticut [Mr. PLATT] suggests, the right of the Mission Indians in California, who were semi-civilized Indians. We did not recognize, when we got California from Mexico, the right that they had to an acre of ground. Every acre they have now in the way of a reservation is as a gift from this Government. We agreed with the Government of Mexico to treat them exactly as it had treated them, and we did that, with the exception, as I said the other day, of one portion of the country obtained from Mexico, and that was in Colorado, where, owing to the ignorance of the men who made the treaty of the law on that subject, they gave the Indians in fee-simple one-fifth of the State of Colorado. The treaty did not give it to them, but Congress subsequently did—yes, one-fifth of the State.

So it can not be said that the Indians have been deprived of a right in the soil. The right of occupancy was all they had. We did not in early times perhaps pay them very much for this right. In later years we have paid them an abundant sum, and it has not been of any benefit to them. I stated the other day that I thought we had paid $300,000,000. That is a fact. I did not mean to say that we had paid them that for the identical land; but when we carry out our treaty stipulations up to this time the amount is considerably over $300,000,000 that we have paid them for the land they ceded to us and their support since then.

The PRESIDENT *pro tempore*. The Senator's time has expired under the rule.

Mr. TELLER. I will just ask permission to say a word further.

The PRESIDENT *pro tempore*. The Senator will proceed by unanimous consent.

Mr. TELLER. When I said we had paid $300,000,000 the Senator from Missouri said that not $300,000 of that money had reached the Indians. Of course I do not hold the Senator responsible for that statement. It is such a statement as we use hurriedly in debate, but it is very liable to misrepresent the facts in the case. Somebody will take it up and declare that the fact is we have bought large areas and paid vast sums of money, all of which has been stolen, or practically all, and that statement will be cited as an evidence of it. Undoubtedly very great frauds have been perpetrated on the Indians from time to time, and perhaps some of them are going on now; but we have paid some of these Indians enormous sums. I have referred to the Osages, not over fifteen hundred in number; and they have now in the Treasury $3,000,000 at interest; and various other tribes have money at interest. The Senator from Connecticut says it is $6,000,000. I think probably that is so, for there is a very large amount of money to their credit.

Mr. PLATT. The trust fund which the Government holds for the Osages is about $6,000,000—$6,000,000 in round numbers, on which it has been supposed to pay them the interest, but it has not paid all the interest, and there is now an accumulation of interest of about $600,000, which has not been paid to the Osages.

Mr. TELLER. It will be seen that this little band, fifteen hundred strong, are very rich. Now does anybody believe that these Indians are hastened in their civilization by owning this vast amount of money? Does anybody think that it is wise for us in treating with Indians to give them a sum of money to be put at interest to be paid to them to maintain them in idleness and vice? It is a crime against the Indians to do that.

All the Government should do is to put the Indian in a position to support himself, which is done when the Government gives him some kind of education—the education I spoke of before and have frequently spoken of—the education of the hand as well as the education of the head. When that is done, when he is put upon a piece of land, when he is furnished a team, a plow, and hoes, and harrows, and a cow or two, or two sheep, or whatever may be necessary, then the Government should withdraw its support.

All this accumulation of money in the Treasury for the benefit of Indians year after year is only keeping them in idleness and in vice. I repeat that, while we have shown very little judgment in our dealings with Indians, we have not shown a parsimonious or mean spirit. We have not willingly and knowingly wronged the Indians—as a nation, I speak. The people of the United States have dealt generously with them, and we pay $6,000,000 a year now for their support—for the support of men who would be better off themselves, better for their race, and better for the world, if we did not give them a cent, but left them to support themselves, as they ought to be left, if it can be done without dishonor, owing to our treaty arrangements with them.

I said I congratulated the Indians. I congratulate the Indians that there seems now to be a disposition to compel them to take civilization, to take it whether they will or whether they will not, and whenever the Indian policy shall be administered upon that basis—I am not finding fault with the office, for they have not had power to do it—when we shall give them the authority, and when it shall be administered upon that theory, that these men are compelled to take civilization or else depart, then when it is civilization or death the Indian will take civilization, and he will not take it much before he is confronted with that alternative.

The PRESIDENT *pro tempore*. Does the Senator from Missouri accept the proposed amendment of the Senator from Massachusetts?

Mr. VEST. Yes, sir.

Mr. SAULSBURY. As I understand the amendment of the Senator from Missouri, I think it will be an improvement upon the bill as introduced by the Senator from Colorado. In that bill there was a provision authorizing the Secretary of the Interior to kidnap the children of Indian parents and put them at school. I then suggested an amendment that they should be taken with the consent of the parents, and the Senator from Colorado very kindly informed me that I did not understand the Indian question. That is true; and after an experience of seventeen years in this body I am now enabled to say that I do not think I have ever seen a man who did understand it. I have heard discussions in reference to how to treat the Indians, some persons advocating placing them on reservations with liberty to hunt and fish, and others desiring to divide up the lands in severalty, and a vast amount of speculation has been indulged in with regard to the proper mode of treating the Indians.

The amendment of the Senator from Missouri does away with that harsh feature of authorizing the Secretary of the Interior at his pleasure to take the children of the Indians and put them in school, and it provides an established system, and then brings to bear influence on the parents by withholding rations if they fail to send their children to school. I have no objection to that kind of compulsion of the parent. I think, therefore, the amendment is a very decided improvement in the spirit of humanity and kindness. I shall vote for the amendment, but I certainly should not vote for the original bill as it was introduced.

Mr. CALL. Mr. President, I wish to offer an amendment as an additional section to the bill as amended, to this effect:

The provisions of this act shall extend to the Seminole and Creek Indians in Florida.

And I ask the chairman of the Committee on Indian Affairs, and also the Senator from Missouri, to accept this amendment.

Mr. VEST. Does not the bill apply to them now?

Mr. CALL. No; it applies to Indians who receive annuities.

Mr. VEST. I do not understand the amendment.

Mr. CALL. The amendment extends the provisions of this act to the Seminole Indians in Florida. They are not Indians to whom an annuity is paid, because their annuity is paid the Seminole Indians in the Indian Territory. There are about three hundred of these Indians——

Mr. DAWES. The Senator should appeal to the Senator from Missouri to accept the amendment, as the pending proposition is his.

Mr. VEST. My substitute applies to all Indians, wherever they are on reservations to the number specified. There are some tribes that have not even one hundred members.

Mr. CALL. These Indians are not on reservations and there are not five hundred of them, and therefore it will require some specific words to include them in the bill. I desire to say that there has been an agent sent to look after these Indians during the past year, and he has reported that there are nearly three hundred of them—between two hundred and sixty and three hundred—that they are a very industrious and very intelligent race of Indians, that the children are anxious to be educated and that they are progressing towards civilization, but they have no homes. Their land has been ceded to the United States, and those remaining who have not migrated to the Indian Territory are left without a habitation or a place of abode.

The Committee on Appropriations appropriated some years ago in the Indian appropriation bill the sum of $5,000 for the purpose of investigating the condition of these Indians and establishing them upon the public lands, and providing homes for them. It is my desire that they may be brought within the provisions of this bill. They are the most promising race of Indians within the whole circle of the Indian tribes for civilization and for becoming useful citizens of the country; and I therefore ask, inasmuch as these Indians have never received until this little appropriation was made any annuity from the Government or any consideration of any kind, that they shall be included within the provisions of this bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida [Mr. CALL] to the amendment of the Senator from Missouri [Mr. VEST].

Mr. VEST. I accept the amendment.

The PRESIDENT *pro tempore*. The amendment will be stated. The question is on the amendment of the Senator from Missouri as amended.

Mr. CALL. I propose to add as an additional section——

The PRESIDENT *pro tempore*. The amendment of the Senator from Florida will be stated.

The CHIEF CLERK. It is proposed to add as a new section—

That the provisions of this act shall extend to the Seminole and Creek Indians of Florida.

The PRESIDENT *pro tempore*. The Chair understands this amendment to be accepted by the Senator from Missouri.

Mr. ALLISON. I should be glad to have the Senator from Missouri or the Senator from Florida explain how it is possible to apply the provisions of this bill to the Seminole and Creek Indians in Florida.

Mr. CALL. I do not see any difficulty whatever in regard to it.

Mr. ALLISON. Is there a reservation in Florida for these Indians?

Mr. CALL. There is not a reservation in Florida. It is not necessary, however, that there should be a reservation. There is an appropriation for the benefit of these Indians, not an annuity.

Mr. ALLISON. There was a little appropriation made last year, but I submit that you can not apply the provisions of this bill to these Indians in the State of Florida in any practical way.

Mr. CALL. Will my friend suggest why it can not be applied to them?

Mr. ALLISON. This provides in the first place for the education of Indian children on Indian reservations. There are no Indian reservations in Florida.

Mr. CALL. That is the reason we want a special provision applicable to the Indians in Florida.

Mr. ALLISON. I will ask the Senator from Florida, after he has added his section to this bill, how he proposes to have the benefits of this bill extend to the Creeks and Seminoles in Florida. I should like to have him explain the method by which the bill can be made applicable to them.

Mr. CALL. I suppose the Secretary of the Interior will establish schools there, boarding-schools. He can certainly do so. He can establish such schools as may be necessary under the provisions of this bill, and this amendment, as I consider it, authorizes him to do it, though they are not upon a reservation.

Mr. ALLISON. I hope the amendment will not be agreed to.

Mr. DAWES. I should like to hear the amendment again read.

The PRESIDENT *pro tempore*. The Senator from Missouri has accepted the amendment, so that it is now part of the original amendment, but it will be again reported.

The CHIEF CLERK. Add as a new section:

That the provisions of this act shall extend to the Seminole and Creek Indians of Florida.

Mr. DAWES. Do I understand the Senator from Missouri to have accepted it?

Mr. VEST. Yes; but I do not know that I exactly understood the amendment.

Mr. DAWES. Let me explain the condition. There are a few scattered Seminoles in Florida. The treaty with the Seminoles required them all to go to the Indian Territory, and when they went there there was provision for them under the treaty. Some of them declined to go, and have remained in Florida, lingering in a very wretched, poor condition, scattered for miles in Florida. The Senator from Florida has interested himself for the care of these Indians quite industriously, and obtained an appropriation for one or two years in an appropriation bill looking to the locating of them either on the public lands of the United States or on lands belonging to Florida, so that they may have a home.

It is reported to the Indian Department that they were found so scattered about there in a region where it was impracticable to locate them that nothing could be done; and the Department are engaged in trying to find some way of taking care of them. Now the idea of making a boarding-school down there does not seem to me to be practical at all. There is no one place that will accommodate half a dozen of these Indians that I know of; there is no one to manage them.

Mr. VEST. When I accepted the amendment I was under the impression that these Indians were on a reservation. I agree with the Senator from Iowa. I do not see how this bill without being wholly remodeled can be made to apply to Indians in that condition. I withdraw my acceptance.

Mr. DAWES. I appeal to the Senator from Florida to withdraw his amendment, and out of the desire of the Senator and the efforts of the Department there will come some way to take care of these Indians; but this system is not applicable to their condition.

Mr. CALL. It seems to me these objections are very slight, but I will submit another amendment in this form:

SEC. 5. That the provisions of this act shall extend to the Seminole and Creek

Indians of Florida; and the Secretary of the Interior is hereby authorized to organize a select school in which they may be placed.

I can see no possible reason why these Indians should not be included in this bill under an amendment of this description. They are now located in Florida; they have been there all their lives; the Government agreed to transport them to the West, but could not get them to go there, and it will cost the Government ten times the amount necessary to give them an industrial education and provide homes for them to carry them there by hostile means. They are content to stay. They will become, according to the report of the agent, industrious and useful citizens, and for years they have been a docile, quiet, industrious people. Their homes have been taken from them; the annuities agreed by the treaty to be paid them have been taken away because of the outbreak of the hostile members of the tribe, and the annuities provided for them upon their migration to the West are now paid and have for years been paid to the Seminole Indians in the Indian Territory, in violation of the treaty and in violation of law, of right, and of humanity.

It is true these Indians can nôt claim anything under the treaty, because they have not gone there, and the treaty does not authorize its payments although the Indian Committee every year report a bill for the payment of this annuity to the Seminole and Creek Indians of the West. Whatever may be done with their portion of the annuity, certainly they should upon any ground of public policy and equity be taken care of and educated, and there are no Indians in the whole circle of the Indian population that promise so much and so favorably in point of civilization and becoming good and useful citizens. They are a fine physically organized and developed race of people, capable of making useful citizens of the Republic with a little care and attention. I therefore submit the amendment and hope it will be adopted.

Mr. BLAIR. How many of them are there?

Mr. CALL. About three hundred of them.

Mr. BLAIR. Where are they situated?

Mr. CALL. They are situated upon the little islands in the Everglades. They have for years past been not hostile, but averse to any communication with the people of the United States, because they think they have been badly treated, but they have been entirely docile. They have their settlements and live peaceably at them.

The report of the agent selected by the Interior Department was read by me in the last few days. They are upon little islands on the Everglades, making their homes there, are engaged in agriculture, and are a quiet, industrious, and may become a useful race of people. I have no doubt they are amongst the best Indians upon the continent.

Mr. PLUMB. The Seminole Indians in Florida, so far as any knowledge can be obtained of them, were in a state of contentment and happiness up to within the last twenty-four months. About that time the Senator from Florida, amiable as he is, conceived the idea that they ought to be taken care of by the Government, that they ought to be put under some sort of compulsion to accommodate themselves to the habits of the white people, and he got an appropriation in their favor, and then their troubles began. Now we shall have the Seminoles and the Creeks in Florida as a *pièce de résistance* to all our efforts on this question. The Indian is happy by just as much as he is let alone. There is never any trouble with the Indian until the white man appears, if he is allowed to have his own sweet will and accommodate himself to his tastes, though they may be such as would not be agreeable to a white man.

He manages to get along with a degree of happiness which, while it may be very far from that which obtains among civilized people, is sufficient for him at all events. The trouble comes when the white man gets hold of him, when he applies to him the Procrustean bed of civilization, stretching him out if too short and making him shorter if he is too long. Our whole system of dealing with the Indian is bad by just as much we have intermeddled beyond necessity.

I have nothing against the Indians in Florida, and because I have nothing against them I hope they will not be embraced within the purview of this bill. If I were their enemy, if I wanted them to lose the last sense of happiness they ever had, I should say make an appropriation for their benefit, authorize the Commissioner of Indian Affairs to take them under his protecting wing and apply compulsory education or something of that sort to them, whereby that which has been sufficient for them heretofore, and kept them not only in the state of idleness which they crave, according to the Senator from Nevada, but in a state in which they have been contented and happy, will be so no longer.

So, Mr. President, I think in regard to this whole question we are educating people without the proper foundation. We are applying the system of education of the nineteenth century to people who have not emerged from the barbarism of the fourteenth century. It is a hothouse, a forcing process. I have voted for the most liberal appropriations for Indian education for many years. I expect to continue to do so. It is the easiest and cheapest way of getting rid of my responsibility in such matters. It is demanded by what is called enlightened public opinion, the enlightenment being in proportion to the lack of knowledge of the subject on which it is reflected.

But I say now, and I am perfectly certain of the correctness of the opinion which I have expressed, that we have not advanced the Indians one single iota by all the education we have given them. I believe, on the contrary, that they have steadily retrograded as the result of every piece of book education we have given them.

This is only a progress whereby the Commissioner of Indian Affairs when he gets out of something else to do may stir up the nest, may get up a commotion among the aborigines, may air himself in an official way, irrespective entirely of the consequences that come to those whom we have educated and who will thereby ultimately be destroyed.

We have gone at this thing in a wrong way. We forget that our own race came up by different stages, by different occupations, by progressive ideas, and so on, to its present standpoint, and that the system of education which we apply now to the white race if applied to them four hundred years ago would have been as destructive to them as it is to the Indian.

As I said at the beginning, having nothing against these Indians in Florida—because I am not their enemy but their friend—I sincerely hope they will not be packed off from the islands in the Everglades and brought out into the scorching sunshine of the civilization of the nineteenth century, and brought into glaring contrast with the citizens of Florida, whereby they can come to realize more perfectly their own nothingness, but that they shall be allowed to remain in that seclusion which they have accommodated themselves to, which they have found comfortable, and in which I have no doubt if we could ascertain their true sentiments to-day they are praying and hoping the white man and his institutions may never approach nearer than they are at present.

Mr. CALL. I ask consent to say a few words.

The PRESIDENT *pro tempore*. The Senator has once spoken on this question, and under the rule can not be permitted to speak again without unanimous consent.

Mr. PLUMB. I ask unanimous consent that the Senator from Florida may be heard.

The PRESIDENT *pro tempore*. No objection being made, the Senator will proceed.

Mr. CALL. I do not propose to enter into a discussion with my friend from Kansas as to whether these Indians should be left in their ignorance and their barbarous habits. I think the chairman of the Committee on Indian Affairs, who has so long maintained the contrary view, may well answer that portion of his argument.

As to my drawing these Indians into their present condition—that is, subject to the care of the National Government—I have done so because I believe that, like other human beings, they are capable of civilization; they are capable of being made good citizens and useful men, and I think that one of the proper objects of Government is that it shall aid in that direction so far as the legitimate use of its powers will enable it to go.

These Indians in Florida have no homes. These beautiful islands of the Everglades, as the Senator denotes them, have been taken by great corporations under grants from the State—in some cases, I think, improperly—and I am trying now to have an investigation which will secure such parts of these islands as properly belong to the Government of the United States to the people under the homestead law. But the pressing exigency is that these Indians in different parts of the State upon the confines of the Everglades have been deprived of their homes. One Indian tribe that had made considerable progress and had improved lands belonging to the United States on condition that they be allowed to remain there, I am informed by the agent, have had their homes wrested from them and a town located on the site of their village and they turned adrift without a place upon the earth upon which they can lay their heads as their home.

Therefore there is a pressing necessity that something should be done, otherwise they may become hostile; and they may cost the Government ten times the amount that it would require to educate them and prepare them as they desire to be prepared for the duties of civilized life. The agent states in a report on file that they desire to go to school; that many of them have learned their letters, but they have no land to cultivate, and they are without adequate means to obtain subsistence even by industry. The country is being settled up, their hunting grounds are being occupied, the game is disappearing, and they have not enough land to cultivate, if they had fixed habits of industry, to support themselves.

For that reason I desire that they shall be included within the provisions of this bill to insure their children being educated to industrial occupations, for unquestionably that is the education that ought to prevail not only with the Indian, but the white man and every one else, but especially with the savage who is being reclaimed from barbarism. I wish to say to the Senate that there is no class of people in this country who deserve and ought to have more attention than these simple Indians in Florida. They are wards of the nation. They have been deprived of their property, and are left now, with advancing civilization and towns and population gathering around them, without any place where they can go and make their homes. I therefore hope that they will be included in the provisions of this bill, and that this section as amended may be adopted.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Florida to submit another amendment, which has not yet been read from the desk. It will be read.

Mr. CALL. I will read it. I propose to add:

That the provisions of this act shall extend to the Seminole and Creek Indians of Florida, and the Secretary of the Interior is hereby authorized to organize a select school in which they may be placed.

And in section 3, line 5, after the word "annuities," insert "or appropriations;" and in line 6, after the word "children," insert "or from the tribe."

Mr. DAWES. At the suggestion of the Senator from Missouri I ask unanimous consent to modify the amendment which I offered, which was accepted before, namely, to put the words "or controlled," after the word "established;" so as to read "established or controlled."

The PRESIDENT *pro tempore*. The proposed amendment will be reported.

The CHIEF CLERK. In section 3, line 3, after the word "established," it is proposed to insert "or controlled."

Mr. VEST. I suggest to the Senator to strike out "authority," and just say "established or controlled by the Interior Department."

Mr. DAWES. That will do.

The PRESIDENT *pro tempore*. The amendment as modified will be stated.

The SECRETARY. In section 3, line 3, after the word "schools," it is proposed to insert:

Established or controlled by the Interior Department.

The PRESIDENT *pro tempore*. The amendment to the amendment will be considered as agreed to, if there be no objection.

Mr. VEST. Mr. President, there is a great deal of force in what has been said by the Senator from Delaware [Mr. SAULSBURY]. There has been a large amount of declamation on the Indian question, and there is no department of the public service to-day in which so little has been effected in the interest of humanity or economy; but that should not deter us from trying to improve the present condition of things, and I repeat to-day it is no hobby of mine. I am a Western man and I think a practical man, and I believe that every government should utilize every industrial and productive interest within its limits to the largest extent, and the same rule applies to the individual in business as well as to the Government of the United States.

We have now a population which is an absolute nuisance to this Government, and not only that, but a burden upon it; and the question is, can we by any sort of legislation change this order of things? If I believed, like my friend from Kansas, that the Indian is better left alone, I would not say a word on this question nor would I introduce any bill.

Mr. PLUMB. I did not mean to be understood in that way; but I said we had better let him alone than do what we are doing.

Mr. VEST. Ah! That is true. I think the present system is throwing away a large amount of money every year, and, with certain exceptions, for no earthly good. That has been the result of my observation. But I certainly say this: the old idea that the Indian can not be made to work for his living has been exploded by actual experiment. I have seen Indians at work, taught in industrial schools, workmen, mechanics, and in agricultural pursuits also. I have seen two hundred and fifty Indians at work in the mines on Douglas Island, in Alaska, by relays night and day, receiving a dollar and a half a day and their board, and I was told by the superintendent of that mine that they were the very best workmen he could obtain. A Senator suggests that they were educated to work by the necessities of that climate.

Mr. PLUMB. Not in schools.

Mr. VEST. Some of them are being educated, their children are being educated to-day, and they are very willing that they should be educated. I do not mean to say that is the case with the North American Indians, because I believe, from what I saw there, that those Indians are of Asiatic origin, and they have the same sort of industry which we find amongst the Japanese and the Chinese. Still they are Indians, and to-day they are at work; and the North American Indian can be made to work if he once learns that labor is the great policy of civilization, and without which civilization can not exist.

I assert that the children of the Indians in this country can be saved from barbarism if you will only take them away from their parents and put them in industrial schools and teach them to work. I have seen these children in those schools; I have seen houses built by them. What can be done in one place can be done all over the continent. This amendment does not go one-half as far as it ought to go. I say here, now, as I said before, that I am willing to record my vote in favor of a direct appropriation to carry out this system. Let us try it. I will do anything that I can do here properly to save a single human being from the degradation in which these people are placed.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Florida [Mr. CALL] will be read.

The SECRETARY. Add a new section, as follows:

SEC. 5. That the provisions of this act shall extend to the Seminole and Creek Indians of Florida, and the Secretary of the Interior is hereby authorized to organize a select school in which they may be placed.

At the end of section 3, after the word "annuities," in line 5, insert "or appropriations;" and in line 6, same section, after the word "children," insert "or from the tribe;" so that the section will read:

SEC. 3. That the Secretary of the Interior may, when the parents or natural guardians of such children refuse or neglect to send them to said schools and to keep them there, in accordance with the rules and regulations made by the Secretary, withhold rations and annuities or appropriations from the parents or natural guardians of such children or from the tribe until there shall be a proper compliance with the rules prescribed by the Interior Department.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the Senate resumes the consideration of its unfinished business.

Mr. VEST. Is there any objection to finishing the Indian bill, instead of letting it come up time after time? I appeal to the Senate that we shall go on and finish it, laying aside the regular order.

Mr. PADDOCK. The chairman of the Committee on Pensions is not present at the moment.

Mr. VEST. I think there is no disposition to debate the bill further.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the unfinished business may be informally laid aside for the purpose of continuing the consideration of the bill relative to compulsory education of Indian children. Is there objection? The Chair hears none.

Mr. DAWES. I want to say in reference to the amendments of the Senator from Florida that I hope they will not be attached to this bill. I think the result will be to spread out this bill in a way which will be found impracticable to put it in operation. It will spoil the bill. I think the Senator from Florida has done for those poor Indians down there all that can be done for them. If they will but follow the treaty and the other members of their tribe, they will find a good home in the Indian Territory, and land enough for their care and subsistence; but they, as they had a right to do, I suppose, preferred to stay in Florida and take their chances there. It may be that the Government should support them in some way there, but the Government has made ample provision for them in the Indian Territory, if they will only go there with their brethren. The Seminoles of the Indian Territory are in a healthy and progressive condition and are doing tolerably well there, much better than it is possible to do for this remnant of the tribe in Florida. I hope the provision will not be attached to this bill.

Mr. CALL. I desire to call attention to the fact that the Senator from Massachusetts has not given a single reason why my amendment should not prevail. He says they can go West. They will not go West, and the Government has to remove them forcibly or let them die from starvation and want for the want of homes to live upon. What reason can the Senator give why the Seminole Indian in Florida should not be educated and made a useful citizen as well as the Indians that he is so solicitous about in the West? Does the mere fact that these ignorant creatures have not gone West on account of attachment to their old locality and their old habits deprive them of the care and consideration which an intelligent and beneficent policy would give to them?

These people are willing to be educated. There is no means by which they can be educated unless the Government of the United States provides it for them. They have an equitable claim upon the Government. The money that was agreed to be paid to them is now unlawfully paid with the consent of the chairman of the Committee on Indian Affairs to the Seminole Indians in the West, the very money set apart for them but required to be held to await their compliance with the terms of the treaty. They are still in Florida; they have never gone West; but that gives no reason why the Government should pay the money set apart for them to other people who are not entitled to it, and I am surprised that the chairman of the Committee on Appropriations should make this objection. I think it is a gratuitous one.

I hope the amendment will prevail.

Mr. PLATT. I should like to ask the Senator from Florida some questions as to the present condition of these Indians. How many of them are in Florida?

Mr. CALL. The agent reports that there are not less than 260—between that and 300.

Mr. PLATT. Where do they live? Do they live in a separate community or are they scattered about over a large tract of territory?

Mr. CALL. They do not live in one community because they have never been able to get land sufficient for the whole tribe in one place. A part of the tribe live near a place called Bartow, now a rapidly-growing town in Polk County, not far from Tampa Bay. I am informed by the agent, Mr. A. M. Wilson, in his report to the Department here, and I know him to be a reliable man, that the land occupied by these Indians near Bartow has been entered and located under one of the grants made to a railroad company as a town site, and these people, with the houses that they had built upon it and the little fields they had cultivated, have been entered out of their homes and will be driven to the Everglades.

All the other portions of the tribe are in the little islands of the Everglades, some on the Atlantic coast and some on the Gulf, but living in communities of twenty or thirty, perhaps sometimes fifty together. These little islands contain arable land from 40 to 160 and rarely 200 acres. That is their condition.

Mr. PLATT. Then they are so scattered that any attempt to establish a school for them will hardly bring their children together at any one point.

Mr. CALL. It is not more than from 90 to 100 miles across the peninsula of Florida, and there is no difficulty in gathering the Indian

children in any one industrial school if one should be organized. The agent's report shows that their parents are willing for them to go to school and the children are desirous of going to school. Every consideration of humanity, charity, justice, and good policy requires that this amendment should be adopted and these Indians taken under the care of the National Government.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment proposed by the Senator from Florida [Mr. CALL] to the amendment of the Senator from Missouri [Mr. VEST].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Missouri as amended.

Mr. VEST. Do I understand that the amendment of the Senator from Florida was adopted?

The PRESIDING OFFICER. It was adopted.

Mr. PLATT. Let us have a division on it.

The PRESIDING OFFICER. The Chair will put the question again on the amendment proposed by the Senator from Florida to the amendment of the Senator from Missouri.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1275) for the erection of a public building at Columbus, Ga., and appropriating money therefor;

A bill (H. R. 1325) providing for the purchase of additional ground in the city of Indianapolis, Ind., adjoining the post-office site, and for the improvement of the building thereon, and appropriating $125,000 therefor;

A bill (H. R. 1661) for the erection of an appraiser's warehouse in the city of New York, and for other purposes;

A bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.;

A bill (H. R. 4358) to increase the limit of cost for the public building in course of erection at Charleston, S. C.;

A bill (H. R. 4467) for the erection of a public building at Bar Harbor, in Maine;

A bill (H. R. 7220) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and the act amendatory thereto, approved February 21, 1887;

A bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas;

A bill (H. R. 7263) for the erection of a public building at Bay City, Mich.; and

Joint resolution (H. Res. 56) authorizing the use and improvement of Castle Island, in Boston Harbor.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 154) for the erection of a public building at Milwaukee, Wis.; and

A bill (S. 182) for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1495) granting to Edwin Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining custom-house at Rockland, Me.;

A bill (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi;

A bill (S. 1900) to carry into effect the international convention of the 14th of March, 1874, for the protection of submarine cables; and

A bill (S. 313) for the relief of R. R. Tinsley.

URGENT DEFICIENCY BILL.

Mr. HALE. I report from the Committee on Appropriations the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, with sundry amendments which the Committee on Appropriations have placed upon the bill. I presume it will be printed, with the amendments, of course, and I shall ask the Senate to take it up at a very early day.

PUBLIC BUILDING AT MILWAUKEE, WIS.

Mr. SPOONER. I ask that the message of the House of Representatives returning Senate bills 182 and 154 with amendments be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 154) for the erection of a public building at Milwaukee, Wis., which are as follows:

The amendments were to substitute for the first section the following:

That the Secretary of the Treasury be, and he is hereby, directed and authorized to purchase, acquire by condemnation, or otherwise provide a site for a suitable building for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue office, pension office, and other Government offices, at the city of Milwaukee, Wis., at a cost not to exceed for said site the sum of $300,000; and the site purchased shall suffice to leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Wisconsin shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

And in section 2, to strike out the words "one million two" and insret "four."

And to amend the title so as to read: "An act for procuring a site for a public building at Milwaukee, Wis."

Mr. SPOONER. I move that the Senate disagree to the amendments of the House of Representatives and ask a conference on the disagreeing votes, the conference committee on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and Mr. SPOONER, Mr. QUAY, and Mr. VEST were appointed the conferees.

PUBLIC BUILDING AT OMAHA, NEBR.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 182) for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.; which were to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or acquire by condemnation proceedings, in accordance with the laws of Nebraska, a suitable lot of land in the city of Omaha, in the county of Douglas and State of Nebraska, to be used for the construction thereon of a building suitable for the accommodation of the post-office, the courts of the United States, and other Government offices in said city, at a cost which shall not exceed for said site the sum of $500,000: *Provided*, That the site shall leave the building, when constructed, unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no moneys appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Nebraska shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of $500,000, or so much thereof as shall be necessary, is hereby appropriated for the purpose of the purchase of said site, out of any moneys in the Treasury not otherwise appropriated.

And to amend the title so as to read: "An act to provide for the purchase of a site at Omaha, Nebr."

Mr. SPOONER. I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and Mr. SPOONER, Mr. QUAY, and Mr. VEST were appointed the conferees on the part of the Senate.

DEPENDENT PENSION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

Mr. WILSON, of Iowa. I desire to move an amendment which I apprehend to be in the interest of the purpose of this bill; and that is to insert in line 5 of section 2, after the word "from," the words "infirmities of age or from," so as to read:

And who are now or who may hereafter be suffering from the infirmities of age or from mental or physical disability not the result of their own vicious habits, etc.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Iowa [Mr. WILSON].

Mr. WILSON, of Iowa. I offer this amendment because there is a distinction technically between incapacity produced by physical disability and the result of the infirmities of age; and I presume it was the intention of the committee to include this class as well as the other. I therefore submit the amendment.

Mr. VEST. I wish to say a word in regard to the amendment of the Senator from Iowa. Is it possible that the Senate of the United States are to be asked to pension any man who is suffering from the infirmities of age? I do not think there can be a man in favor of such a proposition. I think I am perfectly competent to support myself, and not be dependent on anybody else; and yet I know that I am suffering from the infirmities of age. Is it possible that the Commissioner of Pensions is to decide what are the infirmities of age? I believe that physiologists inform us that the result of six thousand years of experience is that every man over fifty years of age commences to go down hill, and he goes very rapidly. *Facilis est descensus Averni.* This amounts to a simple declaration that every man over fifty is to be embraced within this pension bill. Who is to determine what are the infirmities of age? It

seems to me that this amendment ought not to be adopted, although I am "a mere looker-on here in Vienna," and possibly have no right to say anything in regard to it.

Mr. WILSON, of Iowa. The text of the bill has received the criticism of the Senator from Missouri. It is—

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from—

Including the amendment—

or the infirmities of age or from mental or physical disability, not the result of their own vicious habits, which totally incapacitates them for the performance of manual labor.

It does not provide that every person who may be over fifty years of age shall be placed upon the pension-roll, but that every person who, from the infirmities of age, is incapacitated for the performance of manual labor, and I only introduced it because, as I remarked, there is a distinction between the incapacity which results from the infirmities of age and that which results from physical disability, and in order to include both classes. I have no doubt that was the intention of the committee. I have offered the amendment and I hope it will be adopted.

Mr. PLUMB. The Senator from Missouri speaks of this as though it were a new question. It is not by any means. The Senator himself voted for a bill in the last Congress which was based upon precisely the same idea as that of the amendment offered by the Senator from Iowa. Congress provided in that bill to pension all the survivors of the Mexican war who had arrived at the age of sixty-two years, upon the theory so admirably expressed by the Senator as the theory of this bill, that persons who had arrived at sixty-two years were in that condition of physical decrepitude, presumably because of their service in the Army of their country, that they were entitled to be pensioned. It was not required in that bill that this physical decrepitude or this age should have ever disqualified them for manual labor, and neither was it required that they should be dependent in any sense upon their own manual labor for support.

The only thing that could be argued in favor of the Mexican pension bill that could not equally be argued now in favor of a service-pension bill for the benefit of the survivors of the Union Army is simply the fact that less time has elapsed between the close of the war of the rebellion than that which had elapsed between the close of the Mexican war and the date when the survivors of that war were put upon the pension-roll. That is a question of degree and not of kind. In pensioning the Mexican war veterans Congress did not adhere to the precedent established in regard to the survivors of the war of 1812. If I remember aright, about forty-five years elapsed after the close of the war of 1812 before the passage of what was known as the service-pension act for the benefit of the veterans of that war. A good many people contended that we ought to wait the same length of time, and thereby maintain the precedent, before pensioning the veterans of the Mexican war, but I never heard the Senator from Missouri declaim in favor of that proposition. On the contrary he voted, and justified himself no doubt in so voting to his patriotic impulses, for the passage of the Mexican pension bill many times before it finally became a law, and it was finally passed and signed within less than forty years of the close of the Mexican war. The exact time was thirty-seven years.

Therefore this is not a new question, and it is not one of those questions which involve any principle. It is a question simply of doing that which is in the line upon which we have already moved, and which is justified upon the ground that the Government owes all that it is substantially able to pay to those men who have defended it under arms; and I should hope that the same feeling which prompted the Senator from Missouri to give his unqualified support to the Mexican pension bill would induce him to contribute as far as in his power to making this bill not only just but liberal in its provisions, and then contribute to its final passage.

Now, Mr. President, it is not an edifying spectacle for this country that many thousands of these persons whose services were so material to the maintenance of the Government in the hour of its peril should be found in almshouses, that they should be found by reason of failing health in large numbers at the foot of the list among those whose maintenance is dependent upon manual labor, have, according to common consent, come to their condition of physical and financial weakness almost if not wholly on account of their military service. I do not believe that the Senator from Missouri would permit anything in the shape of partisan feeling to induce him to say that he believes that the condition of the military defenders of the Republic, when they have arrived at a stage where they are dependent upon charity for their support or suffering from the misfortunes of physical disability and of declining years, should not be tempered by some recognition at least from the national Treasury, which should, if not wholly adequate, be at least some indication of appreciation of the service they rendered when their service was so greatly needed.

Mr. President, the story of the war, the narration of the services of the Union soldiers, is trite to the last degree. Nothing can be added to what has already been said upon that subject. No repetition of what has been said can add to the sense of obligation which I think the country feels towards those men; but their merit did not end with their military service. The war for the Union convulsed the entire country. The question as to whether it was rightfully carried on was a subject of controversy in the Northern as well as in the Southern States. There were local combinations in the Northern States to destroy the Union; there were enemies in the rear as well as enemies in the front, and while that war was on, contemplating its magnitude, contemplating the great number of people who were drawn into the military service of the Government for its defense, contemplating the inevitable suspension at times of civil function, there were not wanting men, good men, who looked with greater fear upon what would occur when the war should close than they looked upon the defeat of the Union Army. They believed, or assumed to believe, and it was widely stated, that the demoralization of the Union soldiers would be so great that when the war was over the great struggle between the organized forces on either side would be followed by a condition of social disorder in which life and property would be as unsafe as between the contending lines, and republican institutions would give way to anarchy, and finally to despotism.

It was the anticipation of many that the first effect of the demoralization of which I have spoken would manifest itself by the Army putting some one of its popular commanders into the seat of national power without the form of law—by the exercise of lawless force.

Mr. President, there was something in history to justify this. It was the law of the Roman Republic that neither the legions nor those who commanded them, either in wars of defense or of conquest, should come back as soldiers to within the limits of the Republic. Before returning the legions were required to be disbanded and the commanders to resign their commissions. They could only return without arms and as citizens. Cæsar himself, returning with his conquering legions from the conquest of Gaul, was no exception, so jealous was the Republic of its defenders and of those who had extended its borders by conquest. None of them were permitted to cross the Rubicon. And so it happened, thinking of the Roman precedent, perhaps, and of the two millions of men under arms for the defense of the Union, that many believed the time would come when those men would not submit to be disbanded, and that, realizing their power, they would make use of it, to the detriment of the Republic.

But when the war was over the great armies that had carried the flag of the Union to victory were invited to come to this capital, and here assembled the armies of Grant and Sherman, fresh from the battles they had won, with ranks filled, and under their chosen and beloved commanders. They assembled here, and joining forces marched down Pennsylvania avenue, with banners flying, with musket and saber and artillery all in their accustomed place—the greatest parade of modern times and the largest assemblage of troops this continent had ever seen. Was the Republic endangered by the presence of this vast array of seasoned veterans in its capital? On the contrary, it was never safer from enemy, both without and within, than it was at that supreme moment. Not a thought in all that great army of anything that was personal to themselves, not a suggestion or a hint that they intended to use their power against the Republic, not even a suggestion that they wanted anything which the Republic could give. They did not ask largess nor bounty; they had carried the Republic on the point of their bayonets; they had put down the greatest rebellion known in history, had restored the Union and the supremacy of the law. If at this juncture they had said, "We want pensions to the full extent of the ability of the country to pay; we want the lands of the Government and a mortgage of all its resources to the end of time for ourselves and those who may come after us," Congress would have yielded without a word, and it would have been justified by public sentiment.

But they had one ambition, and one only. In that supreme moment of triumph their only thought was of home and family and friends, and they asked only the privilege of being mustered out and paid the little remaining sum due them of the $16 a month they had been promised, and to stack their arms and go home. That great army, in the pride and plenitude of its power, the greatest army, I believe, that ever assembled in any country in the world, dissolved, its members going back to the localities from which they had come into the ranks as citizens, taking up the daily burden of life they had thrown down when enlisting, ceasing to be soldiers, and becoming again private citizens. The last act was greater than any which had preceded it, and constitutes a greater claim upon the country, and should be a matter of greater pride than all the battles it had fought. By it they showed that great as they had been as soldiers they had never forgotten that they were citizens.

They went back to the places from which they had severally come. There was no disorder where they went. On the contrary, their presence became the sign of order. As was said of Cromwell's soldiers, they could be told because they were the most industrious, the most law-abiding, the best citizens. Since their discharge they have performed great services to the Republic. Their army service had widened their horizon and made them more ambitious. They realized fully while in the service the power that they had. When they went back to the places from which they had come the surroundings were narrow by comparison. They wanted more room and verge; and so they took wife and children and went West. And then it happened

that succeeding and as a result of the war there was the greatest hegira of modern times. The Union soldier was seeking for a home west of the Mississippi. He found it on the prairies of Kansas and Nebraska, in Dakota, in the mines, and on the wide reaches of Colorado. He has peopled new States, created new Territories, wiped a desert off the map, and developed the resources of a new country with a completeness and rapidity of which we had before had no experience.

The Union soldiers have done more. They have gone beyond the limits of the country into foreign lands. General Grant told me in the last conversation I had with him, not many months before he was stricken with that malady which finally culminated in his death, that he had had rare pride in the fact that the Americans whom he met abroad, and who were the best examples of self-reliance, manhood, and energy, were chiefly men who had served in the Union Army.

I was reading the other day the book of General Wilson upon China, in which he mentions the fact that a man who was a private soldier in the Twelfth New York Cavalry is to-day the private secretary and confidential adviser of the man who, more than any other man, wields the destinies of that empire of 500,000,000 people. The Union soldier, armed with those qualities which were begotten as the result of his army service, is strengthening the Republic at home and abroad, and his influence will increase and widen with lapse of time. They are not begging from Congress, but, mindful of promises made them of what has been done for the soldiers of other wars and observing the opulency of the country, they feel that they can consistently with manhood suggest that those of their comrades who are broken in health and purse ought to have substantial relief. They have not been as well treated on the whole as the veterans of Mexico were treated, and I do not believe that any man who looks with patriotic pride upon that portion of the history of this country during which two million men sprang to arms to prevent its disruption would ever be willing to vote to establish any rule or to prevent the enactment of any law whereby any of these men should be kept in that condition in which they were threatened by extreme poverty, especially where physically disabled.

This bill, even as it came from the committee, is perhaps a step in the right direction. It is not what it ought to be. I have sought to make it better. But whatever it may be in its terms, however we may trim it for the purpose of meeting possible objections elsewhere, I do not believe that the Congress of the United States will fail, ultimately at least, to do by the survivors of the war of 1861 to 1865 as full and ample justice as it has done to those who served in the war with Mexico and the war of 1812.

This bill and all the bills that we have passed lack much of coming up to the standard of what we have done for the soldiers of other wars. There is to be no insinuation here or elsewhere that the Union soldier is to be the beneficiary of this bill in the sense that makes him a suppliant or a suggestion that he is an unworthy person. I do not think that partisanship will go that far, and if it does, I believe that the American people will rebuke it.

We are not giving, Mr. President, out of slender resources. We are dealing with abundance. There was given during the war what the country supposed it was able to give. It was believed that coming out of that great period with an enormous debt there would be years of privation, of financial disturbance, of stringency, of poverty to the people at large. But instead of that there has been opulence. The country entered upon a career of prosperity far beyond anything that had been anticipated, and it is able, as I believe it is willing, to do that which will put these men beyond possible want during the few remaining years of their life. To do less would not be just; more is not asked for.

Mr. VEST. Mr. President, I had not the slightest idea that the few words of suggestion which I made in regard to the amendment would provoke the outburst of eloquence to which we have been listening.

We have heard a good deal upon this floor about almshouses and Federal soldiers. I do not know how it is in the rest of the Union, but in the State of Missouri there are no Federal soldiers in almshouses, and I am proud to say that there are no Confederate soldiers in almshouses either.

When General Lee surrendered at Appomattox there were but eight thousand muskets left of that splendid army which had fought the world in arms and had been battered and beaten back by overwhelming numbers for four long years. Out of companies that went into that terrible strife, of one hundred and twenty-five and one hundred and eighty men, but ten or twelve returned back to their kindred and homes. The South to-day is filled with maimed and crippled soldiers, who, amid shot and shell and saber-stroke, fought for their honest convictions as men had seldom fought before. They ask no pensions. God be thanked, they would not take them. They are not in almshouses and no man has ever seen one of them begging for bread.

Whence comes this talk of Federal soldiers in almshouses? They are not there. I am tired and sick of being forced into this procession of robbery and pretense and hypocrisy in the name of the true and gallant soldiers of the Union. I have personal friends among them. I have said before, and I repeat here to-day, that I will give to the disabled or dependent soldiers of the Federal Army, their widows and orphans, the last acre of land and the last dollar of money that belong to this country, and I would have done the same to the soldiers of the Confederacy if God had blessed our cause.

We hear this talk that we have not done enough for the soldiers. We have spent since the close of the war $883,400,000 in pensions, a sum unparalleled in the history of the whole world. We passed laws that preferred them to appointments for office above their fellow-citizens, and to-day we are told that we owe them a debt of eternal gratitude because they did not seize with mailed hand the Government of this country and convert it to their own purposes.

That great military and political organization, the Grand Army of the Republic, throws its iron glove into the debates of Congress and sends to us bills through its accredited Senators; and when the President of the United States honestly and bravely discharged his executive duty and vetoed an enactment which he considered improper, he was threatened by the officers of this organization with personal insult if he dared to make his presence known in the city where it held its last meeting.

There is a limit to human endurance. I have stood here and voted for these bills, coerced by my own position, because I have been a Confederate, although I knew I was as honestly anxious for the glory, welfare, and advancement of this country as any one could possibly be. The Senator tells me now I voted for enactments similar to that in this bill. Yes, Mr. President, I voted for them because I wanted to evidence to the whole world that the men with whom I acted in that unfortunate strife were honest and magnanimous; that we respected the brave and gallant soldiers of the Union, and were willing to give them even more than they demanded.

But there is a limit to human patience on this subject, and I have reached it. I will be driven no further by claim agents and pretenders in the garb of soldiers. To the honest and brave and real soldiers of the Union Army I am willing to vote any amount of pension, but I do not believe they are here asking for additional largess from the Government.

In this city are a corps of men engaged in inventing legislation to take more money out of the Federal Treasury. Here is the report of the Commissioner of Pensions showing that in 1879, when we passed the arrears-of-pension act, there were some 36,835 applications for invalid pensions. We passed that act, and in 1880 the applications jumped to 110,673. The war had closed in 1865; fifteen years had elapsed. Where were these 80,000 and more invalids who were entitled to pensions from this Government through all those fifteen years? They did not know that they needed the money. They did not know that they had been disabled, but the claim agents invented a law, and when Congress put a limitation upon the time for applying, the number of applicants jumped in one single year, by the record, from 30,000 to 110,000, and the amount of disbursements from $30,000,000 to $57,000,000.

The pension-rolls show that out of 2,300,000 men enrolled in the Federal Army 800,000 were disabled by disease or by shot and shell. Nearly 50 per cent. of all the men enrolled in the Federal Army according to the pension reports are now applicants for pensions, or have been. Such mortality and such military execution have never been known in the history of the whole world. The Confederates were not properly equipped. We deprecated the quality of our powder; our soldiers were half-clothed, and half-armed, and half-fed; yet according to this report, making due allowance for the effects of climate and disease, every Confederate soldier disabled three of his adversaries.

There has been no such destruction in military annals since the children of Israel marched through the wilderness and destroyed whole nations in a single day. Talk of marksmanship! Why, sir, we have read in the Arabian Nights of that Persian prince to whom a genius gave an arrow which went to its mark across whole continents, through mountains, over rivers, despising space in its flight. The arrow in the Arabian Nights was nothing to the bullet of the Confederate soldier. It must have hit two or more at one time and struck where it was not aimed. It produced strange and subtle diseases, which lie dormant for twenty-five years in the system, and then suddenly break forth under the effect of some new pension law.

Nearly 50 per cent. of all these hosts to-day are applicants for pensions. Who believes that all these are honest applicants? Who believes that this thing has not degenerated into a political abuse, which cries aloud in the face of all honest men for redress?

Mr. President, I speak for myself. With the change of a single word I could adopt that celebrated prayer in Timon of Athens—

> Immortal gods, I crave no pelf,
> I speak for no man but myself.

I have great regard for many of my friends upon the opposite side of this Chamber, and in the few words I have spoken I wanted to give opportunity to some one of them who has lagged back in the contest of the last two days to throw his shining lance, to use the words of that great ecclesiastical authority, Colonel Ingersoll, among the "Confederate brigadiers" and carry off the Republican nomination for the Presidency.

A recent dispatch from Europe has caused Presidential candidates to be as thick as "autumnal leaves that strew the brooks in Vallombrosa." Before that dispatch came under the yeasty waves of ocean from the city of Florence the Republican party was very much in the condition of a married gentleman of my acquaintance, who was in

the habit of remaining away from home until 3 or 4 o'clock in the morning. Upon one eventful evening he arrived at 7 o'clock, and his wife in the profoundest astonishment inquired, "Why, husband, what has brought you home so early?" "My dear," said he, "every other place in town is shut up." [Laughter.]

But the doors are now open and Presidential candidates are coming to the front without limit as to quantity or locality. We have been engaged in a political auction for the soldier vote for the last three days.

First came my friend from Nebraska [Mr. MANDERSON], backed by the Grand Army of the Republic, and my feelings for him personally are of the kindest description. I listened to his melodious and modulated voice from beginning to end with real gratification. Even his flings at the President of the United States did not deteriorate from the general merit of his bid for the soldier vote, and when he received a floral edifice as a token of regard on behalf of the admiring constituency behind him I had but one single suggestion as a member of the Committee on Public Buildings and Grounds to make, and that was that in lilies there should have been embroidered over the portal, "The White House." That is the object of all this debate, of all this bidding for the soldier vote of the country in the coming contest.

When the Senator from Nebraska took his seat I thought the bid was in his favor, but the present occupant of the chair, the Senator from Maine [Mr. FRYE], caught the eye of the auctioneer, the Grand Army of the Republic, and went "one better" by declaring that he was for a service pension to every man who had ever served a day in the Federal armies.

I was about to knock down the bid to him without further proceeding, when my friend from Kansas [Mr. PLUMB] came to the front and took the bid away from the Senator from Maine and amended the bill so as to add from $50,000,000 to $75,000,000 to the amount of expenditure.

I was then strongly of the opinion that the auction should close and the bid be given to him; but the Senator from Illinois [Mr. CULLOM] came to the front and made a bid from that great prairie State which staggered my convictions as to the propriety of closing the sale, and since that time I have been bewildered and anxious, waiting to hear from the other bidders in this great national auction.

Why, sir, we have not heard from my dulcet friend from Iowa [Mr. ALLISON], who has given his acquiescence to the most extreme propositions for the benefit of the soldiers of the country. We have not heard from the distinguished Senator from Ohio [Mr. SHERMAN], who, in a contest of this sort, certainly ought to come to the front and bid something for the vote which is to determine this contest. We have not heard yet from the Presiding Officer of the Senate, who has been nominated by the District of Columbia, and we all know that the District of Columbia only acts from the most disinterested and unselfish motives. [Laughter.]

I would rather have the support of the District of Columbia than that of any State in this Union, because I know it comes from the heart and never from the pocket. [Laughter.] No man, woman, or child in this District has any other object except to promote the national honor and the national prosperity. When I read in a Democratic paper on Sunday last, before I attended church, that the Presiding Officer of the Senate was the nominee of the District of Columbia, I said, "Eureka! we have found the man at last, and this question is finally determined."

Mr. President, when is the auction to close? When are we to see the last and final bid, a service pension to every man who served in the Federal Army during the war? The proposition comes here now to pay a pension of 1 cent a day for the term of service. That will not satisfy the demand. Nothing but a service pension in accordance with the demands of the claim agents, in accordance with the demands of the men who are making a business of pensions, will ever close this bidding for the highest office within the gift of the people.

What will be the expenditure of public money if legislation goes on as has been the case within the last few years? Eight hundred and eighty-three millions have been expended since the close of the war. If this bill passes as amended now on the motion of the Senator from Kansas, it will take out of the national Treasury, in my judgment, from $100,000,000 to $150,000,000. I remember very well in 1879, when the arrears-of-pension act was before the Senate, we were told that $30,000,000 was the outside limit which would be called for by that act. Two hundred and forty millions would not to-day cover the expenditure, and still it is going on.

I have sat here and voted for pension bill after pension bill for the reasons I have given. The Southern people, impoverished, cursed with war, pestilence, and famine, have paid since the close of hostilities out of their hard earnings $240,000,000 of the enormous amount that is paid for pensions.

Mr. HAMPTON. Two hundred and ninety million dollars.

Mr. VEST. My friend from South Carolina says $290,000,000. Out of the $75,000,000 paid last year for pensions the ruined people of the South paid $25,000,000. They have done it without complaint; they have done it without protest; and I stand here to-day as a Southern man, as a Senator of the United States, and I declare that I will not go one single step further in this unholy and wicked prostitution of the gratitude of a great people to the personal and mercenary ends that are now behind this movement. If Senators upon the opposite side seek to seize my words and convert them into a partisan meaning, let them do so. Partisan or non-partisan, my oath of office requires me to vote against this bill, and I say here now that I hope it may die the death in the other branch of the national Congress, and if not there, at the hands of the Executive. If that be unparliamentary, make the most of it.

Mr. TELLER. Mr. President, if there is some little diversity of opinion among the people who enroll themselves as Republicans as to who shall be our standard-bearer, our Democratic friends are not in that condition. Their standard-bearer is selected for them, whether they will or not. It is even said that there has been an arrangement made that the governors of certain States shall be nominated in the same interest. The nominee for Vice-President is said to have been selected in the same way. If we on our side are disturbed by conflicting opinions and conflicting interests, if we have a great number of prominent men who we believe would make good Presidents, the great Democratic party are reduced to-day to the condition that they are compelled to admit that they have but one. Only one man of all that great body of men who assembled at the last general election is said to be an available candidate.

Mr. PLATT. May I interrupt the Senator?

Mr. TELLER. Certainly.

Mr. PLATT. I suppose I know to whom the Senator alludes, but I think it can not be possible, and if he will permit me, I should like to give my reasons why I think it can not be possible.

Mr. TELLER. Certainly.

Mr. PLATT. I read from the letter of acceptance by the last Democratic nominee these words:

> When an election to office shall be the selection by the voters of one of their number, to assume for a time a public trust, instead of his dedication to the profession of politics; when the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken, and when the suffrage shall be altogether free and uncorrupted, the full realization of a Government of the people will be at hand. And of the means to this end not one would, in my judgment, be more effective than an amendment to the Constitution disqualifying the President from re-election. When we consider the patronage of this great office, the allurements of power, the temptation to retain public places once gained, and, more than all, the availability a party finds in an incumbent when a horde of office-holders, with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for re-election a most serious danger to that calm, deliberate, and intelligent political action which must characterize a government by the people.

I think the Senator must be mistaken in his surmise.

Mr. TELLER. The crisis prophesied by the Executive in his letter has arrived. The great Democratic party to-day see no other man whom they dare put in nomination, and it goes without saying that when the convention meets it is simply to ratify what has already been decreed both as to the head of the ticket and the Vice-Presidency. The great horde of office-seekers are here, and they have made themselves heard. We have seen the contest going on in the State of New York, and we have seen, if we can trust the public prints, that the Executive came out ahead; that the office-seekers rallied and the Mugwumps brought up the rear; and it is a certain thing that they will have no trouble when they meet. They have surrendered the liberty of choice.

The Senator from Missouri [Mr. VEST], who was not one of the men who went out to fight the battles of the Union, and who, if I recollect aright, did not even have the excuse that his State went out for his sympathy with the other side, tells us that we have paid out $883,000,000 for pensions; a vast sum of money, I admit. Does the Senator mean to say that we have paid more than justice and right required us to pay? Does he mean to say that the arrears-of-pensions act was anything more than a compliance with the contract that we entered into with the soldiers when they entered into the Army?

Is it not consistent with the statutes then in force that they were, if disabled, to receive a pension for such disability? No matter whether it is much or whether it is little, it was due to those men. They were entitled to it, and the question of economy does not enter into the case.

Who made it necessary that this great amount of money should be taken from the people of the United States? Who is complaining now? Nobody but the gentlemen on the other side of the Chamber. There is no complaint among the great States of the North that carried on the war. There is no complaint among the people that I have heard as to this question of paying the soldiers a proper pension and taking care of those who were entitled to the protection and the benefaction of the Government.

We have paid more money wrung out of the people by this causeless rebellion than the $800,000,000. When the Senator is talking about extravagant sums paid, he ought to remember that we were burdened with a great debt when the war closed, a debt created, we have a right to say now, because of the misconduct of the people in one section of the country; for whatever may originally have been the question of right or the question of wrong, we settled that when Lee surrendered. It must be admitted, as I heard the Senator from Missouri say in this Chamber, that having compelled obedience to national law from all sections of the country, the men who thus compelled it were entitled to

write its history. I say to him now that the people who thus compelled it are entitled to direct its charities and its beneficences.

Does the Senator know how much the rebellion has cost? Does he know how much it has taken out of the people of the United States? Eight hundred and eighty million dollars is a mere bagatelle to what it has cost the people of the United States. In 1879 the Treasury Department made up a statement of the actual cost growing out of the rebellion. Discarding the ordinary expenses of the Government, taking out the little debt that we had when the war began, taking out the pensions of the men who were engaged in the Mexican and other wars, and how much do you suppose up to June 30, 1879, the people of the United States had paid out because of the misconduct of those who went into rebellion against the best government in the world? I have before me a table that has never been doubted, that has never been denied, and it shows that up to the 30th of June, 1879, we had paid out $6,189,000,000. Since that time we have paid out for interest, for pensions, and for payments on the public debt, nearly $4,000,000,000 more that is directly to be traced to the war. So there stand upon the books charged to the rebellion about $9,000,000,000 of money (less the amount paid on the public debt since 1879) paid by the people of the United States. They have paid it cheerfully and willingly, but they will not willingly listen when an ex-Confederate stands in this Chamber and declares that $800,000,000 paid to their soldiers disabled in war is an extravagant and an unholy expenditure of money.

Mr. President, do you realize how much $9,000,000,000 is? Think of it a moment. I will duplicate every mile of railroad in the United States; I will build a station where one is built now; I will put upon those roads all the equipment that is on any railroad now; I will build a school-house that shall cost $1,000 for every fifty children in the United States; I will build the Nicaragua canal, the Hennepin canal, the canal across the Florida peninsula, and then will not have expended one-half of the money that the rebellion has cost.

I am not, myself, given much to recalling these things, but I think it comes with bad grace, and I do not propose to submit to be castigated from the other side of the Chamber for my vote upon the pension bill now pending, or any other. I am prepared to meet the Senators on the other side of the Chamber in fair debate as to the character of the bill. I am not for giving to the people who are not entitled to it the money of the United States, but the people of whom I spoke yesterday, of whom other Senators spoke not in terms of too great eulogy, are entitled to this under the law—under the spirit of the law, if not the letter—and with an abundance of money in the Treasury, with an income that no other nation in the world has, with no complaint on the part of the people of burdensome taxes, except that complaint which comes from a certain section of the country that does not share, perhaps, so much in this beneficence—with no complaint, I repeat, I propose, as far as my vote goes, that those men shall have, not simply mercy, not simply charity, but justice.

Mr. PLUMB. Mr. President, I listened to the Senator from Missouri [Mr. VEST] with a great deal of pleasure. He spoke from his heart in that magnificent commendation which he made upon the bravery of the Confederate army. I know he had not time or he would have had something to say perhaps about the men who fought so bravely for the other side. Perhaps he may congratulate himself that he is not a candidate for the Presidency, and therefore he is entitled to be something of a free lance.

But when I come to look over the list of pensions granted by the Pension Office last year, I find something which, I think, may be admitted by that Senator. I find that 1,846 claims of citizens of Missouri were passed upon favorably by the office, and that only 351 claims of citizens of Kansas were thus passed upon. I think, therefore, if there is anything wrong about this matter the citizens of Missouri, whom the Senator represents here, are more culpable than those whom I represent.

The Senator has got his courage up somewhat of late. He admits that he has voted for bills of this kind, but under compulsion, or, in other words, I suppose he was afraid to do otherwise; but the fact is that he voted for a bill for the pensioning of soldiers of the Mexican war, three-quarters of whom live south of Mason and Dixon's line, and under the law which the Senator helped to enact there were filed during the last year almost 20,000 claims of the survivors of the Mexican war.

He has commended the military prowess of the Confederates; he has told how far their spears and their bullets reached; but they did not reach as far as the spears and bullets of the Mexican war veterans did. There are more soldiers of the Mexican war, in proportion to the entire number enlisted, upon the pension-rolls to-day than there are in the Union Army in proportion to the number enlisted in that army. So the Senator's commendation of the great prowess and skill of the Confederate army would have to be increased very much in order to meet the case of the soldiers of the Mexican war.

Mr. VEST. I do not want to break into the line of my friend's argument, but the Mexican pension bill gave service pensions at sixty-two years of age. I read from the report of the Commissioner of Pensions the number of applications for invalid pensions, not on account of age. I say that this report shows that out of 2,300,000 men who were in all enrolled in the Union forces, 1,200,000 have applied for pensions on the ground of disability of some sort.

Mr. PLUMB. It is now nearly forty years since the Mexican war closed. The total number of persons enlisted in the United States Army for service in Mexico was less than 40,000; not half that number ever crossed the border of Mexico, and nearly 10,000 of those are now borne on the pension-roll, notwithstanding the lapse of forty years from the time their service was rendered. That is not 50 per cent.; but consider the distance of time.

Mr. BLAIR. There was a very much larger number of applications filed.

Mr. PLUMB. Besides that, as the Senator from New Hampshire reminds me, a very much larger number of applications were filed. As I said, there were last year nearly twenty thousand applications for pension on behalf of survivors of the Mexican war.

The Senator from Missouri may shield himself behind the age of the survivors of the Mexican war whom he voted to pension, but he has not proposed to pension the survivors of the war of the rebellion who are sixty-two years of age. On the contrary, he has indulged in a general squeal against all. He finds in the entire body of them no health, nothing but condemnation and words of contempt and ridicule. He is welcome, Mr. President, to the position he has assumed. He has enlarged the scope of this debate, not for the purpose especially of exciting ridicule against Senators on this side whom he has chosen to characterize as Presidential candidates, but for the purpose of making against this bill and against the whole idea of pensions to Union solders, disabled or otherwise.

Mr. VEST. I wish to correct one statement, if the Senator will permit me, in order that he may be a little accurate in his profound discussion. I assert here that the rolls show that there were 68,000 men enlisted in the Mexican war.

Mr. PLUMB. Under the last call made by the President of the United States, of all the men who were enlisted not a single one ever got so far as the city of New Orleans.

Mr. VEST. I say the roll shows that 68,000 men were enlisted in that war. As to what service they performed I have nothing to say. My own State of Missouri furnished more than any other State in the Mexican war, and I think Tennessee next, perhaps Louisiana or Texas next; and there were 68,000 altogether.

Mr. PLUMB. There were never 40,000 of them mobilized; there were never 40,000 of them who entered upon the journey towards Mexico. There were never more than about half who were in service in Mexico. If the Confederates are entitled to be spoken of as they have been here by the Senator from Missouri on account of military prowess, he ought to add some adjectives in favor of the soldiers of the Mexican war upon the same basis which he has made out here for the purpose of characterizing Union soldiers.

Mr. WILSON, of Maryland. Mr. President, the chairman of the Pension Committee stated on yesterday that that committee was unanimous in reporting this bill. In one sense, that was true, its provisions as reported having been agreed to by all the members present at the session when it was considered. I was not then present and did not assent to its features, and am still more opposed to it as it stands amended. I desire calmly, and in no spirit of party or of sectionalism, to state my objections. Sir, I do not believe that any members of this Senate or any considerable portion of the people of this country look with grudging eyes upon the appropriation of enough of their money to pay all pensions which have been or shall be awarded to all soldiers who have incurred disabilities in their country's service. Vast as that sum is, for the last fiscal year $75,000,000, and for the current year $80,000,000; constituting at this time, exclusive of interest and payments on the national debt, the one-third of the whole expenditures of the Government raised by taxation; nearly as much as it costs the German Empire to support its vast army; almost double the aggregate of the military pension lists of all Europe west of Russia; and far exceeding in liberality all other pension systems the world ever saw or dreamed of; I believe the great army of impoverished agriculturists of the country, who with difficulty save themselves from an annual deficit in their incomes, and the hordes of laborers who can scarcely earn enough to support their families, and the multitudes of people who have small incomes barely sufficing for their maintenance, are willing patiently to bear this immense burden, so long as it is applied to the relief of those who are crippled in any degree in their ability to gain a livelihood by disabilities incurred in the service of their country.

It is upon these toiling millions, who with difficulty earn their daily bread by the sweat of their brows, and not upon the comparatively few who, through governmental favoritism or through the operation of the vicious financial systems and appliances of our modern civilization, have aggregated to themselves such a monstrous disproportion of the national wealth, that the incidence of this immense pension taxation is a crushing weight.

Sir, I believe that a vast majority of the people of this country, in no spirit of opposition to the honorable and gallant Union soldiery, but in simple justice to the tax-payers of the country, to whose rights, interests, and welfare they think it is time to give a little consideration, are op-

posed at this time to any further extension of this pension legislation. I know full well that these Union soldiers, if they choose to band themselves together as a political body, and, utterly disregardful of all the great principles which divide parties, and upon which they have themselves even divided, they choose to throw their votes against any legislator who is bold enough to do what he thinks right towards all sections and classes, are numerous enough in some localities to make their displeasure felt to the extent of relegating to private life the man who thus dares to offend them by not obeying their behests. But I can not believe that very many of these gallant men will be willing to turn the *espirit de corps* of honorable ex-soldiers into use as a political lever to coerce the National Legislature into passing such laws as will still further meet their demands; especially in view of the unexampled liberality with which the country has poured out its money for their relief. Sir, such a course would be too near akin to the conduct of another soldiery, who, in another republic, in a remote age, made the gratification of their selfish demands the price of their political support.

And now, sir, I take the position of these ex-soldiers, as announced by the Senator from Nebraska in his speech on last Friday, as the logical ground of my opposition to this bill. He then said:

A very large majority of the ex-soldiers of the Republic do not believe that the time has yet come for granting to the survivors of the war of the rebellion a service pension.

Refine as you will, and disguise it as you may, the bill now under consideration is a service pension, originally qualified, it is true, in its scope, though by the amendments adopted made to assume the widest sort of a range, but resting essentially upon the fact that the soldier has served three months at least in the Army, no matter where, no matter under what circumstances, no matter though he may only have been a holiday soldier, who has marched up the hill and then marched down again, and no matter how nearly his estate may be sufficient to support him, if he is only incapacitated in some degree for manual labor by any cause which is not the result of his own vicious habits. If such be the case, he is to receive $12 per month.

Mr. President, there is no branch of legislation with respect to which its friends have ever been more grievously deceived than with respect to the calculated cost of new pension acts, whether we look at such laws to provide for the relief of soldiers of the Revolution, of the war of 1812, or of the late civil war. It seems utterly impossible that we can learn by experience in such matters. In the first place, no species of legislation naturally and inevitably affords such inducement and opportunities for frauds. In the second, with respect to none are such frauds so difficult of detection. And in the third place, the difficulties of obtaining reliable data for calculations with respect to the number of persons who will seek and obtain the benefit of such legislation are very great. In 1804, under the carefully guarded pension laws enacted by the fathers of the Republic for the benefit of Revolutionary heroes, even in those days when fraud was by no means as well organized as it is at present, there were such gross abuses in the practical working of the system as to call forth the saying that "the Revolutionary claimant never dies; he is immortal."

In 1818 the first important departure from the principle of pensioning only disabled soldiers was made by an act which granted pensions to all "who had served in the army of the Revolution for nine months," and "who, by reason of reduced circumstances, shall stand in need of assistance from their country for support." The proposers of this act maintained that under it the increased annual cost of pensions would only be about $160,000. The results proved that this estimate was ridiculously inadequate. Even in those days when fraud in such matters had not become a fine art, the most extensive and wholesale frauds were perpetrated upon the Government. The applicants for the benefits of that act numbered 27,948, more men than Washington's army at any one time contained, and "exceeding the whole number of such soldiers that could, by the established rate of mortality, be supposed to be alive in 1818. The claims of upward of 18,000 were admitted, and it was afterwards plainly discovered that fully one-third of this number had no legal claim to Government bounty." Instead of the pitiful sum of $160,000, claimed as the probable limit of the law, it required from two to three millions of dollars per annum to meet its demands.

Again, sir, when, sixty-five years after the war of 1812, it was proposed to grant pensions to all surviving soldiers and widows of soldiers, it was very naturally asserted and believed that the persons to be pensioned would be very few. Yet, although the number of soldiers engaged in that war was comparatively small, we find, sixty-five years after its close, that 7,000 survivors and 24,000 widows were able to furnish proofs of their claims and to draw their pensions. No wonder that men were led then to remark that "either the war of 1812 must have had a mysteriously vitalizing effect upon those in any way engaged in it, or the passage of that pension bill must have resuscitated a large number of those who, in the ordinary course of nature, had died years ago."

Sir, we all know what was our experience under the arrears-of-pension act. The Secretary of the Interior at first thought that $41,000,000 would wholly meet the provisions of that law. In 1881, some three years after the act was passed, the Secretary calculated that it would consume sooner or later $510,000,000, and doubtless that vast sum falls short of the true cost. By that act the Government offered a premium of $1,000 down, with annual pensions thereafter, to any and to all who could find proof of disability incurred in the war. In the light of our experience as a people of the practical workings of pension laws passed in the earlier days of the Republic for Revolutionary soldiers, and of those of the war of 1812, he must be a credulous man indeed who can believe that only one case in the thousand of allowed pensions will be found to be based upon fraudulent evidence. If such be the case, then nowhere else in the whole scope of our national life and business have we such miraculous proofs of a mighty advance in the probity and morals of our people. You who are lawyers must, in the course of your experience in courts, have been often shocked by the conviction how faithless is human testimony, even when guarded by all the safeguards of searching *viva voce* cross-examinations. Not to find many cases in a thousand in courts where perjury shows its horrid front would surprise you. It becomes simply astounding when you are told that in cases supported by *ex parte* and unsifted testimony only one in a thousand would be found to savor of false and fraudulent evidence.

Mr. President, how much will this bill, if it shall become a law, add to the unexampled burdens which your pension laws now impose upon the energies of this people? The act which President Cleveland vetoed under a sense of solemn duty, and for vetoing which he has been cursed to such a degree as Uncle Toby said he could not have found it in his heart to fulminate even against the devil, was construed by the able chairman of the House Committee on Pensions to mean that it pensioned no one who had less than a total inability to labor, and who at the same time was dependent upon his daily labor for a support. Under that construction he estimated that there would be 33,105 new pensioners under the law, and that the increased cost would be $4,767,120. In the light of our invariable experience in such matters in times past, we would have been very lucky indeed if under that bill the increased cost would not have been nearer $10,000,000.

But, sir, the bill before us as amended opens wide the floodgates of expenditure. Look at the first material amendment—"which incapacitates them for the performance of manual labor." Why, sir, you might as well make it a thorough and avowed service-pension bill at once. There will not be found one man in twenty who can't find proof that he is in some degree incapacitated for manual labor. As sure as there is a sun in the heavens scores of thousands of these men will rush forward with such proof, just as they did in 1818 under the provision for Revolutionary soldiers, and in 1878 under a like law for the soldiers of 1812. Then, look at the next material amendment—"who are without other adequate means of self-support." Fix your limit for adequate support where you will, if the proof of the soldier's ability falls short of that limit, however little, just as his incapacity to labor is ever so small, and he will be entitled to his $144 per annum. Never before did human law construct a more perfect hotbed for fostering fraud and perjury.

Are men any purer and nobler now than they were in the earlier days of the Republic? The annals of crime were never filled with more startling evidences of the decadence of public morals in business matters than now. Never before were men more eager after money or indifferent as to the means of acquiring it. Canada and your penitentiaries are being peopled with men who once stood high in society for crimes committed in the eagerness to get rich. It is one of the crying scandals of the age. In the years just after the act of 1818 nothing was more common than for ex-soldiers to make way with their property, to give it quietly away to their relatives, or to convey it in secret trust for their own benefit, in order to make a show of poverty and thus gain a pension. At first 18,000 names were placed on the pension-rolls under that law, but the outcry became so great that the Government was compelled to institute a scrutiny, and was able to discover 6,000 fraudulent cases, which were promptly lopped off. How many more cases of imposition escaped detection we have no means of ascertaining.

Sir, I mean no disrespect to the soldiers of the late war as a class, but what right have we to assume that they are any better men than the men who endured the sufferings, toils, and dangers of the Revolution and gained our independence? War is no more now than then an educator in morality and virtue. This bill, if it becomes a law, will open two of the most copious fountains of fraud and perjury which ever deluged a land with crime. I hesitate not to say that if it passes your next annual pension appropriation will march up far (and no one can tell how far) beyond $100,000,000 a year. So near will it come to a pure and simple service-pension bill that there will be little use, and probably there will be no attempt, to arrest such an one in the near future.

But that is not all, sir; for then it takes no prophet to foretell that all that mighty host of 202,621 persons on our pension-lists who are receiving less than $12 per month for actual disabilities incurred in the service, no matter what the length of their service or pecuniary ability may be, will never be content to receive less than their comrades are getting who suffered no disabilities from wounds or disease in the line of duty, but that they will move heaven and earth and never rest till they are all put on an equal footing with those who are receiving mere gratuities from the Government. And who will be able to gainsay the justice of their demand? But, sir, the direct consequence of granting their demand, which upon the logic of this bill will be unanswerable,

the simplest calculation will show to involve an increased annual payment of $14,500,000. But great as this sum is, it will be small compared with the annual increase which will follow upon the passage of this bill.

There are other provisions of this bill that seem to me objectionable, but are comparatively of so little moment that it is scarcely necessary to notice them. There is the provision that the parents of deceased soldiers shall be pensioned even though it may be proved that they are by their own labor abundantly able to support themselves and although they never were in the least degree dependent upon the dead soldier for support. I can not understand the principle of this provision, unless it be intended directly to promote mendicancy. Why pension a man that he may cease to be one of the great army of workers whose labor makes the wealth of the country? Why pension a man merely because he is the father of a soldier who never helped his father in his lifetime, and who in all probability never could or would have helped that father if he had continued to live?

Again, sir, why is it necessary now to raise the age of minor children to eighteen years instead of sixteen, so as to extend the period of pension for two years longer for such pensioning? Is it not of very doubtful benefit to be giving that child just so much greater temptation to be an idler when he should be one of the great army of our wage-earners? And why is it necessary now to raise the rate of pension for minor children under the care of their pensioned mother to $5 per month instead of $2, as now provided by law, thus more than doubling the rate? It has stood as the deliberate sense of the country for fifteen years that $2 additional to a widow for each child is a just and reasonable provision, and I can see no good reason now why the widows of to-day should be so much better treated than those who have gone before them and no doubt were satisfied with the old allowance.

Mr. President, this appetite for pensions on the part of those who are or may conceive themselves entitled thereto is one that grows upon its own indulgence, and will never be satisfied as long as the patience of the tax-payers is not wearied to exhaustion. Even now we are called upon to give so much a day for every day a soldier served in the Army, if he is not otherwise entitled to a pension. Still further, we are called upon to grant pensions to every man who was confined in a Confederate prison, at the rate of one-half or three-fourths or whole pension according to the duration of such confinement, and in addition to grant him $2 per day for every day he was thus incarcerated, whether any disability was thereby incurred or not. It is claimed that the risk of life was greater there than in the field of battle. But, sir, who ever heard of a soldier being compensated by a pension for the mere risks he ran in war? Upon that principle, as soon as an army is disbanded after a war the first step should be to pension every man in it who has smelled gunpowder.

Sir, it does seem to me, and truth compels me to declare, that it is time to call a halt in this system of grinding and oppressive taxation for pension purposes. I have been told by the best authority that our pension-roll, even under our present laws, is not only now rapidly increasing, as it has been doing for a good while, but that it will largely increase during the coming year. I have no doubt that as our laws now stand the next annual estimate for pensions will be some $85,000,000. Pass this law as originally proposed and it will not lack much of $100,000,000. Pass it as it is now amended and you may safely reckon it at $125,000,000, and probably still more. Sir, when we are facing the probability of this single item of pensions, mounting up to be about one-half of the whole ordinary expenses of this great Government which are raised by taxation, it is surely time for Senators to begin to inquire if in the pursuit of what I will not call a political hobby they are not riding a free horse to death.

Sir, say what you may, rise as high as you may upon the wings of rhetoric, indulge as you will in the strains of the most impassioned eloquence about the claims of our soldiers, the people of this country have been liberal, just, and magnanimous towards those soldiers. When they have poured out their money like water for their benefit, even to the appalling amount of about $900,000,000 from 1861 to the present time for pensions, to say nothing of the most liberal bounties paid for enlistments, the charge made by some Senators that a disposition to arrest any material increase of this exhausting outflow of public money is niggardly and expressive of a want of proper conception of the claims and merits of the ex-soldiers, rather evidences a want of proper appreciation on the part of such soldiers as join in this outcry and of their champions touching the sacrifices the people have made for the comfort and support of those who were enlisted in their armies. It does seem to me, if it be not sacrilege to say so, that a little moderation on one side would be a seemly return for such immense expenditures on the other. And I would most respectfully suggest, if there is not some danger that these continuous, ever-widening, and often unreasonable demands may not create a weariness of spirit on the part of those who have to raise these immense sums of money and may not cause a reaction against those who know not how to impose any limits upon their demands. If I know myself, I say this in no earthly spirit of partisanship, nor of hostility to the soldiers or their claims; and I hope I shall not bring down upon my head for uttering what I believe to be plain truths any fulminations of indignant eloquence for what some may please to term my want of reverence for that noble army whose heroic deeds must command the admiration of all men.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Iowa [Mr. WILSON].

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting the motion, the Chair lays before the Senate a communication from the Secretary of the Treasury.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department recommending a specific appropriation of $200,000 for the services of skilled draughtsmen, engineers, accountants, and others employed in that office; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of the Treasury, recommending that specific appropriations be made for the payments on account of superintendence exclusive of the amount appropriated for the construction of public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1275) for the erection of a public building at Columbus, Ga., and appropriating money therefor;

A bill (H. R. 1325) providing for the purchase of additional ground in the city of Indianapolis, Ind., adjoining the post-office site, and for the improvement of the building thereon, and appropriating $125,000 therefor;

A bill (H. R. 1661) for the erection of an appraiser's warehouse in the city of New York, and for other purposes;

A bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.;

A bill (H. R. 4358) to increase the limit of cost for the public building in course of erection at Charleston, S. C.;

A bill (H. R. 4467) for the erection of a public building at Bar Harbor, in Maine;

A bill (H. R. 7220) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and the act amendatory thereto, approved February 21, 1887;

A bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas;

A bill (H. R. 7263) for the erection of a public building at Bay City, Mich.; and

A joint resolution (H. Res. 56) authorizing the use and improvement of Castle Island, in Boston Harbor.

WITHDRAWAL OF PAPERS.

On motion of Mr. ALDRICH, it was—

Ordered, That S. M. Whitton have leave to withdraw from the files of the Senate his petition for an amendment of the Senate rules, presented in the Senate May 27, 1886.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4911) to carry out the findings of the Court of Claims in the case of James H. Ayres; and

A bill (H. R. 2993) to authorize the Secretary of War to convey to the city of Austin, Tex., a tract of land in said city for educational purposes.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. HALE] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 1, 1888, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate February 29, 1888.

ASSISTANT SURGEON IN THE NAVY.

James Finley Keeney, of Illinois, to be an assistant surgeon in the Navy.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 29, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D., president of Dakota University.

The Journal of the proceedings of yesterday was read.

CORRECTION.

Mr. DIBBLE. Mr. Speaker, I observe that I am recorded in the Journal as having called up, by direction of the Committee on the District of Columbia, the joint resolution (H. Res. 56) authorizing the use and improvement of Castle Island, in Boston Harbor. I did not call it up by direction of that committee, and I ask that the Journal be corrected.

The SPEAKER *pro tempore*. The correction will be made.

The remainder of the Journal was read and approved.

BREAKWATER AT CLEVELAND, OHIO.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report in relation to the proposed extension of the east breakwater at Cleveland, Ohio; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ACADEMIC BUILDING, WEST POINT.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for an academic building at the Military Academy at West Point, N. Y.; which was referred to the Committee on Military Affairs, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER *pro tempore* also laid before the House the following Senate bills; which were severally read a first and second time, and referred as follows:

The bill (S. 132) for the erection of a public building at New Orleans, La.—to the Committee on Public Buildings and Grounds.

The bill (S. 973) to authorize the Omaha, Hays City and Southwestern Railway Company to build its road across the Fort Hays military reservation—to the Committee on Military Affairs.

The bill (S. 1473) to authorize the Chicago, Kansas and Western Railway Company to build its road across the Fort Hays military reservation—to the Committee on Military Affairs.

The joint resolution (S. R. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance, claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made—to the Committee on Military Affairs.

BRIDGE ACROSS ROCK CREEK, DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia, with Senate amendments thereto; which was referred to the Committee on the District of Columbia.

CORRECTION.

Mr. DIBBLE. Mr. Speaker, in the engrossment of the bill (H. R. 7262) as to a public building at Texarkana, Ark., a correction is necessary. The word "caused" is used. It should be "cause."

The SPEAKER *pro tempore*. In the absence of objection, the vote will be reconsidered and the correction will be made.

SUBTREASURY AT GALVESTON, TEX.

Mr. BLAND. Mr. Speaker, I rise to a question of privilege. The bill (H. R. 1879) for the establishment of a subtreasury at Galveston, Tex., having been reported from the Committee on Coinage, Weights, and Measures, I ask that the bill be re-referred to the Committee on Coinage, Weights, and Measures.

The SPEAKER *pro tempore*. In the absence of objection, the re-reference will be made.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I move to dispense with the morning hour.

QUESTION OF PRIVILEGE.

Mr. KELLEY. Mr. Speaker, I rise to a question of privilege.

Mr. MILLS. If the gentleman rises to a question of privilege, I will withhold my motion.

Mr. KELLEY. Mr. Speaker, I send to the Clerk a copy of the Boston Globe of yesterday, and ask him to read the brief paragraph which I have marked.

The Clerk read as follows:

TARIFF LEGISLATION—OBSTRUCTION TO ANY TARIFF BILL THREATENED BY REPUBLICANS.

WASHINGTON, *February* 27.

In an interview with Judge KELLEY, of Pennsylvania, yesterday, the "Father of the House" indicated that it would be the policy of the Republicans to obstruct by every possible means the passage of a tariff measure before the national convention at St. Louis. A cry is to be raised that the minority members of the committee do not receive due consideration at the hands of the majority, and that they are to be precluded from adequate discussion. Filibustering to the full limit will be resorted to by the Republicans.

Mr. KELLEY. Mr. Speaker, I might summon you as witness that I have very rarely risen to questions of this kind; but on reading that paragraph, I felt that I owed it to my Republican colleagues, as well as to myself, to say that I had not indicated such a policy for them or for myself, and that I had made no statement from which a fair-minded and honorable man could deduce the conclusions there expressed. When I (and I suppose the case is the same with my Republican colleagues on the Ways and Means Committee) shall be called to consider the draught or *projet* of a tariff bill which we hear is being prepared, it will be quite time enough for us to determine our policy.

PROTECTION AND DISPOSITION OF PUBLIC LANDS.

Mr. HOLMAN. I rise to a privileged question. I am instructed by the Committee on Public Lands to report back a large number of bills, all bearing on the same subject, and to move that they be laid on the table; and in lieu of those bills I am instructed to report the bill which I send to the desk, which I desire to move be printed with the accompanying report, and recommitted to the Committee on Public Lands.

The SPEAKER *pro tempore*. If there be no objection, that order will be made. The Chair hears none.

Accordingly, bills of the following titles, reported adversely by the Committee on the Public Lands, were laid on the table:

A bill (H. R. 1300) to repeal the timber-land act of June 3, 1878;

A bill (H. R. 1301) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes;

A bill (H. R. 1339) to limit the disposal of public lands adapted to agriculture to actual settlers under the provisions of the homestead laws, and for other purposes;

A bill (H. R. 1351) to consolidate and amend the public-land laws, and to preserve the public domain for homestead settlement;

A bill (H. R. 1354) to punish offenses against the public-land laws;

A bill (H. R. 1371) for the protection of settlers on the public domain;

A bill (H. R. 1396) granting additional rights to settlers on the public lands, within railroad limits, under the homestead laws;

A bill (H. R. 1436) to provide for a classification of the public lands, and for a revision of the laws relating to the public lands;

A bill (H. R. 1439) for the relief of homestead and pre-emption settlers on the public lands;

A bill (H. R. 1440) to shorten the period required in homesteading public lands to three years;

A bill (H. R. 1601) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes;

A bill (H. R. 1644) to prevent fraudulent entries on the public domain, and to preserve the same for actual settlers in good faith;

A bill (H. R. 1753) authorizing and allowing second homestead entries of public lands where failure to consummate original entry is occasioned by sickness, unavoidable accidents, aridity or sterility of the soil, mistake of boundaries, and so forth;

A bill (H. R. 2003) to repeal the pre-emption and timber-culture laws, and to amend the desert-land act, and for other purposes;

A bill (H. R. 2004) to grant additional rights to certain homestead settlers, and for other purposes;

A bill (H. R. 2006) to grant additional rights to certain homestead settlers on public lands;

A bill (H. R. 3281) to equalize and amend the homestead laws of the United States, and for other purposes;

A bill (H. R. 3282) to repeal an act entitled "An act to provide additional regulations for homesteads and pre-emptions of the public lands," approved March 3, 1879;

A bill (H. R. 3306) for the protection and the administration of the forests of the public domain;

A bill (H. R. 3356) granting to homestead and pre-emption settlers leave of absence from their claims;

A bill (H. R. 4438) permitting all persons who have lost their homestead rights to make new entries;

A bill (H. R. 4439) to amend the act of March 3, 1879, granting additional rights to homestead settlers within railroad limits;

A bill (H. R. 4453) to amend an act entitled "An act to provide for the sale of desert lands in certain States and Territories;"

A bill (H. R. 4473) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, and to extend the provisions of said act, and the amendments thereto, to the public lands in the States of Mississippi, Arkansas, Louisiana, and Florida;

A bill (H. R. 4991) to preserve to the public the use of living springs and streams of water in the Territories of the United States, and to prevent the monopoly or diversion of the same;

A bill (H. R. 5628) for the relief of homestead entrymen and pre-emption claimants upon the public domain;

A bill (H. R. 5631) to shorten the period required in homesteading public lands to three years;

A bill (H. R. 6045) for the protection and administration of the forests on the public domain;

A bill (H. R. 6094) to prevent aliens from pre-empting or entering homesteads, and to limit the acquisition of the public domain of the United States, and to provide for leasing grazing lands for periods not exceeding ten years; and

A bill (H. R. 7425) to amend the homestead laws to prevent aliens acquiring title to public lands, and to secure homes for actual settlers who are citizens of the United States.

The bill reported by Mr. HOLMAN, from the Committee on the Public Lands, in lieu of the foregoing bills, being a bill (H. R. 7901) to secure to actual settlers the public lands of the United States adapted to agriculture, to protect the forests on the public domain, and for other purposes, was read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted.

Mr. WHEELER. Mr. Speaker, it is understood that any member of the Committee on Public Lands can file dissenting views on the subject, to be printed as a minority report.

The SPEAKER *pro tempore*. If there be no objection, leave will be given for the presentation hereafter of the views of the minority of the committee.

Mr. JACKSON. In other words, as I understand, any member may make a minority report in regard to any one of these bills.

The SPEAKER *pro tempore*. A minority report can come in only by unanimous consent. If there be no objection, the views of any member or members of the minority in regard to any of those bills will be allowed to be filed hereafter. The Chair hears no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUNNELL, for three days, on account of important business.

To Mr. BANKHEAD, for four days, on account of important business.

ORDER OF BUSINESS.

Mr. MILLS obtained the floor and said: I desire to make a motion, but will give way for a few moments to gentlemen who desire to make reports.

BUSINESS OF COMMERCE COMMITTEE.

Mr. CLARDY, by unanimous consent, reported from the Committee on Commerce the following resolution; which was referred to the Committee on Rules:

Resolved, That Tuesday, March 20, Wednesday, March 21, and Thursday, March 22, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Commerce in such order as may be designated by said committee. This order not to conflict with prior orders, revenue or general appropriation bills.

EVENING SESSIONS FOR PENSION BILLS, ETC.

Mr. MATSON. I ask for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That until further ordered, on each Friday, at 5 o'clock p. m., the House shall take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar reported from the Committee on the Judiciary, removing politicial disabilities, shall be considered; and no other business shall be transacted at such evening sessions; and the House shall adjourn on each of said evenings not later than 10.30 p. m.

Mr. MATSON. I move the previous question on the adoption of this resolution.

Mr. MILLS. I make the point of order that the resolution can not be entertained except by unanimous consent.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. BLAND. Let it go to the Committee on Rules.

Mr. MATSON. I ask that reference.

The resolution was referred to the Committee on Rules.

H. C. MARKHAM.

Mr. STEELE, by unanimous consent, reported back favorably, from the Committee on Military Affairs, the bill (H. R. 165) for the relief of H. C. Markham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BLAND. I desire to make a favorable report, to be placed on the House Calendar.

The SPEAKER *pro tempore*. Reports can be made during the regular call of committees.

Mr. RANDALL. It is the intention to move to dispense with the morning hour.

The SPEAKER *pro tempore*. The Chair has no information on that subject.

Mr. MILLS. I yielded only to allow the presentation of reports.

The SPEAKER *pro tempore*. The regular order will be the call of committees for reports.

Mr. MILLS. I move to dispense with the morning hour for the presentation of reports; and if I can get the ear of the House, I wish to state that I desire to move to go into Committee of the Whole for the purpose of considering the bill authorizing the Secretary of the Treasury to purchase bonds with the surplus revenue—a very important measure; and I hope there will be no objection.

Mr. BLAND. I hope that will be done, so as to give us plenty of time for discussion.

The SPEAKER *pro tempore*. The gentleman from Texas moves to dispense with the morning hour, stating that he desires the House to consider a bill reported from the Committee on Ways and Means.

The motion to dispense with the morning hour for the reports of committees was agreed to (two-thirds voting in favor thereof).

Mr. MILLS. I move that the House resolve itself into Committee of the Whole House on the state of the Union, stating that I desire that the committee shall take up for consideration the bill H. R. 5034.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS in the chair.

PURCHASE OF UNITED STATES BONDS.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 5031) to provide for the purchase of United States bonds by the Secretary of the Treasury.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to apply the surplus money now in the Treasury, and such surplus money as may hereafter be in the Treasury, and not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds.

Mr. MILLS. As is known to all the members of the House, there is a large surplus in the Treasury, which it is the object of this bill to apply to the purchase of bonds, there being now no bonds outstanding which are subject to call.

There was an amendment to the appropriation act of March 3, 1881, which authorized the Secretary of the Treasury to purchase bonds with the surplus in the Treasury at that time. That act has been thought by the Secretary of the Treasury not to be sufficiently comprehensive to authorize him at the present time to use the surplus money now in the Treasury to buy bonds now outstanding. It seems, from an examination of that statute, and from the proceedings of the Treasury Department subsequent to its enactment, that no bonds have ever been bought under it. All the bonds purchased by the Secretary of the Treasury, either the present Secretary or his predecessors, have been bought under the law authorizing bonds to be purchased for the sinking fund. None of the purchases which have been made by the Treasury Department have been made under this law, either by the present Administration or those which have preceded it.

The fact that this provision was incorporated in an appropriation bill seemed to raise some doubt as to whether it was to be in force longer than the existence of the appropriation law itself.

This question has been frequently raised in reference to other matters that have been placed on appropriation bills, and it has been ruled on by Speakers and presiding officers of the Committee of the Whole two or three times perhaps.

The Secretary of the Treasury had, prior to last June, bonds that were subject to call sufficient to employ all the surplus money that accumulated in the Treasury, and after that time he could purchase forty-eight or fifty million dollars under the law which authorized him to purchase for the sinking fund. That enabled him to get rid of the surplus which was accruing. But, as it was a doubtful matter whether he was invested with the authority to use this large amount of money in the purchase of bonds, some of them at a high premium, he preferred to remit that question to the law-making power. It was thought if Congress intended to use the surplus in buying bonds at a high premium it was better for the law-making power to invest the Secretary with that authority. This bill is intended by our committee to authorize the Secretary of the Treasury to use not only the money now in the Treasury, but all surplus moneys which may hereafter accumulate in the Treasury in the purchase or redemption of outstanding bonds.

I now yield to the gentleman from Ohio [Mr. MCKINLEY], my colleague on the committee.

Mr. MCKINLEY. The exact purpose of this bill, Mr. Chairman, is not altogether manifest upon its face. If it be to give to the Secretary of the Treasury authority to use the surplus money in the Treasury for the purchase and redemption of Government bonds and this be its sole purpose, then I answer that that authority already exists fully and amply, and has existed since the 3d day of March, 1881. The bill under consideration neither increases nor diminishes nor qualifies the authority of the Secretary of the Treasury under existing law. It neither adds to nor takes from the power that is to-day vested in the Secretary of the Treasury to apply the surplus money in the Treasury to the purchase and redemption of United States bonds.

Now, what is the existing law? and I beg to read it, and at the same time I trust that it may appear side by side with the bill itself in parallel lines of the CONGRESSIONAL RECORD.

The present law which has stood upon the statute-books for almost seven years is in these words:

That the Secretary of the Treasury may, at any time, apply the surplus money in the Treasury, not otherwise appropriated, or so much thereof as may be considered proper, to the purchase or redemption of United States bonds.

That is the language of existing law. The bill proposed by the Committee on Ways and Means differs with this law only in phraseology, and that difference I will quickly indicate. The bill provides—

That the Secretary of the Treasury is hereby authorized to apply the surplus money now in the Treasury and such surplus money as may hereafter be in the Treasury, and not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds.

The only difference between the law and the bill is that the law declares that the Secretary may at any time, not during the fiscal year for which the appropriation was made, upon which the law was passed, but may at any time in any year apply any surplus to the purchase or redemption of United States bonds; while the bill itself changes the language by declaring the Secretary "is hereby authorized to apply the surplus money now in the Treasury and such surplus money as may hereafter be in the Treasury to the purchase or redemption of United States bonds." With these exceptions the bill and the law are exactly the same and are almost identical in language. No lawyer would find any difference, no layman any distinction, and neither could suggest any reason why, with the law unrepealed, any necessity exists for the passage of the bill.

Mr. Chairman, why has not this law been invoked by the Administration and by the Secretary of the Treasury during the past twelve months and saved the country from alarm and apprehension? Because, as the chairman of the Committee on Ways and Means advises this House, its integrity has been questioned and its validity challenged. By whom has the integrity of this law been questioned? By the President of the United States, and it never was questioned by any authority, executive, judicial, or legislative, until it was questioned by him.

The chairman of the Committee on Ways and Means says it was never operated under by any previous Secretary of the Treasury. That is doubtless true, and the only reason it never was used in the buying bonds by previous Secretaries and under previous administrations was because no condition or emergency existed which required its use. The Secretaries heretofore, with their power under the sinking-fund act and under the act for the redemption of bonds which were subject to payment upon the option of the Government, were able to use up the surplus lying in the Treasury, which they did, first, by providing for the sinking fund, and, second, by the redemption of bonds payable upon the call of the Government.

Now, that is the reason why this law was never used by any previous Secretary of the Treasury and any previous Administration, but its force and validity during all previous years were never doubted. I say the only gentleman who has ever questioned this law is the present President of the United States. To show how it has been recognized all along as a wise and salutary measure, which might be invoked at any moment by any Secretary of the Treasury to relieve the Treasury and return the surplus to the people, I will read from Secretary Folger's report of December 3, 1883. In discussing the question of using the surplus he said:

The only authority possessed by the Treasury, whereby it can restore to business the surplus moneys thus accumulated, is that given to the Secretary by the act of March 3, 1881—

The very law we are discussing—

by which he may at any time apply the surplus money in the Treasury, not otherwise appropriated, to the purchase or redemption of United States bonds.

No doubt or suspicion, it will be observed, is cast upon the law by him.

There was no emergency for the use of this law during the administration of the Treasury by Secretary Folger. The surplus was otherwise absorbed, but he recognized in this report, to which I have called your attention, that he could at any time invoke the law for the purpose of paying out the surplus money in the Treasury to the holders of Government bonds.

Mr. Secretary Fairchild recognized this law in his report made to Congress last December. He says:

Now, there is no way under existing law to put out again amongst the people the surplus money which comes into the Treasury except it be that of a clause in an appropriation act of 1881, authorizing the Secretary of the Treasury to purchase bonds in the market at such prices and in such amounts as he may think best—a power which unnecessarily ought not to be given and a responsibility which ought not to be put on any officer of the Government.

It will be observed Mr. Fairchild, the present Secretary of the Treasury, does not question the validity of the law. The reason he gives for not executing the law, for not availing himself of its provisions, is because it is entirely too much responsibility to put on a single officer; and I may remark in passing that the bill reported by the Committee on Ways and Means is open to the same objection, because there are no restrictions, no qualifications, no guards to the action of the Secretary of the Treasury in the use of the surplus for the redemption of bonds, and yet he is now willing to assume this responsibility and wants the bill to pass.

We have also the testimony of the gentleman who was Secretary of the Treasury at the time this law was passed, Mr. Secretary Sherman. This is what he says:

This law was passed by a Democratic Congress in both Houses, at my request as Secretary of the Treasury, to meet the very difficulty suggested, and, in plain English, to operate at any time.

That is the language of the Secretary of the Treasury who suggested the passage of that law, who ought to know its purpose.

He says:

Under it the Secretary of the Treasury from time to time could apply the surplus in the Treasury to the purchase or redemption of bonds of the United States from the beginning of this Administration to this hour. Instead of which there was an accumulation of surplus beyond all precedent, which tended to and did produce the very dangers and difficulties by which we are threatened.

So I say that the only question yet made to the force and integrity of this law is that made by the President of the United States himself. He characterized it in his message as "suspicious," suspicious because, forsooth, it was adopted as an independent section on an appropriation bill. That is all the ground upon which he bases his suspicion. That is the sole ground upon which he based his refusal to execute it, and apply the surplus for the purchase of outstanding bonds.

Mr. Chairman, it may be important to know how this authorization came into an appropriation bill, how this law was passed. I have already told you that Senator SHERMAN, at that time Secretary of the Treasury, suggested its enactment. It was offered in the Senate of the United States by a member of the President's present official family, the premier of his Cabinet, Mr. Bayard, at that time a Senator from Delaware and then chairman of the Finance Committee of the Senate. He offered it not covertly, but in open Senate, in broad daylight, and called the attention of the Senate to it.

The Senator from Kentucky [Mr. BECK], who was in charge of the appropriation bill, gave way that it might be offered, and it passed the Senate without a division and unanimously, and came to this House. The House was then Democratic. The House non-concurred in this and other amendments of the Senate. A committee of conference was appointed consisting of two Democratic members and one Republican. Mr. McMahon of Ohio, Mr. Cobb of Indiana, and Mr. HISCOCK of New York constituted the committee on the part of the House.

They met and agreed upon this amendment with the other amendments of the Senate, and it came back to the House and passed this body without a dissenting vote. It then received the approval of the President. Thus the House will see how it comes to be upon the statute-books. It was not a rider—resting for its support upon the bill to which it was attached, but was considered and passed upon its own merits.

Now, I ask is it fair, is it frank, is it just, is it becoming, in any officer of the Government to characterize that law as suspicious and a mere pretense of authority to get rid of the surplus? Why, Mr. Chairman, if the President of the United States feels called upon so to characterize every law that has become such through the medium of appropriation bills he must condemn and refuse to execute nearly one-half of our public laws.

Three hundred and eighty-five new laws, distinctively new laws, all of a public character, were put upon appropriation bills from the year 1862 down to 1874; and almost an equal number have been put upon appropriation bills since the Democratic party have controlled the House of Representatives. Why the great Department of the Treasury, its present management, its present system, was organized upon an appropriation bill.

The reorganization of the War Department was upon an appropriation bill; the fixing of the strength of the Navy at 7,500 men was put upon an appropriation bill; the fixing of the strength of the Army at 25,000 men was done through the medium of an appropriation bill, and the authority to redeem the fractional currency with fractional coin was passed upon an appropriation bill.

The authority to issue silver certificates in denominations of one, two, and five dollars, the organization of the United States mints, the extension of benefits of the homestead acts, and many of our best reforms and wisest laws were put on appropriation bills, and they are just as much open to the criticism of the President as being suspicious and a nullity as is the law about which I am now talking. Why, the very law that gives to the President of the United States $50,000 a year instead of $25,000 was passed upon an appropriation bill.

Mr. E. B. TAYLOR. Did he take it?

Mr. MCKINLEY. And there was a great deal of suspicion about its passage. My friend asks me if he took it. I have no recollection that any President has ever refused it——

Mr. CUTCHEON. Because of its being suspicious.

Mr. MCKINLEY. On account of a suspicion attaching to it because it was enacted as a separate section in an appropriation bill. And I have no doubt the present incumbent takes it. But he has just as much justification for coming here and asking Congress to re-enact by an independent measure the increase of his salary as he has to come and recommend the re-enactment of a law that is eight years old, and which stands forth without taint or infirmity valid in law and binding in conscience.

Now, Mr. Chairman, I might go through the entire list and show the vast number of independent measures framed upon appropriation bills. There is scarcely an appropriation bill that passes that does not contain new legislation in some shape or other.

Why, this treatment of a solemn statute is little short of Executive

nullification. That is in effect what it amounts to. It is repudiation of a public law. Now, what is the meaning of it all?

When Congress on the 4th day of March, 1887, adjourned—when the Forty-ninth Congress expired by limitation—that Congress had done nothing by way of reducing taxation or diminishing the inflowing revenues. Everybody knew that there would be a surplus of revenue in the Treasury. Everybody understood it. The President understood it, and he had the right to convene Congress in extraordinary session and put the responsibility of dealing with this surplus upon the legislative branch of the Government. But he failed to do it, he declined to do it, and he thereby assumed the responsibility and declared his ability to so manage the surplus in the Treasury as to do no harm to the country and without disturbance to business interests. He did not call the Fiftieth Congress in session, and I do not wonder, Mr. Chairman, that he did not.

If a Democratic House like that of the Forty-ninth Congress, which alone could originate revenue bills, with 50 majority, could not and would not reduce taxation and revenues, he could have little hope that a Congress with little more than a dozen majority would reduce taxation and stop the accumulating revenue; and so I think, perhaps, in this he acted wisely; but, at all events, in the failure to convene Congress in extraordinary session he took upon himself the grave responsibility of disposing of that surplus under existing law, and for the best interests of the Government and people.

Does any man within the sound of my voice doubt that he had a perfect right, from the 4th day of March, 1887, ay, from the date of his inauguration down to this very hour, to have applied every dollar of the fifty-five or sixty millions in the Treasury to the purchase of outstanding bonds? He had that power fixed by a law passed in a constitutional way, which passed by the unanimous vote of both Houses, which stood unassailed and unassailable, and declining to avail himself of it he lectures Congress because it did not provide for paying out the surplus.

When we adjourned we left him full power to pay it out, and I wish some friend of the Administration would explain why he didn't do it in that only straight and logical and business-like way; that is, by paying the debts of the Government and saving the interest charge, which rests so heavily on the people. Instead of doing that the Administration prefers another way. It prefers to use the banks as a means of putting it in circulation; and so it says to the banks, "If you will get bonds enough and bring them to the Treasury we will issue you on the 4 percents 110 cents for every dollar deposited, and 100 cents on every dollar of 4½ percents you deposit, and thus put the money in circulation." And they did it.

Nearly $59,000,000, as I understand, of the surplus money that ought to be in the Treasury to-day, the Secretary having refused to pay it out to Government creditors, is now out among the banks, held by them, they giving to the Government bonds as security for the deposit; and they are getting it without interest. They have got the surplus money in the Treasury in their own hands, and they collect the accruing interest on the Government bonds which they have deposited as security, when if the Administration had used the $59,000,000 and bought a corresponding amount of bonds with that sum, those bonds would have been canceled, and the interest on that sum would have been stopped.

And I charge here to-day that the President of the United States and his administration are solely responsible for whatever congested condition we had in the Treasury and whatever alarm prevails about the finances of the country. [Applause.] Every dollar of it would have paid a dollar of the Government debts if the Secretary had exercised wisely the discretion given him by law. His way might have been justifiable if there had been no other of putting the surplus money in circulation.

He may lecture that side of the House as much as he will. Doubtless they deserve it. [Laughter.] But he can not avoid or evade the responsibility that rests on him. What does a man do who has got a surplus balance in the banks and has outstanding debts bearing interest? He calls in the evidences of those debts and pays them off with his surplus deposit. That is what a business man would have done. That is what a business administration would have done, and we would have had fifty millions less of interest-bearing bonds in circulation to-day if the President had followed the way blazed for him by the Republican party.

Well, now, I wonder, Mr. Chairman, if there was any ulterior motive in piling up this surplus. I wonder if it was not for the purpose of creating a condition of things in the country which would get up a scare and stampede the country against the protective system. I wonder if this was not just what was in the mind of the President: "I will pile up this money in the Treasury, $65,000,000 of it, and then I will tell Congress that the country will be filled with widespread disaster and financial ruin if it does not reduce the tariff duties."

Well, if the President thought that he was going to get up a storm of indignation and recruit the free-trade army, break down the American system of protection, and put the free-traders on top, he has probably discovered his blunder by this time; and the best evidence of that is that he now wants the law which he has discredited; and so having failed he comes here through his Secretary of the Treasury—and I hope, Mr. Chairman, that the gentleman from Texas will read the letter of the Secretary upon this subject—he comes here through his Secretary and asks us to pass this bill which is a duplicate of existing law.

Why pass it? He has got the authority now, and whatever vote we may give we give with the distinct understanding and the positive declaration that an authority just as full and just as ample exists to-day which the President and Secretary have refused to use, and no higher power will be imparted by this law when put on the statute-books. But I am willing to do anything in an honorable way in aiding the Administration to get out of its dilemma and put in circulation the sixty millions of money which it has been hoarding and pay off that amount of Government debts. [Applause.]

Mr. MILLS. I yield thirty minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, in the commencement of my remarks I wish now to disclaim any intention of making an attack upon any executive officer who may now be or who may have been heretofore in power. But I intend to tell what I believe to be true, let it hurt whom it may. The truth ought to be told, and told without apology.

Sir, this country is now within the grasp of a gigantic, cold-blooded money trust, which limits the money output, prescribes the conditions on which it deigns to accept the currency at the hands of the Government, determines the channels through which it shall reach the people, and the terms upon which it shall be doled out.

This trust usurps the sovereignty of the nation, mocks at the suffering of its victims, and relies upon the painful "necessities" of the situation to keep them in subjection. [Applause.]

For a quarter of a century this trust has overawed Congress, and at this time is setting at defiance laws which it does not approve. It is a national organization, with ramifications everywhere. It holds annual sessions, has an executive council, which meets in secret, and is clothed with power to collect large sums of money and to disburse the same for purposes which are not made public. It is the architect of our present financial structure. They have built it to suit the cupidity of the usurer and so as to administer to the devouring appetite of money ghouls, rather than to serve the legitimate wants of business and trade. They have made it a snare, a delusion, and a rack of torture to those who are content to accumulate wealth by production, and it has proved a bed of quicksand to business energy and honest thrift.

I regard the situation to-day as not presenting a contest between the people and any Executive Department of this Government, but a contest between the people and a non-political moneyed oligarchy that controls all departments and seeks to control all political parties.

Where is the money which this resolution seeks to have paid out in the purchase of Government bonds? It is not in the Treasury. Fifty-nine millions of it are in national banks, and they are using it without interest. The Secretary of the Treasury has serious doubt about his authority under the law of March 3, 1881, to purchase bonds with the money. It is a little singular that some doubt did not arise in his mind as to his power to deposit this amount of money in the national banks.

Under what law did he deposit it? You will find the law on page 365 of Loans and the Currency:

> All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositories of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, and they may also be employed as financial agents of the Government.

Now, Mr. Chairman, when was that law passed? It was passed in June, 1864, during the struggle for the preservation of the Union, when the Government had to disburse large sums of money in various parts of the country in payment of the Army and in payment for supplies. That was the necessity under which that law was passed, and, the necessity having ceased, the rule ought to have ceased also.

There was no design in the passage of that law to make the national banks depositories of Government funds for their convenience and benefit. It was the convenience of the Government that was uppermost in the minds of Congress, and when the necessity ceased the deposit of money in the national banks should have ceased also. But, sir, it is true that there are fifty or more national banks in this country that have been literally stuffed with Government money for the past quarter of a century; money wrung from the people by unjust and oppressive taxation has been stuffed into the banks and by them loaned back to the poor wretches from whom it was extorted. Who on this floor will deny that? Fifty-nine millions! Where is it? Scattered promiscuously over the country, without regard to the convenience of the Government, utterly in defiance of sound policy, and solely with reference to the convenience and at the behest of the banks.

Let me give you a specimen or two. I find on the list I hold in my hand the Hamilton National Bank, of Fort Wayne, Ind., which has nearly $100,000 of the public money. Whose bank is that? That is the bank in which an ex-Secretary of the Treasury (Mr. McCulloch) is largely interested. His salary as Secretary of the Treasury ceased long ago, but his profits from the use of this $100,000 of Government money continues and amounts to nearly or quite as much per annum as his salary used to be. He is using the people's money that has been wrung

from them at the expense of their homes, at the expense of thousands of hungry children all over this country who are half clad, half fed, and less than half educated. [Applause.]

Who else have their clutches on this Government money? The Chase National Bank of New York has $1,100,000 of it. Who presides over the Chase National Bank? Mr. Cannon, late Comptroller of the Currency. He still has his hand in the Treasury, and is using without interest $1,100,000 of Government funds, the profit upon which far exceeds the salary which he received when he was Comptroller of the Currency.

Then comes the First National Bank of New York. That is the bank that was caught with $43,000,000 of the public money in it when Mr. Sherman was Secretary of the Treasury, and when its own capital stock amounted to less than a quarter of a million dollars. What kind of official honesty was this, and what an example to the country! That bank to-day has $1,100,000 of Government money which it has the use of without interest. While the farmers of my district and my State are ground down by their mortgages and crushed into the earth by their debts, this gentleman and his bank are the favored ones and have the free use of $1,100,000 of the people's money.

Then we have the National Bank of the Republic in New York with $930,000 of the Government money. Who presides over that bank? John Jay Knox, an ex-Comptroller of the Currency. He, too, has his arm into the Treasury up to the elbow, and the profit which he derives from the use of this $930,000 of the Government funds far exceeds the salary which he received when he was Comptroller.

Next we come to the National Bank of the Republic, in the city of Washington, a bank in the same city with the national Treasury, and alongside of it. What necessity is there for a Government depository here in Washington? Everybody knows that it is a mere gratuity to the bank, and I denounce it as a shameless exhibition of bad official morals. This National Bank of the Republic is presided over, I am told, by ex-Postmaster-General Creswell. It has $165,000 of public funds.

Mr. BAYNE. Did the gentleman mention the National Bank of the Republic?

Mr. WEAVER. Yes, sir; a bank here in Washington.

Mr. BAYNE. That is not located alongside the Treasury Department.

Mr. WEAVER. How far from it?

Mr. BAYNE. Down on Seventh street. [Laughter.] One word more——

Mr. WEAVER. No, sir; I do not wish to be further interrupted. My time is limited.

Mr. BAYNE. Mr. Creswell is not president of that bank.

Mr. WEAVER. Well, Mr. Creswell's bank is using Government money, as I understand. If I have the wrong bank by the ear I have not the wrong ex-Postmaster-General by the ear. [Laughter.] I may have placed the right man in the wrong place.

Now, I come to the Western National Bank, of New York. That bank, it will be remembered, was organized during the second session of the Forty-ninth Congress by three prominent Treasury officials, concerning one of whom (peace to his ashes) I will say not a word; but two other Treasury officials, the Treasurer of the United States, Mr. Jordan, and the subtreasurer of the United States, at New York, Mr. Canda, were prominent in organizing that bank and are prominent stockholders in it to-day. How much Government money has this bank? One million one hundred thousand dollars. It deposited bonds to the amount of $1,000,000 and received $1,100,000 of Government funds, which are being used by this bank, as all these other ex-officials are using Government funds, for their own profit and advantage. F. O. Matheissen, one of the prominent characters in the infamous sugar trust, was conspicuous in organizing this bank and is a prominent stockholder in it. I examined the record with regard to this bank and I want to give what it says. The book which designates the amount that these banks shall receive shows this order concerning the Western National, Mr. Jordan's bank:

Fill the bank from banks outside of New York.

Is not that good? [Laughter.]

I have a letter from the Secretary of the Treasury concerning this bank which I desire to read for the edification and instruction of this House. It is dated Washington, D. C., October 8, 1887, and is directed to the Treasurer of the United States:

SIR: The Western National Bank of New York City has been designated a United States depository, and the security fixed for the present at $1,000,000 of United States 4 per cent. bonds. In order to avoid the usual delay in obtaining a balance by accumulating revenue deposits, I will thank you, when the bonds are received, to cause to be transferred to said bank from national-bank depositories other than those in New York City such amounts as may be deposited therein to the credit of your general account, in excess of their authorized balances, until the sum of $1,100,000 is reached, which amount the Western National Bank will be authorized to hold as a fixed balance.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Now, this was an order to the Treasurer of the United States, whereupon he issued his order to the banks outside of New York to transmit their balances directly to the Western National Bank—not to the Secretary of the Treasury, but directly to that bank, and to telegraph the amount of their remittances to the Secretary of the Treasury.

And then at this session of Congress the Secretary of the Treasury has sent in an item showing a deficiency in the telegraphic expenditures, and he states in his letter that the deficiency is solely owing to the large amounts of deposits placed in the national banks. That is to say, the cost of this telegraphing, both to and from the banks that are using this Government money for nothing, is paid out of the Treasury of the United States; and in order to meet this expense an item has been allowed in the urgent deficiency bill which passed this House. What excuse is there for this?

Mr. BAYNE. What is the date of the letter just read by the gentleman?

Mr. WEAVER. October 8, 1887.

Then we have also the Third National Bank of Buffalo, N. Y. Whose bank is that? It is a bank controlled by gentlemen prominent in the Standard Oil trust. Yes, the Standard Oil Company has its hand in the Treasury also, through this and other banks. Think of the burning shame and disgrace of such a transaction. No wonder the people are losing confidence in the Government.

Mr. WEBER. May I ask the gentleman——

Mr. WEAVER. I can not yield to the gentleman.

A MEMBER (on the Republican side). We will extend your time.

Mr. WEAVER. No, you will not, I fear.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. WEAVER. This Standard Oil bank, the Third National Bank of Buffalo, has $165,000 of Government money; and the Seaboard National Bank of New York, in which Daniel O'Day, the general manager of the Standard Oil Pipe Line, and J. J. Vandergrift, the president of the Standard Oil Pipe Line, are prominent stockholders, has $515,000 of Government money.

The president and treasurer of the American Bankers' Association are presiding over national banks which have been designated as depositories, and twelve out of the twenty-one members of the executive council of that "trust" are also connected with banks that are depositories and are using Government money.

Mr. Chairman, it is true that one and all of these "trusts" that are to-day choking the very life out of the people of this country are, through their national banks, using to a greater or less extent the Government money, and are using it to oppress the people. I say this is a public outrage and villainous shame. Here Congress has been sitting for nearly three months and not a half dozen voices have been raised against it, not a move has been made to remedy the evil or to rebuke the crime. On the contrary, efforts have been made to extend the privileges of the banks. I denounce it, and I trust I shall be pardoned by my Democratic brethren for my Jeffersonian and Jacksonian eccentricities on this subject. I think we have reached a time when the Democratic party can afford to be Democratic.

Now, Mr. Chairman, I have already indicated that this money is not in the Treasury, but in the banks. The banks are simply the lenses through which, like a radiation, this money reached the people. It is now in circulation and the business of the country has adjusted itself to it.

Now, I repeat the question, Why was this money placed in the banks in the first place? I know the answer, and the only answer which can be given. It was done to avoid a panic which was then impending. Let us grant that to be true. I assert here and now that if you recall that money as this bill is intended to do, you will inevitably precipitate a panic, and nothing can prevent it. You can not take it from circulation again through the banks without serious embarrassment.

This bill will not have the effect which is desired, nor will the Secretary of the Treasury undertake to carry it out. He dare not. He may undertake to buy a few bonds with the surplus actually in the Treasury and not in the banks, or which may hereafter accumulate. He will not take the responsibility of calling the money into the Treasury in the present stringency in the money market. The banks, sir, are the masters of the situation, and not the Secretary; but, you will answer, we can demand the money of the banks or compel them to sell their bonds held for deposits. You can do nothing of the kind. They will say to you, "Our bonds are valuable and we do not want to sell. If you want your money we will call in our loans and pay, but you, Mr. Secretary, must take the responsibility of a panic, which is likely to follow." That is what they will say. Another fact, Mr. Chairman: The Secretary has increased the premium on these bonds by this enormous system of deposits, and this bill proposes to authorize him to buy the bonds at the premium to which his wretched policy has boomed them. This is something worse than folly. By this policy he boomed the price of the bonds in the hands of the bondholders, and now you propose to buy these bonds back at the increased price.

Well, indeed, may the Secretary of the Treasury hesitate. He was authorized, if he saw proper, to buy under the law of March 3, 1881, but he was never authorized by any law to first boom the bonds and then buy them back at the increased premium.

If this proposition passes and the Secretary undertakes to call in this money, I say to the business men of the country they had better prepare to stand from under. You all know that as well as I do. What shall be done, then? Ah, I will tell you the remedy. What power have we over these bondholders? I wish I had every tax-payer of the coun-

try within sound of my voice. What have we the power to do? More than $2,400,000,000 of interest have been paid by the people to bondholders since the close of the war, and more than $1,600,000,000 of principal, making $4,000,000,000, a sum as great as the present national debt of England!

What is the present proposition? It is that we shall compel the people of the United States to pay over 25 per cent. premium on the bonds held by these bondholders. Why, that is not a statutory obligation. Have we ever contracted to pay it? We have the money in the Treasury and we have the moral right to insist on payment at par under the sovereign power possessed by the Government.

England at one time insisted upon this right and exercised the power. You will find the whole matter ably set forth in Senator SHERMAN'S speech on the credit-strengthening act and the funding bill previous to the issue of these very bonds.

Mr. Chairman, at the proper time I give notice I will move as a substitute what I ask the Clerk to read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to apply the surplus money now in the Treasury, and such surplus money as may hereafter be in the Treasury and not otherwise appropriated, to the redemption of United States bonds at par until all of said bonds, together with the accrued interest thereon, are called and paid; and from and after the date fixed in the call of the Secretary of the Treasury for the presentation and payment of said bonds, all interest thereon shall cease. And in making calls for bonds for redemption as aforesaid, the Secretary shall first call the bonds held to secure Government deposits.

Mr. MILLS. I do not yield to have that pending. I only yielded the gentleman thirty minutes for debate.

Mr. WEAVER. I desire to offer it at the proper time. I had it read as a part of my remarks.

Now, sir, I have the entire list in my hand of the national depositories which have been created under this policy of the Treasury Department, and they number 298, which number has probably been increased by the addition of eight or ten since the list was prepared. I append the list, and ask that it be printed in the RECORD.

Mr. SPRINGER. When was this policy inaugurated?

Mr. WEAVER. In October last.

Mr. RANDALL. Earlier than that.

Mr. WEAVER. It was inaugurated in October, as I understand it—that is, the present extended policy; but the law was passed in 1864, and to a limited extent banks have been designated by all the Secretaries. The policy, however, of depositing the par value of 4½ per cent. bonds and 110 on 4 per cent. bonds was inaugurated by the present Secretary of the Treasury during last summer or fall. The policy theretofore obtaining only gave the banks from 80 to 90 per cent.

Mr. MCMILLIN. Will the gentleman from Iowa not state that that was because the bonds were under par when the system was inaugurated?

Mr. WEAVER. I know; but so were the deposits under par—very far below the value of the bonds in the market. Our bonds have not been below par for many years, and the policy of increasing the deposits was ordered by the present Secretary, as I am advised.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BAYNE. I ask unanimous consent that the gentleman's time be extended.

Mr. MILLS. I must object to that. We have not the time. We want to get a vote on this, if possible. The gentleman from Maine will now take the floor, according to the arrangement.

Mr. WEAVER. I am very much obliged to the gentleman from Texas for his courtesy already extended. I know he desires to secure speedy action, and I shall not insist; and I therefore ask leave merely to print the list of national-bank depositories in the RECORD.

There was no objection.

LIST OF NATIONAL BANKS DESIGNATED AS DEPOSITORIES OF THE UNITED STATES.

National Bank, Huntsville, Ala.
City National Bank, Selma, Ala.
German National Bank, Little Rock, Ark.
Los Angeles National Bank, Los Angeles, Cal.
First National Bank, Los Angeles, Cal.
First National Bank of Denver, Colo.
Colorado National Bank, Denver, Colo.
Denver National Bank, Denver, Colo.
German National Bank, Denver, Colo.
Glenwood National Bank, Glenwood Springs, Colo.
First National Bank of Bridgeport, Conn.
Pahquioque National Bank, Danbury, Conn.
First National Bank, Hartford, Conn.
Charter Oak National Bank of Hartford, Conn.
Home National Bank, Meriden, Conn.
Naugatuck National Bank, Naugatuck, Conn.
Second National Bank, New Haven, Conn.
Yale National Bank, New Haven, Conn.
National Bank of Commerce, New London, Conn.
First National Bank, South Norwalk, Conn.
National Bank, Norwalk, Conn.
Thames National Bank, of Norwich, Conn.
Fourth National Bank, Waterbury, Conn.
First National Bank, Deadwood, Dak.
First National Bank of Huron, Dak.
Huron National Bank, Huron, Dak.
First National Bank of Wilmington, Del.
National Bank of the Republic, Washington, D. C.
National Bank State Florida, Jacksonville, Fla.
Gate City National Bank, Atlanta, Ga.
Merchants' National Bank of Savannah, Ga.
Boisé City National Bank, Idaho.
Alton National Bank, Alton, Ill.
City National Bank, Cairo, Ill.
Old National Bank, Centralia, Ill.
North Western National Bank, Chicago, Ill.
Union National Bank, Chicago, Ill.
First National Bank, Lincoln, Ill.
Commercial National Bank, Peoria, Ill.
Merchants' National Bank, Peoria, Ill.
Peoria National Bank, Peoria, Ill.
First National Bank, Quincy, Ill.
Ricker National Bank, Quincy, Ill.
First National Bank, Rock Island, Ill.
First National Bank, Springfield, Ill.
Illinois National Bank, Springfield, Ill.
Ridgeley National Bank, Springfield, Ill.
State National Bank, Springfield, Ill.
Old National Bank, Evansville, Ind.
Hamilton National Bank, Fort Wayne, Ind.
Indiana National Bank of Indianapolis, Ind.
Indianapolis National Bank, Indianapolis, Ind.
Merchants' National Bank, Indianapolis, Ind.
First National Bank, La Fayette, Ind.
Indiana National Bank, La Fayette, Ind.
Fowler National Bank, La Fayette, Ind.
Citizens' National Bank of Davenport, Iowa.
Sioux National Bank, Sioux City, Iowa.
First National Bank of Larned, Kans.
National Bank of Lawrence, Kans.
First National Bank of Leavenworth, Kans.
Leavenworth National Bank, Kansas.
First National Bank, Carrollton, Ky.
Carrollton National Bank, Carrollton, Ky.
First National Bank of Covington, Ky.
Covington City National Bank, Covington, Ky.
Farmers and Traders' National Bank, Covington, Ky.
German National Bank, Covington, Ky.
Fayette National Bank of Lexington, Ky.
Lexington City National Bank of Lexington, Ky.
First National Bank of Louisville, Ky.
Second National Bank of Louisville, Ky.
Citizens' National Bank of Louisville, Ky.
German National Bank of Louisville, Ky.
Kentucky National Bank of Louisville, Ky.
First National Bank of Owensborough, Ky.
Madison National Bank of Richmond, Ky.
Hibernia National Bank, New Orleans, La.
New Orleans National Bank, New Orleans, La.
Whitney National Bank, New Orleans, La.
First National Bank, Shreveport, La.
Granite National Bank of Augusta, Me.
First National Bank of Bangor, Me.
Merchants' National Bank of Portland, Me.
First National Bank of Baltimore, Md.
Merchants' National Bank of Baltimore, Md.
First National Bank, Cumberland, Md.
Second National Bank of Cumberland, Md.
First National Bank of Hagerstown, Md.
Eliot National Bank, Boston, Mass.
North National Bank, Boston, Mass.
Shoe and Leather National Bank, Boston, Mass.
Fourth National Bank, Boston, Mass.
National Bank of the Republic, Boston, Mass.
Third National Bank, Boston, Mass.
Boston National Bank of Boston, Mass.
Continental National Bank, Boston, Mass.
Everett National Bank, Boston, Mass.
Manufacturers' National Bank, Boston, Mass.
Maverick National Bank, Boston, Mass.
Merchants' National Bank, Boston, Mass.
Metropolitan National Bank, Boston, Mass.
Shawmut National Bank, Boston, Mass.
State National Bank, Boston, Mass.
National Bank Commonwealth, Boston, Mass.
National Revere Bank, Boston, Mass.
National Bank of North America, Boston, Mass.
Massasoit National Bank, Fall River, Mass.
Rollstone National Bank, Fitchburgh, Mass.
Franklin County National Bank, Greenfield, Mass.
Merimac National Bank, Haverhill, Mass.
Home National Bank, Holyoke, Mass.
First National Bank, Lynn, Mass.
Central National Bank, Lynn, Mass.
People's National Bank, Marlborough, Mass.
First National Bank, Marlborough, Mass.
Mechanics' National Bank, New Bedford, Mass.
National Bank Commerce, New Bedford, Mass.
First National Bank, Salem, Mass.
City National Bank, Springfield, Mass.
Third National Bank, Springfield, Mass.
First National Bank, Worcester, Mass.
Citizens' National Bank, Worcester, Mass.
Southern Michigan National Bank, Coldwater, Mich.
First National Bank, Detroit, Mich.
Commercial National Bank, Detroit, Mich.
National City Bank, Grand Rapids, Mich.
Union National Bank, Duluth, Minn.
First National Bank, Minneapolis, Minn.
First National Bank of St. Paul, Minn.
Second National Bank, St. Paul, Minn.
First National Bank, Kansas City, Mo.
Citizens' National Bank, Kansas City, Mo.
National Bank of Commerce, Kansas City, Mo.
National Bank of Kansas City, Mo.
National Bank of St. Joseph, Mo.
Saxton National Bank, St. Joseph, Mo.
St. Louis National Bank, St. Louis, Mo.
Third National Bank of St. Louis, Mo.
First National Bank of Helena, Mont.
Montana National Bank, Helena, Mont.
First National Bank of Omaha, Nebr.
Merchants' National Bank, Omaha, Nebr.
Nebraska National Bank, Omaha, Nebr.

Omaha National Bank, Omaha, Nebr.
United States National Bank, Omaha, Nebr.
First National Bank, Concord, N. H.
First National Bank, Manchester, N. H.
First National Bank, Portsmouth, N. H.
First National Bank, Hoboken, N. J.
First National Bank of Jersey City, N. J.
Third National Bank of Jersey City, N. J.
Second National Bank, Newark, N. J.
Manufacturers' National Bank, Newark, N. J.
Merchants' National Bank, Newark, N. J.
First National Bank, Red Bank, N. J.
First National Bank, Trenton, N. J.
Mechanics' National Bank, Trenton, N. J.
First National Bank, Albuquerque, N. Mex.
First National Bank, Albany, N. Y.
Merchants' National Bank, Albany, N. Y.
National Commercial Bank, Albany, N. Y.
National Exchange Bank, Auburn, N. Y.
First National Bank, Bainbridge, N. Y.
First National Bank of Binghamton, N. Y.
Merchants' National Bank of Binghamton, N. Y.
Nassau National Bank, Brooklyn, N. Y.
Third National Bank, Buffalo, N. Y.
Farmers' and Mechanics' National Bank of Buffalo, N. Y.
Second National Bank of Elmira, N. Y.
National Bank of Haverstraw, Haverstraw, N. Y.
First National Bank, Rondout, Kingston, N. Y.
Kingston National Bank, Kingston, N. Y.
National Ulster County Bank, Kingston, N. Y.
National Bank Rondout, Kingston, N. Y.
American Exchange National Bank, New York, N. Y.
Bank of New York National Bank Association, New York, N. Y.
Chase National Bank, New York, N. Y.
Central National Bank, New York, N. Y.
Chatham National Bank, New York, N. Y.
East River National Bank, New York, N. Y.
First National Bank of New York, N. Y.
Fourth National Bank, New York, N Y.
Fifth National Bank, New York, N. Y.
Garfield National Bank, New York, N. Y.
Hanover National Bank, New York, N. Y.
Lincoln National Bank, New York, N. Y
Leather Manufacturers' National Bank, New York, N. Y.
Merchants' National Bank, New York, N. Y.
National Bank of Commerce in New York, N. Y.
National Bank Republic, New York, N. Y.
National Bank of Deposit, New York, N. Y.
National Park Bank, New York, N. Y.
Second National Bank of New York, N. Y.
Seaboard National Bank, New York, N. Y.
United States National Bank, New York, N. Y.
Western National Bank of New York, N. Y.
National Bank of Norwich, Norwich, N. Y.
Chenango National Bank, Norwich, N. Y.
National Bank of Oneonta, Oneonta, N. Y.
Wilber National Bank, Oneonta, N. Y.
First National Bank of Oswego, N. Y.
Flour City National Bank of Rochester, N. Y.
National Bank of Stamford, Stamford, N. Y.
Third National Bank of Syracuse, N. Y.
Manufacturers' National Bank of Troy, N. Y.
Second National Bank of Utica, N. Y.
Commercial National Bank of Charlotte, N. C.
National Bank of Raleigh, N. C.
First National Bank, Chillicothe, Ohio.
Ross County National Bank, Chillicothe, Ohio.
First National Bank, Cincinnati, Ohio.
Third National Bank, Cincinnati, Ohio.
Fourth National Bank, Cincinnati, Ohio.
German National Bank, Cincinnati, Ohio.
Citizens' National Bank, Cincinnati, Ohio.
Merchants' National Bank, Cincinnati, Ohio.
National La Fayette Bank, Cincinnati, Ohio.
Metropolitan National Bank of Cincinnati, Ohio.
Ohio Valley National Bank, Cincinnati, Ohio.
National City Bank, Cleveland, Ohio.
National Bank of Commerce, Cleveland, Ohio.
Clinton National Bank, Columbus, Ohio.
National Exchange Bank of Columbus, Ohio.
Third National Bank of Dayton, Ohio.
First National Bank, Hamilton, Ohio.
Merchants' National Bank of Middletown, Ohio.
First National Bank, Springfield, Ohio.
National Exchange Bank, Steubenville, Ohio.
First National Bank of Toledo, Ohio.
Northern National Bank, Toledo, Ohio.
Ainsworth National Bank of Portland, Oregon.
First National Bank of Portland, Oregon.
First National Bank of Allegheny, Pa.
First National Bank of Altoona, Pa.
First National Bank, Bedford, Pa.
Bradford National Bank, Bradford, Pa.
First National Bank of Erie, Pa.
Keystone National Bank of Erie, Pa.
Farmers' National Bank of Lancaster, Pa.
First National Bank, New Castle, Pa.
First National Bank of Philadelphia, Pa.
Centennial National Bank of Philadelphia, Pa.
Corn Exchange National Bank of Philadelphia, Pa.
Chestnut Street National Bank of Philadelphia, Pa.
Fourth Street National Bank of Philadelphia, Pa.
Second National Bank, Pittsburgh, Pa.
Third National Bank, Pittsburgh, Pa.
Tradesmen's National Bank, Pittsburgh, Pa.
First National Bank, Reading, Pa.
Second National Bank, Titusville, Pa.
Second National Bank, Wilkes Barre, Pa.
Farmers' National Bank, York, Pa.
First National Bank of Newport, R. I.
First National Bank of Providence, R. I.
First National Bank of Charleston, S. C.
People's National Bank of Charleston, S. C.
National Bank of Greenville, Greenville, S. C.
Bank of Charleston National Banking Association, Charleston, S. C.
Third National Bank of Chattanooga, Tenn.
American National Bank, Dallas, Tenn.
East Tennessee National Bank of Knoxville, Tenn.
State National Bank of Memphis, Tenn.
First National Bank of Nashville, Tenn.
Fourth National Bank of Nashville, Tenn.
State National Bank of El Paso, Tex.
San Antonio National Bank, San Antonio, Tex.
First National Bank, Texarkana, Tex.
Utah National Bank, Ogden, Utah.
Union National Bank of Salt Lake City, Utah.
Merchants' National Bank of Burlington, Vt.
Montpelier National Bank, Vermont.
First National Bank, St. Johnsbury, Vt.
Planters' National Bank, Danville, Va.
Lynchburg National Bank, Lynchburg, Va.
People's National Bank of Lynchburg, Va.
Norfolk National Bank, Norfolk, Va.
First National Bank of Richmond, Va.
Merchants' National Bank of Richmond, Va.
Planters' National Bank of Richmond, Va.
National Bank of Virginia, Richmond, Va.
National Valley Bank, Staunton, Va.
People's National Bank, Martinsburgh, W. Va.
Ashland National Bank, Wisconsin.
First National Bank of Madison, Wis.
First National Bank, Milwaukee, Wis.
National Exchange Bank of Milwaukee, Wis.
National Bank of Oshkosh, Wis.

Mr. REED. Mr. Chairman, if any gentleman desires to defend the Administration from the recent attack upon it, I will give him a little time now. [Laughter.]

Mr. WEAVER. I did not hear the remark of the gentleman.

Mr. REED. It was not addressed to the gentleman from Iowa; but what I stated was that if any gentleman desired to respond to the attack upon the Administration, I would give him the time. Perhaps the gentleman would like to reply himself. [Renewed laughter.]

Mr. WEAVER. I am sorry that the gentleman's witticism has been lost to my ears, for I did not hear a word of it. If the gentleman will repeat——

Mr. REED. I can not repeat more than once. [Laughter.] It is an invariable rule of mine not to do it but once. If no gentleman desires to accept the offer, then I will proceed.

Mr. Chairman, I have always felt that the management by the Treasury of the United States of the finances of the country was a matter too serious for partisan action. I have therefore been found upon this floor, since the advent of the new Administration, once or twice at least as its defender; and I have been so found because I thought the administration of the Treasury Department was proceeding upon those sound principles which characterized the administration of the eminent Republicans who preceded the present Secretary and his predecessor. I do feel, however, now that the action of the Treasury Department is subject to criticism, and I purpose to put it in a reasonable way, if I am capable of doing it.

The Treasury Department of the United States long ago ceased to be a mere instrument for the receipt and paying out of money. It has become a part and parcel of the financial system of the country. It has been necessary, therefore, to vest in that Department certain discretionary power, and the use of this discretionary power is a subject of legitimate criticism, if conducted in a reasonable way.

Among other things to be avoided in the happy condition of this land is the accumulation of money in the Treasury, because that accumulation causes a scarcity in the circulation of the country, which circulation is so absolutely necessary to its financial health and growth.

It has happened during the last year that the Secretary of the Treasury was called upon to exercise his power. He failed to exercise it. My friend, the gentleman from Ohio [Mr. MCKINLEY], has in the most conclusive way shown—and I do not believe that the chairman of the Committee on Ways and Means or the Secretary himself will dispute the proposition—that Congress adjourned leaving the Secretary with ample power to meet every exigency caused by the surplus.

Now, why has it not been met? No man dares to stand up here and defend the quibble that the power was lacking to them because it was given on an appropriation bill. It is a strange attitude for the Democratic party to assume. Why, sir, I can recollect when it was absolutely necessary to suit them that every law should be on an appropriation bill; and they actually caused an extra session of Congress because they tried to crowd all their bills and all their enactments upon appropriation bills.

What was the duty of the Secretary of the Treasury? It was to get out of the Treasury the surplus. He had one simple way of doing it. That was to purchase the bonds of the United States Government. He failed to do so. Instead of that he has adopted an expedient the propriety of which I would admit if he had no other powers—the expedient of loaning the money of the Government to the national banks. If he had no other power, I should believe that the public exigency required that action. But how can the Democratic party, with their own speeches ringing in their ears, sustain such a course?

If it be said that the Secretary of the Treasury might naturally fear that the price of bonds would be enhanced, and that he would exhibit himself if he strove to drive down the price in the attitude of higgling against the value of his own securities, the answer is very plain. It

arises from the neglect of their duty by two Democratic Congresses who stood face to face with this emergency; and it has not been in the absence of wise counsel on the part of the best men on their side. Mr. Orlando Potter, when a member of Congress from New York City, proposed a plan whereby to-day every dollar of the national debt could be demandable and payable by the Government of the United States. And my friend from New York [Mr. WHITE] has had before this Congress, almost from its inception, a proposition to refund every dollar of the United States debt and render every dollar of it summonable upon the instant by the Secretary of the Treasury; so that without disarrangement of the finances of the country, without pressure upon its business interests, without anything which could produce a panic, every dollar of surplus might be taken up as fast as the people of this country poured it into the Treasury.

Why has not this been done? I will tell you why. Because men have pursued the empty vision of a free-trade policy to be accomplished, not by virtue of its merits, but by virtue of outside pressure, by fear or panic, and by means to mislead the reason, to control the feelings, and not affect the judgment.

I believe that the present financial condition of the country is a part of the conspiracy against protection. I believe that this surplus in the Treasury has been accumulated with reference to its effect upon the people of the United States so that they might without investigating, without quite understanding, clamor for something to be done, they cared not what, which would lead to the impracticable legislation to which chairman after chairman of the Committee on Ways and Means has endeavored in vain to lead the House.

Why, sir, when we came here what spectacle met us? The President with a message, a message which neglected every interest of this vast empire, which placed to the one side every question except that of a tariff bill. That was pressing upon us—that and the surplus—and we must act, act instantly, and what have we done? Three months have rolled by and the Committee on Ways and Means have never spent one day upon the tariff. That subject has never been mentioned in the committee-room of the Committee on Ways and Means in full committee assembled. [Applause.]

A special message declaring that there was only one thing on earth which demanded the attention of the Congress of the United States, and that subject utterly unmentioned for three long months in the committee to which that unique message was consigned; and they call that business! [Laughter.]

I do not wonder that the subject of manufactures approached from the long distance of Texas and Arkansas may require some time to be overtaken; but surely this heavy pressure of a surplus, which ought to be at least a pressure of a thousand pounds to the square inch, ought to have given force enough to have caused one little whisper to be heard in the Committee on Ways and Means, to which was consigned the message of the President of the United States and where it now rests in eloquent silence.

I have heard from various sources that there was being matured something which would finally get out of its seclusion and be presented to the members of the committee who have the matter in charge. But thus far there is a singular fulfillment of the Scripture idea that these things have been hid from the wise and prudent [laughter] and have been revealed to gentlemen forming the majority of the committee, and, by the way that they hesitate and move around, it looks as if they were not the babes of the Scripture, but the babes of the old story, waiting for something to come and bury them under last year's leaves. [Laughter.]

What was the proper course—for I think that we ought not to criticise others without furnishing a better—what was the proper course to be pursued? If the minority of this House were to endeavor to accomplish the impossibility of becoming the majority; if the gentlemen who head the Ways and Means Committee were to try to spread themselves over the House, although they know they have not a majority of followers, what ought they to have done with reference to the business interests of the country?

What danger threatens us to-day? What trouble overshadows us? Is it that anybody is troubled about his taxation? Why, everybody seems to be earnest and agreed to keep on all the taxes we have got! [Laughter.] What does trouble us? The possibility of an accumulation of large sums of money in the Treasury. That is the exigency to be met. What ought to have been the first duty of the Committee on Ways and Means? Some provision—I care nothing about its details—some provision ought to have been made whereby the bonded debt of the United States might be redeemable by the Treasury Department. There were bills presented by Democrats as well as bills presented by Republicans, and it was the plain and simple duty to have such a measure expedited so that the Treasury Department would not be pressed upon by the exigencies of the surplus, and that the people, undisturbed by exterior influences, might have an opportunity calmly and carefully to consider the question of the reduction of taxation. With that programme, we could have proceeded reasonably and suitably. But this method of piling up money in the Treasury to affect the general business of the country, for the purpose of attacking the system of protection, deserves and will receive the reprobation of thinking men. [Applause on the Republican side.] I reserve the balance of my time.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, the condition which confronted the President and the Secretary of the Treasury on the 1st of October last was a condition for which the present Administration was in no way responsible. Whatever may be the criticism offered by my friend from Iowa [Mr. WEAVER] or my colleague on the committee, from Maine [Mr. REED], upon what this Administration has done or omitted to do since the 1st of October does not apply to the problem which the Administration had before it on that day for solution.

Congress must take its due share of responsibility. You will bear in mind that there were outstanding when the Forty-ninth Congress met a certain number of 3 per cent. bonds subject to call at the option of the Government, that there was a system of tariff and internal-revenue taxation which would produce a sum that, by ready calculation, could pay that debt before the Fiftieth Congress could possibly assemble. It was therefore a perfectly plain proposition that if the Forty-ninth Congress adjourned without any change in the laws imposing taxation the bonds outstanding at the option of the Government would all be called in before the Fiftieth Congress could meet. That Congress alone had the power of providing some mode by which the revenue could be reduced, so that the bonds payable at the option of the Government might absorb the accumulating surplus. Who alone could furnish a ready and wise solution of the problem that was by necessity to confront the executive branch of the Government? Who alone is responsible for the necessity of executive action, for the failure to enact such legislation as would prevent unnecessary revenue? The precise amount of 3 percents was known; the necessary expenditures were accurately fixed by appropriation bills; the probable revenues were approximately estimated; and therefore that Congress knew that before December last the Administration would have to meet that condition when the 3 percents would all be called, the expenditures provided for, and a surplus accumulating daily; and thus knowing, it adjourned without action.

Surely no one will for a moment propose to keep up revenues larger than the public necessities require, unless the mode in which those revenues are raised indirectly fills his pockets with somebody else's money. Therefore the ready excuse of the Forty-ninth Congress for failing to pass any measure which would reduce the public revenues was that so to do would touch the private revenues of the constituents at whose will the gentlemen who refused to reduce the revenue held their commissions in this Hall. [Applause on the Democratic side.]

Let us not, therefore, avoid our share of the responsibility. That Congress deliberately decided that the question of taxation was one not worthy of its consideration. Not that any particular mode of dealing with the subject was not worthy of consideration, but that a motion to go into Committee of the Whole upon a bill capable of amendment was not such a motion as ought to be carried, and the gentleman from Maine [Mr. REED] and the gentleman from Ohio [Mr. MCKINLEY], who have spoken this morning in censure of the Administration, were responsible to the extent not only of their own votes but also to the extent of the properly commanding influence which their great talents and large experience have given them here for producing the necessity which the President had to meet in October. [Applause on the Democratic side.]

Whether the Democratic party itself is also responsible because it had a majority in the Forty-eighth and Forty-ninth Congresses is a question which the conscience of each Democrat and the tribunal to which he is responsible can answer. [Applause on the Republican side.]

In 1864 the national banks were made depositories of the national finances under regulations to be prescribed by the Secretary of the Treasury. It was, therefore, no new proposition and no new policy that was adopted when the present Secretary of the Treasury made those banks depositories of the public funds.

Under the act of 1870, the refunding act, the bonds known as four-and-a-halfs and fours were issued, so payable as to tie the hands of the administration and prevent the use of the public revenues for the payment of those bonds at their face value. It was a Republican House that passed that act and it was a Republican Secretary of the Treasury that issued those bonds. Whether wise or unwise at that time, experience has demonstrated that to-day the American people are paying an excessive rate of interest on the four-and-a-halfs and the fours, and are made incapable of relieving themselves from that burden by the legislation of a Republican Congress and the issue of those bonds by a Republican Secretary of the Treasury. [Applause on the Democratic side.]

The difference between 2½ or 3 per cent., the rate at which we could borrow money, and the 4 and 4½ per cent. that we are paying on those bonds—a sum easily calculable—is the precise sum that the American people are annually paying for the glorious privilege of having had Mr. John Sherman as Secretary of the Treasury during the interregnum of Mr. Hayes. [Applause on the Democratic side.]

Therefore, when this revenue accumulated under taxation laws that Congress would not amend, when this superabundant income was coming in under taxation laws which we refused even to consider, there was no outlet for that revenue save by the purchase of bonds at a large

premium, which bonds had been made by a Republican House incapable of purchase at the option of the Government, and which were bearing an interest largely above the rate at which we were able to borrow money. And on the statute-book was a law giving the Secretary of the Treasury power to deposit this money in the national banks.

I repeat, the President was not responsible for that condition of affairs. Those of us who had served in former Congresses were responsible therefor. Whatever is the measure of responsibility to be divided between the parties or individual members of parties it is for us to take, and not with attempted logic and meaner spirit of cowardice throw it off on anybody else. [Applause.] Let us assume it in the relative proportions in which it is just and brave for us to assume it.

When this sum of money which remained in the Treasury after the 3 percents had all been called in had accumulated and was accumulating there was, necessarily and justly, a widespread alarm for the business interests of the country.

The gentleman from Maine [Mr. REED] has truthfully said that the Secretary of the Treasury is no longer a mere receiving and disbursing officer. Under the necessities of fiscal legislation, growing out of the war, the Treasury Department is the great fiscal agency of the country. It can be so managed as to destroy, it should be so managed, if possible, as not to harm the financial interests of the country. The Secretary of the Treasury found that the circulation needed for the daily business of the country was being withdrawn therefrom and locked up in the Treasury, so that there was danger of a panic, and there was widespread alarm.

He had the power to let it remain idle in the Treasury and the various subtreasuries, and thus, acting solely as the custodian of the public moneys, keep it safe and let the business of the country adjust itself as best it could to the daily subtraction of the necessary circulation. Had the President been actuated by the motives ascribed to him to-day, this was the easy course to demonstrate the folly of our present tax laws, and of the want of wisdom in Congress in refusing to consider any amendment to them. But this inaction might, nay, would, have caused great financial disturbance, and so positive action was necessary.

In that emergency two remedies were proposed. One was to purchase, under the power granted in the act of March 3, 1881, the bonds at the large premium which these bonds bore. The other was the deposit, under the law of 1864, of the accumulating money in the national banks in the various localities from which this money was drawn, where the withdrawal of it would cause stringency and where allowing it to remain would prevent panic.

The purchase of the bonds would almost necessarily have poured the purchase-money into the vaults of the banks in the large cities, have caused there a glut of money, and produced a period of delay before it could be returned to the places from which it had been drawn and where it was needed, and return could have been made only by the operation of the demands of trade and on the terms exacted by those holding the money.

No Secretary had ever purchased undue bonds save for the sinking fund; and grave doubts were expressed as to the proper construction and exact scope of the act of March 3, 1881.

The decision was to purchase bonds for the sinking fund, anticipate interest, and deposit in selected depositories.

Whether it was a wise or an unwise decision, the decision as actually made did this: The money withdrawn in various localities scattered throughout every part of the country was, as to a certain portion of this money, deposited in the localities from which it was withdrawn; it returned into the channels of trade from which it had been taken; it restored to those localities the circulation needed for their respective business. Where the subtraction of this money from circulation had caused alarm, this policy prevented distress. It was the means by which the money thus widely drawn into the public Treasury was equally widely distributed for immediate use.

Every section of the country received the benefit of that system of deposits.

Those deposits, as my friend from Iowa says, were made at the rate of $110 for every $100 of national bonds deposited by the banks. Whether that proportion was wise or not may be a matter of dispute; but there is this to be said, that instantly the amount of money which had to be paid for those bonds, $125 to $128 on the $100, went back to the circulation of the place from which it was withdrawn to an amount as nearly equal as it was considered safe to make it. The purchase of bonds, for instance, in the city of Lexington or the city of Portland, or elsewhere, caused a withdrawal from the circulating medium of $125 to $128 for each $100 of bonds purchased.

By depositing in that locality $110 for each $100 of bonds, the Government had an absolutely safe security; and that much of the money paid for the bonds went back into circulation. So that the disturbance which might have resulted, first, from the withdrawal of money by taxation, and, second, by the withdrawal of money for the purchase of bonds, was made as slight as possible by putting the money back into the community from which it was withdrawn to as large an extent as was fairly safe with respect to the amount of security.

Now, while that may not have been the policy which the gentleman from Maine would have adopted, I say—and I say it in no other spirit than that of kindness toward the gentleman—I thank God that it was a Democratic Secretary of the Treasury who had the opportunity to decide that problem [applause on the Democratic side]; and I sincerely hope that for years to come it will still continue to be a Democratic Secretary of the Treasury who will have authority to make such decisions.

While that decision may not have been such as the gentleman from Maine would have made, it must be conceded that in a condition of affairs for which the Secretary was not responsible, under circumstances of great public anxiety, at a time when there was a panic impending, the Secretary of the Treasury so decided the question that business resumed its ordinary confidence, financial disturbance was prevented, fortunes were not dissipated, labor found a ready return for daily work, and the affairs of the American people, in spite of threatened financial peril, went on without disarrangement or perturbance; and therefore it can be said for the Democratic Administration that the American people, in the midst of financial peril, have found it to be a safe and wise Administration. [Applause.]

My friend from Iowa [Mr. WEAVER] has permitted himself to select some half-dozen national banks, with which certain persons are or have been connected, and which banks are among those selected as depositories of the public money. There have been about two hundred and ninety of these banks thus selected. In every State and in every section of every State have these depositories been selected under regulations and by a mode of selection which have been open, fair, and impartial. I do not hesitate to affirm that never has any financial transaction of the Government been more absolutely free from any partiality, secrecy, favoritism, or jobbery. It may have been unwise; it has been open, fair, and without the savor of corruption.

Now, Mr. Chairman, the gentleman says that when we met here in December, what a spectacle met us! I cordially agree with him in the exclamation. Distinguished members of the Forty-ninth Congress on the Republican side had predicted there would be no surplus. Able gentlemen had manipulated the figures from the public records and showed that when the 1st of July had opened a new fiscal year there would be no surplus. Under the lead of such profound calculators the Republican party of the House had with entire unanimity, save the five gentlemen from Minnesota, voted to refuse to consider any act which would reduce the revenue, and the receipts of the Government had gone on inexorably adding to the already large accumulation of surplus in the Treasury.

There had been called in the 3 per cent. bonds. The sinking fund had been provided for. The accumulating surplus was daily increasing. Some remedy must be provided, and that by Congress. To us that duty had been assigned by the Constitution; upon us the responsibility would rest. A Presidential election would soon be pending. Prudence, as prudence is ordinarily understood, would have dictated that the Chief Magistrate would content himself with a few general phrases which might be construed by every member of his party as suited his opinions or fortunes.

This so-called wise and prudent course this President refused to follow. He, under the solemn pressure of his sense of duty, gave utterance to his honest judgment and delivered a message, which has been taken out of the mere dull sequence of official documents and caused a discussion from one end of America to the other that neither the wit of the gentleman from Maine [Mr. REED] nor the eloquence of the gentleman from Ohio [Mr. MCKINLEY] will cause to cease until the iniquitous protection of the present tariff has been reformed.

This was a spectacle full of hope to those who agreed with the President, and, I have no doubt, full of grievance to the distinguished gentleman from Maine. I have no doubt when that message came it excited not only the wit of the gentleman from Maine, but added to his disappointment the bad temper which still lingers in the lecture he has just made to his colleagues on the Ways and Means Committee. [Laughter and applause.]

And, Mr. Chairman, the gentleman gives in his utterances unwittingly one of the principal grievances against this system. He speaks of it being a long way from Texas and Arkansas to knowledge concerning manufactures. What does this mean? It is that the tax-payers of the country have no business to reform the tax-gathering laws of the country. [Applause.] It is that the people who live on farms in Arkansas and Texas are not to be considered in the administration or construction of the laws under which their earnings are to be taken for somebody else's benefit. [Applause.]

The message of the President of the United States and the labors of the Democratic members of the Ways and Means Committee are intended to give to the manufacturers of the country their fair protection; doing this with fair and equal protection to the tax-payers who have to use those manufactured articles. [Applause.] And while we may not be very wise in it, while the gentleman may laugh at us for not taking him and his Republican colleagues into conference with us for the purpose of presenting to our consideration their views and giving us their aid in what may have been done, I assure him, without professing to reveal any knowledge or to be a prophet, if he will just wait, we shall have as much of a tariff bill as he is able to consider,

and far more, I think, than he will be able to defeat [applause]; a tariff bill, I hope, that will gather to its support every Democrat on the floor of this House [renewed applause]; a tariff bill which will gather to its support all Republicans who are not given over to "strong delusion that they should believe a lie" [applause]; that will gather to its support all the fair-minded manufacturers who only want what is just; a bill, whether wise or unwise, which will be the product of great labor and a very strong desire on the part of the committee to do what is fair and just. And when it comes into this House, modified, it may be, by the wise suggestions of able Republicans, or, it may be, by the wise suggestions of Democrats who do not agree on all things in reference to taxation, but who are actuated by an honest and sincere desire to do what is right, I hope it will be passed by this House. [Applause.] It will relieve the President, whether it be Mr. Cleveland or somebody else, in the next four years from the dilemma of last fall; and instead of finding surplus revenue accumulating in the Treasury we will find this surplus left in the pockets of the men who make it. [Applause.]

Mr. Chairman, the simple question before this committee now is this: What are we to do under the existing circumstances? The President says that he has had doubt of the power given to him under the act of March 3, 1881. Whether that doubt be a wise doubt, whether it be a lawyer-like doubt, or not, it is a doubt which he says he entertains.

Gentlemen upon the other side of the House say they want him to do what this law authorizes him to do. We all agree this is a mode of getting rid of the public debt. It is not a new mode; it is an old mode. It was done during Mr. Pierce's administration, under the advice of that distinguished Kentuckian, James Guthrie. It was done before. It is not the fault of the Democratic side of the House that we can not call in these bonds. It is not our fault that the payment of these bonds has been postponed to so remote a period. There are the bonds with the interest due or falling due upon them; there is the money in the public Treasury with which to pay them; there is the money accumulating in the depositories of the national banks, which, I have no doubt, can be gradually and wisely withdrawn by the use of the ordinary income of the Treasury—withdrawn, as I have no doubt, without creating financial disturbance.

Mr. Chairman, I do not share the alarm of my friend from Iowa [Mr. WEAVER]. I believe that this money can be safely withdrawn by the use of the daily surplus as it comes in, withdrawn by the gradual purchase of bonds, so that the purchases and the payments will go on hand in hand, the process of redemption and withdrawal going on equally with the process of the collection of the revenue; so that there is, in my judgment, no danger or need of alarm. That is what we are called upon to do to-day. That we did not do it, or have not done it three months ago, is no reason why we should not do it now.

It may be that the Ways and Means Committee have been derelict in not bringing this measure up for action at an earlier date. If so, so far as I am concerned as a member of that committee, I assume my full share of the blame. It may be that the bill when it went on the Calendar should have been pressed to action sooner; if so, I assume my share of that blame.

But that is not the fault of the President of the United States, nor is it the fault of the Democratic party, but of the few who have the management of this bill here, and as to that I care so little that I do not choose to discuss whether it is anybody's fault or not. There is the money, there are the outstanding bonds, there is the President's doubt, there is the expression of it, and here is the remedy so far as it goes. Further remedies will be before this Congress. That surplus now in the Treasury is to be taken care of.

Mr. REED. This is a bill, then, to remove Presidential doubts?

Mr. BRECKINRIDGE, of Kentucky. Yes, Mr. Chairman, it is a bill to give to an executive officer of the Government the authority to spend millions of money; and if we have the courage to give that authority, let us exercise it, and not, by cowering behind a former law of a former Congress, evade our duty. If the gentleman wants the President to have that power, let him remove the President's doubts, and not quibble about the existence of such a doubt, or what was done before.

Mr. REED. We are going to remove them.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt in the world, Mr. Chairman, that whenever the gentleman from Maine speaks he does remove somebody's doubt, generally on this side of the House; because we have found it to be a good rule to listen to him, when he speaks, with profound gratification, and always take the other side from his utterances. [Laughter and applause on the Democratic side.]

Now, that is the condition of affairs. As to the discussion of the tariff, which has incidentally been brought into this controversy, and as to its details, and what shape that bill shall assume, I have nothing more to say. That is a question that comes hereafter. That is a question which we will have ample time to discuss.

To-day we only ask of the Congress of the United States to take more explicitly, if it has once done it, to take now, if it has never done it, the responsibility of authorizing the Secretary of the Treasury of the United States to buy the bonds of the United States, even at the premium that they now bear, and in the name of a part of the Democratic party I avow that the fact that it has to buy these bonds at a premium does not rest upon our shoulders; that we did not tie the hands of the American people by putting these bonds out of their power to pay, nor did we perpetuate the taxation which causes this unnecessary accumulation of money in the Treasury. [Applause.]

I reserve the remainder of my time.

I append the following:

WASHINGTON, *February* 17, 1888.

DEAR MR. BRECKINRIDGE: In the Christmas holidays it occurred to me that it might be some time before taxes were reduced, and I inquired of the Government actuary the relative amounts required to discharge the public debt by buying bonds at a premium and by paying interest until the bonds are payable.

The statement shows that the outlay by paying premiums is $317,717,994 less than by paying interest.

I send you the statement, which you can use if you have occasion to do so.

Respectfully, yours,

WM. R. MORRISON.

UNITED STATES TREASURY DEPARTMENT,
Washington, D. C., January, 1888.

DEAR SIR: In response to your inquiry of the 30th ultimo, relative to the cost to the United States of extinguishing the public debt (fours and four-and-a-halfs) according to the following methods—

First. Pay the interest as it falls due.

Call in and pay $100,000,000, face value of the principal on the day the loan matures, and $100,000,000 of the principal annually thereafter until the debt is extinguished.

Pay interest quarterly, at the rate of 3 per cent. per annum on the extended debt, after the date of maturity.

Second. Purchase annually until the debt is extinguished, beginning July 1, 1888, $100,000,000 face value of bonds, beginning with the four-and-a-halfs and then the fours, at such a price that the Government will realize 2 per cent. on its investment.

Pay the interest on the outstanding bonds as it falls due—

I inclose the following table, from which it will be seen that the actual outlay of money according to the first method is larger than according to the second method; also that the present worth or cost to the Government as of July 1, 1888, computed at the rate of 2 per cent. per annum, convertible quarterly, according to the first method is larger than according to the second method.

Yours respectfully,

E. B. ELLIOTT, *Government Actuary.*

Hon. WILLIAM R. MORRISON.

		Actual expenditures.		Present worth, July 1, 1888, at 2 per cent. rate of interest, convertible quarterly.	
		4 percents.	4½ percents.	4 percents.	4½ percents.
Interest at face rate	First method	$556,655,996	$33,717,147.75	$462,164,200	$32,186,700
	Second method	152,588,156	8,113,556.00	150,220,400	7,996,700
Interest at 3 per cent	First method	69,812,841	4,832,676.00	45,557,300	4,454,500
	Second method				
Total interest	First method	626,468,837	38,549,823.75	507,721,500	36,641,200
	Second method	152,588,156	8,113,556.00	150,220,400	7,996,700
Principal	First method	732,442,100	230,544,600.00	470,988,200	213,446,400
	Second method	905,211,772	244,373,882.00	813,303,700	240,827,500
Total interest and principal	First method	1,358,910,937	269,094,423.75	978,709,700	250,087,600
	Second method	1,057,799,928	252,487,438.00	963,524,100	248,824,200
Total of both loans	First method	$1,628,005,360.75		$1,228,797,300	
	Second method	1,310,287,366.00		1,212,348,300	

Mr. KELLEY rose.

Mr. MILLS. I rise to ask unanimous consent to close the debate on this question.

Mr. KELLEY. I would like to have a few minutes.

Mr. MILLS. I will yield to the gentleman five minutes.

Mr. KELLEY. I do not speak under limitation, but I shall occupy but a few minutes.

Mr. MILLS. Very well.

Mr. KELLEY. I desire to say in response to the disclaimer of Democratic responsibility by the eloquent gentleman from Kentucky [Mr. BRECKINRIDGE] that they are not only responsible for the creation of the debt that has so long burdened the American people, but are also responsible for the continued increase of the surplus which their President tells us in his message involves us in imminent danger of widespread bankruptcy.

Sir, in the Forty-seventh Congress, though the Democratic party was then in a minority, and the chairman of the Committee on Ways and Means was a Republican, as were a majority of the members of that committee, it could have removed the source of the surplus and emancipated the people—the poor people of the Southern States—from the thralldom in which the internal-tax laws still hold them. They could have given to the owners of small patches of land in the tobacco-growing sections of the South the right to sell the product of their land in open market, and not keep them bound by law, as they now are, to carry it whatever distance and at whatever cost it may involve to a licensed agent of the Government as their only lawful market. They could, by consenting to the abolition of internal taxes, have relieved the poor fruit-growers of the South, who, deprived of the right to use the products of their little bits of waste land, are constrained to see their crops rot upon the ground, and dare not utilize them, without the fear of arrest and imprisonment. Yes, they could have wiped out the bitter effects of the war on these poor Southern people and arrested the accumulation of the surplus which now threatens to overwhelm the productive industries and the trade of our country, and is now embarrassing every department of business.

It was known to the leaders on that side of the House as far back as the Forty-seventh Congress, that the chairman of the Committee on Ways and Means and some of his associates on that committee and many of his colleagues in these seats desired to repeal a large portion of the internal taxes, those on tobacco and on fermented liquors; because by repealing these taxes the accumulation of a surplus would be prevented and the national revenues be reduced to such a figure that the Treasury would be able to continue calling the 3 percents until the 4½ percents would have matured and become liable to call.

The calculation had been made. We knew what tobacco yielded. We knew what fermented liquor yielded, and we knew what amount of 3 percents were outstanding and liable to be called. It was therefore susceptible of demonstration that by the repeal of these taxes the dangers of a gorged Treasury could be averted, and the calling of 3 percents could be continued until the 4½ percents could be called for payment.

Propositions were made to gentlemen on the other side. We had enough Republican votes to adopt an amendment to repeal these taxes which any of you would offer. The response to our proposals was a dicker: "What duties will you repeal if we aid you in repealing these internal taxes?" They were as hostile to the mining and manufacturing industries of the country then as they are now, and as eager to prostrate them as their predecessors were when slavery demanded cheap food for slaves. They could not then understand, they would not understand, and they will not understand to-day, that by the repeal of internal taxes you inevitably reduce the annual revenue. They must couple with it the repeal of duties, the modification of which might blight and destroy the industry of the North and arrest the marvelously rapid development of Southern mining and manufacturing and paralyze the business of the whole country, while if the reduction of a duty was but partial it might promote the increase of revenue from excessive importations to an amount equal to that to be abated by the repeal of particular internal taxes.

In the Forty-eighth and Forty-ninth Congresses the power of the Democracy in this House to arrest the growth of the surplus by repealing internal taxes was absolute. They imperiously refused to do it, and the President in his unique message encourages them to assail those of our industries which have given our country wealth, power, and grandeur, and to retain such anti-republican, anti-democratic, and invidious internal taxes as Jefferson denounced as infernal and Madison and Monroe hastened to repeal.

Yes, in spite of such Democratic precedents the degenerate Democracy of to-day insists upon reversing the fiscal policy of the country, and, in pursuance of British example, of establishing the internal taxes or excise duties as the chief source of our national revenues.

In the Forty-eighth and Forty-ninth Congresses, I repeat, they had the absolute power of arresting at its source the surplus that was flowing daily into the Treasury. And why did they not exercise that power? Because they must fight the "iniquity"—I think the gentleman called it—of protection; thus he characterized the system which enabled us to so develop and diversify our material resources that we hemmed in the Confederacy by our marvelous mechanical appliances, which were the offspring of the protective "iniquity." Had the brave people of the South, occupying the most fertile portions of our continental country, and who are now rejoicing in the new-found value of boundless mineral resources, been able to make their own guns, small-arms or field-guns, had they been able to build ships and arm them, had they possessed mechanical and manufacturing appliances, they could never have been beaten into submission. With them they would have been invincible, but without them they were helpless.

Mr. KERR. If they had had them they would not have gone to war.

Mr. KELLEY. I agree with my friend, if they had had practical knowledge of the beneficence of the protective system they would not have risked their all upon a foolish abstraction; but having gone into it without manufacturing resources their case was hopeless from the first. England herself could not furnish them the materials of war even if we in the majesty of our power had not been able to blockade their whole extended coast. The "iniquity" of protection! A system which lifted us out of bankruptcy at the close of the last Democratic Administration, when, for the sake of paying the salaries of the President and his Cabinet and other officers, a loan of $5,000,000 was authorized and was advertised for and was offered at rates ranging from 8 per cent. to 36 per cent. per annum; ranging up 8, 10, 12, 15, 18, 20, 24, 28, 36 per cent. per annum. The call was for $5,000,000. No foreign house offered to lend the United States a dollar, and the Administration could, in view of the excessive rates demanded, accept offers for but two out of the five millions. There is where free trade had landed the credit and the honor of the American people and nation. Here is a list of the bids as published the day after they were opened:

[From the Philadelphia Press of December 29, 1860.]

Thomas J. Warren, New York, offers to take $60,000, at 25 per cent.
Field & McLane, New York, offer to take $25,000, at 12 per cent.
Field & McLane, New York, offer to take $25,000, at 15 per cent.
Field & McLane, New York, offer to take $5,000, at 30 per cent.
John Barnes, Washington City, offers to take $3,500, at 6 per cent.
John T. Wright, New York, offers to take $4,000, at 7 per cent.
James R. Langdon, Vermont, offers to take $5,000, at 9¾ per cent.
James R. Langdon, Vermont, offers to take $5,000, at 10¼ per cent.
Amos Townsend, cashier New Haven Bank, offers to take $10,000 at 8 per cent.
Amos Townsend, cashier New Haven Bank, offers to take $5,000, at 8¼ per cent.
Samuel Debke, New York, offers to take $4,000, at 8 per cent.
William E. Brown, New York, offers to take $1,000, at 7 per cent.
William E. Brown, New York, offers to take $1,500, at 8 per cent.
J. F. Huntingdon, New York, offers to take $30,000, at 18 per cent.
J. F. Huntingdon, New York, offers to take $25,000, at 24 per cent.
Bank of Commerce, New York, for self and others, offers to take $1,500,000, at 12 per cent.
L. M. Swann, New York, offers to take $10,000, at 18 per cent.
Farmers' Bank, Lancaster, Pa., offers to take $7,000, at 8 per cent.
Farmers' Bank, Lancaster, Pa., offers to take $8,000, at 8½ per cent.
Farmers' Bank, Lancaster, Pa., offers to take $10,000, at 9 per cent.
Farmers' Bank, Lancaster, Pa., offers to take $10,000, at 10 per cent.
R. L. & A. Stewart, New York, offer to take $116,000, at 12 per cent.
R. L. & A. Stewart, New York, offer to take $80,000, at 12 per cent.
R. L. & A. Stewart, New York, offer to take $56,000, at 12 per cent.
Edward J. King, New York, offers to take $5,000, at 12 per cent.
Edward J. King, New York, offers to take $5,000, at 12 per cent.
Field & McLane, New York, offer to take $10,000, at 36 per cent.
Field & McLane, New York, offer to take $70,000, at 24 per cent.
C. T. Carton, New York, offers to take $30,000, at 25 per cent.
George S. Bishop offers to take $10,000, at 9 per cent.
George S. Bishop offers to take $20,000, at 10 per cent.
F. P. James & Co., New York, offer to take $25,000, at 12 per cent.
F. P. James & Co., New York, offer to take $25,000, at 15 per cent.
F. P. James & Co., New York, offer to take $25,000, at 18 per cent.
F. P. James & Co., New York, offer to take $25,000, at 21 per cent.
F. P. James & Co., New York, offer to take $100,000, at 24 per cent.
George H. Norman offers to take $20,000, at 8½ per cent.
Sayre & Brother offer to take $3,000, at 10 per cent.
Levi Hasbrouck offers to take $2,000, at 8 per cent.
William H. Slocum offers to take $3,000, at 10½ per cent.

In the next year came the beginning of the protective "iniquity," and now 3 per cent. is too high a rate of interest for us to pay, and a thousand million dollars is not too much for us to ask on a single loan. And what has wrought this wondrous change? The "iniquitous system of protection." [Applause on the Republican side.] The "iniquity" of protection! It emancipated four millions of slaves and has set hundreds of thousands of them at work, on or near the cotton-fields they cultivated as slaves, at a dollar or more a day in mechanical, mining, and manufacturing industries which that same "iniquity" is developing in all parts of the old slave States. [Applause on the Republican side.]

"The iniquity" of protection! Under your old free-trade, pro-slavery government we could not make a pound of crucible steel; we could not make a Bessemer rail; we could make an average of but 800,000 tons of pig-iron a year. Why [addressing Mr. BRECKINRIDGE], God bless you, under the system of "iniquitous protection" the South in 1887 produced 80,000 tons of pig-iron more than the whole Union had produced in the average of the decade from 1854 to 1863 under free trade and the domination of slavery in the Halls of Congress. We are no longer dependent on foreign countries. We made in 1887 more than half the steel that was made on the face of God's footstool; more than half! [Applause on the Republican side.]

Mr. BRECKINRIDGE, of Kentucky. How much does my venerable friend say the half of the *steal* was? [Laughter.]

Mr. KELLEY. Oh, that is a beautiful pun, that is a sweet play upon a word, and if there were a prohibitory duty on the flowers of rhetoric my friend from Kentucky [Mr. BRECKINRIDGE] would have much cause to complain. [Laughter.] I say that the "iniquitous system of protection" has enabled the iron-men of the Southern States, of the old Confederate cotton States, to make iron and steel, and if that be "stealing," I say to my friend from Kentucky, that they are now able to "steal" more every year than those of the whole Union formerly did.

In 1887 they made in the Southern States nine hundred thousand and some odd tons of pig-iron and converted much of it into steel, while the whole nation made over 6,000,000 tons. That is the measure of our country's growth from the 800,000 tons a year that free trade and slavery permitted her to produce. I will not detain the committee now, but will meet the gentleman at Philippi hereafter. [Laughter.]

Mr. MILLS. I yield five minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I have made myself believe, after long experience here, that the most useful characteristic an American legislator can bring into action is practical common sense. [Laughter and applause.] Let us, therefore, in that spirit examine the subject immediately before this House and discuss its difficulties. I do not believe the proposed legislation is essential or absolutely necessary [applause on the Republican side], although I do say it can do no harm to duplicate existing law.

I have not heard here to-day any confirmation of a doubt as to the act of 1881, nor does the report from the Committee on Ways and Means assert that there existed doubt in this particular in the minds of any of its members. And yet we are confronted with an administrative view that there is doubt whether the Administration has full authority to exercise the power which it seems to desire to exercise, or else, probably, it would not have recommended this legislation; and I am ready, therefore, to reaffirm the existing law without any fastidiousness. The policy pursued has been the purchase of bonds at a premium, under the sinking-fund act, to the limit required by that act. The Administration pursued the further policy of increasing the number of public depositories and augmenting the line of deposits for the bonds held by the Government. I do not consider that that policy was wise, for the reason that, in my opinion, no government on earth should legislate as to its bonds except on a par basis. The moment you undertake to legislate on your bond at less than par you depreciate and discredit its value, and the moment you legislate upon it at any price above par you get into the region of speculative value. The safe course, therefore, for every government to pursue is to legislate upon its bonds only at par, and, so far as my reading goes, the rule of legislation in every government has been to recognize its bonds in its statutes as worth par, nothing more and nothing less.

Now, sir, in my judgment the policy of increasing the deposits in the banks should cease and a more business-like policy should be pursued in the line of this proposed legislation and of the existing law. That is, we should go into the market and buy our bonds, subject only to the mathematical calculation that it is more profitable to buy our bonds and pay the premium than it is to pay interest for a coming series of years, when those bonds are within the control of the Government at par. Therefore I favor this legislation.

A word or two has been said here as to a conspiracy against the protective system of the United States. I do not believe that any such conspiracy has ever existed. [Applause.] I do not believe, if there ever should exist any such conspiracy, that it has the slightest chance of success. [Renewed applause.]

[Here the hammer fell.]

Mr. RANDALL. I would like a minute or two more.

Mr. MILLS. I yield to the gentleman.

Mr. RANDALL. Therefore, I beg to assure all those who may have an affrighted fancy that, in so far as American industries are concerned, they are not to-day in any danger. [Applause.] On the other hand, I do not want to traverse with my friend from Kentucky [Mr. BRECKINRIDGE] what has been done in the past in this regard, except to utter the statement that in those particulars I have no regrets. [Applause.] But I am the more reconciled in this connection when I hear from the gentleman from Kentucky, prompted by a more composed spirit, in my judgment, than has ever heretofore existed, that there is hope, and that there is to be an effort, in the direction of united action; and I say there will be fruition to that hope if fairness and justice all round are conceded by a united party on this side. [Applause.]

Mr. MILLS. Mr. Chairman, the House by special order is to begin at 3 o'clock to-day memorial exercises with reference to one of our deceased members. As we shall not have time to dispose of this measure to-day, I move that the committee now rise.

Several MEMBERS. "Vote!" "Vote!"

Mr. MILLS. We can not vote now; there are amendments to be considered.

The question being taken on the motion that the committee rise, there were, on a division (demanded by Mr. BAYNE)—ayes 158, noes 22.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BURROWS reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. MILLS. I ask unanimous consent that the special order set for to-day at 3 o'clock be deferred for thirty minutes, so that we may go back into the Committee of the Whole and dispose of the pending bill.

Mr. BAYNE. If it is understood that there will be opportunity to offer amendments, I have no objection.

Mr. SPRINGER. Certainly; that is the object.

The SPEAKER *pro tempore*. If the House should go into Committee of the Whole the right to offer amendments will necessarily exist.

Mr. CUTCHEON. I understand that the addresses which are to be delivered under the special order will occupy until 5 o'clock. I hope, therefore, that under the circumstances the motion of the gentleman from Texas will not prevail.

The SPEAKER *pro tempore*. There is no limit as to the hour of adjournment. Is there objection to the proposition made by the gentleman from Texas? The Chair hears none, and it is so ordered.

PURCHASE OF BONDS BY THE TREASURY DEPARTMENT.

Mr. MILLS. I now move that the House again resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. BURROWS in the chair), and resumed the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

Mr. MILLS. I propose to yield ten minutes to the gentleman from Mississippi [Mr. HOOKER], and after that I will ask the House to proceed with the consideration of this bill under the five-minute rule.

Mr. HOOKER. Mr. Chairman, with the indulgence of the Committee of the Whole, I desire to say a few words in response especially to what fell from my friend from Ohio [Mr. MCKINLEY] in reference to the recommendation made by the President for the passage of a measure like this. The power which it is here proposed to give to a single officer of the Government is a very extraordinary one. It was heretofore exercised under the laws as they stood upon the statute-book from 1869, with a limitation upon the power of the Secretary of the Treasury; and the law remained in this condition, as I understand, until the passage of the act of March 3, 1881, which, as has been remarked by the gentleman from Ohio, is almost *in totidem verbis* the measure now proposed by the Committee on Ways and Means. The law as it stood in 1869 will be found embodied in section 3693 of the Revised Statutes in these words:

> The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of the interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. The faith of the United States is also solemnly pledged to make provisions at the earliest practicable period for the redemption of the United States notes in coin.

Section 2 of the act of March 3, 1881, provided—

> That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

This law of March 3, 1881, was, as remarked by President Cleveland in his recent annual message to Congress, a provision attached to an appropriation bill; and I think every gentleman who has read this message will concur in the declaration of the President that some doubt might reasonably be entertained whether this provision, embodied in an appropriation act, was designed to be a general statute, clothing a single officer of the Government with this extraordinary and formidable power.

It will be remembered, Mr. Chairman, that when the act of 1869 was passed, and when the action of Secretaries of the Treasury under former administrations was taken, we had outstanding bonds subject to call, bearing interest at the rate of 3 and 4½ per cent., and this power of the Secretary of the Treasury was then exercised in reference to bonds which had matured and become payable. Therefore there was foundation for the apprehension in the mind of the President that the exercise of this power by the present Secretary of the Treasury might involve a proceeding not authorized by law. Hence, in order that the Secretary of the Treasury might be endowed distinctly with the requisite power by an act of Congress, the President in his message, while expressing the disinclination which every one must share that this officer should be clothed with this extraordinary power, did express the desire that if the Secretary is to step into the markets of the world and buy bonds of the Government at the extraordinary premium which they now bear, he should be clothed with specific authority by a distinct measure of legislation which would leave no doubt of the opinion of Congress in reference to the proper policy on this subject. The language of the President, so far from being subject to animadversion, was but the expression of an opinion, wisely and safely guarded, that the financial affairs of the Government as conducted through the Treasury Department should be divorced from the business interests of citizens, and that those interests should not be accustomed to look for the relief of financial distress to the distribution of funds collected by the Government from tax-payers.

I submit therefore that every line and letter in the President's message on this question was well studied and well expressed, and must

commend itself to all gentlemen who look upon this question without the bias of partisan views. The President said:

During the six months prior to June 30, 1887, the surplus revenue had grown so large by repeated accumulations, and it was feared the withdrawal of this great sum of money needed by the people would so affect the business of the country, that the sum of $79,864,100 of such surplus was applied to the payment of the principal and interest of the 3 per cent. bonds still outstanding, and which were then payable at the option of the Government. The precarious condition of financial affairs among the people still needing relief, immediately after the 30th day of June, 1887, the remainder of the 3 per cent. bonds then outstanding, amounting with principal and interest to the sum of $18,877,500, were called in and applied to the sinking-fund contribution for the current fiscal year.

The President then adverts to the fact that even this had not given entire relief to the financial condition of the country, and on page 5 of the message he continues:

In the present state of legislation the only pretense of any existing executive power to restore, at this time, any part of our surplus revenues to the people by its expenditure, consists in the supposition that the Secretary of the Treasury may enter the market and purchase the bonds of the Government not yet due, at a rate of premium to be agreed upon. The only provision of law from which such a power could be derived is found in an appropriation bill passed a number of years ago; and it is subject to the suspicion that it was intended as temporary and limited in its application, instead of conferring a continuing discretion and authority. No condition ought to exist which would justify the grant of power to a single official, upon his judgment of its necessity, to withhold from or release to the business of the people, in an unusual manner, money held in the Treasury, and thus affect, at his will, the financial situation of the country; and if it is deemed wise to lodge in the Secretary of the Treasury the authority in the present juncture to purchase bonds, it should be plainly vested and provided as far as possible with such checks and limitations as will define this official's right and discretion, and at the same time relieve him from undue responsibility.

Mr. Chairman, in view of the fact that the act of 1869 limited the power of the Secretary of the Treasury to the purchase of bonds at par, and in view of the further fact that the clause in the appropriation bill of March 3, 1881, authorized the Secretary to purchase at a time when bonds could be purchased at par, the President might well entertain a doubt as to whether Congress intended to authorize the Secretary to pay a premium on such purchase.

To purchase at par is one thing. That was clearly authorized. To purchase and pay large premiums on the bonds is quite another thing; and the authority to exercise this power might well be questioned by a wise, cautious, and prudent Executive.

Now, Mr. Chairman, I hope when the bill to which reference has been made by the gentleman from Kentucky [Mr. BRECKINRIDGE] is reported to this House, we shall thereby be able to meet all our pledges and obligations to the people in reducing taxation, and in distributing the surplus revenue in the Treasury among the people. I hope then that we shall have no longer any necessity for using any doubtful power, or any power which the President may consider to be doubtful. I trust we shall not find it necessary to empower any Secretary of the Treasury, to whatever party he may belong, to interfere with the financial relations of the people. Taxes taken from the people should be placed in the Treasury to be used in the economical administration of the Government.

Now, I sympathize with every utterance of the President in this regard, and as this surplus has accumulated, as it has been taken from the pockets of the people, as it has been placed in the Treasury by the tyrannous system of taxation, as it is not needed by the necessities of the Government, I agree with the committee making this report that the Secretary of the Treasury should be clothed with this power to use this surplus for this specific purpose, and for this specific purpose only. And if I had the power I would limit its exercise to the period when the national debt has been paid. [Applause.]

[Here the hammer fell.]

Mr. MILLS. I move, by unanimous consent, all general debate be closed.

Mr. BAYNE. All general debate.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. McKINLEY. It is understood by unanimous consent, I believe, that the letter of Secretary Fairchild shall appear in the RECORD.

Mr. MILLS. You will get the letter.

Mr. McKINLEY. Yes, I will get the letter.

There was no objection, and it was so ordered.

Mr. BRECKINRIDGE, of Kentucky. I ask consent to insert some tables with my remarks.

There was no objection, and it was ordered accordingly.

Mr. McCREARY. I move to amend by adding to the bill the following:

The Clerk read as follows:

The bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled by the Secretary of the Treasury.

Mr. MILLS. I see no objection to that amendment.

Mr. McKINLEY. It is in the present law.

Mr. BOUTELLE. There is no objection to it.

The amendment was agreed to.

Mr. BAYNE. I move the following amendment.

The Clerk read as follows:

That all laws and parts of laws which impose any internal-revenue tax upon snuff, smoking and manufactured tobacco of every description, and upon cigars, cigarettes, and cheroots in all forms, made of tobacco or any substitute therefor, and upon dealers or peddlers therein, or manufacturers thereof of every description, shall be repealed and cease to be in force on and after the 1st day of October, 1888; it being the declared purpose of this act to repeal all forms of internal-revenue taxation upon tobacco of every description on and after the day aforesaid. And all laws now in force whereby farmers and producers of tobacco are restricted in the sale, manufacture, disposition, and dealing in the same shall be repealed on and after the 1st day of October, 1888.

SEC. 2. That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, cigars, cheroots, and cigarettes, held by manufacturers or dealers at the time such repeal shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the repeal; but the same shall not apply in any case where the claim has not been presented within ninety days following the date when such repeal shall take effect. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 3. That there shall be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, so much money as shall be necessary to repay the rebate provided for under the preceding section of this act.

Mr. MILLS. I make the point of order on that amendment.

Mr. REED. I hope the gentleman will not, for if adopted it will deplete the surplus quite materially.

Mr. MILLS. I make the point of order on the amendment.

Mr. REED. I hope the gentleman will permit that to pass by unanimous consent. There is no objection on this side. [Laughter.]

Mr. RANDALL. It will be passed. [Applause.]

The CHAIRMAN. What is the gentleman's point of order?

Mr. MILLS. My point of order is that the amendment is not germane to the pending proposition.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. BAYNE. I do. In the first place the bill under consideration relates to the Treasury Department and the management of that Department, and in the second place the object of the bill is to reduce the surplus now in the Treasury, and to prevent its accumulation hereafter.

My friend from Ohio on my right here compliments me, I understand, by saying that that statement is as clear as a bell. [Laughter.]

Now, the proposition I offer as an amendment to the bill will prevent the surplus from accumulating in the Treasury hereafter by reducing taxation to the extent of $30,000,000, or some two and a half millions of dollars per month; and inasmuch as the whole subject relates to the Treasury Department, and inasmuch as the object of this bill is to prevent an accumulation in the Treasury hereafter, as well as to dispose of the surplus already accumulated, I claim that the amendment is strictly germane to the bill, and is in order.

The CHAIRMAN. This measure, in the judgment of the Chair, relates entirely to the method of disposing of the surplus now in the Treasury, or which may hereafter be accumulated therein, and does not relate at all to the subject of taxation, to which the amendment proposed by the gentleman from Pennsylvania is wholly directed. The Chair therefore holds that the amendment is not germane, and sustains the point of order made by the gentleman from Texas.

Mr. MILLS. I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, had directed him to report the same to the House with an amendment, and, as so amended, with the recommendation that the bill do pass.

Mr. MILLS. I demand the previous question upon the amendment and the engrossment and third reading of the bill.

The previous question was ordered, under the operation of which the amendment was adopted, the bill as amended ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOODS PRODUCED BY CONVICT LABOR.

Mr. O'NEILL, of Missouri, by unanimous consent, introduced a bill (H. R. 7902) requiring all goods produced wholly or in part by convict labor to be plainly marked "convict-made;" which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

PORT OF LINCOLN, NEBR.

Mr. McSHANE, by unanimous consent, introduced a bill (H. R. 7903) to extend the provisions of the act of Congress of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to the port of Lincoln, in the State of Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POSTAL CRIMES.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the bill (H. R. 7052) relating to postal crimes

and amendatory of the statutes therein mentioned, and put the same upon its passage. This will occupy but a few moments.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That section 13 of an act approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," be, and the same is hereby, so amended as to read as follows:

"SEC. 13. That any person who shall submit, or cause to be submitted to any postmaster or to the Post-Office Department or any officer of the postal service any false evidence, relative to the character of any publication, for the purpose of securing the admission thereof at the second-class rate for transportation in the mails, shall be deemed guilty of a misdemeanor, and for every such offense, upon conviction thereof, shall be punished by a fine of not less than $100 nor more than $500."

SEC. 2. That any person who shall, with intent to defraud, falsely forge or counterfeit the signature of any postmaster, assistant postmaster, chief clerk, or clerk upon or to any money-order or postal-note, or blank therefor provided or issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereon; any person who shall falsely alter, or cause or procure to be falsely altered in any material respect, or knowingly aid or assist in falsely so altering any such money-order or postal-note; any person who shall, with intent to defraud, pass, utter, or publish any such forged or altered money-order or postal-note knowing any material signature or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; any postmaster, assistant postmaster, or clerk employed in any post-office or branch post-office who shall issue any money-order or postal-note, without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any officer or agent thereof, the sum of money specified in such money-order or postal-note; any person who, with intent to defraud the United States, transmits, or presents to, or causes or procures to be transmitted to or presented to any officer, or at any office of the Government of the United States, any money-order or postal-note, knowing the same to contain any forged or counterfeited signature to the same or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, shall, upon conviction, be punishable by fine of not more that $5,000, or by imprisonment at hard labor for not less than one year and not more than five years.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DINGLEY. Will the gentleman from Missouri state what changes are provided by this bill?

Mr. DOCKERY. The act making appropriations for the service of the Post-Office Department for the year ending June 30, 1880, provides as follows:

That any person who shall submit, or cause to be submitted, for transportation in the mails, any false evidence to the postmaster relative to the character of his publication, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall for every such offense be punished by a fine of not less than one hundred nor more than five hundred dollars.

I think the language of the report itself will best explain to the gentleman the changes made by this bill. It is as follows:

The amendment to this section corrects verbal inaccuracies and makes manifest the true intent and meaning of the statute. It will be seen at a glance that the words "for transportation in the mails," in their present connection, do not express the intention of Congress, and that the real offense which this statute was designed to punish is not in fact punishable under it.

The false evidence is not submitted "for transportation in the mails," but is submitted to obtain the transportation in the mails for the publication concerning which the application is made. The amendment broadens the statute to meet the case of false evidence submitted to the Department, or to any officer detailed to investigate the application, as well as to the postmaster. It is believed that it will give vitality to the law, which is now, by reason of its phraseology, wholly inoperative.

The second section of the bill is intended to meet a difficulty encountered in prosecutions under section 5463, Revised Statutes, as amended by act of January 3, 1887, 24 Stats., 355, and as so amended constitutes section 1437 of the Postal Laws and Regulations of 1887, as follows:

"Any person who shall, with intent to defraud, falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of, or purporting to be, a money-order or postal-note issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature upon any receipt or certificate of identification thereon; any person who shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any such money-order or postal-note; any person who shall, with intent to defraud, pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, counterfeited, or altered money-order or postal-note, knowing the same, or any signature or indorsement thereon, to be false, forged, counterfeited, or altered, shall be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not less than two years and not more than five years."

Many of the United States attorneys are of opinion that the forgery to a signature upon a genuine money-order or postal-note blank, or any alteration to a genuine money-order or postal-note are not indictable under the present statute, as it only relates to the forging, counterfeiting, engraving, or printing of orders in imitation of or purporting to be money-orders or postal-notes. In other words, that the section is intended to punish the issuing of money-orders entirely bogus or counterfeit, and not the forgery of signatures upon orders or notes otherwise genuine officially issued. Hence, in several prosecutions for forging indorsements upon genuine orders, the proceedings have been brought in the State courts, as the United States attorneys advised that the present statute against the counterfeiting of this kind of paper did not meet the case. Section 2 of the bill is designed to remedy this defect, and prevent the fraudulent issue of money-orders and postal-notes by postmasters, their clerks, or any other person.

Mr. DINGLEY. What is the minimum penalty provided by the bill?

Mr. DOCKERY. A fine of not less than $100.

Mr. BUCHANAN. Would it not be better to strike out the minimum entirely?

Mr. DOCKERY. No; I think not. This is the unanimous report of the committee.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTOR AT ST. PAUL, MINN.

Mr. RICE. I ask unanimous consent to call up for present consideration the bill (H. R. 7546) to amend sections 2595 and 2596 of the Revised Statutes of the United States, and to provide a collector at the port of St. Paul, Minn., and for other purposes.

This is a local bill to which there can be no objection.

The bill was read, as follows:

Be it enacted, etc., That sections 2595 and 2596 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 2595. That there shall be in the State of Minnesota two collection districts, as follows:

"First. The district of Minnesota: to comprise all the territory of the United States east of the western line of the State of Minnesota and west of the westerly line of the State of Wisconsin, except the waters and shores of Lake Superior and the rivers flowing into the same, in which St. Paul shall be the port of entry, and St. Vincent a subport of entry and delivery.

"Second. The district of Duluth: to comprise all the waters and shores of Lake Superior and the rivers connected therewith, within the State of Minnesota, in which Duluth shall be the port of entry and delivery, with the privilege of immediate transportation as defined by section 7 of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' being chapter 190, volume 21, of the Statutes at Large.

"SEC. 2596. There shall be in the collection districts of the State of Minnesota the following officers:

"First. In the district of Minnesota, a collector, who shall reside at St. Paul and whose compensation shall be the same as that provided for the collectors named in section 2675 of the Revised Statutes of the United States, and a deputy collector, who shall reside at St. Vincent.

"Second. In the district of Duluth, a collector, who shall reside at Duluth."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANIMALS IMPORTED FOR BREEDING PURPOSES.

Mr. CASWELL. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of a Senate bill, and that it be brought before the House for action at this time. I am sure there can be no objection to it.

The Clerk read the title of the bill, as follows:

A bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases.

The bill was read.

Mr. BROWNE, of Indiana. Is that a Senate bill?

The SPEAKER *pro tempore*. It is.

Mr. BROWNE, of Indiana. Has it been before any committee of the House?

Mr. CASWELL. It has been considered by the Judiciary Committee, and that committee is unanimous in its favor.

Mr. BROWNE, of Indiana. The time for the consideration of resolutions under the special order has come, and I object to the consideration of that bill.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. 4911) to carry out the findings of the Court of Claims in the case of James H. Ayres; and

A bill (H. R. 2993) to authorize the Secretary of War to convey to the city of Austin, Tex., a tract of land in said city, for educational purposes.

THE LATE HON. SETH C. MOFFATT.

The SPEAKER *pro tempore*. The time has arrived for the special order to be taken up, which the Clerk will report.

The Clerk read as follows:

Ordered, That February 29, 1888, at 3 o'clock p. m., be set apart for the consideration of resolutions relating to the death of Hon. Seth C. Moffatt.

Mr. BURROWS. Mr. Speaker, this hour, by common consent of the membership of the House, has been set apart for the purpose of paying tribute to the memory of our deceased colleague, Hon. Seth C. Moffatt. This high mark of respect will be appreciated by the people of his district, who, regardless of party affiliations, were personally attached to him, by the State which always delighted to honor him, and by his family, whose loss is irreparable.

It was not my good fortune to have known Mr. Moffatt long, having never met him until 1884; but I knew him long enough and well enough to know the manliness of his character and the sincerity of his

friendship. I can not, therefore, forbear this tribute before I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the business of the House be suspended, that suitable honors may be paid to the memory of Hon. Seth C. Moffatt, late a Representative from the State of Michigan.

Resolved, That in the death of Mr. Moffatt the country has sustained the loss of a safe legislator, a patriotic citizen, and an able and faithful public servant.

Resolved, That as a further mark of respect to his memory the House at the conclusion of these ceremonies shall adjourn.

Resolved, That the House communicate these resolutions to the Senate.

Mr. ALLEN, of Michigan. Mr. Speaker, it is not, sir, among the least of the glories of this Republic that here men can rise to eminence and power independently of the accident of birth. The only blue blood which is recognized among us is that which throbs from honest hearts to feed healthy brains, and the only success that men achieve in this country is a success founded upon what is within themselves.

It is the lot of most men who rise to high positions in this Republic to have been born of poor parentage and in early life to have known what it is to be hampered by the hard lines of poverty. These obstacles, which in any other nation would thwart and prevent the rise of nine out of ten, in a republic are what impel men to do those things that finally make a character that the world recognizes and respects.

Mr. Moffatt was one of these. He had no aids except those which God had given him. He had to hew his way to eminence and power by his innate industry and worth, and he achieved what few men do—success—while at the same time preserving in every relation of life the most perfect integrity.

If we look to see upon what foundation his character was built we will find at its base integrity. No man ever lived who was defrauded by Seth C. Moffatt. No man ever lived who carried away from his presence a feeling that he had been wronged. No man could ever lay at his door corruption. He stood pre-eminently upon moral principles in all his dealings with his fellow-men. Combined with this was a gentleness like that of a woman.

He never, no matter by what excitement he might be surrounded, gave way to impetuosity or to anger. But with that gentleness was coupled a firmness that withstood all obstacles. With a frail body he had a spirit of indomitable courage, and that spirit never did and never would yield at any point where his convictions were the other way. Upon this foundation he built that manly character and achieved that reputation which will go along with the history of the great State of which he was such an important and beloved citizen.

How suddenly the summons came to him! On that afternoon when he left this Hall, whoever else might have walked with him, in the corridor he was joined by the sweet Angel of Death, who locked arms and walked beside him until his spirit beheld "the land that is afar off," and saw "the King in his beauty." When those mortal eyes became oblivious to the scenes about him, when those mortal ears were stopped, the spirit still lingered in that frail tenement of clay. Where it was wandering then I know not, but I know that he had a faith that was sufficient for that hour which comes to each. I have no doubt that although the earthly tenement was unable to make any sign, the spirit was active in contemplating those wonderful scenes where it now is, and as it waited it could say:

And so, beside the silent sea
I wait the muffled oar,
No harm can ever come to me
On ocean or on shore.
I know not where His islands lift
Their fronded palms in air,
I only know I can not drift
Beyond His love and care.

And so this spirit with which we were so familiar went out from among us, never to return. How grand is the thought, how consoling is it to men who do think, that a spirit thus coming from God goes back to Him, there to increase in glory and power as long as the ages of eternity shall roll! He died young in years; but, sir, while it is true that "our time is a very shadow that passeth away," it is also true that "honorable age is not that which standeth in length of time nor that is measured by numbers of years, but wisdom is the gray hair unto men, and an unspotted life is old age."

The great work laid upon his two-score years
Is done, and well done. If we drop our tears
We mourn no blighted hope nor broken plan
With him whose life stands rounded and approved
In the full growth and stature of a man.

Mr. WADE. Mr. Speaker, my acquaintance with Mr. Moffatt began at the opening of the first session of the Forty-ninth Congress. Chance in drawing seats placed me by his side, and during the latter part of that session we jointly occupied a suite of rooms, and for months were as intimately associated as two members of a common family.

Thus situated I had every opportunity to study his character, to know its strength and weakness, and while I do not say he was without faults, I do say that he came as near filling my idea of the true man as any I had ever known. He was ambitious only to serve his constituents faithfully, strong in his affections and convictions, clear in judgment, fertile in expedient, courageous in action, ready in conclusion, honest and just in dealings, generous to a fault, and unselfish and devoted in his friendship.

It is no wonder, then, sir, possessing as he did all these ennobling traits of mind and heart, that he drew around him warm and devoted friends, was successful in his profession, and honored by his fellow-citizens.

Commencing life with no aid save that of a clear head and willing hands, he soon occupied a prominent position in his profession and had laid the foundation for a substantial fortune.

It has been said that some men achieve honors, others have them thrust upon them. In his case honors were thrust upon him. He filled many important offices in his State, was speaker of its house of representatives, was twice elected a member of this House, yet never sought an office. But I shall not speak of his history and acts before he came to Congress.

As a member of this House he was prompt in attendance, at all times thoroughly acquainted with its business, and was perhaps the best informed man in the rules and parliamentary usages governing it of any of its members whose term of service was no longer than his. His quick discernment, ready comprehension, and retentive memory, together with the ability to bring the full strength of his mind and all of his information to bear on a given subject, peculiarly fitted him for a parliamentarian.

The measure of a member's usefulness, and this is especially true of a new one, is determined by the bills he succeeds in passing directly benefiting the constituency he represents. Measuring Seth C. Moffatt by this standard, it would prove him the most useful member Michigan ever sent to this House. Before he came to Congress his district had been represented by men of commanding ability, men who had earned a national reputation, yet when we contrast what they did for the district with what he did we find that he accomplished more in one Congress than they did in many.

Had the river and harbor bill become a law by the signature of the President, the works which would have been constructed under it for the benefit and protection of the shipping interest of our Great Lakes would have been monuments to his energy, industry, and legislative ability, which would have stood for all time, and his grateful constituency, looking upon them, would have said, "Well done, good and faithful servant."

I do not know, Mr. Speaker, that there is a supernatural or other influence which comes to us and gives notice that the time has almost come when we will lay down life's burdens, and all the ties binding us to earth will be severed. But I have heard it said that when those who, possessing a bright hope of a glorious immortality, were just passing under the shadow of the clouds of the valley of death, their feet just touching the waters of the dark river, they would appear to be under an influence not earthly, would speak of scenes most wonderful in beautiful language, and while they thus talked the air would seem filled with the grand harmony of that song sung by the angels and spirits of the just when a redeemed soul enters the gates of the crystal city.

But I do know, Mr. Speaker, that on the last night which our dead colleague spent on earth when conscious, when there was no sound in the room in which we were audible to me, but perhaps to him the fluttering of the wings of the Angel of Death, he talked to me as he had never done before. I wish now, because of his death which came so suddenly that his wife and children were not present, that the power might be given me to turn back the wheels of time to that evening, or that I might have the power to reproduce the scene and enable his wife to hear what he said of her. If she could hear that conversation, she would learn that of all things earthly she was the dearest to him. Could she have heard him say as he did to me, "Oh, how I wish my wife were here, that she might take my hand in hers, that I might feel the influence of her presence, for I know I could then sleep," she would have known that he wished for her more than all others. And I would have her listen to other words expressive of tender love and holy affection that I might here repeat did I not believe them too holy for even this occasion. Could I do this, Mr. Speaker, I am sure Mrs. Moffatt would go away thanking God for the love of her husband, and that the words she had heard spoken would be a well-spring of joy each day of the journey of life which she now treads alone.

I would bring the children to this scene and have them hear him speak of his affection for and trust in them, and I am sure they would go away inspired by a determination never to do anything to bring discredit upon their father's honored name.

Mr. Speaker, I believe that sorrow is the deepest, most felt, which is not spoken; and were it not the custom to speak on such occasions as this, I should have remained silent. The sentence which I have spoken, the words I have used, neither convey my idea of the worth nor express my sorrow for the loss which I in common with others have sustained in the death of Seth Moffatt. To his family I extend my warmest sympathy, to his State my regrets, to the members of the House my sorrow, and for myself I would say that a bright friendship has gone out of my life forever and its place I do not hope to see filled.

Mr. CUTCHEON. Mr. Speaker, once more we have halted for a little hour in the great march of events to decorate a new-made grave. Once more the shadow of a dark wing falls across our pathway, and a sudden chill admonishes us of the nearness of an unseen presence.

Death is as universal as life itself. It is the one fact that must come to all mortality. Soon or late, to every one of us will come the relent-

less messenger with the stern command, "Come!" and we shall all "leave our mirth and our employments and shall come." No pleadings of engagements here, no excuse of unpreparedness, no influence of the powerful or prayers of the loving can stay the stern decree or buy off the grim executioner.

We go out into the busy, thronging street, into the swarming haunts of men, into the crowded gatherings of youth and beauty or of the strength and splendor of manhood and womanhood, and life seems to press in full and swelling tides everywhere. The flashing eye, the mantling cheek, the eloquent lip, the rounded and exuberant form, all tell of an overflowing vitality, an all-pervading life. And yet by the side of each one lurks even now the unperceived shadow, too impalpable as yet to be discerned, but just as real and as certain as the presence of life. Yet when the shadow reveals itself, when the clearly foreseen and inevitable hour comes, it comes with the surprise and shock of a mystery and a calamity.

This was the shock that came to me when, on the morning of the 22d of December last, as I walked up the avenue to this Capitol, I saw the flag over the House ascend until it stopped at half-mast, and then, seemingly refusing to go to the peak, hung drooping and sorrow-laden midway on the staff; and, as I looked, it came to me with an apprehension as if a voice had spoken it, that Seth C. Moffatt was dead.

And such proved to be the fact.

Already the intelligence had sped on lightning wings to his distant home, and to meet his broken-hearted wife, as she was hastening to his side, and out into the wide country from ocean to ocean.

How various was the meaning of that message to those to whom it came!

To the stranger to whom it was only the mention of a name; to the people of his State, which he had served in many public capacities; to his constituents, who had learned to look to him as a trusted leader and Representative; to his neighbors who had witnessed his growth and success with pride, and to the family whose life was bound in closest ties with his own.

The spotless snows of Northern Michigan lie thick and silent now above the snowy forehead and the folded hands.

The frost-laden winds of Grand Traverse Bay, on whose picturesque shores he spent all his manhood years, now sweep through the branches of the sighing pines that stand as stately sentries above his grave, while we, his colleagues, gather here about the seat he lately occupied, to pay our tribute of respect to his life and memory.

Seth C. Moffatt was born at Battle Creek, in the State of Michigan, August 10, 1841. He died in the city of Washington, December 22, 1887, and was buried at Traverse City, Mich., December 26, 1887.

Embraced within the parentheses of these dates was a life of earnest endeavor, of unsullied honor, of usefulness to his community, State, and nation, and crowned with a large measure of the appreciation of his fellow-citizens.

Born to that best estate of our American society, the intelligent middle class, he was neither fettered by the unhappy limitations of actual poverty, nor enervated by the seductions of wealth, which might relieve him of the beneficent necessity for effort and honorable work.

His boyhood was that of the average Michigan boy of forty years ago, when none were rich, when work was honorable to all, and indolence was discreditable to any. His early tuition was that of the public common school, that great equalizer of American citizenship, in which he made such good progress that in the fall of 1858 he removed with his parents to Colon, in St. Joseph County, where for two years he engaged in teaching, at the same time preparing himself for college. In 1860 he entered the literary department of the University of Michigan, at Ann Arbor. I was then in my last undergraduate year in that institution, and I still remember well the slight, smooth-faced boy who then came to us.

One peculiar physical characteristic, which must have struck all who ever became acquainted with him, impressed me the first time I ever met him: it was the extreme smallness of his hand. It was as slender and flexible as a girl's.

The acquaintance then begun was never long interrupted until his death, and by the appointment of this House it was my melancholy duty to stand by his open grave when under the wintery skies of his northern home he was laid in his last resting place.

I know not what changed his original purpose, whether it was pecuniary considerations or an impatience to engage in the actual work of life, but, for whatever cause, at the end of one year he abandoned the literary course and entered the law school of the University of Michigan, from which he graduated in 1863. During his last year in the law school he was a part of the time employed in the office of Hon. Thomas M. Cooley, then dean of the faculty and justice of the supreme court of Michigan, and now the distinguished jurist and chairman of the Interstate Commerce Commission.

After his graduation and admission to the bar he entered the law office of Hon. Byron D. Ball, of Grand Rapids, Mich., (afterward attorney-general of the State), where he remained until the spring of 1864, when he removed to Lyons, in Ionia County, where he began the practice of the law. As fate would have it, to this same county of Ionia I came also, in the summer of 1866, to engage in the practice of the law, having in the mean time served three years in the Army and graduated from the same Michigan law school, and so once more our paths ran together.

In the fall of 1866 Mr. Moffatt was a candidate before the Republican county convention for the nomination of circuit-court commissioner, but was beaten by a young one-armed soldier lately home from the war and also commencing the practice of the law, and now a justice of the supreme court of Michigan, Hon. A. Benton Morse. Shortly before this time the county of Leelanaw had been organized. The county was new and they were short of material for prosecuting attorney. Mr. Moffatt was urged to come to Leelanaw County. He did so; and while yet only constructively a resident of that county he was nominated for the office of prosecuting attorney and duly elected, an office he continued to hold for four years. At the same time he was appointed deputy collector of customs at Northport.

Again, in 1867, it happened that I followed Mr. Moffatt's movement northward and put out my sign in the infant city of Manistee, so that once more Mr. Moffatt and myself were brought into the same legislative, senatorial, and Congressional districts.

In the autumn of 1870, at a senatorial convention held in my own town, and over which I had the honor to preside, Mr. Moffatt was nominated for State senator. He was elected and served for two years with marked ability, and at the end of that time was appointed by the governor, Hon. John J. Bagley, a member of the constitutional commission to revise the constitution of the State. He acquitted himself as an efficient member of that body.

Meanwhile the Legislature, of which he was a member, had made a new Congressional apportionment of the State, creating the new ninth district, embracing all the district recently represented by Mr. Moffatt (the Eleventh) and also all the counties embraced in the present Ninth district excepting Muskegon. In August, 1872, the first Republican convention met in the new district to nominate a candidate for Congress. The district was strongly Republican, and a nomination was considered equivalent to an election. There were four candidates before the convention, among whom Mr. Moffatt stood second in point of strength. The leading candidate was Hon. Hiram A. Burt, of Marquette. and after Mr. Moffatt came Hon. Jay A. Hubbell, of Houghton, while Hon. D. L. Filer had the two votes of Mason County. After balloting all the afternoon a combination was formed among the minor candidates. An arrangement was made that all the anti-Burt votes should be thrown to Mr. Moffatt three times, unless a nomination was sooner reached; then all should be thrown to Mr. Hubbell in like manner for three times, unless a nomination were made before that number of ballots. Each delegate had half a vote, and on the third ballot Mr. Moffatt lacked only one half a vote of sufficient to nominate him. Then the combination cast their votes for Mr. Hubbell, and on the second ballot he was nominated, having secured the vote of the one delegate necessary. Mr. Hubbell was elected and continued the Representative of that district for ten years and until the present apportionment was made. Thus, for the want of a single vote, Mr. Moffatt was delayed twelve years in his entry upon Congressional life.

In 1874 Mr. Moffatt was appointed register of the United States land office at Traverse City, Mich., and in consequence of this appointment he removed to that place, where he continued to reside until his death.

He continued to hold the office of register until the land office was removed to Reed City, in 1878. In the latter year he was elected prosecuting attorney for Grand Traverse County, and in 1880 he was elected a representative in the legislature, and on the convening of that body he was selected as speaker of the house. The session had hardly more than fairly commenced when he was stricken down with typhoid fever, which kept him from the duties of his office during most of the session and at one time threatened a fatal termination.

During his incumbency of the speakership a new Congressional apportionment was made, and Mr. Moffatt's county, with three other small counties, was detached from the "Lower Peninsula," and with the "Upper Peninsula" constituted the new Eleventh district.

In 1882 Mr. Moffatt's friends, after a lapse of ten years, again pressed him for the Congressional nomination, but the Hon. Edward Breitung, of Marquette County, was the successful candidate. Mr. Breitung's failing health constrained him to decline a renomination, and Mr. Moffatt, in 1884, succeeded in securing the nomination which had eluded him by so narrow a margin in 1872. He was elected by a majority of more than 7,000, and in 1886 he was renominated without opposition and re-elected to the Fiftieth Congress.

Of his career in this House it is unnecessary for me to speak. He was a quiet and unostentatious member, never conspicuous, and yet he brought about results without appearing to exert himself. He took a profound interest in the commercial development of his district and was ever on the alert for any measure that promised well for the upbuilding of the great interests intrusted to his care. At the time of his unexpected and lamented death he was planning large things for the improvement of the great northern water-way from the new Northwest to the sea.

Mr. Speaker, I shall not prolong this brief sketch of his life by any attempt to analyze his character. I shall leave that for others, with only a few words. One of the great secrets of his success, perhaps the

chief one, was that he was a friendly man. He was essentially of the people. He never put any distance between him and the humblest or least cultured man. He met and greeted all in a friendly way. The same traits served him as a lawyer. He made friends with juries and gained their confidence, and he impressed a conviction of his sincerity upon the court. In the political campaign he made votes not so much by speeches or by public meetings as by mingling freely among the people, not with an assumed cordiality, but with a genuine and natural sincerity and real friendliness. He managed campaigns in such a quiet way that he did not appear to manage at all. He was an excellent judge of human nature. He knew upon whom to depend and where not to put his trust, and he was rarely mistaken in his judgments. He had a genuine love for politics and public life. Few were the State conventions of his party after he came to manhood at which the familiar face and form of Seth Moffatt were not seen. He had that most desirable faculty for a man in public life, an almost intuitive memory of men and names. There was no man of any prominence in either party in his State that he did not know and meet upon friendly terms. No man in the State was more familiar with its political history than Mr. Moffatt. He knew all about the men who had been the leaders in the State from the beginning. He was in no sense an idealist nor an extremist, but he was a man of strong convictions, and his political allegiance was held with a firm and unfaltering devotion.

Such were some of his more noticeable characteristics.

He was of a genuine American type, developed by our system of social equality and our political system of equal rights in government. He came from the people; he was emphatically of the people; and he was most highly esteemed by them. No one who witnessed the universal mourning of the community when he was borne to his rest could doubt for a moment that he held a place very near to the hearts of the people among whom he dwelt.

It was Christmas morning, and all the earth was covered with a deep mantle of beautiful fresh-fallen snow which was still falling in large feathery flakes, when the funeral train swept out from the somber pine and hemlock woods of Northern Michigan, on to the very shore of Grand Traverse Bay, and the long journey of more than a thousand miles from this capital to his lakeside home was completed.

It seemed almost as though the whole community had come out on that still Sabbath morning to show their respect for their neighbor and friend. Hundreds of hardy workingmen with the business men and professional men stood with uncovered heads in the fast-falling snow as the casket was borne from the station to the unpretentious home from which, just one month before, he had gone out full of high purpose and strong hope.

On the following morning, accompanied by a great concourse of his fellow-citizens of all classes and conditions, we bore him to his final resting-place. As we stood by the open grave, the clouds, which had hung heavy and snow-laden through the morning, parted, and a burst of brilliant sunshine out of a blue sky flooded the scene and gilded the white earth with a beauty and splendor indescribable.

There we left him.

Mr. Speaker, the task which was assigned to us is done. We have borne all that was mortal of our late colleague and friend from this capital, away beyond the mountains, across "the beautiful river," through great commonwealths, to the State that gave him birth, and to which he devoted his life; past the spot where he was born, on the banks of the Kalamazoo; past that modern Athens where he was educated; past the beautiful "valley city" where he commenced his professional life; past the capital where he presided as speaker and discharged the duties of a senator; past all that stands for the work and worry, for the stress and struggle of life, to that blessed spot, so redolent of all that is sweetest and most sacred, of all that is serenest and most restful—his home. In the midst of the great State where he was born and to which he was ever so loyal, among the constituents he represented so ably and faithfully, surrounded by the neighbors and friends who loved him and mourn him, and the dear ones who cherish his memory as their most sacred treasure, we have left him to his quiet sleep.

May he rest in peace.

Mr. FORD. Mr. Speaker, it is with deep sorrow that I rise to pay tribute to the memory of my friend and colleague, Seth C. Moffatt. I had known him a long time, and while we differed upon political questions, our relations were of the most friendly and cordial nature. And I am thankful that in all our intercourse no word or action ever occurred to interrupt the kindly feeling that existed between us.

Mr. Moffatt was a native of the State whose district he represented, being born in Battle Creek, Mich., in 1841. He received a common-school education, and graduated at the law school of the Michigan University. Many times had the people reposed confidence in him. He was a member of the State senate in 1871–'72, a member of the constitutional commission of 1873, and was speaker of the Michigan house of representatives in 1881–'82. He was elected to the Forty-ninth and Fiftieth Congresses. He was a thorough and consistent Republican. At the time of his death he was the leading apostle of that political faith in the district which he represented. But while he was a devotee of the principles of the Republican party, some of his most intimate associates were Democrats. He was a man who made friends wherever he went, and who had the respect of all who knew him, regardless of party.

It is customary to speak well of those who have passed away. The old Latin maxim, "*De mortuis nil nisi bonum*," is an excellent one. But in respect to my dead colleague it is not necessary to invoke the application of this maxim, because if we speak truthfully we can say of him nothing but good. He was a sterling man, true to the core, liberal and magnanimous, with a pure and stainless character. He possessed the qualities of activity and perseverance in a remarkable degree. He was an indefatigable worker in any matter on which he was bent, and no member of this House was more industrious in behalf of the interests of his constituents than he. He was of a kind disposition, open-hearted and generous, modest and gentle as a woman.

One would make a mistake to think that under his quiet and unostentatious manner there did not lie any resolution and firmness. He was peculiarly possessed of those qualities. I remember an instance which well illustrates this. When he was a member of the Legislature in 1881–'82 he was elected speaker of the house. Some time after serving at the regular session he was taken ill. His indisposition was protracted so long that it was feared he would not recover. Right at this time, while he lay upon a sick bed, an extra session of the Legislature was called by the governor. Thinking that he could not live to assume the duties of speaker, many members of the Legislature commenced to discuss the question as to who should be his successor. Just prior to the opening of the session this subject was considerably agitated. But Mr. Moffatt, with indomitable energy, arose from his sick bed, and when the hour for the convening of the Legislature arrived, to the surprise of a great many, he appeared in the speaker's chair, weak and pale, but very determined, and took the gavel and called the house to order.

When the committee of this House which accompanied his remains to their last resting place arrived at his home the scenes were touching indeed, and I can fully indorse all that has been said in that respect by the gentleman [Mr. CUTCHEON] who preceded me. I never saw more genuine sorrow manifested than at Traverse City when we laid him away. The town was draped in mourning, business was wholly suspended, and a sadness pervaded the entire community. Few men in Northern Michigan will be missed more than he who so lately was with us full of life, hope, and ambition. As I stand here it seems but yesterday that I sat in this very Hall in friendly converse with him, and to-day he is clasped in the bosom of the earth and the winter snow of the north rests upon his grave.

As a lawyer he was industrious and successful, as a citizen he was high-minded and exemplary, and as a friend he was staunch and true. By his death this House has been deprived of one of its most worthy and able members, his district of a faithful and conscientious Representative, and his family have suffered the irreparable loss of a kind and indulgent father, a tender and loving husband.

He was but forty-six years of age; an age at which most men are considered to be in the prime of life. It is inexpressibly sad, that one so beloved, at such an age, right in the zenith of his career, when such a fate was least expected, when his dear wife and children were a thousand miles away, should be so ruthlessly taken by the Angel of Death. But sooner or later it comes to us all.

> The glories of our mortal state
> Are shadows, not substantial things;
> There is no armor against fate;
> Death lays his icy hand on kings-
> Scepter and crown
> Must tumble down,
> And in the dust be equal made
> With the poor sickle, scythe, and spade.

His hopes and aspirations are crushsd, his family are heart-broken; but he has gone where no pain, no sorrow, no anguish exists. He has been taken to that unknown hereafter from whence no traveler returns. That there is a hereafter every man, it seems to me, must believe. I can not conceive how any one with human instincts can think otherwise.

If there exists a person who honestly believes that when his eyes are closed in death nothing remains, then I say such a person is to be pitied. Can it be that at the conclusion of man's existence on this planet for a comparatively infinitesimal period of time, can it be, I say, that then, when dust is rendered into dust, all is ended? No.

> When matter and mind are perished and lost,
> And all that we see into chaos is tossed,
> From nothing to nothing we pass out alone,
> Like a flash or an echo, unknown, unknown.

No word comes back; we know not what awaits us. Still, I have something here, in my innermost soul, which tells me that this life is not the end; that beyond all this we have a wider, a higher, a nobler destiny. There lies in the human breast a something which says, "This is not all." What an encouraging hope, what a divine thing it is for this world, this belief in a future existence! How could the widow and the fatherless children of our dead colleague bear up under their unutterable grief if the hope of a future reunion beyond the dark valley were taken away? To teach any other belief is unnatural—yes, it is monstrous.

Mr. Speaker, from all earthly scenes my associate is gone forever. But he will not be forgotten. His friends will ever keep his memory fresh in their hearts. And when the glorious summer comes, and the grass grows green, and the beautiful Michigan roses blossom on his grave, although hushed will be his lips in death, yet the tender blades and the perfume of the flowers will speak of him, and to those who knew him best will seem to say, "Beneath here sleeps one who was kind, and noble, and true."

Mr. OATES. Mr. Speaker, I can not permit this melancholy occasion to pass without uttering a brief tribute to the memory of my departed friend. I met Mr. Moffatt for the first time in the Forty-ninth Congress. I had barely a passing acquaintance with him until we were associated as members of the Special Telephone Investigating Committee.

Charges had been made assailing the honor of a member of the Cabinet and a number of other high officials, and published to the world in many of the leading newspapers. In the opinion of the House of Representatives these charges required an investigation, which was ordered, and a committee consisting of four Republican and five Democratic members was appointed for the performance of that duty. They were confronted by many difficulties, and sat for nearly four months, the greater part of the time during the sessions of the House. A large volume of thirteen hundred pages of close print attests the work done by the committee. And although the report died upon the Calendar with the expiration of that Congress, the evidence taken silenced the press and satisfied the country.

Nearly every day of the sessions of the committee controversies arose upon questions involved or incidental to the investigation we were instructed to make, which, owing to their supposed political significance, provoked unfriendly comment and sharp retort, not always unmixed with some warmth of feeling, in which nearly all at times participated; but Mr. Moffatt, in strong contrast, was ever calm, amiable, and genial on these occasions. True to his convictions, his party, and associates, he was never harsh, extreme, nor unfair, but always respectful, considerate, and tolerant of the opinions of those with whom he differed. He was never radical, but truly conservative in his methods. He acted upon the wisdom of the proverb, "A soft answer turneth away wrath, but grievous words stir up anger." In debate he was earnest, perspicuous, and sensible, rather than eloquent. By his urbane, pacific, and respectful demeanor he won the esteem and confidence of all of his associates. To estimate him at his true merit required an intimate personal acquaintance, and with those who enjoyed that he steadily grew in all the virtues which adorn true manhood.

Of the nine members of the committee of which I have spoken, he and myself were the only ones elected to the present Congress. When it assembled last December I met him apparently in good health. He greeted me with that hearty cordiality which was a part of his nature and which made him so estimable and popular. His prospects for a long and useful life were then apparently much greater than those of most of us who have survived him. But, alas! he has met that fate which is our common heritage, and passed over the river to repose peacefully in the shade of the trees upon the other side.

Mr. O'DONNELL. Mr. Speaker, upon the assembling of the Forty-ninth Congress, for the first time two members, to whom I shall allude, took their places in this Chamber. The elder came from the State of Louisiana, the younger from Michigan. They were much alike; in features there was some resemblance; both had held important trusts from their fellow-citizens. By nature they were reticent and retiring, but men of firm convictions. They were strangers when they came; in the drawing of seats they chose places in close proximity. The peculiar qualities and endowments of each attracted one to the other, and in a short time a warm friendship grew up. In a few months one was seized with an illness which in a brief time proved fatal. In his apartments, alone, while battling with death, the life blood welled up and he was found lying dead, his face to the morning stars, no longer ignorant of their solemn mysteries in his silent sleep. The survivor of the dual friendship grieved for his own and the country's loss. He served his term, and so well did he demean himself that he was again commissioned to represent his people. At the convening of this Congress he chose his accustomed place and entered upon his duties. In a few days a slight indisposition assailed him, and the feeble frame yielded to the malady which poisoned the vital current, and, like his friend of two years agone, he suddenly crossed the line that divides time from eternity—was taken from earth to the land where the soul wears its mantle of glory. They are released from earthly labor, and, like the soldiers of Mahomet, were speech a gift of the dead, would say, "In Paradise we shall rest."

Mr. Speaker, when the first of these was called away his colleagues invited me to pay a tribute to his memory. To this I acceded, and to-day, at these memorial services, in obedience to the wishes of his associates and to keep a promise to the dead—a pledge lightly exacted and more lightly given, but here solemnly redeemed—I attempt to weave a chaplet to the worth of my friend and late co-worker.

Seth C. Moffatt, whose loss we deplore to-day, was born in the year 1841 at Battle Creek, Mich., a pleasant city in the district which I have the honor to represent. In that place his youth was spent. Among its generous people he tarried a few years, where he laid the foundation of an education afterward finished at Michigan's institute of learning—a university which is the pride of the inhabitants of the Peninsular State and is honored in every civilized land. Possessed of this capital, he removed to the then sparsely-settled portion of Northern Michigan, which was his abiding place until he came to the national capital in December.

It is not easy to comprehened why this quiet man, in the midst of his preparations to join his loved ones in the far away but dear home, where he would observe with them the festival which commemorates the coming of One who brought "peace on earth and good will to man," should, in the presence of the very well and spring of life, be gathered to the cold company of death. His friends had thought his illness would be brief, and that he would soon resume his place. I remember, oh! so vividly, visiting him while he lay ill. Although he had endured but a few hours of suffering, it had left its imprint of agony. Even then he was upon the threshold of eternity, but we who stood about him did not realize it. He struggled for the breath which is life. He was released from the anguish of the disease that was sapping life, for kind nature had administered the anæsthetic of physical insensibility. As we two friends stood there the lips murmured "broken words through the closing door, which opened to one world and shut out another." The sister of suffering humanity who was the gentle minister of relief, who watched without weariness, told us he would be better on the morrow.

The morrow came; the sun gilded dome and marble palace; the morning, with eyes full of pitying sunshine, looked upon the face of the dead. The unseen messenger had waited round that couch until the hour when the disturbed chemistries of failing life could no longer resist, and as a new day came bore him away. He was better on the morrow, for as he was freed from the ligaments of the body he gazed upon the life to come as it is seen by the eyes of immortality. Wonderful mystery of life! Even greater mystery of death! How little indeed humanity knows of either. As we spoke to the leaden ears and told him of his dear ones journeying on the way to him we thought him returning. How meager our knowledge. The slender chord that moors us to time had been slackened and even then he was drifting away to that still, strange land, the shadowy home of the shadows. The nation's flag that floats above us was that day the ensign of woe, announcing his death to many before unaware of his illness.

Mr. Moffatt had aided in and was part of the development of his portion of our loved Michigan. He was animated by the same affection for that grand Commonwealth, his native State, that inspires all within its borders. The people of the section where he dwelt were not long in recognizing his merits. For over twenty-one years he served them in places of trust and responsibility, in positions executive, legislative, and financial, always to his credit and to their satisfaction.

At last they called him to the high and honorable position of their representative in the Congress of the United States, where he served them faithfully for nearly three years. He was not wont to mingle in the strifes and forensic contests on this floor, but this modest and retiring man attended to those other equally important duties pertaining to service here. He served his country and constituency with fidelity. It was his fortune to represent a district where but little was required in attending to personal interests, and he had the opportunity so longed for by laborers in this House to become familiar with the great questions of the hour and study the wants and needs of all the people. He was not burdened with duties which are so irksome to many, the accumulation of which makes membership here a pillory rather than a post of honor. With a well-trained mind and application the future gave promise of greater usefulness. He believed the great high road of human welfare to lie along the old highway of steadfast well-doing, and in all his duties remembered the wise words of Solomon as an admonition: "Whatever thy hand findeth to do, do it with thy might." All his work is ended, for he was, to our vision, too early summoned to the other world by death. Wherefore? This is humanity's same, eternally renewed question of our lives.

I have sketched imperfectly the life and services of Seth C. Moffatt. As a citizen he met all the requirements of the highest citizenship. That is much indeed, and when so filled the title "American citizen" is a proud one. As a husband and father he was tender, considerate, and loving. Indeed, I do not think this gentleman ever caused a tear save when he died. There was not a shred of littleness about him. He was always gratified at the success of any of his colleagues, and it is but justice to say, Mr. Speaker, the same kindly feeling permeates those from our State who survive him. It was not his intention to stay here long. His design was to serve his people as best he could for the remainder of the term allotted him, then go back to his home by the great lake, permitting others to bear the burden we all so gladly assume. He would turn aside from the thorny road of political life and devote himself to the profession he loved so well. He was happy in this resolve, and hope wove its roses in the blue web of the future. This decision he held to the end, and its contemplation sustained him. The thought of home was the last joy of memory that followed him to the boundaries of life.

This useful life is over, and its reward cometh. Occasions like this bring to mind the Persian prayer, first uttered in the youth of the world,

which comes down to us through the centuries with all its beauty of truth, "Purity and glory are sown for them that are pure and upright in heart." In uttering the words of praise for this life whose heart throbbings are stilled, we speak them as reverently as we would lay our hands upon the face of the dead.

The people among whom his manhood's years were passed evinced their deep regret at his departure from the world. They who trusted and honored him in the past lament the termination of a career with which their hopes were so closely interwoven, and to his family they with gentle hand and tender hearts would have lifted aside the veil of sorrow. They and we mournfully realize—

Nothing is our own; we hold our pleasures
First a little while, ere they are fled.
One by one life robs us of our treasures;
Nothing is our own except our dead.

Mr. WHITING, of Michigan. Mr. Speaker, I esteem it a very great privilege and a pleasure to add in a very few words my testimony on this occasion. For it was my good fortune also to have a personal acquaintance with the one in whose memory to-day this House lays aside its restless, urgent business and devotes most profitably more than a passing thought to the life and character of one whom to know was a pleasure and a benefit, and in whose death this House lost one of its most upright, consistent, and honored members.

Free from selfish ambition or personal resentment, he was loved by every true man with whom he was thrown in contact. Genial and unpretending, he had a face and a manner which inspired confidence and secured good will. Rising above the politician, he was a statesman above reproach from partisan or opponent—a pride to the State of Michigan, one whom in life she "delighted to honor" and in death she will not forget. Seth C. Moffatt builded well his own monument, for the memory and the influences of his pure life will live when the chiselings of marble will have been effaced and the emblems of mortal greatness have decayed.

Mr. OSBORNE. Mr. Speaker, Seth C. Moffatt was my friend. I can not therefore allow the hour to pass without paying a tribute of respect to his memory. He was held in very high esteem by all gentlemen who were acquainted with him and who knew his excellent qualities of head and heart. He was one of those pleasant, warm-hearted men whose company is always appreciated and whose deportment is commended by the best society.

Born in Michigan, educated in her schools and at her university, he there laid the foundations for a life of useful and intelligent action that brought distinction to himself and reflected honor on his native land. Indeed, his career is one to which his friends can point with just pride and from which may be drawn many practical lessons worthy of emulation by the youth of our land. I think his life is a striking example of the great work energy may accomplish when directed by an earnest devotion to truth and honor.

Few men have been more successful in producing solid results from life's battle than was he. Starting from an unpretending station, in the brief period of forty-five years he became a distinguished member of the bar, a leading and influential State senator, speaker of the lower house of the Michigan Legislature, a member of the constitutional commission, delegate to the Republican national convention, a Representative from Michigan in the Forty-ninth and in the Fiftieth Congress of the United States.

Chosen and rechosen, always indorsed by the people in his official stations; placed in the balance and never found wanting.

In truth, here was a man whose early death is most deeply to be deplored.

A quiet, modest man, who had a soul radiant with heavenly light. Full of generous, sympathetic impulses for his fellow-man, I do not wonder that his people mourned and refused to be comforted when they realized that he had passed away, and had gone out from amongst them forever.

I would pour oil and wine into the broken and contrite hearts of his bereaved family.

They have sustained a loss no words I may sound can alleviate. His *taking off* was so unexpected; so near the Christmas season, when the heart is aglow with affection, it did not seem possible that one so noble and true, and useful in the affairs of life, could be then selected as a target for death.

It is touchingly sad to those who knew him, to remember how anxiously he was looking forward to the time when his dear wife and children would join him at Washington for the winter. Only the day before he was confined to his bed he dwelt upon their coming with unusual warmth of feeling, and rejoiced exceedingly when he thought the day of their coming could not be deferred much longer.

Alas! how weak and insignificant is man. In the midst of our greatest prosperity we are traveling nearest the brink of destruction. When just ready to take a sip from the cup of earthly sweetness, it is turned to bitter gall.

His wife and children came; but how changed the conditions! The wife a widow and the children fatherless.

The affectionate husband, the kind and loving parent cold in death. The tenderest affections of the human heart are suddenly scalded by the bitterest tears of bereavement.

Human sympathy in such a presence is best shown in silence, bowing in humble submission to Him who sitteth on the circle of eternity, and ruleth the universe.

Men build cities and endow institutions of charity and die remembered for their beneficence. They erect the splendid mausoleum pointing towards heaven and cover it all over with the story of their deeds, and die hoping that the world will not willingly forget their names and memory. They stamp the record of their deeds upon their age in letters of enduring brass that generations yet unborn may rise up and call them great.

By the grave of Seth C. Moffatt I would plant a rose and a honeysuckle. I would bedew them with my tears. His name is written by the hand of affection in the hearts of the people, and there his memory is inscribed and will remain, a lasting tribute to truth and honor, a noble example of an upright life and an evidence of the blessings of our free institutions.

Mr. CANNON. Mr. Speaker, Seth C. Moffatt and I were friends. During his service in the Forty-ninth Congress we lived at the same hotel, were associates and companions, and were seat-mates in the Fiftieth Congress. There was no member of the House to whom I was more attached. He was an honest, candid, able, modest man, a lawyer by profession. Nature gave him an excellent legal mind, which, aided by industry and character, enabled him to rank with the first class in his profession. Members of this body rarely if ever do themselves justice as legislators in the first Congress of their service.

Mr. Moffatt was not an exception to this rule. Knowing his competency, his friends frequently urged him to take an active part in the debates of the House; he generally declined, saying he would quietly serve one term in Congress and be more active in the future in the event of his continued service. His attainments at the bar, legislative experience in his State, having served in the Michigan Legislature as speaker of the house of representatives, coupled with his sterling personal qualities and liberal culture, promised a career in the House honorable to himself and useful to the country. His was a character that grew on those with whom he came in contact. He was of that class of men who can be depended upon to do their part, to answer the drafts drawn upon them. It is such men in public and private life that make our civilization both stable and progressive.

During Mr. Moffatt's last illness I saw him frequently. He suffered greatly, yet was cheerful and hopeful. Neither he nor his friends apprehended that his disease was to prove fatal. He greatly desired to spend the approaching holidays at his home in Michigan with wife and children, neighbors and friends, insisting that he could make the journey in his then condition.

On Monday prior to his decease on Wednesday, he realized that his strength was not sufficient to warrant the journey. His last conscious act was the writing of telegrams to his wife and son that he could not be with them on Christmas, but hoped the family would be together at home and have as good a time as possible. We telegraphed his wife to come. She did not arrive until after his decease on Wednesday. He was spending an eternal holiday on the other shore.

Of the state for us all on the other side, we only know through faith and hope. To my mind the most reasonable hope as to the future is that each one will find a place according to his loves. I shall be content—ay, more, glad—if, when my time comes to cross to the unknown, I shall find a place in company with Seth C. Moffatt and such as he.

Mr. HAYES. Mr. Speaker, there are quite a number of the members of this House that knew more of Mr. Moffatt in his manhood than myself, but I doubt if any more keenly deplored his untimely death or had more occasion for such feeling. His father and my own were pioneer doctors in Michigan when it was a Territory and practically a wilderness, living but 12 miles apart, and he and I were born in the same county in the same year, and were classmates at the Michigan University, graduating in the same class from the law department of that institution. While there a strong friendship developed between us, and cordial and pleasant relations were always afterwards maintained. When I was elected a member of this House I instinctively turned towards him, not only as a friend but as an adviser and assistant, on account of his experience in the duties and details of business here.

After leaving Ann Arbor he settled in a part of Michigan distant from myself, and I soon left the State, so that I saw but little of him personally thereafter until meeting him here; but I always watched his course with interest and rejoiced at his successes in life. However, from so watching his course, from seeing him as I did, and from the universal testimony of all who knew him, I feel competent to correctly speak of him, and I know that he was in his manhood the natural outgrowth and development of his early promise. It has been well said, "The childhood shows the man, as morning shows the day." He was spotless in his character, and his integrity, probity, and honor were never questioned. In his profession and life he was eminently successful, and not by the mere glamour of brilliancy and transcendent genius, but rather by force of character, industry, integrity, studiousness, level-headed judgment, good habits, a determination to do his duty under all circumstances, and withal, a laudable but reasonable ambition.

These qualities, as is almost always the case, led to success in life and to an honorable position among men. At the very threshold of

his career his ability as a lawyer and worth as a man were recognized, and he was elected prosecuting attorney, filling this important position for some ten years. Following this he was a State senator in Michigan, a member of its constitutional commission, register of the United States land office, and for two years was a member of the Michigan house of representatives, and during this time served as its speaker, receiving such just recognition from his party that when elected to this important and responsible position he was a new member of that body. In 1884 he was a delegate to the Republican national convention at Chicago, and in the same year was elected a member of this body and had so continued until his untimely death, which occurred in the vigor of his manhood and at a time when it is reasonable to suppose his usefulness had just commenced.

When his various positions of honor, trust, and responsibility are considered, and it is remembered that they were all filled with credit to himself and an eye single to the interests of those whom he represented, and when in connection with this his life as a whole is viewed, it may well be said that his death was a public calamity as well as an inconsolable loss to his family and friends. It has, however, a bright side in the knowledge that the sum of his life and labors was a heritage of honor to his family and a shining mark well worth the emulation of all men.

Whoe'er amidst the sons
Of reason, valor, liberty, and virtue
Displays distinguished merit, is a noble
Of Nature's own creating.

Mr. CHIPMAN. I regret that my first utterance in this House is on an occasion of sadness, yet I am proud, very proud, that my native State has been represented here by a man entirely worthy of the encomiums which have just been bestowed on Mr. Moffatt.

In this age of ribald criticism and irresponsible accusation it is a great pleasure to know that a good man has been here. He indulged in no vain babblement on this floor, no fierce shrieking to catch the ear of fame. He was true and honest, consistent, laborious, useful. What higher eulogy can be passed on any man? Useful, sir, above everything—a faithful, efficient representative of his people. I do not say that he has anchored his name in history. How many have done that in the past—how many will do it in the future?

So it is saying a great deal to say that he was honest, he was useful, and that he has laid down to pleasant slumbers. The decent respect of this occasion is honestly his. "The actions of the just smell sweet and blossom in the dust." And he, though he has passed from mortal ken, has left us the perfume of his charity and kindliness.

Let us hope that all is well with him beside the great lake and beneath the snow of his native State—the beneficent snow which ripens the glory of the golden grain and presages the prosperity of happy homes.

Mr. GALLINGER. Mr. Speaker, I esteem it a great honor to have been invited, on this sad occasion, to bring a single utterance of tender and loving tribute to the memory of our late associate, Seth C. Moffatt. Others, who knew him longer and better than I, have spoken of his distinguished public services and of his superior qualities of head and heart. I knew him only from the opening of the Forty-ninth Congress, but his gentle manners and quiet, unobtrusive life attracted my attention, and led me to have a warm feeling of friendship for him. Our acquaintance began almost on the first day of the session, and many pleasant hours were spent in talking of the great possibilities and wonderful progress of the district he represented. Mackinac Island, that spot of almost unequaled beauty, around which cluster delightful traditions and historic memories, the marvelous lakes and rivers of the great State of Michigan, the famous "Soo," with its grand canal, unrivaled water-power, and magnificent commerce—all these served as topics for interesting conversation between us. His love for his State was sublime. On that theme he talked *con amore*, while on all general subjects he was a man of remarkable intelligence, wide culture, and great breadth of view. Withal, he was an amiable, honorable, conscientious gentleman.

His life was gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world, "This was a man!"

When the Fiftieth Congress met no warmer grasp was given my hand than by our late friend and associate. Then came the intelligence of his serious illness, and my heart, accustomed in a professional way to the anxieties and sorrows of the sick chamber, went out in deepest sympathy to this good man, who, away from home and friends and family, was being ministered to by the hands of strangers. Death came soon, and the Christmas season, so full of joy and gladness to most of earth, brought unutterable grief to those who knew him best and loved him most. The devoted wife, on her mission of love, found when she reached Washington that death had preceded her, and then she realized, as every stricken and bleeding heart realizes, that—

Along the roadside where we pass bloom few
Gay plants of heart's-ease, more of saddening rue.

Mr. Speaker, I need not say more. Mine is but the tribute of a word. Our friend has gone never to return. He has escaped from the contentions and antagonisms of this world, and entered upon a better and higher life. Let us, in honoring his memory as we do to-day, strive to emulate his virtues, and to so live that it may be said of us as we would say of him:

The good, they drop around us one by one,
Like stars when morning breaks; though lost to sight,
Around us are they still, in heaven's own light,
Building their mansions in the purer zone
Of the invisible; when round are thrown
Shadows of sorrow, still serenely bright
To faith they gleam; and blest be sorrow's night,
That brings the o'erarching heavens in silence down,
A mantle set with orbs unearthly fair!
They dwell, divinely dwell, in memory,
While life's sun declining bids us for the night prepare,
That we, with urns of light, and our task done,
May stand with them at last in lot unchangeable.

Mr. CONGER. Mr. Speaker, this House has to-day put away the bustle and tumult of ordinary work to pay a merited tribute of respect and love to the memory of one of our number who has been recently called to a higher life, a nobler work. It is for us a sad yet grateful service. Sad because the places that have known our brother here shall know him no more forever; grateful for the associations hallowed by his presence; sad because of his untimely death, yet grateful for the sweet memories of his eventful life.

Seth C. Moffatt was one of the first acquaintances I made in the Forty-ninth Congress; our first hand-shake was under such circumstances as made us friends, and I have ever counted that day blessed which gave me such a friend. I therefore gladly bring my laurel branch for the chaplet that we on this occasion shall weave for the memories and the victories of our departed colleague.

Others have most eloquently told the story of his distinguished life, of his birth, his boyhood, and manhood, all in his own loved Michigan, and of his splendid service to his native State. I only knew him here, in this national capital. But I knew him thoroughly; knew him as faithful and industrious Representative, as able and conscientious legislator, as genial companion, as trusted friend, as devoted husband, as loving father, and as a Christian, manly man.

There is no place in the world where the measure of a man is more quickly and accurately taken than upon this floor. This measurement placed Seth Moffatt high up on the roll. His words were few, but his sentences were golden; his judgment was safe, and his convictions unfaltering.

As a friend, he was ever kind and true; as a husband, he was tender and thoughtful; as a father, most loving and indulgent. His family circle was truly and in the strictest sense a home. He gave every spare moment from his professional and public duties to his family, and was idolized by every member of it. His children and

His loving wife beguiled him more than Fame's emblazoned zeal,
And one sweet note of tenderness than Triumph's loudest peal.

As a citizen he was of the highest type. He was a man of profound reverence, of unfaltering faith in God and implicit trust in His divine promises, and a firm believer in the immortality of the soul. He also believed that moral character was salvation; that in this and all worlds men should and would be happy or miserable according to their deserts. He saw the revelations of God in the laws and forces of the universe and in the thoughts and loves of mankind.

He was a religious evolutionist, basing his hope for the future upon the record of the past, beholding a constant development in the spiritual as in the physical world, and hoping for an outcome of creation which would justify the infinite wisdom, the infinite love, and the infinite fatherhood of the Creator. His was a religion broad enough, deep enough, and high enough to take in all mankind. He believed and very often said that—

There's a wideness in God's mercy,
Like the wideness of the sea;
There's a kindness in His justice
Which is more than liberty.

And his daily walk was ever consistent with and continually emphasized his religious faith.

Our friend was indeed small of stature, but in the kindness of his great heart, in the depth and strength of his friendship, in the tenderness and trustfulness of his love, in his devotion to duty, in the incomparable power and unstinted reverence of his intellect, in his faith that over all is God blessed and blessing forever, he was a large, complete, well-rounded man; a splended type of those men who have given strength and glory to the past and promise security and perpetuity for the future of our Republic.

What constitutes a state?
Not high-raised battlement or labored mound,
Thick wall, or moated gate;
Not cities proud, with spires and turrets crowned,
Not bays and broad-armed ports,
Where, laughing at the storm, proud navies ride;
Nor starred and spangled courts,
Where low-browed Baseness wafts perfume to pride.
No! Men, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or den,
As beasts excel cold rocks and brambles rude;
Men who their duties know,
But know their rights, and, knowing, dare maintain!
These constitute a state.

Of just such men was Seth C. Moffatt. On the 22d day of Decem-

ber last he died; but as sure as God's sun shines he lives again. His life was a noble mission. Our heritage is his blessed memory. Let us emulate his virtues and profit by his example.

The question being then taken on the resolutions submitted by Mr. BURROWS, they were adopted unanimously; and in accordance with the concluding resolution the House (at 5 o'clock and 20 minutes p. m.) adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BREWER (by request): A bill (H. R. 7904) granting a pension to Ira Scott—to the Committee on Invalid Pensions.

By Mr. T. H. B. BROWNE: A bill (H. R. 7905) for the relief of Nash. L. Cox—to the Committee on War Claims.

By Mr. CASWELL: A bill (H. R. 7906) for the relief of Alpheus P. Stephenson—to the Committee on Military Affairs.

By Mr. CHIPMAN: A bill (H. R. 7907) granting a pension to Mary Ann Lang—to the Committee on Invalid Pensions.

By Mr. COGSWELL: A bill (H. R. 7908) donating condemned cannon to a committee of veteran soldiers at Boxford, Mass.—to the Committee on Military Affairs.

By Mr. CRAIN: A bill (H. R. 7909) to place John A. Payne on the retired-list with the rank of major—to the Committee on Military Affairs.

By Mr. FORAN: A bill (H. R. 7910) granting a pension to Mary Murray, mother of Michael P. Murray—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 7911) to remove the charge of desertion against Joseph C. Pouceler—to the Committee on Military Affairs.

Also, a bill (H. R. 7912) for the relief of Frances P. Vernon—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 7913) granting a pension to Nellie Palfrey Goodwin—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 7914) to increase the pensions of Warren F. Wood—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 7915) granting a pension to Elias E. Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7916) for the relief of J. A. Furley—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 7917) for the relief of John Jones—to the Committee on War Claims.

Also, a bill (H. R. 7918) for the relief of John C. Buckner—to the Committee on War Claims.

By Mr. LAFFOON: A bill (H. R. 7919) for the relief of Benjamin Yeager—to the Committee on War Claims.

By Mr. LA FOLLETTE: A bill (H. R. 7920) for the relief of John Swan—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY: A bill (H. R. 7921) for the relief of M. Barlow—to the Committee on Claims.

Also, a bill (H. R. 7922) for the relief of W. G. Anderson—to the Committee on War Claims.

By Mr. MORROW: A bill (H. R. 7923) for the relief of the sureties of Asher R. Eddy, late Lieutenant-Colonel and deputy Quarmaster-General, deceased—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes—to the Committee on Indian Affairs.

By Mr. PETERS: A bill (H. R. 7925) to correct the military record of Joel Maxwell—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 7926) for the relief of J. N. Bolles—to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 7927) granting a pension to Emily A. Cook—to the Committee on Invalid Pensions.

By Mr. SENEY: A bill (H. R. 7928) granting a pension to Samuel M. Reese—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: A bill (H. R. 7929) granting a pension to Salinda A. Howell, widow of John W. Howell—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER. A bill (H. R. 7930) for the relief of Edward D. Stillson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7931) granting a pension to Clara Fowler—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 7932) granting a pension to Mary Calvert Truxtun—to the Committee on Pensions.

Changes in reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 679) granting an increase of pension to Mrs. Maria L. Caraher—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 4735) for the relief of Douglass Chapman—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 2827) to pension Silas Beezley—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 5798) for the relief of Andrew J. Boss—from the Committee on Military Affairs to the Committee on War Claims.

PETITIONS.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of C. A. Hill, administrator of James M. Hill, of Tishomingo County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BELDEN: Petition of Mrs. Charlotte C. Bates and 25 other ladies, of Auburn, N. Y., for a law compelling saloon-keepers to remove all screens, curtains, and other obstructions from before their bars—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of Mrs. R. H. Bloom, superintendent of prison and jail department, of New York, for a law that males and females be classified in separate apartments during their retention in station-houses, jails, etc.—to the Committee on the Judiciary.

Also, petition of Mrs Charlotte C. Bates and 19 other ladies, of Auburn, N. Y., for a law granting municipal suffrage to women—to the Committee on the Judiciary.

By Mr. BELMONT: Petition of citizens of Queens County, of Keyport, Long Island; of Babylon and of Eastport, Suffolk County, New York, in favor of increase of compensation to Life-Saving Service employés—to the Committee on Commerce.

By Mr. BLAND: Petition of J. M. Appling, of Laclede County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Laroy Busick, for relief—to the Committee on War Claims.

By Mr. BOOTHMAN: Petition of M. Feegardin and 44 others; of J. W. Bloyd and 87 others; of Joshua Hardesty and 60 others, and of W. E. Burk and 32 others, citizens and ex-soldiers, of Van Wert County, Ohio, in favor of the per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: Petition of C. E. Dole, J. E. Shaw, and 132 others, farmers of Maine, for more effectual protection of agriculture—to the Committee on Ways and Means.

Also, petition of Walter P. Allen and others, of Bangor, Me., against repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. BREWER: Petition of Godfrey M. Stanton, B. B. Tucker, and 38 others, citizens of Clinton County, Michigan, for the granting of a pension to Ira Scott—to the Committee on Invalid Pensions.

Also, petition of Ira Scott, late of Company I, Twenty-ninth Regiment Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. BROWER: Papers in the claim of William R. Albright, of Alamance County, North Carolina—to the Committee on War Claims.

By Mr. T. H. B. BROWNE: Petition of George T. Garrison and others, citizens of Accomack County, Virginia, for increase of salary of keepers and surfmen of Life-Saving Service—to the Committee on Commerce.

Also, petition of citizens of Caroline County, Virginia, for the establishment of a department of agriculture—to the Committee on Agriculture.

By Mr. T. M. BROWNE: Petition of M. C. Gordon and 60 other ex-soldiers, for the passage of a per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. J. E. CAMPBELL: Petition of Isaac Lemons and 250 other soldiers of Ohio, for repeal of limitation on filing of pension claims—to the Committee on Invalid Pensions.

By Mr. CARUTH: Petition of 50 citizens of Louisville, Ky., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. CASWELL: Petition of S. C. Carr, master of the State Grange, and 31 others, citizens of Rock County, Wisconsin, against the extension of charters of national banks or increase of circulation on present securities—to the Committee on Banking and Currency.

By Mr. CHEADLE (by request): Petition of 35 comrades of Henry C. Coulter Post, Grand Army of the Republic, of Russiaville, Ind., for the enactment of Senate bill No. 1537—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: Petition of Mary Ann Lang, widow of Peter Lang, Company K, Sixteenth Michigan Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. CLARDY: Petition of Joseph G. Clarkson and 135 others, citizens of Ironton, Mo., protesting against a reduction of import duties on iron ores—to the Committee on Ways and Means.

Also, resolutions of the Missouri State Board of Agriculture, for laws to eradicate pleuro-pneumonia—to the Committee on Agriculture.

By Mr. CLEMENTS: Petition of James Keeber, of Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Georgia, against the reduction of the traffic on marble—to the Committee on Ways and Means.

By Mr. COOPER: Petition of J. C. Dussair and others, citizens of Missouri, for the increase of duty on wool and woolen goods—to the Committee on Ways and Means.

Also, petition of Amos C. Mounts and 78 others, ex-soldiers of Mounts Post, No. 424, Grand Army of the Republic, of Prospect, Ohio, for the passage of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. COWLES: Memorial of the Democratic State Executive Committee of North Carolina, asking for a repeal of the internal-revenue laws of the United States—to the Committee on Ways and Means.

By Mr. CRAIN: Papers in the case of Lieutenant Payne—to the Committee on Military Affairs.

By Mr. CUTCHEON: Petition of citizens and vessel-owners and of business men of Manistee, Mich., for increased compensation of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

Also, petition of citizens of Newaygo County, Michigan, for modification of the patent laws—to the Committee on Patents.

By Mr. DAVENPORT: Petition of citizens of Corning, N. Y., for the rated pension bill—to the Committee on Invalid Pensions.

Also, petition of Schuyler County (N. Y.) Agricultural Society, against fraudulent importation of cattle—to the Committee on Ways and Means.

By Mr. DE LANO: Petition of Oneida Cigar Company, of Oneida, N. Y., and 45 others, protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, resolution of Acme Grange, No. 498, Patrons of Husbandry, of North Barton, Tioga County, New York, protesting against the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. DOCKERY: Petition of citizens of Worth County, Missouri, for certain changes in the tariff laws—to the Committee on Ways and Means.

By Mr. DUNN: Resolutions of the Chamber of Commerce of Helena, Ark., for a survey of the harbor at that point, and an appropriation for the protection and preservation of said harbor—to the Committee on Rivers and Harbors.

By Mr. FINLEY: Petition of Daniel Dalton, of Pulaski County, Kentucky, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FLOOD: Petition of the Stock Growers and Wool Growers' Association, and of citizens of Schuyler County, New York, praying that the schedule adopted by the Wool Growers' Association at Washington, D. C., January 14, 1888, be enacted into a law—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of Mrs. Francis P. Vernon, widow of Richard B. Vernon, for a pension—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of members of John B. Raymond Post, No. 102, Grand Army of the Republic, of Dakota, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of Newton Wilson and others, of Tyler County, West Virginia, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. GRIMES: Petition of William Chasteen, of Aquilla Reeves, and of James M. Green, of Carroll County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GUENTHER: Petition of citizens of Waukesha County, Wisconsin, for an increase of duty on wool, etc.—to the Committee on Ways and Means.

Also, petition of 8 citizens of Holland and Stone Bank, Wis., for the removal of the duty on foreign salt—to the Committee on Ways and Means.

By Mr. HALL: Petition of the Woman's Christian Temperance Union, for the protection of women—to the Committee on the Judiciary.

By Mr. HAUGEN: Memorial of the Board of Trade of Saginaw, Mich., against the removal of duties on salt—to the Committee on Ways and Means.

Also, resolutions of the Business Men's Association, of Shawano, Wis., relative to pine lands owned by Indians in Shawano County, Wisconsin, and asking for the selling of same—to the Committee on the Public Lands.

By Mr. HEARD: Resolutions of the Missouri State Board of Agriculture, in favor of the extirpation of pleuro-pneumonia and other contagious diseases among cattle—to the Committee on Agriculture.

By Mr. HERMANN: Memorial of the Board of Trade of Portland, Oregon, for increase of salary of United States judges to $5,000—to the Committee on the Judiciary.

Also, petition of citizens of East Washington Territory and the State of Oregon, for retention of the present duties on foreign wool—to the Committee on Ways and Means.

Also, memorial of the Board of Trade of Vancouver, Wash., for improvement of Columbia River below Vancouver—to the Committee on Rivers and Harbors.

By Mr. HIRES: Petition of persons employed in the Life-Saving Service in Cape May County, New Jersey, for an increase of pay—to the Committee on Commerce.

By Mr. HOOKER: Petition of Martha C. Tapley, of Hinds County, and of D. H., T. J., and Pauline Chamberlain, of Jefferson County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. S. I. HOPKINS (by request): Petition of miners and employés of Gaymont, Sunnyside, and Elmo, Fayette County, West Virginia, against removal of the tariff on soft coal, coke, etc.—to the Committee on Ways and Means.

By Mr. HOVEY: Petition of Joshua Stephens and 50 soldiers of the late war, for a service pension—to the Committee on Invalid Pensions.

By Mr. JACKSON: Petition of Mrs. Mary Gow and 80 others, citizens of the Twenty-fourth district of Pennsylvania, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. LYMAN: Petition of 144 ex-soldiers of Cass County, Iowa, in favor of the 1 cent per-day pension bill—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petition of John Shepard, for increase of pension—to the Committee on Invalid Pensions.

Also petition of Mary F. Brewer, for relief—to the Committee on Invalid Pensions.

By Mr. McCULLOGH: Four petitions of soldiers and sailors of Westmoreland County, Pennsylvania, for the passage of the rated pension bill—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of Solomon Gardner and 29 others, citizens of Bradley County, Arkansas, asking that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. McSHANE: Petition of citizens of Nebraska, in relation to locating the Indian tribes in the Indian Territory and the opening to settlement of the public lands in that Territory—to the Committee on the Territories.

Also, petition of ex-soldiers and sailors in the Union Army, for the rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Alaska, against a Territorial form of government for said district—to the Committee on the Territories.

Also, petition of letter-carriers of Omaha, Nebr., in favor of increase of salaries—to the Committee on the Post-Office and Post-Roads.

Also, petition of dealers in dairy products, asking for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. MONTGOMERY: Petition of Ansel Dawson, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: Petition of Mrs. Susan A. Foster, for a pension—to the Committee on Invalid Pensions.

By Mr. PATTON: Petition of 21 soldiers of Clarion County, Pennsylvania, in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of 24 citizens of Kingman County, Kansas, favoring restoration of the tariff on wool—to the Committee on Ways and Means.

By Mr. PHELPS: Memorial of the Central American Transit Company, for relief—to the Committee on Commerce.

By Mr. RICE: Petition of 28 citizens of St. Paul, Minn., protesting against the repeal of internal-revenue laws relating to tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. J. E. RUSSELL: Petition of Samuel Barton, of Oxford, Mass., for relief—to the Committee on War Claims.

By Mr. SENEY: Paper of Angie F. Newman, respecting polygamy in Utah—to the Committee on the Territories.

Also, petition of Samuel M. Reese, Company B, One hundred and fiftieth Regiment Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. HENRY SMITH: Petition of citizens of the Fourth district of Wisconsin, for a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. J. W. STEWART: Petition of the Vermont Sheep-Breeders' Association, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. TAULBEE: Petition of citizens of Louisa, Ky., for improvements on Big Sandy River—to the Committee on Rivers and Harbors.

By Mr. E. B. TAYLOR: Five petitions of citizens of Geauga County, and two petitions of citizens of Lake County, Ohio, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Petition to be filed with bill for the relief of C. D. Outten—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: Petition of C. W. Smalley and other citizens, for the passage of the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition asking that worsted be classified as woolen goods—to the Committee on Ways and Means.

Also, petition of J. M. Cox, late postmaster at Carrollton, Ill., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHINGTON: Petition of W. B. Whittemore, and of L. D. Hogle, of Davidson County, and of Cumberland Lodge, No. 8, F.

and A. M., of Nashville, Tenn., for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Ellen P. Laxon, widow of W. G. Laxon, and of Joseph A. Clarke, of Madison County, of William C. Tipton, of Jackson County, and of Emma Parham, administratrix of Nancy Whittle, of Lauderdale County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Jacob M. Williams, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of Harris Edgarton, and 30 others, citizens of Lapeer County, Michigan, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. YOST: Petition of Benson H. Goodloe of Nelson County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. CLEMENTS: Of citizens of Cove City, and of J. W. Meeks and others, of Georgia.

By Mr. GAINES: Six petitions of citizens of Texas.

By Mr. GLASS: Of citizens of Carolina, Tenn.

By Mr. HERMANN: Of citizens of Tule Lake, Oregon.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. ADAMS: Of 497 citizens of Cook County, Illinois.

By Mr. BOUTELLE: Of 106 citizens of Washington County, Maine.

By Mr. CUTCHEON: Of First Free Baptist and O. M. Conference, of Shelby, and 214 others, citizens of Oceana County, Michigan.

By Mr. DINGLEY: Of 293 citizens of Knox County, Maine.

By Mr. GROUT: Of 146 citizens of Windsor County, Vermont.

By Mr. HALL (by request): Of 162 citizens of Butler County, Pennsylvania.

By Mr. LONG: Of 695 citizens of Bristol County, Massachusetts.

By Mr. McKINNEY: Of 167 citizens of Hillsborough County, New Hampshire.

By Mr. J. E. RUSSELL: Of J. W. Lathrop and 188 others, citizens of Worcester County, Massachusetts.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BELDEN: Of Mrs. William Arnott and 21 other ladies of Auburn, N. Y.

By Mr. CUTCHEON: Of 266 members of the Independent Order of Good Templars in the District of Columbia.

By Mr. JACKSON: Of Mrs. Mary Patton and 23 others, citizens of Beaver and Vanport, Pa.

By Mr. T. L. THOMPSON: Of 115 citizens of the First district of California.

SENATE.

THURSDAY, *March* 1, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES F. WILSON, elected by the Legislature of Iowa a Senator from that State for the term of six years beginning March 4, 1889; which were read.

The PRESIDENT *pro tempore*. Owing to some complication arising from the state of the law in Iowa and the statute of the United States of 1866, governing the election of United States Senators, there are two certificates of election. The other will not be read, but both will be filed.

Mr. GEORGE presented the credentials of EDWARD C. WALTHALL, chosen by the Legislature of Mississippi a Senator from that State for the term of six years beginning March 4, 1889; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate for an appropriation of $30,000 required to construct barracks at David's Island, in New York Harbor; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting estimates of deficiencies in appropriations for expenses of Territorial courts in Utah; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 194 of the Revised Statutes of the United States, a list embracing the names of the clerks and other persons employed in the several bureaus of his Department during the calendar year ending December 31, 1887, and showing the time each was employed and the sum paid to each; which was read.

The PRESIDENT *pro tempore*. What disposition shall be made of this communication?

Mr. SHERMAN. Let it be laid on the table.

The PRESIDENT *pro tempore*. It will lie on the table and be printed, if there be no objection.

Mr. SHERMAN. I do not think it is necessary to print the accompanying papers. Such tables are not usually printed.

Mr. HALE. I think it may be well to have them in print; they may be wanted. I move that the communication, with the accompanying papers, be referred to the Committee on Printing.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Preachers' Association of North Carolina, praying for the passage of Senate bill 1470, creating a commission to inquire into the progress of the colored people since the war; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented the petition of W. W. Vanausdel and 71 other surviving soldiers and sailors of the Union Army and Navy, residents of Jasper County, Iowa, and a petition of 32 surviving soldiers and sailors of the Union Army and Navy, residents of Lewis, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of 379 ex-soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 44 ex-soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 33 soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 16 soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 52 soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 12 soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 45 soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 26 soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 60 soldiers and sailors of the Union Army and Navy, citizens of Ohio; a petition of 13 soldiers and sailors of the Union Army and Navy, citizens of Ohio, and a petition of 17 soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. FRYE presented the petition of B. B. Sweetser and other citizens of Cumberland, Me., praying that Congress will not allow Utah to become a State so long as the local civil power of the Territory remains in the hands of the Mormon priesthood, and the people evade or refuse obedience to the present laws of Congress against polygamy; which was referred to the Committee on Territories.

Mr. PLATT presented a petition of 1,552 citizens of the States of Iowa, Illinois, New York, Indiana, Virginia, and the District of Columbia, praying for the passage of a prohibitory liquor law in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOAR. I present a petition of George H. Johnson, George E. Fisher, William Dwight, and 35 other citizens of Amherst, Mass., praying for Federal aid to free public schools.

The PRESIDENT *pro tempore*. The petition will lie on the table, the bill having been passed.

Mr. HOAR. I understand that the petition does not refer to any particular measure. I suppose, therefore, it should go to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Education and Labor.

Mr. FARWELL presented the petition of Charles Barker and other citizens of the District of Columbia, praying for the passage of a law authorizing the construction of a highway from the eastern terminus of the Eastern Branch bridge in a direct line with Pennsylvania avenue; which was referred to the Committee on the District of Columbia.

Mr. FAULKNER presented the petition of Newton Wilson and 27 other surviving soldiers and sailors of the Union Army and Navy, citizens of West Virginia, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of Charles Farmer and 202 other citizens of Ovid, Mich., and vicinity; the petition of Thomas Weightman and 99 other citizens of Romeo, Mich.; and the petition of Calvin S. Gilbert and 99 other citizens of Owosso, Mich., and vicinity, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. HAWLEY. I present a paper in the nature of a memorial in behalf of the hat-makers of South Norwalk, Conn., remonstrating against a reduction of duty on hats and materials used in making hats. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. PADDOCK presented a petition of 100 ex-soldiers and sailors of the Union Army and Navy, citizens of Johnson County, Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of 17 members of Excelsior Grange, No. 335, citizens of Hornellsville, N. Y., praying that the oleomargarine law be not repealed or amended so as to destroy its usefulness; which was referred to the Committee on Agriculture and Forestry.

He also presented five petitions of surviving soldiers and sailors of the Union Army and Navy, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of 195 citizens of the Fourteenth, Twenty-fourth, Twenty-sixth, and Thirty-first Congressional districts of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VOORHEES. I present seven petitions numerously signed by ex-soldiers and sailors of the Union Army and Navy, praying for the passage of the per diem rated service-pension bill. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES presented the petition of Isabella McGuckin, widow of John McGuckin, late a private in Company K, Eighth Regiment United States Infantry, praying that she be allowed a pension; which was referred to the Committee on Pensions.

Mr. MORRILL presented resolutions adopted by the Central Pomona Grange, Patrons of Husbandry, of Berlin, Vt., in favor of the continuance of the oleomargarine law, and the reduction of postage on periodicals; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the executive committee of the Grand Lodge of Good Templars of Vermont, representing 4,000 citizens, praying for the appointment of a national commission of inquiry on the liquor traffic and the submission to the people of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. HALE presented the petition of G. T. Hadlock and other citizens of Maine, praying that the salary of the keepers of the Life-Saving Service be increased to $1,000 a year, and that the pay of surfmen in the same service be raised to $75 a month; which was referred to the Committee on Commerce.

Mr. MITCHELL presented the petition of John McBean and other citizens of Oregon and Washington Territory, praying that John McBean be allotted 160 acres of land on the Umatilla Indian reservation; which was referred to the Committee on Indian Affairs.

Mr. STOCKBRIDGE presented a petition of 23 ex-Union soldiers and sailors, citizens of Vernon, Mich.; a petition of 62 ex-Union soldiers and sailors, citizens of Corunna, Mich., and a petition of O. S. Smith and 111 other ex-Union soldiers and sailors, citizens of Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. TURPIE presented a petition of ex-Union soldiers and sailors, citizens of Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. DAWES presented a petition of 117 citizens of the Second and Twelfth Congressional districts of Massachusetts, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BLAIR presented a petition of citizens of New Hampshire, praying for the enactment of legislation providing for the settlement by arbitration of differences arising between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 37) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation, in Oregon, to William S. Byers and others, and to issue patent therefor, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1371) for the relief of Alfred Hedberg, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL. I am instructed by the Committee on Claims to report a new bill as a substitute, with an accompanying report, for the bill (S. 608) for the relief of Robert Morrison and Laura E. Maddox, executor and executrix of Joseph H. Maddox, deceased, and others.

The bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor of Joseph H. Maddox, deceased, was read twice by its title; and the bill (S. 608) for the relief of Robert Morrison and Laura E. Maddox, executor and executrix of Joseph H. Maddox, deceased, and others, was indefinitely postponed.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 440) for the relief of Samuel Noble, moved its indefinite postponement, which was agreed to; and he submitted a report accompanied by a bill (S. 2202) for the relief of Samuel Noble; which was read twice by its title.

Mr. HOAR. I suppose when a substitute bill is reported it is entered on the Journal as an original bill, is it not?

The PRESIDENT *pro tempore*. The Chair would state that under the rules a substitute is not recognized. A bill can be reported with an amendment, or a new bill can be reported and the bill referred to the committee indefinitely postponed, but there is no substitute recognized by the rules.

Mr. MITCHELL. The bills I have just reported are in the nature of substitutes.

ALIEN OWNERSHIP OF REAL ESTATE.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887, to report it favorably without amendment.

As this bill is almost in exactly the same words and to the same effect as a Senate bill which passed a few days ago, I ask that the Senate now act upon the House bill, as it has already passed a similar bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend the act of March 3, 1887, that it shall not apply to or operate in the District of Columbia so far as relates to the ownership of legations or the ownership of residences by representatives of foreign governments or attachés thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF TARIFF DOCUMENTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a resolution submitted by the Senator from West Virginia [Mr. FAULKNER] February 13, 1888, to provide for the printing of certain tariff documents, to report it back and recommend its adoption with an amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution; which was read, as follows:

Resolved, That there be printed for the use of the Senate, to be paid for out of the contingent fund, 8,000 copies of Treasury Department Document No. 937, embracing "the tariff on imports into the United States, and the free-list, as contained in the act of March 3, 1883; also, the Hawaiian reciprocity treaty, and extracts from the navigation and oleomargarine acts."

The amendments reported by the Committee on Printing were, in line 1, to strike out the words "to be paid for out of the contingent fund, eight thousand," and insert "seven thousand;" so as to read:

Resolved, That there be printed for the use of the Senate 7,000 copies of Treasury Department Document No. 937, embracing "the tariff on imports into the United States, and the free-list as contained in the act of March 3, 1883; also, the Hawaiian reciprocity treaty, and extracts from the navigation and oleomargarine acts."

Mr. MANDERSON. That brings it within the limit of the law and under the cost of $500.

Mr. TELLER. What is the document?

Mr. MANDERSON. The document is a reprint of the tariff acts now existing.

The amendments were agreed to.

The resolution as amended was agreed to.

CATTLE AND DAIRY FARMING.

Mr. MANDERSON. A Senate resolution for the printing of additional copies of Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming, came with amendments from the House of Representatives and was referred to the Committee on Printing. I move that the Senate non-concur in the amendments of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The resolution passed by the Senate will be read.

The Chief Clerk read the concurrent resolution passed by the Senate February 6, 1888, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 additional copies of Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming, 2,000 copies for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the Department of State.

The PRESIDENT *pro tempore*. The action of the House of Representatives will now be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 14, 1888.

Resolved, That the House concur in the foregoing resolution of the Senate, with amendments as follows:

In line 2 strike out the word "seven" and insert the word "twenty-five."

In line 5 strike out the word "two" and insert the word "eight."

In line 5 strike out the word "four" and insert the word "sixteen."

At the end of the resolution add the following:

"And that there is appropriated out of the Treasury the sum of $62,500, or so much thereof as may be necessary, out of any moneys not otherwise appropriated, to pay for the same, and said work shall be bound in two volumes."

Change the resolution from a concurrent to a joint resolution by striking out of lines 1 and 2 the following words: "*Resolved by the Senate (the House of Representatives concurring)*," and inserting in lieu thereof the following: "*Resolved by the Senate and House of Representatives of the United States of America in Congress*

assembled;" and give the resolution the following title: "Joint resolution to print Executive Document No. 51, first session of the Forty-ninth Congress, on the subject of cattle and dairy farming."

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate non-concur in the amendments proposed by the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. EVARTS. I am instructed by the Committee on the Library to present the annual report of the Librarian of Congress exhibiting the progress of the Library during the calendar year 1887, and I report a resolution which is in accord with what has been usually adopted for printing the Librarian's report. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the annual report of the Librarian of Congress be printed, and that 500 additional copies with covers be printed for the use of the Librarian.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 2203) to increase the efficiency of the Signal Corps of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. REAGAN introduced a bill (S. 2204) for the relief of Albert Wood; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 2205) granting a pension to Rachel J. Gormley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2206) granting a pension to David H. Lutman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2207) for the relief of the holders of District of Columbia special assessment lien certificates, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 2208) to remove the charge of desertion from the record of Allen Powell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2209) to increase the efficiency of the Inspector-General's Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FARWELL introduced a bill (S. 2210) to revive the grade of General in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. EVARTS introduced a bill (S. 2211) granting a pension to John Curran; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2212) granting a pension to Virginia Hively; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2213) for the relief of John McBean, of Umatilla County, Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOAR introduced a bill (S. 2214) granting a pension to Calvin W. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2216) for the erection of a fireproof workshop at the National Armory; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2217) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2218) to accept and ratify an agreement made by the Sisseton and Wahpeton bands of Sioux Indians, and to grant a right of way for the Chicago, Milwaukee and St. Paul Railway through the Lake Traverse reservation in Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER (by request) introduced a bill (S. 2219) authorizing the purchase of condensed statements, with covers, of the Compendium of the Tenth Census; which was read twice by its title, and referred to the Committee on Printing.

Mr. GEORGE introduced a bill (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. HISCOCK introduced a bill (S. 2221) for the relief of Seth Wheeler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

AMENDMENT TO A BILL.

Mr. GEORGE submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EASTERN BRANCH BRIDGE.

Mr. MCPHERSON. I offer a resolution, and ask for its immediate consideration.

The Chief Clerk read the resolution, as follows:

Whereas complaint is made of the delay in constructing the bridge across the Eastern Branch of the Potomac River, authorized by act of Congress approved February 25, 1887: Therefore,

Resolved, That the Secretary of War be, and hereby is, requested to inform the Senate what further action by Congress, if any, is necessary or expedient to expedite the construction of said bridge and best promote all the interests involved or affected by said proposed structure.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. HOAR. I do not object to the present consideration of the resolution, but it seems to me that it is introducing a new custom in our relations with the Departments to direct them to give their opinion as to proposed legislation. That function is confined by the Constitution to the President, and an order to the Secretary of War, or whatever is the Cabinet officer, to give his opinion as to what legislation is necessary or proper for Congress in a certain exigency is, in my judgment, improper.

Mr. MCPHERSON. If the Senator will suggest an amendment to the resolution, I will accept it.

Mr. HOAR. It seems to me if the Secretary of War were ordered to inform the Senate of the cause of the delay, that would be all that would be necessary or proper. I suggest to the Senator that he simply require the Secretary of War to inform the Senate of the cause of the delay.

Mr. MCPHERSON. Very well; let the resolution be amended by striking out the part to which the Senator from Massachusetts objects.

The PRESIDENT *pro tempore*. The resolution as proposed to be modified by the Senator from New Jersey will be read.

The CHIEF CLERK. Strike out the following words:

And best promote all the interests involved or affected by such proposed structure.

So as to read:

That the Secretary of War be, and hereby is, requested to inform the Senate what further action by Congress, if any, is necessary or expedient to expedite the construction of said bridge.

Mr. HARRIS. That does not quite answer the purpose. Let the inquiry be simply as to the cause of the delay.

The PRESIDENT *pro tempore*. The Chair will submit the resolution in any form desired by the Senator from New Jersey.

Mr. HOAR. Let the Secretary of War be directed to inform the Senate of the cause of the delay. That will cover it.

Mr. MCPHERSON. Let it read:

Resolved, That the Secretary of War be, and hereby is, requested to inform the Senate of the cause of the delay.

Mr. HOAR. I suggest the word "directed," instead of "requested."

Mr. MCPHERSON. Very well.

The PRESIDENT *pro tempore*. The resolution will be read as modified.

The CHIEF CLERK. It is proposed to modify the resolution so as to read:

That the Secretary of War be, and hereby is, directed to inform the Senate of the cause of the delay.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

STEAM-SHIP ATLANTA.

Mr. HAWLEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate the several reports concerning the United States steam-ship Atlanta, made by Capt. F. M. Bunce to the Secretary of the Navy, dated July 16, 1887; to the Bureau of Ordnance the same date; to the Bureau of Construction the same date; to the Secretary of the Navy, dated October 21, 1887; also the report of the board (Captain Ramsay, president) to the Secretary of the Navy, dated July 26, 1887.

DUTIES ON SUGAR.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate all reports which have been made by special agents or other officials of the Treasury in regard to frauds and evasions of duties in imports of sugar in the port of New York within the past two years, and any maladministration in the custom-house at said port in regard thereto.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury;

A bill (H. R. 7052) relating to postal crimes, and amendatory of the statutes therein mentioned; and

A bill (H. R. 7546) to amend sections 2595 and 2596 of the Revised Statutes of the United States, and to provide a collector at the port of St. Paul, Minn., and for other purposes.

DEATH OF HON. SETH C. MOFFATT.

The message also transmitted to the Senate the resolutions of the House of Representatives commemorative of the life and character of Hon. Seth C. Moffatt, late a Representative from the State of Michigan.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 1900) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables.

EXCLUSION OF CHINESE LABORERS.

The PRESIDENT *pro tempore*. If there are no further resolutions, concurrent or other, there are resolutions coming over from a former day, which the Chair will lay before the Senate in their order. The Chair understands that the resolution reported by the Senator from Ohio [Mr. SHERMAN] from the Committee on Foreign Relations will be first in order. The resolution will be read.

The Chief Clerk read the resolution reported yesterday by Mr. SHERMAN, from the Committee on Foreign Relations, as follows:

Resolved by the Senate of the United States, That, in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the resolution?

Mr. MORGAN. Mr. President, I favor the adoption of the resolution, not because I think there is any necessity for putting the Senate in action in the effort to hasten anything in the way of negotiation with China, but because it is an expression of opinion on the part of the Senate which I understand corresponds with the opinion and sentiment of the people of the Pacific coast and with an evident need now developed, through several years of painful experience, for the restrictions of the privileges of immigration by the Chinese into this country.

I concurred in the reporting of the resolution to the Senate, and I feel that it is due to the present Administration to say that I have information which I may consider as authentic that the Government is proceeding with all proper diligence for the purpose of negotiating a treaty with China which is expected practically to reach the result stated in the resolution.

The resolution of the Senator from Nevada [Mr. STEWART] was before the Committee on Foreign Relations, but the committee were not quite willing to accept it. I suppose that was reported back adversely, but the substance of it is embodied in the pending resolution, which I hope will be entirely satisfactory to all concerned, because this resolution goes to the pith of the whole subject. It goes to the proposition that it is the duty of the Government of the United States to conduct further negotiations with China to get out of our way those treaty restrictions which prevent us from legislating to prohibit Chinese laborers from immigrating to this country with a view to settlement or with a view to hospitality.

I do not believe that there is any absolute necessity for the passage of the resolution; yet I think it is very well that the Senate should express its opinion upon this question, if the opinion of the Senate concurs with that of the committee, because perhaps it will strengthen the hands of the Government in endeavoring to bring about an arrangement with China, which must be the eventual result of our dealing with the subject of Chinese immigration.

We have tried restrictions in almost every form that has been heretofore possible, and we have not succeeded in keeping out the Chinese laborer. It appears from all accounts that by one arrangement and another, and by the evasion of our laws, the body of Chinese immigration into the United States is increasing.

I have always opposed the immigration of Chinese to this country for the purposes of settlement. I think that it is contrary to the settled policy of the Government of the United States that the people of any of the Oriental nations should be either invited or permitted to come here in large masses for the purpose of mingling with those heretofore imported from Oriental countries, who have proved a fruitful source of controversy and trouble to the people of the United States ever since the first negro was set upon the shores of America.

I do not wish to see that body of Orientals increased, whether they come from the Chinese coast or from Hindostan, or where they come from. I think there ought to be some place in the United States where an American can feel at home, and there are not very many of them now.

I do not object to the immigration of good people from foreign countries who bring with them intelligence and means and capacity for improving society and cultivating the soil and developing our resources; but as to those men who come here for the mere purpose of living upon us and speculating upon the earnings of our fathers, earnings that have been harvested with blood as well as with money and toil, I object to distributing that out into the hands of any foreign countries, especially of the lower classes. I think it is time that we had engaged in making some reservations of our public domain and of the privileges and facilities and benefits of this liberal Government of ours for the people of the United States and their posterity. I therefore accord with any sentiment which looks in that direction.

The sentiment expressed in the resolution meets my hearty approval, and I only rose to say that in concurring in that resolution and in the report of it I did not in the slightest degree intend to criticise the Administration for being slow in its movement, for it is not slow; or of being indecisive, for it is not indecisive. The Administration, according to my opinion of its work, is doing all that can be reasonably expected, and in the best possible way, to bring about the results which the resolution contemplates.

Mr. SHERMAN. Mr. President, whatever differences there may have been in the Senate or in the country with regard to the restriction of Chinese immigration, the time has come when I believe the general sentiment of the people is that the law on the subject should be fairly enforced; that the Chinese laborer should be excluded from enjoying the benefits of our country, because he will not adapt himself to the civilization of our country. That feeling is most strongly expressed by Senators and Representatives from the Pacific coast, among whom the 100,000 or more Chinese in the country live, and they have expressed that opinion to the Committee on Foreign Relations so decidedly and unanimously, and supported by such potent reasons, that I believe every member of that committee is of the opinion that the object of the law to exclude the immigration of Chinese laborers should be effectively carried out.

Under the law as it now stands there are two classes of laborers who are still coming to this country from China. One is a class that left our country after November 17, 1880, and prior to June 6, 1882, after the adoption of the Chinese treaty and prior to the passage of the exclusion law, who under the law had been allowed to go out without certificates. The other class are those living now in the country who go abroad under certificates issued under existing laws. Some are now coming back, claiming the right, and they have the right, to come back into our country at any time at pleasure under the terms of "the most-favored-nation" clause. But the trouble is that thousands of Chinese laborers come into this country under the false pretense that they are the persons who are entitled to come and under certificates issued to persons who are entitled to come. It is impossible, according to the decisions of the courts and according to a letter which I now hold in my hand, to distinguish between them. Many cases have occurred, amounting to thousands of fresh Chinese laborers, that have been recently imported into this country under pretense that they were here before 1882, and the proof furnished was absolute and clear, so clear that the courts had to decide in their favor, and yet it was equally clear that the whole statements made, the proof furnished, and the certificates furnished were all false and fraudulent.

I hold in my hand a statement made by Judge Hoffman, of the United States district court in California, in which he makes these statements: that there are now five hundred cases pending, questions of identity as to the persons who have come over, and there will be in the next steamer, he says, probably as many more; and so the number of cases of persons claiming to have left this country more than six years ago and to be now entitled under the treaty to come back will be a thousand cases, blocking up the whole business of the courts of the United States on the Pacific coast.

There are, as I said, but two classes of persons who are entitled to come back to this country—those who left prior to 1882, and those who live here now and who go abroad armed with a certificate. Those certificates are forged in many cases, and all sorts of frauds are committed under them. Besides, a large number of Chinese laborers who are excluded by the terms of the treaty drift in through the Canadian border, which is almost an intangible line, or through the harbor of Victoria or Vancouver, or through the straits of Port Townsend to Seattle, Tacoma, and other points. There are constant controversies as to the persons entitled to come into this country, and that has led to a state of public opinion along the northern border which is perfectly irresistible, and has led to crime and in some cases to murder and outrage.

The Government of the United States is now called upon to pay, and it has been during the last year called upon to pay nearly $200,000 for wrongs of this kind—large sums of money for injuries done along the border.

It is utterly impossible for the courts to ascertain whether or not the Chinese entitled to come back again are the persons named and described in the treaty or the law. Therefore it is that, in the opinion of the committee, and I may say in the opinion of the Department of State and of the Treasury Department as well, the time has come when the exclusion must be absolute as to Chinese laborers coming into the United States, in order to prevent these frauds from being committed and in order to prevent our courts from being crowded with applica-

tions, many of which are admitted to be fraudulent, and our officers from being disturbed and their duties made difficult in the different departments, especially in the collector's office at San Francisco.

Therefore it is that the Committee on Foreign Relations concluded that it was better to pass a resolution of this kind in pretty strong language, with the proviso inserted, asking that a treaty be made now to absolutely exclude Chinese laborers from this country; in other words, to repeal the exceptions under the existing law. The resolution sent to us drawn by the Senator from Nevada contained an abrogation of the treaty. The Committee on Foreign Relations thought it was not wise to do that—that it was better to change the treaty in the ordinary mode, through the proper channel, the State Department. We understood that such a treaty is in negotiation, but not being rapidly advanced, and that there was no great difficulty in the way. We thought we would emphasize the opinion of the committee by the opinion of the Senate that the State Department should proceed as rapidly as possible to effect a new treaty to relieve us from the embarrassments in which we are now placed.

Pending this negotiation, because a treaty with China is a very difficult and generally a long drawn out process, we have reported a bill, the sections of which are recommended by Judge Hoffman and by the Pacific coast delegation, which I believe will be unobjectionable when brought before the Senate, and the passage of which I will ask as soon as I can get an opportunity to call it up.

In the mean time it was thought it would be right, supported by the State Department and the President, who no doubt are doing all they can in the right direction, to fortify them by the opinion of the Senate, and I think it is now becoming the general opinion of the country that it is better at once and for all to cut off all possibility of immigration of Chinese laborers into this country.

Mr. STEWART. I am very much gratified at the information furnished by the Senator from Alabama [Mr. MORGAN] that the President of the United States and the State Department are already negotiating a treaty for the utter exclusion in the future of Chinese immigration. I have no doubt that an expression of the Senate will be beneficial to the Department in their efforts to secure a proper treaty which will give the Chinese Empire to understand the determination of this country to exclude Chinese laborers altogether, and I am exceedingly gratified that the country now sufficiently understands this question to deal with it intelligently, and that it is not a matter of passion or prejudice on the part of the people of the Pacific coast. It is a question, when reduced to its ultimate results, whether we or the Chinese shall occupy this country. We can not live together. Wherever they come and occupy the soil, the white people, our race, must give way. They occupy it in such a way, their institutions are such, so entirely different from ours, their capacity to live on so much less than our people, that it becomes impossible for us to stay with them; and wherever they come in numbers the white people must leave. It is a question of allowing our people to occupy the country which belongs to them.

I do not wish to elaborate or take time. I simply rose to express my gratification that the question is now so thoroughly understood, that there is a general concurrence that an effort should be made to exclude Chinese from this country altogether and preserve it for our own race.

Mr. MCPHERSON. I wish to ask a question for information. I desire to know how there can be any effective restriction on the importation of Chinese laborers into the United States as long as the neighboring country, British America, has no restrictive laws. I understand that contracts are being made for the transportation of Chinese to the British possessions lying north of us. There are railroads in Canada, and throughout the whole length of their lines they carry Chinese, who easily find their way across the border. I can readily see that where restrictions are enforced, and where the officers are always on the alert to prevent improper admission, something may be accomplished; but I can not see how any restrictive legislation can be made potential to prevent large numbers of Chinese from coming to our country as long as the condition to which I have referred exists.

I understand that all along our northern border there are thousands of Chinese coming in. Unless we undertake to get some concurrent action on the part of the British Government controlling the lines in the territory north of us, it is to my mind absolutely foolish to undertake to make any new treaty with the Chinese Government prohibiting the further importation of Chinese laborers to this country. Has the Senator from Nevada any remedy or can he suggest any remedy which will meet that difficulty?

Mr. STEWART. I do not see that the suggestion made by the Senator from New Jersey is any reason why we should not attempt to protect ourselves from what the whole country now acknowledges to be an unqualified evil, why we should not make an effort to retain our own country for our own people.

I am aware of the evil spoken of by the Senator from New Jersey. It has been discussed throughout the Western country, and particularly in the country affected by it. A great many Chinese come in in that way; but I can inform the Senator that the people of British Columbia feel equally keen on the subject with ourselves, and they are constantly petitioning the Canadian Parliament to relieve them from the difficulty, and public opinion in the Dominion is fast changing on the question, and there is no doubt we can soon get united action.

Independent of that, various remedies have been suggested. It has been suggested by a member from California in the other House that there should be a registry, and those found without a registry excluded and prevented from coming in from either Mexico or the Dominion of Canada. I have no doubt that we shall be able, if we move on, to carry the whole of this continent with us on this question, because the public sentiment is fast forming in relation to it.

A treaty of this kind made by us will probably accomplish the whole purpose. If we exclude Chinese laborers, British Columbia will demand that they shall be excluded from there. We can have a treaty that they shall not come across the line, and we can prevent most of them from coming. I do not think that the proposition is so difficult that we can not fully accomplish it.

This is a step in the right direction, and there is no reason why we should not go forward. If they are to continue to come here they will be an evil compared with which no other evil ought to be considered, because it is a question of whether we shall have a country at all, whether it shall be occupied by servile labor, by a race so far superior in the matter of endurance and cheap labor that our existence with them is impossible. It is the duty of this Government to move forward, and I am much gratified, as I said before, that the Committee on Foreign Relations have taken the matter up, and that there is a general concurrence of opinion that it is an evil which demands attention and is now receiving it.

Mr. MITCHELL. Mr. President, I wish to say a word before the resolution is passed. It is, as the honorable Senator from Nevada remarked, a step in the right direction. In my judgment, however, it is a very short step. The Senator from New Jersey [Mr. MCPHERSON] has pointed out in the interrogatory propounded by him to the Senator from Nevada [Mr. STEWART] that the great difficulty is that Chinese immigration comes into British Columbia and gets into our country from across the British border. Chinese laborers have not come into this country directly from Chinese ports for the last eight years, but have come from the British port of Hong-Kong, not only directly by steamer to San Francisco, but through the British possessions north of us, and by these different routes large numbers have been coming into this country. Therefore it does seem to me that a mere treaty on our part with China can not accomplish very much. Of course it is all right as far as it goes; but what does it amount to? What can it amount to if we have a treaty to-day with China in which the Chinese Government stipulates expressly that their laborers shall not come to this country, if this is all we have?

Mr. SHERMAN. I should like to ask the Senator from Oregon whether it is not just to consider this resolution in connection with the bill which was reported? The first section of that bill reaches the very difficulty suggested by the Senator from New Jersey and the Senator from Oregon.

Mr. MCPHERSON. Will the Senator please speak louder?

Mr. SHERMAN. I ask the Senator from Oregon, in justice to the Committee on Foreign Relations, to connect this resolution, which is a simple resolution of the Senate, with the bill that was reported at the same moment, the first section of which covers the very point raised by the Senator from New Jersey and the Senator from Oregon, and grants every affirmative act of legislation that has been demanded by the Senators representing the Pacific coast. I think that bill contains three sections covering the very point now complained of.

Mr. MITCHELL. I am not censuring the committee, and am willing to vote with the Committee on Foreign Relations on this resolution. I am glad to find the chairman of that committee expressing himself so strongly and emphatically in favor of the principle of absolute exclusion as applied to Chinese laborers. The only difference between the honorable Senator from Ohio and some of the rest of us is as to the manner in which this thing shall be done.

The Senator has referred to the bill reported yesterday. I shall probably discuss that when it comes up. But in regard to the first section of that bill, which, the honorable chairman of the committee has stated, meets the very objection suggested by the honorable Senator from New Jersey, I desire to say, in answer to the Senator from Ohio and to the Committee on Foreign Relations, that in my opinion the first section of the bill reported yesterday is simply declaratory of what the law is to-day on that very subject.

The restriction act now in existence, the law of the land to-day on this subject does not restrict or attempt to restrict merely those who come from Chinese ports, but the restrictive law goes further; and unless I am very much mistaken, and I am quite sure I am not, the first section of the bill reported yesterday by the Senator from Ohio is simply repeating what the existing law is to-day as construed by the Supreme Court of the United States.

Mr. STEWART. Allow me to make a suggestion. The Senator made a remark that may be misunderstood. He remarked that this was a small step or an unimportant one.

Mr. MITCHELL. I admit it is a step in the right direction; but it will not accomplish the result the committee expect or desire.

Mr. STEWART. Does not the Senator regard it as a very important

step to remove what is an objection on the part of many Senators to direct legislation, to remove that objection which now exists that it would be in violation of a treaty, so that all may agree in passing a bill? Does he not think it important that we should take steps to relieve every person who desires to stop Chinese immigration into this country by removing the objection of any treaty allowing them to come in? A treaty on this subject is intended to act in that direction. Nothing else, it seems, can be done, and it is an expression of the sentiment that we ought to exclude the Chinese, and after a fair trial I suppose everybody will be willing to vote for an exclusion bill.

Mr. MITCHELL. I am in favor of the resolution so far as it goes, and I shall vote for it with a great deal of pleasure. Not only so, I introduced a similar resolution myself during the first session of the Forty-ninth Congress, and it was referred on my motion to the honorable Committee on Foreign Relations, where it slept the sleep that knows no waking. It was never reported; it was the same kind of a resolution that has now been reported by that committee. If that resolution or some similar resolution in the form of a suggestion to the President had been adopted eighteen months ago, when it was first proposed here, it might have facilitated the execution of a treaty between the two Governments.

All I wish to say, and all I have to say, and all I propose to say in regard to the pending resolution, is that if we had a treaty to-day with China providing for absolute exclusion, the work would only have been commenced. In so far as the great work of excluding Chinese laborers from this country is concerned, it would be necessary to follow that up in order to bring about any very important result by a similar treaty—first with Great Britain, second with France, and third with Mexico. It would not be enough even then; but after all these things had been done it would be necessary for Congress to take hold of the matter and provide by law for the execution of the provisions of the treaty; and in my judgment until all these things are done this country will never stop the immigration of Chinese laborers to the United States.

Of course that is one way to do it, and that is perhaps the better way, and in deference to the opinion of men who look upon treaties with some degree of awe and as surrounded by a sanctity which Congress must not under any circumstances disturb, no matter how great the emergency, perhaps that is the proper way, and I for one, as this is the plan proposed—I am in favor of co-operating with every Senator and every member of the other House who is in favor of maintaining treaties inviolable, no matter how pernicious they may become, to the end that a treaty may be entered into with the Chinese Government which will, so far as it goes, exclude any Chinese laborers from coming into this country. But, as I have said, you must go further; you must have a treaty with Great Britain, with Mexico, with France, and you must have legislation that will make the treaties effective; otherwise they will amount to nothing.

There has been any amount of misrepresentation in regard to the coming of the Chinese into this country in the last two years. The New York Herald the other day and some other Eastern journals put down the number that came in in one year, 1884, I think, at 8. I have the statistics here, taken from the records of the steam-ship companies of San Francisco, certified to by the surveyor of the port, showing that not only hundreds but thousands have arrived every year. I have before me now a clipping taken from a leading journal at San Francisco, the Examiner, the issue of February 3, in which this item appears:

> Two hundred and eighty-five Chinese came on the Belgic yesterday. It was a poor day for Mongolians, but still they managed to muster thirty-five times as many as the total number that came last year, according to the New York Herald's figures.

Mr. SHERMAN. I wish the Senator from Oregon would put in his remarks a table that he furnished the Committee on Foreign Relations on the subject of the number. There is a great misapprehension in regard to the number of immigrants. The tables that were published in the New York Herald only contain those who come in who have never been here before; consequently they included but few. The table to which I have alluded shows all the persons who came in under the claimed exceptions, having gone out of the country and come back again with certificates under the treaty.

Mr. MITCHELL. I regret very much that I have not that table here. I thought I had it. I will get it, however, and with the consent of the Senate either insert it in my remarks now or present it hereafter.

That statement shows under the certificate of the surveyor of the port of San Francisco the actual number of Chinese persons who have arrived in San Francisco by steamer in each and every year, commencing with the year 1850, and it shows this remarkable and astounding fact, that the immigration of that class of immigrants to this country since we entered into treaty relations with the Government of China in 1880 has been infinitely in excess of those who came in preceding years.

I did not intend to make a speech, and do not wish to delay the passage of the resolution. I only meant to indicate my views in regard to the effect of any treaty with China, although I earnestly hope the United States will succeed in negotiating just such a treaty as is suggested in this resolution, and that then it may be supplemented by similar treaties with France, Great Britain, and Mexico, and that then Congress may consummate the good work by the passage of an iron-clad exclusion act.

If I had my way about this matter I would to-day pass an absolute exclusion bill without reference to the provisions of any treaty with China. I would do it for a number of reasons which I might give, but I will not take up the time of the Senate now to state them. I would not hesitate to do it for one because the Chinese Government itself has time and time again and repeatedly violated various provisions of the existing treaty between this Government and the Chinese Government. I would do it because I do not consider it would materially interfere with the commerce between China and this country. If Congress were to pass an absolute exclusion bill to-day, I have no idea that there would be any interruption to commerce. I would do it, moreover, because I believe that that is the only absolutely efficient measure by which the United States can accomplish the desired end.

Mr. CALL. Mr. President, I do not wish to make a speech on the pending resolution, but I have voted several times for bills excluding Chinese from this country, and I wish to say that the ground upon which this resolution is based is not a satisfactory one to my mind.

This resolution practically declares that the world was created wrong, that there are some four or five hundred millions of people who ought not to have been created and with whom there should be no kind of intercourse. I gravely question whether anybody can make a declaration of that kind with any propriety. Certainly you are going back upon the history of this country. Your fourteenth amendment to the Constitution declares:

> Nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

That is an affirmation that every State should give the equal protection of its laws to every human being. It is an implied affirmation that every human being has a right to the equal protection of the laws and to laws which equally protect him. Although that is not within the express letter it is clearly within the meaning and the principle of this declaration.

Now, while it is certainly true that any community has a right to exclude any person whom it may regard as unfriendly or as not a proper portion of its population, I question whether we should make a broad declaration that the Chinese people are not fit to be the associates of any other people, whether we should declare that they are beyond the pale of civilization and improvement.

The troubles which exist in our country are said to be due to the fact that they are a more economical people, capable of working for less and subsisting upon less than other people. If the Pacific States do not want the Chinese we could arrive at legislation which, leaving to their local laws the power to exclude them, would effectually exclude them; and that is the extent to which they can be effectually excluded. It must be done by authority of the State and the execution of the laws in every community of the State. If the people of any State want them, why not allow them to have them, and if they do not want them, so legislate as to allow them to exclude them? In the absence of either treaties or naturalization laws they would be subject to the laws of the States excluding them.

I am indifferent as to the passage of this resolution because it does not affect the people of Florida; but I wish to make my protest against the theory upon which it is based, which declares that a great part of the human race, five hundred millions of people of Asiatic origin, were improperly created, and are not capable of civilization, and can not contribute anything to ours, and against the other declaration of this resolution that intercourse between all nations of the world is a bad thing and ought to be prohibited; that we shall build a Chinese wall around this country—while excluding the Chinese, adopt their policy—and separate ourselves from all others. If it be true in part, it is true in whole. If there be so large a portion of the people of this globe as the whole Asiatic portion of the world that, because of their origin, and because of their locality, and because of habits that are peculiar to them, are incapable of elevation, incapable of civilization, unfit for contact with us, then the other doctrine is true that we should build this wall around ourselves and make the hemisphere divisible into two parts, one of which shall be full of barbarism and darkness, and the other of our civilization and progress.

I do not accept the theories on which this resolution is based.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HOAR subsequently said: I should like to say, if I may be permitted by the Senate, in regard to the resolution which has just now passed, that I was obliged to leave the Chamber after it was taken up. I was unable to concur in the passage of it when it was voted upon. As I supposed a large majority of the Senate was in favor of it, it was hopeless for me to make a contest. I shall take an opportunity to express my views on that general question on some other early occasion, probably when the restriction bill comes before the Senate, in a few days.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury—to the Committee on Finance.

The bill (H. R. 7052) relating to postal crimes, and amendatory of the statutes therein mentioned—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 7746) to amend sections 2595 and 2596 of the Revised Statutes of the United States, and to provide a collector at the port of St. Paul, Minn., and for other purposes—to the Committee on Commerce.

CAPRON COLLECTION OF JAPANESE WORKS OF ART.

Mr. VOORHEES. I ask leave to have recommitted to the Committee on the Library the bill (S. 1033) providing for the purchase of "the Capron collection of Japanese works of art."

The PRESIDENT *pro tempore*. The order to recommit will be made if there be no objection. The Chair hears none.

Mr. VOORHEES. I am authorized by the Committee on the Library to report in lieu thereof a bill, accompanied by a report of Professor Goode, which I ask leave to file with the bill as a report on the subject of which it treats.

The bill (S. 2215) providing for the purchase of "the Capron collection of Japanese works of art" was read twice by its title.

The PRESIDENT *pro tempore*. Is this an original bill from the committee?

Mr. VOORHEES. Yes, sir.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

CATTLE AND DAIRY FARMING.

Mr. PALMER. I move to reconsider the vote by which the Senate on the report of the chairman of the Committee on Printing this morning non-concurred in the amendments of the House of Representatives to the concurrent resolution authorizing the printing of 25,000 copies of the report on cattle and dairy farming. I do this in the interest of many of the constituents of every Senator here in all probability. We have received a great many applications for this valuable work on cattle and dairy farming. I think I receive more applications for it than for any other single work published by the Government; and I hope the Senate will concur with the House and make the number 25,000 instead of reducing it to 20,000, as I understand is proposed by our Committee on Printing.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate reconsider the vote by which the amendments of the House of Representatives to the resolution were agreed to and a committee of conference ordered. If there be no objection, that order will be made.

Mr. PALMER. I think that the Chair misstates the proposition. It was the adoption of the resolution or at least of the report made by the chairman of the Committee on Printing to non-concur that I moved to reconsider.

The PRESIDENT *pro tempore*. The Chair will submit the question in any form the Senator from Michigan may desire.

Mr. MANDERSON. The motion of the chairman of the Committee on Printing was simply that the Senate refuse to concur with the amendments of the House, and ask for a conference on the disagreeing votes.

The PRESIDENT *pro tempore*. Which orders have been entered.

Mr. MANDERSON. Now, as I understand the Senator from Michigan, he desires a reconsideration of the vote by which the Senate refused to concur.

The PRESIDENT *pro tempore*. That was the question which the Chair put.

Mr. MANDERSON. So I understood it.

The motion to reconsider was agreed to.

Mr. PALMER. I moved the reconsideration; and now I move that the Senate concur with the House.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate concur in the amendments to the resolution made by the House of Representatives.

Mr. VEST. That will put the number at 25,000.

Mr. MANDERSON. I will explain exactly the condition of matters to the Senate. The Senate passed a concurrent resolution by which it was determined to print 7,000 copies of the consular report on cattle and dairy farming. The distribution of the 7,000 copies was 2,000 for the Senate, 4,000 for the House, and 1,000 for the State Department, it being substantially the resolution introduced by the Senator from Texas [Mr. REAGAN]. That concurrent resolution went to the House and was amended by the House so as to increase the number to 25,000, making 8,000 for the Senate, 16,000 for the House, and 1,000 for the State Department. The resolution was also changed by the House so that it became self-appropriating, appropriating the sum of $62,500 for the printing of the 25,000 copies.

Another amendment is that the work shall be bound in two volumes instead of one.

The Committee on Printing, deliberating over the matter, while it was perfectly willing to see a substantial increase because of the very great demand for this valuable work, felt that 25,000 copies was in excess of any fair or proper demand for this expensive publication. The work as originally printed cost the Government about $11 a volume, printed as one volume.

There are in it many very expensive plates. The entire work being electrotyped and the plates prepared, the cost now of any additional number would be less than $3 per copy bound in two volumes, I think between $2.50 and $2.60 for each two volumes.

So far as I am concerned I do not particularly object to concurring in the amendments of the House. I did think the number was excessive; but if the Senate wish to have 25,000 copies of this publication printed I certainly have no objection to make to it.

Mr. FRYE. Will the Senator allow me to ask him a question before he sits down?

Mr. MANDERSON. Certainly.

Mr. FRYE. In his opinion how long will it take to furnish the House and the Senate with the document?

Mr. MANDERSON. That is a very difficult question for the chairman of the Committee on Printing to answer. The work at the Public Printing Office is very greatly in arrears. Publications that were ordered a year ago are not yet in. I think, as there is such pressing demand for this publication, the Committee on Printing of both Houses might take such course as would expedite its printing.

Mr. FRYE. I should like to ask the Senator whether or not there was ordered a little over a year ago the printing of what was known as the report of the Committee on Fisheries, and whether or not that has ever been printed yet?

Mr. MANDERSON. I only have an understanding of that matter from the statement of the Senator from Maine a day or two ago. I understand that he made the inquiry and found that it had not yet been received.

Mr. FRYE. And the Senator from Delaware just went to the document-room to find that document, and it is not there.

Mr. MANDERSON. I have no question it is so. There are many works ordered over a year ago that are not yet printed.

Mr. ALLISON. I wish to say that many of the ordinary and necessary reports for the facilitation of the public business are not yet printed, such as the report of the Supervising Architect. Reports which have usually been laid on our tables at the very earliest days of the session, before the holidays, are not yet accessible to the committees of this body, who are called upon every day to legislate respecting the subjects treated of by them.

Mr. FRYE. Is the report of the Commissioner of Navigation printed?

Mr. ALLISON. No, sir.

Mr. MANDERSON. I do not think any members of the Senate are more embarrassed by this delay than those Senators who compose the Committee on Printing. Where the fault is I confess I am not ready to say. I do not know that I have the knowledge which would permit me to state. There is this embarrassing delay, and there is complaint elsewhere as well as here. Of course the Committee on Printing of the Senate, or the joint committee of both Houses of Congress, can do nothing in the way of the practical working of the Public Printing Office. We can not even give directions. The duty that we are charged with, as we understand it, is to investigate the question as to whether certain documents shall be printed, and in what number. That we seek to do, and our time is daily taken up with that effort.

Mr. ALLISON. I did not mean to reflect upon the Committee on Printing or to say that they could remedy this trouble. The cause, I think, is in the failure of the Public Printer to appreciate the importance of the work committed to him.

Mr. MANDERSON. That may be the excuse, but I simply make the statement of facts and each member of the Senate can draw his own conclusions.

Mr. HAWLEY. So far as resolutions containing appropriations in them are concerned, there is no excuse for great delay. If we were acting under the annual appropriation, the Printer might say that the fact that it was exhausted before the work of Congress was done was a cause of delay; but in a case like this, $62,500 for the work is before him, and he has nothing to do but to call in new men if there be room in the building for them.

Mr. CULLOM. So there is no excuse for delay.

Mr. GORMAN. I was in the Committee on Printing this morning, and agreed to non-concur in the amendments of the House to the resolution; not that I desired to limit the number, but in this work the illustrations are contracted for, and are not done in the Public Printing Office.

The Committee on Printing, on the part of the Senate, have had no estimate of the exact cost of this work so far as it is done outside of the office. The committee would like to expedite the matter. They have asked for a committee of conference, and then whatever statements the Public Printer may have to make in regard to the publication can be made. It would really expedite the matter by letting it go to a committee of conference, I think. We have not had an explanation of it before our Committeeon Printing, but we desired to expedite the disposition of the subject and have the work facilitated. That is the reason why we proposed a committee of conference.

The PRESIDING OFFICER (Mr. PALMER) in the chair). The ques-

tion is, Will the Senate concur in the amendments of the House of Representatives to the resolution?

Mr. CULLOM. I wish to say one word in confirmation of what has been said by the present occupant of the chair, and that is that there is no volume that has been printed by the Government in which the people of the country, especially the agricultural people, take as much interest as they do in this; and while I know nothing about the cost of the volume, I am very anxious that the largest number that has been named should be printed for the use of the people.

Mr. GORMAN. I ask my friend from Illinois whether, in the absence of a regular estimate for the cost of the work, he does not himself think that it would be better, in order to accomplish his desire, to let the matter go to a committee of conference?

Mr. CULLOM. I have no objection to that motion. The only thing I desired to say was that eventually I hope we shall get a large number of this volume printed. If the Committee on Printing have not got the proper estimate, showing what it is going to cost, I think they ought to have it. So I have no objection to the motion the Senator from Maryland indicates.

Mr. GORMAN. I hope the motion to concur will not be adopted, and that the original suggestion of the chairman of the Committee on Printing will be agreed to, and have it sent to a committee of conference.

Mr. MANDERSON. I think that will be better, on account of the suggestions made by the Senator from Maryland. I think the estimate of $62,500 that came from the Public Printer to the House was an estimate for binding the work in one volume, and I believe it will be necessary to increase the amount of the estimate somewhat, in order to bind the work in two volumes.

I am quite gratified to hear this expression from different members of the Senate in reference to the character of this work and the great demand there is for it, and I think that in committee of conference the difficulty will not be over the number to be printed so much as the necessity for the amount of the appropriation, and I hope the Senate will adhere to its determination.

Mr. CALL. I understood the chairman of the Committee on Appropriations to say that the delay in the execution of orders for printing has been caused more by the failure of the Public Printer to appreciate the importance of the work than for any other reason. I desire to say that I have given somewhat careful attention to the course of the Public Printer, and I do not think this criticism upon him is deserved. I think he has been a model of industry and economy. If there is delay in the public printing, it is not the fault of the Public Printer, but the fault of the appropriations for that service.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments of the House of Representatives to this concurrent resolution?

The amendments were non-concurred in.

Mr. MANDERSON. I now renew my original motion that the Senate, having non-concurred with the amendments of the House of Representatives, ask for a conference on the disagreeing votes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska.

The motion was agreed to.

Mr. MANDERSON. I ask that the committee of conference heretofore named by the Chair be again named.

The PRESIDING OFFICER. If there be no objection, that request will be granted, and the Senator from Nebraska [Mr. MANDERSON], the Senator from Connecticut [Mr. HAWLEY], and the Senator from Maryland [Mr. GORMAN] will be appointed the conferees on the part of the Senate.

PRINTING OF A PETITION.

Mr. HOAR. I yesterday presented, for reference to the Committee on Finance, the petition of C. P. Hovey & Co. and others, praying for a return of certain duties. I omitted to ask that the petition and accompanying papers be printed. It will be very convenient to the Senate and to the committee to have it in print. I now make that request.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The petition was referred?

Mr. HOAR. It was referred.

The PRESIDING OFFICER. If there be no objection, the order to print will be made.

URGENT DEFICIENCY BILL.

Mr. DOLPH submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PAYNE submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO A BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 2169) authorizing the issue of circulating notes to national banks to the par value of bonds deposited therefor; which was referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.;

A bill (H. R. 3215) to authorize the construction of the Ohio Connecting Railway Company bridge;

A bill (H. R. 3613) for the relief of Joseph Casson;

A bill (H. R. 3859) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York;

A bill (H. R. 4880) for the relief of A. Cusimano & Co.; and

A bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss.

The message also announced that the House had passed the bill (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.

LAND-PATENTS.

The PRESIDING OFFICER (Mr. PALMER in the chair). The next resolution coming over from yesterday will be laid before the Senate.

The Chief Clerk read the resolution submitted by Mr. CALL February 29, 1888, as follows:

Resolved, That the Committee on Public Lands of the Senate are hereby instructed to report a bill declaring all patents on the public lands of the United States issued by the Secretary of the Interior without authority of law to be absolutely void, and requiring the Attorney-General of the United States to bring suit to vacate and set aside the same.

Mr. CALL. Mr. President, I have received in the past year a great many letters from Florida from settlers on the public lands of the United States in that State under the laws passed by Congress. I will read one of these letters, and ask the consent of the Senate to print extracts from the others, not delaying it by reading them. I read from a letter from Fort Meade, De Soto County, Florida, dated January 22, 1888:

Hon. W. CALL, *Senator:*

DEAR SIR: I write you to learn the status of certain descriptions of lands in Southern Florida. There are lands here in De Soto County, held or claimed by a colonizing company under the "Disston purchase," lands claimed to have been donated to the State as "swamp and overflowed lands." Here there is a large portion and in large tracts of so claimed lands that can in no respect be described as swamp or overflowed and have not been within the memory of man.

Now, what I wish to know, are these lands subject to homestead, pre-emption, or private entry?

C. E. DEWEY.

P. S.—I am located on section 27, township 33, and range 28, De Soto County. This township is now claimed by the "Avon Park Colonization Company," claiming purchase from Hamilton Disston. Has governor made them any show of title?

I sent that letter to the Commissioner of the General Land Office, and received the following reply:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1888.

SIR: I am in receipt, by reference from the Hon. WILKINSON CALL, of your letter of January 22, 1888, relative to land in township 33 south of range 28 east, said to be claimed by a company under the "Disston purchase," and stating that you have resided for two years on section 27, and asking if the land claimed by said company is subject to entry under the homestead law.

In reply you are advised that this office has no knowledge of what land said company may own or claim in this or other townships, as their claim or title must have been obtained from the State.

All the land in township 33 south of range 28 east, except section 16, was patented to the State February 14, 1880, in patent No. 20, Gainesville series, as swamp land. The land having been patented to the State it has passed beyond the control of this office, whether it is swamp land or not, and it is not subject to entry.

As requested, I return your letter to Senator CALL.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

C. E. DEWEY, Esq., *Fort Meade, Fla.*

The report of the register of public lands of the State of Florida for 1885, which I have here, and extracts from which I shall insert in my remarks, exhibits the fact that of 36,000,000 acres of land in the State of Florida over 20,000,000 have been either patented to the State or have been selected—over 15,000,000 having been selected and withheld from settlement—as swamp and overflowed lands.

Since the 1st day of January, 1883, the following patents for swamp lands have been received from the United States:

* * * * * * *	*
Total	854,502.63
Quantity previously patented, as shown by report of January 1, 1883	14,831,739.04
Making total patents received	15,686,242.67
* * * * * * *	*

Detailed statement of indemnity certificates received during 1883 and 1884:

	Acres.
No. 12	1,031.41
No. 14	316.75
No. 15	79.18
No. 16	12,642.68
No. 17	3,160.67
Total	17,230.69

The quantity of lands located by the respective owners of the swamp-land indemnity certificates which have been patented to the State is as follows:

	Acres.
Amount as per last report	50,146.15
Supplement A—To special indemnity patent No. 2	155.24
Supplement B—To special indemnity patent No. 2	111.71
Supplement C—To special indemnity patent No. 2	653.23
Supplement D—To special indemnity patent No. 2	88.01
Supplement E—To special indemnity patent No. 2	160.66
Total	51,315.00
Of which there have been conveyed by the State to the owners of the certificates, or to such persons as they directed, as per last report	39,154.25
Conveyed during years 1883 and 1884	7,831.43
Total	46,985.68

The swamp and overflowed land-grant act of 1850 contained the express words "swamp and overflowed lands," and the regulations required that upon each 40-acre tract, the lowest subdivision known to the land laws, there should be more swamp and overflowed than dry land. Under this state of the law there are large numbers of people who have settled on what they insist is high and dry land, never having been either swamp or overflowed, who have made their homes there, and who are now dispossessed or about to be dispossessed under patents alleged to be issued under this law.

I make no objection to the State getting all the lands she can. I make no objection to the policy which she adopted of granting lands to railroad companies. I am not responsible for that policy, but I have no war to make upon it. It has developed the State of Florida to a large extent; but when the people having a right under the laws of the United States, occupying land that never was swamp or overflowed land, the poor men with families of children who have put homes upon this land, ask me in my official position as a Senator to do what may be in my power to secure to them the right which the law has given to them, I shall always respond to that demand.

This letter exhibits the fact that the Interior Department claim that, in violation of the law that prohibits anything but swamp and overflowed lands to pass under that act, the patents, falsely asserting that land overflowed, can deprive a poor man of his home and divest him of his rights. A false statement by a Federal agent and a false statement by some other person in collusion with him, according to the interpretation of the law in that Department, is sufficient to destroy the rights of a citizen under the act passed by Congress, and of which they are the executors, to the property which the Government has given to him. More than a year ago I offered the following resolution:

Resolved, That a special committee of five Senators be, and are hereby, appointed, who shall be, and are hereby, charged with an investigation of all alleged unlawful, unauthorized, or fraudulent appropriations of the public lands of the United States in the State of Florida to the detriment of actual settlers or homesteaders or purchasers for cash, or of the United States, under the several acts of Congress making grants of the public domain to the State of Florida and otherwise; and that the Commissioner of Public Lands furnish said committee with a competent clerk from the office of Public Lands; and that they have authority to send for persons and papers, and to employ a stenographer; and that said committee report to the Senate the evidence taken by them and their recommendations on the subject.

It was referred to the Committee on Public Lands, and it was reported adversely. There was no reason alleged except that the Department stated that they had the means to make this investigation, and it was unnecessary that a committee of the Senate should do it, and a year has passed away and the investigation has not been made.

As this letter shows, the poor people, too poor to be able to maintain a lawsuit, at the mercy of the persons having grants from the State of these large bodies of land, are being deprived of their homes.

There is no remedy for them unless the Congress of the United States exerts the power which the Constitution and the people have given to it to afford them protection. More than half of the whole area of the State, 20,000,000 acres, larger than some States of the Union, is disposed of under these selections. As I said, I have no opposition to make to this policy. I am not responsible for it, but the Senate is responsible, the Interior Department is responsible for every home of every poor man and every family that is turned out upon the highway without a place to rest their heads upon—they are responsible when that is done in violation of law.

This resolution simply declares what the law in question is.

Mr. DOLPH. I should like to ask the Senator from Florida when these selections of which he speaks were made.

Mr. CALL. Under the act of 1850. Some of them have been made since 1856, running up to 1880, 1881, and 1882.

Mr. DOLPH. What proportion of the lands were selected prior to March 3, 1857?

Mr. CALL. A very large quantity was selected. There is no controversy about that which is embraced in the confirmatory act of 1857. Congress passed an act confirming all the selections theretofore made and approved in the Interior Department, and that gave a title, whether they were good selections or bad, whether they were in conformity with the law or in fraud of the law. Since that time there have been a great many selections made.

I only desire that there shall be a law which shall be imperative on the Department, first declaring, what is obviously true, that any act of an Executive Department issuing a patent to public lands in violation of law shall be void, and that the Attorney-General of the United States shall be required to bring suit to set aside that patent in cases where justice demands it. I think that legislation will cover the case.

I shall renew my resolution for the appointment of a committee of the Senate to investigate the condition of these lands in the State of Florida so far as they deprive actual settlers of their homes. As I have said before, I do not desire to interfere with any rights which are supposed to have grown up permissively unless they interfere with the right of a settler on the land, but only to afford to every meritorious individual case that may occur of a poor man who is in the occupation and improvement of lands of the United States that have never passed under any law of the United States to any person such assistance as shall give him the right, notwithstanding the patent unlawfully issued, to appeal to the Government and the courts for protection.

A judge of the United States court has said in a case where he had no jurisdiction in reference to a vast body of the public land in the State of Florida, in a suit between two private claimants, a railroad company and an agent, suing for a fee alleged to be due under a contract with the company for lobbying here in the Senate and for the payment of a money consideration to Senators, which was false—and I vindicate the committee to which this reference was made from the possibility of such an allegation—but that judge has undertaken, in the face of that statement in the record, to decree to this claimant, this lobbyist, this agent, the homes of many of these poor people in the State of Florida, and there has been up to this time no redress possible to be obtained in the Interior Department for it.

It is a shame and an outrage and an insult to this body and to the American people that such a condition of things should be allowed, and it will be a disgrace to this Congress if investigation and prompt redress shall not be given. I have no reason to doubt that the present able Secretary of the Interior will do all in his power, but the action of Congress is needed to afford complete relief and protection.

I think, Mr. President, that these facts exhibit clearly the necessity of the legislation which I ask for, and I point here to a law of the Department affirming expressly to a poor man asking for the protection of his home that whether the land is swamp or not swamp, whether it was provided in the act of Congress or forbidden in the act of Congress to be given to the State, the Department charged with the duty of executing the laws of the United States has no power to protect him when that is the interpretation of the law; that the Department has no power to execute the law, but has power to allow it to be violated and the property of the Government to be taken away. It is time that Congress should assert its power and control of the executive department of the Government. If not, we shall soon have neither a Congress nor a government.

Mr. PLUMB. Mr. President, there is no question about there having been great frauds in regard to the grants of swamp lands. I think the State of Florida has had more benefit of such frauds than any other State in the Union, and it is with great propriety that a resolution of this sort comes from a representative of that State.

When the Government entered upon the policy of the reclamation of swamp lands by means of donations to the various States, it was supposed that the amount of land to be covered by this process of reclamation would be very slight. As I remember, the first report made to Congress estimated that in the States of Missouri and Arkansas there would be about 1,800,000 acres in the two States. The State of Arkansas has had, if I remember rightly, more than——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. ALLISON. I ask that the Senator from Kansas have an opportunity to conclude his remarks.

The PRESIDING OFFICER. If there be no objection, the Senator from Kansas will be permitted to proceed. The Chair hears none.

Mr. PLUMB. I think the State of Arkansas alone has had over 8,000,000 acres of land granted to her, alleged to be swamp and overflowed, and the State of Missouri has had about three-fifths as much, and there are very considerable claims outstanding in behalf of those States for more lands.

Mr. BERRY. The State of Arkansas has had only 7,000,000, or a fraction over 7,000,000. I desire to have the statement corrected.

Mr. PLUMB. The claim of the State is for 10,000,000 acres. There are 30,000,000 acres of land the States claim—one-third of the entire area—as swamp and entitled to have the claim certified for that land or to have indemnity in cash for it.

The State of Florida has an area of less than 40,000,000 acres of land, and has had certified to it already over 16,000,000 acres as swamp and overflowed, and has claims pending for between three and four million acres more. In other words, the State of Florida has to-day received or is in process of receiving more than one-half the area of the State as swamp and overflowed land.

I was somewhat surprised to read in a recent report of the Commissioner of the General Land Office some characterization of the fraudulent nature of the claims for swamp lands in Minnesota, but I looked in vain for any characterization of the fraudulent character of these entries in the State of Florida or any other Southern State.

Mr. President, these lands were granted to the State of Florida; that is to say, Florida got them by patent and they became the property of the State. Now, the Senator from Florida, with all his amiability and high sense of justice—and no one appreciates it more than I do—says that he indorses what the State has done with these lands. He shakes his head. I have listened very carefully to him, and if he does not indorse it I am very much mistaken. At all events, with all his denunciation he fails to dissent from it. He says he does not complain of it, but he is not responsible for it at all.

Mr. CALL. What I said was that I do not oppose the policy of the State granting these lands to corporations on condition of building railroads and internal improvements; but I did not say that I approved taking the lands from settlers.

Mr. PLUMB. The Senator has not yet stated what he does mean.

Mr. CALL. I will state that I believe a law which gives the swamp and overflowed lands to a State or to an individual covers nothing but swamp and overflowed lands, and I believe that any executive officer of the United States violates the act of Congress, be he President or Secretary, when he allows an inch of high and dry land not within the terms of that act to be patented.

Mr. PLUMB. That still avoids the point I made. The point I made was as to the disposition which the State of Florida had made of these lands.

Mr. CALL. The State of Florida had a right to make disposition of the lands. It perhaps might have been done in a better way, but the way adopted was not altogether an unwise one.

Mr. PLUMB. Then I come back to the specific charge the Senator has made, that by reason of what he says was an improper disposition—and I have no doubt on that point—made by the officers of the General Government to the State of Florida and by means of the conveyance by the State of Florida to railroad companies, and improvement companies and so on, this last step being the important one, settlers have been deprived of their homes.

As I said, I have yet to hear the Senator say that he did denounce, as he ought to denounce, the action of his own State in thus conveying to railroad and improvement companies land settled upon by settlers. There is where the trouble is. The State of Florida has been to blame. It had the lands in fee. It could at least have set apart all the lands for settlement that were fit for settlement. One thing it did not do. It did not do anything towards reclaiming them. It has never given to the General Government a single dollar of advantage on account of receiving this large body of land, but in its grant to railroads, proper enough, of course, it has taken away the rights of citizens. That is what it chose to do, and I want to have this responsibility located exactly where it belongs. The Senate has nothing to do with it. The original grant was improvident; there is no doubt about that. It has been improperly availed of; there is no question about that.

The State of Florida has had its share in whatever fraud there could have been in the passing of the title to this land from the Government to that State, and all the States to some extent undoubtedly have participated in frauds of that character, because I have no doubt all of them have been certified lands which were not swamp lands. The swamp character was noted on the field-notes, and they have been accepted in many cases as conclusive. In other cases agents were sent out to examine the land, and either falsely or indolently have certified other lands as being swamp and overflowed when they were not.

It was part of the common knowledge which existed twenty years ago that some of the alleged swamp lands in the State of Florida were on the tops of the highest hills, and any one who is at all familiar with Florida must know that one-half of the area of that State is not swamp land. It is a libel on the State to say so; and yet the State, through its agents, has asked from the General Government and has received from the General Government certifications to the amount of nearly one-half of the area of the State, and is pressing for the receipt of more.

I do not complain. I am simply referring to that part of the speech of the Senator from Florida in which he puts the responsibility on the Senate in this matter. There is no responsibility here at all. He went to the administration of the Land Office under the late Commissioner, a gentleman whom he has commended frequently very highly as being a high-minded public official in sympathy with the people, and he got no comfort from him. He got no comfort from the administration of that office in any portion of it, either at the head of it or at the foot of it. And now, his own State having itself given this very land, occupied by the meritorious people of whom the Senator speaks, to railroad and improvement companies who now dispossess them, he very conveniently omits to characterize the act on the part of his own State Legislature and the authorities of that State, but comes here to berate Congress upon it. I say the shoe is on the other foot. The State had ample power to protect every settler on the land, and it ought to have done it, and I think it would have been a wise thing for them to have opened large portions of the land to settlement.

I do not know what the remedy may be. I am not willing, however, to accept as conclusive statements made here as to what can be done. It is always to be considered whether in the pursuit of some proper object it may not be pursued too far. We may not destroy rights that exist in those we are seeking to subserve. But after all the Senator has said about the fraudulent character of the appropriation of this land, I come back to the point and say that if anybody has been defrauded, if any settler is imperiled by the loss of his home, it is because the authorities of the State of Florida have acted in fraudulent, willful, and I was going to say malicious, disregard of its duty to its own citizens.

Mr. CALL. I ask consent of the Senate to be heard.

The Senator from Kansas is altogether wrong in his facts and in his logic. The State of Florida is not to blame. The officials of the State of Florida are not to blame in the respect which he has stated. I will not here enter into a eulogy of my own State. I am proud of it; proud of its administration; proud of its people and their adherence to the public obligations that the law imposes upon them; and in seeking to protect the settlers on the public domain in the right to their homes which the national law has given them I am neither reflecting on the State nor contravening their will.

Soon after the conclusion of the war the entire domain known as the swamp and overflowed lands of the State of Florida was taken into the custody of a United States court. The judge of that court, I believe, thought he had a right to be a kind of satrap or proconsul with legislative and executive powers. I saw all the officials of the State under the Republican administration in the State of Florida sitting upon a bench in a court-room with the governor at their head, and the judge said to them that he would put every one of them in jail if they did not give obedience to his orders respecting the disposition of these lands. My colleague [Mr. PASCO] says that was before the change of administration from Republican to Democratic; and he is right, but I did not intend to bring politics into this discussion.

Mr. PLUMB. Was it after that change of administration that the 4,000,000 acres of land were sold to the Disston Improvement Company, of Philadelphia?

Mr. CALL. No; but the whole body of the land was sold to a bankrupt for a nominal consideration of 16 cents an acre, to a Republican that went there to buy the Legislature. I do not blame the Republican people of Florida for that. I have great respect for them. There are as good men among the Republicans of the State as there are anywhere; but Republicans in Florida know the fact. It was an era of misrule and of wrong-doing in many respects, and perhaps they were not to blame for this transaction. If I am not mistaken, this proposed sale of all the fifteen or twenty million acres of internal-improvement lands was by a consent decree of the judge of the circuit court of the United States, which was set aside afterwards by Judge Frasier of the district court.

Mr. PLUMB. Have there been no grants of these lands to railroads since the Democratic party came into power in Florida?

Mr. CALL. Oh, yes; almost all of them have been made since the Democratic party came into power, and the railroads have been built and honestly built, and are doing a great deal for the property of the State.

Mr. PLUMB. Did they make any reservation in granting these lands to railroad companies, in favor of settlers on the lands?

Mr. CALL. Always.

Mr. PLUMB. They did?

Mr. CALL. Always.

Mr. PLUMB. Then how comes the peril the Senator speaks of?

Mr. CALL. These lands were all locked up in the United States courts, and in order to get them released from the authority by which they were held a sale was made. They held there was certain money due, and sold the 4,000,000 acres which the Legislature of Florida before the war had authorized, if the conditions of the law had been complied with, to be applied to the education of the children of the State, with a right to every settler upon the land to purchase it upon the same terms as the United States law allowed. Under that condition of the law the land was seized by the order of this judge and was sold under the order of the court to the extent of 4,000,000 acres, the governor of the State acting simply as the adviser, making the contract, but the court affirming it in order to relieve it from the custody of the court.

Mr. PLUMB. Was not the sale to the Disston Improvement Company by authority of an act of the Legislature of Florida?

Mr. CALL. No.

Mr. PLUMB. It was not?

Mr. CALL. No.

Mr. PLUMB. Did not the proceeds go to pay the debt of the State of Florida? I ask if the sale was not made in direct response to authority given by an act of the Legislature of Florida?

Mr. CALL. No. There is no doubt it was recognized by the Legislature after it was agreed upon, but it was the act of the court and the trustees.

Mr. PLUMB. I will undertake to refresh the Senator's recollection within the next forty-eight hours.

Mr. CALL. The Senator may refresh my recollection a great deal, but he can not refresh it on something that I know more about than he does. It is not material to my argument here, but I state the fact that some persons criticised the governor because of the sale; but he made it under the order and with the approval of the United States court. The lands had been in the custody of the court, and the purpose of the

sale was, as stated by him, to relieve the fund of the debt and release it from the court.

Mr. PLUMB. Sold for 25 cents an acre.

Mr. CALL. A very good price it was claimed to be under all the circumstances then existing. But I am not going into that.

In the respect in which the Senator has criticised the people of the State of Florida his facts are wrong. The State of Florida appointed an agent here in the city of Washington to confer, I suppose, with the Secretary of the Interior. I do not know what else he had to do. I do not know what else he could do here. Senators are here, Congressmen are here, the Executive Departments are here to execute the law, but I find there are agents of all these States. I think they are unnecessary, and there is absolutely nothing for them to do.

I think that the law alone prescribes the conditions on which this land passed to the State, and the officers of the United States should execute the law without solicitation by agents. The people of Florida had no knowledge about the selections or their approval, and they have not now, nor had I until these complaints came to me from settlers upon the land, who all say, as does this one whose letter I have read, "I am living upon high and dry land which there is no law to pass the title to the State of Florida or to anybody claiming under the State, but for which there is law and right and a pledge of the faith of the people of the United States that I shall have it upon certain conditions." Now I bring forward that case. I say that the Committee on Public Lands of the Senate, and the Senate, and the Congress are responsible when that man makes out that case, no matter what has been done unlawfully by others, to pass such laws as will protect him in his home and in the rights which the law has conferred upon him. That is all.

If an executive officer of the United States, in violation of law and of the duty imposed upon him, takes away the property which the law has given to a man, what harm can it do to say that act is void? Is it not void? The Interior Department is not the Legislature; the Secretary is not Congress; and all that mass of rules and regulations and customs in the Interior Department by which a whole empire of public land has been fraudulently passed away in violation of law ought to be swept away. There is no question that this Government has been disgraced more than any civilized government ever was, by the action of an Executive Department, in violation of law, giving away the whole public domain of the people to those to whom the laws and the public policy had not given it.

I have brought up another case and I have said time and again, here is the case of a great land grant for which there is not a word, nor a syllable, nor a dot of an "i" nor a cross of a "t," in any of the laws of the United States or in those of the State of Florida, giving an interest to the claimants, and yet the Interior Department, when you ask it to show the law, remains impassive and silent. I challenge the production of any law that ever gave a railroad company in the State of Florida from Tampa Bay to Waldo a right to the land grant of the 17th of May, 1856. It can not be found.

But this is not the only case. I have very great respect for my friend, the late Secretary of the Interior, the Senator from Colorado [Mr. TELLER]. I believe in his administration of the Department he acted with integrity and with zeal and with intelligence. But I know that during the last nights of the last Administration a patent was issued, a patent based in fraud, a patent depriving a poor man of a home which he had had for twenty years, and that for his benefit and others in like cases my then colleague, Mr. Jones, had an act passed putting it upon the market under the land laws of the United States and giving him the prior right of entry and purchase. Under a law of this description this poor man was deprived of a valuable possession which he had lived on for years.

Why should not the Government institute suit and if the facts be found as stated protect this man and his family in the right and the property of which he has been unlawfully deprived by the mistake of an executive officer?

Mr. DAVIS. I dislike very much to interfere with the Senator from Florida, but I must call for the unfinished business, the regular order of the day.

Mr. CALL. I can continue what I have to say hereafter.

The PRESIDING OFFICER. The unfinished business is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.; and

A bill (H. R. 7265) for the erection of a public building at Hoboken, N. J.

DEPENDENT PENSION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors, the pending question being on the amendment proposed by Mr. WILSON, of Iowa, in line 5 of section 2, after the word "from," to insert the words "infirmities of age or from;" so as to read:

> And who are now or who may hereafter be suffering from the infirmities of age or from mental or physical disability not the result of their own vicious habits, etc.

Mr. BECK. Have the yeas and nays been called for on that amendment?

The PRESIDING OFFICER. They have not, as the Chair understands.

Mr. BECK. I desire to have the yeas and nays upon that amendment.

The yeas and nays were ordered.

Mr. GEORGE. I would like the matter proposed to be inserted by the amendment read.

The PRESIDING OFFICER. The amendment will be again read.

The Chief Clerk read the amendment.

Mr. BECK. Mr. President, I do not know very much about the details of this bill, nor do I propose to discuss its provisions elaborately. It relates to matters with which I am not very familiar, never having been on any committees that had them in charge; but as I understand the amendment proposed by the Senator from Iowa [Mr. WILSON], every man who served in the late war, or in the Mexican war, or any of the Indian wars, for ninety days or thirty days, whether he ever heard a gun fired or not, is to receive a service pension if he is suffering under the infirmities of age; and what the infirmities of age are is a question, I suppose, to be determined by the Commissioner of Pensions in the usual way. I suppose every man over sixty years of age will be considered suffering under the infirmities of age. Perhaps a million or more of men and seven or eight hundred thousand widows and children of the soldiers of the civil war, saying nothing about former wars, will get $12 a month, or $144 a year, whether they ever heard a gun fired or not, and their fathers and mothers will get it if the soldier is dead. Does any member of the Senate, does the Senator from Iowa know? Can he guess within a hundred million dollars how much money this amendment of his will take out of the Treasury? I doubt whether he can. If he has formed any estimate of how much it will require to make the annual payment to this new class of pensioners, I should be very glad to hear it. I am unadvised on that point.

Mr. COKE. If the Senator will allow me——

Mr. BECK. I will yield to any gentleman who will tell me about how much this amendment will cost.

Mr. COKE. In the line of the observations the Senator is making I beg to call his attention to the President's message vetoing the dependent-pension bill in the last Congress. The President says:

> The pension it awards is allowed to enlisted men who have not suffered the least injury, disability, loss, or damage of any kind, incurred in or in any degree referable to their military service, including those who never reached the front at all and those discharged from rendezvous at the close of the war, if discharged three months after enlistment. Under the last call of the President for troops, in December, 1864, 11,303 men were furnished who were thus discharged.

Mr. BECK. I understand all that. I wish to know what is the best estimate of the amount of money that will have to be paid if the amendment of the Senator from Iowa is adopted.

Mr. DAVIS. I will say to the Senator from Kentucky that I have an extract from the report of the House committee, a portion of which was read by the Senator from Texas.

Mr. BECK. Does that apply to the service-pension bill?

Mr. DAVIS. The total-disability pensions.

Mr. BECK. I am asking what amount is to be paid under the service pension proposed by the Senator from Iowa. I can get all the other facts. It is not worth while perhaps to ask—I do not believe that any Senator can even make an approximate guess—but I venture to assert that if the amendment of the Senator from Iowa to this bill is carried $500,000,000 will not begin to cover the amount of pensions.

Mr. PLATT. Will the Senator permit me a question?

Mr. BECK. Certainly.

Mr. PLATT. Does he understand that the language which is proposed to be inserted by the amendment would pension all people who are suffering in any manner from the infirmities of age?

Mr. BECK. All who have enlisted and served for three months.

Mr. PLATT. Notwithstanding they may not be incapacitated for the performance of manual labor?

Mr. BECK. The language is, "And who are now or who may hereafter be suffering from the infirmities of age, or from mental or physical disability." The word "or" is in the disjunctive, and it means "all who are now or who may hereafter be suffering from the infirmities of age." It might for all purposes of construction stop there.

Mr. PLATT. That is simply a matter of construction of the language.

Mr. BECK. Certainly. That is my construction of it.

Mr. PLATT. The Senator did not intend any such thing.

Mr. BECK. It is so plain that it can not be misconstrued. A pension of $12 a month is granted to all who are or who may hereafter be suffering from the infirmities of age.

Mr. DAVIS. Which, I beg leave to say, incapacitates them for the performance of manual labor.

Mr. BECK. It is disconnected with the provision "or who are suffering from mental or physical disability."

Mr. DAVIS. Or who have not the means of self-support.

Mr. BECK. I know $500,000,000 sounds like a large sum of money, but it will not, in my opinion, cover the claims under this amendment when the test is made. I hold in my hand another bill which is part of the system, I presume.

Mr. BLAIR. Does the Senator——

Mr. BECK. Please let me state the case. It seems that I can not get much accurate information. The bill I hold in my hand, proposing to repeal existing limitations on arrears of pensions, is now before the Committee on Pensions. I presume it will soon follow and supplement the measure now under consideration. The propriety of passing it has been argued elaborately more than once. It is now offered by the President *pro tempore* of the Senate [Mr. INGALLS]. It proposes to remove the existing limitation on the payment of arrears of pensions. How much does any Senator suppose that measure, if passed, would take? It applies only to invalid, not to service, pensions. I went to the Department this morning and looked into that question myself, assuming that it would follow the present bill very promptly. The number of original claims which have been filed since July 1, 1880, amounts to 483,786, all of whom will be entitled to arrears of pensions the moment the limitation is removed; and at the rate, say, of $4 a month, or $48 a year, which is below the average, in twenty-two or twenty-three years, the average would be nearer twenty-five years than twenty-two, it will amount to $1,100 each. Almost five hundred thousand men have already applied to whom the present limitation applies. At $1,100 apiece, that amounts to $550,000,000. That is an immense sum, yet I do not believe that the removal of the limitation from the arrears-of-pension law would take more than half as much in the long run as would be taken out of the Treasury by the amendment offered by the Senator from Iowa.

I do not propose to discuss the patriotism or want of patriotism of Senators in regard to their votes upon this question. The debate has been conducted on the other side of the Chamber as though all the patriotism in this body was centered in them, and as though it was their special desire to reward the men who had fought in the armies of the United States, and they seem to assume that every Senator who objects to giving all that they ask is a poor, miserable, disloyal miser who has no regard for the honor of the country or the welfare of the men who fought its battles.

Gentlemen forget that this is simply a business question which ought to be looked at as though we were imposing new taxes on the people to-day, and were for the first time furnishing the ways and means whereby these vast sums of money could be collected from the tax-payers of this country to meet them. Talk about the surplus in the Treasury, it would not last a year if either of these bills passes; and we are dealing with bills which will be an annual drain on the people for generations to come. Forty years will not see the end of the policy sought to be inaugurated. Once these burdens are imposed they must go on; they can never be repealed, no matter how onerous they may become. Instead of talking about a vast surplus being in the Treasury, the moment you undertake to pension all enlisted men who have become old and infirm, even as now proposed, embracing as is done those who never took any part in the strife, but barely enlisted and remained subject to call for three months, you will bankrupt this country, unless you double your taxation, yes, treble it or quadruple it.

There is no use talking about surpluses in the Treasury in the face of propositions like these; there is no use quarreling any more as to whether the President was right or wrong in the message which he sent to us urging Congress to give relief from taxation. This bill settles that for many years to come. If it had been drawn in the interest of the great trust companies and pooling combinations of the country, in the interest of the protected monopolists, who have been robbing the tax-payers for years under the forms of law, it could not have been more adroitly drawn than it has been to accomplish these ends. When it can be done under the guise of a patriotic purpose, to give it to support the soldiers and sailors of the late war and the Mexican war and the Indian wars, including enlisted camp-followers, white and black, and substitutes, good and bad, the real object is artfully concealed. Add to that, when every man can be clamored down as an enemy of the country and an enemy of the soldier who does not move up and vote away all the money demanded, I repeat that the protected barons who are now perfecting the trusts shown in the papers I hold in my hand, devised under tariff protection to plunder the country by all sorts of illegal schemes, could not invent a better way to do it than to have the propositions made by this bill carried out.

The pretense that the Federal soldier has been neglected is a sham. We have by laws already passed provided for every soldier who was wounded or in any way disabled or injured in the Army, and for his wife and his children; and whenever any soldier can show any sort of disability that is outside of the laws, all he has to do is to come to Congress, and without opposition, on the suggestion of a single member of the Committee on Pensions, his bill is always placed upon the Calendar, given precedence over all other business, and passed unanimously by the Senate, members on both sides of this Chamber being equally earnest in giving relief; and so it is at the other end of the Capitol. No worthy, deserving soldier who served his country during the late war has ever made an appeal in vain for help to the Congress of the United States. The general laws protect nearly all. Whenever they do not, and a special case is presented, the claimant comes to Congress; and the committees of both Houses, no matter whether the men on those committees served in the Federal or Confederate Army or whether they did not serve in either Army, have recognized, without distinction of party, the right of the man, when he is suffering from wounds or any sort of disease or infirmity incurred in the service, or from disabilities which might by reasonable probability be assumed as in any way arising from exposure, to be provided for.

Not content with that, and against the will of the best class of Federal soldiers, in my opinion, and as if for the purpose of preventing any relief from taxation, the Senator from Iowa, by a wholesale, sweeping provision, proposes to pension all who were enlisted, whether they fought or suffered or not, who from any cause are not able to make a living otherwise than by their manual labor, and they are to be pensioned at the rate of $144 a year.

It was said yesterday by the Senator from Maryland [Mr. WILSON], who is a member of the Committee on Pensions and uncommonly well informed, and therefore I assume his statement is correct (I am not perfectly familiar with the exact facts myself), that we are paying now somewhere between eighty million and eighty-five million dollars a year for pensions, and that our present pension-rolls exceed those of the three leading European nations. The Senator from Maryland said, as the RECORD shows:

> Vast as that sum is, for the last fiscal year $75,000,000, and for the current year $80,000,000, constituting at this time, exclusive of interest and payments on the national debt, the one-third of the whole expenditures of the Government raised by taxation; nearly as much as it costs the German Empire to support its vast army; almost double the aggregate of the military pension-lists of all Europe west of Russia; and far exceeding in liberality all other pension systems the world ever saw or dreamed of. I believe the great army of impoverished agriculturists of the country, who with difficulty save themselves from an annual deficit in their incomes, and the hordes of laborers who can scarcely earn enough to support their families, and the multitudes of people who have small incomes barely sufficing for their maintenance, are willing patiently to bear this immense burden, so long as it is applied to the relief of those who are crippled in any degree in their ability to gain a livelihood by disabilities incurred in the service of their country.

That is true. We are willing to do almost anything whenever our soldiers incurred disabilities in the service of the country. We are doing it now by general laws and by special acts of Congress, without stint and without complaint. Surely that ought to suffice. It was said by some Senator yesterday in debate that we have paid nearly $900,000,000 in pensions since the late war. I believe the sum was stated at about $900,000,000.

Mr. HARRIS. At $883,000,000.

Mr. BECK. At $883,000,000. We are so much in the habit of talking about millions that men do not seem to appreciate what millions of dollars mean. Any Senator can turn to any of the Finance Reports and he will find there a list of the expenditures of this Government from its organization. It is on page 17 of the Finance Report I have in my hand. Perhaps the page of the report for some other year might differ, but there is in them all an annual statement of the expenditures of this Government, by years, from 1791 down to the present time.

It will be seen by making a calculation, a very simple one, that the net annual expenditures of the Government for the War Department, for the Navy Department, for Indians, for pensions, for miscellaneous expenses—in short, for every purpose from 1791 down to 1850, including the war of 1812 and the war with Mexico, and all pensions paid down to that time, amounted only to about $900,000,000. We have paid out nearly that vast sum for pensions alone since the late war; as much or more than it cost this Government with all its varied and complicated machinery for its net ordinary expenses for the first sixty years of its existence, and yet we are told that we are permitting our soldiers who have served their country in its hour of need to go to the poor-house. I deny it. Eighty million dollars a year is what we are paying for pensions now; $20,000,000 more, as the Finance Report shows, than were paid in the most extravagant years of the extravagant administration of Mr. Buchanan, as it was called by its opponents, for all the purposes of the Government. Surely there can be no just complaint on that score.

Mr. GEORGE. What is the report?

Mr. BECK. It is the annual Finance Report. Every volume of the Finance Report contains that table, and every Senator can make the calculation for himself.

Senators and the country ought not to forget that we are dealing, as I said, with a question of permanent taxation in the measure before us that will continue perhaps for twenty years to come without diminution of taxation. We are already raising, as the Secretary of the Treasury shows in his reports and estimates, $340,000,000 a year now. One hundred and twenty million dollars are raised every year by internal-revenue taxation on whisky, tobacco, and beer. The other $220,000,000 is raised mainly by tariff taxation. Perhaps a few million dollars are obtained from the sale of public lands or other things, but substantially $220,000,000 are raised by tariff taxation and $120,000,000 by internal-revenue taxation.

The problem we are now grappling with is how to get relief from the most onerous of those taxes. Is it not obvious that any material extension of the present pension laws beyond the $80,000,000 or $85,000,000 we are paying now would be adding unnecessarily to the burdens of the taxation of the people? Senators ought not to forget, and the country will not forget if Senators do, while they are impressing this side of the Chamber, as they delight to do, with great emphasis, as though we were reluctant to do our duty, that the taxation now is so adjusted that, while it is said, and no doubt truly, that there are very many men in this Chamber who are many times millionaires, our system of Federal taxation is so adjusted to-day that there is not one of them who pays any more taxes to support the Federal Government than the liveried coachman does who drives him to the Capitol, and the Republican leaders do not intend that taxation shall be otherwise adjusted; they are determined that it shall continue to fall upon the labor of the country and the unorganized masses of the people, on the poor soldiers and their families for whom by their generosity, as they call it, they are giving these great sums of money. The Republican leaders are very generous with the money that the poor laborer himself toils day in and day out to make. We are here as trustees, not to dispense bounty, but to secure equal rights to all, and grant unequal and unjust privileges to none. By the legislation of that very patriotic party they have so adjusted Federal tariff taxation that it not only falls upon the necessaries of life, principally on what is eaten, drunk, used, and worn, but the very things that the poorest man must have pay a tax very often nearly double what the millionaire requires. The poor man pays a tax of 300 per cent. on his whisky, while less than 40 per cent. is paid on the fine madeira and the sherry, which is the favorite beverage of the rich; the coarse tobacco pays more than the fine cigar; the plain blanket under the specific form of duties paying nearly twice as much as the fine blanket, which only the rich can buy.

Mr. PLUMB. Will the Senator let me interrupt him? While he is enumerating the subjects of onerous taxation I hope he will not omit whisky.

Mr. BECK. I did not, and I repeat, the coachman who drives distinguished Senators and has to drink whisky if he drinks at all, pays 300 per cent. tax on it.

Mr. PLUMB. Is the Senator in favor of taking that off?

Mr. BECK. I will answer that in a moment.

Mr. PLUMB. I want to see how much——

Mr. BECK. Wait a moment. Contain yourself in peace, if possible. The tax is 300 per cent. on whisky and from 20 to 40 per cent. on sherry and madeira, according to the price abroad. Is not that true? Do any of the millionaire Senators drink cheap whisky? Not one. Perhaps the Senator from Kansas might, but when he is drinking his sherry and madeira, which is worth $5 a gallon, he pays 10 per cent. tax on it, while the coachman who drives him here and who has to buy whisky is paying 300 per cent.

Mr. PLUMB. I want to know——

Mr. BECK. No; let me answer further about the tax on whisky, and what I would do about its repeal. I believe that no more legitimate tax was ever imposed than the tax on whisky and on tobacco, and upon things that the poor man's family can live well without the use of; and it is a legitimate tax for the further reason that every dollar that is thus paid goes into the Treasury.

Mr. PLUMB. What is the Senator making a row about, then?

Mr. BECK. I am making a row, if you call it a row, because I object to the patriotic gentlemen on that side of the Chamber seeking under false pretenses to deplete the Treasury, so that the present condition of tariff taxation must continue, and because I regard this bill as a cunningly-devised scheme to prevent any relief from being given to the poor men of the country, and because those patriotic gentlemen do not pay their fair share of the taxes they are seeking to maintain.

Mr. PLUMB. If the Senator will vote to take off the tax on whisky he will find some help he does not expect, or if he will vote to reduce it; but he knows confounded well he will not do it.

Mr. BECK. The Senator from Kentucky knows "confounded well," in the elegant language of the Senator from Kansas, that every dollar that is collected from whisky goes into the Treasury of the United States, less 3 per cent., the cost of collection; and he knows equally well that the taxes collected upon railroad iron, upon blankets, upon all the manufactures of wool and cotton and everything else are so adjusted that not over one-third of the taxes paid by the consumer goes into the Treasury, but two-thirds go into the pockets of the protected pets of the gentleman from Kansas and his political friends.

Mr. PLUMB. Including the tax on whisky?

Mr. BECK. I have no doubt every man on that side of the Chamber will vote to repeal any tax that is fairly and wholly paid into the Treasury in order to maintain taxes that go into their own pockets, or the pockets of their friends, and call themselves patriots protecting American industries while doing so. In the face of their professions they employ the cheapest labor they can obtain from all parts of the world to drive the American laborers out of their workshops and factories. Of course they are all willing to take the tax off of whisky and to take the tax off of tobacco—none of that money goes into their pockets—but they are only too glad to pile tariff taxation mountain high on all the things they produce which the people want and must have, because they are the owners of the iron mines, the furnaces, and workshops. They own and control all the great cotton and woolen manufacturing establishments. Congress has so arranged the taxation of their products that the protected monopolists can by trusts and combinations destroy all competition, and keep up the price of every article they produce, that every American citizen has to use, to a point equal to what all the other people of the world have to pay for it with the American tariff tax added.

Since I am on this subject of trusts, will the Senator from Kansas listen? He may learn something that he has not looked into before. I have the papers in my hand, and I hope Senators will examine them. Certain trusts are being looked into now by the proper authorities. I have here the New York Times of February 20 and of February 27, containing much valuable information concerning the operation of these patriots who profess to be the protectors of American labor. The Senator from Kansas and his friends will see by reading the statements how these trusts and combinations operate.

I did not intend to go into the details of these matters at any length now; perhaps, this is as good a time as any. Even the protective organs, such as the Times, of Philadelphia, the New York Tribune, and the other leading organs of the protectionists, have to tell these men, "For God's sake, be careful; you are destroying the protective policy by your combinations." Their mode of operation is not new; but it has only been developed of late to an extent that is attracting public attention, and perhaps will make the people understand how they are robbed by tariff laws. More than twenty years ago one of the predecessors of the senior Senator from Iowa [Mr. ALLISON], and a relative of his—a very able man, by the way—made a speech on the floor of the Senate when the protectionists were seeking to pile up tariff taxation, as they succeeded in doing in spite of his protest. Mr. Grimes, of Iowa, said, in 1867—turn to the record and you will find the speech in full:

Threats of political extinction—

Said Senator Grimes—

Threats of political extinction are hurled against every man who, in the exercise of an independent judgment, is not prepared to impose upon his constituents the burdens which the various manufacturing combinations demand. That portion of the public press suborned to their interests is rife with charges that "the capital is thronged with free-traders, and that British gold is operating to secure American legislation for British interests." Every man is condemned in advance who would inquire before he would vote.

We know what this means; that two or three large manufacturing interests, not satisfied with enormous profits during the last six years, are determined at whatever hazard to put more money in their pockets, and to this end have persuaded some and coerced other manufacturing interests to unite with them in a great combination demand for what they call protection to American labor, but what some others call robbery of the American laborer and agriculturist.

I unite with that Senator and adopt the language he used. It is robbery of the American laborer and the American agriculturist. What he predicted would follow is the case now, under the existing law, which is substantially that passed in 1867, for its modifications in 1883 amounted to nothing under the manipulations of a conference committee, led by the two distinguished Senators now before me, the Senator from Ohio [Mr. SHERMAN] and the Senator from Vermont [Mr. MORRILL], who, as I said at the time, in plain violation of their known duty, imposed taxes in conference upon this people by the act of 1883 beyond what either House had sought to impose, and in some important matters, after both Houses had agreed what the tax should be, they raised it in secret conference and imposed it upon the country, thus adding to the power of the trusts and combinations to plunder the people. We are living under that system now, until the taxation to-day on many of the leading articles of industry is higher than it was before the act of 1883, made so in that conference by those gentlemen, as I will have occasion to show when the debate on tariff taxation comes up again, as I hope it will very soon.

Returning to the trusts, as set forth in the papers referred to, illustrating the extent to which they have been and are now being carried, let me read a few extracts:

If the sincere friends of American industry would protect protection—

Says a leading protectionist organ—the Times, of Philadelphia—

they must promptly separate it from the extortion of trusts and monopolists. It can survive the hostility of open, manly foes; it can not survive the suicidal blows of those who use protection only to abuse it by arbitrary oppression of consumers that would not be tolerated in despotic Russia.

That is the condition to-day, as described by the Philadelphia Times. I have said nothing worse than that about them. The writer of the article takes up the trusts one by one—first the sugar-refiners' trust—and he shows that they are exacting to-day, by their combinations, $30,000,000 by extortionate prices, under a trust, combination, or pool—call it what you please—and they now threaten to raise their prices another cent a pound, which will be equal to $60,000,000 taken out of the pockets of the consumers, and all that is made possible by the enormous tariff tax imposed upon sugar in the interest of the refiners, by prohibiting competition from abroad with the monopolists at home.

I do not care to read the whole article. I will cut out a few extracts from it and insert them in my remarks. It goes on to show that not only are the parties to the trust putting up the price of the sugar they sell, but they have by their combinations so arranged things as to get their raw material at the lowest possible prices, and to boycott every-

body who does not belong to their pool. They are thus able to cut down the prices of common sugar to the producers of Louisiana, whom they pretend to be protecting.

Another smaller set have advanced the price of school-slates in the last eighteen months 12½ per cent., protected by a protective tariff of, say, 30 per cent. I presume they have now raised the price to a point just under the foreign price with the tax added. The facts are all given in the Times article.

Another important combination which is fully exposed is the steel-rail trust. It was organized in order to bring up the price of their product almost to the point of the English price with the tariff tax added. They had it up to that point at one time, but the railroads rebelled, and they had to reduce it, as this article shows.

Mr. BLAIR. Will the Senator allow me to ask him a question? I have watched the Senator's statements with some care and great interest, and if they are reliable I can not but view them with some alarm. In the earlier parts of his discourse he spoke of the tariff increasing the price of the commodity to the consumer in such a way that the manufacturer gets two-thirds of the amount of the taxes represented by the existing tariff.

The Senator was saying, and I was drawing my inferences upon the accuracy of his statement, that the imposition of the tariff while carrying some money into the Treasury carried the great mass of the difference between the price of the foreign article and of the American article into the pockets of the manufacturers. He now reads to us from the movement of the trust combinations somewhat, and among other items he specifies the trust combination as to school-slates, and he says to us that the price was such that, in order to bring the cost of the American school-slate up to that of the foreign slate plus the tariff, the combination were able to impose some 12½ or 15 per cent., whatever it was, upon the former price—the price which resulted from competition among the school-slate manufacturers of our own country and the price of the foreign school-slate coming into our country. He took this trust combination to accomplish this end—the trust combination abolishing competition added 12½ per cent. to the price of the American-made school-slate in order to bring it up to the point of the cost of the foreign school-slate.

I ask the Senator if his own figures here and this matter of the trust combination he puts in here are not an absolute reply to and a total refutation of his first statement, that the amount of the tariff stated by him went into the pockets of the American manufacturers? In other words, has he not demonstrated what the protective-tariff people always have said to us, that the imposition of the tariff has led to home competition to such an extent that now the school-slate and other commodities are reduced vastly in price from what they otherwise would have been but for the imposition of the tariff? I should like to have the Senator explain that.

Mr. BECK. I think I can explain it to the Senator from New Hampshire. To begin with, what is the object of a tariff tax of, say, 50 per cent.? It is to prevent goods from being brought from abroad, unless the people who propose to use them here will pay 50 per cent. more than they are sold for in the foreign market, in order to enable the American manufacturer to produce them and sell them without competition from abroad if he sells for less than the foreign price and the tax added. That is the object of the protective tax. If it fails to do that it does not protect to the full extent authorized by law.

Mr. BLAIR rose.

Mr. BECK. Wait a moment. Give me time to answer.

Mr. BLAIR. Oh, certainly.

Mr. BECK. You asked me a question.

Mr. BLAIR. Certainly; I was asking for information.

Mr. BECK. In the next place the Government of the United States does not trade with the people of any other country. We simply collect toll from those who do. The individual man who wants any article, great or small, is the person who does the trading and pays his money. He buys where he can buy cheapest whenever he is allowed to do so; therefore it must be obvious that no goods would ever be bought by an American citizen which come from abroad unless the individual purchaser concludes that it is cheaper for him to pay the foreign price and the 50 per cent. tax added than it is to buy the American-made article. It is only when the individual American citizen, who has obtained the money to buy any kind of goods he needs by his own exertions, it may be by raising wheat, hogs, cotton, tobacco, anything, comes to the conclusion that he had better pay the foreign price and the 50 per cent. tax because that is the cheapest way to get the article that the Government ever gets any revenue out of goods that come from abroad. It depends on the option and the determination of the American purchaser as to what is best for him to do in order to save money or make it. The price of home products of like quality is, in his opinion, higher than the foreign price and the tariff tax; if he did not think so he would buy the home-made article. All the tax comes out of him, and all the enhanced price of the home-made goods is pocketed by the man who makes them; the Government gets no part of that. The foreigner of course pays no tax. He is not a consumer of goods that have passed the American custom-house.

The foreign importer will not bring his goods to this country for sale unless he can sell them to American citizens at a profit, after paying the 50 per cent. tariff tax, which is part of his selling price, because he has the whole outside world to trade with. Nearly all markets are free to him except the United States; he only comes here because he can make more money by coming here, and selling here cheaper than home manufacturers will after paying the tax, which the American purchaser repays to him, than he can by selling to other people in other countries without having to pay a tax. It is simply a question of money-making. Of course every once in a while, with competition at home and with improved methods of production everywhere, prices are reduced and American manufacturers find that if they were to keep the price of the products up to the foreign price and the tax, everybody would rush into the business, and as the market is limited to our own people it would be overstocked; therefore, every once in a while, as perhaps was the case of school-slates and other things produced here, men compete with each other and bring the price down until there is and can be no importation, as there is hardly now any of school-slates. They have brought down the price so that the foreigner can not bring in the article and pay the 50 per cent. tax and get it back when he sells. What do they do and say, according to the report I read from? Our manufacturers say to each other, "Our schoolmasters and our school children can not buy these school-slates from anybody but us; we have excluded foreign competition by a tax that was never needed; what is the use of letting the price of our product go down? Let us get together and put our price up to the foreign price and, say, 29 per cent., just keep a little under the foreign price and the tariff tax, and let us go into a combination." Congressional destruction of competition from abroad is the life and soul of all these combinations. They say, "We will not sell to anybody in this country unless they will pay us what this combination agrees upon. Congress will not let the people buy abroad; they are compelled to come to us and pay whatever we demand. We will just put our prices so far below the foreign price and the tariff tax as to exclude foreign competition and force all our home consumers to deal with us alone. All we need to do is to sell 5 per cent. cheaper than foreigners can after paying the tax. Our people of course will buy from us to save that 5 per cent."

That is exactly what these Congressional pets are now doing. That is what the sugar refiners are doing. That is what the American steel-rail producers are doing. That is what the producers of nails, the producers of horseshoes, and what every one of them is doing; they have by combinations succeeded in putting up iron ore, and especially copper, until the gentlemen who are the owners of the Calumet mines could pay any ordinary pension bill out of their own pocket, as these mines pay about 100 per cent. annually; they have gone into combinations with a number of French and other foreign gentlemen, it seems, and are sending their goods abroad and selling them in Europe much lower than they are charging for them here. Let me read:

The New York Tribune, which urges everybody to support high tariff rates because, it asserts, they cause cheapness through competition in the home market, has said that the dividends paid by the Calumet and Hecla mine between 1870 and 1883, upon a capital of only $2,500,000, amounted to $23,500,000. Additions since 1883 have, it is said, raised the total to $30,000,000. And it is estimated in Boston that by supporting the Secretan ring the company has provided for an annual dividend of more than 100 per cent.! This is the gratitude of the copper barons who have used the protection granted by the American people as an instrument for extorting money from the same people, and whose riches were heaped up by the aid of legislation which blotted out the copper-smelting industry on the Atlantic coast and in that way raised a barrier between the United States and Chili, diverting to Europe trade which naturally should come to us.

Mr. BLAIR. Will the Senator yield to me?

Mr. BECK. Certainly.

Mr. BLAIR. I admit that I do not understand what the Senator has been saying to me in answer to my question. I do not quite understand his reasoning. He finally substantially admitted the point, as I understand him, for he says it applies only to a little industry, the slate-pencil or the slate industry.

Mr. BECK. Oh, I did not say that.

Mr. BLAIR. The Senator said that occasionally in some small matter—that was the remark—occasionally in some small matter (and he instanced the slate industry) there would be such competition as to reduce the price of the domestic commodity below that of the foreign.

Mr. BECK. With the tariff tax added.

Mr. BLAIR. Yes, with the tariff added; but does not the Senator see how idle his instance is when he immediately goes on to read how all or nearly all the great industries of the country have by their competition so reduced the cost of the domestic commodity that these trusts have become possible? The sugar trust, the iron trust, and all the trusts which he has enumerated are exactly a repetition of the case of the slate industry, which first attracted my attention.

Mr. BECK. Now, Mr. President, let me go on.

Mr. BLAIR. The Senator has demonstrated by his own instances that the operation of the protective tariff—not the revenue tariff of which he speaks, but the operation of the principle of protection—has reduced the cost of domestic commodities in such a way that these atrocious trusts have become possible, and now they have reached a point when upon the Republican theory there should be such a reduction as to let in foreign competition to destroy the trusts, unless the law is able to do so.

Mr. BECK. The Senator from New Hampshire and myself of course can not convince each other. I have said more than once that the protective-tariff tax was imposed up to the maximum point, not for revenue, but to give favored classes control of our markets at the time of its imposition, its object being as nearly exclusive as possible, to enrich the men who through their lobbies pushed it through Congress, many of whom, I regret to say, were on the floors of both Houses, personally interested in the measures they were voting for.

Mr. BLAIR. Now the Senator draws out the point of the raising of the price by the trust; and if that thing is possible, does not the operation of the tariff reduce the price of the commodity?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from New Hampshire will suspend until the Chair ascertains whether the Senator from Kentucky consents to be interrupted.

Mr. BLAIR. I thought he had consented.

Mr. BECK. I do not object to being interrupted very much, but I want a chance to answer once in awhile.

Mr. BLAIR. Well.

Mr. BECK. A tariff tax is imposed under then existing condition. The conditions of the world change. For example, Bessemer steel at one time could not be made anywhere in the world for less than $70 or $100 a ton. When that condition of things existed some twenty years ago, $28 was imposed as a specific duty upon Bessemer-steel rails by Congress; I believe at the time it was considered equivalent to 45 per cent.; but new processes were afterward discovered and invented—not American processes, but by Sir Henry Bessemer, by the Siemens-Martin, by the open-hearth process, by German and English inventions, patented there and the patents purchased by American combinations—until the original tax of $28 per ton, instead of being 45 per cent., was over 100 per cent. duty. That was so obviously excessive and prohibitory that it was cut down to $17 in 1883. The processes of improvement cheapening steel went on the world over, not by American competition alone or even as a considerable factor, but in part, of course, so far as American inventions helped. So with nearly all other things, the cheapening processes of new inventions everywhere are progressing now until everything is cheapened. Look at the great harvesting machines of the present day, the reaper, the mower, the hay rake, and the thousand things that have been invented since the Senator and I were boys, when a cradle was the best implement we had to cut wheat with, and a common scythe the best to cut hay with; we could then perhaps cut an acre a day; now with a machine we can cut ten. The Senator perhaps may have had to do it, as I had, and I never have been clearly reconciled to the fact that those things were not invented twenty years sooner. When I see a fellow riding on a mower and another boy on a rake, one cutting down ten acres a day and the other gathering it up, when I had to sweat from morning until night to mow an acre, I still feel aggrieved that these inventions were not made a little sooner.

But, Mr. President, the compensation is that these are cheapening processes; they apply to all branches of manufacturing industry; they are not confined to any particular country. International patent laws equalize all that. They are bringing down the prices of things all over the world and are adding to their production. But what I insist upon is this—and we do not disagree, I think—when by these processes prices are brought down, as they must be, then it is that a high protective tariff imposed under former conditions so as to make every consumer in America, and that means everybody, pay the foreign price and the unjust tariff tax added, fosters trusts and combines, makes competition impossible, and destroys every legitimate American industry. With foreign goods excluded by law, when home competition brings down prices, then the trusts and combinations get together and put prices back to the highest point that excludes foreign goods; they pool their issues and will not sell to and will not buy from anybody except upon the terms they propose; and Congress forbids the citizen from buying elsewhere by a protective tariff maintained up to the highest notch, and will not change it, but its advocates clamor to throw away the $120,000,000 of revenue now collected from whisky and tobacco, as the Senator from Kansas suggests we ought to do, so as to make it impossible for us to remove the high protective tariff, which alone makes these infamous trusts possible.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BECK. Certainly.

Mr. BLAIR. I now understand the Senator to say that the trust combination results from the cheapening processes of which he speaks. The Senator undertakes to answer my question or get around the point by saying that there are cheapening processes which have been invented from time to time. I ask the Senator if these cheapening processes are not common to all manufacturing countries?

Mr. BECK. Certainly; I said that.

Mr. BLAIR. And therefore the cost of manufacture in England, for instance, diminishes in just the same proportion that it does in the United States by reason of that process?

Mr. BECK. Certainly.

Mr. BLAIR. So that relatively, the tariff remaining a fixed quantity makes no difference and does not enter into the question of the origin of the trust at all——

Mr. BECK. Now, Mr. President——

Mr. BLAIR. Or the diminution of the cost of the domestic commodity at all?

Mr. BECK. Before the Senator mixes up things any more let me take his own statement. He agrees that the cheapening of commodities is going on all over the world, in England, Germany, and in the United States; therefore he says, as that is going on the tariff does not make any difference at all. Can anything be more absurd? I say it respectfully. Twenty-eight dollars, as I said, was the specific tax per ton on Bessemer-steel rails once. Bessemer-steel rails were then worth, say, $75 a ton. Two years ago they were worth $17 a ton free on board at Liverpool, and they can be made in this country profitably for $25 a ton; the manufacturers of them here were content with that price, as Mr. SCOTT says, until the last two or three years. Would not $28 a ton specific duty, that was imposed before England could land her goods when they are now only worth $17 a ton free on board at Liverpool, make a wonderful difference in the power of the trust or pool combination over what it had when it cost $75 a ton to ship them from England? Is not $28 a ton over 120 per cent. protection now under the improved processes common to all countries, when it was only 45 per cent. at the time it was imposed? Therefore, as these processes are common to all countries, and the cheapening process has gone on here in this country until steel rails can be manufactured at twenty-odd dollars a ton when they could not be manufactured for less than $60 or $80 some years ago, and can be manufactured in England now at $17 a ton when they could not be manufactured for less than $50 in past years, the tariff protective tax of $28 a ton, or 120 per cent. on the cost of the goods, would absolutely exclude competition from abroad, as the tax exceeds the home cost. Does not that enable the combinations and the trusts to add 100 per cent. to their legitimate profits and exclude foreign competition still, and at the same time impose all the burden upon our people at home? That must be plain.

Mr. BLAIR. I do not wish to interrupt the Senator further; I am aware that I am trespassing upon his time, but I was drawn inadvertently into this matter.

Mr. BECK. So was I.

Mr. BLAIR. If he will allow me to say just a word more, I will not trouble him further.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BECK. Yes, sir.

Mr. BLAIR. I hope the Senator will not forget that the original point, and the only point to which I called his attention, because it is the vital one in reference to his own original proposition, is whether the operation of the tariff is to diminish the cost of the domestic manufacture. I think that these instances of the trust combinations are an absolute demonstration that the protective tariff does have that effect. The Senator after his explanation attributes the diminution in price not to domestic competition which the protective tariff has given the opportunity for, but to the invention of divers important processes which are common to all nations. In reply to that suggestion or explanation of his difficulty I suggested to him that that would make no difference for the reason that these processes are common to all nations.

Mr. BECK. Now, Mr. President——

Mr. BLAIR. The Senator——

Mr. BECK. Do not make another speech just now.

Mr. BLAIR. I wish to make the point clear. I do not wish the Senator, by any means, to evade my point in the confusion and dust he kicks up himself.

Mr. BECK. Go on; go on.

Mr. BLAIR. Very well, then; permit me. I was tracing the process of our discussion and the evasions of the Senator rather than the explanations touching the point which I had raised, which I see caused him great difficulty, as it has all men to whom it has ever been propounded. He says that these combinations and these trusts are made worse by the fact that the tariff has not been revised and reduced as it ought to be, and by reason of the existing amount of the tariff, so great that it far more than excludes the foreign commodity, so that there is no reasonable or possible competition at all. He says that that is the reason of the combinations; but the combinations exist entirely independent of that, and I recall him to the point——

Mr. BECK. That is not a question.

Mr. BLAIR. I recall him to the point that the tariff is at any given time a fixed quantity; that the trust combination is an impossibility until the domestic commodity has been reduced in price by the operation of the tariff; and if, by reason of the continuance of an existing high tariff, the trust combination can be made worse now than it otherwise would have been, is no explanation of his difficulty at all.

Mr. BECK. I was about to go on. I suppose I need not. The Senator from New Hampshire seems to be an advocate of trusts as the only way to keep it up.

Mr. BLAIR. The Senator must not put me in a false position. I denounce trusts. They are horrid, they are malicious, they are de-

structive of the good of the country, and they ought to be destroyed themselves.

Mr. BECK. That is a pretty important admission. How can they be destroyed? Only by reducing the tariff that makes them possible, and thus enable home consumers to buy at reasonable prices elsewhere; yet the Senator from New Hampshire and all those who agree with him will stand up and resist, as they have stood up and resisted in season and out of season, any reduction of the tariff.

Mr. SHERMAN. I should like to ask a single question.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BECK. Certainly.

Mr. SHERMAN. If trusts only arise out of the tariff, how comes it that there are whisky trusts and some other trusts of that kind in this country, the most formidable and horrible in the country?

Mr. BECK. There are combinations that can exist without a tariff. Wherever there is a monopoly or when a combination gets very strong, a trust can exist even independent of a tariff; but a trust connected with clothing, with iron, with things that the world produces and can sell in competition with our manufactures, would be impossible but for the tariff, because the competition of the world would come and prevent trust combinations except for their exclusion by the tariff. There may be, through Standard Oil Companies and in other articles, monopolies of things made in this country cheaper than they can be made anywhere else that can not be controlled. Wherever the product or the business is in this country only, great corporations and great powers may get together and may control it, as great railroads control and eat up small ones, as great telegraph companies destroy small ones, as great oil companies destroy small ones, or as great banks and distilleries destroy small ones. All these things are possible; Congress is not responsible for these conditions. But in the great classes of goods that the men of America have to eat, drink, use, and wear the world makes them as well as us, and the world has them for sale; the people of all the other nations of the world buy them at the price the manufacturer is willing to sell them in open market for.

We, and we alone, protect our trusts and our combinations by telling our protected organizations, "You can go into the trust or pooling business to the extent of 50 per cent. beyond what every other person in the world is paying for like goods, and we will protect you by tariff taxation." That character of legislation destroys competition and creates monopoly by law. It prevents our citizens at home from buying the goods in the open markets of the world. The Senator from New Hampshire did not seem to be aware, while speaking of the confusion of my statement, of the confusion he himself was developing when he avowed with one breath that the cheapening process was going on among all the nations of the world—England, Germany, France, for example—as well as here, by inventions and new methods, and yet because it was going on there and here, without seeming to appreciate the effect of his observation, he turned around and asked triumphantly, did not the tariff enable us to do it? Did our tariff enable England to do it? Did our tariff enable Germany to bring down prices? Did our tariff enable France to bring down prices? They all reduced prices as the power of machinery increased, just as they were reduced here from like causes. The tariff had nothing to do with it. Human inventions, new modes, new devices, intelligent skill in producing everything brought down prices everywhere, and the tariff stands here alone to protect trusts and combinations and to enable a few men to rob the rest of the people and thus become rich by law instead of by labor.

Mr. SHERMAN. I should like to ask the Senator—because the subject of trusts is now becoming very interesting—whether he claims that trusts arise out of the tariff laws, and whether or not——

Mr. BECK. I claim——

Mr. SHERMAN. Let me ask another question. I ask him whether he does not know that nearly all the importers of this country importing goods from foreign countries are combined in trusts and are sending their goods here in trust, which are sold by agents; and whether this combination of trusts does not exist not only in domestic production but in foreign production, and there are fewer in domestic production engaged in competition with foreign productions than in any other class of production?

Mr. BECK. What was the first question?

Mr. SHERMAN. I will ask the Senator whether nearly all commercial people engaged in importation are not now tied together by trusts, and whether he does not know and has not reported in a bill that foreign goods are sent from foreign countries, owned by foreigners, consigned to foreigners, in trust by foreigners, held by foreigners in this country under trust to control the market?

Mr. BECK. The first question was whether I hold that the tariff protected the trusts, I believe. Was that it?

Mr. SHERMAN. No; I say——

Mr. BECK. What was it?

Mr. SHERMAN. Does the question of trusts grow out of the tariff?

Mr. BECK. Beyond all question, to a very great extent. In all the articles that are protected by 50 per cent. tariff, is it not possible for men in this country, with all competition from abroad to that extent excluded, by combination to raise their prices to the foreign price with the tariff tax added, less 1 per cent.?

Mr. SHERMAN. Then I still——

Mr. BECK. Let me ask if that is not the fact?

Mr. SHERMAN. No, sir; I say this——

Mr. BECK. Why is it not the fact?

Mr. SHERMAN. I say there are fewer trusts in domestic productions competing with foreign productions than there are in foreign productions themselves——

Mr. BECK. That is not a question. I will come to that after awhile.

Mr. SHERMAN. Or in a foreign country; and whether they do not compete with foreign goods; so that therefore the question of trusts has nothing to do with it.

Mr. BECK. As the Senator knows and will not deny—he is too well informed to deny it—the tariff of 50 per cent. on any class of imported goods that are made in England, Germany, or France as they are in this country, protects home trusts here, by preventing foreign competition, to the extent that they can adjust their home prices by combinations up to the foreign prices with the tariff tax added, less perhaps 1 per cent. That will exclude the same class of goods coming from abroad and being sold here. Therefore the combination can put up their prices to that point, and that is exactly what every one of these trusts is doing——

Mr. SHERMAN. No——

Mr. BECK. Wait a moment until I get through with the other question. That I assume no man will deny, and if he does, the proof is in the papers I have quoted from, taken before committees of the Legislature of New York and elsewhere. The facts admitted and proved demonstrate the truth of my position. As to the other matter, relative to the foreign importers and their combinations——

Mr. SHERMAN. Before you go any further——

Mr. BECK. Let me answer as to the foreign importers, as that was the last suggestion. The foreign importers can not combine unless the American consumer wants to buy. Who buys foreign-made goods here? Foreigners do not buy anything here; the individual American citizen alone buys; and he buys with his own money that he has earned by labor at home in some form; of course he only buys when the men bring goods from abroad and offer them cheaper than he can buy them at home.

Mr. STEWART. Will the Senator allow me to interrupt him?

Mr. SHERMAN. I wish to ask a question.

Mr. BECK. Foreigners may combine to put up prices as much as they please, but they can not sell anything in America unless they sell it cheaper than the home price after they have paid the tax.

Mr. SHERMAN. I ask the Senator whether he is able to state to the Senate any trust of great American production, such as cotton goods and woolen goods or any other great department of American industry competing with foreign countries? I ask whether there are such trusts? On the other hand, I ask whether the trusts in this country which are exciting the attention of the country do not arise out of domestic productions, where they can combine together and have no competing market abroad, like cotton-seed oil, the Standard Oil Company, and whisky and the sugar refiners? These are the trusts. There are also trusts of foreigners, who combine their productions and hold them in trust by trustees here, and those give us the worst form of trust, that of foreign importations.

I ask the Senator to state now, and this is a serious matter, what large branch of American industry now competing with foreign countries is protected by trusts? Is there a trust among the cotton manufacturers, the woolen manufacturers, or the iron and steel manufacturers?

Mr. BECK. Yes.

Mr. SHERMAN. Not in this country. Is there a trust in boots and shoes? I can show you that the foreigners have trusts in all these things, and one of the great trusts in Belgium, right in sight of the battle-field of Waterloo, created almost a revolution in Belgium. But they are foreign trusts. This plan of trusts is a foreign importation, and our domestic producers have not yet fallen into the habit of protecting themselves. Perhaps they will.

Mr. BECK. I am asked if I can point out any great American industry that has gone into a trust or a combination. I have before me at least half a dozen, and there are plenty more of them.

Mr. SHERMAN. What are they?

Mr. BECK. The great steel-rail trust.

Mr. SHERMAN. There is no such trust.

Mr. BECK. Here they are laid down and quoted from the Bulletin——

Mr. CHACE. There is no such thing as a steel-rail trust in this country.

Mr. BECK. I know that there is, and we have known it for years. I have seen, and the Senator from Ohio knows it well, the Vulcan works at St. Louis closed some years ago and 700 men turned out of employment at one time, and a bonus of $150,000 was paid to those works as part of the great steel-rail trust to keep them from overproducing and to keep the price up in this country. The Senator from Ohio was on the Committee on Finance when all that was developed, and the Vul-

can works lay there idle for a year. We saw the salt works at Kanawha closed, and dead rent was paid to them for years to keep them from competing with the Ohio Valley salt and underselling it. Here is a statement in regard to the steel-rail trust in the New York Times, to which I heretofore referred. I do not want to take time to read it all, but here it is. I ask the Secretary to read this article about the steel-rail combination. I have not read it all myself, but there it is. I may be obliged to consume the day at it. If Senators want to keep this up, all right. Now go on reading.

The PRESIDENT *pro tempore*. The Secretary will read the article referred to.

The Chief Clerk read as follows:

STEEL RAILS.

The contest between the steel-rail "combine" and the great railroad companies over the price of rails seems to have come to an end, for the companies have recently given to the rail-makers orders for more than 500,000 tons of rails at the ruling price of $31.50. The companies were standing out for $30, and the makers were unwilling to take less than $34 or $35. All the old tales about the losses that must be incurred if rails should be sold for less than $32 or $33 were told again, but it appears that the "combine" has consented to make a quantity equal to one-quarter of the entire product of last year for $31.50. An attempt was made a few weeks ago in certain quarters to create the impression that the steel-rail industry had been blighted by the President's tariff message; but the truth was that the railroad companies had become weary of paying exorbitant prices and had determined to bring the ring to terms. During the great development of the railroad system in the West last year they had been forced to pay even $40 a ton. They did not propose to do this again. The Bulletin, organ of the "combine," complained piteously early in December that the companies withheld their orders. It said:

"A few large contracts in October and early in November for rails which must in any event be bought before the middle of winter would have helped wonderfully to arrest any tendency to dullness in the industries of the country. But instead of taking this course, which they could well have afforded to do, having plenty of money saved up from two years of prosperous business, these friends of ours virtually said to the steel-rail manufacturers that they would wait until prices were lower."

And then the companies were warned that low prices for rails "mean also low freight rates" and ruin generally. But the companies had their way. Of course the members of the association would have the people believe that it is nothing more than a social organization, while in fact it fixes the price and regulates the output of a product through whose cost the nation can be taxed. "Harmony prevailed," said the Tribune in its report of the association's meeting of November 15, "and it was agreed to leave the matter of output and other details to the board of control. Prices are to be maintained at current rates." One month later the same paper gave publicity to the statement that the association would "order all steel-rail mills closed if the price of rails should go below $32 a ton." When the ring finally made concessions and the orders were given the work was distributed. On the 1st instant it was announced that the Lackawanna Iron and Coal Company had sold 30,000 tons of rails. At the same time the following statement was made:

"The Lackawanna Company has now sold its full proportion of the allotment to all companies of 800,000 tons, and can take no further orders at present. The Bethlehem Company is in the same condition."

This was published upon the authority of Mr. B. E. Clarke, president of the Thomas Iron Company. The "allotment?" The board of control regulates the output and distributes the work.

The present association was formed two years ago, when the price was $27, and it was enabled by the extraordinary demand of last year to push the price up to $40. There are about a dozen rail mills, and they are all in it. The demand for English steel rails increased last year 47 per cent., but in spite of this the price was raised only 4 per cent. This appears to have been the regulating effect of competition. Here, in the absence of competition, an increased demand was accompanied by a great advance in the price. While making a public address at Erie, in October, 1886, Hon. WILLIAM L. SCOTT declared that he had bought, eighteen months earlier, 10,000 tons of home-made steel rails at $25.50 per ton, and that the sellers were "perfectly satisfied with the price."

There was no "combine" at that time. The association was formed some months after this purchase, and at the date of Mr. SCOTT's speech the price was $33. The advance in cost of production had not exceeded 10 per cent. Allowing for that, and assuming that at $25.50 there was a fair profit, the rate of $33 yielded an additional profit of $5. The price has since been $40; probably the average for last year was not less than $36, and upon the basis of Mr. SCOTT's figures this price afforded a profit of $8 a ton in addition to a fair profit. Upon the year's production of 2,050,000 tons (for 1886 it was 1,562,000) this profit would be $16,400,000. The normal profit may have been $6,000,000 or $8,000,000 more. The 12,724 miles of new road laid last year required 1,300,000 tons of rails, if the weight of those used was 65 pounds to the yard, so that the extra or ring profit on these was more than $10,000,000. The reduction of price to $31.50 shows that the profits yielded last summer, when the price was $39 or $40, were extraordinary. All this excessive profit comes out of the people. As Mr. SCOTT said, "The railroads simply advance the money, and it is you who travel over the railroads, and who transport your merchandise and produce over them, who in the end pay this immense profit to the manufacturers." In the same speech Mr. SCOTT referred to the success of "a subject of the Queen" who had gone into the business of making iron and steel at Pittsburgh. "I know positively," said he, "that although he did not own the entire works he drew out of that establishment during a period of three hundred days profits amounting to $5,000 per day, or $1,500,000 in one year." Possibly he had in mind Mr. Carnegie, whose rail factory is in the "combine." He also said:

"Less than a year ago I was talking with a friend of mine on this question of steel rails. He probably purchases more steel rails than any man in the United States. I said to him, 'These mills are putting up rails pretty fast. Don't you think they ought to stop?' 'Yes,' said he, 'I think they ought to.' Said he, 'You know how the iron industries have been for the last few years—apparently hardly alive. But do you know one thing?' and then calling a certain iron and steel company in Pennsylvania by name, he said, 'That company represents a capital of $10,000,000. You know how the iron and steel industries have been depressed, and yet I know that the principal bone of contention in the board of directors of that company for some time has been whether or not they should make an extra dividend of $10,000,000.'"

And at the time of that conversation the price of rails was below $30. The average for the year 1885 was only $28.50. Well might the Philadelphia Times, a protectionist journal, say a month ago, "Of these trusts or combines which are now hanging like millstones around the neck of protection the steel-rail trust is the most defiant of common fairness, and most false to the protection that created it and gave millions of profits to its investors."

Mr. BECK. The Senator from Ohio, I think, is satisfied that there is at least a great steel-rail trust.

Mr. SHERMAN. On the contrary, if the Senator will allow me, the combination made between steel works, as I understand it, is not a trust. There was no trust formed, no common interest.

Mr. BECK. Call it a pool; call it a combine.

Mr. SHERMAN. It was what they call a combine, an agreement among certain manufacturers to try to advance the price. That has always existed, and with cotton it has existed; but what I mean by a trust is where persons engaged in a common business pool their capital. Take the case recently disclosed of the cotton-seed oil trust. While I am opposed to all these trusts and to all unlawful combinations, yet I say to the Senator from Kentucky, if he will examine it patiently and not be in a hurry about it, he will find that the great objectionable trusts in this country are either combinations of the producers of domestic articles where they have no foreign competition, as in the case of cotton-seed and whisky and oil, and they are great combinations, or in the case of foreign importations, where a few people engaged in foreign trade in a particular article can combine. But if the Senator from Kentucky will look to it he will find very few, if any; and I am told by representatives of those who manufacture that there are very few, and it is impossible to make a trust of any great article of domestic production coming into competition with foreign production, like cotton.

Mr. BECK. Would the Senator like to hear a statement about the copper trust read from the desk?

Mr. SHERMAN. As a matter of course the copper trade is one participated in by several nations. I have no objection to the Senator reading all the newspapers on the subject he chooses.

Mr. BECK. For the gratification of the Senator from Ohio, I will ask that the two articles—they are long, I agree—giving the sugar trust, the copper trust, the iron trust, and the other trusts that are exhibited in the papers, taken from the New York Times of February 20 and 27, shall be inserted as part of my remarks. The Reporter may select such as he likes.

Mr. SHERMAN. They are only an illustration of what I have already said. In this country we have control of the copper market.

Mr. BECK. Certainly; and we have by a tax on copper of I do not recollect how many cents a pound—probably four now, it was six once—prohibited any competition with those people. Wherever trusts are possible, competition is rendered impossible. The tariff has made it possible to bring about these trusts and destroy competition, because by the tariff we have excluded the rest of the world from competing with our Congressional pets, and have prevented our own people from buying, except from the protected combinations.

I said before that in the case of the Standard Oil Company, where we produce more and cheaper oil perhaps than anybody else, perhaps in the case of cotton-seed oil, combinations can be formed because we produce it cheaper than it can be imported; but is that a reason why all the people of the country should be excluded by trusts and combinations, through an average of 50 per cent. ad valorem tax on everything, from buying the goods that they need where they can buy them cheaply, especially when they seek to buy them in the markets where they are compelled to sell what they labor to produce? I will hand these articles to the Reporter, long as they are, for him to insert what he can, and then Senators can read them for themselves. They are very valuable. I had no idea of going into a debate on that subject now. I thought I might take part in it some of these days, but Senators seem anxious to press it now, and the information will be valuable for future reference. Let the articles be printed.

The articles referred to are as follows:

TRUSTS AND COMBINATIONS—SUGAR.

The demand for sugar in this country is supplied by the refiners, in whose factories the raw sugars from abroad or from the plantations of Louisiana are prepared for use. The schedule of tariff duties on the several grades of sugar is so arranged that the rates on foreign sugar which would compete with the refiners' product are prohibitory. The duty on foreign raw sugars which are not above No. 13, Dutch standard, in color, ranges from 1.40 to 2.40 cents a pound, according to their comparative purity as determined by the polariscope. These are the sugars which pass through the refineries, and the duty collected upon them last year was more than $56,000,000. The grade most largely imported and refined is that which contains more than 94 but not more than 95 per cent. of pure sugar, and the rate of duty on it is 2.20 cents a pound. The rates of duty upon the grades above No. 13, Dutch standard, range from 2⅞ to 3½ cents, but the value of such sugars imported last year was only $14,503. The country, then, depends upon the refiners for its supply.

The refiners have recently formed a trust monopoly upon the plan used by the Standard Oil speculators. The trust appears to have been completed in October last. "It may be considered a settled fact," said Messrs. Willett and Hamlen in their circular of October 16, "that a combination has been completed, including all the New York sugar refineries and the Boston refineries, with one exception, thus bringing under the management and control of a committee of eleven refiners almost the entire consumption of raw sugar and production of refined sugar in the United States." At that time there were outside of the ring two refineries in Philadelphia, one in Boston, three small ones in New Orleans, one in St. Louis, and two in San Francisco. A few days later the St. Louis and New Orleans refineries were absorbed. It is reported that the Revere Refinery, in Boston, will soon cease to have an independent existence. Even if it should remain outside of the trust its attitude would be entirely satisfactory to the ring. "The best possible relations exist between the trust and the outside companies," said one of the owners of the refinery a few days ago. "Between us and the trust there is no fight. Granulated sugar now brings 7⅛ cents a pound. Suppose we put the figures down to 6 cents. Why, it would simply be gobbled up by the trust through its agents, and would do the consumer no good. The prices rising are adopted by us, and as our small output does not threaten the trust we arouse no antagonism and go on making money."

At last accounts the two refineries in San Francisco had not come in, but their operations are a matter of little concern to the trust. The monopolists have

made their compact in secrecy. Even to this day prominent sugar-men connected with the trust do not admit that it exists. But it is understood that the value of the pooled property was about $15,000,000, for which trust certificates were issued in the ratio of 4 to 1, so that the inflated certificate capital is $60,000,000. A sale of a block of these certificates has been made at 80, which would indicate a belief on the part of some one that the value of the property has been raised from $15,000,000 to $48,000,000 by the monopoly process. The trust is governed by ten directors or trustees. Three votes are cast, it is said, by Havemeyer & Elder, two by the Matthiessen & Weichers Company, one by the Brooklyn Refining Company, one by Dick & Meyer, one by the Boston Sugar Refining Company, one by the Standard Refining Company of Boston, and one by the refineries of New Orleans. By common report, the president is Harry O. Havemeyer, and the secretary and treasurer is J. H. Searles. The Boston trustees are Charles O. Foster and Captain Thomas.

These ten trust magnates sitting in council can by one vote raise the price of sugar for more than fifty million people. Nothing is required beyond a motion, the seconding of it, the calling of the roll, and the issuing of instructions to the trust's agents. The people are powerless. They must pay the trust's price or go without sugar. Even the refiners through whose mills in New Orleans passes the sugar of the protected planters of Louisiana have conspired against them.

The trust exercises enormous power. The quantity of sugar consumed in the United States last year exceeded 3,000,000,000 pounds. An advance of half a cent per pound on this quantity is $15,000,000; 1 cent brings $30,000,000, 2 cents yield $60,000,000. Let us see what has happened in the sugar trade since the trust was formed. The Tribune said a few days ago: "At present it (the trust) is demanding 56 per cent. of the cost of raw sugar as its additional charge for refined; in January, 1887, the additional charge was 35 per cent., and in January, 1886, it was 32 per cent." The trust has depressed the price of raw sugars brought to this country for sale to be refined, and at the same time has raised the price of the refined product. For example, a cargo of raw Manila sugar was sold in this port on January 6 at the rate of 4⅛ cents a pound. Three weeks later a cargo of the same kind was sold at 4½ cents, because there was and could be only one buyer and bidder—the trust—and the trust did not choose to pay any more. Just before these sales were made the Tribune said, "Since it (the trust) became a fixed fact 'cut loaf' has gone up to 7¾ cents a pound, granulated to 6¾, and the soft sugars have all advanced. Raw sugar, on the contrary, has a downward tendency." Why? Simply because the protected trust buys raw sugar and sells refined. A few days ago the price of crushed sugar had been pushed up to 8 cents; it has since been permitted to fall one-fourth of a cent, possibly because certain conservative trustees saw that the pace was too hot.

An anonymous circular, written by some one familiar with the refining business, declares that the trust has already made a profit of 12 per cent. on its inflated certificate capital ($60,000,000) or 48 per cent. on the estimated value of the property put into the ring. Is it probable that the operations of four months have yielded so much? Such a dividend would be $7,200,000. We have said that a profit of 1 cent a pound upon one year's consumption of sugar in the United States is more than $30,000,000. In the first week of October, when the trust is said to have been completed, the price of cut loaf and of crushed sugar was from 6⅜ to 6½ cents and that of granulated was 6. Three weeks later the price of cut loaf and crushed had risen to 7 cents. At the beginning of January it was 7⅛, while that of granulated was 7. In the second week of January and at the beginning of February the price of cut loaf and crushed was 8 cents; that of granulated was 7½. On the 17th instant the price had receded to 7⅞ for cut loaf and crushed and 6⅞ for granulated. These quotations show that after the formation of the trust prices were advanced from 1⅛ to 1⅜ cents for cut loaf and crushed, and 1 cent for granulated, and that of this advance 1¼ cents in one case and three-fourths of a cent in the other are still maintained. And on the 17th instant, when the price of cut loaf and crushed was greater by 1¼ cents, and that of granulated by five-eighths of a cent, than on October 10, the prices of "fair refining" and "centrifugal" sugars were even less than on that date. A profit of 1 cent a pound on the entire quantity consumed in four months would be more than $10,000,000. Has not the average additional profit of the trust in the last four months been nearly 1 cent a pound? The estimate of a 12 per cent. profit on $60,000,000, or $7,200,000, does not seem to be far out of the way after all.

While the trust has the power to depress the price of raw sugar and raise the price of refined directly by its bid or decree, it also affects the market by reducing the supply. Since it was formed at least four of its refineries have been closed. Said one of the owners of the Revere Refinery (the independent but friendly factory in Boston) a few days ago, "Really we are benefited by the trust. It has, for instance, in this city four refineries. Now, to decrease production so as to raise the price they shut down three of these for the winter." A special dispatch from Boston to the Chicago Tribune, dated the 3d instant, contains the following description of the work of the trust there:

"When the sugar trust went into operation the public was assured that the combination would not close down any refineries, and that the price of sugar would not be put up, the trust being able to make a fair profit because of the decreased cost of manufacture. Careful inquiry, however, shows that the trade in this city is demoralized, that the majority of the refineries are shut down, and that a large number of men are thrown out of employment, with no hope of getting work this winter. There are five sugar refineries in Boston: The Revere, in East Cambridge; the Boston, in Marshall street; the Continental, in Granite street; the Standard, in Granite street, and the Bay State, in Eastern avenue. Last summer all these refineries were running, employing 1,500 men, and incidentally giving employment to a large number of teamsters, freight-handlers, and seamen. But the Continental Refinery, in anticipation of the trust, shut down in November, and not a barrel of sugar has been turned out since that date. The men are discharged, with the exception of some of the expert workmen and the superintendent. The Standard Refinery has a capacity of 2,000 barrels a day, and is now running on small capacity after a month of idleness. The force now employed there is not nearly so large as formerly. The Bay State Refinery, which has a capacity of 1,000 barrels a day, is shut down, and except, as in the case of the Continental, that a few expert men are under half pay, has discharged its complement of workmen. The Boston Refinery, with a capacity of 2,000, is shut down and does no work whatever. The Revere Refinery is to be sold to the Boston and Maine Railroad soon, and then to be closed."

This shows how solicitous the managers of one protected industry are for the welfare of the workingman. The refining business is protected by duties on refined sugar that are prohibitory. In this region the trust has shut up four of its factories. The fourth to be closed was that of Moller, Sierck & Co., at 502 Kent avenue, Brooklyn. Fifteen hundred sugar workmen in that city were recently reported to be out of employment. Their wages had been low even when there was work for them; lower, some of them say, than wages for the same work in England, although refining here is protected by a duty of from 87 to 89 per cent. It is plain that a reduction of the tariff rate on raw sugars might not aid the consumer, but only increase the trust's profits. The ring would get its raw material just so much cheaper and could maintain the price of the refined product of its factories. What the people should demand is such a change of the schedule and such a reduction of rates now prohibitory as will admit raw sugars of high grade and refined sugars in competition with the monopoly's product.

MONOPOLIES IN TRADE—COPPER.

Last year saw the beginning of a gigantic speculation in metals. This year may see the end of it, but there is reason to believe that it will be continued for two or three years. While other metals have been handled, it is with copper that the speculators have been most successful and most daring. It is not a trust that the speculators have made, but a world corner prolonged and upheld by contracts. There is no formal combination of mining companies, no board of trustees holding all the stock and issuing certificates, but the great mines of the world consent to surrender their whole product for a term of years to one buyer, who undertakes to insure to them a certain price and to supply the world from his store. Such is the scheme which was devised last fall by a man who has leaped to the front rank of the world's speculators, M. Eugène Secretan, of Paris.

M. Secretan is the managing director of the Société Industrielle et Commerciale des Métaux, the largest metal manufacturing corporation in the world, whose output of copper in a manufactured form is 25,000 tons per annum, or about one-ninth of the world's annual product of that metal. Among the société's shareholders are some of the wealthiest capitalists of France. M. Secretan is said to have made a fortune by the manufacture of cartridges during the Franco-Prussian war. He sold his business to a company which was formed with a capital of $5,000,000 under the auspices of the Comptoir d'Escompte, one of the oldest banks of Paris. The capital is now reported to be $9,000,000, and it will soon be raised to $15,000,000. But while the organization serves to support M. Secretan's assertion that he invades the copper market as a manufacturer, it does not supply him with the vast resources which he uses. "The whole thing has been managed by me," says M. Secretan, "in behalf of the Société des Métaux," but it is understood that some of the greatest of European capitalists stand behind him. At ruling prices the annual output of the world's copper mines is worth about $85,000,000, and the Secretan syndicate proposes to control three years' supply, at the same time making heavy investments in other metals and in mining shares.

Cornerers do not usually approach the market with a brass band, but in this case there are peculiar reasons for secrecy. The four hundred and nineteenth article of the Code Napoléon was intended to prevent the strangling of competition and the restraint of trade by corners and "combines," and some of the troublesome people of Paris have urged the enforcement of it against the members of this copper ring. So M. Secretan says there is no ring or syndicate, and talks about the immense resources of the copper company and the philanthropic motives which send him to the market as a buyer. "Our only purpose," he says, "is that every miner, dealer, and manufacturer shall have fair remuneration for his work. We want to put the copper trade on a sound and healthy basis."

The demand for copper has considerably increased in the last few years, and the supply has risen about 40 per cent. since 1880. The visible supply was falling rapidly, however, last fall, when the Frenchmen began to buy, and the price was low. In August the visible supply was 66,000 tons; on October 1 it was 49,000 tons, and the price of Chili copper was £39 15*s*. The Frenchmen first set out to get possession of all the copper in sight and for sale. In a short time they held more than 30,000 tons. The price advanced, and every one interested in copper mines was ready to lend a hand. In January the price of Chili bars rose to £85 12*s*. 6*d*., and it is now in the neighborhood of £79. Lake Superior copper rose in this market from 10½ to 17¾ cents a pound, and is now about 16½.

All recent wheat corners have broken down, and those who made them have lost heavily or been ruined, because the operators miscalculated the size of the supply and were unable either to buy the quantity offered or to control the price of it by agreement with holders. The Frenchmen, having what seemed to be enormous resources, undertook to hold up their corner at its most critical stage until agreements could be made, not with opposing speculators who desired to sell for a fall, but with the producers themselves, who desired to maintain high prices. And in this work of putting a great part of the world's supply of copper under bond no one could succeed who could not show power to carry out the terms of the contracts. The progress thus far made is evidence that M. Secretan and his associates have displayed that power to the satisfaction of shrewd capitalists in America. Their plan was to buy at a stipulated price the product of copper mines for three years. How many mines have entered into contracts with them?

The total product of copper in 1886 is estimated to have been 212,500 tons, of which 69,800 were supplied by the United States, 49,600 by Spain and Portugal, 35,000 by Chili, 14,400 by Germany, 10,000 by Japan, 9,700 by Australia, 6,000 by South Africa, and 18,000 from other sources. More than half of the entire product is furnished by only six mines. The syndicate at the beginning controlled the Chilian product by enormous purchases of Chilian copper, both spot and futures. At least one of the Chili mines has accepted the syndicate's terms, and it seems probable that the whole Chilian output for three years was under control some time ago. The Namaqua Company of South Africa has issued a circular stating that its ores have been sold to the ring for three years. The three great mines of the Iberian peninsula are the Rio Tinto, the Tharsis, and the Mason & Barry. Control of the Rio Tinto appears to have been obtained by purchasing the company's shares on the Paris Bourse and in other markets. The par value of the shares is £10, and they were selling at £7½ in October. The syndicate is said to have bought 100,000 shares. The price has recently been in the neighborhood of £22. If the managers of the mine were hesitating about accepting the syndicate's offer these heavy purchases were sufficient to turn the scale. The Tharsis and the Mason & Barry made contracts on or about February 1. The product of this country in 1886 was 69,800 tons. Last year the Anaconda mine in Montana, we learn from the Engineering and Mining Journal, almost doubled its output, and the total was raised to 79,100 tons. The Calumet and Hecla mine, in the Lake region, and the Anaconda, in Montana, supplied last year more than 71 per cent. of the entire annual product in the United States. The copper of the first-named mine is the finest in the world; that of the second is of lower grade. Of course M. Secretan longed to obtain control of these great deposits. Without them his purpose could not be attained.

For various reasons, some of them not unconnected with the tariff and the natural indignation aroused when a viper stings the hand that has warmed it, the details of the contracts made by the very large American companies have not been trumpeted from the housetops, but the facts seem to be pretty well known in copper markets, especially in Boston, and the syndicate's agents have recently spoken freely as to their employers' undertakings. The syndicate broker in this city declares that the Anaconda mine, which is owned in part by a Senator of the United States, "was the first to go into the combination." Mr. D. L. Demmon, treasurer of the Franklin mine, tells the Boston Herald that the price named in the contract for Anaconda copper was 11 cents, and that the same price is to be paid for the product of the Boston and Montana mine. The Boston Commercial Bulletin reports that the price is 11 cents for 100,000,000 pounds of Boston and Montana copper to be delivered in the next three years. The Boston and Montana "is managed by the Tamarack people," and about the Tamarack's contract there is no room for doubt. It is for 50,000,000 pounds in the next three years at 13 cents a pound, with the understanding that 5,000,000 more will be taken at the same rate, if produced. Tamarack stock has advanced from 90 to 170. As for the Calumet and Hecla, the price of shares has rapidly risen from 190 to 250 (par 25), in response to buying orders said to come from ex-Congressman Jay Hubbell and other stockholders familiar with the company's business, and the statement is generally accepted that it has sold its product at 13 cents. The syndicate's broker in this city says the mine has come in, and Treasurer Demmon says in the Boston Herald of February 20: "Then (after the bargain with the Anaconda) the Calumet, the big Juggernaut of the copper trade, sold out, guarantying 180,000,000 pounds in three years.

While the Calumet people will not admit it, it is very well assured, and the agents of the syndicate have admitted the purchase."

If it be assumed that the Calumet and Hecla and the Anaconda will continue to produce copper as freely as they did in 1887, and that the other mines will reach the limit of their contracts, and that the agreements mentioned as having been made really exist, it appears that M. Secretan and his party have secured control here of an annual product amounting to 163,500,000 pounds, or only 14,000,000 pounds less than the entire product of this country last year. And as these speculators control the Spanish and Chilian mines and a South African mine, there seems to be fairly satisfactory evidence that they have attained their purpose, and have under their hands for some time to come three-fourths of the world's supply of copper.

The contracts contain important provisions besides those which relate to the sale of a mine's product at a specified price. The London Economist of January 28 said, "The so-called French syndicate are making strenuous endeavors to draw together into one great combination all the important producers of copper in the world, their object, of course, being to restrict production and maintain prices at a high point. Their procedure, we believe, is as follows: The syndicate, on their part, agree to maintain copper at a minimum market price of, say, £60 per ton (Chili bars) for three years, or to take up all copper on that basis if the market price falls below £60, while the copper-producing companies agree to restrict their output to a definite amount, determined by their production in the past few years and their present capacity. In addition, the arrangements provide, we believe, for a division between the syndicate and the companies of the sums realized from sales of copper at prices above the minimum, but the terms differ in individual cases." It is also reported from other sources that the limit is £65. The first-mentioned price is about 13½ cents a pound, and at £65 the rate per pound is about 14½, on the basis of Chilian copper, which is not worth so much as the copper of the Lake Superior mines.

As we have said, Chili bars are now £79, and Lake copper is about 16½ cents. It is urged that the high price will stimulate production, and that the ring's purpose will be defeated by a large increase of the world's supply. But such an increase must come slowly if it is to be caused by the development of new mines, and if the ring's contracts hold fast the production of the old mines will be limited. Moreover, certain small mines not in the ring will hold up the price because the cost of producing their copper is high. The mines which can sell copper profitably at very low prices are all controlled by the syndicate. For example, the cost of production and shipping to this market from the Tamarack mine is only 5.39 cents a pound, and the cost of production in the Calumet and Hecla is in the neighborhood of 6½ cents. If abandoned mines where the cost of production was 10 cents or more are reopened, they will not come into the market to cut down the price. The London Money Market Review recently said, "The condition of the entire copper interest of the world a few months ago, before these French operations commenced, was simply deplorable. The mines everywhere were being worked at starvation prices to all concerned; to all it was a question not of profit, but of how to minimize loss." It is by such assertions as these that the speculators and the mine-owners attempt to appease the people. But look at some of the facts. The Tamarack company admits in its last official report that the total cost of producing and laying down in this city its copper was last year only 5.39 cents a pound, while the average price received was 12.88. The Calumet and Hecla, upon a capital of $2,500,000, has declared in less than twenty years about $30,000,000 in dividends, and its stock is selling at ten times its par value.

This French ring would not have been able to tax the world by monopolizing copper if the mines of the United States had not consented to assist. This should be remembered by the American people, and we are sure it will not be forgotten; for if the ring shall be successful the American people may be compelled to pay even more for copper than the price in any other part of the world. They will be forced to buy their copper of M. Secretan in Paris. He will own the product of the American mines, and will dole it out to them. He will even have it stored in France. As the copper is delivered under the ring contracts, it is shipped across the ocean. It was stated in the Times of January 31 that in the first twenty-three days of the month there had been exported 4,062,049 pounds of fine copper (as against only 272,500 for the same period last year) and 6,777,976 pounds of copper matte and ore (as against only 49,500 last year) and that the exports for the entire month would be equivalent to 10,000,000 pounds of fine copper. The average monthly product last year was less than 15,000,000 pounds. M. Secretan proposes to keep his property where he can see it. We take from the New York Tribune the following remarks of the ring's buying agent in this market:

"At the present rate of exports (February 4) it will not be long before American consumers will have to buy American copper from the hands of the French syndicate. When that time comes the rates which will govern the market will depend on the good nature of the French syndicate, just as the price of tin does now. The prices in the American market will be independent of those in the English and French markets, because in the latter the competition of other producers will be more felt. American consumers may therefore make up their minds to pay the highest price for copper in the world."

And Treasurer Demmon, of the Franklin mine, tells the Boston Herald:

"The manufacturing trade (in the United States) is in a state of mutiny. It says that it won't pay 16 cents to a French syndicate for copper; that it will shut up its mills first. 'Very well,' say the Frenchmen, 'shut up your mills, then.'"

The American mines, which, it is believed, have thus delivered American consumers into the hands of a French ring, and thereby, in all probability, checked the progress of many home industries and enabled these foreigners to collect tribute from the people of the United States, have enjoyed for many years the favors of a protective tariff. They have asked the people for protection, and have in return for it, even in years past, deliberately sold their copper abroad at prices much lower than the prices exacted by them at home from their protectors, because the imposition of a high duty enabled them to do this by placing the home market at their mercy. The ad valorem rate of duty last year on copper ore was 49.63 per cent.; on copper it was 41.50 per cent. It is said that at one time the difference between the protected miners' prices to foreigners and their prices to their own fellow-citizens was so great that Calumet and Hecla copper was bought in London, imported to New York, and sold here in competition with other copper from the same mine which had never crossed the ocean.

The New York Tribune, which urges everybody to support high-tariff rates, because, it asserts, they cause cheapness through competition in the home market, has said that the dividends paid by the Calumet and Hecla mine between 1870 and 1883, upon a capital of only $2,500,000, amounted to $23,500,000. Additions since 1883 have, it is said, raised the total to $30,000,000. And it is estimated in Boston that by supporting the Secretan ring the company has provided for an annual dividend of more than 100 per cent. This is the gratitude of the copper barons who have used the protection granted by the American people as an instrument for extorting money from the same people, and whose riches were heaped up by the aid of legislation which blotted out the copper-smelting industry on the Atlantic coast, and in that way raised a barrier between the United States and Chili, diverting to Europe trade which naturally should come to us.

The people of this country who must submit to the exactions of the French ring have no remedy as against the members of that ring. Nor is it clear that they can prevent the sale of the product of American mines for a term of years to the ring, although such sale may create a burdensome monopoly. But they can cut off the duties on copper, and thus be prepared to take advantage of any weakness or dispute which shall disrupt the syndicate and restore competition. Secretan and his fellow-conspirators have a great task before them. They may fail. If the ring should be broken, the failure of the speculators and their ungrateful allies ought to find the people of the United States free to enjoy the benefits of competition in the copper market, from whatever quarter of the globe they may be offered.

If this corner prolonged by contracts shall have stability, the people will soon feel the effect of its creation. In the last few years copper has been very largely used in articles formerly made of other metals. Brass has taken the place of iron in fenders, signs, railings, and ornamental work. Copper wire has been substituted for iron wire for electrical uses in many instances. Thousands of workmen are employed in the manufacture of hardware, utensils, notions, ornaments, etc., out of brass and copper.

The development of practical electrical science has notably increased the consumption of the metal. M. Secretan himself told the Pall Mall Gazette last month, with a chuckle, that "to light London alone would take a fifth of the present year's supplies to England and France." The people may be required to pay more for electric lights, and the ring's work may check the development of electricity as a motive power for street-railways and other enterprises. The London Economist states, as shown above, that the contracts require the output to be restricted. It does not appear, however, that they require the output to be reduced. At least such a condition is not indicated by the limits assigned in the cases of some of the mines, if those limits have been correctly published. The ring evidently believes that a greater demand in certain directions will make up for a smaller consumption in others. "If the production remains as at present," said M. Secretan a few weeks ago, "there is enough for the consumption of the world." And again, "Consumption is bound to increase by the advance of telegraphy, telephony, and electric lighting."

Mr. BECK. The enormous tariff taxation imposed by our present system, I repeat, makes these trusts possible and keeps up the unjust taxation which gentlemen are so anxious to maintain that they are willing to squander money in any way to keep from its being interfered with, and are so anxious to give the dear people free whisky and free tobacco because the tax on those articles all goes into the Treasury to pay the expenses of the Government, its pensions included, while the tariff taxation only goes into the Treasury to the extent of about one-third of the tax imposed. The trusts and combined plunderers get the lion's share of it. The great enormity of this system of taxation is that it is paid by the great body of the poorest, hardest-working portion of the people, three-fourths of it, because three-fourths of the people live by pursuits connected with agriculture, directly or indirectly. They have to sell all that they obtain and all that they labor from year's end to year's end to produce in foreign markets or at foreign market prices, even when sold at home, in competition with all the so-called paupers whom gentlemen here are pretending to be so anxious to protect American manufacturers against. When cotton falls in Liverpool it falls correspondingly in New Orleans. When wheat falls in London it falls in Chicago. When tobacco falls in Berlin or Paris it falls in Louisville. The surplus is so great that the foreign price regulates the price of the whole commodity, and regulates the price of the goods sold here as well as the price of that which has to go abroad. New labor-saving machinery is being invented every day all over the world. That machinery is driving out of the manufacturing establishments the human labor that used to eat what the farmer produced and wear the manufactures of cotton and of the wool that was raised on the backs of the farmers' sheep.

There is not one man in proportion to product in a manufacturing establishment to-day in America where thirty years ago there were ten. Some years ago I went through a manufacturing establishment in Connecticut. I felt a just pride in the ingenuity of the people of that great State. I saw Bessemer steel that at one time could not be made into anything smaller than rails put red-hot into a machine in blocks and come out wire, two little boys watching it to see that the machine worked regularly; then the wire was put into another machine and came out pins, pointed, headed, and counted, twelve dozen in a paper. One girl stood by the side of the hopper and took them out. Twenty years ago it would have required forty people, at least, to make a like number of pins in the same time, with the machinery of that day. I do not know whether a hundred could have done so. So it is with everything else. Our manufacturers, seeking to supply the American market only, can not begin to consume the surplus products of the American farmer.

By our greatly increased railroad system, 11,000 miles having been added to it last year, and over 40,000 miles in the last eight years, with 500,000 people coming yearly from Germany, from Ireland, and from all the civilized countries of Europe, adding to the great productions of agriculture which are swelling every day and can not be stopped, with the means of transportation so vastly increased, we must go into the markets of the world with our agricultural products which form three-fourths of our exports now. The machinery that is owned by a few men, as I said, is driving human labor out of the manufacturing establishments. There is where the iniquity of the trusts and combinations to keep up prices to double what they ought to be becomes infamous. They refuse to produce, and drive their laborers into enforced idleness, which to them means starvation. With 60,000,000 people in this country from whom they can extort nearly twice what the goods are worth, they willingly surrender the trade of all the outside world, civilized and savage. The trade with 1,500,000,000 of consumers outside of the United States is given up under our policy to England, France, and Germany, or anybody who sees fit to take it. Our manufacturer disdains to compete with paupers. The farmer does not want to compete or sell in competition with paupers any more than the manufacturer; but he has to do it; his wheat meets with that produced by the ryots of India in all European markets, with that produced by the serf of Russia, with the wheat brought from the Baltic

and from the Mediterranean and everywhere else. He has to sell as low as any pauper will sell like goods in open market. So our cotton has to be sold, so has our tobacco, so has the live stock, the pork, and everything else.

Yet a system is devised here by which the producer, who is thus compelled to sell, can not take the money he gets for the grain, the tobacco, the cotton, the cattle, the hogs, and everything that he raises, after selling them in open market at the prices that every so-called pauper gets for his, to buy the blankets, the hats, the utensils, the machinery, and other things that he and his wife and children must have without paying 50 per cent. more than they are offered to him for at the place where he had to sell, to a set of combinations and trusts, who are fairly entitled to be called legalized robbers, who through their lobbyists in Washington have made themselves rich by law, by ruining the labor of the country. That is substantially the situation at present.

To show how the system is now working, I have before me the report of our own Bureau of Statistics. It tells the whole story. We exported 153,000,000 bushels of wheat in 1880, at an average of $1.24 a bushel. In 1885 we exported 57,000,000 bushels at 87 cents; the last part of 1886 it was down to 84 cents a bushel. What was happening elsewhere? Our decrease in exports, according to the report of the Chief of the Bureau of Statistics, was a decrease of 61 per cent. in the loss of exports and 70 per cent. in the loss of value. Here is the table:

DECLINE IN OUR EXPORTS OF WHEAT.

According to the statistics furnished by the Chief of Bureau of Statistics, the exports of wheat from the United States for the fiscal years ending with June 30, from 1879-'80 to 1885-'86, are as follows:

Year.	Bushels.	Value.	Average per bushel.
1879-'80	153,252,795	$190,546,305	$1.244
1880-'81	150,565,477	167,698,485	1.114
1881-'82	95,271,802	112,929,718	1.185
1882-'83	106,385,828	119,879,341	1.127
1883-'84	70,349,012	75,026,678	1.066
1884-'85	84,653,714	72,933,097	.862
1885-'86	57,759,209	50,262,715	.870
July to December 6, 1886	43,604,883	36,775,228	.842

Our decrease in exports, according to the report of the Chief of Statistics, see Annual Report 1886, page 3, is given as follows:

Year.	Bushels.	Value.
1881	150,565,477	$167,698,485
1886	57,759,209	50,262,715
Decrease	92,806,368	117,435,770

Equal to 61.7 per cent. loss in exports, and 70.2 per cent. in value.

INCREASE OF EXPORTS OF WHEAT FROM INDIA.

While we have rapidly decreased our exports of wheat to Europe, India has made rapid strides in her exports.

In the report of the Chief of the Bureau of Statistics for June, 1886, we extract from page 37 the following facts:

Exports of wheat from India, from official accounts of British India office, for the fiscal years 1879 '80 *to* 1885 '86.

Year.	Bushels.	Value.	Average per bushel.
1879-'80	4,109,495	$5,396,491	$1.313
1880-'81	13,896,168	15,952,105	1.148
1881-'82	37,078,571	41,871,765	1.129
1882-'83	26,402,893	29,534,467	1.122
1883-'84	39,118,791	43,202,651	1.105
1884-'85	29,550,741	30,703,430	1.040
1885-'86	39,312,969	38,943,436	.991

While the American exports of wheat have dwindled down from 153,000,000 bushels in 1879 to 57,000,000 bushels in 1886, India's exports of wheat have risen from 4,000,000 bushels in 1879 to 39,000,000 in 1886. Or, in other words, while American exports of wheat have declined over 69 per cent., India's exports of wheat have increased over 900 per cent.

One of the leading causes of this fall in quantity of 60 per cent. and 70 per cent. in value in our wheat, and the reason why India is springing forward with giant strides as one of England's agricultural colonies to break us down in foreign markets, supplementing our tariff system, was our legislation in regard to our silver coinage. Let me tell the Senator from Ohio [Mr. SHERMAN] that we were broken down wherever India can compete, by the act that he, as chairman of the committee of conference in 1873, passed, striking down the silver coinage of this country in order to appreciate the price of gold and thus depreciate the price of all the products of the country, because appreciation of gold and depreciation of products mean the same thing. He may be President of the United States, but he will not be proud of the record that he made when he brought the wheat of this country from $1.24 down to 84 cents a bushel in order to make a few bondholders rich, and built up India at our expense.

India came to the front after 1873. When we were sending abroad 153,000,000 bushels, India was sending to England 4,000,000 bushels eight years ago. In 1886, when we sent 57,000,000 bushels, India was sending 39,000,000 bushels. She had risen from 4,000,000 to 39,000,000 bushels. We had fallen off from 153,000,000 bushels to 57,000,000 bushels in our wheat export. While the American exports of wheat have dwindled, as is stated in the report, from 153,000,000 bushels in 1879 to 57,000,000 bushels in 1886, India's exports of wheat have risen from 4,000,000 bushels in 1879 to 39,000,000 bushels in 1886, or, in other words, while the American exports of wheat have dwindled 60 per cent., India's exports of wheat have increased over 900 per cent.

And that was all said to be done in order to protect the American laborer; he was told that he should accept payment in nothing but gold coin, while the poor, ignorant people of India were willing to take silver. What brought about this condition of things? The Senator from Ohio is more responsible for it than anybody else. The record shows it. When Congress undertook to strike down our silver coinage at the dictation of England, and when Germany and England and the United States combined and struck it down secretly, so secretly that General Grant, who was then President, did not know it, though he signed the bill; Mr. Blaine, the then Speaker of the House, did not know it; Mr. Garfield did not know it; Mr. KELLEY, who had charge of the bill, did not know it—not one of the Argus-eyed reporters found it out. He is responsible for it. Mr. Hooper, of Massachusetts, was chairman of the conference that settled it on the part of the House, and Mr. SHERMAN was chairman on the part of the Senate. They knew it.

What has happened by the ignoring of silver or by that effort to drag it down as a factor in the world's trade? The American farmer sells his wheat, say, for $1,000, in competition with a like quantity of India wheat. He takes $1,000 for his wheat in any shape—gold, silver, or paper—all the same. What does the East India merchant who sold $1,000 of his wheat do? He takes $800 of that $1,000 and buys silver bullion in the London market and takes it to India, where silver coinage is free and gold is prohibited by law, and has it coined into $1,000 worth of silver rupees, the coin of that country, for nothing, and buys another $1,000 of wheat to take back to England with the proceeds of silver bullion that costs him $800 to the $1,000, while the American has to take his $1,000 as $1,000, for it is all the same whether he gets it in New York in silver, gold, or exchange, and he has to pay $1,000 for what the India merchant gets for $800 if he proposes to continue in the trade. So it is with cotton and hemp goods, and with all the articles India produces, until we are being driven from the markets of the world wherever she meets us.

Mr. HAWLEY. Will the Senator allow me to make a little correction of his history?

Mr. BECK. Yes, sir.

Mr. HAWLEY. He gives us to understand that the change in the relative values of gold and silver was brought about by some fraud, or that when it occurred—from present recollection I should say about February, 1873—it was without the knowledge of Congress.

I call the Senator's attention to the fact that it was done by legislation as public as any other, and I state from my personal knowledge that Mr. Hooper, who had that matter in charge, made bitter complaint because he could not get anybody to take any interest whatever in the bill, which he considered for the benefit of the whole civilized world; and I call attention to this other fact, that the same kind of enlightened selfishness—perhaps I should not say "selfishness" except I do not know how to describe it—the same considerations that lead to the extraordinary exertions in favor of silver now were then put forth against it because silver had the misfortune to be at a premium of 2 per cent. Everybody wanted the coined money at a dollar that was worth 2 per cent. more to the man who got it. The silver was 2 or 3 per cent. premium then, and therefore men wanted to stop coining it. Everybody knew it; the whole House of Representatives knew it.

Mr. BECK. Mr. President, the record contradicts the Senator from Connecticut.

Mr. HAWLEY. I will go to the record. I will abide by the record.

Mr. BECK. So will I, and to-morrow or some other day we will meet and compare the record. I have here, somewhere in my desk, a speech made in 1878 by Hon. WILLIAM D. KELLEY, of Pennsylvania, in which he, as chairman of the committee, avowed that he did not know that the law had passed, and it was shown on the floor of the Senate in debate between Mr. Blaine and the Senator from Indiana [Mr. VOORHEES], both of them being members of the House at the time, that they did not know it. General Grant, after he signed the bill, wrote to Mr. Cowdrey that he wondered why silver was not coming into circulation. I will show that to the satisfaction of everybody.

Mr. HAWLEY. Does the Senator mean to say that Mr. KELLEY was chairman of the Committee on Coinage, Weights, and Measures at that time?

Mr. BECK. He was chairman of the committee having the bill in charge, so he said in that speech, which I have read in the RECORD. I will make what Mr. KELLEY said part of my remarks, so everybody can again read it; that is all I have to say about it now.

Mr. HAWLEY. The same bill had been two or three years before Congress.

Mr. BECK. Mr. KELLEY'S statement is as follows:

In 1872, when I made the remarks which were cited by those gentlemen, and which have been frequently quoted in both Houses, and always with an air as much as to say that to convict this man of the crime of having been instructed by the logic of events would forever settle this momentous question, we were not using coin, and no gentleman in either House appears to have appreciated the scope and magnitude of the silver question or to have given it special study. Hence the bill—and I wish gentlemen to know what that bill was; it was a bill to reorganize the mints, not to revise the coin money of the country, but to reorganize the mints, and it was passed without allusion in debate to the question of the retention or abandonment of the standard silver dollar. The then Speaker of the House, now a distinguished member of the Senate, and Hon. Mr. VOORHEES, of Indiana, who is also a member of that body, were then members of this House, and during the last Congress this colloquy occurred between them. It was, I think, denied by Mr. VOORHEES that members of the House knew that the bill proposed to demonetize the silver dollar, and to sustain his view he said to the ex-Speaker, "Did you know it, sir?" "No," said Senator Blaine, "did you?" "No," replied Senator VOORHEES.

I was chairman of the committee that reported the original bill, and I aver on my honor that I did not know the fact that it proposed to drop the standard dollar, and did not learn that it had done it for eighteen months after the passage of the substitution offered by Mr. Hooper, when I disputed the fact. The distinguished gentleman from Ohio, Mr. Garfield, who now leads this side of the House was then as now an attentive and already a distinguished member of the House; yet when in joint debate before the people of Ohio in October, 1877, the question arose as to who was responsible for its demonetization, he frankly said he did not know that such a provision was in the bill when it passed the House. I state this the more freely in his absence because I informed him that I intended to do so; and he replied, "It is the case; I did make that statement, and it is true."

Nor did the President who signed the bill know that it abolished legal-tender standard silver dollars, for in his letter to Mr. Cowdrey of October 6, 1873, cited by the gentleman from Ohio, Mr. Warner, he said:

"Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from $200,000,000 to $300,000,000 in time of this species of our circulating medium. * * * I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard value the world over. Silver has this."

Now, Mr. President, jumping from one thing to another, the other Senator from Connecticut [Mr. PLATT], in an effort to maintain the high protective system and these trust and combination systems, made a remarkable speech the other day. I will read his opening language. He said:

Mr. President, is the President of the United States a free-trader? That is the pertinent question; a question which interests not only the nation, but every individual citizen of the nation; a question which touches the future welfare and prosperity not only of our nation, but of all its citizens; and I do not propose to be deterred from asking and, if I can, from answering this question, because the President suggests that "to dwell upon the theories of protection and free trade savors too much of bandying epithets." I am a protectionist, and I consider it no epithet when I am called so. If the President of the United States is a free-trader, he ought to be willing to be called so, and not consider it an epithet if that word is used to define his position.

I got a copy of that speech from the Senator this morning because the tariff bill which the House committee has been considering from time to time was laid on my desk to-day, and I wanted to look over the speech without expecting to refer to it now; but that Senator being in his place, I will take the liberty to say that he has a perfect right to define his position and call himself a protectionist, but when he attempts to define the position of other people, I think he had better be a little careful. After reading the Senator's speech this morning, I turned to the President's message, expecting some day or other, and I hope very soon, to discuss its recommendations. I think I can safely assure the Senator after again reading the message that the President of the United States is not a free-trader. There is not a Democrat in the Senate or in the other House who is in my opinion a free-trader. We have too much sense to assume such a position. When I confidently assert, as I do now, that there is not a Democrat in the other House or in the Senate who proposes free trade, and when I emphasize it, as I do, that none of us contends that the present internal-revenue taxation should extend to any objects outside of whisky, tobacco, and beer, and they produce only $120,000,000 revenue a year, while the Secretary of the Treasury shows that the needs of the Government next year will require $326,000,000, so that over $200,000,000 every year must be raised in some other way than by internal-revenue taxation, and there is no other way to raise it except by tariff taxation or by direct taxes, then it must be obvious to every man that the charge that we are free-traders is absolutely untrue, and everybody who knows anything about it ought to know that.

Let me show why I say this. The Constitution of the United States provides that direct taxes must be apportioned among the several States, according to their population, as ascertained by the last preceding census. The last census, that of 1880, shows, for example, that the State of Alabama had a population then of 1,262,505, and the assessed valuation of the property in the State of Alabama amounted to $122,867,000, being about $97 per capita. It shows that Rhode Island had a population of 276,531, while the assessed value of the property in that State was $252,000,000, or, say, $910 per capita. It will thus be seen that, under our constitutional provisions, if we undertook to raise revenue by direct taxation, Alabama would have to pay nearly $10 for every dollar paid by Rhode Island on the property of the State, which, I agree, would be more unjust and oppressive than even the present oppressive system of protective tariff taxation. No Democrat, as I said before, proposes free trade, which must involve direct taxation, and as over $200,000,000 must be raised annually, outside of the internal revenue, assuming that to remain as it is, it is obviously absurd to call men free-traders who propose to raise that vast sum annually by tariff taxation.

Mr. PLATT. May I ask the Senator a question?

Mr. BECK. I desire to say in answer, to begin with——

Mr. PLATT. Is the Senator a protectionist in any sense? Is he in favor of a protective tariff upon any of our manufactures?

Mr. BECK. He is not, and I do not think any Democrat is——

Mr. PLATT. I am asking the Senator from Kentucky.

Mr. BECK. I have never consulted the President as to what he is in favor of; but it is absurd to say that the President of the United States is a free-trader when he proposes to raise by tariff taxation, say, $220,000,000 a year, three times as much as ever was raised before the war under any administration, for $65,000,000 was the maximum raised then for all the expenditures of the Government. Mr. Cleveland in his message proposes—and the Democratic party, as far as I understand it, concur in that—even if the taxes on whisky and tobacco remain where they are, to raise $220,000,000 a year merely to meet the demands of the Treasury for revenue—$220,000,000 a year by tariff taxation.

I merely refer to this in contrast to direct taxation which would make the people of Alabama pay $10 tax on their property for every dollar paid on the property of the people of Rhode Island. As long as the President proposes to raise revenue by taxation in that way, it is absurd to talk about him being a free-trader.

Mr. PLATT. I think the Senator from Kentucky in his zeal is forgetting the figures a little. I understand him to say that, as he understands it, the President, although in favor of retaining the internal-revenue taxation, is still in favor of raising $220,000,000 by customs duties.

Mr. BECK. I do.

Mr. PLATT. We are only raising $217,000,000 now by customs duties annually. If the Senator will turn to the report of the Secretary of the Treasury he will find that the receipts from customs duties last year were $217,000,000. I speak from recollection, but I venture to say that the receipts from customs duties last year were $217,000,000. Now, if there is to be any reduction, it has got to come somewhere. If the President does not propose to take it off internal-revenue taxation, it has got to come off the $217,000,000 of tariff duties of the last year.

But I was not asking the Senator from Kentucky whether the President of the United States was a protectionist or not. I was asking whether he himself was a protectionist. I have been listening, as I supposed, to an attack upon protection. I have heard those benefited by protection all called "robbers," as I understood; anybody who is protected has been so designated, and I have heard the Senator argue by the hour that it was this iniquitous system of protection which enabled all these trusts to be formed. Now, I want to know if he is coming around on my ground, and is really a protectionist after all.

Mr. BECK. Mr. President, the Secretary of the Treasury, whose report I have before me, says that we have to raise $326,000,000 for the expenses of the Government. He says over $118,000,000 will be received from internal revenue, assuming that to be undisturbed. That leaves, therefore, over $206,000,000 to be raised otherwise.

Mr. TELLER. What did we raise last year? Here is the report that shows it.

Mr. BECK. I am not making any question about that. We collected some from the public lands, some from one source and some from another; but we are in excess to-day of all that we can pay from the revenues we collect, as the President very well says, with $140,000,000 surplus at the end of the year.

Mr. PLATT. But here are the figures.

Mr. BECK. Never mind. You can not change them, and you can not make black white.

Mr. PLATT. You have changed them.

Mr. BECK. I have not done so.

Mr. PLATT. I wish the Senator from Kentucky——

Mr. BECK. Let me state again what I have said. We have to raise $326,000,000 to carry on this Government. One hundred and twenty million dollars is raised by internal-revenue taxation; the balance is raised by tariff taxation and by the miscellaneous items from which we receive small sums. So that substantially about $200,000,000 in some form or other must be raised by tariff taxation.

Mr. PLATT. Ah! But the Senator said that we must raise $224,000,000 by tariff taxation, and that, although the internal-revenue taxation was to stand, we had got to continue to raise $224,000,000 from tariff taxation.

Mr. BECK. Call it $200,000,000.

Mr. PLATT. I thought the Senator was mistaken. I thought he would want to correct himself.

Mr. BECK. I have done so.

Mr. PLATT. I have given the exact figures.

Mr. BECK. I do not want to be contradicted in this sort of petty way.

Mr. PLATT. I thought the Senator wanted the figures right.

The PRESIDENT *pro tempore*. There is too much disorder in the Chamber. The Chair suggests to the occupants of the galleries that the rules expressly forbid applause or expressions of disapprobation.

Mr. BECK. I believe I have the floor.

The PRESIDENT *pro tempore*. The Chair hopes he will have no occasion to repeat the remark. Does the Senator from Kentucky consent to be interrupted?

Mr. BECK. I do not now.

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield the floor.

Mr. ALDRICH. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to be interrupted.

Mr. BECK. Does anybody assert that we propose to collect this money by direct taxes? Nobody.

Mr. ALDRICH. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. I will yield for a question.

Mr. ALDRICH. Does the Senator from Kentucky consider the revenue policy of Great Britain a free-trade policy?

Mr. BECK. There is a tariff bill coming over to us, which I hope will be before us very soon, and then we can discuss that matter and all others, and have ample opportunity to go into the details.

Mr. TELLER. When will it come?

Mr. BECK. It will not come if the Republican managers at this end of the Capitol can go to the other end and persuade their friends not to vote for it, or not even to take it up, as they did before. They will be urged to vote solidly against it, and then they will raise a hue and cry against the Democrats, charging them with the responsibility of not passing it. We tried to do so faithfuly in the last Congress. The Democrats furnished 136 votes, while the Republicans furnished 4 in favor of consideration of the tariff bill. It was defeated, and then every Republican all over the land charged the Democracy with having control of the House and with not bringing forward a bill to reduce taxation, when we had 136 for it and they furnished 4. That is about as fair as their pretense that they want to save the soldiers from going to the poorhouses by absorbing all the surplus revenue, when in fact they are really seeking to save the tariff in order to enrich a few men that are making princely fortunes out of it at the expense of the great mass of the people.

Mr. ALDRICH. I want to say to the Senator from Kentucky that the reason I ask the question is, that I understood him to say that it is necessary for this Government to raise at least $200,000,000 outside of internal-revenue taxation in order to carry on the Government.

Mr. BECK. I am not going to be further catechised now.

Mr. ALDRICH. And that statement——

Mr. BECK. I beg pardon. I object to being further interrupted. I want to make one other suggestion before I close. If you gentlemen are as patriotic as you think you are, and as disinterested as you claim to be, as those who are millionaires contribute very little to support the Federal Government now, their bonds being free from all taxation, State, national, and municipal, and as you propose to add permanently some $100,000,000 or more a year to our tax-list for the soldiers, do not continue to take it out of the clothing, the food, and the necessaries of the very old, infirm, poor soldiers themselves. Impose a tax upon incomes of from 3 to 5 per cent. to raise the money needed for the support of the suffering soldier, and see how many votes it will get on that side of the Chamber. I will vote for it; it will, I think, be well sustained on this side of the Chamber. That proposition is to my mind not only fair but patriotic.

The wealth of this country was protected by the valor of the soldier, and ought to furnish the means to supply his wants now. It does not do so. The bonds of the United States are free from all taxation, State, Federal, and municipal. Your incomes pay nothing, your palatial mansions pay nothing, you pay no more than the veriest pauper who has to support his wife and children, and not as much, because he has generally more children to support than you have. Now, meet the expenditure you are proposing, by a tax upon the incomes of the rich men of the country sufficient to raise the amount, and take off the burden that the poor men have to pay to support trusts and combines, and take it upon your own shoulders; then you will show a patriotic impulse, and you will find many gentlemen on this side of the Chamber who will unite with you. I will pledge myself now to vote for an income tax that would raise the money needed for a pension for every worthy soldier in the land. But, Mr. President, that might lead me off to speak on other things. I rose to ask a question or two about the cost, if the amendment was adopted, expecting to speak about five minutes, and have been dragged into this rambling discussion by all sorts of questions, suggestions, and interruptions. Now I propose to quit.

Mr. HAWLEY. I should like to ask the Senator from Kentucky just one question which demands but a brief answer. I should like to know what tariff in what country is best worthy of our imitation?

Mr. BECK. The best tariff is the tariff that allows the man who earns a dollar to keep it in his own pocket, subject only to the portion of necessary expenses that he ought to bear out of what he works for to support the Government that protects him; and that tariff is the worst that takes his earnings away from him and gives them to any body of men and makes them rich by law instead of by labor at the expense of the man who earns a dollar.

Mr. HAWLEY. I wanted the Senator to declare frankly that which he has intimated a thousand times in debate, that the British tariff is the best in the world. I wanted him to say that the British tariff was the one most nearly modeled upon correct principles. That has been the inference from all the arguments he has always made; and then I would proceed to show, if there were time for doing it, that the British tariff comes as nearly as possible for the ingenuity of man to devise to a poll-tax, because it does not levy its burdens on men according to their burden-bearing capacity, but is very nearly per capita. It puts a very heavy tax upon tea, of which the poor man uses about as much as the rich. It puts a heavy tax upon tobacco, of which the poor man uses about as much as the rich. It is not according to the quality of the tobacco or the tea, but is so much a pound in each case. Then it puts a tax on all liquors, down to the cheaper kind used by the poor man; and the rest of it is comparatively small. Tea, coffee, sugar, and spirits is the body of the tariff, raising not $100,000,000; and the rich man—the millionaire whom the gentleman loves to speak of, and of whom there are more on the other side than on this—pays no more taxes than his coachman. But he says the coachman has the larger family and that cheap liquor is his favorite drink. Such men probably drink as much per capita as rich people, and therefore it is a per capita tax on them.

That is the character of the British tariff, so devised in order to raise the money from the people equally, and not, on the very best principles of decent economists, according to burden-bearing capacity.

One thing more, now that I have the floor——

Mr. BECK. I beg the Senator's pardon. One word. I thought he was asking me a question or I would not have yielded.

Mr. HAWLEY. I will stop if the Senator wants to answer the question.

Mr. BECK. I was not sure what the Senator rose for. I beg his pardon.

Mr. HAWLEY. If the Senator wants to answer my question about the British tariff, I will stop at once.

Mr. BECK. I have only this to say——

Mr. HAWLEY. Is it a good one?

Mr. BECK. It may be very good for them; that is their business, not mine. I am trying to do the best thing I can for our own people; but I know this much, that for many years everything that the British laborer ate and wore was taxed to death. England reversed that policy forty years ago, and to-day, with the exception of tea and coffee, unless a man smokes tobacco or drinks whisky, there is not an article which he or his family needs that they pay $1 to the British Government upon, as they have an income tax that meets all contingencies, such as we ought to have.

Mr. HAWLEY. As a matter of fact the entire people use beer, rich and poor, to say nothing of spirits and wines.

One single other point. I am not going to enter upon a general discussion. The Senator says we have a very high protection in this country because we want to get $200,000,000 from the tariff. I want to know whether a country that raises $100,000,000 is protective or non-protective in any sense. There may be a country that is protectionist which raises only $10,000,000 by tariff, and there may be another that raises $300,000,000 and is a free-trade country substantially.

Mr. PLATT. Mr. President, the Senator from Kentucky did not wish to yield to me that I might put on record from the report of the Secretary of the Treasury the exact sum received from customs during the past year. He stated that it was $224,000,000 and insisted that although the internal-revenue taxes might stand this Government would still have to collect $224,000,000 from customs duties. I was not mistaken in what I said about that. Now, in my own time I propose to put on record the receipts of the Government for the fiscal year 1887, taken from the annual report of the Secretary of the Treasury. It is this:

The ordinary revenues of the Government from all sources for the fiscal year ended June 30, 1887, were:

From customs..... $217,286,893.13

I said from recollection they were $217,000,000—

From internal revenue..... $118,823,391.22

And then, while I shall put this whole table in the RECORD, I wish to allude, without reading them in detail, to the miscellaneous items. I want to know if the Senator from Kentucky is going to take off anything which the Government derives from these miscellaneous sources?

From sales of public lands—

Does he propose to cut off that item, nine millions and over?

From profits on coinage, bullion deposits, and assays—

Eight million and over. Does he propose to cut off that?

From tax on national banks—

Two millions and over. Shall we see the Senator from Kentucky rise in his place and say that the tax on national banks is to be taken off?

From fees—consular, letters patent, and land—

Three millions. Perhaps he would take that off.

From customs fees, fines, penalties, etc.—

One million dollars and over.

From sales of Indian lands—

A million and a half in round numbers.

From Soldiers' Home, permanent fund	$1,226,000
From sinking fund for Pacific railways	1,364,000
From repayment of interest by Pacific railways	914,000
From sales of old public buildings	624,000
From sales of Government property	262,000
From immigrant fund	258,000
From tax on seal-skins	317,000
From deposits by individuals for surveying public lands	94,000

From revenues of the District of Columbia—

Two millions and over.

From miscellaneous sources—

About a million and a half.

Now, I venture to say that from those miscellaneous sources of which the Senator from Kentucky speaks he does not propose to reduce one dollar. So all the reduction which he proposes, which the President proposes, all the internal-revenue taxes being retained, must come from the customs duties, which are only $217,000,000; and when he speaks about the bill that is to be laid before us to reduce taxation I call the Senate to witness that there is not a suggestion in it that any reduction of taxation is to be made except upon customs duties. There is not an allusion to any other means or source of reduction. I yield now to the Senator from Kansas, first presenting the full table of last year's receipts, as given in the report of the Secretary of the Treasury:

The ordinary revenues of the Government from all sources for the fiscal year ended June 30, 1887, were:

From customs	$217,286,893.13
From internal revenue	118,823,391.22
From sales of public lands	9,254,286.42
From profits on coinage, bullion deposits, and assays	8,929,252.83
From tax on national banks	2,385,851.18
From fees—consular, letters patent, and land	3,201,647.16
From customs fees, fines, penalties, etc	1,053,637.86
From sales of Indian lands	1,479,028.81
From Soldiers' Home, permanent fund	1,226,259.47
From sinking fund for Pacific railways	1,364,435.87
From repayment of interest by Pacific railways	914,793.13
From sales of old public buildings	624,882.20
From sales of Government property	262,832.32
From immigrant fund	258,402.50
From tax on seal-skins	317,452.75
From deposits by individuals for surveying public lands	94,289.76
From revenues of the District of Columbia	2,367,869.01
From miscellaneous sources	1,458,672.04
Total ordinary receipts	371,403,277.66

Mr. PLUMB. Mr. President, it is a little remarkable that we have had all this discussion as to the impropriety of granting pensions to disabled and dependent Union soldiers after the passage by the Congress, by a substantially unanimous vote, ratified by the signature of the President, of a bill to grant pensions to all the survivors of the Mexican war. The Senator from Kentucky [Mr. BECK] has rung the changes upon the terms equivalent to a statement about men being pensioned who had not smelt gunpowder or been in battle used by the President of the United States in his veto message of last year. I call his attention to the fact that in the bill which was passed, being chapter 70 of the laws of 1887, for pensioning Mexican veterans, a class of people who could not by any possibility have been in battle are enumerated as being entitled to pensions, and that bill pensioned many thousands of persons who never could have even crossed the Mexican frontier. It is therefore not any indisposition towards service pensions on the part of the Senator from Kentucky or the Senator from Missouri and gentlemen on that side of the Chamber generally, but it is because those who will get the benefit of this bill, if it becomes a law, are the survivors of the Union Army of the war of the rebellion. It is not our fault that few pensions are paid to Union soldiers in Southern States and to few members of the Democratic party in the Northern States; but the secret of the disposition against the bill is found in that fact. The speedy transition of the Senator from Kentucky from the subject of pensions to that of the tariff was as easy and as natural as going down hill. He is like the doctor who could cure any patient if he could only throw him into fits. All we have to do to get the Senator from Kentucky started is to suggest the tariff to him and off he goes at his best gait; and so we have had on this question, brought in partly no doubt to draw attention from the uncomfortable position certain Democratic speeches made yesterday have left the Senators of that side of the Chamber in, and also possibly because of a recent tariff debate elsewhere. And so we have had a dust kicked up about the tariff in order to excite prejudice against the Union veterans. The Senator from Kentucky appears to have completely boxed the compass. Starting out by denouncing the tariff as naked robbery and the parent of trusts and other illegal combinations, he wound up by announcing that he was not for free trade. Just how much of the tariff is robbery and what portion is responsible for trusts the Senator did not enlighten us upon.

Mr. President, when I consider the action of Senators on the Democratic side of the Chamber when the tariff was last under consideration as contrasted with their talk, I concede that they are only free-traders for revenue—to make favor with the foreign importing and manufacturing interests. But whenever there was any benefit to be derived from the tariff they were ready to avail themselves of it, while keeping up the howl about tariff taxation being robbery.

At the last session of Congress the Senator from New Jersey [Mr. MCPHERSON] spoke so feelingly on the subject of tariff burdens that he almost drew tears from his listeners, and he declared that tariff revision and reduction was the pressing need of the times. I then asked him if he would name a single article manufactured in New Jersey on which he thought the tariff ought to be reduced. He replied that he did not, but at once sat down; and that Senator will not vote, nor will his colleague vote to reduce the duties on a single article that is the product of a New Jersey shop or factory, but he——

Mr. MCPHERSON. Mr. President——

Mr. PLUMB. I shall not consent to be interrupted.

Mr. MCPHERSON. I should like to interrupt the Senator.

The PRESIDENT *pro tempore*. The Senator from Kansas declines to be interrupted.

Mr. PLUMB. The Senator is not alone. Every Senator on that side of the Chamber takes specially good care of everything manufactured in his own State while keeping up a loud racket about the iniquities of the tariff. When the last tariff bill was under consideration the Senator from New Jersey voted not only for the high duties prevailing, but for increasing them every time he got a chance. When it came to earthenware, a product of the State of New Jersey, not one single item of the tariff on that article of manufacture was reduced, but I find that the duties on large classes of it were increased from 40 to 60 per cent. partly by the vote of the Senator from New Jersey himself, taking care of his constituents by so doing, I have no doubt, and thereby adding to the burdens of the people of Kansas, who are necessitated to buy earthenware. I find another large class of this same manufacture increased from 40 per cent. to 55 per cent., and still the Senator finds it consistent to join his party in a general denunciation against the tariff, although he was as responsible as any one for whatever extortion it embodies.

So when it comes to my friend from Missouri——

Mr. MCPHERSON. Before the Senator departs from New Jersey will he permit me to make a remark?

Mr. PLUMB. No, I think not. My friend from Missouri [Mr. VEST] I think would be less careful to deny that he was a free-trader than the Senator from Kentucky, but when I come to look at the tariff on a prime product of the State of Missouri—zinc—I find that the Senator voted either to retain the old duties or impose higher ones. The old rate on manufactures of zinc was 35 per cent., the new one fixed by the Senator's vote is 45 per cent.

I find that under the old tariff spelter bore a duty of 2½ cents per pound, while by the tariff of 1883 the duty was increased to 2½ cents per pound, and by the vote of the Senator from Missouri. On every other thing, coal included, in which his State was conspicuously interested, the duty was retained as it was under the old tariff.

That will not restrain my friend from Missouri when he goes upon the stump, and the Butternuts come out to hear him, from declaiming against the robbery of the tariff, putting the responsibility therefor upon New England and the Republican party.

Three or four years ago the Senator from Missouri, after returning from a first visit to Rhode Island, where he had gone as a member of a Senate committee to investigate some question concerning the citizenship of the people of that State, made a speech to his constituents, in which he recited to their wondering ears what he had seen. He told about the great factories, about the thousands of well-dressed and presumably well-paid employés engaged in them, and about the fine residences there, and the large and prosperous cities, and all the evidences of thrift which abound in that little State; and he said to his auditors, "All this I saw in a State without agricultural resources or other natural wealth, for Rhode Island is as a sand-bar compared with Missouri." When he got that far I said to myself that my friend had profited by his observation and experience and was going to give his people some good advice—tell them to go and do likewise. I called to mind instantaneously the great mines of iron, of coal, of zinc, and of lead in that great State; the immense forests of timber; the great navigable streams that thread it from border to border, making communication easy and cheap; the fertile soil and the salubrious climate, making a combination hardly found in any other State of the Union, and I felt that the Senator was about to lead the people there in new paths; was going to tell them to enter upon manufacturing and the development of their great resources, and thereby sell instead of buying, and thus cut off the profits of the thrifty Rhode Islanders; but I was disappointed, for what he did say to the people of Missouri in substance was that all the wealth which he had seen such evidence of was the result of robbery on the part of the people of Rhode Island—robbery of the people of Missouri; and he called on his hearers not to save themselves from further robbery by doing their own manufacturing, for which they have abundant facilities, but to rob the people of Rhode Island in return.

Mr. President, I think if I had been counseling a people who had under their feet, all around them, the elements of wealth such as the Missouri people have, I would have said to them, "Pay no more money to these Rhode Islanders for what you can yourselves manufacture, but make it yourselves." I would have said to them, "Buy no more manufactures of brass, of leather, of wood, of iron, of zinc, of lead, of

wool, or of cotton from the people of Rhode Island or anywhere else, but make them yourselves out of the natural elements which Providence has placed in your easy reach." But this advice will not be given by the Senator. He will still preach destruction while winking to the zinc and lead miners of Southwest Missouri.

So going further into the tariff schedules I reach the article of hemp. I knew when I observed that article that the Senator was not a free-trader except as to the product of some people besides those of Kentucky. I find that the tariff on the different products of hemp remained precisely the same under the tariff of 1883, as under the preceding tariff, retained there by the vote of the Senator from Kentucky and his colleague, except where it was found convenient to raise the duty. No reduction, no change except upward, no reduction upon hemp, after whisky, Kentucky's prime product, nearly equally that of Tennessee, and also I think the Senator from Tennessee who sits facing me participated in the robbery which the great duty on hemp produces. The increase on certain manufactures of hemp was from 30 to 35 per cent., and so on, but there was no reduction. So as I go South I find the article of rice——

Mr. HARRIS. Do I understand the Senator as stating that I voted to increase the duties on hemp? Tennessee has no particular interest in that commodity. I am a little surprised if the Senator means to state that as a fact.

Mr. PLUMB. I think the Senator did. Did he not?

Mr. HARRIS. It is not in accordance with my recollection. I have not looked at the RECORD since the day the bill passed.

Mr. PLUMB. There being a principle running through all this, a person may do a thing to-day that he forgets to-morrow; and so the Senator is very properly cautious in asserting what he did do.

Mr. HARRIS. I ask the Senator, however, as he seems to be making statements from the RECORD, if he intends to be understood as stating I did so vote?

Mr. PLUMB. I do.

Mr. HARRIS. Very well. I will look to the RECORD and see.

Mr. PLUMB. Either the Senator voted for it affirmatively or it passed *nem. con.* without his vote being recorded against it.

Mr. HARRIS. That may be true; I do not remember how the facts are; but when the Senator states that I voted for it, I shall look to the RECORD. I do not believe I did.

Mr. PLUMB. The lynx-eyed Senator from Tennessee never lets anything go through the Senate that does not meet his approval without expressing his dissent. Silence gives consent, and matters of this kind, grave matters that divide parties, involving what is on the Senator's side called robbery, are not of the kind that can be allowed to go by without responsibility being incurred.

Mr. HARRIS. I do not want to interrupt the Senator from Kansas in the line of his remarks, but certainly a point such as the last one he suggested falls a little below the dignity of debate which a Senator ought to indulge in. He knows very well, as every Senator knows, that there is not a day that amendments and questions do not pass here *nem. con.* without the attention of Senators being particularly called to them, and that according to the rule he lays down he would find himself committed a thousand times in a session to things that he does not approve.

Mr. PLUMB. Yes, Mr. President; but this involves what has been termed, and will be termed over and over again in this debate, robbery, plunder, the unlawful appropriation of the property of many for the benefit of a few. That is not one of those things about which a person can escape responsibility who happens to be conveniently absent when the vote is taken.

So when we come to rice, there is 100 per cent. duty on that article. I venture to say that when that subject comes up again in a new tariff bill, which we are to have to-morrow or next day, according to the statement of the Senator from Kentucky, neither of the Senators from North Carolina nor either of the Senators from South Carolina will vote to reduce the duty on rice. It has been maintained at its present high rate by their votes heretofore.

The Senator from Iowa asks me why not? They believe with General Hancock that the tariff is a local question; that is, when they can get the fruits of its robbery for themselves. But getting this fruit will not prevent a Pharisaical howl about tariff robbery.

So when we come to glass, we increased, as I remember, the duty on foreign glass with the direct connivance and at the suggestion of the Senator from Indiana [Mr. VOORHEES]. Articles of glass, cut, engraved, painted, colored, etc., 40 per cent. before, were increased to 45 per cent., the Senator from New Jersey, too, participating in that robbery as well, because glass is a product of the factories of New Jersey. And so all the way around from hemp to rice and rice to earthenware and earthenware to glassware and glassware to zinc. And then when we come to the article of matches in which there was, if not a trust, certainly what the Senator from Kentucky would call "a combine," located in a State just big enough for a first-class combine, the State of Delaware, the duty on matches was not taken off. Why? The Diamond Match Company, which had brought under its protecting wing all the match manufactories of the United States, subjected them all to its control in a trust which had more than doubled the price of that necessary article, going, as it does, into every man's house, whether it be a palace or a cabin, did not want the tax taken off, and so the then senior Senator from Delaware, now translated elsewhere, was most strenuous against that bit of relief to the toiling millions.

Mr. SAULSBURY. To what Senator from Delaware does the Senator from Kansas refer?

Mr. PLUMB. I refer to one who is absent, but whose absence does not make him less responsible for Democratic policy, and who is and who has assumed to be a leader of the Democratic hosts.

Then came sugar, and there is a sugar trust, and according to the Senator from Kentucky it is based upon the tariff on sugar. For whose benefit was the tariff put on sugar, and by whose votes was it put there and by whose votes has it been retained? There is a tariff and a combine and a trust in sugar. The production in Louisiana is so small that it does not amount to the dignity of competition.

Mr. BECK. Will the gentleman allow me a question?

Mr. PLUMB. I think I will treat all alike on that side.

Mr. BECK. I should like to say, if the Senator would allow me——

The PRESIDENT *pro tempore*. The Senator from Kansas declines to yield.

Mr. BECK. The conference committee was composed of——

Mr. ALDRICH. I want to say that the duties on sugar were not changed in the conference committee.

Mr. PLUMB. The duty on sugar is specially a pet of the Democracy. It has had the support of all in both Houses of Congress. But, Mr. President, here is authority which outweighs all of the Democratic Senators on the other side, a power to which they yield, a presence to which they bow. The Senator from North Carolina [Mr. VANCE] shakes his head. I know he does some private swearing; but I am talking about his acts in public. [Laughter.] Here is the report of the Secretary of the Treasury. Does any Senator on that side vote against the Secretary of the Treasury or against the President? The President indorses this. He is the oracle of the party. When I say "oracle" I use the fitting term. There is but one oracle of the Democratic party. The Senator from Missouri had a little fun because he found more than one oracle on this side, and he thought he would play them off against each other. He has no such fun on his own side. There is only one house open there. The Democratic party has come to the beggary of having but one candidate, not a candidate that it wants, but a candidate who is booted and spurred and who is bound to ride.

Several SENATORS. And win.

Mr. PLUMB. Our friends on the other side have that consolation, and that is all. They think he is going to win. They do not want him to win; that is to say, they would rather somebody else would win, but they do not dare say so.

Here is the last report of Mr. Daniel Manning, Secretary of the Treasury, and on page 41 of that report he says:

> Like the casting away of the revenue from coffee and tea in 1872, the removal of the tax on sugar, which gives us our easiest and next to largest single item of revenue ($51,778,948), at an annual cost of less than 90 cents per head, is now pressed forward, to avert the repeal of other taxes which are desired to operate an incidental and private benefit by enhanced prices to the domestic consumers of a large domestic product.

What domestic product is more largely consumed than sugar? The amount of sugar the American people use is not proportioned to means, but proportioned to appetite. The appetite of the poor man for sugar is just as great as the appetite of the rich man. There is no tax which, upon the theory of our friends upon the other side that the duty imposed adds to the price of the article, so absolutely reaches every man, woman, and child in the United States as the tax on sugar. The consumption per capita is of greater value than the consumption of bread. Mr. Manning's argument was against taking off that duty, and the Democratic party is not going to favor taking that off.

Then the Senator from Kentucky unloaded the responsibility for a great variety of things upon the Republicans. He says we are responsible for the small duty on madeira and sherry wine. I ask the Senator if he voted or proposed even to vote or submitted any amendment to raise the tariff on those articles? There has been no voice on all this class of questions so potential as that of the Senator from Kentucky, and it has been frequent. He is not restrained from expressing his wishes, from advancing his views. If I remember anything at all, it was that his colleague at least voted to reduce the duty upon champagne. Perhaps that is more clearly out of the line of competition with Kentucky whisky than sherry wine.

The Finance Committee, of which the Senator from Kentucky was, as he is now, a member, did not propose any change in the duties on wines other than were expressed in the bill as passed. The Senator himself did not propose any, and it was not proposed from that side of the Chamber. No, Mr. President, the Senator from Kentucky is artful as well as able. When he feels perfectly sure that the whisky tax is not going to be reduced, and when he has got his hemp in a safe eddy he does not care very much for the rest. He probably yielded as others did to the belief that higher duties would produce smuggling and a reduction of revenue.

Mr. President, that Senator is laboring to-day strongly as he always has against the reduction of the tax on whisky. The greatest combi-

nation in any form on this continent of which I know anything is the whisky combination, whereby the production was limited and the price increased. There was a combination also to get legislation taking off the tax on whisky exported, and in order to make this combination the more effective it has been instrumental in shipping large quantities of this product abroad in order to take it out of the possibility of being put upon the home market in such a way as to break the price. It is not benevolence for the people. The Senator does not care for the coachman who drives his wagon when he comes to the tax on whisky, although he parades him freely.

Mr. BECK. Will the Senator allow me to say a word?

Mr. PLUMB. I will.

Mr. BECK. When my friend from Massachusetts [Mr. DAWES] and the Senator from Vermont [Mr. MORRILL] in 1875 increased the tax on whisky under pretense that the sinking fund required it, I resisted it with all the power that I had. I was unable to successfully resist their great powers, but I then believed, and believe now, that this Government would get more revenue from whisky at 50 cents a gallon than it does at 90 cents, and I have advocated that always.

Allow me to say one other thing. When the great whisky ring was talked about, the truth was developed; it was shown that the then Senator from Minnesota, Mr. Windom, sought to find a mare's nest somewhere in Peoria, and the great whisky producers in Illinois were broken down because spirits from Germany entered France under a treaty at $5 a barrel less than ours, ffom alcohol made from potatoes on the Rhine, and they broke up our market in Marseilles; it was shown that the increase had gone from $1,000,000 up to $13,000,000; and what was called the whisky ring raised $700,000 to enable our people to sell abroad at a loss rather than bring back their product and sell it in this market. When the facts were shown Mr. Windom had to apologize for the attack he made. I believe in a low tax on whisky.

Mr. PLUMB. The Senator from Kentucky believes in just that tax on whisky which most helps the manufacturer. That is what he believes in. He believes in that tax which enables the whisky combination to maintain its position and to prevent the institution of small stills. Whether it be 20 cents or 60 cents, it is not a question of the consumer, but it is a question of the manufacturer.

Mr. BECK rose.

Mr. PLUMB. I can not yield for a speech.

Mr. BECK. I do not ask the Senator from Kansas to yield, but I want to assure him now that the time will come when all can be heard in the Senate, and I will disprove all the allegations he has made against me.

Mr. PLUMB. There is one way he can disprove it, and that is by voting to take the tax off whisky. That he will not do.

Mr. BECK. I will not put money into the pockets of a few men at the expense of the rest of the country to get clear of revenue properly collected, all of which goes into the Treasury.

Mr. PLUMB. So if I go all around that side of the Chamber, the evidences are that those who talk so loudly about the impositions of the tariff, who prate of the robbery that it produces, and all that sort of thing, are those who have contributed to maintain and increase duties whenever they could be benefited thereby.

"My son," said the pious father, "do not fish on Sunday; it is wicked. But if you will do it, be sure to bring home the fish."

Mr. President, the Senator from Kentucky talked about the reaper and the mower; and the feeling of regret with which he spoke indicated his wish that there had been such machinery when he was a boy. I echo that most fully, but I inferred from the Senator's remarks that there was one other regret he had, and that was that the reapers and mowers which he saw on the plains of Dakota were not made in British workshops.

The Senator is concerned about trusts. He evidently overlooks the fact that if his policy prevailed it would break down the American manufacturer, and then we should be at the mercy of such trusts as the English manufacturers might create. No doubt trusts are wicked and ought to be suppressed; but the copper trust which has been mentioned is wholly of foreign creation, and embraces all the copper production of the world, as well as that of the American mines, and it has no more relation to the tariff than it has to the last change of the moon. Is it any less wicked because of foreign creation? Is it only against home trusts the Senator inveighs? We have heard so much about the robberies by manufacturers at home that one would think the manufacturers on the other side of the water, in Great Britain, Germany, and France, are saints. The Senator from Kentucky wants to break down the manufacturing system of the United States. Willingly or unwillingly, knowingly or unknowingly, the Senator from Kentucky is one of the most efficient allies the foreign manufacturers have. Do you suppose, Mr. President, does anybody suppose, that if they accomplish this work and get possession of the American market they will not immediately put up the price of everything which the American people will then be compelled to buy of them? Therefore we shall be at the mercy of trusts, trusts entirely beyond the reach of our law, trusts among people foreign to us and entirely outside of the range of any of our powers and authority. Let us surely put down home trusts, but take equal care that we do not create foreign ones to take their places.

Trusts in this country had their origin in Kentucky; and Ohio, its near neighbor, set up a pretty good imitation when it organized the Standard Oil trust, and from that, beginning in Kentucky with whisky, they have proceeded until now they embrace a number of other things as well.

Mr. President, all this tariff discussion is unloaded upon the back of those who are supposed to be the beneficiaries of the pending pension bill. Those who have brought about this debate, who denounce the bill to pension disabled and dependent Union soldiers, illy conceal their regret that it is the Union soldier and not the Confederate soldier that is now the subject of pensions. Well, Mr. President, I shall hope that the regret some of the Senators on the other side express, notably the Senator from Missouri [Mr. VEST], will in time wear away, and if he is not consoled by a contemplation of the progress, the wealth, and the power of the State that he so ably represents as a member of the Federal Union, some day, under the influence of the very system which he decries and of the Union into which he was unwillingly brought from his Confederate wanderings as the result of the gallantry of the men against whom he declaims, Missouri will take her rightful place as first and not tenth in rank among all the States of the Union in material growth. That will be when the people of that State, with their faces turned all one way, agree that what they should do is not to break down, but to build up; not to hug the delusions of the past, but strike out for the prosperity and the glories of the future; not to cavil at pensions to Union soldiers, but remembering justice and not forgetting that the destruction of the Confederacy was a blessing and not a misfortune. When the voice of Missouri is thus uttered she will have no complaint to make about the oppression of Rhode Island or New England, and she will be profiting by their example.

Mr. MCPHERSON. Mr. President, I am not in the habit of taking much of the time of the Senate in defending my own record or in assailing the record of other Senators. If it were a defense only of myself, I would not rise now to attempt at this late hour to answer the Senator from Kansas, but he has also assailed my State. This is the second time that I have heard an assailant rise on the floor of the Senate within the past month and attack the State of New Jersey. In the first case the Senator from Missouri [Mr. VEST] made charges, and, as he said, he proved from the census that the State of New Jersey, while first in education, was the very lowest of any State in the Union in point of morals.

I undertook to explain to the Senate at that time the situation of my State with respect to neighboring States. I stated—and it was a statement which large experience bears witness to—that excursionists from other States visited our State on every holiday and also on Sundays. I stated a further fact that the facilities opened up for their enjoyment went to help make up that record, immoral record, of which the Senator spoke. I called attention to the fact that when the people of Missouri came to my State thirsty we gave them drink; strangers, we took them in—in the station-house. I have in my mind now a case in point where the parties arrested were released by a very generous justice of the peace. And now the Senator from Missouri rises, census in hand, and proves them to have been Jerseymen. In pure self-defense New Jersey must abolish the census or apply the Chinese restriction law to missionaries.

Now, the Senator from Kansas [Mr. PLUMB] rises to-day and refers to a certain fact that happened the other day in the Senate when I called attention to the fact that every Republican Senator on that side of the Chamber, save one, had voted to give a corporation in the District of Columbia the power to build a cable railroad through the streets of this city without exacting taxes from them. To-day he called attention to the fact that it was a very significant circumstance that such opposition should come from the Senator from New Jersey, the representative of a corporation-ridden State. So much the more reason, let me say to the Senator, why the Senator from New Jersey should oppose the bill. But is New Jersey all he characterized it?

Let me say to the Senator from Kansas that you may travel over this broad Union and search the statute-books of every State in it and you will not find on the statute-books of any State laws so liberal to the people and against the power of corporations as are found in the statute-books of New Jersey. We have a free railroad law in that State that allows any association of persons, when they reach the Delaware River with a corporation, if you please, coming from the State of Kansas, or a line of railroad reaching from that State to the State of New Jersey, to form a corporation and cross our territory without asking the privilege of anybody in that State except simply to file in the state department their articles of association. Let me also advise that Senator that when they build a railroad to-day in the State of New Jersey every corporation is required to pay taxes upon all the property which they have in the State.

Familiar as a Jerseyman with the practice and demand of our people, I come here and demand for the people of the District of Columbia exactly the same rights and privileges that are accorded to the people of my State. There was a time in New Jersey when the State granted monopolies to corporations, and taxed foreigners for the privilege of crossing it. Whether that was good policy or bad policy, I shall not attempt now to discuss; but there is no State to-day that has advanced

in corporation laws more than the State of New Jersey. If the Senator from Kansas should ever visit that State and undertake, as I hope he may some time, to make speeches in behalf of that great political party to which he belongs, I caution him, if he expects to make any converts in that State, that he will not urge the same policy that he voted for in the Senate the other day in regard to the cable railroad bill in this District.

New Jersey occupies a very peculiar position upon the map of the country. Lying between the great commercial and financial city of the Union and one of the greatest manufacturing cities, upon whose territory of necessity must be laid those great arteries of communication which extend far and wide over the continent, conveying the material resources of the country and bringing the products of every State to our own doors, she to-day has made the iron horse, that great apostle of liberty and enterprise, as free as the sunlight or the air, and she compels all corporation property to pay taxes. This is her record.

The Senator has spoken with respect to my votes, I think in 1883, when the last tariff bill was under discussion before the Senate. He says that I then voted to increase the tax on pottery and that I voted to increase the tax on glassware. He also said in the same breath that I had voted against protection to New Jersey industries.

I rose for the purpose of asking the Senator if he would place his finger upon any particular vote of mine or upon any remark of mine in the Senate that qualified him to make any such statement. I did vote for an increase of the duty on pottery and glassware, and let me tell the Senator why I did so. I am that kind of a Democrat who believes in protection to American labor. God forbid that any political party in this country should ever reduce the wages of labor down to a point equal to that of the pauper labor of any country. In pottery and in glass 95 per cent. of the entire cost of the product is labor, and 5 per cent. of it is raw material.

I submit this proposition, that when you undertake to fix a duty of 50 per cent. on woolen goods which are manufactured very largely by machinery, in short almost entirely, and fix the same duty on pottery and glass, in which 95 per cent. is labor and all manual labor, because of the fact that pottery is still made by the old potter's wheel as in the days of the Egyptians and there is little machinery for the manufacture of these products, and when it is made to appear to me that the labor employed in such an industry is needful of more protection, I will grant to that industry more protection.

Mr. STEWART. Will the Senator name one article?

Mr. McPHERSON. I will listen to any Senator who has a suggestion to make, after I get through.

Now, Mr. President, I believe in so adjusting the tariff as to do two things. First, it should raise as near as possible the revenue needed to run this Government, and no more; and then, I favor such an adjustment of the tariff between the industries of the country as will best protect the wages of American labor. I believe in the Democratic platform of 1884, which, if it means anything at all, means protection to American labor. That is the policy I have always pursued with respect to this matter, and it is the policy I always intend to pursue.

Now, Mr. President, it seems to me a very strange proceeding that when the Senate has under consideration a bill known as a pension bill it should degenerate into a discussion of the tariff when there is no such subject before the Senate.

While I am on my feet I should like to make a single observation with respect to the pension bill. I did not intend to say anything about it, but I intended to vote on the question in accordance with my best judgment. I wish to show in a very few words the insincerity of the gentlemen on the other side of the Chamber in their action during the last few days with respect to this bill.

It is stated that the so-called Grand Army of the Republic prepared and sent to the Senate a bill representing their views. I have no complaint to make against this action of the Grand Army. I rather approve of it. I have no criticism to make with respect to that action on the part of the Grand Army nor should I in regard to any association of gentlemen in this country seeking to petition Congress either by a formal petition or by a bill. This organization is made up of representatives of both political parties. They led the private soldier during the war, and by common consent the soldier looks to this organization now that the war has ended for counsel and advice. I do not find anything to criticise and complain of in the methods of this great organization.

The Grand Army of the Republic, as I understand, prepared a bill moderate in its demands, which provided that when total disability of the soldier was found to have taken place, then that man should be entitled to a pension. From the time that bill was reported by the Committee on Pensions, which committee, I understand, practically reported back the bill as it came from the Grand Army, there has been an attempt on that side of the Chamber to amend it in all kinds of forms until to-day it has been increased in its demands to the extent of millions upon millions of dollars. In short, I do not believe that its most earnest advocates on that side of the Chamber can tell to-day within tens of millions of dollars the amount of money that will be required to put it into execution; and moreover the bill, if it becomes a law, can not be fairly executed.

If this Government to-day was troubled as other governments are, with a deficiency instead of a redundancy of revenue, I am at a loss to know what the inventive genius of that side of the Chamber would invent for the purpose of more effectually cheating the soldier than what has been done by way of amendment to this bill.

You have spent your time in this Chamber for the purpose of showing the soldier element of this country that but for the opposition of the Democratic party you would be able to get through just such legislation as would best conserve the interests of the soldier. A stranger in these galleries during the past few days, hearing the discussions that have taken place on that side of the Chamber, would have believed that the war had not yet ended. He would have believed that the war was again being renewed between the blue and the gray. Only eyes filled with passion can see a uniform of either blue or gray. Only hearts filled with fiendish hate can seek to revive again the horrid details of the late civil war.

My Democratic friends on this side of the Chamber have voted uniformly for pension bills the most extravagant that have been proposed. They have voted $880,000,000 since the close of the war to pension the invalid soldiers, and I believe to-day that if it can be shown that any soldier of the Union Army is unable to earn a livelihood, if he is totally incapacitated and dependent upon friends for support or on the cold charities of the world, they would vote again to extend the provisions of the pension law to him.

We hear more in this Capitol in the way of inciting strife than can be heard in any part of this broad country from Maine to California. I say it in truth and yet in shame. If to anybody is given the charge to quiet for all time the effects of our long-continued strife, which we know has brought sorrow and suffering to both sides, it certainly should begin here. For our Southern friends let me say that they have made the best proffer of reconciliation which a beaten people have ever made.

They have buried their flag and their losses, their natural resentments, and even their just expectations for the sake of peace and the common good. They have renewed their allegiance to the Constitution and laws of the United States, and have pledged anew their devotion to the unity of these States. Do you propose to accept it, or do you not? Do you propose, for the sake of personal or party domination, to keep this strife up while this Republic lasts, or do you expect and intend to accept their submission in the same spirit in which it is given? If you do, then let us hear no more of these strifes about the war which ended nearly twenty-five years ago—and God knows twenty-five years is about long enough to free grown men from the fear of its ghost.

Senators, I only echo the spirit and feeling which pervades the whole community, Republicans and Democrats alike, all over the Northern States. They sympathize with no ambition which aspires for any purpose to resurrect and revive again past animosities. What this country wants is peace and prosperity, and if you wish it, and if you will join in bringing it about, you will have accomplished a great good for the country. I am ready to vote for any increase of pension that may be needed to any worthy and disabled soldier. I have ever been the soldier's friend, and I shall ever continue to be his friend, notwithstanding this Government has paid out $880,000,000 in pensions, notwithstanding every Northern State has established homes for invalid soldiers and for their orphans, notwithstanding the Government has preferred the soldier in all places of Government employment. I think I speak the truth when I say that there is no community in a single Northern State that would permit a soldier to suffer for food or clothing or shelter if they had the knowledge that he needed either.

But as I commenced by saying, why did you not take the bill which was the greatest demand made upon you by the Grand Army of the Republic? The soldiers of the Republic have been in the habit of accepting leadership from the gentlemen associated in that Grand Army organization and who control its councils and determine its wishes. Why not accept exactly what they propose? Instead of that, in order that the soldiers might be again deceived by some, as I think, overzealous friends, they amend the bill until to-day its proportions are so extravagant and its promises so great that you know the bill never can become a law. What then is meant? Nothing in the world except the credit of having attempted to do the impossible for the soldier. If the soldiers do not see through this thin veneering, then truly they are arrant fools, and I am sure they are not.

Mr. SAWYER. I move that the Senate adjourn.

Mr. PALMER. Will the Senator withdraw his motion for a moment? I desire to submit a resolution.

Mr. SAWYER. I withdraw the motion.

Mr. PALMER. I submit the resolution which I send to the desk.

The PRESIDENT *pro tempore*. The resolution of the Senator from Michigan will be received, if there be no objection, and read.

COMMITTEE ON AGRICULTURE AND FORESTRY.

The resolution was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and they are hereby, authorized to employ a stenographer to report the hearings before them relative to Senate bill No. 945, to extirpate contagious pleuro-pneumonia, etc., among cattle, and that said stenographer be paid from the contingent fund of the Senate.

ADJOURNMENT TO MONDAY.

Mr. GRAY. I move that when the Senate adjourn it adjourn to meet on Monday next. ["No!" "No!"]

The PRESIDENT *pro tempore*. The Senator from Delaware moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 24th ultimo, a schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those embraced in House Executive Document No. 90 of the present session; which was read, and, on motion of Mr. HALE, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting, in further answer of the resolution of the Senate of the 24th ultimo, list of judgments of the Court of Claims not heretofore transmitted to the present Congress; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.—to the Committee on Commerce.

The bill (H. R. 3215) to authorize the construction of the Ohio Connecting Railway Company Bridge—to the Committee on Commerce.

The bill (H. R. 3859) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York—to the Committee on Finance.

The bill (H. R. 4880) for the relief of A. Cusimano & Co.—to the Committee on Finance.

The bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss.—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 3613) for the relief of Joseph Casson—to the Committee on Public Lands.

The bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.—to the Committee on Public Buildings and Grounds.

The bill (H. R. 7265) for the erection of a public building at Hoboken, N. J.—to the Committee on Public Buildings and Grounds.

Mr. SAWYER. I renew my motion that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, March 5, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 1, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D.

The Journal of the proceedings of yesterday was read and approved.

SUPERVISING ARCHITECT'S OFFICE.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect in relation to appropriations for skilled service in his office; which was referred to the Committee on Appropriations, and ordered to be printed.

SURVEY OF SAN PEDRO BAY, CALIFORNIA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of the examination and survey of San Pedro Bay, California; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

M. W. YOUNG VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of M. W. Young against the United States; which was referred to the Committee on War Claims.

JAMES SESSIONS VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of James Sessions *vs.* The United States; which was referred to the Committee on War Claims.

MADISON RANDALL VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Madison Randall *vs.* The United States; which was referred to the Committee on War Claims.

WILLIAM W. WATSON VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of William W. Watson *vs.* The United States; which was referred to the Committee on War Claims.

MARY S. FOGG VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Mary S. Fogg *vs.* The United States; which was referred to the Committee on War Claims.

ARTHUR MILLER VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in the case of Arthur Miller *vs.* The United States; which was referred to the Committee on War Claims.

RACHEL MARTIN, ADMINISTRATRIX, VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Rachel Martin, administratrix, etc., *vs.* The United States; which was referred to the Committee on War Claims.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I ask unanimous consent that the Committee on the Post-Office and Post-Roads may be allowed to place in the Post-Office appropriation bill for consideration by the House a proposition authorizing allowances for rent, light, and fuel in third-class offices.

There being no objection, leave was granted.

SONE AND FLEMING MANUFACTURING COMPANY.

Mr. DAVENPORT. I ask unanimous consent for the consideration at the present time of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 3859) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Sone and Fleming Manufacturing Company, limited, of the city of New York, the sum of $5,265.73, being the amount of drawback of duties due to them on certain tin cans exported by them, but which were not entered for drawback within the time fixed by law; said payment to be paid out of any money in the United States Treasury not otherwise appropriated.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVENPORT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. CUSIMANO & CO.

Mr. WILKINSON. I ask unanimous consent to take from the Private Calendar and put on its passage the bill (H. R. 4880) for the relief of A. Cusimano & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to A. Cusimano & Co., of New Orleans, La., out of any funds in the Treasury not otherwise appropriated, the sum of $1,860.70, to reimburse them for a like sum by them paid and turned into the Treasury as duties on goods entitled to free entry.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILKINSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH CASSON.

Mr. PAYSON. I ask unanimous consent to take from the Private Calendar for present consideration the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 3613) for the relief of Joseph Casson.

Be it enacted, etc., That the entry of Joseph Casson, under date of September 27, 1881, per certificate numbered 75, of the southeast quarter of the northwest quarter of section 34, township 12, range 14, in Shawnee County, State of Kansas, be, and the same is hereby, ratified, confirmed, and declared valid; and the President is hereby authorized and directed to issue in due form a patent for said land to the said Joseph Casson.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORTER ACADEMY, CHARLESTON, S. C.

Mr. DARGAN. I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C. A House bill identical with this has been reported favorably from the Committee on Military Affairs, and is now on the Private Calendar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to convey, by deed duly and properly executed, to the trustees of the Porter Academy, of Charleston, S. C., and to their successors, the property situated in said city, belonging to the Government of the United States, formerly used as an arsenal, now and for the seven years last past used for educational purposes, bounded on the north by Bee street, on the east by Ashley street, on the south by Doughty street, and on the west by President street, said conveyance to embrace a condition that said property shall be inviolably dedicated to educational purposes, and no other.

SEC. 2. That the Secretary of War shall require the said trustees to file an acceptance in the War Department of said property, stipulating that the same shall be dedicated and used for all time for educational purposes, and for no other.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. REED. Before the bill is acted on I would like to hear some explanation of it.

Mr. DARGAN. I will ask the Clerk to read the report of the Committee on Military Affairs upon the House bill.

The report (by Mr. LAIRD) was read, as follows:

The Committee on Military Affairs, to whom was referred bill (H. R. 5025) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C., have considered the same and recommend that the bill do pass.

This bill in substance was favorably reported by this committee in the Forty-eighth Congress, second session; was also favorably reported by the Senate Military Committee. Certain facts of interest are stated in the Senate report, which is herewith given, namely:

"That this property was leased in 1879, by act of Congress, to Rev. A. Tomer Porter, at a mere nominal rent, and since that time Mr. Porter has spent in the erection of buildings, and for other purposes, about $80,000. He has been enabled to do this by the generous contributions of wealthy and charitable persons, chiefly in the North, and he desires now to enlarge the scope of the academy by adding an industrial and mechanical feature to it. This can not be done without further aid from the patrons of the school, and they are unwilling to give this while the title of the property remains in the Government.

"As the matter now stands the objects contemplated in the establishment of this noble charity would be defeated, and all improvements erected on the property would be lost should the Government at any time reclaim the property. The bill under consideration proposes to vest the title in the trustees of the academy and their successors, on the condition that the institution 'shall be inviolably dedicated to educational purposes, and no other.' The committee have amended the bill by adding a proviso that the property shall revert to the Government if at any time it should be used for any other purpose. The bill meets the approval of the Secretary of War and other authorities to whom it has been submitted, and the committee recommend its passage as amended."

The bill was submitted to the Secretary of War, and elicited from him the following report:

"WAR DEPARTMENT, *Washington City, February* 1, 1887.

"SIR: In reply to your reference without date of Senate bill No. 3230, which authorizes the Secretary of War to transfer to the trustees of the Porter Academy certain property in Charleston, S. C., I have the honor to inform you that there is no objection on the part of the Department to the passage of this measure, as the Government has no use for the property in question.

"Very respectfully, your obedient servant,

"WILLIAM C. ENDICOTT,
"*Secretary of War.*

"JAMES LAIRD, *M. C.*"

Your committee respectfully recommend that the bill do pass.

Mr. REED. What is the value of this property?

Mr. DARGAN. I do not know the value of the property, but it is of no value to the Government. I understand the gentleman from Maine withdraws his objection, and I will not consume the time of the House.

Mr. REED. I have made no objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, was accordingly read the third time, and passed.

Mr. DARGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

House bill No. 5025, identical with the Senate bill just passed, was, by unanimous consent, laid on the table.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of Senate bill No. 752, to grant a pension to Mrs. Elvira L. Johnson, widow of Commodore Philip E. Johnson, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read at length.

Mr. BELMONT. I demand the regular order.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. MATSON. I object.

R. S. STANLEY.

Mr. ALLEN, of Mississippi. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss., and put it upon its passage.

The SPEAKER *pro tempore*. In the absence of the demand for the regular order, which the Chair understands to be withdrawn, the bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the sum of $88 be paid to R. S. Stanley, out of any money in the Treasury not otherwise appropriated, on account of money sent from the post-office at Booneville, Miss., in a registered-package envelope, to the postmaster at St. Louis, Mo., and which was burned *en route* from Booneville, Miss., to St. Louis, Mo.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAND. I think we had better have the regular order now.

OHIO CONNECTING RAILWAY BRIDGE.

Mr. DALZELL. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 3215) to authorize the construction of the Ohio Connecting Railway Company bridge, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Ohio Connecting Railway Company be, and the same is hereby, authorized to construct, maintain, and operate a bridge over the Ohio River from the south shore to the north shore thereof, at a point about one-half mile south of the mouth of Cork's Run, in Allegheny County, Pennsylvania. Said bridge is hereby declared to be a lawful structure, and the same may be used for railroad and highway purposes. Said bridge to be constructed as follows: The main-channel span of said bridge shall be a continuous through span of 500 feet clear of masonry. The back-channel span shall be one through span of 400 feet clear of masonry, said space in each case to be measured on the low-water line. The remaining spans of said bridge shall be deck-spans. Said main-channel span and said back-channel shall be at a height of 80 feet above zero-water mark at Market street in Pittsburgh, and 82½ feet above zero at the bridge site, measured to the bottom chord of the bridge.

SEC. 2. The location of the piers of said bridge with reference to the current of the river shall be according to plans and specifications that have been filed with and approved by the War Department.

SEC. 3. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

The committee recommend the adoption of the following amendments:

In line 11, after the word "hundred," insert "and seven."

In line 17, after the word "of," insert the words "not less than." In the same line strike out "zero" and insert "low."

In line 18, after the words "Pittsburgh and," insert the words "not less than."

In line 19 strike out "zero" and insert "local low-water mark."

In section 2, line 2, insert after the words "according to" the word "such."

After the word "specifications," in line 3, strike out the words "that have been filed with and" and insert "as may be."

Add to section 2 the following proviso: "*Provided*, That no advertisement as required by the general law be again made, unless thought advisable and necessary by the Secretary of War, advertisement having already been made."

Strike out section 3 and insert a new section 3, as follows:

"SEC. 3. That equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies."

Also insert new sections 4, 5, and 6, as follows:

"SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use, and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and upon conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

"SEC. 5. That said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

"SEC. 6. That the said bridge shall be built under the provisions of the act of December 17, 1872, and authorizing the construction of bridges across the Ohio River, and the amendatory act of February 14, 1873, except in so far as the provisions of said acts may be modified or changed by the provisions of this act: *Provided*, That if the construction of said bridge shall not be commenced within one year and completed within four years after the passage of this act, all privileges conferred hereby and this act shall become null and void."

Mr. HOLMAN. I think there should be some explanation as to the reason for not building this bridge under the provisions of the act of 1872.

Mr. DALZELL. Mr. Speaker, this bridge differs from the bridges built under the provisions of that act in only one particular. This is to be 82½ feet instead of 90 feet high. This bridge has been approved by the Board of Engineers of the War Department, and the plan is on file before the Department, and has been approved by it. It has also been approved by the board of coal-men who have charge of the interests of navigation at Pittsburgh, on the Ohio River. According to the Chief of Engineers the oscillation of the water at this point does not render it necessary to build the bridge any higher than the number of feet specified. In addition to that, within a half mile further up the Ohio River, there is now a bridge which is only 78 feet high. So that the requirements of navigation are not interfered with at all by this bridge, but on the contrary all of the necessary conditions have been complied with in drawing up this bill.

Mr. HOLMAN. I hope the third section, which is proposed to be stricken out, will again be read.

Section 3 was again reported.

There being no objection the bill was considered, the amendments concurred in, and the bill as amended ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DALZELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIFE-SAVING STATION, KEWAUNEE, WIS.

Mr. HUDD. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., and put it upon its passage.

Mr. EZRA B. TAYLOR. Mr. Speaker, I shall make a conditional objection to the consideration of that bill.

The SPEAKER *pro tempore*. The Chair will reserve the right of the gentleman to object after the bill has been read.

Mr. EZRA B. TAYLOR. I wish to make it now, and can just as well do so as after the reading of the bill. I am interested to some extent in legislation, occasionally, on this floor; and hereafter I propose to object to every bill that is subject to objection that is not presented from the body of the House—substantially from the seat of the member proposing it. I wish to know what is going on about the Clerk's desk.

The SPEAKER *pro tempore*. The gentleman from Ohio makes a very proper point of order. Members will be seated and the area in front of the desk will be kept clear.

The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to establish a life-saving station at the harbor of Kewaunee, State of Wisconsin.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUDD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS rose.

Mr. SPOONER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of House bill 4900, for the relief of Washington L. Parvin and Henry A. Greene.

The Clerk proceeded to read the bill.

The SPEAKER *pro tempore*. The gentleman from Texas rose. For what purpose?

Mr. MILLS. I want to ask unanimous consent to have 3,000 copies of the tariff bill, reported to the Ways and Means Committee this morning, printed for the use of the House. We have had a number of requests for copies, and I make that request now.

Mr. REED. I would like to have that put in proper form.

Mr. MILLS. I withdraw it if there is any objection. It was done at the request of the gentleman from Ohio.

Mr. MCKINLEY. I hope the gentleman from Maine will not object.

Mr. REED. There is no objection. I only want it properly stated.

Mr. BELMONT. I demand the regular order.

Mr. SPOONER. I hope the gentleman from New York will withdraw that demand.

The SPEAKER *pro tempore*. The Clerk will complete the reading of the bill.

The bill was read at length.

Mr. MCMILLIN. Let us have the report read.

The SPEAKER *pro tempore*. The Chair will first ask if there is objection to the present consideration of the bill.

Mr. BELMONT. I demand the regular order.

The SPEAKER *pro tempore*. That is tantamount to an objection.

Mr. SPOONER. This was passed in the last House and was passed once before in the Senate.

Mr. BELMONT. I regret very much to interfere with the bill, but it is necessary to proceed with the special order to-day.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

MUTILATED SILVER COINS.

Mr. BLAND, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for the bill H. R. 6631, a bill (H. R. 7933) providing for the exchange of worn, defaced, clipped, punched, or otherwise mutilated silver coins of the United States of smaller denominations than one dollar for new or unworn silver coins at designated places and under certain circumstances; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6631 was laid on the table.

THREE-DOLLAR GOLD PIECES.

Mr. BLAND also, from the Committee on Coinage, Weights, and Measures, reported back with a favorable recommendation the bill (H. R. 7214) to prohibit the coinage of three-dollar gold pieces; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 154) for the erection of a public building at Milwaukee, Wis., asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

The message further announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr., asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1095) to provide for the compulsory education of Indian children; and

A bill (S. 1514) to establish a national art commission.

ANCHORAGE OF VESSELS AT NEW YORK.

Mr. BRYCE (by Mr. CLARDY), from the Committee on Commerce, reported back with amendments the bill (H. R. 5657) relating to the anchorage of vessels in the port of New York; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

DR. H. B. MATTEOSIAN.

Mr. RUSSELL, of Massachusetts, from the Committee on Foreign Affairs, reported a bill (H. R. 7934) for the relief of Dr. H. B. Matteosian; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL G. CLUSERET.

Mr. RUSSELL, of Massachusetts, reported back with a favorable recommendation the bill (H. R. 474) for the relief of General G. Cluseret; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH J. JONES.

Mr. HOOKER, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 4257) for the relief of Hannah J. Jones, executrix; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VOLUNTEER SOLDIERS.

Mr. STEELE, from the Committee on Military Affairs, reported back, as a substitute for sundry bills, the bill (H. R. 6106) for the relief of certain volunteer soldiers of the late war; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bills were laid upon the table.

LOTTERY CIRCULARS.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported back with adverse recommendations the bill (H. R. 3320) to amend section 3894 of the Revised Statutes of the United States relating to the transmission through the mails of lottery, giften-terprise, and other circulars, and for excluding from the mails newspapers and periodicals containing advertisements of the same; and the bill (H. R. 3324) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing the penalty for the violation of the same; which were referred to the House Calendar, and the accompanying report ordered to be printed.

CERTIFICATION OF LANDS TO KANSAS.

Mr. TURNER, of Kansas, from the Committee on the Public Lands, reported back with amendments the joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

CHIPPEWA INDIANS IN MINNESOTA.

Mr. NELSON, from the Committee on Indian Affairs, reported as a substitute for the bill H. R. 1581 a bill (H. R. 7935) for the relief and civilization of the Chippewa Indians in the State of Minnesota; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1581 was laid upon the table.

RIGHT OF WAY THROUGH CROW INDIAN RESERVATION.

Mr. COBB, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 4786) granting to the Billings, Grand Fork and Cooke City Railroad the right of way through the Crow Indian reservation; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. NELSON presented the views of the minority on the above bill; which were ordered to be printed with the report of the committee.

UINTAH INDIAN RESERVATION.

Mr. COBB also, from the Committee on Indian Affairs, reported a bill (H. R. 7936) to restore to the public domain a part of the Uintah Indian reservation, in the Territory of Utah, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SETTLERS IN WIND RIVER VALLEY, WYOMING TERRITORY.

Mr. COBB also, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 4248) for the relief of certain settlers in Wind River Valley, Wyoming Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ARTESIAN WELLS IN NEW MEXICO.

Mr. JOSEPH, from the Committee on the Territories, reported, as a substitute for the bills H. R. 1980 and H. R. 6166, a bill (H. R. 7937) to provide for the boring of artesian wells in the Territory of New Mexico; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bills H. R. 1980 and H. R. 6166 were laid on the table.

PUBLIC BUILDING, ATLANTA, GA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 3314, a bill (H. R. 7938) to enlarge and make repairs upon the United States court-house and post-office building in Atlanta, Ga., and to appropriate money therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 3314, was laid on the table.

ABBIE M. HAY.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 172) granting a pension to Abbie M. Hay; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY MARTIN.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 174) granting a pension to Mary Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. D. SUGG.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 559) for the relief of L. D. Sugg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM ANDERSON.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3140) for the relief of William Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZA E. HEBERT.

Mr. STONE of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4526) for the relief of Mrs. Eliza E. Hebert, widow of Jules J. Hebert, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. W. WEEDON.

Mr. TAULBEE, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3686) for the relief of the administrators *de bonis non*, sureties of W. W. Weedon, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. FRAZIER.

Mr. BROWER, from the Committee on War Claims, reported back with amendments the bill (H. R. 6551) for the relief of John J. Frazier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS I. TAYLOR.

Mr. O'NEALL, of Indiana, from the Committee on War Claims, reported back with an amendment the bill (H. R. 2161) for the relief of Thomas I. Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. M. SPRAGUE AND WILLIAM TILTON.

Mr. CROUSE, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. GRAHAM.

Mr. CROUSE also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6922) for the relief of George W. Graham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANSON RUDD.

Mr. McCREARY, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EXPENDITURES IN PENSION BUREAU.

Mr. HUDD, from the Committee on Expenditures in the Interior Department, reported back with a favorable recommendation the bill (H. R. 7434) to provide for the proper application of money in the Pension Bureau of the Interior Department; which was referred to the House Calendar, and ordered to be printed.

ADVERSE REPORTS.

Mr. CLEMENTS, from the Committee on Reform in the Civil Service, reported back bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1571) fixing the tenure of public officials and to reform the civil service; and

A bill (H. R. 4301) to prescribe terms of office for persons employed in the civil service.

MILITIA OF THE DISTRICT OF COLUMBIA.

Mr. McADOO, from the Committee on the Militia, reported back with a favorable recommendation the bill (H. R. 4961) to amend the act entitled "An act to more effectually provide for the organization of the militia of the District of Columbia," passed March 3, 1803; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER *pro tempore*. The call of committees is completed. Gentlemen who desire to present reports from committees will now be recognized.

CHINESE IMMIGRATION.

Mr. MORROW, from the Committee on Foreign Affairs, submitted the following report:

IN THE HOUSE OF REPRESENTATIVES, *February* 27, 1888.

"*Resolved*, That the President be, and he is hereby, requested to communicate to the House, if, in his opinion, not incompatible with the public interests, what if any steps have been taken, in the direction of treaty stipulations or otherwise, to prevent the continued immigration of Chinese laborers into the United States, notwithstanding the provisions of the treaty of November 17, 1880, between the United States and the Empire of China and the laws of the United States passed in pursuance thereof, suspending such immigration."

The Committee on Foreign Affairs, having had under consideration the resolution asking the President for information in relation to treaty stipulations on the subject of Chinese immigration, report the same back with the recommendation that the resolution do pass.

Mr. MORROW. I demand the previous question on the adoption of this resolution.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. MORROW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENDITURES FOR ARREST OF ILLICIT DISTILLERS.

Mr. CLEMENTS, from the Committee on Appropriations, submitted a report; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 17, 1888.

Mr. HENDERSON, of North Carolina, submitted the following resolution; which was referred to the Committee on Appropriations:

"Whereas the Attorney-General in his last annual report states, for the information of Congress, that 'a fund which was annually appropriated for years for the use of the Commissioner of Internal Revenue in the investigation of frauds has been reduced largely, and the service of the bureau has to a limited extent been thrown upon the judiciary appropriation in the matter of making arrests of illicit distillers. * * * The expenses are payable from fees and expenses of marshals, as employés of the revenue agents are temporarily commissioned as deputy marshals:' Therefore,

"*Resolved by the House of Representatives*, That the Attorney-General be called upon to inform the House in what districts, to what persons, and in what amount and for what purposes such expenses have been paid or incurred, and by what

authority of law any portion of the judiciary appropriation has been used in paying the employés of revenue agents."

The Committee on Appropriations, to whom was referred the accompanying resolution calling upon the Attorney-General for information touching the use of the appropriation made for judicial expenses in making arrests of illicit distillers, having considered the same, report it back herewith and recommend its adoption.

The resolution was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATTLE-GRAZIERS ON PUBLIC LANDS.

Mr. STOCKDALE, from the Committee on the Public Lands, submitted the following report:

IN HOUSE OF REPRESENTATIVES, *January* 4, 1888.

Mr. O'FERRALL submitted the following resolution; which was referred to the Committee on the Public Lands:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to communicate to this House any information in his possession in reference to the illegal use of the public lands by cattle-graziers, giving the names of such malfeasors and the quantity of land so used, and also what steps the Interior Department and its agents have taken to prevent and prohibit such illegal use of the public lands, including any proceedings taken, judicially or otherwise, in the premises."

Your committee, to whom was referred the resolution offered by Hon. CHARLES T. O'FERRALL on January 4, 1888, relating to the occupation of public lands by cattle-graziers, submit the following substitute for the original resolution, and recommend its adoption:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to communicate to this House any information in his possession in reference to the use of the public lands by cattle-graziers, giving the names of such graziers, as far as known to his Department, and the quantity of lands occupied by such graziers."

The question being taken on agreeing to the resolution reported by the Committee on the Public Lands as a substitute, it was adopted; and the original resolution was laid on the table.

Mr. STOCKDALE moved to reconsider the vote by which the resolution reported by the committee as a substitute was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATE HOMES FOR DISABLED SOLDIERS, ETC.

Mr. LAIRD, by unanimous consent, introduced a bill (H. R. 7939) to provide aid to State homes for the support of disabled soldiers and sailors of the United States, their widows and orphans; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERCOURSE WITH INDIAN TRIBES.

Mr. LAIRD also, by unanimous consent, introduced a bill (H. R. 7940) to repeal part of section 17 of the act approved June 30, 1834, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve the peace on the frontiers;" which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TAXATION ON CIGARS, ETC.

Mr. NELSON. I ask unanimous consent that a brief petition from the Cigar-Makers' Union of Duluth, Minn., protesting against the repeal of internal-revenue taxation on manufactured tobacco, be printed in the RECORD without the names, and referred to the Committee on Ways and Means.

The SPEAKER *pro tempore*. If there be no objection, that order will be made. The Chair hears none.

The body of the petition is as follows:

To the honorable the House of Representatives at Washington, D. C.:

HONORED SIRS: The undersigned citizens respectfully and most emphatically protest against the repeal of the internal-revenue laws in reference to cigars and cheroots, believing that such action would be detrimental to the best interests of the workingmen employed in that industry.

HEIRS OF JOHN F. SHORTER.

Mr. MAISH, by unanimous consent, reported back favorably from the Committee on Military Affairs the bill (H. R. 2465) for the relief of the heirs of John F. Shorter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED HEDBERG.

Mr. MAISH also, by unanimous consent, reported back with amendment, from the Committee on Military Affairs, the bill (H. R. 3435) for the relief of Alfred Hedberg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for one hour for the consideration of bills. The hour begins at ten minutes past 1 o'clock.

Mr. DIBBLE (when the Committee on Public Buildings and Grounds was called) said: I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills reported by the Committee on Public Buildings and Grounds.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCCREARY in the chair.

PUBLIC BUILDING AT BRIDGEPORT, CONN.

Mr. DIBBLE. I call up for consideration the bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and for other Government uses at Bridgeport, Conn. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Connecticut shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. DIBBLE. Mr. Chairman, the gentleman who introduced this bill, Mr. GRANGER, I regret to say, is detained at home on account of sickness.

It is for a post-office and custom-house for the third city in the State of Connecticut. This post-office ranks thirty-seventh in the United States, and there are ninety-seven post-offices having a Government post-office building. This has also a custom-house, and has been made a port of entry, and the custom-house receipts are important. I move it be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BLAND. I ask for the reading of the report.

The report (by Mr. SOWDEN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7264) to authorize the purchase of a site and the erection thereon of a suitable building for the post-office, custom-house, internal-revenue office, and other Government buildings at the city of Bridgeport, Conn., submit the following report:

The city of Bridgeport, situate on Long Island Sound, in the county of Fairfield, Connecticut, is third, if not the second, largest city in the State. It is rapidly increasing in population and commercial importance and is destined in the near future to be one of the largest cities in Connecticut. It is 56 miles eastward of New York, on the line of the Consolidated Railroad, and one of its principal points of freight and passenger traffic. It is also the terminus of two important and prosperous railroads, namely, the Housatonic and the Naugatuck. The population is now estimated at 47,686. It has 98 daily passenger trains, and the amount of freight received in 1887 was 259,952 tons, and the amount forwarded, 341,236 tons. Total number of car-loads of freight in 1887 was 60,119; average daily, 194. A very large amount of freight is also received and forwarded by steam-boats and other craft. The total number of vessels arriving at Bridgeport in 1887, 13,823. It is also the seat of large manufacturing interests; 7 principal manufacturers employ 4,485 hands, and paid in wages in 1887, $2,764,760, and the market value of their finished products was $13,366,767.

CUSTOM-HOUSE STATISTICS—PORT OF BRIDGEPORT.

Duties collected from July 1, 1887, to December 31, 1887	$7,384.39
NOTE.—The receipts of the custom-house have increased largely since Bridgeport has been made a port of original entry, and it is estimated that the receipts for the year ending June 30, 1888, will exceed $20,000.	
Number of vessels entered from foreign countries in 1887	11
Number of vessels cleared for foreign countries	9
Estimated number of coastwise steamers arrived	4,700
Estimated number of other vessels arrived	3,650
Estimated number of steamers and other vessels departed	8,350
Estimated tonnage	1,250,000
Estimated value of cargoes received	$40,500,000
Estimated value of cargoes shipped	41,000,000
Estimated number of vessels entering Bridgeport Harbor as a port of refuge	1,200
Estimated duties to be collected for fiscal year ending June 30, 1888	$20,000

The post-office of Bridgeport, in addition to distributing the local mail, is also a distributing office for Easton, Plattsville, Huntington, Nichols, Black Rock, and West Stratford post-offices, and a terminal office for the Housatonic Railroad and the Naugatuck Railroad.

The office is a first-class post-office, and employs 13 clerks, headquarters for 8 postal clerks, and has 18 letter-carriers, and 1 special-delivery messenger.

The net income of the post-office at Bridgeport for 1882 was $17,000 more than the gross income of 1876. The post-office receipts for the year ending June 30, 1885, were $48,468, and the receipts from January 1, 1887, to January 1, 1888, were $56,556.06, and it is estimated that the receipts for the year ending June 30, 1888, will be over $60,000.

The rent paid for post-office accommodations in 1865 was $300.

The rent paid for post-office accommodations in 1887 was $3,087.50. The amount of rent will be largely increased in the immediate future, owing to the rapid increase in population and business, and the consequent necessity for additional accommodations.

The business transacted by the Department during the past year is as follows:

First, third, and fourth class matter	pieces	7,406,671
Second-class—weight	pounds	85,911
Second-class	pieces	1,116,843
Registered letters	number	46,586
Money-order and postal-note transactions	do	24,959

Rank of Bridgeport post-office in proportion to the other post-offices of the United States is thirty-seventh; ninety-seven have Government post-office buildings.

The facilities of the present office are entirely inadequate for the post-office business. There is no public building in Bridgeport, and the absolute wants of

the post-office and custom-house business as well as the needs of the public require that a suitable building should be erected by the Government for the purpose of meeting such wants.

Your committee, in consideration of the foregoing facts, report the accompanying substitute for bill H. R. 1266, and recommend its passage.

Mr. BLAND. What is the time allowed for this debate?

The CHAIRMAN. This is consideration hour, and the whole hour has been assigned to the Committee on Public Buildings and Grounds.

Mr. BLAND. Under the special order?

The CHAIRMAN. This does not come under the special order.

Mr. DIBBLE. No; it does not.

Mr. BLAND. I have not yielded the floor.

The CHAIRMAN. The gentleman from Missouri has been recognized.

Mr. DIBBLE. I do not know when I left the floor.

Mr. BLAND. The gentleman from South Carolina moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] asked for the reading of the report.

Mr. DIBBLE. Yes; I made the motion that the bill be laid aside favorably, and then withdrew it for the reading of the report on the request of the gentleman from Missouri; but therefore I did not intend to yield the floor.

The CHAIRMAN. The Chair understood the gentleman from South Carolina to yield the floor.

Mr. BLAND. The gentleman can not move to lay the bill aside while an amendment is pending, and I desire to move an amendment to the bill.

The CHAIRMAN. The gentleman will send his amendment up.

Mr. BLAND. The bill appropriates $150,000, and I move that sum wherever it occurs shall be reduced to $100,000.

Now, Mr. Chairman, while I do not believe it is good policy to erect public buildings at places as small as this, I think $100,000 is sufficient if the bill is to pass. I therefore have moved to strike out "$150,000" and insert "$100,000."

In the beginning of the consideration of these bills I think I stated that although there might be some places where the courts of the United States were required to be held, that did not even in that case demand the erection of a public building for the accommodation of the courts; but still as a matter of policy, as a matter of principle to settle a definite policy somewhere, I stated that had been the rule adopted heretofore so far as I could remember, and there has been little opposition to bills which provided for United States court-houses; that where a public building was necessary in order to transact the regular business of the courts at any point and for the preservation of the official records there has not been very much opposition to places of that character or to bills possessing that merit, although the Government did not require such a building.

Now, Bridgeport, Conn., does not require a public building, I believe, for any other purpose than for the accommodation of the post-office and the office of the collector of internal revenue, and it seems that a rental of $3,000 is sufficient to provide such accommodations.

But I wish again to call the attention of the committee and the House to the fact of the business of the Government in these various towns and cities for many years from which comes up this demand for public buildings. There has been operating a suspicion here, and it has been announced as a fact, that because we have an overflowing Treasury, because there is nothing else to which to appropriate this money, we have gone largely into the policy of erecting these public buildings; that that is the groundwork for these unnecessary appropriations for public buildings. It seems to me we ought to go a little slower in the passage of these bills, and to exercise a little more careful supervision as to just what bills are passed.

We began by passing bills where there was no special demand for them. Here and there we have passed some having some merit. It is difficult indeed, it would seem, to pass meritorious bills without at the same time opening up the sluice-gates for all manner and sorts of public-building bills. For instance, take the bill passed for a public building at Bar Harbor, appropriating $25,000, a city having a population of 4,000 during the winter season, and for a few months in the summer season perhaps a few thousand visitors in addition. The bill was reported for $50,000, but on my motion it was reduced to $25,000. They were given this sum of $25,000. That is to be a precedent, I suppose, and if it is considered a precedent it will lay the foundation for appropriations for public buildings in every town in the country having four or five thousand inhabitants. In that event we need pass no bills for reducing taxation or other bills to take from the Treasury its surplus. We have public-building bills now introduced and pending sufficient to take every dollar of the surplus.

Mr. DIBBLE. I wish to say to my friend from Missouri that this bill was introduced, or rather the bill for which this is a substitute, originally for $200,000. The committee after considering all the circumstances of the case reduced that amount to $150,000, which they submit to this committee is a reasonable sum, from the following considerations: The present rental for the post-office accommodations alone, without taking into account the customs, is $3,087.50. The Committee on Public Buildings and Grounds was reliably informed that there will be a rise in that rental in the coming year, and that before this building can be constructed the Government will be paying a rent in the city of Bridgeport of about $5,000 a year for the accommodation of its business.

That sum, at the rate of 3½ per cent., at which the Government can borrow money, is the interest on about $150,000. When this building is constructed the Government is secured from further increase of rental, which is likely to occur. Therefore, in the interest of economy, this amount should be allowed; and I feel satisfied that a less amount would only require the people of Bridgeport to come back here and ask for further accommodations for business in their midst. It is a city of forty-odd thousand inhabitants, an original port of entry and customs, with a large postal business.

I ask for a vote upon the pending amendment.

The question was taken, and the Chairman decided that the "noes" appeared to prevail.

Mr. BLAND. I demand a division.

Mr. DIBBLE. I will ask the committee to adopt the amendment, as the gentleman insists upon it.

The question was taken; and on a division there were—ayes 60, noes 0.

So (no further count being demanded) the amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PUBLIC BUILDING, HOBOKEN, N. J.

Mr. DIBBLE. I now call up the bill (H. R. 7265) for the erection of a public building at Hoboken, N. J.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and for other Government uses at Hoboken, N. J. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $60,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $60,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of New Jersey shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. DIBBLE. I ask for the reading of the report.

The report (by Mr. SOWDEN) was read, as follows:

Hoboken, Hudson County, New Jersey, is situated on the west bank of the Hudson River, directly opposite the center of the city of New York. It has been an incorporated city for many years. In area it is about 2 miles long by about 1½ miles wide.

It has a population of 43,000, 25 per cent. of which has been added within ten years. Four lines of trans-Atlantic steamers have their American termini at Hoboken. They are well-known European lines. It is a great coaling depot and the home place of one of the leading express companies. It has numerous great manufacturing industries, such as paper, silk, machines, iron, steel, lead-pencils, scientific instruments, and very many others.

There is located here the well-known Stevens Institute of Technology, whose pupils come from all American countries. It has a large mercantile and miscellaneous business, and is, in a word, a live, thriving, busy, and progressive city. The real property of the city is assessed at $15,000,000. Two great railroad systems terminate in Hoboken. It has three ferries running constantly to New York, and is well policed and paved, and has many horse railways. It has banks and hotels.

The number of letters collected last year from letter-boxes, 829,512; number of letters, papers, postal-cards, etc., distributed, 1,689,332; number of registered money-letters sent out, 5,608; gross receipts, $18,414.33; total expenses, $11,525.98; net income to United States, $6,887.35. It has no post-office or other Federal building. The present post-office is located on the one floor of a building for which rent, fuel, and light cost the Government $944.90 per year.

It is dingy, overcrowded, inconvenient, and totally inadequate to the wants of the place, the rights of the public, and a proper postal service.

Eighteen mails are received and seventeen are sent out every day. The mails for West Hoboken, Union Hill, Guttenberg, West New York, Station A, North Bergen, and Weehawken are received, sorted, and sent out from the Hoboken office.

The United States have customs, internal-revenue, and court officers in Hoboken, but no Federal building.

We feel sure that the large postal business, increasing, as it is, rapidly, and the necessity for offices for Federal purposes in this large city demand an adequate public building, and we therefore favor the grant of the moderate sum asked in this bill.

Your committee, in consideration of the foregoing facts, recommend the passage of the accompanying substitute for H. R. 4990.

Mr. NEAL. I yield five minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Chairman, unless it is requested by some members of the committee that a further explanation of this bill be given, I do not desire to occupy the time of the House. This is simply a proposition to appropriate the sum named in the bill for the construction of a public building in this city, containing some 43,000 inhabitants, which sum I take it is about as small a sum as could be named for the purpose, and I may be permitted to add that in all my experience here no more worthy location has been suggested for a public building than this.

This city, as I have stated, has a population of 43,000 people, and within the next decade in all probability it will have increased to 75,000, or over, within its limits. We only ask the sum of $60,000 for the purchase of a site and the erection of the building, although this city is right across the river from the great metropolis of New York; and in view of these facts I am quite willing to submit the question to the decision of the House without further argument.

Mr. NEAL. I yield five minutes to the gentleman from Missouri [Mr. BLAND], if he desires it.

Mr. BLAND. Mr. Chairman, it does look like folly to make an amendment to that bill; for, as the gentleman from New Jersey has intimated, if the appropriation is needed at all it certainly needs that much. But I want to call the attention of the Committee on Public Buildings and Grounds—I do not see the chairman of the committee present at this moment—to the fact that I had supposed they would have submitted some proposition before now establishing some system in relation to these public buildings. The amendment that I offered to a bill the other day was no doubt properly ruled out, because it was a general law and not germane to a special bill. But I introduced that proposition in the shape of a bill last Monday, and had it referred to the Committee on Public Buildings and Grounds; and it seems to me that we ought to be considering that or some other bill or some proposition that would establish a general principle or some precedent by which this matter could be regulated.

It is very difficult for the Committee on Public Buildings and Grounds to lay down any rule to accommodate the one hundred and fifty-odd members who have introduced public-building bills at this session. The bill that I introduced proposed that wherever any department of the Government desired a public building, or found it necessary at a particular place for the transaction of the business of that department, that they should so certify to Congress, making recommendations as to the dimensions of the building, for what purpose intended, the necessary cost, and all other facts needed for the consideration of the proposition; but in no case should a public building be erected where the rental was $5,000 or less, with the exception of a case where it was impossible for a department to procure a suitable building at any rental at all.

Mr. Chairman, I suppose if the various bills that have passed here are to become laws, and are meritorious, this one is also meritorious. As I said before, I can not see how it could be put at a less sum than that named in the bill, if you expect to erect a public building to answer any purpose whatever in a town of that size.

Mr. DIBBLE. I ask unanimous consent that general debate on this bill be now considered closed.

Mr. BLAND. I object.

Mr. DIBBLE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker *pro tempore* having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn., had directed him to report back the same with amendments.

PUBLIC BUILDING AT BRIDGEPORT, CONN.

The House proceeded to consider the bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn., reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 151, noes 3.

So (further count not being called for) the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. BLAND. Let us have a division.

The House divided; and there were—ayes 159, noes 6.

So the bill was passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

Mr. BLAND. Upon the latter motion I call for a division.

Mr. DIBBLE. I withdraw the motion to reconsider.

Mr. BLAND. I renew the motion to reconsider the vote by which the bill was passed.

Mr. DIBBLE. I move to lay the motion to reconsider upon the table.

The House divided; and the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 161, noes 5.

So the motion to reconsider was laid on the table.

PUBLIC BUILDING AT HOBOKEN, N. J.

Mr. DIBBLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on Public Buildings and Grounds; and pending that motion I move that general debate on the bill pending in the committee be limited to one minute.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCCREARY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering bills called up by the Committee on Public Buildings and Grounds.

The Clerk will report the title of the unfinished bill.

The Clerk read as follows:

A bill (H. R. 7265) for the erection of a public building at Hoboken, N. J.

Mr. DIBBLE. I yield one minute to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I have said all I wish to say.

Mr. DIBBLE. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

PUBLIC BUILDING AT SEDALIA, MO.

Mr. DIBBLE. I call up for consideration the bill (H. R. 1599) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and other Government offices located thereon, or which may be located hereafter at said city of Sedalia. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000, nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Missouri shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The bill was reported with the following amendments:

In line 12 strike out "$75,000" and insert "$50,000."
In line 21 strike out "$75,000" and insert "$50,000."

Mr. DIBBLE. I move that the committee do now rise.

Mr. BLAND. I desire to offer an amendment to the bill.

The CHAIRMAN. The gentleman from South Carolina had the floor, and moves that the committee do now rise.

Mr. BRECKINRIDGE, of Kentucky. I desire to make a parliamentary inquiry. What would be the condition of this bill if the committee should now rise?

The CHAIRMAN. The bill will be the unfinished business for the next consideration hour.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole on the state of the Union, having had under consideration the bill H. R. 7265, had directed him to report the same with a favorable recommendation; and that, having had under consideration the bill H. R. 1599, had come to no resolution thereon.

PUBLIC BUILDING AT HOBOKEN, N. J.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill reported with a favorable recommendation from the Committee of the Whole.

The Clerk read as follows:

A bill (H. R. 7265) for the erection of a public building at Hoboken, N. J.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 169, noes 4.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall this bill pass?

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 163, noes 3.

So the bill was passed.

Mr. BLAND. I move to reconsider the vote by which the bill was passed.

Mr. DIBBLE. I move to lay upon the table the motion to reconsider.

Mr. BLAND. Let us have a division.

The House divided; and there were—ayes 161, noes 3.

So the motion to reconsider was laid upon the table.

ORDER OF BUSINESS.

Mr. DIBBLE. I call up the bill (S. 182) the House amendments to which the Senate has disagreed to.

Mr. BLAND. I move that the House take a recess for one hour.

Mr. DIBBLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. BLAND. I insist upon my motion for a recess.

The motion was taken, and the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 3, noes 156.

The SPEAKER *pro tempore*. The hour for the consideration of bills called up by committees has expired.

Mr. ROBERTSON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. BELMONT. I raise the question of consideration against that motion. This day has been set apart by special assignment for the consideration of bills reported by the Committee on Foreign Affairs. Already twice that committee has lost the assignment made to it, and I leave it to members to decide whether the committee should again be deprived of the privilege of bringing before the House several important measures. I therefore raise the question of consideration against the Committee on Appropriations.

The SPEAKER *pro tempore*. The only way to raise the question of consideration in this instance is to vote down the motion of the gentleman from Louisiana, that the House resolve itself into Committee of the Whole.

Mr. DINGLEY. I desire to suggest to the gentleman from Louisiana that the appropriation bill can be called up on any day, and this day has been set apart for the Committee on Foreign Affairs. I think, in justice to that committee, they should have it.

Mr. ROBERTSON. I understand that, sir, and I do not desire to do injustice to that committee, but the Committee on Military Affairs reported the bill making appropriations for the support of the Military Academy more than two weeks ago, and up to this time, notwithstanding the fact that I have been urged by the Committee on Military Affairs to bring up that bill, I have given way to every other question that came before the House. This is a bill to which I am sure there can be no opposition. If we are permitted to proceed, we can consider and dispose of it in less than half an hour.

Mr. BELMONT. The Committee on Foreign Affairs prepared its appropriation bill even before the one which the gentleman now asks the House to consider. Although we have been ready for two or three weeks with the diplomatic and consular appropriation bill, we have not interfered with any of the regular or more urgent business of the House, and we do not desire to bring that bill before the House until an opportunity, which will probably occur next week, at a time for which no special orders have been assigned. The special order for to-day, however, is one to which the Committee on Foreign Affairs hold with great insistence. The matter is one in which our relations with other governments are concerned, and it does seem to me reasonable to ask that members on both sides of the House will sustain the committee in insisting upon its rights. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Louisiana [Mr. ROBERTSON], to let the House resolve itself into Committee of the Whole to consider an appropriation bill.

Mr. MCCREARY. Mr. Speaker, I would like to say for the benefit of the Committee on Foreign Affairs that we lost one day which was assigned to us a week ago, and that this general appropriation bill, which my friend now asks the House to consider, is one which can be called up at any time. If we lose this day we must necessarily lose action upon some very important bills which the Committee on Foreign Affairs have now upon the Calendar. This day was assigned to that committee, and as the bills are pressing and important, I hope that my friend will let us have the day, especially as he can call up his bill at any time.

Mr. ROBERTSON. Mr. Speaker, I wish to say to the gentleman from Kentucky [Mr. MCCREARY] that for two weeks I have given way upon this floor to other measures. The special order of to-day does not in any matter take precedence of this bill, and while I have the kindest feelings in the world for all the gentlemen on the Committee on Foreign Affairs, I think that this appropriation bill should be taken up, and I believe that if gentlemen will just permit us to proceed we can get through with it in less time than would be occupied in this discussion.

Mr. JACKSON. Mr. Speaker, is this question debatable?

The SPEAKER *pro tempore*. It is not. The debate is proceeding by unanimous consent.

Mr. BELMONT. I call for a vote.

The question was taken on the motion of Mr. ROBERTSON that the House resolve itself into Committee of the Whole for the consideration of appropriation bills.

Before the announcement of the vote,

Mr. ROBERTSON said: Mr. Speaker, I withdraw the motion; but I give notice now that I will call up this bill on Saturday next, if the House is in session on that day.

PARIS EXPOSITION OF 1889.

Mr. BELMONT. I now move to proceed with the special order. I call up the joint resolution H. Res. 83, and as it carries with it an appropriation, I move that the House resolve itself into Committee of the Whole for the purpose of considering the joint resolution.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills reported by the Committee on Foreign Affairs under the special order of the House. The Clerk will report the first bill.

The Clerk read as follows:

Joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition, to be held in Paris in 1889.

The joint resolution was read, as follows:

Whereas the United States have been invited by the Republic of France to take part in an exposition of works of art and the products of manufactures and agriculture of all nations, to be held in Paris, commencing the 5th day of May and closing the 31st day of October, 1889: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said invitation is accepted, and that the governors of the several States and Territories be, and are hereby, requested to invite the people of their respective States and Territories to assist in the proper representation of the productions of our industry and of the natural resources of the country, and to take such further measures as may be necessary in order to secure to their respective States and Territories the advantages to be derived from this beneficent undertaking.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint a commissioner-general to represent the United States in the proposed exposition, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the contributions from this country, and to control the expenditures incident to the proper installation and exhibition thereof, and to the preparation of the reports on the exposition; and that the President may also appoint twenty additional commissioners, no two of whom shall be appointed from any one State, of whom three shall be practical artisan experts; three shall be skilled representatives of commerce and manufactures, and four shall be practical agriculturists, nine shall be scientific experts, corresponding to and specifically assigned to report upon the nine groups into which the exposition will, under the official regulations, be divided, and one shall be assistant commissioner-general, and shall perform the duties of commissioner-general in case of his death or disability, and shall report upon the exhibition at large and the general results thereof; that the allowance to said commissioner-general for salary and personal expenses shall not exceed $5,000 for his whole term of office; and the allowance of the nine subcommissioners for salary and personal expenses shall not exceed $1,200 each, not including such clerical service as may be allowed by the commissioner-genaral, which shall not exceed $15,000; and the governors of the several States may nominate and the President appoint one honorary commissioner from each of the several States, and the President may appoint twenty-four additional honorary commissioners, among whom there shall be at least one resident of each of the Territories of the United States, which said honorary commissioners may report upon such special subjects as the commissioner-general may direct, and shall serve without pay or other expense to the United States: *And provided further*, That in case the authorities of any State or Territory shall appoint a commissioner or commissioners to represent the interests of such State or Territory at said exhibition, said commissioner or commissioners so appointed shall have the same status in the commission as the honorary commissioners provided for herein, but shall not be entitled to either pay or compensation out of the money hereby appropriated: *Provided, always*, That no person appointed by virtue of this resolution shall have any pecuniary interest, directly or indirectly, in any article exhibited for competition, or act as the agent for any exhibitor. And not more than one of the commissioners entitled to compensation nor more than five of the honorary commissioners shall be appointed from any one State or Territory.

SEC. 3. That the President be authorized, in his discretion, to assign one or more of the public vessels to transport to and from France, free of cost, under regulations to be prescribed by the commissioner-general, such articles as may be offered for exhibition by the citizens of the United States.

SEC. 4. That in order to defray the necessary expenses above authorized, and for the proper installation of the exhibition, and the expenditures of the commissioner-general made under the direction of the Secretary of State, and with his approval, and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary for the purposes herein specified, which sum shall be expended under the direction of the Secretary of State; and out of such amount the Commissioner of Agriculture is hereby authorized to collect and prepare, as far as practicable and with as little delay as possible, suitable specimens of the agricultural productions of the several States and Territories of the Union for exhibition at the Paris exposition.

SEC. 5. That it shall be the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures which may have been incurred under the provisions of this resolution, together with all reports called for under section 2 of this resolution, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

The Committee on Foreign Affairs recommended the following amendments:

Section 2, line 7, strike out the words "and to," and add after the word "thereof" the following: "the pay of jurors and."

Line 9, after the word "exposition," insert the following: "and the general results thereof, and an assistant commissioner-general, who shall perform the duties of commissioner-general in case of his death or disability."

Line 12, strike out "twenty additional" and insert in lieu thereof "nine sub."

Line 13, strike out all after the word "commissioners" in line 13 down to and including the word "nine" in line 16. After the word "nine," in line 16, insert "and said subcommissioners."

Line 18, strike out the words "report upon."

Strike out the whole of lines 20, 21, and 22, and 23 down to and including the word "thereof."

Line 26, after the word "office," insert "that the allowance of said assistant commissioner-general for salary and personal expenses shall not exceed $2,500 for his term of office."

Line 29, strike out the words "twenty additional" and insert "nine sub."

Line 34 strike out "two" and insert "one."

Line 35 strike out "and."

Strike out the whole of lines 36 and 37 and line 38 down to and including the word "States," and insert "and the President may appoint one honorary commissioner from each of the several Territories."

Strike out the proviso beginning in line 43, down to and including the word "appropriate" in line 51.

Lines 54, 55, 56, and 57, strike out the following: "and not more than one of the commissioners entitled to compensation nor more than five of the honorary commissioners shall be appointed from one State or Territory."

Mr. BELMONT. I now ask the Clerk to read the portion of the report which I have marked.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom were referred a message from the President of the United States (Executive Document No. 69), transmitting a report from the Secretary of State relating to an invitation from the Government of France to participate in the international exhibition to be held in Paris in 1889, and also a joint resolution (H. Res. 83), respectfully report thereon as follows:

On the 6th of April last, shortly after the close of the Forty-ninth Congress, the Government of the French Republic, through its legation in Washington, formally asked the co-operation of this Government in the celebration of a world's exhibition, to be opened in Paris on the 5th of May, 1889. The general purposes of this exhibition are such as should enlist the earnest sympathy of the United States. Its primary object is to receive the works of art and the productions of the industry and agriculture of all nations. The exhibition is to be divided into nine groups:

1. Works of art.
2. Education, and processes used therein.
3. Plain and decorative house furniture.
4. Textile fabrics.
5. The raw and manufactured products of mining, forestry, chemistry, etc.
6. Apparatus and methods of mechanical industries.
7. Food products.
8. Agriculture, vine-culture, and fish-culture.
9. Horticulture.

In nearly all these branches of industry it is believed that the United States has made great progress since its participation in the world's exposition held in Paris in 1878. If no other considerations presented themselves it would therefore be desirable, for the advancement of the commercial interests of the United States, that the invitation thus extended by the French Republic should be accepted. But there are other reasons which can properly be regarded by the Congress of the United States. This nation can not forget its obligations to France for the assistance rendered in its early struggles for freedom. On many occasions since, notably in the presentation by the French people of the statue of Liberty which now adorns New York Harbor, the sympathy and good-will of the French nation towards the United States and its Government have been manifested.

The people of the United States have watched with gratification the firmness of purpose and self-control with which the French nation has maintained and increased its hold upon republican institutions in recent times of menace and peril. The year 1889 will be the centennial of events in France which gave impetus to the establishment of republican institutions throughout the world. It is clearly the duty of the Congress of the United States to promptly take action upon the invitation extended, and thus to proclaim in the most emphatic manner its approval of this important project. Your committee therefore recommend that the invitation of the Government of France to participate in the international exhibition to be held in Paris in 1889, transmitted to Congress by the President of the United States in his message of the 12th instant, hereto annexed, be accepted, and in order that such acceptance may be carried out in a becoming manner they further recommend the passage of the accompanying joint resolution as amended.

Mr. BELMONT. Mr. Chairman, it is not necessary to remind Americans of our lasting debt of gratitude to Frenchmen growing out of the struggles of the Revolution and the war of independence, and it is always a pleasing duty for Congress to recall such memories. But it is especially to the France of to-day the United States wishes to do honor. We who can enjoy undisturbed all the blessings of our form of government should best appreciate the immense difficulties standing in the way of French statesmen who hold republican opinions. Stronger than the Holy Alliance of the beginning of the century, stronger than the Triple Alliance of to-day, is the league of monarchs and of royalty in Europe against successful republicanism in France, and yet the French Republic has triumphed and will continue to triumph over hostile intrigues from within and insidious attacks from without. We in the United States have watched recent events in France with a respect and admiration which this invitation of the French Government now gives us an opportunity to express.

The hundredth anniversary of the year 1789 has been well chosen for the holding of a world's fair in Paris, a year as significant to the people of the United States as to the people of France. If there is what might be termed a reactionary league in Europe, may there not also be a progressive league of the republics of the world? If this invitation of the French Government has been officially neglected by some governments, the exposition itself will include exhibits from the people of every country in Europe, and the invitation has been officially accepted with the greatest cordiality by Switzerland and all the republics of Central and South America, and is now placed before the Congress of the United States for official action as promptly as the rules of the House would permit.

The report of the Committee on Foreign Affairs is a unanimous report, and I feel sure that a generous response to the French Government will meet the hearty approval of every member on this floor, for here resides that spirit of true Americanism which can always be moved in sympathy with republics and republicans throughout the world.

As to the details of the bill, the committee has endeavored to profit by the experience at the last exhibition in Paris. The report of the commissioner discloses the fact that an appropriation of $200,000 is none too much. Congress in 1878 appropriated $150,000, although the recommendation of the Department at that time was for $225,000. Shortly after the arrival of our commissioner in Paris it became necessary for him to send a report to the Department urging that Congress, in order to carry out the purposes of its first resolution, appropriate an additional $40,000. The appropriation made, therefore, for the exhibition in 1878 was $190,000. In this instance we ask that it be made $200,000. We do not wish that there should be a repetition of the unfortunate deficit which occurred on the former occasion. In order to satisfy the House as to the necessity of the amount now asked. I will call attention to the items of expenditures as reported by the commissioner in 1878:

Salary of commissioner-general	$5,000.00
Expenses of commissioner-general's offices in Washington, New York, and Paris	17,417.52
Compensation of additional commissioners	15,600.00
Clerks to additional commissioners and incidental expenses	6,931.33
Art gallery	11,514.74
Agricultural division	6,418.69
Educational division	5,972.17
Machinery division	7,061.53
Industrial division	8,574.81
Construction of buildings	33,602.49
Loading and unloading Government ships	6,034.20
Transportation by mail steamers and by railway in France	18,842.75
Stationery and printing	4,379.24
Advertising	1,548.45
Miscellaneous expenses in Washington, New York, and Paris	14,102.08
Expended by State Department for agricultural exhibits and additional commissioners	19,400.00
Total	179,400.00

Leaving less than $11,000 available for printing of reports, etc.

In this resolution the proposed appropriation is made the larger because it is intended that the jurors at the exhibition shall receive salaries. In the exhibition of 1878 the jurors on the part of the United States served without compensation, a course which was attended with certain objections set forth in the report of the commissioner, and which I think it important for the House to consider:

PAYMENT OF JURORS.

It is a serious mistake in my judgment to ask jurors to serve without compensation. Occasionally wealthy men of leisure are willing to undertake the responsibilities in a spirit of patriotism, or from special interest, but the average citizen can not afford to give the necessary time and attention without compensation at least sufficient to meet his expenses, which, in any great city during an exposition season, form no inconsiderable item. At the Centennial Exposition home jurors were paid $600 each, and foreign jurors $1,000 each. It was money well invested, inasmuch as its payment warranted the jurors in giving proper consideration to the work to which they were invited.

Another serious objection to the non-payment of jurors is that they are often led to seek recognition in a way which must, to a greater or less degree, influence their judgment, however conscientious they may be. For instance, giving as an excuse that they performed valuable and even delicate and tedious labor, at much personal inconvenience and at their own expense, more than half of the American jurors became active applicants and in several instances earnest supplicants for the decoration of the Legion of Honor.

It is my opinion that the best men to make reports upon an exposition are the jurors. Avenues of information are freely opened to them which it is difficult and often impossible for commissioners to enter. Exhibitors, in the hope of recognition, expect to furnish details to jurors, and are ready and willing to answer all inquiries put by them.

After the exhibition of such facts as these it seems to me the House will not hesitate in the matter of appropriation; and with this presentation I will reserve the remainder of my time, and yield the floor to my colleague on the committee, the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY. Mr. Chairman, I am heartily in favor of accepting the invitation extended by the French Republic to the Republic of the United States to participate in the international exposition to be held in Paris in the year 1889. The international expositions that have been held in various parts of the world during the last half century stand out as promontories, marking the progress of civilization and the advancement and improvement of the times.

The first international exposition held in the last half century was at London, England. Another was held in 1873 at Vienna, Austria. Another international exposition held in France was at Paris in 1878. But perhaps the grandest and most successful international exposition ever held in this world was held in our own country at Philadelphia in 1876, to commemorate the centennial anniversary of the Declaration of Independence. At all of these international expositions our country was represented, and from each of them derived great benefit.

We are now invited to participate in an international exposition to be held in a sister republic; and to-day the Republic of the United States and the Republic of France stand at the head of the list of the republics of the world. The Committee on Foreign Affairs, after carefully considering the invitation of the French Government, have unanimously recommended that the invitation be accepted. The President of the United States approves it; the Secretary of State has recommended it and requested that we adopt such legislation as will insure a proper representation of the arts, products, minerals, and manufactures of the United States.

In considering this invitation we should not forget the attitude of France toward our Republic for more than one hundred years. We should remember that when our forefathers were struggling for freedom France was our faithful and devoted ally. The brave and brilliant Lafayette, and many others, rendered conspicuous and splendid service in behalf of the freedom and independence of the thirteen colonies.

On many occasions since that time the people of France have shown their friendship and good-will toward our people and our Government. When our Centennial Exposition was held at Philadelphia in 1876, and the nations of the world came and took an inventory of our resources and inventions, and viewed our vast and varied and wonderful progress, France participated on as large a scale as any other nation in the world, and only last year presented to our country a statue of "Liberty Enlightening the World," which now grandly and beautifully adorns the harbor at New York.

We should reciprocate the good wishes of the people of France, and we should endeavor every way in our power to draw closer the ties which have heretofore bound together the two greatest sister republics of the world.

Mr. Chairman, there is another reason why I am in favor of accepting the invitation. The international exposition at Paris will present a grand forum for the display of specimens of the arts, products, minerals, and manufactures of our country, where our business men may engage in laudable, friendly rivalry with the business men of other countries.

The exhibition is to be divided into nine groups: 1. Works of art. 2. Education, and processes used therein. 3. Plain and decorative house furniture. 4. Textile fabrics. 5. The raw and manufactured products of mining, forestry, chemistry, etc. 6. Apparatus and methods of mechanical industries. 7. Food products. 8. Agriculture, vine-culture, and fish-culture. 9. Horticulture.

In all these branches of industry our country stands at the top of the list.

Mr. Chairman, there is another great consideration in favor of the United States being represented at the Paris exposition. I can not suppress the belief that God in His wisdom established this Republic in order that it might stand out before the world as a model by which other lovers of liberty might fashion their governments—as an illustration of what freemen may accomplish in "a government of the people, by the people, and for the people."

Bancroft has eloquently said:

> We are in this country setting up the temple of freedom, the separate stones and pillars of which each nation and each age was commissioned to hew and carve.

Our people have built according to their genius and instincts, and they have not wrought in vain. When we remember our country is but a little more than one hundred years old, yet has about as much territory as the whole of Europe; has 130,000 miles of railroad and as many miles of telegraph; stands among the nations of the world as first in agriculture, first in manufactures, and first in inventions; has to-day twelve millions of pupils enrolled in the public schools, officered by an army of two hundred and sixty thousand teachers; sends its cotton, corn, wheat, and other cereals to almost every part of the world; has more miles of coal and iron and more gold and silver under its soil than any other country in the world, and is blessed with free speech, free suffrage, free religion, a free press, and free schools, we have the right to assume that this is a favored nation, and is entitled to be regarded as the model Republic of the world.

On that account, also, I desire our great Republic to be represented there. All the great nations will be represented at the Paris exposition. France, of whom it has been said, "She marches at the head of the nations of Europe with the banner of intellectual supremacy in one hand and the torch of liberty in the other," will act as host.

Many of the republics of Central and South America will be represented at that exposition. Business men of Great Britain, of Germany, of Russia, of Switzerland, of Austria, of Italy, and of Spain will be there with their inventions, their products, and their manufactures. After the success of American exhibitors at all the international expositions which have been held in the last half century, after the great benefits our people have derived from these expositions, it must not be said that our Republic is unknown, unhonored, and unrepresented at the Paris international exposition of 1889.

In 1873, just before the international exhibition was held in Vienna, Austria, in the simple article of leather our foreign sales amounted to only half a million dollars per annum. Immediately after the exhibition at Vienna the sales sprung to three millions per annum, and after the international exhibition held in Paris, France, the sales went to twelve millions.

We can benefit our country, we can benefit our business, by having American machinery there, by having American manufactures there, by having a display of American products of every description.

I hope, sir, that the joint resolution reported by the Committee on Foreign Affairs will be adopted, and that our country, which is first in our hearts, will on that grand occasion prove itself entitled to rank first among the nations of the world. [Applause.]

Mr. RAYNER. Mr. Chairman, I trust that this resolution will receive the unanimous approval of this House. This Republic owes France a debt of gratitude that all the money in her Treasury could not repay. When I recall the name of Lafayette and all the patriotic deeds that cluster around his immortal memory; when I recollect the chivalric heroism of France's dauntless patriots, who, animated with a burning zeal to advance the cause of human freedom, crossed the sea, and, at the sacrifice of their fortunes and their lives, locked hands with the revolutionists of America in defense of the inalienable rights of man and in antagonism to the decrees of despotism; when I remember the fervent zeal and the intrepid courage that animated them upon the field of battle, and how magnanimously upon a stranger's shore they shed their blood under the inspiration of liberty; and when I know and feel that all these things were done and suffered so that my countrymen, breaking from the galling yoke of tyranny, could create between the waters a republic born for the undying ages, every impulse of my being turns in sympathy towards the nation that proposes, in conjunction with the republics of the earth, to commemorate the death of political slavery upon the soil of France. [Applause.]

It has often been a question with me whether the benefits that resulted from the French revolution ever atoned for the crimes that were inflicted under it; but I can for a moment forget the reign of terror and the iniquitous deeds of Danton and Marat, of Robespierre and Barère, and I can conceal from my view the fact that a million human beings, one-twentieth of her population, met with an untimely death in the carnival of crime that swept down upon her like an overwhelming deluge, when I realize that on the 5th day of May, 1889, when the shout of the Marseillaise will announce the opening of the French exhibition, just about one hundred years will have elapsed from the time when the walls of the Bastille were razed, its dreadful secrets were unbosomed, and the genius and patriotism of France stepped forth from the caverns of a living death once more to gaze upon the sunlight of heaven. I could not let this opportunity go by without referring to those historic remembrances, and I now add that while the imperial governments of Europe are hesitating whether or not to unite in the celebration of these festivities, because they fear perhaps that at some day within what is now their own dominion similar celebrations might take place in honor of the extirpation of royalty, let us, the youngest republic on this earth, extend a generous hand across the ocean and proclaim to our sister republic with no uncertain sound, "Citizens of France, we send you greeting; as you once cemented the charter of our liberties with the blood of your best and noblest sons, so now may the folds of our flag, commingling with the Tricolor of France upon the streets of Paris, teach the world the lesson that the humblest citizen who is entitled to its protection is, according to the philosophy of our institutions, the equal of the greatest monarch that rules upon the mightiest throne." [Applause.]

Mr. HITT. Mr. Chairman, the general aspect of this question of taking part in the Paris exhibition of 1889, its historic character and whatever there is that appeals to sentiment, have all been so fully discussed that I will only mention one or two practical points that I think may affect the votes of some gentlemen present, as indicated by what they have said to me: First, ought we to accept the invitation from France in view of the recent action of the French Government towards our trade; and, second, ought we to pay so much money as this $200,000 of expenses in taking part in that exposition? I do not see how we can, with any self-respect, or any expectation of retaining the respect of the world, refuse this invitation, as the monarchical governments have done. We accepted the invitation from France in 1867, when it came from an Emperor, and we took part—an honorable part as it proved. This invitation is not from a corrupted, oppressive, extravagant empire, but from a republic, a government that is really of the people, to take part in a republican anniversary that is national; more than national, it is the centennial of republican liberty in Europe. This great industrial festival and exhibition is to celebrate the morning of European freedom—the generous birthday of liberal institutions there—now firmly seated in the great French Republic.

Mr. Webster nobly said as Secretary of State and as an American forty years ago in the Hülsemann letter, that the people of the United States, having extended from a strip on the border of the sea inhabited by a population feeble and poor until they covered much of the fairest and richest portion of the earth's surface, and having risen in wealth and power to rank among the first nations of the world, entertained an ardent affection for the popular institutions and forms of political organization which had enabled them to advance so rapidly to prosperity and happiness.

They would now be doubly false to their history if they did not testify that sentiment of respect and affection for republican institutions all round the world. This public sentiment was the basis of the action of Mr. Webster, as Secretary of State, in sending an envoy to the Hungarians—to a part of the subjects of the despotic ruler of Austria who were trying to found in Europe a government like our own, based on democracy. And when the Austrian minister talked of treating our envoy as a spy, Webster said to him in words Americans will never forget, the spirit of the people of this country would have demanded immediate hostilities to be waged by the utmost exertion of the power of the republic, military and naval.

Shall we now forget that we are republicans, and appear ashamed of what is our highest glory?

Shall we ape the monarchies around France that have refused this invitation because it recalls 1789? It is said they have not treated American pork fairly. That is true. The question has been discussed in the Northwest, and some gentlemen representing that part of the

country where the pork product is in largest abundance will probably mention it further on in this debate. But is there a better way to do business with a sensible man than to take a sensible method that becomes a man? In dealing with a great nation shall we begin by fretfully answering that we will not accept a courteous invitation? American pork has been untruly stigmatized as impure, and unjustly prohibited from entering France. How shall we set this right and have these decrees repealed?

The American hog has his rights. They should be vindicated; and my friend from the Chicago district of Illinois [Mr. ADAMS] will probably offer an amendment providing for an increase of appropriation that the pork product may be made a special exhibit at Paris, in order that the people of Europe may see the Illinois pig in all his perfection and cheapness—"the short and simple animal of the poor," as my friend calls him. Negotiation and proper representation and an appeal to self-interest by retaliatory duties on French goods and wines can easily in time arrange all that.

The Democratic Committee on Ways and Means of this House in framing the tariff bill that is laid before us this morning might have remembered an easy method of bringing to reason a nation that did not deal fairly with us. There is a peaceful, calm way of leading other people to see the justice of our terms. It so happens that nearly all of the products of France that are imported into this country are luxuries, or so near akin to luxuries that they fall under the recommendation of your Democratic President that we impose the full measure of taxes upon them.

Where was your committee wandering when this bill was framed, that it forgot the wrongs of Chicago pork? Where was the Committee on Ways and Means occupied when it passed over French silks, wines, spirits, cordials and liquors, kid gloves, jewelry, watches, fancy goods, and similar articles to the amount of $40,000,000, which are imported right from the seat of this unjust prohibition of American pork? Why did they not put a double duty on those articles at once? There is the short road to the peaceful solution of the whole question, without the unworthy, undignified course of meeting an invitation with a rebuff and wounding the feelings of a great nation by an attempt to irritate and anger. Increasing those duties would cut down the profit of their American market, which would rapidly fall off; and we would not be much the worse for less wines and other luxuries.

Is there too much money to be expended by this bill for our representation there? The amount is $200,000. We appropriated $150,000 in 1878. It was too little. Governor McCormick was our commissioner in charge of our part of that exhibition—an able man. He had to soon send for more, and this House hurriedly voted $40,000 additional. That was still scant provision. Why, the English spent a million there, and with what magnificent results! I was present and saw the embarrassment he was under in his pressing, urgent duties at every stage in every day's work; how much he had to omit doing for want of money; how he had to use the most stringent economy; how the American building or façade erected for American products was the poorest among all—a cheap $10,000 structure in a noble avenue of marvelous architecture which attracted the attention of the world. There we were in something between a summer hotel and a temporary railroad station on a new road.

This was to contain the priceless exhibits of American industry and art. There were the marvels of invention, of machinery, the illustrations of our educational system, our matchless agricultural implements, the products of the mine and the forest, that commanded the study and imitation of thoughtful men from every country on the globe. No one could look upon them without admiration for the restless genius of the individual American conquering the problems of nature, utilizing all forces in new combinations of utility and beauty.

That building was utterly insufficient, and to it he had to build an annex costing $20,000 more. Congress gave him Government ships to carry the exhibits across; it saved some freight bills; five ships were loaded, and still he had to pay $6,000 for freight to a single company. A great many Americans in Paris worked gratuitously at the exhibition of 1878 for the honor of their country. The languid action of Congress was supplemented by the energy of individual American citizens. So it always will be, perhaps. But we ought not to rely upon that. Let us now appropriate all that is necessary and have our representatives and exhibits properly and decently provided for in exhibiting the greatly increased and increasing industries. The amount here allowed is far less than has been estimated for by all those who have had most experience in similar exhibitions.

I now yield such time as he desires to my friend on my left [Mr. ADAMS], that he may present his amendment.

Mr. ADAMS. I feel in regard to this national invitation to attend an international exposition at Paris something as I should feel in regard to a similar invitation of hospitality from a man who in general had treated me as a friend, but who in one conspicuous instance had injured me. I should not feel exactly like breaking off friendship altogether, but I should desire that his injurious and unjust act toward me should be recalled to his mind as it would be called to my mind by the very interchange of civilities between us.

This Republic is invited to attend an exposition in France of works of art and products of manufacture and agriculture. Every gentleman in this Chamber knows that for the past seven years one of the leading products of American agriculture has been entirely excluded from the territories of the French Republic by discriminating legislation. The subject has been recently brought to the attention of the House in a memorial and resolution introduced by my colleague [Mr. DUNHAM] and printed at large in the RECORD of January 27. I will ask the Clerk to read from page 768 of the RECORD.

The Clerk read as follows:

CONSULATE OF THE UNITED STATES OF AMERICA,
Havre, France, December 28, 1887.

To the President of the Chicago Board of Trade, Chicago, Ill.:

DEAR SIR: It being most likely that Congress during its present sitting will take up the revision of the revenue tariff, it may not be amiss to call the attention of your honorable body to the prohibition of the importation of American salted pork, etc., still existing in France.

In the course of the many changes which have taken place in French ministries since 1881, we find that quite lately Mr. Tirard, the originator of the prohibitory edict, has turned up as prime minister, and as it was he who, under the vain plea of its unwholesomeness, by a stroke of his pen struck at a most important article of American export, it is but proper that he should be called upon to repeal this most odious edict of unjust and unfriendly discrimination.

Among the most zealous advocates of repeal have been the population of the city of Havre. The Journal du Havre of the 14th instant published an article on this subject, of which I beg to inclose a translation. A concise sketch of another paper is addressed to you under a separate cover.

I am of opinion that a majority of the laboring classes, who have been deprived of a wholesome and cheap article of nourishment, would hail with delight a thorough discussion of this matter in Congress, threatening, if advisable, with retaliation, if the prohibition is not repealed.

If there is one article which may be mentioned as unwholesome amongst French exports to America, it is wine, the greater part of which is doctored and adulterated. France, from having been an exporting country of wine, has turned to be an importing country. Enormous quantities of low-priced Spanish and Italian wines are being imported, manipulated, doctored, decorated with high-sounding labels, and drank in the United States and elsewhere as selected vintages.

Nothing but retaliation will bring French legislators, now strongly imbued with protectionism, to their senses; the plea that American hog produce is unwholesome has been abandoned long ago.

I have the honor to be, sir, yours, most respectfully,
F. F. DUFAIS, *United States Consul.*

BOARD OF TRADE OF THE CITY OF CHICAGO.
Chicago, January 10, 1888.

Upon the receipt of a communication from F. F. Dufais, United States consul, resident at Havre, a copy of which is herewith submitted, the board of directors of the Board of Trade of the city of Chicago adopted the following resolutions:

"*Resolved*, That the prohibition of the importation of American salted pork by the French and German Governments, upon the pretext of its unhealthfulness, is an act of great injustice to the Government and people of the United States as well as to the inhabitants of France and Germany, who are to a great extent deprived of a wholesome article of food at moderate cost.

"*Resolved*, That the United States Government should no longer tolerate such an insulting discrimination against American commerce without an indignant protest and the enactment of vigorous retaliatory measures.

"*Resolved*, That there ought to be such legislation regarding our commercial relations with those countries as will comport with the dignity of the nation and unqualifiedly denounce the unfounded charges against one of the great and beneficent industries of our country.

"*Resolved*, That a copy of the foregoing resolutions be forwarded to Representatives and Senators of the United States Congress."

GEO. F. STONE, *Secretary.*

Mr. ADAMS. It will thus be seen that some of our people, so far from desiring to accept a courteous invitation to this exposition, ask Congress to at once adopt retaliatory measures against France for the injurious legislation which France has practiced against us. Now, sir, I believe in retaliation as a general principle. I do not believe that any nation ought to suffer to pass without notice any act of a friendly or of an unfriendly character on the part of any other nation.

I believe that we ought to meet courtesy with courtesy, discourtesy with discourtesy, and hostility with hostility. But I believe that retaliatory measures ought to be such that they will in fact retaliate. I believe that they ought to be directed against the most offending nation, which in this case is Germany rather than France, and I believe that they ought to be put in operation at a time when they will produce the greatest possible effect. If the action of the French Republic in excluding American pork products had been like the action of the German Empire, I should not vote to accept this invitation; but I believe that there are peculiar circumstances connected with their action appearing in the long course of diplomatic correspondence which has taken place between the French Republic and our own, which show that for a part of the time the French Republic was not wholly to blame, and that for a large part of the time retaliatory legislation on our part would have been uncalled for and inopportune.

The history of the hostile legislation on the part of France I shall not go into at length, but I will ask leave to insert in my remarks a letter from Mr. McLane to Mr. De Freycinet which gives a résumé of the whole course of French legislation on this subject. I believe, also, it will be found that although our Secretaries of State and our ministers to France have been, up to 1885, urgent in season and out of season, in pressing upon the French Government the propriety of recalling its injurious decree, yet the present Secretary of State, or the present minister to France—I do not know which and I have no means of knowing—has probably been negligent in that regard during the last two or three years. I have found that after the year 1885 there is absolutely no information accessible to members of Congress as to what has passed be-

tween the two republics on this subject. The last official word that we have is contained in President Cleveland's annual message of 1885, in which he expresses the hope that this injurious legislation will be promptly withdrawn.

From that time on, I believe, we have no public information on the subject. The President's annual message at the last session of Congress contained no reference whatever to it, and the message delivered at the beginning of the present session relates, as we all know, only to the tariff. I understand that a resolution has been introduced in a place to which I am not permitted under the rules of the House more particularly to refer, which may result in bringing before us some practical information on this subject. But taking the information which we have, and the state of the diplomatic correspondence as it appears in the volume published by the Government, it appears to me that the proper time for retaliation was perhaps suffered to pass by two years ago, or else that the proper occasion has not yet arrived. I believe that we ought to accept this invitation, but I believe that we ought to accept it in such a way as to bring the subject of this injurious legislation against American pork to a final determination; and with that view I submit an amendment to the bill, which I will ask to have read from the Clerk's desk, and to which I believe no reasonable objection can be made.

It will be found that in the last part of the bill the Commissioner of Agriculture is authorized to prepare an exhibit of the products of American agriculture, and the amendment which I submit comes in at the end of the clause prescribing his duties in that regard.

The amendment was read, as follows:

After line 15, page 5, insert:

"And the Commissioner of Agriculture is also authorized to prepare for gratuitous distribution at said Paris exposition a concise statement descriptive of swine-raising in the United States and the methods used in this country in preparing pork for export, together with such information as he may possess as to the relative wholesomeness of pork raised in the United States and in other countries; and the said Commissioner of Agriculture, under the direction of the Secretary of State, is further authorized and directed to secure, if possible, as a part of said Paris exposition, a competitive inspection of pork raised in the United States and in different countries of Europe, with the view of determining the relative wholesomeness of the pork products in the United States and of Europe; and for the purposes indicated in this paragraph, an additional sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated."

Mr. ADAMS. It is generally known, I think, that the motive assigned by the French officials for the exclusion of American pork is based on sanitary reasons. But that is said to have been abandoned long ago. It is supposed that now they exclude our pork in order to protect their own. If they are willing to take that ground, and to apply the rule equally to pork raised in all other countries outside of France, we shall have no reason to complain. But we ought to insist that they withdraw the discrimination practiced against this country and against no other.

We have heard it said to-day that many of the imperial and monarchical governments of Europe have declined to accept this invitation. One thing is certain, there will be a large number of persons there, whether under the sanction of their governments or not. We could not have a more admirable opportunity for appealing to the public sense of the people of Europe. If we can only force upon their attention the fact that our pork products are as wholesome as similar products of other countries, or more wholesome, we shall compel the Republic of France either to withdraw that prohibitory decree altogether or else to stand upon the ground of protection, on which we admit they have a right to stand. If the result of this exhibit shall not be the withdrawal of that decree, then I believe the public sentiment of this country will sustain the severest retaliatory legislation that we can adopt consistently with treaty obligations, just as I believe the public sentiment of our country would have sustained similar legislation against the German Empire at any time within the last three or four years.

[Volume of 1885, Foreign Relations, page 378.]

MR. M'LANE TO MR. DE FREYCINET.

LEGATION OF THE UNITED STATES,
Paris, September 23, 1885.

SIR: On the 18th of February, 1881, the French Government, acting upon the alleged discovery of trichinæ in America, prohibited all pork imported from the United States. This step on the part of France was followed by several other states of Europe, which based their action on the same motive.

A great American industry, giving a prosperous export trade, was thus denounced to the world as a source of danger to public health. Considering that in the United States, in Great Britain, and in Belgium there were millions consuming American pork without any danger to life or to health, my Government, through General Noyes, who was then United States minister at Paris, protested against the prohibition and urged a reconsideration of the subject. (General Noyes to M. Barthélemy St. Hilaire, February 22, 1881.)

In the mean time my Government, although satisfied that the action of France was unwise and injurious, proceeded to investigate the matter. It did so thoroughly, and the result appeared perfectly satisfactory. Not only were the alleged ravages of trichinæ disproved, but it was shown that unusual precautions had been taken to insure that none but the healthiest animals should be slaughtered for packing; and that although trichinæ had been detected in sundry cases, it was far from being as widespread as in other countries, and that the American process of packing and curing secured to the consumers of American pork a much greater immunity from trichinosis than that enjoyed by consumers of European pork.

The facts thus elicited constrained my Government to represent to your's that the decree prohibiting the importation of pork from the United States was unwarranted, and that the United States deemed itself rightfully entitled to a prompt and effectual modification of the prohibitory action of France. (General Noyes to M. B. St. Hilaire, June 22, 1881.)

In March, 1882, the Chamber of Deputies passed a bill repealing the prohibitory decree and providing for a liberal system of inspection.

At this time it was well established in France that trichinæ, which may be found in American pork, is absolutely inoffensive, the salt killing the animalcula, or reducing it to such a state that the slightest cooking destroyed it. French scientists of the highest grade and reputation admitted the fact, the minister of commerce, Mr. Tirard, was reconciled to the repeal of the decree of prohibition, and the Academy of Medicine, as well as the board of health, so advised the government.

The Senate, nevertheless, rejected the bill, but its action was well understood to be based not upon any doubt as to the innocuousness of American pork, but simply upon the ground that the government could reverse the decree of prohibition by an executive decree without any legislation to that effect.

In March, 1883, Mr. Morton reopened the subject with Mr. Challemel La Cour, who was then minister of foreign affairs. He reminded him that the decree prohibiting American salted meats had now been in force for more than two years, while similar products from other countries were freely admitted; that there could be no valid reason why this exceptional measure should be applicable to the United States. He expressed the hope that the French Government, after considering all the evidence before it, would place the United States upon the same footing as all other friendly nations by revoking the obnoxious decree.

This earnest request not being noticed by Mr. Challemel La Cour, on the 20th of October, 1883, it was renewed in emphatic terms. On November 15, 1883, Mr. Morton received from Mr. Jules Ferry the positive assurance that the French Government was animated with a strong desire to give this question a most liberal solution, and at the earliest possible moment.

Two weeks after, November 27, 1883, a decree was issued revoking the prohibitory one of February, 1881, no condition being attached to the revocation. The minister of commerce, in a circular to the prefects, simply stated that the committee of public hygiene had ascertained, both scientifically and experimentally, that pork loses all danger of infection by trichinosis if it is salted with care, and that the only thing that the authorities had to do was to be sure that the imported pork put on the market was fully cured.

This matured action was not well received in the Chamber of Deputies, and on the 22d of December, 1883, after a long debate, it passed a resolution expressing the wish that the admission of American pork be delayed until the adoption of a bill providing for a system of inspection of all foreign meats.

In consequence of this resolution a new decree, December 28, suspended the application of the one canceling the original measure of prohibition.

In June, 1884, the law referred to was introduced in the Chamber, but many months having passed without its being called up, Mr. Morton again pressed the matter, and both your excellency and Mr. Legrand gave him the assurance that it would shortly be discussed, and that a solution would soon be arrived at.

Under date of May 12 your excellency confirmed in writing these assurances to Mr. Morton, all of which he duly communicated to his Government. The Chamber, however, adjourned without any change having taken place in the measures so unwarrantably adopted four years ago.

I respectfully but earnestly submit that this discrimination against an important branch of the trade of a friendly nation is, under the circumstances, absolutely unjustifiable, and that it can not be maintained without alienating in some degree the good understanding which has so long existed between France and the United States.

I do not in the least contest the right of the French Government to close its doors to an unwholesome product or to shut its markets to all foreign products of a certain kind; nor do I deny its legitimate right to levy upon such products any duty it may think proper; but the case here is quite different. It is no longer contended that American pork is unhealthy, yet the existing prohibition applies only to it.

I take the liberty, therefore, of urging the propriety of settling this long-pending difficulty by the same mode which created it—a decree of the Executive rescinding the one establishing the prohibition.

I can understand well that your government hesitated to take such a step in presence of a resolution of the Chamber requesting delay until the passage of a proposed bill applicable to the case, but the Chamber which made this request failed to pass this bill, and, as its powers have expired, it can never do so.

I avail, etc.,

ROBERT M. McLANE.

Mr. BELMONT. Mr. Chairman, I trust the Committee of the Whole will see fit to accept the amendment proposed by the gentleman from Illinois [Mr. ADAMS]. But I feel it incumbent upon me to call the attention of that gentleman and of the House to the fact that our minister to France has been active in making representations to that government in behalf of the interest of which the gentleman speaks.

Mr. ADAMS. Since when?

Mr. BELMONT. During his term of service.

Mr. ADAMS. What is his last public statement that is accessible?

Mr. BELMONT. The gentleman will be able to obtain the information in the Department of State; and he will also find that during a series of years the French Government has had cause to complain of our legislation——

Mr. ADAMS. What cause?

Mr. BELMONT. And I trust the House, when it considers the question of the tariff, will remove the subject of complaint to which I refer. I mean to say that there is upon our statute-book a most barbarous and foolish provision in regard to works of art, a provision of which not only the Government of France but the Government of Italy has cause to complain. Representations from these foreign governments to our own have been made for a series of years. But I think this a good opportunity to state in behalf of the House that this legislation was the result of the conference between the House and the Senate in 1883.

Mr. ADAMS. What legislation does the gentleman mean?

Mr. BELMONT. The increase of the duty on works of art from 10 per cent. to 30 per cent. was in reality the work of the Senate committee of conference; and the Senate must be held responsible for what is universally conceded to be a most barbarous and unfortunate provision in our tariff laws.

All this, I admit, is not germane to the present discussion; but I refer to it only in answer to what the gentleman from Illinois has said in regard to another product, and while I trust the gentleman's amendment will be adopted, I hope the House, when the tariff discussion comes

up, will not forget the subject to which I have referred. I am gratified to know that in the tariff bill which to-day has been made public by the Committee on Ways and Means works of art are placed upon the free-list.

I now ask that the general debate terminate, and that this resolution be laid aside with a favorable recommendation.

Mr. ADAMS. I desire a vote on my amendment.

The CHAIRMAN. The question is first on the amendments reported by the committee.

Mr. HOOKER. Mr. Chairman, I wish to say a word in reference to the amendment which has been offered by the gentleman from Illinois [Mr. ADAMS]. While I should have no particular objection at the proper time to resorting to such retaliatory legislation as self-respect and a due regard for the interests of our citizens would demand, yet on an occasion of this sort, when we are responding to an invitation which has been courteously extended by the Government of France that our country participate in an exposition which France proposes to hold in the year 1889, the centennial of the establishment of our own republican Constitution, I can not but think the adoption of the proposed amendment would be thrusting into this question a matter not germane to the subject of the resolution presented by the Committee on Foreign Affairs. As I have remarked, at an appropriate time and in a proper way I should gladly unite with the gentleman from Illinois in resorting to such retaliatory legislation as might be proper on the part of this Government in answer to the hostile legislation of France in reference to the reception of any product of our own country, whatever it might be.

Mr. ADAMS. If the gentleman listened to the reading of my amendment he is aware that there is not a word in it about retaliation.

Mr. HOOKER. I understand that.

Mr. ADAMS. I only referred in my remarks to that question because it had been brought into the House; and I was explaining why we should pursue a more excellent way.

Mr. HOOKER. I understand the gentleman does not use the word "retaliatory" in the amendment which he proposes. But in his speech he did allude to the propriety of retaliatory legislation——

Mr. ADAMS. As a general principle.

Mr. HOOKER. And on that I agree with the gentleman. I have, however, read his amendment since its presentation to the House, and it strikes me that while there may be an appropriate occasion for the adoption of some measure embodying the principle of his amendment, this is not the time or the occasion. We are about to accept in appropriate terms—for I hope this Committee of the Whole will decide to accept—the courteous invitation of a sister republic abroad to participate in an exposition of the world's products of art, manufacture, and whatever else may denote the civilization of the world. I do not think this an appropriate time to express an opinion upon the subject referred to in the gentleman's amendment.

I will not say anything in regard to the amendment; but, Mr. Chairman, recurring to the subject-matter of the resolution itself, it proposes we shall take part in the international exposition to occur at Paris in the centennial year of our Constitution, 1889. And the invitation comes from a republic like our own, one holding similar doctrines with our own, and we ought to accept it, not in any spirit of hesitation, but if we accept it at all we should accept it freely and respond to the invitation in the same friendly spirit in which it comes to us.

This Republic of France, situated in Europe in the midst of the governments of the Old World, represents some of the principles which are embodied in our own. Not only have they accepted our example, not only has France taken our form of government, but in addition the example which America has set to the nations of the world has been followed by fifteen of the republics of Central and South America. They have adopted almost in our own language the Constitution of the United States. If they have not adopted it in our own language, they have at least adopted it in the spirit of that great principle which lies at the foundation of our American institutions and our free Government—the great principle of community independence. [Applause.]

The soul, the essence of the free Government of the United States is embodied in our Constitution and in a form so strong that upon one proposition, the proposition to destroy the equality of the States in the Senate, the State of Delaware with but 177,000 population has the power to put her veto upon all the other States of the Union. And I am gratified to know that the Central and South American republics have indicated their desire to participate with the great mother republic of this continent in the centennial year of the adoption of the Constitution of the United States, which is to occur in the same year this Paris international exhibition is to take place. I have no doubt this French Republic, in the very midst of the nations of the Old World, will give her sanction and support, when that exhibition occurs in 1889, to the great principles embodied in the Constitution of the United States, and which have been adopted, as I have already stated, in so many republics of Central and South America.

I am also gratified to know, Mr. Chairman, that it is not alone in the republics of South America, not alone in the Republic of France, but other nations holding other forms of government, holding different doctrines from those in the Constitution. I am gratified, I say, to find that those great principles of free government embodied in our Constitution of the United States, and after which so many South American and other republics have patterned, have met the approbation of the greatest men who belonged to the statesmen of the Old World. The most memorable instance of that in our history was at the hands of that grand old octogenarian statesman and orator of England, Mr. William E. Gladstone [applause], who, when speaking for the independence of Ireland, in favor of home rule for Ireland, in the Parliament of Great Britain, paid to the Constitution of the United States and the governments established under it the greatest tribute I ever remember to have heard. It is simple in its language, grand in its oratory, and more perfect in its conception than any that I remember. It was when Mr. Gladstone made his speech at London April 27, 1887, from which I quote the following:

> The institutions and progress of the United States have always been subjects of great interest to me. Ever since, very many years ago, I studied the life of Washington, I became aware, first, of the magnitude of the destiny reserved for Americans, and, second, of the fact that the period of the birth of the American state was of more interest than any other it was possible to study.
>
> Whenever a youth desirous of studying political life consults me respecting a course of study in the field of history, I always refer him to the early history of America.

[Applause.]

In his memorable tribute to America, published in the North American Review September, 1878, Mr. Gladstone further said:

> The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man.

[Applause.]

And, Mr. Chairman, it is a subject of gratulation to all Americans that our institutions and the spirit of our civilization, stretching as we do now from where the morning sun slakes its thirst in the dews of the New England hills, and following him in his diurnal course until his last ray glasses itself on the Golden Gate of California, over thirty-eight great States and six or seven Territories, and over all the country in the spirit and great principle of humanity and independence—that this great empire composes, as has been well said by that high tribunal of last resort when the subject came before it, an indissoluble Union of indestructible States. [Applause.]

And I say that this invitation of our sister republic of the Old World should be received and accepted by this Government and this Congress, and that our commissioners should be sent there freely and generously, with no restrictions and no limitations. The interest and feeling that we have for France dates back, not to a day or a month or a year, but it goes back to the olden century, the early days of the Revolution, when her soldiers touched elbows with our soldiers and her great general came to dedicate his life, if need be, and his property to the service of human liberty. [Applause.]

We should do, then, what we do ungrudgingly, without stint and without condition; but, like the gratuity of the great Master of the Universe, it should go as freely as the water from the mountain side, giving a gentle kiss to every sedge it overtaketh in its pilgrimage, and so by many winding nooks straying with willing sport to the wild ocean. [Applause.] Ay, Mr. Chairman, it should be as free and generous as generosity itself. [Applause.]

Mr. CANNON. Mr. Chairman, I see from the bill and preamble, and also have the knowledge, as everybody else has outside of the bill, that there is to be an exposition in France in 1889. A very courteous invitation has come to our Government, inviting us, as well as other nations, to come and participate in it, as we invited France to participate in 1876. The gentleman says we may invite them again, a little later, to another exposition.

Now, there are several ways, Mr. Chairman, of testifying our respect for France in the premises. One would be to send them a copy of the Constitution. [Laughter.] Another, a copy of the most eloquent speech of the gentleman from Mississippi [Mr. HOOKER] tied up in ribbon, and all that sort of thing. [Renewed laughter.] Let the Secretary of State appoint somebody to bear it over there with assurances of our most profound respect, etc.

After all, this exposition that France has concluded to hold has a practical side; and when you come down to the facts they have a great many things to sell over there, and they are a very ingenious and progressive people, and they want to advertise. They give us a chance to advertise, and we have a couple of hundred thousand dollars which we take out of the Treasury, and there is a President to appoint a commissioner and an assistant commissioner and various other people who are to be paid out of this money, and we are to invite the governors of the States to appoint commissioners to make exhibits.

You have here the machinery for a first-class exhibit, for a first-class "blow-out," if you will allow the use of a common expression but a very proper one in this connection.

But, for my part, I am for sending over an exhibit to show really what we do in this country and what we can do. Therefore I am perfectly willing to give the $200,000 proposed by the resolution. I do not want to stint the commission or the Secretary of State, but am willing to give him all the money he needs to properly represent the Republic of the United States at this exposition. My colleague [Mr. ADAMS] comes and says that we have here some of our principal products which we can exhibit, the pork product, for instance.

It so happens that they have been discriminated against by France.

We think we know that it is the best product of the kind that is made in the world. We see nothing improper, nothing out of the way of making this a part of our exhibit. My colleague proposes to give $25,000 more money so as to make an exhibit of that product. It is the very thing we ought to do, to show not only the people of France, but all other people who may be there, what our product is. This is a republican show, and more than that, it is a free show if we pay for it.

Now, if it has not this practical side, there is no necessity for spending the $200,000; let us discard the whole thing altogether, and, as I said before, send them the assurance of our high regard with a few nice sounding words.

I hope the amendment of my colleague will prevail.

The CHAIRMAN. The Clerk will report the amendments proposed by the committee. Is a separate vote demanded on any of the amendments?

No separate vote was demanded.

The amendments recommended by the committee were again read and were agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Illinois [Mr. ADAMS].

Mr. SPRINGER. Let it be again read.

The amendment offered by Mr. ADAMS was again read.

Mr. ADAMS. I ask unanimous consent to insert after the words "concise statement" the words "printed in English, French, and German."

The CHAIRMAN. The gentleman can modify his amendment.

Mr. ADAMS. Then I ask the Clerk to add those words to the amendment.

I want to say I shall deeply regret if the gentleman from Mississippi or anybody else supposes me capable in offering this amendment of making or intending to make any discourteous answer to the courteous invitation of the French Republic. Nothing is further from my intention. I think on reflection the gentleman will see that so far from this being inopportune it is the only occasion we have of securing an important practical advantage for ourselves as well as for the people of Europe by distributing information which is not likely to reach the people of Europe in any other way.

From the time when this difficulty arose we have encountered obstacles, raised sometimes by European governments and sometimes by interested individuals, prejudicing the minds of the common people of Europe against our pork product. Gentlemen will remember that when the subject came up in the Imperial Reichstag of Germany, Prince Bismarck sarcastically alluded to the friends of the admission of our pork product as the friends to the poor man's trichinæ. And from that time to this there have been always some in France and Germany, and I think in England, eager to prejudice the common people of Europe against our pork product and to prevent the repeal of this prohibitory decree.

Here we are to have an exposition which will be resorted to by vast numbers of people from all over Europe. The people will go there although their governments may not take part. The people of Germany, for example, will go there whether the Imperial Government accepts the invitation of the French Republic or not. It is an admirable opportunity; and the only object I had in offering this amendment was to improve that opportunity. There was not the slightest discourtesy intended, and I do not think the slightest discourtesy will be found in it by any official of the French Republic.

The amendment of Mr. ADAMS was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RELATIONS WITH OTHER AMERICAN STATES.

Mr. BELMONT. The next bill to be called up is the bill (H. R. 1473) in regard to which I ask unanimous consent to make a statement.

The CHAIRMAN. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

Mr. BELMONT. This bill is in charge of my colleague on the committee, the gentleman from Kentucky [Mr. MCCREARY]. I desire to say to the House that when the measure was under consideration in the Forty-ninth Congress I opposed it in the House. I hope, however, that the bill will now pass, because I think the time is opportune for this Government to show its friendly disposition to our neighbors to the south of us. There are good political reasons for which the United States should at present adopt such a policy, and, moreover, it is opportune, it seems to me, for us to pass this bill now, because there is during the present Congress a better prospect of a general tariff revision, that being the first necessary step for the establishment and extension of foreign markets, which is also the main purpose of this bill. I now yield to my colleague on the committee who has charge of the bill.

Mr. MCCREARY. I call up for consideration the bill H. R. 1473, the title of which has been read.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized to invite the several governments of the Republics of Mexico, Central and South America, and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, for the purpose of discussing and recommending for adoption to their respective governments some place of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries. The President of the United States shall appoint six commissioners, who shall attend said conference on behalf of the United States, and shall report the proceedings thereof to the President, who shall transmit the same to Congress; and the sum of $40,000, or so much thereof as shall be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the reasonable expenses of the conference, to be approved by the Secretary of State.

The committee recommend the following amendments:

In line 7 insert the words "at such time as he may deem proper in the year 1889."

In line 10 strike out the word "place" and insert the word "plan."

In line 21 strike out "$40,000" and insert "$20,000."

Mr. MCCREARY. The bill under consideration refers to commerce and arbitration, two of the grandest problems of this age. It authorizes the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

There are south of our Republic fifteen republics and the Empire of Brazil, and they cover an area ten times the size of France, Spain, Prussia, and Italy. They are as large as the United States and the whole of Europe combined. The population of those countries amounts to about 50,000,000 of people. They are connected to us by land; and most of them are nearer to New York than is the State of California, and yet to many of the people of the United States the Republics of Central and South America are almost unknown.

All of these countries except Brazil have, by stupendous efforts and many sacrifices, fashioned their governments after ours, and to-day all the countries of South America and of Central America are anxious to cultivate social and commercial relations with us. Our neglect of them is equaled only by our ignorance of their products, of their resources, and of their civilization. Very few of our people understand much about the progress they have made in self-government, in political reform, and in internal improvements. The disparity of trade between our country and those countries in Central and South America and Mexico is one of the marvels of this century.

In 1887 our exports were valued at $752,180,902.

Of this amount we exported but $64,719,000 to Mexico and South and Central America.

Our annual mechanical and agricultural products are valued at about eleven thousand millions of dollars, while we seldom have sold more than $75,000,000 worth of these products to our nearest neighbors, who buy in Europe at least three times as much as they get here.

The total commerce of the countries named in 1885 was as follows:

Imports	$331,100,599
Exports	391,294,781

Of the $331,100,599 of merchandise sold to those countries, the share of the United States was only $42,598,469; yet we are their closest neighbor.

The report of the commissioners sent by our Government to Central and South America shows that the development of the southern half of South America is nearly as rapid as that of the United States. Immigration is flooding in, internal improvements are opening new and fertile fields, and wealth is increasing in a ratio not exceeded by any other section of the globe.

Chili, Uruguay, and the Argentine Republic, almost a *terra incognita* to many, are booming like our Western States and Territories. In 1876 the imports of the Argentine Republic were valued at $36,000,000; in 1884 they had reached $80,000,000. In 1876 the merchandise brought to that country from England, France, and Germany was valued at only $18,000,000, while in 1884 it was more than $53,000,000. The entire imports from the United States for twenty years were $6,000,000 less than those from the three commercial nations of Europe just named for the year 1884.

In the last two years the Government of the Argentine Republic has made contracts for $59,000,000 worth of railway improvements, including a line of road northward into Bolivia, and two lines in the direction of Chili and Peru, so as to bring the commerce of the Pacific slope into the harbor of Buenos Ayres, instead of taking it around the Straits of Magellan.

In 1874 the foreign commerce of Chili amounted to $42,000,000. In 1884 it reached $132,000,000. From $50,000,000 to $60,000,000 in merchandise is imported into Chili every year, of which England furnishes over $25,000,000, France over $12,000,000, Germany over $8,000,000, and the United States $3,000,000.

Adding the imports of Brazil to those of Uruguay, Chili, and the Argentine Republic, it will be found that the aggregate value of manufactured products introduced into those four countries annually reaches the enormous sum of $250,000,000, of which England furnishes about one-half, France about $50,000,000, Germany about $35,000,000, and the United States about $17,000,000.

We have no adequate conception of the present magnitude of these

markets nor of their prospective value. The manufacturers of the United States can supply almost every article represented in that $250,000,000. From the report of the commissioners to South America I have gathered some remarkable facts.

We have more trade with either Belgium, Italy, the Netherlands, Spain, Switzerland, Russia, China, Japan, or Australia than we have with all the Central American states combined. We have nearly as much trade with Greece as we have with Chili. We sell more sewing-machines in Switzerland than we sell in Chili, and Switzerland sells Chili more sewing-machines than she buys of us.

Bolivia has a foreign trade of over $16,000,000 a year, yet the name of that country does not appear in the tables of our Bureau of Statistics. The chief imports of Bolivia are cotton and woolen goods, agricultural implements, mining machinery, hardware, cutlery, clocks, watches, canned goods, and provisions, a list which could be filled in any commercial city of the United States as cheaply as in Europe, and yet the annual reports of the Treasury Department of the United States do not show a dollar's worth of commerce between the United States and that country.

The most absurd spectacle in the commercial world is our trade with Brazil. We buy nearly all her raw products, while she spends the money we pay for them in England and France. In 1884, of the exports of Brazil, $50,266,000 went to the United States, $29,000,000 to England, and $24,000,000 to France. Of the imports of Brazil in the same year $35,000,000 came from England, $15,000,000 from France, and only $8,000,000 from the United States.

Mr. Chairman, the climate in those countries is warm, and the people use for clothing large quantities of cotton goods. Yet, although we produced last year in this country between five and six millions of bales of cotton, it is a remarkable fact that of the $65,000,000 expended by Central and South America for cotton goods last year, over $50,000,000 went to the merchants and manufacturers of England.

The countries of Central and South America need the products of our furnaces, of our factories, and of our farms. They need nearly everything we produce and we need nearly everything they produce. They need American watches, American machinery, American mowers and reapers, American sewing-machines, telephones, scythes, saws, shovels, hoes, axes, indeed nearly everything of which we have a surplus in this country. The map of the world does not show a region that has greater resources or greater possibilities than have North America, Central America, and South America.

The geographical position of the three Americas, their common interests, and their common love of freedom are such that they ought to be more intimate in their social and commercial relations. Sixty-six years ago that gallant and gifted, that tried and true statesman and patriot, Henry Clay, advocated in the halls of Congress more intimate commercial relations between the United States and the countries of Central and South America, and President John Quincy Adams appointed delegates to the peace congress at Panama.

Since that time population has expanded, until to-day the three Americas have over one hundred millions of people and the demand for commercial intercourse is greater now than it ever has been in the past, so that the time is auspicious for this conference. There are those, Mr. Chairman, who say that they do not know what such a conference will consider. I will, therefore, refer briefly to the subjects which will problably come before the conference when it is held, and in this connection let me say that nearly all the great movements that have taken place in this world have been preceded by conferences. There was a conference of representative men of the colonies before they determined upon the Declaration of Independence. There was a conference before Christopher Columbus started out to seek the New World. In short, sir, as I said before, nearly every great and important movement in the world's history has been preceded by a conference. In this conference of the three Americas it is proposed to consider—

1. Measures that shall tend to preserve the peace and promote the prosperity of the several American countries.

2. A definite plan of arbitration for recommendation to their respective Governments of all questions, disputes, and differences that may now or hereafter exist between them, to the end that all difficulties and disputes between such nations may be peaceably settled and wars prevented.

3. Measures toward the formation of an American customs union, under which the trade of the American nations with each other shall, so far as is possible and profitable, be promoted.

4. The establishment of regular and frequent communication between the ports of the several American states and the ports of each other.

5. The establishment of a uniform system of customs regulations in each of the independent American states to govern the mode of importation and exportation of merchandise and port dues and charges, a uniform method of determining the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices, and the subject of the sanitation of ships and quarantine.

6. The adoption of a uniform system of weights and measures, and laws to protect the patent-rights, copyrights, and trade-marks of citizens of either country in the others, and for the extradition of criminals.

7. The adoption of common silver coin by each government, the same to be legal tender in all commercial transactions between the citizens of all of the American countries.

8. Such other subjects relating to the peace and welfare of the countries represented as may be presented by the members of the conference.

Mr. Chairman, there has not been and there never will be a more appropriate time for arranging for this conference than the present. Our Republic is at peace with the whole world. The republics of Central and South America are at peace with each other. Progress and prosperity are "booming" both there and in our own country. It may be startling to some for me to say that I believe that in less than twenty years there will be railroad communication between the city of New York and the capital of the Argentine Republic, Buenos Ayres. A few years ago, before the Central and Union Pacific Railroads were constructed, by which New York and San Francisco were connected by rail, the obstacles in the way of that work were greater than those which now exist in the way of connecting New York by rail with the capital of the Argentine Republic. Already the grand movement has commenced. To-day there is railroad connection between New York and the capital of Mexico, and arrangements have been made between the Mexican Republic and the Republic of Guatemala for the construction of a railroad from the city of Mexico to the capital of Guatemala.

That has been done on this end of the line. If you go to the other end you find that the Argentine Republic is now engaged in building a railroad from Buenos Ayres, its capital, to its northern boundary line; and when the railroad gets to that northern line there will come into operation a contract already made by Bolivia, giving $40,000 per mile and 11 square leagues of land to an English company that has agreed to build the railroad from the line between the Argentine Republic and Bolivia to the capital of Bolivia. What is left? But little over 3,000 miles between the capital of Bolivia and the capital of Guatemala; and I assert that the probability of the construction of that railroad is stronger to-day than was the probability of the construction of the Central Pacific and Union Pacific ten years before they were built.

I believe, therefore, the time for the conference is properly expressed in the bill. But a few days ago, in the other end of this Capitol, there was passed a bill to organize a company to construct the Nicaragua ship-canal. Now, when the question of building the railroad which is to connect Central and South America with North America is being presented; when in the other end of this Capitol a bill has just passed to encourage the construction of a canal which will connect the Atlantic and Pacific Oceans, and which will shorten so much the distance between our country and those countries—I say it is the proper time to have the conference between delegates to be appointed by the President of the United States and delegates to be sent by the various Governments of Central and South America and the Republic of Mexico.

Mr. Chairman, the first century of our national existence was mainly devoted to material development, to the construction of railroad and telegraph lines, the advancement of science, literature, and art, the formation of that Constitution which the great Gladstone termed "the most wonderful work ever prepared by the brain and purpose of man;" to the restoration of friendship and fraternity between the people of the United States, and to the perfection of that Government which Abraham Lincoln said was a government "of the people, by the people, and for the people." There are many good and wise men now in our country who say that the second century of our national existence will in all probability be devoted to the improvement of commercial relations between the Americas; to an international era wherein there will be greater friendship between the three Americas and more feeling in favor of arbitrating international disputes and differences.

Mr. Chairman, it seems that now all nationalities in the western hemisphere—all classes of people and all political parties—are in favor of reciprocal commercial relations between the three Americas. In 1884 a National Democratic convention declared:

> We favor an American continental policy based upon more intimate commercial and political relations with the fifteen sister republics of Central and South America, but entangling alliances with none.

The Republican convention in 1884 adopted a resolution which, while not speaking so fully and so pointedly, meant the same thing. And we find that the republics of Central and South America have most of them in some form or other declared in favor of more intimate commercial relations. I have before me a message of the President of Guatemala. He says:

> From the very beginning we have embraced with the greatest ardor the plan of the American Congress to send a commission to the Spanish-American republics for the purpose of securing more intimate and friendly relations between them all.
>
> Such a noble and elevated purpose can not but have the sincerest sympathy and co-operation from all those who desire the progress of the several nations of the New World. The grand Republic of the United States is the natural market of the different products we export, and they should find in you rich and populous consumers who are able to send us in return the variety of their agricultural and mechanical products with benefit to the producers and consumers of both countries.

I present also an extract from the message of the President of Venezuela; and I wish to say in this connection that there is to-day in the capital of Venezuela a statue (finished but a few years ago) of that

American who was "first in war, first in peace, and first in the hearts of his countrymen." The President of Venezuela said:

Venezuela and the United States have the same institutions, the same history. The United States produced the immortal George Washington, "the first in the hearts of his countrymen," and Venezuela produced the immortal Bolivar, the father of five republics, freed by the impulse of stupendous efforts. Both of them honored by the recognition of the two confederacies, they are to-day the faithful representatives of the association of our interests and aspirations—equality before the law and the truth of democracy.

With these lofty motives the people of the New World aspire by union to seek the development of their industrial and commercial prosperity and to cement the alliance of views and intents in the reign of equity and the empire of justice.

I have here, also, extracts from messages of the President of Mexico and the President of Chili. The President of Mexico, when asked about the practicability of a congress of American nations, said:

That the suggestion had many times been considered by the Mexican Government, which he believed had always favored it. He said he had always hoped such an international congress would be some time held, as he believed great good could be accomplished if all the American republics would consent to send delegates to meet upon an equal footing and agree upon measures for the common welfare.

The chief object to be discussed at such a gathering would naturally be a method of arbitration by which international differences could be peacefully adjusted, and another, equally important, was to confine American trade, so far as possible, to American nations.

The President of Chili said:

The extraordinary progress of the United States, independent of the advantage gained by the extension of its area, of its geographical position, and the elements which constitute its social organization, is due to the liberal institutions under which the people are governed and by which it has been proven that the free people are those that really prosper, and are the only ones that have peace as the essential condition of material, intellectual, and moral progress.

The South American republics when they made themselves free had in the northern zone an authority they could consult and an example they could follow. If, owing to reasons which are well understood, they could not copy the edifice you have framed, they have always endeavored at least to inspire in their own people the ideas which have enabled you to advance so resolutely on the road of human liberty and progress. If on this road so happily trodden the American constellation has added to its stars, it is also true that the southern star, following with no less certainty in the same heavens, and pursuing the same purpose, shines to-day with greater splendor and shows that we have not been amiss in seeking the path to glory, liberty, and prosperity.

I say, therefore, Mr. Chairman, that now is the opportune time for this conference. It has been neglected too long; but the hour has now arrived, and I hope the House will appreciate it and embrace it.

Mr. Chairman, the bill which has been reported unanimously by the Committee on Foreign Affairs refers to another subject. It is proposed that in addition to considering questions relating to the improvement of our commercial relations, we shall consider also at this conference the subject of arbitration.

Arbitration is one of the most powerful and popular words in the English language. It rings throughout the civilized world as the harbinger of better days, when war shall be no more, and when peace on earth, good-will toward men, shall be the grand benediction of the age. [Applause.]

That noble and gifted patriot, Thomas A. Hendricks, late Vice-President of the United States, in one of the last speeches made by him, used this language in regard to arbitration:

Will nations never desire a more rational umpire of differences than force? * * * Must blood and treasure always flow before international controversies can be settled? * * * The civilization of this age demands that they be referred to the disinterested states for settlement by friendly arbitration. * * * It will be a beautiful spectacle if this Republic, so strong and so secure, shall lead the nations in a movement for permanent peace, and for the relief of the people everywhere from the maintenance of standing armies and ships of war.

Hon. John J. Crittenden, of Kentucky, used language of the same kind:

What a glorious homage would this Republic render to its best principles by accepting the arbitration of a tribunal composed of men distinguished for their talents, knowledge, science, and moral worth. This would tend greatly to the elevation of the age.

Although the time is late, I can not refrain from reading the words of General and ex-President Grant:

My views on peaceful arbitration in the settlement of international differences instead of the sword have not changed. I look with confidence for an established court, recognized by all nations, having authority to settle differences without resort to arms, thus rendering unnecessary the maintenance of standing armies.

These words, Mr. Chairman, came well from the grand soldier and patriot who, almost with his last breath at Mount McGregor, plead for harmony and good feeling between the North and the South. [Applause.]

I have other extracts from the utterances of other distinguished statesmen on the subject of arbitration.

I also present a list of fifty-six cases where national disputes have been settled by arbitration, beginning with the arbitration between Great Britain and the United States in 1816 and concluding with the arbitration of 1887 of the dispute between Costa Rica and Nicaragua as to boundary line, and which was settled by our present able President.

1. Arbitration between the United States and Great Britain in 1816, about St. Croix River and the lakes.
2. The United States and Great Britain in 1818, about obligation to restore slaves; referred to the Emperor of Russia.
3. The United States and Spain in 1819, respecting Florida claims.
4. The United States and Great Britain in 1827, about boundaries; referred to the King of the Netherlands.
5. The United States and Denmark in 1830.
6. Belgium and Holland in 1834.
7. France and England in 1835.
8. The United States and Mexico in 1839.
9. The United States and Portugal in 1851; referred to the Emperor of the French.
10. The United States and England in 1853.
11. The United States and New Granada in 1857.
12. The United States and Chili in 1858.
13. The United States and Paraguay in 1859.
14. The United States and Costa Rica in 1860.
15. The United States and Ecuador in 1862.
16. Great Britain and Brazil in 1863.
17. The United States and Peru in 1863.
18. The United States and Great Britain in 1863, about Hudson's Bay Company.
19. The United States and Ecuador in 1864.
20. The United States and Venezuela in 1866.
21. France and Prussia in 1867.
22. Turkey and Greece in 1867.
23. England and Spain in 1867.
24. The United States and Mexico in 1868.
25. The United States and Peru in 1868.
26. The United States and Peru in 1869; referred to the King of the Belgians.
27. The United States and Brazil in 1870.
28. Great Britain and Portugal in 1870.
29. The United States and Spain in 1871.
30. The United States and Great Britain; on the Alabama, in 1871.
31. The United States and Great Britain in 1871; about sundry claims.
32. The United States and Great Britain (the San Juan dispute) in 1871.
33. The United States and Great Britain (about Nova Scotia fisheries) in 1871.
34. Great Britain and Brazil in 1873; referred to United States and Italian ministers at Rio.
35. Italy and Switzerland in 1874; referred to United States minister in Italy.
36. Great Britain and Portugal (about Delagoa Bay) in 1875; referred to the President of the French Republic.
37. China and Japan in 1876.
38. Persia and Afghanistan (Seistan arbitration) in 1877.
39. Great Britain and Liberia in 1879.
40. The United States and Spain (about Cuba) in 1879.
41. Great Britain and Nicaragua in 1879.
42. The United States and France in 1880.
43. The United States and Costa Rica in 1881.
44. France and Nicaragua in 1881.
45. Chili and Colombia 1881.
46. Great Britain and Nicaragua (about Mosquito Indians) in 1881.
47. Chili and Argentine Republic (about Straits of Magellan, etc.) in 1881; referred to the President of the United States.
48. Holland and Hayti in 1882.
49. The United States and Hayti in 1884.
50. The United States and Spain in 1885.
51. England and Germany (about the Fiji Islands).
52. The United States and Denmark in 1887.
53. Germany and Spain (about the Caroline Islands); referred to the Pope.
54. England, France, and Italy with Chili (about losses in the war between Chili and Peru).
55. Peru and Japan (about the seizure of a Peruvian bark).
56. Nicaragua and Costa Rica (about boundary); referred to President Cleveland in July, 1887.

I shall occupy the time of the House at this late hour but a little longer. It is so clear this conference is necessary, it is so clear good results will arrive, and the sum asked is so paltry it does not need any further argument. I believe if the conference is held it will be an event in the history of the world that will live forever, and it will be crowned with the wreath which is always woven for that which ennobles humanity, enlarges liberty, and promotes republics. [Great applause.]

I now yield for ten minutes to the gentleman from New Jersey [Mr. PHELPS].

Mr. PHELPS. Mr. Chairman, I shall be brief. I shall only second the proposition which has been so ably and eloquently advocated by the gentleman from Kentucky [Mr. MCCREARY]. The merits of the proposition are so clear they need no demonstration. His eloquence and ability were needed only to emphasize the fact that the Democratic party had at last recognized them and adopted the scheme. [Applause.] No need of any statement, either simple or emphatic, to show what is the relation of the Republican party to this great project. History noted and recorded it years ago.

It was first introduced in another place and by the leader of another party. Seven years ago a great Republican announced it to the country and began to execute it. Death stayed his arm. Three years passed and the opportunity to complete this scheme and to complete a score of patriotic schemes similar to this one, which the Democratic party will one after another reluctantly adopt, seemed to come to him. That opportunity passed—lost when the Republican party under his Presidential candidacy was defeated, miraculously, as when the Hebrew God permitted Samson to smite the Philistines, hip and thigh, with the jawbone of an ass. [Laughter and applause.]

When this proposition was introduced seven years ago it was a South American "congress." When it is introduced to-day it is a South American "conference." Now, the gentleman from Kentucky [Mr. MCCREARY] did not tell us why he had changed the name. Needless to do so. It has been the custom in this country, and in all others, for people to change the names of the children whom they adopt. [Laughter.] Seven years ago this South American congress, as a scheme which was to benefit all American peoples, was first introduced; but the gentleman from Kentucky has failed to tell us why the Democratic party waited so long to adopt it. Needless here for him to explain. Physiologists have told us that it takes seven years to change every atom in a body, so that at the end of that period it shall stand a new man; and he properly assumed that the intelligence of this committee was such that it could take cognizance that, under a direct and simple analogy, the Democratic party would have to wait seven years to eliminate

everything that was Republican from this Republican measure. [Laughter.]

But this proposition was a good proposition when it was Republican; it is a good proposition now it is Democratic. It was a good project seven years ago; it is a good project now. It was a good thing when it was Blaine's "congress;" it is a good thing when it is McCREARY'S "conference."

Mr. McCREARY. Will the gentleman permit me to ask him a question?

Mr. PHELPS. It proposes what? It proposes something for the welfare of all the peoples who live upon this continent. It caters for the moral and for the material welfare of all of these. It says that the "alarums of war" shall cease forever. Humane provisions of arbitration. It says that we and our neighbors, who are happy enough to live on the continent, after this congress or conference is established, shall devote ourselves to the industries of peace and to the cultivation of reciprocal, social, and commercial relations.

Mr. McCREARY. Will the gentleman now permit me to interrupt him for a question?

Mr. PHELPS. This being a scheme so grand and far-reaching it can exhaust the energies of us all. There is in it room for us all to work; so I say God-speed to this congress, God-speed to this conference. Let Republicans and Democrats rally in so good a cause. Let the name of my inquisitive friend, whose question shall yet be answered [laughter], be framed with that of Blaine in the desire to accomplish this great good for the American people. Let all of us who are Americans stand, all Republicans and Democrats, by both of them and their noble plan, conscious of the fact that we shall all be needed, and that, though Blaine may plant and McCREARY may water, only the co-operation of the whole American people can give the increase. [Applause.]

Mr. McCREARY. Will the gentleman now yield for a question?

Mr. PHELPS. I would be glad to do so.

Mr. McCREARY. I am, like the gentleman himself, very much gratified by the position taken by Mr. Blaine; but I wanted to ask, if I could find an opportunity to do so, if Mr. Blaine ever introduced a bill in Congress covering this subject while he was a member?

Mr. PHELPS. The gentleman has gone back seven years already to find its origin. Does he want to go back fourteen?

Mr. McCREARY. But did Mr. Blaine introduce a bill?

Mr. PHELPS. Mr. Blaine seven years ago, when he had charge of the foreign affairs of this country, recognized the advantage of this scheme which the gentleman now proposes—gave it to the continent and the world.

Mr. McCREARY. But he did not introduce a bill.

Mr. PHELPS. And then used all the resources of his position to carry it into operation.

Mr. McCREARY. I am ready to go forward with any gentlemen to carry it on to success.

Mr. SPRINGER. Did my friend from New Jersey imply that my friend from Kentucky was to retire from the Presidential contest since Mr. Blaine has retired from it, as the gentleman has coupled the names together?

Mr. PHELPS. I did not know that the name of the gentleman from Kentucky had been mentioned in that connection; but in view of the wisdom exhibited by him in adopting even at this late date measures which had been proposed by the Republican party, I should think that if his name were presented to the St. Louis convention early in June the value of such a nomination would be recognized as a forlorn hope by that convention and they would select him as their leader. If they did, it would be the first time in their history the Democratic party was found wise enough when it saw an opportunity to seize and embrace it. [Laughter and applause.]

Mr. McCREARY. I want to be as kind to the gentleman from New Jersey as he has been to me. I hope that when at Chicago a Republican convention meet, and they desire somebody to lead the forlorn hope to defeat, they will nominate Mr. PHELPS.

The CHAIRMAN. The question is on the amendment submitted by the committee. Is a separate vote demanded on the amendments?

Mr. McADOO. I move to strike out the last word.

I have no wish to discuss the question here mooted as to who is entitled to the honor of this idea. If my eloquent and distinguished colleague [Mr. PHELPS] is right, this very brilliant conception had for a long time been running around this Chamber like "Japhet in search of a father." But now, at any rate, my friend on my right, the gentleman from Kentucky [Mr. McCREARY] is, to all intents and purposes, its Congressional parent.

I am very glad after the amendment offered to the last bill from the Committee on Foreign Affairs, and which amendment successfully passed this House to my surprise, that this bill comes up without any predominant materialistic element in it. After the passage of that last amendment in a resolution to accept the hospitalities of the republican Government of France I was inclined to believe that our age had become so materialistic that the stomach of man had gained complete domination over his soul, and that the American hog preceded man and pork was more than liberty. Now, I for one am not so much concerned as to whether we shall sell more or less of tin cans, sewing-machines, and cotton shirts, as I am concerned that this great Republic which professes belief in human freedom and prates much of liberty shall remain true to its convictions and witness for them to all the world.

The life of man will not finally be measured by his success in telephones and trade, locomotives and ships. Good and useful things these in their way; but in my opinion life would be of little value if these were its chief end. If bloodless, word-splitting, jargoning, alleged logic, and soulless so-called political economy, with its parrot cries of "supply and demand," "profit and loss," are really to rule this world, then the soul of man, with its lofty ideals, its aspirations, and its beliefs, has no place on such a wretched dirt heap.

I approve very highly of the idea contained in this bill. The eyes of Europe are on the three Americas. As the population of Europe becomes denser and its political complications and oppressions increase there will be even a greater emigration from that continent to ours than at the present day. The United States can not remain silent or passive while this tremendous flood of emigration is pouring into America from Europe. And while we have at our doors in South America the best market yet opened up in prospective to us, I am a strong advocate of commercial union with the South American republics. From observation and experience I have no faith whatever in finding any sort of a permanent and paying market in Europe for American wares; but I believe if a true policy is followed by the Congress of the United States a day will come when there will be commercial freedom from the Arctic circle to that unknown country of Terra del Fuego; and that in this great American market the sixty, or, as it may be then, one hundred and fifty or two hundred millions of free Americans will dominate, to the exclusion of almost all European countries.

I am not in this advocating anything but sound Democratic doctrine. We want no unnecessary foreign complications; but, from Jefferson to Monroe and his doctrine and down to the recent Chicago platform, we have always maintained, coupled with our declarations of non-intervention, the strongly maintained right to preserve this continent free from European sovereignty. The Americas belong to the Americans. We would not interfere with the humblest nation on these continents, but we will not permit their rights and liberties to be infringed by foreign un-American nations.

I find in this bill, Mr. Chairman, among the republics invited to come here and confer with us the little Republic of Venezuela. The other day I took the liberty to introduce into this House a resolution requesting the State Department to inform us as to what unlawful actions, if any, Great Britain had taken with regard to the territory of that little republic. Mr. Chairman, that resolution is still in the Committee on Foreign Affairs. I hope for a speedy report from that committee.

Mr. BELMONT. I will say for the information of the gentleman from New Jersey that it was decided to-day the committee would report that resolution favorably.

Mr. McADOO. I congratulate the committee; and while we are here to-day expressing our sympathy and our love for the republics of South America and our desire for closer relations, it might not be untimely to remind the Congress of the United States of what Great Britain is doing in that country. There are, as you know, three Guianas in South America—the French, Dutch, and British. The British, unfortunately for the Venezuelans, adjoins their territory; and immediately beyond the British lines as laid down on the maps prepared by the British themselves is the most auriferous territory in the world—the famous El Dorado, to which Sir Walter Raleigh made his great pilgrimage, where he lost his son in battle, and where he himself engaged in encounters with resident Spaniards.

That territory as a mining land has no equal in our own grand and blessed country—our own Western regions, auriferous as they are. And the greed of Britain—rapacious and unjust—is such that, notwithstanding the fact that on her own map, made by her own officers a few years back, that rich territory of Venezuela remained intact, to-day tempted by the golden bait of this rich mining region beyond her borders, she has entered the territory of Venezuela and claims, I understand, almost up to the river Orinoco. It is a strange spectacle. I have no desire to preach any doctrine of mere robustious Jingoism. It is my desire to be as conservative and exact as possible. But I call the attention of this committee to the very singular spectacle of inconsistency—a country that preaches arbitration to us when we do not ask for it, and is at the same time unwilling to arbitrate with the little Republic of Venezuela. Is this alleged champion of civilization and peace influenced in its pacific inclinations by the power of its opponent?

It is but a short time since some of the most distinguished men of that powerful country came to these shores and preached in forum and in pulpit that we should perpetually arbitrate all complications and differences that might arise between ourselves and Great Britain. Does Great Britain measure the strength of her adversary before she offers terms of arbitration? If the principle of arbitration is a good one to extend to sixty millions of the freest and the bravest and the strongest people in the world, would it not have been consistent for that powerful country to have accepted the offer of arbitration which was made by

the small and struggling Republic of Venezuela, which ordinarily could not compete with her in a physical contest on the ocean or the field of battle?

Mr. Chairman, the Republic of Venezuela, through her official delegates to-day, is looking to the United States for support and protection, and, as I said at the outset of my remarks, from the very philosophy of the situation, we are obliged, in order to maintain our own liberties, in order to maintain our own material grandeur and greatness, we are obliged, without infracting our traditional Democratic policy, to protect the small countries of the three Americas against unjust and illegal European aggression and domination.

It will not do, Mr. Chairman, for this great Republic, if the influence of her free institutions is to have full and free course to permeate the political and commercial destinies of the western hemisphere, if liberty is to be preserved to ourselves, to allow a powerful nation like Great Britain, without right, without equity, without justice, to take possession of the territory and the homes of the people of the brave and struggling Republic of Venezuela, of whom, as of all republics in America, we are the political mother. With the internal affairs of Venezuela I grant we have no concern; with her relations to her neighboring free countries we have no right to interfere.

Mr. Chairman, I hope that when the three Americas meet here in a peaceful commercial congress, we may be able to look the representatives of Venezuela in the face and say to them that we are not merely prating about our liberty and our love of freedom, that it is no mere cant begotten of self-complacency, but that we really and truly believe in republican government, that we do believe in human liberty, and that sympathy for the weak and downtrodden is a sentiment and a conviction which will carry us even to and beyond the verge of action, if it be necessary.

I hope that we may be able to welcome this humble republic of the three Americas into that congress of the nations, conscious of the fact that the moral influence of this great Republic, its dignified and potential protest, has preserved her soil unpolluted from the tread of the British army and her gold mines untouched by the greedy hand of the gold-seeking and land-hungry Briton, who is unwilling to leave her that which belongs to her by the law of God and of nations.

Mr. McCREARY. I now yield ten minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Chairman, representing as I do in part a State whose entire western border is washed by the waters of the Mississippi River, and whose southern border has a frontage on the Gulf of Mexico of 80 miles in extent, lying between the great ports of entry of New Orleans, in Louisiana, and Mobile, in Alabama, with a harbor at Ship Island which can shelter the commercial marine of the world, I feel a deep interest in the fate of the bill under consideration reported from the Committee on Foreign Affairs, of which I have the honor to be a member.

The bill has for its object the drawing more closely of the ties of commercial intercourse and friendly relations between our own country and the great Central and South American countries which lie immediately on our southern border and are washed by the waters of the same great inland sea, the Gulf of Mexico. It looks, too, to the finding of a market for the surplus products of our people in that vast region of our country lying between the Alleghany and the Rocky Mountains, drained by the Mississippi River and its tributaries.

The Gulf of Mexico has been appropriately termed "the Mediterranean of the New World," and it needs no prophetic ken to see in the future a realization of that commercial prosperity and national renown for the nations which line the shores of the Gulf of Mexico that marked the history of the nations that lined the borders of the Mediterranean of the Old World.

A glance at the map of the world will serve to show the physical analogy between these two great internal seas and the countries that line their shores. But the canvas that presents the picture of the Gulf of Mexico must be widened and made large enough to take in continents and empires, whose vast area dwarfs the picture of the ancient Mediterranean.

The Mediterranean Sea from where it breaks through the narrow Straits of Gibraltar into the Atlantic Ocean stretches its length 2,300 miles, separating the continent of Europe from that of Africa and part of western Asia, washing with its waters the classic shores of historic Italy and Greece, and connecting on the north with the Sea of Marmora by the channel of the Dardanelles, and thence by the Bosphorus into the Euxine Sea, and now by the genius of the great French engineer, Count De Lesseps, pours through the artificial channel of Suez into the Red Sea and the Arabian Sea into the Indian Ocean.

The Mediterranean deserved its name. It belonged to no nationality or country. It was emphatically *in media terra*.

Its great arms, the Adriatic (which Byron termed "the tideless Adriatic") and the Sea of Azof, might with propriety be termed European seas, because they are encircled by European countries; but the Mediterranean is "a sea of the earth," and enriched and made famous whatever country by its genius or its prowess controlled its commerce and trade.

The shores of the Mediterranean were in olden times the nursery of civilization. The nations which established themselves on its fruitful borders founded empires which, while cherishing the love of separate independence and home rule, were near enough for any commercial intercourse.

Commercial relations were early formed between Egypt, Phœnicia, Greece, and Rome, carrying with them their arts and literature and developing them to a standard which constitutes still the model for the world to pattern after. The Roman Empire brought the entire coast of this fruitful sea into its dominion, making it an open channel for the spread of Christianity from the country of its origin towards the west, where it was destined to receive its highest development.

A glance at the map will show that the Gulf of Mexico, "the American Mediterranean," holds to the three Americas of the New World and the Republic of Mexico a very similar position to that which the Mediterranean holds to the great nations that border on its coast.

The Gulf of Mexico, measuring 1,000 miles from east to west and 800 miles from north to south, after washing the shores of five States in North America—Florida, Alabama, Louisiana, Texas, and Mississippi—stretches along the entire eastern coast of Central America and the Republic of Mexico, embracing the ports of Tampico and Vera Cruz, to the Bay of Campeche, and doubling the extreme point of the Republic of Mexico, pours through the Straits of Florida on the one side of Cuba into the Atlantic Ocean, and on the other side, through the Yucatan Channel, into the Caribbean Sea, washing the entire northern shore of South America, and into the Atlantic Ocean.

The great streams pouring their accumulated treasures into the Gulf of Mexico are the Suwanee and Apalachicola, in Florida; the Mobile, in Alabama; the Pascagoula and Pearl, in Mississippi; the Sabine, Trinity, Brazos, Colorado, Nueces, and Rio Grande, in Texas; the Mississippi, in Louisiana, and the Panuco, Coatzacoalcos, Tobasco, and Unnuasista, in Mexico.

There sit midway on the Gulf of Mexico the great ports of New Orleans and Mobile, and at the former the great Father of Waters, with his forty-two navigable tributaries, draining all that vast and fertile region of North America lying between the Alleghanies on the east and the Rocky Mountains on the west, embracing twenty-one States and six Territories, with 15,000 miles of navigable water-courses, bearing on its broad bosom the teeming food crops of the West and the sugar and cotton crops of the South, debouching into that golden bowl of the West Indies, the Gulf of Mexico, carrying the food and clothing of the world, constituting a wonderful seat of commerce to the nations that dot the shores of this Mediterranean of the three Americas.

What had the ancient Mediterranean to compare with our great internal Gulf of Mexico, even in the palmiest days of her glory, when Rome sat upon its shores, the crowned mistress of the world, in arms, science, law, literature, and the arts? Three streams of short mileage of navigation, the Rhone, the Tiber, and the Po, were its feeders and the channels of its internal commerce, while to our internal Gulf comes the great Father of Waters, with its forty-two navigable tributaries, to bring to our Gulf ports the redundant products of the richest region of the world. It would bankrupt the multiplication table to attempt to compute the value in dollars and cents of this vast internal trade and commerce that flows down the Mississippi River and its tributaries into the Gulf of Mexico.

The tables of the last census show that the States and Territories drained by the Mississippi River and its navigable tributaries contain 51 per cent. of the nation's area and 58 per cent. of its production, and that these same States and Territories produced in 1880—the census year—98 per cent. of the sugar, 94 per cent. of the coal, 89 per cent. of the corn, 81 per cent. of the pig-iron, 76 per cent. of the oats, 74 per cent. of the wheat, 68 per cent. of the cotton, 66 per cent. of the tobacco, 60 per cent of the hay, 57 per cent. of the forest products, 56 per cent. of the wool, and contained 92 per cent. of the swine, 97 per cent. of the mules, 74 per cent. of the horses, and 73 per cent. of the cattle in that same census year.

The total grain products of these same States drained by the Mississippi River and its navigable tributaries, amounted in this same census year to: Of Indian corn, 1,558,358,686 bushels; of wheat, 342,230,515 bushels; of oats, 310,271,700 bushels; of barley, 18,888,089 bushels; of rye, 13,974,324 bushels; of buckwheat, 5,082,880 bushels; making a total aggregate of 2,248,779,373 bushels; making an average of 44 bushels per capita for every man, woman, and child enumerated in the census of 1880. Well may the compiler of these tables have exclaimed when he finished his compilation, "Behold! here is the granary of the world!"

In addition to the mileage of navigable waters of the Mississippi and its tributaries must be added 2,000 more miles of navigable tributaries flowing from Texas, Alabama, Louisiana, and Mississippi into the Gulf of Mexico.

To these great natural highways of trade and commerce must be added the artificial highways, consisting of the great chain of railways which like a network embrace the continent and find their southern terminus on the waters of the Gulf of Mexico.

To give an idea of the vast commerce which finds its distribution through the Gulf of Mexico, it must be remembered that the seven great cotton-producing States of Arkansas, Alabama, Mississippi, Lou-

isiana, Texas, Tennessee, and Florida supply us annually over four million of bales of the cotton crop, made and shipped.

From the six States of Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas we had a supply of timber, amounting, according to a table of estimates compiled from the last census, to a grand total of 184,281,500,000 feet. The wealth of the Gulf coast States in timber alone, apart from their agriculture, is almost beyond calculation.

Of the great corn fields of the United States, estimated to cover 195,000 square miles, 157,000 square miles—or 80 per cent. of the whole corn area—lie in the States and Territories drained by the waters that flow into the Gulf of Mexico.

The great iron deposits of Kentucky, Tennessee, Missouri, Ohio, and Alabama constitute another source of illimitable supply and inestimable value to the commerce of the Gulf of Mexico.

But I turn from the contemplation of the vast, exhaustless, and unbounded resources which flow by God-given channels and the artificial channels devised by the genius of man through our own favored country into the Gulf of Mexico, to the consideration of the commerce of the countries which lie immediately south of us and border like ourselves on the shore of this "American Mediterranean," the Gulf of Mexico. The nations bordering on the Mediterranean of the Old World sometimes spread their power and colonized under the red battle-flag of the god of war. The nations bordering on the Mediterranean of the New World, the Gulf of Mexico, must send out as conquerors the white-winged messengers of commerce, bearing the olive-branch of peace.

The generous and magnanimous interest shown by our sister Republic of Mexico in the world's exposition at New Orleans has already accomplished much in the way of establishing closer commercial relations between the United States and Mexico. It is a remarkable fact that while our nearer neighborhood to our sister Republic of Mexico, lying next to us on the Gulf, has made us somewhat familiar with her products, resources, capacities, and wants, our people are almost strangers to the trade and commerce of Central and South America; indeed, it may be said to be almost an unknown country to the vast majority of the sturdy, energetic, and progressive people of North America.

It is estimated that in the last fifty years more than ten millions of immigrants have landed on the shores of North America. They have spread over our vast and fertile fields and into our manufactories and workshops, and added to the products of labor to such an enormous extent that we may be said to be the producers of the food and clothing and manufactures and machinery of the world; and one of the greatest problems, upon the successful solution of which depends our national prosperity, is that of the movement and distribution of the surplus products of our labor. In looking for markets for the surplus product of our nation's labor our eyes naturally turn to the countries which border on our great internal sea, the Gulf of Mexico; and yet when we examine the statistics of the commerce of our immediate neighbors whose ports lie at our very doors, we find the field occupied by British, French, and German vessels; and travelers in Central and South America tell us it is rare to find the flag of the Stars and Stripes floating at the mast-head of any maritime vessel on the Atlantic or Pacific shores of South America.

Maj. Frederick Hilders (to whom I am largely indebted for information on South American trade) in his learned essay advocating the construction of the "Three Americas Railway," quoting from an English paper, speaking of the trade of Central and South America, and how and where it goes, says:

> A great revival in the trade of Mexico and Central and South America is confidently anticipated. British merchants and manufacturers will do well to make the most of the opportunity before their French, Belgian, and German rivals shall have taken the lead in the supply of those markets.

America and American merchants and manufacturers are not even mentioned as a possible competitor for this vast trade, which lies at our very doors, easily approached over the most splendid sheet of water that dots the globe.

> On the continent south of the United States are fifteen Spanish-American republics, the Portuguese-American Empire of Brazil, and four European colonies.
>
> They have a total population of 40,000,000 consumers, an area of about 8,000,000 square miles, or more than double that of the United States.
>
> In climate, resources, products, supply, and demand they are the reverse and complement of the United States. Commercial exchanges with such countries are, therefore, in accordance with sound laws of trade and political economy.
>
> They are exceedingly deficient in manufactures.
>
> They need our railway iron and supplies, farming implements, cotton and woolen goods, boots and shoes, sewing-machines, telegraph and telephone supplies, clocks and watches, notions, and a thousand and one products of our invention and skill.
>
> We need their coffee and sugar, tropical fruits, hard-woods, fiber-plants, and other raw materials.
>
> In brief, these countries represent twenty American Indias, whose unsupplied and inviting trade fields we will find most profitable to occupy with our surplus energy, skill, products, and manufactures. At present, however, our share of that trade is disgracefully small. Their foreign commerce, exports and imports of merchandise combined, is in value as follows:

The Republic of Mexico	$55,000,000
The five Central American republics	24,428,000
The nine South American republics	348,646,000
The four European colonies	31,950,000
The Empire of Brazil	215,061,000
Total	675,085,000

> Of this total trade the United States controls but $126,822,000, or less than one-fifth part, the lion's share being monopolized by Great Britain, France, and other European powers.
>
> Of the total annual imports of these twenty countries, which amount to $303,812,000 in value, we supply but one-seventh part.
>
> But the facts are still more disgraceful when we confine the statistics to the fifteen sister republics.
>
> Their total annual foreign commerce, exports and imports combined, is as follows:

The Republic of Mexico	$55,000,000
The five Central American republics	24,428,000
The nine South American republics	348,646,000
Total of fifteen republics	428,074,000

> Of this total trade we control but $63,636,000, or less than one-sixth part.

This great trade is within our grasp if we will by intelligent action through this conference seize it. The great ports of the Gulf of Mexico are the entrepôts, marked out by nature, into which should flow and from which should go the trade and traffic of our own immediate southern neighbors on the Gulf. Shall we sit supinely by, as we have done in the past, and see this vast empire of commerce snatched from our hand by nations separated by thousands of miles of ocean from it? The laws of supply and demand and the necessity of opening channels of commerce between nations is the same to-day as when Adam Smith in his Treatise on the Wealth of Nations, more than a century ago, said:

> According to the natural course of things, the greater part of the capital of any growing country is first directed to agriculture, afterward to manufactures, and last of all to foreign commerce.

And again:

> When the products of any particular branch of industry exceeds what the demands of the country require, the surplus must be sent abroad and exchanged for something for which there is a demand at home. Without such exportation a part of the productive labor of the country must cease and the value of the annual product diminish.

Every market must be availed of; and that which is ours by the natural laws of trade must not longer be yielded to foreign nations, if we would prevent the calamity of having an overplus of production for which we can find no market, and which, without a market, ceases to be worth producing.

Major Hilders, in his admirable treatise, speaking of the importance of this trade with South America, says:

> The geographical position of the United States and the currents of the ocean which flow from the mouth of the Amazon to our shores will insure to American merchants the greater portion of that immense commerce, the magnitude of which can scarcely be estimated, when all that vast region of the interior of South America shall take the important place in the commercial brotherhood of the world for which nature has so bountifully prepared them.

Mr. Nimmo, the former Chief of the Bureau of Statistics at Washington, in a pamphlet published some years since, entitled "The Proposed Interoceanic Canal in its Commercial Aspects," tells us—

> That we have but 24 vessels in the Chilian trade, against 372 going between Chilian and European ports. Not one of our 24 is a steam-going vessel, while among the others, those under European flags, are many and magnificent ocean steamers.

What is here said of Chili is true of every Spanish-American port.

This vast region of South America is a country teeming with fertility, rich in tropical products, needing only that the genius and spirit of the sturdy Anglo-Saxon of North America shall be brought to bear upon its vast resources in order to make that country, barren as a desert, blossom like the rose. It is for this reason that we desire conference with these people, that we may be brought into commercial relation with them, that we may improve the national position we hold towards them.

The genius of our distinguished countryman, the late James B. Eads, proposed by his ship-railway across the Isthmus of Tehuantepec, to connect the Atlantic and Pacific Oceans, which would be practically to extend the mouth of the Mississippi to the Pacific Ocean, and thus realize the dream of Sir Walter Raleigh expressed to his royal mistress, Queen Elizabeth, more than three hundred years ago, "that the genius that should solve this problem will have opened the gateway to the commerce of the world."

Mr. Chairman, fortunately there can be no drawing of political lines on this bill, as both of the great political parties are committed by their platforms adopted in their respective national conventions at Chicago.

REPUBLICAN NATIONAL PLATFORM OF 1884.

> The Republican party favors a policy which shall keep us from entangling alliances with foreign nations, and which shall give the right to expect that foreign nations shall refrain from meddling in American affairs, the policy which seeks peace and trade with all powers, but especially with those of the western hemisphere

DEMOCRATIC NATIONAL PLATFORM OF 1884.

> We favor an American continental policy based upon more intimate commercial and political relations with the fifteen sister republics of North, Central, and South America, but entangling alliances with none.

Mr. Chairman, this proposed conference of the governments embraced in North and Central and South America has one other object, suggested by the enlarged philanthropy of the age in which we live, which is to submit the disputes that may arise between any of these American Governments to arbitration before resorting to the arbitrament of the sword. The Committee on Foreign Affairs had the pleasure of listen-

ing to the views of the venerable David Dudley Field, the Nestor of the American bar, who in a few simple, terse, strong, Anglo-Saxon sentences, presented this question forcibly to the consideration of the committee.

It would be a beautiful exhibition of national magnanimity for the strongest and most powerful nation on the globe to come to the front and propose to the other nations of the three Americas and of the world to submit all disputes and differences between nations to the arbitration of friendly powers. The present bill under discussion refers, of course, in this regard only to American nations. It is but to apply to men in their collective and national capacity the principle and essence of the message of the divine Messiah, "Peace on earth and good-will toward men." It is not going too far, Mr. Chairman, to express the hope that this measure, thus sanctioned and enforced by the representatives of the strongest people on the earth, will tend at once to the reduction of the vast and unwieldy standing armies of Europe, thus insuring the peace of the world, and will hasten the time when the hoarse roar of artillery and the sharp rattle of small-arms will be hushed, and the small, still voice of Peace be heard to swell its pæons of victory over the nations of the earth.

One word, Mr. Chairman, as to the time when the President of the United States, in the discretion invested in him by this bill, should invite this conference to meet. It will no doubt occur in the year 1889, the centennial year of the adoption of the Constitution of the United States, the parent Republic of the Americas It has been proposed to mark the lapse of the first century of our existence under our present Constitution by a grand assemblage of all the nations of America at the capital of the parent Republic, to express our fealty to the great principles embodied in this Constitution and copied into the constitutions of government adopted by the Central and South American republics. Would not this be the most fitting occasion for the assemblage by the President of the United States of the conference for which this bill provides?

All the nations of the Americas will have assembled to bow in admiration at the shrine of Liberty and Freedom, consecrated and secured by this Constitution, a constitution imitated in its essential features by all the Central and South American republics, and of which the greatest of English lawyers and England's premiers, the "old man eloquent," the octogenarian of the English Parliament, William E. Gladstone, said in his memorable speech:

The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man.

Mr. McCREARY. I yield three minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Chairman, I wish briefly to call attention to a single aspect of this proposed conference, its relation to a common coinage between the United States and the people with whom we propose to hold this conference. We find that the Argentine Republic has the same standard of gold and silver that we have; Chili has the double standard; Cuba, the double standard; Peru also has the double standard, but her unit of value is silver; Mexico has the single silver standard; Bolivia, the double standard. Instead of sending our agents to European countries, as we have heretofore done, for the purpose of bringing about an agreement as to a monetary standard, a unit of value for Europe and America, in which efforts we have always met with a discourteous discussion of the question and have found our offers repelled, let us go to Central and South America and present in this conference the proposition for a uniform coinage of both gold and silver; and then our Government will do the coinage for this whole continent.

Even to-day the coins which by our law we discard—the subsidiary coins which do not circulate here on account of having been mutilated or punched—find their way into South and Central America and are now circulating there.

American coin has always been welcomed in these countries. They have always been ready to enter into any agreement with us for the purpose of establishing uniform coinage for all concerned.

Now, I can not on this occasion, Mr. Chairman, yield the floor without expressing my concurrence with my friend from New Jersey [Mr. PHELPS], who has presented the Monroe doctrine as involved in this joint resolution and as it will be in the result of this conference; that arbitration of the great principle and example to be set and enforced, so far as our neighbors are concerned on this continent, is that it shall be compelled by us to be observed in reference to them. When Great Britain had a conference some years ago in regard to this question and Venezuela agreed to arbitrate, just so soon as the Tory government came into power they refused to arbitrate and undertook by force of arms to refuse redress.

Mr. McCREARY. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question will first be taken in gross upon the pending amendments reported by the committee.

There was no objection, and the amendments reported by the committee were agreed to.

Mr. DINGLEY. I desire to offer an amendment which I will send up to the Clerk's desk to be read.

The Clerk read as follows:

After the word "intercourse," in the twelfth line, insert "and means of direct communication."

Mr. DINGLEY. Mr. Chairman, it seems to me that there is no one thing more important to be taken into consideration by the proposed conference than that of my proposition; that is, the means of direct communication with these southern republics, and I have no doubt my amendment will meet with the concurrence of my friend from Kentucky.

Mr. McCREARY. I do not object to the gentleman's amendment.

Mr. DINGLEY'S amendment was agreed to.

Mr. McCREARY moved that the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. BELMONT. I move that the committee rise.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the special order, and had directed him to report a bill and joint resolution to the House, with amendments thereto.

PARIS INTERNATIONAL EXPOSITION.

The SPEAKER *pro tempore*. The Committee of the Whole House on the state of the Union have reported back with amendments the joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889, and the question recurs on the amendments of the committee.

Mr. BELMONT. I move the previous question on the amendments and upon the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the amendments were agreed to, and the joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BELMONT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARBITRATION.

The next business reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil; which was read, together with the amendments of the Committee of the Whole.

Mr. McCREARY. I move the previous question on the amendments, and on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL PAEZ.

Mr. BELMONT. I am instructed by the Committee on Foreign Affairs to report back the resolution, referred to that committee on motion of the gentlemen from Illinois [Mr. BAKER], on the 27th of February, and to move its adoption with an amendment.

The resolution was read, as follows:

Whereas a commission of distinguished persons appointed by the Government of Venezuela has arrived in New York for the purpose of conveying the mortal remains of General José Antonio Paez to Venezuela, with a view to their interment in the National Pantheon at Caracas; and

Whereas General Paez (who died in New York in 1873) bore a very eminent historical part in the great and protracted struggle for South American independence, and was the first President of the Republic of Venezuela: Therefore,

Be it resolved by the House of Representatives of the United States of America in Congress assembled (the Senate concurring), That, as a proper and graceful act of national courtesy in such case, the Secretary of the Navy is hereby authorized and directed to designate a national vessel of war to convey the mortal remains of General Paez, together with the commission aforesaid, from New York to the port of La Guayra, Venezuela.

The amendment was read, as follows:

Provided, It shall first be ascertained that such action will be agreeable to the Government of Venezuela.

The amendment was agreed to; and the concurrent resolution as amended was then adopted.

Mr. BELMONT moved to reconsider the vote by which the concurrent resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING THE TARIFF BILL.

Mr. MILLS. Mr. Speaker, I want to renew the request I made this morning, that 3,000 copies of the bill presented in the Committee on Ways and Means to-day may be printed for the use of the House.

Mr. BUCHANAN. Will the gentleman not modify his motion so that it shall provide that each member's quota may be distributed to him in the usual manner, through the document-room?

Mr. MILLS. They are printed by the House and for the use of the House, and members will have no difficulty in getting them.

Mr. WILKINS. I would suggest that you make the number five or six thousand.

Mr. MILLS. Three thousand is enough.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas?

There was no objection, and it was so ordered.

TIME AND PAY OF GOVERNMENT EMPLOYÉS.

Mr. BRUMM, by unanimous consent, introduced a bill (H. R. 7963) to regulate the time and pay of Government employés; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

LOAN OF TENTS, TENNESSEE.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent to offer a joint resolution for present consideration.

The SPEAKER *pro tempore*. The joint resolution will be read, subject to objection.

The Clerk read as follows:

Be it resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to lend to the State of Tennessee five hundred army tents for use at the interstate competitive drill and military encampment at West Side Park, Nashville, Tenn., May 21 to 26, 1888: *Provided*, The State of Tennessee shall execute a bond for the safe-keeping and return of the same: *And provided*, That the War Department shall be at no expense for the transportation, delivery, and return of said tents.

There being no objection, the joint resolution (H. Res. 123) was read a first and second time, and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHINGTON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFERENCE COMMITTEES ON PUBLIC-BUILDING BILLS.

Mr. DIBBLE. Mr. Speaker, Senate bills 182 and 154 have been returned from the Senate with non-concurrence in certain amendments of the House of Representatives, and requests for conferences. I move, Mr. Speaker, that the House insist upon its amendments and agree to the conferences asked for.

The motion was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. DIBBLE, Mr. MCSHANE, and Mr. KENNEDY as conferees on the part of the House on the bill (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.

The SPEAKER *pro tempore* also announced the appointment of Mr. DIBBLE, Mr. NEWTON, and Mr. POST as conferees on the part of the House on the bill (S. 154) for the erection of a public building at Milwaukee, Wis.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had disagreed to the amendment of the House to the resolution of the Senate for printing additional copies of Executive Document No. 51, first session Forty-ninth Congress; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN.

ORDER OF BUSINESS.

Mr. LIND. Mr. Speaker, I ask unanimous consent——

Mr. BLAND. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Minnesota has been recognized.

Mr. BLAND. I believe my motion is privileged?

The SPEAKER *pro tempore*. It is, if the gentleman insists upon it.

Mr. BLAND. I do insist upon it.

The question was taken on the motion of Mr. BLAND, and there were, on a division—ayes 49, noes 39.

So the motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 7941) for the relief of W. S. Henry—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 7942) to restore Nancy Simmons to the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7943) granting a pension to Cornelia Ann Jones—to the Committee on Invalid Pensions.

By Mr. BYNUM: A bill (H. R. 7944) granting a pension to Ann V. Ferguson—to the Committee on Invalid Pensions.

By Mr. CRAIN: A bill (H. R. 7945) for the relief of Cornelius Johnson, of steam-ship Brooklyn, United States Navy—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 7946) to increase the pension of Charles Reome—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 7947) for the relief of David Moulder—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 7948) to increase the pension of Herman Baumhager—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 7949) for the relief of James A. Doughty—to the Committee on War Claims.

By Mr. MORSE: A bill (H. R. 7950) granting a pension to Sarah A. Darling—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 7951) granting a pension to Gustav E. Peters—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 7952) authorizing the Secretary of War to accept the resignation of Maj. D. H. David, of the Fourteenth Regiment Kansas Cavalry Volunteers, and for other purposes—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 7953) to remove the charge of desertion against Henry E. Dart—to the Committee on Military Affairs.

By Mr. SENEY: A bill (H. R. 7954) granting a pension to Oran C. Vance—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 7955) for the relief of the legal representatives of G. W. Perry—to the Committee on War Claims.

By Mr. J. B. WHITE: A bill (H. R. 7956) for the relief of Joseph D. Williamson, Company G, Eleventh Pennsylvania Volunteers, and Company H, Third United States Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7957) for the relief of Philip W. Silver, captain Company C, Eighty-eighth Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. WILKINS: A bill (H. R. 7958) to remove the charge of desertion from Peter R. Eddy—to the Committee on Military Affairs.

By Mr. DUNHAM: A bill (H. R. 7959) granting a pension to Lizzie Koenigsberg—to the Committee on Invalid Pensions.

By Mr. LANDES: A bill (H. R. 7960) granting a pension to Surrena J. Sumner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7961) granting a pension to Jacob Jauck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7962) granting a pension to William Fasig—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 7799) for the relief of the Albemarle and Chesapeake Canal Company—from the Committee on Naval Affairs to the Committee on Claims.

Also, a bill (H. R. 679) granting an increase of pension to Mrs. Maria L. Caraher—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 7863) to reimburse certain officers of the Navy for losses incurred by fire—from the Committee on Naval Affairs to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Petition of Stewart Post, No. 259, of Litchfield, Mich., in favor of the per diem pension bill—to the Committee on Military Affairs.

Also, memorial of Michigan Association, for the establishment of an industrial school for Indians in Michigan—to the Committee on Indian Affairs.

By Mr. G. A. ANDERSON: Petition of H. J. Marks and 29 other cigar-makers and manufacturers of Quincy, Ill., protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. BACON: Petition of William B. Westervelt and others, in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. BAKER: Petition of Hon. F. A. Defendorf and others, citizens of Frankfort, N. Y., for the reduction of letter postage—to the Committee on the Post-Office and Post Roads.

By Mr. BOOTHMAN: Petition of Emery Sibley and 48 others, citizens and ex-Union soldiers of Pioneer; and of James McGowen and 32 others; of Daniel M. Borland and 19 others, and of H. P. Holmes and 26 others, citizens and ex-Union soldiers of Van Wert County, Ohio, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. T. H. B. BROWNE: Petition of Dr. George Le Cato and others, citizens of Accomack County, Virginia, for increase of salary of keepers of life-saving stations and surfmen—to the Committee on Commerce.

By Mr. BURROWS: Petition of the iron-ore miners and laborers of the Northwest, protesting against the removal of the duty on iron ore—to the Committee on Ways and Means.

By Mr. COMPTON: Petition of Henry A. Butler, of G. L. Sheriff, executor of Rezin Arnold, of estate of Evan Lyon, of S. M. Golden, of Henry Tolson, administrator of George W. Marriott, of Mary E.

Soper, of Charles Heitmuller, of William Rouzer, of Louise Sommers, of Samuel Crawford, of Robert S. Perkins, and of estate of John P. Waring, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. COOPER: Petition of S. C. Burnett and 45 others, ex-soldiers of Morrow County, Ohio, for the passage of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Texas, for increase of the duty on wool and revision of duty on worsteds—to the Committee on Ways and Means.

Also, petition of citizens of Utah, for increase of duty on wool—to the Committee on Ways and Means.

By Mr. CUTCHEON: Petition of soldiers and sailors of Lake County, Michigan, for a per diem pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of Lincoln Council of Junior Order of United American Mechanics, that February 22 be made a national holiday—to the Committee on the Judiciary.

By Mr. DUNHAM: Petition of Charles C. Merrick, for the passage of House bill No. 7555—to the Committee on Invalid Pensions.

Also, petition of J. L. Higgil, T. T. Morford, W. M. Egan, and 49 others, owners of tugs and vessels sailing on Lake Michigan, urging an early completion of the harbor of refuge at Cottage Lake on the east shore of Lake Michigan—to the Committee on Commerce.

By Mr. ELLIOTT: Petition for the improvement of the Congaree River—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Memorial of Paul J. Kirschman and others, members of the Reading Cigar-Makers' Union, favoring internal-revenue tax on cigars and cheroots, etc.—to the Committee on Ways and Means.

Also, memorial of J. Aitken Meigs Medical Association, for removal of duty on all medicines, medical and surgical appliances, and everything used in the treatment or diagnosis of medicine—to the Committee on Ways and Means.

Also, memorial of Patrick Farrelly, manager of the American News Company, for amendment of postal laws relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, memorial of John Blakely, of New York, for abolition of internal-revenue tax on cigars, snuff, cigarettes, and tobacco—to the Committee on Ways and Means.

Also, memorial of the Philadelphia Record, Evening Press of Greensburgh, Pa., and other journals, in favor of the Eustis and the Hoar bills, providing respectively for a constitutional celebration at Washington in 1889, and also America's and world's exposition in 1892—to the Committee on Appropriations.

Also, memorial of Industry Council, No. 163, Junior Order of United American Mechanics, in favor of declaring February 22 a national legal holiday—to the Committee on the Judiciary.

Also, memorial of A. Jamison, of Virginia, and Wharton E. Boise, of Dakota, favoring reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GIFFORD: Petition of Cyrus H. Clarke, of Ola, Brulé County, Dakota, for the removal of duties on wool—to the Committee on Ways and Means.

By Mr. GOFF: Petition of J. F. Underwood and others, of James M. Mayfield and others, of Christopher Davis and others, and of J. M. Jones and others, of West Virginia, in favor of the per diem rated pension bill—to the Committee on Invalid Pensions.

Also, petition of W. G. McGlumphry and others, of Marshall County, West Virginia, in favor of protection to wool and woolen manufactures—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of 50 citizens of Chetek, Barron County, and of ex-Union soldiers, of Shell Lake, Washburn County, Wisconsin, for the passage of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. HIESTAND: Petition of J. B. Birch and others, for amendment of the patent laws—to the Committee on Patents.

Also, petition of Frank Gastiger and others, against the repeal of the revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. JACKSON: Petition of Stillman Lodge of Amalgamated Association of Iron and Steel Workers, of New Castle, Pa., against any reduction of tariff duties—to the Committee on Ways and Means.

Also, petition of the Union Veteran Legion, of Beaver Falls, Pa., in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAIDLAW: Petition of soldiers of the late war, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LANDES: Petition of B. W. Harvey and 90 others, citizens of Wayne County, Illinois, for Government postal telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. LYMAN: Petition of John G. Rishel and 32 others, ex-Union soldiers, of Lewis, Cass County, Iowa, in favor of the passage of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

Also, petition of John J. Johnson and 100 others, praying for the passage of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. McCORMICK: Petition of Samuel D. Slatterly and 41 others, praying for the passage of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. McKINLEY: Petition of 450 miners of the Republic mine, of Marquette County; of miners and laborers of Buffalo, of East Vulcan, of Norway, of West Vulcan, of Negaunee, and of Republic, Mich., against reduction of the tariff on iron ore—to the Committee on Ways and Means.

By Mr. MORSE: Petition of Sarah A. Darling, widow of George S. Darling, late captain Company G, Thirty-seventh Massachusetts Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of citizens of Duluth, Minn., against the repeal of tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. O'DONNELL: Resolutions of the Farmers' Institute of Calhoun County, Michigan, in favor of placing sugar and molasses on the free-list—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Resolutions of the J. Aitken Meigs Medical Association, for the removal of the duty on medicines, medical and surgical appliances, etc.—to the Committee on Ways and Means.

By Mr. OSBORNE: Two petitions of ex-soldiers of the Union Army and Navy, indorsing the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of members of McPherson Post, No. 207, Grand Army of the Republic, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. PATTON: Petition of 52 soldiers of the Twentieth district of Pennsylvania, in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition of Enoch Bell, for an original pension—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of Aaron Baley, Robert Walker, and 330 others, colored citizens of Kansas, for legislation that will set apart some suitable territory for colored people, where they can make homes and be protected from the prejudice naturally existing against their race—to the Committee on the Territories.

By Mr. PIDCOCK: Petition of citizens of New Jersey, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. RYAN: Resolutions of the Board of Trade of Topeka, Kans., requesting their Members and Senators to vote for the Oklahoma bill—to the Committee on the Territories.

By Mr. SAYERS: Petition of citizens of Valverde County, Texas, respecting the importation of wool and woolen fabrics—to the Committee on Ways and Means.

By Mr. SCULL: Memorial of Altoona Council and of Custer Council of Junior Order of United American Mechanics, in favor of declaring February 22 a legal national holiday—to the Committee on the Judiciary.

By Mr. SENEY: Petition of Irwin Bacon and 47 others; of Henry Byers and 22 others; of Peter Bauer and 40 others; of George W. Johnson and 10 others; of Charles Harmon and 66 others; of Thomas F. Herlington and 41 others; of Charles C. Fox and 51 others, and of J. J. Zint and 20 others, ex-Union soldiers and citizens of Ohio, favoring the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. HENRY SMITH: Petition in favor of Mr. ROCKWELL'S bill relating to the eight-hour law—to the Committee on Labor.

By Mr. SPRINGER: Petition of John Blakely, of New York City, for removal of tax on cigars, snuff, tobacco, etc.—to the Committee on Ways and Means.

Also, memorial of the National Farmers' Alliance, for the establishment of a department of agriculture whose head shall be a Cabinet minister—to the Committee on Agriculture.

By Mr. STAHLNECKER: Evidence of the genuiness of the sword which Miss Virginia T. Lewis offers to sell Congress—to the Committee on the Library.

By Mr. STEPHENSON: Petition of miners and laborers of Brotherton Iron Mining Company of Wisconsin, against reduction of the duty on iron ore—to the Committee on Ways and Means.

Also, protest of J. Bovert and 28 others, of Ashland, Wis., against the repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, resolution of the Business Men's Association of Shawano, Wis., in favor of the bill authorizing the sale of pine on the Menominee Indian reservation—to the Committee on Indian Affairs.

By Mr. STRUBLE: Petition of the executive board of the National Farmers' Alliance, praying for the establishment of a department of agriculture—to the Committee on Agriculture.

By Mr. TARSNEY: Memorial of the Saginaw (Mich.) Board of Trade relating to the reduction of the surplus—to the Committee on Ways and Means.

Also, five petitions of citizens of Michigan, in favor of the per diem rated service-pension bill—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Memorial of citizens of Ashtabula County, Ohio, relating to the tariff on wool—to the Committee on Ways and Means.

Also, petitions of ex-soldiers of Geauga County, of Trumbull County, and of Chardin, Ohio, praying for the service-pension bill—to the Committee on Invalid Pensions.

By Mr. WEBER: Petition against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, two petitions of citizens of New York, in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. J. B. WHITE: Petition of soldiers in relation to the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: Petition of Thomas Wightman and 55 others, citizens of Macomb County, Michigan, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. WICKHAM: Petition of 44 citizens of Wakeman, Huron County, Ohio, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Miller Moody Post of the Grand Army of the Republic, of Belleville, Ohio, signed by 60 members, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. WILKINS: Affidavit and papers in the case of Peter R. Eddy, for relief—to the Committee on Military Affairs.

By Mr. WILLIAMS: Petition of Lester Shaw and 51 others, ex-soldiers of Preble County, Ohio, for the passage of the per diem service-pension bill—to the Committee on Invalid Pensions.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BREWER: Of Reuben W. Sayle, E. L. Armstrong, and 44 others, citizens of Genesee County, Michigan.

By Mr. MCRAE: Of citizens of Midway, Ark.

By Mr. PEEL: Of W. A. Minyard and others, citizens of Arkansas.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. HALL: Of 263 citizens of Butler County, Pennsylvania.

By Mr. OSBORNE: Of 481 citizens of the United States.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. CHEADLE (by request): Petition of 354 citizens of the District of Columbia.

By Mr. CUTCHEON: Of 209 citizens of Iowa, of 245 citizens of Illinois, of 270 citizens of New York, of 431 citizens of Virginia, of 176 citizens of Indiana, and of 108 citizens of the District of Columbia.

By Mr. HALL (by request): Of 140 citizens of the Twenty-sixth district of Pennsylvania.

By Mr. HIESTAND: Of 100 citizens of the Ninth district of Pennsylvania.

By Mr. WEBER (by request): Of citizens of Erie County, New York.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 2, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D.

The Journal of yesterday's proceedings was read and approved.

DESTRUCTION OF UNITED STATES BONDS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting, with a letter from the Treasurer of the United States, tables showing the probable losses by destruction of United States bonds; which was referred to the Committee on Banking and Currency, and ordered to be printed.

ALLEGED OBSTRUCTION OF WABASH RIVER.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, a letter from the Chief of Engineers, with inclosures, relative to the alleged obstruction of the Wabash River at Mount Carmel, Ill., by the construction of a railroad bridge by the Louisville, Evansville and St. Louis Railroad Company; which was referred to the Committee on Commerce.

REPORT ON IRON ORES, LOUISIANA AND TEXAS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House, a letter from the Director of the Geological Survey in regard to the delay in the preparation of the report of Professor Lawrence Johnson on the iron ores of Northern Louisiana and Eastern Texas; which was referred to the Committee on Printing.

REFERENCE OF SENATE BILLS.

The SPEAKER *pro tempore* also laid before the House Senate bills of the following titles; which were severally read twice, and referred as follows, namely:

A bill (S. 1514) to establish a national art association—to the Committee on the Library; and

A bill (S. 1095) to provide for the compulsory education of Indian children—to the Committee on Indian Affairs.

The SPEAKER *pro tempore* also laid before the House the Senate concurrent resolution providing for the printing of Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming, with House amendment disagreed to by the Senate.

Mr. RICHARDSON. I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER *pro tempore* announced as conferees on the part of the House Mr. RICHARDSON, Mr. GIBSON, and Mr. HIESTAND.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PLUMB, until Monday next, on account of sickness.

To Mr. BRUMM, indefinitely, on account of the death of a relative.

TARIFF ON WINDOW-GLASS.

Mr. MCKINLEY. I desire to present a petition for reference to the Committee on Ways and Means, and ask that it may be printed in the RECORD.

Mr. MILLS. What is the memorial about?

Mr. MCKINLEY. It is very brief; it simply gives some reasons why there should be no reduction as proposed by the bill of the gentleman from Texas.

There being no objection, the petition was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD. It is as follows:

To the Representative in Congress of the United States representing the Eighteenth Congressional district from the State of Ohio:

We, the undersigned citizens, most respectfully petition you to enter this, our protest, against the proposed reduction of the tariff on window-glass, and request that you vote against any reduction of the tariff on the same, but use every effort to have the rates of 1882 restored, for the following reasons, namely:

First. The tariff was reduced in 1883.

Second. Since said reduction, the importation of window-glass has increased to such an extent that over one-fourth of the window-glass consumed in this country is imported, and the revenue has increased over $1,000,000, in consequence of which the earnings of the workingmen have been materially reduced.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. CULBERSON. I ask unanimous consent that the order which I send to the desk may be made by the House.

The Clerk read as follows:

Resolved, That Saturday, the 17th day of March, and Saturday, the 7th day of April, and Wednesday, the 9th day of May, immediately after the morning hour for the consideration of bills called up by committees, be set apart for bills reported from the Committee on the Judiciary in such order as may be designated by the committee; this order not to interfere with appropriation and revenue bills.

Mr. MILLS. I have no objection to that resolution if it is agreed to without any amendment being offered.

Mr. WILKINS. Does that resolution exclude the second morning hour?

Mr. CULBERSON. It does not.

Mr. MCMILLIN. Is the proposition to increase judicial salaries excluded from this order?

Mr. CULBERSON. The bill to which the gentleman refers is not on the Calendar, and the committee do not propose to take it up.

Mr. MCMILLIN. Then I do not object.

Mr. BRECKINRIDGE, of Kentucky. I do not like to object, but I think that proposition should go to the Committee on Rules.

The SPEAKER *pro tempore*. The resolution is referred to the Committee on Rules.

EMORY R. SEWARD.

Mr. BELDEN. I ask unanimous consent to discharge the Committee of the Whole House from the consideration of the bill (H. R. 7319) for the relief of Emory R. Seward, and that the same be now put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Emory R. Seward, out of any money in the Treasury not otherwise appropriated, the sum of $8,174.79, for balance due said Seward for work done in removing rock at the entrance of New Rochelle Harbor, State of New York.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York?

Mr. MCMILLIN. Let the report be read, subject to objection.

The report (by Mr. KERR) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7319) for the relief of Emory R. Seward, submit the following report:

We find from a statement made by General J. C. Duane, Chief of Engineers, United States Army, that the sum of $8,174.79 is actually due said Emory R. Seward for work done under contract with the United States for removing rock at the entrance of New Rochelle Harbor, State of New York.

That the money has been appropriated to pay for the same, and that nothing has been paid said Seward, the contractor, for such work, and payment can not be made without authority of law, owing to a technical question of authority under the contract.

Your committee therefore report back the bill H. R. 7319 and recommend its passage, and in support of the recommendation the letter of the Chief of Engineers is herewith appended:

"OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
"*Washington, D. C., February* 14, 1888.

"SIR: Referring to your letter of January —, 1888, received at this office February 1, 1888, relative to the application of Emory R. Seward, of Albany, N. Y., for payment for work executed at New Rochelle, N. Y., I have the honor to inclose herewith a copy of report from Lieut. Col. D. C. Houston, Corps of Engineers, in reference thereto.

"It is understood that, the contract being incomplete, no payment can be authorized by this office; but under the circumstances payments can justly be granted by Congress. Had the contract been completed, $9,000 would have been paid. The removal of loose rock left by the contractor cost the sum of $200.21, and the estimated cost of removing the balance of the rock at the contract price is $625; and therefore in an equitable settlement the total sum of $825.21 should be deducted from the $9,000, the total amount of the contract, leaving the sum of $8,174.79 as the amount which could be properly allowed.

"Very respectfully, your obedient servant,

"J. C. DUANE,
"*Brigadier-General, Chief of Engineers.*

"Hon. J. J. BELDEN, M. C.,
"*United States House of Representatives, Washington, D. C.*"

Mr. MCMILLIN. The report is not very explicit as to why the money has not been paid. There is a recital in the bill that the money had been appropriated heretofore; but why it was not paid when appropriated, and why it was covered back into the Treasury, as to that the report is not very explicit. I would like to hear some statement in explanation.

Mr. KERR. The reason why the money was not paid before was because the Government held that this was an entire contract, and because there was a little deficiency they would not pay any money until the contract was completed. The officers of the Government say that if the contract had been completed $9,000 would have been paid. They recommend the passage of the bill as now drawn.

Mr. MCMILLIN. Is it a fact that the contractor failed to complete the work according to contract? If so, where does the responsibility of the Government attach?

Mr. KERR. The Engineer Department found that the contract was not entirely completed, and they would not authorize the payment because they held it was an entire contract.

Mr. MCMILLIN. Was it demonstrated that the contract had not been completed? And what was the cost of completing the contract?

Mr. KERR. It is estimated that $825 should be deducted from the $9,000, the total amount of the contract.

Mr. BELDEN. When the engineers took the second level they found the work would cost twice as much as had been contracted for. And as it was not the contractors' fault, they recommended that it should be settled for the lump sum of $9,000.

Mr. MCMILLIN. Is the work in its present condition satisfactory to the Government?

Mr. BELDEN. It is.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MCMILLIN. I do not object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BELDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN C. ADAMS, ADMINISTRATOR.

Mr. LAFFOON. I ask unanimous consent to call up for consideration at this time from the Private Calendar the bill (H. R. 3617) for the relief of John C. Adams, administrator of Joseph Adams, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John C. Adams, administrator of the estate of Joseph Adams, deceased, the sum of $8,747, out of any money in the Treasury not otherwise appropriated, for stores and supplies taken by and furnished to the United States during the late rebellion.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3617) for the relief of John C. Adams, administrator of Joseph Adams, deceased, report as follows:

Joseph Adams in his lifetime was a resident and citizen of the city of Henderson, Henderson County, in the State of Kentucky.

The committee find that during the late war he was a large land-owner in his county and was possessed of large stores of corn, hay, oats, meat, wood, etc.

That he furnished the United States troops under the command of Generals John W. Foster and James M. Shackelford during said period with supplies for the use of the army, as set forth in his itemized account verified by him prior to his death; a copy is hereto attached and made part of this report.

There is ample evidence as to Mr. Adams's loyalty, liberality, and honesty by affidavits and statements from business acquaintances and county officials, properly certified to.

Generals Foster and Shackelford, who were in command of the forces at the time and place, have been before the Committee on War Claims in person and their written statements furnished, which are also appended and made part of this report.

The committee, after due consideration of all the facts set forth, are of opinion that as an act of justice the heirs of said Joseph Adams should be reimbursed to the full amount set forth in the bill, and accordingly recommend its passage.

The United States *to* Joseph Adams, Dr.

March, 1862.	800 bushels of corn, at 80 cents per bushel	$720
	40 tons of hay, at $30 per ton	1,200
	19 tons of straw, at $30 per ton	570
	18 tons of oats, at $30 per ton	540
	40 cords seasoned wood, at $6 per cord	240
March, 1863.	6 tons of oats, at $30 per ton	180
	160 bushels of corn, at 90 cents per bushel	144
	6 tons of hay, at $30 per ton	180
	35 cords of seasoned wood, at $6 per cord	210
	10 tons of straw, at $30 per ton	300
March, 1864.	320 bushels of corn, at 90 cents per bushel	288
	10 tons of hay, at $30 per ton	300
	9 tons of oats, at $30 per ton	270
	10 tons of hay, at $30 per ton	300
	5,000 pounds of bacon, at 25 cents per pound	1,250
March, 1864.	100 pounds of bacon, at 25 cents per pound	25
	2 horses, at $250	500
	4 head of cattle	390
	20 head of hogs	100
March, 1865.	20 tons of hay, at $30 per ton	600
	Service of 4 mule teams and drivers three weeks	180
	Use of warehouse from January, 1864, to December, 1864, for stores	300
	Total	8,747

EVANSVILLE, IND., *February* 6, 1886.

DEAR SIR: I have been requested by the administrator of the estate of Joseph Adams, of the city of Henderson, Ky., to write you what I may know of the correctness and justice of the claim which the decedent had against the Government of the United States, and which is now being presented by his personal representative.

In compliance with the request, I make the following statement of the facts connected with the matter:

For several consecutive months during the progress of the war I was in command of a district embracing a part of Southwestern Kentucky, having my headquarters at the city of Henderson.

Col. John W. Foster and his command were stationed in the city at the same time.

Mr. Joseph Adams, the decedent, who resided at Henderson, owned at that time a large farm in the immediate vicinity of our camps. On the farm was a large amount of corn and other provender, which our commands needed and had to have provided for them, and, in pursuance of the orders which were issued by Colonel Foster and myself, large quantities of the corn and other supplies were taken from Mr. Adams's farm, the whole of which was appropriated to the use of the Government without any payment being made to the owner therefor.

I was well acquainted with Mr. Adams, having known him for a number of years before the war, and I know that he was a loyal citizen; in fact, such was the character of his loyalty, and such his desire for the success of the Union armies, that he, being at that time a gentleman of large fortune and without an apprehension that the time would come when he would need the money which he was entitled to receive from the Government for the value of his property which he had caused to be taken from his farm, he neither asked for nor were there any vouchers given him on account thereof.

After the close of the war, however, and after the expiration of the time fixed by the law of Congress for the payment of such claims, Mr. Adams met with financial disasters, which caused him to lose the whole of his fortune. His health also broke down and he became in a manner blind, and then it was that he for the first time made a move for the payment of the debt by petitioning to Congress to pass a bill for the payment of the same.

Such are the facts connected with the matter, as I recollect them.

The claim is a just one, and in my opinion it ought to be paid.

Very respectfully, yours,

JAMES M. SHACKELFORD.

Hon. POLK LAFFOON, *Washington, D. C.*

In the matter of the claim of John C. Adams, administrator of the estate of Joseph Adams, deceased. Before the Committee on War Claims.

STATEMENT OF JOHN W. FOSTER.

During the war of the rebellion I was in command for some time of several regiments or detachments of troops of the Union Army at and in the vicinity of Henderson, Ky.

Most of these troops were cavalry or mounted infantry. During a part of this time I reported to General James M. Shackelford, as commanding officer, and a part of this time to General J. T. Boyle, at Louisville. These troops were constantly engaged in expeditions against the marauding bands of Confederate troops, or in efforts to prevent the recruiting in that vicinity for the Confederate army, and in their marches they were seldom able to carry with them their forage or a large commissary supply, and in great measure lived upon the country.

Mr. Joseph Adams was a large farmer and land owner in Henderson County, Kentucky, and I know that the Union troops named took from him, for their subsistence, a large amount of forage and supplies during the time stated, and I have been informed and believe that he did not at the time require any vouchers for the same, and was not paid therefor.

He was then in affluent circumstances, and a strong Union man, personally known to me as loyal to the Government, and he did not choose to urge demand for payment.

In the latter years of his life financial and physical misfortunes overtook him, and upon the advice of General Shackelford, myself, and other friends, who were his neighbors, living on the opposite side of the Ohio River, at Evansville, Ind., he presented his petition to Congress for relief and payment for his claim.

The bill now pending before Congress I believe to be a just and equitable measure for that purpose.

February 12, 1886.

JOHN W. FOSTER.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. BURROWS. I inquire of the gentleman who calls up this bill whether this bill has ever been presented to any tribunal for adjustment.

Mr. LAFFOON. It was before the Quartermaster's Department.

Mr. BURROWS. Had the Quartermaster's Department jurisdiction of this claim?

Mr. LAFFOON. It was filed after the Bowman act was passed. It was filed too late for action under the Bowman act.

Mr. BURROWS. It was not filed in time?

Mr. LAFFOON. No, sir.

Mr. BURROWS. Then the claim is barred under existing law?

Mr. LAFFOON. I will make a brief statement in explanation of the claim. The late Joseph Adams left his family in poverty. When he was rich and the Government was poor, he furnished these supplies. The Government is now rich and he is poor, and we think he ought to be paid for them. If the gentleman has any further doubt, I would like to have read here a letter from the Union general who received the supplies.

Mr. BURROWS. Oh, no. The gentleman's statement is sufficient. What is the evidence, though, as to this man's loyalty?

Mr. LAFFOON. Oh, it is entirely indisputable.

Mr. STONE, of Kentucky. I will say to the gentleman from Michigan [Mr. BURROWS] that it is the evidence of Union generals who ordered the property taken.

Mr. JOHNSTON, of Indiana. Mr. Speaker, while I have no disposition to resist the passage of this bill, I wish to say to the House that it involves a question that should be taken into consideration before the bill is passed, because it will be a precedent for the allowance of a great many other similar claims that may be presented hereafter. There can be no doubt as to this man's loyalty; there is no doubt that the Government got the quartermaster's and commissary's stores; but there is a question as to whether at the time these stores were delivered they were not delivered as a gratuity, and with no intention on the part of this claimant of charging the Government for them. That is the question that is involved. As I have said, I do not wish to resist the passage of the bill, but the House should understand before acting upon it the principle that is involved in the case.

A MEMBER. What is the amount involved?

Mr. JOHNSTON, of Indiana. About $8,000.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAFFOON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSIONS FOR PENSION BILLS, ETC.

Mr. RANDALL. Mr. Speaker, I rise to submit a privileged report from the Committee on Rules, upon which, after it is read, I shall demand the previous question.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 29, 1888.

Resolved, That, until further ordered, on each Friday at 5 o'clock p. m. the House shall take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar reported from the Committee on the Judiciary, removing political disabilities, shall be considered; and no other business shall be transacted at such evening sessions; and the House shall adjourn on each of said evenings not later than 10.30 p. m.

Mr. RANDALL. I demand the previous question upon the adoption of the resolution.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JOHNSTON, of Indiana. Is not an amendment in order?

The SPEAKER *pro tempore*. It is not, pending the demand for the previous question.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I was on the floor for a parliamentary inquiry and was recognized before the gentleman from Pennsylvania was recognized to make that motion.

Mr. RANDALL. I object to debate until after my motion is disposed of. Then, under the rule, there will be fifteen minutes for debate on each side, if the gentleman from Indiana desires to debate the subject.

The motion of Mr. RANDALL to lay on the table the motion to reconsider the vote by which the previous question was ordered was agreed to.

The SPEAKER *pro tempore*. The question now is on the adoption of the resolution.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I do not want to debate this question.

Mr. RANDALL. The gentleman has a right to debate it for fifteen minutes.

Mr. JOHNSTON, of Indiana. I do not want to debate it; I only want to offer an amendment to the resolution.

The SPEAKER *pro tempore*. An amendment is not in order.

Mr. JOHNSTON, of Indiana. I want unanimous consent to offer an amendment.

Mr. RANDALL. I object to amendments. They are not in order now.

The SPEAKER *pro tempore*. An amendment can be entertained only by unanimous consent.

Several MEMBERS. Regular order!

Mr. JOHNSTON, of Indiana. I will take my fifteen minutes, then. Mr. Speaker, I have no objection to the passage of this resolution, but I want the House to consent to an amendment providing that we shall also consider at these Friday evening meetings bills for the removal of charge for desertion. If we are to have special meetings here for the purpose of removing the political disabilities of men who fought against the Government, I think we should have power at the same meetings to remove charges of desertion against men who fought for the Government in cases where those charges can be shown to be wrong. That is the only amendment I propose, and I ask unanimous consent that it be inserted in the resolution. I now ask the gentleman from Pennsylvania [Mr. RANDALL] if he objects to that amendment?

Mr. RANDALL. I will not object if the gentleman will introduce such a proposition and have it referred to the Committee on Rules, and, after conference just now with one or two members of that committee, I can say to the gentleman that I do not believe an unfavorable report will be made upon his proposition. On the contrary, I think an opportunity will be promptly given to the House to vote upon it.

Several MEMBERS. That is all right.

Mr. JOHNSTON, of Indiana. Mr. Speaker, my objection to that is that if the proposition goes to the Committee on Rules, and this order is passed in the mean time, it will be necessary to set apart a separate night for the other business.

Several MEMBERS. No.

Mr. JOHNSTON, of Indiana. There are hundreds of men who are asking to have charges of desertion removed from their records in cases where the charge is a mere technicality, but those men can not get relief through the Department, and all I ask is to put them on an equal footing with the men who voluntarily fought against the Government.

Mr. BLAND. The effect of the amendment would be to put deserters upon an equal footing as to pensions with men who fought for the Government and never did desert.

Mr. TAULBEE. Mr. Speaker, I would cheerfully support the proposition of the gentleman from Indiana as an independent one, but I shall have to object to it as an amendment lest this resolution should be embarrassed by it.

Mr. RANDALL. Mr. Speaker, I desire to say that the proposition of the gentleman from Indiana is one which should come from the Committee on Military Affairs.

This resolution was introduced on behalf of the Committee on Invalid Pensions and the Committee on Pensions; and the subject which the gentleman from Indiana [Mr. JOHNSTON] has been discussing was not before us; and no desire for action in that direction was expressed. But if the gentleman will introduce and refer to the Committee on Rules a proposition embodying his views, I think I can say with full assurance that it will receive at the hands of the committee prompt and fair consideration.

Mr. HOOKER. To what the gentleman from Pennsylvania [Mr. RANDALL] has said, I wish to add that there is now before the Committee on Military Affairs a proposition to enact a general law with reference to these questions of desertion.

Mr. RANDALL. Will the gentleman from Mississippi [Mr. HOOKER] be kind enough to repeat his statement, so that the gentleman from Indiana can hear it?

Mr. HOOKER. I say that the Committee on Military Affairs has been considering a proposition for a general statute providing for the restoration to the Army rolls of all those who have been improperly charged with desertion.

Mr. STEELE. My colleague on the committee [Mr. HOOKER] will allow me to state that the bill to which he refers was reported yesterday and is now on the Calendar. I have no doubt that unanimous consent will be asked to take that bill up; and I do not believe anybody will object to it. It will so extend the authority of the Secretary of War as to enable him, when proper evidence has been presented, to remove the charge of desertion in the case of every man who has not been guilty of willful desertion. So there is no necessity for special night sessions or special legislation for the relief of these men.

Mr. KELLEY. I will ask the gentleman from Indiana [Mr. STEELE] whether the bill to which he refers will cover cases of enlistment in the Navy by men who had been in the Army and by one cause or another were prevented from rejoining their companies or regiments?

Mr. STEELE. It will relieve all men who re-enlisted, provided they did not do so for the purpose of obtaining bounties to which they were not entitled. It is not the purpose of the committee to show any favors to "bounty-jumpers"——

Mr. KELLEY. Of course not.

Mr. STEELE. But where men who were prevented from joining their commands re-enlisted in a different branch of the service this bill will enable them to be relieved.

Mr. KELLEY. Then I understand the bill covers transfers from the Army to the Navy?

Mr. STEELE. All that would be necessary in such a case would be for the men to show that they were not intentional deserters.

Mr. PETERS. Will it apply to soldiers who, having been in the infantry corps, enlisted in a different arm of the service—the cavalry, for instance?

Mr. STEELE. It will cover such cases, except where the person has been intentionally guilty of desertion.

Mr. JOHNSTON, of Indiana. In reply to the remark of the gentleman from Pennsylvania [Mr. RANDALL] that the proposition I have suggested should come from the Military Committee, I wish to say that early in this session I called upon the chairman of that committee in order to have a proposition of this kind adopted. I also asked permission of the chairman of the Committee on Invalid Pensions. He referred me to the chairman of the Committee on Military Affairs, whom I saw, and he promised me to have this thing done. Inasmuch as the Military Committee appears not to have done it, I felt it my duty to call the attention of the House to the matter.

Mr. HOOKER. I beg to say that the Military Committee has given attention to the subject, and a bill relating to it was reported yesterday.

Mr. ENLOE. Mr. Speaker, I am opposed to this resolution and think it ought not to be adopted.

From the observation I have been able to make as to the action of the House at Friday night sessions, I believe that the public business at those sessions never commands the respect to which it is entitled—never enlists the attention of a quorum of the House. So far as I am concerned, while I do not expect to prevent the adoption of the resolution by making this declaration, I want to go on record as saying that I am opposed to the Friday night sessions.

The question being taken on the adoption of the resolution, it was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRST NATIONAL BANK OF PORTLAND, OREGON.

Mr. HERMANN. I ask unanimous consent for the consideration of the bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin.

The bill was read, as follows:

Whereas in the year 1876 the United States entered into a contract with the Oregon Iron Works, a corporation under the laws of the State of Oregon, for the construction, at Albina, Oregon, by the said Oregon Iron Works, of the United States revenue-cutter called Thomas Corwin, for the consideration of $92,000, to be paid by the United States; and

Whereas the First National Bank of Portland, Oregon, advanced money for the construction of said revenue-cutter to the said Oregon Iron Works, and held as security for such advances a hypothecation of the payment to be made by the United States to the said contractor; and

Whereas before the completion of the said cutter the said Oregon Iron Works failed and work on said cutter was suspended; and

Whereas at the time of such failure the said First National Bank of Portland, Oregon, had advanced upon the security of the hypothecation of the last payment to be made to said contractor the sum of $18,399.96, which money went with the construction of said vessel in the form of labor and material; and

Whereas upon the failure of the said Oregon Iron Works the United States took possession of said vessel, and the vessel proceeded to San Francisco, where she was completed by the United States at a cost much less than the payment still due to the contractor for her construction; and

Whereas such payment, after deducting the cost to the United States of completing the said revenue-cutter, was covered into the Treasury of the United States: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the First National Bank of Portland, Oregon, the sum of $18,399.96, out of any moneys in the Treasury not otherwise appropriated, said sum being the amount advanced by said bank to the Oregon Iron Works, the contractor with the United States for the construction of the United States revenue-cutter called Thomas Corwin, built at Albina, Oregon, during the years 1875 and 1876, upon the security of the hypothecation of the payments to be made by the United States to said contractor and used in the construction of said revenue-cutter, and which sum has not been paid to said bank.

The amendments reported by the committee were read, as follows:

Strike out all of the preamble.

In lines 5 and 6 of the bill strike out "$18,399.96" and insert "$8,249.23."

In line 9 strike out the words "said sum being the amount" and insert "for moneys."

Mr. HOLMAN. Let the report be read.

Mr. HERMANN. With the consent of the gentleman from Indiana [Mr. HOLMAN] I will make a brief statement, as the report is very lengthy. Congress made an appropriation of $92,000 for the construction of a revenue-cutter, to be called the Thomas Corwin. The contract for the construction of this vessel was let to the Oregon Iron Works, as set forth in the report, for $92,000, which was to be paid in five installments of $18,400 each. Four installments, aggregating $73,600, were paid. In the mean time the First National Bank of Portland, Oregon, had advanced to the Oregon Iron Works something like $25,000 in all, to assist in the purchase of material and the construction of the vessel. The Iron Works gave the bank a lien for these advances, hypothecating to the bank as collateral security its claims upon the United States for money due or to become due upon the contract. Before the fifth installment became due the Iron Works became insolvent and went into bankruptcy, so that there was not a dollar left on their part to compensate the bank for its unpaid advances, which up to that time amounted to $18,399.96.

The Government then took possession of the vessel, took her to San Francisco, and completed her at a cost of about $10,150, leaving unexpended $8,249.23 of the maximum contract price; and this amount was covered into the Treasury, leaving unpaid the sum of about $18,000, and due to the National Bank. Now the bank comes to Congress and asks for relief to the extent of the unpaid amount it advanced upon the construction of the vessel—money which went into the vessel in the form of labor and material. But the committee of the House has concurred in a previous report of a Senate committee in the view that only so much of the remainder of the contract price as was invested in the construction of the vessel after the payment of the four installments should, in equity, be paid to the bank; and the amendments reported by the committee are designed to carry out this view.

Mr. HOLMAN. That is right.

Mr. WILKINS. I did not quite understand the remark of the gentleman from Oregon in regard to the Iron Works giving the bank a lien.

Mr. HERMANN. It was a lien upon the amount of the claims due or to become due by the United States on account of the contract.

Mr. HOLMAN. I suggest that the equity here is manifest; but it should be provided that this payment is in full.

Mr. HERMANN. It is in full.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Y. G. RUST.

Mr. TURNER, of Georgia. I move by unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 5091) for the relief of Y. G. Rust, and it be taken up for consideration.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, etc., That the sum of $409.38 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the relief of Y. G. Rust, postmaster at Albany, Ga., that amount of postal funds having been stolen from the safe of said postmaster by burglars on the 21st day of March, 1887, and accounted for by said postmaster to the Post-Office Department.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EQUALIZATION OF SALARIES.

Mr. BOOTHMAN. I ask, by unanimous consent, to call up for consideration the following resolution, reported by me from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be, and it hereby is, requested to report in the forthcoming legislative, executive, and judicial appropriation bill an item appropriating the sum of $4,582 to be expended in equalizing the salaries of the following employés of the House, namely:

Five persons in attendance at the north door of the House.
Four persons in attendance at the east door of the House.
Three persons in attendance at the west door of the House.
Four persons in attendance at the east lobby door of the House.
Four persons in attendance at the west lobby door of the House.
One person in attendance at the seal-room of the House.
One person acting as captain of House pages.
One person in attendance at the ladies' reception-room of the House.
Seven persons in attendance at the north gallery doors of the House.
Three persons in attendance at the south gallery doors of the House.
Four persons in attendance at the west gallery doors of the House.
Six persons in attendance at the east gallery doors of the House.

In all, forty-three persons; and that such sum shall be expended so as to make the whole pay of said employés equal to $100 each per month for the time they are so employed.

Mr. RANDALL. I object to that, unless it is for reference.

The SPEAKER *pro tempore*. Its consideration is asked for at the present time.

Mr. RANDALL. I object.

SOLOMON SPITZER.

Mr. BYNUM. Mr. Speaker, I objected the other day to the consideration of the bill (H. R. 2699) for the relief of the heirs of the late Solomon Spitzer, which was called up by the gentleman from New York [Mr. TIMOTHY J. CAMPBELL]. I wish now to withdraw my objection, and ask that it be now taken up for consideration.

Mr. TIMOTHY J. CAMPBELL. I move, Mr. Speaker, that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 2699) for the relief of the heirs of the late Solomon Spitzer, and that it be put on its passage.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $12,500, to pay the heirs

of Solomon Spitzer the claim of the said Spitzer for the unexpended increase in the work of weighing imports at the port of New York, under his contract with the Secretary of the Treasury, during the year 1879.

Mr. HOLMAN. I ask for the reading of the report.

Mr. TIMOTHY J. CAMPBELL. The report was read the other day.

Mr. HOLMAN. I hope the gentleman will make a statement.

Mr. TIMOTHY J. CAMPBELL. It is a most just bill, and should be passed as soon as possible. It appears that Mr. Spitzer entered into a contract with the Treasury Department to do all the work of weighing imports at the port of New York for three years from February 1, 1878, at a compensation of $75,000 per annum. That contract also specified, in case the work was increased 10 per cent. by legislative action increasing the classes of weighable goods, the contractor should be entitled to compensation in proportion to the increase, less the 10 per cent. specified.

Now, as we all know, an unanticipated increase in the volume of importations took place in the latter part of the year 1879, and the quantity of weighable goods imported continued to increase to such an extent that Spitzer was no longer able to perform his contract, and it was terminated on the 1st of January, 1880.

He presented a claim to the Treasury Department for extra compensation on account of the unexpected increase, and it was referred to a committee of Treasury officers, appointed by the Secretary of the Treasury. They examined the matter carefully and reported that, under the terms of the contract, Spitzer was equitably entitled to additional compensation to the extent of $12,500, but there was no power vested in the Department to pay the same, and recommended legislative action. The Secretary concurred in that report.

When Mr. Spitzer applied for this $12,500 he was told there was no money in the Treasury to pay the account, and in order to do so it was necessary that Congress should pass an enabling act. Mr. Spitzer came to Washington in 1882 and the bill for his relief was introduced into Congress, but during its pendency he fell sick at Willard's Hotel and died.

The passage of this bill was recommended in the Forty-seventh Congress by Mr. Waldo Hutchins, of New York; in the Forty-eighth by Mr. TILLMAN, of South Carolina, and in the Forty-ninth by Mr. BUCHANAN, of New Jersey. It has been reported at this session by myself by the instruction of the Committee on Claims. The committee unanimously indorsed the report. This bill is in favor of the poor widow, who has been left with five children to care for, and I hope it will be passed. [Applause.]

There was no objection; and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TIMOTHY J. CAMPBELL moved to reconsider the vote by which the bill was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF MILITARY COMMITTEE.

Mr. HOOKER. I ask, by unanimous consent, to submit the following resolution:

The resolution was read, as follows:

Resolved, That Tuesday, the 20th day of March, Thursday, the 29th day of March, and Thursday, the 26th day of April, 1888, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Military Affairs in such order as may be designated by said committee, the order not to conflict with prior orders or revenue or general appropriation bills.

Mr. RANDALL. I do not object if that resolution is introduced for reference to the Committee on Rules.

Mr. HOOKER. I should like, of course, to have the resolution acted on at this time, but objection being made, I must submit to its reference to the Committee on Rules.

There was no objection; and the resolution was received and referred to the Committee on Rules.

VOLUNTEER SOLDIERS.

Mr. STEELE. I reported yesterday from the Committee on Military Affairs, as a substitute for sundry bills, a bill (H. R. 6106) for the relief of certain volunteer soldiers of the late war, which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed. It occurs to me the numbers and titles of the bills for which the substitute was reported should be given in the RECORD, the House having disposed of them by laying them upon the table. I have been asked by several members as to bills which they had introduced; and, by unanimous consent, I ask that the numbers and titles of the bills, which were not read at the Clerk's desk yesterday, be published in the RECORD.

There was no objection; and it was ordered accordingly.

The bill referred to was reported as a substitute for bills of the following numbers:

89, 106, 123, 146, 245, 318, 336, 371, 453, 465, 515, 568, 596, 617, 629, 638, 686, 687, 711, 730, 757, 761, 803, 837, 858, 859, 887, 896, 913, 949, 958, 959, 966, 967, 973, 980, 989, 1003, 1006, 1075, 1084, 1089, 1098, 1106, 1170, 1323, 1324, 136, 2027, 2049, 2062, 2130, 2199, 2206, 2306, 2312, 3165, 2339, 2353, 2356, 2436, 2419, 2485, 2486, 2492, 2487, 2500, 2512, 2516, 2581, 2582, 2680, 2698, 2722, 2744, 2785, 2792, 3144, 3149, 3159, 3204, 3346, 3139, 3162, 3212, 3213, 3214, 3217, 3818, 3832, 3966, 3968, 3969, 3970, 3971, 3519, 3448, 3449, 3451, 3486, 3501, 3514, 3526, 3542, 3545, 3546, 3552, 3555, 3558, 3562, 3598, 3602, 3707, 3787, 3795, 3817, 3821, 3882, 3915, 3917, 3920, 3973, 4022, 4030, 4064, 4071, 4094, 4096, 4111, 4131, 4143, 4206, 4211, 4212, 4213, 4229, 4224, 4250, 5368, 5442, 5478, 5513, 5519, 5526, 5572, 3607, 6332, 6027, 4476, 4569, 4570, 2096, 2866, 2868, 3000, 3005, 3119, 3120, 3128, 3131, 3178, 3450, 3513, 3563, 3605, 3614, 4503, 4509, 4513, 4515, 4537, 4549, 4561, 4587, 4588, 4625, 4636, 4637, 4641, 4644, 4650, 4674, 4682, 4708, 4822, 4840, 4858, 4901, 5081, 5087, 5085, 5102, 5103, 5110, 5161, 5219, 5258, 5277, 5289, 5291, 5292, 5302, 5326, 5358, 5360, 5369, 5384, 5393, 5439, 5440, 5450, 5489, 5568, 5578, 5745, 5749, 5800, 5838, 5839, 5868, 5908, 5909, 5915, 5923, 5940, 5967, 5977, 5978, 5979, 5989, 6010, 6028, 6029, 6031, 6034, 6041, 6060, 6074, 6077, 6090, 6200, 6276, 6283, 6305, 3501, 6323, 6325, 6349, 6376, 6381, 6401, 6417, 6484, 6488, 6528, 6537, 6590, 6600, 4749, 3876, 950, 6333, 6506, 6729, 6526, 6608, 6621, 6623, 6718, 6728, 6752, 6790, 6836, 6846, 6850, 6854, 6856, 6866, 6873, 6874, 6920, 6921, 6926, 6929, 6957, 6980, 6989, 7001, 7002, 7004, 7005, 7021, 7096, 7108, 7135, 7138, 7161, 7167, 7178, 7193, 7203, 7207, 7243, 7245, 7249, 7258, 7259, 7267, 7274, 7276, 7324, 7336, 7338, 3876, 7288, 7318, 7377, 7448, 7478, 3225, 3166, 4780, 4208, 5496, 4608, 3177, 3221, 3164, 467, 3530, 3600, 3619, 4237, 3058, 242, 877, 3229, 731, 728, 2272, 3203, 7479, 7480, 7481, 7489, 7515, 7535, 7537, 7551, 7560, 7561, 7606, 7607, 7617, 7631, 7661, 7664, 7697, 7703, 7716, 7796, 7855, 7879, 7893, 7894, 7896.

J. MILLER RAUB.

Mr. CUTCHEON. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 2514) granting a pension to J. Miller Raub and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. Miller Raub, late of Company D, One hundred and twenty-second Regiment of Pennsylvania Volunteers.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. CHIPMAN) was read, as follows:

J. Miller Raub was mustered into the service of the United States August 12, 1862, as captain of Company D, One hundred and twenty-second Pennsylvania Volunteers, and served until May 15, 1863, when he was discharged with his company, he having enlisted to serve nine months. April 12, 1883, he filed his application for a pension upon the ground of a hernia incurred at Cloud's Mills, Va., in August, 1862, by slipping and falling while moving on the double-quick in the line of his duty.

The claimant proves by those who knew him intimately that he was free from hernia at the time he entered the service.

Abraham Dennis swears that he was acquainted with claimant for five years before enlistment, and that he was free from rupture. In response to office letter he says that he had opportunity to know by going bathing with claimant.

Claimant in his own behalf swears that at the time he sustained the injury he was not aware of the nature of his injury until he went to the surgeon, and that no officer or comrade had personal knowledge of the injury except the surgeon.

John Hildebrand, a neighbor, knew claimant intimately for about five years before enlistment; knew him to be a man of sound bodily health, and free from rupture.

Daniel H. Heitshel, adjutant of claimant's regiment, swears that he was bunkmate of claimant during the nine months' service. Affiant did not see rupture, but knows that Captain Raub frequently complained of severe pain after the fall, attributing the same to rupture received at Cloud's Mills.

L. W. Krebs knew claimant for eighteen years, and from 1866 to 1878 lived near neighbor; saw him frequently, and knew him to be ruptured, and believes him to have been disabled one half.

Paul J. Hunsinger has known claimant since 1866, and has worked for him almost constantly since that date. While he worked for him, if claimant would lift anything heavy his rupture would come down; his truss would not hold it. Has seen him many times go and sit down or about half lie down, trying to work his rupture in until the sweat would break out on him. He seemed to be in great pain until he could work it in. This I have seen him do so often, and up to the present date almost, that it would be impossible to state how often.

D. V. W. Burg, assistant surgeon of claimant's regiment, swears that on or about August 30, 1862, while in line of duty at Cloud's Mills, Va., said claimant incurred an injury while in active service causing him to fall, with the result of producing an inguinal hernia of the left side. The hernia seemed to be of recent origin, which I saw. The above I knew from being present always with regiment.

Dr. H. D. Reutschler swears that he has known claimant since the spring of 1866, and has been his family physician since 1866 to 1880, and on several occasions was summoned in haste to see him when his hernia became strangulated. Also treated him for hemorrhoids, and that he has been one-half disabled for manual labor. This claim was rejected by the Pension Office for the want of a medical record while in the service.

From the testimony in the case the committee is of the opinion that the claimant was sound when he entered the service, that he became injured in the service as claimed, and that he has remained partially disabled until the filing of his claim.

The committee therefore report the bill back with the recommendation that it do pass.

There being no objection, the bill was considered, and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

ALFRED HEAD.

Mr. HEARD. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 860) for the relief of Alfred Head, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alfred Head, or his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $200, being the amount of purchase-money paid by him for the west half of the southeast quarter and the east half of the southwest quarter of section 26, township 42, range 22 west, subject to entry at the land office at Fayette, Mo., and subsequently resold by the land office and repurchased by said Alfred Head.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was considered, and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I now demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports on private bills.

ABERDEEN, BISMARCK AND NORTHWESTERN RAILWAY COMPANY.

Mr. GIFFORD reported as a substitute for House bill No. 5046 a bill (H. R. 7964) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right of way across a portion of the Sioux Indian reservation, in Dakota Territory; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 5046 was ordered to be laid upon the table.

P. E. PARKER.

Mr. SIMMONS, from the Committee on Claims, reported back favorably the bill (H. R. 1032) for the relief of P. E. Parker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARTHUR C. TOMPKINS.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (H. R. 5310) for the relief of Arthur C. Tompkins, late postmaster at Hempstead, Tex.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES M. KENNERLY.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (H. R. 1050) for the relief of Charles M. Kennerly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. SAMPSON AND BENJAMIN HENRICKS.

Mr. KERR, from the Committee on Claims, reported back with amendments the bill (H. R. 4789) for the relief of George W. Sampson and Benjamin Henricks, of Austin, Tex.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. KERR. I ask that the bill H. R. 2989, of the same title and identical in substance, be laid upon the table.

There was no objection, and it was so ordered.

ANDREW BURGESS AND OTHERS.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 4114) for the relief of Andrew Burgess, John Hall, and William T. Roundtree; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. WHITFIELD.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 4624) for the relief of the estate of John W. Whitfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA W. OSBORNE.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 3181) for the relief of Anna W. Osborne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELY MOORE AND DANIEL WOODSON.

Mr. KERR also, from the Committee on Claims, reported back favorably the bill (H. R. 2263) for the relief of the estate of Ely Moore and Daniel Woodson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. A. M'CREARY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 3612) for the relief of J. A. McCreary, late United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DE BREE, EXECUTOR.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL A. B. WOODFORD.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 2359) for the relief of Samuel A. B. Woodford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. REYNOLDS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 6322) for the relief of John R. Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. SEARS.

Mr. LAWLER, from the Committee on War Claims, reported with amendments the bill (H. R. 5794) for the relief of James W. Sears; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

FEMALE NURSES.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 7392) granting relief to the female nurses in the war of the rebellion; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WELLS C. M'COOL.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3151) for the relief of Wells C. McCool; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. R. ALLBRIGHT.

Mr. BROWER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 7861) for the relief of W. R. Allbright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. BOSWELL.

Mr. BROWER also, from the Committee on War Claims, reported as a substitute for the bill H. R. 359 a bill (H. R. 7965) for the relief of John S. Boswell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 359 was laid on the table.

ESTATE OF SYLVANUS SANDFORD.

Mr. HIESTAND, from the Committee on War Claims, reported as a substitute for the bill H. R. 5412 a bill (H. R. 7966) for the relief of Sylvanus Sandford; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 5412 was laid on the table.

PRESTON BECK, JR.

Mr. BIGGS, from the Select Committee on Indian Depredation Claims, reported back with a favorable recommendation the bill (H. R. 4554) for the relief of Preston Beck, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of committees for reports is now completed.

RAILWAY MAIL SERVICE.

Mr. DOCKERY, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 4930) relating to the railway mail service; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. SAYERS. I ask unanimous consent that the letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact and conclusions of law in the matter of the ship Joanna *vs.* United States, French spoliation claims, be printed.

There was no objection, and it was so ordered.

PRIVATE CALENDAR.

Mr. LANHAM. I move that the House resolve itself into Commit-

tee of the Whole House for the consideration of business on the Private Calendar.

The motion was agreedto.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the unfinished business coming over from last Friday.

The Clerk read as follows:

A bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the "Bowman act."

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

To John R. McKinnie, administrator of David McKinnie, deceased, of Hardeman County, Tennessee, $1,142.

Mr. RICHARDSON. I think when the committee rose on last Friday there was no objection to this clause, and the Clerk had commenced to read the next claim.

Mr. LANHAM. I ask that the report of the findings of the Court of Claims be read with reference to this claim of McKinnie.

The Clerk read as follows:

Court of Claims. John R. McKinnie, administrator, etc., vs. The United States. Congressional case No. 364.

At a Court of Claims held in the city of Washington on the 17th day of January, 1887, the court filed the following findings of fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims, House of Representatives, on the 4th day of March, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 29th day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and Lewis Cochran, esq., of counsel for the defendants, finds the following facts:

David McKinnie, the intestate, was owner of the property taken. he resided 5 miles from Middleburgh, Hardeman County, Tennessee, and was a farmer; the property taken consisted of commissary supplies, which were not paid for because the Commissary-General was not satisfied as to the owner's loyalty. The larger part of the supplies were carried by the intestate to Middleburgh, Tenn., and delivered there to assistant quartermasters in charge. For some, receipts were given; some were taken by details of troops sent out to collect supplies, and of all a full itemized account was made by the intestate at the time, which account was subsequently presented to the Commissary-General. The officers to whom the supplies were delivered or by whom they were taken were Assistant Quartermaster Baldwin, Second New Jersey Cavalry; Lieut. William Newsom, regimental quartermaster Sixth Tennessee Cavalry; Capt. Gustavus Schurager, Iowa Cavalry, and Lieut. W. B. Perrott, assistant quartermaster Twelfth Michigan Volunteers. The supplies were taken at various times between November 17, 1862, and May 2, 1864, and consisted of 6,500 pounds pork, 11 barrels flour, 200 pounds lard, 1,600 pounds beef, 1,000 pounds ham, 500 pounds bacon, 350 pounds salt, 600 gallons honey, 500 pounds salted meat, the aggregate value of which was $1,142.

By the court.

A true transcript of record.

Test this 18th day of January, 1887.

[SEAL.] JOHN RANDOLPH.
Assistant Clerk Court of Claims.

Mr. LANHAM. I do not discover from the reading of the report that there was any finding by the Court of Claims that the claimant was loyal. The other reports that have preceded this have shown that that fact of loyalty was found by the court. There was a question originally as to the loyalty of this claimant, and the court failed to find that he was loyal. In view of that fact I move to strike out that paragraph of the bill relating to the claim of McKinnie.

Mr. RICHARDSON. In reply to the gentleman from Texas I desire to call his attention to section 4 of the Bowman act, under which this claim was considered by the Court of Claims. It is true, as the gentleman has stated, that the court has not set out as one of its findings the loyalty of the claimant. But if the gentleman will turn to section 4 of the Bowman act he will find the court is prohibited from entering upon consideration of the claim until the fact of loyalty is established. Section 4 of the Bowman act is as follows:

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

Now the question of loyalty is a jurisdictional question of law. It is not necessary for the Attorney-General of the United States to appear and file a plea of want of loyalty. The law itself files that plea; and the Court of Claims, until the fact of loyalty is fully established, declines to enter into the consideration of the merits of the claim.

Contrary to the general practice in courts there are two investigations by this court; first, as to the question of loyalty——

Mr. OATES. Is not the gentleman mistaken as to the question of loyalty being a jurisdictional fact? Does that cut any figure in the case at all, unless the act requiring the reference, or under which the reference was made, required proof of loyalty? Otherwise it cuts no figure whatever, as decided by the Supreme Court.

Mr. RICHARDSON. The gentleman from Alabama [Mr. OATES] is correct, but there is no act referring this case to the Court of Claims. It is referred under the Bowman act, which provides that in all cases referred under it by a committee of Congress, the fact of loyalty must be first ascertained before the court can consider the claim. Therefore the question of loyalty is a jurisdictional question. The law itself makes it a jurisdictional question. Now, Mr. Chairman, as I was about to state when interrupted, the court first hears each claim upon the plea of loyalty; and unless by affirmative proof the claimant overcomes the difficulty in that respect and establishes his loyalty throughout the war—not from the time of taking the oath, as in the 4th of July cases, but throughout the war—the court decline to enter upon the consideration of the case under the Bowman act. Therefore, while the court have not set out in their report that they found affirmatively that this claimant was loyal, they could not, under the law, as an intelligent court, and would not, and, I undertake to say, did not enter upon the consideration of the case until the claimant was found to have been loyal.

When the question of loyalty is established to the satisfaction of the court, then the case is remanded to the rules, as it were, in chancery practice. The case is not proceeded with. The court does not go on to try the case upon its merits, but it remands it, just as a chancellor does when he remands a case for additional proof. It is sent back to the rules, to a separate docket, and then it is that the case is tried upon its merits. Proof is introduced; witnesses for the claimant are examined by his attorney and cross-examined by the United States Attorney-General; witnesses for the Government are introduced by the Attorney-General and cross-examined by the attorney for the claimant, and this second trial of the case is upon its merits. Now, sir, there is no case in this bill that has not undergone both these investigations; first a preliminary one to establish the loyalty, and then, that being affirmatively established, a second trial upon the merits of the case. I hope the gentleman will not insist upon his motion.

Mr. LANHAM. It seems from the reading of the report of the Court of Claims that the Commissary-General was not satisfied at the time as to the loyalty of this claimant, and there is an omission in the report of the Court of Claims to make any statement whatever with reference to the question of loyalty. In all the other cases that have preceded this one in the bill I believe the fact of loyalty has been affirmatively set forth by the court.

Mr. CATCHINGS. The gentleman is mistaken about that. There was a case the other day in which the same omission occurred, and attention was called to it by the gentleman from Michigan [Mr. BURROWS], but he finally conceded that it was not necessary that the fact of loyalty should be set out in the report, because it was a jurisdictional fact.

Mr. LANHAM. I had not noticed that, but in view of this case as it stands, I think that we ought to have some affirmative showing as to this claimant's loyalty.

Mr. HOLMAN. What is the gentleman's motion?

Mr. LANHAM. I move to strike out so much of the bill as refers to the claim of John R. McKinnie.

Mr. WARNER. Can the gentleman in charge of this case state whether it was referred to the Court of Claims by a committee of this House or by Congress?

Mr. RICHARDSON. It was referred by the Committee on War Claims.

Mr. WARNER. Then I apprehend that the case having been referred under the Bowman act, the question of loyalty is a jurisdictional question, because the court could not take jurisdiction of the case unless loyalty was established.

Mr. RICHARDSON. That is correct.

Mr. LANHAM. It is singular that the court should find the fact of loyalty in the other cases and should be silent as to this one.

Mr. WARNER. If the gentleman will permit me I think I can explain that. My understanding of the practice in the Court of Claims is this · When t he court finds for the claimant the attorney for the claimant prepares the finding of fact, and I have no doubt that many attorneys, in the abundance of their caution, have the court find the jurisdictional fact of loyalty, while other attorneys, knowing that it is a jurisdictional fact, do not insert it in the finding. The question of loyalty is a jurisdictional fact, and unless the loyalty of the claimant is established the court must dismiss the case.

Mr. RYAN. But is it not the practice of the court to find that fact affirmatively?

Mr. WARNER. I cannot answer the gentleman's question as to the general practice any further than I have stated. Unless the fact of loyalty is established the court can not take another step in the case. Therefore the fact of their proceeding further seems to show that the fact of loyalty must have been previously established. The presumption is that the Court of Claims have not violated the law that creates them and gives them power to hear these cases at all. The presumption is that they have acted in accordance with the law, and that, having found the jurisdictional fact of loyalty established, they then proceeded to pass upon the merits of the claim and to ascertain the amount, if anything, due to the claimant.

That seems to me to be reasonable and proper.

Mr. RYAN. But if it is the general practice of the court to find the fact of loyalty affirmatively, then the omission in this case is singular.

Mr. WARNER. In answer to the gentleman, let me say that it would be still more singular and strange if the judges of the Court of Claims, in violation of their sworn duty, should proceed to hear and determine a case before the establishment of a jurisdictional fact which the law says must be established before they shall proceed one step.

Mr. STONE, of Kentucky. Mr. Chairman, it seems to me that the facts in this case have been brought out by what has been already said. The bill providing for this claim was introduced in the Forty-ninth Congress. The claim had been originally filed before the Quartermaster-General, and had been rejected because the Quartermaster-General, as he said, was unable to certify to the loyalty of the claimant. When the bill was introduced here it went to the Committee on War Claims, who, deciding that they wanted the facts judicially determined, referred this case, like many others, to the Court of Claims.

No man who reads the Bowman act can question the fact that the Court of Claims must be satisfied of the loyalty of the claimant before it proceeds to an investigation of the merits of the claim. The very fact that the court took jurisdiction and sent in here a favorable finding should be, it strikes me, sufficient evidence that the Court of Claims found that the claimant was loyal, and that the amount named in the findings was justly due.

Sir, even the Supreme Court of the United States, upon cases appealed to it, never goes behind the finding of the Court of Claims on a question of fact. Now, if the Supreme Court of the United States is willing to take the finding of the Court of Claims upon questions of fact without going back and investigating the evidence on which the facts were found, it certainly seems to me that the Congress of the United States, who can not act judicially on these questions, should take the findings of fact as found by the Court of Claims, and not question them further.

I hope that the amendment proposed will not be adopted, and that this paragraph will be allowed to remain in the bill and be favorably reported to the House.

The question being taken on the amendment of Mr. LANHAM, it was not agreed to; there being—ayes 12, noes 56.

Mr. HOLMAN. Mr. Chairman, I move that the claim embraced in this paragraph be reported back to the House with a recommendation that it be re-referred to the Court of Claims with instructions to report further the facts found in the case. This is one of a series of claims, and there is no separate bill accompanying it, as there was last session.

The CHAIRMAN. Will the gentleman from Indiana please reduce his motion to writing?

Mr. HOLMAN. My motion is simply that this claim—there being no separate bill accompanying it—be reported to the House with the recommendation that it be re-referred to the Court of Claims for further findings of fact. On this motion I wish to be heard a moment.

The CHAIRMAN. The Chair wishes to understand the proposition of the gentleman. This is simply a single paragraph of the bill. Does the gentleman propose to recommit the bill?

Mr. HOLMAN. I desire that this specific item be re-referred to the Court of Claims. My motion applies only to this claim, there being no separate bill accompanying it.

The CHAIRMAN. The Chair is unable to see how the gentleman from Indiana can make a motion to lay aside a part of a bill to be reported to the House with a recommendation that this particular portion of the bill be re-referred to the Court of Claims.

Mr. HOLMAN. For purposes of legislative consideration, every distinctive part of a bill is a separate measure, as the Chair well understands. Each one of these propositions was originally a separate and distinct bill, and was referred in that form to the Court of Claims. The fact that these different claims are now combined in one bill does not change our power of separate action upon each. Each item is subject to separate consideration. Certainly it is not necessary to recommit the whole bill.

Mr. RICHARDSON. I wish to suggest that if the gentleman from Indiana, instead of making further objection to this claim, will let it be passed over by unanimous consent until we reach the last claim in the bill, I will put into his hands the record in the case, which I know will show affirmatively the loyalty of this claimant; if not, I will myself move to strike this paragraph out of the bill.

Mr. HOLMAN. I am willing this paragraph should be passed over.

Mr. WARNER. Will the gentleman from Tennessee permit me ask why he would agree to strike this out of the bill if the report was made by the committee on the facts submitted to them and favorably? Why should this injustice be submitted to, if the claim be a proper one? I certainly would not consent, for one, to that being done, though I know nothing of the merits of the claim, without some explanation of the reason for it. I want to proceed according to law in this matter; and upon the question of loyalty I contend that it need not be affirmatively proven, if that is the ground for striking it out. The law does not warrant or require it. Hence no claim should be stricken out unless the committee has received further information which indicates that it has no proper standing here.

Mr. RICHARDSON. I recognize the propriety of the objection the gentleman makes; but I am so absolutely certain that the loyalty of this claimant will be found to be beyond question that I had no hesitancy in agreeing to make that motion in the event of a failure to prove it.

The CHAIRMAN. Does the gentleman from Indiana desire his motion to be regarded as pending?

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. The Clerk will proceed to read the bill.

The Clerk read as follows:

To Sarah E. Mendenhall, of Shelby County, Tennessee, $583.73.
To John A. Oursler, administrator, of Fayette County, Tennessee, $2,439.10.
To Thomas F. Perkins, administrator of Eliza M. Dawson, deceased, of Marshall County, Mississippi, $19,237.68.
To John B. Reid, of Fayette County, Tennessee, $1,000.
To Robert Smith, of Madison County, Tennessee, $510.
To S. H. Brodnax, executor of George T. Taylor, deceased, of Tipton County, Tennessee, $1,435.
To James Tucker, of Fayette County, Tennessee, $500.
To Robert H. Walton, of Hardeman County, Tennessee, $360.
To Americus V. Warr, administrator of Nicholas H. Isbell, deceased, of Fayette County, Tennessee, $13,475.15.
To John R. Watkins, administrator of Matilda W. Anderson, deceased, of Haywood County, Tennessee, $2,530.
To Simon Witkowski, of West Carroll Parish, Louisiana, $7,200.
To Mrs. Ann Moreau, of Avoyelles Parish, Louisiana, $5,995.
To John R. McDowell, administrator of John McDowell, deceased, of Fayette County, Tennessee, $15,570.
To John League, administrator of Delos A. Harrell, of Shelby County, Tennessee, $885.
To T. J. Powell, administrator of Warren M. Benton, deceased, of West Carroll Parish, Louisiana, $14,585.
To John H. Mitchell, of Sebastian County, Arkansas, $2,070.
To Duncan Marr, of Montgomery County, Tennessee, $9,424.

The committee recommend striking out lines 92 and 93, as follows:

To Duncan Marr, of Montgomery County, Tennessee, $9,424.

Mr. RICHARDSON. The reason of that recommendation is this: When the bill was made up the findings in this case of Duncan Marr had not been furnished. The findings had been made by the Court of Claims, and I put it in the original bill. But inasmuch as these findings did not reach the committee when the bill was completed, then I thought it better that it should be stricken out. It is true that this is a claim for supplies, and the loyalty of the claimant has been found; but it is not recommended in this bill, although it appears in an omnibus bill, or a bill including a number of items lower down on the Calendar, and that is the reason why it is proposed now to strike it out.

The CHAIRMAN. The question is on the amendment of the committee.

The amendment was adopted.

Mr. HOLMAN. Mr. Chairman, the reports of the Court of Claims accompanying these various items of the bill, according to the understanding of last Friday, are to be read. They have not yet been read, and I ask for their reading.

Mr. RICHARDSON. I hope the gentleman will not insist upon that. I have the reports here, and ask to have them printed.

Mr. HOLMAN. The agreement was that they were to be read.

Mr. RICHARDSON. I make the point of order that the gentleman should have called for the reading at the time these various paragraphs of the bill were read.

Mr. HOLMAN. The gentleman from Tennessee certainly does not ask to have the rule adopted on last Friday set aside?

The CHAIRMAN. The present occupant of the chair of course has no knowledge of any rule of procedure which may have been adopted on last Friday and to which the gentleman from Indiana now refers.

Mr. RICHARDSON. I will not debate the question, but in order to save time will ask to have these read.

Mr. LANHAM. Mr. Chairman, it seems to me that it will simply consume time. I have examined these reports, and we would save time, I think, by dispensing with the reading of them. Still, if it is insisted upon, they can be read.

Mr. HOLMAN. I do not wish certainly to consume the time of the committee, but I wish the House to be informed of the facts in these cases. This bill involves the expenditure of a large amount of money. I would suggest to the gentleman, therefore, to let the report in the claim involving some $15,000 be read; and in the mean time I will indicate the other reports that I would beg to have read before action is taken.

The CHAIRMAN. If the Chair understands the status of this bill, it comes over from last Friday as the unfinished business, and is being read by paragraphs for debate and amendment under the five-minute rule. The committee can not go back, unless by unanimous consent, now to any preceding paragraph for argument or amendment.

Mr. HOLMAN. The Chair has certainly been informed of the fact that the committee, in considering the bill and in order to avoid trouble, agreed to have each report read bearing upon these several items of the bill; and whether it be read in connection with the item itself or whether all are read together of course made no difference, as far as that agreement was concerned. It would be a departure from the agreement of Friday last if the reports are not read.

The CHAIRMAN. The Chair must take notice of the fact that as these paragraphs of the bill were read and passed over no gentleman rose to seek recognition of the Chair. The gentleman from Indiana is aware of the fact that when a paragraph of a bill is read and passed over under such circumstances, it can only be recurred to again by unanimous consent.

Mr. HOLMAN. At the moment that the Clerk read this portion of the bill I supposed—if the Chair is uninformed as to the agreement of last Friday—or took it for granted that the body of these items were grouped together, until the Clerk had proceeded with the whole of them, whereupon the reports accompanying them would be read. But if the Chair will have the record of last Friday's proceedings referred to, it will be seen that the agreement was such as not to require the attention of any member to demand the reading of the reports, but that the reports were to be read without further order.

The CHAIRMAN. What is the gentleman's request?

Mr. HOLMAN. My request now is, that this proposition, or the report accompanying it—I refer to the claim covering some $15,000—shall be read, and in the mean time I will look to see if there are others which I desire to have read.

Mr. RICHARDSON. I hope there will be no objection to reading the report in this claim—the McDowell claim—to which the gentleman refers.

Mr. STONE, of Kentucky. That item has been read and passed over, and it has been decided by the Chair that it requires unanimous consent to go back to any item in the bill to read the report or to amend or debate. I would not object to the reading of the report in this case if it is understood that that reading does not bring that section of the bill again before the committee.

Mr. HOLMAN. What section?

Mr. STONE, of Kentucky. The McDowell section. If the reading of the report is to open up the question again and bring it before the committee I shall object.

The CHAIRMAN. The Chair has already stated that, as the Chair understands the order of business, this bill is being considered in committee under the five-minute rule, and you can only recur to a preceding paragraph by unanimous consent either for amendment or debate.

Mr. HOLMAN. There has been no agreement or arrangement either in the committee or in the House that this bill should be considered under the five-minute rule.

The CHAIRMAN. It does not require such an agreement. The bill is being read and considered under the rules of the House.

Mr. HOLMAN. I hope the Chair, before we vote on this question, will have the record of last Friday referred to, that it may be known to the committee what the understanding was.

The CHAIRMAN. The Chair will do so. In the mean time he directs the Clerk to read the findings in the present case.

The Clerk read the findings of the Court of Claims, as follows:

Court of Claims. John R. McDowell, administrator of the estate of John McDowell, deceased, *vs.* The United States. Congressional case No. 211.

FINDINGS OF FACT. FILED DECEMBER 13, 1886.

At a Court of Claims held in the city of Washington on the 13th day of December, A. D. 1886, the court filed, in the aforesaid cause, its findings of fact, and ordered that a copy thereof be transmitted to the Committee on War Claims of the House of Representatives, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 22d day of December, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 13th day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and H. J. May, esq., of counsel for the defendants, finds the following facts:

I.

That John McDowell, deceased, resided during the late war on his farm, located near Rossville, in Fayette County, Tennessee, containing 2,300 acres, of which about 1,000 was under cultivation; that he did not give any aid or comfort to the rebellion, but was throughout that war loyal to the Government of the United States.

II.

In the year 1862 and 1863 stores, subsistence, and supplies were taken from said John McDowell by the military forces of the United States for their use during the late war, consisting of horses, mules, cattle, hogs, sheep, hay, rails, wood, etc., amounting in the aggregate to the sum of $15,570.

III.

No payment has been made for said supplies.

By the court.

A true transcript of record.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court of Claims this 14th day of December, A. D. 1886.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. HOLMAN. I desire to have read the findings in favor of T. J. Powell. I will furnish the paper to the Clerk.

The Clerk read the report of the Committee on War Claims of the Forty-ninth Congress (by Mr. Geddes), as follows:

That the Committee on War Claims of the Forty-ninth Congress, not being fully and clearly advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims with the following findings of fact, filed February 7, 1887, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

"Court of Claims. T. J. Powell, administrator of Warren M. Benton, deceased, *vs.* The United States. Congressional case No. 902.

"At a Court of Claims held in the city of Washington on the 7th day of February, 1887, the court filed the following findings of fact, to wit:

"The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 18th day of May, 1886, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 26th day of January, 1887, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and Lewis Cochran, esq., of counsel for the defendants, finds the following facts:

"I.

"That Warren M. Benton, deceased, and the decedent of the claimant, did not give aid or comfort to the rebellion, but was throughout that war loyal to the Government of the United States.

"II.

"That during said period, to wit, in July, 1863, there was taken from the said decedent, in the State of Louisiana, by the military forces of the United States for their use, the following stores and supplies, of the values, to wit:

75 head of cattle	$2,400
10,000 bushels of corn	6,000
35 head of mules and 5 horses	4,825
40 hogs	360
Rails and wood, cords, 500	1,000
Total	14,585

"III.

"No portion of said stores or supplies have been paid for, and the court hereby disallows all other claims made in this cause.

"By the court.

"A true transcript of record.

"Test this 8th day of February, A. D. 1887.

[SEAL.] "JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

Your committee therefore recommend the payment of the amount found due by said court, and recommend the passage of the accompanying bill.

Mr. HOLMAN. I now ask to have read the report accompanying the claim of John Kelley.

Mr. RICHARDSON. I desire to make a parliamentary inquiry. I ask if that claim has been regularly reached by the Clerk in reading the bill? If not, it occurs to me the Clerk should read the paragraphs in their order. I think the next claim is at line 90, two claims ahead of the one to which the gentleman from Indiana refers.

Mr. HOLMAN. I reserve the request to read the report in that case until it is reached.

The CHAIRMAN. The Clerk has not reached that paragraph in the bill.

The Clerk read the following paragraph:

To Elizabeth Greggs, administratrix of Charles Murphy, deceased, of Hardeman County, Tennessee, $3,187.

The Clerk read the report of the Committee on War Claims of the Forty-ninth Congress (by Mr. RICHARDSON), as follows:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims to the committee with the following findings of fact, filed January 11, 1886, to wit:

"In the Court of Claims. Elizabeth Greggs, administratrix of Charles Murphy, *vs.* The United States. Congressional case No. 182.

"At a Court of Claims held in the city of Washington on the 5th day of April, A. D. 1886, in the cause aforesaid the court filed findings of fact, and it was ordered that a copy of said findings be certified to the Committee on War Claims of the House of Representatives.

"By the court.

"In the Court of Claims. Congressional case No. 182. Elizabeth Griggs, administratrix of Charles Murphy, deceased, *vs.* The United States.

FINDINGS OF FACT. FILED APRIL 5, 1886.

"This case, referred by the Committee on War Claims of the House of Representatives, under the provisions of the act of March 3, 1883, chap. 116 (22 Stat. L., p. 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the interests of the United States, the court, upon the evidence, finds the facts to be as follows:

"I.

"Charles Murphy, deceased, late of Hardeman County, Tennessee, during the late war for the suppression of the rebellion, did not give aid and comfort to said rebellion, but was throughout that war loyal to the Government of the United States.

"II.

"There was taken from the said Charles Murphy during the late war, by the military forces of the United States, for their use, the following quartermaster's stores and subsistence supplies, to wit:

8 mules, worth	$1,000
3 horses	375
300 bushels of sweet potatoes, worth 50 cents per bushel	150
50 head of hogs, worth $9 per head	450
2,000 bushels of corn, worth 40 cents per bushel	800
1 wagon and harness	75
75 stacks of fodder	337

"Said property was taken in the year 1862 and 1863, in Hardeman County, Tennessee, from the said decedent, by said forces, and were used for the benefit of the Army of the United States.

"By the court.

"A true copy of record.

"Test this 7th day of April, 1886.

"[SEAL.] "JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

Your committee therefore report bill herewith providing for the payment of the amount found by said Court of Claims, and recommend that it pass.

The Clerk read the following paragraph:

To John Kelley, of Alleghany County, Virginia, $6,571.71.

The Clerk read the findings of fact by the Court of Claims, as follows:

Court of Claims. John Kelley *vs.* The United States. Congressional case No. 446.

At a Court of Claims held in the city of Washington on the 7th day of February, 1887, the court filed the following findings of fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 5th day of February, 1886, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 24th day of January, 1887, the court upon the proofs and evidence, and after hearing P. E. Dye, esq., of counsel for the claimant, and Lewis Cochran, of counsel for the defendants, finds the following facts, after having upon a preliminary inquiry, on the 20th of December, 1886, found that the claimant was loyal to the Government of the United States throughout the late war of the rebellion.

I.

During the years 1863 and 1864, the claimant, a citizen of Alleghany County, in the State of Virginia, resided upon his plantation, "Sweet Chalybeate Springs," in said county, and was the owner of the stores and supplies hereinafter mentioned.

II.

During said years there were taken from the claimant on his said plantation the following described stores and supplies by the military forces of the United States, for their use, of the value set against the same in the following list:

Articles.	Value.	Articles.	Value.
1,800 pounds pork	$126.00	10 horses	$1,200.00
11 head	330.00	1 four-horse wagon	75.00
8 mules	1,000.00	1 set four-horse harness	75.00
300 bushels corn	300.00	1 set carriage harness	50.00
1,000 pounds hay	8.00	1 four-horse wagon	75.00
7 head cattle	210.00	1 two-horse wagon	50.00
5 head cattle	75.00	437 pounds buckwheat flour	17.08
4,625 pounds pork	323.75	145 pounds buckwheat flour	5.80
360 sheep	1,080.00	451 pounds bacon	36.08
500 bushels corn	500.00	15 bushels corn	15.00
300 bushels oats	180.00	250 bushels corn	250.00
150 bushels wheat	450.00		
20 bushels beans	40.00	Total	6,571.71
1 carriage	100.00		

The Clerk will report a copy of these findings to the Committee on War Claims of the House of Representatives.

By the court.

A true transcript of record.

Test, this 8th day of February, 1887.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The Clerk read the following paragraph:

To John Loague, administrator of Elizabeth Becton, of Shelby County, Tennessee, $1,055.

The Clerk read the findings of the Court of Claims, as follows:

Court of Claims. John Loague, administrator of Elizabeth Becton, *vs.* The United States. Congressional case No. 185.

At a Court of Claims held in the city of Washington on the 7th day of February, 1887, the court filed the following findings of fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 22d day of December, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 26th day of January, 1887, the court, upon proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and Heber J. May, esq., of counsel for the defendants, finds the following facts, the claimant's intestate, Elizabeth Becton, having on the 22d day of March, 1886, been found loyal to the United States throughout the rebellion:

I.

During the year 1864 the said Elizabeth Becton, deceased, of whom the said claimant is the duly appointed administrator, resided on her plantation in Tennessee, and owned and possessed the property hereinafter mentioned.

In said year there was taken from said Becton, upon her said plantation, by the military forces of the United States for their use, the following supplies, of the value set against the same in the following schedule:

7 mules	$875
1 horse	100
Hams and meat	80
	1,055

The clerk of the court will certify the foregoing findings to the Committee of War Claims of the House of Representatives.

By the court.

A true transcript of record.

Test, this 8th day of February, 1887.

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. HOLMAN. I believe that the motion now recurs with regard to the claim that was first under consideration.

Mr. RICHARDSON. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. But there is a motion pending with regard to a former item.

Mr. RICHARDSON. Which item?

Mr. McCOMAS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 101, insert the following: "To John Heflebower, $1,764.50."

Mr. McCOMAS. The chairman of the Committee on War Claims, I am confident, will accept this amendment. This is the very first case adjudicated under the Bowman act by a reference of the Committee on War Claims to that court, and it is only on account of a clerical omission that it does not appear in the present bill. It was reported in the last Congress, and would have been included in this bill except for a clerical error. It stands on the Calendar reported from the committee last year unanimously. It has also been reported by the Committee on War Claims this year unanimously.

Mr. STONE, of Kentucky. This claim stands on the Calendar, but was not included in the pending bill.

Mr. HOLMAN. I trust the report will be read.

The Clerk read the findings of fact by the Court of Claims, as follows:

In the Court of Claims. Congressional case No. 16. John Heflebower *vs.* The United States.

FINDINGS OF FACT. FILED APRIL 5, 1886.

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the —— of February, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 8th day of February, 1886, the court, upon proofs and evidence, and after hearing Ivory G. Kimball, esq., counsel for the claimant, and Lewis Cochrane, esq., of counsel for the defendants, finds the following facts:

I.

John Heflebower was the owner, during the war of 1861, of a farm of 190 acres, of which 120 acres were under cultivation, in Washington County, Maryland, adjoining Maryland Heights, and lived there from the time of its purchase, in 1860, to the filing of this suit.

II.

The farm, being more level than other farms in the vicinity and conveniently placed and well adapted to the purposes of a camp, was occupied continuously and successively for camping purposes by large bodies of United States troops from the latter part of July, 1861, until the close of the war, with the exception of brief intervals in 1863. It was used as a stopping-place for wagon-trains, as many as one thousand four hundred teams being there at one time; by the Signal Corps, as a depot for recruits, and generally for all the purposes incidental to a permanent camp, and constituted a military dwelling-place for troops. The quantity of land so occupied and used amounted to 55 acres, which was arable land.

III.

At the time when the United States entered upon and occupied the premises of the claimant, as set forth in the second finding, the land was reasonably worth for agricultural purposes the rental value of $5 per acre per annum, amounting in the aggregate for the four years of use and occupation to the sum of $1,100, which has never been paid to him in whole or in part.

IV.

The United States, as lessees within the State of Maryland, were bound to leave the premises so occupied by them in as good order and condition as when entered upon, reasonable wear and tear excepted. But during the occupancy great injury was done to the premises by the usage incident to the occupation. The ground was trampled hard, so as to be unfit for two years for agricultural use; pit-holes and sewers had to be filled in; chimneys and the other débris of a camp had to be removed. The injuries were not damage by the Army for military purposes, but were of the nature of waste under an implied tenancy for which the Government, as tenant, is liable under the decision of the Supreme Court in the case of Bostwick, administratrix, *vs.* The United States. The reasonable cost of restoring the premises to as good a condition as when the United States entered into possession thereof would be the sum of $550.

V.

During the occupancy of the claimant's farm the military authorities removed and used as fuel 14,200 rails and posts, which, at the rate determined and allowed by the Quartermaster-General and Southern Claims Commission of 100 rails to the cord, were equivalent to 142 cords of wood. The reasonable value of the wood so taken and consumed for army fuel was $3.50 per cord, amounting in the aggregate to the sum of $497, which has never been paid to the claimant.

VI.

The officers of the Quartermaster's and Commissary Departments also procured from the claimant for public use the following stores and supplies:

50 bushels wheat, at $2.35, for cavalry feed	$117.50
50 bushels of oats (for army cattle), at 80 cents	40.00
½ ton of hay, at $20 per ton (for cavalry)	10.00
Amounting in the aggregate to	167.50

SUMMARY.

The amounts in which the United States remains indebted to the claimant, as shown by the preceding findings, are as follows:

Rental of land for agricultural purposes	$1,100.00
Restoring waste committed during the implied tenancy	550.00
142 cords of wood, at $3.50	497.00
Wheat, oats, and hay	167.50
Amounting in the aggregate to	2,314.50

By the court.

Court of Claims. A true transcript of record.

Test, this 20th day of April, 1886.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee therefore find that the item 4 in the findings of the Court of Claims, as above, should not be allowed, and therefore do not recommend the payment of the same, but do recommend the payment of the amounts found by the Court of Claims, as set forth in the above findings Nos. 3, 5, and 6, amounting to $1,764.50, and recommend the passage of the accompanying bill.

Mr. McCOMAS. This bill, as reported in the last Congress, omits the item of waste during the implied tenancy of the land and pays the other item of 142 cords of wood, and the wheat, oats, and hay; and also for the use of this land as a camping ground and as a regular dwelling-place for the troops during the four years. The only item to which an objection could be made or would be made has been omitted. The other items are here and have passed two committees unanimously in this Congress.

This bill, as I understand, was the very first one passed on by the Court of Claims under the Bowman act. This man was loyal and is loyal. He was so early an anti-slavery man that he liberated and sent off to Liberia ten years before the war a dozen of his slaves at a time when the flesh and blood of slaves commanded their highest price. This man liberated all the slaves he had and sent them away because they could not remain emancipated in this country.

The property, being near Harper's Ferry, was taken for a Signal Service station during the war. That is the only item of controversy. Nobody would dispute the other two items.

I ask the attention of the House to this man's case, he being so earnestly loyal and so ardently a lover of the freedom of the human race that he took out of his own pocket eight times the amount of the money in this bill in that cause. And now if we pass this item we would not pay him more than a tithe of what the war cost him. I only ask what the two committees of Congress agreed to give him, and I hope no objection will be made, but that the amendment will be adopted.

I want to state further that if this bill is not now adopted as an amendment it will come up a few minutes later on the calendar of cases reported from the Court of Claims, and it being a part of this general bill, which has been omitted by accident, I appeal to gentlemen to let it be considered next.

Mr. HOUK. Mr. Chairman, I have no objection to the gentleman's bill, but I think we ought to come to a common understanding about these cases. The chairman of the Committee on War Claims, as I understand the matter——

The CHAIRMAN. The Chair will state to the gentleman from Tennessee [Mr. HOUK] that this bill is pending as an amendment to the bill under consideration, and unless the gentleman from Tennessee desires to occupy his five minutes upon the amendment the Chair will take the vote.

Mr. HOUK. I want to say what I do say before the vote is taken. I submit to the chairman of the Committee on War Claims and to the gentleman from Maryland [Mr. MCCOMAS] that there are a number of cases on the Calendar which the law required should come over and take a place on the Calendar of this Congress, and as one case has been excepted and treated as an amendment, why can not these gentlemen and the Committee of the Whole, for the purpose of expediting business, agree that all those cases which have been reported shall be added to this bill, and let us go on until we dispose of them and get them out of the way? If you are going to take up one of those cases, it seems to me that it is only fair that you should take them all. I submit to the chairman of the Committee on War Claims and to the gentleman from Maryland [Mr. MCCOMAS] and to this entire Committee of the Whole the question whether it would not expedite business to let all those cases which under the law have precedence be added to this bill and be disposed of without further delay?

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland [Mr. MCCOMAS].

Mr. STONE, of Kentucky. Mr. Chairman, in answer to the gentleman from Tennessee [Mr. HOUK] I can only speak for myself. So far as I am concerned I am perfectly willing to do what he suggests, and indeed I think it is the duty of the House to put every one of these claims which are upon what is designated as the Court of Claims Calendar—to put every one of them on as amendments to this bill and pass them and be done with them. We treat the Court of Claims, the very tribunal which we have created for the purpose of examining these cases and finding the facts—we treat that tribunal with indignity when we take even such action as we have already taken here, and I believe it is due to the Court of Claims, due to the people who have these claims, due to the members upon this floor who have introduced these bills and have been urging them forward, that the House should take all the cases contained in the first two pages of the Private Calendar, known as the Court of Claims Calendar, and put them into one bill and pass them.

Mr. HOOKER. How many bills are there on this Calendar reported from the Court of Claims under the Bowman act that are not included in the bill we have been considering?

Mr. STONE, of Kentucky. I think there are seven, and if the amendment of the gentleman from Maryland is adopted it will leave about six.

Mr. RICHARDSON. The difficulty is this: I do not think that you can take half a dozen separate bills and add them on to this bill, and I think we had better dispose of one at a time. The amendment of the gentleman from Maryland [Mr. MCCOMAS] is pending, and should be first disposed of.

The CHAIRMAN. The Chair has stated that more than once, and if gentlemen will make the point of order the Chair will see that the committee proceeds in order.

Mr. STEELE. Mr. Chairman, I give notice now that I shall make the point of order against any bill being added to this as an amendment. This bill has already taken precedence over a great deal of other business, and I object to anything being added to it.

Mr. MCCOMAS. Mr. Chairman, I ask a vote on my amendment. It is too late to make the point of order against that.

The CHAIRMAN. The Chair will state that no point of order can lie to the amendment of the gentleman from Maryland [Mr. MCCOMAS], which has already been entertained and debated by the committee. The question is on the amendment, which will be read.

The Clerk again read the amendment.

Mr. HOLMAN. My friend from Maryland [Mr. MCCOMAS] has stated that there is no doubt about the loyalty of this claimant, and yet in the report made by the Court of Claims that question is entirely ignored. I wish now to call the attention of the committee to the state of the law upon this subject, for I insist that the Court of Claims, in the reports it has made to the House, has not properly considered the law, has not properly considered the measure of its jurisdiction, and that those reports as a general thing are not such as were contemplated when the law was enacted.

This statute known as the Bowman act contains the following provision:

> When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it is transmitted, for the purpose of guidance and action.

That same provision, as I understand, applies to all the findings of the court under this law. In the latter part of this provision I find the words "and its opinions." The language of the preceding part is, "When the facts and conclusions of law shall have been found." I do not find a single instance in all these reports where the conclusions of law have been reported. As I remarked last Friday, the powers of the Court of Claims under the Bowman act are the same as under the act of 1855, when that court was first organized, and when it had at its head one of the most enlightened judges that ever sat upon a bench in this country, Isaac Blackford. The law then was the same in substance as it is now, and the court under that law reported its findings and conclusions to the House. They were referred to the Committee on Claims, who reported a bill to carry into effect the conclusions which the court had reached. I hold in my hand the report of the court in the last case that has been considered. There is in it no conclusion of law; there is no determination as to the liability of the Government.

Among the facts required to be found by this court, and, if found, to be reported to the House, was the fact of loyalty; and at the time the law was passed it could not have been passed had it not contained the provision to which I wish to call attention. That section of the bill was intended for the purpose of securing full information to Congress, not simply as to questions of fact, but as to the conclusions reached by the court, just as under the law of 1855. One of the facts to be found, and the very first fact to be found, was whether the claimant had been loyal throughout the war to the Government of the United States.

Gentlemen say that is a jurisdictional question—not a fact entering into the case. But there gentlemen make a mistake. The court is one of limited jurisdiction; everybody concedes that—not only limited jurisdiction, but severely restricted jurisdiction. Such a tribunal, according to the law of the whole land, must, in the first place, determine affirmatively that it has power to assume jurisdiction of the subject-matter submitted. No lawyer I think will dissent from this view. The very first fact to be ascertained by the court was the loyalty of the claimant; and that was the first fact to be reported to Congress as the basis of our action. But in this case, as in others pending here, the court has ignored the restrictions imposed by law upon its jurisdiction.

[Here the hammer fell].

Mr. MCCOMAS. Mr. Chairman, the loyalty of the claimant in this case was a jurisdictional fact; and if it had not been found affirmatively there would have been no printed report here. The finding was made by the court and returned to Congress. It is now, or was last year, on the files of the Committee on War Claims. There was no occasion to print that finding here in the report of the committee, because if the finding had not been in favor of the claimant's loyalty the committee would not have reported the claim favorably. It goes without saying that in the findings of fact by the court the jurisdictional fact has been found affirmatively.

And there was every reason in this case why such should have been the finding. The proof, with which I am familiar, showed that this man Heflebower was one of about one hundred men in my State of Maryland who voted for Lincoln in 1860; and, as I have already stated, he liberated a large body of slaves ten years before the war and sent them as free men to Liberia. He was loyal of the loyal. My friend from Indiana could not find a better exemplar of loyalty. The claim having been reported favorably by the court, I hope a vote will be taken, and this claim, in at least the reduced amount reported by the committee, will be paid.

Mr. HOLMAN. Mr. Chairman, I move to amend *pro forma* by striking out the last word. I apprehend that it will be found that the Court of Claims has taken the view sought to be expressed by the gentleman from Alabama [Mr. OATES] upon the question as presented when the Bowman act was pending here. That bill could not have passed without the third and fourth sections, which were drawn by me and offered as amendments. I apprehend it will be found that the Court of Claims has ignored the power of Congress to impose this limitation on the jurisdiction of the court. I assume it has been held by the court that the proclamation of the President had the effect of eliminating the question of loyalty from these cases.

But, sir, the provision requiring the fact of loyalty to be first found before the court should obtain jurisdiction was inserted for the very reason that clearly, under the decision of the Supreme Court, after the Court of Claims obtained jurisdiction, the question of loyalty was of no moment. Hence, special effort was made to restrict the power of the court, and require the fact of loyalty to be found before the court should proceed to try the case. But I say again, I apprehend from the character of this report the court has ignored the power of Congress to impose this limitation upon it. I do not know that such is the case, but I apprehend it will be found to be the fact.

Mr. McCOMAS. The argument which the gentleman from Indiana [Mr. HOLMAN] makes certainly can not have any application to this case when I give him my assurance from personal examination and knowledge that the court did find the fact of loyalty upon the proof of various witnesses—among them myself; and this finding was of record and on file a year ago in the Committee on War Claims. It has not, however, been printed in the report. I presume the criticism of the gentleman from Indiana does not apply to this case.

Mr. HOLMAN. My criticism is not intended to apply particularly to this case, although, so far as I have observed, in all the other cases except one, the very first finding of the court has been upon the question of jurisdiction.

Mr. McCOMAS. When I assure the gentleman that I have seen the finding of the court on that point not over a year ago, that it is now on the files of the committee, as I suppose, though not printed here, I presume that disposes of this case.

Mr. HOLMAN. I should be very glad to know whether the court felt justified in following a given line of decision in one class of cases and another line in other cases; for in all these cases, except the two I have mentioned, the fact of loyalty has been found, in conformity with the requirements of the Bowman act, and reported to the House.

I wish to call attention further to the utter disregard by the court of the limitations imposed by that act. Here is an item in the finding:

Rental of land for agricultural purposes, $1,100.

This is for the use of the land as a military camp, but the allowance of any such claim is expressly excluded by the terms of the statute. Another item is:

Restoring waste committed during the implied tenancy, $550.

"Implied tenancy!"

Mr. RICHARDSON. That has been stricken out of the bill.

Mr. HOLMAN. I am aware of that; but I am speaking of the action of the Court of Claims. I commend the Committee on War Claims for striking out this item; but what is to be said of the Court of Claims for finding such an item? In spite of an express prohibition against taking jurisdiction of claims of this kind, the court deliberately inserts as a part of its judgment, "rental of land for agricultural purposes" and "restoring waste committed during the implied tenancy." Where are we drifting? The occupation of land for military camps and the waste connected therewith were not confined during the war to the country south of Mason and Dixon's line. Is it possible that the Court of Claims, directly in the teeth of the restriction of the law, has undertaken to find in favor of claims for occupation of land by our armies during the war?

Mr. McCOMAS. I know that the gentleman wants to be entirely frank. The matter to which he now refers has been excluded from the bill by the committee.

Mr. HOLMAN. But I am speaking of the Court of Claims.

Mr. RICHARDSON. I ask the gentleman in fairness whether he undertakes to say that the Court of Claims recommended the payment of the items he has just read?

Mr. HOLMAN. I was giving the Committee on War Claims credit for excluding the item; I understood it was done by them.

Mr. RICHARDSON. So it was.

Mr. HOLMAN. But here is the "summary" given by the court:

SUMMARY.

The amounts in which the United States remains indebted to the claimant, as shown by the preceding findings, are as follows:

Rental of land for agricultural purposes	$1,100.00
Restoring waste committed during the implied tenancy	550.00
142 cords of wood, at $3.50	497.00
Wheat, oats, and hay	167.50
Amounting in the aggregate to	2,314.50

By the court.

Now, does the gentleman from Tennessee say that the items I read a moment ago are not embraced in the judgment of the Court of Claims? I hope my friend will answer.

Mr. RICHARDSON. This claimant presented his case to the Court of Claims, and the court in its finding has said that so much of the claim as the gentleman has referred to was for "waste;" the court simply finds that fact and reports it for the information of Congress. The court does not recommend payment for "waste." The gentleman, if he will read the finding of the court, will not undertake to make such an impression on the House and the country, and thereby cast a reflection on the court.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment, and also on the *pro forma* amendment submitted by the gentleman from Indiana.

Mr. HOLMAN. I withdraw the *pro forma* amendment.

The question recurred on Mr. McCOMAS'S amendment; and it was agreed to.

Mr. LEE. I offer the following amendment.

The Clerk read as follows:

Add as follows:

"The Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 to the trustees of the Protestant Episcopal Theological Seminary and High School of Virginia, said amount having been found due them by the Court of Claims for rent, for use of their building for hospital purposes from May, 1861, to August, 1865."

Mr. STEELE. I make the point of order against the amendment that it proposes to add the substance of one bill as an amendment to another. It is not in order, therefore, as an amendment to the pending measure. We are not permitted to do by indirection under the rules what we can not do directly.

The CHAIRMAN. The Chair will state to the gentleman from Indiana the recollection of the Chair is that in the amendment of the rules of the Forty-ninth Congress, which was adopted, the proposition the gentleman submits as a point of order was omitted, so that it is now in order to offer as an amendment the substance of another bill pending in the House.

Mr. STEELE. I submit the further point, Mr. Chairman, that the amendment which is moved is in the nature of a private bill, while the other measure is a general bill.

Mr. HOOKER. We do not understand exactly the point of order submitted.

The CHAIRMAN. The gentleman from Indiana is on the floor stating his point of order.

Mr. STEELE. My point is, this is a private bill, and it is not in order to move a private bill as an amendment to a general bill. If it were in order to add this private bill as an amendment, then you might add as amendments, every other bill upon the Private Calendar, and there would be no end of it. From now to the close of the session we would be considering amendments containing the substance of private bills now upon the Private Calendar.

Then, too, we must not forget, Mr. Chairman, this is a general bill, and could not be considered on private-bill day, but that it is here now by unanimous consent.

Mr. DINGLEY. I wish to call the attention of the Chair to page 271 of the Manual, where it is stated:

It is out of order to ingraft upon a bill for one individual a provision for the relief of another.

This is a private bill, and although it includes several individuals, it nevertheless continues to be a private bill for the relief of the specific individuals named therein. It was ruled in the Thirty-second Congress that a private bill for the relief of one individual was not in order in the nature of an amendment.

The CHAIRMAN. On what page?

Mr. DINGLEY. Two hundred and seventy-one of the Manual, under the heading of "Amendments."

The CHAIRMAN. The Chair overruled the first point of order, that this amendment was the substance of a bill now pending in the House. The Chair thinks that point is not well taken.

The gentleman now submits the further point that the pending measure is a private bill and can not be amended by moving to add another private bill to it. The only point to be determined by the Chair is whether or not by its title and enacting provision this is a public or a private bill. If it is a private bill the Chair has no hesitation in saying the point is well taken. The Clerk will read the enacting clause of the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," namely.

The CHAIRMAN. The Chair will be glad to hear from gentlemen who wish to speak on the point of order.

Mr. OATES. Let the amendment of the gentleman from Virginia [Mr. LEE] be read.

The amendment was read.

Mr. OATES. I do not remember the language of the changed rule, but it seems to me it does allow the substance of a pending bill to be attached as an amendment. If that be so, then if the subject-matter of the amendment offered be germane, it is in order. Now it appears the amendment of the gentleman from Virginia is of precisely the same character as the pending bill, and it is germane as a matter of course, and therefore in order.

The CHAIRMAN. The point the gentleman from Indiana makes, the Chair will state to the gentleman from Alabama, is that, although the amendment is germane, which he admits, and relates to the same subject-matter, coming within the class of claims, so far as the subject-matter is concerned, covered by this bill, that being for the relief of one individual or person or corporation, it can not be offered as an amendment to another private bill.

Mr. STEELE. And for the reason that if it could be so offered the Calendar could be exhausted of bills by amendments, adding each one to any pending bill.

Mr. OATES. Does the rule that permits the offering of such amendments limit or restrict the amendment to public bills?

The CHAIRMAN. The Chair will cause the rule to be read. The Clerk will turn to page 271 of the Digest and read.

The Clerk read as follows:

An amendment proposing to ingraft a general provision of law upon a private bill is against order—Journal 1, 31, page 784—or having the effect to convert a private into a public bill, or *vice versa*.—Journal 1, 48, pages 761 and 762. It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another.

Mr. DUNN. I suggest to the Chair this point: that the pending bill is not a bill for the relief of one private individual. It is an omnibus bill for the benefit of a number of persons having claims of a certain designated class; and it seems to me that, being a general or omnibus bill, this would permit as germane an amendment which would seek to ingraft upon it any claim of the same class as those covered by the bill. Those cases are *sui generis*. They are made so by the law which gives them perpetuity, which gave them their standing, and places them upon the Calendar. The mass or body of them is embodied in one bill, and the amendment is a proposition to introduce another of the same class and standing, as I understand the question, in the same attitude upon the Calendars of the House.

Mr. BURROWS. Does my friend think that this is a public or a private bill?

Mr. DUNN. It is manifestly a bill for the relief of private individuals, but it is not a private bill in the sense of being a bill for the relief of any one individual. It embraces a number of claims, as the gentleman is aware.

Mr. BURROWS. Then when you put on two individuals it would change a private bill into a public one?

Mr. DUNN. No. The fact is to be recognized here that this is an omnibus bill for the Bowman cases.

Mr. STEELE. But it has only been taken up by unanimous consent, as embodying the separate claims covered by that act.

Mr. HOOKER. Mr. Chairman, a word in reference to the point of order of my friend from Indiana. It will be remembered by the committee that when the House resolved itself into Committee of the Whole for the purpose of considering bills upon the Private Calendar, we were confronted with a class of bills, numbering some thirty or forty and embraced upon two pages of the Calendar, pages 19 and 20. Upon a proposition which was made here these bills were laid aside, they being the bills which had been reported back to the House under the Bowman act, which has been read by my friend from Indiana [Mr. HOLMAN]. They were laid aside and the reports from the committee on other private bills were considered, they being not disposed of. Then, as I understand it, a bill was introduced by the gentleman from Tennessee [Mr. RICHARDSON], which embodied the provisions of all of these separate bills, with the exception of perhaps six or seven, and the gentleman from Maryland, [Mr. MCCOMAS] has by his amendment to-day added one other, which leaves, I believe—and I appeal to my friend, the chairman of the Committee on War Claims, to set me right if I am in error—which leaves but six of these bills, or of this class of bills now on the Calendar reported from the Court of Claims and awaiting the action of this House.

Now, I appeal to the committee to know, if there is justice in the finding of the Court of Claims and propriety in its decisions with regard to the bills which are embraced in this omnibus bill of the gentleman from Tennessee, why the same principle should not permit it to include all the favorable reports from that court if offered by way of amendments to this bill? The subjects are identical, and they come from the same authority. We referred—the House did—these claims to the Court of Claims for the purpose of a finding and a report of the findings of fact in each case. They have reported them; and why should we embody all of these but six, and leave that number out, including the one that my friend from Virginia, General LEE, now asks to incorporate by way of an amendment?

Mr. DUNN. And then make the point of order when it is sought to do so.

Mr. HOOKER. Yes, and then make the point of order against it when offered. I submit to my distinguished friend from Indiana [Mr. STEELE], who makes the point that if you admit this bill you may add every other bill upon the Private Calendar as an amendment, that it does not by any means follow. I do not think that it follows logically. This bill which the gentleman from Virginia has offered is not a proposition to fix upon a bill for the payment of a specific amount to one individual a proposition to pay a sum to another individual. His amendment is only to append to a bill embodying a large number of cases reported from the Court of Claims another case reported from the Court of Claims and which stands upon the same footing.

Now, this bill of the gentleman from Virginia is to pay to the trustees of a certain church compensation for its use and occupancy. The point made by the gentleman from Indiana is that this is an attempt to attach one private bill to another, in contravention of the rule and the authority given under the decisions which have been read by direction of the Chair from page 271 of our Manual.

Now, Mr. Chairman, the truth is that there are only six bills that we leave out of this omnibus bill. And why are they left out? If the committee are willing to give those bills a fair consideration, why should they not have the opportunity of doing so? This is a bill not for the relief of a private individual but for the relief of a corporate body, and I say that the point of order made by the gentleman from Indiana ought not to be sustained by the Chair, more especially if it should turn out, as suggested by the gentleman from Alabama [Mr. OATES], that that rule of the House no longer exists which prohibits embodying in a pending bill the substance of another bill before the House. I submit the point of order is not well taken.

Mr. STEELE. The omnibus bill itself was reported long after the first bill on the Private Calendar was taken up by unanimous consent. This bill was reported on the 17th of January and the omnibus bill was not reported until February. If we are to let a bill come in by unanimous consent in this way it looks as if we might amend the pending bill by any of the bills on the Calendar.

Mr. LEE. It would be presumption in me to argue the effect of the rules with gentlemen of experience on this floor. But I had hopes that this bill, being of the peculiar nature it is, would have commended itself to every gentleman on this floor, whatever his political faith and whatever constituency he represented. This is somewhat different from the ordinary claims of this class. It comes from an institution which stands above all politics. It is not carried on for the sake of making money. This institution sends these young men into every clime and into every section of the habitable globe on their missions of mercy; and I trusted, sir, in introducing this amendment, that it would have met with the unanimous approval of my friends on the other side of the House.

In 1861 that section of the territory across the river was taken possession of by the United States Government, and their lines were lines of steel, and they embraced the lands and buildings of this institution. They occupied them for four years. They returned them then to the trustees. Their great Secretary of War himself recommended that rents should be paid to this institution for the use of these buildings as hospitals; and, sir, I am somewhat surprised to find now in this age, when we had hoped that all feelings of hatred and animosity, which war ever engenders, had had time to cool—I am somewhat surprised to find my friends on the other side of the House when a bill of this sort so fair is presented to them, and when we have, with a liberal hand and with some possible strain of conscience, sat here and voted for the bills which they have brought forward—I am surprised to find that they should now attempt to defeat this measure.

If my friends on the other side will consider the proposition and it is ruled out of order, I will ask unanimous consent that it be presented to the House with the hope that they will give it a candid consideration.

Mr. RICHARDSON. I want to suggest that under the ruling of the Speaker of the House these Court of Claims cases stand at the head of the Calendar; and if not put into this bill under the rule and under the Bowman act, they will stand at the head of the Calendar and be first considered.

The CHAIRMAN. The Chair has examined carefully the title and first section of this bill, and can find nothing either in the title or in the first section to take away its character as a private bill. Therefore the Chair sustains the point of order.

Mr. LEE. I ask unanimous consent for the consideration of this bill as an amendment.

The CHAIRMAN. The gentleman from Virginia now asks unanimous consent to consider at this time the amendment that has already been read.

Mr. COX. I hope that request will be granted.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. HOLMAN. Let the amendment be reported.

Mr. BURROWS. I would like to know something about this amendment. Has it been reported by the Court of Claims?

Mr. LEE. Yes, sir.

Mr. BURROWS. Let the report of the Court of Claims be read.

The report of the Committee on War Claims of the Forty-ninth Congress (by Mr. RICHARDSON) was read, as follows:

The Committee on War Claims, to whom were referred the findings of the Court of Claims in the claim of the Protestant Episcopal Theological Seminary and High School, Virginia, beg leave to report:

That the Committee on War Claims of the Forty-eighth Congress, not being fully and clearly advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. Said claim has been returned by said Court of Claims with the following findings of facts, filed April 6, 1886, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

"Letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of the Protestant Episcopal Theological Seminary and High School in Virginia against the United States.

"April 6, 1886.—Referred to the Committee on War Claims, and ordered to be printed.

"United States Court of Claims. The Trustees of the Protestant Episcopal Theological Seminary and High School in Virginia *vs.* The United States. Congressional case No. 219.

"CLERK'S OFFICE, *Washington, April* 3, 1886.

"SIR: Pursuant to the order of the court I transmit herewith a certified copy of the said order and of the findings of fact, filed by the court March 29, 1886, in

the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883.

"I am, very respectfully, yours, etc.,

"JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*

"Hon. JOHN G. CARLISLE,
"*Speaker House of Representatives.*

"In the Court of Claims. The Trustees of the Protestant Episcopal Theological Seminary and High School in Virginia *vs.* The United States. Congressional, No. 219.

"At a Court of Claims held in the city of Washington on the 29th day of March, A. D. 1886.

"In the cause aforesaid the court filed findings of fact, and it was ordered that a copy be certified to the Committee on War Claims, House of Representatives.

"By the court.

"FINDINGS OF FACT. FILED MARCH 29, 1886.

"The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 7th day of January, 1885, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 3d day of February, 1886, the court, upon the proofs and evidence, and after hearing C. G. Lee, esq., of counsel for the claimant, and F. P. Dewees, esq., of counsel for the defendants, finds the following facts:

"I.

"At the time hereinafter referred to, the trustees of the Protestant Episcopal Theological Seminary and High School in Virginia, a corporation in the State of Virginia, was the owner of real property in Fairfax County, Virginia, near Alexandria, used by them for the accommodation of a theological seminary and high school. The United States, under the authority of the Medical Department of the Army, as hereinafter set forth, used said property for the purposes of a military hospital from August 28, 1861, until August 14, 1865, and acquired the use and occupancy of the premises in the manner set forth in the next statement.

"II.

"On the 25th of August, 1861, Brigade Surgeon George Suckley addressed the following communication to the medical director, which was approved and carried into effect in the manner indicated by the letters following:

"'HEADQUARTERS BRIGADE NEW JERSEY VOLUNTEERS,
"'*Near Alexandria, August* 25, 1861.

"'SIR: I have the honor to report that there are now within the limits of the encampment of this brigade several buildings in every way suitable for hospital purposes. One, the Episcopal Theological Seminary, is a fine, large, new building, in a commanding and healthy situation, capable of giving good accommodation to at least 200 men. Another has, until recently, been occupied as a young ladies' boarding-school. It contains several good-sized rooms suitable for offices, etc., and in addition a large dormitory, containing 80 bedsteads, with mattresses, etc.

"'With the material we thus have at hand, one of the principal objections against the establishment of a brigade hospital—its cost to the Government—is almost entirely done away with; and when we consider the advantages to be gained by having such a hospital in this particular brigade, I can hardly doubt but that the commanding general will, upon your recommendation, order its recognition.

* * * * * * *

"'Besides, I do not believe that for healthiness of locality or excellence and suitableness of buildings the general hospital at Alexandria can compare with the seminary buildings in our camp. This I understood Dr. Magruder, who visited us yesterday as acting medical inspector, is also his opinion. Dr. Magruder went further in saying that, as a hospital building, the Theological Seminary exceeds in structure and advantages any other now in use in the Department of the Potomac.

* * * * * * *

"'I am, sir,

"'GEORGE SUCKLEY,
"'*Brigade Surgeon.*

"'Surgeon CHARLES S. TRIPLER, U. S. A.

"'HEADQUARTERS ARMY OF THE POTOMAC,
"'MEDICAL DIRECTOR'S OFFICE,
"'*Washington, August* 28, 1861.

"'SIR: Your letter of August 25 is received. We are authorized to establish the hospital you propose, and consider it an aggregation of the regimental hospitals of your brigade. The sick will be attended to by the medical officers of the several regiments under your supervision.

"'Very respectfully, your obedient servant,

"'CH. S. TRIPLER,
"'*Surgeon and Medical Director, U. S. A.*

"'Brigade Surgeon GEORGE SUCKLEY,
"'*Kearny's Brigade, Episcopal Seminary, Alexandria, Va.*

"'ALEXANDRIA, *July* 20, 1865.

"'MY DEAR SIR: According to your suggestion, I send an application for reinstatement in our seminary buildings from Bishop Johns.

* * * * * * *

"'Perhaps it may be proper for me to add that the bishop and all the other trustees of the seminary, so far as I know or believe, have qualified themselves to act in this official capacity by taking the oath of allegiance to the United States.

* * * * * * *

"'I am, dear sir, your friend and servant,

"'WILLIAM SPARROW.

"'Hon. Secretary STANTON,
"'*Washington.*

"'WAR DEPARTMENT, *July* 22, 1865.

"'Referred to the Quartermaster-General for speedy report.

"'E. M. STANTON,
"'*Secretary of War.*

"'Respectfully referred to Bvt. Maj. Gen. Joseph K. Barnes, Surgeon-General, United States Army, for information how soon the buildings will be vacated.

"'M. C. MEIGS,
"'*Quartermaster-General.*

"'SURGEON-GENERAL'S OFFICE, *July* 24, 1865.

"'Respectfully referred to Medical Director Abbott for prompt report.

"'By order of the Surgeon-General.

"'C. H. CRANE,
"'*Surgeon, United States Army.*

"'WASHINGTON, D. C., *July* 27, 1865.

"'SIR: I have the honor to return herewith the papers connected with the application for the restoration of the buildings of the Episcopal Theological Seminary, near Alexandria, Va., to the board of trustees of that institution, and to report that I am advised by the Surgeon-General that these buildings will be vacated by the Medical Department by the 5th of August, and that I know of no reason why the application should not be granted, to take effect from and after that date.

"'I am, very respectfully, your obedient servant,

"'M. C. MEIGS,
"'*Quartermaster-General.*

"'Hon. EDWIN M. STANTON,
"'*Secretary of War.*

"'WAR DEPARTMENT, *July* 31, 1865.

"'Approved.

"'The Quartermaster-General is authorized to turn over the buildings when vacated to the trustees of the Episcopal Theological Seminary.

"'E. M. STANTON,
"'*Secretary of War.*

"'FAIRFAX SEMINARY, VA., *August* 14, 1865.

"'COLONEL: I have the honor to report that this hospital has this day been discontinued.

* * * * * * *

"'Very respectfully,

"'DAVID P. SMITH,
"'*Surgeon, U. S. A.*

"'Surg. R. O. ABBOTT, *U. S. A.*

"'WASHINGTON, *August* 14, 1865.

"'SIR: I have been directed by the Surgeon-General to turn over the Fairfax Seminary buildings to the Quartermaster Department. I respectfully request that you will send an officer to take charge of them as soon as possible.

"'Yours, respectfully,

"'R. O. ABBOTT,
"'*Surgeon, U. S. A.*

"'Brevet Major-General RUCKER, *Q. M., U. S. A.*'

"III.

"The defendants expended $900 in repairs to the buildings of claimant before surrendering possession.

"IV.

"This claim was presented to the Surgeon-General, as is shown by the following:

"'United States to the Protestant Episcopal Theological Seminary and High School of Virginia, located in Fairfax County, Dr.:

"'1865. To rent of ten buildings some of them very large, with furniture, etc., and 200 acres of land, for hospital purposes, from the summer of 1861 to the fall of 1865, say four years, at $5,000 a year, $20,000.

"'Referring to my official indorsement of December 8, 1865, upon the claim of Rev. W. Sparrow, dean of Fairfax Seminary (copy annexed), I am of the opinion that the above sum would be a moderate and reasonable compensation for use of the premises for hospital purposes during the time specified.

"'J. K. BARNES,
"'*Surgeon-General, U. S. A.*

"'Respectfully forwarded to the honorable Secretary of War. The Fairfax Seminary was first occupied in 1861 as a brigade hospital by the First New Jersey Brigade. On March 11, 1862, it was made a division hospital for Franklin's Division, and shortly thereafter was made a general hospital, and has been occupied as such until August 14, 1865.

"'The within statement of damages is believed to be correct and the valuation just, but no invoices of the furniture or other property can be found, nor is it known whether, when occupied as a general hospital in 1862, any of the original equipment remained in it.

"'JOSEPH K. BARNES,
"'*Surgeon-General.*

"'A true copy from letter-book W. 1, No. 6, page 4.

"'J. S. BILLINGS,
"'*Asst. Surgeon.*'

"V.

"A reasonable rental for said premises is as follows:

Aspinwall Hall, 24 rooms, $1,000 per year, 4 years	$4,000
Bolen Hall, 20 rooms, $500 per year, 4 years	2,000
Meade Hall, $600 per year, 4 years	2,400
Four professors' houses, $300 each per year, 4 years	4,800
Church, $100 per year, 4 years	400
Library	200
St. George's Hall, $300 per year, 4 years	1,200
Servants' house, $50	200
High School buildings (six in number), $1,200 per year, 4 years	4,800

"In the trial of said cause it was admitted by the Government counsel that the foregoing was a reasonable estimate of the value of the rent from the testimony.

"COURT OF CLAIMS:

"I certify that the foregoing are true copies of record.

"Test, this 3d day of April, 1886.

"[SEAL.] JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

Your committee therefore recommend the payment of the amount found by said court, and recommend that the accompanying bill do pass.

Mr. SOWDEN addressed the Chair.

The CHAIRMAN. A request for unanimous consent is now pending.

Mr. SOWDEN. I would like to ask the gentleman who has this bill in charge why this particular claim was omitted.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the amendment he has offered be considered at this time as an amendment to this bill. Is there objection?

Mr. BREWER. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BREWER. I have no objection to the admission of this amendment. But if it be admitted at this time will it be open to discussion afterward?

The CHAIRMAN. If the amendment be considered at this time it will be open to discussion as any other.

Mr. BREWER. Then I do not object.

Mr. SOWDEN. I want to ask, reserving the right to object, why this particular claim was omitted in the pending bill?

Mr. RICHARDSON. The answer to that question is that this claim is for the payment of rent. The bill I had the honor to present, and which includes within it a number of other bills, is for supplies alone. I only put into the bill claims for supplies, quartermaster's and commissary stores.

Mr. BURROWS. I would like to inquire of my friend whether this bill has been reported and is upon the Calendar.

Mr. RICHARDSON. I so understand it.

Mr. BURROWS. And it will be reached in due time, I suppose. It appears to me that this bill is one which opens up an entirely new field, and yet it seems ungracious for one to object and stop the consideration of the matter. I would like to have a little time to examine the case, but I will not take the responsibility of objecting. If the committee want to pass it, all right.

The CHAIRMAN. Is there objection? The Chair hears none, and the amendment is before the committee for consideration.

Mr. BREWER. Mr. Chairman, I only desire to call attention to the manner in which we are drifting away from established precedents and are undertaking to pay claims against which years since a rule was established in this House. Those of us who were here some eight or ten years ago remember very well that claims of this nature were from day to day presented for the consideration of the House. At that time the famous bill for the reimbursement of William and Mary College of Virginia was under consideration. That bill was thoroughly discussed upon both sides of this House, and I might add that it was advocated by one of the leading Republican members of the House at that time. The position that was then taken by a large majority of the House—and the House at that time was more largely Democratic than it is to-day—was that claims of that nature should not be paid by the Government; that the Government was neither equitably nor legally liable for the injury that had been sustained by the college mentioned or for the use of it. I am willing to concede that the seminary which was mentioned in this bill was occupied by the United States troops and occupied for the purposes set forth in the report.

Mr. WISE. Will the gentleman allow me to make a suggestion?

Mr. BREWER. I will yield for a question.

Mr. WISE. I simply want to remark that the case of William and Mary College is not at all similar to this one. William and Mary College was not occupied as a hospital; the claim there was for damages for injury done in the course of the war.

Mr. BREWER. I concede that the question in that case was as to injury done to the college. But, sir, that was not the only case of this kind. Claim after claim was presented for the use and occupancy of churches, and I think also of other institutions of learning besides William and Mary College, and I know of no case where a bill was permitted to pass the House to reimburse those churches or those institutions of learning for use or occupancy by our soldiers. Now, it is a fact well known to my friend here [Mr. LEE] that at the time this institution of learning was occupied or taken possession of by the United States troops it had recently been vacated, or that section of country had, by troops that were in rebellion against the Government.

The institution was in a territory that was in open revolt against the Government of the United States; in other words, it was within the line of the enemy's territory. Our troops took possession of it and they used it, no doubt, for the purposes mentioned in this report; but, sir, if we are to reimburse all the institutions and churches that were occupied in that way in the enemy's territory, then we are entering upon a line of legislation that we shall not see the end of in the next thirty years. It means not only the reimbursement of this institution for its use and occupancy by our troops while they were fighting to put down the rebellion; it means that we must pay for the use of every church, of every school-house, of every institution of learning in the States that was in open, armed hostility to the Government of the United States.

I wish simply to call the attention of this committee to the precedent we are about to establish. It is not merely the few thousand dollars that we are asked to pay for the use and occupation of this building. It means thousands of claims of a similar nature that are to be presented here for many years to come. A number of bills of a similar nature, making compensation for the use of property, have passed this committee and this House during the present session; but all those bills, if I remember correctly, were for cases in States that were not in open rebellion against the Government, and for that reason I did not object to them. And I do not object to this because I am opposed specially to paying for the occupancy of this building. I object to it because it establishes a precedent which will lead to claims and expenditures without limit.

[Here the hammer fell.]

Mr. BREWER. I did not understand, Mr. Chairman, that I was speaking under limited time.

The CHAIRMAN. The committee is proceeding under the five-minute rule.

Mr. JACKSON obtained the floor and said: I yield my time to the gentleman from Michigan [Mr. BREWER].

Mr. BREWER. Mr. Chairman, I do not wish to occupy further the time of the committee for more than a moment.

The institution of learning across the river is well known, having existed before the war. Many personal friends of mine were educated there. I sympathize deeply with those who suffered this loss, but, in my judgment it was one of the incidents of war, and the Government of the United States is neither legally nor equitably obliged to pay the claim mentioned in the bill. I believe we ought not to pay it.

If gentlemen would come here and as a matter of charity ask us to aid in building up that institution, I might deem it my duty to render it assistance. But I would much rather give this money out and out as charity than establish the precedent which we should establish by the passage of this claim.

Mr. LEE. Mr. Chairman, I think I can remove the doubts from the mind of my friend from Michigan [Mr. BREWER], whom I know to be a most fair and just man.

The State of Virginia, if I recollect aright, passed her ordinance of secession on the 23d of May, 1861, and these lines were established by the Federal troops on the 24th. This domain was just as much a part of the United States as territory lying on the north side of the Potomac. Federal courts were held there during the whole war. It was the seat of the restored government of Virginia, and the Government of the United States has paid for the use of property in the city of Alexandria as in the city of Washington.

Mr. O'FERRALL. And the governor of the reorganized State of Virginia lived at Alexandria.

Mr. LEE. Yes, sir; the governor lived there; and it was just as much a part of the Federal domain as the State which my friend from Michigan represents on this floor.

Mr. BOWDEN. And that portion of the State had a Senator in Congress.

Mr. LEE. Yes, sir; a Senator and a Representative.

Mr. BREWER. Though the jurisdiction of the United States may have extended at that time over that portion of the country, and though courts of the United States were held there, were they not held under the protection of the United States troops?

Mr. TAULBEE. The case was the same in Kentucky.

Mr. WISE. And in Washington.

Mr. LEE. I will ask the gentleman from Michigan whether the courts in Washington City and in Pennsylvania were not protected by United States troops? Suppose the United States Army had been overcome, could United States courts have been held even in Illinois? Now, I am dealing in facts. This territory was held by the United States Government.

Mr. BREWER. I remember the fate of Ellsworth. Talk about "loyalty" in Alexandria!

Mr. LEE. I did not raise that question. I am stating the facts as I believe them to have existed.

Mr. ALLEN, of Michigan. I wish to ask the gentlemen from Virginia whether this seminary, at the time it was taken possession of by the United States, was owned by private individuals or by a corporation organized under the laws of Virginia. If it was owned by private individuals, then I want the gentleman to tell me where they were at that time and what they were doing. I desire these questions answered, in order that I may vote intelligently on this question of compensation.

Mr. LEE. As I understand, this institution was a corporation, and these gentlemen who were the corporators and trustees were ministers of the Gospel.

Mr. ALLEN, of Michigan. Was it a public or a private corporation?

Mr. LEE. Public, I suppose.

Mr. O'FERRALL. No; private.

Mr. ALLEN, of Michigan. A private corporation, like other private schools.

Mr. LEE. No, sir; it was a theological seminary of the Episcopal Church, and I will say to my friend——

Mr. ALLEN, of Michigan. I want to get at the facts of this case; that is all. I would like, if I can do so consistently and justly, to vote for paying every dollar here asked.

Mr. LEE. I am undertaking to give the gentleman the facts. I am not aware that a Confederate soldier ever crossed the grounds of this theological seminary; and I am confident that no Confederate soldier ever did so from the 24th of May, the day after the secession of Virginia, until the institution was returned to the trustees.

Mr. CUTCHEON. Would not Confederate soldiers have crossed those grounds but for a line of Federal troops which prevented them?

Mr. LEE. Certainly; and but for such a "line of Federal troops" they would have crossed into Pennsylvania, into New York, into Illinois. Nothing but that "line of Federal troops" prevented them from doing so.

Mr. JACKSON. I supposed that the Confederates "only asked to be let alone."

Mr. LEE. That was the theory of secession; but when the war was carried into our territory, we "carried the war into Africa."

A MEMBER. You did the best you could.

Mr. LEE. The Government has already paid for the use of other

property which it occupied in the city of Alexandria; and I recall an instance in my own neighborhood, 9 miles west of Alexandria, where a farmer named Armes, who, I believe, was afterward a distinguished soldier of the United States Army, was paid for damage done upon his farm by United States troops.

It seems to me this institution occupies a peculiar position from the fact that it was not sectional, that there was no politics in it. The statistics will show that its alumni have come from every portion of this Union; and that, in point of fact, since the inauguration of the institution more of its graduates have come from Northern States than from Southern.

Mr. ALLEN, of Michigan. Mr. Chairman, I want to vote intelligently on the pending proposition. For one, I am prepared to vote, where corporations are interested and represented only as such, and fairly and squarely to give compensation, if any good ground can be shown for it; but I am frank to say that I am opposed to giving any compensation to any individuals who deliberately went into the rebellion. I wish to put to the gentleman from Virginia just one question.

Mr. LEE. Certainly.

Mr. ALLEN, of Michigan. Can he tell us where the faculty of this college, where the trustees were during the entire war? Were they on the Union side, or were they on the side of the Confederacy? If they were on the other side, I want to know it.

Mr. LEE. How do you want to know it?

Mr. ALLEN, of Michigan. If they were on the side of the rebellion, I want to know it.

Mr. LEE. Why, sir, they were ministers of the Gospel.

Mr. BURROWS. How did they pray? [Great laughter.]

Mr. LEE. They prayed to God for all sinners. [Laughter.]

Mr. ALLEN, of Michigan. I do not wish unnecessarily to interrupt the gentleman from Virginia. I believe those gentlemen who were ministers prayed, and prayed as they thought right. But the question I wish to ask, and which I have asked is, did they go into active hostilities against the Government, and did the trustees of this college go into active hostilities against the Government?

I wish to know, further, whether this was a private institution, where the proceeds went into the pockets of the stockholders, or was it a public institution endowed by and maintained by the State of Virginia. For, sir, it makes a great difference with me if the men who owned it went into the rebellion, for in that case they are not entitled to anything. But if they were acting simply as trustees, it is an open question whether anything should be paid, and whether the Government of the United States should pay it.

Mr. LEE. I wish to say these trustees, so far as I know, were within the Federal lines—a great majority of them—during the war, and that their prayers were offered for all sinners and for those who had spitefully used them. [Laughter.]

Mr. BURROWS. I did not understand the gentleman's last remark.

Mr. LEE. They prayed for all sinners and those who had spitefully used them. [Laughter.]

Mr. GROSVENOR. What is it that brings such an interesting crowd as is collected around the gentleman from Virginia while he is advocating the adoption of this amendment? This is but a private bill upon its face. I oppose this amendment, and put my opposition on several distinct and independent grounds. The first is, claims such as this ought not to be considered together with the claims in this bill. They ought to be kept in separate and distinct classes, and we ought not to decide a question having such far-reaching importance as the one under consideration in connection with a bill which ostensibly and in fact only attempts to deal with quartermaster's and commissary stores taken by the Government for the use of the Government. One of the requirements we have made in all these cases is that the property should belong to these two general classes, and should have been taken for the use of the Government. My own opinion is based upon the principle——

Mr. LEE. Will the gentleman let me ask him a question?

Mr. GROSVENOR. Yes, sir.

Mr. LEE. Suppose this college had been on the north side of the Potomac, would he have objected?

Mr. GROSVENOR. I will give my opinion on that in a moment, and the gentleman has only anticipated me in asking it. From one end of the country to the other, right through the district in which I live, school-houses and churches, everything within a radius of miles in extent, were taken in the summer of 1863, and occupied by the Government for quartering its troops and for the care of its sick. They were seized by the rebels under General Morgan. They were taken possession of promiscuously, just as the open-air bivouac of the Army was taken, and no one was paid a single cent, or thought of such a thing. That was in Ohio, a State which did not go out of the Union. I am putting the opposition to this claim upon the particular ground that the Government has never paid such a claim as this, and never ought to touch such a claim as this. What do we open up here?

Mr. LEE. How long were those buildings occupied in Ohio?

Mr. GROSVENOR. The length of time of occupation reflects upon the value of the rent, and not the essence and quality of the claim.

Mr. O'FERRALL. Were they occupied forty-eight hours?

Mr. GROSVENOR. Some were occupied for six weeks, some for forty-eight hours, and some for a much less time.

Mr. LEE. Did Morgan stay there for six weeks?

Mr. GROSVENOR. Morgan did not stay there for six weeks, but he left many who staid longer. [Laughter.] If you were there you did not happen to remain, but some of your friends did stay for a long time. [Renewed laughter.]

Go across the river and down to Shiloh Church, and from there to Savannah, or Nashville, and Chattanooga—and right here, Mr. Chairman, I wish to state that if there is a claim in the whole category of claims that in my opinion is just against this Government, it lies in Chattanooga, for the occupation and destruction of the Catholic church there; and if there is one that I would vote for, it is that one. But all of these places, and hundreds of others, present just similar claims to this, and we have never paid them. We have gone on for more than a quarter of a century without paying one, so far as I know. Where, then, is the line to be drawn?

The principle is here; it is directly involved in this bill; the principle is involved in the smallest eleemosynary institution throughout the South that the Union Army took possession of during the whole of that period. And when we begin by paying for one of them, the same principle will make good claims for rent for every camp we occupied from the Ohio to the sea.

I have been quite interested to hear the gentleman from Virginia [Mr. LEE] speak of the character of the men composing this organization and the sacredness of this claim.

If it was a corporation under the laws of Virginia for public purposes, surely it could not ask to be exempted from the effect of the acts of the State of Virginia itself when it went out of the Union, or wherever it did go, God only knows where, and the courts have never been able to settle it. If it was a corporation for public purposes, chartered by the State of Virginia, it is affected by the action of the State. If it is a private corporation for private purposes, then so far as the question of loyalty is concerned it is affected by the political character of the owners of the institution themselves.

But, sir, it is not worth while to discuss that question, or to talk of these men being ministers of the Gospel and without politics. The preachers in the South during the war had something, some influence, call it what you will, that put more deviltry into the minds and the hearts of the people of that country than any other one single agency or all other agencies combined; and it is not worth while to screen an institution over which ministers presided by throwing over it the halo of their priestly or ghostly character.

I was sorry to hear the distinguished gentleman from Virginia say he thought and hoped that the time had now come when the animosities of the war had so far passed away that such questions would have no weight, and that money considerations would be granted now in such cases that would not have been granted in years gone by.

Mr. LEE. Will the gentleman permit me?

Mr. GROSVENOR. If that is all that is to be gained by the passing away of the animosities of the war, it is hardly worth while to argue the question further. Questions of patriotism and love of country are to have no weight. But it seems to me that that is a remark so sordid in character that the gentleman could scarcely have deliberated upon its force, and must have unintentionally delivered it.

Mr. LEE. Will the gentleman permit me?

Mr. GROSVENOR. Certainly.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CUTCHEON took the floor and yielded to Mr. GROSVENOR.

Mr. LEE. I hope the gentleman from Ohio will permit me a moment.

Mr. GROSVENOR. Certainly.

Mr. LEE. The money consideration involves an act of justice. I said I thought it was an act of justice.

Mr. GROSVENOR. And yet the act of justice is worked out through an appropriation bill.

Mr. LEE. Well, let the gentleman from Ohio construe his own actions and not impugn those of others.

Mr. GROSVENOR. I do not; and the declaration of the gentleman relieves the amendment of the gentleman from the imputation that he was hopeful that the time had come when the animosities of war have so far passed away——

Mr. LEE. That we could now do an act of justice.

Mr. GROSVENOR. That an appropriation could be made. The gentleman now says that an act of justice might be done. I say that these acts of justice require an appropriation to be made. I draw no line of distinction upon such questions.

Now, can we not meet this question upon its own merits? Is it necessary that this bill, covering as it does a line of claims about which there seems to be no contention, should be loaded down with a proposition so fraught with ultimate consequences as this question? It seems to me that if this bill stood here upon its own merits it would not last five minutes; and it seems further that it is a strong suggestion against the justice of the bill that it is sought to be put on here as an amendment upon a bill that everybody seems in favor of the immediate passage of, that it should so hamper and delay it.

Mr. LEE. Mr. Chairman, I shall content myself with calling the attention of the gentleman to a few cases where the same principle has been recognized by the Government. I hold in my hands a brief which shows that claims for compensation were paid for damages for the use and occupancy by the Government of the United States of the property of Joseph Segar, near Fortress Monroe, Va. The University of Kentucky was paid for in the same way, as well as the University of East Tennessee. There is also the case that I called attention to a little while ago, the property of J. G. Armes, for which the Government paid $9,500 for damages, near Annandale, about 9 miles west of Alexandria.

Mr. GROSVENOR. Was not Joseph Segar, to whom the gentleman alludes, a loyal man during the war, and was he not a member of Congress?

Mr. LEE. He was.

Mr. BOWDEN. He was, and was recognized by the very Government that held this portion of the State where this claim comes from. He was elected under laws passed by that Legislature.

Mr. LEE. The only point I make is that the Government has already paid for the use of buildings occupied by its Army under similar circumstances. I could cite other instances from this same document I hold in my hand. Why, therefore, discriminate against this Christian institution? That is the point in my mind. They paid damages in the city of Alexandria, in the county of Fairfax, and around Norfolk.

Mr. REED. Give us a description of those cases.

Mr. LEE. There was the case of Segar, who was compensated for damages during the war.

Mr. REED. He was a loyal man.

Mr. LEE. Yes, sir.

Mr. REED. In what way did the United States take possession of the property in that case? What is the gentleman from Virginia reading from?

Mr. LEE. From a brief prepared in this case.

Mr. BOWDEN. The claim was for the use and occupation of the old Hygeia Hotel at Norfolk. I know that the claimant received compensation from Congress. I do not know that there was any contract.

Mr. LEE. There is also the case of the East Tennessee University, where there was a bill passed by both Houses of Congress. There was a case from Kentucky, also. You could extend the list of those cases *ad libitum* if you would look them up.

Mr. REED. You can not extend them *ad libitum*. You can find a few cases where this was done; but if the United States undertakes to pay for losses of property incurred during the war, the surplus in the Treasury will not remain long.

Mr. LEE. I have endeavored to make the matter plain. This was part of the United States territory during the war.

Mr. REED. It was all United States territory during the war.

Mr. LEE. It was within the lines and occupation of the United States.

Mr. REED. The United States were not likely to occupy anything that was not in their lines. They occupied the territory as far as they went down.

Mr. LEE. Precisely; as far as they could conquer they occupied.

Mr. REED. And you think the United States Government ought to pay rent in those cases?

Mr. LEE. I do not say so. But I say this was within the lines of the United States. I do not say you should pay anything for rent south of Alexandria; and if there is any bill for that purpose I am ignorant of it. This was a part of the United States territory during the whole war, and the United States Government occupied these buildings precisely as they occupied the city of Washington.

Mr. O'FERRALL. I suggest also that the Legislature which gave consent for the formation of the State of West Virginia sat in Alexandria, and that West Virginia owes its existence as a State to an act of the Legislature sitting in Alexandria.

Mr. GROSVENOR. Will the gentleman from Virginia [Mr. LEE] yield for a question?

Mr. LEE. Yes, sir.

Mr. GROSVENOR. What effect, in his judgment, did the ordinance of secession passed by the State of Virginia and the subsequent acts of the people of Virginia have upon the political relation of Virginia to the United States?

Mr. LEE. I will say they had nothing to do with it so far as this particular territory is concerned.

Mr. GROSVENOR. Then, as I understand the gentleman, the ordinance of secession only operated on so much of the territory of Virginia as was occupied by the Confederate army?

Mr. LEE. Certainly.

Mr. GROSVENOR. And then as rapidly as the Confederate army was driven off the State established its relations to the Union?

Mr. LEE. So far as the United States Government could hold it.

Mr. GROSVENOR. Then the ordinance of secession was not a political step, but merely a declaration of war?

Mr. LEE. I do not wish to be led into a discussion of that question. I do not think it is germane to this subject.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CUTCHEON rose.

The CHAIRMAN. The Chair will state that debate on the pending amendment and upon the *pro forma* amendment is exhausted.

Mr. CUTCHEON. I move to strike out the last three words.

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. I make the point of order that the five-minute rule does not apply to the consideration of this bill.

The CHAIRMAN. The gentleman from Indiana makes the point of order that the House having placed no limit on the general debate on this bill, the five-minute rule is not operative.

Mr. HOLMAN. I wish to say a single word on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HOLMAN. There is no general rule on the subject except the hour rule; but the House may limit the debate by applying the five-minute rule. Unless the House has limited the debate to five minutes, the hour rule necessarily applies. That limit can only be imposed by the House. There is no authority in the Committee of the Whole to fix any limit except the hour rule.

The CHAIRMAN. This bill, as the present occupant of the chair understands from the record, was under consideration during a portion of last Friday. General debate was had on the bill for a considerable length of time; and without any formal action, either by the House or the committee, the committee entered on the consideration of the bill by paragraphs. And the Chair holds that the committee having entered on the consideration of the bill by paragraphs for amendment and debate, it is subject to the five-minute rule, and that the hour rule does not apply after the reading of the bill has been begun. The Chair therefore overrules the point of order made by the gentleman from Indiana.

Mr. CUTCHEON. I agree with what has already been said that no more far-reaching measure has been called to the attention of the House in this Congress than this amendment. And it appears to me there is nothing in this amendment to discriminate it from the great mass of war claims which, if they should be presented here and receive attention and be passed, would be sufficient to bankrupt the Treasury over and over again.

Something has been said here in the course of this debate in regard to the subsidence of the animosity of the war. So far as I am concerned, I have no animosities remaining from that struggle. This to me is not a question of animosity or prejudice. It is simply a question of public law; a question whether or no claims can be preferred here for damage occurring within the lines of the Army when war was flagrant in the immediate vicinity.

If the position taken by the distinguished gentleman from Virginia [Mr. LEE] is tenable, then a claim can be preferred for the use and occupation of every camp-ground on which the armies of the Union passed a night from the time they crossed the Ohio River until they reached Savannah, after their march across Georgia; because as fast as they advanced the territory was brought within Federal domination, and, according to the judgment of the gentleman from Virginia, within Federal jurisdiction.

What are the facts surrounding this case? At the very time when the use and occupation of these premises commenced by our troops they were in the immediate vicinity of the armies on both sides; they were situated within the State of Virginia, which had already declared its secession from the Union. The questions presented by my friend from Ohio on my right [Mr. GROSVENOR], as to the nature and effect of that declaration of secession, I think are exceedingly pertinent. So far as it was possible for Virginia to affect the status of this property, this property was within a seceded State.

It is claimed by the other gentleman from Virginia [Mr. O'FERRALL] that there was at that time recognized within the State of Virginia a government which was loyal to the United States and which gave its assent to the formation of the new State of West Virginia, but it does not seem to me that, as a matter of public law, that affects the question of the status of this property within a seceded State. It was within a seceded State; it was occupied by the Union Army for purposes of war; and I remember very well that pending the campaign of 1876, when the late Mr. Tilden was the candidate of the Democratic party, and this question of war claims was being pressed all along the line, Mr. Tilden felt compelled to publish a letter (which I have not seen for years and which I speak of only from memory) in which he declared that no government ever had recognized, and no government ever could recognize, the duty or obligation of paying claims arising from the ravages of war or from the use and occupation of property by its armies.

If the principle of this bill, or this amendment, can be sustained, then there is absolutely nothing to prevent the preferring and the allowing of claims for the use and occupation of all manner of real estate in the Confederacy. The owners of the battle-ground at Manassas could present a bill for the trespass of the Union Army upon their property.

Mr. STEWART, of Vermont. Use and occupation.

Mr. CUTCHEON. Yes, they could present a bill for use and occupation of their property; and so claims might be made for every battle-ground; for every tree destroyed by cannon shot; for the digging and the construction of rifle-pits and breastworks; for every possible

form of "use and occupation." I can see nothing in the use of this property. I can see nothing in the circumstances that surround the use of this property that discriminates it from the great mass of property which was occupied and used for purposes of war.

I appeal to gentlemen to consider well the principle of law that is involved before they admit this entering wedge which will open the door of our Treasury to claims amounting to millions, and hundreds and possibly thousands of millions of dollars.

Mr. SPOONER. I wish the gentleman would state what distinction he finds between this claim and other claims for the use of property in Alexandria that have been paid.

Mr. CUTCHEON. I am not sufficiently well advised in regard to those claims to answer the gentleman's question.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I hold in my hand a report made at the second session of the Forty-ninth Congress by the gentleman from Tennessee [Mr. RICHARDSON], from which report I discover that the trustees of this seminary, when they demanded the return of the property from the Government, were required to take the oath of allegiance. At that time they were not demanding compensation; they did not know but the property had been confiscated by the Government. The Government had had possession of it and had taken good care of it, and after the war these men, when they returned from the South, I suppose, had come and demanded possession. But before they did that, they voluntarily took the oath of allegiance. The bishop made that statement when he made application for the return of the property. If, therefore, it be true that we are only professing to pay the claims of loyal men, there can be no pretense that these men were loyal, for this report shows that they were disloyal. They had been within the Confederate lines, and before they made their application for the restoration of the property they stepped forward and took the oath of allegiance. This report shows that they were not loyal. I doubt very much whether there was a loyal man in that city of Alexandria. I have heard that there was not, and, so far as I know, there was not. I think this claim ought not to be allowed, under these circumstances, unless some explanation can be made of this report which came from the other side of the House in the last Congress.

Mr. LEE. I would say to my friend that it is not likely that the Surgeon-General of the Army would have recommended the payment of this claim unless it was a proper one; and further, I have heard, and I believe it to be true, that Secretary Stanton himself said that although he would not recommend the payment of damages, he would recommend the payment of rent.

Mr. LONG. Is this $20,000 for rent?

Mr. LEE. Yes, sir, for rent.

Mr. JOSEPH D. TAYLOR. I do not see that in Secretary Stanton's order.

Mr. LEE. I can not say positively that he so stated, but I have heard that he did, and I believe it to be true.

Mr. SPOONER. Mr. Chairman, my attention was called originally to this claim by letters which I received from Episcopal clergymen, and other persons connected with the Episcopal Church, who felt an interest in this seminary, in which some of them had been educated, and which, as they assured me in their letters, had been supported by Northern as well as Southern funds. I could understand that they felt the same interest in this institution that they would have felt in a similar institution located in any of the Northern States.

It seems to me that the distinction made by the gentleman from Virginia between this claim and other claims which have been referred to, claims for the occupation of property in States which were in rebellion, is well taken. As the gentleman from Virginia [Mr. LEE] has said, this seminary was situated in that part of Virginia which was within the Union lines from the beginning to the end of the war. This property was occupied in the same manner in which property was occupied in the Northern States. It was within the Union lines, not within the lines of the Confederacy, from the date of the passage of the secession ordinance of Virginia until the close of the war.

Mr. WISE. And was so recognized by the Government.

Mr. SPOONER. And was so recognized, I am told, by the Government.

Mr. MILLIKEN. And did not that portion of Virginia have a loyal Representative in Congress during the entire war?

Mr. SPOONER. Yes, sir; as I am informed, there was a Representative in Congress from that portion of Virginia during the entire war.

Mr. WISE. And they also had Senators here.

Mr. JACKSON. Did they not have representatives at Richmond during the war, in both the senate and the house?

Mr. LEE. No, sir.

Mr. SPOONER. I can not say whether that was so or not. If so, those representatives were certainly unauthorized. It seems to me that this case is very clearly distinguished from other cases which have been referred to. I believe that this claim ought to be paid, and therefore I shall vote in favor of the amendment.

Mr. ALLEN, of Michigan. Mr. Chairman, it seems to me that common fairness and honesty require that the Government of the United States should pay for the use and occupation of these buildings from the close of the war till the time when they were vacated by the Government. No pertinent reason has been presented against the payment of the claim to this extent.

As to paying for the use of these buildings for the period before the close of the war, if they were held by the Federal Government by means of an armed force and in that way only were kept from the hands of the Confederates, a very different question is presented. In the southern portion of our country during the war churches and school-houses were occupied at one time by Union troops and at another by Confederates, just as the wave of battle surged one way or the other. It will never be possible to pay claims for the use and occupation of buildings which were in the midst of hostile territory. The same principle applies to all property so close to the dividing line as that now in question—property which was simply held by the power of Federal bayonets. While I am in favor of paying for the use of these buildings every dollar that it was worth from the time the war closed until the Government vacated them, I am not prepared to pay for the period during which the property was held by the force of arms.

Mr. SPOONER. The "wave of battle" never rolled over Fairfax Seminary.

Mr. ALLEN, of Michigan. I recognize that fact; but I recognize also the reason—because Federal bayonets prevented it.

Mr. LONG. Suppose this property had been in the city of Washington, would not your argument apply equally well? Was not property in the city of Washington equally protected by Federal bayonets?

Mr. ALLEN, of Michigan. The argument does not apply equally in the two cases, for the reason that in respect to this property in Virginia the Federal troops could not at any time during the war have fallen back from their lines for twenty minutes without the ground being occupied by the Confederate soldiers. In other words, this seminary was upon the picket lines between the two armies.

Mr. LONG. How was it in Washington?

Mr. ALLEN, of Michigan. Washington was never on the picket-lines. There was never a day or an hour, except once, when the capital was in danger. But Fairfax Seminary was directly on the picket-lines. Now, as we had to hold it by force of Federal bayonets, I say this seminary occupies the same position as would a seminary in Georgia or Alabama. But if these buildings were occupied by the Government after the war closed let us be honest and pay for their use.

Mr. LEE. Fairfax was the picket-line of Washington.

Mr. ALLEN, of Michigan. In military parlance that is true.

Mr. LEE. It protected Washington.

Mr. ALLEN, of Michigan. But, I say again that if the Federal troops had been at any time during the war withdrawn for twenty minutes, that territory would have been occupied by Confederate soldiers. That was not the case in Washington. We removed troops from Washington and we brought them back again; but the Confederate soldiers did not suppose that, because troops were removed, they could rush in here.

Mr. LEE. If at any moment the picket-line at Fairfax had been raised, Washington would have been invaded.

Mr. ALLEN, of Michigan. I think the distinction is perfectly plain. I want to do justice. Let us pay for the use of these buildings after the war closed; and let us pay for their use during the war, unless it is the fact, as I maintain, that they were held simply and solely by Federal bayonets. This being the case, we ought to adopt the same rule as we would with reference to buildings in Georgia or Alabama, right in the midst of the territory of the rebellion. That is fair.

Mr. RICHARDSON. I ask unanimous consent that debate on the pending amendment be considered as closed.

Mr. HOLMAN. I suggest that ten minutes more be allowed.

Mr. RICHARDSON. I understand the gentleman from Indiana [Mr. HOLMAN] wants to occupy only one minute and another gentleman two. Suppose we say three minutes.

Mr. HOLMAN. Let it be five minutes.

Mr. RICHARDSON. Very well.

The CHAIRMAN. The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent that debate upon the pending amendment be considered closed in five minutes. Is there objection? The Chair hears none.

Mr. HOLMAN. I ask the other section of the law be read.

The Clerk read as follows:

SEC. 3. The jurisdiction of said court shall not extend to nor include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, nor for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

Mr. HOLMAN. Mr. Chairman, I think it is very clear the Court of Claims has palpably disregarded the provisions of that statute, and if these appropriations are to be opened up I hope the committee will adopt the following addition, which I propose as an amendment.

The Clerk read as follows:

Provided, however, That this appropriation shall not be construed as recog-

nizing the liability of the United States to pay for the use and occupation of property by the United States Army at the seat of war during the late war.

Mr. GROSVENOR. That is not necessary, and will have no effect. We are establishing a precedent, and it is not worth while to put in a disclaimer of why you pay rent for the use of certain real estate.

Mr. LEE. I have no objection to the amendment of the gentleman from Indiana, and hope it will be accepted.

Mr. GROSVENOR. I have no objection to it, but I say this amendment will not have any effect whatever except to quiet the consciences of some gentlemen who desire to vote for this amendment. In one breath you pay for the use of property under these circumstances, and say in the next breath you do not intend thereby to do the thing you have done. [Cries of "Vote!"]

The question recurred on Mr. HOLMAN'S amendment to the amendment.

Mr. HOOKER. The gentleman from Virginia accepts the amendment to the amendment.

The CHAIRMAN. The gentleman has not the power to accept the amendment to the amendment. It is only in the power of the House to pass upon the amendment.

Mr. HOLMAN'S amendment to the amendment was disagreed to.

The question recurred on Mr. LEE'S amendment.

The committee divided; and there were—ayes 102, noes 64.

So the amendment was agreed to.

Mr. RICHARDSON. In line 56 of the bill on page 3, the name "Thomas F. Perkins," should be stricken out and "W. P. Wilson" inserted in lieu thereof, as administrator of Eliza M. Dawson, deceased. Mr. Perkins is dead. I move that amendment.

The amendment was agreed to.

Mr. RICHARDSON. In lines 19 and 20 "to John M. Campbell, of Gibson County, Tennessee, $1,046.50" was stricken out. I yield in reference to that claim to the gentleman from Michigan.

Mr. BURROWS. Mr. Chairman, I ask unanimous consent that lines 19 and 20 stricken out of the bill upon the report of the Southern Claims Commission, that the claimant was disloyal, be reinstated. The Committee on War Claims, on inquiry, gave no information to the committee on that subject. I have made personal inquiry in relation to the matter, and have become satisfied he was loyal during the war. I went to the Court of Claims and examined the evidence on that point, and am satisfied he was loyal. He went to the North, to Illinois, during the war, and remained. Having done this claimant an injury, I ask the lines be restored.

There was no objection, and it was so ordered.

Mr. RICHARDSON. Mr. Chairman, early this afternoon, when the case of John R. McKinnie was reached, my friend from Indiana [Mr. HOLMAN] made the point that the findings of the Court of Claims did not show affirmatively the loyalty of the claimant. I made a statement at that time which will probably be remembered by the committee. I ask to have read now in support of that statement a certificate under seal from the Court of Claims.

The Clerk read as follows:

In the Court of Claims. John R. McKinnie, administrator of David McKinnie, vs. The United States. Congressional case No. 364.

At a Court of Claims held in the city of Washington on the 18th January, 1886, the following finding as to loyalty of David McKinnie was filed:

This case being a claim for supplies or stores taken or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that the claimant's intestate, David McKinnie, was loyal to the Government of the United States throughout said war.

A true copy.
Test this 2d day of March, A. D. 1888.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. WASHINGTON. I wish to ask unanimous consent to offer an amendment to this bill to restore lines 92 and 93, heretofore stricken out; and I send to the desk the report of the Court of Claims in support of the motion.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Restore lines 92 and 93, as follows:
"To Duncan Marr, of Montgomery County, Tennessee, $9,424."

Mr. WASHINGTON. I ask the Clerk to read the findings of the Court of Claims.

The Clerk read as follows:

Court of Claims. Duncan Marr vs. The United States. Congressional case No. 19.

At a Court of Claims held in the city of Washington on the 10th day of January, A. D. 1887, the court filed the following finding as to loyalty, to wit:

This case, being a claim for supplies or stores taken or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that the claimant was loyal to the Government of the United States throughout said war.

And at a Court of Claims held in the city of Washington on the 9th day of May, A. D. 1887, the court filed the following findings of fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 27th day of February, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 26th day of January, 1887, the court, upon the proofs and evidence and after hearing Gilbert Moyers and D. W. Glassie, esqs., of counsel for the claimant, and Lewis Cochran, esq., of counsel for the defendants, finds the following facts:

I.

The claimant sets up and seeks to recover for the following property taken and used by the Army or officers of the United States, and for public purposes:

7,800 cords of wood, at $2 per cord	$15,600
78,000 brick, at $9 per thousand	702
Total	16,302
And for the use and occupation of 180 acres of land for two years, at $540 per annum	1,080
Aggregate total	17,382

II.

This claim is for wood, for brick, and for the occupation of the claimant's farm near Clarksville, Tenn.

The Quartermaster's Department caused the claim to be carefully investigated and the wood-land to be surveyed.

The amount of wood taken by officers of the Quartermaster's Department, by officers for the use of the freedman's camp, and by officers for fortifications, was 9,837 cords; of which the Quartermaster-General has paid for 2,037 cords; leaving unpaid 7,800 cords, of the value of $1 per cord, or $7,800.

There was likewise taken by the above officers 190,000 brick, of which the Quartermaster-General has paid for 112,000 at $8 a thousand, leaving 78,000, which, at $8 a thousand, were worth $624.

The claimant's farm near Clarksville, consisting of 180 acres, was occupied for more than two years subsequent to January 1, 1863, as a rendezvous camp, a refugees' camp, a camp for freedmen, and a burial ground. The occupancy was under officers of the United States. The reasonable value of the use and occupation for two years was $2,080.

SUMMARY.

7,800 cords of wood, at $1	$7,800
78,000 brick, at $8 per thousand	624
Use and occupation 180 acres land two years, at $540	1,080
	9,424

By the court.
In the Court of Claims. A true transcript of record.
Test, this 2d day of December, A. D. 1887.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. BLAND. I wish to ask if we are not considering in this bill claims that have been certified up by the Court of Claims?

The CHAIRMAN. The Chair understands this to be a case of that character. The gentleman from Tennessee asks unanimous consent to restore to the bill the lines which have been stricken out during the preceding part of the day and which have been read by the Clerk. Is there objection to the consideration of the amendment?

Mr. BLAND. What is the paragraph?

The CHAIRMAN. The Clerk will again report the lines proposed to be restored to the bill.

The proposed amendment was again read.

Mr. BLAND. I understand that was stricken from the bill on motion to-day.

Mr. RICHARDSON. No; let me correct the gentleman. This is not a motion really to insert what has been stricken out by the committee. When I presented the bill, not having the findings of the Court of Claims before me, I erased this name. Now the findings are here, they are regular in form, and I see no objection whatever to inserting this paragraph in the bill.

The CHAIRMAN. Is there objection to considering the amendment proposed by the gentleman from Tennessee?

Mr. HOLMAN. Permit me to make an inquiry first. I notice that there is an item there for occupation and rent. According to the precedents that item, for rent, ought to be omitted, I suppose.

The CHAIRMAN. The first question is, Will the committee agree to consider the amendment?

There was no objection.

Mr. HOLMAN. I ask the House to indulge me for a moment. I wish just to say to the gentleman from Tennessee that this claim has clearly been before the Quartermaster-General under the act of the 4th of July, 1864. But I will not press that point. It embraces, however, the item of rent or occupation, which, I suggest, ought not to be contained in the bill.

Mr. WASHINGTON. Mr. Chairman, as this item does include, agreeably to the findings of the Court of Claims, $1,080 for the use and occupancy of this gentleman's farm for a period covering more than two years, for the use of a freedmen's camp, and as the Government refused to pay claims of that character, I agree that that portion shall be stricken from the bill, if such be the sense of the committee, leaving it then to stand only to pay him for the actual supplies taken and used for the Army. If the gentleman desires to offer that amendment I shall not object.

Mr. HOLMAN. Then I suggest that as an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out from the claim the sum of $1,080 for rent, so that the total shall read: "$8,344."

Mr. GROSVENOR addressed the Chair.

Mr. RICHARDSON. I desire to inquire of the Chair if the opportunity to object to the amendment is still open.

The CHAIRMAN. The amendment of the gentleman from Tennessee is before the committee. The Chair would suggest that if the gentlemen who are interested in the passage of this bill will be seated and cease conversation on the floor much valuable time will be saved.

Mr. GROSVENOR. I do not understand, under the precedents we have set, and I suppose will be bound by, that we will make any distinction between a disloyal college and a loyal citizen of the United States in regard to the rental of property the Government has got the benefit of. It has been argued, and I suppose it is decided by the committee, that when the Union Army was able to take possession of so much of the Commonwealth of Virginia as lay in the region of Fairfax County the ordinance of secession was not operative in that territory, and it was all the time thereafter within the Union lines.

Now, I take it, the county in Tennessee in which Clarksville was located, was not operated on any differently by the presence of Union troops than the county of Fairfax in Virginia was.

Mr. WASHINGTON. If the gentleman from Ohio will allow me, I will withdraw my amendment, as it is now getting late and the hour for a recess has nearly arrived.

Mr. GROSVENOR. Then I will go on with my speech on the whole bill. I am obliged to the gentleman from Tennessee; he sees the point of my argument.

When the Union Army penetrated into Tennessee, as I understand the decision of the committee, it became thereby Union territory, and thereafter it was at all times during the war occupied by the Union troops. I take it, then, that all the claims for camping ground are opened up by this decision; for I do not suppose the Union Army occupied as a camping ground any territory they had not conquered or at least occupied. If, therefore, that changes the status of these claims and sets aside the principle we have so long adhered to, I deny there is any difference in the effect of our occupation of an academy, a church, a school-house, or a loyal man's farm.

It occurs to me a loyal Tennesseean, upon whose land we camped and whose property we despoiled thereby, ought to be at this late day as much an object of the consideration and justice of this Government as a corporation which now comes here under the shield of corporate existence.

Mr. TAULBEE. I rise to a question of order. We can not hear the remarks of the gentleman from Ohio.

Mr. GROSVENOR. I have made my speech and have spoken as loud as I could.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN] to the amendment of the gentleman from Tennessee [Mr. WASHINGTON].

Mr. PERKINS. I understood the whole amendment was withdrawn.

The CHAIRMAN. The gentleman from Ohio was on the floor and the gentleman from Tennessee did not have the floor for the purpose of withdrawing his amendment. The question is on the amendment offered by the gentleman from Indiana to the amendment of the gentleman from Tennessee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STONE, of Kentucky. I move that the committee rise and report the bill as amended to the House, with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HATCH reported that the Committee of the Whole House having had under consideration the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act," had instructed him to report the same to the House with sundry amendments.

Mr. STONE, of Kentucky. I move the previous question on the amendments, and the engrossment and third reading of the bill.

Mr. BURROWS. I call for a separate vote on the amendment relating to the Episcopal Seminary.

Mr. CUTCHEON. I rise to a question of order. When the bill was last before the Committee of the Whole, the committee had proceeded with its consideration as far as the fifth item, for the relief of Henry Bazsinsky. A somewhat lengthy debate arose, and at the conclusion of that debate the Chair called for the reading of the next item. According to the RECORD, page 1461, the Clerk read the following item:

To W. H. Cook, sr., of St. Mary's Parish, Louisiana, $2,085.

The next item was not that one; it was this:

To the corporation of the Roman Catholic clergymen of Maryland, $4,035.50.

That item seems never to have been considered in the Committee of the Whole at all. There is nothing in the RECORD or in my recollection which tells me that item was ever considered. If it was, some gentleman can state so. If it was not, I raise the point that it is not in order to put that item on its passage, because it has never been considered in Committee of the Whole.

Mr. COMPTON. If I understand correctly, the gentleman from Michigan says it does not appear that that item was read.

Mr. CUTCHEON. According to my recollection it was never read or considered.

Mr. COMPTON. I only want to say this: whatever the RECORD may disclose, it is a fact that that item was read and was considered. About that there can be no sort of question. It was the only item in the bill in which I, as a representative of those people, had any particular interest, and I waited specially to hear it read, and to be assured that it was passed before I left the Hall, as I had been called out. I remained and heard it read.

Mr. CUTCHEON. I accept the statement of the gentleman. The point of order, therefore, will simply go to the correction of the RECORD.

The SPEAKER *pro tempore*. The Chair will state for the information of the House that he ascertains that the paragraph was read. The Reading Clerk remembers that he read it, and the RECORD will be corrected as suggested by the gentleman from Michigan.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker *pro tempore* signed the same:

A bill (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887.

CLAIMS UNDER THE BOWMAN ACT.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. STONE] has demanded the previous question on the engrossment and third reading of the pending bill.

Mr. BURROWS. Mr. Speaker, at what hour will it be in order to ask for a separate vote upon the amendment?

The SPEAKER *pro tempore*. The gentleman can designate the amendment on which he desires a separate vote. The question is on ordering the previous question.

Mr. BURROWS. Must not the vote on the amendment be taken before the previous question is ordered?

The SPEAKER *pro tempore*. Not necessarily.

The question was taken on ordering the previous question; and there were—ayes 54, noes 59.

So the previous question was not ordered.

Mr. RICHARDSON. Mr. Speaker, I understand that the gentleman from Kentucky [Mr. STONE] does not object to a separate vote upon the amendment suggested by the gentleman from Michigan [Mr. BURROWS].

Mr. STONE, of Kentucky. No, I do not object to that.

Mr. BURROWS. Well, it is near 5 o'clock, and probably the bill had better go over for a week.

Mr. RICHARDSON. Let the previous question be ordered, and then we can take a vote in the morning.

Mr. BURROWS. No; that would bring it up to-morrow. Let it go over for a week.

Mr. STONE, of Kentucky. I demand tellers on ordering the previous question.

The SPEAKER *pro tempore*. The Chair has not yet put the question on the amendment.

Mr. BLAND. I move that the House adjourn.

Mr. NELSON. I call for the regular order, which is to take a recess at this hour.

The SPEAKER *pro tempore*. The Chair so understands. The hour of 5 o'clock having arrived, the House now takes a recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 7.30 p. m.) resumed its session.

The Clerk called the House to order, and read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., March 2, 1888.

Hon. WILLIAM D. BYNUM, of Indiana, is hereby designated to preside at the session of the House this evening.

S. S. COX, *Speaker pro tempore.*

To Hon. JNO. B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order for the evening session.

The motion was agreed to. The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business under the special order, which the Clerk will read.

The Clerk read as follows:

Resolved, That until further ordered, on each Friday at 5 o'clock p. m. the House shall take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar, granting pen-

sions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar, reported from the Committee on the Judiciary, removing political disabilities, shall be considered; and no other business shall be transacted at such evening sessions, and the House shall adjourn on each of said evenings not later than 10.30 p. m.

The CHAIRMAN. The Clerk will report the first bill.

JAMES A. BUCK.

The Clerk read as follows:

A bill (H. R. 2218) to increase the pension of James A. Buck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of James A. Buck, late private of Company E, One hundred and fifty-first Regiment of Illinois Volunteers, to $45 per month.

Mr. MATSON. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2218) to increase the pension of James A. Buck, submit the following report:

The claimant in this case is now receiving a pension of $30 per month for injury to the spine received while in service. Under existing laws there is no grade between that that he is now receiving for total inability to perform any manual labor and the disability requiring the constant aid and attendance of another person, rated at $50 per month. This soldier requires the personal aid of another a portion of the time each day. He is unable to dress or undress without assistance. He is fearfully deformed and is never free from pain, suffering intensely a great portion of the time. He is so bent over that in walking his face is on a level with his hips, and he is slowly but surely growing worse month by month. While the Pension Office can grant no relief because he does not require the constant personal aid and attention of another person, he is in much worse condition than the soldier who is simply unable to perform manual labor.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MALINDA VEST.

The next business upon the Private Calendar was the bill (H. R. 863) granting a pension to Malinda Vest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Malinda Vest, widow of William Vest, late a private in Company F, of the Seventh Regiment of Provisional Enrolled Missouri Militia, and to pay her a pension from and after the passage of this act.

Mr. MATSON. Let the report be read.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 863) granting a pension to Malinda Vest, submit the following report:

The files in this case show that claimant is the widow of William Vest, a private in Company H, Twenty-sixth Regiment Missouri Enrolled Militia. The records in the Third Auditor's Office disclose the fact that his regiment was ordered into active service September 15, 1862, and relieved from active duty February 4, 1863; that on the 1st of April, 1863, said Vest was detached in Company F, Seventh Regiment Missouri Enrolled Militia, and served in said company in active duty until the 13th of October, 1863, on which day he was killed by the enemy. On the 28th of March, 1864, she was paid by Maj. S. D. Mitchell, paymaster, for his services, including the day he was killed.

Claimant, in her statement, testifies the soldier was killed under the following circumstances: "Our house had been burned by the Confederates; my husband had come home by permission of his officers to see about a place for us to live and get something for us to eat, and while he was at home the Confederates attacked and captured him and killed him." The adjutant-general of Missouri certifies that "William Vest was a private in Company F of Seventh Missouri Enrolled Militia, served 196 days, and was killed October 13, 1863." This man gave his life to his country as surely as though he had fallen on the battle-field. There should be no hesitation in providing for his widow, who is now poor and destitute. Your committee recommend the passage of the bill.

Mr. TAULBEE. Mr. Chairman, I would like to have some explanation as to why this claim was not allowed in the Pension Office. I believe the case comes under the provisions of an act granting pensions to certain Missouri soldiers.

Mr. MORRILL. The limitation under that act expired on the 4th of July, 1874, and as the case of this lady was not presented until after that date, of course it could not be allowed in the Pension Office. Let me remind my friend from Kentucky also that I reported this case in the last Congress, and it then had his hearty support, as I am sure it will have now.

Mr. TAULBEE. Yes; the gentleman is right about that.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY B. NEWELL.

The next business on the Private Calendar was the bill (H. R. 442) granting a pension to Emily B. Newell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is heveby, authorized and directed to place the name of Emily B. Newell, widow of Nathan F. Newell, late of Company A, Tenth Illinois Cavalry, on the pension-roll at the rate of $12 per month.

Mr. TAULBEE. Let the report in that case be read.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill (H. R. 442) granting a pension to Emily B. Newell, having considered the same, beg leave to report:

Nathan F. Newell was a private in Company A, Tenth Illinois Cavalry, and alleged in his application for pension that on the 10th day of July, 1862, while under scouting orders and away from his company, between Jackson and Helena, Ark., in undertaking to jump his horse across a log he was violently thrown upon the pommel of his saddle, and received thereby a rupture and severe strain of back. He further alleged that he was treated by several surgeons of Iowa and Indiana regiments, whom he met on the march, and by plasters and other expedients adopted by himself.

The records show that soldier was discharged from service for disability September 10, 1862, two months after the alleged injury, the recommendation for discharge being dated August 20, 1862.

In addition to soldier's statement and the fact of his disability discharge from the service so soon after the alleged injury, there is on file a mass of testimony showing that soldier, who was a man of acknowledged integrity, immediately after discharge, and up to the time of his death, persistently claimed that the accident occurred as stated in his application, and the following medical certificate from A. H. Taft, M. D., furnishes strong presumptive evidence that he must at some time have received an injury similar to the one alleged:

"On or about July 10, 1875, I found him suffering from chronic inflammation of the bladder, cord of left testicle much elongated, the gland atrophied. For a few days used catheter to evacuate bladder. Was told by patient that while in the military service he was thrown forward upon the saddle, which was the cause of his disability. I have known and treated him to the present time (July, 1882). At present his disability is greater than when I first knew him. Urine passes involuntarily, he suffers much, and has lost flesh and strength."

The record shows that soldier was twice examined by order of the Department, and in both instances was rated for pension, the opinion being expressed by both surgeons that the disability did originate in the service.

The claim was rejected upon the ground of inability to furnish testimony of any one having personal knowledge to show origin in service of alleged injury.

Your committee are of opinion that this claim, which was in the hands of the notorious N. W. Fitzgerald, might have been allowed had it been prosecuted skillfully; at any rate, it is evident that it was rejected on purely technical grounds. Had it been allowed, the widow would have had the benefit of the pension from the date of the soldier's death to the present, as he clearly died from diseases which would naturally arise from an injury such as he claimed to have received. The widow is now in very feeble health and destitute circumstances, and your committee recommend that the bill do pass, thereby granting her some degree of relief in her advancing years.

Mr. TAULBEE. I would like to ask the gentleman of the committee who especially examined this case what evidence there is that the death of this soldier was the result of injuries received in the war.

Mr. GALLINGER. In reply to the gentleman from Kentucky [Mr. TAULBEE] I will say that, granting this soldier incurred the alleged disability, there would seem to be no ground of doubt from a medical standpoint that his death resulted from the injury received in the service. The only difficulty in the case was for him to prove the incurrence of the disability. At the time when it is stated to have occurred he was away on scouting orders with only one comrade, who shortly afterward died. The injury was received by this soldier, as he alleged, and as I believe, while he was away from his regiment. His statement was that he was treated by surgeons of regiments that he met on the way; but he could not show to the satisfaction of the Department that he did receive the wound as he claims, because no person who was with him at the time could testify to the fact. The committee thought the doubt was very largely in favor of the claimant, and therefore recommended the passage of the bill.

Mr. TAULBEE. The reading of the report convinced me, Mr. Chairman, that the disability spoken of had been incurred by the soldier in the service, and while in line of duty. The Pension Office, however, seems to have rejected the case by reason of some doubt on that point. I know something about the rigid rules of the Pension Office; and I would be disposed to concede that the injury was incurred as claimed.

But the question I asked was, how the disease with which the soldier died was related to the disability which appears to have been incurred. I do not believe the report states the disease of which the soldier died; nor is there any effort made in the report to connect the death of the soldier with the disability incurred, except by the expression of an opinion to that effect.

Mr. GALLINGER. It is barely possible that in drawing the report I omitted to state the cause of death, which was disease of the bladder.

Mr. TAULBEE. That is sufficient.

Mr. GALLINGER. I ought to have made that statement in the report. The testimony of Dr. Taft clearly shows the relation between the disease of which the soldier died and the injury which we believe to have been received by him in the service.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LAURA A. WRIGHT.

The next business on the Private Calendar was the bill (*H. R.* 445) granting a pension to Laura A. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Laura A. Wright, widow of Charles H. Wright, late of Company B, Fourteenth Regiment New Hampshire Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 445) granting a pension to Laura A. Wright, having considered the same, respectfully report:

The claimant in this case, the widow of Charles H. Wright, who was pensioned for severe gunshot wound of the leg, presents a memorial as follows:

"*To the honorable the Senate and House of Representatives of the United States in Congress assembled:* Respectfully showeth that I, Laura A. Wright, of Langdon, in the county Sullivan and State of New Hampshire, am the widow of Charles H. Wright, late of Langdon, deceased; that said Wright was at the time of his decease pensioned under pension certificate No. 19983. That said Laura A. Wright applied for pension as widow of said Charles H. Wright under claim No. 329679, and said claim was rejected by the Commissioner of Pensions. She further stated that her said husband was pensioned for a gunshot wound in his leg. That early in the spring of each year (with the exception of the last year

of his life) he would complain of severe pain in his limb for some one or two weeks, then a sore would break out, which would relieve the pain. The last spring of his life his limb commenced to pain him as usual, and continued to pain him to such extent that he could not sleep. The last night of his life I do not think he slept any; he complained that his limb pained him so it did not seem as though he could stand it. He got up earlier than usual, and said his limb pained him so he could not lie abed any longer, and would go out and milk; he was gone longer than usual; went out to see where he was, and found he had hung himself. This was the 25th day of June, 1884. Although a much longer time had elapsed since his limb commenced to pain him this last season, it did not break out into a sore as usual, and at the time he hung himself there was no sign of a sore. She further states that she is poor, and has a family of four children, all under fifteen years, dependent upon her for support. She therefore respectfully prays the honorable Congress will pass a special pension law granting her a pension as widow of Charles H. Wright, late of Company B, Fourteenth Regiment, New Hampshire Infantry, and your petitioner will ever pray, etc.

"Dated at Langdon, N. H., this 29th day of November, A. D. 1886.

"LAURA A. WRIGHT."

Claimant further testifies that for years the wound on soldier's leg, for which he was pensioned, had caused him much pain and suffering; that said wound was much of the time a running sore, and at other times it would heal and remain so for some months; that it usually broke out and ran in the spring of the year; that it was much more painful when healed than when it was a running sore; that last spring it did not break out, and was healed at the time of his death; that he had suffered more than usual for some months; that many a time it pained him so that he would leave the bed nights and lie on the lounge, for he would keep affiant awake by his restlessness; that he would say that the pain was almost more than he could bear; that the bone was diseased; that he did not employ a physician because they gave no relief; that his business was farming; that the day before his death he did his morning chores with the aid of his father, and he said that his leg was so bad that if said father would help him load some wood he would go to Charlestown, a few miles, with it, as he could ride and would not have to stand on his leg so much; that after his return from Charlestown in the afternoon he rode over to a neighbor's to see about a mowing-machine he was to have the next morning; that he came home and ate his supper; that his leg was paining him very badly; affiant wanted to bathe it, but he said nothing would reach the pain; that he often said that he thought the leg would have to be taken off; that the pain made him so nervous, and nothing did him any good; that during the night he had left the room where they slept, as he often did, without affiant knowing it, and in the morning he came in and stood by the bed; affiant asked him how he was; he said his leg was bad; that he took his vest and went down; that no other person saw him that morning but affiant; that her father was getting up and heard him when he went down from affiant's room. "I will go and milk," said her father. Soldier said, "No, I will," and went away to the barn, quite a distance, on what they called "the other place," where the stool was kept; no other one heard him speak; not returning in the usual time, said father went for him, and found him dead by his own hand; that his family relations were very pleasant and his financial affairs easy; that he was naturally of a cheerul disposition, but his continued constant suffering from the wound wore upon his nervous system until he sought relief, in his imagination, in death; that she can see no other cause for the act but temporary insanity from his pains; that there was no hereditary insanity.

Verified copy of the town record shows that the soldier committed suicide by hanging, June 25, 1884.

Dr. Leland G. Graves, Clermont, N. Y., testifies that he was the soldier's physician before the war, and after his discharge from the service up to about 1870, and saw him often after that up to the time of his death, and hardly ever saw him without talking with him about his troubles and advising him what to do for relief; that he suffered at times extreme pain from his wound; that a third or a quarter part of the time his wound was a running sore, and at such times the pain was less severe; that said wound was a gunshot wound of left leg below the knee, shattering the fibula and hitting the tibia; that it greatly disturbed his whole nervous system; that affiant often heard him say that his sufferings were so great that it seemed as if he could not stand them, that he should be crazy, and make use of similar expressions; knowing that his domestic relations were pleasant, that he was in easy financial circumstances, and of his great sufferings from his wounds, affiant was forced to the conclusion that temporary insanity caused him to commit suicide.

Dr. Graves further testifies that, so far as he knows, there was no hereditary insanity in his family; that he knew his mother for twenty years, but did not know any other member of his family; that in 1883, and up to his death in June, 1884, soldier's health was good, except the wound in his leg and its results; that he can not add anything further to his former affidavit.

The evidence in this case seems to be quite conclusive that soldier's death was the result of temporary insanity, induced by long-continued and excessive pain, although the Department did not recognize that fact and rejected the widow's application.

The Committee on Pensions of the Senate of the Forty-ninth Congress favorably reported this bill, and your committee are of the opinion that it deserves favorable consideration, and recommend that it do pass.

Mr. TAULBEE. I think that in this case we are going rather far in the direction of granting pensions. At any rate, I should like to know whether there is any evidence before the committee or anywhere else to the effect that the gunshot wound received by this soldier had at any time created any mental derangement. I do not claim that it is impossible for a thing of that kind to occur, but I think it improbable.

Mr. GALLINGER. Mr. Chairman, I am not going to undertake to-night to give a medical dissertation on the probable results of a gunshot wound affecting the nervous system, as this wound seems to have done. Dr. Graves, a distinguished surgeon who attended this man—who knew him during a long series of years, and had occasion to study his case professionally—gives it as his sworn opinion that this wound acting upon the man's nervous system, causing intense and almost unendurable pain, making his life wretched for so many years, was the cause of the temporary insanity which induced him to take his life.

I believe it is a recognized principle, at least in the courts, that no man who commits suicide is to be regarded as having been sane at the time of the act; that the fact of committing suicide is conclusive evidence of aberration of mind. Now, here was a case where a man received a very severe gun-shot wound which fractured the bones of the leg and which never healed. When the sore opened and discharged pus the man obtained some degree of relief; but when the wound temporarily closed he suffered the tortures of the Inquisition. His nervous system was seriously affected, and the attending physician gives under oath his opinion that the shock to the nervous system produced by this injury was the direct cause of insanity which induced him to take his life. I believe that to be the truth.

Perhaps it would not be proper for me to say that in a professional life covering a quarter of a century I have seen somewhat similar cases, but I think it would be the judgment of the medical profession generally, not only that such a case might happen, but that frequently it actually does happen, that an injury to the nervous system so deranges it that the sufferer loses his mind and takes his own life.

I think this case is one in which Congress can properly grant the relief asked. I believe it is a just case. I honestly believe that this man did lose his life in consequence of this wound, and that his widow ought to have the benefit of the small pension proposed. Of course this Committee of the Whole will do what it may deem proper.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT G. FIFIELD.

The next business on the Private Calendar was the bill (H. R. 443) granting an increase of pension to Albert G. Fifield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Albert G. Fifield, late a private in the Twelfth Regiment New Hampshire Volunteers, from $36 to $50 per month, from and after the passage of this act.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 443) granting an increase of pension to Albert G. Fifield, having considered the same, beg leave to report as follows:

Soldier is now receiving a pension at the usual rate of $36 per month for gunshot wound of the arm, and asks that his pension be increased to the rate paid for loss of arm at the shoulder-joint, which he erroneously supposes to be $50, but which is actually $45. The medical examining board at Concord, N. H., under date of November 3, 1886, found the disability to be as follows:

"Minie-ball struck right shoulder-joint in front and lodged somewhere in the chest. The head of humerus and about 4 inches of the shaft have been removed, leaving the limb hanging by the muscles. There is no anchylosis of the other joints, and he can flex the fore-arm to a right angle. The muscles of the arm and fore-arm are not atrophied, and there is no loss of sensation, but motion and power are very much limited. He is unable to use the hand in eating. The cicatrix is 6 inches long, and its upper part adherent to glenoid cavity, and the whole is very tender. Respiratory murmur is wanting in upper third of right lung; dull on percussion at this point. His present condition is due to the gunshot wound, and as regards manual labor, total disability exists in the entire limb."

There is a mass of testimony on file showing that soldier's arm is utterly useless, and also that he is suffering from hemorrhage of the lungs, which is unquestionably due to the lodgment of the ball in the chest. On this point the following statements are submitted:

"*To the honorable Senate and House of Representatives in Congress assembled, at their December session for A. D.* 1887:

"Your petitioner, Albert G. Fifield, of Franklin, county of Merrimack and State of New Hampshire, respectfully represents that being a soldier of the Twelfth Regiment of the New Hampshire Volunteers in the late war of the rebellion, and while in active service of the United States Union Army, was severely wounded while engaged in the battle of Chancellorsville, in the State of Virginia. I was wounded in my right shoulder-joint and the musket-ball penetrated through the joint and followed the collar-bone into my right side, where it still remains. I lost 7 inches of the bone and the use of my right arm entirely. I now receive as a pension but $36 per month, and I consider myself entitled to receive the same amount as those pensioners who have totally lost an arm from the shoulder.

"ALBERT G. FIFIELD.

"NOVEMBER 29, 1887."

"The subscribers would respectfully state that they are well acquainted with the within-named applicant, and have full confidence and belief in the truth of his statement, and can testify to his disability and to his need of pecuniary aid, as he has a family and is unable to support them by his labor, and must rely upon the Government for material aid and assistance.

"November 29, 1887.

"George W. Nesmith, Frank N. Parsons, Daniel Barnard, James E. Barnard, Frank H. Chapman, Rufus G. Burleigh, W. D. Hardy, J. B. Howard, H. A. Currier, Frank H. Daniell, Frank H. Marsh, Frank Proctor, Alexis Proctor, G. G. Fellows, Edward Abbott, N. W. Perkins, P. L. Kennedy, John C. Neal, J. W. Russell, J. H. Rowell, C. C. Chase, E. W. Cross, H. L. Young, C. C. Paigry, E. E. Faskett."

"TILTON, N. H., *November* 30, 1887.

"This is to certify that I have known Albert G. Fifield for the past six years; during that time have repeatedly treated him for cough and hemorrhage of the lungs, both of which are excited by moderate exertion. In my opinion his disability is equal to loss of arm at shoulder-joint.

"EDWARD ABBOTT, M. D."

"LACONIA, N. H., *December* 2, 1887.

"This is to certify that I have known Albert G. Fifield for the past ten years; that during that time I have repeatedly treated him for cough and hemorrhage from lungs. In my opinion his disability is equal to the loss of an arm at shoulder-joint.

"A. W. ABBOTT, M. D."

"TILTON, N. H., *November* 30, 1887.

"This is to certify that on the above date I professionally examined Albert G. Fifield for bodily ailments, as follows: That there has been a resection of the right shoulder-joint and 7 inches of the humerus removed. At present there is a shortening of 4½ inches in the length of the arm. There is extreme soreness and pain through the right lung; that on any exertion he has severe attacks of dyspnœa and spits up considerable blood, and has done so for the past ten years; that he averages those slight hemorrhages once a week. For the above reasons the aforesaid Albert G. Fifield is unable to perform any manual labor.

"JOHN J. DEARBORN, M. D."

From all the facts in the case your committee are of opinion that soldier's existing disability from the gunshot wound is practically equivalent to the loss of

arm at shoulder-joint, and when it is considered that in addition the ball is lodged in the chest and gives rise to frequent hemorrhages from the lungs, the case becomes one of unusual merit.

Your committee would recommend that the bill be amended by striking out the word "fifty" and inserting instead thereof the word "forty-five," and with this amendment recommend its passage.

Mr. TAULBEE. Mr. Chairman, I must confess that I do not see why the Pension Office could not have rated the pension in this case.

Mr. GALLINGER. I am not sufficiently conversant with the rule in the Pension Office to know whether they could have taken into consideration this disability or not. Presumably the pensioner did not include it in his original application, but applied simply for a pension for the wound, although his arm unquestionably, as I know from personal knowledge, is of as little account as if amputated at the shoulder-joint. Yet he is receiving as large a pension as can be allowed by the Pension Office.

The committee considered the equities of this case, and they found this other disability directly resulted from the wound this man had received. He has suffered severely, and it was determined from all the circumstances his pension should be increased to that of a man who had his arm amputated at the shoulder-joint. The committee thought it was a strong case and so reported.

Mr. TAULBEE. I do not believe the pension laws make any discrimination between a case where the arm is amputated at the shoulder or there is disability equivalent to such amputation.

Mr. BUCHANAN. My belief is they do make a difference in practice, in such cases.

Mr. MORRILL. I wish to remind my friend from Kentucky that under the act, I think, of August 4, 1886, we did not provide for equivalents, and the Pension Office could only allow $45 where the arm was amputated at the shoulder-joint. My friend from New Hampshire said the man made no application for the difference. It would not have helped him. The Pension Office would not have considered a wound of that kind in connection with the other. If a man had half a dozen gunshot wounds in his body they might disable him much more than would amputation at the shoulder-joint, but under our law he could only receive $30 a month—the amputation at the shoulder-joint being $45, at the elbow $36, and below the elbow $30. If a man had half a dozen wounds the Pension Office could not consider them, unless they left him in a condition of total disability, requring the care of another person. That is the reason why the Pension Office could not consider this case.

Mr. TAULBEE. The disability resulting from the wound could not be considered under the general law. I am reminded by the gentleman from Kansas, in a bill passed by the last Congress increasing the rate for amputation of arms, there was no provision made for corresponding disability. I believe he is correct about that, and it satisfies me about this case. I think in the matter of determining the disability of the arm, it is perfectly legitimate and proper for us to consider the disability of the lungs in connection with it, where the general law does not provide for it.

The amendment of the Committee on Invalid Pensions was agreed to; and the bill as amended was laid aside to be reported to the House, with the recommendation that it do pass.

MRS. MARY JANE CASE.

The next business on the Private Calendar was the bill (H. R. 85) granting a pension to Mary Jane Case.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and restrictions of the pension laws, the name of Mary Jane Case, widow of David Case, late a private in Company D, Third Regiment Connecticut Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 85) granting a pension to Mrs. Mary Jane Case, have had the same under consideration, and beg leave to submit the following report:

The claimant was a pensioner as the widow of Daniel C. Case, who was killed at the first Bull Run battle, while serving as private of Company D, Third Regiment Connecticut Volunteers. She continued to draw pension until March 15, 1868, when she again married one George W. Briggs, also a soldier, whereupon pension was granted to the child of Case, which pension terminated February 11, 1877. The marriage with Briggs was not a happy one, and upon July 6, 1877, the claimant was granted a divorce from said Briggs on the ground of cruel treatment and desertion. Briggs has since died. Under the decree of the court, now before your committee, claimant's name was changed back to Case. From the evidence filed before this committee, it appears that Mary Jane Case has no income, except that derived from keeping a few boarders, but by reason of advancing age and physical disabilities, namely bronchitis and asthma, she has become now almost incapable of procuring a subsistence in that way. She is constantly under a doctor's care, and much of the time confined to bed. Her character is of the highest.

No pension has been paid to any one on account of Case's death for more than ten years. He was one of the first who laid down his life in order that the country might live. His late widow is now needing assistance in her declining years. Others have been granted relief by Congress under similar circumstances.

Your committee believe the case under consideration equally meritorious, and therefore report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SQUIRE ADMIRE.

The next business on the Private Calendar was the bill (H. R. 4812) to grant a pension to Squire Admire.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Squire Admin, late a private in the Third Regiment Indiana State Legion.

The report (by Mr. MORRILL) was read, as follows:

The claimant in this case had not been in the military service of the United States at the time the injury for which pension is asked was received; hence no application has ever been made at the Pension Office, as the case comes under no existing law. The facts in the case, as your committee have been able to gather them from the evidence filed, are these:

Squire Admire, the beneficiary under this bill, was, in September, 1862, a citizen of Indiana, residing near the village of Yankeetown. Some time during that month the city of Owensborough, in Kentucky, was threatened with an attack by the Confederate forces. An appeal was made to the surrounding country to furnish men for its defense. Among those who responded were Capt. Peter Taylor's company, known as the Yankeetown Home Guards, in which company Squire Admire served. Upon their arrival at Owensborough they were ordered into line of battle to support a battery, and while momentarily expecting an attack they were ordered to fix bayonets. After returning to camp, in assisting a comrade to remove his bayonet, claimant's musket was discharged, the bullet striking the bayonet, and a splinter from the bullet struck claimant in the left eye, entirely destroying the sight. The testimony of Peter Taylor, captain; George N. Cornell and Daniel Briscoe, comrades in the same company; Orin Caswell, with whom Admire was then living, and J. R. Tilman, M. D., fully substantiate the statements set forth above. The precedents of favorable legislation in similar cases are so numerous that they need not be cited.

Your committee therefore recommend the passage of the bill, with the following amendments:

In the sixth line, strike out the word "Admin" and insert the word "Admire."

Amend the title so that it will read: "To grant a pension to Squire Admire."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ORRIS A. BROWNE.

The next business on the Private Calendar was the bill (H. R. 5859) to remove the political disabilities of Orris A. Browne, of Virginia.

The bill is as follows:

Be it enacted, etc., That all disabilities imposed upon and incurred by Orris A. Browne, of Virginia, by virtue of the fourteenth amendment to the Constitution, be, and are hereby, removed.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

PAUL F. FAISON.

The next business on the Private Calendar was the bill (H. R. 4694) to remove the political disabilities of Paul F. Faison.

The bill is as follows:

Be it enacted, etc., That all political disabilities imposed upon and incurred by Paul F. Faison, of North Carolina, by virtue of the fourteenth amendment of the Constitution, be, and are hereby, removed.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. BROKENSHAW.

The next business on the Private Calendar was the bill (H. R. 418) granting a pension to William H. Brokenshaw.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Brokenshaw, late a private in Company H, Twenty-fourth Michigan Volunteer Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

That the said Brokenshaw was a private in the Twenty-fourth Michigan Volunteer Infantry during the late war; that on the 25th day of March, 1865, just after said soldier had been mustered into service, and during the evening of said day as said Brokenshaw was retiring to his bunk, he was, as shown by medical evidence, severely injured by three soldiers whose names were unknown to him, by jumping upon him while he was climbing into his said bunk, thereby crushing or crowding his left side down upon the outer edge of his bunk in such manner as to crush in the ribs on his left side just below the heart. The proof in the case that said soldier was injured and in the manner stated is clear and seemed to have been satisfactory to the Commissioner of Pensions and to the Secretary of the Interior, but said Commissioner held that such injury was not received while the soldier was in line of duty, and his ruling was afterwards sustained by the Secretary of the Interior, and the opinion of the honorable Secretary has been carefully considered by your committee, in which opinion it is stated that claimant was examined at Detroit, Mich., October 1, 1884, by board of examining surgeons consisting of J. F. Noyes, N. W. Webber, and Charles C. Yemans, who report:

"There is a marked depression in the left chest just below the breast; ribs appear to have been bent at this point inwards; complains of pains on every effort that requires reaching upwards with arms, or on stooping over; anything that jars the body, as riding, he says, causes great distress; suffers undoubtedly with pleuritic adhesions; is undoubtedly considerably disabled for labor."

The honorable Assistant Secretary of the Interior in his opinion says:

"The origin of the disability alleged by claimant in this appeal is conceded, and the results of the injury of the left side are doubtless accurately stated by claimant, as shown by the report of the medical examination to which the disability was subjected at Detroit, October 1, 1884, but the injury having been caused by three soldiers jumping upon the claimant while he was climbing in his bunk was clearly not incurred in line of duty in the sense that would carry with it a pension."

Here, then, was a soldier severely injured without any fault or neglect on his part while in the performance of his duty; but because he happened to receive such injury from other soldiers, it is held that the injury did not occur while in the line of duty.

Your committee, after fully considering the case in question, are unable to see why claimant was not disabled in the line of duty as much as if such injury had been received by the soldier from the kick of a horse, or the breaking down of his bunk, or by any other accidental means.

Your committee therefore respectfully report the bill back to the House, and recommend that the same do pass.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MISS CAPPIE HARSH.

The next business on the Private Calendar was the bill (H. R. 5766) granting a pension to Miss Cappie Harsh, daughter of Daniel Harsh.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Miss Cappie Harsh, daughter of Daniel Harsh, late of Company H, Fifty-eighth Regiment of Ohio Volunteer Infantry, and pay her a pension of $12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5766) granting a pension to Cappie Harsh, submit the following report:

The files in the Pension Office show that Daniel Harsh, a private in Company H, Fifty-eighth Ohio Volunteers, died in hospital at Nashville November 25, 1863, of chronic diarrhea. His widow, Mary Harsh, and only child, Capitola V. Harsh, were afterwards placed on the pension-rolls as widow and minor child of said soldier. The widow afterwards remarried, and the minor child drew her pension until April 8, 1876, when she became sixteen years of age. The evidence submitted to the committee shows that said Capitola V. Harsh has been a helpless cripple from infancy. Dr. M. B. Smith testifies:

"Her lower limbs from the knees downward have not grown or developed since about the age of one or two years. She is consequently permanently crippled and entirely unable to walk or even bear any weight on her knees or feet."

Mrs. M. E. Rhoads testifies:

"She is destitute entirely and depends upon me for support. She is a cripple and entirely helpless in her lower limbs, caused by sickness when she was about two years old. Her mother, after the death of her father, married, and has since become a pauper and public charge in Franklin County, Kansas."

This soldier gave his life to his country. His only child is a helpless cripple and entirely destitute. The simple statement of the case is sufficient.

Your committee recommend the passage of the bill, with the amendment striking out the word "Cappie" and inserting the words "Capitola V."

Amend title so as to read "Capitola V. Harsh," and further amend by striking out the word "twelve," in line 7, and inserting the word "eighteen."

Mr. TAULBEE. Mr. Chairman, I think this bill is establishing a precedent different from that heretofore pursued in granting pensions. I do not understand that the theory of our pension laws authorizes the granting of a pension to the relative of a soldier on account of the disability of the relative; and I believe that the committee, if I understood the reading of the bill correctly, have proposed to increase the rate of pension from what the bill was originally presented for, $12 per month, to $18 per month.

Now I object to that kind of a precedent being established. I do not think it is a correct one. I think if it is correct in theory we should pass a general law to provide that if the next of kin, or those related to a soldier, are disabled, that we should rate them in the Pension Office according to such disability.

I will move to strike out "$18 per month," where it occurs in the bill, and insert "$12 per month."

Mr. BRECKINRIDGE, of Arkansas. Do you favor the bill?

Mr. TAULBEE. I want to oppose the bill, but if it is to pass at all, I want it to pass at no greater rate than $12 a month.

Mr. MORRILL. Mr. Chairman, the facts in this case are that this is a helpless daughter of a soldier who died of disease contracted in the service. This father was in the service, and the child, then two years old, was taken sick. The disease settled in her lower limbs, and they have never developed since. While she has the body of an adult, she has the limbs of an infant two years of age. She is utterly helpless, can not stand on her feet, and has to be carried from place to place. She has no way or no power of moving herself without such assistance. And further, I desire to say that the mother of this girl remarried and forfeited, of course, the pension to which she had been entitled. This mother is now a county charge in one of the counties of Kansas, utterly unable to render any assistance to this child, and has been herself for years an object of charity.

In regard to the precedent, I would say that this has been the uniform practice of the Committee on Pensions for several years past. When my friend from Kentucky [Mr. TAULBEE] was a member of the committee—and I am happy to say here that he was an able member and one of the fairest who was on the committee in the Forty-ninth Congress—he passed several bills of the same kind. The committee, after a full discussion of the matter at this session, decided that in all cases of this kind they would report uniformly a rate of $18, thinking that was as little as would support a person under these circumstances. A general bill was introduced in the Forty-ninth Congress and reported favorably to place all such persons on the pension-roll. This is simply to continue the pension paid to the child up to the age of sixteen indefinitely. The precedents are almost without number for such legislation, and I hope the gentleman from Kentucky will withdraw the amendment, because the committee after the fullest and freest discussion of the matter decided that it was right, and recommend such action in all cases of this kind.

We have already passed a bill for the distinguished chairman of this committee in the case of General Hackleman's daughter, and one for the gentleman from New Hampshire, fixing the rate at $18. It would be hardly fair to reduce the amount in this case when we have established the precedent of fixing the sum at $18.

I do not see why this girl, more helpless than the claimants in the other cases, should be reduced to $12 when others have $18. No one is now in this case drawing a pension on account of the death of a husband. He died of disease contracted in the service; he died in the hospital at Nashville, Tenn.

Mr. TAULBEE. The gentleman from Kansas does me too much honor.

Mr. MORRILL. I believe it all.

Mr. TAULBEE. You believe all I have said?

Mr. MORRILL. I believe what I said.

Mr. TAULBEE. I am much obliged to the gentleman, but I think he draws the case a little fine when he says I recommended the passage of many similar bills. I have no recollection, nor do I think the RECORD will sustain the statement, that I recommended to the committee by any report which I drew or by my advocacy of any bill on this floor to pay the daughter of a soldier the sum of $18 a month. I confess that in my deliberations with the committee my sympathy was frequently touched by the cases of distress which were from time to time brought before that committee, and I, by reason of this sympathy, was induced to acquiesce in the reporting by that committee of bills increasing the pensions above the regular rates.

But now, Mr. Chairman, I submit that it would be hardly fair to set and carry out a precedent, granting a pension of $18 a month to the daughter of a soldier on account of her afflictions and at the same time declining to pass a general law which would rate the widow of a soldier according to the afflictions with which she was smitten. Our pension laws recognize that the widows of soldiers have priority of right in the matter of pensions. But there is no well-established theory, there is no well-established precedent by which we can determine the rate of a pension by the disability of a dependent relative. We can not afford to enter into that kind of thing. Doubtless all will agree that all over this country there are widows of worthy soldiers killed in battle, soldiers who have died from wounds and injuries received in the service, which widows are totally disabled from the performance of any manual labor; yet these widows are expected and required by the general law to content themselves with a pension at the rate of $12 per month.

Now, if it is correct in theory that we should pass this bill and rate this pension according to the disability of the beneficiary, then I submit that we ought to entitle all persons similarly situated to the same benefits which this bill would extend in a similar case. I believe that my amendment is right, if we pass the bill at all. I decline to withdraw my amendment. But I want to say to my friend from Kansas, for whom I have the very highest regard, that if he will cite a single case in which I have reported a bill like this to the House, I will agree to support the bill and withdraw my amendment.

Mr. MORRILL. In reply to my friend from Kentucky [Mr. TAULBEE] I will say I can not recall any case of this nature which he specially reported; but a number of bills of this kind were reported by our committee during last Congress, and I am confident the gentleman from Kentucky never offered an objection to a bill of this nature. In fact it has been recognized by both Houses of Congress that the Government ought to care for the helpless children of those who have died in the service of their country. This soldier died in the hospital, his death being the result of his service. He gave all he had for his country; and now we ask the country to provide for this helpless child, who has no one to look to for her support.

Mr. WHITE, of Indiana. I am surprised the gentleman from Kentucky should think of trying to prevent the passage of a little claim of this kind when the object is to provide for the child of one who died for the good of his country. That gentleman, with others, this afternoon took an active part, and one that was creditable enough, in voting large amounts to parties whose claims were somewhat in doubt; some of them, it being supposed, having been in the Confederate service. One of those cases especially was a claim of $20,000 of a college in Virginia. I do not blame the gentleman from Kentucky for supporting that measure. I supported it myself, and voted for it. But I am surprised that he would come in here at this hour and try to intercept a small measure of this kind when he, a little while ago, could support such an extravagant measure as that.

As one member of this House I propose to vote for every bill that is reported by a committee who have examined the cases which they report.

Mr. O'NEILL, of Missouri. Whether they report favorably or unfavorably?

Mr. WHITE, of Indiana. I will support them whether they report favorably or unfavorably unless some new light comes in between the time the bill is reported and the time when it is considered in the House. Every claim embraced in the bill which was considered this afternoon—although there might apparently be great objection to some of the claims—went to the Court of Claims and was submitted to the high-minded men who are the judges of that court. I believe they were in possession of all the facts; and so far as I am concerned I propose to vote for the propositions they have passed.

So with pension claims. I believe the Pension Committee has investigated these claims with much more care than we can do it here, and even if we do not have all the light that we think we should have on the subject, I believe that, if we err at all, we ought to err in voting a little pittance either to the soldier or his widow or his child who is in need. I hope, therefore, that the amendment will not be sustained.

Mr. TAULBEE. I think the criticism of the gentleman from Indiana [Mr. WHITE], if intended for me, is a little severe. I am inclined, however, to think that he has mistaken me for some one else. [Laughter.] I am sorry for the man for whom he has mistaken me.

Mr. WHITE, of Indiana. Very possibly I have mistaken the gentleman for another member. [Laughter.] He looks very much like the gentleman who voted as I did on that bill.

Mr. TAULBEE. I believe I voted with the gentleman on that occasion, but I took no active part in the matter. I trust we shall now have a vote on the amendment.

Mr. ENLOE. Mr. Chairman, I want to ask the gentleman from Indiana [Mr. WHITE] a question. He has stated, I believe, that he will vote for any proposition that is recommended by a committee of this House.

Mr. WHITE, of Indiana. No, no.

Mr. O'NEILL, of Missouri. He said that he would vote for every bill that was reported by a committee.

Mr. WHITE, of Indiana. For every bill that is reported by a committee honestly, unless some new light is thrown upon the matter between the time of the report and the time of consideration by the House.

Mr. ENLOE. I only wanted to know whether the gentleman expected to vote for the tariff bill when it is reported by the committee. [Laughter.]

Mr. WHITE, of Indiana. Oh, no; that is a different matter.

Several MEMBERS. That has not been reported by any committee yet.

Mr. WHITE, of Indiana. That has not been reported yet, and we will have new light on the subject, too. In fact, we have new light on it already. [Laughter.] That is where the difference is. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair would suggest to the gentleman from Kentucky [Mr. TAULBEE] that in the opinion of the Chair the purpose he has in view can be accomplished by voting down the amendment reported by the committee.

Mr. TAULBEE. Yes; that is right. I ask for a vote on the amendment proposed by the committee.

The CHAIRMAN. Then, if there be no objection, the amendment changing the name will be considered as agreed to, and a separate vote will be taken on the amendment proposed by the committee.

Mr. ALLEN, of Michigan. Before the vote is taken I want to ask the gentleman from Indiana [Mr. WHITE], who says that he will vote for every measure reported from a committee, whether he includes reports from the Committee on Elections. [Laughter.]

Mr. WHITE, of Indiana. Ah! we had new light on that. [Laughter.] If there was a minority report upon this bill, as there was in that election case, then I would support the minority report, because I believe it would be right. [Renewed laughter.]

The question was taken on the amendment reported from the Committee on Invalid Pensions, increasing the amount of the pension from $12 to $18 per month, and it was agreed to—ayes 46, noes 4.

Mr. ENLOE. Mr. Chairman, I do not want to interpose any factious opposition to the passage of this bill, or to the recommendation of its passage by the Committee of the Whole; but I do want to say that I am opposed to the principle involved in the bill. In my view, it is immaterial whether the amount is $12 or $18 per month, and I really think that if the House were going to make provision for the disabled relatives of the soldier, $18 a month would not be too much, under the circumstances of this case. But, Mr. Chairman, I object to Congress entering upon this field at all and undertaking to provide for the dependent relatives of deceased soldiers, unless it makes the rule broad enough to embrace all the people of this country who may happen to be so unfortunate as the person who is mentioned in this bill appears to be. I shall not undertake to prevent the passage of this bill through the committee, but I shall take the liberty of voting against it and voting against every measure of the kind when it comes up for consideration there.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. TAULBEE. Well, Mr. Chairman, I object to the bill, and I ask that a vote be taken. I shall not ask for a division, but I do not want the bill laid aside with the understanding that there is no objection to it.

The question was taken, and the bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MARY S. LOGAN.

The next business on the Calendar was a bill (H. R. 3191) granting a pension to Mary S. Logan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Logan, widow of the late John A. Logan, a major-general of the United States Volunteers in the late war for the Union, and to pay her a pension, from the passage of this act, for and during her natural life, at the rate of $2,000 per annum.

Mr. BYNUM. Mr. Chairman, without taking up time in having the report in this case read, I wish to say that the chairman of the Committee on Invalid Pensions could not remain here this evening on account of ill health, and he expressed a desire that this bill and the one next following it upon the Calendar should go over until another session, as he wishes to present some objections to them when they come before the House. I ask that these bills be passed over informally, retaining their places on the Calendar.

Mr. MORRILL. I hope that will be done. I should have made the request if my friend from Indiana [Mr. BYNUM] had not done so.

Mr. HENDERSON, of Illinois. I do not wish the bill which we have just reached to lose its place on the Calendar.

The CHAIRMAN. It is understood that it will not. The request is that this bill and the next succeeding bill, Senate bill No. 574, for the relief of Mrs. Apolline A. Blair, be passed over informally, retaining their places on the Calendar. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

ELIZA J. CURRIER.

The next business on the Private Calendar was the bill (H. R. 441) granting a pension to Eliza J. Currier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza J. Currier, widow of Joseph H. Currier, late a private of Company B, Third Regiment New Hampshire Volunteers, at the rate of $12 per month.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 441, having given the same careful consideration, report as follows:

The claimant is the widow of Joseph H. Currier, late private in Company B, Third Regiment New Hampshire Volunteers. Soldier was twice injured while in the service, first by being thrown from a horse, and again by lifting a boat, the injury being to the back. While in hospital, under treatment for these injuries, he was attacked with chills and fever and chronic diarrhea, for which several disabilities morphia was prescribed in large quantities, the severe pain especially requiring that drug. He was discharged from the Army, suffering from *irritatio spinalis* (irritation of the spine), the surgeon declaring him to be wholly unfit for military service. He was pensioned for these disabilities. The evidence shows that the disabilities were continuous, and that from excessive pain and diarrhea he continued to use morphine up to the time of his death.

The widow made application for pension, but it was finally rejected on the ground that soldier's death was from disease of the kidneys, and that the fact as to whether the fatal disease was a result of disabilities incurred in the service was not susceptible of satisfactory proof.

The physician who attended soldier certified that he died from Bright's disease; but as he admits that he did not, at any time, make chemical examination of the urine, his diagnosis is certainly nothing more than a matter of pure conjecture. In his certificate he says: "The cause of death, as above stated, was, in my opinion, due to his injury in the service," adding that death was probably hastened by the use of morphia.

It may be proper to add that a member of this committee, a physician, filed the following paper in the case:

"I am a practicing physician and surgeon in Concord, N. H. I knew said Currier well, and can testify from personal knowledge that when he came home from the Army he was completely wrecked physically, having intermittent fever, chronic diarrhea, and suffering from a severe injury to the back, received in the line of duty. I was frequently called upon to prescribe for him, ordinarily for very severe pain in the back and bowels, which usually required large doses of morphia to allay. In consequence of the use of morphia to relieve pain, which commenced in the Army, under medical advice, soldier became addicted to its use to a considerable extent. I had means of seeing soldier almost every day, extending over a period of many years, and always regarded him as a man completely broken in health from his Army experience. I did not treat him during the last two or three years of his life, but do not hesitate to declare it as my unqualified belief that his death resulted, indirectly at least, from disease contracted in the Army, and that his pension should be continued to his widow.

"J. H. GALLINGER, M. D."

In the final decision of the case in the Pension Office the medical referee, Dr. John Campbell, submitted the following:

"I went all over this case with Hon. Mr. GALLINGER after his statement was filed, and believing that the claim was not susceptible of satisfactory proof my understanding was that he would introduce a special act in favor of the widow. Mr. GALLINGER is a medical man himself, and I was of the opinion that he concurred in my views of the case, and that it was a proper one for Congressional action."

It will be seen from the above that stress was laid upon the fact that the case was not susceptible of "satisfactory proof." This is unquestionably true from a purely medical standpoint, but it will be borne in mind that soldier was completely broken down in the service, that the diagnosis of his fatal attack was not skillfully made, and that there is a strong probability that his death was due to diseases contracted in the Army. The widow is very infirm and destitute, and as the medical referee of the Pension Office admits the case is "a proper one for Congressional action," your committee report the bill back and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EVERARD FLYNN.

The next business on the Private Calendar was the bill (H. R. 4835) for the relief of Everard Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions is hereby directed to place on the pension-rolls the name of Everard Flynn, son of George C. Flynn, and pay to the legal guardian of said Everard Flynn a pension at the rate of $8 per month.

The amendment reported by the committee was read, as follows:

In line 6 strike out "eight" and insert "eighteen;" so as to make the pension $18 per month.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4835) for the relief of Everard Flynn, having considered the same, report as follows:

The subjoined documents will give a clear idea of the merits of this case:

"In the matter of the application to Congress of Everard Flynn, of Kennebunk, county of York, the State of Maine, and son of George C. Flynn, who was killed in action September 30, 1864.

"I, Adeline Faxon, of Boston, in the county of Suffolk and Commonwealth of Massachusetts, wife of Henry Faxon, of said Boston, on oath depose and say, that I am the sister of the father of said Everard Flynn. He has another aunt or sister of his mother, who is seventy-one years old and unable to assist in the support of said Everard. I am seventy-nine years old and without means to do but very little for him.

"We two are the only next of kin to him now living.

"Mrs. Hannah Allen, an aunt of said George C. Flynn, left about $300—the exact amount I can not tell—for the support of said Everard, but all that was left has been expended, the last of it being expended about four years ago. With the exception of said sum said Everard has been and now is dependent upon the charity of his relatives. A woman named Mary J. Cousens, wife of Thomas Cousens, provides him with a room, but no meals, in return for chores he does for her. For his meals he depends upon such remittances as I have sent him from time to time. His other relatives who assisted in his support have died, and I am the only person who sends him anything.

"The lady who furnished him with a room did also furnish Everard with meals, being paid by contributions from his relatives; but as I am the only giver left, and as I am unable to supply him with sufficient for his board, his meals are only obtained from such amounts as I have been able to send him from time to time, and what he can obtain by doing chores, and are necessarily uncertain and precarious.

"The reason why said Everard is so dependent is that he is *non compos mentis*, and was so at his father's death, and has been so all his life. He is quite inoffensive, but utterly irresponsible.

"I have a number of times endeavored to persuade Everard to consent to go to the poor-house, representing how much more comfortably cared for he would be there than getting a living by the precarious means by which he now lives, I promising to send him such things to make him comfortable that the institution would not supply, but he always refused.

"Said Everard is the only son of George C. Flynn, who enlisted on the 1st day of July, 1864, in Company C, Sixth New Hampshire Volunteers, and was killed at Poplar Grove Church, Virginia, September 30, 1864, as appears from the certificate of A. D. Ayling, adjutant-general of the State of New Hampshire, December 8, 1885, accompanying this affidavit.

"Said Everard was nearly sixteen years of age at the time his father was killed, and so not entitled by the law to a pension. At least, I am informed that the law does not reach his case. He was dependent upon his father for his support at the time his father was killed. The money left him was after his father's death, and has been wholly spent as I have stated.

"ADELINE FAXON."

"COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

"Personally appeared before me said Adeline Faxon, to me known, and made oath to the truth of the above.

"BENJ. DEAN, *Notary Public.*"

"THE STATE OF NEW HAMPSHIRE,
"ADJUTANT-GENERAL'S OFFICE,
"*Concord, December* 8, 1885.

"I certify that the official records of this office show that George C. Flynn enlisted on the 1st day of July, 1864; that he was assigned to Company C, Sixth Regiment New Hampshire Volunteers, and was mustered into the service of the United States on the 1st day of July, 1864, for the period of three years.

"Said Flynn was born in the State of Maine, and was, at the time of enlistment, forty-four years of age; blue eyes, brown hair, dark complexion; 5 feet 2 inches high, and by occupation, when enrolled, a printer.

"He is officially reported as having been killed at Poplar Grove Church, Va., and on the muster-out rolls of said company and regiment is reported as killed in action September 30, 1864.

"A. D. AYLING, *Adjutant-General.*"

"JANUARY 5, 1888.

"DEAR SIR: Thanking you for the privilege extended me of again bringing to your notice the case I had previously written to you about, that of Everard Flynn, of Kennebunk, Me., I can only urge that sufficient interest be taken to secure a final favorable result to one of the most worthy subjects that can have come before the committee or those persons who have the right to grant this pension.

"Mr. George C. Flynn, the father of Everard, had but this one motherless, simple child when he enlisted as a soldier to fight in the battles for his—for our country. He was below the required height, and was refused in Maine and Massachusetts, but so persistent was he that he went to New Hampshire, was accepted, mustered into service there for a term of three years, but was killed in battle a few months later.

"The boy, then about fourteen years, I am told, had relatives on his mother's side who were able to support him, and did for many years without aid from the Government. All have since died.

"Mrs. Faxon, of South Boston, friend and neighbor of Hon. Benjamin Dean for many years, is all that is left of his father's family, and is now upwards of eighty years. That he could be better provided for would very much lighten the anxiety and sadness she feels on his account in her few remaining years. Rev. C. C. Vinal, of Kennebunk, has been his friend for many years, dispensing small donations for his comfort as they have been bestowed for charitable purposes. He represents him as being entirely incapable of taking care of himself, neither strong in body or mind, but in every way worthy of the charity of all; necessarily a pauper, pauper food and pauper clothes, and then a pauper's grave. I understand his father was previously a good business man, and would have undoubtedly better provided for his simple child. You will, I trust, pardon me for writing at such length, but though very ignorant of the ways to go about it, and to whom to go, I have volunteered to do something for charity's sake, and my ignorance of facts and manner of doing must be attributed to a mother whose heart and hands are full of immediate family cares.

"I am, respectfully,

"MRS. A. F. BUSHNEL,
"3210 *Summer Street, West Philadelphia, Pa.*

"Hon. THOS. B. REED,
"*House of Representatives, Washington, D. C.*"

There are other papers in the case fully corroborating those given, all of which go to show that the applicant is an orphan and utterly incapable of caring for himself, and unless relief comes from the Government, in whose defense his father gave up life, the son will inevitably become an inmate of an almshouse. There are numerous precedents for the passage of bills of this kind.

Your committee would recommend that the bill be amended by striking out the word "eight," in the last line, and inserting in lieu thereof the word "eighteen," and with this amendment recommend its passage.

Mr. CONGER. I notice that this bill directs the Commissioner of Pensions to place the name of the claimant on the pension-rolls. The ordinary form directs the Secretary of the Interior. I ask that the bill be so amended as to follow the usual form.

The CHAIRMAN. If there be no objection the bill will be amended as suggested by the gentleman, so as to insert "Secretary of the Interior" instead of "Commissioner of Pensions."

There was no objection.

Mr. TAULBEE. I now ask a vote on the amendment recommended by the committee, striking out "eight" and inserting "eighteen." This amendment of the committee proposes to grant a larger pension than the original bill proposed.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

HANNAH C. DE WITT.

The next business on the Private Calendar was the bill (H. R. 823) granting a pension to Hannah C. De Witt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah C. De Witt, mother of George E. De Witt, late a private in the Seventh Battery, Maine Artillery, who died in said service November 9, 1864.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 823) granting a pension to Hannah C. De Witt, having considered the same, report as follows:

"The committees of both Houses of the Forty-ninth Congress favorably reported this bill, and it was on the Calendar at the expiration of said Congress. The facts in the case, as found in the reports alluded to, are that Hannah C. De Witt, the claimant, is the mother of George E. De Witt, late private of the Seventh Maine Battery, who enlisted November 18, 1863, and died in the service November 9, 1864, at Alexandria, Va. The mother applied for a pension, but her application was rejected on the ground of non-dependence.

A large amount of evidence was submitted in this case. It appears by the report of the examining surgeon that the father of the soldier is now, and has been for many years, in a large degree disabled for the performance of manual labor. They have lived and derived their support from a small farm, said to be worth about $1,200, largely encumbered, and had some personal property upon it. One affidavit states that about eight years ago the father of the soldier had to sell this little place, as it was so heavily mortgaged. The soldier lived with his parents until he went into the Army; they depended on him, and there is no doubt if he had not lost his life in the service of his country he would now be their main dependence and support. There seems to be no doubt as to their present need, and even if, under the technical rules laid down under the general laws by the Pension Office, the parents could not be said to be strictly dependent on the soldier at the time of his death, there is no doubt that they are in such a condition of dependence now.

The committee of the Senate of the Forty-ninth Congress expressed the opinion that this case might well have been allowed under the general law upon the proof on file in the Pension Office.

Congress has many times passed bills indorsing the principle involved in this case, that of present dependence, and, upon a consideration of all the facts, your committee report back the bill with a recommendation that it do pass.

Mr. GALLINGER. There is on the Calendar a bill identical with this, and which has already passed the Senate. I desire that the Senate bill be substituted for this.

The CHAIRMAN. If there be no objection this bill will be reported to the House with the recommendation that it lie on the table and that Senate bill No. 451, of similar purport, be passed.

There was no objection.

MARY MORFORD.

The next business on the Private Calendar was the bill (H. R. 806) for the relief of Mary Morford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Morford, of Unionville, Tuscola County, State of Florida, widow of Richard A. Morford, late of Company H, One hundred and forty-fifth Regiment of Pennsylvania Volunteers.

The amendment of the committee to strike out, in line 6, the word "Florida" and insert "Michigan" was read.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 806) for the relief of Mary Morford, having considered the same, report as follows:

This is another case involving a disagreement among medical men. The soldier, Richard A. Morford, was severely wounded in the hip, from which wound he suffered, more or less, until the period of his death. At the time of his death he was under medical treatment by Dr. George H. Granger, of Unionville, Mich., whose affidavit is somewhat obscure, but who certifies that the soldier had caries of the spinal column in the region of the dorsal vertebræ, complicated with asthma, and that he really died from paralysis, caused by the spinal affection.

Dr. William Gibson, of Jamestown, Pa., who had served in the medical department of the Army, testifies, under date of April 30, 1884, that soldier was an unusually healthy and robust man before enlistment; that he came home from the Army in August, 1864, after having been in the Army hospital. He was suffering from gunshot wound in the thigh. The injury to the upper portion of the thigh bone tended to inflammation, ulceration, and caries of the joint, extending to the spine, the inflammation extending from the hip to the back and affecting the organs of the chest. While at home he was under constant medical treatment, the symptoms indicating caries from the gunshot wound in pelvis.

In a subsequent affidavit Dr. Gibson testifies as follows:

"He returned home on furlough in August, 1864, an invalid. I treated him, and on account of my former position on the Sanitary Commission at Fortress Monroe and on the James River, my certificate was accredited and honored in extending the time of his furlough until he was able to return and report. He was again at home in March, 1865, and required medical treatment—general and local. In fact, at periods between 1864 and 1866 he was under my care as an in-

valid. His former physical vigor was shattered and broken. A valvular difficulty of the heart existed, and he was bloated and asthmatic. He was crippled by a gunshot wound in the thigh bone, which tended to exfoliation of the periosteum and the formation of matter along the muscular tissues. Before he left for Michigan in 1866 I repeatedly warned him of the tendency and danger of ulceration following from the hip and pelvis to the spine, the condition of his general health favoring this. It is said that caries of the spine caused his death. My previous diagnosis anticipated the issue. The chain of facts previously existing, contracted in the Army, was the prelude; caries, resulting in death, the sequelæ."

That certainly is a very strong affidavit, and should go far toward settling the case in behalf of the widow. The medical referee of the Pension Office, however, in the strict discharge of his duty, and acting in the interest of the Government, as he should always do, decided the case against the claimant, holding that the soldier's death was caused by disease which originated after his discharge. At least this can be but an opinion, and as there is strong presumptive and documentary evidence to the contrary, your committee give the widow the benefit of the doubt by reporting back the bill and recommending that it do pass.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it pass.

JULIETTE STONE.

The next business on the Private Calendar was the bill (H. R. 628) granting a pension to Juliette Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Juliette Stone, and to pay her a pension as though she were the natural mother of Eliphas T. Stone, late of the United States Navy.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 628) granting a pension to Juliette Stone, submit the following report:

It appears that Mrs. Stone, in whose favor this bill is introduced, was the step-mother of Eliphas T. Stone, who, having served in the One hundred and fifth Regiment New York Volunteers, subsequently enlisted in the United States Navy, and while serving as landsman on the United States steamer Colorado, was taken sick with the yellow jaundice, taken to the hospital in Brooklyn navy-yard, where he died in December, 1863; that he never had been married, and died leaving a father, James L. Stone, and a step-mother; that a father's pension was granted to the said James L. Stone, and continued till his death, June 16, 1876.

Subsequently Mrs. Stone, the step-mother, applied for a pension, which was rejected at the Pension Office on the ground that, being a step-mother, she had no title to a pension.

The evidence shows that Mrs. Stone married said James L. Stone May 5, 1842, the said Eliphas T. Stone, the sailor, being then under two years of age, he then being a sickly, feeble, troublesome child, afflicted with chronic diarrhea. The soldier enlisted when about eighteen years old, and lived at home with his father and step-mother nearly all the time up to his enlistment; that the family were poor, the husband and father being unable alone to support his family, and that the step-mother contributed to their support by taking in sewing and by making candy, which was sold by the soldier, and by her own labor and industry.

The evidence shows that this step-mother was all that a kind and affectionate mother could have been to the soldier, and as wife and mother doing all she could for the support of the family. In his letters the soldier recognizes her as his mother and sent his love to her.

Mrs. Stone is now a resident of Brockport, Monroe County, New York, a poor, deserving widow, crippled and very infirm, and is now supported partly by private charity and partly by the town where she resides.

The committee believe her claim to be a just and meritorious one and in harmony with frequent precedents, and therefore report the bill favorably.

The bill was laid aside to be reported to the House with the recommendation that it pass.

HARRIET V. STOCKTON.

The next business on the Private Calendar was the bill (H. R. 3711) granting a pension to Harriet V. Stockton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Harriet V. Stockton on the pension-roll, subject to the provisions and limitations of the pension laws of the United States, as the widow of John S. Stockton, deceased, as a soldier in Company C, First Kentucky Cavalry, in the war of 1861 to 1865.

SEC. 2. That the name of John W. Stockton be placed on the rolls of the Army, in the War Department, as a soldier in Company C, First Kentucky Volunteer Cavalry.

The amendment reported by the committee, to strike out the second section of the bill, was read.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3711) granting a pension to Harriet V. Stockton, have had the same under consideration, and now submit the following report:

The papers on file in the Pension Office show the following facts:

John S. Stockton, husband of Harriet V. Stockton, enlisted in Company C, First Kentucky Cavalry, and before muster was put on duty, captured by the enemy, and died in prison at Salisbury, N. C. The widow's claim for pension was rejected on the ground that the name of John S. Stockton is not borne on the rolls of Company C, First Kentucky Cavalry Volunteers, on file in the War Department, nor is his name borne on recruit rolls or enlistment papers.

George Wallen, late a private Company C, First Kentucky Cavalry Volunteers, makes affidavit as follows:

"The alleged soldier entered the service of the United States in Company C, First Kentucky Cavalry, about October 15, 1861; that he and the affiant messed together, and drew rations, arms, and other equipage as other soldiers; that near Columbia a squad was detailed to guard the ford at Lairsville, on the Cumberland River; that affiant and the alleged soldier were of such squad, and while performing such duty the alleged soldier was captured by the rebels December 11, 1861; sent South to prison, where he died."

Emerson McFall testifies:

"That he was captured with the alleged soldier December 11, 1861, at Lairsville Ford, Cumberland River, Kentucky; that the soldier claimed to belong to Company C, First Kentucky Cavalry, and drew (or had) the United States uniform and a Sharps rifle; that he was sent with the soldier alleged to Salisbury prison, North Carolina, where alleged soldier died from exposure in October, 1862."

J. A. Morrison, late captain Company C, First Kentucky Cavalry, testifies:

"That he saw the alleged soldier with Kentucky Home Guards in September, 1861; saw him again in October, 1861, with affiant's company. He performed duty as a soldier, drew rations, had on a United States uniform, and a Sharps rifle. Do not remember of sending men to Lairsville as a guard, but may have done so; any way, George Wallen and said alleged soldier were absent, and affiant was informed that they were captured while guarding a ford on the Cumberland River and taken South, where said soldier died in prison."

The committee are of the opinion that said soldier was regularly in the employ of the Government, and that the relief asked for in the bill ought to be granted. We therefore report favorably, and recommend the passage of the bill, amended, however, by striking out all after the word "sixty-five" in line 9.

Mr. TAULBEE. I ask that this bill, as it will stand if amended, be read.

The bill as proposed to be amended was read.

Mr. TAULBEE. I did not satisfactorily catch the whole of the report as read. I would like to know whether, in this case, the soldier enlisted in the service, or what was his status.

Mr. FINLEY. Having introduced this bill, I obtained the papers from the Department, and very carefully investigated the case. The soldier was enlisted, but never mustered——

Mr. TAULBEE. That is sufficient.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES WOODY.

The next business on the Private Calendar was the bill (H. R. 2806) increasing the pension of James Woody.

Mr. FULLER. The gentleman from Oregon [Mr. HERMANN], who is interested in this bill, is absent this evening on account of indisposition, and at his request I move that it be passed over for the present, not to lose its place on the Calendar.

There was no objection, and it was ordered accordingly.

JACOB CRAMER.

The next business on the Private Calendar was the bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

The CHAIRMAN. That bill is not included under the special order.

Mr. TAULBEE. There may be an amendment which may bring it within the special order. I noticed an amendment providing for placing upon the roll the name of a certain soldier.

The CHAIRMAN. The bill is clearly not within the special order, and it will be passed over, not to lose its place on the Calendar.

ORDER OF BUSINESS.

The CHAIRMAN. The next business under the special order is the bill (H. R. 2617) granting a pension to Mary Bailey.

Mr. WHEELER. An act (S. 455) for the relief of Andrew J. Lindsay comes before that, and I hope that bill will be acted on in its order. While the clerks are looking for the bill I do not object to its being passed over, provided it shall not lose its place.

The CHAIRMAN. It will be passed over with that understanding.

MARY BAILEY.

The next business on the Private Calendar was the bill (H. R. 2617) granting a pension to Mary Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Mary Bailey, widow of Bvt. Brig. Gen. Joseph Bailey, on the pension-roll, at the rate of $50 per month, to be paid under the provisions of the pension laws.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2617) granting a pension to Mrs. Mary Bailey, widow of General Joseph Bailey, deceased, having had the same under consideration, make the following report:

The application for pension and the letters and papers accompanying this bill show that General Joseph Bailey served in the Union Army with great distinction during the war in various positions, finally reaching that of brigadier-general, for meritorious services on the Red River. In 1864 Congress tendered him a vote of thanks, as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress be, and they are hereby tendered to Lieut. Col. Joseph Bailey, of the Fourth Regiment of Wisconsin Volunteers, acting engineer of the Nineteenth Army Corps, for distinguished services in the recent campaign on the Red River, by which the gunboat flotilla, under Rear-Admiral David D. Porter, was rescued from imminent peril.

"*Resolved further*, That the President of the United States be requested to cause a copy of this resolution to be transmitted to Lieutenant-Colonel Bailey."

On the 18th of September, 1864, Rear-Admiral David D. Porter addressed him a letter in which he said:

"GENERAL: I beg leave to offer for your acceptance a sword as a mark of my esteem for the ability and energy displayed by you in building a dam up Red River when the vessels of my squadron were caught by the falling water. It affords me great pleasure at all times to acknowledge any service performed by the Army in behalf of the Navy, and I take particular pleasure in doing so on this occasion, as it is well deserved, as you saved from destruction part of the fleet in Red River Bends. This sword the naval officers of that expedition have contributed a fund for the purpose of purchasing for you as a testimonial suitable to the occasion, and certain articles are now being prepared at Tiffany & Co.'s, New York, and will be presented in due time. With sentiments of sincere regard,

"I remain, yours truly,

"DAVID D. PORTER,
"*Rear-Admiral.*"

He was complimented by his commanding officers in general orders for meritorious services on several other occasions, and the records and papers before us

leave no doubt that he was a more than ordinarily efficient and capable officer. In a recent letter, dated Washington, D. C., December 17, 1887, Admiral Porter says:

"If I remember rightly, Bailey was breveted brigadier-general for his services on Red River, and at the close of the war was mustered out of service, receiving little benefit from his increase in rank. If any widow deserves a pension from the Government, Mrs. Bailey certainly does, and I will be very glad to do anything in my power to help her to obtain one."

The affidavit of John T. Birdsey states that—

"He was personally well acquainted with the late General Joseph Bailey; that he settled in Vernon County, Missouri, as a resident in 1866, and at the time of his death was sheriff of Vernon County."

The affidavit states further that—

"On or about the 27th of March, 1867, said General Bailey went northwest of Nevada, the county seat of Vernon County, to serve certain papers put in his hands as sheriff, and while in the woods about 2½ miles from Nevada, General Bailey was foully shot, killed, and murdered by Lewis and Perry Pixley, who shot him in the back of the head from behind. General Bailey's murderers had the reputation of being bushwhackers during the war. They had been in the neighborhood for two or three months previous to the killing. They were very violent and hostile in words and actions towards any and all persons who had been in the Union Army, threatening them with death. There is no doubt in my mind, and it was the general opinion at the time, that they murdered General Bailey because he was a distinguished Union soldier and a good man."

Mrs. Mary Bailey, widow of General Bailey, is said to be "sixty-four years old and quite infirm; that she supports and cares for a daughter that is a frail, weakly person, unable to support herself, and that for the last two years Mrs. Bailey has done her own chores, winter and summer."

In view of the long and meritorious services of this officer, the circumstances of his death, and the needy condition of the applicant, your committee are of opinion that the relief asked for should be granted, and therefore report favorably on accompanying bill, and ask that it do pass, amended, however, by striking out the word "fifty" in line 6 and inserting therein instead the word "thirty."

The CHAIRMAN. The amendment of the committee is to strike out "$50" and insert "$30."

Mr. TAULBEE. I move as a substitute for the amendment of the committee the following: Strike out "at the rate of $50, to be paid under the provisions of the pension laws," and add, "subject to the provisions and limitations of the pension laws," which will have the effect of giving her $30 a month.

Mr. MORRILL. This is the rate she would be entitled to by law.

The amendment to the amendment was agreed to, and the amendment as amended was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. LINDSAY.

The next business on the Private Calendar was the bill (S. 455) for the relief of Andrew J. Lindsay.

The bill was read, as follows:

Be it enacted, etc. (*two-thirds of each House concurring therein*), That Andrew J. Lindsay, of the State of Missouri, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment of the Constitution of the United States.

The report (by Mr. CULBERSON) was read, as follows:

The Committee on the Judiciary have considered this bill, and find it accompanied by a petition from the applicant in proper form.

The committee recommend its passage.

Mr. WHEELER. Mr. Chairman, this bill is for the purpose of relieving Andrew J. Lindsay of political disabilities. He was a distinguished officer in the Mexican war and belonged to the regiment, and was a distinguished officer of the regiment, which first entered the city of Mexico when the battlements of that city were assaulted. I move the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to; and accordingly the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS F. TOWNSEND.

The next business on the Private Calendar was the bill (H. R. 115) increasing the pension of Thomas F. Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Thomas F. Townsend, late of Company B, Thirty-first Indiana Volunteers, to $45 per month, from and after the passage of this act.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 115) to increase the pension of Thomas F. Townsend, have had the same under consideration, and beg leave to submit the following report:

Claimant was a private in Company B, Thirty-first Regiment Indiana Volunteers, and is now a pensioner at the rate of $30 per month on account of gunshot wound of face, received in battle at Fort Donelson February 15, 1862.

The wound is described as follows: Ball passing from right to left through the superior maxillary bone, destroying the most of that bone and carrying away all the upper teeth, together with the alveolar processes and the anterior two-thirds of the roof of the mouth and a portion of the floor of the left orbit, together with a part of the cheek-bone on the same side. This exposes to full view the ethmoid and sphenoid cells and cavities of the nose clear up to the floor of the orbits, and enables one to easily pass two or three fingers into the opening through the roof of the mouth. He wears a silver plate, hammered out of a dime by a country doctor soon after his return from the Army, in the opening in the floor of the left orbit, to keep the eye from falling down, and an artificial palate of vulcanized rubber, without which he can neither speak nor swallow either water or food without great effort and pain.

It is impossible for him to masticate solid food, and consequently his digestion is greatly impaired and the nutrition very imperfect. He constantly suffers pain in his left eyeball, and will probably in the near future entirely lose the sight of that eye, if not of both eyes. His vision is now very imperfect, not being able at times to distinguish one object from another. He can not lie upon his back, because the secretions of the mouth and nose collect about the floor of the orbits, causing great pain and distress. The least mental excitement or warm weather causes nearly total blindness, thus much of the time requiring the aid and attendance of another person.

The pension now paid to this poor, unfortunate invalid is the highest that can be allowed under the general pension law, because he does not yet require the regular aid and attendance of another person. That the disability is much greater than that caused by the loss of a leg above the knee can not be questioned. Not only is he a constant sufferer from pain, but by reason of the great disfigurement and the attendant offensive odor from the wound is shut off from all association with his fellow-men.

The increase asked for is within the limit adopted by this committee in similar cases; and believing that relief should be granted in this case, the committee report favorably on the accompanying bill, and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. DELILAH AGARD.

The next business on the Private Calendar was the bill (H. R. 4516) granting a pension to Mrs. Delilah Agard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Delilah Agard, widow of George Agard, late a private in Company B, One hundred and fourteenth Regiment New York Infantry Volunteers, and to pay her a pension from and after the passage of this act.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4516) granting a pension to Mrs. Delilah Agard, submit the following report:

The evidence submitted in this case shows that claimant is the widow of George Agard, late private of Company B, One hundred and fourteenth New York Regiment; that soldier enlisted August 11, 1862, and was discharged June 8, 1865, by reason of General Orders No. 52, Headquarters Military Division, Washington, May 20, 1865, Major-General Hancock.

The regiment was taken to Elmira, N. Y., and was held there until June 17, 1865, on which day the regiment was mustered out and received their discharges. While the soldier was attempting to get on the train to return to his home he was accidentally thrown under the train and was killed. The widow is old, feeble, and very needy. She is compelled to go out to work to earn a livelihood.

These facts are fully established by the affidavits of Col. S. R. Perlee, Dr. H. H. Beecher, John Graff, Marianna Grant, John M. Mahrs, J. S. Fair, and Fannie Fair. The Pension Office can not entertain an application for pension in this case because he was killed after he had received his discharge, but in fact he was on his way home from an honorable service of three years, and his death was the direct result of such service.

Your committee recommend the passage of the bill with an amendment striking out all after the word "Volunteers" in line 8.

The amendment of the Committee on Invalid Pensions was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISAIAH T. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 2517) granting a pension to Isaiah T. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension-roll the name of Isaiah T. Johnson, late a private in Company A, Fifty-first Regiment of Pennsylvania Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2517) granting a pension to Isaiah T. Johnson, have had the same under consideration, and beg leave to submit the following report:

Claimant enlisted August 13, 1861, in Company C, One hundred and thirty-eighth Pennsylvania Volunteers, and was discharged, on certificate of disability, April 24, 1863. He re-enlisted in Company A, Fifty-first Pennsylvania Volunteers, February 25, 1864, and was finally discharged July 19, 1865. On July 30, 1879, he filed an application for pension, setting forth disability from disease of chest, dizziness, and nervousness, due to overheating and exposure in May, 1864.

The claim has been rejected on the ground that the alleged disability is shown by the record to have existed in the first service, and, according to the medical certificate, prior to his enlistment. The certificate in question contains the following statements made by the captain and the surgeon of the post hospital from which soldier was discharged.

The captain says:

"Johnson has been a good soldier and always ready for duty until within the last sixty days. When enlisted he had the appearance of being perfectly sound."

The surgeon, however, states "soldier is incapable of performing duty because of valvular disease of heart, not incident to service."

The claimant's attention having been called to this apparent discrepancy between his allegation and the record, with reference to the time of the incurrence of the disability, he states that he took a severe cold in the first service, from the effects of which he was very sick, but thought himself sufficiently recovered to re-enlist, and did not again suffer from any trouble, until he received the sunstroke in May, 1864.

There is an abundance of testimony of neighbors showing that claimant was sound at first enlistment. Comrades, who are shown to be credible, testify to the sunstroke, while the record shows treatment for anæmia and palpitation of heart within a few days after the alleged sunstroke. Claimant has been a constant sufferer from the alleged disease ever since discharge, as disclosed by lay and medical evidence.

Your committee are of opinion that the evidence shows conclusively that claimant was sound at first enlistment, contracted the disability, but had sufficiently recovered to permit him to re-enlist, and that subsequent exposure resulted in permanent disability, which necessitated his transfer to the Veteran Reserve Corps.

It may be proper to add that the certificate of disability for discharge from said corps sets forth that soldier is suffering from disease of heart and anæmia contracted in service.

For the reasons above set forth, this committee returns the accompanying bill, and respectfully asks that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MOSES F. JACKSON.

The next business on the Private Calendar was the bill (H. R. 3850 granting a pension to Moses F. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Moses F. Jackson, late a landsman in the United States Navy, and at present confined in the State Insane Asylum at Concord, N. H.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3850) granting a pension to Moses F. Jackson, submit the following report:

The substantial facts in this case are that soldier was honorably discharged from the naval service in August, 1864. Immediately after reaching home he was observed to be very nervous and irritable, which he claimed was due to a sunstroke received while in the service.

His brother, George W. Jackson, of Concord, N. H., testifies that soldier was an unusually healthy man when he enlisted, and that the unsoundness of mind was noticeable shortly after his return home, which he believes to have been contracted in the naval service.

The secretary of state of New Hampshire certifies to the reliability and good character of George W. Jackson, saying that any statements made by him concerning his brother can be relied upon.

Lucretia F. Shute makes affidavit that she has known soldier from infancy, having lived in the same house with him during his entire lifetime; that he was a very healthy boy and man; that shortly after his return from the Navy she began to notice that he was not well, being nervous and irritable, and complaining of trouble in his head; that he was very excitable and did many strange things, showing that he was not in his right mind; that he said then that he was suffering from the effects of a sunstroke which he had while in the service; that his symptoms became gradually worse, so that his confinement at home became necessary; that he was thus kept under restraint for a time, and that for several years he has been an inmate of the New Hampshire Asylum for the Insane, and is regarded as absolutely incurable. On the latter point the certificate of Dr. Charles P. Bancroft, superintendent of the asylum, is filed, showing that soldier is an incurable maniac.

This case was not submitted to the Pension Office for the reason that soldier had no hospital service, and his shipmates could not have been found to testify in his behalf. So long as there was hope of recovery his friends willingly cared for him and opposed applying for a pension, but now that his disease has assumed an incurable form, relief is sought from the Government. You committee desire to put on record their opposition to the principle of granting pensions for diseases not contracted in the service, but this case clearly establishes a presumption that soldier did suffer a disability to the brain while in the Navy, which presumption is strengthened by the fact that insanity is not hereditary in his family. For this reason, and not for the reason that he is now hopelessly insane, we believe that the petition should be allowed.

Your committee would recommend that the bill be amended by striking out the words "subject to the provisions and limitations of the pension laws," and also all after the word "Navy," in the seventh line, and add to the bill the words "at the rate of $18 per month, payable to his legally-constituted guardian."

The amendments of the Committee on Invalid Pensions were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LAURA D. PIERCE.

The next business on the Private Calendar was the bill (H. R. 4107) granting a pension to Laura D. Pierce.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be hereby authorized and directed to put on the pension-roll the name of Laura D. Pierce, widow of Artemus Pierce, of Company E, Fifteenth Vermont Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The papers on file in the Pension Department establish the fact that the soldier, Artemus Pierce, of Company E, Fifteenth Vermont Volunteers, was a sound man at enlistment. It further appears that he injured his knee in the service, and subsequently, from carrying lumber, produced umbilical hernia. For these disabilities he was pensioned, the injury to the knee having resulted in a severe form of chronic inflammatory rheumatism, involving the joint. Soldier died April 19, 1884, from general debility and disease of heart. The widow applied for a pension, but her claim was rejected on the ground that the disease of heart could not be accepted as a result of the diseases for which soldier was pensioned.

To get a clear idea of this case it is necessary to trace the disease from its beginning to its termination. It is conceded that soldier had a persistent rheumatic trouble, which followed him without intermission for more than twenty years, during which time his health was being gradually undermined. Repeated medical examinations show this fact. It is true that the existence of organic heart disease was not discovered until February, 1884, at which time he was examined by the board of pension examiners at Lancaster, N. H. It, however, by no means follows that the heart disease did not exist, in a modified form, anterior to this date; indeed, the conclusion is irresistible that the development of the disease was progressive. The findings of the Lancaster board were as follows:

"Right knee, inner side and front injured; swelled and puffed out by synovial fluid; deposit in joint grating, felt on movement of leg; very tender to touch under knee-cap and over condyles; inflammation of ends of tibia, femur, etc., inside the ligaments, which are weakened; can not flex the leg, but swings it in walking and drags it after the other in going up stairs; slight blow on heel will cause pain in joint. Extra amount of labor on left knee weakens that also.

"Umbilical hernia, opening nearly as large as silver half dollar, directly above umbilicus in median line; very tender upon pressure; reducible, but protrudes upon coughing; wears truss continually.

"Hypertrophy of heart, valvular insufficiency, continual blowing, regurgitation, mitral disease, apex beat almost lost in murmurs; applicant describes dizziness, nightmares, suffocating feelings, shortness of breath, pulse intermittent, losing seven or eight beats."

The board gave it as their opinion that the disabilities were incurred in the service, and rated soldier on each of them.

Dr. George F. Adams, of Lunenburgh, Vt., certifies as follows:

"I attended Artemus Pierce, late of Company E, Fifteenth Vermont Regiment, in his last sickness. He died from disease of heart and general debility, resulting, as I believe, from his army service. About a week before his final sickness commenced I saw him at his home in a debilitated condition, being quite feeble, without any acute disease. His lameness had much increased, and his stomach and bowels were troubling him. About one week later, or in March, 1884, he came to my office and wished me to give him some medicine, as he felt very weak and feeble. He was hardly able to walk about. While in my office he was taken worse, with a pain apparently through the apex of the heart and the sternum; also in left side and stomach. I carried him home and attended him until his death, which resulted from the diseases described, causing hypertrophy of the heart."

Dr. Joseph L. Patten, a distinguished physician of Whitefield, N. H., deposes as follows:

"Was called to see said soldier with Dr. G. F. Adams, of Lunenburgh, Vt., on April 1, 1884. Found him suffering from enlargement of the heart, with valvular disease; also from large umbilical hernia. The prognosis was that he could live only a few days, which proved correct, as he died in about three weeks. Having previously examined soldier in my capacity as examining surgeon for the Pension Department, it is my opinion that his sickness and death were caused by the rapid increase of the disabilities for which he was pensioned."

Every medical man of experience fully understands the intimate relationship between inflammatory rheumatism and organic heart disease—a relationship so close that it is a rare circumstance to find a healthy heart in a person who has had two or more attacks of so-called rheumatic fever. This soldier, it is conceded, had inflammatory rheumatism, circumscribed, it is true, extending over a period of more than twenty years, and so severe that it induced a calcareous deposit in the knee-joint. Who will venture to absolutely say that the rheumatic diathesis was not the cause of the heart disease? On the contrary, there is a reasonable probability, as the two physicians who attended soldier in his last illness unqualifiedly assert, that the rheumatic trouble, gradually undermining the system, and ultimately affecting the muscular structure of the heart, was the cause of soldier's death, a conclusion, however, that the medical officers of the Pension Department, whose decisions can only safely be made upon absolute proof, could not properly reach, but which Congress, taking into consideration the equities of the case, can safely indorse.

Your committee recommend that the bill be amended by adding, after the word "pension-roll," in the fourth line, the words "subject to the provisions and limitations of the pension laws," and with this amendment recommend its passage.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The Chair understands the gentleman from Kansas to suggest the striking out, in the fourth line, of the word "put" and inserting the word "place." Without objection that change will be made.

There was no objection, and it was so ordered.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

Mr. CASWELL. I ask the gentleman from Kansas to yield to me for a moment.

Mr. MORRILL. Certainly.

Mr. CASWELL. Mr. Chairman, my colleague [Mr. CLARK] has four bills upon this Calendar which he hoped to have reached this evening. He can not be present at the next meeting on Friday, being obliged to be absent from the city. I ask, in his behalf, unanimous consent, therefore, that he be permitted to call up one of his four cases and put it upon its passage.

Mr. MORRILL. There is no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. TAULBEE. Let the bill be read, subject to objection.

CLARISSA HARVEY.

Mr. CASWELL. I send to the desk the bill (H. R. 7237) granting a pension to Clarissa Harvey, and move that the Committee of the Whole House on the Private Calendar be discharged from its further consideration, and that the same be put upon its passage.

Mr. TAULBEE. Let it be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clarissa Harvey, widow of Henry B. Harvey, late a private in Company C, Tenth Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

Clarissa Harvey is the widow of Henry B. Harvey, who served as a private in Company C, Tenth Wisconsin Volunteers, from October 5, 1861, to June 30, 1862, when discharged upon surgeon's certificate of disability. He died February 5, 1885. The soldier filed an application for pension February 20, 1878, on account of injury to right knee, alleged to have been incurred in the spring of 1862, by being struck by a log or plank of a bridge, while assisting in extricating a team and wagon which went down in the stream with said bridge. This application was rejected by the Pension Office, because of the certificate of disability, which sets forth that soldier is unfit for military duty by reason of "disease of the thigh-bone, accompanied with discharge of matter. Disease originated anterior to his enlistment." It is admitted by the parties at interest that at the age of ten years he did receive an injury, but denied that said injury was at the location of the subsequent army injury, or had any connection with the amputation of the limb in after years, and the death cause of the soldier, or that he was in any way disabled therefrom at enlistment.

Dr. Thomas P. Russell, of Oshkosh, Wis., testifies that in May, 1878, soldier consulted him in regard to disease of knee, which, on examination, was found to be so much diseased as to be entirely useless, and affiant advised the amputation of the leg above the knee, which he performed shortly thereafter. On examination of the leg, after its removal, there was found caries of the articular surfaces of the femur and tibia, with necrosis of the lower end of the shaft of the femur, and to the best of affiant's judgment the disease was of long standing. The amputated limb passed in the hands of Dr. La Count, who assisted in the amputation.

The latter states before a special examiner that the leg was very much atrophied throughout its entire length, with a bony anchylosis of the knee-joint. There were two or more fistulæ communicating with the lower third of the femur and condyles, just above the condyles on the inside of knee-joint, just above the popliteal space. He dissected the amputated leg, and found the shaft of the femur very much enlarged and was not entirely sound at point of amputation, which was about 5 or 6 inches above the knee-joint. The medullary canal was entirely obliterated, the bone being perfectly solid through the entire diameter, and it appeared that the old sore had been entirely absorbed and discharged as

pus through an opening between the condyles above popliteal space, and new bone had formed entirely around it.

The sequestrum had disappeared or broken down and discharged through the fistulous openings, which must have taken years to accomplish. There was no indication that the disease of the tibia ever extended to the knee-joint, because above the enlargement of the tibia the bone is of usual normal diameter. The enlargement marks the full extent of the injury to the tibia. The patella and portion of the femur affiant gave to Dr. Senn, of Milwaukee.

Dr. Senn, professor of surgery at College of Physicians and Surgeons, Chicago, Ill., testifies:

"I have in my possession the bones of the right leg of a man, which I received from Dr. La Count, of Chilton, Wis., and which he stated to me were amputated by him from Henry B. Harvey. The bones are used by me in demonstrating to my class the effects of disease of bone. With the said bone now before me I state it as my opinion that the tibia, at about the junction of the middle with the upper third, presents evidence of previous inflammatory disease, in the shape of an enlargement with an irregular surface, but with no indication of a repetition of the same disease at a later date. The lower end of the femur of the same side I find enormously enlarged, with a round opening on the posterior surface of the same, leading down to a cavity in the interior of the bone, which contained a piece of loose detached dead bone (sequestrum). The knee-joint presents no evidence of disease, which would indicate that the process in the tibia had extended to the femur by continuity. I am of opinion that the disease of the tibia preceded that of the femur by several years. If this is the case, I am unable to trace a causative relation between the diseases of the two bones, and it is my opinion that the two diseases are due to separate and distinct causes at different times."

The invalid claim was rejected because of the adverse record and the claimant's inability to furnish the testimony of eye-witnesses to the injury. The case having been appealed to the Secretary of the Interior, that officer returned the papers to the medical referee for opinion as to the connection of the two disabilities, who, under date of November 15, 1887, rendered the following opinion:

"Upon the evidence in the case, judged from a medical standpoint, we may accept the disease of knee which existed in service and up to the time of amputation as a separate disability from the disease of tibia which existed prior to enlistment. Inflammation of bone following injuries as shown in this case would indicate that claimant had some constitutional taint, scrofula probably, which caused serious results to follow on not very serious injuries. * * * If it be admitted as proven that claimant's disease prior to service was limited to the tibia, and that disease of the knee was first shown in service, then, accepting the statement of Dr. Senn (an eminent surgeon) that the disease of tibia was limited to the middle third and the disease of femur to that bone, I think the case should be admitted."

In the face of this medical opinion, the rejection of the invalid claim was again affirmed by the Department on January 26 last, on the grounds heretofore stated, and the additional ground that anchylosis of the knee was due to the necrosis existing in the thigh-bone, and aside from the disability produced in this way the knee was free from disease.

While it is true that no eye-witnesses to the injury in service have testified, yet from the testimony in the case, including that obtained through special examination, there is no doubt that the soldier was injured under the circumstances alleged. Drs. Olmsted and Brett, who attended the soldier more or less from time of the operation until death, give it as their opinion that the death cause was the direct cause of the amputation of the limb. He became a constant sufferer from vertigo, accompanied by flushing of face, frequently followed by hemorrhage from the nose, the last one about six weeks before death. This condition continued until soldier was stricken with apoplexy, which caused death.

Your committee are of opinion that the claim of the soldier was a valid one, and would not hesitate to recommend favorable action in his case should such action after the death of the claimant be permissible under the rules of the House. But as this can not be done, the committee are fully impressed with the justness of his widow's claim, and, being left penniless, believe that whatever doubts may exist should be solved in her favor, and therefore return accompanying bill, with the recommendation that it do pass.

Before the reading of the above report was concluded——

Mr. ANDERSON, of Kansas. Mr. Chairman, this seems to be a very lengthy report, and I ask unanimous consent that it be printed in the RECORD, and the reading be suspended at this point.

Mr. TAULBEE. There is one point of doubt that I have in the case, which can probably be explained more briefly than by the reading of the report. That is as to the death of this soldier resulting from a disability incurred in the service.

Mr. CASWELL. A careful reading of the report will disclose the fact that the Commissioner of Pensions in rejecting the application was misled. It was supposed at the office that the death resulted from a disease of the bone of the leg, which commenced when he was a boy ten years old, but afterwards it was discovered that the true cause of his death was as stated in the report. This soldier died, never having received a pension.

Mr. TAULBEE. I understood from that portion of the report which was read that the application of this soldier for a pension was rejected in the Pension Office on the ground that the disability was not incurred in the service.

Mr. CASWELL. That was shown afterwards to have been a mistake.

Mr. TAULBEE. But that his death resulted from other causes. If, however, there is medical authority in support of the claim that his death was the result of injury received in the service, or if there is reasonable presumption that such was the case, I shall not object.

Mr. CASWELL. That is the conclusion of the committee, reached after a very careful consideration of the testimony.

There being no objection, the further reading of the report was dispensed with, and was ordered to be printed in the RECORD, as above.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK AUGUSTIN.

Mr. GUENTHER. I ask unanimous consent to take from the Private Calendar the bill (H. R. 5499) granting an increase of pension to Frederick Augustin and put it upon its passage.

Mr. TAULBEE. Let the bill be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Augustin, late a private in Company I, Twenty-first Regiment Wisconsin Volunteer Infantry, who was pensioned by certificate numbered 45622, and to pay him a pension at the rate of $45 per month, in lieu of the pension he is now receiving.

The report (by Mr. SAWYER) was read, as follows:

Augustin is now in receipt of pension at the rate of $30 per month for loss of left leg below the knee, incurred in battle at Resaca, Ga., May 14, 1864. In addition thereto he is suffering from hyperæmic erythema of the right foot, which, according to the evidence on file, was contracted while in hospital, after the amputation of left leg. The Bureau of Pensions can not grant an increase of pension on account of this additional disability, because both disabilities combined do not render the pensioner so totally helpless as to require the regular aid and attendance of another person in order to entitle him to the next highest rate provided by the general pension laws.

This additional disability, in connection with the loss of the other leg, interferes greatly with the soldier's ability to perform manual labor or exercise, and believing that he is entitled to favorable consideration at the hands of Congress, your committee return the accompanying bill, with the recommendation that it do pass, amended, however, by striking out the word "forty-five," in line 10, and inserting therein instead the word "thirty-six."

Mr. TAULBEE. I believe this bill provides that the pension thereby granted is to be in lieu of the pension now received. He seems, therefore, to be already on the pension-roll. I think a preferable phraseology would be that the pension be increased; but as this is already in the bill I shall not make objection, but let it stand as here suggested: "in lieu of the pension he is now receiving."

Mr. GUENTHER. He could not draw two pensions, any way.

Mr. TAULBEE. Of course not.

The amendment proposed by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. STONE, of Kentucky, having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the special order, had directed him to report sundry bills with various recommendations.

Mr. NELSON. I suggest that, unless objected to, all the bills reported be read and passed at once.

Mr. DOCKERY. Except those that have been amended and those for the removal of political disabilities, which can be acted upon separately.

Mr. TAULBEE. I suggest that the bills reported without amendment be read by their titles.

The SPEAKER *pro tempore*. In the absence of objection that will be done.

BILLS PASSED.

The following bills, reported from the Committee of the Whole without amendment, were ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 2218) to increase the pension of James A. Buck;
A bill (H. R. 863) granting a pension to Malinda Vest;
A bill (H. R. 442) granting a pension to Emily B. Newell;
A bill (H. R. 445) granting a pension to Laura A. Wright;
A bill (H. R. 85) granting a pension to Mrs. Mary Jane Case;
A bill (H. R. 418) granting a pension to William H. Brokenshaw;
A bill (H. R. 441) granting a pension to Eliza J. Currier;
A bill (H. R. 628) granting a pension to Juliette Stone;
A bill (H. R. 115) to increase the pension of Thomas F. Townsend;
A bill (H. R. 2517) granting a pension to Isaiah T. Johnson; and
A bill (H. R. 7237) granting a pension to Clarissa Harvey.

The following bills were reported with amendments, the amendments were agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed were accordingly read the third time, and passed:

A bill (H. R. 443) granting an increase of pension to Albert G. Fifield;
A bill (H. R. 4835) for the relief of Everard Flynn;
A bill (H. R. 806) for the relief of Mary Morford;
A bill (H. R. 3711) granting a pension to Harriet V. Stockton;
A bill (H. R. 2617) granting a pension to Mary Bailey:
A bill (H. R. 4516) granting a pension to Mrs. Delilah Agard;
A bill (H. R. 3850) granting a pension to Moses F. Jackson;
A bill (H. R. 4107) granting a pension to Laura D. Pierce; and
A bill (H. R. 5499) granting an increase of pension to Frederick Augustin.

The following bills were reported with amendments, which were adopted, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed were accordingly read the third time, and passed:

A bill (H. R. 4812) to grant a pension to Squire Admin; the title being amended so as to read: "A bill to grant a pension to Squire Admire;" and

A bill (H. R. 5766) granting a pension to Miss Cappie Harsh; the title being amended so as to read: "A bill granting a pension to Miss Capitola V. Harsh."

The following House bills reported from the Committee of the Whole, for the removal of political disabilities, were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 5859) to remove the political disabilities of Horace A. Browne, of Virginia; and

A bill (H. R. 4694) to remove the political disabilities of Paul F. Faison.

The bill (H. R. 823) granting a pension to Hannah C. De Witt, reported from the Committee of the Whole, was laid upon the table.

The bill (S. 451) granting a pension to Hannah C. De Witt, reported from the Committee of the Whole, was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill (S. 455) for the relief of Andrew J. Lindsay, reported from the Committee of the Whole, was ordered to a third reading; and it was accordingly read the third time, and passed (two-thirds voting therefor).

RECONSIDERATION.

Mr. MORRILL moved to reconsider the several votes by which bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES H. REEVE.

Mr. BACON. I ask unanimous consent to take from the Private Calendar for consideration at this time the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 3898) granting increase of pension to James H. Reeve.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of James H. Reeve, late a captain of Company H, and a brevet major of the Third New York Volunteers (infantry), at the rate of $45 per month in lieu of the amount per month he is now receiving.

Mr. TAULBEE. Let the report be read, subject to objection.

Mr. BACON. Perhaps I can make a brief explanation which may obviate the necessity of reading the report. Mr. Reeve was wounded, and his leg was amputated in the field. The amputation, by mistake, was made below the knee. The leg never healed, and he has been subjected to three amputations still below the knee. He never has been able to wear an artificial leg.

The rate proposed in the bill is the same as is paid to all soldiers suffering from amputation of the leg where the amputation is of such a character that the person can not wear an artificial leg.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BACON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. LEORA GEAR.

Mr. CONGER. Mr. Speaker, I ask unanimous consent to take from the Private Calendar House bill 6732 and put it upon its passage.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of Mrs. Leora Gear, widow of Richard Gear, late a private in Company G, Twentieth Regiment Iowa Volunteers, and pay her a pension, subject to the provisions and limitations of the pension laws. The pension to commence from the date of her husband's death, February, 1887.

Mr. TAULBEE. Mr. Speaker, there seems to be a departure from the general rule in fixing the date of the commencement of the pension in this case.

Mr. CONGER. This is the case of the widow of a poor soldier who was placed on the pension-roll by special act last Congress and who died eight months after the pension was granted. The committee have reported certain amendments, which will probably make the bill meet the gentleman's objection.

The following amendments, reported from the Committee on Invalid Pensions, were agreed to:

Line 5, after the word "Leora," insert "E."

Lines 8, 9, and 10, strike out the words: "The pension to commence from the date of her husband's death, February, 1887."

Mr. TAULBEE. Mr. Speaker, let the report be printed in the RECORD in connection with the bill.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6732) granting a pension to Mrs. Leora Gear, respectfully report:

That Leora E. Gear is the widow of Richard Gear, late a private in Company G, Twentieth Regiment Iowa Volunteers, who was pensioned under general law for disease of eyes resulting from fever contracted in the service, and was subsequently pensioned by special act of Congress for total blindness.

Said Richard Gear died March 18, 1887, and his said widow's application for pension was rejected by the Pension Office on the ground that soldier died of shock or anæmia of the brain.

Dr. E. F. Linton, who was the soldier's family physician, and treated the soldier from 1870 to the time of his death, and attended him in his final illness, testifies at length and in detail to the steady and continuous progress of his disease from year to year with increasing disability, and says:

"I am satisfied that I understood his disease well, and can truly say that his disease was but one and the same for which he was pensioned, except in degree, which became more serious from year to year until it caused death."

It was practically determined by the granting of the special pension for total blindness that such blindness was the result of ataxia (as determined by the examination and report of an oculist, Dr. F. E. Crittenden, in January, 1885), and that ataxia was the result of the fever while in the service; and from all the testimony in the case your committee are of the opinion that the disease of the eyes, the failure of sight, and the total blindness were the successive symptoms and evidences of the progress of the disease and its results, and that the death of the soldier from shock or anæmia of the brain was the termination and result of ataxia with which, as the testimony clearly shows, he was afflicted.

Your committee therefore recommend the passage of the bill, first amending same as follows:

Insert "E." between the words "Leora" and "Gear," in the fifth line, and strike out all after the word "laws," in the eighth line.

Also amend title of bill so as to read: "Granting a pension to Mrs. Leora E. Gear."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "Granting a pension to Mrs. Leora E. Gear."

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BYNUM. I move that the House do now adjourn.

The motion was agreed to; and accordingly the House (at 10 o'clock and 5 minutes p. m.) adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. J. A. ANDERSON: A bill (H. R. 7967) to remove the charge of desertion against Daniel Reedy—to the Committee on Military Affairs.

By Mr. BLISS: A bill (H. R. 7968) for the relief of Jessie M. Barthauer—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 7969) for the relief of F. T. Leahy—to the Committee on Military Affairs.

By Mr. COLLINS: A bill (H. R. 7970) granting a pension to Margaret G. Foley—to the Committee on Invalid Pensions.

By Mr. CULBERSON: A bill (H. R. 7971) for the relief of Lucy A. Hopkins—to the Committee on War Claims.

Also, a bill (H. R. 7972) for the relief of Rebecca Smith—to the Committee on War Claims.

By Mr. DE LANO: A bill (H. R. 7973) for the relief of Dr. John Frank—to the Committee on Pensions.

By Mr. DINGLEY: A bill (H. R. 7974) granting a pension to Heman Rankins—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 7975) granting a pension to Baldwin B. Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7976) granting a pension to David Anderson—to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 7977) for the relief of John Jackson—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 7978) for the relief of J. M. Waide—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 7979) for the relief of Z. W. Rains—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 7980) for the relief of W. A. Westover—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 7981) for the relief of Jerome McAllister—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 7982) for the relief of Henry A. Whaley—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 7983) for the relief of William Midkiff—to the Select Committee on Indian Depredation Claims.

By Mr. KENNEDY: A bill (H. R. 7984) granting a pension to Amos Roberts—to the Committee on Invalid Pensions.

By Mr. LANDES: A bill (H. R. 7985) granting a pension to Mrs. Frank Cleightman—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 7986) for the relief of George A. Nowland, administrator of James B. Beaver—to the Committee on War Claims.

By Mr. LEHLBACH: A bill (H. R. 7987) granting a pension to Susan Ross—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7988) to increase the pension of Benjamin F. Burnham—to the Committee on Invalid Pensions.

By Mr. McADOO: A bill (H. R. 7989) to amend an act entitled "An act granting a pension to Joseph M. Potter," approved March 3, 1887—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7990) to remove the charge of desertion from Daniel Morris, late of Company F, Fortieth Regiment of New York State Volunteers—to the Committee on Military Affairs.

By Mr. PATTON: A bill (H. R. 7991) to place the name of William

H. Kellerman on the pension-roll—to the Committee on Invalid Pensions.

By Mr. SPRINGER: A bill (H. R. 7992) granting a pension to Sedgwick H. Gold—to the Committee on Invalid Pensions.

By Mr. J. D. STEWART: A bill (H. R. 7993) for the relief of Stanley J. Morrow—to the Committee on War Claims.

By Mr. TRACEY: A bill (H. R. 7994) granting a pension to Patrick Carpenter—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: A bill (H. R. 7995) for the relief of Mary Locke—to the Committee on Military Affairs.

By Mr. W. L. WILSON: A bill (H. R. 7996) for the relief of Edith O'Donnell and others—to the Committee on Claims.

By Mr. DUBOIS: A bill (H. R. 7997) for the apportionment of the Legislative Assembly of Idaho Territory—to the Committee on the Territories.

By Mr. MILLIKEN: A bill (H. R. 7998) granting a pention to Mary A. Murphy and William Murphy—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 7999) granting a pension to William Van Brunt—to the Committee on Invalid Pensions.

By Mr. MERRIMAN: A bill (H. R. 8000) to extend the term for the period of seventeen years from the expiring of the original grant of patent to Joseph Trent—to the Committee on Patents.

By Mr. ROBERTSON: A bill (H. R. 8001) for the relief of Isidore Daigle and Rose Daigle Woodruff—to the Committee on War Claims.

By Mr. O'FERRALL: A bill (H. R. 8002) for the relief of Elizabeth Mulvehill—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 4493) for the relief of the Kansas and New Mexico Land and Cattle Company, limited—from the Committee on Claims to the Select Committee on Indian Depredations.

Also, a bill (H. R. 6195) for the relief of John C. Phillips—from the Committee on Military Affairs to the Committee on War Claims.

Also, a bill (H. R. 5937) for the relief of A. M. Benjamin—from the Committee on Military Affairs to the Committee on Invalid Pensions.

Also, a bill (H. R. 7190) for the relief of Benjamin F. Royse—from the Committee on Military Affairs to the Committee on Invalid Pensions.

Also, a bill (H. R. 5896) for the relief of Hiram F. Wordwell—from the Committee on Military Affairs to the Committee on Naval Affairs.

Also, a bill (H. R. 6892) for the relief of Henrietta M. Sands—from the Committee on Naval Affairs to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of George King and others, of High Point, Decatur County, Iowa, praying for fractional currency—to the Committee on Banking and Currency.

By Mr. G. A. ANDERSON: Petition of Daniel Reedy, for removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. ARNOLD (by request): Petition of L. J. Winsor and others, of Kent County, Rhode Island, for reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. BACON: Petition of Daniel S. Fowler and others, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: Petition of David L. Stovall, of Walker County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of Councils Nos. 14 and 17, Junior Order United American Mechanics, asking that the 22d of February be declared a legal national holiday—to the Committee on the Judiciary.

By Mr. BOOTHMAN: Petition of Russell Randolph and others, of John S. Snook Post, Grand Army of the Republic, of Cecil, and of J. T. West and 45 others, ex-Union soldiers of Liberty Centre, Henry County, Ohio, in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. BOUND: Resolutions of Middletown Council 156, Junior Order of United American Mechanics, of Dauphin County, Pennsylvania, for a law making Washington's birthday a national legal holiday—to the Committee on the Judiciary.

By Mr. BREWER: Petition of M. E. Rumsey, E. T. Van Marten, and 90 others, citizens of Ingham County, Michigan, for making the tariff on wool as suggested by the Wool Growers' and Wool Manufacturers' Association—to the Committee on Ways and Means.

By Mr. T. M. BROWNE: Protest of 47 citizens of Indiana against the repeal of the cigar tax—to the Committee on Ways and Means.

By Mr. BURROWS: Petition of 522 citizens of Chapin, of 138 citizens of Pittsburgh and Lake Superior, of 101 citizens of Pabst Mining Company, of 225 citizens of Norrie Mine, of 211 citizens of the same, of 19 citizens of Walpole Mine, and of 29 citizens of South Buffalo, Mich., protesting against reduction of duty on iron ore—to the Committee on Ways and Means.

Also, protest against removal of internal-revenue tax on tobacco—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of widow of David Brumley, of Greene County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. T. J. CAMPBELL: Petition of Thomas W. Robertson and 572 others, employés of the custom-house service of New York City, for relief—to the Committee on Claims.

By Mr. CASWELL: Memorial of the manufacturers, merchants, shippers, and other business men of Racine, Wis., for an increased appropriation for the Racine Harbor—to the Committee on Rivers and Harbors.

Also, petition of E. G. Pound and 19 others, citizens of Wisconsin, against extension of national-bank charters or increase of circulation on present securities, etc.—to the Committee on Banking and Currency.

By Mr. CATCHINGS: Petition of Levi M. Loewenberg, and of Florence R. Fox, widow of Elisha Fox, of Warren County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. COLLINS: Petition of Alex. Mack, for a special act to allow him to draw a pension while in the naval service of the United States—to the Committee on Invalid Pensions.

By Mr. CONGER: Paper to accompany bill for the relief of Robert McNutt—to the Committee on Military Affairs.

Also, memorial of O. P. Levin Post, Grand Army of the Republic, of Hartford, Iowa, urging passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. COOPER: Petition of Hugh Cameron and others, citizens of Texas, for increase of duty on wool and revision of duty on worsteds—to the Committee on Ways and Means.

By Mr. CROUSE: Petition of Peter Walreth and 31 others, of R. W. Odell and 131 others, and of the miners and workmen of the Milwaukee Mining Company, of Marquette, Mich., against disturbing the present duty on iron ore—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Lawrence Council, Junior Order of United American Mechanics, that February 22 be made a national holiday—to the Committee on the Judiciary.

By Mr. DE LANO: Petition of cigar-makers of Binghamton, N. Y., protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, petition of soldiers of Addison, and of Wayland, N. Y., for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. DIBBLE: Papers in the claims of August D. Long, of George Hoffinan, of Angelo Bucro, of Wilkin Gunter, of Eliza Spries, of James Sharp, of Israel Smith, of Edward Reed, of George Jefferson, of Christiana Jancovich, administratrix of Sylvester Jancovich, of Jesse Cooley, of Reuben Sharp, of Francis Sharp, of Ellen Roland, of Bolizar J. Hayes, of Charles Hutto, and of James B. Howard, of South Carolina—to the Committee on War Claims.

By Mr. DINGLEY: Petition of T. R. Simonton and others, of Camden, Me., for a pension for Heman Rankins—to the Committee on Invalid Pensions.

Also, petition of citizens of Vinal Haven, Maine, for survey and improvement of Carver's Harbor, Maine—to the Committee on Rivers and Harbors.

Also, petition of J. M. Perkins and others, of Phippsburgh, Me., for an increased salary of keepers of Life-Saving Service—to the Committee on Commerce.

By Mr. DUNHAM: Resolutions of Marine Engineers' Beneficial Association of Chicago, Ill., favoring the passage of House bill No. 1635—to the Committee on Commerce.

By Mr. DUNN: Petition of Andrew Allen, executor of Abraham Allen, of Independence County, and of William Porter, of Phillips County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of Resolute Council, No. 27, Junior Order of United Mechanics, of Reading, Pa., requesting the passage of a law making February 22 a legal holiday—to the Committee on the Judiciary.

Also, memorial of W. W. Vanarsdale, for a law reducing postage on newspapers published less often than weeklies—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. G. De Turck, of Philadelphia, in favor of placing works of art on the free-list—to the Committee on Ways and Means.

By Mr. FISHER: Petition of Casper Alpern and 20 others, asking that duty be removed from gilling netting and thread—to the Committee on Ways and Means.

Also, petition of Capt. H. Bennett and 25 others, asking that keepers of life-saving stations and surfmen be increased—to the Committee on Commerce.

By Mr. FORD: Petition of the Woman's Christian Temperance Union of Michigan for the passage of laws for the better protection of women—to the Committee on the Judiciary.

By Mr. FORNEY: Petition of Isaac Young, of Randolph County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of J. H. L. Wood and Susan Wood—to the Committee on Claims.

By Mr. FRENCH (by request): Petition of E. Fitzpatrick and others; of C. C. Baldwin and others, and of John T. Rumeson and others, of Ansonia, Conn, protesting against the repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. FULLER: Petition of P. Nicklaus and 29 others, citizens of Elgin, Fayette County, Iowa, asking that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. GIBSON: Petition for the improvement of Chester River, Maryland, between Crumpton and Jones' Landing—to the Committee on Rivers and Harbors.

By Mr. GLASS: Petition of John E. Evans, of Obion County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of M. D. Baker and 14 others, of Edwian, Ohio, in favor of the 1 cent pension bill—to the Committee on Invalid Pensions.

Also, petition of Benjamin Marshall and 16 others, of Layman, Ohio, asking for additional tariff on farm products—to the Committee on Ways and Means.

Also, petition of numerous citizens of Alaska, opposing the bill providing for a Territorial government for said district—to the Committee on the Territories.

Also, petition of W. H. Dye and 70 others, of Harrisonville, and of W. P. Richardson Post, Grand Army of the Republic, of Woodsfield, Ohio, in favor of the per diem pension bill—to the Committee on Invalid Pensions.

Also, memorial of John Benson and 40 others, citizens of Ohio, in favor of protection to wool—to the Committee on Ways and Means.

By Mr. GROUT: Resolution of the Central Pamona Grange, in favor of reducing postage on seeds to 8 cents per pound—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of same, against any change in the oleomargarine law—to the Committee on Agriculture.

Also, memorial of G. H. Lewis, for additional pensions to soldiers who were confined in Confederate prisons—to the Committee on Invalid Pensions.

By Mr. HEARD (by request): Two petitions of citizens of the Sixth district of Missouri, in favor of a per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of Samuel Filbert, for extension of patent for improvement of concrete pavements—to the Committee on Patents.

By Mr. LAGAN: Petition of the faculty of Tulane University, of New Orleans, La., for the speedy enactment of an international copyright law—to the Committee on Patents.

By Mr. LAWLER: Petition of John Coyle, alias James Smith, for relief—to the Committee on Military Affairs.

By Mr. LEHLBACH: Petition of Susan Ross, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of Benjamin T. Burham, of Boston, Mass., for increase of pension—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of Martha Walker, of Marshall County, and of T. J. Appleton, heir of T. M. Appleton, of Panola County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORRILL: Petition of Joseph C. Warrington and 26 others, of Corning County, and of Samuel Murdock and 20 others, of Oneida, Kans., for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Resolution of the West Philadelphia Republican Club, protesting against free trade and favoring protection—to the Committee on Ways and Means.

By Mr. PARKER: Petition of citizens of Morristown, N. Y., favoring removal of limitation existing against filing applications for pensions—to the Committee on Invalid Pensions.

Also, petition of citizens of DeKalb, N. Y., and of certain ex-Union soldiers, in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. PATTON: Petition asking that a pension be granted to William H. Killerman, late Company H, One hundred and forty-eighth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, petition of 36 soldiers of Coalport, and of 35 soldiers of Lookout Post, in Clarion County, Pennsylvania, in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition of John Brewer, of Madison County; of Martha Flinn, widow of Hugh Flinn, of Washington County, and of Julia Hollingshead, of Benton County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PERKINS: Petition of J. M. Ricker, Dr. W. S. Newlon, and others, citizens of Kansas, for reduction of postage on seeds, bulbs, and plants—to the Committee on the Post-Office and Post-Roads.

By Mr. PERRY: Petition of citizens of Columbia, S. C., for the improvement of Congaree River—to the Committee on Rivers and Harbors.

By Mr. RICE: Memorial of the Chamber of Commerce, St. Paul, Minn., in relation to restrictive immigration—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of administrator of French Rayburn, of Coffee County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Petition of David Bender, of Pulaski County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SAYERS: Papers in the claim of John Millifont—to the Committee on Claims.

By Mr. SENEY: Petition of J. W. Powell and 40 others, ex-soldiers of Hancock County, Ohio, favoring the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, paper of Valley Grange, No. 37, of Putnam County, Ohio, for the issue of fractional currency—to the Committee on Banking and Currency.

By Mr. J. W. STEWART: Petition of C. S. Paine and 23 others, citizens of Vermont, members of Middle Branch and Royalton Granges, Patrons of Husbandry, and South Randolph Farmers' Club, relative to the tariff on certain articles—to the Committee on Ways and Means.

By Mr. TAULBEE: Petition of John P. Fraley, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Petition of 27 ex-soldiers of Cortland, of 16 ex-soldiers of Southington, and of 18 ex-soldiers of Greensburgh, Ohio, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. J. D. TAYLOR: Petition of George Benedict and 24 other soldiers, for the passage of a per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Petition of George W. McKee, for discharge and pension—to the Committee on Invalid Pensions.

Also, petition of Isaac Kelly and S. E. Foxworthy, of Mount Carmel, Fleming County, Kentucky, for relief—to the Committee on Claims.

Also, petition of R. F. and G. W. Newgate, for relief—to the Committee on War Claims.

Also, petition of citizens of Kentucky and West Virginia, for increase of appropriation for the lock and dam below the fork of the Levisa and Tug Rivers—to the Committee on Rivers and Harbors.

Also, petition of William W. Callahan, Company D, Fortieth Kentucky Volunteers, for relief—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of J. S. Allen and others, citizens of the First district of Connecticut, for increase of duty on various articles—to the Committee on Ways and Means.

Also, petition of King, Sowers & Co., and others, citizens of the First district of Connecticut, against abolition of tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. WASHINGTON: Petition of J. W. Bigley, of Fayette County, Texas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

By Mr. WEST: Petition of L. M. Wheeler Post, Grand Army of the Republic, and veterans of Saratoga, and of Kloch Post, Grand Army of the Republic, and veterans of Fort Plain, N. Y., urging the passage of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: Petition of F. Colerick, B. F. Johnston, and 114 others, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of vessel-owners of Saginaw, Detroit, Marine City, St. Clair, Huron, and elsewhere, for the establishment of a harbor of refuge at Point Sanilac, Lake Michigan—to the Committee on Rivers and Harbors.

By Mr. THOMAS WILSON: Memorial in favor of a department of agriculture—to the Committee on Agriculture.

By Mr. W. L. WILSON: Petition of William A. Marshall, of Jefferson County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BUTLER: Of citizens of Ottway, Tenn.

By Mr. CARLTON: John E. Chapman, R. T. Alexander, and others, and of J. W. Goss, W. A. Craft, and others, of Elbert County, Georgia.

By Mr. O'FERRALL: Of John E. Lamb and others, of M. S. Gilano and others, of W. C. Williams and others, of J. R. Baxter, of Marintha Whittington and others, of W. Dwyer and others, and of Alfred Sisson and others, of Rhode Island; of William R. Hillabold and others, of Walter Blake and others, of C. S. Wyman and others, and of E. M. Garret and others, of Kansas.

By Mr. ROGERS: Of citizens of Pulaski County, Arkansas.

By Mr. WILKINS: Of B. M. Farber and 40 others, citizens of Sandyville, Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. ERMENTROUT: Of 254 citizens of Berks and Bucks Counties, Pennsylvania.

By Mr. FLOOD: Of many residents of Vetran, Chemung County, New York.

By Mr. HARMER: Of 269 citizens of Philadelphia County, Pennsylvania.

By Mr. LANE: Of 171 citizens of Fayette County, Illinois.

By Mr. O'DONNELL: Of Teachers' Institute, Grand Army of the Republic Post, and 119 others, citizens of Barry County; of 125 citizens of Calhoun County, and of 175 citizens of Branch County, Michigan.

By Mr. PENINGTON: Of 47 citizens of New Castle County, Delaware.

By Mr. WEST: Citizens of Fulton County, New York.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. E. P. ALLEN: Of 122 citizens of the Second district of Michigan.

By Mr. DE LANO: Of 177 citizens of the Twenty-sixth district of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 3, 1888.

The House met at 12 o'clock m. Prayer by Rev. T. L. FLOOD, editor of the Chautauquan, Meadville, Pa.

The Journal of yesterday's proceedings was read and approved.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, reports of the First Comptroller and of the Commissioner of Customs upon claims arising under the bill for the adjustment of accounts under the eight-hour law; which was referred to the Committee on Claims, and ordered to be printed.

Mr. TAULBEE. Mr. Speaker, I ask that that report be read.

The SPEAKER *pro tempore*. This is not a report from a committee.

Mr. TAULBEE. I understand that.

The SPEAKER *pro tempore*. If the gentleman insists upon it, the communication will be read.

Mr. TAULBEE. I will be content to have it printed in the RECORD.

Mr. RANDALL. What is the subject of the communication?

The SPEAKER *pro tempore*. It is a communication from the Secretary of the Treasury, transmitting reports of the First Comptroller and the Commissioner of Customs upon claims arising under the bill for the adjustment of accounts under the eight-hour law.

Mr. RANDALL. That ought to be printed in the RECORD. Of course it will also be printed as a document.

The SPEAKER *pro tempore*. Is there objection to the printing of this communication in the RECORD?

There was no objection, and it was so ordered.

The communication is as follows:

TREASURY DEPARTMENT, *Washington, D. C., March* 2, 1888.

SIR: In compliance with the resolution of the House of Representatives of the 16th ultimo, "That the Secretary of the Treasury * * * be, and they are hereby, requested to inform the House what amounts are deemed necessary to pay the claims arising in their respective Departments, under the provisions of a bill now pending in the House entitled H. R. 1322, providing for the adjustment of the accounts of laborers and mechanics arising under the eight-hour law, should said bill become a law," I have the honor to transmit herewith a copy of the report of the First Comptroller, of the 18th ultimo, and the report of the Commissioner of Customs, of the 23d ultimo, upon the subject of said resolution.

Respectfully, yours,

HUGH S. THOMPSON,
Acting Secretary.

The SPEAKER *of the House of Representatives.*

[Indorsement.]

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
February 18, 1888.

Respectfully returned to the honorable Secretary of the Treasury with the remark that there is no claim pending in this office of the character referred to in this resolution; nor has this office any means of ascertaining what amounts would be required for the purposes indicated in the resolution.

M. J. DURHAM, *Comptroller.*

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF CUSTOMS,
Washington City, D. C., February 23, 1888.

SIR: In reply to your reference of H. R. bill 1322, and the resolution of the House of Representatives of February 16, 1888, requesting information as to the amounts deemed necessary to pay the claims arising under the provisions of said bill should it become a law, I have the honor to report—

That there are no claims now pending in this office for work performed in excess of that required by the act of June 25, 1868.

There have been laborers employed in the custom-house at New York, and other custom-houses, who were paid at a certain rate per hour for more than eight hours of a day; say, for example, ten hours at 40 cents per hour.

Whether it is intended by the framer of bill 1322 that these laborers shall be allowed $4 per day for every eight hours of work, notwithstanding their contracts and receipts, is perhaps a question. If such be the intent, it will take some time to look over all the accounts and vouchers of laborers so employed since June 25, 1868. But I do not think the bill fairly admits of such interpretation. As to any other laborers, there would be nothing in the accounts here to show how many hours they worked per day.

That information might possibly be obtained from the collectors of customs, but it would involve, I think, considerable extra labor in the clerical force of the offices, and at best would be very uncertain.

I do not think that the collectors could give the requisite data upon which to estimate with any degree of accuracy the amounts necessary to pay the claims, for the reason that they could not specify any claims except such as might have been casually recorded.

Respectfully, yours,

JOHN S. McCALMONT,
Commissioner of Customs.

The Hon. SECRETARY OF THE TREASURY.

OFFICES FOR FISH COMMISSION.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an amended estimate from the Commissioner of Fish and Fisheries of a provision for rent of offices for the Fish Commission for the ensuing fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

REPAIRS OF PUBLIC BUILDING, LEAVENWORTH, KANS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of a provision for substituting iron for wooden stairs in the public building at Leavenworth, Kans.; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESERVATION OF COURT RECORDS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an appropriation for preservation of court records; which was referred to the Committee on Appropriations, and ordered to be printed.

ERECTION OF PUBLIC BUILDINGS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending legislation in regard to contingent expenses for superintendence of public buildings during the process of erection; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

R. A. HURLEY, ADMINISTRATOR, VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Reuben A. Hurley, administrator, *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

QUALIFICATION OF A MEMBER-ELECT.

Mr. CUTCHEON. Mr. Speaker, I rise to a question of privilege. Hon. HENRY W. SEYMOUR, successor to the late Hon. Seth C. Moffatt as a member of this House from the State of Michigan, is present and prepared to take the oath of office, and I ask that the oath be now administered to him.

Mr. SEYMOUR accordingly presented himself, and was duly qualified by taking the prescribed oath.

S. D. BARCLAY AND OTHERS.

Mr. MILLS. I ask unanimous consent that Senate bill No. 147, for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew, be taken up and put on its passage. It has been favorably reported by the Committee on Claims of this House, and is now on the Private Calendar.

The bill was read, as follows:

Be it enacted, etc., That S. D. Barclay, G. D. Adams, and William H. Kimbrew, sureties on the bond of Samuel A. Blaine, late Indian agent, against whom a judgment was rendered in the United States court for the northern district of Texas, at Waco, Tex., for the sum of $5,000, on the 22d of November, 1886, be, and are hereby, released and acquitted of all liability for or on account of said judgment, or of the bond on which it was founded; and said judgment as to said sureties is hereby canceled and annulled.

Mr. HOLMAN. I trust that some explanation of this bill will be made.

Mr. MILLS. Let the report of the Senate Committee on Claims be read.

The Clerk read as follows:

This bill was reported favorably in both the Senate and House in the Forty-ninth Congress, and this committee readopt the Senate report at last session, as follows:

This bill is for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew, who were sureties on the bond of Samuel A. Blaine, late Indian agent at Wichita agency, and against whom, as such sureties, judgment was rendered in the United States court for the northern district of Texas, at Waco, for the sum of $5,000, on the 25th day of November, A. D. 1886.

Said Blaine was appointed Indian agent at Wichita agency, and gave bond as such agent on February 8, 1859, and his service ran up to June 30, 1860, when he resigned and filed his final account-current, which showed the Government to be in his debt in the sum of $92.83.

Blaine died in 1856. No notice of any claim of the Government against Blaine was ever given him in his lifetime, and none was given his sureties until the year 1883, more than twenty-three years after his resignation and final account-current, and more than sixteen years after his death.

Congress has repeatedly relieved parties in similar cases of long delay on the part of the Government, and for reasons that must strongly impress all fair-minded men. The Senate of the United States has recognized the equity and justice of thus relieving persons during the present Congress. But in addition to this strong ground for relief, the parties in this case have other facts in their favor.

Except in two or three items of comparatively small amounts, the alleged deficiency of Blaine is in his property account. He is charged with large quantities of goods for which the papers now in the Second Auditor's Office do not show that he has satisfactorily accounted. The Second Auditor, having been requested by this committee to furnish all the facts and information in his possession in this case, forwarded copies of accounts, all of which are printed herewith for the information of the Senate, and accompanied them with a letter, which is also printed, and from which we make the following extracts:

"It is well known, however, that under the superintendency system it was the frequent practice for the superintendent to send invoices in advance of delivery, requiring the agent to receipt for the goods which were supposed to be *en route* for the agency, and the accounting officers are satisfied that in many cases the goods never actually passed into the agent's hands, though in the evidence furnished he was chargeable with the value thereof. This office is strongly inclined to think this a case of that kind, the more so as an examination of the first property returns of Blaine's successor, M. Leeper, shows that the latter entered as received from Superintendent Rector a large quantity of goods of like description with those in question, and the paucity and incompleteness of the records as then kept prevent certainty on this point. The papers furnish strong probability of the identity in many cases of the goods charged to Blaine with those taken up by Leeper.

"It is quite possible that in the disturbed state of the country the supplies invoiced to Blaine and receipted for by him did not arrive till his successor had taken charge. One other remark may be justifiable in this connection. It is well known that the Indian Office has stored away, waiting the slow action of an insufficient force of assorting clerks, a large number of accounts, documents, and other evidence relating to the service before the war, the fires to which that office has been subject having compelled those records to be stored in chaotic condition. It is possible, therefore, that the evidence which might throw light on the transaction involved in this case may be concealed in that mass of papers."

In addition to all this, it appears that the records, papers, etc., at the Wichita agency were destroyed during the war by Quantrell's band.

Mr. Blaine is shown to have been a man of correct habits and good character. He left the agency on horseback and lived and died a poor man.

Under all these circumstances this committee believe it to be very much more likely that Blaine either receipted for these goods, not having received them, or that he accounted for them and his accounts have been lost or mislaid, than that he should have misappropriated them.

The parties asking relief say that they were in comfortable circumstances when they executed the bond, but that they can not now pay this judgment without waiving their exemptions under the law and selling their homesteads and leaving their families homeless.

Under all the circumstances of this case your committee believe these parties entitled fairly to the relief they ask, and they report the bill back to the Senate and recommend its passage.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, was accordingly read the third time, and passed.

Mr. MILLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENSES OF INVESTIGATION OF "TRUSTS," ETC.

Mr. BACON. I desire to present a privileged resolution, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That a sum not to exceed $5,000 to pay the expenses of the Committee on Manufactures in conducting the investigation ordered by the House into certain alleged combinations, and their methods and effect upon the prices of the necessaries of life, and for other purposes, by resolution adopted January 25, 1888, shall be immediately available and payable out of the contingent fund of the House, on order of the chairman and one member of the said committee, in sums not exceeding $1,000 at one time; and all vouchers for any such expenditures shall be likewise certified to by the chairman and one member of the committee.

The resolution was adopted.

Mr. BACON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM PFAENDER.

Mr. LIND. I ask unanimous consent for the consideration of the bill which I send to the desk—House bill 3766, for the relief of William Pfaender.

Mr. DOCKERY. Mr. Speaker, this day has been set apart for consideration of a bill of the Committee on the Post-Office and Post-Roads; but I am willing to yield a few moments for requests for unanimous consent provided the propositions so brought in excite no discussion. If they elicit debate I shall at once call the regular order.

The bill was read, as follows:

Be it enacted, etc., That the sum of $883.50 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the reimbursement of William Pfaender, late lieutenant-colonel of the Second Regiment Minnesota Cavalry Volunteers, for the loss of property destroyed by the burning of Government buildings at Fort Ridgely, Minn., on the 19th day of January, 1865.

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3766) for the relief of William Pfaender, late lieutenant-colonel of the Second Regiment Cavalry Volunteers, in command of the post of Fort Ridgely, in the second subdistrict of Minnesota, from the spring of 1851 until December, 1865, and to reimburse him for the loss of wearing apparel, household goods, and provisions by the fire at said post, which occurred on the night of January 19, 1865, while Colonel Pfaender was in command of said post, have had the same under consideration, and report as follows:

The said headquarters building was discovered to be on fire in consequence of a defective chimney. As it was of light material and there was no apparatus for extinguishing fires at hand, the building burned to the ground in a very short time. That after giving the alarm the claimant used every effort to extinguish the fire, but finding it impossible, he directed his whole attention and energy to the saving of the Government property and the records in his custody, and to prevent the spreading of the fire to the adjoining row of officers' quarters, which was in imminent danger of being destroyed, but which he, by his well-directed efforts, succeeded in saving. That after Colonel Pfaender had succeeded in getting control over the fire and saving the most valuable of the Government property and records, he turned over the command of the force at work to Capt. John Jones, of the Third Minnesota Battery, the next ranking officer, for the purpose of devoting his personal attention to the saving of his private property in the building. For this, however, he was too late, as the fire had made such progress that it was impossible to reach the central and rear parts of the building, and the result was that without any fault or neglect of Colonel Pfaender almost his entire personal effects, wearing apparel, household goods, and provisions were totally destroyed. It is evident that if he had been less zealous in his efforts to save the Government property under his charge and to prevent the spreading of the conflagration he might readily have saved his own.

The bill he presents, which is itemized, is fair and reasonable, and the amount claimed is less than the cash value of the goods at the time of the loss. Under the general act of March 3, 1885, which provides for compensation to officers for loss of property under similar circumstances, Colonel Pfaender made an application to the War Department for allowance of his claim, but the Department decided that his claim having occurred "in time of war" was excluded from the provisions of that act. Dr. Alfred Muller, assistant surgeon at said post, was allowed compensation for the loss sustained by him by the same fire (see chapter 152, volume 20, Statutes at Large, and House Report 490, second session Forty-fifth Congress).

Under these circumstances the committee, in view of all the surrounding facts in this case, and in consideration of the noble and successful efforts of Colonel Pfaender to save great loss to the Government when his personal property was in peril and was lost thereby, recommend the passage of the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BLAND. This seems to be a very singular bill.

The SPEAKER *pro tempore*. Is there objection?

Mr. BLAND. I am not objecting, but I hope the House will give this bill due consideration before passing it.

The SPEAKER *pro tempore*. The gentleman from Minnesota [Mr. LIND] asks unanimous consent for the present consideration of this bill. Is there objection? The Chair hears none. The question is on ordering the bill to be engrossed and read a third time.

Mr. BLAND. This seems to be a very remarkable bill, and I hope we shall have some explanation of it.

Mr. LIND. I will gladly explain it.

Mr. BLAND. Mr. Speaker, if I understand this bill, it provides simply that the Government shall make payment for the destruction of private property with which the Government had *nothing to do; or if it had*, the claim for it has been rejected at the proper Department. This Congress seems, in the judgment of many people, to have been constituted a board of appeal for all the rejected and trumped-up claims that may be sent here from various parts of the country. Every member's desk is flooded with them every day. We are proceeding here to dispose of the surplus by the passage of bills of every character that can be imagined. The public mind has become corrupted and debauched by the class of bills which are being passed daily by this Congress, and it is time that a halt should be called.

Mr. DOCKERY. Mr. Speaker, is this debate proceeding by unanimous consent?

The SPEAKER *pro tempore*. The Chair asked for unanimous consent, and no objection was made to considering the bill. The gentleman from Missouri then took the floor to debate the bill, as he had a right to do.

Mr. DOCKERY. I desired to call the regular order if the debate were proceeding by unanimous consent.

Mr. BLAND. Mr. Speaker, the regular order ought to be called a little more frequently, and my colleague [Mr. DOCKERY] ought to have called it before this bill came up.

It is time for some one to call the attention of the House and the country to the character of the bills which are constantly passing through Congress—not cases where claims have been examined by the Court of Claims and certified to be just, but cases of claims rejected by the Departments. Our Calendars are full of them. I say it is about time that the House should adopt a rule that when a claim has had fair consideration before one of the Departments of this Government the action had upon it shall be accepted as a finality. Otherwise there is no use of referring claims to the Quartermaster-General, the Court of Claims, the Commissioner of Pensions, or any other tribunal. Unless such decisions are to be final we may as well have the whole business here, and resolve ourselves into a committee of claim agents, doing nothing else than considering these matters; for we have done but little else thus far during this Congress.

Mr. LIND. Mr. Speaker, I merely wish to call the attention of the gentleman from Missouri to the facts in this case, for he is entirely mistaken in regard to them.

While Colonel Pfaender, the claimant, was in command of the post at Fort Ridgely a fire occurred by which he lost all his property. This occurred, Mr. Speaker, in my district and within 20 miles of my own town, so that I am familiar with the facts. This post was constructed like all the old frontier posts, and consisted in part of a long row of wooden buildings. This officer, the claimant, first discovered the fire, and instead of making an effort to save his own property, he at once proceeded to alarm the post and succeeded in getting the men out and saving the records of the Government and the other wooden buildings, thus securing a saving to the Government of about $15,000 worth of property. When this was secured he turned his attention to the saving of his own property, consisting of household goods, clothing, and provisions for his family, but all that he had had been destroyed.

There is a general law providing that in cases of that kind, where officers sustain losses when they are in good faith engaged in saving public property, they may apply to the Treasury Department for reimbursement; but unfortunately the provisions of that act do not apply to losses that occurred during the war; hence this claim is not covered by the statute. It is not barred, though, on the merits of the case, but simply because it did not come within the jurisdiction of the Department to allow it. The committee unanimously report that this claim is just and reasonable and should be allowed; and I think, after Colonel Pfaender has gone almost twenty-five years without reimbursement for his loss, that there ought to be no hesitancy in paying it now.

Mr. BUTTERWORTH. What is the amount involved?

Mr. LIND. Eight hundred and sixty-three dollars.

Mr. DOCKERY. Call the previous question.

Mr. LIND. I demand the previous question.

Mr. BLAND. The report shows that this claim had been rejected in the Department twenty-odd years ago. Now, if we are to open up all these old and rejected cases at this late date, why then let us do it in a body and know what we are about.

Mr. LIND. If it was rejected then, is that any good reason why we should rob him now?

Mr. GUENTHER. Will the gentleman yield to me for a question?

Mr. LIND. I will.

Mr. GUENTHER. Is this Colonel Pfaender, of New Ulm?

Mr. LIND. The same gentleman.

Mr. GUENTHER. Then I wish to say to the House that I personally know him, and can vouch for the fact that no more honorable and upright gentleman can be found; and I am certain that if Colonel Pfaender had not a just claim he would never come here and present one.

Mr. DOCKERY. Will the gentleman demand the previous question?

Mr. LIND. I demand the previous question.

Mr. TAULBEE. I ask unanimous consent that the previous question be considered as ordered.

There was no objection, and the previous question was ordered, under the operation of which the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. BLAND. On that I demand a division. I want to see if this House is going to pass these bills.

The question was taken; and on a division there were—ayes 142, noes 24.

So the bill was passed.

Mr. LIND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COUNTY OF SAN JUAN, NEW MEXICO.

Mr. JOSEPH. Mr. Speaker, I ask unanimous consent to take from the House Calendar and put upon its passage the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico.

The bill was read, as follows:

Be it enacted, etc., That the act of the Legislative Assembly of the Territory of New Mexico, passed February 24, 1887, entitled "An act creating the county of San Juan," be, and the same is hereby, ratified and confirmed.

SEC. 2. That the action of the governor of said Territory, in appointing the several county officers of said county, is hereby ratified and approved; and that the said several officers shall hold their respective offices until their successors are elected and qualified.

SEC. 3. That at the next general election of officers in said Territory the qualified voters of said county of San Juan may, and they are hereby, authorized to vote, by a separate ballot, for some place within said county for the county seat; and the place receiving the largest number of votes shall thereafter be the permanent county seat of said county of San Juan.

The committee recommended the insertion after the word "approved," in line 3 of section 2, of the words, "all acts done or performed by said officers of said county in their official capacity are hereby validated."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. STEELE. I want to inquire of the gentleman first whether this bill has been reported by any committee of this Congress?

Mr. JOSEPH. Yes, sir; by the Committee on the Territories.

Mr. WARNER. It is the unanimous report.

Mr. STEELE. Then I have no objection.

Mr. BLAND. Let us have the report read.

The report (by Mr. JOSEPH) was read, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico, having had the same under consideration, beg leave to submit the following report, and recommend the passage of the bill as amended.

The Territorial Assembly of the Territory of New Mexico in 1887, and on the 24th day of February in said year, created the county of San Juan, in said Territory, taking the same from the western portion of the county Rio Arriba, for the reason that the people in that portion of the then county of Rio Arriba were separated from the county seat of said county by an impassable mountain barrier for nearly six months in each year, making it almost impossible for the citizens of that portion of the county to attend the Territorial courts and county business, being often compelled to travel 150 miles to reach the county seat of Rio Arriba County. The said county of San Juan was immediately organized after the passage of the act creating it. The governor of the Territory of New Mexico, under the provisions of the act, appointed all county officers, and since then the entire county machinery has been in successful operation, and the Territorial district courts have been held in said county, by order of the supreme court of the Territory of New Mexico. The county of San Juan has been in existence for one year, and in that time its population has doubled itself, and the county is generally prosperous; but it is feared that the act of Congress passed July 30, 1886, prohibiting the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes, may impair the legality of the act creating the aforesaid county, and it is deemed necessary that Congress should ratify the same.

There being no objection, the bill was considered, the amendment agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. WARNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DOCKERY. I wish to give notice that after one more recognition on that side of the House I shall demand the regular order.

Mr. TAULBEE. I hope the gentleman will not issue such a threat as that after we have been so amiable this morning. [Laughter.] I have been attempting to get on that list for at least two months past, and I am not going to complain of not having been recognized; but I think that there ought to be some recognition to such bills as that which has just been passed.

The SPEAKER *pro tempore*. The Chair will state that the Chair has no list extending back for two months. The Chair arranges the order of recognition day by day.

Mr. TAULBEE. I did not mean, Mr. Speaker, to intimate that the Chair had any such list. I only spoke of my own efforts to try to get recognition for a most worthy claimant from my State for that length of time.

NANCY RAINS.

Mr. BUTLER. I ask unanimous consent to take up from the Private Calendar for present consideration the bill (H. R. 6343) to increase the pension of Namy Roins, the oldest Revolutionary pensioner on the rolls, she being nearly ninety-six years of age.

The bill was reported with amendments from the Committee on Pensions. As proposed to be amended it reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Nancy Rains, widow of John Rains, deceased, late a Revolutionary soldier, to $30 per month, she being the oldest pensioner on the Revolutionary rolls, to wit, ninety-six years next June. She now is drawing $8 per month, she being poor and dependent entirely on her pension for her support and care; that the same commence from and after the passage of this bill.

Amend the title so as to read: "A bill to increase the pension of Nancy Rains, the oldest Revolutionary pensioner on the rolls, she being nearly ninety-six years of age."

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title was amended as recommended by the committee.

REVENUE-CUTTER FOR CHARLESTON, S. C.

Mr. DIBBLE. I ask unanimous consent to take from the Union Calendar for present consideration the bill (H. R. 1818) for construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch.

The bill was read, as follows:

Be it enacted, etc., That the sum of $75,000, if so much be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of building a new revenue-cutter to be stationed at Charleston, S. C., for service on the South Atlantic coast, in the place of the United States revenue-cutter McCulloch, now in so dilapidated a condition as to be unequal to the requirements of the service.

Mr. BLAND. Let the report be read, subject to objection.

The report (by Mr. PHELAN) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 1818) for the construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch, have had same

under consideration, and believing that there is urgent necessity for the construction of this new cutter, they beg leave to report the bill to the House and recommend its passage.

The communication of the Secretary of the Treasury in answer to a reference of the bill for his views, appended hereto, contains his recommendations for the building of the cutter.

TREASURY DEPARTMENT, *January* 23, 1888.

SIR: I have the honor to acknowledge the receipt of letter of the Committee on Commerce, House of Representatives, of the 18th instant, inclosing, for the views of this Department, House bill No. 1818, "for construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch."

In reply, you are respectfully informed that the McCulloch patrols the coast of South Carolina, from Georgetown to Beaufort, for the assistance of commerce and the protection of the revenue. She was purchased from the War Department in December, 1866, and had been known as the Mosswood in that district.

This vessel was recently examined by the superintendent of construction and consulting engineer, United States revenue marine, who found her hull very badly decayed and boiler almost worn out, the engine being the only part capable of being repaired at moderate cost for continued service; they therefore report that she is "in such general bad condition or so illy adapted to the service they are of the opinion she is not worthy of having any large sum of money expended on her for repairs, and recommend that she be replaced by a new vessel of modern type in every respect at the earliest practicable date."

It is believed that this vessel can be replaced by a new one of suitable form of construction for the sum of $75,000.

The bill submitted is herewith returned for such action as may be deemed proper in the premises.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Hon. MARTIN F. CLARDY,
Chairman Committee on Commerce, House of Representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS RED RIVER.

Mr. GIFFORD. I ask unanimous consent to call up from the Private Calendar for consideration at this time the bill (H. R. 7348) granting to the city of Grand Forks, Dak., the right to build two free bridges across Red River.

The bill was read, as follows:

Be it enacted, etc., That the city of Grand Forks, a municipal corporation organized under the laws of the Territory of Dakota, be, and the same is hereby, authorized by its proper officers to construct and maintain two bridges, and approaches thereto, over the Red River of the North, at the most accessible points within said city, across said river to the most convenient point or points in the State of Minnesota. Said bridge or bridges shall be constructed to provide for the free passage of wagons and vehicles of all kinds, for the transit of animals, for foot-passengers, and for all street railways as may desire the use of said bridge.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized as a post-route and shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridges shall be granted to all telegraph companies, and the United States shall have the right of way across said bridges and its approaches for said postal-telegraph purposes.

SEC. 3. That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with draw-spans giving a clear water-way, measured at the lowest stage of water known at the locality, of not less than 80 feet in the clear on each side of the central or pivot pier, and the clear width as herein provided for shall not be reduced by deposits of riprap or by other material about the piers and abutments, and the spans shall not be of less elevation than 3 feet above extreme high-water mark, as known at the point of location measured to the lowest part of the superstructure of said bridge; and provision shall be made in the location and construction of the abutments and approaches to allow for the free passage of flood water, and the piers of said bridge shall be parallel to, and the bridge itself at right angles to, the direction of the current of said stream: *Provided*, That the said draw or draws shall be opened promptly by said corporation upon reasonable signal for the passage of boats, and said city shall maintain, at its own expense, such lights or other signals thereon as the Light-House Board may prescribe, and said city shall provide, at its own expense, such sheer-booms, guide-piers, or other device as may be at any time deemed necessary by the Secretary of War to facilitate the safe passage of boats or other water craft through the spans of said bridge. No bridge shall be erected or maintained under authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct said navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, at the expense of said city of Grand Forks, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridges, or either, the case may be brought in the circuit court of the United States of the district in which said obstruction or bridges are located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt any bridge or bridges constructed by virtue hereof from the operations of the same.

SEC. 4. That any bridge or bridges authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, designs and drawings of the proposed bridges and a map of the location, giving for the space of one mile above and one mile below the proposed locations the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and locations, or either of them, are approved by the Secretary of War there shall not be any bridge built at said point; and should any change be made in the plan of said bridge or bridges during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That this act shall be null and void if actual construction of the bridge authorized by this act be not commenced within one year and completed within two years from the date of this act.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or structures, or the entire removal thereof, at the expense of the owners, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAVID MERIWETHER.

Mr. TAULBEE. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 331) for the relief of David Meriwether.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to David Meriwether, of Louisville, Ky., out of any moneys in the Treasury not otherwise appropriated, $1,929.40, being arrears of his salary as governor of the Territory of New Mexico; also $3,632.38, being the amount due him as disbursing agent of public moneys; also $525 for loss of public moneys sustained without fault on his part; amounting in all to the sum of $6,086.68, all as found and set forth by the Court of Claims in its findings of fact dated the 14th day of December, 1885.

Mr. RYAN. Let the report be read.

Mr. BLAND. Is that bill based on the findings of the Court of Claims?

Mr. TAULBEE. It is. The report is quite lengthy, and I have agreed with the gentleman who has in charge the special order for to-day that I will withdraw the request for the passage of this bill rather than consume time in the reading of the report. But certainly I will not hesitate to make a brief statement of the facts.

Mr. RANDALL. Let the report be read.

Mr. DOCKERY. If the report is to be read, I demand the regular order. Does the gentleman from Pennsylvania insist on having the report read.

Mr. RANDALL. I think the House is entitled to at least some statement in explanation of the bill.

Mr. TAULBEE. I will make a statement. I ask in the first place, in order that whatever I may say in this matter may be substantiated by the report, that it be printed in the RECORD in connection with the bill.

This is a claim of David Meriwether, of Kentucky, who was at one time governor of the Territory of New Mexico. A portion of this claim is for arrears of salary as Indian agent in connection with his gubernatorial office. This amounts to $1,929. He was clearly entitled to this, but there was no appropriation available to pay him the amount claimed by him.

There is another amount in the bill, a little over $500, for moneys lost. It became necessary in his capacity as disbursing agent for the erection of certain public buildings in the Territory of New Mexico——

Mr. WILLIAMS. I desire to make a parliamentary inquiry. I ask if this bill is now pending? I understood that it was withdrawn.

Mr. TAULBEE. I simply said that rather than the time of the House should be occupied by the reading of the report I had agreed with the gentleman from Missouri [Mr. DOCKERY] to withdraw the request for unanimous consent.

It became necessary for Governor Meriwether to provide himself with small sums of money to pay work-hands on the public buildings in the Territory of New Mexico as disbursing agent—a position he occupied while he was governor.

In order to do that, it became necessary that he should carry overland the change to pay these hands, and this money was taken from him. The amount is only about $500, and the facts in connection with the loss of the money are unquestioned. The Government did not lose the money. It was charged up to him and he paid it, and the record shows that if he had been disposed to take money out of the Treasury improperly he could readily have done it, because he had at that time many thousand dollars subject to his check. He is a gentleman of unquestionable integrity. He is eighty-two years old, but he came to Washington during the present session of Congress, appeared before our committee, and made a statement, which, I believe, was printed by direction of the committee, and which was highly creditable to him as an intelligent gentleman and a man of integrity. The payment of this amount has been recommended by the Court of Claims. This bill has been pending for a number of years.

Mr. MCMILLIN. When was he governor? When were the moneys lost?

Mr. TAULBEE. These moneys were lost before the war.

Mr. MCMILLIN. Before the war?

Mr. TAULBEE. Yes, sir; but the papers relating to the case were lost for many years, as is shown by the records.

Mr. MCMILLIN. The gentleman spoke of the claimant as having been also an Indian agent.

Mr. TAULBEE. Yes, sir.

Mr. MCMILLIN. At what time was he an Indian agent?

Mr. TAULBEE. At the same time that he was governor of the Territory.

Mr. MCMILLIN. Governor and Indian agent at the same time?

Mr. TAULBEE. Yes, sir. The law provided for his compensation as Indian agent in addition to his salary as governor, and that compensation was paid regularly until a special act of Congress was passed increasing his compensation as governor. The Comptroller had doubt as to the effect which that special legislation should have on his salary as Indian agent; but after the appropriation for the then current year had been exhausted it was decided by the Comptroller, and subsequently by the Court of Claims, that he was entitled to his compensation as Indian agent notwithstanding the increase of his salary as governor. This case is in the line of numerous decisions which are cited in the report.

Mr. STEELE. What year was this? How long ago was it?

Mr. TAULBEE. This was before the war; but, as I have already stated, the papers relating to the case were lost for twenty years, and were not found until Mr. Willis, I believe, the predecessor of Mr. CARUTH, in whose district Governor Meriwether lives, succeeded in finding the papers upon which this claim is based.

The other item mentioned in this bill is for a percentage on the amount of money disbursed, and the court has decided that Governor Meriwether was entitled to that. All these matters are set forth fully in the finding of the Court of Claims, as shown in the report upon this case.

I now demand the previous question upon ordering the bill to be engrossed and read a third time.

Mr. WILSON, of Minnesota. How was this money lost?

Mr. TAULBEE. He was robbed of it. That amount is only about $500.

Mr. WILSON, of Minnesota. But how, where, when?

Mr. TAULBEE. In transporting this small amount of silver money to the seat of government in the Territory of New Mexico.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The report (by Mr. SHAW) is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 331) for the relief of David Meriwether, respectfully report as follows:

This claim is for several sums of money claimed to be due Mr. Meriwether for services performed and losses sustained by him while governor of the Territory of New Mexico. This case was referred by the Committee on Claims in the Forty-eighth Congress to the Court of Claims, under act of March 3, 1883, for a finding of facts, and that court has found the facts, and its findings are annexed to and made a part of this report. This case consists of three branches, which we will consider in their order:

1. The claimant, David Meriwether, was appointed governor of the Territory of New Mexico May 6, 1853, and held that office till October 30, 1857. An act of Congress in force at the beginning of Governor Meriwether's term, that of September 9, 1850, (9 Statutes at Large, page 446), provided, in section 3, page 447—

"That the executive power and authority in and over said Territory of New Mexico shall be vested in a governor who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve all laws passed by the Legislative Assembly before they shall take effect."

And in section 12 of the same act, page 451, it was provided:

"The governor shall receive an annual salary of $1,500 as governor, and $1,000 as superintendent of Indian affairs."

This act continued in force until July, 1854, when Congress enacted (10 Statutes at Large, page 311), "that the salary of the governor of New Mexico be, and the same is hereby, increased to the sum of $3,000." Inasmuch as the act previously in force had given Mr. Meriwether a salary of $1,000 as superintendent of Indian affairs, separate and apart from his salary as governor, it would seem to follow that the increase of his salary as governor did not affect his right to his salary as superintendent of Indian affairs, he being still required to perform the duties of that position, and entitled by the very words of the law to receive its emoluments. This fact would seem so clear, from the very terms of the law itself, as hardly to require illustration or argument in its support. Yet, if the purpose of the law were doubtful in itself, all doubt would be removed by reference to the law regulating the officers of the Territory of Oregon and their salaries, which will be found in 10 Statutes at Large, page 437, by which the salary of the governor of that Territory was fixed at $3,000, and a superintendent of Indian affairs, separate from the governor, was provided for, who was to receive an annual salary of $2,500.

It is hardly reasonable to suppose that Congress, in imposing upon the person filling the office of governor of New Mexico the double duties of governor and superintendent of Indian affairs, meant to require him to perform those double duties for the same compensation allowed to the governor of another and much smaller Territory who was not required to perform any duties but those strictly appertaining to his office of governor. This view was taken by the Secretary of the Treasury and the First Comptroller at the time, for the Secretary of the Treasury, Hon. James Guthrie, then filling that office, says, in a letter set forth in the findings of the Court of Claims:

"Upon application of the governor of New Mexico, the First Comptroller of the Treasury examined the question of the rate of compensation to which he was entitled, and reported to me his opinion, from which I am unable to dissent, that under the foregoing provisions he is entitled to $3,000 as governor and $1,000 as superintendent, making together $4,000, but no more than $3,000 has been paid for want of a sufficient appropriation."

The findings of the Court of Claims show that the amount thus recommended has never been paid to the claimant, nor any part thereof. The only obstacle to such a payment has been the want of an appropriation, and upon this point it is very clear that the want of an appropriation constitutes no legal obstacle in the way of payment.

The rule that public obligations can not be discharged by insufficient appropriations has been frequently upheld by the United States Court of Claims in well-considered cases, notably among them those of Graham *vs.* United States, 1 Court of Claims Reports, page 380; Patton *vs.* United States, 7 Court of Claims Reports, page 362; Collins *vs.* United States, 15 Court of Claims Reports, page 22; Briggs *vs.* United States, 15 Court of Claims Reports, page 48; Freedman's Bank *vs.* United States, 16 Court of Claims Reports, page 29; French *vs.* United States, 16 Court of Claims Reports, 419; and Langston *vs.* United States, 21 Court of Claims Reports, page 10, in which the general conclusion reached by the court as a result from all previous adjudications is summed up in the following words, which have a special bearing on this case:

"Public officers in accepting their positions have a right to rely upon the salary fixed by permanent general laws, and are not to be cut off by insufficient annual appropriations unless accompanied by a repeal of the permanent law, either expressly or by the clearest implication."

This case was affirmed by the Supreme Court under the name of United States *vs.* Langston, 118 United States Reports, page 389. This principle requires us to report in favor of the claimant in the present case for his salary as superintendent of Indian affairs, in addition to that already received as governor, being at the rate of $1,000 a year from July 27, 1854, to June 30, 1856, amounting to $1,929.30.

2. The Secretary of the Treasury requested Governor Meriwether to act as commissioner and disbursing agent for the work of building the public buildings in the Territory of New Mexico. Although the work was no part of his duties as governor, he undertook it at the special request of the Secretary of the Treasury, and performed the work not only to the complete satisfaction of the officers of the Treasury Department, but in such a manner as to elicit expressions of gratitude on their part for the interest which he had manifested in the performance of the services. As the work was done by hired labor and not by contract, and the workmen were paid weekly, the payments were numerous and the responsibility great.

The Court of Claims finds that Governor Meriwether disbursed in this matter $72,647.53, and that a reasonable commission for his services in so doing would be 5 per cent. of that amount, being $3,632.38. The duties imposed by law upon the governor of New Mexico have been set forth in an extract in a law contained in a previous part of this report, in which it will be seen that the disbursement of money for the construction of public buildings forms no part of the legal duties of the office, and the language of the Secretary's letter asking Governor Meriwether to undertake that work is the language of request, not of direction or requirement.

The United States Supreme Court has twice decided upon the right of an officer of the United States disbursing public moneys to a reasonable compensation for his services in so doing over and above the salary of the office held by him, when such office did not in itself involve the disbursement of money, but the disbursement was additional to the regular duties of the office. We refer to the case of Converse *vs.* United States, 21 Howard, page 463, and United States *vs.* Brindle, 110 United States Reports, page 688. In the former of these cases the officer in question was a collector of customs, and was requested by the Secretary of the Treasury to disburse the money to be used in the Light-House Service. The court held that as the services were not required by law of a collector of customs, but were additional to the legal duties of the office, the collector was entitled to recover a reasonable commission.

In the other case mentioned, that of United States *vs.* Brindle, the officer was a receiver of public moneys and was appointed to sell Indian trust lands. It was held that he was not limited to the salary or emoluments of a receiver of public moneys, but had the right to a reasonable compensation for his services in selling the Indian lands and receiving the money therefor. The same point came up before the United States Court of Claims in Meigs *vs.* United States, 19 Court of Claims Reports, page 497, in which General Meigs, the retired Quartermaster-General of the Army, claimed compensation for his services as superintendent of the construction of the Pension building in the city of Washington, and it was held by the court that he was entitled to such compensation upon the authority of the two cases above set forth. These authorities are conclusive in favor of a reasonable compensation to Governor Meriwether for his services as superintendent and disbursing officer of the public buildings in New Mexico, and the Court of Claims having found that such reasonable compensation would amount to $3,632.38, your committee report in favor of the allowance to him of that amount.

3. The next and last item of the claim is for the sum of $525, lost by Governor Meriwether under the following circumstances:

Having occasion to use a great amount of small coin in paying off the laborers employed on the public buildings, and having a great difficulty in obtaining it in the Territory, he procured from two banks in Louisville, Ky., the sum of $525 in small gold and silver coins. This was done at the suggestion of the Assistant Secretary of the Treasury, and was obtained with the claimant's own private funds, but exclusively for the purpose of paying the Government laborers in the Territory. He left Louisville on his return to New Mexico in March, 1856, with this coin contained in two bags, which he packed in his trunk in his state-room in the steam-boat on which he was going to St. Louis. He arrived at St. Louis in the morning, and had his trunk removed to another steam-boat that was to start up the Missouri River the same evening, and his trunk was placed in his state-room on board that boat.

When dinner was announced he bolted from the inside the door of the state-room that led out on the guards, locked the door leading into the cabin, put the key into his pocket, and took his seat at the dining table immediately opposite the last-named door. Immediately after finishing his dinner he returned to the state-room, found that the door leading out on the guards had been broken open; his trunk broken open, and the money which he had obtained as aforesaid for Government purposes, as well as his own money, was gone. He immediately went to the office of the chief of police in St. Louis and offered him one-half the money if he could recover it. He suggested that claimant should remain in St. Louis that night and see what could be done. He did so, but finding that nothing had been accomplished by the next day, took the railroad to Jefferson City, where he overtook the steam-boat, boarded it, and went to Independence, Mo., where he had to borrow $300 to enable himself and three mechanics, whom he was taking out to New Mexico to work on the public buildings, to get to Santa Fé. He never recovered any part of this money or received any credit for the same at the Treasury.

The loss was not caused by any fault or negligence on the part of the claimant, but was entirely accidental on his part, he having taken all due precautions against loss, and after the loss used all due diligence to recover the stolen money.

Upon this state of facts, the findings of the Court of Claims relieving the claimant entirely from all imputation of fault or negligence, it is very clear that Governor Meriwether ought to be reimbursed for this loss. Possibly he might have applied to the Court of Claims for relief from responsibility under the act of May 9, 1866 (14 Statutes at Large, page 44), which now forms a part of sections 1059 and 1062 of the Revised Statutes of the United States.

It was, however, for a long time supposed from the language of this act that it applied only to paymasters, quartermasters, commissaries, and other officers of the Army, and it was not until this decision of the Court of Claims in the case of Hobbs *vs.* United States, 17 Court of Claims Reports, page 189, that it was settled that the act had any application whatever to civil officers. Indeed, prior to that case there does not seem to have been any application ever made by any civil officer of the United States under the act. Probably it was for this reason that Governor Meriwether failed to file any claim in that court within the six years allowed by law. But whatever may have been the reason for his failure to present a claim, it is abundantly clear now that he is entitled to be reimbursed upon this branch of the claim also.

The facts and the law require a report in favor of the claim. The entire claim in its three branches aggregates $6,086.68.

Your committee, therefore, report back the bill H. R. 331, and recommend that the same do pass.

Court of Claims. David Meriwether *vs.* The United States. Congressional case No. 148.

FINDINGS OF FACT.

This case, referred by the Committee on Claims of the House of Representatives, under the provisions of the act of March 3, 1883, chapter 116 (22 Statutes at Large, page 485), having been heard by the court, the Attorney-General by his assistants appearing for the defense and protection of the interests of the United States, the court upon the evidence finds the facts to be as follows:

I.

The claimant, David Meriwether, was appointed governor of the Territory of New Mexico May 6, 1853, and held that office until October 30, 1857. From July 1, 1854, to June 30, 1857, he was paid at the rate of $3,000 a year and no more, being his salary as governor provided by the act of July 27, 1854. (9 Stat. L., p. 311.) He claimed that he was entitled to $1,000 a year additional for his services as superintendent of Indian affairs, under the act of September 9, 1850. (9 Stat. L., p. 447.) The Secretary of the Treasury, as well as the First Comptroller, concurred in this view, as appears by the following letter:

"TREASURY DEPARTMENT, *February* 14, 1856.

"SIR: The third section of the act of 9th September, 1850 (Little and Brown, 9, p. 447), provides that the governor of New Mexico shall perform the duties and receive the emoluments of superintendent of Indian affairs, and the twelfth section that he shall receive an annual salary of $1,500 as governor and $1,000 as superintendent of Indian affairs.

"By the act of the 27th July, 1854, volume 9, page 311, to increase the salaries of executive and judiciary officers in Oregon, New Mexico, Washington, Utah, and Minnesota, it is provided 'that the salary of the governor of New Mexico be, and the same is hereby, increased to the sum of $3,000.'

"Upon application of the governor of New Mexico, the Comptroller of the Treasury examined the question of rate of compensation to which he was entitled, and reported to me his opinion, from which I am unable to dissent, that under the foregoing provisions he is entitled to $3,000 as governor and $1,000 as superintendent, making together $4,000, but no more than $3,000 has been paid for want of sufficient appropriation.

"If the committee take the same view of the subject an additional appropriation will be required, as follows:

Say from 27th July, 1854, to 30th June, 1855	$929.30
For the year to end 30th June, 1856	1,000.00
For the year to end 30th June, 1857	1,000.00
Making	2,929.30

"I have the honor to be, very respectfully,

"JAMES GUTHRIE,
"*Secretary of the Treasury.*"

"Hon. R. M. T. HUNTER,
"*Chairman Committee on Finance, United States Senate.*"

The amount recommended in the above letter has never been paid the claimant, nor any part thereof.

II.

While the claimant was governor the Secretary of the Treasury requested him to act as commissioner and disbursing agent for the work of building the public buildings, as appears by the following letters:

"TREASURY DEPARTMENT, *May* 24, 1851.

"SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, asking that such steps be taken as may be deemed necessary for the selection of a suitable site for the penitentiary in New Mexico, and that measures be adopted for commencing the erection of the same.

"The honorable Secretary of War has transferred a site near Santa Fé, which, it is believed, possesses all the requisites for the purpose.

"Should this site meet your views, after a careful examination on your return to New Mexico, you are authorized to make the location there.

"To save the time which would necessarily be required to advertise for proposals if the work is executed by contract, the Department has decided to build it by hired labor. I have to request that you will act as commissioner and disbursing agent for the work. By appointing a competent superintendent to see that the work is faithfully executed and to procure suitable materials, it is hoped that the supervision in a general way and making the disbursements will not materially trespass upon your time, while such service will be of great importance in the economical and faithful execution of the work. Among the superintendent's duties will be those of a clerical nature, such as keeping the accounts and making out the reports and returns; and his certificate should form part of the vouchers taken by you for payments made.

"You have already been furnished with the plan and specifications for the penitentiary of Utah, which have been approved by this Department, and, with the exception of the materials to be used, may be adopted for the one in question. It is understood that building-stones of good quality abound in the immediate vicinity of the proposed site, which will be used instead of adobes. The first thing to be completed is the wall; after this, the cells and the rooms above. If there still remain funds enough to erect the keeper's house and the corral, they will be applied first in the completion of the former and what remains to the latter.

"As there is now no secure place for confining prisoners in New Mexico, it is important that the wall and cells should be finished with as little delay as practicable, so that it may be used even before the whole is completed, and the services of the convicts applied usefully in finishing the rest of the establishment.

"The deed of the site is in the possession of Capt. Langdon C. Easton, quartermaster at Albuquerque, N. Mex., who will be instructed to deliver it to you. After the title has been examined by the United States district attorney in New Mexico you will please forward it to this Department, with an abstract of title from that officer, to be submitted to the Attorney-General for final action; and as the Department by law can make no expenditure or advance until the title is approved by the Attorney-General, you will see the expediency of sending the deed and abstract as soon as may be after your return; you will, however, before sending them, have copies taken of the deed and abstract for reference in your office.

"Funds to meet the disbursements will be placed to your credit from time to time as they may be required, and at any point that will best suit you. You will also be supplied with the 'Regulations of the office of the construction of buildings under the Treasury Department,' and with blank forms for your accounts; these you will use, and you will please render your accounts quarterly, as therein directed.

"You will receive herewith a copy of the letter of the honorable Secretary of War of the 22d instant, stating that the site proposed would be transferred to this Department.

"I have the honor to be, sir, very respectfully, your obedient servant,

"JAMES GUTHRIE,
"*Secretary of the Treasury.*

"His Excellency D. MERIWETHER,
"*Governor of New Mexico.*"

"TREASURY DEPARTMENT, *June* 30, 1854.

"SIR: I have the honor to acknowledge the receipt of your letter of 29th ultimo, and in reply beg leave to state that your proceedings in removing the commissioners, superintendent, and clerk of the state-house being erected in New Mexico are approved. I do not consider the appointment of salaried commissioners as at all necessary, but shall be pleased if you will exercise a general supervision of the work during its progress. If this building and the penitentiary are not distant from each other, one superintendent and one clerk, it is believed, would be able to attend to both.

"The Department does not consider that the salaries of the individuals removed can properly be paid out of the appropriation made on the 31st May past, or out of any hereafter made for the completion of the building.

"The appropriation above referred to is $50,000, and 'to complete the public building in New Mexico.'

"If you will, as the Department wishes, assume the general superintendence of this work, funds to meet the disbursements will be placed to your credit from time to time as they may be required, and at any point that will best suit your convenience.

"Very respectfully, your obedient servant,

"JAMES GUTHRIE,
"*Secretary of the Treasury.*

"His Excellency D. MERIWETHER,
"*Governor of New Mexico, Santa Fé.*"

This work was no part of the claimant's duties as governor, and was undertaken by him at the special request of the Secretary of the Treasury as above set forth. The claimant was required to give a bond, with approved sureties, in the sum of $10,000, before disbursing any of this money. The work was done by hired labor and not by contract, and the workmen were paid weekly. The payments were therefore numerous and the responsibility great. The claimant settled his accounts to the complete satisfaction of the accounting officers of the Treasury and received their thanks for the interest he had taken in the matter. He disbursed in the matter of these buildings $72,647.53. A reasonable commission for his services in so doing would be 5 per cent. of the amount, being $3,632.38.

III.

The claimant having occasion to use a great amount of small coin in paying off the laborers employed on the public buildings, and having great difficulty in obtaining it in the Territory, procured from two banks in Louisville, Ky., the sum of $525 in small gold and silver coins. This was done at the suggestion of the Assistant Secretary of the Treasury, and was obtained with the claimant's own private funds, but exclusively for the purpose of paying the Government laborers in the Territory. He left Louisville on his return to New Mexico in March, 1856, with this coin contained in two bags, which he packed in his trunk in his state-room on the steam-boat on which he was going to St. Louis. He arrived at St. Louis in the morning and had his trunk removed to another steamboat that was to start up the Missouri River the same evening, and his trunk was placed in his state-room on board that boat.

When dinner was announced he bolted from the inside the door of the state-room that led out on the guards, locked the door leading into the cabin, put the key into his pocket, and took his seat at the dining-table immediately opposite the last-named door. Immediately after finishing his dinner he returned to the state-room, found that the door leading out on the guards had been broken open, his trunk broken open, and the money which he had obtained as aforesaid for Government purposes, as well as his own money, was gone. He immediately went to the office of the chief of police in St. Louis and offered him one-half the money if he could recover it. He suggested that claimant should remain in St. Louis that night and see what could be done. He did so, but finding that nothing had been accomplished by the next day, took the railroad to Jefferson City, where he overtook the steam-boat, boarded it, and went on to Independence, Mo., where he had to borrow $300 to enable himself and three mechanics, whom he was taking out to New Mexico to work on the public buildings, to get to Santa Fé. He never recovered any part of this money or received any credit for the same at the Treasury.

The loss was not caused by any fault or negligence on the part of the claimant, but was entirely accidental on his part, he having taken all due precautions against loss, and after the loss used all diligence to recover the stolen money.

The clerk will transmit a certified copy of these findings to the honorable the Committee on Claims of the House of Representatives.

Mr. FINLEY. Mr. Speaker——

Mr. MCMILLIN. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the call of committees for reports.

Mr. DOCKERY. Mr. Speaker, there is a special order assigning this day for a bill reported from the Committee on the Post-Office and Post-Roads.

Mr. LAIRD. I ask the gentleman from Missouri [Mr. DOCKERY] to yield to me in order that I may present two reports.

Mr. DOCKERY. I will yield to the gentleman for that purpose.

PRESIDIO, SAN FRANCISCO.

Mr. LAIRD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 6098) authorizing the construction and repair of the roads from the entrance to the reservation of the Presidio at San Francisco, Cal., to the national cemetery on the same, and the fencing and protection of the said reservation and the cemetery thereon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

THOMAS F. FOLEY.

Mr. LAIRD also, from the Committee on Millitary Affairs, reported back with a favorable recommendation the bill (H. R. 5376) for the relief of Thomas Fletcher Foley, alias Thomas Fletcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BUSINESS REPORTED FROM THE COMMITTEE ON LABOR.

By unanimous consent, on motion of Mr. O'NEILL, of Missouri, the resolution setting apart Tuesday, March 13, and Wednesday, March 14, for the consideration of business reported from the Committee on Labor was taken from the House Calendar, and referred to the Committee on Labor.

MAJ. DANIEL N. BASH.

Mr. STEELE, by unanimous consent, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2066) for the relief of Maj. Daniel N. Bash; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EFFICIENCY OF LINE OF THE ARMY.

Mr. STEELE also, by unanimous consent, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1347) to increase the efficiency of the line of the Army, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY, BATON ROUGE, LA.

Mr. ROBERTSON, by unanimous consent, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TELEGRAPH OPERATORS DURING THE WAR.

Mr. ROBERTSON also, by unanimous consent, from the Committee on Military Affairs, reported, as a substitute for House bills 1607 and 3331, a bill (H. R. 8003) for the relief of telegraph operators during the war; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

By unanimous consent, House bills 1607 and 3331 were laid on the table.

FRACTIONAL SILVER CERTIFICATES.

Mr. DARGAN, from the Committee on Banking and Currency, reported, as a substitute for H. R. 6140, a bill (H. R. 8004) authorizing the issue of fractional silver certificates; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

By unanimous consent, House bill 6140 was laid on the table.

Mr. BACON, by unanimous consent, submitted the views of a minority of the Committee on Banking and Currency upon the bill just reported by Mr. DARGAN; which were ordered to be printed with the report of the committee.

POLLY H. SMITH.

Mr. THOMPSON, of California, by unanimous consent, reported back favorably from the Committee on Invalid Pensions the bill (S. 43) granting a pension to Polly H. Smith; which was referred to the Committee on Pensions, and, with the accompanying report, ordered to be printed.

JACOB KINTZ.

Mr. THOMPSON, of California, also, by unanimous consent, reported back favorably from the Committee on Invalid Pensions the bill (S. 1086) granting a pension to Jacob Kintz, alias John Walters; which was referred to the Committee on Pensions, and, with the accompanying report, ordered to be printed.

TRESPASSERS ON INDIAN LANDS.

Mr. COBB, by unanimous consent, reported from the Committee on Indian Affairs a bill (H. R. 8005) to amend section 2148 of the Revised Statutes of the United States, in relation to trespassers on Indian lands; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TIMBER DEPREDATIONS.

Mr. COBB also, by unanimous consent, reported from the Committee on Indian Affairs a bill (H. R. 8006) to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CONRAD CLAYCOMB.

Mr. FINLEY. I ask unanimous consent for the present consideration of the bill (H. R. 6243) for the relief of Conrad Claycomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, directed and requested, out of any money in the Treasury of the United States not otherwise appropriated, to pay Conrad Claycomb the sum of $300, on account of commutation money paid by him under act of Congress of March 3, 1863.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRESIDENTIAL AND CONGRESSIONAL TERMS.

Mr. CRAIN, from the Committee on the Election of President, Vice-President, and Representatives, reported back favorably the joint resolution (H. Res. 120) proposing amendments to the Constitution changing the time for the commencement and limitation of the terms of the President, Vice-President, and members of Congress, and altering the date of the annual meeting of Congress; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF OFFICERS AND ENLISTED MEN.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 6260) for the relief of certain officers and enlisted men of the Army for services actually performed during the rebellion; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LOTTERY ADVERTISEMENTS.

Mr. LIND, in pursuance of leave heretofore granted, submitted the views of a minority of the Committee on the Post-Office and Post-Roads upon the bill (H. R. 3324) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for violation of the same; which were ordered to be printed.

MILITARY AND POSTAL TELEGRAPH.

Mr. DOCKERY. I must now insist on the regular order.

The SPEAKER *pro tempore*. The Clerk will read the order of business for to-day.

The Clerk read as follows:

Resolved, That Saturday, the 3d day of March, 1888, immediately after the reading of the Journal, be set apart for the further consideration of H. R. 1426, with amendments.

The title of the bill H. R. 1426 was read, as follows:

A bill supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act reported by Mr. DOCKERY from the Committee on the Post-Office and Post-Roads.

Mr. DOCKERY. I ask by unanimous consent that all general debate on this bill shall close in two hours—one hour and fifteen minutes to be controlled by the gentleman from New York [Mr. WHITE] and the remainder by the committee.

Mr. RANDALL. Let the gentleman from Missouri indicate when the final vote is likely to be taken.

Mr. RAYNER. I object to that.

Mr. DOCKERY. I would like to accommodate the gentleman from Maryland.

Mr. RANDALL. Say three hours.

Mr. DOCKERY. I will suggest that debate be closed in two and a half hours.

Mr. RAYNER. How much time do you propose to give to the gentleman from New York [Mr. WHITE]?

Mr. DOCKERY. An hour and fifteen minutes. I think we will be able to accommodate the gentleman from Maryland [Mr. RAYNER].

Mr. RAYNER. I do not wish to be heard, but I do wish there shall be full discussion.

The SPEAKER *pro tempore*. The Chair hears no objection, and the proposition of the gentleman from Missouri is agreed to—that the general debate shall be closed in two hours and a half.

Mr. DOCKERY. I wish to give notice to the House, Mr. Speaker, that it is my purpose to press the conclusion of this debate so as to reach a vote this afternoon, and to ask for a yea-and-nay vote on the passage of the bill. The gentleman from New York [Mr. WHITE] is first entitled to the floor.

The SPEAKER *pro tempore*. The Chair desires to state the agreement to close general debate in two hours and a half does not give any power to close debate in that time. No such power under the rules can be given, except by ordering the previous question, and at that hour the gentleman from Missouri can demand the previous question; and when it is ordered it will absolutely close the debate on the bill.

Mr. DOCKERY. At the close of the two hours and a half it is proposed, then, to consider the bill by sections.

The SPEAKER *pro tempore*. The bill is not in the Committee of the Whole, but in the House.

Mr. DOCKERY. One hour and fifteen minutes is to be controlled by the other side and the remainder of the time by the committee.

Mr. WHITE, of New York. Mr. Speaker, the object of remedial legislation should in all cases be to do what the king in the opera bouffe designated as making "the punishment fit the crime." Assuming a wrong exists which it is desired to remedy, it should be the first duty of the legislator in determining upon a line of legislation to assure himself, and to be able to assure his constituents, that the law proposed will at least tend to cure the defect before piling up statutory enactments in terms which too often only encumber the statute-books.

Before entering upon a discussion of certain affirmatively pernicious features of this bill, against which I feel bound to raise my voice in protest, I ask this House, and especially those who believe that some leg-

islation is necessary, to consider with me for a few moments the question of what we will be able to accomplish if we pass the bill.

Cui bono, gentlemen? What is the good? What new remedy does your voluminous enactment afford? The gentleman from Kansas [Mr. ANDERSON], who has the honor of introducing this bill, in the somewhat impassioned presentation which he made of this case said—and I quote his exact words—"There is no new legislation in it." I am glad upon some one point its promoter and myself can agree. There is bluster in it; there is buncombe in it; but in the words of the man who introduced it "there is no new legislation in it." So far as preventing the alleged abuse which the bill is aimed at, if such abuse exists, the existing laws afford a complete, an adequate, and a speedy remedy. Suppose in violation of corporate powers these subsidized roads have given up to the Western Union their telegraph line—I am speaking to lawyers now, and I call on every lawyer in the House to verify my statement that it is an elemental principle of law that the writ of *quo warranto* is a writ of right issuable on the application of any person interested, for either the mis-user or the non-user of any corporate franchise, and that such writ is issuable by any proper State court; and inasmuch as in this case it calls in question the acts of Congress of 1862 and the acts of 1864, a writ of error lies directly to the Supreme Court of the United States for final revision under the judiciary act of 1789, and the whole matter can be settled, and there will be no longer any ground for dispute.

But an inspection of the provisions of this bill shows the framer of it looks to the mandamus to be brought by that overloaded and overworked institution, the interstate-commerce law, as the cure for all the defects and errors which are alleged to exist.

And I desire to say to the gentlemen from Kansas [Mr. ANDERSON and Mr. PETERS] that so far as their own special enemy is concerned—the Union Pacific Railroad Company—there is already on the statute-book a provision which gives them such remedy without the necessity for the passage of this bill. That will be found in section 5262 of the Statutes, which provides:

The proper circuit court of the United States shall have jurisdiction to hear and determine all cases of mandamus, to compel said Union Pacific Railroad Company to operate its road as required by law.

The Supreme Court of the United States has held, in the case of the Union Pacific Railroad Company *vs.* Hall, reported in 91 United States, that this is not a provision that is limited to a Government officer in prosecuting public rights, but that private persons may, without the intervention of the Government law officer, move for a mandamus to enforce a public duty not due to the Government as such.

Now, so far as the Union Pacific Railroad is concerned, this much-desired mandamus provision is already given, not only to the Interstate Commerce Commission, but to any person who finds they are not operating their road and telegraph lines according to the provisions of the law.

The minority of the committee, when they expressed their views upon this subject, committed themselves to this system and the object which is claimed by the promoters of this bill, as will be found by noting the expression of the minority, in these words:

They are thoroughly in sympathy with the avowed purpose of the majority of the committee, to wit, the prevention of any unjust discrimination by any of the subsidized land-grant railroads, incorporated under act of July 1, 1862, and acts amendatory thereof, against any person or corporations desiring to use the telegraph facilities of said railroad companies, but they differ from the majority of said committee in that they believe that the legislation proposed would not be wise, if it were competent, and that the bill with its amendments is unconstitutional, as seeking to interfere with vested rights.

And now, sir, in order that the minority may not pose in the character of what they are not—simply as objectors to the bill that is proposed—but that they may bring forward a measure which will speedily and readily accomplish the objects that the committee by their report have in view, I give notice now that at the proper time I shall offer a substitute for the pending bill which I now read for the information of the House.

After striking out all after the enacting clause I propose to insert:

The circuit court of the United States within and for any district in which is situated any portion of any railroad or telegraph line belonging to or operated by a railroad or telegraph company which has received any subsidy of land or bonds from the United States under the act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and the acts amendatory thereof, shall have jurisdiction to hear and determine all cases of mandamus to compel said railroad or telegraph company to operate its road or telegraph line as required by law; and further, to hear and determine all informations and proceedings in *quo warranto* which may be brought for the alleged mis-user or non-user of any of the franchises of said railroad or telegraph lines; and any person alleging himself to be aggrieved by the action of said railroad or telegraph company shall have the right to file the relation for such writ of mandamus or the information for such writ of *quo warranto*: *Provided, however*, That this act shall not be construed as preventing the Attorney-General of the United States from proceeding upon his own motion by mandamus or *quo warranto* against any of the said railroad or telegraph companies whenever in his opinion the public interests will be subserved thereby; and he is hereby directed to examine forthwith all contracts between the Western Union Telegraph Company and the respective railroad and telegraph companies organized and operating under the provisions of the said act of July 1, 1862, and all amendments thereto; and if he believes them to be illegal, he is directed to bring suit for their cancellation and annulment.

Now, Mr. Speaker, it seems to me that with that provision we are proceeding, perhaps not according to the old Kansas method, but certainly according to a very simple and logical method to get at the merits of this case. There can be no escaping the Socratic syllogism that either these companies have violated their telegraph franchises or they have not; that the contracts which they have made with the Western Union Telegraph Company are void or they are binding. Then why not proceed to test the question in advance, and find out whether these franchises have been misused or have ceased to be used, and whether th contract which was made was valid or void under the law?

The word "Jayhawk" fell in the course of this discussion from the impetuous orator from Kansas, and it recalled to my mind a word that was familiar to me some twenty-five to thirty-five years ago, when I was living in a State contiguous to that much-respected State of Kansas, and when that name characterized certain people who were in the habit of dealing out so-called justice, the essential principle of which was to hang their victim first and discuss elaborately the question of his guilt or innocence afterwards. On going further away from the Shawnee and the Arapaho reservation I found that there were methods which, if not equally efficacious are at least, it seems to me, much more safe—that is, to reverse the order and try the question first and punish the accused afterwards, if he be found guilty. Does anybody pretend to say that the writ of *quo warranto* applied to this case will not determine whether or not these companies have misused their franchises? Does anybody pretend to determine that the writ of *quo warranto* will not establish the fact whether there is or has been a mis-user or a non-user of the franchise?

Does anybody pretend to claim that the writ of mandamus issued upon the application of a man who is aggrieved will not determine whether or not it is the duty of these telegraph lines to pursue a different policy from what they are pursuing; bringing about that result quite as efficiently as though three men had moved in the question upon whom rest the movements of all the railroads, of all the network of commerce in this country?

We either have such a speedy and plain and adequate remedy or we can have it by the enactment of this law, with which I am in hearty accord; and I hope the gentleman will be as ready to adopt it as he has been to adopt that which I have been called upon to characterize as bluster in the bill under consideration.

I can not see what is the necessity of encumbering the statute-book with pages on pages of legislation when we can accomplish it by a single section. I do not see any efficacy in loading a columbiad to shoot a canvas-back. It is as simple a proposition as possible that this will determine the question without interference with the rights of either of these coporations, if they have rights, and bring them before the bar of the country for condign punishment as quickly as it can be determined that they have committed wrong.

I do not intend to discuss the question which I discussed the other day as to the bad policy of this Government, with an indebtedness amounting to millions of dollars owing to it from the subsidized railroads, to cripple their resources. That is unnecessary. If a man ceases to deal with economical questions in consideration of this bill, and if there is a question of delivering a square blow between the eyes of the Western Union Telegraph Company, and if there is a question of delivering a square blow at that large debtor of the United States in order that the debt instead of growing smaller shall grow larger, then this bill will probably effect those objects. But if it is a question of proceeding to collect the money that is due us, this report shows that the receipts under the new arrangement have grown from $38,000 per year net profit, to $110,000 or $112,000 per year net profit.

A MEMBER. To what is the gentleman referring?

Mr. WHITE, of New York. The money due us from the Union Pacific Railroad Company alone. I propose, however, to go into the question of the facts in this case to show what is the real complaint and to make a slight allusion to the law which is applicable in the premises.

In 1862, when the Pacific Railroad bills were passed, there was already an overland telegraph across the continent. When these bills were passed there was incorporated into the bill authorizing the subsidized roads section 19, which permitted the telegraph company already operating across the continent to move from the stage-road which it then followed to the railroad as fast as it should be completed; giving it the right of way upon the road, and authorizing it to operate in harmony and in conjunction with it; and absolving the respective railroads from the duties of building a telegraph line in case such a harmonious arrangement was made. And I would say that that act remains unrepealed to-day. That took in the Overland line from Omaha to San Francisco. On the same day that the act of 1864 was passed, July 2, 1864, there was passed a second bill in aid of the construction of a telegraph line to Idaho, to the outlying Territories in the far Northwest, which gave to another company, the United States Telegraph Line, the right to build to Kansas City, and as there was a branch of this railroad expected to be built (and it was finally built to Denver, being known as the Kansas Pacific road) it gave the United States Telegraph Company the right to make the same arrangement as fast as the roads were built and the lines of telegraph were removed from the old stage-roads on to the newly constructed railroad.

The subsidized roads, however, seeing that they had plenty of money,

built their own lines of telegraph as they went across. In point of fact, while there was harmony of arrangement at the time, there was no contract entered into; and after the railroads were completed across the country competition very active and injurious to the interests of both companies, viewed from their standpoint, sprung up between these two companies.

I would say in this connection that there never was an overland telegraph company operated by the railroad companies as a continuous line. The Central Pacific Company owned its line; the Union Pacific Company owned its line, and the two formed a string across from Omaha to San Francisco. There was a movement attempted by those roads at one time to get up a connection with the rival telegraph company, the Atlantic and Pacific. And that connection having been made there has been very disastrous competition, viewed from their standpoint. A question sprung up between these two respective companies, which went to the extent of the Union Pacific Company cutting off the wires from the bridge at Council Bluffs and being about to take down the wires along the line of the road of the Kansas Pacific Railroad from Kansas City to Denver.

While this condition of affairs existed the Western Union Telegraph Company brought its suit for an injunction in the probate court of one of the counties of Kansas. That suit was removed to the circuit court of the United States for the district of Kansas, and it came up first before Mr. Justice McCrary, the circuit judge of that circuit, and afterwards before Mr. Justice Miller, of the Supreme Court of the United States, and in that suit Mr. Justice Miller—I call the attention of every lawyer here to what I am about to say, and I shall read from the record to prove it—in that suit Mr. Justice Miller, he who was most of all familiar with the enactments in regard to these enterprises; he who was assigned to the circuit in which the eastern portion of these enterprises was located; he, the senior justice of the Supreme Court of the United States, outranking in that respect by many years the Chief-Justice; he who stands, and who then stood, the peer of any man that has graced the bench in the history of that august tribunal, the Supreme Court of the United States—Mr. Justice Miller passed upon the question, and decided that the Western Union Telegraph Company had the right to make the contract, and that such a contract having been made with the Kansas Pacific Railway Company it was sustained. I shall not read at great length from his opinion, but I will read enough to show that I have not misstated what that learned judge did decide.

And here I wish to correct a statement which I was not able, from want of carrying the details in my mind, to correct at the time it was made by my friend from Kansas, Judge PETERS. He stated that this question came up upon demurrer. In fact, there was no question of demurrer in it. The case was heard upon bill and answer, supported by affidavits pro and con, which the report of the committee affirmatively shows. In order to fail to dissolve the injunction upon a motion for which dissolution the decision was made, it was absolutely necessary that the judge should hold, and the judge did hold without any equivocation, that the right existed to make the contract. This was in the Kansas Pacific case, depending for its strength upon the Idaho act of the 2d of July, 1864, and after passing upon sundry questions before that and referring to and setting out the two sections which have been already set out in the course of this discussion, and which will be found on page 215 of the report in this case, Judge Miller said:

> The allegation of the amended bill is that the Western Union Telegraph Company was, at the time it made the contract for the erection of the telegraph line now in question with the Kansas branch of the Pacific Railroad Company, the successor in right and in power of the United States Telegraph Company mentioned in this act. And that by virtue of the fourth section of the act the railroad company had the right to make the contract which was made, and was by that section relieved from the obligation to construct and operate a line of telegraph for the public use. It does not admit, in my opinion, of any reasonable doubt that if the United States Telegraph Company, mentioned in that statute, or any company which had the same rights and authorities on that subject that that company had, entered into an agreement with the Pacific Railroad Company, or any of its branches built under the authority of the original act of 1862, which secures the proper construction and operation of a line of telegraph along its road for the benefit of the public, that it is absolved from the obligation imposed upon it by the act of 1862 to construct *and to operate* such a telegraph line.
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> It was manifestly the design of this act of 1864 to enable the United States Telegraph Company to become substituted by a proper arrangement with the Pacific Railroad Company and its branches, to the right to build a telegraph line along the track and right of way of those railroad companies, and thereby to relieve those companies from the obligation to build *and operate* such a line. If, therefore, the contract is one which provides for the erection of a telegraph line to answer both the purposes of the public and of the railroad company, it is one which is authorized by this statute, and which relieved the railroad company from the obligation to construct and to build another line or any line. That such is the proper construction of the fourth section of this act of 1864 is obvious from an examination of section 19 of the original act of 1862. That section provided "that the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California Telegraph Company, so that the present line of telegraph between the Missouri River and San Francisco may be moved upon or along the line of said railroad and branches as fast as said road and branches are built; and if said arrangement be entered into, and the transfer to said telegraph line be made in accordance therewith, to the line of said railroad and branches, such transfer shall, for all the purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph."
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> The three telegraph companies here spoken of together constituted, at the time this statute was passed, a continuous line of telegraph from the Missouri River to San Francisco; and it was obvious that the building of another line parallel to that, and not far distant from it, would have a very injurious effect upon the value of the property of those telegraph companies; and it was to protect those companies and to prevent the injury which would follow from the construction of another line between the same points over an uninhabited region of country that Congress provided that by an arrangement with the railroad company, if those companies should remove their wires along the line of that road so they could be used both for railroad purposes and the use of the general public, then the obligation of the railroad company under the act of Congress to build another line should no longer exist. The act of 1864, which we have just referred to, concerning the United States Telegraph Company, was clearly designed to give it a similar privilege, and if the arrangement was made and that company should build or transfer its line to the line of the railroad company, the railroad company in like manner was released from the obligation to construct and build another line. I hold it, therefore, to be very clear that if the present telegraph line as it is now operated and run by the Western Union Telegraph Company can be traced to the authority of that act of 1864, and the Western Union Telegraph Company in making that contract exercised rightfully the powers conferred upon the United States Telegraph Company, the contract is valid, although it forbids the railroad company to convey commercial messages over the single wire which it has the right to control for its own business.

Now, I ask gentlemen not to overlook the distinction between these two cases. The learned judge concedes that the right existed by the act of July 1, 1862, so far as the overland telegraph line was concerned, from Omaha to San Francisco. In that case there was no question of fact raised as to whether the Western Union Telegraph Company was the successor of the three lines constituting the Overland Telegraph Company. It was conceded that the Western Union Telegraph Company was the successor of the three lines which constituted the overland line; and the judge says that in view of the act in regard to Idaho, passed July 2, 1864, as to that line, the right existed to make a contract by which they should debar themselves from doing any commercial business, which is not the case in the contract with the Union Pacific and Central Pacific.

Now the question recurs, what is the duty and what have become of the rights of these corporations under that contract which Mr. Justice Miller decided was legally made?

I regret that my learned and esteemed friend from Illinois [Mr. HOPKINS] is absent to-day, because I had desired to comment upon his proposition that the case of Dartmouth College against Woodward is no longer considered law in this country. He said that certain statements of mine were startling propositions of law. In reply to that remark, I desire to say that I do not think the gentleman was as much startled at my propositions of law as the country at large would be startled if his statements made on the floor of Congress were true in regard to the revered foundation-stone of our judicial rulings upon constitutional law—a decision which has been unquestioned for seventy years save one, having been announced that long ago by the great Chief-Justice Marshall, who is gratefully remembered by the whole country as having been the "author and finisher" of the early expositions of constitutional law in this country. The opinion delivered in that case by Chief-Justice Marshall was supported by a concurrent and exhaustive opinion from the erudite and scholastic Story; and if the statement should go out unquestioned from this House that the decision of the Supreme Court in that case, which has never been questioned in sixty-nine years, but has been supported by the rulings of the Supreme Court of the United States during that time, is overruled, the people of this country would be more startled than the gentleman was at the proposition which I advanced.

As the gentleman from Illinois is not here to-day, I think it fair to read what he said in the second instance, qualifying his previous declaration. I read from page 1302 of the RECORD:

> In listening to the debate I felt constrained to take issue with the statement of law announced by the gentleman from New York, the champion of the minority report in this case. I had occasion during the debate to state that the Dartmouth College case, cited by him, did not, in my judgment, apply to this class of cases; that the people of this country are supreme upon all questions of this kind, and their rights can not be legislated away. I found, Mr. Speaker, that my position was criticised by men for whose good opinion I care much; and this has caused me to examine more carefully not only the report of the committee, but the evidence before the committee in the Forty-ninth Congress and the law which governs the case. This investigation has not only confirmed me in the view which I took of the law while the debate was in progress, but has caused me to dissent from the statement of facts as given by the gentleman from New York on behalf of the minority of the committee. I take issue with him as to the rights of the Western Union Telegraph Company—not only as to the facts upon which he claims there is a valid contract between that company and these railroad companies, but as to the law itself.

I do not wish to make further comment on this point. I have read this second explanation in order not to misrepresent, but to do entire justice to a gentleman whom I esteem personally and for whose judgment in matters of law I have great respect. But if any one has any question as to the fact that the decision of the Supreme Court in the Dartmouth College case has been uniformly cited and followed with approval, I will refer in the first instance to the action of the Supreme Court in 1823 (four years after the Dartmouth College decision) in the great case of Green *vs.* Biddle, in which the young statesman of Kentucky, then known as the "gallant Harry of the West," came here as the champion of his State to aid, if he could, the settler whose rights were sought to be protected under a statute which was in violation of the Constitution of the United States; but his great eloquence and legal ability failed to cause the Supreme Court to change their former ruling. On the contrary, they cited it with approval and confirmed it.

Coming down to the present era, that decision was cited in 1870, in the Pennsylvania College cases, 13 Wallace. It was cited in 1872 in the case of Miller *vs.* The State, 15 Wallace. It was cited in 1884 in the Virginia

Coupon cases, 114 United States Reports; and I risk the prediction that when the judgment in the California cases, recently under consideration in that court, shall be pronounced, the Dartmouth College decision will be again cited with approval. So much for the credit which is to be given to that decision.

But I do not ask this House to take that into account at all. I refer to a case in which the Union Pacific Railroad Company sought to shield itself from the provisions of the sinking-fund act, and I cite the opinion of the Supreme Court of the United States, covering fully all the questions which can arise in this case. I will read but a few sentences from a very voluminous opinion:

I read first from page 718 of 99 United States the opinion of the Chief-Justice:

It is our duty, when required in the regular course of judicial proceedings, to declare an act of Congress void if not within the legislative power of the United States; but this declaration should never be made except in a clear case. Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the Government can not encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule.

The United States can not, any more than a State, interfere with private rights except for legitimate governmental purposes. They are not included within the constitutional prohibition which prevents States from passing laws impairing the obligation of contracts, but equally with the States they are prohibited from depriving persons or corporations of property without due process of law. They can not legislate back to themselves, without making compensation, the lands they have given this corporation to aid in the construction of its railroad. Neither can they, by legislation, compel the corporation to discharge its obligations in respect to the subsidy bonds otherwise than according to the contract already made in that connection. The United States are as much bound by their contracts as are individuals.

And I commend to my friend from Iowa [Mr. WEAVER], who spoke on another question a day or two since, that and the following sentence:

If they repudiate their obligations, it is as much repudiation, with all the wrong and reproach that term implies, as it would be if the repudiator had been a State or a municipality or a citizen.

Then he goes on to say, and I will only read a sentence from page 721:

Giving full effect to the principles which have thus been authoritatively stated, we think it safe to say that whatever rules Congress might have prescribed in the original charter for the government of the corporation in the administration of its affairs, it retained the power to establish by amendment. In so doing it can not undo what has already been done, and it can not unmake contracts that have already been made, but it may provide for what shall be done in the future, and may direct what preparation shall be made for the due performance of contracts already entered into. It might have originally prohibited the borrowing of money on mortgage, or it might have said that no bonded debt should be created without ample provision by sinking fund to meet it at maturity. Not having done so at first, it can not now by direct legislation vacate mortgages already made under the powers originally granted nor release debt already contracted. A prohibition now against contracting debts will not avoid debts already incurred.

An amendment making it unlawful to issue bonds payable at a distant day, without at the same time establishing a fund for their ultimate redemption, will not invalidate a bond already out. All such legislation will be confined in its operation to the future.

Now let us apply the rule as laid down there to this case. I neglected to state in my statement of the facts that this position of Judge Miller was pronounced in 1880, and that in the subsequent year a contract was entered into by the Western Union Telegraph Company and the subsidized railroad companies whereby the Union Pacific Railroad Company surrendered its lines, expressly reserving the right to keep up its franchises. They agreed to work those lines in harmony. They agreed they would divide the expenses of the labor. They agreed they would mutually lease to each other their respective lines for use one by the other, and that lease was carried out and they went into operation. The Union Pacific came into possession of the lines of telegraph belonging to the Western Union along its line, and the Western Union Telegraph came into possession in connection with the Union Pacific of the lines belonging to that road. Their rights under this lease became vested rights, and are as absolutely perfect as if under a proper statute authorizing it they had paid for and delivered the property one to the other.

In this case the contract is for twenty-five years. One of the considerations paid by the Western Union Telegraph line, which is being paid from day to day, is the provision of $25,000 of telegraphing each year in the business of the railroad company so that it can control freight in Boston, in New York, in Philadelphia, and all the cities of the country with direct communication with its freight agents in these cities—receiving $25,000 of telegraphing without the payment of a cent. It built a line of wire along the Missouri River between Kansas City and Omaha, and it gives that exclusively to the Union Pacific for the uses of that road.

Now, sir, I come to the discussion of the proposition made by the gentleman from Minnesota [Mr. LANE] and the gentleman from Illinois [Mr. HOPKINS]. It was insisted this was a police regulation and was therefore excepted from the provisions. And the leading case on police regulations is the one known as the sinking-fund case of the Chicago, Burlington and Quincy Railroad Company against the State of Iowa (94 United States, page 115).

The Chicago, Burlington and Quincy Railroad Company, at the time this writ was brought, was made up by the union of the Chicago, Burlington and Quincy Railroad Company, of Illinois, and the Mississippi and Missouri Railroad Company, of Iowa. The question was whether they had the right to regulate the tolls that may be charged by that road by legislative enactments in Iowa; and the Supreme Court held they could, because it was a proper regulation of interstate commerce, or commerce that would benefit the citizens of that State. But if the Legislature had gone back one step further and had undertaken to pass upon the question of whether or not the Mississippi and Missouri Railroad Company of Iowa could form such a union with the Chicago, Burlington and Quincy of Illinois, then it would have presented a parallel case with this case, and then the courts would have interposed and said, "No; that is a matter beyond legislative control."

Mr. Speaker, apply the same reasoning to this case, and the transmission of messages by telegraph being a great commercial measure, there can be no doubt that the Congress of the United States can control, by interstate regulation similar to the Interstate Railroad Commission, the tairffs and the methods under which the business can be done. But they can not go back, any more than the Legislature of Iowa could have gone back in the case to which I have alluded, in the consolidation of the Mississippi and Missouri and the Chicago, Burlington and Quincy Railroads; they can not go back and take the union of these two companies for a period of twenty-five years which they made, whereby they became mutually interested in each other's lines and undertook to operate them in harmony under a contract properly made by authority of law.

I have, I believe, said all I desired to say upon the question of fact and upon the question of constitutional law presented by this bill; but so much has been said in regard to this great ogre—and I can not remember the terms which have been used to denounce it—and upon which the light of God's eternal justice was to be let in by this law, that I propose to give a few statistics for the information of gentlemen in regard to what this ogre is and what it has done; and I call attention of gentlemen to what this scriptural beast, with its seven heads and ten horns, this *Octopus giganticus*, this devil-fish extraordinary, which has been brought before the bar of this House for condemnation as having preyed upon the substance of this country for years and sapped its vitals to the very foundation, has done. I am prepared here with some statistics which will make interesting reading, and which I will not take the time to read now in detail, but pass to the Reporters and ask to have them incorporated as a part of my remarks.

Table exhibiting the mileage of lines operated by the Western Union Telegraph Company, number of offices, number of messages sent, receipts, expenses, profits, and average tolls and cost per message, for each year since 1866.

Year.	Miles of poles and cables.	Miles of wire.	Offices.	Messages.	Receipts.	Expenses.	Profits.	Average tolls per message.	Average cost to company of message.
1866	37,380	75,686	2,250	.....	.....	.....	.....	.....	.....
1867	46,270	85,291	2,505	5,879,282	$6,568,925.36	$3,944,005.63	$2,624,919.73	.....	.....
1868	50,183	97,594	3,219	6,404,595	7,004,580.19	4,362,849.32	2,641,710.87	$1.04.7	$0.63.4
1869	52,099	104,584	3,607	7,934,933	7,316,918.30	4,568,116.85	2,748,801.45	89.3	54.2
1870	54,109	112,191	3,972	9,157,646	7,133,737.96	4,910,772.42	2,227,965.54	75.5	51.2
1871	56,632	121,151	4,606	10,646,077	7,637,448.85	5,104,787.19	2,532,661.66	69.5	45.7
1872	62,033	137,190	5,237	12,444,499	8,457,095.77	5,666,863.16	2,790,232.61	66.2	43.8
1873	65,757	154,472	5,740	14,456,832	9,333,018.51	6,575,055.82	2,757,962.69	62.5	43.4
1874	71,585	175,735	6,188	16,329,256	9,262,653.98	6,755,733.83	2,506,920.15	54.9	39.5
1875	72,833	179,496	6,565	17,153,710	9,564,574.60	6,333,414.77	3,229,157.83	54.0	35.2
1876	73,532	183,832	7,072	18,729,567	10,034,983.66	6,635,473.69	3,399,509.97	50.9	33.5
1877	76,955	191,323	7,500	21,158,941	9,812,352.61	6,672,224.94	3,140,127.67	43.6	29.8
1878	81,002	206,202	8,014	23,918,894	9,861,355.23	6,309,812.53	3,551,542.70	38.9	25.0
1879	82,987	211,566	8,534	25,070,106	10,960,640.46	6,160,200.37	4,800,440.09	38.6	25.2
1880	85,645	233,534	9,077	29,215,509	12,782,894.53	6,948,956.74	5,833,937.79	38.5	25.4
1881	119,340	327,171	10,737	32,500,000	14,393,543.85	8,485,264.13	5,908,279.72	38.4	25.6
1882	131,060	374,368	12,068	38,842,247	17,114,165.92	9,996,095.92	7,118,070.00	38.2	25.8
1883	144,294	432,726	12,917	41,181,177	19,454,902.98	11,794,553.40	7,660,349.58	38.0	26.0
1884	145,037	450,571	13,761	42,076,226	19,632,939.60	13,022,503.90	6,610,435.70	36.5	25.2
1885	147,500	462,283	14,184	42,096,583	17,706,833.71	12,005,909.58	5,700,924.13	32.1	24.9
1886	151,832	489,607	15,142	43,289,807	16,298,638.55	12,378,783.42	3,919,855.13	31.3	23.4
1887	156,814	524,641	15,658	47,394,530	17,191,909.95	13,154,628.54	4,037,281.41	30.4	23.0

The details of the Western Union telegraph business which I hold in my hand run through a period of twenty years, from 1867 to 1887, inclusive. In 1867 they had wires enough in this country to go three times around the globe, and they transmitted messages for which they charged on the average $1.04\frac{7}{10}$ to every person sending messages over the lines. In 1869 this octopus had thrown another coil around the world, and had sufficient wires to go four times around the globe. That year they charged 69 cents for every message sent during the year on the average. In 1871 they had taken another coil, and then had wire enough to go five times around the globe, and the price was down to 62 cents on the average for each message. Further enumeration I will not give, not wishing to weary the House by calling attention to these details, but will content myself with stating that in 1887 they had in operation in this country 524,641 miles of wires, enough to go twenty-one times around this globe measured at the equator, and that they charged for messages sent during that time an average of only $30\frac{1}{2}$ cents per message, which cost them 23 cents per message to transmit, leaving a profit of $7\frac{1}{2}$ each.

Let us see now what they have been doing in another direction. The gentleman from Missouri [Mr. DOCKERY] who has charge of this bill asked me the other day, in this discussion, as to when the reductions were made and under what circumstances, and the gentleman from Illinois [Mr. DUNHAM] was particularly anxious to know whether they had been made at the time when the company was coerced by aggressive competition. I am here with statistics which I will ask to have incorporated as a part of my remarks, showing when each reduction was made. This Western Union Company in that region west of the Missouri River, that *imperium in imperio* spoken of by the gentleman from Kansas who introduced the bill as having more than half the territory of the United States, and more than 8,000,000 people—the Western Union Company west of the Missouri River has made in general reduction of rates as follows: In 1871 all rates above $5 were reduced to $5. In 1873, all rates above $2.50 were reduced to $2.50. In 1879, all rates above $2 were reduced to $2. In 1882, a year after this consolidation, or this agreement for the joint operation of these roads, all rates above $1.50 were reduced to $1.50, and in March, 1884, when there was no competition on these lines, all rates above $1 throughout the length and breadth of the United States were reduced to $1.

None of these general changes were prompted or forced by competition. They covered the whole territory occupied by the lines of the Western Union Company. During competition in 1877 the $2.50 rate, New York to San Francisco and intermediate competing places west of Omaha, was reduced to $2. This rate was not disturbed after the consolidation with the Atlantic and Pacific Company, and in 1879, as related above, $2 was made the maximum rate at every Western Union office, and then reduced as noted to $1.50 in 1882 and $1 in 1884.

Between offices west of the Missouri River the record shows that in 1872 the tariff between Omaha and San Francisco was $2.35, and the tariff of offices east of Ogden with offices west was found by adding the local rates east and west from that point together, subject to the limitations of the maximum rates above given. Within the State of Nebraska the maximum has fallen from $1.25 in 1879 to 40 cents at present; in Kansas, from $1 in 1879 to 40 cents at present; in Wyoming, from $1 in 1879 to 40 cents at present; in Colorado, from $1 in 1879 to 40 cents at present. Similar changes were made in other States and Territories west of Omaha.

I call the attention of the gentleman from Illinois [Mr. DUNHAM] to the fact that in every State and Territory west of the Mississippi River, in the State of Kansas, in the State of Nebraska, in Minnesota, in the Territory of Wyoming, in the Territory of Dakota, and in all the States and Territories on this side of the mountains, the present local rate is 40 cents for any point within the State or Territory from which it is sent, and that reduction was made after the last settlement with the Baltimore and Ohio Telegraph Company, which company brought this measure before Congress during the last term.

There is at present no rate between any two offices in any of the Western States or Territories higher than 50 cents. In 1877 the rates between California offices ran from 25 cents to $1.50. In that year the highest rate between Western Union offices along the Pacific coast was $2. At present the highest rate is 60 cents for a day and 50 cents for a night message.

Now, I desire to make a statement as to what kind of service the public has in this matter. I have a statement here showing the number of Western Union offices open in the States and Territories west of the Mississippi River during 1879 and at present.

In Minnesota the number was 225 in 1879 and 441 in 1888. In Iowa the number then was 448; is now 833. In Missouri the number then was 312; is now 580. In Arkansas the number then was 40; it is now 143. In Louisiana the number then was 40; it is now 106. In Dakota the number then was 15; it is now 311. In Nebraska it was then 55; now 442; in Kansas, then 175, now 626; in the Indian Territory, then 11, now 33; in Texas, then 117, now 360; in Montana, then 3, now 87; in Wyoming, then 15, now 49; in Colorado, then 57, now 210; in New Mexico, then 5, now 61; in Idaho, then 5, now 35; in Utah, then 5, now 46; in Arizona, then 1, now 33; in Nevada, then 36, now 39; in Washington Territory, then 20, now 78; in Oregon, then 34, now 78; in California, then 266, now 379—a total for the Western States and Territories, including all west of the Mississippi River, of 1,885 offices in 1879 and 4,970 in 1888.

I will also have printed, with the leave of the House, as part of my remarks, a comparative statement showing what was the highest interstate charge in 1879 and what is the highest at the present time. I will not detain the House by reading it.

Statement showing the highest interstate charge in 1879 *and* 1888, *respectively, expressed in cents.*

States and Territories.	Minnesota.	Iowa.	Missouri.	Arkansas.	Louisiana.	Dakota.	Nebraska.	Kansas.	Indian Ter.	Texas, East.	Texas, West.	Montana.	Wyoming.	Colorado.	New Mexico.	Idaho.	Utah.	Arizona.	Nevada.	Washington.	Oregon.	California, N'th	California, S'th.
Minnesota, 1879	125	165	190	215	240	.....	240	240	215	290	290	340	290	290	340	340	290	.....	340	340	340	340	340
Minnesota, 1888	40	50	50	60	75	50	50	60	75	75	75	60	75	75	75	75	75	100	100	100	100	100	100
Iowa, 1879	.....	75	100	125	150	175	125	125	125	200	200	250	150	150	200	250	200	.....	250	250	250	250	250
Iowa, 1888	50	40	50	50	60	50	50	50	60	75	75	75	60	60	75	100	75	100	100	100	100	100	100
Missouri, 1879	.....	100	100	100	150	200	150	125	100	200	200	250	150	150	200	250	200	.....	250	250	250	250	250
Missouri, 1888	50	50	40	50	60	60	50	50	50	60	60	75	60	60	75	100	75	100	100	100	100	100	100
Arkansas, 1879	.....	125	100	75	100	225	150	150	125	150	150	250	200	200	200	250	250	.....	250	250	250	250	250
Arkansas, 1888	60	50	50	40	50	75	60	50	50	50	60	75	75	75	75	100	75	100	100	100	100	100	100
Louisiana, 1879	.....	150	150	100	75	250	200	200	150	125	125	250	200	200	250	250	250	.....	250	250	250	250	250
Louisiana, 1888	75	60	60	50	40	75	75	60	60	50	60	75	75	75	75	100	75	100	100	100	100	100	100
Dakota, 1879	.....	175	200	225	250	.....	250	250	225	300	300	350	300	300	350	350	300	.....	350	350	350	350	350
Dakota, 1888	50	50	60	75	75	50	50	60	75	75	75	50	60	75	75	75	75	100	100	75	75	100	100
Nebraska, 1879	.....	125	150	150	200	250	100	125	200	200	200	200	150	125	200	200	150	.....	250	250	250	250	250
Nebraska, 1888	50	50	50	60	75	50	40	50	50	75	75	75	50	50	60	75	60	75	75	100	100	100	100
Kansas, 1879	.....	125	125	150	200	250	125	125	150	200	200	250	200	150	200	250	200	.....	250	250	250	250	250
Kansas, 1888	60	50	50	50	60	60	50	40	50	60	60	75	60	50	60	75	60	75	75	100	100	100	100
Indian Territory, 1879	.....	125	100	125	150	225	200	150	100	150	150	250	200	200	200	250	200	.....	250	250	250	250	250
Indian Territory, 1888	75	60	50	50	60	75	50	50	50	60	60	75	75	60	75	100	75	100	100	100	100	100	100
Texas, East, 1879	.....	200	200	150	125	300	200	200	150	100	100	250	200	200	250	250	250	.....	250	250	250	250	250
Texas, East, 1888	75	75	60	50	50	75	75	60	60	50	50	75	75	60	60	100	75	75	100	100	100	100	100
Texas, West, 1879	.....	200	200	150	125	200	200	200	150	100	100	250	200	200	250	250	250	.....	250	250	250	250	250
Texas, West, 1888	75	75	60	60	60	75	75	60	60	50	50	75	75	60	60	100	75	60	100	100	100	100	75
Montana, 1879	.....	250	250	250	250	350	200	250	250	250	250	75	200	200	250	100	125	.....	250	250	250	250	250
Montana, 1888	60	75	75	75	75	50	75	75	75	75	75	50	60	60	75	50	60	75	75	60	60	75	100
Wyoming, 1879	.....	150	150	200	200	300	150	200	200	200	200	200	100	150	150	150	100	.....	150	250	250	250	250
Wyoming, 1888	75	60	60	75	75	60	50	60	75	75	75	60	40	50	60	50	50	75	75	75	75	75	75
Colorado, 1879	.....	150	150	200	200	300	125	150	200	200	200	200	150	100	125	150	125	.....	150	250	250	250	250
Colorado, 1888	75	60	60	75	75	75	50	50	60	60	60	60	50	40	50	60	50	60	60	75	75	75	75
New Mexico, 1879*	.....	200	200	200	250	350	200	200	200	250	250	250	150	125	50	200	150	.....	250	250	250	250	250
New Mexico, 1888	75	75	75	75	75	75	60	60	75	60	60	75	60	50	50	75	60	50	75	75	75	75	60
Idaho, 1879*	.....	250	250	250	250	350	200	250	250	250	250	100	150	150	200	50	100	.....	225	250	250	225	225
Idaho, 1888	75	100	100	100	100	75	75	75	100	100	100	50	50	60	75	50	50	75	60	60	60	75	75
Utah, 1879	.....	200	200	250	250	300	150	200	200	250	250	125	100	125	150	100	75	.....	200	200	200	200	200
Utah, 1888	75	75	75	75	75	75	60	60	75	75	75	60	50	50	60	50	50	60	50	75	75	60	75
Arizona, 1879†	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arizona, 1888	100	100	100	100	100	100	75	75	100	75	60	75	75	60	50	75	60	50	60	75	75	60	50

*Only 5 offices (not distant from each other) in 1879.

†No offices in 1879.

Statement showing the highest interstate charge in 1879 *and* 1888, *respectively, expressed in cents*—Continued.

States and Territories.	Minnesota.	Iowa.	Missouri.	Arkansas.	Louisiana.	Dakota.	Nebraska.	Kansas.	Indian Ter.	Texas, East.	Texas, West.	Montana.	Wyoming.	Colorado.	New Mexico.	Idaho.	Utah.	Arizona.	Nevada.	Washington.	Oregon.	California, N'th.	California, S'th.
Nevada, 1879	.....	250	250	250	250	350	250	250	250	250	250	250	150	150	250	225	200	.....	100	150	150	150	150
Nevada, 1888	100	100	100	100	100	100	75	75	100	100	100	75	75	60	75	60	50	60	50	60	60	50	60
Washington, 1879	.....	250	250	250	250	350	250	250	250	250	250	250	250	250	250	250	200	.....	150	100	125	150	150
Washington, 1888	100	100	100	100	100	75	100	100	100	100	100	60	75	75	75	60	75	75	60	50	50	60	60
Oregon, 1879	.....	250	250	250	250	350	250	250	250	250	250	250	250	250	250	250	200	.....	150	125	100	150	150
Oregon, 1888	100	100	100	100	100	75	100	100	100	100	100	60	75	75	75	60	75	75	60	50	50	50	60
California, North, 1879	.....	250	250	250	250	350	250	250	250	250	250	250	250	250	250	225	200	.....	150	150	150	100	150
California, North, 1888*	100	100	100	100	100	100	100	100	100	100	100	75	75	75	75	75	60	60	50	60	50	50	50
California, South, 1879	.....	250	250	250	250	350	250	250	250	250	250	250	250	250	250	225	200	.....	150	150	150	150	100
California, South, 1888*	100	100	100	100	100	100	100	100	100	100	75	100	75	75	60	75	75	50	60	60	60	50	50

* Maximum to San Francisco, 1888, 40 cents.

Now, sir, I have said that the average rates of this octopus were 30.4 cents for each message during the year. We have often been cited to the cheap telegraphy they have in Europe, in England and France. I have here and will read to the House a comparative statement by which I think, perhaps, some gentlemen may be startled to find that, considering the distances that messages are sent in this country, there is no country on the globe that enjoys such facilities for telegraphy as those enjoyed here. It is true the normal number of words to be sent as a message in England is twenty, and here it is ten. But there they provide for counting the words composing the address and the signature; while here any address to the care of anybody at the corner of any street and avenue, embracing ten or fifteen words, can go in free.

I have here a comparison of London and Washington rates for a message of 22 words, *i. e.*, 9 words of address and signature and 13 words in the body of the message. (Twenty-two words was the average found in a large number of New York messages—9 words in address and signature, 13 in the body.) The distances given are air line.

FROM LONDON.

250 miles, 22 words, 88 cents to $1.32, Belgium, Holland, France.
500 miles, 22 words, $1.10 to $1.54, France, Germany, Switzerland.
750 miles, 22 words, $1.32 to $1.98, Germany, Austria, Italy.
1,000 miles, 22 words, $1.98 to $2.86, Austria, Italy, Spain, Russia.
1,250 miles, 22 words, $1.98 to $3.08, Austria, Turkey.
1,500 miles, 22 words, $2.86 to $3.20, Russia, Turkey, Greece.

FROM WASHINGTON.

250 miles, 22 words, 23 to 59 cents, day; 23 to 36 cents, night.
500 miles, 22 words, 49 to 59 cents, day; 23 to 36 cents, night.
750 miles, 22 words, 59 to 72 cents, day; 36 to 49 cents, night.
1,000 miles, 22 words, 59 to 90 cents, day; 36 to 59 cents, night.
1,250 miles, 22 words, 72 to 90 cents, day; 59 to 72 cents, night.
1,500 miles, 22 words, 90 cents, day; 72 cents, night.
1,750 miles, 22 words, 90 cents, day; 72 cents, night.
2,000 miles, 22 words, 90 cents to $1.21, day; 72 to 90 cents, night.
2,250 miles, 22 words, $1.21.
2,500 miles, 22 words, $1.21.

Rates from Paris for a 22-word message are given below (air line):

250 miles, 22 cents to $1.32; France, England, Belgium, Germany.
500 miles, 72 cents to $1.05; Germany, Switzerland, Hungary.
750 miles, 88 cents to $1.25; Italy, Austria, Denmark, Spain.
1,000 miles, $1.05 to $2.33; Austria, Sweden, Russia, Turkey.
1,250 miles, $2.11 to $2.35; Russia, Turkey, Greece.

I want to call the attention of the House to the fact that the rates I have given for this country are not limited to points within our interterritorial limits. In the figures which I have given Nova Scotia, New Brunswick, Ontario, Quebec, all those provinces, are included; and the following are the rates from New York to different places, including those provinces:

250 miles, from 22 to 49 cents.
500 miles, from 28 to 59 cents.
750 miles, from 28 to 72 cents.
1,000 miles, from 59 to 90 cents.
1,250 miles, from 72 to 90 cents.
1,500 miles, 90 cents.

To the Pacific coast, from 90 cents to $1.21. Anywhere over the broad domain, from Jacksonville, Fla., to the remotest point in Washington Territory, $1.21, and no more, being a rate of $1 for 10 words and 7 cents for each additional word.

Mr. BREWER. Will the gentleman permit a question?

Mr. WHITE, of New York. Yes, sir.

Mr. BREWER. As the gentleman has given this matter a great deal of investigation, I want to ask him how the average rates for messages in this country compare with those in the countries of Europe, in England, France, and Germany, taking distance into consideration?

Mr. WHITE, of New York. You mean England within England, Germany within Germany, and France within France?

Mr. BREWER. Yes.

Mr. WHITE, of New York. As to Germany I am not able to answer; I have not the data; but assuming the distances that are embraced in England an answer will be found in this statement. The minimum rate for 250 miles, which I suppose would be the maximum distance from London to any point in England, is 88 cents for 22 words. Upon examination, however, I find those tables are for business in Belgium, Holland, and France only, so I cannot answer.

Mr. LIND. Will the gentleman permit me a question?

Mr. WHITE, of New York. Yes, sir.

Mr. LIND. In the State of Minnesota, where I reside, at New Ulm, the county seat of Brown County, we have to pay 45 cents for a message to another county seat only 45 miles distant, on the same line of railroad, and over the same wire—45 cents for 45 miles.

Mr. WHITE, of New York. I desire to say to the gentleman that he is giving us ancient history. The answer to his question is simply that he is mistaken, and that since this consolidation was made the rate is 40 cents anywhere within the State of Minnesota. I "speak by the card, lest equivocation should undo me."

Mr. LIND. I state on my honor that the rates I have mentioned were the rates charged not over three months ago. I paid them myself.

Mr. WHITE, of New York. I am not talking about three months ago. I am talking about existing facts to-day, and at the close of December, 1887.

Mr. BELDEN. Can the gentleman tell us why they charge more for a message from Washington to Cortland, N. Y., than they do for a message to Syracuse, which is more than 20 miles farther? Also, why they have raised the price within the last ten days?

Mr. WHITE, of New York. That is an interstate-commerce question, and I do not pass upon it.

Mr. BELDEN. But you said the gentleman from Minnesota was talking of ancient history and that you were talking about to-day; so I am asking about to-day.

Mr. WHITE, of New York. I say that the regular rate between any two points inside the State of New York is 40 cents.

Mr. BELDEN. And more from here for a short distance than for a long one?

Mr. WHITE, of New York. That should be regulated by the interstate law, which I am in favor of.

Mr. HOLMES. Is it not true that the great cities and the Eastern seaboard get the benefit of the low rates, and that in the West and South we have to pay excessive rates?

Mr. WHITE, of New York. No, sir.

Mr. BELDEN. I want to say distinctly to the gentleman that I know positively that wherever there is not an opposition line they have raised rates within a week.

Mr. WHITE, of New York. I know nothing of the particular instances alluded to by my colleague. I repeat that I believe in a competent, salutary, fair interstate regulation, where such abuses may be properly corrected if they occur.

I am giving statistics, and no man will be able successfully to contradict them. I do not come here to risk my reputation upon statements of fact without being sure of my premises.

As my time is nearly out I wish, in closing, to say one word to some of my "protection" friends here; and I wish it understood that I am with them on that question. But they are demanding in this country decreased rates for telegraph service where the rates are already lower than those charged in Europe, although the service there is conducted by underpaid foreign labor. I have the statistics here to sustain what I say.

EXECUTIVE OFFICE, WESTERN UNION TELEGRAPH COMPANY,
New York, February 11, 1888.

DEAR SIR: Examination of the pay-rolls of the general or main operating department at New York City, of the Western Union Telegraph Company, for the month of December, 1887 (the most recent month readily available therefor), shows the operators employed (exclusive of manager, assistant managers, and chief operators) to have been as follows:

471 males, at monthly pay aggregating	$33,705.00
193 females, at monthly pay aggregating	7,095.00
Total 664, at monthly pay aggregating	40,800.00

The average per month being—

Males	$71.56
Females	36.75
Males and females	61.45

Yours, respectfully,

J. B. VAN EVERY, *Auditor.*

Hon. S. V. WHITE.

Average salaries paid to telegraph operators by the English post-office department.

Grade of service.	1886-'87.		1887-'88.	
	Number of employés.	Average per month.	Number of employés.	Average per month.
LONDON (CENTRAL STATION).				
Male:				
Senior telegraphists	126	$69.17	161	$67.70
First-class telegraphists	262	52.17	384	46.33
Second-class telegraphists	704	32.66	890	20.51
Female:				
Matrons	1	101.04	1	101.04
Supervisors	9	71.19	9	72.05
Assistant supervisors	37	46.84	37	46.84
First-class telegraphists	136	32.77	225	33.03
Second-class telegraphists	424	23.65	491	19.03
Messengers	384	13.10	424	11.90
Average monthly salary of first and second class male and female telegraphists			1,943	26.609
Average monthly salary of first and second class male and female telegraphists, including senior males			2,104	29.753
Average monthly salary of first and second class male and female telegraphists, including senior males and female supervisors and assistants			2,150	29.922
LONDON (DISTRICT AND BRANCH OFFICES).				
Telegraphists			928	22.19
LIVERPOOL.				
Male:				
First-class telegraphists			74	45.26
Second-class telegraphists			159	26.10
Female:				
First-class telegraphists			32	31.00
Second-class telegraphists			77	18.91
MANCHESTER.				
Male:				
First-class telegraphists			87	Same as at Liverpool.
Second-class telegraphists			168	
Female:				
First-class telegraphists			65	
Second-class telegraphists			133	
Average, calculated on the mean of the minimum and maximum salaries, as above				30.32

Now, Mr. Speaker, I have already occupied more time than I had expected to occupy. I desire to sum up.

Mr. ANDERSON, of Illinois. I understood the gentleman to concede that the acts of 1862 and 1864 require these land-grant railroad companies to operate telegraph lines in connection with their railroads, for public use, without discrimination as to the persons for whom the service is rendered.

Mr. WHITE, of New York. Yes, sir.

Mr. ANDERSON, of Illinois. Now I ask the gentleman whether these railroads, or persons representing them, do at the present time make, or have in the past made, such discriminations?

Mr. WHITE, of New York. According to my belief, yes; but I do not know. The report in this case shows that when a dispatch comes from Washington with a date, a charge is made for sending the Washington date, because the dispatch is dated again at Omaha when it is sent over.

[Here the hammer fell.]

Mr. WHITE, of New York. I ask only three minutes, in order that I may make one statement in conclusion.

Mr. DOCKERY. I hope that will be granted.

There was no objection.

Mr. WHITE, of New York. I have this only to say: I have submitted these statements and statistics in regard to the charges of the Western Union Telegraph Company in order that members of this House, as well as the public, may be advised of the amount of misunderstanding there is in regard to the business done by these companies. I am not here defending them. I believe in putting them under the interstate-commerce law, where we can regulate them and make the charges as much for the "long haul" as for the "short haul."

Mr. BELDEN. But you do not do it, all the same.

Mr. WHITE, of New York. I do not do it because no bill has been presented for that purpose, but when such bill is presented I stand prepared to support the measure. I simply come here to claim for these different corporations the rights which have accrued to them under contracts lawfully made, and to raise my protest against anarchy or communism in legislation which will undertake to legislate from any man the property which he has acquired honestly and honorably under the guaranties of the law.

THE PROVISIONS OF THE BILL.

Mr. SYMES. Mr. Speaker, what are the provisions of this bill? Section 1 simply requires the subsidy railroad and telegraph companies to comply in part with the provisions and conditions of the statutes and grants creating them. In other words, having accepted the grant of these franchises and received from the Government an amount in money and land subsidies sufficient to construct these lines of railroad and telegraph, it requires them to maintain and operate them in pursuance of the acts and laws bestowing upon them the greatest and most liberal franchises, gifts, and donations ever bestowed by a generous Government and people on quasi-private corporations.

The act of July 24, 1866, incorporated in Title LXV of the Revised Statutes, expressly prohibits any telegraph company which has received any grant, franchise, right of way, or aid from the United States from transferring any of its rights therein granted and accepted to any other corporation, association, or person. Language could not be plainer. This bill only proposes to enforce the express provisions of these acts which have been accepted by these telegraph companies. No forfeiture or interference with any vested rights is in any way attempted in this bill. The bill does not attempt to forfeit the legal or other rights of the Western Union Company, of the Central or Union Pacific Telegraph Company, or of any individuals or corporations. It expressly gives to persons or corporations who claim or assert any rights, vested or other, in connection with these telegraph companies or contracts, an opportunity to appear before the Interstate Commerce Commission and adjudicate those rights, whatever they may be. Are their rights not safe before that high tribunal? Are they afraid to trust them to its judgment? That commission is composed of distinguished men of national reputation. What lawyer who is familiar with the works and decisions of Judge Cooley on Constitutional Limitations is afraid to trust a tribunal of which he is at the head when vested rights is the subject at issue? Does a bill which provides a remedy before so exalted a tribunal interfere with vested rights?

Mr. Speaker, these contracts between the Union and Central Pacific Railroad and Telegraph Companies and the Western Union Telegraph Company are void *ab initio*. They were, at the time they were made, and are still, in direct violation of the express provisions of the statutes and grants creating the Union and Central Pacific Railroad and Telegraph Companies, and they are in violation of public policy and against public law. Vested rights can never accrue or arise under void contracts, or, in other words, under contracts that are made or attempted to be made in violation of law. It makes no difference whether such contracts are in violation of a statute creating a corporation and granting franchise privileges and property to such corporation, or in violation of that branch of unwritten or common law called "public policy." It would not be necessary to discuss or show why these contracts are in violation of public policy, and hence void, did not the gentleman from New York [Mr. WHITE] and others seem to ignore the principle of law and the fact that public policy as applied to the construction and validity of contracts is as much a rule of law as any express provisions of a statute governing the particular subject-matter or contract in question.

If the statutes creating these railroad and telegraph companies and granting these franchises and subsidies did not in effect make these contracts void, they would be void because against the public policy of the common law of the land. The principle is that a contract can not be enforced if its conditions are against the general good. Lord Coke regarded the conditions of a contract which were repugnant to the good of the state, as he expressed it, void. Lord Ellenborough said that whenever the tolerating of any species of contract has a tendency to produce a public mischief or inconvenience such a contract has been held void. The American law in point on the question arising on these contracts is found in that class of decisions holding that contracts between railroad companies not to compete for business are void as against public policy, and that all pooling contracts, with certain limitations, are void for the same reason. It is not necessary to multiply the authorities. There are no adverse opinions in the long line of decisions upon the subject.

These decisions, for many reasons, we can not at this time elaborate. They in effect hold that these contracts between the Union and Central Pacific Railroad and Telegraph Companies and the Western Union Telegraph Company are void and of no force and effect. If so, how could vested rights arise under these contracts which gentlemen seem to be afraid this bill will interfere with?

THE CONTRACTS.

Mr. Speaker, if these contracts were in the nature of lease contracts and provided for and required the Western Union Company to operate these telegraph lines in accordance with the provisions of these grants and franchises, it would present a very different case. While such contracts would be illegal, still there might be some ground for saying that it made no difference to the Government or the people if the object and intention of the statutes and franchises were carried out in good faith. In that state of the case it might be said that if the Western Union Company, acting in the nature of the successor or assign of these Union and Central Pacific Railroad and Telegraph Companies, had given to the people equal facilities in telegraphic communication at reasonable rates without any unjust discrimination; if it had received and transmitted

the dispatches and messages presented to it by any other telegraph company, or by other corporations or individuals at any points on these lines, at the same rates as if they had been presented by other connecting lines belonging to the Western Union Company, there might be some justification for the positions assumed in the minority report and by the gentleman from New York and others who support it and attempt to justify the conduct of the Western Union Company.

But what are the facts? These contracts do not require or provide for the Western Union Company to do the things or perform the acts necessary to operate these telegraph lines so as to effect the objects and purposes expressly provided for in these statutes, grants, and franchises. The evidence taken before the committee shows that these contracts were made with the object and intention of defeating every substantial requirement of these statutes, grants, and conditions upon which they were made, and these contracts have been executed so as to defeat almost every provision, object, and intention of these statutes, grants, and franchises.

The rates charged and collected by the Western Union Company have in many instances been outrageously discriminating and extortionate. It cost, for some time, 25 cents to send a dispatch from New York or Washington to Chicago; 25 cents to Omaha or Kansas City from New York by the Baltimore and Ohio Telegraph Company; and it cost 75 cents to have these same dispatches forwarded from these points to Denver, Salt Lake City, San Francisco, and other important points west of the Missouri River.

It costs 25 cents to send a dispatch over 1,500 miles, from New York to Omaha or Kansas City, and it costs 50 cents in the State of Colorado to send a dispatch from Denver to Leadville, a distance of 150 miles, and 40 cents to Pueblo and other leading towns in Colorado at a distance of from 50 to 120 miles.

These extortionate and discriminating charges have been attempted to be justified on the ground of the large expense of keeping up lines and paying operators where the offices were a long distance apart and there was but a small amount of business. Mr. Speaker, there never was so much telegraph business in any ordinary-sized cities as in Denver and Leadville, especially during the period of these highest rates. The offices in Denver and Leadville were literally overrun with business and the receipts were something wonderful. This was during the period of the great mining boom and speculation in Leadville, and the wires between Leadville and Denver, and between Leadville and Chicago and New York, and Denver and Chicago and New York, were fairly kept hot in sending dispatches during this time.

The Western Union Company, acting under these contracts, has violated every rule of law, equity, and public policy. They have refused to allow any other telegraph companies to send messages over these Union and Central Pacific lines at the same proportionate rates the Western Union Company charges for through business when sent over its own connecting lines east of the Missouri River. Acting under and, as they claim, in pursuance of these contracts, it has violated the provisions of section 1 of the act of June 16, 1860, which provides that said Union and Central Pacific lines—

> Shall be open to the use of all citizens of the United States * * * on the payment of the regular charges for the transmission of dispatches.

It has violated the provisions of section 3 of said act, which requires that—

> All messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line at either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the Government shall have priority.

It has violated the provisions of section 12 of the act of July 1, 1862, which requires that—

> The whole lines of said railroad and branches and telegraph shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected, continuous line. * * *

It has violated section 15 of said last-named act, which provides that—

> Any other railroad or telegraph companies now incorporated or hereafter to be incorporated shall have the right to connect their road with the road and branches provided for by this act at such place and upon such just and equitable terms as the President of the United States may prescribe. * * *

It has violated and ignored the provisions of section 15 of the act of July 2, 1864, amendatory of the act of July 1, 1862, which again requires:

> In such operation (of said telegraph lines) and use to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies or adverse to the road or business of any or either of the others; and it shall not be lawful for the proprietors of any line of telegraph authorized by this act or the act amended by this act to refuse or fail to convey for all persons requiring the transmission of news and messages of like character on pain of forfeiting to the person injured for each offense the sum of $100, and such other damage as he may have suffered on account of such refusal or failure, to be sued for and recovered in any court of the United States or of any State or Territory of competent jurisdiction.

It has violated the spirit and letter of many other provisions of said acts which it is not necessary to refer to in this connection.

The Union and Central Pacific Railroad and telegraph companies, by making these contracts and allowing the Western Union Company to take possession of and operate these lines in the manner stated, have violated the provisions of the said statutes and grants above shown to have been violated by the Western Union Telegraph Company. These are the statutes; these are the acts; these are the grants, franchises, and subsidies which brought these corporations into existence and created and constructed these great lines of railroad and telegraph. They have, in addition, by making these contracts, violated the other provisions of the said acts requiring them to maintain, keep in repair, and operate these lines, which were the very conditions upon which the Government granted the franchises, money, and land subsidies to build them.

These Union and Central Pacific Railroad and telegraph companies have not only violated these statutes, franchises, and grants, but they have violated the well-known principle which has formed an important branch of the law governing the grants of franchises and subsidies to corporations since the beginning of such grants and franchises by sovereigns or governments, which is that grants of franchises or subsidies can only be for public use. The majority report of the committee shows that grants of property in the way of subsidies can only be for public use.

Mr. Speaker, the committee might have gone further and shown that such grants of franchises without subsidies or donations of money or property can only be for public use, and can only be legally used for the public good. This rule of law seems often to be ignored in discussions upon this subject.

I state. sir, as a legal proposition, and I defy successful contradiction, that a grant by the government or a sovereign of a franchise right to organize a corporation and build a railroad or telegraph line and to exercise the right of eminent domain, and collect charges for traffic, called tolls, is as much a grant of public property as the land and money subsidies given to the Union and Central Pacific Railroad and telegraph lines. Such franchises are public property granted in trust to quasi-private corporations for the benefit of the public or people. The franchise of eminent domain and the franchise of the right to collect charges on traffic, called the right take tolls, do not become private property because granted by the sovereign to quasi-private corporations in trust for the public and for the public use. The sovereign has no power to grant the right to take private property for private use. It can only authorize it to be taken for the use of the public; and it remains public property in so far as the power remains in the sovereign or government granting it for public use to regulate and control it within the reasonable and well-known limitations of the law. It follows as a legal corollary and consequence from this that a franchise right, such as the right of eminent domain and the right to take tolls, which require a grant from the sovereign to vest in the grantees the authority and right to exercise it, remains public property and subject to the control and regulation of the same sovereign power that granted them in trust for public use. The common and vulgar error which ignores or forgets these principles has caused much confusion in the numerous discussions of this subject. These corporation gentlemen and lawyers should remember that the Government has no constitutional power whatever to grant the sovereign rights of eminent domain or of collecting tolls so as to make these franchises the property of any private individual or corporation, or so as to divest the sovereign of the power to regulate the puhlic use of these public rights of property.

These elementary principles formed the fundamentals of the common law on this subject ages before railroads or telegraphs were thought of. I defy gentlemen to cite a respectable authority or a decision of a high court against these principles or against their application to railroads and telegraph companies or like corporations of the present day. So I say that outside of these statutes granting these franchises and subsidies to the Union and Central Pacific railroad and telegraph lines this Congress would have the right to regulate the mode and way in which the Union and Central Pacific railroad and telegraph lines shall execute these public trusts and use these public franchises.

As I have shown in another connection, these contracts are illegal and void as against public law and public policy. Certainly no illegal or void contracts can stand in the way of this legal and constitutional power and duty of Congress to properly regulate the exercise of these public franchises and trusts.

This part of my argument is not necessary to establish the right, power, or duty of this Congress to pass this bill, because the right is so plain under the express provisions of the grants and under the conditions, reservations, and requirements contained in the very letter of these statutes; but it seems very pertinent to some parts of the discussion that has been had on this bill.

Mr. Speaker, in saying what I have in this connection I have not ignored or forgotten those rules of law which protect the rights and interests of the grantees of such franchises or the legal and vested rights of the officers, members, or stockholders of quasi-private corporations in such cases. It is important that their property and their rights should be protected for the public good. I am one of the last who will advocate the violation of any of those vested rights which form one of the important constitutional safeguards thrown around private property.

Those who have invested their means in good faith in great enter-

prises, some of which have resulted in great material advantages and benefit to the Government and to the people, and have taken their chances of success or failure, are as much entitled to protection and to the legitimate results of such investments as any other class of people or property. And the officers, members, and stockholders of quasi-private corporations have vested rights in the property and franchises of such corporations which are as sacred as the vested rights or ownership in any property. That these vested rights arise out of the grants on the part of the Government and the acceptance of them on the part of the grantees, which are in the nature of contracts, is a principle of American constitutional law that can not be denied.

OBJECTS OF THE GRANTS AND FRANCHISES.

Mr. Speaker, what was the object of these extraordinary grants and subsidies in money, credit, and lands by the Government? Was not the paramount object that the people of these United States should have equal facilities and benefits of railroad and telegraphic communication between the Missouri River and the Pacific Ocean? These greatest and most lavish donations of the people's credit, land, and money can not be justified upon any other hypothesis or in any other way. Attempts to justify them on any other ground would be a sad reflection—nay, sir, a slander—on the character and memory of some of the most distinguished patriots and statesmen of the past generation who advocated and voted for these extraordinary subsidies. I, sir, believed then and believe now that if these remarkable grants and donations were necessary to cause the speedy building of the Union and Central Pacific railroad and telegraph lines across the continent, they were justifiable and proper on the ground of public policy. Railroad and telegraph communication had become very general east of the Missouri River, but throughout that great and wonderful region for 2,000 miles, from the shores of the Pacific to the Missouri, there were no railroads or telegraphs. The United States were struggling in the throes of revolution to maintain the national authority. The commercial, conservative, and patriotic people and statesmen of this country indorsed the action of Congress in making these grants and donations.

They believed then and believe now that the direct and indirect benefits to the Government and people would more than compensate for these lavish gifts, donations, and grants of franchises to the Union and Central Pacific railroad and telegraph lines.

Mr. Speaker, I have not much patience with those hypercritical fault-finders who spend their time in criticising those patriotic statesmen and those acts, for party purposes, because the Republican party was responsible for this legislation. Understand, sir, I am only speaking of the original acts and the necessary amendments thereto, and the grants made for the purpose of bringing about the construction, as soon as practicable, of these great continental highways when they were needed and demanded by the Government and the people. I do not propose at this time to say anything about subsequent acts of legislation in this connection. Some of that subsequent legislation, I think, is subject to criticism.

But, sir, the Republican party and the statesmen of that party at that time, whose every pulse of brain, heart, and nerve beat honestly and solely for the life of this Union and its future material and political greatness, passed these acts and brought about the construction of these great national highways between the civilization of the eastern and western portions of our country; and I, for one, feel proud of that party record and have only praise and eulogy for their action.

But, Mr. Speaker, if many of these patriots and statesmen who passed these acts for great and good purposes could be permitted "to commune with anything still chained by the trammels of mortality," and should come here now and review the history of the abuses of these corporate franchises and willful violation of the trusts arising from these grants; should read the recital of the undisputed facts that show the acts and conduct of the Gould and other rings when they managed and controlled the affairs, franchises, and property of these corporations; how these pools and rings levied tens of millions of discriminating tribute from the people on the one hand, and prevented the Government from collecting tens of millions of its just dues on the other hand, and then took all the proceeds of the money legally due the Government and all the proceeds of the available assets and property of these corporations, including their telegraph lines, and appropriated them to their own use and left these companies bankrupt; and, stranger than all, if they could hear all these illegal and outrageous acts and conduct attempted to be justified and defended when a partial remedy is proposed therefor by invoking that revered and almost sacred rule of constitutional law known as vested rights for the protection of private property, those patriots and statesmen would turn over in their graves and wonder what on earth would take place next; what claims would next be made against the Government in the name of the franchises given and granted and the donations made by this Government of the people to quasi-public or quasi-private corporations in trust to be executed and used for the benefit of all the people.

CORRESPONDENCE WITH GREEN.

Mr. Speaker, I had a correspondence with Norvin Green, the president of the Western Union Telegraph Company, two years ago this winter upon the subject of excessive charges for telegraph service west of the Missouri River, particularly applicable to Colorado. This was at the time the committee were investigating this subject, which, I believe, resulted in favorably reporting this bill. The Chamber of Commerce in Denver represented the discriminating and extortionate charges imposed upon the people of Colorado and of the States and Territories west of the Missouri River by the Western Union Company. I will ask leave to print herewith the correspondence with President Green.

WASHINGTON, D. C., *April* 13, 1886.

MY DEAR SIR: Mr. PETERS, of Kansas, gave me the particulars of your testimony before the Committee on Post-Offices and Post-Roads regarding the rates for telegraph service in Kansas. As your examination upon this subject bears about the same relation to the State of Colorado that it does to Kansas, I desire to respectfully call your attention to it in its application to Colorado. The rates for telegraphing in Colorado are so high, when compared with the rates in the East, that they appear like extortion to our people.

You stated in your testimony that you had been informed the rates in Kansas were high and you would see that the complaint was corrected. You stated that the matter had not been particularly called to your attention before.

The rates to Colorado from the East are about the same as they are to California. The rate from Denver to the East on a day message of ten words is $1. When this is contrasted with the rate in other parts of this country and in other countries it may fairly be called extortion. The rate between Chicago and New York is from 15 to 25 cents for a message of ten words. I understand that the rate from New York to Denver is the same as that from New York to California. This is certainly unjust and unwarrantable discrimination.

I shall be very much obliged for a frank answer to this letter. Our people ought to have relief from this unjust discrimination.

Most respectfully,

G. G. SYMES.

NORVIN GREEN, Esq.,
President Western Union Telegraph Company, New York City.

[Executive office Western Union Telegraph Company. Norvin Green, president.]

NEW YORK, *April* 24, 1886.

DEAR SIR: Yours of April 13 was referred to our tariff bureau to ascertain precisely what had been done in the way of reductions and what further could be properly done.

In compliance with my promise to Mr. PETERS, to which you refer, I immediately on my return home procured an order for immediate reductions to the following extent: To and from points in Kansas with New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, New Mexico, and Utah, all rates of $1 reduced to 75 cents; rates of 75 to 60; rates of 60 to 50. Nearly the same reductions were made to and from Nebraska.

On business with points in Colorado to and from Illinois, Dakota, Idaho, Arizona, and Nevada the dollar rate was reduced to 75 cents. To and from Nebraska, Kansas, Wyoming, New Mexico, and Utah, 75, reduced to 60. Rates of 60 and 75, between points within the State, reduced to 50.

It is impracticable to make reductions in detail or otherwise than by such general order as above without revising our tariff books, which furnish to each office the rates in detail with 14,600 offices. We are now preparing a new tariff book, which is a work of some months, and have before a subcommittee schedules prepared by the tariff bureau for further reductions. The rates within the State will range from a minimum of 25 cents to a maximum of 50 cents.

Referring to some of the points made in your letter, I beg to say that lines could not be maintained and operated throughout Colorado except at a loss on the basis of tolls prevailing in some of the thickly populated Eastern States. The country is rough, making it expensive to maintain lines, and the population sparse, affording so light a business as to give little employment to the operators. At many of the smaller offices it costs as much or more for an operator who handles from 10 to 25 messages a day as it does in most of the Eastern towns handling 200 or 300 messages a day. Most of the Eastern and Middle States have a maximum of 25 cents. That maximum in Colorado would oblige the closing of a large number of offices that would not yield sufficient to pay the expense of maintaining them.

Our maximum rate between all points in the United States is $1 per message of ten words, with date, address, and signature free. But we charge that maximum whenever the distance exceeds about 2,000 miles. There may be a few exceptions to this on the east and west trunk lines; and there is not another place in the world where messages may be transmitted that distance for $1 except between France and Algiers, the latter being a dependency of France, and over the government lines.

It is true the rate from Colorado to San Francisco is the same as it is from New York to San Francisco, but it costs us less work and less money to transmit messages between New York and San Francisco than from and to any point in Colorado, for the reason that our circuits are always made up and afford constant employment to the operators. The same is true as between points in Colorado and the Eastern and Middle States. Distance is not the only thing that increases the cost of handling messages. It depends more upon how often they have to be relayed or rewritten. On the through eastern and western circuits having sufficient business, circuits are compounded, and instead of relaying, requiring one operator to receive and another to send, the same work is accomplished by an automatic repeater, requiring the attendance of but one man.

In 1866 the rate from Colorado to San Francisco was $7. In 1869 it was reduced to $5, in 1873 to $2.50, in 1878 to $2, in 1880 to $1.50, and since 1882, $1. The rate is lower than any long-distance rates in Europe with the single exception before referred to. We are considering, however, some reduction in long-distance rates as applied especially to Denver, which yields a considerable business.

Very respectfully, yours,

NORVIN GREEN, *President.*

Hon. G. G. SYMES,
House of Representatives, Washington, D. C.

MAY 13, 1886.

MY DEAR SIR: I formally acknowledged the receipt of your letter of April 24 on receiving the same. I have since considered particularly the reduction in telegraph rates brought about in our States, as explained in your letter. On examination they do not furnish the relief to our people to which they are entitled.

There is no good reason why Colorado is not entitled to practically the same rates on messages going to and from points outside of the State as Kansas and Nebraska. You say you have reduced the rates "to and from all points in Kansas with New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, New Mexico, and Utah—all rates at $1 reduced to 75 cents; rates of 75 to 60; rates of 60 to 50." You also say that "nearly the same reductions were made to and from Nebraska," and that "on business with points in Colorado to and from Illinois, Dakota, Idaho, Arizona, and Nevada the dollar rate was reduced to 75 cents; to and from Nebraska, Kansas, Wyoming, New Mexico, and Utah, 75 reduced to 50; rates of 60 and 75 between points within the State reduced to 50 cents." So that no reduction is made between points in Colorado to the east and west, which is the very relief the people of Denver and other large Colorado towns ought to have.

The reason you advance why rates between points in Colorado and other Western States and Territories can not be so low as they are in the thickly settled Eastern States has some justice in it, but this does not apply to telegraph service between Denver and the other large towns in Colorado to points east and west outside of the State.

Denver is a very large, important, and paying office, particularly in business transacted between Denver and leading points to the East, Southeast, and West. In fact, the office has paid an unusually large profit. The Leadville office was also for some years an unusually large paying office, and still pays well.

I therefore respectfully insist that at least the same reductions should be made between Denver, Leadville, and other large towns in Colorado to and from points in New York, New Jersey, Pennsylvania, and other Eastern States, and California and the District of Columbia, as you have made in Kansas and Nebraska. I put this upon the ground of your own argument made in your letter against lessening the rates. I think it would be just to reduce the rates below that and extend them to and from all points in Colorado, but the offices I have mentioned in Colorado being large paying offices, I see no excuse for not giving the people at these points the same rates that you are extending to communities where the offices do not transact so large a business or pay so large a profit.

If I am mistaken in my general statements regarding the amount of profitable business transacted at Denver, Leadville, and other large towns in Colorado, I will submit the following questions to be answered by your company: (1) The number of messages originating at Denver; (2) the number of messages sent from Denver to other State points; (3) the number of messages sent from Denver to points outside of the State; (4) the gross and net receipts of the Denver office; (5) the same facts regarding the Leadville office and other large towns.

The amount of telegraph service between Denver, Leadville, and other large towns in Colorado and the large cities in the East, Southeast, and West is large and profitable; and I repeat that there is no good reason why the rate for this service should not be reduced, at least as much as you have reduced them between the other points mentioned.

Very respectfully,

G. G. SYMES.

NORVIN GREEN, Esq.,
President Western Union Telegraph Company,
New York City, N. Y.

It will be seen from the letter of President Green of April 24, 1886, that he represented a great reduction in telegraph rates applicable to Colorado, but that when it is scrutinized closely it does not relieve the people of Colorado to any appreciable extent from the unjust and discriminating charges, as is more particularly shown by my letter to President Green of May 13, 1886.

It will be seen that the Western Union Company justified its high charges on the ground of having to maintain offices where the business was very limited; and when it was pointed out that Denver, Leadville, and other cities and towns in Colorado furnished an unusually large amount of telegraph business, and that it was very unjust and discriminating to make the people of Denver, Leadville, and other towns pay the same rates to New York as from San Francisco to New York, and requested to be furnished with (1) the number of messages originating at Denver; (2) the number of messages sent from Denver to other State points; (3) the number of messages sent from Denver to points outside of the State; (4) the gross and net receipts of the Denver office; (5) the same facts regarding the Leadville office and other large towns, which would prove the truth of the statements made, President Green never deigned to answer the communication making these inquiries.

In truth, his letter was an ingenious, false pretense. This is only one illustration which happened to come within my knowledge of the very unjustifiable, outrageous, discriminating, and extortionate charges levied upon the people west of the Missouri River for telegraph services over telegraph lines built by subsidies granted by the Government and by franchises transferring in trust to quasi-private corporations these supposed franchises and subsidies for the benefit of the people.

THE DARTMOUTH COLLEGE CASE.

Mr. Speaker, the Dartmouth College case has been referred to in the minority report of the committee and by gentlemen who have spoken in favor of it as a justification for everything that has been done by the Western Union Company in this regard. As usual, whenever any legislative body or any court proposes to inquire into the peculation, abuse of trusts, or wrongs committed by corporations and their officers, the Dartmouth College case is flippantly talked about as being a great constitutional bar to all legislation and to all judicial proceedings which seek to administer justice when applied to the conduct of corporations and corporate rings.

Mr. Speaker, what is the Dartmouth College case? Upon what facts did it arise? What was decided by the judgment in that case? Sir, I studied that case when a law student. The reading of Webster's consummately able argument in that case caused me to study the case in connection with that argument. In that way I thought I became familiar with it in all its bearings. I should still think so if I did not hear the case so continually misrepresented by lawyers in this country as settling legal propositions so entirely different from my conception of it. I have reviewed my studies upon the subject in the last few years to see if I had so utterly misconceived the facts upon which that decision rested and the principles of law therein decided.

What are the facts as found by the court, upon which the decision of the case turned?

In 1754 and 1755 a private charity school was established on a farm or plantation by Rev. Dr. Wheelock, with the aid of one Joshua Moore, for the purpose of educating native Indians and employing them as missionaries among the native tribes. Dr. Wheelock, the founder and owner of this school, appointed an agent in England to solicit funds to enlarge and increase the usefulness of this charity school. He succeeded in obtaining quite large contributions from the Earl of Dartmouth and others. After a time Lord Dartmouth and others were requested by the founder, Dr. Wheelock, to receive and act as trustees for the funds to support this charity school. In doing this he made a deed of trust to these persons. He appointed them trustees and conveyed all the property in trust to them and authorized them to fix the location of the school, which was to be enlarged and the scope of its educational advantages to be extended to the education of white young men as well as Indians. For these purposes it was thought best by the founder and owner of the school and funds to secure a charter of incorporation. Such a charter was procured from the British Crown. This charter was draughted by Dr. Wheelock, his attorney, and friends. It is quite long, and provides just how this charity school, which is to be changed into an eleemosynary corporation or charity college, shall be conducted; how its funds shall be administered by the trustees; how the officers and professors shall be appointed, and quite particularly how the school and college shall be conducted.

It is not necessary to dwell upon the whole history of the subject; how efforts were made by adjoining States and other towns to secure the location of this desirable school; how a donation of land was made by the governor of New Hampshire which probably resulted in the location of the college in that province. The charter invested the trustees with all legal funds and with the right to appoint successors forever. It made Dr. Wheelock the founder of the institution. The charter or letters patent granted in 1769 simply complied with the request of the founder and created a corporation by the name of "The Trustees of Dartmouth College," with perpetual succession. Nothing was given or granted except the naked power to constitute the twelve trustees of Dartmouth College a private eleemosynary corporation. Nothing was reserved on the part of the sovereign. It was necessary to reserve nothing because no donations or aid were given by the sovereign to this private corporation. No power of eminent domain was expressly granted; no right to collect tolls by way of charges or tariff of any kind whatever upon any person or people was granted. The sovereign simply granted the naked right to the twelve trustees at the request of the founder, to conduct this charity school or college in their own way forever, and administer its affairs in accordance with their own judgment, and to control the private funds which had been raised, and of which they had been constituted the trustees, as they desired and according to the will of the founder.

It was an eleemosynary corporation. Eleemosynary corporations are those created for the management of private property according to the will of the founders or donors. They are corporations constituted for the perpetual distribution of the free alms and bounty of the founder in such manner as he has directed. In a word, such corporations are for the dispensation of private charity. A college created in such a way is as much a private charity as an orphan asylum. Dartmouth College was such a private charity institution. It was purely a private corporation for the perpetual administration and distribution of private charities. Such corporations are almost entirely different in their creation, the objects for which they are created, and the manner in which they are thereafter controlled and governed from such quasi-private corporations created by the sovereign and granted the franchise of eminent domain and the right to collect tolls from the people. A court of equity has jurisdiction to entertain a bill on behalf of the founder or visitors to require the trustees to use the funds or property and to conduct these charity or eleemosynary corporations in accordance with the will of the founders or visitors expressed in or implied from the charters creating them.

The Legislature of New Hampshire passed an act which provided for taking these private funds of this private charity college or eleemosynary corporation away from these twelve trustees, and away from the control of the founder, Dr. Wheelock, and requiring the property of this charity school or college to be transferred to another and a different board of trustees and to a different corporation, and it provided arbitrarily for many other things not necessary to enumerate. The decision of Judge Marshall held that the Legislature could not take this property or funds which belonged to these trustees, and the legal title to which had been transferred to them by the founder, and give it to another and a different body of men or to another and different corporate body. It decided, in other words, that the property, funds, and affairs of this private charity school or college could not be taken away from the control of the founder and the trustees by the Legislature and given to other persons or corporations. It seems strange that it was necessary for a court to be called upon to decide such a proposition.

But, sir, the United States Supreme Court, by the ablest of American judges, did, however, decide a principle of constitutional law in that case, which always has received, and will always continue to receive, the admiration of the bench, the bar, and the people. It was decided that that clause of the Constitution of the United States which says that no Legislature shall pass a law impairing the obligation of contracts applied to the obligations between the sovereign and the members and officers of corporations in the protection of private property, or the property of private or quasi-private corporations; in other words, that the property rights which are acquired under the provisions of an act of incorporation by the members and officers of corpora-

tions will be protected under that clause of the Constitution the same as obligations which arise under contracts between individuals.

. It was further decided that the letters patent did not convey to or invest the people or Government of Great Britain or afterwards of New Hampshire with the funds, property, or power to visit or control the affairs of this private charity school or college, and hence the Legislature of New Hampshire had no power to take it away from the control of the founder and trustees. The express language of these letters patent or charter could not be plainer, that such control and power were not taken away by the charter, but were expressly invested forever in the founder, and the trustees named in the charter at his request.

And this is the case and this the decision that is cited to show that Congress has no right to pass this bill to control, regulate, or require the Union and Central Pacific Railroad and Telegraph Companies to operate their lines in accordance with the express letter, terms, and provisions of the acts and statutes creating them and granting them the public franchises and subsidies and providing how these railroad and telegraph lines should be operated. This is the decision cited and harped upon pertly and flippantly to show that vested rights will be interfered with by the passage of this bill. This is the opinion referred to in the minority report to show that the Western Union Telegraph Company have acquired vested rights under contracts which are shown to be absolutely void *ab initio*, because in express violation of the terms of the said acts and statutes and because in violation of public law and against public policy.

Mr. DOCKERY. I yield three minutes to the gentleman from West Virginia [Mr. HOGG].

Mr. HOGG. Mr. Speaker, there was a time in the history of our country when corporations had no recognition in the courts of the United States. That continued for a period of more than fifty years; but by reason of their influence and power the decision of the court of last resort was changed, and they were recognized as citizens having a standing in the courts of the Union. Since that day their influence has been widening and extending until they threaten the country with a power that is to be dreaded. To-day no question is made as to the right of a corporation to stand even as a citizen and against a citizen in the highest court of the Republic.

Since we have extended to corporations this consideration it becomes necessary for us to look after and control these corporations, for it was the sense of the purest and best men upon the Supreme bench that these bodies were calculated to exert a dangerous influence in the country. Here is a bill having for its object the honest and legitimate control of the influence and power of corporations. This bill originated in a sense of justice to the people of this country, and all it asks is to refer to a tribunal which was the result of the deliberations and the sense of justice of the Forty-ninth Congress questions whose solution affects the interests and prosperity of our people.

Here is simply a proposed law giving to the Interstate Commerce Commission the right to control the influence of telegraph lines, which have become as important to the people as railroad lines. There is upon the records of the Interstate Commerce Commission to-day a decision unanimously expressed that that tribunal under existing law has no right to take control of telegraph lines. These telegraph lines aree ssential incidents to railroad lines; and if it has become necessary to control the railroad lines, it also becomes important to control their essential incidents. If you institute a tribunal for the purpose of regulating the business of the railroad lines, it is equally important and necessary that the incidents and essential qualities of these railroad lines should be controlled. As this bill looks to that end I am heartily in favor of its passage.

[Here the hammer fell.]

LEAVE OF ABSENCE.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). If there be no objection the Chair will lay before the House personal requests of members.

There was no objection; and, by unanimous consent, leave of absence was granted in the following cases:

To Mr. LYNCH, for one week, on account of important business.

To Mr. MCSHANE, for ten days, on account of important business.

To Mr. COWLES, from last Monday indefinitely, on account of sickness.

To Mr. LEHLBACH, for five days, on account of important business.

To Mr. DELANO, for ten days, on account of important business.

MILITARY AND POSTAL TELEGRAPH.

The SPEAKER *pro tempore*. The House resumes the consideration of the telegraph bill, and the gentleman from Missouri is entitled to the floor.

Mr. DOCKERY. Mr. Speaker, it is not my purpose, in view of the protracted debate already had upon the pending bill, to trench upon the time of the House to any great length at this hour. I will endeavor to briefly summarize the facts and the law as they relate to this bill. What are the facts connected with the management of these Pacific railroads which have caused the introduction and report of the bill at the present time? The Pacific railroads, in the opinion of the majority of the Post-Office Committee, were not only required to construct a railroad line, but also to construct and operate a telegraph line.

The acts of July 1, 1862, and July 2, 1864, clearly required these roads to maintain and operate a telegraph line, but instead of complying with this requirement they have undertaken to divest themselves of that obligation by contracting with the Western Union Telegraph Company.

Upon this proposition the issue is joined: Were these Pacific railroad companies required to operate a telegraph line, or had they any lawful authority to make a contract with the Western Union Telegraph Company to divest themselves of this obligation? I assume as a legal proposition, from an investigation of the question, in the light of the opinions of Mr. Justice Miller and Judge Dillon, as well as of others, that these railroad and telegraph companies can not lawfully transfer either the railroad or telegraph franchise unless by express authority of the power that brought them into being. From this view of the case I apprehend there is no dissent.

Now, the next question which arises is has Congress by any act authorized the Pacific railroads to divest themselves of the exercise of their telegraphic franchise?

But, sir, before discussing that point I wish to note the features of this contract to which we specially except and of which we, as the representatives of the people, have the right to complain. The original incorporation acts of 1862 and 1864 provided that the Government, the people, and connecting telegraph lines should have equal facilities as to rates, time, and transportation. Now, in this connection, and as pertinent to this legislation, let us inquire whether the Pacific railroads have entered into any contracts by which they have virtually annulled or abrogated that provision of their charters?

So far as I am personally concerned, I will say frankly that if the Western Union Company had carried out in good faith the provisions of the railroad incorporation acts as to non-discrimination, I should not feel so much disposed to press this legislation. But the question arises here, is the Western Union Telegraph Company, as the successor of the Pacific railroads under these contracts, performing the duty required under the incorporation acts of those railroad companies by affording to the Government, the people, and connecting telegraph lines equal facilities as to rates, time, and transportation?

Let us ascertain. Section 3 of the contract between the Western Union and the Union Pacific Railroad Company provides that—

> The railway company, so far as it legally may, hereby grants and agrees to assure to the telegraph company the exclusive right of way on, along, upon, and under the line, lands, and bridges of the railway company and any extensions and branches thereof, for the construction, maintenance, operation, and use of lines of poles and wires, or either of them, or underground or other system of communication for commercial or public uses or business, with the right to put up from time to time or cause to be put up or constructed under the provisions of this agreement, such additional wires on its own or the railway company's poles or such additional lines of poles and wires or either, as well on its bridges as on its right of way, or to construct such underground lines as the telegraph company may deem expedient, doing as little damage and causing as little inconvenience to the railway company as is practicable; and the railway company will not transport men or material for the construction or operation of a line of poles and wire or wires or underground or other system of communication in competition with the lines of the telegraph company party hereto, except at and for the railway company's regular local rates, nor will it furnish for any competing line any facilities or assistance that it may lawfully withhold, nor stop its trains, nor distribute material therefor at other than regular stations.

The same section further provides that—

> No employé of the railway company shall, while in its service, be employed by or have any connection with any other telegraph company than the telegraph company party hereto, and the telegraph company shall have the exclusive right to the occupancy of and connection with the railway company's depots or station-houses for commercial or public telegraph purposes as against any other telegraph company.

It will be seen that these provisions give an exclusive right of way for wires, telegraph poles, and other necessary appliances, and to the exclusion of all other telegraph lines from occupation of their depot privileges. The policy declared by Congress in the acts of 1862 and 1864 is thus nullified by this contract with the Western Union Company.

IS THE CONTRACT LAWFUL?

Mr. Speaker, let us look at this question from another standpoint. Is this a lawful contract? If the railroad companies could not transfer their franchises except in pursuance of express authority of law, let us examine the law and see whether or not under it any authority is to be found or any right is given by which they could transfer their franchises for telegraph purposes to the Western Union Company. Section 19 of the act of July 1, 1862, is the statute upon which the gentleman from New York [Mr. WHITE] relies, and I call the attention of the House to it here, because it is the statute upon which the whole question rests. Upon this section the gentleman from New York relied as he stated a few evenings since in a debate upon this question, as is shown by his reply to an inquiry addressed to him by the gentleman from Illinois [Mr. HOPKINS]. I quote from the debate:

> Mr. HOPKINS, of Illinois. I stated, Mr. Speaker, that on investigation I was constrained to dissent from the facts as presented by the gentleman from New York [Mr. WHITE]. If I understood his argument the other day, he claims that, as a matter of fact, under what is known as the Idaho act, certain portions of these land-grant railroads at least took advantage of that act and instead of constructing a line of telegraph along their roads, as required by the statutes of 1862 and 1864, made contracts with telegraph lines by which these lines were conveyed to the right of way of the railroad companies, and that thereby they had complied

with all the requirements of the General Government, and then had power to enter into the contract which the Western Union Telegraph Company claims as the contract of 1881. If I am not correct in stating the position of the gentlemen, I ask him to set me right.

Mr. WHITE, of New York. I did not intend to be so understood. I will state the legal proposition in a word or two, if the gentleman desires.

Mr. HOPKINS, of Illinois. I ask the gentleman to state the facts.

Mr. WHITE, of New York. Then I will state the facts. I have not claimed that there was any attempt made at the time to take advantage of the nineteenth section of the act of July 1, 1862, on the part of either the railroad company or the telegraph companies.

Mr. HOPKINS, of Illinois. What do you claim, then?

Mr. WHITE, of New York. I will state what I claim. I stated that the right was granted by the acts of July 1, 1862, and of July 2, 1864, to these railroad companies to enter into an arrangement with the telegraph companies that the telegraph companies should be operated or constructed over their right of way, and that those laws are unrepealed to-day, and it was so held by Judge Miller when he continued the injunction at Topeka, Kans.

In other words, he held that section 19 of the act provides a continuing authority for the "arrangement" referred to, and that under it the railroad companies had a right to make these contracts. The committee hold that the authority granted by the section expired by its own terms upon the construction of the road. I do not profess to be versed in legal lore, but I do believe that any intelligent man who will read the section without bias or prejudice must reach the conclusion that this was a construction act and its authority terminated upon the completion of the road.

But here, Mr. Speaker, is the whole gist of the controversy, and I may be pardoned for calling the especial attention of the House to it.

Section 19 of the act of July 1, 1862, provides—

That the several railroad companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri River and San Francisco—

That was the line constructed under the act of June 16, 1860, as the House will remember—the overland telegraph line, to which Congress granted an annual subsidy of $40,000 a year for ten years—

may be moved upon or along the line of said railroad and branches as fast as said roads and branches are built.

When was the "arrangement" authorized? Why, clearly, prior to the completion of the road, because the "arrangement" was essential and preliminary, so that the lines could be "moved upon or along the line of said railroad and branches as fast as said road and branches are built." This fixes the time for the "arrangement" beyond the shadow of controversy. It was a construction act unquestionably; but if there still be doubt as to the time when that "arrangement" was authorized, let us read the second proviso:

And if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said railroad and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment on the part of said railroad companies of the provisions of this act in regard to the construction of said line of telegraph. And in case of disagreement said telegraph companies are authorized to remove their line of telegraph along and upon the line of railroad herein contemplated without prejudice to the rights of said railroad companies named herein.

Now, what are the facts? They failed to make any "arrangement," and the Western Union Company now make no such claim. Having failed, therefore, to make the arrangement under the first proviso of the act authorizing them to remove their line to the right of way of the railroads, they moved their line of telegraph under the second proviso.

These are the facts uncontroverted by the gentleman from New York; and the law which I have read, it seems to me, can not be given any other construction than the one I have presented.

There is another view presented by this section that has an important bearing upon the question. This "arrangement," if they had made one—which they did not—stood in lieu of what? Why, in lieu simply of the construction of the line of telegraph required by the act. There is not a clause in the nineteenth section of the act of July 1, 1862, authorizing the Overland Telegraph Company or its successors to operate the line. The removal of the line, as heretofore stated, only stood in lieu of the one the railroad company was required to construct. Certain public-spirited citizens applied to Congress in 1860 to secure a charter to build a telegraph line from the Missouri River to San Francisco, on the Pacific coast; and Congress, desiring to unite the people more closely, granted the charter and a subsidy of $40,000 a year for ten years, and also gave them 160 acres of land for each 15 miles for depot purposes.

When, therefore, the Pacific railroad incorporating acts were being discussed the owners of this telegraph line came to Congress and said, "You are authorizing the construction of another telegraph line, which will seriously impair the value of the capital we have invested in the existing line." And so, at the request of the overland telegraph lines, this provision was adopted, authorizing them to enter into the "arrangement" before the road was completed, and of which they never availed themselves.

VESTED RIGHTS.

I desire to again call the attention of the House to this contract, because on it the gentleman from New York [Mr. WHITE] erects a superstructure of vested rights. What is the contract? It is an agreement under the section I have quoted and a violation of it. To show that the Western Union Telegraph Company itself so understood it, let us examine its phraseology. What does it say? Does it speak as though the contracting parties had no doubt as to their powers under the law, or does it express any doubt? The terms of the contract indicate its illegality. It says "the railroad company, so far as it legally may," and throughout the contract appears that doubt; and it was a substantial doubt, because the agreement was entered into after the Union Pacific Railroad Company had taken the counsel of Judge Dillon, their attorney, who advised them that they had no right to make such contract—that the railroad company could not transfer its telegraph franchise. Moreover, Judge Dillon himself drew the contract after having rendered the opinion that the railroad company had no right to make it.

Now, Mr. Speaker, I think the proposition is clear that under this section—and the whole case rests here—there has been no authority, at any moment from the time that the telegraph company failed to avail itself of the privileges of this section and subsequent to the construction of the road, to enter into such a contract between the Pacific roads and the Western Union Telegraph Company.

Again, Mr. Speaker, if there is any shadow of doubt in the mind of any gentleman on this floor after the reading of section 19—and I think there ought not to be any vestige of doubt left—the benefit of that doubt should be given to the people of the United States, whose representatives we are. The acts of July, 1862 and 1864, were passed amid the perils of civil war, when the nation was engaged in a contest for its supremacy and perpetuity, and yet, every stipulation is carefully guarded, so that the rights of the people are reserved—the right to alter, amend, and repeal—and each of these incorporating acts declares against the policy of discrimination.

WATERED STOCK.

As the representatives of the people, front to front and face to face with this great corporation, it becomes our duty if we have any doubt to give the benefit of that doubt to the people. In 1866 the Western Union Telegraph Company had 37,000 miles of telegraph. This great public benefactor (?) for whom my distinguished and learned friend from New York to-day has spoken so eloquently—had in that year only 37,000 miles of telegraph lines. To-day how many miles of the entire system in the United States do they control? There are now 170,000 miles of telegraph lines in the United States; and of these, in round numbers, the Western Union Telegraph Company controls 160,000 miles; and, according to the statement of Mr. Spofford, in the American Almanac just issued, that company had a net profit on every message sent of 9 cents, in round numbers.

The capital of the Western Union Telegraph Company amounts to $86,200,000, and if that Company had its basis of capitalization upon the actual money invested, thus revealing their enormous profits, the people of this country would instantly demand such legislation as would put them within the pale of wholesome and equitable regulations. I am not sufficiently advised to be able to state just how much "water" there is in this $86,200,000 capital, but I had indulged the hope that my friend from New York would give us the information inasmuch as he presented all the Western Union rates, and is doubtless familiar with the whole question by reason of his large business experience.

I can, however, give the amount of "water" involved in the construction of the line from Brownville, Nebr., to Salt Lake, Utah. That is a line of 1,100 miles, and the cost of its construction was $147,000. What value does it represent to-day? It was transferred to the Western Union for $2,000,000 of their stock, and then the Western Union Telegraph Company, with that facility and ingenuity never equaled by any other corporation in this country, coolly trebled that amount and issued stock equivalent to $6,000,000; so that the original $147,000 invested in that line stands to-day as the basis for the issue of $6,000,000 of stock of the Western Union Telegraph Company.

Mr. WEAVER. Is that a "vested right?"

Mr. DOCKERY. That, I suppose, is a fair sample of a Western Union "vested right." A friend advises me that, according to the North American Review, the actual cost of the Western Union lines was nineteen millions, and that the company is now capitalized at ninety-five millions; but according to Mr. Spofford's Almanac the present capital of the Western Union Company is $86,200,000. However that may be, the facts which I have submitted, and which I challenge the gentleman from New York [Mr. WHITE] or anybody else to controvert—because it is sworn testimony—show that a very large percentage—how much I do not know—of the capital of the Western Union Company is "watered stock."

Mr. Speaker, I do not share in any unreasoning prejudice, if I may call it so, which possibly may now and then manifest itself against corporations; but, sir, the people have rights in this Government which corporations should and must respect, and the greatest danger to corporations to-day lies in their disposition to overleap the boundaries and confines of statute laws and set at defiance the will of the people. "Vaulting ambition" sometimes "o'erleaps itself," and Mr. Jay Gould had better take cognizance of that fact. The people have rights, and if oppressed and trodden upon they may go to an unwarranted extreme.

Mr. WEAVER. Oh, I do not know. They will stand almost anything.

Mr. DOCKERY. Well, I know that the people are very patient, but when aroused they are liable to turn upon their oppressors. There is, however, one bright feature in connection with the consideration of this bill, which has impressed me since it was first reported, and that is that the representatives of the people, without distinction of party, have in the conduct of this debate manifested a disposition to put the bit and bridle of salutary regulation upon the further encroachments of the Western Union Telegraph Company.

Mr. Speaker, this bill simply proposes that where, by the acts of incorporation, railroad companies were required to maintain and operate telegraph lines they shall so maintain and operate them. Therefore, if any railroad company is not required by its original charter to maintain and operate a telegraph line, it will not be disturbed by this measure. I imagine, however, that some of them will be affected from the opposition manifested here and elsewhere.

Mr. Speaker, as stated on a former occasion, this measure is just and equitable alike to the Western Union Telegraph Company, to the railroads, to the Government, to the people, and to connecting telegraph lines. It simply requires the railroads to execute in good faith the provisions of their charters. It deprives the Western Union Company of no right to which it is lawfully entitled. That company is not required to take down a pole or a wire along the line of the road. The bill gives to the Government, to the people, and to connecting telegraph lines equal rights and privileges along this line of telegraph, stretching as it does from the heart of the Mississippi Valley to the Pacific Ocean, and Mr. Speaker, allow me again to suggest that if Mr. Jay Gould and the other managers of the Western Union Telegraph Company are wise they will make no further attempt to evade the present statute, but will bow in graceful deference to the will of the people.

Competition is essential to the highest and best interests of the whole people, and if necessary, Mr. Speaker, and I believe it is necessary, the power of the Government itself must be exercised to secure that perfect equality without discrimination which is the very basis upon which rests the whole fabric of our institutions. [Applause.]

Mr. Speaker, allow me to reiterate the statement of a few days since, that this is but the initiative measure of reform which, speaking to Mr. Jay Gould and the Western Union Company, says in no uncertain tones, "Thus far thou shalt go and no farther." [Applause.]

Sir, monopoly is a plant of foreign growth. It is un-American, unrepublican, undemocratic, and should not be allowed to take root in American soil. Our fathers founded this Government as the result of the exactions and oppressions of favored classes which drove them from the Old World. Here in the wild, free wilderness of the New World they laid the foundation for a new government, and upon that foundation they erected a superstructure dedicated to freedom and the equal rights of men.

The measure is in genuine accord with the policy adopted and announced by our fathers. It is a bill in which I take especial pleasure, because it lifts us out of the ruts of narrow partisanship and brings us together as Representatives upon a broad national platform, obedient to the wishes of the whole people without distinction of party. [Applause.] I thank the members of the House for the attention they have given me. The hour for general debate has not quite expired, but I will have compassion and stop right here.

Several MEMBERS. Go on! Go on!

Mr. DOCKERY. Mr. Speaker, the committee desire to perfect the bill, which they have a right to do under the rules, and then the gentleman from New York [Mr. WHITE] has a substitute which he proposes to offer. And, Mr. Speaker, having time remaining, I will add a remark for the purpose of calling attention to the substitute which is proposed by my friend from New York, whom I esteem most profoundly, and whose courage and genius are, in my humble opinion, worthy of a better cause.

THE SUBSTITUTE.

The substitute, if my friend will permit the remark, gives away his whole case. He has kindly furnished me with a copy of it in advance, and I find that it virtually admits everything that has been charged. The only difference in its effect from our bill is—what? Instead of requiring the Government, as the pending bill does, to see that perfect equality is maintained, the substitute turns the matter over to the tender mercy of some aggrieved individual—just as though an individual could compete with this corporation with its millions of capital. Why, sir, the Baltimore and Ohio Telegraph Company, a powerful corporation, went down only a few months ago beneath the prowess, the cunning, and the tact of Mr. Jay Gould; and does the gentleman from New York expect that the people will get any relief under his substitute, which gives them merely the right to go into the courts and attempt there to throttle this great corporation? No, sir, the gentleman has wholly misapprehended the temper of the House. The bill we offer is designed to give relief—how? By the power of 60,000,000 of people sustaining the courts of the country. Why? Because in the acts incorporating these companies we required the policy of non-discrimination, and it is our duty to the humblest citizen to see that the law which was placed on the statute-book is enforced. We do not intend to stand cowering and helpless before this telegraph monopoly which has reared its head in this country, or allow its policy of oppression to continue by going through the form of giving the remedy simply to an individual. It is true the substitute does provide that—

Nothing herein contained shall be construed as preventing the Attorney-General from proceeding by *quo warranto*, etc.

But is that a very cordial invitation to the Attorney-General?

Mr. WHITE, of New York. If it will satisfy the gentleman, I will put in a provision requesting the Attorney-General to do it.

Mr. DOCKERY. No, my friend. We demand a positive requirement. Behind that flag, representing the sovereignty of this nation, there rests a power strong enough to throttle any monopoly, even though it be the monopoly of Jay Gould and the Western Union Telegraph Company. [Applause.] This power represents the whole people, and will be invoked to secure perfect equality—ay, sir, even to the humblest negro at Omaha who may desire to send a dispatch to San Francisco. That is our idea of government. [Applause.]

Now, a word more as to the necessity of a measure of this kind. I have before me a local item from the Kansas City Times of February 28. By this article it appears that the only existing line of competing telegraph is in danger of absorption by the Western Union Telegraph Company. It seems that one after another of these lines of competing telegraph have gone down beneath the extraordinary craft and money of Jay Gould. I have not time to read the article, but it is to be found in the local columns of the paper to which I have referred, and indicates the pressing necessity for this and other remedial legislation.

One word in conclusion. I desire to appeal to no prejudice in the discussion of this question; but, sir, I am in earnest about this proposition, for I believe that no one man, although he wield the power of $300,000,000, should dominate the business interests of the country, and in any department of effort sway the scepter of universal monopoly. I desire to secure the passage of a bill which shall be just to these corporations, and just also to the people from whom they receive their power—just and equitable alike to all interests. Let us supplement this measure with such a bill, and thus say to Mr. Gould, "If you do business in this country, you must do it upon business principles, recognizing the rights of competitors to exist; and even though your hundreds of millions of capital be invoked in behalf of monopoly, you shall not succeed, because the people are unwilling to foster monopolies." [Applause.]

Mr. Speaker, my friend from New York [Mr. WHITE] has a substitute which he desires to offer; but before that is done the committee desire to perfect the bill.

The SPEAKER *pro tempore* (Mr. HATCH). Amendments are now in order.

Mr. DOCKERY. The gentleman from Kansas [Mr. PETERS] will offer three additional amendments on behalf of the committee.

Mr. PETERS. I move to amend, in line 9 of section 4, by striking out the words "enforce and." These words are surplusage and make a seeming inconsistency in the language. They were inserted, I presume, through oversight.

There being no objection, the amendment was agreed to.

Mr. PETERS. In lines 25 and 26 of section 6 there is a typographical error which I desire to correct. I move to strike out in those lines the words "Commissioner of Railroads" and insert "said commission." This amendment makes the language correspond with the rest of the bill.

There being no objection, the amendment was agreed to.

Mr. PETERS. The next amendment is to add to section 7, the last section of the bill, the clause which I ask the Clerk to read.

The Clerk read as follows:

Or any authority that the Postmaster-General now has under Title LXV of the Revised Statutes to fix rates, or of the Government to purchase lines as provided under said title, or to have its messages given precedence in transmission.

Mr. PETERS. I will state that in Title LXV of the Revised Statutes the Postmaster-General has the right to fix the rate upon the telegraph companies which accept the provisions of that tariff. In order there may be no dispute whether it is accepted or not, this addition is made to section 7.

The amendment was agreed to.

Mr. DOCKERY. I ask, by unanimous consent, that all of the amendments reported by the Committee on the Post-Office and Post-Roads to the bill be agreed to in gross.

There was no objection, and it was ordered accordingly.

Mr. WHITE, of New York. I have not yet completed my substitute for the bill and amendments.

Mr. DOCKERY. I will demand the previous question on the engrossment and third reading of the bill, with the understanding that the substitute of the gentleman from New York shall be considered as pending.

There was no objection, and it was ordered accordingly.

Mr. WHITE, of New York. I now submit my substitute for the bill and amendments.

The Clerk read as follows:

A substitute for House bill 1426.

Strike out all after the enacting clause and insert the following:

"The circuit court of the United States within and for any district in which

is situated any portion of any railroad or telegraph line belonging to or operated by a railroad or telegraph company which has received any subsidy of land or bonds from the United States under the provisions of the act of Congress approved July 1, 1862, entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' and the acts amendatory thereof, shall have jurisdiction to hear and determine all cases of mandamus to compel said railroad or telegraph company to operate its road or telegraph line as required by law; and further, to hear and determine all informations and proceedings in *quo warranto* which may be brought for the alleged mis-user or non-user of any of the franchises of said railroad or telegraph lines; and any person alleging himself to be aggrieved by the action of said railroad or telegraph company shall have the right to file the relation for such writ of mandamus or the information for such writ of *quo warranto: Provided, however*, That this act shall not be construed as preventing the Attorney-General of the United States from proceeding, upon his own motion, by mandamus or *quo warranto*, against any of said railroad or telegraph companies whenever in his opinion the public interests will be subserved thereby. And he is hereby directed to examine forthwith all contracts between the Western Union Telegraph Company and the respective railroad and telegraph companies organized and operating under the provisions of the said act of July 1, 1862, and all amendments thereto; and if he believes them to be illegal, he is directed to bring suit for their cancellation and annulment."

Mr. WHITE, of New York. I do not intend to consume any time on the substitute.

The SPEAKER *pro tempore*. The previous question has been ordered and debate is closed.

Mr. WHITE, of New York. I wish to make a single remark.

Mr. ANDERSON, of Kansas. I hope the gentleman will have consent.

The SPEAKER *pro tempore*. How long does the gentleman want?

Mr. SMITH, of Wisconsin. I object.

The substitute was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. DOCKERY. I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. DOCKERY demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 197, nays 4, not voting 123, as follows:

YEAS—197.

Abbott,	Cutcheon,	La Follette,	Robertson,
Adams,	Dalzell,	Laidlaw,	Romeis,
Allen, Mich.	Dargan,	Laird,	Rowell,
Allen, Miss.	Davidson, Ala.	Landes,	Russell, Conn.
Anderson, Iowa	Davidson, Fla.	Lane,	Ryan,
Anderson, Miss.	Dibble,	Lanham,	Sayers,
Anderson, Ill.	Dockery,	Latham,	Scull,
Anderson, Kans.	Elliott,	Lawler,	Seney,
Atkinson,	Enloe,	Lind,	Shaw,
Bacon,	Ermentrout,	Lyman,	Shively,
Baker, N. Y.	Farquhar,	Macdonald,	Smith,
Baker, Ill.	Fisher,	Mahoney,	Snyder,
Bankhead,	Flood,	Mansur,	Sowden,
Barry,	Ford,	Martin,	Spooner,
Belden,	Fuller,	McClammy,	Stahlnecker,
Blanchard,	Funston,	McComas,	Steele,
Bland,	Gallinger,	McCormick,	Stephenson,
Blount,	Gear,	McKenna,	Stewart, Tex.
Boothman,	Glass,	McKinley,	Stockdale,
Breckinridge, Ark.	Greenman,	McMillin,	Stone, Ky.
Breckinridge, Ky.	Grosvenor,	McRae,	Stone, Mo.
Brewer,	Grout,	Milliken,	Struble,
Brower,	Guenther,	Mills,	Symes,
Browne, T. H. B., Va.	Hare,	Moffitt,	Taulbee,
Browne, Ind.	Hatch,	Montgomery,	Taylor, J. D., Ohio
Brown, Ohio	Haugen,	Moore,	Thomas, Ky.
Bryce,	Hayes,	Morgan,	Thomas, Wis.
Buchanan,	Heard,	Morrill,	Tracey,
Buckalew,	Hemphill,	Morrow,	Turner, Kans.
Burnes,	Henderson, Iowa	Neal,	Turner, Ga.
Burnett,	Henderson, N. C.	Newton,	Vance,
Burrows,	Henderson, Ill.	Norwood,	Wade,
Butler,	Herbert,	Nutting,	Walker,
Bynum,	Hermann,	O'Donnell,	Warner,
Campbell, Ohio	Hiestand,	O'Ferrall,	Washington,
Candler,	Hitt,	Osborne,	Weaver,
Cannon,	Hogg,	Owen,	Weber,
Caruth,	Holman,	Parker,	Wheeler,
Catchings,	Holmes,	Patton,	White, Ind.
Cheadle,	Hooker,	Payson,	Whiting, Mich.
Clark,	Hopkins, Va.	Peel,	Wickham,
Clements,	Houk,	Penington,	Williams,
Cobb,	Hovey,	Perkins,	Wilson, Minn.
Conger,	Hudd,	Perry,	Wilson, W. Va.
Cooper,	Hutton,	Peters,	Wise,
Cothran,	Jackson,	Post,	Yardley,
Cox,	Johnston, Ind.	Pugsley,	Yoder.
Crisp,	Johnston, N. C.	Randall,	
Crouse,	Kennedy,	Rice,	
Culberson,	Kerr,	Richardson,	

NAYS—4.

Bliss,	Ketcham,	Merriman,	White, N. Y.

NOT VOTING—123.

Allen, Mass.	Bowden,	Caswell,	Cummings,
Arnold,	Bowen,	Chipman,	Darlington,
Barnes,	Brown, J. R., Va.	Clardy,	Davenport,
Bayne,	Brumm,	Cockran,	Davis,
Belmont,	Bunnell,	Cogswell,	De Lano,
Biggs,	Butterworth,	Collins,	Dingley,
Bingham,	Campbell, F., N. Y.	Compton,	Dorsey,
Bound,	Campbell, T. J., N. Y.	Cowles,	Dougherty,
Boutelle,	Carlton,	Crain,	Dunham,
Dunn,	Hunter,	Nelson,	Simmons,
Felton,	Jones,	Nichols,	Spinola,
Finley,	Kean,	Oates,	Springer,
Fitch,	Kelley,	O'Neall, Ind.	Stewart, Ga.
Foran,	Kilgore,	O'Neill, Pa.	Stewart, Vt.
Forney,	Laffoon,	O'Neill, Mo.	Tarsney,
French,	Lagan,	Outhwaite,	Taylor, E. B., Ohio
Gaines,	Lee,	Phelan,	Thomas, Ill.
Gay,	Lehlbach,	Phelps,	Thompson, Ohio
Gest,	Lodge,	Pidcock,	Thompson, Cal.
Gibson,	Long,	Plumb,	Tillman,
Glover,	Lynch,	Rayner,	Townshend,
Goff,	Maffett,	Reed,	Vandever,
Granger,	Maish,	Rockwell,	West,
Grimes,	Mason,	Rogers,	Whiting, Mass.
Hall,	Matson,	Rowland,	Whitthorne,
Harmer,	McAdoo,	Russell, Mass.	Wilber,
Hayden,	McCreary,	Rusk,	Wilkins,
Hires,	McCullogh,	Sawyer,	Wilkinson,
Hopkins, Ill.	McKinney,	Scott,	Woodburn,
Hopkins, N. Y.	McShane,	Seymour,	Yost.
Howard,	Morse,	Sherman,	

So the bill was passed.

On motion of Mr. DOCKERY, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. COWLES with Mr. HUNTER.
Mr. LYNCH with Mr. LEHLBACH.
Mr. MCSHANE with Mr. MCCULLOGH.
Mr. PIDCOCK with Mr. BOWDEN.
Mr. WILKINSON with Mr. SHERMAN.
Mr. COLLINS with Mr. BRUMM.
Mr. FELIX CAMPBELL with Mr. O'NEILL, of Pennsylvania.
Mr. FORAN with Mr. HOPKINS, of Illinois.
Mr. HEARD with Mr. ALLEN, of Massachusetts.
Mr. TOWNSHEND with Mr. WHITING, of Massachusetts.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. BIGGS with Mr. FELTON.
Mr. DOUGHERTY with Mr. J. R. BROWN, of Virginia.
Mr. GRANGER with Mr. ROCKWELL.
Mr. ROWLAND with Mr. HAYDEN.
Mr. STEWART, of Vermont, with Mr. CRAIN.

The following pairs were announced on all political questions for to-day:

Mr. WILKINS with Mr. DINGLEY.
Mr. OUTHWAITE with Mr. BAYNE.
Mr. OATES with Mr. CASWELL.
Mr. FORNEY with Mr. BUTTERWORTH.
Mr. SPRINGER with Mr. KELLEY.
Mr. ROGERS with Mr. LONG.
Mr. DUNN with Mr. DELANO.
Mr. MCCREARY with Mr. GOFF.
Mr. COMPTON with Mr. DUNHAM.
Mr. GRIMES with Mr. BINGHAM.
Mr. LAFFOON with Mr. DARLINGTON.
Mr. CLARDY with Mr. HOPKINS, of New York.
Mr. WHITTHORNE with Mr. ARNOLD.
Mr. FRENCH with Mr. GAINES.
Mr. PHELAN with Mr. DORSEY.
Mr. LEE with Mr. MAFFETT.
Mr. RUSK with Mr. YOST.
Mr. CUMMINGS with Mr. LODGE.
Mr. THOMPSON, of California, with Mr. BUNNELL.

Mr. REED with Mr. FINLEY, on this bill. If present Mr. FINLEY would vote for the bill, and Mr. REED against it.

Mr. GLOVER with Mr. RUSSELL, of Massachusetts, on the telegraph bill. Mr. GLOVER would vote for and Mr. RUSSELL against the bill.

Mr. MCADOO. I was in the Hall when the roll-call began, but was not present when my name was called, having been called out for a moment. I wish to state that if I had been present I would have voted in the affirmative.

The SPEAKER *pro tempore*. The gentleman will be recorded in the RECORD, not on the roll.

The result of the vote was then announced as above recorded.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DOCKERY. I move that the House do now adjourn.

THOMAS J. TAYLOR.

Mr. HOVEY. I ask unanimous consent to take from the Private Calendar the bill (H. R. 2161) for the relief of Thomas J. Taylor and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay Thomas I. Taylor, out of moneys not otherwise appropriated, the sum of $2,000, as compensation for services rendered by said Thomas I. Taylor as a scout during the late war of the rebellion, all of said services

having been rendered under written instructions of the commanders of the Federal Army commanding the Department of the Tennessee.

Mr. RANDALL. Let the report be read.

The report (by Mr. O'NEALL, of Indiana) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2161) for the relief of Thomas J. Taylor, have had the same under consideration, and recommend that the same be amended so as to allow the said Taylor the sum of $861; and, when so amended, they recommend its passage.

This claim is for military services rendered by Thomas J. Taylor as a scout in the Army of the Union in the late war of the rebellion.

The proof accompanying the bill establishes the justice thereof beyond all reasonable doubt, and is as follows, to wit:

1. The affidavit of Thomas J. Taylor, the claimant.

2. The affidavit of Acting General M. M. Bane, under whom a part of the services were rendered.

3. The affidavit of Maj. Charles C. Davis and of General John C. Starkweather, all officers of the United States, under whom said Taylor rendered the services for the payment of which said bill is introduced, all clearly and fully establishing said services.

4. Various passes given said Taylor by said officers during the time said services were being rendered, which were of a very arduous and dangerous character.

The committee also recommend that the bill be amended by striking out the initial "I." in the name of claimant and inserting "J.;" so that it will read "Thomas J. Taylor." Also amend the title to conform.

There being no objection, the bill was considered, the amendments agreed to, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOVEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF CHARGES OF DESERTION.

Mr. RANDALL. Mr. Speaker, I desire to call up House bill No. 6106, reported by the Military Committee, in relation to desertions; and ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from its further consideration and put it upon its passage now. I believe the House is unanimously in favor of the bill, and therefore I have no hesitancy in making this request.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to amend the military record of any soldier who served during the late civil war in the volunteer service, upon proper application, where the rolls and records of the Adjutant-General's Office show the charge of desertion against him, when such rolls and records, or other satisfactory evidence, show the facts set out in any of the following cases:

First. That said soldier served faithfully the full term of his enlistment and left his command believing that his service was completed and that he was entitled to his discharge.

Second. That said soldier, having served for six months or more, and until the 1st day of May, A. D. 1865, left his command believing that he was entitled to discharge because of the close of the war.

Third. That such soldier left his command, or a hospital, with or without leave, and was prevented from returning before the muster-out of his command, by reason of a wound, injury, or disease incurred in the service and line of duty.

Fourth. That said soldier, after said charge of desertion was entered on the rolls, voluntarily returned to his command, within a reasonable time or as soon as physically able, and served faithfully until discharged.

Fifth. That said soldier left his command with proper authority, and not being able to return because of sickness, and having no knowledge of any charge of desertion against him, was arrested and returned to his command by a provost-marshal, and was restored to duty by his officers, without trial or punishment, and served faithfully until discharged.

Sixth. That said soldier having left or been separated from his command by no fault of his own, and after the 1st day of May, 1865, was unable to rejoin the same by reason of its muster out of the service.

Seventh. That said soldier having left or been separated from his command by no fault of his own, and being unable to join the same by reason of circumstances beyond his control, and without receiving or intending to receive any pay, bounty, or reward not incident to his proper service, joined another command and continued faithfully to perform military duty the full term of his enlistment.

Eighth. That said soldier served faithfully with his command for six months or more, and until the same was mustered out of service; and not being either mustered out or notified of his assignment to another command, remained at his home up to the close of the war without arrest or molestation.

Ninth. And in all cases where there was no real purpose of desertion; or to evade military duty or danger; or to receive additional pay, reward, or bounty; or where the charge is shown to be incorrect in fact.

Tenth. But this act shall not be applied to relieve from the charge of desertion any soldier who left his command from disaffection or disloyalty to the Government, or to evade the dangers and hardships of the service when in the presence of the enemy, or to re-enlist for the sake of bounty or increased pay, or who was under sentence or in arrest for breach of military law, or who was in fact a willful deserter.

SEC. 2. That when the charge of desertion is removed under the provisions of this act the soldier shall be restored to a status of honorable service, his military record shall be corrected as the facts require, and an honorable discharge shall be issued, and he shall be restored to all his rights as to pension, pay, and bounty as if the charge of desertion had never been made; and in case of the death of said soldier his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers: *Provided*, That this act shall not be construed to give to any soldier, or his legal representatives or heir, any pay, bounty, or allowance for any period of time he was absent without leave and not in the performance of military duty.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. BOOTHMAN. I wish to offer an amendment to this bill.

Mr. WADE. I desire to offer an amendment, to insert after the word "volunteer," in the fifth line, the words "or regular Army."

Mr. STEELE. I hope this bill will not be amended to apply to the regular Army. They enlisted for a fixed period and this is not intended for that class of soldiers. I hope it will be withdrawn or voted down.

Mr. WADE. I wish to explain my amendment, if in order.

The SPEAKER *pro tempore*. The gentleman has the floor for that purpose.

Mr. WADE. Mr. Speaker, gentlemen present who have served in the volunteer service recollect that propositions were often made to the volunteers to enter the regular service. There were recruiting officers who came to our regiments and got men to enlist in the cavalry service of the regular Army. They were discharged by order of the War Department or went into the regular service and served just as the men did to whom this bill refers, and went home at the expiration of the war or under circumstances similar to those enumerated in the bill for which it is sought to relieve these men in the volunteer service.

They were never molested and have never been arrested as deserters, yet they stand on the rolls as deserters, and I want to correct their record as much as gentlemen desire to correct the record of those who were volunteers and staid in the service to the end of their term of enlistment.

The question being taken on Mr. WADE'S amendment, there were—ayes 83, noes 44.

So (further count not being called for) the amendment was agreed to.

Mr. BOOTHMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "volunteer service," in line 5, insert the words "or in the war with Mexico."

Mr. RANDALL. I have no objection to that amendment.

Mr. BRECKINRIDGE, of Kentucky. I object to it. I do not care to take any part in the discussion about those who were deserters in the late war. Let the House deal with that matter as it deems best. But I am not willing that the House should set a precedent for any other war.

The question being taken on agreement to Mr. BOOTHMAN'S amendment, there were—ayes 97, noes 17.

Mr. BRECKINRIDGE, of Kentucky. I make the point of no quorum.

The SPEAKER *pro tempore*. The Chair appoints as tellers the gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Pennsylvania [Mr. RANDALL].

Mr. BRECKINRIDGE, of Kentucky. I withdraw the point of no quorum.

Mr. RANDALL. I demand the previous question.

The previous question was ordered.

Mr. STEELE. There is an amendment reported by the committee.

The Clerk read the amendment proposed by the committee, as follows:

In line 53, strike out "Tenth. But" and insert "*Provided*, That."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEELE. I ask to have the title made to conform with the amendments.

Mr. RANDALL. It should read: "A bill for the relief of certain volunteer and regular soldiers of the late war and the Mexican war."

The title was amended as suggested.

Mr. STEELE. I hope the bill will be printed, that gentlemen may have copies to send home.

Mr. RANDALL. Let the bill be printed as passed.

There was no objection.

ORDER OF BUSINESS.

Mr. BLAND. I move that the House do now adjourn.

The question being taken, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 49, noes 75.

So the House refused to adjourn.

Mr. BLAND. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the unfinished business on the House Calendar.

The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1733) to provide for the issue of circulating notes to national banking associations.

[Laughter.]

Mr. MCMILLIN. The gentleman from Ohio [Mr. WILKINS] who has charge of this bill is not present. I move that the House do now adjourn.

The question being taken, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. SOWDEN. I call for a division.

The House divided; and there were—ayes 64, noes 53.

So the motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until Monday.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bill and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. ATKINSON: A bill (H. R. 8007) granting a pension to William Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8008) granting a pension to J. B. Covert—to the Committee on Invalid Pensions.

By Mr. BURNES: A bill (H. R. 8009) for the relief of James Nickles—to the Committee on War Claims.

By Mr. CLARK: A bill (H. R. 8010) granting a pension to Michael Eller—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 8011) for the relief of Wyatt M. Garrett—to the Committee on War Claims.

By Mr. LANHAM: A bill (H. R. 8012) for the relief of M. M. Gibson—to the Committee on Claims.

By Mr. MONTGOMERY: A bill (H. R. 8013) granting a pension to Jacob H. Booher—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 8014) granting a pension to Elijah Martin—to the Committee on Invalid Pensions.

By Mr. J. E. RUSSELL: A bill (H. R: 8015) granting a pension to Ruth A. Ward—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: A bill (H. R. 8016) for the relief of William Doyle and the legal representatives of Hudson Cooper—to the Committee on War Claims.

By Mr. J. D. TAYLOR: A bill (H. R. 8017) for the relief of J. S. Snyder—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: A bill (H. R. 8018) for the relief of David L. Partlow—to the Committee on Invalid Pensions.

By Mr. YOST: A bill (H. R. 8019) for the relief of Addison M. Copen—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 8020) for the relief of Jacob Koller—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 8021) for the relief of Harriet C. Hunter—to the Committee on War Claims.

By Mr. T. H. B. BROWNE: A bill (H. R. 8022) for the relief of John R. Johnson, of Accomack County, Virginia—to the Committee on War Claims.

Changes in reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 6354) for the relief of Edwin De Leon—from the Committee on Foreign Affairs to the Committee on Appropriations.

A bill (H. R. 6355) for the relief of Edwin De Leon—from the Committee on Foreign Affairs to the Committee on Appropriations.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BACON: Petition of Adelia Near, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. JEHU BAKER: Resolutions of members of Mississippi Lodge, No. 5, of Amalgamated Association of Iron and Steel Workers, of Illinois, against tariff reduction—to the Committee on Ways and Means.

By Mr. BLANCHARD: Memorial of the Orleans Ph. Medical Society, for the removal of duties on medicine and medical and surgical appliances—to the Committee on Ways and Means.

By Mr. BREWER: Remonstrance of John A. Westerguard and 22 others, cigar-makers of Lansing, and of Joseph Danbeau and 9 others, cigar-makers of Flint, Mich., against repeal of tax on cigars—to the Committee on Ways and Means.

By Mr. BURNES: Protest of G. R. Christopher and numerous others, citizens of St. Joseph, Mo., against the repeal of the internal-revenue tax on cigars and cheeroots—to the Committee on Ways and Means.

By Mr. BURROWS: Petition fixing the salaries in the Life-Saving Service—to the Committee on Commerce.

By Mr. BUTLER: Petition of Thomas Right to be placed on the pension-rolls—to the Committee on Invalid Pensions.

Also, petition of citizens of Maryland for an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. CAREY: Memorial of the Board of Trade of Sundance, Wyo., for a United States land office at that place—to the Committee on the Public Lands.

Also, memorial relative to the employment and compensation of additional officers of the Legislative Assembly of Wyoming Territory—to the Committee on the Territories.

By Mr. CATCHINGS: Papers in the claims of Thomas P. Shull, and of Judith McKinney, of Tishomingo County, of Joseph A. Weatherby, of Ia Fayette County; of Isaac Roberts, of Hinds County, and of James A. Houston, of Tallehatchee County, Mississippi—to the Committee on War Claims.

By Mr. COOPER: Petition of John W. Kerr and others, citizens of Utah, and of J. Kensen and 48 others, citizens of Allegany County, New York, for increase of duty on wool and revision of the duty on worsteds—to the Committee on Ways and Means.

By Mr. CROUSE: Resolutions and protest of the miners, laborers, and farmers of Fayette County, West Virginia, against any change of tariff on soft coal—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of American Lodge of Amalgamated Association of Iron and Steel Workers, against change in the tariff—to the Committee on Ways and Means.

By Mr. DUNN (by request): Petition of the Woman's Christian Temperance Union of Arkansas, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. ERMENTROUT: Memorial of miners and mine employés of Fayette Station, W. Va., protesting against the removal of the import duties on coal, coke, and ores, and reduction of duty on pig iron—to the Committee on Ways and Means.

Also, memorial of Samuel Randall, of the National Soldiers' Home of Virginia, for the passage of House bill No. 7765—to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of Alex. Robbins and 62 others, asking that salaries of life-saving keepers and surfmen be increased—to the Committee on Commerce.

Also, petition of John Allen and 22 others, of William McArthur and 11 others, and of Ira H. Owen and 24 others, vessel-men, asking for harbor of refuge at False Presque Isle—to the Committee on Rivers and Harbors.

By Mr. FORD: Remonstrance of Charles Green and others, of Michigan, against the repeal of the tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. GEAR: Petition of M. A. Crew and others, for increased protection to wool—to the Committee on Ways and Means.

Also, protest of John L. Ward and 27 others, and of L. B. Reader and 27 others, against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. GLASS: Petition of citizens of Ripley, Tenn., against the passage of bill to tax cotton-seed oil—to the Committee on Agriculture.

By Mr. GROSVENOR: Memorial, resolutions, and exhibits from miners and laboring men of West Virginia, in favor of protection to their industries—to the Committee on Ways and Means.

By Mr. GROUT: Resolutions of sundry meetings in West Virginia, against reducing the duty on coal and iron—to the Committee on Ways and Means.

By Mr. HARE: Petition of R. D. Williams, formerly of Hickman County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. HAUGEN: Memorial of the board of supervisors of St. Croix County, Wisconsin, for removal of duty on sugar and readjustment of tariff on necessaries, etc.—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Resolution of the Upper Mississippi River convention, in regard to buoy lights—to the Committee on Commerce.

By Mr. HERMANN: Petition for a court on Indian depredations claims—to the Select Committee on Indian Depredations Claims.

Also, petition of wool growers in Grant County, Oregon, asking that no change be made in existing duty on wool—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Oregon, for repeal of internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. HOLMAN: Petition of J. G. Robbins & Sons and 35 others, citizens of Decatur County, Indiana, for legislation to extirpate contagious diseases among cattle, etc.—to the Committee on Agriculture.

By Mr. HOOKER: Memorial of the Choctaw Nation—to the Committee on Indian Affairs.

By Mr. LEHLBACH: Resolutions of Washington Lodge, No. 1, of New Jersey, protesting against legislation tending to cripple the industries of the country—to the Committee on Ways and Means.

By Mr. McCORMICK: Petition of John Hannon and 56 others, citizens of McKean County, Pennsylvania, protesting against the repeal of internal-revenue laws affecting cigars and cheroots—to the Committee on Ways and Means.

Also, petition of citizens of Pennsylvania, including several peace unions, for an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. McKINLEY: Petition of citizens of Alaska, disapproving the bill providing a Territorial form of government for said district—to the Committee on the Territories.

Also, petition of sailors, for the passage of House bill No. 1795—to the Committee on Naval Affairs.

Also, joint resolution of the General Assembly of Ohio, opposing the views of the President in his message to Congress—to the Committee on Ways and Means.

Also, joint resolution of same, protesting against any reduction of the duty on wool—to the Committee on Ways and Means.

Also, petition of citizens of Ohio, for speedy action on the subject of protection to the wool-growers and woolen manufacturing industries of this country—to the Committee on Ways and Means.

Also, resolutions of the Amalgamated Association of Iron and Steel Workers of the United States, against any revision of the tariff tending to cripple the industries of this country—to the Committee on Ways and Means.

Also, resolutions of the Southwest Lead and Zinc Association, requesting repeal of all internal-revenue taxes—to the Committee on Ways and Means.

By Mr. PETERS: Evidence in case of Joel Maxwell, to have military record corrected—to the Committee on Military Affairs.

By Mr. PLUMB: Petition of the Marine Engineers' Mutual Benefit Association of Chicago, for the bill regulating the hours of service for engineers—to the Committee on Labor.

Also, protest of Mutual Lodge, No. 12, Amalgamated Iron and Steel Workers, of Joliet, Ill., against legislation tending to cripple the productive industries of the country—to the Committee on Ways and Means.

By Mr. RANDALL: Resolutions of Harry Clay Council, No. 7, Junior Order of United American Mechanics, that February 22 be declared a legal holiday—to the Committee on the Judiciary.

Also, memor- Legislature of Washington Territory, for the settlement of Indian war claims of 1855-'56—to the Select Committee on Indian Depredation Claims.

By Mr. REED: Petition of the Woman's Christian Temperance Union of Maine, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. J. E. RUSSELL: Petition of Ruth A. Ward, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. SCULL: Memorial of the Junior Order of American Mechanics, of Coopersdale Council, of Cambria County, and of Orient Council, of Johnstown, Pa., requesting that February 22 be declared a national holiday—to the Committee on the Judiciary.

By Mr. SPOONER: Petition of citizens of Rhode Island, for the establishment of an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. SPRINGER: Resolutions of the Board of Trade of Chicago, Ill., relative to the transportation of products under bond, etc.—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Resolution of miners, laborers, and farmers of Fayette County, West Virginia, against putting soft coal, coke, etc., on the free-list—to the Committee on Ways and Means.

Also, letter referring to internal-revenue stamps on cigars, cigarettes, snuff, and tobacco—to the Committee on Ways and Means.

By Mr. STEELE: Resolution of Recovery Grange No. 482, of Warren, Ind., against the repeal of the oleomargarine bill—to the Committee on Agriculture.

By Mr. STONE, of Missouri: Affidavit of J. M. Blue, in support of bill for his relief—to the Committee on War Claims.

By Mr. STRUBLE: Petition of the Peace Association of Iowa, for an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. J. D. TAYLOR: Petition of John M. Combs and 25 others, and of John W. Scott and 26 others, for increase of duty on wool and woolen goods to the standard agreed upon by the Wool-Growers and Woolen Manufacturers' Convention—to the Committee on Ways and Means.

Also, petition of S. B. Shotwell and 131 others, of Harrison County, Ohio, against further reduction of duty on wool, etc.—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of citizens of Trumbull County, Ohio, in favor of a tariff on wool—to the Committee on Ways and Means.

By Mr. TOOLE: Petition of the Woman's Christian Temperance Union of Montana, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. G. M. THOMAS: Petition of John W. Story, for relief—to the Committee on Military Affairs.

By Mr. TRACEY: Petition of citizens of New York, representing the Peace Association, for an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. VANCE: Petition of the officers of the Connecticut Peace Association, representing 5,000 names, for an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. WHEELER: Petition of Uriah Dill, of R. H. Alexander, of William E. Payne, of C. W. Carter, of John Arkew, of J. M. Ham, of Jane Corum, and of John Kockelman, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of 31 citizens of Winston County, Alabama, praying for the opening of all lands in Alabama to entry under the homestead laws—to the Committee on the Public Lands.

By Mr. WISE: Papers in the claim of Mrs. James M. Thompson, of Hanover County, Virginia—to the Committee on War Claims.

By Mr. YOST: Petition of citizens of West Virginia protesting against reduction of duty on bituminous coal—to the Committee on Ways and Means.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. C. L. ANDERSON: Of J. L. Denson and others, citizens of Scott County, and of D. C. Little and others, citizens of Smith County, Mississippi.

By Mr. ATKINSON: Of citizens of Andersonburgh, Pa.

By Mr. HARE: Of sundry citizens of Greenwood, Wise County, Texas.

By Mr. HEMPHILL: Of C. W. Williams and others, of Wilksburg, S. C.

By Mr. HOGG: Of J. W. Spenser and 50 others, citizens of Mason County, West Virginia.

By Mr. J. D. TAYLOR: Of Joseph Barr and 34 others, of Oldham; of J. W. Chappell and 31 others, of Atlas; of C. Blakely and 15 others, of Claytonia; of W. S. Laferty and 34 others, of Laferty, and of Albert Deyarmore and 44 others, of Pine Valley, Ohio.

By Mr. WALKER: Of 140 citizens of Ballinger's Mills, Ballinger County, Missouri.

By Mr. W. L. WILSON: Of O. W. Taylor and others, of M. Parsons and others, of James H. Ryan and others, of J. J. Cornwell and others, of F. B. Haller and others, of J. G. Harner and others, of Sandford Siles and others, of J. D. Payne and others, of E. Riffel and others, of W. W. Showalter and others, of J. G. Wolfe and others, of J. J. Taylor and others, of J. F. Simpson and others, of J. A. Little and others, and of P. S. Haught and others, of West Virginia.

By Mr. YOST: Of citizens of Allwood, Amherst County, Virginia.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. ATKINSON: Of citizens of Pennsylvania.

By Mr. BELDEN: Of soldiers of McGrawsville, of Jamesville, and of Coyle, N. Y.

By Mr. BURROWS: Of members of Acker Post, No. 220, Grand Army of the Republic, of Vicksburgh, Mich.

By Mr. DAVENPORT: Of sons of veterans of Greenwood, of soldiers of Canandaigua, and of soldiers and citizens of Greenwood, N. Y.

By Mr. DORSEY: Of ex-soldiers and ex-sailors of Covington, of Homer, and of Dakota City, Nebr.

By Mr. FORD: Of Mark Thompson Post, Grand Army of the Republic, of Plainwell, Mich.

By Mr. GROSVENOR: Of William Tidd and 23 others, of Cameron, Monroe County, and of J. A. Skinner and 44 others, ex-soldiers, of Woodsfield, Ohio.

By Mr. HEARD (by request): Of citizens of the Sixth district of Missouri.

Also (by request), of citizens of the Sixth district of Missouri.

By Mr. HOLMES: Of E. P. Van Volkenburg and of 14 ex-Union soldiers and sailors, and of Charles S. Bailey and 69 other ex-Union soldiers and sailors.

By Mr. HOVEY: Of A. S. Palmer and 30 other ex-soldiers.

By Mr. JACKSON: Of ex-Union soldiers of New Galilee, Pa.

By Mr. LAIDLAW: Of 81 soldiers of Cattaraugus County, New York.

By Mr. LYMAN: Of Grand Army of the Republic post at Massena, Ind.

By Mr. McKINLEY: Of surviving soldiers and sailors of the Union Army.

By Mr. McCORMICK: Of Joseph M. Walter and 29 others, ex-soldiers of Tioga County, Pennsylvania.

By Mr. PATTON: Of 20 soldiers of East Brady, and of 53 soldiers of Clarion, Pa.

By Mr. PETERS: Of 72 ex-soldiers of Sedgwick, Kans.

By Mr. PUGSLEY: Of Joseph Platter and 130 citizens of Ohio.

By Mr. STRUBLE: Of P. H. Tamplin and 48 others, citizens and ex-Union soldiers of Iowa.

By Mr. E. B. TAYLOR: Of 23 ex-soldiers of Girard; of 22 ex-soldiers of West Farmington; of 7 ex-soldiers of Farmington, and of 46 ex-soldiers of Warren, Ohio.

By Mr. J. D. TAYLOR: Of Ezra McConnell and 25 other soldiers, and of R. C. Angus and 10 other soldiers, of Ohio.

By Mr. A. C. THOMPSON: Petition of D. J. Reed and other ex-Union soldiers, of Gallia County; of E. G. Powell and others, of Arabia; of Tom Lambert Post, No. 509, Grand Army of the Republic, of Ohio, and of John Darling and others, of Campbell, Ohio.

By Mr. E. J. TURNER: Of John M. Rice and other members of Bercher Post, Grand Army of the Republic, of Kanaas.

By Mr. WICKHAM: Of 114 soldiers and sailors of the late war.

The following petitions, praying for the enactment of a law provid-

ing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BELDEN: Of citizens of Tully, N. Y.

By Mr. BURNES: Of 75 citizens of Holt County, Missouri.

By Mr. JACKSON: Of 182 citizens of Lawrence County, Pennsylvania.

By Mr. MOORE: Of G. Bodemann and 43 others, citizens of Guadalupe County, Texas.

Also, of C. Otto and 26 others, citizens of Fayette County, Texas.

By Mr. O'DONNELL: Of 127 citizens of Jackson County, and of 105 citizens of Eaton County, Michigan.

By Mr. PERKINS: Of 201 citizens of Cherokee County, Kansas.

By Mr. RICE: Of 283 citizens of Ramsey County, Minnesota.

By Mr. YARDLEY: Of 247 citizens and of 114 citizens of Bucks County, Pennsylvania.

SENATE.

MONDAY, *March* 5, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, in response to a resolution of February 16, 1888, relating to smuggling in the Free Zone of Mexico; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, in response to a resolution of March 1, 1888, calling for reports of special agents in regard to the evasion of duties on sugar in the port of New York; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitted in response to a resolution of February 9, 1888, calling for information as to whether the military cemetery at Mound City, Kans., is under the charge of the War Department, and whether adequate means have been taken for its care and preservation.

The PRESIDENT *pro tempore*. As this communication is in response to a resolution submitted by the Senator from Kansas [Mr. PLUMB], it will lie on the table until he comes in. It will be printed.

Mr. PLUMB subsequently said: My attention has been called to a supplementary report of the Secretary of War on a resolution offered by myself and passed by the Senate, asking information in regard to the military cemetery at Mound City, Kans. The report is more satisfactory than the former one, although it is still defective. I ask that the report be referred to the Committee on Appropriations, and I will state that the Secretary of War says that the Government has no title to the ground in Mound City in which soldiers are buried. That is a mistake. The deed was made out about the time when the first soldiers were buried in that plot of ground, and the United States have the fee. That is immaterial, however; the report of the Quartermaster-General transmitted by the Secretary of War covers the remaining part of the resolution, and is satisfactory.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, in response to a resolution of February 20, 1888, calling for information concerning the utility of a breakwater at the mouth of the Housatonic River, Connecticut; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, in response to a resolution of February 16, 1888, calling for information as to the amount of money that could be profitably expended in continuing improvements of the Ohio River between Davis Island Dam and a point near Raccoon Creek, Pennsylvania; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Postmaster-General, in response to a resolution of February 24, 1888, asking for information under and by virtue of what provisions of law publications franked and deposited in the mail by a United States Senator are returned with the information that they have been held for postage.

The PRESIDENT *pro tempore*. The communication will lie on the table until the Senator from South Carolina [Mr. BUTLER] comes in. It will be printed.

CREDENTIALS.

Mr. BLACKBURN presented the credentials of JAMES B. BECK, chosen by the Legislature of Kentucky a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

DEATH OF REPRESENTATIVE MOFFATT.

Mr. PALMER. I wish to give notice at this time that I shall call up the resolutions of the House of Representatives in reference to the death of Hon. Seth C. Moffatt, late a Representative from the Eleventh district of Michigan, on Thursday, the 15th instant, at 4 o'clock, for the purpose of making a few remarks thereon.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Board of Trade of Kiowa, Kans., remonstrating against the passage of what is known as the Springer Oklahoma bill; which was referred to the Committee on Territories.

He also presented a petition of citizens of Kansas, praying for the establishment of a postal telegraph; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Vermillion, Kans.; a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Linn County; a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Solomon City, Kans.; a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Industry and other places in Kansas; and a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of McPherson and other places in Kansas, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Kansas Society of Friends, praying for the creation of a commission to negotiate a permanent arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Jobbers' Association of Minneapolis, Minn., praying Congress to formulate measures for lessening the dangers of navigation on the high seas.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Commerce.

Mr. FRYE. The petition might as well lie on the table, as the Committee on Commerce have reported a bill covering the subject.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. FRYE. The bill is on the Calendar.

The PRESIDENT *pro tempore* presented a petition of the board of supervisors of St. Croix County, Wisconsin, praying for the removal of the duties on sugar and other necessaries of life; which was referred to the Committee on Finance.

He also presented a petition of Semple & Co., Shotwell, Cherihew & Lothmann, and Miller Brothers & Fletcher, and other firms composing the Jobbers' Association of Minneapolis, Minn., praying early and favorable action on the James bill for the abolition of all taxes and licenses levied upon commercial travelers; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented the petition of Miss Frances E. Willard, president of the National Woman's Christian Temperance Union, representing 200,000 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented a petition of 165 citizens of the Sixth, Fourteenth, and Fifteenth Congressional districts of Illinois, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of the St. Louis, Pittsburgh, Cincinnati, Cairo, Memphis, Vicksburg, and New Orleans Pilot Society of St. Louis, Mo., numerously signed, praying for the passage of Senate bill 616, extending the right of pensions to steam-boatmen; which was referred to the Committee on Pensions.

He also presented a petition of 62 citizens of Chesterfield, Ill., praying that a pension be granted to John C. Abbott; which was referred to the Committee on Pensions.

He also presented a petition of the Union ex-Prisoners of War Association of Winnebago County, Illinois, praying for the passage of the bill to pension Union ex-prisoners of war who suffered in rebel military prisons; which was referred to the Committee on Pensions.

He also presented petitions of 38 ex-soldiers, residents of Lake Creek, Ill.; a petition of 43 ex-soldiers, citizens of Pinckneyville, Ill.; a petition of 30 ex-soldiers, citizens of Franklin County, Illinois; a petition of 34 ex-soldiers, citizens of Illinois, and a petition of 30 ex-soldiers, citizens of Pinckneyville, Ill., and vicinity, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. FAULKNER presented the petition of Edwin A. Barr and 19 others, citizens of Tyler County, West Virginia; the petition of Eli Kerns and 15 others, citizens of Tyler County, West Virginia; and the petition of F. E. Kerns and 40 others, citizens of Tyler County, West Virginia, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SHERMAN presented petitions of 1,214 ex-soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the passage of the per diem rated pension bill, as follows:

Four petitions of electors of Allen County, Ohio;

Two petitions of citizens of Trumbull County, Ohio;

A petition of citizens of Ashtabula County, Ohio;

A petition of citizens of Morrow County, Ohio;
A petition of citizens of Knox County, Ohio;
A petition of John S. Snook Post, No. 324, Grand Army of the Republic, of Cecil, Paulding County, Ohio;
A petition of citizens of Brookfield, Ohio;
A petition of citizens of Lake County, Ohio;
A petition of citizens of Greensburgh and Triumph, Ohio;
Two petitions of citizens of Cortland, Ohio;
A petition of citizens of Southington, Ohio;
A petition of citizens of Harlem Springs and Bergholz, Ohio;
A petition of citizens of West Farmington, Ohio;
A petition of citizens of Girard, Ohio;
A petition of citizens of Painter Creek, Ohio;
Two petitions of citizens of Bluffton, Ohio;
A petition of citizens of Perrysburgh, Ohio;
A petition of citizens of Gettysburgh, Ohio;
A petition of citizens of Cortland and Warren, Ohio;
A petition of citizens of Allentown, Allen County, Ohio;
A petition of citizens of Girard and other places in Ohio;
Two petitions of citizens of Braceville, and places in Ohio;
A petition of citizens of Sodom and other places in Ohio;
A petition of citizens of Arcanum and other places in Ohio; and
Four petitions of citizens of Ohio.

The petitions were referred to the Committee on Pensions.

Mr. SHERMAN presented the petition of Mahoning Lodge, No. 1, of Youngstown, Ohio, favoring a protective-tariff policy; which was referred to the Committee on Finance.

Mr. MANDERSON. I present a petition quite numerously signed by citizens residing mainly in Southwestern Nebraska, praying for the organization of a new Territory out of what is known as Oklahoma in the Cherokee Strip, and praying that the Indians on those lands may be located in the Indian Territory, and for the opening up of that country to settlement. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. MANDERSON presented a petition of the Woman's Christian Temperance Union of Nebraska, officially signed, praying for the submission of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

He also presented a petition of citizens of Dawson County, Nebraska, a petition of citizens of Logan County, Nebraska, a petition of citizens of Keith County, Nebraska, a petition of citizens of Perkins County, Nebraska, and a petition of the board of county commissioners of Lincoln County, Nebraska, praying for the establishment of a United States court at North Platte, in Nebraska; which were referred to the Committee on the Judiciary.

Mr. MANDERSON. I present six petitions quite numerously signed by citizens who were soldiers in the late war, praying for the passage of the per diem rated service-pension bill. I move the reference of the petitions to the Committee on Pensions.

The motion was agreed to.

Mr. PALMER presented a petition of the Woman's Michigan Indian Association, praying for the establishment of a home and industrial school for Indian children in Michigan; which was referred to the Committee on Indian Affairs.

He also presented a petition of Henry C. Kline and 30 other comrades and old soldiers of the late war, of Corunna, Mich.; a petition of D. Stoughton and 75 other members of Maurice B. Wells Post, No. 218, Grand Army of the Republic, Department of Michigan, located at Luther, Mich.; a petition of John Heath and 59 other late soldiers and sailors in the Union Army and Navy and members of Mark Thompson Post, No. 269, Grand Army of the Republic, Department of Michigan, located at Plainville, Allegan County, Michigan; and a petition of Philip Kline and 22 other comrades and old soldiers, of Vernon, Mich., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the St. Louis (Mo.) Dairymen's Association, representing 150 members; and the St. Louis (Mo.) Butchers' Association, representing 175 members, and a petition of A. H. Kern and 27 other citizens of St. Louis, Mo., and representing the Consolidated Cattle-Growers' Association, praying for the passage of Senate bill 2083, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals; which were referred to the Committee on Agriculture and Forestry.

Mr. PASCO presented the petition of George Durfee and other citizens of Hawks Park, Fla., members of Budd Mather Post, No. 8, Grand Army of the Republic, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BLACKBURN presented the petition of the Board of Trade of the city of Frankfort, Ky., praying for the early completion of the slack-water navigation improvement of the Kentucky River; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Kentucky, praying the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. JONES, of Arkansas, presented the petition of Campbell Leflore and Edmund McCurtain, delegates from the Choctaw Nation, praying for the payment by the United States of the judgment for $2,858,798.62, and interest thereon, rendered in favor of that nation by the Court of Claims under a mandate of the Supreme Court on the 15th day of December, 1886; which was referred to the Committee on Indian Affairs.

He also presented the petition of Lydia M. Chace and other officers of the Arkansas Woman's Christian Temperance Union, praying for the passage of an amendment to the Constitution to prohibit the manufacture, exportation, importation, and sale of all distilled and fermented liquors to be used as a beverage; which was referred to the Committee on Education and Labor.

Mr. McPHERSON presented the petition of Sarah J. C. Downs and other officers of the New Jersey Woman's Christian Temperance Union, praying for the passage of an amendment to the Constitution to prohibit the manufacture, exportation, importation, and sale of all distilled and fermented liquors to be used as a beverage; which was referred to the Committee on Education and Labor.

Mr. STEWART presented a memorial of citizens of Lincoln County, Nevada, remonstrating against the reduction of the tariff on wool and lead; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Boisé City, Idaho, praying for the passage of the bill to provide for the issuance of coin certificates to circulate as money; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Nevada, officially signed, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. DAVIS presented a petition of the St. Paul Chamber of Commerce, praying for the passage of laws to restrict the immigration of anarchists, nihilists, etc.; which was referred to the Committee on Foreign Relations.

Mr. PADDOCK. I present a petition of the executive board of the National Farmers' Alliance, J. Burrows, president, praying for the establishment of a department of agriculture with a Cabinet officer at its head, and for a stronger recognition generally of the great agricultural interest. I desire to say that I fully sympathize with the prayer of the petitioners. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PADDOCK presented six petitions of ex-Union soldiers and sailors, citizens of Clay and Thayer Counties, Nebraska, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Dakota Territory, officially signed, praying for the submission to the States of a prohibition amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. CALL presented a petition of the Grand Division of Sons of Temperance of Florida, officially signed, asking for the passage of a national prohibitory constitutional amendment; which was referred to the Committee on Education and Labor.

He also presented the petition of George Patten and other citizens of Florida, praying that increased compensation may be allowed fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. G. Speer and other citizens of Oakland, Fla., praying that the rate of postage on seeds, plants, bulbs, and scions may be reduced; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL. I present the petition of F. Johnston and other citizens of Virginia, praying that an appropriation of $10,000 be made to erect a monument to General Andrew Lewis at or near Salem, Va. I ask unanimous consent that the petition may be printed at length in the RECORD.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the Library. The Senator from Virginia asks that it be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The petition is as follows:

To the Senate and House of Representatives of the United States:

The undersigned respectfully ask that an appropriation of $10,000 be made for the erection of a monument to General Andrew Lewis at or near Salem, Va.

General Andrew Lewis, the hero of Point Pleasant, was one of the five sons of John Lewis, who emigrated from the north of Ireland and settled in the county of Augusta in the year ——.

All of the sons were noted for their skill and bravery in defending the infant settlements against the Indians, but Andrew became the most distinguished of them all.

General Washington, in whose regiment he had once been a major, had formed so high an opinion of his bravery and military skill that at the commencement of the Revolutionary war he was induced to recommend him as one of the major-generals of the American Army—a recommendation that was slighted to make room for General Stevens. It is also said that when Washington was commissioned as commander-in-chief he expressed a wish that the appointment had been given to Lewis.

In June, 1774, when hostilities had broken out on the western frontier of Virginia, Andrew Lewis was made a brigadier-general. In September of that year he set out for Camp Union, near Lewisburgh, in Greenbrier County, with eleven hundred men on his march to Point Pleasant, where it was understood that the most formidable army and confederacy of Indians ever assembled in Virginia

was gathering in large numbers. This army was composed of the flower of the confederate tribes of Delawares, Mingoes, Cayugas, Iowas, Wyandottes, and Shawnees, and was under the leadership of Cornstalk, the most renowned Indian warrior of his day.

On the 10th day of October, 1774, the battle of Point Pleasant was fought and won by General Lewis and the troops under his command, led by Colonels Shelby, Campbell, Field, Fleming, and Christian. The conflict was bloody and the victory one of the most glorious on record, being so decisive that it freed the soil of Virginia forever after from the foot of a hostile Indian; in fact, it was one of the initiatory steps that led to our independence.

General Lewis commanded the Virginia troops when Lord Dunmore was driven from Gwynn's Island in 1776, and announced his orders for attacking the enemy by putting a match to the first gun. He resigned his command in 1780 to return home, being seized with a violent fever, and died on his way, in Bedford County, about 25 miles from his home on the Roanoke, in Botetourt County (now Roanoke), where he was buried, and where his remains now lie. The exact spot has been identified within the last few years, and large stones at the head and foot of his grave have been marked with the initials of his name.

It is now proposed to remove his remains a few hundred yards from their present resting place to the beautiful cemetery east of the town of Salem, commanding a splendid view of the town and of the lovely valley of the Roanoke, extending for miles up the river; and to erect a handsome granite monument of a size and character to correspond with his own noble and manly form, which was so remarkable that on one occasion the governor of New York said "the earth seemed to tremble under him as he walked along."

The State of Virginia has so far recognized the value of General Lewis's public services as to make his one of the striking figures around the equestrian statue of Washington near the capitol in Richmond; but as his services were of a national character, and the whole country is now enjoying the benefit of them, it is thought eminently proper that the Congress of the United States should be asked to make an appropriation to erect a suitable monument to his memory on or near the spot where his remains lie buried.

To this end the undersigned, citizens of Roanoke County, respectfully present this our petition to the Congress of the United States, through Hon. JOHN W. DANIEL, United States Senator from the State of Virginia, for an appropriation not exceeding $10,000 for the foregoing object.

F. JOHNSTON,
HENRY E. BLAIR,
WINGFIELD GRIFFIN,
J. K. PITZER,
WM. B. YONCE,
D. G. ARMSTRONG,
R. H. LOGAN,
WM. McCAULEY,
W. W. BERKELEY,
R. W. PAGE,
L. R. HOLLAND,
WM. W. BALLARD.

Mr. DANIEL presented the petition of John Reilly and 566 other citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of John A. Read and others, citizens of Accomack County, Virginia, and the petition of John B. Wheatton and others, citizens of Accomack County, Virginia, praying for an increase in the pay of the Life-Saving Service; which were referred to the Committee on Commerce.

He also presented the petition of Mrs. Sophia B. Linn, executrix of Henry Williamson, late of Jacksonville, Fla., praying to be reimbursed for losses suffered by Henry Williamson in consequence of his farm being occupied by the Federal troops as an encampment during the late war; which was referred to the Committee on Claims.

Mr. REAGAN presented a petition of J. P. Hamilton and 27 other citizens of Marion, Ala., praying for the passage of House bill 4910, in relation to postage; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES presented a petition of the Richmond (Ind.) Board of Trade, in favor of the erection of a public building at Richmond, Ind.; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Maine, officially signed, praying for the submission of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. HOAR presented a petition of the Woman's Christian Temperance Union of Massachusetts, officially signed, praying for the submission of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Connecticut, praying for the passage of a prohibitory constitutional amendment; which was referred to the Committee on Education and Labor.

Mr. PLATT. I present a petition of 26 citizens of New Mexico, of 45 citizens of Dakota, of 55 citizens of Idaho, of 80 citizens of Montana, of 120 citizens of the First and Second Congressional districts in Connecticut, and of 374 citizens of the District of Columbia, praying for the passage of a prohibitory law in the District of Columbia.

I desire to say just one word about these petitions. I see that in one of the newspapers of this city the criticism is made that the petitions which have been presented on this subject were largely those of women and children. That statement induced me to make an examination of the names appended to the petitions which I present this morning, and I find them to be largely petitions of men. The petition of 374 citizens of the District of Columbia is very largely signed by men who give their place of business—business men. An examination of the petition, I think, will show that they stand high in the District of Columbia as business men and as men of integrity and principle.

In saying this I do not wish to be understood as in any way indicating that I am not glad or even proud to present the petitions of women on this subject. I think of all persons women have the greatest interest in the subject.

I move that the petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. FARWELL presented the petition of Mary Brown, widow of George W. Brown, of Company B, Twelfth Ohio Cavalry, for arrears of pension; which was referred to the Committee on Pensions.

He also presented a petition of ex-prisoners of war, praying to be pensioned; which was referred to the Committee on Pensions.

He also presented a petition of soldiers and sailors of Pinckneyville, Ill., and a petition of other surviving soldiers and sailors of Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a memorial of citizens of Illinois, remonstrating against the proposed repeal of the tax on tobacco and whisky; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of 107 citizens of the Third, Fourth, Fifth, and Ninth Congressional districts of Iowa, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of P. Nicklaus and 28 others, citizens of Elgin, Iowa, praying that tin-plate may be placed on the free-list; which was referred to the Committee on Finance.

He also presented the petition of John Dillin Post, No. 233, Grand Army of the Republic, of Marengo, Iowa; the petition of O. P. Lewin Post, No. 169, Grand Army of the Republic, of Hartford, Warren County, Iowa; the petition of 41 surviving soldiers and sailors of the Union Army and Navy, of New Sharon, Iowa; the petition of 72 surviving soldiers and sailors of the Union Army and Navy, residents of Monroe and vicinity, Iowa; the petition of 68 surviving soldiers and sailors of the Union Army and Navy, residents of Carroll County, Iowa; the petition of 36 surviving soldiers and sailors of the Union Army and Navy, citizens of Iowa; the petition of 33 surviving soldiers and sailors of the Union Army and Navy, residents of Lewis, Iowa, and the petition of 44 surviving soldiers and sailors of the Union Army and Navy, residents of Eddyville and vicinity, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. CHACE presented a petition of the executive committee of the Woman's Christian Temperance Union of the District of Columbia, praying for the passage of Senate bill (No. 1996) to prohibit selling, giving, or furnishing tobacco in any of its forms to minors under sixteen years of age in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DOLPH presented a petition of the Woman's Christian Temperance Union of Oregon, officially signed, praying for the submission of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

He also presented a petition of citizens of Washington County, Oregon, praying that an appropriation be made for the improvement of the Tualatin River; which was referred to the Committee on Commerce.

Mr. HISCOCK presented a petition of 19 members of the Woman's Christian Temperance Union, and citizens of the Twenty-ninth Congressional district of New York, praying for the passage of the bill prohibiting the manufacture or sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 540 veterans of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of Hon. F. A. Defendorf and others, citizens of Fairport, N. Y., praying for the passage of the bill to reduce letter postage to 1 cent an ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the authorities of the city of Utica, N. Y., praying for the passage of a general appropriation bill for the erection of post-office buildings in various towns of the country upon the basis of inhabitants; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of 15 citizens of the Thirty-third Congressional district of the State of New York, praying for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 218 veterans of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 74 employés of the Jamestown Worsted Mills, of Jamestown, N. Y., praying for the correction by Congress of the present erroneous classification of worsteds; which was referred to the Committee on Finance.

Mr. COKE presented a petition of the Woman's Christian Temperance

Union of Texas, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on Education and Labor.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Wisconsin, officially signed, praying for the submission of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. TELLER presented a petition of the Woman's Christian Temperance Union of Colorado, officially signed, praying for the submission of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

He also presented a petition of the Leadville (Colo.) Board of Trade, praying that an annual term of the Federal court of the district of Colorado be held in Leadville; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Wool-Growers' Association of the State of Colorado, remonstrating against the further reduction of the tariff on wool, and praying for the restoration of the tariff rate on wool as it existed prior to March 3, 1883; which was referred to the Committee on Finance.

Mr. MITCHELL presented the petition of Herman Baumhager, late a private in Company E, Fifth Minnesota Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Oregon, officially signed, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of B. F. Dowell and Champeign Collier, praying payment of the balance due them on the Indian war claims of Oregon and Washington in 1855–'56, according to the awards of the commissioners, Capt. A. J. Smith, General Rufus Ingalls, and Hon. L. F. Grover, late Senator from Oregon; which was referred to the Committee on Military Affairs.

Mr. GRAY presented a petition of the Woman's Christian Temperance Union of Delaware, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. PUGH presented a petition of the Woman's Christian Temperance Union of Alabama, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

Mr. TURPIE. I present five petitions, numerously signed by ex-Union soldiers, citizens of Indiana, and 16 petitions of ex-Union soldiers, citizens of Park County, and other places in Indiana, praying for the passage of the per diem rated service-pension bill. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. GORMAN presented the petition of Thomas G. Addison and William A. Meloy on behalf of the vestry of Trinity parish, Protestant Episcopal Church, in the city of Washington, D. C., praying to be relieved from certain taxes imposed upon that church property; which was referred to the Committee on the District of Columbia.

Mr. EVARTS presented a petition of 44 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 76 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 13 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 84 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 45 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 87 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 22 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 38 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 21 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 10 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 46 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 42 soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 13 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 41 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 7 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 18 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; a petition of 29 surviving soldiers and sailors of the Union Army and Navy, citizens of New York; and a petition of 18 surviving soldiers and sailors of the Union Army and Navy, citizens of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Venezuela Steam Transportation Company of New York City, praying that effect may be given without further delay to the demands made upon the Venezuelan Government for indemnity by each of the administrations since 1871; which was referred to the Committee on Foreign Relations.

He also presented the petition of Ann Buckley, mother of James M. Buckley, late private Company I, Second Regiment United States Artillery, praying that she be allowed a supplemental pension from October 13, 1865, to June 18, 1887; which was referred to the Committee on Pensions.

He also presented a petition of 32 members of the Woman's Christian Temperance Union of New York, praying for the passage of a law to prohibit the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WILSON, of Iowa, presented a petition of 41 surviving soldiers and sailors of the Union Army and Navy, citizens of New Sharon, Iowa; a petition of 44 surviving soldiers and sailors of the Union Army and Navy, citizens of Eddyville, Iowa; a petition of 56 surviving soldiers and sailors of the Union Army and Navy, citizens of Clayton County, Iowa; and a petition of John Dillin Post, No. 233, Grand Army of the Republic, of Marengo, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PLUMB. I present the memorial of J. M. Hurley, M. D., of Arizona, remonstrating against the passage of any bill creating a court for the settlement of private land claims in Arizona, setting forth that there are no claims of that character in Arizona, and that such a bill would be simply the shield of fraud. I move that the memorial lie on the table.

The motion was agreed to.

Mr. PLUMB. I present a petition of ex-Union soldiers resident in Carlton, Kans., praying for the passage of the per diem rated service-pension bill; a similar petition of ex-Union soldiers resident at Vermillion, Kans., at Prescott, Kans., at Industry, Kans., at Solomon, Kans., and at McPherson, Kans., all praying for the passage of the same bill. I move the reference of these petitions to the Committee on Pensions.

The motion was agreed to.

Mr. PADDOCK. I present the petition of John M. Thayer, governor of the State of Nebraska, James C. Birney, chairman, and W. W. Abbey, a member of the Live-Stock Sanitary Commission, and J. Gerth, jr., state veterinarian of the same State, praying that the Bureau of Animal Industry, as now organized, be retained and strengthened by additional appropriations to enable it to deal with pleuro-pneumonia and other contagious diseases among cattle, expressing the opinion that this is all the legislation now needed on the subject. I move that the petition lie on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 85) granting a pension to Mrs. Mary Jane Case;

A bill (H. R. 115) to increase the pension of Thomas F. Townsend;

A bill (H. R. 331) for the relief of David Meriwether;

A bill (H. R. 418) granting a pension to William H. Brokenshaw;

A bill (H. R. 441) granting a pension to Eliza J. Currier;

A bill (H. R. 442) granting a pension to Emily B. Newell;

A bill (H. R. 443) granting an increase of pension to Albert G. Fifield;

A bill (H. R. 445) granting a pension to Laura A. Wright;

A bill (H. R. 628) granting a pension to Juliette Stone;

A bill (H. R. 806) for the relief of Mary Morford;

A bill (H. R. 823) granting a pension to Hannah C. De Witt;

A bill (H. R. 860) for the relief of Alfred Head;

A bill (H. R. 863) granting a pension to Malinda Vest;

A bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act;

A bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil;

A bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin;

A bill (H. R. 1818) for construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch;

A bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico;

A bill (H. R. 2161) for the relief of Thomas J. Taylor;

A bill (H. R. 2218) to increase pension of James A. Buck;

A bill (H. R. 2514) granting a pension to J. Miller Raub;
A bill (H. R. 2517) granting a pension to Isaiah T. Johnson;
A bill (H. R. 2617) granting a pension to Mary Bailey;
A bill (H. R. 2699) for the relief of the heirs of the late Solomon Spitzer;
A bill (H. R. 3617) for the relief of John C. Adams, administrator of Joseph Adams, deceased;
A bill (H. R. 3711) granting a pension to Harriet V. Stockton;
A bill (H. R. 3766) for the relief of William Pfaender;
A bill (H. R. 3850) granting a pension to Moses F. Jackson;
A bill (H. R. 3898) granting increase of pension to James H. Reeve;
A bill (H. R. 4107) granting a pension to Laura D. Pierce;
A bill (H. R. 4516) granting a pension to Mrs. Delilah Agard;
A bill (H. R. 4694) to remove the political disabilities of Paul F. Faison;
A bill (H. R. 4812) to grant a pension to Squire Admire;
A bill (H. R. 4835) for the relief of Everard Flynn;
A bill (H. R. 5859) to remove the political disabilities of Orris A. Browne, of Virginia;
A bill (H. R. 5091) to be entitled "An act for the relief of Y. G. Rust;"
A bill (H. R. 5499) granting an increase of pension to Frederick Augustin;
A bill (H. R. 5766) granting a pension to Miss Capitola V. Harsh, daughter of Daniel Harsh;
A bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;
A bill (H. R. 6243) for the relief of Conrad Claycomb;
A bill (H. R. 6343) to increase the pension of Nancy Rains, the oldest Revolutionary pensioner on the rolls, she being nearly ninety-six years of age;
A bill (H. R. 6732) granting a pension to Lora E. Gear;
A bill (H. R. 7237) granting a pension to Clarissa Harvey;
A bill (H. R. 7319) for the relief of Emory R. Seward;
A bill (H. R. 7348) granting to the city of Grand Forks, Dak., the right to build two free bridges across Red River;
Joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889; and
Joint resolution (H. Res. 123) authorizing and directing Secretary of War to lend five hundred army tents to State of Tennessee.

The message also announced that the House had passed the following bills of the Senate:
A bill (S. 147) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew;
A bill (S. 451) granting a pension to Hannah C. De Witt; and
A bill (S. 455) for the relief of Andrew J. Lindsay.

The message further announced that the House insisted upon its amendments to the bill (S. 182) to provide for the purchase of a site, and the erection of a public building thereon, at Omaha, Nebr., non-concurred in by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. MCSHANE, and Mr. KENNEDY the conferees on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 154) for the erection of a public building at Milwaukee, Wis., non-concurred in by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. NEWTON, and Mr. POST the conferees on the part of the House.

The message further announced that the House insisted upon its amendments to the resolution of the Senate providing for the printing of Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming, non-concurred in by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. GIBSON, and Mr. HIESTAND the conferees on the part of the House.

The message also announced that the House of Representatives had passed a concurrent resolution directing the Secretary of the Navy to designate a national vessel of war to convey the remains of General Paez, together with the commission appointed by the Government of Venezuela, from New York to the port of La Guayra, Venezuela; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887; and it was thereupon signed by the President *pro tempore*.

POSTAL TELEGRAPH SYSTEM.

Mr. REAGAN. From the Committee on Post-Offices and Post-Roads I report back the bill (S. 534) to provide for the establishment of a postal telegraphic system, and the bill (S. 614) to provide for the establishment and operation of the United States Postal Telegraph, and request that they lie on the table; and I report to the Senate a substitute for these two bills, with a written report. I ask that the new bill and report be printed.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Texas to report back the two first bills adversely and recommend their indefinite postponement.

Mr. CULLOM. I suppose they are the bills introduced by the Senator from Vermont [Mr. EDMUNDS] and myself.

Mr. REAGAN. Yes, sir.

Mr. CULLOM. If that is so, I should like to have those two bills go upon the Calendar. I understand the Senator from Vermont is very anxious that the bill introduced by him should go on the Calendar.

Mr. REAGAN. Yes, sir; I so understood.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar with the adverse reports, and the bill reported as a substitute will be read twice by its title.

The bill (S. 2222) to regulate commerce carried on by telegraph was read twice by its title.

Mr. CULLOM. I am not aware of the exact provisions of the bill, but I suppose it is a regulation bill.

Mr. REAGAN. Yes, sir; it is a regulation bill.

Mr. CULLOM. If that is so, the bill ought to go to the Committee on Interstate Commerce for consideration by that committee. I move the reference of the bill to that committee, if it is a regulation of interstate commerce by telegraph.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the bill be referred to the Committee on Interstate Commerce.

Mr. REAGAN. Is the subject open for discussion?

The PRESIDENT *pro tempore*. It is.

Mr. REAGAN. All I desire to say in relation to it is that the Committee on Post-Offices and Post-Roads had several bills before them for the establishment of a postal telegraph; that they have given much attention to the consideration of those bills; and in lieu of the bills presented to the committee they have thought it best to report a bill regulating the telegraph system of the United States.

As the subject-matter was before the Committee on Post-Offices and Post-Roads, it seems to me that the bill is properly before the Senate. Of course, if the Senate is not satisfied with the report of the Committee on Post-Offices and Post-Roads, and thinks the work can be done better by another committee, it will take that course; but as I suggested, we had the whole subject before us, and we have disposed of it in the way I have mentioned.

Mr. SAWYER. I suggest to the Senator from Illinois that he allow the matter to go over until its consideration is reached by the Senate, and then let the Senate decide whether it will take one of the other bills or substitute the bill now reported. Then after that matter is considered it will be time enough for the bill to be referred to the Committee on Interstate Commerce, if the Senate so desires.

Mr. CULLOM. In answer to that I desire to say that the Senator from Wisconsin [Mr. SPOONER] some time ago introduced a bill for the regulation of interstate commerce by telegraph, and he had it referred to the Committee on Interstate Commerce. That committee have been making preparation for an investigation and for hearings, and have the bill now before them for consideration. I suppose, though I am not aware of the fact officially that the bill which is reported by the Committee on Post-Offices and Post-Roads is substantially that bill; and it would seem to be rather an anomalous state of things for one committee to go to the document-room and get a copy of a bill which is under consideration by another committee, and substitute it for bills that were properly before it, and bring the substitute in here and ask that it be placed on the Calendar, without the opportunity of the Committee on Interstate Commerce, having it in charge, to examine the subject before it is brought up for consideration in the Senate.

We are placed in a position, as every Senator must know, either to defer the consideration of the bill referred to us on the motion of the Senator from Wisconsin, which is probably exactly the same bill now reported, or to report it back and ask to be discharged from its further consideration.

While this bill may be exactly what the Committee on Interstate Commerce may recommend, yet for the purpose of having harmony between the committees, and allowing the committee which has regularly taken charge of the subject by the reference of a bill to it looking to regulation, it seems to me that this bill ought to be referred to that committee, so that the whole subject may come up for consideration at one time and not by pieces, first by one committee and then by another.

I hope, without any conflict of opinion in the Senate, that the Committee on Post-Offices and Post-Roads will allow this bill to go to the Committee on Interstate Commerce, so that we may take up the subject and report a bill here at the earliest possible day.

The Senator from Texas who has the honor of reporting this bill is upon the Committee on Interstate Commerce and on the subcommittee also which has the subject in charge. I shall certainly ask the Senate to discharge that committee from the further consideration of this subject unless this bill can go to it.

Mr. REAGAN. It appears that the subject-matter was before two committees; but the fact that it was before another committee, it seems to me, is no just reason why the Committee on Post-Offices and Post-Roads, to whom it was properly referred, should not make their report and have their report considered by the Senate. I see no advantage to the country or to the Senate in refusing to consider the report of the Committee on Post-Offices and Post-Roads when they had the whole subject-matter before them.

The very object of any bill that has been before us is to regulate telegraphy as a part of the postal system, and while the bill which has been reported to the Senate is, without the amendments which the Post-Office Committee put on it, the bill to which the Senator from Illinois has referred, it is on the subject of the other bills, and we may as well consider this bill as to wait for another report and consider another measure on the same subject. What I mean to say is that the two committees may, either of them, have legitimate jurisdiction of this subject.

I do not think it can be questioned that the Committee on Post-Offices and Post-Roads had proper jurisdiction of the subject and might properly report a bill in regard to it; and if that be so, it seems to me that it would hardly be just to that committee for the Senate to refuse to consider the bill it has reported.

Mr. PLATT. Being upon the subcommittee of the Committee on Interstate Commerce which has this subject in charge, of course I feel an anxiety either to be discharged from its consideration or to have the untrammeled and unembarrassed consideration of the matter of regulating telegraphs by law of Congress. Not knowing exactly in what form the bill has this morning been reported by the Committee on Post-Offices and Post-Roads, of course I can not speak with accuracy upon the question as to whether the subject-matter was before the Committee on Post-Offices and Post-Roads. Certainly the subject of regulating the telegraphs of the country as a matter of commerce and interstate commerce could not have been properly before the Post-Office Committee. If the telegraph is to be treated from the commercial point and regulated as between the States because it is commerce between the States, that certainly would seem to be outside of the jurisdiction of the Post-Office Committee.

I apprehend it will be found, on an examination of the bill reported from that committee this morning, that the Post-Office Committee have undertaken not to regulate the telegraph in the interest of the postal service, but in the interest of the commerce of this country. If the Senate desires that the Post-Office Committee should thus usurp the business of the Interstate Commerce Committee, and regulate not only the postal service of the country, but the commerce of the country, I hope that the Senate will discharge the Committee on Interstate Commerce from any further consideration of the subject.

Mr. BECK. Mr. President, when this matter was first up at the opening of the session the Senator from South Carolina [Mr. BUTLER] moved the appointment of a special committee to look into all matters connected with the telegraph. The Committee on Post-Offices and Post-Roads, as we all thought, very justly claimed that that matter belonged to them, and it was referred by the Senate, perhaps unanimously, to that committee. I suppose by that reference the committee had the telegraph question in every form before them, and whether we should buy the present lines, whether we should go into partnership with the existing lines, whether we should have limitations, or whether we should seek to regulate those now existing were all phases of the question. That subject having been acted upon by them, and they now having reported, none of us yet knowing what they have done or read their report or seen their bill, it hardly seems to me the fair thing to take it away from that committee and set aside its action and refer it to another committee, which has its hands very full in dealing with the great railways of the country, which are the subject of interstate commerce as far as we have gone up to this time.

If the Post-Office Committee was allowed to take the question of the telegraphs and to consider it as part of the postal system, it seems to me until we see what it has done and what report it has made, and upon what ground it has based it, it would hardly be fair to take it away now and send it to another committee.

Let the report be printed; let the bill go on the Calendar; let the examination be made, and if the chairman of the Committee on Interstate Commerce and his committee then think that some additional matter likely to come in hereafter should be considered by his committee the Senate can act intelligently.

Mr. CULLOM. I think the Senator from Kentucky does not quite understand the exact situation. The Committee on Post-Offices and Post-Poads, of which the Senator from Texas is a member, had two or three bills referred to it, looking to a construction of telegraph lines by the Government or to a system of contracts for telegraphic service. It never had a regulation system, in the technical sense of the word, referred to it; but, upon the other hand, the Senator from Wisconsin [Mr. SPOONER] prepared and introduced and had referred to the Committee on Interstate Commerce a bill looking to the regulation of interstate commerce by telegraph; that is to say, interstate telegraphy through its regulation, just as we are regulating the interstate commerce by rail.

The Committee on Interstate Commerce have that bill under consideration. They have given it into the hands of a subcommittee, and very much correspondence has already been had with reference to it, and we are preparing for hearings with a view to investigating and determining just the kind of regulation that ought to be reported to the Senate.

Now, the proposition of the Committee on Post-Offices and Post-Roads is to bring in a bill which is substantially, I understand, the Spooner regulating bill, as a substitute for the bills which were referred to it, this latter bill not having been referred to that committee at all, and there is no reference to postal matters in the bill which is thus reported. While I am not here to say that we are going to disturb that bill if it is right, yet for the Senate to refuse to allow an interstate bill to go to the Committee on Interstate Commerce, which was created expressly for the purpose of investigating subjects of that kind, would be rather a strange proceeding. Certainly we have no business in the interest of economy to go on with the investigation of that branch of the subject unless this bill is referred to us.

Mr. BECK. What I rose to say, and what I have said, was that when the subject-matter went to the Committee on Post-Offices and Post-Roads every phase of the question was before them.

Mr. CULLOM. Not at all.

Mr. BECK. Necessarily it was the case, by the very reference of the bills to them. The sense of the Senate was expressed that the Committee on Post-Offices and Post-Roads was the proper committee to take charge of the whole question. I never heard, and I can not imagine (I would be very glad to be advised; perhaps I could be convinced after a while) how commerce is carried on by telegraph. Communications can go by telegraph as they can through post-offices and over post-roads, but the instrument of it is the post-office. It may be that the Senator can convince me that packages and all sorts of things can go by telegraph; but at the present time my advice is that it is simply a means of rapid communication, just as the railway is more rapid than the steam-boat, the steam-boat more rapid than horseback, or the star route more rapid than the boy who carries the mail on his back. All include methods of carrying information in regard to commerce.

Mr. CULLOM. The Supreme Court of the United States has decided over and over again that telegraphy between the States is just as much interstate commerce as the carrying trade between the States.

Mr. BECK. Carrying letters must be the same thing. Telegrams relating to commerce occupy no other relation than letters relating to commerce. They are all communications in regard to it, whether they go one way or the other.

But what I rose to say was, that the Committee on Post-Offices and Post-Roads have made a report and laid before us a bill; and surely we ought to see it; we ought to know what it is before that bill is taken off the Calendar and referred to any other committee. When the question comes up perhaps I shall vote with the Senator from Illinois, but I hardly feel prepared to do so now.

Mr. CHACE. Mr. President, the Senator from Illinois, the chairman of the Committee on Interstate Commerce, it seems to me, in urging his position on this question, may very reasonably find that the exact objection which he makes to permitting the report to come from this committee would apply to the proposition which he also makes—that the bill shall be committed to the Committee on Interstate Commerce. The question involved here, as I understand it, is as to the jurisdiction of the two committees; and that question is to be settled by a consideration of the subjects which should legitimately go to those committees. The Post-Office Committee, I apprehend, may properly consider all questions relating to intercommunication or the conveyance of intelligence of any kind between individuals or States within the United States. That is the legitimate sphere of consideration for the Committee on Post-Offices and Post-Roads. Certainly I believe the Senator will admit that a mere social letter passing between two parties, not in any sense relating to any business transaction, to any commercial relations between the parties, can not be a subject legitimately referred to the Committee on Interstate Commerce. I apprehend also that a purely social message sent over the wires by telegraph between two parties can not with propriety be referred to that committee. There are a great variety of subjects upon which people communicate with each other, using as an agency the telegraph.

It is true that a certain portion of these messages relate to commercial matters; it is equally true that as large a proportion of communications that pass through the mails relate to commercial matters; and if the argument of the Senator from Illinois be sound, that because a portion of the intercommunication which goes by telegraph relates to commercial matters therefore this question should be referred to the Committee on Interstate Commerce, then the argument is equally good that all questions in relation to the post-office should be referred to that committee.

As I understand it, the Senate have had this question up before on the consideration of whether those other bills should be referred to this committee, and they have decided, and the matter has been committed to the Committee on Post-Offices and Post-Roads. Now, if that committee, in the course of its investigation, has decided that the Government had better not own the means of conveyance of messages, it has decided

on a line in entire propriety with the management of the Post-Office Department. The Post-Office Department does not own the vehicles by which the mails are transmitted; the Post-Office Department does not attempt to control them, but simply avails itself of the agencies already in existence. The Post-Office Department interferes to regulate the transference of intelligence through the mails. The two subjects are exactly alike, as nearly as they may be, in all their features, with the simple difference that this information, or this intelligence, is conveyed over the wire instead of in the mail-pouch.

I apprehend, Mr. President, that if the Senate will allow this report and this bill to be printed and take them carefully into consideration they will see that the ground upon which the Senator from Illinois claims the consideration of this bill by his committee is without sufficient foundation or justification.

Mr. CULLOM. Mr. President, I do not care to occupy the time of the Senate on this subject; but it does seem to me that there can be but one side to the question. Here is a bill that the Committee on Post-Offices and Post-Roads report, the title of which is "to regulate commerce carried on by telegraph;" and then when you go through the bill it is a bill making the Interstate Commerce Commission the authority to carry out and enforce the law, following the interstate-commerce act almost literally all the way through, except that it applies to telegraphy instead of to commerce on railroads and water-ways.

The Committee on Post-Offices and Post-Roads, because they had jurisdiction of the subject as pertaining to the post-office, concluded that they must regulate commerce as well as regulate the affairs of the Post-Office Department. It seems to me there is no kind of analogy; there is nothing in this bill whatever that would give the Post-Office Committee any sort of jurisdiction over the subject, and certainly, if the Post-Office Committee have jurisdiction over commerce between the States by telegraph, they have jurisdiction over the commerce of the country by railroad as well. They might just as well assert that authority by reporting a bill here on that subject also.

While I care nothing about this matter personally, yet the Committee on Interstate Commerce has the subject under consideration and a subcommittee has it specially in charge. The chairman of that subcommittee has been at work making an investigation with a view to bring it before the whole Committee on Interstate Commerce; and in the midst of that we have a bill reported by the Post-Office Committee to regulate commerce by telegraph and placing it under the Interstate Commerce Commission of the country, which was created by the law we passed last year in relation to railroads.

I have nothing further to say, except that I think the bill ought to go to the Committee on Interstate Commerce, unless the Senate is ready to discharge that committee from any further consideration of the subject.

Mr. BLAIR. Mr. President, I am a member of the Interstate Commerce Committee, but not of the subcommittee which has under consideration the bill introduced by the Senator from Wisconsin [Mr. SPOONER]. But by the decisions of our courts the regulation of the telegraphic system of the country is interstate commerce where such communications are between the States. It is an exceedingly important part of the commerce of the country, and as a question of jurisdiction and bearing upon the future jurisdiction of these committees, it seems to me one more important than this can hardly arise, and it ought to be decided less with reference to the disposition of this particular report than with reference to the outlining of legislation in the future upon this great subject.

It is a thing of great consequence to know whether the interstate commerce of the country is to be considered as one great harmonious whole by the new committee that has been created for that purpose, or whether it is to be subdivided and chipped into and distributed about among the various committees of the Senate, as the whole of it may be by reasoning from analogies. Thus the question touching the railroads of the country can be sent to the Committee on Railroads. Wherever interstate commerce is carried on by the water routes of the country, it can be sent to the Committee on Commerce; and wherever it is a question of the transmission of intelligence bearing upon commerce, it can, upon the reasoning which has been offered here this morning, be sent to the Committee on Post-Offices and Post-Roads; and thus the Committee on Interstate Commerce, recently established by the Senate to consider this great and growing subject will be deprived entirely of its jurisdiction.

This is particularly noticeable when another committee of the Senate comes in, not with a report upon a bill sent to it, but with a report upon a bill covering the whole subject of interstate telegraphy, which had already been referred to the Committee on Interstate Commerce, and thus really usurps absolutely this great department of the jurisdiction of the latter committee.

Mr. President, it is said by the Senator from Rhode Island [Mr. CHACE] that inasmuch as the postal system has reference to the transmission of intelligence and the Post-Office Committee has a right to regulate what is strictly the postal service of the country, therefore it is right that it should embrace the transmission of intelligence by telegraphy also in its jurisdiction. If that proves anything, it proves too much, because intelligence is not transmitted wholly by the post-office, nor wholly by telegraphy, but the great express system of the country carries to all parts of the land letters and communications bearing upon commerce, and upon the same principle the Post-Office Committee could take control of the express system.

Mr. CHACE. Will the Senator from New Hampshire permit a question?

Mr. BLAIR. Thus they may usurp the control of the regulation of the rates of express companies, a question which is now under consideration by the Interstate Commerce Committee.

Mr. CHACE. I should like to ask the Senator from New Hampshire whether or not it is a fact that there is a statute prohibiting express companies or individuals from carrying letters.

Mr. BLAIR. Simply letters.

Mr. CHACE. Yes.

Mr. BLAIR. But letters bearing on the question of commerce are so carried. Has not a man a right to order a bill of goods by express? Letters that bear upon anything which is commercial in its nature may be sent by express, and the express companies charge accordingly. Can the Committee on Post-Offices and Post-Roads regulate the charges of the express companies of the country in such cases?

Now, what is the fact? The postal system relates to and touches the interest of every person in the country who can write, whereas the system of telegraphy is employed by only about 5 per cent. of the people, and very largely it is a strictly commercial use that is made of the telegraph, and to such an extent has it gone that, as I stated before, the courts have held that telegraphy is commerce, and when it is between States it is interstate commerce.

I have no personal feeling about this matter, for I am not on any subcommittee engaged in the consideration of the bill; but it seems to me that the question ought to be decided where the jurisdiction lies; and if there is any jurisdiction in the Interstate Commerce Committee certainly it covers this subject of interstate telegraphy.

Mr. REAGAN. Mr. President, I agree with the closing remarks of the Senator from New Hampshire, that the bill ought to go where the jurisdiction properly lies.

How does this question come before the Senate? By the petitions of bodies of people in almost all parts of the country, some asking that the Government build and own and regulate telegraph lines for the carrying of news—it is news they carry—some asking that the present telegraph system be purchased. A general demand comes from all over the country that something be done to relieve the people against what is believed to be the improper exactions of telegraph companies in the transmission of news, in the transmission of intelligence—such news and such intelligence as in another form is transmitted by letters through the mail. That is the way the question comes to us.

These memorials come before the Committee on Post-Offices and Post-Roads on the subject of the transmission of intelligence of news by telegraph, and the committee has chosen to report as a substitute for the bills referred to it the one which has been called to the attention of the Senate, and in almost every paragraph of the bill it is clear that the purpose is to regulate the charges upon the transmission of intelligence, such intelligence as without the telegraph would be transmitted by the mail.

The second section of the bill provides that "all charges made for such telegraphic service in receiving, transmitting, and delivering messages shall be reasonable and just, and every unreasonable charge for such service is prohibited and declared to be unlawful;" and it goes on to provide against exorbitant charges and places the subject-matter under the control of the commission which has the supervision of interstate commerce. We chose to put it there because the committee did not believe it best for the country or safest for its interests to establish a Government system of telegraphy, which would require a sacrifice of the interests now engaged in the telegraph system and involve the Government in an accumulation of patronage and make the cost of telegraphing probably greater by having a larger number of employés. We did not think it was best to lease the existing system of telegraphs, and so, in order to avoid what we believed would be expensive and in fact dangerous experiments, we preferred to report a bill regulating telegraphy, regulating the transmission of news; you may call it by any name you please. The Supreme Court of the United States has called telegraphy between the States commerce between the States, perhaps rightly; but the purpose of this bill, by whatever name you call it, is to regulate, or rather to provide a means of regulating, the rates of charges for the transmission of news

The object has been to frame a bill that will not do injustice to the telegraph companies, that will leave them secure in their rights and at the same time protect the people against improper discriminations and unjust charges. So I think the whole subject must have been before the Committee on Post-Offices and Post-Roads. The committee so believed, and went through a labored investigation, and have reported a bill on a subject of which they believed they had jurisdiction, and it seems to me but fair that it should be considered by the Senate.

Mr. SAULSBURY. The chairman of the Committee on Interstate Commerce thinks the Committee on Post-Offices and Post-Roads had not any jurisdiction of this question. The object of both committees, I suppose, is to present to the Senate some measure which shall relieve

the people from extortion in reference to telegraphing from point to point in the country.

Now, as an original proposition, this bill ought to have been referred to the Post-Office Committee, because it is a question over which the Interstate Commerce Committee has no jurisdiction. Telegrams are not only intercommunications between the people of the different States, but between the people of the same State, and that committee has jurisdiction only of interstate commerce. This bill proposes to deal with transmission of telegrams from one point in one State to another point in the same State; and if the Interstate Commerce Committee should undertake to regulate that it would be an infringement of the powers of that committee.

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. SAULSBURY. Certainly.

Mr. CULLOM. Does the Senator state that this bill undertakes to regulate the charges on telegrams from one point in Delaware to another point in Delaware?

Mr. SAULSBURY. The Senator misapprehends me.

Mr. CULLOM. If it does not, it relates to interstate commerce, and belongs to the committee created expressly to regulate that business.

Mr. SAULSBURY. It may be true that the Committee on Interstate Commerce could deal with it just as well as the Post-Office Committee; but the Post-Office Committee being empowered to regulate the transmission of news, with quite as much authority as any other committee would have to deal with the question——

Mr. HOAR. I should like to ask the Senator a question, if he will yield.

Mr. SAULSBURY. Certainly.

Mr. HOAR. Is it true that the Post-Office Committee is empowered to deal with the transmission of news or intelligence? Is it established to deal with anything except the transmitting of news or intelligence by the agencies of the Government, and does it ever undertake to deal with the transmission of pure news or intelligence unless it is done by the Government itself by the establishment of post-offices and post-roads?

Mr. SAULSBURY. Of course the Government has absolute control over the transmission of letters and news in any form. It may take private agencies to accomplish its purpose.

So far as the question of interstate commerce is concerned, I have always doubted myself and do doubt yet the constitutional power of Congress to establish postal telegraphs or to purchase those already established; but I apprehend that the power exists in the Government to regulate any private agency that the people of the country have to deal with in their interstate communications. Sometimes we may have to use the strong hand to deal with private parties who are concerned in matters in which the whole people of the country are interested. I think that was true in reference to the establishment of the Interstate Commerce Commission for the regulation of railroad companies; but it was a necessity forced upon Congress by the decisions of the Supreme Court, which denied to the States the right to regulate their own corporations when engaged in interstate commerce.

Mr. REAGAN. I wish to respond to the question of the Senator from Massachusetts whether the Government has ever undertaken to transmit intelligence by other means than by its own agencies. I believe that was the question.

Mr. HOAR. That was not the question.

Mr. REAGAN. Will the Senator restate the question?

Mr. HOAR. I will put my question in the form of a proposition. I understand that the Committee on Post-Offices and Post-Roads is not established to provide for the transmission of intelligence or to regulate the transmission of intelligence from one State to another, or from one person to another, except so far as the Government undertakes to do it for those individuals. The Government may do it either by hiring or buying a team of its own, or hiring a railroad or express company to carry the mail; but it is the Government that is doing the thing; and this committee is to superintend the constitutional function of establishing post-offices and post-roads. If the Government allowed express companies to transmit letters instead of doing it itself for private persons, then if it undertook to regulate their charges it would regulate their charges not under the post-office authority but as a regulation of commerce.

Now, I understand that this committee come in with a bill in which they utterly repudiate making it a part of the postal system of the country at all, and as a Post-Office Committee or as a post-office agency we do nothing with it; but we leave it under the power of regulating commerce, and then proceed to propose a bill to regulate it. Now, the Senator from Illinois, as I understand, says the moment you do that you are doing a thing which his committee was raised for.

Mr. REAGAN. What I want to say in response to the position of the Senator from Massachusetts is that while the committee on Post-Offices and Post-Roads considers bills for regulating post-offices and post-roads, it is to be remembered that the mails are not carried by Government vehicles. The Government does not own the horses or the coaches or the steam-boats or the railroads that carry the mails, but the vehicles of conveyance belong to private parties, just as the telegraph lines do.

Mr. HOAR. But it is the Government mail that is carried. The Government takes it, locks up the bag. The local postmaster, its officer, delivers it to the mail agent and he delivers it to the railroad company. So you have got the Government function of a postal agency in operation. Now you utterly check that by this bill.

Mr. REAGAN. You have that by law.

Mr. HOAR. You do not say, "We will undertake to have Government officers to transmit telegraphic messages and compel the existing telegraph companies or new ones to take them for us." You say you have nothing to do with that. You simply say that the private person shall deal with the telegraph company at a certain rate.

Mr. REAGAN. Before the law was passed creating the Post-Office Department and providing for postal facilities we had nothing to do with the present mode of the transmission of intelligence. It took a law to put the present system in motion. This is only a law extending the conveying of intelligence from the ordinary lines now adopted to the telegraph system.

Mr. GORMAN. Mr. President, there were several distinct propositions before Congress. One was whether we should regulate the interstate commerce of the country carried on by railroads and telegraphs, and another was whether the Government itself would make the telegraph system a part of the postal service. During the last Congress and at this the proposition was presented and referred to the Committee on Post-Offices and Post-Roads whether the telegraph system should be made a part of the postal service. At the present session an attempt was made to refer that matter to a special committee, and after a long debate it was properly agreed that it should go to the Committee on Post-Offices and Post-Roads. In the mean time the other proposition to regulate the telegraph service and bring it within the control and under the jurisdiction of the Interstate Commerce Commission was presented and referred to the Committee on Interstate Commerce.

Now, I submit to my friend from Texas that when the Post-Office Committee concluded that it would not consider favorably and report a bill looking to bringing the telegraph system within the direction and control of the Post-Office Department or make it a part of it, there their jurisdiction ended, as the bill regulating the existing system of telegraphy had gone to the Committee on Interstate Commerce, a committee which has for more than two years considered the subject. That committee did frame a bill and succeeded in having it passed, for which the whole country is indebted to the Senator from Illinois and the Senator from Texas and others, for bringing the railroad corporations within the control of Congress and under the direction of the commission created, so far as the interstate commerce of the country by railroad is concerned. In my judgment it would be highly improper to consider this bill until the Committee on Interstate Commerce has made its recommendations for the further regulation of railroads, the further regulation of steam-boats, and complete regulations as to express companies, and as to telegraph companies engaged in interstate commerce.

I think, with all due respect to my friends on the Post-Office Committee, that they have gone beyond what was intended when the telegraph matter was referred to them. Personally I regret very much, as I think the country will regret, that the Post-Office Committee have not taken up this one subject that was referred to them. Here we are to-day with all the facilities for quick communication between one section of this country and another in the hands of one single corporation, with no power, as experience has shown, to ever compete with that corporation unless the Government steps in and says it shall be a part of the postal system. All competitors heretofore have been wiped out. Probably in the next half century no private enterprise can compete with them and establish new lines. Every message that must pass over wires for a long time will be under the control of a single company, a power too great, too far-reaching, to be permitted so to be controlled. That great question was presented to the Post-Office Committee. That there are many objections to the Government embarking in such an enterprise I am aware—one is as to the increase of the employés of the Government—and yet it is a great question which must be met. The Post-Office Committee, however, come back to the Senate with a bill which does not touch the subject, but report a bill which has been referred to the Interstate Commerce Committee.

It seems to me that the Committee on Post-Offices and Post-Roads have gone beyond anything that was contemplated by the Senate when this reference was made, and I trust the subject will go back to the Committee on Interstate Commerce, who have considered it and are now considering it, and who have of necessity given the subject greater consideration than it has been possible for the Post-Office Committee to give. I therefore concur with the Senator from Illinois that this matter ought to be committed to the committee over which he presides.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Illinois to refer to the Committee on Interstate Commerce the bill reported from the Committee on Post-Offices and Post-Roads.

Mr. REAGAN. I offer a substitute for that—that the bill and report be printed and laid on the table for the time being, so that we may see whether any other bill comes here on that subject.

The PRESIDENT *pro tempore*. Under the rules the motion can not be amended. The question recurs on the motion made by the Senator from Illinois.

Mr. REAGAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. STEWART. I do not know how to vote on this question.

Mr. SHERMAN. What is the question before the Senate?

The PRESIDENT *pro tempore*. To refer the bill reported by the Committee on Post-Offices and Post-Roads, as an original bill, to the Committee on Interstate Commerce.

Mr. SHERMAN. I move that this be laid on the table at present. I have not had time to examine any of these bills or know much about them.

Mr. CULLOM. For the sake of avoiding any further delay I am willing that this bill may be laid on the table for to-day and printed, so that Senators may see what it is.

Mr. STEWART. That is right.

Mr. BLACKBURN. Let the report be printed too.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Texas [Mr. REAGAN] to move that as an amendment to the motion offered by the Senator from Illinois [Mr. CULLOM], but the Chair thought it not in order in that form.

Mr. CULLOM. I am willing to withdraw the motion to refer for to-day and ask that the bill be laid on the table and printed.

The PRESIDENT *pro tempore*. The motion to lie on the table and print is in order and will take precedence.

Mr. BLACKBURN. Then I ask that a report accompanying the bill be also printed.

The PRESIDENT *pro tempore*. That order will be made, of course. The bill reported from the Committee on Post-Offices and Post-Roads will lie on the table and be printed, if there be no objection. The Chair hears none.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 601) to authorize the purchase of additional ground in Newark, N. J., adjoining the custom-house and post-office building, and for the improvement of the building thereon, and the erection of additions thereto.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 313) for the relief of R. R. Tinsley; and

An act (S. 642) to authorize the removal of the quarantine station from Ship Island, Mississippi.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 1351) to enlarge the jurisdiction of the probate courts in Wyoming Territory, reported it with amendments.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo., reported it with amendments.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1826) for the relief of the heirs of Hiram W. Hubbard, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1141) to increase the pension of Lucy Moore, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1459) granting a pension to Florence Courtney Cochnower, reported it with an amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1589) for the relief of Isaac N. Thompson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1730) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 439) for the relief of Grovenor A. Curtice, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON. A few days ago I submitted an adverse report from the Committee on Military Affairs on the bill (S. 1423) authorizing the President to appoint William English an officer in the regular Army of the United States. The Senator from Virginia who sits on my left [Mr. DANIEL] was not present at that time, and he desires that it may be placed on the Calendar. It was indefinitely postponed, and I should like to have such action taken that it may be placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was indefinitely postponed will be reconsidered, and the bill placed on the Calendar with the adverse report.

Mr. GIBSON, from the Committee on Commerce, to whom was referred the bill (S. 1755) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes, reported it with amendments.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 1306) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 3613) for the relief of Joseph Casson, reported it without amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1561) to provide for the completion of the quarters, barracks, and stables at Fort Robinson and at Fort Niobrara, in the State of Nebraska, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1039) for the relief of the heirs of Charles B. Smith, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of John McFarland, praying for an honorable discharge from the Army, submitted a report thereon, accompanied by a bill (S. 2223) to remove the charge of desertion, and of having enlisted in the Confederate service, from the records of the War Department standing against John McFarland, and to grant him an honorable discharge; which was read twice by its title.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois, on certain conditions, reported it without amendment.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10, of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased, reported it without amendment.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1780) to incorporate the Georgetown Barge, Dock, Elevator, and Railroad Company, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company; which was read twice by its title.

Mr. FRYE. I am instructed by the Select Committee on the Pacific Railway Commission's Report to present certain bills, and ask that they be read twice and referred to that committee, the request being made so that the committee may have the bills recommended by the Commissioners on the Pacific Railroads in a more convenient form for their use.

Mr. HAWLEY. I think the law authorizes the printing at the request of the committee of a sufficient number without the action of the Senate; 100 may be printed without the action of the Senate, whereas the order of the Senate carries 1,900.

Mr. FRYE. If under the rules that can be done without the action of the Senate, I withdraw the bills.

The PRESIDENT *pro tempore*. The Chair thinks it can be done.

Mr. FRYE. I withdraw the bills.

REMOVAL OF THE REMAINS OF GENERAL PAEZ TO VENEZUELA.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, who have had the subject under consideration, to report in favor of the passage of the House concurrent resolution now lying on the table providing for the removal of the remains of General Paez to Venezuela. I ask that the resolution be read.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

Whereas a commission of distinguished persons appointed by the Government of Venezuela has arrived in New York for the purpose of conveying the mortal remains of General José Antonio Paez to Venezuela, with a view to their interment in the National Pantheon at Caracas; and

Whereas General Paez (who died in New York in 1873) bore a very eminent historical part in the great and protracted struggle for South American independence, and was the first President of the Republic of Venezuela: Therefore,

Resolved by the House of Representatives (the Senate concurring), That, as a proper and graceful act of national courtesy in such case, the Secretary of the Navy is hereby authorized and directed to designate a national vessel of war to convey the mortal remains of General Paez, together with the commission aforesaid, from New York to the port of La Guayra, Venezuela: *Provided*, It shall first be ascertained that such action will be agreeable to the Government of Venezuela.

Mr. SHERMAN. As this is an act of international courtesy, mani-

festly proper, and recommended by the President, and as the resolution has passed the House of Representatives, I move to concur in the resolution sent to us by the House.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate concur in the resolution just read from the House of Representatives.

The motion was agreed to, and the resolution was concurred in.

ADDRESSES ON PRESENTATION OF SPEAKERS' PORTRAITS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the House concurrent resolution providing for the printing of 10,000 copies of the addresses delivered in the House of Representatives January 19, 1888, upon the presentation of the portraits of Speakers Sedgwick, Varnum, and Banks, and recommend its passage with an amendment. I ask for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of the addresses delivered in the House of Representatives on January 19, 1888, upon the presentation of the portraits of Speakers Sedgwick, Varnum, and Banks, for the use of the House.

The amendment reported by the Committee on Printing was, after the name "Banks," in line 7, to insert "2,000 for the use of the Senate and 8,000;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of the addresses delivered in the House of Representatives on January 19, 1888, upon the presentation of the portraits of Speakers Sedgwick, Varnum, and Banks, 2,000 for the use of the Senate and 8,000 for the use of the House.

The amendment was agreed to.

The resolution as amended was concurred in.

REPRINTING OF MILITIA REPORT.

Mr. HAWLEY. The usual annual report of the Secretary of War concerning the militia forces of the United States was received, ordered printed, and referred to the Committee on Military Affairs. I have received a communication from the War Department saying that the errors in the publication render it almost valueless for reference, and that the errors did not originate in the copy prepared in that office. I ask an order that the report be reprinted according to the corrected copy, and as far as possible substituted for the original erroneous publication.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

BILLS INTRODUCED.

Mr. BLACKBURN (by request) introduced a bill (S. 2224) to extend the streets and avenues of the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2225) to grade streets in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GIBSON introduced a bill (S. 2226) for the procurement of a site for a public building at New Orleans, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2227) for the relief of certain employés of the United States mint at New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2228) for the erection of a public building at Salina, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2229) for the erection of a public building at Clay Centre, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2230) granting a pension to D. P. Hougland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2231) granting a pension to William N. Cline; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2232) granting a pension to M. Waldman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2233) granting a pension to William P. Madden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2234) granting relief to Samuel D. Harper; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 2235) to change the United States reservation line on Central avenue, in Hot Springs, Ark.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. PASCO introduced a bill (S. 2236) granting a pension to Fanny Williams, widow of William H. Williams, a lieutenant in the Seminole war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2237) for the relief of Frederick H. Burr; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FARWELL introduced a bill (S. 2238) to define the route of the Baltimore and Potomac Railroad in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2239) for the relief of Sarah E. McCaleb; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2240) for the relief of George S. Thwing; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2241) for the relief of the minor children of Orison S. Baldwin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2242) for the relief of Thomas Fletcher Foley, alias Thomas Fletcher; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2243) to amend an act giving to officers of the Army 10 per cent. additional pay for every five years' service; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2244) to amend the act of Congress, approved March 3, 1887, giving pay to volunteer Army officers for services before they were mustered in; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 2245) to increase the pension of John F. Spence; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2246) granting a pension to John C. Abbott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2247) for the relief of Ann Buckley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2248) to provide for the erection of a public building in the city of Canton, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2249) to remove the charge of desertion from the record of Benjamin Hartley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PLATT introduced a bill (S. 2250) for the relief of Lewis G. La Tour; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2251) to remove the charge of desertion from the military record of Walter Sniffens; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. VANCE introduced a joint resolution (S. R. 58) donating useless cannon and muskets to the Guilford Court-House Battle-Ground Association of North Carolina; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a joint resolution (S. R. 59) authorizing Brig. Gen. Absalom Baird, United States Army, to accept from the President of the French Republic a diploma conferring the decoration of Commander of the Order of the Legion of Honor; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes; which was referred to the Committee on Territories, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of Mary Curtin, praying for a pension, presented in the Forty-ninth Congress, second session, be taken from the files of the Senate and referred to the Committee on Pensions.

CLAIM OF WILLIAM H. FREAR.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to the Senate copies of all documents and correspondence in the Department of State relating to the claim of William H. Frear, for payment of the money due him for provisions furnished to the French Government in March, 1871, for revictualing Paris.

INDIANS IN WISCONSIN AND MINNESOTA.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee on Indian Traders be directed to inquire into the methods of allotting lands in severalty to Indians upon the Lac Court d'Oreille, Lac de Flambeau, Bad River, Fond du Lac, and other Indian reservations in the northern portions of Wisconsin and Minnesota, and into the system under which Indians to whom lands have been allotted are allowed to sell the timber thereon; and especially to inquire whether or not adequate prices are paid to Indians under such sales, and that for the purpose of this resolution

the committee be authorized to exercise all the powers heretofore conferred upon the committee by the Senate.

ARTHUR KILL BRIDGE.

Mr. FRYE. I am instructed by the Committee on Commerce to report a resolution and ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Commerce, in considering Senate bills 1433, 1842, and 1850, touching the construction of a bridge or bridges across Staten Island Sound, known as Arthur Kill and Kill von Kull, be, and it is hereby, authorized to visit the locality for the purpose of making a personal inspection and inquiry into the necessity for said bridge or bridges, and especially to investigate the bridge now in process of construction under authority of Congress, with a view to determining whether or not any change is required in its location or form of structure; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FRYE. I desire simply to say that during the last Congress, after a protracted hearing before the Committee on Commerce, and after a careful consideration of the bill reported by them in the Senate, a bill was passed authorizing the erection of a bridge across this kill. The railroad company immediately commenced upon the construction of the bridge and have expended $100,000 or $200,000 already. Now New Jersey insists that it has destroyed the commerce of the kill, which is a very valuable commerce. A board of Army engineers has reported that the bridge is proving an obstruction to the kill. Another board of Army engineers has reported that it will not obstruct. The Secretary of War, on the request of the Committee on Commerce, has ordered another board of engineers to examine this bridge while it is in process of erection and to make report to him. He has also notified a hearing, and the parties are exceedingly desirous that the matter shall receive the fullest investigation. Its importance entitles it to the fullest and completest possible investigation. The commerce of this kill is equal to that of the Suez Canal to-day. This bridge will probably carry a commerce almost equal to that, if it is built. The committee, feeling the responsibility of the situation, desire themselves to investigate the matter personally so far as they can.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business. The Chair understands the Senator from Maine to ask unanimous consent that the resolution reported by him may be considered now. Is there objection?

Mr. McPHERSON. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. The Chair understands that under the rules the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate, as it makes a charge upon the contingent fund.

Mr. FRYE. Let it be referred.

The PRESIDENT *pro tempore*. It will be so referred.

HEARINGS BEFORE FOREIGN RELATIONS COMMITTEE.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations is hereby authorized to employ a stenographer to report hearings in regard to Chinese immigration and other subjects pending before it, the expense to be paid from the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. HALE. I ask that the regular order of business be laid aside, and that the Senate proceed to consider the urgent deficiency appropriation bill.

The PRESIDENT *pro tempore*. Before submitting that request the Chair will lay before the Senate messages received from the President of the United States.

Mr. HALE. My motion can be acted on as soon as they are disposed of.

AWARDS OF MEXICAN CLAIMS COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, with its inclosures, in response to the resolution of the Senate of the 21st of December, 1887, and the 16th of January, 1888, touching the awards of the late Mexican Claims Commission, and especially those in favor of Benjamin Weil and La Abra Silver Mining Company.

It will be seen that the report concludes with a suggestion that these claims be referred to the Court of Claims or such other court as may be deemed proper in order that the charges of fraud made in relation to said claims may be fully investigated.

If for any reason this proceeding be considered inadvisable, I respectfully ask that some final and definite action be taken directing the executive department of the Government what course to pursue in the premises.

In view of the long delay that has already occurred in these cases, it would seem but just to all parties concerned that the Congress should speedily signify its final judgment upon the awards referred to, and make the direction contemplated by the act of 1878, in default of which the money now on hand applicable to such awards now remains undistributed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 5, 1888.

REMAINS OF GENERAL PAEZ.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives of the United States of America:

I transmit herewith, for the information and consideration of Congress, a report of the Secretary of State, with accompanying correspondence, touching the action of the Government of Venezuela in conveying to that country for interment the remains of the distinguished Venezuelan soldier and statesman, General José Antonio Paez, and take pleasure in expressing my concurrence in the suggestion therein referred to, that the employment of a national vessel of war for the transportation of General Paez's remains from New York to La Guayra be authorized and provided for by Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 5, 1888.

The PRESIDENT *pro tempore*. Both Houses having acted upon the subject-matter, the Chair will direct that the message lie on the table and be printed.

INTERNATIONAL EXHIBITION OF FINE ARTS AT MUNICH.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State relative to an invitation which the royal Bavarian Government has extended to this Government to participate in the Third International Exhibition of the Fine Arts, which is to be held at Munich, Bavaria, during the present year.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 5, 1888.

ORDER OF BUSINESS.

Mr. HALE. I now renew my request.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the unfinished business be informally laid aside to enable the Senate to proceed with the consideration of the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes. Is there objection? The Chair hears none.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the Senate proceed to consider the bill, the committee amendments being acted on as they are reached in the reading.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Maine asks that the formal reading of the bill be dispensed with. Is there objection? The Chair hears none. The bill will be read, and the amendments reported by the Committee on Appropriations will be acted on as reached in the reading.

Mr. MORGAN. I desire to ask the Senator if he will yield to me to bring up Order of Business 418, which is the bill (S. 1824) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, which is a matter of very great public interest, particularly to Senators from the Northwest. I have no personal interest in it myself. I think the bill will occupy but a very few moments and perhaps not lead to debate.

Mr. HALE. Since I have conferred with the Senator from Alabama I am led to believe that the bill which he desires to call up will give rise to debate. I can not, of course, yield for that.

Mr. MORGAN. I will not press it if that is the case.

The PRESIDING OFFICER. Objection being made, the matter must go over.

Mr. COLQUITT. Will the Senator from Maine allow me to give a notice? I shall move on Thursday morning, after the morning hour, to take up the resolution of the Senator from Ohio [Mr. SHERMAN] referring the President's message, with a view of submitting some remarks thereon.

The PRESIDING OFFICER. The notice will be considered by the Senate.

URGENT DEFICIENCY BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, under the head of "Treasury Department," in section 1, on page 2, after line 7, to insert:

To enable the Secretary of the Treasury to pay Samuel A. Robinson, inspector of plumbing for the District of Columbia, for services rendered in connection with the sanitary improvement of the Treasury building, the sum of $595 is hereby authorized to be paid him out of the appropriation of $20,000 made by the sundry civil act of August 4, 1886, to put the Treasury building in a proper sanitary condition by improved plumbing, sewerage, and drainage.

The amendment was agreed to.

The next amendment was, in section 1, on page 4, line 8, after the word "limit," to insert "in a fire-proof manner;" and in line 9, before the word "thousand," to strike out "three" and insert "seven;" so as to make the clause read:

For court-house and post-office at Leavenworth, Kans.: For completion in excess of the limit, in a fire-proof manner, $7,000.

The amendment was agreed to.

The reading of the bill was continued to line 22, on page 4.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine to the language in line 22. It reads "Fort Townsend." The Secretary suggests that it should be "Port" instead of "Fort."

Mr. HALE. That should be "Port Townsend."

The PRESIDING OFFICER. That correction will be made. The reading will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 5, line 19, before the word "granite," to strike out "extension;" in line 20, after the word "limit," to strike out "$65,000. And said building may be extended on the north side thereof 15 feet and one story high;" and insert "and for extension of building on the north side thereof 15 feet and one story high, $65,000;" so as to make the clause read:

For post-office and court-house at Syracuse, N. Y.: For granite work for approaches, and completion, in excess of the limit, and for extension of building on the north side thereof 15 feet and one story high, $65,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 6, to strike out the clause from line 12 to line 14 inclusive, as follows:

Post-office at Jersey City, N. J.: For necessary extension of the building, $12,000.

Mr. McPHERSON. Will the Senator from Maine in charge of this bill please inform me why this item is stricken out?

Mr. HALE. Since the bill was prepared and passed by the House of Representatives another bill making a much larger appropriation for a larger subject-matter has passed the House and has come to the Senate, and is now before the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for "light-stations," in section 1, on page 7, line 4, after the word "for," to strike out "lease of the ground used" and insert "use of the ground occupied;" and in line 11, before the word "ground," to strike out "leased;" so as to make the clause read:

Hell Gate light-station, New York: For use of the ground occupied as a site for the light-house and fog-signal established at Hallet's Point, near Hell Gate, New York, from April 1, 1886, to June 30, 1888, $1,350. And the Secretary of the Treasury is hereby directed to remove the property of the Government from said ground on or before June 30, 1888.

The amendment was agreed to.

The next amendment was, in section 1, on page 7, line 17, before the word "thousand," to strike out "five" and insert "three;" so as to make the clause read:

In addition to the amount appropriated by the act making appropriations for the sundry civil expenses of the Government, approved August 4, 1886, for the establishment of a light-house and fog-signal at Castle Hill, Rhode Island, the sum of $3,000.

The next amendment was, in section 1, on page 7, to strike out the clause beginning on line 23, as follows:

Lake Borgne light-station, Mississippi: For establishing a light and fog-signal to guide into Lake Borgne, Louisiana, instead of St. Joseph's Island light-station, $8,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 8, after line 9, to insert:

Revenue-cutter service.—For expenses of the revenue-cutter service: For pay of captains, lieutenants, engineers, cadets, and pilots employed, and for rations for the same; for pay of petty officers, seamen, cooks, stewards, boys, coal-passers, and firemen, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship-chandlery and engineers' stores for the same; traveling expenses of officers traveling on duty under orders from the Treasury Department; instruction of cadets; commutation of quarters; for protection of the interests of the Government on the seal islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and miscellaneous expenses which can not be included under special heads, $30,664.02.

The amendment was agreed to.

The next amendment was, in section 1, beginning at the top of page 9, to insert:

Coast and Geodetic Survey—Office expenses: For copper-plates, chart-paper, printers' ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; for extra drawing and engraving; and for photolithographing charts and printing from stone for immediate use, $6,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "miscellaneous objects," in section 1, on page 12, at the beginning of line 8, to strike out "Suppressing counterfeiting and other crimes: To supply a deficiency in the appropriation for suppressing counterfeiting and other crimes, for," and to insert "For;" so as to make the clause read:

For continuing the investigation of certain claims of Indian soldiers and their heirs for arrears of pay and bounty, $2,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 12, after line 12, to insert:

Fish Commission: For salary of the Commissioner of Fish and Fisheries from date of qualification in office, February 18, to June 30, 1888, at the rate of $5,000 per annum, $1,840.68, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," in section 1, on page 13, after the word "tunnel," at the end of line 14, to insert "according to the plan recommended by the board of Army engineer officers;" so as to read:

Increase of water-supply, Washington, D. C.: To enable the Secretary of War to complete the work of increasing the water-supply of the city of Washington, under the act entitled "An act to increase the water-supply of the city of Washington, and for other purposes," approved July 15, 1882, namely: For completion of lining of the tunnel according to the plan recommended by the board of Army engineer officers, $297,750.

The amendment was agreed to.

The next amendment was under the head of "War Department," in section 1, on page 14, after line 18, to insert:

Office of the Surgeon-General: For salaries of the following additional force from March 1 to June 30, 1888, namely: For one engineer, at the rate of $1,400 per annum; one assistant engineer, for night duty, at the rate of $900 per annum; two firemen, at the rate of $720 each per annum; and two laborers, at the rate of $660 each per annum; in all, $1,611.67, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 1, on page 15, line 10, to increase the appropriation "for new steam-heating apparatus, including necessary pipes and radiators," from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 15, line 19, after the word "all," to strike out "five thousand eight" and insert "six thousand three;" and after the word "dollars," in line 20, to insert:

Provided, That the printing-press and material formerly in use in the office of the Surgeon-General may be used by the record and pension division of that office to expedite as much as possible the work of the division, and for no other purpose.

So as to make the clause read:

For necessary painting of wood and iron work, including cases, shelving, and necessary glazing, $500; in all $6,395: *Provided*, That the printing-press and material formerly in use in the office of the Surgeon-General may be used by the record and pension division of that office to expedite as much as possible the work of the division, and for no other purpose.

The amendment was agreed to.

The next amendment was, under the head of "Military Establishment," in section 1, on page 16, line 4, after the word "cents," to insert "to be disbursed under the limitations prescribed for the appropriation for mileage to officers by the Army appropriation act approved February 9, 1887;" so as to make the clause read:

Pay of the Army—For mileage to officers, when authorized by law, $40,308.76; to be disbursed under the limitations prescribed for the appropriation for mileage to officers by the Army appropriation act approved February 9, 1887.

The amendment was agreed to.

The next amendment was, in section 1, on page 16, in line 16, to change the spelling "neceeary" to "necessary."

The amendment was agreed to.

The next amendment was, in section 1, to insert, beginning at the top of page 17, the following clause:

Extension of military reservation at Fort Robinson, Nebr.: For payment to John T. Sechler for private property taken by the Government in extension of the military reservation at Fort Robinson, Nebr., under the President's order of June 28, 1879, being the amount awarded by a board of officers January 5, 1888, as per their report approved by the War Department, $2,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "Signal Service," in section 1, on page 18, after line 19, to insert:

For rent, hire of civilian employés, furniture, light, stationery, ice, stoves and fixtures, repairs, rent of telephones, text-books, lumber, and other expenses of offices maintained as stations of observation outside of Washington, D. C., $5,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 19, to strike out the clause from line 7 to line 13, inclusive, as follows:

Army transportation: For payment to estate of T. J. League, deceased, on account of Army transportation, 1882 and prior years, $10,750, said sum having been certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session.

Mr. COKE. I desire to ask the Senator from Maine the reason for striking out this item of the bill.

Mr. HALE. I do not hear what the Senator says.

Mr. COKE. I ask the Senator to state the reason for the amendment striking out this clause of the bill.

Mr. HALE. This matter was one of a narrow class which has given the Committee on Appropriations a good deal of trouble in the last three or four years. This and three other claims—the Von Hoffman claim, the Hoboken Land and Water Company claim, and the Baltimore and Ohio Railroad claim for transportation, for use of mill property, for charter of a steamer, and the item now embodied in the House appropriation bill—had been playing back and forth between the two Houses until at last, on the appropriation bill of two years ago, the Treasury Department was directed to re-examine those four claims. They were mentioned in terms, and the accounting officers of the Treasury Department were directed to submit all four of these items to the renewed scrutiny of the Department, so that if any weaknesses really obtained in them such weaknesses might be brought to light.

The Department, in accordance with that direction, carefully considered these four claims, including the one that the committee has here recommended to be struck out; and in a very elaborate and I think very complete document submitted by Mr. I. H. Maynard, the Second Comptroller, in Executive Document No. 19 of the House of Representatives of this Congress, they are very fully treated. I have some reason to have a good deal of faith and repose a good deal of confidence in any investigation made by Judge Maynard, because I believe that ordinarily his examinations have been very thorough, very clear, and very fair. In this document he decides in favor of all these claims.

All these claims were put upon an appropriation bill in the last Congress, but the Senate and the House finally struck them all out. They are a proper subject-matter for a regular deficiency bill. They are no more urgent now than formerly, except that the parties in waiting become more and more anxious to get their pay from year to year; but they do not stand in the relation that items for an urgent deficiency bill ought to stand. They are not pressing particularly now in order to carry on the work of the Government, and they should all go together. If this one is put on the bill, I see no reason why the others should not go on. They have all been subjected to an examination, and I see no reason why the other House should make fish of one and flesh of the other, and that is precisely what has been done in this bill.

One of these four claims has been selected from the body of the report made by the Second Comptroller of the Treasury and has been put upon the bill by the House, and when it came to the Senate the Senate Committee on Appropriations, believing and knowing that they should all go together, has struck those items out purposely, in order to put them all on to the general deficiency bill, as was done last year, and insist that they shall be passed, the reason being that this is not an urgent deficiency, and no more urgent technically now than it has ever been before.

I care but little what the Senate does about this matter. If it passes this item and retains it in the bill, then I shall move that the other three be incorporated with it, because they all should stand alike. It is only a question of time. That is the reason why the committee has stricken it out from the bill. I state this in answer to the question of the Senator from Texas.

Mr. COKE. Mr. President, this item has once before passed the Senate in connection with the three other items alluded to by the Senator from Maine. They were all stricken out in the House. The House now sends this item on the bill, leaving out the other three. That is simply evidence of the fact that the investigation given to this claim in the House has proved this to be a proper claim to be appropriated for, and that in the judgment of the House the other three are not proper claims for appropriation. I desire to read to the Senate from the report of Judge Maynard, to whom this claim was submitted. After reciting the testimony he says:

> These are, in brief, the facts relating to the transaction, and if the same weight is to be given to this evidence that it would receive in an ordinary judicial tribunal, I see no escape from the conclusion that an express contract was duly made by an authority competent to bind the United States for the use of this property at a stipulated rental; that the Government has enjoyed the use of the property during the period for which rent is claimed, and that payment of this claim could not be refused by the Government without ignoring its contract obligations.
>
> The United States have paid under this contract the rent accruing for several months both prior and subsequent to the time for which rent is here claimed, which, in a case between private citizens, would estop the parties from asserting the non-existence of the contract.
>
> It is also shown that in 1881 application was made to Congress for relief, and a bill was introduced in the Senate December 21, by Senator Cameron, of Wisconsin, referred to the Committee on Claims, and reported favorably, and passed the Senate April 2, 1882, which directed the Secretary of the Treasury to pay the sum of $10,750 to Thomas J. League, or his legal representative, for rent of coal wharf and yard at Galveston, Tex., used for discharging, shipping, and storing Government coal and other freights from December 1, 1865, to March 31, 1866, *under contract at the monthly rental of $2,500 per month with the said League*, and also for rent of coal-yard at Galveston, Tex., used for storing Government coal from April 1, 1866, to June 30, 1866, *under contract at the monthly rental of $250 per month with said League*, and appropriated the necessary sum for that purpose.

The terms in which he alludes to the contract are italicized.

It is perfectly apparent that officers competent to bind the Government made the contract with League, and that under the contract the money is due. It has been due since 1865, and a relief bill referred to the Committee on Claims, an independent bill, has once passed the Senate. Again it was placed on an appropriation bill with the three other claims referred to by the Senator from Maine, and passed the Senate again; they were stricken out in the House. Now, this item comes back from the House on this appropriation bill without the other three. This claim has no connection in the world with the other three claims. It is a thousand miles from any of them. The Baltimore and Ohio Railroad Company owns one of the claims, and some other parties in the Eastern States own the others. This claim arose at Galveston, having no connection with the three with which the Senator from Maine is attempting to couple it on this bill. This debt was incurred in 1865, and the party to whom it was due has been vainly asking Congress for it ever since.

Now that the House of Representatives, in the exercise of its jurisdiction and its discretion, without seeing proper to place the other three claims on this appropriation bill, has sent this one here and indorsed it as a proper claim for payment, I do not believe that because the other three, which have nothing to do with this, are not sent therefore this should be stricken out. I therefore hope that the Senate will not accede to the amendment of the Committee on Appropriations.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

Mr. COKE. I ask for the yeas and nays.

Mr. HALE. I am willing to take a standing vote of the Senate. It is not necessary to take the yeas and nays.

Mr. COKE. I withdraw the call.

The amendment was rejected.

Mr. HALE. Now I move the following amendments, to come directly after the clause just retained:

> For payment on account of Army transportation, 1882 and prior years, as certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session, as follows:
>
> To the Baltimore and Ohio Railroad Company, $32,788.48; to the Hoboken Land Improvement Company of New Jersey, $15,800; in all, $48,588.48.
>
> For payment on account of barracks and quarters, 1881 and prior years, to L. A. Von Hoffman and William A. Mertens (trading as R. Von Hoffman & Co.), and William H. Newman, $18,430.56, certified to Congress as due by the accounting officers of the Treasury in Executive Document No. 19, Fiftieth Congress, first session.

The amendment was agreed to.

Mr. HALE. I offer the following amendment to follow that just adopted:

> For reimbursement to the estate of Walter Mason for stolen money under sections 2554 and 2155, Revised Statutes, as certified to Congress in House Executive Document No. 19, Fiftieth Congress, first session, $32,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment reported by the Committee on Appropriations was, in section 1, on page 19, after line 13, to insert:

> National Home for Disabled Volunteer Soldiers, at the Western Branch, Leavenworth, Kans.: For fitting up barrack for the accommodation of additional inmates, $1,000; for maintenance during the remainder of the current fiscal year, $4,500; in all, $5,500.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in section 1, on page 20, to strike out the clause from line 12 to line 15, inclusive, as follows:

> For the purpose of making 100 feet longer the dry-dock now under contract to be built at the Brooklyn navy-yard, $100,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Marine Corps," in section 1, on page 20, line 19, after the word "California," to strike out "five thousand" and insert "two thousand five hundred;" so as to make the clause read:

> Officers' quarters, Mare Island, California: For the erection of officers' quarters at the marine barracks, Mare Island, California, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," in section 1, on page 21, after the word "dollars," to insert:

> And from this amount an expenditure not to exceed $360 is hereby authorized for the rent of additional rooms for said bureau during the current fiscal year.

So as to make the clause read:

> Bureau of Labor: To enable the Commissioner of Labor to complete the collection of statistics of, and relating to, marriage and divorce in the several States and Territories and in the District of Columbia, $7,500; and from this amount an expenditure not to exceed $360 is hereby authorized for the rent of additional rooms for said bureau during the current fiscal year.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, after line 16, to insert:

> Reports of the Tenth Census: To complete the publication of the reports of the Tenth Census, $77,495.52.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, in line 22, after the word "office," to strike out "one thousand" and insert "five hundred;" so as to read:

> Office of the surveyor-general of Arizona: For salaries of clerks in his office, $500.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 24, before the word "thousand," to strike out "two" and insert "one;" so as to make the clause read:

> Office of surveyor-general of California: For salaries of clerks in his office, $1,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 1, after the word "office," to strike out "one thousand" and insert "five hundred;" so as to read:

> Office of surveyor-general of Colorado: For salaries of clerks in his office, $500.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, in line 3, after the word "office," to strike out "three thousand" and insert "one thousand five hundred;" so as to make the clause read:

> Office of surveyor-general of Dakota: For salaries of clerks in his office, $1,500.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 6, after the word "office," to strike out "one thousand" and insert "five hundred;" so as to make the clause read:

Office of surveyor-general of Louisiana: For salaries of clerks in his office, $500.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, in line 10, after the date "1888," to strike out "one thousand five hundred" and insert "seven hundred and fifty;" so as to make the clause read:

Office of the surveyor-general of Montana: For salaries of clerks in his office for fiscal year 1888, $750.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 13, after the word "office," to strike out "one thousand" and insert "five hundred;" so as to make the clause read:

Office of surveyor-general of Nevada: For salaries of clerks in his office, $500.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, in line 16, before the word "thousand" to strike out "two" and insert "one;" so as to make the clause read:

Office of surveyor-general of New Mexico: For salaries of clerks in his office, $1,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 18, after the word "office," to strike out "one thousand five hundred" and insert "seven hundred and fifty;" so as to make the clause read:

Office of surveyor-general of Utah: For salaries of clerks in his office, $750.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 21, after the word "office," to strike out "three thousand" and insert "one thousand five hundred;" so as to make the clause read:

Office of surveyor-general of Washington: For salaries of clerks in his office, $1,500.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 24, after the word "office," to strike out "one thousand" and insert "five hundred;" so as to make the clause read:

Office of the surveyor-general of Wyoming: For salaries of clerks in his office, $500.

The amendment was agreed to.

The next amendment was, in section 1, on page 23, line 2, before the word "hundred," to strike out "eight" and insert "four;" so as to make the clause read:

Office of surveyor-general of Oregon: For salaries of clerks in his office, $400.

The amendment was agreed to.

The next amendment was, in section 1, on page 23, line 12, before the word "thousand," to strike out "thirty-five" and insert "twenty-five;" so as to make the clause read:

Contingent expenses of land offices: For clerk-hire, rent, and other incidental expenses of the several land offices, $25,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 23, to strike out lines 18 and 19, as follows:

For the examination of surveys heretofore made, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 23, after line 19, to insert:

Surveying the public lands: For the examination of surveys in the field to test the accuracy of the work and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Indian affairs," in section 1, on page 24, to strike out the clause from line 13 to line 21, as follows:

This amount for pay of special agents and necessary expenses to carry out the provisions of section 3 of the act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 25, to strike out the clause from line 7 to line 13, inclusive, as follows:

Traveling expenses of Indian school superintendent: Necessary traveling expenses of one Indian school superintendent, including incidental expenses of inspection and investigation: *Provided*, That he shall be allowed $4 per day for traveling expenses when actually on duty in field, exclusive of cost of transportation, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," in section 1, on page 25, line 24, to strike out "wrapping-paper" and insert:

For wrapping-paper, $14,000.

The amendment was agreed to.

Mr. HALE. The order in which this is printed makes a difference in the appropriation. The amendment "for wrapping-paper, $14,000," should be brought back and stand in a line by itself below the twenty-third line on page 25, making line 24. Otherwise it would have relation to what follows, which should be separate. It is a misprint.

The PRESIDING OFFICER. If there be no objection, the Secretary will be directed to transpose and put that line above as a separate clause of itself, according to the suggestion of the Senator from Maine. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 27, line 9, after the word "Department," to strike out "being for the fiscal year 1887;" so as to make the clause read:

Building, Department of Justice: For fitting up fire-proof record-rooms to preserve the records of the Department, $1,500.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, after line 7, to insert:

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, being for the fiscal year 1887, $20,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 1 to line 3, inclusive, on page 29, as follows:

Miscellaneous expenses: For miscellaneous expenses, United States courts, $20,000, being a deficiency for the fiscal year 1887.

Mr. BERRY. I should like to inquire of the Senator from Maine why that item is stricken out?

Mr. HALE. Because the Department of Justice came before the committee by its representative and stated that since the House of Representatives passed the bill putting this item in it had discovered that it had means enough and did not need it; and at its suggestion we struck it out.

Mr. BERRY. That is satisfactory.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 29, line 7, after the word "dollars," to insert "or so much thereof as may be necessary;" so as to make the clause read:

Salary of circuit judge: For salary of the additional circuit judge in the second judicial circuit authorized by the act approved March 3, 1887, $6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Public printing," in section 1, on page 29, after line 9, to insert:

For printing and binding for the Post-Office Department, $98,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, to strike out the clause from line 16 to line 18, inclusive, as follows:

And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the Department under his charge.

Mr. HOAR. I should like to know why that is proposed to be stricken out.

Mr. HALE. The Senator may not be here when we reach the other stage of progress, and I will say now, in reply to his question, that in the first place the committee had no knowledge, and none was produced for its consideration, that the eight-hour law was not now being enforced in the printing department. Some inquiry into the matter led to this condition being established: There are persons in employment there who desire to work more than eight hours a day; they are working by the piece, and can do more than eight hours' work, and desire to continue as skilled and expert workmen beyond the eight hours. The committee did not wish, before further information as to how it would work, to put on a clause which might be considered as dealing with them.

In short, what I would say about it is that there is no information furnished, and the committee can learn none anywhere, indicating any need for this provision. If it is put in a law as to one department, there is no reason why it should not be made to apply to all the other departments; and the committee looked upon it as an interpolation not needed or justified by any single need, and feared that it might be construed to the disadvantage of the Government, and therefore recommended the striking of it out in order that the conferees of the House might be able to show, if they could, to the conferees of the Senate why they had put it in. We could learn nothing about it.

Mr. HOAR. Mr. President, if this clause were not already in the bill, but were now proposed by some individual Senator on the floor, the objection which the Senator from Maine has raised might seem to have some weight; but here the other House of Congress has evidently found some special reason for directing this Government officer, who is an officer of their own political faith, appointed by the present Administration, in regard to the rigid observance of a certain law referred to in terms, whatever may be its opinion as to the wisdom of the law. I think we may fairly presume therefore that there has been some failure to execute the law. Of course the obligation of the Public Printer is the same whether this mandate is contained in the bill or not; but it is quite obvious that the attention of Congress has been called to the need of a strict enforcement of that law in this department, and it will

have the effect to quicken the sense of legal obligation. I should feel very sorry to have the clause stricken out by the Senate under the circumstances.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment?

Mr. HALE. It does not add to the force of any law to throw into an appropriation bill a direction to a particular bureau or Department that the law shall be enforced. It is to a certain degree a reflection upon the bureau or Department. The Senator certainly has not furnished any reason why this clause should be here except that it is found in the bill. The committee took the bill in all its provisions under just such limitations as that, and in other cases found the reason why it was that a clause was put in: but it found no reason why this was put in and could not find on inquiry why it was put in, and therefore, it being exceptional and not like other provisions hundreds of which we have allowed to remain because there seemed to be reasons for them, the committee have recommended the striking of it out in order that it may be investigated, in order that the conferees on the part of the House may show why it is in here. If there is good reason for it, if the law is not enforced as it ought to be, then the Senate is just as much in favor of enforcing the law as the House.

Mr. HOAR. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TELLER. I should like to know to what class of employés this provision as to the Printing Office applies.

Mr. HALE. It applies, like the eight-hour law, anywhere, to everybody in employment in that bureau receiving regular daily pay. It is a question whether it might not be construed, if put in in this way, to apply to parties who are doing work by the piece. I doubt if it could, but it might be so claimed. The result of that might be, and would be if it were so applied to them, that workmen who are receiving pay for twelve hours would be obliged to stop at the end of eight hours, and a new and untried and green force would be thrown upon the office.

It has been said that one object of this clause was to get in one hundred and fifty or two hundred new, untried men, and that this is the method of doing it. The committee have not been able to find that out. There was some discussion on the other side of the Capitol, but it does not seem to throw much light on what would be done under this clause; and for these reasons the committee have concluded to strike it out.

Mr. TELLER. It seems to me that if any employés of the Department are working by the piece, the present statute does not apply to them. The present act applies only to day laborers where they work by the day. If any man chooses to work extra time and receives extra pay I do not suppose we ought to interfere with him, and I do not suppose we do by this legislation. Why should we say that the Public Printer shall comply with the law when nobody knows that he is not doing so? There is no evidence before the Senate that he is not observing the present statute on the subject.

Why it should be necessary to repeat that he shall obey a statute of this kind I can not understand. The eight-hour law is as binding in every Department where the employés are employed by the day as is any other statute. I can not understand why it should be necessary to repeat it, or why it should be necessary to infer or to suggest that it is not being enforced, unless there is some proof to that effect; and if there is some proof that it is not being done, I presume a declaration of this kind will not change matters at all.

Mr. HALE. If the Senator will allow me I will read the law as it is found in the body of the statutes. Section 3738 provides:

> Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States.

There is no purpose, let me say here, on the part of the committee to interfere with that law. It has been well established, acceded to by everybody, and presumably has been carried out in the Departments. If it is not carried out in this department, it ought to be carried out there. If it is not carried out in any other department, it ought to be carried out. All that is desired is information on the subject.

Mr. TELLER. As far as I am concerned, I do not want to give my vote in such a way that it shall appear that I am not in favor of an observance of this law. At the same time I do not think it is quite fair for persons to assume here or anywhere else that a public officer is not observing the law unless there is some proof to that effect.

There will be an inference, I suppose, if this clause passes, that the Public Printer has not been observing the law. It may be suggested if we vote to strike it out that we think, on the other hand, it ought not to be observed. So I regret that the committee could not have given us direct information as to whether there was any necessity for this clause or not.

Mr. HALE. I do not think it is a matter of great moment one way or the other. The committee can give no more information than it has given. If there is such a disposition on the part of the Senate, as I perhaps discover that there is, I am entirely willing that it shall remain. It will do no harm.

Mr. HOAR. If I may be permitted to say a word—I will endeavor to speak within the rule of parliamentary propriety—I will state that there is on my table a report of a debate, somewhere, and the names of speakers given, which, if we were permitted to read, would give the Senate information bearing on the subject.

Mr. HALE. I have read that carefully, and I could not make head or tail of it.

Mr. HOAR. I think if it were read it would certainly throw considerable light on the necessity of the provision.

I may be permitted to say that this is a simple affirmation of the belief of Congress that an existing law, which everybody admits ought to be carried out in good faith, should be enforced in the Public Printing Office. That being the case, it turns out that the House of Representatives, which certainly can not be charged with a desire to put any slur on the officer, because he is its political friend, has found it necessary to point out in an appropriation for that office that it is the desire of Congress that that law shall be observed and enforced there as elsewhere. It seems to me that to strike out that provision would put us in a false position.

It is very well known that a great many laborers of the country think that the experiment which the eight-hour law was intended to try, as to whether, on the whole, as useful and as much work would not be obtained in the ordinary mechanical occupations of the country by eight hours' work as by the enforcement of a larger portion of the day being devoted to such work, has not been fairly and faithfully tried. For instance, some years ago in the Springfield Arsenal there was a class of work which was done upon very difficult machinery, done by skilled workmen, and to which one would have said in the first instance that the principles of the eight-hour law were peculiarly inapplicable. Some statistics were kept by the superintendent there which showed a most wonderful result. The product of those machines under a limitation of the work to eight hours considerably exceeded the amount produced by ten hours' work, all other conditions being substantially unchanged, the work being on the machines.

I tried and tried alone by specific calls upon the War Department in those days to get those facts into the possession of Congress, and for one reason or another the call was not obeyed when made by the House of Representatives. At last, however, the information came.

Whether these persons are right or wrong, they have a feeling that this experiment upon which so much of the welfare and the comfort of the working people of this country depends, has not been fairly and thoroughly carried out by all the Departments of the Government. A great many people so feel. Everybody agrees that more and better work is done by twelve hours a day than by the old custom of fifteen or sixteen hours. Everybody, I think, is now satisfied that the reduction from twelve hours to ten hours has been for the benefit of the employer of labor, the producer of manufactured articles, as well as of the workman.

There are a great many persons who believe that, taking the country through, taking any considerable occupation requiring skilled work or unskilled work, the giving to the workingmen of the country of more leisure time to see their families at a period of the day when they are not entirely exhausted, worn down in brain and body by the hard drudgery of their labor, will not only result in a comfort to them, but will result in giving a class of inventive skill and intelligent brain to the service of their employers, so that in the end the workingmen of this country will take a higher place in the race with other countries in manufacturing supremacy than they will if a larger amount of labor is exacted from them. Let this experiment be fairly and fully tried.

My honorable friend from Maine and the other members of the Committee on Appropriations will not only acquiesce in this policy, but I am sure they will be leaders in it whenever it is in any degree of peril.

As I said before, something has satisfied the House of Representatives that it was well to call the attention of this particular department of the Government to this demand and desire of the workingmen of this country. They put in the clause. It can not do any harm, and it seems to me that the striking out of the clause now would be an indication on the part of the Senate that we are indifferent to the desires of the workingmen or we do not mean that the letter or spirit of the present legislation be extended to the Printing Office. I hope my honorable friend from Maine will let the clause remain.

Mr. HALE. If I can be allowed to go on with the bill, I am willing that the clause should stay in.

Mr. REAGAN. I did not hear the remarks of the Senator from Maine, and therefore am liable to have misunderstood him. He has read a section of the law stating that eight hours shall be a day's work under the Government. Now, the House of Representatives sends us a bill containing a clause that is curious in its wording:

> And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

It may be that we shall make a mistake if we adopt this language. A very large part of the work that is done in the Printing Office is piecework. With this language that the eight-hour law shall be rigidly enforced, will the Public Printer be required to suspend work as to all the employés of his office when they have labored eight hours? If so, the service of that department may be very seriously crippled.

It seems to me a strange sort of legislation, after a law has been

passed, to tell a department of the Government that it must rigidly enforce that law. If there has been a failure to enforce the law, there is another mode of getting at it, and the officer who violates the law, who disregards its provisions, should be held accountable for his conduct, and not another act passed saying that he must rigidly enforce the law when the law makes it his duty to enforce that law without that adjective added to it.

It seems to me that whenever the labor question comes up in any form, whatever is most extravagant, whatever is most extreme, whatever is most extraordinary seems to command our approbation. I do not think that is right. Certainly no one sympathizes with the labor of this country more than I do; and yet I never reached a point where I felt that because I would protect the rights of the laborer I would commit myself to every act of folly that ignorance could demand of me. I do not think it is our duty to do that.

I think the Senate Committee on Appropriations did right in striking out this extreme provision. It adds nothing to the law unless it adds a provision which will cripple and embarrass the administration of the Printing Office by making the Public Printer suspend labor at the termination of eight hours and stop piecework, and thereby embarrass the department in doing the work which is required of it. If this clause is liable to that construction——

Mr. HOAR. The Senator will pardon me. This clause certainly is not liable to any such construction as that. It is simply the old law.

Mr. REAGAN. The old law does not say that. The old law says eight hours shall constitute a day's work. This says that law must be rigidly enforced. I say if it means anything more than the old law meant, it means that the Public Printer shall suspend all work at the end of eight hours each day; and if he does so the large number of employés who do piecework would have to suspend operations, to their very great injury as well as to the injury of the public service.

So then, altogether, I think the clause is entirely unnecessary, and may result in operating injuriously to the service. I think it is one of those extraordinary things that we are liable to do under a sort of pressure that it seems nobody is able to withstand in either branch of Congress.

Mr. BLAIR. This eight-hour law, enacted by the United States and placed on the statute-book with as much definiteness and solemnity as a law against crime, has been deliberately and persistently and wickedly violated by the executive officers almost from the beginning. Never has there been any considerable degree of success in extorting from these unwilling executive officers of the Government compliance with their own duty in this regard.

As the bill comes to us from the House of Representatives with an admonition of a statutory nature in it which would have the effect to teach these men that it is their duty to obey the laws of the land, I for one am rejoiced at it, and I should regret exceedingly that this clause should be stricken from the bill. I hope that whenever the proper time comes before the Senate, the proposed amendment will be rejected.

The Senator from Massachusetts [Mr. HOAR] was speaking of the matter when I came in, and he touched with force upon the general considerations that led to the enactment of the law; and I assure the Senator from Texas [Mr. REAGAN] that he is conflicting with the intelligence and the convictions of a great many minds as able and as well informed as his own if he undertakes to say that the eight-hour law is based upon the foolish demands of an ignorant people.

Mr. REAGAN. I never said that.

Mr. BLAIR. Or that this provision is to be found in this bill in compliance with the demands of ignorance. The laboring people of this country who desire the enforcement of this law which the judgment of the country has enacted, are as intelligent a body of men as there is to be found, and among them, as I know from personal acquaintance with them, are as many intelligent men, and I had almost said a larger proportion of intelligent men than there is in the Senate to-day, and they are not to be derided nor scoffed at nor sneered down by anything that may be said here or elsewhere; and the sooner those who represent the American people come to understand that the better it will be for the nation as a whole.

Mr. President, there has been pending in this and the other branch of Congress for years a claim by some employés of the United States for compensation for the extra hours they were compelled to work, in order to obtain any work, by executive officers of the United States. There have been reports in favor of the claims from time to time, but never as yet have those claims resulted in law or in justice to these men; but the claims are here, and the Senate and the House and the country will be troubled with claims of this description just so long as the executive officers of the United States undertake to ignore this law, and if there can be placed anything in the way of admonition in this appropriation bill, or any other bill whatever, that shall prevent the arising of such claims in future by reason of the determination of executive officers not to enforce the law, I for one shall be highly gratified.

Mr. EVARTS. Mr. President, I am quite ready to acquiesce in what the Senator from Maine has said, that he is not disposed to prevent the insertion of this clause if the Senate desire it. I only wish that if the Senate desires it it should be known upon what ground they desire it.

The law which has been read from the statute-book is an enactment, and requires obedience to it from all who have to do with the execution of that law. It also belongs to the President of the United States to see that that law, like all other laws, is executed. It belongs to Congress in re-enactment to make its law more precise and peremptory, and, if need be, to re-enforce it by penalty; and that is law-making and additional law-making.

And if it be found that this eight hours' labor law, which should be enforced in the interest of the laborer, and in the interest of legislation that laws should be enforced, and in the interest of the Executive that he should enforce the laws, if there was now proposed some further legislation in the nature of enactment or in the nature of additional penalties to the existing law, I would favor it. But it does not belong to the United States Legislature as represented in the two Houses of Congress to give reprimand or admonition or advice. It is precisely one of the functions that does not belong to us. If this Printer needs to be reprimanded or if he needs to be aroused, it should come from the Executive or such subordinate officers of his as have to do with the question whether this Printer has violated this law and will violate it.

Now, with these views of mine I am ready to vote for a penalty to be put upon this Public Printer if he has violated the law; I am willing to re-enforce the general statutory law that shall affix a penalty against the head or managers of all Departments if the law is not executed; but I do not wish to see a derogation from the law-making force that is expressed in the statute books-now by adding to it an admonition or reprimand. Punishment is all that belongs to us to provide for if legislation is needed, and for the President of the United States to see that the existing laws are complied with. But, as I have said, if when it comes to the point the Senate wishes to engage in reprimand and in injunction and in advice, then let it so stand, but let it stand, not as legislation, but as a part of the executive government which really does not belong to us.

Mr. TELLER. Mr. President, the Senator from New Hampshire said this statute had been persistently violated. I do not know whether he means that it is being violated to-day or not. I know that when he says it has been persistently violated he goes entirely too far, for under the late administration this eight-hour law was enforced. I believe it was enforced everywhere; I can certainly speak for one Department of the Government, not having a great many of the employés of the class named, but having some, that it was rigidly enforced in that Department for three years at least, and I believed it was enforced in the other Departments. I have no information that it is not now being enforced in all the Departments of the Government. I believe myself in the enforcement of every law that is on the statute-book. I do not understand that the executive officers have any discretion in the matter. A plain statute must be obeyed.

I agree with the Senator from Massachusetts that in very many classes of business eight hours a day is as much time as a man can profitably employ. In the mines in Colorado eight hours is a day's work. A man who contracts for this work is expected to work eight hours and no more, without reference to any statute. Such is the custom there. Eight hours is found to be all the time a man can work at certain classes of work out there, unless on piecework he can labor longer.

If it is intended by this provision to say that the law shall be enforced against piecework, I do not think that would be right. I think that every man who works should have the right to work eight hours or ten hours if he thinks he can labor ten hours. I would make the day's work eight hours, and then if a man chooses to work two hours more for additional compensation, he certainly ought to be allowed to do that if he has the skill and ability and his employer is willing to pay him for his additional time. If these men are working by the piece, I think it is within the provisions of the law that the Public Printer shall pay them for ten hours' work. I do not think he ought to work them unnecessarily because it would be profitable to do so; but if a printer says he can work ten hours, that is his business. The statute did not contemplate, in my judgment, a case of that kind; I should be against it if that was the purpose; but as it does not seem to me that that can be the construction of a simple declaration that we believe in the eight-hour system for Government employés, I think the committee had better let the clause stand in the bill.

Mr. MANDERSON. If I believed with the Senator from Texas that the result of this proposed striking out of the words we find in the bill in reference to the eight-hour system in the Public Printing Office would be to prohibit the pieceworkers from working more than eight hours per day, I certainly would follow his lead; but I do not think it will have any such operation. Most of the work done in the Public Printing Office is work done either by the hour or by the piece. The compositors, as we all know, work by the amount of matter composed, measured by the thousand ems. Those who fold and stitch the pamphlets or the bound books work by the piece, so much for folding; and most of the other employés work by the hour. There are really very few that work by the day. As I understand the operation under the general law that is referred to by the Senator from Massachusetts, the rule has been in the Public Printing Office that where there are employés who are employed by the day they work for eight hours only, and I certainly have heard no complaint from any one employed in the Public Printing Office in any capacity that this general law has

been violated in any degree. I think the effect of leaving these words in the bill will simply be to challenge the attention of the Public Printer to the general law and that it shall continue to be enforced. I think it cuts a very unimportant figure one way or the other; but as it has been placed in the bill by the House and the attention of the Public Printer challenged to it, I see no objection to its remaining. If, however, it is to have the effect of prohibiting a man from working more than eight hours who desires to do it, working either by the hour or by the piece, I think it would be a very objectionable piece of legislation.

Mr. HALE. Mr. President——

Mr. REAGAN. I ask the Senator from Maine to allow me one moment.

Mr. HALE. Certainly.

Mr. REAGAN. It seems to me that we are in a very extraordinary position. We have a law fixing the day's work in Government employment at eight hours. We have no complaint that it has been violated; no one pretends that the present Public Printer has been violating that law; and yet we find the proposition before us to call upon an officer against whom no complaint is made to rigidly enforce the eight-hour law. I have said that it seems to me this clause may bear the construction that if that law is rigidly enforced it may prevent those engaged in piecework from doing the work they want to do and earning the money they desire to earn. Whether it will have that effect or not, if we can conceive of anything more ridiculous than this propsition, I do not know what it can be. The law is in existence. We tell an officer, without complaint of maladministration, to rigidly enforce that law without any statement that he is not rigidly enforcing it. If the Senate can afford to do so ridiculous a thing as this without cause, simply because it may pander to an improper feeling, I suppose I can bear my part of the ridicule.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

Mr. HALE. There is evidently a feeling in the Senate that to strike out this clause might be considered as interfering in some way with the execution of the eight-hour law, and as in some degree committing the Senate to that proposition. I have no thought that the Senate desires to take that position; and as it is of so little importance, I do not think it is worth while for me, at any rate, to take more time of the Senate; and if the Senator from Massachusetts will withdraw his call for the yeas and nays, I will, so far as I am concerned, let it go.

Mr. HOAR. I withdraw the call for the yeas and nays, with the leave of the Senate.

The PRESIDING OFFICER. Is there objection to the withdrawal of the call for the yeas and nays on this question?

Mr. REAGAN. I want the yeas and nays.

The PRESIDING OFFICER. There is objection.

Mr. REAGAN. I withdraw the call for the yeas and nays.

The PRESIDING OFFICER. The Chair will again ask, is there objection to the withdrawal of the demand for the yeas and nays? The Chair hears none, and the call is withdrawn.

Mr. HAWLEY. I have been unfortunately out during most of this debate. I should like to have it distinctly understood whether the purpose of this enactment is to forbid a man to work more than eight hours a day. The Committee on Appropriations certainly has some theory on that subject. I have been seven years a member of the Committee on Printing, and to the very best of my recollection I never have heard one solitary word of complaint from any being involved, in any rank or position in the Printing Office, concerning the enforcement or non-enforcement of the eight-hour law. If this clause has any meaning whatever, it is an attempt to forbid any man to work more than eight hours; and therefore in behalf of the workingman I protest against it, and shall be glad to record my vote against it. It seems to me a piece of demagogism, and nothing else.

Mr. HALE. Let me suggest to the Senator one thing which may relieve the Senator's doubts and relieve mine. I have some doubt. The eight-hour law is so clear, so short, so bald, declaring that eight hours' work shall be a day's labor under Government employment, that it might be considered as covering piecework, and I do not think it ought to be so. Now, if an amendment is moved which I have prepared, declaring that "nothing in this shall be considered as interfering with piecework," it will save the Senator's doubts and save my doubts and save the doubts of others.

Mr. HAWLEY. Mr. President, it often happens that the Printer is obliged to ask the men to work more than eight hours, and as a general rule, if they are in good health and have families to support, they are very glad of the chance to do it, because it gives a handsome addition to their day's wages. It being purely voluntary, it being certain they will get the price of a day's work for eight hours' work, to direct them not to work any more is an interference with the natural right of the workingman, and the workingman who advocates this change in the law unwittingly subjects himself to a condition of slavery, and he will be sorry for such legislation.

Mr. HOAR. The Senator from Connecticut is quite ready to cast doubts on the motives of others in this matter.

Mr. HAWLEY. I did not know that the Senator from Massachusetts had anything to do with it. I spoke quite personally about it. It strikes me as an effort of demagogism. I repeat that remark.

Mr. HOAR. The Senator will hardly repeat it in my time without violating the rules of the Senate.

This proposition of political economy, whether wise or foolish, whether the proposition be demagogism or the opposition to it is shallow-pated assurance, is one which comes from a source where demagogism is not often found. Such profound thinkers as John Stuart Mill, such practical reasoners as Thomas B. Macaulay were among the early advocates of this doctrine in the manufacturing legislation of England, and it is a doctrine which has made its way.

The same kind of speech which the Senator from Connecticut thinks it courteous to indulge in here in regard to opinions which differ from his own was made by the friends of the old English factory-system when it was endeavored to put an end to the labor of children and women in factories who worked fifteen, sixteen, or seventeen hours in the day, and the same discussion and the same contest and the same opposing and conflicting reasonings were heard as the time of the day's work of the laboring men in manufacturing, mining, and other mechanical occupations in this country and in Europe gradually came down from sixteen to fifteen, fourteen, twelve, eleven, and now it has reached ten and is coming to eight hours a day. It is a principle which stands on solid ground both of reason and experience.

The experience of mankind has shown that where the workingmen of an intelligent and instructed country work faithfully for eight hours a day in most of the mechanical occupations and have the remainder of their time for intercourse with their families, for reading, for learning their political duties, for attending lyceums and lectures, for resorting to the public libraries and social meetings, they are not only better workers of the country of which they are citizens, but they turn out more work as the result in the manufacturing employment to which their lives are given. You have, instead of the tired, worn-out jade going to his home, with every faculty of brain and body worn out and fatigued, a skillful, inventive, thoughtful, reflecting brain. You have good citizenship in a man whose leisure is one of the luxuries of life, one almost of the necessities of life to a healthy and educated brain.

As I said before, this experiment has been tried and its results recorded. It is the opinion of some of the most thoughtful and intelligent employers of labor as well as of the representatives of the workingmen, and it has been desired, that this experiment should be tried, not to be left to individual manufacturers who are conducting their business in constant competition and strife with others, but that it should be tried in behalf alike of the labor and the manufacture of the country by the Government, and whether it be right or wrong that the Government should try it in its capacity of a large employer of labor. It is the law of the land, and what Senator will rise here in his place and say that this law should not be faithfully, honestly, liberally, and fairly construed and executed?

Mr. HAWLEY. If the Senator will just allow me—I shall reply more at length hereafter—I will say that I never said anything of that kind at all; nothing approaching it.

Mr. HOAR. I was not imputing anything of that kind to the Senator. I said no Senator on the floor would say it.

I do not see why a Senator is not at liberty to rise here and utter the conviction which to the extent of his own ability, however poor, he has reached on this subject, and why he is not entitled to ask of his brethren and friends here to answer his arguments, and not simply to content themselves with sneers and charges of demagogism for the position he happens to take.

Mr. STEWART obtained the floor.

Mr. HAWLEY. Will the Senator kindly allow me a few moments?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. HAWLEY. Now, particularly, I should like to say something.

Mr. STEWART. Very well.

Mr. HAWLEY. I was a good deal surprised by the remarks and the tone of the remarks of my friend from Massachusetts. It was my misfortune not to be here during this debate, but it was my good fortune to know something on the subject, notwithstanding my temporary absence from the Senate. So anything that I said in the way of severe criticism had no aim at him whatever. Nineteen-twentieths of what he said meets my hearty concurrence, as to the congratulations the world has a right to offer itself upon the gradual reduction in the hours of labor.

I rejoice at it. I rejoice to see the workingmen of all nations having the sense, the force, and the energy to combine for the purpose of reducing the hours of labor. It is a great blessing indeed that men who used to work sixteen, and then fourteen, and then twelve hours—men and women within our recollection—and then ten hours, can now get a good living at eight hours' work. They are sharing in the benefits of the wonderful inventions of the age; they are sharing in the benefits of the righteous, Christian, and sensible legislation of Great Britain and America and other countries. In all that I believe.

I think when the world comes to a proper adjustment of labor, a proper sense of duties and responsibilities the world over, we shall all

be able to live on even less than eight hours a day of work; but that has nothing to do with the point I was aiming at, and I thought I was clear enough.

I said that for seven years on the Printing Committee I never heard one word of complaint that our law was not enforced in the Printing Office, and they have most vigorous and energetic trades-unions there; and if this provision had any meaning whatever it was to forbid a man's working more than eight hours. There, I conceive, we pass across the line into an entirely distinct field.

Some men are able to work more than eight hours a day without injury to themselves in any respect. More than eight hours' work is not offered every man every day in the Government Printing Office; but I can easily suppose the case of a man with a wife and two, three, four, five, or six children, who having worked his eight hours for his $3.20, or his eight hours as a laborer for a less rate, is, by reason of sickness in his family or unusual demands of any kind, very glad of an opportunity to work two hours more to-day, and two to-morrow, and two the next day.

I only said that which I repeat, in the interest of the workingmen, that if we attempt to say that no man shall work more than eight hours a day there, it is, in my judgment of the matter, a piece of demagogism; and the workingman, soon or late, who indulges in that kind of legislation will find that he is hurting himself by it, for he is relegating to the dominion of legislation so complete and thorough a control over the hours of labor and all that concerns him that by and by there will be a reaction and the next door to a revolution against the Government that goes into a man's house and controls everything that he does, the railroads that he travels on, for example, and the savings-banks that he uses, and the hours of his labor, and not only tells him that he is free to work eight hours, but that he must not work another hour. But suppose the man goes home and cultivates five or ten acres of good land during the summer by work over hours. He is then getting the advantage of the lazy man who thinks he will not work anywhere more than eight hours. According to your theory, we can step in and forbid him to cultivate a handsome garden after working-hours. It shows there is a limit to this thing.

I rejoice in the general movement in that direction in all possible ways, but I warn you not to attempt to tell the workingman what he shall not do in all these cases.

The PRESIDING OFFICER. Did the Chair understand the Senator from Connecticut when on the floor on a previous occasion to object to withdrawing the demand for the yeas and nays on this question?

Mr. HAWLEY. I did not think about it particularly. I said I was perfectly willing to record my vote. I have done so already by this speech. That answers my purpose.

Mr. STEWART. Mr. President, I had the honor to vote for the original law fixing eight hours as a day's labor on the public works of the United States, and there was a good deal said then about demagogism. I have watched the operation of the law, and I have never had occasion to regret my vote.

I think that eight hours a day is as much as a laboring man ought to work. I believe that in the course of a lifetime he will accomplish much more by working eight hours than by working a longer time daily. Besides, he needs recreation and needs time for improvement. I believe the example set by the Government has had a good effect on the country, and I am glad that I voted for the law.

I do not entirely agree with the Senator from Connecticut in his declaration that we should furnish by indirection more than eight hours' labor to a single individual per day. The Government is employing men, and it says to them, "Here, we will give you a day's pay for eight hours' work." There may be those who would like to get more than a day's pay and do more than eight hours' work. Is there anything wrong in the Government saying, "That is all we will furnish to any man; we will give him a day's labor, and if he wants to do more than eight hours' work let him do it somewhere else?" There are a great many people who are not employed, and who would esteem it a great boon to get into Government employ and do eight hours' work; but if you can avoid the law by piecework, your eight-hour law does not amount to very much.

There has been an effort on the part of many a Government official, in order to make a good showing as to what can be accomplished, to let work out by the piece and by contract, and evade the law in every way. Inasmuch as there is not labor for all, there are many good printers undoubtedly who have families who are suffering to-day in the country, and why should the law be violated by indirection by giving work out by the piece or by the job to avoid it? That can be easily done. In all Government work you can get around the law if you are disposed to do it; but I think that the Government having work to perform should distribute it on such a basis as to give each laboring man who comes and wants employment eight hours' work, and give him the pay for eight hours, and if he wants to do more let him cultivate his garden; let him do some other work besides Government work, if he is so disposed.

The object of limiting work to eight hours is to give the man an opportunity to do other things, but it is not intended that the law should be evaded by contracts and piecework.

I am decidedly in favor of this legislation if it will stop piecework and put all who come on an equality and give a larger number of men employment.

It seems to me that the provision ought to be more explicit. The only objection I have to it is that it is not definite, and does not state exactly what is meant. I always think a law ought to state precisely what is meant. I do not know how it would be construed, but I think instead of qualifying it and saying it shall not mean anything it ought to be a declaration against piecework that would avoid the law.

That is my view, because I think that the passage of the original law was for the purpose of setting the example to other employers of the country, and enabling the laboring man to improve his condition and not exhaust himself in a few years by hard labor, by allowing him to work no more than is good for his health and for the general prosperity of the community. As I said before, in a lifetime, at eight hours a day, a man accomplishes much more than he can if he puts in twelve or fourteen hours a day, and is destroyed by hard labor before he has reached middle age.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. HALE. Before the Senate votes on striking the provision out I wish to offer an amendment, which, I think, improves it. The discussion in the Senate has already shown that there are different views upon the eight-hour law. The amendment which I offer will leave the provision of the House so that it shall not apply to existing conditions in the Printing Office where work is performed by piece or extra work in the night. My amendment is to add:

That this provision shall not be so construed as to interfere with piecework or extra work in said department.

In the phraseology I have employed I have consulted with the members of the Committee on Printing, so as to cover that kind of work now done in the Printing Office where a man is employed by the piece, not by the day, and may if he chooses work more than eight hours.

Mr. HAWLEY. Allow me to make a suggestion to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Connecticut will suspend until the amendment may be read at the desk. The amendment will be read.

The SECRETARY. At the end of line 18 it is proposed to add the following proviso:

That this provision shall not be so construed as to interfere with piecework or extra work in said department.

Mr. HAWLEY. I suggest the phrase "voluntary extra work." I do not want to command a man to work over eight hours. He is entitled to his day's pay at the end of eight hours. Say "voluntary extra work."

Mr. HALE. I meant, of course, to include that idea.

Mr. HAWLEY. That is the whole of my mind.

The PRESIDING OFFICER. The Senator from Maine modifies his amendment.

Mr. HALE. Let the word "voluntary" precede the word "extra."

Mr. ALLISON. Mr. President, I desire to say a few words, inasmuch as the Senator from Maine has proposed an amendment.

The provision inserted in the bill as it came from the House of Representatives, I think the committee generally understood, did not change existing law in any sense. I should like to ask the Senator from Massachusetts [Mr. HOAR], who has given great attention to this subject, whether he understands the provision as it stands in the bill as it came from the House to in any sense change existing laws? The Senator answers me *sotto voce* that it does not.

Now, I should like to know whether the provision as it stands applies to those persons who are engaged in the Government Printing Office, working by the thousand ems, which is the usual way for printers to work, or whether it changes at all the existing status there as respects those who work by the hour, which is another method of employment?

Mr. HOAR. It does not.

Mr. ALLISON. It does not. So I understand, and so I understood. That is to say, the provision in the bill as it stood originally did not change the existing law as respects what shall constitute a day's work, nor did it interfere with any existing arrangement as respects work by the hour or piece. I so construed the clause, and the Committee on Appropriations so construed it.

Inasmuch as there was no condition in the Public Printing Office to which this provision could apply unless it changed existing law, and inasmuch as it was intended to be a law and therefore out of order in the Senate, which would make it impracticable or impossible for us in the Senate to amend it by a jot or a tittle, and we could not even have changed this phraseology under our rules, because it in no sense relates to an appropriation, the committee proposed to strike it out.

It was disclosed by the debate in the other House, if I am permitted to speak of what occurred in the other House—I believe I am not—but the debate elsewhere discloses that this provision had no purpose whatever unless it had the purpose to change the existing eight-hour law as respects the right to employ men by the hour. Therefore we

said that under no condition in the Senate could we change the law so as to make it effective according to the mind, intent, and purpose of its promoters. So, as has been our custom, we struck the provision out of the bill simply because it proposed to re-enact a law that was already in existence upon the statute-books with all its force and vigor.

The Senator from New Hampshire [Mr. BLAIR] in the course of this debate, as I understand him, promotes this provision because he says there have grown up great abuses here. If there are abuses under the eight-hour law, as I have no doubt there are, it is not within the province of the Committee on Appropriations, under the rules of this body, to deal with them. We have had for many years in this body a committee especially devoted to the great subject of caring for the interests of labor.

If the law now upon our statute-book is violated in its spirit and its essence in the office of the Public Printer, or in any Department of the Government, or in any place where the Government of the United States employs labor, I desire for one that the heavy hand of the law and of the proper committees of this body shall be placed upon those Departments, and not that we shall proceed here to re-enact a mere naked provision which it is agreed by Senators on this floor will not change by the dotting of an "i" or the crossing of a "t" the existing law. The Public Printer to-day is enforcing the eight-hour law, unless you propose that he can not under the eight-hour law employ men by the hour, or by the thousand ems if they be printers.

Now, the Senator from Maine [Mr. HALE] comes in with a new provision which is intended to construe the law, which is intended to give it perhaps a different meaning. According to the Senator from Massachusetts it does not add to the provision at all, because the Senator from Massachusetts said that it could not be construed to mean that the Public Printer shall not employ by the hour.

Mr. HOAR. I did not say that.

Mr. ALLISON. I submit to Senators that upon these appropriation bills——

Mr. HOAR. Will the Senator pardon me for a moment?

Mr. ALLISON. I will pardon the Senator. I withdraw the statement, of course; but I understood the Senator to place that construction upon the law.

Mr. HOAR. Will the Senator allow me one sentence?

Mr. ALLISON. After I state what I understood the Senator to say. I understood the Senator from Massachusetts to say that this provision in the bill would not change the existing law as respects the question of the employment of men by the hour. Did I misunderstand the Senator?

Mr. HOAR. That is what I said.

Mr. ALLISON. So I understood the Senator.

Mr. HOAR. If the existing law prohibits that, this leaves it to be applied. If the existing law does not prohibit that, it leaves it to be applied, and within that limitation, and that only, I understand it as the Senator has stated, that this provision could not be construed as requiring the Public Printer to deal with piecework. I only say that this provision will call his attention to his obligation to enforce the law as it exists, and that it makes no change whatever in that law.

Mr. ALLISON. So I understand. The point I submit is, if we are dealing with this question as legislators should deal with it, if there is an impediment either in the language of the statute or in the existing enforcement of it by the Government or any of its branches, then let us address ourselves as Senators to the removal of that impediment, and not play with it by a naked provision in an appropriation bill.

That is all I have to say in respect to this question; and I say that to the Senator from Nevada [Mr. STEWART], who speaks in complimentary words of the eight-hour law. I agree with him, but if it is subject to the construction which is universally placed on it in every Department of the Government—namely, that men may be employed by the hour—then if we desire to change that let us change it by statute and not by a pretense, which is nothing, on an appropriation bill.

If any Senator would rise in his place in this body he would be declared out of order for proposing this provision. How often has the Senate Committee on Appropriations been lectured in this body, and by prominent men in it, in its effort to restrain and take care of appropriations in these bills because, forsooth, we put on provisions which might be construed into legislative enactments.

I care nothing about this provision, whether it is put out or left in, because I regard it as of no moment one way or the other; but I am somewhat afraid that if the Senator from Maine insists on his amendment we shall then get into a discussion of what ought to be the law, rather than what is the law.

Mr. HOAR. The Senator from Iowa, it seems to me, still overlooks the position in which the Senate is found by the fact that the other House has done this thing. If this were proposed in the first instance in the Senate, the argument of my honorable friend from Iowa would have great force, as of course every argument that comes from that source always has great force; but here is the case of a large body of men, many of them in humble life, but men having a deep interest in the honest and fair trial of this experiment. A feeling has grown up (whether right or wrong I do not say; but the presence of this clause in the bill put in by the House of Representatives on solemn and thorough discussion shows that the feeling exists in important quarters entitled to respect) that there is a practice of violating or evading or avoiding the law, and perhaps for the sake of soothing that feeling or for the sake of preventing any repetition of such an attempt the House of Representatives takes occasion in making an appropriation for a particular department of the Government to say, "We desire to emphasize the purpose of Congress that that law is to be punctiliously observed."

I agree that it does not change any existing law. I agree that if piecework or work by the hour or work by any other method of contract not by the day has been lawful in the past, it will remain lawful in the future. It does not affect the existing law in the least; but the House of Representatives having, in the face of this disturbed feeling in the minds of the persons interested, taken occasion to reiterate and emphasize its purpose that that old law, whatever it means, be scrupulously obeyed, it seems to me for the Senate now to strike it out leaves the matter in a very different position than it would be in if we were simply rejecting an original proposition to put it in. That is my position.

Mr. ALLISON. As I said, I do not care whether this provision is stricken out or left in. The committee in dealing with this question saw nothing in it as it was proposed. They had no power to make an amendment, because it would have been out of order in the Senate. All I wanted to do was to call attention to the fact, which is perfectly well known to everybody, that this provision amounts to nothing, except it be a mere monition to the Public Printer to do what he is not doing now, according to every statement made on this floor.

Mr. HOAR. Nobody knows whether he is doing it or not.

Mr. ALLISON. Everybody says he is; all the persons interested say so.

Mr. HOAR. The fact that it is claimed that the law has not been enforced in its spirit in the Public Printing Office is evidenced enough to my mind and to my purpose by the fact that the House of Representatives has inserted this monition in the bill. It seems to me that is enough for us to act upon. Whether it be true or not, there is a claim coming from a quarter entitled to respect that it is true, and that without regard to putting any construction on the law whatever. The House of Representatives, without communicating to us the evidence or the reasons on which it has acted, has declared that it thinks proper to make this emphatic declaration of its purpose to have the law maintained. It seems to me that it would be a positive injury to the cause which the law was enacted to advance if the Senate should strike it out.

It is well known that there are men representing the labor organizations who are in attendance in Washington this winter with the intent to procure legislation to compensate laborers who have been employed on certain important Government works for the deprivation of wages which they suffered under what they regard as an invasion of the law years ago. The agents of the workmen at the Springfield Arsenal are writing to my colleague this winter; they have written recently, if I am not mistaken; and other persons of high character and standing, with nothing but a sincere desire to get the rights of the body of men to whom they belong, have been here in person and have had hearings before the committee of which my honorable friend from New Hampshire is chairman. In that condition of things, for the Senate to look to see whether they think one construction or another of the law ought to be made, to see whether this theory or that theory on which the law was originally based and originally proposed be sound, seems to me entirely unimportant. If the House of Representatives have thought fit, whether we know their reason or not at this time, to emphasize their desire to adhere to that experiment until it is fairly and thoroughly tried, we ought to agree to it; and that is all there is to this question.

Mr. EVARTS. Mr. President, I am opposed to the qualifying amendment offered by the Senator from Maine. I oppose the clause as it now reads as not being legislation at all. I believe in the opinion of the Senator from Massachusetts; he concedes that it is nothing but a monition. Now, we do not pass monitions through the two Houses of Congress. If we are to address a monition it must be to those who are charged with the execution of the laws, and they are the President of the United States and those under him in authority.

But the amendment now proposed by the Senator from Maine is a qualification not only of this monition, but a qualification of the law as it now reads on the statute-book. If it means anything, it is when occasion is sought for enforcing the existing law by monition, you put in a clause saying "We do not mean by that that you can not have people there working more than eight hours." What does the law as it now reads mean? The laborers have a right to contend, as the Senator from Maine contends, that the meaning of it is, if there is more labor needed by any of the Departments, that they shall have more laborers, and not more labor.

Whether that be the rightful construction of the law as it now reads or not, I am not in favor, under the guise of a monition, of saying that the law as it reads shall be enforced, and that it shall be accompanied by a qualifying reduction of the force and meaning of the law itself.

Is it true that at this Printing Office or any other department of labor a tariff may be issued: labor for eight hours, so many dollars; labor for nine hours, so many dollars; labor for ten hours, so many dollars?

Is that in accordance with the law as it now reads on the statute-book, and would it be an obedience to the monition that that law shall be rigidly enforced? I do not know as a legislator what the difference is in law-making between laws that are rigidly and laws that are not rigidly enforced. Is the penalty for not enforcing a law rigidly to be six months' imprisonment, and the penalty for not enforcing it moderately so much less or so much more? I would put more on it for administering it only moderately.

Mr. President, we are right square upon the matter that as it reads this clause does not alter legislation. Then it is not legislation. It is not appropriation, that is agreed; it is monition; and the monition is that if there is need of enforcing existing law it is to be a monition by penalties that are to be increased.

But as to the amendment proposed by the Senator from Maine, while I was willing that this piece of monition should go in the statute-book if Senators thought proper, I can not consent to the qualified influence upon the existing law given by that amendment.

Mr. HOAR. I raise the question of order upon the amendment.

The PRESIDING OFFICER. Upon the amendment of the Senator from Maine?

Mr. HALE. Will the Senator wait for one moment?

The PRESIDING OFFICER. Does the Senator from Massachusetts withdraw his point of order for a moment?

Mr. HOAR. I do.

Mr. HALE. I was going to say that I would withdraw the amendment or I would try to fix it to suit Senators. I will do anything to get a vote and get along with the bill. I have nothing more to say, and I do not mean to say another word, because I do not belong to that limited band of Senators whose duty it will be for the next three months to look out for all these great public questions. I want to vote on the bill. I want to finish it. I want the money which has been held back for a long time to go to the proper beneficiaries; and I wish these gentlemen to select a time when the great cause of labor can be discussed by them fully in fair competition, and not on this bill. So I withdraw the amendment and will take the vote on the original proposition of the committee.

Mr. REAGAN. To what amendment does the Senator refer?

Mr. HALE. I ask the Senator to let it go and let us have a vote.

Mr. REAGAN. If the Senator will allow me, I will try to dispose of it in another way. I make the question of order upon it based upon the third paragraph of Rule XVI.

The PRESIDING OFFICER. The Senator from Maine withdraws his amendment to the clause in the bill proposed to be stricken out by the committee.

Mr. HALE. And I withdraw my objection to the clause in the bill.

The PRESIDING OFFICER. The Senator from Maine withdraws his amendment. What question of order does the Senator from Texas raise?

Mr. REAGAN. Can the Senator withdraw the amendment?

The PRESIDING OFFICER. Of course he can.

Mr. HAWLEY. That does not withdraw the amendment of the committee?

The PRESIDING OFFICER. No; the amendment of the committee is pending; but the Senator from Maine had offered an amendment to perfect the language proposed to be stricken out.

Mr. REAGAN. That language he can withdraw; but can he withdraw the committee's amendment?

The PRESIDING OFFICER. By no means can he.

Mr. REAGAN. Then it is upon the committee's amendment I make the point of order, in order to save further time.

Mr. HALE. I can not prevent any Senator from calling for the yeas and nays on the proposition, and if the Senate sustain him in the call we shall have the yeas and nays entered on the records. That is the Senator's right, undoubtedly.

The PRESIDING OFFICER. The Chair would state to the Senator from Texas that the amendment reported by the committee, striking the clause out of the bill, is not subject to a question of order. The committee had clearly the right to propose such an amendment, and that amendment in the opinion of the Chair is in order.

Mr. REAGAN. I know the superior knowledge of the rules of the Senate of the occupant of the chair over mine, but I ask leave to read paragraph 3 of Rule XVI:

> No amendment which proposes general legislation shall be received to any general appropriation bill;—
>
> No matter by whom moved—
>
> nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Now, if the Chair will allow me, the amendment submitted by the committee is not germane to the bill; it is not relevant to any matter in the bill, and it proposes general legislation.

Mr. DAWES. I should like to inquire of the Senator from Texas what is the amendment proposed by the committee? It is to strike out certain words which are in the bill. I do not see how that can be affected by the rule.

The PRESIDING OFFICER. The Chair in disposing of the question of order raised by the Senator from Texas would say——

Mr. REAGAN. I was mistaken in the point of view that I presented. My objection is applicable to the clause in the bill, and not to the motion to strike it out.

The PRESIDING OFFICER. The Senator from Texas, then, withdraws the question of order?

Mr. REAGAN. I do.

Mr. SHERMAN. I desire, as soon as the Senator from Maine will allow, to submit a motion that the Senate proceed to the consideration of executive business.

Mr. HALE. I shall not oppose such a motion if we can get off from this subject. I am afraid to have it go over night, because nobody can tell what may be launched upon us in the morning on this great question. Therefore, if the Senate can dispose of this matter now and here, I will consent, so far as I have the management of the bill, to the Senator making his motion. Let us have a vote upon the amendment.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment reported by the committee? Senators in favor of striking out the language in the bill as it came from the House of Representatives will say "ay."

The question being put, there were, on a division—ayes 19, noes 17; no quorum voting.

Mr. BLAIR and Mr. STEWART called for the yeas and nays, and they were ordered.

Mr. GORMAN. Mr. President, as a member of the Committee on Appropriations I agreed to recommend to the Senate to strike out this provision in the bill as it came from the House of Representatives——

Mr. SHERMAN. Will the Senator from Maryland yield to a motion to proceed to the consideration of executive business? I do not wish to interfere with the debate, but the proper time has arrived for an executive session. I submit the motion, with the consent of the Senator from Maryland.

The PRESIDING OFFICER. Before putting the motion, the Chair will lay before the Senate sundry bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 85) granting a pension to Mrs. Mary Jane Case;
A bill (H. R. 115) to increase the pension of Thomas F. Townsend;
A bill (H. R. 418) granting a pension to William H. Brokenshaw;
A bill (H. R. 441) granting a pension to Eliza J. Currier;
A bill (H. R. 442) granting a pension to Emily B. Newell;
A bill (H. R. 443) granting an increase of pension to Albert G. Fifield;
A bill (H. R. 445) granting a pension to Laura A. Wright;
A bill (H. R. 628) granting a pension to Juliette Stone;
A bill (H. R. 806) for the relief of Mary Morford;
A bill (H. R. 823) granting a pension to Hannah C. DeWitt;
A bill (H. R. 863) granting a pension to Malinda Vest;
A bill (H. R. 2218) to increase pension of James A. Buck;
A bill (H. R. 2514) granting a pension to J. Miller Raub;
A bill (H. R. 2517) granting a pension to Isaiah T. Johnson;
A bill (H. R. 2617) granting a pension to Mary Bailey;
A bill (H. R. 3711) granting a pension to Harriet V. Stockton;
A bill (H. R. 3850) granting a pension to Moses F. Jackson;
A bill (H. R. 3898) granting increase of pension to James H. Reeve;
A bill (H. R. 4107) granting a pension to Laura D. Pierce;
A bill (H. R. 4516) granting a pension to Mrs. Delilah Agard;
A bill (H. R. 4812) to grant a pension to Squire Admire;
A bill (H. R. 4835) for the relief of Everard Flynn;
A bill (H. R. 5499) granting an increase of pension to Frederick Augustin;
A bill (H. R. 5766) granting a pension to Miss Capitola V. Harsh, daughter of Daniel Harsh;
A bill (H. R. 6343) to increase the pension of Nancy Rains, the oldest Revolutionary pensioner on the rolls, she being nearly ninety-six years of age;
A bill (H. R. 6732) granting a pension to Leora E. Gear; and
A bill (H. R. 7237) granting a pension to Clarissa Harvey.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 331) for the relief of David Meriwether;
A bill (H. R. 3766) for the relief of William Pfaender;
A bill (H. R. 2699) for the relief of the heirs of the late Solomon Spitzer;
A bill (H. R. 3617) for the relief of John C. Adams, administrator of Joseph Adams, deceased; and
A bill (H. R. 7319) for the relief of Emory R. Seward.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1818) for construction of a revenue-cutter for Charles-

ton, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch; and

A bill (H. R. 7348) granting to the city of Grand Forks, Dak., the right to build two free bridges across Red River.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2161) for the relief of Thomas J. Taylor;

A bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

A bill (H. R. 6243) for the relief of Conrad Claycomb; and

Joint resolution (H. Res. 123) authorizing and directing Secretary of War to lend five hundred army tents to State of Tennessee.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 4694) to remove the political disabilities of Paul F. Faison; and

A bill (H. R. 5859) to remove the political disabilities of Orris A. Browne, of Virginia.

The bill (H. R. 860) for the relief of Alfred Head was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico, was read twice by *its title*, and referred to the Committee on Territories.

The bill (H. R. 5091) to be entitled "An act for the relief of Y. G. Rust," was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 1426) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July 2, 1864, and other acts amendatory of said first-named act, was read twice by its title.

Mr. CULLOM. I have looked over that bill and I find that it is a regulation bill, referring the enforcement of the law to the Interstate Commerce Commission. I move that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

The bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin, was read twice by its title.

The PRESIDING OFFICER. At the request of the Senator from Oregon [Mr. MITCHELL] the bill will lie on the table.

The bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil, was read twice by its title.

Mr. FRYE. I ask that the bill lie on the table.

Mr. SHERMAN. Should it not be referred to the Committee on Foreign Relations?

Mr. FRYE. I prefer to have it lie on the table for a day or two at any rate. We have reported a similar bill.

The PRESIDING OFFICER. The bill will lie on the table, if there be no objection.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 147) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew;

A bill (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.;

A bill (S. 451) granting a pension to Hannah C. De Witt; and

A bill (S. 455) for the relief of Andrew J. Lindsay.

DEPENDENT PENSION BILL.

The PRESIDENT *pro tempore.* The Chair lays before the Senate the unfinished business, which is the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated from the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 6, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 5th day of March, 1888.

RECEIVER OF PUBLIC MONEYS.

Ambrose H. Wear, of Cassville, Mo., to be receiver of public moneys at Springfield, Mo., *vice* William G. Hobbs, deceased.

POSTMASTERS.

Jarvis P. Harrington, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut, in the place of Emerson A. Hough, whose commission expired January 16, 1888.

Albert J. Spencer, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut, in the place of William H. Cheney, deceased.

Horatio F. Dale, to be postmaster at Corning, in the county of Adams and State of Iowa, in the place of Peter B. Gavin, resigned.

David H. Mudgett, to be postmaster at Dexter, in the county of Penobscot and State of Maine, in the place of Simeon Mudgett, deceased.

Frederick P. Carruth, to be postmaster at Orange, in the county of Franklin and State of Massachusetts, in the place of Abijah L. Shattuck, whose commission expired February 19, 1888.

Stephen J. Lyon, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut, in the place of Emerson A. Hough, whose commission expired January 16, 1888.

Charles G. Juden, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri, in the place of Samuel S. Harris, resigned.

John H. Winant, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey, in the place of Emma W. Berry, whose commission expired February 6, 1888.

Thomas B. Griffith, to be postmaster at Terrell, in the county of Kaufman and State of Texas, in the place of Benjamin S. Martin, deceased.

Philip H. Miller, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio, in the place of Upton C. Deardorff, whose commission expires March 5, 1888.

PROMOTIONS IN THE ARMY.

Thirteenth Regiment of Infantry.

Second Lieut. William L. Buck, to be first lieutenant, February 4, 1888, *vice* Davies, deceased.

Second Lieut. Alexander L. Dade, Thirteenth Infantry, to be second lieutenant Tenth Cavalry, February 27, 1888, with rank in the cavalry arm from December 23, 1887, *vice* Watson, promoted.

Post chaplain.

Rev. John F. Dolphin, of Minnesota, to be post chaplain, March 5, 1888, *vice* McAdam, retired from active service.

ASSOCIATE JUSTICE, IDAHO.

John Lee Logan, of New York, to be associate justice of the supreme court of the Territory of Idaho, *vice* Norman Buck, whose term expires March 11, 1888.

UNITED STATES DISTRICT ATTORNEYS.

George G. Sill, of Connecticut, to be attorney of the United States for the district of Connecticut, *vice* L. E. Stanton, resigned.

Alexander B. Cooper, of Delaware, to be attorney of the United States for the district of Delaware, *vice* J. C. Patterson, whose term expires March 24, 1888.

John R. Read, of Pennsylvania, to be attorney of the United States for the eastern district of Pennsylvania, *vice* J. K. Valentine, whose term expires March 11, 1888.

CONSULAR.

George F. Hollis, of Arlington, Mass., to be consul of the United States at Cape Town, *vice* James W. Siler, recalled.

REGISTER LAND OFFICE, NELIGH, NEBR.

Charles C. Jones, of Neligh, Nebr., to be register of the land office at Neligh, Nebr., *vice* Edward S. Butler, resigned.

NOMINATION WITHDRAWN.

Jarvis P. Harrington, to be postmaster at Collinsville, in the State of Connecticut.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28, 1888.

COLLECTORS OF CUSTOMS.

Thomas Cutler, of California, to be collector of customs for the district of Humboldt, in the State of California.

Francis E. Pedrick, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts.

ASSISTANT COLLECTOR OF CUSTOMS.

Thomas H. Kelly, of New Jersey, as assistant collector of customs for the port of Jersey City, N. J., in the district of New York.

INDIAN AGENT.

E. P. Briscoe, of Port Gibson, Miss., to be agent for the Indians of the Crow Agency in Montana.

REGISTER OF LAND OFFICE.

Edward G. Spilman, of Rapid City, Dak., to be register of the land office at Devil's Lake, Dak.

POSTMASTERS.

Charles Harrington, to be postmaster at Essex, in the county of Middlesex and State of Connecticut.

George Cushing, to be postmaster at Hingham, in the county of Plymouth and State of Massachusetts.

Alonzo W. Doremus, to be postmaster at Boonton, in the county of Morris and State of New Jersey.

William Armor, to be postmaster at Golden, in the county of Jefferson and State of Colorado.

William L. Beckfield, to be postmaster at Loveland, in the county of Larimer and State of Colorado.

Valentine Butsch, to be postmaster at Boulder, in the county of Boulder and State of Colorado.

John H. Fox, to be postmaster at Trinidad, in the county of Las Animas and State of Colorado.

Joseph W. Greene, to be postmaster at Manitou Springs, in the county of El Paso and State of Colorado.

Rudolph H. Johns, to be postmaster at Greeley, in the county of Weld and State of Colorado.

Joel F. Love, to be postmaster at Colorado Springs, in the county of El Paso and State of Colorado.

David B. Morgan, to be postmaster at Julesburg, in the county of Logan and State of Colorado.

Michael Griffin, to be postmaster at Frankfort, in the county of Marshall and State of Kansas.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 5, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D., president of Dakota University.

The Journal of Saturday's proceedings was read and approved.

BUSINESS REPORTED BY COMMITTEE ON COMMERCE.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent that the order which I send to the Clerk's desk be adopted.

The order was read, as follows:

It is hereby ordered that Tuesday, the 27th, and Wednesday, the 28th days of March, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Commerce, in such order as the said committee may designate. This order not to conflict with prior orders, revenue bills, or general appropriation bills.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this order?

Mr. HOLMAN. I hope the gentleman from Missouri [Mr. CLARDY] will except also business reported from the Committee on Public Lands.

Mr. CLARDY. I trust the gentleman will not insist upon that.

The order was adopted.

BUSINESS REPORTED FROM THE COMMITTEE ON THE JUDICIARY.

Mr. OATES. Mr. Speaker, I ask unanimous consent to offer a resolution for present consideration.

The resolution was read, as follows:

Resolved, That it is hereby ordered by the House that Thursday, the 22d, and Saturday, the 24th days of March, immediately after the reading of the Journal, be set apart for the consideration of bills and resolutions reported from the Committee on the Judiciary, in such order as may be designated by said committee, but not to interfere with revenue bills, appropriation bills, or prior orders; and if displaced by any of these, or by any cause, the same days on each subsequent week shall be substituted for those named herein until two days, or so much thereof as may be necessary, are devoted to the consideration of measures reported by said committee.

The SPEAKER *pro tempore*. Is there objection to the consideration of the resolution at this time?

Mr. PAYSON. Mr. Speaker, before the question is put I suggest to the gentleman from Alabama [Mr. OATES] that the resolution ought to exclude the second morning hour, which is assigned to committees under the rules. If that amendment is made, I shall not object.

Mr. OATES. I hope the gentleman will not insist upon that.

Mr. PAYSON. I must object, unless that exception is made.

Mr. OATES. The business of the Committee on the Judiciary will be more than sufficient to consume the whole time.

Mr. HOLMAN. I shall have to ask that business from the Committee on the Public Lands be also excepted.

Mr. OATES. I ask the adoption of the resolution.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I must ask, Mr. Speaker, that business from the Committee on the Public Lands be excepted.

Mr. OATES. The resolution excepts prior orders of the House, and I trust the gentleman from Indiana will not insist.

The SPEAKER *pro tempore*. The Clerk will again report the resolution.

The resolution was again read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I understood the gentleman from Alabama [Mr. OATES] to consent that an exception should be made in favor of measures reported by the Committee on the Public Lands.

Mr. OATES. I hope the gentleman will not insist upon that.

Mr. HOLMAN. That committee has the right to report at any time, and it has important bills that it must bring forward at an early day. I trust my friend will agree to make the exception.

Mr. OATES. Well, I will accept the amendment.

The SPEAKER *pro tempore*. The amendment proposed by the gentleman from Indiana is accepted. Is there further objection to the present consideration of the resolution?

Mr. BUCHANAN. Before consent is given I want to ask the gentlemen of the Judiciary Committee whether they propose to call up on one of those days the bill amending the law in relation to alien ownership of land in the Territories?

Mr. OATES. The resolution says measures "reported from the Committee on the Judiciary, in such order as may be designated by said committee." I have no right to specify.

Mr. BUCHANAN. Is it the purpose of the committee to allow discussion on that bill?

Mr. OATES. Oh, I presume it is, as upon every other bill.

The resolution as amended was adopted.

Mr. ROGERS moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLUMBIA ROAD, DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* laid before the House a letter from the president of the board of commissioners of the District of Columbia, submitting an estimate for constructing Columbia Road, middle section; which was referred to the Committee on Appropriations and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NORWOOD, for one week, on account of important business.

To Mr. BACON, indefinitely, from and including to-day, on account of important business.

Mr. ENLOE. My colleague, Mr. PHELAN, desires leave of absence indefinitely, on account of important business.

There being no objection, leave was granted.

PAY OF EMPLOYÉS IN GOVERNMENT PRINTING OFFICE.

Mr. RICHARDSON. I desire to submit a privileged report from the Committee on Printing.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *February* 27, 1888.

Mr. BRECKINRIDGE, of Kentucky, submitted the following resolution; which was referred to the Committee on Printing:

"*Resolved by the House of Representatives*. That the Committee on Printing be, and are hereby, directed to inquire and report to the House the difference in the scale of prices now paid to employés at the Government Printing Office and that paid before January 1, 1887; and further, whether the former rate of prices ought not to be re-established."

The Committee on Printing have considered the resolution of the House submitted by Mr. BRECKINRIDGE, of Kentucky, and direct that the same be reported with a recommendation that it do pass.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RICHARDSON. I ask unanimous consent to make another report, which will not provoke any discussion.

Mr. CRISP. I call for the regular order.

PERSONAL EXPLANATION.

Mr. PLUMB. I rise to a question of privilege; and I ask the Clerk to read such portions as I have marked in a copy of the Chicago Times of Thursday, March 1, 1888.

The Clerk read as follows:

PLUMB'S LITTLE BUBBLE.

The Judiciary Committee of the National House of Representatives has been investigating the alleged discovery of our Illinois Representative, Mr. PLUMB, that the funding act of 1870 was tampered with after it had passed Congress and before it was signed by the President. According to Mr. PLUMB, the original bill made the 4 per cent. bonds redeemable "for" thirty years from the date of their issue, but the word "for" was erased and the word "after" substituted before the bill was signed.

The Judiciary Committee finds, after a thorough investigation, that the word "after" was used in the bill as it passed both Houses; that "for" was substituted by error in enrolling, and that the Committee on Enrolled bills corrected the error. This finding is substantially what the Times expected, because it did

not believe the Forty-first Congress to have been absolutely idiotic. At the time when the act in question was framed the market price for United States bonds then outstanding did not justify a belief that 4 percents could then be sold at par in coin, even if they had a long time to run. It would be anything but complimentary to the intelligence of Senators and Representatives to suppose that any of them thought a 4 per cent. bond subject to call at any time could be marketed at par in coin. The 5 per cent. ten-forties, still having four years to run, were hardly at par in coin, and he must indeed have been a person of peculiarly constituted mind who could have supposed that a bond bearing one-fifth less interest could be sold at par.

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Mr. PLUMB, it appears, is afflicted with another crotchet, of which the Judiciary Committee does not attempt to relieve him. It consists in the notion that even if there was no tampering (as there was not) "still the general funding act would make the bonds redeemable at the pleasure of the Government now that they can be sold at and above par." That makes sheer nonsense of the provisions making the bonds redeemable "after" certain terms of years, for the act expressly provides that no bond authorized thereby shall be sold at less than its par value in coin. If that provision was complied with every bond issued under the act became redeemable at the pleasure of the Government the moment it was issued, according to Mr. PLUMB's notion.

If Mr. PLUMB is capable of understanding tolerably plain English, he may get some light into his mind by reading the third paragraph of the funding act of 1870. Having provided for the issue of the three kinds of bonds, the act continues in the fourth section as follows: "That the payment of any of the bonds hereby authorized after the expiration of the said several terms of ten, fifteen, and thirty years shall be made in amounts to be determined from time to time by the Secretary of the Treasury at his discretion, the bonds so to be paid to be distinguished and described by the dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered," etc. Mr. PLUMB is requested to observe that the "after" here applies to all the several terms, the term of the 4 percents as well as of the other bonds. It is not easy to understand how he could get such ridiculous crotchets into his head in the face of such plain language.

* * * * * * *

Congressman PLUMB thought he had discovered a very wonderful mare's-nest in the funding act, but after he had made a line of figures as long as a piece of string, to show how much money this mare's-nest had cost the country, he found that it was nothing but a last year's hen's-nest, without even a china nest-egg in it, and that it hadn't cost the country even the straw it was made of. Mr. PLUMB's present reticence is very becoming to his particular sort of complexion.

Mr. PLUMB. It will be observed, Mr. Speaker, that the writer of the article just read claims to have information from the Judiciary Committee of the House in reference to what has been done by that committee on this subject. I do not myself know what has been done by the committee; but I know that I am grossly misrepresented as to the position I have taken upon the subject discussed in that article; and I beg the privilege of explaining in a few moments exactly what has been done in the premises.

The facts are these: On the 18th of January last I offered in the House certain resolutions asking for the investigation of alleged facts. I was not permitted to make any explanation on that occasion and objections were made to entertaining the resolutions. On the 24th of January I again offered those resolutions, and they were referred to the Judiciary Committee for consideration. Six weeks have since elapsed and so far as I know that committee has made no report. Yet this correspondent of a journal of widely extended circulation—one that circulates in my own district—pretends to tell what has been done by the committee and at the same time misrepresents very grossly the position which I have taken on the subject.

A few days ago there was under discussion in this House a bill reported by the Ways and Means Committee to provide for the purchase of 4 and 4½ per cent. bonds. I desired on that occasion to explain my position. I had a carefully prepared speech which does justice in so far as it tells clearly what my position is upon the whole subject. I now ask simply——

Mr. GLOVER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PLUMB] will suspend his remarks. The gentleman from Missouri [Mr. GLOVER] raises a question of order.

Mr. GLOVER. My point of order is made for the purpose of raising the question how far the remarks of the gentleman from Illinois constitute a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Missouri makes the point of order that the matter now submitted to the House does not present a question of privilege.

Mr. PLUMB. I ask simply this——

The SPEAKER *pro tempore*. The Chair is ready to decide the question.

Mr. PLUMB. In view of the circumstances of the case, I simply ask that the speech which I prepared and which I had not the opportunity to deliver the other day may be printed in the RECORD, so that the House and the country may understand my position.

The SPEAKER *pro tempore*. Is there objection to printing the remarks of the gentleman in the RECORD? The Chair hears none, and it is so ordered.

[Mr. PLUMB'S speech will be found in the Appendix.]

Mr. CULBERSON. I will say to the gentleman from Illinois [Mr. PLUMB] that the Committee on the Judiciary has very carefully investigated the matter involved in his resolution, and has agreed practically and substantially upon a report to be made, but the report is not quite ready to be presented to the House. I think it will be by Tuesday next.

Mr. WEAVER. And the whole matter will come up for consideration at that time?

Mr. CULBERSON. I know nothing about the article which has been read from the newspaper.

Mr. PLUMB. I find no fault whatever with anything done by the committee; my only complaint is as to the publication of this article, which purports to give the conclusions of a committee which has not yet reported, and in doing so grossly misrepresents me.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order has been called for. The first business in order is the call of States and Territories for the introduction of bills and resolutions.

SETTLERS UPON DES MOINES RIVER LANDS.

Mr. OATES (by request) introduced a bill (H. R. 8023) for the relief of the settlers upon the land along the Des Moines River above Raccoon Forks, in the State of Iowa; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROCEEDS OF CAPTURED COTTON.

Mr. McRAE introduced the following resolution; which was read and referred to the Committee on Claims:

Whereas Senate Executive Document No. 23, Forty-third Congress, second session, pages 36, 37, shows that there were collected by E. B. Fugua, an agent of the Treasury Department appointed for the purpose of collecting captured and abandoned property in the county of Lafayette, Arkansas, two lots of cotton, one of 150 bales, and one of 70 bales, the net proceeds of which two lots in the Treasury aggregate $11,176.87: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, directed at his earliest opportunity to report to Congress, for its information, whether claim has been made for the proceeds of said cotton or any part thereof, and what action was taken thereon.

CORRECTION.

Mr. WHITE, of New York. Mr. Speaker, I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of New York. I desire first to make a parliamentary inquiry as to whether, when the RECORD correctly reports me, but in a case where I answered under a misapprehension a question asked by the gentleman from Michigan [Mr. BREWER], I can, after having seen the question, make the proper answer to it and have the RECORD show that correction?

The SPEAKER *pro tempore*. The Chair will state that it would not be in order pending this call. The Chair will recognize the gentleman hereafter for that purpose.

INTERNAL REVENUE.

Mr. BIGGS (by request) introduced a bill (H. R. 8024) to amend section 3242 of the Revised Statutes of the United States, relating to internal revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC AFFAIRS, SAMOA.

Mr. MORROW introduced the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be, and he hereby is, requested, if in his opinion it be not incompatible with the public interests, to communicate to the House all information in possession of the executive department, together with the correspondence between the Government of the United States and its consular or other agents at the Navigators' (Samoa) Islands, touching public affairs at said islands; the seizure and deportation of the late King Malietoa, with whom this Government has entered into certain treaty stipulations, and the difficulties that have recently taken place concerning the government of said islands and the due administration of the law thereunder; and also such other correspondence as may have been had with European governments, and particularly with the Empire of Germany, respecting the government of those islands; and that the President inform the House what measures, if any, have been taken to protect the rights and property of American citizens located at said islands.

UNITED STATES COURTS, FLORIDA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 8025) to amend an act entitled "An act to extend the jurisdiction of the circuit and district courts of the United States for the southern district of Florida," approved February 3, 1879; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CAPRON COLLECTION OF JAPANESE ART WORKS.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 8026) providing for the purchase of the Capron collection of Japanese art works; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

NATIONAL ART COMMISSION.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 8027) to establish a national art commission; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

SUITS BY ILLINOIS AGAINST THE UNITED STATES.

Mr. ANDERSON, of Illinois, introduced a bill (H. R. 8028) to authorize the State of Illinois to commence and prosecute suits against the United States in the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHICAGO, BURLINGTON AND QUINCY RAILROAD STRIKE.

Mr. WHITE, of Indiana. Mr. Speaker, I ask consent to submit at this time a resolution and have it read.

The SPEAKER *pro tempore*. The gentleman has a right to have it read when presented for reference under this call.

Mr. WHITE, of Indiana. I ask to have it read and desire to be heard for a few moments upon it.

The Clerk read as follows:

Whereas there has been inaugurated a great strike on the Chicago, Burlington and Quincy Railroad, which, if not speedily checked, will end in widespread destitution and suffering, not only to those immediately engaged in it but to thousands of others who, though not directly connected therewith, yet nevertheless are greatly affected by the continuance and prolongation of said strike: Therefore,

Be it resolved, That a special committee of five of the House of Representatives be appointed by the Speaker to proceed at once to Chicago and there investigate the condition of affairs in relation to said strike, and that they be empowered and requested to act as mediators between the Chicago, Burlington and Quincy Railroad and Chief Arthur, of the locomotive engineers, and bring about a settlement of the pending troubles and grievances which will be amicable and agreeable to both parties, so that the strike will terminate; and that said committee may employ a stenographer, administer oaths, examine witnesses, and compel the attendance of persons and the production of books and papers; and the expense of such investigation shall be paid out of the contingent fund of the House.

The SPEAKER *pro tempore*. This resolution will be referred to the Committee on Rules.

Mr. WHITE, of Indiana. Will it be in order to be heard on this resolution?

The SPEAKER *pro tempore*. Not under this call.

Mr. DUNHAM. Does not that properly belong to the Committee on Commerce? It is a matter investigating a strike on a railroad that passes from one State into another.

The SPEAKER *pro tempore*. But it provides for the appointment of a special committee, and hence belongs to the Committee on Rules.

Mr. DUNHAM. So did the proposition to investigate the Reading matter, but it was sent to the Committee on Commerce.

Mr. WHITE, of Indiana. The question is not only to investigate but to terminate that strike.

Mr. DUNHAM. I move the reference of the resolution to the Committee on Commerce.

The motion was agreed to.

Mr. WHITE, of Indiana. The only objection I have is that it will delay the matter.

AMENDMENT TO THE RULES.

Mr. CHEADLE submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That after the reading of the Journal and the reference of business on the Speaker's table each day, there shall be one-half hour allowed for the consideration of measures on the Calendars by unanimous consent; and in recognizing members to ask unanimous consent for the consideration of business the Speaker shall proceed as follows: He shall call five names, beginning at the first name on the roll, and when they shall have been called he shall then call five names, beginning at the last name on the roll, alternating in this manner until every member shall have been called: *Provided*, That no member who has once been called shall be again recognized until every name shall have been called: *And provided further*, That the Speaker shall not entertain any motion for unanimous consent to consider any measure except during the half hour above provided.

TRANSFER OF FUNDS IN UNITED STATES TREASURY.

Mr. THOMAS, of Illinois (by request), introduced a bill (H. R. 8029) authorizing the Secretary of the Treasury to transfer certain funds in the United States Treasury, and making the same subject to the requisition of the Secretary of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered so be printed.

PENSIONS.

Mr. FULLER presented a resolution of the Twenty-second General Assembly of Iowa, asking the immediate repeal of that part of the law of March 3, 1879, known as the arrears limit; also asking the passage of a law granting to all honorably discharged soldiers and sailors of the late war a service pension, and also asking the passage of the prisoners-of-war pension bill; which was referred to the Committee on Invalid Pensions.

Mr. HOLMES presented a joint resolution passed by the Legislature of the State of Iowa, requesting its Senators and Representatives in Congress to favor the repeal of that part of the pension law known as the arrears limit; also requesting the enactment of a law giving to all honorably discharged soldiers and sailors a service pension; also for the immediate adoption of the prisoners-of-war pension bill; which was referred to the Committee on Invalid Pensions.

Mr. HOLMES. I ask that the joint resolution be printed in the RECORD.

The SPEAKER *pro tempore*. The Chair can not entertain a request for unanimous consent during this call.

PUBLIC BUILDING AT CRESTON, IOWA.

Mr. ANDERSON, of Iowa, introduced a bill (H. R. 8030) for the erection of a public building at Creston, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS.

Mr. ANDERSON, of Iowa, also presented a resolution of the General Assembly of the State of Iowa, instructing and requesting Senators and Representatives, respectively, to favor repeal of arrears limit on pensions, and to favor a service pension, and the bill to pension late prisoners of war; which was referred to the Committee on Invalid Pensions.

Mr. LYMAN presented a joint resolution of the Twenty-second General Assembly of the State of Iowa, favoring the repeal of the limit for pension arrears, the enactment of a service-pension law, and also of the prisoners' pension bill; which was referred to the Committee on Invalid Pensions.

Mr. CONGER presented a joint resolution of the General Assembly of the State of Iowa, urging the immediate repeal of the arrears limit in the pension laws; which was referred to the Committee on Invalid Pensions.

PUBLIC BUILDING AT OTTUMWA, IOWA.

Mr. WEAVER introduced a bill (H. R. 8031) to provide for the erection of a public building at Ottumwa, Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT OSKALOOSA, IOWA.

Mr. WEAVER also introduced a bill (H. R. 8032) to construct a public building at Oskaloosa, Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT NEWTON, KANS.

Mr. PETERS introduced a bill (H. R. 8033) for the erection of a public building at Newton, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT CEDAR RAPIDS, IOWA.

Mr. KERR introduced a bill (H. R. 8034) for the erection of a public building in Cedar Rapids, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ATTORNEYS IN CLAIMS CASES.

Mr. STONE, of Kentucky, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the committees of this House be required in all reports made by them to give the names of persons who appear as attorneys, agents, or counsel in the cases in which reports are made, whether said attorneys, agents, or counsel appear for or against the measure reported, and that all reports of committees shall be signed by the members of the committee agreeing to the same.

DISTILLED SPIRITS.

Mr. CARUTH introduced a bill (H. R. 8035) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses and the withdrawal of the same therefrom, and for payment of the tax thereon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TRUSTS, ETC.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 8036) to declare trusts unlawful, to admit certain imports free of duty, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STANDARD GAS-MACHINE COMPANY.

Mr. LAFFOON (by request) introduced a bill (H. R. 8037) to authorize the Standard Gas-Machine Company to construct gas and electric-light works, lay down pipes, erect wires, manufacture and sell gas and electricity, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

INTEREST ON WAR EXPENDITURES.

Mr. TAULBEE presented a resolution of the Legislature of Kentucky, requesting the Senators and Representatives in Congress from that State to exert their influence in support of the bill authorizing the payment of interest to the several States on moneys expended in furnishing troops to aid in suppressing the late rebellion; which was referred to the Committee on War Claims.

PASSENGERS ON STEAM RAILROADS.

Mr. RAYNER introduced a bill (H. R. 8038) to provide for the safety of passengers upon steam railroads; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POLICE MATRONS FOR THE DISTRICT.

Mr. ROCKWELL introduced a bill (H. R. 8039) for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SPIRITS FOR USE IN THE ARTS, ETC.

Mr. COLLINS (by Mr. LAWLER) introduced (by request) a bill (H. R. 8040) to regulate the manufacture, blending, and compounding of duty-free spirits for use in the manufactures, arts, and sciences, and for purposes of fuel; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEVELOPMENT AND RESOURCES OF UNITED STATES.

Mr. MORSE introduced a joint resolution (H. Res. 124) providing

for the purchase of 500 copies of Scribner's Atlas of the Development and Resources of the United States for the use of the Department of State; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MONUMENT TO WARREN.

Mr. MORSE also introduced a bill (H. R. 8041) in aid of the erection of a monument in memory of General Joseph Warren, who fell at the battle of Bunker Hill; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PANAMA CANAL.

Mr. LONG offered the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Secretary of the Navy is hereby requested to transmit to the House the report on the Panama Canal made by Lieut. C. C. Rogers, United States Navy, and that the same be printed.

MARINE HOSPITAL, VINEYARD HAVEN, MASS.

Mr. DAVIS introduced a bill (H. R. 8042) to purchase land for the use of the marine hospital at Vineyard Haven, Mass.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CIVIL-SERVICE LAW.

Mr. STONE, of Missouri, introduced a bill (H. R. 8043) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

UNITED STATES COURTS IN MISSOURI.

Mr. HATCH introduced a bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXPENDITURES BY GENERAL HANCOCK, YORKTOWN CELEBRATION.

Mr. GLOVER offered the following; which was read, and referred to the Committee on Expenditures in the War Department:

Resolved, That the Secretary of War be requested to furnish the House of Representatives with an account of expenditures made by the late General W. S. Hancock in the fall of 1881, under direction of the Secretary of War, in entertaining the French officers who came to assist at the centennial celebration of the surrender of the British army at Yorktown to the combined forces of the United States and France, together with all papers and correspondence on file in the War Department touching the same, and that the Secretary of War be also requested to advise the House whether the said Hancock, or his estate, has been reimbursed by said Department for said disbursements.

MEDICAL AND SURGICAL HISTORY.

Mr. GLOVER also offered the following; which was read, and referred to the Committee on Printing:

Resolved, That there be printed for the use of the House of Representatives 25,000 copies of the Medical and Surgical History of the War of the Rebellion.

PROTECTION OF HOTEL-KEEPERS IN THE DISTRICT OF COLUMBIA.

Mr. HEARD (by request) introduced a bill (H. R. 8045) for the better protection of hotel-keepers, inn-keepers, lodging-house keepers, and boarding-house keepers in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

Mr. HEARD also introduced a joint resolution (H. Res. 125) authorizing the reprinting of the Medical and Surgical History of the War; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

THE GRADE OF GENERAL, UNITED STATES ARMY.

Mr. DORSEY introduced a bill (H. R. 8046) to revive the grade of general in the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXPERIMENTS WITH PROJECTILES.

Mr. LAIRD introduced a joint resolution (H. Res. 126) authorizing the use of certain Government property located at Fortress Monroe, Va., for the purpose of carrying on certain experiments in the use of high explosives in projectiles fired from ordinary guns with the ordinary service charge of black powder, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES COIN NOTES.

Mr. WOODBURN introduced a bill (H. R. 8047) to authorize the issue of United States coin notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DENTISTRY IN THE DISTRICT OF COLUMBIA.

Mr. COX introduced a bill (H. R. 8048) for the regulation of the practice of dentistry in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGES FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolution of the following titles:

An act (H. R. 6439) authorizing the appointment of two additional division superintendents of Railway Mail Service;

An act (H. R. 4359) for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.;

An act (H. R. 5550) for the relief of Sarah C. Morrison;

An act (H. R. 2993) to authorize the Secretary of War to convey to the city of Austin, Tex., a tract of land in said city for educational purposes;

An act (H. R. 1495) granting to Edwin Libby Post, Grand Army of the Republic, permission to erect a soldiers' monument on vacant land adjoining custom-house at Rockland, Me.; and

Joint resolution (H. Res. 113) authorizing the Secretary of War to appoint a board of three engineers to examine and report in relation to the Delaware River between the city of Philadelphia, Pa., and Camden, N. J., and for other purposes.

UNITED STATES COURTS IN NEW YORK.

Mr. FLOOD introduced a bill (H. R. 8049) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF POSTAL LAWS.

Mr. MCCLAMMY introduced a bill (H. R. 8050) to amend act of May 7, 1878, section 2, twentieth volume, Statutes at Large, etc.; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INTERNAL-REVENUE TAXATION, ETC.

Mr. BROWER submitted the following resolution; which was referred to the Committee on Ways and Means:

Whereas the Committee on Ways and Means have reported a tariff bill without any provision for the reduction or abolition of the internal-revenue taxes; and

Whereas the people of those States where tobacco and brandy are produced are urgently demanding the repeal of the excise taxes on those articles: Therefore,

Resolved, That the Committee on Ways and Means be requested to report back to the House the bill (H. R. 1693) to repeal the internal-revenue taxes on tobacco and spirituous and malt liquors, and the bill (H. R. 1694) to repeal the internal-revenue taxes on brandy distilled from fruits, and the bill (H. R. 1695) to repeal the tax on tobacco; and that, in case said committee are unable to agree upon a favorable report, they are requested to report said bills with their objections thereto, and have the same placed upon the Calendar of the House for its action.

Mr. BROWER also submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be requested to report back to the House the bill introduced by Mr. BROWER (H. R. 7757) granting amnesty for all offenses against the internal-revenue laws committed prior to the 22d day of February, 1888. And in the event the said committee is unable to agree upon a favorable report on said bill, it is requested to report the bill, with its objections thereto, and have the same placed on the Calendar of the House for its action.

MONUMENT TO PRESIDENT HARRISON.

Mr. BROWN, of Ohio, presented a joint resolution of the Legislature of the State of Ohio, requesting Congress to take such action as is necessary to procure the erection of a monument over the grave of ex-President William Henry Harrison, at North Bend, Hamilton County, Ohio; which was referred to the Committee on the Library, and ordered to be printed.

Mr. BROWN, of Ohio. I ask unanimous consent that this joint resolution be printed in the RECORD.

The SPEAKER *pro tempore*. The Chair can not entertain that request during this call.

CENTENNIAL EXPOSITION AT CINCINNATI, JULY 4, 1888.

Mr. BUTTERWORTH introduced a joint resolution (H. Res. 127) making an appropriation to enable the several Executive Departments of the Government and the Bureau of Agriculture and the Smithsonian Institution (including the National Museum and the Commission of Fish and Fisheries) to participate in the centennial exposition of the Ohio Valley and Central States, to be held at Cincinnati, Ohio, from July 4 to October 27, 1888; which was read a first and second time (the first reading being in full upon the demand of Mr. BUTTERWORTH), referred to the Committee on Appropriations, and ordered to be printed.

RECORDS OF THE REBELLION.

Mr. GROSVENOR submitted the following resolution; which was read, and referred to the Committee on Military Affairs:

Whereas the House of Representatives did, on the 12th day of January, 1888, request the Secretary of War to inform the House whether, among other things, there had been any departure in the compilation of the Records of the War of the Rebellion as now carried on from the plan adopted when the work of compilation was in charge of the late Lieut. Col. R. N. Scott, "either in the arrangement or the subject-matter to be published;" to which, on February 14, 1888, the Secretary of War replied, upon the authority of the compiler, Lieut. Col. H. M.

Lazelle, that there had been no change, but that in both the arrangement and the subject-matter to be published the former "instructions and requirements have been rigidly observed;" and

Whereas there is now good reason for the belief that unofficial matter, which contradicts the real official history of the transaction to which it relates, has been adopted as official and inserted in volume 20, part 2, of the Records of the War of the Rebellion: Therefore,

Resolved, That the Committee on Military Affairs be, and it is hereby, instructed to ascertain whether unofficial matter has been introduced into the said volume of the War Records; and if so introduced, under what circumstances and by whose authority it was done, and to report all the facts in the case to the House of Representatives.

RAILROAD TO BRIGHTWOOD AVENUE, DISTRICT OF COLUMBIA.

Mr. ROMEIS (by request) introduced a bill (H. R. 8051) to build a railroad to Brightwood avenue, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ARMS AND EQUIPMENTS FOR THE MILITIA.

Mr. CROUSE introduced a bill (H. R. 8052) to amend an act entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia;" which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

REDEMPTION OF SCHOOL FARMS IN SOUTH CAROLINA.

Mr. ELLIOTT introduced a bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEFINITION OF "TRUSTS," ETC.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 8054) to define a "trust," and to prohibit "trusts" from carrying on commerce between the States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAYMENT OF PENSIONS.

Mr. HAUGEN introduced a bill (H. R. 8055) to provide for the payment of pensions to guardians in certain cases; which was read a first and second time.

Mr. HAUGEN. I ask the reference of this bill to the Committee on the Judiciary.

The SPEAKER *pro tempore* (after examining the bill). In the opinion of the Chair, the bill belongs properly to the Committee on Invalid Pensions.

The bill was referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON TOBACCO.

Mr. LA FOLLETTE introduced a bill (H. R. 8056) to amend the second paragraph of Schedule F, chapter 121, laws of 1883, relating to the duties upon tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LAND AT CLARKSBURGH, W. VA.

Mr. GOFF introduced a bill (H. R. 8057) authorizing the purchase of additional land at Clarksburgh, W. Va., and the proper completion of the public building at said place; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IRRIGATION.

Mr. JOSEPH introduced a bill (H. R. 8058) to promote the interests of agriculture by irrigation, and to encourage the settlement of the arid lands in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

CLERKS TO SENATORS AND MEMBERS.

Mr. STRUBLE introduced a bill (H. R. 8059) to provide for clerks to Senators and Members of Congress during the sessions thereof; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

MILEAGE TO MEMBERS OF CONGRESS.

Mr. STRUBLE also introduced a bill (H. R. 8060) relating to the mileage to be paid Senators and Members of Congress; which was read a first and second time, referred to the Committee on Mileage, and ordered to be printed.

RESTORING PENSIONS TO WIDOWS OF SOLDIERS, ETC.

Mr. STRUBLE also introduced a bill (H. R. 8061) to restore to the pension-roll the names of all widows of soldiers and sailors, also of officers in the volunteer force, regular Army and Navy, who since being allowed pensions have remarried and whose second husbands have since deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO REVISED STATUTES OF THE UNITED STATES.

Mr. STRUBLE also introduced a bill (H. R. 8062) to amend section 14 of chapter 1, Title II, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AID TO WRECKED VESSELS.

Mr. NUTTING introduced a bill (H. R. 8063) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters coterminous to the United States and the Dominion of Canada," approved June 19, 1878; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

NIAGARA FALLS SHIP-CANAL.

Mr. NUTTING also introduced a bill (H. R. 8064) directing the United States of America to make a ship-canal around Niagara Falls, in the State of New York; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

PROTECTION OF NORTHERN AND NORTHWESTERN FRONTIER, ETC.

Mr. FARQUHAR introduced a bill (H. R. 8065) to provide for the better protection of the northern and northwestern frontier, and to facilitate commerce and diminish the expense of exchanges between the States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BISMARCK LAND DISTRICT, DAKOTA.

Mr. GIFFORD introduced a bill (H. R. 8066) to divide the Bismarck land district, in Dakota, and create an additional land district therein; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CASH SALES OF PUBLIC LANDS.

Mr. LANDES introduced a bill (H. R. 8067) granting to the State of Illinois 2 per cent. of the net proceeds of the cash sales of public lands in said State; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAYMENT OF INTEREST ON BONDED DEBT, ETC.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 8068) to authorize the Secretary of the Treasury to anticipate the payment of interest on the bonded debt of the United States, and to provide for special deposits of the public money; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, HUNTSVILLE, ALA.

Mr. WHEELER introduced a bill (H. R. 8069) to increase the limit of cost for the public building about to be erected at Huntsville, Ala.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RAILWAY MAIL SERVICE.

Mr. BLOUNT introduced a bill (H. R. 8070) relating to the railway mail service, and to authorize certain printing therefor; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REDEMPTION OF GOVERNMENT BONDS.

Mr. HOGG introduced a bill (H. R. 8071) revising the law relating to the purchase and redemption of Government bonds, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF KENTUCKY RIVER BY THE UNITED STATES.

Mr. McCREARY presented the following resolution; which was referred to the Committee on Rivers and Harbors, and ordered to be printed in the RECORD:

Resolution in relation to the improvement of the Kentucky River by the United States.

Whereas the State of Kentucky, by act of January 24, 1880, transferred and ceded to the United States the five locks and dams constructed by the State on the Kentucky River, together with all the grounds and appurtenances belonging to the same, which cost the State more than $1,000,000, for the purpose of enabling the United States to continue the slack-water navigation of said river to the inexhaustible supplies of coal, iron, and timber found on the upper waters of said river; and

Whereas the State of Kentucky has contributed to the Treasury of the United States, under the existing internal-revenue laws, more than $150,000,000, and as yet the General Government has only rebuilt the five original dams so ceded to it by the State, and the great purpose intended to be accomplished by the cession of said improvements remains unfulfilled: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in the Congress of the United States be instructed and our Representatives be requested to urge upon that body the propriety of making such appropriations for the continuation of the slack-water navigation of said river as will most speedily carry out the purpose of this State in making the cession aforesaid, and thereby secure to the people of Kentucky, and to the people of the Ohio and Mississippi Valleys generally, the benefits resulting from the extension of said navigation to the regions aforesaid.

Resolved, That the governor of this State be requested to forward to each of the Senators and Representatives of this State in the Congress of the United States a copy of this preamble and resolution.

BEN. JOHNSON,
Speaker of the House of Representatives.
J. W. BRYAN,
Speaker of the Senate.

Approved February 6, 1888.

S. B. BUCKNER.

By the Governor:

GEO. M. ADAMS, *Secretary of State.*

CLASSIFICATION OF ALBUMENIZED PAPER, ETC.

Mr. BAKER, of New York, introduced a joint resolution (H. Res. 128) to regulate the classification of albumenized or sensitized paper, used for photographic printing; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HARBOR OF CHARLOTTE, N. Y.

Mr. BAKER, of New York, presented the following resolution; which was referred to the Committee on Rivers and Harbors, and ordered to be printed in the RECORD:

Whereas it appears by the report of the Chief of Engineers in regard to river and harbor improvements for 1887, and by the report of the local engineer in charge (Captain Palfrey), that the harbor at Charlotte, in the State of New York, and the piers thereof are in need of much repair, and that portions of the pier or breakwater on both the easterly and westerly sides of the river and harbor have been broken and swept away; and

Whereas it appears from said reports that there are needed for necessary repairs during the coming year the sum of $30,000, and for the removal of old guide-piles along the channel face of the piers, which have become a serious damage and danger to shipping, the sum of $1,500; and

Whereas it further appears from the said reports that the sum of $25,000 is necessary for doing certain dredging imperatively demanded in the interest of commerce; and

Whereas it further appears that the sum of $11,300 is necessary for contingencies in and about the prosecuted repairs and improvements of such harbor; making a total of $67,800; and

Whereas it appears from the report of the Chief of Engineers that the amount necessary to be expended for the completion of the existing project for the improvement of Charlotte Harbor and of deepening the channel to the full depth of 15 feet is $72,750; and

Whereas the Chief of Engineers recommends that the sum of $25,000 only be appropriated for continuing the work of said improvements under and according to the existing project during the coming season, and omits to recommend in regard to the necessary repairs, etc., as above stated any definite sum; and

Whereas it is alleged by sailors and masters of vessels frequenting said harbor that the entrance thereto is so shallow that vessels drawing fourteen feet of water get aground in mid-channel, entering and leaving the harbor, and that in heavy weather it is very hazardous for vessels to enter or leave the harbor, in consequence of the shoals and of the neglect or inability to maintain the necessary repairs to and prosecute the projected improvements to said harbor: Therefore,

Be it resolved, That the Secretary of War, by the Chief of Engineers aforesaid, be, and he is hereby, requested, if consistent with the public welfare, to report to this House immediately—

First. Whether the amount recommended by him is intended to embrace and cover the necessary dredging, repairs to piers, and the removal of the obstructions aforesaid, in full; and

Second. Whether, in case the amount recommended by the engineer in charge, namely, $67,800, if appropriated, may not be profitably expended during the coming season in promoting the efficiency and the commercial welfare of said harbor, and in facilitating the use thereof by the commerce of the lakes; and

Third. Whether in the opinion of the Chief of Engineers the improvements recommended by the engineer in charge at that locality may not be made during the coming season, and whether the same should not be completed with the least possible delay; and

Fourth. Whether the $25,000 recommended in the Engineer's Report for 1887 to be appropriated to Charlotte Harbor by Congress at this session includes in part, and, if so, what part of the $30,000 recommended for necessary repairs, and whether the same includes in part, and, if so, how much of the $25,000 recommended for dredging, and whether it includes any part of the $11,300 recommended for contingencies, and, if so, how much thereof, and whether it includes any part of $1,500 recommended for the removal of guide piles, and, if so, how much thereof; and

Fifth. The amounts which the Chief of Engineers deems necessary to be appropriated for Charlotte Harbor, New York, for the improvement thereof by way of completing the present project, and also the amount for necessary repairs and for removals of old piers, and the repairs of breaches made therein by the storms of 1886-'87, and also for the removal of the guide piles aforesaid, and for necessary dredging, stating the same separately, and how much may be profitably expended for such purposes during the next fiscal year, and whether the same may be fully completed within said fiscal year.

COMMERCIAL UNION WITH CANADA.

Mr. HITT introduced a joint resolution (H. Res. 129) to promote commercial union with Canada; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CRISP. I now call up for present consideration the contested-election case of McDuffie *vs.* Davidson, from the Fourth Congressional district of the State of Alabama.

Mr. CRAIN. Mr. Speaker, I was to be recognized this morning to move to suspend the rules for the purpose of taking up House resolution No. 120, and the gentleman from Illinois [Mr. ADAMS] was to be recognized for the purpose of demanding a second. I now propose, sir, to antagonize the motion of the gentleman from Georgia with a motion to suspend the rules and take up for present consideration the resolution to which I have referred.

Mr. CRISP. The only way the gentleman can do that is, of course, to vote down the motion to proceed to the consideration of the election case.

Mr. PERKINS. I would like permission of the gentleman from Georgia and the House to make a report from the Committee on Indian Affairs. To-morrow is set apart for the consideration of business from that committee, as well as the next day, and I desire simply to get the bill on the Calendar.

Mr. LA FOLLETTE. I wish to make the same request for the same reason.

Mr. CRISP. I have no objection, under these circumstances.

UNITED PEORIAS AND MIAMIES.

Mr. PERKINS, from the Committee on Indian Affairs, reported, as a substitute for House bill 1402, a bill (H. R. 8074) to provide for allotment of land in severalty to the United Peorias and Miamies in Indian Territory; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. No. 1402 was ordered to lie on the table.

CHEROKEE FREEDMEN AND OTHERS.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 5066) to secure to the Cherokee freedmen and others their proportions of certain proceeds of land under the act of March 3, 1883; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. CRISP. I now call up the contested-election case of McDuffie *vs.* Davidson.

Mr. CRAIN. Mr. Speaker, I will not insist upon antagonizing the motion of the gentleman from Georgia provided I can get unanimous consent on the part of the House to consider House joint resolution No. 120 on next Saturday, immediately after the morning hour, giving one hour to each side for discussion, and then to take a vote.

Mr. NELSON. What is that?

Mr. CRISP. I should be very glad, Mr. Speaker, if that order could be made.

Mr. BURROWS. Can we be advised as to what this request is?

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent to consider House joint resolution 120 on Saturday next.

Mr. EZRA B. TAYLOR. I object.

Mr. CRAIN. This is a resolution proposing an amendment to the Constitution changing the term of members of Congress and altering the date of the inauguration of the President.

Mr. BLAND. I think the Constitution is very well as it is. I object.

Mr. CRAIN. Then I raise the question of consideration.

The SPEAKER *pro tempore*. The question is, Will the House now proceed to consider the election case?

The question was taken; and the House determined to consider the election case.

Mr. CRISP. Before proceeding with the consideration of this case I would like to have some understanding with gentlemen upon the other side as to the time to be occupied in debate. We have had some talk and an informal agreement, but I am exceedingly anxious, in view of the business upon the Calendars, and in view of the fact that to-morrow and the day after, as well as several other days, have been assigned to the consideration of other business, to shorten as much as possible the debate on this case. I therefore appeal to my friend from Massachusetts [Mr. LODGE], representing the minority of the committee, to see if we can not reduce the time we informally agreed upon.

Mr. LODGE. Mr. Speaker, I do not see how we can, in fairness, reduce the time any further. I assented to the very shortest time I thought could possibly be allowed in this case, in view of the demands for time on the part of the minority and on this side of the House for an opportunity to be heard upon the question.

Mr. CRISP. That being so, I would ask unanimous consent that the debate on this case be limited to seven hours, three and a half on each side, and four hours to be consumed to-day.

The SPEAKER *pro tempore*. The Chair will state that the rules provide that debate shall close on any question by the operation of the previous question. The gentleman can demand the previous question, or give notice of his intention to demand the previous question at a certain time, or the House might agree to consider that the previous question should be considered as ordered at a certain time.

Mr. CRISP. I take it for granted when the minority and the majority of the committee have agreed upon that order that the House will acquiesce and carry it out.

Mr. McCOMAS. I shall object to all unanimous consent if it is to be understood that four hours are to be consumed to-day. That means the debate will take place before empty benches, and that we shall be called upon to vote without having heard or seen anything of the case.

Mr. CRISP. I shall appeal to the House to carry out the agreement arrived at between the majority and minority of the committee, and limit the debate in the manner I have suggested.

Mr. McCOMAS. Let the time be equally divided. That is to say, use a portion of the time to-day and the remainder of it to-morrow.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Georgia that he can give notice of his intention to demand the previous question at a certain hour.

Mr. CRISP. There is no reason why the House should not sit to-day until a quarter of 6. We have made an agreement with the minority of the committee, which I shall ask the House to carry out, that there shall be four hours of debate to-day and three to-morrow.

Mr. LODGE. When that agreement was made it was thought the election case would have been taken up earlier to-day. I think it would be better to take the four hours to-morrow, when we shall have plenty of time, because we can begin immediately after the reading of the Journal.

Mr. CRISP. We are interfering with the assignment of time to the Committee on Indian Affairs. We are forced to take some of their time

away, and I trust the members of the House will put up with a little inconvenience of sitting here for three-quarters of an hour after 5 o'clock so as to facilitate the public business.

Mr. NELSON. In view of the fact that to-morrow has been assigned to the Committee on Indian Affairs, and inasmuch as the election case is likely to occupy that time, I ask unanimous consent that Saturday be substituted and given to the Committee on Indian Affairs in lieu of to-morrow.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Minnesota?

Mr. PAYSON. Is not Saturday assigned to the Committee on the Judiciary?

The SPEAKER *pro tempore*. There is no special order for Saturday. The Chair hears no objection to the request of the gentleman from Minnesota.

Mr. CRISP. I desire to say now, before the gentleman from Pennsylvania [Mr. MAISH] begins, that it is the purpose of the Committee on Elections to ask the House to consider this case until its conclusion, resuming it to-morrow morning immediately after the reading of the Journal. I yield one hour to the gentleman from Pennsylvania [Mr. MAISH].

THE LATE GENERAL JOSÉ ANTONIO PAEZ.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives of the United States of America:

I transmit herewith, for the information and consideration of Congress, a report of the Secretary of State, with accompanying correspondence, touching the action of the Government of Venezuela in conveying to that country for interment the remains of the distinguished Venezuelan soldier and statesman, General José Antonio Paez, and take pleasure in expressing my concurrence in the suggestion therein referred to, that the employment of a national vessel of war for the transportation of General Paez's remains from New York to La Guayra be authorized and provided for by Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 5, 1888.

INTERNATIONAL EXHIBITION IN BAVARIA.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State relative to an invitation which the royal Bavarian Government has extended to this Government to participate in the Third International Exhibition of the Fine Arts, which is to be held at Munich, Bavaria, during the present year.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 5, 1888.

THE FISHERIES QUESTION.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a letter from the Secretary of State, accompanied by documents and correspondence in relation to the recent negotiations with Great Britain concerning American fishing interests in British North American waters.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 5, 1888.

NOTE.—The documents and correspondence accompanying this message have been sent to the Senate with a similar message.

CONTESTED ELECTION—M'DUFFIE VS. DAVIDSON.

The House proceeded to consider the contested-election case of McDuffie *vs.* Davidson, Fourth district of Alabama.

Mr. MAISH. Mr. Speaker, I suppose it will not be deemed a violent presumption to assume that the members of this House have read both the majority and minority reports of the committee, although it is perhaps extravagant to suppose that they have read the evidence. I intend, in order to elucidate as much as possible this case, to explain the points of difference between the minority and majority reports.

The report of the minority of the committee, Mr. Speaker, in my judgment, starts out with a huge fallacy. We are told that this case involves no legal question. I beg to say that I at least have imagined that it involved a great many legal questions; and I would have been obliged to the gentlemen of the minority of the committee if they had advised me earlier that this case was devoid of such questions; for it would have saved me many days and nights of laborious study. I nevertheless think the case does involve important legal questions.

At the threshold of the case the minority of the committee propounds the extraordinary proposition that in matter of elections Congress has plenary and absolute power.

I suppose by "Congress" is here meant the House of Representatives, for Congress as such has nothing to do with the question. It may be noticed that we are reminded of this plenary power of the House of Representatives whenever it is proposed to overthrow the accepted and ordinary rules of evidence. On all such occasions we are told that it is only necessary to invoke this extraordinary power of the House in order to dispose of every question of evidence that may arise in the case. Now, I totally deny that this House possesses the arbitrary power that is claimed for it by the minority of the committee. In order that the House may understand the extraordinary propositions of law that are presented by the minority report, I will read a few paragraphs from it. We are here told that—

The powers of Congress in regard to the election of its members are plenary and absolute.

There is no limit whatever—

The minority say—

to the power of Congress in regard to the evidence by which it may seek to determine the vote of a Congressional district.

That a majority of the House of Representatives may assume such power I do not deny, but that they can lawfully exercise such power in determining the rights of members to seats in this House in defiance of the established rules of evidence I do deny. The Constitution of the United States provides that the House shall judge of the election, returns and qualification of its members—shall judge, Mr. Speaker.

What does the word "judge" there mean, if it does not mean that they shall judicially determine the question of the election of members? To assume any other position upon this provision of the Constitution is to say that the House of Representatives can substitute an election here in this body for an election in the district. A famous civilian once said that "right consists in the moral power of the individual." The power to do a thing does not imply the right to do it.

Louis XVI when he heaped a long succession of wrongs and cruelties upon the French people did so under an assumption of right, but his unfortunate claim plunged that country into the horrors of the French revolution. Charles I when he demanded the ship money did so under a claim of right, but he lost his head for his folly, to the enormous advantage of the English people. George III claimed that he had a right to tax America, and in his attempt to enforce that supposed right he lost the fairest jewel in his diadem, but by that loss the glorious Republic of America was gained.

Now, Mr. Speaker, there is some limit to the power of this House when it is asked to adjudicate the question of the election of one of its members. I maintain, sir, that the ordinary rules of evidence, which have been for ages found indispensable to the investigation of truth, are binding upon the members of this House when they come to investigate an election case. I have deemed it necessary, Mr. Speaker, thus to comment upon this assumption of despotic power on the part of the minority of the committee, because, as will be seen later on, they ask this House to seat the contestant upon these principles. But, after this extraordinary parade of despotic power, we are complacently told by the minority that—

There is, however, no need to resort to the plenary power of Congress in this case. The testimony is all regular and legal, and would be admitted anywhere to rebut and impeach the official documents, for which purpose it is entirely competent.

Why, then, appeal to the alleged extraordinary power of Congress if it is not necessary? Why remind the House of this despotic power that is claimed for it if that power is not applicable to this case? But, sir, I deny, totally deny, that the evidence is, as alleged here, "regular and legal and would be admitted anywhere to rebut and impeach the official documents, for which purpose it is entirely competent." I allege that it is not legal, that it is not proper, that it would not be admitted in any decent court of justice for the purposes for which it was introduced in this case.

Here, then, is the issue fairly made. Now, let us examine for a few moments what the evidence is, and that the House may better understand what it proposes to establish, let us first refer to the provisions of law that are made in the State of Alabama for the ascertainment of the result of elections and the detection of frauds when perpetrated. These provisions are as admirably adapted for the purpose for which they are designed as any code of laws that ever came under my observation. They provide that five election officers shall be appointed, one returning officer, three inspectors and two clerks, and that among the inspectors the minority shall be represented by at least one. In receiving the ballots one inspector is required to take the ballot from the voter; it is then in turn handed to both the other inspectors, the last one depositing it in the box. The inspector receiving the ballot from the voter is required to call out audibly and distinctly the name of the voter, and each of the two clerks is required to write down the name on separate lists, called poll-lists. Immediately after the polls are closed the ballots are required to be counted.

The returning officer is required to take from the ballot-box the ballots one by one, at the same time reading aloud the name of the person thereon and the office for which such person is voted for, and after the result is ascertained the officers are required to make a statement, signed by them, which statement is to be returned to the returning officer of the county, together with one of the poll-lists certified by them, in a sealed box furnished for the purpose, within forty-eight hours after the election. The ballots are also required to be folded, sealed, and labeled, so as to indicate what they are; then they are to be returned into the ballot-box, which is also to be closed, sealed, marked to indicate its contents, and then the box, with a poll-list and the ballots, is to be given into the custody of one of the inspectors, who is required to retain possession of it for the period of sixty days, when, on being required to deliver it for purposes of contest, he surrenders it. Now, Mr. Speaker, it is a marvelous circumstance in this case that none of

these records of the election were produced in evidence, excepting the statements for one county, and one or two poll-lists. The ballots in no instance were produced in evidence. They are to-day, as they were placed, in the ballot-box, sealed and labeled, in the custody of the inspector to whom they were intrusted on the day of the election or the day after.

Now, we maintain that law and precedent establish the position that the best evidence in this case are the poll-lists, the statements and the ballots thus preserved under the laws of the State of Alabama. The contestant in this case, however, has not seen fit to produce any of these records of the election. In 33 of the specifications of contest he alleges distinctly that ballots which were deposited for him were falsely and fraudulently counted for the contestee. To give an example of the specifications I will read specification 13:

13. That at election held in voting beat or precinct commonly called Richmond, in the county of Dallas, in said district, on the day and year before stated, there were cast for me as candidate for Congress to the Fiftieth Congress of the United States, 187 ballots by legal and qualified electors of said beat. At the same time and place and election there were cast for you 35 ballots by legal and qualified electors of said beat; yet your partisans who were holding the election in your interest failed or refused to count any votes for me, but with intent to defraud me counted tickets with my name on them as votes for you, thereby depriving me of 187 ballots honestly voted for me. I shall in this contest insist on righting this wrong and having the 187 ballots cast for me at said election counted for me.

The allegation—and I call especial attention of the House to this fact—is that ballots which were cast for the contestant were counted for the contestee. This allegation is specific, meeting all the requirements of the act of Congress. How could this allegation of the contestant have been legally and properly proved? Does any one doubt that the best evidence to establish the allegation, if true, would have been the production of the ballots themselves? Those ballots are in the ballot-box as they were cast; and if they had been produced and counted they would have demonstrated incontrovertibly the contestant's allegation, if it be true, that he was defrauded out of votes cast for him.

But this ballot-box was regarded by him with something like superstitious awe. I suppose he looked upon these ballot-boxes as so many infernal machines, for he never went near them; he never touched one of them. He never produced the ballots of a single election precinct. To establish the allegations in his notice he calls numerous witnesses whose testimony is to this effect: that they delivered one, two, or three hundred ballots to the voters; saw the voters go to the polls and deliver those ballots to the inspector. Now, we are asked here to presume the candor and the honesty of the voter, instead of presuming, as the law prescribes, the faithfulness and honesty of the officer.

This whole case is based upon the claim that leaders of the party, as they are called, delivered ballots to the voters, whom they say they saw go to the inspector and hand to him their ballots. This is the height and depth and length and breadth of the greater part of this case. We are asked, Mr. Speaker, to resort to the extraordinary anomaly of substituting parol evidence for record evidence. I say this can not be legally done. No authority or precedent can be produced to sustain a position so extraordinary.

But it is useless for me to waste the time of the House in referring particularly to all these precincts and describing all this evidence, for the minority of the committee themselves abandoned the position taken by the contestant. Having seen the fallacy of this position, they have resorted to another, not advanced by the contestant. They undertake to raise a new case for the contestant, one which was not specifically set forth in his notice—ay, not set forth at all. Finding themselves unable to sustain the contestant's case as made by the record, they raise, in violation of the act of Congress, a new ground of contest which was not set forth or thought of by the contestant or suggested in the argument of his counsel before the committee. They have said that all this evidence, and some other evidence that is referred to, which I will read, presents "conclusive"—I believe that is the word, conclusive—proof of a conspiracy in the district to defraud the contestant of his election.

In connection with the other evidence which I have described, three witnesses are relied upon to establish this conspiracy. When I shall have read this testimony, I think any unprejudiced person will see how utterly baseless is this charge. On page 26 in the report of the minority we find the evidence of E. D. Morrill, a witness who was called on the last day on which testimony could be taken in rebuttal, but who was examined in chief in the absence of the contestee or his counsel, and whose testimony therefore has no business in this record. This witness, whose testimony was taken, as I am reminded by my friend from Georgia [Mr. CRISP], when the contestee could not, under the act of Congress, rebut or meet it, is mainly relied upon to support the claim of a conspiracy.

Q. State fully any and all conversation you had or heard by leading Democrats of Wilcox County to show, or tending to show, a disposition to commit frauds at the ballot on said November 2 last.

A. I had a conference with J. F. Foster, chairman of the Democratic executive committee of the county, on the day after the meeting of the Democratic executive committee, with reference to the appointment of Federal supervisors. He stated in words to the effect that they were indifferent as to whether supervisors were appointed or not, and if they did not have the naming of their (Democratic) supervisors ours (Republican) would not be allowed to serve. He said positively that they were going to carry the election—they would carry it peaceably and quietly if they could, but would carry it by force if necessary, and had the arrangements made to do it. I reminded him that we (Republicans) had rights guarantied to us by the constitutions of the State and United States. He replied that those constitutions were forced upon them and they did not consider themselves bound to abide by them, or words to that effect.

Fount. Hudson, one of the inspectors at Uniontown precinct, Perry County, testified (page 30) on cross-examination:

Q. State whether or not during the count, after the closing the polls, if you stated to A. D. Pitts, if you don't give McDuffie more votes that they will take us to the Big House, and that A. D. Pitts replied that Uncle Aleck might as well have it as McDuffie.

A. Yes, I said that; and A. D. Pitts the reply as stated in the question.

Now, Mr. Speaker, I wish to call attention to one fact which strikes me as peculiar in all this record. In my short experience in the practice of the law I never saw questions put uniformly as leading as they are in this record. In nearly every instance where a material fact is desired the witness has nothing to do but to say "yes" or "no."

Frank C. Powell, a Democrat, testified as follows (page 64) as to election in Lowndesborough precinct, Lowndes County:

Q. Is Shelley Powell your brother?

A. He is.

Q. Did Larry Hunter come a few days before the election and ask you if your brother, Shelley Powell, was going to serve as an inspector of that election; and what was your answer?

A. He did ask me, and my answer was, my brother would not serve.

Q. Did Larry Hunter then and there say anything further about acting as inspector; and, if so, what? State fully.

A. Larry Hunter said then he would act as an inspector, and if could get two others to act with him, he liked to see McDuffie counted out, but did not state he (Hunter) would do so.

Mr. Speaker, this is all the direct evidence in all this record on the question of conspiracy. The main witness, I have already stated, was not legally qualified to testify in chief, and therefore could not testify to the declarations contained in his evidence. At best, however, it applied only to one county in the entire Congressional district. The testimony of the other witnesses can not be tortured into any evidence of a conspiracy. In fact, it is all utterly worthless as evidence of a conspiracy.

We are asked to believe that in this Congressional district two hundred and sixty-four sworn officers, committed willful and corrupt perjury, subjected themselves to the pains and penalties of the law of Alabama, and entered into a horrid conspiracy to defraud the contestant of his election on the testimony of a hundred witnesses whose means of knowledge is of a most deceptive and speculative character.

But, sir, the minority of the committee again abandon their position. They first set up the conspiracy charge, and now, when we come to the end of their report, what do we find?

The committee's final conclusion is set forth as follows:

This review of the testimony seems to the minority to show conclusively and overwhelmingly that a conspiracy to carry the election of November 2, 1886, in the Fourth Congressional district of Alabama existed and was carried out successfully in four of the five counties of the district. They have no doubt that if the vote had been honestly counted Judge McDuffie would have been returned by a large majority.

They have no doubt of that fact.

Inasmuch, however, as it is impossible to tell what the exact vote was in the precincts where the returns are contested and obviously vitiated throughout by fraud, they believe that the vote from all such precincts should be thrown out and only the uncontested precincts of Lowndes County counted.

Now I submit, Mr. Speaker, if the testimony upon which the minority of the committee relied is not valuable to establish the votes the contestant received, it is valuable for nothing. The theory was that if a witness can swear he gave to a voter a ballot and saw him go to the polls and hand it to the inspector, that is one vote established for the contestant. What do they do now? They abandon this position and advance an entirely new claim. Their report says:

Judge McDuffie lived in that county, and the conspiracy broke down among the neighbors of a man generally respected by all, without distinction of party. The uncontested precincts of Lowndes County give Judge McDuffie 2,014 votes and Davidson 362.

Twenty-three hundred and seventy-six votes in a district containing over 20,000 voters, the minority of the committee maintain, shall determine who shall be elected. They have failed to produce a single authority for such an extraordinary proposition.

But, Mr. Speaker, I am ready to accept the proposition of the minority. Their proposition is that the contestant, having clearly a majority of the votes in the uncontested precincts, therefore he is elected. Let us accept this proposition. But, Mr. Speaker, the minority of the committee doubtless forgot when they advanced this idea that there were thirty-one precincts in that Congressional district which were not contested and which gave contestee a majority.

A MEMBER. Outside of Lowndes County?

Mr. MAISH. Outside of Lowndes County and with Lowndes County.

A MEMBER. Including it?

Mr. MAISH. Including or excluding it, as you please, the contestee, on the proposition of the minority, is elected a member of the House. In the seventy precincts which were contested twenty-six of them were abandoned and in four of them no contest was made.

Now, as the official returns of the uncontested precincts of these four counties give to the sitting member a larger majority than the con-

testant received in the uncontested precincts of the county of Lowndes, it follows inevitably that, in accordance with the conclusions of the minority, the sitting member is elected.

The uncontested precincts of the county of Lowndes give to McDuffie 2,014 votes and to Davidson 362. The uncontested precincts in the other counties give to Davidson 2,986 and to McDuffie 209, which gives Davidson a majority of 1,125 over that of his competitor.

Now, will it be pretended, will the minority of the committee stand up here and ask, that precincts in this election district shall be thrown out when not a witness was called to impeach the returns or to show that any fraud was committed in them?

Well, Mr. Speaker, they do not say that that is their position, and they will not take it, I assume, unless in their extremity they are required to do so. I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has fifteen minutes of his time remaining.

Mr. MAISH. I yield ten minutes to the gentleman from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. Speaker, from a strictly legal standpoint there is not enough in this contest to entitle it to the serious consideration of this House, and I apprehend if all the arguments which will and which can be made in its support are analyzed and traced back to their true and logical premises, they will one and all be found to rest upon the untenable assumption that this House, in the consideration of such matters, is bound by neither rules of law nor principles of evidence.

The most cursory examination of the evidence presented by the record in this case will disclose to any mind possessed of a knowledge of the first principles of law the obvious fact that the great mass and bulk of the testimony upon which contestant does and must necessarily rely is obnoxious to the most elementary rules of evidence and would not be received in the most inferior tribunal in the land invested with power to hear and determine the smallest and most insignificant rights of property.

From such an examination it will also be seen, should this mass of incompetent, so-called evidence be received by this House and accepted by it as the utterances of men who believed every word they had spoken, that from its nature and character it is wholly inappropriate and inadequate to establish the facts to the proof of which it is directed, and that it is intrinsically lacking in those elements of certainty necessary to lead the mind to a safe or satisfactory conclusion.

The record in this case and the two conflicting reports which have been made upon it present to this House the simple but sharply defined proposition, whether a member of this body in deciding the question of the right of another member to the seat which he occupies upon this floor has a right to do so in open disregard and violation of settled principles of law.

Of course, we can do so if we will. We are admittedly the sole judges of the election of our members, and, as the minority report practically asserts and covertly but artfully urges, we can decide such matters arbitrarily and in defiance of law; but I presume every fair-minded man will agree such conduct on our part would be a wrong lacking no feature of an outrage. For myself, I repudiate as dangerous in practice and wrong in principle this doctrine so stealthily suggested by the minority report; and I hold that the questions of the competency of this evidence and its weight, if received, should be treated in this discussion and in our final action in this contest just as such questions would be treated by a judge or jury if arising in *quo warranto* or mandamus.

An office is a property, and the certificate of the duly constituted authorities of the State of Alabama invested the contestee with a *prima facie* right to this office, and neither in the forum of conscience nor of law can it be taken from him and given to contestant without "due process of law," which means he may call to his aid every known rule of evidence and law. This certificate not only confers upon him the possession of this office, but every advantage which actual occupancy gives, and he was not required to offer any evidence in support of his title thereto until contestant had shown by competent evidence that the returns upon which this certificate was based were so impregnated with fraud as to be unworthy of credit and therefore worthless as evidence. Gentlemen on the other side of the floor, under the loose construction of their obligations to the law which the minority report makes, and acting under the spur of an anger which a reminder of the loss of the control of the negro votes in the South never fails to excite in them, may be willing upon such evidence to take from contestee his seat upon this floor; but not one of them upon such conjectural, vague, and uncertain evidence would, in a proceeding appropriate for that purpose, be willing to take from the meanest negro in the South the 40 acres and mule which that party so generously gave him in 1868, and in consideration of which donation it so long demanded and received his suffrage.

The method by which the contestant proposes to change the count and override the declared result of the election in this district is one which, it must be admitted, has never received the sanction of this House. If there is any precedent for it I have not seen it, and the gentlemen of the minority have failed to cite it. Past Congresses, it is true, have admitted the evidence of individual voters to show how they themselves have voted; but it is impossible to read the earlier cases of this class without discovering the doubts and misgivings which attended the establishment even of this rule. Though it violated no principle of evidence, it was felt to diminish the certainty of the ballot, and seems to have been adopted only upon grounds of necessity. The proposition of the minority of the committee not only violates the most fundamental of these principles, but it goes a great leap further in the direction of exposing the suffrage to the dangerous influences which we know pervert human testimony.

We are gravely asked, Mr. Speaker, to set aside the votes of thirty-three voting precincts in this district and reverse the result of the election upon the unsupported evidence sometimes of only one, sometimes of two, seldom more than three witnesses in each case, the partisan supporters and friends of contestant, his special workers and confidential agents, that their friend and candidate was popular with the colored voters of these precincts, and that they, being sometimes 30, sometimes 50, and sometimes 300 feet from the polls, issued contestant's tickets to these colored voters, sometimes keeping a tally, but more often keeping none, the number of which tickets they sometimes state from count, but more often from guess, which tickets some of them say they saw the voters hand to the inspector of the election, and some of them admit they could not have seen, from the nature of things, the tickets so handed to the inspectors. But without regard to whether these ticket-distributors were near the polls or far from them; without regard as to whether they kept a list of the number of tickets issued or only guessed at it; without regard to whether they could or could not see them handed to the inspectors, we are asked to reject these precincts, because, forsooth, contestant's friends say he is popular with the colored voters and because there are more negro than white men who vote at these precincts. This is the sort of rubbish contestant tries to palm off on this House as evidence.

Sir, it does not rise to the dignity of first-class hearsay. At best it can not be given greater weight as evidence than the expression of an opinion of the individual voter as to the lines upon which voters were divided and the number of votes received by the respective candidates. It is worth no more as evidence than a poll of the vote the day before or the day after the election would have been worth. At best it is an opinion predicated upon an argument, to wit, the argument that the voter having received contestant's ticket, therefore voted for contestant, a conclusion not only contradicted by experience but by the most overwhelming evidence of the conduct of individual voters in this very election. I will not trouble the House with a rehash of the evidence. One illustration drawn from it will show the truth of my statement as to the unreliability of the whole. The evidence in these thirty-three precincts is almost in duplicate; in kind and character it is altogether in duplicate. I will only therefore call the attention of the House to the evidence introduced to impeach the returns from one precinct.

The precinct of Orrville, in the county of Dallas, is the first mentioned in the brief of contestant, and the evidence in his favor in this precinct is probably as strong as in any of the thirty-three precincts which it is sought to reject upon this kind of evidence. By the returns Davidson received at this precinct 163 and McDuffie 24 votes. But McDuffie says there should have been counted for him at this precinct 242 votes. Why? Because one Harrison Ellis, his ticket-distributor, says he distributed to colored voters at this precinct that number of his tickets. Let us examine the evidence of this witness. When asked where he was on the day of election with reference to the polls, he admitted he moved about from place to place, sitting awhile on a trestle and then on a wagon. Asked if he kept a tally of the tickets issued by him, he admitted he did not. Asked if any one else kept a tally for him, he admitted no one did. Asked how he knew they were McDuffie's tickets and if he could read, the record furnishes the answer, that he could not, he having made his mark to his deposition. Contestant seems to have been impressed with the unreliability of this evidence, and to relieve it, unfortunately for him, called one Burwell Hayes, whose testimony shows the unreliability of all this kind of evidence. Hayes says, on examination-in-chief, that contestant received about a hundred votes at this precinct. When asked how long he was at the place of election during that day, he said he went at 10 and left at 12 o'clock. When asked how he then knew how many votes contestant had received, he said he went back at sundown and met Harrison Ellis, the witness who swears he distributed 242 of contestant's tickets, and upon whose evidence it is proposed to reject this precinct, and that Ellis told him he carried down there with him 108 tickets, mark you, not 242, and that he had given them all out to McDuffie voters except 7 or 8. To make the utter worthlessness of this evidence transparent, one of the poll-holders and other credible witnesses are introduced to show that this man Ellis sat most of the day upon a wagon, with his back to the polls, and could not possibly have seen the electors vote.

I have no criticism to make against this man because he can not read; that is a fact to be regretted, but one which does not affect his p rsonal credibility as a witness. This is not an isolated case. A large number of these ticket-distributors can not read; but when the gentlemen make the argument that this circumstance does not gainsay their evidence, they press the argument, to my mind, beyond the point of good sense. When a man who can not read undertakes to swear to the contents of

a printed paper which he can not possibly verify, he either swears recklessly or to what he has heard from another, and in either case his statement is worthless as evidence. Acting upon this principle, this House has repeatedly refused to receive such evidence, because, though they were sworn statements, their truth depended upon another and an unsworn statement.

But to all this evidence offered to impeach and vitiate elections in these thirty-three precincts, there is an overwhelming and conclusive answer furnished by the law of the State of Alabama, providing for the preservation of the evidence by which contestant might have verified beyond peradventure the truth of the accusation he makes against the integrity of these returns. By that code the voter hands his ballot to the inspector, his name is put upon the poll-list, which poll list, together with the ballot so voted by him, is required to be preserved for sixty days, to afford evidence to any one desiring to assail the count. That these poll-lists and these ballots so preserved by the law to test the honesty of the count are the primary evidence and the best evidence, and therefore while they exist the only competent evidence upon such charges as are made in this contest, is a proposition too clear for argument. It will not do for contestant to answer the ease with which these ballots might have been manipulated in the hands of a fraudulent inspector to sustain the false count, because neither in theevidence nor in his specifications does he charge that these ballots were doctored; and it may be, upon examination of them, they would have shown they were as he claims the vote was cast, and he is not permitted before resort to them to introduce the secondary evidence upon which he relies in this case. To allow this would be to permit him to nullify the law and to substitute a kind of evidence more elastic and less reliable than that provided by the law.

But I will not pursue this branch of the subject any further. From a survey of the whole history of this contest it is apparent it had its inception, and that it owes the support which it is now receiving from the other side of this House, to the theory that the suffrage of the Southern negro is an inalienable right of the Republican party. In behalf of the manhood, in behalf of the integrity and the patriotism of the Southern black man, I want to say in this presence and to the country this imputation has long since ceased to be just.

There was a time when the minds of these unfortunate people were as much a victim to political as were ever their bodies to chattel slavery, when no considerations of public policy nor personal obligation could move them from their fixed allegiance to the Republican party. A sense of duty impels me to say these years were the darkest that ever cast their accursed shadows upon that fair land lying yonder across the Potomac towards the ocean and the gulf. Happily they have passed, and they will not come back again.

The false promises, the betrayal of trust, and the deception so long practiced by the Republican party upon his credulity and ignorance have at length matured the bitter fruits which infidelity always bears. The scales have fallen from their eyes, and they have been given to behold in all its nakedness the falsity of the pretenses which have so long coerced their suffrage. Doubtless the efforts of the white people of the South, burdening their property with excessive taxation to educate the black man, has contributed to the establishment of these better political relations, and has enabled him to take a more intelligent view of the situation and the conditions upon which the destiny of his race depends. But the immediate cause of the defection of the colored man from the Republican party is to be found elsewhere. From the earliest period of his emancipation he had been taught that Democratic ascendency meant his return to slavery. Every recurring campaign was to him a season of feverish excitement. The dark foreboding of his political orators of the evil consequences to him of Democratic success was ever present in his heart and mind, until it became a living, breathing terror, from which there was no escape.

When every department of local government in the South had passed under control of the Democratic party, and his rights remained undisturbed, he was told his only safety consisted in the continued control by the Republican party of the National Government. In 1884 it was beat and hammered into his mind that the election of Mr. Cleveland would confer upon the Democracy the long-sought power to compass his ruin and re-enslave him. When Mr. Cleveland was elected no one who did not see it can appreciate the frightful panic into which many of them were thrown. But scarcely had he taken his seat at the other end of the avenue, certainly ere his untrained hand had become accustomed to the reins of Government, these fears had subsided, and there is not a sane colored man in the whole South who does not today feel as secure in the enjoyment of all the rights guarantied to him by the law as in the palmiest days of Republican ascendency.

Sir, under these circumstances and in the light of these revelations, it would be unnatural should these people continue to trust the men who in the days of their weakness thus misled and deceived them. These considerations sufficiently, I think, account for the defeat of the contestant in the last election in the Fourth district of the State of Alabama. They likewise account for the large colored vote which the evidence clearly shows was polled in that district at that election for the Democratic candidate, and for the interest and zeal which many of the leaders of that race manifested in his behalf both before and on the day of election.

I rejoice, Mr. Speaker, that the old antagonisms between the whites and the blacks of the South are thus fast disappearing before the dawn of a better understanding of the true relations of the one to the other. And in conclusion, I only want to add, if the Republican party, angered at the loss of the colored man's vote and the increased representation in the councils of the nation which that vote has given the South, should wish, as there are many signs and reasons to believe it does wish, to take from him the great privilege of the ballot, it will find itself opposed at every step in such a reconstruction by the undivided strength of the Democratic party.

Mr. LODGE. Mr. Speaker, the gentleman from Pennsylvania [Mr. MAISH] has taken exception to the general statement of the minority of the committee that there is no question of law involved in this case. I will call his attention to some law which is not in this case nor any other, but which finds a place in the report of the majority. About the middle of page 3 of the majority report is found this language:

> As will be seen, the names of the voters are written down and numbered as they vote, forming what is called the poll-list, and the ballots cast are correspondingly numbered with the number of each of the electors, so that it can easily be ascertained, when necessary, for whom the voter cast his ballot, or whether the officers of the election fraudulently substituted ballots for those cast by the voters.

Mr. CRISP. As the gentleman from Pennsylvania [Mr. MAISH] is not in his seat, I will say to the gentleman from Massachusetts that the gentleman from Pennsylvania intended to say that the law of Alabama referred to in the passage quoted by the gentleman from Massachusetts from the report of the majority has been repealed.

Mr. LODGE. As the chairman of the Committee on Elections has said, this provision, which is cited in the report of the majority, is a repealed section of the law of Alabama; yet upon it a large part of the argument of the majority has rested. Upon this theory they ask more than once in their report why the ballots were not produced. The question is easily answered. To begin with, if those ballots had been produced, from the fact that this provision of the statutes has been repealed they would have been worthless for the purpose of indicating by what voters they were cast or of enabling any one to bring testimony from the voter to identify his ballot. This section of the Alabama statute as to the numbering of the ballots, which is cited by the majority on page 2 of their report, being a repealed section, it is no longer possible to identify a voter's ballot, and the question why the contestant did not introduce the ballots is therefore pointless, and the argument proceeding upon the assumption that the ballots are numbered is valueless.

But again, the ballots are the very things which are attacked. The election officers are the persons whose returns are impeached. Those ballots, if they were produced, would tell nothing. They are assailed by the evidence in the record, and if they were brought in as proof of Mr. Davidson's election it would be necessary to introduce the testimony of every judge and every inspector of election to show that those were the identical ballots cast by the voters. It is the business of the contestant and not of the contestee to produce those ballots. It is the contestee not the contestant who relies upon the official count. He relies upon the ballots and the poll-list for his seat, but he has not called any of the election officers to rebut the charges made against them and against the honesty of their returns. It is not the place of the contestant to introduce ballots and poll-lists for he is attacking the evidence of those very men, and he has impeached their testimony and the returns that they made. It is the place of the contestee to bring in the ballots and the poll-lists and the election officers, and to prove thereby that the vote was an honest one. Yet, with the exception of one precinct, no election officer I believe was called. This House can draw its own inference from this refusal of the contestee to produce the very testimony on which he relies.

It is further said by the majority:

> It is not pretended that the ballots were changed during the progress of the election, or afterwards when they were counted, or that they were destroyed when falsely counted. The allegation simply is that they were so counted as to make it appear that they were cast for the contestee.

On the contrary, those ballots are charged with fraud in every respect. It is charged that there were frauds in the count; that other ballots were substituted; that the returns were fraudulent and did not conform to the ballots actually cast. The charge is of the broadest, most general, and most sweeping kind.

Now, sir, before I leave the report of the majority there are one or two other points to which I wish to call the attention of the House. On page 21, in referring to Lowndesborough precinct in which they admit fraud, they give the contestant 7 votes as those of the seven witnesses who testified in his behalf. If they had examined the record a little more closely they would have seen that three of those witnesses were Democrats, and that there was no pretense made that they voted for contestant. I merely mention this to show the perfectly arbitrary manner in which that precinct has been dealt with by the majority of the committee.

St. Clair precinct again is one that was thrown out, and the majority say (page 22) "the county canvassers refused to receive the returns of

this poll, because the officers omitted to sign them." I have searched the record with some care, and have failed to find the evidence to support that statement. I have been unable to find any evidence of this alleged fact as to the failure of the officers to sign, and I ask the chairman to refer me to the testimony on which the majority rely to establish the fact.

Passing now from the report of the majority I wish to say at the outset that I think this is a more interesting case than the gentleman from Pennsylvania [Mr. MAISH] and the majority of the committee have been disposed to believe. It seems to me that it illustrates very interestingly the general progress of what we may call civilization in the Fourth district of Alabama.

The simple policy of violence and bloodshed, or what may be called the "jack-boot and saber policy," has gradually disappeared. When that policy disappeared, we find the counties gerrymandered so as to bring the mass of the black vote of the State into this district; and then the Republican vote having been thus concentrated was deprived of its rights by a very rudimentary kind of fraud committed by the county supervisors who merely threw out the precinct returns. That was so simple that after having been rejected by two Congresses, one Republican and one Democratic, it was abandoned and a new and somewhat more elaborate system of cheating took its place. As you will observe, this is a distinct advance in civilization—inasmuch as it is a concession to the intelligence if not to the moral sense of the country. But the frauds we are considering in this case, although more carefully devised than their predecessors, are not very ingenious after all; and I am certain that after the discussion which they will receive here to-day something better will have to be substituted. So on a general view I think this case really assumes large and philosophical proportions as a contribution to the history of political development in Alabama. It is not a very pretty story, but there it is.

Moreover, we see the advance of public opinion in two little indications in the record.

There is an effort on the part of the contestee to prove that the blacks voted for him, which is a distinct concession, for a few years ago this would not have been thought at all worth while. There is also evidence that the attempt to count the vote wrongly failed conspicuously in one county, the county in which Judge McDuffie lived, and where the white men of the county declined to have anything to do with counting him out.

Mr. OUTHWAITE. Is there any evidence on that point?

Mr. LODGE. Yes, sir; that is in the record. I will come to it again by and by. The case of the minority, to put it in a few words, is that the ballots from four of the five counties were vitiated throughout by general fraud; that the evidence is conclusive that all the precincts in these four counties were permeated with fraud, arising from a general scheme to defeat Judge McDuffie by unfair means. The first step in that proceeding, as has been pointed out in the minority report, was what has been called "the Turner movement." When Judge McDuffie was nominated his nomination was regarded with great disfavor by the opposite party, because he was considered to be a strong candidate, and they were accordingly present in his convention trying to get up a bogus nomination by a small minority of delegates.

They had made up their minds to defeat him; but, as Mr. Swiveller in the "Old Curiosity Shop," says to the little servant girl of Mr. Sampson Brass, when they were playing cribbage in the kitchen, "To make it more real and pleasant, I will call you 'Marchioness;'" so "to make it more real and pleasant" in the Fourth district of Alabama, an "Independent" Republican candidate, a Mr. Turner, was nominated by a small faction of the convention after Judge McDuffie had received the nomination of an overwhelming majority. The details of this are in the testimony and in the minority report. I will not go into them further than to say that "the Turner movement," originating in corruption, was a purely mythical one so far as actual candidacy at the polls was concerned.

It is apparent also that the voters in many of the precincts had never heard of the candidacy of Turner, and that in others where they had heard of it they knew what it meant and were perfectly aware that the movement was simply resorted to in order to divert attention, and that there was no reality about it. It appears, further, that this sham candidacy was part of a general scheme of fraud from the uniform appearance of an unnatural Turner vote in almost all these precincts. In many cases where there were no Turner tickets distributed and none seen on the ground, the Turner vote appears in the returns; and in one case where there were no Turner votes returned, we find the counsel for the contestee cross-examining the witnesses as to the Turner vote, which seems to indicate that the Turner vote ought to have appeared in all the precincts, and that the contestee and his friends expected to find it in every case.

Mr. CRISP. I do not wish to interrupt the gentleman; but in regard to St. Clair precinct, I wish to call his attention to the fact that the specification of the notice of contest alleges the rejection of the vote of that precinct by the managers; and the contestee in his response admits the fact, and states that the vote was rightly rejected.

Mr. LODGE. But where is the testimony on that point?

Mr. CRISP. I refer the gentleman to the fifty-first specification of the notice of contest.

Mr. LODGE. What I want is the evidence of the fact that the officers did not sign the return.

Mr. CRISP. The gentleman can find that evidence. I refer him to pages 62, 63, 65, 67, and 72.

Mr. LODGE. That is the testimony as to the vote of the precinct; but where is the testimony that the officers did not sign that return?

Mr. CRISP. The allegation of the contestant is that the vote of that precinct was rejected. The response of the contestee is that it was properly rejected; and the evidence that the return was not signed is on the pages I have named.

Mr. LODGE. I want the testimony, not the allegation of the contestee.

Mr. CRISP. Where a fact is admitted, of course there is no testimony about it.

Mr. LODGE. But where is this allegation admitted?

Mr. CRISP. In the notice of contest and the answer, taken together, as I understand.

Mr. ROWELL. Was it alleged in the notice of contest or in the answer that the return was not signed? If alleged in the answer, it is a subject of proof.

Mr. CRISP. I shall have to examine the evidence before I answer that positively.

Mr. LODGE. I will continue my remarks.

Mr. Speaker, the proposition of the minority, as I have said, is that there was a general scheme to carry all these precincts by fraud and that the testimony shows conclusively there was general fraud throughout four counties of the district. To this testimony of general fraud existing throughout those four counties I wish to call the attention of the House. Mr. Morrill's testimony which has been already referred to—as that of a witness who, it is said, was not cross-examined—has not been rebutted or contradicted. He testified that the chairman of the Democratic county committee stated "that they would carry that election peaceably and quietly if they could, but they had arrangements made to carry it."

The man who made that statement was a responsible officer of the Democratic party. He knew very well what he meant, and he meant exactly what he said.

Now, we come to the Union Town precinct, Perry County, in which two nephews and, I think, a son of the contestee were inspectors. One of those nephews said to one of the inspectors who remonstrated with him for substituting Davidson for McDuffie votes that "Uncle Aleck might as well have it." There is something very touching in that frank statement. There is a certain pastoral simplicity about it that is very engaging. As a distinguished lawyer said on another occasion, it is pleasant to see the asperities of politics thus softened by the amenities of domestic life [laughter]; and I should regret, sir, from that point of view to bring this up for adverse criticism. It can not but interest every right-feeling heart to see this ingenuous expression of interest in an uncle on the part of a nephew engaged in counting the votes. At the same time, sir, I think it goes to indicate the general purpose of the managers of that election to defraud Judge McDuffie.

The testimony from Lowndesborough, Lowndes County, is to the same effect, that there was a general knowledge on the part of the Democrats in that precinct that fraud was to be committed.

These three instances are taken from three widely separated points. There was also one other which was overlooked in drawing the report. It will be found on page 63 of the record. In the St. Clair precinct the witness gave this testimony as to Mr. Smith, one of the regularly appointed inspectors:

Mr. Smith said he just as leave have Mr. McDuffie as Mr. Davidson, and Mr. Davidson as Mr. McDuffie. Mr. Smith said he had a letter from Mr. Caffee—

Who was the county judge who had been recently elected and supported in the election, let me say, by Judge McDuffie.

Mr. Smith said he just as leave have Mr. McDuffie as Mr. Davidson, and Mr. Davidson as Mr. McDuffie. Mr. Smith said he had a letter from Mr. Caffee asking him to give Mr. McDuffie a fair count; he (Smith) did not care to have anything to do with it, for his Democratic friends might go back on him and he might want a favor from them some time. Mr. Rabb—

Who I believe was another of the regular inspectors—

said he would not give McDuffie a vote if he was dying and it would save him.

In that precinct Judge Caffee, the county judge, had interfered on behalf of Judge McDuffie, and in that precinct the polls were not opened by the regular inspectors. That, I contend, is another and striking evidence from yet another precinct showing the same general intention of committing fraud on the part of the Davidson managers, and a general recognition of the fact of this intention by persons qualified to know and living at widely separated points.

In the same way it will be found that it was believed by the Republicans throughout the district that fraud was about to be committed and that they took means to meet and provide for that fraud. This evidence is introduced and pointed out by the committee simply as showing the general public opinion as to what that election was going to be; and that general public opinion weighs for something—is an indication of something; is an indication of a great deal to every fair-minded man.

The minority of the committee have also pointed out the general irregularities in the returns; that they were made up in a careless and hasty manner, which simply shows their general character and points toward indifference to law and a general readiness to alter election returns.

In answer to the suggestion that there is no general evidence of fraud in this district, the minority have pointed out case after case in which more votes were counted than were cast and in which more votes were counted than there were voters in the precinct. If it is urged that this appears simply on the testimony of a county assessor and canvasser, I ask members of the majority to turn to Valley Creek precinct and explain how, in a precinct where the voting population on a most liberal estimate based on the census returns could not be more than 600, it was found that there were 685 votes in the ballot-box, while there was direct testimony that not more than 115 voters voted.

From such facts, occurring at widely separated points, there is a conclusion to be drawn which shows the general tendency throughout the district. In many cases one finds that there were more ballots returned than were cast; more than could possibly have been cast in the precinct. In one precinct, for instance—and much stress has been laid upon bringing in the poll-list—we have the poll-list (Walthall's precinct), and it shows 21 less votes than the official returns of the votes that were cast.

That was the result of bringing in one poll-list; and whenever you tear up a precinct and probe it to the bottom you find the same irregularity and the same evidence of fraud.

Now, sir, we come to another feature of the case which presents one of the methods by which the vote was so largely increased in these precincts. We have testimony, for instance, in the city of Selma, that nine men voted who were not there. Most of them were dead. We know, sir, on the highest literary authority, that—

> In the most high and palmy state of Rome,'
> A little ere the mightiest Julius fell,
> The graves stood tenantless, and the sheeted dead
> Did squeak and gibber in the Roman streets.

The sheeted dead did much better than that in Selma, Ala.—they voted. [Laughter.] There they are testified to by the register of vital statistics, the physician who has practiced in the town for twenty years, and who found these dead and absent men sworn to by name and put down upon the poll-list as voting. I do not wonder, therefore, after Judge McDuffie had made one examination of the poll-lists of Wilcox County, a county to which the majority have not referred, those poll-lists were withdrawn so that he could not make any further examination of them, and that when he went back there twice he was told they were mislaid.

I repeat, sir, every time we get hold of an official document we find the same fraud springing up from it.

Look more closely at the testimony of Dr. McKinnan, from which I have been quoting. He was asked, for instance, as to Mike Fitzgerald, who is put down on the list as having voted, and he testified that he knew him, and that Fitzgerald had died about eight years before. He knew John Moran; he died three years ago.

I don't know anything about Thomas Benger. I knew a Harry Horn in Selma three or four years ago; he now lives in Knoxville, Tenn.; he has been living there three years or more. I knew W. D. Snow; he lives in Anniston, Ala.; he has been living there at least two years. Charles Heinz is dead; he died in September, 1886. I knew Amos Du Bose; he now lives on the Cummings place. In 1886 he lived on Sam Houston's place, which is not in the city of Selma. Charley Goins is an engineer on the Western Railroad; he has gone to Montgomery, and has been there for five years. My information is that Charles Lore lives in Louisville; he has been there for twelve months. Joe Ferguson is dead; he died at least a year ago. I don't know anything about A. E. Kennedy.

George Craig, testifying as to the same precinct, said:

He found on that list several names of persons who do not reside in Selma, and did not at the time of that election. One of these, A. E. Kinnedy, resides n Corsicana, Tex., and has resided there for the past five or six years.

We can not for a moment suppose that a gentleman who has the privilege of residing in Corsicana, Tex., and voting for the eminent leader of the Democratic party in this House, would struggle back to Alabama to vote in the Fourth district. [Laughter.]

Mr. LAIRD. There is no doubt about the politics of the dead and absent?

Mr. LODGE. No; their politics are perfectly evident. They all voted for Davidson.

We now come to Wilcox County. Here there is a long list of names given, as to which Morrill, formerly county assessor for six years, testifies in great detail. It is a long series of names of men who for one reason or another did not have the right to vote, or could not have voted owing to absence or death.

For example, John Henry was not a legal voter of said precinct on the 2d day of November, 1886, because he left the county three years ago, and now lives in Florida.

* * * * * * *

William Johnson was not a legal voter of said precinct at said time, having left the county at least five years ago and now lives in Mobile, Ala. John Johnson was not a legal voter of said precinct on the 2d of November last, having left the county at least three years ago and is living in Selma, Ala. Henry Primree was not a legal voter of said precinct at said time, because he left said county eleven years ago. The last I heard of him he was in Monroe County, Alabama. Elijah Baldwin was not a legal voter of said county at said time, he having left the county at least five years ago and lives in Selma, Ala. Edmond Etheridge. Do not know Edmond Etheridge. Am satisfied there was no such man in the beat on the 2d day of November last. Simon Shields was not a legal voter of said precinct on said date, he having left the county at least two years before said date. The last I heard of him he was preaching in Richmond, Dallas County, Alabama. Charles Jenkins might possibly have been a legal voter, but was not there, he having run away from the sheriff some time in the fore part of the year.

Yet so anxious was Jenkins to vote for Davidson, that he returned to do it in the face of the sheriff.

Tom Martin was not a legal voter of said precinct at said time, he having left Wilcox County at least five years previous, and at that time was living at Chattanooga, Tenn. Isaac Abram. Can not answer as to his name. Tom Tomlinson was not a legal voter of Camden beat at said time, because he left the county three years ago, and now lives in Selma, Ala. N. Hill. There were two N. Hills on the poll-list, and I know of but one in the beat. Scott Smith was not a legal voter of Camden beat at said time, because he lives in Mims's beat and voted there. P. E. Mathewson may be a voter of Camden beat, but the records of the election the 2d of November, 1886, show that he was an inspector at Bethel beat, at least 18 miles from Camden. M. J. Adler was not a legal voter at said precinct at said election, he having left the county eight years ago, and is now and has been for years in business in New York City. R. Briggs may or may not be a citizen of said precinct. He was not there at the election. To the best of my information he was preaching in California at that time. Eph. Wilkinson was not a voter of Camden beat at that time, he having been disfranchised for crime under the laws of the State some six years before. Wm. Hill was a voter, but did not offer to vote. George Black was not a legal voter of said precinct at said time, he having moved away from said county three years before, and was then a resident of Talladega, Ala.

Look a little further and see how gross and unguarded these frauds are on that poll-list. Here is the name of Robert Elam. Morrill testifies:

Elam was not a legal voter on the 2d day of November, he having been murdered in the latter part of the summer previous to said election.

> The times have been,
> That, when the brains were out, the man would die,
> And there an end: But now, they rise again
> With twenty mortal murders on their crowns,
> And push us from our stools: This is more strange
> Than such a murder is.

Passing from these instances of the way the names of the dead and absent were voted upon and placed upon the poll-list, take the returns from thirteen precincts given in the minority report, in which it is well known and in which it is admitted by the contestee that most of the negroes were Republicans. In these thirteen precincts Mr. McDuffie on the returns received absolutely no votes.

How palpable and clumsy is such a fraud as this, which is too stupidly performed to even seek concealment. Then there are other places where devices of equal clumsiness, but different in kind, were employed to change the votes of the counties. There is one, for instance, where the inspectors refused to open the polls. There are others where, the law requiring that at least two inspectors should be of opposite political parties, they were all of one party, as at Greensborough and other places named in the report. In the majority of precincts the inspectors were made up of two white Democrats and one ignorant black man who did not know how to read or write. It is easy to see the intention of such an arrangement, and we have here, too, an opportunity to test the value of those official returns which the majority of the committee are so anxious to have introduced.

In only one county did we get transcripts of the official returns from the judge of probate and certified by him. In nineteen of the twenty-seven precincts of Dallas County, the one in question, one of the inspectors was a negro too ignorant to read or write and able only to make his mark. From the other counties we have no transcripts, but we can judge from this sufficiently well as to the general practice.

Mr. Speaker, it is always the same story. Wherever you go in the examination of this case you find that the same condition of things existed, showing that the same principle of fraud, deliberate and systematic fraud, ran through the whole election at every point.

Mr. BUTTERWORTH. Before the gentleman leaves this point let me ask this question. By whom are these persons appointed or selected?

Mr. LODGE. The inspectors of elections are appointed by a board of supervisors of the county, consisting of the judge of probate, the county clerk, and the sheriff of the county. All three of these were Democrats in all five of these counties. These various precincts as to which testimony has been taken are all specified, and the general character of the testimony set out in the report of the minority. We have investigated it with care, and without going fully into its details, I shall content myself by calling attention to some only of the more striking facts.

The minority of the committee wished especially to bring out in reviewing that testimony in detail a comparison of the vote which it was sworn McDuffie received with the vote that turned up in the returns for McDuffie after it had passed through the hands of the officers of election. For instance, in Dallas County, King's precinct, the returns gave McDuffie no votes, and yet one of the witnesses testified that he himself issued 120 McDuffie tickets to colored voters and saw each of these colored voters take the ticket so issued to him and deposit it with the inspector of election. We are asked, therefore, to believe that the witness was absolutely mistaken in every one of the 120 persons. That is to say, that he made a mistake in every single man of that whole number, for there was not one McDuffie vote in the returns, notwithstanding the witness testified that he saw 120 cast.

Take this same county, Dallas, again and the Valley Creek precinct,

W. H. Haynes testifies in that case that he issued 100 McDuffie tickets and Alf. Boyd issued 4. He testifies that he saw 95 of the persons to whom he issued McDuffie tickets vote them and saw 4 men to whom Boyd issued tickets vote them, making a total of 99. When asked how far he was from the polling-place when he gave the voters the McDuffie tickets and saw them vote them, his answer was that after he had given them the tickets, he walked up to the polls with them and saw them vote, and when they voted he was not over 3 or 4 feet from the inspectors who took the tickets. He was cross-examined, but the cross-examination did not shake his testimony; and yet, Mr. Speaker, the returns from that precinct of that county gave Davidson 501 votes and only 35 for McDuffie, while 149 were counted for Turner out of a total possible voting population of 600.

Mr. BUCHANAN. Was that testimony rebutted?

Mr. LODGE. No, sir; it was not.

In the same county, Dallas, and in Woodlawn precinct, the returns gave Davidson 107 and McDuffie only 6 votes.

There is testimony in connection with the vote there to show that 40 or 50 voters cast their votes for McDuffie; one witness so testifies, and testifies further that he saw no other tickets there. Cross-examination did not shake this evidence, nor was there any attempt made to rebut the testimony.

You may say that of the forty or fifty persons who received these ballots possibly two or three of them did not cast that ballot, but it would hardly be a fair presumption that the whole of them failed to cast more than six in view of the fact that no other tickets or ballots were visible. It is perfectly incredible that such a condition of things could have existed, and that only that number of votes should have been cast for McDuffie while no other ticket was to be seen. Perhaps the reason is that the tickets for the other side were already in the box without having gone through the formality of being cast by the voters.

Mr. BUCHANAN. Presumably.

Mr. LODGE. The same is true of Marion Junction.

In Dallas County, Michell's Mill precinct, one witness swore that he issued 307 McDuffie tickets and saw 303 of them handed in by the voters at the window, and could not tell as to 4 of them. On cross-examination he swore that he was sitting all the time within 15 feet of the window, nor could the cross-examination shake his testimony. The majority of the committee, although no attempt was made to rebut this evidence, treat it as if it were of no account; as if a man who testified under oath with as much exactness as that was a man whose testimony was not worthy of rebuttal.

Mr. LAIRD. How many did the returns give McDuffie there?

Mr. LODGE. The returns gave Davidson 201 votes and McDuffie 34.

Now take the case of Selma, in the same county. That precinct returned 1,115 votes in that election. The polls were open, we may safely assume, from 8 o'clock to 6. I believe the law of Alabama provides that they shall be open from 8 to 5, but I put the widest possible margin; and thus it appears that the voting went on for ten hours without intermission at the rate of two votes a minute throughout the whole day, and yet witnesses came on the stand utterly uncontradicted and swore it was a light vote. They may have been mistaken about how many votes this candidate received or that candidate received, but no man in his senses would swear that a vote cast in that way at that rate was a light vote. That testimony stands uncontradicted as to the general character of the voting at Selma.

It is sworn in evidence by the register of vital statistics of Selma that something like ten pages of the names on the poll-list at which he looked did not contain one name that he recognized as that of a man who lived in Selma at that time. Is it remarkable that the poll-list showed a large vote?

Uniontown was a family precinct, and has been given up by the majority. There is more testimony as to that precinct than as to many others, although it is by no means exceptionally clear or direct evidence. But we are asked to believe at Uniontown that 777 voters changed McDuffie tickets for Davidson's and voted the latter secretly. This is indeed too much for anybody's imagination. But, sir, the abandonment of Uniontown is a concession of the whole case by the majority. If there were frauds there, then on precisely similar and often better testimony, there was fraud everywhere.

In Walthall's precinct, in Perry County, the poll-list shows 261 persons voted, while the returns, which are supposed to be based on the poll-list, make the vote 282, or 21 more than the poll-list contained.

I wish now to call attention for a moment to the St. Clair precinct, of Lowndes County, to which I have already referred.

The polls were not opened there at the regularly appointed hour, but were opened by five qualified electors afterwards, and I desire to compare the action of the county supervisors in that case with the action of a similar board upon the Pine Flat precinct in Dallas County, where the returns were signed by only two of the inspectors, where the law requires three. In that precinct the return is received by the supervisors, although the irregularity is just as great as in the St. Clair precinct. In the St. Clair precinct the polls were opened and a majority was given for McDuffie, but the irregularity due to the absence of signatures (to which the chairman is going to furnish me a reference in the record in a moment) was sufficient to invalidate it, while at Pine Flat, where the record is just as irregular, it is counted for contestee by the board of supervisors.

Mr. OUTHWAITE. Will the gentleman from Massachusetts permit me to call his attention to the fact that another board passed upon that?

Mr. LODGE. That is the precise reason that I have called attention to it, because another board did pass upon it. It shows the same intention in every county; the same high-handed disregard of the commonest provisions of law.

In one case they throw out the regular vote, taking advantage of an unproved technicality; in the other they keep it in; in both showing a complete disregard for the spirit or the requirements of the law.

Wilcox County is one which the majority of the committee seem rather to have neglected. But take, for instance, the returns from the Snow Hill precinct. There were returned there for Mr. Davidson 415 votes, and for Mr. McDuffie 15. Carmichael testified that he issued and tallied 425 tickets for Mr. McDuffie, and saw them voted. On cross-examination he said he handed the voters their tickets, and was standing in front of the window where they voted and saw them hand them in; and "there was no swapping." Another witness, Nathan Scott, in reply to a question, said he knew that all those to whom he gave tickets voted for McDuffie—

Because I gave them their choice to vote for McDuffie or Davidson, and they took the McDuffie tickets and voted them; that is why I say so.

And yet after he had seen 425 McDuffie tickets put into the box it came out that McDuffie had only 15 votes.

Mr. CHEADLE. How about Davidson?

Mr. LODGE. Davidson received 451 votes, according to the returns.

Now, as to the manner in which these frauds were carried on. Take the testimony of Charles H. Walker, the United States supervisor at Brown's Station. I only want to call attention to one single point in that testimony. He swore that the tickets that were counted were different from the tickets that were cast. In one case the name was printed across the ticket; in the other it was printed lengthwise, and the tickets that were counted differed in this way from those that were cast.

Then, after such a showing as this, it is coolly asked by the majority why the ballots are not brought in here. Why, sir, the ballots that were counted were clean and new, while those voted were crumpled and soiled—good evidence, surely, that the former were not the ballots that were cast.

In Marion County precinct, Cole, one of the inspectors, testified that he saw Mr. Parish drop tickets on the floor that he had taken from the voters and take other tickets from his pocket and hand them to him (Cole) to put in the box. Testimony was introduced by the contestee to impugn Cole's character for veracity; but Cole was appointed by the Democratic county judge, the Democratic county clerk, and the Democratic sheriff as a fit man to act as an inspector at the election. The other inspector was not called to contradict that testimony. He is a well-known man in the precinct, but was not called to rebut this direct charge of fraud.

Mr. LAIRD. Were any of the election officers called?

Mr. LODGE. In one precinct; only one; and there the election officer gave this testimony:

Q. When you closed the polls on that day and the box was carried to your father's house, and you delivered it, as you say, to Simon Ulmer, do you know what became of or was done with that box from that time until you went back to the polling-place?

A. I do not know.

Q. Do you know whether or not that box was opened during the time it was out of your possession and before you got back to the polling-place and the ballots taken out or changed?

A. I do not know whether the box was opened or not.

Q. Could it not have been opened and the ballots changed without your knowledge?

A. It could have been opened and the ballots changed without my knowledge, because it was out of my sight for two hours.

Q. Then you do not know that the ballots that you counted out of that box were the identical ballots that you, as inspector, received from the hands of the electors?

A. I do not know.

That is the testimony of Mr. Kirkpatrick. I think we have seen enough to know now why the poll-lists and the returns of the inspectors were not produced by the contestee, and even kept out of reach of the contestant. Although Mr. Davidson relies exclusively upon that primary evidence, as he calls it, for his seat in this House. As to the proposition that Mr. Davidson knew of colored men who voted for him secretly, we have brought that to a direct test. Of the twenty-three negroes who voted for Davidson, as he alleges, in Uniontwn, only six cared enough about concealing their purpose to take votes from the Republican distributor, as appears by the Republican list put in evidence in the record.

In conclusion, sir, I wish to call the attention of the House to these facts: that fraud existed wherever we probe for it; that it was clumsy fraud; that the poll-lists have not been produced, and that the election officers have not been called to rebut the attacks made upon them. I think we can imagine why those election officers were not called. Unfortunately a public opinion appears to exist in that district, which makes it if not a proper certainly not a discreditable thing to cheat the negro voters out of their votes. But those same men who will cheat negroes at the polls will not, as men of honor if put upon the stand,

perjure themselves as to actions which public opinion condones and even applauds. That this should be the case certainly shows the existence of a most unfortunate state of opinion.

Because a man is helpless and ignorant and black it is all the more discreditable to cheat him; the more helpless he is, the more he is at a man's mercy, the more unworthy and unmanly to do him wrong. Further, they allege over and over again, and they make it part of their argument, that the colored men voted largely for Colonel Davidson because he and his friends represented the property, the character, and the intelligence of the district; and yet, accepting that statement, accepting it in its widest interpretation, we are asked to believe, we are forced to believe, that the property, the intelligence, the character of the Fourth district of Alabama are unable to carry that district the way they want it to go except by resorting to frauds so clumsy that they are an affront to our intelligence. It seems to me, sir, that when a case like this comes before Congress reeking with fraud in every precinct that has been opened, with obvious and patent fraud, it is a slur upon the American Congress that it should be asked to pass favorably upon such an election.

It is a greater injury, let me say, to the State of Alabama to have such practices in its elections condoned and sustained than it can possibly be to any other part of the country. The gain or loss of one vote in this House on either side is a comparatively unimportant matter. But the honesty of the elections of members of Congress is a matter of vital importance; and the men who represent honest districts, the people who send representatives here on fair elections, regard with increasing anger the absolute frustration of their votes by practices like these. They believe, and I think with reason, that an election like this nullifies not simply the action of the voters of that particular district, but the sentiment of the State of Alabama to-day on the great questions of the tariff; and it seems to me that the members from other districts, feeling the vital importance of those questions, should resist with all their might the effort to bring votes into this House by practices like these. For the honor of Congress, and in the name of honest elections, I believe that this House should reject the sitting member and seat the contestant. [Applause.]

Mr. Speaker, how much time have I remaining.

The SPEAKER *pro tempore*. The gentleman has twelve minutes remaining.

Mr. LODGE. I will reserve that until to-morrow.

Mr. CRISP. Mr. Speaker, I now yield one hour to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. Mr. Speaker, it may be well before considering the facts that pertain to this case to examine slightly the historical and political situation of this Fourth district of Alabama. It is a district to which considerable attention has been directed. The minority of the Committee on Elections in claiming that the contestant should be seated have advanced a new doctrine. Some allusion was made by the gentleman who has just taken his seat [Mr. LODGE] to the fact that there has been some progress in civilization in the Fourth district of Alabama. I want to congratulate the side of the House which the gentleman represents in this matter upon the fact that there appears to be in this case considerable progress in their doctrine as to what should be done with the negro vote in this country.

Heretofore that party have been satisfied to assume and to declare that the negro vote belonged to the Republican party. They have been content to declare that the negro vote was to be cast for Republican candidates in the Southern States, and they have stopped there. But here they have advanced a step farther. Here they assert not only that the negro vote in the South shall be cast for the Republican candidate, but that it shall not be counted for a colored Republican; that whenever it is cast for a colored Republican it must be thrown out. That is the proposition of the contestant. That is the proposition of the minority in summing up their results.

Mr. BOUTELLE. Is the gentleman now referring to the case of South Carolina?

Mr. OUTHWAITE. I am referring to this particular case, which I propose to discuss, and it only.

Mr. BOUTELLE. I did not know but the gentleman was referring in a general way to the Smalls case.

Mr. OUTHWAITE. We have not yet reached the Smalls case.

Mr. BOUTELLE. I understood the gentleman to be laying down a general principle.

Mr. OUTHWAITE. I am stating the principle which the minority have declared in this case. I said at the outset that it would be well to consider somewhat the historical situation of this district as to its vote. In 1884 the district cast 13,850 votes for the Democratic candidate for President, and 8,227 for the Republican candidate; a total vote of 22,077, and a majority of 5,623. At the same time the vote for the Democratic candidate for Congressman was 14,225; for the Republican candidate 8,181—for the Republican candidates, I should have said, for at that election there were three Republican candidates—Mr. Craig, Mr. DeLemos, and Mr. Haralson. Those two independent colored Republican candidates received 1,377 votes, and they were counted; no exception was taken to them.

There was in that State in August, 1886, preceding this Congressional election, an election for governor. The Democratic candidate for governor received in this district 19,714 votes; the Republican candidate 3,861 votes. The Democratic candidate for Congress at the election a few months later received 14,913 votes; the Republican candidates 5,043. I cite these figures to show what the aggregate vote of the Republican candidates amounted to in all these elections.

I call the attention of the House to the fact that Mr. Turner, the colored Republican candidate, once sat in this Hall as a Representative from that district. I cite the fact simply to show the absurdity, the effrontery of the contestant and his friends in claiming that Mr. Turner received no support in the contest that was going on. He was nominated at the same convention at which Mr. McDuffie was nominated. It has been said here that there was but little attention paid to his canvass. Why, sir, I have here a list of a large number of witnesses who were called upon to testify in behalf of Mr. McDuffie, who testified to the fact of Mr. Turner's nomination being known throughout the district, to the fact that he was not only supported but well supported—supported by negro members of the Legislature, by leading Republicans throughout the district. The testimony shows that he stood as well as the contestant, Judge McDuffie. Here is the testimony of one case:

Q. Do you know as a fact that Jerry Blevins, William J. Stevens, John Gee, and many other leading Republicans were supporters of Ben S. Turner?
A. Yes.
Q. Are the persons named in preceding question citizens of the colored race?
A. They are.
Q. Is Ben S. Turner a colored man?
A. He is.

Then I have here the testimony of another witness, who testifies that Stevens and his crowd continued to support Turner to the last. Stevens is a Republican, a Republican member of the Legislature, and a colored man. Another witness testifies:

I am well acquainted with the colored electors of that beat. It is this way: There was three tickets out; they were divided there that day, I suppose; that was what I heard; I don't know; I voted and came right away. They were divided in this way: Some portion for Mr. Ben Turner, and some was for Mr. McDuffie, and some voted for Mr. Davidson.

I read from the testimony of another witness:

Q. Whom did the colored voters vote for that day?
A. Mr. McDuffie and Ben Turner, and some 3 or 4 for the Democratic party whilst I was present. Saw them issuing Turner's tickets. Saw some 40 voted for him.

As to another precinct we have this testimony:

Knew he was a candidate from himself and others. He at one time represented this district in Congress and as a Republican.

Now, as to there being no Turner tickets present, there is very little testimony of that kind. There is the testimony of witnesses who swear that they were so busily engaged in issuing the tickets of McDuffie to voters that they issued some 300, 400, 500, 600, or 800 a day, and marked down the fact at the time; also, that while issuing them to the crowds of voters they followed them up and saw them voted, but did not see any Turner tickets. That is the kind of testimony on this point.

Discussing this question from the light of a "conspiracy," can any one tell me why it would be necessary to give Mr. Turner in some instances more votes than Mr. McDuffie, or why it was necessary to give him any votes? Why not do as Mr. McDuffie's friends did in Lowndes County—count Turner out entirely? That is the county which is cited as the one instance of an honorable election, an election free from fraud, untainted by suspicion, simply because, and for no other reason, Ben Turner, the colored candidate for Congress, did not get any votes in the home county of Judge McDuffie.

Then, again, there was a large number of voters who testified right along that they knew the party was split; they knew that voters were voting for Turner or for McDuffie, and at the same time quite a large number of them were voting the Democratic ticket.

There was a strange state of affairs down there as to the negroes themselves. The sort of argument that is made here to-day in favor of seating the contestant would be met with ridicule if it were applied to any of the districts in the Northern States. It is based upon the assumption, as I said awhile ago, that the negroes must vote the Republican ticket, and must vote for a white Republican, forgetting that, as a matter of fact, the most intelligent Republican witness who testified in this examination, one who has held a seat in this House, stated upon oath that there were from 10,000 to 13,000 white voters in that district. Do you tell me that 10,000 to 13,000 white voters could not influence enough colored voters to come with them to make this vote of Mr. Davidson 14,000?

Mr. JOHNSTON, of Indiana. To whose evidence do you refer?

Mr. OUTHWAITE. I refer to the evidence of Mr. Craig; you will find it on page 134, I think. A great many of the colored voters did not know for whom or what they were voting; they did not know until they were told by the leading man. As one of them states, "We have Nathan Stratton as our leading man; whatever he distructs us, we debide by that." Here are four or five witnesses who testified right along that half the colored voters did not know whom or what they were voting for.

But other witnesses in a large number of precincts testified that voters voted the Democratic ticket in many instances secretly, voted the Democratic ticket holding them in their sleeves, going up there afraid to vote the Democratic ticket openly; and why? Because meetings had been held and they had been told if they voted the Democratic ticket they would be tongue-lashed in the churches, and when told of this said, "I know they voted the Democratic ticket secretly; I know they voted it in large numbers; but they did not vote it openly because they feared some of the others would hog-ride them to death about it; others are afraid they will be deviled about it and turn them out of church."

I draw an inference from another fact in this case a little different from gentlemen on the other side. They infer that because these negroes were watched when they voted, and because others attempted to get them up to have their names taken down, that they were therefore anxious to vote the Republican ticket. They came up and gave their names because, as more than one witness testified, they were required to do so. They came up and accepted McDuffie tickets from those who were distributing McDuffie tickets, and then came in front of the election officers carrying in their hands two tickets, undecided in some instances which they should vote. In other instances they drew other tickets out of their sleeves and voted them.

Men were posted in four or five precincts for what purpose? To watch and see the voters did not change their ballots. If there was all this enthusiasm and anxiety to vote the Republican ticket so often spoken of, why was it necessary to appoint men at several polling precincts to watch and see they did not change their votes? I know gentlemen will say it was the expectation to have to make such proof as this. Only one or two witnesses of the great number who testified in this case testified that was their purpose, and they did it upon the leading question, which, as my friend from Pennsylvania [Mr. MAISH] suggests, told them the kind of answer to give, and when they answered they (the witnesses), of their own accord, gave a different reason. They said they watched the voters to see that they did not change their votes.

Complaint is made that there is evidence of fraud in this election, because many of the Republican inspectors could neither read nor write. It is very unfortunate that the most of the Republican party in that district can neither read nor write. If gentlemen will take the pains to look at the record and examine the testimony of the witnesses for contestant and see how these witnesses signed their names they will find that about the same proportion signed their name with a cross-mark; that these Republicans, called upon to testify in this case, to impeach the returns, signed their names with a cross-mark; that it was not possible perhaps for the appointing boards at the county seats to find leading Republicans in sufficient numbers who did not sign their names with cross-marks.

As to the claim there was a conspiracy in this district extending throughout the whole district, what is the testimony to sustain that proposition? Is there any testimony that at any time or place Democrats from different counties of the district met and consulted as to what their action should be? Is there any testimony which looks in that direction? Not one syllable.

The only testimony upon which this frivolous, this flimsy, this absurd proposition that there was a conspiracy is based upon is that three or four different men in the district, consisting of over seventy precincts, at their own precincts, at different times, probably during the election, or after it, made some such declaration concerning the election as "Uncle Aleck might have it as well as McDuffie." Another said, when they were discussing whether the Democrats should be permitted to name their supervisors of election to be appointed by the court, while the Republicans had the privilege of naming theirs, that they expected to carry the election, and they would carry the election peaceably if they could, but forcibly if they must, meaning if they were to have forcible interference with the elections by the supervising officers they would have to meet it with force. Yet that is attempted to be tortured into a declaration that they were going to carry the election by fraud.

In several of the contested precincts I wish to call the attention of the House to the fact that only one witness testified; that the witness testified he issued so many tickets, and that thereupon it is claimed the election officers should have been called to sustain the purity of the ballot. No law was cited of that kind, because no law could be cited. The only decisions cited before the committee upon that proposition are the two, Frost *vs.* Metcalf, and Washburn *vs.* Voorhees. In Frost *vs.* Metcalf the committee unanimously held that the failure of the contestant to call the election officers must be construed against him.

> The contestant having failed to call Dejong and the officers of election to testify, the law presumes that they would testify to the correctness of their proceedings if they had been called.

In two sentences the gentleman who preceded me [Mr. LODGE] uttered a proposition which would certainly destroy any such claim as that the introduction of one witness ought to compel the contestee to produce the officers of election. He said they were not called because they were probably honorable enough not to perjure themselves to maintain the fraud. The gentleman forgot that if they committed the fraud they committed a more despicable crime, because it was combined with perjury. They swore to make true returns of the election; they were sworn to make these returns according to the ballots cast; and if, after taking this oath, they attempted to commit this fraud, it is the combination of both crimes. Look at the result of the verdict by this House, if it should adopt the view of this case it ought to according to the views of the minority. What is it? That every election officer in every precinct in the Fourth district of Alabama is a perjured scoundrel, and ought to be in the penitentiary.

That is your proposition; that is your liberality; that is your justice. Without calling these men, as it was your duty under the law and under the decisions that have been rendered, you render this judgment against them.

I shall read only one other sentence, from Frost *vs.* Metcalf:

> To set aside a formal and regular return made by sworn officers of both political parties upon such evidence would set a dangerous precedent and render popular elections but a name and a mockery.

To do so in this case would be rendering popular elections a sham and a mockery.

In Washburn *vs.* Voorhees we have as follows:

> It certainly can not be necessary to remark further upon the very weak and unsatisfactory character of this evidence.

The gentleman from North Carolina [Mr. SIMMONS] pointed out the unsatisfactory nature of this testimony in one of these precincts; but as I think the House did not catch clearly the force of the evidence he read, I will recur to it again.

One of these witnesses—there were two called to impeach the integrity of the returns of Orville precinct—one of these witnesses, Harrison Ellis, testified that he issued some 242 McDuffie tickets; that he not only issued them, but that he had seen them voted. Another colored witness, Burril Hayes, is called by contestant, and he says in answer to this question:

> Q. State, if you know, about how many voters of that beat voted for McDuffie there at that day.
> A. About 100.

Further along he is asked how he knows the fact. This is the testimony:

> Q. You having said that you remained at the polls only between the hours of 10 and 12, explain how you can testify that about 100 votes were cast for McDuffie.
> A. When I came back the last time I met Harrison Ellis, and he told me that he brought 108 votes down there with him when he came, and he had about 7 or 8 as he was going on back home that night when the polls closed
> Q. In saying that about 100 votes were cast for McDuffie you are testifying to what was told you by Harrison Ellis, are you not?
> A. Yes, sir.
> Q. Do you know how many persons voted at the Orville polling-place on that election day? If so, state if you kept any list, record, or count of any votes which were cast at that polling-place.
> A. I do not know the number of votes cast that day. I did not keep any list, or record, or count.
> Q. Do you know whether or not Ben. S. Turner was a candidate and voted for at that election?
> A. I heard he was, but never saw any of his tickets.

Both of these men signed their names to their depositions with a cross-mark.

That is the character of the testimony here, and I repeat from the report in Washburn *vs.* Voorhees:

> It certainly can not be necessary to remark further upon the very weak and unsatisfactory character of this evidence. How easy is it for an unlettered man to be mistaken or deceived in regard to the character of the ballot that he delivers in at the polls. How easy for any man to be mistaken in regard to the vote cast by another, although standing near him when his ballot is deposited. How many are there, as we know from observation, who will receive from a friend or acquaintance a ballot, and profess to vote it, when, in fact, they substitute for it another and a different ballot, more congenial to their own views or feelings. Both classes of evidence, by which it is attempted to prove these 82 votes, when analyzed, amount to nothing on earth but hearsay evidence.

And in this instance which I have cited it was hearsay evidence of hearsay facts.

> An unlettered man voting by ballot has no means of knowing for whom he himself votes, except by relying upon the unsworn statement of other parties, who furnish him his ballot and explain to him its character. And a man standing by or near the polls has no means of knowing how another votes, except by relying upon the unsworn statement of the person voting. For, although the witnesses may have furnished a ballot to the voter and followed him to the polls, it is so easy to substitute one ballot for another before delivering it to the inspector or judge of election that our knowledge of how another votes who has not been sworn is based at last upon our confidence in his integrity and truthfulness; in other words, in his unsworn statement.
> It amounts simply to hearsay evidence and nothing else, which, however we may rely and act upon it in the ordinary transactions of life, is not permitted to have any weight in any judicial tribunal on earth that has regard for the principles of the common law.

Right here I want to fix the attention of the House upon this prominent fact, the utter unreliability of the testimony by which it is sought to sweep aside the official integrity of those who conducted the election, and impeach the purity of the returns as made by these sworn officers of the law; that it is by presenting one or two ignorant men to testify to their issuing ballots and their seeing in the turmoil and confusion of an election how they were voted, when in some instances the voter passed out of their sight, either going into a room or going upstairs, or in the church or some other place entirely out of view, and there casting his ballot. But in no single instance did the contestant call the voters themselves to sustain these assertions. In no single instance did

he and his attorney sit down and subpœna the voters of the precinct to call them up and say, "How did you vote?"

I know what the excuse will be why this was not done, and it will be a false one. As shown by the record, the excuse will be that there was not time in which to do this, and I say it will not be well founded for this reason. Here is the entire record taken in this case, of about two hundred pages in length, when the full time was occupied given by law. We have two or three cases in which no greater time was taken, in which the testimony will amount to ten times as much.

But that is not all. You will find if you care to glance through this record that in some instances for several days in succession no testimony whatever was taken because the contestant had no witnesses. Then you will find that towards the conclusion of the time the contestant had the examination adjourned from day to day until the end of the time. If this method of calling the voters to testify had been adopted in a single instance in a single precinct, and it had been shown by the voters themselves that they did vote for McDuffie, when they were not so counted, then this House and this committee would have been placed certainly in a position that would require them to reject that precinct's vote if it were cast differently from the manner in which it was returned by the officers of the election, or to count it according to the manner in which it was cast when that was thus ascertained. Half a dozen cases of that kind might have justified some of the claims that have been made here to-day.

Among the witnesses examined and one upon whose testimony great stress has been placed by the minority is a man named Morrell, described in the minority report as a Republican canvasser. Nowhere in the testimony is there anything to sustain the proposition that he had been a Republican canvasser. But it is said that he was not cross-examined; that no testimony was brought to rebut his testimony.

The testimony shows that this man Morrell was not examined until the 11th day of April, and then he was examined in the State of Tennessee, a great distance away from the precinct.

Mr. ROWELL. Will the gentleman permit me to ask him a question?

Mr. OUTHWAITE. Yes, sir.

Mr. ROWELL. Was not this man originally examined and the notary refused to allow him to sign his testimony earlier?

Mr. OUTHWAITE. He so states, but he was not examined earlier, nor was there any notice that his deposition would be taken; nor was it in any way authorized by the law. Some *ex parte* statement of his was taken down, perhaps.

Mr. ROWELL. All the parties were present and the notary refused to sign it.

Mr. OUTHWAITE. Some *ex parte* statement was taken down and the witness was not permitted to sign because no notice was given to the contestee that he would be examined at that time.

He was called—for what purpose? To state that there was a large negro vote in that precinct. We concede that. All we insist upon is this, that where negroes want to vote the Democratic ticket they shall be permitted to do so; and that where negroes want to vote for a colored candidate for Congress they shall be permitted to do so without being counted out upon such a pretext as that set up by contestant.

A MEMBER. You are not asking very much.

Mr. OUTHWAITE. We are not asking very much, but we are asking more than the other side is willing to concede in this case.

Mr. ROWELL. I ask the gentleman to refer to page 152 of the record and say whether he will still insist that this man was not examined originally in pursuance of a notice.

Mr. OUTHWAITE. I may be mistaken, and will stand corrected without examining it. I found no testimony taken under notice in looking through the papers, and made my assertion from an examination of the record.

Mr. ROWELL. It is the first name in the notice, which appears on page 152.

Mr. OUTHWAITE. I have touched upon the great "conspiracy" and the proof to sustain it, and without appealing to fair-minded men I think men who have self-respect even would reject any proposition that should insist upon their minds coming to the conclusion that there was any conspiracy in that district.

Some of the precincts have been omitted, I have observed, in the minority report; I do not know for what reason. But as it is claimed that upon the testimony the returns in these precincts should be thrown out and should not be counted, I will call the attention of the House to one of them.

Take the Laneville precinct, in Hall County. It is claimed the whole of the vote in that precinct should be thrown out.

George Washington Bryant, called by the contestant, testifies as follows:

Q. Was the voting over, or nearly over, before you left?
A. I left about 2 o'clock; I could not tell.
Q. How many colored men were there that day who voted the Democratic ticket, about how many?
A. I could not tell to save my life; not over 20; I don't think there could be over 20. I could not swear to it either way.
Q. Did the colored voters vote there that day for McDuffie, if any; and state fully about this.
A. If any, it was after I left; there was no tickets there.
Q. Did you take down a tally of any of the voters who did not vote there that day who expressed a wish to vote for Mr. McDuffie; if so, how many?
(Contestee objects to the above question because it is illegal and irrelevant.)
A. Yes, sir, I did; 156.
Q. Did these voters who you tallied go away without voting?
A. Yes, sir.
Q. How many colored men vote there that day, to your knowledge, for Ben Turner?
A. I could not tell; I have no idea.
Q. Did you see any?
A. No, sir, I did not.
Q. About how many white men over the age of twenty-one years live in Laneville beat?
A. Between 20 and 25; I don't think there is over 25.
Q. Do the colored voters of that beat vote the Democratic ticket?
A. I do not know whether many of them do or not.
Q. How many colored voters remained on the ground when you left?
A. There was a good many, and they were coming in when I left.
Q. Did all or nearly all of the colored voters that were there that day seem anxious to vote for McDuffie?
(Contestee objects to the above question because it calls for an opinion.)
A. Yes, sir.
Q. Did any colored men there that day, to your knowledge, vote for Colonel Davidson?
A. Not as I know of.
Crossed:
Q. How many voters are there in Laneville beat?
A. I do not know, sir. I have voted there; between three and four hundred who have polled there; that many.
Q. Is it not a fact that the colored people are very secretive about who they voted for?
A. Yes, sir; that is a fact.
Q. Do not a good many of the colored people vote the Democratic ticket secretly?
A. Yes, sir; I am satisfied of that.
Q. Are not many of the colored voters afraid to vote the Democratic ticket openly?
A. I have seen some that will do it of the sly.
Q. Do you not think that a good many on them do on the sly?
A. I have seen several do it.
Q. Do not and have not the Republican leaders used the party lash to keep them in line?
A. Of course.
Q. Do one-half of the colored voters know for whom or for what they vote for?
A. I don't believe they do.
Q. Were there or not any Ben Turner tickets distributed there that day? If so, who distributed them?
A. Yes; Ed. Lavender.

That is all the testimony that is introduced with regard to that precinct; and yet upon testimony so frivolous as that this House is asked to throw out that precinct.

Mr. ROWELL. Is it not because they counted those 150 voters that went away and returned them as having voted?

Mr. OUTHWAITE. No, there is no evidence that they counted those that went away; there is no evidence that they counted others than those who were there and voted.

In Wilcox County we have an illustration of what is to be expected. Laurence Washington says:

I was serving out McDuffie tickets.
Q. About how many colored voters did you see vote there that day?
A. I saw about 116.

He says he saw about 116. That is all he testifies to at that time; but upon one of these leading questions, one of these instructive questions, one of these high-pressure questions, he responds to the satisfaction of contestant's attorney:

Q. From your knowledge of the voters of Camden beat, and from what you saw there that day, how many voted for McDuffie?
A. About 400 voted that day for McDuffie at the Camden beat.
his
LAURENCE + WASHINGTON.
mark.

At Marion Junction the witness Blevins does not say, as is asserted in the minority report, that there were no Turner tickets that day. He does say that he saw no Turner tickets there that day.

Q. Did you have in your possession when you went to the voting-place that day all the McDuffie tickets that were at the polling-place that day?
A. If there was any there I never saw them. I had all that was there that day.
Q. Where did you stand when you gave out the tickets?
A. I stood between the place where they were voting and Mr. Harrison's store, and about 35 or 40 yards from the polls.
Q. Did you read all of the tickets that you gave out?
A. Yes, sir.
Q. What did they have on them?
A. They had on them the Representatives for the Fiftieth Congress from the Fourth district of Alabama, John V. McDuffie.
Q. Spell John V. McDuffie's name.
A. "John V. McDuffie."
Q. Describe the ticket—size and color.
A. They was a white ticket, 2 or 3 inches wide and 5 or 6 inches long, I reckon.
Q. What other tickets were on the ground there that day?
A. I saw one more ticket there; that was A. C. Davidson's. I only saw one of them.
Q. Spell that name on that ticket.
A. "A. C. Daverson."
Q. What was on that ticket beside the name there spelled?
A. Representative for Fiftieth Congress of Fourth district of Alabama.
Q. How far can you see and distinguish the reading upon a ticket?
A. I don't know.
Q. Then can you swear that the tickets that you saw deposited in the box that day had any single particular name upon it?
A. No more than the tickets I give out.

Pine Flat is another precinct that is not honored by mention in the minority report. Daniel Henderson testifies:

I live in Dallas County, Pine Flat precinct. I have lived there fifteen years. There was such an election held, and the candidates so named. Mr. Chamblis was one inspector; Mr. Smith another; I do not remember his name. I do not know who the clerks were. Those inspectors that I have named were Democrats. I can't tell how many votes was cast that day. I voted and went away.

Q. Are you not very well acquainted with the colored electors of that beat; and do you not know how the colored electors in that beat stand affected toward the Republican party? If yea, are they not almost a unit in the support of the candidate of the Republican party?

A. I am well acquainted with the colored electors of that beat. It is this way: There was three tickets out; they were divided there that day, I suppose; that was what I heard; I don't know; I voted and came right away; they were divided in this way: Some portion for Mr. Ben. Turner, and some was for Mr. McDuffie, and some voted for Mr. Davidson.

Q. About how many colored electors are there in that beat?
A. I reckon there is about 175.
Q. About how many of this 175 colored electors voted for Mr. Davidson?
A. I could not specify how many.
Q. About how many of them voted for Mr. Turner?
A. I could not specify how many.
Q. About how many, do you think, voted for Mr. McDuffie?
A. I can't specify.

Are you going to throw out whole precincts upon testimony of that kind, or are you going to say, in the face of the law and in the face of this evidence, that it was the duty of the contestee to bring before a notary and have examined the officers of elections?

Here is the testimony of Stephen Cunningham, from Old Town, in Dallas County:

Q. How many voters are there in that beat?
A. I don't know, sir.
Q. Did you examine the votes of those persons whom you saw vote while you were there?
A. Mighty few of them.
Q. How close to the place where the votes were put in did you stand while the voting was going on?
A. I do not know; I did not measure the distance; there was a line made and none went over.
Q. Could you have seen the names on the tickets that were voted as they were put in?
A. No; sir; because I didn't try.
Q. Then if you did not do it, nor did not try, can you swear as to how those persons voted who voted when you did not see their tickets?
A. No, sir; I wouldn't swear.
Q. Did you not say that about forty voted for Ben Turner that day?
A. Yes, sir; they said so.
Q. Then the only way you had of knowing about it was what they told you, was it?
A. Yes, sir.
Q. Do you know of your own individual knowledge that they voted as they said?
A. No, sir, I don't; I had to take their word for it.
Q. For whom did the colored voters in said beat at said election vote for that day?
A. Mr. McDuffie and Ben. Turner, some three or four for the Democratic party, whilst I was present.
Q. About how many colored voters voted there that day for Ben. Turner?
A. About 40 whilst I was present.
Q. How many voted for McDuffie?
A. From 70 to 80 while I was there.
Q. What time did you leave there?
A. About 1 o'clock.

Upon such evidence as that you are asked to throw out a precinct.

Here is another: Liberty Hall, where the witness Toney Tolbert was examined apparently in rebuttal, one of those cases in which the minority say the testimony of the witness was not contradicted or rebutted. Why, he is called in rebuttal and yet not in rebuttal. He testifies that one Martin Williams issued the tickets, and that he saw about 65 or 70 of them issued by Martin Williams. Now, why was not Martin Williams called? There are several instances in which you are asked to rely upon the testimony of only one of the two or three or four or five men who were conducting this special supervision of how the colored Republicans should vote.

Here is the testimony of John Callier, from Portland precinct, which may throw a little light upon the "progress of civilization" in this district. He is asked who were the candidates for Congress at that election, and he answers:

A. C. Davidson was the only candidate that I know of my own knowledge that was voted for. There were other candidates in the field. J. V. McDuffie and Ben. S. Turner were in the field and candidates for Congress.
Q. What is your race? And for whom did you vote for Congress at that election?
A. I belong to the colored race; I voted for A. C. Davidson for Congress at that election.
Q. Do you know whether or not there were other colored electors of Portland precinct who voted for A. C. Davidson? If so, give an estimate of the number that voted for A. C. Davidson.
A. My best judgment is that about 40 or 50 colored electors of that precinct voted at that election for A. C. Davidson.
Q. How many colored electors live in Portland precinct?
A. I think there are about 150 colored electors in Portland precinct.
Q. Do you know of any action or agreement made between the colored people of Portland precinct in reference to who they should support as a candidate for the Fiftieth Congress? State fully any conversations which you may have had with colored voters as to who they intended to vote for in November, 1886.
A. I do know of such action and agreement; not a great while before election on 2d of November, 1886, the colored people in that precinct held meetings; these meetings were largely attended, there being perhaps from fifty to one hundred or more people at each of them. At these meetings political affairs were discussed, and the colored people agreed that inasmuch as they had been voting for Republican nominees heretofore, without any benefit to themselves or the country, that they would at the November election support the Democratic nominee, A. C. Davidson.
Q. Give the names of some of the leading colored men of Portland beat who supported A. C. Davidson for the Fiftieth Congress.
A. Jake Bennett, Ben Taylor, Peter Allen, John Callier, Hardy Cary, Ben Clifton are some of the leading colored men of that beat who voted for Mr. Davidson at that election.

Mr. JOHNSTON, of Indiana. Whose testimony is that?

Mr. OUTHWAITE. It is the testimony of John Callier. That was not the only meeting of the same kind that was held in the district, where the negroes met and consulted and came to the conclusion which the majority of the voters of this country have come to—that by voting for the Republican nominees they would not benefit either themselves or the people at large. [Laughter.]

At Macon Station a witness named Alexander Ellis testified as follows:

Q. About how many voters to whom was issued McDuffie tickets, did you see vote McDuffie tickets?
A. Near 300 that I issued out and saw voted.
Q. Did any one there that day vote for Ben Turner?
A. I do not know; I only saw one that day, and Jim Green had that.
Q. Does Jim Greene live in that beat?
A. No, sir.
Q. What, if anything, did the colored voters tell Jim Greene about voting the Turner ticket?
A. I heard some of them tell him they did not want anything to do with him; he had deceived them once and would do so again.
Q. What was that election for?
A. For Congressman.
Q. Does Jim Greene live in that beat?
A. No, sir. I heard some of them tell him they did not want anything to do with him; he had deceived them once and would do it again.

Here was a colored voter issuing Turner tickets, and this man heard some of the colored voters say they did not want anything to do with him.

Canton precinct, Wilcox County, is sought to be thrown out upon the testimony of Jake English, who testified that he was issuing J. V. McDuffie tickets—Republican tickets. He says:

We carried up there 250 tickets and we carried back home 112 tickets, and 3 were handed to some white voters and was not received back again, is the way I came to said conclusion.

Here is an election which gentlemen on the other side seek to have determined by the fact of a man's having carried to a precinct a certain number of tickets and carried home a smaller number, and therefore we are to suppose there were as many votes cast for the Republican candidate for Congress as were missing out of the package.

Mr. JOHNSTON, of Indiana. Whose evidence is that?

Mr. OUTHWAITE. That is the evidence of Jake English, in Canton precinct.

Towards the conclusion of this report of the minority I find it charged that threats were used with regard to the keeping of a tally-list; and two or three instances are cited. I merely mention them to call the attention of the House to the nature of the "threats" which are stated to have been used. One person was keeping a tally-sheet of the number that voted; a Democrat went up to him and said, "I don't think you had better do that any more;" and he stopped. The Democrat went on, and he commenced again; the Democrat went back to him, and said to him, "I don't think that it is your interest to do that; you had better not do it; if you do do it you may get into a rucus about it." And upon that statement the man ceased to keep the tally. This was the extent of the "threat" or interference. The two or three "threats" which are cited amount to nothing more than this.

The intention of the law in Alabama is that the voters shall vote without intimidation and without supervision. The election officers are sworn, in substance, not to divulge the name of the voter and the ticket he votes. But here was action in contravention of the spirit of the law. Here were men requiring these ignorant voters to come up to them, accept tickets from them, and march to the polls with those tickets open, although the requirement of the law is that they should be folded before being voted. The object of these "leaders" was to see that the voters voted—how? Not as they wanted to, because they did not know how they wanted to vote; not as they intended to, because they had no intention; but as the "leader" required them to vote, as the politicians and "bosses" of the district were determined that they should vote. This was the reason persons who were keeping tally were told it would be better for them not to do so.

Mr. STEELE. How does the gentleman account for the names of dead men appearing on the list of voters, as is alleged on behalf of the contestant?

Mr. OUTHWAITE. Upon that subject I will say in the first place that this testimony as to the names of voters, etc., does not show for whom these persons voted. These allegations relate to a precinct in which Turner received over 100 votes; to a precinct where McDuffie received over 100 votes. Besides, the testimony in one instance is that of a man who was out of the State, and who could not be cross-examined because his testimony was taken at the very close of the time for taking testimony, so that no rebutting evidence could be introduced. Still further, if the gentleman will take the pains to look over the list which was furnished here in one instance of the names of voters, he will find several repetitions of names.

Any one who knows the history of the South knows that a family name frequently ran through the negroes upon a whole plantation. There might be half a dozen George Washingtons, half a dozen Thomas Moores, half a dozen A. M. Hills. There might be forty men of the

same name in a single county. So in some of these precincts there were two men of the same name.

Mr. WILLIAMS. If it is not a fact that the votes of those dead men were counted, could it not have been very easily disproved?

Mr. OUTHWAITE. It would have been very easy to disprove it if the election officers had been called by the contestant, as by law they ought to have been. It would have been easy to disprove it if the testimony on that point had been introduced in the opening of the case, so that there might have been opportunity to introduce testimony in rebuttal.

Mr. WILLIAMS. Do you claim that the reason it is not disproved is that you had not time?

Mr. OUTHWAITE. We claim that the proof in itself does not amount to anything.

Mr. WILLIAMS. You mean the proof that dead men were counted as voters?

Mr. OUTHWAITE. We do not know that the men whose names were on the list as voters were dead. There may have been in the precinct living men of the same name with those who were dead.

Mr. WILLIAMS. Then I understand the gentleman proposes to get rid of the evidence by a mere inference.

Mr. OUTHWAITE. There is no testimony that there were not other persons of the same name living in the same precinct. There is a registry law there and a registration record, and the names are on the registration list which was certified back with the list of those who voted.

Mr. WILLIAMS. I think the gentleman is too good a lawyer to undertake to rebut sworn testimony by inference.

Mr. OUTHWAITE. I hope I am too good a lawyer to concede that the testimony of any one man should be accepted as discrediting the official action of five public officers acting on their oaths.

Mr. MACDONALD. The contestee is not required to prove a negative.

Mr. OUTHWAITE. It is very rarely that the proposition is asserted that any one should be required to prove a negative.

Now, Mr. Speaker, I do not wish to detain the House any longer, and would like to know how much time I have remaining.

The SPEAKER *pro tempore*. The gentleman has only seven minutes of his time remaining.

Mr. OUTHWAITE. I thought I had much more. I wanted to reserve fifteen minutes which I promised to yield. I will reserve the seven minutes I have remaining.

Mr. LODGE. I yield the twelve minutes remaining of my time to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Speaker, I had not designed to speak in this case, but as my colleague on the committee has yielded to me a few minutes of time, I will occupy it.

I desire to say first that I believe in trying all election cases upon legal testimony, upon that kind of testimony that the experience of mankind has taught is safe to rely upon. I would neither vote to seat or unseat a man upon other testimony than that which I believe to be reliable, according to the rules of evidence laid down in the law books and in accordance with the experience of mankind.

In this case every syllable of the testimony relied upon by the contestant in my judgment is legal, proper, and legitimate for the purpose of proving the facts attempted to be proved.

Now, it is said here the only way to prove the facts in the case is to open the ballot-box and count the ballots. Mr. Speaker, before you can open a ballot-box and count the ballots you must first prove the ballots voted were put in the box, and then that the box was so preserved and so kept that the ballots within it could not be tampered with. The charge in this case is a charge against the integrity of the judges of election. It is a charge all along the line that in pursuance of a conspiracy theretofore entered into these judges corruptly and criminally made false returns. And it is said that the contestant must call upon the men whom he charges to be corrupt to prove that they, these corrupt men, put the ballots that were voted into the ballot-box; and one of these corrupt men took charge for sixty days of that ballot-box. That is neither common sense nor law. Here is a charge these men corruptly falsified the returns, returning hundreds for the contestee where tens were voted; returning tens for the contestant where hundreds were cast. That they did it in all the counties; that this method of falsification was not in one or two precincts, but in every precinct where time permitted investigation.

While that proof is made uncontradicted and unimpeached, the contestee, who had the power to answer by counting the ballots in the ballot-boxes, by calling these same political friends of his who took these ballots and counted them, and by proving by them they put the ballots into the boxes as they were handed to them by the voters, and the boxes were preserved—this contestee utterly fails to call from all those precincts a single inspector of election anywhere to prove the facts that would enable a count to be made of the ballots; he fails to get a single inspector of election anywhere in that district to prove a correct return was made anywhere.

So that to lay the foundation for counting these ballots we, if we are called upon, must first give character and credit to the witness by calling him—that witness whom we have attacked for corruption in making up the returns! Why, Mr. Speaker, you had as well say when a man is put in the prisoner's dock to be tried for a crime that it is illegal to prove his guilt by any other testimony than that of the criminal himself.

Suppose these judges were in the prisoners' dock under indictment for making false returns, and two witnesses go on the stand and show that they handed in 100 ballots for McDuffie, and saw the voters hold them in their open hands, hand them in to the officers of election, and yet when the returns came back it shows but 5 of them had been cast, and no other evidence was offered. Suppose the defendants were competent witnesses for themselves, and they sat mute in the prisoners' dock and refused to testify. Suppose no rebutting testimony came in; would that jury be permitted, under their oaths, to find any other verdict than that of guilty?

That is the exact state of facts here. Their return is *prima facie* evidence, but when it is attacked by competent testimony the *prima facie* case is rebutted, and it devolves upon the men who claim the correctness of the returns to call the men who made them. And yet contestee refuses to call a single one of the judges of election to cast from off their own shoulders the odium, if it is an odium, in the Fourth Congressional district of Alabama, of having reported in every precinct the votes cast in favor of contestant for contestee, and the votes that were cast for the contestee for the contestant.

We allege—the minority of the committee—that the evidence in this case conclusively proves a conspiracy. Why? Time permitted only to take testimony in regard to two-thirds of the precincts. There were no shorthand reporters there. It is an odium to act as a notary or attorney in that district against the Democratic party. In two-thirds of the precincts in these five counties—in every one of them—there turns up the same character of fraud.

One precinct might have returns which would indicate such a fraud, but that would prove no such conspiracy existing amongst the whole of them. Possibly two might have returned the same character of fraud, but when two-thirds of them—every one that has been attacked in evidence—comes in with the same fraud it conclusively proves that the fraud was premeditated and permitted by the authorities controlling the Democratic campaign, and therefore every vote to which that fraud is attached must be ruled out.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. ROWELL. I ask leave to extend my remarks, although I may not avail myself of the privilege.

There was no objection.

Mr. LODGE. I will ask if the gentleman from Illinois would like time to go on this evening.

Mr. ROWELL. How much time did I occupy?

The SPEAKER *pro tempore*. Twelve minutes.

Mr. ROWELL. No; I will not take more of the time from other gentlemen.

Mr. LODGE. I will yield more time if the gentleman wishes it.

ORDER OF BUSINESS.

Mr. CRISP. I move that the House do now adjourn.

Mr. DUNN. I ask the gentleman from Georgia if he will not yield to me for a moment?

Mr. CRISP. Certainly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the resolution of the House of Representatives authorizing the Secretary of the Navy to designate a national vessel of war to convey the remains of General Paez, together with the commission appointed by Venezuela, to Caracas.

Also, that the Senate had agreed to the resolution of the House of Representatives that there be printed 10,000 copies of the addresses delivered in the House of Representatives on January 19, 1888, upon the presentation of the portraits of Speakers Sedgwick, Varnum, and Banks, with an amendment in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the Senate of the following titles; when the Speaker *pro tempore* signed the same, namely:

A bill (S. 451) granting a pension to Anna C. De Witt;

A bill (S. 158) authorizing the Secretary of War to transfer to the trustees of Porter Academy certain property in the city of Charleston, S. C.;

A bill (S. 455) for the relief of Andrew J. Lindsay; and

A bill (S. 147) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew.

VENTILATORS FOR SENATE AND HOUSE OF REPRESENTATIVES.

Mr. COX, by unanimous consent, introduced a joint resolution (H. Res. 130) making an appropriation for ventilators and chimney-caps for the Senate and House of Representatives; which was read a first and

second time, referred to the Select Committee on Ventilation and Acoustics, and ordered to be printed.

EMPLOYÉS RAILWAY MAIL SERVICE.

Mr. COX also, by unanimous consent, introduced a bill (H. R. 8072) to divide into six classes the employés in the railway mail service, and to fix the salary of each class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING, HELENA, ARK.

Mr. DUNN. The gentleman from Georgia yields to me, and I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 4472) for a public building at Helena, Ark., and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the district and circuit courts of the United States, the post-office, and internal-revenue office, and for other Government uses, at Helena, in the State of Arkansas. The site, and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $80,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited, after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $80,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 50 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Arkansas shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER *pro tempore*. The question is on the amendment.

Mr. McMILLIN. Let the report be read.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. DUNN] asks unanimous consent that the House consider the bill which has been read.

Mr. DUNN. This is suspension day, and I move to suspend the rules and pass the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. McMILLIN. The gentleman from Arkansas has moved to suspend the rules.

Mr. STRUBLE. Can he not ask unanimous consent? I understand he has done so.

Mr. BURROWS. Let the report be read.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. McMILLIN] has asked for the reading of the report.

Mr. McMILLIN. Yes, sir.

The SPEAKER *pro tempore*. The report will be read.

The report (by Mr. BANKHEAD) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill 4472, submit the following report:

This bill provides for the erection of a public building at the city of Helena, in the State of Arkansas, for the purposes of the United States district and circuit courts, the post-office, the United States revenue office and other Government offices.

The United States district and circuit courts have held two terms per annum at this city since 1876. For ten years the county in which the city is situated gave the Government the use of the county court-house and furniture free of charge, and since the expiration of that arrangement the Government has rented rooms in the second story of a business house and furnished them; but it is found these rooms are inconvenient and very unsafe for the keeping of the records by reason of the dangers of fire.

By an act of the Forty-ninth Congress this court was given the exclusive jurisdiction of counties containing about 300,000 inhabitants, and it is the only point at which a court of admiralty jurisdiction is held on the west shore of the Mississippi River between St. Louis and the Gulf of Mexico, while many very important navigable tributaries of that river flow into it from the west, and all the vessels navigating them touch at Helena, and that is the most convenient point for litigating all their controversies. It is not unlikely that Helena will at no distant day be made a port of entry or delivery for foreign commerce.

The postal business of the Government has assumed proportions there which now require more room and better facilities, and the business of the internal revenue also requires office room.

The Chief Architect estimates that $100,000 will be required to erect there a suitable building for the purposes of the Government, but the committee are of the opinion that a building sufficient to answer the present needs of the Government may be erected with $75,000, including the purchase of a suitable site.

Your committee therefore recommend the passage of the bill with the following amendments: Strike out the word "eighty" where it occurs in lines 13 and 22 of the bill and insert the word "seventy-five."

The SPEAKER *pro tempore*. The gentleman from Arkansas asks unanimous consent to consider this bill. Is there objection?

Mr. McMILLIN. I have no objection to the gentleman making his motion to suspend the rules, but the responsibility of a motion requiring a two-thirds vote is quite different from that of a request for unanimous consent.

The SPEAKER *pro tempore*. The Chair did not recognize the gentleman for a motion to suspend the rules.

Mr. CRISP. I move that the House do now adjourn.

Mr. DUNN. I think the gentleman from Georgia is under a misapprehension.

Mr. CRISP. I withdraw the motion to adjourn. I understood that the Chair had recognized the gentleman from Arkansas.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Arkansas to ask unanimous consent.

Mr. McMILLIN. I dislike very much to object to the consideration of the bill; but I think, looking at the number of public-building bills we have been putting through, it is my duty to do so.

Some time subsequently,

Mr. McMILLIN said: I withdraw my objection to the consideration of the bill of the gentleman from Arkansas, reserving the right to vote against it. I do not favor the bill, but I am willing the House should consider it if it sees proper.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. STONE, of Missouri. I object.

POSTAL MATTER.

Mr. WHITE, of New York, by unanimous consent, introduced a bill (H. R. 8073) to give persons who may mail matter within the United States facilities equal to those enjoyed by persons without the limits thereof; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

J. Q. BARTON.

Mr. BOUTELLE. I ask unanimous consent to take from the Private Calendar for present consideration a joint resolution to which I think there will be no objection on either side of the House. It simply grants permission to an officer of the United States Navy to accept an order of merit awarded to him by the Japanese Government for services in establishing the pay system of the Japanese navy while under leave of absence from our Navy for that purpose.

Mr. WISE. Who is it?

Mr. BOUTELLE. Paymaster Barton. The resolution has been unanimously reported by the Committee on Naval Affairs.

The joint resolution was read, as follows:

A joint resolution (H. Res. 68) in favor of J. Q. Barton.

Resolved, etc., That Paymaster J. Q. Barton, of the United States Navy, be, and he is hereby, authorized to accept the decoration of the "Order of the Rising Sun," conferred upon him by the Emperor of Japan as evidence of his appreciation of services rendered by that officer to the Japanese Government.

Mr. McMILLIN. Let the report be read.

The report (by Mr. BOUTELLE) was read, as follows:

The Committee on Naval Affairs, to whom was referred joint resolution (H. Res. 68) in favor of J. Q. Barton, having considered the subject, beg leave to report:

The committee find that at a time when the Government of the United States was manifesting a special interest in cultivating friendly relations with the Empire of Japan, Paymaster J. Q. Barton, United States Navy, was granted leave of absence for three years, with permission to enter the service of the Japanese navy, for the purpose of organizing a pay department for that navy, and also of instructing a number of Japanese youth for that service. Paymaster Barton was thus engaged by the Japanese navy department as instructor of accounts October 1, 1874, and served in that capacity until October 1, 1877, when his leave of absence expired, and, although the Japanese Government desired to re-engage his services, he returned to duty in the United States Navy.

At the time of the expiration of Mr. Barton's contract, Hon. John A. Bingham, United States minister to Japan, addressed the following letter to the Secretary of State, which we quote, to show the estimation in which his service was held:

"UNITED STATES LEGATION, *Tokio, Japan, October* 10, 1877.

"SIR: Three years ago Lieut. J. Q. Barton, paymaster United States Navy, on leave of absence, took service in the navy of this Government for the purpose of organizing a pay department in His Imperial Japanese Majesty's navy, and also instructing a number of Japanese youth for that service. Lieutenant Barton has acquitted himself with great credit and to the entire satisfaction of this Government, and returns again to duty in the United States Navy.

"The Japanese navy department has addressed to me a letter making acknowledgment of Lieutenant Barton's services, and expressing the thanks of the department, a translation of which letter I have the honor to inclose herewith.

"I have the honor, etc.,

"JOHN A. BINGHAM.

"Hon. WILLIAM M. EVARTS,
"*Secretary of State, Washington, D. C.*"

The translation inclosed with Mr. Bingham's letter reads as follows:

"IMPERIAL NAVY DEPARTMENT,
"*Tokei, 8th of 10th month of 10th year of Meiji* (*October* 8, 1877).

"SIR: I have the honor to inform you that Mr. J. Q. Barton, paymaster of the United States Navy, who has been employed by this department as teacher of naval accounts since October 1, 1874, has taught faithfully and laboriously during three years, and has given full satisfaction to this department. I now, on the occasion of his return to his native land, desire to give this notice of the expiration of his contract time, and to acknowledge his services with thanks.

"I have the honor, etc.,

"NAKAMUDA KURANOTSKE,
"*Admiral in the Navy and Deputy for the Minister of Marine.*

"H. E. JOHN A. BINGHAM,
"*Envoy Extraordinary and Minister Plenipotentiary*
"*of the United States of America.*"

In further recognition of Mr. Barton's services, the Emperor of Japan has now conferred upon him the decoration of the fourth class of the Order of the Rising Sun. At the time when Mr. Barton was in Japan this order had not been established. Since it was instituted, however, its various decorations have been conferred upon foreigners who have rendered distinguished services to the Japanese Government.

Such marks of distinction are highly valued in oriental countries, and when

they are voluntarily offered to a foreigner, as in Mr. Barton's case, after an absence from Japan for a number of years, the compliment is a marked one. The rejection of the decoration in such a case, especially as other Americans have accepted similar honors from other nationalities, might create an impression which would not be desirable in view of the unusually cordial relations which exist between the United States and Japan.

Mr. Barton is the only American who has ever served in the Japanese navy department, the foreign employés of that department having generally been English naval officers. This made Mr. Barton's position somewhat difficult, but he conducted himself with such tact and ability as to win the esteem of the department authorities and of his English colleagues, while fully carrying out the reforms which he desired to introduce. Through his efforts the American system of naval accounts was adopted, and that system is still in use in the Japanese navy.

The committee find that Congress, in a large number of instances, has granted permission for the acceptance of gifts and decorations conferred upon United States officers by foreign governments, private act No. 11, approved January 31, 1881, having granted such permission in no less than ten cases.

The committee desire to state that while they would be averse to granting permission to any officer of the United States to accept any order or distinction which would involve any direct or implied allegiance to any monarchical or other foreign government, they have inquired as to the nature of the order tendered to Paymaster Barton, and find that it is a mere official recognition of merit, bestowed upon persons who have become distinguished in scientific or other pursuits, and we believe that it can be accepted by an American citizen with entire propriety.

The Secretary of the Navy, under date of February 6, 1888, referring to this and another case of a similar nature, says:

"I would respectfully recommend a favorable report in both cases, in view of the evident desire on the part of two friendly powers to show in some way their appreciation of the valuable services rendered them by officers of this Government."

The committee therefore recommend the passage of joint resolution H. R. 68, in favor of J. Q. Barton, as hereunto appended.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOUTELLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN COMMISSION.

Mr. HUDD, by unanimous consent, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 1340) to provide for the appointment of a commission to inspect and report on the condition of Indian affairs, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. DUNHAM. I ask unanimous consent to take up for present consideration the bill H. R. 3333.

Mr. DUNN. The gentleman from Missouri [Mr. STONE] withdraws his objection to the consideration of the bill H. R. 4472.

PUBLIC BUILDING AT HELENA, ARK.

Mr. STONE, of Missouri. The gentleman from Arkansas gave me explanations of the bill of such a character that I withdraw my objection.

The SPEAKER *pro tempore*. Is there further objection?

Mr. ROCKWELL. I should like, if the gentleman on the other side is recognized to call up a public-building bill, some gentleman on this side should be recognized for the same purpose. I have one in my hand which I should like the House to consider.

Mr. STRUBLE. I also have one which I desire the House to consider.

Mr. TAULBEE. Let the bill be read, subject to objection.

The SPEAKER *pro tempore*. The bill has been read and the report has been read. Is there objection to the present consideration of the bill? The Chair hears none.

The amendments recommended by the committee were agreed to.

The question was on ordering the bill as amended to be engrossed and read a third time.

Mr. TAULBEE. Is the bill debatable at this stage?

The SPEAKER *pro tempore*. It is; the previous question not having been ordered upon it.

Mr. TAULBEE. I would like the report to be read in my time, or to hear a statement by the gentleman from Arkansas.

Mr. DUNN. I will send up the report. It is very brief.

Mr. TAULBEE. Let it be read in my time.

The report which is printed above was again read.

Mr. TAULBEE. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has fifty-five minutes of his time remaining.

Mr. TAULBEE. I suppose there is no rule to compel me to occupy that time?

Mr. PERKINS. What are the gross receipts of the post-office there?

Mr. DUNN. I can not tell the gentleman; but I suppose the amount runs up into the thousands. It is a Presidential office. The salary of the postmaster is about $2,000, I believe.

Mr. PERKINS. The salary is $1,700, is it not, and the gross receipts about $5,000?

Mr. DUNN. The chief necessity for the building is for a court-house. I would not ask for this appropriation to build a post-office alone.

Mr. ROWELL. How many people are there in the town?

Mr. DUNN. About 6,000.

Mr. BOUTELLE. How much money does the bill ask for?

Mr. DUNN. Seventy-five thousand dollars; $20,000 less than the county court-house has cost.

Mr. MCMILLIN. Mr. Speaker, I stated a while ago that I should oppose the passage of this bill. At first I objected to its consideration, but afterwards I withdrew that objection, reserving the right to oppose the bill. My objection then was and my objection now is, not to this bill specifically, but to the custom into which we are falling of erecting these buildings, at a cost of from $75,000 to $100,000 in towns of 5,000 or 6,000 inhabitants, where there is not post-office business enough to warrant paying the postmaster a larger salary than $1,700 or $1,800 a year. If that custom is to be continued there will be no end to the public buildings erected and no end to the taxation that will be required. I regret to have to say this much in opposition to the gentleman's bill, for I esteem him highly, and only a sense of duty compels me to oppose this bill.

Mr. DUNN. Mr. Speaker, if it was not imperatively necessary for the needs and purposes of the Federal courts, I would not ask for this appropriation; but if we are to have a building at all, it should be large enough to afford the necessary accommodations.

Mr. MCMILLIN. I would say to my friend that the trouble comes generally—not in this instance, I believe, but generally—from the system of getting a court established in order to get a public building, and then demanding a public building because you have a court.

Mr. DUNN. The court has held its sessions there for twelve years.

Mr. MCMILLIN. I said this was not a case in point, but there have been many cases of the kind I have described, and I think it is time to call a halt. I am not going to make any captious opposition to the gentleman's bill. I am content to state my objections and let the House pass upon them; but I think there ought to be a full House when these public-building bills are considered, especially as we have already devoted two or three days to measures of that kind.

Mr. BOUTELLE. I understand the gentleman from Arkansas [Mr. DUNN] to state that they have regular sessions of the court at this place.

Mr. DUNN. Oh, yes; two sessions a year. We have had the court there for twelve years.

Mr. STONE, of Missouri. I move to amend so as to make the amount $5,0000 instead of $75,000.

Mr. DUNN. I hope the gentleman will not press that amendment, because the amount would not be adequate for even a one-story building. The county court-house cost $95,000; and it is no more than sufficient for the purposes of the county.

The amendment of Mr. STONE, of Missouri, was rejected.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House do now adjourn.

Mr. PETERS. I hope the gentleman will not attempt to cut out this side of the House from having a bill considered.

BUSINESS REPORTED FROM THE COMMITTEE ON LABOR.

Mr. O'NEILL, of Missouri, by unanimous consent, reported, as a substitute for the House resolution assigning Tuesday the 20th and Wednesday the 21st of March, 1888, for the consideration of business reported by the Committee on Labor, a resolution, which was referred to the House Calendar.

ORDER OF BUSINESS.

Mr. MCMILLIN. Mr. Speaker, I understand that the gentleman from Illinois [Mr. DUNHAM] claims that he was recognized to call up a bill. I have no desire to be unfair, and I yield to him for that purpose.

Mr. DUNHAM. I desire to say that I had the floor and yielded to the gentleman from Arkansas [Mr. DUNN] to call up his bill.

CHICAGO WATER-WORKS.

Mr. DUNHAM, by unanimous consent, called up the bill (H. R. 3333) to authorize the city of Chicago to erect a crib in Lake Michigan for water-works purposes.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the city of Chicago, county of Cook, State of Illinois, to extend a tunnel or inlet pipes into Lake Michigan so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers and crib in the navigable waters of said lake for the making, preserving, and working of said aqueducts or pipes or tunnel: *Provided*, That such piers or crib shall be furnished with a beacon light, which shall be lighted at all such seasons and hours as the light on the piers at the entrance of Chicago Harbor.

An amendment reported from the Committee on Commerce, adding at the end of the bill the words "and shall be satisfactory to the Secretary of the Treasury," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

On motion of Mr. CRISP, the House then (at 5 o'clock and 23 minutes p. m.) adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. ADAMS: A bill (H. R. 8075) granting a pension to Anna M. Arnold, widow of John Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin—to the Committee on Invalid Pensions.

By Mr. J. A. ANDERSON: A bill (H. R. 8077) to pension Florence Reynolds—to the Committee on Invalid Pensions.

By Mr. C. S. BAKER: A bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 8079) for the relief of James M. Speer—to the Committee on War Claims.

Also, a bill (H. R. 8080) for the benefit of Thomas C. Jager—to the Committee on War Claims.

Also, a bill (H. R. 8081) for the relief of A. W. Hardin—to the Committee on War Claims.

Also, a bill (H. R. 8082) for the relief of Richard Clore—to the Committee on War Claims.

By Mr. T. M. BROWNE: A bill (H. R. 8083) for the relief of John H. Frazee—to the Committee on Claims.

By Mr. CARUTH: A bill (H. R. 8084) for the relief of Mrs. Mattie J. Walker—to the Committee on War Claims.

Also, a bill (H. R. 8085) to pension Isaac F. Jones—to the Committee on Invalid Pensions.

By Mr. T. J. CAMPBELL: A bill (H. R. 8086) for the relief of Downing, Sheldon & Co.—to the Committee on Claims.

By Mr. CHIPMAN: A bill (H. R. 8087) for the relief of Thomas Strodder—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 8088) for the relief of James W. Allen—to the Committee on War Claims.

Also, a bill (H. R. 8089) granting arrears of pension to Mrs. Mary R. Archer—to the Committee on Pensions.

By Mr. CROUSE: A bill (H. R. 8090) for the relief of C. D. Gardner—to the Committee on Claims.

By Mr. CUTCHEON: A bill (H. R. 8091) granting a pension to James Y. Law—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 8092) to increase the pension of Lodiska J. Hays, widow of John Newton Hays, late lieutenant Eighty-first Regiment Ohio Infantry—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 8093) for the relief of John Ellison—to the Committee on War Claims.

Also, a bill (H. R. 8094) for the benefit of Huston Nunn—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 8095) granting a pension to Rachel Hurd—to the Committee on Invalid Pensions.

By Mr. GAY: A bill (H. R. 8096) for the relief of Owen Conlon—to the Committee on War Claims.

By Mr. GEAR: A bill (H. R. 8097) to increase the pension of John S. Ferguson—to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 8098) to preserve the grave of Col. John Seneir, and to erect a monument over the same—to the Committee on the Library.

By Mr. GLOVER: A bill (H. R. 8099) for the relief of Belle R. Clements—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 8100) granting a pension to Annie J. Weaver—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 8101) for the relief of James Arnell, Company B, Fourteenth Iowa Volunteers—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 8102) for the relief of John M. Higgs—to the Committee on Claims.

Also, a bill (H. R. 8103) granting a pension to Julia A. Webster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8104) granting a pension to William A. Donnell—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8105) for the relief of Joseph E. Montgomery—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 8106) for the relief of Andrew Brimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8107) for the relief of Hardin Skaggs, of Maynardsville, Union County, Tennessee—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 8108) for the relief of James F. Going—to the Committee on War Claims.

Also, a bill (H. R. 8109) for the relief of B. B. Bass—to the Committee on War Claims.

Also, a bill (H. R. 8110) for the relief of the estate of W. H. Kinnaird—to the Committee on War Claims.

Also, a bill (H. R. 8111) for the relief of Henry Smith—to the Committee on War Claims.

Also, a bill (H. R. 8112) for the relief of Robert C. White—to the Committee on War Claims.

Also, a bill (H. R. 8113) for the relief of Charles B. Stevens—to the Committee on War Claims.

Also, a bill (H. R. 8114) for the relief of T. T. Roup—to the Committee on War Claims.

Also, a bill (H. R. 8115) for the relief of Presley B. Potter—to the Committee on War Claims.

Also, a bill (H. R. 8116) for the relief of Martha Ann Mitchell—to the Committee on War Claims.

By Mr. LAIRD: A bill (H. R. 8117) granting a pension to Mrs. Juliet G. Howe—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 8118) for the relief of William Coakley—to the Committee on Military Affairs.

Also, a bill (H. R. 8119) granting a pension to Albert Mueller—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 8120) granting a pension to Lavina Eastlick—to the Committee on Pensions.

By Mr. McCREARY: A bill (H. R. 8121) for the relief of William Preston—to the Committee on War Claims.

Also, a bill (H. R. 8122) for the relief of Lewis P. Mayo—to the Committee on War Claims.

Also, a bill (H. R. 8123) for the relief of the estate of Esther Gearheart, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8124) for the relief of the estate of James P. Harris, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8125) for the relief of the estate of Evan Jones, deceased—to the Committee on War Claims.

By Mr. MERRIMAN: A bill (H. R. 8126) for the relief of Ann Buckley—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd—to the Committee on War Claims.

By Mr. NEWTON: A bill (H. R. 8128) for the relief of W. H. Watson—to the Committee on War Claims.

By Mr. OUTHWAITE: A bill (H. R. 8129) granting a pension to A. D. Winegardner—to the Committee on Invalid Pensions.

By Mr. PAYSON: A bill (H. R. 8130) for the relief of Joseph M. Shafer—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 8131) for the relief of J. M. Carney, of Franklin County, Tennessee—to the Committee on Claims.

By Mr. ROCKWELL: A bill (H. R. 8132) granting a pension to James S. Morgan—to the Committee on Invalid Pensions.

By Mr. ROWELL (by request): A bill (H. R. 8133) for the relief of Mrs. A. Shirley—to the Committee on War Claims.

Also (by request), a bill (H. R. 8134) for the relief of Mary A. Lewis, widow of Joseph N. Lewis—to the Committee on Claims.

By Mr. SCULL: A bill (H. R. 8135) granting a pension to Mrs. Eva Glessner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8136) granting a pension to Jacob B. Peck—to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 8137) granting a pension to Margaret E. Brown, widow, and Josephine E., James W., John W., and Charles W. Brown, minor children of Charles Brown—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8138) for the relief of John T. Porter—to the Committee on War Claims.

Also, a bill (H. R. 8139) granting a pension to Rhoda Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8140) for the relief of Sallie Bigham—to the Committee on War Claims.

By Mr. STONE, of Missouri: A bill (H. R. 8141) for the relief of the estate of Douglas Dale, deceased—to the Committee on Claims.

By Mr. WASHINGTON (by request): A bill (H. R. 8142) increasing the pension of Mrs. Rochie Brien Buell—to the Committee on Invalid Pensions.

By Mr. WEST: A bill (H. R. 8143) for relief of Archie St. Clair and Charles E. Rogers—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8144) for the relief of David McGowen—to the Committee on War Claims.

By Mr. WHITTHORNE: A bill (H. R. 8145) for the relief of Charles G. Blythe—to the Committee on Military Affairs.

By Mr. WICKHAM: A bill (H. R. 8146) to remove the charge of desertion from the record of Albert Stratton—to the Committee on Military Affairs.

By Mr. WILBER: A bill (H. R. 8147) granting a pension to Mary G. Walker—to the Committee on Invalid Pensions.

By Mr. YOST: A bill (H. R. 8148) for the relief of M. E. Hanson—to the Committee on Pensions.

Also, a bill (H. R. 8149) for the relief of G. H. Coryell—to the Committee on the District of Columbia.

By Mr. A. C. THOMPSON: A bill (H. R. 8150) for the relief of John H. Claus—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 3559) for the relief of John Coyle, alias James Smith—from the Committee on Military Affairs to the Committee on Naval Affairs.

Also, a bill (H. R. 1151) for the relief of the legal representatives of A. F. Saint Sure Lindefelt—from the Committee on Invalid Pensions to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition from Central Meeting of Friends of Chicago, Ill., for the establishment of an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. C. H. ALLEN: Petition of L. W. Faulkner & Sons and 48 others, in aid of the schedule of duties agreed upon by the wool-growers and woolen manufacturers at Washington, D. C., January 14, 1888—to the Committee on Ways and Means.

By Mr. E. P. ALLEN: Petition of Hon. W. S. Wilcox and 19 others, citizens of Lenawee County, Michigan, against any reduction of the duty on wool, and that worsteds be classified as woolen cloths—to the Committee on Ways and Means.

By Mr. A. R. ANDERSON: Evidence to accompany bill for relief of John Barlow, Company D, First Iowa Cavalry—to the Committee on Invalid Pensions.

By Mr. BACON: Petition of James M. Leeper and others, of Orange County, New York.

By Mr. C. S. BAKER: Petition of Theresa Herbst, widow of John Herbst, late of Company G, One hundred and fortieth New York Volunteers, for a pension—to the Committee on Invalid Pensions.

Also, petition of Solomon F. Hess and others, citizens of Rochester, N. Y., against a repeal of the internal-revenue tax on tobacco—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: Petition of William S. Mullins, of Marion County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOUND: Petition of the chief burgess and town council of Milton, Pa., for the passage of a law for the erection of public buildings in certain towns in proportion to population—to the Committee on Public Buildings and Grounds.

By Mr. BOUTELLE: Petition of George W. Irving, Judah D. Teague, and 103 others, citizens of Caribou, and of George N. Holland and others, citizens of Hampden, Me., in favor of the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. BURROWS: Three petitions, remonstrating against the reduction or removal of the duty on iron ore—to the Committee on Ways and Means.

By Mr. CARUTH: Papers for the relief of the estate of Michael Fillion—to the Committee on War Claims.

Also, papers relating to the claim of Isaac F. Jones for a pension—to the Committee on Invalid Pensions.

By Mr. CASWELL: Memorial of 1,585 manufacturers, merchants, shippers, and other business men and citizens of Racine, Wis., in relation to the improvement of the Racine Harbor on Lake Michigan—to the Committee on Rivers and Harbors.

By Mr. CHIPMAN: Petition of Thomas Trodder, of the Fourth United States Colored Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. COLLINS (by request): Petitions of citizens of Boston, Mass., protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. COOPER: Petition of C. S. Emmons and 85 others, citizens of New York, and of William Lawrence and 82 others, citizens of Ohio, for increase of duty on wool, etc.—to the Committee on Ways and Means.

By Mr. COX: Petition of Clerihew, Shotwell & Lothman; Janney, Semple & Co.; Miller Brothers & Fletcher, and other firms of the Jobbers' Association of Minneapolis, Minn., for early and favorable action on the Jam bill for relief of commercial travelers—to the Committee on Commerce.

Also, memorial of the Jobbers' Association of Minneapolis, Minn., for measures to lessen the dangers of navigation on the high seas—to the Committee on Commerce.

By Mr. DALZELL: Petition of Glendon Lodge of Amalgamated Association of Iron and Steel Workers, in favor of a protective tariff—to the Committee on Ways and Means.

Also, petition of Allequippa Council, Junior Order of United American Mechanics, that February 22 be made a national holiday—to the Committee on the Judiciary.

By Mr. DAVIS: Petition of Frank A. Mitchell and 25 others, citizens, and of J. O. Bodfish and 11 others, citizens of Nantucket, and of George H. Clark and 22 others, citizens of Eastham, Mass., in favor of an increase of the salaries of the keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

Also, petition of Swansea Grange, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of A. J. Abbott and others, that salt be placed on the free-list—to the Committee on Ways and Means.

Also, petition of M. K. Mabry and others, for the payment to soldiers of the difference between the value of greenbacks and gold—to the Committee on War Claims.

Also, petition of citizens of St. George and South Thomaston, and of Rockland, Me., for increase of compensation of the Life-Saving Service—to the Committee on Commerce.

By Mr. DUBOIS: Petition of citizens of Cassia County, Idaho, for the protection of the wool-growing and woolen industries—to the Committee on Ways and Means.

By Mr. DUNHAM: Resolutions of the Chicago (Ill.) Tug-Engineers' Association, urging the passage of House bill No. 1635, regulating the hours of working engineers on tugs and similar vessels—to the Committee on Commence.

By Mr. FORNEY: Petition of Lemuel Bowers, of Cherokee County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Petition of George Jones and 76 others, citizens of Lawrence and Douglas Counties, Kansas, for the opening of the Indian Territory to settlement—to the Committee on the Territories.

Also, petition of citizens of Fort Scott, Kans., for an appropriation of $10,000 to repair the national pike to the national cemetery—to the Committee on Appropriations.

By Mr. GEAR: Petition of William Hillhouse and 25 others, in regard to refunding license tax on pilots—to the Committee on Commerce.

By Mr. GEST: Petition of citizens of Rock Island County, Illinois, for a lower rate of postage on seeds, cuttings, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GOFF: Petition of Joseph H. Marshall and others, and of Thomas Hendrickson and others, of Tyler County; of George B. Crawford and others, of Brooke County; of J. C. Swentzell and others, of Coalburg, and of Ruhl, Koblegard & Co. and other citizens of Harrison County, West Virginia.

By Mr. GREENMAN: Protest of 184 citizens of Troy, Lansingburgh, and Cohoes, N. Y., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. GROSVENOR: Joint resolution of the Ohio Legislature, favoring a law to place the names of ex-Union prisoners upon the pension-roll at not less than $12 per month—to the Committee on Invalid Pensions.

By Mr. HATCH: Memorial of Amos M. Thayer, relative to time of holding the United States courts in Missouri—to the Committee on the Judiciary.

By Mr. HAYES: Petition of Annie J. Weaver, for a pension—to the Committee on Invalid Pensions.

Also, petition of conductors of Chicago, Rock Island and Pacific Railway Company, against the passage of a law licensing conductors—to the Committee on Labor.

By Mr. D. B. HENDERSON: Protest of 65 citizens of Dubuque, Iowa, against taking the internal-revenue tax off of cigars and cheroots—to the Committee on Ways and Means.

By Mr. HIESTAND: Depositions in the claim of Joseph R. Burkholder, for relief—to the Committee on Ways and Means.

By Mr. HITT: Memorial and resolutions of Ex-Prisoners' Asssociation of Winnebago County, Illinois, favoring bill to pension ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Papers in support of the bill granting a pension to William A. Donnell—to the Committee on Invalid Pensions.

Also, papers in the pension claim of Julia A. Webster—to the Committee on Invalid Pensions.

By Mr. HUNTER: Joint resolution of the Kentucky Legislature, for the passage of an act to reimburse the several States for interest on moneys expended by them on account of raising troops employed in aiding the United States during the late war—to the Committee on the Judiciary.

By Mr. HUTTON: Resolution of the Missouri State Board of Agriculture, for a law to eradicate pleuro-pneumonia—to the Committee on Agriculture.

By Mr. JACKSON: Petition of workmen of New Castle, Pa., for a law requiring that all contracts for the erection of public buildings shall contain a clause requiring all contractors to pay their help at least every two weeks—to the Committee on Labor.

Also, memorial of the Reformed Presbyterian Synod of North America, asking that the United States Government take such action as will prevent the introduction of intoxicating liquors into Africa under claim of authority of the Berlin conference, or otherwise—to the Committee on Foreign Affairs.

By Mr. LAWLER: Resolutions of the Marine Engineers' Benevolent Association, and of the Tug-Boat Engineers of Chicago, Ill., favoring the passage of House bill 1635—to the Committee on Labor.

By Mr. McCREARY: Petition of members of Three Forks Battalion, of Kentucky, for relief—to the Committee on Invalid Pensions.

Also, memorial of the Board of Trade of Frankfort, Ky., in regard to appropriations for the improvement of the Kentucky River—to the Committee on Rivers and Harbors.

Also, papers in the case of Mary Scott, for a pension; also, papers in regard to bill for the relief of Sanford Alcorn—to the Committee on Invalid Pensions.

Also, petition of Cyntha Foster, widow of Gamaliel Drummond, for a pension—to the Committee on Invalid Pensions.

Also, paper to be filed with bill for relief of W. G. Anderson—to the Committee on War Claims.

By Mr. MORGAN: Petition of Alexander Seal, of Marshall County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, memorial of Lucy M. Swinnea and Mary E. Hansead, for relief—to the Committee on War Claims.

By Mr. NEWTON: A bill for the improvement of Bayou Reillers, Tensas Parish, Louisiana—to the Committee on Rivers and Harbors.

By Mr. OSBORNE: Resolutions of J. Aitken Meigs Medical Association, urging the removal of import duty from all medicine, medical and surgical appliances, etc.—to the Committee on Ways and Means.

Also, petition of citizens of Hocking County, Ohio, for speedy action on the subject of protection to wool-growers and woolen manufacturing industries of this country—to the Committee on Ways and Means.

Also, resolutions of meetings of miners, laborers, and others, of Fayette County, at Fayette Station, at Ansted, and at Coal Valley, W. Va.; and of resolutions of miners and laborers, and of miners of Kanawha County, West Virginia, protesting against the removal of the duty on soft coal, iron ore, etc.—to the Committee on Ways and Means.

By Mr. PEEL: Papers in the claim of Irena Thomas, of Washington County, Arkansas—to the Committee on War Claims.

By Mr. PENINGTON: Petition of sundry citizens of Delaware, for the passage of an act placing on the pension-rolls pilots, captains, and others employed on steam-boats engaged during the war in carrying troops, etc.—to the Committee on Invalid Pensions.

Also, a bill to authorize the removal of an obstruction to the navigation of Broad Creek, in the State of Delaware—to the Committee on Rivers and Harbors.

By Mr. PETERS: Resolutions of the Board of Trade of Kiowa, Kans., opposing the Oklahoma bill—to the Committee on the Territories.

By Mr. RICHARDSON: Petition of J. J. Robertson, of Coffee County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTSON: Petition of Nora and John Cronnor and Richard Hourahon, heirs of Richard Hourahon, deceased, of West Baton Rouge Parish, Louisiana, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. E. RUSSELL: Petition of citizens of Upton, Mass., for reduction of postage on seeds, plants, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Upton, Mass., for fractional currency for use in the mails—to the Committee on Banking and Currency.

By Mr. SAWYER: Petition of Jane Armstrong, for relief—to the Committee on Military Affairs.

By Mr. SEYMOUR: Petition of John Oliver and 215 others, miners and employés of the Penn Iron Mining Company, of Michigan; of John Bowden and 140 others, of Montreal, Wis.; of William Bennallock and 104 others, laborers of the Pittsburgh and Lake Angeline Iron Company; of Samuel J. Waters and 126 others, miners and laborers, and of W. A. Lincock and 124 others, miners and laborers, of the same company; of D. F. Mullins and 238 others, miners and laborers of the Penn Iron Mining Company; of Andrew Anderson and 258 others, employés of the Aurora Iron Mining Company; of J. E. Hagey and 160 others, miners and laborers of the East Vulcan Mine, Michigan; and resolutions of mass-meetings of miners and laborers at Norway, at East Vulcan, at Ishpeming, and at Vulcan, Mich., and at Montreal, Wis., protesting against the removal or reduction of the duty on iron ore—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Petition of William Wheeland and others, for a general pension act—to the Committee on Invalid Pensions.

By Mr. SOWDEN: Memorial of the authorities of Easton, Pa., favoring the passage of a general law for the erection of public buildings, etc.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENSON: Petition of S. H. Webb and 26 others, iron-ore miners and laborers, of Montreal, Ashland County, Wisconsin, protesting against the reduction of the duty on iron ore—to the Committee on Ways and Means.

By Mr. STOCKDALE: A bill for the improvement of Leaf River, Mississippi, from the mouth of Banie River, in said State—to the Committee on Rivers and Harbors.

By Mr. STONE, of Missouri: Memorial of G. B. Hickman, mayor, and T. W. Silvers, city attorney, of Butler, and of the mayor and clerk of Clinton, Mo., on the subject of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. STONE, of Missouri: Petition of Alex. Walker and 122 others, citizens of Bates County, and of William Moore and 18 others, citizens of Henry County, Missouri, for a reduction of certain postage, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. E. B. TAYLOR: Petition of 50 citizens of Mantua, Ohio, for a tariff on wool—to the Committee on Ways and Means.

By Mr. O. B. THOMAS: Memorial of the authorities of Baraboo, Wis., for general appropriations for post-offices in towns and cities of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

By Mr. A. C. THOMPSON: Petition of Sylvester Shry and others, for the passage of a bill granting a pension to the widow of Charles W. Keller—to the Committee on Invalid Pensions.

By Mr. WEAVER: Petition of F. F. Painter and 84 others, citizens of Oskaloosa, Iowa, protesting against the repeal of the tax on cigars and cheroots—to the Committee on Ways and Means.

Also, petition of Mrs. A. T. Woodford and others, of Copper County, Kansas, for a grant of land to aid in the maintenance of a home for destitute women and girls—to the Committee on the Public Lands.

Also, petition of Alfred J. Purviance, late postmaster at Mt. Zion, Iowa, for relief—to the Committee on the Post-Office and Post-Roads.

Also, petition of a large number of citizens of Oskaloosa, Iowa, and vicinity, praying for an appropriation to erect a public building at Oskaloosa, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. WEST: Petition of farmers of Washington County, New York, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of W. R. Senaid, and of Susan Alexander, widow of P. M. Alexander, of Lauderdale County; of John M. Fennel, of Madison County, and W. R. Hanserd, of Limestone County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. S. V. WHITE: Petition of citizens of New York City, for the establishment of an international court of arbitration—to the Committee on Foreign Affairs.

Also, memorial of the Venezuela Steam Transportation Company, asking for correspondence from the Department of State in respect to the seizure of ships of the memorialist—to the Committee on Foreign Affairs.

By Mr. WHITTHORNE: Petition for the relief of S. J. Crofford, of Maury County, Tennessee—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. ATKINSON: Of citizens of Todd, Pa.

By Mr. BARRY: Of R. C. Smith and others, of Mississippi.

By Mr. T. H. B. BROWNE: Petition of J. B. Southard and others, citizens of Essex County, Virginia.

By Mr. BUTLER: Of sundry citizens of Horse Creek, Tenn.

By Mr. CRISP: Of J. S. Lassiter and others, of Dooley County, Georgia.

By Mr. HUTTON: Of E. L. Browne and others, postmasters of the United States.

By Mr. LANHAM: Of citizens of Mound, Tex.

By Mr. STONE, of Kentucky: Of citizens of Lowe's, Graves County, Kentucky.

By Mr. STONE, of Missouri: Of W. C. Hoag and 36 others, citizens of Cass County, Missouri.

By Mr. J. D. TAYLOR: Of W. R. Gordon and 37 others, of Rich Valley; of Theo. Boyd and 68 others, of Ashton; of J. L. Griffith and 35 others, of Loydsville; of J. R. Warkle and 28 others, of Jefferson County; and of William C. Okey and 63 others, of Noble County, Ohio.

By Mr. H. G. TURNER: Of J. J. Parrish and others, of Adee, Berrien County, Georgia.

By Mr. WALKER: Of 42 citizens of Barfield, Mo.

By Mr. YOST: Ten petitions of sundry citizens of the United States.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. E. P. ALLEN: Of 120 ex-soldiers of the Second district of Michigan.

By Mr. A. R. ANDERSON: Of W. H. Todd and others, of Van Wert County, Iowa.

By Mr. BELDEN: Of soldiers of Cuyler, N. Y.

By Mr. T. H. B. BROWNE: Of Arthur Booker and other soldiers of the late war, of Virginia.

By Mr. CHIPMAN: Of John J. Crowley and other ex-soldiers, of E. Harrison and other ex-soldiers, and of John Ringley and other ex-soldiers, of Detroit, Mich.

By Mr. COOPER: Of T. C. Cunard and 31 other ex-soldiers, of Warren County, Ohio.

By Mr. DOUGHERTY: Of George Durfee, Edward M. Storer, and others, of Florida.

By Mr. FULLER: Of T. H. Dunham and 58 ex-soldiers, of Strawberry Point, Iowa.

By Mr. GREENMAN: Petition of 178 citizens and of 95 surviving soldiers and sailors of the Union Army and Navy, of Sandy Hill, N. Y.

By Mr. HAYES: Of John Dillon Post, No. 233, Grand Army of the Republic, of Marengo, Iowa.

By Mr. J. T. JOHNSTON: Of John F. Meachum and 278 soldiers of Parke County, and of Col. John L. Smith and 40 other soldiers of Clay County, Indiana.

By Mr. KETCHAM: Of George A. Lockwood and 44 others, citizens of Philmont, N. Y.

By Mr. MOFFITT: Of ex-soldiers and sailors of Bolton, Warrne County, New York.

By Mr. NUTTING: Of Elias J. Babcock and 29 others, of Capt. E. L. Huntington and 24 others, of George Peckham and 54 others, and of William A. Snyder and 23 others, citizens of New York.

By Mr. PATTON: Of 23 soldiers of Strattonville, Pa.

By Mr. PETERS: Of 71 ex-soldiers of McPherson County, Kansas.

By Mr. SAWYER: Of B. Kennedy and others of New York.

By Mr. SCULL: Of ex-soldiers and sailors of Bedford County, Pennsylvania.

By Mr. SNYDER: Of J. C. Swentzel, A. C. Shaver, and others, of West Virginia.

By Mr. STEELE: Of John W. Henderson, of Van Buren, Ind., and 50 other ex-soldiers.

By Mr. STONE, of Missouri: Of Thomas J. Divine and others, citizens of Dade County; of R. B. Williby and 20 others, citizens of Jasper County, and of Charles H. Smith and 50 others, citizens of Cedar County, Missouri.

By Mr. E. B. TAYLOR: Of 43 ex-soldiers of Brownsville, of ex-soldiers of Cortland, of 29 ex-soldiers of Lake County, of ex-soldiers of Brookfield, of 26 ex-soldiers of Ashtabula County, of ex-soldiers of Southington, of ex-soldiers of Church Hill, and of 41 ex-soldiers of Geauga County, Ohio.

By Mr. WEAVER: Of John M. Ryan and 35 other ex-Union soldiers, of Eddyville; of Wesley Allen and 15 other ex-Union soldiers, of Talleyrand; of John M. Porter and 15 other ex-Union soldiers, and of William J. Sexton and 40 other ex-Union soldiers of Iowa.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DARLINGTON: Of 253 citizens of Chester County, Pennsylvania.

By Mr. D. B. HENDERSON: Of 210 citizens of Hardin County, Iowa.

By Mr. RICHARDSON: Of 339 citizens of Franklin County, Tennessee.

By Mr. C. A. RUSSELL: Of 54 citizens of Windham County, Connecticut.

By Mr. J. B. WHITE: Of 214 citizens of Steuben County, Indiana.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. T. J. HENDERSON: Of George O. Matthewson and 28 others and of L. D. Fairbanks and 36 others, citizens of the Seventh district of Illinois.

By Mr. MCKINNEY: Of 265 citizens of the First district of New Hampshire.

SENATE.

TUESDAY, *March* 6, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

AMERICAN FISHING INTERESTS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I herewith transmit a letter from the Secretary of State, accompanied by documents and correspondence in relation to the recent negotiations with Great Britain concerning American fishing interests in British North American waters.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 5, 1888.

The PRESIDENT *pro tempore*. Under the order of the Senate the message, with the accompanying documents, will be printed.

DISTRIBUTION OF REBELLION RECORDS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 16, 1888, a report as to what members of the Forty-seventh Congress have furnished lists for the distribution of the Records of the Rebellion, and the number of each volume remaining undistributed; which, on motion of Mr. SHERMAN, was, with the accompanying papers, referred to the Committee on Printing, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3333) to authorize the city of Chicago to erect a crib in Lake Michigan, for water-works purposes;

A bill (H. R. 4472) for a public building at Helena, Ark.; and

Joint resolution (H. Res. 68) in favor of J. Q. Barton.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented two petitions of citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Leadville (Colo.) Board of Trade, praying that a term of the Federal court be held at Leadville; which was referred to the Committee on the Judiciary.

He also presented a petition of 127 citizens of the First, Second, and Sixth Congressional districts of Kansas, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VOORHEES presented the following petitions of surviving soldiers and sailors of the Union Army and Navy, citizens of Indiana, praying for the passage of the per diem rated service-pension bill:

A petition of citizens of Annapolis;

A petition of Jesse B. Holman Post, Grand Army of the Republic, located at Holton;

A petition of citizens of Cloverdale;

A petition of citizens of Bowling Green;

A petition of citizens of Parke County;

A petition of citizens of Marshall;

A petition of citizens of Waterman;

A petition of citizens of Bloomingdale;

A petition of citizens of Portland Mills and vicinity;

A petition of citizens of Leatherwood and vicinity;

A petition of citizens of Rosedale and vicinity;

A petition of citizens of Kingman and vicinity;

A petition of citizens of Clinton and vicinity;

Two petitions of citizens of Rockville and vicinity;

A petition of citizens of Tangier and vicinity;

A petition of citizens of Van Buren and vicinity;

A petition of citizens of Howard and vicinity;

A petition of citizens of Marshall and vicinity;

A petition of citizens of Rockville; and

A petition of citizens of Indiana.

The petitions were referred to the Committee on Pensions.

Mr. VOORHEES presented a petition of citizens of Indiana, praying for the passage of a bill for the relief of Melvin Seward, late of Company A, One hundred and thirtieth Indiana Volunteers; which was referred to the Committee on Pensions.

Mr. PAYNE. I present 14 petitions signed by 367 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio; 11 petitions signed by 429 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio; and 6 petitions signed by 237 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, in all 31 petitions, praying for the enactment of the per diem rated service-pension bill. I move the reference of these petitions to the Committee on Pensions.

The motion was agreed to.

Mr. PAYNE presented a petition of 159 citizens of the Thirteenth Congressional district of Ohio, and a petition of 117 citizens of the Tenth, Thirteenth, and Sixteenth Congressional districts of Ohio, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. FRYE presented the memorial of Barak Maxwell and other citizens of Wells, Me., remonstrating against the admission of Utah as a State so long as the local civil power of the Territory remains in the hands of the Mormon priesthood and the people evade or refuse obedience to the present laws of Congress against polygamy; which was referred to the Committee on Territories.

Mr. SHERMAN presented a petition of the New York Laundrymen's Association, praying for the passage of the Mitchell Chinese exclusion bill; which was referred to the Committee on Foreign Relations.

He also presented a petition of 20 ex-soldiers of the Union Army and Navy, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a resolution of Enterprise Lodge, No. 9, of the Amalgamated Association of Iron and Steel Workers of the United States, citizens of Ohio, in favor of a protective-tariff policy; which was referred to the Committee on Finance.

He also presented a petition of 62 ex-soldiers of the Union Army, citizens of Ohio, praying that the homestead laws be so amended as to entitle a soldier of the late war to a bounty-land warrant for 160 acres,

to be located by himself or agent; which was referred to the Committee on Public Lands.

Mr. STOCKBRIDGE presented a petition of the Lake Michigan and Lake Superior Transportation Company, praying for the location of a fog-bell and light-house at Mackinaw Island; which was referred to the Committee on Commerce.

He also presented the petition of P. O. Littlejohn and 36 other citizens of Allegan, Mich., praying that such duty on wool be laid as was agreed upon by the representatives of the wool-growers and wool manufacturers at Washington, D. C., January 14, 1888; which was referred to the Committee on Finance.

Mr. MITCHELL presented a petition, numerously signed by surviving soldiers and sailors of the Union Army and Navy, citizens of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Maria L. Caraher, widow of Capt. Andrew P. Caraher, late of the Eighth Regiment United States Cavalry, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of Mary F. Bradford, of Tennessee, praying that the charge of desertion be removed from the military record of her late husband, Robert J. Bradford; which was referred to the Committee on Military Affairs.

Mr. DOLPH presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Oregon, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of the Woman's Christian Temperance Union of Maine, officially signed, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented a petition of 136 citizens of the First, Third, and Fourth Congressional districts of Maine, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. REAGAN presented a petition of the Woman's Christian Temperance Union of Texas, officially signed, praying for a submission to the States of a constitutional prohibitory amendment; which was referred to the Committee on Education and Labor.

Mr. PLUMB presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Ravenna and other places in Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SPOONER. I present the petition of the board of supervisors of St. Croix County, Wisconsin, praying for the removal of duties on articles of manufacture and production which form part of the necessaries of life and do not interfere with the industrial interests of the country; also, that the duty on sugar be removed, and that measures be taken to break up sugar, coal, and other combinations and trusts. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. HISCOCK presented a petition of 370 veterans and citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 239 citizens of the Fourteenth, Seventeenth, Twenty-third, and Twenty-fifth Congressional districts of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SAWYER presented a petition of 85 citizens of Waukesha County, Wisconsin, praying that the schedule of duties agreed upon by the representatives of the wool-growers and woolen manufacturers at Washington on January 14, 1888, be enacted into a law, and that the present erroneous classification of worsteds be corrected; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1254) granting a pension to Eliza J. Mayden;

A bill (S. 1137) for the relief of Adam L. Epley;

A bill (S. 1384) granting a pension to Margaret J. Cash; and

A bill (S. 1359) for the relief of Mary A. Doud.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1237) granting a pension to Anna Mertz, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1385) granting a pension to Hezekiah Cardwell, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1446) for the relief of William A. Stockman, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1348) granting an increase of pension to Mrs. Elizabeth B. Dyer, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 8) to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes, to report it adversely. I ask to have it placed upon the Calendar, at the request of the Senator from Kentucky [Mr. BECK].

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BECK. That bill was introduced by myself, and is now reported adversely by the majority of the Committee on Finance. I desire to give notice that on next Tuesday morning, and from that time on, if I can not be heard then, I shall endeavor to take the bill from the Calendar and ask the Senate to put it on its passage.

Mr. MORRILL. I am also directed by the Committee on Finance, to whom was referred the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, to report it favorably with amendments. I desire to say that the committee will submit a report to accompany the bill at an early day. I give notice that I shall endeavor to call the bill up at the very earliest moment.

Mr. BECK. I offer an amendment to be proposed to the bill, so that it may be printed with the bill.

The PRESIDENT *pro tempore*. The amendment will be received and printed, and the bill will be placed on the Calendar.

Mr. TELLER, from the Committee on Patents, to whom was referred the bill (S. 501) for the relief of W. H. Ward, reported it with amendments, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 1037) granting a pension to the infant children of Michael A. Moran, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 1928) granting a pension to M. J. Fogg, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 692) granting an increase of pension to Enoch G. Adams, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 696) granting an increase of pension to Enoch G. Adams, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1130) granting arrears of pension to Mary Helena Mahan;

A bill (S. 762) granting an increase of pension to Lieut. Col. Henry E. Thompson; and

A bill (S. 1337) granting a pension to Charles Barkefelt.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2092) granting a pension to William H. Daly, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1219) granting a pension to David Heinbach;

A bill (S. 1678) granting a pension to Mrs. Margaret Pickering Copeland;

A bill (S. 1504) granting a pension to Mary C. Johnston;

A bill (S. 1542) granting a pension to John W. Reynolds; and

A bill (S. 1192) granting a pension to Judson Knight.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the petition of Avis J. Hockey, praying that her name be placed on the pension-roll, submitted a report thereon, accompanied by a bill (S. 2253) granting a pension to Mrs. Avis J. Hockey; which was read twice by its title.

He also, from the Committee on Pensions, to whom was referred the petition of Ella M. Grover, praying to be allowed an increase of pension, submitted a report thereon, accompanied by a bill (S. 2254) to increase the pension of Ella M. Grover; which was read twice by its title.

He also, from the Committee on Pensions, to whom was referred the petition of Amanda W. Beach, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2255) granting a pension to Amanda W. Beach; which was read twice by its title.

Mr. SAWYER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., to report it favorably with amendments, and to submit a written report thereon.

Mr. GIBSON. On behalf of a minority of the committee, I submit the views of the minority, concurred in by the Senator from North Carolina [Mr. RANSOM], the Senator from Texas [Mr. COKE], the Senator from West Virginia [Mr. KENNA], and myself; and I ask that the views of the minority be printed.

The PRESIDENT *pro tempore*. The views submitted by the minority of the committee will be received and printed.

Mr. SAWYER. I am also instructed by the Committee on Commerce to report adversely on a Senate bill on the same subject, the bill (S. 1569) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., and to ask that it be postponed indefinitely.

The report was agreed to, and the bill indefinitely postponed.

Mr. HARRIS subsequently said: House bill 2927 was reported back from the Committee on Commerce this morning with amendments. It is a bill to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn. I simply desire to give notice, inasmuch as it is very important as a matter of time, if the bill is to pass at all, that it pass promptly, that so soon as the bill and amendments have been printed I shall ask the indulgence of the Senate for its consideration.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 1143) granting a pension to John Curtin, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1921) granting a pension to Robert Davis, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2064) granting a pension to Titus Wilder; and

A bill (S. 341) granting pensions to William Knight, Jacob Parrott, William Reddick, and John Whollam.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1919) granting a pension to John Fox;

A bill (S. 2166) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased;

A bill (S. 996) granting a pension to Caroline Ruppert; and

A bill (S. 1153) for the relief of Charles Wagemann.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2033) granting a pension to Joseph Wirth, reported it with an amendment, and submitted a report thereon.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y., reported it without amendment, and submitted a report thereon.

DISTRIBUTION OF THE REBELLION RECORDS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents, and recommend that the Senate concur in the amendment of the House of Representatives. I make that motion.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read.

The CHIEF CLERK. The amendment of the House of Representatives was to strike out all after the word "Congress," in line 9, down to and including the word "unsupplied," in line 10, in the following words, "shall be sold at cost or distributed to libraries yet unsupplied," and to insert:

Shall be put to the credit pro rata of the several Representatives of the State in which such districts are located who were not Representatives in the Forty-seventh Congress.

So that, as amended, the joint resolution will read:

That all copies of the Records of the War of the Rebellion, Reports of the Tenth Census, and Report of the Public Lands Commission remaining undistributed of the quota of ex-members of Congress, shall be put to the credit and distributed upon the orders of their successors, respectively, in the Fiftieth Congress, in accordance with existing provisions of law: *Provided*, That copies of the above-named documents standing to the credit of ex-members who, in consequence of changes in the boundaries of Congressional districts, have no direct successors in the present Congress shall be put to the credit pro rata of the several Representatives of the State in which such districts are located who were not Representatives in the Forty-seventh Congress: *And provided further*, That this resolution shall not be construed as withholding from parties already named to receive complete sets of said documents the volumes yet to be issued.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendment made by the House of Representatives?

The amendment was concurred in.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2256) to correct the military record of J. M. Peyton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. VOORHEES (by request) introduced a bill (S. 2257) to increase the efficiency of the medical division of the Pension Bureau; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2258) to increase the efficiency of boards of surgeons for the examination of pension applicants; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EUSTIS introduced a bill (S. 2259) for the relief of Isidore Daigle and Rose Daigle Woodruff; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2260) restoring the name of Wilhemina Hosband to the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2261) to correct the military record of Roswell M. Shurtleff, of New York; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 2262) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 2263) granting a pension to Frank Paschker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2264) for the erection of a public building at Grand Island, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SHERMAN introduced a joint resolution (S. R. 61) making an appropriation to enable the Government to participate in the centennial exposition of the Ohio Valley and Central States, to be held at Cincinnati, Ohio, from July 4 to October 27, 1888; which was read twice by its title, and referred to the Committee on Appropriations.

IRRIGATION OF ARID LANDS.

Mr. TELLER. I ask leave to introduce a joint resolution directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid regions of the United States, and I ask for its present consideration.

The joint resolution (S. R. 60) directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States, and to report to Congress, was read the first time by its title.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The joint resolution was read the second time at length, as follows:

Whereas a large portion of the unoccupied public lands of the United States is located within what is known as the arid region, and now utilized only for grazing purposes, but much of which by means of irrigation may be rendered as fertile and productive as any land in the world, capable of supporting a large population, thereby adding to the national wealth and prosperity; and

Whereas all the water flowing during the summer months in many of the streams of the Rocky Mountains, upon which the husbandman of the plains and the mountain valleys chiefly depends for moisture for his crops, has been appropriated and is used for the irrigation of lands contiguous thereto, whereby a comparatively small area has been reclaimed; and

Whereas there are many natural depressions near the sources and along the courses of these streams which may be converted into reservoirs for the storage of the surplus water which during the winter and spring seasons flows through the streams, from which reservoirs the water there stored can be drawn and conducted through properly constructed canals at the proper season, thus bringing large areas of land into cultivation and making desirable much of the public lands for which there is now no demand: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water for irrigating purposes with the practicability of constructing reservoirs, together with the capacity of the streams and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

The PRESIDENT *pro tempore*. The Senator from Colorado asks that this joint resolution may now be considered by the Senate. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. Having been read at length, a further reading of the joint resolution will be dispensed with, if there be no objection.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SAULSBURY, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Elizabeth E. Montgomery for the purpose of reference to the Committee on Revolutionary Claims.

PAGE FOR PRESS GALLERY.

Mr. GIBSON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to appoint a page and assign him to the Press Gallery of the Senate for duty, and that he be paid from the contingent fund of the Senate.

OBSTRUCTIONS TO SIDEWALKS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be directed to ascertain what rules or regulations prevail in the District for granting authority to house-owners to extend the fronts and the door-steps of their residences into the streets, and to establish carriage-ways across the sidewalks to and from their front doors, and to inquire whether or not such rules and regulations and the practice under them are lawful and judicious, and whether such carriage-ways across the sidewalks are consistent with the safe use of the latter by foot-passengers.

DUTY ON HEMP.

Mr. ALDRICH. I ask unanimous consent to take up for present consideration certain amendments reported from the Committee on Rules to the rules of the Senate.

The PRESIDENT *pro tempore*. Are there further resolutions, concurrent or other?

Mr. HARRIS rose.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee rise to morning business?

Mr. HARRIS. Yes, under the call of concurrent and other resolutions.

The PRESIDENT *pro tempore*. The Senator from Tennessee will proceed.

Mr. HARRIS. On the first day of this month there arose a question, not very material, between the Senator from Kansas [Mr. PLUMB] and myself about a certain vote in respect to amendments on the tariff bill of 1883. I ask the Secretary to read from the RECORD an extract from the Senator's speech, which I have marked.

The PRESIDENT *pro tempore*. The extract will be read.

The Chief Clerk read as follows:

So going further into the tariff schedules I reach the article of hemp. I knew when I observed that article that the Senator was not a free-trader except as to the product of some people besides those of Kentucky. I find that the tariff on the different products of hemp remained precisely the same under the tariff of 1883, as under the preceding tariff, retained there by the vote of the Senator from Kentucky and his colleague, except where it was found convenient to raise the duty. No reduction, no change except upward, no reduction upon hemp, after whisky Kentucky's prime product, nearly equally that of Tennessee, and also I think the Senator from Tennessee who sits facing me participated in the robbery which the great duty on hemp produces. The increase on certain manufactures of hemp was from 30 to 35 per cent. and so on, but there was no reduction. So as I go South I find the article of rice——

Mr. HARRIS. Do I understand the Senator as stating that I voted to increase the duties on hemp? Tennessee has no particular interest in that commodity. I am a little surprised if the Senator means to state that as a fact.

Mr. PLUMB. I think the Senator did. Did he not?

Mr. HARRIS. It is not in accordance with my recollection. I have not looked at the RECORD since the day the bill passed.

Mr. PLUMB. There being a principle running through all this, a person may do a thing to-day that he forgets to-morrow; and so the Senator is very properly cautious in asserting what he did do.

Mr HARRIS. I ask the Senator, however, as he seems to be making statements from the RECORD, if he intends to be understood as stating I did so vote?

Mr. PLUMB. I do.

Mr. HARRIS. Very well. I will look to the RECORD and see.

Mr. PLUMB. Either the Senator voted for it affirmatively or it passed *nem. con.* without his vote being recorded against it.

Mr. HARRIS. That may be true; I do not remember how the facts are; but when the Senator states that I voted for it, I shall look to the RECORD. I do not believe I did.

Mr. PLUMB. The lynx-eyed Senator from Tennessee never lets anything go through the Senate that does not meet his approval without expressing his dissent. Silence gives consent, and matters of this kind, grave matters that divide parties, involving what is on the Senator's side called robbery, are not of the kind that can be allowed to go by without responsibility being incurred.

Mr. HARRIS. I do not want to interrupt the Senator from Kansas in the line of his remarks, but certainly a point such as the last one he suggested falls a little below the dignity of debate which a Senator ought to indulge in. He knows very well, as every Senator knows, that there is not a day that amendments and questions do not pass here *nem. con.*, without the attention of Senators being particularly called to them, and that according to the rule he lays down he would find himself committed a thousand times in a session to things that he does not approve.

Mr. PLUMB. Yes, Mr. President; but this involves what has been termed, and will be termed over and over again in this debate, robbery, plunder, the unlawful appropriation of the property of many for the benefit of a few. That is not one of those things about which a person can escape responsibility who happens to be conveniently absent when the vote is taken.

Mr. HARRIS. I simply desire to say that since that debate I have had the clerk of the Finance Committee, a very able gentleman, carefully examine the record both in committee and in the Senate. There was no proposition ever made in committee and none ever made in the Senate to increase or diminish the duties on hemp; but I find on the 8th day of February, 1883, Mr. Slater, then Senator from Oregon, moved to put jute and jute-butts, a kindred product, I believe, upon the free-list. There was a debate of eight pages in the RECORD upon that question, and it was finally decided by a yea-and-nay vote, and I find the yeas favoring putting jute and jute-butts on the free-list to be Messrs. ALLISON, Barrow, COCKRELL, COKE, DAWES, Farley, FRYE, Grover, HAMPTON, HARRIS, Hill, INGALLS, Lapham, McDill, Miller of California, Miller of New York, MORGAN, PUGH, Sewell, Slater, VANCE, and Van Wyck.

So it appears from the RECORD that on the only proposition that ever approximated affecting the duties upon the article referred to by the Senator from Kansas, which was decided by a yea-and-nay vote, I voted in favor of putting jute and jute-butts upon the free-list.

I simply desired to make that correction because I did not choose to have myself put in a false position with regard to a matter about which I have had very profound and very distinct convictions.

That is all I desire to say.

Mr. PLUMB. Notwithstanding the disclaimer of the Senator from Tennessee, I call the attention of the Senate to the fact that the duty on hemp was increased. It got through, according to his statement, unbeknown to anybody. However, the duty was not only increased, but the report in favor of the increase came from the Committee on Finance, as I understand the facts.

Mr. HARRIS. I beg to correct the Senator, because there is nothing in the Committee on Finance which indicates that there ever was such a question even suggested in that committee. Such is the record.

Mr. PLUMB. Then the committee must have bolted the bill whole, because it came from the committee and was supposed to represent their debate and their decisions. The Senate got possession of it by reason of its report from the Committee on Finance, and in some way, and undoubtedly by the action of both Houses of Congress and the President concurring, the duty on hemp was increased, that is to say, on certain manufactures of hemp.

Mr. HARRIS. That it may have been increased by the action of the conference committee, while neither House had by its action affected it in the one way or the other, I will not pretend to admit or deny, because I do not know; but I now assert again that upon a critical investigation no such question was acted upon by the Committee on Finance of the Senate, and no such question was acted upon by the Senate unless it acted in affirming and adopting the report of the committee of conference, and on the yeas and nays I voted against the adoption of that report.

Mr. PLUMB. How could the measure get through the committee without its action?

Mr. HARRIS. Will the Senator allow me again to say, what has been often said upon this floor, that the committee of conference, as the Senator from Kentucky and others have asserted over and over again——

Mr. PLUMB. I have not got that far along yet.

Mr. HARRIS. Changed the duties upon quite a number of articles that neither House had legislated upon. If changed at all, it may have been changed in that way.

Mr. PLUMB. This was not increased in the committee of conference; it was increased, according to my recollection, as the bill came from the Committee on Finance, of which the Senator is a member.

Now, the question is, how could the bill have got before the Senate from that committee without being acted upon, and how could that provision have got into it without the action of the committee? It was not acted on in the conference. The conference, I am authorized to state, did not change the duty on hemp as it was passed upon by the Senate and by the committee. It will not do to put all this on the conference committee, especially when there are no facts to justify it.

Mr. HARRIS. I do not admit, if the Senator will allow me, that the duty has been changed at all. He asserts that it has been. I tell him that if it has, then it must have been in the way I suggested, as it could not have been done in any other way. But I do not admit that it has been changed. The duty on hemp remains now as it remained before the passage of the act of 1883, as I understood.

Mr. PLUMB. The duty on certain manufactures of hemp was increased from 30 per cent. to 35 per cent.

Mr. HARRIS. That is altogether a different item. There is a difference between the manufactures of hemp and hemp. The Senator was referring to hemp in the discussion on the 1st of March.

Mr. BECK. The raw material.

Mr. HARRIS. The raw material.

Mr. PLUMB. It answers the Senator's purpose to distinguish between the thing in the raw state and the manufactured state. The general subject was the duty on hemp, the product of hemp, and so on. In no case was that reduced, and in one case it was increased. That is what I alluded to, and I do not think the Senator acquits himself of any complicity in that increase by referring to the vote that he cast in regard to the duty on jute-butts.

Mr. HARRIS. On jute and jute-butts.

Mr. PLUMB. On jute and jute-butts.

Mr. HARRIS. If the Senator from Kansas is satisfied to continue to assert the statement that he made, I will not say recklessly, but the statement that he made incautiously a week ago, in the face of the record, I am perfectly willing that that Senator shall stand upon his assertion, and I let the record stand to contradict him.

Mr. PLUMB. Will the Senator let me have the RECORD from which he read the vote in 1883?

Mr. HARRIS. I will.

Mr. PLUMB. I want to call the Senator's attention to the portion of the speech which I will read, in which I expressly spoke of the duty on the products of hemp:

I find that the tariff on the different products of hemp remained precisely the same under the tariff of 1883 as under the preceding tariff, retained there by the vote of the Senator from Kentucky and his colleague, except where it was found convenient to raise the duty.

That is all that need be said on that point. What I said was in re-

gard to the products of hemp. If the Senator is entirely willing to accept what he has made proffer of here as to the duty on jute and jute-butts as excusing himself from any complicity in the increase of duty on products of hemp, I am very willing to leave it there.

Mr. HARRIS. My statement went one step further. It went to the point that there was no proposition in the Committee on Finance of the Senate and no proposition in the Senate to change the duty upon hemp at all.

Mr. PLUMB. It is not a question of a proposition; it is a question of what was done. I do not know how that mysterious and awful body, the Committee on Finance, works its wonders, but I know this, that that committee certainly reported that bill, and whether it did it by proposition, by debate, by discussion, or whether it voted *nem. con.* with eyes closed, I do not know. I have no responsibility for what took place inside its doors, and I think the Senator from Tennessee is quite anxious to have it understood that he has none.

Mr. HARRIS. The Senator had better quote the record showing the increase of which he speaks.

Mr. PLUMB. I had it the other day, and I will produce it if necessary.

HOUSE BILLS REFERRED.

The bill (H. R. 3333) to authorize the city of Chicago to erect a crib in Lake Michigan for water-works purposes was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 4472) for a public building at Helena, Ark., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The joint resolution (H. Res. 68) in favor of J. Q. Barton was read twice by its title, and referred to the Committee on Foreign Relations.

TREATMENT OF PETITIONS.

Mr. ALDRICH. I ask the Senate to take up for consideration the amendments to the rules proposed by the Committee on Rules.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate proceed to the consideration of proposed amendments to the rules.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first amendment reported by the Committee on Rules will be read.

The Chief Clerk read as follows:

Amend Rule VII, section 4. Strike out the words:

"Before any petition or memorial shall be received it shall be signed by the petitioner or memorialist, and a brief statement of its contents made by the Presiding Officer or Senator presenting it."

And insert:

"Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate."

The PRESIDENT *pro tempore*. The question is on the proposed amendment.

The amendment was agreed to.

CONSIDERATION OF APPROPRIATION BILLS.

The PRESIDENT *pro tempore*. The Secretary will report the next proposed amendment to the rules.

The Chief Clerk read as follows:

Amend Rule XIV. Add as an additional clause:

"That it shall not be in order, except by unanimous consent, for the Committee on Appropriations to report to the Senate for consideration or action any general appropriation bill other than an urgency deficiency bill without having had such bill under consideration for a period of five days or more."

Mr. GORMAN. I should like very much if the chairman of the Committee on Rules would give the reasons why the committee have reported such an extraordinary proposition as this to the Senate. I ask him whether in the history of legislation for the past twenty years circumstances may not have arisen when it would be impossible to comply with this rule? It would obstruct legislation. I know it is very desirable to have these bills fully and properly considered in the Senate, but there are a great many exigencies that arise where it would be impossible to allow all the time provided by this change of rule.

When these bills come up, if there is not sufficient time for their consideration, we can then take the responsibility by our individual votes of stopping the wheels of government or compelling an extra session of Congress. It does seem to me, however, that to make this one of the rules of the Senate that a bill shall he here several days before it can be considered is impolitic. It is serving notice elsewhere that they ought to have these bills ready in time. What effect will that have? Unless there are stronger reasons than I have heard, I think it unwise to adopt this addition to the rules.

Mr. ALDRICH. The purpose of the amendment is obvious. The Senator from Maryland in the course of his remarks has shown that he understands the purpose of it as well as I. It is to serve notice upon those interested elsewhere that we can not receive and consider these bills in the very last days of the session, when there is no time for the intelligent consideration of them by the Committee on Appropriations. I suppose the experience of the Senator from Maryland as a member of that committee has led him to understand that no intelligent consideration can be given to a general appropriation bill in less than the time mentioned in the proposed rule.

At the last session three of the large appropriation bills were received in this body within two days of the close of the session; and the Senate had to either refuse to consider those bills at all or consider them in the most perfunctory and *pro forma* manner. The proposed rule which is suggested unanimously by the Committee on Rules, which was offered originally by the Senator from Kentucky [Mr. BLACKBURN] not now in his seat, was reported by the committee for the express purpose which the Senator from Maryland himself has admitted to be a wise one, and I think every member of the Senate as well as himself understands its purpose.

Mr. GORMAN. I only desire to say that the difficulty of which the Senator from Rhode Island speaks is perfectly well understood, but the real trouble is to find a remedy for it. I think the only remedy is the proposition which was submitted by the Senator from Massachusetts [Mr. HOAR], and is pending elsewhere, which will give additional time for the second session of each Congress. It is impossible to conduct the affairs of the Government properly in the short session of each Congress as it now is.

Mr. HOAR. It is impossible to hear the Senator on this side of the Chamber.

The PRESIDENT *pro tempore*. The Chair appeals to the Senate to be in order.

Mr. GORMAN. I suggest that the difficulty we desire to overcome in this matter is perfectly well understood. It does not arise from any want of attention on the part of those charged with appropriation bills elsewhere, but comes from the fact that the second session of Congress is too short to accomplish the business of this great country, and I say that the Senator from Massachusetts suggested the only proper remedy, and another is pending now to increase the length of the second session of Congress and change the beginning of it. Until that is done I submit to the Senator from Rhode Island that this movement in all probability would add very much to our difficulty. We had better wait until the question is determined in the broader form which has been suggested, and let the Senate deal with the question of appropriation bills at the short session without an iron rule. I think the Senate can be trusted to do it. Let this whole question be settled upon the remedies proposed otherwise. I therefore suggest, as there is no present necessity for action, that it would be wise to let the matter go over and await action on the remedies to which I have alluded.

Mr. ALDRICH. I suppose the Senator from Maryland will not contend that the body charged by the Constitution with the duty of preparing these bills and originating them can not prepare and present them and pass them early in a short session as well as in a long one. I think it is an open secret that these bills would not have been sent here at such a late day of the session at any session for the last ten years except on account of some political exigency, or on account of the supposed existence of some political exigency which made it necessary that they should be held elsewhere until the very last days of the session.

Now, I submit to the Senator from Maryland that the time which is required by the Committee on Appropriations for the intelligent consideration of an appropriation bill does not depend upon the length of the session of Congress by any means, and it makes no difference whether the proposition of the Senator from Massachusetts is adopted or not on that point. It is simply a question as to the time the Committee on Appropriations require for the intelligent consideration of bills sent to them, and I do not think any Senator on this floor believes the time fixed by this proposed rule, five days, is too short.

Mr. CALL. Mr. President, I do not see upon what principle or argument you can justify the idea of the Senate precluding itself from considering any subject-matter unless a committee has had it for five days. This rule simply declares that the Senate shall not, if it sees fit to do so, consider a bill that has not been before the Committee on Appropriations five days. The Senate always has that power. It may be a little inconvenient for it to abrogate that rule, if it is once adopted, but why shall the Senate fetter its own discretion on the subject? If it thinks five days is a proper time for the consideration of an appropriation bill when it comes up, why can not the Senate take five days or ten days? Why shall it by a rule say that its committee shall not report the bill for five days?

If the Committee on Appropriations has considered maturely within less than five days an appropriation bill, the Senate has an unlimited time for its consideration when it is reported, and I do not see in what respect this rule can in any way advantage the situation even if it is adopted. The Senate can have no reasonable object in saying that the Committee on Appropriations shall have only one day or two days, or shall consider a matter five days, for the Senate sits in judgment upon the Committee on Appropriations whenever it reports a bill. I can not see, therefore, that this resolution will be of any avail whatever except to embarrass the Senate, and for that reason I shall vote against its adoption.

Mr. PLUMB. It seems to me we had better go a little slow about this matter. There can be no doubt about the dilatory way that these bills have been treated elsewhere, and about the fact that the Senate is put to very great disadvantage thereby; but it might be put to still greater disadvantage by adopting a rule of this kind which would require it in an emergency to practically ignore an appropriation bill sent

from the House of Representatives, and perhaps precipitate on the country the expense and annoyance of an extra session of Congress.

If a joint rule could be adopted whereby the two Houses would come to some understanding about this matter, it would undoubtedly promote the public interests; but I should very much fear that at the last moment we should be put into the same predicament we have been heretofore, and be under constraint to attempt to undo what we are now doing, but which we might fail to undo because of the objection of a single member of the Senate, and thus one member of the Senate would have it in his power to precipitate perhaps an extra session or compel something to be done which was against the will of every other member of this body. While the motive which the Committee on Rules has acted upon is a very praiseworthy one, at the same time I am under the impression that this matter ought to lie over for the present until we see what the future may develop.

Mr. ALDRICH. I did not suppose this amendment would give rise to any discussion; but as the Senator from Kentucky [Mr. BLACKBURN], who proposed the resolution originally and who reported it from the Committee on Rules, is now absent from his seat, I suggest that it perhaps had better go over until to-morrow, and that the other rules reported by the committee may be acted on by the Senate.

The PRESIDING OFFICER (Mr. PLATT in the chair). If there be no objection the proposed amendment to the rules will be laid aside. The next amendment to the rules proposed by the Committee on Rules will be stated.

EXECUTIVE SESSION PROCEEDINGS.

The SECRETARY The next amendment reported by the Committee on Rules is:

Amend Rule XXXVI. Add, after the word "business," in line 1, clause 2, the words:
"Unless the same shall be considered in open executive session."
Add at the end of clause 3 the words:
"Or unless the same shall be considered in open executive session."

The PRESIDING OFFICER. Shall both these amendments be treated as a single amendment? Is there objection to these amendments being so treated? The Chair hears none. The question is on the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next proposed amendment to the rules will be read.

The Secretary read the amendment proposed by the Committee on Rules, as follows:

Amend Rule XXXVII, clause 1, by striking out "or," in the third line of the first paragraph, and inserting at the end of said paragraph the words "to remove the injunction of secrecy, or to consider it in open executive session;" so that the paragraph would read:
"When a treaty shall be laid before the Senate for ratification it shall be read a first time; and no motion in respect to it shall be in order except to refer it to a committee, to print it in confidence for the use of the Senate, to remove the injunction of secrecy, or to consider it in open executive session."

Mr. HOAR. I should like to have that read once more.

The PRESIDING OFFICER. The proposed amendment will be read.

The Secretary read the amendment.

Mr. HOAR. Does that provide that no motion in reference to it shall be in order except simply on the first reading?

Mr. ALDRICH. This amendment applies simply to the first reading.

Mr. HALE. Let that part relating to open executive sessions be read again.

The PRESIDING OFFICER. It will be again read.

The Secretary read as follows:

Amend Rule XXXVII, clause 1, by striking out "or," in the third line of the first paragraph, and inserting at the end of said paragraph the words "to remove the injunction of secrecy, or to consider it in open executive session;" so that the paragraph would read:
"When a treaty shall be laid before the Senate for ratification it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee, to print it in confidence for the use of the Senate, to remove the injunction of secrecy, or to consider it in open executive session."

The amendment was agreed to.

Mr. BECK. What was done, may I ask, in regard to the proposition about which the Senator from Kansas [Mr. PLUMB] was speaking a few moments ago?

The PRESIDING OFFICER. It was laid aside. The next proposed amendment to the rules will be stated.

The SECRETARY. The Committee on Rules propose to amend the second paragraph of clause 1 of Rule XXXVII, by adding the words:

At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open executive session.

The amendment was agreed to.

CONSIDERATION OF APPROPRIATION BILLS.

The PRESIDING OFFICER. One of the previously proposed amendments was laid aside to-day, as the Chair understands, because the Senator from Kentucky [Mr. BLACKBURN] was not in his seat. Does he desire to proceed with it?

Mr. BLACKBURN. I have just held a conference with several gentlemen, members of the Committee on Appropriations, the chairman of that committee among others, and at the suggestion of that committee I prefer that the proposed amendment to the rules referred to shall lie over until we know exactly the conclusion which that committee may reach.

The PRESIDING OFFICER. The proposed amendment will go to the Calendar, and remain there until it shall be called up.

HOT SPRINGS RESERVATION.

Mr. BERRY. I ask unanimous consent to call up Order of Business 505, being House joint resolution 117.

The PRESIDING OFFICER. The Calendar being in order under the eighth rule, the Senator from Arkansas asks unanimous consent for the consideration of a joint resolution the title of which will be stated.

The SECRETARY. A joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

Mr. CULLOM. Is that before the Senate for consideration?

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which proposes to direct the Secretary of the Interior to utilize the hot water upon the reservation at Hot Springs, Ark., not necessary for the Army and Navy Hospital, the bath-houses erected and to be erected upon the reservation, and the bath-houses now erected and furnished with hot water by authority of the Secretary off the reservation, by permitting its use by not exceeding three bath-houses to be erected by individuals below and off Hot Springs reservation (the expense of obtaining the water to be borne by the proprietors of the bath-houses), the water to be furnished under the same restrictions and regulations as now govern the supply of hot water furnished to the bath-houses above and off the reservation; and the water rents for all bath-houses are to be increased to $30 per tub per annum.

Mr. JONES, of Arkansas. I do not know that I shall make any very serious opposition to the passage of this resolution. I understand it meets the approval of the Secretary of the Interior and the superintendent of the Hot Springs reservation and has passed the House of Representatives. For my single self, however, I can say that I believe the whole management of the Hot Springs reservation has been wrong. The reservation was made by the Government for the purpose of controlling in the interest of the public the hot water. Leases have been granted to certain individuals who have built bath-houses and have had practical control of the hot water, under the direction and supervision of the Secretary of the Interior, up to this time. A few bath-houses off the reservation have also been allowed hot water, which has been carried away from the reservation. Now all persons on the reservation, as I understand, have been prohibited from making any excavations which are likely to bring the hot water to the surface anywhere away from where it crops out by nature. I can understand no reason why, if it is wrong to allow the water to come to the surface off the reservation, it should be carried off the reservation by artificial means after it comes out of the natural apertures.

I believe the Government of the United States ought to control the entire matter in the interest of the general public. I believe that the private interests that are now there, the private bath-houses that are built on the reservation, which pay no taxes to the municipality of Hot Springs, pay none to the county of Ozark, pay none to the State of Arkansas, should not have these exemptions, but these bath-houses should be superintended and controlled by the Government of the United States in the interest of the general public.

This resolution, if I am not mistaken, will be at best a mere makeshift. Instead of satisfying the clamor that exists now and has existed at Hot Springs for a long time against the present Government management, this will only magnify and aggravate the evils that have existed heretofore. It is proposed now by this resolution to authorize the building of three bath-houses off the reservation, below the springs. I suppose there is no other reason for this than that there are already four bath-houses off the reservation above the springs. There are many hotels, boarding-houses, and bath-houses that will want the water. When the Secretary of the Interior or somebody else who attends to the hospital reservation shall select out of the number of applicants those who shall have this great privilege, all those who fail to get the permission to use the water will be dissatisfied, and the clamors that will come from them will be intensified over what they are now. All the time people at Hot Springs complain of this advantage being given to a few persons above the valley, and I do not see how granting the same privilege to a few persons below the springs, down the valley, is going to allay the trouble.

It seems to me the only intelligent way to act is to return to what the Government should have done in the first instance, and instead of allowing this great public watering-place to be controlled by a set of private individuals, as it is now, thereby making it absolutely a private monopoly, the Government of the United States ought to pay a fair valuation on the bath-houses on the reservation; and it ought to

cut off every one from taking water off the reservation, and ought to put the whole thing under the superintendent of the Hot Springs reservation and make it in fact, as it is in name, a public matter.

For the purpose of accomplishing this result, I move to strike out all after the resolving clause and insert what I send to the desk to be read.

The PRESIDING OFFICER. The Senator from Arkansas moves to amend by striking out all after the resolving clause and inserting what will be read.

The Chief Clerk read as follows:

That the Secretary of the Interior is hereby directed to take possession of all bath-houses and fixures now upon the reservation at Hot Springs, Ark., and place them under the control of the superintendent of said reservation, to be controlled by him under such regulations as the Secretary of the Interior may prescribe.

That the Secretary of the Interior is hereby directed to ascertain the value of the property taken by him under the foregoing provision, and report the same to Congress.

Mr. BERRY. Mr. President, if it were possible to adopt the suggestion of my colleague, and pass a bill carrying out his ideas, I do not know that I should have any objection to it; but it is not likely that anything will ever induce Congress to take charge of that reservation and run the bath-houses by the Government of the United States. Knowing that we can not get Congress to pay for all the bath-houses and bath fixtures located on that reservation and run them as a Government institution, the only effect of the adoption of the amendment of my colleague will be to defeat not only this resolution, but to defeat any legislation whatever.

In the last Congress my colleague introduced a bill, similar in its character to the amendment he has offered to-day, embodying the same idea and having the same purpose in view. That bill went to the Committee on Public Lands, and the committee was unanimously of opinion that it was utterly impossible for Congress to adopt any such course. The whole question must rest on the merits of the proposition, because the amendment proposed contemplates the Government taking charge of all the bath-houses now located there and running the bath-houses by Government officers out of money taken from the Treasury of the United States.

This resolution has been reported unanimously from the Committee on Public Lands, and unanimously passed the House. While Mr. Schurz was Secretary of the Interior he held that he had power to authorize private persons off the reservation to erect bath-houses and use the water not necessary to those located on the reservation.

Under that ruling four bath-houses were located in the northern part of the city of Hot Springs, and they are there to-day. Senators will bear in mind that a large portion of the town is located south of the bath-houses on the reservation. The four bath-houses were located in the northern part of the city, off the reservation. Since the present Administration came into power the Assistant Attorney-General of the United States, Mr. Montgomery, has decided that there was no authority to authorize the water being taken off the reservation. In view of that, Congress, during the last session, passed a joint resolution authorizing the Secretary of the Interior to allow those bath-houses now in the northern part of the city to have the benefit of that water, and that is the law of the land to-day.

Now, what does this resolution do? It simply says that out of the waste water, the water that runs away, estimated to be 300,000 gallons a day, that is not used for any purpose whatever, the Secretary of the Interior may be authorized to allow the erection in the southern part of the city of three bath-houses. This resolution does not contemplate any interference with the bath-houses located on the reservation. It does not contemplate any interference with those already located off the reservation. It simply provides that from the waste water not necessary for the bath-houses on the reservation, not necessary for the Army and Navy Hospital, not necessary for those bath-houses off the reservation already erected, but from the waste water the Secretary of the Interior may authorize the erection of three bath-houses in the southern part of the city.

What is the object and purpose of that? Upon that reservation there are bath-houses, and on the reservation is the Arlington Hotel, a fine, magnificent hotel. There are a large number of persons who go there of modest means, poor men, invalids, who are unable to pay the prices of the Arlington Hotel and take the baths at the bath-houses located on the reservation. In the southern part of the city there are a large number of small hotels where parties whose means are limited, invalids, can stay if they can have the baths near them there or near the places where they desire to stop while they stay there. It is on behalf of those citizens, those poor people who are unable to go to the Arlington Hotel and pay the prices asked there, that this is needed. It is recommended by the Secretary of the Interior. My colleague says it is recommended by the superintendent of the reservation. If there is any objection from any quarter whatever, in or about Hot Springs, it is from the men who own bath-houses on the reservation, but I do not know that they all object. Some do.

In regard to the bath-houses on the reservation, I will state that there exists among the whole number of their proprietors, except one, a pool—that they have all united. I do not know whether it would be proper to call it a trust or not, but at any rate all the money that is received from all these bath-houses goes into one common fund, and it is divided between the proprietors according to the amount of capital that they have invested in the enterprise.

The PRESIDING OFFICER. The Chair understands that debate is limited to five minutes by each Senator on this measure.

Mr. CULLOM. I hope the Senator from Arkansas will have an opportunity to explain the measure.

The PRESIDING OFFICER. If there be no objection, the Senator will proceed.

Mr. BERRY. Only a few moments longer. This resolution has been thoroughly considered by the Committee on Public Lands. It may interfere to some extent with the patronage of those who own the bath-houses on the reservation. They secured those privileges from the Secretary of the Interior without paying the Government of the United States one dollar. They were selected by him. He gave the privilege to such men as he saw proper, those already owning bath-houses being preferred. There has been some speculation in these leases not creditable to the Government. But he provided in each one of those leases specifically that they were subject to any legislation that might be had by Congress thereafter. They can not claim that their rights are interfered with, because they contracted in every lease that they took it subject to any legislation that Congress might think proper to adopt in the future. There can be no complaint on that score.

In addition to that they only secured those leases for a period of five years; yet the Secretary of the Interior has renewed the leases, and they now have had them for about nine years. Originally they only had the right for five years, but under the action of the Secretary of the Interior they have them for five years longer. I think the time will expire in December, 1888.

Now, on behalf of the visitors who go there and who are unable to patronize the bath-houses on the reservation, and on behalf of the people in the southern portion of the Hot Springs, all that we ask is that 300,000 gallons of water that daily goes to waste and can not be used for the purposes before mentioned—we ask that the Secretary of the Interior be allowed to permit three bath-houses to be located where they are wanted for the purpose of accommodating those who are unable to go elsewhere. We think it is a modest request, and I trust the Senate will vote down the amendment of my colleague, because if that amendment is adopted it amounts to a defeat of the resolution. It was rejected by the Committee on Public Lands in the last Congress.

One word more. Under the present law the bath-houses on the reservation and those off are now paying $15 per tub per annum. This resolution increases it to $30 per tub. The Secretary of the Interior recommended that it be increased to $40 per tub per annum, but the Committee on Public Lands thought that $30 would be a sufficient increase. I would state in regard to that that the money derived from that source goes to the improvement of the reservation and the building and improvement of a free bath-house now erected on the reservation. The money does not go into the Treasury of the United States, but the increased money will go to the improvement of the reservation and free bath-house for poor people who are unable to pay the charges.

Mr. CULLOM. I am not familiar with the history of the legislation in relation to bath-houses at Hot Springs, neither am I familiar with the facts connected with the situation there, but I have a letter here which has been written by an honorable gentleman who seems to feel that this resolution is going to interfere somewhat with rights that he thinks he possesses there, and that it is unfair. I confess I am not sufficiently advised to know whether it is so or not. The gentleman who writes to me has either a lease or some other arrangement by which he is running a number of bath-tubs on the reservation, and the thing he complains of is that it has already been done to a limited extent, and that it is proposed now to enlarge the authority that has been exercised in a small degree in licensing or giving permission to persons keeping hotels in different parts of that city to put bath-tubs in their hotels off the reservation, so that persons having the privilege of running bath-tubs on the reservation and not having an opportunity to keep a hotel on the reservation will be damaged by giving persons off the reservation having hotels the right to run bath-tubs as well. This would result in taking away from persons having bath-tubs on the reservation a privilege which they naturally would otherwise get. That is the purport of the letter I have received, written by a very good man.

I do not know exactly whether this resolution reported by the Committee on Public Lands and advocated by the Senator from Arkansas [Mr. BERRY] who has just occupied the floor, does interfere as is stated to me in this letter, or not, but if it does it seems to me that it would not be exactly fair.

This gentleman would be perfectly willing, if he were granted the privilege of erecting a hotel on the reservation and having bath-tubs in it, to allow everybody else who may have a hotel or hotels in the city anywhere to enjoy the same privilege that he enjoyed; but if the purpose is to give this hot water that the Senator says is more than is needed upon the reservation to persons outside of it who are keeping hotels, without giving to those persons having it on the reservation the privilege of keeping a hotel, I think it would be unfair to them. All

that I desire to do is to oppose any legislation that will place the persons who have got these privileges on the reservation at a disadvantage as between them and those off the reservation.

Mr. BERRY. Will the Senator allow me?

Mr. CULLOM. Certainly. I am seeking light on the question.

Mr. BERRY. I stated awhile ago, and I repeat, that there is now one hotel at Hot Springs on the reservation, and located near the bath-houses, or some of them, that are now on the reservation. That is the only hotel there is or can be on the reservation.

In regard to the hotels down below, I want to say that I do not know any individual or number of individuals who desire to build a bath-house in the southern part of the city. I simply know that the entire southern part of the city wants the privilege for some one—I do not know who, nor do I care—to go in there and have bath-houses in order to afford those who stop there an opportunity to bathe without being compelled to go to board at the Arlington Hotel, which is near the other bath-houses.

Mr. CULLOM. I will read a portion of this letter, and I would read it all but for the fact that there are in it some matters personal to myself:

I would be pleased if you would offer an amendment to any bill that may be introduced, to the effect that hotel privileges and sufficient space for the same be granted to the holders of bath-house leases on the Government reservation. This is a matter of justice to us; and in fairness, if the water be given to those off, it may be claimed that the water is wanted only for bath-houses off the reservation; but it has already been given to hotels, and one large hotel, the Avenue, has a bath-house in it, but no bath-house on the reservation is allowed hotel privileges. Now, if the matter is to be extended, we want fairness and not unjust d'scrimination, and I am sure the United States Congress does not desire to treat us unfairly if the matter were made plain.

That represents what I desire to express here on the floor of the Senate. My own information is that the substitute offered by the other Senator from Arkansas [Mr. JONES] ought really to be adopted, so as to place this whole matter in the hands of the Government, and so that when persons go there seeking relief they shall find what is already held out to be the fact, that they can get relief without being extorted from by hotel-keepers and others who are holding the bath-tubs. I believe that we ought to adopt the substitute of the Senator from Arkansas [Mr. JONES] in place of the resolution offered by the Committee on Public Lands; and if that be not done, all I desire is that a certain amendment be made to this resolution, if it needs it, so that there shall not be a discrimination against those people who are holding bath-tubs upon the reservation.

Mr. VOORHEES. I ask that the substitute be reported. I was out of the Chamber when it was offered.

The PRESIDING OFFICER. The proposed amendment will be read.

The Chief Clerk read the amendment proposed by Mr. JONES, of Arkansas.

Mr. JONES, of Arkansas. Mr. President, to all those who are at all familiar with the circumstances and the location of Hot Springs, it will occur that there is very great force in what has just been said by the Senator from Illinois [Mr. CULLOM]. There is, of course, a line marking off the Government reservation from the territory occupied by the town. It is sharply defined. All of the hot water comes to the surface on the Government reservation and within a few feet of the line of that reservation. Now, if the Government authorizes the building of bath-houses by private individuals on the reservation, and at the same time authorizes hot water to be carried off the reservation to hotels situated off the reservation, and does not permit bath owners on the reservation to erect hotels or boarding-houses or anything of that kind, it must be perfectly clear to every man who stops for one moment to think, that the Government is discriminating against its own property and discriminating against the hot water where it comes out of the ground by permitting facilities to people off the reservation which people on the reservation can not under any circumstances have. This, it seems to me, is unjust to those who hold Government leases.

I agree with my colleague in complaining of some things that have been done by the Government in the grant of the leases upon the reservation. They have been given without pay to private individuals at the will of the Secretary of the Interior, and have been made the subject of speculation; but does it cure that evil to start the same class of evils on the outside? If you provide there for the use of three bath-houses under this resolution, who will be applicants, who will apply for the privilege of putting bath-tubs in their own houses? And when these three new bath-houses are erected their keepers will have a right to join the pool of which my colleague complains, and we shall have the evils heretofore complained of on the reservation extended off the reservation and a discrimination made by the Government against its own property.

It seems to me there is but one reasonable way to settle all this. When the Government took possession of this property years ago and declared it should be kept as a sanitarium for the benefit of the general public, it seems to me it did wrong when it allowed the first lease, when it allowed anybody to go upon the Government reservation for the purpose of putting up bath-houses. If the Government intended to use the hot water in the interest of the general public, it ought to have done so at the public expense. But as we have a Federal officer there who has charge of these things and controls the hot water, I can not understand the great wrong in allowing the Government to pay private people who have invested their money there, take possession of their property, and make this what it ought to be, a public sanitarium indeed and in truth.

I have no sympathy whatever with this movement; and yet I have very little hope that the Senate of the United States will agree with me in my views. I have submitted the question to Secretaries of the Interior, one after another, and I have never yet been able to get one of them to recommend the course I have advocated. I went before the Committee on Public Lands at the last Congress and asked them to sustain the same proposition, and they replied that the Government of the United States should not build bath-houses. I have no sympathy with that feeling, so far as I am concerned. The Government has a superintendent there; it pretends to control the reservation; and if the Government manages and controls it, why should it not do so entirely?

The complaints of which we have heard come from the public. There ought to be no ground for any of the complaints of preference for one bath-house over another. The general public should have all the benefit of the hot water, and then there would be no ground of complaint. There is at present one hotel upon the Government reservation, and that has been the parent of very much of the trouble we have to deal with here. Everybody not connected with that hotel has been complaining that its owners have facilities for bringing people there, which others who are off the reservation do not have. That is not remedied by our authorizing hotels off the reservation and allowing them to have hot water in their buildings, a privilege denied to others. The Arlington Hotel has a lease for ten years which expires in a short time. Everybody, I believe, except those interested in the hotel is opposed to the continuance of the lease, because it is said that the Arlington Hotel is the only hotel on the reservation, and its owners have an undue advantage over the general public.

But you propose now to do something off the reservation by authorizing water to be carried off the reservation to favorite bath-houses in certain localities. I think that is opening a Pandora's box of evil that will only magnify the trouble that now exists, and will not be a relief.

My colleague complains that if my system is adopted it will result in confusion. This I do not agree to by any manner of means. The same argument might be made against any amendment which might be drawn. If the ideas that I have embodied here are right, if the Government of the United States ought to take control of the hot water entirely, we can do our part to bring that result about without regard to what has occurred elsewhere.

I believe it is altogether likely that some such provision could be carried out, and that we could succeed in making this matter public. The complaint of the people who are interested in these bath-houses, as I suggested a while ago, is that they have large amounts invested, and that they realize nothing like what they expected. But besides that they "pool their issues," as it is called, and they divide the receipts among them.

The PRESIDING OFFICER. The Senator's time has expired. By unanimous consent he may proceed.

Mr. JONES, of Arkansas. Mr. President, I wish only to make an observation or two more.

I imagine that no one here suspects that my opposition to this matter has been inspired by anybody. My colleague suggests that there is nobody opposed to the passage of this resolution except the bath-house people at Hot Springs. That I believe is true; and if the suggestions that I make here are not to be heeded, I want to say frankly that I am in favor, if the present system is to be kept up, if we are to have three or four bath-houses in another part of the town, of having bath-houses in another part of the town; but the truth is, they ought all to be kept off and the hot water kept on the reservation.

I have no objection to the passage of the resolution if the plan I have suggested is not to be adopted. If we are going to allow these people to come in with bath-houses for five years and build them up, and continue that course indefinitely, and make what was intended to be a great public sanitarium simply the property of private individuals who pay no taxes for the exercise of their ownership and the profits they derive, then I think it would be well to provide for bath-houses off the reservation; but why three; why not three hundred instead of three? If you permit people off the reservation to build hotels and private bath-houses, no doubt you will find that nobody will go to the reservation and pay; and it will only be a short time till no one will go to the reservation except those who go to the Government hospital. The result will be that all the water that comes out of the Hot Springs reservation will be surface water and will be carried off to hotels off the reservation, and the Government will have defeated itself in providing for any reservation at all. There is no reservation unless you keep the hot water on it. When you scatter that, you have absolutely thrown away the whole reservation, and you may as well repeal the act by which the ground on which it is located was reserved from private ownership.

I submit what I have said as a simple matter of justice to myself. I regard this system as absolutely pernicious. I believe it will come back to plague the Senate, and you will have constant applications made, and sooner or later you will be driven to adopt the course I suggest; and the

Government must become the absolute owner or it must turn it over to private individuals entirely. There can be no half-and-half control of this matter, one part by the Government and one part by individuals.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. JONES].

Mr. BERRY. I ask to be allowed five minutes.

The PRESIDING OFFICER. If there be no objection, the Senator will proceed.

Mr. BERRY. In reply to that which has been stated by my colleague, I say that it is impossible to secure what he wants, because the House of Representatives sent a committee to Hot Springs in the Forty-eighth Congress, who staid there for weeks and took testimony, and they reported against the plan recommended by my colleague. As I stated awhile ago, the Public Lands Committee of the Senate, during the last Congress, unanimously, except myself—I was willing to vote for his bill if it could be adopted—gave the opinion that it ought not to be adopted.

Now, these bath-houses are there; and the question is, shall we allow from the waste water that is benefiting no one—that runs down that valley and is not utilized—shall we allow it to be taken, not for hotels, but allow individuals to erect bath-houses in the southern part of the city, paying the same price, paying $30 per tub per annum? The men who build these houses, the bill provides, shall pay the expense themselves of conveying that water there, and the Government retains the right to cut off the water if they fail to comply with the regulations.

I agree with my colleague when he says the Government has made a mistake when it adopted the lease plan; but they are there and they are going to remain there, and if we refuse to pass this resolution the result is that there are four bath-houses off the reservation in the north part of the city, and the southern part below has nothing, while the 300,000 gallons of water are running away daily.

It is for this reason and in behalf of the poor invalids who go there and are unable to go to the hotel on the reservation, and for their convenience, that I ask that this authority be given to the Secretary of the Interior. I am satisfied it is this or no legislation.

Mr. PLUMB. Mr. President, since we have had the Hot Springs there has been always trouble. The trouble grows out of the fact that the Government is dealing with a class of questions that it ought never to deal with.

When the Supreme Court of the United States decided that the Government owned that tract of land, it would have been the height of wisdom for the Government to have turned it over to the State of Arkansas on condition merely that that State should operate it and carry it on, or see that it was operated and carried on, for the benefit of such portions of the people of the United States as might need the healing influence of the waters. This local control would have been better than any control the Government ever could give; and yet what we are doing is a hundred per cent. better, ever so much better than what is proposed by the amendment of the Senator from Arkansas [Mr. JONES]. If the Government is to give these baths, it must furnish those who go there with medical attendance in order that the baths may be properly taken. If we are to enter upon the management and control of this sanitarium, then it must be done in such a way that no possible disadvantage may grow out of that management. I am told by persons who have been there, as I have not been—I have never had the good fortune—that it is necessary to take the baths with great care; that whoever takes them must take them under the advice of a competent physician. If, therefore, the Government gives the baths, it must furnish the physician; it must take the utmost care that the people who go there, its citizens, are not damaged by taking the baths, and, of course, as we take in the physicians we take in the other surroundings as well. We ought to have a drug store as a necessary accompaniment, and all the other things that tend to the health of afflicted people who go down to Hot Springs for the purpose of receiving the benefit of the baths.

I can not adopt any such idea as that. It were better a great deal for the Government and were better a great deal for the sick people of the United States if the Government would withdraw all control of these baths. The subject is a constant source of irritation. We have leased certain bath-houses on the reservation. Everybody else wants them. These leases are said to be a monopoly. It may be so.

The resolution urged by the Senator from Arkansas [Mr. BERRY] proposes to dispose of the surplus water in a way to which on the face of it there can be no objection, and I do not know that there is any objection to the resolution as reported. It would seem as though if there was more water there than can be used there ought to be certainly a method by which it can be utilized; but whatever is to be done it is a great deal better that the Government should let what is going on there continue to go on, or should turn over the whole thing to the State of Arkansas, or should sow the whole ground with stalks rather than that it should undertake the giving of the baths, with all the paraphernalia and all the surroundings of that kind of business.

I think therefore if anything is to be done, if there is a necessity for utilizing the water, we should pass the resolution as it came from the House, which I understand is in the same terms as the bill that came from the Committee on Public Lands. In any event there is nothing but evil in the proposition made by the senior Senator from Arkansas [Mr. JONES] that the Government should take possession of this business and proceed to give baths and carry on a sanitarium for the sick.

Mr. CALL. Mr. President, I think there are some considerations connected with this resolution that are rather too important to be passed over silently. I understand the argument in favor of the resolution is that there can not be obtained enough consideration by the two Houses of Congress for the public interests of the people of this country as against private interests to do what it is manifestly the duty of Congress to do. If there were no other reason than that, it would impel me to vote against the bill and in favor of the amendment of the Senator from Arkansas [Mr. JONES].

This resolution seems to be in the interest of private individuals as against the people at large. I mean so much of it as leaves the leases intact and continues the monopoly of the water in the hands and control of a few individuals privileged by the act of Congress, and the management of the Secretary of the Treasury, to extort great sums of money from the diseased, the suffering, and the poor, for the use of the public property dedicated by Congress to them.

If this can not be done because Congress is under the control of these private interests, then I am in favor of the proposition of the Senator from Arkansas [Mr. BERRY].

Mr. BERRY. Will the Senator allow me?

Mr. CALL. Certainly.

Mr. BERRY. What does the Senator mean?

Mr. CALL. I mean, not that feature of the bill which proposes to utilize the surplus water, but I mean the failure on the part of Congress to dedicate this water to the general public. This resolution perpetuates that system.

Here is a great sanitarium, a great beneficence, reserved by the people of the United States for the benefit of the public, passed to the hands of a few individuals for the purpose of making fortunes for them out of the misfortunes, the sufferings, and necessities of the people and out of the public property. Why has not Congress the virtue to do what the people desire to be done and what duty requires to be done? Why should not the United States build upon that reservation the bath-houses, either free to all its people or giving the use of the water to those who pay such prices as may be adequate in the comfort and cost of keeping the different apartments that may be assigned to them?

I see no reason why a system of that sort can not be devised. The Senator from Arkansas says it can not be done. Why? Because a committee of the other House has gone to Arkansas and has had conference with the interested parties, and comes here and opposes its being done in the interest of the public. Mr. President, to utilize that water is manifestly the duty of Congress. There should be baths and bath-houses provided by which every portion of it could be used. Why give it to private individuals? Why not allow it to be reserved for the public upon the best terms that can be provided?

I shall vote for the amendment of the Senator from Arkansas [Mr. JONES].

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. JONES].

Mr. VOORHEES. I believe the hour of 2 o'clock has arrived.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. BERRY. I ask unanimous consent that the special order be informally laid aside until we conclude this matter.

Mr. VOORHEES. I shall feel compelled to object, because I want to have the matter considered further, and I should be glad to have it go over until to-morrow for that reason independent of the superior merits of the pension bill just announced as the regular order.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Arkansas. The question in the pending bill is on the amendment of the Senator from Iowa [Mr. WILSON].

DEPENDENT PENSION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 181) granting a pension to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors, the pending question being on the amendment proposed by Mr. WILSON, of Iowa.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In section 2, line 5, after the word "from," it is proposed to insert the words "the infirmities of age or from;" so as to read:

And who are now or who may hereafter be suffering from the infirmities of age or from mental or physical disability not the result of their own vicious habits, etc.

Mr. HARRIS. I ask for the yeas and nays upon that amendment.

The yeas and nays were ordered.

Mr. BERRY. Mr. President, whatever difference of opinion may have existed as to the effect when the amendment proposed by the Senator from Kansas [Mr. PLUMB] was adopted striking out the word "totally," if the amendment of the Senator from Iowa [Mr. WILSON] now be adopted, there can be no question but that it practically makes this a service-pension bill. The amendment of the Senator from Kan-

sas admitted all those to receive a pension who were to any extent incapacitated for manual labor. The amendment now proposed by the Senator from Iowa proposes to admit any man who in any degree is suffering from the infirmities of age. Now, I ask if it is not true that every man who served in the Union Army a quarter of a century ago can not prove that he is to some extent incapacitated? I ask if he can not prove that he is suffering in some degree from the infirmities of age?

The Senator from Nebraska estimated that there were a million soldiers yet living who served in the Union Army. Of that number about 20 per cent., something less than three hundred thousand, are on the pension-roll. If those three hundred thousand or less than three hundred thousand cost the Government of the United States, annually, over $80,000,000, the other seven hundred thousand must certainly cost the Government more than $200,000,000 more in addition to the present pension-roll, making a grand total of $300,000,000 annually.

Mr. President, if we are to pass a service-pension bill, as this will become when we adopt the amendment of the Senator from Iowa, I submit that the fair and open way would be to call it a service-pension bill, and not pass a service-pension bill in disguise under the term of a dependent-pension bill, because this language can have no other construction save and except to admit every man who can prove that he is to any extent incapacitated or suffering in any degree from the infirmities of age.

I have no disposition to make any extended remarks upon this matter, but I think in fairness if the Senate adopt the amendment they practically open the door to the pensioning of every man who served in the Union Army. I do not say that all will claim it and all be placed on the roll, but I say this bill so amended makes it possible that each and every one of them can be so placed.

Mr. MANDERSON. Mr. President, I reach the same conclusion that is reached by the Senator from Arkansas, but the motives that prompt me to that conclusion are entirely different. I do not propose to vote for the amendment of the Senator from Iowa, and yet I am in full accord with him, that if there be a case where an ex-soldier by reason of the infirmities of age is incapacitated for manual labor and dependent upon himself for self-support, such soldier should be pensioned. I do not think, however, that to reach this result it is necessary to change the language of the bill. It reads as now amended:

> That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which incapacitates them for the performance of manual labor, and who are without other adequate means of self-support, shall, upon making due proof, etc.,

receive a pension. It seems to me that it is immaterial whether this incapacity for the performance of manual labor comes as the result of accident, as the result of wounds formerly received, as the result of disease, or as the result of old age; there is the same incapacity.

I do not think that, for the purpose of construing this language, it will be necessary for us to go into the fine-spun distinctions that are made by the medical profession. If a man is incapacitated, being dependent on himself for manual labor, I submit that it is immaterial whether that incapacity comes from advancing years or from a wound; and therefore it seems to me that it is entirely unnecessary that this bill should be changed as proposed by the Senator from Iowa.

Mr. WILSON, of Iowa. Mr. President, I certainly have no disposition to interfere with the purpose of the Committee on Pensions in reporting this bill, as I understand that purpose from their own definition. It has been distinctly stated by members of the committee that their desire is to have the benefit of this bill extended to all persons who may have served three months in the military or naval service of the United States in the late rebellion, and who have been honorably discharged therefrom, and who are suffering from disabilities which incapacitate them for the performance of manual labor. Such persons are to receive the pension here provided. It seemed to me that there was a distinction existing between incapacities resulting from the infirmities of age and those resulting from physical disability, but I was not disposed to rest entirely upon my own impression about that. I therefore took the pains to consult members of the medical profession in that respect, without telling them why I desired to know, whether such distinction existed, and from all of them that I consulted I received the same answer, that there was a distinction between incapacities resulting from the infirmities of age and those resulting from physical disability.

Mr. MANDERSON. If the Senator will permit an interruption, the language of the bill is not "incapacity resulting from physical disability," but if they are "suffering from mental or physical disability * * * which incapacitates them for the performance of manual labor."

Mr. WILSON, of Iowa. Yes.

Mr. MANDERSON. I submit if a person is so aged as not to be able to perform manual labor, such person is clearly within the language of this bill.

Mr. WILSON, of Iowa. If I am to take what members of the profession tell me in that regard, I must differ from the Senator from Nebraska; and if we are all to consider the experience we have had in reference to decisions in the Pension Office on medical questions of this kind, we should all be very careful to make the terms of the bill broad enough to cover the various distinctions that have there been established. If the disabilities resulting from infirmities of age are included in the term "physical disability," then it is going to do no harm to put in the language which is embraced within my amendment; but if, on the contrary, the Commissioner of Pensions should hold, as members of the medical profession tell me would be held, that there is a distinction between incapacities resulting from the infirmities of age and those resulting from physical disability, then we ought to be sure to cover both by the inclusion of the amendment I have offered.

A man who has served his three months, has been honorably discharged, who has not in fact and technically the physical disability which incapacitates him for labor, who may have the incapacity which has resulted from advancing years, may find himself, although he may be as deserving as any other soldier who has served for the term, left out under the terms of the bill reported by the committee; and it is only to guard against that and to protect all of that deserving class that I introduce this amendment, and I hope it will be adopted. It is not for the purpose of enlarging the scope of the bill, as stated by the committee, but to be sure that we have all within it that the committee tell us they intended to have.

Mr. SHERMAN. Mr. President, when this pension bill was before the Senate last, the Senator from Kentucky [Mr. BECK], traveling entirely outside of the record and subject-matter of debate, made use of remarks which I thought at the time should be revised and corrected; but since he has allowed them to stand in the CONGRESSIONAL RECORD I do not feel, in justice to myself and others, that I can allow them to pass without correction and review. I will ask the Secretary to read the marked paragraph I send to the desk.

The PRESIDING OFFICER. The paper sent to the desk will be read.

The Secretary read as follows:

> And that was all said to be done in order to protect the American laborer; he was told that he should accept payment in nothing but gold coin, while the poor, ignorant people of India were willing to take silver. What brought about this condition of things? The Senator from Ohio is more responsible for it than anybody else. The record shows it. When Congress undertook to strike down our silver coinage at the dictation of England, and when Germany and England and the United States combined and struck it down secretly, so secretly that General Grant, who was then President, did not know it, though he signed the bill; Mr. Blaine, the then Speaker of the House, did not know it; Mr. Garfield did not know it; Mr. KELLEY, who had charge of the bill, did not know it—not one of the Argus-eyed reporters found it out. He is responsible for it. Mr. Hooper, of Massachusetts, was chairman of the conference that settled it on the part of the House, and Mr. SHERMAN was chairman on the part of the Senate. They knew it.

Mr. SHERMAN. Mr. President, I would not even have regarded this as worthy of notice, as I knew the Senator from Kentucky was under some excitement, but that he uses the word "secretly," intimates that this was done entirely under cover, by some pretense or other, and that I was responsible, selecting me although I had had no connection with the debate in regard to this pension bill. From the general magnanimity of the Senator from Kentucky I did not believe he would allow these words to stand, but as they do stand in the RECORD, I will endeavor to show as briefly as I can that they are entirely false and unfounded, not only in point of fact but in point of reflection, not merely to myself but to the other persons engaged in the passage of the coinage bill, and I think I can do it from the public records without resorting to any declamation or any other remarks.

The coinage bill, to which the Senator refers, was introduced in Congress as early as 1870. I have here the official correspondence, including the letter of the Secretary of the Treasury, Mr. Boutwell, of the date of June 25, 1870. I find in this the summary of the bill, and also the bill itself as it was originally introduced in the Senate, in a summary made by the Comptroller of the Currency giving the changes proposed in the existing law. It says:

> The silver dollar, half-dime, and three-cent piece are dispensed with by this amendment. Gold becomes the standard money, of which the gold dollar is the unit. Silver is subsidiary, embracing coins from the dime to half-dollar; coins less than the dime are of copper-nickel. The legal tender is limited to necessities of the case, not more than a dollar for such silver or 15 cents for the nickels.

Then I find in the bill itself, which is attached to this document, that in section 15 it is provided—

> That of the silver coins, the weight of the half-dollar or piece of 50 cents shall be 192 grains, and that of the quarter-dollar and dime shall be, respectively, one-half and one-fifth of the weight of said half-dollars.

Then section 18 provides—

> That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

By these sections, a long time afterwards becoming the law, the silver dollar, which had existed from the foundation of the Government but had not been coined to a large amount for fifty-odd years, was dropped from our coinage, and it is that offense that the Senator says was secretly, furtively done; so secretly that Grant did not know it; that Blaine did not know it; that others did not know it.

Mr. President, these sections stood in that bill during three long continuous sessions, during which time this subject was debated over

and over again by every leading member of the Senate and every leading member of the House of Representatives. I have the law here as it passed nearly three years afterwards, and these sections which I have already read became the law as it passed, and are as follows:

That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be 420 grains troy.

And adding the weights of the minor coins in French grams; then there is the same provision, section 17, of the law as it passed, the same *in hæc verba* as in the bill when first introduced:

That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

This provision of the statute in substance and in effect remained in the bill during all its long-pending consideration. It was open as the air and as public, it having been printed thirteen different times and debated over and over again; and yet these provisions which suspended the coinage of the silver dollar were a part of the bill in every stage of the controversy. There was no change whatever made in the second clause, which practically suspended the coinage of the silver dollar; but in the first section there were two changes. One was that instead of the silver dollar, which was not mentioned in it, there was the trade-dollar provided for, provided for at the request of the producers of silver, at the request of the Senators from the Pacific coast, and at the request and on the petition of the dealers in and producers of gold and silver in California that the trade-dollar was put upon the statute-book, its weight increased, its value increased so as to afford the means of exporting silver. That was the change. There was some little change also in the weight of the minor coins; and that was all. With these exceptions, the law as it now stands, which the Senator from Kentucky says did so much evil in this country, is precisely the bill as it stood in every stage of its progress except in these two minor particulars of which I have spoken.

Now, let us go a little further; let us look at the history of this act. I do not wish to consume much time upon it, but here I have it in the annual report of the Secretary of the Treasury for 1876. I find there the history of the statute in full:

On April 25, 1870, the Secretary of the Treasury transmitted the following letter to Hon. JOHN SHERMAN, chairman of the Finance Committee of the Senate.

Then follows that letter. Then here is what is said, and this history of the coinage act of 1873 is transcribed from a speech of Hon. Abram S. Hewitt, of New York, now mayor of that city:

The coinage of the silver-dollar piece, the history of which is here given, is discontinued in the proposed bill. It is by law the dollar unit, and, assuming the value of gold to be fifteen and one-half times that of silver, being about the mean ratio for the past six years, is worth in gold a premium of about 3 per cent. (its value being $103.12)—

So that the silver dollar was then worth 3 per cent. more than the dollar in gold—

and intrinsically more than 7 per cent. premium in our other silver coin, its value thus being $107.42. The present laws consequently authorize both a gold-dollar unit and a silver-dollar unit, differing from each other in intrinsic value. The present gold-dollar piece is made the dollar unit in the proposed bill, and the silver-dollar piece is discontinued. If, however, such a coin is authorized, it should be issued only as a commercial dollar, not as a standard unit of account, and of the exact value of the Mexican dollar, which is the favorite for circulation in China and Japan and other oriental countries.

That statement made as to the relative value of the silver and gold dollar was made in this original document as early as April 25, 1870; and yet that bill, containing many sections, involving a codification of the entire coinage law, was continued upon our table day after day and session after session. It was passed in both Houses of that Congress, but not in sufficient time to have the amendments and differences between the two Houses reconciled by a committee of conference, and so it went over to another Congress, when it was again debated with these provisions staring every man in the face, so that no one could read the bill without knowing them and knowing that they were there and knowing the precise effect of the measure.

I find among these documents, sent to us long before there was any controversy upon this subject, a statement of Mr. Robert Patterson, of Philadelphia, sent to Mr. Knox. He says:

The silver dollar, half-dime, and three-cent piece are dispensed with by this amendment.

Again:

On December 19, 1870, the bill was reported from the Finance Committee of the Senate and printed with amendments.

On January 9, 1871, in accordance with previous notice, the bill came before the Senate, and was discussed during that day and the following day by Senators SHERMAN, Sumner, Bayard, STEWART of Nevada, Williams, Casserly, MORRILL, and others, and passed the Senate on the 10th by a vote of 36 yeas to 14 nays.

On January 13, 1871, on motion of Hon. WILLIAM D. KELLEY, the Senate bill was ordered to be printed. On February 24, 1871, Mr. KELLEY, the chairman of the Committee on Coinage, reported the bill back with an amendment in the nature of a substitute, when it was again printed and recommitted. Mr. KELLEY again, on March 9, 1871, introduced the bill in the Forty-second Congress, when it was ordered to be printed and referred to the Committee on Coinage, when appointed.

And so on, the different stages during that whole Congress are given. Mr. KELLEY said in reporting that bill the second time to the House:

We proceeded with great deliberation to go over the bill, not only section by section, but line by line and word by word. The bill has not received the same elaborate consideration from the Committee on Coinage of this House, but the attention of each member was brought to it at the earliest day of this session; each member procured a copy of the bill and there has been a thorough examination of the bill again.—*Congressional Globe*, volume 100, page 322.

This was at the second session. Then he speaks:

There are one or two things in this bill, I will say to the gentleman from New York, with his permission, which I personally would like to modify—that is to say, I would like to follow the example of England and make a wide difference between our silver and gold coinage.

He wished to follow the English example and make the silver coinage a mere token money, although our minor coinage was then as now a token money.

Again Mr. KELLEY said:

But, sir, I again call the attention of the House to the fact that the gentlemen who oppose this bill insist upon maintaining a silver dollar worth 3½ cents more than the gold dollar, and worth 7 cents more than two half-dollars, and that so long as those provisions remain you can not keep silver coin in the country.

There are other passages showing that in the following session, while other features of the bill were the subject of controversy, these two provisions which dropped the silver dollar and substituted in its place the trade-dollar stood in the bill always open for consideration, plain and manifest, distinctly printed, and considered over and over again.

The bill was again printed in the Senate on May 29, 1872, and referred to the Finance Committee. Senator SHERMAN, in reporting it back on December 16, 1872, said:

"This bill has, in substance, passed both Houses, except that the Senate bill enlarged and increased the salaries of the officers of the mint. It was passed by the Senate at the session of the last Congress, went to the House, and now, somewhat modified, has passed the House at this Congress, so that the bill has practically passed both Houses of Congress. The Senate Committee on Finance proposed a modification of only a single section; but as this is not the same Congress that passed the bill in the Senate, I suppose it will have to go through the form of a full reading, unless the Senate are willing to take it on the statement of the committee, the Senate already having debated it and passed it." (Page 203, volume 106, third session Forty-second Congress.)

After further debate, on motion of Mr. Cole, the bill was printed in full, with amendments.

On January 7, 1873, it was again reported, with amendments, and again printed for the information of the Senate. It passed that body on January 17, 1873, after a discussion occupying nineteen columns of the Congressional Globe. In the course of the debate Senator SHERMAN said:

"This bill proposes a silver coinage exactly the same as the French, and what are called the associated nations of Europe, who have adopted the international standard of silver coinage; that is, the dollar (two half-dollars) provided for by this bill is the precise equivalent of a five-franc piece. It contains the same number of grams of silver, and we have adopted the international gram instead of the grain for the standard of our silver coinage. The trade-dollar has been adopted mainly for the benefit of the people of California and others engaged in trade with China.

"That is the only coin measured by the grain instead of by the gram. The intrinsic value of each is to be stamped upon the coin. The Chamber of Commerce of New York recommended this change, and it has been adopted, I believe, by all the learned societies who have given attention to coinage, and has been recommended to us, I believe, as the general desire. That is embodied in these three or four sections of amendment to make our silver coinage correspond in exact form and dimensions and shape and stamp with the coinage of the associated nations of Europe who have adopted an international silver coinage." (Page 672, volume 106, third session Forty-second Congress.)

The bill was sent to the House and on January 21, 1873, on motion of Mr. Hooper, it was again printed with amendments, and subsequently committees of conference were appointed, consisting of Messrs. Hooper, Houghton, and McNeely, of the House; and Senators SHERMAN, Scott, and Bayard, of the Senate. The reports of the committees of conference were agreed to, and the bill became a law on February 12, 1873, substantially as originally prepared at the Treasury.

The bill as prepared at the Treasury omitted the silver-dollar piece, and the report stated the fact of its omision three different times and gave the reasons therefor. The silver-dollar piece was omitted from the bill as it first passed the Senate. It was also omitted from the bills reported by Mr. KELLEY; but in the bills reported by Mr. Hooper a new silver dollar was proposed equal in weight (384 grains) to two of the half-dollars then authorized.

The Senate substituted a trade-dollar weighing 420 grains in place of the dollar of 384 grains, in accordance with the wishes of the dealers in bullion upon the Pacific coast, that being considered by them as the most advantageous weight for a coin to be used for shipment to China and Japan.

The weight of the subsidiary silver coin was increased about ½ per cent. in value, making the half-dollar, quarter-dollar, and dime, respectively, of the weight of 12½ grams, 6¼ grams, and 2½ grams, or precisely one-half, one-quarter, and one-tenth, respectively, of the weight of the French five-franc piece. All of said coins were made a legal tender in nominal value for any amount not exceeding $5 in any one payment. The bill was read in full in the Senate several times, and the record states on January 9, 1872, that it was read in the House. It was undoubtedly read at other times. The bill was printed separately eleven times, and twice in reports made by the deputy Comptroller of the Currency, thirteen times in all, by order of Congress. It was considered at length by the Finance Committee of the Senate and the Coinage Committee of the House during five different sessions, and the debates upon the bill in the Senate occupied sixty-six columns of the Globe and in the House seventy-eight columns of the Globe.

It might be asked, why was the silver dollar dropped from the coinage? It was for this reason, as shown by the report I now hold from the Director of the Mint, made this year: that although that coin was established in the beginning of the Government and was started to be issued, there having been $27,000 issued in the first year after the formation of the Mint, it soon ran out. It was not a convenient coin for the people, and then for long years after not a single dollar of this silver coin was issued. It had then become practically disused, and the whole amount that was issued prior to that time was probably less than a million dollars all told. The Mexican dollar was the dollar then largely in circulation.

Then commenced a time in 1841 when small sums were again beginning to be issued, sometimes running as low as $1,100 in a year, and it so continued, and always less than $100,000 a year, until in 1859–'60,

when it ran up to $600,000, and again fell to $78,000, and so on down until 1872–'73. Until it was dropped from our coinage and the trade-dollar took its place there were, all told, issued by the Government of the United States in eighty years of its history less than $8,000,000.

It was this coin which by long experience was shown not to be adapted to the wants of the people, which for forty years in succession had not been issued at all, that was dropped, and in its place there was provided a coin called the trade-dollar, and that at once supplied an important demand for commerce and was issued in large quantities.

Mr. TELLER. Mr. President——

Mr. SHERMAN. I hope the Senator will not interrupt me.

Mr. TELLER. After the statement that this coin had been found not to be adapted to the use of the country, I wish the Senator to state to us why it was not coined. He knows that that is not the reason. He knows that it was because it was worth 3½ per cent. more than a gold dollar.

Mr. SHERMAN. That was a sufficient reason.

Mr. TELLER. That was the reason, and I wish the Senator to state it.

Mr. SHERMAN. I have already stated that; I commenced with stating that that was a proper reason why it should be; that at the very time the law was passed, the bill was introduced, it was worth $1.03. I have stated that.

Mr. TELLER. Yes; but the Senator stated that it was found not to be adapted to the wants of the people. I deny that.

Mr. SHERMAN. It was found not to be adapted because, as I said before, it was worth more than a gold dollar, and was not issued.

Mr. TELLER. Put it that way, then.

Mr. SHERMAN. I stated that. The Senator must have been out of the Chamber. I stated the exact value of it when the law was passed. It was under those circumstances that it was dropped.

The Senator from Kentucky says that it was done secretly, under cover, so as to reproach somebody. Although he was talking about a bill that dealt only with pensions, he traveled over the tariff question, then came to the silver question, and dragged up this old campaign story and threw it at me, as if I was responsible, and said that it was done secretly.

Why, Mr. President, this thing was done in the light of day. Not only that, but when it was finally brought to a committee of conference, who were those conferees who are thus arraigned? Mr. Bayard, Mr. John Scott, of Pennsylvania, one of the most honored members of this body, and myself were the conferees on the part of the Senate. Mr. Hooper, the Senator says, knew it, and I knew it, and there was something devilish about it, something secret. A bill that had been debated for three long sessions, considered line by line, and precept by precept, is held up as a matter of reproach against Mr. Hooper, now gathered to his fathers, chairman of the committee on the part of the House, and myself.

Why did he not include the rest of the conferees? Here is the conference report. They did not in the slightest degree change either of the sections named which suspended the coinage of the silver dollar. The conference had no relation to them. The dispute was about other matters entirely. Here is that conference report. "Mr. SHERMAN submitted the conference report on the 6th day of February, 1873." It is signed: "JOHN SHERMAN, John Scott, T. F. Bayard, managers on the part of the Senate; S. Hooper, William L. Houghton, managers on the part of the House."

Why the Senator from Kentucky should lug in this matter here under these circumstances it is not for me to say. I appeal to the generosity and sense of candor of Senators whether we must be thus arraigned on collateral issues pending a bill of this importance to the soldiers of our country.

This is all I have to say, for I do not wish to interfere at all with the Presiding Officer, who, I believe, is entitled to the floor; but during his temporary absence I thought it proper to make this correction, not only in vindication of myself, but of all those who participated in the passage of that important bill.

Mr. INGALLS and Mr. BECK addressed the Chair.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Kansas.

Mr. INGALLS. I ask that the pending amendment be read.

Mr. BECK. I know that the audience here is assembled for the purpose of hearing the Senator from Kansas, and I do not propose to interfere with him nor interrupt him for more than a moment, if he will allow me. I had no idea the Senator from Ohio was going to make this explanation to-day.

Mr. SHERMAN. I told the Senator.

Mr. BECK. I did not know it until the Senator said in committee this morning that he would do so at some time or other. I supposed that I should be advised before it was done.

I only want to say, if the Senator from Kansas will allow me, that to-morrow morning or whenever I can have an opportunity I will show, notwithstanding all that was read about the former bill, that when Mr. Hooper brought in his substitute he so stated on the floor of the House and induced all of us to let the bill go, because it had nothing in it; and in the Senate when the discussion was had the Senator from Ohio, in a dispute or an argument with the then Senator from California, Mr. Casserly, insisted that silver should circulate the world over and as far as our commerce went, and that the Revised Statutes were changed to carry out this purpose, and that Mr. KELLEY, who had charge of the bill originally, as I read the other day, or had inserted in my speech, having told the Senator from Connecticut that I would do so; Mr. Blaine, the Speaker of the House; Senator VOORHEES, then an active member of the House; Mr. Garfield, afterwards President, and General Grant, who signed the bill, all show that they knew nothing about it. I will show that this matter originated with the Senator from Ohio himself in a conference held in Paris in 1869——

Mr. SHERMAN. In 1867.

Mr. BECK. When this letter was translated, and sent to Mr. Seward by Mr. Ruggles, and was commended by the Emperor of the French because it was for a gold unit alone. Mr. Ruggles lauded the Senator from Ohio, and stated that the German Emperor did and all the distinguished powers of Europe did, because he had thrown such a moral influence in favor of gold and gold alone as the unit of value. It was because of that conference in Paris that Mr. Ruggles reported, and all these bills were brought here, and the scheme was repudiated by the American people every time they had a chance.

I will bring up all these documents and I will show that there never was an act that was more misunderstood by the American people, that was more condemned the moment it was ascertained, and that the silver dollar was restored in spite of the veto when the Senator from Ohio was himself Secretary of the Treasury under Mr. Hayes, and that every statement made in regard to it has been falsified from that day to this. I will then apologize to the Senator from Ohio if I do not prove that to have been the case.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The CHIEF CLERK. In section 2, line 5, after the word "from," it is proposed to insert the words "the infirmities of age or from;" so as to read:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from the infirmities of age or from mental or physical disability not the result of their own vicious habits, which incapacitates them for the performance of manual labor, and who are without other adequate means of self-support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive $12 per month.

Mr. INGALLS. Mr. President, considerations of decorum and propriety, excessive, perhaps, and sometimes overstrained, have deterred me from participation in debate thus far this session of the Senate, my impression being that perhaps order could be more impartially maintained and the rules of the Senate better enforced by abstinence on the part of the Presiding Officer from the controversies of the floor.

I was surprised, therefore, one day last week, upon returning to the Chamber after a brief absence, to learn that the Senator from Missouri [Mr. VEST] had taken occasion when I was not present to allude to me in terms the reverse, to say the least, of complimentary in a discussion in which I had taken no part, and including in his combined and concentrated and coagulated cynicism not me only, but the inhabitants of the District of Columbia also, and all the comrades of the Grand Army of the Republic; intimating that those were incapable of disinterested patriotism, and that the surviving veterans of the Union armies were a mob of sordid mercenaries organized for plunder, and for sale to the highest political bidder.

Personal allusions to myself I will pass by with but one single observation, and that is, that the nomination and election of Grover Cleveland have made the pretensions of any American citizen to the Presidency respectable. There is no man in this country whose ignorance is so profound, whose obscurity is so impenetrable, and whose antecedents are so degraded that he may not justifiably aspire to a Presidential nomination—by the Democratic party. [Applause and laughter in the galleries.]

The PRESIDING OFFICER. The galleries must preserve order.

Mr. INGALLS. I regret, Mr. President, that the Senator from Missouri is not present to-day. He is a courteous and courageous antagonist. I have waited for his return. The day following this debate the discussion turned rather upon the infirmities of the tariff than upon the infirmities of age. Thereafter the Senate adjourned over, and this is the first convenient opportunity that I have had to address myself to the bill under consideration.

To whatever degree the Senator from Missouri saw fit to criticise with indignity and to asperse with personal allusion a colleague upon the floor who was not present, I shall not imitate that bad example, but confine myself, so far as he is concerned, to what has been disclosed in his autobiography.

The Senator from Missouri was born in a State that did not secede from the Union—the State of Kentucky. His autobiography shows that he represented in the Confederate house of representatives for two years, and in the senate of the Confederate States for one year, the State of Missouri. The State of Missouri did not secede, Mr. President, and while I have no doubt that the Confederate house of repre-

sentatives and the Confederate senate were the judges of the election, the qualifications, and the returns of their own members, it would be a special gratification to the historian to know upon what conditions and by what methods a member of the Confederate house of representatives or of the Confederate senate could have been admitted from the State of Missouri that never seceded from the Union. I do not propose, however, to push my investigation into the subject of his right to represent that State in the Confederate senate so far as to move to refer his credentials to the Committee on Privileges and Elections. It is a matter of ancient history.

Nor, sir, do I allude to this matter in any disparagement to the Senator from Missouri any more than I do to the same fact in the history of the Senator from Kentucky [Mr. BLACKBURN] who sits now before me, and who with a great deal of profusion of speech rose and denounced the "super-loyalty" of the Grand Army of the Republic, criticising them as a horde of beggars thrusting their demands into the Senate. I do not speak in derogation either of the honor or the courage or the integrity of that Senator. I allude to it as a matter of history only, and for the purpose of showing, so far as I may, that in their devotion to the South and to the Southern Confederacy the Senator from Kentucky and the Senator from Missouri can not be suspected of insincerity. No flag of State allegiance summoned them to cast their fortunes with the South. No phantom of State sovereignty allured them, as it did so many others, into that terrible catastrophe. No, sir; they went because they wanted to go. They went because they believed that slavery was better than liberty; because they believed that secession was better than union; because they believed the stars and bars were more worthy of a patriot's allegiance than the Stars and Stripes; because they believed that Jefferson Davis was more entitled to respect and confidence than Abraham Lincoln. They went South, they allied their fortunes with the Confederacy because they preferred to do so, and their sincerity can not be suspected.

It is a little singular, however, that for some subtle and incomprehensible reason, the Confederates from Union States are a little more pronounced, a little more aggressive, and a little more violent in their denunciations of the North, of the Union armies, of the veterans of the Grand Army of the Republic, than those who had the excuse to which I have referred of following their States into the vortex of secession. So it is that upon every occasion when debate affords the opportunity the Senator from Missouri, born in a Union State, a citizen of a Union State by adoption, rises here and eulogizes the exploits of the Confederate armies, extols their achievements, and by irresistible inference degrades, belittles, and sneers at the Union armies and their friends and allies.

So, in the debate on Wednesday last, the Senator from Missouri rises and says:

When General Lee surrendered at Appomattox there were but eight thousand muskets—

If the Senator had been there there would have been eight thousand and one. [Laughter.]

When General Lee surrendered at Appomattox there were but eight thousand muskets left of that splendid army which had fought the world in arms and had been battered and beaten back by overwhelming numbers for four long years. Out of companies that went into that terrible strife, of one hundred and twenty-five and one hundred and eighty men, but ten or twelve returned back to their kindred and homes. The South to-day is filled with maimed and crippled soldiers, who, amid shot and shell and saber-stroke, fought for their honest convictions as men had seldom fought before. They ask no pensions,

sneeringly said the Senator from Missouri. The Federal soldiers are asking for pensions, but the gallant survivors of the Confederate armies have asked for no pensions!

God be thanked—

Said the Senator from Missouri, growing devout—

God be thanked, they would not take them. They are not in almshouses, and no man has ever seen one of them begging for bread.

The computation of the Senator from Missouri must certainly have been made with his fancy. It dizzies the arithmetic of the imagination to understand upon what volume of statistics he founded his amazing and incredible statement that there were but 8,000 survivors of the Confederate armies at the surrender at Appomattox. If that Senator would pluck a few of the plumes from the dazzling tail of his imagination and stick them into the wings of his judgment, he would fly a bolder, a more direct, and accurate flight.

The official reports show that from the 29th day of March, 1865, to April 9 of that year there were captured of General Lee's army 49,485 men in arms, and that on that fatal day for the Confederacy, when God failed to bless their cause, as the Senator from Missouri said he hoped He would have done, there were taken, in addition to those who had been previously captured and paroled, 27,416 men in arms, making a total, instead of 8,000 men with muskets who were in the final crash and collision between the avenging and triumphant forces of the North and the broken and shattered remnants of the Confederacy, of 73,911 men in arms. Yet the Senator from Missouri, in his eagerness, his avidity to belittle, undignify, and humiliate the North, and to extol and praise and exaggerate the achievements and the numbers of the South, diminishes that number of 73,911 to less than 8,000. His mathematics are certainly giddy.

There is but one parallel to the extraordinary inaccuracy of this statement, and that is the other allegation in his speech that out of the 2,300,000 Union soldiers more than one-half had applied for pensions, a statement that would have been refuted by the simplest inspection of the latest return of the Commissioner of Pensions.

As I said, Mr. President, I do not attempt, nor do I intend to cast the slightest personal aspersion, the slightest imputation by the remotest inference upon the honor and patriotism of either the Senator from Kentucky or the Senator from Missouri who does not honor us with his presence. I mention these things for the purpose of saying that I have no doubt they fully and thoroughly represent the convictions, the feelings, the purposes, and the intentions of their constituencies. They know what sentiments will awaken an answering response in the South. They know what it is popular to say at home

When the Senator from Missouri alludes to the efforts which are being made by the Republicans in this body to afford pensions to the dependent, indigent, and suffering survivors of the Union armies now enrolled in the Grand Army of the Republic as an attempt by candidates for the Presidency to bid for the soldier vote, the Senator from Kentucky will pardon me when I say that I have no doubt speeches like those which he made, and which the Senator from Missouri repeated, were intended to bid for the Confederate vote; and they will get it every time. It is a center shot. Appeals like that strike the bull's-eye and ring the bell. [Laughter and applause in the galleries.]

The PRESIDING OFFICER. The Senator from Kansas will suspend one moment. The rules of the Senate require that order shall be preserved in the galleries, and the Chair will see that those rules are enforced.

Mr. INGALLS. I have never heard, Mr. President, during the fifteen years that I have been in this body, any repudiation of sentiments like those avowed by the Senator from Missouri and the Senator from Kentucky from any quarter in the Democratic party. Time and time again have I heard those same sentiments reiterated and repeated here. If they were obnoxious to any sentiment of the Southern States, why should we not have heard some disavowal of them? Why are they repeated here *iterum iterumque, ad nauseam*, until the heart of the patriotic North rises in indignation, and never a word of protest spoken by any Democratic Senator North or South? No, Mr. President, they know the sentiments, they know the convictions, they know the emotions of the people behind them, and that is the reason for their utterances.

Why was it that when the last appointed associate justice of the Supreme Court of the United States, who by one of the strange caprices of history now sits in judgment upon those great constitutional amendments that were adopted and agreed to against his protest and his efforts, rose in this Chamber and said that he would resent as a personal affront any imputation upon the honor, the integrity, or the patriotism of Jefferson Davis as a personal insult to himself—why was it that when he said he had no doubt Jefferson Davis would occupy a niche in history by the side of John Hampden and George Washington, no Democratic Senator, North or South, rose to repudiate and disavow it? Yet the moment that any Republican Senator or any editor of any Northern newspaper or any organ of the Grand Army of the Republic talks about the Union Army, the grandeur of its achievements, the obligations and duties of the nation toward its members, we are charged with waving the ensanguined undergarment, raking up the ashes of sectional strife, and appealing to partisan hatred and wrong and malice. It is time that the twenty-four Confederates who constitute twenty-four thirty-sevenths of the Democratic members of the Senate should understand how the people of the North feel about these matters.

Mr. MORGAN. How about the other two on that side?

Mr. INGALLS. And that they were fully advised that the Northern people are not in the dark or unadvised about the situation.

Mr. MORGAN. Does not the Senator from Kansas recognize the fact that he holds his place as President of the Senate in consequence of the votes of two of the Confederates who fought and surrendered at Appomattox?

Mr. INGALLS. Suppose I do; I never heard them deify Jefferson Davis. I never have heard one of them get up here and denounce the efforts of the Republicans to pension Union soldiers. Have you? Answer me, "thou learned Theban."

Mr. MORGAN. Nor have you heard me, an Alabamian and a Confederate soldier, denounce the right of Union soldiers to pensions. We have not come and asked alms of you or your friends.

Mr. INGALLS. You have done it repeatedly.

Mr. MORGAN. Not at all.

Mr. INGALLS. There never is an occasion when an attempt is made to pass a pension bill for the surviving soldiers of the Union armies, that every Democrat does not put on his spectacles, go to the blackboard, and take the crayon and say, "It is going to cost too much."

Mr. MORGAN. I do not deny that we have asked pensions from the Government of the United States for that splendid body of men who went to Mexico, into a foreign country——

Mr. INGALLS. I will get to that pretty soon.

Mr. MORGAN. Who fought for their country and brought to it a dowry which I believe includes a large part of the State of Kansas, and

who we have always felt had a claim to sincere gratitude on the part of the American people.

Mr. INGALLS. I will come to that shortly; but I want the Senators who are opposing this pension bill, and opposing it on the ground of economy and on the ground the Senator from Kentucky did, that it is an attempt to dispose of the surplus for the purpose of preventing a reduction of the tariff, to understand that the disguise is exceedingly thin and that nobody is deceived by it.

The South do not like the Union soldiers; the Democratic party do not like them—they never did. So it is now, after the animosities of the war should have died away; and upon every conceivable occasion when we attempt to enlarge the pension system or liberalize its provisions, Senators rise here one after the other and peevishly complain that it is going to cost too much.

Mr. MORGAN. If the Senator will allow me just a moment I will say that the Democratic party liked General Hancock very well, and voted for him.

Mr. INGALLS. They did, as they are going to vote for again, Grover Cleveland, under compulsion. They thought they could fool the Northern people by voting for a Union soldier, but they did not. We understand very well what the voting for General Hancock meant. It was just the same as voting for Horace Greeley. You have been engaged in illicit intercourse with all the degraded elements of the North for the last twenty-five years.

Horace Greeley! The Democratic party attempting to delude the North by nominating and voting for Horace Greeley to show that they were reconstructed, that they would fain fill their bellies with the husks that the swine did eat, and they could not; and then the Senator from Alabama rises and assures us with a suffusion of patriotic loyalty that they voted for Hancock. Why, Mr. President, we understand why they voted for Hancock. We know why Hancock was nominated. We know why that other ally of the Confederacy, George B. McClellan, was nominated, who had just declared that the war was a failure after he had been trying for two years to make it so. No, Mr. President, these pretensions are altogether too diaphanous. They require to have the drapery removed for an instant.

But I am not quite through with this aspect of the question yet. In 1886, on the first day of May of that year, less than two years ago, there was in the city of Atlanta, in Georgia, a great historic occasion. A statue to one of our former associates in this body was to be unveiled, a man whom I honored, and whom we all respected. Upon that occasion the venerable ex-president of the Confederacy was invited to be present. It was a day that never will be forgotten in the annals of the South. They flocked to that city as men go to a banquet or as doves flock to their windows. They—

> Came as the winds come, when
> Forests are rended;
> Came as the waves come, when
> Navies are stranded.

The city was decorated with the Confederate emblem brought out to make a Confederate holiday, and an orator was selected to give voice to the sentiments of the inhabitants of the lost Confederacy, not in 1866, but in 1886, twenty years after the surrender at Appomattox, and twenty years after we had been told that the South in good faith had accepted the results of the war and desired to come in under the old flag and obtain the necessary appropriations. [Laughter.]

I have the oration delivered by the speaker upon that occasion, not a garbled and mutilated extract printed in a Northern paper, but the corrected copy printed in the paper that the orator himself edits, I believe. Therefore it is entitled to credence; it is authentic and authoritative. It may be, perhaps, instructive and entertaining, in view of what we hear about the reconstruction of the South, their repentance, their desire to co-operate with the North in accomplishing the great results of our destiny under the Constitution of the Union, to hear what he says; and at the risk of trespassing upon your patience I will, with as little abbreviation as I can, repeat the oration delivered on that occasion. As I said, it was to unveil a monument to Benjamin Harvey Hill. The orator said:

> Had the great man whose memory is perpetuated in this marble chosen of all men one witness to his constancy and his courage, he would have chosen the honorable statesman whose presence honors this platform to-day. Had the people of Georgia chosen of all men one man to-day to aid in this sacred duty, and, by the memories that invest him about, to give deeper sanctity to their work, they would have chosen Jefferson Davis first and last president of the Confederate States.

I do not blame him for that, Mr. President. I can understand it; in a certain sense I honor it, because he spoke what I believe were the honest, truthful, and courageous sentiments of his heart, as I believe the Senator from Kentucky and the Senator from Missouri have done in this debate.

> It is good, sir—

He continued—

> [turning to Mr. Davis] for you to be here. Other leaders have had their triumphs. Conquerors have won crowns, and honors have been piled on the victors of earth's great battles; but never yet, sir, came man to more loving people. Never conqueror wore prouder diadem than the deathless love that crowns your gray hairs to-day. Never king inhabited more splendid palace than the millions of brave hearts in which your dear name and fame are forever enshrined. Speaking to you, sir, as the son of a Confederate soldier who sealed his devotion with his life—holding kinship through the priceless heritage of his blood to you and yours—standing midway between the thinning ranks of his old comrades, whose faltering footsteps are turned toward the grave, and the new generation thronging eagerly to take the work that falls unfinished from their hands—here in the auspicious present, across which the historic past salutes a glorious future, let me pledge you that the love we bear you shall be transmitted to our children and our children's children, and that generations yet unborn shall in this fair land hold your memory sacred and point with pride to your lofty and stainless life.

My countrymen—

He continued—

> [turning to the crowd], let us teach the lesson in this old man's life, that defeat hath its glories no less than victory. Let us declare that this outcast from the privileges of this great Government is the uncrowned king of our people, and that no Southern man, high or humble, asks greater glory than to bear with him heart to heart the blame and the burden of the cause for which he stands unpardoned. In dignity and honor he met the responsibilities of our common cause. With dauntless courage he faced its charges. In obscurity and poverty he has for twenty years borne the reproach of our enemies and the obloquy of defeat.

And as if this were not enough, as if eulogy had not been exhausted, he rises to the height of the occasion; and coming nearer, I think, the frontier of sacrilege, the boundary line of blasphemy, than ever man came before, he said:

> This moment—in this blessed Easter week—that, witnessing the resurrection of these memories, that for twenty years have been buried in our hearts, has given us the best Easter we have seen since Christ was risen from the dead. This moment finds its richest reward in the fact that we can light with sunshine the shortening end of a path that has long been dark and dreary. Georgians, countrymen, soldiers, and sons of soldiers, and brave women, the light and soul and crown of our civilization, rise and give your hearts voice as we tell Jefferson Davis that he is at home among his people.

I do not propose to rehearse what that distinguished representative who had just been eulogized said in his reply, except in one single sentence. I will quote one paragraph in which he refers to the services rendered him by that illustrious man whose statue was that day being unveiled in a somewhat memorable debate that occurred in Congress. He said:

> He had nothing to ask, but he had much to give, and when I was the last from the South who could excite any expectation of benefit, it was Hill whose voice rose triumphant in the Senate and mashed the injurious Yankee down.

Referring, I suppose, to our friend who is now in Florence.

Yet, Mr. President, before the lilies of that Easter were faded,

> The funeral bak'd meats
> Did coldly furnish forth the marriage tables,

in New York or Brooklyn, and in this same year of our Lord 1886, this same orator, who declared that Jefferson Davis was the uncrowned king of the Southern people, and that no more glorious Easter had arisen since Christ died on Calvary than that which gave them the opportunity of renewing their devotion to him and the ideas that he represented, made a pilgrimage to the North, and at the New England dinner in the city of New York poured out his treacle, cold cream, honey, and maple sirup all over the North, declaring that the South had been wandering in a far country, that they were anxious to return to the home of their fathers, and the whole Democratic party rose and fell on his neck, and put shoes on his feet, and a ring on his finger, and said, "Lo, this my son that was lost is found." But some protested, in the language of the Scripture, as the elder son who had not wasted his substance with harlots complained that the father had killed the fatted calf, although "thou never gavest me a kid that I might make merry with my friends."

When was that orator sincere, Mr. President? When did he speak the sentiments, the feelings, and convictions of the Southern people—when he delivered that oration on the 1st day of May, 1886, in Atlanta, in the presence of applauding thousands, or when he went up to the New England dinner, in December of the same year, and spilled oil and wine all over the American people?

If our friends who are opposing this dependent pension bill imagine that I entertain any feelings of ill-will or malevolence toward them for the course they pursue, they are mistaken. I do not very well understand how they can act in any other way. I have sometimes thought with curious reflection what my emotion would have been had the result of the conflict been reversed; if the armies of the Confederacy had dictated terms of peace in this capital; if the Georgia statesman had fulfilled his insolent menace to call the roll of his slaves in the shadow of Bunker Hill, and if the flag that now floats above us had been a dishonored and a degraded rag; if this Chamber had been spoliated and sacked as you tried to spoliate and sack it; if this country had been destroyed and overthrown as you tried to destroy and overthrow it; if the Constitution of the United States had become an antiquated relic and American citizenship a forgotten attribute; if slavery had been declared to be right and liberty wrong, and if the theories of Calhoun and of Jefferson Davis had been declared to be the true measure of interpretation of the Constitution.

Mr. President, such calamities were imminent often during the war. From the place where we now sit the challenge of the sentinel upon the hills of Virginia could almost have been heard, and the reverberation of your guns thundered hoarsely along the valley of the Potomac. I have often reflected how I should have felt if these results had been accomplished; had my political sins been forgiven; had I come back and said, "Remove my political disabilities; allow me to enter your legislative body and draw my salary punctually and with dispatch."

Had I seen the Confederate heroes in bronze mounting their granite pedestals in this capital, Lee instead of Grant, Davis instead of Garfield, Stonewall Jackson instead of McPherson, I do not believe that I should have had any consolation in voting pensions to Confederate soldiers myself. I doubt whether I should ever have ceased to be a conspirator; I doubt whether in some hidden and secluded receptacle, at least in the sanctuary of my soul, I had not kept the Stars and Stripes enshrined, and hoped that the day might again dawn when it should be the symbol of the glory and the emblem of the power of a united country. I doubt whether I ever should have believed that slavery was better than liberty.

But, Mr. President, I should have regarded it as the climax of effrontery, as the very apex and summit of hardihood and audacity, I will not say pusillanimity and dishonor, when I had accepted a pardon, had my disabilities removed, and taken the oath of allegiance to the successful Southern Confederacy, if I had appeared day after day upon every occasion when opportunity offered to denounce the efforts made by my conquerors to reward their own soldiers, and to haggle about the price that the victors should see fit to bestow upon the men by whom I was vanquished.

Therefore, Mr. President, I say again, without personal imputation or inference, to those who are under one pretext and another attempting to convince the North that they can safely and patriotically vote the Democratic ticket and elect Democratic Presidents, although 153 votes in the electoral college are in those States saturated with these sentiments, I do not think that the North is at all deluded by such pretensions.

It is a little singular, Mr. President, that in all the years which have elapsed since the war there never has come from one of the States that were in rebellion a single Unionist, so far as I know, elected by Democratic votes to either House of Congress, not even by an accident. They never have blundered into sending here a man who was not in the Confederate service in some capacity or other; nor, so far as I know, has any governor of any one of the Confederate States since the war ever been a Unionist. The supreme test that is applied is the test of service to the Confederacy. When I look over the roll of this body and over the roll of the other House of Congress and reflect how few of those who served in the Union armies are found in the councils of the nation, I am not surprised that we have witnessed the demonstrations that we have heard and seen upon this bill and every similar bill that is presented for action either in the Senate or House of Representatives.

The Senator from Missouri, in the course of the debate last Wednesday, as an illustration of the magnanimity of the South, assured us that of the $883,000,000 of pensions that had been paid, $240,000,000 had been contributed by the South; and the Senator from South Carolina [Mr. HAMPTON], who evidently is a more accurate arithmetician, rose and said, not $240,000,000 but $290,000,000. I wish that Senator, as he is now present, would tell us by what method of computation he has reached the conclusion that out of $883,000,000 paid for pensions the South has paid $290,000,000.

Mr. President, that is a glittering generality. I doubt if they have actually paid $290,000, instead of $290,000,000. I should like if some eminent arithmetician would get out his table of logarithms, which is the usual practice on these occasions, and tell us how it appears that the South has paid $290,000,000 since the war closed out of the $883,000,000 that have been paid as the sum-total evidencing the nation's gratitude to its surviving soldiers.

Even if they have paid $290,000,000, I have one single remark to make about that. They are very fortunate that they did not have to pay the whole of it, and, instead of grumbling and complaining that they have paid $290,000,000, they ought to be thankful they did not have to foot the entire bill, as Germany made France foot the expenses of the Franco-Prussian war, and as every other vanquished and rebellious province has been compelled to submit to exaction and ransom. Yet after the war has long since closed we have the jailors and murderers of Andersonville, Belle Isle, and Libby Prison sitting here beneath the flag that they endeavored to dishonor, legislating for the country that they attempted to destroy, and trying to pinch, belittle, and minimize the amount that we shall pay to the mutilated and disabled survivors of the hell of that incarceration.

The Senator from Missouri rises in a burst of indignant impatience and wants to know when all this is going to end. He says he has gone thus far, but he shall go no further; that he was coerced by the necessities of his position because he was a Confederate, of which I do not see the logic. He says that he was coerced by the logic of his position to vote, as we are bound to assume, for dishonest and unjustifiable pensions because he was a Confederate, but that, God helping him, he is going no further. He is going to resist the claims of these organized robbers and plunderers who have banded together for the purpose of depleting the Treasury, and they shall have no single farthing more. I will tell that Senator and every other Democratic Senator, whether they like it or not, what we intend to do. I will tell the Senator from Missouri and the rest of his associates just where it is to stop. It is going to stop when the arrears of pension are paid, when the limitation is removed, and every soldier upon the rolls, or who hereafter gets on the rolls, is paid from the day of his disability, or his survivors from the day of his death, and when every surviving soldier of the Union armies is put on the rolls for service only. That is when it is going to stop [applause in the galleries]; and if you do not like it, make the most of it.

When is it going to end? And on every occasion last week as this week the old, stale calumnies about the arrears-of-pension act are repeated. Mr. President, I was chairman of the Committee on Pensions when that bill was reported and passed. It was an act of great national justice. I consented to the insertion of the compromise date of July 1, 1880, because I could not get the principle established in any other way, and I gave notice then and made a pledge, which I have redeemed at every session of Congress since, that I would never desist from my efforts to remove that limitation and to pay every soldier placed upon that roll from the date of disability or discharge, so that this stigma should be wiped out and the honor of the nation redeemed. And yet the Senator from Kentucky farthest from me [Mr. BECK], in his speech upon the infirmities of the tariff on a pension bill, said that we were told when that bill passed in 1879 that it would take about eighteen or twenty millions, not over thirty at the outside, to make it operative, and that hundreds of millions had since been spent. Mr. President, that statement has been refuted so often that it does not deserve another word in reply. No such statement was made; no such statement could have been made.

The only statement was that to apply that principle to those who were already upon the roll would not require at the outside over $30,000,000 and might not cost more than $18,000,000. How could any one say what would be the expense that would be due under the act thereafter? It would depend entirely upon the number of applications under it. And yet, with a disingenuousness that has no parallel, upon every occasion that offers the Senators who oppose this bill affirm that the nation was duped into the adoption of that measure by false statements as to the amount it would cost.

Are we at last, says the Senator from Missouri, to have a service-pension bill? Nothing, he said, will content the soldiers and their allies but a service-pension bill, and are we to have that? Yes, Mr. President, you are to have that! There is not to-day a surviving soldier or the widow or dependent relative of any surviving soldier in any of the antecedent wars of the Republic who is not on the roll for a service pension—not one. I voted for the Mexican service pension bill, not because I believed it was wholly justifiable, but for the purpose of removing the last obstacle in the pathway of giving a service pension to every surviving soldier of the Union armies.

The Mexican war was waged in the interest of the Democratic party, for the extension of the area of human slavery. A very large proportion of those who fought were from the Southern States, and a very large part of those who have been benefited by it, I believed then and I know now, had served in the Confederate army. Who do you suppose was the first man who received a pension under the Mexican pension bill? Who was the first beneficiary of this service-pension bill? Was it some disabled, mutilated, indigent veteran, who, as the Senator from Alabama has assured us, fought under the American flag in that great war, and acquired that enormous area of which the State of Kansas was once a part?

It seems to me that I can imagine that venerable, decrepid, and aged survivor of the Mexican war marching up to General John C. Black, the physical wreck who is getting $100 a month as a totally disabled Union soldier, to ask him that the beneficence of $8 a month might be doled out to him for the service he rendered in the Mexican war. Who stands *primus inter pares* on that roll of honor, shining and illustrious, as an illustration of a nation's gratitude? John S. Williams, ex-Senator from Kentucky, a man who would resent as a personal imputation any averment of any description whatever that he was not an absolutely sound, hale, strong, and competent man. We recollect the brown tresses that waved over the brow of that veteran, the appearance of youth and vigor, of almost boyish juvenility that was wont to accompany him; a man who was an aspirant for an appointment on the Interstate Commission, who wanted to be re-elected to this body; a man who is generally suspected of being in the enjoyment of an ample fortune; an applicant for the position of minister to Mexico; a man who rendered, as I am told, distinguished service as a Kentucky Confederate in the armies that were marshaled against the American Union!

And yet, Mr. President, because we ask that to the ten or twelve thousand disabled soldiers and indigent veterans of the Union Army who are now the objects of charity some relief shall be granted, we are told that it is an injurious extension of the nation's liberality, when as a matter of fact every one knows that the benefactions and donations of the Mexican service bill were indefinitely wider and more expansive than anything that has been proposed by the bill that is now pending before us as proposed even to be amended by the Senator from Iowa.

Mr. President, as the comrades of the Grand Army of the Republic have been stigmatized in this debate as a band of sordid mercenaries, organized for the purpose of plundering the public Treasury, and, like the legions of Rome, ready either to be bid for or to be bidden against for the control of the empire, I will read a paragraph or two before I close from the journal of the twenty-first annual session of the National Encampment held at St. Louis on the 28th, 29th, and 30th of

September last, that organization which the Senator from Missouri says through its officers had insolently aspersed the Chief Magistrate of the Republic and threatened him with personal indignity if he attempted to visit the city of St. Louis at the time when that encampment was being held. In the name of that organization, so far as I can speak for it, I repudiate and deny that assertion. No threats of discourtesy, no menaces of violence, no hostile criticism was indulged against the Chief Magistrate by the Grand Army of the Republic. He could have gone to St. Louis with entire safety. He knew that he did not deserve well of that organization and he felt the stings of that conscience which "makes cowards of us all." The commander of the Grand Army of the Republic says:

I heartily congratulate all who have the pleasure to attend this great reunion of old comrades whose friendship was welded in the hot flame of battle, in the camp, on the march, and cemented by the love which all bore and still maintain for the Union. In Fraternity, Charity, and Loyalty we stand, proud of the fact that there is not now nor has there ever been any bitter feeling of hate for those of our fellow-citizens who, once in arms against us, but now being loyal, have long ago taken their old-time places in our hearts, never, we devoutly hope, to be removed therefrom. We have not now, nor have we at any time since the war closed, had any disposition to open again the bloody chasm which once unhappily divided this people. We not only will not ourselves reopen that dreadful abyss, but we will, with the loyal people North and South, protest against all attempts which others may make to do so, by holding up for especial honor and distinction anything that pertains to or in any manner glorifies the cause of disunion.

With the people of the South we only seek to continue the friendly rivalry long ago entered upon in the effort to make our beloved land great and prosperous and its people intelligent, happy, and virtuous.

We will rival them in exalting all that pertains to and honors this great Union and in condemning everything that tends to foster a hostile sentiment thereto. We will rival them in earnest endeavors to inculcate in the minds of all the citizens of this country, and especially of our children, a heartfelt love for the United States of America, to the end that present and coming generations shall in every part of the land believe in and "maintain true allegiance thereto, based upon a paramount respect for and fidelity to its constitution and laws," which will lead them to "discountenance whatever tends to weaken loyalty, incites to insurrection, treason, or rebellion or in any manner impairs the efficiency and permanency of our free institutions," and will impel them "to encourage the spread of universal liberty, equal rights, and justice to all men," and to defend these sentiments, which are quoted from the fundamental law of our order, with their lives if need be, and to the further end that they shall so revere the emblems of the Union that under no circumstances can be coupled with them in the same honorable terms the symbols of a sentiment which is antagonistic to its perpetuity.

The contemplation of the grand picture of a long ago preserved Union, a mighty people prospering as no people on earth ever before prospered, with a future far beyond that which opens to any other nation, a land, comrades, which to all its citizens is worth living for, and a country and government worth dying for, constitutes the greatest reward of those who have suffered and bled and striven that such a spectacle might be possible.

An organization that entertains those sentiments and that is animated by such purposes is stigmatized here as a gang of sordid mercenaries, organized for plunder! Mr. President, they were organized for charity. The total amount reported expended in charity from March 31, 1886, to March 31, 1887, was $253,934.43; the number of persons relieved was 24,606; 17,607 of these were members of the order or the families of such, and 8,999 were either ex-soldiers, not members, or those dependent upon them. It is to supplement this charity that the Grand Army has asked the Congress of the United States that this bill may pass. We propose in this body to pass it. Imitating the language that has been used by its adversaries, I hope that it will pass the other House of Congress, and if it does, let the President of the United States veto it at his peril. [Manifestations of applause.]

Mr. BLACKBURN. Mr. President, I am at a loss to account for the course that the Senator from Kansas [Mr. INGALLS] has seen fit to adopt in l gging me into the tirade in which he has just indulged, for I am sure that I had never made boast of identification with any military service in my life. I had never referred to the fact of having been a Confederate soldier. Unlike the Senator from Kansas, I thought my military record was too modest and too humble to prove a subject of interest to the galleries that have assembled to listen to his political harangue.

I did not need to be told by him that I stood here a representative from a State that had never seceded from the Union. I did not need to be reminded that Kentucky had always been loyal. I knew then, as he should know now, that I represent a constituency that are entitled to draw more pensions than the State so ably represented by the Senator who has just preceded me. The records of this country, I believe, show that the State of Kentucky furnished three men to the Union Army for every one that Kansas furnished; and in passing I may assure the Senator that it is not without pride that I recall the fact that of the thirty-odd States then in this Union the one from which I came is the only one that, without the application of a conscript law, furnished more than her quota of men to both sides during that struggle.

Now, why he should travel out of his way to have made an onslaught upon me I do not know. I do not understand that I was a necessary text for his speech of acceptance of the Presidential nomination of which he complained. I shall not undertake to answer for the Senator from Missouri [Mr. VEST]. The Senator from Kansas doubtless knew that illness in his family had taken him a long distance from this city, and that he is to be absent for some time on that account.

I do not intend to be involved in any controversy with the Senator from Kansas, but I do intend to protest against the lack of fairness which he employs when he undertakes to deal after such a fashion with men who have but simply stated facts and submitted data for the consideration of the Senate upon a bill that is pending.

What connection had the speech made at Atlanta by a gentleman who never was a member of either House of Congress in his life, or the speech made by that same gentleman in Brooklyn or New York, with the bill that is pending here?

When the Senator from Kansas undertakes to speak of the Chief Executive of this country in the terms that he has seen fit to employ in a deliberately prepared and conned effort, he surely will not take issue with me if I conclude that it is not entitled to response or reply in this or any other decent presence. What cause of grievance he has that warrants him in employing language that would not be permissible upon the hustings—I will not say it would be disgraceful even if employed by fish-women—but when he undertakes to denounce the Chief Executive of the United States after such a fashion as to deliberately declare that no man is afflicted with antecedents so degraded, or ignorance so profound, or obscurity so unfathomable as to preclude him from becoming that man's successor, it does seem to me that the dignity of the Senate Chamber refuses permission for response. I am not here to defend the President from such unwarranted attacks. I know but one sin that he has committed in the eyes of the Senator from Kansas, and that may be the unpardonable offense of not only having defeated his party at the polls but having given to the American people for three years past so efficient, so honest, so clean-handed an administration as to doom the last of that party's aspirations to disaster.

If it be possible, the Senator from Kansas has gone further and done worse. In his intemperate zeal he has not hesitated to invade graves. In his frantic efforts to stir prejudice between sections that have already been reunited he goes into the trenches of the soldiery, and not on my side but on his side, and drags up for abuse and vilification before the American Senate such men as traced with their own unblemished swords in blood the brightest pages of American history. McClellan and Hancock are to be denounced upon this floor as allies of Confederates. Might it not have been in better taste, more creditable, at least, to the courage and to the candor of that Senator, if he had made that charge before both of these men were dead?

Mr. INGALLS. I did, often.

Mr. BLACKBURN. Then so much the worse for the Senator from Kansas. What warrant or ground had he for that, except that they were both different from himself, at least in political faith, if we may not hope in many other regards?

Hancock an ally of the Confederates! Was he so regarded and believed when, weltering in his blood upon Cemetery Heights, he refused to be taken from the field, and yet persisted in giving orders to check the last advance of Longstreet's irresistible veterans? Was it this man who was honored up to the very day that he accepted the nomination at the hands of the Democratic party, honored alike by the American people, whether they were Republicans or Democrats?

He travels on to berate the Commissioner of Pensions, and he speaks in terms certainly as little complimentary, if he does not, as in the other two cases, impeach his loyalty. Mr. President, that crippled and maimed Commissioner of Pensions, himself a general in the Federal Army from 1861 to 1865, would hesitate to have the contrast or comparison, as he may term it, drawn between himself and the Senator from Kansas. Whilst he was earning his military reputation when the flag was flying upon the borders of the Senator's own State, and bleeding upon every battle-field upon which he went, what great service was the Senator from Kansas rendering?

He complains of the Senator from Missouri, and says that he rests his complaints upon that Senator's autobiography. I believe that it is generally assumed that a gentleman writes that bit of interesting history for himself. Now, in looking over the short but conspicuously brilliant autobiography of the Senator from Kansas, I find that he was not in the Army in 1861.

He surely was not in the Army in 1862, because he says that he was in the State senate of Kansas, "a member of the State senate of Kansas from Atchison County in 1862." But he would have us believe that he was in the Army from 1863 to 1865. 'Tis not true. He never was in the Federal Army. Why, to have sat and listened to the Senator one would have imagined that he was controlling the great armies that were operating in the West at least, if not in the East.

I saw the bronzed and weather-beaten commander of the American Armies sit there in that chair and blush in modesty at the humble part that he found that he had played in the war of the rebellion; and what was the Senator from Kansas doing whilst he was earning his reputation? What was his occupation in a military capacity? He tells you himself that he was "a judge-advocate to Kansas militia volunteers." Whilst Black was bleeding on Kansas soil, whilst McClellan was commanding the armies of the Potomac, whilst Hancock was weltering in his blood upon Cemetery Heights at Gettysburgh, the Senator from Kansas, away behind in the rear of the Army, was prosecuting Kansas jayhawkers for robbing hen-roosts! [Great laughter.]

Mr. President, what are we to think of the recklessness of a Senator who will leave that place now occupied by yourself and come to the floor in the illustration of a partisan zeal that I am glad to say I have never seen equaled, to attack everybody, all decent people, from the President of the United States down, civilians and military men, living and dead? No object can be found that escapes the venom of his

tongue—a cynic, one would say, despising mankind because perhaps he has a suspicion that mankind is not enamored with him; malignant even toward himself; and there doubtless are some who would agree that he has cause; but neither President nor soldier, living nor dead, Confederate nor Federal, unless he accords with him in political conviction, is safe from his unwarranted, unjust, and unfounded attacks.

I do not want to be put in the position of an opponent or an enemy to the pensioning of honest Federal soldiers. I have never opposed the pensioning, whether by private act or public act, of any man that ever bore service in the Union Army and was incapacitated to support himself either by disease or by wounds contracted in that service. And I do not know the Confederate that ever did, and I trust that none ever will.

But to illustrate the accuracy of the Senator's statements, he tells us in the haste with which he rushes to his conclusions that no Democratic constituency in the South ever elected a Union soldier to either House of Congress. I do not know that it is material to answer that assertion; but, like most of the material that enters into his late utterances, there is not a particle of foundation in fact for the statement. The State of Texas sent to the Halls of Congress term after term, and until recently, a distinguished Union soldier during the war in the person of Governor Hancock. The State of Arkansas sent here in recent years from a Democratic constituency a Union soldier during the war to represent her in the other House of Congress. I would like to know whether the late governor of Virginia, Governor Walker, was not a Union soldier and an honored Representative in the other branch of Congress from an overwhelmingly Democratic district in the Old Dominion?

Mr. RIDDLEBERGER. He was not a soldier.

Mr. BLACKBURN. I thought that he was.

Mr. RIDDLEBERGER. He was a Northern man who came to Virginia.

Mr. BLACKBURN. He certainly was a loyal man during the war.

Mr. RIDDLEBERGER. He came to Virginia during the war.

Mr. BLACKBURN. I should like to know why the Senator from Kansas, when he was studying that record so closely and blundered so badly when he undertook to state what the facts were, did not remember that within the last six years, and for four years, the State of Kentucky kept continuously in the other House of Congress a distinguished Federal general who was shot out of his saddle more than half a dozen times, and he came there always as the candidate of the Democratic party, and elected in a Democratic district.

I do not care to follow the Senator, for time forbids, through all the inaccuracies of his utterances, but this much I do propose to say before I close. Mr. President, party man as I am, partisan as I confess myself to be, I do sincerely trust that I may never find my term of public service prolonged to that day, nor my life extended to that hour when, without warrant, without fact to support me, without truth at my back, I shall deliberately traduce and abuse the dead who whilst living were honored by all honorable men. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair takes this occasion to observe that there must be no applause in the galleries and no manifestation of approval or disapproval. The question is on the amendment of the Senator from Iowa [Mr. WILSON], on which the yeas and nays have been ordered.

Mr. CULLOM. I ask for the reading of the amendment.

The PRESIDING OFFICER. The pending amendment will be stated.

The CHIEF CLERK. In section 2, line 5, after the word "from," it is proposed to insert "the infirmities of age or from;" so as to read:

And who are now, or who may hereafter be, suffering from the infirmities of age or from mental or physical disability not the result of their own vicious habits.

Mr. DAVIS. Mr. President, the debate on this bill has taken an extraordinary range. Leading from matters germane to the discussion, it has comprehended the tariff, bimetallism, and the personal antecedents of Senators in regard to measures not at all connected with this proceeding. Sarcasm upon one side has been followed by retaliatory sarcasm on the other until I think it is perfectly proper for me to state again what the purpose of this bill is, what we apprehend will be the effect of the amendments which have been proposed, and why we of the committee desire as near as practicable that this measure shall not be endangered by the well-meaning but mistaken efforts of those who are doubtless friendly to the soldier.

Now, in regard to the amendment of the Senator from Iowa, which is the immediate question pending, while I do not think it changes the meaning of the bill in the least particular (and I say this in justice to the committee who considered it so carefully, and because of the apprehension that it does make a difference in the construction of the bill), I hope the amendment will be rejected and the bill be suffered to stand as it was originally reported, "suffering from mental or physical disability."

To my mind those comprehensive words "mental or physical disability," qualified as they are by the phraseology that the man shall be required to be incapacitated for the performance of manual labor, cover every cause of disability, whether it be the cause specified by the Senator from Iowa or not. I have never read and have no confidence in the opinion of any medical authority that there is a difference between mental or physical disability which results from old age and that mental or physical disability which results from disease or wounds. Whatever the cause, the result is disability. The phraseology proposed by the bill is sufficient to comprehend all persons who may now or who may hereafter be suffering from mental or physical disability. I construe that to mean any mental or physical disability produced by any cause. The words are large and general, and of their significance there can be no doubt.

Again, Mr. President, after giving this matter the most mature reflection of which I am capable, it is my opinion that the word "totally," which has been stricken from this bill in committee, should be restored to the place it formerly occupied. The moment that word was stricken out by amendment a torrent of criticism as to cost, numbers to be benefited, and construction generally was poured upon the measure, which showed conclusively that in the minds of those who were contemplating the bill thus dismembered it was brought clearly within the pretext on which its equivalent was vetoed at the last session of Congress.

The persons whose petition is embodied in this bill have come before the Senate for a definite and specific object. They have not come here for an enlarged and all-comprehensive pension bill. They know better than we or any others can know that there is a large class of people precisely described by this bill, remediless under the present pension laws, receiving relief from the various encampments represented by the figures read by the Senator from Kansas, and they desire at this session nothing more than that the National Legislature shall pass a bill which will give those totally incapacitated for the performance of manual labor the measure of relief for which this bill provides.

For these reasons I am opposed to the adoption of the amendment proposed by the Senator from Iowa, and I shall urge, when the bill is reported to the Senate, that the word "totally" be restored to the place it originally occupied.

Mr. WILSON, of Iowa. Mr. President——

Mr. SHERMAN. Before the Senator from Iowa goes on I should like to ask the Senator from Minnesota a single question for my own guidance. I ask whether the bill as reported from the Committee on Pensions contains substantially the proposition of the Grand Army.

Mr. DAVIS. It is the bill draughted by the Grand Army of the Republic, submitted to the encampments of the Grand Army of the Republic, and voted on individually by the encampments, and carried by a vote of 103,000 to 3,000.

Mr. SHERMAN. Was their attention called to the word "totally" as used in the bill?

Mr. DAVIS. It was in the draught of the bill.

Mr. WILSON, of Iowa. Mr. President, the best evidence we have that this bill is not satisfactory to the great body of the Union soldiers is found in the fact that they are coming here by hundreds and thousands every day petitioning for the enactment of the per diem rated service-pension bill. Therefore we may safely assume that this is not the bill that is approved by all the soldiers of the Union Army.

But I do not desire to antagonize this bill with that one which is so largely petitioned for by that large class of men who served the country. My only purpose in moving this amendment is to aid the committee in effecting what they avowed to be the purpose of the bill, and that is to give a pension to every Union soldier who having served three months has been honorably discharged, and is now suffering from a mental disability which incapacitates him for labor, or a physical disability within the technical definition of that term which incapacitates him for labor, or who because of the onmarch of age and infirmities which are not included in the term "physical disabilities" is incapacitated for manual labor.

If the bill as construed by the chairman of the committee covers the ground which he suggests, this amendment can do no harm; but if the bill does not cover the ground, then without this provision will be left out all the men who served three months in the Army and were honorably discharged and who can not perform daily manual labor because of the effects induced by age. I want to save the possibility of having those men coming here at the next session of Congress and asking to have an amendment of this bill, if it shall become a law, by providing in advance precisely what the chairman of the committee says is the intent of the committee. Therefore, while it is probable that this amendment may be voted down, I shall vote for it if it does not receive another vote in the Senate.

Mr. FRYE. Mr. President, I should like to have the attention of the chairman of the Committee on Pensions one moment. I was out while the chairman was speaking. Shall I understand that the chairman of the Committee on Pensions opposes this amendment? I understand that the chairman of the Committee on Pensions also desires when this bill is reported from the Committee of the Whole to the Senate that the friends of the pension bill shall vote against all the amendments that have been already adopted.

Mr. DAVIS. I excluded the amendment of the Senator from New Hampshire [Mr. BLAIR], commencing on line 10 of section 3:

All pensions granted to widows under this or any other general law shall take effect from the date of the death of the husband of such widows, respectively, but not dating back of the passage of this act.

I think that is an excellent amendment, and is in the line of the suggestion of the Commissioner of Pensions.

Then there is an amendment in section 5, proposed by the Senator from Iowa in correction of the phraseology:

And no person shall be pensioned under this act for any disability incurred while engaged in any military or naval service against the United States.

Mr. WILSON, of Iowa. I should like to ask the Senator from Minnesota, the chairman of the committee, whether in stating that he wants all these amendments rejected he would include that one.

Mr. DAVIS. No; I am excluding that one.

Mr. FRYE. Now I should like to ask the Senator one other question. I mentioned an amendment of the first section which seemed to me to be necessary, to insert the word "adequate" and the word "only" where application is made to dependent parents. I did not offer the amendment because I felt a respect for the Committee on Pensions which prevented me from offering the amendment; but I suggested whether or not it should be so that the first section should show, not that absolute dependence upon manual labor was necessary, but that there was not property adequate for support.

Mr. DAVIS. I have been considering the effect of that amendment. I do not think it ought to go in.

Mr. FRYE. Then I will not offer that amendment; but it places us in this terribly awkward position: There is no Senator on this side who does not desire to go to the full extent of this bill and to confer upon the soldier every single benefit which the bill provides for; but there are Senators on this side who see that the bill is entirely inadequate and have offered amendments to improve it, and it occurs to every Senator here that those amendments ought to be adopted, and if adopted they would improve the bill and increase the benefits to the soldiers.

Now, it puts us in the awkward position of being obliged to vote against those very propositions which we believe would improve this bill. It will compel me, for instance, when the bill comes before the Senate and a vote is taken on that word "totally" where it was inserted before the word "incapacitated"—it compels me, if I comply with the wishes of the Pensions Committee, to vote "no," when my intelligence and my mind are entirely "ay," and when I believe it is in the interest of the pensioners to vote "ay." It compels me to vote "no" on the proposition of the Senator from Iowa when I would like to have men who are disabled by the infirmities of age included in the bill. It compels me to remain silent and decline to offer an amendment which I believe necessary in the first section. It all comes from this mistake—and a fundamental mistake, in my judgment—that the Grand Army of the Republic has undertaken to make a pension bill which shall be satisfactory to the President of the United States, which shall be a compliance with the statements made in his veto message on the bill of the last session of Congress, when the most of us, on this side at any rate, do not believe that the President of the United States has any sympathy whatever with the movement or with the soldier, and are led to that belief by his own acts and his own words in all the vetoes he has sent to Congress in special cases.

In my judgment it is a fundamental mistake for the Grand Army of the Republic to accept the conclusions of the President of the United States when by every act of his he has shown himself inimical to the purposes of the Grand Army itself; and in my judgment the Grand Army made a mistake, and the Pension Committee has made a mistake, when they have reported a bill to be supported by men who are loyal to the soldiers and the pensioners, who have recommended that bill, as has been intimated here, to meet the same veto and its requirements. It places us in an awkward position.

I am going to vote as the chairman of the Committee on Pensions and the Pension Committee desire me to vote on this bill, but at the same time I desire in advance of any vote to enter my protest against the bill, against the voting down of amendments, against my not being entitled to the privilege myself of offering an amendment and urging its acceptance upon the Senate—all which comes, I say, from this fundamental mistake, and yet I shall be obliged to vote against my convictions, and vote as the Committee on Pensions desire me to vote on these amendments.

Mr. SHERMAN. I do not wish to add to the debate. I am embarrassed precisely like the Senator from Maine. The word "totally," it seems to me, ought not to be left in the bill. I do not see how gentlemen on either side should desire that the disability should be total. I can not imagine a man so totally disabled that he can not do some kind of work, unless he has lost both arms and both legs. If he is living in almost any condition he can do some labor. It seems to me Senators ought to yield the point on that word "totally," because if we exclude from the benefits of this bill all persons except those totally disabled, I do not see how an honest Commissioner of Pensions construing the law, acting simply as an executive officer, could hold that——

Mr. MANDERSON. I ask the Senator from Ohio whether he sees any distinction between the words "total disability" and "totally incapacitated?"

Mr. SHERMAN. No.

Mr. MANDERSON. Then let me suggest that that is the language of the present pension law, and that a total disability, under which a private soldier gets $8 a month, does not mean that he shall be helpless, but that it is a disability that is to the extent of the loss of the use of the elbow-joint. The Pension Office has construed that to mean "total disability." I think that the same construction should apply here.

Mr. SHERMAN. It seems to me an odd kind of construction. I wish to vote with the committee. I have made up my mind to support the committee and vote for the bill as they want it; but it seems to me it is a very embarrassing thing to ask us to vote against amendments that meet our hearty approval; but I shall do it.

I rose rather to suggest that we are near the time of adjournment, and I wish——

Mr. PADDOCK. Allow me to suggest that under the present law, where there is total disability, it is requisite that the cause must have originated in the line of duty. That is total incapacity, which all of us can understand. This would not require absolutely that a person should be found to be totally incapacitated, and that the incapacity should be traced to a cause originating in the line of duty. He is to receive the pension if totally incapacitated.

Mr. SHERMAN. The Senator is not only a member of the Committee on Pensions but a good lawyer, as all these gentlemen are. Will he say to me that the words as they stand in the bill reported from the committee will give to every man who is substantially unable to pursue manual labor a pension?

Mr. PADDOCK. That was the view of the committee when the bill was under consideration, and it is due to the committee to say this much. The committee were equally embarrassed, as the Senator is, with respect to the provisions of the bill. The committee desired to formulate and present to the Senate a much stronger bill, but they were advised by the committee of the Grand Army of the Republic that under the circumstances in which they are placed—I shall not describe what those circumstances are, they can be imagined—it seemed that this was the only attainable result that could be reached; and, therefore, the committee unwillingly took this moderate bill as probably the best attainable result, upon the theory that a half-loaf is better than no bread at this time.

Mr. SHERMAN. I desire to make a proposition with respect to this bill with the consent of both sides. I understand several Senators have gone away who want to be here when the vote is taken. I will suggest, with the consent of my friend from Minnesota, that this bill be taken up as the unfinished business at 2 o'clock to-morrow and be considered under what is known as the Anthony rule, that is known by all the Senators as involving five minutes' debate on amendments, and that the vote shall be taken on the final passage of the bill before the adjournment to-morrow. When I speak of the Anthony rule, I mean five minutes' debate by each Senator.

Mr. VOORHEES. I think that proposition will be entirely satisfactory to this side of the Chamber.

The PRESIDING OFFICER. The Chair will state the proposition. The Senator from Ohio proposes that this bill shall be taken up as the unfinished business at 2 o'clock to-morrow, and that the debate shall be conducted under the provisions of what is known as the Anthony rule, and that the vote shall be taken upon the amendments and the bill before the close of the session to-morrow.

Mr. SHERMAN. I would rather say at 4 o'clock to-morrow. ["Oh, no!"]

Mr. VOORHEES. I think that would be better.

Mr. ALLISON. I think no hour should be fixed. I think under the five-minute rule we can dispose of the bill readily.

Mr. SHERMAN. Very well. We can have unanimous consent, I hope.

The PRESIDING OFFICER. The Chair will state the proposition once more as it is understood by the Chair. It is that this bill be taken up as the unfinished business to-morrow at 2 o'clock, and that debate proceed under the limitations of the Anthony rule, so called, and that the vote be taken on the amendments and on the bill before the close of the session to-morrow. Is there objection?

Mr. CALL. I understood the Senator from Kentucky [Mr. BECK] desired to make some remarks to-morrow.

Mr. SHERMAN. He can speak the next day just as well.

The PRESIDING OFFICER. Is there objection to the proposition? The Chair hears none, and that will be considered the understanding of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the concurrent resolution of the House for the printing of the addresses delivered in that body January 19, 1888, upon the presentation of the portraits of Speakers Sedgwick, Varnum, and Banks.

Mr. VOORHEES. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 7, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 6, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. M. KING, D. D., of New York City.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE APPOINTMENT.

The SPEAKER *pro tempore* announced the appointment of Mr. MASON as a member of the Committee on Claims, in place of Mr. BAKER, of Illinois, excused.

DISTRESSED AMERICAN VESSELS IN CANADIAN WATERS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a letter of the House, copies of correspondence in regard to the alleged refusal of Canadian authorities to allow American wrecking vessels to assist American vessels in distress in Canadian waters; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

OSWEGO HARBOR.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting, with inclosures, a report of the Chief of Engineers in regard to the cost of repairing west pier in Oswego Harbor, and of the necessity and cost of removing the east breakwater in the mouth of the river; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WILLIAM BUSHBY VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in the case of William Bushby *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

PORTRAITS OF SPEAKERS SEDGWICK, VARNUM, AND BANKS.

The SPEAKER *pro tempore* also laid before the House, with amendments of the Senate, the following resolution, adopted by the House February 1, 1888:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of the addresses delivered in the House of Representatives, January 19, 1888, upon the presentation of the portraits of Speakers Sedgwick, Varnum, and Banks, for the use of the House.

The amendment of the Senate was read, as follows:

In line 7, after "Banks," insert "2,000 for the use of the Senate and 8,000;" so as to read: "2,000 for the use of the Senate and 8,000 for the use of the House."

Mr. LONG. I ask that the amendment of the Senate be concurred in.

The SPEAKER *pro tempore*. If there be no objection, that order will be made. The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILKINSON, for three days, on account of important business.

To Mr. DAVENPORT, for ten days, on account of important business.

LIKENESSES, ETC., FOR ADVERTISING PURPOSES.

Mr. THOMAS, of Illinois, by unanimous consent, introduced a bill (H. R. 8151) to prohibit the use of likenesses, portraits, or representations of females for advertising purposes, without consent in writing; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Several members addressed the Chair.

ORDER OF BUSINESS.

Mr. CRISP. I rise to a question of privilege, and call up the contested-election case of McDuffie *vs.* Davidson. We must go on with this case at once, in order that it may be finished to-day.

Mr. PAYSON. I rise to a parliamentary inquiry. I desire to ask whether, under the rules, it is not in order at this time to present a privileged report from the Committee on Public Lands, for the purpose simply of having the report printed and the bill recommitted.

The SPEAKER *pro tempore*. That is not in order while a question of higher privilege is pending.

Mr. PAYSON. This will take but a second. I appeal to the gentleman from Georgia [Mr. CRISP]. This is a privileged matter under the rules; and I simply want an order for the printing of the report and the recommittal of the bill. It will take less time than it does even for me to make the request.

Mr. CRISP. I can hardly resist that kind of an appeal; but if we do not go on at once with this election case it will run into to-morrow. There is an anxiety, at least on this side of the House, to dispose of it promptly.

Mr. PAYSON. It will not take three seconds to make the order I desire. The report is voluminous, and I simply want it printed and the bill recommitted.

The SPEAKER *pro tempore*. Does the gentleman from Georgia insist on the regular order?

Mr. CRISP. I can not after that statement.

DES MOINES RIVER LANDS, IN IOWA.

Mr. PAYSON. On behalf of the Committee on Public Lands I report back with amendments the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. I ask that the report be printed and the bill recommitted.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

Mr. PARKER. I wish to be heard on this question. I object to the reception of this report on the ground that it does not come under the rule as a privileged report, and that the gentleman has no right to make it under the circumstances.

Mr. PAYSON. Why, Mr. Speaker, upon the point suggested by the gentleman from New York [Mr. PARKER], it was expressly decided by Mr. Speaker CARLISLE on this very bill, in the last Congress, that it was privileged as to report and consideration.

Mr. PARKER. In answer to that, I am compelled to say that it is understood Mr. Speaker CARLISLE—I have not heard him say so, but I am so informed—has said that his attention was not called to the point, and that he did not regard this matter as privileged under the rules.

Mr. PAYSON. He so decided; and I will find the reference for the gentleman.

Mr. PARKER. The question was not raised.

Mr. PAYSON. It was raised and argued, and the Speaker expressly decided it.

Mr. PARKER. Then I re-present it.

The SPEAKER *pro tempore*. The Chair would be inclined to follow the precedents laid down by the former decision of the Speaker under the present circumstances. It is understood that there is to be no debate upon the matter.

Mr. PAYSON. None at all.

The SPEAKER *pro tempore*. The Chair will examine the matter of the ruling made by the Speaker of the House.

Mr. PARKER. I insist that we have a right to have the present occupant of the chair rule upon the question as now presented, untrammeled by any previous consideration of the subject. The merits of the case are now presented, and call for a ruling when that question is raised.

The SPEAKER *pro tempore*. The Chair could not, certainly without a careful investigation, overrule a decision of the Speaker of the House, and would suggest to the gentleman from Illinois that he permit the matter to go over for another day.

Mr. PAYSON. I have no objection to that.

Mr. McRAE. Mr. Speaker, in reference to this report I ask leave until Friday next to present the views of the minority.

Mr. PAYSON. There is no objection so far as I am concerned.

Mr. PARKER. Mr. Speaker, I raise the question that that consent can not be given until the report is received under the rules.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The views of the minority under the circumstances can not, of course, be received at this time.

Mr. PARKER. I make no objection to that particularly, but the case is such as not to entitle the minority to submit a report.

Mr. CRISP. I call up the contested-election case.

The SPEAKER *pro tempore*. The gentleman from Georgia calls up the contested-election case.

Mr. PARKER. I wish to know the decision upon this question.

The SPEAKER *pro tempore*. It has not been disposed of.

Mr. PARKER. I wish to object separately to the recommittal, in case it comes to that.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from Illinois had better withdraw the report for the present, and the Chair will take occasion to look into the question presented.

Mr. PAYSON. Very well.

The SPEAKER *pro tempore*. Without objection the report will be withdrawn.

There was no objection.

ALABAMA CONTESTED-ELECTION CASE.

Mr. CRISP. I now call up the election contest of McDuffie *vs.* Davidson.

Mr. LODGE. I yield one-half hour of the time allotted to this side to the gentleman from Iowa [Mr. LYMAN].

Mr. LYMAN. Mr. Speaker, the gentleman from Pennsylvania [Mr. MAISH] who first addressed the House on yesterday in support of the majority report of the Committee on Elections took what appeared to me to be a very strange legal position. He contended, if I correctly understood him, that the contestant in this case had presented no legal testimony in sustaining his contest for his seat as a Representative from the Fourth district of the State of Alabama. The main question presented by contestant is that the votes cast in that election were not properly counted in that district, and that the ballot-boxes were tampered with, and that the returns were manufactured for the occasion.

He has sustained that to a great extent by the testimony of men who were at the polls at the various precincts in that district when the ballots were cast. It appears from the record in this case, too, to which I

shall have occasion to refer again before I have finished, that the Republican party of that district anticipated just the state of affairs we find here to-day. They expected to elect their candidate for Congress; they expected that just such frauds would be attempted or perpetrated as would necessitate proceedings for a contest for the seat before the House of Representatives, and they prepared themselves for the contest as best they might. They were prepared to show by competent testimony the number of votes cast for McDuffie, giving the votes cast in the various precincts; they have already established by the evidence that these ballots went, as they supposed, in the ballot-boxes; but the returns of the election officers do not seem to have found them there, and that was the class of evidence they have brought in support of the contest.

Now, if I understood the argument of the gentleman from Pennsylvania on yesterday, he maintained that that evidence is not competent, and that the only legitimate evidence that could have been brought here in support of the contest was the evidence of the voters themselves, or the evidence of the ballot-boxes themselves.

Why, Mr. Speaker, the very gist of this contest is that those ballot-boxes to-day do not contain the votes that were cast in that district. The effort of the contestant has been to overthrow the validity of those boxes, to destroy the authority of the official returns sent in from that district. And it is the first time in my career as a lawyer that I have ever heard it seriously asserted that the only way to rebut fraud is by the very fraudulent acts themselves. Before those boxes are competent evidence at all it must have been established by competent testimony that they contain all the vote that was cast; that the returns of that vote are legitimate.

Then again it was claimed by the same gentleman on yesterday that we should have called the voters who cast these votes and have established by them how they voted. We might have done so, possibly, but we were not required to do so. As was stated by my colleague upon the committee, the gentleman from Illinois [Mr. ROWELL], on yesterday, every word of the testimony that the contestant has brought here is legitimate and competent testimony. And let me ask the gentleman why it is that when the absolute worthlessness of these returns had been established and when it had been shown by competent testimony that these returns are wholly, absolutely worthless—why is it that these election officers whose integrity has been attacked were not brought before the proper officers and their testimony taken? The contestant had shown that these boxes had been tampered with. He had shown that the official returns from that district did not show the vote as cast; it would have been comparatively easy for the contestee to have brought the officers whose integrity had been attacked, who had been charged with making false returns, and let them say that those votes were returned as they appeared in the ballot-boxes on the evening of the election. Not one of them was examined. And yet the contestee could have examined every one of them. They were, with few exceptions, his political friends. They were as ready to do his bidding when he was taking evidence to sustain the claim to his seat as they were when committing these frauds on the voters of that election district.

It was argued by the gentleman from Ohio [Mr. OUTHWAITE], who also spoke on yesterday in support of the report of the majority, that the votes which were counted were cast; that that is a Democratic district. But notwithstanding that alleged state of affairs it was found necessary to vote disfranchised men; it was found necessary that the poll-list should show that dead men had voted; it was found necessary, notwithstanding the great reputed Democratic majority in the district, that the returns should show that men voted that months and years before had ceased to be citizens of that district. And yet gentlemen stand up here with apparent seriousness to say that that district was undoubtedly Democratic, that the sitting member was undoubtedly elected, while at the same time it was found necessary to resort to all such expedients as these in order that a return might be made that showed his election.

It has been argued, too, that these numerous witnesses all over this district are not to be believed, because they say the negroes, the colored men of that district, vote secretly. I have never before heard it charged seriously that it was necessary for any colored voter in the South to be very secret about his ballot, provided he voted the Democratic ticket. It seems to me supremely ridiculous that it should be charged here with seriousness that it should be necessary for the Democratic voters to be secret about casting their ballots. It seems to me no time should be spent in replying to such an argument as that.

Now, Mr. Speaker, the day is past; it is too late now to argue the policy or impolicy of the course which has been adopted with reference to the enfranchised race of the South. It may be that it was an unwise policy to place the elective franchise in their hands. It may be that the action was hasty. It may be it was just as it ought to be. Be that as it may, I repeat it is too late to discuss the wisdom or the folly of that policy. That course has been adopted. The elective franchise has been placed in their hands, and they are now as much entitled to the protection of the laws as is the proudest Anglo-Saxon of this land. They have the right under the law to be protected in their exercise of this great privilege which has been conferred upon them, that of the elective franchise.

We have marked out during the present session of Congress two or more principles that are likely to enter into our political contests in the future; and it seems to me this case now at bar marks out for us another plank in the platform of the various parties who will contend for the supremacy in this country in a few months. It must enter into our political contests whether or not the rights, the privileges which were the results of the great struggle are to be preserved or to be entirely abandoned and overthrown.

A free ballot, a fair count, and an honest return is one of the great principles upon which the next contest at the ballot-box must be fought. My friends may charge that this is waving the bloody shirt. If it be, so far as I am able to raise my voice in the future, as in the past, that ensanguined garment must wave until all the fruits of our late great struggle shall be secured to the American people. If gentlemen desire to see the bloody shirt waved, let them go to the other end of this Capitol and listen to the speeches that have come from the mouths of Democratic members of that body during the past few days, assailing the integrity of the ex-soldiers of the Union, belittling their efforts, casting reproach upon them in every conceivable way. Let them go there if they desire to hear that question fully discussed.

Now, the question in this case is whether the rights which have cost this country so much treasure and so much blood and so many precious lives to assert it, have been permitted to be exercised by the voters of the Fourth district of Alabama. That is the only question here, and it is very tersely stated by the writer of the minority report in this case, who says:

> There is not a word, nothing in this case but a plain question of fact. Congress, undisturbed by any legal question or technicalities, is asked to decide simply whether the vote in the Fourth district of Alabama at the election held November 2, 1886, was returned as it was actually cast, or whether it was altered by fraudulent practices in such a way as to invalidate the right of the contestee to his seat and give that seat to the contestant.

That, Mr. Speaker, is the question at issue and which this House must settle by its vote in a few hours, whether the returns of that district show the vote as it was cast by the electors or whether it was so fraudulently manipulated as that the will of the people of that district has been misrepresented and they have been defrauded of their representative upon this floor. It would seem that the majority of the Committee on Elections were ready to resort to any means to convince this House that the position taken in that report was correct. On yesterday they appear to have discovered that at least one of the positions which they had taken was untenable and must be abandoned, but when this report was filed an idea seems to have pervaded the minds of the majority upon which the able argument of the gentleman from Pennsylvania [Mr. MAISH] was to a great extent based, and in order to sustain the position taken by him and by the majority of the committee, they quoted in their report a section of the election statutes of Alabama, a statute enacted at a time when the Republican party controlled the Legislature of the State, for the purpose of protecting voters in their rights, but as soon as, by a reverse of fortune, the Republicans lost control and the Democrats acquired power in that State, which happened in 1879, that statute was repealed.

This is the section:

> SEC. 276. One of the inspectors must number each ballot with the same number as the name of the voter on the poll-lists, and the ballot must then, without being opened or examined, be deposited in the proper ballot-box.

They relied upon that, as is shown by their report, page 3, where they say:

> As will be seen, the names of the voters are written down and numbered as they vote, forming what is called the "poll-list," and the ballots cast are correspondingly numbered with the number of each of the electors, so that it can easily be ascertained, when necessary, for whom the voter cast his ballot, or whether the officers of the election fraudulently substituted ballots for those cast by the voters.

Mr. OATES. Will the gentleman permit me to interrupt him at that point?

Mr. LYMAN. Certainly.

Mr. OATES. I understood the gentleman to say that the Republican Legislature of the State of Alabama passed a statute requiring the ballots to be numbered in order to secure honest elections, and that when the Democrats succeeded in getting control of the Legislature they repealed that law. Will the gentleman allow me just here to read a section from the election law passed when both houses of the Legislature of Alabama were entirely Republican with the exception of one Democrat in the senate, to show how honest that law was?

Mr. LYMAN. If it is not to be taken out of my time, I do not care how much the gentleman reads; if it is, I object.

Mr. OATES. It is section 34——

Mr. LYMAN. I say, Mr. Speaker, that if I am not to be charged with the time the gentleman consumes, he may read what he pleases.

The SPEAKER *pro tempore*. It will be taken out of the time of the gentleman from Iowa [Mr. LYMAN] unless otherwise ordered by unanimous consent.

Mr. LYMAN. Then I shall object to the interruption if it is to be taken out of my time.

Mr. OATES. Section 34 of the election law——

Mr. LYMAN. No, Mr. Speaker; I say that if the gentleman's reading is to be taken out of my time I must object. Now, as I was saying, the majority of the Committee on Elections evidently intended to rely upon that section to show that there would have been no difficulty in calling the voters and proving how they had voted. But, as I have said, that section was repealed in 1879, and they have since discovered that fact, as was announced yesterday by the chairman of the committee. By that admission almost the entire argument made by the gentleman from Pennsylvania [Mr. MAISH] who presented the majority report, and spent an hour yesterday in sustaining it, was taken out from under him; because when the election of 1886 was held this section having been repealed, there was no means of knowing or identifying the ballot which any particular voter cast, or of showing who cast the ballots that might be found in the ballot-box. This, of course, has no direct bearing upon the question now, because it is conceded that this section of the law has been repealed, but it destroys the main argument on which my friend from Pennsylvania [Mr. MAISH] rested his case.

This Fourth district of Alabama is composed of the counties of Dallas, Hale, Lowndes, Perry, and Wilcox. It is in what is known as the "black belt" of the State of Alabama. Into that district were thrown, when the present apportionment of Congressional districts was made, as many colored voters as possible; all the Republican voters possible to be thrown into a single district were thrown into that district. The Congressional history of that district is not entirely without interest. I quote from the minority report:

The district was formed in such a way as to include as large a portion of the colored and Republican vote of the State as possible. Undeterred, however, by the very large Republican majority thus concentrated in the district, at the first election in 1880 the Democrats returned General Shelley as elected by the simple process of having the supervisors throw out and alter enough precinct returns to defeat the Republican and seat the Democratic candidate. Mr. Smith, the Republican candidate, contested and was seated by the Forty-seventh Congress, in which the Republican party had a majority. In 1882 the same process was repeated, and General Shelley was again returned. His seat was contested by Mr. Craig. The Forty-eighth Congress had a Democratic majority, but they took no action on the case during the first session.

The election of 1884 came on. Mr. Craig ran again, a candidate this time against Mr. Davidson. It was obvious that the old method of carrying the district by supervisors had survived its usefulness, and a new plan was adopted by which Mr. Davidson was declared elected. Mr. Craig, with his contest of 1882 still pending, and worn out with anxiety and fatigue, would not enter upon a second contest while the first was still unsettled, and Mr. Davidson held his seat without contest. In the closing days of the Forty-eighth Congress the House decided the contest of 1882 in favor of Craig and unseated Shelley.

When the election of 1886 approached it was reported that Mr. McDuffie was likely to be the Republican candidate. Mr. McDuffie was well known in the district, where he had lived for twenty-one years, having been a Union soldier who had settled in Alabama at the close of the war. He had held the office of probate judge for twelve years. He was widely known and had the respect of men of all parties as an able and honorable man. It was obvious that he would be a formidable candidate.

So, Mr. Speaker, a conspiracy was entered into by the sitting member and his political friends and advisers to prevent the nomination of Judge McDuffie; and there is where the conspiracy in this case commenced—a conspiracy to prevent Judge McDuffie from being the Republican candidate. And that conspiracy extended so far that the sitting member and his friends entered the Republican convention, held at Selma, I believe, and undertook to force upon the convention another candidate than Judge McDuffie—one Ben S. Turner. And the report of the majority in this case starts out almost in its first sentence with the declaration that Ben S. Turner, not Judge McDuffie, was to be treated in this contest as the Republican candidate. I read the second sentence of the report:

Besides the parties to this contest, there was a third candidate, Benjamin S. Turner.

On page 24 of the minority report is set out just what was done by the sitting member and his confrères in reference to making Ben S. Turner, and not Judge McDuffie, the Republican candidate. There was certainly method in this madness. Ben S. Turner is a colored man, and, if I mistake not, occupied at one time a seat upon this floor as a Representative from Alabama. I may be mistaken in that statement, but I think not.

When the Republican convention was held in Selma, Colonel Davidson was in town, and his friends and managers, including John McIlwain, the chairman of the Democratic Congressional committee, and the contestee's nephew, A. D. Pitts, were also there and were present in the Republican convention. Ben De Lemos testified that at this time Colonel Davidson said to him, "Well, so you don't nominate McDuffie I am satisfied."

Now it is no reflection upon Colonel Davidson that he made this remark, except that it shows he was afraid of Judge McDuffie being the Republican candidate in that district. He feared that with Judge McDuffie's popularity and strength in that district, his own friends would not be able, as they had done in the case of Mr. Craig and in the case of Mr. Smith, to overthrow the immense Republican majority existing in the Fourth district of Alabama.

Colonel Davidson said to him, "Well, so you don't nominate McDuffie, I am satisfied," and Colonel Davidson's managers told De Lemos, in view of McDuffie's probable candidacy, that they were desirous of a split in the Republican party.

The evidence on this point will be found on page 70 of the record of this case. The testimony of this witness continues as follows:

Q. Who was the nominee of that convention?

A. John V. McDuffie was the nominee of that convention.

Q. After John McDuffie was nominated, did not Ben L. Turner, Bill Stephens, Jere Blevins, and A. W. Atwater go to the rear of the convention hall and there hold a long consultation with A. D. Pitts, Mr. McIlwain, L. W. Turpin, and other ardent supporters of Colonel Davidson, and, after that consultation, come back and pretend to nominate Ben Turner for Congress?

A. They held the conference mentioned above; I don't remember if all the gentlemen were present, but I saw six or seven, but shortly after some one in the crowd tried to nominate Ben Turner, but he was pulled down from the stand by a large majority of the delegates of the convention who had just nominated Judge McDuffie. Colonel Davidson's friends, as well as Stephens, Turner, and his friends, claimed that Turner had been nominated.

Q. Do you know of Stephens or Turner and their friends sending messages to Colonel Davidson or his friends asking for money as an inducement to nominate Turner instead of McDuffie?

A. I don't know of any of them sending messages to either of the parties, Davidson or his friend. I was, however, approached or requested to take a hand in the defeat of McDuffie by some of Turner's friends, and they suggested if I would see certain friends of Colonel Davidson I could raise the money and thus defeat Judge McDuffie.

Q. Did you not at the request of W. J. Stephens see John McIlwain and say to him for Stephens that if McIlwain, as a friend of Davidson, would raise Stephens $75 he would nominate Turner for Congress, thereby defeating McDuffie?

A. Stephens did not request me to see anybody; he had, however, a conversation with me and suggested to me if I would see certain parties, friends of Colonel Davidson, and raise $75 from them for him and his friends, Turner could be nominated that night. I saw McIlwain and told him of the request of Stephens, and all three of us met together and talked the matter over, but Stephens received no money. I kept Judge McDuffie posted as to what was going on and prevented the nomination of Turner. Mr. McIlwain told me he had tried to raise the money for Stephens.

Q. Did Stephens and his crowd continue to support and agitate the election of Ben Turner for Congress?

A. Stephens and his crowd continued to support Turner to the last.

Q. From your knowledge of W. J. Stephens do you not believe he only supported Ben Turner for a money consideration?

A. Stephens has been embarrassed financially. He told me he had made a bad crop and he needed some money, and he had to make some out of this Congressional election.

Q. From your knowledge of Stephens, Blevins's financial condition, and what you heard of their canvassing, and what you have known of their political action in the past, do you or not believe that their canvass was conducted by money furnished by the Democratic party and in the interest of Colonel Davidson?

A. Stephens and his friends I have looked upon always as good Republicans, and we were always allied together closely in political contests, and I am led to believe in this contest against Judge McDuffie they were actuated by money consideration furnished by parties opposed to Judge McDuffie and his friends, and thus advancing the interest of Colonel Davidson.

Q. In your cross-examination you are asked about W. J. Stephens's Republicanism. Is it not a notorious fact that he has sold out his party in the last several Congressional elections? Did he oppose and do all in his power to defeat Judge James J. Smith, who successfully contested Charles M. Shelley's seat to the Forty-seventh Congress of the United States, and also oppose George H. Craig, who successfully contested Charles M. Shelley's seat in the Forty-eighth Congress?

A. Stephens did oppose and do all in his power to defeat Judge James J. Smith, who successfully contested a seat in the Forty-seventh Congress, and also George H. Craig, who successfully contested a seat in the Forty-eighth Congress. (Pages 71 and 72.)

Cross-examination did not touch the testimony of this witness on the points just quoted, nor was any attempt made to rebut it or impeach the veracity of the witness.

It is thus shown that the contestee feared McDuffie's candidacy, and that as a first step to compass McDuffie's defeat Colonel Davidson's managers went into the Republican convention, sought to break it up, attempted to nominate another candidate through the use of money and the agency of corrupt members of the Republican party; and that, having failed, they nevertheless continued to assert that another Republican candidate (Turner) had received the Republican nomination. The fiction of Turner's candidacy was kept up to the end, and it will be seen from an examination of the precincts that it never had any reality except in the returns. At many precincts there were no Turner tickets, at others there were a few scattered about, and at none was it regularly distributed and urged upon the voters. There is no indication that Turner received a hundred genuine votes in the entire district, but the returns gave him 2,519 votes. Turner's candidacy was a sham from beginning to end, but the methods by which it was originated show the alarm felt by Colonel Davidson's managers at McDuffie's candidacy, and constitute their first step in the conspiracy to deprive the voters of the district of their rights.

The colored voters took no interest in Turner, and they were quite aware, when they knew anything about it at all, that his candidacy was wholly unreal and only in the interest of Davidson.

The following witnesses testify that Turner had no following and no votes:

Nick Sewell, Cunningham precinct, record, page 34.
Dr. Houston, Uniontown precinct, record, pages 35, 36.
Frank Gains, Uniontown precinct, record, page 38.
Lee Andrews, Cunningham precinct, record, page 39.
William Jenkins, Scott's precinct, record, page 40.
Nick Stevens, Marion precinct, record, page 44.
Alex. Lewis, Macon precinct, record, page 45.
E. D. Morrill, Camden precinct, record, page 55.
Clif Campbell, River precinct, record, page 76.
Nias Richardson, —— precinct, record, page 77.
Toney Talbert, Liberty Hill precinct, record, page 99.
Jeff Edwards, Lexington precinct, record, page 137.
George Pittway, Gus Bend precinct, record, page 173.
Ezekil Arthur, Cahaba precinct, record, page 188.
John Lewis, contestee's witness, Selma precinct, record, page 196.
Lance Bryant, contestee's witness, Orville precinct, record, page 206.
Ned Braxton, Uniontown precinct, record, page 31.
George Bryant, Laneville precinct, record, page 32.
Olover Ward, Cunningham precinct, record, page 33.
Ben de Lemos, —— precinct, record, page 71.

Again, there was a conspiracy formed to falsify the returns all over the district, in order to secure the election of Davidson, if necessary; and this conspiracy was carried out except in the county of Lowndes.

E. D. Morrill, who had been county superintendent of education for four years, county tax assessor for six years, chairman of the Republican executive committee for the county for the last six years, who had lived in Wilcox County for twenty-one years, and had participated in nearly every political campaign since 1870, testified (page 55):

"Q. State fully any and all conversation you had or heard by leading Democrats of Wilcox County to show, or tending to show, a disposition to commit frauds at the ballot on said November 2 last.

"A. I had a conference with J. F. Foster, chairman of the Democratic executive committee of the county, on the day after the meeting of the Democratic executive committee, with reference to the appointment of Federal supervisors. He stated in words to the effect that they were indifferent as to whether supervisors were appointed or not, and if they did not have the naming of their (Democratic) supervisors ours (Republican) would not be allowed to serve. He said positively that they were going to carry the election—they would carry it peaceably and quietly if they could, but would carry it by force if necessary, and had the arrangements made to do it. I reminded him that we (Republicans) had rights guarantied to us by the constitutions of the State and United States. He replied that those constitutions were forced upon them and they did not consider themselves bound to abide by them, or words to that effect."

Fount. Hudson, one of the inspectors at Uniontown precinct, Perry County, testified (page 20) on cross-examination:

"Q. State whether or not during the count, after the closing the polls, if you stated to A. D. Pitts, if you don't give McDuffie more votes that they will take us to the Big House, and that A. D. Pitts replied that Uncle Aleck might as well have it as McDuffie.

"A. Yes, I said that; and A. D. Pitts the reply as stated in the question."

Frank C. Powell, a Democrat, testified as follows (page 64) as to election in Lowndesborough precinct, Lowndes County:

"Q. Is Shelley Powell your brother?

"A. He is.

"Q. Did Larry Hunter come a few days before the election and ask you if your brother, Shelley Powell, was going to serve as an inspector of that election, and what was your answer?

"A. He did ask me, and my answer was, my brother would not serve."

"Q. Did Larry Hunter then and there say anything further about acting as inspector; and, if so, what? State fully.

"A. Larry Hunter said then he would act as an inspector, and if he could get two others to act with him, he liked to see McDuffie counted out, but did not state he (Hunter) would do so.

"Q. Did Larry Hunter act as an inspector, then, at that election?

"A. He did."

No attempt was made to impeach or rebut the testimony of these three witnesses on these points in any way. Foster was chairman of the Democratic county committee of Wilcox County; A. D. Pitts was a nephew of the contestee and an inspector in Perry County, and Hunter was an inspector in Lowndes County. Thus it will be seen that three Democratic officers of the party all admit, or recognize at widely separated points, the intention to carry the election by fraud.

Another thing that conclusively establishes this conspiracy is the fact that in every precinct examined in the testimony, all over the district, exactly the same frauds appear.

On account of all these things the conclusion is irresistible that there was a conspiracy formed to "carry the election peaceably and quietly if they could, but carry it by force if necessary, and that they had the arrangements made to do it."

The Republicans of the district generally believed that the election was to be carried against them by fraud, and they prepared themselves as best they could for the contest to follow.

At Selma precinct, Dallas County (page 141); Newbern precinct, Hale County (pages 34, 35), and Greensborough, Hale County (page 47), Republican voters refused to vote because they had no confidence in the Democratic inspectors and believed they would be cheated out of their votes. In most of the precincts, however, the general belief that frauds were to be committed caused the Republicans to make arrangements to secure evidence of the vote which they cast for McDuffie. One or more Republicans at each precinct, as will appear when we examine the precincts in detail, issued McDuffie tickets, wrote down the names or kept a tally of voters who received them, then watched the voters closely to see that they did not change their ballots, and in some instances tallied them again as they voted. These precautions demonstrate the general belief that frauds were to be committed, and, taken in conjunction with the testimony as to Foster, Pitts, and Hunter of the intention to commit fraud, furnish strong proof of a general conspiracy among Davidson's supporters to carry the district by fraudulent methods.

Having thus shown that Judge McDuffie was popular and respected; that his nomination was feared by his opponents, who entered his convention to corrupt his delegates and start a sham candidate; that Davidson's managers at different points admitted the intention to carry the election by fraud, and that the Republican voters generally believe that frauds were to be practiced against their candidate, it only remains to show the actual frauds by which the conspiracy to carry the election fraudulently was worked out to a successful issue. These frauds were of many kinds, but they are all alike, clumsy, and they all show the same uniform plan throughout four counties to falsify returns in order to secure the election of Davidson.

In many precincts more votes were returned as counted than there were voters present at the election or living in the precinct.

The uncontradicted testimony of Morrill, county tax assessor for six years, shows (page 54) that in Canton, Wilcox County, there are 214 voters; but the returns give a total vote of 276, and allot 226 votes to Davidson.

The testimony (page 54) shows in Clifton, same county, 199 votes; but the returns give 200 votes cast, which indicates that a large percentage of the vote was polled on November 2, 1886.

At Allentown it appears that 311 votes were actually cast (page 169), and that there were 330 voters in the precinct (page 54); but the official poll-list gives 347 votes as polled.

At Pineapple there are 308 voters, of whom 228 are colored; but the returns declare that 324 votes were cast, and that of these Davidson got 244, Turner 78, and McDuffie 6.

At Mount Hope there are 162 voters, 127 colored and about 35 white (page 54); but the returns declare that 416 votes were cast, of which Colonel Davidson was fortunate enough to receive 399, while Turner, who does not appear to have run well in this precinct, received only 13, and McDuffie was forced to be content with 4.

At Fox's Mill there are 116 voters, whom an experienced Republican canvasser (page 54) divides between the parties as 23 Republicans and 93 Democrats. The returns give 111 votes to Davidson and none to anybody else, which indicates that it does not require a contest in Fox's Mill to bring out a very full vote, and also that there is a delightful unanimity in that favored spot.

At Sedan there are 106 voters, according to the uncontradicted Republican canvasser (page 54), 48 Republicans and 58 Democrats. The returns gave Davidson 105, Turner 4, and McDuffie 6, in all 115 votes, which indicates a recent increase in the voting strength of Sedan.

At Gee's Bend it appears (page 54) that there are some 10 white and 131 colored voters; but the returns gave Davidson alone 190, and the total vote was 210—another interesting increase in voting population.

At Mining precinct there are some 103 voters, as equally divided as possible between the parties. The returns, ever generous, gave Davidson 137 votes, and showed that 156 votes in all were cast, which is still another increase in voters.

The official vote in all these cases is given in McDuffie's testimony, pages 68, 69.

There are, however, some precincts which show a vote in the returns that can not be accounted for even by the abnormally rapid increase in population which appears to be characteristic of the Fourth Congressional district of Alabama.

In Walthall's precinct, Perry County, the poll-list, which is in evidence (pages 48, 49), shows that 261 voters voted on November 2. The inspectors' returns, however, declare that 282 men voted, 21 more than were recorded on the poll-list by the same inspectors. It is needless to add that these returns were accepted, and that 213 votes were counted from Walthall's precinct for Davidson.

In the matter of large returns Dallas County furnishes the champion precinct. At Valley Creek the testimony shows (page 180) that not over 115 voters voted there on November 2, 1886. The census of 1880 gives the population of Valley Creek as 2,608. Allowing that the same percentage of increase of population has occurred since 1880 as between 1870 and 1880 there would have been in the precinct in November, 1886, rather less than 3,000 persons. On the usual estimate of 1 adult male for each 5 of the total population we should have 600 voters in the precinct in 1886.

The returns declare that the total vote in this precinct was 685, of which Davidson received 501 votes and Turner 149. The polls were open from 8 a. m. to 6 p. m., ten hours, during which the voters voted at the rate of rather more than one a minute without intermission during the entire day. In view of the size of the voting population this total is an interesting result, but when we consider that there is sworn testimony that not more than 104 colored men and 10 white men actually voted, then the result becomes more than interesting. The chairman of the Democratic Congressional committee, Mr. John Mellwain, was present at this polling place, and it can not be doubted that he felt that his position demanded unusual exertions in behalf of his candidate. The minority of his committee are obliged to admit that those exertions were conspicuously successful.

The names of the dead, absent, and disfranchised were placed on the poll-lists as having voted.

See testimony of Emanuel Robinson, record, page 60; T. F. Holly, record, pages 234, 235; G. T. McCall, record, page 66; Ben De Lemos, record, page 70; Dr. Jno. A. McKinnan, record, page 143; George Craig, record, page 140; Stephen Childs, record, page 139; E. J. Morrell, record, pages 54, 55.

No effort was made to rebut this testimony, and these instances of representing the dead, absent, and disfranchised as having voted occurred at widely separated points, indicating a general scheme of returning bogus votes. Comment upon this method of increasing the voting population seems entirely superfluous.

In many precincts in which it is known that the population is chiefly colored no votes at all were returned for McDuffie.

In Dallas County, Richmond precinct, according to the official returns, Davidson received 214 votes; McDuffie none; and the same state of things existed in the following precincts:

Precincts.	Davidson.	McDuffie.
Pleasant Hill	14	None.
IN HALE COUNTY.		
Phipp's precinct	53	None.
Hollow Square	45	None.
IN WILCOX COUNTY.		
Fox's Mill	111	None.
Bonham	178	None.
IN PERRY COUNTY.		
Brush Creek	47	None.
Oldtown	195	None.
Pinetucky	81	None.
Heards	42	None.
Perryville	122	None.
Oak Grove	105	None.
Radfordsville	80	None.

In many other precincts McDuffie is given less than 6 votes by the returns, but here are thirteen precincts, scattered over four counties, in which, according to the returns, McDuffie did not receive a single vote, although it is well known that the population is chiefly colored, and it is admitted even by the witnesses for contestee that the colored voters are generally Republicans.

In other instances the voting-places were changed without due notice, in order that the Republican voters might not know where to go to cast their votes.

In Gee's Bend, Wilcox County, Isom McLaughlin swears that the voting-place was changed 3 miles without notice, and he had difficulty in getting there (page 172). George Petway swears that the usual place of voting was at the red schoolhouse, and at this election the voting place was at Young's store (page 172).

In still other instances the inspectors failed or refused to open the polls in strong Republican precincts.

In Hollow Square precinct, Hale County (pages 117, 118), and in St. Clair precinct, Lowndes County (pages 62-67), inspectors were either absent or refused to open the polls. The polls being then opened by three qualified electors, in accordance with the law (Code of Alabama, chapter 3, article 1, section 262), and an election duly held, the returns from these precincts were rejected by the county boards of supervisors. At Lowndesborough an attempt was made to refuse to open polls, and the inspectors only opened polls when the voters started to do it themselves (page 61).

The laws of Alabama require that not more than two out of three of the inspectors shall belong to the same political party. In order to make a showing of compliance with the law, the Democratic authorities would appoint a negro who could neither read nor write, as the Republican inspector, or else, wholly disregarding the law, would appoint three Democratic inspectors.

At Uniontown precinct, Perry County (page 37), two of the election officers were nephews and one was the son of Davidson; and it was one of these nephews who declared, when he was criticised for substituting Davidson for McDuffie votes, that "Uncle Aleck might's well have it."

In Selma, Dallas County, one of the inspectors who signed the returns was Jesse Wilson, a colored man, who was disfranchised under the law of Alabama for crime, but who was, nevertheless, appointed an inspector by the county supervisors, and whose name also appears upon the poll-list as having voted (page 45).

The law requires that two of the inspectors should be of opposite political parties, but at Greensborough (page 46), Hamburgh (page 45), Mount Hope (page 158), and Marion Junction (page 125), they were all Democrats.

At the following precincts two of the inspectors were white Democrats, while the third was an ignorant colored man, unable either to read or write, and these inspectors were appointed by the Democratic board of supervisors, consisting of the judge of probate, county clerk, and sheriff of the county:

"DALLAS COUNTY.

"Brown's Station, pages 41 and 228; River Precinct, pages 75 and 221; King's, pages 78 and 229; Martin's, page 219; Liberty Hill, page 226; Planterville, page 216; Summerfield, page 216; Woodlawn, page 217; Valley Creek, pages 180 and 218; Lexington, page 220; Pleasant Hill, page 222; Richmond, page 223; Portland, page 223; Cahaba, page 224; Burnsville, page 225; Union, page 225; Pence's, page 226; Vernon, page 227; Elm Bluff, page 229. (In this precinct only one white man was joined with two colored men who could neither read nor write.)

"PERRY COUNTY.

"Uniontown, pages 29 and 30; Walthall's, page 39; Marion, page 44

"HALE COUNTY.

"Macon Station, page 45.

"LOWNDES COUNTY.

"Lowndesborough, page 58.

"WILCOX COUNTY.

"Black's Bluff, page 157; Bethel, page 164; Canton, page 177.

The law requires that not more than two out of three of the inspectors shall be of the same political party. To meet the requirements of the law it will be observed from the above table that in twenty-six precincts (omitting Lowndesborough) out of seventy-three, scattered over four counties, an ignorant colored man, unable to read or write, was associated as the Republican representative with two Democrats in the performance of the important duties of inspectors of elections.

It is also interesting to notice that of these twenty-seven precincts given above nineteen come from a single county. The reason for this is that exact transcripts of the precinct returns from Dallas County are given in the record, thus showing the signatures of the inspectors to each return, and disclosing, out of a total of twenty-seven cases nineteen in which one of the inspectors could only make his mark. Could we have had in the record similar transcripts of all the precinct returns in the district, no doubt as large a proportion of ignorant Republican inspectors would have been disclosed in the other counties. In all the counties except Dallas the politics and the capacity of the inspectors had to be shown by outside testimony, but enough was disclosed even in this way to demonstrate that the ingenious scheme of having the Republican inspector a man too ignorant to detect fraud was carried out as thoroughly as in Dallas, where it is obvious on the face of the returns.

Now let us compare the vote actually cast at the various precincts with the returns of the election officers, and mark the result:

DALLAS COUNTY, BROWN'S STATION.

The returns from this precinct gave Davidson 207, Turner 59, and McDuffie 52 votes. Charles H. Walker (page 41) testified that he was a United States supervisor; that he stood within 5 feet of the box; that the ticket-taker was a one-armed man, and sometimes dropped the ballots so that he (Walker) was able to see that McDuffie tickets were voted; that a list was kept outside which showed that 282 colored voters had taken McDuffie tickets and voted them; that the colored people were united for McDuffie; that there was no indication that any of them voted for Turner, and that after the returns were announced there was great dissatisfaction. A meeting was held and 250 men put down their names as having voted for McDuffie. Cross-examination was slight, and only showed that witness was a Republican and did not keep a tally.

Lewis Boyd (page 64) testified that he issued McDuffie tickets, and that three other men kept lists of those who took them; that he issued 285 McDuffie tickets, watched the voters closely, and saw them voted without change. Cross-examination failed to shake this testimony, and only went to show that witness could not read the ticket as it was put into the box, being too far away, that is, some 30 feet.

W. M. Ellerson (page 42) testified that he was one of the men taking down names of McDuffie voters; that he took down 115 names and his two companions took down 40 and 115, respectively. On cross-examination he swore that he watched as closely as possible the voters, and that they voted the tickets without change, although some might have changed without his seeing them.

Allen Allison was called by contestee to rebut this evidence. He testified that he thought there were a "good many" colored voters who voted the Davidson ticket. On cross-examination he testified that he voted a Turner ticket himself; that he had heard five or six colored voters, whom he named, say they intended to vote for Davidson, but on being asked if he could say that any one voted the Democratic ticket, he replied, "I could not say that they did; I go by what we talked over."

DALLAS COUNTY, KING'S.

The returns gave Davidson 181, Turner 22 votes, and none for McDuffie.

Willie Davidson (page 77) testified that there were about 45 or 50 white voters in the precinct who voted that day, and that the total vote was about 180; that he issued 120 McDuffie tickets to colored voters, and "saw each of these colored voters take the ticket so issued him and deposit it with the inspector of election." He knew of no colored man who voted for Davidson, and there is no evidence that there were any Turner tickets offered or voted. This witness was not cross-examined, and no effort was made to rebut his testimony.

DALLAS COUNTY, RIVER.

The returns from this precinct gave Davidson 259, Turner 38, and McDuffie 21. Cliff Campbell (page 74) testified that there were present 15 to 20 white voters and 100 to 150 colored voters; that a majority of colored voters voted for McDuffie, who was popular with them. Some of them voted for Davidson, who might have got 40 or 50 votes. Cross-examination did not shake this testimony, but brought out the fact that he made his estimate from watching voters take McDuffie tickets and vote them.

Nias Richardson (page 76) testified that he was one of four men issuing McDuffie tickets, and saw the voters vote them without apparent change. Cross-examination did not shake his testimony, but developed the fact that witness was present all day at the polling-place. This witness also swore that the total vote was from 175 to 200, while the returns give the vote as 318. No attempt was made to rebut this testimony.

Campbell also swore that he saw no Turner tickets, and there is no evidence that any votes were cast for Turner, or for anybody except Davidson and McDuffie. Yet the returns give Turner 38 votes.

DALLAS COUNTY, CAHABA.

The returns from this precinct gave Davidson 230 and McDuffie 33 votes. Ezekiel Arthur testified (page 187) that he and one Hawkins issued McDuffie tickets; that he issued 150 and saw the voters hand them, in every case, to the inspector. A sworn cross-examination failed to shake his testimony on these points. Contestee introduced evidence to rebut. L.M. Kirkpatrick (page 199) testified that he issued 50 Davidson tickets to colored men, but admitted on cross-examination that he knew of his own knowledge of none who voted it. He also testified that Arthur's character for truth and veracity was good, but that neither Arthur nor Hawkins were present all day. Clifton Kirkpatrick (page 208) testified to the same effect, admitting that he knew only one colored voter who voted for Davidson, and that there were 25 to 30 whites and 250 to 300 colored voters in the precinct.

DALLAS COUNTY, VALLEY CREEK.

W. H. Haynes (pages 179–187) testified as follows:

"Q. What time did the polls open that day and what time did they close?

"A. They opened between eight and nine and closed between five and six.

"Q. What were you doing there that day?

"A. I was issuing Judge McDuffie tickets.

"Q. How many tickets did you issue there that day, and did you see the parties to whom you issued tickets vote them?

"A. I issued 100 McDuffie tickets and Alf Boyd issued 4; I saw 95 of the persons to whom I issued McDuffie tickets vote them, and I saw the 4 men to whom Alf Boyd issued tickets vote them.

"Q. How far were you from the polling-place when you gave the voters the McDuffie tickets and you saw them vote them?

"A. I would meet the voters from ten to twenty feet from the polls; ask them what ticket they wanted to vote; they would tell me they wanted McDuffie tickets. I gave them a McDuffie ticket, walked up to the polls with them, and saw them vote it, and when they voted I was not over three or four feet from the inspectors who took the tickets.

"Q. Did any one notice you watching the voters vote, and, if so, whom, and what did they say to you, if anything?

"A. Mr. Ben Harrison noticed me and said to me, can you swear to all to whom you gave tickets voted them?

"Q. What did you say to him?

"A. Very nearly all.

He further testified that 4 or 5 colored men voted for Davidson, and that 10 white men voted, one of them for McDuffie, and that he was at the polls all day. He was subjected to a severe cross-examination, which not only failed to shake his evidence in chief as to the vote, but strengthened it by his reiteration as to the vote for each candidate and as a whole. No attempt was made to rebut this evidence. Mr. John McIlwain, chairman of the Democratic Congressional district committee, was present at this polling place, and the returns, as has been already pointed out, corresponded to the important political position that he occupied. The returns gave Davidson 501 votes, Turner 149, and McDuffie 35. Haynes could hardly have been mistaken seriously as to the total number of voters, and no attempt was made to either rebut or impeach his sworn testimony on this point, and yet Davidson alone received five times as many votes as there were voters present and voting.

DALLAS COUNTY, LEXINGTON.

The returns gave Davidson 115 and McDuffie 107 votes. Asia McMillan testified that he was present all day, generally within 35 yards of polling-place, and that he issued 190 McDuffie tickets and saw them handed in at the window. He further testified that 55 to 60 white voters lived in the precinct, and that he knew only 1 colored voter who voted for Davidson.

Cross-examination failed to shake this testimony, going only to the point that witness could not read ticket as it was handed in (page 134). Jeff. Edwards (page 136) testified that there were 35 to 40 white and 200 to 300 colored voters in the precinct; that the latter were united in support of McDuffie, and that he knew only 1 who voted for Davidson; that he saw over 100 take tickets from McMillan and 50 to 60 vote them; that only 25 to 30 white men voted. Cross-examination failed to shake this testimony, and no evidence was offered in rebuttal of either witness. It may be noted here that both these witnesses were cross-examined as to Turner's candidacy, although no votes were returned for Turner from this precinct, which would seem to indicate that cross-examination proceeded on the theory of what the returns were intended to show, and that in instances like this the inspectors for some reason did not adhere to the original plan.

DALLAS COUNTY, WOODLAWN.

The returns gave Davidson 107, Turner 1, and McDuffie 6 votes.

Andrew Mixon testified that he was at the polling-place until noon, and saw 40 to 50 voters vote for McDuffie, and that he saw no other ticket there. Cross-examination did not shake this evidence, developing merely the fact that witness was 50 feet from polling-place and could not see the ballot-box, but only the window where the tickets were handed in. The statement that there was no other ticket but the McDuffie ticket to be seen was reiterated. No attempt was made to rebut this testimony.

DALLAS COUNTY, MARION JUNCTION.

The returns gave Davidson 81, Turner 20, and McDuffie 10 votes. J. L. Blevins (page 124) testified that he was present all day during election; that the colored people all voted for McDuffie, and that there were only 25 to 30 white people in the precinct. Cross-examination failed to shake these statements, but developed the fact that the witness issued McDuffie tickets, watched the voters vote, and saw no Turner tickets about anywhere. No attempt was made to rebut this testimony.

DALLAS COUNTY, OLD TOWN.

The returns gave Davidson 46, Turner 3, and McDuffie 2 votes. Stephen Cunningham (pages 112–116) testified that there were some 180 voters present while he was there; that 70 or 80 took McDuffie tickets and 40 Turner tickets and voted them; that he judged by what they told him, but that he saw them vote. He was subjected to a severe cross-examination, which failed to shake his testimony on these points. No attempt was made to rebut this evidence. In this case the Turner and McDuffie vote alike faded away in the box, and only Davidson votes appear in the returns, which show a diminished total vote, instead of the more usual handsome increase over the voters actually present or living in the precinct.

DALLAS COUNTY, UNION PRECINCT.

The returns gave Davidson 320, Turner 31, and McDuffie 19 votes.

Affie Jones testified that he issued 86 McDuffie tickets and saw them carried to the box without change and voted, and was prevented from keeping a tally by one of the Democratic inspectors, Mr. McIlwain (page 108). This witness was

not cross-examined, but James Townsend was called by contestee to rebut. Townsend testified that he issued about 50 Davidson tickets to colored voters, and believed from what they said that they voted them, but only knew three colored men who were Democrats. He further testified that Jones was 78 steps distant from polling-place, and unable to distinguish a ticket at that distance.

DALLAS COUNTY, PENCE'S BEAT.

The returns from this precinct give Davidson 168 and McDuffie 8 votes. Lewis Phillips (page 102) swore that 139 voters took the McDuffie ticket and handed them in at the widow. Cross-examination failed to shake his testimony and only developed the fact that witness was 30 yards from window. Emmet Shepherd (page 103) testified that he knew that 139 voters took McDuffie tickets and voted them, and on cross-examination swore that he was about 40 yards from the window, and knew that these 139 voters voted for McDuffie, because each man called McDuffie's name as he voted.

No attempt was made to rebut this evidence. Assuming that the total vote returned by the inspectors is correct, it is necessary to suppose further, in order to sustain the contestee's vote of 168, that 131 colored voters received McDuffie tickets, changed them for Davidson tickets without being noticed by either of the two witnesses who were watching them closely, and then, as they voted for Davidson, called out McDuffie's name to deceive the men keeping the tally.

DALLAS COUNTY, BURNSVILLE PRECINCT.

The returns gave Davidson 460, Turner 77, McDuffie 17.

J. C. Brantley, a United States supervisor, saw 75 vote McDuffie ticket, and no colored people vote for Davidson or Turner. He also swore that about 200 voters came to the polls.

Cross-examination failed to shake his testimony on these points. (Page 109.)

H. M. Hale (page 144) swore that there were some 375 white and colored voters in this precinct; that he issued 202 McDuffie tickets; was present all day, and saw 200 vote the McDuffie ticket which he gave them, and that 200 to 300 persons voted. Contestee's witness, R. D. Berry, testified that he knew four or five negroes who voted for Davidson, and that Brantley was not always present, and that Hale was not in a position to see the voters vote. Contestant was given no notice as to Berry, and had no opportunity to cross-examine him.

DALLAS COUNTY, LIBERTY HILL.

Tony Tolbert, (page 981) swore that he saw 65 to 70 colored voters place McDuffie tickets in the box; was there all day, and swore that about 100 persons voted.

No evidence was offered to rebut this testimony.

The returns gave Davidson 132, Turner 37, and McDuffie 31.

DALLAS COUNTY, MITCHELL'S MILL.

Lott P. Thomas testified (page 97) that he was at the polling-place from 8 a. m. to 6 p. m. That he issued 307 McDuffie tickets, and saw 303 handed in by the voters at the window, and could not tell about 4 of them. On the cross-examination, which utterly failed to shake his testimony, he swore that he was sitting all the time within 15 feet of the window. No attempt was made to rebut this evidence.

The returns gave Davidson, out of a total of 343, 201 votes; Turner, who apparently received no votes, 108, and McDuffie 34.

DALLAS COUNTY, ORRVILLE PRECINCT.

This precinct, according to inspectors' returns, gave McDuffie 24 votes, Turner 42, and Davidson 163.

Harrison Ellis (page 93) swore that he issued 242 McDuffie tickets, and that he watched the voters and saw most of them vote without changing their ballot.

Cross-examination failed to break him down.

Burrel Hayes swore that the colored voters voted for McDuffie. That he saw many of them vote. That none voted for Turner or Davidson.

Contestee attempted to rebut this evidence, and his first witness, Lance Bryant (pages 205 and 206), testified that he saw only four men vote; that he and three others were all he knew who voted for Davidson; that he thought all the rest of the colored people, some 200, voted for McDuffie, and that no one voted for Turner, and if the inspectors gave him 42 they gave him votes that he never received.

Contestee's second witness, Henry Bennet, testified that he knew of some half dozen negroes who were Democrats, and he believed "right smart" of the colored voters voted for Davidson. He swore also that Ellis could not see all voters, which was admitted.

DALLAS COUNTY, MARTIN PRECINCT.

Returns gave Davidson 340, Turner 103, McDuffie 18.

Nathan Stratton swore that he issued 364 McDuffie tickets, and Ned Petway, who stood at the window, swore that he saw these men vote without changing their ballot. Both swore that colored people sustained McDuffie and took no interest in Turner. (Pages 94 and 95.)

Craig testified that there were about 40 or 50 white voters in the precinct and 250 to 300 blacks, according to his recollection (page 141). No attempt was made to rebut this evidence, and the witnesses were not broken down on cross-examination.

DALLAS COUNTY, SELMA.

The returns gave Davidson 857, Turner 156, McDuffie 102. Henry Blevins (pages 99, 131) testifies that he issued 160 McDuffie tickets; that Turner was unpopular with the colored voters and received very few votes, and that, in his opinion, not over 300 persons voted in the precinct, very little voting being done in the afternoon. George H. Craig, who lives in Selma, and has been twice a candidate for Congress, and is familiar with the voting strength of the various precincts in the district, and especially with that of Selma, testified (page 141) that a very light vote was polled in Selma, and that in his opinion nothing like 1,115 votes were thrown as returned by the inspectors.

The character of some of the names given on the poll-list as those of persons who voted has been shown already. Contestee undertook to rebut the testimony of Blevins by that of Willis Hill (pages 192, 193). Hill swore that he worked for Davidson in the campaign and secured at least 20 votes for him, but on cross-examination could not give the name of a single colored voter who voted for Davidson. He offered no testimony as to the total vote. It will be noted that according to the returns, assuming the polls to have been open from 8 to 6, 1,115 voters voted in 10 hours, or at the rate of nearly 2 voters a minute all day without intermission.

PERRY COUNTY, UNIONTOWN.

The returns from this precinct gave Davidson 720, Turner 203, and McDuffie 65. George A. Clarke (pages 27–30) testified that he issued 836 McDuffie tickets to colored voters, whose names he took down. The list that he made is in evidence (pages 50–53). He further swore that he saw these men leave the place where he gave them the tickets and walk to the polling-place. Fountain Hudson, an inspector, testified that he saw 400 McDuffie tickets in the box, and that most of the tickets handed to him were open (page 30). Ned Braxton (page 31) swore that he saw 400 to 500 voters come from where Clarke was, and watched them as they entered the building where the polling-place was, and that they did not change the tickets, so far as he saw. Dr. J. H. Houston testified that there were 800 to 1,000 colored voters in the precinct, and that 95 per cent. voted the Republican ticket; that he watched the voters at the head of the stairs and saw that they did not change their tickets. He further testified that there was no voting for Turner.

The contestee introduced as witnesses 9 colored men (pages 80 to 86), who swore they voted for him, and named 14 other colored men whom they thought voted for Davidson. Of these 23 voters, as will be shown later on, only 6 took McDuffie tickets. If the returns are correct, we are obliged to believe that 771 men took McDuffie tickets and gave their names to Clarke as voting for McDuffie, secretly changed their ballots between the head of the stairs and the ballot-box, and then voted secretly for Davidson.

PERRY COUNTY, CUNNINGHAM.

The returns gave Davidson 288, Turner 45, and McDuffie 10. Oliver Ward testified that he issued and tallied 129 or 139 McDuffie votes, and saw the voters walk to the polls. Nick Seawell testified that after Ward stopped tallying he tallied 49 more McDuffie voters. Neither Ward nor Seawell saw any votes for Turner; and Seawell said 4 colored voters voted for Davidson. This testimony was not rebutted or contradicted.

PERRY COUNTY, WALTHALL'S.

The returns gave Davidson 213, Turner 36, McDuffie 33. Lee Andrews (page 39) testified that he issued between 200 and 300 McDuffie tickets, and saw 100 voted without apparent change. Green Chambers, called in rebuttal, testified that he voted for Davidson, and he thought "a heap" of colored voters voted for Davidson. The poll-list in this precinct shows that 261 persons voted, while the returns, supposed to be based on the poll-list, make the vote 282. Andrews swore that he saw no one vote for Turner.

PERRY COUNTY, SCOTT'S.

The returns gave Davidson 394, Turner 20, and McDuffie 15. William Jenkins testified that the colored people generally said they were voting for McDuffie; that he saw 50 vote that ticket; that 2 voted for Davidson, and that he did not hear Turner's name mentioned during the day (page 40). Daniel Thompkins (page 43) testified that he issued McDuffie tickets; that he saw 75 to 100 vote for McDuffie and 1 for Davidson, and that there were about 20 white voters in the precinct. His testimony was not contradicted.

PERRY COUNTY, MARION.

The returns gave Davidson 606, Turner 49, and McDuffie 23. Nick Stevens testified that he tallied the McDuffie vote and saw 400 to 450 go to the polls with the McDuffie ticket; that he did not know of any who voted for Davidson, and saw no one vote for Turner, because no one issued Turner tickets, the man to whom they were given having refused to issue them, and that about 75 white men voted. Cross-examination did not shake this testimony, and no attempt was made to rebut it.

PERRY COUNTY, HAMBURG.

The returns here gave Davidson 306, Turner 26, and McDuffie 7. Norvell Montgomery (page 46) testified that he issued 79 McDuffie tickets to colored voters, kept a list of those who received them, and watched them enter the building where the polls were without changing tickets. Swore that these 79 who took tickets and two or three others who did not vote were the only colored voters present during the day, and he was there from the opening until the closing of the polls. He could not, of course, see the voters vote, but only enter the building. This testimony was not attacked in cross-examination, but Hugh Davis was called to rebut it, and testified that more than 79 colored voters voted that day, *i. e.*, as many as 260 to 275.

HALE COUNTY, NEWBERN.

The returns gave Davidson 206, Turner 58, and McDuffie 1. Oliver Ward testified that some 10 colored people voted there that day for Davidson, and 75 to 80 whites, but that the colored Republicans refused to vote, having no confidence in the inspectors. Dock McCrae testified to the same effect, and that he took the names of 180 voters who did not vote. These witnesses were neither cross-examined nor contradicted. It will be observed that although these voters failed to vote at the polling-place, they all voted in the returns, and voted for Davidson.

HALE COUNTY, GREENSBOROUGH.

The returns gave Davidson 330, Turner 121, and McDuffie 228. A. B. Hunter (page 46) testified that he tallied 546 voters who took McDuffie tickets and walked with them into the court-house where the polling-place was, and that the McDuffie tickets were printed in black ink to distinguish them from the Davidson tickets, printed in red. William Hugely swore that he stood by the box and saw the voters tallied by Hunter vote the McDuffie ticket. It would seem that the inspectors were sufficiently impressed by the precautions taken by these uncontradicted witnesses and others to preserve appearances in the returns rather better than in most precincts, which was creditable to their sense of the general fitness of things, even in cheating at an election. There is no evidence that any Turner tickets were voted at this precinct.

HALE COUNTY, MACON STATION.

The returns gave Davidson 380, Turner 150, and McDuffie 21. Alexander Lewis (page 45) testified that he issued nearly 300 McDuffie tickets and saw them handed in at the window, and that he saw no one vote for Turner and only one Turner ticket on the ground. This evidence was neither contradicted nor rebutted in any way.

HALE COUNTY, CEDARVILLE.

The returns gave Davidson 226, Turner 50, and McDuffie 75. Fred. Murphy (page 105) testified that he issued 315 McDuffie tickets and saw those identical tickets handed to the inspector, and that he stood within 30 feet of the door all day. This testimony was neither rebutted nor contradicted.

HALE COUNTY, HOLLOW SQUARE.

The returns gave Davidson 45, Turner 0, and McDuffie 0. R. D. Starkey swore (page 117) that the inspectors, of whom only one was present, refused to open the polls; that he and three other qualified voters then, in accordance with law, opened the polls at 8.45, and kept them open till 5 p. m., and allowed everybody to vote who desired; that there were 284 votes cast for McDuffie, and none for anybody else; and that these votes were cast by registered voters and duly counted and returned. Cross-examination failed entirely to shake the testimony of this witness, and on being recalled he produced, under oath, a duplicate of the returns sent to the county authorities. When the official returns for the county were made out these 284 votes for McDuffie had disappeared and were replaced by 45 for Davidson, which indicates the existence of an interesting discrepancy between the various official returns in this precinct.

LOWNDES COUNTY, LOWNDESBOROUGH.

The returns gave Davidson 178 votes and McDuffie 58. Scott Smith testified that he issued McDuffie tickets and saw 59 handed in at the window, and that only two or three colored men voted for Davidson, 225 to 250 having voted. Josh Howard testified that 25 or 30 white voters voted that day, and about 200 colored voted that day. Ben De Lemos testified to the same figures. This testimony was not contradicted or rebutted, witnesses for contestee being called to contradict Robinson's testimony as to the way the count was made.

LOWNDES COUNTY, ST. CLAIR.

Cain Salomon testified that the inspectors not opening the polls, he and 4 other qualified voters opened polls and received votes, and that 82 votes were cast for McDuffie and honestly counted and returned. The regular inspectors subsequently opened polls. Henry Taylor testified to the same effect. The county supervisors threw out the returns from this precinct.

WILCOX COUNTY, CAMDEN.

The returns gave Davidson 364, Turner 212, and McDuffie 35. Laurence Washington (page 153) swore that he saw 116 voters take McDuffie tickets from Charles Moye and vote them, and that in his opinion about 400 voters voted there for McDuffie. This witness was neither cross-examined, contradicted, nor rebutted.

WILCOX COUNTY, SNOW HILL.

The returns gave Davidson 451, Turner 125, and McDuffie 15. Daniel A. Carmichael (page 153) testified that he issued and tallied 425 McDuffie, and saw them voted; that he saw 6 colored voters vote for Turner and 1 for Davidson, and 1 white man for McDuffie, and that about 160 whites voted. Cross-examination not only did not shake this evidence, but strengthened it. Nathan Scott (page 175) testified that he issued McDuffie tickets, and that although he did not keep a tally, he knew that about 400 voted them. On cross-examination, which only strengthened this evidence, he said:

"I handed them their tickets, and was standing in front of the window where they voted, and saw them go and hand them in, and there was no swapping."

In reply to a question as to how he knew of his own knowledge that they voted for McDuffie, he said:

"Because I gave them their choice to vote for McDuffie or Davidson, and they took the McDuffie tickets and voted them, is why I say so."

These witnesses were not contradicted or rebutted in any way.

WILCOX COUNTY, BLACK'S BLUFF.

The returns gave Davidson 75 and McDuffie 10. Isham Bolton (page 155) testified that 162 voters received McDuffie tickets and voted them; that he watched them go into the box, being within 20 yards at farthest all day, and that Wyatt Shelborne issued the votes and Moses Henry tallied them. Shelborne (page 157) and Henry (page 170) testified to the same effect, and the latter introduced in evidence his tally-list. These witnesses were not shaken on cross-examination, nor were they rebutted or contradicted.

WILCOX COUNTY, MOUNT HOPE.

The returns gave Davidson 391, Turner 13, and McDuffie 4. Wash Adams swore (page 158) that he issued 75 McDuffie tickets and saw them voted. Cross-examination did not shake this testimony, nor was it rebutted. He further testified that there were about 35 or 36 white and 5 or 6 colored Democratic voters in the precinct. In this case, as in many others, it is interesting to contrast the number of votes cast for McDuffie with the number returned.

WILCOX COUNTY, BOILING SPRING.

The returns gave Davidson 154, Turner 26, and McDuffie 17. Daniel Moore (page 159) testified that he kept a poll-list of the McDuffie voters, which was put in evidence, and that 173 voters voted for McDuffie, and on cross-examination he said:

"I saw the votes taken in at the door by the inspector. They voted the ticket issued to them."

He further testified that there were 25 white and not more than 5 colored Democratic voters in the precinct. He was neither rebutted nor contradicted.

WILCOX COUNTY, GEE'S BEND.

The returns gave Davidson 190, Turner 14, and McDuffie 6. In this precinct the polls were moved to an unusual place, but Isom McLaughlin (page 162) testified that he saw 18 or 20 colored men vote for McDuffie and gave the names of 16. William Aiken (page 163) swore that he saw about 50 votes cast for McDuffie, and George Petway (page 171) swore that he issued 75 McDuffie tickets and saw them voted. These witnesses were not rebutted or contradicted.

WILCOX COUNTY, BETHEL.

The returns gave Davidson 205, Turner 15, and McDuffie 6. Charles Perkins testified that there were 196 Republicans there that day, but only 100 voted, because they only had that number of McDuffie tickets and were not accustomed to voting written tickets. Ben Dixon (page 166) testified that he issued the 100 tickets and saw them voted. These witnesses were not rebutted or contradicted.

WILCOX COUNTY, PRAIRIE BLUFF.

The returns gave Davidson 231 and McDuffie 10. Granville Bennett, who was an inspector, swore (page 167) that he tallied 227 votes cast for McDuffie, and L. J. Sykes (page 168), who was outside, testified that he issued 227 McDuffie tickets and saw them voted. Cross-examination failed to shake Bennett's testimony, and neither witness was contradicted or rebutted.

WILCOX COUNTY, ALLENTON.

There were no returns showing how many votes were cast or for whom, but the poll-list had 347 names on it.

James L. Grace swore (page 169) that he and Samuel Walton issued 276 Republican votes, kept a tally, and saw them voted. Walton testified to the same effect, and on cross-examination swore that the votes could not have been changed without his seeing it done. Neither witness was rebutted or contradicted.

WILCOX COUNTY, REHOBOTH.

The returns gave Davidson 195, Turner 40, and McDuffie 5. Levi McCammon (page 173) testified that he issued tickets and saw 106 voters vote for McDuffie; that a list was kept and the votes tallied. Archie Carr (page 174) testified to the same effect. They were not rebutted or contradicted, and they further testified that there were some 35 or 36 white Democrats in the precinct.

WILCOX COUNTY, CANTON.

The returns gave Davidson 226, Turner 41, McDuffie 10. Jake English testified that he watched and saw 135 men vote for McDuffie. He saw no colored voters vote for Davidson, and that there are about 32 or 33 white Democrats in the precinct. Cross-examination failed to shake this testimony, which was unrebutted and uncontradicted.

These precincts, which have been examined thus in detail, show that contestant's witnesses testified uniformly and generally very exactly as to the votes issued and cast for McDuffie and they were but little shaken on cross-examination, which was directed almost exclusively to showing that witnesses could not read the ballot as it was deposited, and that it might have been changed without their knowing it. Even if this contention had been generally successful, which it was not, it would have done but little to break the real force of this evidence, which demonstrates uniform and complete fraud through the four counties. This testimony also shows with perfect clearness that the Turner ticket was hardly voted at all and in some precincts was not even heard of. The returns, however, were not cramped by any consideration of the votes actually cast, and gave Davidson in the district 14,913 votes, a plurality over McDuffie of 11,387.

It is a subject of interesting consideration to learn how these frauds were perpetrated.

At Uniontown, Perry County, the votes cast were put in a sack by Mr. Pitts, nephew of Mr. Davidson, and then in the count Davidson ballots were counted instead of those cast for McDuffie (pages 31 and 32).

At Brown's Station, Walker County, Charles H. Walker, United States supervisor, testified as follows:

"Q. After the close of the polls did the inspectors immediately count out the vote and ascertain the result? And if not, state fully what was done.

"A. They did not; they said they were tired and wanted to take some air; they walked out and waited about one hour; then they went to supper before they counted out.

"Q. During this time what did they do with the box?

"A. When they went to supper one of the inspectors wanted to take the box with him. I objected; then he said he would leave it with the depot agent, and handed it to him, who put it down out of my sight; I again objected, and he handed it back to me, or a box similar to it.

"Q. What kind of a box was this?

"A. A small tin box.

"Q. Did you see any of the tickets voted there that day for Judge McDuffie; and, if so, how was his name printed on the ticket?

"A. I saw some of the McDuffie tickets there that day voted, and McDuffie's name was printed across the ticket.

"Q. Did you see any of the tickets counted by the inspectors for McDuffie; if so, how was his name printed on those tickets?

"A. I saw the McDuffie tickets that the inspectors counted, and on these tickets McDuffie's name was printed lengthwise of the ticket.

"Q. These tickets counted by the inspectors, how were they folded, neatly or otherwise?

"A. They were folded neatly.

"Q. Did they have the appearance of having been handled much, or were they clean?

"A. They were clean; did not appear to have been handled much.

"Q. How were the tickets voted by the voters folded, and did they appear to be clean?

"A. They were loosely folded; they were soiled and appeared to have been handled.

"Q. How close were you to the ballot-box during the time of the voting?

"A. About 5 feet.

"Q. Did you watch closely the tickets while they were being voted and put in the ballot-box?

"A. Yes, sir; I did.

"Q. Who put the tickets in the ballot-box? Explain fully about this.

"A. Aleck Colemon put the tickets in the ballot-box. He was a one-armed man, and had some trouble in putting the tickets into the box; sometimes they would drop and come open.

"Q. Did you or could you see whose name was on the dropped tickets, whose now were they printed on the tickets?

"A. John W. McDuffie name was printed across the ticket, and these tickets were picked up and put in the box."

From this testimony it will be seen that the tickets counted were different from those cast. The former were clean and had the name printed lengthwise on the ballot, while the latter were soiled and had the name printed across. The trick was evidently accomplished by putting a prepared box in the place of the one which contained the votes actually cast. No effort was made to rebut or impeach this testimony.

In regard to Marion, Perry County, Bill Cole testified as follows (pages 44, 45):

"Bill Cole, being called by the contestant, and first duly sworn, says as follows:

"Q. What is your name, what is your age, and where did you reside on the 2d of November last?

"A. Bill Cole; I am forty-one years old; I was in Marion.

"Q. Were you an inspector of election on that day?

"A. Yes, sir; I was.

"Q. What did you do?

"A. Sat at box and put the tickets in.

"Q. Who received them from the voters?

"A. Mr. Parish.

"Q. Did he receive them in the room where the box was or not?

"A. No, sir; he did not; he received them in one room and carried back into another room where the box was.

"Q. Did you see him drop on the floor any tickets he received from the voters and take another ticket from his person and give it to you to be placed in the box?

"A. Yes; I saw him drop tickets on the floor that he had taken from the voters and take other tickets from his pocket and hand them to me to put in the box.

"Q. Did you put all the tickets he gave you in the box?

"A. Yes, sir; I put all in.

"Q. Did they send you out of the room before they commenced counting?

"A. Yes, sir; they did.

"Q. About how many tickets did you see on the floor after the voting was over?

"A. There was a good many."

This is direct evidence of the fraudulent changing of ballots. Mat Boyd was called by contestee and swore that Cole's general character for truth and veracity was bad, but admitted on cross-examination that Cole had been duly appointed by the county board. This creates an interesting dilemma. Either Cole is a reasonably truthful person or the judge of probate, the county clerk, and the sheriff of Perry County, all Democrats and all white men, friends of Davidson, appointed deliberately as an inspector a colored man who not only could neither read nor write but whose character for truth and veracity was notoriously bad. Cole's evidence, however, is wholly unrebutted. Mr. Parish, whom we accused of managing the fraud, could have been called by contestee to contradict Cole's testimony. He was not called, and Cole's evidence on this case stands entirely uncontradicted.

In regard to Lowndesborough, Lowndes County, Scott Smith testified as follows (page 59):

"Redirect:

"Q. You were asked in your cross-examination if there was an election held in August, 1886, in said beat, and you stated there was. Was not Larry Hunter and Archie Douglas inspectors at said August election, as well as in November election; and, if so, were they not accused of fraudulently counting the vote cast at said August election in favor of the candidates whom they supported?

"(Contestee objects to the question on the ground that it is hearsay and irrelevant.)

"A. They were inspectors at the August election; they were accused of counting the election fraudulently in August, 1886, in favor of the candidate who they supported.

"Q. In the November election was not Larry Hunter and Archie Douglas warm and ardent supporters of Colonel Davidson, and were they not accused of fraudulently counting the election of November 2, 1886, in favor of Colonel Davidson there that night?

"A. They were both ardent supporters of Colonel Davidson, and they were accused that night of fraudulently counting the vote in favor of Colonel Davidson.

"Q. Do you know James Y. Brame? Is he a leading citizen of that beat and what are his politics?

"A. I know him; he is a leading citizen of that beat, a prominent one, and he is a Democrat.

"Q. Do you know, and if so, how do you know, if he voted there on the second day of November last?

"A. He went to the depot that morning and did not return in his buggy until that evening after the polls had closed."

"Cross:

"Q. Who were they accused by in August and November of fraudulently counting the votes?

"A. In the August election, white people and Democrats accused them, and in the November election colored people accused them.

"Q. The white people who accused them in August, were they not the defeated party?

"A. It was the white people who were defeated said so, but one white man who was on the winning side in the August election told me also that the election in August was not held fair.

"Q. Who was the white man who told you so two weeks ago?

"A. It was Mr. S. A. Tyson. He was called a caffee, or winning man."

"Redirect:

"Q. Is not Arthur Tyson one of the leading Democrats of the county, a man of large wealth, and knows well how politics of his beat are conducted, or is he not a Democrat in politics?

"A. He is a Democrat; he is a rich man; and I think he understands how politics are conducted in his beat."

From this it will be seen that in this precinct the inspectors were men whom white Democrats believed committed frauds at a previous election, and who at this election were accused on the spot of having committed frauds in the count. It also appears by the testimony of Emanuel Robinson that Mr. Douglas, one of the inspectors, counted the tickets, put some in his pocket and the rest back in the box (page 66). Efforts were made (pages 232, 233) to impeach Robinson's character for truth and veracity, but as he was selected by Democrats as an inspector this would be a reflection upon the judge of probate, county clerk, and sheriff, which can not be admitted.

The returns from Prairie Bluff precinct, in Wilcox County, gave Davidson 231 and McDuffie 10 votes. Granville Bennet, one of the inspectors, testified as follows (page 167):

"Q. After the polls were closed did you count the ballots cast there that day?

"A. We did.

"Q. State how many ballots you counted there that day for each of the candidates voted for.

"A. Two hundred and twenty-seven for McDuffie, and 13 for Davidson.

"Q. State if you made out and signed a statement of the result; if you did, how did you sign it? State the circumstances.

"A. Yes, sir; there was a statement signed up. It was handed to me and I was told to sign it, not seeing or knowing how the report was made out for each candidate."

The other two inspectors were white Democrats. This evidence, which stands unrebutted and unimpeached and entirely unshaken by cross-examination, shows that the votes were correctly counted, and then McDuffie's vote was credited to Davidson in the returns, and Davidson's to McDuffie, for this witness tallied 227 votes for McDuffie as they were cast, and another witness outside issued 227 McDuffie tickets and saw them voted (page 168).

In regard to Cahaba precinct, Dallas County, Ezekiel Arthur testified as follows (page 188):

"Q. When the polls was closed what became of the ballot-box?

"A. They retired to Mr. Kirkpatrick's house and took the box with them.

"Q. Who went to Mr. Kirkpatrick's house?

"A. Mr. Kirkpatrick and son, Simon Ulmer, and Greene Cornega.

"Q. Do you know whether or not the box was carried in the house of Mr. Kirkpatrick?

"A. Cornega and Simon said it was.

"Q. Did Greene Cornega and Simon Ulmer go into Mr. Kirkpatrick's house and stay in there during the time the ballot-box was in the house?

"A. They said they did not; they went round in the back yard.

"Q. About how long was the box kept in Mr. Kirkpatrick's house?

"A. They did not say.

"Q. Are not Simon Ulmer and Greene Cornega both negroes?

"A. They are."

Mr. L. M. Kirkpatrick, who was the owner of the house to which the box was taken, but who was not an inspector, was called by contestee and testified that he had no reason to believe that the ballots counted were not those cast, and that he delivered the ballot-box as it was given to him by the inspectors to the county authorities. Mr. Clifton Kirkpatrick, however, who was also called by contestee, and who was an inspector, testified on cross-examination as follows:

"Q. When you closed the polls that day and the box was carried to your father's house, and you delivered it, as you say, to Simon Ulmer, do you know what became of or was done with that box from that time until you went back to the polling-place?

"A. I do not know.

"Q. Do you know whether or not that box was opened during the time it was out of your possession and before you got back to the polling-place and the ballots taken out or changed?

"A. I do not know whether the box was opened or not.

"Q. Could it not have been opened and the ballots changed without your knowledge?

"A. It could have been opened and the ballots changed without my knowledge, because it was out of my sight for two hours.

"Q. Then you do not know that the ballots that you counted out of that box were the identical ballots that you, as inspector, received from the hands of the electors?

"A. I do not know."

There was, of course, ample opportunity to change the box for one prepared before the polls were opened.

Thus at five precincts in four counties, at widely separated points, we get very clear evidence as to the frauds and the manner of committing them. The inference from this is inevitable that these frauds were carried on throughout the district, except in a portion of Lowndes County. The Republican inspector is almost always an ignorant negro, unable to read or write, and he is either sent out of the room or deceived as to the count. As E. D. Morrill testifies (page 56):

"While the Republican is gone the box is changed for a box loaded previous to election. Sometimes the votes are changed after being handed in at the window and before being placed in the box. Sometimes the count is reversed, the vote of the Republican candidate is given to the Democratic candidate and the vote of the Democratic candidate is given to the Republican candidate."

The frauds and the methods of committing them are as obvious from the testimony as they are clumsy in design and execution.

The widespread existence of predetermined frauds is also indicated by the efforts which were made at different places and in different ways to prevent the production of proofs of wrong doing and to deceive voters.

At Uniontown, Perry County, Colonel Davidson told a colored man that he had no right to keep a tally of voters, and caused him to stop (page 39).

At St. Clair precinct, in Lowndes County, Mr. C. M. Smith, one of the inspectors, a white Democrat, told the colored people that there would be no election on account of a "big show" in Montgomery, and persuaded over two hundred of them to go away (page 67).

Emanuel Robinson, who testified as to Lowndesborough precinct, was threatened by Mr. Merritt, a white Democrat, and told he would catch the devil for having testified (page 68).

J. C. Brantly, United States supervisor at Burnsville, Dallas County, was told that his place was outside, and that he had nothing to do in the house, and to avoid a disturbance he went out (pages 109-111). Randal Berry (page 196), called to rebut this, failed to do so. At Union precinct Affie Jones (page 108) was prevented from keeping a tally by Mr. McIlvain, a Democratic inspector. At Snow Hill, Wilcox County, E. Burson, Democrat, distributing Davidson tickets, told Carmichael to stop taking down McDuffie voters on a list, and threatened him if he continued (page 154).

Judge McDuffie inspected the poll-lists of Wilcox County, and on a cursory examination detected the voting on false names testified to by Morrill (page 54). He made two subsequent attempts to get copies of these poll-lists, but was told that the original had been mislaid. In fact, these poll-lists and returns carry fraud so clearly on their face that the contestee, although he relies wholly on the poll-lists and official returns for his seat, has not put a single poll-list in evidence, in only one county has given transcripts of the official returns, and has not produced even the official vote by precincts in two counties. The minority feel bound to admit, however, that in this shrinking from the production of the detailed official returns the contestee displays excellent judgment.

In the testimony offered by contestee and in the argument made from that testimony the one effort is to suggest (any stronger word would be inappropriate) that Davidson was elected and received his majority by the secret votes of colored men who took McDuffie tickets and then changed them and voted for Davidson. We are able, luckily, to make a test case which disposes of this suggestion. At Uniontown precinct the Republican talliers took down the names of 836 colored men who received and, as they believed, voted McDuffie tickets. Davidson introduced 9 colored men as witnesses who swore they voted for him at Uniontown, and they mentioned 14 others of their race who, they believed, from hearsay, also voted for Davidson. Assuming that these 23 persons all voted for Davidson, the inquiry naturally occurs as to how many of them concealed their purpose by taking McDuffie tickets, and an examination shows that 6 did so. That is, of 836 men only 6 can be shown to have changed their vote, and of 23 who voted for Davidson only 6 took McDuffie tickets to conceal their real intent.

After the perpetration of all these frauds, the following is the official return of the district:

Counties.	Candidates.		
	Alex. C. Davidson.	J. V. McDuffie.	Ben F. Turner.
Dallas	5,193	713	908
Hale	1,769	407	429
Lowndes	540	2,070	.....
Perry	3,273	173	390
Wilcox	4,138	163	792
Total	14,913	3,526	2,519

Contestant claims, and with reason, that the apparent majority for contestee has been overthrown, and that by competent evidence he has shown a majority in his favor of 7,232 votes.

But the minority of the committee adopts a different theory, equally well established by the testimony, and throws out these contested precincts and counts only the uncontested precincts. The minority say:

This review of the testimony seems to the minority to show conclusively and overwhelmingly that a conspiracy to carry the election November 2, 1886, in the Fourth Congressional district of Alabama existed and was carried out successfully in four of the five counties of the district. They have no doubt that if the vote had been honestly counted Judge McDuffie would have been returned by a large majority. Inasmuch, however, as it is impossible to tell what the exact vote was in the precincts where the returns are contested and obviously vitiated throughout by fraud, they believe that the vote from all such precincts should be thrown out and only the uncontested precincts of Lowndes County counted. Judge McDuffie lived in that county, and the conspiracy broke down among the neighbors of a man generally respected by all, without distinction of party. The uncontested precincts of Lowndes County give Judge McDuffie 2,014 votes and Davidson 362.

The minority is therefore of opinion that Judge McDuffie is entitled to his seat in the Fiftieth Congress, and offer as a substitute for the resolutions proposed by the majority of the committee the following:

Resolved, That Alexander C. Davidson was not elected a Representative to the Fiftieth Congress of the United States from the Fourth district of Alabama.

Resolved, That John V. McDuffie was duly elected a Representative to the Fiftieth Congress of the United States from the Fourth district of Alabama, and is entitled to his seat.

The resolutions offered by the minority should be adopted by the House.

Mr. LODGE. I yield half an hour to the gentleman from Indiana [Mr. JOHNSTON].

Mr. JOHNSTON, of Indiana. Mr. Speaker, it will be impossible for me within half an hour to discuss this question as it should be discussed. I can simply glance at some of the points as they present themselves in the case. The majority of the Committee on Elections start out with the proposition that all that is necessary to prove to this House and the country that there has been a fair election in the Fourth district of Alabama is to quote the election laws of that State. After quoting from the statutes of Alabama, they say:

These statutes have been cited to show what provisions of law have been made in Alabama to protect the ballot-box against frauds, and the means of discovering them when perpetrated.

They then recommend that these laws be adopted as a model in every State of the Union. Their language is:

It must be admitted that they are admirably designed to promote the purity of elections and afford the best methods yet discovered for detecting frauds upon the ballot-box.

Now, with that proposition of the majority of the committee I take issue. What is the election law of the State of Alabama? It is that the county judge, the county sheriff, and the county clerk shall be organized into an election board; and that board shall have the power of appointing every election officer in the county. In every county of

this district, therefore, the election officers who have been appointed are Democrats. I suppose under the machinery of the election laws of Alabama these election officers are Democrats in every county in that State. They take from the people in all the townships and precincts that right which is guarantied to the people in every State of the North, the right of electing their own election officers. Three Democratic officials go into a township with 300 Republican voters and with 30 or 40 Democratic voters, appoint Democratic inspectors, and appoint Democratic clerks to hold the elections, and then to keep them in check they appoint a poor, ignorant black Republican who can neither read nor write.

And here this majority parade this statute, this law of the State of Alabama, before this House as one of the fairest laws for the purpose of preventing a fraud upon the ballot-box; although they virtually say to 300 Republicans in a precinct, you shall have no right to say who shall receive the votes cast at the election; you shall have no right to say who shall count your votes; you shall have no right to say who shall keep the tally when they are counted; you shall have nothing to say who shall make the returns. I say if the ingenuity embodied in the Democratic party in the State of Alabama had been exercised to concoct a scheme of law whereby the will of the honest voter might be thwarted they could not have any contrivances better adapted to secure the accomplishment of that outrage upon the people. Why was it necessary, then, Mr. Speaker, if they did not contemplate the perpetration of fraud—why did they repeal the statute of the State of Alabama which required the numbering of the votes, so that when there was a contest it would be possible to tell for whom a man voted in case it was not a fraudulent vote?

Now, let us see, under this admirably fair law, under this law commended by the majority committee to the universal world, how they demonstrate it. They set about, as is shown to you, the perpetration of a fraud upon the ballot-box. Mr. McDuffie goes into every county in that district, and shows that in every one of those counties there was a preconcerted plan to count him out. There was but one county where he was able to have a fair count, and that was the county in which he lives. How did that happen? Simply because the Democratic judge of that county who helped to appoint the election judges sent word, and the record shows it, "See that McDuffie has a fair count." Where they had an honest, incorruptible man as judge of a county, and he sent word to the election officers of the district, "See that Judge McDuffie has a fair count," then in that county he does have a fair count, and the return shows he comes up with 2,000 majority.

But, says the gentleman from Ohio [Mr. OUTHWAITE], Mr. Davidson was counted out in that county. If he was, why do you pretend in your answer to the contestant in this case, he had been wronged and defrauded in that county? But still it stands as a fair count because McDuffie had seen fit at one time to be elected as an independent Democrat, and to defy the machinery of that party.

They say the negroes voted the Democratic ticket. If that be so, why, then, I say, gentlemen, let them vote it. There is no man on this side of the House who will say the negro who wants to vote the Democratic ticket should not have the right to vote it. No man in the Republican party ever denied the negro that right.

Now we have some very strong illustrations of how the negroes voted the Democratic ticket in this contest. Turn to page 10 of the record and you will see what are the facts in reference to Uniontown precinct, the home of Colonel Davidson. Judge McDuffie charges that he had been wronged and defrauded of 800 votes which had been cast for him; that instead of that number they had counted for him only 131 votes.

He charged in that notice that Mr. Davidson himself had entered into a conspiracy to intimidate the voters; he charged in that notice of contest that the nephew of Mr. Davidson and his own son, who had control of the election machinery in the Uniontown precinct, had been parties to that fraud, and had taken the tickets voted for McDuffie and put them in a sack and carried them off, and never counted them at all. Now, if you have leisure, gentlemen, I ask you to turn to page 22 of the record of Mr. Davidson's answer to that charge, and see what he says:

> I deny that in said county, on said day of election, and at a voting precinct called Uniontown, there were cast for you for said office 836 ballots, or anything like that number, and for me only 152 ballots, by the qualified electors of said precinct. You were neither by a dishonest count nor otherwise deprived of 770 ballots, or any ballots at all; nor was such language as you impute to A. D. Pitts used by him, nor did I seek by any means to intimidate any person either by threat of a criminal prosecution or otherwise.

Now I call the attention of my Democratic friends particularly to this:

> No ballots with your name on them were counted for me, but they were all honestly counted as they were cast; and I assert and will prove that on said day at said precinct and for said office there were honestly cast and counted for me 720, for you 65, and for Benjamin S. Turner 203 ballots.

Again, I commend your careful consideration to the next paragraph of this answer:

> Uniontown, as you well know, is my home. I have large planting interests there, and employ upon my plantations there a large number of negro laborers, and for this reason, as well as for the reason that numbers of negroes vote the Democratic ticket any way, I received the vote above stated.

Now, then, Mr. Speaker, what is the condition of Uniontown precinct? Mr. McDuffie brings eight witnesses to prove that there were 800 ballots that went into the ballot-box with the name of "McDuffie" upon them. He has five living witnesses to that fact. He then brings in further evidence one of the election officers—one of the judges of election there—who swears that the nephew of the contestee, A. D. Pitts, abstracted from that ballot-box the tickets with McDuffie's name on them and refused to count them. That same man swears that there were over 400 of such tickets in the box. Recollect now that there were over 900 votes returned; and another man swears that he was tallying the votes and that Mr. Davidson came to him and said, "I tell you you had better stop that; you have no right to be tallying these votes." Thus while his son and his nephew were upon the inside of the house conducting the election in his behalf, he was out among the poor, ignorant negro voters, telling them that they should not tally the votes to see how many of their men had voted.

Mr. Davidson says in his answer, "I will show that testimony to be false." What does he show?

Ah, Mr. Speaker, when the charge is made and the man swears to the facts, does he come up like an honest man and deny it? No, sir; he is as dumb as a Baltimore oyster upon that question. When the judge swears that his nephew had abstracted these votes from the ballot-box, does the nephew come back and deny it? When he swears that the nephew says, "We will give these votes to Uncle Aleck; he might just as well have them as McDuffie," does he come back like an honest man and deny it? No, sir; by no means.

Now, what does the majority of the Committee on Elections find? I ask you what do they propose in this case? They take that ballot-box and recount it; and at the home of Mr. Davidson, where his big plantation is, where he lived all of his life, where his son, who is a judge of election, and where his nephew, who is a judge of election, the two Democrats who controlled this thing, were working on that day, what does the committee do? The majority of the committee take away 800 votes from him and leave him only 8 of the entire number cast. What has become of that negro vote there that was going to support him so strongly—the negroes upon his plantation? Out of the whole number of 800 who cast their ballots we find that the committee agree that he is entitled to only 8 of them. What has become of the rest of his big claim?

But what further? They give McDuffie 400 votes in that very precinct where your tally-sheets kept by your officers of election only gave him 131. What, then, becomes of the other 580 votes cast in that precinct? McDuffie is to be robbed of them by what process? Simply by the fraudulent practices of the contestee in this contest. And this committee takes away 580 votes from him, when the men swear that the tickets went into the ballot-box; and yet this is what you call a "fair election" under the laws of Alabama.

Mr. MACDONALD. Will the gentleman permit me to ask him a question?

Mr. JOHNSTON, of Indiana. I will, when I get through.

Mr. MACDONALD. I want to ask a question in this connection.

Mr. JOHNSTON, of Indiana. Very well. What is it?

Mr. MACDONALD. I want to know whether there is any testimony except that set out in the minority report in support of what the gentleman has just stated?

Mr. JOHNSTON, of Indiana. Yes; the record is full of it.

Mr. MACDONALD. I would like you to point me to some legal evidence in support of the allegation you make.

Mr. JOHNSTON, of Indiana. I will tell the gentleman. If he will turn to the record and read the evidence on pages 38 and 39 and along there he will find reading that will do his soul good. [Laughter.]

Mr. MACDONALD. I have read it, and did not find it.

Mr. JOHNSTON, of Indiana. I have not time to take up these precincts one at a time. We have here other precincts where men voted and as they voted the tickets were put into the overcoat pockets of the officers of election; McDuffie tickets were put there and Davidson tickets were substituted in the box. That is sworn to by the witnesses; and the majority of the committee are bound to acknowledge it.

My colleague on the committee from Pennsylvania yesterday said he wanted to know if the majority of this House would unseat this man and let Mr. McDuffie be placed in his seat when Mr. McDuffie only got 2,376 votes in a district containing over 20,000 voters. He said the minority of the committee had failed to produce any authority for such a proceeding.

I will say to my friend from Pennsylvania that there are men sitting upon his own side of the House, his own colleagues, that have got a great deal fewer votes than the 2,300 that Mr. McDuffie would have under this arrangement; that there are men sitting here casting the votes of what should be 40,000 voters upon a vote of 1,700 or 1,800 or 1,900.

Let me right here show you how these nice election laws work upon the representation of this country. Take, for instance, the First district of the State of Alabama. It casts 4,220 votes. Take the Third district. It casts 4,660 votes. Then take Georgia. The First district casts 2,078; the Second district, 2,411; the Third district, 1,704; the Fourth district, 2,339; the Fifth district, 2,999; the Sixth district, 1,722;

the Eighth, 2,392; the Ninth, 2,346, and the Tenth, 1,944. Now come to the State of Mississippi, if you please. The Fourth district casts 2,964 votes; the Fifth, 3,527 votes. There is a grand total in those districts of 36,206, or 2,785, on an average, to each member of Congress. Those districts send thirteen members of Congress to represent the free American people upon this floor.

Now take my own State, the State of Indiana. The First district cast 35,159 votes; the Second, 30,981; the Third, 26,026; the Fourth, 30,766; the Fifth, 32,885; the Sixth, 32,654; the Seventh, 43,790; the Eighth, 40,739; the Ninth, 41,461; the Tenth, 34,155; the Eleventh, 38,890; the Twelfth, 34,589; the Thirteenth, 41,025—making a grand aggregate of 471,287 voters that sent but thirteen members to this House.

Because we men of the North object to this state of affairs it is said that we want to wave the bloody shirt. What we want is that every man in this broad land shall have the right to vote and shall have his vote honestly and fairly counted.

I hold in my hand a Democratic paper printed in the town of Jacksonville, Ala. I want now to offer a little Democratic authority as to how fair these elections are that are held in the "black belt." This was published on July 11, 1885:

Mr. Booker, revenue collector for the entire State of Alabama, is evidently a very small person. He not only appointed all his deputies and clerks from his own Congressional district, but he is pursuing the same narrow course in the appointment of his gaugers and other subordinates.

The friends of Mr. Booker, revenue collector for Alabama, have attempted various excuses for his narrowness in selecting all his aids from his own Congressional district. One of these is that it was necessary for him to take his deputies from the Fourth in order to enable him to make a bond. His Republican predecessor was driven to such a course by the necessity of his position. Another excuse is, when stripped of the verbiage thrown around it, that Mr. Booker is one of those gentlemen who are commonly denominated as the "boys in the black belt," who have distinguished themselves in reversing the result of popular elections and making majorities despite the will of qualified voters, and we are naively told he does but right to reward other of the "boys" who have shared his danger and his glory (?) in this direction. The people of this section are coolly told that because, under the skillful manipulation of these rotton borough returns by the "boys," one Democrat in the "black belt" counts as ten Democrats up here in State convention, we should smiling clasp our hands in approval as Mr. Booker proceeds to distribute the offices among the "boys" for meritorious service.

There is the evidence of a Democratic newspaper published in the State of Alabama, which says that this man has been appointed a revenue collector simply because he lives in the "black belt," and they make one white Democrat the equal of ten in the rest of the State simply because they are able—to do what? To reverse the results of a popular election—just what has been done in this contest exactly.

Again, the gentleman from North Carolina [Mr. SIMMONS] on yesterday said that he was glad to see the animosities between the white man and the colored man dying out, and that they would resist the taking away of the ballot from the colored man if the Republicans wanted to do it. I can say to my friend he can possess his soul in peace. The Republican party has no disposition to take from the colored men their right to vote. They enfranchised the disloyal white men who tried to tear down the Government, and along with them they enfranchised the loyal black men who stood by the Government and always stood true to the Stars and Stripes. We demand that they shall not be robbed of their votes and that the votes of 1,700 white men shall not represent a district having in it 20,000 voters.

But there has been some progress made down there, a great deal of progress. I recollect hearing about a year ago a very animated discussion between a distinguished gentleman from South Carolina and a man from some other part of the South. They were talking about how they disfranchised the colored man. The South Carolinian said, "Why, we beat that. We set down eight ballot-boxes in a row, and we put the poor, ignorant fellow by himself and make him select one of them. We make him select his ballot himself, and put it in the box himself; he gets the wrong ticket and the wrong box. But when the white man comes up, we tell him by winks and nods how to get the right ticket and the right box." And this gentleman wound up the controversy by the remark, "Boys, that is a damned sight better than shootin' 'em." [Laughter.]

[Here the hammer fell.]

Mr. CRISP. I now yield forty-five minutes to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. Mr. Speaker, without any preliminary remarks, for my time is short, I shall come down to a discussion of what I conceive to be the evidence in this case and the law applicable to it. I listened, sir, with a great deal of attention and some pleasure to the distinguished gentleman from Massachusetts [Mr. LODGE], and also to the distinguished gentleman from Iowa [Mr. LYMAN], and while I admire the diction and style of the one and the tact and brightness of the other, I was reminded during their remarks of a saying of Mr. Lincoln:

When I send a man out to hunt for a horse for me, I want him when he comes back to be able to give me the points of the horse, and not how many hairs he has in his tail.

I also listened to the distinguished gentleman from Indiana [Mr. JOHNSTON] who has just addressed the House, and while I admire his zeal and earnestness, he reminds me of a story of a fellow who on one occasion was passing through a sparsely settled region, when night overtook him and a terrible thunder-storm came up, and he could only see his way by the occasional flashes of lightning that crossed his path. Finally there came a terrific peal of thunder, which caused him to drop upon his knees. As soon as it was over he sprang to his feet and exclaimed, "Oh, Lord! if it's all the same to you, I would like to have a little more light and not quite so much noise." [Laughter.]

Now, Mr. Speaker, I want to refer to some statements that have been made by the minority of the committee in their report. They go into a wholesale criticism of the majority report; but I undertake to say here, in the first place, that the statement which they make in the minority report as to the reasons why Judge Craig did not contest the seat of the sitting member in the last Congress is not sustained by one particle of testimony in the record, and that the gentlemen in making that statement were drawing upon their imaginations alone. I undertake to say also that their statements in regard to what occurred at the Uniontown precinct, referred to on page 45 of the report, is not sustained by the testimony in the case.

I undertake to say, also, that their statement in regard to St. Clair precinct (page 45) is not sustained by the testimony in the case. I undertake, also, to say that their statement in regard to Lowndesborough and Snow Hill precincts is not sustained by any testimony in the case. The minority have made incorrect statements of the testimony and drawn wrong conclusions.

Mr. Speaker, in the Fourth Congressional district of Alabama, on the 2d day of November, 1886, there were three candidates for Congress. Two of them were Republican candidates, and one, the sitting member, was the Democratic candidate.

The testimony in this case shows that at that time there were dissensions in the Republican ranks in that district, that the supporters of each of the Republican candidates, one of whom was a white man, the contestant, and the other a colored man, claimed that their candidate was the regular nominee of the party. The testimony shows that the colored vote was greatly divided, not only between the two Republican candidates, but among all three of the candidates, and that Hon. A. C. Davidson, the sitting member, received a large proportion of the colored vote in that district. I have grouped together for the sake of convenience, and in order that the House may have it before them in an intelligible form, the testimony which bears upon this point.

1. Fountain Hudson, witness for contestant, testified as follows (record, 29):
"Q. Do not a great many colored voters vote the Democratic ticket secretly?
"A. Yes; they do.
"Q. How do you know they do it?
"A. A great many come up with their tickets folded up in their sleeves, and I think they vote the Democratic ticket; have heard a great many say they voted the Democratic ticket. The colored people are afraid to vote openly the Democratic ticket."

2. Charles Norris, colored (record, 79), testified that many colored men vote the Democratic ticket secretly because they are afraid they will turn them out of the church or they will be "deviled" about it. Many change their tickets.

So these poor men are compelled to resort to deception and secrecy to vote their sentiments, to avoid being turned out of the church or being harassed and annoyed, or, as this witness puts it, "deviled" about it.

3. David Sanders, colored (record, 80), testifies that he knew of many colored men who vote the Democratic ticket.

4. Thomas Roane, colored (record, 81), expresses himself in this way: "Lots of colored men vote the Democratic ticket. They are afraid to tell it. They are very secretive."

5. Joe Brooks, colored (record, 84), testifies he voted for Davidson.

6. Elam Matthews, colored (record, 84), swore he voted for Davidson and heard other colored men say they voted for him.

7. Frank Gant, colored (record, 85), swore he voted for Davidson and heard other colored men say they had.

8. Shadrach Smith, colored (record, 87), testified he voted for Davidson and heard other colored men say they had.

9. Philip Carrington, colored (record, 87), testified he voted for Davidson, but says he told one of the leaders he had voted for McDuffie because he was afraid to tell him he had voted the Democratic ticket.

10. Nick Seawell, colored (record, 34), who was active for McDuffie at the polls, testified that there was a "parcel" of colored men who did not come where the Republican ticket-holder and himself were, and he didn't know how they voted; that he saw some colored men vote for Davidson.

It is not hard to infer that the "parcel" of colored men to whom he refers had determined to act like men, and discard the Republican collars which had so long been about their necks. Of course they voted for Davidson.

11. Lee Andrews, colored (record, 39), swore Davidson got some colored votes, and that he did not believe one-half of the colored voters knew for whom they vote or what they are voting for.

12. Ned Morrisette, colored (record, 85), testified he voted for Davidson secretly.

Ah, "secretly." Secretly in this land of boasted liberty.

13. Greene Chambers, colored (record, 84), testified "he voted for Davidson; that the colored men were mixed, but a heap of them voted for Davidson; they said they were voting for McDuffie, but were voting for Davidson."

14. Matt Boyd, colored (record 90), at one time a Republican member of the Legislature and a delegate to the Republican Congressional convention of 1886, testified that many colored voters vote the Democratic ticket.

16. Lance Bryant, colored (record 205), testified he voted for Davidson, and knew of other colored men who voted for him.

17. Robert E. Belden, colored (record 207), testified he voted for Davidson, and that he knew of other colored men who voted for him.

18. Henry Bennett, colored (record 210), testified that he voted for Davidson, and thinks right smart of the colored vote was cast for him. "Things have changed a good deal down there" (meaning his precinct), said he. "Three years ago nearly all of the colored people down there were Republicans; but a good many of them vote the Democratic ticket now."

19. Peyton R. King, colored (record 203), testified he voted for Davidson and

saw other colored men vote Davidson tickets. From what he could learn two-thirds of the colored vote was for the Democratic ticket.

20. James Townshend (record 198) testified he gave out many Davidson tickets to colored voters; sometimes as many colored men as ten would come to him at one time and get Davidson tickets, and some would exchange Republican tickets for Democratic tickets.

21. L. M. Kirkpatrick (record, 198), testified that he gave Davidson tickets to about 50 colored voters at his precinct and exchanged Davidson tickets for McDuffie tickets, the colored voters giving up their McDuffie tickets and taking Davidson tickets instead.

22. Clifton Kirkpatrick (record, 208), testified that the colored voters would come to the polls with a ticket in each hand folded; they would vote one and take the other back; that about 25 colored men asked him for Davidson tickets.

23. Cliff Campbell, colored (record, 74), testified that some of the colored voters were talking about voting for Davidson at his precinct and he reckoned some of them voted for him.

24. Allen Allison, colored (record, 83), swore "he voted for Davidson; that a great many colored voters of his beat vote the Democratic ticket; the most of them do it secretly because they say the party quarrels with them and rebukes them so that they won't own it." He says, "We had a meeting a few days before the election at the depot, and asked each other, and we said we had just as well vote for Davidson, as we could not see what good the Republican party did us anyhow. Colored men had Democratic tickets day of election distributing them."

25. William Hill, colored (record, 192), testified, "he voted for Davidson and got about 20 colored votes for him at his precinct. A good many colored people at his place belong to the Democratic party; he heard colored people hurrahing for Davidson inside and outside the court-house yard on the day of election."

26. John Lewis, colored (record, 194), testified, "I know of colored people who supported Davidson. I voted for him and issued his tickets on day of election."

27. John Callier, colored, (record, 212) testified he voted for Davidson, and estimated the colored vote for him as large. He said, "The colored people in their meeting agreed that inasmuch as they had been voting for Republican nominees heretofore without any benefit to themselves or the country, that they would at the November election support the Democratic nominee, A. C. Davidson," and he gives the names of leading colored men of his beat who voted for Davidson.

Ah! light had broken in upon the mind of the colored men. "Inasmuch as they (the colored men) had been voting for Republican nominees heretofore without any benefit to themselves or the country"—what sensible words!—"that they would at the November election vote for the Democratic nominee," who is the sitting member of this House.

28. Lewis Williams, color ed (record, 214), states he voted for Davidson and that most of the colored voters in his beat told him they were going to vote for him, and he gives a large estimate of the colored vote Davidson received.

He says, "They (the colored voters) said the Democrats and white people were their friends, and they thought it was to their interests to vote the Democratic ticket. I belong to the Democratic party now." He thinks McDuffie got about 5 colored votes in his precinct.

Mr. Speaker, how does that sustain the pretensions of the contestant? The scales remained over the eyes of only five.

29. M. E. Edwards, colored (record, 214), says he voted for Davidson, and had been a Republican for twenty years; that he supported him "because he thought he was a good man and the right man." He estimated the colored vote at his precinct for Davidson at 70 to 80.

Why the thing was so much like a jug-handle, all on one side, that he says the man who appeared on the ground with McDuffie tickets left in disgust.

Now, sir, be not surprised when I tell you that this man Edwards had been the chairman of the Republican committee in his beat.

30. J. J. Carmichael, colored (record, 213), testified that he canvassed for Davidson, issued his tickets, and voted for him; that he thought Davidson received a hundred or more colored votes at his precinct; that there were no McDuffie tickets on the ground; that a man came with some, but left.

31. Jack Coleman colored, (record, 211), states that he voted what he believed to be a Davidson ticket; that he couldn't read, but got his ticket from a Democrat. Thinks many colored men voted the same way, as they told him they were going to vote for Davidson.

32. John King, colored (record, 213), says he voted for Davidson, and estimates colored vote for him at about 65 at his polling-place. He was an inspector of the election.

33. Daniel Henderson, colored (record, 99), says at his precinct the colored vote was divided; some for McDuffie, some for Turner, and some for Davidson.

34. George Bryant, colored (record, 31), states there were no Republican tickets at his precinct; that he didn't vote; that he is satisfied a good many of the colored people vote the Democratic ticket secretly, "on the sly;" that the Republicans had been using the party lash freely.

35. Nathan Scott, colored (record, 176), testified that all the county officers and members of Legislature of Wilcox County are Democrats, and that at the August (1886) election there was no opposition to the Democratic ticket.

36. Wash. Adams, colored (record, 158), states there are some colored Democrats in his beat.

37. James Grace (record, 169), states there are some Democratic colored voters in his beat.

38. Levi McCommon (record, 173), states that there were some colored votes for Davidson at his beat.

Now, Mr. Speaker, here are about forty witnesses, all of them colored with the exception of two or three, introduced by both the contestant and the contestee, swearing that the colored vote in that Congressional district was greatly divided, and showing, according to the weight of testimony, that Alexander C. Davidson received the majority of the colored votes cast in that district at the election on the 2d of November, 1886.

What, then, becomes of the charge of "conspiracy" on the part of these distinguished gentlemen? In order to unseat the contestee in this case you must override the returns of nearly three hundred election officers; you must put the brand of crime upon them; and, more than that, you must stamp perjury upon the brow of about forty witnesses in this case, most of them introduced by the contestant himself.

Now, upon this testimony alone I might rest this case, in the full assurance that this House will not disturb the contestee in his right to the seat which he now holds.

But I go farther, and I meet the gentlemen on the proposition they themselves lay down in their minority report and which was adverted to yesterday by the gentleman from Pennsylvania [Mr. MAISH]. They lay down the broad proposition that where precincts are not contested they ought to be counted. There are thirty-two precincts in this Congressional district that are not attacked by a single witness or by a solitary particle of testimony.

As to nine precincts in Perry County, nine in Dallas, six in Hale, and eight in Wilcox, making thirty-two precincts, there is not, I repeat, one particle of testimony affecting them in any shape or form. In fact no witnesses were examined as to those precincts. These unassailed precincts give Mr. Davidson 3,385 votes, and Judge McDuffie 208 votes, leaving a majority of 3,177 for Mr. Davidson. Add to this the vote conceded to Mr. Davidson in Lowndes County by the report of the minority, 362, and he has 3,439 unassailed and uncontested votes. Deduct then Judge McDuffie's vote in Lowndes County, 2,014; and Alexander C. Davidson stands before this House, according to the theory and proposition of the minority of the committee themselves, with a clear majority of 1,425. Taking the gentlemen on their own proposition the contestee in this case is elected. I do not want to hear them "blow hot and cold" in the same breath. If they lay down the proposition that the uncontested precincts are to be counted, then let all be counted and do not confine the counting to Lowndes County as the minority report proposes to do.

The gentleman from Massachusetts [Mr. LODGE] ridicules the idea of introducing as witnesses the voters at the various precincts. Sir, it has been repeatedly held on this floor that where the returns show a less number of votes for a candidate than he claims to have received, it is his duty to show his actual vote by the introduction of the voters themselves. I suppose, however, the question is ready, How is it possible to introduce the great mass of voters in this Congressional district? Sir, there are a number of precincts in that district at which the contestant received less than 10 votes. It was perfectly within the power of the contestant to have called voters at those precincts; and if, by introducing the voters themselves, he had shown that there were more votes cast for him than were returned, the returns of those precincts would in my judgment have been impeached. But he did not call the voters. Why did he not? The inference is irresistible that if he had called them it would have been like "calling spirits from the vasty deep." They were not there to respond, and he knew it.

Mr. Speaker, I had hoped we would have been able to dispose of this case without an acrimonious debate, and without a political aspect being given to it. The gentleman from Iowa [Mr. LYMAN] says that so long as the colored voters in the South are deprived of the right of suffrage, just so long will the "ensanguined garment" wave. Mr. Speaker, in 1884 the "ensanguined garment" was washed by the people, and they are going to wash it again next fall.

The remark has been made—I believe by the gentleman from Indiana [Mr. JOHNSTON]—that you can go to the other end of this Capitol and hear Senators—I suppose he means Democratic Senators—assailing Union soldiers. I have never heard anything of that kind. No man has ever heard such a sentiment as that coming from my lips; and I stand on this floor as one who wore the gray for four years. And if the war had lasted forty years, and God, in His infinite wisdom, had permitted me to live that long, I should have continued to wear the gray.

But there is not one spark of hostility in my bosom, and I am sorry a matter of that kind has been lugged into this case.

A MEMBER (in an undertone). You forgive us, then.

I have heard that remark on this floor before; it is an old chestnut; it was not intended for my ear, and yet I caught it.

But, Mr. Speaker, the position of the minority of this committee is simply this, that because in the Fourth Congressional district of Alabama there is a majority of colored voters that district is thereby a Republican district.

The time was when the colored votes in the Southern States stood almost as a unit in support of the Republican party, and when colored men in many of the sections of the South regarded it as a duty to vote the Republican ticket—a duty which they had been led to believe was more sacredly binding upon them than even the duty they owed to their Creator.

The time was when the colored man believed he owed his freedom to the Republican party; that his disinthrallment from the bonds of slavery was the result of the philanthropic efforts of that party. The time was when he believed the perpetuation of his freedom, the safety of his children, the benefit of the schools, and the privileges of the ballot, all depended on the continuation of the Republican party in power, and when the siren voice of the carpet-bagger sounding in his ear awakened every passion of his nature, aroused every bad impulse of his soul, stirred his fears, and fanned any spark of hostility to those of white blood around him which might be slumbering in his bosom.

Evil days were those for him. His slumbers were broken, his pillow was thorny. He imagined an enemy in every bush and a pitfall at every step. Time ran on and truth began to creep through the crevices, and he learned for himself that his freedom came as a result of the war inaugurated and prosecuted, not for his benefit, not to strike the shackles from his limbs, but to prevent the dismemberment of this Union. He learned that even President Lincoln hesitated long before

he wrote his signature to the emancipation proclamation. He learned that his freedom came as a war measure to cripple the seceding States; and not for the love his emancipators bore him. He learned that in that army of the Union which dipped its banners in the crimson tide of battle from the heights of Gettysburgh to the plains of Texas there were as many Democrats as Republicans, and the plumes of as many distinguished Democratic general officers as distinguished Republican general officers floated in the breezes of that war out of which came his freedom.

He learned that the star of McClellan shone upon those sanguinary fields, the plume of Hancock was ever seen in the thickest of the fight, and the sword of Rosecrans ever flashed in the light of battle glory, and the voice of Thomas was ever heard until he was stricken down above the din and tumult of the conflict, and that they were all Democrats.

His reasoning powers, though they had been slow to act, finally led him to the conclusion that he owed his freedom to a war measure and to a quarrel between brothers, but above all to Him who rules and directs the destinies of nations and peoples.

His devotion to the Republican party began then to weaken, and in many instances he ceased to vote. Southern State after Southern State dropped into the Democratic column. He found he was as well treated, as well cared for, yes, better cared for, under Democratic State rule than under Republican State rule; that his taxes were lower; that his children had the benefit of the public schools; that he had every right accorded to him which belonged to him under the Constitution.

He had in the mean time, Mr. Speaker, repudiated these members of the Republican party known as carpet-baggers, and they were compelled to seek a more congenial clime and wing their flight to the sections from whence they came.

Still there were missionaries of discord left, but the colored man was well treated, and as time rolled on he recognized that fact, and also that his interests were identified with his white neighbors, and the interests of his white neighbors were identified with his interests. But I say there were missionaries of discord left behind, and they were constantly sowing their seed and whispering words of distrust in his ear. They said to him, "Oh, yes; you are well cared for now under Democratic State rule because the Democrats know that a Republican administration is watching them and a Republican President is guarding you; but take care if they should secure control of the National Government; beware if they should elect a Democratic President; then your freedom will be gone and the chains of slavery will rattle around you again."

Finally, Mr. Speaker, the year 1884 came, and with it came peace, comfort, and happiness to the whole country, and indeed into no hearts did it pour more of the oil of joy and gladness than into the hearts of the poor, deluded colored man of the South. A man of destiny, with his soul swelling with patriotic love, knowing no section, but taking into his big, honest heart all sections alike, swearing by the faith of the fathers of the Republic, standing upon the Constitution and extending the ægis of its protection over all sections, North and South alike, over white and colored, over a united country, over all sections, classes, and races, without discrimination or distinction, was called to preside over the destinies of 60,000,000 people, and over the States and Territories of this great Union, with all of its varied interests, and by his administration to make it not only an Union of States and lakes and lands, but an union of sympathy and hearts and hands. Well, indeed, sir, can the year 1884 be enshrined in history, when the sad memories of internecine war were obliterated, the embers of civil strife extinguished around the national fireside, and the Union cemented by a grand policy of equal rights to all, special privileges to none, in kindness, fraternal feeling, and brotherly love. [Applause.]

On the 4th day of March, 1885, the administration of Grover Cleveland was inaugurated. Heaven itself seemed to smile upon the scene. While cold and bleak days had marked many preceding inaugurations, I believe every Republican inauguration, that day was warm and balmy. Pleasant breezes fanned the cheeks of the thousands present, and the sun shed its bright rays with warmth and gladness upon the scene. Twenty months rolled round and brought us to the Congressional elections of 1886. In the South the wail of the whole missionary force of the Republican party could be heard as they prepared, like the Arabs, to fold their tents and leave the field where for more than twenty years they had been engaged in their nefarious work. A Democratic administration had set its seal upon their false teachings, had stamped as false the charge that the Democratic party was inimical to the best interests of the colored man, had stamped as false the charge that he would be shorn of his liberty and deprived of his rights if the Democratic party came into power.

He found he had been deceived, and, like all men in the humble walks of life, he was disposed to turn upon his deceiver and wreak his vengeance. His pocket had been preyed upon and his fears played upon; his passions and his prejudices had been aroused and intensified, and he had been kept for years in a state of feverish excitement, and when the light of reason and of truth broke in upon him and he found that under a Democratic administration he stood out as a free man, enjoying every right guarantied to the citizens of this land under the Constitution, he determined in his heart to link his destinies and unite his interests with the people among whom he lived and from whom he drew his sustenance.

But the Republican party, hanging on with its characteristic pertinacity, did not intend to release its hold on him as long as the faintest glimmer of hope was left. It sought to hold him through his churches and societies. The preachers and the head men in the societies were still held by means not necessary to mention, and when a brother indicated a purpose to break off he was threatened with expulsion from the church and society. A system of espionage was resorted to and a close watch placed over him, so that when election day came around he was required, in order to prevent social ostracism, expulsion from the church and society, to procure his ticket from the appointed ticket-holders of his race. To accomplish his purpose then to vote the Democratic ticket he was compelled to resort to deception, and it was deception which, I repeat, was justified by the circumstances which surrounded him. It was deception in the interest of a free ballot; it was deception in the interest of manhood suffrage; it was deception in the interest of law and order.

It is a fact known and read of all men in the South that a more tyrannical system never existed than that practiced upon colored men by the preachers in their churches and the head men in their societies. Talk about the crack of the overseer's whip! Why, sir, no overseer ever dominated over slaves more than these men have dominated over the members of their churches and societies. If freedom means liberty of thought, liberty of opinion, and liberty of action, the colored men of the South have been as abject slaves to their political preachers and society leaders as they were to their masters the day President Lincoln, with a hesitating hand, signed the Proclamation of Emancipation. If freedom means the full rights of citizenship, which implies the right to go to the polls in the full light of day and in the full blaze of the sun and there deposit your ballot without let or hinderance, with no one to molest, no one to dictate, then, sir, the freedmen of the South have been deprived of the sweets of freedom through the tyranny, domination, and intimidation of men of their own race.

The gentleman from Iowa [Mr. LYMAN] declares in favor of a free ballot. So do I. A free ballot is what I stand here to advocate, not only for the white but also for the colored man. As long as the colored man votes with "the grand old party," as long as that party holds his conscience in the hollow of its hand, as long as it molds his political sentiments, as long as he follows his political preachers, he is a man and a brother; but as soon as he rises in the majesty of independent citizenship, "a staff is quickly found to beat him as a dog."

The white man is protected against the domination of his race and permitted to secure his ballot wheresoever he pleases, and to vote without intimidation, molestation, or dictation, and I demand the same privilege and immunity for every colored son of toil in the broad limits of this Union.

The hour has come when the Democratic party should take this matter in hand and guard and defend, support and sustain the colored men of the South in their right to vote as they please without fear, molestation, or dictation. The rights of citizenship were conferred upon them and the ballot placed in their hands, not to be driven like dumb cattle to the polls by a boss, not to be awed by the presence of one or two self-constituted dictators, not to be required under pain of church expulsion or fear of society punishment to cast their ballots in the interests of a particular political party, or for such men as political preachers or party hacks or society leaders may dictate. [Applause.]

The cry of fraud and ballot-box stuffing and conspiracy to deprive the colored men of their votes by the white men of the South is only raised to call off attention from the real fact that but for the system of bulldozing and intimidation by the colored Republican leaders, the Republican party in the Southern States would not muster enough to constitute pall-bearers at the approaching final burial of that party in November, 1888. [Applause and laughter.]

Mr. ALLEN, of Michigan. Will the gentleman permit me ask him a question?

Mr. O'FERRALL. Yes, sir.

Mr. ALLEN, of Michigan. From that remark are we to understand that the more a colored man knows down South the less he is inclined to vote the Democratic ticket?

Mr. O'FERRALL. No, sir; the more that he knows the more inclined he is to vote the Democratic ticket, and to cast his vote where he knows his interest lies and as his conscience dictates.

Mr. LAIRD. With the aid of a shotgun.

Mr. ALLEN, of Michigan. Let me ask the gentleman from Virginia another question.

Mr. O'FERRALL. If I had time I would take pleasure in listening to your questions and trying to entertain you all the evening.

Mr. ALLEN, of Michigan. Will the gentleman tell me what he means when he says these colored people are led by their preachers to vote the Republican ticket?

Mr. O'FERRALL. The gentleman does not understand the condition of affairs down South. Every single solitary leader that they have there, white and colored, with few exceptions, is an officer-seeker. That is what has made them Republicans; that is the fact in regard to it; and these preachers and society leaders overawe these men and undertake to direct them.

I think I am justified in stating that there is a colored man, an employé of this House, who, because he voted the Democratic ticket in Virginia had his house burned, and to-day is homeless, and that his house was burned because he cast his vote for the Democratic party.

Mr. KERR. Will the gentleman tell us how many have had their houses burned for not voting the Democratic ticket?

Mr. O'FERRALL. I am much obliged to the gentleman for his implied compliment in interrupting me We know that galled withers will wince, and that a tight shoe will pinch.

Mr. KERR. I ask the gentleman where he learned that Abraham Lincoln signed that grand proclamation with hesitation.

Mr. O'FERRALL. I am sorry the gentleman is so unfamiliar with the history of his country as not to know that fact.

Now, down South the white leaders have no use for the colored man, except so far as they can make him serve their purposes. I remember not long ago hearing the story of an old colored man who had a dream. He dreamed that he died and went to the place where the wicked go after death. He undertook to give an account of his dream. He said he dreamed he was down in that bad place. His friends asked him, "What did you see there?" He answered, "I saw a heap of things." "Did you see any people there?" He said, "I saw a heap of people there." They asked him, "Did you see any of those fellows who have been patting us on the back in this country and stroking our hair?" "Yes! Oh! heaps of them." "Did you see any of the Republican leaders?" "Yes; quite a lot of them." "What were they doing?" His answer was, "Every man of them was holding a nigger between him and the fire." [Laughter.] They use him all they can, but the moment they can not use him, they cast him aside as quickly as they would a bad shilling.

The gentleman from Iowa asks me where I got my information about President Lincoln hesitating to sign the emancipation proclamation. I got it in history, unless I have read history wrong. There is a painting which hangs on the walls of this Capitol which I have been told by judges is a masterpiece. I have also heard that the propriety of hanging it on these walls has been questioned by some. For my part I am glad it is here. It is a perpetuation of an historic event. I refer to the painting representing the signing of the emancipation proclamation by that good man, that man whose heart overflowed with the milk of human kindness, and whose tragic death at the hands of the assassin was a terrible calamity to the whole country, and, coming at the time it did, peculiarly unfortunate for the South. The deep thought that mantles his features, the anxiety that sits enthroned upon his brow, and his disheveled hair plainly tell that the fire within his brain was burning with a fervid glow while the pen in his hand hesitated to sign the immortal name of Lincoln.

Mr. BOUTELLE. Does the gentleman pretend to say in the House of Representatives that Abraham Lincoln, as portrayed at that crucial period of his career, when he was about performing the grandest deed in all history——

Mr. O'FERRALL. I do not yield for a speech. If the gentleman wants to ask me a question——

Mr. BOUTELLE. Does he say Abraham Lincoln hesitated? That hesitation is indicated in that picture which presents him as he came before his Cabinet to lay before them the great proclamation that he had prepared?

Mr. O'FERRALL. Mr. Speaker, I call the gentleman to order.

Mr. BOUTELLE. I tell the gentleman that he was unfortunately situated to know the history of his country at that time, when he undertakes to make that statement.

Mr. O'FERRALL. Mr. Speaker, such language as that, coming from the gentleman from Maine—and he never loses an occasion to use such language—is not the language of a brave man.

Mr. BOUTELLE. A brave man!

Mr. O'FERRALL. I have been always taught that it is not the part of a brave man to be always attempting to kick and cuff a fallen foe. It is only cowards that do it, not a brave man.

Mr. BOUTELLE. There is no question of bravery about it. Allow me to say to the gentleman——

Mr. O'FERRALL. No, sir; I do not yield to you. I have got the floor.

Mr. BOUTELLE. But I appeal to the gentleman that he will yield to me.

Mr. O'FERRALL. No, sir; I do not propose to do it. You can take your own time.

The SPEAKER *pro tempore*. Does the gentleman from Virginia [Mr. O'FERRALL] decline to yield?

Mr. O'FERRALL. I do, sir.

Mr. BOUTELLE. I will take my own time.

Mr. O'FERRALL. Well, sir, I will take mine after you.

Mr. BOUTELLE. I suppose that is an illustration of the "bravery" you talk about.

Mr. O'FERRALL. Well, sir, if it is, it is the right kind. You can bet your bottom dollar on that. [Loud applause on the Democratic side.]

Mr. BOUTELLE. It is your kind, I should judge.

Mr. O'FERRALL. Now, Mr. Speaker, when I was interrupted by the gentleman thrusting himself in without my permission, I was about to say that I only wished that every colored man in this land could make a pilgrimage here to gaze upon that canvas and learn the truth of history; that his freedom came amid the agonies of war and as a war measure, and not through any political party; that it came as a war necessity from a nation struggling for its life; and I repeat that above all the colored man owes the freedom he enjoys to the God above him, who rules and directs the destinies of nations.

I thank you, Mr. Speaker and gentlemen, for the respectful attention I have received; and if I have any time remaining, I now yield it to the gentleman from Alabama [Mr. WHEELER].

The SPEAKER *pro tempore*. The gentleman has two minutes left.

Mr. WHEELER. Mr. Speaker, it was not my intention to occupy any time in this discussion, as I could not understand how any one, however partisan, could give serious consideration to the claims of the contestant in a case like this, where the sitting member received 14,913 votes, while only 3,526 were cast for his opponent.

Some of the gentlemen on the other side of the House seem to have abandoned the question at issue and devoted their oratory to the arraignment of an entire people. I can not and will not sit in silence, lest my doing so might be construed into an acquiescence as to the verity of their assertions, and possibly a quasi admission that there was an element of truth in the charges and assaults upon the people I have the honor to represent.

It is not the first time we of the South have been compelled to sit and listen to these accusations; but in all proceedings of this character I have been pleased to observe that they are indulged in by a very few, the great body of the gentlemen on the other side of the aisle not only refusing to enter into these harangues, but, if I mistake not, have a decided distaste for, and I can at least say a disapproval of, sectional speeches.

I do not pretend to say that I know everything that has occurred in Alabama election matters, as it is a very large and populous Commonwealth; but I can assert that I am well informed as to what has occurred in the district I have the honor to represent, and which extends across the entire State, from Mississippi to Georgia.

The good people of this district have done me the honor to select me four times as their candidate, and each time have done me the further honor to elect me as their Representative in this House, not by illegal and fraudulent returns, as some gentleman's remarks would indicate, but by a strictly fair, legal, quiet, and orderly election, conducted in conformity to the laws of our country; and although there are some two hundred precincts in this large district, I never heard of a single violent act or even a disturbance at any of these elections. Let me ask the gentlemen who are so ready to abuse the South if they can say the same for the good order of the people of the districts they represent?

In the election held on January 2, 1883, and the regular elections in November, 1884 and 1886, although my average majority was about 3,000, I will venture to say that no one, not even my Republican opponent, will assert that a single illegal vote was cast or counted for the Democratic candidate, or that the opposing candidate was deprived of a single vote to which he was entitled.

I say it is my belief that not even a Republican in that district will make the charge that there was any unfairness on the part of Democrats in those elections; and what is true of this part of Alabama is just as likely to be true of other portions of that State.

The country has some information regarding the election in my district in 1880. It had been represented by a gentleman of the Greenback party, and some of you recall the great efforts on the part of the Republicans to secure his re-election in 1880, and failing in this a contest ensued. The contestant employed seventeen lawyers and summoned nearly if not quite one thousand witnesses. Evidence covering thousands of pages was taken, which is contained in two massive volumes, and yet with all these extraordinary efforts they failed to prove that a single one of the 12,808 votes cast for the contestee was illegal. It is true that they finally unseated the Democrat, but to accomplish their purposes they struck out his entire vote from the returns of two precincts, but admitted that the balance, 12,609 votes, were legal and unimpeached.

The record of that case is an emphatic denial of the assertions so recklessly made on this floor that elections are conducted unfairly by Democrats in Alabama.

Mr. Speaker, I do not make these statements in any spirit of crimination, or even to criticise, but, so far as my personal knowledge permits, to refute the charges that have been made against a high-toned, honorable, chivalrous, and Christian people. I know those people. I have been at their hospitable homes; I have been from house to house, from home to home, and I assert that there is nowhere upon this globe a better, a more honorable and Christian people, a people devoted and adhering to what is right and scorning to do wrong, whether it be in private affairs of life or the more public management of the elective franchise.

As a proof of this I ask you to refer to the printed record in the election case of which I speak.

Witness after witness was put upon the stand by the Greenback contestant. They were his partisans, and were called upon to testify in

his behalf. After completing their testimony for the contestant they were, as the law requires, turned over to the contestee for cross-examination. They were asked if they ever knew a Democrat to do an illegal act at election in the precinct where they lived, and I believe the record will bear me out that they answered invariably that they did not. [Laughter on the Republican side.]

The record shows that some of the witnesses were further asked if they were the friends of the contestant, and in many cases they said they were, and that they had voted for him. I beg to refer those of you who appear to be amazed at this statement to the record to which I allude. You will find it in the evidence taken in this case in the Forty-seventh Congress, pages 120, 141, 145, 314-340, 343, 347, 351, 357, 364, 366, 369, 372, 373, 374, 375, 380, 381, 398, 405, 408, 990, 991, 992, and 1099. In all these and on many other pages you will find evidence sustaining my assertions.

The people of Alabama are making a gallant struggle to develop their rich and abundant resources. The fertility of the soil, their delightful, healthy, and equable climate has been long known as their heritage, but the immensity, richness, and value of her minerals is a matter of recent discovery. They want the enterprising young men of the North to come and live with them, to help in the development of their mines and forests, to share their prosperity, and to enjoy with them its blessings.

The papers of to-day tell us of making the best of steel from the iron ore of Birmingham, and predict an advacement and progress for North Alabama difficult of realization; but the same electric current carries to the people of the North the speeches made here to-day which convey a very unjust impression of the people who invite the youth and enterprise of our land to beautiful Alabama. We ought not and will not sit quietly in this Hall of the American Congress without raising our voices in defense of right and justice.

I thank the House for their kind attention to my remarks.

[Here the hammer fell.]

Mr. CRISP. I reserve the remainder of the time on this side of the House.

Mr. LODGE. I yield one hour to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. Mr. Speaker, I had hoped that this important election contest might be decided without any member going out of the way to introduce that old garment, the "bloody shirt." I supposed this was a great legal and constitutional question, reaching down through the claimant for a seat to the sovereignty of the people on which the rights of members rest. But instead of that the gentleman from Virginia [Mr. O'FERRALL] seemed to forget that this was a contest involving no special question of law, but a contest of fact and of honesty and integrity based upon well-recognized constitutional rights. I regret to see the attempt to stir up partisan prejudice among Democrats; and I regret exceedingly that any gentleman would so far forget himself in this discussion as to become angry. The gentleman says, "The galled jade winces." Well, I leave it to the House and the galleries whether the gentleman from Virginia himself did not wince a little toward the last. He should remember the old couplet,

> Children, you should never let your angry passions rise,
> Your clumsy fists were never made to gouge each other's eyes.

[Laughter.]

But he tells you that the people of this country in 1884 washed and cleansed the "bloody shirt." If that is so, why, in the name of all the gods at once, are you staining it again; for if the result of that election was to take these war question out of the politics of the country, why is it we can not have a contest here over an election case without the rebel "bloody shirt" being unfurled and shaken before the country?

But the gentleman says—and I want to brush the trash out of the way before I attempt to argue this case on its merits—the gentleman says that all the colored people used to vote the Republican ticket, but that now they are voting the Democratic ticket. If it is the fact that the colored men who used to vote the Republican ticket vote now the Democratic ticket, is that the reason—I put this question to the gentleman—is that the reason the Democratic majority in the gentleman's State has faded away from 50,000 until none of it is left at all? [Laughter and applause.] Was it the colored men changing their votes and voting the Democratic ticket that caused the gentleman's party to have a fragment of one or two members on this floor from Virginia, while our party has six or seven? The negro votes the Democratic ticket! I never saw but one natural Democrat in my life who was a negro; they are not made that way. [Laughter.] What did the Democratic party ever do for the colored people to cause them to vote the Democratic ticket? "Oh," says the gentleman from Virginia—and he says it for the benefit of those colored men in the galleries, his constituents from Virginia, I suppose [laughter]—"the Democratic party and Democratic journals struck the shackles from the negro."

A MEMBER on the Republican side. Negro?

Mr. HOUK. These colored men will excuse me if I happen to say "nigger;" I can not help it; the Democrats taught me to say it. [Laughter and applause.]

But I was about to say if the Democratic party contributed anything to the emancipation of the colored people it was on the principle of a kicking gun, killing the thing behind it instead of that at which it was shot. [Laughter.] Oh, yes; go read the history of your party! You plunged your country into war for four years in order to keep the manacles upon the colored men in these galleries to whom you have been speaking to-day. You fought four years for the purpose of enjoying the privilege of selling their wives and children! And now you toady to them and beg them for their votes. [Applause.]

But gentlemen say, and among them my distinguished friend from Virginia—and I assure him that I love him almost like a brother, for he is a clever fellow, but a worse misguided fellow, politically I mean, never lived [laughter]—these gentlemen in explaining why Mr. Davidson received all these votes—and if I have the time I will refer to the testimony—they say the negroes are afraid to vote the Democratic ticket. Did you ever hear of the wolf being afraid of the lamb? [Laughter.] Why, in the name of common sense, if as you insist the majority of the colored men are Democrats, if all these colored men have turned Democrats, are they not, with the aid of all the white Democrats, able to protect each other against the poor negro who votes the Republican ticket. God pity you if you are so badly off you can not protect yourselves. [Applause and laughter.]

But gentlemen say that Mr. Lincoln did not free the negro; that the Republican party did not give freedom to the colored people. Mr. Lincoln, who in my opinion was as much a child of Providence as was Moses when he nestled in the bulrushes, and who was guided, as I believe, by the unerring wisdom of divine Providence itself, considered carefully and deliberately that question, and refused to give his signature to the emancipation proclamation until after the most mature consideration, believing that in signing that paper he emancipated a race and established the rights of men on an enduring basis.

In this connection the gentleman from Virginia speaks of that man at the other end of the Avenue—at the White House—as a child of destiny. [Laughter.] So I believe he is; and so was Pharaoh as he marched on to the Red Sea; but he and his whole Democratic army were drowned all the same. [Laughter and applause.] And so it will be in November next. This modern Pharaoh will encounter the Red Sea and will be overthrown and his political power wiped from the face of the earth. [Laughter and applause.]

But oh, Mr. Speaker, what a friend of the colored people is this modern Democratic party. I believe if you will go and consult your party you will find that after we had given the colored men all the rights they enjoyed, until deprived of them by the Democrats—when they enjoyed those rights which were given to them under Republican law and Republican administration, you will find we had at that time from ten to fifteen colored men on this floor as Representatives. But where are your colored Republicans now? Where are your colored Senators? Gone; swallowed up through the methods which are practiced in the Fourth Congressional district of the State of Alabama, and of which we have had some specimens presented here to-day. That is the reason why the seats of colored Representatives are vacant. Not one individual has escaped to tell the story. There is not a colored man here to tell the story of tribulation through which they came. If you permitted one to sit on this floor he would be as one who came up to wash his garments through great persecution and tribulation. If such an one were here I might bow to him with great deference.

But we are told they are afraid to vote the Democratic ticket. There is but one possible reason, Mr. Speaker, I can imagine, why a colored man would be afraid to vote the Democratic ticket in the Fourth Congressional district of the State of Alabama—just one reason, sir; and what is that? The colored voter might possibly be afraid the ghosts of his murdered comrades and his friends would rise up against him for deserting the party which gave him all the rights which he enjoyed. [Laughter and applause.] That may have been the cause of their fear, for a good many of them, it is said, are prone to superstition and do believe in ghosts. They may have been afraid of the ghosts of the slain rising up and warning them against voting the Democratic ticket.

I did not obtrude this political debate into this case. I am only replying to what has been said on the other side. I intended to go through this entire case without mentioning the subject of politics. But gentlemen on the other side have decided otherwise.

I regret that the other side of the House is not fuller than it is, because it is not my mission "to call the righteous, but sinners, to repentance." [Laughter and applause.] I want every Democrat on this floor to hear what I have to say.

What do we find coming down to this case, getting the brush-wood out of the way? Now, there ought to be some conscience in politics. There ought to be a large amount of real native manhood in politics. That politician who does not guide himself by the policy of what is right and just, as certain as justice and Providence reign will be defeated in the end. Now, I say it deliberately that this is one of the most remarkable election cases ever presented to this House of Representatives. This is not a case where it is necessary to talk about a free

ballot and a fair count, but it is a case where the testimony overwhelmingly establishes the fact there was a fair ballot and a free count. [Laughter.] There was nothing much wrong about the ballots coming in, but when the ballots commenced coming out the frauds commenced.

Let us see the testimony produced in this case. I want to say in this connection, gentlemen of the Democratic party, I know naturally there is no difference between a Republican and a Democrat as to their merits as men and citizens. The average Republican and the average Democrat are alike; but I exceedingly regret your partisan prejudices have precluded you from taking the right view of the facts in this case. I am fully convinced, if every man on that side of the House had read the record and studied it, there would be a large number of Democrats who, rising above partisan prejudices, would cast their votes in favor of Judge McDuffie, who was fairly elected, but who was counted out by a falsification of the election returns.

Why do I say it? I will tell you. In my analysis in this case, while I have carefully read all the testimony, I have sought to take two precincts from each county. I have read the testimony in reference to all of them, but my object has been to take two precincts from each county; one I have taken most favorable to the contestant, and the other I have taken the least favorable to the contestant. And what is true of those voting precincts is substantially true in regard to all the polling-places in four of the five counties in this Congressional district, and true of two of the polling-places in the fifth county.

I want as briefly as possible, Mr. Speaker, to refer to the testimony bearing upon each of these points, and I do beg that gentlemen on the Democratic side will hear what the witnesses say. Here, it will be seen, the way of justice is sought to be obstructed by false counting and fraudulent returns.

My colleague upon the committee, from Virginia [Mr. O'FERRALL], has read the testimony of a number of colored men who said they had voted for Davidson and had heard others say they had voted for him. I am not going to pause here to controvert the statement that a few colored votes were cast for him, because, as I now recollect the testimony, he proved as many as eight who did; but I submit to the House and to the country and to every fair-minded man if, because the contestee got a few colored voters, that is any justification to enter into a conspiracy to deliberately make false returns showing what never took place and giving votes that were never polled.

Now, let us look at the different voting precincts and let us see, if a man was on trial for his life, if there is not enough evidence here to hang him. I say yes. I say that men have been hung all over this country on circumstantial evidence not near so strong, far weaker and less positive than the circumstances and facts under which this contested-election case comes to us, clothed with the indications and evidences of fraud committed in that Fourth district of Alabama.

A. B. Hunter was called as a witness from Greensborough precinct. You will find his testimony on page 46 of the record. He was taking down—you see the methods of that country have been such that the Republicans had to fortify beforehand in order to secure the counting of their votes, and in pursuance of that mode of protection, in order to establish the number of the Republican votes that were actually polled, Hunter, the witness, kept a tally, and here is his testimony. Give me your attention, my Democratic brethren, and I especially invite my friend from Virginia [Mr. O'FERRALL] to hear this:

Q. Did you take down the voters as they issued McDuffie tickets to them; if so, how many names did you take down?
A. I did, and I took down 546 names of voters to whom was issued McDuffie tickets.

Joe Bell was another witness who testified. You will find it on page 47 of the record. He said that he was issuing McDuffie tickets to the voters, and that he saw the voters proceeding with their ballots into the court-house, where the election was being held.

This witness goes on to say that he watched them, and that there was no change of the ballots before entering the court-house. Now, we have seen them supplied with the tickets, and have seen that they have gone into the court-house, which was the place to deposit them, showing the intention and the purpose of the voters.

It has been agreed by counsel for contestee and contestant that two other witnesses would have proved the same state of facts as to the issuance of tickets and the men going into the polling-place.

William Hugely was another witness, whose testimony will be found on page 116 of the record. He says:

I was keeping door as a watchman to see that none of the voters changed their ballots. From where I was standing I could see the voters give their tickets to the inspectors of election.

In answer to a question whether any of the voters changed their tickets or not, after receiving them, this witness answers in the most emphatic manner, "No, they did not."

There are several other witnesses who testify substantially to the same state of facts; but I will not take up the time of the House to read or comment upon them all as to this polling-place. I shall only call attention to enough of them to give a general idea of the conclusiveness of the testimony, and yet in face of this overwhelming testimony that at this precinct McDuffie received 546 votes, yet he was given but 228, while the contestee, Davidson, was given 330. The testimony shows with all the reasonable certainty that can attach to human evidence that McDuffie received 546 votes; and here you will find the returning officers, in their eagerness to give Davidson a good vote, return 21 names more than there were names on the poll-list, which shows, as a matter of fact, that Davidson possibly received 12, while McDuffie received 546 votes.

Go to the next precinct and voting-place. But first, Mr. Speaker, let me say that I do not see how any reasonable, fair-minded man can take this evidence, showing that these men, with the tickets in their hands, went into the polling-places and handed them to the inspectors of election as the law required, can determine that in view of the testimony on this point McDuffie could receive only the number of votes that these returning officers have given him.

But pass from this poll and let us come to the Hollow Square precinct. Abe Pierce, Thad May, and Rice Banks were appointed by the county authorities to hold an election, but refused to open the polls at the time prescribed by the law, when R. D. Starkey, a man by the name of Reddiford, and another by the name of Gray opened the polls, and, in the language of the witness, "the voters began to vote." At this box there were 284 votes polled and counted for McDuffie, certified, sealed up, and given to the returning officers, who delivered them to the sheriff, and one week afterwards the same witness saw the box that had been delivered to the sheriff at the county town, at the place it should have been, still in the possession of the sheriff. These officers of election made their return giving McDuffie these votes. By reference to page 105 of the record in this case it will be seen that this certificate of the returning officers is made Exhibit B to Starkey's deposition, and it shows that McDuffie received 284 votes, while Davidson received not a single vote.

Now, mark you, the officers appointed by the county authorities refused to open the polls and hold the election. Under the statute of Alabama the legally-qualified voters had a right to organize a poll, and this poll was organized strictly in accordance with the statute. Now, what do we find? We find by some kind of scheming, by some means unknown perhaps anywhere outside of the Fourth Congressional district of Alabama, the white voters of that district, after refusing to open the polls at the time and place prescribed by law, which was 9 o'clock as to time, and after the Republicans had opened the poll according to law, got around somewhere, the Lord only knows where, and held a sort of side-show election; and when the county officers came to certify to the secretary of state they certified 45 votes for Davidson out of this bogus poll opened contrary to the statutes of Alabama, and refused to certify a single one of the 284 legal votes that were as legal under the laws of that State as any ballot ever put in a ballot-box, and had been legally returned to the sheriff of the county.

Now, let us come to another county. We come now to the contestee's own county. Let us see how the ballot and the polls were conducted at the contestee's own voting precinct. I appeal to my Democratic friends, let us rise above these little petty prejudices, and come here and vote according to judgment and conscience on this subject. At this poll George Clarke testifies, on page 28 of the record, that he took down 836 names of the voters who received McDuffie tickets; and what else does this witness say? He said the voters were clamorous for McDuffie tickets—so clamorous and so earnest, in order to vote for McDuffie, that this man who was issuing tickets had to put a guard at the door to keep his room from being overcrowded, and he says as soon as the voters were supplied with these McDuffie tickets they went directly to the city hall where the poll was being held.

What else? Let us see what Dr. Houston says. Very fortunately or unfortunately he is not a negro, but is a white man of superior character and intelligence. He was looking on at that poll, and gives us to understand the "ways that were dark and the tricks that were vain" in elections in that locality—not so vain in this instance, however. He said that he stood around the polls where they were voting; that he saw most of the voters go to the head of the stairs; he did not see them hand their tickets in to the inspectors, but they carried their tickets open, so that they could be tallied as they passed in at the door.

The next witness, Dave Lacy, testifies that he was standing near the city-hall door, keeping tally of the McDuffie vote, and had tallied about 100. He was keeping tally to see if it would compare with the one kept by Clarke when the tickets were issued. When he had tallied about 100, then the contestee came to him and demanded to know—what? Do men who want a fair election assume this arrogance? The contestee approached this witness that was keeping the tally of the Republican vote and demanded to know by what authority he was keeping tally of the votes.

Upon what meat does this our Cæsar feed,
That he is grown so great?

At that precinct a poor Republican voter dared not—in order to protect the purity and sanctity of the ballot-box and maintain Republican institutions—dared not take a list of the men who received tickets to vote for their party. What happened? Straws show which way the wind blows. What happened when the contestee came to that man and told him he had no authority to keep that list? It happened that this man, who was a poor, humble Republican, perhaps colored, made it convenient to get away from that door immediately and went out to

where Dr. Houston was standing. Why? Echo answers "Why?" and it is unnecessary for me to answer further. "What authority?" "What authority?" A wink is sometimes as good as a nod. That poor fellow knew it, and I do not blame him. I will not argue this testimony in any way that is not exactly fair; but I say give me an honest jury and a competent court and I can send those election officers in Alabama to the penitentiary. There is no use of mincing words about this thing.

Fountain Hudson says he was an inspector at that poll. And here, lest I forget it at the proper time, I want the House to bear in mind that the contestant did bring in and have sworn several of these inspectors around that district, and every one of those examined as witnesses testified to the rascality of the other inspectors. Why was it you did not bring in some of these inspectors? I will come to that again if I do not forget it.

How long have I been talking?

The SPEAKER *pro tempore*. The gentleman has twenty minutes remaining.

Mr. HOUK. Mr. Speaker, I have gone more into these details than I had intended. The fact is I had no intention of saying one word of a political character in this debate, but the gentlemen on the other side would provoke an angel into it. [Laughter.]

Fountain Hudson, inspector, says:

I received the tickets from the voters. I was inspector. They were folded. Aleck Pitts, a nephew of the contestee, read the tickets when they were counted and put them in a sack and took charge of them.

And now gentlemen rise up on the other side and ask us why we do not bring in those tickets. Would not you like to see McDuffie chase Aleck Pitts through the swamps of Alabama as he fled with that sack of tickets on his back to keep them from being counted for McDuffie? [Laughter.] Yet the proposition made to us is that we should pursue him into the wilderness and capture those tickets and bring them here and exhibit them to the House.

Mr. Speaker, I find that it will be impossible for me to review all of these various precincts in regard to which I have the evidence before me, so I will take the liberty of relying on the admirable collation made by my friend of Iowa [Mr. LYMAN] in his speech, and will insert the testimony that I have collated and have had time to read and discuss into my printed speech in the RECORD.

I shall only call attention now to one or two points. When they were counting the votes the Republican inspector, who was a colored man, said to the white inspectors, who were Democrats, "Boss, if you don't give Mr. McDuffie more votes than you are giving him, they will take us up to the 'big house'"—meaning that if they pursued the fraudulent count to the extent that they were pursuing it they would be taken to the Federal court at Montgomery. What was the reply? The reply was that they were McDuffie tickets, but that Uncle Aleck had just as well have them as McDuffie. So Uncle Aleck got the tickets, and they were certified to him, and he is sitting here on that certificate. [Laughter.]

There is witness after witness as to all these beats, but I have time now to refer to only one or two. I will take the case of Prairie Bluff beat, in Wilcox County. I have collated the testimony as to two beats in each county, and all of them are on a par with each other, but I have not time now to go through with them all.

At Prairie Bluff, Granville Bennett says (page 167 of the record):

Myself and R. J. Goode and Mr. Cleveland were the inspectors. Immediately after the polls were closed we counted the ballots. There were 227 for McDuffie and 13 for Colonel Davidson. There was a statement made and signed. I signed it without seeing or knowing how the report was made out for each candidate.

L. J. Sykes (page 168) says that he was issuing McDuffie tickets at Prairie Bluff; that he issued 227 tickets, and that all of them were voted. On cross-examination he said, "I could not be mistaken about those tickets, 227, being voted." When he was pressed on cross-examination he said, "I was looking at each and every man as they voted during the day." Why? Because he was sent there for the purpose of watching to see that the Republicans got justice. I call the attention of the House to the returns from that beat. All the proof shows that McDuffie got a large majority of the vote, but the election officers gave him 10 votes, I believe, and the balance to Davidson.

But here is a deposition that I am not surprised to see gentlemen on the other side laboring to anticipate and to break its force—the deposition of E. D. Morrill. E. D. Morrill is a man of character, who lives now in Chattanooga, Tenn., and who will be believed in any court anywhere in which he appears to testify. He had been a citizen of Wilcox County for twenty-one years. He had held various offices in the county, and had been chairman of the Republican executive committee for six years when this election took place. He knew the people, knew the situation of public affairs, and knew the poll-lists by heart, as it were. He was first examined in Alabama, but by some hocus-pocus he was not permitted to sign his deposition there; so poor McDuffie had to pursue him over the border into Tennessee and take his deposition again. He gives the number of voters in every voting precinct of that county, which knowledge he had acquired by reason of having been chairman of the Republican committee. And he says it would be impossible for a Democrat to be elected to Congress from that district unless there were more than three Republican candidates. Then he proceeds:

I had a conference with J. F. Foster, chairman of the Democratic executive committee, on the day of and after the meeting of the Democratic executive committee, with reference to the appointment of Federal supervisors. He stated in words to the effect that "they were indifferent as to whether supervisors were appointed or not, and that if they did not have the naming of their (Democratic) supervisors ours (Republican) would not be allowed to serve."

Now, I agree that there was no particular "bulldozing" there; but no sane man can read this witness's testimony and the evidence in the record without knowing that if the party managers had deemed it necessary there would have been. It was easier to play the counting act.

Mr. Morrill states that this Democratic chairman—

Said positively they were going to carry the election. They would carry it peacefully and quietly if they could, but would carry it by force if necessary, and had the arrangements made to do it.

Gentlemen treat this as a very trivial matter. Now, if a man should come up in the district of any of the gentlemen around me and tell such a story as that to voters among their constituents you would have his scalp, would you not? I say, then, come along with us and let us take the scalps of these fellows for doing the same thing. [Laughter.] I know the gentleman from Virginia [Mr. WISE] would do it, and do it like lightning. But I must hurry on.

I reminded him—

That is, our man Morrill, who was chairman of the Republican county committee, reminded the Democratic county committeeman—

that we (Republicans) had rights guarantied to us by the constitutions of the State and of the United States. He replied—

I wish my friend who talked about the Democrats being such good friends to the colored men was here. This chairman of the Democratic county committee replied that—

Those constitutions were forced upon them, and they did not consider themselves bound to abide by them.

And gentlemen on the other side know that this is unfortunately to a considerable extent the public sentiment in some parts of the South. It is unfortunate, but it is true, I say, that this expression represents public sentiment in large portions of that country, and notably in the Fourth Congressional district of Alabama. What else does Morrill say?

This conversation, together with previous experiences in other elections, induced me not to apply, as chairman of the Republican county committee, for the appointment of supervisors by the United States court, feeling that it might bring trouble.

But what else does this witness swear?

I know that Judge McDuffie was a popular candidate with his party. I know from actual experience in the canvass. The Republicans were thoroughly organized, and enthusiastic for their candidate. Davidson was unpopular with his party, and Turner had no following in the county. The colored vote in Wilcox county—

Now whom will you accept as the best authority as to what the colored vote is, a man and his friends who are interested in retaining for him a seat on this floor or the sworn testimony of a reputable citizen who testifies as to how the colored vote is divided in that county?

The colored vote in Wilcox County is about 95 per cent. Republican. There has been no change among them. If there has been any change, it is that a larger per cent. is Republican than formerly.

Now, here comes something good. The friends of the contestee did not jump up and down when they came to this part of the deposition. They were not like the fellow who, coming to a good piece of road, ran his horse backward and forward upon it, saying that, as he had been traveling all day through the mud, he was determined to enjoy one good piece of road while he had it. [Laughter.] They found this part of the road full of briars and stumps and gullies, and they passed over it as quickly as possible.

This witness being asked whether there was any effort on the part of Democrats to deny frauds in elections, answered, "There is not." And we all know personally many men who will sit down and laughingly tell us stories about how they do such things. It is a part of the history and experience of social life all through the South, and even here in the city of Washington.

But the witness continues:

They joke about it and boast about it.

William Carter, of Snow Hill, Wilcox County, Alabama, a delegate to the Democratic county convention in the spring of 1886, boasted in the court-house at Camden that "at the election in 1880, when he was an inspector, he, with the other inspectors, voted the entire registration list, and would have been voting yet if the list had been long enough."

What further does this witness swear? I ask members to note his statements:

Men are rewarded by office, both State and Federal, for their ability to carry elections against the popular majority.

Now, I invite the attention of every honest Democrat to what this witness further says on this subject:

I would also state in reply to this question that in a canvass among the Democrats before the election for State and county officers in the spring and summer of 1886 the issue—

Your attention, gentlemen—

the issue in the Democratic party between the aspirants for the office of probate judge was understood to be "honesty, or the lightning process at elections."

"Honesty" on the one hand, the "lightning process" on the other! You all understand what that means.

Colonel Gaillard, a Democrat, was supposed to be for honest elections, and in a speech, at the court-house in open day, to a large audience, Sol D. Bloch, a leading and influential Democrat, and mayor of the town, said, "That any man that was too religious, too conscientious, or scrupulous to put his hand down into a ballot-box and if he did not find a Democratic majority there, would not

put it there, was too religious, too conscientious, and too scrupulous to be judge of probate of Wilcox County." And Colonel Gaillard was defeated.

This shows the state of public sentiment there, and what it leads to. Talk about good people, Christian people! Behold their conduct! By their fruits you shall judge them.

What else? Witness was asked the question, how was it possible for such frauds to be accomplished? He answered:

The board of county supervisors consists of the judge of probate, sheriff, and clerk of the circuit court. This board appoints three inspectors for each beat or voting precinct. The law requires opposing parties to be represented as inspectors. The board of county supervisors, being all Democrats (and counted in by these same methods), appoint as inspectors two shrewd Democrats and one ignorant negro, who can not read, write, or count, to represent the Republican party. These inspectors elect two clerks, who, of course, are Democrats. This gives four shrewd Democrats to one of the most ignorant Republicans.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOUK. I hope my friend will give me a few minutes longer.

Mr. LODGE. How long does the gentleman want?

Mr. HOUK. I would like to have ten minutes.

Mr. LODGE. I will give the gentleman the five minutes I reserved yesterday.

Mr. HOUK. I was misled in this matter and believed I would have more time, as I understood the gentleman from Ohio would yield to me his time.

Mr. BUTTERWORTH. As the gentleman from Massachusetts [Mr. LODGE] suggested he would yield time to me, I am quite content, and more than content, even anxious, that time should be given to my friend from Tennessee.

Mr. HOUK. I want it settled one way or the other before I go on if possible.

I was about to appeal to the speeches of gentlemen on the other side in order to show what was the defense set up against all these things. I have not had time to go through a tithe of the accumulated evidence. But I state upon my responsibility as a Representative that what I have cited is a fair example of the testimony bearing on all the precincts which have been presented in this record. And the testimony contained in the record is properly summed up in the table which I now read:

EXHIBIT A.

Vote of the Fourth Congressional district of Alabama for Representative in the Fiftieth Congress, as polled by the qualified electors thereof, on the 2d day of November, 1885, as shown by the proof.

DALLAS COUNTY.

Precinct.	Contestee.	Contestant.
Orville	6	242
Martin's	0	363
Mitchell's	0	303
Liberty Hill	0	70
Burnsville	0	200
Pences	0	139
Union	40	86
Old Town	0	75
Marion Junction	25	75
Woodlawn	0	50
Lexington	25	196
Valley Creek	15	100
Cahaba	18	150
Rives	20	150
King's	45	120
Brown's	0	285
Selma	0	160
Total	194	2,764

HALE COUNTY.

Greensborough	0	546
Hollow Square	0	284
Cedarville	0	315
Macon Station	0	300
Total	0	1,445

LOWNDES COUNTY.

Lowndesborough	25	225
St. Clair	0	82
Total	25	307

WILCOX COUNTY.

Camden	0	400
Snow Hill	1	425
Black's Bluff	1	162
Mount Hope	0	75
Boiling Springs	0	173
Gee's Bend	1	95
Bethel	0	101
Prairie Bluff	13	227
Allenton	35	276
Rehoboth	3	106
Canton	0	135
Total	54	2,175

PERRY COUNTY.

Precinct.	Contestee.	Contestant.
Uniontown	8	836
Dunningham	0	188
Scott's	1	200
Walthall's	0	230
Marion	0	425
Hamburg	0	79
Total	9	1,978

Vote proven for contestant as above	8,621	
Vote for contestant not contested	2,304	
Contestant's vote in the district		10,925
Vote proven for contestee as above	282	
Vote for contestee not contested for want of time	3,411	
Contestee's vote in the district not contested		3,693
Contestant's majority in the district		7,232

The vote proven for contestant stands uncontradicted by any proof of contestee, whose failure to produce the testimony of a single election officer is fatal to his case. The evidence of contestant is direct, consistent, and conclusive.

Now, what is the defense? They say that the contestant should have summoned and examined the inspectors charged with these frauds. I have already alluded to that briefly, and I have only to say further on that point one word. Bear in mind, and this is my reply, the contestant believed then and believes now every one of these inspectors who certified to these returns had certified to a falsehood, and that they had become criminals before the law. Now, believing that they had committed these frauds, would he not be a confiding sort of a fellow to reach out and call in these identical men to testify in regard to the very wrong for which they are impeached while he was still believing them to be guilty? If they were called in to testify, they would have to do one of three things: they would have to avail themselves of the privilege not to testify, in order to keep from criminating themselves, or they would have to tell the truth and knock the whole foundation from under the false superstructure upon which the contestee's whole case rests, or else they would have to resort to the third desperate alternative—that is, they would have to add perjury to the crime they had already committed, and at at the same time subject themselves to cross-examination, where their villainy could be exposed.

I say, both in good law and common sense, it is but reasonable whenever these inspectors have been attacked and their returns impeached, it is the duty of the contestee, it is the duty of the other side, if they can, to rebut the testimony which we have brought forward against them.

One word more in regard to this question raised of the colored people in the South. If you listen to the talk on this floor, you would believe that the thousands of colored voters who received ballots and went up to the ballot-box to cast them for the Republican party and candidates, instead cast them for the Democratic party and its candidates. You are asked to believe they have become converts to the Democratic party. You are to believe in reference to them that they have experienced a more sudden conversion than did the Apostle Paul on his way to Damascus. [Laughter.] You are asked to believe on their part they have undergone a more sudden change than did the multitude who spoke with tongues on the day of Pentecost, when, under the preaching of Peter, more than 5,000 were added to the church in one day. [Laughter and applause.]

And now, in conclusion, I want to say—the reckless may mock at it if they will, but I tell you, and I want to say to the country—that unless this system of fraud shall be made to stop, our Government, our institutions, our country will be ultimately swallowed up in anarchy and our liberties lost. [Applause.]

I intend my utterances to be conservative and uttered with the kindest of feeling, but unless this Government shall prove itself strong enough to reverse the order of things in such localities as the Fourth Congressional district of Alabama, and instead of "a fair ballot and a free count" secure "a free ballot and a fair count," our nation is doomed, and we are ruined as a people. [Applause.]

Mr. CRISP. Mr. Speaker, I yield fifteen minutes of the reserved time on this side to the gentleman from Texas [Mr. MOORE].

Mr. MOORE. Mr. Speaker, in the time allotted to me I would be glad to indicate what I conceive to be the real issue presented to this House in the pending contest. If the minority of the Committee on Elections are not satisfied with the issue that the majority present, they can not complain if we undertake to show from the issue they present that they are impaled upon that horn of the dilemma.

They say in their report, in concluding it, that in a single county in the Fourth district of Alabama they are perfectly willing the vote shall be counted—the county in which the contestant resides—from the fact that there is no evidence impeaching the integrity of its precincts.

Now, Mr. Speaker, if they undertake to stand upon ground of that sort, it involves the wonderful proposition of the disenfranchisement of the balance of the entire district, and that, too, in the face of their own testimony; and I now present them the issue, and tell them they

have got thirty precincts besides upon which there is not a scintilla of testimony attacking the integrity of the vote. Then what does the proposition amount to? If they are not willing to disfranchise the county in which McDuffie lives, are they willing to disfranchise the counties in which these thirty precincts are, and in which they do not pretend to say, nor will they say—and I ask them to say it and to show it from the record if they can—that there is a scintilla of testimony as to these thirty precincts outside of this county? That is the issue the minority would present. Let them stand by it as a legal fact, and what do you find? You find that in these uncontested precincts 2,936 votes are cast for Davidson and 206 for McDuffie, a net majority of 2,730 for the contestee in these precincts.

In the county in which they would preserve their McDuffie vote there is 2,014 for him, and 362 for Davidson. Taking the net majority and subtracting it from the net majority of Davidson, yet Davidson, by your own principle, by your own disfranchisement, by your own argument, stands elected by a thousand and some odd votes.

We have collated with great care those precincts. I hold in my hand the tabulated list of them by name and by counties, and no gentleman upon the other side will controvert my statement, for I think in this matter, as in every other matter, I would be too careful to make an announcement of fact as existing in the record that was not in the record and omitting from the record a fact that was in the record.

The gentleman who has just completed his remarkable address and homily to this House [Mr. HOUK] dwells much upon the superior virtue which he possesses as distinct from his fellows on this side of the House, and even lectures the Republicans for political bias as well as the Democrats. We are not children. We are presumed to be men of common sense, and the grandest lesson that has ever been taught—when he undertakes to speak of the language of Christ Himself—was when that Pharisee, standing in the streets of Jerusalem thanking God that he was a little better than other men, was rebuked when God Almighty looked at him and said, "Thou hypocrite." And I will tell you, Mr. Speaker, that the most dangerous badge that ever hung around the neck of any man is to be just a little better than his neighbors. Horace Greeley was philosopher enough when he said they are a praying set, but spelled it with an "e." [Laughter.] Regretting that there can be any political issue! Sad, sad, very sad indeed, that the political issue had got into this discussion!

This much, sir, I have to say: I believe this Union to-day is more solid from center to circumference, more united, with a grand army of compatriots from one end of the country to the other to cement it, not by bayonets, but by the brotherhood of man, than it has ever been since the foundation of this Government. [Applause.] North and South, everywhere I look, I see nothing but peace, tranquillity, good-will, and brotherly love that looks up to the very face of Jehovah in pride and in strength and in patriotism. [Renewed applause.] Lectures are out of the way, and that political party that promises to go to the country upon the ground that some who live in the South were to cheat and defraud, so that in the language of the gentleman himself, so cultured, such a scholar, yet who so vigorously asserted in his remarks yesterday that but for the corrupt practices of Alabama, Alabama would be truer to his views on the question of tariff.

Why say that? Why, I ask? Is it a bait to Alabama? Is it in the form of a bribe? Is this offer to Alabama sufficient to humiliate that proud State, and say to her, "We will take your political methods if you will just accept this tax?"

It was my fortune to have been born in Alabama, and as a child looks to the face of his mother, discovering in it honor and character, and love and duty, I look to-day to Alabama, as a dutiful child should, although I have not lived in her midst since my childhood.

What is the issue presented here? Mark you, they undertook in their charges published and printed to say only that the votes were put into the box in one way and counted in another way. They do not charge—and in that the gentleman from Massachusetts [Mr. LODGE] is a little mistaken—they have never charged by any specification that those ballots were changed; that the ballot-boxes in any sense absolutely were changed with the single exception of the very places that this committee throw out. They have talked about Uniontown. The majority throw this precinct out; and they throw out two other precincts upon which nearly all the speeches of the gentlemen on the other side have been made. That is a fact in the record.

Now they want to present this issue and only this, that you ought to have counted so many votes for McDuffie and so many for Davidson, by which McDuffie would have been elected by some unknown number not given. They come into the House and say, "Conspiracy!" "Conspiracy!" Where? Why, over a whole district. There was; but it was a different conspiracy. It was a conspiracy indicated by their system that at a great number of places they had men appointed—to do what? That is their case. Why? To take these people off from 40 yards to 100 yards and distribute tickets to them—eight hundred and some odd at Uniontown by one man writing down their names in a room; and they started on down to the polls with their tickets. That is a big day's work, and a man who was doing that had but little else to look after. And then they set down their men; in that case, as in all others, a large proportion of them were unable to read, and they took a board and when a man came up they notched him down. That is the system which prevailed in Alabama.

There is no North and no South about that. Good men all over the country will say, "God save us from such a system and from suffrage reduced to such a small minimum; if that is the system existing in Alabama, God pity Alabama." If these are the task-masters set over them to determine the validity of elections, I am afraid that liberty and the rights of property are gone from Alabama, and New York or some better State will have to take care of Alabama. But if you do, for God's sake do not send those wretches called carpet-baggers down there any more.

Furthermore, I say to this House very much in the record is a charge exactly of that sort. We throw out Uniontown, and we do it because one witness, an inspector, took those ballots and put them in a sack. It was not contradicted, and we throw out that district. We throw out two more. We believed we were right, and we did right about it.

One gentleman said, the gentleman from Ohio [Mr. OUTHWAITE]—and I thank him for saying it, for I love honesty and honor from all sources—that in the North such a contest and such modes of proof would meet the ridicule of the whole country.

[Here the hammer fell.]

Mr. MOORE. I ask permission to extend my remarks.

There was no objection.

Mr. MOORE. So that, Mr. Speaker, we have the anomalous spectacle of a great political party contending that the regular returns of an election in Alabama may be set aside only upon evidence that a certain amount or number of tickets were delivered to voters; that certain parties stood near to the polls and saw them handed in as their votes, and notched down the number upon a board. This is the character of the testimony. No ballot-boxes are produced nor the ballots examined; no voters are called to show that they voted different from the count. Yet if this fraud existed, as charged, *i. e.*, if there was only a fraudulent count, as charged, then the error would be exposed and corrected by this House. None of the judges of the election, none of the inspectors, none of the Federal supervisors are called as witnesses; yet we are gravely asked by the minority of the committee, upon such evidence as I have stated, to declare that Mr. McDuffie, who received 10,000 less votes than Mr. Davidson, was elected.

Our Republican friends in the House insist upon the proposition that the colored people are all Republicans, and that any election in which they vote for a Democrat is fraudulent. So long as the carpet-bag government of the Southern States existed, the colored people were used by these wretches as instruments of oppression and public plunder, and they succeeded in embittering the colored people against the whites. They were indeed then Republicans, and voted as they were bidden by their leaders. But after these States were remitted to the government of their own people, when the Republican party was overthrown, and power wrested from them by the Democratic party, then their leaders abandoned them, and, what is more glorious, abandoned those pillaged and oppressed States. What followed? A result at which all good men, North and South, rejoice. Peace, good order, and prosperity again blessed the land. The burdens of taxation were lifted from our people, public pillage ceased, common schools were everywhere established. The colored people participated in all these advantages of good government. Their friendly relations with the whites were re-established, and there existed among these two races mutual confidence and respect. A Democratic President was elected, and actually counted in and installed into his great office. No business disturbance followed, as predicted. There has been a clean and honest administration of our public affairs. The rights of the colored citizen have not been impaired, but fully protected. Then came the end of the Republican party in the Southern States. Its leaders are gone, and thousands of good colored people now discover they have been misled and fooled for many years. Who should be astonished that they vote the Democratic ticket in Alabama? And the country should rejoice that henceforth and forever, the politics of the citizen is not to be determined by his color or his race.

Mr. CRISP. I yield five minutes to the gentleman from Alabama [Mr. JONES].

The SPEAKER *pro tempore* [Mr. BUCKALEW]. The gentleman from Georgia has six minutes remaining.

Mr. CRISP. I thought I had thirty-six minutes according to the count of the Clerk.

The SPEAKER *pro tempore*. The Chair understands that six minutes complete the three hours.

Mr. CRISP. I yield five minutes to the gentleman from Alabama [Mr. JONES].

Mr. JONES. The course pursued by the gentlemen who have discussed this case on behalf of the contestant reminds me of a prosecuting attorney in the flush times of Alabama. A friend in describing his mode of conducting a prosecution said "he always took the guilt for granted and raved over the enormity of the offense." These gentlemen abandon the facts in the case and go off on a hue and cry.

One of those facts I propose to emphasize because it is conclusive in this case for the sitting member. That fact is that while they make seventy specifications of fraud there are twenty-six of them in which they do not

produce any evidence at all; and when you take the vote in these twenty-six precincts and add it to the vote in Lowndes County, which is also undisputed, it makes a clear majority of nearly 1,500 for the sitting member.

But there is no reason why the vote in the other thirty-three precincts in which they introduce evidence should be rejected. The evidence introduced to show fraud is contradictory and insufficient. Then there is, according to this view of it, a majority of some 9,000 in favor of the sitting member.

Now if there was one fact more than another in the late contested case of Lowry and White, which controlled the gentlemen on the other side, it was the fact that Mr. White had a large popular majority. That had great influence with them in that case; why should it not have in this case? If it was justice there why is it not justice here?

But gentlemen complain that at thirteen precincts in this district the contestant, Mr. McDuffie, did not receive a solitary vote, and from that they draw the inference, wholly unwarranted by the evidence, that the vote was suppressed. Why, sir, the evidence shows that such was not the case. Take Richmond, one of those thirteen precincts; a colored witness there, Mr. Edwards, testified that he was a Republican; that he voted for Davidson; that he knew of a number of other colored men, eighty and odd, who voted for Davidson; that there were no McDuffie tickets distributed there, and that none of the negroes wanted to vote for McDuffie.

That, sir, is evidence to my mind of the "progress in civilization" which was referred to by the cultured gentleman [Mr. LODGE] from the cultured State of Massachusetts. I say it shows that the negroes are improving in civilization when at thirteen precincts in a Congressional district they refuse to vote for a Republican. It shows, sir, that they are no longer forced to the polls "like dumb, driven cattle," as they once were. It shows that they are not voting under the Loyal Leagues. It shows that the Republicans no longer have a bill of sale for them to vote them as their former owners worked them. That is what it shows.

Incredible as it may seem to the gentleman from Massachusetts [Mr. LODGE], we in Alabama have made some "progress in civilization." We have progressed from the misrule and anarchy of the reconstruction period to peace and prosperity under Democratic government. Last year the country was shocked at the doings of a few anarchists in Chicago. For seven or eight years, up to 1875, we had anarchists all over Alabama, even in the Legislature and courts of justice, and they were backed and sustained by the Republican party, then in control of the United States Government. The story of the saturnalia of crime and corruption of that period is familiar history. It is well known how brute numbers and gross ignorance confiscated our property, wrecked our institutions, and trampled under foot all that was valuable and sacred. How was it with Congressional elections during that period? During that time I was honored with a nomination for Congress. My opponent was the notorious Charles Hays, then a member of this House. He made his canvass against me with companies and detachments of United States troops, and with detectives and deputy marshals. Many of my supporters were arrested, some put in irons and carried to Mobile, and many fled to the swamps.

Before leaving Washington Mr. Hays had succeeded in getting Congress, then Republican in both Houses, to appropriate $400,000 worth of bacon under the pretense of aiding people rendered destitute by an overflow in the Tombigbee and Warrior Rivers. This bacon was used by my opponent as a corruption fund, and was issued to people on the tops of hills and mountains which have not seen an overflow since Noah's flood. By the use of such means I was defeated. We have made some "progress in civilization" since that Republican régime. The gentleman from Indiana [Mr. JOHNSTON] has alluded to the small vote cast for Representatives in Congress in certain Southern districts, and has referred particularly to the district I have the honor to represent, and to the fact that I received only 4,220 votes at the election in November, 1886. I had no opposition. Is it to be expected that all the Democratic voters will go to the polls and vote when their candidate has no opposition? Is it to be supposed that Republican voters will rush to the polls when they have no candidate to vote for?

While "civilization has made some progress in Alabama," we have not yet caught up with the culture of Massachusetts or their tender consideration for the elective franchise. Under the constitution and laws of Massachusetts a voter is required to be able to read the constitution of the State before he can vote. If this highly civilized rule prevailed in Alabama nine-tenths of the negroes for whose rights and suffrages the gentleman from Massachusetts feels so much solicitude would be disfranchised.

Gentlemen complain that Ben Turner, a colored man, was a candidate for Congress at the last election in the Fourth Alabama district. They like the negro when he is a Republican voter, but when he is a Democratic voter, or even a Republican candidate, they have no use for him. They say Ben Turner ran as a dummy to benefit Davidson. Well, Ben Turner was in this respect imitating the high civilization of Massachusetts. In the last Presidential election a distinguished citizen of Massachusetts ran as a dummy to benefit and aid the Republican candidate for President.

Civilization has made some progress in Alabama. Instead of lawlessness, violence, and corruption, such as we had under Republican rule, the people of Alabama, white and black, now enjoy the benefit of wholesome laws. There is peace and friendship between the races. We have no strikes. Of twenty-six iron furnaces now in process of construction in the United States nineteen are in Alabama. Its industrial growth and prosperity are phenomenal. Gentlemen grieve over the wrongs of the poor negro, the injustice and oppression with which he is treated. How can they reconcile this with the absence of discontent among them, with the abundance and prosperity that surround them?

Mr. CRISP. I reserve the remainder of the time on this side.

Mr. LODGE. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, the gentleman from Virginia [Mr. O'FERRALL], in the course of his remarks saw fit to travel somewhat out of the record of this case to cast a reflection upon the sincerity and earnestness of Abraham Lincoln in the performance of the most important act of his life, and when he was corrected by the gentleman from Iowa [Mr. KERR] he replied as follows, and I read from the reporter's notes:

> The gentleman from Iowa asks me where I got my information about President Lincoln hesitating to sign the emancipation proclamation. I got it in history, unless I have read history wrong. There is a painting which hangs on the walls of this Capitol, which I have been told by judges is a masterpiece. I have also heard that the propriety of hanging it on these walls has been questioned by some. For my part I am glad it is here. It is a perpetuation of an historic event. I refer to the painting representing the signing of the emancipation proclamation by that good man, that man whose heart overflowed with the milk of human kindness, and whose tragic death at the hands of the assassin was a terrible calamity to the whole country, and, coming at the time it did, peculiarly unfortunate for the South. The deep thought that mantles his features, the anxiety that sits enthroned upon his brow, and his disheveled hair plainly tell that the fire within his brain was burning with a fervid glow while the pen in his hand hesitated to sign the immortal name of Lincoln.

The gentleman from Virginia [Mr. O'FERRALL] with some warmth also told the gentleman from Iowa [Mr. KERR] that he ought to familiarize himself with the history of his country, presumably concerning that period; and when, in a little colloquy, I suggested in retort that possibly the gentleman from Virginia himself might not have been so situated as to be better informed upon that point of history than other gentlemen, he became very much excited, came into the main aisle, and talked very loudly about "bravery" and "cowardice." Now, Mr. Speaker, I am not here to display either bravery or cowardice. I do not think that an election case is a very appropriate subject or that the floor of the House is the most appropriate theater for the display of either; and it does not seem to me that twenty-five years after the war is a particularly fitting epoch to indulge in either epithets or boasting in that line.

But I desire to say that in my experience in this House, while I have listened with attention and with a proper degree of appreciation to quite a number of speeches delivered by the gentleman from Virginia, I recall at this time no single instance in which, upon any conceivable subject, he has addressed this House without reminding the House and the country, and speaking with pride of the fact, that he had served in the war and fought against his country. Now, Mr. Speaker, I call upon the members of this House to bear witness that I never have indulged in boasting of that kind, and that whatever of bravery or of cowardice there may have been in my humble record of service in that country's defense during the four years which brought so much of bloodshed and sorrow upon this land it never has been boastingly referred to by me upon this floor. I do not propose to make any further reference to it now.

So far as the matters of bravery and cowardice are concerned, having advanced beyond the time when the blood runs so hotly as to overleap discretion, I am quite willing to leave the record and the test of all that sort of thing, so far as relates to myself, to be found in the history of events that have long since passed away, leaving an imperishable imprint behind them.

But, Mr. Speaker, I am quite willing to award to the gentleman from Virginia [Mr. O'FERRALL] the possession of bravery in one aspect. I say to him and to the country that it does seem to me to have required a very peculiar kind of "bravery" in any man to stand up before the American people in the year 1888 and attempt to pluck from the brow of the martyred Lincoln so much as a single unwithered leaf of the laurels placed there by the common consent of civilized humanity for the performance of an act that will live in grandeur as long as the love of liberty shall survive. In that respect I concede to the gentleman from Virginia a full meed of that sort of bravery which I believe has been illustrated by some one in poetry, who said in effect that—

> Thingamies rush in where what-you-may-call-'ems fear to tread.

[Laughter.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BOUTELLE. Mr. Speaker, I desire to say a word in regard to the great historical fact which has been brought into this discussion.

The SPEAKER *pro tempore*. The Chair understands that the time allowed to the gentleman has expired.

Mr. LODGE yielded Mr. BOUTELLE some additional time.

Mr. BOUTELLE. I do not desire, sir, to assume to myself the attitude or the duty of championing Abraham Lincoln. That noble task might well be assumed by an abler eulogist.

Mr. MAISH. Mr. Speaker, I understand that the time of the gentleman from Maine has expired.

Mr. BOUTELLE. I have time yielded to me, sir.

Mr. MAISH. But the Chair has just now stated that your time has expired.

Mr. BOUTELLE. I trust the gentleman will not grudge me the few minutes that my associates on this side have granted me to reply to what has been said upon this subject.

Mr. MAISH. I do not want it to come out of our time.

Mr. BOUTELLE. Oh, not at all. You shall have your pound of flesh.

Mr. MAISH. It is unnecessary to interchange compliments of that sort.

Mr. BOUTELLE. Mr. Speaker, if the gentleman has got through interrupting me, I will proceed.

Mr. MAISH. I had the right to know whether the gentleman was entitled to the time he was occupying.

The SPEAKER *pro tempore*. The gentleman from Maine will proceed.

Mr. BOUTELLE. Mr. Speaker, it seems to me it would be but scant courtesy and justice on the part of the House if it should yield me out of its own time a few brief moments to meet the charge sprung for the first time, so far as I know, upon the people of this country—a reflection upon the great Chief Magistrate who has passed to the life beyond. But in the few moments allowed me out of the scanty time awarded this side I can only in the briefest manner refute the statement of the gentleman from Virginia that Abraham Lincoln was hesitating or reluctant when the time came for smiting the shackles from the limbs of his fellow-beings held in slavery's bondage.

I have the honor to be a resident of the State and of the city where lives the venerable and distinguished patriot, Hannibal Hamlin, who, as Vice-President of the United States, was the official and personal associate of President Lincoln throughout the four years from March 4, 1861, to 1865; and I could cite here from his lips the history which he has repeatedly given me, and which but recently he narrated in public, of the interview in which Mr. Lincoln confided to him before he had informed his Cabinet of his fixed purpose to issue the emancipation proclamation. If the gentleman from Virginia had heard that chapter of inner history as I have heard it he would not be in doubt about the strength of purpose that nerved the hand of Lincoln when he declared that four millions of God's children should be free.

In the brief interval of discussion I have hastily placed my hand upon the first historical authorities I could reach, and I now call as witness against the gentleman from Virginia the great finance minister of the war period and later Chief-Justice, Salmon P. Chase, who though dead yet speaketh in vindication of the lofty purpose of his great chief in issuing the immortal proclamation. In the diary of Mr. Chase, from which I can but briefly quote, he says, under date of September 22, 1862:

The President then took a graver tone and said, "Gentlemen, I have, as you are aware, thought a great deal about the relation of this war to slavery, and you all remember that several weeks ago I read to you an order I had prepared upon the subject, which, on account of objections made by some of you, was not issued. Ever since then my mind has been much occupied with this subject, and I have thought all along that the time for acting on it might probably come. I think the time has come now. I wish it was a better time. I wish that we were in a better condition. The action of the Army against the rebels has not been quite what I should have best liked. But they have been driven out of Maryland, and Pennsylvania is no longer in danger of invasion. "When the rebel army was at Frederick I determined, as soon as it should be driven out of Maryland, to issue a proclamation of emancipation such as I thought most likely to be useful. I said nothing to any one, but I made a promise to myself and (hesitating a little) to my Maker. The rebel army is now driven out and I am going to fulfill that promise. I have got you together to hear what I have written down. I do not wish your advice about the main matter, for that I have determined for myself. This I say without intending anything but respect for any one of you. But I already know the views of each on this question. They have been heretofore expressed, and I have considered them as thoroughly and carefully as I can. What I have written is that which my reflections have determined me to say. If there is anything in the expressions I use or in any minor matter which any of you thinks had best be changed I shall be glad to receive your suggestions. One other observation I will make: I know very well that many others might, in this matter, as in others, do better than I can, and if I was satisfied that the public confidence was more fully possessed by any one of them than by me, and knew of any constitutional way in which he could be put in my place, he should have it. I should gladly yield to him. But though I believe that I have not so much of the confidence of the people as I had some time since, I do not know that, all things considered, any other person has more; and, however this may be, there is no way in which I can have any other man put where I am. I am here. I must do the best I can and bear the responsibility of taking the course which I feel I ought to take."

The President then proceeded to read his emancipation proclamation, making remarks on the several parts as he went on, and showing that he had fully considered the subject in all the lights in which it had been presented to him.

I am able to call as a witness another distinguished member of President Lincoln's Cabinet, Hon. Gideon Welles, at that time Secretary of the Navy. In his volume of reminiscences of Lincoln and Seward, on pages 210–212, Mr. Welles says:

No one more than the President was impressed with the difficulties to be met, and at the same time with the imperative necessity of decisive action. The details of these proceedings, and the final determined stand taken by him—not by the Secretary of State or any of the Cabinet—to decree by an executive order the emancipation of the slaves in the rebellious States have been elsewhere related. It was after all efforts for voluntary emancipation by the States interested, with pecuniary aid from the national Treasury, had failed. To Mr. Seward and myself the President communicated his purpose and asked our views on the 13th of July, 1862. * * * The President deliberately prepared his preliminary proclamation, which met the approval, or at least the acquiescence, of the whole Cabinet, though there were phases of opinion not entirely in accord with the proceedings. * * * Aware that there were shades of difference among his counselors, and hesitation and doubt with some, in view of the vast responsibility and its consequences, the President devised his own scheme, held himself alone accountable for the act, and, unaided and unassisted, prepared each of the proclamations of freedom.

As the gentleman from Virginia has sought to find evidence in support of his charge in the expression of President Lincoln's face and his "disheveled hair," as portrayed in Carpenter's great painting now hanging on the walls of the Capitol, I quote a few sentences from "The Inner Life of Abraham Lincoln, or Six Months at the White House," written by the painter himself after the sittings had been concluded. On page 87 he says that on the evening when the proclamation was signed the President remarked to Mr. Colfax that the signature appeared somewhat tremulous and uneven; but, said Mr. Lincoln:

"Not because of any uncertainty or hesitation on my part; but it was just after the public reception, and three hours' handshaking is not calculated to improve a man's chirography." Then, changing his tone, he said, "The South had fair warning that if they did not return to their duty I should strike at this pillar of their strength. The promise must now be kept, and I shall never recall one word."

Again, on page 89, Mr. Carpenter, the artist, tells us:

Mr. Chase told me that at the Cabinet meeting immediately after the battle of Antietam, and just prior to the issue of the September proclamation, the President entered upon the business before the Cabinet by saying that the time for the annunciation of the emancipation policy could be no longer delayed. Public sentiment, he thought, would sustain it—many of his warmest friends and supporters demanded it—and he had promised his God that he would do it. The last part of this was uttered in a low tone and appeared to be heard by no one but Secretary Chase, who was sitting near him. He asked the President if he correctly understood him. Mr. Lincoln replied, "I made a solemn vow before God that if General Lee was driven back from Pennsylvania I would crown the result by the declaration of freedom to the slaves."

Mr. Speaker, I leave this subject in this hurried manner. Borrowing the words with which Lincoln closed his immortal proclamation, I say I am willing to leave the issue raised by the gentleman from Virginia (as Abraham Lincoln left the issue of his proclamation) "to the considerate judgment of mankind and the gracious favor of Almighty God." [Applause.]

Mr. LODGE. Mr. Speaker, how much time is there left on this side?

The SPEAKER *pro tempore* (Mr. BUCKALEW). Eighteen minutes.

Mr. LODGE. I yield that time to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Speaker, the time allowed me by the honorable gentleman from Massachusetts is much too brief to permit me to enter into a discussion of the issue joined here. If the determination of the question affected only Colonel Davidson or Mr. McDuffie, the result of our deliberations would be of less consequence. But there is involved a principle which is more important and far-reaching than the mere matter of determining which of these gentlemen shall sit as a member of this body during the remainder of this Congress. Our disposition of cases like the one we are now considering may well suggest the inquiry as to whether or not we shall continue to sit in this Hall as the chosen representatives of a free people, that freedom being protected by the ballot (that right preservative of all rights) honestly and fairly cast, uninfluenced by intimidation, and a return made of the ballots so cast, free from the touch and taint of fraud.

I am not unfamiliar, nor is any intelligent gentleman on this floor, with the alleged causes which have prompted the adoption of measures to suppress the Republican vote in one part of this country. It is an open secret, well known to all of us, that in many of the States south of the Ohio and the Potomac it is asserted and maintained that the suppression of the Republican vote, which is cast in the main by colored men, is necessary in the interest of civilization. They say openly—and I am not here to argue the merits of the proposition or inquire how far it has merit and may properly be urged in palliation of what has been done in that behalf—they say openly that the interests of civilization and of the hearth-stones in the Southern States demand that the men who are intelligent, who have property, who represent the best interests of society—which being interpreted by them means white men of the Democratic party—shall control the local affairs of that section, shall control the affairs of the county and the affairs of the State, and that this result could only be attained by heroic measures, which involved the obliteration or suppression of the black Republican vote in that section. And, gentlemen, it has been your appeals in that behalf which have in a measure deadened the feeling in the North touching these practices by which the Democratic party has been placed in power throughout the South, and may I not say in the nation? You have appealed to Northern people in the manner I have suggested. You have said to this side of the House, "You would not deem it wise, nor expedient, nor yet in any degree safe or tolerable to permit men having no experience in public affairs, being without knowledge of what is demanded of them in official position and lacking the ability and intelligence to administer either county or State affairs, to be placed in control of the highest and most vital interests of the citizens of the Southern States. The result has been that the delinquencies I have men-

tioned in the suppression of the ballot have been in large degree winked at. Winked at partly because there was by many deemed to be some merit in your claim, and largely because the things complained of could not be prevented, nor those who violated the law brought to punishment.

But, gentlemen, if for the sake of the argument it be admitted that there is merit in what you say in extenuation of your resorting to doubtful measures, which sound in violence and fraud, to obtain control of your local affairs, in the interest, as you allege, of good government, it is clear that nothing can be said in justification of reducing one of my constituents in the matter of the potentiality of his ballot cast at a Congressional election to the fifth or tenth part of one of your constituents. And yet that is just what is proposed in the case now pending before the House.

Mr. Speaker, it is quite enough that through these instrumentalities of violence and fraud (sanctioned as you allege by the sacredness of the end to be attained) you secure and retain in your control the local affairs which pertain to your State. It ought to be enough that you thus secure and retain control of the affairs of Alabama and Georgia. But, sir, even on your theory of the necessities of the situation, it is presuming too much upon the intelligence and patience of the patriotic people of the Northern States to demand of them that you be permitted by the suppression of Republican votes cast by blacks or whites anywhere to extend the area of your control to the whole nation, and thus through Congressional action manage the affairs of Ohio, Indiana, and Michigan even as you do your own. But all that is in the last analysis involved in the determination of the question which we are now considering.

Gentlemen, what are the alleged facts to be proven, and what are the known and conceded facts involved in this discussion and with which we are called upon to deal? You know as men of experience in the practical affairs of life, and especially as lawyers who have been accustomed to search through the intricacies of tangled facts and find the truth—you know, I repeat, that it frequently occurs that allegations seemingly well attested by evidence are overthrown and completely put to rout by the strong probabilities that inhere in the known and admitted facts involved in the subject-matter to which the allegation relates.

The allegation is that the sitting member, a Democrat, was elected from the Fourth district of Alabama by a majority of about 14,000 over the regular Republican nominee.

The known facts are that the district in question contains about 6,500 white voters and over 27,000 colored voters; that the district is overwhelmingly Republican; that the appointment of inspectors of the election was made by Democratic officials; that the two Democratic inspectors were competent men, could read and write, and seemed to have been selected with direct reference to their fitness to do what was required of them, whatever that may have been, while the representative of the Republicans, whose duties required that he should be able to read and write, was in every instance selected and appointed, seemingly at least, because he could do neither. So we see that on the one side men who had the capacity to commit fraud, if so disposed, were appointed, and on the other a man selected who would not be able to detect the fraud if it was committed right under his nose.

What other admitted facts do we find? Why, that twice have the returns from the Fourth district of Alabama been condemned by this House, and twice has the member holding the certificate of election been unseated because of gross frauds committed by the officers of election. This was done once by a Republican House, once by a Democratic House—the Forty-seventh and the Forty-eighth Congresses. Thus we have presented the allegation and certain conceded facts in the light of which, on the evidence, we are to determine this case.

It is a strange proposition that the only district in Alabama which the Democratic Legislature of that State set apart as an overwhelmingly Republican district, as a reliable Republican district, should become in a day if not the only at least one of the most reliable Democratic districts in the State.

The gentleman has asserted that there is a strong disposition on the part of the colored men to vote the Democratic ticket. There is no inherent probability that that assertion can possibly be sustained by the fact. However, he may have been deceived as to the disposition of the colored men to vote the Democratic ticket; the observation, the experience, and the testimony of men white and black, North and South, are to the effect that the colored voters of the South, when permitted to vote at all, will vote the Republican ticket, and no reason is offered why the colored men of the Fourth district of Alabama should form an exception to the rule. It appears that while the colored man will confer with his old master and white neighbor touching the price of a mule, or the desirability of hiring a plantation, or the fit of a coat, or the value of corn, he will not take his advice or seek his counsel in performing his political duties, and that for reasons that are too obvious to need recounting.

Gentlemen, look at the population of this Fourth district, and I call your attention to the record for a moment in the light of what I termed the inherent probabilities in this case. The whole white population of all that district in 1880, according to the census, was 32,000 and a few hundred, and the colored population 135,000. Giving, according to the rule, one voter to each five of the population, we have of white voters only 6,500, and of colored voters over 27,000. And yet I am told notwithstanding you corraled those colored men as Republicans in that district. Knowing that there were and are in the district five Republicans to one Democrat, yet you tell me in the face of all our experience, in the face of our knowledge born of that experience, that such great political changes have been wrought recently among those colored Republicans that Colonel Davidson, the Democratic candidate for Congress, walks off with a majority of over 14,000 over Judge McDuffie, his Republican competitor. Paul's conversion is not to be mentioned in comparison with the conversion you claim for the colored men of that district. [Laughter and applause.]

Gentlemen, if it was proposed to commit fraud in the interest of the sitting member, could steps have been taken better calculated to subserve that end than the appointment in every instance of a Republican inspector who could neither read nor write, when the proper discharge of his duties in securing an honest election required that he should be able to do both? That these utterly illiterate Republican inspectors were not selected by accident is too clear to need argument. That they were selected because of their illiteracy can not be doubted, and the reason for such selection is obvious, and certainly no one suspects that it was done for an honest purpose. To state the case is to argue it.

Now, I ask you another question: Is it probable that these men were thus suddenly swept from their political allegiance and converted to the Democratic faith and hurried pell-mell to the support of the sitting member, Colonel Davidson? I take it for granted that the colonel is a reputable citizen and a good man. I take it for granted that he is a man of character and standing in the community where he resides. I am assured also by my Democratic friends that Judge McDuffie enjoys the respect and confidence of all men who know him. Then, so far as the character and standing of the two candidates were concerned, there was nothing to prompt the Republicans to leave their chosen candidate and run in a mass to vote for his Democratic competitor. There is no other instance of the kind on record, not one; and until human nature changes greatly there never will be one.

Let me call attention, gentlemen, to another fact before referred to. The Forty-seventh Congress unseated the then sitting member from the Fourth Congressional district of Alabama by reason of gross frauds in that district committed in his interest. But you say that was a Republican Congress. Following swift upon the heels of that the Forty-eighth Congress, which has not been suspected of being a Republican Congress, also unseated General Shelley (a gentleman popular at home and on this floor) because of frauds committed in the district, by the aid of which he obtained his certificate. And yet you tell me in the face of these facts that it is monstrous to suggest that frauds were there practiced in the interest of the sitting member. I say that the inherent probabilities are all against him, and so strongly against him that the report of the majority of the committee is matter of surprise to me. I want to be fair and just in this matter. It is true we reason in the direction of our desires; but, gentlemen, it must have taken a very earnest course of reasoning to induce you to believe that such conversions from the Republican to the Democratic faith as are here suggested, and must have been necessary to produce such a result if the election was honest, ever did or by any possibility could have taken place in that district.

Mr. SOWDEN. Let me ask the gentleman a question. Is fraud ever presumed or inferred?

Mr. BUTTERWORTH. No; fraud is not presumed; but if you go into a room where there is nothing but a hat, and after you come out the hat is missing, the reasonable presumption will be very strong that you got the hat. [Great laughter.] When any candidate, as in the case at bar, goes into a district where there are five Republicans, devoted, earnest Republicans, to one devoted, earnest Democrat, or, in other words, finds 27,000 Republicans to 6,500 Democrats, and also finds all the arrangements complete to afford such candidate the opportunity to change the Republican majority of twelve or fifteen thousand to a Democratic majority of over 4,000, and that is actually done if the record be true, there is, as in the case of the hat, a very strong and, to my mind, a conclusive presumption the majority was not the result of the votes cast, but the manner of counting and returning the result after they were cast; and in the presence of the known facts in this case, I think we are well justified in suspecting that something is wrong—don't you, Brother WISE? [Laughter and applause.] Of course you do. In other words, everybody here, Republican and Democrat, knows that there was something wrong.

I am not speaking now simply in defense of the rights of Mr. McDuffie, but of the whole American people. I admit, if you please, that these men may have been mistaken as to a part of their testimony, as to the number of votes cast at particular precincts—these colored men, I mean. But the things we do know enable us to reason with certainty to the things of which we can not have actual personal knowledge. When I see a line of devoted Republicans who are willing to die for the cause they espouse, standing at the door of the room in which the voting is going on, each supplied with a Republican ticket, and are assured by others that they saw those tickets handed by the voter to the

inspector of election, I have good reason to conclude that those tickets were voted and should have been deposited in the ballot-box and counted, and to expect that this House will see to it that those ballots find expression in controlling the results of that election, and if they do not, the trouble is not that the ballots were not cast, but that they were not honestly counted and a just and true return made of that count.

Now, my friend from Virginia [Mr. O'FERRALL] has deprecated the fact that politics have been drawn into this discussion. Sir, I agree that we should approach the consideration of this question with calmness and deliberation, without partisan or other prejudice for or against either of these gentlemen, but with a view of getting at what is right, in order that the American people may feel that elections are not a mere means of juggling with the highest rights of the citizen in the interest of partisan ambition.

It is a lamentable fact, but a fact none the less, that already all over this country we are coming to believe that men may tamper with the ballot and be guilty of but a mere indiscretion. Sir, the sooner we, as the representatives of the people, disabuse the public mind of that idea the better. It ought to be understood that this, the only representative body in this nation so far as the General Government is concerned, elected directly by the people, can be trusted to stand guard within the limits of our jurisdiction over this more than sacred right, without which all other rights are likely to be sacrificed.

Now, I want to refer to what my honored friend from Texas [Mr. MOORE] has said, and I do so because his statement may mislead some if unchallenged. He said that thirty precincts of the district in question were not inquired into, and he therefore infers that these precincts are to pass unquestioned. Although fraud was sown throughout that district as the goddess Ceres scattered corn throughout the earth, we are to understand that as to these thirty precincts the returns are pure because they were not inquired into and the official returns scrutinized, when the fact is, as I am informed, that this contestant was unable, for want of time, to reach them, not having sufficient facilities in prosecuting his investigations and taking his testimony to visit each precinct.

He took testimony up to the last minute of his time, and, as stated, he was unable to reach these thirty precincts; but in my judgment they were all tarred with the same stick, and in point of fact the result in those precincts, if inquired into, would have been found to be precisely the same. The so-called conversion of black Republicans extended throughout the district.

I have run over some statistics to ascertain the probabilities as to that district. In 1876 the Democracy cast only about one-fourth as many votes as the Republicans; but through these peculiar agencies with which we are so familiar, they have been enabled to increase their ballots until to-day a Republican district in Alabama, created a Republican district by Democratic legislation, containing a clear Republican majority of from ten to fifteen thousand, and so intensely Republican as to be called the "black district," because it contained five Republicans, mostly colored men, to one Democrat, is now, through the jugglery of the ballot-box, the suppression of the ballot, and the forgery of returns, able to return 11,000 Democratic majority, a greater majority than was returned by all the other districts of Alabama put together, if I am correctly informed. [Applause.]

[Here the hammer fell.]

Mr. CRISP. I shall invite the attention of the House for a short time only to the case that is before it. I shall not wander, Mr. Speaker, to follow the distinguished gentlemen on the other side in paths that I think lead away from the case. I shall not stop to answer arguments that have no bearing on the matter we are now considering. But I shall seek to confine myself to a short discussion of what this case is, and I ask the House, both this side and that, although experience may tell us it is almost hopeless to appeal there—I shall ask the House for a candid expression of opinion upon the evidence.

At the threshold of this case, before a single word of testimony is alluded to, we are invited by the distinguished gentlemen who filed the minority report to consider the history of the district from which the contest comes. I understand, Mr. Speaker, that the province of this House is to judge of the election of its members; to judge by the law and by the evidence; to determine by the evidence the number of votes cast, and to decide the case in accordance with that evidence. The principle invoked by these gentlemen in referring to the previous elections in this district involves the idea that there can be no change in the political opinion of individuals.

Is it your experience, sir, is it the experience of any man at all familiar with public affairs, that this is true? Does not the fact, Mr. Speaker, that the Executive Mansion is to-day occupied by a Democrat, elected after twenty-four years of Republican rule there, demonstrate conclusively that there has been, somewhere in this country, a change in the political opinions of individuals? No man can deny this, and yet we are gravely asked, in judging under the Constitution of the United States as to who was duly elected a Representative to the Fiftieth Congress from the Fourth district of Alabama, to determine that in that district no change of opinion shall be permitted; in that district as the people felt and voted ten years ago, so they must continue to feel and vote for all time to come.

But, Mr. Speaker, in view of the vote in that district for the past ten years we can not thus conclude. Let us examine this vote. In 1874 the Republican majority was 14,000; in 1876 it was 9,000; in 1880 it was 2,800; in 1882 it was little more than 3,000. These figures, Mr. Speaker, are from the official returns and the reports of the Election Committee of this House. I am unable to give you the exact vote in 1884. But I can say to you, gentlemen, that there was a notice of contest filed by the Republican candidate; he afterwards abandoned the contest, and the contestee in this case sat as a Representative from that district in the Forty-ninth Congress.

Gentlemen presume, outside of the evidence, to assign the reason for this abandonment. It seems to me, in the absence of evidence, and there is none, that the presumption is that the investigation of the case by that contestant and his counsel satisfied him that there was nothing in the case to justify its continuance. There was nothing in the past history of the Democratic party in this House that would lead him to believe he would not get justice here. I can confidently appeal to the record of the Democrats in that and this House when I make the assertion that they pass upon election cases fairly under the law and the evidence, and where they believe a Republican has been elected they award him the seat.

It seems, then, that the 14,000 Republican majority of 1874 has been changed to a Democratic majority in 1884, and that at the election in that year the Democratic candidate was elected. So much for the history of the district.

The vote for the sitting member was 14,913. Mr. McDuffie received 3,526 votes; and the colored candidate, named Turner, received 2,519. On that state of the returns a contest was entered. Numerous specifications of fraud are alleged, most of them going to the fact that the managers at the various precincts falsely counted the ballots. There is no charge of intimidation; there is no intimation that any man could not freely go to the polls and vote. But there is a distinct charge that the managers of the election violated their sworn duty and counted for the contestee votes cast for the contestant.

Without dwelling upon it, I wish to call attention here to the method adopted by the contestant to sustain his charges. If you were required to produce evidence that the ballots cast at an election were not honestly counted by the managers, you would naturally go first to the ballots, because they speak for themselves. "Ah, but," says the gentleman from Massachusetts, "how could we suppose that the managers of election would leave the ballots unchanged or would keep them as they found them?"

Mr. Speaker, the same spirit that prompted that remark accounts for a number of things that have been said on the other side. Those gentlemen make a bald charge—a charge without evidence, as the gentleman from Ohio [Mr. BUTTERWORTH] did, and then they say, "As we have charged it, it must be presumed to be true until you disprove it." They charge the election managers with the commission of a fraud, and when we ask them why they do not produce the ballot-boxes and show it, they say, "Is it to be supposed that these men who are reeking with fraud would not have changed the boxes to suit themselves?" Upon that kind of argument the House of Representatives, not as a Democratic House, not as a Republican House, but as honorable gentlemen sent here to represent the American people and sworn to decide this case as judges, are asked to unseat the contestee.

They are asked upon bare rumor, upon bare assertion, to unseat a gentleman who appears to have been elected by a majority of several thousand votes, who produces the certificate of the governor of his State, and who has behind him the sworn return of the election managers in every precinct. Upon such a mere bald, unsupported statement as that they are asked to unseat him.

Mr. Speaker, the ballots should have been examined. But pass from that, if you please, and go to the evidence and let me call attention, so far as my time will permit, to the character of case presented here. The contestant proceeded to take evidence; he proceeded to assail as best he could each precinct, and he took evidence which he claimed established fraud.

Mr. KERR. Will the gentleman yield for a question?

Mr. CRISP. I respectfully decline. This contestant took evidence which he claims will show the number of votes that were cast for him at a number of precincts. He came before the Committee on Elections, as the minority well understand, and presented his case upon this theory: "I attack a number of precincts in the district; I have shown that the returns are unworthy of credence; I have established by *aliunde* testimony a given number of votes in each of those precincts, and, taking those votes as I have established them and rejecting the returns from those precincts, the result elects me over Davidson by some seven or eight thousand majority." That is the contestant's case as he presented it and as he claimed his evidence established it.

Now, Mr. Speaker, when the Committee on Elections began to consider this case, nobody had heard of any charge of conspiracy in the matter. I will show later that the "conspiracy" originated with the minority of the Committee on Elections. As I have said, the case made by the contestant was, in substance, that he had proven by evidence facts which would authorize the rejection of a number of polls, that he had shown that at those polls there were a certain number of votes cast, and that, adding them together, he would have the majority; but

when the committee came to consider that question it was found that the contestant's theory would not work; that, giving him credit for all the votes he claimed to have, and giving the contestee credit for all the votes that the same evidence showed that he had received, there was still a majority for the contestee. In that state of the case, what was to be done? According to the theory of my friend from Ohio [Mr. BUTTERWORTH], and the distinguished gentleman from Massachusetts [Mr. LODGE], the colored voter belongs to the Republican party. By reason of his color he must be assumed to be a Republican. "What can we do?" they asked. "It will not do to retain this Democrat in the seat; it will not do to break the uninterrupted record of the Republican party in always voting to seat a Republican. Something must be done. What shall it be?"

Right there, Mr. Speaker, began the "conspiracy" in this case—I do not use the term in any offensive sense. It was discovered that the theory on which the contestant had presented his case would not do, and something must be done to give the Republican the seat. I do not know which of the distinguished gentlemen upon the minority of the committee is entitled to the credit of inventing the "conspiracy." I suspect that I could point out the individual, but I shall not emulate the example of the gentlemen on the other side, and undertake to decide the question on mere suspicion.

The new idea was that a conspiracy must be established, and the question was, how? They said we will show that the Uniontown precinct ought to be thrown out. We will show that this precinct and that precinct and the other precinct ought to be thrown out, and then we will say that there was a conspiracy in this district to count in Davidson and to count out McDuffie. Now, I appeal to the House as reasonable men to answer this question: If there are twenty precincts in a county and you have indubitable evidence that in ten of them there have been frauds, will you therefore reject the other ten? It is admitted that as to thirty precincts in this district there is not a line of evidence assailing the integrity of the returns. Are we, upon this miserable presumption about which we have heard, to determine that three election officers in each of such precincts deliberately committed perjury?

Such is the proposition of the minority. The contestant himself and his able attorney never thought of such a thing. That idea had its birth here. Reference to the brief will show that contestee claimed that he had successfully assailed all the boxes except certain ones at which 3,411 votes were cast for contestee. He gives contestee these votes, because he says he has not had time to produce evidence of their illegality. Now the minority find that the uncontested vote for contestant is 2,014. This leaves a majority of 1,397 for contestee.

Understand, now, if you take the uncontested returns from this district, throwing out every precinct where there is a contest, rejecting, if you please, every ballot-box that they assail, and standing alone upon the uncontested ballots, and the contestee has a majority of 1,397. But these gentlemen, these ingenious gentlemen, do not propose to do that. They say to you that the uncontested vote of Lowndes County gave a majority to the contestant, and therefore they will seat him. What are you going to do with the uncontested vote in the other counties? They propose to reject it. Can we afford to do that?

Mr. Speaker, when I first saw the report of the minority and found that they were dwelling upon "the plenary power of Congress," I suspected that they intended something wrong. I question the motive of an individual when in the very approach to a question of law and fact he invokes a disregard of existing and established law. When I saw such an invocation in the minority report I was curious to know what would follow. Proceeding with an examination of that report, I found the minority discussing to some extent the vote at the various precincts, and then they set up this wonderful discovery of "conspiracy." Who ever heard that evidence of fraud in two or ten precincts would establish it in twenty others where there was not a line of evidence assailing the regularity and legality of the proceedings? It was reserved for this ingenious minority to take that view and present it for the first time to the American Congress. I commend them, sir, for dwelling upon the "plenary power" of Congress when they present a proposition like that.

Mr. Speaker, in the little time remaining I can only notice one or two other points. If you examine the report of the minority you will find the most extraordinary propositions presented. You will find that on page 31 they head a certain portion of their report with these words, "Returns which appear fraudulent on their face." Now, from a heading of that sort you would expect upon looking at the returns to see some evidence of fraud. You could not guess what the evidence is. The evidence which they set up as showing on its face the existence of fraud is the fact that in certain precincts named Mr. McDuffie did not receive any votes! [Laughter.] That is the evidence. Because Mr. McDuffie did not receive any votes there is fraud on the face of the returns!

Why, Mr. Speaker, I should take that to be an evidence of the intelligence of the voters of those precincts, not an evidence of fraud. [Laughter and applause.]

But if you will go to the record in reference to the list of precincts here presented you will find something besides the case as exhibited by the appearance of the returns. The evidence will show you that at one of these precincts there were no McDuffie tickets distributed. The man who came with the McDuffie tickets—and I commend this to the earnest gentlemen on the other side—got into a discussion with another colored man as to the merits of the two candidates, and they resolved, strange as it may seem to our Republican friends—they resolved that in this contest they would vote for Davidson; and they did not distribute Mr. McDuffie's tickets.

I ask the special attention of gentlemen on the other side to the evidence of Henry Bennett, on pages 210, 211:

I can not say for certain how many, but I think right smart of the colored voters voted this time for Mr. Davidson. Things have changed down there a good deal. Three years ago nearly all of the colored people down there were Republicans, but good many of them vote the Democratic ticket now.

"Things have changed," my friends, in that part of the country; and I thank God for it. I call attention to the evidence of John Callier, on page 212:

I belong to the colored race; I voted for A. C. Davidson for Congress at that election. * * * Not a great while before election on 2d of November, 1886, the colored people in that precinct held meetings; these meetings were largely attended, there being perhaps from fifty to one hundred or more people at each of them. At these meetings political affairs were discussed, and the colored people agreed that inasmuch as they had been voting for Republican nominees heretofore, without any benefit to themselves or the country, they would at the November election support the Democratic nominee, A. C. Davidson.

[Applause.]

So you see, Mr. Speaker, that even in a region where the Republican party claim and maintain that the dense ignorance of the colored people should keep them Republicans, light is breaking in. Why, sir, can any reason be given why colored men should vote the Republican ticket? Has that party ever given them anything but promises? Time after time, when an election was approaching, the hope has been held out to them of something to be gained from that party, and time after time there has been impressed upon them the dread of something fearful to come from the success of the Democracy.

But, Mr. Speaker, every man within the sound of my voice who has ever lived in the South knows that but for the miserable carpet-baggers that infested that part of the country after the war there never would have been any division between the white people and their former slaves. [Applause.] There has been no time since the freedom of the negroes when the people of the South were not their best friends, and the colored people begin to know it. Every year and every day numbers of them are becoming satisfied of this truth. There is not an economical question pending before the House to-day in which their interest is not identical with the interests of the white agriculturists among whom they live. There is not one of them who, in grief or distress, does not go to his white neighbor for aid and comfort. In poverty and in sickness the white people help them; they educate them. The interests of the two races are identical; why should they be separated in politics? I will tell you the only reason they ever have been separated: beause the miserable camp followers, the men who came down to the South after the war to prey upon an oppressed and poverty-stricken people in order to obtain office, deceived and misled them as to the real feeling of the people of the South. That is the reason and the only reason. But, Mr. Speaker, that day is passed. The last threat of the Republican party in the South has been tried. Every prophecy of theirs has failed. At the last Presidential election, when these colored people were inclined to leave the Republican party in droves and vote with the best and only friends they have, they were told by these same Republican leaders, "If Cleveland is elected you will go back into slavery."

That may seem absurd, and yet, my friends, I say to you, hundreds of these ignorant and misguided men believed it.

Now the Democrats are in power here, the rights of the colored men have been fully protected and maintained. Even that threat, about the last weapon the Republican party had to fire, even that threat, has been tried, and they have found it to be untrue.

Therefore, Mr. Speaker, there need be no surprise upon the mind of any man that a great many of these people who are identified in interest, for good or ill, with their white neighbors have determined to vote with them, and no fair-minded man at all acquainted with the situation in the South can insist that a Democrat should be ejected from the House of Representatives because his district contains more black men than white men.

Now, if I had time I might say something in reply to the insinuations of the distinguished gentleman from Indiana. I have not the time. Perhaps I may have occasion or opportunity before this Congress ends to make some reply to those insinuations. I wish him to understand and the House to know, so far as the State of Georgia is concerned, and her Representatives, they are entirely willing that all men may know the manner in which elections are there conducted. There has been no suggestion, even, from any source of fraud in those elections. I say what may be unpleasant to some to hear, and yet is nevertheless true, as soon as the Democratic party came into power and the Republicans could no longer obtain Federal offices their political organization went to pieces. There is practically no Republican party in the State. You had none except the office-holders and a few deluded followers, and when the office-holders lost their hold upon the Treasury they changed

either their residence or their politics, and the Republican party, so far as the State of Georgia is concerned, practically ceased to exist.

I may say we have had peculiar politics down there on the part of the Republicans. If I had the time I could tell you how a Republican convention rejected an ex-Attorney-General of the United States for its presiding officer and elected a colored man; how that convention then solemnly resolved that three-fourths of the offices belonged to the colored people by right. I could tell you how the white Republicans left the convention and demoralization ensued. I could show you how the white Republican office-holders in the South have generally been Republicans for "revenue only," and when we took away from them the offices from which this revenue was derived they lost all interest in the Republican party. I could show you how these people were held together by the "cohesive power of plunder" only, and when they could no longer obtain the plunder they were no longer Republicans and the party practically dissolved.

Mr. HOUK. I wish to say to the gentleman from Georgia that, so far as my portion of the people of the South is concerned, that is not true.

[Applause on the Republican side.]

Mr. CRISP. I do not understand the gentleman from Tennessee lives in the South; certainly not in the sense in which I now use the term. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. LODGE. Mr. Speaker, I desire to move the substitution of the resolution offered by the minority.

The SPEAKER *pro tempore*. The Clerk will read the resolution.

Mr. KERR. Mr. Speaker, pending that I move to recommit. It is very apparent that this report of the majority has been made by mistake. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That J. V. McDuffie is not entitled to a seat in this House as a Representative in the Fiftieth Congress from the Fourth Congressional district of Alabama.

Resolved, That A. C. Davidson is entitled to a seat in this House as a Representative in the Fiftieth Congress from the Fourth Congressional district of Alabama.

The SPEAKER *pro tempore*. The Clerk will now report the substitute proposed by the minority, on which the vote will first be taken.

The Clerk read as follows:

Resolved, That Alexander C. Davidson was not elected a Representative to the Fiftieth Congress of the United States from the Fourth district of Alabama.

Resolved, That John V. McDuffie was duly elected a Representative to the Fiftieth Congress of the United States from the Fourth district of Alabama, and is entitled to his seat.

Mr. CRISP. I demand the previous questions upon the resolutions.

The previous question was ordered.

Mr. CRISP moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KERR. At the request of some of my friends who are in charge of this matter I withdraw my motion.

The SPEAKER *pro tempore*. The question is first on the substitute.

Mr. CRISP. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 144, not voting 58; as follows:

YEAS—122.

Adams,	Dorsey,	Kelley,	Plumb,
Allen, Mass.	Dunham,	Kennedy,	Pugsley,
Anderson, Iowa.	Farquhar,	Kerr,	Reed,
Anderson, Kans.	Finley,	Ketcham,	Romeis,
Arnold,	Flood,	La Follette,	Rowell,
Atkinson,	Fuller,	Laidlaw,	Russell, Conn.
Baker, N. Y.	Funston,	Laird,	Ryan,
Bingham,	Gaines,	Lind,	Sawyer,
Boothman,	Gallinger,	Lodge,	Scull,
Bound,	Gear,	Long,	Seymour,
Boutelle,	Gest,	Lyman,	Spooner,
Bowen,	Goff,	Mason,	Steele,
Brewer,	Grosvenor,	McComas,	Stephenson,
Brower,	Grout,	McCormick,	Symes,
Browne, T. H. B., Va.	Guenther,	McKenna,	Taylor, J. D., Ohio
Browne, Ind.	Harmer,	McKinley,	Thomas, Ky.
Brown, Ohio	Haugen,	Milliken,	Thomas, Wis.
Buchanan,	Hayden,	Moffitt,	Thompson, Ohio
Bunnell,	Henderson, Iowa	Morrill,	Turner, Kans.
Butterworth,	Henderson, Ill.	Morrow,	Vandever,
Cannon,	Hermann,	Nelson,	Warner,
Caswell,	Hiestand,	Nutting,	Weber,
Cheadle,	Hires,	O'Neill, Pa.	West,
Cogswell,	Hitt,	Osborne,	White, Ind.
Conger,	Holmes,	Owen,	Wickham,
Cooper,	Hopkins, N. Y.	Parker,	Wilber,
Crouse,	Houk,	Patton,	Williams,
Dalzell,	Hovey,	Payson,	Yardley,
Darlington,	Hunter,	Perkins,	Yost.
Davis,	Jackson,	Peters,	
Dingley,	Johnston, Ind.	Phelps,	

NAYS—144.

Abbott,	Anderson, Miss.	Bankhead,	Belmont,
Allen, Mich.	Anderson, Ill.	Barnes,	Biggs,
Allen, Miss.	Baker, Ill.	Barry,	Blanchard,
Bland,	Fisher,	Lawler,	Rogers,
Blount,	Ford,	Lee,	Russell, Mass.
Breckinridge, Ark.	Forney,	Macdonald,	Sayers,
Breckinridge, Ky.	French,	Maish,	Shaw,
Bryce,	Gay,	Mansur,	Shively,
Buckalew,	Gibson,	Martin,	Simmons,
Burnes,	Glass,	Matson,	Snyder,
Burnett,	Glover,	McClammy,	Sowden,
Bynum,	Greenman,	McCreary,	Springer,
Campbell, Ohio	Grimes,	McKinney,	Stahlnecker,
Candler,	Hall,	McMillin,	Stewart, Tex.
Carlton,	Hare,	McRae,	Stewart, Ga.
Caruth,	Hatch,	Merriman,	Stockdale,
Catchings,	Hayes,	Mills,	Stone, Ky.
Chipman,	Heard,	Montgomery,	Stone, Mo.
Clardy,	Hemphill,	Moore,	Tarsney,
Clements,	Henderson, N. C.	Morgan,	Taulbee,
Cobb,	Herbert,	Morse,	Thompson, Cal.
Compton,	Hogg,	Neal,	Tillman,
Cothran,	Holman,	Newton,	Tracey,
Cowles,	Hooker,	Oates,	Turner, Ga.
Crisp,	Hopkins, Va.	O'Ferrall,	Vance,
Culberson,	Hudd,	O'Neall, Ind.	Walker,
Cummings,	Hutton,	O'Neill, Mo.	Washington,
Dargan,	Johnston, N. C.	Outhwaite,	Weaver,
Davidson, Fla.	Jones,	Peel,	Wheeler,
Dibble,	Kilgore,	Penington,	Whiting, Mich.
Dockery,	Laffoon,	Perry,	Whitthorne,
Dougherty,	Lagan,	Randall,	Wilkins,
Dunn,	Landes,	Rayner,	Wilson, Minn.
Elliott,	Lane,	Rice,	Wilson, W. Va.
Enloe,	Lanham,	Richardson,	Wise,
Ermentrout,	Latham,	Robertson,	Yoder.

NOT VOTING—58.

Bacon,	Crain,	Mahoney,	Sherman,
Bayne,	Cutcheon,	McAdoo,	Smith,
Belden,	Davenport,	McCullogh,	Spinola,
Bliss,	Davidson, Ala.	McShane,	Stewart, Vt.
Bowden,	De Lano,	Nichols,	Struble,
Brown, J. R., Va.	Felton,	Norwood,	Taylor, E. B., Ohio
Brumm,	Fitch,	O'Donnell,	Thomas, Ill.
Burrows,	Foran,	Phelan,	Townshend,
Butler,	Granger,	Pidcock,	Wade,
Campbell, F., N. Y.	Hopkins, Ill.	Post,	White, N. Y.
Campbell, T. J., N. Y.	Howard,	Rockwell,	Whiting, Mass.
Clark,	Kean,	Rowland,	Wilkinson.
Cockran,	Lehlbach,	Rusk,	Woodburn.
Collins,	Lynch,	Scott,	
Cox,	Maffett,	Seney,	

So the substitute was rejected.

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced:

Mr. STEWART, of Vermont, with Mr. CRAIN, until Thursday, March 8, on all political questions.

The following were announced as being paired on all political questions until further notice:

Mr. PHELAN with Mr. BUTLER.
Mr. BACON with Mr. DE LANO.
Mr. MCSHANE with Mr. MCCULLOGH.
Mr. LYNCH with Mr. LEHLBACH.
Mr. PIDCOCK with Mr. BOWDEN.
Mr. WILKINSON with Mr. SHERMAN.
Mr. COLLINS with Mr. BRUMM.
Mr. FORAN with Mr. HOPKINS, of Illinois.
Mr. TOWNSHEND with Mr. WHITING, of Massachusetts.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. GRANGER with Mr. ROCKWELL.

The following were announced as being paired on all political questions for this day:

Mr. SCOTT with Mr. DAVENPORT.
Mr. NORWOOD with Mr. POST.
Mr. RUSK with Mr. FELTON.
Mr. FELIX CAMPBELL with Mr. CLARK.
Mr. HOWARD with Mr. BAYNE.
Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.
Mr. ROWLAND with Mr. NICHOLS.
Mr. MCADOO with Mr. KEAN.
Mr. BLISS with Mr. WHITE, of New York.
Mr. COCKRAN with Mr. STRUBLE.
Mr. MAHONEY with Mr. WADE.
Mr. EZRA B. TAYLOR with Mr. SENEY, on the election case.

The result of the vote was then announced as above recorded.

Mr. CRISP moved to reconsider the vote by which the substitute was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is now on the resolutions reported by the majority, which the Clerk will read.

The Clerk read as follows:

Resolved, That J. V. McDuffie is not entitled to a seat in this House as a Representative in the Fiftieth Congress from the Fourth Congressional district of Alabama.

Resolved, That A. C. Davidson is entitled to a seat in this House as a Representative in the Fiftieth Congress from the Fourth Congressional district of Alabama.

Mr. ALLEN, of Michigan. I demand the yeas and nays.

The yeas and nays were not ordered, the affirmative not being one-fifth of the last vote.

The SPEAKER *pro tempore*. The question is on agreeing to the resolutions reported by the majority of the committee.

Mr. ALLEN, of Michigan. I desire to say that I asked for the yeas and nays because I believed neither gentleman was elected.

The SPEAKER *pro tempore*. Debate is not in order.

The resolutions were adopted.

Mr. CRISP moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution providing for the distribution of undistributed copies of the Rebellion Record.

Also, that the Senate had passed a joint resolution (S. R. 60) directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid regions of the United States, and to report to Congress; in which the concurrence of the House of Representatives was requested.

And then, on motion of Mr. CRISP (at 5 o'clock and 2 minutes p. m.), the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 8152) for the relief of Alfred T. Moreland—to the Committee on Military Affairs.

By Mr. CAREY: A bill (H. R. 8153) for the relief of Isaac Fieldhouse—to the Select Committee on Indian Depredation Claims.

By Mr. CHIPMAN: A bill (H. R. 8154) granting a pension to Thomas Shannon—to the Committee on Pensions.

By Mr. DUBOIS: A bill (H. R. 8155) for the relief of Davis Levy—to the Select Committee on Indian Depredation Claims.

By Mr. HAYES: A bill (H. R. 8156) granting a pension to Mrs. Sarah Meader—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 8157) to correct the record of John Holloran, and for other purposes—to the Committee on War Claims.

Also, a bill (H. R. 8158) to remove the charge of desertion against Frank Wempe—to the Committee on Military Affairs.

Also, a bill (H. R. 8159) granting a pension to Jane Brown Dunn—to the Committee on Invalid Pensions.

By Mr. JOSEPH: A bill (H. R. 8160) for the relief of the legal representatives of Miguel Desmarais and others—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 8161) for the relief of Rafael Romero—to the Select Committee on Indian Depredation Claims.

By Mr. MATSON: A bill (H. R. 8162) for the relief of Edward Mahoney—to the Committee on War Claims.

By Mr. MCCOMAS: A bill (H. R. 8163) to remove the charge of desertion from the military record of Malcolm Sinclair—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 8164) granting a pension to William H. Hester—to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 8165) granting a pension to Joseph Sullivan—to the Committee on Invalid Pensions.

By Mr. M. A. SMITH: A bill (H. R. 8166) for the relief of Pima County, Arizona, to legalize its indebtedness, and provide for funding the same—to the Committee on the Territories.

By Mr. STONE, of Kentucky: A bill (H. R. 8167) for the relief of Mrs. E. O. Perkins—to the Committee on War Claims.

By Mr. SYMES: A bill (H. R. 8168) for the relief of James Wilcox, William T. Holt, and legal representatives of Paul D. Dowlin—to the Select Committee on Indian Depredation Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 8169) granting a pension to William Green—to the Committee on Invalid Pensions.

By Mr. VOORHEES: A bill (H. R. 8170) for the relief of Henry Ayres—to the Committee on Ways and Means.

By Mr. THOMAS WILSON: A bill (H. R. 8171) removing the charge of desertion from the military record of Thomas J. Kelley—to the Committee on Military Affairs.

By Mr. G. A. ANDERSON: A bill (H. R. 8172) for the relief of Samuel G. Cabell—to the Committee on Claims.

By Mr. A. R. ANDERSON: A bill (H. R. 8173) for the relief of Benjamin M. Belvel—to the Committee on Invalid Pensions.

By Mr. RICE: A bill (H. R. 8174) granting a pension to Ellen Sexton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8175) for the relief of Emily M. Hooe—to the Committee on Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 8176) for the relief of George W. Quick—to the Committee on War Claims.

By Mr. THOMAS WILSON: A bill (H. R. 8177) to remove the charge of desertion from John Chase—to the Committee on Military Affairs.

By Mr. SAWYER: A bill (H. R. 8178) for the relief of Jane Armstrong—to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 8179) granting a pension to Henry P. Alexander—to the Committee on Invalid Pensions.

Changes in reference of bills improperly referred were made in the following cases:

A bill (H. R. 3094) for the relief of the heirs of R. D. Hay—from the Committee on War Claims to the Committee on Ways and Means.

Also, a bill (H. R. 7920) for the relief of John Swan—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Paper in the claim of Nancy J. Cline, widow of William J. Cline—to the Committee on Invalid Pensions.

By Mr. BACON: Petition of James McAndrew, for payment of his war claim—to the Committee on War Claims.

By Mr. BELMONT: Petition against Senate bill No. 1842, amending act authorizing the Arthur Kill bridge—to the Committee on Commerce.

By Mr. BLANCHARD: Three petitions of citizens of Louisiana, asking that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. BOUND: Resolution of Wiconisco Council, No. 57, Junior Order United American Mechanics, of Dauphin County, Pennsylvania, that February 22 be declared a legal national holiday—to the Committee on the Judiciary.

By Mr. BOUTELLE: Petition of David Hurlburt, alias Daniel Rannals, for relief—to the Committee on Military Affairs.

By Mr. BUNNELL: Resolutions of Elk Lake Grange, Patrons of Husbandry, protesting against the repeal of the oleomargarine law and the adulteration of lard—to the Committee on Agriculture.

Also, resolutions of the same, for reduction of postage on seeds, bulbs, plants, etc., and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT (by request): Petition against removal of internal-revenue tax on tobacco—to the Committee on Ways and Means.

Also (by request), petition for prohibition in all new States—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CASWELL: Memorial of merchants, manufacturers, and business men of Racine, Wis., for the improvement of the Racine Harbor—to the Committee on Rivers and Harbors.

By Mr. COOPER: Petition of Thomas Kendall and 40 others, citizens of Perry County, Ohio, for increase of tariff on wool and revision of tariff on worsteds—to the Committee on Ways and Means.

Also, petition of J. W. Berry and 50 others, citizens of Texas, for increase of duty on wool and revision of tariff on worsteds—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition in the matter of increase of pension for Mrs. Emily F. Warren, widow of the illustrious Maj. Gen. Gouverneur K. Warren—to the Committee on Invalid Pensions.

Also, petition of Charles A. Kron, late of the Seventh United States Cavalry, for relief—to the Committee on Military Affairs.

By Mr. CUTCHEON: Petition of citizens of Muskegon County, Michigan, in favor of increase of compensation of keepers and surfmen of life-saving stations—to the Committee on Commerce.

By Mr. DALZELL: Petition of Onward Lodge, of Tubal Cain Lodge, and of Wayne Lodge of Amalgamated Association of Iron and Steel Workers, in favor of a protective tariff—to the Committee on Ways and Means.

By Mr. FARQUHAR: Protest of 101 citizens of Buffalo, N. Y., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of Empire Grange, of New York, for increased duty on vegetables, etc.—to the Committee on Ways and Means.

By Mr. GIFFORD: Petition of 56 citizens of Wahpeton, Dak., for the passage of the bill for the relief of Maria Black—to the Committee on War Claims.

Also, petition of M. A. Stickney and 15 others, of Sioux Falls, Dak., for the passage of Senate bill 1779, for the protection of forests on the public domain—to the Committee on the Public Lands.

By Mr. HAUGEN: Protest of 24 citizens of Eau Claire, Wis., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Mrs. Sarah Meader, for a pension—to the Committee on Invalid Pensions.

By Mr. T. J. HENDERSON: Petition of Mrs. James H. Broffett, for a pension—to the Committee on Invalid Pensions.

By Mr. S. I. HOPKINS (by request): Petition of miners, laborers, and others, of Coal Valley, of Fayette Station, of Crown Hill, and of Anstead, W. Va., against the repeal of the duty on soft coal, iron ore, etc.—to the Committee on Ways and Means.

By Mr. JACKSON: Petition of the Junior Order of the United American Mechanics of New Sheffield, Pa., that Washington's birthday be made a legal holiday—to the Committee on the Judiciary.

By Mr. LONG: Seven petitions of citizens of Massachusetts, of Iowa, of Wisconsin, of Connecticut, of New York City, of Illinois, and of Maine, for an appropriation for an Icelandic celebration in 1889—to the Committee on Foreign Affairs.

By Mr. LYMAN: Petition of H. A. Telly and 47 others, citizens of Crescent, Iowa, for the issue of fractional currency—to the Committee on Banking and Currency.

By Mr. McKINLEY: Petition of 119 men employed in handling iron ore at Fairport Harbor docks, Ohio, against the reduction of the duty on iron ore—to the Committee on Ways and Means.

Also, resolutions of the Bricklayers' and Masons' International Union of America, relating to the new Library building—to the Committee on the Library.

Also, resolutions of the Amalgamated Association of Iron and Steel Workers, of Youngstown, Ohio, against any legislation tending to cripple the industries of this country—to the Committee on Ways and Means.

By Mr. MERRIMAN: Petition of Ann Buckley, mother of James M. Buckley, of Company I, Second Regiment, United States Artillery, for a supplemental pension from October 13, 1865, to June 18, 1887—to the Committee on Invalid Pensions.

By Mr. NUTTING: Concurrent resolution of the New York Legislature for an appropriation to erect a monument to the prison-ship martyrs of the Revolution—to the Committee on the Library.

Also, concurrent resolution of the same in favor of reduction of hours of labor for letter-carriers and others—to the Committee on Labor.

By Mr. OSBORNE: Memorial of the National League of Musicians of the United States, against the importation of foreign orchestras and military bands competing against the citizen musicians of the United States—to the Committee on Commerce.

By Mr. PARKER: Concurrent resolutions of the Legislature of New York, relating to the erection of a monument at the Wallabout—to the Committee on the Library.

Also, concurrent resolution of the same, relating to compensation of letter-carriers and postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the authorities of La Salle, Ill., for a general law providing for the erection of a public building in all cities and villages of 3,000 inhabitants and over—to the Committee on Public Buildings and Grounds.

By Mr. PENINGTON: Petition of Lewis Frederick, for relief—to the Committee on Claims.

By Mr. PERKINS: Petition of John Stalter and others, of Cowley County, Kansas, for the protection of the wool-growing interests of the United States, and for the restoration of the tariff duty of 1883—to the Committee on Ways and Means.

By Mr. RICE: Resolution of the Chamber of Commerce of Duluth, Minn., for the passage of bills now pending in the Senate providing for draw-bridges across the harbor and ship-canal at Duluth—to the Committee on Rivers and Harbors.

By Mr. RYAN: Petition of citizens of Butler County, Kansas, for legislation to protect the title of settlers upon the Osage Trust and Diminished Reserved Land—to the Committee on the Public Lands.

Also, petition of the Yearly Meeting of Friends, for arbitration treaty with Great Britain and other powers—to the Committee on Foreign Affairs.

By Mr. SENEY: Petition of R. B. M. Cameron and 680 others, citizens of Crawford County, Ohio, for restoring the wool duty as provided for in the act of March 2, 1867—to the Committee on Ways and Means.

By Mr. SPRINGER: Petition of residents on the Public Land Strip, for the creation of a new Territory—to the Committee on the Territories.

Also, two petitions of citizens of Pekin, Ill., against the repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. J. D. STEWART: Petition of R. A. Easen, heir of Sarah McElroy, of Fayette County; of L. S. Waggoner, of Clayton County; of Nancy J. Lee, of Fulton County, and of Jos. Stevens, of Rockdale County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SYMES: Petition to hold a term of the Federal court at Leadville, Colo.—to the Committee on the Judiciary.

Also, petition of citizens of Colorado, and resolutions of wool-growers of Colorado, against reduction of the tariff on wool—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Colorado, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

Also, two petitions against the passage of the indemnity school-land bill—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Memorial in behalf of La Fayette Gregory—to the Committee on Invalid Pensions.

By Mr. S. V. WHITE: Petition in the matter of stained glass—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of Charles G. Blythe, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of B. F. Owen, and of heir of John Page, of Williamson County, Tennessee—to the Committee on War Claims.

By Mr WICKHAM: Petition of citizens of Perkins, Erie County, Ohio, for more effectual protection of agriculture—to the Committee on Ways and Means.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. S. HENDERSON: Of R. Culbertson and 21 others of Rowan County; of Professor F. B. Brown and 16 others of Rowan County; of W. E. Lefevers and 25 others of Catawba County; of Moses Kirke and 55 others of Montgomery County, and of R. M. Cox and 59 others, and of Samuel Lewis and 31 others, of Randolph County, North Carolina.

By Mr. O'FERRALL: Of citizens of Laurel Mill, Rappahannock County, Virginia.

By Mr. STONE, of Kentucky: Of citizens of Epperson, Ky.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BIGGS: Of ex-Union soldiers of Truckee, Nevada County, California.

By Mr. BUNNELL: Of soldiers of Bentley Creek, Bradford County, Pennsylvania.

By Mr. BURROWS: Of H. Thomas and others, and of T. B. Wardon and others, ex-soldiers, of Michigan.

By Mr. GIFFORD: Of O. F. Davis and 31 others, ex-Union soldiers, and of Peter C. Dillon and 36 others, ex-Union soldiers, of Dakota.

By Mr. HEARD: Of citizens of the Sixth district of Missouri.

By Mr. D. B. HENDERSON: Resolution of Mulligan Post, No. 102, Grand Army of the Republic, of Sheffield, Iowa.

By Mr. HERMANN: Of ex-Union soldiers of Albina, Oregon.

By Mr. JACKSON: Of 82 citizens of Lawrence County, Pennsylvania.

By Mr. McCULLOGH: Of Amos Kuhl and others, of W. H. Smith and others, of W. D. Patterson and others, of Samuel McCutchin and others, of John H. Anderson and others, of William Frazier and others, of L. M. Ryckman and others, and of Andrew Cook and others, soldiers and sailors of Westmoreland County, Pennsylvania.

By Mr. McKINLEY: Of Union soldiers of Carroll and Jefferson Counties, Ohio.

By Mr. MATSON: Of J. M. Lowery and 34 others, ex-Union soldiers of Henry County, and of ex-Union soldiers of Huron, Ind.

By Mr. RYAN: Of P. M. Stamp and other ex-soldiers of Kansas.

By Mr. E. B. TAYLOR: Of 32 ex-soldiers of Welshfield, and of 19 ex-soldiers of Green, Trumbull County, Ohio.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. S. T. HOPKINS: Of 193 citizens of Ulster County, New York.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. TOOLE: Of 118 citizens of Montana Territory.

By Mr. YOST: Of 236 citizens of Washington, D. C.

SENATE.

WEDNESDAY, *March* 7, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in pursuance to the requirements of the eighth section of the act of July 22, 1854, supplementary reports of the United States surveyor-general for New Mexico on certain private land claims in that Territory; which, with the accompanying papers, was referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army and a petition of clerks and other employés in his office,

praying for an appropriation to compensate them for extra service rendered; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore* presented certain affidavits and other papers in support of House bill No. 1406, for the relief of the settlers on the so called New York Indian lands in Kansas; which were referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. COCKRELL. I present additional evidence to sustain the claim of Mary J. Bealmear, being the affidavits of Sarah M. Midcap and other affiants, to accompany the bill (S. 872) for the relief of Mary J. Bealmear. I move that these papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. HALE presented a memorial of the Board of Trade of Portland, Me., remonstrating against any legislation which will deprive citizens of the facilities for transportation by the great commercial highways through Canada and between the Atlantic seaboard and the West; which was referred to the Committee on Interstate Commerce.

Mr. STOCKBRIDGE presented a petition of 36 ex-Union soldiers, citizens of Antrim County, Michigan, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BLODGETT presented a petition of citizens of New Jersey, praying that increased compensation be allowed persons employed in the Life-Saving Service; which was referred to the Committee on Commerce.

Mr. COCKRELL presented a petition of soldiers and sailors of the late war, citizens of El Dorado Springs, Mo., and adjoining country, and a petition of surviving soldiers of Bollinger County, Missouri, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of breeders and owners of cattle, citizens and tax-payers of Clinton County, Missouri, and a petition of the Missouri State board of agriculture, praying for the passage of what is commonly known as the Palmer bill, for the suppression and extirpation of pleuro-pneumonia and other cattle diseases; which were ordered to lie on the table.

Mr. SHERMAN presented nine petitions, signed by 408 citizens and ex-Union soldiers of Ohio, praying for the passage of the per diem rated service-pension bill, as follows:

A petition of citizens of Cairo and vicinity;
A petition of citizens of Ohio;
A petition of citizens of Ohio;
A petition of citizens of Ohio;
A petition of citizens of Mecca, Ohio;
A petition of citizens of Ohio;
A petition of citizens of Ohio;
A petition of citizens of Trumbull County, Ohio; and
A petition of citizens of Austinburgh, Ohio.

The petitions were referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of the Washington (D. C.) Laundrymen's Association, praying for the passage of the Mitchell Chinese-exclusion bill; which was ordered to lie on the table.

Mr. CHANDLER presented the petition of Mrs. N. H. Knox, president, and other officers of the National Woman's Christian Temperance Union, and the petition of Mr. I. W. Springfield, of Wolfeborough, N. H., and 104 others, including Mrs. Daniel P. Cate, president, and the other officers of the Wolfeborough Christian Temperance Union, all residents of the First Congressional district of New Hampshire, and Mrs. A. G. Fenner, president, and Mrs. C. R. Wendell, secretary, of the Dover Woman's Christian Temperance Union, praying for the submission to the States of a prohibitory amendment to the Constitution concerning distilled and fermented liquors; which were referred to the Committee on Education and Labor.

Mr. BECK presented a petition of citizens of Hickman, Ky., praying for a reduction in postage on seeds, plants, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented the petition of E. M. Brown and many other surviving soldiers and sailors of the Union Army and Navy, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CAMERON presented petitions of surviving soldiers and sailors of the Union Army and Navy, citizens of West Virginia; St. Petersburg, Clarion County, Pennsylvania; Bedford County, Pennsylvania; Liverpool, Pa.; Carbondale, Pa., and Connellsville, Pa., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the faculty of Bryn Mawr College, Pennsylvania, praying for the speedy enactment of an international copyright law; which was referred to the Committee on Patents.

He also presented a petition of citizens of the Sixth, Eleventh, Seventeenth, Twenty-fifth, Twenty-sixth, and Twenty-ninth Congressional districts of Pennsylvania, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the J. Aitken Meigs Medical Association of Philadelphia, praying for the repeal of the import duties now levied upon medicines and medical and surgical appliances; which was referred to the Committee on Finance.

He also presented a petition of the West Philadelphia Republican Club; a petition of Watkin Waters Post, No. 146, Grand Army of the Republic, of Shenandoah, Pa.; a petition of members of Atlantic Lodge, No. 49, Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa.; a petition of Atlantic Lodge, No. 19, Amalgamated Association of Iron and Steel Workers, of Sharon, Pa.; a petition of Anchor Lodge, Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa.; a petition of Shenango Lodge, No. 4, Amalgamated Association of Iron and Steel Workers, of Sharon, Pa.; a petition of Greenville (Pa.) Lodge, No. 61, Amalgamated Association of Iron and Steel Workers; a petition of Fair Hill Lodge, No. 75, of Philadelphia (Pa.) Amalgamated Association of Iron and Steel Workers; a petition of Raven Lodge, No. 28, Amalgamated Association of Iron and Steel Workers, of Greenville, Pa.; a petition of Liberty Lodge, No. 26, Amalgamated Association of Iron and Steel Workers, of Leechburgh, Pa., and a petition of citizens of Rimersburgh, Pa., praying that no reduction be made in the present tariff duties or in the internal-revenue taxes; which were referred to the Committee on Finance.

Mr. HOAR presented a resolution adopted by the General Court of Massachusetts; which was read, and referred to the Committee on Foreign Relations, as follows:

Resolution concerning an international court of arbitration.

Resolved, That the senate and house of representatives in General Court assembled approve of the efforts being made relating to the ultimate ratification of treaties which shall provide for the settlement by arbitration of any difference or disputes arising between the Governments of Great Britain or other civilized nations and the United States, which can not be adjusted by diplomatic agency, and thereby providing for the settlement of all international difficulties which may arise without resorting to cruel methods of war and bloodshed.

SENATE, *February* 23, 1888.

Adopted. Sent down for concurrence.

E. HERBERT CLAPP, *Clerk.*

HOUSE OF REPRESENTATIVES, *February* 28, 1888.

Adopted in concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

A true copy.
Attest:

E. HERBERT CLAPP,
Clerk Senate.

Mr. VANCE presented a petition of ex-Union soldiers and sailors, citizens of Wilmington, N. C., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. TELLER presented a petition of the Board of Trade of Glenwood Springs, Colo., praying for the establishment of a system of reservoirs in the State of Colorado, for the storage of water for irrigation purposes; which was referred to the Committee on Public Lands.

He also presented the petition of Hon. Moses Hallett, United States district judge; Hon. Henry W. Hobson, district attorney; Judge J. C. Helm, Hon. T. M. Patterson, and 47 other citizens of Colorado, praying for the passage of Senate bill 1779, for the protection of the forests on the public domain; which was referred to the Committee on Agriculture and Forestry.

Mr. BOWEN presented a petition, numerously signed by members of the Anti-Monopoly and Settlers' Rights Association of Colorado, praying for the unconditional repeal of the act of Congress of March 3, 1887, in regard to the title of the Union Pacific Railway Company to certain land except in so far as it may relate to bona fide purchasers of such land who had actually settled upon and improved the same prior to the Dunmeyer decision; which was referred to the Committee on Public Lands.

Mr. ALDRICH presented a petition of citizens of Coventry, R. I., praying for a reduction of postal rates and the issue of fractional currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions from citizens of Charlestown, Narragansett Pier, Westerly, Providence, Newport, New Shoreham, and other places in the State of Rhode Island, praying that increased compensation be granted to persons in the Life-Saving Service; which were referred to the Committee on Commerce.

Mr. CHACE presented a petition of the Woman's Christian Temperance Union of Rhode Island, officially signed, praying for the repeal of the internal-revenue tax on alcoholic liquors; which was referred to the Committee on Finance.

Mr. DAWES presented the petition of James W. Hull and other members of the American Forestry Congress, praying for the passage of Senate bill 1779, for the preservation of the timber lands now in the possession of the United States; which was referred to the Committee on Agriculture and Forestry.

Mr. REAGAN presented the petition of A. S. Broadus and 19 other citizens of Texas, praying that increased compensation be granted to third and fourth class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS presented the following petitions of surviving soldiers

and sailors of the Union Army and Navy, citizens of New York, praying for the passage of the per diem rated service-pension bill:

A petition of 21 citizens of New York;
A petition of 52 citizens of Niagara County, New York;
A petition of 58 citizens of New York;
A petition of 167 citizens of New York;
A petition of 11 citizens of New York;
A petition of 57 citizens of New York;
A petition of 30 citizens of New York;
A petition of 177 citizens of Sandy Hill, N. Y.; and
A petition of 96 citizens of New York.

The petitions were referred to the Committee on Pensions.

Mr. EVARTS presented a petition of citizens of New York and other places, praying that the act of Congress, as passed in 1886, in regard to the Arthur Kill bridge may remain unchanged; which was referred to the Committee on Commerce.

Mr. HISCOCK presented a petition of 452 ex-Union veterans and citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of 23 surviving soldiers and sailors of the Union Army and Navy, residents of Russell, Iowa, and a petition of 20 surviving soldiers and sailors of the Union Army and Navy, residents of Lucas County, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PAYNE. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889, to report it favorably with amendments. I wish to say that a report to accompany the joint resolution will be submitted as soon as it can be prepared. I shall ask the Senate at an early day to take up the joint resolution for consideration.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1843) granting a pension to Florida G. Casey, reported it without amendment.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 760) granting a pension to Stephen C. Lobdill, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 7237) granting a pension to Clarissa Harvey, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5499) granting an increase of pension to Frederick Augustin, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 1671) for the relief of the heirs of Martin Kenofsky, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 68) in favor of J. Q. Barton, reported it without amendment.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 439) for the relief of the Mobile Marine Dock Company, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1510) allowing the pay of rear-admirals to commodores while acting as rear-admirals, reported it without amendment, and submitted a report thereon.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 881) to regulate the pay of ensigns of the United States Navy, reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1084) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 307) for the relief of Margaret Kennedy, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 29) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1772) for the relief of John H. Marion, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3758) for the relief of the legal heirs of Fidus Livermore, reported it without amendment, and submitted a report thereon.

Mr. GRAY, from the Committee on Naval Affairs, to whom was referred the bill (S. 1178) for the relief of Capt. Charles Thomas, of the United States Navy, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 6071) for the relief of Mary Penfield, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4626) for the relief of Mary B. Kirby, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. McPHERSON (by request) introduced a bill (S. 2265) for the relief of acting assistant surgeons of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAWES introduced a bill (S. 2266) to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2267) for the relief of the Omaha tribe of Indians, in Nebraska; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAMERON introduced a bill (S. 2268) granting a pension to Mrs. Mary Jane Dally; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2269) granting a pension to Mary P. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2270) granting a pension to William Myers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLODGETT introduced a bill (S. 2271) for the relief of Rodman M. Price; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 2272) granting increase of pension to William D. Hall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 2273) to provide for a building for the use of the post-office, the office of the superintendent of the Hot Springs reservation, and other civil offices in the city of Hot Springs, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL introduced a bill (S. 2274) granting a pension to Mrs. Catherine K. Whittlesey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2275) granting a pension to Mary Calvert Truxtun; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2276) for the relief of G. H. Coryell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2277) to provide for the extension of the public building at Lynchburgh, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2278) for the improvement and enlargement of the public building at Petersburgh, Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB introduced a bill (S. 2279) to provide for supplying the national cemetery near Fort Scott, Kans., with water; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2280) for the relief of Evander Light, H. H. Wiggins, William D. Jennison, and Samuel N. Wood; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 2281) granting an increase of pension to Mrs. E. S. Kelly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2282) granting a pension to Peter McDonnell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2283) granting a pension to James Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2284) to provide more efficient mail service between the United States and South and Central America and the West Indies; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER introduced a bill (S. 2285) for the relief of Isaac Fieldhouse; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2286) for the relief of James Wilcox, W. T. Holt, and legal representatives of Paul D. Dowlin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2287) for the relief of Davis Levy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2288) for the relief of the legal representatives of Miguel Desmarais and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2289) for the relief of Rafael Romero; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 2290) to remove the disabilities of Theodore Lewis, of Jeannerette, La.; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. HAMPTON introduced a bill (S. 2291) to extend the time for the redemption of school farms in Beaufort County, South Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EVARTS introduced a joint resolution (S. R. 62) in recognition of the services of Joseph Francis; which was read twice by its title, and referred to the Committee on the Library.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of William L. Eddy, praying for a pension, presented in the Forty-ninth Congress, first session, be taken from the files of the Senate and referred to the Committee on Pensions.

GEORGETOWN AQUEDUCT BRIDGE.

Mr. DANIEL submitted the following resolution; which was read:

Whereas the appropriation made by the act approved June 21, 1886, authorizing the purchase of the Aqueduct Bridge at Georgetown, D. C., sufficed only for the acquisition of the rights and franchises thereof, and for the erection of a suitable bridge on its piers and abutments, without providing for the construction of ample and proper approaches and roadway thereto on its southern end:

Be it resolved, That the Secretary of War be requested to furnish the Senate with an estimate of the cost involved in providing such approaches and roadway to said Aqueduct Bridge.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. DANIEL. It is a mere request for official information, and I presume it will not be antagonized.

The resolution was agreed to.

STANLEY'S INDIAN PAINTINGS.

Mr. PALMER submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That the Committee on the Library be, and it is hereby, directed to inquire into the propriety of purchasing from the administratrix of the late John M. Stanley the historical Indian paintings by the said John M. Stanley now in the custody of the Smithsonian Institution.

POST-OFFICE DEPARTMENT BUILDING.

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or other, the morning business is closed.

Mr. MORRILL. I move that Senate bill 1040, Order of Business 432, be taken up for consideration.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Vermont moves to set aside the pending order, and that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 1040) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office.

Mr. HALE. What is the regular order?

The PRESIDENT *pro tempore*. The consideration of the Calendar under Rule VIII.

Mr. BECK. Mr. President——

Mr. MORRILL. This will take but a moment.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky rise to this question?

Mr. BECK. No, sir; but I desire to take one moment. I do not wish to interfere with the passage of this bill.

Yesterday, when the Senator from Ohio [Mr. SHERMAN], whom I do not see in his seat at this moment, found some fault with what I had said with regard to silver coinage, I announced that I would to-day or at some early time take an opportunity to give the reasons why I made the assertion. The Senator is not here, at any rate, but I have given notice that on next Tuesday I shall endeavor to call up the bill (S. 8) "to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes," which necessarily involves the same matter, and as I propose to go into the history of this whole question then, instead of taking the time of the Senate now, I shall endeavor on next Tuesday morning, when I will try to call up that bill, to make the answer to the Senator from Ohio that I expected to make this morning; but I do not desire to take up the time of the Senate now.

I will say, however, so that the Senator from Ohio can see it in the RECORD, that after I read to him the speeches of the Senator from Iowa [Mr. ALLISON], in regard to how that act was doctored, and the speech of the Presiding Officer, the Senator from Kansas [Mr. INGALLS], and the speech made by Mr. Howe in the Senate, in which he said—I will only read two lines—"Mr. President, I do not regard the demonetization of silver as an attempt to wrench from the people more than they agreed to pay. That is not the crime of which I accuse the act of 1873. I charge it with guilt compared with which the robbery of two hundred millions is venial;" and after I read to him what has been said by the Senator from Indiana [Mr. VOORHEES] and other gentlemen, I think he will be content to say that my expressions were very mild in regard to the secrecy with which that measure was pushed through Congress.

The PRESIDENT *pro tempore*. The title of the bill moved by the Senator from Vermont [Mr. MORRILL] will be stated.

The CHIEF CLERK. A bill (S. 1040) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill; which was reported from the Committee on Public Buildings and Grounds with amendments.

Mr. MORRILL. I ask for the passage of the bill in the absence of the Senator from Missouri [Mr. VEST], who reported it from the Committee on Public Buildings and Grounds, for the reason that it is important that the bill should go over to the other House this week in order that it may be considered by the committee of that body.

This bill has heretofore passed more than once, I believe, almost if not quite unanimously, and there is a full report made, Report No. 367, in relation to all the particulars about it. Upon full consideration by the committee they believe that this is the best and most economical solution of the question as to a city post-office and as to the enlargement of the General Post-Office, which has been so often called for by the Postmasters-General.

The PRESIDENT *pro tempore*. The amendments of the Committee on Public Buildings and Grounds will be stated.

The first amendment was, in section 2, line 9, before the word "agents," to insert the word "their," so as to read:

And that where any of the said parties, owners, or their agents may be unable promptly to execute a full and valid title to such parcel or parcels as he or they propose as by Schedule A to sell at the price named, then the same shall be likewise condemned, by agreement with such agent or owner, at the price named in the said schedule for such parcel or parcels.

The amendment was agreed to.

The next amendment was, in section 3, line 1, to strike out the words "any such condemnation of one or more or of all" and insert "condemning, if necessary, any of;" in line 4, before the word "application," to insert the word "written;" in line 6, to strike out the word "containing" and insert the word "giving;" in line 7, to strike out the word "required" and insert "sought to be condemned;" in line 9, before the word "court," to strike out the word "which" and insert the words "and the;" in line 13, before the word "manner," to insert the word "same;" and, after the word "manner," to insert "and with like notice and proceedings as;" and in line 15, at the end of the section, after the word "Columbia," to insert "under existing laws;" so as to make the section read:

SEC. 3. That for the purpose of condemning, if necessary, any of the parcels of real estate comprised in the said square, the said board is empowered and directed to make written application to the supreme court of the District of Columbia at any general or special term, giving a particular description of the property sought to be condemned, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, and the court is hereby authorized and required, upon such application, without delay, to ascertain and assess the fair value of said real estate to each owner thereof, or to any person having a legal claim to the same, in the same manner and with like notice and proceedings as provided with reference to the taking of land for highways in the District of Columbia under existing laws.

The amendment was agreed to.

The next amendment was, in section 4, line 6, after the word "possession," to insert the word "taken;" and in the same line, after the word "property," to strike out the word "taken" and insert "so condemned;" so as to make the section read:

SEC. 4. That the fee-simple of all premises so appropriated for public use, of which an appraisement shall have been made under the order and direction of said court, shall, upon payment into the said court of the amount so ascertained and assessed as to each parcel, be vested in the United States and possession taken of the property so condemned.

The amendment was agreed to.

The next amendment was, in section 5, line 4, to strike out the words "giving possession" and insert "that purpose;" in the same line, after the word "the," to insert the word "costs;" and after the word "costs," to strike out the words "occasioned by" and insert "of;" in line 5, after the word "the," to strike out the words "inquiry and assessment" and insert "condemnation proceedings;" in line 6, after the word "and," to strike out the words "as to;" in line 7, after the word "arise," to strike out the word "they;" and in the same line, after the word "be," to strike out the words "charged or;" so as to make the section read:

SEC. 5. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for that purpose. The costs of the con-

demnation proceedings shall be paid by the United States; and other costs which may arise shall be taxed as the court may direct.

The amendment was agreed to.

The next amendment was, in section 6, line 1, after the word "whenever," to strike out the words "and as;" in line 2, after the word "acquired," to strike out the words "as aforesaid;" in line 6, after the word "ascertained," to insert the words "and judgment of condemnation rendered;" in line 8, after the word "and," to strike out the word "directed" and insert "required;" and in the same line, after the word "the," to strike out the word "requisition" and insert the word "order;" in line 9, after the word "purchase," to strike out the word "or" and insert "money to the parties entitled thereto or;" and in line 10, after the word "court," to strike out the words "the condemnation price of such property, parcel by parcel" and insert "as the board may direct;" so as to make the section read:

SEC. 6. That whenever title to the several parcels of such real estate shall be acquired, and the same shall be ready for delivery, and the sufficiency thereof shall be certified by the Attorney-General of the United States, or whenever by condemnation of any parcel the fair value of the same shall be ascertained and judgment of condemnation rendered, the Treasurer of the United States is hereby authorized and required, upon the order of the said board, to pay the purchase-money to the parties entitled thereto or into court, as the board may direct.

The amendment was agreed to.

Mr. SAULSBURY. I should like to ask the chairman of the committee if authority is given in the bill to the parties intrusted with procuring the title to the property to secure some other site, provided the site named can not be obtained upon reasonable terms?

Mr. MORRILL. No, sir. We believe that that site can be procured on the most reasonable terms of any site in the city, after investigating in relation to quite a number.

Mr. SAULSBURY. I believe there is a necessity for a building of this character, and I have no objection to procuring a proper site for a post-office building in Washington; but I do not like to see the parties intrusted with that power so restricted that they can not procure any other site, provided such an extravagant price is demanded for the site named as to render it improper to purchase it.

Mr. MORRILL. I think the Government is as fully protected as it can be. There can be no enlargement of the present Post-Office building without an extension in that direction.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Vermont to the fact that certain exhibits appear printed in connection with the bill.

Mr. MORRILL. They are of no consequence.

The PRESIDENT *pro tempore*. They will be omitted, then, in the printing and engrossment of the bill.

Mr. MORRILL subsequently said: In the bill passed this morning for the Post-Office extension, there is a reference to the exhibit at the end thereof, and the exhibit must accompany the bill. I ask consent that the exhibit may follow the bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Vermont asks unanimous consent that a certain exhibit referred to by him, accompanying the bill passed this morning, respecting the extension of the Post-Office Department, be attached to the bill. Is there objection? The Chair hears none, and it is so ordered.

HOT SPRINGS RESERVATION.

Mr. BERRY. I move that the Senate proceed to the consideration of House joint resolution No. 117.

Mr. HALE. That is the joint resolution, I believe, that was debated at some length yesterday. I am desirous, as I think the Senate is desirous, of taking up and finishing the consideration of the urgent deficiency bill. If the Senator from Arkansas believes that the joint resolution which was up yesterday can be finished in a short time now, without further debate, I will not seek to interfere; but if it takes a long time I shall try to get up the urgent deficiency bill.

Mr. BERRY. I will state to the Senator that my colleague [Mr. JONES, of Arkansas] desires to make a very short statement, and after that is made the joint resolution, I think, will pass by unanimous consent. He proposes to make a statement in regard to his amendment, withdrawing it, as I understand him, and I do not think it will take five minutes.

Mr. HALE. I give notice that if it takes long I shall seek to bring up the urgent deficiency bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate proceed to the consideration of the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution, the pending question being on the motion of Mr. JONES, of Arkansas, to strike out all after the resolving clause, and insert:

That the Secretary of the Interior is hereby directed to take possession of all bath-houses and fixtures now upon the reservation at Hot Springs, Ark., and place them under the control of the superintendent of said reservation, to be controlled by him under such regulations as the Secretary of the Interior may prescribe.

That the Secretary of the Interior is hereby directed to ascertain the value of the property taken by him under the foregoing provision, and report the same to Congress.

Mr. JONES, of Arkansas. Mr. President, after conference with my colleague and some other gentlemen, I have determined to withdraw the amendment which I offered yesterday to the pending joint resolution. I do so, however, with the intention of presenting the same measure as a bill and having it referred to the Committee on Public Lands, hoping that it may be returned at an early day to the Senate and that it may become a law.

As I said yesterday, I think the idea of sending the water off this reservation at all is a mistake; it is wrong; but if the Government is going to allow one set of bath-houses in the upper part of the city above the reservation to be supplied with water off the reservation, there is no reason why citizens of the same town, living at the lower part of the town below the reservation, should not have the same privileges. I believe that that is right. If one proposition prevails the other should. While I am opposed to both, and while I think that the Government should, in the line that is suggested by the amendment which I had the honor to offer yesterday, take possession of and control absolutely all these bath-houses and the hot water, I do not want to antagonize the joint resolution further at the present time.

When the Committee on Public Lands report upon the measure which I shall offer, fully satisfied that they will make an adverse report, I hope the Senate will be kind enough to pass the bill, notwithstanding the objections the committee may have to it. I therefore withdraw the amendment which I offered yesterday.

The PRRESIENT *pro tempore*. The amendment is withdrawn.

The joint resolution was reported to the Senate without amendment.

Mr. REAGAN. I desire to offer an amendment.

The PRESIDENT *pro tempore*. It can be offered in the Senate. The bill is open to amendment in the Senate.

Mr. REAGAN. I offer as an amendment the proviso which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the joint resolution:

Provided, That the new bath-houses which may be so erected shall not be owned or controlled by any person, company, or corporation which may be the owner of any other bath-house on or near the Hot Springs reservation; and if the ownership or control of any such bath-house be transferred to the owner of any other bath-house on or near said reservation, such bath-house shall for that cause be forfeited to the United States, and it shall be the duty of the Secretary of the Treasury to take the necessary steps to enforce said forfeiture of any such bath-house.

Mr. REAGAN. I do not know that that amendment is matured properly, as it has been prepared on the spur of the moment; but the object of it is to prevent making any further monopoly of the bath-houses at Hot Springs. The country has suffered enough from that. I wish to put a restriction on the joint resolution. I do not know that the amendment is in such form as it ought to be, but the substance of it, I think, ought to be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the joint resolution read a third time.

The joint resolution was read the third time, and passed.

WILLIAM H. ROBERTSON AND EDWARD L. HEDDEN.

Mr. BECK. I ask unanimous consent of the Senate to take up Senate bill 1198, Order of Business 258, reported unanimously by the Finance Committee with a short report. It is the bill for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs at the port of New York, who can not settle their accounts until it is disposed of. If there shall be debate, I will withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York.

It provides for the allowance to William H. Robertson, collector of New York, in settlement of his accounts, a credit for $2,346.25, now charged to him as collector for moneys received at the post-office in the city of New York, and for remittances made by postmasters at other points, for duties collected on books imported through the mails between the 21st of August, 1882, and the 30th of June, 1885, and for which one Douglas Smith, a late clerk in the custom-house at the port of New York, assigned to the duty of verifying such moneys, failed to account, without default or negligence of Collector Robertson. It also provides for the allowance to Edward L. Hedden, collector of New York, in settlement of his accounts, a credit for $3,073.74, now charged to Hedden as collector, for moneys received at the post-office in the city of New York, and for remittances made by postmasters at other places, for duties collected on books imported through the mails between the 1st of July, 1885, and the 29th of August, 1886, and for

which Douglas Smith also has failed to account, without default or negligence of Hedden.

Mr. BECK. There is a report accompanying the bill which may be printed in the RECORD. It sets forth all the facts, and the members of the House can read it in the RECORD.

The report submitted by Mr. BECK February 7, 1888, is as follows:

The Committee on Finance, to whom was referred the bill (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York, have had the same under consideration, and report:

It is provided in the seventeenth section of the act approved March 3, 1879, volume 20, United States Statutes at Large, page 355:

"That books which are admitted to the international mails, exchanged under the provisions of the Universal Postal Union Convention, may, when subject to customs duty, be delivered to addresses in the United States under such regulations for the collection of duties as may be agreed upon by the Secretary of the Treasury and the Postmaster-General."

That by regulations dated September 13, 1879, and June 27, 1882, agreed upon by the honorable Secretary of the Treasury and the honorable Postmaster-General, copies of which are hereto annexed, it was incumbent upon the several postmasters in the United States "to collect and remit to the collector of customs" the duties on "books forwarded to their offices for delivery to addresses."

It is shown by the papers in the case that one Douglas Smith was, by and with the approval of the honorable Secretary of the Treasury, appointed a clerk in the customs service in the said district of the city of New York on the 27th day of January, 1882, and assigned to the special duty of verifying the remittances of money from postmasters for duties on books imported through the mails; that on the 27th of August, 1886, irregularities were discovered in the accounts kept by said Smith, a full investigation of which developed that he had failed to account for the sum of $2,346.25 during the incumbency of the office of collector of customs by the said William H. Robertson, and for the further sum of $3,073.74 during the incumbency of the said office of collector of customs by Edward L. Hedden, according to the adjustment of the accounts of your memorialists by the accounting officers of the Treasury.

I further show that the said Smith, who is without pecuniary means, was in due course indicted for malfeasance in office and is now, and has been for some time past, incarcerated in the Ludlow street jail, in the city of New York, awaiting the result of the criminal proceedings instituted against him for his said wrongful acts while in office.

The records of the Treasury Department show that for the official term of William H. Robertson as collector, his accounts with the Government, covering receipts to the amount of $549,729,636.59 and disbursements to the amount of $35,404,265.19, have been adjusted and closed, except as to the aforesaid shortage of $2,346.25; and that the accounts of Edward L. Hedden for his term of office, covering receipts in amount $159,214,708.35 and disbursements in amount $13,899,399.39, have also been adjusted and closed, except as to the aforesaid shortage of $3,073.74.

The bill was submitted to the Treasury Department and was returned with the annexed replies:

"TREASURY DEPARTMENT,
"OFFICE OF COMMISSIONER OF CUSTOMS,
"*Washington City, D. C., January 30, 1888.*

"SIR: I have the honor to return herewith the letter of Hon. JAMES B. BECK, inclosing for recommendation the bill for the relief of Messrs. Wm. H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York. As set forth in the bill, the balance claimed by the United States as due from them arose by charging them with the amount of the defalcation of Douglas Smith, a clerk. It appears that no blame can be attached to the collectors, and as it has not been unusual for Congress to pass relief bills under such circumstances, I can see no objection to a favorable report of the bill under consideration by the committee. The last Congress under similar circumstances granted relief to Mr. Robertson and also to Hon. C. A. Arthur, and Mr. W. J. Smith, former surveyor of the port of Memphis, Tenn.

"The amounts named in the bill as being due from each are correct as taken from the books of the Treasury.

"Respectfully yours,

"JOHN S. McCALMONT,
"*Commissioner of Customs.*

"The SECRETARY OF THE TREASURY."

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., January 31, 1888.*

"SIR: I have the honor to acknowledge the receipt of your communication of the 27th instant, requesting a report as to what ought to be recommended in regard to the relief asked for Collectors Robertson and Hedden, in Senate bill 1198, entitled 'A bill for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York,' and to transmit herewith a recommendation of the Commissioner of Customs in the matter, which is approved and indorsed by this Department.

"Respectfully yours,

"C. S. FAIRCHILD, *Secretary.*

"Hon. J. B. BECK,
"*Chairman Subcommittee on Finance, United States Senate.*"

Your committee therefore recommend that the relief asked for be granted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. DANIEL N. BASH.

Mr. HALE. I move that the Senate proceed to the consideration of the urgent deficiency bill, House bill 6437.

Mr. CULLOM. I desire to ask the consent of the Senator from Maine, representing the Committee on Appropriations, in charge of the deficiency bill, to allow me to call up Senate bill 258, Order of Business 229, with the statement that if it requires any further remark than that of the chairman of the Committee on Claims I will not press its consideration at this time.

I ask this for the reason that this paymaster was brought here and the Department are anxious that he should go off upon duty, and he would like to have this bill passed before he leaves the city.

Mr. HALE. I consent on those conditions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster United States Army.

The bill was read.

Mr. HAWLEY. I wish that might lie over a day. I have received some information from the Pay Department this very morning by accident which leads me to think that the bill should be considered further. If the Senator from Illinois will let it lie for a day, I will make inquiry.

Mr. CULLOM. Of course, if the Senator wants time, I shall not object.

The PRESIDENT *pro tempore*. The bill will be laid over.

URGENT DEFICIENCY BILL.

Mr. HALE. Let us go on with the deficiency bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, the pending question being on the amendment reported by the Committee on Appropriations, in section 1, on page 29, to strike out the clause from line 16 to line 18, inclusive, as follows:

And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on this amendment.

Mr. BLAIR. I ask for the reading of the amendment or a statement of it.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, on page 29, the Committee on Appropriations report to strike out lines 16, 17, and 18, as follows:

And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

Mr. HALE. A "yea" vote will strike out the clause.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment of the Committee on Appropriations to strike out the clause.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. COCKRELL. My colleague [Mr. VEST] is absent because of the serious illness of his wife. He is now absent from the city, and is paired with the Senator from Kansas [Mr. PLUMB] on general questions.

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER]. As he is absent, and I do not know how he would vote on this question if present, I refrain from voting.

Mr. EVARTS (after having voted in the affirmative). I am paired with the Senator from Alabama [Mr. MORGAN], and after voting I noticed that he was not in the Chamber. I voted "yea," but I am not advised how the Senator from Alabama would vote if present. Therefore I withdraw my vote unless I am assured that he would vote "yea."

Mr. KENNA. I think he would vote "yea" if present.

Mr. EVARTS. I withdraw my vote unless I am definitely advised.

The PRESIDING OFFICER. The vote will be withdrawn.

The result was announced—yeas 32, nays 20; as follows:

YEAS—32.

Aldrich,	Coke,	Hale,	Payne,
Allison,	Colquitt,	Hampton,	Ransom,
Bate,	Daniel,	Harris,	Reagan,
Beck,	Farwell,	Hawley,	Saulsbury,
Blackburn,	George,	Hiscock,	Sawyer,
Brown,	Gibson,	Jones of Arkansas,	Vance,
Call,	Gorman,	McPherson,	Walthall,
Cockrell,	Gray,	Paddock,	Wilson of Iowa.

NAYS—20.

Blair,	Dolph,	Mitchell,	Spooner,
Bowen,	Frye,	Palmer,	Stewart,
Chandler,	Hoar,	Platt,	Stockbridge,
Cullom,	Jones of Nevada,	Plumb,	Teller,
Davis,	Manderson,	Sherman,	Turpie.

ABSENT—24.

Berry,	Edmunds,	Kenna,	Riddleberger,
Blodgett,	Eustis,	Morgan,	Sabin,
Butler,	Evarts,	Morrill,	Stanford,
Cameron,	Faulkner,	Pasco,	Vest,
Chace,	Hearst,	Pugh,	Voorhees,
Dawes,	Ingalls,	Quay,	Wilson of Md.

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 29, after line 23, to insert:

SENATE.

To enable the Secretary of the Senate to pay E. C. Goodwin, clerk to the Select Committee on the Centennial of the Constitution and the Discovery of America, for services as such clerk from the 13th to the 19th day of December, 1887, inclusive, $42.

The amendment was agreed to.

The next amendment was, in section 3, on page 47, in the clause

making appropriations "for support of Indian school, Carlisle, Pa.," in line 24, to change the spelling from "Extiveecu" to "Executive."

The amendment was agreed to.

The reading of the bill was continued to page 50.

Mr. PLUMB. I should like to ask the Senator from Maine, who has the bill in charge, whether it contains the claims reported upon by the Treasury Department as late as the 18th of January last.

Mr. HALE. I have an amendment which covers the call made by the Senate for those claims, to be added to the bill.

Mr. PLUMB. Will that take in all the claims up to that date in January?

Mr. HALE. Up to February 28, I think.

Mr. PLUMB. I knew that a large class of claims such as I had in mind were placed in the bill, but I was not sure as to the date. I knew there had been some communicated as late as the 18th of January, which I desired to have embraced.

Mr. HALE. The added claims are brought down to as late a date as is possible.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 3, on page 51, at the beginning of line 13, before the word "subsistence," to change the word "or" to "for;" so as to read:

For subsistence of the Army, 1885 and prior years, $877.45.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. HALE. I offer an amendment as an additional section, simply saying that it embodies one of the documents sent in in reply to a request from the Senate for additional claims down to as near the present date as possible.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. At the close of the bill it is proposed to insert as an additional section:

SEC. 4. That for the payment of a portion of the claims certified to be due by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1885 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 101, Fiftieth Congress, first session, there is appropriated as follows:

CLAIMS ALLOWED BY FIRST COMPTROLLER.

State Department—Foreign intercourse:

For contingent expenses United States consulates, 1885 and prior years, $7.73.

Treasury Department—Internal revenue:

For salaries and expenses of collectors of internal revenue, 1885 and prior years, $3.27.

Interior Department:

For expenses of the Eighth Census, $143.33.

For expenses of depositing public moneys, 1885 and prior years, $5.60.

For surveying private land claims in California, 1885 and prior years, $608.25.

For reimbursement to receivers of public moneys, excess of deposits, $350.70.

For 5, 3, and 2 per cent. fund to States prior to July 1, 1885, $53,422.56.

Department of Justice:

For fees and expenses of marshals, United States courts, 1885 and prior years, $6,347.89.

For fees of commissioners, United States courts, 1885 and prior years, $229.70.

CLAIMS ALLOWED BY THE FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For expenses of collecting the revenue from customs, 1885 and prior years, $46,024.09.

For repairs and preservation of public buildings, 1885 and prior years, $29.90.

For Revenue-Cutter Service, 1885 and prior years, $33.69.

For Life-Saving Service, 1885 and prior years, $129.13.

WAR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay of two and three year volunteers, 1871 and prior years, $47,741.40.

For bounty to volunteers and their widows and legal heirs, 1871 and prior years, $47,151.97.

For bounty under act of July 28, 1866, 1880 and prior years, $9,150.60.

For pay, etc., of the Army, 1885 and prior years, except the claims numbered 7549 and 7626 in said Executive Document No. 101, $683.68.

For pay, etc., of the Army, 1887, $144.90.

For pay of volunteers (Mexican war), 1871 and prior years, $8.85.

INTERIOR DEPARTMENT (INDIAN) CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For transportation of Indian supplies, 1887, $1,400.88.

For telegraphing and purchase of Indian supplies, 1887, $37.10.

WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, 1871 and prior years, $394.32.

For subsistence of the Army, 1885 and prior years, $274.

For regular supplies, Quartermaster's Department, 1885 and prior years, $824.77.

For incidental expenses, Quartermaster's Department, 1885 and prior years, $153.86.

For transportation of the Army and its supplies, 1885 and prior years, $768.58.

For barracks and quarters, 1885 and prior years, $172.33.

For horses for cavalry and artillery, 1885 and prior years, $250.

For commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, prior to July 1, 1885, $3,346.25.

For horses and other property lost in the military service prior to July 1, 1885, $22,323.94.

NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy prior to July 1, 1885, $36,024.90.

For pay, miscellaneous, 1885 and prior years, $248.21.

For contingent, Bureau of Equipment and Recruiting, 1885 and prior years, $17.31.

For Medical Department, Bureau of Medicine and Surgery, 1885 and prior years, $201.

For provisions, Navy, Bureau of Provisions and Clothing, 1885 and prior years, $949.58.

For enlistment bounties to seamen, prior to July 1, 1885, $348.36.

For bounty for the destruction of enemies' vessels, prior to July 1, 1885, $2.90.

For indemnity for lost clothing prior to July 1, 1885, $170.

For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* United States, $661.75.

For payments on account of clothing or bedding destroyed by order, for sanitary purposes, in preventing the spread of contagious diseases, $20.31.

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in postal revenues, 1885 and prior years, $1,406.20.

The amendment was agreed to.

Mr. HALE. On page 35 of the bill, in line 8, the name is misprinted. It should be Hendee, so as to read "George E. Hendee," instead of "George E. Hende."

The PRESIDING OFFICER. That amendment will be made, if there be no objection.

Mr. HALE. After line 4, on the same page, I move an amendment to cover additional judgments of the Court of Claims.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In section 1, on page 35, after line 4, it is proposed to insert:

David G. McRitchie	$880.37
John H. Kimmons	85.00
John T. Green	100.00
Edward S. Bogert	4,797.44
William B. Brooks	7,408.00
Francis C. Dade	9,364.24
Philip Inch	6,597.15
William J. Lamdin	7,642.05
Thom Williamson	6,597.05
Charles H. Bill	560.00
George W. Melville	650.00
George M. Book	120.79
Jonathan M. Emanuel	785.46
John D. Ford	585.46
James W. Hollihan	585.46
Richard Inch	57.78
Charles V. Gridley	338.33
Leonard A. Frailey	491.91
James H. Chapman	263.02
John H. Clark	6,873.57
William W. Dungan	7,152.93
Montgomery Fletcher	8,016.96
Benjamin F. Garvin	9,204.42
George R. Johnson	8,656.49
George F. Kutz	6,253.07
John W. Moore	6,879.88
William H. Shock	3,462.19
William H. Rutherford	14,432.91
Calvin Nutting & Son	16,566.00
Edward H. Skelsey and Ira W. De Moss, under the firm of E. H. Skelsey & Co	7,707.00
L. T. Hoyt	2,547.39
Edward Sweet & Co	2,731.54
C. H. Wilcox, executor of H. R. Wilcox, deceased	1,374.28
Newcomb & Cook	1,442.42
Robinson & Snydam	264.75
Vermilye & Co	22,369.24
Litchfield, Dana & Steinson	2,065.73
Falls & Fileston	167.68
Bacon Brothers & Starr	1,824.27
Farnham, Gilbert & Co	3,050.02
Tillinghast & Woolsey	181.28
W. E. Tillinghast	920.41
G. S. Bowdoin	856.90
H. Kennedy & Co	3,834.31
R. W. Martin, jr., & Co	257.97
Gould, Strong & Co	549.36
Emily Wightman, administrartix of John Wightman	4,125.00

The amendment was agreed to.

Mr. HALE. On the next page, page 36, the total should be made to conform with the amendment just adopted. In line 14 I move to strike out "$263,595.52," and insert instead "$455.273."

The amendment was agreed to.

Mr. HALE. On page 21, after line 16, I move to insert:

Support Freedmen's Hospital and Asylum: For subsistence, $1,800; for repairs of steam-boilers, $900; in all, $2,700.

The amendment was agreed to.

Mr. HALE. On page 19, after line 19, I move to insert:

HEADSTONES FOR GRAVES OF SOLDIERS.

For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines at national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, $20,000.

The amendment was agreed to.

Mr. HALE. I ask that two letters of the War Department, which I submit, explaining that appropriation, be printed in the RECORD.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. It is so ordered.

The papers are as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 3, 1888.

SIR: I have the honor to return herewith communication dated February 23, 1888, from Hon. W. B. ALLISON, chairman Committee on Appropriations, United

States Senate, requesting information as to the present condition of the appropriations for headstones for the graves of ex-soldiers buried in village and town cemeteries; also what, if any, additional sum is required for that service for the remainder of the current fiscal year; and respectfully report:

The appropriation of $15,000 (sundry civil, approved March 3, 1887) was exhausted in supplying headstones applied for prior to March 25, 1887, and the Department has therefore been unable to furnish any called for on applications received since that date.

There are now in this office unfilled applications for upwards of 15,000, to supply which will require an appropriation of at least $75,000, of which amount $60,000 was asked for in estimates for the next fiscal year.

It is manifest, however, that this amount will be insufficient to meet the requests on this account until another year; that is, it will not be sufficient to enable the Department to make a contract for the entire number required to the end of the current fiscal year.

It would be best, therefore, to increase this amount to at least $85,000.

There are many requests for these headstones to be supplied before next Decoration Day, and this could be done in most instances if the appropriation were made at once and made immediately available.

An abstract of the applications for headstones for soldiers' graves received at this office to February 29, 1888, inclusive, and now on file unfilled, is transmitted herewith.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
Quartermaster-General, United States Army.

Hon. SECRETARY OF WAR.

WAR DEPARTMENT, *Washington City, March* 6, 1888.

SIR: I have the honor to acknowledge the receipt of a letter of the 23d ultimo from the clerk of your committee, requesting to be informed as to the present condition of the appropriations for headstones for the graves of ex-soldiers buried in village and town cemeteries, and as to what additional sum is required for that service for the remainder of the current fiscal year.

In reply I beg to inclose a report, of the 3d instant, on the subject from the Quartermaster-General, with its accompanying abstract of unfilled applications for headstones, which, it is believed, contains the information requested.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance, and Acting Secretary of War.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. HALE. On page 29, after line 8, I move to insert:

DEPARTMENT OF JUSTICE.

Pay of Shirley C. Ward, of Los Angeles, Cal., $2,500 for his services to that date as special attorney for the Mission Indians of California, under appointment by the Attorney-General made at the request of the Secretary of the Interior.

The amendment was agreed to.

Mr. MCPHERSON. Is the Senator from Maine through?

Mr. HALE. There is one more amendment which ought to be made. On page 6 the amendment striking out lines 12, 13, and 14 should be disagreed to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Committee on Appropriations reported an amendment, which has been agreed to, striking out, in section 1, on page 6, lines 12, 13, and 14, as follows:

Post-office at Jersey City, N. J.: For necessary extension of the building, $12,200.

Mr. HALE. The clause is right as the House left it.

The PRESIDING OFFICER. The amendment having been agreed to, the question is on reconsidering the vote by which it was agreed to. If there be no objection, the reconsideration will be made. It is so ordered. The question now is on agreeing to the amendment.

The amendment was rejected.

Mr. PAYNE. I gave notice of an amendment on the 1st of March, which was referred to the Committee on Appropriations. I now offer the amendment, to come in after line 11 on page 6:

For pay of assistant custodians and janitors for the current fiscal year, $60,000.

Mr. HALE. What foundation under the rules is there for the amendment?

Mr. PAYNE. I do not understand the Senator.

Mr. HALE. How does the Senator from Ohio, under the rules applicable to appropriation bills, consider this amendment to be in order?

Mr. PAYNE. I have submitted it to the committee.

Mr. BECK. There was a report referred to our committee on that subject.

The PRESIDING OFFICER. Is this appropriation estimated for by a Department?

Mr. PAYNE. There was an estimate made by the Secretary of the Treasury.

The PRESIDING OFFICER. Was the amendment offered by the Senator and referred to the Committee on Appropriations?

Mr. PAYNE. It was referred to the Committee on Appropriations.

The PRESIDING OFFICER. The amendment is in order.

Mr. PAYNE. It is perfectly pertinent to the object of the bill.

Mr. HALE. Here is the document, and I will ask the ruling of the Chair on it:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1888.

SIR: I have the honor to transmit herewith copy of a letter addressed by the head of this Department to the Speaker of the House of Representatives, in which were inclosed reports and recommendations of the officers of the Department having the matter in charge, requesting an additional appropriation of $60,000 for expenses——

I think that is a regular estimate, so that I can not make any point of order on the amendment.

The PRESIDING OFFICER. It being estimated for by a Department, it is clearly included under the rule.

Mr. HALE. Unless it comes under the provision of exclusion provided in clause 2 of Rule XVI:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

The PRESIDING OFFICER. This amendment was offered in the Senate and referred to the committee on the 1st day of March.

Mr. HALE. That has been done, then?

The PRESIDING OFFICER. All the conditions have been complied with, the Chair understands. The amendment is in order.

Mr. HALE. Then I wish to address myself to the merits of the amendment; but I will give way to the Senator from Ohio, if he wishes to state the ground on which it is offered.

Mr. PAYNE. It appears that for the regular appropriation bill passed at the last session of Congress the Secretary of the Treasury estimated that $534,000 would cover the expenses of custodians, janitors, and all the men employed in the custody and care of the various custom-houses, post-offices, and other public buildings of the United States. Congress cut down that estimate to $420,000, leaving $114,000 unappropriated of the estimate of the Department.

It is to be presumed that the estimates were carefully made, based on the reports of the various customs officers of the United States as to the expense of taking proper care of the buildings, watching them, and cleaning them. Congress saw fit to reduce the estimate, as I have said, $114,000; and in that same law it was provided that the expenditures should not exceed the appropriations. The Secretary of the Treasury has tried to keep the expenditures within the appropriation, but he has found himself unable to do so and take proper care of the public buildings. So he needs $60,000 more to compensate those having charge of the buildings until the close of the current fiscal year.

The law prohibits the Secretary from expending more than was appropriated, to wit, $420,000. It is evident that he can not do the work if he is thus limited. He is unable to bring the expenditure within that limit. Now, one-third of the year remains, four months. The House of Representatives has declined to make an appropriation for this item, and the Appropriations Committee of this body has acquiesced in that non-action of the House. I think it a very great mistake. I assume that no Senator will doubt the necessity and the propriety of keeping the public buildings in good condition.

I have here some memoranda sent me by the Department of some of the items that have been cut down necessarily under this limited appropriation made for the current year.

It appears that in the custom-house at Baltimore, Md., the assistant custodian is reduced to $1,200 a year, thereby saving $17 a month. I do not know that $1,200 a year is enough for a person who has charge of a large building in Baltimore. Then there are dispensed with there three laborers at $60 per month each, one janitor at $1,000 per annum, and one watchman; and at the court-house in that city one laborer.

At the Boston post-office and subtreasury the pay of the assistant custodian is reduced to $1,400 a year, dispensing with the services of one janitor, three watchmen, one clerk, two laborers, and three elevator conductors.

At the custom-house at Cincinnati, Ohio, the pay of the assistant custodian is reduced to $1,400 per annum, and there are dispensed with one superintendent of closets, one janitor, two assistant janitors, two elevator conductors, one watchman, and five cleaners. In that building there are five or six terms of the Federal courts held during the year. There is the post-office, there is the custom-house, there is the independent treasury, and there is the internal-revenue collector's office, all in that one building; and after these reductions there are but three persons to take charge of that building. Neither the Departments, nor the courts, nor the postmaster, nor the collector of customs, feel that the building is safe in that condition.

The PRESIDING OFFICER. The Senator from Ohio will please suspend. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived, which is Senate bill No. 181.

Mr. HALE. I hope that may be laid aside informally.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent of the Senate that the unfinished business be informally laid aside, in order that the Senate may consider the urgent deficiency bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANDERSON. I should like to know from the Senator from Maine what the probability is as to the length of time the bill will consume.

Mr. HALE. I expect to finish it within a very short time. We are all through with the bill and the committee amendments. There are only a few amendments to be offered.

Mr. MANDERSON. Then I hope it will be allowed to run on for fifteen minutes; but if there is no more prospect that it will be finished then than there is now, we shall, I trust, go on with the unfinished business.

Mr. HALE. This is a very important bill, which has been hanging

along for some time. It is difficult to say whether it will be finished in fifteen, sixteen, or eighteen minutes.

Mr. MANDERSON. I do not ask any very great accuracy, but I should think that within half an hour——

Mr. HALE. I think it will be finished within half an hour.

Mr. MANDERSON. I would not be urgent were it not for the unanimous consent of the Senate yesterday that the pension bill should be voted upon finally to-day. Every minute of time is important.

Mr. HALE. I was entirely willing yesterday to give way to the pension bill, and gave it the whole day; and I hope the Senator will not interpose now.

Mr. MANDERSON. I only interpose because of the unanimous agreement of the Senate yesterday that the pension bill should be finished to-day.

Mr. HALE. No hour was fixed.

The PRESIDING OFFICER. Is there objection to the pension bill being informally laid aside in order that the deficiency bill may be proceeded with? The Chair hears none. The Senator from Ohio will proceed.

Mr. PAYNE. I find further in the memoranda to which I have referred that at the Chicago custom-house the assistant custodian is reduced to $1,400 per annum, and that there are dispensed with one superintendent of closets, one janitor, two assistant janitors, two elevator conductors, one watchman, and five cleaners.

At the New York City subtreasury, two janitors, at $60 per month each, are dispensed with. At the New York City court-house and post-office the salary of the custodian is reduced to $1,400 per annum, dispensing with one messenger, one janitor, three watchmen, two elevator conductors, one assistant foreman of cleaners, five cleaners at $60 per month each, and two cleaners at $1 per day each.

At the New Orleans custom-house there are dispensed with five assistant janitors at $40 per month each, one assistant engineer at $75, and one superintendent of filters at $60.

At the Philadelphia court-house and post-office the pay of the assistant custodian is reduced to $1,400 per annum, dispensing with the services of one messenger at $2 per day, one janitor at $58.33 per month, one elevator conductor at $60 per month, five laborers at $1.50 per day each, one janitor at $58 per month, and one lamp-trimmer at $1.75 per day.

I need not go into further details. These are very large reductions throughout the public buildings of the country. The opinion of the Department is that it is absolutely impossible to keep these public buildings in decent order for the remainder of the year without an additional appropriation. The Secretary of the Treasury has every disposition to obey the law, which absolutely prohibits the expenditure of one dollar more than the appropriation.

I do not think it is necessary to explain the necessity of this additional appropriation further. There can be no question, I am sure, on that point. These public buildings, many of which are very elegant and very costly, must be kept in decent order; they must be swept; the windows must be washed; the elevators must be kept running. In large cities, for instance, like New York, men who do business with the custom-house are not going to be satisfied without an elevator, and the elevator should be kept in order. I do not wish to cripple the efficiency of the service by not maintaining the public buildings in proper order.

Mr. HALE. I only want to submit this matter briefly to the Senate for its action. This large fund which the Treasury Department expends for assistant custodians and janitors all over the country has been for years a vexed subject before the Committee on Appropriations and in Congress. Investigation has shown from year to year that in many places all over the country where there are small post-offices and court-houses and custom-houses the Department allows too large a force. If any Senator will take the pains to examine the estimates submitted by the Department, which the Senator from Ohio has referred to, as to how this money is spent, he will see why it was that last year Congress by the accord of both Houses put a provision on the appropriation bill intended to hold the Treasury Department up to its appropriations, and declaring in terms—

That the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Notice was given to the Secretary that he must do the work for the money that Congress gave him, and that notice was given in terms because Congress believed from investigating the estimates that the sum voted was ample; and I believe not only that it is ample, but that it is more than enough.

Look at some of the small buildings that are estimated for, like that at Aberdeen, Miss. There is a little building in a small town where one man as a janitor could care for it, sweep it, and keep it in good condition; $500 a year would be ample for that; and yet the committee found that, in estimating for the sum the Treasury Department calls for, it provides for a janitor there at $720 a year and a laborer at $540 a year. The committee believed that in the apportioning of this fund, if New York is short, or Cincinnati is short, as the Senator from Ohio declares, one of the two men at a little place like Aberdeen should be dispensed with. There is no reason that I can see why the court-house and post-office at Charleston, W. Va., should have a janitor at $720 a year, a laborer and a fireman at $540 a year each. One man can do all that is necessary at that court-house and have the easiest time of any man in that town and have plenty of spare time on his hands. There is no reason why at Clarksburgh——

Mr. PAYNE. Will the Senator allow me to call his attention before he leaves Aberdeen——

Mr. HALE. I left Aberdeen some time ago.

Mr. PAYNE. I think the Committee on Appropriations might possibly stop something at Aberdeen, Miss., but I do not know. It is a new court-house and post-office, and I find that the Federal court is held there. I do not think it is very clear that two persons are not required to take care of that building.

Mr. HALE. At Clarksburgh, W. Va., there are a janitor at $600 a year, an engineer at $720 a year, a laborer at $540 a year. Then I find other custom-houses and post-offices and court-houses in places as important and larger than these where only a single janitor is allowed at $540 a year.

In Jackson, Miss., the custom-house and post-office has a janitor at $720 per year, a laborer and fireman at $500 per year, a watchman at $600 per year, making $1,820 for that place, while at New Bedford, Mass., a much larger custom-house, where force is much more needed, where twenty times the business is done, a single janitor at $600 per year is all that is allowed and all that is needed.

So I might go through what the Appropriations Committee has gone through in both the Senate and House, and has determined, and did a year ago, that the sum that it gave was liberal, was ample, more than needed to be expended, but erring upon the side of large appropriations and to hold the Department, or to try and see if it is in the power of Congress to hold the Department, to responsibility, it put in this provision, which I will read again:

That the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

If that can not be observed on a fund of this kind by the Treasury Department, then it is useless for Congress to make any direction or serve any monition on any Department. Now we are told that the Department waits until the last hours of this bill, then comes in and undertakes to increase this appropriation against the monition served upon it last year, when ample appropriations were given, upon the claim that in New York and in Cincinnati and other important places it will have to stop the elevators unless Congress gives this appropriation. That is not an ingenuous way of dealing with Congress. It is not a fitting thing that this menace that business will be stopped or that conveniences will stop in large custom-houses should be held up and brought in at this time. Let the Treasury Department, in accordance with the direction that Congress gave last year, cut off the extra men on whom money is uselessly expended in small court-houses and post-offices in different parts of the country, and keep the elevators running in New York and in Cincinnati and in other large cities. To secure that is what Congress is trying to do.

This is not an effort of the committee of the Senate to interfere with the House of Representatives. The appropriation that is sought here by the Senator from Ohio is additional to the sum the House committee allowed. That committee, in sympathy with the adminstration that controls these appointments and employs these men, considered the whole subject and gave the amount it believed to be necessary under existing circumstances, and the Committee on Appropriations of the Senate have simply reported to agree with the House. We do not strike down a House appropriation, but we believe it to be ample under all these conditions. I believe it to be more than is needed. I believe in regard to any of the small public buildings throughout the country that one man to be janitor over it and keep it in order and control it, a little building in which there will not be more than three or four or half a dozen clerks employed, is ample, and the time will never come when the single janitorship of the building, having the entire control of it, will not be sought for in those small places by a hundred men when the appointment can be given to only one.

The Senate may do as it will in this matter. It may go back on its declaration of last year, which said the Secretary should apportion this fund so that every quarter he would have enough; and it is not pretended that he did that. It is not pretended that that direction has been complied with. I, for one, object now and here to such appropriations as are sought to be put upon this bill by the Senator from Ohio.

Mr. GIBSON. Do I understand the Senator from Maine to say that the Secretary of the Treasury has not recommended this?

Mr. HALE. I did not say so. I said precisely the contrary. I say the Department have gone on under that direction which was given last year, and instead of apportioning the money from quarter to quarter and withdrawing useless force and putting men where they were needed, it has waited until the last days and comes in now under the threat that it will stop the elevators in New York and Cincinnati unless it gets an increased appropriation. I do not say that the Secretary has not estimated for this, but I say that the Treasury Department, whoever has charge of this, has directly countervailed the statute that was made last year for the management and expenditure of this fund, and that Congress ought not to listen to any such proceeding.

Mr. GORMAN. Mr. President, this is the first time I have heard there was any extravagant amount paid to employés of the character covered by this amendment—janitors, firemen, and others who are employed in taking care of the public buildings. Last year the Treasury Department sent an estimate to Congress stating that in view of the great number of public buildings under construction and already constructed, the sum of $534,250 would be necessary for the proper care of the buildings. Congress appropriated $425,000. It was recognized at the time as being inadequate when the bill came from the other House, observing at the same time the provision which the Senator from Maine has read to the Senate that the Secretary should not exceed the appropriation. The Department has gone on. The Secretary has found that it was impossible, as I understand the report which I hold in my hand, being Executive Document No. 80, to reduce the compensation of engineers and firemen and at the same time get competent men. So they have gone on at the rate they have been paying for many years, a rate which is not extravagant, until the Secretary has reached the point where a reduction of the force is absolutely necessary. Now, to make that reduction, as the Senator from Ohio has shown, they have been compelled to cut down the force in all sections of the country, in the large custom-house buildings at New York, Baltimore, Cincinnati, and others, as well as at smaller ones all over the country, until unless this increase of $60,000 is given the public service will be crippled.

The Senator from Maine knows perfectly well the position in which the Senate has been placed by the course adopted elsewhere, by which the Senate is sometimes compelled to increase appropriations. I have stood by the Committee on Appropriations, and believed it was right to do so; but here is a case where the public service will be crippled and public property will be jeopardized, for I am told that in one instance, at least, which has been brought to my attention, at Columbia, S. C., the officers of the internal-revenue department and other officers of the Government necessarily keep money on hand, and there is but a single man to guard the building at night; and so it is at other places.

This is an extreme case; it is an emergency. It is perfectly well understood by the Senator from Maine that if this appropriation is not made the Treasury Department will continue to make reductions so that the expenditures shall not exceed the appropriation; and that is an economy which jeopardizes the interests of the country.

The Senate, in my judgment, should give the other branch an opportunity to consider this matter. It is an exceptional case, I submit to my friend from Maine. While I am prepared to stand by the Appropriations Committee against any attempt to force the Senate into a position of extravagance, this does not come within that rule. I trust my friend will give way and allow this amendment, which is so necessary, to prevail.

Mr. HALE. I only wish to say that there is ample room for the Department to reduce its force and still maintain every convenience that the public require in the great custom-houses and post-offices if the appropriation for this purpose remains as it is; as the House has fixed it. I have no doubt the Secretary will be able to do that. I should like to see him compelled to try it in accordance with the provision of last year.

Mr. DANIEL. Mr. President, it is not my purpose to detain the Senate at any length on this question; but I think it my duty to reply to a few observations made by the Senator from Kansas [Mr. PLUMB] on the 9th of February last.

On the 9th of February a bill was brought up here making an appropriation for the erection of a public building at Pensacola, Fla., whereupon the Senator from Kansas and other Senators took occasion to refer to bills which had been proposed for public buildings, and scattered their animadversions around so miscellaneously that it was difficult to understand upon whom their censure was directed.

The Senator from Massachusetts [Mr. DAWES] referred to the fact that in St. Louis a building had been commenced with an appropriation of $3,000,000, and under the influence of public dinners at St. Louis, given to the public Architect, that appropriation was increased to $7,000,000. The Senator from Kansas [Mr. PLUMB] followed up with some general observations on the subject, concluding with these remarks:

> But something has been said about the reasons for these deficiencies. Mr. President, it is the old story of $1 for the dress and $10 for the trimmings. Every public building which is put up costs ten times more for superintendence and extras and contingencies than it ought to do. Out of $100,000 appropriated to erect a building, say, out in Kansas, at least $10,000 of that money will be spent before ever a lick is struck. There is the city of Wichita, where the Government has simply a naked lot. There is no more danger of its being carried away than of this Capitol being carried away, and yet it has a watchman and a superintendent, but no man at work.
>
> Mr. HALE. They are watching the land.
>
> Mr. PLUMB. Yes, they are watching the land. I do not know but that they are watching the Republican politicians out there. At all events, the watchmen are there, and they are getting paid for it. The Senator from West Virginia [Mr. KENNA] says to me that the Republican politicians there need watching. If they do you will have to appoint a great deal more clever people than you have done out there in order to make that watching very effective.

Mr. President, I have no doubt that there has been very gross extravagance in the matter of public buildings, and I am not disposed to hold any one to responsibility for remarks which may inure to its correction; but I think it would be well if those gentlemen who are indulging in severe criticisms upon this floor and who are holding up a system of extravagance to public opprobrium would at the same time inform the public that their criticism partly belongs to an administration of which they were themselves supporters, and that their criticisms can not possibly be directed to those public officers who are now conducting this branch of the public service.

It is true that there is a public building in the city of Wichita, Kans., in process of erection, and if there be delays about it, or if watchmen have been retained there unnecessarily, and if that matter is to be made a subject of censorious comment upon this floor, it is fitting that with those comments should go to the public the reasons for the action taken, and so that responsibility should be fixed upon the proper persons. I hold in my hand a letter of October 4, 1887, addressed to the Supervising Architect of the Treasury Department by the Senator from Kansas:

> UNITED STATES SENATE, *Emporia, Kans., October* 4, 1887.
>
> DEAR SIR: Permit me to call your attention to the public building which you are proposing to erect at Wichita. Since provision was made for this building Wichita has grown very greatly, and buildings five stories in height have been erected by private capital. I am informed that the plans as prepared in your office contemplate a building two stories in height merely. This will result in an inferior-looking building. I doubt also if the necessary room can be provided in a building of two stories, as you perhaps know there is a United States land office at Wichita, and United States court is held there, and there will need to be a room for a post-office which does more business than any other post-office in the State of Kansas.
>
> I write to suggest that you enlarge the building by adding a third story. If this should necessitate the omission of heating apparatus from the estimates, I think without doubt this could be provided for at the next session of Congress. It would certainly seem advisable that the Government should erect such a building as would meet not only present but future wants in a satisfactory manner.
>
> Respectfully, yours,
>
> P. B. PLUMB.
>
> SUPERVISING ARCHITECT OF THE TREASURY DEPARTMENT,
> *Washington, D. C.*

The Senator from Kansas, who led in these censorious comments on the Supervising Architect of the Treasury, is the Senator who signed that letter; it was under his advice and under his suggestion that any change which has taken place in the process of construction has occurred.

Mr. PLUMB. I wish the Senator would point out in that letter any recommendation or any suggestion or hint in regard to the employment or retention of watchmen or other employés about that building.

Mr. DANIEL. It is not my custom to find out in communications things that do not exist; and if the Senator from Kansas would conform himself to the same method of debate he would not have had this reply.

I am not attempting to hold that gentleman up to any reproach for writing this letter. I conceive that it is within the province of a Senator on this floor, or any representative of the people, to give his advice to those who may be in process of executing laws of this character. I do not charge him with usurping any function; but it does seem to me, as a gentleman fair-minded and just towards those whom he criticises, that when the Chief Architect was held up and pointed out as one who should receive public censure, instead of joining with the hounds to run him down, he might at least have taken his place with the hares on that occasion. I do not hold that gentleman responsible, or say more about him than simply this, that in telling a part of the story it would have been becoming if he had told all.

Now, sir, let us see about this matter of a watchman.

Mr. DAWES. Before the Senator goes further with his complaint, he seems to suggest that I have joined in the hue and cry against this Administration——

Mr. DANIEL. Not at all, sir.

Mr. DAWES. By some remarks I made the other day with reference to public buildings at St. Louis, and at New York, and at Boston. If the Senator were more familiar with the record of the past than he seems to be, he would have recognized those remarks of mine as an old story repeated before the Senator came into public life ever so many times by me in another place and here, and I supposed he as well as everybody else would recognize it as that old story of mine.

Mr. DANIEL. There are so many stories told on the other side of the Chamber that it would take a gentleman of much larger mind than I possess to retain memory of them all. But I do not deem it unfitting to accompany these old stories with reminders to the general public of the persons who are responsible for the fact that they are ever told.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. DANIEL. Certainly.

Mr. DAWES. The Senator ought to have some compassion on me, for I have been lashed a great deal in the past for my criticism of the party to which I belong, and this is the first time that I was ever accused of blinking anything that was done by the party to which I belong to which my attention had been called. I happened to be on Appropriation Committees elsewhere as well as here, and what I said the other day I have said time and again of the men belonging to my own party; and what I said of it the other day, with the dates, ought to have shown the Senator that they antedated the recent coming into power of his party.

Mr. DANIEL. I am not criticising the Senator from Massachusetts,

nor have I any disposition to do so. I do not believe that he intended to be or that he was in the least unfair in his statement, and I am very far from making any reflection upon him. But as the whole course of that debate was directed to a censure upon the present Administration, I am sure the Senator from Massachusetts, out of his own fairness, will not esteem it improper in me, although I have not had the opportunity of familiarity with such subjects as he possesses, to point out that this criticism, by whomsoever delivered, belongs in a different direction from that which I defend.

Mr. DAWES. It was only *nunc pro tunc*.

Mr. DANIEL. Now, sir, I will return to the subject of the naked land which it is claimed is being watched at Wichita. In the course of the construction of a public building at Wichita the Supervising Architect is informed by a distinguished Senator on this floor that he had better not go on with the appropriation as it came to him from the law, but to wait a little, and that an appropriation would, in his judgment, be made which would extend that building and require additional plans. He arrested temporarily his work pending this session of Congress, and there is a bonded officer in charge of it and one workman. Now the question arises and addresses itself to his mind, whether he shall for a temporary period, and in view of the fact that he has employés who are suitable for that work, turn them out in the dead of winter and await some distant and indefinite period.

While this question was up there was another gentleman from Kansas who appeared upon the scene. It was not the Senator who addressed himself to one point of this building, but it was the distinguished Representative from the district in which the building is located. On January 25, 1888, he addressed this letter to the Supervising Architect:

DEAR SIR: I have the honor to request that no further steps be taken in the matter of a public building at Wichita, Kans., as I have introduced a bill to increase the amount of the appropriation, so as to secure a larger building. This bill will be referred to you for your consideration, and I shall be glad to have you recommend it. The city now has 40,000 people, and the interest of the Government, as I think, requires an additional appropriation of $100,000.

Thus, sir, so far as the plan of that building was concerned, and its management, the Supervising Architect is advised from both sides of Congress as to the course which he shall pursue. If that gentleman had failed to heed the advice which was given to him by the Kansas Senator and the Kansas Representative, I imagine that you would have heard strictures indeed upon this Administration for its wastefulness and its extravagance in persisting in the scheme when warned by members of Congress that that scheme was under revision.

But this was not all that we heard from this Representative of the Kansas district. On February 4, 1888, he addresses to the Supervising Architect the following letter:

MY DEAR SIR: In view of the prospect of securing an increased appropriation for a public building at Wichita, I do not think it would be advisable for the Department to discharge the men now in charge of that public work. I believe the bill will pass the House during the present month, and the Senate during the first of next month, when the work can proceed without further delay.

Very respectfully, yours,

S. R. PETERS,
Member of Congress, Seventh Kansas District.

I submit to the fairness of this body, is it just and right that a public officer acting in communication with representatives in both Halls of Congress, heeding, as I shall presently show, that advice in the most modified and economic form, should be held up to public censure, and not one word said in his defense by those who must have been privy to, if not *particeps*, in the course which he pursued?

When the Chief Architect received these messages from these representatives of the people in whose midst this building was located he did not altogether pursue it, but he cut down the pay of the employés to one-half, and in view of the fact that only a few weeks, or a month, or some slight, trivial time would elapse, according to their prophecy, and in the nature of things it could not be very much prolonged, I submit to the fair and righteous judgment of the Senate if he did not act as a wise and prudent public officer in this behalf.

Furthermore, the Senator from Kansas does not seem to possess very accurate information, to say the least, as to the condition of the public building at Wichita. It is not a mere naked lot, as he seems to surmise. It is a lot upon which the foundations have been built. It is a lot which has connected with it the office of those who are engaged in that work, with all their valuable papers. If the work in that condition had been abandoned, with no guard, and those papers had been lost, and that property in process of erection had been spoliated, then we would have seen the obverse of the picture raised up before the Senate and derision visited upon an inefficient public official.

When I saw these matters in the RECORD, and indeed heard part of them upon the floor of the Senate, being a member of the Committee on Public Buildings and Grounds, I deemed it not unfitting that I should inquire into them. I addressed a letter to the Supervising Architect. I have the honor to present his reply thereto, and to request that it may be made a part of my remarks.

One thing I will further say in this connection, for I have no desire too long to impose upon the kind attention of the Senate. In the statements which are given me here from the Chief Architect's office it will appear that in the period of a little more than six months since the time that he received his commission he has so cut down the excrescences of expenditure in his department as to amount to a saving of $322 per day. He has taken a long step in the right direction, and in the matter of advertising for public buildings, in the matter of drawings for public buildings, and in the matter of husbanding the appropriations which are put into his hands for the purpose of constructing them, I venture to say that when the eye of Senators shall fall upon these papers they will be pleased to see that there is at least one department and branch of this Government in which true reform is being practically carried out, and that in the matter of economy and of methods alike the present Chief Architect of the Treasury is at least devoting himself to duty in a manner not to call for their censure, but worthy of their approbation.

I ask now that these letters and exhibits thereto affixed may be inserted as part of my remarks, or read in the Senate, if such be its pleasure.

The PRESIDING OFFICER. The papers will be printed as a part of the Senator's remarks, if there be no objection. The Chair hearing no objection, it is so ordered.

The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, February 13, 1888.

SIR: In response to your letter of the 10th instant, and referring to page 1081, CONGRESSIONAL RECORD, February 9, 1888, I have the honor to state that when I assumed charge of this office in July last I found the public building at Pensacola, Fla., completed, and it is now occupied by the various Federal officers. There was referred to this office Senate bill 1723, providing for the completion of the building in question as originally designed in February, 1884, and appropriating therefor the sum of $50,000.

An estimate having been prepared, the report was made to the chairman of the Senate Committee on Public Buildings and Grounds, under date of the 4th instant, that the work contemplated by the bill in question could be completed within the amount proposed to be appropriated. It is presumed that I am not asked to defend the action of previous administrations, and therefore I will make no further reference to this subject.

The matter of asking in the urgent deficiency bill for amounts in excess of the limit fixed by law can in most cases be accounted for in this way. Congress has in the past limited the cost of site and building separately and in other cases has placed the limit including both site and building in one amount, and again has placed a limit on the cost of building only. In the latter case Congress has, at various times, by making appropriation for approaches and for heating apparatus, verified the interpretation prevailing in this Department at one time, that the limit placed upon the building did not include the cost of approaches and heating apparatus. In July, 1886, however, the Department directed that in future, in preparing estimates, such estimates must include all expenses of site, building, approaches, and heating apparatus. As the greater portion of the buildings included in the urgent deficiency bill are those for which the estimates were prepared and contracts entered into prior to July, 1886, it became necessary when I entered upon the duties of this office to ask that Congress should appropriate a sum sufficient to cover expenses which were not included in the estimates by my predecessors.

To remove the possibility of the impression prevailing in regard to the cost of the St. Louis public building, that this administration is responsible, it may be well to state that all legislation in regard to this building was enacted between the years 1870 and 1884, and it was completed and occupied in 1885, and of course any reflection that is cast must be upon the past action, and not in any way upon the present administration of affairs. It may be stated, however, in passing, that of the entire appropriation made on account of the St. Louis building, after paying the cost of site, 35 per cent. of the appropriation was expended in the State of Maine, and the people of St. Louis must "have reckoned without their host" in having the limit expended with the expectation that the appropriation would be expended in the State of Missouri.

Reference having been made to the public building at Wichita, Kans., it may be well to use this as an illustration of the difficulties an executive officer meets in the performance of what he understands to be the law and the desires of Congress.

In July, when I assumed charge of this office, I found a law directing the erection of a public building at Wichita, Kans., and placing the limit of cost of site and building at $100,000. I found also that the excavation and concrete foundation had been completed and a contract made for the supply of the masonry of the basement and area walls. Operations were commenced upon this work and preparations were made to place upon the market invitations for proposals for the supply of superstructure. At this juncture, and at the time when the masonry of the basement was approaching completion, a letter was addressed to me by the Hon. P. B. PLUMB, under date of October 4, 1887 (copy herewith), stating that the building as then contemplated by the plans was entirely too small and asking practically that the approved plans be modified by the supply of an additional story, and that, to secure the necessary money, the estimates should also be modified by omitting the cost of the heating apparatus, and that Congress should be asked at some future time to do that which is now censured, namely, asked for an amount for heating apparatus or practically asked that the amount of limit be exceeded.

Without acceding to this request, proposals were invited specifying that each proposal should submit a separate and distinct amount for the supply of the additional story in question in order that full information should be in possession of the Department for such action as it might determine. While these proposals were being considered by the Department the honorable Representative from the Wichita district, personally and by letter (see copy January 25, 1888), urged that the Government was doing a most unwise thing in erecting a structure as small as was contemplated under the limit, and inclosed H. R. bill No. 1457, providing for the extension of the limit from $100,000 to $200,000. I impressed upon the honorable gentleman the fact that the delay now taking place would at some future time be lost sight of and the charge would be made in brief that much time had been lost in the completion of the building.

In regard to the employment of what is known as the contingent force at Wichita—namely, a superintendent, who furnishes a bond in the sum of $5,000, a clerk, and a watchman—I submit that it would be a most unfair and unbusiness-like proceeding to employ these men, taken from other service, and discharge and re-employ them spasmodically, basing such action upon the probabilities of legislation; and, referring to this, I may be permitted to submit a copy of a letter of the 4th instant, from Hon. S. R. PETERS, in regard to this very point, in which he states that the contingent force should remain. The contingent force has been retained, but at half-pay, the watchman referred to being paid but $1 per day. The statement that the Government has no interests to protect is scarcely just, as there has been completed over $12,000 worth of masonry of the basement and area walls, and there is a superintendent's office, with valuable papers and records.

As an earnest of my desire to reduce the method of administering the affairs of this office to business principles and to the lowest cost consistent with competent service and the best interests of the Government, I submit a tabulated statement, showing that on July 31, 1887, what is known as contingent expense at the various buildings being constructed under the control of this office was, per day, $800.91, while the expense at present is, per day, $468, or a saving per day effected of $332.91, or, say, 40 per cent.

In conclusion I may say that there seems to be an insinuation that the Department is desirous of securing the extension of limits, which, I think, is scarcely warranted by referring to page 48 of the annual report of the honorable Secretary of the Treasury for 1887, in regard to the delay and expense resulting from the mode of making partial appropriation, and also in regard to work now being done on buildings where the estimates were prepared as far back as 1882.

Thanking you for the interest you have taken, and trusting that I have not been too prolix, I have the honor to remain,

Respectfully yours,

WILL. A. FRERET,
Supervising Architect.

Hon. JOHN W. DANIEL,
United States Senate, Washington, D. C.

Comparative statement showing contingent force employed at public buildings July 30, 1887, and February 10, 1888, and reduction of contingent expense.

Location.	Employés.	Pay July 30, 1887.	Pay Feb. 10, 1888.	Saving per day.	Increase per day.
Augusta, Me	Superintendent	$6.00			
Do	Foreman	4.00	$4.00	$8.00	
Do	Clerk	4.00	2.00		
Aberdeen, Miss	Superintendent	6.00		9.00	
Do	Clerk	3.00			
Auburn, N. Y	Superintendent	6.00	3.00		
Do	Foreman	4.00	4.00	3.00	
Do	Clerk	5.00	5.00		
Baltimore, Md	Superintendent	8.00	8.00		
Do	Clerk	5.00	5.00		
Do	Foreman	5.00	5.00		
Do	Draughtsman	3.00			
Do	do	1.00		7.00	
Do	Messenger	1.50			
Do	Day watchman	3.00	3.00		
Do	Watchman	1.50	1.50		
Do	do	1.50			
Belfast, Me	Foreman	5.00		6.50	
Do	Watchman	1.50			
Brooklyn, N. Y	Superintendent	8.00	8.00		
Do	Clerk	5.00	5.00		
Do	Draughtsman	9.00	7.00		
Do	do	5.00			
Do	do	4.00		20.00	
Do	do	5.00			
Do	Watchman	2.50	2.50		
Do	do	2.00			
Do	do	2.00			
Charleston, W. Va	Clerk	4.00		4.00	
Carson City	Superintendent	6.00		6.00	
Charleston, S. C., wharf	do	7.00	7.00		
Do	Clerk	2.00	2.00		
Charleston, S. C., repairs	Superintendent	7.00		9.00	
Do	Clerk	2.00			
Charleston, S. C., post-office.	Superintendent		7.00		$7.00
Clarksburgh, W. Va	do	6.00	3.00	7.00	
Do	Clerk	4.00			
Chicago, Ill., court-house	Superintendent	7.00	7.00		
Do	Clerk	5.00	5.00	4.50	
Do	Watchman	2.00	2.00		
Chicago, Ill., marine hospital.	Foreman	4.50			
Concord, N. H	Superintendent	6.00	3.00		
Do	Clerk	4.00	4.00	7.00	
Do	Foreman	4.00			
Do	Watchman	2.00	2.00		
Columbus, Ohio	Superintendent	7.00			
Do	Foreman	5.00	4.00		
Do	Clerk	4.00		15.75	
Do	Day watchman	1.75			
Do	Night watchman	2.00			
Council Bluffs, Iowa	Superintendent	7.00	7.00		
Do	Clerk	5.00	5.00		
Do	Watchman	2.00	2.00		
Dallas, Tex	Superintendent	6.00	6.00		
Do	Clerk	4.00	4.00		
Des Moines, Iowa	Superintendent	7.00	7.00		
Do	Clerk	5.00	5.00		
Do	Foreman	4.50	4.50	12.00	
Do	Night watchman	1.75	1.75		
Do	Draughtsman	6.00			
Do	do	6.00			
Erie, Pa	Superintendent	7.00	7.00		
Do	Clerk	4.00	4.00		
Do	Watchman	2.00	2.00		
Fort Scott, Kans	Superintendent	6.00	3.00	5.00	
Do	Clerk	4.00	2.00		
Fort Wayne, Ind	Superintendent	6.00	6.00		
Do	Foreman	5.00		5.00	
Do	Clerk	4.00	4.00		
Do	Watchman	2.50	2.50		
Fort Smith, Ark	Superintendent	6.00	6.00		
Do	Clerk	4.00	4.00		
Do	Draughtsman	5.50	5.50		
Do	Watchman	2.50	2.50		
Galveston, Tex	Superintendent	6.00	6.00		
Do	Clerk	4.00	2.00		
Do	Night watchman	2.00	2.00		
Do	Draughtsman	5.00		18.66⅔	
Do	do	3.50			
Do	do	3.50			
Do	do	4.00			
Do	Messenger	.66⅔			

Comparative statement showing contingent force employed at public buildings, etc.—Continued.

Location.	Employés.	Pay July 30, 1887.	Pay Feb. 10, 1888.	Saving per day.	Increase per day.
Hannibal, Mo	Superintendent	$6.00	$6.00		
Do	Clerk	4.00	4.00		
Harrisonburgh, Va	Superintendent	5.00	5.00		
Do	Clerk	3.00	3.00		
Jefferson City, Mo	Superintendent	6.00		$6.00	
Key West, Fla	do	5.00	5.00		
Do	Clerk	4.00		4.00	
Keokuk, Iowa	Superintendent	6.00	6.00		
Do	Clerk	4.50	4.50		
Do	Draughtsman	3.00		3.00	
Leavenworth, Kans	Superintendent	6.00			
Do	Clerk	4.00	4.00	6.00	
Do	Watchman	2.00	2.00		
Louisville, Ky	Superintendent	8.00	8.00		
Do	Clerk	5.00	4.00	.50	
Do	Foreman	5.00	5.00		
Do	Watchman	1.50	2.00		
Lynchburgh, Va	Superintendent	6.00	6.00		
Do	Clerk	4.00	4.00	1.75	
Do	Watchman	1.75			
Lexington, Ky	Superintendent	6.00	6.00		
Do	Clerk	4.50	3.00		$0.50
Do	Foreman		2.00		
Manchester, N. H	Superintendent	6.00	3.00	5.00	
Do	Clerk	4.00	2.00		
Macon, Ga	Superintendent	6.00	6.00		
Do	Clerk	4.00	4.00		
Minneapolis, Minn	Superintendent	7.00	7.00		
Do	Civil engineer	6.00			
Do	Foreman	5.00	5.00		
Do	Clerk	4.00	4.00	17.50	
Do	Ass't civil engineer	4.00			
Do	Assistant clerk	2.50			
Do	Watchman	1.75	1.75		
Do	Draughtsman	5.00			
Montpelier, Vt	Superintendent	6.00	3.00		
Do	Clerk	4.00	2.00	7.00	
Do	Foreman	3.00	1.00		
New Albany, Ind	Superintendent	6.00	6.00		
Do	Clerk	4.00	4.00		2.00
Do	Watchman		2.00		
Nebraska City, Nebr	Superintendent	6.00	6.00		
Do	Clerk	4.00	4.00		
Oxford, Miss	Superintendent	5.00		5.00	
Peoria, Ill	do	7.00	7.00	4.00	
Do	Clerk	4.00			
Port Townsend, Wash	Superintendent	6.00		10.00	
Do	Clerk	4.00			
Pittsburgh, Pa	Superintendent	8.00	8.00		
Do	Foreman	5.00			
Do	Clerk	5.00			
Do	Watchman	2.00	2.00	27.00	
Do	do	2.00			
Do	do	2.00			
Do	Draughtsman	7.00			
Do	do	6.00			
Quincy, Ill	Superintendent	7.00			
Do	Clerk	4.00		13.00	
Do	Watchman	2.00			
Reading, Pa	Superintendent	6.00	3.00		
Do	Clerk	4.00		15.00	
Do	Draughtsman	3.00			
Do	do	5.00			
Rochester, N. Y	Superintendent	7.00	7.00		
Do	Clerk	5.00	5.00	5.00	
Do	Foreman	5.00			
Richmond, Va	Superintendent	6.00	6.00		
Do	Clerk	3.50	3.50		
Do	Draughtsman	4.00	4.00		
San Antonio, Tex	Superintendent	6.00			
Do	Draughtsman	3.50		16.50	
Do	do	4.00			
Do	do	3.00			
Santa Fé, N. Mex	Superintendent		6.00		6.00
Springfield, Ohio	do	6.00	3.00	5.00	
Do	do	4.00	2.00		
St. Louis, Mo	do	6.00	6.00	5.00	
Do	Draughtsman	5.00			
St. Joseph, Mo	Superintendent	8.00	8.00		
Do	Clerk	4.50	4.50	6.00	
Do	Messenger, etc	1.50			
Do	Foreman	4.50			
Syracuse, N. Y	Superintendent	7.00	7.00		
Do	Foreman		4.00		8.00
Do	Watchman		2.00		
Do	do		2.00		
Terre Haute, Ind	Superintendent	6.00	3.00	3.00	
Toledo, Ohio	do	7.00			
Do	Clerk	5.00			
Do	Foreman	5.00		20.75	
Do	Watchman	2.00			
Do	Sunday watchman	1.75			
Tyler, Tex	Superintendent	6.00	6.00	4.00	
Do	Clerk	4.00			
Williamsport, Pa	Superintendent	6.00	3.00	3.00	
Wichita, Kans	do	6.00	3.00		
Do	Clerk	4.00	2.00	6.00	
Do	Watchman	2.00	1.00		
Waco, Tex	Superintendent	6.00	6.00		
Do	Clerk	4.00	4.00		
Treasury silver vault	Superintendent	6.00		10.00	
Do	Clerk	4.00			

Summary.

Total saving per day between July 31, 1887, and February 10, 1888	$356.41
Total increase per day between July 31, 1887, and February 10, 1888 ...	23.50
Net saving per day between July 31, 1887, and February 10, 1888.....	332.91

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, February 15, 1888.

SIR: Supplementary to my letter of the 13th instant, I have the honor to request your perusal of the accompanying memoranda in regard to the methods adopted in this office in the past, as compared with the efforts which I am making to reduce all transactions to the usual business principles which prevail in professional practice and which resulted in benefit to myself in my profession, and which would fulfill all the requirements of contemplated legislation before Congress.

[Inclosed.]

"Memorandum of drawings required under the past and present methods.

"Memorandum of results of the publicity now given to invitations for proposals for work to be done under contract as compared with that obtained in the past."

I may state in connection with the work of preparation of drawings that the system of permitting drawings to be made under the direction of the superintendents located at various points has lately been abandoned, and the saving thereby effected is included in the tabulated statement sent you on the 13th instant.

Respectfully, yours,

WILLIAM A. FRERET,
Supervising Architect.

Hon. JOHN W. DANIEL,
United States Senate.

Memoranda of number of drawings required for buildings by old method.

City.	Approximate cost of building.	Number of drawings.	Number of specifications.	Estimated cost of specifications.
Greensborough, N. C	$66,500.00	54	6	$297.00
Oxford, Miss	66,742.00	87	7	330.00
Jefferson City, Mo	150,000.00	92	16	451.00
Toledo, Ohio	405,000.00	147	22	825.00

Number of drawings required for buildings by new method.

Jefferson, Tex	$50,000.00	15	1	$10.00
Owensborough, Ky	50,000.00	10	1	10.00
Oshkosh, Wis	90,000.00	16	1	10.00
Marquette, Mich	93,000.00	25	1	10.00
Williamsport, Pa	180,000.00	20	1	10.00

COMPARISON OF PROPOSALS FROM 1882 TO 1888.

In 1882 work was advertised in one building paper, the American Architect and Building News, Boston, Mass., and in the local papers.

In 1888 the office has the assistance of sixteen building papers (publishing free) located in the following cities: New York, 1; Washington, 1; St. Louis, 1; San Francisco, 1; Cleveland, Ohio, 1; Atlanta, Ga., 1; Pittsburgh, 1; Kansas City, Mo., 1; Des Moines, 1; New Orleans, 1; Philadelphia, 1; Ottawa, Ill., 1; Chicago, 1; and in five paid building papers located as follows: New York City, 2; Chicago, 2; Boston, 1.

In 1882 the limited number of plans furnished by the office were distributed on application to individual contractors. As a result contractors nearest Washington obtained possession of the plans to the exclusion of others. For example, the plans for work on the Toledo (Ohio) building in June, 1882, were obtained by parties in the following cities: Washington, New York, Rockland, Me., and Portland, Me.

In December, 1887, was introduced the system of issuing plans to the building exchanges throughout the country, giving contractors of every section equal chance to submit proposals.

In this the office has the co-operation of the building exchanges located in the following cities (at present over thirty-three in number, and increasing from time to time): Albany, N. Y.; Boston; Brooklyn; Baltimore; Chicago; Concord, N. H.; Cincinnati; Columbus, Ohio; Cleveland, Ohio; Detroit, Mich.; Denver, Colo.; Indianapolis, Ind.; Kansas City, Mo.; Louisville, Ky.; Lynn, Mass.; Milwaukee, Wis.; Minneapolis, Minn.; Newark, N. J.; New Haven, Conn.; New Orleans; Oakland, Cal.; Petersburgh, Va.; St. Louis, Mo.; Providence, R. I.; Pittsburgh, Pa.; Philadelphia, Pa.; Richmond, Va.; San Francisco; St. Paul, Minn.; Troy, N. Y.; Wilmington, Del.; Worcester, Mass.; Charleston, S. C.; Buffalo, N. Y.

As a result forty-four proposals were received for the erection of the public building at Wichita, Kans. (the first placed in the hands of the exchanges).

Proposals were forwarded from the following places: Buffalo, N. Y.; Chicago, Ill.; Mankato, Minn.; Quincy, Ill.; Wichita, Kans.; Washington, D. C.; Winfield, Kans.

Mr. EUSTIS. Mr. President, it is very difficult for me to determine whether there was any intended criticism of the administration of the office of the chief Supervising Architect. There were a great many criticisms indulged in——

Mr. HALE. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Maine?

Mr. EUSTIS. Certainly.

Mr. HALE. The subject-matter which has been introduced by the Senator from Virginia has nothing whatever to do with the appropriation for assistant custodians and janitors. That is a matter entirely outside. The Supervising Architect of the Treasury has nothing to do with this fund, and in any remarks that I made touching the method of expending and of not keeping within the law of last year no allusion was made to that officer.

I am entirely willing to say here that the Committee on Appropriations in its examination of the subjects-matter under charge of the Supervising Architect of the Treasury, Colonel Freret, was well impressed with his methods of doing business, and ascertained that he had saved largely in the direction indicated by the Senator from Virginia; and instead of censuring him or in any way finding fault with him, the committee is in accord with him as to the methods which he is introducing into that office to do the important work he has under his charge. He has nothing to do, as I understand, with the fund that is provided for in the amendment, that is sought to be increased by the Senator from Ohio.

Mr. EUSTIS. I am exceedingly gratified to have heard the statement which has been made by the Senator from Maine. I did not rise for the purpose of defending the administration of that office, but simply for the reason that it was very difficult to draw the line of demarkation when criticisms were made with regard to the administration of that office, whether there was any odium to be attached to the present incumbent as regards the question of economy, the question of competency, or the question of fidelity to the public interests or not. For instance, the Senator from Missouri [Mr. VEST] who is now absent spoke with great vehemence and great earnestness, and said that so far as the publication for bids was concerned it was a notorious fact that there were favorites, that there was a clique, a syndicate, a ring, to whom, as it were, those proposals necessarily came, because there was not sufficient publicity given when the erection of a public building was contemplated.

I desire to call the attention of the Senate to the difference between the old and the new method with regard to advertising and bidding. Here is a comparison of proposals from 1882 to 1888. In 1882 work was advertised in one building paper, the American Architect and Building News, of Boston, Mass., and in the local papers. In 1888 the office had the assistance of sixteen building papers, publishing free, located in the cities named, and in five building papers located, two in New York, two in Chicago, and one in Boston. The comparison of proposals to which I refer, giving the names of the cities, is as follows:

COMPARISON OF PROPOSALS FROM 1882 TO 1888.

In 1882 work was advertised in one building paper, the American Architect and Building News, Boston, Mass., and in the local papers.

In 1888 the office has the assistance of sixteen building papers, publishing free, located in the following cities: New York, 1; Washington, 1; St. Louis, 1; San Francisco, 1; Cleveland, Ohio, 1; Atlanta, Ga., 1; Pittsburgh, 1; Kansas City, Mo., 1; Des Moines, 1; New Orleans, 1; Philadelphia, 1; Ottawa, Ill., 1; Chicago, 1; and in five paid building papers located as follows: New York City, 2; Chicago, 2; Boston, 1.

In 1882 the limited number of plans furnished by the office was distributed on application to individual contractors. As a result contractors nearest Washington obtained possession of the plans to the exclusion of others. For example, the plans for work on the Toledo (Ohio) building in June, 1882, were obtained by parties in the following cities: Washington, New York, Rockland, Me., and Portland, Me.

In December, 1887, was introduced the system of issuing plans to the building exchanges throughout the country, giving contractors of every section equal chance to submit proposals.

In this the office has the co-operation of the building exchanges located in the following cities (at present over thirty-three in number, and increasing from time to time): Albany, N. Y.; Boston; Brooklyn; Baltimore; Chicago; Concord, N. H.; Cincinnati; Columbus, Ohio; Cleveland, Ohio; Detroit, Mich.; Denver, Colo.; Indianapolis, Ind.; Kansas City, Mo.; Louisville, Ky.; Lynn, Mass.; Milwaukee, Wis.; Minneapolis, Minn.; Newark, N. J.; New Haven, Conn.; New Orleans; Oakland, Cal.; Petersburgh, Va.; St. Louis, Mo.; Providence, R. I.; Pittsburgh, Pa.; Philadelphia, Pa.; Richmond, Va.; San Francisco; St. Paul, Minn.; Troy, N. Y.; Wilmington, Del.; Worcester, Mass.; Charleston, S. C.; Buffalo, N. Y.

As a result forty-four proposals were received for the erection of the public building at Wichita, Kans. (the first placed in the hands of the exchanges).

Proposals were forwarded from the following places: Buffalo, N. Y.; Chicago, Ill.; Mankato, Minn.; Quincy, Ill.; Wichita, Kans.; Washington, D. C.; Winfield, Kans.

That is the reform which has been accomplished with regard to the system of receiving proposals and of giving publicity to the fact that a public building is to be erected.

I desire to call the attention of the Senate to another reform which has been accomplished in that office. It is with regard to the number of drawings required for buildings. By the old method, taking the approximate cost of a building, for instance, at $66,000, there were fifty-four drawings, there were six specifications, and the estimated cost of the specifications was $297. Under the new system a building whose approximate cost was $50,000 at Jefferson, Tex., instead of the number of drawings being fifty-four, they were fifteen; instead of the number of specifications being six, there was one; and instead of the cost of the specifications being $297, the cost is now $10. I will have inserted in the RECORD this memorandum, showing the great economy which has been accomplished in that branch of the service.

The table referred to is as follows:

Memoranda of number of drawings required for buildings by old method.

City.	Approximate cost of building.	Number of drawings.	Number of specifications.	Estimated cost of specifications.
Greensborough, N. C	$66,500.00	54	6	$297.00
Oxford, Miss	66,742.00	87	7	330.00
Jefferson City, Mo	150,000.00	92	16	451.00
Toledo, Ohio	405,000.00	147	22	825.00

Number of drawings required for buildings by new method.

City.	Approximate cost of building.	Number of drawings	Number of specifications.	Estimated cost of specifications.
Jefferson, Tex	$50,000.00	15	1	$10.00
Owensborough, Ky	50,000.00	10	1	10.00
Oshkosh, Wis	90,000.00	16	1	10.00
Marquette, Mich	93,000.00	25	1	10.00
Williamsport, Pa	180,000.00	20	1	10.00

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Maine?

Mr. EUSTIS. Certainly.

Mr. HALE. I do not know that the Senator has called the attention of the Senate to the fact that accompanying this saving of expenses by reducing the number of specifications and drawings is also another great saving which the Architect proposes in having fewer contracts for a public building, fewer contractors to deal with, and that he desires gradually to so go on narrowing this that in the end one or two or three contracts will cover the entire work to be performed on a public building. In that I think the Architect is right. I think he has struck there a thought which if carried out will be very valuable not only in saving money but in expediting the work on these buildings.

Mr. DAWES. And the character of the work.

Mr. HALE. And the character of the work also.

Mr. EUSTIS. That statement is accurate. The Supervising Architect, in his report which he has made to the Secretary of the Treasury, recommends that whenever Congress has determined that a public building shall be erected there ought to be one appropriation made for the building instead of detailed appropriations. He thinks that that would be a great saving of money and a source of great economy to the Government, and all these complaints that we hear with regard to the change of the dimensions or of the character of a building, and so on, will be entirely obviated from the fact that he recommends, as the Senator from Maine states, that there should be no day laborers on public buildings, that the work should be given out by contract, and that the contractor should be held responsible just as a private person would hold an individual contractor responsible.

With regard to the saving which has been made by reducing the contingent expenses and the pay of the subordinates who are in charge of public buildings during their progress of erection, the Supervising Architect has made a reduction which amounts to $332.91 a day. I have here a statement showing the reduction which has been made with regard to public buildings, which has been submitted by the Senator from Virginia.

I make these few observations, Mr. President, not to defend this public official, but simply to call the attention of the country to the fact that he has been in office only a very few months, and that all the deficiencies which have been so much deprecated do not arise from any contract that he has made. They are deficiencies arising from contracts which were made by his predecessor. He is in no sense responsible for them. I desire to say that if he called attention to these deficiencies immediately, he did it in the interest of economy, as it was his duty as a public official not to allow any time to elapse which would increase these expenses.

Mr. ALLISON. If the Senator will allow me to interrupt him a moment, I think it is but just to say that many of these deficiencies arise from the fact that the cost of the material of which the buildings are composed and the cost of labor have advanced since the time the original contracts were made, and also that there have been changes made in the buildings so as to make them fire-proof, which also is an element in these deficiencies. Therefore, agreeing with what the Senator has said respecting the present Architect, because he made a good impression upon the Committee on Appropriations—we had him before us—I want to say that in justice to his predecessor, who I think was also a good officer.

Mr. EUSTIS. I was not criticising his predecessor; I was merely stating the fact that Mr. Freret is not responsible for these deficiencies. They are legacies which came to him in the due order of official succession.

Mr. PLUMB. Mr. President, there does not seem to be any particular reason why this question should be lugged in at the present time, but if I had had my way about it I should have had the present Supervising Architect of the Treasury brought here under a subpœna *duces tecum*, with instructions to bring my letter, in order that it might be made public. It has no more to do with his employment of watchmen or superintendents of the building at Wichita than it has with the last change of the moon. I am so enamored of that letter, on looking it over, that I will ask to have it read again.

The PRESIDING OFFICER. If there be no objection the Secretary will read it.

The Secretary read as follows:

UNITED STATES SENATE, *Emporia, Kans., October 4, 1887.*

DEAR SIR: Permit me to call your attention to the public building which you are proposing to erect at Wichita. Since provision was made for this building Wichita has grown very greatly, and buildings five stories in height have been erected by private capital. I am informed that the plans as prepared in your office contemplate a building two stories in height merely. This will result in an inferior-looking building. I doubt also if the necessary room can be provided in a building of two stories, as you perhaps know there is a United States land office at Wichita, and United States court is held there, and there will need to be a room for a post-office which does more business than any other post-office in the State of Kansas.

I write to suggest that you enlarge the building by adding a third story. If this should necessitate the omission of heating apparatus from the estimates, I think without doubt this could be provided for at the next session of Congress. It would certainly seem advisable that the Government should erect such a building as would meet not only present but future wants in a satisfactory manner.

Respectfully, yours,

P. B. PLUMB.

SUPERVISING ARCHITECT OF THE TREASURY DEPARTMENT,
Washington, D. C.

Mr. PLUMB. I reiterate all I there said. Wichita is a city of 40,000 people, and it is a better town than any other town in the world outside of Kansas having twice the number of people. There is more activity in business, more business transacted, more necessity for a public building in Wichita than in any town in the United States outside of that State possessing 100,000 people.

The Congress of the United States was guilty of the worst kind of parsimony in providing for a building at that place to cost only $100,000. I was noticing the debate in another place the other day on a proposition to erect a public building at Birmingham, Ala., and it was stated with a flourish of trumpets that the postal receipts of that city were $36,000 a year. The proceeds of the post-office at Wichita are more than twice that much. Another branch of this Congress has voted $300,000 to erect a public building at Birmingham, on the basis of the gross postal receipts of $36,000, while it was only willing to go $100,000 for the public building at Wichita. Since the time when that appropriation was made for Wichita single buildings have been erected in that city costing $150,000, and when we consider the extravagance which the Government always indulges in in the building of public buildings it is readily to be seen that a building which would cost the Government $100,000 could not be in any possible way more than one-quarter the size of a building which private parties would build with $150,000.

Therefore, observing that the Government was about to erect a building in Wichita, not only inferior in character, but not up to the average of the business blocks in that city, I said to the Architect I thought on the whole he had better put on another story; but I omitted to say, as the Senator from Virginia did not seem to observe, that I thought he ought to keep up the quota of watchmen while he was waiting for an appropriation.

What I said about the Wichita building in the debate which is referred to here was merely an incident of what I was saying about the Library building. I do not intend that the Senator from Virginia, acute as he is, shall take me away from that fruitful subject. I do not mean that he shall get me into a contemplation of some practice of the office under preceding administrations, and thereby divert attention from what has been going on under this Administration in regard to the Library building in the shadow of this Capitol.

It was not a very heinous offense to keep a superintendent and watchman at Wichita notwithstanding there was neither Government building nor Government property there, and I freely say that, so far as I have observed, he has economical tendencies. How soon he will get over them I can not say. I think, on the whole, he has introduced some economies in the management of his office.

I had a talk with him on the subject of the watchman and superintendent being employed at Wichita. He said to me in substance, "If you want a superintendent and watchman kept there you will have to write me a letter recommending it." I said, "I do not think they ought to be kept there, and consequently I will not recommend it." He then said to me by way of palliation, very well illustrated by a story which I will not tell, that he would reduce the salaries, and consequently the offense of keeping them would not be a very large one.

I think that he intended to reduce the expenses of that building to the minimum. I believe he is sincerely desirous of economizing as far as possible in the expenditure of the public money. He can not go too far, so far as I am concerned, in that direction. If he only spends in a judicious way the money that Congress appropriates, there will be no cause of complaint. But while this officer has been in office only six months the Administration which is responsible for him has been in power for over three years, and it will not do to say that because it has retained in office men whom it found here prior to that time somebody else is responsible and not the Administration.

But the matter of watchmen is not so conspicuous in the Wichita building as it is in the Library building. I have in my hand the report of the commission created by law to erect a Library building, and I find that in one year, in a single twelve months, that commission spent for watchmen $2,772.95.

The Pension building has been referred to sometimes in debate here, not always with words altogether complimentary for its architectural proportions, but it cost $800,000 and was nearly five years in building. The entire amount expended for watchmen during the nearly five years that building was in process of construction was only $2,711.10. In other words, there was expended for watchmen about that building during the nearly five years it was in process of construction less money than has been expended in one year—I will not say in the process of the construction of the Library building, because its construction has not yet commenced. Why, Mr. President, the plans for the basement for the Library building have not yet been drawn.

Mr. VOORHEES. That is not true.

Mr. PLUMB. It is true.

Mr. VOORHEES. I say it is not true.

Mr. PLUMB. I say it is true.

Mr. VOORHEES. I say it is not true, of my personal knowledge.

Mr. PLUMB. They will not be ready until to-morrow.

Mr. VOORHEES. I say they have been ready for six months.

The PRESIDING OFFICER. The Senator from Kansas is entitled to the floor.

Mr. PLUMB. I am informed on what I believe to be good authority that there is an advertisement in one of the city papers stating that the plans or specifications for the foundation of the basement of that building are not completed, and will not be until to-morrow.

Mr. VOORHEES. There is no such statement in any advertisement in any paper in the city.

Mr. PLUMB. I am informed, upon what I believe to be good authority outside of that, that when a few days ago the Secretary of the Interior came to consider the question of letting the contract or of advertising for a contract for the basement of that building, he was informed that the plans and specifications for the basement had not yet been drawn.

Now, of course, I am not going to dispute with the Senator from Indiana in a way involving his veracity. He is unduly sensitive about this matter. I do not know that he has any more responsibility about it than I have. He has chosen to defend some things, and he is welcome to his defense; but so far as responsibility is concerned, I do not understand that he has any more responsibility than any other member of this body, or any other member of Congress, so far as that part of it goes, unless he makes himself so. If he proposes to defend these expenditures, then, of course, he becomes responsible. But what he says as of his own personal knowledge I will not dispute.

I said, and I repeat, that I have been told upon what I consider to be perfectly good authority that the plans and specifications for the basement story of that building have not yet been drawn, and I was told that I could find in a city paper, if I would look for the evidence of that fact, an advertisement made for contracts, stating in substance that plans and specifications would be furnished on the 8th day of March, which is to-morrow.

I am not going to say that it does not take more watchmen under this Administration than it did under former ones. There may be more to watch; there may be more necessity to keep on hand a big corps of men to see that somebody does not carry off the property or something of that kind; but the fact is, as I have stated, that on this Library building during twelve months $2,772.95 were expended for watchmen, while on the Pension building, which cost $800,000 and was in process of construction nearly five years, the entire amount for similar services was $2,711.10.

I have here a list of the employés of the Library building whose services cost last year nearly $29,000. A secretary cost $1,800; the messenger cost $600 a month; an accountant cost $1,500.

Mr. VOORHEES. No messenger ever cost $600 a month.

Mr. PLUMB. Sixty dollars a month I said, or meant to say.

Mr. VOORHEES. You said $600 a month.

Mr. PLUMB. Did I? Mr. President, I wonder he did not cost $600 a month.

Mr. VOORHEES. I wonder the Senator did not call it $6,000 a month.

Mr. PLUMB. In view of the wide field opened by this expenditure, I wonder myself the commission did not think it should be paid $6,000 per month on this work. It would have been a hundred times more judicious expenditure of public money than some I have evidence of here.

The disbursing agent cost $2,500 per annum. A man to help him cost three-eighths of 1 per cent., amounting to $253.23. Then the architect cost $5,000. Of course he had to have some one to help him, and he cost $3,000. Then there was a computer, who cost $125 a month, and then there was an expert in iron construction at $6 per day. In iron construction, Mr. President! Why, all the iron-work over there is not only in the imagination, but is in the bowels of the earth. An expert in iron construction at the Library building, which consists up to date of a hole in the ground! No contract was let for anything beyond the footing course for the walls. He and the civil engineer cost $6 a day each; an expert in heating cost $6 a day, and another expert in iron construction cost $7 per day; a draughtsman cost $7 per day, and the plans for the basement are not yet drawn! Then there is another person who was employed as draughtsman at $5 a day, and another draughtsman at $4 and $5 per day. Whether that meant $9 per day, or whether he was worth more some days than others, I am not prepared to state. Another draughtsman cost $5 a day, and another one cost $3 and $4 per day. Some days I suppose he was better than others. Another draughtsman cost $2 a day, and then another draughtsman cost $125 and $150 per month. I suppose he was employed on the evolution plan, so to speak. They got better as they went on; they were more competent to do that nothing which the commission seemed to be determined upon doing. The further they got the longer they were employed; certainly the less chance there ever was of having a building, their services becoming more ornamental and less useful, and consequently they were entitled to greater pay.

Mr. HALE. What is the item the Senator read in regard to a disbursing officer?

Mr. PLUMB. There was a disbursing agent at $2,500 per annum.

Mr. HALE. What has the disbursing agent to disburse?

Mr. PLUMB. If the Senator had looked at these figures he would see that the disbursing agent has been the most laboriously occupied of all the persons employed about that building.

Mr. HALE. In paying these employés?

Mr. PLUMB. He has disbursed $98,000 during the past year. All that has been done over there, it seems, is the disbursement.

Mr. HALE. For which he has had $2,500.

Mr. PLUMB. That man, in comparison with the other persons employed there, ought to have received $10,000.

Then there is a clerk at $120 per month. Then there is another clerk at $120 per month; there is another messenger at $60 a month; another one at $2 a day, and a sculptor at $5 a day.

That is the list of the employés, the total compensation for whom amounts to $28,839.88, and does not include the watchmen, who received during the same period $2,772.95. I am willing to admit that any possible condition of things existing in Wichita is a mere bagatelle by comparison with what has been going on here under our very eyes. If the Architect of the Treasury had been intending to follow the example which has been set by the Library Commission there would not have been anything left of the Wichita appropriation of $100,000—not a dollar—it would all have been gone.

But as the Senator from Louisiana says, very properly, he has had nothing whatever to do with these expenses. I think I am willing to go further, and I say in view of the letter which was written to him by the member of the House representing the district in which Wichita is situated, that he was fairly warranted in maintaining for the time being a force there in anticipation of an appropriation which may or may not come.

One thing, however, I have observed, that whenever any Republican on this floor or elsewhere has anything to say about any mismanagement or extravagance on the part of this Administration, some one turns around and says that all grows out of the fact that some Republican had something to do with it. I have heretofore spoken of that as pleading the baby act. I can not think of anything more expressive than that phrase. Who is responsible for the Republicans who are in office to-day? Of course, I think on the whole it would be pretty well to follow Republican advice, but to say that because certain persons are in office who are members of the Republican party relieves the Administration from responsibility is going too far.

Mr. President, I do not intend to work this deposit out now. I intend to keep this thing on hand. I have only just simply got under the cover. When I look at the milk in this cocoanut, when I contemplate all this array of figures from the advertising in the newspapers, the taking down of the houses, the cleaning away of the material at the expense of $13,000 at a return of about $2,000, the erection of a carriage-house for the architect, the fitting up of the blue-print room, and so on, I realize that I can not do the subject justice at one effort, nor perhaps at twice trying. So I think I will leave the balance of it until further debate. Whenever the debate shall lag, and whenever my friend from Indiana shall have gotten into that good humor for which he is proverbial and can bear a little more, I think I will go further into this great mine that has been opened up here in regard to the construction of this Library building, which is so dear to his heart, for which he has labored so many years of his public life. I was not on his side, but still I responded most thoroughly in my admiration for him in his faithful, eloquent work to bring about the erection of a Library building, and the surprise I have is that there is nothing now but a hole in the ground after this great expenditure of public money in place of a building.

I shall hope that under the admonition which has been had we may have a little more economical administration of the Architect's office. When I heard the Senator from Louisiana speak of the determination of the present Architect of the Treasury to let all work by contract I at once thought of the message of the President of the United States in 1886, in which, in dealing with the question of convict labor, he uttered the following words:

> Upon consideration of this subject it might be thought wise to erect more than one of these institutions—

That is to say, national penitentiaries.

Upon consideration of this subject it might be thought wise to erect more than one of these institutions, located in such places as would best subserve the purpose of convenience and economy in transportation. The considerable cost of maintaining these convicts as at present, in State institutions, would be saved by the adoption of the plan proposed; and by employing them in the manufacture of such articles as were needed for use by the Government, quite a large pecuniary benefit would be realized in partial return for our outlay.

So, following out this idea which the Senator from Louisiana says the Architect of the Treasury has adopted, I shall expect to see not only contracts for public buildings let according to the plan proposed, but I shall expect to see those contracts carried out by the convict labor of the United States in accordance with the recommendation of the President.

Mr. GIBSON. That is prohibited by statute.

Mr. PLUMB. The Senator from Louisiana says that is prohibited by statute. It is presumable that the President knew that. He was recommending to Congress a plan, and if a statute can make, a statute can unmake. It was in substance a recommendation that Congress enact a statute providing for penitentiaries and for the manufacture of articles for the use of the Government by the convicts in those penitentiaries.

There used to be a good deal said about extravagance in expenditures and about the wantonness of executive officers in transcending the limit prescribed by law in expending public moneys. Last year on the sundry civil appropriation bill there was an appropriation for the pay of assistant custodians and janitors, in these words:

For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, $425,000.

Up to that point the appropriation was in the ordinary terms, but Congress went further and it said to the Secretary of the Treasury this:

And the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Could anything be more specific than that? If the law-making power controls the expenditure of money, how could it have put into any more apt phrase the determination that the Secretary of the Treasury should not make a deficit in the expenditure of money for this purpose than by the language used in that section? That meant simply this: "If you have got more janitors than can be paid for out of $425,000 for the fiscal year for which this appropriation is made, if you are paying them salaries which can not be accommodated to this gross appropriation, you must discharge from your force or you must cut down the salaries you are paying them in such a way as to bring it within this gross sum of $425,000." The Secretary of the Treasury did not pay any more attention to that than he would to a——

Mr. GORMAN. If the Senator from Kansas will allow me, I am quite certain he does not desire a statement as broad as that to go out to the country in the face of the fact that when Congress appropriated only $425,000 instead of $534,000, the Secretary of the Treasury did in fact reduce the pay of janitors, firemen, and all of that class of employés who were illy-paid already, averaging only $700 per annum. He has made a reduction in their salaries, and he finds at the end of the third quarter that, notwithstanding the reduction made to a point where it was impossible to make it lower to secure first-class engineers and mechanics, he is compelled now to reduce the number to a point where the public service can not be carried on. I am certain the Senator from Kansas has read Executive Document No. 80, and all the facts stated therein as well as in the general reports of the Treasury Department. It is not a question of the Secretary of the Treasury violating that law, but he is carrying it out, and if he is required to carry it out to the end by the failure to make this appropriation, then these men suffer by having their salaries reduced to a point below which I am sure the Senator would not have them go, or else leave these public buildings without proper attention.

Mr. PLUMB. That, of course, is a very good argument. I do not mean to say that there was not done with the money what ought to have been done with it, but I mean to say that there was a positive command of the law that that money should be so expended, and there should be no deficiency.

Now, I want to know who is to deal with the question of convenience or inconvenience, of proper or improper salaries, of the proper or improper number of public employés? I do not desire to speak with any personal disrespect of the present Secretary of the Treasury at all, but I call attention to the fact, for the purpose of illustrating this point, and it is a point that arises through all this deficiency bill, that Congress practically does not control the public expenditure.

The law which I have quoted is no more mandatory, no more emphatic, than other provisions of the permanent law of the United States upon the question of the expenditure of public money, and still we appropriate each year from $5,000,000 to $7,000,000, and sometimes as high as $9,000,000, to make up deficiencies, although the money has been spent by the executive officers of the Government in defiance of law, and for which, probably in many cases at least, if there was a strict construction of the statute, they would be liable to indictment.

I think it very likely Congress did not appropriate enough, but the Senator from Maryland will not dispute me when I say that that provision was inserted in the bill in the House of Representatives. It was not the act of a hostile branch of the legislature. It was not the language of persons seeking to obtain a partisan advantage against the Administration, nor was the sum of money inserted there fixed by the action of the Senate, but the limitation of $425,000 put in the bill was done by the House of Representatives, under the control then as now of the Senator's own party.

Mr. GORMAN. If the Senator from Kansas will permit me, the point I desire to make, and I am sure he will admit it, is that in this particular the Secretary of the Treasury has complied literally with that act. He has not expended or contracted to expend one dollar beyond the appropriation made under the provisions of the act to which the Senator has referred.

Mr. PLUMB. I think he has.

Mr. GORMAN. Not a dollar more.

Mr. PLUMB. Well——

Mr. GORMAN. Not a dollar more; but when he reached the last quarter, beginning with the present month, he found that the balance on hand would not enable him to keep up the organization that had been in existence for years, and therefore he is compelled not only to reduce the compensation, but to reduce the number below the point that the public service requires.

Mr. PLUMB. No, Mr. President; that misses the point. Here was the sum of $425,000 appropriated for the entire fiscal year. However inconvenient it might have been, however destructive of the interests of the public service, according to the view of the Secretary of the Treasury, it was his duty to have adjusted the expenditures for each one of the four quarters in such a way as to absorb the $425,000 and no more. It will not do for him to say, "I will carry on a full-handed equipment of the building at Baltimore for three quarters of the year, and similarly at Philadelphia and elsewhere, and run the risk of having no money the last quarter and leaving those buildings without any custodians." It was his duty to cut down the force in such a way, and the salaries of the force in such a way, if reductions were necessary, as that the expenditure each of the quarters should bear a proper relation to the total sum of $425,000 appropriated by Congress. I do not say that would not have been a harsh duty to perform. I have no doubt myself that the sum appropriated was too small. The Senator from Maryland knows well, because he is an influential and honored member of the Appropriations Committee, with what freedom and how free from partisan bias these things are discussed in that committee.

Mr. GORMAN. I have so stated.

Mr. PLUMB. He knows that it never has been designed to cripple the service by any reductions of appropriations whatever; but, on the contrary, it has been designed to give them with a liberal spirit, and even increase, as in many cases it has done over and over again, the amounts appropriated by the House of Representatives for the carrying on of the administration of its own party; and in that case the committee has often saved, not only the Secretary of the Treasury, but other heads of Departments from their own friends. I come back to this for the purpose of saying that a very large proportion of what is found in this deficiency bill is made necessary on account of the default of which I have spoken.

I believe that it is not only the duty of the executive officers of this Government to contract the expenses within the appropriations by Congress, but I believe if it were done for one single fiscal year all the pretenses about economy, of which we have heard so much, and in regard to which the Senate has been upbraided for being extravagant and the House of Representatives commended for its economy, would be scattered to the four winds of heaven. I believe in appropriating money enough to carry on the Government properly; but we see the spectacle every year of appropriations cut down by the House of Representatives in such a way as to gain a reputation for economy, an economy which is illy concealed when at the beginning of another session of Congress a deficiency bill has to be brought in to enable the Government to be carried on to the end of the fiscal year.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. PAYNE].

Mr. VOORHEES. Mr. President, if any one expects that I rise to make any extended reply to the remarks of the Senator from Kansas [Mr. PLUMB] he is mistaken. I am not in condition to speak to-day, and I do not desire to do so. If the Senate has a disposition to allow the genial Senator from Kansas to amuse himself by an assault of this kind on those who have charge of the work of the new Library building——

Mr. PLUMB. Will the Senator allow an interruption?

Mr. VOORHEES. Oh, yes.

Mr. PLUMB. Here is the advertisement to which I referred:

OFFICE OF THE COMMISSION FOR THE CONSTRUCTION OF THE CONGRESSIONAL LIBRARY BUILDING,
No. 145 EAST CAPITOL STREET,
Washington, D. C., March 1, 1888.

Sealed proposals will be received at the office of this commission until 12 noon on the 31st day of March, 1888, for furnishing the dimension stone required for the walls of the cellar or sub-basement story of the Congressional Library building, to be constructed in Washington, D. C., upon the form of proposals and in accordance with the specifications and plans therefor. Copies of specifications, etc., will be furnished to intending bidders on application to the architect at

this office, and detailed plans of the same may be seen at the same office on and after Thursday, March 8, 1888.

WILLIAM F. VILAS,
EDWARD CLARK,
A. R. SPOFFORD,
Commissioners.

Mr. VOORHEES. You will find the advertisement says that bidders can have the specifications to-morrow, but it does not say they are not prepared.

Mr. PLUMB. No, but it is significant that they are not already prepared.

Mr. VOORHEES. Everything is significant to the Senator from Kansas.

Mr. PLUMB. The advertisement bears date the 1st day of March. It was published on that day——

Mr. VOORHEES. Please get through. I am tired.

Mr. PLUMB. I will get through now or some other time.

Mr. VOORHEES. It does not make any difference to me.

Mr. PLUMB. It is a little bit significant, and I think supports the allegation which I made, that for seven days after the advertisement was printed the specifications could not be seen in the office of the architect.

Mr. VOORHEES. The Senator from Kansas said I was sensitive in regard to this matter, as if I was more responsible than others on the subject. I confess to the fact that this building for the Library is a favorite measure with me, but I stand charged with no more responsibility about it than any other Senator here. It is now eight years since the committee to which I have the honor to belong was created to take in hand the subject of the erection of a library competent to take care of our great wealth of books. The Senator from Vermont [Mr. MORRILL], on whom I look as a father in this great measure, had for years before been engaged in it. We have worked together from that day to this as best we knew how. It took us six years before we got a law through both branches of Congress. The law had all manner of attacks. In fact, there were a good many men, some in this body and perhaps some in the other, who did not want a shelter for the Library, possibly for the reason that they did not need books.

I do not remember that we had the support of the distinguished Senator from Kansas for the original proposition to have a Library at all; but be that as it may, when we passed the bill for the erection of a Library it was after the utmost care and consideration by a committee of five gentlemen from this body, and perhaps the same number from the other House. It was not done in haste, not done in a corner; but considering everything in connection with it, we thought it was best to intrust the construction of the Library building to a commission, to be composed of men who were well known, and must necessarily be men of high character.

I hope I may have the attention of the Senate, because the question turns upon this very point that I am stating. In the law which passed Congress and was signed by the President it was provided that the construction of the building—which covers everything, covers the employment of skilled labor and of common labor, covers the question of purchasing materials, of contracts, and all cognate questions—should be committed to a commission consisting of the Secretary of the Interior, who, while the incumbent may change in that place, would naturally be supposed to be an honest man, and was an honest man when this bill passed, two years ago. It will not do to say that the Secretary of the Interior then or now would connive at dishonest practices. Then who was the next commissioner named to take charge of the construction of this great building? It was Mr. Spofford, the Librarian of Congress. I have known him almost thirty years. He was appointed here by Abraham Lincoln, and if the Senator from Kansas can convince the country and can convince the Senate that Mr. Spofford is an improper man to have charge of a work of this kind, and would allow improper charges and waste the public money, he will have more of a task, I think, than he has bargained for. The next man named on that commission was Edward Clark, the honored Architect of this Capitol. We have all known him a long time. I want to justify the action of the committee of which I am a member, and justify the two branches of Congress to everybody, except the Senator from Kansas. I despair of doing that to him. But we thought that these three men might safely be trusted with the expenditure of the public money upon a building of this kind.

Were we mistaken or not? I am not going into the intricacies of how much was paid for a watchman, a little more or a little less. There may have been one or two salaries paid that are too high here. I think perhaps in one instance a man is paid beyond the duties of his position; but that is a small matter and a matter of opinion. The three men composing the commission are men of high character. They have absolute control on this question, and they have the employment of the architect. He has no power except as an architect employed to furnish designs, plans, and specifications. He can not receive a bid; he can not make a contract; he can not judge of material, even, except subject to the commission; and it seems strange to me that a Senator rises here with a paper in his hands to pick out a little bit here and a little bit there and to expose expenditures that are necessary and that took place in the beginning of the work. All these expenditures, with every step in the progress of the work, have been under the charge of men whom you and I and every one of us would trust in any and every affair of private life.

What is more, I say if there has been malfeasance in office there, it would be a most amazing thing to me, for these are among the most perfect men known here—the past and present Secretary of the Interior, Justice Lamar and Mr. Secretary Vilas. The Senator from Kansas, for the first time I ever heard it, going into party politics, drags into this matter the Democratic party and the Republican party. We have never remembered that there were parties when discussing the Library bill. We have never remembered that there were parties in our Chamber when we have met in our committee-room and considered the question. But if that be a thing to be mentioned here, allow me to say, and I do it with the greatest possible respect, that two of these commissioners, Mr. Spofford and Mr. Clark, are pronounced, square, out-and-out Republicans, and I respect them as such, for I want no neutral tints in anybody's politics. So far as I am concerned, if a man belong to a party let him be there.

Here, then, are three commissioners; one of them, it happens for the time being, is of one party and two of the other party; but I care not a fig about that. I have divested myself largely of care on this subject because I have felt secure in the men in whose hands this whole business is confided. I have not felt that it was necessary for me to hunt up whether this dollar or that dollar was wrongfully spent because I felt that I could go to bed at night trustfully and confidently that matters would be right to-morrow morning; and if there are any discordant elements that creep in in connection with the construction of this building I know the men who have the honor to compose the committee of the Senate desire to meet such questions with honesty, economy, and candor, and push on the work on this building as rapidly as possible.

It is unfortunate that material was offered that was found not acceptable to the commission. We heard of no trouble until that question was raised; and if I desired to say any unkind thing, which I do not, to the Senator from Kansas (and he knows I do not), I would say that it was singular what a noise and trouble one discontented contractor can make, and if every time a man offers a bid which is not accepted such a racket as this can be raised, we may despair of ever having a Library.

Allow me to say a word further, Mr. President. This is a great work. I had occasion to talk a little the other day on this floor about it. I repeat myself when I say that it is 21,000 square feet a larger building than the State, War, and Navy Department building. The law for the construction of that building was passed in 1872, nearly sixteen years ago, and it is just finished. The bureaus of the War Office have just moved into it. This building, I say, is 21,000 square feet larger. It is the largest building the Government will own except this Capitol, and it is more than two-thirds as large as the Capitol. It will be the largest Library building on the globe, and will be an honor to this country when it is erected.

I have devoted time, labor, thought, and enthusiasm to this question; and my greatest hope, in which I know my distinguished and beloved friend from Vermont [Mr. MORRILL] joins me, is that we may live to see its spire reach the sky and see the books of this great Government housed in it and the accumulations of the age added to it. When that shall be done, the small bickerings and fault-findings of the present hour will be forgotten in the joyous feat that has been accomplished.

I have no fears of the future. I believe this work is in the hands of honest men, and when I believe in a man's honesty I feel secure.

Mr. PLUMB. It will be news, I think, to the Librarian, Mr. Spofford, that he is a Republican; but in the mutations which are going on in the political world——

Mr. VOORHEES. I care not whether he is or not; he is an honest man, appointed by Abraham Lincoln. I supposed he was a Republican, and suppose so yet.

Mr. PLUMB. I have no doubt he is an honest man; but the Senator from Indiana certainly is not going to say that on account of any eminence of this Library Commission they are to be left to expend money at their will.

Mr. VOORHEES. Undoubtedly not. If you can make it appear that they have spent a dollar and a half apiece wrongfully, we will call them to account.

Mr. PLUMB. That is exactly what I am coming to. I propose to criticise, and I suppose the Senator will think it just that I should criticise——

Mr. VOORHEES. I will call a meeting of the committee and ask the Senator to come before it to show wherein anything is wrong. This committee is not here to cover up wrong.

Mr. PLUMB. I think on the whole they have had something to do, as shown in their report; and I have a right to refer to what has been done under their auspices and control. The fact that they are eminent and honest men does not relieve me from my responsibility in regard to the expenditure of public money which I vote.

I have had nothing to say about any contract. The Senator from Indiana seems to have got it in his mind that there is some contract about which I am concerned. I do not know any contractor and do not know anything about any contractor in connection with this work.

I simply spoke of expenditures not relating to any contracts, not relating to construction, and said they were of a kind which have been extravagant and almost, if not wholly and totally, unaccompanied by any result to the Government, and I so characterized them. If the Senator wants to commend the commission because they have dealt harshly with contractors, I have no objection; that is his business and not mine.

If I were conscious of a desire for a long life, I should join most heartily in the aspirations of the Senator from Indiana that I might live long enough to see the spire of the Library raised to the skies. I never expect to see it.

Mr. HALE. Mr. President, now let us get back to the bill itself and have a vote on the amendment offered by the Senator from Ohio.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio [Mr. PAYNE].

Mr. CULLOM. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 6, after line 11, it is proposed to insert:

For pay of assistant custodians and janitors for the current fiscal year, $60,000.

Mr. PAYNE called for the yeas and nays; and they were ordered.

Mr. HALE. The amendment adds $60,000 to the House appropriation.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. I do not know how he would vote on this question, and therefore I refrain from voting.

Mr. GORMAN. My colleague, if here, would vote for the amendment.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and therefore shall not vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote on this question.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PLUMB (when his name was called). On this question, as on all political questions, I am paired with the Senator from Missouri [Mr. VEST]. If I were not paired, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. CAMERON (after having voted in the negative). I withdraw my vote. I am paired with the Senator from South Carolina [Mr. BUTLER].

The PRESIDING OFFICER. The vote will be withdrawn.

Mr. PLUMB. I transfer my pair with the Senator from Missouri to the Senator from Illinois [Mr. FARWELL]. I therefore vote "nay."

The result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Bate,	Call,	Gorman,	Pasco,
Beck,	Cockrell,	Gray,	Payne,
Berry,	Coke,	Hampton,	Saulsbury,
Blackburn,	Daniel,	Harris,	Turpie,
Blodgett,	Eustis,	Jones of Arkansas,	Vance,
Brown,	Gibson,	McPherson,	Voorhees.

NAYS—25.

Aldrich,	Frye,	Mitchell,	Sawyer,
Allison,	Hale,	Morrill,	Stockbridge,
Chandler,	Hawley,	Paddock,	Teller,
Cullom,	Hiscock,	Palmer,	Wilson of Iowa.
Davis,	Hoar,	Platt,	
Dawes,	Ingalls,	Plumb,	
Dolph,	Manderson,	Reagan,	

ABSENT—27.

Blair,	Evarts,	Morgan,	Spooner,
Bowen,	Farwell,	Pugh,	Stanford,
Butler,	Faulkner,	Quay,	Stewart,
Cameron,	George,	Ransom,	Vest,
Chace,	Hearst,	Riddleberger,	Walthall,
Colquitt,	Jones of Nevada,	Sabin,	Wilson of Md.
Edmunds,	Kenna,	Sherman,	

So the amendment was rejected.

Mr. MCPHERSON. I desire to offer an amendment. On page 31 of the bill, at the end of line 5, to add:

With interest at 5 per cent. since the date of the award.

The firm of Wood, Dialogue & Co. constructed a vessel for the United States Government about twenty years before the award here named was made by the Court of Claims, and I ask that interest may be paid since the date of the award at 5 per cent. It is certainly proper that after waiting twenty years for their pay from the Government, and then being obliged to resort to the Court of Claims, these men should be allowed interest since the award was made. I notice in other items of the bill, especially on page 35, where awards have been made, interest has been granted at the rate of 5 per cent.

Mr. HALE. The reason why some of the judgments that are found in this bill that come from the Court of Claims carry interest in terms with them is that the law requires it in certain cases. In a case where the United States itself appeals from a judgment against it, and the case is carried from the lower to the upper court, and the original judgment is sustained, the United States being the moving party, and the party at fault under the final decision, the law declares that interest at the rate of 5 per cent. shall be paid. That is the case in regard to certain items in this bill, and in no other items. The item referred to by the Senator from New Jersey does not come under that head any more than the other large number of items upon which no interest is to be paid.

The amendment offered by the Senator is, of course, subject to a point of order. It does not come under the law.

The PRESIDING OFFICER. Does the Senator from Maine raise a question of order?

Mr. HALE. Yes, sir.

Mr. MCPHERSON. Is the point of order sustained?

The PRESIDING OFFICER. The point of order is sustained in the opinion of the Chair.

Mr. VANCE. The Senator from Mississippi [Mr. GEORGE] being suddenly called from the Chamber, requested me to offer an amendment for him to the pending bill.

The PRESIDING OFFICER. To come in at what point?

Mr. VANCE. The amendment specifies—on page 36, I think.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. On page 36, after line 17, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Mattie S. Whitney, as administratrix of the estate of Franklin S. Whitney, deceased, the sum of $22,224, in full satisfaction of her claim against the United States, for supplies furnished to the Army and Navy of the United States, the same being the amount found to be due her by the Court of Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. How shall the question be taken on concurring in the amendments made as in Committee of the Whole—in gross or separately? ["In gross."] If there be no reservation, the question will be put on the amendments in gross.

The amendments were concurred in.

Mr. PAYNE. I now offer in the Senate the amendment which I offered in Committee of the Whole.

The PRESIDING OFFICER. The amendment proposed by the Senator from Ohio will be read.

The CHIEF CLERK. In section 1, on page 6, after line 11, it is proposed to insert:

For pay of assistant custodians and janitors for the current fiscal year, $60,000.

Mr. PAYNE. I merely wish to say that the result of making no appropriation for this purpose will be that three-fourths of the public buildings will have to be closed before the end of the fiscal year. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HALE. This is the same item which the Senate in Committee of the Whole has just voted down.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

The roll-call was concluded.

Mr. CHACE. I am paired with the Senator from Maryland [Mr. WILSON].

Mr. KENNA. If it will be satisfactory to the Senator from Rhode Island, he may transfer his pair with the Senator from Maryland [Mr. WILSON] to the Senator from Minnesota [Mr. SABIN], and then he and I can both vote. I am paired with the Senator from Minnesota.

Mr. CHACE. Still I wanted to announce the pair on account of the Senator who is absent.

Mr. KENNA. If the Senator will vote I will vote, and let the pair stand between the Senator from Minnesota [Mr. SABIN] and the Senator from Maryland [Mr. WILSON].

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] is detained by the illness of his wife, and he is paired with the Senator from Illinois [Mr. FARWELL].

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], and therefore can not vote.

Mr. GORMAN. I announce the pair of my colleague [Mr. WILSON, of Maryland] with the Senator from Rhode Island [Mr. CHACE].

Mr. BLAIR. I announce my pair with the Senator from Mississippi [Mr. GEORGE].

The result was announced—yeas 25, nays 30; as follows:

YEAS—25.

Bate,	Cockrell,	Harris,	Saulsbury,
Beck,	Coke,	Jones of Arkansas,	Turpie,
Berry,	Daniel,	Kenna,	Voorhees,
Blackburn,	Eustis,	McPherson,	Walthall.
Blodgett,	Gibson,	Pasco,	
Brown,	Gorman,	Payne,	
Call,	Hampton,	Ransom,	

NAYS—30.

Aldrich,	Frye,	Mitchell,	Sawyer,
Allison,	Hale,	Morrill,	Sherman,
Chace,	Hawley,	Paddock,	Spooner,
Chandler,	Hiscock,	Palmer,	Stockbridge,
Cullom,	Hoar,	Platt,	Teller,
Davis,	Ingalls,	Plumb,	Wilson of Iowa.
Dawes,	Jones of Nevada,	Reagan,	
Dolph,	Manderson,	Riddleberger,	

ABSENT—21.

Blair,	Evarts,	Morgan,	Vance,
Bowen,	Farwell,	Pugh,	Vest,
Butler,	Faulkner,	Quay,	Wilson of Md.
Cameron,	George,	Sabin,	
Colquitt,	Gray,	Stanford,	
Edmunds,	Hearst,	Stewart,	

So the amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

FRENCH PROHIBITION OF AMERICAN PRODUCTS.

The PRESIDING OFFICER. The Chair will suspend that motion while it lays before the Senate the unfinished business. But the Chair will first submit to the Senate messages received from the President of the United States.

Mr. PLATT. May I inquire whether there was any arrangement made about what is the proper disposition of the dependent pension bill this morning?

The PRESIDING OFFICER. The Senator from Connecticut will please suspend until the messages are laid before the Senate.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In compliance with the resolution of the Senate of the 24th of February, 1888, calling for information as to whether the Government of France has prohibited the importation into the country of any American products, and, if so, what products of the United States are affected thereby; and also as to whether any correspondence upon said subject has passed between the Governments of the United States and France, I transmit, herewith, a report from the Secretary of State on the subject, with the accompanying correspondence.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 7, 1888.

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry. If the Senate proceeds now to executive business, what becomes of the unanimous agreement that the vote should be taken on the pension bill to-day?

The PRESIDING OFFICER. In the opinion of the Chair it leaves that agreement unexecuted and leaves it an open question.

Mr. PADDOCK. I suggest that the order made yesterday for to-day be applied to to-morrow.

The PRESIDING OFFICER. Before that matter is acted on the Chair desires to know what disposition shall be made of the message from the President which has been read.

Mr. CULLOM. I believe the message just read is in response to a resolution offered in the Senate by myself in regard to correspondence with the French Government about American products.

Mr. SHERMAN. That should lie on the table. A bill has been reported on the subject.

Mr. CULLOM. I move that the message lie on the table and be printed.

The motion was agreed to.

COMMITTEE ON PATENTS.

Mr. TELLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents be authorized to employ a stenographer to take the testimony and arguments before that committee on the question of international copyright, and to print the same, together with other testimony and arguments on the same subject taken before said committee during the Forty-ninth Congress, for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

MRS. ELIZABETH B. DYER.

Mr. PASCO. Yesterday an unfavorable report was made on the bill (S. 1348) granting an increase of pension to Mrs. Elizabeth B. Dyer, and it was postponed indefinitely. I ask that that vote be reconsidered by unanimous consent, and the bill placed on the Calendar.

The PRESIDING OFFICER. If there be no objection, the bill referred to by the Senator from Florida, with the adverse report, will be placed on the Calendar, the vote indefinitely postponing the bill being reconsidered.

AMENDMENT TO A BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was referred to the Committee on Public Lands, and ordered to be printed.

DEPENDENT PENSION BILL.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

Mr. PADDOCK. I move that the pension bill be considered to-morrow immediately after the morning hour, being made the special order immediately after the morning business.

Several SENATORS. Ask unanimous consent.

Mr. PADDOCK. I ask unanimous consent that that order be made.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the pending pension bill be taken up immediately after the routine morning business to-morrow.

Mr. CULLOM. And the same order in reference to its disposition that was understood to apply to-day.

The PRESIDING OFFICER. And the same order in reference to its disposition to-morrow that was heretofore made in respect to to-day. Is there objection? The Chair hears none. The Senator from Kansas [Mr. PLUMB] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 8, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 7th day of March, 1888.

RECEIVER OF PUBLIC MONEYS.

Jabez C. Street, of Bluff Spring, Ala., to be receiver of public moneys at Huntsville, Ala., *vice* William H. Tancré, term expired.

REGISTER OF LAND OFFICE.

James M. Corbet, of Grand Forks, Dak., to be register of the land office at Grand Forks, Dak., *vice* Byram C. Tiffany, term expired.

INDIAN AGENT.

Edwin Eells, of Washington Territory, to be agent for the Indians of the Puyallup agency (consolidated), in Washington Territory, established by Executive order dated February 15, 1888.

POSTMASTERS.

Eben H. Clark, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania, in the place of William H. Krantz, resigned.

Milton H. Northrup, to be postmaster at Syracuse, in the county of Onondaga and State of New York, in the place of James M. Gilbert, whose commission expired February 4, 1888.

John J. Stitt, to be postmaster at Sharon, in the county of Mercer and State of Pennsylvania, in the place of Michael Carroll, resigned.

PROMOTIONS IN THE ARMY.

Fourth Regiment of Cavalry.

Second Lieut. Harry C. Benson, to be first lieutenant, March 4, 1888, *vice* McDonald, resigned.

Fifteenth Regiment of Infantry.

First Lieut. Edward S. Chapin, to be captain, February 27, 1888, *vice* De Lany, deceased.

Second Lieut. Will T. May, to be first lieutenant, February 27, 1888, *vice* Chapin, promoted.

Tenth Regiment of Infantry.

First Lieut. Daniel F. Stiles, to be captain, March 6, 1888, *vice* Kelton, retired from active service.

Second Lieut. Victor E. Stottler, to be first lieutenant, March 6, 1888, *vice* Stiles, promoted.

Twenty-first Regiment of Infantry.

First Lieut. Daniel Cornman, to be captain, March 6, 1888, *vice* Downey, retired from active service.

Second Lieut. Edward H. Brooke, to be first lieutenant, March 6, 1888, *vice* Cornman, promoted.

CONFIRMATIONS.

Executive nomination confirmed by the Senate March 5, 1888.

TERRITORIAL JUDGE.

Moses J. Liddell, of Louisiana, to be associate justice of the supreme court of the Territory of Montana.

Executive nominations confirmed by the Senate March 7, 1888.

TERRITORIAL JUDGE.

John E. Carland, of Dakota, to be associate justice of the supreme court of the Territory of Dakota.

POSTMASTER.

Horatio F. Dale, to be postmaster at Corning, in the county of Adams and State of Iowa.

RECEIVER OF PUBLIC MONEYS.

Ambrose H. Wear, of Cassville, Mo., to be receiver of public moneys at Springfield, Mo.

REGISTER OF LAND OFFICE.

R. B. Wilson, of Russellville, Ark., to be register of the land office at Dardanelle, Ark.

NOMINATION WITHDRAWN.

Edwin Eells, to be agent for the Indians of the Nisqually and S'Kokomish agency.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 7*, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D., president of Dakota University.

The Journal of yesterday's proceedings was read and approved.

EMPLOYÉS IN SURGEON-GENERAL'S OFFICE.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting, with a letter from the Surgeon-General, the petition of certain employés for extra pay; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATE RESOLUTION REFERRED.

The SPEAKER *pro tempore* also laid before the House the joint resolution (S. R. 60) directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs in the arid regions of the United States, and to report to Congress; which was referred to the Committee on Public Lands.

EDUCATION.

Mr. EZRA B. TAYLOR. I ask unanimous consent to have published in the RECORD, without the names, a petition from citizens of Ohio, relating to education, and that it be referred to the Committee on Education.

There was no objection, and it was so ordered.

The petition is as follows:

Petition for national aid to common schools.

To the honorable the Senate and House of Representatives of the United States of America:

We, the undersigned, citizens of the State of Ohio, believing that the prosperity and perpetuity of all free institutions depend upon the intelligence and virtue of the people; that ignorance exists to an alarming degree, and endangers the general welfare of the Republic, we therefore earnestly pray for the enactment of a law which shall authorize the appropriation of money from the Treasury of the United States for temporary aid in the establishment and maintenance of free public schools, and for such other remedial legislation as is necessary, to the end that the number of illiterates in the country, now exceeding 6,000,000 persons, ten years of age and over, shall be reduced to a minimum.

MATHEW H. FULTON.

Mr. SENEY. I ask unanimous consent to discharge the Committee of the Whole from the consideration of the bill (H. R. 2710) for the relief of Mathew H. Fulton; and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of $37.02 to Mathew H. Fulton, postmaster at Bucyrus, Ohio, the said sum being the amount of money stolen from the safe and from registered letters in the post-office at Bucyrus, Ohio, on the night of May 9, 1883, and which sum the said Fulton made good to the claimants from his own means.

Mr. PEEL. I think I must insist upon the regular order. This day has been set apart for the business of the Committee on Indian Affairs, and we have some important measures to bring before the House.

Mr. SENEY. I hope the gentleman will not object to the consideration of this bill.

Mr. PEEL. I withdraw the objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. GRAHAM.

Mr. HOUK. I ask unanimous consent to discharge the Committee of the Whole from the consideration of the bill (H. R. 6922) for the relief of George W. Graham, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum as will cover the regulation pay and allowances of a second lieutenant of infantry from June 15, 1863, to November 1, 1863, and of a captain of infantry from November 1, 1863, to September 18, 1864, to George W. Graham, of Campbell County, Tennessee, in full satisfaction of his claim against the United States as a lieutenant and captain in the Eighth Tennessee Volunteer Infantry: *Provided, however*, That any sum he may have received as an enlisted man during the period he served as second lieutenant and as captain shall be deducted by the proper disbursing officer in making the payments provided for in this act.

Mr. HOUK. This is a unanimous report of the Committee on War Claims.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIUS WITKOWSKI.

On motion of Mr. STONE, of Kentucky, the claim of Julius Witkowski was taken from the Speaker's table and referred to the Committee on War Claims.

EDMUND D. TAYLOR.

Mr. LAWLER. I ask that the bill (H. R. 725) for the relief of Edmund D. Taylor, with the letters attached to the report of the Committee on War Claims, be printed in the RECORD and placed on the Calendar.

There was no objection, and it was so ordered.

The bill, report (by Mr. LAWLER), and accompanying letters are as follows:

Be it enacted, etc., That the sum of $15,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Edmund D. Taylor, for moneys expended and personal services rendered by him to the Government of the United States during the years 1861, 1862, 1863, and 1864, at the request of the President.

The Committee on War Claims, to whom was referred the bill (H. R. 725) for the relief of Edmund D. Taylor, report as follows:

That there is no evidence before the committee to warrant them in making a favorable report, and therefore report without recommendation. The committee are constrained to take this action for the want of proper evidence to warrant the claim. Still the committee have the utmost confidence in Col. E. D. Taylor's statements of his valuable services rendered President Lincoln, as it seems he not only acted as confidential adviser, but as bearer of important documents from the President to General Grant when in command at Cairo, Ill., and also for his generosity in aiding with his means the supplying the volunteer troops raised in Illinois with clothing, etc., and believe that while the evidence necessary to establish his claim has not been presented, with proper diligence Colonel Taylor will be able to furnish the committee hereafter with evidence on this subject.

WASHINGTON, D. C., —— ——, 18—.

The United States, Dr., to E. D. Taylor, of Chicago, as bearer of dispatches from Washington to General Grant's headquarters at Cairo, Ill., during the war, which I did whenever called on, night or day, at the request of President Lincoln.

E. D. TAYLOR.

I paid all of my expenses for the four years out of my own money.

LINCOLN'S LETTER TO COL. E. D. TAYLOR, OF CHICAGO.

MY DEAR COLONEL DICK: I have long determined to make public the origin of the greenback, and tell the world that it is one of Dick Taylor's creations. You had always been friendly to me, and when troublous times fell on us, and my shoulders, though broad and willing, were weak, and myself surrounded by such circumstances and such people that I knew not whom to trust, then I said in my extremity, "I will send for Colonel Taylor; he will know what to do." I think it was in January, 1862, on or about the 16th, that I did so. You came, and I said to you, "What can we do?" Said you, "Why, issue Treasury notes bearing no interest, printed on the best banking paper. Issue enough to pay off the army expenses, and declare it legal tender." Chase thought it a hazardous thing, but we finally accomplished it, and gave to the people of this Republic the greatest blessing they ever had—their own paper to pay their own debts. It is due to you, the father of the present greenback, that the people should know it, and I take great pleasure in making it known. How many times have I laughed at you telling me plainly that I was too lazy to be anything but a lawyer.

Yours, truly, A. LINCOLN, *President*.

WASHINGTON, D. C., *February 2*, 1888.

DISTRICT OF COLUMBIA:

In the spring of 1861 I was living in Cairo, Ill.; employed with the Illinois Central Railroad Company. It was in this same year I met Col. E. D. Taylor at General Grant's headquarters at Cairo several times. Asking General Grant if Col. E. D. Taylor belonged to the Army, General Grant said to me that Colonel Taylor was a special agent for President Lincoln in this war from Washington, D. C., to my headquarters at Cairo. I saw Col. E. D. Taylor during 1862 and 1863 frequently at General Grant's headquarters at Cairo. I had known Colonel Taylor for over five years in Chicago. He had made frequently speeches and raised two companies of volunteers in Illinois for President Lincoln, more than were accepted, and advanced money to raise those companies, but how much I do not know. I see by his bill Colonel Taylor has charged $15,000, which I think is a very moderate charge for his services.

THEO. F. COOK.

Subscribed and sworn to before me this 6th day of February, A. D. 1888.

[SEAL.] R. B. NIXON, *Notary Public*.

WASHINGTON, D. C., *April 7*, 1887.

I herein forward my application for a clerkship in the office of the Interstate Commission, having been employed in the office of three different Western railroads.

Most respectfully,

THEO. F. COOK.

To the COMMISSIONERS OF THE INTERSTATE COMMISSION.

Mr. Cook is a brother of the late Isaac Cook, of St. Louis, and is a worthy man, well qualified for a clerkship. He will make a good officer.

G. G. VEST.

MEMORIAL.

To the Senate and House of Representatives:

The undersigned respectfully state that they are citizens and tax-payers of the State of Illinois. That Col. E. D. Taylor has been a citizen of said State since 1814; that he was receiver of public moneys at Chicago, appointed by General Jackson in 1835, and sold the ground upon which the city of Chicago now stands; that he is now eighty-three years of age; that he was always a bosom friend of Stephen A. Douglas and also of Abraham Lincoln, and while his political associations were always with the Democratic party, yet in 1861 he gave all his influence and support to the administration of President Lincoln in the war in defense of the Union.

That at the time he was quite wealthy, and had intimate acquaintance with General Grant and General McClernand, and other generals in command of the Union forces. That his relations were such with Mr. Lincoln and the leading Democrats of the North, as well as with the generals, as to have the unlimited confidence of them all.

That under those circumstances Mr. Lincoln, on several occasions, by letter and telegraph, asked him to come to Washington to consult with him, and to become the bearer of messages, sometimes in writing and sometimes by parol, between the President and General Grant, and other officers, in a strictly private and confidential manner. That this was at a period when the Government was greatly straitened and embarrassed in its finances, and before the issuance of Treasury notes, commonly called "greenbacks," which brought relief.

That he being then a man of considerable means, presented no bill to cover any part of his time or his expenses, Mr. Lincoln assuring him that he should be reasonably paid for the same.

That afterwards, in October, 1871, by the fire in Chicago, Colonel Taylor lost his property, fourteen stores having been destroyed by fire, upon which, unfortunately, he was insured in Chicago companies alone, all of which were made insolvent by the same fire which took from Colonel Taylor all the savings of his lifetime.

We therefore respectfully ask Congress to pass a bill for the relief of Colonel Taylor, by paying to him such sum as shall reasonably compensate him for the money and time thus actually spent by him in the service of the Government at the most trying crisis in its history.

Dated July 4, 1887.

John V. Farwell, Robert T. Lincoln, H. F. Eames, Potter Palmer, W. R. Condict, Marcus C. Stearns, William H. King, L. C. P. Freer, J. Irving Pearce, John A. Rice, A. E. Walker, John Wentworth, A. J. O'Conor, J. W. Rogers, James Goggin, John Roe, Lester A. Rose, Amos I. Snell, J. C. Dore, George L. Dunlop, John Dean Caton, S. Corning Judd, Joseph W. Barker, A. Gibbs, John B. Drake, C. H. Castle, F. Haskell, S. B. Cobb, E. F. Pulsifer, H. H. Walker, Hamilton B. Doe, H. P. Hammond, J. M. Welch, Marshall Field, B. P. Hutchinson, O. A. Bishop, A. B. Pullman, J. D. Gillett, E. Lynch, H. A. Hurlbut, Asa Dow, A. L. Patterson, J. F. Joy, Wm. Bross, Jos. Murphy, Philip D. Armour, R. Williams, U. S. A., George W. Higgins, J. Medill, Lyman Trumbull, J. R. Doolittle (citizen of Wisconsin), Murry Nelson, H. L. Weaver (Indiana), D. W. Mitchell, A. M. Wright, F. O. W. Yall.

SALT LAKE CITY, UTAH, *February* 18, 1888.

MY DEAR SIR: Your letter of the 13th instant is a most welcome one. It is a grateful reminder of our past relations as friends in times of peace and war, and, not least, of your intimate association with leading personages, who, together with yourself, essentially contributed to the advancement of Illinois from the stage of her infancy and obscurity to the standard of her present greatness and renown. I allude particularly to Mr. Lincoln, Mr. Douglas, and Colonel Baker, whose names have become household words and gloriously historical. They deserved well of their country, and so do you—not only as a co-worker with them, but as their patron and friend, when your older age and pecuniary prosperity made your patronage valuable. I distinctly and gratefully remember your patriotic activity in the early stage of the civil war—how you came and went hither and thither, by land and water, at your own personal expense, to assist the plans of Union officers and the Union cause. Your efforts were the more admirable because they were spontaneous and unselfish; they were the more useful because they were coincident with the initial and preparatory stage of the war. Your hopefulness and energy were inspiring.

I shall never forget our frequent conferences at Cairo in 1861, when I was in immediate command of that post. That was a gloomy period; the financial credit of the Government was strained to extreme tension; the soldiers had not been paid for some time. In this exigency you suggested and advocated the expedient of issuing Treasury notes as a circulating medium, to be made a legal tender in payment of all debts, public and private. You not only advocated that recourse as an expedient, but as a principle and system. In the same interview you informed me that you had unfolded this scheme to General Grant, and that you would immediately proceed to Washington City and lay it before President Lincoln, which, I am convinced by what followed, you did. What further followed from the adoption of the scheme is historical.

Yours, very truly,

JOHN A. McCLERNAND.

Col. E. D. TAYLOR.

REVISION OF TARIFF.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to have the resolutions which I send to the desk, adopted by labor organizations in the State of Ohio, printed in the RECORD.

There was no objection, and it was so ordered.

The resolutions are as follows:

Whereas from all indications it is the intention of certain members of Congress to once more put a check to the prosperity of the business of this country by the introduction of a bill requesting a revision of the tariff; and

Whereas we, as workingmen, know that any reduction on the present tariff would mean a reduction of wages for those who have to earn their living by the sweat of their brow. We believe that any agitation of the tariff question would be a direct cause of ruining the business of a large majority of the citizens of this country who have invested their capital in enterprises that are supporting thousands of families which, under a free-trade government, would be forced to seek the same remedies that the colored people of the Southern States are seeking at the present time: Therefore,

Resolved, That we, members of the Amalgamated Association of Iron and Steel Workers of the United States, expressing the sentiments of thousands of workingmen employed at our trade, emphatically protest against any legislation that would tend toward crippling the industries of one of the grandest countries on the face of the globe.

Resolved, That we believe in strictly adhering to the doctrines of that immortal man, Henry Clay, who once said in the Senate of the United States that "if this great Government could protect the person of an American citizen under the Constitution and teachings of the apostles of liberty of the Revolution, of the men who framed our Constitution, they had also the right, and it was their duty, to protect his interest and his business."

Resolved, That in our judgment the citizens and industries of this country can not be protected in any better way than by placing a protective tariff on all articles imported from other countries that can be produced by our own people, in order that those who produce them may be better able to demand that to which as citizens and upholders of this Government they are justly entitled, an equitable share of the profits of their toil to maintain their families in decency, that they may be able to educate their children and teach them as they advance toward manhood to defend the principles of our system of government.

Resolved, That a copy of these resolutions be forwarded, through our officers, to our Representatives in Congress, requesting them to use all honorable efforts to protect the interests of the toiling masses of this country, in order that the peace and prosperity under which we have been smoothly sailing may still continue, and that harmony and good-will may exist between capital and labor.

At a regular and full meeting of Buckeye Lodge, No. 25, State of Ohio, held at Steubenville February 22, 1888, the above resolutions were adopted unanimously, and as directed therein we take pleasure in forwarding them to you.

WILLIAM LINDSAY, *President.*
JOSEPH W. REED, *Recording Secretary.*

BOUNDARY BETWEEN BRITISH GUIANA AND VENEZUELA.

Mr. BELMONT. I desire to make a privileged report from the Committee on Foreign Affairs.

The report was read, as follows:

The Committee on Foreign Affairs, having had under consideration the following resolution, referred to the committee on motion of Mr. McADOO—

"Whereas it is stated that the British Government has made claim to a considerable portion of valuable territory now and hitherto in the possession of the Republic of Venezuela, and is, through its agents at Demerara, in British Guiana, proceeding without legal or equitable right, and in defiance of the protests of Venezuela, to exercise dominion over the same, and has refused to arbitrate the question of disputed boundary; and

"Whereas the United States has, by its settled policy and practice, defended the existence and independence of all American countries against European domination and control, and is particularly interested in maintaining republican government and rights in both Americas: Therefore,

"*Be it resolved*, That the President of the United States be, and he is hereby, requested to send to this House, if not incompatible with the public interests, all documents and correspondence, if any there are, between our Government and the Governments of Great Britain and Venezuela, or either of them, relating to the question of disputed boundary between said British colonies and Venezuela"—

have amended the same to read as follows, and recommend its adoption:

Whereas it is said that there are pending questions of disputed boundary between the Republic of Venezuela and the colony of British Guiana; and

Whereas it is alleged that the British Government has made claim on behalf of said colony to a considerable portion of valuable territory now and heretofore in possession of said Republic of Venezuela, and has refused to submit to arbitration said question of disputed boundary: Therefore,

Resolved, That the President of the United States be, and he is hereby, requested to send to this House, if not incompatible with the public interests, all documents and correspondence, if any there are, between our Government and the Governments of Great Britian and Venezuela, or either of them, relating to the question of disputed boundary between said British colonies and Venezuela.

Mr. ADAMS. I think there should be some explanation from the committee as to what the change is from the original resolution.

Mr. BELMONT. The purpose of the substitute is to avoid any statement which would commit the House. As the resolution is intended to be simply a resolution of inquiry, it seemed proper that the committee should present it with a preamble leading to such a resolution.

Mr. ADAMS. Is the change merely in the preamble?

Mr. BELMONT. It is merely in the preamble.

Mr. STEELE. Mr. Speaker, should not this go over under the rule?

Mr. BELMONT. It has already been before the committee.

The SPEAKER *pro tempore*. It is a question of privilege.

Mr. STEELE. But under the rule would it not go over for one day unless by unanimous consent?

Mr. BELMONT. I do not understand the objection of the gentleman. The committee have already considered this resolution under the rule.

Mr. STEELE. But the House has had no time to consider it or to examine the report.

Mr. BELMONT. They have had this resolution before them for nearly a week.

The SPEAKER *pro tempore*. The Chair is inclined to think that this is in order now as a question of privilege. The question is on the adoption of the substitute.

The substitute was agreed to.

The resolution as amended was then adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECORD OF REFERENCES UNDER THE BOWMAN ACT.

Mr. O'DONNELL. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 1, 1888.

Resolved, That J. B. Holloway is hereby appointed to prepare and continue a digest of all claims referred to the Court of Claims under the so-called Bowman act and the act approved March 3, 1887, to provide for bringing suits against the United States, to keep a record of the findings of the court in each case reported to Congress, and perform such other necessary duties as the position may require, and that he shall be paid the same compensation as is now paid the clerk of the Committee on War Claims, out of the contingent fund of the House; and that the Committee on Appropriations be, and is hereby, instructed to provide for the annual salary of said clerk for the next fiscal year in the legislative, executive, and judicial appropriation bill.

The Committee on Accounts, to whom was referred the resolution submitted February 1, 1888, by Mr. STONE, of Kentucky, have had the same under consideration, and submit the following report:

The Committee on Accounts find by inquiry that there were filed in the office of the Quartermaster-General, under the provisions of the act of July 4, 1864, 53,505 claims, amounting to $38,084,066.55. Of these 20,115 were rejected, the

amount of those disallowed being $18,061,416.06. The owners of the claims rejected are now coming before the Committee on War Claims asking for their claims to be referred to the Court of Claims under the provisions of the Bowman act, so called. Your committee are advised that it is the intention of the House Committee on War Claims to refer a large number of the said claims to the Court of Claims for findings of fact. Under the act of Congress of March 3, 1871, there were filed before the Commissioner of Claims 22,298 claims coming from claimants residing in the States formerly in rebellion. Of this number 11,481 were rejected. These disallowed claims are now before the Committee on War Claims, which committee will also refer a large number to the Court of Claims, as provided by the Bowman act. Your committee are advised that there have been referred to the Court of Claims under the Bowman act nearly 2,000 claims. With but few exceptions, all so referred are claims which had been presented to and disallowed by the Southern Claims Commission or the Quartermaster-General and the Commissary-General. Furthermore, there were presented to the War Claims Committee of the Forty-ninth Congress, 6,660, and up to the present time there have been presented about 5,000 cases.

Nearly all of these claims belong to the class above referred to. In many of these cases the grounds of rejection are good, and a number were disallowed on alleged untenable grounds. In all cases it is quite essential, both for the protection of the Government and as a matter of justice to claimants, that the facts in each case be judicially determined, and it was with these ends in view that the Bowman act was passed by Congress. It is absolutely necessary that an accurate record of claims referred to the Court of Claims under the Bowman act aforesaid be kept for the information of Congress. Your committee learn that several bills have been introduced covering the same claims, and that in some instances the same case has been more than once referred to the Court of Claims.

The duties which now devolve on the clerks of the Committee on War Claims are already so onerous that it is impossible to keep a separate record of the Bowman-act cases. Furthermore, references to the Court of Claims are made by other committees of Congress, and nothing appears in the records of the House to show such action.

Your committee therefore conclude and recommend that a clerk should be employed by the Committee on War Claims for the special purpose of keeping a record of references by all committees of this House of Congress of claims to the Court of Claims under the Bowman act. Such record would avoid much unnecessary duplication and would serve the purpose of keeping Congress fully advised as to the disposition of claims of this nature. Inasmuch as 43,256 of these claims of record, involving millions of dollars, are likely to come before Congress in their order, your committee think it wise to recommend the passage of the above resolution with an amendment to add, after the last word, the following: "During the recess of Congress said J. B. Holloway, or his successor, shall be subject to the direction of the Clerk of the House."

The Committee on Accounts recommend the passage of the resolution as amended.

The SPEAKER *pro tempore*. Is there objection to considering this resolution now?

Mr. HOLMAN rose.

The SPEAKER *pro tempore*. This does not strike the Chair as presenting a question of privilege; it appears to embrace more than that.

Mr. HOLMAN. I hope there will be no objection to considering the resolution; it will take but a few moments.

The SPEAKER *pro tempore*. Is there objection to considering the resolution?

Mr. HOLMAN. I wish merely to suggest an amendment to this proposition to which I think the Committee on Accounts will agree.

Mr. PEEL. If this is going to cause debate, I must object.

Mr. HOLMAN. I think there will be no debate at all. I wish to suggest to the gentleman reporting this resolution the amendment which I ask the Clerk to read.

The Clerk read as follows:

Insert, after the words "reported to Congress," the words "and shall note in each case whether the claim had been considered by the Quartermaster-General or by the Southern Claims Commission, and the action thereon."

Mr. O'DONNELL. I accept that amendment.

The SPEAKER *pro tempore*. If there be no objection, the resolution reported by the committee will be considered.

Mr. PAYSON. Before the question is put on agreeing to the resolution let us have some explanation from the gentleman who presents it. It seems to me that the proposition is simply to provide, if I may use the expression, a sinecure for somebody at a high rate of salary; for we all know that the references of matters to the Court of Claims by this House or by any of its committees are comparatively infrequent. The employment of a clerk at an annual salary, such as is paid regular committee clerks, in order that he may simply keep an index and digest of such matters as are referred by this House to the Court of Claims, seems to be a prodigal expenditure of public money. Certainly it should not be agreed to without some satisfactory explanation, which I should be glad to hear. It appears from this report that the total number of cases which have been referred by this House or its committees to the Court of Claims from the time of the passage of the Bowman act to the present time is only about 2,000. Hence the position of a clerk whose only duty it shall be to keep a record of cases transferred from this House to the Court of Claims would be, it seems to me, practically a sinecure. I would like to hear some explanation showing what, in the judgment of the committee, will probably be the extent of the duties required of this clerk.

Mr. O'DONNELL. If the gentleman had heard the report he would have observed the concluding recommendation of the committee, that during the recess of Congress this clerk shall be under the direction of the Clerk of the House, who will find abundant work for him to perform. The gentleman from Kentucky [Mr. STONE], who argued this matter before the Committee on Accounts, can give a full explanation as to the necessity for this clerk.

Mr. PAYSON. Let the resolution be read once more. I did not hear any clause in regard to the employment of this clerk during the recess by the Clerk of this House.

The SPEAKER *pro tempore*. The Clerk will read the resolution with the amendment proposed by the gentleman from Indiana.

The resolution as proposed to be amended was read.

Mr. HOLMAN. I think in my amendment the words "or Commissary-General" ought to be inserted after "Quartermaster-General." I modify the amendment in that way.

Mr. PAYSON. I did not hear in the resolution as just read the provision mentioned a moment ago by the gentleman from Michigan [Mr. O'DONNELL].

Mr. O'DONNELL. I ask the Clerk to read the concluding part of the report.

The Clerk read as follows:

Inasmuch as 43,256 of these claims of record, involving millions of dollars, are likely to come before Congress in their order, your committee think it wise to recommend the passage of the above resolution, with the amendment to add after the last word the following: "During the recess of Congress said J. B. Holloway, or his successor, shall be subject to the direction of the Clerk of the House."

The SPEAKER *pro tempore*. The question is on the adoption of the amendment from the committee as just read.

Mr. ADAMS. Is there not an amendment offered by the gentleman from Indiana?

The SPEAKER *pro tempore*. The amendment just read comes from the committee.

Mr. ADAMS. Ought we not first to act on the amendment of the gentleman from Indiana? Does it not modify the amendment of the committee?

Mr. HOLMAN. I understood there was a substitute reported by the committee.

The SPEAKER *pro tempore*. The committee does not report a substitute, but reports back the resolution with an amendment. The first question is on that amendment.

The amendment reported by the committee was agreed to.

The SPEAKER *pro tempore*. The question is now on the amendment of the gentleman from Indiana [Mr. HOLMAN] as modified by himself.

The amendment of Mr. HOLMAN was agreed to.

The SPEAKER *pro tempore*. The question is now on agreeing to the resolution as amended.

Mr. PAYSON. I hope there will be some explanation from somebody in reference to this resolution.

Mr. STEELE. As I understand the resolution, if the clerk named in it should happen to die, this business will stop.

Mr. O'DONNELL. Oh, no; there is provision for a successor.

Mr. STEELE. Why should any particular person be named in the resolution anyhow? Why not provide simply for the employment of a clerk?

Mr. STONE, of Kentucky. Mr. Speaker, I can explain why Mr. Holloway is named. Without exception during the Forty-ninth Congress he was connected with this committee. He has been connected with it ever since its organization. He knows more about the work of the committee than any member of Congress. I venture to say, you can not organize a committee of this House as the Committee on War Claims and send them into the committee-room to go to work upon these war claims without some one who understands the routine of the work, for otherwise the members of that committee would not be able to go forward in the discharge of their work within six weeks or two months. Everybody who has had connection with the committee or who has had business before it knows the efficiency of Mr. Holloway.

Now, the necessity for the adoption of this resolution is just this. This Committee on War Claims has six thousand bills before it, four thousand of which will be referred to the Court of Claims if members continue to request their reference as they have done for the last two months. Besides the Court of Claims requires each case to be transmitted with a letter, and a letter in each case, it will be seen, will make a large amount of work. Members of Congress too are coming continually to inquire about papers the Committee on War Claims sent at their request to the War Department. In the case of many of these papers it is found they have been lost in transmission in the beginning to the Committee on War Claims, and then at the close of the session of Congress to the Clerk of the House, and at the next session again to the committee. In these various handlings of the papers in the cases referred to the committee, papers valuable to claimants all over the country have been lost. These things being true, the Committee on War Claims consider it economy to the Government, and at the same time in the very best interest of these war claimants, to ask Congress to give us this man who understands these matters. If he had been in charge of the removal of these papers there would not have been so many lost. I believe it to be in the best interest of the Government and of members of Congress and of the claimants themselves that the resolution reported from the Committee on Accounts should be adopted.

In reply to the gentleman from Illinois, I wish to say this place is no sinecure. It is needed because there is more work than the clerk of the committee can do. I am no advocate of giving persons salaries without an equivalent in work, and this man will have all he can do.

Mr. O'DONNELL. I demand the previous question.

The previous question was ordered, and under the operation thereof the resolution as amended was adopted.

Mr. O'DONNELL moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF COMMITTEES.

Mr. McRAE. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the call of committees for reports.

THOMAS MATHEWS AND OTHERS.

Mr. BURROWS, from the Committee on Ways and Means, reported back with amendment the bill (H. R. 4581) for the relief of Thomas Mathews and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. ROGERS, from the Committee on the Judiciary, reported back adversely a bill and joint resolution of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4436) authorizing registers and receivers of the United States land offices to enforce the attendance of witnesses in their respective districts; and

Joint resolution (H. Res. 17) proposing an amendment to the Constitution of the United States.

LIENS OF JUDGMENTS, ETC.

Mr. HENDERSON, of North Carolina, from the Committee on the Judiciary, reported back bills of the following titles; which were laid on the table:

A bill (H. R. 1378) declaring the method of perfecting liens in the Federal courts and providing for public examination of judgment records thereof;

A bill (H. R. 1388) to regulate the effect of judgments and decrees of courts of the United States in the several States;

A bill (H. R. 1869) to regulate the liens of judgments in the courts of the United States; and

A bill (H. R. 5626) to repeal section 967 of the Revised Statutes of the United States, and to enact a substitute therefor.

Mr. HENDERSON, of North Carolina, also, from the Committee on the Judiciary, reported back, as a substitute for the preceding bills, a bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. TARSNEY, from the Committee on Commerce, reported, in lieu of House bills of the following numbers: 1244, 1766, 1767, 1923, 3257, and 4316, a bill (H. R. 8181) to establish additional life-saving stations; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bills H. R. 1244, 1766, 1767, 1923, 3257, and 4316 were laid on the table.

OHIO CENTENNIAL EXPOSITION.

Mr. CRISP, from the Committee on Commerce, reported back favorably the joint resolution (H. R. 119) authorizing the several Executive Departments of the Government to loan to the Ohio Centennial Exposition certain articles for exhibit; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JACOB Y. BOSTALTER.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 5259) to relieve Jacob Y. Bostalter from the charge of fraudulent enlistment; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. FITCH, from the Committee on Military Affairs, reported back adversely the bills (H. R. 241) to correct the military record of John Summers and (H. R. 125) for the relief of Milton R. Avery; which were severally ordered to be laid on the table, and the accompanying reports printed.

J. GEORGE RUCKSTUHL.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 338) to remove the charge of desertion from the military record of J. George Ruckstuhl; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF HOMESTEAD LAWS.

Mr. JACKSON, from the Committee on the Public Lands, submitted the views of the minority to accompany the bill (H. R. 7425) to reduce the quantity of public land subject to homestead entry to 80 acres, and to limit all entries of homestead to citizens of the United States; which were ordered to be printed.

Mr. JACKSON. If in order, I ask that this bill, 7425, which was reported adversely, be placed upon the Calendar.

There was no objection, and it was so ordered.

LANDS FOR CEMETERY PURPOSES, DENVER.

Mr. PAYSON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC LANDS TO WYOMING TERRITORY.

Mr. WHEELER, from the Committee on the Public Lands, reported back favorably the bill (H. R. 4456) granting certain lands to the Territory of Wyoming for public purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WINNEBAGO AND CROW CREEK RESERVATIONS.

Mr. PERRY, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 1944) for the relief of the settlers upon the Winnebago and Crow Creek reservations, in Dakota; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REMOVAL OF THE SOUTHERN UTES.

Mr. PERRY also, from the Committe on Indian Affairs, reported back with amendments the bill (H. R. 1265) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. LA FOLLETTE was granted permission to file the views of the minority to accompany the report of the committee.

TWENTY-SEVENTH LEGISLATIVE ASSEMBLY, NEW MEXICO.

Mr. JOSEPH, from the Committee on the Territories, reported back with amendments the bill (H. R. 4423) relating to certain acts of the Twenty-seventh Legislative Assembly of the Territory of New Mexico; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, GRAND HAVEN, MICH.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported as a substitute for the bill H. R. 1542 a bill (H. R. 8182) for the erection of a public building at Grand Haven, State of Michigan; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1542 was ordered to be laid on the table.

PUBLIC BUILDING, OPELOUSAS, LA.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported as a substitute for House bill No. 7400 a bill (H. R. 8183) for the erection of a public building at Opelousas, La.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 7400 was ordered to be laid on the table.

PUBLIC BUILDING, SACRAMENTO, CAL.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 4924) to increase the appropriation for the erection of a public building at Sacramento, Cal.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PACIFIC RAILROADS.

Mr. OUTHWAITE, from the Committee on Pacific Railroads, reported as a substitute for House bill 5005, a bill (H. R. 8184) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MARY M'GRATH.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 404) for the relief of Mary McGrath; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. D. P. WOODBURY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5961) to

increase the pension now paid to Mrs. D. P. Woodbury; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. SAYERS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3180) granting a pension to John H. Sayers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY F. JENNINGS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported with amendments the bill (H. R. 5545) granting a pension to Nancy F. Jennings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

THOMAS J. PARKER.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5176) granting a pension to Thomas J. Parker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROYAL J. HIAR.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 879) granting a pension to Royal J. Hiar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAYMENT OF PENSIONS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 1333) to amend the pension laws with relation to the payment of pensions; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

WIDOW OF EMANUEL R. HAWN.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6974) for the relief of ——— Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JOSEPH PERRY.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 138) granting a pension to Joseph Perry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID RENNOE.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6379) to increase the pension of David Rennoe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 131) granting a pension to Finton A. Stroup; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM S. SIMS.

Mr. LANE, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2077) to place on the pension-roll the name of William S. Sims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MARY DULL.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3488) granting a pension to Mary Dull; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JAMES M. BERRY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3490) granting a pension to James M. Berry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN SHEA.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3579) granting a pension to Ellen Shea; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALONZO B. CHATFIELD.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2094) to increase the pension of Alonzo B. Chatfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CHARLOTTE T. CLARK.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2078) granting a pension to Charlotte T. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

SARAH E. M'CALEB.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6609) for the relief of Sarah E. McCaleb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JEANNIE STONE.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 401) granting a pension to Mrs. Jeannie Stone; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY SULLIVAN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 838) granting a pension to Mary Sullivan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. WITT.

Mr. WALKER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6908) granting a pension to William P. Witt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA SUMMERS.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 472) granting a pension to Eliza Summers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OSCAR F. CARPENTER.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 930) to grant a pension to Oscar F. Carpenter, Eleventh Independent Battery, Ohio Light Artillery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES D. WHALEY.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 753) granting a pension to James D. Whaley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID L. PARTLOW.

Mr. MORRILL, from the Committee on Invalid Pensions, reported a bill (H. R. 8185) granting a pension to David L. Partlow; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID W. SEELY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5195) granting a pension to David W. Seely; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. MOLES.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3844) granting a pension to William C. Moles; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARBLE H. BAIRD.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 782) granting a pension to Marble H. Baird; which was referred to the Commit-

tee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSIONS FOR PRISONERS OF WAR.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 1420) for pensioning prisoners of war; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table:

A bill (H. R. 429) to increase the pension of Dennis Tracey;
A bill (H. R. 5765) granting a pension to B. F. Runkle;
A bill (H. R. 207) granting a pension to Joseph A. Porter;
A bill (H. R. 764) granting a pension to Mrs. Mary Pittman;
A bill (H. R. 3838) granting a pension to Jonathan Cline;
A bill (H. R. 219) granting a pension to Clinton Lewis;
A bill (H. R. 3846) granting a pension to Edward Sullivan; and
A bill (H. R. 6216) granting a pension to John G. Banks.

MARY G. CROCKER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4579) granting a pension to Mary G. Crocker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH J. HASCALL.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5911) granting a pension to Elizabeth J. Hascall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. BRIMMER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5247) granting a pension to William H. Brimmer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT NEVIN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported with an amendment the bill (H. R. 3870) granting a pension to Albert Nevin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FARNAREN BALL.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4580) granting a pension to Farnaren Ball; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. BETSY WINTERBOTTOM.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 895) for the relief of Mrs. Betsy Winterbottom; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTOPHER WISEMILLER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported with an amendment the bill (S. 819) granting a pension to Christopher Wisemiller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSANNA ROBEY.

Mr. THOMPSON, of California, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4491) granting a pension to Rosanna Robey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE BLACK.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3554) granting a pension to Catharine Black; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY H. STUTSMAN.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 680) granting a pension to Henry H. Stutsman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HELEN M. RANDOLPH.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1354) granting a pension to Helen M. Randolph; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES COEY.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 1413) to increase the pension of James Coey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. T. LINDSEY.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 703) granting a pension to M. T. Lindsey, of Oregon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLY A. RANDALL.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported back favorably the bill (H. R. 88) granting a pension to Sally A. Randall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH MARTIN.

Mr. HENDERSON, of North Carolina, also, from the Committee on Pensions, reported back with amendment the bill (H. R. 5522) for the relief of Elijah Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF OFFICERS AND CREW OF STEAMER MIGNONETTE.

Mr. SIMMONS, from the Committee on Claims, reported back with amendment the bill (H. R. 7047) for the relief of certain heirs of the officers and crew of the United States light-house schooner Mignonette, lost near Brazos Santiago, Tex., in the storm of September 21, 1887; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. O. HIATT AND OTHERS.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (H. R. 6622) for the relief of W. O. Hiatt, Edward Hughes, and J. W. Powell, session clerks, Forty-ninth Congress; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. T. MARSHALL.

Mr. KERR, from the Committee on Claims, reported back with amendment the bill (H. R. 2196) for the relief of S. T. Marshall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BARKER, WILLIAMS, AND OTHERS.

Mr. KERR also, from the Committee on Claims, reported back with amendment the bill (H. R. 450) for the relief of Barker, Williams, and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL S. LOY.

Mr. LAWLER, from the Committee on War Claims, reported a bill (H. R. 8186) for the relief of Daniel S. Loy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MOBILE MARINE DOCK COMPANY.

Mr. STOCKDALE, from the Committee on War Claims, reported back with amendment the bill (H. R. 3102) for the relief of the Mobile Marine Dock Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. THOMAS, of Wisconsin, by unanimous consent, submitted in writing the views of a minority of the Committee on War Claims upon House bill 3102, just reported; which were ordered to be printed with the report of the committee.

EXECUTORS OF LEVIN R. MARSHALL.

Mr. STOCKDALE also, from the Committee on War Claims, reported a bill (H. R. 8187) for the relief of Stephen Duncan Marshall and George M. Miller, executors of the will of Levin R. Marshall, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. M. STINSON.

Mr. BROWER, from the Committee on War Claims, reported back favorably the bill (H. R. 3595) for the relief of C. M. Stinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

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A bill (H. R. 764) granting a pension to Mrs. Mary Pittman;
A bill (H. R. 3838) granting a pension to Jonathan Cline;
A bill (H. R. 219) granting a pension to Clinton Lewis;
A bill (H. R. 3846) granting a pension to Edward Sullivan; and
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CHRISTOPHER WISEMILLER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported with an amendment the bill (S. 819) granting a pension to Christopher Wisemiller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSANNA ROBEY.

Mr. THOMPSON, of California, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4491) granting a pension to Rosanna Robey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE BLACK.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3554) granting a pension to Catharine Black; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY H. STUTSMAN.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 680) granting a pension to Henry H. Stutsman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HELEN M. RANDOLPH.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1354) granting a pension to Helen M. Randolph; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES COEY.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 1413) to increase the pension of James Coey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. T. LINDSEY.

Mr. THOMPSON, of California, also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 703) granting a pension to M. T. Lindsey, of Oregon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLY A. RANDALL.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported back favorably the bill (H. R. 88) granting a pension to Sally A. Randall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH MARTIN.

Mr. HENDERSON, of North Carolina, also, from the Committee on Pensions, reported back with amendment the bill (H. R. 5522) for the relief of Elijah Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF OFFICERS AND CREW OF STEAMER MIGNONETTE.

Mr. SIMMONS, from the Committee on Claims, reported back with amendment the bill (H. R. 7047) for the relief of certain heirs of the officers and crew of the United States light-house schooner Mignonette, lost near Brazos Santiago, Tex., in the storm of September 21, 1887; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. O. HIATT AND OTHERS.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (H. R. 6622) for the relief of W. O. Hiatt, Edward Hughes, and J. W. Powell, session clerks, Forty-ninth Congress; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. T. MARSHALL.

Mr. KERR, from the Committee on Claims, reported back with amendment the bill (H. R. 2196) for the relief of S. T. Marshall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BARKER, WILLIAMS, AND OTHERS.

Mr. KERR also, from the Committee on Claims, reported back with amendment the bill (H. R. 450) for the relief of Barker, Williams, and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL S. LOY.

Mr. LAWLER, from the Committee on War Claims, reported a bill (H. R. 8186) for the relief of Daniel S. Loy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MOBILE MARINE DOCK COMPANY.

Mr. STOCKDALE, from the Committee on War Claims, reported back with amendment the bill (H. R. 3102) for the relief of the Mobile Marine Dock Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. THOMAS, of Wisconsin, by unanimous consent, submitted in writing the views of a minority of the Committee on War Claims upon House bill 3102, just reported; which were ordered to be printed with the report of the committee.

EXECUTORS OF LEVIN R. MARSHALL.

Mr. STOCKDALE also, from the Committee on War Claims, reported a bill (H. R. 8187) for the relief of Stephen Duncan Marshall and George M. Miller, executors of the will of Levin R. Marshall, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. M. STINSON.

Mr. BROWER, from the Committee on War Claims, reported back favorably the bill (H. R. 3595) for the relief of C. M. Stinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

reported back favorably the bill (H. R. 1627) to amend section 25 of the act of March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DEPARTMENT OF AGRICULTURE AND LABOR.

Mr. HATCH, from the Committee on Agriculture, reported as a substitute for House bill 3408 a bill (H. R. 8181) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture and Labor; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanyfng report, ordered to be printed.

The bill H. R. 3408 was ordered to be laid on the table.

PROCEEDS OF CAPTURED COTTON.

Mr. LANHAM. Mr. Speaker, I desire to submit a privileged report from the Committee on Claims.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The Committee on Claims, to whom was referred the accompanying resolution, having considered the same, report it back to the House with the recommendation that it be adopted.

"Whereas Senate Executive Document No. 23, Forty-third Congress, second session, pages 36, 37, shows that there were collected by E. B. Fugua, an agent of the Treasury Department appointed for the purpose of collecting captured and abandoned property in the county of La Fayette, Arkansas, two lots of cotton, one of 150 bales and one of 70 bales, the net proceeds of which two lots in the Treasury aggregate $11,176.87: Therefore,

"*Be it resolved*, That the Secretary of the Treasury be, and he is hereby, directed at his earliest opportunity to report to Congress, for its information, whether claim has been made for the proceeds of said cotton or any part thereof, and what action was taken thereon."

The resolution was adopted.

Mr. LANHAM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL TEMPERANCE HOME, DISTRICT OF COLUMBIA.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8192) to provide for the incorporation of the National Temperance Home in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TEMPORARY USE OF LANDS, ALASKA.

Mr. CUTCHEON also, by unanimous consent, introduced a bill (H. R. 8193) to set apart certain lands in Southeastern Alaska for the temporary use of certain native people; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will now call the committees for one hour for the consideration of bills under the rule. The hour begins at twenty minutes before 2 o'clock, and the call rests with the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT SEDALIA, MO.

Mr. DIBBLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the unfinished business, the bill H. R. 1599; and I also move that general debate be limited to twenty-five minutes.

Mr. BLAND. I want twenty-five minutes myself. I move to amend by making the time forty-five minutes.

Mr. DIBBLE. Say thirty-five minutes. I ask unanimous consent that general debate be limited to thirty-five minutes.

Mr. BLAND. I will agree to that if I can have twenty-five minutes.

Mr. DIBBLE. I make it part of my request that the gentleman from Missouri shall have twenty-five minutes.

The SPEAKER *pro tempore*. The Chair can not entertain a request of that nature coupled with conditions. Is there objection to limiting general debate to thirty-five minutes?

There was no objection.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of resuming the consideration of the unfinished business. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1599) to provide for the erection of a public building at Sedalia, in the State of Missouri; reported with amendments.

The CHAIRMAN. On this bill general debate, by order of the House, is limited to thirty-five minutes.

Mr. DIBBLE. I yield twenty-five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. As we are still proceeding to dispose of the surplus upon wasteful measures and unnecessary appropriations for public buildings, I deem it my duty to again call the attention of the House and of the country to the situation of the people who have these enormous taxes to pay and these unnecessary expenditures and burdens to meet. As a part of my remarks, I send to the Clerk's desk to be read an extract from the Missouri Republican, showing the condition of the great agricultural portion of the population of this country which at last pays all these expenditures.

The Clerk read as follows:

WHO OWNS THE WEST?

All the advocates of a high protective tariff have one refrain to their songs, speeches, magazine essays, and sermons—the vast wealth of the country. "We are the richest country on the globe," they assert, "and the protective tariff has made us so;" and then they present us with a bewildering array of figures towering up into the billions to show how prosperous the land has been under the protective policy of the last twenty-six years. In 1862 we had only 32,000 miles of railroad; now we have 150,000. In 1860 we had only $200,000,000 deposits in savings-banks; now we have $1,100,000,000. In 1860 we had 2,044,000 farms; in 1880 the number had increased to 4,008,000, and at the present time it can not be less than 5,000,000. All this they tell us has been brought about by the protective policy—as if the industry, enterprise, and patient, hard work of the people had nothing to do with the matter.

It may be admitted that the country is rich, and growing more rapidly in wealth than any other country on the globe. But the people have made it so, not the tariff. It has thrived in spite of protection. That policy has drawn enormous wealth from the twenty-nine agricultural States and concentrated it in the nine favored industrial States; and it is in the latter the affluence that excites the admiration of the high-tariff advocates is most conspicuously illustrated.

But, they tell us, the agricultural States have grown rich, too. They also have prospered under protection. See how farms have multiplied in the West and Northwest, and see how railroads have been built in Illinois, Michigan, and Wisconsin and the States and Territories west of the Mississippi, even to the Pacific, and how this vast region has been subdued to settlement.

All true. But who owns these farms and railroads in the Western States? In one word, who owns the West? The people of the West, it might be answered. But the answer would not be true, as a few indisputable figures will sufficiently prove.

First, as to farms. In 1880 there were 138,500 farms in Kansas, 256,000 in Illinois, 194,000 in Indiana, 247,000 in Ohio, 185,300 in Iowa, 154,000 in Michigan, and 134,300 in Wisconsin—making a total of 1,309,100 in the seven States named. Recent statistics collected by Granger associations and printed in farm journals make the following exhibit of farm mortgages in these same States:

Kansas	$255,000,000
Illinois	1,000,000,000
Indiana	635,000,000
Ohio	1,227,000,000
Iowa	567,000,000
Michigan	500,000,000
Wisconsin	357,000,000
Total	4,521,000,000

These figures are so startling in their enormity as to seem incredible. We do not vouch for their accuracy. They present the 1,309,100 farms in seven Western States as encumbered with an aggregate of four and a half billion mortgage indebtedness, or an average of over $3,400 for each. The assessed valuation of property in these States in 1885 was as follows:

Kansas	$275,500,000
Illinois	797,000,000
Indiana	793,000,000
Iowa	625,000,000
Michigan	850,000,000
Wisconsin	496,000,000
Ohio	1,671,000,000
Total	5,507,500,000

It will be seen that the reported mortgage debts cover about four-fifths the assessed value of the farms; and the bulk of these mortgages are held in the Eastern industrial States.

Next, as to railroads. In the seven Western States named there were, in 1885, 37,000 miles of railroad with a stock and bond account and net earnings as follows:

States.	Stocks and bonds.	Net earnings.
Kansas	$195,700,000	$9,440,000
Illinois	740,000,000	16,000,000
Indiana	320,000,000	5,700,000
Iowa	105,000,000	2,180,000
Michigan	214,000,000	5,000,000
Wisconsin	236,000,000	6,900,000
Ohio	767,000,000	12,300,000
Total	2,537,700,000	57,520,000

These 37,000 miles of railroad, having a nominal value of $2,537,700,000 (over two and a half billion dollars) and yielding annual net earnings of $57,520,000, are put down in the statistics of the day as part of the property of the States in which they lie. But it is a notorious fact that only a very small fraction of their values is owned in these States. The last report of the Iowa railroad commissioners states that only one out of forty stockholders in Iowa roads lives in the State, and only one-seventieth of the capital stock is held in the State. In Illinois a similar condition of things prevails. The official report of the railroad commissioners does not state what proportion of the aggregate capital stock of the Illinois roads is held in Illinois, but the location of the capital stock of the leading roads will assist us in forming an estimate. The Illinois Central has $29,000,000 capital stock, only $685,000, or less than 3 per cent., of which is owned in Illinois. Of the Chicago, Rock Island and Pacific, about 5 per cent. of the capital stock is owned in Illinois; of the Ohio and Mississippi stock, only one-half of 1 per cent.; of the St. Louis, Alton and Terre Haute, less than one-half of 1 per cent. Taking these figures as a guide we may safely estimate that of the 19,000 miles of railway in Illinois, valued in stock and bonds at $740,000,000, the people of Illinois own 5 per cent.; the other 95 per cent. is owned in the rich industrial States of the East.

As Illinois is called the most prosperous and one of the richest agricultural States of the West, it may be inferred that the other States are in no better con-

dition than it in the matter of railroad ownership, and therefore it may be broadly asserted that practically all the railroads in the seven States named, valued at $2,537,700,000 (two and a half billion dollars and over), are owned in the industrial States. The industrial States are therefore drawing a pretty round sum of money for one thing and another from the seven Western States named every year. The items may be stated as follows:

In protective taxes	$150,000,000
In interest on mortgages	270,000,000
In railroad net earnings	57,000,000
Total	477,000,000

The Western States are, in fact, being bled to death. Western farmers are actually becoming poorer and poorer every year. As a body they do not make a living, and the convincing proof of this fact is that their farms are fast passing under mortgage to the money-lending manufacturing States of the East. Twenty-five years ago these mortgages were few in number and small in amount; now they number millions and cover an aggregate value of thousands of millions, and all bear 6 to 8 per cent. interest.

The West does not own itself. It is owned by the industrial States. Twenty-six years of the malign, sectional, and oppressive policy of high tariff has done the work and done it effectually. The industrial States of the East, enriched beyond estimate by the annual tribute of $600,000,000 exacted for a quarter of a century from the other States under the false pretense of building up home manufactures, own all Western railroads, telegraph lines, and bridges, and hold mortgages on nearly all farms, their cities, and towns.

Mr. BLAND. Mr. Chairman, that is a showing which it seems to me ought to call the attention of this House, and especially the attention of the gentlemen who are representing agricultural constituencies. It so happens that people engaged in agriculture, scattered on farms, are not able to meet and organize, as those living in the larger cities and manufacturing districts can, for the purpose of urging legislation here for their relief. They must bear these burdens in patience, and they have borne them for the last quarter of a century. While we are here passing without challenge bills in every form, exacting from them an excessive tribute in the way of taxation, we are denounced by the monopolists and the beneficiaries of this system of taxation whenever any move is made in this House for the purpose of reducing these taxes and these burdens or to call a halt in these extravagant appropriations of public money.

Mr. Chairman, I am not opposed to the erection of public buildings where they are required and necessary, if there were some general law upon this subject; and I am sorry my friend from South Carolina and his committee have not reported some general bill by which the Departments can designate and inform Congress as to the particular points and places where public buildings are needed. We are going on erecting public buildings in towns of ten, fifteen, or twenty-five thousand inhabitants, where the rentals are not more than four or five hundred dollars per annum, mainly for the purpose of ornament and for adorning the abodes of those living in ease and leisure at the expense of the farmers, who, as all who live in agricultural districts are aware, are ground between the upper and nether millstones of taxation.

We find that mortgages cover not only the great Northwestern States, the newly settled States, but even the older States of Ohio, Indiana, Illinois, and Missouri pay every year on mortgages on their farms and on investments in railroads amounts running up to half a billion of dollars annually. And how have these mortgages accrued? Loan associations of the industrial States have their agents all over our Western country who loan there their money at 9 or 10 per cent. and sometimes 12 or 15 per cent.; and so far as my personal experience goes, these mortgages are required to be paid, not in the lawful currency of this country as provided by law, but they always contain a clause, inserted at the instance of these Shylocks, that the money shall be paid in gold, and gold only. So that the attempt is made to cause the debts of this country, not only farm mortgages amounting to billions of dollars, but railway mortgages and national and State debts to be paid on a gold basis by the limitation of the issue of money in any other form than that of gold. And by the protective-tariff scheme that we have, the duties on imports are enhanced in value and made more onerous and burdensome from the fact that they are to be paid in gold, or at the gold valuation.

Thus it is that we go on here, sir, session after session, refusing to reduce taxes, refusing to give better facilities for a currency that may be adequate for the business of this country, until the agricultural people, as is known to every gentleman who represents an agricultural district, are overwhelmed with debt and despondency and they look to Congress for some relief, and this is the character of the relief we are giving them.

Mr. CANNON. Will the gentleman allow me a question?

Mr. BLAND. Yes.

Mr. CANNON. In the statement which the gentleman had read at the desk a few moments ago as to the mortgages on Illinois farms the amount was set down, in round numbers, at $700,000,000. Now, the total area of Illinois is, in round numbers, 36,000,000 acres, and not over two-thirds of that can be called farm lands, but if you take every acre of land in the State, the gentleman's figures would make an average mortgage of over $20 to the acre on the whole State of Illinois, and if you take the farm lands, it would make nearly $30 an acre. Now, Mr. Chairman, while I have nothing to say in favor of this public-building bill, I want to say to the House that the mortgages on the farm lands of Illinois do not average $5, no, not $3 an acre, instead of $30.

Mr. BLAND. Well, take the gentleman's own statement, $5 an acre; that is enough to bankrupt his constituency, and it will do it. I am glad to see that side of the House and gentlemen pretending to represent Western constituencies undertake to excuse the enormities of this taxing system and the poverty it has brought upon the people. I want the gentleman to understand that his constituency are not in favor of this system of public buildings nor in favor of this system of taxation.

Mr. CANNON. Mr. Chairman, the gentleman does me injustice. I am not in favor of this public-building bill.

Mr. BLAND. I am not talking about the public-building bill in itself, but about the system of taxation that we have adopted here to meet these expenditures. That is the burden we have to look to.

Mr. RYAN. Will the gentleman yield for a question?

Mr. FUNSTON. I want to ask the gentleman from Missouri a question.

Mr. BLAND. I can not yield. I understand, Mr. Chairman, that these gentlemen who are questioning me now and pretending to represent Western constituencies have not raised their voices against these extravagant appropriations and are not in favor of relieving the people of their burdens.

Mr. JACKSON. Mr. Chairman, I make the point of order that the gentleman is not addressing the House on the question before it.

Mr. FUNSTON. The gentleman from Missouri has spoken for the farmer. I want to ask him this question: What is there that the farmers have to buy that is not cheaper to-day than it was in 1860, in free-trade days?

Mr. BLAND. Everything is lower that the farmer has to sell than it was then, considering costs of living, for everything is higher that he has to buy.

Mr. FUNSTON. Let me ask the gentleman another question.

Mr. BLAND. I decline to yield.

Mr. FUNSTON. I did not get through with my question.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. FUNSTON. He gave me permission to ask a question, and I did not get through.

The CHAIRMAN. The gentleman declines to yield.

Mr. FUNSTON. I ask the gentleman to yield for a question.

Mr. BLAND. No, sir.

Mr. GEAR. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GEAR. I want to correct a statement of the gentleman from Missouri.

Mr. BLAND. I decline to yield.

Mr. GEAR. The gentleman has made a misstatement in regard to my State, and I want to correct it.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] is entitled to the floor, and he declines to yield.

Mr. GEAR. I want to correct the gentleman's statement about my State.

Mr. BLAND. Let the gentleman correct it in his own time.

Mr. GEAR. But the statement goes into the RECORD as a part of the gentleman's speech, and I want to correct it. I ask the gentleman if he will not yield for a correction?

Mr. BLAND. I will not yield.

Mr. GEAR. Will not the gentleman yield for a correction of his statement?

Mr. BLAND. No, sir; I decline to yield.

Mr. GEAR. If the gentleman can afford to stand there and make statements that he knows are not true and decline to yield for a correction——

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. GEAR. Does the gentleman yield?

Mr. BLAND. I hope you will yield and quit. [Laughter.]

Mr. GEAR. The gentleman declines to yield for a correction.

Mr. BLAND. Mr. Chairman, I hope this will not come out of my time. I do not know why gentlemen should appeal to me to yield them time. They have time of their own if they want to oppose this bill.

Mr. GEAR. Mr. Chairman, I want it understood that I do not ask a minute out of the gentleman's time. I want a minute to myself to correct a statement that he has made about my State.

Mr. BLAND. The gentleman can correct in his own time all the statements he wants to correct. I gave the authority for the statements I made. If that authority is not valid——

Mr. GEAR. The gentleman gave as his authority a newspaper article, which is no authority at all on a matter of that kind. I have here the figures from the official records.

Mr. BLAND. The gentleman can produce the records in his own time.

Mr. GEAR. When the gentleman undertakes to state the assessed valuation of farm lands in Iowa he ought to base his statement upon the record. I have the record here.

Mr. BLAND. Mr. Chairman, the farmers of this country have been promised, under this protective system, a market for their products; they have been told that they would share in the benefits of this system of taxation, which raises a hundred million dollars of surplus to

be placed in the Treasury. But where is the market of our farmers to-day? I want gentlemen to point out in what respect the value of the live-stock or the lands or the agricultural products of the farmer has been raised under this system. On the contrary, the value of all the products of the farmer has been going down from year to year for the last quarter of a century, until now scarcely anything that is produced on the farm pays the expense of its production. Prohibited from access to a market abroad, the farmer, by this infamous system, is confined to a market at home, which does not furnish a sufficient demand for his products.

And, sir, these public-building bills, one hundred and fifty, I think, in number, carrying appropriations in the aggregate of $25,000,000 to $27,000,000, are the sort of legislation calculated to tax the agriculturists for the benefit of the cities. So the protective tariff and the various governmental measures affecting the financial question tend to draw population to the large cities, to adorn and beautify the abodes of those living in palatial mansions, until we see our cities growing wealthier year by year and the rural portions of the country becoming more and more impoverished.

So far as this pending bill is concerned, Mr. Chairman, I think it wholly unnecessary. No courts are held at Sedalia, and without making an appropriation for constructing any building, it would be easy enough to procure for an annual rental of $400 or $500 accommodations amply sufficient for all the business that the Government is required to do at that place.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Half a minute.

Mr. BLAND. I will reserve that half minute. [Laughter.]

Mr. DIBBLE. I yield seven minutes to the gentleman from Missouri [Mr. HEARD] on my right.

Mr. HEARD. Mr. Chairman, I regret that my colleague [Mr. BLAND] during time given under the rules for the consideration of this bill proposing to provide for the erection of a public building in the city of my home—a young city of which every citizen of the State is proud—has felt impelled by a sense of consistency, if not of duty, to demand five-sevenths of the entire time allowed for debate, and, ignoring the issue before the House, consume such time in discussing the question of protective tariff and high taxes.

Mr. Chairman, the gentleman can not make any point against me in the State of Missouri or on this floor when he comes to compare his tariff record and votes with mine. I, too, believe in reforming the tariff, as I believe also in the sanctity of the Christian religion, the influence of which I wish to see spread all over the earth; but I do not believe this is the proper time for the discussion of either topic. [Laughter and applause.]

Now, Mr. Chairman, a moment in regard to the merits of this bill. Is it an unreasonable request which the people of Sedalia prefer through the unanimous report of this committee? This is a town of about 20,000 people, and which for twenty years has yielded to the Government a net revenue from postal business. In 1886 I submitted to the Committee on Public Buildings and Grounds of this House, which then reported favorably on a bill for the erection of a public building at Sedalia, a table embracing statistics of the Post-Office Department, to which I now refer. In the ten years from 1876 to 1886 the post-office at Sedalia, besides paying all its expenses, yielded $123,500 of net revenue to the Government. In the five years immediately preceding the preparation of these statistics the postal business at that place had yielded $66,000 net revenue, and in the last preceding four years $53,000. This bill proposes to make an appropriation of only $50,000—less than the net revenue yielded from its postal business in four years.

Since the time when these statistics were prepared the business of Sedalia has grown immensely. In 1885, the last year embraced in this statistical abstract, the number of pieces of mail matter handled at Sedalia was 880,000; in 1886 the number was 1,489,000, and in 1887 2,076,000—showing a net increase of something like 50 per cent. per annum. Of mail matter originating in this city there were, in 1885, 185,000 pieces; in 1886, 304,000; in 1887, 473,000 pieces. Is there a place in this country which, in the matter of increase of postal business, can make a better showing?

Sedalia is in the heart of the best country in Missouri. It is the focal point of six railroad lines. The county has a tax-list of nearly $10,000,000 and the city a tax-list of about $4,000,000. The population of the county is nearly 40,000 and of the city nearly 20,000. The people of the county have erected in that city for county purposes a building which cost, with its furniture, $125,000; and, while some men undertook, when the proposition was pending, to make a little "buncombe" by talking about high taxes, there is not a man in that county to-day who is not ashamed to admit that he ever opposed the erection of that building.

Mr. Chairman, I repeat the expression of my regret that my distinguished colleague, calculating, as well he may, upon the influence of his long service in this body, should have felt called upon on this occasion to occupy the time, as he has done here to-day, under conditions which I no not think fair to me.

The CHAIRMAN. The gentleman from South Carolina has two minutes of his time remaining.

Mr. DIBBLE. All I have to say, Mr. Chairman, in those two minutes is that I am glad to say the time of the House, when a proper occasion offers, will be given to a thorough discussion of the tariff question on both sides, as a number of gentlemen seem anxious to pursue that discussion. But I submit it has no reference to the question before the committee. The only point, of course, upon which the committee might desire a suggestion is as to this public building. They will not have to go to any foreign loan association to borrow money at a high rate of interest to put it up.

As I believe my time is exhausted, I will now move that the bill be laid aside to be reported to the House with the recommendation that it do pass with the amendment proposed by the committee.

Mr. BLAND. I move to strike out "$50,000" and insert "$5,000."

The committee divided; and there were—ayes 5, noes 126.

Mr. BLAND. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. DIBBLE and Mr. BLAND.

The committee again divided; and the tellers reported—ayes 5, noes 161.

So the amendment was disagreed to.

Mr. BLAND. I move to strike out the enacting clause.

The committee divided; and there were—ayes 11, noes 144.

Mr. BLAND. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. DIBBLE and Mr. BLAND.

The committee again divided; and the tellers reported—ayes 3, noes 160.

So the amendment was disagreed to.

The amendment of the committee was then adopted.

Mr. DIBBLE. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 1599) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri, and had directed him to report the same back with an amendment.

Mr. DIBBLE demanded the previous question.

The previous question was ordered, and under the operation thereof the amendment of the Committee of the Whole House on the state of the Union was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEABD withholds his remarks for revision. [See APPENDIX.]

ORDER OF BUSINESS.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole for the consideration of the special order fixed for to-day.

Mr. TILLMAN. Pending that motion I desire to call up House bill No. 6894, a bill making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889; and thus raise the question of consideration.

Mr. STEELE. I take it that it is not necessary to raise the question of consideration in that way, this being a general appropriation bill which may be called up at any time.

Mr. NELSON. I hope the motion of the gentleman from South Carolina will not prevail. The Committee on Indian Affairs got this day under a special order of the House, whereas the Committee on Appropriations have the right of way and can call up their bills at any time. If insisted upon I hope the motion will be voted down.

The SPEAKER *pro tempore*. The Chair will have the Clerk read the special order for to-day.

The Clerk read as follows:

Resolved, That Wednesday the 7th, Thursday the 8th, and Saturday the 10th days of March, 1888, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Indian Affairs, in such order as may be designated by said committee. The order not to conflict with prior orders, revenue or general appropriation bills.

The SPEAKER *pro tempore*. The question of consideration is raised.

Mr. PERKINS. The motion of the gentleman from South Carolina raises that question. The only question, as I understand it, is on that motion, and the vote on that settles the question.

The SPEAKER *pro tempore*. The vote in the negative on the motion of the gentleman from South Carolina would bring the motion of the gentleman from Arkansas before the House for consideration. The question is now on the motion of the gentleman from South Carolina to go into Committee of the Whole for the purpose stated.

Mr. DINGLEY. Before the question is submitted, I want to raise this point: I understand the gentleman from Arkansas calls up a special order setting apart this day for the consideration of certain bills. Is it competent to set aside the privilege which has been given to that committee, under a special order of the House, by calling up an appropriation bill?

The SPEAKER *pro tempore*. The Chair will state that the question of consideration is raised on the motion to go into Committee of the Whole.

Mr. STEELE. Does not the order provide that its execution shall not interfere with general appropriation or revenue bills?

Mr. MORROW. This is not a general appropriation bill.

Mr. PEEL. I make the point that it is not such a bill.

The SPEAKER *pro tempore*. The Chair will submit the question to the House on the motion of the gentleman from South Carolina to go into Committee of the Whole on an appropriation bill, which the special order excepts.

The question was taken; and on a division there were—ayes 9, noes 107.

Mr. STEELE. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. STEELE and Mr. PEEL were appointed tellers.

The House again divided; and the tellers reported—ayes 19, noes 144.

So the motion of Mr. TILLMAN was rejected.

Mr. PEEL. I now renew my motion that the House resolve itself into Committee of the Whole for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The Clerk will report the first bill under the special order.

AGREEMENT WITH THE GROS VENTRE, PIEGAN, AND OTHER INDIANS.

The first business on the Calendar under the special order was the bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana.

The Clerk proceeded to read the bill.

Mr. NELSON. Is this the first formal reading of the bill?

The CHAIRMAN. It is.

Mr. NELSON. Then I ask unanimous consent that the first reading be dispensed with, and that the bill be read by sections.

Mr. STEELE. I object.

The Clerk continued to read the bill.

Mr. NELSON (some time subsequently). I again ask that the first formal reading of the bill be dispensed with, and that it be taken up for consideration by sections.

There was no objection.

The bill was read by sections.

When the Clerk had read article 6 of the agreement,

Mr. HOLMAN. I wish to ask my friend from Arkansas whether it is not better after the period of twenty-five years has elapsed, if there is such power in Congress to so modify this contract, that a further extension of the period, in the discretion of the President, may be provided for? The probabilities are that at the end of twenty-five years these Indians will hardly be in a condition to take their lands in severalty. They are as yet an uncultivated people, and twenty-five years would be a short space of time, under their present conditions, to entitle them to the privileges proposed to be granted by this provision. Further, I would ask if the committee considered the propriety of amending or seeking to amend this agreement by subsequent provisions, if Congress shall see proper hereafter?

Mr. PEEL. I think that would be a proper course to pursue. But this bill is simply to ratify the agreement already made, and the provision to which the gentleman has referred is not one of the terms of the agreement.

I would say further to the gentleman from Indiana that if it becomes manifest to Congress that the Indians are not ready in twenty-five years to take their lands, Congress would then have power to extend the time.

Mr. HOLMAN. Is that clear? We make an agreement that after twenty-five years they shall have the lands absolutely. It appears to me that that is not a long enough period.

Mr. PEEL. I will say that that is the longest period that I have ever known in any bill ratifying agreements with Indians.

Mr. HOLMAN. But the other clause has been incorporated, that the President might, in his discretion, extend the time. These Indians, it should also be considered, are among the most uncultivated of our tribes. I perceive, however, that we can not amend this agreement, and that all that can be done by Congress would be to declare a modification by a subsequent provision. I will call the attention of the committee to it hereafter.

Mr. PERKINS. I ask unanimous consent to dispense with the reading of the signatures to the agreement.

There was no objection, and it was so ordered.

Two verbal amendments in the preamble, to substitute "John" for "Joseph," and to substitute "or" for "of," were agreed to.

The enacting clauses of the bill were read, as follows:

Be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

SEC. 2. That for the purpose of carrying out the terms of said agreement the sum of $430,000 is hereby appropriated, to be immediately available.

Mr. PEEL. As the provisions of the bill are so very plain on its face and they have gone through the revision of this commission and also of the Indian Department and have been duly considered by the Committee on Indian Affairs, who have made a unanimous report, if no other information is desired I will move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. If my friend will permit me, it may be of interest to most gentlemen present to have some knowledge of the boundaries of the several reservations for the Indians. The committee has dispensed with the reading of the names, but I think it would be well to have the descriptions of those boundaries read.

Mr. TOOLE. The Clerk will find them on pages 7, 23, and 33.

The Clerk read as follows:

It is hereby agreed that the separate reservation for the Indians now attached to and receiving rations at the Fort Peck agency, Montana, shall be bounded as follows, to wit:

Beginning at a point in the middle of the main channel of the Missouri River, opposite the mouth of Big Muddy Creek; thence up the Missouri River, in the middle of the main channel thereof, to a point opposite the mouth of Milk River; thence up the middle of the main channel of Milk River to Porcupine Creek; thence up Porcupine Creek, in the middle of the main channel thereof, to a point 40 miles due north in a direct line from the middle of the main channel of the Missouri River opposite the mouth of Milk River; thence due east to the middle of the main channel of Big Muddy Creek; thence down said creek, in the middle of the main channel thereof, to the place of beginning. And said Indians shall have the right to take timber for building and fencing purposes and for fuel from the bottom lands on the right bank of the Missouri River opposite the reservation above described.

It is hereby agreed that the separate reservation for the Indians now attached to and receiving rations at the Fort Belknap agency shall be bounded as follows, to wit:

Beginning at a point in the middle of the main channel of Milk River, opposite the mouth of Snake Creek; thence due south to a point due west of the western extremity of the Little Rocky Mountains; thence due east to the crest of said mountains at their western extremity, and thence following the southern crest of said mountains to the eastern extremity thereof; thence in a northerly direction in a direct line to a point in the middle of the main channel of Milk River opposite the mouth of People's Creek; thence up Milk River, in the middle of the main channel thereof, to the place of beginning: *Provided*, That the Secretary of the Interior may, in his discretion, set apart a tract of land, within said reservation, not to exceed 160 acres in extent, for the establishment and maintenance of an Indian mission and industrial school, under the auspices of the Society of Jesus, to include the site of their present mission buildings; but such privilege shall not debar or exclude other religious societies from establishing Indian missions and schools within said reservation, under direction of the Secretary of the Interior.

It is hereby agreed that the separate reservation for the Indians now attached to and drawing rations at the Blackfeet agency shall be bounded as follows, to wit:

Beginning at a point in the middle of the main channel of the Marias River opposite the mouth of Cut Bank Creek; thence up Cut Bank Creek, in the middle of the main channel thereof, 20 miles, following the meanderings of the creek; thence due north to the northern boundary of Montana; thence west along said boundary to the summit of the main chain of the Rocky Mountains; thence in a southerly direction along the summit of said mountains to a point due west from the source of the North Fork of Birch Creek; thence due east to the source of said North Fork; thence down said North Fork to the main stream of Birch Creek; thence down Birch Creek, in the middle of the main channel thereof, to the Marias River; thence down the Marias River, in the middle of the main channel thereof, to the place of beginning.

The CHAIRMAN. The question is on the motion of the gentleman from Arkansas [Mr. PEEL] that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. The third section, which was proposed, is not embraced in this bill?

Mr. PEEL. No, sir.

Mr. HOLMAN. I do not wish to make any motion, although it seems to me from what is known of the condition of those Indians it would have been better if this agreement had provided that after the lapse of twenty-five years the period might be prolonged. I have no idea that these Indians will be in a condition to take their lands in severalty within a period of twenty-five years. Still, I make no motion, as I do not see how that can be provided for at this time.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DIVISION OF SIOUX INDIAN RESERVATION.

Mr. PEEL. I call up for consideration the bill (H. R. 7315) to divide the Great Sioux Indian reservation into smaller reservations, and for other purposes. I ask that the first reading of the bill be dispensed with.

Mr. HOLMAN. Let the Clerk proceed to read the bill until we can get copies of it.

The Clerk read the first and second sections of the bill, the second section being as follows:

SEC. 2. That the following tract of land, being a part of the said Great Sioux reservation, in the Territory of Dakota, is hereby reserved for the Indians receiving rations and annuities at the Rosebud agency, in said Territory of Dakota, namely: Commencing at the mouth of Dog Ears Creek, on White River, running thence directly south to the north line of the State of Nebraska; thence west along the north of said State to a point due south from the source of the principal branch of Pass Creek; thence due north to the said source of the said principal branch of Pass Creek; thence down Pass Creek to White River; thence down White River to place of beginning, at the mouth of Dog Ears Creek.

Mr. HOLMAN. As I understand it is proposed by the committee to strike out the second section and adopt a substitute for it, I ask that that be passed over.

The CHAIRMAN. The Clerk has read the second section.

Mr. HOLMAN. Did the Clerk [illegible] as it appears

in this bill which I hold in my hand, or the original second section? I wish to know whether the Clerk has before him the bill in which the original second section is stricken out.

The CHAIRMAN. The Clerk has been reading the bill which is on the Calendar, and he has read section 2, which, it has been stated, the committee propose to strike out.

Mr. HOLMAN. I ask the Clerk to report the second section as finally reported by the committee.

The proposed substitute for the second section is as follows:

Strike out section 2 and insert in lieu thereof the following:

SEC. 2. That the following tract of land, being a part of the said Great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Rosebud agency, in said Territory of Dakota, namely: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brulé County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel to a point due south from the source of the principal branch of Pass Creek; thence due north to the said source of the said principal branch of Pass Creek; thence down Pass Creek to White River; thence down White River to a point intersecting the west line of Gregory County extended north; thence south on said extended west line of Gregory County to the intersection of the south line of Brulé County extended west; thence due east on said south line of Brulé County extended to the point of beginning in the Missouri River, including entirely within said reservation all islands, if any, in said river.

The substitute for section 2 was agreed to.

The Clerk read as follows:

That upon the approval of the allotments provided for in this act by the Secretary of the Interior he shall cause certificates to issue therefor in the name of the allottees, which certificates shall be of the legal effect and declare that the United States does and will hold the lands thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, to his heirs, according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, and patents shall issue accordingly; and if any lease or conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such lease or conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in the State or Territory where the lands may be situated shall apply thereto after certificates or patents therefor have been executed and delivered. Each of the certificates and patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto.

Mr. HOLMAN. Mr. Chairman, I call the attention of my friend from Arkansas [Mr. PEEL] to the provision in this section as to the time that is named for obtaining title, which is fixed at twenty-five years. It seems to me that it would be probably advantageous to the Indian, and could not possibly result to his injury, if some discretionary power in regard to that matter were left to the President. I, therefore, suggest that this section be amended by inserting, after the words "twenty-five years," in line 6, the words "or for a longer period, in the discretion of the President of the United States."

Mr. PEEL. Mr. Chairman, while I am not authorized by the committee to accept the amendment, I have no objection to it myself; and if no member of the committee or of the House objects to it, I will accept it.

The amendment was agreed to.

Mr. HOLMAN (when section 12 was read). Mr. Chairman, I ask that the twelfth section shall be passed over informally, with the right to return and amend.

There was no objection, and it was so ordered.

The Clerk read as follows:

SEC. 15. That the passage and approval of this act, and the benefits accruing and to accrue to said Sioux Indians, and the allotment of lands in severalty as herein provided, and the establishment of the separate reservations hereinbefore created shall be taken and held to be an extinguishment of all title and claim on the part of said Indians to any part of the Great reservation of the Sioux Nation mentioned in the first section of this act and not included in the separate reservations in this act created, and on the part of the Indians receiving rations and annuities on each of the said separate reservations, to the lands described in each of the other separate reservations so created. This extinguishment shall not affect the title of any individual Indian to his separate allotment on land not included in any of said separate reservations provided for in this act, nor any agreement heretofore made with the Chicago, Milwaukee and St. Paul Railroad Company or the Dakota Central Railroad Company for a right of way through said reservation; and for any lands acquired by any such agreement to be used in connection therewith, except as hereinafter provided; but the Chicago, Milwaukee and St. Paul Railway Company and the Dakota Central Railroad Company shall respectively have the right to take and use, prior to any white person, and to any corporation, the right of way provided for in said agreements, with not to exceed 20 acres of land, in addition to the right of way, for stations for every ten miles of road; and said companies shall also respectively have the right to take and use for right of way, side-track, depot, and station privileges, machine-shop, freight-house, round-house, and yard facilities, prior to any white person, and to any corporation or association, so much of the two separate sections of land embraced in said agreements; also, the former company so much of the 188 acres, and the latter company so much of the 75 acres, on the east side of the Missouri River, likewise embraced in said agreements, as the Secretary of the Interior shall decide to be absolutely necessary upon each side of said river for approaches to the bridge of each of said companies to be constructed across the river, for right of way, side-track, depot, and station privileges, machine-shop, freight-house, round-house, and yard facilities, and no more: *Provided*, That the said railway companies shall have made the payments according to the terms of said agreements for each mile of right of way and each acre of land for railway purposes which said companies take and use under the provisions of this act, and shall satisfy the Secretary of the Interior to that effect: *Provided further*, That no part of the lands herein authorized to be taken shall be sold or leased by the company, and they shall not be used, except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad; and when any portion thereof shall cease to be so used, such portion shall revert to the Government: *And provided further*, That said payments shall be made and said conditions performed within six months after the passage of this act. And said roads shall be constructed over said lands and right of way within two years from the passage and approval of this act, or the balance of said lands and right of way not occupied shall be forfeited and revert to the Government and be subject to the other provisions of this act.

The committee recommended striking out lines 1, 2, 3, 4, 5, 6, 7, 8, and part of line 9, down to and including the words "created and," and inserting in lieu thereof the following:

That the acceptance of this act by the Indians in manner and form as required by the said treaty concluded between the different bands of the Sioux Nation of Indians and the United States, April 29, 1868, and proclaimed by the President February 24, 1869, as hereinafter provided, shall be taken and held to be a release of all title.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I suggest to the gentleman from Arkansas [Mr. PEEL] that the provision at the end of section 15 in regard to forfeiture ought to be made a little more explicit. As it reads now, it provides that in case the roads are not constructed over said lands and right of way within two years of the passage and approval of this act the balance of the lands and right of way not occupied shall be forfeited. It seems to me that in this case there should be an unconditional forfeiture; so I suggest an amendment of the provision so as to make it read:

And said road shall be constructed over said lands and right of way within two years from the passage and approval of this act; and unless said roads shall be constructed over said lands and right of way within two years from the passage and approval of this act, all of said lands granted and said right of way shall be forfeited and revert to the Government and be subject to the other provisions of this act.

Mr. PEEL. Mr. Chairman, I am not authorized by the committee to accept that amendment, but I really believe it expresses what was the intention of the committee when the provision was placed in the bill. I note the distinction between the provision as it stands and the suggestion of the gentleman from Indiana [Mr. HOLMAN]. The provision now is that in case they fail to complete the roads within two years only so much as is unoccupied shall be forfeited; while the suggestion of the gentleman from Indiana, as I understand it, goes to this extent, that unless the roads are completed within two years the entire grant provided for in this bill shall be forfeited.

Mr. HOLMAN. Yes, sir.

Mr. PEEL. I have no objection to that.

Mr. WILSON, of Minnesota. About how many miles of road are to be built?

Mr. GIFFORD. One line is 150 miles, and the other 120 miles.

Mr. WILSON, of Minnesota. Mr. Chairman, as I understand the object of this amendment, it is to provide that if one of these companies should have built 100 miles of its road within the two years, but not the other 50 miles, it shall forfeit the right of way, etc., not only for the 50 miles unbuilt, but also for the 100 miles that was completed.

Mr. HOLMAN. Yes.

Mr. WILSON, of Minnesota. Mr. Chairman, I suggest that that would be a most unreasonable amendment, and one which I think will not be found in any other act. Let me call the attention of the committee to the situation here. There is granted to these railroad companies merely the right of way across this reservation, so that they may build their roads there.

Mr. PERKINS. It is not even that. They pay for it.

Mr. WILSON, of Minnesota. Yes, the right of way is not given them, but they pay for it more than the lands are actually worth.

Mr. PERKINS. There is no doubt about that.

Mr. WILSON, of Minnesota. The State in which I live is very deeply interested, and the Territory in which the gentleman on my right [Mr. GIFFORD] lives is very deeply interested in having these roads built so as to connect one part of that Territory with another, and in order that the people of the Black Hills can purchase our products and that we may sell to them our commodities. The construction of these roads is very greatly desired by the people of that country; yet it is proposed here that if either of these companies, after having built, say, 100 miles of road, and paid for every foot of the right of way, depot grounds, etc., shall then fail for any reason whatever to complete the road within the specified time, it shall forfeit not only the remainder of the right of way, but the road built, the bridges, structures of every kind, stations, etc.

Mr. PEEL. If the gentleman from Minnesota will yield to me a moment, I think I can suggest a way out of the difficulty.

Mr. WILSON, of Minnesota. I shall be glad to do so.

Mr. PEEL. In grants of rights of way made by Congress the limitation of time for the completion of the work is generally two years, but in some instances it is three years, and I presume there would be no objection to striking out "two" here and inserting "three," provided the suggestion of the gentleman from Indiana [Mr. HOLMAN] is adopted.

The CHAIRMAN. The gentleman from Minnesota [Mr. WILSON] will suspend his remarks for a moment until a message from the Senate is received.

MESSAGE FROM THE SENATE.

The committee informally rose; when a message from the Senate, by

Mr. MCCOOK, its Secretary, announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1040) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office; and

A bill (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York.

DIVISION OF SIOUX INDIAN RESERVATION.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. PERKINS. Before the gentleman from Minnesota [Mr. WILSON] proceeds, I desire to make a suggestion to the gentleman from Indiana [Mr. HOLMAN]. Perhaps that gentleman in offering this amendment did not remember the fact that these railroad companies pay to these Indians $110 a mile for the right of way in addition to paying them $5 an acre for the land. If the amendment suggested by the gentleman from Indiana is to be adopted, it should of course go further and provide for returning to the railroad companies this money which is now in the Treasury of the United States and has been for several years.

Mr. HOLMAN. I will explain to my friend from Kansas the reasons on which this amendment rests. This whole movement takes its origin from the necessity for the construction of railroads through that region of country. The pressure for the right of way for the purpose of reaching the Black Hills region of country was irresistible. The motive in that direction is not so strong now as it was formerly. The construction of what is known as the Elkhorn Valley Railroad, which reaches the Black Hills region by running around this reservation, has in part furnished the people of the Black Hills region with a proper outlet. But still every person must concede that roads running directly east and west are desirable.

Now, inasmuch as this movement which has been set on foot operates, as I think, somewhat to the disadvantage of these Indians, it seems to me a restriction of the kind proposed is not at all improper. It is to be borne in mind that under the arrangement by which the Government obtains the control of this large portion of that reservation you are compelled to do what seems to me some injustice to those Indian tribes. The Indians at Pine Ridge, the Ogalalla band of Sioux, occupy a comparatively poor region of country. We are adopting in this instance, as we have adopted very generally, the policy of crowding these unfortunate people upon the poorer kinds of land, land not well adapted to cultivation, thus retarding their progress in civilization.

While in the Pine Ridge agency there may be some good tracts adapted to cultivation, the character of the great body of the land is indicated by the title—it is "pine ridge." It is covered with a slight growth of timber; the soil is sandy. With the exception of a few good valleys, the land is not adapted to irrigation or cultivation.

When this scheme was first set on foot by a body of very intelligent gentlemen—members, perhaps, of both Houses of Congress, certainly of the Senate—there was not, I think, careful consideration of the character of the country, or a different principle would have been adopted with special reference to this particular agency—the Pine Ridge agency. By the arrangement proposed, while there is secured to the Indians, I concede, some capital which may be very important to them in the early future, we at the same time put them to some disadvantage in taking from them a large portion of the best quality of land on this large reservation, not only upon the eastern side, but clear through to the land we bought a few years ago from these Indians for the benefit of the Black Hills. Under these circumstances it seems to me we should return to our earlier policy, in accordance with which, whenever a valuable concession was made to a railroad corporation, it was expected to carry out the contract within an express and specific period of time.

That is the principle we adopted in regard to the "Backbone grant," and I may say all the grants made in the more cautious periods of our legislative history. The "Backbone grant" and a large number of grants made in the Southwest were made upon absolute condition of forfeiture unless the work should be completed within a definite period of time. I think it not unreasonable to provide that these roads, both of them, shall be constructed within the time named, or otherwise the companies shall lose the rights conferred by this legislation. The privileges which these corporations will acquire under this legislation are especially valuable to them, and they can afford to submit to this condition.

A MEMBER. Would you agree to extend the period to three years?

Mr. HOLMAN. I should not object to such an extension of time; but I want a definite period fixed within which these roads shall be constructed. If the roads be not built within that time, let there be a forfeiture, and let other parties construct roads through that region of country.

Mr. WILSON, of Minnesota. Mr. Chairman, if there has ever been in any other charter or grant of this kind a provision of such severity I have not seen it. I can not say positively there has been no such provision, because I have not seen all of these grants; but I have seen a great many of them.

I am not here to vote for any land grant or subsidy. I believe, Mr. Chairman, I shall never vote for a land grant or subsidy to any railroad company or other corporation. But in this instance there is nothing granted but the land which it is necessary these companies should have for their tracks, depot grounds, etc. And for these they pay full value. In my judgment, the people there are more anxious and more interested to have the roads built than these corporations are to build them.

Mr. WEAVER. Would the gentleman not be willing to compromise?

Mr. WILSON, of Minnesota. I do not speak for any one but myself, and in my judgment this amendment will rather retard than hasten the building of these roads.

Mr. WEAVER. I thought you spoke for your district.

Mr. WILSON, of Minnesota. Yes; but I have not the right to speak in reference to this matter but for myself.

Mr. WEAVER. Would not the gentleman be willing to compromise on three years?

Mr. WILSON, of Minnesota. I can not say that; and I see no good, but possible harm, to result from such a restriction or forfeiture. Different circumstances that can not now be foreseen might postpone the construction.

I remember well when the Winona and St. Peter Railroad was built, that, in order to comply with the requirements of the land grant which provided for a forfeiture if the road was not completed within a given time, the company sent out a large force in winter, which, on account of the severity of the weather and the distance from settlements, was in great danger of perishing before it could be succored, and which had to be withdrawn before the work was finished.

Either one of these companies could build its line across this reservation in one year if it was at liberty to direct its undivided energy to that end. But it may be that neither would be at liberty to do this. Even after the work was begun a financial crisis might arrest its progress; and there is no reason why these companies should be required to proceed at the peril of forfeiting millions of dollars on account of embarrassments which they could not foresee. The franchise here granted prejudices no one; and the building of the roads would especially benefit the Territory of Dakota and the States of Minnesota and Iowa.

Mr. HOLMAN. Is the amount proposed to be paid to the Indians a reasonable amount?

Mr. WILSON, of Minnesota. I believe the amount proposed to be paid is a great deal more than the land is worth or can be sold for to anybody else.

Mr. LIND. How long did it take the St. Peter and Winona Railroad Company to construct the 200 miles of their road from Tracy to the Missouri River immediately east of this reservation?

Mr. WILSON, of Minnesota. I do not know. But this is wholly immaterial, for I have admitted that if these companies are at liberty to go on with these roads unobstructed and regardless of anything else, they could build them in one year. But who can say that either their finances or their other engagements would admit of this?

[Here the hammer fell.]

Mr. PEEL. Are we proceeding under the five-minute rule?

The CHAIRMAN. We are, and the gentleman from Wisconsin has the floor.

Mr. THOMAS, of Wisconsin. Mr. Chairman, if the facts were understood about this matter there would be no desire to make this amendment. These Indians entered into a treaty with these railroad companies, with the sanction of the President and approved by the Secretary of the Interior, by which they were to give these Indians $110 a mile for the right of way and $5 an acre for their lands. The lands not needed by the railroad companies were to be opened to settlement and the Government proposed to sell them to white men for 50 cents an acre. And they require these railroad companies to pay about $15 an acre for the right of way and $5 an acre for land used for depot purposes. The companies have complied with the treaty and the understanding between the Indians and the Government of the United States, and have deposited the money in the Treasury, where it remains and has remained for eight years past, subject to the order of the Indians.

Now, sir, the proposition which is suggested here is, in my judgment, the most unreasonable provision that could have been suggested; that is to say, that if the companies fail for a single day to complete the entire line of road, that not only shall they forfeit the money which has been paid and the right of way and the land, but even the railroad itself so far as it has been completed. I think that is inequitable and unjust.

The fact is, Mr. Chairman, that the whole bill in relation to this matter is unjust and inequitable. It imposes harsh restrictions. It

provides that after the Secretary of the Interior shall have found out how much land these companies need for depot purposes, the companies shall then, under no circumstances, have the right to lease or dispose in any manner of any portion of the land, when everybody knows, who knows anything about that country at all, that it is necessary to have elevators, coal-bins, coal-houses, and other conveniences of that kind on the line outside of the mere railroad business. How are they to get sites for such structures?

The Indians will occupy all the lands adjacent under allotments. In point of fact, they are occupying them now under virtual allotments, and there will be no chance for anybody to occupy any of the Indian lands or the railroad lands for such purposes, in order to carry on the commerce of that region.

[Here the hammer fell.]

Mr. PERKINS. If I can be recognized I will yield the floor to the gentleman from Wisconsin.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. THOMAS, of Wisconsin. I move to strike out the last word.

Now, Mr. Chairman, it is very doubtful whether it will be of any advantage to the railroad companies to accept the provisions of this bill; but even if they do, and go on and complete the roads, then by the amendment suggested by the gentleman from Indiana [Mr. HOLMAN], if incorporated upon the bill, they are to lose everything they have done if they do not finish every foot of the roads within a certain limited time.

The Backbone railroad to which he refers, to establish a parallel case, did not pay $15 an acre for the right of way and $5 an acre for depot purposes.

Mr. HOLMAN. No.

Mr. THOMAS, of Wisconsin. They paid nothing whatever; and so the citation he makes to support his amendment, as an example, has no relevancy at all.

Mr. HOLMAN. Only in this, that we are amending legislation to furnish facilities to get through this country.

Mr. THOMAS, of Wisconsin. Mr. Chairman, I have but a word to say in conclusion. The entire provision, and some of the provisions of the bill, are contrary to the agreement of the Indians, and, in my judgment, are unreasonable and unjust. It makes it hard for the companies, and unnecessarily so, to accomplish anything in the way of completing their lines, and is not beneficial to the Indians or to the white men there. If the railroad is to have the right of way at all, let it be fairly treated; and certainly the provisions of this amendment do not accomplish that.

Mr. PEEL. I yield two minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, this amendment has my hearty concurrence. What is the purpose of this provision of the bill? It is to give to those corporations a large and valuable franchise, carrying with it certain privileges—the right of way and land. Now, if they do not want the right of way this bill would not be here.

What does the amendment of the gentleman from Indiana propose? That if a railroad company does not build the railroad within a certain fixed period, the right of way, land, and other rights shall be forfeited to the Government. It is as fair and straightforward a proposition as I can well conceive of. The time has gone by when there should be too much consideration given to these railroad corporations; but if we are to give them such privileges let the grant be properly guarded, and if they fail to execute their side of the arrangement with the Government, the Government should undoubtedly retain the power to repossess itself of the land which has been devoted to the object named.

Mr. THOMAS, of Wisconsin. They ought to have their money back, then.

Mr. RANDALL. In addition, Mr. Chairman, let me say that if the time fixed by the bill is not long enough, if two years is not deemed sufficient to construct the roads, give them three. I do not object to a reasonable liberality in reference to the time allowed for the completion of the roads; but I say, on the naked proposition, that if they do not construct the roads for which they are asking land and the right of way, that then the rights and privileges and the ownership of the land shall terminate and come back to the original owner, and I am surprised that there is any objection to such a reasonable proposition.

I conferred with one or two members of the committee on the subject, and I did not find that they objected to it. True, I may not have talked to all of them; but I think it a most equitable proposition and one not intended in the least to hamper or interfere with the construction of the roads, but, on the contrary, each company is authorized to go on and build its road and enjoy the privileges, rights, and liberality which the Government has been willing to concede to them. If they do not build their roads, then all we ask is that this legislative provision shall be incorporated in the bill by which the lands and the rights shall revert to the Government.

Mr. WILSON, of Minnesota. Yes; but you take not only the lands and the right of way, but you take that part of the road that they may have built.

The CHAIRMAN. The gentleman from Arkansas has three minutes remaining.

Mr. PEEL. I hope discussion will now cease on this question.

Mr. RANDALL. If the friends of the bill want the period to be fixed at three years let them say so, and I will make that motion.

Mr. PEEL. I am willing to agree to that.

Mr. HOLMAN. I accept that amendment.

The amendment offered by Mr. RANDALL to the amendment of Mr. HOLMAN was agreed to.

The amendment of Mr. HOLMAN as amended was agreed to.

The Clerk read section 16, as follows:

SEC. 16. That it is hereby enacted that the seventh article of the said treaty of April 29, 1868, securing to said Indians the benefits of education, subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education, shall continue in force for twenty years from and after the time this act shall take effect; and the Secretary of the Interior is hereby authorized and directed to purchase, from time to time, for the use of said Indians, such and so many American breeding cows of good quality, not exceeding 25,000 in number, and bulls of like quality, not exceeding 1,000 in number, as in his judgment can be, under regulations furnished by him, cared for and preserved, with their increase, by said Indians: *Provided*, That each head of family or single person over the age of eighteen years, who shall have or may hereafter take his or her allotment of land in severalty, shall be provided with two milch cows, one yoke of oxen, one plow, one wagon, one harrow, one hoe, one ax, and one pitchfork, all suitable to the work they may have to do. That for two years the necessary seed shall be provided to plant five acres of ground into different crops, if so much can be used, and provided that in the purchase of such seed preference shall be given to Indians who may have raised the same for sale, and so much money as shall be necessary for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated; and in addition thereto there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at 5 per cent. per annum, shall be appropriated, under the direction of the Secretary of the Interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act, in proportion to the numbers that shall so receive rations and annuities at the time this act takes effect, as follows: One half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purposes as, in the judgment of said Secretary, shall, from time to time, most contribute to the advancement of said Indians in civilization and self-support: *Provided*, That after the Government has been reimbursed for the money expended for said Indians under the provisions of this act, the Secretary of the Interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed 10 per cent. per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, and other articles necessary to assist them in agricultural pursuits.

The committee recommended the following amendment:

In line 20, after the words "suitable to the work they may have to do," insert "and also $20 in cash."

The amendment was agreed to.

Mr. HOLMAN. I desire to make some remarks upon this section. The policy of the House for a number of years back has been against permanent appropriations. I think that a few years ago when the permanent appropriations were not more numerous than they are now no subject engaged more attention in this House than that. The objection to permanent appropriations is that the country is never fully informed of the condition of the public expenditures.

When Congress appropriates by its twelve or thirteen great bills annually the amount of money necessary to carry on the Government all our citizens are informed of the condition of the expenditures covered by those bills; and gentlemen will remember that the amount of permanent appropriations is seldom referred to in connection with the amounts appropriated in those great appropriation bills. It is a matter of the highest moment that we of the House and our successors all through coming time should every year, by the great bills that are presented by the respective committees, be informed as nearly as may be of the exact condition of the expenditures of the Government. Now, this bill provides for an unusual number of permanent appropriations. I do not understand that it contains any provision for annual appropriations. My friend from Arkansas [Mr. PEEL], in reporting the Indian appropriation bill, will report the amount to be expended for each tribe, even though the money to be appropriated be the result of treaty obligations and be in the form of money in the Treasury invested in Government bonds. Year after year the exact sum of money to be expended for the use of each tribe is presented in an appropriation bill to the House and Senate, so that we are everlastingly admonished of the condition of our expenditures of the public money and of moneys set apart for a specific object, as for the benefit of Indian tribes under treaty stipulations.

It does not seem to me, unless there is a strong reason to the contrary, of which I am not aware, that a different principle should be adopted here. I suppose the real intention of the committee in this bill was that the 50 cents per acre to be paid by these two railroad corporations and the 50 cents per acre to be paid by the actual settlers should constitute a fund for the benefit of the Indians. I think we should not have gone beyond that. We should make this provision for the benefit of the Indians in the administration of their own land, and provide that as the money comes into the Treasury for their benefit the interest on it should be appropriated for their benefit the same as the interest on similar funds.

My friend from Arkansas and his able committee no doubt had some good reason why they departed from this safe policy, which was deemed so valuable in former years.

Mr. PEEL. Does the gentleman from Indiana intend to submit an amendment?

Mr. HOLMAN. The trouble is that to carry out the idea I have suggested the whole section would have to be remodeled. It occurred to me the true way would be to manage the business so as to sell those lands, and that the 50 cents an acre received from the railroad corporations and the actual settlers should be set apart as a fund for these Indians. But instead of that by this bill we make a large appropriation of money, and we then make what seems to me to be a permanent appropriation in this form:

In the purchase of such seed preference shall be given to Indians who may have raised the same for sale, and so much money as shall be necessary for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The spirit of that provision I think is found there, and the section generally is framed on that idea. If it is intended that that shall only be an annual appropriation, that is right enough, but it does not appear to me that that is what is here provided.

Mr. PEEL. I desire only to say that all the appropriations in this bill from one end of it to the other are to be deducted from the proceeds of the sales of land and the amount of money received from the railroads. The money for the right of way and the proceeds of sales constitute the Indian fund. I understand the objection of the gentleman from Indiana is that this appropriation for farm implements, seeds, etc., is not an annual one, but simply a specific appropriation, made at one time.

Mr. PERKINS. Will my friend from Arkansas [Mr. PEEL] permit me to suggest that the bill provides for this appropriation and then authorizes its expenditure, but provides that the Government shall be reimbursed from the sale of these lands?

Mr. HOLMAN. Certainly. But take this next provision:

That there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund—

It is to be withdrawn from the Treasury proper and deposited with the Treasurer to the credit of the Sioux Nation as a permanent fund—

the interest of which at 5 per cent. per annum shall be appropriated, under the direction of the Secretary of the Interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act, etc.

Mr. PERKINS. But observe the proviso for reimbursement in line 45. You will see there that the Government is to be reimbursed.

Mr. HOLMAN. Yes, that is all right; but my friend must concede that extraordinary power is here conferred upon the Secretary of the Interior when he is allowed to appropriate this money from year to year without any actual, definite appropriation by Congress. This authorizing a public officer to appropriate money from year to year without the direct authority of Congress is what I object to.

Mr. PEEL. Will the gentleman move to strike it out?

Mr. HOLMAN. I would have been very glad if the bill had provided, as was suggested by me, that this money should go into the Treasury as it came in from year to year, and should go to the credit of the fund belonging to these Indians. However, I will not make any motion on the subject.

The committee recommended an amendment in section 16, line 41, inserting, after the word "purposes," the words "including reasonable cash payments per capita."

The amendment was agreed to.

Also a like amendment inserting the same words in line 51, after the word "seeds."

The Clerk read as follows:

SEC. 20. That all the lands in the Great Sioux reservation outside of the separate reservations herein described are hereby restored to the public domain, except American Island, Farm Island, and Niobrara Island, shall be disposed of by the United States to actual settlers only, under the provisions of the homestead and town-site laws of the United States: *Provided*, That each settler under and in accordance with the provisions of said homestead acts shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, the sum of 50 cents for each and every acre, and shall be entitled to a patent therefor, according to said homestead laws, and after the full payment of said sum of 50 cents per acre therefor; but the rights of soldiers, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States shall not be abridged, except as to said 50 cents per acre; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of final entry shall be null and void: *And provided*, That lands entered for town-site purposes shall be paid for at the rate of $1.25 per acre: *And provided further*, That nothing in this act contained shall be so construed as to affect the right of Congress or of the Territorial government of Dakota to establish public highways or to grant to railroad companies the right of way through said lands, or to exclude the said lands, or any thereof, from the operation of the general laws of the United States now in force granting to railway companies the right of way and depot grounds over and upon the public lands. American Island, an island in the Missouri River, near Chamberlain, in the Territory of Dakota, and now a part of the Sioux reservation, is hereby donated to the said city of Chamberlain: *Provided further*, That said city of Chamberlain shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States. Farm Island, an island in the Missouri River, near Pierre, in the Territory of Dakota, and now a part of the Sioux reservation, is hereby donated to the said city of Pierre: *Provided further*, That said city of Pierre shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purposes, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States. Niobrara Island, an island in the Niobrara River, near Niobrara, and now a part of the Sioux reservation, is hereby donated to the said city of Niobrara: *Provided further*, That the said city of Niobrara shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States.

Mr. HOLMAN. Mr. Chairman, I wish to suggest to the gentleman from Arkansas [Mr. PEEL] in charge of the bill an amendment which I have no doubt he will consent to. When this treaty was first made and the subject first came into the House a number of gentlemen were here from this region, and the subject was thoroughly discussed, and it was generally agreed, not only by those gentlemen, but by members who were familiar with this class of legislation, that the homestead law proper should be applied to the lands so acquired. Indeed, my friend will remember that when we appropriated the money to negotiate with these Indians for the purpose of acquiring these lands it was proposed to insert an express stipulation in the treaty that the lands so acquired should be disposed of under the homestead law. I happen to remember it well, for I had the honor to offer such an amendment. Now, we all know that section 2301 of the homestead law, the commutation clause, is an interpolation which is contrary to the general spirit of the law and defeats its object. I therefore suggest to my friend an amendment at the beginning of section 20, so as to make it read in this way:

That all the lands, etc., shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 of said law) and under the law in relation to town sites.

Mr. PEEL. Do you want to strike out the town-site provision?

Mr. HOLMAN. No. My amendment leaves that in, and leaves the homestead law in, with the exception of the commutation clause.

Mr. PERKINS. I would like to have this amendment understood. I think we all agree with the gentleman from Indiana [Mr. HOLMAN] in regard to the purpose he seeks to accomplish; but if I understand the language of the amendment, it suspends, in this case, the operations of the town-site act.

Mr. HOLMAN. Oh, no.

Mr. BUCHANAN. It so reads, although that is not the intention.

Mr. HOLMAN. The excepting clause is in parentheses, and includes only section 2301.

Mr. PERKINS. I ask that the section as proposed to be amended be read.

The section with the amendment offered by Mr. HOLMAN was read.

The amendment of Mr. HOLMAN was agreed to.

The following sections were read:

SEC. 21. That all money arising from the disposal of lands in conformity with the foregoing section shall, after deducting the necessary expenses attending such disposition thereof, be paid into the Treasury of the United States and be applied solely as follows: first, to the reimbursement of the United States for all necessary actual expenditures contemplated and provided for under the provisions of this act, and the creation of the permanent fund hereinbefore provided; and after such reimbursement to the increase of said permanent fund for the purposes hereinbefore provided.

SEC. 22. That all persons who between the 27th day of February, 1885, and the 17th day of April, 1885, in good faith entered upon any part of the Great Sioux reservation lying east of the Missouri River and known as the Crow Creek and Winnebago reservation, which, by the President's proclamation of date February 27, 1885, was declared to be open to settlement, and not included in the new reservation established by section 6 of this act, and who, being legally entitled to make such entries, located thereon homestead, pre-emption, or town-site claims, by actual settlement and improvement of any portion of such lands, shall, for a period of ninety days after the proclamation of the President required to be made by section 24 of this act, have a right to re-enter upon said claims and procure title thereto under the provisions of section 20 of this act, and complete the same as required therein, and their said claims shall for such time have a preference over later entries; and when they shall have in other respects shown themselves entitled and shall have complied with the law regulating such entries, and, as to homesteads, with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases. The price to be paid for town-site entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by this act.

Mr. PERKINS. I ask unanimous consent that section 22 be passed over informally, so that we may recur to it hereafter for the purpose of amendment.

The CHAIRMAN. If there be no objection that will be done.

There was no objection.

Section 23 was read, as follows:

SEC. 23. That the agreement made with the Sioux Indians, under the act making appropriations for the sundry civil expenses of the Government, approved August 7, 1882, and said agreement certified to Congress by the President February 3, 1883, is hereby approved, ratified, and confirmed, subject to all of the modifications, qualifications, and conditions prescribed in this act: *Provided, however*, That the Indians receiving rations at the Lower Brule agency may elect to occupy the reservation reserved for them in this act, or the one described in said agreement, and if they do so elect, the reservation reserved and defined for them in said agreement is hereby released to the Government under the provisions of this bill.

The amendment reported by the committee was to strike out all of section 23, and insert in lieu thereof the following:

SEC. 23. That this act shall take effect only upon the acceptance thereof and

consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the said treaty between the United States and said Indians concluded April 29, 1868: *Provided*, That it shall not be necessary to procure the assent or signatures of those Indians who have been at open war with the United States or engaged in open hostilities against the people thereof since the making of the agreement between the United States and the Sioux Nation of Indians in 1876, which said acceptance and consent shall be made known by proclamation thereof by the President of the United States upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said twelfth article of said treaty, which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect, and null and void.

The amendment reported by the committee as a substitute for section 23 was agreed to.

Mr. HOLMAN. I ask attention for a moment to this clause of section 23:

It shall not be necessary to procure the assent or signatures of those Indians who have been at open war with the United States or engaged in open hostilities against the people thereof since the making of the agreement between the United States and the Sioux Nation of Indians in 1876.

I suggest that this language ought to be struck out. The treaty with these Indians is exceedingly positive in its terms. I ask that article 12 of the treaty may be read.

The Clerk read as follows:

ART. 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying and interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

Mr. PEEL. I desire to say to the gentleman from Indiana that we have no objection to that.

Mr. HOLMAN. Then let the section be amended by striking out all after the word "that," in line 6, to and including "which," in line 12, so as to read, "*Provided*, That said acceptance and consent," etc.

The CHAIRMAN. If there be no objection, this amendment will be agreed to.

There was no objection.

Section 24 was read, as follows:

SEC. 24. That sections 16 and 36 in each and every township to which the Indian title is extinguished by the provisions of this act, whether surveyed or unsurveyed, are reserved for the use and benefit of the public schools, and said sections, whether surveyed or not, shall not be subject to disposal under the provisions of this act or any of the laws in relation to the disposal of public lands.

The amendment reported by the committee, to add the following to the bill as a new section, was read:

SEC. 25. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $18,000, which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section 23.

The amendment was agreed to.

The CHAIRMAN. The Clerk has now read the whole bill; but the twelfth and twenty-second sections were passed over informally. The twelfth section is now before the Committee of the Whole for amendment.

Mr. HOLMAN. I wish to call the attention of my friend from Arkansas [Mr. PEEL] to this language, beginning in line 14 of section 12:

Whenever it shall come to the knowledge of the President that any land allotted under the provisions of this section shall have been abandoned for more than two years, he may, in his discretion, by proclamation, declare said lands so abandoned open to homestead settlement under the provisions of this act.

This would appear to have a broader effect than the committee probably contemplated. It seems to me it is hardly a safe provision. I move to amend by striking it out.

Mr. PEEL. We do not object to that.

The amendment of Mr. HOLMAN was agreed to.

Mr. GIFFORD. I move to amend by inserting, after the word "provided," in line 14 of section 12, these words: "including American Island, Farm Island, and Niobrara Island."

Mr. WEAVER. What is the effect of the gentleman's amendment?

Mr. GIFFORD. It applies only to a few families who are residing there.

Mr. WEAVER. I ask the gentleman from Dakota to explain the effect of his amendment.

Mr. HOLMAN. We ought to have some explanation of the matter.

Mr. GIFFORD. I have been informed, Mr. Chairman, there are two or three families on the Niobrara who desire to reside there. If they desire to remain they should be allowed to do so.

Mr. GIFFORD'S amendment was adopted.

Mr. ALLEN, of Massachusetts. I desire to turn back to section 7 of the bill, for the purpose of calling up an amendment which I understand was acceptable to the committee, but failed to be acted upon when the committee considered this section. In this section it is provided each member of the Flandreau band——

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to recur to section 7 for the purpose of making an amendment to that section. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. ALLEN, of Massachusetts. The section as it reads now provides—

That each member of the Flandreau band of Sioux Indians is hereby authorized to take in Moody County, in said Dakota, the same allotments authorized by existing treaties and this act on any part of said reservation; and all allotments heretofore made to members of said band in said county are hereby ratified and confirmed, subject to the limitations and conditions of such treaties and this act; and said Flandreau band of Sioux Indians is in all other respects entitled to the benefits of this act the same as if receiving rations and annuities at any of the agencies aforesaid.

It was afterwards noticed in this county there are no allotments which can be taken by these Indians, and it is agreed by the committee, I understand, that an amendment should be made at this point appropriating $100,000, to be paid to these Indians, to have them relinquish the lands they have already taken under the homestead act.

Mr. O'NEILL, of Missouri. How many of these Indians are there?

Mr. ALLEN, of Massachusetts. There are about 350 of them, and there are no lands in this county they can take. I send to the Clerk's desk the amendment I desire to offer.

The Clerk read as follows:

Provided, The sum of $100,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, which sum shall be expended, under the direction of the Secretary of the Interior, in the purchase of lands, or otherwise, for the benefit of the Flandreau Sioux Indians, and the acceptance of said sum herein appropriated by said Flandreau Sioux Indians shall be a release and surrender on their part of all their interest in the separate reservation set apart for the benefit of the different bands or tribes of Sioux Indians under the provisions of this act to said several bands as their interest may appear.

Mr. WILSON, of Minnesota. Do I understand the purpose of this amendment is to buy these lands?

Mr. GIFFORD. These Indians went to Flandreau some years ago. They would not associate with the wild Indians. They would not go there upon that reservation west of the Missouri. They would rather lose all their interest in that Sioux reservation than go there. The object is to allow them to relinquish their interest in the several reservations, and then that the Secretary shall purchase suitable land for them wherever he sees proper.

Mr. WEAVER. How does it come that so important an amendment as this was not incorporated in the bill? Do I understand the committee to approve of it?

Mr. ALLEN, of Massachusetts. The members of the committee to whom I spoke on the subject consented to it. It was not agreed to in committee.

Mr. WEAVER. It is too important an amendment to be engrafted on this bill without being thoroughly understood.

Mr. MACDONALD. I suggest to the gentleman from Dakota to withhold it.

Mr. WEAVER. Under the bill I should like to know how this money is to be expended. or how much land is to be purchased.

The amendment was disagreed to.

Mr. PERKINS. I move in section 22, line 4, after the word "upon," to insert "or made homestead or timber-culture filing upon;" so it will read:

SEC. 22. That all persons who, between the 27th day of February, 1885, and the 17th day of April, 1885, in good faith, entered upon or made homestead or timber-culture filing upon any part of the Great Sioux reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago reservation, etc.

Mr. HOLMAN. I ask that the amendment be again reported, as there was so much confusion it could not be heard.

The amendment was again read.

Mr. HOLMAN. Is that intended to apply to lands settled under the proclamation of the President in the latter part of 1885, where the reservation was afterwards made on more careful examination? It is a part of the Sioux reservation. It is a part of the Sioux lands. The effect would be to certify and remit those lands.

Mr. PERKINS. The amendment merely gives to those people who made their homestead and timber-culture entries in good faith the preference. It gives them ninety days to take the lands under the provisions of this act.

Mr. WEAVER. At 50 cents an acre?

Mr. HOLMAN. Yes.

Mr. BRECKINRIDGE, of Kentucky. Let me ask the gentleman from Kansas, by what right did these settlers go on these lands?

Mr. PERKINS. By Executive proclamation.

Mr. DORSEY. Let me state to the gentleman that President Arthur threw these lands open to settlers by an Executive proclamation, and settlers went upon the reservation, taking possession of the lands in good faith—on the faith of this proclamation of the President of the United States—supposing they had the same right to acquire homes upon these lands as upon any other part of the public domain.

Mr. BRECKINRIDGE, of Kentucky. By whom were the lands taken up?

Mr. DORSEY. Under this proclamation of President Arthur they were taken up by homestead settlers, just as would have been the case in regard to any other portion of the public domain, as I have said. That continued for a space of about three months. Settlers went in, took possession of the lands, and made valuable improvements upon them.

When the present Administration came in the Land Commissioner found that it was a portion of the Great Sioux reservation which was thus occupied, and that there was no warrant for the action of President Arthur. Hence these men were ordered off by Commissioner Sparks. It has been a great hardship to them. I have had scores of

letters complaining of the injustice, and I think it only right that this provision should be adopted.

Mr. PERKINS. The only object is to give those who went upon the lands in good faith the prior right.

Mr. SYMES. The right to purchase?

Mr. PERKINS. Yes, the right to purchase.

Mr. HOLMAN. There seems to be a measure of justice in this, although, as I understand, these persons are not there now.

Mr. DORSEY. Some of them are.

Mr. HOLMAN. I understand not.

Mr. DORSEY. A portion of them went elsewhere. But some are still holding their claims.

Mr. HOLMAN. They may be in the immediate neighborhood——

Mr. DORSEY. No, they are in actual occupancy—some of them are. I have letters from numbers of them showing the injustice of the order of the Land Commissioner.

Mr. HOLMAN. I have heard it stated as a fact that they were evicted by order of the President. However, I want to say to the gentleman from Kansas that this ought not to go further, in my judgment, than as to the homestead and pre-emption laws.

Mr. PERKINS. Very well; then strike out the timber culture.

Mr. SYMES. That is all right.

Mr. PERKINS. I accept that modification of the amendment.

Mr. STEELE. Mr. Chairman, it looks very much to me as though this was an invitation to the people of this country who want cheap homes to go out on the reservations given to the Indians by solemn treaty and take up homesteads, and then after awhile come here with a petition to Congress and ask that the Indians be further cheated out of what they have by divesting them of the lands altogether; and because these settlers are on the lands that they shall be permitted to hold them to the exclusion of the Indians.

A case in point: The Miami Indians of Indiana, by solemn treaty of 1854, were promised in 1880 $200,000. They were to have the interest of this $200,000 until that time, at 5 per cent., and the treaty further stipulated that none others than those named in the treaty should participate in the annuities.

Now, in violation of this treaty, in 1858, a hundred, or, to be more exact, some seventy Indians, and in 1867 115 Indians, were taken up on this roll against the protest of the Miami Indians, and several thousand dollars were paid out to them. The matter was officially referred to the Attorney-General, who decided that these Indians were improperly on the roll, and they were taken off; but the money which had been paid to them improperly was never reimbursed to the Miami Indians. Early in this session of Congress I introduced a bill looking to the reimbursement of the Miamis for the amount the Secretary of the Interior found to be honestly due them and equitably due them. That bill has been before the Committee on Indian Affairs since the date of its introduction. It is numbered about fifteen hundred and something, while the present bill numbers seven thousand and something. This bill, coming in at a later date, is on the Calendar, however, for consideration, while the bill looking to the reimbursement of the Miamis can not get a report from the committee, whether adverse or favorable. And I want to say here that this is the third session—last session it was reported favorably, but too late to be acted upon—that this is the third session it has been before the House, and I shall ask the committee, if they do not think it right for these Indians to have what is honestly due to them, that they report the bill back to the House and let the House say what ought to be done.

Mr. PEEL. I desire to say to my friend from Indiana that the Committee on Indian Affairs will give his bill fair, square, and deliberate consideration and make just such a report——

Mr. STEELE. "Hope deferred maketh the heart sick."

Mr. PEEL. The committee will make such a report as will give these Indians just what are their rights under the treaty.

Mr. COBB. Mr. Chairman, I move to strike out the last word. I just want a minute to correct a misapprehension that has been created here.

Several MEMBERS. Let us vote. There is no misapprehension.

Mr. COBB. Very well; I withdraw the *pro forma* amendment.

Mr. PEEL. I move that the bill be laid aside to be reported to the House favorably.

Mr. PERKINS. I think the amendment I suggested has not been acted upon. I have accepted the modification.

The amendment was agreed to.

Mr. PERKINS. I ask unanimous consent to go back to section 20 and insert the word "and" after the word "island," where it occurs the second time in line 4. I know there is no objection, and I offer it in order that there shall be no question as to the meaning of the section.

A MEMBER. How will it read then?

Mr. PERKINS. It will read:

And shall be disposed of by the United States, etc.—

which makes the meaning clear.

The amendment was adopted.

The CHAIRMAN. Does the gentleman from Indiana withdraw his amendment to the twenty-second section? The Clerk informs the Chair that the amendment relating to timber culture, suggested by the gentleman from Indiana, has not been acted on.

Mr. HOLMAN. That was withdrawn.

Mr. PERKINS. I accepted it and offered it in a modified form.

Mr. PEEL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

The committee here rose; and the Speaker *pro tempore* having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration, under the special order, two bills, had directed him to report them back with amendments.

COMPENSATION OF LETTER-CARRIERS, ETC.

The SPEAKER *pro tempore* presented a concurrent resolution of the Legislature of New York, in relation to compensation of letter-carriers and postal clerks; which was referred to the Committee on the Post-Office and Post-Roads.

JOINT RESOLUTION ENROLLED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker *pro tempore* signed the same:

Joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents.

AGREEMENT WITH MONTANA INDIANS.

The SPEAKER *pro tempore*. The Clerk will read the title of the first bill reported from the Committee of the Whole.

The Clerk read as follows:

A bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana.

Mr. PEEL. Let a vote be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIVISION OF SIOUX INDIAN RESERVATION.

The next bill reported from the Committee of the Whole was the bill (H. R. 7315) to divide the Great Sioux Indian reservation into several smaller reservations, and for other purposes.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. PEEL (at 5 o'clock and 33 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BRYCE: A bill (H. R. 8194) for the relief of M. S. Roome—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 8195) for the relief of Andrew Floyd—to the Committee on Military Affairs.

Also, a bill (H. R. 8196) granting a pension to James L. Price—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 8197) granting a pension to Mrs. Francis Raesch—to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 8198) granting a pension to William Barrett—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 8199) for the relief of the heirs of Zebulin Parker, deceased—to the Committee on Claims.

Also, a bill (H. R. 8200) granting a pension to Lydia Ann Wilber—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8201) for the relief of the owners of the schooner Chesapeake Trader—to the Committee on Claims.

By Mr. HARE: A bill (H. R. 8202) for the relief of William R. Baker—to the Select Committee on Indian Depredation Claims.

By Mr. T. D. JOHNSTON: A bill (H. R. 8203) for the relief of W. B. Ferguson—to the Committee on Indian Affairs.

By Mr. JOSEPH: A bill (H. R. 8204) granting a pension to Gottleib Hunziker—to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 8205) granting a pension to Mary A. Kinslow—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 8206) for the relief of W. H. Jackson—to the Committee on War Claims.

By Mr. McKINLEY: A bill (H. R. 8207) granting a pension to Dwight Jarvis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8208) granting a pension to Sarah Croft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8209) granting a pension to Eli Haines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8210) granting a pension to the dependent children of Peter Koehler—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 8211) to pension Lafayette Lakin—to the Committee on Pensions.

By Mr. NEAL: A bill (H. R. 8212) for the relief of James B. Bryant—to the Committee on Military Affairs.

Also, a bill (H. R. 8213) for the relief of O. M. Thurman—to the Committee on War Claims.

By Mr. OWEN: A bill (H. R. 8214) to increase the pension to Abraham Heilman—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 8215) for the relief of Evander Light, William D. Jennison, H. H. Wiggins, and Samuel N. Wood—to the Select Committee on Indian Depredation Claims.

By Mr. J. E. RUSSELL: A bill (H. R. 8216) granting a pension to Mrs. Mary Connelly—to the Committee on Invalid Pensions.

By Mr. SAWYER: A bill (H. R. 8217) granting a pension to Raphael Fowler—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: A bill (H. R. 8218) for the relief of Bernard Smyth—to the Committee on Claims.

By Mr. TAULBEE: A bill (H. R. 8219) for the relief of William Feltner—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 8220) to place the name of John Tobin on the pension-roll—to the Committee on Pensions.

Also (by request), a bill (H. R. 8221) for the relief of the legal representatives of William F. Flynn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8222) for the relief of Lydia A. Magill, administratrix—to the Committee on War Claims.

By Mr. J. B. WHITE: A bill (H. R. 8223) granting a pension to Tallmond Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8224) for the relief of W. W. Wilkinson on post-office loss—to the Committee on Claims.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. ——) for the relief of Conelius Johnson, of steamship Brooklyn, United States Navy—from the Committee on Invalid Pensions to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Resolution of the senate and house of representatives concerning an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. E. P. ALLEN: Petition of 36 citizens of Monroe County, Michigan, against reducing the tariff on wool—to the Committee on Ways and Means.

By Mr. BAKER: Petition of J. S. Graham and other citizens, manufacturers, and others, of Rochester, N. Y., in favor of reduced letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNES: Petition of James McAndrew, for payment of his war claim—to the Committee on War Claims.

By Mr. BAYNE: Petition of Nonpareil, of Wayne, and of Etna Lodges of Amalgamated Association of Iron and Steel Workers of Allegheny, of Pittsburgh, and of Allegheny County, Pennsylvania, in favor of protecting American industries—to the Committee on Ways and Means.

Also, resolution of Trades Assembly of Western Pennsylvania, opposing the employment of Army and Navy bands—to the Committee on Labor.

By Mr. BELMONT: Petitions of citizens of Sayville, Quogue, and West Hampton, of Suffolk County, and of Hempstead, Queens County, New York, in favor of increased compensation to Life-Saving Service—to the Committee on Commerce.

By Mr. BUNNELL: Seven affidavits to accompany House bill 7606, for the relief of P. M. Smith—to the Committee on Military Affairs.

By Mr. CARUTH: Petition of citizens of Louisville, Ky., in favor of duties on wool—to the Committee on Ways and Means.

Also, petition of the trustees of the Mexican Veterans' National Home, for relief—to the Committee on Military Affairs.

By Mr. COGSWELL: Petition of A. M. Dudley and others, of Salem, Mass., to repeal the arrears-of-pension limit—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of Eunice Tripler, relative to Tripler's Manual, with accompanying papers—to the Committee on Military Affairs.

By Mr. R. H. M. DAVIDSON: Petition of Blount & Blount and other citizens, and of J. E. Yonge and other citizens of Pensacola, Fla., for increase of compensation to employés of the Life-Saving Service—to the Committee on Commerce.

By Mr. GOFF: Petition of W. N. Edgell and others, of Harrison County, West Virginia, in favor of a special act to pension James Shields—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of the Springfield (Vt.) Grange, Patrons of Husbandry, for increased duties on certain agricultural products—to the Committee on Ways and Means.

Also, resolutions of the Boston Chamber of Commerce, against legislation preventing the transportation in bond of American merchandise through the Dominion of Canada—to the Committee on Commerce.

Also, memorial of T. P. Tuthill, for reduction of postage on plants and bulbs—to the Committee on the Post-Office and Post-Roads.

By Mr. LAIDLAW: Petition of the mayor and common council of Dunkirk, N. Y., relating to the erection of public buildings by a general law—to the Committee on Public Buildings and Grounds.

By Mr. LANHAM: Petition of citizens of Presidio County, and of Mitchell County, Texas, relating to the tariff on wool—to the Committee on Ways and Means.

By Mr. LATHAM: Eight petitions of citizens of Dare County, and five petitions of citizens of Currituck County, North Carolina, for an increase of pay of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

By Mr. LEE (by request): Petition of citizens of Fairfax, Va., in relation to tariff on wool, etc.—to the Committee on Ways and Means.

By Mr. McKINLEY: Resolutions of Mills Lodge, No. 17, Amalgamated Association of Iron and Steel Workers, of Youngstown, Ohio, against any legislation which would tend to cripple the industries of this country—to the Committee on Ways and Means.

Also, petition of B. W. Cline and others, against any reduction of tariff on window-glass—to the Committee on Ways and Means.

By Mr. MILLIKEN: Petition of S. S. Marble and others, for increase of pay of the keepers and crews of the Life-Saving Service—to the Committee on Commerce.

By Mr. NEAL: Petition of trustees of Calhoun Presbyterian Church, of Bradley County, Tennessee, for reference of their claim to the Court of Claims—to the Committee on War Claims.

Also, petition of James B. Bryant, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. NEWTON (by request): Petition of Union Parish, Louisiana, for the establishment of a Government system of telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. O'FERRALL: Petition of J. W. F. Allomong, J. W. Bradburn, and 8 others, citizens of Rockingham County, Virginia, in reference to the tariff on wool—to the Committee on Ways and Means.

Also, petition of Bettie B. Reiley and of Isaac W. Canter, of Frederick County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PERKINS: Petition of J. F. Wendell and 200 others, citizens of Labette County, Kansas, for a Territorial government for the Indian Territory, and for other legislation—to the Committee on the Territories.

By Mr. RICHARDSON: Petition of W. C. Morgan, of Lincoln County, and of John C. Montgomery, of Franklin County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of Louisa P. Dickenson, widow of Abner Dickenson, for a pension—to the Committee on Invalid Pensions.

By Mr. J. E. RUSSELL: Petition for a pension to Mrs. Mary Connelly—to the Committee on Invalid Pensions.

By Mr. SAYERS (by request): Petition of the citizens of Burnet County, Texas, against the reduction of duty on wool—to the Committee on Ways and Means.

By Mr. SAWYER: Petition for increase of tariff duties—to the Committee on Ways and Means.

By Mr. J. D. STEWART: Papers in the claim of Joseph Graham, of Jeutzen & Orlrich, of Sarah McElroy, of Aquilla Reeves, of William Christeen, of James W. Wilkinson, and of Levi S. Waggoner and Matilda Allen, of Georgia.

By Mr. E. B. TAYLOR: Petition of citizens of Kirtland, Lake County, Ohio, in favor of a tariff on wool and other farm products—to the Committee on Ways and Means.

By Mr. J. D. TAYLOR: Petition of Samuel S. Hartley and 70 others, of Guernsey County, Ohio, for the re-enactment of the tariff of 1867 as applicable to wool—to the Committee on Ways and Means.

By Mr. WARNER: Petition of Frank Terry and 18 others, in favor of appointment of a commission on reform of orthography—to the Committee on Education.

By Mr. WEBER: Two petitions in favor of navigable waters between Lake Erie and Lake Ontario—to the Committee on Railways and Canals.

By Mr. WEST: Petition of Carpenters' Union, No. 6, of Amsterdam, N. Y., for a bill allowing workmen to sue in the Court of Claims to recover amount due for working over eight hours—to the Committee on the Judiciary.

Also, two petitions of citizens of Washington County, New York, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of J. W. Bumpass, of Lawrence

County, Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. WICKHAM: Petition of vessel-owners and masters and others, of Cleveland, Chicago, and other lake ports, for the improvement of the harbor at Lorain, Ohio—to the Committee on Rivers and Harbors.

By Mr. WILBER: Concurrent resolution of the Legislature of New York, relative to compensation of letter-carriers and postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, concurrent resolutions of same, relative to the erection of a monument to the martyrs of the prison-ships during the Revolutionary war—to the Committee on the Library.

Also, petition of Richfield Springs Agricultural Society, for relief of the farming community—to the Committee on Ways and Means.

By Mr. WILKINS: Petition of E. J. Manly and 100 others, citizens of Zanesville, Ohio, against the removal of the tax on cheroots, cigars, etc.—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition of Thomas B. Scott, of Randolph County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BLANCHARD: Of R. E. Scott and other citizens, and of B. H. Randolph and others, citizens of Louisiana.

By Mr. BREWER: Of George W. Barnes and 34 others, citizens of Tyrone, Livingston County, Michigan.

By Mr. CRISP: Of H. Ellis and others, of Garrant, Ga.

By Mr. KERR: Of certain citizens of Ferguson, Iowa.

By Mr. LANHAM: Of citizens of Hazel Dell, Tex.

By Mr. STOCKDALE: Of J. H. McGehee and 32 others, citizens of Amite County, and of R. W. Greene and 29 others, citizens of Greene County, Mississippi.

By Mr. J. D. TAYLOR: Of D. F. Little and 33 others, of Guernsey County; of William Hall and 33 others, of Belmont County; of G. W. Robinson and 68 others, of Noble County, and of A. H. Rogers and 73 others, of Harrison County, Ohio.

By Mr. G. M. THOMAS: Of F. R. Moore and others, of Kentucky.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BOOTHMAN: Of Fred. Yeager and 88 other ex-Union soldiers and citizens of Perrysburgh, Ohio.

By Mr. BUNNELL: Of soldiers of Smithfield, of Ridgebury, of Springfield, of East Smithfield, Bradford County, and of Factoryville, Wyoming County, Pennsylvania.

By Mr. CUTCHEON: Of ex-soldiers and citizens of Antrim County; and of ex-soldiers and citizens of Manistee County, Michigan.

By Mr. GOFF: Of B. A. Reeder and others, citizens of Shinnston, W. Va.

By Mr. GROSVENOR: Of John W. Doherty and 18 others, of Woodsfield, Ohio.

By Mr. HALL: Of soldiers and sailors of Butler County, Pennsylvania.

By Mr. JACKSON: Of 155 citizens of Lawrence County, Pennsylvania.

By Mr. KENNEDY: Of J. W. Gaskill and others, of West Liberty, Ohio.

By Mr. LAIDLAW: Of ex-soldiers of Cattaraugus County, New York, and of ex-Union soldiers of New York.

By Mr. MCCULLOGH: Of William J. Woods and others, of H. W. Dripsand and others, and of R. S. Elliott and others, soldiers and sailors of Westmoreland County, Pennsylvania.

By Mr. NUTTING: Of S. B. Mead and 239 others, citizens of Oswego County, and of T. T. Hart and 36 others, citizens of New York.

By Mr. OSBORNE: Of Martin L. Kurtz and 83 others, ex-Union soldiers of Columbia and Luzerne Counties, Pennsylvania.

By Mr. PATTON: Of 46 soldiers of Clarion County, Pennsylvania.

By Mr. PETERS: Of David W. Herman and 70 others, citizens of Garfield County, Kansas.

By Mr. E. B. TAYLOR: Of 38 ex-soldiers of Warren, of ex-soldiers of Middlefield, of ex-soldiers of Austinburgh, and of ex-soldiers of Mecca, and of 62 ex-soldiers of Niles, Ohio.

By Mr. WEBER: Of ex-soldiers of Kings County, New York.

By Mr. WEST: Of citizens of Fulton County, and of veterans of Fulton County, New York.

By Mr. S. V. WHITE: Of Abram Eiman and others, ex-soldiers.

Also, of ex-Union soldiers of New York.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were referred to the Committee on Education:

By Mr. CROUSE: Of 173 citizens of Cuyahoga County, Ohio.

By Mr. GROUT: Of 294 citizens of Orleans County, Vermont.

By Mr. HOVEY: Of 1,004 citizens of Vanderburgh County, Indiana.

By Mr. MCKINNEY: Of 313 citizens of Belknap County, New Hampshire.

By Mr. MORSE: Of 195 citizens of Suffolk County, Massachusetts.

By Mr. PERKINS: Of 302 citizens of Labette County, Kansas.

By Mr. STAHLNECKER: Of 170 citizens of Westchester County, New York.

By Mr. E. B. TAYLOR: Of the Methodist and Disciples Churches of Geneva, and 121 others, citizens of Ashtabula County, Ohio.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. DARLINGTON: Of 113 citizens of the Sixth district of Pennsylvania.

By Mr. JACKSON: Of Robert Porter and 24 others, citizens of New Galilee, Pa.

SENATE.

THURSDAY, *March* 8, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a petition of 104,000 citizens of the United States. The statement accompanying the petition will be read.

The Chief Clerk read as follows:

A petition of 104,000 citizens of the United States, who, out of love to their country, do hereby earnestly petition that you will not allow Utah to become a State so long as the local civil power of the Territory remains in the hands of the Mormon priesthood, and the people evade or refuse obedience to the present laws of Congress against polygamy.

This petition comes from thirty-three States and Territories of the Union, and contains, by actual count, 102,762 signatures. The States are Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia, and Wisconsin.

The Territories are Arizona, Dakota, and the District of Columbia.

Since the meeting of this Congress in December last this petition has been widely circulated; and thereupon, almost as by a spontaneous movement of the people, it has been signed by the very best men and women in all ranks and conditions of life, and without distinction of political faith or religious creed.

The correspondence which authenticates these signatures to the petition is respectfully submitted with it, showing that if more time had been allowed the number of signers could easily have been increased tenfold.

Your petitioners are aware of the ostensible change in the position and professions of the Mormon leaders, and of the fair promises set forth in the documents on which they seek admission. But they also know the fact that aside from the question of polygamy, the Mormon hierarchy is an absolute *imperium in imperio*, utterly hostile to the spirit of our institutions and our republican form of government; and when Utah is clothed with statehood, with the power of the suffrage in their hands, more serious complications may arise than any which have hitherto embarrassed the Government of the United States from the same quarter.

They therefore pray that the admission of Utah be postponed until the opponents of Mormonism have become a decided voting majority in that Territory.

WASHINGTON, D. C., *March* 5, 1888.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Territories.

The PRESIDENT *pro tempore* presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Winona, Kans., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Kansas, praying that tinplate be placed on the free-list; which was referred to the Committee on Finance.

He also presented the petition of John W. Smith, of Washington, D. C., praying for the passage of a bill to provide public tax money; which was referred to the Committee on Finance.

Mr. PADDOCK presented a petition of 115 citizens of the First and Fourth Congressional districts of Nebraska, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 41 ex-soldiers of the Union Army, residents of Nuckolls County, Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SHERMAN presented 16 petitions, signed by 954 ex-soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the passage of the per diem rated service-pension bill, as follows:

A petition of citizens of Hagerman, Lightsville, and other places in Ohio;

A petition of citizens of Champion and Warren, Ohio;

A petition of citizens of Kilgore, Carroll County, Ohio;

A petition of citizens of Niles, Ohio;

Five petitions of citizens of Allen County, Ohio; and

Seven petitions of citizens of Ohio.

The petitions were referred to the Committee on Pensions.

Mr. SHERMAN presented petitions of Stark Lodge No. 10, of the Amalgamated Association of Iron and Steel Workers of the United States, at Massillon, Ohio, and Laurence Lodge No. 7, of the Amalgamated Association of Iron and Steel Workers, at Ironton, Ohio, favoring a protective-tariff policy; which were referred to the Committee on Finance.

Mr. FARWELL presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Advance, Yale, and other places in Illinois, and a petition of ex-soldiers of Williamson County, Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the passage of the bill providing for the participation of our Government in the Paris International Exposition, on account of the discrimination made by that country against certain products of the United States; which was referred to the Committee on Foreign Relations.

Mr. PALMER presented the petition of Theodore Mead and 35 others, members of General Lyon Post, No. 86, Grand Army of the Republic, Department of Michigan, and the petition of C. H. Allen and 15 others, ex-Union soldiers and sailors of Henderson, Mich., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of O. Granger and 41 others, citizens of Memphis, Mich., praying for the protection of the wool-growing and woolen-manufacturing industries; which was referred to the Committee on Finance.

Mr. DAVIS presented the petition of Conrad Ditmore and others, ex-Union soldiers and sailors, citizens of Verndale, Minn., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CAMERON presented additional papers to accompany Senate bill 2094, for the removal of the charge of desertion from the military record of Isaac W. Rhawn; which were referred to the Committee on Military Affairs.

He also presented a petition of employés of the Government, praying for the adjudication of their claim for additional compensation due them under the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of the American Lodge of the Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa.; a petition of the Royal Lodge of the Amalgamated Association of Iron and Steel Workers, of Allegheny City, Pa.; a petition of Superior Lodge of the Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa.; a petition of New Castle Lodge No. 65, Amalgamated Association of Iron and Steel Workers, of New Castle, Pa., and a petition of the Monongahela Valley Lodge, Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa., praying that existing tariff duties be not reduced; which were referred to the Committee on Finance.

He also presented a petition of the Trades Assembly of Western Pennsylvania, of Pittsburgh, Pa., praying for the passage of House joint resolution 24, in reference to the employment of Army and Navy bands; which was referred to the Committee on Education and Labor.

He also presented a petition of the Bedford County (Pennsylvania) Union Ex-prisoners of War, praying for the passage of what is known as the prisoners-of-war pension bill; which was referred to the Committee on Pensions.

He also presented the petition of M. H. Grubb and 241 others, citizens (not ex-soldiers) of Liverpool, Pa., and a petition of 352 surviving soldiers and sailors of the Union Army and Navy, of Butler County, Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PAYNE presented 6 petitions, signed by 296 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, and 15 petitions signed by 506 surviving soldiers and sailors of the Union Army and Navy, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. CULLOM. I present resolutions adopted by the directors of the Chicago Board of Trade, remonstrating against the passage of the resolution providing for the participation of our Government in the Paris exhibition because of the unfriendly discrimination against this country on the part of the French Government in prohibiting the importation into France of American salted hog products. I believe the bill on that subject has been reported, and I move that the resolutions lie on the table.

The motion was agreed to.

Mr. CULLOM presented a petition of 34 ex-soldiers of the Union Army, citizens of Loami, Ill., and a petition of 43 ex-soldiers of the Union Army, citizens of Jasper County, Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. FRYE presented the petition of Joseph W. Edwards and other citizens of Island Falls and other places in Maine, ex-Union soldiers and sailors, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present the petition of Pomona Grange, No. 1, of the Patrons of Husbandry, of Silver City, in the State of Iowa, praying for the enactment of a law prohibiting pools, trusts, and combinations to prevent competition, prohibiting the adulteration of food, for the imposition of a tax on all compounds in imitation of lard, and protesting against the repeal of the oleomargarine law. As most of these subjects have been referred to the Committee on Agriculture and Forestry, I move that the petition be referred to that committee.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of 50 ex-soldiers of the Union Army, members of Gordon Granger Post, No. 64, Grand Army of the Republic, of Grinnell, Iowa; a petition of 30 surviving soldiers of the Union Army, citizens of Victor, Iowa, and a petition of J. M. Huston Post, No. 394, Grand Army of the Republic, Department of Iowa, of Victor, in that State, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented a petition of 27 ex-Union soldiers and sailors, citizens of Leonard, Mich., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. TURPIE presented the petition of John W. Dunn Post, No. 480, Grand Army of the Republic, department of Indiana, praying that a pension be granted to Jane Brown Dunn, orphan of William H. Dunn, late private of the Fourth Indiana Cavalry; which was referred to the Committee on Pensions.

Mr. HEARST presented a petition of ex-soldiers and sailors of the Union Army and Navy, residents of Truckee, Nevada County, California, and a petition of ex-soldiers and sailors of the Union Army, residents of Boulder and Santa Cruz, Cal., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. DANIEL presented a petition of the councilors of the Seneca Nation of New York Indians, praying for the removal of trespassers from their lands, and for the enforcement of laws in their interest; which was referred to the Committee on Indian Affairs.

Mr. SPOONER presented a memorial of a wool growers' meeting held at Rio, Wis., January 7, 1888, remonstrating against wool being placed on the free-list; which was referred to the Committee on Finance.

He also presented the petition of B. F. Gipple and other citizens of North Bend, Wis., praying that the duty be removed from foreign salt; which was referred to the Committee on Finance.

Mr. MITCHELL presented a petition of citizens of Crook County, Oregon, praying that no reduction be made in the tariff on wool, and that Congress adopt the schedule of duties unanimously agreed upon by the representatives of the wool-growers and woolen manufacturers at Washington, D. C., on January 14, 1888; which was referred to the Committee on Finance.

He also presented a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Oregon, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens and voters of Tualatin Grange, No. 111, Patrons of Husbandry, of Clackamas County, Oregon, praying for sundry changes in the postal laws; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Laundrymen's Association of New York and vicinity; a petition of the Northwestern Laundry Union of Minneapolis, Minn.; a petition of the Laundrymen's Association of Washington, D. C., and a petition of the Northwestern Ohio Laundry Association, praying for the speedy passage of a law absolutely excluding the coming of the Chinese to the United States; which were referred o the Committee on Foreign Relations.

Mr. DOLPH. I present the petition of Pomona Grange 117, Patrons of Husbandry, of Oregon, praying for the creation of a department of agriculture with its head a member of the President's Cabinet, and that the various divisions as at present constituted be made bureaus for investigation, experiment, and practical test of such matters as are likely to improve the science of this most important industry; that ample appropriations be made therefor, especially for the introduction of foreign seeds and for the extermination of contagious diseases among animals; and further, that nothing be done to impair in any way the usefulness of this department, and that it be devoted exclusively to the interest of agriculture as the most important American industry; that all moneys appropriated for use under the Hatch bill be so guarded as to insure its expenditure for the interest of practical agricultural experiment, and for no other purpose; that nothing be done to interfere with the usefulness of the interstate-commerce and the oleomargarine laws; that in any tariff revision due consideration be given to the interests of the American farmer and the products of his labor; and that the patent laws be so amended as to make the vender liable for infringements to the patentee, and not the innocent purchaser. I also present a petition of citizens of Wasco County, Oregon, of the same

character. I move that these petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HISCOCK presented a petition of 70 ex-Union veterans, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. ALLISON presented a petition of the I. M. Huston Post, No. 394, of Victor, Iowa; a petition of 55 surviving soldiers and sailors of the Union Army and Navy, of Strawberry Point and vicinity, Iowa; and a petition of 43 surviving soldiers and sailors of the Union Army and Navy, of Russell and vicinity, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. HAWLEY presented the petition of Rev. F. R. Waite and 116 other citizens of the First and Second Congressional districts of Connecticut, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EVARTS presented a petition of 28 surviving soldiers and sailors of the Union Army and Navy, citizens of New York, and a petition of 42 surviving soldiers and sailors of the Union Army and Navy, citizens of Corinth, Saratoga County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. VOORHEES. I do not know whether it is strictly in order, but I should like to present for reference an important communication from citizens of Clinton, Ind., addressed to the Committee on Public Buildings and Grounds, in regard to the construction of a public building at that place. I ask that it be referred to that committee.

The PRESIDENT *pro tempore*. The paper will be received as a petition, if there be no objection, and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1599) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri;

A bill (H. R. 2710) for the relief of Matthew H. Fulton; and

A bill (H. R. 6922) for the relief of George W. Graham.

ENROLLED RESOLUTION SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents; and it was thereupon signed by the President *pro tempore*.

REPORTS OF COMMITTEES.

Mr. EUSTIS, from the Select Committee on the Centennial of the Constitution and the Discovery of America, to whom was referred the bill (S. 138) to provide for a joint celebration at the national capital in 1889, by the sixteen American republics in honor of the centennial of the Constitution of the parent Republic, the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2292) to provide for a celebration at the national capital in 1889 in honor of the centennial of the Constitution of the United States; which was read twice by its title.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army, reported it with an amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 317) for the relief of William A. Bevens, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 321) for the relief of Zeb. Ward, of Little Rock, Ark., reported it without amendment, and submitted a report thereon.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1547) granting a pension to Mary Ann Dougherty;

A bill (S. 1101) granting a pension to Rachel A. Sinkinson; and

A bill (S. 702) granting a pension to Henry Pulsky.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1410) for the relief of Mary Reed;

A bill (S. 1199) granting a pension to George Frick; and

A bill (S. 780) granting a pension to Sarah Vantine.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the petition of George Brown, praying for an increase of pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of John M. Roberts and others, praying that a pension be allowed to John H. West, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

Mr. CULLOM, from the Committee on Commerce, to whom were referred the bill (S. 519) to provide for preliminary surveys and location of the Potomac and Chesapeake Free Ship Canal, and the bill (S. 72) to provide for preliminary surveys and location of the Potomac and Chesapeake Free Ship Canal, reported adversely thereon, and the bills were postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1494) to secure to the Cherokee freedmen and others their proportion of certain proceeds of land, under the act of March, 1883, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2004) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 3, 1885, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company, through certain Indian lands in the State of Minnesota, reported it with amendments, and submitted a report thereon.

Mr. STOCKBRIDGE, from the Committee on Indian Affairs, to whom was referred the bill (S. 1869) to provide for the establishment and maintenance of an Indian industrial school in the State of Michigan, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 113) for the relief of J. T. and C. T. Hulett, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Joint Committee on the Library, reported a bill (S. 2293) to provide for completing the catalogue of the Congressional Library; which was read twice by its title.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 117) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes, relating to the hours of labor, reported it with an amendment, and submitted a report thereon.

Mr. EVARTS, from the Joint Committee on the Library, to whom was referred the bill (S. 599) in regard to a monumental column to commemorate the battle of Trenton, and appropriating $30,000, reported it with an amendment.

Mr. SPOONER. Some days ago a majority of the Committee on Claims, through the Senator from Maryland [Mr. WILSON], made a favorable report upon the bill (S. 11) for the relief of Warren Mitchell. I obtained leave to submit at a later date the views of the minority. I ask leave at this time to present the minority report, signed by the Senator from Massachusetts [Mr. HOAR] and myself. I ask that it may be printed.

The PRESIDENT *pro tempore*. The views of the minority will be received and printed.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 1406) to provide for the sale of certain New York Indian lands in Kansas, reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred the bill (S. 1888) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources, reported it with an amendment.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 720) for the relief of H. W. Shipley, reported it without amendment, and submitted a report thereon.

WORK IN THE EXECUTIVE DEPARTMENTS.

Mr. COCKRELL. The select committee of the Senate appointed under the resolution of March 3, 1887, to inquire into and examine the methods of business and work of the Executive Departments and the causes of the alleged delay in transactions, etc., have instructed me to submit to the Senate a written report with the accompanying reports from the heads of various Executive Departments, and also to report two bills. I ask that the committee's report and the accompanying documents be printed, and that the two bills be read twice, respectively, and placed on the Calendar.

The bill (S. 2304) to provide for continuing the work of classified abridgments of letters patent granted by the United States was read twice by its title.

The bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments was read twice by its title.

The PRESIDING OFFICER (Mr. HALE in the chair). The bills will be placed on the Calendar.

Mr. COCKRELL. I also offer a resolution for the printing of the reports, to be referred to the Committee on Printing.

The resolution was read, and referred to the Committee on Printing, as follows:

Resolved, That there be printed of the report of the Senate select committee

appointed under resolution of March 3, 1887, to inquire into the methods of business, etc., in the Executive Departments, and accompanying documents, 6,000 copies, 2,000 copies of which shall be for the use of the Senate and 4,000 for the use of the House of Representatives.

Mr. COCKRELL. I ask that the select committee of the Senate be continued during the remainder of this session. I do not know that we shall want to make any further report, but there are certain measures which the committee think require their continued existence. There will be no expense of any kind connected with the continuance of the committee. I therefore ask that an order be made that the select committee be continued during the remainder of the session.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the existence of the select committee be prolonged during the remainder of the session. Is there objection? The Chair hears none, and it is so ordered.

HEARINGS BEFORE FOREIGN RELATIONS COMMITTEE.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Ohio [Mr. SHERMAN] March 5, 1888, authorizing the Committee on Foreign Relations to employ a stenographer to report hearings in regard to Chinese immigration and other subjects pending before it, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Foreign Relations is hereby authorized to employ a stenographer to report hearings in regard to Chinese immigration and other subjects pending before it, the expense to be paid from the contingent fund of the Senate.

COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. JONES, of Nevada. I am also instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Michigan [Mr. PALMER] March 1, 1888, to authorize the Committee on Agriculture and Forestry to employ a stenographer to report the hearings before them relative to Senate bill 945, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and they are hereby, authorized to employ a stenographer to report the hearings before them relative to Senate bill No. 945, to extirpate contagious pleuro-pneumonia, etc., among cattle, and that said stenographer be paid from the contingent fund of the Senate.

ARTHUR KILL BRIDGE.

Mr. JONES, of Nevada. I am also instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Maine [Mr. FRYE] March 5, 1888, authorizing the Committee on Commerce to visit and make a personal inspection and inquiry into the necessity of a bridge or bridges across Staten Island Sound, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Commerce, in considering Senate bills 1433, 1842, and 1850, touching the construction of a bridge or bridges across Staten Island Sound, known as Arthur Kill and Kill von Kull, be, and it is hereby, authorized to visit the locality for the purpose of making a personal inspection and inquiry into the necessity for said bridge or bridges, and especially to investigate the bridge now in process of construction under authority of Congress, with a view to determining whether or not any change is required in its location or form of structure; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2294) restoring a pension to William Bushfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2295) granting a pension to Emanuel Brownmiller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2296) granting a pension to Mrs. Josephine Amsden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 2297) to place the name of William Patterson, of Lynchburgh, Va., on the pension-roll; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2298) to provide for and regulate leases of lands within the Cattaraugus and Allegany reservations, in the State of New York, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2299) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2300) granting a pension to John B. Covert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. 2301) to increase the pension of Manhattan Pickett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2302) making an appropriation for the payment of Indian depredation claims allowed by the Commissioner of Indian Affairs and approved by the Secretary of the Interior in pursuance of existing law since the 3d day of March, 1885; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2303) for the relief of H. C. Ringo, of Oregon, legal representative of Joseph Ringo, deceased; which was read twice by its title, and referred to the Committee on Claims.

BILL RECOMMITTED.

On motion of Mr. COCKRELL, it was

Ordered, That the bill (S. 1650) for the relief of Maj. Gen. W. W. Averell be recommitted to the Committee on Military Affairs.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there are no resolutions, concurrent or other, the order of morning business is closed.

Mr. COLQUITT. Several days ago I gave notice that to-day, after the morning business, I would move, by consent, to take up the resolution of the Senator from Ohio [Mr. SHERMAN] to refer the President's message with a view to submit some remarks upon the subject. If in order, I now make that motion.

The PRESIDENT *pro tempore*. The Calendar being in order, the Senator from Georgia moves to proceed to the consideration of a resolution which will be read.

Mr. DAVIS. Is it not in order to call up the unfinished business, which is the pension bill?

The PRESIDENT *pro tempore*. The present occupant of the chair was absent when the Senate went into executive session last evening, and is not advised what the action of the Senate was. The RECORD on that subject will be read.

The Chief Clerk read as follows:

Mr. PADDOCK. I move that the pension bill be considered to-morrow immediately after the morning hour, being made the special order immediately after the morning business.

Several SENATORS. Ask unanimous consent.

Mr. PADDOCK. I ask unanimous consent that that order be made.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the pending pension bill be taken up immediately after the routine morning business to-morrow.

Mr. CULLOM. And the same order in reference to its disposition that was understood to apply to-day.

The PRESIDING OFFICER. And the same order in reference to its disposition to-morrow that was heretofore made in respect to to-day. Is there objection? The Chair hears none. The Senator from Kansas [Mr. PLUMB] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. PADDOCK. The order of the preceding day was to proceed to the consideration of the pension bill under what is known as the Anthony rule.

The PRESIDENT *pro tempore*. As the Chair understands the agreement of the Senate, it is his duty to lay before the Senate at this time as the unfinished business Senate bill 181, being what is commonly known as the dependent pension bill.

Mr. COLQUITT. I was not aware until I came into the Chamber this morning that any such unanimous consent was given yesterday afternoon, and I presumed according to the usual courtesy I should be allowed the floor at the close of morning business to-day. I have no desire, however, to impede progress upon the pending pension bill, and I shall not insist upon claiming the attention of the Senate at this hour, but will, if I can have general consent, postpone the motion and my remarks until to-morrow, after the morning business.

ADJOURNMENT TO MONDAY.

Mr. CAMERON. Is it in order to make a motion at this time?

The PRESIDENT *pro tempore*. It is.

Mr. CAMERON. I move that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDENT *pro tempore* put the question and declared that the ayes appeared to prevail.

Mr. SHERMAN. I call for a division. I think at this——

The PRESIDENT *pro tempore*. A division is called for.

There were, on a division—ayes 39, noes 14.

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 44, nays 17; as follows:

YEAS—44.

Bate,	Daniel,	Hearst,	Platt,
Beck,	Davis,	Hiscock,	Ransom,
Blackburn,	Eustis,	Ingalls,	Reagan,
Blodgett,	Evarts,	Jones of Arkansas,	Spooner,
Bowen,	Farwell,	Jones of Nevada,	Stewart,
Brown,	Faulkner,	Kenna,	Turpie,
Butler,	Gibson,	McPherson,	Vance,
Cameron,	Gray,	Manderson,	Voorhees,
Chace,	Hampton,	Mitchell,	Walthall,
Cockrell,	Harris,	Palmer,	Wilson of Iowa,
Coke,	Hawley,	Pasco,	Wilson of Md.

NAYS—17.

Aldrich,	Colquitt,	Morrill,	Sherman,
Allison,	Dawes,	Paddock,	Teller.
Berry,	Dolph,	Payne,	
Call,	Frye,	Pugh,	
Chandler,	Hoar,	Sawyer,	

ABSENT—15.

Blair,	Gorman,	Quay,	Stanford,
Cullom,	Hale,	Riddleberger,	Stockbridge,
Edmunds,	Morgan,	Sabin,	Vest.
George,	Plumb,	Saulsbury,	

So the motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 388) for the relief of L. B. Townsend, Louis S. Lovel, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harter, and Peter Hackett; and

An act (S. 455) for the relief of Andrew J. Lindsay.

ISAAC D. SMEAD & CO.

Mr. DAWES. On the 6th of February there was laid before the Senate, in response to a resolution of January 25, 1888, a communication from the Board of Commissioners of the District of Columbia, transmitting certain data respecting work done for the District by Isaac D. Smead & Co., which was referred to the Committee on the District of Columbia, and ordered to be printed. It is so recorded in the RECORD, but there was some mistake about it, and I should like to have that order now made.

The PRESIDENT *pro tempore*. The order for printing the communication will be made, if there be no objection. The Chair hears none.

DEPENDENT PENSION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors, the pending question being on the amendment proposed by Mr. WILSON, of Iowa, in section 2, line 5, after the word "from," to insert the words "the infirmities of age or from;" so as to read:

And who are now or who may hereafter be suffering from the infirmities of age or from mental or physical disability not the result of their own vicious habits, etc.

Mr. STEWART. Mr. President, the Senator from Ohio [Mr. SHERMAN], in his remarks the other day, used the following language:

Why, Mr. President, this thing was done in the light of day. Not only that, but when it was finally brought to a committee of conference, who were those conferees who are thus arraigned? Mr. Bayard, Mr. John Scott, of Pennsylvania, one of the most honored members of this body, and myself were the conferees on the part of the Senate. Mr. Hooper, the Senator says, knew it, and I knew it, and there was something devilish about it, something secret. A bill that had been debated for three long sessions, considered line by line and precept by precept, is held up as a matter of reproach against Mr. Hooper, now gathered to his fathers, chairman of the committee on the part of the House, and myself.

The bill to which the Senator referred was the act of February 12, 1873, which omitted the silver dollar from the list of coins.

I was in the Senate at the time that bill was passed, and in the course of his remarks the Senator from Ohio alluded to that fact. I think it would be well for every member of Congress if he could plead that he was entirely ignorant of that transaction. I do not believe that it is to the credit of any man to have knowingly voted for that act.

What was the situation of this country at that time and the circumstances under which the bill was passed? Specie payments had been suspended from 1862 until that time, except in the Pacific States and in the Territories. We were not on a metallic basis at all. It is said that we were not coining any silver dollars. That is not true. On the contrary, there was but one year between 1840 and 1878, to wit, 1858, in which no silver dollars were coined, and the coinage of silver dollars at our mints had exceeded a million annually for the two years previous to 1873. The people of the States this side of the Rocky Mountains were not thinking of the standard, because paper was the only circulating medium.

During the war the credit of the United States was at a great discount. The bonds realized probably not as much as 50 cents on the dollar in coin. They were payable in lawful money. Congress had made legal-tender notes, commonly called greenbacks, lawful money. The interest only on the bonds was payable in coin.

When the war closed there was a large amount of greenbacks in circulation. They were the money of the loyal States. What did Congress do? Did it increase those greenbacks so as to keep the same amount of money per capita throughout the United States when the rebellion failed and a third more population was added? No. The fact that the population was increased operated to contract the currency about 33⅓ per cent. But this fact was wholly disregarded.

This was not all. It was said that the honor of the nation was involved, and it was a duty to resume specie payments; and consequently Congress passed laws from time to time to enforce that demand, and retired a large amount of the greenbacks. This, of course, enhanced the value of the bonds.

But this was not all. It was only one step. In March, 1869, a bill was passed in the Senate and in the other House declaring that all United States bonds were payable in coin—not in the greenbacks which those who had supplied the armies were compelled to receive, and with which our soldiers were paid—they were not good enough for the bondholders. It was the pride of the nation, in which I and others participated, which induced us to redeem a supposed promise of the Secretary of the Treasury that the entire debt would be paid in coin. It was an issue before the people in 1868; and at the time the act passed, in 1869, after the election of General Grant, it was said to be in pursuance of the verdict of the people. The people submitted to this legislation without complaint.

After this was done, on the 14th of July, 1870, in order that there should be no mistake as to the meaning of the general declaration that the bonds should be payable in coin, Congress passed the funding act. I was here at that time and voted for it, and I know that Senators were very particular then to know in what currency the bonds were to be paid, and it was very properly provided in that act that the bonds should be redeemable in currency of the then standard value. The metallic currency then consisted of coin of gold and silver. A dollar in gold consisted of 25.8 grains of gold nine-tenths fine, and a dollar in silver of 412½ grains of silver nine-tenths fine. Every dollar of bonds issued since that act is payable in either gold or silver.

In view of this, and notwithstanding the enormous contraction which was necessary, at the time the rebellion failed and peace was declared, to spread the currency then existing all over the country, the South as well as the North; notwithstanding the enormous contraction subsequently required in reaching specie payments; notwithstanding we had agreed to pay the bonds in coin, the bondholders were not satisfied; they demanded payment in gold alone. Is it possible that any Senator who ever occupied a seat in this Chamber would have openly declared that it was his purpose to take from the people the right to pay these bonds in silver as well as gold? Will any Senator say that the bondholder was not sufficiently favored by increasing the value of his bonds more than 50 per cent. by the acts which had been passed before the world was robbed of more than half of its circulating medium by the demonetization of silver? Is it possible that any Senator now lives who will attempt to justify the act of February 12, 1873? I feel that the fact that I was in this Chamber when that act passed requires from me an apology.

The PRESIDENT *pro tempore*. The Chair reminds the Senator from Nevada that under the agreement of the Senate, debate is limited to five minutes by each speaker.

Mr. STEWART. I was not aware of that.

Mr. SHERMAN. I hope the Senator will be allowed to proceed with his remarks.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Nevada proceeding? The Chair hears none.

Mr. STEWART. I regret to occupy the time of the Senate, but I deem an explanation necessary after what has been said by the Senator from Ohio.

As to the history of the bill of which I have been speaking I think I am safe in saying that the Senate passed it in ignorance of its contents or effect; that nobody knew its effect; that nobody knew that one-half of the world's money was to be put out of existence; that the creditor class was to be vastly benefited; that the prosperity of the world was to be checked by the measure which the Senator from Ohio declared was "debated for three long sessions, considered line by line, and precept by precept."

There was at that time in the civilized world twenty-five thousand millions of national debts, and at least three times as much more of other debts. That indebtedness was by contract payable in either gold or silver, and I do not believe that any Senator here thought he was becoming a party to a new contract by which that vast sum should be paid in gold alone.

This is the history of the legislation: John Jay Knox, the Comptroller of the Currency, and the author of the bill by which the war on silver was inaugurated in the United States, made a report which was transmitted by the Secretary of the Treasury to the Forty-first Congress on April 25, 1870. This report will be found in Senate Miscellaneous Documents of 1869–'70, No. 132. Mr. Knox's report is explanatory of the bill prepared by him "to revise and amend the laws relative to the mints, assay offices, and coinage of the United States." It appears in his report that he objected to the silver dollar of 412½ grains of standard silver because it was more valuable than a gold dollar, and proved by statistics that the amount of silver necessary to make a silver dollar had on an average for the preceding six years been worth about 3 per cent. more than the amount of gold necessary to make a gold dollar.

He therefore advised the use of gold, because it was the cheaper metal. He strongly objected to the ratio established in this country, which is about 16 of silver to 1 of gold, and advocated the European ratio between gold and silver, which was and still is 15½ to 1. He contended that the amount of silver in silver dollars was so great that silver had been practically driven out of the country by the cheaper metal, and for that reason he contended that the coinage of the silver dollar should be discontinued, and that the subsidiary coins less than a dollar should

be upon the European ratio of 15½ of silver to 1 of gold. He was very solicitous for our Oriental trade, and recommended the coinage of the trade-dollar for circulation in Asia. He said:

However, if such a coin (trade-dollar) is authorized, it should be issued only as a commercial dollar, and not as a standard unit of coin, and of the exact value of the Mexican dollar, which is the favorite for circulation in China and Japan and other Oriental countries.

The bill prepared by Mr. Knox was introduced in the Senate by Mr. SHERMAN, of Ohio, on the 28th of April, 1870, and referred to the Committee on Finance. (Congressional Globe, 1869–'70, part 4, page 3051.) It was reported with amendments December 19, 1870, and discussed in the Senate January 9 and 10, 1871, and passed.

I have examined this discussion and there was no debate in regard to the discontinuance of the coinage of the silver dollar. The bill was an elaborate one to codify the mint laws. There was no discussion whatever in regard to coins of any kind. The discussion was as to other matters, the salaries of officers, etc.

Whether the bill as reported and discussed on that occasion contained a provision similar to section 15 of the act of February 12, 1873, I am unable to say. I am unable to find that bill. I presume it did, however, because it was prepared by Mr. Knox, and, of course, conformed to his report. Many Senators advocated free coinage, while the chairman of the committee objected to that. I made some remarks on that bill, advocating free coinage. I did not observe the other provisions, and do not know whether the provision as to the silver dollar was in the bill or not. It came here and passed like other elaborate bills, where none but the committee know of every detail contained in them. The whole discussion will be found in the same volume of the Globe, from pages 368 to 378 and from pages 396 to 397.

The bill was received in the House of Representatives January 10, 1871, referred to the Committee on Coinage January 11, 1871, reported with a substitute February 24, 1871, and recommitted. Nothing more was done with the bill in the Forty-first Congress. Nothing was said in either House of that Congress about stopping the coinage of the silver dollar. The bill might or might not have contained this provision. As I said before, I presume it did, as it was prepared by Mr. Knox.

On January 9, 1872, Mr. KELLEY, of Pennsylvania, introduced a bill in the House (House bill 5) "to revise and amend the laws relative to the mints, assay offices, and coinage of the United States." It was discussed at some length and recommitted. (Congressional Globe, 1871–'72, part 1, pages 322 to 328 and 336 to 340.)

The principal topic discussed was the question of salaries of the officers provided for in the bill. On February 9, 1872, Mr. Hooper, of Massachusetts, reported from the Committee on Coinage a bill "revising and amending the laws relative to the mints, assay offices, and coinage of the United States;" which was numbered H. R. 1427. This bill was recommitted to the Committee on Coinage, and ordered printed, and was probably a revised edition of the bill introduced by Mr. KELLEY. It can not now be found. Mr. Hooper's bill was discussed in the House April 9, 1872. (Congressional Globe, 1871–'72, part 3, pages 2304 to 2317.) Mr. Hooper, who had charge of the bill, said with reference to section 16, which was the section relating to the silver dollar, and afterwards numbered section 15:

It re-enacts the provisions of existing laws defining the silver coins and their weights respectively, except in relation to the silver dollar, which is reduced in weight from 412½ to 384 grains—

How they hit upon 384 grains I am at a loss to know. I think that was a new ratio. Three hundred and eighty-five and eight-tenths grains to the dollar is the ratio of 15½ to 1—

thus making it a subsidiary coin in harmony with the silver coins of less denomination to secure its concurrent circulation with them. The silver dollar of 412½ grains, by reason of its bullion or intrinsic value being greater than its nominal value, long since ceased to be a coin of circulation, and is melted by manufacturers of silverware. It does not circulate now in commercial transactions with any country, and the convenience of those manufacturers in this respect can better be met by supplying small stamped bars of the same standard, avoiding the useless expense of coining the dollar for that purpose.

Remarks were made by Mr. Potter, of New York, with regard to the proposed change in the coinage. This was the only time that the subject of silver coinage was mentioned in an intelligible manner. Mr. Potter knew what the bill contained, and expressed his meaning. He said:

Then, in the next place, this bill provides for the making of changes in the legal-tender coin of the country, and for substituting as legal-tender coin of only one metal instead, as heretofore, of two. I think myself this would be a wise provision, and that legal-tender coins, except subsidiary coin, should be of gold alone; but why should we legislate on this now, when we are not using either of those metals as a circulating medium? The bill provides also for a change in respect of the weight and value of the silver dollar, which is a subject which, when we come to require legislation about it at all, will demand at our hands very serious consideration, and which, as we are not using such coins for circulation now, seems at this time to be an unnecessary subject about which to legislate.—*Congressional Globe*, 1871-'72, part 3, page 2310.

Mr. Brooks, of New York, said:

It seems to me that this is the most farcical spectacle that Congress can present at this time * * * when no member of this House has seen a silver dollar or golden eagle, except as a curiosity in a museum, for some four or five or six or seven years, and when there is no probability of seeing another golden eagle for six or seven years to come. It seems to me to be the greatest of farces for this House to present such a spectacle as this, one fit for the pencil of Morgan or Nast in the caricatures of the day.—*Congressional Globe*, 1871-'72, part 3, page 2316.

He continued in similar language at some length ridiculing the idea of considering the question. At that time the bill was discussed at some length and some sections stricken out, when the House adjourned. On May 27, 1872, Mr. Hooper again called up the bill and offered a substitute, and proposed to suspend the rules and pass the substitute without reading, but failed to get the necessary two-thirds vote. No examination was made of the changes effected by the substitute. The whole debate consisted of a few questions and answers, which indicated that the substitute was different from the original bill. Mr. Brooks, of New York, in behalf of his colleague, who was then absent, made the following suggestion, to wit:

My colleague from Westchester district [Mr. Potter] stated the other day that this bill provided for the recoinage of more or less of the small currency of the country and the creation of a new currency.

Mr. HOOPER, of Massachusetts. *That is not the case with the bill as it now stands.*—*Congressional Globe*, 1871-'72, part 5, page 3883.

The substitute was passed after a very brief consideration on the 27th of May, 1872. On the 28th of May the bill was reported to the Senate (Congressional Globe, page 3961); referred to the Committee on Finance (page 3986); reported from committee December 16, 1872 (Congressional Globe, 1872–'73, part 1, page 203); reported to the Senate with amendments and reprinted January 7, 1873 (page 363); reading commenced January 17, 1873 (page 661); discussed January 17 (pages 668–674), and passed.

I now call particular attention to the discussion which took place in the Senate.

It has been said that it was passed in daylight; that everybody understood it. I assert that no discussion with regard to the demonetization of silver was had in the Senate at any time, except what I am about to read. I call on Senators to listen particularly to what I shall now read, because it contains the whole history of the discussion of that particular feature.

Mr. Casserly, of California, in whose State the silver dollar was then circulating, was paying particular attention to this bill. He was rather a scientific man, and was watching the provisions of the bill. He was particular about the inscriptions on the coins, as will be seen by the debate. The following dialogue finally took place between Mr. Casserly and Mr. SHERMAN, the chairman of the Finance Committee, who had the bill in charge:

Mr. CASSERLY. But the half-dollar and quarter-dollar are the money of the people, and they are the leading coins of our entire silver coinage. I do not think it is of so much importance to put the fineness or the weight upon a half-dollar or a quarter-dollar as it might be upon a gold coin. I have never seen any foreign coin, and of course no American coin, marked in that way. To have the weight of the coin upon gold coin may be a useful thing, because of the great preciousness of the metal; but what is the importance of having the weight inscribed upon the half-dollar or quarter-dollar? Does anybody ever weigh half dollars or quarter-dollars in business?

Mr. SHERMAN. If the Senator will allow me, he will see that the preceding section provides for coin which is exactly interchangeable with the English shilling and the five-franc piece of France; that is, a five-franc piece of France will be the exact equivalent of a dollar of the United States in our silver coinage; and in order to show this wherever our silver coin shall float—and we are providing that it shall float all over the world—we propose to stamp upon it instead of our eagle, which foreigners may not understand, and which they may not distinguish from a buzzard or some other bird, the intrinsic fineness and weight of the coin. In this practical, utilitarian age the officers of the Mint seemed to think it would be better to do that than to put the eagle on our silver coins. I must confess I do not think it is very important; but I think the Senator ought to be willing to defer in these matters to the practical knowledge of the officers who have charge of this branch of the Government service. I will say that Mr. Linderman, whom the Senator must know, has suggested this as being a convenient mode of promoting international coinage.

Mr. CASSERLY. We can not have an international coinage on the basis of our silver coin unless our silver comes up to the standard of all the nations with which we expect to have relations. Now, I ask the Senator whether this bill proposes a silver coinage of that character?

There had been previous discussions with regard to adopting the suggestion to conform our silver coinage to the coinage of Europe. France and the associated nations agreed upon 15½ to 1, which had been the ratio of legal-tender money there for nearly a century, and there was general consent to the standard of 15½ to 1. That had been explained. Mr. SHERMAN replied to this question, "Now, I ask the Senator whether this bill proposes a silver coinage of that character?" as follows:

Mr. SHERMAN. This bill proposes a silver coinage exactly the same as the French and what are called the associated nations of Europe, who have adopted the international standard of silver coinage.

The international standard of silver coinage authorized the unlimited use of silver money at the ratio of 15½ to 1. If the Senator understood the purport of that language, it was a declaration that there was in that bill a provision for the unlimited use of silver dollars of the exact ratio of 15½ to 1. In other words, the dollar was equivalent to the five franc piece, and an unlimited legal tender.

Mr. SHERMAN. The Senator will allow me to ask him a question. The coinage of the United States is precisely the French coinage in ratio. The coinage of either the United States or France is on the ratio of 15½ to 1. The token-money is 7 or 8 per cent. below that. That discussion referred to the fractional coinage, the fifty, twenty-five, and ten cent pieces. The Senator gives a different construction to those words.

Mr. STEWART. I give the words as they were uttered. They are

plain and need no construction. I will reread what I have already read and continue on with the quotation:

Mr. SHERMAN. This bill proposes a silver coinage exactly the same as the French and what are called the associated nations of Europe, who have adopted the international standard of silver coinage; that is, the dollar provided for by this bill is the precise equivalent of the five-franc piece. It contains the same number of grams of silver, and we have adopted the international gram instead of the grain for the standard of our silver coinage. The "trade-dollar" has been adopted mainly for the benefit of the people of California and others engaged in trade with China. That is the only coin measured by the grain instead of by the gram. The intrinsic value of each is to be stamped upon the coin.

No words can express more clearly the fact that a silver dollar, equivalent to the five-franc piece, was in the bill then pending in the Senate.

Mr. SHERMAN. The half-dollar was provided for by the bill. A silver dollar would have contained more than two half-dollars.

Mr. STEWART. I do not desire to cast any reflection upon the Senator. I simply want to show under what circumstances I acted, and the remainder of us, with what information we acted, and how it was understood in the Senate, and how the Senate had a right to understand it. The question is not what explanations the Senator can now make. I was acting under the statement of the chairman of the Committee on Finance. It was the dollar, not the half-dollar, which was the equivalent of the five-franc piece. I deal with the language that was used, which guided me in giving my vote, and undoubtedly governed the action of the Senate in the passage of the bill. If he had told the Senate that the bill contained a proposition to demonetize silver and adopt the gold standard, there would not have been a single vote in its favor, and the prosperity of the country would not have been destroyed by contraction.

The dialogue proceeded:

Mr. CASSERLY. Do I understand the Senator to say that the intrinsic value of the dollar, half-dollar, and quarter-dollar is raised by this bill?
Mr. SHERMAN. There is a difference of about one-half of 1 per cent.
Mr. CASSERLY. I——

Mr. SHERMAN. The difference between the gram in the half-dollar as provided in that bill was one-half per cent. The object was to unitize our fractional silver coin to the French standard.

Mr. STEWART. I am speaking about the dollar which was then the subject of discussion. The question is what you did say, not what you now think you meant to say.

I suppose it must be raised to the basis of international exchange.

Of course it was not raised. It was lowered, because our standard was higher than the French. That was a mistake, showing that there was no accurate information on the subject, which the following answer by Mr. SHERMAN to Mr. Casserly's question abundantly shows:

Mr. SHERMAN. I think it is slightly raised, so as to conform with foreign coins. The Chamber of Commerce of New York first recommended this change, and it has been adopted, I believe, by all the learned societies who have given attention to coinage, and has been recommended to us, I believe, as the general desire. That is embodied in these three or four sections of amendment, to make our silver coinage correspond in exact form and dimensions and shape and stamp with the coinage of the associated nations of Europe, who have adopted an international silver coinage. I do not like myself to break in upon this plan or to change it in the slightest degree, but prefer to leave it to the proper officers of the Mint. Indeed, I would be perfectly willing to leave the whole thing to the officers of the Mint rather than to fix it by law. That was not deemed convenient, and therefore we had to drop the American eagle from these minor silver coins.—*Congressional Globe*, 1872–'73, part 1, page 672.

If there was any doubt that the silver dollar was then in the bill, or that the chairman of the Finance Committee so declared, the following amendment, which is printed in the Congressional Globe in the column preceding the dialogue above quoted, settles the controversy and corroborates all I have said:

SEC. [19] 18. That upon the coins of the United States there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscription "United States of America" and "E Pluribus Unum," and a designation of the value of the coin; but on the gold dollar and three-dollar piece, *the silver dollar*, the half-dollar, the quarter-dollar, the dime, five, three, and one cent pieces the figure of the eagle shall be omitted; and on the reverse of *the silver dollar*—

Etc., giving inscription on reverse side of the coins enumerated.

The Senate voted upon the faith of the statements of the chairman of the Committee on Finance, and the amendment which he offered to perfect the bill, which I have just read. The fact that he offered an amendment, which was read at the Clerk's desk and printed in the Globe, providing for inscriptions upon the silver dollar, was convincing proof that such a coin was provided for in the body of the bill. If anybody had doubted the chairman's declaration that the silver dollar was contained in the bill that doubt must have been removed by the language of the amendment.

The bill passed on these representations. A conference of the two Houses was had on the Senate amendments. The Senator from Ohio said on Tuesday last:

Here is the conference report. They did not in the slightest degree change either of the sections named which suspended the coinage of the silver dollar. The conference had no relation to them. The dispute was about other matters entirely.

The silver dollar is not contained in the bill as it was printed in the statutes. When or how it was eliminated I have no means of knowing, and I deny all responsibility for its disappearance. I charge no man with anything and insinuate nothing.

The scheme to demonetize silver was not of American origin. I must believe that the Senator from Ohio was himself ignorant of what was being done, and that the scheme was accomplished by the cunning of some foreign hand. The discussion in regard to our metallic currency was commenced in Europe.

The immediate discussion which led to the demonetization of silver in the United States was inaugurated by Ernest Seyd, a celebrated German-English banker and author, in a volume entitled "Suggestions in Reference to Metallic Currency in the United States," printed in London in 1871 "for private circulation," containing 253 pages of matter devoted to good English advice for American consumption. It so happened that Mr. Seyd was in Washington in 1870 when Mr. Knox inaugurated the scheme to demonetize silver by his celebrated report mentioned by the Senator from Ohio, and again at the opening of the Congress of 1872–'73, at which the bill demonetizing silver passed.

Let me call attention to the history of the efforts of the creditor class in Europe to demonetize one of the precious metals for the purpose of enhancing the value of securities. I hold in my hand a book written by Chevalier, of France, in 1857, who was regarded as the ablest writer on financial subjects in all Europe. The discovery of gold and silver in California and Australia and the promise of large productions of gold were subjects of great anxiety to the creditor class in Europe. Chevalier's book was written for the purpose of inducing the French Government to demonetize gold for the purpose of enhancing the value of bonds and other securities. He used the same argument against gold which is now used against silver, and assumed that silver would be driven out of the country and France ruined unless gold was demonetized. The object was to demonetize one of the precious metals and enhance the value of bonds. Gold was selected because for the time being it was the plentier metal. Many volumes were written by other authors on the same subject. I now hold in my hand the work of an eminent English writer on finance, entitled "Maclaren's History of Currency," published in London in 1858. Mr. Maclaren reviews many authors on the subject of demonetizing one of the precious metals, and concurs with Chevalier that gold should be demonetized and silver adopted as the single standard. He contended that England, which had adopted the gold standard in 1816, should change from gold to silver, and explained the great benefit of such a change to all persons living on fixed incomes. Holland, Belgium, Germany, and Austria adopted the single silver standard at various times after the discovery of gold in California and Australia and before the discovery of the Comstock silver lode in Nevada.

When there was a prospect that silver might become plentier than gold, Germany first changed her position, and in 1871 demonetized silver, and finally, by the year 1876, every mint in the United States and Europe was closed against silver, and that metal fell more than 15 per cent.

Congress at this juncture appointed a commission to investigate the whole subject and make a report. The Senator from Nevada [Mr. JONES] was chairman of that commission. I would suggest to Senators that it might be time well spent to examine that report. The report is an exhaustive review of the whole subject, and contains a full history of the discussion from 1853 up to the time the demonetization of silver was finally consummated. The basis of every argument in Europe was the necessity to demonetize one of the metals for the purpose of enhancing the value of bonds. The report shows that Germany adopted the silver standard in 1857 and the gold standard in 1871, and that the same reason was given in each case—the necessity for contraction in aid of the rich.

There are libraries of books advocating the demonetization of one or the other of the precious metals, and the same reasons are always assigned, no matter which metal is to be discarded. In every case the moneyed aristocracy is to be benefited, enterprise retarded, and the people robbed. There is no necessity for a concealment in monarchical countries, where the people do not vote; consequently Chevalier, Maclaren, and others were not required to disguise their purposes from the people. The people of this country were not consulted when the great change, which robbed them of the right to pay their debts according to contract, was made. It was done without their knowledge or consent. Our finances were discussed in Europe in books printed for circulation among the moneyed aristocracy of that country, not in the Congress of the United States or before the people.

If the daylight of which the Senator from Ohio speaks had been let in upon the designs of the bondholders of Europe and America, the silver dollar would never have been demonetized. No man in either House of Congress would have sought the bad eminence which he would have attained by voting for the act of February 12, 1873.

How has this action affected the prosperity of Europe and America? Why is business depressed and all great enterprises trembling on the brink of financial ruin? Universal peace and abundant harvests furnish no sufficient answer. In other periods of the world's history financial distress has always been accompanied by contraction. Every advance in civilization has been accompanied by an abundant supply of the precious metals, and every retrograde movement in the progress of the advancement has occurred at a time when the supply of the precious metals has been inadequate. Historians tell us that at the commencement of

the Christian era about two thousand million dollars of metallic money were circulating in the Roman Empire, then the civilized world, as money among the people, and that at the commencement of the fifteenth century, when gold and silver were discovered in Mexico and South America, the volume of the precious metals in the civilized world was less than one hundred and fifty millions.

Fifteen hundred years of contraction, at the rate of more than one hundred millions each century, were accompanied by fifteen hundred years of misery and decay, and constitute the period known as the Dark Ages. The three hundred years from the fifteenth to the eighteenth century witness the revival of civilization and the reformation of the world, attended with all the advantages of material, moral, physical, and intellectual progress. During this same three hundred years the supply of the precious metals from the New World furnished an abundant circulation, which constantly increased with the increase of population. At the commencement of the present century the Spanish-American wars greatly diminished the supply of the precious metals. The depression and hard times which followed are still fresh in the memories of living men. The financial struggles through which the country passed from 1810 to 1850 were the most trying that had been experienced for centuries. The year 1849 witnessed a lower range of prices than had been seen for one hundred years. An event then occurred which removed the universal depression and financial distress which were retarding the progress of the civilized world and infused new life in every channel of commerce and every department of business and enterprise. From 1850 to 1875 the average price of labor and all commodities is shown by the statistics of Mr. Wells, Mr. Sauerbeck, and others to have risen more than 30 per cent. In an article in the Popular Science Monthly for October, 1887 (page 770), Mr. Wells says:

Compared with the average prices of general commodities from 1867 to 1877, the period from 1878 to 1885 shows a depreciation of 18 per cent. But if the average prices of 1885 alone be taken, the decline from the average for 1867-'77 is 28 per cent.; or continuing the comparison through 1885 and embracing a somewhat larger number of articles, the average depreciation, in the opinion of Mr. Sauerbeck, has amounted to 31 per cent. Furthermore, the average level of prices for 1886, according to the tables of Mr. Sauerbeck, was considerably below the average for the year 1848, which in turn appears to have been the lowest previous point for the century subsequent to 1820.

Look at that period, notwithstanding all the disasters of it—a period of twenty-five years, in which there were more wars than ever occurred in a century before. The Italian-French war, the German-Austrian war, the Franco-German war, the Crimean war, the war of the Rebellion were all crowded in that twenty-five years; but property rose and population increased, notwithstanding those calamities, more than in any period of a century beside.

In 1850 the property of the United States was valued at seven thousand millions; in 1870, notwithstanding eight thousand millions had been destroyed by war, it was valued at thirty-one thousand millions; and a similar increase in the value of property, though not so great as ours, occurred throughout the civilized world. What controlling influence produced this if it were not caused by the life-giving power of an increasing circulating medium, resulting from the vast increase in the production of the precious metals occasioned by the new discoveries in California and Australia?

The commencement of this era of prosperity is graphically described by Sir Archibald Alison, the great historian. After having devoted a half-century in writing history and discussing the questions of tariff, free trade, money, and other kindred subjects, near the close of his labors, in the last volume of his "History of Europe" (Chapter 56), he says:

It will belong to a succeeding historian to narrate the wonderful spring which the country made during the five years which followed 1852 under the influence of the gold discoveries in America and Australia. * * *

The annual supply of gold and silver for the use of the globe was by these discoveries suddenly increased from an average of £10,000,000 to one of £35,000,000.

The words of poetic genius were more than realized. "Methinks, as I gaze around, I see the scheme of the all-beneficent Father disentangling itself clear through the troubled history of mankind."

How mysteriously, while Europe rears its populations and fulfills its civilizing mission, these realms, which have been concealed from its eyes, divulged to us just as civilization needs the solution to its problem; a vent for feverish energies, baffled in the crowd, offering bread to the famished, hope to the desperate in very truth, enabling the New World to redress the balance of the Old. Here the actual Æneid passes before our eyes. From the hearts of the exiles scattered over this hardier Italy, who can not see in the future

A race from whence New Albion's sons shall come,
And the long glories of a future Rome?

Most of all did Great Britain and Ireland experience the wonderful effects of this great medium of our globe.

That which for five and twenty years had been awanting, a currency commensurate to the increased numbers and transactions of the civilized world, was now supplied by the beneficent hand of nature. The era of a contracted currency, and consequent low prices and general misery, interrupted by passing gleams of prosperity, was at an end. Prices rapidly rose; wages advanced in a similar proportion; exports and imports enormously increased, while crime and misery as rapidly diminished; emigration itself, which had reached 368,000 persons a year, sank to little more than half the amount. Wheat rose from 40s. to 65s.; but the wages of labor of every kind advanced in nearly as great a proportion; they were found to be about 30 per cent. higher, on an average, than they had been five years before. In Ireland the change was still greater, and probably unequaled in so short a time in the annals of history. Wages of country labor rose from 4d. a day to 1s. 6d. or 2s.; convicted crime sank nearly a half; and the increased growth of cereal crops, under the genial influences of these advanced prices, was as rapid as its previous decline since 1846 had been. At the same time decisive evidence was afforded that all this sudden burst of prosperity was the result of the expanded currency, and by no means of free trade, in the fact that it did not appear till the gold discoveries came into operation, and then it was fully as great in the protected

From 1850 to 1875 the annual product of the precious metals was from one hundred and seventy-five millions to two hundred millions; from 1875 to 1888 the annual supply of the two metals has been fully equal to two hundred millions. Why, then, have prices declined 33⅓ per cent. in the last thirteen years? The Silver Commission of 1876 investigated that subject and furnished a key by which the present financial depression is explained, which will be found on page 85 of that report, as follows:

First, the demonetization of silver, by Germany in 1871, by the United States in 1873 and 1874, and by the Scandinavian states in 1874; the limitation on the coinage of silver imposed by France, Belgium, Switzerland, and Italy in 1874; the closure of the Holland mint against the coinage of silver on private account in April, 1875; the refusal of Switzerland, in 1875, to coin silver at all, and in the summer of 1876, by authority given to and actually exercised by the President of the French Republic, the suspension of the silver coinage altogether; the Spanish royal decree (1876) closing the mint of that kingdom against private depositors, and declaring the purpose of that government to demonetize it for all sums exceeding $28 at the earliest practicable moment; and the submission (1876) to the Dutch legislative chambers of a ministerial project of demonetizing silver in Holland, and of extending to the mint in Java the restriction against coinage for individuals already imposed (April, 1875) upon the mint in Holland.

Although Congress demonetized silver in February, 1873, the fact was not discovered by the general public or by the executive department of this Government until all the mints in the United States and Europe were closed against silver. Then it was that silver fell near 20 per cent. and the discovery was made.

President Grant, who signed the bill, wrote a letter on the 6th day of October, in the same year—about eight months after silver was demonetized—to his friend, Mr. Cowdrey, in which he said:

The panic has brought greenbacks about to a par with silver. I wonder that silver is not already coming into the market to supply the deficiency in the circulating medium. When it does come—and I predict that it will soon—we will have made a rapid stride toward specie payments. Currency will never go below silver after that.

The circulation of silver will have other beneficial effects. Experience has proved that it takes about forty millions of fractional currency to make the small change necessary for the transaction of the business of the country. Silver will gradually take the place of this currency, and further, will become the standard of values which will be hoarded in a small way.

I estimate that this will consume from two to three hundred millions, in time, of this species of our circulating medium. It will leave the paper currency free to perform the legitimate functions of trade, and will tend to bring us back where we must come at last—to a specie basis. I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard of value the world over. Silver has this; and if we once get back to that, our strides toward a higher appreciation of our currency will be rapid.

Our mines are now producing almost unlimited amounts of silver, and it is becoming a question, "What shall we do with it?" I suggest here a solution that will answer for some years, and suggest to you bankers whether you may not imitate it: to put it in circulation now, keep it there until it is fixed, and then we will find other markets. The South and Central American countries have asked us to coin their silver for them. There has never been authority of law to do so. I trust it will now be given. When it is given it will be more than the equivalent of becoming exporters of articles of manufacture which were previously articles of import. Orders will come for large amounts of coin. It will be all in silver, while payments are not necessarily so. We become the manufacturer of this currency, with a profit, and will probably secure a portion of our pay in the more precious metal.

Did President Grant know what the bill contained? If he did, that was a very foolish letter.

But this is not all. He sent a special message to Congress in January, 1875, on the day he signed the specie-resumption act, which proves that he was utterly ignorant of the fact that silver had been demonetized by the act of 1873. Listen to his recommendation two years after the passage of the bill demonetizing silver was passed:

In fact, to carry out the first section of the act, another mint becomes necessary. With the present facilities for coinage, it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

There are now smelting-furnaces for extracting the silver and gold from the ores brought from the mountain Territories in Chicago, St. Louis, and Omaha—three in the former city—and as much of the change required will be wanted in the Mississippi Valley States, and as the metals to be coined come from west of those States, and, as I understand, the charges for transportation of bullion from either of the cities named to the mint in Philadelphia, or to New York City, amount to $4 for each one thousand dollars' worth, with an equal expense for transportation back, it would seem a fair argument in favor of adopting one or more of those cities as the place or places for the establishment of new coining facilities.

Did the Executive understand when he made this recommendation that silver had been demonetized? Did the light of day in which the Senator from Ohio alleges the bill was passed reach and illuminate the Executive Mansion?

I have already shown that from 1850 to 1875 population and wealth throughout the world increased beyond a parallel, and that, according to Alison, the historian, the high-tariff nations and the low-tariff nations prospered alike. What they wanted was the life-blood of an abundant circulating medium regardless of the question of tariff. During that period of twenty-five years, with all its wars, prosperity was the rule. What has occurred in the last thirteen years? A shrinkage in values of over 33 per cent., paralysis of business, hard times, and general depression throughout the United States and Europe.

We are coolly informed by the bondholders that this shrinkage in prices is beneficial; that as values decline less money is needed because there is less value to represent. The following from our author, Mr. Wells, is cool and refreshing. In the December number of the Popular Science Monthly, he says (page 176):

Furthermore, an average decrease of at least 30 per cent. in the prices of the commodities that represent the great bulk of the world's production and consumption, comparing the data of 1885-'86 with those of 1867-'77, has in itself been equivalent to largely or entirely supplementing any increased demand for the use of silver and gold as money consequent upon any increase in the volume of the world's business during the same period.

I agree with Mr. Wells that the value of property has shrunk, and will continue to shrink as long as contraction continues, and that money will buy more property the less money there is in circulation. This is consoling doctrine for the bondholder and creditor. His demand does not shrink; it simply requires more property to satisfy it. I commend this doctrine of the bond-holding, gold-standard aristocracy to the farmers of the Mississippi Valley, and ask them if they desire wheat and cotton to further decline in price to correspond to a shrinking volume of currency; if a further reduction in the price of farm products will aid them to remove from their homes twelve hundred millions of mortgages? It may enable the creditor to get their farms for a small amount of money and be very gratifying to the usurer. But what will become of the farmer and his family?

We have already seen that the annual production of gold and silver from 1875 to the present time is over two hundred millions, and that since the war on silver began, in 1873, the aggregate production of the two metals has reached the enormous sum of thirty-two hundred millions. If the production of the precious metals has not failed, why has prosperity been checked and enterprise paralyzed? Because silver has been demonetized, excluded from the mints of the United States and Europe and driven to Asia for a market. Of the sixteen hundred millions of silver produced since 1873 only two hundred and eighty millions have been coined in the United States, and not exceeding two hundred and twenty millions of legal-tender silver coined elsewhere outside of Asia, leaving the enormous sum of about eleven hundred millions to find a market in the arts or be banished to Asia never to return. If one-half of the production of the precious metals had been stopped by natural causes the world would have attributed the evils which now exist to a failure in the supply of metallic money, but one-half of the supply having been cut off by legislation for the benefit of bondholders and money-lenders, an influential and powerful class are flooding the world with literature to deceive the people and induce them to tamely submit to the robbery of contraction under the name of a gold standard. Suppose the act of 1878, requiring the coinage of silver, had never been passed, and the two hundred and eighty millions of silver coin resulting therefrom did not exist, what would be the present condition of the finances of this country? What is the prospect if the gold standard could be maintained? The production of gold is diminishing while population is increasing. From 1870 to 1875 the average annual product of gold was one hundred and thirteen millions. For the last five years, according to the reports of the Director of the Mint, the average annual product of that metal has been less than one hundred millions, and I doubt very much, if the actual facts were known, whether it would exceed ninety millions.

The volume of gold must necessarily shrink. The world has been explored for gold. Gold in its free state appears on the surface and in the beds of streams. Since the discoveries in Australia and California the whole world has been explored, and new placer mines can not be expected to be discovered to any considerable extent. One-third of the product of gold is found in combination with silver. When the silver mines are stopped, as they will be if we cease to use silver as money, there will be an enormous decrease in the production of gold. Still the creditor class insist that we must adhere to gold, notwithstanding the shrinkage of production; notwithstanding the stagnation of business and the impending bankruptcy which overshadows the land.

The only reason given for using either metal generally accepted is for the purpose of fixing a limitation upon the amount of money that shall circulate among the people. The two metals were used as such limitation of quantity for more than two thousand years prior to 1875. The charge was that governments could not be trusted to fix the amount of the circulation.

But if governments could not be trusted to fix the limitation upon the circulating medium, and the experience of two thousand years has indicated a necessity to use both gold and silver not only as money, but as a limitation upon the amount of money in circulation, how can such governments be now trusted to discard either one or the other of the precious metals as money and thus change the limitation at pleasure? If governments are after all to say how much money shall be in circulation by dispensing with one or the other of the precious metals at pleasure, why not discard them both and fix some other standard? If the standard can be changed in the United States without debate it is absurd to talk of metallic basis.

I can not close without referring to the most atrocious and insulting argument used by the bondholding aristocracy, which is that the fall in silver, as compared with gold, was produced by overproduction of the former metal. The fact that it was legislation and not production that produced this calamity is evidenced by the fact that silver did not fall until it was excluded from the mints of the United States and Europe, although its production, as compared with that of gold, was less when the two metals parted company in 1876 than at many former periods. From 1500 to 1846 the aggregate production of the two metals was about 70 per cent. silver and 30 per cent. gold. From 1846 to 1850 their production was about equal. From 1850 to 1875 the aggregate production was about 70 per cent. of gold and 30 per cent. of silver.

For two hundred years previous to 1875 the two metals never parted company, so that 14 ounces of silver would buy an ounce of gold, or an ounce of gold would buy 16 ounces of silver. The average ratio between the two metals was comparatively stationary at 15½ to 1. Since 1875 the product of the two metals has been about equal. This shows that they parted company by legislation and not by production.

Why may not the United States have an independent financial policy? The representatives of the bondholders tell us it is impossible, because the restoration of silver to its place as money by the United States alone would overwhelm us with an avalanche of silver. I answer before that avalanche can come there must be a source of supply somewhere to produce it. There is no accumulation of silver bullion in either Europe or America. Five million ounces can not be found in both countries. The efforts of the rulers of the moneyed aristocracy of Europe and America to totally demonetize silver has so intimidated the purchasers of silver bullion that they dare not let it accumulate on their hands a single hour. The avalanche can not, therefore, come from an accumulation of bullion. No silver has ever come or ever will come from Asia.

But one other source of supply besides production has been suggested, and that is the coin silver of Europe. The total amount of token-money and legal-tender silver money in all Europe is a little more than thirteen hundred millions. Near four hundred millions of this amount is subsidiary coin, greatly debased by other metals, and valuable only for circulation in the countries where it was coined. It could not be brought to our market. There is less than one thousand millions of legal-tender coin in all Europe. This coin is circulating in the countries where it was made on a par with gold as a full legal tender at the ratio of 15½ to 1. It would take an ounce of gold to buy 15½ ounces of this coin silver, which, when transported to the United States, could not be sold for an ounce of gold until an addition thereto of another half ounce of silver was made to bring it to our standard, for our standard is about 16 to 1. This would be a loss of over 3 per cent. besides transportation and insurance.

A large supply from that source, therefore, can not be anticipated. Our principal supply must come from silver hereafter to be produced from the mines. How much silver would it require to supply the wants of circulation in the United States? Coin certificates based on gold and silver might be substituted for all the paper money now outstanding without detriment to a sound and conservative policy of finance. This would create a demand for over five hundred millions of additional bullion. Three hundred millions additional circulation on a metallic basis would secure universal prosperity, making a present total demand for about eight hundred millions of bullion, with an increasing population, requiring a constant increase of money. Under such circumstances overproduction from the mines can not be anticipated. The avalanche or flood of the precious metals is not an imminent danger even with the use of both metals. On the contrary, after the full restoration of silver, legal-tender notes would be necessary for an indefinite period to avoid contraction.

It seems strange that a country like the United States, abounding in resources, and rich with gifted and intelligent men, capable of meeting every emergency of war or peace, is unable to devise any financial policy which can be stated or understood. The national-bank scheme, viewed in the most favorable light, waiving the expense to the Government of maintaining it, is a weak and inconsequential expedient. The seeds of dissolution were planted in it when it was born. The currency which it provided was ephemeral, and its days were numbered by the limit of payment in the bonds deposited for the security of the issue.

The Comptroller of the Currency, in his last annual report, mourns the demise of one hundred and sixty millions of this ephemeral currency occasioned by the payment of bonds. The Secretary of the Treasury is required, several times in each year, to invent new schemes to furnish the people with money. His pilgrimages to Wall street are watched by sixty million of people with trembling anxiety as their only source of relief from impending financial ruin. The stock-brokers of Wall street are thanked by the people and congratulated by themselves while accumulating millions by the fluctuations in the value of money when they do not exact so much as to produce panic and immediate ruin.

Under these circumstances we have been coolly informed by the Treasury Department for the last fifteen years that there is no relief for these evils unless the bondholding aristocracy of Europe will grant such relief and allow us to remonetize silver. Envoys extraordinary and ministers plenipotentiary of the gold-standard aristocracy of America

are annually accredited to the same class in Europe to enjoy themselves in the best society that can be furnished by the money kings at the capitals of the great powers. These distinguished ambassadors always inform us that Europe will not allow us to use silver, and that we must conform to their wishes. Still each administration regards it as an especial duty to continue these missions. The beauty of this philosophical and patriotic performance is that the executive department at all times recognizes the practice as indispensable, no matter whether a Democrat or a Republican occupies the Presidential chair.

I hope that my explanation, together with my denial that I was knowingly a party to the demonetization of silver, will be accepted in the spirit in which it is offered.

Mr. MANDERSON. Mr. President, in what I may have to say on the bill which is under consideration, I will try to confine myself to matters strictly germane to the bill and keep myself within the limit of time prescribed by the rule under which the Senate is acting. I will not follow the lead of the distinguished Senator from Kentucky [Mr. BECK], and attempt to talk upon the tariff issue on this pension bill, nor will I stray with the Senator from Nevada [Mr. STEWART] along the attractive paths of the silver question. I shall simply seek to correct a few misstatements that have been made as to facts which should be well known, notably by the Senator from Missouri [Mr. VEST], who is absent from his seat.

The Senator from Missouri, in his remarks on the first day of this month, made the following statement, and it was in such direct conflict with statements made by myself and others in the discussion upon this bill that I was greatly surprised to hear it. I read from his remarks:

We have heard a good deal upon the floor about almshouses and Federal soldiers. I do not know how it is in the rest of the Union, but in the State of Missouri there are no Federal soldiers in almshouses, and I am proud to say that there are no Confederate soldiers in almshouses either.

And again he said:

They—

The Confederate soldiers—

ask no pensions. God be thanked, they would not take them. They are not in almshouses, and no man has ever seen one of them begging for bread.

Whence comes this talk of Federal soldiers in almshouses? They are not there.

Mr. President, I quoted a few days ago from the report of the Commissioner of Pensions for the year 1886, and I beg to reread a part of that report, showing that there had been careful investigation by that officer into this subject-matter. He says:

About the first of the present calendar year I directed an investigation to be made with a view to determine the number of soldiers and sailors who, having served in the Army and Navy of the United States, were supported in whole or in part from the public funds or organized charities. To this end the gentleman having charge of this investigation communicated with the county officers, clerks of courts, county judges, overseers of the poor, etc. The reports as to Connecticut and Michigan were made by State officers. Two of the States, New Jersey and Delaware, did not furnish the information as called for. Partial information has been furnished from nearly all the remaining States, however, and full reports have been received from 1,240 counties of the United States. The inquiry does not include those in the soldiers' homes supported by the United States. Upon the information thus furnished computations were made which are believed to exhibit approximately correct results. The number so found receiving support, as before stated, is, in round numbers, 9,000.

I feel that it is matter for congratulation that I am not compelled to go to any other source but that report or reports made by a Democratic official properly charged with this exploration, and I found that, pursuing this inquiry, General Black, the Commissioner of Pensions, on the 20th day of September last, issued this circular, sending it to the different county clerks and supervisors of the poor all over the United States:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., September 20, 1887.

MY DEAR SIR: Desiring certain information for the use of the Bureau of Pensions, and believing that you share in the great interest ever manifest throughout the country in the welfare of our soldiery—especially the disabled and poverty-stricken—I take the liberty of soliciting your cordial co-operation in ascertaining the number of Union ex-soldiers and sailors and their dependent relatives who, from causes within and beyond their control, are dependent on charity. With that object in view, will you be kind enough to cause the accompanying blank forms to be carefully filled out from the records of the almshouse and other charitable institutions which may be under your charge in your county? In the event of there being one or more such institutions in your county, not under your immediate supervision, where said soldiers and sailors may be cared for, be pleased to lay one of the inclosed blank forms and a copy of this letter before the official having charge of said institution, with the request that he comply with the objects thereof. Please do not indicate herein any State or Government home for soldiers or sailors.

After filling up the blank form, as above indicated, you will place the Bureau of Pensions still further under obligations if you will acknowledge the correctness of the list before some officer authorized to administer oaths for general purposes. The expense thereof will be remitted to you by the special examiner of this bureau in your vicinity when he receives the attesting officer's receipt.

With many thanks, in anticipation of your early compliance with the above request, I am,

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Under that circular this work was undertaken, and at noon on the 15th day of October, 1887, in every one of the charitable institutions of the character spoken of in the circular, a census was taken of ex-soldiers and their dependents who were in these houses, and the report is most interesting. It most flatly contradicts the statement of the Senator from Missouri as to his own State.

The PRESIDING OFFICER (Mr. HALE in the chair). The Chair reminds the Senator from Nebraska that under the agreement of the Senate made yesterday his time has expired.

Mr. ALLISON. I hope the Senator will be permitted to continue.

Mr. MANDERSON. I shall ask but a few minutes longer.

The PRESIDING OFFICER. Is there objection to the Senator from Nebraska proceeding? The Chair hears none.

Mr. MANDERSON. I find the interesting fact to appear that in every one of the States of the United States, with the exception of Alabama and South Carolina, there are ex-Union soldiers and their dependent relatives in the poor-houses of the State. I will not take the time to read this list, but I will beg to attach it to my remarks. Simply referring to a few of the States, I find that in Arkansas there are 6 ex-soldiers in poor-houses; in California, 275; in Connecticut, 365; in Georgia, 20; in Illinois, 994; in Iowa, 348; in Kentucky, 150; in Maine, 1,110; in Massachusetts, reported as being either within those institutions or receiving State aid from the institutions under the law of that State, 8,798 ex-soldiers and 112 dependent relatives, about 8,000 being outside of the institutions receiving State aid and about 900 within the walls of the institutions themselves.

Mr. DAWES Those outside receiving State aid are not necessarily paupers.

Mr. MANDERSON. I so understand, but still they are persons who are receiving this charitable aid from the State.

Mr. DAWES. The State has endeavored to supplement what the General Government has been doing for dependent relatives of soldiers.

Mr. MANDERSON. And has done so with exceptional liberality, to a greater extent, I think, than any other State in the Union. In the State of Michigan there are 569; in the State of Nebraska, 17; in the State of New Hampshire, 361; in New York, 1,988; in Ohio, 1,212; in Pennsylvania, 3,670; in Vermont, 174; in West Virginia, 58; in Wisconsin, 170.

So I find the total to be of ex-soldiers who are either within the walls of these charitable institutions or, as in the case of Massachusetts, receiving aid from the State because they need such aid, 16,856 soldiers and 4,945 dependent relatives, making a total, on the 15th day of October, 1887, of 21,801. Deducting from this number the 8,000 or thereabouts in Massachusetts who are receiving aid outside of these institutions, we have 13,801 ex-soldiers and their dependent relatives on that day in the almshouses and poor-houses and charitable institutions of the United States.

Mr. GIBSON. Will the Senator allow me to ask a question?

Mr. MANDERSON. Certainly.

Mr. GIBSON. How many of those persons are pensioners or applicants for pensions?

Mr. MANDERSON. I will give statistics as to that in one moment. I will say to the Senator from Louisiana that I do not know that I read his State in the list. There are 8 ex-soldiers and 6 dependent relatives in the almshouses of Louisiana, making 14 in all.

Now let me refer for a moment to the State of Missouri. I find that in that State instead of there being no ex-Union soldiers in almshouses, there are 138 ex-soldiers and 62 dependent relatives, making 200 that are in the almshouses of Missouri; and in this connection I desire to read a letter received by me yesterday, dated the 2d day of March, Springfield, Greene County, Missouri. This letter comes to me from one of the special examiners of the Pension Office. I believe the writer is of the same political faith as the Senator from Missouri; and he says:

Allow me to call your attention to certain statements made by Hon. GEORGE VEST in his recent speech on the pension bill now pending before your honorable body. In his remarks he says there are no paupers in the almshouses in Missouri.

The writer then goes on to state that there had been received in Missouri this certificate and the blanks sent out by the Commissioner of Pensions.

Mr. COCKRELL. Will the Senator give the name?

Mr. MANDERSON. I will give it to the Senator at any time. I will read the rest of the letter.

Mr. COCKRELL. I thought you had given it and I did not catch it.

Mr. MANDERSON. I say he is one of the special examiners of the Pension Office. I will at any time show the name to the Senator.

Mr. COCKRELL. The Senator stated that he was of the same political faith as my colleague.

Mr. MANDERSON. I said I believed he was.

Mr. COCKRELL. In that I am sure the Senator is mistaken, and I doubt whether the writer is now an examiner of the Pension Office.

Mr. MANDERSON. He so signs himself on the 2d of March.

Mr. COCKRELL. There has been one discharge for inefficiency and incompetency within the last few days.

Mr. MANDERSON. I will read what he says. In regard to the question at issue whether he is now in the service or out of it, I can say nothing. All I know about it is that on the 2d day of March he signs himself as special examiner of the Pension Office. He says:

We have in each and every county a great many dependent soldiers, heirs, and minors who are now and have been objects of charity either by the county court or Grand Army of the Republic posts. Greene County, which reports—

Under these reports I have just referred to to the Commissioner of Pensions—

one old soldier in its poor-house, has not less than fifteen who are being cared

for either by the county court, Grand Army of the Republic posts, or Woman's Relief Corps. Many of the counties in Southwestern Missouri have no poor-houses or charitable institutions, but are dependent for the care of their poor by relations or charity, paying something out of the county treasury each month as their support.

So it seems from this exploration made by the Commissioner of Pensions, the Senator from Missouri [Mr. VEST] was laboring under very great misinformation in regard to the condition of affairs in his own State.

I have found that there are 13,801 in these charitable institutions outside of the national homes supported by the Government. There were on the same date, the 15th day of October, 1887, in the national homes 15,152 inmates, making a total of 28,953 ex-soldiers and their dependents who were on that day in the charitable institutions of this country.

Of the whole number supported by State institutions, being 21,801—and this answers the inquiry of the Senator from Louisiana—I find that there are pensioners 7,420; there are claimants for pensions with their cases still undetermined 1,991, leaving as neither pensioners nor claimants for pension 12,390; and in the State of Missouri (and I take this from Commissioner Black's report) of the 138 ex-soldiers in the poor-houses there are pensioners 11, claimants 46, leaving 81 who are neither upon the pension-roll nor claiming pensions at the hands of the Government.

And this, it seems to me, Mr. President, very clearly contradicts another assertion made by the Senator from Missouri, where he referred to the ex-soldiers of the Union Army as being either upon the pension-roll or claimants for pension. This is the language used by him in that connection:

The pension-rolls show that out of 2,300,000 men enrolled in the Federal Army 800,000 were disabled by disease or by shot and shell. Nearly 50 per cent. of all the men enrolled in the Federal Army according to the pension reports are now applicants for pensions, or have been.

* * * * * * *

Nearly 50 per cent. of all these hosts to-day are applicants for pensions. Who believes that all these are honest applicants? Who believes that this thing has not degenerated into a political abuse, which cries aloud in the face of all honest men for redress?

Mr. President, even if the fact were as stated by the Senator from Missouri and it were true that of the survivors of the war who participated on the side of the Republic in that great contest 50 per cent. were applicants for pension or upon the pension-list, that fact should hardly form the foundation of remarks of this character. But it is not true, and I refer again to the late report of the Commissioner of Pensions, General Black, to ascertain what is the number; and let me premise by saying that the number of soldiers enlisted in the Union Army during the war was about 2,772,000. Many of these were, of course, re-enlistments. Discarding those, it is safe to say that from 2,300,000 to 2,500,000 were enlisted during the war upon the Union side.

Of this number there have been applications filed by invalids, ex-soldiers themselves, since the year 1861, 616,963 from the Army, and from the Navy 11,309, making a total of applications from both Army and Navy since 1861 of 628,272. There have been allowed of these applications 367,424, leaving pending cases 260,848. Of the claims of widows, minor children, and dependent parents, there have been filed since the commencement of the war, in 1861, 358,684 claims. Adding to those claims that have been received from the Army the number of Navy applications, 6,202, we have a total of 364,886 applications of widows, minor children, and dependent relatives. There have been allowed of this number 240,662, leaving yet pending 124,224.

In this connection I desire also to show the number now upon the pension-roll. There are of invalids of the Army who served during the war of the rebellion, 294,445; of widows, minor children, and dependents of those who served in the Army, 85,010; on the invalid Navy list, 3,281; widows, minor children, and dependent relatives of those who served in the Navy, 1,973; of the war of 1812 survivors, 1,069; widows, 11,831; of the war with Mexico, 7,503 survivors, and 895 widows of soldiers of that war, making the grand total from all wars now upon the pension-list 406,607.

It will thus be seen that instead of 50 per cent., perhaps 1,250,000 claimants for pension, or those who are now receiving pension, the actual number of those receiving pension is less than 12 per cent. of the whole number that were engaged in that dread struggle, and not to exceed 24 per cent. of both claimants and pensioners.

Mr. President, I have other tables here and other showings that contradict many other statements made by the Senator from Missouri, particularly as to the condition of affairs with reference to the Confederate soldiers. I would be very glad if the fact were, as he says, that there was no Confederate soldier in any of the almshouses or the poor-houses of Missouri, or any other of the States of this Union, and that none were begging bread. Unfortunately, however, that is not so; and if time permitted, or if it were necessary or germane to this subject, I should be glad to make that showing before the Senate.

The Senator from Maryland [Mr. WILSON] criticising somewhat the remarks made by me on this bill a couple of weeks ago, suggested that a statement had been made by myself that a majority of the ex-soldiers of the Republic were not in favor of a service-pension bill. I do not believe that at this time a majority of the ex-soldiers of this country are in favor of a service-pension bill. I would myself be heartily glad to have such a bill, a proper bill, pass the Congress of the United States and become a law; but I do not believe that a majority of the ex-soldiers of this country desire a bill of that character at this time. I believe the time will come before many years have rolled over us when they will so desire, but not at this time.

The Senator from Maryland suggested that this bill certainly then can not be acceptable to the survivors of the war because it was a service-pension bill. It seems to me that he very strangely misconceives what this bill is. It is a service-pension bill to the extent that all pension bills must have in them the element or the ingredient of service. That must be the basis for all pension claims, that there shall have been service; but I submit that that is not the only requisite in this bill. It was not the only requisite in the bill that passed Congress at the last session and was vetoed by the President.

Both had the ingredient of service, but the one of last winter had in it the further and the essential ingredient of dependence, and this has the important essential of disability or incapacity for manual labor; and it is that bill that is asked for by the ex-soldiers of the country at this time. I think the great majority of them would desire to go much further than the provisions of this bill; I myself would so desire. I think the Congress of the United States would desire to go further than the provisions of this bill; but this has in it so much of good, has back of it such character of support that it seems to me the suggestions of the chairman of the Committee on Pensions are most wise when he says that we should return as nearly as possible to the original bill as it was reported by the committee.

I attach hereto the table to which I have referred:

At noon October 15, 1887, *there were veterans in charitable institutions because of their poverty, and dependents.*

States and Territories.	Veterans.	Dependents.	Total.
Arkansas			6
California	274	1	275
Colorado	11	4	15
Connecticut	274	91	365
Dakota	15	2	17
Delaware	17	1	18
District of Columbia	21	51	72
Florida	3	1	4
Georgia	14	6	20
Idaho			2
Illinois	827	167	994
Indiana	208	116	324
Iowa	229	119	348
Kansas	66	9	75
Kentucky	100	50	150
Louisiana	8	6	14
Maine	1097	113	1110
Maryland			36
Massachusetts	8798	112	8910
Michigan	473	96	569
Minnesota	77	15	92
Mississippi			7
Missouri	138	62	200
Nebraska	16	1	17
Nevada			1
New Hampshire	266	95	361
New Jersey	346	15	361
New Mexico			7
New York	1,782	206	1,988
North Carolina	12	2	14
Ohio	732	480	1,212
Oregon			10
Pennsylvania	721	2,958	3,679
Rhode Island	15	4	19
Tennessee	27	20	47
Texas	12	5	17
Vermont	99	75	174
Virginia	12	2	14
Washington	11	1	12
West Virginia	44	14	58
Wisconsin	125	45	170
Wyoming			1
	16,856	4,945	21,801
Deduct Massachusetts	8,000		8,000
	8,856		13,801
Add national homes			15,152
Total			28,953

Of those supported by State institutions	21,801
There are—	
Pensioners	7,420
Claimants	1,991
Neither pensioners nor claimants	12,390

MISSOURI.

Pensioners	11
Claimants	46
Neither pensioners nor claimants	81
Total in poor-houses	138

Mr. HOAR. Mr. President, I understand that the Senator from Nebraska during my brief absence from the Senate alluded to the aid which

was bestowed by the State of Massachusetts upon certain soldiers and their widows and dependent relatives—fathers, mothers, and orphans—which makes it proper perhaps for me to say, in immediate connection with what he has said, that this class of persons who are aided by the State of Massachusetts are in no wise to be regarded or treated as paupers. They are persons who undoubtedly, by reason of their dependent condition or their want of full capacity for self-support owing to wounds or disease contracted in the war, need some aid from the public.

The State originated the policy of what is called State aid very early in the war for the benefit of the wives and children of absent soldiers. In nearly every town in the State, first by private association and afterwards by express act of the Legislature, there were arrangements made for seeing that the families of those persons who were absent in the war did not suffer by reason of the absence of the head or other person who was the dependence of the family.

We have paid, since I believe the last of the other American States made any payment for that purpose, upwards of $18,000,000. The Commonwealth of Massachusetts would have been long ago out of debt if it were not for the sum represented by this State aid. I suppose eight or ten years ago our sinking fund would have surpassed our debt for all the other public purposes except this purpose of State aid.

There are agents of the Commonwealth who visit every town and city of the State during the year to inquire personally into the condition of every person who is receiving State aid. The number of such persons is between six thousand and seven thousand all told. In addition to that, the town or city authorities have a full knowledge of the propriety and necessity of the administration of this aid.

For the purpose of setting right some misconception in regard to this matter, although I was not present at the time the Senator from Nebraska spoke, I will state another point which makes it fitting to give these facts in this debate.

We are often reproached both at home and by our antagonists here with undertaking to have a wasteful and extravagant pension system in this country. It is said that our pension system already is larger than that of any other country, or that it is now on more liberal principles than that of this country at any former time, and the inference is that for political or some other purposes the Republican party, which has originated all the pension measures in this country, has originated an extravagant system of such measures, and is now proposing and intending to extend and expand that system to other extravagances which are not to be supported on sound political principles.

Mr. President, there is not a human being in the Commonwealth of Massachusetts, I will undertake to affirm, of any political party whatever, who questions that this sum—between $18,000,000 and $19,000,000—$18,000,000 brings it up to January, 1887, and it is probably now nearer $20,000,000, certainly between $19,000,000 and $20,000,000—no person will question that that has been wisely, judiciously, and economically bestowed. There is not a dollar of it grudged or condemned by any sane man, so far as I know, within the limits of that Commonwealth.

If that be true, what follows? There is a community where better than any other place in the country, or as well, persons who are willing to work to get their own living can support themselves. There is a compact community, two-thirds of its people living in cities, or near large, populous towns, and although, of course, the disposition to perform does not exist any more there than elsewhere, work may be performed more readily, promptly, and efficiently than in places where the population is sparse. Yet in such a community as that, it is admitted that the pension system of this country is so inadequate to discharge the public obligation to the surviving soldiers, their widows and orphans, that an expenditure of $18,000,000 or $20,000,000 has been well warranted, and required, and demanded in that compact community alone.

Suppose Massachusetts to represent one-twentieth only of the pension wants of this country, there would be $360,000,000 in addition to what has been dispensed by the United States Government in the form of pensions, requisite to do what is only required by decency and strict economical principles for the supply of the proper and reasonable wants of this meritorious class of persons.

It is of no importance who does it. I think that every dollar of this sum should have been paid from the National Treasury. I think it is for the country, which these soldiers saved from death, to save them from poverty and want, so far as it is to be done at all by any form of public aid.

The fact which I have stated demonstrates that the pension system of the United States has been inadequate, insufficient, too economical, and strict by at least the sum of $350,000,000 to $400,000,000 throughout the period which has existed since the close of the war; and that one fact alone is a conclusive and demonstrative answer to any suggestion that the pension legislation of this country has been wasteful, or extravagant, or unreasonable.

Mr. HAWLEY. Mr. President, I propose to submit a few rather informal observations concerning the pending bill, but first I wish to make a remark upon an entirely different subject.

Whenever a motion is made on Thursday to adjourn over until Monday, the rules forbid debate or explanation of any sort; so I take this opportunity for one to say, knowing that I represent a great many others, that I so vote in order that I may better discharge my duties as a Senator, because the current work is such that if we undertake to go through the form of a session of four or five hours a day for six days in the week we inevitably get behindhand, overwork ourselves, and fail, in my judgment, to do our duty as Senators.

I voted this morning to adjourn over until Monday because of certain committees, and especially of one, the Committee on Military Affairs, an extra meeting of which seemed to be quite necessary, and yet we could not agree among ourselves upon any possible hour of meeting, except that we had a conditional understanding that if the Senate adjourned over until Monday we would meet to-morrow at 12. I have another committee on that day and one on Saturday, and I know other Senators who have three or four committee meetings to attend to in the mean time, besides all the correspondence and the consideration of measures committed to their hands as subcommittees. That is enough on that subject.

I am disposed to vote for this bill for reasons which I will briefly assign. In the first place, the bill begins by saying that in considering the pension claims of dependent parents the fact and cause of death and the fact that the deceased soldier left no widow or no minor children shall be sufficient to establish the relation of dependent father and mother. That is to say, it will be taken for granted that if the son who died in the war had lived until now he would have assisted his parents. We have been in the habit of sending these cases back again and again for some evidence that the father and mother received a few dollars of the boy's pay when he was seventeen, eighteen, nineteen, or twenty years old and was in the Army, or, if he has since died, we have hunted up his history after the war. It seems to me a sensible and generous thing to say, "If we have taken the boy away by war, we will take it for granted that a boy as good as that, on the whole, would have been helping father and mother if he had lived." I am content to stand upon that provision of the bill.

The bill proceeds then to say that all persons who served three months or more, etc., honorably discharged, etc., who may be suffering from mental or physical disability not the result of their own vicious habits, which totally incapacitates them for the performance of manual labor, shall upon due proof be placed upon the list of invalid pensioners and entitled to $12 a month, such pension to commence from the date of filing the application in the Pension Office.

That is substantially the bill. I do not care to refer to the other sections. One of them regulates the compensation of the agent, attorney, etc.

Before passing to further considerations, I wish to observe that it is not right or sensible to attempt to prejudice this bill because it was approved by the Grand Army posts in individual votes of their several posts, in the proportion of about 100,000 to 3,000, if I am right. The Grand Army of the Republic is not a political organization. It is in no sense a political body. Political discussions and votes and work are forbidden by its rules and regulations. In its ranks are many Democrats. Among its prominent officers are some of the leading generals who are known to be Democrats. A very prominent candidate for commander-in-chief of the Grand Army of the whole country at the late annual encampment was our distinguished friend and most gallant soldier, General Slocum.

The principles and purposes of the order are sufficiently set forth in its motto, "Fraternity, Charity, and Loyalty." It was an inevitable organization at the close of the war. Similar associations follow every great war in every civilized country. The Order of the Cincinnati is a famous example in this country, but the Grand Army of the Republic has a broader base than that. It recognizes no distinction of rank in its councils; the Lieutenant-General sits by the side of the humblest private of a week's service, if you choose.

The precious comradeship of war and the proud memories of dangers shared and honorable services proved and of record, the organized discharge of the duties of friendship for each other and for their wives and their children in poverty and in sickness and death, and the cultivation and enlargement of their love of country, irresistibly assemble the soldiers of a war, and so glorious a war as that which resulted in the success of the great Republic and the experiment of self-government and the ultimate blessing of foes and friends alike.

It was reported at the last meeting of the national encampment that the charitable expenditures of the year were $253,000. That is a small fraction of the real expenditures of the order during the year. That includes what was formally reported in the statements of treasurers. Every man who belongs to the order, and I have belonged to it for about twenty-two years, knows that a large part of its work, which is incapable of being estimated in dollars and cents, consists in the charitable visits to poverty-stricken or diseased comrades or to suffering wives and children, in attendance upon their death-beds, in attendance upon their funerals, in allowances of relief in forms that do not get into treasurers' reports, in individual contributions, subscriptions raised among the citizens, etc.

Mr. PLATT. And fairs.

Mr. HAWLEY. And fairs; that is one method of raising money. Those funds are sometimes expended in such a manner that they do not get into the national reports.

The impression is created here by the remarks which are sometimes

made that it is a great political organization, selecting candidates and putting this man down and the other up, according to his political party affiliation. There comes to my mind as I use those words a picture. Last autumn at home I looked out of my window, hearing the sound of a single mufiled drum. I saw passing up the street thirty old soldiers with the old blouse and cap and one drum and a hearse—no carriage, no persons in civilian dress, no women or children. A soldier without relatives, without other friends, and without money was being taken to the grave by thirty comrades and buried with the help of the $30 that the State always gives under those circumstances. That is one of thousands of cases, and is a simple illustration of the unobtrusive and most honorable charity and fraternity of the order.

The PRESIDING OFFICER (Mr. FRYE in the chair). The time of the Senator from Connecticut has expired.

Mr. HAWLEY. I saw other Senators speaking much longer. I did not know there was a five-minute limit.

Mr. ALLISON. I hope the Senator from Connecticut will be allowed to proceed.

The PRESIDING OFFICER. By unanimous consent, the Senator's time will be extended.

Mr. HAWLEY. Thank you. I wish to speak but five or eight minutes longer.

The action of the order in general in national encampment has been eminently conservative. The service pension, which is looked upon with a great deal of dismay because it is likely to involve a very heavy addition to our expenditures, was voted down by it, and this bill, instead of being considered as prejudicial to the reputation of the order, certainly enhanced its character for wisdom and prudence. It is an attempt to give immediate relief to a class of ex-soldiers whose condition appeals to every man. It seems to me that unanimous consent would be given by the people of the whole country to their claim. The bill omits many controverted points. It does not attempt to discuss service pensions or the payment of pensions to ex-prisoners of Andersonville, etc. It selects out of the mass who may need relief, the central point, the 10,000 or 15,000 soldiers and dependents of soldiers, more or less, whatever the figures may be, who are by the judgment of their own State and municipal and local authorities incapacitated, because they are now receiving partially, or in most cases wholly, their support from the municipality or town.

I am justified, I think, in voting for this measure. I know that I am justified in doing so by the action of my State.

I wish to follow in the line indicated by my friend from Massachusetts in showing what is the judgment of the States and the local governments at home immediately in contact with this class of sufferers. I will summarize a few provisions of the statutes of Connecticut. These acts were not discussed as such measures are discussed here in Congress, with an attempt to carefully estimate precisely what they will cost nor with prophecies of their indefinite enlargement till they shall go beyond the means of the State. They are bills meeting the immediate want in the sensible, practical, and economical way of a people who have never been accustomed to waste their money, but have never withheld it when charity and justice called for it.

Section 3766 of the statutes of Connecticut provides that when the soldier, sailor, or marine, honorably discharged, shall die, being a resident of the State and not having sufficient estate to pay the necessary expenses of his burial, the State shall pay such expenses, not to exceed $30, the town first expending the $30, which is a guaranty of reasonable expenditure, and then the State refunding it; and the section also provides that "the burial shall be in some cemetery or plot not used exclusively for the burial of the pauper dead."

The legislation of the State has for some years exempted from poll-tax all soldiers or sailors who served in the Army or Navy for three months and were honorably discharged.

I add that $1.50 a week is allowed by section 3648 for the benefit of each child in the State under the age of fourteen having no other adequate means of support, and is not in any poor-house, whose father served honorably, etc.; but the chief measure of relief, which is very much in the line of this bill, is found in title 72 of the general statutes of Connecticut:

SEC. 3762. All honorably discharged soldiers, sailors, and marines who served in the Union Army or Navy in the late civil war in the Connecticut regiments or navy quota from this State, and all such soldiers, sailors, and marines who served in said war in the regiments or navy quota from any other State, who at the time of their enlistment therein were residents of this State, and are such residents when applying for such aid—

Observe that we do not require that the man shall have been a soldier from Connecticut, only that he was one of our residents when he enlisted in whatever State, and that he now has come back and is now residing in Connecticut. All such—

who from disease or wounds may need medical care and treatment shall be entitled to receive such medical care and treatment as may be necessary at the Hartford Hospital, the hospital of the General Hospital Society of Connecticut, at New Haven; the Fitch's Home for Soldiers, at Darien; the Bridgeport Hospital and the Connecticut Hospital for the Insane, at Middletown; and the expense of such medical care and treatment shall be defrayed by the State.

The Hartford Hospital and the hospital of the General Hospital Society of Connecticut are two State hospitals. Besides that the Fitch's Home for Soldiers, at Darien, is now a State soldiers' home, and with the Bridgeport Hospital and the Connecticut Hospital for the Insane there are five hospitals of various classes, to all of which any soldier suffering from disease or wounds, no matter whether or not his disability can be traced to his service, shall be admitted, and all his expenses are paid while he is there. That is precisely in the line of this bill, and was enacted some years ago, without flourish of trumpets and without consideration of the precise number of dollars involved. Title 72 provides in another section:

SEC. 3763. All honorably discharged soldiers, sailors, and marines who served in the Union Army or Navy in the late civil war in Connecticut regiments or in its navy quota, who shall from wounds or disease become unable to earn a livelihood, or shall become insane, and who have no adequate means of support, shall be entitled to a home at the hospitals named in the preceding section, and to such food, clothing, and medical treatment as shall be necessary, and the expense thereof shall be defrayed by the State.

So far from entertaining any prejudice toward the Grand Army of the Republic, the Legislature of Connecticut recognized it as a valuable ally in the discharge of its business in these matters, and provided in section 3764 that—

All persons who may wish to avail themselves of the benefits of this chapter shall make application to the governor, who, with the adjutant-general and surgeon-general, and three honorably discharged veteran soldiers, residents of this State, who shall be nominated by the commander of the Department of Connecticut, Grand Army of the Republic, and confirmed by the governor, and who shall hold their offices for and during the term of two years succeeding their appointment, and whose successors shall be selected in the same manner, shall constitute a soldiers' hospital board with sole power to admit to or discharge any soldier, sailor, or marine from any hospital or home in this State, and shall have full power to make all necessary rules and regulations for the admission to and government of such soldiers, sailors, and marines who may avail themselves of the benefits of this chapter while they are inmates of such hospital or home, and to appoint such agent or agents as they may deem necessary to see that such rules and regulations are enforced, and to fix the sum to be paid for such medical treatment, care, and support.

I may well add what my colleague reminds me of, that from in some year shortly after the war the State of Connecticut made its adjutant-general the pension agent of all the soldiers of the State free of charge. During the war the sagacious Commonwealth required every colonel in transmitting his muster-roll to make an extra copy for the adjutant-general's office of Connecticut, and, excepting the hospital rolls, our record of service at Hartford is excellent. The adjutant-general, free of all expense, prosecutes every claim that the soldiers may commit to his hands.

I may add that the State sees to it that every soldier's grave shall be marked by a stone, not expensive, of course, but sufficient for the purpose, in case it is not done under national laws; and if any one can to-day find the grave of an old soldier in Connecticut which has not been so honored, a stone will be promptly supplied.

Mr. PLATT. And the State exempts from taxes to the value of $3,000.

Mr. HAWLEY. There is another statute, which I might have overlooked. Besides exempting a soldier from the poll-tax, the estate of every soldier, marine, and sailor, who served honorably, to the extent of $3,000 is exempted from taxation in the State.

Now, a figure or two more here. In 1885–'86 the expenditure of the State for sick and wounded soldiers in hospital was $37,707. Every one could come totally free of charge. The burial of soldiers cost the State about $5,000; the children of soldiers of the State cost $6,000, making $48,884. The expenses have grown, naturally. For the current two years—we have adopted biennial sessions—the appropriations are as follows:

For board and clothing of sick and wounded soldiers in Fitch's Home and the hospitals, $137,000.

For burial expenses of deceased soldiers, $16,000.

For the support of soldiers' children, $16,000.

Making a total for two years of $169,000, or at the rate of $84,500 a year.

To that extent duties are discharged by the State which might appropriately be discharged by the United States. Those things which are regarded by our State as deficiencies in the management of the United States would cost, if the expenditures were in proportion all over the Union, five or ten millions in addition to what is now expended.

Connecticut makes no complaint about this. Connecticut has never even taken the trouble, so far as I am aware, to pass a resolution asking that you shall enlarge the pension-list or take off her hands any of these measures of relief, while she is expending at a pro rata rate that would considerably enlarge the additional expenses of the Federal Government. I have said that this is a practical and a sensible bill. I believe it to be a patriotic bill. I see clearly that it is sanctioned by the legislation of my State, which takes great care to relieve the suffering of every man who served honorably in the war, and without pretending to find out whether he is suffering from the direct result of his service or not. Upon that I plant myself; and therefore I can vote for the bill.

The last time that the great General Grant appeared in this building, to my recollection, about three and a half or four years ago, he came into that adjoining chamber, the cloak-room. He did not come in here to attract public attention or interrupt the progress of business. Nearly every Senator called upon him, however, while he sat there, and he en-

gaged in familiar conversation in characteristic style. Some remarks were made concerning pensions. I will not try to repeat all he said, but substantially he said this: He was speaking of some demand made outside that he should sign a petition for a service pension. "If I were to be President again," said he, "I would sign any reasonable bill to relieve the sufferings of a soldier or his family, no matter what they arose from, but I would not sign a bill to give a dollar to any able-bodied man."

I stand on that. The soldier who was fit to be a soldier and now can take care of himself is unutterably proud of his record, and does not beg. The soldier who suffers to-day I will not put under the thumb-screws of an examination, any further than to ascertain that his suffering is not due to vice, but I will vote to have him so far relieved that he need not go to the poor-house.

The PRESIDING OFFICER (Mr. HALE in the chair). The question before the Senate is on the amendment offered by the Senator from Iowa [Mr. WILSON], on which the yeas and nays have been ordered.

Mr. MCPHERSON. Let it be again read.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The CHIEF CLERK. In section 2, line 5, after the word "from," it is proposed to insert the words "the infirmities of age or from;" so as to read:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from the infirmities of age or from mental or physical disability not the result of their own vicious habits, which incapacitates them for the performance of manual labor, and who are without other adequate means of self-support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive $12 per month.

Mr. HAWLEY. I omitted to utter one sentence more. I shall vote against every amendment that it is proposed to put upon this bill, both in Committee of the Whole and in the Senate. I desire to take the simple, straightforward measure of immediate relief of real sufferers as proposed by the committee. I do not say that some of these amendments are not of themselves wise and might not well be incorporated in some independent bill; but I know that the bill as it came from the committee is sensible, reasonable, and practical. I do not know how much the amendments may embarrass its passage.

Mr. DAWES. Mr. President, I should like to follow the Senator from Connecticut in the line he has just mapped out. No one appreciates more than I do his loyalty to the soldier or that of the Committee on Pensions. The committee have very frankly stated the reason why they have submitted such a bill as they have, and why, while thinking that there ought to be more substantial aid granted to the soldier, they have stopped short of what they would desire to do.

The Senator from West Virginia [Mr. FAULKNER] has given a very accurate construction of this bill. If any one supposes that any other construction can possibly be put upon it, I think, if it becomes a law, he will be deceived. The Senator from West Virginia says, first, that under the second section of the bill he does not believe it possible that there will be any different grades of pensions, that there will be either none or $12 a month, and that he does not believe a partial incapacity is in the meaning of this bill a total incapacity. How anybody can come to any other conclusion in reference to this bill I do not see.

Therefore it is that this is a bill to meet the necessities to some extent of those, and those only, who are totally, in the English sense of that word and in no other, incapacitated to do anything toward their own support.

I understand the members of the committee on this side of the Chamber to agree in that construction. It, with that construction, will meet a need of the soldier made quite striking by the remarks of the Senator from Nebraska this morning, and to that extent and for that purpose I can well vote, and am glad to vote, for this bill. But the Senator from West Virginia and the committee have very clearly indicated the reason why he does not desire on his part to go further, and why they do not feel that they can go further, though desiring to go further, on their part with this measure. It is because going further encounters elsewhere an insurmountable obstacle where a different opinion obtains.

If nobody had offered an amendment to this bill and called upon me to vote for that amendment, going, as I think it ought to go, further and reaching cases which I think should be provided for, I would vote for the bill and say nothing; but I am asked by the committee to do two things: first, to vote against an amendment which my convictions determine that I ought to vote for, and that I think ought to be a part of the law of the land. That is not all. They ask me to record a vote that shall stand as an approval of that position which is held up by some one else, who is responsible for his own convictions, as a barrier. I am to be quoted as indorsing that position if I vote against the bill going any further than some one else says that, in his opinion, it ought to go.

Some one elsewhere says that in his opinion provision for the soldier should go no further than to provide for total incapacity. I think it ought to go further, and when I am called on to vote upon that question I do not feel quite at liberty to say by my record what I do not believe.

I do not offer these amendments myself. I can appreciate the embarrassment of the committee. I want to assure the committee that I desire to stand by them, and I should do so if they had not proclaimed and put upon the record that by standing by them in the position which they call upon me to take in thus voting I should not only vote against my own conviction, but I should be quoted elsewhere for what it is worth as indorsing a position of some one else that the bill ought not to go further.

Who can criticise, for instance, the veto, if that shall embrace any such sentiments as that, after having recorded his own vote in accordance with the veto itself? I do not see how anybody on either side of this Chamber who records his vote here against extending the law as far as he thinks it ought to go for the reason avowed openly and frankly on one side and lamented on the other, does not stand estopped hereafter from saying that the position thus taken was a wrong position, for he stands recorded in favor of it.

Therefore, much as I should regret not giving my vote in accordance with the suggestions of the committee, when I am called upon to vote whether I believe that an increased pension ought not to be extended to those who are partially incapacitated, I can not so record myself.

As I said, I should have voted for this bill just as it came from the committee, understanding that I voted for it because it was all I could get elsewhere; but when I am called upon to indorse what is done elsewhere by voting against a proposition to go further, I am estopped from criticising any position which is in accordance with that vote.

Mr. HAWLEY. Mr. President, if it should be proposed to add the Ten Commandments to this bill, I should not expect to be charged with opposition to the Ten Commandments for objecting. The Senator from Massachusetts is afraid that it will be quoted against him if he shall vote against incorporating some reasonable or proper provision in this bill by way of amendment. The critic, he says, will quote it against him. Suppose he ventures to say to the critic, "The friends of this bill who had studied it most aimed at a certain definite and unquestionably just object, and they begged their friends not to tie too many things to it, but let this great good thing go through, and then add the rest in good time." I think he could have the courage to make that answer. I do not see how he can possibly be embarrassed. I will quote to him the language of a very distinguished citizen, the noble old man, Hannibal Hamlin, who was in the national encampment of the Grand Army of the Republic, and discussing this identical bill there said:

Commander-in-Chief and Comrades, I do not know what are the words which I can utter in supplement to what has so much better been said by other gentlemen; and yet, as a member of that committee, five minutes having been assigned me, I will occupy at least a portion of that time. I said yesterday that this organization was based upon a design of the grandest charity known to any institution within the world. I repeat it now. And still, with all the efforts and with all the aid of the mothers and the sisters in the Woman's Relief Corps, there are yet uncounted thousands of the poor who have been in our service that neither the Grand Army nor the Relief Corps can reach. We have a bill before Congress designed to reach them, and I am here the advocate of that bill, and every man who is urging a service-pension bill here, not designedly, but by his acts, is opposing that measure. I have a little knowledge and experience in legislation in this country, as you all know I know the methods of legislation. I know the manner in which bills pass Congress, and I know the adroitness and the ability with which minorities always seize upon every opportunity of defeating a measure they do not approve; and it is quite as often they seek to kill it by kindness as by the opposite. In other words I have heard it said so often that a bill don't go far enough, but that is the policy of the adroit politician, and he adds to it until the thing breaks down. Now, if there is any man in this assembly who is more in favor of the disability pension bill than myself, I would like to have him walk up here and let me look him in the eye. My heart is in it. I want to see it become a law. I think there is a reasonable prospect that it may become a law within the coming two years.

That was to defeat the President who vetoed it.

Let us be careful and wise in what we are doing. Keep within proper limits. We simply say now we will express no opinions. Don't kill the disability pension bill by asking for a great deal more.

The Senator from Massachusetts is not one of the adroit politicians seeking to kill this bill by superserviceable kindness, but he is a man who is obliged to vote for amendments having exactly the same tendency, to bury the bill with superserviceable kindness.

Mr. WILSON, of Iowa. Mr. President, I shall detain the Senate but a moment.

The second section of the bill is intended to provide pensions for persons who have become disabled by reason of causes not having their origin in the service. In other words, if, since his discharge from the service, a person has become disabled he is to be placed upon the pension-roll under the second section of the bill. If a person since his discharge from the service shall have become physically disabled by reason of disease or accident or other external cause, he is to be placed upon the pension-roll and receive a pension.

But if a person since his discharge from the service, by reason of accumulating years becomes disabled on account of the infirmities of age, he is not to be placed on the pension-roll.

The chairman of the Committee on Pensions dissents from this view, and the committee claims that the terms of the bill would include this latter class as well as the former. I was of that impression originally myself, but as I stated to the Senate a day or two ago, I have taken the trouble to advise myself concerning this particular feature of the bill,

and the result of that attempt has been that I am persuaded that there is so marked a distinction in medical authorities between an incapacity the result of the infirmities of age and that of physical disability that I can not be true to the class who have received their incapacity from the march of age without voting for the amendment that I have offered.

As I said the other day, I expect this amendment to be voted down. I do not know that it will receive any other vote than my own, but it shall have that one, because I want to include this class, borne down by infirmities resulting from age, in the provisions of the bill.

I am not asking an extension of the effect of the bill one step beyond that which the committee says it is intended to reach, but so firmly have I become convinced from inquiries I have made that the class which would be included by this amendment would be excluded without it, that if I vote alone I shall vote for the amendment.

Mr. DAWES. I do not know why the Senator from Connecticut [Mr. HAWLEY] should undertake to insist upon it that everybody who differs from him as to what is his duty here is lacking in courage or anything of that kind. I have no authority to speak for anybody but myself, much less for the soldier, and I do not desire to pose as a better friend of the soldier than anybody else in this Chamber, least of all than the Senator from Connecticut.

I have this to say, which I tried in a feeble way to say, that for one I do not intend to be estopped by my own voluntary vote from criticising and condemning here and everywhere else on a proper occasion a position taken that nobody is entitled to any further benefits under the pension law but one who is totally incapacitated to support himself. I shall not; and that is the governing principle with me.

I vote according to my convictions upon this amendment, and I at the same time put myself where I intend to be put whenever I am called on to express an opinion upon the position that has been taken heretofore, and which is held up *in terrorem* over every one who desires to enlarge the benefits of the pension-roll. It is held up *in terrorem* over us, and we are told that if we vote our convictions we shall not only encounter it but we shall put ourselves where we can not say that it is wrong.

The PRESIDING OFFICER. The Secretary will call the roll on the question of agreeing to the amendment of the Senator from Iowa [Mr. WILSON].

The Secretary proceeded to call the roll.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and therefore can not vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB], and if present would vote "nay." He is detained from the Senate Chamber by the illness of his wife.

Mr. BLACKBURN. I desire to announce that my colleague [Mr. BECK] is paired with the present occupant of the chair [Mr. HALE].

The result was announced—yeas 13, nays 43; as follows:

YEAS—13.

Allison,	Dawes,	Mitchell,	Wilson of Iowa.
Bowen,	Dolph,	Palmer,	
Chace,	Hiscock,	Platt,	
Cullom,	Ingalls,	Teller,	

NAYS—43.

Aldrich,	Cockrell,	Hampton,	Reagan,
Bate,	Coke,	Harris,	Saulsbury,
Berry,	Colquitt,	Hawley,	Sawyer,
Blackburn,	Daniel,	Hearst,	Spooner,
Blair,	Davis,	Jones of Arkansas,	Stewart,
Blodgett,	Eustis,	McPherson,	Stockbridge,
Brown,	Farwell,	Manderson,	Turpie,
Butler,	George,	Morrill,	Vance,
Call,	Gibson,	Paddock,	Walthall,
Cameron,	Gorman,	Pasco,	Wilson of Md.
Chandler,	Gray,	Ransom,	

ABSENT—20.

Beck,	Hale,	Payne,	Sabin,
Edmunds,	Hoar,	Plumb,	Sherman,
Evarts,	Jones of Nevada,	Pugh,	Stanford,
Faulkner,	Kenna,	Quay,	Vest,
Frye,	Morgan,	Riddleberger,	Voorhees.

So the amendment was rejected.

Mr. BLAIR. I ask unanimous consent to introduce at this time a bill for reference.

No objection being made, leave was granted to introduce a bill (S. 2306) for the relief of soldiers of the late war, honorably discharged after three months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR. Mr. President, I have offered this bill just presented for reference to the Committee on Pensions for the purpose of indicating to and paving the way for those Senators who are placed in an embarrassing position by the report of the pending bill, to see the undoubted fact that the committee will soon report for the consideration of the Senate such a bill as to a great extent, at least, is expressive of the real sentiment of the majority of the Chamber with regard to the adequate provision for the disabled and suffering soldiery of the country.

The bill which I have just introduced is the same which the Senate passed during two former Congresses, and the same bill which was sent to the House of Representatives by action of the Senate in the last Congress, and which failed in the House, and in return for which we received the vetoed bill. It undertakes to make provision for the dependent soldiers of the Union, rating the pension according to the degree of disability and of necessity from $4 to $24 per month; and it makes other provisions in reference to other classes of those who are dependent upon the soldiers and upon the country for support.

I have no desire to enter into the discussion of the bill itself. I indicated earlier in the discussion the reasons why, inadequate as I believe it to be, almost unjust in its negations, I yet feel constrained to support the bill and hurry it along in the several stages that lie between here and its enactment into law in the hope to get something that it is thought is the best that can now be done.

Mr. CALL. I find in the RECORD of February 29 that the following amendment to the bill was adopted:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes prior to 1861, and who have been honorably discharged therefrom, etc.

That amendment was modified on the motion of the Senator from Oregon [Mr. MITCHELL]. It does not appear, although it was reported to the Senate, ever to have had any final action according to the CONGRESSIONAL RECORD, so far as I am able to observe. If so, I should like to be informed by the Secretary. I see it is not in the printed bill now before the Senate. I desire to have it incorporated.

The PRESIDING OFFICER. The Chair is informed that the amendment as modified has been agreed to in Committee of the Whole.

The bill was reported to the Senate as amended.

Mr. DAVIS. I ask that the vote in the Senate be taken on the amendments separately.

The PRESIDING OFFICER. The Senator from Minnesota desires a separate vote on the several amendments made as in Committee of the Whole. The first amendment agreed to as in Committee of the Whole will be read.

Mr. HARRIS. Are we to vote on each amendment separately?

The PRESIDING OFFICER. The Senator from Minnesota so demands. The first amendment will be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, in section 1, line 8, struck out the words "or have been" after the word "are," in line 7; so as to read:

That in considering the pension claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor child or children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other means of support than their own manual labor or the contributions of others not legally bound for their support.

Mr. DAVIS. I have no objection to that amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 10, after the word "*Provided*," to strike out—

That all pensions allowed under this section of this act shall commence from date of actual dependence, if claim was filed prior to July 1, 1880, and in case of applications thereafter made, the pension shall commence from the date of the filing of the application in the Pension Office, or from date of subsequent dependence.

And in lieu thereof to insert:

That all pensions allowed under this section shall commence from the date of the passage of this act, or from the date of subsequent dependence, and shall continue no longer than the existence of such dependence.

Mr. DAVIS. That is a committee amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 2, line 3, after the word "rebellion," to insert:

Or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes.

So as to read:

That all persons who served three months or more in the military or naval service of the United States during the late war of the rebellion, or in the war with Mexico, or for thirty days in any of the wars with the Indian tribes, and who have been honorably discharged therefrom, etc.

Mr. DAVIS. It is hoped on the part of the committee that this amendment will not prevail. Ample and special provision has been made by the act of last winter on behalf of the survivors of the Mexican war; and if it is thought desirable to extend the principles of this bill to them, it can be done by subsequent legislation. The survivors of Indian wars were admitted the other day to be amply provided for by other bills now before your committee to the entire satisfaction of

Senators. There are before the committee at present some three bills, either of which is amply sufficient to cover the survivors of Indian wars.

The PRESIDING OFFICER. The question is on concurring in the amendment which has been read.

Mr. BROWN. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and therefore can not vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

The roll-call was concluded.

Mr. HEARST. I am paired with the Senator from Nevada [Mr. JONES].

The result was announced—yeas 21, nays 37; as follows:

YEAS—21.

Bate,	Coke,	Hampton,	Vance,
Berry,	Daniel,	Harris,	Voorhees,
Blackburn,	Dolph,	Jones of Arkansas,	Walthall.
Brown,	Eustis,	Mitchell,	
Butler,	George,	Pasco,	
Call,	Gibson,	Reagan,	

NAYS—37.

Aldrich,	Cullom,	Manderson,	Spooner,
Allison,	Davis,	Morrill,	Stewart,
Beck,	Dawes,	Paddock,	Stockbridge,
Blair,	Farwell,	Palmer,	Teller,
Blodgett,	Frye,	Payne,	Turpie,
Cameron,	Hale,	Platt,	Wilson of Iowa,
Chace,	Hawley,	Riddleberger,	Wilson of Md.
Chandler,	Hiscock,	Saulsbury,	
Cockrell,	Ingalls,	Sawyer,	
Colquitt,	McPherson,	Sherman,	

ABSENT—18.

Bowen,	Gray,	Morgan,	Sabin,
Edmunds,	Hearst,	Plumb,	Stanford,
Evarts,	Hoar,	Pugh,	Vest.
Faulkner,	Jones of Nevada,	Quay,	
Gorman,	Kenna,	Ransom,	

So the amendment was non-concurred in.

The next amendment made, as in Committee of the Whole, was, in section 2, line 6, after the word "which" and before "incapacitates," to strike out "totally;" so as to read:

And who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability not the result of their own vicious habits, which incapacitates them for the performance of manual labor, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States.

Mr. DAVIS. I have no disposition to re-enter upon the discussion as to the question of total incapacity in this bill. I will merely say that, in connection with the word "incapacity" adopted by the framers of this bill, it was certainly thought by the committee who considered it that the phrase thus used had a certain technical application and meaning which made the presence of the two words taken together legitimate, appropriate, and proper.

It is claimed, with how much precision and warrant I am not now prepared to say, that the subtraction of this word "totally" from this bill will open a field of speculation and conjecture which may afford a pretext for objections which were designed to be obviated by those who framed the bill and for whose relief it is desired. Under these circumstances, feeling and knowing as we do the ends and objects, restricted and limited as they are designed to be, subserved by this bill, I sincerely trust that the word "totally" will be restored to the place from which it was stricken, and that the amendment by which that was done will not prevail in the Senate.

Mr. PLATT. If this were a question as to whether I would vote for the passage of a bill the benefits of which were limited to those soldiers who were totally incapacitated for the performance of manual labor, I would vote for such a bill without a word.

A Senator asks me to speak louder. It is useless to attempt to speak louder in this Chamber, for no voice of any Senator can drown the hum of the conversation by other Senators and in the galleries.

The PRESIDING OFFICER. Senators will be in order and desist from conversation.

Mr. PLATT. I said that I would vote willingly for a bill which was a measure of relief for those who are totally incapacitated for the performance of manual labor and relieve no other class of soldiers. But when I am asked to reinsert the word "totally," which has once been stricken out in committee, it seems to me that I am then called upon to say whether I, as a Senator, desire to limit the relief which shall be given under this bill to those soldiers who are so incapacitated by sickness, by disease, by mental and physical infirmity that they can perform no labor at all. In other words, it seems to me that I am called on as a Senator to express my own view by my vote as to whether that relief ought to stop there or ought to be further extended.

I have no doubt what the construction of this bill will be if the word "totally" is restored to the bill. No old soldier who for a half hour can hoe in his garden, no old soldier who has strength enough left to bring an armful of wood to his wife to build a fire with, will receive any consideration under this bill. Its beneficiaries will be those who are totally incapacitated from the performance of manual labor, and they only. Even the old soldiers who are in the poor-house, if they have strength enough left there until the final release shall come, to perform any manual labor whatever, will be excluded from the benefits of this bill. There is no other construction that can be put upon it if that word is restored, in my judgment.

I should be glad to believe that it would or could have a wider construction than that; but it seems to me that the language limits it to that. It seems to me that the plain meaning of the English language limits it to that, and that the Senate has fallen under some spell, some baneful spell. I know that Senators are not permitted here in voting upon the question of these amendments to express their real sentiments as to the extent to which this relief should be given. If it does not mean just what I think it does with the word restored, then why should there be any question about its restoration? I can scarcely tell what this spell is, but for one I object to coercion from any quarter as to how my vote should be cast.

We are told that this bill has to run the gantlet, and I suppose it has; but the allusion is not a happy one. In the days when Indian atrocities were more frequent than they are now some captive who had excited in the breasts of his savage captors some little sentiment of savage pity was given a chance for his life by running the gauntlet, and so he went through rows of enemies who stood there with war-clubs and scalping-knives and tomahawks to smite and stab and brain him. And so we are asked to take this bill because it has got to run the gauntlet, and it is to be smitten and thrust at and afterward brained if it does not conform to what has been laid down outside of this Chamber as the limit of the bill.

Mr. President, while I would gladly follow the committee, I can not surrender my independent judgment in this matter.

The PRESIDING OFFICER. The question is on concurring in the amendment which has been read.

Mr. WILSON, of Iowa. Is that amendment to strike out the word "totally?"

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, to strike out the word.

The question being put, it was declared that the noes appeared to prevail.

Mr. INGALLS. I think it is evident that the effect of the vote on this amendment was not understood—at least I know it was not by some who sat around me—and I think there should be a further statement in order that the Senate may vote intelligently upon the question.

The PRESIDING OFFICER. The Chair will again put the question. The amendment made as in Committee of the Whole will be read.

The CHIEF CLERK. In section 2, line 6, after the word "which," the Senate as in Committee of the Whole struck out the word "totally;" so as to read:

Which incapacitates them for the performance of manual labor.

The PRESIDING OFFICER. The question is on concurring in the amendment which has been reported by the Chief Clerk, which amendment strikes out from the bill the word "totally."

Mr. TELLER. Then how shall those vote who want the word "totally" left in?

The PRESIDING OFFICER. Senators in favor of keeping the word "totally" in the bill will vote against the amendment agreed upon in Committee of the Whole. Those in favor of striking it out will agree to the amendment, and vote "aye." The vote "aye" strikes the word from the bill, and the vote "no" retains the word in the bill.

Mr. WILSON, of Iowa. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. I do not believe I understand this vote. I want to vote to strike the word "totally" out, and not to retain it.

The PRESIDING OFFICER. Then the Senator will vote to sustain the amendment adopted in Committee of the Whole, which strikes the word "totally" out.

Mr. TELLER. Very well. Then I understand it. I want to give in the briefest possible language my reason.

I believe, as stated by the Senator from Connecticut [Mr. PLATT], that if the term "totally" is left in, the bill will be so construed that practically nobody will get any benefit under this bill; and I, for one, do not propose knowingly to engage in any attempt to deceive any portion of the people of the United States by my vote. I do not propose to say to the Grand Army people, or to the soldiers who are not Grand Army people, that I have been engaged in voting for their benefit, when my judgment is that it will be practically of no benefit whatever.

I do not conceal from myself, and it need not be concealed from anybody, that if this bill is to run a gauntlet, it is the same class of men who control the lines of the gauntlet that will control its execution, for a time at least; and if it is necessary that we should adapt it to their wishes and to their will, because they are opposed to pensions, because they insist that we are extravagant in this matter, they will

have the same sentiment when the executive department construes this statute that they have in the legislative or the semi-legislative branch of the Government, which is said to be the gauntlet through which it has to run.

Mr. DAWES. The Senator will allow me to suggest that it is openly declared in the Senate here by members of the committee that that is the only construction which can be placed upon it, that nobody will be entitled to the benefit of the provision who is not absolutely, totally incapacitated from manual labor.

Mr. TELLER. No one can be said to be absolutely incapacitated except a man who is paralyzed, except a man who lies upon his back, except a man who is in such a way that he can not use his members at all.

Mr. PADDOCK. Will the Senator allow me——

Mr. TELLER. I do not want to be interrupted much, as I understand we are under the five-minute rule.

Mr. PADDOCK. I wish to ask the Senator, if an ex-soldier has lost or shall hereafter lose his arm, would not that incapacitate him from performing manual labor? If a soldier shall become insane, not on account of any cause arising in the line of duty, because that fact is not required to be proven under this section, would he not be entitled to the benefits proposed to be extended by this provision?

Mr. TELLER. I should say that if a man was so insane that he had to be confined in an asylum, that would do; but he may walk around with one arm off, or with both arms off, and he is capacitated to earn a living to some extent.

Mr. PADDOCK. Not by manual labor.

Mr. TELLER. Yes, by manual labor.

Mr. PADDOCK. I think not.

Mr. TELLER. By labor.

Mr. PADDOCK. The bill says "manual labor," and to perform such labor a person must have the use of his hands.

Mr. TELLER. What is manual labor? Does the Senator suppose that it means that a man must toil with his hands? I know a man who is engaged in manual labor in the proper sense of the term who has no hands at all, who goes about the streets of Denver with his little box selling things, and he is engaged in labor that supports him. He was a soldier, but he is not a pensioner, because these disabilities came on after the war.

I repeat that the construction that will be put upon this bill will be that a man must be absolutely incapable of any manual exertion, and if that is what the committee want, and if that is what we propose to give, then let it be so understood.

Mr. PADDOCK. Mr. President, that is not what the committee want. The committee want the best attainable result; that is, the best attainable in the judgment of the committee.

Mr. TELLER. "The best attainable result" means that this committee is afraid of a veto; "the best attainable result" means that they are afraid of the Democratic majority elsewhere. That is what it means. While I have a seat upon this floor I will vote upon my judgment when it comes to a question of this kind. With all due respect to the committee, I will not be, as has been said here, coerced in my vote.

I know that it is becoming the fashion to say, "Why, we are very generous, we are going too fast and too far," and when a Senator said on this floor a day or two ago that he would do and insist upon doing what a national Republican convention had declared with entire unanimity we should do, remove the arrears-of-pensions limitation, I heard Senators say, "That is going too far." It may be that we are approaching a political campaign; it may be that there are some persons who legislate in this country who are afraid of the votes of the people, who think we have been overcharitable to the soldiers, and have given them more than they deserve. We have had very high authority from the executive department that no nation in the world ever did as we have been doing with an army. Why, sir, the French Government has been more liberal towards its soldiers than the American Government, and the Chinese are not much behind when it comes to the humanities that they extend to their soldiers and their soldiers' children.

What have we done so munificent and so great? It is true our pension-roll runs up to fifty or sixty million dollars, and some years to more; but we had a great army, and we have enrolled now 300,000 men on our pension-roll. We have 100,000 of them drawing less than $50 a year; we have 30,000 of them drawing $2 and less a month; and yet we are told over and over again that we have been so extravagant in pensions, that we have been so generous in our treatment of the soldiers! I deny it, Mr. President. It is a standing shame and disgrace as long as any man is on that pension-roll at $1.75 or $2 a month. If entitled to anything at all; if his vital energies have been lowered; if his capacity for the enjoyment of life and the earning of his living has been reduced to a degree that it can be figured in dollars and cents, I repeat it is a shame and a disgrace that he gets no more than $2 a month.

Why, Mr. President, when the French soldier goes into retirement he goes with a bigger pension than the American soldier gets. It is true his service is longer, or generally so; but these men served as long as the Government wanted them to serve; they performed every duty that was put upon them in a way that was acceptable to the people of the country and extorted the admiration of the world, and I propose to vote in such a way that every man of them who is incapable of earning his living shall be supported at the expense of the General Government.

I know it will be said that this is an extravagance, and that we are thus extravagant because we want to keep up the tariff. I will not discuss the tariff on this bill; and I would vote to-day, if we were now providing for the raising of revenue, precisely as I shall vote with a surplus in the Treasury of $100,000,000. The fact that we have more money in the Treasury than all the combined powers of the world does not affect my vote on this question at all. I vote for the greatest pension or a reasonable pension, at least to all these men, because I hold it to be not charity but justice; that which is their due, that which belongs to them from the Government, and that which the Government, I think, would be a craven if it did not give.

I repeat that I shall not vote under the terrorism of adverse majorities or of adverse influences from any quarter or any section.

Mr. BLAIR. Mr. President, the extraordinary sensitiveness which is exhibited by Senators on this floor to public criticism in case they should happen to vote for a bill that has a possibility of becoming a law, and which contains in its provisions certainly relief for at least from twelve to twenty thousand absolutely helpless defenders of the Union, I must admit has astonished me.

For my part I am perfectly willing to have it said that I am so cowardly, if you please, that I submit to the coercion of voting for something tangible and practical for the relief of these men. I am not worried about my record in regard to action upon pension legislation. The Senator at my left [Mr. TELLER] need not be worried about his.

Mr. TELLER. I am not.

Mr. BLAIR. In several Congresses he has voted as I have voted, and as the Republican members of this body have voted and many on the opposite side of the Chamber have voted, to give ample relief to all who are in want or in necessity or suffering from disability by reason of their services in the Union Army or by reason of disabilities that have come upon them since through the infirmities of age or for any reason whatever which does not find its origin in a disgraceful cause.

Now, the committee is made up to some extent of those who have seen service, and have naturally as much sympathy, possibly, it may be, with the defenders of the Union as other Senators who have spoken here thus derisively of this bill, and we have endeavored to bring to the Senate a bill which it was supposed could become a law, and we have also indicated an intention, or at least it has been indicated here on this floor to-day, that there might be further action by that committee which would embrace within its limits all that any Senator on the floor has ever asked or urged for the relief of these men.

Now, we are to vote for something which we think may become a law, and we do this going to the full extent that the Grand Army itself asks us to do at the present time, or we are to vote for some intangible impossibility, and thus say by our action that we shall have no legislation at all. I have not sufficient boldness to say to these men all over this country upon beds of suffering and of approaching death, "You shall have no relief whatever," simply because I am a little sensitive in regard to my own record and what may be said by the mouth of the populace as to the vote which I cast here on this occasion.

I do not think that the members of the committee can be taunted with lack of courage when men who come here, knowing well that no bill stronger than this can receive sanction in other quarters which it is indispensable it should receive if it is to become a law, say they will not vote for this bill, that they will not so vote upon the progress of this bill as to facilitate the possibility of its becoming a law, that they will take action so far as they are concerned for its defeat, and they will be regarded as having exhibited an intent to defeat it. I think it is best to be sensible and practical and reasonably courageous, sufficiently courageous to be coerced into doing something practical and sensible for the old, the disabled, the totally disabled soldiers of this country.

Mr. DAVIS. Mr. President, I will premise what I have to say by stating that the Pension Committee, composed as it is, does not deserve and should not have received from the lips of the Senator from Colorado the imputations or rather the express charges of terrorism, fear, and coercion, which he stated as their motives for limiting the scope of this bill. That committee presented to the Senate a measure which has been hawked at and rent to pieces by amendments, which have in them the elements of destruction to the bill to an extent which, I have been informed by those of long experience here, is without parallel in this body for years.

I propose to place this committee right. I have sat here as becomes a new member, quiet, and seen all this go on, and I purpose now to restate how this bill came into our hands, the purposes for which it was framed as it was, and the object which is to be brought about if it is killed by the amendments which have been loaded upon it.

This committee did not frame this bill. This committee did not originate this bill. This bill came to this committee under the sacred guise of the right of petition from more than one-half of the survivors of those who fought, encountered disease or were wounded, and are now disabled that this country might live. They asked for what they

thought they could get. They knew throughout that they were entitled to more than the present state of political sentiment and ascendency would give them. But looking over the whole ground and seeing, as the Senator from Nebraska [Mr. MANDERSON] has shown, that there are 20,000 of these people in the almshouses to-day receiving relief from those not able to share their substance, receiving also relief from great and generous States, they said this year, in these times, with public sentiment as it is, and with the history of the past year to guide us, we will ask for but a tithe of what we think is due to us from our country.

There came with this measure a petition, sacred petition, in the form of a bill, and what happened? Amendment after amendment is superimposed upon it—amendments drawn directly in the light of previous failure and disaster to the measure. It reminds me of the story of the girl who betrayed Rome for that which the soldiers carried upon their left arm, meaning their golden bracelets, and when the betrayal was made the legionaries threw upon her their shields and crushed her beneath them.

Why, I ask Senators, should gentlemen upon this floor insist upon giving these petitioners more than they require? Why should gentlemen upon this floor tell these petitioners, who wish to wait for other and more propitious times, that they need not and shall not wait, but that they must take the full measure of their relief, or rather the hopeless chance of it, now?

The committee receiving a bill thus prepared and for those purposes, substantiated and backed up as it was by petitions of that character, did not feel at liberty to indulge in their own convictions. They knew as well as they who petitioned the Senate knew what was needed. They knew, or thought they knew, what was attainable; and they have simply told these people, "What you petition for we will endeavor to see that you get, and we will not insist that you shall be relieved beyond the measure of your own demand."

I did not want to be heard again on this subject, but a great deal has been said here about the effect of the phrase "total incapacity." The Senator from Colorado has been Secretary of the Interior, and has in a quasi-judicial capacity construed these laws. This phrase or equivalent phrases have a certain technical significance in the administration of the Pension Office. The word "disability"—and "disability" is disability, and the word "total" does not make it any stronger—the word "disability" in the general pension laws has been construed to include anchylosis of the wrist joint, loss of left thumb or the index finger, and a variety of things granting a pension from $2 up to $8 a month.

My own construction of this phrase "totally incapacitated for the performance of manual labor" is this, or I would rather state first what it is not. It does not mean that the man must be a paralytic; it does not mean that he must be bedridden; it does not mean that he must have both legs or both arms off; it does not mean that he must be blind; it does not mean that he must be babbling in idiocy or sunk into the depths of senility, or anything of that kind. It means that man who, in the language of common sense, any one would say is incapacitated for manual labor; it means that man who if he approached the foreman of a gang for daily toil would be told, "You are incapacitated, you will break down after an hour; you may tinker on a job for a while, but you can not continue that manual toil which will give you support."

Mr. DAWES. Will the Senator allow me to ask him, if that is the meaning of it, why he seeks so hard to have the word "totally" left in?

Mr. DAVIS. I will tell the Senator frankly. It is because in the bill of last winter, the House bill which was adopted by the Senate and was sent to the President for approval, criticism was made that the absence of the word "totally" threw the phraseology of that bill into so wide a compass of speculation that it was maintained that no one could tell where the expense would end.

Mr. DAWES. Was it criticised because "totally" did not add anything to it, or because "totally" was just the measure to which that functionary would go and no further? Was it because there was no more meaning in the word "totally" than the Senator now puts upon it, or was it not rather because the word "totally" was a word of force, and controlling force, in the mind of the person who had his duty to perform?

Mr. DAVIS. I am not qualified to state what secret processes operated on the mind of that person.

Mr. DAWES. Which does the Senator think it was?

Mr. DAVIS. I do not know and I do not care, speaking with all due respect to what the mental processes were elsewhere in regard to the bill. My own opinion is that the act of last winter was not open to the objections which were made against it, and it is also my opinion that the act of last winter is substantially the same as this. But this bill was draughted by those who wished to be correct and safe beyond peradventure. They knew what they wanted. They were not after a service pension; they were not after a measure of arrears. They were not measuring out the degrees of disability under the doctrine of equivalents. But they wanted the law framed to include those who are incapacitated for manual labor, totally incapacitated within the construction which equivalent language had received, that measure of relief which is immediately needed daily during every hour in which we are now sitting and discussing.

Now let us see for a moment. Under the ruling of the Pension Bureau, No. 136, October 7, 1885, the following among many others are laid down as constituting *per se* cases of total disability:

> Anchylosis of ankle, anchylosis of wrist, loss of sight of one eye, loss of index and second finger, loss of thumb.

Now, to illustrate further from the statement I have made, that these or equivalent phrases have come to have a technical meaning in the administration of the pension law; this law was read by me the other day, and also by the Senator from West Virginia [Mr. FAULKNER], and the practical construction has been this. By the act of June 18, 1874—

> All persons * * * who have been so permanently and totally disabled as to require the regular aid and attendance of another person, by the loss of sight, etc., or by any other injury resulting in total or permanent helplessness, shall be entitled to a pension of $50 per month.

I ask, what language can be stronger than the phrase "total or permanent helplessness?" The helplessness must be total; it must be permanent. Now let us see how this law was construed, and how that construction remains as a precedent in the Department of the Interior from a time not long subsequent to the enactment of the statute.

This act was construed by the Secretary of the Interior, Mr. Chandler, February 11, 1876, as follows:

> The word "helplessness," as used in this act of June 18, 1874, does not imply utter physical prostration, but should be understood as referring not only to the physical helplessness which compels him to depend at times upon the personal aid and assistance of another person, but also to his helplessness, *i. e.*, inability to gain a subsistence by his own exertions.

That is the humane construction placed upon it by the Secretary of the Interior eleven years ago, and so that construction has ever since remained. Now, it is in vain to insist that a word shall have its primary meaning of utter helplessness or total incapacity when we are informed by the records of the Pension Bureau almost from the beginning, the necessity having arisen at a very early day for the construction of this phrase, that it does not as a matter of practical application have any such strict significance, and so does not become so utterly useless as to prevent any relief whatever.

Mr. PLATT. I desire to ask the Senator whether similar language has not received in the Pension Office, and is not receiving every day, the construction which I say this will receive. The language of the act of 1883 is, "shall have been otherwise so disabled as to be incapacitated for performing any manual labor," and that carried a pension of $30 a month. I inquire whether every day in the Pension Office now it is not held that a person is not entitled to the full $30 a month who can perform any manual labor whatever? That is the construction which has been put upon this language. Those persons get $30 a month only who are incapable of performing any manual labor, and there can be no difference between that language and this, and that is the construction which is put upon it by the Pension Office.

Mr. DAVIS. I can only say in response to the Senator from Connecticut that I have not read of any such construction. If any such construction has been made it is met squarely by the exposition in 1876 of an act much stronger in its terms, which is utterly irreconcilable with the construction which he says will be applied to this bill.

But supposing it all to be so, supposing that there is this question, I ask the Senator from Connecticut why he will insist upon an amendment of this bill, which it is not too much to say, and I have a right to say, will jeopardize the entire measure in the light of the history and the fate which its predecessor met?

Mr. PLATT. If the Senator wants an answer now, I will give him one.

There was a time in the convention which framed the Constitution of the United States when it was supposed that the provision inserted in the Constitution giving the Executive a right to veto legislation, and providing that that legislation should fail unless two-thirds of the members of each House voted to pass it notwithstanding the veto, would create a one-man power in this Government; and if I were to believe what I hear upon this floor I would say that the prediction made by Roger Sherman, from Connecticut, had come true, and that legislation here had to be shaped to meet the wishes of one man.

While I have made no charges against the committee, while I have not taunted them with the lack of courage, while I have made no reflections upon them, while I intend to make no reflections upon them, while I feel that they have acted for what they believed to be the best and from the highest motives, so that at the hands of this one man some relief might be given to some destitute soldier somewhere in the United States, yet I must act my individual judgment, Mr. President.

Allusion has been made to Rome. I remember a phrase about Rome. It is this: "When could it be ever said until now that the wide walls of Rome contained but one man?" And when it is said deliberately upon this floor, as it has been during this debate, over and over and over again, that this is all the legislation that we can get, and there has been no mistake as to what was meant, we have been pointed to the source, that any other legislation would fail, I say that it is time for me at least not to be influenced by such considerations, as a Senator of the United States.

Mr. BECK. Mr. President, when I rose the other day to make a very short speech, as I thought, I was dragged off into several other matters. I do not propose to be led off again at this hour of the evening, especially after the agreement we have as to a vote; but I desire to

say to the Senator from Minnesota, who has more than once said that this bill was drawn up by the Grand Army of the Republic and not by his committee, that I regret very much to hear him express himself in that way and to be deceived as to the way these things are gotten up, as I believe he is.

In the first place, the Senate and the House of Representatives, the legislative department of this Government, while they may properly hear all that men have to say, receive their petitions, and pay due attention to everything that is offered, of course have to look to the interest of the whole country and determine what is best to be done as between the petitioners, those who desire favors, and the rights and obligations of all the people. Therefore the committee does not and ought not to follow, unless thoroughly convinced of their propriety, the petitions, the requests, or the demands of any body of men however respectable.

In the next place——

Mr. DAVIS. Allow me one minute.

Mr. BECK. Certainly.

Mr. DAVIS. The Committee on Pensions examined this bill and cut out several clauses from it.

Mr. BECK. The language of the Senator was so broad that I construed him as meaning that the committee had followed what had been offered to them as a matter of course.

Mr. DAVIS. The action of the committee was according to their own judgment.

Mr. BECK. What I desire to say more particularly is that what appears as a petition, or is presented as a popular demand, is not always so, indeed it very seldom is truly so. When petitions and representations appear to come from the Grand Army of the Republic, and others who are insisting upon obtaining the benefit of these bills, nine times out of ten those petitions and those demands do not come from these sources at all. It is only eight or nine years since the arrears-of-pension bill was passed. Then the Senate and the other House were flooded with petitions, all appearing to be bona fide, honestly and earnestly presented and pressed by the soldiers and by the Grand Army; yet the bill had hardly become a law before a body of men residing in Washington sent out their demands against the men who were to receive the benefits of that act, claiming that they ought to be paid for working it up. They were extorting money from men all over the country because of that fact, until a committee of the House of Representatives, composed of men of both parties, made an investigation and developed the fact that all those petitions, all that clamor, the action of Legislatures, were worked up here by pension agencies at Washington, who made fortunes out of it.

I hold in my hand that committee's report, and I find in it a letter written by a Mr. Dimmick, R. A. Dimmick, chairman of the pension committee of the district agents here, in which he said, among other things:

> After receiving responses from a few hundred, I then made up statistics showing the various causes of delay, and gave the same to General A. V. Rice, now chairman of the House Committee on Pensions, and I compiled the information obtained in an eight-page pamphlet, of which I issued 10,000, sending many to various State Legislatures, to the press, and hundreds of them at various times were placed in Congress. It was entitled Important Reasons why the Pension Laws should be Amended. This has been the fountain from which the public, the press, and the legislators have derived their information as to the justice and merits of the bill. Senators, Representatives, and officials have gleaned most of their information from this source.
>
> I have written many resolutions for State associations urging Congress to pass the bill, and secured their passage. I also have written every editorial and every article in favor of the bill that has appeared in the daily and weekly journals of this city; also numerous other articles for newspapers in various parts of the country. I have put out over 100,000 pamphlets, circulars, petitions, etc.; and nearly all petitions that have been presented in Congress for the past three years are those which we have issued and sent to the various parts of the country, and have been returned to Congress by our direction. We worked hard and continuously, and our bill passed the House of the Forty-fourth Congress at the last end of the session, and I was greatly disappointed when it failed of passage by the Senate. In consequence of my inability to meet the expense, I had about concluded to give up the prosecution and not try it again, as on every side it was thought the bill involved so much money that it could never pass.
>
> At the solicitations and appeals of a few earnest men and women, who have nobly stood by me, I was induced to try it again in the Forty-fifth Congress, and we had to repeat all the efforts before made, which have been far greater than any person can conceive; for it is well known here that I have worked unremittingly, and all the petitions and all the letters sent in to legislators have been presented by our dictation.

That is supported by a number of pension attorneys whose names are signed to it, addressed "To pensioners of the country," representing that Mr. Dimmick ought to be paid. They say that—

> He put in the first petition from New York, and has been the means of having nearly every petition and every letter sent to Congress the past three years, and his work has covered from Maine to California. He has placed before Congress over one hundred thousand pamphlets, petitions, and documents, and his compilation of statistical information embracing the most unanswerable arguments, being the result of much study and work, has been the main means of enlightening the public and Congress as to the justice and merits of the claim. Senators, Representatives, and other officials frequently called for the pamphlets.

A circular was issued to a large number of the pensioners in the country, as follows:

> AN ACT OF JUSTICE.
>
> MARCH 1, 1879.
>
> In recognition of the labor of Capt. R. A. Dimmick, of Washington, for the past three years in conducting the prosecution of the arrears-of-pension bill, which has resulted in a law, I hereby subscribe the sum of —— dollars toward a testimonial to him, payable when I receive the arrears of pension due me.
>
> Name. —— ——.
>
> On the back of this is written the following:
>
> We cheerfully concur in the object of the pensioners of this city in a proper recognition to Capt. R. A. Dimmick of his service respecting the arrears bill, having confidence that it would not have been a law had it not been for his untiring efforts.
>
> If our correspondents desire to recognize this obligation to Captain Dimmick, we will cheerfully hand to the testimonial committee such subscription blanks as may be returned to us.
>
> L. BINGHAM & CO.,
> *Patent and Claim Agents, Washington, D. C.*

The committee having charge of the matter, composed, as I said, of men of both political parties, made a report to the House of Representatives on the 3d of March, 1879, signed by William A. J. Sparks, William M. Robbins, D. N. Lockwood, T. M. Patterson, Edwin Willits, Addison Oliver, and Thaddeus C. Pound, both Republicans and Democrats, in which they say, among other things:

> Within the past few days evidence came to the committee of what appeared to be a combination among claim agents and others to extort money from pensioners under the pretense of services by one of their number in securing the passage of the bill granting arrears of pension. The principal parties connected with the scheme were brought in to testify, and their evidence, which accompanies this report, shows a plan of operations which was intended to cover every State in the Union, and whereby a large sum of money would doubtless have been filched from the pockets of the poor pensioners. The testimony of Dimmick and Tallmadge shows that, although but a few days have elapsed since operations were commenced, not less than $2,500 has already been received, in sums varying from $2 to $10 each.
>
> It is believed that the timely exposure of these sharpers will have the effect of breaking up similar attempts elsewhere by unprincipled scoundrels, who, while constantly prating of their love for their "fellow-soldiers" and "comrades," generally manage to give a practical working to their affections which the victim is never likely to forget. The committee are indebted to the Commissioner of Pensions for his active co-operation in making this portion of their investigation.

Therefore it is that I say to the Senator from Minnesota, who is a new member here, a very careful and very intelligent one, as I know that he need not be astonished if he finds out, as was developed after the arrears-of-pension bill was passed, that much of what he now honestly thinks is the soldier demand comes now, as it came then, from the men who seek to obtain the lion's share of these pensions.

Mr. PADDOCK. The Senator will allow me a word. I want to say to the Senator and to the Senate that no such agency as that to which the Senator refers put in an appearance before the Pensions Committee when this bill was under consideration. The Grand Army of the Republic, through its regularly constituted legislative committee, a committee charged with the responsibility of looking to legislation, a committee made up of members from many different States, men of the highest character and the highest intelligence, came before our committee and presented the claim of the Grand Army itself; and no pension agent, no such person as the Senator has referred to, was heard at all, or his words or wishes considered, by the committee when this bill was before it.

Mr. BECK. It is amazing to me that I can not make a plain statement of recorded facts without getting into a controversy.

Mr. PADDOCK. No, sir; that is not it. The Senator, as I understood him, undertook to lead the Senate to believe that that kind of agency had been employed.

Mr. BECK. When?

Mr. PADDOCK. I say the inference to be drawn from the observations of the Senator from Kentucky was that it was this kind of agency which he has described that had been employed to secure the report of this bill from the committee. That is not true, sir. The character of the representation to the committee was such as I have before described, and none other.

Mr. BECK. Now, I believe I may go on.

When the arrears-of-pension bill was up it was no more suspected then than it is now what these men were doing, and when they were exposed by the House of Representatives and denounced in the way they were, no doubt some other means was devised whereby they could bring it up more successfully and without having to go through the same investigation they did before. I know that many of the things that happened under that bill could not have happened if that arrears-of-pension bill had been fully and carefully considered. I know that the leading managers of the soldiers' home, three of the best soldiers in this country, General Franklin, General McMahon, and General Harris, have told me and have told others, repeatedly, that the loose way in which that bill was passed demoralized and almost broke up their homes for years.

Mr. HAWLEY. Will the Senator allow me to ask him a question?

Mr. BECK. Certainly.

Mr. HAWLEY. I wish instead of denouncing a bill that passed many years ago, or the means used to pass it, the Senator would take up this bill and show the injustice of its provisions.

Mr. BECK. I will at once speak directly concerning this bill, to gratify the Senator, and will only speak of the first section, as time is precious. Take the first seven lines; I do not have to go very deep into the bill to find a serious objection. The first seven lines read thus:

> That in considering the pension claims of dependent parents the fact and cause of death, and the fact that the soldier left no widow or minor child or children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other means of support than their own manual labor or the contributions of others not legally bound for their support.

The line might be left out, so it would read that it is only necessary to show by competent and legal evidence that such parent or parents are without other means of support than their own manual labor. Is not that objectionable in many regards? Is that a carefully-drawn provision? The parents of many of these men may have been dependent on their manual labor, may have been without any other means of support than their own manual labor all their lives, and may be as able to perform manual labor to-day as they ever were in their lives; they may be the best mechanics in the country; they may be good farmers; they may be making as comfortable support as they ever made. They are not obliged, many of them, to be over sixty years of age. I am sixty-six myself, and I am as capable of laboring, I think, as I ever was; perhaps I would not like it so well as in my younger days.

Mr. DAVIS. I should like to ask a question.

Mr. BECK. Of course I yield.

Mr. DAVIS. If the survivors of the war of the rebellion are shown to be people of sixty years of age, I would like to ask the Senator from Kentucky why when Congress pensioned the Mexican war veterans absolutely who had arrived at the age of sixty-two it did not occur to obviate that objection in that case?

Mr. BECK. I never was very much enamored with any of these service-pension bills. My Legislature instructed me to vote for the Mexican pension bill, and I did not choose to look into it and probably voted for it to obey the Legislature. I obeyed instructions, and perhaps set a bad precedent. I make a good many mistakes, no doubt.

At sixty years of age a good mechanic, a strong workingman, is to get $144 a year under this bill out of the tax-payers. That simply demoralizes honest labor, because whenever you take away the necessity of work men quit work.

Another objection to this first provision is in its application to the fathers of enlisted colored men. I have no animosity against the colored race on any grounds, either because they were formerly slaves or anything of that sort; but all over the border States, in Missouri, West Virginia, Kentucky, and Maryland, thousands of negro boy slaves were taken into the Army. Senators have doubtless read a very clever book written by Col. Don Piatt about the heroes of the war, showing how he and others went to Maryland and seized all the slaves, men and boys, wherever they could and put them into the Army in order to force an issue. So it was in the other border States. The relation of slavery existed then in all of them. Those young boys were taken into the Army and they were enlisted as soldiers. They took boys fifteen, sixteen, and eighteen years old, plenty of them. Their fathers and their mothers were slaves as well as they. The father and the mother may have lived in Virginia or in Mississippi, while the boy was enlisted in Kentucky or Maryland.

The boy was carried to Camp Nelson, for example, in Kentucky. He was kicked by a mule, pensioned, and died. The father and the mother were slaves of other people who were living perhaps in the Confederacy, in Louisiana or in Mississippi, body-servants perhaps to the Confederate brigadiers you talk so much about. The father may be yet a strong man, able to work to-day as well as he ever could, yet every one of the fathers of the boys thus abducted and wounded or hurt are to get a pension under this bill of $144 a year. It will be a surprise to them. They and their sons never had any dependence on each other.

Mr. BLAIR. Right.

Mr. BECK. Right, the Senator says; perhaps it may be; but where these young slaves were taken and put into the Army, who never heard a gun fired, who were supposed to be injured while lying by the camp fire, and were pensioned before they died, their parents who never were dependent upon them, who very likely never lived in the same State with them, who never had any of that connection which exists in white families, where the father and mother and son are all disposed to help each other, those negroes are now to be pensioned. That is one objection to this bill.

Do not understand me that I am raising any objection on account of color. I mention this objection because of the relation of slavery that existed and did away with all the natural dependence of father and son and parent and child. It did not exist among them in fact; but whenever there is an able-bodied negro who had a son in the Army fifty eight or sixty years of age you pension him merely because his son was injured in the Army or is dead, when he had no relation of dependence on him and never had. It is not a proper thing, in my judgment, to do; and since I am asked to find fault with this pension bill, I present that as one serious objection.

Mr. BLAIR. Mr. President——

Mr. BECK. Please let me go on.

Mr. BLAIR. I only wish to remind the Senator——

Mr. BECK. The Senator from New Hampshire was at the bottom of a two-hours' speech I made the other day. I do hope he will not cause me to extend my remarks again.

Mr. BLAIR. I wish to call the Senator's attention to the gross but honest inaccuracy under which he is laboring in regard to the bill. It would require that the soldier should have been regularly mustered into the service.

Mr. BECK. I said that.

Mr. BLAIR. And that he should have been honorably discharged.

Mr. BECK. Certainly.

Mr. BLAIR. If any negro slave became a soldier in the armies of the Union and helped the Senator to live within the United States of America to-day, I say give his dependent parent a pension.

Mr. BECK. All that *argumentum ad hominem*, and the talk about this side of the Chamber and that side of the Chamber being friendly or hostile to this measure, and about one side being loyal and the other disloyal, is not quite worthy of the Senate in discussing a great question that is to involve perhaps a thousand millions of dollars and taxation for forty years.

I am not finding any fault because it helps colored men. It was not the negro's fault that he was a slave. It was not the negro's fault that he and his father did not live together as father and son, or in the same State, and belonged to different individuals, or had no relations of any sort; but it was a fact all the same, and shows how loose the provisions about dependent fathers are.

Senators talk about the neglected soldiers. I said the other day, and I repeat, that every soldier who was wounded or disabled in the service, white or black, was pensioned by law, and if he does not come within it, and he can show any reason why he did not obtain a pension, he has only to come to Congress and make out a reasonable case and Congress gives it to him.

The Senator from Connecticut says that at the other end of the Avenue the President never signs any bills for soldiers. Mr. President, he approves bills giving $80,000,000 a year for that purpose, and with the exception of six or eight, which were shown to be clearly wrong, every private bill that goes before him that has any decent merit in it is signed by him; and yet it is to be said on the floor of the Senate that nobody is pensioned with the consent of the President of the United States. The Senator must think the people of this country are all ignoramuses to believe talk of that sort.

By one construction of this proposed law, and I am not sure that it is not the true construction of it, it will be only necessary to show by competent and sufficient evidence that such parent or parents are without other means of support than their own manual labor, that the man who owns his home or lands that bring him in nothing, whether it is in the shape of a fifty or a hundred acre farm, or a house in town, or who works for his wages, is entitled to $144 a year because that house or farm does not furnish him the means of support. It furnishes him shelter or a chance to work only. That may be to some extent means of support, or it may be construed not to mean that at all. If he is working a little farm, owning or living in a house, and is still making a comfortable living, in spite of all that, as the farm does not furnish him any means of support, as the house does not furnish him any means of support, if he has to perform manual labor to support himself, even if he does own the property he lives in, he is still entitled to the pension.

I was asked to state my objections to the pending bill by the Senator from Connecticut. I have only gone over the first seven lines, and I think the matters contained in these constitute grave objections to the measure. I do not believe it is any real benefit to a man to induce him to quit work in order to get a pension.

Mr. MANDERSON. Would it relieve the Senator's objections any to the first section if the fact were made known to him that this legislation has been recommended by Secretary Lamar and Commissioner Black?

Mr. BECK. If it were recommended by the Senator from Nebraska it would not meet my approbation, and I would as soon have his recommendation as that of General Black or Secretary Lamar or any other gentleman.

Mr. MANDERSON. I simply call attention to the fact that it has had the recommendation of both those officials.

Mr. BECK. Very well; I care nothing for that. I think it may receive a construction that may work very great injustice. I have as much faith in the judgment and wisdom of the members of the Committee on Pensions as I have in that of Secretary Lamar or General Black or anybody else. I am not finding any fault with those who have brought in the bill, but I was asked what objection I had to it, and I took up the first six or seven lines. I expect the balance of it is just as bad, maybe worse, when carefully considered.

To show that men may be very young and still have done some service, right by me now sits the Senator from West Virginia [Mr. FAULKNER] and the other Senator from West Virginia [Mr. KENNA]. We have been looking at biographies and autobiographies lately. Both those gentlemen have given theirs in the Directory, and I find that the senior Senator from West Virginia [Mr. KENNA] was born in 1848, entered the Confederate army a private soldier, was wounded in that service in 1864, and was surrendered in Louisiana in 1865; the junior Senator from West Virginia [Mr. FAULKNER] was born about four or five months earlier. Now, here are two Senators, neither of whose fathers would necessarily be sixty years of age if they were alive to-day, and you are pensioning men by these first seven lines who may be as able as they ever were to do work, and who may be now comfortably well off in their station in life.

Although the Senator from Nebraska may take a different view of it, if the father of a dead pensioner is a mechanic and has to earn a living, although he may own the house in which he lives, he is still entitled to the pension. Although a man may own a little farm and say he can not rent it for enough to live on, he is still entitled to this pension, though by his manual labor in the workshop, the factory, foundry, or farm he has to work for a living to earn his support. That is going altogether too far.

It is because I believed many of these bills are worked up by agencies clearly outside of the men who need support from the Government that I called attention to what was done when the arrears-of-pension bill was up, and because I think in many of the provisions, especially in the first section, when you look at the relations existing among the colored race at that time and even among white men, we are carrying it to a point that is dangerous and unnecessary and which really does the men themselves no good, that I oppose this measure.

Mr. President, one word more. Much was said about the Confederate soldier the other day. I am not going into that controversy, but the truth is incontrovertible that when the civil war ended the Federal soldier came back to a country richer than it was when the war began. All the honors and emoluments that could be heaped upon him were at his disposal; everybody took him by the hand, and he was aided and encouraged in all his efforts, as he ought to have been.

The men who fought against him, many of them perhaps young men like young KENNA, of West Virginia, fifteen or sixteen years old, carried away by sentiment or following some other idea, went into the Southern army; when the war was over they went back and found desolated homes; they found the country impoverished; they found a rule over their country for years that I am not going to allude to now, but it is safe to say that none of us on either side of the Chamber are proud of it. They were disfranchised, and cut off from advancement in every possible way; and yet the fact remains that although the Federal soldiers to-day are getting $80,000,000 a year, and perhaps $85,000,000, and those now legally provided for are being pensioned by private acts of Congress wherever they ask for a pension and can show any sort of right, there are very few, if any—there may be some, but I do not know of any—of those men who went back to the South after the war was over, who knew they had to depend upon their own resources, asking charity, and who are not better off than they would have been if pensions had been given to them. Manhood, individuality, and pluck are subordinated, if not lost, when men rely on charity.

I read some years ago, and it impressed me at the time, of a benevolent lady in England, who, feeling an interest in the city of Bath, saw a great many paupers there, and she wanted to help them. She established a place where they could get food and assistance, and to her amazement when she went back she found that the number of beggars had increased by 50 per cent. over the number existing when she founded her charity. She was told that increased pauperism was the result of her bounty. She changed her policy and began by improving the streets and building public edifices and furnishing them employment, and the number that had increased 50 per cent. was in less than eighteen months reduced below 50 per cent. of the original number. That case only illustrates the good effect of giving a man the means to make a living, and letting him keep what he makes, and not making him dependent upon the charity of anybody, always excepting those who are absolutely compelled to receive it and have a right to demand it by reason of their services when able. I believe that there are very many cases covered by the first seven lines of the bill who would not only not be benefited, but who do not need it, and would absolutely be transferred from useful, hard-working citizens by a pension of $144 a year. That I think is bad legislation. But I will not take any more of the time of the Senate.

Mr. TELLER. Mr. President, it seems to me that the Pensions Committee, both the chairman and the members, are unusually and unnecessarily sensitive about this bill. I am sure I did not criticise the committee at all. I did not intend to do so, and I do not think I did it. I said I should vote without reference to the wishes of the committee, following my own judgment. That is not an unusual thing in this body, and I am not amenable to the charge made by the Senator from New Hampshire.

I have not been afraid of my record and my vote. I am not in the habit of dodging questions in this body. I proposed to vote according to my judgment I said, and I had no reference to the wishes of anybody outside.

I take issue with the chairman of the committee when he says the purpose and the result of the bill will be to take out of the pauper-houses the ex-soldiers who are there. I say that under a construction now being put upon the word "incapacity" in the Department, where this question must be settled, it will only take out a limited number. I call the attention of the chairman of the committee to the fact that there is a wide distinction between the word "disability" and the word "incapacity." There is no resemblance in the two words. They receive, in the Pension Office, and always have since there has been a statute to be interpreted, an entirely different construction. I say that if the Senate limits it to total incapacity that goes beyond total disability as understood in the Department. I say that takes a man who is practically bedridden. I do not say he would have to be bedridden.

Mr. DAVIS. Do I understand the Senator from Colorado to say that there is a difference of meaning between "total incapacity" and "total disability?"

Mr. TELLER. Unquestionably there is a difference between "total incapacity" and "total disability."

Mr. DAVIS. Does the Senator say that there is a difference of meaning between "incapacity" and "disability?"

Mr. TELLER. I do not want to repeat it more than five or six times. I said that and I repeat it again, and that is the construction to-day being put upon the two words in the Department.

Mr. DAVIS. I am very much obliged to you for the repetition.

Mr. TELLER. The Senator says that the committee have come here and presented a bill that they thought might pass. I do not know whether that was the entire duty of the committee or not. I suppose they could give us a bill that when it did pass would be of some advantage and some benefit to the supposed beneficiaries under the bill. The difference between the chairman and myself is that he says this will include 20,000 people. My judgment is that it will not include 2,000, and it is doubtful whether it will include 1,000 upon the construction that will be given if the word "totally" is left in the second section.

I do not know why I should yield my judgment on this question to the Committee on Pensions. I have great respect for that committee. I have respect for the members; I have confidence in their judgment; but this is not a new question to me. I have served upon the Pension Committee myself, and it has been my fortune to deal with these questions somewhat. I am not entirely ignorant of the question that is being discussed, and I did not know there could be anybody who would suppose that, because I do not agree with the committee, I desire, as has been suggested, to throw obstacles in the way of the bill. I do not yield to any member of that committee in a desire to help these people. I am as anxious to do them service as they are. If I were satisfied that the word "totally" would be construed as the committee say it would be construed, I should not hesitate to vote for it, because I would take part of the loaf rather than to have none.

I would not be moved by the rumors of danger to the bill somewhere else. I do not think I shall vote in this body with that held over me at any time; or if it is attempted I shall vote according to my judgment, and I am not at all afraid to let that matter go to the country. I am not amenable to the charge of the Senator from New Hampshire that I am afraid of my record.

I do not desire at this hour to continue the discussion of this bill, but I think it must be admitted that every Senator has a right to vote upon the bill as his judgment dictates, and there is no inference that he is hostile to the bill because the chairman of the committee and the consolidated committee do not think as he does. I do not think it has quite come to this, that we are to be terrorized down by some undefined and uncertain influence that nobody dares to name in this Chamber, and that we are to be terrorized by the committee. With all due respect to the committee, I propose to exercise my judgment in this matter. I hope that I am mistaken. If the bill passes, I hope it will turn out that I am in error, and that such a construction will be put upon the law as will give to these people what Senators say they will get; but I can not see how anybody supposes that when the Department to-day is construing the word exactly as it is insisted it will be construed——

Mr. PADDOCK. I should like to call the Senator's attention to the definition of the two words.

Mr. TELLER. I am not going into any dictionary meanings now.

Mr. PADDOCK. But the Senator has stated that there is a great difference in the definition of the terms.

Mr. TELLER. If the Senator will allow me, I will conclude my remarks by saying that to-day the Department construes the word "incapacity" exactly as the Senator from Connecticut [Mr. PLATT] stated here on this floor and as I stated. That ought to be an answer; and if he can change the ruling in the Department he will do well.

Mr. PADDOCK. It is very likely the Department makes its ruling wrong. The Commissioner of Pensions is not infallible. This is what Worcester says about these two words: The definition of the word incapacity is, "want of capacity, want of power, or ability; inability." The definition of "disability" is, "want of power; want of ability; inability; incompetency." There are no two words in the English language more nearly synonymous than those two.

Mr. President, I wish to express the hope that our friends on this side who have been so very much embarrassed about accepting the suggestions and the recommendations made by the Committee on Pensions respecting this bill will feel less so since they have heard the Senator from Kentucky with his loud voice on the other side; but however much they may have been or may be now embarrassed, I want to say to them that they are no more embarrassed than the committee would have been if they had undertaken to refuse the suggestions and the recommendations made by the legislative committee of the Grand Army of the Republic when they appeared before the committee in full force and recommended the passage of this bill.

I desire very briefly, on behalf of the committee and possibly for a

better understanding between us and our friends on this side, to review two or three of the most important provisions of the bill.

The first section provides substantially that in considering the pension claims of dependent parents, the fact and cause of death, and that the soldier left no widow or child or children being determined, it is only required to show by good and sufficient evidence that the parent or parents are without other means of support than by their own manual labor or by contributions of others not legally bound to furnish the same. This is a most favorable change as the Senator from Kentucky discovered.

This is a most favorable change from the present state of the law in two very important respects:

First. Whereas as the law now stands the claimant must prove that the soldier died from some cause originating in the service and in the line of duty, under this section the fact and cause of death only are required to be proven without connecting the same with causalty in the line of duty.

Second. In the present state of the law the parent or parents must prove that they were dependent upon the son before his death for contributions to their maintenance, whereas under this section this is not required. All that will be required under this section will be to show that they have no means of support, except as it may come from their own manual labor or from charity.

Section 2 provides, in substance, as follows: That a soldier being qualified as to his three months' service or more, and his honorable discharge, who is now, or may become after the passage of this bill, totally incapacitated (as the bill was reported by the committee) on account of mental or physical disability to perform manual labor—such disability not arising from his own vicious habits—and who is without "other adequate means of self-support" (these last words being an amendment by the Senate as to phraseology which for one I am willing to accept), is to receive $12 per month.

This is a decided step in advance of the present rule, which requires that total disability must be clearly proven to have had its originating cause in the line of duty. That is what is the trouble. The cases provided for in this section are not cases that go back to where the disability shall have been shown to originate in the line of duty.

It is in the nature of a service pension, not only for the disabled of this class at the date of the passage of this bill, but for those who may become incapacitated hereafter by the loss of an arm or otherwise to perform manual labor. Very many of this class of cases are pressed upon Congress for relief through special legislation continuously.

There are a number of such cases before the Committee on Pensions now, where the cause of the disease or infirmity can not be traced to service in the line of duty.

The proviso in this section 2 authorizes persons pensioned under any existing law, who are now or may hereafter come into any of the conditions described in this section from causes not necessarily originating in the line of duty, to apply for the relief prescribed by this section, or pensioners under this proposed law may make application for any other pension authorized by existing law accordingly as the condition of the pensioner may change with advancing age, but only one pension can be allowed at one time to any person, and the rank of the soldier is not to be considered in granting such pension.

In that respect it is a very democratic proviso.

Section 3 is a very generous provision for the benefit particularly of minor children. It authorizes an increase of the pension for such from $2 to $5, and raises the maximum limit of minority from sixteen to eighteen years, and, in cases of insanity, idiocy, or other helplessness, provides that the pension may be continued during the life of the pensioner or during the period of such disability.

It further provides that if there are no minor children and no widow the dependent mother or father may be placed upon the pension-rolls on the death of the invalid son who was a pensioner, without regard to the cause of his death. In other words, if the son who is a pensioner comes to his death through accident or disease in no way traceable to or connected with his service in the line of duty, the dependent parents are to be placed upon the pension-roll upon the simple proof of the death of the son.

Section 4 furnishes additional safeguards against frauds upon the pension claimants, and is a very useful section.

Mr. President, I desire to say to our friends here that, so far as I am concerned, I will go as far as he who will go farthest to secure the most liberal rule of pensions that it is possible to secure for the ex-Union soldiers of the late war. I will do this because I believe it is due to them, because I believe that when we shall have done all that it is possible to do there will still remain an enormous debt of gratitude to those brave men that never will be discharged.

But, sir, there is another reason. I believe it to be the highest and the best service that can be rendered the Republic here to encourage, to stimulate, to develop, to strengthen in every possible way the volunteer sentiment of this country, because when the day of need comes, in the hour of trial and danger, it is the volunteer soldiery upon whom we must depend to defend the Union, to protect our free institutions, our liberties, our altars, and our firesides. And when these gentlemen come to us as they have done in this case, I want to give to them that which they say is an attainable proposition. It is for that reason that I have sustained this measure substantially as they presented it to us and demanded that there shall be no amendment thereto. But it is late; the time has already passed for the vote to be taken, and I will not longer detain the Senate.

Mr. COCKRELL. Is the five-minute rule in force?

The PRESIDENT *pro tempore*. The Chair is reluctant to enforce the five-minute rule, since by common consent it has been dispensed with, and Senators have been allowed to go beyond the time.

Mr. COCKRELL. I shall insist upon its enforcement hereafter.

The PRESIDENT *pro tempore*. If it is the desire of the Senate that it shall be enforced, the Chair will govern himself accordingly.

Mr. HARRIS. Let us vote on the amendment.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendment made as in Committee of the Whole? In Committee of the Whole the word "totally" was stricken out. A "yea" vote keeps it out. The vote "nay" restores it to the bill. The yeas and nays having been ordered, the roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. BLAIR. It is out of order, but I do not understand the question. I ask that the question be restated.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. In section 2, line 6, after the word "which," the Senate as in Committee of the Whole struck out the word "totally;" so as to read:

Which incapacitates them for the performance of manual labor.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendment made as in Committee of the Whole? The roll-call will proceed.

The Secretary resumed the call of the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were here I should vote "nay."

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. HARRIS (when his name was called). The Senator from Vermont [Mr. MORRILL] was called from the Senate Chamber a few moments ago, and I agreed to pair with him, but since that time the Senator from Arkansas [Mr. JONES] has absented himself, and I transfer the pair to the Senator from Arkansas by agreement with him. If the Senator from Vermont were here he would vote "yea." The Senator from Arkansas would vote "nay." I vote "nay."

Mr. KENNA (when his name was called). I was paired with the Senator from Minnesota [Mr. SABIN]. I ascertain that the Senator from Florida [Mr. CALL] is absent without a pair, and I shall take the liberty, unless some other Senator is paired with the Senator from Florida, to announce a pair between the Senator from Florida [Mr. CALL] and the Senator from Minnesota [Mr. SABIN]. I vote "nay."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present I should vote "nay."

The roll-call was concluded.

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB], and if present, would vote "nay."

Mr. SAULSBURY. I desire to state that my colleague [Mr. GRAY] was necessarily called home to-day. I think he would vote "nay" if he were here, but I do not know certainly.

Mr. EVARTS (after having voted in the affirmative). I voted "yea," but I am paired with the Senator from Alabama [Mr. MORGAN], and therefore withdraw my vote.

Mr. CAMERON (after having voted in the negative). I voted "nay," understanding that the Senator from South Carolina [Mr. BUTLER], with whom I am paired, would have voted the same way.

The result was announced—yeas 14, nays 42; as follows:

YEAS—14.

Allison,	Dolph,	Ingalls,	Teller,
Bowen,	Hale,	Mitchell,	Wilson of Iowa.
Cullom,	Hiscock,	Palmer,	
Dawes,	Hoar,	Platt,	

NAYS—42.

Aldrich,	Cockrell,	Hawley,	Sawyer,
Bate,	Coke,	Kenna,	Spooner,
Beck,	Colquitt,	McPherson,	Stewart,
Berry,	Daniel,	Manderson,	Stockbridge,
Blackburn,	Davis,	Paddock,	Turpie,
Blair,	Eustis,	Pasco,	Vance,
Blodgett,	Farwell,	Payne,	Voorhees,
Brown,	George,	Ransom,	Walthall,
Cameron,	Gibson,	Reagan,	Wilson of Md.
Chace,	Hampton,	Riddleberger,	
Chandler,	Harris,	Saulsbury,	

ABSENT—20.

Butler,	Frye,	Jones of Nevada,	Quay,
Call,	Gorman,	Morgan,	Sabin,
Edmunds,	Gray,	Morrill,	Sherman,
Evarts,	Hearst,	Plumb,	Stanford,
Faulkner,	Jones of Arkansas,	Pugh,	Vest.

So the amendment was non-concurred in.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The CHIEF CLERK. In section 2, line 7, after the word "labor," the Senate, as in Committee of the Whole, inserted the words, and "who are without other adequate means of self-support;" so as to read:

And who are now or may hereafter be suffering from mental or physical disability, not the result of their own vicious habits, which totally incapacitates them for the performance of manual labor, and who are without other adequate means of self-support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners, etc.

The amendment was concurred in.

The next amendment made as in the Committee of the Whole was, in section 2, line 15, after the word "same," to strike out "in the degree herein specified;" so as to read:

And such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same.

The amendment was concurred in.

The next amendment made as in the Committee of the Whole was, in section 3, line 8, after the word "*Provided*," to strike out:

That the cause of death of such pensioner was not or is not due to a violation of civil or military laws, or the result of vicious habits: *And provided further.*

Mr. DAVIS. That is a committee amendment.

The amendment was concurred in, there being, on a division—ayes 28, noes 23.

The next amendment made as in Committee of the Whole was, in section 3, line 12, after the word "act," to insert:

All pensions granted to widows under this or any other general law shall take effect from the date of the death of the husband of such widows, respectively, but not dating back of the passage of this act.

Mr. DAVIS. I will state that this amendment is in the exact language recommended by the Commissioner of Pensions in his last report. ["All right!"]

The amendment was concurred in.

The next amentment made as in Committee of the Whole was to add the following as a new section:

SEC. 5. That section 4716 of the Revised Statutes is hereby modified so that the same shall not apply to this act: *Provided*, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in any military or naval service against the United States.

Mr. DAVIS. That is substantially a committee amendment.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The amendments made as in Committee of the Whole are completed.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. DAVIS and Mr. HAWLEY called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. BUTLER], but understanding that, if he were present, he would vote on this bill as I do, I record my vote "yea."

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote if present, I withhold my vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. Knowing that he would vote for the bill, if present, I shall cast my vote for the bill. I vote "yea."

Mr. HARRIS (when the name of Mr. JONES, of Arkansas, was called). I wish to announce the pair of the Senator from Vermont [Mr. MORRILL] with the Senator from Arkansas [Mr. JONES]. If the two Senators were here, the Senator from Vermont would vote "yea" and the Senator from Arkansas "nay."

Mr. KENNA (when his name was called). I desire to announce that my pair with the Senator from Minnesota [Mr. SABIN] has been transferred to the Senator from Florida [Mr. CALL]. I vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS], but understanding that he would vote for this bill, if present, I cast my vote "yea."

Mr. DAVIS (when Mr. SABIN'S name was called). The pair of my colleague [Mr. SABIN] has been announced with the Senator from Florida [Mr. CALL]. If my colleague were present, he would vote "yea."

The roll-call was concluded.

Mr. RANSOM. I am paired with the Senator from Nevada [Mr. JONES] on this bill. I suppose, if he were present, he would vote "yea." I should vote "nay."

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB]. If present, my colleague would vote "nay."

The result was announced—yeas 44, nays 16; as follows:

YEAS—44.

Aldrich,	Dawes,	Hoar,	Riddleberger,
Allison,	Dolph,	Ingalls,	Sawyer,
Blair,	Farwell,	Kenna,	Sherman,
Blodgett,	Faulkner,	McPherson,	Spooner,
Bowen,	Frye,	Manderson,	Stewart,
Brown,	George,	Mitchell,	Stockbridge,
Cameron,	Gorman,	Paddock,	Teller,
Chace,	Hale,	Palmer,	Turpie,
Chandler,	Hampton,	Payne,	Voorhees,
Cullom,	Hawley,	Platt,	Walthall,
Davis,	Hiscock,	Pugh,	Wilson of Iowa.

NAYS—16.

Bate,	Cockrell,	Eustis,	Reagan,
Beck,	Coke,	Gibson,	Saulsbury,
Berry,	Colquitt,	Harris,	Vance,
Blackburn,	Daniel,	Pasco,	Wilson of Md.

ABSENT—16.

Butler,	Gray,	Morgan,	Ransom,
Call,	Hearst,	Morrill,	Sabin,
Edmunds,	Jones of Arkansas,	Plumb,	Stanford,
Evarts,	Jones of Nevada,	Quay,	Vest.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2465) for the relief of the heirs of John F. Shorter; and

A bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords.

CORRESPONDENCE WITH VENEZUELA.

Mr. SHERMAN submitted the following resolution of inquiry, and asked for its immediate consideration:

Resolved, That the President be requested to communicate to the Senate, if not in his judgment incompatible with the interests of the public service, copies of instructions sent to the United States minister at Caracas, and of correspondence between the Government of the United States and that of Venezuela since the message of the President (Executive Document No. 28, Senate, Forty-second Congress, second session), dated February 2, 1872, regarding the seizure, detention, and employment in war of the American steam-ships Hero, San Fernando, and Nutrias, the property of the Venezuela Steam Transportation Company, of New York, and the imprisonment of their officers, citizens of the United States, by the legitimate Government of Venezuela and armed forces in revolt against its authority; together with copies of the correspondence between the said company, its officers or attorneys, and the Secretary of State since the publication of the aforesaid executive document.

Mr. RIDDLEBERGER. I move to strike out the words, "if not in his judgment incompatible with the interests of the public service."

The PRESIDING OFFICER (Mr. HALE in the chair). Does the Senator object?

Mr. RIDDLEBERGER. I am not objecting, but I move to strike out the words "if not in his judgment incompatible with the interests of the public service."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. The Senator from Virginia moves to amend.

The CHIEF CLERK. Strike out the words "if not in his judgment incompatible with the interests of the public service."

Mr. BLAIR. I reserve the right to object to this resolution if it leads to debate.

Mr. RIDDLEBERGER. I do not wish to debate it. I submit the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia.

The amendment was rejected.

The resolution was agreed to.

PRESIDENT'S ANNUAL MESSAGE.

Mr. DOLPH. I desire to give notice that on Monday next, after the Senator from Georgia [Mr. COLQUITT] has concluded his remarks, I shall desire to continue the consideration of the resolution referring the President's message, for the purpose of submitting some remarks of my own.

EXCLUSION OF CHINESE LABORERS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

A copy of the following resolution passed by the Senate on the 1st day of the present month was delivered to me on the 3d instant:

"*Resolved*, That in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States, under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States."

The importance of the subject referred to in this resolution has by no means been overlooked by the executive branch of the Government, charged under the Constitution with the formulation of treaties with foreign countries.

Negotiation with the Emperor of China for a treaty such as is mentioned in said resolution was commenced many months ago and has been since continued. The progress of the negotiation thus inaugurated has heretofore been freely communicated to such members of the Senate, and of its Committee on Foreign Relations, as sought information concerning the same. It is, however, with much gratification that I deem myself now justified in expressing to the

Senate, in response to its resolution, the hope and expectation that a treaty will soon be concluded concerning the immigration of Chinese laborers which will meet the wants of our people and the approbation of the body to which it will be submitted for confirmation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 8, 1888.

Mr. SHERMAN. I move that the message be printed and referred to the Committee on Foreign Relations.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 2465) for the relief the heirs of John F. Shorter was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords was read twice by its title, and referred to the Committee on the Library.

The bill (H. R. 1599) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 2710) for the relief of Matthew H. Fulton was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 6922) for the relief of George W. Graham was read twice by its title, and referred to the Committee on Military Affairs.

VALUATION OF IMPORTED MERCHANDISE.

Mr. ALLISON. Mr. President, I should like to have the Senate now agree to consider Senate bill No. 977. If there is to be any contest respecting it, of course I shall not insist on it at this hour of the evening; but it was the understanding, I believe, that when the pension bill was disposed of that bill should be considered.

Mr. HARRIS. Let the title of that bill be read.

Mr. ALLISON. It is the bill reported from the Committee on Finance relating to undervaluation of foreign merchandise.

The Secretary read the title of the bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate now proceed to the consideration of the bill the title of which has been stated.

Mr. ALLISON. Merely for the purpose of having it left as the unfinished business.

The motion was agreed to.

Mr. SAWYER. I want to give notice that the Committee on Pensions will ask as early a day next week as can be conveniently given them for the consideration of private pension bills.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 12, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 8, 1888.

The House met at 12 o'clock m. Prayer by Rev. WILLIAM BRUSH, D. D.

The Journal of yesterday's proceedings was read and approved.

OBSERVATIONS AT NAVAL OBSERVATORY.

The SPEAKER *pro tempore* laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy, requesting an immediate appropriation for reductions of observations made with the west transit circle of the Naval Observatory; which was referred to the Committee on Appropriations, and ordered to be printed.

BROOKLYN NAVY-YARD.

The SPEAKER *pro tempore* also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of appropriation for constructing building No. 7 at the navy-yard, Brooklyn, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

TOTAL ECLIPSE, JANUARY, 1889.

The SPEAKER *pro tempore* also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of appropriation for the purpose of observing on the Pacific coast the total eclipse of the sun, to occur January, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES ATTORNEYS AND MARSHALS.

The SPEAKER *pro tempore* also laid before the House a letter from the Acting Secretary of the Treasury, transmitting, in response to a resolution of the House, a report from the First Comptroller relative to the compensation of United States attorneys and marshals; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

MAIL SERVICE IN THE WEST.

The SPEAKER *pro tempore* also laid before the House a letter from the Postmaster-General, in response to a resolution of inquiry relative to the mail service in the West; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HOT SPRINGS RESERVATION.

The SPEAKER *pro tempore* also laid before the House the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes; with an amendment by the Senate.

Mr. DIBBLE. I ask that the House non-concur in the Senate amendment, and request a committee of conference.

There being no objection, it was so ordered.

The SPEAKER *pro tempore* appointed as the conferees on the part of the House, Mr. BANKHEAD, Mr. ROGERS, and Mr. WADE.

ENLARGEMENT OF POST-OFFICE DEPARTMENT.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1040) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM H. ROBERTSON AND E. L. HEDDEN.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

"MARTYRS OF THE PRISON-SHIPS."

Mr. FELIX CAMPBELL presented concurrent resolutions of the Legislature of the State of New York, relative to the erection of a monument to the "martyrs of the prison-ships" at the Wallabout during the Revolutionary war; which were referred to the Committee on the Library, and ordered to be printed in the RECORD, as follows:

Concurrent resolutions relative to erection of monument to the "martyrs of the prison-ships" at the Wallabout during the Revolutionary war.

STATE OF NEW YORK, IN SENATE,
Albany, February 28, 1888.

Whereas the Society of Old Brooklynites of the city of Brooklyn has presented a petition to the Congress of the United States for the erection of a monument to commemorate the virtues and patriotism of more than twelve thousand soldiers and sailors who perished on board the prison-ships at the Wallabout during the Revolutionary war; and

Whereas those unhappy victims were citizens of the United States, prisoners of war, captured while in the service of this country during its long and desperate struggle for freedom, when the Government was too feeble to afford them protection or relieve their sufferings: Therefore,

Resolved (*if the assembly concur*), That the Senators and Representatives in Congress from this State be, and they hereby are, earnestly requested to use all honorable means in their power to secure the passage of the bill (H. R. 1687) having for its object the erection of a monument to the memory of the "martyrs of the prison-ships."

Resolved (*if the assembly concur*), That a duly certified copy of the foregoing preamble and resolutions be forwarded to each Senator and Representative in Congress from this State.

By order.

JOHN S. KENYON, *Clerk.*

IN ASSEMBLY, *February* 28, 1888.

Concurred in without amendment.
By order of assembly.

C. A. CHICKERING, *Clerk.*

POST-OFFICE CLERKS.

Mr. FELIX CAMPBELL. Mr. Speaker, I desire also to present a petition, signed by 3,500 persons, in favor of the passage of an act of Congress to increase and regulate the salaries of post-office clerks. I ask that the petition without the names be printed in the RECORD, and that the whole petition, including the names, be referred to the Committee on the Post-Office and Post-Roads.

There was no objection, and it was so ordered.

The petition is as follows:

To the honorable members of Congress, Washington, D. C.:

The undersigned, business men and citizens generally of Brooklyn city and the State of New York, appreciating the great importance of the Post-Office Department to the business public and to all classes of the community, and believing that the steadily increasing population of our great cities and all the immense business connected therewith urgently require that the postal facilities should be kept up with this increasing demand for their services, take leave very respectfully to recommend to your favorable consideration the appeal of the post-office clerks to your honorable bodies for the passage of an act of Congress to increase and regulate their salaries similar to that now in force in the interest of letter-carriers and railway postal clerks.

We would with great respect pray your favorable action in their behalf, believing that the vast amount of labor they are required to perform, requiring much ability and a long period of special training, is of great value to the public, and that their compensation should be such as to secure the services of thoroughly qualified men.

LEAVE OF ABSENCE.

Mr. LAGAN, by unanimous consent, obtained leave of absence for three days, on account of important business.

A. F. SAINT SURE LINDEFELT.

Mr. STEELE. Mr. Speaker, I rise to a question of order. House bill No. 1151, for the relief of the legal representatives of A. F. Saint Sure Lindefelt, was referred to the Committee on Military Affairs, but that committee decided that they did not have jurisdiction of the matter, and referred the bill to the Committee on Pensions in the regular way. The Committee on Pensions has now referred the bill back to the Committee on Military Affairs, and I wish the Chair would decide where it should properly go.

The SPEAKER *pro tempore*. The gentleman can make a motion and let the House decide.

Mr. STEELE. Then I move that the bill be referred to the Committee on Invalid Pensions.

The motion was agreed to; and it was so ordered.

JOHN F. SHORTER.

Mr. LONG. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 2465) for the relief of the heirs of John F. Shorter, and that it be now put upon its passage.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts?

Mr. PEEL. Is it understood that the bill will provoke no discussion?

Mr. LONG. No discussion.

Mr. PEEL. All right.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to the heirs of John F. Shorter, late a sergeant in the Fifty-fifth Regiment Massachusetts Volunteers, the pay and allowances of a second lieutenant from the 24th day of March, 1864, to the 1st day of July, 1865, being the time during which he acted as second lieutenant in the regiment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWORDS OF GENERAL SHIELDS.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to take from the Private Calendar the bill (H. R. 3796) for the purchase from the widow and children of the late General Shields of certain swords, and to consider the bill at this time.

Mr. STEELE. Mr. Speaker, I do not wish to object to this, for I have concurred with the committee in reporting the bill favorably, but very recently I have seen in the public prints a statement that there is a question as to the ownership of these swords, and I think that question ought to be investigated before we take any action on this bill unless the gentleman in charge of the bill can assure us that there is no question as to the ownership of the swords.

Mr. TILLMAN. I give that assurance, and so does the gentleman who represents the district where the widow and children live.

Mr. MANSUR. There is no question of ownership.

Mr. STEELE. I have no doubt the question is settled to the satisfaction of the gentlemen.

Mr. HATCH. If the guaranty of the entire delegation of the State of Missouri will satisfy the gentleman from Indiana, we will give him that.

Mr. STEELE. Well, it has been very much improved just now. [Laughter.]

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from South Carolina [Mr. TILLMAN] that this bill be considered at this time?

There was no objection.

Mr. TILLMAN. Mr. Speaker, the bill and report are both brief, and I ask that they be both read.

The bill was read, as follows:

Whereas the State of Illinois and the State of South Carolina, after the war with Mexico, each presented to the late General James Shields a sword in consideration of gallant and meritorious services rendered by him in said war; and

Whereas he has left surviving him a widow and three minor children, with but limited means of support, and said swords, though costly and valuable, can not be divided and apportioned between said children, and their value is needed for the education and support of said children: Therefore,

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to purchase of said widow and children said swords, at their actual cost and value, not to exceed the sum of $10,000, to be paid for out of any money in the Treasury not otherwise appropriated, and when so purchased the same to be deposited with the other military archives of the nation.

The report (by Mr. TILLMAN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3796) to purchase certain swords from the widow and children of the late General James Shields, report:

That they have fully investigated the facts recited in said bill, and find that they are in all respects true. The swords referred to as having been presented to the late General James Shields by the States of South Carolina and Illinois, for gallant and meritorious services in the Mexican war, are a part of the history of the country. General Shields died a few years ago, leaving a widow and three minor children in destitute circumstances. The swords, while costly and of great value, can not be divided or held by the widow and children. Their value, whatever it may be, is needed for the support and education of his children. His unselfish services to his adopted country are too well known to need any additional statements from your committee.

The swords would be an important and valuable addition to the military archives of the nation. They are now and have been for many years stored in the vaults of a bank in Carrollton, Carroll County, Missouri, where the general is buried, and where his widow and children reside.

We think it would be a just and proper recognition by the Congress of the nation of the services and disinterested conduct of this great and good man to purchase the swords and place them with the other military archives of the country, and we recommend the passage of the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriation for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, with amendments; in which the concurrence of the House was requested.

SWORDS OF GENERAL SHIELDS.

Mr. TILLMAN. I yield ten minutes to the gentleman from Missouri [Mr. MANSUR].

Mr. PETERS. Has unanimous consent been given for the consideration of this proposition?

The SPEAKER *pro tempore*. It has.

Mr. MANSUR. Mr. Speaker, on the crest of a high elevation, some two miles north of Carrollton, Mo., in my district, lies a modest little country graveyard. Several years ago I visited that graveyard. It is inclosed by a rough board fence. There are scarcely any monuments within its limits. There, buried, lies one of the great heroes of this country, without monument or tombstone to mark the spot. Amid the silence of that prairie graveyard, broken alone by the soft sighings of the wind as they mourned a requiem over his grave, I thought that his life had been more of a romance than that of any other man this country ever saw. Born of poor parents in Ireland in 1810, he emigrated to this country in 1826. Admitted to the bar, he commenced the practice of the law at Kaskaskia, Ill., and soon by his eminent talents and genius brought himself to the front, where men like Lincoln and Baker and other great minds of that State were his compeers and rivals. Shortly afterward he was elected to the Legislature; then made auditor of the State of Illinois, and later elevated to a place upon the supreme bench of that State.

In 1845 he was made Commissioner of the General Land Office of the United States. On the breaking out of the war with Mexico he was appointed by President Polk a brigadier-general, and for gallant and meritorious services at Churubusco and Chapultepec, in each of which battles he was seriously if not dangerously wounded, was brevetted, for gallantry, major-general. After peace was declared he was made governor of the Territory of Oregon, but resigned without serving in that capacity. In 1849, so great had become the confidence and love of the people of Illinois toward him, he was made Senator from that great State.

When the civil war came on he espoused the side of his adopted country and was appointed by President Lincoln a major-general. At the battle of Winchester he was for the third time wounded. Some time after the war was over he removed to the State of Missouri. While located at Carrollton, in that State, he pursued for a number of years the practice of the law.

In his latter life I knew him quite well, frequently met him, and spent evenings with him. I found him in conversation one of the most delightful gentlemen that I had ever met. The courage of General Shields was, to my mind, of almost superlative order. He had heard the din of battle. He had heard the roar of great cannon, numerous as musketry and rivaling the artillery of the skies when the lightning leaps and the thunder reverberates through the arched vault of the heavens. And all this was to him simply as music to quiet his nerves and to make him braver and more courageous. This is evidenced from the fact that in battle he was always at the front—always at the point of danger.

In the great honors which he enjoyed his career exhibits remarkable coincidences: A soldier in three wars—the Florida, the Mexican, and the Civil; thrice wounded—at Churubusco, Chapultepec, and Winchester; a Senator successively from three States—Illinois, Minnesota, and Missouri.

It was his great courage and integrity, combined with his common sense, that opened for him the way to these honors. As one of the best illustrations of his character, I desire to relate a little incident that he one evening told me. While I can give truthfully the salient points of the narrative, I can not remember the graphic little details connected with it. This incident shows the nerve and courage of the man at the call of a friend, or when his gallantry and sense of honor were appealed to. It was the night before the great battle in which the city of Mexico was taken. The American troops lay surrounding that city. General Shields, as he informed me, was in the front, nothing but a small canal, as I remember, separating him from the streets of the city. General Scott had given the most rigid orders that there should be during that night no stragglers, that no leaves of absence should be given, that no person under any circumstances should be permitted to leave the lines of the army, the purpose being to avoid bringing on a skirmish and possibly a battle before the next day. During the night some bold raiders and free-booters from the city, having crossed the canal, rushed upon one of the tents and captured the young and beautiful wife of one

of the officers of General Shields's command. As her screams pierced the silence of the night as she was being borne across the canal, the attention of General Shields was arrested. In spite of the orders of General Scott, the occasion so appealed to his gallantry that he called for volunteers. A hundred men immediately sprang to his side, and, rushing across the canal, they followed them through the midnight streets of the city of Mexico and rescued the woman and punished her assailants, and all of this almost at the risk of being cashiered from the service.

I do not desire, Mr. Speaker, inasmuch as several other gentlemen desire to be heard upon this subject, to trespass further upon the time of the House, and will close by appealing to the House, paraphrasing somewhat the language of the poet, and ask them to—

Be men. So vote that none may feel
Ashamed to meet the eyes of other men.
Think each one of his children and his wife,
His home, his parents, living yet or dead.
For them, the absent ones, I supplicate.

[Applause.]

Mr. TILLMAN. I now yield ten minutes to the gentleman from Illinois [Mr. BAKER].

Mr. BAKER, of Illinois. Mr. Speaker, some one has well said that the life of James Shields reads like a romance—uniting as it does the characters of lawyer, judge, Senator, farmer, knight-errant, and general.

Born at Dungannon, county Tyrone, Ireland, in 1810, he emigrated to the United States in 1826, and died at Ottumwa, Iowa, in 1879—thus adding another to the innumerable illustrations of the fine observation of Chateaubriand, that no one knows what corner of the earth will receive his ashes.

These sixty-nine years of life were remarkably interspersed with change. Leaving his Irish home at sixteen, he presently appears as a lawyer at Kaskaskia, in the then Far West. Subsequently he is a member of the Illinois Legislature; judge of the circuit and supreme court of the State; Commissioner of the General Land Office; serving in the Florida war; serving in the Mexican war in so distinguished a manner that his name is immortally connected with the fields of Cerro Gordo, Churubusco, and Chapultepec; appointed to, but resigning, the governorship of Oregon Territory; United States Senator from Illinois; United States Senator from Minnesota; transferring his residence from the West to California; returning thence to break a lance in gallant fashion with Stonewall Jackson in the valley of the Shenandoah; United States Senator from the State of Missouri; and finally, after all this, leaving at his death a property which I hear was not worth more than from three to five thousand dollars—thus adding a crown of becoming glory to a life of long public service, by practically illustrating the fitness of comparative poverty as the ultimate outcome of protracted office-holding in a republic.

I think there is a wholesome sentiment connected with this act. One of these swords was presented to the hero by the Legislature of Illinois, the other by the Legislature of South Carolina. It is now proposed that they be acquired by Congress and deposited permanently, as worthy historical mementoes, in the capital of the nation—a place of deposit which represents the united patriotism of both the donating States and of all the States. Nothing, it appears to me, could be more appropriate than an act so obviously fit in itself, and which thus serves to interlace the patriotic sentiment of the States.

Just sentiments constitute one of the most valuable parts of the life of a nation. Some time since we witnessed on this floor the eloquent presentation of the portraits of certain eminent citizens of Massachusetts, a distinguished State of the North; and we were all moved by the warmth of generous feeling which found expression in the eloquent response from Kentucky, a distinguished State of the South. The portraits were of comparatively small moment considered in themselves, but the historical associations, the enveloping sentiment, elevated the act to a status of national dignity and usefulness.

The other day this House and the Senate passed a resolution providing for the designation of a national vessel of war to convey the remains of a distinguished Venezuelan from New York to his native shore. Here, again, it was the associated sentiment which elevated and gave dignity to the act. It was not an affair involving merely the translation of so much mortuary dust over the sea; it involved the fame of a hero and the sentiment that stirs in the hearts of millions of living men.

So with these swords, the presentation of which by two States, honored the now dead hero with whose fame this act is concerned. It is the patriotic and historical sentiment with which they are associated that justly consecrates them to the custody of the nation.

I knew General Shields well, and knew him for years. His character, like all characters, may be outlined in few words. He was self-contained, courteous, generous, decisive, *aplomb*, heroic.

The period of his life in America corresponds with a startling and tremendous change in our country. Up to the time of his immigration to our shores the trenchant saying of a distinguished Frenchman in the last century, that America was a giant without bones, still held measurably true. America now is not only ponderous, gigantic, but organized and articulate, and is swiftly becoming the most influential national society, the most advanced and powerful molder of civilization that either has place or ever had place in the world's history. Such a nation should be actuated, as it is actuated, by generous and noble sentiments. Such a nation should cherish well, as it does cherish well, the fair and honorable fame of the builders of its greatness and glory. [Applause.]

Mr. TILLMAN. I now yield five minutes to the gentleman from Minnesota [Mr. MACDONALD].

Mr. MACDONALD. I regret to say that it was not until a few moments ago, as I came in from the committee-room, that I learned that this measure was to be brought up for consideration in the House this morning, and this regret is the more keen because I notice that both of my colleagues from Minnesota on this side of the Hall, who with myself were his personal friends, are not now in their seats to give expression to the feelings of our people toward General Shields, which they unquestionably would do with much more credit to the subject than I can. It is therefore with embarrassment that I, thus unprepared, attempt to give utterance to what I know are the feelings and voice of my State upon this occasion.

But, sir, representing in part that State which was once represented in the United States Senate by this grand representative of Irish-American heroism, statesmanship, and patriotic virtue, whose widow and orphans are the beneficiaries in this bill, I would be derelict in my duty to my State, as well as to my own feelings, if I remained silent upon this occasion.

It was my good fortune to have been personally acquainted with the late General Shields. He and I were fellow-pioneers in the Territory of Minnesota, having located there away back in the fifties. He was there in that Territory in those early days, and knew and participated with us in all the hardships and privations of pioneer life, and experienced with us what it is to be a part of that advance guard of civilization and to take part in the opening up of that country to settlement. We who settled there not only in advance of the Government surveyors, but before the Indians who occupied it had removed to their reservation, can be pardoned if we feel toward one of our fellow-pioneers as those do who "drank from the same canteen."

I shall not detain the House with a lengthy reference to the life and public services of this remarkable man; so remarkable, indeed, as to be without a parallel in the history of this or any other country. Other gentlemen have and no doubt will elaborate upon them. I will content myself with simply saying that he was born in Ireland in the year 1810; came to the United States in 1826; that in the brief space of twenty years he had studied law, held successively the offices of representative in the State Legislature, State auditor, and judge of the supreme court of the State of Illinois.

After these triumphs in civil life, he was, in 1846, appointed brigadier-general in the Mexican war by President Pierce, and then began a military career that was in every way as surprising and marvelous as had been his in civil life. He was one of the few men who ever lived of whom it could be said that he had been literally shot through the body, and who lived twenty years later to participate in and distinguish himself in another war of far greater magnitude. Returning from Mexico amid the plaudits of a grateful people, the Legislature of Illinois elected him to the United States Senate in recognition of his bravery, services, and sacrifices in behalf of his adopted country, which position he held from 1849 to 1855. Still imbued with that spirit of energy and progress which is sometimes mistaken for a love of adventure, hearing of the grand field which Minnesota presented to the enterprising he removed to that Territory.

No sooner had he arrived among us than we found him to be such a man as would command attention and respect wherever he was. In proof of this, it is only necessary to state that upon the organization of our first State Legislature that body showed its appreciation of his ability and character by electing him one of our first United States Senators. No higher honor could it pay to any of its citizens.

Although in those days the means of communication were difficult, and it was difficult for men to meet and know each other, widely separated as they were, so well known had General Shields become that he was nominated in the Democratic caucus upon the first ballot. He remained a citizen of our State to the close of his Senatorial term, when unfortunately, suffering from the effects of his wounds received in Mexico and unable to withstand the rigors of our northern climate, he sought a more mild one in California. Not being satisfied with that State, he retraced his steps as far as Missouri, where, after the war of the rebellion, we find him again for the third time, and from a third State of this Union, elected to the United States Senate as the successor of the late Senator Bogy. Thus we see him well named "the hero of three wars and three times a United States Senator from three different and sovereign States!" Am I not warranted in saying he was a man without a parallel in the history of this or any other country?

I will not detain you longer in detailing more at length the incidents in the career of General Shields while he was a citizen of his adopted country or of our State. I shall content myself with saying that he proved himself in every respect worthy the admiration and esteem of his fellow-citizens; and all must confess that his Irish-American fellow-

countrymen have just cause to be proud of him as one of them. While he was their idol and admiration, he certainly proved himself to be an exemplary citizen of the country of his adoption. [Applause.]

I trust that we will show our appreciation of his worth and services in behalf of our country by passing this bill by a unanimous vote.

Mr. TILLMAN. I yield ten minutes to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. Mr. Speaker, it may not be unfitting that on this occasion a few brief words should be spoken in favor of this resolution on behalf of the most distant State on the western confines of this Republic.

Her admiration, sir, for the remarkable life of this distinguished man, as illustrated in his services to the nation at large, as well as in the unassuming and republican simplicity of his private life, is not less profound than that so well and so ardently expressed by the honored Representatives of other States. But, sir, the State of Oregon has also a local, a nearer and closer interest in this commanding figure in American history. He was the first appointed of her Territorial governors.

At the close of the war with Mexico no honor was esteemed more distinguished in recognition of the gallant generals of that memorable conflict than an appointment in the Government service of the immense Territories of the West; and none was more eagerly solicited than the governorship of the Oregon Territory—then just organized. It was even at that time little less than a land of romance. There was an allurement in its very name. President Jefferson with wise statecraft had years before appreciated the incalculable value of this almost unknown empire in the future destiny of this nation. With unspeakable solicitude he fitted and sent out that memorable expedition under the Virginia pathfinders, Lewis and Clark, to cross the trackless continent to the unexplored realms "where flows the Oregon." Their narratives were read like fairy tales by all the world.

The Astorian expedition followed, and its exploits have been immortalized in the prose of Washington Irving, as he portrays, I may say in letters of gold, the marvels of this wonderland of the Pacific West.

The Hudson's Bay Company then quietly planted their standards on the great rivers and lakes and prairies and plains, and asserted their dominion over the rich traffic of this wide expanse. Like the barons of the Middle Ages they made laws and exacted tribute and obedience from all around them, and their sovereignty extended over all the aboriginal tribes inhabiting a country one-third larger than all Europe. Soon their own forts became houses of refuge, and held out the beacon-lights to the restless, oncoming, and triumphant march of American civilization and courage. Under Polk's administration we have not forgotten the unjust and defiant claims of Great Britain as to this land, and in response the prompt and indignant war-cry it inspired of "54° 40′ or fight."

This great empire on the distant shores of the Pacific aroused in the bold, restless, and enthusiastic nature of General Shields an ambition to seek it and to be its first governor. This, however, was in all not realized. The State of Illinois induced him to become her Senator in the United States Senate, and he resigned his appointment to Oregon, and it was tendered to and accepted by General Joseph Lane, of Indiana—he who achieved such splendid fame at Buena Vista and on other memorable fields, and who was crowned by popular consent with the title of the "Marion of the Mexican war," and died, while my neighbor, the last survivor of the major-generals of the Mexican war.

I can not better emphasize the force and character of this great man, whose jeweled trophies are now before us, than to quote the eloquent encomium of the revered Logan as it was uttered in the Senate of the United States on the bill to pension the needy widow of the dead general. He said:

> If there is a case in this country where merit demands recognition for loyalty to this Government, for devotion to his country, for brilliant and gallant conduct in battle, his case, in my judgment, is one. I knew this man, General Shields, when I was but a child. He and my father were friends, tried and true; from the same country, they adopted this as their country and their home. He dandled me on his knee when I was small; he encouraged me, flattered me in my boyhood. I learned to love and revere him. * * *

When the war with Mexico came upon the country he went forward, and in every contest where he was present the bright sword of General Shields gleamed and glistened as he led his unconquered warriors to the conflict. He was wounded twice, once nigh unto death. In fact, it was announced he was killed in battle. Recovering, however, he again resumed his command, and was again severely wounded. After that he was tried in many positions not necessary to enumerate, but there was none in which he was ever tried where he did not prove himself an honest and a faithful citizen and servant of his country.

In the last unfortunate war General Shields came forward unsolicited, presented himself to the President of the United States, and said, "Here am I to tender my services, whatever they may be, to my country." And history records his brave career on these fields.

And none less fervent were the words of a distinguished Senator from Missouri on the same occasion:

> The United States to-day is the only Government in existence that does not reward civilians as well as soldiers for distinguished services rendered to the Government, and reward them in ample and substantial form; and if General Shields, when living, had been a citizen of any nation in Europe, his breast would have glittered with the stars and emblems of his heroism. Coming from a nationality which has been unfortunate enough to pour out its blood like water in defense of every country except their own, there is not an Irish heart in these free United States that will not beat in gratitude to this Congress for this sincere evidence of their appreciation of the services of their heroic countryman, for, sir, he was a knight without fear and without reproach.

Now, sir, let us purchase these inestimable souvenirs of this great soldier and statesman. Let us while we may secure these magnificent reminders, as we have those of other great defenders of our country. Let them be deposited on permanent exhibit in our National Museum, that we, as well as those who shall come after us, may be reminded of the exalted esteem in which this remarkable man was held while he lived—a man who achieved the unprecedented distinction of having been the elected Senator of three great States of this Union, and who won splendid renown on the battle-fields of two great wars. His wonderful popularity among the people wherever he dwelt, his power and ability and purity of character will long be remembered. Though he died poor, yet he has left to his country a rich legacy which will survive to inspire other generations long after the Parian marble which commemorates others shall have crumbled into dust. [Applause.]

Mr. TILLMAN. I yield five minutes to the gentleman from Missouri [Mr. WARNER].

Mr. WARNER. Until a few moments since I did not know that this matter was to be taken up so early in the session. But, sir, having known the distinguished hero of three wars, the statesman of three States, I could not let this occasion pass without expressing my admiration for the man who was citizened by adoption, bringing with him all the warmth, the zeal, the patriotism of his native isle, the man to whom the union of the States and the Constitution of his adopted country were the Ark of the Covenant; the man, sir, who followed the Stars and Stripes, the emblem of liberty and union, whether on Mexican soil or in the late war of the rebellion, as the children of Israel followed the pillar of cloud by day and the pillar of fire by night through the wilderness. His, sir, was a patriotism and a courage that knew no such thing as questioning. He went where duty called. He had the courage of a Marshal Ney, imbued with the earnest and devout patriotism of an Arnold Winkelried. And, sir, I am pleased that a grateful country remembers the acts, the deeds, the trials, the sufferings, of one of its soldiers as we, Representatives of the Union, are doing to-day.

Nothing that we can do or say can add to or take from the reputation of General Shields. His memory is enshrined in the hearts of his countrymen. We can add to, we can relieve the sufferings of his widow and his orphans. Sir I, for one, believe that the best tribute we can pay to the American soldier is to remember in the days of their adversity his widow and orphans; not by words—words that are the mere children of the wind—but by deeds, deeds of justice and of charity, deeds that are the daughters of the soul; and, sir, when to-day we appropriate $10,000 for the purchase of these swords that were given to him as evidence of his gallantry and patriotism, it is not to aid him, but to teach to the young men and maidens of this country and to teach our children who shall succeed us the lesson of duty and patriotism. It teaches that loyalty is a virtue. He was a heroic figure in history. He came to this country as a teacher. He accomplished his mission. The lesson his life taught the young men of America was:

> Write on your doors the saying wise and old:
> "Be bold, be bold, and everywhere be bold;
> Be not too bold;" yet better the excess
> Than the defect, better the more than less;
> Better, like Hector, on the field to die,
> Than, like a perfumed Paris, turn and fly.

It is well to recognize acts of patriotism, acts of devotion to the country; and I trust I may say on this occasion, when party does not obtrude, that this nation should never forget her debt, her duty, to the hundreds of thousands of brave men who shouldered the musket and fought with all the valor and courage of General Shields, the men who rendered his illustrious career, and even this Congress, possible. May the day never come when the children or widows of one of the least of these shall be seen begging bread within the confines of the American Republic. [Applause.]

Mr. TILLMAN. I yield two minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. General Shields was a brave soldier and proved his devotion to his adopted country by the liberal shedding of his blood in more wars than one. No one honors his memory more than myself.

But, sir, what is the proposition before the House? It is to appropriate and pay $10,000 out of the Treasury for two swords which he left at his death. It is alleged as one reason for it that these swords can not be divided among his widow and children. Why, sir, could they not be sold for division as other property under the laws of the State of Missouri, where he resided at the time of his death?

It is also stated in the report of the committee, as an additional reason for the purchase of the swords, that his family are poor and needy. That is the excuse. It is in my judgment a mere pretext for that which is simply a gratuity to his family. I do not believe that we can rightfully exercise the power of appropriation in any such manner as this. And, sir, while my feelings are as kind towards the family of General Shields as those of any gentleman in this House, I am not prepared to vote contrary to what I believe to be my duty under my oath of office

and according to the constitutional power of Congress to appropriate the money of the people. Such legislation as this is an abuse of the power of appropriation conferred upon Congress, and I will not vote for it.

Mr. TILLMAN. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. HARE].

Mr. HARE. Mr. Speaker, I simply wish to reiterate the view presented by the gentleman from Alabama [Mr. OATES]. In my judgment there are thousands of people in this country, the widows and orphans of meritorious citizens, who perhaps have not ascended as high in fame as General Shields, but who have equal claims upon the bounty of the Government. So far as the widow and children of General Shields are concerned, they have my deep sympathy. So far as the fame of General Shields is concerned, no one places a higher estimate upon it than I do. But when it comes to making a gift by this Congress of money taken from the Treasury of the people—for that is what this bill proposes—I simply desire to enter my protest against it upon general principles, waiving the constitutional point, although I do not believe that this House has the constitutional power to do any such thing as that which is proposed by this bill.

Mr. TILLMAN. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER]

Mr. SPRINGER. Mr. Speaker, the career of General Shields illustrates one of the grandest features of our form of Government. Born in a foreign land, under a foreign flag, the subject of a foreign power, he emigrated to the United States and became a citizen thereof, and afterwards, by his own efforts, by his own ability, by his patriotism and devotion to his adopted country, he achieved the highest honors that can be given to an American citizen, except the Presidency of the United States. The proposition before the House to purchase the swords that were presented to him by the States of South Carolina and Illinois for gallant and meritorious services to his country, is not a measure to give a gratuity to his family or to indulge in unconstitutional legislation for their benefit. It is but a tribute, and a small one at that, which this country pays to one of the noblest men that have adorned our history. We voted $250,000 in the centennial year of our existence as a nation to complete the great monument to George Washington which now rises on the banks of the Potomac and pierces the clouds with its summit. Was it for its utility or commercial value that that monument was erected? Not at all. It was the tribute of a grateful nation to the Father of his Country. So in this case it is not the intrinsic value of these swords that is in question.

The bill to purchase them and deposit them in the national archives is a proposition to pay a tribute to General Shields's character, to his worth, his patriotism, his devotion to his country. There they will remain as long as our Government endures, as indices pointing to the pages of our history where the illustrious deeds of General Shields are recorded.

General Shields was no ordinary man. He served with distinguished honor in three wars. He represented three great States of this Union in the other end of this Capitol. He sat on the supreme bench of the great State of Illinois. And in every situation in which he was placed, throughout his long career, he illustrated the virtues of a noble citizen, of a great statesman, and of a brave and gallant soldier.

I am, therefore, in favor of purchasing these swords and depositing them in the national archives as a tribute, however slight it may be, to the virtues and memory of one of the most remarkable men who have adorned our history. No State can claim him as her own. Illinois can not appropriate him. Nor can Missouri or Minnesota, or the far-off Oregon, of which he was once governor. His name and fame belong to the whole Union. He poured out his life's blood in defense of his adopted country, he gave his great ability as jurist and statesman to the whole nation. As long as our Government shall endure, the people who will come after us will cherish the deeds and honor the name of James Shields, the hero of three wars, the Senator of three States, the man without fear and without reproach!

Mr. TILLMAN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, when I entered this Hall and saw those swords lying on the Speaker's desk, I could not resist the suggestion of a friend that I should say a word on this occasion. Like most of mankind, I admire brave men and noble deeds.

I was but a small boy when the dispatches came announced the crossing of the Rio Grande by our army under Taylor, the battles of Palo Alto and Resaca de la Palma, the storming of Monterey, and the final great victory of that army at Buena Vista. These contests were the prelude to the great campaign, commencing at Vera Cruz, under Generals Scott and Shields; the battles of Cerro Gordo, Churubusco, Molino del Rey, Chapultepec, and the final triumph of our arms in the capture of the city of Mexico.

One of the bravest actors in those conflicts was the Irish-American, General Shields, whose blood flowed freely on the field of Cerro Gordo, and who almost gave his life while leading the assault upon the battlements of Chapultepec.

The famous Palmetto regiment formed part of the command of this distinguished soldier, and it was both creditable and fitting that the State of South Carolina should attest her appreciation of his merits by so beautiful and appropriate a legislative tribute. It was creditable to the people of Illinois that they, in the same spirit, gave evidence of their recognition of the chivalry and courage of their adopted son, who came from far-off Ireland to make his home among them.

I love to contemplate the deeds of that brave people. Can any one say that Irishmen ever faltered in the discharge of any soldierly duty? Always at the front of battle—always ready to undergo fatigue, privation, and suffering with a fortitude bordering on cheerfulness, and ever ready to espouse any cause which appeals to their generous sympathy.

Yes, Mr. Speaker, the children of the Emerald Isle have ever done their full duty in the field, and their valor has augmented the power and increased the glory of every nation fortunate enough to number them among its soldiers, and added luster to the arms of every martial people of whom modern history makes mention.

Mr. Speaker, can the Representatives of the people General Shields served so well do less than accept the custody of these trophies, proposed to be intrusted to their keeping by the widow and daughters of this soldier?

They do not ask a bounty from the Government. No such proposition can be found in the resolution, but simply that these ladies be paid the actual value of the gold and precious stones with which their cherished mementoes are adorned.

Let me ask those inclined to oppose this measure, should we do less? Would they have us accept them, and pay nothing whatever, or would they have us reject the proffered honor altogether? For it is an honor that forty-one years subsequent to the time of the glorious achievements on the plains of Mexico these swords should be tendered for our acceptance.

It is our duty to do all we can to commemorate the brave deeds of those who fought for the honor of our country. Without this spirit no people have ever become great. This spirit was sedulously inculcated in the minds of the people in early history. We all applaud the lofty sentiment:

> Said Spartan mother to her son,
> And pointing to his shield,
> "Come with it when the battle 's done,
> Or on it from the field."

Who, upon this floor, or in all this broad land, would have our American mothers feel otherwise when the honor of our country is imperiled? And how is this spirit to be engendered and fostered if the actions of their representatives upon this floor shall seem to justify the fear that the memory of their sons who have bled for their country shall not be honored and revered?

It is our duty to encourage the youth of our land to emulate the example of our great men. For this purpose all nations erect monuments to their famous soldiers and distinguished statesmen. Let these swords be our memorial monument to the character and courage of General Shields. [Applause.]

Mr. TILLMAN. I yield two minutes to the gentleman from Missouri [Mr. GLOVER].

Mr. GLOVER. Mr. Speaker, when the life, character, and military history of James Shields are to be considered in the American Congress and before the people of this country, it is appropriate that the voice of Missouri should be heard, not once only, but again, and not from one party only, but from both.

There is but one parallel, so far as I know, to the history of this distinguished man; and that entitles him to be denominated the "Irish Lafayette." At an early day that inextinguishable love of liberty which characterized his future life drove him from the country of his nativity; and like that superb Frenchman to whom I have alluded, he served his adopted country, not in peace alone, but in war; not in one war only, but in three. In every capacity which can characterize a man he was not only great, but good. And, sir, he had that civic and military courage which is not surpassed in the world—the courage of the Irishman combined with the Irish-American's steady fidelity to every trust.

Born abroad, he represented in the Congress of the United States at three different periods three different States; and at last (and this makes it peculiarly appropriate that Missouri should speak to-day) his worn-out, mutilated, and racked body rests upon the soil of our State like a hero on his unsurrendered shield.

Mr. Speaker, well may the people of the Old World say, and well may that country from whose dominion he fled say, as did once an English king, when he found a body of Irish soldiers fighting upon the soil of France, and stretched in death as they had stood in battle, "Cursed be the laws that deprive me of such subjects!" And blessed are we, blessed are the Irish people, that the freedom of the air of America and the character of its institutions have enabled Irishmen to demonstrate, in spite of the perpetual libel of the English rule, that among the peoples of the world they have as great capacity as any for self-government.

Mr. Speaker, what are those trinkets worth that lie upon the desk? Can honor be valued; can glory be appraised? If so, then they are worth millions of dollars; and they belong not to the heirs of James Shields, but to the people of the United States, as a part of the imperishable glory of their own history. It is due to the Government that it should have them, just as it should have, if it still exists, that tattered ensign which was shot to pieces at the mast of the old ship Con-

stitution. By the same right they are ours, because they are a part of our glory.

Mr. Speaker, in his old age James Shields was not rich. Men who love their country and who defend it with an eye single to its interests rarely are. But I do not believe, Mr. Speaker, that as in the last few years of his life he was almost at the doors of want, his history should be held up hereafter, like that of blind old Belisarius, as an illustration of the coldness and indifference of his country. In that view, and that view alone, and seeing that these swords have a value beyond all appraisement as relics of a splendid part of our national history, I am in favor of the passage of this act. [Applause.]

[Here the hammer fell.]

Mr. TILLMAN. I yield two minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. BUCKALEW. Mr. Speaker, I see no reason why the Government of the United States can not buy articles to be made public memorials, and make provision for their preservation for the contemplation of future times. I perceive no objection to this Government's buying from distinguished men, or their families, those things of this kind which we desire, and which are of inestimable value to us as a great people.

I remember that in the days of his embarrassment and financial disaster this Government bought from Mr. Jefferson his private library, at a valuation placed upon it by persons appointed for that purpose, and it became the nucleus of our present Congressional Library. I remember that by public ceremonies in this House and the other House of Congress the sword of Washington and the staff of Franklin were presented to the Government and placed in a proper depository as memorials of two of the great men who assisted in founding this great Republic of ours.

Now, it is proposed that we shall purchase and pay for what we need, what we want, and what will be, in the true sense of the word, of value to this Government and to this people. You have in the War Department memorials stored up, and made provision by law for their protection. Battle-flags and other memorials are there. You had in the Patent Office (now in the National Museum) the military paraphernalia and clothing of General Washington. You have his swords here at the city of Washington for exhibition to the people of future times.

What difficulty is there now in obtaining similar memorials of General Shields—these swords presented to him by two great States of this Union? We do not desire that those swords shall be lost; that they shall go we know not where—possibly to strangers in some foreign land. We desire them to be placed amongst other memorials of our great wars and of the great men who have been distinguished in the history of our country.

What do we propose? We propose to pay the cost of these two swords—no speculation, but simply what they cost—and to preserve them in future for public exhibition, along with other memorials of like character.

I repeat, I perceive no difficulty in the way of voting to expend this small sum of money and for the object proposed, and, therefore, with clear judgment and heartfelt willingness, I shall vote "ay." [Applause.]

Mr. TILLMAN. Mr. Speaker, the hour has expired sooner than I expected. I propose now, if the House will allow me, to take a few minutes, not over ten or fifteen, and I ask unanimous consent for that purpose, when I propose to close this debate and ask for a vote.

Mr. STEELE. I wish to state my position on this subject before we get through with it.

Mr. TILLMAN. How long does the gentleman want?

Mr. STEELE. One minute.

Mr. TILLMAN. I hope the gentleman will take two minutes.

Several MEMBERS. Take it now.

Mr. BROWNE, of Indiana. I move by unanimous consent that the time be extended for twenty minutes, and that will accommodate both gentlemen.

Mr. TILLMAN. I will yield to the gentleman from Indiana for three minutes.

Mr. PEEL. I ask by unanimous consent, Mr. Speaker, to dispense this morning with the second hour for the consideration of bills.

The SPEAKER *pro tempore*. Is there any objection to dispensing with the second hour for the consideration of bills reported from committees?

Mr. O'NEILL, of Missouri. Yes, I object. I have some bills I wish to have considered.

Mr. PEEL. Then I ask, by unanimous consent, that the first morning hour be dispensed with.

The SPEAKER *pro tempore*. Is there objection to dispensing this morning with the call of committees for reports?

Mr. OATES. I object.

The SPEAKER *pro tempore*. Is there objection to extending the time as proposed by the gentleman from Indiana [Mr. BROWNE] to twenty minutes?

There was no objection, and it was ordered accordingly.

Mr. STEELE. Mr. Speaker, I would not detract from the gallant reputation of General Shields. That he was a gallant and a brave soldier we all admit; but I would not have this House or country understand that the people have been derelict, or that Congress has been derelict, so far as the family of that brave soldier is concerned. His widow is provided with a pension of $100 a month, and after her death the pension is to go to the child until it has arrived at the age of eighteen years.

Those beautiful mementoes would be a graceful thing in the archives of the country, but I think it would be more grateful if this widow needs money the country should give it to her; and I will vote to give her whatever is necessary to make her comfortable, as I will for the widow of any soldier. I would therefore prefer, as I said in committee, that she be allowed to keep those mementoes of gallantry. For that reason I opposed the bill in committee. I am not going to make captious opposition, nor am I going to take up the time of the House for the purpose of explaining the reasons for my vote.

[Here the hammer fell.]

Mr. TILLMAN. Mr. Speaker, I had hoped this bill would pass without a word of opposition from any quarter; and above all I hoped there would be at least no opposition from any Representative of any Southern State. It is a source of inexpressible mortification that I have been disappointed, and I must say in all candor that I feel a burning sense of indignation when any member could suggest on this floor that these historic mementoes should be put up at auction for division among the widow and children of the immortal soldier.

Sir, what do they represent? Is it so much cash, or is it inestimable sentiment, patriotism, ambition, gallantry—in short, most of the virtues that adorn the man or ennoble the citizen?

> The bravest are the tenderest,
> The loving are the daring.

By common consent of all parties and all sections of this great country, General Shields was a magnificent soldier, an eminent statesman, a patriot, and an honest man. After having held many offices and having enjoyed numerous opportunities to acquire competence and fortune by disreputable methods, if he had been mean enough to practice them, he always lived frugally and still died poor, leaving his wife and children only a small farm worth about three or four thousand dollars, as I am informed by good authority, but rich, very rich in the name, the fame, and the example that he left to his native and adopted country and to mankind. [Applause.]

However, if these Damascus blades, with jeweled hilt and golden scabbards, were put up at auction they would bring not much below the pittance this bill proposes to appropriate for them. Yes, sir; their real intrinsic commercial value, to say nothing of the priceless memories and associations that cluster around them, is nearly equal to the amount of the appropriation asked; and let me tell the gentleman from Alabama that had they been put up at auction there are thousands of men in the Southern States who would have bought and deposited them in some public museum rather than have permitted them to be displayed among the acquisitions of some ostentatious millionaire. [Applause.]

Yes, sir, the swords speak for themselves. [Holding them up.] They are no shams. They are made of genuine materials, and their workmanship is exquisite. I am reliably informed that the one presented by the State of Illinois cost $3,000, and I am sure that the one donated by South Carolina cost at least $5,000. The latter, in addition to having a rich gold scabbard, has a beautiful hilt inlaid with pearl and adorned with a diamond, a ruby, and an emerald, the last so appropriately emblematic of the hero's native Isle, the land of song, oratory, and valor. My own State, I am proud to say, never does anything of this sort by halves, and she was so grateful to General Shields for his fatherly care of the South Carolina regiment, which was a part of his brigade in the Mexican war, and had so much admiration for his gallantry that she purchased the best sword to present to him that money could buy. The inscription on the scabbard shows the sentiment with which it was presented:

> From the State of South Carolina to General Shields, in testimony of her admiration of his gallantry in the Mexican war, and as a tribute of gratitude for his parental attention to the Palmetto regiment.

Sir, what man in modern times has demonstrated to the world that he was both a soldier and a statesman equal to General Shields? Although he landed here a poor friendless Irish boy, he became the hero of three wars. Three times was he desperately wounded leading his men, his favorite command being "Come on," not "Go on," and he was elected—not appointed—elected United States Senator from three different States of this grand Union, Illinois, Minnesota, and Missouri, by the free ballot of the people.

Many men in our own era and in the long vista of the past have proved themselves to be able warriors or able statesmen; but it is a very rare thing to find united in the same individual equal aptitude for both civil and military life. It is of such stuff as this that only Hannibals, Cæsars, and Napoleons are made; and General Shields's career as a military chieftain and as a Senator from three great States by choice of the Legislatures of the people stands without a parallel in the history of this country or of any other country in ancient or modern times.

Just here I know I will be excused for mentioning a striking and touching incident in General Shields's life that admirably illustrates the honesty, simplicity, and manliness of his character. I was told of it yesterday by General John B. Clark, the efficient Clerk of this House, who, as you all know, was both a gallant officer in the Confederate army and for many years a member of this body from the State of Missouri.

While serving in Congress, General Clark informs me that he had General Shields for a constituent, and that on one occasion, while canvassing his district, he visited the little farm of the old soldier-statesman and found him in the field, barefooted, plowing a mule to earn bread for himself and family. Can that scene be matched since the days of Cincinnatus? An ex-auditor and ex-supreme court judge of the empire State of Illinois, an ex-governor of Oregon, ex-Commissioner of the General Land Office at Washington, ex-United States Senator at that time from two States and ex-major-general of the United States Army in two wars, barefooted, plowing corn, to preserve his independence and self-respect. What a theme for a painter, and what remarkable character, manners, tact, eloquence, ability, and even learning, the man must have possessed to succeed so well in everything he undertook except money-making! In fact he must have been a born Democrat and a genuine friend of the people to please them so uniformly.

Pardon me, sir, for asking, is there nothing in the thought that when all these facts and these associations shall be recalled to the mind of the youth of this land hereafter they will not tend to create a spirit of emulation? Is it nothing that these reminders should be in the National Museum or the War Department, where the boys who are to come after us may see them, and where the foreigners who shall land upon our shores poor and friendless, as Shields himself once was, may have his model to copy?

The gentleman from Alabama [Mr. OATES] says he can find no warrant in the Constitution for the purchase of these swords. Where did the warrant in the Constitution come from that paid for the pictures of Washington and Lafayette which flank the Speaker's chair? Where did the warrant in the Constitution come from to erect monuments to the gallant dead of the late war, and of all our wars, if it be not inherent in every constitution of a free people to develop the best qualities of head and heart in the rising generation by having a country with a history and splendid examples to follow? [Applause.]

Besides, what more specific authority is needed than the clauses which empower Congress to raise and support armies and to levy taxes, to provide for the common defense and promote the general welfare? In what better way could Congress appropriate $10,000 to raise an army and provide for the common defense than by purchasing these swords and depositing them in the nation's Museum at the capital?

Mr. Speaker, I regret exceedingly that I have not more time, but I will not trespass upon the patience of the House by asking an extension. One other thought and I am done, which is, that while General Shields fought in Mexico for the whole Union, and was the idol, I may say, of the Southern States in that war, and while our people admired and felt grateful to him, for the reasons recorded on the scabbard of the sword presented to him by South Carolina, yet, sir, although he afterwards in the unfortunate civil war fought for the same American flag, and against the South, I think I can truly say there is not a corporal's guard beyond the Potomac who feel any ill-will towards his memory for the course he took in that unfortunate fratricidal strife. [Applause.]

I know, speaking for my own State, I can declare we were too sincere in our convictions of duty as we saw it to doubt the sincerity of General Shields's convictions in fighting on the side he deemed right, and whenever men are willing to be shot at and take the chances of losing their lives for their convictions, their sincerity should command not only the respect but the charity of every honest man, even if they should be in the wrong. [Applause.]

Mr. CUTCHEON. Will the gentleman from South Carolina yield to me a minute?

Mr. TILLMAN. I will if my time has not expired.

Mr. CUTCHEON. This bill is reported from the Committee on Military Affairs, on which I have the honor to serve. I am in favor of the passage of the bill, but when looking it over I find an expression in it that I did not observe when it went through the committee, and I think a very slight verbal amendment would remove some ambiguity and improve the frame of the bill. The bill provides—

That the Secretary of War be, and is hereby, authorized and directed to purchase of said widow and children said swords at their actual cost and value.

I submit that language creates an ambiguity whether they are to be bought at their cost or at their value. I suggest striking out the words "and value."

Mr. TILLMAN. I accept that amendment.

Mr. CUTCHEON. The gentleman from South Carolina accepting the amendment, that is all I desire.

Mr. WARNER. Let me suggest if it might not be better to strike out the provision as to "cost and value" and insert "$10,000."

Mr. CUTCHEON. I think it better that the provision should remain for the purchase of the swords at their cost.

The amendment offered by Mr. CUTCHEON was agreed to.

Mr. TILLMAN. I now call the previous question.

Mr. BOUTELLE. Before the previous question is called I ask the gentleman from South Carolina if the bill is not slightly ambiguous in its closing words as to the disposition of these trophies. It says:

When so purchased the same to be deposited with the other military archives of the nation.

Is that phraseology well understood? What disposition will be made of these swords under the bill?

All the gentlemen who have spoken have referred to the importance of the purchase of these relics and their ownership by the Government as pointing to an example of illustrious patriotism and giving an incitement to the emulation of future generations. It strikes me this bill is slightly vague in its provision in the closing lines, so as to leave some doubt as to whether these trophies shall be placed in a position where they can be seen by the people.

Mr. TILLMAN. In reply to the gentleman from Maine I will say this bill was drawn by the gentleman from Missouri [Mr. MANSUR], and was reported back to the House by the Military Committee without amendment. We thought it was very modest in the price it fixed, and we also thought that the provision leaving the whole matter in the hands of the Secretary of War was ample protection for the Government to dispose of these mementoes properly. I presume they will be deposited either in the National Museum or in the War Department.

Mr. BOUTELLE. The Secretary of War in a recent communication to the House has stated that the lack of legislation or of instructions by Congress as to the disposition of certain relics and trophies has prevented the War Department from making any such disposition of them.

Mr. TILLMAN. I am ready to accept any amendment which may be suggested by the gentleman from Maine to accomplish his object, and will thank him to suggest one. It occurs to me the National Museum would be the appropriate place.

Mr. BOUTELLE. I am not particular about the place, but I would suggest some such amendment as this. Let the last clause of the bill be so amended as to read:

When so purchased the same to be deposited and publicly displayed, with the other military archives of the nation, in some appropriate place at the national seat of Government.

I am willing to leave the selection with the Secretary of War.

Mr. TILLMAN. I should prefer it, if the gentleman would suggest in his amendment the National Museum. That seems to me the most appropriate place.

Mr. DORSEY. That is right.

Mr. BOUTELLE. I would prefer not to specify the place, for I do not like to dictate the selection. My only object is to provide that they shall be displayed, as was provided by the original law of 1814 in regard to matters of this kind, at some place to be designated by the President and the Secretary of War.

Mr. McMILLIN. Let the amendment be reported.

The amendment was read.

Mr. McMILLIN. I wish to ask the gentleman from Maine [Mr. BOUTELLE] one other question; what other trophies or archives he has reference to in the amendment he has offered and in the explanation he has made?

Mr. BOUTELLE. I asked the question as to what was referred to in the bill in relation to that.

Mr. McMILLIN. Some are in one place, some in another. They are not all together. It may be convenient to put these in one place. Is it designed to collect them all in one place and make a public exhibit?

Mr. BOUTELLE. The amendment does not require that they shall all be displayed in the same place.

Mr. McMILLIN. Does this seek to control the display of other mementoes or archives of the war than the two swords?

Mr. BOUTELLE. I had nothing to do with preparing the proposition providing for this purchase. I do not favor the purchase I am simply amending the wording of the original bill.

Mr. McMILLIN. Your only object, I understand, is to control these swords as to where they shall be placed?

Mr. BOUTELLE. To perfect the reading of this bill.

Mr. McMILLIN. But is your only object to control the location of these swords?

Mr. BOUTELLE. If the gentleman will be kind enough to make a distinct statement of what he wants to know from me, I will try to answer him.

Mr. McMILLIN. I want to know what object you wish to accomplish by your amendment?

Mr. BOUTELLE. I will endeavor to inform the gentleman very simply. I took up this bill a few minutes ago; I did not frame the bill; I did not originate it, and I know nothing about it. I find, however, that it says, in effect, that the Secretary of War, after the purchase of these swords, shall deposit them with the other military archives of the nation. Now, I do not pretend to say what those are; I do not know; I have no idea what was intended by the wording of that portion of the bill. I presume something was meant; but I suggested that it left the matter vague, that there was no provision that these swords should be placed anywhere for public inspection; and inasmuch as the Secretary of War has stated in a recent report that the want of legislation of that character has prevented him, or prevented

the War Department, for many years from making any public disposition or display of articles which may come under the general classification of "military archives," I suggested that if these relics were to be purchased for the purpose of being exhibited to the people, we had better provide for that in the bill. For that reason I suggested such additional words, by way of amendment, as would accomplish precisely that result. So far as the other words that are left in the bill are concerned I have no responsibility for them and no intention in connection with them.

Mr. McMILLIN. But you spoke of the fact that a report has been made from the War Department stating that there is an absence of legislation concerning the public exhibition of the other archives referred to. Now, is it your object to accomplish anything with reference to those other military archives beyond these particular swords? I suspect that is the object, and opposed it.

Several MEMBERS. Regular order!

Mr. TILLMAN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER, of New York. Mr. Speaker, I think this whole difficulty may be composed by a suggestion in the nature of an amendment providing that these swords be placed on permanent exhibition in the National Museum.

Several MEMBERS. That is right.

Mr. BAKER, of New York. I move that amendment as a substitute for the amendment of the gentleman from Maine [Mr. BOUTELLE].

The SPEAKER *pro tempore*. The Clerk will report the proposed substitute.

The Clerk read as follows:

In line 9, after the word "nation," insert "in some public place at the National Museum."

The substitute offered by Mr. BAKER, of New York, was agreed to.

Mr. MANSUR. Mr. Speaker, I move to amend, in line 50, by striking out the words "actual cost not to exceed," leaving the amount $10,000.

Mr. McMILLIN. I hope the gentleman from Missouri will not insist on that.

Mr. CUTCHEON. I hope that will be withdrawn. It never has been before the committee.

Mr. MANSUR. Well, let the amendment stand, but change the word "ten" to "eight," making $8,000, which is the actual amount the two Legislatures paid for the swords.

Several MEMBERS. Oh, no. Withdraw your amendment.

Mr. MANSUR. Well, Mr. Speaker, I withdraw the amendment.

Mr. TILLMAN. I now move the previous question on the bill as amended.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. OATES. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were refused, one-fifth not voting in favor thereof.

The bill as amended was then passed.

Mr. TILLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON DES MOINES RIVER LANDS, IOWA.

Mr. PAYSON. I desire to present a privileged report.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PAYSON] rises to present a report.

Mr. PAYSON. I ask that the report and bill which I now present as a privileged matter be printed and recommitted to the Committee on the Public Lands.

The Clerk read the title of the bill, as follows:

A bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. PARKER. Mr. Speaker——

Mr. BURNES. I rise to a privileged question.

Mr. PARKER. I wish to object to the reception of this report.

The SPEAKER *pro tempore*. The Chair will say to the gentleman from Missouri [Mr. BURNES] that the gentleman from Illinois [Mr. PAYSON] has taken the floor to present a privileged report. The question of order is raised whether this report is privileged or not. The Chair can entertain but one question of this sort at one time.

Mr. PARKER. Mr. Speaker, I object to the reception of this report as a privileged report, and raise the point that it is not privileged, that the bill does not come under the rule under which it is sought to be brought back to the House. I submit that this report must take the ordinary course adopted with reference to other bills reported; that it has no right of precedence over any other business of the House. I will present my views upon this question now, or will first hear the gentleman from Illinois.

Mr. PAYSON. I shall be glad to hear, before I proceed, the reasons which the gentleman from New York [Mr. PARKER] has to submit.

Mr. PARKER. Mr. Speaker, I believe that previous to the Forty-ninth Congress the Committee on Public Lands had no special privilege or priority as to right of way in this House. In that Congress the rule was adopted, which still obtains, that in three specified cases this committee should have the right to treat its bills and reports as privileged matters. The whole authority of that committee touching this point is contained in these lines which I read from clause 49 of Rule XI:

The following-named committees shall have leave to report at any time on matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on the Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the preservation of the public lands for the benefit of actual and bona fide settlers.

Unless the bill here presented comes within some one of these three classes it has no business here as a privileged matter. The bill presented consists of about three pages—one page of preamble and two sections. The preamble starts out:

Whereas it is alleged.

It does not say by whom; it does not say decided by a court; it does not say it has ever been held by any responsible party, but somebody "alleges" that certain lands lying upon the Des Moines River——

Mr. PAYSON. The gentleman will permit me to say that the preamble is not reported. The bill as amended by the committee omits the preamble; it has been stricken out. I know the gentleman desires to be correct.

Mr. PARKER. Certainly.

Mr. PAYSON. Hence I interrupt him to make this statement.

Mr. PARKER. I commend the taste of the committee in dropping that part of the bill. I come, then, to the two sections of the bill. One of them decides or assumes to decide that the lands in question—

Are hereby declared to be public lands of the United States.

It then goes on to refer to transactions with the State of Iowa, and in practical effect designates the parties affected by the measure as squatters or persons merely in possession. It is then provided that the title of claimants shall be confirmed; that is, when they do not conflict with the rights of these squatters who are in possession. Then comes the second section of the bill, which is the main portion of it:

It is hereby made the duty of the Attorney-General, within three years after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands and remove all clouds from its title thereto; and until such suits shall be determined, and Congress shall so provide, no part of said lands shall be open for settlement or sale except as hereinbefore provided.

Then comes the point of the bill:

And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

This is the gist of the bill as I have read it. Now, I submit that this measure can not by any construction come under the first clause of the rule I have read; for no man, I think, will be so rash as to assert that this is a bill for the forfeiture of land grants to railroads or other corporations. Does the gentleman from Illinois claim that it comes under that clause of the rule?

Mr. PAYSON. No, sir.

Mr. PARKER. Then that is disposed of. I ask, in the second place, is this a bill for "preventing speculations in the public lands?"

Mr. PAYSON. No.

Mr. PARKER. The gentleman admits that it is not. Then we come to the last question—is this a bill providing "for the preservation of the public lands for the benefit of actual and bona fide settlers?" Unless it is a measure of this character, it has no business here.

Now, I ask attention to the rule which obtains in all matters of legal construction, that where a bill undertakes to be of a certain character, the whole bill must be of that character. This is in analogy to the law which obtains in most of the States, that in cases of assumption of control over personal property, cases of conversion and the like, a body execution may issue; but it has been held, and I think without error, that if any portion of the subject-matter of the litigation, merged in the judgment, is matter of contract and not of conversion, then no body execution can be issued.

Again, suppose the gentleman from Illinois, or any other member, should introduce here a bill for the erection of a public building and in it should assert that the land to be appropriated for that purpose is, in the language of this bill, "hereby declared public lands of the United States," would that give the member the right to "railroad" his bill through the House under the rule to which I have referred? But that is what is sought here. Therefore, I say, unless the whole bill is inside this section of the rule the whole bill is outside of it, and has no business of priority.

This second section does not provide for reservation of land for actual settlers. It provides for lawsuits. It provides for litigation. It gives men, mere possessors of land, a standing in court.

That is what the bill is for, and every man knows it. It has been decided over and over again these parties have no standing in court;

and the present head of the Department of Justice of the United States, when in the Senate, made a report presenting these facts:

By repeated decisions of the Supreme Court of the United States all the lands thus certified to Iowa inured to the benefit of this company under the acts of Congress above quoted, of March 2, 1861, and July 12, 1862. This court decided, May 13, 1867, in the Wolcott case (5 Wallace, 681), that the reservation made by the Secretary of the Interior in October, 1851, was made under competent authority vested in the Department. It results that the settlers could found no valid claims upon the land by settlement and cultivation after that withdrawal was made.

He says further:

Since the acts of 1861 and 1862 were passed by Congress, the rulings of the Supreme Court have been uniform that all the lands embraced in this controversy belonged to the Des Moines Navigation and Railroad Company.

Notwithstanding the opening of the land offices in 1868, by the direction of the Secretary, to the entry of these lands as Government lands, it seems to the committee that the settlers were put upon their guard, not only by the decision in the Wolcott case, but the injunctions granted by the circuit court, that there was a question as to their rights to enter the lands. They chose to take the risk, and the ultimate decision proves they acquired no title. From the very start there was a cloud of doubt. They can not in face of these facts be regarded as innocent purchasers.

Again, the President of the United States, in vetoing just the same bill a year ago, referred to these very lands:

This bill declares that certain lands which, nearly twenty-four years ago, the United States entirely relinquished are still public lands, and directs the Attorney-General to begin suits to assert and protect the title of the United States in such lands.

If it be true that these are public lands, the declaration that they are so by enactment is entirely unnecessary; and if they are wrongfully withheld from the Government, the duty and authority of the Attorney-General are not aided by the proposed legislation. If they are not public lands because the United States have conveyed them to others, the bill is subject to grave objections as an attempt to destroy vested rights and disturb interests which have long since become fixed.

Therefore it has been held by very general authority that the people whom it is sought to put into court have no standing, and against this and to avoid a struggle they argue Congress should give them a new position and standing in court.

Therefore this second section is the core of the bill. And it is intended by the committee to give mere squatters, mere men in possession, men who claim title without color, to give them standing in court, to litigate against this decision, and to claim in court they have some rights the courts have disposed of. Therefore this bill is not for the reservation of public lands for the benefit of settlers, but for the purpose of creating litigation by the United States and joining in and connecting with that litigation any individuals on this land, and thus placing them in court by legislation when they can not otherwise get there. It is against the effort made to railroad this bill through this House I submit these remarks. If we are to have special laws, let it be for wise and proper purposes.

Mr. PAYSON. Mr. Speaker, on the proposition asserted by the gentleman from New York [Mr. PARKER] there is a disposition on the part of the Committee on Public Lands or any member of the committee to railroad this bill through the House, such a statement is entirely unwarranted by the present parliamentary position of this case. The only question presented is whether or not as a matter of privilege this report may be received and ordered to be printed at this time and the bill recommitted.

Now, I assert, Mr. Speaker, this bill not only comes within the spirit of the rule but within its exact letter, and I can not make a statement more positive than that.

The bill as presented by the Committee on Public Lands comes within the letter of the rule. What is that? On page 245 of the edition of the Rules of the Forty-ninth Congress, Rule XI, is this expression:

The following-named committees shall have leave to report at any time on the matters herein stated—

After citing other committees—

The Committee on the Public Lands shall have the right to report at any time bills for the reservation of the public lands for the benefit of actual and bona fide settlers.

That, sir, is this bill, and precisely what it purports to do.

The germ of this bill is not the second section of the bill, as the gentleman asserts, but that section which provides the lands improperly certified to the State of Iowa in 1847 or 1848 for the benefit of a certain improvement there shall be declared to be public lands. There is the affirmative proposition in this bill, and it is the germ of this legislation. It is the proposition on which the subsequent proposition of this bill was applied, and to which the subsequent proposition in the bill will relate.

It is unnecessary, Mr. Speaker, to go into any question as to who may or may not be ultimately benefited by the passage of the bill, whether or not men who are American citizens and on these lands and who claim rights under the public-land laws against the claim of the corporation the membership of which is largely in the district represented by the gentleman from New York [Mr. PARKER] or not. It is enough for the purpose of this House, so far as this point is concerned, that the Committee on Public Lands reported here a bill which declares about 200,000 acres of land exist in the State of Iowa about which there is a dispute as to its legal status as public land, and subject to homestead and pre-emption entry.

The Speaker can not go behind the report of the committee, as asserted here, and ask the judgment of the House to determine the question whether or not upon some decision of the Supreme Court of the United States or some inferior tribunal, relief may be or may not be granted if the bill passes. You are bound to assume that the report from a committee of the House asserting a given state of facts to be so, and then providing legislation for it, means what it says. If the Committee on the Public Lands assert here by substantially a unanimous vote that these lands to which this bill refers are public lands and are subject to settlement and disposition under the general land laws as other public lands are, then under the letter—not only under the spirit, but under the exact letter of the rule—the Speaker of the House finds it is privileged and should be received by the House at any time.

But, Mr. Speaker, this matter was construed in the last Congress. Substantially this bill was presented and reported as a privileged matter, and was considered as a privileged matter. A Senate bill identical with it came over here and in the House was substituted for the bill, as privileged, in the Forty-ninth Congress; and a bill of a similar character, prohibiting unlawful inclosures of the public lands for the benefit of those who sought to acquire homes upon them, was presented as privileged under the rules of the House in the last Congress. Mr. Speaker CARLISLE decided, in construing this very question—that is to say, the reservation of the public lands for the benefit of actual settlers—decided, as will be found by reference to page 1806 of the Journal of 1883, when Mr. Henley made the point of order, that the bill was not privileged under the rule. The Journal goes on to state:

After debate on said point of order, the Speaker overruled the same on the ground that the said bill, having for its object the removal of existing obstructions, or the prevention of all obstructions in the future, and enabling people to secure possession and occupancy of the public lands by persons who desire to acquire title under the homestead or pre-emption laws, came within the terms of said resolution and was in order for present consideration.

Now, sir, the point made by the gentleman from New York is that there is a subsequent section of the bill that provides how litigation under it may be instituted, prosecuted, and consummated. But that cuts no figure, for it is subsidiary and subordinate to the main proposition, which declares a certain area of the public lands to be open for pre-emption and homestead settlers, and protects the rights and interests of all those in occupancy thereon under the general land laws of the country.

Mr. PETERS. The rest is a mere matter of detail.

Mr. PAYSON. As suggested by the gentleman from Kansas, it is only a matter of detail and regulation for the ascertainment and consummation of the rights afterwards; and it is only the respect I have for the gentleman from New York which impels me to consume any of the time of the House in the presentation of any suggestions upon a proposition which it seems to me is so plain that it ought to go without saying.

That is all I desire to say.

Mr. PARKER. Mr. Speaker, I only intend to call the attention of the House for a few moments to the statement of the gentleman from Illinois that the Speaker of the House had ruled upon this proposition or upon these propositions. As I understand it, there is no ruling produced where this matter has been considered by the Speaker, nor where he has intended to decide the question as one raised and presented to him under the rules. The case from which the gentleman read does not relate to this land, or to this bill, or a similar proposition, even, as I understand it. It has reference to an entirely different matter in which was used some language by the Speaker that might be applied to this case if it were applicable to it, but it is not.

As to his ruling upon the question now before the House, that was never presented, except informally, and was passed without argument or consideration. The bill was brought up, accidentally of course, at a time when I was not in the House. When I came in the gentleman was making an argument or a speech upon the subject, and that was the first information I had, or the first opportunity of knowing that the business was being proceeded with, taking advantage of this clause of the rule; and it was not presented to Speaker CARLISLE nor argued before him, or assumed to be decided, or the question considered by him.

I do not wish to take further time upon the subject except to reiterate that unless the whole of this bill comes within the rule none of it does. After the gentleman's practical admission that the second section, unless it can be construed in, is outside of the rule, I do not think it necessary to argue the question further than to say that the whole bill is necessarily outside of the rule, any part of it being so.

Mr. WHEELER Mr. Speaker, the gentleman from Illinois [Mr. PAYSON] is mistaken in his assertion that this was a unanimous report from the Committee on the Public Lands; and I think he is also in error in assuming that when a report comes from a committee, even though it be unanimous, that the Speaker must take it for granted that the judgment of the committee is correct as to the character of the question which is presented by the report.

The only ground upon which these gentlemen seek to have this treated as a privileged question is to be found in the language of Rule XLIX, the paragraphs referring to bills for the reservation of the pub-

lic lands for the benefit of actual and bona fide settlers. So much of this rule as effects the question being considered, is in these words:

The following-named committees shall have leave to report at any time on the matters herein stated, namely * * * the Committee on Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and *bona fide* settlers.

The bill now sought to be reported as a privileged one virtually admits in its preamble that this land is occupied by persons who have no right to it under the law as it stands and as construed by the decisions of the Supreme Court.

This bill proposes to change the law so as to give these settlers new rights. It says:

That it is hereby made the duty of the Attorney-General, within three years after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper.

The bill also provides that—

in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits, may, at his or their expense, unite with the United States in the prosecution of such suits.

Certainly no one will insist that these provisions have any connection with the reservation of the public lands for the benefit of actual and bona fide settlers. It is because the settlers are not bona fide that these suits are proposed to be instituted.

The gentleman from Illinois [Mr. PAYSON] is, I think, in error in supposing that this bill, or one similar to it, has been submitted to the ruling of the Speaker of this House. It is true the same bill was acted upon in the Forty-ninth Congress, and it is true the bill was then treated as a privileged question, but I have the records before me and they clearly show that no point was made upon which a ruling by the Speaker was necessary or possible.

It appears on page 1405 that the report was presented to the House by the gentleman from Illinois [Mr. PAYSON] on February 13, 1886, and on page 1745 and following it seems the bill was considered and passed on February 24, but nowhere can I find the question raised as to the privileged character of the bill.

The question now submitted to the Chair for decision is, therefore, a new one in every aspect, and without any direct precedent.

I do not think the decision read by the gentleman from Illinois [Mr. PAYSON] from page 1806 of the Journal of the Forty-eighth Congress is analogous.

The Chair very properly overruled the point made by the gentleman from California, Mr. Henley.

The bill was to prevent un'awful occupancy of public lands, and the removal of existing obstructions was germane and necessary to the purposes of the bill.

The Speaker also properly overruled the point made by the same gentleman upon the bill to amend the act relating to Alabama lands, because that act had in view the facilitation of the acquisition of homes by the people by securing land from the Government.

I assert, Mr. Speaker, that it would be very dangerous to establish a precedent that would enable a member of this House, or a committee, to make a bill privileged by incorporating in the bill privileged matter.

Should a bill for a public building be made privileged by incorporating in the bill a proviso that the land to be acquired for its site should be reserved for actual settlers, or that certain railroad grant land should be forfeited, and that a court-house should be erected thereon, or that certain land should be set apart for preventing speculating in the said public land, and that a building be erected upon it, such abuses of the rule would be so manifest that they would not be attempted. The part of the bill providing for a public building is not necessary to the forfeiture of land, nor would it be necessary to prevent speculating in public land. It would not be germane.

The rulings of the Chair upon motions to amend resolutions of inquiry are quite analogous to the question now before the House. To one of the latest of such rulings I beg to call attention.

On February 13, 1885, Mr. OATES submitted an amendment to a resolution of inquiry which was in the nature of a substitute.

Mr. Keifer made a point that the amendment was not in order.

The Speaker *pro tempore* sustained the said point of order, on the ground that a privileged question or motion could not be amended by adding thereto matter not privileged or germane to the original resolution.

Other questions, somewhat analogous, are those where a certain reference of bills is insisted upon because they contain some provisions which seem to jvstify the demand. For instance, in the Forty-ninth Congress, February 9, 1887, Mr. CUTCHEON made the point of order that Senate bill 663 should be referred to the Committee on Military Affairs, but the Speaker overruled the point of order, and held that the bill should, under the rules, be referred to the Committee on Appropriations. On the same day, Mr. MCADOO made the point of order that Senate bill 662, to encourage the manufacture of steel for modern army ordnance, should be referred to the Committee on Military Affairs. The Speaker overruled this point also, and held that the bill should be referred to the Committee on Appropriations. Under the rules both of these bills properly belonged to the Committee on Appropriations, although it is true both of the bills had features in them which, if not coupled with other matter, would have made their reference to the Committee on Military Affairs a proper one. I respectfully submit, Mr. Speaker, that the bill now being considered lost all its privileged character by the incorporation of provisions which are quite foreign to the reservation of the public lands for the benefit of actual and bona fide settlers.

The SPEAKER *pro tempore*. The Chair will take the liberty of interrupting the gentleman to state that he is ready to decide the point of order, having given some study to it.

Mr. HOLMAN. I would like to occupy a moment on the point of order

Mr. PARKER. Will the gentleman permit me to read a sentence from the Journal?

Journal 2, 48. A privileged question or motion can not be amended by adding thereto matter not privileged or germane to the original question.

The SPEAKER *pro tempore*. The Chair is aware of that.

Mr. HOLMAN. The language of the bill is not ambiguous. It is evidently for the benefit of bona fide settlers. The only question is whether this bill in its proper acceptation is a bill for the reservation of the public lands for that purpose or not. I submit a careful examination of the bill demonstrates that fact beyond question. Whatever other questions are presented, this bill is still an effort to reserve the public lands for the benefit of homestead settlement and settlers. I think that is unquestionably the effect of the bill.

Mr. HOLMES. I desire to say a word on this matter in answer to the statement of the gentleman from New York [Mr. PARKER].

The SPEAKER *pro tempore*. The gentleman will confine himself to the point of order.

Mr. HOLMES. I will speak to the point of order. The gentleman from New York assumes that this does not come under the rule. The gentleman from Illinois [Mr. PAYSON] has clearly shown the basis of the ground he has taken, and has shown by what appears on the face of the bill and preamble that it is a proper bill to reserve the rights of settlers and to protect the public lands against this corporation which has already robbed the United States of several hundred thousand acres of land.

Mr. WHEELER. I call the gentleman to order. He is not arguing the question of order.

Mr. HOLMES. I am coming to that in a moment. This company has taken this land without one dollar of compensation, and, owing to the fact that the land was reserved at one time by the Secretary of the Interior, these settlers have been held in the courts to be trespassers. This bill seeks to invest those settlers with the right the United States would have to defend; in other words, to raise the question whether the conditions of the grant have been complied with by the Des Moines River Navigation Company.

That is the question the bill seeks to open. It does not interfere with decisions of Congress in the past, but raises a new question which has never been before decided in the courts of the United States or any State.

The whole gist of the bill is in the first section. The rest only provides as to the manner of carrying it out. It says:

That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby declared to be, public lands of the United States.

The report made from the Committee on Public Lands by the gentleman from Illinois seeks to set apart these lands to the settlers; and I submit that the bill comes strictly within the provision of the rule that all bills for the reservation of the public lands for the benefit of actual and bona fide settlers shall be privileged. The question of the decision of the court about which gentlemen have talked does not come up in this matter at all, and is not a pertinent question.

The SPEAKER *pro tempore*. The Chair will state, without desiring to cut gentlemen off, as the time of the House is precious, he is ready to make his decision now.

On February 13, 1886 (see Journal of the House, page 641), it is recorded that the gentleman from Illinois [Mr. PAYSON], as a privileged question, from the Committee on Public Lands, to which was referred the bill of the House (H. R. 640) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes—a bill very similar to this, lacking the preamble—reported the same without amendment, etc. The report was referred to the House Calendar and printed.

On page 740, February 24, 1886, the gentleman from Illinois, as a privileged question, reported the Senate bill No. 150, to quiet the title of settlers, etc., without amendment. The House proceeded to consider it, and passed it. It does not appear anywhere that the point of order was raised or that the Speaker ever considered it. In point of fact it was not raised either privately before Speaker CARLISLE or publicly in the House.

On examining the bill it would seem at first glance that it is a meas-

ure for the reservation of the public lands for the benefit of actual and bona fide settlers, which, under Rule XI, forty-ninth paragraph, is made reportable at any time, and therefore privileged.

The word "reservation" has a technical sense, and is used by the Interior Department to signify all lands reserved from entry. But inasmuch as the lands proposed to be affected by this bill are said to be lands which revert to the public domain, they may in one view be considered in the situation of other public lands, and come within the spirit, if not the letter, of the rule. And if they were all involved the Chair would hold, inasmuch as the matter has been already before the House on a question of privilege, that he would not take it out of that relation.

But if the bill reported contains matter that is privileged under the rule, and, in addition, other propositions, the report can not be received as a privilege order.

For example, it has been repeatedly held that a report from the Committee on Printing, which is privileged if it be a measure for printing for the use of the two Houses of Congress, loses its privilege if, in addition to providing for printing for Congress, it also provides for printing for the use of heads of Departments, or for any other persons.

And by the second section of this bill there are provisions which are not privileged, as will be apparent on the face of the bill itself. It would not be a compliance with the rule as to reporting at any time, that unprivileged matter should accompany privileged matter.

In order to fall under the third clause of the rule, the bill must fairly provide "for the reservation of the public lands for the benefit of actual and bona fide settlers," and nothing beyond. If any part of the bill falls outside of the rule, the whole bill lies outside of it.

An important portion of the bill is comprised in the second section thereof.

This section can not fairly or justly be said to be for the "reservation of the public lands" for settlers.

It is a provision authorizing litigation to be initiated by the Attorney-General, and to be joined in by persons who are merely in possession of the lands, or who merely make a claim of title to lands which, it has been stated upon high authority, belong to other parties.

It appears to give a standing in court for the purposes of litigation to the above-designated parties. The Attorney-General has authority to bring all proper actions by existing law. If this section is not for the purpose of giving private parties a standing in court, so that they may litigate under the circumstances stated, it is without any reasonable object; if it is for such purpose, the section does not come under the subdivision of the rule in question, and this fact carries the bill outside of the rule.

Therefore the Chair will be obliged to sustain the point of order without ruling on the merits of the bill in any way except this, that it is not privileged to come up at any time under the clause of the rule which has been cited by the gentleman from Illinois.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. I desire to inquire of the Speaker whether he understands and concedes, in the opinion which he has just read, that the litigation which is proposed in the second section of the bill has reference only to such lands as are claimed by actual settlers under the general land law.

The SPEAKER *pro tempore*. The Chair understands that the second section provides for litigation.

Mr. PAYSON. But purely with reference to public lands named in the first section.

The SPEAKER *pro tempore*. Not within the meaning of this rule as a "reservation" of public lands. Inasmuch as this is rather a complicated question and one of importance, the Chair will be obliged to the gentleman if he will appeal from the decision of the Chair and take the judgment of the House.

Mr. PAYSON. I do not care to take an appeal, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair undertook to make a somewhat careful study of the question, and at the first glance it seemed that this was a privileged matter, but upon re-examining it the Chair came to the conclusion that it would be impossible to enforce the rule in other cases unless it were restricted as the Chair has undertaken to restrict it in this case.

Mr. WHEELER. Mr. Speaker, if the report is not received, I ask permission to present the views of the minority.

There was no objection.

URGENT DEFICIENCY BILL.

Mr. BURNES. Mr. Speaker, I call up from the Speaker's table the bill returned from the Senate (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes; and I move that the bill and amendments be referred to the Committee on Appropriations, and ordered to be printed.

There was no objection, and it was so ordered.

CLASSIFICATION AND COMPENSATION OF POSTMASTERS.

Mr. BLOUNT introduced a bill (H. R. 8267) to regulate the classification, compensation, and allowances of postmasters, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AMERICAN RIGHTS IN SAMOA.

Mr. MORROW, from the Committee on Foreign Affairs, submitted the following privileged report:

IN THE HOUSE OF REPRESENTATIVES, *March* 5, 1888.

Mr. MORROW submitted the following, which was referred to the Committee on Foreign Affairs:

Resolved, That the President be, and he hereby is, requested, if in his opinion it be not incompatible with the public interests, to communicate to the House all information in possession of the executive department, together with the correspondence between the Government of the United States and its consular or other agents at the Navigator's (Samoa) Islands touching public affairs at said islands; the seizure and deportation of the late King Maletoa, with whom this Government has entered into certain treaty stipulations, and the difficulties that have recently taken place concerning the government of said islands and the due administration of the law thereunder; and also such other correspondence as may have been had with European governments, and particularly with the Empire of Germany, respecting the government of those islands; and that the President inform the House what measures, if any, have been taken to protect the rights and property of American citizens located at said islands.

The Committee on Foreign Affairs, having had under consideration the resolution asking the President for information concerning the condition of public affairs at Navigator's (Samoa) Islands, and what measures, if any, had been taken to protect the rights and property of American citizens located at said islands, report the same back with the recommendation that the resolution do pass.

Mr. MORROW. In view of the fact that this resolution is one of inquiry only, I think no discussion will be required, and I therefore demand the previous question on its adoption.

The previous question was ordered, under the operation of which the resolution was agreed to.

Mr. MORROW moved to reconsider the vote by which the resolution was agreed to, and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SOWDEN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

UNITED STATES COURTS IN MISSOURI.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. OATES. I am directed by the Committee on the Judiciary to report back the bill (H. R. 7417) to amend section 3019 of the Revised Statutes, and to ask that it be referred to the Committee on Ways and Means.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection.

CLAIMS.

Mr. OATES, from the Committee on the Judiciary, reported back adversely the bill (H. R. 6133) relating to certain claims; which was laid on the table, and the accompanying report ordered to be printed.

CHOICE OF POSTMASTERS BY THE PEOPLE.

Mr. OATES also, from the Committee on the Judiciary, reported back adversely the bill (H. R. 3259) to enable the people to name their postmasters.

The SPEAKER *pro tempore*. If there be no objection, this will be laid on the table.

Mr. GROUT. I ask that the bill be referred to the House Calendar.

The SPEAKER *pro tempore*. Objection being made to laying the bill on the table, it will be referred to the House Calendar, and the accompanying report ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. SENEY. I ask leave to file in writing the views of a minority of the Committee on the Judiciary upon House bill 1199, to define and regulate the jurisdiction of United States courts.

There being no objection, leave was granted.

FUNDING ACT OF JULY 14, 1870.

Mr. GLOVER, from the Committee on the Judiciary, reported back with a recommendation that it lie on the table, House resolution for an investigation of the facts relating to the passage, engrossment, and enrollment of the funding act of July 14, 1870.

The resolution was laid on the table, and the accompanying report ordered to be printed.

TAXATION OF NOTES OF STATE BANKS.

Mr. WILKINS, from the Committee on the Judiciary, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1816) to repeal all acts and parts of acts discriminating in taxation against the circulating notes of State banks and State banking associations; and

A bill (H. R. 6660) to repeal the taxation of 10 per cent. on notes of State banks used as circulation.

SECTION 566, REVISED STATUTES.

Mr. STEWART, of Vermont, from the Committee on the Judiciary, reported back adversely the bill (H. R. 6665) to amend section 566 of the Revised Statutes of the United States; which was laid on the table, and the accompanying report ordered to be printed.

REAL ESTATE OWNERSHIP IN TERRITORIES.

Mr. STEWART, of Vermont, also, from the Committee on the Judiciary, reported back adversely the bill (H. R. 4466) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887; which was laid on the table, and the accompanying report ordered to be printed.

POSTAL TELEGRAPH.

Mr. RAYNER, from the Committee on Commerce, reported back with amendments the bill (H. R. 3404) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

The SPEAKER *pro tempore*. This bill will be referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BLOUNT. In reference to the report just made, I wish to say that under the rules of this House the Committee on the Post-Office and Post-Roads has jurisdiction of all legislation relating to the postal service, and the Commerce Committee has no jurisdiction over that class of questions. The bill now reported by my friend from Maryland [Mr. RAYNER] is, I understand, a bill to establish a postal telegraph system. I wish to know at what time a question of order can be raised upon the jurisdiction of the Committee on Commerce in regard to this matter. The subject is now before the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Georgia can reserve the right to raise that question, if he is entitled to raise it, at some future time—not during this hour.

Mr. BLOUNT. Then I desire at this time to reserve whatever right the Committee on the Post-Office and Post-Roads may have to question the jurisdiction of the Committee on Commerce over this matter.

The SPEAKER *pro tempore*. The gentleman has that right.

Mr. RANDALL. Let me ask the gentleman from Georgia, when is it likely the Committee on the Post-Office and Post-Roads will report on this subject?

Mr. BLOUNT. I can not answer that question of my friend from Pennsylvania any more than he could answer a similar question in regard to the various bills before his committee.

Mr. RANDALL. Can not the gentleman answer approximately?

Mr. BLOUNT. I can not, because the different measures on the subject are being considered by subcommittees; and the general committee must wait, I presume, until those subcommittees report. Quite a number of bills on this general subject have been referred to our committee. As to when the subcommittees will report to the full committee, I can not answer.

Mr. RANDALL. This is an important subject——

Mr. BLOUNT. I know it is; and it is being considered by our committee.

Mr. CLARDY. I ask by unanimous consent for leave to present the views of the minority on the bill reported by the gentleman from Maryland [Mr. RAYNER].

The SPEAKER *pro tempore*. There is no objection, and it is ordered accordingly.

STATE PILOTS.

Mr. HATCH, from the Committee on Merchant Marine and Fisheries, reported back adversely the bill (H. R. 1494) exempting American coastwise sailing vessels, piloted by their licensed masters or by a United States pilot, from the obligation to pay State pilots for services not rendered, and moved that it be laid on the table and the accompanying report be printed.

Mr. DINGLEY. I move that the bill be placed upon the Calendar.

The SPEAKER *pro tempore*. It will go to the Committee of the Whole House on the state of the Union.

Mr. DINGLEY. It does not make an appropriation or require one to be made.

The SPEAKER *pro tempore*. There is relief from pilotage.

Mr. DINGLEY. It does not affect the general question at all.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill will be referred to the House Calendar, and the report will be ordered to be printed.

Mr. DINGLEY. I ask leave to present the views of the minority, and that they be ordered to be printed.

There was no objection, and it was ordered accordingly.

PRINTING.

Mr. HATCH, from the Committee on Agriculture, reported back a resolution to print a second edition of the special report upon insects affecting the orange crop; and also a resolution to print a special report on white scale and other insects; which were referred to the Committee on Printing.

INDIAN CRIMINALS.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 3383) to amend section 9 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department," etc., approved March 3, 1885; which was referred to the House Calendar, and, with the accompanying report ordered to be printed.

PUBLIC BUILDING, NASHUA, N. H.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 4274) to provide for the erection of a public building in the city of Nashua, in the State of New Hampshire; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8268) for the erection of a public building at Nashua, N. H.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, ANNAPOLIS, MD.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 6644) for the erection of a public building in the city of Annapolis, Md.; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8269) for the erection of a public building at Annapolis, Md.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LANE, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table:

A bill (H. R. 3566) for the relief of Catherine O'Malley; and

A bill (H. R. 3570) for the relief of Mary Kaylor.

EDWARD DURANT.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 765) granting an increase of pension to Edward Durant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILHELMINA KUHLMAN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4845) granting a pension to Wilhelmina Kuhlman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOAH S. CRAMER.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5237) granting a pension to Noah S. Cramer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. V. B. SUTTON.

Mr. TAULBEE, from the Committee on Claims, reported back with an amendment the bill (H. R. 5144) for the relief of M. V. B. Sutton, late postmaster at Williamsburgh, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TERRITORY OF WYOMING.

Mr. WHEELER. Mr. Speaker, this morning, during the call of committees for reports, I reported, under the instructions of the Committee on the Public Lands, the bill (H. R. 4456) granting certain lands to the Territory of Wyoming for public purposes, and by unanimous consent I now ask that the bill be recommitted.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, I ask, by unanimous consent, that the second morning hour for the consideration of bills reported from committees be dispensed with.

Mr. O'NEILL, of Missouri. I have an understanding with the gentleman from Arkansas that I will be permitted to call up from the Committee on Labor a resolution providing a time for the consideration of the business of that committee. I will not therefore occupy the morning hour against that committee.

Mr. PAYSON. That does not preclude the Committee on the Public Lands from its hour on the next legislative day?

The SPEAKER *pro tempore*. It does not.

Mr. MCKENNA. If that is understood, of course I do not object. But I do object to anything which will take from the Committee on the Public Lands any right which it now possesses. I wish to ask the Chair, so there may be no doubt on the subject, whether on the next morning hour it will be the privilege of the Committee on the Public Lands to proceed with the consideration of its business?

The SPEAKER *pro tempore*. That will be the effect of the postponement.

Mr. McKENNA. The effect of the request of the gentleman from Arkansas [Mr. PEEL], if granted, will be merely to postpone until next Saturday the call of the Committee on the Public Lands for reports.

Mr. NELSON. That is all it does.

The SPEAKER *pro tempore*. The Chair would suppose that would be the effect.

Mr. PERKINS. The call would still remain with that committee?

Mr. HOLMAN. That undoubtedly would be the effect of the proposition, and I trust there will be no objection.

Mr. McKENNA. I have no objection, if it be distinctly understood that on Saturday the call will rest with the Public Lands Committee, and that no portion of its time will be considered as having been consumed.

Mr. HOLMAN. Nothing is lost.

The SPEAKER *pro tempore*. That is understood.

Mr. McKENNA. Then I have no objection.

Mr. HOLMAN. I am yielding to the wishes of the gentleman from Arkansas, because we have consumed so much of the time of the committee to-day; but there is a proposition which I desire to couple with it.

The Committee on the Public Lands reported to the House some time since a bill to secure the remaining public lands to actual settlers and to protect the forest lands. I think gentlemen will agree with me that this is one of the most important measures before the present Congress. That committee, of course, has the right to report it any time; yet it seems to be proper before bringing it to the attention of the House that some notice of that intention should be given. For that reason I wish to ask unanimous consent that the 17th day of March, after the reading of the Journal, be set apart for the consideration of that bill.

Mr. DINGLEY. Say after the hour for consideration.

Mr. REED. I think that proposition ought to go to the Committee on Rules.

Mr. HOLMAN. I hope the gentleman will not object.

Mr. REED. It seems to me that the regular order had better go on. I do not know what the bill is, but we are piling up these special assignments without any distinct reference to the time that is to be consumed.

Mr. PEEL. I demand the regular order.

Mr. HOLMAN. I ask for the reading of the title of the bill, so that gentlemen will be informed.

Mr. REED. The gentleman from Arkansas has called for the regular order.

Mr. HOLMAN. I have the floor, I believe.

Mr. REED. But the gentleman has demanded the regular order.

Mr. PEEL. I will withdraw that demand for the present.

Mr. HOLMAN. If the gentleman did demand the regular order I still have the floor. The concessions made to the committee at the request of the gentleman from Arkansas were made conditional upon presenting this subject, if not in so many words at least in effect.

I sought the floor to present this question to the House, coupled with the consent given to the request of the gentleman from Arkansas. I have not yielded the floor, and I ask that the title of the bill be reported.

The SPEAKER *pro tempore*. If there be no objection, the Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes.

Mr. HOLMAN. Now, I ask that after the morning hour, on the 17th, this bill be taken up for consideration.

Mr. DINGLEY. I hope the gentleman will make his request after the hour for consideration. A large number of the committees of the House have no other opportunity to secure consideration than in that hour.

Mr. HOLMAN. Then I ask that the 17th, after the hour to which the gentleman from Maine refers, be set apart for the consideration of this bill. I hope the bill will pass promptly; but if it shall not have been disposed of on that day, I ask, further, that the 20th instant be also set apart for its consideration, after the same hour.

Mr. O'NEILL, of Missouri. What day is that?

Mr. HOLMAN. The 20th.

Mr. O'NEILL, of Missouri. Then I object. I want the 20th for the Committee on Labor, if I can get it.

Mr. PETERS. Let me ask the gentleman from Indiana if this is the bill that repeals the pre-emption and timber-culture laws?

Mr. HOLMAN. That is the bill, sir.

Mr. PETERS. Then I shall object.

Mr. HOLMAN. Then I demand the regular order. I give notice that on Saturday, the 17th, after the reading of the Journal, I will ask the House to consider this bill.

Mr. HOOKER. Regular order!

The SPEAKER *pro tempore*. The regular order is the call of committees for consideration. The hour commences at ten minutes after 3 o'clock.

Mr. PERKINS. I thought that hour had been dispensed with by unanimous consent.

Mr. PEEL. No; the regular order has been demanded.

Mr. PERKINS. But it was decided, I thought, some time ago, to dispense with the hour for consideration to-day.

Mr. PEEL. Mr. Speaker, it is evident that this day will be practically consumed before reaching the special order. Inasmuch as we have yielded our time, I ask unanimous consent that Tuesday next be substituted for to-day for the consideration of business from the Indian Committee.

Mr. DINGLEY. After the hour for the consideration of bills.

Mr. PEEL. Yes, sir.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Arkansas to set apart next Tuesday for the consideration of bills from the Committee on Indian Affairs, after the hour for consideration?

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The call in the hour for the consideration of bills rests with the Committee on the Public Lands.

PUBLIC LANDS IN CALIFORNIA.

Mr. HOLMAN. I call up for consideration at this time the bill (H. R. 1235), and yield to the gentleman from California [Mr. McKENNA].

Mr. McKENNA. That bill is identical with the Senate bill which I call up.

The Clerk read the title of the Senate bill, as follows:

A bill (S. 418) granting to the State of California 5 per cent. of the net proceeds of the cash sales of public lands in said State.

Mr. JACKSON. I make the point of order that the bill should be considered in Committee of the Whole.

Mr. McKENNA. I was about to move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill. I make that motion.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering a Senate bill, which the Clerk will read.

The Clerk read as follows:

A bill (S. 418) granting to the State of California 5 per cent. of the net proceeds of the cash sales of public lands in said State.

Whereas the States of Ohio, Louisiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, Michigan, Florida, Iowa, Wisconsin, Minnesota, Oregon, Kansas, Nevada, Nebraska, and Colorado, constituting the list of all the public-land States except California, have each received a certain percentage of the net proceeds of the cash sales of the public lands situate within their limits, respectively; and

Whereas California is the only public-land State that has not received any percentage of the net proceeds of the cash sales of the public lands in said State: Therefore,

Be it enacted, etc., That there be, and is hereby, granted to the State of California 5 per cent. of the net proceeds of the cash sales of the public lands which have been made by the United States since the admission of said State, or may hereafter be made, in said State, to aid in the support of the public or common schools of said State; and the sum of money necessary to pay said 5 per cent. to said State is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. McKENNA. As will be seen, this bill is an effort to put California on an equal footing with all the other public-land States of the Union. The first inquiry that would probably be made in reference to it would be, why did not California as did the other States receive this upon her admission to the Union? It now can only be conjectured, but I think we can conjecture with almost absolute certainty that the reason was that the time California was admitted to the Union was a very eventful time, and indeed might be called epochal; and that the effect of the admission of California upon the dominant purposes of parties was the only matter of serious consideration.

There was a party for admission which made everything subservient to that. There was a party for exclusion which made everything subservient to that. Besides, the condition of the affairs of California and of her territory was not very familiar to those who were then legislating for her. She was the remotest land of the nation, remotest in every other sense as well as geographically. The Great American Desert at that time had a place on the maps and was even considered to have a place in reality; and on account of the want of knowledge of California, or rather of want of sufficient knowledge to legislate for her, nothing was considered at the time of her admission but the bare fact and its simple effect.

Senator Foote, of Mississippi, who was of the party of exclusion, moved to amend by giving to California 5 per cent. of the net proceeds of the public lands, and also giving to her four sections of land for school purposes. Mr. Douglas, of Illinois, who had control of the measure in the Senate, objected to the amendment; not that he opposed the gift of 5 per cent. of the proceeds of the sales of public lands to California or the gift of four sections of school lands. But he said on account of the ignorance as to her condition, notwithstanding that in his judgment she was entitled to more than four sections, yet he would oppose the amendment. Jefferson Davis, then also a Senator in Congress, did not oppose the amendment, but urged as an objection to it the ignorance about the condition of the State and of the titles to land. The

whole matter was, by an amendment which Senator Douglas moved, postponed till some other occasion.

During that debate Mr. Soulé, of Louisiana, objected to the act admitting the State of California into the Union, because there was no contract with the State with reference to the taxation of public lands. He said that was the supremest attribute of sovereignty, and unless there was some such contract that would necessarily adhere to the sovereignty of California after she was admitted to the Union. Mr. Douglas took a different view, but, to avoid all question about the matter, introduced an amendment that now stands in the act admitting California, and also introduced at the same time—and I draw the attention of the House particularly to the circumstance—introduced at the same time resolutions passed by the convention at Monterey, and also a section of the constitution of the State of California, which constitution she proposed to adopt, and urged upon the Senate the fact that she would not claim—indeed, had distinctly disclaimed in her constitution and constitutional convention—any desire to tax the public lands, but would be content with the usual gifts or donations to the State and the gift of 5 per cent. of the net cash proceeds of the sales of the public lands. The whole thing was then remitted to subsequent consideration.

Now, Mr. Chairman, what next? The public-land system was not extended to California until 1853, three years after her admission. There were no sales of public lands in California, and no payments for public lands until 1857. Therefore, as I have said, during that exciting time, in ignorance of her condition, not knowing what sort of legislation to extend to her on account of the vast private land claims in the State, until that should be settled the matter was postponed until a subsequent time.

Now, then, it seems to me that as far as the argument for the passage of this bill is concerned, its force lies in the simple statement that she has not been treated as the other States have been treated, and the best argument that can be urged for the passage of the bill will turn somewhat upon the consideration of the objections urged in the minority report against its passage.

What are they, sir? It first asserts that efforts have been made in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses, respectively, to pass this measure. That allegation, Mr. Chairman, is not true in any sense in which it is entitled to be urged against the passage of this bill. Why? Because, sir, if that suggestion had any force, every bill that failed of consideration in those Congresses and that was reintroduced in this Congress could be objected to on the same ground.

Why, sir, I am surprised at the objection coming from experienced gentlemen who should know that it is one of the tantalizing, disappointing, almost hopeless things that surround a member of this House that he is compelled, Congress after Congress, to see his bills not passed upon. While we, Congress after Congress, roll the legislative stone to the top of the hill, it is only to find it at the next session at the bottom again.

A MEMBER. Good.

Mr. MCKENNA. Look at the number of bills introduced in the last Congress and in previous Congresses that have failed of consideration. In the Forty-seventh Congress 10,704 bills were introduced. Of that number only 772 became laws; leaving 9,932 that failed of success. And will you, Mr. Chairman, or will anybody venture to say that all those bills were without merit? In the Forty-eighth Congress there were 11,441 bills introduced, of which only 966 passed, leaving without success 10,775. In the Forty-ninth Congress there were 15,002 bills introduced, and 1,442 passed, leaving without success, though efforts were made to pass them, 13,560. Now, Mr. Chairman, this mere statement almost annihilates the objection. But, sir, the allegation of the minority is so far from being true that wherever this bill has been considered it has been considered and passed upon with approval.

It passed the Senate in the Forty-eighth Congress; it passed the Senate in the Forty-ninth Congress with but five dissenting votes; it passed the Senate in this Congress with not a single dissenting vote, and it has been recommended favorably by every committee to which it has been referred.

The next objection is that it is impossible to equalize the bounty of the Government at this late day. Well, Mr. Chairman, it is impossible if you do not want to, but it is not impossible if you do want to. A generous and just nation, a generous and just man, finds no difficulty in equalizing his bounty or his justice. It is not only the sluggard, but it is he that would not do a thing that finds a lion in the way and makes the objection.

About this matter of equalization, you can do as Horace Greeley proposed about resumption: the way to equalize is to equalize; and the passage of this bill does that.

The next objection is that California is a rich and prosperous State, containing a million of inhabitants. Well, sir, I do not know exactly how to treat that objection. It is confused and confusing. Do the minority mean by that, Mr. Chairman, that California is rich as a State in property, rich in realized revenues, rich in the fact that it has no burdens, and is under no necessity of imposing burdens on its citizens? If that be the meaning of the objection, was there ever any State in such a condition as that? Or does it mean that all that million of inhabitants (because that is the correct number) are rich and prosperous, and that therefore the State is exempt from all concern for them, or all care of them, and is under no necessity of taxing them at all, or, if at all, only their ease and their riches, and never their toil or their poverty? If that be so, Mr. Chairman, I ask again, was there ever any State or people under the sun in that condition, and will there ever be any people or nation in that condition?

But if the objection does not mean either of these things, does it mean that the State is rich in resources? Granted, sir. But was not Ohio rich in resources? Were not Illinois, Nebraska, Michigan, and Wisconsin and all the other public-lands States rich in resources, and was it not the intention of the Government to develop those resources into realized wealth? And, sir, what better or greater wealth can there be than educated men and women? What wealth is comparable to educated men and women? What wealth is anything but a curse without educated men and women—educated, Mr. Chairman, so that every caprice of their hearts becomes reduced from waywardness to steady and useful purpose, that every desire of their hearts is reduced to obedience and feeling and subordination and duty?

Why, sir, this objection is hard to consider and hard to treat. It is not for me, Mr. Chairman, to stand here and make vain professions for my State, and it would ill become me to undertake to underrate or belittle her. But, sir, it would be still more unbecoming in me to come here with a beggar's voice and ask for a beggar's alms. It is worthier of her, and of me, and of this House that I come here with respectful voice, asking that this Government shall give to my State what it has given to every other public-land State.

Mr. LONG. As a matter of right.

Mr. MCKENNA. As a matter of right, as suggested by my friend from Massachusetts [Mr. LONG]. But, Mr. Chairman, if I mentioned the prosperity of my State at all, it would be to point to it and the qualities that have made it as a sure guaranty that the bounty of the nation would be usefully and honorably employed; and if I admitted here that she has struggled along to success without that bounty, I would have to add that further success would be greatly aided by it, for it would be ridiculous for me to assert, Mr. Chairman, no matter what California has achieved, that there is not much still left for her to achieve, which, both in the achieving and in the achievement, would be no less honorable and strengthening to her than to this nation.

The next objection is that California has already received the sixteenth and thirty-sixth sections, while some of the other public-land States have only received the sixteenth section for public-school purposes. Mr. Chairman, that is correct; and why has California received two sections while some of the other States have received only one? The former policy of the Government was to give to the public-land States one section of the public lands; one thirty-sixth part of every township; and I want the House to mark this point, because it is important to be considered, the gift was not to the State as a State, but it was to the townships as townships for the purposes of public education in the townships.

It commenced with the ordinance of 1785; it was continued in the ordinance of 1787, and was given to every public-land State up to 1848, when Senator Douglas, who believed in educating the masses of the people, who believed in grants, and liberal ones, to the States for this purpose, moved as an amendment to the Oregon act, or reported as part of that act, I have forgotten which, a grant of not only the sixteenth but the thirty-sixth section of townships for educational purposes within the township. And from that time all the public-land States to the number of seven, including California, have received the sixteenth and thirty-sixth sections.

I have said this was a grant to the township as a township. Yet this minority report somewhat artfully enumerates the number of acres given to California under that donation to show that she has received more than certain other public-land States. The statement is that she has received something more than 6,000,000 acres. That is a mistake of over 1,000,000 acres—a pardonable mistake, however, because the statistics as published give that number, whereas, in fact, it is only something over 5,000,000 acres. But, sir, that acreage is computed on the basis of taking all the public lands in the State. It allows nothing for deficiencies on account of mineral lands or on account of swamp and overflowed lands; it allows nothing for any deficiency.

Mr. LANDES. Does the gentleman state that California has not received indemnity lands in lieu of the overflowed and mineral lands?

Mr. MCKENNA. Yes, sir; I do say distinctly, plainly, clearly, that California has not received any indemnity for swamp and overflowed lands, or for mineral lands. Why? Because as to mineral lands the Supreme Court of the United States decided that she was not entitled to indemnity for mineral lands; and as to swamp lands, because the Interior Department decided she was not entitled to indemnity for swamp lands.

Mr. Chairman, all the public lands in California have not been surveyed. Some say there are 29,000,000 acres yet to be surveyed; some say 32,000,000 acres. A great deal of this is waste and desert land.

Bright and blooming as she is, California is not exactly all gardens. Some portions of her territory are desert or mountainous lands, and some portions need yet to be developed.

I think, Mr. Chairman, I have answered all the objections made by the minority to the passage of this bill. In the first place, it has been objected that California is rich and prosperous, with an overflowing school fund. She has a very good school fund, but it is not overflowing, and unfortunately her rate of State taxation is greater than that of any other State in the Union, except, I think, one or two—certainly not more than two.

Every public-land State except California has received a certain percentage of the sales of the public domain. In 1841 a policy was adopted giving to every State enumerated by the minority in their report 10 per cent. of the net proceeds of the public lands after that time, and the proceeds of the public lands then in the Treasury were at that time distributed. That policy, under which some of the States received thousands of dollars, was continued until it was suspended by a clause in one of the tariff acts.

This minority report says that California has received lands which other States have not. Mr. Chairman, that is not true. With the exception, possibly, of about 500 acres around San Quentin, the State of California has not received one acre of public land that every other public-land State has not received; and some of the States enumerated in the minority report received saline grants which California did not receive. This bill is designed simply to equalize California with the other States in respect to this matter. California did what the other States did—she surrendered her power of taxation, if she had it. She entered into the same compact that the other States entered into; and this bill proposes merely to give her what was given to all the other States.

Mr. Chairman, as the time is limited, and as I have really occupied more than I intended, I shall not say more at present.

Mr. LANDES. Does the gentleman claim this grant as a gift from the General Government, or in consideration of some surrender by the State of California to the Government?

Mr. MCKENNA. I claim this grant, so far as any member of this House is concerned, from his generosity, from his justice, and from his sense of right. I do not care upon what basis he votes for it. I think, however, the bill can be put on all three grounds.

Of course I do not wish to be misunderstood about the question of taxation of the public lands. As a matter of law, I do not know whether the State had that power or not; but I do know that as great men as Mr. Soulé, of Louisiana, Mr. Jefferson Davis, of Mississippi, and Mr. Hunter, of Virginia, thought the State had that power, unless in her admission she consented to release it. Those gentlemen made this matter the basis of a protest, recorded upon the journals of the Senate, against the admission of the State in the form adopted, because this right of taxation belonged to her as a sovereignty and could be exercised as such. And Judge McLean, in a case reported in 6 McLean's Circuit Court Reports, declared that evidently, in the opinion of Congress, unless such a compact was made with the States, they would have this power of taxing the public lands. I do not wish to go into a legal discussion of that proposition. I have only said this in answer to the question of the gentleman from Illinois [Mr. LANDES]. I reserve the residue of my time.

The CHAIRMAN. The gentleman has thirty-five minutes of his time remaining.

Mr. MCKENNA. I am willing to give twenty-five minutes of my time to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. HOLMAN. I thought I had the floor.

Mr. MCKENNA. No; I reported the bill and have, as I understand, thirty-five minutes of my time remaining.

The CHAIRMAN. The Chair will state, the gentleman from California [Mr. MCKENNA], in charge of the bill, was entitled to an hour, and has remaining of his hour thirty-two minutes. He can either yield that time or reserve it.

Mr. MCKENNA. I do not yield the floor, but am willing to yield a portion of my time to the gentleman from Pennsylvania [Mr. JACKSON], if he will take it from me.

Mr. JACKSON. Of course, Mr. Chairman, I would prefer to take the floor in my own right.

Mr. MCKENNA. I propose to give some of my time to the gentleman from Pennsylvania, if he will accept it.

Mr. JACKSON. I propose to take up an hour in my own right when I can do so.

Mr. MCKENNA. Then I move the committee rise in order that we may go into the House and settle this matter.

Mr. JACKSON. Under the circumstances I will take the floor and will accept the time extended me by the gentleman from California [Mr. MCKENNA] on condition that at the proper time I shall occupy an hour under the rule.

Mr. MCKENNA. If I give you twenty-five minutes, does the gentleman propose to take an hour in addition?

Mr. JACKSON. I will tell the gentleman from California that I want an hour in the discussion of this bill. I prefer to take the time in my own right.

Mr. MCKENNA. Then I reserve the balance of my time.

Mr. JACKSON. Mr. Chairman, the gentleman from California [Mr. MCKENNA], who advocates and urges the passage of this bill which appropriates money to his State, placed himself, as I think correctly, upon the record a moment before he closed his remarks. When asked the question upon what grounds he claimed Congress should give California this large amount of money, he declined to give the reason. He did not give and could not give a single good reason upon which to base this claim. He was, he said, as I understood him, claiming it for sundry reasons—reasons entirely diverse and inconsistent—and yet he declined to rely on either of them. He asks it simply because he wants the money given to California, no matter whether the giving be right or wrong. He declined most positively to place himself on the record as asking it as a donation on the part of the Government, but seemed rather to want us to consider he was claiming it as a matter of right, without being willing to rely on that position. And well he might, for it is to me entirely clear California has no such claim.

It is, Mr. Chairman, almost a thankless task to oppose bills of this character, in which fellow-members we would prefer to accommodate are so greatly interested. For if Congress in its liberality passes this law and makes this gift to California, I have no doubt it will reflect great credit on the enterprise of the California members among their constituents.

But, Mr. Chairman, my sense of duty and my sense of right will not allow me to support this measure which has been so kindly fostered by the gentleman from California, who has just addressed us, as well as other gentlemen who have occupied seats upon this floor from that State in this and other Congresses.

As a starting point in my argument, Mr. Chairman, I make this proposition to the committee and to members of the House—a proposition that I believe can not be successfully disputed. It is this: there is not a State known as a public-land State, and for that matter any other State in the Union admitted prior to California, as to which it may not be truthfully said that it has as much right to a gift of this kind as California. I go further and assert that each of the States I have referred to has a far greater right to come here and ask for a donation from the Government than the State of California. I say this because the records show that California has succeeded heretofore in obtaining greater and more liberal grants of public lands than any State that came into the Union before she did.

The gentleman from California undertook to analyze the report of the minority of the committee. I observed, and I presume other members of the House did also, that he did not contradict a single fact stated by the minority in its report.

Mr. Chairman, I think this report of the minority in its brief statement of facts meets this case very fully. I desire, therefore, to call the especial attention of the House to it. The gentleman from California dwelt largely on the suggestion that this bill had at different times been favorably considered, without dissent, and that even now only a small minority opposed. But, at least so far as numbers are concerned, the records will show that it is not a very small minority of the committee that oppose this bill. Fewer members who have examined this bill favor it than you would be led to believe from the remarks of the gentleman from California. The minority report is joined in by a considerable number of members of the Committee on Public Lands.

The number present on the day on which this case was considered in the Committee on Public Lands was, I believe, nine or ten, and out of that number three joined in the minority report. But I do not consider that that has much to do with the question. It is, however, important to consider whether the facts stated in that report be true or not, and whether the minority have given sufficient reasons why this bill should be rejected by Congress.

Let us briefly consider the facts and the arguments in favor of the passage of the bill. There is but one reason, so far as I am able to see, given in the majority report and in the gentleman's argument for passing this bill, and that is to make California equal to other States, and that she may receive and have as large donations as other States. The facts to support this assertion do not exist. I assert, without fear of successful contradiction, as I said before, that of the States known as public-land States more than one-half have received far less from Congress in the way of grants of public lands in aid of schools than the State of California.

I am willing in making the comparison that you may even take into account the grants to other States of 5 per cent. of the amount of sales, although these grants were not usually for schools. I admit that California has not in terms received a gift of 5 per cent. of the proceeds of the sale of public lands within her limits, and that quite a number of the other States have received a grant in this form.

But California has in other ways received far more than an equivalent for this. The acts of Congress and the records of the Land Office show that she has received most liberal grants and donations of public lands, both directly to the State and indirectly in aid of public improvements.

The claim now of a grant in the particular words of a per centum gift is a species of special pleading that ought not to be offered in this House.

And whilst, as I have stated, she has not received the 5 per cent. from

the sales of the public lands in aid of schools, as this bill purports to give, yet I desire to call the attention of this House to the fact that up to the time that California was admitted into the Union, and up to the passage of the act of 1853, no State had ever received a grant of a percentage of sales in aid of its schools, as is asked here. The gentleman from California can not, I believe, show a single act prior to 1853 in which the grant was for school purposes alone. If there be any such act I have been unable to find it, and I have examined the records with some considerable care.

There was a 5 per cent. grant to the State of Indiana, but it was for public improvements and the making of roads. A similar grant was made to the State of Wisconsin for making canals, and some of the Southern States, I believe Alabama and Mississippi, had such grants for like purposes; and it is to be observed that they were granted on the express condition that they should make reports to the General Government as to how they expended the money; and if they ceased to make satisfactory reports the donations were to cease by the express terms of the granting acts.

I can explain, I think, to the satisfaction of gentlemen why the practice of granting 5 per cent. of the sales of the public lands to newly admitted States was not made to California at or about the time she was admitted into the Union. It was, Mr. Chairman, because the State of California was given a double portion of the grant of lands for school purposes, twice as much, proportionally, as had ever been given any State prior to the admission of California into the Union.

This is the reason she did not then get a per cent. grant, and I have no doubt has been ever since considered a sufficient reason to refuse to pass a bill like the one we are now considering. The record will show what I have stated, and the gentleman can not contradict it.

Mr. MCKENNA. I do contradict it.

Mr. JACKSON. The gentleman does contradict it. Then he does it by making an assertion which the records show is not correct; and every member of this House can verify what I have stated from the records for himself. I shall be very glad to see it done.

Let me tell him now, and this committee, that up to 1853 there was granted to the public-land States for school purposes the sixteenth section of the public lands, while to the State of California a double portion, as I have stated, was granted, namely, the sixteenth and thirty-sixth sections.

Mr. MCKENNA. If you will allow an interruption——

Mr. JACKSON. I yield for a question, not a speech.

Mr. MCKENNA. If the gentleman will permit me, I presume he wants to be correct. Of course I stated that, if that is what the gentleman means—that California had received a double portion of the public lands for that purpose. I have already stated it. She happened to be the first that came into the Union after the passage of the act admitting Oregon.

Mr. JACKSON. I did not yield for a speech.

Mr. MCKENNA. It was put into the Oregon act, and California being the first State that came in afterwards it was given to her in 1853, but not when she was admitted.

Mr. JACKSON. So she did get it after all, and yet it is not, the gentleman says, a double portion. He does not want to count that. I do not know how the gentleman makes the distinction. There is none, in fact, it must be apparent to all.

The gentleman can not argue facts away. He knows the truth of the statement that I have made, and has to admit it; and that gives away his whole case. The other States have not received anything in lieu of what California received extra—that is, in lieu of the thirty-sixth section which was given to her and which no other State prior to this had received. One or more have since had such grants. Oregon is one, and possibly some others have managed to get larger grants than the rest of the States. This has been due partly to the vigilance of their members on this floor; but still more, I presume, because the great majority of the members of the House overlooked the fact that they were getting an extra gift. I do not believe in a single case it was ever generally so intended.

But go back to Ohio, Indiana, Illinois, Wisconsin, Missouri, Mississippi, Louisiana, Michigan, Arkansas, Florida, Iowa, and A'abama, go back to all of these twelve great States that had grants made to them of the public lands for school purposes, and they have only received the sixteenth section, whilst California received the sixteenth and thirty-sixth, both for the same purpose.

This gives California a double portion proportionally, and I presume even our present statistics are not complete; that as part of her public lands are not yet surveyed the aggregate she will get is even much greater than the figures appended to the minority report.

Why, the gentleman when he takes up the statistics appended to the minority report sees that California had millions and millions of acres more than any other State ever has had. He sees that this is apparent, and that it must satisfy all she had already more than her share. To break the force of these facts he undertakes to explain it away by saying that what she got was, much of it, not very good land, that it was desolate, that it can not be used, will not be appropriated. Mr. Chairman, if there be such land in California I do not suppose that they want to build school-houses on that kind of land, although they have got proportionately double what the other States I have named received. Other States which only received the sixteenth section had, we all know, to take poor land with the good just the same as California.

The gentleman comments upon the minority report wherein it states that California is rich. That, Mr. Chairman, is put in the report as a reason why this donation should not be given. Were California a mendicant here in poverty and want, supplicating Congress to give it some little means to educate its poor, indigent, ignorant, and illiterate, we could understand the arguments, and they would appeal to our generosity, and I promise would not appeal in vain; but we mean just what is said in the report. There is no good reason for this appropriation.

The representatives of the Government in the earlier days of the Republic, when they admitted into the Union such States as were new and unimproved and without means to support public schools, States without taxable property, when the people were settling and reclaiming the country, and the country was undeveloped, like Indiana and Illinois in their day, and Wisconsin and others later, thought it a wise and proper thing that the Government should extend a helping hand to them and give them some donations in the way of the public lands to support and maintain their public schools until they became self-supporting. And they did well.

But to-day California is not in that position, and we made the argument in the minority report that California has passed beyond that period when she needs such assistance; that she is now strong and rich, and her school funds are plentiful, and there is no public necessity for such a donation, and, more than that, that it is unfair and unjust to other States to give it.

Mr. Chairman, the statistics sustain me in the assertion that California does not need such a donation as this. I take up some statistics here which I find in the records, and I presume are correct, and I find, comparing California's school funds with those of the other States, that only eleven other States in the Union have funds equal to hers, and these are the rich strong States of the East; that only eleven of the richest of our Commonwealths are so rich in school funds as California.

I find further, that there are but nine States in the Union whose school funds have an income equal to that of California, and that there are only eleven States that have schools open as many days in the year as California, while I find that there is but one State in the Union that spends as much per capita in educating her children as California. I commend her for all this. But it is a condition of affairs that does not warrant Congress in making this donation to that State. I call your attention to still further facts, which show that in all bills granting 5 per cent. of the proceeds of the sale of the public lands to other States, no such grant was ever made as is embodied in this bill.

This is an appropriation and grant to California of the money direct, to be used as her own laws provide and as she chooses for school purposes. This is an appropriation of money from the Treasury. It makes an appropriation at once of more than a half million of dollars to that State direct from the Treasury.

No other State ever received that. Other States received 5 per cent. of the proceeds of lands sold after the passage of the acts. California wants now an appropriation of 5 per cent. of the proceeds of all the lands that have ever been sold, and all that may hereafter be sold. And what for? Did she yield anything for it? No; the gentleman can not tell us what equivalent she gave. She yielded up nothing she could hold or have the right to claim. There is not the slightest pretext that she has given the General Government anything as a consideration for this grant.

In calling your attention somewhat in detail to the facts set forth in the minority report, the gentleman from California took exception to the statement that they have made efforts heretofore to secure the passage of this bill. But is not that true? Why he himself supplements his remarks by telling you the efforts were almost successful. That they have only met with discouragement year after year, like many other unfortunates, and find themselves at this late day no further on in obtaining this grant out of the Treasury than when, several years since, they first began their efforts.

I know that many good bills fail to become laws. In the short time I have been in Congress I have frequently been disappointed in the success of bills I wanted to pass.

But, Mr. Chairman, I submit that, if we may judge from the statute-book, bills granting public lands to States have passed very readily. Few seem to have opposed them. Almost all that was necessary was to ask and receive.

Then, Mr. Chairman, knowing this history of legislation in regard to public lands, we have a right to suppose there was some good reason why this grant was not made to California when in 1853 she received the general grant for school purposes. I think the reason is apparent; and it is because she was not entitled to it to make her equal with other States. When California was given the sixteenth and thirty-sixth sections of land for schools, a double portion, twice as much as had been given to other States in the donation of lands, Congress considered she was getting enough. All the other States and every reasonable man can well say she was getting more than a fair share.

As bearing somewhat upon this subject, I have called attention to some of the provisions in regard to some of the grants made to the older public-land States. They were, as I previously stated, to a large extent made for public works and improvements. They were not specially for schools as this one is. But lest some might overlook the fact that this is no reason for the passage of this bill, I desire to call the attention of the committee to past legislation of Congress, and that in addition to the great and large grants made directly to the State of California no State of this Union ever had indirectly such large grants of public lands for public improvements of which she was especially the beneficiary. The large grants made in aid of the building of the several Pacific railroads and many other roads, branches, and connections, of which she largely obtained the benefit, are many times more than an equivalent of all the grants ever made to the older States.

The 5 per cent. that Indiana got to make her road; the 5 per cent. that went to Wisconsin to build her canals; the 5 per cent. obtained by Alabama, and, I think, Mississippi—although I am not quite certain as to the Southern States—the moneys they obtained they had to use in public improvements that were made for California by other grants. California, over and above the double bounty of the sixteenth and thirty-sixth sections, had corporations making improvements within her borders and from the far East towards her borders subsidized by the most gigantic grants, as we all know.

I know it was often in the past years seemingly considered in this House that the public lands were only in existence for the purpose of being given away, and perhaps it is a thankless task to ask members to stop to consider this question. This appropriation may not in itself be a very large one, but I desire to remind members on this floor in this connection that we have reached a limit when we have not a boundless domain to give away.

I am glad to observe the feeling in this House, that the public lands now remaining under the control of the Government should be carefully guarded for actual settlers. The tendency of all this legislation to donate the proceeds of the public lands is to put them on sale, at least to encourage it, and thus place them in the hands of purchasers who to a great extent are speculators.

The gentleman from California remarked that many other bills had failed. This is true, many of them very just ones. But I think it to be the duty of this Congress to see that it first passes bills to pay its honest debts and liabilities. The Government of the United States should be just and honest before it is generous. Let us first pass laws that will compel the Government to pay what it owes to those who have honest claims against it before it commences to be so liberal in making donations to a rich and wealthy State that has no need of it.

I could suggest many ways to dispose of our surplus, better than by giving it away as this bill proposes. Let us pay claimants who have just demands against the Government. If the majority in this House should promptly act on the many just private bills now pending they could do great good. Let us pay all just claims reported from the Court of Claims. Let us make reasonable appropriations for public works and needed public buildings.

Let us not forget the claims of the men who served the country in the field. Much better to increase your pension-list and appropriate money for needy dependent relatives of the soldiers who fell in battle than to be giving it away in this manner. The money proposed to be given California by this bill would make happiness in the homes of several hundred poor disabled soldiers who are to-day unable to earn a living. For the passage of the bill now before us, I again assert, no good reason can be given.

In my judgment the only claim California has for this donation is her good fortune in having persistent, industrious Representatives on this floor, who session after session, Congress after Congress, present and urge this kind of legislation.

I yield fifteen minutes to the gentleman from Illinois [Mr. LANDES].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. JACKSON] has now occupied nineteen minutes of his time.

Mr. LANDES. I desire to call the attention of the House to the statement made by the report of the Committee on Public Lands that California was admitted into the Union upon the same conditions on which all the other public-land States had been admitted prior to that time. The truth is, as will be shown by reference to the acts admitting other public-land States, that a very wide difference exists between the privileges granted to these other States and those granted to California.

What was the reason assigned for the granting of 5 per cent. on the net proceeds of the sales of public lands to the various States? Ohio was the first public-land State, perhaps, that came into the Union. The condition upon which she was admitted was that she should yield the right to the General Government or forego the right to tax the public lands five years after they had been sold to private individuals.

A condition was imposed upon them, and it was the condition upon which the 5 per cent. and the sixteenth section were granted to the State of Ohio, the sixteenth section for school purposes and the 5 per cent. for public improvements. That there may be no doubt about this statement, I desire to read the proviso admitting the State of Ohio into the Union:

Provided always, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by Congress from and after the 30th day of June next shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale.

The same condition was applied to the State of Indiana, the State of Illinois, and six other public-land States, including Arkansas and Alabama; so that the condition on which those States were admitted into the Union was that they would not tax the public lands for five years after they had passed into the hands of private individuals, thus leaving free from taxation for five years 30,000,000 acres of land in the great State of Illinois; yet it is claimed that California surrendered the same right on her admission into the Union as the other public-land States.

Mr. MCKENNA. Mr. Chairman, the gentleman, unless my recollection is faulty, is in error when he says that Arkansas entered into a compact not to tax the public lands for a certain time. He is right as to Ohio, Indiana, and Illinois; for at the time of the admission of those States the public lands were sold on credit. Afterward, I think commencing with Arkansas, that condition was not inserted, but there was a general exemption of the public lands from taxation. That policy began, I believe, with Arkansas, or possibly the next State admitted.

Mr. LANDES. By reference to the record the House will determine which of us is correct as to this matter. My recollection is that land located under military scrip, perhaps——

Mr. MCKENNA. The policy to which the gentleman has referred obtained as to those States admitted into the Union when public lands were sold on credit. Afterward there was a general provision adopted upon the subject. The gentleman, by reference to the enabling acts, from the time of the admission of Arkansas, or probably before, will find that I am correct. And at the same time there was a change from 3 per cent. to 5 per cent.

Mr. LANDES. Mr. Chairman, it can make no difference whether the lands were sold on credit or not. The State of Illinois lost the right to tax 30,000,000 acres of her public lands for five years, in consideration of which the Government granted to her this 5 per cent.—3 per cent. directly and 2 per cent., which she has never received, even to this day, if I correctly understand the action of the Interior Department.

So that Ohio, Indiana, Illinois, Missouri, Arkansas, Alabama, Louisiana, and other States surrendered the right to tax the lands for three to five years after they had passed into the hands of private individuals in consideration of receiving from the General Government 5 per cent.

Now, I ask the gentleman, what did California surrender as an equivalent for what was taken from Illinois and other States I have named? The assumption that California came into the Union upon a similar surrender is not supported by the public records.

I wish to call attention to another fact. California, when she came asking admission into the Union, came with a provision in her constitution that any per cent. which might be granted to her by the Government should be held as a public-school fund.

[Here the hammer fell.]

The morning hour expired before Mr. LANDES had concluded his speech, but subsequently by unanimous consent he was permitted to finish his remarks as follows:

Mr. LANDES. Mr. Chairman, I thank the House for the courtesy which enables me to extend my remarks on this bill. Before proceeding upon the branch of the subject upon which I was entering when interrupted by the expiration of the morning hour, I wish to elaborate a little further my criticism on the report made by the gentleman from California, now in charge of this bill.

It is doubtless true that a majority of the members of the House rely upon the statement of facts contained in this report upon which to form a judgment on the merits of the bill; and it seems to me the very gist of the claim, as made in the report, is contained in the statement that the "United States attached all the conditions" to the admission of California "as were attached to all the other public-land States" which received the 5 per cent. of the net proceeds of sales of the public lands, but have not given to "California, in consideration of those conditions, that equivalent which has been heretofore given to all the other public-land States."

Is this statement true? It is conceded in the report that the section containing all the conditions upon which that State was admitted reads as follows:

SEC. 3. *And be it further enacted*, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States; and in no case shall non-resident proprietors who are citizens of the United States be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor.

I find no condition here providing "that every and each tract of land sold by the United States shall remain exempt from any tax laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale; and that the bounty lands granted or hereafter to be granted for military services shall, while they continue to be held by the patentees or their heirs, remain exempt from all taxes for the term of three years from and after the date of the patents, respectively;" yet these are the very conditions upon which the grant of one section in each township, the salt springs, the five per cent., and the seminary lands, were granted to Illinois. (See act April 18, 1818.) Similar grants made to the other public-land States of Ohio, Indiana, Missouri, Louisiana, Mississippi, and Alabama were made upon similar conditions, as will be seen by reference thereto. Arkansas, Iowa, and Michigan received similar grants, but the condition as to tax exemption applied to bounty lands only and but for three years.

When it is remembered that the United States sold public lands in Ohio to the amount of 12,805,911 acres; Illinois, 19,879,541 acres; Indiana, 16,124,044 acres; Missouri, 22,963,198 acres; Louisiana, 5,720,349 acres; Mississippi, 12,201,037 acres; Alabama, 17,789,351 acres, and that in Illinois the bounty land amounted to 9,533,653 acres; Missouri, 6,810,242 acres; Arkansas, 2,258,146 acres; Michigan, 3,838,546 acres, and in Iowa over 14,000,000 acres, it can be inferred that those States not only agreed to give a valuable consideration for the grants made to them, but probably gave away a greater consideration than they received. And, so far as they are concerned, the statement in the report that the United States attached all the conditions to California that were attached to all the other public-land States is most emphatically not true. The gentleman, when he wrote that report, fell into a most serious error, from which I leave him to escape as best he can.

When my remarks were interrupted by the expiration of the hour I was calling attention to the fact that when California was asking admission into the Union she came asking for a per cent. of the net proceeds of the sale of public lands within her limits, as is indicated by a provision in her constitution, and also by the provision contained in the ordinance adopted by her first constitutional convention. This ordinance was presented to Congress when she was seeking admission into the Union. It can be found in full on page 467, in the volume entitled "The Debates in the Convention of California," by Browne. The Californians were not more modest in their requests then than now. They ask for four sections in every township for the use of schools; seventy-two sections for a university; four sections for public buildings; 1,000,000 acres for defraying the expenses of the State government, as I understand it; 5 per cent. of the net proceeds of the sale of public lands, and all salt springs within the State, so that the matter was not overlooked. And this ordinance, among other things, empowers the first Senators and Representatives elected from California to Congress to make or assent to such changes in these propositions for donations as the interest of the State may require. And when the amendment to the act admitting the State was offered by Senator Foote, which provided for much of what she was asking, Senator Douglas, referring to this ordinance, remarked:

By the ordinance adopted by the people of California, their first Senators and Representatives are authorized to negotiate terms of these grants of lands, and I should wish to confer with them on the subject.

Hon. William M. Gwin, the author of this ordinance, was a member of the convention which framed the first constitution of California, and one of the first Senators sent here from that State. He was familiar with all these proceedings, and with this ordinance; and with the constitution of California in his hands, he and his colleagues entered upon the negotiations for the admission of their State into the Union and for these land grants. The result is before us. Upon the conditions stated in the section of the act admitting the State into the Union the United States agreed to admit her into the sisterhood of States, with all the attributes of sovereignty possessed by any other of the States, and in the words of Mr. Kenna's report, "California by accepting such conditions is irrevocably bound to observe them." This solemn compact between the high contracting parties merged all considerations which proceeded from California, and is the just, legal, and equitable equivalent for the same.

The matter remained at rest until 1852, when on the 14th day of July this same William M. Gwin, then in the United States Senate, introduced as a substitute the bill which, without material change, passed the Senate on the next day, and became the law on the 3d day of March, 1853, and is the law which grants to California the sixteenth and thirty-sixth sections of every township in the State. (See Congressional Globe, first session Thirty-second Congress, pages 1770 to 1773, for debate on this bill.) In the course of the debate Senator Geyer moved to strike the thirty-sixth section out, because to give the sixteenth and thirty-sixth sections was a discrimination in favor of California (page 1772.) Senator Gwin, replying to the motion to strike out the thirty-sixth section, said, "All we ask now is simply that we may have the land system extended to California and the same amount of land granted for school purposes as was granted to Oregon." These are the words of Senator Gwin, who was specially charged to negotiate for these land grants. He does not ask in this bill for the 5 per cent., but says all we ask is what Oregon got for schools, to wit, the sixteenth and thirty-sixth sections. He got it; and so well satisfied were the people of California that the first Legislature thereafter to assemble passed a joint resolution, and among other things said, "The proceeds of the sale of these lands to the United States is a mere pittance, but to the children of our State a magnificent fund, securing the benefits of mental culture to all," etc. (page 220, Statutes of California, 1854). Here is found also a joint resolution tendering the thanks of the Legislature to Hon. William M. Gwin and his colleagues from that State in Congress, "for their industry and indefatigable energy in their efforts to advance the interests of California," etc. (page 224). What further evidence is needed to show that California was satisfied then and without the 5 per cent.? If she ever needed the 5 per cent. it was then.

Sir, after thirty years of acquiescence in this settlement the matter was revived, as I am informed, by an enterprising, thrifty, and estimable gentleman by the name of Capt. John Mullan. But for him it is probable this bill would never have been heard from. He, sir, having a laudable desire to make a little money, as well as to help along the school-fund of California, proposed, as I am informed, to the governor of the State and to the surveyor-general of the State to take a contract to collect this claim of 5 per cent. and the direct-tax claim from the United States for 20 per cent. of what he could realize. The State having nothing to lose and everything to gain, these State officers appointed the said Captain Mullan agent and attorney, and the Legislature, by a joint resolution dated March 3, 1883 (just thirty years to a day after the land grant to California), ratified and confirmed the appointment, and directed the compensation to be paid the energetic and gallant captain to be fixed "at 20 per cent. of each of the sums or claims that may be by him collected from the United States, and to pay to him such per cent. out of the moneys that may be colleeted." (See pages 394 and 395 of Statutes and Amendments to the Code California.)

A lobbyist was here urging a similar bill in the Forty-ninth Congress. I have seen the same face about the doors of this Hall during the last few days. But now the redoubtable captain is here in person, and the $107,593, which is his part of the $537,964 now in cash in the Treasury, to be paid over when this bill becomes a law, is a motive power of wonderful energy. This $107,593, according to his contract, will be his cash payment, and it is possibly only one-eighth part of the whole fee, since over 60,000,000 acres of the land of California are still undisposed of, and this bill carries 5 per cent. of the net proceeds of all cash sales yet to be made.

Mr. Chairman, let us see what California has received by way of a bounty and what has become of the 40,500,000 acres of land already disposed of within her limits. As a part of my remarks I read an official communication from the General Land Office, which is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 23, 1888.

SIR: Referring further to letter "M" of this office, dated February 13, 1888, and to your personal request of the 21st instant, I have to state as follows:

The estimated area of the public lands in California disposed of, or to which claim has been asserted, by selection or otherwise, to June 30, 1887, is 40,545,311 acres, as follows:

Grants to the State.	Estimated acres.
School selections	5,610,702.00
Internal improvements, act September 4, 1841	487,709.00
Seminaries	46,080.00
Public buildings	6,400.00
Agricultural college, act July 2, 1862, located in place	150,000.00
Swamp lands (patented 1,464,900)	1,879,527.18
Total estimated area of grants	8,180,418.18

ESTIMATED SELECTIONS, ENTRIES, AND DISPOSALS.

	Acres.
Railroad selections (3,527,391.10 acres patented)	4,809,498.25
Cash sales	8,316,146.97
Homestead entries	5,357,670.17
Timber-culture entries	700,545.54
Private land claims patented	9,130,856.15
Agricultural college scrip locations	1,574,917.40
Military bounty land-warrant locations	824,252.92
Miscellaneous entries private land scrip, etc.	1,650,905.42
Total	40,545,311.00

The figures given herein are not absolutely correct, but are given as the closest approximation that can be given from the data at hand.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. S. Z. LANDES, *House of Representatives.*

It will be seen from this official statement, that for educational purposes she has received of the public lands 5,806,782 acres, worth, at $1.25, $7,258,477.

In addition to this magnificent grant—a grant in area equal to the States of Massachusetts and Rhode Island, the State of California has received for State purposes 2,373,436 acres, worth about $3,000,000.

The total for school and State purposes aggregating, at $1.25 per acre, over ten and a quarter millions of dollars.

What State in the Union has secured such splendid dowry? Sir, if we are to equalize the land grants, we must commence at California and level down, instead of adding to the already unprecedented bounty she has received from a generous Government.

Over forty and a half millions of acres of the lands of California have been disposed of, out of which the Government has received the proceeds of but 8,316,146 acres, or $11,954,776 in gross; while in Illinois, out of a total of about 35,000,000 acres, near $25,000,000 have gone into the United States Treasury.

In answer to a question I propounded to the honorable gentleman in charge of this bill, in regard to school indemnity lands in California, he stated, "I do say distinctly, plainly, clearly, that California has not received any indemnity for swamp and overflowed land," etc.

Sir, I place against that declaration so distinctly made a statement from Hon. S. M. Stockslager, Acting Commissioner of the General Land Office, which is as follows:

In adjusting the grant for school lands the law provides that where indemnity is granted the State the principle laid down by the act of May 20, 1826, shall be applied, and the loss to the State by the swamp grant will be made up in the gain under this act, leaving a deficiency to the State in the mineral sections only.

The letter from which I read bears date February 13, 1888. I do not know which is true; I had a right to rely on the official statement. I ask to have the letter printed in full in the RECORD at the end of my remarks.

How much, sir, is involved in this bill? Five hundred and thirty-seven thousand nine hundred and sixty-four dollars and ninety-two cents in cash and one-twentieth of the proceeds of 60,000,000 acres of public lands in California still unsold, or 3,000,000 acres, at $1.25, which equals $3,750,000. The total covered by this bill is possibly $4,250,000.

For school purposes but one State in the Union has as yet received the sixteenth and thirty-sixth sections and the 5 per cent., and this is Nebraska. She stands alone, affording the solitary precedent for this legislation. And this is no precedent, because when, in 1864, the grant was made Nebraska was poorer than California ever had been in material wealth, and thinly peopled, with a most pressing need for population to protect her from Indian depredations, and hence this extra inducement was offered to settlers.

Are we ready to make this gift? It is a naked gift, nothing more. What right have we to give away the people's money? The gentleman refuses to say anything had been surrendered to the United States as a consideration for this claim. To whom are we to pay this enormous sum? To a State, as has been recently said, even now "rushing to unequaled empire amid gold and sunshine and flowers." She produced, in 1887, 35,000,000 bushels of wheat, 16,000,000 bushels of barley, 31,564,231 pounds of wool, 13,900,000 gallons of wine, 31,000 flasks of quicksilver, and $19,000,000 in gold and silver.

Her wealth increased from 1860 to 1870, 300 per cent., thence to 1880, 225 per cent. Her wealth per capita exceeds every other State in the Union. She has produced $1,000,000,000 of gold since 1848. She has no debt worth the mention, but has a school fund at interest of $2,690,000.

Are the shivering shoulders of the poor in all this land to be further stripped to enable us to pour additional wealth into the lap of millionaires? I hope not. In my poor judgment there is a thousand times more justification in voting for the Blair educational bill than for this.

I ask to have printed at the end of my remarks the letter of February 13, 1888, from the acting Commissioner of the General Land Office; also the statement showing the amount accruing and paid to the several States.

"M." DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 13, 1888.

SIR: In reply to your verbal inquiries of to-day I have to state as follows:

The estimated area of lands to which the State of California is entitled under the act of March 3, 1855, granting the sixteenth and thirty-sixth sections for school purposes, is 5,610,702 acres.

This estimate is based upon the calculation of one-eighteenth of the total area of the State, which is 100,992,640 acres, as school lands, and makes no allowance for the school sections which were embraced in selections under the swamp-land grant, nor for the sections that may be mineral.

In adjusting the grant for school lands the law provides that where indemnity is granted the State the principle laid down by the act of May 20, 1826 (4 Stats., page 179), shall be applied, and the loss to the State by the swamp grant will be made up in the gain under this act, leaving a deficiency to the State in the mineral sections only.

The area of school sections found to be mineral can not be determined by this office, for the reason that nearly 30,000,000 of acres of public lands yet remain to be surveyed; and it would require a large force of clerks for an indefinite time to examine the records of this office as to the character of land in each sixteenth and thirty-sixth section already surveyed in the State.

The area of sixteenth and thirty-sixth sections given herein differs from that stated in the "public domain," from the fact that the corrected area of California is used in this statement instead of the formerly assumed area.

The area of lands surveyed in California to June 30, 1887, was 71,988,476 acres; of which it is estimated that there have been disposed of under various acts and grants 40,545,311 acres, leaving the estimated area surveyed and undisposed of June 30, 1887, 31,443,165 acres.

The area of California unsurveyed on June 30, 1887, is estimated to be 29,004,164 acres.

The total receipts from the cash sales, not including the amount derived from any location or disposal of the public lands other than cash sales, including mineral lands, to June 30, 1887, is $11,954,776.06.

The expenses incident to the cash sales are estimated at 10 per cent. of the receipts, or $1,195,477.60, leaving the net receipts $10,759,298.46.

Five per cent. upon this amount is $537,964.92.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. S. Z. LANDES, *House of Representatives.*

Statement showing the amount accruing and paid to the several described States, as 3 and 5 per cent. upon the net proceeds of lands sold for cash.

Name of States.	Amount accruing and paid.	Adjusted to—
Alabama	$1,050,805.81	June 30, 1887.
Arkansas	258,478.54	June 30, 1887.
Colorado	65,826.02	June 30, 1886.
Florida	101,526.04	June 30, 1887.
Iowa	626,075.16	April 4, 1874.
Illinois*	712,744.82	March 17, 1864.
Indiana*	618,277.50	March 19, 1878.
Kansas	377,764.27	June 30, 1883-'84.
Louisiana	386,914.49	June 30, 1886.
Mississippi	1,038,944.54	June 30, 1887.
Missouri	568,818.97	June 30, 1886.
Michigan	542,749.80	June 30, 1886.
Minnesota	395,236.37	June 30, 1887.
Nevada	10,630.55	June 30, 1887.
Nebraska	208,963.28	June 30, 1885.
Oregon	98,182.67	June 30, 1887.
Ohio*	596,634.10	September 20, '72.
Wisconsin	554,254.80	June 30, 1887.
Total	8,122,827.73	

* This amount represents 3 per cent. paid the State, the 2 per cent. upon the net proceeds not being included.

GENERAL LAND OFFICE, DIVISION OF ACCOUNTS,
February 27, 1888.

The CHAIRMAN. The committee will now rise.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 418) granting to the State of California 5 per cent. of the net proceeds of the cash sales of public lands in said State, had come to no resolution thereon.

WILLIAM LOCK AND JAMES H. TENSLEY.

Mr. TAULBEE, by unanimous consent, reported back with amendments from the Committee on Claims the bill (H. R. 7303) for the relief of William Lock and James H. Tensley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. NELSON. I ask unanimous consent that the House now proceed with the consideration of business reported from the Committee on Indian Affairs, without waiving the right of the committee to occupy next Tuesday, which has been given to the committee in lieu of to-day.

The SPEAKER *pro tempore*. The gentleman from Minnesota [Mr. NELSON] asks unanimous consent that the remainder of this day be devoted to business of the Committee on Indian Affairs, without prejudice to orders heretofore made.

Mr. HOLMAN. I think the committee should not occupy the residue of to-day and also the day which has been assigned to them in lieu of to-day.

Mr. NELSON. I hope there will be no objection to the proposition.

The SPEAKER *pro tempore*. Is there objection? It is expressly understood that the time the committee may occupy to-day will not be in lieu of the other day which has been assigned to them. The Chair hears no objection.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering business on the Calendar reported from the Committee on Indian Affairs.

Mr. HOLMAN. I wish to say that many gentlemen have left the Hall with the understanding that as the Indian Committee had obtained another day in lieu of to-day this business would not come up now. I think the present proposition is hardly consistent with the understanding which was had.

Mr. PEEL. I will say to the gentleman from Indiana that we desire only to utilize the little time that remains to-day. If any important question arises, requiring a yea-and-nay vote or a quorum, it will not be pressed, I presume. I can see no objection to our going on and discussing the bill which will first come up. I renew my motion that the House resolve itself into Committee of the Whole for the consideration of business on the Calendar reported from the Committee on Indian Affairs.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. ROGERS in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of such bills as the Committee on Indian Affairs may call up.

CHIPPEWA INDIANS IN MINNESOTA.

Mr. PEEL. I call up for consideration the bill (H. R. 7935) for the relief and civilization of the Chippewa Indians, in the State of Minnesota. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. If there be no objection, the first reading of the bill will be dispensed with. The Chair hears no objection. The bill will now be read by sections for amendment.

The Clerk read the first section, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, within sixty days after the passage of this act, to designate and appoint three commissioners, one of whom shall be a citizen of Minnesota, whose duty it shall be, as soon as practicable after their appointment, to obtain and acquire for the United States of America, from all the different bands or tribes of Chippewa Indians in the State of Minnesota, their complete cession and relinquishment in writing of all their title and interest in and to all the Indian reservations in the State of Minnesota, except the White Earth and Red Lake reservations, and to all and so much of these two reservations as is not required to make and fill the allotments hereinafter specified, for the purposes and upon the terms hereinafter stated; and such cession and relinquishment shall be deemed sufficient as to each of said several reservations if made and assented to by two-thirds of the male adults of the band or tribe of the —— Indians occupying and belonging to such reservations; and for the purpose of ascertaining whether the proper number of Indians yield and give their assent as aforesaid, and for the purpose of making the allotments and payments hereinafter mentioned, the said commissioners shall, while engaged in securing such cession and relinquishment as aforesaid and before completing the same, make an accurate census of each tribe or band, classifying them into males and females adults and male and female minors, and the minors into those who are orphans and those who are not orphans, giving the exact numbers of each class, and making such census in duplicate lists, one of which shall be filed with the Secretary of the Interior, and the other with the official head of the band or tribe; and the acceptance and approval of such cession and relinquishment by the Secretary of the Interior shall be deemed full and ample proof of the assent of the Indians, and shall operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purposes and upon the terms in this act provided.

Mr. NELSON. I move to amend by striking out, in line 27, the letter "s" in the word "males" and the word "females;" also by striking out "the" after the word "or," in line 19.

The amendment was agreed to.

The Clerk proceeded with the reading of the bill, as follows.

SEC. 2. That the said commissioners shall, before entering upon the discharge of their duties, each give a bond to the United States in the sum of $10,000, with sufficient sureties, to be approved by the Secretary of the Interior, and conditioned for the faithful discharge of their duties under this act, and they shall also each take an oath to support the Constitution of the United States, and to faithfully discharge the duties of their office, which bonds and oaths shall be filed with the Secretary of the Interior. Said commissioners shall be entitled to a compensation of $5 per day for each day actually employed in the discharge of their duties, and for their actual traveling expenses and board, not exceeding $3 per day. Said commissioners shall also be authorized to employ a competent interpreter while engaged in the performance of their duties, at a compensation and allowance to be fixed by them, not in excess of that allowed to each of them under this act.

SEC. 3. That as soon as the census has been taken, and the cession and relinquishment has been obtained and approved, as specified in section 1 of this act, all of said Chippewa Indians in the State of Minnesota, except those on the Red Lake reservation, shall, under the direction of said commissioners, be removed to and take up their residence on the White Earth reservation, and thereupon there shall, as soon as practicable, under the direction of said commissioners, be allotted lands in severalty to the Red Lake Indians on Red Lake reservation, and to all the other of said Indians on White Earth reservation, as follows (heads of families and adults selecting for themselves, and the commissioners selecting for all minors): To each head of a family, male adult, or orphan minor, 160 acres, and to all other persons 80 acres each; and for the allotments so made, as herein provided, certificates shall issue to the allottees, which certificates shall be of the legal effect and declare on their face that the United States does and will hold the land thus allotted for the period of fifty years, in trust, for the sole use and benefit of the allottee, or his or her heirs, according to the laws of the State of Minnesota, and that, at the expiration of said period, the United States will convey, by patent in fee-simple, to the allottee, or his or her heirs as aforesaid, the land so allotted, discharged of said trust and free of all liens or incumbrances, which patents shall accordingly issue; and as soon as such allotments have been made and certificates issued therefor, the said Indians to whom such allotments have been made, shall be deemed to be full citizens of the United States, and entitled to all the rights, privileges, and immunities of such citizens, and shall have the benefit of, and be subject to, the laws, both civil and criminal, of the State of Minnesota; and all allotments heretofore made to any of said Indians on the White Earth reservation are hereby ratified and confirmed with the like tenure and condition prescribed for all allotments under this act: *Provided, however*, That the amount heretofore allotted to any Indian on White Earth reservation shall be deducted from the amount of allotment to which he or she is entitled under this act.

SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, the Secretary of the Interior shall cause all and so much of said reservations as are not fully surveyed to be surveyed as Government lands are surveyed; and in making such surveys the surveyors shall carefully ascertain and note and return on the plat and in the field-notes all 40-acre or lesser subdivisions on which there is any pine timber standing or growing, and which tracts are for the purposes of this act termed pine lands; and upon the completion of such surveys the Secretary of the Interior shall cause each 40-acre or lesser subdivision of such pine lands not allotted as hereinbefore provided to be appraised by three competent men, to be appointed by him, which appraisal shall in no event be less than $3 per acre; said appraisers shall also, in respect to all portions of said reservations which have heretofore been fully surveyed, and are not allotted to the Indians under this act, make a careful examination of such portions, for the purpose of ascertaining and listing all 40-acre or lesser governmental subdivisions on which there is standing or growing any pine timber, and which tracts are, for the purposes of this act, termed pine lands and which pine lands shall also be appraised by said appraisers, but not less than $3 per acre. All other lands on said reservations which are not pine lands as herein defined, shall, for the purposes of this act, be termed agricultural lands. The compensation of said appraisers shall be fixed by the Secretary of the Interior, but shall in no event exceed in the aggregate $4 per day for each, including all expenses.

Mr. NELSON. I move in line 28, page 6, of section 4, to strike out "four" and insert "five;" so it will read:

The compensation of said appraisers shall be fixed by the Secretary of the Interior, but shall in no event exceed in the aggregate $5 per day for each, including all expenses.

Mr. COBB. I move to insert "ten." The object is to get good men, and not men in the neighborhood to make the appraisement, and unless you put the compensation at a proper figure you will not be able to get them.

Mr. HOLMAN. I would not do that. I ask the gentleman to withdraw the amendment making it $10.

Mr. COBB. I will withdraw my amendment to the amendment.

Mr. NELSON. I move to make it $5, and I do so at the request of several members of the committee, as it is believed it is necessary to make it $5 a day, in order to get good men for this purpose.

Mr. HOLMAN. We have two land inspectors at $2,500 a year each, and $3 a day for expenses, and these men could be very profitably employed on this work.

Mr. NELSON'S amendment was agreed to.

Mr. HOLMAN. I hope I will be permitted to recur to this matter if I shall find it necessary.

Mr. NELSON. I do not object to that.

The Clerk proceeded to the reading of the bill, as follows:

SEC. 5. That after the said pine lands have been surveyed, ascertained, listed, and appraised as aforesaid, the Secretary of the Interior shall, after having given two months' notice of sale through a newspaper of general circulation, published at St. Paul, Duluth, and Crookston, in said State, through the United States land officers for the district where the said lands are situate, offer for sale and sell the same at public auction, to the highest bidder for cash, in forty-acre or lesser subdivisions; but such sale shall not be for a less price than the appraised value, nor shall more than one-tenth of said pine lands be disposed of in any one year, nor otherwise than in this act provided.

SEC. 6. That when any of the agricultural lands on said reservation not allotted under this act have been surveyed, the Secretary of the Interior shall give thirty days' notice thereof, through at least two of the principal papers published in the State of Minnesota, and, at the expiration of said thirty days, the said agricultural lands so surveyed shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law: *Provided*, That each settler under and in accordance with the provisions of said homestead laws shall pay to the United States for the land so taken by him the sum of $1 for each and every acre, in four equal annual payments, and shall be entitled to a patent therefor only at the expiration of four years from the date of entry, according to said homestead laws, and after the full payment of said $1 per acre therefor; and any conveyance of said lands so taken as a homestead, or any contract touching the same, prior to the date of final entry shall be null and void: *Provided further*, That settlers who have not had the benefit of the pre-emption laws shall be entitled to enter homesteads under the provisions of this act, notwithstanding they may previously have had the benefit of the homestead laws.

Mr. HOLMAN. In lines 7 and 8 it is provided:

Shall be disposed of by the United States to actual settlers only, under the provisions of the homestead laws.

There is a subsequent provision, that a settler shall not be entitled to a patent therefor. Now, it does not appear clearly as to whether the commutation section 2301 would be affected.

Mr. NELSON. Let the gentleman prepare an amendment.

Mr. PAYSON. I move after the word "therefor," in line 15, to insert these words, "and due proof of occupancy for said period of four years." That would leave the situation which the gentleman suggests.

Mr. HOLMAN. That will accomplish the same object.

Mr. PAYSON. I move that amendment.

Mr. NELSON. That is satisfactory to me.

Mr. PAYSON'S amendment was adopted.

Mr. MCRAE. I move to strike out "four years" and insert "five years."

Mr. NELSON. I have no objection to that.

Mr. MCRAE'S amendment was agreed to.

Mr. PAYSON. I suggest to the gentleman from Minnesota, in order that the bill may be harmonious, the word "four" should be stricken out in line 13 and "five" inserted there.

Mr. NELSON. I move in that section wherever the word "four" occurs, it be substituted by the word "five;" so it will read "five years" instead of "four years" through the section.

The amendment was agreed to.

The Clerk proceeded with the reading of the seventh section, as follows:

SEC. 7. That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 3 per cent. per annum, payable annually for the period of fifty years after the allotments provided for in this act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians in manner following: One-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and orphan minors; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and, at the expiration of the said fifty years, the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid, the sum of $75,000 annually, counting from the time

when the removal and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of $2,500,000, less any actual interest that may in the mean time accrue from accumulations of said permanent fund; the payments of such interest to be made yearly in advance, and, in the discretion of the Secretary of the Interior, may, as to three-fourths thereof, during the first five years be expended in procuring live-stock, teams, farming implements, and seed for such of the Indians to the extent of their shares as are fit and desire to engage in farming, but as to the rest, in cash; and whenever said permanent fund shall exceed the sum of $2,500,000 the United States shall be fully reimbursed out of such excess for all the advances of interest made as herein contemplated; and as soon as the United States have been fully reimbursed for all the advances and expenses contemplated and incurred under this act, and the said permanent fund shall exceed the sum of $2,500,000, the Secretary of the Interior may, in his discretion, expend of such excess, not to exceed 10 per cent. thereof annually, for the benefit of said Indians, in the same manner and in like proportion as the interest of said permanent fund.

Mr. MACDONALD. I move a verbal amendment: in line 16, page 8, after the word "and" insert "guardians of;" so it will read:

Be annually paid in cash in equal shares to the heads of families and guardians of orphan minors.

Mr. NELSON. That is satisfactory to me.

The amendment was agreed to.

Mr. NELSON. I move a verbal amendment on page 9, line 31, to strike out the word "as" between the word "until" and the word "such."

The amendment was agreed to.

Section 8 was read, as follows:

SEC. 8. That the sum of $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for procuring the cession and relinquishment, making the census surveys, appraisals, removal and allotments, and the first annual payment of interest herein contemplated and provided for.

Mr. HOLMAN. I suggest the words should be included in this section, "or so much thereof as may be necessary." One hundred and fifty thousand dollars is appropriated, and only so much should be paid as shall be found to be necessary.

Mr. NELSON. I accept that amendment.

Mr. HOLMAN. It is not provided in this section who shall exercise the authority, or for what purpose the money shall be expended.

Mr. NELSON. To carry out the suggestion of the gentleman from Indiana, let it be provided this money shall be expended under the direction of the Secretary of the Interior.

Mr. PERKINS. Which section provides that the Government shall be reimbursed for this particular appropriation?

Mr. NELSON. The preceding section, section 7.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Minnesota.

The Clerk read as follows:

After line 6, insert "which money shall be expended under the direction of the Secretary of the Interior."

The amendment was adopted.

Mr. RICE. I move to amend in line 29, on page 8, by striking out the sum of "$75,000" and inserting "$90,000."

Mr. Chairman, there are some six or seven thousand Indians there, and the amount appropriated for their immediate needs for agricultural purposes, procurement of seed, and so on, is not adequate.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Minnesota.

The amendment was read and agreed to.

Mr. RICE. In order to make the amount correspond, I move to strike out, in line 32, same section, "$2,500,000," and insert "$3,000,000," so as to make the interest provided in the bill, 3 per cent., conform to the original intention in setting apart a sum for that purpose. This increase is necessary to make up the sum of $90,000.

The amendment was agreed to.

Mr. RICE. I now move to strike out, in lines 42 and 43, "$2,500,000" and insert "$3,000,000," for the same reason.

Mr. BUCHANAN. I would like to know why $500,000 is to be appropriated in this way. I think we ought to have some definite information.

Mr. PERKINS. This is only an increase in the permanent fund resulting from the sale of their land.

Mr. NELSON. It does not increase the appropriation.

The amendment was adopted.

Mr. RICE. I also move the same amendment in lines 48 and 49 of this section; so as to make the terms of the bill correspond.

The amendment was adopted.

Mr. PERKINS. I know it is the purpose of this bill to reimburse the Government for expenditures made in keeping with the provisions of the bill, but I am inclined to think that the language of this seventh section is not entirely adequate. I move, therefore, to insert after the word "contemplated" in line 45, the words "and other expenses hereunder;" so that it will read:

For all the advances of interest made as herein contemplated, and other expenses hereunder.

The CHAIRMAN. Is there objection to the consideration of the amendment?

There was no objection.

The amendment was considered and adopted.

Mr. HOLMAN. I move to add, if not objectionable, these words to the eighth section.

The Clerk read as follows:

Add to section 8:

"A detailed statement of which expenses, except the interest aforesaid, shall be reported to Congress when the expenditures shall be completed."

Mr. NELSON. That is satisfactory.

The amendment was adopted.

Mr. NELSON. I wish to move to go back to section 30. The gentleman from Alabama [Mr. COBB] has an amendment which he desires to offer to that section.

There was no objection.

Mr. COBB. I had desired to be heard in regard to this bill, but did not know that business from the Committee on Indian Affairs was to be taken up to-day, and hence I was not in the Hall when this bill was called for consideration. If, however, I have lost the opportunity I will content myself with the amendments which by consent I will now present. I move first the amendment I send to the desk.

The Clerk read as follows:

Strike out in lines 28, 29, and 30 of section 3 the words "shall be deemed to be full citizens of the United States and entitled to all the rights, privileges, and immunities of such citizens, and."

Mr. COBB. We are informed, Mr. Chairman, by the Indian Department that these are very uncivilized and ignorant Indians. We have had enough talk of late, it seems to me, about illiteracy destroying this country; and yet you propose not only to include more illiterates, but to admit certain degrees of barbarism also to the rights of citizenship.

Mr. NELSON. So far as I am concerned, I accept that amendment.

Mr. MACDONALD. If the gentleman from Alabama will yield to me for a moment, I think I can satisfy him that it is immaterial. We have already a general provision of law whereby an Indian may be naturalized, upon adopting, in the language of the law, "the habits of civilization," which really means to put on a suit of citizen's clothes and cut his hair short.

Mr. NELSON. Before a vote is taken, I ask unanimous consent to make a statement. I think the allotment-in-severalty bill gives them all of that already. So that it is immaterial whether this is stricken out or not.

Mr. WEAVER. It should be retained here anyhow.

Mr. HOLMAN. It is a good feature and had better be retained.

The question being taken on Mr. COBB'S amendment, the committee divided; and there were—ayes 4, noes 12.

Mr. COBB. No quorum.

The CHAIRMAN. The Chair will appoint tellers.

Mr. COBB and Mr. NELSON were appointed tellers.

Mr. ALLEN, of Michigan. If the gentleman from Alabama will allow me to have that amendment read again, I think it possible that we can agree here without further delay.

The amendment was again reported.

Mr. MACDONALD. Our general law covers this point anyhow.

Mr. COBB. I understand there is a provision of the general law covering this, and if so I do not care to embarrass the House. Hence I withdraw the call.

So (there being no further count) the amendment was rejected.

Mr. COBB. I now present a further amendment.

The Clerk read as follows:

Add at the end of section 3:

Provided further, That any of the Indians residing on any of said reservations may, in his discretion, take his allotment in severalty under this act on the reservation where he lives at the time the removal herein provided for is effected, instead of being removed to and taking such allotment on the White Earth reservation.

Mr. HOLMAN. I hope that amendment will be accepted.

Mr. NELSON. I have no objection to it.

The amendment was adopted.

Mr. PERKINS. I think there is some misunderstanding as to the amendment offered a few moments ago. The effect of this bill is to make these Indians citizens at once; and it is that provision of the bill which the gentleman from Alabama moves to strike out. Then they can be made citizens under the general allotment bill if the President of the United States thinks it best they should be. But if we pass this bill as presented to the committee the effect of it is to declare these Indians to be citizens at the passage of the act. It is well known to the gentleman from Minnesota as to many other gentlemen here that these Indians are not qualified for the duties of citizenship; and yet if we pass the bill it will make them citizens after the passage of the act.

Mr. PAYSON. The bill does not read so.

Mr. NELSON. At the twenty-sixth line the bill provided this:

And as soon as such allotments have been made and certificates issued therefor, the said Indians to whom such allotments have been made shall be deemed to be full citizens of the United States, and entitled to all the rights, privileges, and immunities of such citizens.

That is in exact conformity, as I remember, with the bill providing for the allotment in severalty, which is already the law.

The CHAIRMAN. There is nothing before the committee.

Mr. PAYSON. I think the bill is right as it is.

Mr. COBB. I would like to have a few moments without being con-

fined by the narrow limits of an amendment, to make some general observations on the scope of the bill.

The CHAIRMAN. The gentleman can only be heard by unanimous consent.

Mr. HOLMAN. The last section of the bill is still pending. The gentleman can offer an amendment to that.

Mr. COBB. I move to strike out the last word.

I am not antagonizing this bill, but to some of its provisions I can not agree. One of the very important provisions of the bill is, it is alleged, in the general law. If it is, so much the worse for the general law. This provision is that these people are to be made citizens of the United States, with all the rights and privileges of citizenship. That I object to; and the gentleman managing the bill is willing that the words conferring citizenship be stricken out, because, he says, we have a general law, under the operation of which they will become citizens. That being the case, we have on the statute-books of this country a law which provides that men who are wholly and totally unprepared for the duties and obligations of citizenship shall become citizens of the United States. I repeat, if that is the general law of the land, so much the worse for the general law.

There is one other feature of the bill to which I desire to call the attention of the House.

Mr. MACDONALD. Before the gentleman passes from the point to which he has just been adverting, I wish to ask him what he would suggest as an improvement when the Indians are placed on the lands in severalty.

Mr. NELSON. Will the gentleman from Alabama allow me to make a statement here?

Mr. COBB. Yes, sir.

Mr. NELSON. I do not desire to interrupt the gentleman, but I want to say to him and to the committee that under the laws of Minnesota—and they have been such since it became a State—any Indian who severs his tribal relations, owns property, and pays taxes, is a citizen and can vote; and we have a great many Indians in that State who are voters. This bill gives them no more privileges than they have already in the State of Minnesota.

Mr. COBB. That suggests another feature of the bill. Its effect is to force the Indians to take their lands in severalty. If these Indians consent to be removed to the White Earth reservation, they are instantly on arrival compelled, under the operation of the bill, to take their lands in severalty; and thereby under the operation of the law to which the gentleman from Minnesota refers they become citizens of the United States.

I had an amendment which I will not urge, but will merely suggest it to the House. Other gentlemen may offer it if they see proper; but if they think the bill is all right, I do not desire to antagonize my friend from Minnesota. The truth is, he has such a persuasive, clever manner about him that I can hardly find it in my heart to say what I am saying now.

Mr. NELSON. Thank you.

Mr. COBB. If that gentleman were out of the way, I would sail into this bill more than I am doing. The amendment which I have prepared is to this effect, that after their removal to the White Earth reservation they shall not be compelled to take land in severalty without their consent. It goes on to provide how that consent is to be had. As the bill now stands, you force them to take land in severalty and you force them to become citizens of the United States, whether they desire to do so or not. I have heard it urged that there should be great liberality in the law under which foreigners can come here and be naturalized; but this is the first time I have heard that the rights, duties, and privileges of citizenship of the United States should be forced on men, whether they wanted them or not.

Mr. CUTCHEON. If a man is born in this country citizenship is forced upon him without his consent. These Indians are born on this soil; why should they not become citizens?

Mr. COBB. They are born on this soil, but they are not born on the soil as the gentleman's children are. That is an evasion of the argument. If they were citizens already, born citizens, you would not require this legislation at all. They were born aliens, and legislation is required to make them citizens, and in this legislation provision should be made for ascertaining their qualifications to receive the high privilege of American citizenship. I pass on.

The proviso that has just been read is not objected to by the friends of the bill. I want to say, and it is fair to say, that these very points that I have been alluding to are in accord with the views of the Indian Office upon this subject. The Indian Office takes the position, as I understand it, that citizenship ought not to be forced upon these Indians; that their tribal relations should not be broken up or disturbed without their consent.

I will go with the friends of the bill this far: if the Indians consent to the destruction of their tribal relations let it be so, but to remove them upon this reservation, their consent being taken for removal and for nothing else, and then to say to them, "Whether you will consent or will not consent, you must become citizens and take your lands in severalty"—to take that course with them does not meet the assent of my judgment.

Mr. NELSON. Mr. Chairman, I do not want to occupy the time of the House, but merely to state one thing, if the gentleman will allow me. This bill relates to a lot of little reservations, and before it can take effect two-thirds of the male adults on each reservation must consent. The bill, if it is passed, is nothing but a proposal to the Indians; if they don't like it they are not obliged to accept it, and acceptance requires the votes of two-thirds of the male adults.

Mr. MCRAE. I ask unanimous consent to go back to section 6 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Several MEMBERS. Let us hear the amendment read.

The amendment was read, as follows:

That any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act.

Mr. MCRAE. I move to strike out all of section 6 after the word "further" in the eighteenth line and to insert what has just been read.

Mr. NELSON. I have no objection to that amendment.

The CHAIRMAN. Is there objection?

Mr. BUCHANAN. There is, unless we know the effect.

Mr. MCRAE. It proposes to strike out the words "that settlers who have not had the benefit of the pre-emption laws shall be entitled to enter homesteads under the provisions of this act, notwithstanding they may previously have had the benefit of the homestead laws," and to insert in lieu thereof the amendment that has been read.

The CHAIRMAN. Is there objection?

Several MEMBERS. Vote! Vote!

Mr. STEELE. Will the gentleman explain the effect of that amendment?

Mr. NELSON. Under the homestead law men get their land for nothing. Under this law they may take up homesteads, but they will have to pay a dollar an acre for the land. This amendment provides that people who have not had the benefit of the homestead or pre-emption laws may obtain homesteads under this law by paying a dollar an acre. The bill we passed yesterday required a man to pay only 50 cents an acre, and this requires him to pay double as much, although these lands are farther north and in a colder country.

Mr. CUTCHEON. But why should a man have two chances at the homestead law? That is not the general rule.

Mr. NELSON. The explanation is this: Under the homestead law as it is the settler gets the land without paying anything except the land-office fees; but under this law he has to pay for the land—a different kind of homestead in that respect.

Mr. CUTCHEON. Then the effect will be that after a man has already taken a free homestead he will still be permitted to take a second one at a dollar an acre.

Mr. NELSON. Yes; by paying for it.

Mr. CUTCHEON. Would it not be better to keep these lands for people who have not got homesteads?

Mr. MCRAE. My amendment is in the direction of saving the land. The bill, as it comes from the committee, allows a man who may have proven up his title under the homestead law to take the benefit of this act, while my amendment gives it to him only in case he has never had the benefit of the homestead or pre-emption law.

Mr. CUTCHEON. Yes. I prefer the gentleman's amendment to the original provision.

The amendment of Mr. MCRAE was agreed to.

Mr. HOOKER. Mr. Chairman, I left the House two hours ago, after another day had been fixed for the consideration of business reported from the Committee on Indian Affairs, and inasmuch as the House had consented to assign another day, and a considerable portion of this day had already been exhausted, I presumed that there would be no consideration of this bill to-day. For that reason I was not present at the beginning of this discussion. Assuming that I still have the right to offer the amendment which I had designed to offer, I send it to the Clerk to be read.

Mr. PAYSON. Let it be read for information.

The Clerk read as follows:

At the end of section 3 add the following:

"*Provided further*, That no allotments in severalty shall be made and no sales of land had under the provisions of this act until three-fourths of the male adults of the Indians interested shall consent thereto; and the Secretary of the Interior shall prescribe rules and regulations by which said commissioners shall ascertain their wishes; and if the Indians residing on the White Earth reservation, including those removed thereto under the provisions of this act, shall refuse to take land in severalty, then the said removed Indians shall be settled on said reservation in such manner as the Secretary of the Interior shall direct."

The CHAIRMAN. Is there objection to entertaining this amendment? The Chair hears none.

Mr. HOOKER. Mr. Chairman, I have offered this amendment because I consider——

Mr. NELSON. If the amendment be accepted on the part of the Committee on Indian Affairs, will that be satisfactory to the gentleman without any debate?

Mr. HOOKER. Yes, sir.

Mr. NELSON. On behalf of the committee I accept the amendment, and ask that the bill be modified accordingly.

The CHAIRMAN. In the absence of objection the amendment of the gentleman from Mississippi will be considered as adopted.

There was no objection.

Mr. NELSON. I now move that the committee rise and report the bill back to the House with the recommendation that it be passed as amended.

Mr. HOLMAN. Before the question is put on that motion I wish to say a word. I made a suggestion that the duty proposed to be required of these commissioners might be performed by the inspectors already authorized by law for the Interior Department. But in the absence of information as to the character of their duties at this time or in the early future, I do not feel justified in offering such an amendment.

The question being put on the motion of Mr. NELSON, it was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. ROGERS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7935) for the relief and civilization of the Chippewa Indians in the State of Minnesota, had directed him to report the same back with amendments, and with the recommendation that it be passed as amended.

Mr. NELSON. I call the previous question on agreeing to the amendments and ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER *pro tempore*. Is a separate vote desired on each amendment?

Mr. NELSON. I ask that the amendments reported from the Committee of the Whole may be voted on in gross.

There was no objection.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PEEL. I move that the House adjourn.

PACIFIC RAILROADS.

Mr. OUTHWAITE. I ask unanimous consent that House bill No. 8184, reported yesterday from the Committee on the Pacific Railroads, be reprinted so as to include certain amendments which were omitted.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

There was no objection.

REFUND OF DIRECT TAX OF 1861.

Mr. CASWELL. I ask unanimous consent to offer for reference to the Committee on Rules the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Wednesday, the 4th day of April, immediately after the morning hour for the consideration of bills, be set apart for the consideration of Senate bill No. 139, reported by the Committee on the Judiciary, and now upon the Calendar, providing for refunding the direct tax levied in 1861; but not to interfere with revenue bills, appropriations bills, or prior orders; and if displaced by any cause, then Wednesday of each subsequent week shall be so set apart and substituted therefor until the bill shall be considered.

Mr. ROGERS. I rise to a parliamentary inquiry. Is this resolution offered for present consideration?

Mr. CASWELL. I ask to have it referred to the Committee on Rules.

Mr. ROGERS. I object.

Several MEMBERS. Regular order!

MAURICE RUDDLESDEN.

Mr. HAYES. I desire to report a resolution from the Committee on Accounts.

Mr. McMILLIN. If this is presented merely for reference I do not object. I object to the presentation of any proposition now, except for reference.

The SPEAKER *pro tempore*. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Maurice Ruddlesden, in one of the general appropriation bills, the difference between the pay of a laborer and that of a messenger at the rate of $3.60 per day from July 1, 1887, to June 30, 1888.

Mr. HOLMAN. I suggest that this resolution be referred to the Committee on Appropriations without any definite action now.

Mr. STEELE. I renew the motion that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. BLISS: A bill (H. R. 8225) for the relief of William S. Kellington—to the Committee on Invalid Pensions.

By Mr. BLOUNT: A bill (H. R. 8226) for the relief of the heirs at law of Needham Ballard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8227) for the relief of Briggs H. Napier, executor of Leroy Napier, deceased—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 8228) granting a pension to James M. Ingle—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: A bill (H. R. 8229) for the relief of Samuel P. Woods—to the Committee on War Claims.

Also, a bill (H. R. 8230) for the relief of William White—to the Committee on War Claims.

Also, a bill (H. R. 8231) for the relief of George R. Ward—to the Committee on War Claims.

Also, a bill (H. R. 8232) for the relief of the heirs of Alexander Vaughn—to the Committee on War Claims.

Also, a bill (H. R. 8233) for the relief of John Smith—to the Committee on War Claims.

Also, a bill (H. R. 8234) for the relief of Henry A. Sims—to the Committee on War Claims.

Also, a bill (H. R. 8235) for the relief of William P. Ramsey—to the Committee on War Claims.

Also, a bill (H. R. 8236) for the relief of David R. Ramsey—to the Committee on War Claims.

Also, a bill (H. R. 8237) for the relief of Berry W. Partain—to the Committee on War Claims.

Also, a bill (H. R. 8238) for the relief of James M. Foster—to the Committee on War Claims.

Also, a bill (H. R. 8239) for the relief of Abner Worthy—to the Committee on War Claims.

By Mr. CUMMINGS: A bill (H. R. 8240) to remove the charge of desertion from the military record of William T. Smith, late private in Company F, Ninety-seventh Regiment Pennsylvania Volunteers, and to issue to him an honorable discharge—to the Committee on Military Affairs

By Mr. FITCH: A bill (H. R. 8241) granting a pension to Martin Haas—to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 8242) granting a pension to David O. Ramsey—to the Committee on Invalid Pensions.

By Mr. GLOVER: A bill (H. R. 8243) to increase the pension of Mrs. Elizabeth B. Dyer—to the Committee on Pensions.

Also, a bill (H. R. 8244) granting a pension to Robert Zahn—to the Committee on Pensions.

Also, a bill (H. R. 8245) granting a pension to Mrs. Jane Harris, formerly Mrs. Jane Bird—to the Committee on Invalid Pensions.

By Mr. S. T. HOPKINS: A bill (H. R. 8246) granting a pension to Grant Van Dusen, late Company K, Sixth Regiment Pennsylvania Infantry—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 8247) for the relief of B. L. Roaks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8248) for the relief of John H. Norwood—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 8249) for the relief of Z. W. Jones, administrator of John Wilson, deceased—to the Committee on War Claims.

By Mr. LANHAM: A bill (H. R. 8250) for the relief of James C. Loving, Jonathan L. Dobbs, Daniel C. Kyle, Keith and O'Neal, and the legal representatives of John Hittson, deceased; of Alexander Timmons, deceased; of Nathan Watson, deceased; of Daniel Cretsinger, deceased—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 8251) for the relief of Hiram D. Drum—to the Select Committee on Indian Depredation Claims.

By Mr. MASON: A bill (H. R. 8252) for the relief of Maria N. Abbey—to the Committee on War Claims.

By Mr. MERRIMAN: A bill (H. R. 8253) granting a pension to Annie M. Charsley—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: A bill (H. R. 8254) granting a pension to Charles G. Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8255) for the relief of Henry Boswell—to the Committee on Military Affairs.

By Mr. O'DONNELL: A bill (H. R. 8256) granting a pension to George W. Croop—to the Committee on Invalid Pensions.

By Mr. PATTON: A bill (H. R. 8257) for the relief of Fannie Moseley Lorain—to the Committee on Pensions.

By Mr. PIDCOCK: A bill (H. R. 8258) for the relief of Caleb Aber—to the Committee on Military Affairs.

By Mr. ROMEIS: A bill (H. R. 8259) for the relief of Robert Brown—to the Committee on Claims.

By Mr. SAWYER: A bill (H. R. 8260) granting a pension to Lydia A. Hicks—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 8261) for the relief of W. F. Bryson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8262) for the relief of Francis M. Leeds—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 8263) for the relief of R. E. Phillips—to the Committee on War Claims.

By Mr. J. D. TAYLOR (by request): A bill (H. R. 8264) for the re-

lief of George H. Boston, late private Company D, Second Massachusetts Volunteer Infantry—to the Committee on War Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 8265) for the relief of W. T. Scoville and John Kouns, surviving partners of George L. Kouns, deceased—to the Committee on War Claims.

By Mr. WEBER: A bill (H. R. 8266) for the relief of Mrs. Clarissa G. Green—to the Committee on Invalid Pensions.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 6331) for the relief of Daniel H. Nye—from the Committee on Military Affairs to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of O. L. Williams, and of M. D. Graham, administrator of James Summers, of Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ARNOLD (by request): Petition of H. N. Phillips ann others, members of Washington Grange, Patrons of Husbandry, of Rhode Island, for the reissue of fractional currency—to the Committee on Banking and Currency.

Also, petition of members of the same for the eradication of pleuropneumonia—to the Committee on Agriculture.

By Mr. BIGGS: Petition of certain citizens of Stanislaus and Merced Counties, California, for certain improvements for the benefit of commerce—to the Committee on Rivers and Harbors.

By Mr. BOUND: Affidavit of John J. Curtin, late colonel Forty-fifth Regiment Pennsylvania Volunteers, in the case of Isaac W. Rhawn, for relief—to the Committee on Military Affairs.

By Mr. BOUTELLE: Petition of Dexter Grange, Patrons of Husbandry, of Dexter, Me., in favor of more effectual protection of agriculture—to the Committee on Agriculture.

By Mr. BOWDEN: Petition of Caleb T. Spratt and others, for increase of salaries of the Life Saving-Service—to the Committee on Commerce.

By Mr. C. E. BROWN: Memorial of citizens of Cincinnati, Ohio, against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of James R. Green, for restoration to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. CROUSE: Resolutions of Progress Lodge of Akron, Ohio, Amalgamated Iron and Steel Workers, against any reduction of the tariff on iron—to the Committee on Ways and Means.

By Mr. CLEMENTS: Petition of Luther Walters, of Floyd County; of executor of William P. Allison, of Walker County, and of John J. Whitehead, administrator of John C. Whitehead, of Rome, Ga., for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. COOPER: Petition of R. D. Mavis and 75 others, citizens of Knox and Coshocton Counties, Ohio, for increase of the duty upon certain agricultural products—to the Committee on Ways and Means.

Also, petition of E. B. Snales and other citizens of Nevada, and of members of the Board of Agriculture of Lorain County, Ohio, for increase of duty on wool and revision of the duty on worsteds—to the Committee on Ways and Means.

By Mr. FELIX CAMPBELL: Petition of 2,500 citizens of Brooklyn, N. Y., in support of bill for the relief of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of Monongahela Valley, Superior, and West End Lodges, Amalgamated Association of Iron and Steel Workers, in favor of a protective tariff—to the Committee on Ways and Means.

By Mr. DAVIS: Petition of J. F. Murphey and 202 others, citizens of Nantucket, Mass., in favor of the erection of four additional life-saving stations on the coast of that island—to the Committee on Commerce.

Also, petition of J. K. Silver and 35 others, citizens of Truro, and of David M. Burgess and 34 others, and of F. I. Crosby and 37 others, citizens of Nantucket, Mass., in favor of an increase of the salaries of the keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

By Mr. ENLOE: Petition of Mattie Chappel Nelson, heir of Joel R. Chappel, of Madison County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of J. O. Neil, praying for the passage of House bill No. 4339—to the Committee on Invalid Pensions.

Also, memorial of Milton M. Gevey, favoring reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of F. D. Orcult, of Chicago, Ill., for protection against adulterated lard—to the Committee on Agriculture.

By Mr. HAUGEN: Petition of 44 citizens of Jackson County, Wisconsin, for the removal of the duty on salt—to the Committee on Ways and Means.

By Mr. HOLMES: Petition of the executive board of the Farmers' Alliance, for the establishment of a department of agriculture with a Cabinet minister at its head—to the Committee on Agriculture.

By Mr. HUNTER: Petition of B. Winston, E. Swearengen, Polly Roher, L. G. Richardson, Daniel Morton, R. H. Paris, W. E. Offutt, Robert Murrah, Howell McLemon, D. B. Hughes, Daniel Haddox, Charles P. Gillam, J. F. Gill, Henry Freeman, Martin Finch, W. P. Faullin, estate of John W. Combs, M. M. Clark, C. R. Browning, J. H. Boyd, Almira C. Bland, Mary A. Miller, A. T. Jones, Asa Holland, E. F. Merritt, Benjamin Bagby, Franklyn Mills, A. J. Rutherford, M. J. A. McIlvain, C. D. McCutchen, Starkey Hall, M. S. Curtis, E. S. Stevenson, W. B. Ordnoff, J. L. Williams, S. T. Waggoner, J. C. Thomas, James J. Price, Joel M. Penick, Samuel R. Page, A. W. Noil, M. R. McCuddy, Charles T. Coon, and W. P. Price, of Logan County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Herman Whitney, Ruby Herold, George Anthony, Harriet M. Foster, W. P. Pulliam, Joseph F. Anthony, estate of J. W. Foster, Lavina Venable, Henry Brown, Samuel Sears, and W. W. Bagwell, of Allen County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Edmond Lee, Robert L. Landrum, Abel Lloyd, James Payne, S. G. Martin, estate of A. J. Jarvis, Varney F. Andrews, Jeremiah H. Beals, John H. Biggerstaff, and William J. Gee, of Monroe County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Fitch & Kennedy, Leonard H. Strum, Elias G. Hundley, and A. H. Lovelace, of Muhlenberg County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Petition of Pomona Grange, No. 1, Patrons of Husbandry, of Iowa, for a law prohibiting pools, trusts, and combinations—to the Committee on the Judiciary.

Also, petition of same, for a law in regard to traffic in lard compounds—to the Committee on Agriculture.

Also, petition of same, for a law against the adulteration of food—to the Committee on Agriculture.

Also, protest of same, against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. McCOMAS: Petition of farmers and wool-growers of Garrett County, Maryland, relative to duty on wool—to the Committee on Ways and Means.

By Mr. McCULLOGH: Petition of W. H. Landis and 1,329 others, citizens of Westmoreland County, Pennsylvania, against any reduction of the tariff on gas coal—to the Committee on Ways and Means.

Also, petition of William X. Thomas and others, citizens of Westmoreland County, Pennsylvania, against any reduction of the tariff on gas coal—to the Committee on Ways and Means.

By Mr. MASON: Petition of citizens of Illinois, for payment for services of Maria N. Abbey during the late war—to the Committee on War Claims.

By Mr. NEAL: Petition of heir of George Stewart, late of Sequatchie County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of E. C. Jones, administrator of Joseph D. Jones, of London County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NICHOLS (by request): Petition of Edward J. Brown relative to a patented registration-label envelope—to the Committee on Printing.

By Mr. O'DONNELL: Petition of the officers and members of O. D. Jackson Post, of Potterville, Mich., Grand Army of the Republic, for relief of George W. Croop, late a private of Company A, Thirty-ninth Illinois Infantry—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Papers relating to the claim of Charles G. Hood—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of J. W. Searle and other citizens of Cowley County, Kansas, against the reduction of the tariff on wool, and for the restoration of the duty of 1883—to the Committee on Ways and Means.

By Mr. PETERS: Memorial of citizens of Kansas and Colorado for the creation of a new land district out of portions of said States, with land office located at Taloga, Kans.—to the Committee on the Public Lands.

By Mr. ROMEIS: Petition of 153 citizens of Erie County, Ohio, asking that the schedule of duties unanimously agreed upon at Washington by the wool-growers and wool-manufacturers may be enacted into a law—to the Committee on Ways and Means.

Also, memorial of the Amalgamated Association of Iron and Steel Workers of East Toledo, Ohio, protesting against the reduction of the tariff—to the Committee on Ways and Means.

By Mr. SCULL: Petition of Solomon Comp, for a pension—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: Petition of A. C. Gilman and 115 others, miners and laborers of the Dunn mine at Crystal Falls; of J. B. St. Clair and 24 others, miners and laborers of Republic; and resolutions of miners and laborers of Iron County, Michigan, protesting against the

reduction or removal of the duty on iron ore—to the Committee on Ways and Means.

Also, petition of James Young and 46 others, and of Henry Cleary and 27 others, citizens of Michigan, that the salaries of the keepers and surfmen of the Life-Saving Service be increased—to the Committee on Commerce.

By Mr. SHAW (by request): Petition of citizens of Cecil County, Maryland, relative to the tariff on wool—to the Committee on Ways and Means.

By Mr. SPRINGER: Petition of citizens of Indian Territory for the creation of a new Territory, to include the Public Land Strip—to the Committee on the Territories.

By Mr. STEELE: Petition of Capt. James McGuire, Fifty-first Regiment Indiana Volunteers, of Shelbyville, Ind., for a general law to cover the muster and pay of certain officers—to the Committee on Military Affairs.

By Mr. J. D. TAYLOR: Petition of Hugh Keenan and 96 others, of Guernsey County, Ohio, for protection of the wool-growing and woolen manufacturing interests of this country—to the Committee on Ways and Means.

By Mr. T. L. THOMPSON: Petition of citizens of Eureka, Humboldt County, California, for increase of salary of keepers of life-saving stations—to the Committee on Commerce.

By Mr. WASHINGTON: Petition of Nathaniel W. Jones, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Campbell Martin, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. S. V. WHITE: Petition of citizens of Illinois and of citizens of New York, praying that a pension be granted to Mary N. Abbey; also affidavit of Mary N. Abbey—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: Petition of Miles L. Mays, of Hickman County, and of heirs of Samuel Patton, of Williamson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BARRY: Of citizens of Jacksonville and of Bellefontaine, Miss.

By Mr. T. H. B. BROWNE: Of F. R. Hurley and others, citizens of Middlesex County, Virginia.

By Mr. CARUTH: Of citizens of Eden, Jefferson County, Kentucky.

By Mr. HATCH: Of citizens of Putnam County, Missouri.

By Mr. HOUK: Of citizens of Asbury, Tenn.

By Mr. HUNTER: Of citizens of Cedar Bluff Mills, Ky.

By Mr. McCLAMMY: Of citizens of Councils Station, Bladen County, North Carolina.

By Mr. PERRY: Of citizens of Fountain Inn, S. C.

Also, of citizens of Greenville, S. C.

By Mr. PUGSLEY: Of 72 citizens of Clinton County, Ohio.

By Mr. J. D. TAYLOR: Of James Clark and 68 others, of George W. Morlatt and 46 others, and of J. R. Addy and 31 others, of Guernsey County, and of John E. Marquis and 59 others, and of Adam Shim and 6 others, of Noble County, Ohio.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. A. R. ANDERSON: Of J. H. Cook and of Samuel C. Sowder, of Russell, Iowa, and 23 others.

By Mr. BACON: Of Edward Barnes and others, of Rockland County, New York.

By Mr. BOUTELLE: Of Joseph W. Edwards and others, of Island Falls, Me.

By Mr. BREWER: Of F. B. Underwood and 25 other ex-soldiers, of Leonard, Mich.

By Mr. BUNNELL: Of soldiers of Braintram, Wyoming County, Pennsylvania.

By Mr. CHIPMAN: Of M. P. Thatcher and 14 other ex-soldiers, of Michigan.

By Mr. CONGER: Of Gordon Granger Post, Grand Army of the Republic, of Grinnell, Iowa.

By Mr. COOPER: Of J. R. Lybarger and 37 other ex-soldiers, of Knox County, Ohio.

By Mr. GREENMAN: Of 20 ex-Union soldiers, of Hampton, N. Y.

By Mr. HALL: Of soldiers and sailors of Crawford County, and of soldiers and sailors of Adamsville and Hartstown, Crawford County, Pennsylvania.

By Mr. HATCH: Of citizens of Clark County, Missouri.

By Mr. HOLMES: Of John Isaacson and 40 other ex-Union soldiers, of Winnebago County, Iowa.

By Mr. LODGE: Of B. F. Fall's Command of Union Veterans, of Lynn, Mass.

By Mr. McCLAMMY: Of citizens of Wilmington, N. C.

By Mr. McCULLOGH: Of Joseph Oates and others, of William Paden and others, of F. L. Stough and others, of H. A. Dunn and others, of John Deneys and others, of H. S. Mearet and others, of D. L. Crawford and others, of J. P. Love and others, of J. W. Wilson and others, of John Lefler and others, of H. C. Fishel and others, of William Behney and others, of J. P. Henry and others, of Henry Bair and others, of J. C. Steiner and others, of J. H. Clements and others, of A. S. Borlin and others, of S. B. Kennedy and others, of William McElfresh and others, of Theodore Hunt and others, and of F. C. King and others, citizens and ex-soldiers of Westmoreland County, Pennsylvania.

By Mr. NUTTING: Of C. W. Strow and 26 others, citizens, ex-soldiers of Oswego County, New York.

By Mr. PATTON: Of 44 soldiers of Clarion County, Pennsylvania.

By Mr. SCULL: Of ex-Union soldiers and sailors, of Bedford County, and of the Ex-Union Prisoners of War Association, of Bedford County, Pennsylvania.

By Mr. TARSNEY: Of ex-soldiers of Michigan.

By Mr. E. B. TAYLOR: Of ex-soldiers of Geauga County, and of Champion, Ohio.

By Mr. O. B. THOMAS: Of citizens of Kendall, Monroe County, Wisconsin.

By Mr. WEST: Of veterans of Saratoga County, New York.

By Mr. S. V. WHITE: Of ex-Union soldiers and sailors of New York.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BACON (by request): Of 425 citizens of Orange County, New York.

By Mr. HALL: Of 225 citizens of Crawford County, Pennsylvania.

By Mr. McCULLOGH: Of 294 citizens of Westmoreland County, Pennsylvania.

By Mr. SAWYER: Of 266 citizens of Wyoming County, New York.

By Mr. STRUBLE: Of 165 citizens of Clay County, Iowa.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. WEST: Of citizens of the Twentieth district of New York.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 9, 1888.

The House met at 12 o'clock m. Prayer by Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

Mr. LANHAM. Mr. Speaker, on yesterday I introduced a private bill, numbered 8250, for the relief of Jonathan L. Dobbs and others, which by mistake, it seems, was referred to the Committee on Claims. It should be referred to the Select Committee on Indian Depredation Claims, and I ask that the correction be made.

There was no objection, and it was so ordered.

PRIVATE LAND CLAIMS, NEW MEXICO.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Interior, transmitting, with communications from the Acting Commissioner of the Land Office, supplemental reports of the surveyor-general of New Mexico on private land claims numbered 97, 100, 101, 102, 104, 123, and 153; which were severally referred to the Committee on Private Land Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PHELPS, for one week, on account of sickness; and to Mr. HUDD, for ten days, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. GLASS to print remarks in the RECORD on House bill No. 5030.

REPRINT OF A BILL.

On motion of Mr. OUTHWAITE, by unanimous consent, the bill H. R. 8184, with certain amendments by the Committee on the Pacific Railroads, and accidentally omitted when the bill was reported, was ordered to be reprinted.

COMMITTEE SERVICE.

The SPEAKER *pro tempore* laid before the House requests of members to be excused from committee service as follows:

Mr. HERMANN, to be excused from service on the Committee on Manufactures; and

Mr. BUCHANAN, from service on the Select Committee on Indian Depredation Claims.

There being no objection, the excuses were granted.

The SPEAKER *pro tempore* announced the appointment of Mr. HERMANN, of Oregon, as a member of the Select Committee on Indian Depredation Claims, in place of Mr. BUCHANAN, excused; and the appointment of Mr. BUCHANAN, of New Jersey, as a member of the Committee on Manufactures, in place of Mr. HERMANN, excused.

ORDER OF BUSINESS.

Mr. SHAW. I ask unanimous consent to discharge the Private Calendar from the further consideration of the bill (H. R. 3727) and put it upon its passage.

Mr. STEELE. Mr. Speaker, this being private-bill day, I demand the regular order.

Mr. SHAW. I hope the gentleman will not insist upon that demand for a few moments.

Mr. STEELE. This is the only day for private business, and I feel compelled to insist.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports on private bills.

ROBERT F. ARNOLD.

Mr. LANHAM, from the Committee on Claims, reported a bill (H. R. 8270) for the relief of Robert F. Arnold; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT F. WILLIAMS & CO.

Mr. LAIDLAW, from the Committee on Claims, reported back favorably the bill (H. R. 6492) for the relief of Robert F. Williams & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. MAXTED AND ROBERT J. NEWCOMBE.

Mr. LAIDLAW also, from the Committee on Claims, reported back favorably the bill (H. R. 878) for the relief of John D. Maxted and Robert J. Newcombe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. SWAIN.

Mr. LAIDLAW also, from the Committee on Claims, reported back favorably the bill (H. R. 6404) for the relief of Charles F. Swain, master of the bark Philena; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOWMAN & CO.

Mr. BOWDEN, from the Committee on Claims, reported back favorably the bill (H. R. 6491) for the relief of Lowman & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, notified the House of the passage of a bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors; in which concurrence was requested.

ALBERT GREENLEAF.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3726) for the relief of Albert Greenleaf; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS B. M'ELWEE.

Mr. SHAW also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1080) for the relief of Thomas B. McElwee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF HENRY LEEF.

Mr. SHAW also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3734) for the relief of the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES DEVINE.

Mr. LAWLER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3765) for the relief of James Devine; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

T. J. EDWARDS.

Mr. STOCKDALE, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL FELS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6246) for the relief of Samuel Fels; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRISON SWANGO.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2351) for the relief of Harrison Swango; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BUSHBY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 8271) for the relief of William Bushby; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOAB BROWN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 3731) for the relief of Joab Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

T. J. PITZER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2335) for the relief of T. J. Pitzer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PEREZ DICKINSON.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6346) for the relief of Perez Dickinson, surviving partner of Coman & Dickinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

F. H. BATES.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported as a substitute for the bill H. R. 5861, a bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at the Washington High School, District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 5861 was laid on the table.

HENRIETTA C. DAVIE.

On motion of Mr. HEMPHILL, by unanimous consent, the claim of Henrietta C. Davie and Report No. 634, of the Committee on War Claims, together with a report of the Court of Claims, were taken from the table, and referred to the Committee on Claims.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of committees for reports has been completed. If there are any other reports to be made the Chair will recognize gentlemen for that purpose.

CLAIMS UNDER BOWMAN ACT.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 8273) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD W. M'MULLIN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6613) for the relief of Richard W. McMullin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALMON M. TOBEY.

Mr. LAIRD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2537) to remove the charge of desertion against Almon M. Tobey; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES EVANS.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1101) to remove the charge of desertion from James Evans; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUT. JAMES O'ROURKE.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 6407) correcting the military record of Lieut. James O'Rourke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD MARCUM.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 6447) for the relief of Edward Marcum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC HODGE.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5495) for the relief of Isaac Hodge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GODFREY BESTLE.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 137) for the relief of Godfrey Bestle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JUNCTION CITY AND FORT RILEY STREET RAILWAY.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 4460) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation, in the State of Kansas, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE E. SANFORD.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3571) for the relief of George E. Sanford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. ROBINSON.

Mr. LAIRD also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 317) for the relief of John W. Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LAIRD also, from the Committee on Military Affairs, reported back adversely the bill (H. R. 2700) for the relief of Augustus Barnes; which was laid on the table, and the accompanying report ordered to be printed.

BILLS LAID ON THE TABLE.

Mr. STEELE, from the Committee on Military Affairs, reported back bills of the following titles with the recommendation that they lie on the table without prejudice, the cases being covered by a general bill:

A bill (H. R. 6481) for the relief of A. B. Ackerman;

A bill (H. R. 516) to remove the charge of desertion against Henry King;

A bill (H. R. 4112) for the relief of George W. Bolton;

A bill (H. R. 193) for the relief of James Coughlin alias Charles Andrews;

A bill (H. R. 3900) to remove the charge of desertion from the military record of Kasimer Seiler;

A bill (H. R. 6324) for the relief of Benjamin F. Shinn;

A bill (H. R. 954) to relieve John M. Hartman from the charge of desertion; and

A bill (H. R. 4261) for the relief of Martin V. Rowland.

B. C. KUEHLING.

Mr. HAYES, from the Committee on Accounts, presented a privileged report, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 23, 1888.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House of Representatives to B. C. Kuehling the sum of $40, being the amount due him for services rendered as locksmith of the House of Representatives from January 18 to January 28, 1886.

The Committee on Accounts, to whom was referred a resolution submitted by Mr. MATSON, authorizing and directing the Clerk of the House to pay out of the contingent fund to B. C. Kuehling the sum of $40 for services as locksmith of the House of Representatives from January 18 to January 28, 1886, have had the same under consideration and report as follows:

That on January 18, 1886, the then blacksmith died, and no appointment was made nor the vacancy filled until January 29, 1886, during which interval, and for a period of ten days, the said Kuehling filled the position with efficiency and performed the duties incident thereto, for which he has received no compensation; and that the sum of $40 is the usual and reasonable compensation for such service. But, as this is a deficiency of a prior Congress, and the amount is not properly chargeable to the contingent fund of the House, your committee report the said resolution back to the House and recommend that it be referred to the Committee on Appropriations, with instructions to provide for the payment of said Kuehling as aforesaid in the general deficiency bill.

The SPEAKER *pro tempore*. Is there objection to the adoption of this resolution?

Mr. HOLMAN. What is the amount?

The SPEAKER *pro tempore*. Forty dollars.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. Mr. Speaker, I call for a vote upon the bill H. R 2952, the "omnibus bill," which was reported favorably from the Committee of the Whole House on last Friday. I believe that is the first thing in order.

The SPEAKER *pro tempore*. Unless the gentleman makes a motion to go into Committee of the Whole, that is the first thing in order.

Mr. LANHAM. This bill has been already considered in Committee of the Whole.

WITHDRAWAL OF PAPERS.

Mr. BURROWS, by unanimous consent, obtained leave to withdraw from the files of the House certain papers in the case of George Otis, filed with the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. SAWYER. I ask leave to make a report from the Committee on Invalid Pensions.

Mr. LANHAM. I call for the regular order.

WAR CLAIMS FOR STORES, SUPPLIES, ETC.

The SPEAKER *pro tempore*. The Clerk will read the title of a bill which on last Friday was reported with amendments from the Committee of the Whole House, and which, in the absence of a motion to go into Committee of the Whole, now comes up as the first business in order.

The Clerk read as follows:

A bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act."

Mr. BURROWS. Mr. Speaker, it is usual to take up a bill of this kind upon the rising of the Committee of the Whole, and not before going into Committee of the Whole.

The SPEAKER *pro tempore*. No member moved to go into Committee of the Whole.

Mr. BURROWS. I do not care particularly about the matter.

Mr. LANHAM. I demand the previous question.

Mr. REED. Does this bill include the claim of the Protestant Episcopal Seminary at Alexandria?

The SPEAKER *pro tempore*. The Clerk will again report the title of the bill.

The title of the bill was again read.

Mr. REED. I should like to make some inquiry about the item to which I have just referred.

Mr. RICHARDSON. When the House adjourned last Friday afternoon, the gentleman from Kentucky [Mr. STONE] had demanded the previous question upon the pending amendments to this bill and on ordering it to be engrossed and read a third time. The gentleman from Michigan [Mr. BURROWS] had demanded a separate vote upon the item now mentioned by the gentleman from Maine [Mr. REED]. The vote was taken upon the demand for the previous question, the result being, if I remember correctly, ayes 52, noes 59, whereupon the gentleman from Kentucky called for tellers upon that vote. I asked at that moment that the previous question be considered as ordered, but the gentleman from Michigan suggested that the question go over until to-day. That is the present status of the case. So far as I am concerned, and so far as I understand the views of the gentleman from Kentucky, there is no objection to a separate vote on the pending amendment of the gentleman from Virginia.

Mr. REED. That amendment was adopted in Committee of the Whole without previous notice; and there was no opportunity to ascertain precisely what the facts were. I have since examined the findings

of the Court of Claims, and I find it stated that some official of the Government has said the sum allowed would be a suitable rent. I should like to know what was the situation of this institution with regard to the military lines of the United States, what possible rental could have been obtained for the buildings at that time, whether it was possible in any way for the seminary to continue its work, the buildings being so near the line, and therefore, whether any rent was in fairness and justice due. I do not find that the Court of Claims made any report which answers these questions. It seems that the Government expended money to put these buildings in proper order before they were delivered into the possession of the people to whom they belonged.

Mr. RICHARDSON. On last Friday afternoon the amendment of the gentleman from Virginia was discussed for some time in Committee of the Whole and was adopted by a vote of, I believe, 102 in the affirmative and 56 in the negative, after, perhaps, an hour's discussion. I do not now undertake to make any point of order against further discussion, but I do submit that under the demand for the previous question, made by the gentleman from Kentucky, debate is not in order upon the amendment. If the gentleman from Kentucky withdraws that demand, I am willing, so far as I am concerned, that there should be further debate.

Mr. REED. It seems to me this matter should be thoroughly cleared up, because while $20,000 would be a very small affair for the United States, the decision on this question may involve a principle of great importance.

Mr. RICHARDSON. The gentleman from Kentucky made the demand for the previous question; and I can not withdraw it.

The SPEAKER *pro tempore*. The Chair will state that the demand for the previous question was made last Friday, and was voted down.

Mr. REED. In that event, the matter is open for discussion now.

The SPEAKER *pro tempore*. It is.

Mr. REED. I desire to take the floor. I am willing to yield reasonable time to the gentleman from Virginia.

Mr. RICHARDSON. I wish to suggest, as a parliamentary point, that if the Chair will refer to the record, he will find that the gentleman from Kentucky demanded tellers on ordering the previous question. That is my understanding of the record. Of course I am ready to accept the ruling of the Chair on that point.

Mr. REED. I want this matter to be understood.

The SPEAKER *pro tempore*. The Journal shows that there was a majority against the demand for the previous question; and it stands in that position to-day. The Chair will recognize some gentleman who voted with the majority. The gentleman from Maine [Mr. REED] is recognized.

Mr. REED. I should be very glad to yield to the gentleman from Virginia for an explanation upon the points I have named.

Mr. LANHAM. I would be glad if some limitation as to the time to be occupied in this discussion could be agreed upon. The question was fully discussed last Friday.

Mr. REED. Mr. Speaker, the point to which I desire to address myself and in regard to which I hope to have some information from the gentleman from Virginia [Mr. LEE] is this. I have not the least objection in the world to paying $20,000 or any other sum which is justly due by the United States to any corporation or to any individual. I think it is the duty of the United States to pay its debts, but I think in the payment of a debt of this kind the facts ought to be made so clear that the principle upon which the payment is made shall be also clear to the House that pays it.

I have examined the findings of the Court of Claims. So far as I can judge from their findings, this was an institution having buildings so near the seat of war as to be almost, if not quite, at the seat of war, therefore practically incapable of use by anybody but the Government; that it was not possible in the presence of armed forces and in the situation in which the buildings and the forces of the country found themselves for the institution to go on with its work or for it to rent these buildings to anybody else.

Under those circumstances not only the principle upon which the payments should be made but the amount of the payment would be very seriously affected; and I should like to hear from the gentleman from Virginia [Mr. LEE] as to the facts on those points which are not stated in the report of the Court of Claims.

Mr. LEE. I will answer the gentleman from Maine [Mr. REED]. When the United States troops took possession of this building, as I understand it, it was in a flourishing condition. Its students were there; its professors were there in peaceable possession of the building and carrying on their daily lectures and duties. The United States Government found it had use for these buildings and it took possession of them. They returned them at the end of four years, and this claim is brought, as I tried to state clearly to the gentleman from Maine on Friday last, as a matter of justice and a matter of right; a claim recommended by the Surgeon-General of the Army of the United States, and, as I am told and believe to be a fact, by the Secretary of War himself.

I do not understand the two armies were so close to the line that it would have interfered with the prosecution of the operations of this institution. I can not recall to my mind but one time when there would have been any interruption, and that was after the first battle of Manassas. With that exception I can not recall a month or a week or a day when the proximity of the Confederate army would have interfered with the operations of this institution.

Mr. KENNEDY. Mr. Speaker, I voted the other day to ingraft this claim on the pending bill, because I was led to believe the matter had been referred to the Court of Claims with a view to the final action of that court with regard to it. On the contrary, I find it was simply referred to the Court of Claims in order that they might determine the value of this rental and as to its occupancy—referred on agreement—and therefore the court found nothing except as to the matters referred to that court by agreement.

I was also led to believe the Secretary of War, Mr. Stanton, had recommended the payment of this claim. I find, on the contrary, that is not the fact; that there is not in this report any recommendation by Mr. Stanton. I was led to infer the seminary and other buildings were not occupied and used for educational purposes. I find by the letter accompanying this report of George Suckley, brigade surgeon, that one of these buildings has until recently been occupied as a young ladies' boarding-school, evidently having the idea they were not after this used as a young ladies' boarding-school, and the students were not there.

Mr. LEE. These buildings have nothing to do with the young ladies' boarding-school, which is perhaps a mile away.

Mr. KENNEDY. In the bill herewith appended as a part and parcel of the bill, these articles are named as a part of the rent:

High School buildings (six in number) $1,200 per year, four years..... $4,800

I do not understand that the theological seminary and the high school attached to it ever had a young ladies' boarding-school attached to them. I may be mistaken.

Mr. LEE. The gentleman has been led unintentionally into error.

Mr. KENNEDY. Then somebody else must be in error, for this is included in the bill as a part of the claim.

Mr. LEE. I am satisfied that it is a mistake.

Mr. KENNEDY. It is a mistake of some importance so far as the interests of the United States Government are concerned, because it is embodied here in a claim which the Government is asked to pay.

Mr. LEE. They are not asked to pay so far as the ladies' seminary is concerned, as I understand it.

Mr. KENNEDY. I understand it to be a part and parcel of the bill.

Mr. LEE. The high school, or ladies' seminary, was separated at least a mile from this theological seminary.

Mr. KENNEDY. I can only speak of the facts as I find them embodied here in the bill and report. Mr. Speaker, I have acted heretofore in regard to this claim upon the presumption that this was a case against the Government acted upon by a court having jurisdiction, and which court had given judgment against the Government. I have always held it to be right that where the Government of the United States submits a question for judicial determination to a court selected by itself and officered by itself, that the judgment rendered by said court should be final, and that the Government should, in good faith, be bound by that judgment. But I do not find this to be such a case. There was no purpose to submit this to a final determination of the court; and the only question submitted to the court was whether or not this property was occupied by the Government during the time, and if it was so occupied what was the value of the occupancy. These questions were determined and agreed upon before they were submitted to that court at all, and they were found by the court upon an agreed state of facts. So that I do not understand the court found anything whatever in reference to the claim except these matters which had been submitted and agreed upon.

Now, sir, I am like the distinguished gentleman from Maine [Mr. REED], at all times ready to do justice to claimants and to pay whatever the Government of the United States justly owes. I call attention to the fact that there are numbers of honest debts now on the Calendars due by the Court of Claims, which should be paid and which I am ready to stand here and vote to pay. But here is a public building—a seminary or college, if you please—occupied by people who I believe have been disloyal to the Government, an institution whose students, I believe, went into the army of the Confederacy to fight battles against this Government, and they have no right to come here now, having shaken off their disloyalty, and ask to be reimbursed by this Government after their return. I repeat that all honest debts of the Government I shall stand here fearlessly voting to pay; but I do not believe this to be such a debt of the Government, or that under these circumstances and this pretended finding of the court it is a claim which the Government is honestly required to pay.

For these reasons I shall vote against it at this time, and trust it will not pass the House.

Mr. REED. I now yield ten minutes to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Speaker, there seems to be some misunderstanding in regard to this claim; and in order that the House may proceed understandingly I will send up and have read the third section of the Bowman act, it being the statute under which this claim was referred to the Court of Claims.

The Clerk read as follows:

The jurisdiction of said court shall not extend to or include any claim against

the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

Mr. JOSEPH D. TAYLOR. You will see, Mr. Speaker, from the section of the statute which has just been read that this law absolutely prohibits jurisdiction to the Court of Claims for the use and occupation of real estate. I hold in my hand the petition filed in the Court of Claims in the pending case, from which I will read one single sentence:

That no rent has been paid your petitioner for the use and occupation of the above-named property, and that they claim a reasonable and just rent for the same is $21,800.

The petition then goes on to allege that this corporation, which is styled "The Protestant Episcopal Theological Seminary and High School in Virginia," never aided, abetted, or gave encouragement to rebellion against the Government of the United States. As I spoke of this on a former occasion I shall not do so now.

This is the original petition filed in the Court of Claims of the United States in this case. It was filed on the 31st day of January, 1885, twenty years after the war had closed, and it sets up a claim for the use and occupation of real property, as shown by the language of the petition itself.

The very law under which this claim is referred prohibits, in so many words, any such jurisdiction to the Court of Claims.

Like the gentleman from Ohio [Mr. KENNEDY], all the character and standing this claim seemed to have in the House arose from the fact that it was stated in this House and it is stated in the bill itself that this claim had been found due by the Court of Claims.

It was stated here upon this floor over and over that this claim had been passed upon by the Court of Claims, and at the end of one of these bills it says in so many words:

Said amount having been found due by the Court of Claims.

And yet, Mr. Speaker, the Court of Claims never had jurisdiction of any such claim at all. The statute which I caused to be read expressly provides that the Court of Claims shall not have jurisdiction of any claim "for the use and occupation of real estate by any part of the military or naval forces of the United States."

The Court of Claims had no right to make any findings whatever in regard to a claim for the use and occupation of real estate, as the very law under which it was assuming jurisdiction absolutely prohibits a claim of that kind being considered. No claim for the use and occupation of real property during the rebellion, by any part of the military forces, can be referred to the Court of Claims for determination. And yet this bill has been favorably reported to the House by the Committee on War Claims, and has passed the Committee of the Whole on the strength of the statements that this sum had been found due to this claimant by the Court of Claims.

If I am correct in my view, the question of loyalty does not enter into this case at all. It makes no manner of difference whether these men were loyal or disloyal so far as the Court of Claims is concerned, or any finding or pretended finding it has made. The question of loyalty only arises under the fourth section of the Bowman act, where a claim is made for supplies or stores. When a man makes a claim for supplies or stores he must establish his loyalty in order to give jurisdiction to the court. But this is not a claim for supplies or stores. This is a claim for rent, for the use and occupation of real estate. If it were a claim for supplies or stores it could be referred to the Court of Claims under the Bowman act, and there would then be no doubt about the jurisdiction of the court, provided the loyalty of the claimant was established. I want to say another thing. This is an old claim. It has been at the portals of the national Capitol, before Congresses and committees, for fifteen or twenty years.

I did not know this case was coming up so soon, and I was engaged up to the time when it was called in looking it up, and I have traced the claim back sixteen years and find that it was before the Forty-second Congress. It was introduced again in the Forty-third Congress, and again in the Forty-fifth Congress. In the Forty-fifth Congress it was taken from the Committee on War Claims and referred to the Committee on Education and Labor, because the claim was supposed to be of an educational character. This committee made a favorable report, and that report and bill, which was just like the bill now under consideration, came into the House for consideration. It was considered; it was debated at very considerable length; speeches were made for it and against it.

This whole question of loyalty was gone over and the question as to whether Alexandria was loyal or disloyal territory was carefully considered. The question of jurisdiction which I now raise was not raised or discussed at that time, but the question whether Alexandria was under the control of the National Government by force of war or whether it was recognized loyal territory, where the people were adhering to the Government, was raised and considered. The loyalty of the seminary itself was considered.

The State of Virginia had seceded just two days before the Government took possession of these buildings. That State had gone out of the Union; it had gone out by vote and by proclamation. These trustees had gone out of the Union. Bishop Johns, who lived at the very door of these buildings, had gone out of the Union. He followed the fortunes and the flag of the rebellion. No single trustee was left behind to espouse the cause of his country. In that debate some one stated that this theological seminary and high school was so disloyal that the rats, even, escaped and joined the Confederacy.

I do not vouch for the truth of that assertion, but it was stated in the discussion; and men of the highest character asserted that this institution and the town of Alexandria, where Ellsworth, the first martyr of the war, fell, were disloyal; and I have heard it said more recently that neither the town nor the seminary had a loyal man connected with it in any official capacity. After this consideration the bill was defeated by a vote of 122 to 89.

Although the principle of *res adjudicata* may not apply to this House as it does to a court of justice, still this case has been adjudicated. It has been considered. It has had its day in court. It occupied the time of the National Congress, and was voted down by a large majority, and this, too, after it had had long and careful consideration. And I submit whether it is right when, as a gentleman has just said, there are hundreds of pending bills which have never been considered, meritorious bills, too, and which probably never will be considered in this House—whether it is right to reverse the decision of the Forty-fifth Congress and pass this bill? If we make this a precedent there never will be an end to the consideration of any claim. Claimants will simply remain here, and if defeated in one Congress will appeal to another, and committees and Congresses will be imposed upon by the persistency of claimants. Where a bill like this has had consideration once it seems to me that it has had its share of time, and we ought not disregard the decision of a former Congress.

There is another point to which I desire to call the attention of the House. The claim, as I said before, is for rent, "for use and occupation," the very thing which the law says shall never be paid by the General Government. The statute under which this claim, with many others, was referred to the Court of Claims of the United States makes this provision. Why, then, should this rent be paid? But if we had no such law as this, why should the Government pay rent for these buildings at a time when they could not have been occupied as a school or seminary? They did not seek to occupy them. Any such occupancy was impossible. It was in the theater of war. These buildings were within the lines of the fortifications. Alexandria was one great camp, and it was on hostile soil. The smoke of battle and the din of war were on every side. It was utterly impossible to have used these buildings for a school or an institution of learning, situated as they were on the border territory of two great armies.

Mr. LEE. Will the gentleman allow me to ask him a question?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. LEE. Were not other institutions of learning in the city of Washington carried on during the war?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. LEE. And were not armies camped all around Washington?

Mr. JOSEPH D. TAYLOR. Not in the city. But these buildings, seventeen in number, were within the lines of the fortifications, and they were used for army purposes after they had been abdicated and abandoned. The owners and proprietors had gone away voluntarily, because they renounced their allegiance to the United States. They did not come back and demand possession. The trustees never thought of using these buildings at that time, and probably never thought that they would ever be used again for school purposes. Other thoughts and other motives no doubt governed them at that time.

Mr. LEE. As I am informed, the gentleman is mistaken in that statement. I am sure he does not wish to make an erroneous statement.

Mr. JOSEPH D. TAYLOR. No, sir; I do not.

Mr. LEE. As I have stated, the school was in successful operation until it was taken possession of by the United States Government.

The professors were ordered out, and the schools were closed at the command and order, as I understand, of the United States commanding officer.

Mr. JOSEPH D. TAYLOR. I will be obliged to the gentleman if he will show me any evidence of that. I find no such information anywhere, nor any such statement in the discussion in the Forty-fifth Congress, but I find that these men went out of the building on the approach of the Union Army. The State had seceded only two days before, and these trustees followed the retreating Confederates.

Mr. LEE. Look at the report of the Court of Claims and see if it does not state what I have said.

Mr. JOSEPH D. TAYLOR. If the gentleman will find it for me in the report I shall be glad to read it. I have not seen any such statement. I think, Mr. Speaker, we had better consider well what we are about to do, where we shall be led if we adopt the policy of paying for the use and occupation of real estate by the Army during the war of the rebellion. We shall have to follow Sherman to the sea. We shall have to follow Grant to Appomattox. We shall have to follow the armies of the United States up and down the Shenandoah Valley, and everywhere between the Mississippi and the Atlantic where the Union

armies marched or fought we will find claims of this kind. If we are going to pay for the use and occupation of real estate, for the houses occupied, for the churches used as hospitals, for the forests cut down by the armies of the United States during the war—if we are going to pay for all these things we shall have a very large contract on our hands. Mr. Speaker, I insist that, so far as this claim is supposed to have any merit because it was referred to the Court of Claims, this delusion be removed. It had no right to go before that court; it never had any business there.

The Court of Claims had no right to consider it. They had no jurisdiction over it, and I am surprised that the Attorney-General never made that point when the case was pending. It seems to have been referred to the court by the committee with some two hundred other cases, doubtless by mistake. I presume the committee did not consider the fact that this was not the kind of a claim that was to be referred to that court. It probably did not occur to them at the time that it was the very kind of claim that was prohibited from being so referred.

Mr. WARNER. I wish to ask the gentleman whether this claim was referred to the Court of Claims by the Committee on War Claims or by a special act of Congress? If it was referred by a special act, that act might have conferred jurisdiction upon the court to pass upon the case.

Mr. JOSEPH D. TAYLOR. It was referred to the Court of Claims in the second session of the Forty-eighth Congress by the Committee on War Claims with more than two hundred others. I have now in my hand the reference of it by the committee, among other claims. I hold the list in my hand.

Mr. BOWDEN. Does not the gentleman admit that, in view of the decisions of the United States courts that this very portion of the State of Virginia was not a seat of war, and that the whole of the country that was represented in what was known as the Peirpont government was as much a part of the United States as any part north of Mason and Dixon's line?

Mr. REED. I will give the gentleman from Virginia [Mr. BOWDEN] time to explain that view if he desires it.

Mr. JOSEPH D. TAYLOR. I say to the gentleman that the whole State of Virginia had seceded and gone out of the Union, and was outside so far as that act could make it so, except in so far as the proclamation of Abraham Lincoln restored certain portions of it, in which this was not included.

Mr. BOWDEN. Of which this was a part.

Mr. JOSEPH D. TAYLOR. This was rebellious territory; it was the seat of war; it was the place to which our armies had marched, and where they were located while they were engaged in carrying on the war for the restoration of the Union.

[Here the hammer fell.]

Mr. LEE rose.

Mr. REED. How much time does the gentleman desire?

Mr. LEE. Only a few minutes.

Mr. REED. I yield five minutes to the gentleman from Virginia [Mr. LEE].

Mr. LEE. Mr. Speaker, I dislike to go over the same argument that I made here a week ago to-day, but I will restate it briefly. We claim that the region under discussion was United States territory during the whole war, just as much so as the city of Washington or New York or Philadelphia, and that if any property taken for the use of the United States armies in any section of the United States is justly paid for, it would be equally just to pay for this property which they occupied and used across the Potomac River.

Now, sir, in reply to my friend who has just taken his seat [Mr. JOSEPH D. TAYLOR], I wish to say that it has been stated to me upon authority, and I believe it to be true—I was not there, but I believe it to be true—that when the United States Government took possession of these buildings the school was in successful operation, the institution was carrying on its regular business, and I find in the report of the Court of Claims a letter from Brigade Surgeon George Suckley, written on the 25th of August, 1861.

On that day Brigade Surgeon George Suckley addressed the following communication to the medical director, which was approved and carried into effect in the manner indicated by the letters following:

"HEADQUARTERS BRIGADE NEW JERSEY VOLUNTEERS,
"*Near Alexandria, August* 25, 1861.

"SIR: I have the honor to report that there are now within the limits of the encampment of this brigade several buildings in every way suitable for hospital purposes. One, the Episcopal Theological Seminary, is a fine, large, new building, in a commanding and healthy situation, capable of giving good accommodation to at least two hundred men. Another has until recently been occupied as a young ladies' boarding-school.

I would say to my friend that that building had no connection whatever with the theological seminary. It simply happened to be within the limits of this brigade, just as the grounds of the theological seminary were.

"It contains several good-sized rooms suitable for offices, etc., and in addition a large dormitory, containing 80 bedsteads, with mattresses, etc.

"With the material we thus have at hand, one of the principal objections against the establishment of a brigade hospital—its cost to the Government—is almost entirely done away with; and when we consider the advantages to be gained by having such a hospital in this particular brigade, I can hardly doubt but that the commanding general will, upon your recommendation, order its recognition.

* * * * * * *

"Besides, I do not believe that for healthiness of locality or excellence and suitableness of buildings the general hospital at Alexandria can compare with the seminary buildings in our camp. This I understood Dr. Magruder, who visited us yesterday as acting medical inspector, is also his opinion. Dr. Magruder went further in saying that, as a hospital building, the theological seminary exceeds in structure and advantages any other now in use in the Department of the Potomac.

* * * * * * *

"I am, sir,

"GEORGE SUCKLEY,
"*Brigade Surgeon.*

"Surgeon CHARLES S. TRIPLER, U. S. A.

"HEADQUARTERS ARMY OF THE POTOMAC,
"MEDICAL DIRECTOR'S OFFICE,
"*Washington, August* 28, 1861.

"SIR: Your letter of August 25 is received. We are authorized to establish the hospital you propose, and consider it an aggregation of the regimental hospitals of your brigade. The sick will be attended to by the medical officers of the several regiments under your supervision.

"Very respectfully, your obedient servant,

"CH. S. TRIPLER,
"*Surgeon and Medical Director, U. S. A.*

"Brigade Surgeon GEORGE SUCKLEY,
"*Kearny's Brigade, Episcopal Seminary, Alexandria, Va.*"

Mr. HOPKINS, of Illinois. I desire to ask the gentleman from Virginia whether this claim is included in the bill reported by the Committee on War Claims to the House?

Mr. LEE. It is an amendment adopted in the Committee of the Whole.

Mr. HOPKINS, of Illinois. Has this claim ever been considered by the Committee on War Claims?

Mr. LEE. I understand it has, and that it is sustained by a unanimous report of the committee.

Mr. REED. In this Congress?

Mr. LEE. That is my understanding. The chairman of that committee [Mr. STONE, of Kentucky] is present and can answer the question.

Mr. REED. I can find no such report.

Mr. LEE. The chairman of the committee can state how the matter is.

Mr. HOPKINS, of Illinois. I have been endeavoring to find some report from a committee submitting this matter to the House, and have not found any.

Mr. LEE. Well, the chairman of the committee will answer as to that.

Mr. KENNEDY. I have understood the gentleman from Virginia [Mr. LEE] to say that those who were occupying these buildings at the time they were taken possession of by the Government were ministers of the gospel, were at the head of a theological seminary.

Mr. LEE. That is my understanding.

Mr. KENNEDY. And that they were praying alike for Federals and Confederates.

Mr. LEE. I do not think it is worth while now to go into that subject.

Mr. KENNEDY. I find in the report a letter from William Sparrow, which states——

The SPEAKER *pro tempore*. The five minutes of the gentleman from Virginia [Mr. LEE] have expired.

Mr. RICHARDSON. I ask the gentleman from Maine [Mr. REED] to allow me one minute for a brief explanation.

Mr. REED. I yield one minute.

Mr. HOPKINS, of Illinois. Before the gentleman from Virginia [Mr. LEE] sits down I wish to ask him another question.

Mr. REED. I give the gentleman from Virginia five minutes more.

Mr. LEE. I am much obliged to the gentleman.

Mr. HOPKINS, of Illinois. I wish to ask the gentleman from Virginia this question: If this claim has been considered by the appropriate committee and reported in some other bill, why are we now considering it upon this bill? Why should the legislation proposed in the pending bill be lumbered up or weighted down by this claim?

Mr. LEE. I will say to the gentleman——

Mr. STEELE. When this claim was offered as an amendment in Committee of the Whole a point of order was made upon it, which the Chair sustained; and then the amendment was admitted by unanimous consent.

Mr. LEE. I hope these interruptions will not be taken out of my time.

The SPEAKER *pro tempore*. The gentleman from Virginia is entitled to proceed without interruption.

Mr. RICHARDSON. I ask just one moment.

Mr. LEE. I yield to the gentleman.

Mr. RICHARDSON. In answer to the question propounded by the gentleman from Illinois [Mr. HOPKINS] the gentleman from Virginia made a reply which was misleading, though of course the gentleman from Virginia, as I know, had no such intention. But in point of fact, as I am informed by the chairman of the Committee on War Claims, this claim has not been reported by the Committee on War Claims in this Congress, though it was reported by that committee in the Forty-ninth Congress. The gentleman from Virginia said he thought the claim had been reported in this Congress. It has not, as I understand, been referred to that committee at this session. There is no pending bill for the payment of this claim.

Mr. LEE. I said I was willing the chairman of the committee should answer that question.

Mr. RICHARDSON. He has informed me that the claim has not been reported in this Congress.

Mr. HOPKINS, of Illinois. I wish to ask the gentleman from Virginia whether it would not be better to postpone the further consideration of this claim until we can get a report from the committee.

Mr. KENNEDY. I desire to know this: If the ministers of the gospel who are stated to have been in charge of this institution were inside the Union lines, were praying for both sides alike, and were loyal, why was it necessary for them to take the oath of allegiance at the end of the war?

Mr. LEE. Because they were required to do it, I suppose.

Mr. KENNEDY. Was that an indication of their loyalty during the time those buildings were occupied?

Mr. LEE. At the close of the war there were a great many forms we were required to go through with which we thought unnecessary.

Mr. KENNEDY. I submit that the fact I have mentioned was one indication of the disloyalty of those men.

Mr. LEE. No, sir; I should not think so. I do not know that a corporation can be disloyal, especially a theological corporation.

Mr. KENNEDY. I am talking of those persons who were in charge of the institution at the time of the war.

Mr. LEE. I will say to the gentleman that the three professors who had entire charge of the educational affairs of the seminary were Dr. William Sparrow, from the State of Massachusetts; Dr. Joseph Packard, from the State of Maine, and Dr. May, from the State of Pennsylvania. I should think the localities from which these gentlemen came would be a sufficient answer as to their loyalty.

Mr. KENNEDY. The letter from Mr. Sparrow, to which I have referred, says, "the bishop and all the other trustees of the seminary" took the oath of allegiance.

Mr. LEE. Well, possibly the bishop was a trustee; I really do not know who the trustees were. Dr. May, Dr. Sparrow, and Dr. Packard were the professors.

Mr. KENNEDY. Let me read this brief extract from the report:

> Perhaps it may be proper for me to add that the bishop and all the other trustees of the seminary, so far as I know or believe, have qualified themselves to act in this official capacity by taking the oath of allegiance to the United States.
>
> * * * * * * *
>
> I am, dear sir, your friend and servant,
>
> WILLIAM SPARROW.
>
> Hon. Secretary STANTON,
> *Washington.*

Mr. LEE. Well, the gentleman knows, I presume, that just after the war there were a great many oaths required which some gentlemen may have thought unnecessary. [Laughter.]

Mr. SPOONER. The gentleman from Virginia [Mr. LEE] will permit me to say that it is not a matter of any importance whether these trustees were loyal or disloyal——

Mr. LEE. I did not wish to go into that.

Mr. SPOONER. Because they were trustees for the benefit of the *cestui que trust.*

Mr. GROSVENOR. Who was the *cestui que trust?*

Mr. SPOONER. Those for whose benefit the institution was run.

Mr. GROSVENOR. Who were they?

Mr. SPOONER. The theological students.

Mr. KENNEDY. They were in the rebel army.

Mr. SPOONER. No, sir; on the contrary, many of them were from the Northern States, some from my own State. As I understand, a large proportion of them were from the Northern States.

Mr. LEE. From the catalogue of the seminary it appears as a fact that of the students who have been graduated at the institution more were from what were formerly known as the Northern States than from the Southern States. If there was any politics or any sectionalism in this institution it is news to me.

Mr. HOPKINS, of Illinois. I ask whether the gentleman from Virginia would not be willing to postpone the consideration of this claim until it has been reported upon by a committee.

Several MEMBERS. No, no.

Mr. LEE. I will ask the gentleman from Illinois [Mr. HOPKINS] to put himself in my place. Suppose he had a bill or a claim thus far advanced through the House, being so near the fruition of his hope and the accomplishment of what he considered justice, would he regard it as reasonable and right if I should ask him to withdraw the claim from the consideration of the House? [Laughter.]

Mr. HOPKINS, of Illinois. If I had a bill which I thought would not stand the test of an examination by a committee——

Mr. REED. We are giving this claim "the test of an examination" here. Let us be fair about this matter.

I now yield five minutes to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Speaker, as I understand the position of the gentleman from Virginia, he does not now ask the payment of this claim upon the basis of any decision which the Court of Claims may have made or anything that the court ever did; he bases the right to have this claim paid on the ground that this theological seminary was not on insurrectionary territory. I will answer his question fully by an authority that ought not to be questioned, and I will meet the position he now takes by a case clearly in point. The chairman of the Committee on War Claims in the Forty-third Congress, on the 22d of June, 1874, made a report in regard to the very point which the gentleman from Virginia [Mr. LEE] now makes, and the case is a much stronger one than his. An officer of the Government took possession of the buildings of the Mount Vernon Manufacturing Company, of Alexandria, Va., under a promise to pay a stipulated price for their use and occupancy.

This, too, was a corporation, and if this is any advantage this case has the benefit of it. This property is also located at Alexandria, and was used during the same period for a prison in which to confine rebel prisoners. It was held, by the Forty-third Congress, that this rent could not be paid, although there was an express contract to pay it, for the reason that Alexandria was in a State proclaimed in insurrection and that this property was occupied during flagrant war. The President's proclamations did not remove the embarrassment the least, as Alexandria was not rescued from the insurrectionary territory.

This case is in point and will answer the gentleman's position and show a precedent that is worthy of consideration by this House, and it shows conclusively that Alexandria was not considered loyal territory.

This claim was not based on a mere matter of occupancy, but was based on a contract under which the Government took possession of it and held it and occupied it. Yet, sir, and notwithstanding this, the Forty-third Congress denied payment of the claim, under the law of 1867, upon the ground that the property was on insurrectionary ground. That was the decision of the Forty-third Congress upon a claim involving the identical question which is now before this House; and if that decision was right—and there must be very little doubt about it, as the city of Alexandria was certainly then in the Southern Confederacy and was not embraced in the twenty-eight or twenty-nine counties which constituted West Virginia—is it possible that we have no right to pay for the use and occupancy of a building in Alexandria, taken possession of under a contract, and yet have a right to pay for a building taken possession of after the trustees had gone into the rebellion, both being corporations and both in the same locality?

Mr. Speaker, in regard to the paragraph which the gentleman from Ohio read, which showed that the board of trustees took the oath of allegiance, I desire to say that no demand was made upon them to do so, but this statement as to the oath of loyalty was incorporated in their application for the possession of the buildings in July, 1865, when the property was still in the possession of the Government and when they desired to repossess it. The proprietors desired to reoccupy it, and made an application to get possession of it, but not a word was said in that application about rent. All they then wanted was the property. It is shown in claimant's petition that the Government spent $900 in repairs and in putting the buildings in order before turning them over to the trustees.

I have no object in presenting these statements beyond a desire to state the facts as they exist, and to put the House on its guard in relation to a precedent that might be dangerous in the future. And as these facts had not been stated by those in charge of the bill, I deemed it proper to present them.

Mr. REED. I now yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, after this long debate, and after this interval of a week has elapsed, there seems to be no concentrated opinion as to the facts in this case. I admonish the gentleman from Virginia [Mr. LEE] in placing his claim on the new and distinct ground he occupies to-day he is hazarding a result which I am sure he would not seek. I think that ultimately we will conclude there ought to be an examination and report from the Committee on War Claims on this particular item or claim.

To begin with, the gentleman states it is his opinion that at the time this occupancy was begun by the Government these buildings were in occupation of this corporation, and their business of delivering lectures and teaching their students was going on. The gentleman must be mistaken, for two reasons: first, it was in August, and I should like to know when a theological seminary down in Virginia was going on with their regular business on the 25th day of August? In the next place, I find in a report at the time the hospital was turned over to the Government, the officer in charge, and who applied for authority to take the property, says he has no knowledge, when he was ready to return it, whether or not any of the effects now in the hospital were in it at the time they took possession, showing that it was an occupation of empty buildings standing there, and that was all there was of it.

Again, when this surgeon of New Jersey volunteers made his application to the War Department for authority to take possession of this building, what he does not say is conclusive to my mind of the facts which I believe to be true. His silence is stronger affirmation of our position than any other fact which the record discloses. It can not be presumed fairly that he failed to make known the most important fact connected with the proposed occupation.

He says:

I have the honor to report that there are now within the limits of the encampment of this brigade several buildings, etc.

He then goes on and simply asks leave to take possession of the buildings in question for the purpose specified. Now, does anybody believe that if there had been a bishop there, if there had been students or professors or any organized body in charge of that institution, that he would have omitted to say to the War Department that it is in the occupation of a corps of theological teachers?

It is not to be supposed for a moment; and I conclusively assume therefore the facts to be against the condition of affairs assumed by the gentleman from Virginia [Mr. LEE], apparently without personal knowledge.

Now, it was stated the other day that the State of Virginia had not seceded at that date, that she did not go out until June, as I understood. That is my understanding of history whatever may be the understanding of gentlemen who were there. The actual vote upon the ordinance of secession did not take place until the 25th of June. I admit, Mr. Speaker, and it is a matter of history, and as such I may well refer to it, that while it is true no ordinance of secession had been agreed to by the people of Virginia, General Robert E. Lee did issue an order assuming command of the army on the 23d day of April, 1861; and it is a matter of history that can not be disputed, that at that time the State of Virginia was for all purposes of the Confederacy out of the Union and did not need to depend upon the ordinance of secession to be agreed upon in convention or ratified by the people. So when you go into these Virginia dates you will find that there was most likely decided irregularity in procedure.

Men were carried out of the Union by the force of the operations of their States, we are told, when in point of fact the State was in the Union and they were carrying the flag out of the Union in advance of any action of the State. Leading and distinguished statesmen and soldiers went out ahead and beckoned to their States to follow on. When secession collapsed and the terrible blow of failure came they plead in mitigation that they "went with their States."

[Here the hammer fell.]

Mr. REED. I will yield the gentleman two minutes longer.

Mr. GROSVENOR. I desire now further to say, Mr. Speaker, that so far as the question of loyalty is concerned, this claim is not authorized by the report of the Court of Claims. They did not pass upon it.

Mr. LEE. Will the gentleman allow me——

Mr. GROSVENOR. If it does not come out of my time, as it is very brief, I will yield to the gentleman.

Mr. LEE. On the question of the loyalty of a corporation I would like to have the gentleman's opinion. I do not profess to be lawyer enough myself to advise upon it.

Mr. GROSVENOR. I am coming to that. Is it possible at this late day that it is necessary to argue that the members of a corporation, its managers, directors, trustees, whatever they may call themselves or whoever they are, may give the character of disloyalty to the corporation? Why, gentlemen say, "What can a corporation do?" I will tell them: A corporation can violate the police regulations of this city and be fined for it; a corporation may sell liquor in violation of the law and be fined; a corporation may violate the laws of the country anywhere and everywhere and be fined, and their officers imprisoned for it. The laws of this country attach to and impute to the intangible thing known as a corporation the conduct of the officers of the corporation, in so far as their acts involve a violation of the laws of the country.

Now a word further. Why do not these gentlemen tell us who this corporation was? They have mentioned three distinguished teachers hired from Northern States to come down here to teach. Will they not give us the statement of when these men were last paid? I will undertake to say they never had a dollar paid during the summer of 1861, nor again until after 1865, and their loyalty or disloyalty has no possible effect upon the question under consideration. The question is, who was this corporation? Who were its members? What are their names? Why after all this week of delay do not gentlemen tell us? I think if we could get their names we should find them with a variety of prefixes to them. We should find them with general so-and-so, and colonel so-and-so, and doubtless would find that their names stand very high up on the scrolls of fame in the annals of the Southern Confederacy. I protest against the payment of this claim. I denounce it as a claim for damages and remuneration for the ravages of war. It belongs to a class of claims dangerous in character, and I assert that the payment of this claim will open the door to an endless line of claims, such as we have never paid and never ought to pay. It will herald the dawning of the day we have so long foretold.

You may as well come and ask for pay for the rental of the hotel where Ellsworth fell. You may as well ask for damages because the blood of Ellsworth trickled upon the floor of that building. I protest—and it is the last word I have to say about it—by the authority of the concurrent action of this Government from the beginning of these claims down to the present time; I protest against the payment of this claim, dangerous as a precedent and without merit upon its own showing. It is a claim in fact that ought to be stated to be a payment of $20,000 for the preservation in good condition of buildings that would inevitably have been destroyed but for the protecting hand of the Government, and which had been abandoned by their officers and owners, who had gone into the rebel army and were fighting the Government.

Mr. REED. I now yield five minutes to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. Mr. Speaker, in answer to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] that this claim is not covered by the Bowman act, I wish to state that it is for rent and occupation, and not for the destruction or damage of property. The gentleman will see the distinction.

As to the point that this case has never been passed upon by a committee of the House, I wish to state to him that it was passed upon by the Committee on War Claims in the last House—Forty-ninth Congress.

Now, Mr. Speaker, if this property were located in any Northern State, not in rebellion or insurrection, there could be no question as to the right of these parties to recover.

I propose to produce right now the decision of the Court of Claims which shows that this was loyal territory from July, 1861, to the close of the war. I have before me the decision in the case of Heflebower *vs.* The United States, 21 Court of Claims Reports, 1885–'86. After speaking of the various kinds of territory, some in insurrection, some not in insurrection, some held by the Army, and as long as held by the Army loyal, the court goes on to say.

But there was still another kind of territory which has already been a subject of consideration: a narrow strip of Virginia embracing the towns of Alexandria and Norfolk, which was declared in insurrection, but which almost immediately was recovered by the forces of the Government. The peculiarity of its status is that within it sat the recognized loyal government of Virginia, the only government which consented to the cession of West Virginia, and that each of the Houses of Congress recognized it as loyal territory by the admission of Senators and Representatives as early as July, 1861.

So that the Congress of the United States, according to this decision and according to the language of this judge of the Court of Claims, recognized this as loyal territory as early as July, 1861, and admitted representatives in both branches of Congress from that territory.

This property was not occupied until August, 1861, one month or more after this had been recognized as loyal territory by the admission of representatives on this floor and in the other branch of Congress.

If this be the case, can there be any question as to the right of these parties to recover against the Government? As far as the disloyalty of the trustees is concerned, I know not, nor do I care. I lay down the broad proposition that no matter how disloyal trustees may be that can not affect the beneficiaries under the trust. These parties held this seminary for church purposes. It belonged to the Episcopal Church of the United States, as I understand; and I do not suppose there has ever been any decision holding that the Episcopal Church of the United States was disloyal. These parties were mere trustees, holding the property for the benefit of the church and for church purposes.

Then, if it was loyal territory, I repeat, according to the decision of this court and according to the decisions of the Congress of the United States, from July, 1861, on until the close of the war, it was certainly loyal territory in August, 1861, when this property was taken possession of by the Union troops, by the United States Government.

Mr. BURROWS. Will the gentleman permit me to ask him a question?

Mr. O'FERRALL. Yes, sir.

Mr. BURROWS. In what county was this property situated?

Mr. O'FERRALL. In the county of Alexandria.

Mr. BURROWS. Does my friend know that a proclamation was issued in 1862 by Abraham Lincoln, declaring what States were in insurrection against the Government of the United States, and that that proclamation did not exempt the county of Alexandria?

Mr. O'FERRALL. I do. I know there was a proclamation issued which embraced a number of counties now known as West Virginia, and two counties afterwards were added, I believe the counties of Berkeley and Jefferson; but here was the Congress of the United States, which was above the President, holding that this territory across the river, within the picket-lines of the city of Washington, was loyal territory. I hold that is over and above any proclamation of the President.

Mr. JOSEPH D. TAYLOR. Why was it that the claim of the Mount Vernon Manufacturing Company, situated in the same territory as this, was never paid?

Mr. O'FERRALL. I am not familiar with that claim and can not answer the gentleman's question. If I had an opportunity of examining the case, I might be able to answer it and answer it satisfactorily.

Mr. BURROWS. Will the gentleman from Virginia permit me another word? I want to get at the facts. Under the proclamation of July, 1862, this territory in which this property is situated was declared by the President of the United States to be hostile territory. In the same case from which the gentleman from Virginia read the court said the responsibility of declaring what portions of the country were in insurrection and when the insurrection came to an end belonged to the President; that it rests with the Executive to determine what is hostile territory.

Mr. O'FERRALL. I do not see that that answers what I have read

from the decision of the court, or that it meets the fact that Congress itself recognized these representatives as from loyal territory, and that the State Legislature which granted consent to the formation of West Virginia sat in the city of Alexandria.

[Here the hammer fell.]

Mr. REED. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has seven minutes of his time remaining.

Mr. COBB. Will the gentleman from Maine allow me to ask him a question before he begins his remarks?

Mr. REED. Yes, sir.

Mr. COBB. I understood the gentleman from Ohio to make the point that the Court of Claims had no jurisdiction of this case. The question I wish to ask, and which I would like answered for my own information, is this: Who determines the question of jurisdiction under the provisions of the Bowman act?

In the third section of the act it is provided that the court shall not have jurisdiction in certain cases. My understanding of the law is that, whenever a provision of that sort is inserted in a statute——

Mr. REED I think, Mr. Speaker, that I may be able to answer that question in the natural course of what I intend to say. I beg to say to the House that in starting this discussion I had no other purpose than to cause the facts of the case to be brought out, both those which I had found upon examination and those which had been ascertained by other gentlemen upon their examination, and I approached it with a very earnest desire to vote for the bill. I have listened to the debate and have freely accorded time to gentlemen on the other side, and I want to state now in a few words the reasons why I think it is somewhat dangerous to pass this bill. I do not feel that the question of loyalty or disloyalty on the part of the trustees of the seminary takes any great, if any real part at all, in the discussion.

The question is as to the liability of the Government under a certain state of facts. In peaceful territory, where civil laws are having their full weight and are carried out to their full extent, a government, in time of war as in time of peace, pays for whatever it takes; but when territory is occupied by the Government in a hostile manner, occupied by its armies, then the question is whether property in the actual occupation of the army, surrounded by troops, is to be paid for by the people who are carrying on the war. I apprehend that that is farther than the United States has ever been willing to go.

It certainly was a great misfortune that this seminary was not allowed to conduct its work. It certainly was a great misfortune that throughout the South many churches were closed and many public buildings were occupied by hostile armies or for army purposes. While that is true, under the general laws of war it does not give any right to compensation. And why? It is because the state of war is such that no nation, as long as it settles its disputes by war, can permit itself, if it is successful, to pay damages or rentals for use and occupation by its troops. Anybody will perceive at once that if the fact of occupation by the Army is to be the foundation for the payment of rent we might even have to pay rent for the fields and the territory occupied by the troops in actual combat. Nobody can afford to go to that extent. No community can afford to pay such losses.

It is utterly impossible for the losses of war to be made up. They must fall where the chances of war cause them to fall. And I have felt for a great many years that these questions of war damage ought to have been regarded by the parties who have suffered as absolutely at rest, that they ought to rest where they fell, that we ought to have an end of them, and that we ought not to permit ourselves, by allowing precedents to be established, to commit the country to the payment of obligations which no other nation has ever allowed itself to assume.

This claim presents itself under an alluring guise. This is an appropriation for the payment of $20,000 to a theological seminary which certainly could not have continued its operations on the theater of war while war was flagrant. The corporation therefore has lost absolutely nothing. The Government has preserved its buildings, and when the war ceased the Government turned over those buildings to the corporation. So that the proposition nakedly before us is really to present $20,000 to this corporation on account of its being deprived of the use of its buildings by the operations of war and on account of the occupancy by the Army of those buildings at a time when the corporation could have made no other use of them.

It is said that there is a decision of the Court of Claims on this subject, but if anybody will examine it he will see that one element of a decision is absolutely lacking. A decision of a court is the discovery of the facts and the application of the law of the case to them. Now, the court in this case have found certain facts, but they have made no statement as to the law appertaining to them.

Mr. COBB. Will the gentleman allow me a question just there?

Mr. REED. If the House will give me time I will.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. RICHARDSON. Mr. Speaker, I have the right to take the floor now, but if the time of the gentleman from Maine [Mr. REED] has expired I will yield him whatever additional time he requires, and will then resume the floor.

Mr. COBB. The gentleman from Maine [Mr. REED] says there is no finding as to the law. Is that required under the Bowman act?

Mr. REED. I suppose that if the court is to find at all it is to find the law as well as the fact.

Mr. COBB. Is it not true that under the provisions of the Bowman act the court has nothing to do with the application of the law to the facts, but has only to ascertain certain facts? Such is my impression.

Mr. REED. Well, if that is the case, then we are to apply the law to the facts.

Mr. COBB. Certainly.

Mr. REED. Somebody has got to do it. A decision is the result of the marriage of law and fact.

Mr. COBB. Of course, in finding the facts the court is governed by the ordinary rules of evidence as they are applied in practice; but under the Bowman act it has no power to so apply the law to the facts ascertained as to have a resultant judgment or anything in the nature of it. That is what I mean.

Mr. REED. Then if this is not a judgment in any way binding on us except in so far as the facts may coerce us when applied to our views of the law, it comes to the same thing.

Mr. COBB. That is true; but the law is not in dispute in this case. After the facts are ascertained the law to be applied to them is well recognized. If the gentleman has time enough, I would like to have his views on the questions I have presented. The gentleman from Ohio raises a question as to the jurisdiction of the Court of Claims under the third section of the Bowman act. Now, that third section describes what cases shall not be brought within the provisions of the act, and consequently determines what cases shall not be heard by the Court of Claims under the act. The question I wish to submit to the gentleman is this: Where an act of this character prescribes the jurisdiction of the court, and the question of jurisdiction is to be determined by the court upon the ascertainment of facts (the case not being one where jurisdiction, or the want of it, appears upon the face of the record), where, in other words, certain facts are to be ascertained by the court from evidence adduced before jurisdiction attaches, and the Court of Claims, after the ascertainment of these facts, determines that it has jurisdiction, is not that decision final, unless the question goes to an appellate court?

Mr. REED. I suppose it is as final as any decision of any court would be upon a member of Congress. I am not answering for the purpose of evading the gentleman's question in any way, but I do not know any other answer I can give.

Mr. COBB. I submit if the gentleman's answer is not an evasion in fact?

Mr. REED. No; I do not think it is.

Mr. COBB. Of course Congress in the exercise of its power of appropriation is all-powerful to obey or not obey the mandate of any court. It may appropriate or not appropriate money to pay the judgment of a court. This is not a question of power, but of propriety merely.

Mr. REED. The gentleman will allow me to suggest it is absolutely immaterial whether I answer his question one way or another, because this judgment of the court if binding upon us at all is binding only for what it purports to be, and that is upon the facts so far as they are found.

Mr. COBB. Certainly; that is the point. I do not contend that the judgment, or rather the finding of facts, has any binding legal force. Now allow me a moment, for I want to hear from the gentleman upon these questions.

This Bowman act, as I understand, was passed for a certain purpose—to relieve Congress and the committees of Congress from inquiry into and ascertainment of certain facts which arise in many cases, to transfer that duty to the Court of Claims. The presumption, it seems to me, naturally arises that when a proper case has been presented to the Court of Claims and it has found the facts, that finding has some binding force upon this House; not binding as a judgment, to be sure, because we can go behind the findings if we see proper to make an original investigation into the facts. That I admit.

But the finding is at least persuasive to us as to the correctness of the facts as found by the court, and should be followed unless there are reasons why an original investigation should be undertaken by this House. Is not that true?

Mr. REED. I should be inclined to agree with the gentleman.

Mr. COBB. Very well. Then here are certain facts which have been submitted to the Court of Claims. The first question which met the court upon the submission of this case was, "Has this court jurisdiction to find these facts?" because in certain cases specified in the act there is no jurisdiction in the Court of Claims even to go into an inquiry of fact. The gentleman understands that to be true. Now, this court did go into the inquiry of fact. Before it went into that inquiry it had necessarily to determine that it had jurisdiction to make the inquiry. Therefore the point made by the gentleman from Ohio has no application here, the court itself having determined it had jurisdiction and had the power to so determine under the act and under the general principle of law to which I have called attention.

Now, the point is not whether this Congress has power to set aside this

finding, but whether we, as a House of Representatives of the United States, ought to disregard this finding without the evidence to induce us to set it aside. That is the whole question. Here is the case. The question of jurisdiction having been determined, the court went on to decide all the questions, upon the decision of which the duty and the obligation of the Government of the United States rest to pay this claim. Now, why shall we go behind the finding of the court? Are there any reasons which call upon us to disregard the finding of the Court of Claims and go behind it to institute an original investigation, and thus set aside this whole process which has been gone over under the operation of the Bowman act? That is the question.

This further, to avoid misapprehension. It was expected, I hold, that when the Court of Claims acted in a case presented in accordance with the provisions of the Bowman act its findings would be received by Congress and made the basis of legislation, unless reasons appeared sufficient to authorize these findings to be disregarded. At the same time it must be admitted that in strictness the proceedings of the court under the provisions of the act are advisory merely.

Mr. RICHARDSON. If the gentleman from Maine will yield——

Mr. REED. Oh, yes. I seem merely to have been a figure on which to hang the speeches of the gentleman from Alabama [Mr. COBB]. [Laughter.]

Mr. RICHARDSON. I understand the gentleman from Virginia desires three or four minutes. I sought the floor to move the previous question, but am willing the gentleman from Kentucky [Mr. STONE] shall occupy the floor for the remainder of the hour, if he desires to do so.

Mr. STONE, of Kentucky. I do not propose to accept any time from any one. I reported this bill from the committee, and I think I am entitled to the floor in my own right.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Kentucky.

Mr. HOOKER. I hope the gentleman from Kentucky [Mr. STONE] will yield me a portion of his time.

Mr. STONE, of Kentucky. I take the floor for the purpose of making one statement in reply to a question which has been asked, and then moving the previous question. The question was asked—and the confusion in the House at the time deprived me of the opportunity to answer it—whether a report has been made on this case by the Committee on War Claims at this session. The Committee on War Claims of the Forty-eighth Congress referred this bill to the Court of Claims. A report was made in the Forty-ninth Congress to the House of Representatives by the Court of Claims, and it was referred to the Committee on War Claims. The gentleman from Tennessee [Mr. RICHARDSON] in that Congress was instructed to report the bill favorably back to the House, and it went on the Calendar. The matter remained in that condition, and it went on what is known as the Court of Claims Calendar. A bill was introduced for the purpose of paying this very claim and referred to the Committee on War Claims, and the Committee on War Claims of the Fiftieth Congress instructed me to report that bill back to the House with the expression of opinion it ought to pass. Before that report could be made, however, the discussion took place last Friday in the Committee of the Whole, when it was offered as an amendment to the omnibus bill, which we had already reported. Then I thought it was unnecessary to make that report to the House as directed by the Committee on War Claims. That is the condition the claim stands in. It was recommended by the Committee on War Claims of the Forty-eighth Congress on a report of the Court of Claims; it was recommended by the Committee on War Claims of the Forty-ninth Congress, and again by the Fiftieth Congress. That is exactly the situation of the case now. I demand the previous question.

Mr. LEE. I ask the gentleman to yield to me for five minutes.

Mr. STONE, of Kentucky. I will yield to the gentleman from Virginia for five minutes.

Mr. LEE. Mr. Speaker, I simply desire five minutes to reply to gentlemen on the other side of the Chamber. One said this institution was abandoned when taken possession of by the United States troops. I am confident that is not so. It is possible there may have been a vacation there in the month of August, but if so the buildings and grounds were in charge of the regular officers and ready at the regular time to resume operation.

I do not desire, as I have said on this floor, to go over the same argument, but the United States Government has paid claims, and certainly no more just than this, within the same territory. I called the attention of the gentleman from Maine [Mr. REED] to those claims last Saturday—claims in the city of Alexandria, claims in Kentucky, claims in Tennessee, claims in the city of Washington, within the same territory, bound by the same lines of steel which held this territory across the Potomac.

The chairman of the Committee on War Claims has already satisfied the House as to the status of this claim before that committee. It was reported, as I understand, in the Forty-ninth Congress to this House favorably if not by a unanimous report, and as the gentleman from Kentucky has just said, he was instructed in this Congress to report it back favorably.

The gentlemen on the other side also made the point it was impossible to carry this institution on because of its propinquity to the seat of war. I answer the gentlemen and ask them whether, if it were possible for these buildings to be occupied as a hospital for the protection of the wounded and sick, why could not lectures be held there under the same protection and by the same authority? As to the question of loyalty, I do not propose to go into it. They were loyal not to an earthly but to a celestial power. They did not go forth to fight the battles of their Great Chieftain with the red banners of terrestrial war, but carried the white flag of peace uplifted by their Great Captain now almost two thousand years ago.

It was said by one of the greatest soldiers of modern times in the very zenith of his power that a million men would spring to arms at his command and rush joyfully to death at his bidding, and yet, sir, hardly more than half a century has passed and to-day his followers would hardly dare unfurl his banners in the capital of his country. The Great Founder of the school of which this institution is a part has been dead nearly twenty centuries, and you now number his followers by millions, and to-day, as their forefathers did, they would go fearlessly amidst the storm and shell of battle or to the stake for the principles which they maintain.

Even, sir, in the barbarous days of early history we have found the church to be the refuge for the humblest citizen and for the culprit; and I had hoped to-day, in this, the nineteenth century, almost at the boasted zenith of our civilization, that this subject would have received at the hands of this intelligent House a more graceful consideration on the floor than it has had.

[Here the hammer fell.]

Mr. STONE, of Kentucky. I now demand the previous question on the engrossment and third reading of the bill and amendments.

The previous question was ordered.

Mr. GROSVENOR. A separate vote is demanded on the amendment appropriating $20,000 for the theological seminary.

The SPEAKER *pro tempore*. The Clerk will report the amendments of the committee on which a separate vote is not demanded.

The several amendments were read and agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Add to the bill:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 to the trustees of the Protestant Episcopal Theological Seminary and High School in Virginia, said amount having been found due them by the Court of Claims for rent due them for the use of their buildings for hospital purposes from May, 1861, to August, 1865."

Mr. WILLIAMS. I demand the yeas and nays upon that amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 96, not voting 98; as follows:

YEAS—130.

Abbott,	Davidson, Fla.	Kerr,	Rusk,
Allen, Miss.	Dibble,	Laffoon,	Sayers,
Anderson, Miss.	Elliott,	Lanham,	Scott,
Anderson, Ill.	Enloe,	Latham,	Shaw,
Bankhead,	Farquhar,	Lawler,	Shively,
Biggs,	Felton,	Lee,	Simmons,
Blanchard,	Fitch,	Mahoney,	Snyder,
Blount,	Forney,	Maish,	Spooner,
Bowden,	Gaines,	Mansur,	Stewart, Tex.
Bowen,	Gallinger,	Martin,	Stewart, Ga.
Breckinridge, Ky.	Gibson,	McClammy,	Stockdale,
Brower,	Glass,	McComas,	Stone, Ky.
Browne, T.H.B., Va.	Greenman,	McCreary,	Stone, Mo.
Bryce,	Grimes,	McKenna,	Tarsney,
Bynum,	Hall,	McMillin,	Taulbee,
Campbell, Ohio	Harmer,	McRae,	Thomas, Ky.
Candler,	Hatch,	Merriman,	Tillman,
Carleton,	Hayden,	Milliken,	Tracey,
Caruth,	Hayes,	Moore,	Turner, Ga.
Catchings,	Heard,	Morgan,	Vance,
Cheadle,	Hemphill,	Neal,	Wade,
Clardy,	Henderson, N. C.	Newton,	Washington,
Cobb,	Herbert,	Nichols,	Wheeler,
Cockran,	Hermann,	Oates,	White, Ind.
Compton,	Hogg,	O'Ferrall,	Wilkins,
Cothran,	Hooker,	Osborne,	Wilson, Minn.
Cowles,	Hopkins, Va.	Peel,	Wilson, W. Va.
Crain,	Hopkins, N. Y.	Penington,	Wise,
Crisp,	Hunter,	Rayner,	Yardley,
Culberson,	Hutton,	Richardson,	Yoder,
Cummings,	Johnston, N. C.	Robertson,	Yost.
Dargan,	Jones,	Rowland,	
Davidson, Ala.	Kean,	Russell, Mass.	

NAYS—96.

Adams,	Browne, Ind.	Finley,	Hovey,
Allen, Mass.	Brown, Ohio	Fuller,	Jackson,
Allen, Mich.	Brumm,	Funston,	Johnston, Ind.
Anderson, Iowa	Buckalew,	Gear,	Kennedy,
Arnold,	Bunnell,	Gest,	Ketcham,
Bacon,	Burrows,	Grosvenor,	La Follette,
Baker, N. Y.	Cannon,	Grout,	Laidlaw,
Baker, Ill.	Caswell,	Hare,	Laird,
Bayne,	Cogswell,	Haugen,	Landes,
Belden,	Conger,	Henderson, Ill.	Lane,
Bland,	Crouse,	Hiestand,	Lehlbach,
Boothman,	Cutcheon,	Hitt,	Lodge,
Bound,	Dalzell,	Holman,	Lyman,
Boutelle,	Darlington,	Holmes,	Macdonald,
Breckinridge, Ark.	Davis,	Hopkins, Ill.	McCormick,
Brewer,	Dingley,	Houk,	McKinley,

McKinney,	Payson,	Scull,	Turner, Kans.
Morrill,	Perkins,	Seney,	Walker,
Nelson,	Peters,	Smith,	Weaver,
Nutting,	Pidcock,	Springer,	Weber,
O'Neill, Pa.	Pugsley,	Steele,	West,
Owen,	Reed,	Stewart, Vt.	Whiting, Mass.
Parker,	Ryan,	Taylor, E. B., Ohio	Wickham,
Patton,	Sawyer,	Taylor, J. D., Ohio	Williams.

NOT VOTING—98.

Anderson, Kans.	Dougherty,	Mason,	Rowell,
Atkinson,	Dunham,	Matson,	Russell, Conn.
Barnes,	Dunn,	McAdoo,	Seymour,
Barry,	Ermentrout,	McCullogh,	Sherman,
Belmont,	Fisher,	McShane,	Sowden,
Bingham,	Flood,	Mills,	Spinola,
Bliss,	Foran,	Moffitt,	Stahlnecker,
Brown, J. R., Va.	Ford,	Montgomery,	Stephenson,
Buchanan,	French,	Morrow,	Struble,
Burnes,	Gay,	Morse,	Symes,
Burnett,	Glover,	Norwood,	Thomas, Ill.
Butler,	Goff,	O'Donnell,	Thomas, Wis.
Butterworth,	Granger,	O'Neall, Ind.	Thompson, Ohio
Campbell, F., N. Y.	Guenther,	O'Neill, Mo.	Thompson, Cal.
Campbell, T. J., N. Y.	Henderson, Iowa	Outhwaite,	Townshend,
Chipman,	Hires,	Perry,	Vandever,
Clark,	Howard,	Phelan,	Warner,
Clements,	Hudd,	Phelps,	White, N. Y.
Collins,	Kelley,	Plumb,	Whiting, Mich.
Cooper,	Kilgore,	Post,	Whitthorne,
Cox,	Lagan,	Randall,	Wilber,
Davenport,	Lind,	Rice,	Wilkinson,
De Lano,	Long,	Rockwell,	Woodburn.
Dockery,	Lynch,	Rogers,	
Dorsey,	Maffett,	Romeis,	

So the amendment was adopted.

On motion of Mr. LANHAM, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. HOWARD with Mr. DE LANO.

Mr. FORAN with Mr. PHELPS.

Mr. COLLINS with Mr. JOHN R. BROWN.

Mr. TOWNSHEND with Mr. MAFFETT.

Mr. MATSON with Mr. DUNHAM.

Mr. HUDD with Mr. CLARK.

Mr. PHELAN with Mr. BUTLER.

Mr. MCSHANE with Mr. MCCULLOGH.

Mr. WILKINSON with Mr. SHERMAN.

Mr. SPINOLA with Mr. THOMAS, of Illinois.

Mr. GRANGER with Mr. ROCKWELL.

Mr. CUMMINGS with Mr. FITCH, until March 13.

The following were announced as being paired for this day:

Mr. MILLS with Mr. ANDERSON, of Kansas.

Mr. OUTHWAITE with Mr. RUSSELL, of Connecticut.

Mr. DUNN with Mr. DAVENPORT.

Mr. MONTGOMERY with Mr. LONG.

Mr. LAGAN with Mr. GOFF.

Mr. KILGORE with Mr. MOFFITT.

Mr. PERRY with Mr. KELLEY.

Mr. TIMOTHY J. CAMPBELL with Mr. BINGHAM.

Mr. BLISS with Mr. WHITE, of New York.

Mr. DOCKERY with Mr. GUENTHER, on this vote.

Mr. WILBER with Mr. WHITTHORNE, on this bill.

The result of the vote was then announced as above recorded.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall the bill pass?

Mr. WILSON, of Minnesota. I call for the yeas and nays on the passage of the bill.

The affirmative vote being counted, there were—ayes 26; not one-fifth of the last vote.

Mr. PAYSON and Mr. SOWDEN. Count the other side.

The negative vote was counted; and there were—noes 81.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 101, not voting 118; as follows:

YEAS—105.

Anderson, Miss	Dargan,	Herbert,	McKenna,
Biggs,	Davidson, Ala.	Hermann,	McMillin,
Blanchard,	Davidson, Fla.	Hogg,	Merriman,
Blount,	Dibble,	Hooker,	Moore,
Bowden,	Enloe,	Hopkins, Va.	Morgan,
Bowen,	Farquhar,	Hopkins, N. Y.	Morrow,
Browne, T. H. B., Va.	Felton,	Hunter,	Neal,
Bryce,	Forney,	Hutton,	Newton,
Campbell, Ohio	French,	Johnston, N. C.	Nichols,
Candler,	Gaines,	Jones,	Oates,
Carleton,	Gibson,	Kean,	O'Ferrall,
Caruth,	Glass,	Latham,	O'Neall, Ind.
Catchings,	Greenman,	Lee,	Osborne,
Cheadle,	Grimes,	Mahoney,	Peel,
Clardy,	Harmer,	Maish,	Penington,
Cobb,	Hatch,	Mansur,	Rayner,
Compton,	Hayden,	Martin,	Richardson,
Cothran,	Hayes,	McAdoo,	Robertson,
Cowles,	Heard,	McClammy,	Rowland,
Crisp,	Hemphill,	McComas,	Russell, Mass.
Cummings,	Henderson, N. C.	McCreary,	Scott,
Simmons,	Stone, of Mo.	Tracey,	Wise,
Snyder,	Stone, of Ky.	Vance,	Yardley,
Spooner,	Taulbee,	Washington,	Yost.
Stahlnecker,	Thomas, Ky.	Wheeler,	
Stewart, Ga.	Thompson, Cal.	White, Ind.	
Stockdale,	Tillman,	Wilson, W. Va.	

NAYS—101.

Abbott,	Conger,	Kerr,	Rowell,
Adams,	Crouse,	Ketcham,	Sayers,
Allen, Mass.	Culberson,	La Follette,	Scull,
Allen, Mich.	Dalzell,	Laidlaw,	Seney,
Allen, Miss.	Darlington,	Landes,	Shively,
Anderson, Iowa	Davis,	Lane,	Sowden,
Arnold,	Dingley,	Lanham,	Springer,
Baker, N. Y.	Dorsey,	Lehlbach,	Steele,
Baker, Ill.	Finley,	Lyman,	Stephenson,
Bankhead,	Fuller,	Mason,	Stewart, Vt.
Bayne,	Gallinger,	McCormick,	Taylor, E. B., Ohio
Belden,	Gear,	McKinley,	Taylor, J. D., Ohio
Bland,	Gest,	McRae,	Thomas, Wis.
Boothman,	Grosvenor,	Morrill,	Turner, Kans.
Bound,	Hare,	Nutting,	Wade,
Boutelle,	Haugen,	O'Donnell,	Walker,
Brewer,	Henderson, Ill.	O'Neill, Pa.	Weaver,
Browne, Ind.	Hiestand,	Parker,	Weber,
Brown, Ohio	Hitt,	Patton,	West,
Buckalew,	Holman,	Payson,	Whiting, Mass.
Bunnell,	Holmes,	Perkins,	Wickham,
Burrows,	Hopkins, Ill.	Peters,	Wilkins,
Bynum,	Hovey,	Pidcock,	Wilson, Minn.
Cannon,	Jackson,	Plumb,	
Caswell,	Johnston, Ind.	Pugsley,	
Cockran,	Kennedy,	Reed,	

NOT VOTING—118.

Anderson, Ill.	Davenport,	Laird,	Romeis,
Anderson, Kans.	De Lano,	Lawler,	Russell, Conn.
Atkinson,	Dockery,	Lind,	Rusk,
Bacon,	Dougherty,	Lodge,	Ryan,
Barnes,	Dunham,	Long,	Sawyer,
Barry,	Dunn,	Lynch,	Seymour,
Belmont,	Elliott,	Macdonald,	Shaw,
Bingham,	Ermentrout,	Maffett,	Sherman,
Bliss,	Fisher,	Matson,	Smith,
Breckinridge, Ark.	Fitch,	McCullogh,	Spinola,
Breckinridge, Ky.	Flood,	McKinney,	Stewart, Tex.
Brower,	Foran,	McShane,	Struble,
Brown, J. R., Va.	Ford,	Milliken,	Symes,
Brumm,	Funston,	Mills,	Tarsney,
Buchanan,	Gay,	Moffitt,	Thomas, Ill.
Burnett,	Glover,	Montgomery,	Thompson, Ohio
Burnes,	Goff,	Morse,	Townshend,
Butler,	Granger,	Nelson,	Turner, Ga.
Butterworth,	Grout,	Norwood,	Vandever,
Campbell, F., N. Y.	Guenther,	O'Neill, Mo.	Warner,
Campbell, T. J., N. Y.	Hall,	Outhwaite,	White, N. Y.
Chipman,	Henderson, Iowa	Owen,	Whiting, Mich.
Clark,	Hires,	Perry,	Whitthorne,
Clements,	Houk,	Phelan,	Wilber,
Cogswell,	Howard,	Phelps,	Wilkinson,
Collins,	Hudd,	Post,	Williams,
Cooper,	Kelley,	Randall,	Woodburn,
Cox,	Kilgore,	Rice,	Yoder.
Crain,	Laffoon,	Rockwell,	
Cutcheon,	Lagan,	Rogers,	

So the bill was passed.

Mr. BRECKINRIDGE, of Kentucky. I desire to vote. I did not hear my name called.

The SPEAKER *pro tempore*. Was the gentleman in his seat when his name was called?

Mr. BRECKINRIDGE, of Kentucky. I make the point that I was within the Hall when the roll was being called. I was in my seat before the call of the roll was completed.

The SPEAKER *pro tempore*. The Chair directs the rule to be read.

The Clerk read Rule XV, clause 1, as follows:

Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

The SPEAKER *pro tempore*. The Chair has not rigidly enforced the rule. If he should rigidly enforce it very few members would be allowed to vote after the completion of the roll-call.

Mr. BRECKINRIDGE, of Kentucky. If I had heard my name called, I should have voted "ay."

Mr. LANHAM. I ask unanimous consent to dispense with the reading of the names.

Objection was made.

The following additional pairs on all political questions for the rest of this day were announced:

Mr. ERMENTROUT with Mr. RYAN.

Mr. CRAIN with Mr. LAIRD.

Mr. LAWLER with Mr. GALLINGER.

Mr. BRECKINRIDGE, of Arkansas, with Mr. STRUBLE.

The result of the vote was then announced as above stated.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House now resolve itself into the

Committee of the Whole House for the purpose of considering bills on the Private Calendar.

Mr. HATCH. I ask the gentleman to yield to me for one moment.

Mr. LANHAM. I yield to the gentleman from Missouri.

GEORGE M. OCHILTREE.

Mr. HATCH. Before the motion of the gentleman from Texas is acted upon I ask the courtesy of the House to give unanimous consent that a private bill which I send to the Clerk's desk may be considered at this time.

The Clerk read the title of the bill, as follows:

A bill (H. R. 4659) for the relief of George M. Ochiltree.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be amended the military record of George M. Ochiltree, of Clarke County, Missouri, and to place him on the muster-rolls of the War Department as a major of cavalry and provost-marshal for the counties of Scotland, Clarke, Knox, and Lewis, in the State of Missouri, to date from January 1, 1862, until November 1, 1862; and he is further authorized and directed to cause to be made out and forwarded to the proper officers of the Treasury Department a statement of the pay and emoluments due to a major of cavalry under then existing law for the period of ten months, namely, from January 1, 1862, to November 1, 1862, deducting therefrom whatever sum may have been paid said George M. Ochiltree as a private soldier during said period.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to said George M. Ochiltree the amount found to be due him as a major of cavalry for the period of ten months, as provided for in section 1 of this act, deducting therefrom such sum as may have been paid to him as a private soldier for services during said period.

Mr. HATCH. The report is very short. It states the facts briefly. I ask for the reading of the report.

The report (by Mr. BROWER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4659) for the relief of George M. Ochiltree, report as follows:

The claimant, George M. Ochiltree, was, on the 1st day of January, 1862, a private citizen of Clarke County, Missouri. At that date he was appointed provost-marshal for the special district of the Department of the Missouri, embracing the counties of Clarke, Lewis, Knox, and Scotland, but was ordered on duty as a private in Company B, Second Missouri State Militia Cavalry, and under the Army regulations received only a private's pay. That when a regiment was first raised in Clarke County Mr. Ochiltree could have got the position of either major or lieutenant-colonel, but that he was deemed by all the best equipped man in the country for the position of provost-marshal, which was then regarded as a post of great importance to that section; and that believing that office to carry with it the rank and pay of a major, and was not aware that he had been assigned to service as a private until some time afterward, one order having been issued to him for the pay of provost-marshal. That he acted as provost-marshal from the 1st day of January, 1862, to the 1st day of November next following. These facts are sustained by adequate proofs.

Your committee therefore report back the bill and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. C. SCANLAND.

Mr. ROWELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 3496) for the relief of W. C. Scanland, and that it be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Post-Office Department be, and they are hereby, authorized and directed, in settling the accounts of W. C. Scanland, postmaster at Normal, Ill., to credit him with the sum of $125, postal funds stolen from the safe in his office on the night of August 22, A. D. 1887.

Mr. ROWELL. The bill explains itself. The Department have paid all that they could pay under the law.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order, Mr. Speaker, and I move that the House now resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole for the purpose of considering bills upon the Private Calendar. The Clerk will report the first bill.

HENRY BAZSINSKY.

The Clerk read as follows:

A bill (H. R. 8088, Forty-ninth Congress) for the relief of Henry Bazsinsky, administrator of Abraham Bazsinsky.

Mr. LANHAM. Mr. Chairman, that bill is embraced in the omnibus bill which has just passed the House. I ask unanimous consent, if it be in order, that we pass over all of the bills yet remaining on the Calendar of Court of Claims cases and proceed to the consideration of bills upon the Private Calendar on page 21.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to pass over informally bills on the Calendar brought forward from the Court of Claims, and to proceed with the bills upon the Private Calendar, beginning on page 21. Is there objection?

Mr. STONE, of Kentucky. As far as I am individually concerned, I have no objection; but there are only three or four bills left upon what is known as the Court of Claims Calendar, and I believe that bills have been introduced and reported back from the Committee on War Claims in every one of those cases.

Mr. LANHAM. Well, Mr. Chairman, in view of that statement, I withdraw my request; and if the gentleman can indicate the bills that have not been embraced in the "omnibus bill," we will proceed first to the consideration of those.

The CHAIRMAN. The Chair would suggest to the gentleman from Kentucky [Mr. STONE] and the gentleman from Texas [Mr. LANHAM] that it would be better to call these bills in their regular order, and then, where a bill already disposed of is reached, let a motion be made that that bill lie on the table.

Mr. STONE, of Kentucky. I suggest to the Chair that it was by unanimous consent that the "omnibus bill" which we have passed here was substituted for these individual bills.

The CHAIRMAN. Still, the Chair will state to the gentleman from Kentucky [Mr. STONE] that three individual bills are still before the House and must be disposed of in a regular way.

Mr. LANHAM. I move that all of these bills that were embraced in the "omnibus bill" which has just been passed be laid on the table.

The CHAIRMAN. The only difficulty about that is that without comparing the bills as they are reached with the "omnibus bill" the Clerk can not tell which ones have been disposed of. It will take but a minute as each bill is called to move that it be laid on the table. The Clerk will proceed to call the bills in their order.

HENRY BAZSINSKY.

The Clerk read as follows:

A bill (H. R. 8088, Forty-ninth Congress) for the relief of Henry Bazsinsky, administrator of Abraham Bazsinsky.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

ELIZABETH GRIGGS, ADMINISTRATRIX.

The next business on the Private Calendar was the bill (H. R. 8089, Forty-ninth Congress) for the relief of Elizabeth Griggs, administratrix of Charles Murphy.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

JOHN B. REID.

The next business on the Private Calendar was a bill (H. R. 8090, Forty-ninth Congress) for the relief of John B. Reid.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

HORACE B. HOBSON, ADMINISTRATOR.

The next business on the Private Calendar was a bill (H. R. 8091, Forty-ninth Congress) for the relief of Horace P. Hobson, administrator of John O. Graves.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

MARY A. BLACKWELL.

The next business on the Private Calendar was a bill (H. R. 8092, Forty-ninth Congress) for the relief of Mary A. Blackwell.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

ELIZABETH P. DYER.

The next business on the Private Calendar was a bill (H. R. 8093, Forty-ninth Congress) for the relief of Elizabeth P. Dyer.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

URIAS BUSKIRK.

The next business on the Private Calendar was a bill (H. R. 5484, Forty-ninth Congress) to pay to Urias Buskirk the amount found due him by the Court of Claims.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

ELIZABETH MULVEHILL.

The next business on the Private Calendar was a bill (H. R. 8339, Forty-ninth Congress) for the relief of Elizabeth Mulvehill.

Mr. STONE, of Kentucky. Mr. Chairman, that case is not included in the "omnibus bill."

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth Mulvehill the sum of $4,345.17, out

of any money in the Treasury not otherwise appropriated, in full satisfaction for her claim for tobacco taken by the Army of the United States in Alleghany County, State of Virginia, in 1863, for army use, as shown by the facts found in the Court of Claims in Congressional case No. 100.

The report (by Mr. Geddes) was read, as follows:

The Committee on War Claims, to whom was referred the claim of Elizabeth Mulvehill, beg leave to report:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims to the committee with the following findings of fact, filed January 11, 1886, to wit:

"In the Court of Claims. December term, 1884. Elizabeth Mulvehill vs. The United States. Congressional case No. 100.

"FINDINGS OF FACT. FILED JANUARY 11, 1886.

"This case, referred to the court by the Committee on War Claims of the House of Representatives the 25th day of April, 1884, under the act of March 3, 1883 (22 Stat. at L., 485), having been heard by the court, the Attorney-General by his assistants appearing for the defense and protection of the United States, as required by said act, the court upon the evidence finds the facts to be as follows:

"1. That this claim was referred to the Court of Claims by the Committee on War Claims, House of Representatives, under the first section of the act approved March 3, 1883, commonly called the Bowman act, April 25, 1884.

"2. That the Court of Claims, on preliminary inquiry, as required by the fourth section of said act, found that the claimant did not give aid and comfort to the rebellion, but was throughout that war loyal to the Government of the United States; and that the Assistant Attorney-General of the United States appeared for the defense and protection of the interest of the United States in this pending investigation.

"3. That the claimant was residing with her husband, since deceased, at Greenbrier White Sulphur Springs, in the State (now) of West Virginia; that her husband was a railroad contractor at that place, and was engaged in railroad work with one Thomas K. McCann, late assistant quartermaster United States Volunteers, brother of the claimant; that claimant and her husband went to Virginia in about 1857, and were natives of the State of Pennsylvania; that at the breaking out of the war claimant's brother left the State of Virginia for the North, and that some time in 1862 claimant's husband escaped in the night time and went North, leaving his wife, the claimant, what ready money he had, she at the time having a young child, and could not go with him.

"4. That claimant afterwards applied to the Confederate military authorities for a pass to enable her to follow her husband to the Union lines, but was refused such pass. That she went to reside in the family of one John Waldron, a contractor and Union man, on the next section of the railroad, all the property of herself and husband having been confiscated after his escape.

"5. That she was informed that no person would be allowed to carry money through the Confederate lines, all persons being carefully searched.

"That she had managed to keep the money secreted up to this time.

"That at John Waldron's house she discussed with him what they should do with their money; they could not invest it in real estate, and could not carry the money away with them. They concluded to buy tobacco and secrete it. She accordingly employed Mr. Waldron and furnished him the money to purchase the tobacco, which was purchased at Lynchburgh, Va., at different times in 1863, and stored, with other tobacco belonging to Waldron, at Sweet Chalybeate Springs, Alleghany County, Virginia, with one John Kelly, proprietor of said springs.

"That about 126 boxes and packages were stored at that place, of which the following belonged to claimant, namely:

6 boxes Julia Dean, 633 pounds, at 95 cents	$601.35
10 boxes Rough and Ready, 985 pounds, at $1	985.00
12 boxes J. W. North, 1,294 pounds, at 80 cents	1,035.20
2 boxes W. S. Dodd, 188 pounds, at 87½ cents	164.50
4 boxes Simpson, 395½ pounds, at 75 cents	296.62
5 boxes Horseshoe, 527 pounds, at $1.25	658.75
6 boxes Julia Dean, 629 pounds, at $1.15	723.35
Total	4,464.77
Deduct 1 box lost, 104 pounds, at $1.15	119.60
Balance	4,345.17

"6. That the bills of purchase were shown to her at the time, but claimant could not keep the bills or have the tobacco stored in her own name for fear of confiscation.

"7. That the tobacco was all in good condition when stored; none of the boxes or packages were broken; it was stored in a safe place, where it remained until on or about November 15, 1863, when the same was taken by the troops under the command of General Averell, of the United States Army, at that place, in the daytime, and carried away, together with the tobacco belonging to Waldron, in all amounting to about one hundred and twenty-six boxes and packages.

"8. That all of said tobacco was in good order when stored with said John Kelly for safe-keeping by said Waldron, and remained securely stored and locked, and was in good order at the time the same was taken by the command of General Averell, as shown in finding 7; that the prices charged were reasonable and just for the time and place, and that claimant has never received pay or compensation therefor from any source or for any part thereof, but that the same is still unpaid, and that reasonable value of the tobacco so taken from claimant was $4,345.17.

"9. That claimant's husband died in 1873; that his estate was settled and his debts all paid, and that the money used in the purchase of the tobacco which is the subject-matter of this claim was left with claimant by her husband, and was accumulated by him in the course of his business prior to the war.

"ORDER OF THE COURT.

"*Ordered*, That a copy of the foregoing findings of fact, duly certified, be reported to the Committee on War Claims of the House of Representatives, together with a copy of this order.

"By the court.

"A true transcript of record.

"Test, this 13th day of March, 1886.

"[SEAL.] JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

Your committee therefore report a bill herewith providing for the payment of the amount found by said Court of Claims, and recommend that it do pass.

Mr. STEELE. I rise to a parliamentary inquiry. I see that this Report is No. 2179. On the next page of the Calendar I see Report No. 35. I wish to inquire how Report No. 2179 takes precedence of Report No. 35. I make the point of order that this bill is not rightly ahead of the other.

Mr. O'FERRALL. What is the gentleman's point?

Mr. STEELE. My point is that Report No. 2179 is not entitled to priority over Report No. 35.

The CHAIRMAN. The Chair will state to the gentleman from Indiana [Mr. STEELE] that this is one of the Court of Claims cases placed upon the Calendar by order of the House; and the House is now proceeding in regular order to act upon such of these cases as have not been disposed of in the "omnibus bill."

Mr. WARNER. I do not wish to argue this question; but it has been my impression that the classes of articles for which we undertake to make compensation in these bills are quartermasters' and commissaries' stores taken by command of some military officer from loyal citizens for the use of the Army of the United States. I have supposed that the articles for which we pay are such as the Government supplied to its soldiers while in the field. In my limited experience in the Army I never heard of tobacco being issued as rations to the soldiers. I would like to know upon what ground the payment of this claim is sought.

Mr. STONE, of Kentucky. I will state for the information of the House that this is one of the bills which came over from the Forty-ninth Congress and were placed on the Calendar by order of the Speaker. The gentleman from Virginia [Mr. O'FERRALL] has introduced in this Congress a bill providing for payment of this claim, but that bill has not been reported back from the committee. I was under the impression that it had been, but I do not find it on the Calendar, although I have not made a close examination. This bill stands in the same position that the whole Calendar of these bills did at an earlier stage of the session.

The CHAIRMAN. When this bill was read, the Chair was under the impression that it had been reported by the Committee on War Claims of the present Congress, but on examination it appears that it was reported in the Forty-ninth Congress.

Mr. O'FERRALL. Then I ask that the bill be passed over for the present, without losing its place on the Calendar.

The CHAIRMAN. If there be no objection, the bill will be passed over informally, without prejudice to its position on the Calendar. The Chair hears no objection. The Clerk will report the next bill.

BILLS LAID ASIDE TO BE REPORTED ADVERSELY.

The next bills in order upon the Calendar were the following; which were laid aside to be reported to the House with a recommendation that they be laid on the table, the claims provided for in these bills having been embraced in the bill H. R. 2952 already passed:

A bill (H. R. 8340, Forty-ninth Congress) for the relief of John M. Campbell.

A bill (H. R. 8341, Forty-ninth Congress) for the relief of Robert H. Walton.

A bill (H. R. 8342, Forty-ninth Congress) for the relief of James C. Jenkins, administrator of Thomas C. Jenkins.

A bill (H. R. 8343, Forty-ninth Congress) for the relief of Sarah McFerrin, administratrix of Robert Waters.

A bill (H. R. 8344, Forty-ninth Congress) for the relief of Sarah E. Mendenhall.

A bill (H. R. 8603, Forty-ninth Congress) for the relief of David H. Hildebrand.

A bill (H. R. 8604, Forty-ninth Congress) for the relief of James Tucker.

A bill (H. R. 8605, Forty-ninth Congress) for the relief of Americus V. Warr, administrator of Nicholas H. Isbell.

A bill (H. R. 9379, Forty-ninth Congress) for the relief of John Heflebower.

WILLIAM LAVERY.

The next business in order on the Private Calendar was the bill (H. R. 9380, Forty-ninth Congress) for the relief of William Lavery.

Mr. STONE, of Kentucky. This claim has not been embraced in the "omnibus bill." I suggest that it be passed over, without losing its place on the Calendar.

The CHAIRMAN. Without objection, that order will be made.

There was no objection.

BILLS LAID ASIDE TO BE REPORTED ADVERSELY.

The next bills in order upon the Calendar were the following; which were laid aside to be reported to the House with the recommendation that they be laid on the table, the claims provided for in these bills having been embraced in the bill (H. R. 2952) already passed:

A bill (H. R. 9381, Forty-ninth Congress) for the relief of Robert Smith.

A bill (H. R. 9382, Forty-ninth Congress) for the relief John R. Watkins, administrator of Matilda W. Anderson.

A bill (H. R. 9383, Forty-ninth Congress) for the relief of Indiana E. Hughes.

A bill (H. R. 9384, Forty-ninth Congress) for the relief of Newitt Harris.

ALEXANDER MOFFIT.

The next business on the Private Calendar was the bill (H. R. 9473, Forty-ninth Congress) for the relief of Alexander Moffit.

Mr. STONE, of Kentucky. I suggest that this bill be passed over informally.

Mr. COMPTON. I ask that the bill be considered. This claim was referred in the Forty-ninth Congress to the Court of Claims. The findings of that court have been returned to this Congress; and I hold in my hand a report made to this House by the present Committee on War Claims.

Mr. STEELE. If this bill was reported prior to Report No. 35, on the next page, I object to its consideration.

The CHAIRMAN. The gentleman from Maryland [Mr. COMPTON], as the Chair understands, asks unanimous consent to substitute a bill reported by the Committee on War Claims of the present Congress for the bill of the Forty-ninth Congress the title of which has just been read.

Mr. STEELE. I object. I think these bills had better be considered in their regular order.

The CHAIRMAN. Objection being made, the bill will be passed over informally, retaining its place on the Calendar.

Mr. COMPTON. Do I understand the Chair to rule that unanimous consent is necessary for the consideration of this bill now?

The CHAIRMAN. It is.

Mr. LANHAM. I hope the gentleman from Indiana [Mr. STEELE] will not press his objection. It seems that a report on this case has been made in the present Congress. There are a few more claims of this character on the Calendar which we want to dispose of to-day.

Mr. STEELE. There are bills ahead of this, which have been on the Calendar since January 17.

Mr. COMPTON. This bill bears the same relation to the Calendar as other bills which have been passed. This claim was considered in the Forty-ninth Congress and referred by the committee to the Court of Claims. The findings of that court have been returned, the case has been considered by the committee of the present House and unanimously reported for passage. Surely the gentleman can not object to the consideration of such a bill. I hope he will withdraw his objection.

The CHAIRMAN. Objection being made, the Clerk will report the next bill.

Mr. HOUK. I wish to call attention to the law.

The CHAIRMAN. The status of this bill has been decided by the House. The title of the bill just read was reported to the Forty-ninth Congress, and the bill reported by the committee at the present Congress is not yet on the Calendar.

Mr. HOUK. The Bowman act says these bills shall remain upon the Calendar, and it is not necessary a bill should be reported.

The CHAIRMAN. The House has already settled that.

ANNA M. COGSWELL.

The next business on the Private Calendar was the bill (H. R. 9646, Forty-ninth Congress) for the relief of Anna M. Cogswell.

Mr. RICHARDSON. That is in the "omnibus bill," and I move that this bill be reported to the House with the recommendation that it be laid upon the table.

The motion was agreed to.

MRS. ELLEN P. MALLOY.

The next business on the Private Calendar was the bill (H. R. 9647, Forty-ninth Congress) for the relief of Mrs. Ellen P. Malloy.

Mr. RICHARDSON. This bill was introduced in the Forty-ninth Congress, referred to the Committee on War Claims, and regularly reported by that committee. It was also referred at the present session of Congress to the Committee on War Claims, and again reported favorably by that committee, as I understand.

The CHAIRMAN. The Chair understands the condition of this bill to be this: By the action of the House, at the present session, this bill was required to be reported at the present Congress and placed on the Calendar. It was required to be placed on the Calendar with this report to enable it to be acted on, unless by unanimous consent the bill reported should be substituted for the bill on the Calendar.

Mr. RICHARDSON. The condition of this case, Mr. Chairman, is this: It was reported by the Forty-ninth Congress and placed on the Calendar. The bill was again introduced at this Congress, and again reported from the Committee on War Claims. I have a copy of that bill in my hand. If that is so it can be considered, because the Bowman act places bills brought over from the Forty-ninth Congress at the head of the Calendar. That ruling was made by the Speaker of the House at least on two occasions, and it has never been departed from. The point of order does not apply to this case, because the bill has been introduced at this Congress and reported by the Committee on War Claims, and it seems to me it ought to now be considered.

The CHAIRMAN. Is it on the Calendar?

Mr. RICHARDSON. Yes, it is regularly on the Court of Claims Calendar, which is the Calendar of the House.

The CHAIRMAN. The Chair will state the bill to which the gentleman refers, reported by the present Congress, is not on the Calendar which has been read.

Mr. RICHARDSON. I desire to call attention to this fact: Under the ruling of the permanent Speaker these claims stand at the head of the Calendar, and the result will be to relegate such as are not reported on and to relegate this one low down on the Calendar, and defeat the effect of the Bowman act under the ruling of Mr. Speaker CARLISLE made early in December last.

Mr. LANHAM. I hope there will be no objection to the consideration of this bill.

Mr. STEELE. If that be the ruling, then we will have to sit here and consider these cases under the Bowman act until they are all disposed of.

The CHAIRMAN. The Chair finds on examination the bill the title of which has been read and which is on the Court of Claims Calendar, has been reported by the Committee on War Claims at the present session of Congress, and is on the present Calendar of the House on page 39. The Chair was under the impression when he decided the point raised by the gentleman from Maryland the bill had not been reported to the House. The Chair thinks the bill acted on by the Committee on War Claims and reported to the House should take the place of the bill of the Forty-ninth Congress.

Mr. STEELE. We will then be kept until the last day of the session considering these reports coming back here at the beginning of this Congress on the Court of Claims Calendar. By putting these claims at the head of the Calendar we will be virtually confined to the consideration of such cases under the Bowman act to the exclusion of everything else. These bills come over from the last day of one Congress to the first day of the following Congress, and when reported from the Committee on War Claims are put upon the Calendar to the exclusion of everything else. It seems they should be taken up in the order in which they come here.

Mr. STONE, of Kentucky. The gentleman from Indiana misapprehends the situation and the effect of the decision of the Chair in this case. At the beginning of the session the Speaker ordered this very case to take precedence on the Calendar, and it has been there ever since the Calendar was printed until now.

We all understand this came here with the bills reported by the Forty-ninth Congress. Then the objection was raised that these bills were not in order for consideration; that this Congress could not consider them because they were bills of the Forty-ninth Congress. One of these cases only was referred to the Committee on War Claims, and then the House adjourned. After that we passed over, by unanimous consent, this Private Calendar for four weeks—four successive Fridays—without any action on them. Then a bill had been introduced, including nearly all of these cases, which was reported to the House from the Committee on War Claims and put upon the Calendar, its number being 2527, away down upon the Calendar.

Two weeks ago to-day we asked unanimous consent of the House that this bill, including as it does a large number of Court of Claims reports, should be substituted for these various reports upon the Calendar from the Court of Claims and considered. That was done to get rid of the perplexing question as to where these claims were on the Calendar and what right they had. We have gone ahead to consider them and made a precedent; and I think the gentleman from Indiana [Mr. STEELE] misapprehends the question when he claims that a bill reported in the last days of the session would, under the ruling of the Chair, take its place on the Calendar in advance of all other bills upon it. The whole object of the precedent established by what we have done was to fix the status of these cases, so that when a claim of this character is reached, and for which a bill has been introduced in this session and referred to the Committee on War Claims, that bill may be substituted for the report already on the Calendar from the last Congress, and consent has been asked in this case that the report in the Fiftieth Congress may be substituted for the report of the Court of Claims now on the Calendar.

It simply gets rid, by one vote of the House, of two questions at once. It does not give one bill precedence over another, but gives it its proper place on the Court of Claims Calendar, by taking up a bill reported by a committee of the Fiftieth Congress and substituting it for the Court of Claims report, thereby ridding the House of all the trouble of referring them back to the committee, having the committee to consider and again report them back to the House for consideration on the Calendar.

I hope, therefore, the gentleman from Indiana will withdraw his objection and let this bill be considered, and he will see, after the House proceeds to act upon it, if he has not seen the effect of its operation in the consideration of the bill which we discussed here to-day and for the past two weeks, exactly how it affects these bills.

Mr. STEELE. The precedent established was by unanimous consent. Unanimous consent is asked here, which is refused. The bill, therefore, if unanimous consent is refused, must take its place at the foot of the Calendar, where it belongs. I think these bills should be considered in their regular order on the Calendar.

The CHAIRMAN. The Chair has no hesitation in stating the situation as the Chair understands it. When the gentleman from Maryland [Mr. COMPTON] asked unanimous consent to substitute a bill reported from the Committee on War Claims to the present Congress for

the bill that was already upon the Calendar, the Chair was under the impression that the bill referred to by the gentleman from Maryland was not upon the Calendar. An examination, however, shows the Chair that it is upon the Calendar and has been regularly reported by the committee. The Chair thinks, therefore, that under the action of the House, as well as the ruling by the Speaker of the House, this bill should take its place upon the Calendar with the report from the Court of Claims; and the Chair so holds and overrules the point of order of the gentleman from Indiana.

The Clerk will report the bill.

Mr. DINGLEY. Let me understand the effect of this decision. Do I understand the Chair to decide that a private bill which has been reported at a late day in the session, and which is the same as a claim reported from the Court of Claims under the Bowman act in the last Congress and now on the Calendar, is made transferable by being so reported from its proper position at the foot of the Calendar to take the place of the report from the Court of Claims at the head of the Calendar?

The CHAIRMAN. The Chair has just stated that the Chair thinks the proper place for the bill, when so reported, is the place indicated on the Calendar by the report from the Court of Claims. By order of the Speaker of the House these cases were placed at the head of the Calendar, and the Chair thinks they are there for the action of the House.

Mr. LANHAM. I have never acquiesced in the idea that a mere report from the Court of Claims entitles any bill to priority of consideration; but I do think, in view of the fact that we have considered a number of these bills, that it is well to consider all of them now. There are but few on the Calendar, and we will save time by going on with them.

Mr. STEELE. The Committee on War Claims, by reporting bills under the operation of the decision of the Chair, could take precedence over all other bills for consideration by simply having them reported to the House and having them put on the Calendar in place of the reports from the Court of Claims, without regard to the order of their consideration.

Mr. COMPTON. The gentleman ought to have made that point before the Chair made its ruling.

The CHAIRMAN. The Chair has already made a ruling upon the point of order, and there is nothing now before the committee unless an appeal is taken. The Clerk will report the bill called up by the gentleman from Maryland.

ALEXANDER MOFFITT.

The first business on the Calendar reported from the Court of Claims was the bill of the Forty-ninth Congress numbered 9473, for the relief of Alexander Moffitt.

The CHAIRMAN. The Clerk will report the title of the bill of the present Congress which is to be substituted for this bill.

The Clerk read as follows:

A bill (H. R. 6347) for the relief of Alexander Moffitt.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Alexander Moffitt, out of any money in the Treasury not otherwise appropriated, the sum of $12,442.98, being amount due the said Alexander Moffitt for the use and occupation of the premises known as the National Race-Course, in the District of Columbia, from the 12th day of July, 1864, to the 12th day of June, 1865, by the United States forces, as found by the Court of Claims.

The report (by Mr. LAWLER) is as follows:

That this claim was presented to the Forty-ninth Congress, and a report was made in regard to it by the Committee on War Claims. As the examination by your committee has led them to the same results with those arrived at by the committee of the Forty-ninth Congress, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee adopt the said report as their own, and recommend that the bill referred to them do pass.

[House Report No. 2843, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom were referred the findings of fact by the Court of Claims in the case of Alexander Moffitt against the United States, beg leave to report:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. Said claim has been returned by the said Court of Claims with the following findings of fact, filed April 5, 1886, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

"I.

"On the 12th of July, 1864, the claimant was the owner and in possession of the National Race-Course, in the District of Columbia. The race-course consisted of about 52 acres of land, inclosed with a suitable fence, and had thereon stables, sheds, saloons, and grand-stand, and other buildings incident to a race-course.

"II.

"On the 12th of July, 1864, Lieutenant-Colonel Oberkuffer, commanding the Twelfth Pennsylvania Artillery, by order of Major-General Doubleday, then in command of the defenses of Washington, took possession of the race-course, and the military forces of the United States encamped upon and occupied the grounds and buildings for a period of eleven months.

"III.

"The Quartermaster Department in 1868 estimated the rental value of the premises during above occupancy to be $1,784.45. The claimant at first refused to accept this amount, but upon being assured by the officer making the payment that his acceptance would not preclude him from seeking the balance of his claim, he accepted it and signed a receipt in full. This receipt in full was given and received in the mutual understanding that it should not preclude the claimant from seeking in Congress the balance of the rent which he believed to be justly his due, and the payment was not a final settlement such as would stop the claimant from seeking the full value of the occupancy, and was in fact, though not in form, merely a payment upon account.

"IV.

"At the time when the United States forces entered upon and occupied the race-course and buildings as set forth in the second finding, the saloon or restaurant was leased by the claimant at an annual rental of $3,000, and the stables at an annual rental of $1,200, and the fair rental value of the course, stand, and remaining property was $3,500 per annum, giving as a total rental value of all the premises used and occupied by the United States the sum of $7,700 per annum, and for the eleven months of occupation the sum of $7,058.26; but from this should be deducted the sum of $1,784.45 received on account of rent from the Quartermaster Department, as set forth in the third finding, and likewise the sum of $500 received by the claimant from one of his tenants for rent of the saloon, amounting in all to $2,284.45, and leaving due to him, for the use and occupation of the United States during the foregoing term of eleven months, balance of $4,773.81.

"V.

"The United States, as lessees within the District of Columbia, were bound to leave the premises and buildings in as good order and condition as when entered upon, reasonable wear and tear excepted. But during the occupancy great injury was done to the premises, and the fences were taken down for military reasons and purposes, and some of the buildings were used for lumber and others greatly injured by the usage incident to the occupancy. The injuries were in the nature of voluntary waste, for which the Government under an implied occupancy would be liable out of the meaning of the decision of the Supreme Court in the case of Bostwick *vs.* The United States (94 U. S. Rep., 53). The reasonable cost of repairing the premises, buildings, and fences to as good condition as when the United States entered in possession there, ordinary wear and tear excepted, would be the sum of $7,669.17, making, with the balance of $4,773.81 rent set out in fourth finding, a sum of $12,442.98 due claimant for the use and occupation of the premises."

The committee therefore recommend the payment of the amount found by the court, and recommend that the accompanying bill do pass.

Mr. BROWNE, of Indiana. I would like to know, Mr. Chairman, if the United States can get a fee-simple to the property when it has paid for it.

Mr. STONE, of Kentucky. I do not desire to yield the floor, but will give the gentleman from Indiana time if he desires to be heard.

Mr. BROWNE, of Indiana. I do not know that I care to occupy any time except long enough to put an interrogatory or two to the chairman of the committee having charge of this claim.

It seems in this case that the United States paid the claimant something over $1,700. That was regarded at that time, at least by the Government, as a full measure of compensation for the use and occupancy of this property, and the claimant, in pursuance of that payment, executed to the Government a receipt in full, only having a kind of mental reservation that at some time, perhaps, he might try the magnanimity of the American Congress to get more.

He reserved his constitutional right to get as much as he could regardless of consequences. I would like to know whether or not the Committee on War Claims regard a receipt in full as a matter of any consequence at all.

Mr. STONE, of Kentucky. We regard a receipt in full as a matter of very decided consequence; but we also regard the findings of the Court of Claims as to any transaction as a judicial decision of the question above the filing of a receipt. In the third finding of the court they say:

This receipt in full was given and received in the mutual understanding that it should not preclude the claimant from seeking in Congress the balance of the rent which he believed to be justly his due, and the payment was not a final settlement such as would stop the claimant from seeking the full value of the occupancy, and was in fact, though not in form, merely a payment upon account.

Mr. BROWNE, of Indiana. I used to be or at least thought I was a lawyer, and if I recollect correctly the principles of the common law that reservation to be effective must have been put into the instrument itself. You can not contradict or qualify the written contract of the party by a mere setting up of the fact that at the time there was a mere oral understanding that the instrument was not to be effective.

I admit that if this receipt was executed under any kind of legal coercion, that might be set up as a defense, and the receipt under such circumstances would not be operative. But in that case the gentleman from Kentucky and the lawyers of the House know what it takes to establish that kind of coercion against the legal effect of an executed instrument.

The reason why I put it in this way is simply this: Here is a case, and there are others of the same character—for this is not the first time I have heard this statement in connection with these claims—in which the Government paid a measure of compensation, which at the time was received by the claimant, and obtained a receipt in full; and more than twenty long years after the transaction he comes into the Congress of the United States and asks twice as much, four times as much, and in this case perhaps six times as much as he accepted.

The only apology he makes for this, it seems to me, exorbitant demand is that at the time, in some kind of parley between him and the officer of the Government, it was understood the receipt was not to amount to anything. I undertake to say in a trial of this cause before any court which would undertake to administer the law as it is, this

receipt would be held as conclusive against the claimant unless he could show it was executed under coercion.

I presume while a mistake of law would not be operative in the case a mistake of fact would be, in addition to the defenses I have already mentioned. But here is a claim for the use of a race-course in the District of Columbia in the war time, when I imagine a race-course would not have been very profitable even to the owner of it. From the little experience I have had, it is not profitable at any time to anybody else.

If the Government pays the amount of this claim, it ought at least to have a title in fee for it. However good it may be for a race-course, it would not probably raise anything else.

That is all I wish to say, and is a good deal more than I had intended to say when I rose.

Mr. STONE, of Kentucky, rose.

Mr. BUCHANAN. I would like to ask the gentleman from Kentucky a question, and then he can answer all the questions together. I would like to know where those 52 acres of ground are situated?

Mr. STONE, of Kentucky. In the District of Columbia.

Mr. BUCHANAN. The District of Columbia is 10 miles square. In what part of the District is this ground situated?

Mr. STONE, of Kentucky. I can not answer the gentleman's question.

Mr. BUCHANAN. I ask the gentleman from Maryland [Mr. COMPTON] to answer it.

Mr. COMPTON. I can not tell the exact location. It is known as the old race-course, and is within the limits of the District of Columbia.

Mr. BUCHANAN. I understand that, but I want to know where in the District it is. As I understand this bill, it proposes to give for rental of this piece of ground of 52 acres and the frame buildings upon it a sum in excess of $7,000 for eleven months' occupancy, in addition to $7,700 for injuries to the buildings by such occupancy. I want to know where any 52 acres of ground outside of the boundaries of the city of Washington lie in the District that can be rented for any such sum even now.

Mr. STONE, of Kentucky. Have you any other question you wish to ask?

Mr. BUCHANAN. Not now. I want to see how you get along with that question.

Mr. STONE, of Kentucky. I think I can get along with it to your satisfaction.

In answer to the remarks of the gentleman from Indiana, about the receipt, I will say that everybody in this House knows, who has any knowledge of how things were done during the war in settlements with the Government, that there was a particular form of receipt to be signed. The protest of the claimant in this case was made clearly apparent to the court, for the court says it is understood that is not a final settlement. I certainly think we are not superior to the Supreme Court of the United States. They never attempt to go behind the findings of the court in cases that come to them from the Court of Claims.

Now with regard to the ground itself, I do not know where this ground is.

Mr. BROWNE, of Indiana. Do I understand the gentleman to say that the Court of Claims, or any other court, has found, as a legal proposition, that a contemporaneous verbal arrangement can be used to affect an executed legal instrument?

Mr. STONE, of Kentucky. Well, Mr. Chairman, the gentleman is highly technical.

Mr. BROWNE, of Indiana. Not at all. That is the very essence of the matter.

Mr. STONE, of Kentucky. The Court of Claims undertook to find the facts, and the Court of Claims authorized the certification to us by their clerk of the facts which they found, and when they have certified those facts to us, I do not propose to question their finding or to go back and try to hunt up the evidence upon which they made that finding. I take it for granted that the court was satisfied that the facts existed, or else they never would have hazarded their official character by certifying as a fact that which was no fact. As to the ground itself, I repeat that I do not know where it is. I do not know anything about it.

Mr. BUCHANAN. Mr. Chairman, since I asked the gentleman that question, I have been informed privately that this ground is what is known as the old race-course, beyond the Government Insane Asylum. If so, the rental, $7,000, is probably equivalent to the value of the fee-simple.

Mr. STONE, of Kentucky. Well, as I have said, I do not know where the ground is, and it is immaterial to me where it is. The committee of the Forty-eighth Congress were not satisfied as to the facts of this case, and they referred it to the Court of Claims. The Court of Claims, after making a thorough examination of the case, have reported the facts back to us, and as I have already said, I do not think there is any obligation upon us to go behind the findings of the Court of Claims. They made their finding and directed their clerk to certify that finding to us, and I believe that is all we have any right to deal with, and I do not think that we ought to go back and undertake to question the finding of the court. The court have found that this ground is in the District of Columbia, and that its occupancy was worth this amount of money. I, for one, am willing to accept what the court have said in their finding, and it was upon that basis that we made the report to this House.

Mr. COMPTON. The gentleman from New Jersey [Mr. BUCHANAN] will find his question answered in the report itself, which says:

> At the time when the United States forces entered upon and occupied the race-course and buildings, as set forth in the second finding, the saloon or restaurant was leased by the claimant at an annual rental of $3,000, and the stables at an annual rental of $1,200, and the fair rental value of the course, stand, and remaining property was $3,500 per annum, giving as a total rental value of all the premises used and occupied by the United States the sum of $7,700 per annum.

Now, Mr. Chairman, I think the gentleman's question is answered by that part of the report. I have very little to say in connection with this matter, and I will not further detain the House.

Mr. BUCHANAN. Does the gentleman indorse the accuracy of those figures?

Mr. COMPTON. That is the finding of the court.

Mr. BUCHANAN. On the evidence submitted to them?

Mr. COMPTON. Well, they are the tribunal to whom you submitted the case for a finding of fact.

Mr. BUCHANAN. I ask the gentleman whether he believes that any such rentals were obtained for any such property in the District of Columbia?

Mr. COMPTON. In other words, the gentleman from New Jersey [Mr. BUCHANAN] asks me whether or not I believe that the Court of Claims would report to this Congress a statement which is a falsehood upon its face.

Mr. BUCHANAN. No, sir; but we know nothing of the correctness of the testimony submitted to that court.

Mr. COMPTON. That is not the question in this case. This bill has been through as fiery an ordeal as any bill that ever came before Congress. It passed through the Committee on War Claims in the last Congress, at the head of which, as is well known, stood a man of keen intellect and endowed with gifts which especially fitted him to have charge of such questions as came before that committee.

This bill passed through that ordeal and met with the approval of the committee; it passed through the ordeal of the Court of Claims, and comes to us with their indorsement; and now, forsooth, comes the gallant, gifted, chivalric, noble-hearted, generous gentleman from Indian [Mr. BROWNE] to demand the obligation of the bond, to demand the pound of flesh! [Laughter.] It is unlike him, sir. But my friend from Indiana did not read carefully that portion of the report to which he referred in stating his objections to this bill. He did not do full justice to himself or to this case. What is the language? This, bear in mind, is the finding of the Court of Claims, not the declaration of the claimant; not the statement of an advocate of his upon this floor, but a solemn finding rendered by a competent tribunal. And what is its language on the point to which my friend has referred?

> The Quartermaster Department in 1868 estimated the rental value of the premises during above occupancy to be $1,784.45. The claimant at first refused to accept this amount, but upon being assured by the officer making the payment that his acceptance would not preclude him from seeking the balance of his claim, he accepted it and signed a receipt in full.

I appeal again to the gentleman from Indiana [Mr. BROWNE] and ask him if, with that finding before him, he is still determined to come in here and demand the pound of flesh. [Renewed laughter].

Mr. WARNER. If the gentleman from Maryland [Mr. COMPTON] will pardon a question, my recollection from glancing at the report is that the balance of rent found due is in round numbers about $4,600. Am I correct?

Mr. COMPTON. Forty-five hundred dollars. I observe that the Court of Claims finds as a matter of fact that the troops occupying these fair-grounds committed voluntary waste; that the premises were damaged to the amount of $7,600.

Mr. COMPTON. That is right in round numbers.

Mr. WARNER. The sum of $7,600 is added to the rental, making $12,000.

Mr. COMPTON. That is right.

Mr. WARNER. Now, I wish to ask whether the allowance of this claim would be in accordance with the practice of the House. I know that in the case of a college, where I presented a claim for rent, and in the Nashville case in the last Congress, this House refused to pay for damages voluntarily done by troops while occupying premises.

One other suggestion I wish to make. It appears that when the receipt in this case was given there was an understanding that the party should have a right to appeal to Congress; but there is no pretense in the finding of fact by the Court of Claims that the claimant did not at the time he gave the receipt know every fact that he knows to-day; there is no pretense that he was misled by any misrepresentation of an officer of the Government as to the value of the premises or the amount of damage done. Now, it seems to me certain that in no court of the land would this claimant be permitted to set aside a receipt in full unless he could show that duress had been used or that in giving the receipt he had been deceived, not knowing all the facts. There is no pretense of that kind; it is simply claimed that he reserved the constitutional right of every citizen of this Government to present his petition to Congress. If there had been any attempt to deprive him of this right, it could not have been done.

Mr. COMPTON. I regret very much that the distinguished gentleman from Missouri [Mr. WARNER], after the very appropriate, eloquent, and feeling address which he delivered in this House yesterday, an address so forcible that if I had had any constitutional scruples in reference to the then pending proposition he would have removed them, should to-day be converted into another Shylock. I do not mean anything offensive to the gentleman.

I will answer the gentleman's first question by referring again to the report of the Court of Claims, as I have already done in answer to gentlemen who preceded him. The gentleman has asked as to the figures which go to make up the whole sum claimed in this bill. After referring to the claim for rent he goes on to talk about "voluntary waste." Now, this is the finding of the court:

The injuries were in the nature of voluntary waste, for which the Government, under an implied occupancy, would be liable out of the meaning of the decision of the Supreme Court in the case of Bostwick *vs.* The United States (94 United States Reports, 53).

Now, I am no better lawyer than the judges of the Court of Claims—certainly no better lawyer than the justices of the Supreme Court; in fact I am no lawyer at all; but I would not want any higher authority for a legal proposition than the Supreme Court of the United States, even though the opinion of the gentleman from Missouri stood in the way.

Mr. WARNER. In reply to the gentleman from Maryland [Mr. COMPTON], I wish to say I was not citing the authority of the Supreme Court, but was simply arraigning the Committee on War Claims by suggesting that this report conflicts with other reports of that committee disallowing claims for waste.

Mr. STONE, of Kentucky. The Committee on War Claims is very willing to be "arraigned" on questions of this kind. In this case there was a contract, and there was an implied tenancy on the part of the Government; in the other cases to which the gentleman refers these circumstances did not exist. This difference between the two classes of cases the court plainly sets out.

Mr. Chairman, I move that this bill be laid aside to be reported favorably to the House.

Mr. BROWNE, of Indiana. Mr. Chairman, I certainly desire to thank the gentleman from Maryland [Mr. COMPTON] for the very complimentary manner in which he was pleased to speak of myself. I do not question the correctness of the finding of the Court of Claims upon the matter of fact involved here. What I assume is that, taking the facts as granted, they create no legal obligation on the part of the Government of the United States to pay this claim. In other words, in an adjudication before the court between two citizens or between the United States and a citizen, the evidence of the circumstances as detailed here under which this receipt was executed would be held as incompetent testimony and ruled out.

Now, the question that remains is whether we who are guarding the doors of the Treasury—and I know of no gentleman who is more economical in his instincts than the gentleman from Maryland [Mr. COMPTON] and the distinguished gentleman who stands at the head of the War Claims Committee—the question is whether we shall stand upon the legal rights of the Government in this case; whether, when the Government has a good defense in law and in equity, according to every rule of law or equity, the Government should avail itself of such defense? I say in the presence of the lawyers of this House that this receipt, executed as a receipt in full for the subject-matter of this claim, with a mere verbal understanding between the claimant and the agent of the Government that it was not to bind him, is an instrument which the Government is entitled to stand upon as final.

Mr. COBB. If the gentleman will pardon me, I wish to challenge his proposition.

Mr. BROWNE, of Indiana. I am glad to find one courageous gentleman who is willing to stand upon the law as urged in support of this claim.

Mr. COBB. I would like to ask the gentleman a question, with his permission.

Mr. BROWNE, of Indiana. I shall be very glad to hear the question.

Mr. COBB. Does the gentleman assert in the face of this House that any receipt which evidences the payment of money is not in a court of law subject to explanation?

Mr. BROWNE, of Indiana. Oh, I have not said what the gentleman understands me to have said.

Mr. COBB. I understood the gentleman to say that the receipt was final.

Mr. BROWNE, of Indiana. I will state my proposition in my own way.

Mr. COBB. Let us hear it again.

Mr. BROWNE, of Indiana. A receipt for a sum less than the whole of an ascertained debt is not a receipt in full; but a receipt in full for a debt in controversy, or a sum in controversy, or a claim in controversy, is a receipt in full; and the mere fact that the existing indebtedness or claim appears to be larger than the amount named in the receipt does not open it for explanation. When a receipt has been executed under a mistake of fact or under duress, such circumstances may be given in evidence in explanation of the receipt; but I undertake to say that when a party executes an instrument in writing which expresses plainly and distinctly a particular state of facts, it can not be contradicted by evidence that at the time of its execution it was understood or agreed between the parties that it was not to mean the facts stated in the receipt, but was to mean something else entirely different.

Mr. COBB. That is the very proposition I challenge.

Mr. BROWNE, of Indiana. Then let your challenge and my assertion go to the country together. I am content.

Mr. COBB. Let me ask you a few questions on that point.

Mr. BROWNE, of Indiana. I do not want to turn myself into a law school to teach the gentleman law; I have not time, and the compensation is not sufficient. [Laughter.]

Mr. COBB. I think I have a right to challenge propositions of law which will not be found in any law-book recognized in any of the schools.

Mr. BROWNE, of Indiana. I have heard the gentleman's statement and I am content.

Mr. STONE, of Kentucky. I insist on my motion that the committee rise and report the bill favorably to the House.

Mr. GROSVENOR. I move to amend by striking out "four" and inserting "three" before the word "thousand."

Mr. Chairman, I congratulate the country on the progress we are making in taking up and disposing of these various classes of claims. The "soul" of the country is "marching on" in the direction of paying for the ravages of war. We have appropriated $20,000 to-day to that class of claims which we may class as "spiritualities." Now we come to one which I will class as "venality," and when we make an appropriation for rent of a race-course occupied by United States troops, that will be an appropriation in the direction of "rascality."

Mr. STONE, of Kentucky. I make a point of order on the gentleman's amendment. If I understood it aright, there is no such word in the bill as the gentleman proposes to amend.

The CHAIRMAN. The gentleman can offer, for the purpose of debate, such amendment as he thinks proper.

Mr. STONE, of Kentucky. But it must have some application to the bill.

The CHAIRMAN. An amendment may be merely formal, as, for instance, to strike out the last word.

Mr. GROSVENOR. I move to strike out an item of this bill; I suppose that is competent.

Mr. STONE, of Kentucky. The gentleman should designate an item which is in the bill.

Mr. GROSVENOR. Mr. Chairman, gentlemen stand here and say that the judgment of the Court of Claims is a finality. Then why is this bill here? If Congress has nothing to do with the question, why is this appeal made now? Are we here simply to register our approval of a matter which is *res judicata*, or is there something left for us to do? If there is, what is the use of quoting as a finality a judgment of the Court of Claims? It is said we must give "full faith and credit" to the decisions of the courts; and I agree to that proposition.

But I understand the question now to be addressed to the discretion of Congress whether we will pay a particular claim. The amount involved is a question addressed to our discretion, because we certainly have a right to amend this bill by cutting down the amount; we have a right to insert conditions as to the payment of the claim; we have a right to direct to whom the money shall go. Therefore there is something left for Congress to speak about. What is it? We are authorized to determine in the first place whether we will recognize the propriety and justice of this class of claims; and, in the second place, whether we will pay the amount claimed.

What do the advocates of this bill say? They appeal to our discretion. They say, "The Court of Claims has found the amount due, but could not render judgment for it, and we come asking Congress to pay the amount." We have the right to pay the whole amount, to cut it down, or to pay nothing at all. When we appeal to gentlemen representing the claim they do not know where this land lies. They say they have reason to believe, they strongly suspect, they infer that it is in the District of Columbia, but whether in the city of Washington or out upon some of the red-clay soil surrounding the city, the rental of which at the time in question was not worth a dollar an acre for a hundred years, they do not say.

Whether that land out there the ground-squirrel who should undertake to pass over it would have to carry his rations, they do not say and do not know. What sort of a claim is that? What sort of an appeal to the discretion of Congress is that?

I only want to blaze the trees along the path that we are traveling. We started on a high plane to-day—we started to recognize the purity and propriety of the clergy. We came down to horse-races, and we will strike bottom when we come to gamblers, and when we do we will turn them up and come to a plane higher than we started on.

It shows, Mr. Chairman, we are traveling on dangerous ground when you permit pecuniary consideration, when you permit religious consideration to enter into our action here and set aside the great principles upon which this Government has been carried on for a century, a course against which Congress has ever protested. The system you tap at the

mouth has its ramifications all over the American soil and embraces every possible interest. It pours the Treasury into the laps of the present owners of these claims, which were abandoned by their real owners years ago.

[Here the hammer fell.]

Mr. STONE, of Kentucky. Mr. Chairman, I want to say, through my course of service in this House—not a long one—I have never heard any gentleman get on the floor of the House of Representatives and in so short a time make the wholesale charges of corruption against any committee, or any set of gentlemen, as was done in the remarks of the gentleman from Ohio. I want to announce again, as I said before, when I came here and was put at the head of the Committee on War Claims, the work had been laid out for the committee before this Congress and before the Forty-ninth Congress. I found the laws existing as they are to-day. The people living all over the country had been invited to come forward and present their claims. They have been presenting them for twenty years, and they have been put off from Congress to Congress until now.

Now, the Committee on War Claims has not set up any particular religious predilections.

Mr. GROSVENOR. I have not said a word to the Committee on War Claims. I made my speech to the Committee of the Whole. I do not know what the Committee on War Claims has done. If the judgment of that committee is final then what are we here for?

Mr. STONE, of Kentucky. Ah, it is well to say that no charges are made against the Committee on War Claims. It is the Committee on War Claims which has charge of this bill, and they have reported it on the evidence they had. It is not to be said the Committee on War Claims must be able to blaze the trees on any particular claim or any particular bill they may have under consideration. Because some gentlemen can look over the ground and tell where it is, I ask whether we are to go out and make survey of the landmarks indicating the location of the claim.

So far as I am concerned I have no interest in this claim. I have little interest in any war claim. I was sent here by my constituents, and I was sworn in front of that desk to perform my whole duty, and I intend to do so faithfully and consistently while I am on this floor, notwithstanding the insinuation that bills are being reported and passed that should not be. Such imputations are not correct, and they come generally from that class of men who have secured in the past the payment of claims they presented for their own districts, and are willing to see the balance of the people of the United States kept out of the pale.

Mr. LANHAM. Mr. Chairman, I think it will be impossible to get through with this bill this evening.

Mr. COMPTON. I hope the gentleman will allow a vote on the amendment of the gentleman from Ohio.

The CHAIRMAN. Will the gentleman from Ohio send up the amendment he proposes?

Mr. GROSVENOR. My amendment is that this bill be reported to the House with the recommendation to strike out all after the enacting clause.

The question was taken on the amendment of Mr. GROSVENOR; and on a division there were—ayes 56, noes 26.

Mr. COMPTON. No quorum.

Mr. LANHAM. Will the gentleman yield to me for a moment?

Mr. COMPTON. Certainly.

Mr. LANHAM. I wish to make a motion that the committee now rise, as we take a recess anyhow at 5 o'clock, and it is very near that time.

Before that motion is submitted, I find by examination of the Calendar that there are only five bills remaining unconsidered of these Court of Claims bills.

I want to make a motion that all of the bills that were embraced in the "omnibus bill" be laid aside with the recommendation to the House that they be laid upon the table. I will send up a list.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the Clerk has marked the bills on the Calendar.

Mr. LANHAM. Very well. Then I submit that motion.

The motion was agreed to.

Mr. LANHAM. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with the recommendation that they do lie on the table.

BILLS LAID ON THE TABLE.

Bills of the Forty-ninth Congress of the following titles, reported from the Committee of the Whole with the recommendation that they be laid on the table, were severally considered, and the recommendation of the committee concurred in:

A bill (H. R. 8088) for the relief of Henry Bazsinsky, administrator of Abraham Bazsinsky;

A bill (H. R. 8089) for the relief of Elizabeth Griggs, administratrix of Charles Murphy;

A bill (H. R. 8090) for the relief of John B. Reid;

A bill (H. R. 8091) for the relief of Horace P. Hobson, administrator of John O. Graves;

A bill (H. R. 8092) for the relief of Mary A. Blackwell;

A bill (H. R. 8093) for the relief of Elizabeth P. Dyer;

A bill (H. R. 5484) to pay to Urias Buskirk the amount found due him by the Court of Claims;

A bill (H. R. 8340) for the relief of John M. Campbell;

A bill (H. R. 8341) for the relief of Robert H. Walton;

A bill (H. R. 8342) for the relief of James C. Jenkins, administrator of Thomas C. Jenkins;

A bill (H. R. 8343) for the relief of Sarah McFerrin, administratrix of Robert Waters;

A bill (H. R. 8344) for the relief of Sarah E. Mendenhall;

A bill (H. R. 8603) for the relief of David H. Hildebrand;

A bill (H. R. 8604) for the relief of James Tucker;

A bill (H. R. 8605) for the relief of Americus V. Warr, administrator of Nicholas H. Isbell;

A bill (H. R. 9379) for the relief of John Heflebower;

A bill (H. R. 9381) for the relief of Robert Smith;

A bill (H. R. 9382) for the relief of John R. Watkins, administrator of Matilda W. Anderson;

A bill (H. R. 9383) for the relief of Indiana E. Hughes;

A bill (H. R. 9384) for the relief of Newitt Harris;

A bill (H. R. 9646) for the relief of Anna M. Cogswell;

A bill (H. R. 9648) for the relief of John A. Bursler;

A bill (H. R. 9649) for the relief of Thomas F. Perkins, administrator of Eliza M. Dawson;

A bill (H. R. 9650) for the relief of the Corporation of Roman Catholic Clergymen of the State of Maryland;

A bill (H. R. 11030) for the relief of John R. McKinnie, administrator;

A bill (H. R. 11031) for the relief of Simon Witkouski;

A bill (H. R. 11032) for the relief of John R. McDowell, administrator of the estate of John McDowell, deceased;

A bill (H. R. 11033) for the relief of S. H. Brodnax, executor of George T. Taylor;

A bill (H. R. 11034) for the relief of William H. Cook, sr.;

A bill (H. R. 11035) for the relief of Ann Moreau;

A bill (H. R. 11036) for the relief of John Loague, administrator;

A bill (H. R. 11117) for the relief of John Kelley;

A bill (H. R. 11118) for the relief of John Loague, administrator;

A bill (H. R. 11119) for the relief of T. J. Powell, administrator;

A bill (H. R. 11120) for the relief of John H. Mitchell;

A bill (H. R. 11083) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act;" and

A bill (H. R. 11203) for the relief of the Protestant Episcopal Theological Seminary and High School of Virginia.

Mr. RICHARDSON. One of the bills read by the Clerk—John A. Bursler—should be corrected to read John A. Oursler. It is misprinted in the bill.

The SPEAKER *pro tempore*. The correction will be made.

POLICE FORCE, DISTRICT OF COLUMBIA.

Mr. HEMPHILL, by unanimous consent, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 3, 1883; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MUNICIPAL LAWS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL also, by unanimous consent, from the Committee on the District of Columbia, reported, as a substitute for H. R. 4361, a bill (H. R. 8308) to provide for the examination, etc., of certain manuscript volumes of municipal laws of the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 4361 was laid on the table.

COMPILATION OF LAWS, DISTRICT OF COLUMBIA.

Mr. GROUT, from the Committee on the District of Columbia, by unanimous consent, reported, as a substitute for House bill 6678, a bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 6678 was ordered to be laid on the table.

TONNAGE TAX.

Mr. DINGLEY, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Merchant Marine and Fisheries:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to

furnish the House with information as to the amount of tonnage tax imposed on and paid by American vessels, and also by foreign vessels, to the United States from July 1, 1862, to July 1, 1865, and each fiscal year from July 1, 1865, to July 1, 1887, giving for the latter period the amount paid by American vessels in each collection district and the amount paid by sailing and steam vessels, respectively.

And then, the hour of 5 o'clock having arrived,

The SPEAKER *pro tempore* announced the House in recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 7 o'clock and 30 minutes p. m. by Mr. STONE, of Kentucky, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, March 9, 1888.

Hon. W. J. STONE, of Kentucky, is hereby designated to preside at the session of the House this evening.

S. S. COX, *Speaker pro tempore.*

ORDER OF BUSINESS.

Mr. MORRILL. The honored chairman of the Committee on Invalid Pensions [Mr. MATSON] was called away to his home in Indiana, and is unable to be here this evening. He has requested that House bill No. 3191, granting a pension to Mary S. Logan, and Senate bill No. 574, to increase the pension of Mrs. Apolline A. Blair, be passed over for a vote in the full House. In accordance with his request, I ask that the previous question be considered as ordered, and that the vote on these two bills be taken two weeks from to-day, with thirty minutes debate allowed on each question.

The SPEAKER *pro tempore.* Is there objection to making the order as requested by the gentleman from Kansas?

There was no objection.

Mr. MORRILL. The vote to be taken immediately after the reading of the Journal.

I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

Mr. CANNON. A moment, Mr. Speaker, if you please. Do I understand that the Committee of the Whole is discharged from the consideration of these bills, that the previous question is considered as ordered upon them, and that they are to come up for consideration two weeks from to-day, under the operation of the previous question, immediately after the reading of the Journal, with thirty minutes debate on each bill?

The SPEAKER *pro tempore.* The Chair will ask if there is objection to making the order in the form now suggested?

There was no objection, and it was so ordered.

The motion of Mr. MORRILL was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will now report the first bill under the special order for to-night.

The Clerk read the title of the first pension bill on the Calendar, as follows:

A bill (H. R. 2806) to increase the pension of James Woody.

Mr. ANDERSON, of Kansas. I ask unanimous consent that each member present be permitted to call up for consideration a pension bill, instead of following the Calendar.

Mr. MORRILL. I am compelled to object to that arrangement and insist on the regular order. Such is the wish of the committee.

JAMES WOODY.

The Clerk read the bill (H. R. 2806) to increase the pension of James Woody, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James Woody, of Grant's Pass, Oregon, formerly of the Forty-third Regiment, regular Army, in the war of 1812, to $30 per month, in lieu of that he is now receiving.

The report (by Mr. SCULL) was read in part.

Mr. PAYSON. I move that the further reading be dispensed with. It is the unanimous opinion of gentlemen around me that what has thus far been read makes a good case.

The CHAIRMAN. If there be no objection, the further reading of the report will be dispensed with, and it will be printed in full in the RECORD.

There was no objection.

The report is as follows:

The Committee on Pensions, to whom was referred House bill 2806, to increase the pension of James Woody, of Oregon, beg leave to report that we have had said bill under consideration and find that the same matter was favorably reported by the Committee on Pensions at the Forty-ninth Congress, and this report then made to the House we adopt as our report at this time, and report said bill with the following favorable report, and recommend the passage of the bill:

[House Report No. 4095, Forty-ninth Congress, first session.]

This is one of the very few remaining survivors of the war of 1812. He was in actual service through said war and served in the Forty-third Regiment, regular Army. He is receiving a pension of $8 per month, as per certificate 16901. He asks for an increase. It is shown that he was born in the last century—December 24, 1794—and is now over ninety-three years of age. He served through the various Indian wars of Oregon. His two sons served as soldiers through the entire war with Mexico. He is now so feeble as to require the constant attention of a nurse.

In his affidavit he says:

"I can neither dress nor undress myself. My eyesight is rapidly failing; I can scarcely see to get about the house, and have trouble in recognizing my friends."

He now has a severe cough, which often prostrates him for days, and has the constant attention of a physician. He is now in poverty.

He says:

"I was a man of good property, but it has all gone toward my support during the past fifteen years. My wife and I live entirely on the $8 pension I receive from the Government and what little assistance we receive from a few friends."

His physician's services are gratuitous, as he has nothing with which to pay. His wife is seventy-two years of age and in very feeble health, and not able to attend on him and the household duties both. His physician corroborates this, and says, under oath, that he now suffers from Bright's disease of kidneys and pulmonary disease of long standing. His relative (one son) is too poor to render him aid.

He says in his own affidavit, signed in a trembling hand:

"If something is not done very soon to relieve me, my wife and I will both be thrown upon the charity of the county."

These facts are corroborated, and in addition the judge of the county makes affidavit that application is now made to him to receive these two old people into the county poor-house, that they are in great need of the common necessaries of life and objects of Christian charity. He knows them to be honorable, honest, upright old people.

With these facts before us, we think $30 per month a very small allowance for this old veteran the few months he may yet live; and in view of the necessity for an attendant, for a physician, medicines, clothing, food, house-rent, saying nothing of his aged companion, herself too helpless to nurse him and too poor to furnish the necessaries of life for herself.

We therefore recommend the passage of the bill with the following amendments: Strike out the seventh, eighth, and tenth lines, and insert "to $30 per month, in lieu of that he is now receiving."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HEIRS OF JACOB CRAMER.

The Clerk read the title of the following bill, reported by the Committee on Pensions:

A bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

The bill was read.

The CHAIRMAN. This is evidently not a bill granting a pension. In the absence of objection it will be passed over.

CLARA M. FLANDERS.

The next bill on the Private Calendar was the bill (H. R. 5228) granting a pension to Clara M. Flanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clara M. Flanders, widow of Francis C. Flanders, late of Company M, First Regiment Heavy Artillery, Massachusetts Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5228) granting a pension to Clara M. Flanders, have given the matter careful consideration, and make the following report:

Francis C. Flanders enlisted in Company D, Seventeenth Massachusetts Volunteers, July 12, 1861, and was discharged September 6, 1861, by reason of inflammatory rheumatism. He re-enlisted March 6, 1862, in Company M, First Massachusetts Heavy Artillery, and was discharged February 9, 1863, for chronic rheumatism and disease of heart. On June 7, 1864, he again enlisted in the Veteran Reserve Corps, from which he was discharged May 22, 1865.

Soldier applied for a pension, alleging rheumatism and disease of the heart, caused by taking cold while on guard. The claim was rejected on the ground that disability existed prior to enlistment, which opinion was given by the surgeon of the regiment from which soldier was discharged in 1863. How the surgeon of this regiment could have known that fact, considering the circumstance that soldier had performed military duty almost two years before this time, does not appear. An appeal was taken to the Secretary of the Interior, but the findings of the Pension Office were affirmed.

When soldier was discharged from the Veteran Reserve Corps the surgeon certified that he had chronic rheumatism, with little use of his arms and general impairment of his health, and that he contracted the disabilities after enlistment and in the line of duty.

In 1880 the Department secured an opinion from a medical examining board at Chillicothe, Ohio, that soldier was suffering from syphilis, and this evidently entered into the rejection. It is not shown, however, that syphilis, if it existed, was contracted prior to his final discharge from the Army, while it is conclusively shown that soldier had severe rheumatism and heart trouble while in the service. It is also a significant fact that no physician or medical board, other than the one named, either before or after the date of this examination, suggested anything about syphilis. In denying the fact that he was physically unsound when he entered the Army, unless there was some latent disease in the system, soldier says:

"I was to all appearances a well man, and passed the doctors as such. I counted one on the quota of the town. I counted one in the ranks. I was one man to do guard duty. I was one man to be shot at in battle. I was one to take my chances with the malignant diseases of the Southern clime, from which I have been a sufferer for nineteen years."

On May 17, 1882, two years after the board at Chillicothe found syphilis in the case, the soldier was examined by the full board in Manchester, N. H., composed of three distinguished medical men, and they make no suggestion that there is even a syphilitic taint in the case. They do say, however, that in their opinion the diseases for which the soldier asked a pension were contracted in the Army. They found his condition to be as follows:

"Has aortic and mitral regurgitation; right hand very much distorted and crippled by rheumatism; fingers of left hand deflected to ulnar side; rotation of right fore-arm impaired; joints generally stiffened; right foot affected, the toes very much distorted; left foot also affected; walks with difficulty, using a cane. Would rate for rheumatism at total second grade and would rate for heart disease at total second grade, either of these disabilities incapacitating him for manual labor."

Dr. W. S. Collins, who attended soldier at time of his death, deposes as follows:

"I have been acquainted with soldier for four years; have attended him professionally during that period of time; and I further state that he has been almost constantly under treatment and totally unable to perform any manual labor. His sufferings were often intense, resulting from attacks of neuralgia and acute rheumatic carditis."

While it can not be definitely proven that soldier's death was directly due to

his Army service, there is certainly strong presumptive proof that such was the fact, the medical examining board giving that opinion; and as the pension, if granted, will go to the widow, who is struggling to support herself, your committee report the bill back with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARTHA M. BAGLEY.

The next bill on the Private Calendar was the bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Martha M. Bagley, widow of Charles M. Bagley, deceased, late of Company A, Fifteenth New Hampshire Volunteer Infantry.

The report was read in part.

Mr. NUTTING. I move that the further reading of the report be dispensed with.

There being no objection, the further reading of the report was dispensed with, and it was ordered to be printed in full in the RECORD.

The report (by Mr. GALLINGER) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 3849, having considered the same, beg leave to report as follows:

Charles M. Bagley, late of Company A, Fifteenth New Hampshire Volunteers, was pensioned for a gunshot wound in the left hip, and died June 7, 1884, from peritonitis. The widow made application for a pension, but the claim was rejected on the ground that death was not the result of the wound for which soldier was pensioned.

Two physicians (Drs. Judkins and Lovering) attended the soldier in his fatal illness, and two others (Drs. Marston and Harriman) were present at the autopsy. These medical men severally testify as follows:

Dr. Frank L. Judkins says:

"I was called to see Charles M. Bagley several times during the winter of 1884. At such times I found him suffering with severe pain in left inguinal region, which radiated over the bowels. I was present at his autopsy, which revealed a mass of old adhesions near the track of bullet wound received in the service. I believe this wound was the primary cause of his sickness and that he died from its effects."

Dr. F. S. Lovering testifies as follows:

"Was called to see soldier six months previous to his death. Found him suffering from intense neuralgic pains in vicinity of wound received while in the Army, radiating thence over the abdomen. He suffered in this manner almost daily until his death. He had also, as he told me, suffered with same, in a less degree of severity, ever since he was wounded. At the *post mortem* we found evidence of chronic peritonitis, with adhesions in vicinity of wound. I believe the wound to have been the remote cause of his illness and death."

Dr. Enoch Q. Marston, who did not attend soldier, but was present at the *post mortem*, gives this opinion:

"I was present at the autopsy of the said soldier, which autopsy showed that there had been extensive peritonitis, most marked in the left inguinal region; that there was an old cicatrix below Poupart's ligament, said to have been made by a bullet in the Army. Judging from the position of the scar and the severe peritonitis, I believe that they may have had a common origin, namely, the bullet wound."

Dr. A. H. Harriman, who was also present at the autopsy, is somewhat more explicit. He says under oath:

"I was present and took part in an autopsy upon the dead soldier, and the following is substantially the condition found, namely: The cicatrix of a wound, like that made by a bullet, in the thigh, immediately below Poupart's ligament, internal to the left of the femoral bone, and the results of a general chronic peritonitis. Entire peritoneum greatly thickened, with small amounts of serum in abdominal cavity. Evidences of the most intense inflammation were in proximity to the wound; here there were adhesive bands in abundance. Bladder agglutinated to intestines and intestines to parietes, with products of hemorrhages. In the most dependent portion of the abdominal region the color was nearly black and gradually shaded off to a lighter color as one proceeded in any direction from the old wound, so that outside of the left inguinal region agglutinations were rare and evidences of hemorrhages not discoverable, the peritoneum presenting a light gray color. I further declare that it is my professional opinion that the aforesaid bullet wound was the direct and exciting cause, either by septic absorption or by extension of inflammation of the at first local and final general peritonitis, resulting in the soldier's death. I will state that as one reason for giving this opinion its analogue is scarcely less than a daily occurrence in hospitals, especially in gynecology."

The widow testifies that she has four children, respectively aged thirteen, eleven, ten, and seven years; that her entire property does not exceed $75 in value, and that she is in delicate health, and has no other means of support than that supplied by doing washing for her neighbors. Judge David H. Hill makes affidavit to the correctness of the widow's statement.

In this case the equities seem to be strongly in favor of the claimant, and we therefore report the bill back with a recommendation that it do pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

HENRY B. SHAW.

The next pension bill on the Private Calendar was the bill (H. R. 150) granting an increase of pension to Henry B. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Henry B. Shaw, late a member of Company I, Third Iowa Infantry, to $50 per month, and pay him such increased pension from and after the passage of this act.

The bill was reported with the following amendment:

In line 6, strike out "$50" and insert "$45."

The report (by Mr. SPOONER) was read in part.

Mr. NUTTING. I move that the further reading of the report be dispensed with. A man who has been shot with a 3-inch canister ball or grape-shot is surely entitled to a pension of $45 a month.

There being no objection, the further reading of the report was dispensed with, and it was ordered to be printed in the RECORD. It is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 150) granting an increase of pension to Henry B. Shaw, respectfully report:

That a similar bill was favorably reported by the Committee on Invalid Pensions in the last session of the Forty-ninth Congress, but at so late a date that same was not reached for action.

Your committee adopt that report, hereto annexed, as their own, and recommend the passage of the bill, with an amendment striking out, in the sixth line of the bill, the word "fifty" and inserting in place thereof the word "forty-five."

[House Report No. 4105, Forty-ninth Congress, second session.]

Henry B. Shaw was a private in Company I, Third Regiment Iowa Volunteers; was wounded at battle of Hatchie, October 5, 1862, "by a 3½-inch canister ball or grape-shot entering near the middle of left clavicle, passing through shoulder and left lung, and coming out through middle spine of scapula," inflicting a most terrible and distressing wound, which not only destroyed the arm, rendering it lifeless and useless, but so injured the lung and shoulder as to make his disability much greater than that of an amputation at the shoulder-joint.

He was granted a pension June 24, 1865, which has since been increased, until he is now receiving the highest rate, which, under the law, his unusual disability is entitled to, namely, $36, for total disability of left arm.

Had this man's wound been such as to cause amputation of arm at shoulder-joint he would under the law receive $45 per month, but it is very clearly established by abundant official, medical, and other testimony, which is attached hereto and made a part of this report, that his disability is far in excess of such an amputation, and that he suffers constant and severe pain therefrom.

The wound which has totally destroyed his arm, being above the shoulder-joint, such an amputation would not relieve him; but your committee believe him certainly entitled to the highest rate of pension allowed by law for the loss by amputation of an entire arm. There is no general law which can do this man justice; we therefore recommend the passage of this bill, after first being amended by striking out of the fifth line the word "fifty," and inserting the word "forty-five."

EXHIBIT A.—*Affidavit of Henry B. Shaw.*

STATE OF IOWA, *Floyd County, ss:*

Henry B. Shaw, after being duly sworn according to law, states as follows:

My name is Henry B. Shaw; I am forty-eight years old, and was a private in Company I, Third Iowa Infantry, during the late war for the Union, and while in the line of duty at the battle of Hatchie River, Mississippi, during a charge made upon one of the enemy's batteries by my regiment, I was struck in the breast by a cast-iron shot weighing six ounces, and the said shot was cut out of my back by the surgeon of my regiment, and is now in my possession; the effect of the said shot was to entirely paralyze my left arm, and to so injure the nerves of that part of the body as to make me suffer intense and continuous pain, and at times the pain is so severe as to be almost beyond endurance, and this state of things has existed continuously for twenty-four years, and seems to increase rather than diminish as I get older.

HENRY B. SHAW.

Subscribed and sworn to December 16, 1887.

EXHIBIT B.—*Affidavit of S. G. Blythe, M. D., of Nora Springs, Iowa.*

On examination I find a large cicatrix similar in appearance to those left after wounds by large bullets, or by grape-shot, situated just below the left clavicle and covering the first intercostal space, the second rib, and part of the second intercostal space. The center of cicatrix is equidistant from the median line and the acromion process. The continuity of the second rib has been broken by the missile, and cartilaginous union of the fragments has taken place. Over the left scapula and 4½ inches from spinal column, and 2½ inches above inferior angle of scapula, is a long cicatrix, appearing to have been the result of an incision through the muscles covering the scapula, parallel with spinal column. The line of direction from the anterior cicatrix to the posterior cicatrix is backward, slightly downward, and a trifle outward.

Shaw represents to me that the anterior cicatrix is the result of a wound made by a cast-iron grape-shot, and that "posterior cicatrix is the result of an incision made by Dr. Keebles, regimental surgeon, for the purpose of extracting said ball." As resulting from said wound, I find the following conditions present: The arm, fore-arm, and hand are, to a considerable degree, paralyzed; the muscles are atrophied; those of the hand and fore-arm greatly so; those of the arm to a less extent. The flexors of the fore-arm are moderately strong, the extensors very weak. The flexors of the wrist and hand operate slightly; the extensors not at all. The hand is withered and colorless; sensation on the palmar surface is nearly normal, on the dorsum of the fingers it is nearly wanting, on the dorsum of the hand it is very slight. The arm and fore-arm are useless for all purposes where the extensors are brought into play, extension being only accomplished by the aid of the other hand, or that of another person. Circulation is impeded, and the hand and fore-arm have a temperature much below normal.

The interference of the missile with the brachial plexus, besides having caused this partial paralysis of the member, is evidenced further by acute and constant pain, preventing the patient, often totally incapacitating him, from attending to any business. As to the amount of disability resulting from this wound, my judgment, from this examination and from personal knowledge of said Shaw during the period named, would be that the loss of the arm at the shoulder-joint could not have occasioned greater disability.

I further state that I am in no way related to said Shaw, and am in no way whatever, directly or indirectly, interested in the prosecution of any claim by him for pension relief.

S. G. BLYTHE, M. D.

Subscribed and sworn to December 16, 1886.

EXHIBIT C.—*From certificate of medical examining board of Mason City, Iowa.*

He has received a gunshot wound of left shoulder; the ball entered left breast just below the clavicle, passed backward and downward, and came out through scapula 1 inch from inner border. The clavicle was fractured by ball; it feels rough and irregular. The scar of entrance measures 3½ inches vertically, transversely 1½ inches; tender, adherent, and dragging some discolored purple. The scar of exit is the appearance of excised wound 1½ inch to ½ inch; tender, not adherent or dragging. The left arm measures around biceps 8½ inches; fore-arm 7½, right biceps 11½; fore-arm 11 inches. The muscles of left arm are soft, flabby, cold, and atrophied. He can not use the arm or hand at all; he can not grasp anything with hand. Can not use any of the joints of (——) of arm, and shoulder not stiffened, but loss of muscular power. The paralysis is of local origin; almost entire loss of sensation of hand and entire arms; hand is drawn around—around at right angle to (to) wrist at what is called droped wrist. He can not make any use of the hand; the joints can be moved by taking the other hand to move them. He can not use hand or arm for eating or any other purpose. There is total disability of hand and entire arm. He does not require regular aid and attendance, but requires help in dressing himself.

S. H. WASHBURNE, *President.*
G. F. McDOWELL, *Secretary.*
H. R. IRISH, *Treasurer.*

JANUARY 5, 1887.

EXHIBIT D.

STATE OF IOWA, *County of Floyd:*

We, the undersigned citizens of Nora Springs, Floyd County, Iowa, after being duly sworn, do declare and say that we have had an intimate personal ac-

quaintance with Henry B. Shaw for many years, and know from our own personal observation that he suffers great pain continuously from the effects of a gunshot wound through the body, received during the late war, and we have frequently seen him suffer so intensely that he was incapacitated for attending to any kind of business.

H. GOGE, *Loan Agent.*
W. S. SWEATT, *Merchant.*
L. S. FRARY, *Merchant.*
S. J. KEYS, *Photographer.*
S. M. MITCHELL, *Merchant.*
W. H. GOUSER, *Merchant.*
G. MILLER, *Merchant.*
J. M. SHEETS, *Merchant.*
W. W. BAKER, *Hotel-keeper.*
B. H. BRITTON, *Coal dealer.*

Subscribed and sworn to December 16, 1886.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

JUDITH PLUMMER.

The next bill on the Private Calendar was the bill (H. R. 2456) for the relief of Judith Plummer.

The bill was read, as follows:

Be it enacted, etc., That the name of Judith Plummer, of Washington, D. C., who, during the late war, was a nurse under Dorothy Dix, be, and hereby is, placed on the pension-roll of the United States at the rate of $12 per month, subject to the limitations and provisions of the pension laws, said pension to date from her discharge from the Army.

The Committee on Invalid Pensions reported the following amendments:

In line 6, strike out "$20" and insert "$12."

In line 8, strike out the words "said pension to date from her discharge from the Army."

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2456) for the relief of Judith Plummer, have had the same under consideration, and beg leave to submit the following report:

A similar bill, introduced in the Forty-ninth Congress, was favorably considered by the Committee on Invalid Pensions, and the following report submitted to the House:

"Judith Plummer is one of the corps of nurses formed by Dorothy Dix, for service in the hospitals of the Army during the late war. In her sworn statement, accompanying her papers, she says:

"'I was enrolled under Dorothy Dix in March, 1862, and served until November, 1864.'"

Early in her term of service she contracted a disease from which she has ever since suffered. She filed an application in the Pension Department, No. 358960, alleging that in March, 1862, while in the Patent Office Hospital, Washington, D. C., she was compelled to sleep upon the stone floor, by which she contracted a severe cold, which resulted in an enlargement of the right gland of the throat and chronic difficulty, with which she still continues to suffer. This claim was rejected by the Commissioner of Pensions because "hospital nurses were not in the military service;" consequently there was no law by which her case could be allowed.

The following evidence is filed in substantiation of her claim:

"OFFICE SUPERINTENDENT OF WOMEN NURSES,
"*Washington, D. C., November*, 1863.

"Assigned to duty Gettysburgh General Hospital; relieved from Fairfax Hospital, Alexandria, Va., upon application of Dr. Chamberlin, surgeon in charge.

"DR. JACQUES,
"*Medical Director.*

"General hospital closed at Gettysburgh. In November Miss Judith Plummer reported at headquarters, Washington, D. C., and rendered voluntary service in the General Government hospitals. Resignation accepted, and she honorably discharged.

"DR. JACQUES,
"*Medical Director.*

—

"NOVEMBER 26, 1886.

"I certify that Miss Judith Plummer has served in Fairfax Seminary General Hospital, Virginia, under my charge, as female nurse. For ten months her services have been valuable to the sick, and her conduct entirely irreproachable. I take pleasure in recommending her.

"DAN'L P. SMITH,
"*Surgeon, United States Volunteers.*

—

"1344 G STREET, *Washington, D. C., December* 4, 1879.

"The bearer of this, Miss Judith Plummer, was employed as nurse at Fairfax Seminary General Hospital in the year 1862 while I was on duty there, and had the care of several very severe cases to my knowledge. She was a conscientious, faithful, and efficient nurse, always performing her duties to my entire satisfaction, and she is certainly entitled to much consideration for her earnest devotion to her duties in the care of those so unfortunate as to need her services.

"J. O. STAUNTON, M. D.

—

"'OFFICE OF WOMEN NURSES,
"'*Washington, D. C., November* 28, 1863.

"'This paper certifies that Miss Judith Plummer, for some time resident in Lawrence, Mass., but originally from the State of Maine, has been in the United States service as hospital nurse for more than eighteen months. She now asks relief from duty, and has been honorably discharged, faithful devotion to her labors being attested by the surgeons under whom she has served and by the superintendent of women nurses.

"'D. L. DIX, S. W. N.'

"William J. Frost, Abingdon, Washington County, Va., late hospital steward, United States Army, says:

"'Miss J. Plummer and her sister, Miss Susan (now deceased), did all in their power to alleviate the sufferings of our wounded and sick soldiers.

"'The sisters were from the battle-field of Gettysburgh, to report for duty at Slough United States General Hospital at Alexandria, Va. I was on duty there, and can testify how faithfully both sisters labored night and day in ministering to the sick and solacing the dying.'

"Dr. J. W. Bulkley, Washington, D. C., testifies:

"'JULY 1, 1886.

"'I first met Miss Judith Plummer in the spring of 1862 at the Patent Office Hospital, where I was surgeon in charge. Miss Plummer was engaged in nursing the sick and wounded, and rendered most efficient service. Her sleeping accommodations were very poor, she being obliged to sleep on the stone floor of one of the alcoves, with only a blanket for protection. The result of this exposure was a severe cold and inflammatory or acute sore throat, which nearly cost her her life. I performed a surgical operation at that time and once since. In the first operation (in the Patent Office Hospital) I was obliged to lance her throat in order to reduce the swelling. In the second operation I removed tumors from both sides of her throat, the tumors being the result of the previous diseased condition of her throat. I believe the disease of claimant's throat, which disease has incapacitated her from earning a livelihood, to have originated from exposure during her service as nurse in the hospital.'

"It would seem from all the evidence that this claimant rendered faithful and efficient service until November, 1863, when she was compelled to ask relief from duty on account of her disability, which had become chronic, which disease she contracted in line of her duty and while under orders of United States surgeons; that after her discharge she returned to duty, and rendered voluntary duty until November, 1864. During her service she was treated for the disability in the Patent Office Hospital, and also in Slough Hospital, at Alexandria, Va. Her disability has been continuous; her throat is disfigured with ugly scars, which in themselves bear mute testimony of her sufferings. She is a maiden lady sixty years of age, poor, with no one to look to for support. Your committee, in view of her services and sufferings, are of opinion that the Government should give her some assistance in her age and poverty, and respectfully report back the accompanying bill as amended and recommend its passage."

Your committee fully concur in the conclusions reached by said committee, and therefore likewise report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "twenty," in line 6, and inserting therein instead the word "twelve;" and also by striking out all after the word "laws," in line 7.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELVIRA COOPER.

The next pension bill on the Private Calendar was the bill (H. R. 459) for the relief of Elvira Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elvira Cooper, foster-mother of Eugene H. Cooper, deceased, late of Company G, One hundred and forty-second New York Volunteers, and of Company B, One hundred and sixty-ninth New York Volunteers, subject to the conditions and limitations of the pension laws.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill No. 459, have duly considered the same, and report:

That Eugene H. Cooper was born August 5, 1846. His father died in June, 1851; his mother died August, 1855; one month thereafter he was adopted by his uncle, George W. Cooper and Elvira Cooper, the wife of the said George W. Cooper.

Eugene H. enlisted in Company G, One hundred and forty-second Regiment New York Volunteers, in April, 1864, with said foster-father's consent. Said soldier was wounded at Petersburgh, Va., July 26, 1864, receiving a gunshot wound in the left thigh; was sent to Hampton Hospital; thence to White Hall Hospital, Pennsylvania; was in hospital three weeks, and after a furlough, returned to White Hall hospital.

Joined his regiment December 31, 1864, two days before it started for the second attack on Fort Fisher. He was wounded in the head at Fort Fisher, January 15, 1865, and was sent to Hampton Hospital. He was promoted to corporal for volunteering to cut the palisading at Fort Fisher. Said One hundred and forty-second Regiment was mustered out in June, 1865, and the soldier was transferred to the One hundred and sixty-ninth New York. He died of typhoid fever July 16, 1865, while in service, and while in the hospital at Raleigh, N. C., and was buried in the national cemetery there.

The foster-father, George W. Cooper, died in 1872 (leaving no property and one feeble daughter), since which time the foster-mother, Elvira Cooper, has been dependent upon friends (who are not relatives), and has lived upon charity except the very meager earnings of said daughter.

In the opinion of your committee the valuable service of this soldier, the wounds he received, the fact of his dying while in the line of his duty, and the dependent condition of the foster-mother entitle her to the same pension that she would have received had the said soldier been her son.

Your committee therefore recommend the passage of this bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY M. STRONG.

The next pension bill on the Private Calendar was the bill (H. R. 2662) for the relief of Mary M. Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary M. Strong, widow of Thomas J. Strong, late lieutenant-colonel of the Sixteenth Regiment New York Heavy Artillery, subject to the provisions and limitations of the pension laws, and to pay her such pension as is provided by law to the widow of a lieutenant-colonel in the late war, and the additional pension for each child of Thomas J. Strong and Mary M. Strong until he or she die or arrive at the age of sixteen years; said child's pension to be at such rates as is allowed by law in similar cases.

The bill was reported with the following amendment:

Strike out all after the words "provided by law," in line 8.

The report (by Mr. SAWYER) was read in part.

Mr. PAYSON. I ask unanimous consent to dispense with the further reading of the report.

There being no objection, the further reading of the report was dispensed with, and it was ordered to be printed in the RECORD. It is as follows:

The evidence in this case shows that Lieut. Col. Thomas J. Strong died September 4, 1885, leaving Mary M. Strong as his widow, and Thomas J. Strong and Katie M. Strong his only children, both being under sixteen years of age.

That the said soldier was formerly a captain of the Twenty-second Regiment New York Volunteers, and was promoted to the lieutenant-colonelcy of said regiment, and as such officer was discharged at the expiration of the term of service of said regiment. That afterwards he re-enlisted and held the position of lieutenant-colonel of the Sixteenth Regiment New York Heavy Artillery; that while

holding said position at Dutch Gap he was shot in the left limb, and in consequence thereof said limb was amputated; that "in recognition of his faithful and distinguished services" he was, in the summer of 1866, made brigadier-general of volunteers by brevet.

The immediate cause of death of said Thomas J. Strong was paralysis, producing exhaustion and resulting in death. The widow applied for a pension, and the application was rejected on the ground as stated by the medical referee—

"That gunshot wound and resulting amputation of left leg just above ankle can not be accepted as the direct or remote cause of paralysis of throat, cause of soldier's death."

The evidence shows that before entering the military service he was a strong, able-bodied man; that from the time of his final discharge therefrom he appeared to be slowly declining in health, complaining of severe pains in his head. In the later years of his life he was troubled with cataracts on his eyes, rendering him nearly blind; that he suffered from neuralgia in the face and head, for which he was treated by his family physician, and subsequently dying from its consequent effects.

George W. Little, M. D., testifies that he knew General Strong before his enlistment and after his return from the Army, and for the last ten years of his life has been his family physician, except during his last illness; that General Strong had been a great sufferer from neuralgia of the face, throat, and jaws, so that he could swallow only with great difficulty, not having full control of the muscles, claiming always that he had had these spells since his limb was amputated, and had not had them before.

The physician states that the disease finally terminated in paralysis of the muscles of the throat and he died from exhaustion, "and in my opinion the said disease was caused by exposure while in the service, and the shock and irritation to the nerves from the amputation of the foot."

Dr. James Ferguson, who had known the said Thomas J. Strong since 1852, and knew him since his discharge, and had advised with him at various times as to his physical condition, and who attended him at his last sickness, states he died from exhaustion, resulting from paralysis of the throat.

"I think that his gradual loss of vigor from the time of his discharge from the service, his trouble with his eyes, and the paralysis which caused his death might have been results from his exposure in the field, and from the shock to his system caused by the amputation of his leg."

The evidence shows that General Strong died leaving scarcely any property for the support of his wife and children.

In view of the diversity of opinion among the physicians as to whether the disease from which he died was the result of his military service, the committee think that his widow and orphan children are entitled to the benefit of the doubt, and therefore recommend the passage of the bill as amended by striking out all after the word "law," in the eighth line thereof.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ALONZO ALDEN.

The next pension bill on the Private Calendar was the bill (H. R. 2663) for the relief of Alonzo Alden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Alonzo Alden, late colonel of the One hundred and sixty-ninth Regiment New York Volunteers and brevet brigadier-general, from $50 to $100 per month from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In line 7 strike out "$100" and insert "$72."

The report (by Mr. SAWYER) was read in part.

Mr. NUTTING. I ask unanimous consent that the further reading of the report be dispensed with.

There was no objection, and the report was ordered to be printed in full in the RECORD.

It is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2663) for the relief of Alonzo Alden, submit the following report:

That Alonzo Alden, the soldier, enlisted in the United States service April 18, 1861, as a private in the Thirtieth Regiment New York Volunteers; May 14, 1861, was made second lieutenant, and June 10, 1862, was made first lieutenant and regimental adjutant; September 27, 1862, transferred to the One hundred and sixty-ninth Regiment New York Volunteers and commissioned as major; made lieutenant-colonel March 2, 1864, and colonel June 1, 1864.

That while major he was wounded at Edenton road by a fragment of shell, which entirely disabled him for a short period.

It appears from the petition and evidence on file in the Pension Office that at the battle of Cold Harbor, June 1, 1864, Alden was shot by a rebel sharpshooter, the bullet striking the right side of his neck at the base of his head, passing into his neck diagonally, cutting off the lower portion of his right ear, reaching the neighborhood of the spine at the base of the brain, where it still remains. That at the taking of Fort Fisher and the explosion of the enemy's magazine which there occurred, Alden was thrown about 30 feet against a traverse, and a mass of timber and sand fell upon him, fracturing his right thigh and otherwise injuring him and bruising his body, which rendered him unconscious for nearly five weeks. That Alden was mustered out of the service August 6, 1865, holding the rank of colonel and brigadier-general by brevet.

That July 19, 1865, he was granted a pension at the rate of $30 per month and afterwards increased to $50 per month, commencing June 22, 1887.

Alden can not receive $72 per month for the reason that the act of June 16, 1880, granting the same is confined by its express terms to persons then receiving $50 per month. So that the highest rate which the soldier could receive when his pension was raised to $50 per month, as aforesaid, was the sum of $50 per month allowed him. All the evidence on the application was very clear, convincing and consistent, conclusively showing that he would have been entitled to the sum of $72 per month if the Pension Bureau could have allowed it under the law.

We quote but from one affidavit, that of R. B. Bontecon, M. D., a resident of the city of Troy, of forty years' standing in his profession, serving as surgeon in the field from 1861 until the close of the war, brevetted colonel by President Lincoln for distinguished services as a surgeon, for twenty years past assistant surgeon at the Watervliet Arsenal, and now in the practice of his profession in the city of Troy aforesaid, and now and for years past a member of the board of examining surgeons appointed by the Government to examine applicants for pension, who states, in his affidavit of December 14, 1887, that he—

"Knew Alonzo Alden before enlistment and has lived in the same city with him and met him daily, and would have known if he was unsound before enlistment, which he was not; have known and seen him almost daily, when he was at home, for the last twenty-two years, and knows from seeing him daily and from examining him professionally that he has been crippled since his return from the war, partially in his leg, and more especially in his head and spine, the result of a gunshot wound, the ball entering just in front of the right mastoid process and lodging deeply near the base of the brain, where it is still concealed, and giving rise to cerebro-spinal meningitis, so that he can not use his arms or his legs for any manual labor, nor can he transact business on account of the pain and constant irritation caused thereby.

"That I have seen him in several of these paroxysms of acute mania resulting from said gunshot wound, and he is obliged to be under restraint to prevent him from dashing his brains out and inflicting bodily harm on himself, so great is his agony at times. That I have been in constant daily attendance upon him from May 7, 1887, to June 20, 1887, and during that time prescribed powerful medicines, and blistered his back repeatedly, and at last introduced a seton into his neck, which he still wears. He is unable to dress or undress, or to turn over in bed without assistance, and therefore requires the constant attendance of one or more persons. When he has paroxysms of acute mania, as he frequently does, he requires the constant attendance of several persons to restrain him from doing himself bodily harm. He is wholly disabled for any labor or employment, and this deponent further says that the location of the ball above mentioned is such that to attempt to remove it would greatly endanger General Alden's life, and would probably produce his death; that in the opinion of this deponent no prudent surgeon would dare to undertake the operation, and that in the opinion of this deponent no essential improvement in the patient's condition will ever occur."

The examining board of surgeons in their report to the Pension Bureau, dated June 22, 1887, state as follows:

"One of the members of this board has been in attendance on him for several months past, has seen him daily, and knows that he suffers constantly with pain in his head and spine; that he has frequent violent paroxysms of delirium and acute mania, requiring force to control him, apparently due to cerebro-spinal irritation. We believe that this condition of his nervous system is due to the gunshot wound of head, and that he is totally unfit for any occupation, and requires the constant attendance of some person to assist him in dressing, and at table to prepare his food, as he is unable to cut it or dress himself."

The committee, after considering all the evidence in the case, are of the opinion that it is a very just and meritorious case, and recommend the passage of the bill as amended, and that the bill be amended by striking out the words "one-hundred," in the seventh line thereof, and inserting in lieu thereof the words "seventy-two."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA A. DARRELL.

The next pension bill on the Private Calendar was a bill (H. R. 122) for the relief of Julia A. Darrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Darrell, the dependent mother of William Burr Darrell, late of the United States ship Albany, which sailed from New York in June, 1855, and was never heard from afterwards.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 122) granting a pension to Julia A. Darrell, have had the same under consideration, and beg leave to submit the following report:

The claimant filed an application, as dependent mother of William B. Darrell, in the office of the Commissioner of Pensions, May 31, 1878.

The record shows that the son of claimant, William B. Darrell, enlisted as a musician in the Navy of the United States March 26, 1847, was rated fifer October 26, 1847, and was discharged August 27, 1852, at Pensacola, Fla.

It is alleged and shown that William B. Darrell was a musician on the ship Albany, which was lost at sea April 18, 1855. It is but proper to state that the name of claimant's son was not found upon the rolls of said ship Albany, but that your committee believe from the letters filed by claimant and written by her son, and from other evidence in the case, that said William B. Darrell was a musician on said ship, and that he perished when the same was lost at sea, as alleged.

The evidence in the case satisfactorily shows that Julia A. Darrell was the mother of William B. Darrell; that since 1845 she has been dependent upon her own resources for her support; that her husband, John M. Darrell, died about September 29, 1867, and that subsequently to the year 1845 he did not contribute to her support; that while her said son was a musician in the Navy he contributed to her support from his pay as such musician; that since the death of her husband, John M. Darrell, she has not remarried, and that she has no property except some household goods of but little value.

Your committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA STOKES.

The next pension bill on the Private Calendar was the bill (H. R. 893) granting a pension to Julia Stokes.

The bill was read, as follows

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia Stokes, mother of Thomas J. Stokes, deceased, late of the United States ship Mohawk.

The report (by Mr. BLISS) was read, as follows:

The applicant filed a declaration in the Bureau of Pensions January 26, 1883, for pension as the mother of Thomas J. Stokes. The claim was rejected February, 1883, upon the ground that there is no law authorizing the payment of a pension to the mother of a sailor who died prior to March 4, 1861.

The record shows that Thomas J. Stokes enlisted as landsman July 28, 1859, served on the North Carolina to September 15, 1859, and on the Mohawk from September 16, 1859, to January 30, 1860, when he died.

In an affidavit filed December 18, 1883, Dr. Hugh Sloan, of Utica, N. Y., states that he has known Patrick Stokes, husband of applicant, since 1872; that he has treated him since that year for sore eyes, and that he has been blind to the extent of disabling him for manual labor, for which he has been incapacitated since he first knew him.

In an affidavit filed December 18, 1883, Henry Kein and Michael Mulligan state that they have known Julia Stokes and her husband for more than thirty years; that their family during a portion of that time has consisted of themselves and three children; that their son, Thomas J. Stokes, from the time that he was able to aid them until his death did aid his parents with his labor and with contributions from his pay as landsman; that two daughters have aided

in the common support of the family by contributions from their weekly earnings; that for about thirty years they have been possessed of personal property consisting of only the necessary household goods, and of a house and lot, No. 16 Hamilton street, Utica, N. Y., where they have resided since 1860, and a vacant lot in Utica, from which no income is derived.

The applicant states in an affidavit that during the last eleven years (now fifteen years) her husband has been totally blind and unable to earn a support for himself or family.

Your committee would recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RUFUS SQUIRE.

The next pension bill on the Private Calendar was the bill (H. R. 421) granting a pension to Rufus Squire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rufus Squire, late a private in the United States Marine Corps.

The report (by Mr. BLISS) was read, as follows:

Rufus Squire enlisted as a private in the United States Marine Corps July 26, 1847, and was discharged August 29, 1847. He served during period indicated upon United States steamship Michigan.

On June 12, 1880, he filed in the Bureau of Pensions a declaration for pension, in which declaration he alleged that during a severe storm on Lake Michigan, while descending from the main to the berth deck, he slipped and fell, receiving an injury which resulted in hernia of the right side.

The claim was rejected by the Pension Office August 1, 1887, upon the ground that the records of the Navy Department fail to show incurrence of said hernia in line of duty, and claimant's declared inability to furnish testimony showing origin in service and line of duty.

In an affidavit filed March 22, 1887, the claimant states that during a passage from Chicago to Cheboygan the Michigan experienced very rough weather, and that it was necessary to keep the deck around the smoke-stack wet; that he told the officer of the deck to get permission for him and he would go up there and keep the deck wet; that permission was got for him, and he kept the deck wet until the ship got into Cheboygan, where, when the deck was cooled, he went down to the main-deck, and going from there to the berth-deck he fell by his feet slipping and injured himself in the right side, which proved to be the rupture on which he claims pension.

The applicant furnishes no proof other than his own statement showing the origin of alleged rupture. The affidavits of Dr. Carlos Glazin, Samuel James, and Mary Howland, a sister of applicant, show satisfactorily that prior to enlistment the applicant was physically a sound man and that he was free from hernia, and also that upon his return to his former home, following his discharge from the Marine Corps, he was suffering from hernia of the right side.

The quarter reports of steam-ship Michigan for third quarter, 1847, show that one case of inguinal hernia was treated, but do not give the name of patient. The applicant alleges that he received alleged rupture about August 1, 1847. Dr. Carlos Glazin states that he treated the applicant for scrotal hernia of right side in the year 1847.

The board of pension examining surgeons of Detroit, Mich., made an examination of applicant June 15, 1887, and found an indirect inguinal hernia of right side, and recommended a specific rating for hernia.

The only question is, for the purposes of this bill, can origin of hernia in service and line of duty be accepted upon the evidence in the case, in the absence of direct proof of same? Your committee is of the opinion that, in view of all the facts shown in the case, it may be so accepted, and therefore recommend the passage of the bill.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. ABBOTT. I object.

Mr. FINLEY. I trust the gentleman will not object. This is a bill reported by the chairman of the Committee on Pensions, who is absent this evening, and the case, it seems to me, is sufficiently made out.

Mr. ABBOTT. Mr. Chairman, I listened very attentively to the reading of the report made by the committee, and I was impressed with the idea that the bill ought not to pass. Therefore I have made the objection.

The CHAIRMAN. The question, then, is on the motion to lay the bill aside to be reported to the House with the recommendation that it do pass.

The question was taken, and there were—ayes 38, noes 2.

Mr. ABBOTT. No quorum.

Mr. MORRILL. Mr. Chairman, I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar until the chairman of the Committee on Pensions can be present.

Mr. ABBOTT. I make objection.

Mr. PERKINS. I think the gentleman will not insist on his objection when he understands that this bill has been reported personally by the chairman of the Committee on Pensions, Mr. BLISS, of New York, who has thoroughly investigated the case and finds that the claimant himself swears clearly and specifically that he was ruptured while in the line of duty and in the service, and finds also circumstances supporting and corroborating that statement. I trust that, under the circumstances, the gentleman will not insist on his objection.

The CHAIRMAN. The Chair will restate the request of the gentleman from Kansas [Mr. MORRILL], thinking that perhaps the gentleman from Texas misapprehended it. The request was not that the bill should be reported favorably to the House, but that it should be laid aside informally, retaining its place on the Calendar.

Mr. ABBOTT. I did not understand the request in that way. I withdraw my objection.

Mr. ABBOTT subsequently withdrew his first objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE MAXWELL.

The next pension bill on the Private Calendar was the bill (H. R. 499) granting a pension to Catharine Maxwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Maxwell, mother of Charles Maxwell, late of Company B, Ninety-seventh Regiment of Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The claimant, Catharine Maxwell, mother of Charles Maxwell, late of Company B, Ninety-seventh Ohio Volunteer Infantry, who died in the service at Nashville, Tenn., in the month of February, 1863, is now seventy-five years of age, and her husband is eighty-one years of age. The evidence shows that this was the only son of the claimant; that he was a strong, healthy, industrious young man, and worked with and for his parents up to the time when he entered the service at twenty years of age; that he never married, and hence left no wife or children; that while in the service he sent his money home to his parents, and that he died from a disease contracted in the service.

The evidence shows the high character of the parents and the soldier, and the only reason why the mother was not pensioned is the fact that Mr. Maxwell owned at the time of the soldier's death 80 acres of poor land, variously valued from $765 to $1,520, and personal property valued from $263 to $342; and that the aggregate amount of the property of the family in 1863, at the time of the son's death, was $1,107, and the year before it was $1,028. There is abundant proof that this land is very poor, and that with the son's aid and the work which his father and mother could do they eked out a very scanty living, even by hard work and the most rigid economy. The evidence shows that the old people are no longer able to do much work, and that this piece of land will not furnish them any kind of comfortable support.

In view of the great age of the parents and their indigent circumstances, and in view of the fact that they gave their only son to their country, and have no other means of support than the property named, we recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

MARY K. TAYLOR.

The next pension bill on the Private Calendar was the bill (H. R. 5236) granting an increase of pension to Mary K. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mary K. Taylor, widow of George W. Taylor, late a brigadier-general in the United States Army, at the rate of $50 per month, in lieu of the amount now received by her under the law.

The report (by Mr. PIDCOCK) was read, as follows:

Mrs. Taylor is the widow of Brig. Gen. George W. Taylor, who died September 1, 1862, from the effects of wounds received at the battle of Manassas, Va., August 27, 1862, while undergoing amputation of the wounded leg. She is now a pensioner at $30 per month, under the provisions of the general law, and asks that her pension be increased to $50 per month. Her age is shown to be seventy-four years.

As Congress has in similar cases increased the pension of the widows of general officers to the amount asked for in this bill, your committee are of the opinion that Mrs. Taylor's pension should likewise be increased, and therefore report favorably on the bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CLARK.

The next pension bill on the Private Calendar was the bill (H. R. 5844) granting an increase of pension to William Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of William Clark, a veteran of the war of 1812, from $16 per month, the amount now allowed him, to $30 per month.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The bill proposes to increase the pension of William Clark, a veteran of the war of 1812, from $16 to $30 per month. The pensioner is ninety-four years of age, and has no means of support except the sum of $16 per month. He is a worthy citizen and bears an irreproachable character. In this case the increase of pension asked for seems to be altogether just and proper.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS JORDAN.

The next business on the Private Calendar was the bill (H. R. 6946) for the relief of Thomas Jordan.

The bill was read, as follows:

Be it enacted, etc., That Thomas Jordan, of the State of New York, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment of the Constitution of the United States.

The report (by Mr. CULBERSON) was read, as follows:

The Committee on the Judiciary, having had House bill 5876 under consideration, find that the bill is based upon a petition of the applicant asking that the disabilities imposed upon him by the third section of the fourteenth amendment may be removed.

The committee report a substitute for the bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA F. WOODRUM.

The next pension bill on the Private Calendar was the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of $30 per month, the name of Martha F. Woodrum, surviving widow of James Woodrum, deceased, late private of Company C, Ninth Regiment of Kansas Volunteer Cavalry.

The report (by Mr. THOMPSON, of California) was read, as follows:

The facts in the case are set forth in a report submitted to the House by the Committee on Invalid Pensions of the last Congress, as follows:

"The claimant is the widow of James Woodrum, who was killed while serving as a private in Company C, Ninth Regiment Kansas Cavalry. Her claim for pension has been rejected on the ground that soldier was not in line of duty at the time of his death.

"The facts in the case are as follows: James Woodrum, in January, 1864, was stationed, with his company, at Kansas City, Mo. He was ordered to Lawrence, Kans., for the purpose of recruiting for the company, and got permission to stop on the way at his home near Shawneetown, Kans., about 10 miles from Kansas City. It appears that he reached the house about noon. Shortly thereafter five men came along looking for a lost horse. The soldier went to the gate and entered into conversation. After stopping a few moments four of the men passed on, the other one, McConnell, remaining. The claimant and two other women, relatives, the only inmates of the house, heard some words pass between soldier and McConnell, when the latter fired two shots from a revolver, killing Woodrum instantly. The body was on that afternoon taken back to Kansas City.

"The records of the War Department furnish no information except that soldier was killed by a citizen at the date alleged.

"The authority for recruiting, as well as the permission of Captain Stewart, of the company, to visit his home, was shown by the soldier to his wife and the other inmates of the house, as appears from their testimony in the case. Captain Stewart is said to be insane, while the whereabouts of the other officers are unknown.

"The cause for the killing of the soldier must, under the circumstances, remain unknown. McConnell was evidently a stranger to claimant and her companions. Soldier's company was then in charge of contraband stock. The party of which McConnell was one was in search of a horse. Was that horse among the stock guarded by the company 10 miles away? Did this fact furnish a motive for the fatal shooting?

"The poverty of the claimant and her dependence upon relatives are clearly shown. She has become totally blind, and now, far away from the locality where she so suddenly was deprived of her support, is unable to furnish additional information touching the circumstances of the shooting."

A bill passed one House of Congress some years ago, and a similar bill passed the Senate during the last Congress and was favorably reported by the Committee on Invalid Pensions to the House, but was not reached for final action.

For reasons set forth in the above-quoted report your committee are of opinion that this unfortunate claimant should have the relief asked for, and therefore report favorably on accompanying bill, and ask that it do pass, amended, however, by striking out the word "fifty," in line 6, and insert therein instead the word "twelve."

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

MARY J. FRANCIS.

The next pension bill on the Private Calendar was a bill (H. R. 4655) granting a pension to Mary J. Francis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Francis, widow of Eli C. Francis, late captain Company K, Fifty-fourth Regiment Ohio Infantry Volunteers.

The report (by Mr. MATSON) was read, as follows:

The history of this case, as near as it can be gathered from the papers on file in the office of the Commissioner of Pensions, shows that Eli C. Francis, the deceased husband of Mary J. Francis, was captain of Company K, Fifty-fourth Regiment Ohio Volunteers; that he enlisted on the 7th day of November, 1861, and was honorably discharged at Camp Chase, Ohio, on the 30th day of November, 1862, having been in the service a few days more than a year. In his original application for pension, filed March 18, 1875, he makes affidavit as follows:

"While in the service aforesaid, and in the line of his duty at a place called Shiloh, in the State of Tennessee, on the 10th day of April, 1862, when at Camp Shiloh, was attacked with diarrhea, which continued about six weeks. In about ten days after, was attacked with typhoid fever, which continued for twelve weeks, leaving him much reduced, producing ulceration of left limb. In a few days, was attacked with intermittent fever, which continued four or five weeks; present condition, very feeble, with complete paralysis of left side.

"Alf. Ferguson, second lieutenant Company K, Fifty-fourth Regiment Ohio Volunteers, certifies as follows:

"And I further certify that Eli C. Francis, while in the line and discharge of his duty at Camp Shiloh, Tennessee, about the 10th of April, 1862, by reason of exposure to rain, snow, mud, and unwholesome food and water, he contracted the camp diarrhea, which disease continued about six weeks, when he was attacked with typhoid fever, which almost caused his death, and lasted about three months, leaving him greatly reduced, with ulceration of his left leg. In a few days after the typhoid fever left him he was attacked with intermittent fever, which lasted four or five weeks, which wholly prostrated him, and, as a result of said diseases, they left him with complete paralysis of the whole left side. And that the said Eli C. Francis was to all appearance a sound man when he entered the service; he passed examination of the examining surgeons with myself and company."

A copy of the report of the board of surgeons convened at Camp Chase, Ohio, July 3, 1861, is among the papers on file. There is evidently a mistake in the date. It should be "July 3, 1862." The report says:

"E. C. Francis presented himself for examination. Is captain of Company K, Fifty-fourth Regiment Ohio Volunteer Infantry; aged forty-six; confectioner; residence, Urbana, Ohio. Enlisted on the 7th of November, 1861, and had good health until the 10th day of April, when he was seized with typhoid fever at Pittsburgh Landing. He lay in his quarters three weeks, and was then sent to Cincinnati, from which point he came home. For the last two weeks he has been improving slowly. Appetite good. Bowels have been quiet until he came to this post, since which time they have been somewhat loose. He still complains of a pain in the right side of the chest below the nipple, which we think is only muscular. He is somewhat lame in the left leg from general varicose condition of the veins, but particularly of the deep-seated ones. He has also a slight varicose condition of the veins of the left leg. Opinion, that the captain is permanently disabled.

"GUSTAV C. E. WEBER, M. D.
"S. M. SMITH, M. D.
"JOHN A. MURPHY, M. D.

"W. R. LOOKER, *Secretary*."

Dr. George W. Daily, in his affidavit, states:

"I was intimately acquainted with Capt. Eli C. Francis and was his attending physician for a little over two years, and at the time of his death he was a constant sufferer with camp or chronic diarrhea and varicose veins of the left leg, with paralysis of the left side. His death occurred on the 30th of October, 1879, and the immediate cause of his death was camp or chronic diarrhea, contracted, as I believe, while in the service of the United States Government."

Dr. Bogart says:

"Known soldier since October 23, 1876, and treated him from said date to September 18, 1877, for paralysis of left side and varix left leg."

This soldier was paralyzed in his left arm in January, 1874, and subsequently in his whole left side. He was pensioned for varicose veins of left leg. It was claimed that the paralysis was caused by the varix, and he claimed increase on that ground, and again on account of chronic diarrhea. Both increase claims were rejected on the ground that the medical evidence was insufficient to establish the claim, or that the soldier died from the effects of diarrhea, the result of exposure while in the line of duty as a soldier.

A bill increasing his pension from $15 to $30 per month was introduced (H. R. 6535) March 3, 1879. The report of the committee says:

"The committee find from the evidence that the claimant is totally disabled, requiring the continual aid of an assistant, he being paralyzed in all of his left side. The committee are of opinion that the case is one justly entitled to an increase of pension, and therefore recommend the passage of the accompanying bill increasing the pension to $30 per month."

Before the bill reached final action the soldier died. The committee believe this to be a meritorious case; that the soldier died from the effects of disease contracted while in the Army, and that the bill ought to pass.

Your committee therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS H. AULLS.

The next business on the Private Calendar was the bill (H. R. 416) granting a pension to Thomas H. Aulls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Aulls, late private in Company C, One hundred and eighty-ninth Regiment New York Volunteer Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 416) granting a pension to Thomas H. Aulls, beg leave to report:

The said Thomas H. Aulls enlisted in the One hundred and eighty-ninth New York Volunteer Infantry on the 23d day of August, 1864, and was duly mustered the same day; that while in front of Petersburgh, and on the march and crossing a ditch upon the Jerusalem plank road, he alleges that he was injured upon the knee by the butt of a gun in the hands of a comrade, or in some other way which he is unable to state, whereby the knee-joint was bruised and lacerated in such a manner that he bled profusely; that said wound grew worse, and he was compelled about March 1, 1865, to enter the hospital for treatment, where he had to remain for a large portion of the time until he was discharged and mustered out of the service, May 25, 1865. His statement is confirmed by the Army record, showing his treatment for inflammation of the knee. The fact that Mr. Aulls was injured as stated, and that he has been and still is suffering from such injury, we think the proof fully sustains.

This case was examined by the Commissioner of Pensions and disallowed in 1881, for the reason that it appeared from the statement of claimant, as well as by the physician who treated him, that claimant was some time about the year 1856-'57 afflicted with inflammation in this same knee-joint, and hence that the disability of which he complains was not obtained while in the military service, but arises from a disability which existed at the time of enlistment.

After a careful examination of the case we are of the opinion that the ruling of the honorable Commissioner is not sustained by the proof in the case. When an enlisted man was examined by a board of surgeons to determine as to his physical fitness to become a soldier, the presumption should exist, and must exist, that he was a sound and able-bodied man at the time of muster.

All the proof there is in the case to show that Mr. Aulls had been troubled with inflammation in his knee before enlistment is the statement of himself and the physician who treated him.

Claimant swears that in 1856-'57 he was troubled with inflammation of the left knee; that he was then eight years old; that this inflammation was caused by going in swimming too much; that for several years before enlistment he had entirely recovered from such trouble and was a perfectly able-bodied man; that he was treated by Dr. Ensign, who for many years had been the family physician of claimant's parents; that Dr. Ensign at this time visited him three times; that claimant felt no weakness or pain in his knee after 1857, and never had any trouble from his knee after that until he was injured in January, 1865, although previous to his said injury he had made many hard marches.

This testimony is corroborated by Dr. Samuel Ensign, above named, who says in his affidavit that he treated claimant in 1856 or 1857 for bilious colic and for inflammation in one of his knees; that claimant fully recovered from these, and was in perfect health up to the time of his enlistment in 1864; that when claimant returned from the Army in 1865 he was very lame from chronic inflammation of all the structures of the knee-joint. The Pension Bureau, after the filing of the affidavit of Dr. Ensign in 1879, wrote him a private letter for a more full statement of the matter, and here again the doctor explained his treatment of the knee of claimant in 1856-'57, and that he considered him entirely cured long before enlistment. We think the testimony of Dr. Ensign corroborating the affidavit of the claimant is quite sufficient to show that the disability complained of did not exist when claimant enlisted, and that claimant was injured at the time and in the way stated by him. Second Lieut. M. W. Read testifies that claimant was injured in January, 1865, when on a "double-quick" and in crossing a ditch, and, as stated before, this is confirmed by the hospital record. The disability of which claimant complains still exists, as claimed by him, but as to what extent he was disabled as well as to what extent such disability exists at the present time can be determined by a board of surgeons under the direction of the Commissioner of Pensions.

Believing that the claimant was disabled as alleged, we report the bill back to the House and recommend that the same do pass.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

G. W. BURKHART.

The next business on the Private Calendar was the bill (H. R. 407) granting a pension to G. W. Burkhart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Burkhart, late a sergeant in Company G, Tenth Regiment Ohio Cavalry, said pension to commence from and after the date of his discharge.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 407) granting a pension to G. W. Burkhart, submit the following report:

That the said G. W. Burkhart's case is fully stated in the letter of the Commissioner of Pensions, hereto annexed.

That he was severely injured by the railroad collision at Dayton, Ohio, referred to in said letter, to wit, badly bruised, left arm broken, and right leg broken, from which he suffers to the present day, his use of both limbs being greatly impaired. The reason why he was one day late returning to duty was that the trains did not connect, he being on his way in full time to catch them if they had been on time.

He was undoubtedly doing his best to perform his duty, and the committee recommend that the bill pass.

"DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
"*Washington, D. C., July* 19, 1887.

SIR: In response to your communication relative to your claim for invalid pension No. 81720, as sergeant, Company G, Tenth Ohio Cavalry, which was rejected in 1865, on the ground that you were not in line of duty at the time your injuries, for which pension is claimed, were incurred, I have to state that a careful consideration of all the papers in the case reveals the fact that on December 30, 1863, you were granted "leave of absence" for six days, ending January 4, 1864, at which time you were to report to the regimental headquarters at Cincinnati, Ohio, or be considered a deserter. Having availed yourself of the leave of absence thus granted, you were strictly bound by the conditions named therein, and as it is clearly shown that the railroad collision at Dayton, Ohio, in which you were so severely injured, occurred on the 5th day of January, 1864, one day after your leave of absence had expired and before you had reported back to your regiment, then stationed at Cincinnati, it follows that you were at that time considered as a deserter, and therefore not in line of duty under the law as applied to such cases.

"It may be proper to add, that had your injuries been received within the time prescribed by the furlough above referred to, you could not then have been considered in the line of duty, as it was granted you for the purpose of visiting your family in Northern Ohio, and had no connection whatever with the performance of your military duty.

"The former action of this office, rejecting the claim, is adhered to.

"Very respectfully,

"JOHN C. BLACK,
"*Commissioner.*

"GEORGE W. BURKHART, *Detroit, Mich.*"

Mr. MORRILL. I move to strike out all after the word "cavalry," in the seventh line.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN BISBEY.

The next business on the Private Calendar was the bill (H. R. 2491) granting a pension to John Bisbey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of John Bisbey, late a sergeant of Company B, Twenty-third Illinois Volunteers, and that he be granted a pension at the rate of $36 a month.

The report (by Mr. CHIPMAN) was read, as follows:

This soldier received a gunshot wound through the left fore-arm at the battle of Petersburgh, April 2, 1865, from which he alleges, in declaration filed, "his arm was completely disabled for manual labor."

He is receiving a pension of only $4 a month, granted from July 25, 1865, although the testimony of several neighbors and employers is to the effect that his arm was practically useless, and he could only do such work as could be done with one hand, earning from one-third to one-half usual wages.

Samuel F. Dickey a comrade, makes affidavit as follows:

"Claimant was wounded in his left fore-arm in the battle of Petersburgh. His arm was completely disabled for manual labor."

Martin Simmons testifies:

"Have personally known claimant for eighteen years. He was wounded, as alleged, through left fore-arm. He will never be able to make a living by manual labor on account of said wound."

Isaac Drake testifies:

"Claimant worked for me in spring of 1866 and did work that he could do with one arm. The injury to left arm about amounted to its loss."

Two other witnesses testify "he could do nothing only what he could do with one hand; his left hand and arm were of no use to him." These are a few of many affidavits of neighbors and comrades on file in this claim, from which it would seem that the rate of one-half total (which had been granted) did not cover the disability existing from the wound prior to the loss of the wounded arm, which occurred by accident in March, 1866, while employed by Isaac Drake (whose testimony we have quoted above), in getting out wood for the M. S. and L. S. R. R., doing what they termed "tail sawing" (as he could do that with one arm).

While thus employed his arm was taken off at the elbow by a buzz saw. Those who witnessed the accident testify it to be their belief it would not have happened had not his arm been so weakened and almost helpless from result of wound. The head sawyer testifies as follows:

"His arm was cut off near noon on the 30th of March, 1866. We had moved the machine to a different place, put the belt on, and started the saw to see if it would run all right so that we could go immediately to work after dinner, and Bisbey (the claimant) happened to go along by the side of the saw; his coat-sleeve on his wounded arm caught in the saw, and before we could help him his arm was cut off through the elbow joint.

"In my opinion, as the saw was running slowly (merely to see if the belt would run even and right), if it had caught the sleeve of the right arm he would have saved his arm, as his coat was old and easily torn. But he had no use nor control of his left arm. There was no strength in that hand and arm to do much of anything. The above I make is a truthful statement. I have no interest, direct or indirect, in his claim."

The committee are satisfied from all the evidence in the case that the loss of his arm in manner aforesaid was attributable entirely to its enfeebled condition as the result of the wound for which he was pensioned, and that if the arm had been sound he would have had no difficulty in rescuing it from the saw.

The committee are further satisfied, from all the facts in the case, that if it had not been for the accident aforesaid an application for an increase would have long since been favorably considered by the Pension Office.

The claimant made application for increase after the loss of his arm, but as the arm was gone no examination could be had, and the claim for increase was rejected.

It further appears in the case that the claimant is very poor, having a wife and four children dependent upon him for support, and that he has no property except a small house and lot upon which he has paid the sum of $80.

The committee therefore report the bill back with a recommendation that he be allowed a pension of $36 a month, and that the bill for his relief be amended by inserting, after the word "month," in the eighth line, "in lieu of the pension he is now receiving," and that the bill as amended do pass.

Mr. PERKINS. The provisions of the bill seem to be inconsistent. This applicant is put on the pension-roll subject to the provisions and limitations of the pension laws, and then the rate is fixed at $36 per month.

Mr. MORRILL. The amendment of the committee is "in lieu of the pension he is now receiving." That is right.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN HANCOCK.

Mr. GLASS. I call up for consideration the bill (H. R. 1071) granting a pension to John Hancock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Hancock, late a private in Capt. Jesse J. Finley's company and Col. William Trousdale's regiment of Tennessee Volunteers, in the Seminole war.

The report (by Mr. FINLEY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1071) granting a pension to John Hancock, would beg leave to report as follows:

The records show that the claimant enlisted June 13, 1836, as a private in Capt. Jesse J. Finley's company, Col. William Trousdale's regiment, Tennessee Mounted Volunteers, of the Cherokee war, and was discharged January 14, 1837, at New Orleans, La.

The claimant is now seventy-two years of age, and in an affidavit filed with your committee states that he is possessed of 73 acres of land in Lauderdale County, Tennessee, a few head of stock, some farm implements, and a small amount of household furniture, and that—

"His property is incumbered with debt that he sees no way to relieve."

That—

"On account of his age, his physical infirmities, and feebleness he is unable, with the use of such property as he has, to make a livelihood, even in a poor way, for himself, his aged wife, and daughter, who compose his family. He is subject to fits of vertigo or some indisposition in which he loses his consciousness, brought on by violent exercise, and is sometimes caused by suddenly rising from a chair."

Dr. A. H. Young makes a statement under oath that he has known the claimant for twenty years or more, and that for the last five years he has been disabled, "his disability following a fall from a horse," since which time he has been almost a constant sufferer from his head; that claimant suffers also from "chronic dyspepsia and a most distressing vertigo. His hands are almost useless from contraction of the tendons. These infirmities render him utterly unable to make a support by manual labor, his only way of doing the same."

The claimant is unwilling himself to say that his disabilities were contracted in the service or at all grew out of it; but, in view of the claimant's services, his advanced age, his peculiarly unfortunate and helpless condition, and as justly and equitably due him and his aged wife, your committee would recommend the passage of the bill.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM S. SIMS.

Mr. PAYSON. I call up for consideration the bill (H. R. 2077) to place on the pension-roll the name of William S. Sims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of William S. Sims, late captain of Company F, Eighty-sixth Regiment Indiana Volunteers, at a rating of $50 per month from the date of the approval of this act.

The report (by Mr. LANE) was read, as follows:

The record in this case shows that Capt. William S. Sims was pensioned October 29, 1880, to take effect from August 24, 1864, at $20 per month, for disease of lungs, and that the same was increased January 6, 1886, to $30 per month, and it is now asked to increase the same to $50 per month.

Dr. John B. Baker, the physician of the soldier, testifies that the soldier is totally incapacitated from performing manual, professional, or skilled labor.

W. J. Miller testifies to same facts.

L. M. Witt testifies to same facts, and also that the soldier requires assistance to dress himself and to cut and prepare his food at the table, and requires an attendant nearly all the time.

John S. Wilson testifies to the same facts as the last witness.

The surgeon's certificate in this case shows that the soldier is not able to do any labor at all, and requires help in dressing and going about. Has to have his food cut for him at the table, and that there is a marked emaciation, and that the soldier will never be any better and that his disability will increase.

The record as a whole, we think, shows total disability, and the committee therefore recommend that the bill do pass, as amended by striking out the word "fifty" in line 6 and inserting in lieu thereof the word "forty."

The amendment was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. WITT.

Mr. WALKER. I call up for consideration the bill (H. R. 6908) granting a pension to William P. Witt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William P. Witt, late of Company B, Seventeenth Regiment of Kansas Volunteers.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6908) granting a pension to William P. Witt, submit the following report:

Claimant enlisted July 13, 1864, as sergeant of Company B, Seventeenth Regiment of Kansas Volunteers, for the term of one hundred days. Claim for pension rejected in the Pension Office because of claimant's inability to prove origin and connect present disability with service.

Claimant states that he was taken sick at Camp Curtis, near Leavenworth, Kans., with camp diarrhea. Two of his comrades testify to his sickness at Camp Curtis, and the physician who was called to treat him immediately on his return from the service states that he (claimant) was seized with liver complaint and yellow jaundice, with finally rheumatism supervening, and had quite a protracted and serious confinement for six weeks or more.

The board of examining surgeons at St. Joseph, Mo., under date of July 9, 1884, report claimant entitled to one-half rate of pension.

Your committee are of the opinion that soldier contracted the disease from which he now suffers while in the service of the United States and in the line of duty. He is clearly entitled to a pension, and we therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE THOMAS.

Mr. HENDERSON, of Iowa. I call up for consideration the bill (H. R. 159) granting a pension to Jane Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Mrs. Jane Thomas, of Dubuque, Iowa, an Army nurse, widow of Lewis A. Thomas, late quartermaster-sergeant of the Forty-sixth Regiment Iowa Infantry Volunteers, and that her pension be at the rate of $12 per month.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill (H. R. 159) granting a pension to Jane Thomas, respectfully report:

Mrs. Jane Thomas is the widow of Lewis A. Thomas, late quartermaster-sergeant of the Forty-sixth Regiment Iowa Volunteers. She served as an Army nurse in the late war, rendering earnest, faithful, and efficient service, and in that service lost her health, which she has never recovered.

Her husband died in 1882, leaving her without any means of support or any known relatives to whom she might apply for assistance. She is now seventy-three years of age, wholly incapacitated from earning her own living, and is maintained in the Iowa Home for the Friendless, at Dubuque, Iowa, of which institution she is an inmate.

Mrs. Annie Wittenmyer, who is widely known as the agent of the Christian Commission, says of Mrs. Thomas in an affidavit of recent date:

"She was active in securing hospital supplies throughout the war, and entered the service June 5, 1864, as nurse, and, in addition to other duties, superintended the special-diet kitchen of Adams United States Hospital at Memphis, Tenn. She continued in the service in Adams Hospital from June 5 till the following November. She was under my direct supervision in the special-diet kitchen work, under "special orders" of the War Department, to which attention is called. Mrs. Thomas rendered most faithful and acceptable service through the heat and hardships of the summer and until her health failed and she was obliged to return home in November, 1864."

The directors of said Home for the Friendless say:

"She was an earnest and untiring worker for the soldiers in camp and hospital, at home and in the field."

The facts above stated are also corroborated by the testimony and written statements of Drs. Staples and Boomer, late Army surgeons, and of a large number of most reputable citizens of Dubuque, Iowa.

Your committee recommend the passage of the bill, with an amendment striking out in lines 7 and 8 the words "that her pension be," and insert in place thereof the words "pay her a pension."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

IDA B. LINTHICUM.

Mr. ANDERSON, of Illinois. I call up for consideration the bill (H. R. 97) granting a pension to Ida B. Linthicum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ida B. Linthicum, of Quincy, Ill., daughter of John D. Linthicum, deceased, late a private in the One hundred and eighteenth Regiment Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The soldier, John D. Linthicum, enlisted in One hundred and eighteenth Illinois Volunteers, November, 1862, fought in seven battles, and came home sick in September, 1863, and was discharged for disability June 6, 1864, having become disabled from doing duty as a soldier from July, 1863, while in the service of the United States and in line of duty as a soldier, and he died May, 1865. His widow drew a pension until she married again, then the said Ida B. Linthicum drew a pension until she was sixteen years of age, when, under the law, the pension stopped. She now applies for a pension of $10 per month, what she had been drawing prior to the time she arrived at sixteen years of age; she was twelve years of age when her mother married the second time, and she is now twenty-four years of age.

It appears from the testimony of Dr. Byrd, her attending physician, that she is suffering from incurable posterior curvature of the spine, and that she has been so afflicted from her birth and will be a cripple for life, and is wholly unable to make a living and has no means of livelihood, and if she does not receive a pension will be an object of private charity.

The committee therefore recommend that this bill pass.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARBLE H. BAIRD.

Mr. PERKINS. I call up for consideration the bill (H. R. 782) granting a pension to Marble H. Baird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marble H. Baird, late of Company A, Eighth Regiment Illinois Cavalry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 782) granting a pension to Marble H. Baird, submit the following report:

This soldier enlisted August 30, 1861, in Company A, Eighth Illinois Cavalry, and was discharged March 5, 1862, for an injury to the wrist, which was admitted to have existed at the time of enlistment. In 1875 he filed an application for pension, alleging that in January, 1862, he received a rupture in the service. This application was rejected principally on the ground that the certificate of disability for which the soldier was discharged makes no mention of the hernia, and there is also some contradiction in the statement of the soldier as to the manner and time of incurrence of the disability. In one affidavit he testifies that he first received it in carrying logs of wood in camp near Alexandria. In a subsequent affidavit he alleges that he received it by being thrown from his horse in Washington.

The special examiner who investigated this case, in speaking of the conflicting testimony, says:

"His explanation of it is not altogether satisfactory, and yet it may be true. It will be noticed that the claimant avers that subsequent to the incurrence of the alleged rupture he rehurt himself, after which the alleged rupture gave him more trouble than formerly. Now, the conflicting testimony as to the time and place of the occurrence of said rupture can only be recognized upon the theory that those who testified to its incurrence at Alexandria could have had no knowledge of the injury at Washington, and that they confounded the aggravation and increase of the said rupture with its original incurrence. Upon the whole, I am inclined to the opinion that the claim is meritorious."

Dr. H. M. Crawford, James C. Baird, Adam S. Vanvast, I. D. Garton, J. B. Howells, John F. Farnsworth, Maj. William G. Conkling, P. G. Jennings, William R. Monroe all testify in the most positive terms to the soundness of claimant at the time he enlisted.

Col. John F. Farnsworth, Maj. William G. Conkling, both of the same regiment, Capt. P. G. Jennings and comrade William R. Monroe, of the same company, testify unqualifiedly as to his being injured by a fall from his horse. Some of them testify that they saw the bunch which they believed to be a rupture. The testimony as to his condition at time of discharge is also clear.

The examining surgeon at Independence, Kans., in 1875, describes the disability, which coincides with the evidence of the other witnesses in the case.

The examining board of surgeons in 1883 certified that he was entitled to a total rating.

After a careful and thorough examination of the mass of evidence submitted in the case your committee are forced to the conclusion that the soldier received the disability in the service, and therefore recommend the passage of the bill.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZA B. ANDERSON.

Mr. HOLMAN. Mr. Chairman, I ask unanimous consent to take up for present consideration the bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson.

The bill was read, as follows:

Be it enacted, etc., That Eliza B. Anderson, widow of the late Robert Anderson, a brigadier-general in the United States Army, shall be paid, from the passage of this act, for and during her natural life, a pension of $100 per month, in lieu of the pension now paid to her.

The committee recommend the adoption of the following amendments:

Strike out in lines 5 and 6 the words "during her natural life," and in line 6 strike out "one hundred" and insert "seventy-five."

Mr. HOLMAN. The report is quite brief, and I hope it will be read.

Mr. THOMPSON, of Ohio. I move that the reading of the report be dispensed with, and that the bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. Mr. Chairman, I have not been able to bring my mind to consent to the reduction recommended in this bill by the Committee on Pensions.

The bill was reported to the House by the gentleman from New Hampshire [Mr. GALLINGER], and I am sure he will not object to the sum named in the bill.

The original bill proposed to increase the present pension of Mrs. Anderson to $100 per month, but as reported by the Committee on Invalid Pensions it is fixed at only $75. I desire to be heard for a few moments in support of the original bill, unless there seems to be a unity of opinion on the part of the committee that the bill should be laid aside with the recommendation that it do pass at the rate of $100 a month.

Mr. THOMPSON, of Ohio. Let the bill be laid aside.

Mr. PERKINS. I think we ought to have the reading of the report, or an explanation of its provisions.

Mr. HOLMAN. If there is general consent that the pension shall be fixed at $100 a month, I shall not ask to occupy the attention of the committee; or if gentlemen prefer that the report should be read, I am perfectly willing.

Mr. PERKINS. I hope the gentleman will state briefly to the House what this bill is, so as to avoid the reading of a lengthy report.

Mr. HOLMAN. There is no fact, Mr. Chairman, of which I am possessed affecting this bill that is not a part of the history of this country. It would not be proper for me to say that the Government has not been in some degree mindful of the services rendered by General Robert Anderson to the country at the opening hours of the late war, or that it had not recognized in some degree the importance of his services.

Indeed, the country has done so. I ask that an act which was passed on the 10th day of June, 1872, which is very brief, may be read by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Eliza B. Anderson, widow of the late Maj. Gen. Robert Anderson, the sum of $10,000 in grateful recognition of that singular fidelity to public duty which inspired said Robert Anderson when a major in the United States Army, on the 26th day of December, 1860, without authority from the President, and in defiance of the wishes of the Secretary of War, to assume the grave responsibility of transferring his small command from Fort Moultrie to Fort Sumter, in Charleston Harbor, thereby incurring the double reproach from the Government of his country that he had acted without orders, and from the enemy of his country that he had "achieved the unenviable distinction of opening civil war," and at the same time placing himself under those hardships which wrecked his constitution and destroyed his life.

Mr. HOLMAN. Mr. Chairman, perhaps no better evidence could be furnished than this declaration of Congress of the fact that General Robert Anderson lost his life in the service and defense of his country.

General Anderson died soon after the close of the war, leaving a widow and three children—two daughters and one son. To the great grief of the mother, the son died at an early age.

Mrs. Anderson has lived in comparatively destitute circumstances, as I am informed, for a number of years past with her daughters. She is receiving now, it is proper for me to say, a pension of $50 a month. She received, of course, in the first instance a pension of $30, which was ultimately increased to $50 by special act of Congress; and so she is receiving now, and has received for several years past, $50 a month. The money granted to her by Congress under the act of 1872, to which I have referred, was entirely lost by an unfortunate investment made by a friend. I state that upon rumor and not as coming from Mrs. Anderson herself. However that may be, I am assured that she is dependent on the pension heretofore granted by Congress for the support of herself and daughters.

There was in this House a number of years ago one of the greatest characters that ever represented a constituency—General Clinch, of South Carolina. To illustrate his character: A very considerable claim in his favor, growing out of the Florida war, had been audited in his favor. It had been pending in Congress prior to his becoming a member. After becoming a member of the House, some special friend of his, supposing it would gratify General Clinch to do so, brought forward the bill in his behalf. The history of the times says that General Clinch resented this act of his friend with indignation. He thought it not becoming a representative of the people that while he held a seat in Congress any measure specially beneficial to him should be brought into that body for consideration. The measure was withdrawn and acted upon many years later, and a portion of that audited claim went to Mrs. Anderson, the only loyal member of his family, years later by an act of Congress. Mrs. Anderson was a daughter of this distinguished South Carolinian.

The family of General Clinch was at the commencement of the late war one of the most influential in South Carolina, and all involved in the Confederacy but Mrs. Anderson, who adhered like a loyal wife to her gallant husband and to her country.

Mr. Chairman, the circumstances under which General Anderson was placed in 1860 to my mind present one of the most interesting incidents of the history of the country, and present him in a character more striking and prominent than any of the great characters which the war for the Union brought on the stage of action and made illustrious. The declaration made in that act of Congress just read, as you all know, gentlemen, is in a certain sense somewhat partisan. The truth is that both parties, the Republican party which came in and the Democratic party which was going out, and the two great characters representing each party, Mr. Buchanan and Mr. Lincoln, shrank from being responsible for what all men feared would be and proved to be the opening of a terrible fratricidal war.

It is due to history, I think, to say that both of those great statesmen alike shrank from the responsibility of an act which might lead to war. I need not dwell upon the circumstances under which General Anderson, in October, 1860, with large social connections at the South and especially in South Carolina, was sent to Charleston Harbor. The fact, however, is he was sent there. It was charged upon him by the South, and the North for the time hardly had the manhood to deny it, that the act by which he removed his troops from their defenseless position at Fort Moultrie to the comparatively strong post of Fort Sumter was, in itself, an act of war, yet as a loyal soldier he could do nothing else; but it is certain that General Anderson's act on that occasion—denounced on the one side, with no voice for a time in its defense raised on the other either here at the capital or throughout the country—on the whole is one of the most satisfactory events of the fearful struggle, and is now a source of satisfaction to the South as well as to the North, for the loyal prudence of his conduct left no ground for charging aggression on the part of the Government.

If he had shrunk from the post of duty and evacuated that fort, or remained in a position that was indefensible, instead of doing the best he could to defend the flag and honor of his country, the South and the North would alike feel to-day that the nation was in the beginning humiliated. It would have been a fearful blot on our history. Harassed on the one side, unsupported on the other, the representatives of the South demanding the surrender, he gave utterance to the declaration that he never would surrender that fort till it could be done with honor to his country. Till it could be so done, he declared that rather than abandon it he would be buried beneath its shapeless ruins. Those words rang through the land and inspired that heroism which was later displayed and saved the Union.

Those great generals of great and prolonged command, of whom the whole nation is proud, were placed under different circumstances. However much we may admire their heroism and devotion to country, we know that they were buoyed up on all sides; the sympathies, encouragement, and admiration of the whole people of the North gathered around their great commanding officers, and the eyes of the people, not only in the North but in the South and of the civilized world, were upon them. There was everything to uphold and sustain them. But here was a general, standing solitary and alone, apparently without the support of his Government on the one side, and denounced by the other; with the fear in his heart that he might be the cause of precipitating his country into a bloody fraternal war. This was the awful position in which he was placed. I submit there is nothing in the whole line of our history which furnishes an instance of greater devotion to country in more embarrassing circumstances than was displayed by General Anderson. The prudence, patriotism, and fortitude displayed have no parallel in our history, all facts considered.

A moment ago I went into the Library. I looked for a notice of the life of Robert Anderson, and happily I found this, the first utterance that fell upon his ears to show him that the people of the United States had not entirely forgotton the fearful perils by which he was surrounded. I ask the Clerk to read the resolution.

The Clerk read as follows:

Resolved, That we fully approve the bold and patriotic act of Major Anderson in withdrawing from Fort Moultrie to Fort Sumter, and of the determination of the President to maintain that fearless officer in his present position; and that we will support the President in all constitutional measures to enforce the laws and preserve the Union.

Mr. HOLMAN. That resolution was submitted to the House of Representatives on the 7th January, 1861, by Mr. Adrian, of New Jersey. It was adopted by a yea-and-nay vote. And I may perhaps be pardoned for saying, after this lapse of twenty-seven years, I felt the glow of pride in seeing my name recorded in the affirmative. The resolution was adopted by a vote of yeas 125, nays 56. According to my information of the history of that period that resolution when it reached General Anderson's ear, before the fall of Fort Sumter, was the first information he had that the masses of the American people were standing by him. We can understand the difficulty of the position which he then occupied before the country.

There must have been pressing fearfully upon his mind the responsibility which rested upon him when he was to be the instrument unwillingly of plunging the nation into war. The very step from which both the great men representing their respective parties—the one going out of power and the other coming in—shrunk, General Anderson was compelled to take; and yet he neither compromised the honor of his Government nor furnished an excuse for war.

I have, sir, but a few additional words to say, and I have always favored equality in pensions of those who defended the Union. We have been, however, in the custom, during the war and since the war, up to this time, of enlarging pensions beyond the amount established by the regular statute, whenever by distinguished services such an increase of the amount seemed to be a proper recognition by the nation of those services. Here is something more than that. Here is a case of a general whose services were certainly as valuable to this nation as those of any other, who displayed a patriotism under embarrassing conditions unsurpassed; and also forbearance and prudence in conduct which prevented this great Government of ours from being responsible for that war, while at the same time in circumstances calling loudly upon the National Government for help.

Under these circumstances is not this in truth an exceptional case? Should there be a moment's hesitation? The very fact that General Anderson, broken in health, mind, and body by the perils of that period, could make no greater record in later years is an argument in behalf of his family. General Anderson's was not a prolonged record, but a great one, and without a parallel. It will not arrest the attention of the historian as will the imposing records which were made later in the great struggle by great generals who will occupy a commanding place in all future history, but an instance of exalted patriotic devotion occupying only a short period, yet sufficient to use up the great energies of a great life, as declared by Congress in the act of 1872, which has been read.

Therefore, Mr. Chairman, in behalf of the widow of General Robert Anderson, and in behalf of his daughter, I ask the committee to grant a pension in this case of $100 per month.

Mr. THOMPSON, of Ohio. Mr. Chairman, I agree with the gentleman from Indiana [Mr. HOLMAN] that this bill ought to pass, and I hope, sir, that it will be made a precedent here, and I speak that with all the significance that can attach to it. I say I hope this bill will be passed, and that it will be made a precedent for other bills that are to follow. General Robert Anderson deserved well of his country, and those who represent him to-day should have the kind consideration of the Congress and the people of the United States.

General Anderson's service was rendered at a time when it was hard to tell who was loyal and who was not. At that critical time Robert Anderson, understanding his duty as a soldier, stood fast, held the fort, kept the oath he had taken, was true to the Union, and the stand that he took in that crisis had a very important influence upon the course of the subsequent conflict between the States. I do not regard—I say this in no disparagement of him—I do not regard Robert Anderson as one of the great fighting soldiers of the Union, but I do recognize him as a true Union man, who at a critical period in the history of his country was true to his flag, and who, in that hot-bed of secession, Charleston, S. C., asserted and maintained the principles for which we afterwards fought. I favor this bill, Mr. Chairman, and hope it will pass.

Mr. HOLMAN. Without the amendment?

Mr. THOMPSON, of Ohio. What is the amendment?

Mr. HOLMAN. The amendment is to reduce the amount to $75 a month.

Mr. THOMPSON, of Ohio. What was the original amount?

Mr. HOLMAN. One hundred dollars per month.

Mr. THOMPSON, of Ohio. I should not oppose the bill as it stood originally. I am in favor of it. I hold, Mr. Chairman, that distinguished services should receive special recognition here. I understand very well that there were many poor soldiers who did all they could and who are to-day suffering, and that the widows and children of others who died on the battle-field are suffering. They, too, should have recognition here, but without putting aside their claims at all I say that I am willing to recognize distinguished service rendered at a critical time. Men like Robert Anderson should have proper recognition here, and men like John A. Logan should have proper recognition at the hands of Congress and the people. We ought to mark by our public recognition the value of the examples set by such men in order that they may be handed down for the guidance of future generations. I trust that this bill will pass.

Mr. ANDERSON, of Illinois. I would like to ask the gentleman a question. [Cries of "Vote!" "Vote!"]

Mr. NELSON. Mr. Chairman, I would inquire whether we are not proceeding under the five-minute rule?

Mr. ANDERSON, of Illinois. I want to ask the gentleman a question. The Committee of the Whole has just recommended the passage of a bill allowing a pension of $10 a month to a little deformed child, the orphan of a soldier who fought in seven battles and was killed in battle. His daughter is left alone, without any support except the paltry pension that we have voted her here. Why does the gentleman make a distinction between the widow of that private soldier and the widow of a general?

Mr. THOMPSON, of Ohio. I agree with you in all you say, but I do not understand why you interrupt me. [Laughter.]

Mr. ANDERSON, of Illinois. I want to know on what platform or on what foundation you place the distinction between the widow of General Anderson and the deformed orphan child of a man who fought as nobly and who died in the service of his country?

Mr. THOMPSON, of Ohio. I will vote for a pension in such a case every time [laughter]; but I say that General Robert Anderson rendered distinguished service at a critical period in the history of his country, and that that distinguished service should have proper recognition without reference to the services of men who came after him in the war. He was true at a time when it was important to his country that men should be true.

The CHAIRMAN. The first question is upon the first amendment reported by the committee, to strike out the words "during her natural life."

The amendment was agreed to.

The CHAIRMAN. The next question is upon the amendment to strike out "one hundred" and insert "seventy-five."

The amendment was rejected.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY O. GRAY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 6586) granting a pension to Nancy O. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy O. Gray, widow of Wilson Gray, late of Company C, Eighteenth New Hampshire Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

Wilson Gray, late of Company C, Eighteenth New Hampshire Volunteers, was pensioned for shell-wound of back, chronic diarrhea, rheumatism, and dislocation of right elbow, and died of so-called typhoid pneumonia, June 29, 1884. Soldier's widow, the claimant under this bill, applied for pension, which was rejected on the ground that soldier's death was not due to any of the disabilities, nor all of them combined, for which soldier was pensioned.

It is certainly fair to presume that disabilities such as this soldier was pensioned for, existing for twenty years or more, gradually undermining the constitution, necessarily and inevitably predisposed the system to attacks of acute disease, especially of an inflammatory nature. On this point Dr. C. W. Hanson, of Northwood Ridge, N. H., who treated soldier in his fatal sickness, testifies as follows:

"I knew Wilson Gray for about twenty years prior to his death, and did not consider him a strong or healthy man. I was called to treat him June 15, 1884, and found him suffering from typhoid pneumonia, raising very dark or prune-colored sputa, with pain in right lung, fever and tympanitic condition of bowels. These symptoms were soon followed by delirium and diarrhea, from which he died June 20. I have been accustomed to treat pneumonia in this locality for twenty-five years, but have met with this type of the disease only in the aged or those whose systems were broken down by previous disease or some debilitating cause, and I am of opinion that the chronic diarrhea which said soldier contracted while in the Army contributed largely in causing his death."

The claimant, as it appears from testimony filed with the committee, is in destitute circumstances and impaired health, with several children dependent upon her for support.

Your committee being of opinion that there is a strong probability that soldier's pensionable disabilities had much to do with inducing the fatal attack—which fatal disease rarely attacks any but those whose systems are debilitated by other ailments—report the bill back, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. BRIMMER.

Mr. GREENMAN. I ask unanimous consent for the present consideration of the bill (H. R. 5247) granting a pension to William H. Brimmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Brimmer, of Stephentown, N. Y., late a private in Company K, Twenty-first Regiment of New York Cavalry Volunteers, at the rate of $12 per month, commencing at the date of his discharge, on the 30th day of May, 1865.

The report (by Mr. SAWYER) was read, as follows:

That the soldier, William H. Brimmer, enlisted in Company K, Twenty-first New York Cavalry, September 5, 1864, and was discharged May 30, 1865, by general order.

In his affidavit he states that at the time of his enlistment he was a sound, robust, and healthy man, and able to perform any kind of manual labor. On his enlistment he was examined and received after said examination. That while in the service, and while at Cumberland Gap, he was detailed with others to carry sacks of corn delivered at regimental headquarters to his company; that this carrying caused a weakness in his bowels, accompanied with much pain, which has since continued, progressing until it has developed into hernia.

That he was not treated while in the service, although the difficulty and pain continued.

That he was not aware of the hernia until afterwards.

That he was treated for this difficulty by Dr. Dickinson, who died in January, 1878; that afterwards he was treated by Dr. Charles N. Reynolds, who pronounced it a case of hernia, not then fully developed.

That his application for a pension has been rejected at the Pension Office for the reason that he has been unable to furnish the evidence as to the origin of disability, as required by the rules of that office.

Dr. Charles N. Reynolds testifies that he is a physician, and has known the soldier for about ten years. He further says:

"Some time in the year 1880 or 1881 William H. Brimmer consulted me about a trouble with his side and groin, complaining of great pains and tenderness in the right groin, spreading from thence over more or less of the right side; shooting pains into the back, followed by weakness, trembling, and faintness, and occasionally nausea, the attacks coming on very suddenly and at any time, necessitating his sitting or lying down wherever he might be at the time. On examination I came to the conclusion that Mr. Brimmer was suffering from an incomplete oblique inguinal hernia. Mr. Brimmer seemed somewhat to doubt the conclusion, saying the symptoms he now presented were the same he had experienced while in the Army and at intervals ever since, the only difference, if any, being in point of severity and frequency. But the correctness of the diagnosis was fully demonstrated in two or three months by a protrusion of the sac through the external ring. Mr. Brimmer is obliged to wear a truss all of the time, and has been since it first came down. For the seven or eight years past it has entirely prevented his following his work of turning or standing at the saw."

Lawrence Luvey states in his affidavit that he was a private in Company E, in the same regiment to which Brimmer belonged; that he was well acquainted with him before his enlistment. That he was then "a strong, healthy man, and free from any rupture." That they were often required to carry large sacks of corn from the regimental headquarters to the company headquarters. That since his (affiant's) discharge in 1865 he has lived near Brimmer and seen him about every day; that when he first came home in 1865 Brimmer was complaining of a weakness in his right groin, and at times when he (affiant) was at work for firm to which Brimmer belonged, he (Brimmer) would be obliged to stop work and lie down and rest until the pain would somewhat cease, and that Brimmer at that time said he had had this same difficulty about him since they were compelled to carry corn at Cumberland Gap.

Ezra B. Chase testifies that he has been a partner in business with Brimmer since April 1, 1866, and worked with him most of the time, and describes the existence of this difficulty from that time ever since, its growing worse, and resulting in the wearing of a truss.

The wife of Brimmer, who was married to him before his enlistment, testifies that before his enlistment he was a sound, healthy man, free from any rupture; that on his return from the Army he complained of soreness and weakness in his right groin, rendering him at times unable to do anything; that this continued growing worse until it developed into an open rupture and rendered a truss necessary.

The high character of Brimmer is certified by the member of Congress introducing the bill.

The evidence satisfies the committee that the hernia which the soldier now has had its origin in the line of duty while in the Army, and although he may be unable to furnish the evidence required by the rules and practice of the Pension Office he is entitled to relief, and therefore recommend that the bill do pass with the following amendment:

Strike out all after the word "volunteers" in the eighth line thereof.

The amendment reported by the committee, to strike out at the end of the bill the words "at the rate of $12 per month, commencing at the date of his discharge on the 30th day of May, 1865," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee now rise. [Cries of "Oh, no!"]

The motion was not agreed to.

MAHALA ROBBINS.

Mr. GEAR. I ask for the consideration at this time of the bill (H. R. 2177) granting a pension to Mahala Robbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, instructed to place on the pension-roll the name of Mahala Robbins, of Keokuk, Iowa, dependent mother of Caleb Harmon, deceased, late a private in Company H, Fifty-sixth Regiment of United States Colored Troops, and pay her a pension, subject to the provisions and limitations of the pension law.

The report (by Mr. SPOONER) was read, as follows:

Mahala Robbins is the mother of Caleb Hamone, otherwise known as Caleb Hammond, who was a private in Company H, Fifty-sixth Regiment of United States Colored Troops. Both mother and son were slaves. The son enlisted in said company and regiment June 18, 1863, he then being about nineteen years of age. He died in the service, at Jefferson Barracks, Mo., of cholera, August 17, 1866, unmarried, and leaving no children.

The application of the mother for pension was rejected on the ground "that the evidence is insufficient to show that the soldier contributed to or recognized his obligations to aid in the support of the claimant;" and the question therefore in the case is as to the dependence of the mother.

It appears from the evidence that prior to the soldier's enlistment both the mother and the son lived with and labored for their "master," who received the results of their labor and earnings; that after the son's enlistment his mother apparently continued to maintain substantially the same relations with her master as previously; that she actually received no contributions towards her support from her said son, though he wrote her from the Army three letters, one of which is on file in the case, the others (as testified by claimant) having been destroyed—one, she thinks, by her master, and the other by herself, so that her "master would not get to see it."

In the letter on file, dated in June, 1864, the soldier addresses claimant as "dear mother," and subscribes himself "your dutiful son;" writes of his desire for a furlough "to come home," and of the pay of colored soldiers being raised to the same as the pay of the white soldiers.

The claim was referred to a special examiner of the Pension Office in 1887, by whom the depositions of claimaint and other witnesses were taken and an examination of facts made.

He reported the claimant to be "quite feeble in both mind and body, and is of good repute for truth, as far as her memory serves her," and expressed his belief that the claim was meritorious.

In her testimony before the special examiner she says: "Caleb said in one letter to me that he would send me money, but he was afraid that I would not get it. He was afraid that our master would get the money;" also that "my boy always said that he would come home and help to take care of me after the war, and I believe he would do so, too, for he was such a good boy to me." Arge Washington, a policeman in the city of Keokuk, Iowa, whose good reputation is certified to by said examiner, who was acquainted with the soldier in the service, testified that at Helena, Ark., in 1864, the soldier told him "that he had sent his mother some money."

The claimant is upwards of ninety years of age, very poor and feeble, and utterly dependent upon others for her support. The soldier was her only son, to whom she may well have looked, as she did, for support in her old age. Your committee think the fact of dependence sufficiently established to justify the granting of pension, and recommend the passage of the bill with an amendment striking out "Harmon," in line 5 of the bill, and inserting in place thereof "Hamone, otherwise known as Caleb Hammond."

The amendment of the committee to strike out after "Caleb," in line 5, the word "Harmon" and insert "Hamone, otherwise known as Caleb Hammond," was read and agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

MARY DULL.

Mr. LANE. I ask unanimous consent for the consideration of the bill (H. R. 3488) granting a pension to Mary Dull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Dull, late of Company —, Ninety-seventh Regiment of Illinois Volunteers.

The report (by Mr. LANE) was read as follows:

The petition in this case shows that Mary Dull was a nurse in the Army from October 15, 1862, for about two years, and was with the Ninety-seventh Regiment Illinois Volunteers, from Covington, Ky., on their march through Kentucky and Tennessee, and that she rendered valuable services to the Government by attending to the sick of said regiment and washing for the soldiers, and was a nurse in the convalescent camp at Fort Pickering, at Memphis, Tenn., from January, 1863, to January, 1864, and that she received no compensation from the Government for such services; that she is now sixty-one years of age and in very poor health. She has rheumatism from exposure while in the service, so that she is unable to work, and she has no means of support; that her husband is seventy years of age, and is paralyzed and unable to do any work, and that he was also a soldier in the civil war, and that she has no other family, and that she is now in very needy circumstances, and she asks a pension of $16 per month.

The facts above stated are fully proven by the affidavits of at least eleven witnesses, which affidavits are now on file with the committee. The parties who make these affidavits, most of them, were soldiers whom this woman nursed in the Army, and some of them claim that she was the means of saving their lives. In view of the peculiar facts of this case, the committee recommend that said Mary Dull receive a pension of $16 per month, and that the bill be so amended, and as so amended that the same do pass.

The amendments reported by the committee were read, as follows:

In line 6, insert after the word "late" the word "nurse."
In the same line strike out the word "company."
At the end of the bill add "and pay her a pension of $16 per month."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

KELSEY CURTIS.

Mr. LIND. I ask for the present consideration of the bill (H. R. 3183) for the relief of Kelsey Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Kelsey Curtis, formerly of Company H, Fourteenth Regiment Illinois Cavalry State Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The claimant in this case was private in Company H, Fourteenth Illinois Cavalry, enlisting March 17, 1865, and was discharged on the 31st of July, 1865. In his application for a pension he alleges that he incurred rupture of the left side caused by heavy lifting in loading rations. The claim was rejected on the ground that the evidence now on file does not establish title to pension on account of cause alleged. There seems to be no hospital record in this case, and claimant declares inability to furnish medical testimony on account of the death of his family physician.

Peter Brant and Andrew Samuelson both testify positively that claimant was sound at time of enlistment. The latter says that he went into the Army with claimant, was with him in the room when they were examined, and that claimant was pronounced sound by the examining surgeon, and that no rupture of the left side existed at that time.

Charles W. Munn, orderly sergeant of the company, testifies that about July 10, 1865, he made a detail to go to Pulaski to help load rations; that Kelsey Curtis was one of the men detailed, and that while loading rations he hurt himself and returned to camp very sick.

"Told me that he had hurt himself very badly and was suffering very much from pain in the lower part of the bowels; he requested me to go to the surgeon and get him something to relieve him. I went and saw Dr. Wilkins; he gave me medicine which I delivered to Curtis. After that Curtis was not able to do duty until the time he was mustered out, which was the 30th of July; this was the last time I saw him, and know nothing from that time."

Darling Welsh and Henry C. Chase testify to an intimate acquaintance with Curtis before and after his enlistment, and that at the time of his return from the Army he was suffering with rupture.

Dr. R. O. Craig testifies that he became acquainted with claimant in 1869, and found him then totally unfitted for manual labor.

The examing surgeon of Waseca, Minn., in 1881, describes the disability particularly, and rates him at one-half total.

The witnesses in this case seem to be reliable, and nothing appears in the papers to cast any doubt upon any of the evidence.

Your committee feel that there can be little doubt that the disability was incurred in the service and in the line of duty, and that the soldier ought to be placed upon the pension-roll.

They therefore report favorably and recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

JAMES A. HALEY.

Mr. THOMPSON, of Ohio. I call up for present consideration the bill (H. R. 509) granting a pension to James A. Haley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James A. Haley, late of Thomas Caldwell's Company of West Virginia Scouts, in the war of 1861.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

That said James A. Haley, on the 1st day of August, 1862, enlisted in Capt. Thomas Caldwell's Company of West Virginia Scouts, a State organization loyal to the Union; that on the 15th day of August, 1862, while engaged with his said company in scouting in Wayne County, West Virginia, they were fired upon by the rebels, and he received a gunshot wound through his right arm; that afterwards, on the 8th day of June, 1863, he was enrolled in Company B, Forty-fifth Kentucky Mounted Infantry Volunteers, in the service of the United States, and was mustered out of said service with his company on the 24th day of December, 1864; that after his enlistment in said last-named organization he was admitted to the regimental hospital and there treated for his said wound; that on the 17th day of May, 1880, he applied for a pension because of physical disability resulting from said wound, and that on the 14th day of December, 1882, his application was rejected on the ground that the organization to which he belonged at the time of the incurrence of the wound was not in the service of the United States.

It was clearly shown to the Pension Bureau that claimant was permanently disabled by said wound in a very considerable degree; and in view of the fact that the wound was received in battle, and that the soldier afterwards enlisted in the service of the United States, your committee are of the opinion that he should be pensioned, notwithstanding the fact that he was not in the service of the United States at the time of the incurrence of the wound, and do therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH J. HASCALL.

Mr. MOFFITT. I ask for the present consideration of the bill (H. R. 5911) granting a pension to Elizabeth J. Hascall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Elizabeth J. Hascall, widow of Bailey Hascall, late acting assistant paymaster of the United States Navy during the late war of the rebellion.

The report (by Mr. SAWYER) was read, as follows:

Elizabeth J. Hascall is the widow of Bailey Hascall, late acting assistant paymaster, United States Navy, who died March 10, 1887, of disease of lungs. He was pensioned under the provisions of a special act, approved June 24, 1886, for rheumatism, fistula in ano, and disease of lungs, at the rate of $30 per month. The report of the Committee on Invalid Pensions of the Forty-ninth Congress so fully sets forth all the facts that your committee deem it proper to make it part of this report. It is as follows:

"The evidence on file in the Pension Department shows that the claimant was appointed acting assistant paymaster in the United States Navy June 30, 1862, and was discharged September 9, 1865. The following is a summary of the services, exposures, and sufferings of claimant while in the service:

"August 7, 1862, reported to Rear-Admiral Du Pont for duty on board the

United States gunboat Madgie and did duty on her from that date to October 11, 1863; she was acting as a blockader and picket-boat in the marshes and inland channels and rivers of Georgia and South Carolina; before that she had been condemned as unseaworthy by a board of survey, and was twice so condemned while he was on duty on her, her boilers and flues continuously bursting; her hull was water-soaked and leaky, requiring constant pumping; the rain came through her deck in the officers' quarters and wet their berths and the living-rooms occupied by twelve of the officers, including the claimant, the room being 8 feet by 14 feet in size, and located directly over the furnaces and in the rear of the engine. While in her the claimant was constantly exposed to dampness and the malaria of the marshes. This boat foundered October 11, 1863, the officers and men escaping in small boats and being taken to Hampton Roads. This exposure to dampness and malaria brought on rheumatism.

"In January, 1864, he reported for duty on board the steamer Chenango. In April, 1864, in New York Harbor, the boilers of the steamer exploded. The chief engineer and three other officers were scalded to death. The exertions of the claimant in caring for his dying friends and the shock of the explosion brought on nervous debility, which resulted in sciatic rheumatism, abhorrence of food, inability to sleep, and general prostration. After being cared for awhile on shipboard, he was carried to the house of a friend in Brooklyn. While on the Chenango Asst. Surg. D. P. Goodhue, of New Hampshire, attended him.

"In August, 1864, and before he was fully recovered, he was ordered to take charge of stores on board of the chartered steamer Aphrodite, bound to the Gulf of Mexico. On the second voyage of that vessel she was wrecked at Cape Lookout, North Carolina; and was a total wreck. Twenty men were drowned and missing. The claimant and others saved from the wreck were landed on a barren, sandy island, exposed to the weather, which was then stormy and cold, with very little food and no fuel for six days. They were then taken off in lighters, each containing from seventy to eighty men, through the channel to the fleet then at Beaufort, a trip lasting twenty-four hours, in the midst of a heavy rain, with no covering over them, and so crowded that there was not even room to sit down.

"He was then transferred to the United States steam-ship Mercedita, and was ordered to begin transferring men to Admiral Farragut's squadron. This continued about thirty days, when, by proper orders, he reported for duty at the Brooklyn navy-yard, where he was directed to take charge of the payment of bounty to the enlisted seamen, paying large sums of money—sometimes as much as $150,000 in a day—until at last, in consequence of his sickness and debility, occasioned by his exposure, he was compelled to and did resign.

"The fact that the claimant was in good health at the time of his appointment to his position in the Navy is very clearly shown, especially by the affidavit of William A. Wheeler, late Vice-President of the United States, who states in his affidavit that he had known the claimant from his birth; that at the time of his appointment to the Navy he was to every appearance in perfect health; that in the spring or summer of 1864 he, accompanied by his clerk, returned to Malone, the home of said claimant and said Wheeler, and remained there several weeks. He was then very feeble and almost helpless, having lost flesh, appetite, and strength; that there has been a steady decline in his health and strength, and that the claimant has never been a well man since said explosion; that for several years he has had frequent hemorrhages of the lungs, and is now poor, and is supported by the labor of his wife.

"Dr. James R. Bird, a physician of Brooklyn, testified in October last that he had known claimant for eighteen years; that prior to 1868 he prescribed for him for rheumatism; that in 1870 he began treating him for rheumatism; in 1878 he performed a severe operation for fistula, and that he has been suffering from rheumatism, piles, and malaria continuously—rheumatism and piles off and on, and malaria all the time. The affiant then speaks of the claimant having a disease of the lungs, and when asked by the examiner about the present condition of the claimant arising from his service in the war, states that he has no doubt but that it is the result of exposure, etc., arising from his services in the war.

"Dr. Goodhue, who was acting assistant surgeon on the Chenango at the time of the explosion of the boiler, states that the claimant was immediately afterwards prostrated by the shock to his nervous system and what appeared to be sciatica, so that he was confined to his bed, and that after treating him five or six days he took him to the house of a friend in Brooklyn; that since that time he has known nothing of claimant.

"George W. Paschal, the special examiner, who took nearly sixty pages of testimony in this case, in his report says:

"'That the claimant is simply existing at the present time (October, 1885). He is entirely unable to make the least exertion. The claimant is a gentleman of education and of the best family connection in Northern New York. His life-long reputation for integrity and scrupulous probity is exceptionally good. All the parties testifying and connected with the case are of excellent repute and standing. The claim is scrupulously free from any suspicion of being a made-up case. The sole question is one of medical decision.

"'That the history of his case as given by the claimant himself is true, I have no doubt. Nor have I any doubt about the claim being meritorious and worthy of admission.'

"The claim was rejected at the Pension Office solely on the ground that there was not sufficient evidence tracing the present disability of the claimant as a result of service.

"The committee, after carefully examining the voluminous evidence in the case, think that while there may not be sufficient evidence to comply with the rules of the Department, the claim is a just and meritorious one, and they therefore recommend that the bill pass.

"We do this more confidently from the fact that the Commissioner of Pensions, in a letter of the date of April 1, 1886, to the chairman of this committee, recommends that this be done."

The claim of the widow was likewise rejected on the ground of insufficiency of evidence to connect death-cause with the service.

The merits of the claim of the officer having been fully determined by the last Congress after a careful consideration of the evidence presented and the recommendations made by the Commissioner of Pensions, your committee, in view of the further fact that said officer died of one of the disabilities thus recognized as chargeable to his service in the Navy of the United States, unhesitatingly report favorably on the accompanying bill for the relief of his widow, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH DRISKILL.

Mr. YODER. I call up for present consideration the bill (H. R. 5829) for the relief of Joseph Driskill.

The bill was read, as follows:

Whereas Joseph Driskill, on or about October 12, 1861, enlisted in Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, and performed his duty as a faithful soldier until July 22, 1864, when he was captured near Atlanta, Ga., and sent a prisoner to Andersonville, where he suffered great privations; and being, as he believed, in danger of losing his life there, he availed himself of what he supposed was an opportunity to make his escape by pretending to enlist in the Confederate service, which took him out of prison for the time being; that he never actually bore arms, and that soon afterward he made his escape and endeavored to get back to his own company again in the Union Army, but was recaptured and sent to Macon, Ga., where he was at the time Macon was captured by the Union troops, when he was assigned to duty in Company C, Fifth Ohio Cavalry, where he again served faithfully until he was sent to Hilton Head and thence to New York, where he was honorably discharged; that during his hard service his sight was very much affected, and having applied for a pension it was rejected because of this apparent connection of his with the Confederate enlisting officer, notwithstanding his faithful services before and after his imprisonment and the fact that he had received an honorable discharge: Now, therefore,

Be it enacted, etc., That Joseph Driskill, late a soldier in Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, be, and he is hereby, relieved from all charges of desertion or of giving aid and comfort to the enemy during the late war of the rebellion, and that the Commissioner of Pension be, and he is hereby, authorized to reopen said application of said Joseph Driskill for pension, and that he ignore the aforesaid charges of misconduct against said Driskill, so that they be not used against him.

The report (by Mr. YODER) was read, as follows:

Joseph Driskill, now of Clinton County, Ohio, was a soldier during the late war, having enlisted on the 12th day of October, 1861, in Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, for three years or during the war. He discharged his duties faithfully under many vicissitudes, having suffered much from sickness, but performed his duty whenever it was possible for him to do so. He was with his regiment in Sherman's campaign, which finally resulted in the capture of Atlanta, Ga.

In the battle of July 22, 1864, in front of Atlanta, he was captured by the enemy and sent a prisoner to Andersonville, and he was kept a prisoner until April 22, 1865. The sufferings of the prisoners at that place have become a matter of history. Driskill was exposed to all the hardships the prisoners had to submit to, and besides being nearly starved he contracted a disease of the eyes. He believed that he would die there. He became desperate, and was willing to resort to anything which might promise him a chance to get back to his regiment and save his life.

According to his own statement, which is no doubt truthful, he thought he saw an opportunity to get away when a Confederate recruiting officer came to the prison there to get recruits for the Confederate service. He says that he told them they might use his name, but he denies that he took any oath to support the Confederacy, or that he ever bore arms in the Confederate service. On the contrary, he says when they informed him that he must either do that or go back to prison he attempted to make his escape, and actually jumped off a railroad car while in motion, but that in a few days afterwards he was recaptured by the Confederates and sent a prisoner to Macon, Ga., where he was held in custody until released by General Wilson, who captured the place and assigned him to duty with the Fifth Ohio Cavalry, where he continued until the close of the war, which was only a short time after, and was sent by way of Savannah and Hilton Head to New York, where he was mustered out of the service. This is the story substantially told by him, and there is nothing in the evidence or in the papers on file to contradict it.

The records show that he was captured by the Confederates July 22, 1864. The reports on the muster-rolls, as given by the Adjutant-General in his letters to the Pension Office of August 15, 1876; January 19, 1878, and March 2, 1878, evidently contain errors. The first one, that of August 15, 1876, gives the company muster-rolls for July and August, which report Driskill "absent, taken prisoner before Atlanta;" while that for March and April, 1865, report "present on detached service."

Adjutant-General's letter of January 19, 1878, reports Driskill on detached service in March and April, 1865; that July was the last report of the company, and reports him "absent on detached service."

The Adjutant-General's letter of March 2, 1878, reports Driskill present March and April, 1865, with a remark "on detached service." August 7, 1879, the Adjutant-General makes substantially the same statement, and also that Driskill was mustered out of the service in New York City September 8, 1865, with the remark, "prisoner of war from July 22, 1864, to April 22, 1865."

The Confederate records of Andersonville report J. B. Driscall, Company I, Fifty-fourth Ohio, "transferred to Colonel O'Niell January 23, 1865."

Now, it will be seen that there is great confusion in these reports. Driskill is reported captured July 22, 1864, and present with his company in March and April, 1865, but on detached service, while in truth and in fact he was a prisoner at Andersonville.

There is nothing whatever to show that Driskill committed any disloyal act. He performed his duty as a soldier faithfully, and never deserted. There is no charge of desertion against him. There is no charge that he ever failed to do his duty while with his company and regiment, or any assigned duty with another company and another regiment. He was taken prisoner in one of the desperate battles at Atlanta, and he was found a prisoner when General Wilson captured Macon. During this time there is nothing whatever to show that he was anything else but a prisoner or regarded in any other light, except what he tells himself about his scheme to escape.

Now, who can blame him? Who, with starvation, disease, and death staring him in the face would not have made an effort to get away from it? The effort he made was entirely justifiable, and the fact that he was willing at once to go to duty corroborates his statement that his purpose when he agreed to go with Colonel O'Niell was that he might make his escape and get back to his own command.

The Confederate records report that he was transferred to Colonel O'Niell, but for what purpose is not stated, nor would it have been known perhaps had not the soldier honestly told all about the affair.

He has, in consequence of the loss of his eye-sight, asked for a pension, but the Pension Office has refused it because of the fact of his effort to escape from a Confederate prison. There is no other charge against him, and there will be no other, and it would seem that this is rather straining the law to reject his application. He did not desert; he did not bear arms against his country; he did not in fact give aid and comfort to the enemy; but he did, for the purpose of getting back to his own people, pretend that he would go into the enemy's service, and then at the first opportunity deserted from them. Can any one imagine a stronger case of devotion? He had good reason to believe that if he remained at Andersonville he would lose his life. He devised a scheme by which he hoped to escape.

This scheme was as justifiable as was that of the prisoners who burrowed out of the walls of Libby Prison in Richmond, or those who went out through a sewer from the prison at Columbus, Ohio. Such acts are always justifiable on the part of prisoners. The enemy who hold them as prisoners might punish them for their efforts to escape if caught, but certainly it is not for their own people to call them to account because they made the effort to get back to them.

Driskill now asks Congress to remove this difficulty from the path of the Pension Office so that he may get a pension that may solace him in his old age. The hardships he endured while in the service caused him to lose the sight of one eye entirely and the other is very near gone, so much so that he requires some one to lead him about constantly. The rule of the Pension Office as applied in his case has been a very harsh one. He was a faithful soldier, and his only misfortune was that he made an effort to get back to his own army. Had he remained there perhaps he might have died, but had he not died there would have

been no question raised against him by the Pension Office; but the very fact that he endeavored to get away and get back is construed into a crime.

He earnestly and respectfully requests Congress to give him the necessary relief.

After a careful consideration of the evidence in this case, your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the bill and ask that it do pass, amended, however, by striking out all after the title of the bill and including the word "therefor" preceding the enacting clause.

The amendment reported by the committee to strike out the preamble was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RICHARDSON having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the special order, had directed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2806) to increase the pension of James Woody;
A bill (H. R. 5228) granting a pension to Clara M. Flanders;
A bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley;
A bill (H. R. 459) for the relief of Elvira Cooper;
A bill (H. R. 122) for the relief of Julia A. Darrell;
A bill (H. R. 893) granting a pension to Julia Stokes;
A bill (H. R. 421) granting a pension to Rufus Squire;
A bill (H. R. 499) granting a pension to Catharine Maxwell;
A bill (H. R. 5236) granting an increase of pension to Mary K. Taylor;
A bill (H. R. 5844) to increase the pension of William Clark;
A bill (H. R. 4655) granting a pension to Mary J. Francis;
A bill (H. R. 416) granting a pension to Thomas H. Aulls;
A bill (H. R. 1071) granting a pension to John Hancock;
A bill (H. R. 6908) granting a pension to William P. Witt;
A bill (H. R. 97) granting a pension to Ida B. Linthicum;
A bill (H. R. 782) granting a pension to Marble H. Baird;
A bill (H. R. 4102) granting a pension to Mary A. Carr;
A bill (H. R. 3183) for the relief of Kelsey Curtis;
A bill (H. R. 509) granting a pension to James A. Haley; and
A bill (H. R. 5911) granting a pension to Elizabeth J. Hascall.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were severally read the third time, and passed:

A bill (H. R. 150) granting an increase of pension to Henry B. Shaw;
A bill (H. R. 2456) for the relief of Judith Plummer;
A bill (H. R. 2662) for the relief of Mary M. Strong;
A bill (H. R. 2663) for the relief of Alonzo Alden;
A bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased;
A bill (H. R. 407) granting a pension to G. W. Burkhart;
A bill (H. R. 2491) granting a pension to John Bisbey;
A bill (H. R. 2077) to place on the pension-roll the name of William S. Sims;
A bill (H. R. 159) granting a pension to Jane Thomas;
A bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson;
A bill (H. R. 5247) granting a pension to William H. Brimmer;
A bill (H. R. 2177) granting a pension to Mahala Robbins;
A bill (H. R. 3488) granting a pension to Mary Dull; and
A bill (H. R. 5829) for the relief of Joseph Driskill.

THOMAS JORDAN.

The bill (H. R. 6946) for the relief of Thomas Jordan, reported from the Committee of the Whole on the Private Calendar, was ordered to be engrossed and read a third time; and being engrosseds it was accordingly read the third time, and passed (two-third, voting in favor thereof).

Mr. MORRILL moved to reconsider the votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MORRILL (at 9 o'clock and 45 minutes p. m.), the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BINGHAM: A bill (H. R. 8274) for the relief of Henry C. Kerr—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE, A bill (H. R. 8275) for the relief of J. J. Evans, A. G. Wilson, and James Boyd, trustees—to the Committee on War Claims.

Also, a bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson—to the Committee on War Claims.

By Mr. BOOTHMAN: A bill (H. R. 8277) granting a pension to David Bashare—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 8278) granting a pension to Marion Moody—to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 8279) to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county and State—to the Committee on Commeree.

Also, a bill (H. R. 8280) for the relief of J. W. Belvin—to the Committee on Claims.

By Mr. CHEADLE: A bill (H. R. 8281) for the relief of Lieut. James G. W. Hardy—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 8282) for the relief of Charles Windsor Hickman—to the Committee on War Claims.

By Mr. HEARD: A bill (H. R. 8283) for the relief of the legal representatives of Robert King—to the Committee on Claims.

By Mr. HOOKER: A bill (H. R. 8284) for the relief of the legal representatives of Robert Y. Wood—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 8285) to remove the political disabilities of Elliott Johnson—to the Committee on the Judiciary.

By Mr. LAIRD: A bill (H. R. 8286) for the relief of Edward H. Leib—to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 8287) granting a pension to Sarah Reese—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 8288) granting a pension to Robert L. Martin—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: A bill (H. R. 8289) granting a pension to James Austin—to the Committee on Invalid Pensions.

By Mr. PIDCOCK: A bill (H. R. 8290) for the relief of Henry Lane—to the Committee on Military Affairs.

By Mr. PLUMB: A bill (H. R. 8291) granting a pension to Julia Welch—to the Committee on Invalid Pensions.

By Mr. SENEY: A bill (H. R. 8292) granting a pension to Robert S. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8293) granting a pension to Jacob Hayman—to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 8294) granting an increase of pension to Capt. Cecil Clay—to the Committee on Invalid Pensions.

By Mr. SOWDEN: A bill (H. R. 8295) for the relief of Isaac A. Kase—to the Committee on Military Affairs.

Also, a bill (H. R. 8296) granting a pension to Jacob D. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8297) granting an increase of pension to Edward W. Horn—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: A bill (H. R. 8298) granting a pension to Charles O. Wright—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 8299) for the relief of William M. Dayton—to the Committee on Invalid Pensions.

By Mr. O. B. THOMAS: A bill (H. R. 8300) for the relief of George H. Mellen, deceased—to the Committee on War Claims.

By Mr. WALKER: A bill (H. R. 8301) granting an increase of pension to Thomas B. Freeman—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 8302) for the relief of Claiborn Evans—to the Committee on War Claims.

By Mr. WILLIAM WHITING: A bill (H. R. 8303) granting a pension to George W. Howe—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 8304) granting a pension to John W. McClanahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8305) for the relief of the heirs of Robert S. Thompson, deceased—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 8306) for the relief of Fink, Brother & Co.—to the Committee on Ways and Means.

By Mr. McCREARY: A bill (H. R. 8307) for the relief of John T. Higgins—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT: Petition of citizens of Dallas, Mineola, Quero, Jefferson, and New Braunfels, Tex., for the removal of duty on salt—to the Committee on Ways and Means.

By Mr. BANKHEAD: Petition of P. M. West, heir of William West, of Winston County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BARNES: Petition of citizens of Augusta, Ga., for aid for a national exposition for colored people at Augusta, Ga.—to the Committee on Appropriations.

By Mr. BAYNE: Resolutions of Bishop Lodge, No. 38, of Royal Lodge, No. 34, and of Keystone Lodge, No. 46, of Pennsylvania, against any legislation that would tend to cripple the industries of this country—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of Star of the Union Council No. 77, and of Harmony Council, No. 53, Junior Order of United American Me-

chanics, of Philadelphia, Pa., to declare Washington's birthday a legal national holiday—to the Committee on the Judiciary.

Also, petition of Sophie B. Linn, executrix of Henry Williamson, late of Jacksonville, Fla., for payment of his war claim—to the Committee on War Claims.

By Mr. BOOTHMAN: Petition of David Bashare, of Company K, One hundred and forty-first Regiment Ohio National Guards, Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. BOWDEN: Petition of M. Glennan and others, of Norfolk, Va., in support of bill classifying and fixing salaries of post-office employés—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of J. Murphey Bewley, of Hamblen County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BUTTERWORTH: Petition of George A. Bowen and a large number of others, employed as producers of stained glass, etc., of Cincinnati, Ohio, that the duty on certain articles be not reduced—to the Committee on Ways and Means.

By Mr. J. E. CAMPBELL: Petition against the removal of internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. CARUTH: Petition of Samuel Felam, late postmaster at Hopkinsville, Ky., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. CASWELL: Memorial of 136 business men of Racine, Wis., for the improvement of their harbor—to the Committee on Rivers and Harbors.

By Mr. CLEMENTS: Papers in the claim of William White, of Abner Worthy, of David R. Ramsey, of John Smith, of Henry A. Sims, and of Samuel P. Woods, of Chattooga County; of James M. Foster, of Cobb County; of George R. Ward, of Floyd County; of Benjamin W. Partin, of Paulding County; of Alexander Vaughan, of De Kalb County, and of William P. Ramsey, of Walker County, Georgia—to the Committee on War Claims.

Also, petition of 12 citizens, of Rome, Ga., against the reduction of the duty on marble—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition for the relief of prisoners of the late war—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of citizens of the District of Columbia, for the establishment of a court of international arbitration—to the Committee on Foreign Affairs.

By Mr. D. B. HENDERSON: Petition of citizens of Waterloo, Iowa, favoring the Haddock bill—to the Committee on Public Buildings and Grounds.

By Mr. HOLMAN: Remonstrance of 600 citizens of Elbert County, Colorado, praying that said county shall not be made a part of the proposed Akron land district, and that it shall be left in the land districts of which it is now a part—to the Committee on the Public Lands.

Also, petition of Pomona Grange, No. 22, of Jefferson County, Indiana, for a just tariff, and other reforms—to the Committee on Ways and Means.

By Mr. A. J. HOPKINS: Petition of S. E. Weld and others, of Elgin, Ill., for a Government system of telegraphy—to the Committee on the Post-Office and Post-Roads.

Also, petition of David A. Syme and other citizens of the Fifth district of Illinois, to place tin-plate on the free-list—to the Committee on Ways and Means.

By Mr. JACKSON: Additional evidence in the case of George Haskin, for relief—to the Committee on Military Affairs.

By Mr. LAIRD: Petition of citizens of Dundy, Frontier, and Red Willow Counties, Nebraska, for a term of the United States court at McCook, Nebr.—to the Committee on the Judiciary.

By Mr. LAFFOON: Petition of Mordecai Agin, of Union County, Kentucky, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Robert S. Thompson—to the Committee on War Claims.

Also, papers in the case of John W. McClanahan—to the Committee on Invalid Pensions.

By Mr. LEHLBACH: Resolution of the New Jersey State Board of Agriculture, concerning reduction of postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. McCORMICK: Petition of sundry citizens of Tioga County, Pennsylvania, against removing the duty on window-glass—to the Committee on Ways and Means.

By Mr. McCULLOGH: Petition of Joseph Oates and others, of William Paden and others, of F. L. Stough and others, of John Deney and others, of H. S. Weaver and others, and of Henry A. Dunn and others, citizens of Westmoreland County, Pennsylvania, protesting against any reduction of the tariff on gas coal—to the Committee on Ways and Means.

By Mr. McKINLEY: Petition of Sarah Reese, mother of Andrew Reese, Company C, Eightieth Regiment Ohio Volunteers, for pension—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of Price Dickens, of Panola County, and of Sarah A. R. West, of La Fayette County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Melchisedec Robinson, of Benton County, Mississippi—to the Committee on War Claims.

By Mr. MORSE: Petition of citizens of Essex County, Massachusetts, relative to the tariff on wool—to the Committee on Ways and Means.

By Mr. NEAL: Petition of citizens of Polk, Bradley, McMinn, and Meigs Counties, Tennessee, asking that $25,000 be appropriated for improving the navigation of the Hiawassee River—to the Committee on Rivers and Harbors.

By Mr. PLUMB: Petition of Julia Welch, widow of James H. Welch, of Company A, Twelfth Regiment Illinois Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. POST: Resolutions of the Peoria (Ill.) Board of Trade, for the establishment by the Government of a cheap and efficient telegraph service open to all without discrimination—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Petition of L. P. Black, of administrator of J. M. Hicks, and of administrator of Benjamin Batey, of Rutherford County, Tennessee, for reference of their claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Joseph Ramsey, of Marshall County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROWELL: Petition of cigar-makers and other citizens of Lincoln, Ill., against repeal of internal-revenue tax on cigars—to the Committee on Ways and Means.

Also, petition of 30 officers and soldiers of the late war, for additional bounty—to the Committee on War Claims.

By Mr. RUSK: Petition of the Woman's Christian Temperance Union of Maryland, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

Also, petition for the increase of the pension of M. R. Colony—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for relief of Fink Bros.—to the Committee on Ways and Means.

By Mr. SCULL: Petition of Benj. F. Kinsey, for a pension—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of Jacob Hayman, Company F, One hundred and twenty-third Regiment Ohio Volunteers, and of Robert S. Powers, Company B, Twenty-eighth Pennsylvania Volunteers, for pensions—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill for the survey of that part of Trent River, in North Carolina, from the town of Trenton to the Upper Free Bridge, on said river—to the Committee on Rivers and Harbors.

By Mr. SOWDEN: Petitions of Jacob Johnson and Edward W. Horn, for pensions—to the Committee on Invalid Pensions.

Also, petition of Isaac A. Karl, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. J. W. STEWART: Petition of R. D. Hedden and 69 others, citizens of Addison County, Vermont, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. STONE, of Kentucky: Papers in the case of Robert A. Johnson—to the Committee on War Claims.

By Mr. SYMES: Petition for the establishment of a postal telegraph—to the Committee on the Post-Office and Post-Roads.

Also, petition for the establishment of a land office at Boston, Colo.—to the Committee on the Public Lands.

Also, petition of the Board of Trade of Glenwood Springs, Colo., for an appropriation for reservoirs—to the Committee on Agriculture.

Also, petition for the maintenance of the present tariff on wool—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of Charles O. Wright, Company E, One hundred and seventy-first Regiment Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Petition of William M. Dayten, to accompany bill for his relief—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: Petition of F. W. Horn, guardian of estate of H. C. Singleton, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEAVER: Petition of J. W. Breidenthal, of Chetopa, Kans., and 1,228 other citizens of Labette County, Kansas, for a Territorial government for Indian Territory, and to open the land to white settlement—to the Committee on the Territories.

By Mr. WHEELER: Petition of Absalom Dolbeny; of Frances Collins and others, heirs of Joseph A. Martin, and of Andrew J. Huggins, of Jackson County; of Rachael Manning and of James Ballard, of Madison County; of A. C. Barton, and of Willis C. Rea, executor of Andrew B. Rea, of Colbert County; of George W. Barnett, of Lauderdale County; of Jesse Blankenship, of Lawrence County; of Daniel Sever, of Franklin County, and of Lovil Legg, of Limestone County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. B. WHITE: Petition of cigar-makers of Fort Wayne, Ind., protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. WILLIAM WHITING: Petition of citizens of Ware, Mass., relating to duties on sundry articles—to the Committee on Ways and Means.

Also, petition of citizens of Southampton, Mass., for more effectual protection of agriculture—to the Committee on Agriculture.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. HEMPHILL: Of S. N. McConnell and 28 others, of Lowery-ville, S. C.

By Mr. HOUK: Of citizens of Kansas, Tenn.

By Mr. RICHARDSON: Of C. Coleman and 75 others, citizens of Lincoln County, Tennessee.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. J. A. ANDERSON: Of 30 citizens of Clay County and of 30 citizens of Vermillion, Marshall County, Kansas.

Also, of citizens of Solomon City and of Industry, Clay County, Kansas.

By Mr. JEHU BAKER: Of J. M. Snow, G. W. Grigg, sr., and 12 others, and of John F. File, Wyman Davis, and 6 others, ex-soldiers of the Union Army.

By Mr. CONGER: Of 49 soldiers of Durham, and of soldiers of Colo, Iowa.

By Mr. FISHER: Of soldiers and sailors of Milo Warner Post, No. 232.

By Mr. HOVEY: Of Benjamin F. Roadruck and 29 others, of Morocco, Ind.

By Mr. LAIRD: Sixteen petitions of citizens and ex-soldiers of Nebraska.

By Mr. LYMAN: Of 50 citizens of Woodbine, Iowa.

By Mr. McCULLOGH: Of M. S. Tarn and others, citizens of Westmoreland County; and of Joseph McCormack and 35 others, and of Edward Dunn and 14 others, citizens of Fayette County, Pennsylvania.

By Mr. MORRILL: Of Lemuel Gardner and 23 others, ex-soldiers of the United States.

By Mr. NUTTING: Of James Barnes and 4 other Union soldiers of New York.

Also, of Enos T. Pinem and 54 others, of New York.

By Mr. O'DONNELL: Resolutions of the executive committee of the Grand Army of the Republic Association of Southeastern Michigan.

By Mr. ROWELL: Of 36 ex-soldiers of Saybrook, Ill.

By Mr. E. B. TAYLOR: Of 48 ex-soldiers of Ashtabula County, Ohio.

Also, of ex-soldiers of Ashtabula County, and of ex-soldiers of Pierpont, Ohio.

By Mr. J. B. WHITE: Of soldiers of Steuben County, Indiana.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. LAIRD: of 203 citizens of Fillmore County, Nebraska.

By Mr. PATTON: Of 189 citizens of Mifflin County, Pennsylvania.

By Mr. ROWELL: Of 102 citizens of McLean County, Illinois.

By Mr. J. W. STEWART: Of Homer Eaton and 219 others, citizens of Chittenden County, Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 10, 1888.

The House met at 12 o'clock m. Prayer by Rev. Mr. FARRAR, of West Troy, N. Y.

The Journal of yesterday's proceedings was read and approved.

MILITARY PRISON, FORT LEAVENWORTH.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for the support of the military prison at Fort Leavenworth, Kans., for the fiscal year ending June 30, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

STEAM-PRESSES, BUREAU OF ENGRAVING AND PRINTING.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the House, a report from the Chief of the Bureau of Engraving and Printing in reference to the use and action of hand and steam presses in that Bureau; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS UNDER THE EIGHT-HOUR LAW.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House, relative to claims under the pending bill for the adjustment of accounts under the eight-hour law; which was referred to the Committee on Labor.

FINDINGS, COURT OF CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of findings of fact in the case of Franklin Low and Charles F. Dunbar *vs.* The United States, which was referred to the Committee on Claims; and also letters transmitting copies of findings of fact in the following cases *vs.* The United States, namely: R. T. Coles, administrator; Emmett F. Parham; James Bowens, administrator; Charlotte L. Drain and Frances P. Drain, administratrices; C. L. Thomas, administrator; James H. Stafford, and Aaron L. H. Crenshaw; which were referred to the Committee on War Claims.

REFERENCE OF SENATE BILL.

The SPEAKER *pro tempore* also laid before the House a bill (S. 181) granting pensions to ex-soldiers and sailors who are incapacitated from the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. YARDLEY for three days, and to Mr. NEWTON for three days, both on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. RICHARDSON to print in the RECORD certain remarks on House bill No. 2952, for the allowance of certain claims for stores and supplies taken and used by the United States Army, etc., in addition to remarks by him on said bill on the 2d of March and 24th of February. [See Appendix.]

WILLIAM P. GORSUCH.

Mr. SHAW. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 3727) for the relief of William P. Gorsuch, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay William P. Gorsuch, of Carroll County, Maryland, out of any money in the Treasury not otherwise appropriated, the sum of $300, the amount paid by him for commutation, he having been drafted into the military service of the United States after he had arrived at the age of forty-five years.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. SHAW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM BLISS.

Mr. LAIDLAW. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 5382) to grant relief to William Bliss, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to William Bliss the sum of $3,400, damages for the destruction of his farm buildings and personal property in and about the same, situate at Gettysburgh, in the State of Pennsylvania, in the month of July, 1863, by the lawful order of the military officers of the United States in command of the armies of the United States at the battle of Gettysburgh, in order to facilitate military operations in said battle.

Mr. BROWNE, of Indiana. Let the report in that case be read.

The report was read at length.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Allow me a word. I wish to call attention to the fact that this involves a most important question, and I trust I may be allowed a few words before action is taken upon it.

Mr. BLAND. Mr. Speaker, I do not know whether the gentleman from Indiana proposes to object to the consideration of the measure or not. If it is to be considered, however, I hope the House will consider it, and I desire to be heard upon it myself.

Mr. HOLMAN. I wish to call attention to the leading precedents, and, in fact, the only precedents on this subject. This bill proposes to appropriate money——

Mr. RYAN. Is it before the House for consideration?

Mr. HOLMAN. It is not before the House, but I wish to call attention of the House to the two leading cases on this subject. One the case of Dr.—I can not recall at the moment his name—from Paducah, Ky.

Mr. WARNER. Dr. Best.

Mr. HOLMAN. Yes; and the other the case of Mr. Wallace, of Lexington, Mo. In the former case the bill, I believe, was vetoed by the President, and in the latter case this House, I think, spent at least thirty-six hours considering the subject, but the bill did not pass. In both instances there was no question whatever as to the loyalty of the claimants.

Mr. Wallace, at the time his property was destroyed for military purposes, was acting as marshal for the State of Missouri under the appointment of President Lincoln. Those two cases received unusual attention, and the reason why neither claim was allowed was that Congress did not think it safe to enter upon the appropriation of money to pay for property destroyed in actual military operations.

Mr. PEEL. I see that this is likely to cause considerable debate, and I will have to insist upon the regular order.

Mr. HOLMAN. I ask unanimous consent that this matter may come up on next Friday morning.

Mr. BLAND. If it shall come up next Friday I shall ask to be heard on it. There are a number of cases pending of a similar character.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. PEEL. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

TONNAGE TAX.

Mr. DINGLEY. I rise to make a privileged report from the Committee on Merchant Marine and Fisheries.

The resolution referred March 9 to the committee on motion of Mr. DINGLEY was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to furnish the House with information as to the amount of tonnage tax imposed on and paid by American vessels, and also by foreign vessels, to the United States from July 1, 1862, to July 1, 1865, and each fiscal year from July 1, 1865, to July 1, 1887, giving for the latter period the amount paid by American vessels in each collection district and the amount paid by sailing and steam vessels, respectively.

The report of the committee was read, as follows:

The Committee on Merchant Marine and Fisheries, to whom was referred a resolution requesting the Secretary of the Treasury to furnish the House with information as to the tonnage taxes paid by vessels, having had the same under consideration, report it back with a favorable recommendation.

Mr. DINGLEY. I demand the previous question on agreeing to the resolution.

The previous question was ordered, and under the operation thereof the resolution was adopted.

Mr. DINGLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. PEEL] demands the regular order, which is the call of committees for reports.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

BOUNDARY LINE BETWEEN MEXICO AND THE UNITED STATES.

Mr. HITT, from the Committee on Foreign Affairs, reported back with a favorable recommendation the joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine according to the rules of the Washington commission of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers.

The SPEAKER *pro tempore*. Does this require an appropriation?

Mr. HITT. No, sir.

The joint resolution was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FORT WALLACE MILITARY RESERVATION.

Mr. TURNER, of Kansas, from the Committee on Military Affairs, reported as a substitute for the bill H. R. 7445 a bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 7445 was laid on the table.

CONTRACTS WITH INDIANS.

Mr. PEEL, from the Committee on Indian Affairs, reported as a substitute for the bill H. R. 6184 a bill (H. R. 8311) authorizing the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Indians to enter into contracts with citizens of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6184 was laid on the table.

JAMES F. HOGAN.

Mr. MANSUR, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2448) for the relief of James F. Hogan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO NATHANIEL GREENE.

Mr. DAVIDSON, from the Committee on the Library, reported back with a favorable recommendation the bill (H. R. 1704) to provide for the erection of a monument to Maj. Gen. Nathaniel Greene on the battle field of the battle of Guilford Court-House, North Carolina, fought March 15, 1781; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MONUMENT TO DANIEL MORGAN.

Mr. DAVIDSON also, from the Committee on the Library, reported back with a favorable recommendation the bill (H. R. 1889) to preserve the grave of General Daniel Morgan and erect a monument over the same; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SUBPORTS OF ENTRY.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 6097) to authorize the Secretary of the Treasury to designate subports of entry in customs districts; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

VESSELS IN COASTWISE SERVICE.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. 8312) to amend section 4444 of the Revised Statutes relative to vessels engaged wholly or in part in the coastwise service; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for the consideration of bills for one hour. The hour commences at twenty minutes to 1.

TEMPORARY AID FOR COMMON SCHOOLS.

Mr. BROWNE, of Indiana. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a brief petition for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy.

There was no objection, and it was so ordered.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States of America:

We, the undersigned citizens of Spiceland, county of Henry and State of Indiana, believing that the prosperity and perpetuity of all free institutions depend upon the intelligence and virtue of the people; that ignorance exists to an alarming degree, and endangers the general welfare of the Republic: We therefore earnestly pray for the enactment of a law which shall authorize the appropriation of money from the Treasury of the United States for temporary aid in the establishment and maintenance of free public schools, and for such other remedial legislation as is necessary, to the end that the number of illiterates in the country, now exceeding six million persons, ten years of age and over, shall be reduced to a minimum.

ORDER OF BUSINESS.

Mr. MCKENNA. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering Senate bill 418, and pending that I move that general debate be limited to thirty minutes.

Mr. JACKSON. Mr. Speaker, I want to be heard upon the question of limiting debate.

Mr. DINGLEY. What is the bill?

Mr. JACKSON. It is the bill giving to California 5 per cent. of the net proceeds of the sales of public lands there. I wish to be heard upon the question of limiting debate.

Mr. MCKENNA. It is not debatable.

The question was taken on the motion of Mr. MCKENNA, and the Speaker announced that the ayes seemed to have it.

Mr. JACKSON. I ask for a division.

The House divided; and there were—ayes 79, noes 21.

Mr. JACKSON. No quorum.

Mr. MCMILLIN. Mr. Speaker, this is too important a measure to have debate limited as proposed by the gentleman from California.

Mr. MCKENNA. Well, we must limit the debate or we can not pass the bill.

The SPEAKER *pro tempore*. No quorum has voted, and the Chair will appoint to act as tellers the gentleman from California [Mr. MCKENNA] and the gentleman from Tennessee [Mr. MCMILLIN].

The House again divided; and the tellers reported—ayes 77, noes 15.

Mr. HOLMAN. I hope the yeas and nays will be taken upon the motion of the gentleman from California [Mr. MCKENNA].

The SPEAKER *pro tempore*. Does the gentleman demand the yeas and nays?

Mr. HOLMAN. Yes, sir. I do not think we should restrict debate so closely upon such a bill as this.

Mr. MCKENNA. Mr. Speaker, I am perfectly willing to give the

gentlemen on the other side all of the half hour but five minutes, although they have already had more time than the friends of the bill.

Mr. JACKSON. This bill can never pass unless it is passed without constraint.

Mr. HOLMAN. I call for the yeas and nays.

The question was taken on ordering the yeas and nays; and there were—ayes 113, noes 33.

So (more than one-fifth having voted in the affirmative) the yeas and nays were ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from California [Mr. MCKENNA] to limit general debate upon this bill to thirty minutes.

Mr. HOLMAN. I ask that the title of the bill be read.

Mr. MCKENNA. Mr. Speaker, if that is objectionable, I object.

Mr. JACKSON. Regular order.

Mr. HOLMAN. I certainly have a right to call for the reading of the title of the bill.

The SPEAKER *pro tempore*. The Clerk will read the title.

The Clerk read as follows:

A bill (S. 418) granting to the State of California 5 per cent. of the net proceeds of the cash sales of public lands in said State.

The question was taken on the motion of Mr. MCKENNA; and there were—yeas 130, nays 80, not voting 114; as follows:

YEAS—130.

Adams,	Farquhar,	Kerr,	Rowell,
Allen, Mass.	Felton,	Ketcham,	Ryan,
Allen, Mich.	Flood,	Laffoon,	Seymour,
Arnold,	French,	La Follette,	Shaw,
Baker, N. Y.	Funston,	Laidlaw,	Sherman,
Bayne,	Gaines,	Lind,	Snyder,
Belden,	Gallinger,	Lodge,	Spooner,
Biggs,	Gear,	Long,	Steele,
Bingham,	Gibson,	Lyman,	Stewart, Vt.
Boothman,	Goff,	Mahoney,	Stone, Ky.
Bowden,	Grosvenor,	Mason,	Stone, Mo.
Bowen,	Grout,	McAdoo,	Symes,
Brewer,	Guenther,	McCormick,	Taylor, J. D., Ohio
Brower,	Harmer,	McKenna,	Thomas, Ky.
Browne, Ind.	Haugen,	McKinley,	Thompson, Cal.
Brown, Ohio	Hayden,	McRae,	Turner, Kans.
Burrows,	Hayes,	Moffitt,	Vandever,
Butler,	Heard,	Morrill,	Wade,
Butterworth,	Hemphill,	Morrow,	Walker,
Cannon,	Henderson, Iowa	Nelson,	Warner,
Caruth,	Henderson, Ill.	Nichols,	Washington,
Catchings,	Hermann,	Nutting,	Weber,
Cheadle,	Hitt,	O'Donnell,	West,
Conger,	Hogg,	O'Neill, Mo.	Wheeler,
Cooper,	Holmes,	Parker,	Whitthorne,
Cutcheon,	Hopkins, Ill.	Patton,	Wickham,
Dalzell,	Hopkins, N. Y.	Peel,	Wilber,
Davis,	Houk,	Perkins,	Wilkinson,
Dingley,	Hovey,	Peters,	Wise,
Dockery,	Hunter,	Post,	Woodburn,
Dorsey,	Hutton,	Pugsley,	Yost.
Dougherty,	Johnston, Ind.	Reed,	
Dunn,	Kelley,	Rice,	

NAYS—80.

Abbott,	Dargan,	Landes,	Romeis,
Anderson, Iowa	Davidson, Ala.	Lane,	Rowland,
Anderson, Miss.	Davidson, Fla.	Lanham,	Sayers,
Anderson, Ill.	Dibble,	Latham,	Shively,
Anderson, Kans.	Elliott,	Lawler,	Simmons,
Baker, Ill.	Enloe,	Lehlbach,	Sowden,
Bankhead,	Ermentrout,	Macdonald,	Springer,
Bland,	Fisher,	Martin,	Stewart, Tex.
Blount,	Forney,	McCreary,	Stewart, Ga.
Bound,	Gest,	McKinney,	Stockdale,
Bryce,	Hall,	McMillin,	Taulbee,
Burnes,	Hare,	Mills,	Taylor, E. B., Ohio
Bynum,	Henderson, N. C.	Neal,	Tillman,
Campbell, Ohio	Herbert,	Oates,	Tracey,
Chipman,	Holman,	O'Neall, Ind.	Turner, Ga.
Cobb,	Hooker,	Osborne,	Weaver,
Cockran,	Hopkins, Va.	Outhwaite,	Whiting, Mass.
Cothran,	Jackson,	Payson,	Wilkins,
Crisp,	Johnston, N. C.	Pidcock,	Wilson, Minn.
Culberson,	Jones,	Richardson,	Wilson, W. Va.

NOT VOTING—114.

Allen, Miss.	Crain,	Laird,	Robertson,
Atkinson,	Crouse,	Lee,	Rockwell,
Bacon,	Cowles,	Lynch,	Rogers,
Barnes,	Cox,	Maffett,	Russell, Conn.
Barry,	Cummings,	Maish,	Russell, Mass.
Belmont,	Darlington,	Mansur,	Rusk,
Blanchard,	Davenport,	Matson,	Sawyer,
Bliss,	De Lano,	McClammy,	Scott,
Boutelle,	Dunham,	McComas,	Scull,
Breckinridge, Ark.	Finley,	McCullogh,	Seney,
Breckinridge, Ky.	Fitch,	McShane,	Smith,
Browne, T. H. B., Va.	Foran,	Merriman,	Spinola,
Brown, J. R., Va.	Ford,	Milliken,	Stahlnecker,
Brumm,	Fuller,	Montgomery,	Stephenson,
Buchanan,	Gay,	Moore,	Struble,
Buckalew,	Glass,	Morgan,	Tarsney,
Bunnell,	Glover,	Morse,	Thomas, Ill.
Burnett,	Granger,	Newton,	Thomas, Wis.
Campbell, F., N. Y.	Greenman,	Norwood,	Thompson, Ohio
Campbell, T. J., N. Y.	Grimes,	O'Ferrall,	Townshend,
Candler,	Hatch,	O'Neill, Pa.	Vance,
Carleton,	Hiestand,	Owen,	White, Ind.
Caswell,	Hires,	Penington,	White, N. Y.
Clardy,	Howard,	Perry,	Whiting, Mich.
Clark,	Hudd,	Phelan,	Williams,
Clements,	Kean,	Phelps,	Yardley,
Cogswell,	Kennedy,	Plumb,	Yoder.
Collins,	Kilgore,	Randall,	
Compton,	Lagan,	Rayner,	

So the motion of Mr. MCKENNA to limit debate in Committee of the Whole was agreed to.

Mr. HENDERSON, of Illinois. I ask unanimous consent to dispense with the reading of the names.

Mr. LANDES. I object.

The Clerk read the record of the roll-call.

The SPEAKER *pro tempore*. The Clerk will announce the pairs.

The following-named gentlemen were announced as paired on all political questions until further notice:

Mr. GRANGER with Mr. ROCKWELL.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. MCSHANE with Mr. MCCULLOGH.
Mr. GLASS with Mr. MORROW.
Mr. PHELAN with Mr. BUTLER.
Mr. HUDD with Mr. CLARK.
Mr. MATSON with Mr. DUNHAM.
Mr. TOWNSHEND with Mr. MAFFETT.
Mr. COLLINS with Mr. JOHN R. BROWN.
Mr. FORAN with Mr. PHELPS.
Mr. HOWARD with Mr. DE LANO.

The following-named members were announced as paired for this day:

Mr. BARRY with Mr. YARDLEY.
Mr. CLARDY with Mr. THOMAS H. B. BROWNE.
Mr. NEWTON with Mr. O'NEILL, of Pennsylvania.
Mr. FORD with Mr. CUTCHEON.
Mr. HATCH with Mr. HIRES.
Mr. MOORE with Mr. DARLINGTON.
Mr. MONTGOMERY with Mr. BUCHANAN.

Mr. CUMMINGS was announced as paired with Mr. FITCH until March 13.

Mr. BRECKINRIDGE, of Arkansas, with Mr. SHERMAN, on this vote.

Mr. TARSNEY with Mr. STEPHENSON on this vote.

Mr. BUTLER. As announced by the Clerk, I am paired on political questions; but this not being a political question, I have voted.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question now is——

Mr. MCKENNA. One moment. It has been said that possibly debate ought to be had for a longer time than that named in my motion. As I only made that motion in order that this hour might be made available for the consideration of this bill, not that it might operate as a deceit, I will say now, if the only desire of the gentlemen opposing the bill is to have ample debate, I propose that the bill be made a special order for Wednesday, April 4, immediately after the morning hour for the consideration of bills.

Mr. JACKSON. Regular order.

Mr. MCKENNA. Does not the gentleman consent to my proposition?

Mr. JACKSON. I will not consent. I only asked the gentleman this morning to give me the time I had left—thirty-two minutes.

Mr. MCKENNA. I offered to give the gentleman the whole of the thirty minutes.

Mr. JACKSON. Why then did you not go on with the bill in the regular way?

Mr. MCKENNA. I withdraw my proposition.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from California that the House resolve itself into Committee of the Whole on the state of the Union to consider the pending bill.

The question being taken, there were—ayes 79, noes 16.

Mr. LANDES. No quorum.

Mr. MCKENNA. Very well; let us have tellers.

Tellers were ordered; and Mr. LANDES and Mr. MCKENNA were appointed.

Before the count by tellers was concluded,

Mr. MCKENNA said: Mr. Speaker, I withdraw my motion to go into the Committee of the Whole House on the state of the Union, and move that the further consideration of this bill be postponed until Wednesday, April 4, immediately after the morning hour for the consideration of bills; and on that I move the previous question.

Mr. LANDES. I make the point that the motion is not in order.

The SPEAKER *pro tempore*. The motion to postpone to a day certain is in order.

Mr. JACKSON. I rise to a point of order.

Mr. MCKENNA. I add to my motion the provision that this business shall not interfere with appropriation bills, etc., the usual reservation, whatever it is.

Mr. BLOUNT. Mr. Speaker, is the motion to postpone, as made by the gentleman from California [Mr. MCKENNA] in order during this hour?

The SPEAKER *pro tempore*. It is in order to move to postpone to a day certain.

Mr. SPRINGER. I rise to a parliamentary inquiry. If this motion be agreed to, would the bill be in order on the day named during the morning hour for the consideration of bills, or when would it be in order?

The SPEAKER *pro tempore*. The Chair would not undertake to decide in advance——

Mr. SPRINGER. I want to know what would be the effect of this motion.

The SPEAKER *pro tempore*. The bill would be in order to be called up on the day fixed, at the proper time on that day. The gentleman from California demands the previous question on his motion.

Mr. BLOUNT. I dislike to raise any question after the Chair has ruled upon the point; but it seems to me that business during this hour is limited to the consideration of bills called up by committees; that a bill so called up may be considered until the time allowed to the particular committee is exhausted, when, under the rules, the bill, if undisposed of, goes to the Calendar.

The SPEAKER *pro tempore*. The Chair will state that Mr. Speaker CARLISLE, on a bill called up this session during the consideration hour by the Committee on Banking and Currency, entertained the motion to postpone to a day certain. The present occupant of the Chair is now only following the precedent of the permanent Speaker.

Mr. LANDES. Pending the motion of the gentleman from California, I move to lay this bill on the table.

Mr. JACKSON. On that question I call for the yeas and nays.

Several MEMBERS. Let us have a division.

Mr. JACKSON. I withdraw the call for the yeas and nays.

Mr. LANDES. I call for a division on this question.

Mr. BLOUNT. Mr. Speaker, I understand the yeas and nays have been demanded.

The SPEAKER *pro tempore*. The demand has been withdrawn.

Mr. BLOUNT. I renew it.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 66, nays 143, not voting 115; as follows:

YEAS—66.

Abbott,	Davidson, Ala.	Lane,	Pidcock,
Allen, Miss.	Dockery,	Lanham,	Richardson,
Anderson, Ill.	Elliott,	Latham,	Rowland,
Anderson, Kans.	Enloe,	Lawler,	Russell, Mass.
Baker, Ill.	Ermentrout,	Mahoney,	Sayers,
Bland,	Finley,	Maish,	Simmons,
Blount,	Forney,	Martin,	Sowden,
Breckinridge, Ky.	Greenman,	McClammy,	Springer,
Bryce,	Hail,	McMillin,	Stewart, Ga.
Burnett,	Hemphill,	Mills,	Tillman,
Campbell, Ohio	Henderson, N. C.	Morgan,	Tracey,
Caruth,	Holman,	Morse,	Turner, Ga.
Clements,	Jackson,	Neal,	Vance,
Cothran,	Johnston, N. C.	Oates,	Weaver,
Crisp,	Jones,	O'Neall, Ind.	Yoder.
Culberson,	Kerr,	Outhwaite,	
Dargan,	Landes,	Payson,	

NAYS—143.

Adams,	Dorsey,	Lodge,	Seymour,
Allen, Mass.	Dougherty,	Long,	Sherman,
Allen, Mich.	Dunn,	Lyman,	Snyder,
Anderson, Iowa	Farquhar,	Macdonald,	Spooner,
Anderson, Miss.	Felton,	Mason,	Steele,
Arnold,	Flood,	McAdoo,	Stewart, Tex.
Atkinson,	Gaines,	McComas,	Stewart, Vt.
Baker, N. Y.	Gallinger,	McCormick,	Stockdale,
Barry,	Gear,	McCreary,	Stone, Ky.
Bayne,	Gest,	McKenna,	Stone, Mo.
Biggs,	Gibson,	McRae,	Symes,
Bingham,	Goff,	Milliken,	Taylor, E. B., Ohio
Boothman,	Grout,	Moffitt,	Taylor, J. D., Ohio
Bound,	Guenther,	Morrow,	Thomas, Ky.
Boutelle,	Harmer,	Nelson,	Thompson, Ohio
Bowen,	Haugen,	Nichols,	Thompson, Cal.
Brewer,	Hayden,	Nutting,	Turner, Kans.
Brower,	Hayes,	O'Donnell,	Vandever,
Browne, Ind.	Heard,	O'Ferrall,	Wade,
Brown, Ohio	Herbert,	O'Neill, Pa.	Walker,
Burrows,	Hermann,	O'Neill, Mo.	Warner,
Butler,	Hiestand,	Parker,	Washington,
Butterworth,	Hitt,	Peel,	Weber,
Bynum,	Hogg,	Penington,	West,
Cannon,	Hopkins, Va.	Perkins,	Wheeler,
Cheadle,	Hopkins, N. Y.	Perry,	Whiting, Mich.
Chipman,	Houk,	Peters,	Whiting, Mass.
Cobb,	Hutton,	Post,	Whitthorne,
Cockran,	Johnston, Ind.	Pugsley,	Wickham,
Cooper,	Kelley,	Rice,	Wilkins,
Cutcheon,	Kennedy,	Rowell,	Williams,
Dalzell,	Ketcham,	Russell, Conn.	Wilson, Minn.
Davidson, Fla.	La Follette,	Ryan,	Wise,
Davis,	Laidlaw,	Scott,	Woodburn,
Dibble,	Lee,	Scull,	Yost.
Dingley,	Lind,	Seney,	

NOT VOTING—115.

Bacon,	Campbell, T. J., N. Y.	Davenport,	Hatch,
Bankhead,	Candler,	De Lano,	Henderson, Iowa
Barnes,	Carlton,	Dunham,	Henderson, Ill.
Belden,	Caswell,	Fisher,	Hires,
Belmont,	Catchings,	Fitch,	Holmes,
Blanchard,	Clardy,	Foran,	Hooker,
Bliss,	Clark,	Ford,	Hopkins, Ill.
Bowden,	Cogswell,	French,	Hovey,
Breckinridge, Ark.	Collins,	Fuller,	Howard,
Browne, T. H. B. Va.	Compton,	Funston,	Hudd,
Brown, J. R., Va.	Conger,	Gay,	Hunter,
Brumm,	Cowles,	Glass,	Kean,
Buchanan,	Cox,	Glover,	Kilgore,
Buckalew,	Crain,	Granger,	Laffoon,
Bunnell,	Crouse,	Grimes,	Lagan,
Burnes,	Cummings,	Grosvenor,	Laird,
Campbell, F., N. Y.	Darlington,	Hare,	Lehlbach,
Lynch,	Newton,	Rockwell,	Tarsney,
Maffett,	Norwood,	Rogers,	Taulbee,
Mansur,	Osborne,	Romeis,	Thomas, Ill.
Matson,	Owen,	Rusk,	Thomas, Wis.
McCullogh,	Patton,	Sawyer,	Townshend,
McKinley,	Phelan,	Shaw,	White, Ind.
McKinney,	Phelps,	Shively,	White, N. Y.
McShane,	Plumb,	Smith,	Wilber,
Merriman,	Randall,	Spinola,	Wilkinson,
Montgomery,	Rayner,	Stahlnecker,	Wilson, W. Va.
Moore,	Reed,	Stephenson,	Yardley.
Morrill,	Robertson,	Struble,	

So the House refused to lay the bill on the table.

The following additional pairs were announced for this day:

Mr. NEWTON with Mr. OSBORNE.

Mr. LYNCH with Mr. KELLEY.

Mr. BRECKINRIDGE, of Arkansas, with Mr. MCKINLEY.

Mr. BURNES with Mr. HENDERSON, of Iowa, on this vote.

During the roll-call,

Mr. MCRAE said: My colleague, Mr. ROGERS, is detained at home on account of sickness.

The vote was then announced as above recorded.

Mr. HOGG. On motion of the gentleman from California [Mr. MCKENNA] the debate on the bill was limited to thirty minutes; and I desire now, under the rule, to enter the motion to reconsider that vote.

Mr. HOLMAN. I demand the regular order.

The SPEAKER *pro tempore*. The gentleman can enter his motion.

Mr. HOGG. I do enter the motion to reconsider the vote by which the debate was limited to thirty minutes.

INDIAN AFFAIRS.

Mr. HOLMAN. I demand the regular order.

The SPEAKER *pro tempore*. The hour has expired, and the regular order being demanded, the House now proceeds to the consideration of the special order, which is the consideration of the business called up by the Committee on Indian Affairs.

MARY S. LOGAN.

Mr. TARSNEY. I desire to enter a motion to reconsider the vote ordering the previous question on the bill (H. R. 3191) granting a pension to Mary S. Logan.

The SPEAKER *pro tempore*. The motion will be entered.

MRS. APOLLINE A. BLAIR.

Mr. TARSNEY. I also desire to enter a motion to reconsider the vote by which the previous question was ordered on the bill (S. 574) to increase the pension of Mrs. Apolline A. Blair.

The SPEAKER *pro tempore*. The motion will be entered.

INDIAN AFFAIRS.

Mr. PEEL. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the consideration of business from the Committee on Indian Affairs.

OMAHA INDIAN RESERVATION.

Mr. PEEL. I call up for consideration the bill (H. R. 4988) to extend time of payment to purchasers of land on Omaha Indian reservation, State of Nebraska.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to extend the time of the payments of the purchase money due for land sold on Omaha Indian reservation under the sales made by virtue of an act to provide for the sale of a part of the reservation of the Omaha tribe of Indians, in the State of Nebraska, and for other purposes, approved August 7, 1882, as follows: The time of each payment shall be extended for the period of two years beyond the time now fixed: *Provided*, That the interest on said payments shall be paid annually at the time said payments are due: *And provided further*, That the act above mentioned, except as changed and modified by this act, shall remain in full force.

The report (by Mr. MCSHANE) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4988) authorizing and directing the Secretary of the Interior to extend the time of payment of the purchase money on the sale of the reservation of the Omaha tribe of Indians, in the State of Nebraska, after having carefully considered the provisions of the bill, and the necessity for the proposed legislation, recommend the passage of the bill.

The reservation was sold to actual settlers during the years 1884 and 1885 in quantities not exceeding 160 acres to any individual, and was made payable in three installments, one-third being paid within one year from date of settlement. The law provides that when the money is paid into the United States Treasury the Indians are to receive 5 per cent. interest on the same, which amount is to be expended annually for the use of the Indians. The land was appraised and brought its full value, and by reason of improvements is an absolutely safe security for the money. It was two years before the settlers could realize from the cultivation of the land, and the very low price now paid for agricultural products, and there being no power to mortgage the land because of the title being in the Government, settlers would be required to sacrifice the land unless given an opportunity to save the same by an extension of time to make payments.

The passage of this bill would be an act of justice to the settlers and save the Government from paying the interest which would be paid by the settlers during the extension, while the Indians would lose nothing. There can be no reasonable objection to the passage of the bill.

Mr. PEEL. I move the bill be put upon its passage.

There was no objection; and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UINTAH VALLEY INDIAN RESERVATION.

Mr. PEEL. I call up for consideration the bill (H. R. 7936) to restore to the public domain a part of the Uintah Valley Indian reservation, in the Territory of Utah, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That so much of the Uintah Valley Indian reservation, in the Territory of Utah, established by proclamation of the President, of date October 3, 1861, as lies within thefollowing boundary, namely: Beginning at mile-post numbered 19, Du Bois's survey, from the initial point established in township 8 south, range 20 east, Salt Lake meridian; thence southerly to the northeast corner of township 2 south, range 1 east, Uintah special meridian; thence south along the east boundary of township 2 south, range 1 east, Uintah special meridian, to the southeast corner of township 2 south, range 1 east, Uintah special meridian; thence east along the north boundary of township 3 south, range 2 east, Uintah special meridian, to its intersection with the east boundary of the Uintah Indian reservation, thence in a northwest direction with the eastern boundary line of said reservation to the beginning, be, and the same is hereby, declared to be public lands of the United States and restored to the public domain.

SEC. 2. That said lands shall be disposed of as other public lands of like kind in accordance with existing laws (except the homestead law shall not apply), and for not less than $1.25 per acre, and not otherwise than for cash entries: *Provided*, That any location, entry, or entries, mineral or non-mineral, heretofore made or attempted to be made on said lands, or any part thereof, by any qualified person, shall bear date and be allowed the same as if said lands had been public lands at the time of said attempted location or institution of said proceedings, but said mineral entries shall not be completed except upon the payment of $20 an acre, or at that rate for the amount taken up by the claim: *And provided further*, That all moneys arising from the sales of this land shall belong to said Indians and be paid into the Treasury of the United States and held or added to any trust funds of said tribes now there.

SEC. 3. That the Secretary of the Interior shall submit this act to the adult male Indians on said reservation, and the restoration shall take effect on a ratification by three-fourths thereof.

The report (by Mr. COBB) was read, as follows:

The Committee on Indian Affairs, to whom was referred "a bill to restore to the public domain a part of the Uintah Valley Indian reservation, in the Territory of Utah, and for other purposes" (H. R. 1984), report as follows:

There was established, by proclamation of President Lincoln, in Utah Territory on the 3d day of October, 1861, an Indian reservation known as the Uintah Valley (see Executive orders relating to Indian reservations, extract Commissioner's report 1866, pages 358 and 359), described in the general terms as the Valley of the Uintah River, in said Territory.

By act of Congress approved May 5, 1864 (13 Stats. at Large, page 63), other Indian reservations in said Territory were discontinued, directed to be sold in 80-acre tracts to the highest bidder, and by section 2 the Uintah Valley was set apart for the use of the Indians, and an appropriation made for the purpose of making agricultural improvements on the same for the benefit of the Indians.

Another act was passed June 18, 1878 (20 Stats. at Large, page 165), repealing the clause of the act of May 5, directing the discontinued reservations to be sold to the highest bidder, and directing the Secretary of the Interior to restore them to the public domain to be disposed of under the public-land laws.

The Interior Department had the Uintah Valley reservation surveyed; the eastern boundary line was run by one Dubois, and is known as the Dubois line.

In 1885 this line, as well as the township lines bordering on the reservation, were, through lapse of time and other natural causes, completely lost, so that the citizens living in the neighborhood, the military officers at Fort Duchesne, and the surveyor-general of the Territory, by his deputies, were unable to know or find its exact location. No marks, corners, or stations were left to indicate where they were.

About this time certain citizens of the Territory, in prospecting for mines, found veins of "gelsonite," which is the mineral from which "asphaltum" is deduced or manufactured, and the total supply for which in this country is brought from abroad in the vicinity of the Dead Sea, and in good faith, believing their discovery upon the public domain, applied to the proper officers of the Government to locate the same, as provided for in the mining laws of the United States and said Territory.

The surveyor-general sent his deputy upon the ground, and, ignorant of the fact that the veins were on the reservation, he surveyed the same, and the parties proceeded with their steps to get title and to open their mines. They were in about 3 miles of Fort Duchesne, and were not molested by the military in charge, whose duty it was to put them off the reservation; nor by the Indian agents in charge, because every one believed, as they did, that they were upon the public domain.

They opened up their property, and spent between $25,000 and $30,000 upon it and in opening a road across the reservation to the railroad to carry their product to market.

In 1887 Congress authorized the Utah and Midland Railroad to cross the reservation, and making the survey for the same some of the corners of the Dubois and neighboring township lines had to be found, and a rumor was put afloat that these deposits were probably inside the Indian reservation, which rumors reached the locators, and they immediately employed the most skillful surveyor to rerun and mark the necessary lines, which was done with the utmost difficulty and expense and after months of hard labor, but, when completed, revealed the fact that the veins were about 1,000 feet inside the reservation.

Inasmuch as these deposits are the only known deposits of this mineral in the United States, and a new industry was developed by their discovery, it is deemed advisable to restore to the public domain a small portion of the reservation on which the veins are located. This action has been recommended by the present governor of the Territory, in the interest of the general public as promoting the general welfare. His views are concurred in by other prominent citizens of the Territory.

From a letter of the Commissioner of Indian Affairs, transmitted by the Secretary of the Interior, we find that the whole number of Indians on said reservation is about 900, and of this number the male adults are, of Uintah Utes, 123; White River Utes, 110, or 233 in all; that the number of acres of said reservation is 2,039,040, which would give 8,708 acres to each male adult over eighteen years of age; that the amount asked to be restored to the public domain, and which is situated in a corner of the reservation adjoining the public domain, is 7,040, a very small and insignificant part of this great reservation; that the part asked to be restored is a sandstone desert, uninhabited, unfit for agricultural or grazing purposes, and unused by the Indians for any purpose. The affidavits of the five military officers at Fort Duchesne show also that it is utterly worthless for any purpose to the tribes.

In speaking of the propriety of restoring it, the Commissioner of Indian Affairs says:

"As to the propriety of passing such a bill, I would say that if the Indians do not make any use of the lands and are not likely to for any purpose, and are perfectly willing for it to be cut off and opened to the use, occupancy, and benefit otherwise of the whites, I do not know there would be any serious objection to the segregation of the tract in question."

While the Commissioner does not recommend it, he sees no objection if the conditions he states exist, and in his views the Secretary concurs. We find they do exist, and see no reason why it should not be restored, as it is of no value to and is not used by the Indians, and will add greatly to the wealth and prosperity of the Territory and of the country.

The location is peculiarly favorable to restoration, as the Indians live upon the rich and fertile valleys of the Uintah River and its tributaries, and seldom, if ever, cross this small corner. Fort Duchesne lies between them and the deposits, and we believe, as the Commissioner says, that the liability to controversy with the whites will not be increased by its restoration.

The policy of the Government from its earliest days has been to restore Indian reservations or portions thereof to the public domain as the exigencies of advancing population required it. In doing so it has equitably cared for the Indians, who held a quasi title to the land, and for such settlers who in good faith had improved and were occupying any portion thereof, believing it to be the public domain. We append the letter of Hon. S. M. Stockslager, Acting Commissioner of the General Land Office, and refer to it for further information on this subject.

The roads built by these parties across the reservation and the furnishing of mineral as return freight to the railroad will enable the Government to get its Army and Indian supplies upon the reservation at greatly reduced cost.

Believing, therefore, that it is to the best interests of the Government, the Territory, and the Indians that this small tract of land, valuable alone for the mineral deposit, should be restored, we report a bill for that purpose. Believing that the parties who discovered these deposits and attempted to locate acted in good faith, they should be given, as is customary in the restoration of all reserved lands, priority for their claims. We have so provided in the bill. We also have provided that whatever is realized from the disposition of the lands shall be paid into the trust fund established for the Indians, so they will be more than equitably compensated for their loss. As there were some errors in the bill submitted, we report the accompanying bill upon the subject, and recommend its passage.

Mr. HOLMAN. Mr. Speaker, this bill contains unusual provisions in regard to the disposal of this 7,000 acres of land. The copies of the bill have been exhausted, I understand, and I am not able to speak with certainty as to the exact number of acres and have to rely upon memory for that; but I understood that the total reservation embraces some two and a quarter million of acres.

Mr. PEEL. But this only relates to 7,040 acres.

Mr. HOLMAN. I am aware of that; but I am speaking of the whole of this reservation. Of that resevation this strip embracing 7,040 acres is affected by the present bill.

Now, this bill is for the benefit of the miners who, in violation of law, have taken possession of that strip of land for mining purposes; and the statement is made that the land is not valuable for agriculture—the Indians occupying the valleys and streams within the remainder of the reservation. I think in such a case as this, notwithstanding the rapidity with which we are exhausting the reservations, for already during this session we have withdrawn from reservations lands to the extent of 29,000,000 of acres in the two reservations which have been before the House; but in this case, where the lands are really valueless except for mining purposes, it seems to me there is some justice in the line of policy adopted. But surely in such case the people who have trespassed upon the lands and found them to be valuable ought to pay for their value.

Mr. PEEL. They are required to pay $20 an acre.

Mr. HOLMAN. When it comes to the matter of agricultural lands the case seems to be different, for there the high public policy of securing homes for the people must be considered in connection with the established rights of the Indians, and where it can be done without injustice it seems to me that these lands ought to be brought within the reach of that rapidly increasing body of our people who are without homes. Here, however, we are not embarrassed by anything of that kind, for this is merely a question of securing to certain parties the benefits of mines discovered by them within the limits of an Indian reservation. I understand that these mines are located at a distance of about a thousand feet inside of the line.

But, sir, I wish to call attention to the second section of the bill. The last clause of the first section declares—

That the land—

Describing it—

is hereby declared to be public lands of the United States and restored to the public domain,

That raises the point to which I wish to call the attention of my friend from Arkansas, the chairman of the Committee on Indian Affairs. That has not been our policy heretofore when we have taken any portion of these Indian reservations and directed their sale and the proceeds to be invested for the benefit of the tribes. In such cases we have not heretofore made the lands a part of the public domain, I will suggest to my friend, for the reason that the lands belonging to the public domain are lands belonging to the United States—not lands held in trust for the benefit of the Indians, but belonging actually to the United States, to be appropriated and disposed of under the public-land laws.

Mr. NELSON. Will the gentleman permit me to interrupt him?

Mr. HOLMAN. Certainly.

Mr. NELSON. I want to call the attention of the gentleman from Indiana, in this connection, if he will allow me, to the fact that in the Montana bill which we passed—the first bill passed the other day—the effect of the legislation there was to throw all that mass of lands open to the public under the general land laws of the United States precisely as this does, only that here is a limitation upon that. In the former case there was no limitation.

Mr. HOLMAN. Ah, but my friend misapprehends my point. In

that case we bought the lands outright. We did not hold that land in trust for the benefit of the Indians, but as a part of the public property, having bought the lands from the Indians and paid for them, in which case the public-land laws of course would apply just exactly as when we acquire lands from Russia or from any other government. They become part of the public domain. If we buy them from the Indians, paying them a fair valuation for them, of course the general land laws would apply. But here we are selling the lands belonging to the Indians for the benefit of the tribe—these Utes—and we are not proposing to divest them of the title, but our proposition is to sell them as their trustee for their benefit, and pay the money into the Treasury, to be invested for their benefit. So it does not become in any sense a part of the public domain.

But further—and my friend will see from the reading of the next section that that position is strengthened by the language used:

That said lands shall be disposed of as other public lands of like kind in accordance with existing laws (except the homestead law shall not apply)—

Now, I do not well see how the general laws can apply there—there is the pre-emption law and other laws——

Mr. PEEL. If the gentleman will permit me to interrupt him, I think I can explain. In this case the evidence is clear that it is sandy, desert land and wholly unfit for agricultural purposes, and clearly the homestead laws would be of no use to anybody. Nobody would want the lands under that law, and therefore it was inserted as a limitation and the price fixed at $1.25 per acre.

Mr. HOLMAN. That is entirely proper. I am agreeing to that, but that the homestead law can not apply to the desert land. We are holding these lands in trust for them. However, I will continue to read from the bill:

and for not less than $1.25 per acre, and not otherwise than for cash entries: *Provided*——

Mr. PEEL. Permit me to interrupt to say further that that is exactly the reason why we put $1.25 an acre upon the lands, because we held the land in trust for the Indians and desired to realize that much for them, at least.

Mr. HOLMAN. Of course that is the effect of the provision; but this proviso is as follows:

Provided, That any location, entry, or entries, mineral or non-mineral, heretofore made or attempted to be made on said lands, or any part thereof, by any qualified person, shall bear date and be allowed the same as if said lands had been public lands at the time of said attempted location or institution of said proceedings—

That seems to be a fair provision—

but said mineral entries shall not be completed except upon the payment of $20 an acre, or at that rate for the amount taken up by the claim: *And provided further*, That all moneys arising from the sales of this land shall belong to said Indians and be paid into the Treasury of the United States and held or added to any trust funds of said tribes now there.

That seems to be proper enough. Now why should not the gentleman having charge of this bill consent to make this simply a sale of lands by the United States with the consent of the Indians for their benefit, instead of making it a portion of the public domain?

Mr. NELSON. I will explain this to the gentleman, if he will yield to me for a moment.

Mr. HOLMAN. Certainly.

Mr. NELSON. I desire to call the attention of the gentleman from Indiana to this fact in the first place, that the *locus in quo* here is not agricultural lands, but timber lands. These are either desert or mineral or coal lands. Now, in the public-land laws of the United States we find section 2319 reads as follows:

All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

I read from section 2325 in regard to the price, as follows:

At the expiration of the sixty days of publication the claimant shall file his affidavit showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the proper officer of $5 per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

I desire to call the gentleman's attention to that provision of the statute.

Mr. HOLMAN. I know it quite well.

Mr. NELSON. The payment is $5 an acre for gold and silver and $20 an acre for coal lands.

Mr. HOLMAN. Twenty dollars is the maximum.

Mr. NELSON. Section 2347 is as follows:

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding 160 acres to such individual person, or 320 acres to such association, upon payment to the receiver of not less than $10 per acre for such lands, where the same shall be situated more than 15 miles from any completed railroad, and not less than $20 per acre for such lands as shall be within 15 miles of such road.

There is there a new mineral substance which has been discovered in this country for the first time. The asphaltum which has been used here has been brought from the Dead Sea hitherto. This is the only quarry in the country, and it may be a question whether the land containing this new product comes under the head of mineral or coal land. We make them pay under this bill the highest price the Government asks under the general law for coal lands.

Mr. HOLMAN. That seems to me very fair, and yet my friend must perceive that this bill is subject to the criticism that these lands are not intended to be restored to the public domain. I think the bill should have simply directed the lands to be sold in a specific manner; that is, that lands not mineral could be sold for $1.25, and mineral lands up to $20, in such manner as the Secretary may prescribe. I shall, however, waive that point.

But I call the attention of my friend to another matter here. This is not a movement based upon the controlling public policy to reach lands for homes for our people. It is simply a proposition to sell lands especially valuable for minerals to persons who have entered on the lands without authority of law. I call attention to the proposition contained in the third section:

SEC. 3. That the Secretary of the Interior shall submit this act to the adult male Indians on said reservation, and the restoration shall take effect on a ratification by three-fourths thereof.

Do we not reach a case there which is a mere matter of profit and speculation, where no question of homes to our people is involved? Does not the question present itself there as to whether these Indians should act entirely voluntarily or not? Why in a case of pure speculation exercise the great power we possess over this matter and say the action of three-fourths of the adult male Indians shall govern? In this way we put it on the grounds of tribal relations, to which we are not inclined to attach much importance. Why should not the Indians themselves be the sellers? Why should it not be provided that the Secretary of the Interior shall ascertain whether or no the Indians wish to sell these lands?—not the majority of them, for we are abandoning the policy of observing tribal relations. If the individual Indians consent to this speculative movement in their lands, why is it not proper to authorize the Secretary of the Interior, in unmistakable terms, to prescribe the rules necessary to ascertain the wishes of the Indians?

Mr. PERKINS. Has he not that authority under this bill?

Mr. HOLMAN. The language is not very definite:

That the Secretary of the Interior shall submit this act to the adult male Indians of said reservation, and the restoration shall take effect on a ratification by three-fourths thereof.

I suppose under that power he might prescribe any rules he thought proper.

Mr. PERKINS. That was the judgment of the committee.

Mr. HOLMAN. I know I have consumed some time in asking what are the purposes of this bill; but there is one other question which I still desire to submit to the chairman and the members of the committee. I suggest that the Indians themselves should determine each for himself whether he will sell for speculative purposes or not.

Mr. PERKINS. What amendment would you suggest?

Mr. HOLMAN. I would say let all the rest remain except the third section. My friend asked me the question why we should require all to consent? I think we should do so for two reasons. First, there is here no question of high public policy. Then we have been adopting a policy which disintegrates the tribal relations and recognizes the individual Indians; and inasmuch as that appears to be our settled policy, the unwisdom of which I think will appear finally, we should be governed by the logic of our own policy.

Mr. PERKINS. But is there not this difficulty, that the tribal relation does exist here? There has been no individual allotment, and for that reason, as you are treating with them for their tribal lands, you must treat with them as a tribe.

Mr. HOLMAN. But our policy is contemplating the other plan all the time. Every legislative act that we have passed for the last two or three years looks in that direction.

Mr. PERKINS. Certainly, after allotments are made.

Mr. PEEL. Mr. Speaker, one reason why I think it is unnecessary to ask the consent of all these Indians individually is that if that were required then there would be no need for Congressional interference at all. Another is that they do not own the lands. They have a right only to possession and occupancy.

Mr. PERKINS. And it is a tribal occupation.

Mr. PEEL. And it is a tribal occupation, as my friend from Kansas [Mr. PERKINS] suggests. The evidence conclusively shows that these miners discovered, located, and developed this mining interest in good faith, honestly believing that it was upon the public domain. This, therefore, is designed as a mere matter of equity to protect them in a discovery that has certainly been encouraged by the public policy of this Government. Let me say further to my friend from Indiana [Mr. HOLMAN] that the Indian Bureau and the Secretary of the Interior have approved the provisions of this bill by a special letter which is in the possession of my colleague on the committee [Mr. COBB], who reported the bill, and to whom I now yield the floor in support of it.

Mr. COBB. Mr. Speaker, after listening to the remarks of the

gentleman from Indiana [Mr. HOLMAN], I fail to understand exactly what he wants. If I can have his attention for a few moments I will try to ascertain what he wants, which I have not been able to do from his speech. Has the gentleman any objection to the bill?

Mr. HOLMAN. I have the objections I have mentioned. But the bill, of course, can not be amended from my point of view without being entirely redrawn. I do not think these lands ought to be restored to the public domain, but as a matter of fact they are not to be restored, and I waive that point because the bill itself shows upon its face that these lands are to be sold in trust for the benefit of these Indians and not restored to the public domain. They are not made subject to any of the general laws applicable to the public domain. It is simply provided that they shall be sold, the parts of them that are not mineral lands, at $1.25 an acre, and the parts that are mineral lands at $20 an acre, for the benefit of the Indians. My friend [Mr. COBB] will see, therefore, that that portion of the bill which contemplates the restoration of the lands to the public domain is hardly in harmony with the general principles of the bill, but I waive that, because the general purpose will be accomplished.

Mr. COBB. Why dwell upon it, then, if the gentleman waives it?

Mr. HOLMAN. Yes, I waive it.

Mr. COBB. Well, there has been a good deal of talk over it.

Mr. HOLMAN. Yes, I know there has been a good deal of talk, and I think there ought to be a little more talk about these bills. A proposition of this kind, opening up these Indian lands for speculation, is one that I think ought to arrest considerable attention. You gentlemen who are members of the Committee on Indian Affairs are of course much more familiar with these matters than members of the House generally, upon whom they are sprung at the spur of the moment. Therefore you can not complain if some of us occupy a little time in trying to ascertain what we are doing. I think there ought to be added to the third section of the bill a provision that "the Secretary of the Interior shall prescribe rules for ascertaining the wishes of the said Indians, so as to have a fair expression of their wishes touching the disposition of said lands."

Mr. PERKINS. I think there will be no objection to that.

Mr. COBB. I suppose not. So far as that is concerned, however, it is already in the bill.

Mr. PERKINS. Let that amendment be offered, and then we can proceed with the bill.

Mr. COBB. If that is all the change proposed by the gentleman from Indiana, I suppose we need consume no further time in this matter.

Mr. MCRAE. Mr. Speaker, I have an amendment which I wish to propose to the second section. I move to strike out all after the word "as" in the first line of section 2, down to the word "for" in the third line, and to insert other language, so as to make that provision of the bill read:

That said lands shall be disposed of at public or private sale, in the discretion of the Secretary of the Interior, for not less than $1.25 per acre.

Under the provision of the bill, and as it stands now, we make these lands subject to entry under existing laws except the homestead law, and then declare that there must be a cash entry. The phraseology I have adopted simply declares what appears to be the purpose of the bill, namely, that the land shall not be sold at less than $1.25 an acre.

Mr. COBB. I have no objection to that amendment.

The SPEAKER *pro tempore*. Let the amendment be read.

The Clerk read as follows:

In lines 1, 2, and 3 of section 2, strike out the words "as other public lands of like kind, in accordance with existing laws except the homestead law shall not apply and," and insert the following: "At public or private sale in the discretion of the Secretary of the Interior." So that if amended as proposed the first part of section will read:

"That said lands shall be disposed of at public or private sale, in the discretion of the Secretary of the Interior, for not less than $1.25 per acre," etc.

Mr. HOLMAN. It may be that, in spite of the information we possess, a portion of this land is adapted to agriculture; and I wish to suggest a provision that these lands which are to be sold at not less than $1.25 an acre shall be sold in quantities not exceeding a quarter-section to any one purchaser. Does the gentleman from Alabama [Mr. COBB] object to that?

Mr. COBB. I do not know that I have any objection, but I would like to hear the amendment read.

The Clerk read as follows:

After the amendment last adopted, insert the following: "In quantities not exceeding one quarter of a section to any one purchaser."

Mr. COBB. Does the gentleman from Indiana limit the amendment to agricultural lands?

Mr. HOLMAN. It is limited necessarily to the lands which are to be sold at $1.25 an acre. The residue of the land would be governed by the mineral-land law.

Mr. COBB. I do not know that I understand exactly the object of the gentleman. Will he please explain the amendment more fully? We may accept it.

Mr. HOLMAN. The purpose of the amendment is that the non-mineral lands—those which are to be sold at $1.25 an acre—shall be sold in quantities not exceeding a quarter-section to a single purchaser. The other lands—the mineral lands—would of course be governed by the mineral-land law. The mineral lands we do not expect to sell at $1.25 an acre, but at $20 an acre.

Mr. COBB. May not the gentleman's amendment have the effect of withdrawing all this land from the operation of the mineral-land law?

Mr. HOLMAN. I think that is prevented by the express terms of the amendment. This amendment applies to lands which are to be sold at $1.25 an acre. The provision with reference to mineral lands comes afterward. You do not intend to have mineral lands sold at $1.25 an acre?

Mr. COBB. I have very grave doubts whether the gentleman, by these amendments, is not interfering with the interests of the Indians whom we are trying to protect. This bill has received mature consideration at the hands of the Committee on Indian Affairs. We have endeavored to protect the interests of these Indians. The gentleman from Indiana, without having seen the bill before, comes in and proposes to cut into it here and there, seemingly without regard to the effect his amendments may have upon the interests of the Indians concerned.

Mr. HOLMAN. Let the section be read with my proposed amendment.

The section as proposed to be amended was read.

Mr. HOLMAN. To render the meaning absolutely certain, an additional clause is perhaps necessary. I move to amend so that the third line will read, "and the non-mineral land for not less than $1.25 per acre."

Mr. COBB. We accept that amendment.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The present occupant of the chair is informed there is already an amendment pending.

Mr. NELSON. I ask that it be read.

The Clerk read as follows:

After the words "Secretary of the Interior" in the amendment last adopted, insert "in quantities not exceeding one-quarter of a section to any one purchaser."

The amendment was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the amendment last offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. HOLMAN. I now move to add to the third section the language which I ask the Clerk to read.

The Clerk read as follows:

And the Secretary of the Interior shall prescribe rules for ascertaining the wishes of said Indians and to secure their free action touching the proposed disposal of said lands.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. PEEL. I call up for consideration the bill (H. R. 8006) to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations.

The bill was read, as follows:

Be it enacted, etc., That section 5388 of the Revised Statutes of the United States be amended so as to read as follows:

"Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the lands of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than $500 or be imprisoned not more than twelve months, or both, in the discretion of the court."

The report (by Mr. COBB) was read, as follows:

The Committee on Indian Affairs, to whom was referred the message of the President of the United States transmitting a communication from the Secretary of the Interior, with accompanying papers, and draught of a bill to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations on public lands, have considered the same, and report the bill herewith returned favorably, and recommend its passage.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED PEORIAS AND MIAMIES.

Mr. PEEL. I call up for consideration the bill (H. R. 8074) to provide for allotment of land in severalty to United Peorias and Miamies, in Indian Territory.

Mr. PERKINS. I move, by unanimous consent, the first reading of the bill for information be dispensed with, and that the Clerk proceed to read it by sections for amendment.

There was no objection, and it was ordered accordingly.

The first section of the bill was read, as follows:

Be it enacted, etc., That the confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, now located in the northeastern portion of the Indian Territory, and who united with each other under a contract, dated January 15, 1872, and approved by the Secretary of

the Interior, in accordance with the provisions of an act of Congress entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March 3, 1873, and known as the United Peorias and Miamies of the said Indian Territory, shall have the lands belonging to them and occupied by them, the United Peorias and Miamies, amounting to 50,301 acres, under the said contract, allotted to each member of the United Peorias and Miamies in severalty as hereinafter provided: *Provided*, That the consent of a majority of the male adult members of said tribes, assembled in open council, to the provisions of this act shall first be obtained.

Mr. HOLMAN. I have consented to dispensing with the first reading of the bill for information, on the condition there should be no limitation of the debate.

Mr. GEAR. I ask for the reading of the report.

The report (by Mr. PERKINS) was read, as follows:

(To accompany bill H. R. 8074.)

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1402) to provide for the allotment of lands in severalty to the United Peorias and Miamies in Indian Territory, and for other purposes, having had the same under consideration, report back the accompanying substitute, and recommend that the said bill do lie on the table, and that the substitute do pass.

The United Peorias and Miamies own 50,301 acres of land in Indian Territory, where they reside, and the Miamies own land in the State of Kansas, where they resided prior to their removal to Indian Territory in 1873. All these Indians are civilized and self-sustaining, and are sufficiently educated to become citizens of the United States, and to hold their lands and other property in severalty, and they desire to so hold it.

The substitute provides for the allotment of their lands to them in severalty in Indian Territory, but to be held by the United States in trust for them, inalienable, and not subject to sale for taxes, or under decree of any court or otherwise for a period of twenty-five years, and for the sale of their lands in Kansas. The rights of all parties are properly guarded, and the bill is recommended by the honorable Commissioner of Indian Affairs and is desired by the Indians, and it is at their instance and request that this legislation is proposed.

Mr. HOOKER. I move to amend the first section of the bill in lines 18, 19, and 20, by striking out "majority" and inserting "three-fourths;" so the proviso will then read:

Provided, That the consent of three-fourths of the male adult members of said tribes assembled in open council, to the provisions of this act shall first be approved.

The amendment was agreed to.

The second section was read, as follows:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be allotted to the said United Peoria and Miami Indians the above and foregoing described tract of land, embracing 50,301 acres, and now owned and occupied by them, in manner and form as hereinafter provided; the said Peorias being entitled to receive as their proportion of said tract, for allotment among their people, an amount that shall equal in the aggregate 33,218 acres, and the said Miami Indians to receive as their proportionate share for a like distribution, and to their people, such an amount as shall equal 17,083 acres; the same to be so subdivided and allotted as to give to each and every person who is a member of either of said tribes of Indians, and entitled by birth or adoption, their equal or proportionate share of said land, each share or allotment not to exceed 220 acres: *Provided*, That before individual selections are made, the Miami chiefs shall select, from the land allotted to their tribe, 3 acres of land for cemetery purposes and 4 acres for school purposes; that for school purposes to be selected in two lots of 2 acres each. Rolls containing the names of all such persons so entitled to a distributive share in said land shall be made out and certified by the chiefs of said tribes, which rolls shall be subject to revision and correction by the Secretary of the Interior.

Mr. HOOKER. I ask the gentleman having charge of the bill what is the evidence which has been offered to the Committee on Indian Affairs that these tribes desire this legislation?

Mr. PERKINS. They have a delegation here for that purpose and they have been urging it for years. They were excepted out of the general allotment bill because they wished this special legislation.

Mr. HOOKER. Are they authorized to represent their tribes in this matter; and are these Indians capable of taking care of their own——

Mr. PERKINS. I have the report of the Commissioner of Indian Affairs for 1886, and will read a paragraph from the report of the agent of the Quapaw agency:

The Miami, Peoria, Ottawa, and Wynndotte Indians have for many years closely associated themselves with, and intermarried amongst their white neighbors, and in consequence the Indian in his accepted sense has almost entirely disappeared from these tribes, leaving in his stead a race in which the white blood predominates, a people having nothing in common with the Indians and everything in common with the whites. The majority are intelligent and educated and thoroughly understand and pursue agricultural and other civilized pursuits. They are retarded in their progress, however, by the manner of holding their lands and their non-citizenship under judicious land laws.

I may say in addition that the Indian Department recommends the passage of this bill.

Mr. HOOKER. I am aware it has been the policy of the Indian Department ever since Mr. Schurz was Secretary of the Interior to allot these lands to the Indians in severalty, but always with a restriction on the power of alienation for a certain period, and I believe twenty-five years has been the usual time fixed for that purpose.

Now, I have been at a loss to understand why, if it be the policy to allot lands in severalty amongst the various Indian tribes, it has not been extended to the five civilized Indian tribes, the Cherokees, the Choctaws, Creeks, Seminoles, and Chickasaws. It may be said they hold their lands by patent or under treaty stipulation.

The SPEAKER *pro tempore*. The gentleman will suspend until order is restored on the floor.

Mr. HOOKER. I was saying, sir, that this principle has never been applied to the five semi-civilized tribes of the Indian Nation, because of the manner of holding their lands, presumably. I have always thought that there was another reason why in proposing this policy on the part of the Department they had never attempted to apply the allotment principle to these five semi-civilized tribes, and in my judgment it is because they have amongst them some of the best educated men in this country of whatever color. They thoroughly understand the interests of their nation, and have always opposed the idea of dividing their land in severalty. They unquestionably belong to the intelligent portion of the Indians, and have always resisted the effort to allot their lands.

Now, if the principle be a good one to apply to the Indians named in this bill, then I ask why it is not also a good one to apply to the Indians of the five semi-civilized tribes? I doubt very much whether it is the interest of any of these Indian tribes to hold their lands in severalty, and certainly if the five semi-civilized tribes of the Indian Territory have not reached a condition which would authorize them to ask a division of their lands in severalty, *a fortiori*, it can not be said that the other tribes have reached anything like a condition which would admit of the application of that principle to them.

If I know the Indian and the Indian character, I repeat that I doubt very much the propriety of allowing any of these tribes under present circumstances to hold their lands in severalty; and I question the wisdom of changing the condition of these five semi-civilized tribes, holding their lands under the treaties with Government of the United States. There will probably arise, when a proposition shall come up here for the purpose of erecting a portion of this great Indian Territory into a Territory of the United States, this question in some positive form; but in that event, were I an Indian of one of those tribes, I should, I repeat, doubt exceedingly the wisdom of the policy of allotting the lands in severalty, accompanied with the power of alienation.

If that principle were embodied it is altogether likely that it would be but a very little while before a vast portion of that rich territory which was ceded to the Indians west of the Mississippi River in return for the lands of the Choctaws, Creeks, Cherokees, and others in the States east of the Mississippi would be in the possession of that aggressive white population which is so closely surrounding them now on all sides. The time has gone by when there is a western border and western territory where wild game abounds, and it is not now possible to say to these Indians that they shall be forced on to other reservations further west, because the footsteps of civilization and progress are advancing upon them from both sides. As long as the great West was an unknown region there was some reason why the Government might see proper to remove them out of the advance of civilization from the East upon other reservations. But, sir, the tides of civilization come alike now from the Atlantic and Pacific, and thus the Indian is hedged in between the two advancing columns, within the narrow border of that territory; and if he would maintain his existence he must be placed in a position where his rights are secured beyond the reach of shrewd speculators. These five tribes understand this condition of affairs as well as we do.

It is simply for this reason that the intelligent and educated men amongst the Cherokee and Chickasaw and Choctaw Indians have always held that it was to their best interest to hold their lands as a community in order to preserve them from the improvident and indiscreet and unwise members of their tribes, who would otherwise get rid of them, and I think, sir, that this same principle should apply to all Indians, at least for the present; and that the true policy is to hold their lands in common until they themselves desire a change.

[Here the hammer fell.]

Mr. HOLMAN. I hope the time of the gentleman will be extended without objection.

Mr. PERKINS. If I can obtain the floor I will yield to the gentleman from Mississippi.

Mr. HOLMAN. I was in hopes that the time would be extended indefinitely, as probably the gentleman from Mississippi will want longer time.

Mr. HOOKER. I thank the gentleman for his courtesy.

This is not the first time that this proposition has been presented for the consideration of Congress. I doubt very much whether a single instance can be pointed out in the Indian history or in the history of any of the Indian tribes where the principle of the allotment of lands in severalty has been practically of benefit to them. In a former Congress of the United States this proposition was made at a time when Mr. Scales, of North Carolina, was chairman of the Committee on Indian Affairs. The recommendation to allot these lands in severalty was then just as urgent as it is now; and we think that the report which was made by the minority of the committee at that time embodied the proper principle upon the subject in relation to the allotments of land in severalty. In a minority report made in that Congress this language was used:

We are free to admit that the two civilizations, so different throughout, can not well coexist or flourish together. One must in time give way to the other, and the weak must in the end be supplanted by the strong. But it can not be violently wrenched out of place and cast aside. Nations can not be made to change their habits and methods and modes of thought in a day. To bring the Indian to look at things from our standpoint is a work requiring time, patience, and the skill as well as the benign spirit of Christian statesmanship. Let us first demonstrate on a small scale the practicability of the plans we propose; and when we have done that, if we can do it, a persevering patience will be needed to make the policy general.

Again I quote from the same report:

Whatever civilization has been reached by the Indian tribes has been attained

under the tribal system and not under the system proposed by this bill. The Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles, all five of them barbarous tribes within the short limit of our own history as a people, have all been brought to a creditable state of advancement under the tribal system. The same may be said of the Sioux and Chippewas and many smaller tribes. Gradually, under that system, they are working out their own deliverance, which will come in their own good time if we will but leave them alone and perform our part of the many contracts we have made with them. But that we have never yet done, and it seems from this bill we will never yet do. We want their lands, and we are bound to have them. Let those take a part in despoiling them who will; for ourselves, we believe the entire policy of this bill to be wrong, ill-timed, and unstatesmanlike; and we put ourselves on record against it as about all that is now left us to do, except to vote against the bill on its final passage.

Now, sir, the policy of making the Indian a citizen of the United States and destroying entirely his tribal relations, in my judgment, if submitted to and acquiesced in by the Indians, will eventually cause them to lose the vast territory they now hold in exchange for lands ceded to the Government of the United States east of the Mississippi, the lands in the States of Georgia, Alabama, my own State of Mississippi, and other States. And when these lands were ceded to the Indians in the Indian Territory, which are environed now by a white population, looking greedily across to reach the virtual possession of the lands, which are probably the richest and most valuable in the United States, there is reason to assume that it would not be very long, if the Indians had the right to dispose, themselves, of them, before they would soon pass beyond their control. The only safety, in my judgment, for the preservation of their title is that which General Jackson laid down to them when the cession was made east of the Mississippi by the Indians and these lands were given to them in exchange for them. He used their own figurative language when he said that it should be theirs "while water flows and grass grows."

It was a perpetual gift intended to be a security to them and to their children in return for the important concessions which were made east of the Mississippi River, and I doubt the policy by whatever administration it may be recommended—it is perhaps good policy on the part of the white people of the United States who desire to occupy these lands—but I doubt whether it is good policy for the Indians themselves. The five semi-civilized tribes, who are more capable of judging what is for their own interests than the others, have not acceded to the proposition, and I prophesy they will not for years accede to the proposition that their lands shall be divided in severalty; and why should the principle be applied to the more ignorant tribes?

The effect of it will be when these Indian lands shall be divided in severalty with power of alienation the improvident and thriftless portions of the Indian tribes will soon strip themselves of their entire landed estate and will have nothing. The Indian looks upon land very much as he looks upon water and air, as the common inheritance of the occupiers of the country. He has not the ideas about land and settlement and ownership that the Anglo Saxon has. They look upon the occupation of these lands as a common right. They hold their lands in common. And while they do so the intelligent portion of the tribe will be able to guard the interests of those who are improvident, thriftless, and unwise. If I were an Indian I would oppose any proposition on the part of the United States to divide the lands in severalty.

Mr. PERKINS. I shall not enter into a general discussion of the policy of allotting lands in severalty to Indians, except to say that I believe in it. I believe in the doctrine of allotting lands in severalty to the Indians with suitable restrictions when in the judgment of some competent officer they are in a condition to have the lands allotted to them.

Mr. WEAVER. Will the gentleman permit me to ask him a question?

Mr. PERKINS. Yes, sir.

Mr. WEAVER. Is it not a fact that the community system of holding land in the Indian Territory results in throwing most of the land into the hands of a few strong, wealthy men to the exclusion of the poorer classes?

Mr. PERKINS. There is no doubt of that. The members of the five semi-civilized tribes whom the gentleman from Mississippi had in his mind when speaking of their qualifications are interested in keeping up their tribal organization, because they thrive thereby on account of the positions of honor, emolument, and profit which are given them; and they bring such influence and pressure to bear that thus far they have retarded the breaking up of the tribal organization.

But I am not here to discuss the general policy of the allotment system. I do not care to detain the House or to take the time of the committee in discussing that policy except to suggest that those who have given the best thought to this policy, and who have given most attention to the advancement, the education, and the civilization of the Indians, have committed themselves uncompromisingly and irrevocably to the system of allotments. The Indian Rights Commission, our Quaker friends, and all organizations that have given thought and attention to the question of how best the advancement of the Indian can be secured have indorsed and approved the principle of allotments and of the breaking up tribal organizations. They believe in cultivating and encouraging the individuality of the Indians, and in throwing off the restraints and superstitions of the tribal organizations.

But here are 58 Miami Indians and 144 Peoria Indians in the Indian Territory. That is all there are of these people; and in the language of the agent who makes this report from which I read an extract, the Indian has almost entirely disappeared from among them and the white man predominates. And he says they are as capable of managing their own affairs as a like number of men in any community in any of the surrounding States. And these Indians come here and ask from Congress the right to own their lands in severalty and care for them as educated, civilized men. And shall it be said by Congress that we shall stand here as a barrier to this policy and say, "Your tribal organizations shall be kept up, notwithstanding your civilization, your progress, your qualifications for citizenship; we shall deny you this privilege you are asking?"

There is not a like number of men in any community which the gentleman from Mississippi represents, or which I represent, or any other gentleman here represents, who are more qualified to care for their own advancement and their own property than are these Indians for whom I am now speaking. And they ask that this bill shall be passed in their interest. They want the tribal organization broken up because, in the language of the agent, it retards them and is a barrier to their thrift, prosperity, and good.

Mr. HOOKER. I suppose the gentleman is speaking now of the semi-civilized tribes. I ask him do they not have their governor, also their house of delegates and senate elected by Indians?

Mr. PERKINS. Undoubtedly; but not the Miamies and Peorias.

Mr. HOOKER. They elect a governor and also a house and senate. They have good schools.

Mr. PERKINS. Very good schools.

Mr. HOOKER. I do not see why you should not say that the same principle should apply.

The SPEAKER *pro tempore*. The time of the gentleman from Kansas [Mr. PERKINS] has expired.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I simply want to say a few words in behalf of the principle of giving these Indians their lands in severalty. For many years I had the honor of presenting in this House the memorial of the Indian Rights Association of Pennsylvania favoring that idea, and I am only too glad to have an opportunity of recording my vote for it in reference to the Indians embraced in this bill.

Mr. Speaker, I wish to say in regard to that Pennsylvania Indian Rights Association that it is composed of gentlemen who voluntarily devote their time to the consideration of the best interests of the Indian, gentlemen who have the means and the opportunity of visiting the tribes and who are associated together in this matter simply with the object of benefiting the Indian by every means in their power, and, as I said when I rose, I am only too glad of an opportunity to cast my vote here in favor of this proposition, which is in accordance with the views of that association. It is a very pleasant thing, Mr. Speaker, to have an instructive word from intelligent volunteers on the Indian question or upon any other question. These gentlemen are not officials, they are not office-seekers, they are simply engaged in doing what they think is right in the cause of humanity and in the cause of the progress of the Indian in civilization, and I take what they have stated in their memorial to be the sound judgment of sound men. I subscribe to it all; I believe they are right; and I rejoice that I now have the opportunity of recording my vote in favor of the principle which they think and which I think to be right as set forth in their contributions to the literature of the Indian question.

Mr. PEEL. Mr. Speaker, I simply desire to say that these are the first Indians I have ever heard of who felt that they were fit and competent to be citizens of the United States, and who asked Congress to give them the privilege of becoming such. We are spending millions of dollars annually for employés by the score to educate the Indians and prepare them to become citizens so as to be able to hold their lands like other people and take care of themselves, and if we are never to find any of them ready for the change we must continue to follow that trail as long as we live. But in this case we have found some who are ready, or who at least believe and express the belief through their chief and their second chief (who have been in the city for some time) that they have reached such a stage of civilization and intelligence and of general appreciation and understanding of the value of their lands that they are fully capable of taking care of themselves. That seems to be the opinion, too, of the agent who has been attending to their business for years, and who is located near them. The question then is, will Congress allow them to do this or not? That is the whole question in a nutshell. If they are ready to be citizens, I say in God's name let them become citizens, and I would be glad if there were more Indians similarly situated, prepared to assume the duties and take upon them the responsibility and the sovereignty of citizens of the United States.

Mr. BLOUNT. Will the gentleman yield for a question?

Mr. PEEL. Certainly.

Mr. BLOUNT. I see that the bill provides for allotments of so much land; but how about the houses and other improvements?

Mr. PEEL. I think they are to take the lands with their improvements.

Mr. BLOUNT. It seems to me that that is a very important question.

Mr. PERKINS. With the permission of the Chair I will answer that question. The bill provides that where allotments are made to these Indians they shall be so made as to give to them their respective or individual improvements wherever that can be done.

Mr. BLOUNT. But some of them perhaps have no improvements.

Mr. PERKINS. The improvements, I suppose, are to be given to those who own them. Of course they should not be given to others who have not made them or acquired them in any way.

Mr. BLOUNT. But how do you provide for the cases where there are no improvements? Do you just give the Indians their lots of land and then withdraw the usual provision that is now made for their care and maintenance?

Mr. PERKINS. No; there is nothing of that kind in this bill, and there is no provision made for these Indians by the Government of the United States except to carry out the stipulations of treaties heretofore made. They do not receive any gratuities from the Government and have not received any for years.

Mr. PEEL. I desire further to say, Mr. Speaker, that the delegates who are here representing these people insist upon this bill being amended so as not only to give them their lands in severalty, but to give them the patents straight out, direct. The reason they assign for that is that an act of Congress could change this policy, and they are unwilling to take that risk. They say if the usual allotments are made and the allotment certificates issued, and the Government retains the patent for twenty-five years, they will feel that the matter stands in an executory stage, liable to be changed by act of Congress ten or fifteen years hence, and they will not feel secure. Therefore they say, "We want our patents. We are able to take care of our lands and our horses and our cattle. All we ask is that the Government shall give us what is ours, divide it up among us, and then we will take care of ourselves." And I say, Mr. Speaker, if they are capable of assuming that responsibility, in God's name give it to them.

Mr. HOOKER. Mr. Speaker, I desire to say a word in reply to what has fallen from the gentleman from Arkansas [Mr. PEEL]. It is a very singular fact, sir, that under the tribal system the Indians who have most improved are the five semi-civilized tribes. Now, it has been suggested here that it is interested and wealthy parties who want to continue this system for their own benefit. Why, sir, within the memory of men now on this floor these five semi-civilized tribes were savages. They have been gradually removed by the Government from the country east of the Mississippi to territory west of the river, given them by the Government in exchange for the lands they have relinquished. Under the tribal system these Indians have become five of the most prosperous communities in the United States. I venture to say that no class of people in the country are in a better position, from a pecuniary point of view, than these five semi-civilized tribes. They have simply asked the Government of the United States to pay them what it owed them.

The Choctaws came here many years ago asking their honest dues. Old Peter Pitchlynn, their ex-chief, was here pressing their claim. He came to Washington in the first place supposing that six weeks would be sufficient to procure the payment of the claim. But while waiting for its settlement he bought property here, raised a family, lived here thirty years, and finally died; and justice was not done to the Indians he represented until a year or two ago, when the Supreme Court of the United States rendered judgment to pay these Indians what had been owing to them for fifty years.

While these five semi-civilized tribes are in good condition, I do not know anything in regard to the particular tribes named here. I am speaking of the general policy of allotting lands to the Indians. If it be true that the Indians are in favor of this, nothing can be lost by providing for the expression of their assent in a proper manner.

It is highly probable that in particular localities in certain States small bands of these Indians, surrounded by white people, are intelligent enough to take care of their own affairs. But as to the five semi-civilized tribes, conceded to be the most intelligent of the Indian population, the best advised as to their own interests, the most civilized and most Christianized, we know it to be undoubtedly true that they are unalterably opposed to the allotment system. This being the case, I can not but ask myself, why should the Government want to apply this system, as is proposed in some instances, to the barbarous tribes—what are called the "plains Indians?" If the system is to be undertaken with reference to this class of Indians, I see no reason why there should not be required a full assent on the part of the Indians before they are subjected to this system. Hence I offered the amendment, which was accepted by the gentlemen on the other side, providing that at least three-fourths of the Indians should assent. I am not at all certain it would not be well to require the assent of every individual Indian in these tribes.

Mr. BLOUNT. Mr. Speaker, my object in taking the floor is not to oppose this bill at all, but to obtain some information. I find in section 3 this provision:

That where the improvements of two or more members of said tribes shall have been made upon the same legal subdivision, and said parties can not agree, the said special agent and agent shall have the power to decide, and their decision shall be final: *Provided further*, That allotments of land made under the provisions of this act shall be made as near equal in value, exclusive of improvements, as practicable.

Now, a number of the Indians upon whom this bill will operate will not have houses upon their lands. I presume that fact is contemplated.

Mr. PERKINS. Undoubtedly.

Mr. BLOUNT. There are likewise minors who will come under the operation of this allotment system. Are these people to be turned loose without any fund for the construction of buildings? And if so, do we not practically force an abandonment of the land, or a sale at unfair prices? In section 9 I find this declaration:

That all money received and now in the custody of the United States, or that may be received up to the date of the passage of this act, arising from the sale of the unallotted lands in Kansas, including the school sections referred to in section 6 of this act, shall immediately be available after the passage of this act.

This money, it appears, is to be distributed among the Indians. Now, I wish to know what amount the Government now has or is likely to have that may be utilized for the purpose of constructing homes for the Indians.

Mr. PERKINS. I can not give the exact amount which the Miamies have to their credit in the Treasury of the United States. The Peorias have about $77,300 as a trust fund and $20,000 as a school fund. There are 144 of the Peorias and only 58 of the Miamies. The fund belonging to the Miamies, though not quite so large as that of the Peorias, is a very considerable amount. I can not give the exact figures.

Mr. BLOUNT. I do not care about the exact amount. What I want to know is whether the gentleman thinks there will be sufficient money for the purpose I have indicated.

Mr. PERKINS. Oh, I think so.

Since this debate commenced one of these Peorias has sent to me a note, which I know is in his own handwriting, and it would do credit to almost any member of Congress. I send it to the desk to be read for the information of the House.

The Clerk read as follows:

MR. PERKINS: For eight years we have worked for the allotment of our land. We have spent, as the records of the Indian Office show, several thousand dollars in maintaining delegations here for that purpose.

W. C. LYKINS.

Mr. HOOKER. The first section of this bill provides—

That the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, now located in the northeastern portion of the Indian Territory, etc.

Now, I wish to ask how many of these Indians there are, all told.

Mr. PERKINS. I have already given the number, 144 of the Peorias and 58 of the Miamies. The Weas and Piankeshaws are members of the Peoria tribe.

Mr. STONE, of Missouri. After the allotments have been made how much surplus will there be?

Mr. PERKINS. The bill proposes the allotment of all the land. It does not propose to open any portion of this reservation to settlement, but to divide the land among the Indians.

The SPEAKER *pro tempore*. The next section of the bill will be read.

The third section was read, as follows:

SEC. 3. That as soon as practicable after the execution of such surveys and resurveys as may be necessary, a special agent shall be appointed by the President, whose duty it shall be, in conjunction with the United States Indian agent for the Quapaw agency, to allot the said lands in severalty to the said United Peorias and Miamies. The salary of the said special agent shall be paid from the appropriation for pay of special agents to make allotments of lands in severalty to Indians. The Secretary of the Interior shall furnish to the said special agent any and all plats, reports, and papers showing the legal subdivisions by the surveys made of said lands. All allotments of said lands under the provisions of this act shall be made, if by an adult, by individual selection, heads of families selecting for their minor children and guardians for their orphan wards, in lots or parcels, contiguous or not, as may be fixed or agreed upon by the council of the said United Peorias and Miamies, and in such manner, as nearly as practicable, to embrace the improvements of the Indians making selections: *Provided*, That where the improvements of two or more members of said tribes shall have been made upon the same legal subdivision, and said parties can not agree, the said special agent and agent shall have the power to decide, and their decision shall be final: *Provided further*, That allotments of land made under the provisions of this act shall be made as near equal in value, exclusive of improvements, as practicable. That the special agent and agent shall, on completion of their duties as herein set forth, forward to the Secretary of the Interior a complete list of all the individual allotments made under this act, with apt description of the same, in order that patents, as hereinafter provided, may issue therefor, and shall also submit a statement showing the description and amount of any surplus land, if any there be, after said allotments have been made.

Mr. HOLMAN. I move to strike out the last word, and I do it for the purpose of ascertaining from my friend from Arkansas [Mr. PEEL] the particular reason which exists for dividing up these lands in severalty amongst the members of these two bands of Indians. The Peorias and the Miamies are comparatively civilized bands of Indians. They migrated in 1836 from the northern section of the State of Indiana. They are doing well, and I would like to know of my friend from Arkansas whether they desire to have their lands divided and allotted to the members of these two bands of United Peorias and Miamies in severalty?

Mr. PEEL. I will reply to the gentleman at the proper time, and try to furnish him with the information he seeks.

Mr. HOLMAN. I understand the gentleman has in his possession

a letter from one of the most accomplished of these Indians, named Richardville, which I hope he will have read for the information of the House. The grandfather of this Richardville was the chief of his tribe more than forty years ago, and he is the same Richardville of whom General Cass speaks as the most acute and skillful diplomat he ever met with in the whole course of his life; and General Cass, we know, had considerable experience in diplomacy.

I understand the letter to which I refer was written by the direct descendant of that illustrious chief, and I will yield out of my own time to have it read.

Now, Mr. Speaker, I do not believe there is a tribe of Indians in this Indian Territory or anywhere else which, when left to itself, desires to hold its lands in severalty. My friend from Arkansas is aware that down in the Indian country when you distributed lands to the Shawnees, of whom Tecumseh was an illustrious character, they were given to those Indians south of the Canadian River. They were given to them on condition they should take those lands in severalty, and they were set off in severalty on the south bank of that river. Piles of earth were thrown up to mark the corners, and stones were taken from the Canadian River as landmarks for those lands. In less than a year, however, those Indians had fled to the north of the Canadian River, and we were told by the Kickapoos that none of them had ever had the courage since then to go back to their reservation which they had left, feeling that they had displeased the Great Spirit, and that they had sent their dog soldiers to level down the landmarks, and the stones were taken and thrown into the river.

My friend and myself saw the great progress and advancement which had taken place amongst these Shawnees. They were settled upon the Kickapoo lands without the slightest objection on the part of the Kickapoos to their occupation of those lands.

And in regard to the five civilized tribes of Indians, we had the pleasure of meeting them in council. We were told, on the part of the intelligent portion of these Indians, they were opposed to the allotment of their lands in severalty. They alleged there was not a pauper amongst them, not an Indian child unprovided for, not an Indian without a home.

These Indians do not hold their lands common in a general sense, but the lands occupied by these Indians are occupied against all comers, and so long as they remain upon them no other Indian can come and take possession of them. Their possession of them is absolute; the right of possession is perfect so long as the Indians remain on them; their right to cultivate them and to occupy them is unquestioned. It is only when they leave the lands, when a family becomes extinct, that other Indians can go upon them and occupy them. Now will my friend tell me how that differs from Stuart Mill? Does he not and do not other men of that class of economical thinkers take the same view, and as the gentleman from Mississippi remarked pertinently a moment ago, in view of the advancement and progress of these Indians, is it not better to preserve the favorable condition of things which now exists?

In the tribe each Indian is the common care of the whole tribe; and I apprehend this, gentleman—for on this subject I, in common with other members on this floor, feel a deep interest—I apprehend that the result of this legislation will be to create a body of lazzaroni wherever an Indian tribe is found to exist throughout the country which comes under the provisions of such legislation.

Our own race, springing from the forests of Germany and other portions of continental Europe, as well as the islands of the sea, has built up its civilization to its present elevated condition by a slow and painful progress under rules adopted by themselves, and through different forms of progress and development.

That growth has been slow and laborious. But you propose by such legislation as this to apply to these people, but one degree removed from barbarism, the same rules which apply to a race which has twelve hundred or fifteen hundred years of progress back of it, and which has taken that length of time for mental development. We have an idea of property, the Indians have not; and you can not fix in the mind of the average Indian to-day the idea of a condition of separate property. He can not entertain it—can not understand it. When the Shawnee comes into the lands set apart by treaty stipulation for the Kiowa or Kickapoo, the Kickapoo never dreams that he has a right to object. It did not strike his mind in that way. It was, in his simple judgment, common property, and hospitality is unlimited as between themselves.

I hope, inasmuch as this policy has been determined on as a most convenient and proper method of reaching these lands, that it will be successful; but I fear the ultimate result upon these unfortunate savages.

Mr. PEEL. Mr. Speaker, I have been much edified, and I trust the House has also, by the commentary of the gentleman from Indiana upon the legislation which is now in force, and that proposed with regard to the Indian tribes. My friend forgets that he is dealing with Indians very different in point of civilization and attainments from the ordinary Indians as we understand them. While the theory he advances may apply and does apply undoubtedly to many Indians, it is not applicable in this instance by any means. I ask the gentleman from Indiana to reflect upon the fact that under the treaties with these five civilized tribes we agreed to divide these lands in severalty whenever they chose to ask for it.

Mr. HOLMAN. But they have never asked.

Mr. PEEL. We have agreed to do it when they do ask.

Mr. HOLMAN. But I repeat, they do not ask.

Mr. PEEL. These people do not belong to the five civilized tribes. They come and ask legislation to partition out their common property. I want to say to the gentleman that this is simply an act to partition their lands, an act that is recognized throughout the States of the Union, I presume in every one of them.

Mr. HOLMAN. Will the gentleman allow me to interrupt for a question? Do not some of the Peorias and Miamies occupy a portion of the lands that we ceded to the Cherokees; and ought we not, in view of the treaty with the Cherokees and other civilized tribes, to apply the same principle to the lands they occupy as we would apply if they were inhabited by the persons with whom the original treaties were made?

Mr. PEEL. I think they ought to be allowed to get them themselves independent of the Cherokees. If the Cherokees are in a condition to hold their lands in common let them do so; but if these people have reached a stage of civilization to become owners themselves, individually, and are able to understand the rights of property and their own interests sufficient to entitle them to hold their lands in severalty, and come and ask Congress to give them the right to divide their own property, I do not understand that there is any objection to do that, or that there would be any more reason to refuse to grant them lands in severalty than there would be on the part of a court to do so when asked to divide a common property amongst the different persons to whom it belonged, when the question came before it. It is done in all of the States in the partition of property, and I apprehend that no man will say that there is anything wrong in a court appointing a commissioner to make such a division.

I am aware of the various theories of lands in this country. We have heard some of the theories of a gentleman from New York who ran for President, who had some peculiar opinions of lands. But I apprehend that there are few persons upon the floor who would subscribe to his ideas. I think, indeed, it was the policy of the Government towards these people to take them and educate them as fast as possible in the rights, duties, and privileges of the ownership of property. When, therefore, we find a number of these Indians, one hundred and forty-eight in one case and fifty-eight in another, who have the best of lands held in common, but who have reached such a stage of civilization and have acquired such knowledge of the rights of property as justify the committee in recommending that they be permitted to assume the care of their own property and the rights of citizens, where is the ground for assuming that such a policy is wrong?

I say it is in keeping with our policy, for we already have a general allotment provision of law, coupled with power of alienation after a certain period. When that period shall arrive in the case of any of the Indians who so hold their lands, the Government will relinquish its trust, having fulfilled all its conditions. They will then be in a condition to understand their own interests in the care of their property, and will assume that responsibility for themselves. That is my view, and it is also their own.

Now, if the House desires to have this letter read, I will be glad to have it presented for that purpose. The delegation that signed this letter stood before me to-day a few minutes before the House convened, and said that if Mr. PERKINS would offer the two amendments he promised, they were satisfied with the bill; and if the House agreed to them—one being to give them patents to the land at once, and the Government to hold it in trust for a number of years (the other I do not understand the merits of)—but with the two amendments they were satisfied with the bill. Otherwise, they wanted it rejected.

Mr. PETERS. Whatever civilization there is in any Indian tribe is due to the contact of individual Indians, or of the tribe itself with the white race. There is no exception to that rule. I challenge any man to point me to a single instance among any of the Indian tribes in which can be found anything that has the look of civilization where that civilization has not come from contact with the white race, either by the tribe or a portion of it, or individuals of it.

The gentleman from Mississippi dwells eloquently upon the wonderful civilization of the five tribes. That is easily explained. It is because the five tribes have in almost all their history been surrounded by the white race and been brought in contact with the civilization of the white race. Those who have been sent away from those five tribes to be educated in schools of white men when they have gone back have taken with them the civilization they obtained in the white schools. These tribes, especially since they went west of the Mississippi River, have always been brought in contact with white civilization. It is so with the tribes in question here.

On the other hand, take the Cheyennes, one of the most vicious and treacherous tribes in the West. Their only contact with the white race has been when they went out on a war expedition to fight the white race; and that is the reason why they are the most desperate, cruel, and despicable tribe of Indians that roams the plains. They have not a particle of civilization because they have had no contact with the United States except under circumstances to bring forth antagonism and the shedding of blood. But wherever you have an Indian tribe which as

a tribe, or by individual members of it, has been brought into contact with white civilization they have got a share of that civilization; and like leaven it has grown and grown until, as in the five tribes and among the Cherokees here mentioned, it has leavened the whole lump.

I do not believe, with the gentleman from Indiana, that if there was a fair expression, an actual individual expression, of the members of either of the five tribes, or of these tribes, or of any other tribe that is in any way civilized, these tribes would not be in favor of doing away with the tribal relation. The tribal relation is the curse of the Indians. It is the curse of the Government as well as of the Indians. Never will the Indian question be satisfactorily settled until the tribal relations have been abandoned, either by the Indians themselves or in consequence of a decree of the Government. The great progress that has been made in all these cases has been in the direction of a disintegration of the tribal relations. I speak of this because I have had some personal experience, not only with these tribes which have had no civilization, but also with those which have had some civilization among them. And I give you the result of my deliberate judgment, that just so far as civilization permeates the tribal relation just so far the tribal relation will be abandoned as soon as you can have a fair expression of the sentiment of each individual belonging to the tribe. I say if there could be a fair expression of the individuals belonging to the five tribes the expression would be in favor of abandoning the tribal relation.

Mr. PERKINS. After this general debate on the Indian policy I think we may now proceed with the consideration of the bill. This bill does not open to settlement a foot of land. It does not take from the Indians an acre they possess. It merely proposes to divide among them in severalty 55,000 acres which they now own. I hope, considering the time we have occupied in general debate, we will now proceed with the consideration of the bill.

Mr. LA FOLLETTE. I wish to ask the gentleman from Kansas [Mr. PERKINS] a question. Does not this bill provide for the sale of land in one of the later sections?

Mr. PERKINS. It does as to some lands these Indians own up in Kansas.

Mr. LA FOLLETTE. And these lands it is proposed to sell?

Mr. PERKINS. Yes, sir. These Indians own some lands in Kansas which they desire to sell, and this bill makes provision for that.

Mr. LA FOLLETTE. I offer an amendment to section 3, which I send to the desk.

The Clerk read as follows:

In line 2 of section 3 strike out the word "a."
In line 3 change "agent" to "agents."
Also strike out, in lines 4 and 5, the words "United States Indian agent for the Quapaw agency," and insert "one to be selected by the said United Peorias and Miamies."
Also strike out, in line 7, the word "agent" and insert "agents."
So that if amended as proposed that part of the section will read:
"That as soon as practicable after the execution of such surveys and resurveys as may be necessary, special agents shall be appointed by the President, whose duty it shall be, in conjunction with one to be selected by the said United Peorias and Miamies, to allot the said lands in severalty to the said United Peorias and Miamies. The salary of the said special agents shall be paid from the appropriation for pay of special agents to make allotments of lands in severalty to Indians."

Mr. LA FOLLETTE. The purpose of this amendment will be readily discernible. Under the section as it now stands the appraisal to be made of these lands is to be made by the Indian agent who is now there at the Quapaw agency, in conjunction with another to be appointed by the President. It seems to me that if these Indians are so advanced in civilization as we are told they are, they should be entirely capable of making a selection of an agent to participate in the appraisal of their lands, and I think the privilege of making such a selection ought to be accorded to them. It seems to me also that there should be three appraisers instead of two, one of whom is already known and who may have some preconceived notions about the value of the lands. However, I know nothing about that; but I know no reason why these appraisers should be selected or named in advance. I believe they should be selected in the way in which such persons are usually selected, and that the parties interested, namely, these Indians, should have the selection of at least one of the appraisers. With this view I offer the amendment.

Mr. PERKINS. Mr. Speaker, I desire to say in answer to the gentleman from Wisconsin [Mr. LA FOLLETTE] that as the bill was originally introduced it provided that these agents should be appointed by the respective tribes; but upon the recommendation of the Indian Office the provision to which the gentleman makes objection was incorporated into the bill. The Indian Office thought it was better that the Secretary of the Interior should designate one agent, and that the agent serving there with these Indians should act as the other, and it was upon the recommendation of the Indian Office that that part of the bill was drawn.

Mr. HOLMAN. And yet, Mr. Speaker, it would seem very manifest that inasmuch as we are proposing to treat these Indians as holding property in severalty they should have something to do with the disposal of their own lands. I trust there will be no objection to the amendment of the gentleman from Wisconsin.

Mr. DUNN. But the gentleman from Indiana [Mr. HOLMAN] said the Indians did not know anything. [Laughter.]

Mr. HOLMAN. That was my view; but this legislation is proceeding upon a different theory.

The amendment of Mr. LA FOLLETTE was agreed to.

The Clerk read as follows:

SEC. 4. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State of Kansas, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

Mr. PERKINS. I desire to offer a substitute for that section which has been prepared by the Indians, at whose request I offer it.

The substitute was read, as follows:

SEC. 4. That upon the approval of the allotments provided for in this act by the Secretary of the Interior he shall cause patents in fee-simple to issue therefor in the name of the allottees, their heirs and assigns forever. Said patents shall contain and recite the following exemption clause: "That the lands so patented shall remain free from execution, levy, taxation, compulsory sale, or forfeiture so long as the title shall remain in the original patentee or become the property of any other Indians by inheritance, purchase, or otherwise;" also, the following restricting clause: "That 160 acres of said lands so allotted shall remain inalienable for a period of twenty years from the date of patents;" and if any conveyance shall be made of lands here made inalienable by this act, or any contract made touching the same before the expiration of the time mentioned and provided by this act, it shall be absolutely null and void. And any adult members of the United Peoria and Miami tribes of Indians shall have authority, under the provisions of this act, to sell or dispose of to any Indian any part or parcel of land of the amount over and above the 160 acres of the allotments as hereinbefore made by this act, but the sale of any part or parcel of said allotments of lands shall not be made for a less sum than $1.25 per acre: *Provided*, That all sales of lands under this act made by the adult members of the said Peoria and Miami tribes of Indians while the Indian Territory remains under its present form of government shall be subject to approval by the Secretary of the Interior under and by the same rules and regulations governing the sales of Miami Indian allotted lands in Kansas, and the deed shall be recorded in the office of the Commissioner of Indian Affairs, and the deed after approval and recording shall be returned to the grantor named in the deed.

Mr. COBB. I am not sure that I understand what sort of a title these Indians are to acquire under that amendment.

Mr. PERKINS. A fee-simple, except as to 160 acres, which will be inalienable for twenty years.

Mr. WEAVER. Inalienable except to Indians.

Mr. PERKINS. One hundred and sixty acres are to be inalienable even to Indians.

Mr. HOLMAN. I move to amend the amendment just read by striking out the words "compulsory sale."

Mr. COBB. Mr. Speaker, it seems to me we are making a conglomerated mess of this bill by the insertion of very inconsistent provisions. For instance, we start out in this amendment by saying that these Indians shall have a fee-simple title to this land, and then we turn round immediately and say that they shall not have a fee-simple title. In one place it is provided that the title is to be vested in fee-simple in each individual; but a little further on in the amendment we find the effect of it is that the title to the land is to be held in trust by the Government of the United States. Now, we find it provided in section 10 of the bill that these Indians shall be full citizens of the United States. I had intended to reserve what I desired to say on this question until we should reach that section, but as the question is presented in connection with the pending proposition I will say now what I propose to say.

If an adult Indian is qualified to be a citizen of the United States, he is qualified to hold property in the same manner as any other citizen holds it. We are lowering the dignity of citizenship when we undertake to say in one breath that a man shall be a citizen, and in the next that he shall be under the guardianship of the Government of the United States. This amendment is in the same direction as the section to which I am now referring; and thus the whole bill is becoming, as I have suggested, a sort of conglomerated mess, without any consistent, leading idea running through it. Why, sir, if we are to make these Indians citizens of the United States——

Mr. PERKINS. The gentleman will permit me to suggest that the amendment I now offer is more liberal in the particular referred to by the gentleman than the bill itself. The amendment is in the very direction that the gentleman is arguing. I offer it at the request of the Indians themselves, because they want the bill liberalized in this respect. I repeat that the amendment is more liberal than the section for which I offer it as a substitute.

Mr. COBB. Certainly it is. There is no doubt about that.

Mr. PERKINS. Then let us adopt it.

Mr. COBB. The gentleman speaks about the recommendation of these Indians who are here upon the ground. I do not know anything about them; but when they come to me I always view them with some suspicion. I am not willing to accept as final the statements made by a few Indians who are here in Washington, who may be actuated by

motives of which I know nothing, and of whose connections in reference to this whole matter I am ignorant. It seems to me that in dealing with this question we should have just regard for what we believe to be the true interests of the Indians.

This bill proposes, in the first place, to make these Indians citizens of the United States; and I am told now, as I was told the other day, that we have a general law making all Indians who receive lands in severalty citizens of the United States, which, I believe, is the fact. Now, the point I make is this: If, under the provision of the general law, or under the operation of the tenth section of this bill, these Indians are to become citizens of the United States, why make all these careful provisions for keeping them under guardianship? Is it to be said here that an adult who is to be recognized as a citizen of the United States is at the same time to have a guardian for the management of his affairs?

[Here the hammer fell.]

Mr. STONE, of Missouri, obtained the floor and said: I yield my time to the gentleman from Alabama [Mr. COBB].

Mr. COBB. Mr. Speaker, if we are to do what this bill purposes, why not, by a very simple provision, turn the whole of this land over to these Indians and let them divide it in severalty themselves? They now have the right of occupancy; the fee is in the United States. We can accomplish the whole purpose of the bill (if the Indians are fit to be made citizens) by simply turning over the fee to them and letting them manage the whole property according to their will. That is the way we do with other adult citizens. Why not do the same with these? I am opposed to the amendment and to the whole bill.

Mr. HOOKER. Mr. Speaker, the amendment just offered by the gentleman who has this bill in charge seems to me to do away with the argument which he has been making to the House that these Indians are in a condition to be made possessors of their own land with the power of alienation. He has said that they are an intelligent body of people, qualified to become citizens of the United States and to dispose of their own property. Now, the amendment which the gentleman has offered proposes, instead of the fourth section of the bill as it stands, a provision that—

> Upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents in fee-simple to issue therefor in the name of the allottees, their heirs and assigns forever. Said patents shall contain and recite the following exemption clause, that the lands so patented—

I call the attention of the committee to this language——

Mr. PERKINS. If the gentleman from Mississippi [Mr. HOOKER] will permit the suggestion, I wish to say that if in his judgment these lands ought to be given to these Indians absolutely, without any conditions, any amendment of that kind which he may offer, if should be satisfactory to the House, will be satisfactory to me. I will make no objection.

Mr. HOOKER. No, sir; I do not intend to offer any such amendment, for I do not believe in any such policy. But I ask, if these people are qualified to assume the duties of citizens, and are capable of taking care of their own property, why should a limitation be put upon their power in this respect? When the gentleman proposes such a limitation, he refutes the whole argument by which he has sought to show to the House that these people are capable of taking care of their own affairs.

But there is in the amendment which the gentleman has just offered a still more startling proposition:

> That the lands so patented shall remain free from execution, levy, taxation, compulsory sale, or forfeiture, so long as the title to the same shall remain in the original patentee or become the property of any other Indians by inheritance, purchase, or otherwise; also the following restricting clause: That 160 acres of said land so allotted shall remain inalienable for the period of twenty years from the date of patent.

Now, if the position of the gentleman, that these Indians are capable of managing their own affairs, be correct in fact, why, when these lands are allotted to them, should they be invested with the extraordinary privilege of being free from taxation, free from execution, free from all the processes to which the property of every other citizen is subject under the law?

It shows at once. The honorable gentleman himself states these people want guardians; that they still want care; that they still need protection; that they want somebody to look after them to protect their interests; that they are not capable of standing up as citizens claim to; that they have not the capacity to protect their own property against encroachments of anybody else; that unless they have such protection their property will be liable to be taken from them by others. Why, sir, this shows the whole scope and policy of this bill, and that it is not founded in justice either to the people of the United States or to these Indians themselves. Now, there is another provision in this bill that 160 acres shall remain inalienable. Why should this land remain inalienable if these Indians are fit to attend to their own affairs? If they are able to take care of their own lands why should the Government exempt their property from taxation whether in their own hands or in the hands of others?

It is a giving away, so to speak, Mr. Speaker, of the whole argument insisted upon by gentlemen. If it were true and correct, why should they not take their lands in severalty like others; why, if they do take them, must they take them under the extraordinary conditions which we see here provided for in this bill?

Mr. PEEL. I understand from the delegates who represent these Indians that it is the desire of these two bands their land should be allotted to them in severalty. They understand, however, a sentiment prevails in this House, not only on the part of my friend from Mississippi [Mr. HOOKER], but on the part of the gentleman from Indiana [Mr. HOLMAN] and others, there should be a restriction upon their lands, and I suppose in view of that sentiment they modified this bill, not in compliance with their own wishes, but to meet the views of others who had a different opinion about it. I can only account for the provision in the bill to which reference has been made because it was modified in that way to meet the views of others, for, as I have already said, these Indians themselves prefer to have their lands allotted to them in severalty, and they are perfectly capable of taking care of and protecting their own property.

Mr. LA FOLLETTE rose.

The SPEAKER *pro tempore*. Debate on the pending amendment is exhausted.

Mr. LA FOLLETTE. I move to strike out the last word. Now, Mr. Speaker, there is one portion of this amendment to which I wish to direct the attention of members of the House especially before they are called upon to vote upon it. In that connection I think it is due to the House, and I presume I have the permission of the chairman of the Committee on Indian Affairs, to have read a paper which I have in my possession. But, in the first place, I desire to direct the attention of the House to the proposition contained in this amendment.

It is provided that at any time after the patent has been issued to any adult member of the United Peoria and Miami tribes of Indians he shall have authority under the provisions of this act to sell or dispose of any part of such land for himself to others. Now, there is the mouse in this meal, it strikes me, in reference to these gentlemen who come here pretending to be delegates for these Indians and to represent their best interests. This amendment which dropped down into this House from the hands of these delegates comes, I apprehend, from some of the shrewder portion of the tribe. Under that amendment, if it becomes a part of the bill, and the bill becomes a law, the shrewder members of these Indians would soon own the land of every incompetent person belonging to the tribes. There is a vast portion of the Territory belonging to these Indians which in consequence would pass into the hands of these shrewder men, to be leased to the cattle companies who now surround all these lands.

In connection with this amendment I think the House should have before it a communication which is addressed to this House, and I suppose I have the permission of the chairman of the committee to have it read as it was not received in time to be presented to the committee before this bill was reported to the House.

Mr. HOLMAN. Before it is read I ask the gentleman what information the Committee on Indian Affairs has in reference to the right of this delegation to represent these combined tribes? And they reside on these lands, or, as we are told, one of them lives in the State of Kansas.

Mr. LA FOLLETTE. I am unable to answer except in this way: When this bill was under consideration by the Committee on Indian Affairs, at no time as a member of that committee did I listen to any statements on the part of any delegation from these tribes, which appeared there as representing the interests of these Indians. Indeed, I must say I have not heard until this day there was any delegation here looking after the interests of these Indians so far as this particular bill is concerned.

Mr. PERKINS. Will the gentleman from Wisconsin permit me to ask him whether he was in attendance at the sessions of the committee when this bill was considered and ordered to be printed?

Mr. LA FOLLETTE. Yes; I was.

Mr. PEEL. I can explain that. I had several letters from this delegation before they reached this city, asking that any legislation under way in regard to them should be stayed until their arrival. They have been here for two weeks, and they have visited me at my residence as well as in the committee-room on several occasions. They have explained to me personally what they wanted, and I approved of it; and they went on to prepare a bill covering the points they desired, but which they have not been able to present until this time.

Mr. LA FOLLETTE. They did not appear before the committee. I have a document here which comes from the same source as this amendment, and I send it up to the Clerk's desk to be read.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HENDERSON, of Iowa. I will take the floor and yield my time to the gentleman from Wisconsin.

Mr. LA FOLLETTE. I ask for the reading of the paper which I send to the desk.

The Clerk read as follows:

To the honorable the House of Representatives in Congress assembled:

The undersigned, chiefs and delegates of the Miami tribe of Indians of Indian Territory, respectfully represent to your honorable body:

That the undersigned have been instructed to present to your honorable body the feelings and wishes of our people in regard to the allotment of our lands in severalty. That we have carefully examined the House bill 8074, recently re-

ported from the Committee on Indian Affairs as a substitute for House bill 1402, and find that its provisions are in several respects inconsistent with the desires and interests of our people, so much so that we fear it would fail of obtaining the consent of our people should it be presented to them in its present form for their assent.

The undersigned have prepared a bill which they believe to be in accordance with the wishes of our people. It was their desire and intention to present the bill to which reference has just been made to the Committee on Indian Affairs previous to their report of bill 8074, and to submit to the committee the grounds and reasons for their asking the passage of an act in the form indicated by them, but by a premature report of the committee, doubtless through misapprehension of the wishes and purposes of the undersigned, that opportunity was lost. The undersigned desire an opportunity to correct the erroneous impression formed by the committee that the bill in its present form is desired by the Indians.

Regarding it as inappropriate to submit at the present time the various considerations that we desire to have weighed in this matter, we are constrained to ask that an opportunity for such purpose may be afforded to us before a proper committee of the House, and therefore that the whole matter may be referred to the Committee on Indian Affairs for a full hearing in the matter.

We further ask that action on bill 8074 may be delayed until such action on the part of the committee shall have taken place.

All of which is respectfully submitted.

DAVID GEBOE,
THOMAS F. RICHARDVILLE,
Chiefs and Delegates Western Miami Tribe.

Mr. LA FOLLETTE. If I have another moment I desire to say that this amendment offered by the gentlemen from Kansas, if adopted by the committee, is of such a character that it seems to me the bill ought to be recommitted, for this amendment contains all the objectionable features to which reference is made in the paper which has just been read from the Clerk's desk.

Mr. BLOUNT. Who signed that paper?

Mr. LA FOLLETTE. I did not observe the signatures. It is addressed to the chairman of the committee.

But if this amendment is all that they desire to have incorporated upon the bill, it is, it seems to me, a question that is too important to be considered and decided in this way by this committee; and if it is not, the bill should surely go back to the Committee on Indian Affairs for further consideration there before action is taken upon it.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Indiana to the pending amendment.

Mr. HOLMAN. Is not the motion to recommit the bill pending? I understood the gentleman to make that motion.

Mr. LA FOLLETTE. If it is proper to do so, I will submit that motion.

Mr. PERKINS. I suppose that is not in order now.

The SPEAKER *pro tempore*. It is not at this time.

Mr. HOLMAN. Why is it not in order to move to recommit the bill?

The SPEAKER *pro tempore*. Because two amendments are pending which will have to be disposed of.

The question being taken on the amendment of Mr. HOLMAN, it was adopted.

Mr. PERKINS. Before the vote is taken on my amendment I desire to have read, in answer to the communication of the gentleman from Wisconsin, what these parties now say about this bill.

The Clerk read as follows:

WASHINGTON, D. C., *March* 10, 1888.

We, the representatives of the Miami and Peoria tribe, respectfully ask the passage of the Peoria and Miami bill with amendment made by yourself. We feel competent to care for our interests and our people.

DAVID GEBOE,
T. F. RICHARDVILLE,
W. C. LYKINS.

Hon. B. W. PERKINS.

Mr. PERKINS. Let me say further to the gentleman from Wisconsin that there are only 55,000 acres of land covered by the bill, and the gentleman knows that there is not a cattle syndicate in the country, or anybody else, who could under the provisions of this bill get possession of an acre.

I ask a vote on the amendment.

The question being taken on the amendment of Mr. PERKINS, the House divided, and there were—ayes 54, noes 32.

Mr. HOOKER. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOOKER and Mr. PERKINS were appointed tellers.

Mr. PERKINS. I am quite well satisfied that there is no quorum present, and as this is Saturday evening, I have no disposition to secure a call of the House if one could be secured. All I ask is a fair consideration of this bill in the interests of men who are competent and qualified to care for their own; and if it is the disposition of any man in the House to filibuster against the bill, I suppose at this time of the day and week we must submit. If, then, it is the intention to insist upon a quorum, I shall consent to an adjournment if the chairman of the committee so desires.

Mr. HOOKER. I hope the gentleman, while he is in a good humor, will also agree to refer this bill back to the committee.

Mr. PERKINS. Not at all.

Mr. HOOKER. Then we will take a vote upon that proposition. I move that the House do now adjourn.

Mr. PERKINS. I hope that will be voted down.

The question was taken; and on a division there were—ayes 39, noes 53.

So the motion was rejected.

Mr. NELSON. I move that the House take a recess until Monday morning at 9 o'clock.

The motion was rejected.

And then, on motion of Mr. PERKINS (at 4 o'clock and 45 minutes p. m.), the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 8313) for the relief of Joseph B. McClintock—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: A bill (H. R. 8314) granting a certificate of honorable service to Levi G. Fessenden—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 8315) granting a pension to Henry P. Dean—to the Committee on Invalid Pensions.

By Mr. ENLOE: A bill (H. R. 8316) for the relief of John Dillahunty—to the Committee on War Claims.

Also, a bill (H. R. 8317) for the relief of A. C. and B. G. Gordon—to the Committee on War Claims.

Also, a bill (H. R. 8318) for the relief of George F. Woods, administrator of W. H. Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8319) for the relief of W. T. Mullins—to the Committee on War Claims.

Also, a bill (H. R. 8320) for the relief of W. H. Sharp—to the Committee on War Claims.

Also, a bill (H. R. 8321) for the relief of John Haynes—to the Committee on War Claims.

Also, a bill (H. R. 8322) for the relief of George W. Meadows—to the Committee on War Claims.

Also, a bill (H. R. 8323) for the relief of T. N. Lankford—to the Committee on War Claims.

Also, a bill (H. R. 8324) for the relief of T. H. Dinwiddie—to the Committee on War Claims.

Also, a bill (H. R. 8325) for the relief of D. T. Bowar—to the Committee on War Claims.

Also, a bill (H. R. 8326) for the relief of P. H. Hagler—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 8327) for the relief of James H. Lawler—to the Committee on Invalid Pensions.

By Mr. GUENTHER: A bill (H. R. 8328) for the relief of Gustav Gade and Henry F. Meyer—to the Committee on Claims.

By Mr. HOGG: A bill (H. R. 8329) granting a pension to Daniel White—to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 8330) for the relief of Albert C. Pontius—to the Committee on Military Affairs.

By Mr. O'DONNELL (by request): A bill (H. R. 8331) for the relief of the Central Dispensary and Emergency Hospital at Washington, D. C.—to the Committee on Appropriations.

By Mr. J. J. O'NEILL: A bill (H. R. 8332) for the relief of Phillip Kopplin—to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 8333) granting a pension to James L. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8334) granting a pension to Ezra Milks—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 8335) for the relief of August Schumann—to the Committee on War Claims.

By Mr. SYMES: A bill (H. R. 8336) granting a pension to Joseph N. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8337) granting a pension to G. H. Hard—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: A bill (H. R. 8338) to remove the charge of desertion from the record of John Cartner—to the Committee on Military Affairs.

By Mr. WALKER: A bill (H. R. 8339) granting a pension to Jane Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8340) granting a pension to Stephen M. McAlister—to the Committee on Pensions.

By Mr. WILKINS: A bill (H. R. 8341) granting a pension to Augustus G. Wyeth—to the Committee on Invalid Pensions.

By Mr. MCMILLIN: A bill (H. R. 8342) for the relief of G. M. Alsup—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 940) to remove the charge of desertion from the record of Aquilla Mahan—from the Committee on Invalid Pensions to the Committee on Military Affairs.

Also, a bill (H. R. 335) granting a pension to General W. E. Woodruff—from the Committee on Pensions to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Remonstrance of the Saginaw (Mich.) Board of Trade against the tariff legislation now pending, and which threatens with disaster the great salt and lumber interests of Michigan—to the Committee on Ways and Means.

Also, petition of Hon. G. C. Wyllis and 56 others, citizens of Hillsdale County, Michigan for the better protection of agriculture by levying higher duties on competing foreign imports—to the Committee on Ways and Means.

By Mr. BOWDEN: Petition of the business men of Norfolk, Va., in support of bill fixing hours of employment of post-office employés, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. C. R. BRECKINRIDGE: Papers in the claim of Allen W. Hicks, of Pulaski County, Arkansas—to the Committee on War Claims.

By Mr. BUNNELL: Resolutions of the New York Produce Exchange, protesting against food adulterations—to the Committee on Agriculture.

By Mr. COBB: Petition of Thomas Bonner, heir of Thomas Bonner, deceased, late of Clay County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COOPER: Petition of William Hensley and other citizens of Nevada, in favor of an increase of the wool tariff and revision of the duty on worsteds—to the Committee on Ways and Means.

By Mr. CUTCHEON: Protest of professional musicians of the District of Columbia, against the application of joint resolution 99 to the band of the Third Artillery, stationed in said District—to the Committee on Labor.

Also, petition of 500 citizens of the District of Columbia, asking that the District be excluded from the operation of joint resolution 99, relative to enlisted men competing with civilian employments—to the Committee on Labor.

By Mr. DALZELL: Petition of Excelsior Lodge of Amalgamated Association of Iron and Steel Workers, in favor of a protective tariff—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of the Knights of Labor of Bath, Me., for the passage of the bill to pay a bounty to American vessels in the foreign trade—to the Committee on Merchant Marine and Fisheries.

By Mr. DUNN: Papers in the claims of William Dugger, of John Johnson, of Aaron A. Mavey, and of Lucinda Robbins, of Arkansas—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of H. G. Pifford, of New York; of S. T. Kerr, of Philadelphia, and C. G. Bartlett, of New York, committee, relative to the duty on salt imported into the United States—to the Committee on Ways and Means.

Also, memorial of special committee of New York on food adulteration, favoring the suppression of injurious adulterations—to the Committee on Agriculture.

Also, memorial of John H. Patterson, of the memorial committee of Chicago, in behalf of third and fourth class postmasters, referring to House bill 7764, which covers the recommendations of the national convention held in Washington, D. C.—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Charles Bowman, of Hanover, Pa., favoring abolition of the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of Nancy Haynie, of De Kalb County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. GEAR: Opinion of river men in regard to river at St. Louis, Mo.—to the Committee on Rivers and Harbors.

By Mr. GROUT: Petition of H. P. Abbott and others, of Vermont, for an increase of duty on certain agricultural products—to the Committee on Ways and Means.

By Mr. J. S. HENDERSON: Petition of the North Carolina Pharmaceutical Association, favoring the repeal of the internal-revenue taxes on alcohol—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of Tualitin Grange, Patrons of Husbandry, of Oregon, for reduction of postage on seeds—to the Committee on the Post-Office and Post-Roads.

Also, protest of Salem Grange, of Oregon, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. HOUK: Petition of Thomas Anderson, and of the heirs of Samuel McCammon, of Knox County; and of administrator of the estate of William Mann, of Jefferson County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. HUNTER: Petition of Edwin Reavis, of William Tankessly, of John L. Page, of Benjamin E. Thacker, of A. W. Garrison, of Maria Moon, of D. G. Stark, of J. S. Grider, of estate of E. G. Blewitt, of T. L. S. Proctor, of C. B. Blewitt, of Oliver C. Carson, of James E. Chapman, of Elizabeth M. Clark, of estate of B. Covington, of E. D. Covington, of Edney Cox, of Joseph McDonald, of Abram U. Fleener, of J. G. Franklin, of E. L. Gaines, of Margaret A. Hart, of W. G. Huffhiner, of George W. Jewell, of Jane Keel, of J. J. Kerby, and of William McCarley, of Kentucky—to the Committee on War Claims.

Also, petitions of Robert T. Coleman, of E. B. Wood, of John J. Wright, of Isaac Woolf, of P. A. Wimms, of R. L. Smith, of C. W. Smith, of Thomas E. Pucket, of John W. Oliver, of J. R. Muir, of Mary Chowning, of Edward Brumfield, of Owen Clark, of S. P. Chestnut, of George E. Adams, of J. W. Ballard, of J. B. Estes, of A. T. Dowdy, of J. B. Moody, of D. R. Mobley, of W. H. Wimms, of Wilbur F. Mobley, of D. R. Merritt, of W. B. McCormick, of Ann O. Layne, of J. H. Clooser, of C. Glass, of James Gill, of S. P. Forgy, J. C. Estes, of H. Lyons, and of T. J. Wilson, of Kentucky—to the Committee on War Claims.

By Mr. JACKSON: Request of Council 114, Junior Order of United American Mechanics, of Rochester, Pa., that Washington's birthday be made a legal holiday—to the Committee on the Judiciary.

By Mr. J. T. JOHNSTON: Petition of John Cramer and 255 others, soldiers and citizens of Sullivan County, Indiana, for the repeal of the limitation to the arrears-of-pension laws—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of L. F. Rice and 30 others, and of New England Meteorological Society, for an appropriation for rain-gauges—to the Committee on Appropriations.

By Mr. McCULLOGH: Petition of George A. Crow and others, citizens of Carmichael's, Greene County, and of D. A. Reed and others, citizens of Greene County, Pennsylvania, for the enactment of a tariff on wool—to the Committee on Ways and Means.

Also, resolutions of Indiana Grange, No. 313, of Indiana, Pa., recommending measures for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

Also, petition of C. M. Miller and others, citizens of New Haven, Pa., for certain changes in the postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: Petition of citizens of Boston, Mass., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. NELSON: Resolutions of the State Legislature of Minnesota, in favor of the pending interstate-commerce bill and certain amendment thereto—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of James Lee, of Franklin County, Tennessee, for a pension for services in the Florida war with the Indians—to the Committee on Pensions.

By Mr. ROCKWELL: Petition of citizens of Springfield, Mass., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. SENEY: Paper of New York Produce Exchange, relating to the sale of adulterated food—to the Committee on Ways and Means.

Also, memorial from C. G. Bartlett, respecting the duty on salt—to the Committee on Ways and Means.

Also, paper of Smith & Myer Lumber Company, opposing the repeal of the duty on lumber—to the Committee on Ways and Means.

By Mr. SEYMOUR: Petition of John C. Fisher and 78 others, of Michigamme mine, and of a mass meeting of miners and laborers of Michigamme Company, of Marquette, Mich., against the reduction or repeal of the duty on iron ore—to the Committee on Ways and Means.

By Mr. SPINOLA: Papers in the claim of Simon Gertsmann, of Portsmouth, Ohio—to the Committee on War Claims.

By Mr. J. W. STEWART: Petition of Gleaner Grange, No. 107, of Brownsville, Vt., for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. SYMES: Petition against the reduction of the tariff on wool—to the Committee on Ways and Means.

By Mr. VANDEVER: Two petitions of citizens of Pasadena, Cal., for a law to require contractors on Government work to pay every two weeks—to the Committee on Labor.

Also, a petition to reduce to the minimum price lands within railroad grants—to the Committee on the Public Lands.

By Mr. WEST: Petition of citizens of Washington County, New York, for more effectual protection of agriculture—to the Committee on Ways and Means.

Mr. J. B. WHITE: Petition of Hopebull Grange, Warsaw, Ind., in regard to protection to farm products—to the Committee on Ways and Means.

By Mr. J. R. WHITING: Petition of Arthur M. Clark and 37 others, citizens of Sanilac County, Michigan, for the construction of a harbor of refuge at Lexington, on Lake Huron—to the Committee on Rivers and Harbors.

Also, petition of Samuel C. Tewksbury and 21 others, citizens of Sanilac County, Michigan, asking protection for wool-growers and woolen-goods manufacturers—to the Committee on Ways and Means.

Also, petition of James McAllister and 99 others, citizens of Huron County, for amendment of the patent laws—to the Committee on Patents.

By Mr. THOMAS WILSON: Petition of Bricklayers and Masons' National Union, for the appointment of John T. Lynch as superintendent of Library building—to the Committee on the Library.

By Mr. WISE: Petition of citizens of Richmond, Va., relative to increase of pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

The following petitions for an increase of compensation of fourth-class

postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BANKHEAD: Of T. M. Collins and others, of Anro; of S. D. Jemison and 55 others, citizens of McDowell; of M. C. Bowling and 60 other citizens; of J. D. Hines and others, of Garden; of P. S. Rhea and 45 others, citizens of Tuscaloosa County, and of J. F. Gurganus and 85 others, citizens of Walker County, Alabama.

By Mr. BLANCHARD: Of D. P. Grandy and 51 others, and of J. L. Mitchell and 16 others, citizens of Louisiana.

By Mr. CANDLER: Of citizens of Cherokee County, Georgia.

By Mr. CLEMENTS: Of 170 citizens of Murray County, Georgia.

By Mr. GOFF: Of W. M. Brookover and others, of Sterling, and of Charles W. Smith and others, of Lewis County, West Virginia.

By Mr. GRIMES: Of C. M. Smith, James T. Phillips, and others, citizens of Box Springs, Ga.

By Mr. LAFFOON: Of citizens of Utica, Daviess County, Kentucky.

By Mr. McRAE: Of W. M. V. Leard and others, citizens of Arkansas.

By Mr. RICHARDSON: Of Walter McHubb and 100 others, citizens of Rutherford County, Tennessee.

The following petitions, etc., indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. E. P. ALLEN: Resolutions of the Grand Army of the Republic Association of Southeastern Michigan.

Also, of Charles F. Streeter and 11 others, ex-soldiers of Monroe County, Michigan.

By Mr. C. S. BAKER: Of Robert A. Cory and 41 others, citizens of Webster, Monroe County, New York.

By Mr. JEHU BAKER: Of Oliver Hockett, John H. Kersey and 16 others, ex-soldiers, and of James McCollum, Fred Dunn and 14 others, ex-soldiers of the Union Army.

By Mr. CONGER: Resolution of Kinsman Post, Grand Army of the Republic, of Des Moines, Iowa.

By Mr. DORSEY: Of ex-soldiers and sailors of Taylor, Nebr.

By Mr. GOFF: Of Thomas P. Myers and others, of West Virginia.

By Mr. S. T. HOPKINS: Of Arthur E. Powell and 346 others, citizens of New Baltimore, Greene County, and of N. A. Calkins and 68 others, ex-soldiers of Coxsackie, N. Y.

By Mr. McCULLOGH: Of J. H. Murdock and others, soldiers and sailors, of Westmoreland County, Pennsylvania.

By Mr. NELSON: Of ex-soldiers of Wisconsin, Minnesota, and other States.

By Mr. NUTTING: Of Ira W. Darling and 4 others, and of Orlando Dunham and 9 others, of Oswego County, New York.

By Mr. ROMEIS: Of 71 soldiers of Erie County, Ohio.

By Mr. ROWLAND (by request): Of certain citizens of Wilmington, N. C.

By Mr. SENEY: Of T. W. Prentiss and 127 others, ex-Union soldiers of Putnam County, Ohio.

By Mr. STONE, of Missouri: Of Thomas Baxter and 22 others, citizens of Bates County, Missouri.

By Mr. TARSNEY: Of citizens of Owosso, Mich.

By Mr. E. B. TAYLOR: Of ex-soldiers of Auburn, Ohio.

By Mr. THOMAS WILSON: Of soldiers of Lake City, Minn.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BANKHEAD: Of A. G. Smith and others, of Livingstone, Ala.

By Mr. HAUGEN: Of 98 citizens of Dunn County, Wisconsin.

By Mr. JACKSON: Of 330 citizens of Washington County, Pennsylvania.

By Mr. MOFFITT: Of 218 citizens of Clinton County, New York.

By Mr. MORRILL: Of 214 citizens of Leavenworth County, Kansas.

SENATE.

MONDAY, *March* 12, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the Supervising Architect, stating that an amendment of the act of March 3, 1887, appropriating $190,000 for heating apparatus complete, to be furnished before June 30, 1888, for certain buildings, is necessary; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of the cost of alterations and repairs to Government buildings; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of cost of fence for Government buildings at Tyler, Tex., and requesting an appropriation of $1,000 therefor; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, a communication from the Chief of Engineers, with a copy of the report of the Board of Engineers upon Senate bill 275, authorizing the construction of various bridges across the Missouri, Mississippi, and Illinois Rivers; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 1, 1888, information as to the cause of delay in the construction of the bridge over the Eastern Branch of the Potomac River, authorized by act of Congress approved February 25, 1887; which was read.

The PRESIDENT *pro tempore*. The resolution in response to which this communication is sent to the Senate was offered by the Senator from New Jersey [Mr. McPHERSON], and the communication will lie on the table until he comes in.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Per Diem Rated Service-Pension Association of New York, eight petitions of citizens of Kansas, a petition of citizens of Soldier, Jackson County, Kansas, and a petition of citizens of Illinois and Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of 49 citizens of Rosedale, Kans., and a petition of 17 citizens of Lawrence, Kans., praying for better legal protection for women and girls in places within the exclusive jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a memorial of citizens of Montana, remonstrating against the threatened acquisition of title by the Northern Pacific Railroad Company of the mineral lands of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of the New Jersey State board of agriculture, praying for a reduction of postage on agricultural and horticultural reports, also on seeds, plants, bulbs, scions, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Letter-Carriers' Association, praying that they may receive the benefit of the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of citizens of Montana, praying for speedy action on the subject of protection to the wool-growing and woolen-manufacturing industries of the country, and for the repeal of the act of March 3, 1883, reducing protection to those industries; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Junction City, Kans., praying that an appropriation be made for the continuance of the improvements at Fort Riley; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented a petition of 70 ex-Union soldiers, residents of Du Quoin, Ill.; a petition of 65 ex-Union soldiers, citizens of Jefferson County, Illinois, and a petition of 45 ex-Union soldiers of Bond County, Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the transportation committee of the Merchants' Exchange of St. Louis, Mo., and a petition of the Chicago (Ill.) Board of Trade, praying for the enactment of such amendments to the interstate-commerce act as will prevent discriminations by means of underbilling, false weights, etc., and will impose like penalties upon shippers and carriers for such practices; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the directors of the Chicago (Ill.) Board of Trade, praying for the passage of House bill 1527, to make bills of lading conclusive evidence; which was referred to the Committee on Interstate Commerce.

Mr. BUTLER presented the petition of R. G. Moore, H. J. Roof, and other citizens of South Carolina, praying that appropriation be made for the improvement of the Congaree River; which was referred to the Committee on Commerce.

Mr. DAWES. I present the petition of the National Association of Woolen Manufacturers, the National Association of Wool-Growers, and the Philadelphia Wool Merchants' Association, praying for such legislation as will protect wool and woolens and connected industries. I am desired and I wish to say that these petitioners represent in this petition that they have united in presenting in it to the Congress of the United States the causes they have for anxiety awakened by legislation proposed elsewhere which in their opinion will work not only disaster to these three great and leading interests of this country, but to very

many others like them interdependent as well upon them as upon each other for their prosperity.

They say that it may be that no such legislation will ever reach this body, but if it does they hope that the reasons set forth here, and a schedule which they have annexed to their petition, showing how such legislation may be amended and altered so as to produce the greatest prosperity for these industries and for all of them connected, will have due consideration before the Committee on Finance, to which I move that the petition be referred.

The motion was agreed to.

Mr. MORRILL presented the petition of citizens of West Rutland, Vt., who served in the Union Army, praying for the passage of the per diem rated pension bill; which was referred to the Committee on Pensions.

Mr. PAYNE presented twenty-nine petitions, signed by 1,149 surviving soldiers and sailors of the Union Army and Navy, residents of Ohio, praying for the enactment of the per diem rated pension bill; which were referred to the Committee on Pensions.

Mr. CAMERON presented the petition of A. J. Drexel, George W. Biddle, Morton McMichael, William Kirkbride, S. Weir Mitchell, and 429 other citizens of Philadelphia, Pa., praying for the passage of Senate bill No. 1779, for the protection and administration of the forests on the public domain; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Pennsylvania, officially signed, representing 15,000 members, praying for the abolition of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented a petition of the Grain and Flour Exchange of Pittsburgh, Pa., favoring Government supervision of interstate telegraph lines; which was referred to the Committee on Interstate Commerce.

He also presented a petition of citizens of Cannonsburgh, Pa., and vicinity; a petition of citizens of Lawrence County, Pennsylvania; a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Strattonville, Pa.; a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Saxton, Pa.; a petition of surviving soldiers and sailors of the Army and Navy, citizens of New Bethlehem, Pa., and vicinity; a petition of surviving soldiers and sailors of the Army and Navy, citizens of Foxburgh, Pa.; a petition of soldiers and sailors of the Union Army and Navy, citizens of Knox, Pa., and vicinity; a petition of soldiers and sailors of the Union Army and Navy, citizens of East Brady, Pa., and vicinity; a petition of surviving soldiers and sailors of the Army and Navy, citizens of Berwick, Pa., and vicinity; a petition of surviving soldiers and sailors of the Army and Navy, citizens of Butler County, Pennsylvania; a petition of surviving soldiers and sailors of the Army and Navy, citizens of Clarion, Pa., and vicinity; a petition of surviving soldiers and sailors of the Army and Navy, citizens of Dalmatia, Pa., and vicinity, and a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Wetona., Pa., and vicinity, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the memorial of James Swatman Lodge, Amalgamated Association of Iron and Steel Workers, of Uniontown, Pa., and the memorial of Bishop Lodge, Amalgamated Association of Iron and Steel Workers, of Allegheny, Pa., remonstrating against any reduction of the existing tariff duties; which were referred to the Committee on Finance.

Mr. FARWELL presented a petition of the Western Packers' Canned Goods Association, of St. Louis, Mo., praying that the duty on tin-plate may be removed; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of House bill 1527, to make bills of lading conclusive evidence in certain cases; which was referred to the Committee on Interstate Commerce.

He also presented the petition of S. Corning Judd, postmaster at Chicago, praying for an increase of his salary from $6,000 to $7,000; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chicago Board of Trade, praying for such amendments of the interstate-commerce law as will prevent unjust discriminations to shippers of freight, caused by the payment of rebates, drawbacks, special rates, or other devices; which was referred to the Committee on Interstate Commerce.

He also presented a petition of citizens of Evanston, Ill., in favor of an increase of the salaries of keepers of life-saving stations; which was referred to the Committee on Commerce.

He also presented the petition of Alexander Dunbar, of the District of Columbia, praying for the passage of an act authorizing the purchase by the Government of a certain discovery in medicine made by him; which was referred to the Committee on Patents.

Mr. VANCE presented a petition of ex-Union soldiers and sailors of New Hanover County, North Carolina, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PASCO presented five petitions of E. A. Perry and other citizens of Florida, praying that an appropriation be made for the survey of the Ocklawaha River route, in Florida; which was referred to the Committee on Commerce.

He also presented the petition of J. A. Ball and 6 other ex-Union soldiers, citizens of New Smyrna, Fla., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. DOLPH presented the memorial of Salem Grange, No. 17, Patrons of Husbandry, of Oregon, remonstrating against the admission of Utah as a State as long as any influential number of the citizens of that Territory favor the practice of polygamy; which was referred to the Committee on Territories.

Mr. HALE presented a petition of the Maine State Pomological Society, praying for legislation reducing the rates of postage on seeds, bulbs, and plants sent through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Joseph W. Edwards and other soldiers of the late war, citizens of Maine, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SPOONER presented the petition of A. J. Sherwood and others, of Seymour, Wis., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. ALLISON presented the petition of Buren R. Sherman and 9 other leading citizens of Waterloo, Iowa, praying for the passage of a bill to provide for the erection of public buildings in all cities that yield the Government a revenue of $10,000 a year; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the joint advisory board, representing the State Farmers' Alliance of Minnesota and District Assembly 79, Knights of Labor, praying Congress to establish a department of agriculture, with a Cabinet minister at its head; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 15 surviving soldiers and sailors of the Union Army and Navy, of Gilmore and vicinity, in the State of Iowa; a petition of 53 surviving soldiers and sailors of the Union Army and Navy, of Woodbine, Iowa; a petition of 50 surviving soldiers and sailors of the Union Army and Navy, of Grinnell, Iowa; a petition of 23 surviving soldiers and sailors of the Union Army and Navy, of Colo and vicinity, in the State of Iowa; a petition of 39 surviving soldiers and sailors of the Union Army and Navy, of Boonsborough and vicinity, in the State of Iowa, and a petition of 43 surviving soldiers and sailors of the Union Army and Navy, of Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. BLAIR presented a petition of the Woman's Christian Temperance Union of the District of Columbia, officially signed; a petition of the Woman's Christian Temperance Union of Eastern Washington Territory, officially signed; a petition of the Woman's Christian Temperance Union of Montana, officially signed; a petition of the Woman's Christian Temperance Union of West Washington Territory, officially signed, and a petition of the Woman's Christian Temperance Union of New Mexico, officially signed, praying for the enactment of a law for the submission of a prohibitory amendment to the Constitution; which were referred to the Committee on Education and Labor.

Mr. HOAR presented a resolution adopted by the faculty of Wellesley College, at Wellesley, Mass., signed by Helen A. Shafer, acting president, and Mary A. Willcox, secretary, urging the repeal of the duty on books; which was referred to the Committee on Finance.

He also presented a resolution, adopted in New York City, March 1, 18 8, by the Per Diem Rated Service-Pension Association, urging the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented the petition of Gilbert Morton, retired ensign, United States Navy, praying for promotion to the position of lieutenant on the retired-list of the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. PALMER presented the petition of James B. Angell, J. D. Baldwin, Emil Bauer, L. Gruner, B. E. Nichols, and 34 other citizens of Ann Arbor, Mich., praying for the passage of Senate bill 1779, for the protection of the forests on the public domain; which was referred to the Committee on Agriculture.

He also presented a memorial of the Board of Trade of Saginaw, Mich., remonstrating against the proposed tariff legislation affecting lumber and salt; which was referred to the Committee on Finance.

Mr. VEST presented a petition of the Engineers' Club of Kansas City, Mo., praying for the establishment of self-registering rain-gauges at the principal Signal Service stations of the United States; which was referred to the Committee on Military Affairs.

He also presented the petition of Charles H. Smith and other citizens of Missouri, surviving soldiers and sailors, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Engineers' Club of Kansas City, Mo., praying for the passage of House bill 4923, in regard to the manner of conducting public works; which was referred to the Committee on Commerce.

He also presented the petition of J. C. Wood and other citizens of Missouri, surviving soldiers and sailors, praying for the passage of the

per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of 2,750 citizens of Montana, remonstrating against any part of Montana being annexed to Idaho; which was referred to the Committee on Territories.

He also presented a memorial of the La Fayette County Bible Society, of the State of Missouri, remonstrating against the orders of the Commissioner of Indian Affairs prohibiting the giving instruction to Indian children in the Indian language, and especially the use of the Bible printed in the Indian language; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Cotton Exchange of Galveston, Tex., praying for the passage of the bill now pending for the government of the Yellowstone National Park; which was referred to the Committee on Territories.

Mr. SHERMAN presented a petition of 24 citizens of Paulding County, Ohio, praying for protection to wool and woolen goods; which was referred to the Committee on Finance.

He also presented a petition of Mountain City Lodge, Amalgamated Iron and Steel Workers, No. 56, Bridgeport, Ohio, in favor of a protective tariff; which was referred to the Committee on Finance.

He also presented a petition of W. B. Niver, late postmaster at Bellefontaine, Ohio, praying to be paid earnings as computed under the act of 1854 in the office of the First Assistant Postmaster-General; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of citizens of Arizona Territory, praying that citizens of the United States may be allowed to return their estray cattle from the Republic of Mexico into the United States without the payment of duties; which was referred to the Committee on Finance.

Mr. MITCHELL presented a resolution adopted by Salem (Oregon) Grange, No. 17, Patrons of Husbandry, February 18, 1888, protesting against the admission of Utah into the Union so long as there is reason to believe any influential number of citizens of that Territory entertain the doctrine or practice the precepts of polygamous marriage; which was referred to the Committee on Territories.

He also presented resolutions unanimously adopted by the North Pacific Sheep Breeders' and Wool Growers' Association, at Hillsborough, Oregon, protesting against a reduction of the tariff on wool; which were referred to the Committee on Finance.

Mr. BOWEN presented a petition of the Woman's Christian Temperance Union of Colorado, officially signed, representing 654 members, praying for the repeal of the internal-revenue tax on all alcoholic liquor; which was referred to the Committee on Finance.

Mr. HISCOCK presented the petition of E. H. Slocum and others, merchants and citizens of Scottsville, Monroe County, New York, praying for the passage of a bill to reduce the rate of postage on letters to a cent an ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of veterans of the State of New York, urging the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. MANDERSON presented nine petitions of citizens of Nebraska, New York, and Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of veterans of the late civil war, citizens of Nebraska, praying for the passage of a law granting a bounty-land warrant for 160 acres for military service; which was referred to the Committee on Military Affairs.

He also presented a petition of supreme court judges and State officers of Nebraska, praying for the passage of the bill providing for the holding of sessions of the United States courts for Nebraska at the several places designated in the bill; which was referred to the Committee on the Judiciary.

Mr. CHANDLER presented the petition of Mrs. Charlotte A. Von Cort, widow and executrix of Charles Von Cort, praying payment by the Government for use of a submarine torpedo shell invented by Charles Von Cort; which was referred to the Committee on Naval Affairs.

He also presented the petition of Michael McQuade and 139 other inmates of the United States Naval Home, Philadelphia, praying for the passage of the bill for the relief of sailors and marines in the United States naval homes; which was referred to the Committee on Naval Affairs.

Mr. DAVIS presented the petition of General Hazen Post, Grand Army of the Republic, of Renville, Minn., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. STEWART presented a petition of citizens of Nevada, praying that increased appropriations be made for public-land surveys; which was referred to the Committee on Public Lands.

Mr. PLUMB presented a petition of ex-soldiers and sailors of the Union Army and Navy, citizens of Garfield, Kans.; two petitions of ex-soldiers and sailors of the Union Army and Navy, citizens of Elk Falls, Kans.; five petitions of ex-soldiers and sailors of the Union Army and Navy, citizens of Linn and other towns in Kansas; two petitions of ex-soldiers and sailors of the Union Army and Navy, citizens of Kansas; a petition of ex-soldiers and sailors of the Union Army and Navy, citizens of Oakley, Kans.; and a petition of G. Marion Moon and others, members of the rated service-pension committee, citizens of Kansas, praying for the passage of the per diem service rated pension bill; which were referred to the Committee on Pensions.

Mr. COCKRELL. I present a petition of the Merchants' and Manufacturers' Association, comprising all the principal wholesale merchants and manufacturers doing business in the city of St. Louis, Mo., praying for the passage of an act so amending the law regulating interstate commerce that the railroads of this country may be allowed to sell to the wholesale and jobbing merchants of the United States mileage and excess-baggage tickets at such rates as in the judgment of the managers of the railroads may seem to them to be proper and just. I move the reference of the petition to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. COCKRELL presented a petition of the Merchants' and Manufacturers' Association of St. Louis, Mo., praying for the passage of what is known as the James bill, for the abolition of all taxes and licenses levied upon commercial travelers; which was referred to the Committee on Interstate Commerce.

Mr. CALL presented a petition of ex-soldiers and sailors of the Union Army and Navy, citizens of the State of Florida, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Cincinnati (Ohio) Chamber of Commerce; a petition of the Tampa (Florida) Board of Trade; a petition of the Indianapolis (Indiana) Board of Trade; a petition of the Board of Trade of Chattanooga, Tenn.; and a petition of the Board of Trade and Merchants' Exchange of Nashville, Tenn., praying that an appropriation be made for the improvement of the harbor of Tampa Bay, in the State of Florida; which were referred to the Committee on Commerce.

Mr. DANIEL presented the petition of William Downing and other soldiers and sailors of the Union Army and Navy, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of 11 surviving ex-Union soldiers and sailors, citizens of the State of New York; a petition of 51 surviving ex-Union soldiers and sailors, citizens of the State of New York; a petition of 33 surviving ex-Union soldiers and sailors, citizens of the State of New York; a petition of 30 surviving ex-Union soldiers and sailors, citizens of the State of New York; a petition of 51 ex-Union soldiers and sailors, citizens of the State of New York, and a petition of 40 surviving soldiers and sailors, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Marin B. Bliss, praying that the time may be extended for filing claims for arrears of pensions; which was referred to the Committee on Pensions.

He also presented a petition of John P. D. Commerdinger, late private Company K, Forty-eighth Regiment, New York Volunteers, praying for the passage of a special act of Congress granting him a supplemental pension; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of 15 surviving soldiers of the Union Army, residents of Gilmore City, Iowa; a petition of 23 surviving soldiers and sailors of the Union Army and Navy, residents of Colo, Iowa; a petition of 41 ex-soldiers and sailors of the Union Army and Navy, residents of Grand Junction, Iowa; a petition of 51 ex-soldiers and sailors of the Union Army and Navy, residents of Woodbine, Iowa; a petition of 56 members of Charlton Post, No. 143, Grand Army of the Republic, Richland, Iowa, and a petition of 58 ex-soldiers and sailors of the Union Army and Navy, residents of Lairs City, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a memorial of 27 members of the Home Missionary Society of the Methodist Episcopal Church of Iowa City, Iowa, remonstrating against the admission of Utah as a State; which was referred to the Committee on Territories.

Mr. HAWLEY presented the petition of Mary B. Mix, widow of John Mix, late of the Ninth United States Cavalry, praying for the adjudication of a claim for horses; which was referred to the Committee on Claims.

Mr. SAWYER presented a petition of 118 citizens of the First, Second, and Eighth Congressional districts of Wisconsin, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GRAY presented the petition of Olivia Draper, widow of William H. Draper, of Cecil County, Maryland, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of James H. Bryson, of Philadelphia, praying to be reimbursed for losses sustained by the firm of Bryson & Son in a contract for sealing-wax with the Treasury Department; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on the District of Columbia, to

whom was referred the petition of E. A. Skillman, agent, of Washington, D. C., praying for the passage of a law to cancel certain lien certificates and relieve certain property of the burden thereof, submitted a report thereon, accompanied by a bill (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein; which was read twice by its title.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia, direct me to report the same with amendments. I ask the unanimous consent of the Senate that this bill take the place on the Calendar of a precisely similar bill which I reported from the Committee on the District of Columbia on the 6th of February last, which is Order of Business 245, and I shall ask that the Senate bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks that the bill just reported may take the place on the Calendar of Order of Business 245, being the bill (S. 1060) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia, and that said bill be indefinitely postponed. That order will be made if there be no objection. The Chair hears none.

Mr. CAMERON, from the Committee on Military Affairs, to whom was recommitted the bill (S. 682) authorizing the President to appoint and retire Alfred Pleasonton a major of cavalry in the Army of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1336) for the removal of the charge of desertion from the military record of Jacob Rohn, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1415) for the removal of the charge of desertion from the military record of Charles L. Bullis, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 870) to provide for the retirement of a certain class of officers in the United States Navy, reported it without amendment.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 1870) granting certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purpose of a public park, reported it with amendments.

He also, from the Committee on Coast Defenses, to whom was referred the bill (S. 62) to provide for fortifications and other seacoast defenses, reported it with amendments.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 1514) relating to the record of wills in the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 1361) to incorporate the Reform School for Girls in the District of Columbia, reported it with an amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7263) for the erection of a public building at Bay City, Mich., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 105) for the erection of a public building at Pueblo, Colo., reported it with amendments.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 76) for the relief of L. A. Morris, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2093) for the relief of John K. Le Baron, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. I introduced a few days ago, for reference to the Committee on Foreign Relations, a joint resolution (S. R. 59) authorizing Brig. Gen. Absalom Baird, United States Army, to accept from the President of the French Republic a diploma conferring the decoration of Commander of the National Order of the Legion of Honor. By mistake the joint resolution was referred to the Committee on Military Affairs. I report it back from that committee and ask to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations.

The report was agreed to.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1158) for the relief of Louis Jacobson, reported it with an amendment.

Mr. DANIEL, from the Committee on the District of Columbia, submitted the following report:

The Committee on the District of Columbia, to whom were referred the bill (S. 1024) for the relief of John A. Fairfax, and accompanying papers, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 2308) to provide for the sale of lands patented by ertain members of the Flathead band of Indians in Montana Territory, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. SPOONER introduced a bill (S. 2309) to regulate the use of the grounds of the Washington National Monument, known as public reservation No. 3, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced a bill (S. 2310) granting a pension to Rozalia Junk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2311) for the relief of Heman D. Walbridge and Reginald Fendall, trustees; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY (by request) introduced a bill (S. 2312) to incorporate the West Washington Electric Ligthing, Heating, Motor, and Power Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HISCOCK introduced a bill (S. 2313) granting a pension to Ellen J. Snedaker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2314) granting a pension to John B. Covert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reservation, in Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2316) restoring the right of pre-emption to Jesse A. Corn; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TURPIE (by request) introduced a bill (S. 2317) for the relief of John Schierling, administrator of the estate of Gallus Kerchner, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PALMER introduced a bill (S. 2318) to constitute Sault St. Marie, Mich., a port of delivery, with privileges of inland transportation in bond; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT. I introduce a bill for the erection of a public building at Waterbury, Conn., with the accompanying petition of business men of Waterbury, and a statement of the mayor and a committee of citizens of Waterbury, which I ask may be referred, with the bill, to the Committee on Public Buildings and Grounds.

The bill (S. 2319) for the erection of a public building at Waterbury, Conn., was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM introduced a bill (S. 2320) granting a pension to Sarah A. Hanger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2321) granting a pension to John V. Hennessey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2322) granting a pension to Ralph Waldo Nason; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS (by request) introduced a bill (S. 2323) to provide for settlement of the debt of the Central Pacific Railroad Company to the United States growing out of issues of bonds; which was read twice by its title, and referred to the Select Committee on the Pacific Railroads.

He also introduced a bill (S. 2324) to increase the pension of the survivors of the war of 1812; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2325) granting a pension to James Hinkle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2326) for the removal of the navy-yard at Warrington, near Pensacola, Fla., to a new site on the bay above the city of Pensacola; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HISCOCK introduced a bill (S. 2327) granting a pension to Mrs. Nannie Cushman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2328) for the relief of John P. D. Commerdinger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PAYNE introduced a joint resolution (S. R. 63) making an appropriation to enable the several Executive Departments of the Government and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and Commission of Fish and Fisheries, to participate in the Ohio centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888; which was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF BUREAU OF ANIMAL-INDUSTRY BILL.

Mr. PALMER. I offer the following resolution, and ask its reference to the Committee on Printing:

Resolved, That 1,000 extra copies of Senate bill 2083, known as the bill for the establishment of a Bureau of Animal Industry, and for other purposes, be printed for the use of the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The resolution will be agreed to, if there be no objection.

Mr. HARRIS. I think the Senator from Michigan asked that it should be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The Chair was advised that in consequence of the number required, it did not necessitate a reference. The Chair will order the resolution to be referred to the Committee on Printing, if it is thought best to refer it. It will be referred to the Committee on Printing, if there be no objection.

PURCHASE OF BONDS.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, which was unanimously reported from the Committee on Finance.

Mr. COLQUITT. I gave notice that to-day, at the conclusion of the routine morning business, I should move to take up the resolution of the Senator from Ohio [Mr. SHERMAN], with a view of submitting some remarks upon it.

The PRESIDENT *pro tempore*. The Senator from Georgia [Mr. COLQUITT] appeals to the Senator from Vermont [Mr. MORRILL].

Mr. MORRILL. I merely desire to say to the Senator from Georgia that this is a House bill, unanimously reported by the Committee on Finance. I do not think it will take up any time, and it is rather important that it should be passed at once.

Mr. BECK. I have only a word to say about that. There is an amendment to that bill, which I offered, to repeal all laws maintaining a sinking fund, which I think is not only no longer necessary, but an absurdity. Perhaps the Senator from Vermont will not consent to that amendment. If he does not, it will take some time.

Mr. MORRILL. I could not consent to it, and I should regret to have the Senator from Kentucky present it. We all know what his views are, but I think neither House agrees with him on that subject.

Mr. BECK. I think that both Houses will agree with me when the matter is understood; but that is an opinion, merely.

The PRESIDENT *pro tempore*. Does the Senator from Vermont insist upon his motion?

Mr. MORRILL. I will not do so if the Senator from Georgia is ready to proceed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 97) granting a pension to Ida B. Linthicum;
A bill (H. R. 122) for the relief of Julia A. Darrell;
A bill (H. R. 150) granting an increase of pension to Henry B. Shaw;
A bill (H. R. 159) granting a pension to Jane Thomas;
A bill (H. R. 407) granting a pension to G. W. Burkhart;
A bill (H. R. 416) granting a pension to Thomas H. Aulls;
A bill (H. R. 421) granting a pension to Rufus Squire;
A bill (H. R. 459) for the relief of Elvira Cooper;
A bill (H. R. 499) granting a pension to Catharine Maxwell;
A bill (H. R. 509) granting a pension to James A. Haley;
A bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson;
A bill (H. R. 782) granting a pension to Marble H. Baird;
A bill (H. R. 893) granting a pension to Julia Stokes;
A bill (H. R. 1071) granting a pension to John Hancock;
A bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana;
A bill (H. R. 2077) to place on the pension-roll the name of William S. Sims;
A bill (H. R. 2177) granting a pension to Mahala Robbins;
A bill (H. R. 2456) for the relief of Judith Plummer;
A bill (H. R. 2491) granting a pension to John Bisbey;
A bill (H. R. 2662) for the relief of Mary M. Strong;
A bill (H. R. 2663) for the relief of Alonzo Alden;
A bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased;
A bill (H. R. 2806) to increase the pension of James Woody;
A bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act;"
A bill (H. R. 3183) for the relief of Kelsey Curtis;
A bill (H. R. 3488) granting a pension to Mary Dull;
A bill (H. R. 3496) for the relief of W. C. Scanland;
A bill (H. R. 3927) for the relief of William P. Gorsuch;
A bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley;
A bill (H. R. 4102) granting a pension to Mary A. Carr;
A bill (H. R. 4655) granting a pension to Mary J. Francis;
A bill (H. R. 4659) for the relief of George M. Ochiltree;
A bill (H. R. 4988) to extend time of payment to purchasers of land on Omaha Indian reservation, State of Nebraska;
A bill (H. R. 5228) granting a pension to Clara M. Flanders;
A bill (H. R. 5236) granting an increase of pension to Mary K. Taylor;
A bill (H. R. 5247) granting a pension to William H. Brimmer;
A bill (H. R. 5829) for the relief of Joseph Driskill;
A bill (H. R. 5844) to increase the pension of William Clark;
A bill (H. R. 5911) granting a pension to Elizabeth J. Hascall;
A bill (H. R. 6908) granting a pension to William P. Witt;
A bill (H. R. 6946) for the relief of Thomas Jordan;
A bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes;
A bill (H. R. 7935) for the relief and civilization of the Chippewa Indians in the State of Minnesota;
A bill (H. R. 8006) to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations; and
A bill (H. R. 7936) to restore to the public domain a part of the Uintah Valley Indian reservation, in the Territory of Utah, and for other purposes.

PRESIDENT'S ANNUAL MESSAGE.

The PRESIDENT *pro tempore*. The Senator from Georgia [Mr. COLQUITT] moves that the Senate proceed to the consideration of a resolution, which will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. If there is no objection, the resolution is before the Senate, and the Senator from Georgia will proceed.

TAX REFORM.

The taxation of luxuries presents no features of hardship; but the necessaries of life used and consumed by all the people, the duty upon which adds to the cost of living in every home, should be greatly cheapened—*President Cleveland.*

Mr. COLQUITT Mr. President, Mr. Cleveland in his message has powerfully condensed the issue before the country into two self-evident truisms:

First. That taxation should be limited in amount to the sum necessary for the economical administration of government:

Second. That in effecting the reduction, the taxes should be taken from the necessaries of life rather than from luxuries and superfluities.

These two plain propositions commend themselves, upon the mere statement of them, to the common sense of mankind. It is wonderful that any party, or any person of any party, should dispute them. It is only possible to controvert them by translating them into other less intelligible forms, and darkening counsel by words.

It would seem that any representative of the people would say to the tax-payers, with unusual satisfaction, "It is my agreeable duty to inform you that the Government can do better with less money;" and again, as a further easement, "that the reduction can be made on needful articles of daily use, such as salt, iron, clothing, etc., leaving taxes only on such articles as you can spare consistently with both your own and the public interest, say, chiefly on whisky and tobacco."

RECEPTION OF THE MESSAGE.

The message has made a profound impression at home and abroad, and has been received with a hearty and outspoken indorsement by the wise friends of the country. Perhaps no such document ever attracted wider attention in time of peace, or awakened more patriotic interest and enthusiasm. It is frank and bold, just and honest. It is, moreover, replete with clear insight and practical wisdom. Its positions need no demonstration; they appeal at once to the head and to the heart of the country. They involve no niceties, and require no education to understand them, but are as plain as the axioms of Euclid.

It is fortunate that these issues are so plain, in view of their great importance. Mr. Cleveland has unified and clarified them, and has condensed them all into two big, plain issues. I may say, really, into one—tax reform. To this one matter of tax reform the President confined his entire message. He would not distract attention from this supreme point by introducing any other matters trivial in comparison with this.

Was not this the best possible emphasis to the one duty of the hour? For this judicious exclusiveness, however, fault is found with the message; but in so confining it the President has rendered a splendid service to the country.

The Constitution provides that the President "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

The President gives us such information—that is, of the existence of a large annual surplus, and its continued existence after repeated efforts to correct the evil. He then goes on to give the measures nec-

essary and expedient, in his judgment, for its correction, namely, to limit taxation to the necessities of government economically administered, including all obligations already incurred; and to do this by reducing the taxes on the articles most necessary to the comfort and welfare of the people. Thus is tax reform made the one order of the day, and the question is fairly before Congress and the country.

The President recommends that no surplus be raised by taxation. Some of our public men differ with the President on this subject. To the tax-payers they say: "If you will just continue to raise the money we will contrive to spend it." It must be admitted that the surplus is larger by virtue of the economy of the Administration; they argue that proper extravagance would have reduced it.

This is the Republican form of opposition to the wise policy of the Administration. Possibly they think a spirited foreign policy might consume the surplus, and even render higher taxes necessary. The opposition of a small minority of the Democratic party is of like character. Wonderful enough is it that the Republican party should take this ground of opposition, but it passes wonder that any man calling himself a Democrat should oppose this most Democratic policy; oppose it even at the risk of dividing the party on so plain an issue. They go with the Republicans in preferring, if taxes must be reduced, to take them off from the unnecessaries of life, rather than the necessaries.

Plain as are these issues on the slightest inspection, yet far plainer do they become upon study and reflection. Like all truths, they grow upon the student. The supposed arguments on the opposite side need only to be considered to intensify conviction of the correctness of the President's views and of their vital and unspeakable importance. The country has heard the best of those arguments from the Achilleses and the Goliaths of the opposition, and the policy of the Administration has been unquestionably strengthened by the very efforts to discountenance and overthrow it. As I proceed it will be easy to see how admirably the issues have been selected, and how they stand unscathed and all the better for the assault made upon them and the unsparing tests to which they are subjected.

To true Democrats, both the objectors and the objections are arguments in their favor. The wise policy of Mr. Cleveland admits of demonstration as strong as is possible in moral reasoning; and the immense benefit to the country to be derived from it is a just subject for national rejoicing and congratulation.

I shall proceed to discuss—

First. The surplus, what it is, and the evils it brings on the country;

Second. The tariff, the worst tax of all, in its present form;

Third. The internal revenue, the least objectionable of all; and

Fourth. The duty of the Democratic party towards the Administration and the country.

Each discussion will strengthen the obvious view that the surplus should be removed, and that this should be done by reducing the most burdensome taxes, retaining the least oppressive. Never did I advocate a cause which more fully commanded my profound convictions of right and duty.

THE SURPLUS.

In discussing the surplus, I shall consider first its amount, which is so great that illustrations are needed to enable us to grasp it; and then its effects, direct and indirect, on Government and society, operating as a corruption fund—a great carcass for the ravening vultures which prey on society. I shall compare Federal extravagance in taxation—a legacy left to this Administration—with State economy; and finally under this head I will show the enormous actual expenditure on which this surplus is accumulated, and its cost to the people; the part that does and the part that does not appear on the face of official reports.

FACTS AS TO THE SURPLUS.

The President's message shows that on the close of the fiscal year, June 30, for the years mentioned, the surplus was as follows:

1885	$17,859,735.84
1886	49,405,545.20
1887	55,567,849.54
1888 (estimated)	66,182,214.72

Such is the surplus for separate years, such its enormous annual growth—Pelion upon Ossa, Ossa upon Pelion—so that, despite of a strain upon the powers of Government to apply it, purchasing bonds at enormous premiums, some at 24 per cent., the estimated aggregate at the close of the present fiscal year was $140,000,000. Later information places it at $155,000,000.

It is wrong in policy and unjust in principle to collect from the people this enormous excess, because it is unnecessary, even to extravagant government. This one plain point is all that is essential to my argument. Who rises to say that unnecessary taxation is not unjust taxation? Not only unnecessary and unjust, but it is also dangerous. In its direct and immediate consequences it has already almost sufficed to cause a panic, and the Government has been constrained to exercise doubtful powers to avert great financial distress. But that is but a small incident, a mere symptom of the evil consequences.

The estimated surplus at the close of the present fiscal year being more than $150,000,000, it is difficult to grasp the full force and meaning of these figures. This mere surplus above what is needed would build three State capitols in every State in the Union as magnificent as that now being constructed in my own State and leave untouched a large surplus still. It would support all the State and Territorial governments for two years, and still leave a surplus. It is much more than twice the entire cost of the Federal Government for any year before the war. I may give further illustrations hereafter, for the mind is slow to conceive such enormous sums.

To show how present receipts compare with the past, I quote from a pamphlet, entitled "Federal Taxation," by Samuel Barnett, esq., of Washington, Ga. He is a gentleman of high character, of unquestioned ability, of wide information and thorough accuracy. I may, as occasion may demand, quote from the same source without further acknowledgment—not always in exact words but giving the sense.

The average annual receipts of the United States Government for successive decades were as follows:

Decade closing	Average year's receipts.
1800	$5,000,000
1810	12,000,000
1820 (war period)	17,200,000
1830	19,100,000
1840	21,300,000
1850 (Mexican war period)	21,700,000
1860	53,100,000
1870 (war period; greenbacks, $237,900,000	178,300,000
1880 (greenbacks, $291,600,000)	286,300,000
1888 (eight years)	365,000,000

The above figures do not include postal revenue, which is included in the statistics of all the great powers.

Including this the mere increase from $280,000,000 in 1878 to $445,000,000 in 1882 was $165,000,000—a fearful leap—an average of $41,000,000 increase a year for four years, in a time of profound peace.

It is surprising to observe in this comparison that in the decade ending in 1880 the revenues greatly exceeded those of the war decade.

The mere excess of the taxes of 1882 over those of 1878, an interval of four years, is fully two and a half times greater than the entire taxes of any year before the war, although the taxes of 1878 were immense. The receipts of the two years 1882 and 1883 exceeded the total receipts of the Government for the first half century of its existence—two years compared with fifty.

One administration of four years with taxes like those of 1882 would receive more than the whole ante-bellum Government of the Union lasting for a period of seventy years.

These are not conjectural estimates; they are the official figures of actual receipts, with which the officers of the Government have charged themselves, year after year, and which have been reported to Congress and published in the documents printed and circulated for the information of the people. There are other matters of importance on which we are left to conjecture, but this is the result of accurate and official calculation.

In view of these startling facts is it not time that we should pause in this career of mad extravagance? Is it not strange that even the heat and competition of party strife should tempt us to think more of party supremacy than of the real interest of the people and the legitimate objects of Government?

We are now in condition to see the enormity of the surplus, a sum added to and piled upon expenses already most extraordinary when seen in the clear light of all past experience. Observe the comparative rate of taxation at different periods, and we have an average for the decade before the war, ending in 1860, of $53,000,000. During the next decade, *flagrante bello*, the average rises to $178,000,000 gold value. Surely, the war being over, the next decade will show a huge decline; but not so; it rises to $286,000,000, the mere increase being $108,000,000, double the *ante-bellum* tax. Well, at least we shall see a decline the following decade. Instead of a decline, however, we reach $365,000,000 as the average annual tax for eight years of the present decade, the annual average exceeding the preceding by $79,000,000, despite reduced interest by previous reductions of the debt.

Take the old rate of expenses; add the new war rate; add the new waste rate (waste exceeding war); add interest and sinking fund and payments outside of that, and premiums on these payments; add pensions and new pensions; add river and harbor bills; and high and dry above all these expenditures we find one hundred and fifty millions of surplus. And still monopoly is insatiate, and like the daughters of the horse-leech cries, "Give, give!"

Is not this a curious time for raising a surplus? Is there any parallel for it in history? One would think that it would strain the people enough to meet the interest, the sinking fund, and the pensions. Would it not seem that to meet the absolutely necessary expenses would be a great strain—would satisfy everybody? It would seem to be enough to satisfy an ostrich, a cormorant, a monopolist, a protected industry.

Meanwhile the States are poor and stinted, so that the generous taxing power proposes to come to the rescue with Federal donations. My own State half starves her governor, kills her judges with overwork and poor pay, and spreads the cost of her State capitol over six years, an expense which would be met by one day's income of the Federal Government. This necessity for stint and parsimony to relieve the people of the burdens of taxation applies to other States as well as my own.

I quote again from the same author another illustration:

But have we really, as citizens, such a deep interest in Federal taxes? Are they really so important and considerable?

Yes. They are wasteful and oppressive beyond your highest thought. The facts of Federal taxation almost transcend belief.

The most sober and measured statement of them is startling. If Missouri pays an average tax, her Federal quota exceeds all the State and Territorial taxes combined of the twelve States and eight Territories which lie beyond the Mississippi River.

By the census of 1880 the population of the United States was, in round numbers, 50,000,000, composed of about 10,000,000 families.

The aggregate cost of all the State and Territorial governments was $52,000,000. So the State governments cost about $1 per head ($1.04), or $5.20 per family.

The county governments cost not quite $70,000,000—being about $1.40 per head, or $7 per family.

Observe, now, the comparative cost of the Federal Government. Its receipts are not numbered in tens of millions but in hundreds, being about $400,000,000 per annum—that is, about $8 per head or $40 per family.

Thus the Federal Government costs over three times as much as all the State and county and Territorial governments put together. It costs nearly eight times as much as the aggregate of all the State and Territorial governments combined.

To make good our assertion as to comparative taxes in Missouri:

The population of Missouri is 2,168,380, and its Federal taxes, averaging nearly $8 per head, about $17,000,000.

The following table exhibits the State and Territorial taxes of the continental region beyond the Mississippi River:

TABLE OF STATE TAXES.

Minnesota	$726,000
Iowa	827,000
Missouri	2,125,000
Arkansas	715,000
Louisiana	1,771,000
Texas	2,198,000
Nebraska	355,000
Kansas	883,000
Colorado	372,000
Nevada	161,000
Oregon	464,000
California	3,215,000
Twelve States	13,803,000
Eight Territories	620,000
Twenty States and Territories	14,423,000
Federal tax of Missouri	17,000,000

Excess of the Federal tax of Missouri over the State and Territorial taxes of the whole trans-Mississippi, $2,577,000.

How is it on this side of the Mississippi River? There are twenty-six States and the District of Columbia. The Federal tax of New York exceeds the combined State taxes of them all. The Federal tax of New York, with $5,000,000 people, is about $40,000,000. The aggregate State taxes (including the District of Columbia) on this side of the river are about $37,600,000. This would leave New York a margin of profit of $2,400,000.

Therefore the two States of New York and Missouri could make a profitable trade with the United States on these terms: Remit our Federal taxes and we will run all the State and Territorial governments of the Union. They would realize nearly five millions of annual profits by the bargain.

Yet we all, East and West, North and South, waste our time over petty details of home expenditures, and neglect the weighter matters of giant Federal taxes. We are catching mice when bigger game should engage us—wolves and tigers.

The above estimates were based on the receipts of 1882, which, including postal receipts, exceeded $440,000,000—nearly $9 per capita.

And yet, in the face of all these facts, there are those who would transcend these enormous drains of government and continue to raise a surplus. I know not how to express my astonishment at such fatuity.

I have thus far dwelt only on the first proposition of President Cleveland, that unnecessary taxation, under any circumstances, is unjust, inexpedient, and iniquitous. But when already burdened by the expenses of war, with its manifold incidents, the injustice of such taxation becomes more flagrant, and its imposition monstrous and indefensible.

THE TARIFF.

The next proposition is that taxes should be removed off the necessaries of life rather than from its superfluities. This proposition would seem to be too plain, direct, and honest to admit of successful contradiction. It is indeed a truism which does not need argument.

The two terms, "tariff," "internal revenue," sound at first equally harmless. Each is but a particular form of tax; but the operation of the two taxes is widely different. Of the various broad distinctions between them, one of the most important is emphasized by the fact that the tariff is a tax on necessaries—the internal revenue a tax on superfluities. Both taxes are indirect; so that by shaping expenditures they may to some extent be avoided. But of all taxes the tariff is the most unavoidable—the internal revenue most easily avoided.

I shall attempt to show the effect of a high tariff in the interruption of exchange, exchange being the leading object of all production, and the chief instrument of civilization; its effect on production which it diminishes in amount and makes more costly; on distribution, which it renders false and unjust, diverting the fruits of labor from the true owner; and its effect on wages, prices, and expenses, and especially on monopolies under the specious name of protection. This important and practical question is worth all the attention we can bestow upon it, not for this hour only but for the session. If we settle it correctly, our work will be worth that of the last twenty years of legislation. It will save to the people added years of waste and loss and hardship. If we fail to settle it, we will have accomplished no results of permanent value, and will have missed a great opportunity which we are pledged to improve.

The tariff is a list of taxes upon articles imported into this country in exchange for articles exported by us to other countries. It is a tax on trade between people. My neighbor and I trade as suits us. This is to our mutual benefit. But my country obstructs trade with my friendly neighbor country by heavy taxes on imports, to our mutual hurt.

The imports of this country for the last fiscal year, ending June 30, 1887, were	$692,000,000
Of which were free of duty	232,000,000
Leaving dutiable	460,000,000
Duties collected	218,000,000

This shows an average tax of more than 47 per cent. The tariff is levied on thirteen leading schedules, embracing more than four thousand articles.

Of course a great system is necessary for the collection of these duties, involving custom-houses and custom-house officers, revenue-cutters, inspectors, searches and seizures, forfeitures, and the like. The process of collection involves the right of search of men and women, who are presumed guilty, and required to prove their innocence, not by oath, but by exposure of their trunks, boxes, and their very persons. The system is highly complex and unintelligible, hard to understand, and difficult to escape by shaping expenditure to avoid it. The higher the rates of duty the more contrary is it to sound principles of taxation and political economy. It deviates more and more from the true ends of taxation till it becomes antagonistic to the chief objects of government—the maintenance of justice and equity.

There is a dim but false idea afloat in some minds that somehow the importer, the middle man, or the foreign manufacturer pays the tax. By tracing the transaction the mistake is revealed. The duty is, in the first place, paid to the custom-house officer by the importer. The importer adds the duty to the price with his profits on both. He sells at the increased price, including the profit on prime cost and duty to the retailer, and he sells to the consumer at a price including his profit on the entire cost. Out of the pockets of the consumers comes, at last, the uttermost farthing.

In the State tax the tax-collector pays into the State treasury, but the citizen pays him first. The money does not come out of the collector's pocket. In Federal taxation the importer pays into the Treasury and collects afterwards. All the taxes, at last, are paid by the citizen, not by the agents of Government. All these instrumentalities are mere conduits between the tax-payer and the Government. The tax-payers do not understand the operation. In State taxes they understand it all—they see and pay the tax-gatherer and take a receipt. In Federal taxation they do not know who collects, how much he collects, when, how, or for what purpose. They are as ignorant as if they had no interest in the results, so little do the people know of the direct operation of the tariff.

As to free trade, whether desirable or undesirable, whether a boon or a curse, there is no one—either friend or foe—who is likely to live to see it. A moderate revenue tariff is the utmost in the direction of free trade that any living Senator or Representative will ever see. There is no reason whatever for real or affected alarm. We shall be fortunate if we live to see the tariff reduced to a strict revenue basis. Besides, in the reduction pains will be taken to avoid sudden or harsh changes, working even temporary hardships. Our dangers for years to come lie entirely on the other side—from Scylla, not from Charybdis. We shall take off too little, not too much.

OF THE NATURAL COURSE OF INDUSTRY.

The differences of soil, climate, and production are endless, and the diversity of human faculties is without limit. Our wants are also full of variety. Each man out of all this variety chooses his own vocation—the range of choice being widest here in America. At an early stage of civilization the division of labor began, and instead of working directly for the supply of his own wants, each man in a civilized country pursues his own bent, makes what he can make to the best advantage and exchanges the fruits of his labor with others. Exchanges increase as men become skilled, and people and nations also soon learn to exchange. Commerce springs up, and the field of supply and demand becomes as broad as the world. Under this natural course all things work best and yield maximum results when exchange is free. Production is greatest and distribution is most equal when unhindered by artificial restriction. There is more employment and at better wages; prices are lower, while the scale of expense is diminished; monopoly does not hinder competition; combination is scarcely possible; waste reaches its minimum, production its maximum, distribution its fairest form; government is limited to its legitimate functions, and protection is of rights, not of monopoly. Natural selection takes the place of government selection, and this is better; for each man knows his own wants and interests better than the government.

Early in human development the change takes place by which no man works for the exact want which he wishes to satisfy. He devotes himself to one or a few articles of supply, and exchanges with other men for the articles they produce. The same principle applies in trade between nations. Each man, each people, produces almost solely with reference to exchange, and the race is the measure of wants and the world the means of supply.

The old adage "One man's gain is another's loss" is a vile and per-

nicious falsehood. In every perfectly fair, free exchange both parties to it are benefited. A gets what suits him best, and B what suits him best. If no one hinders they will swap, simply because it is the true interest of both to swap. The same is true with respect to nations. Each can make some things better than other nations can, and it is to the interest of both to exchange.

Our range of choice is enormous, and 3,000 miles of sea protect us. Reaching from the tropics to the region of furs—from the Atlantic to the Pacific, with the great Mississippi Valley—with lumber, coal, iron, water-power, steam, we have the most ample resources of any people on earth. Our people are vigorous, and inventive—full of variety and enterprise, versatile, intelligent, and watchful. The first discovery of a new enterprise or mine in Oregon or California is read the next morning in Maine and Georgia, in Texas and Iowa. With such a country, peopled by such a race, the building up of unnatural industries here by artificial means is an impeachment of Providence. The main object of an honest Government is impartiality between sections, classes, and interests, and to secure to each citizen the fruit of his labor. The object of the bad citizen, the bad neighbor, the bad government, is to transfer the product of one to another without an honest equivalent. Their practice, if not their language, says: Yours the labor, mine the fruit; you work, I enjoy; you produce, I consume.

The desirable thing for humanity is not to increase labor (for labor in itself is not desirable), but to increase the rewards of labor and keep them in the right hands. In the order of Providence it so happens that certain necessary evils give employment to certain classes in averting or ameliorating them. For instance, a pestilence gives employment to doctors and nurses. It would be a monstrous crime in individuals to encourage such evils instead of working to ameliorate them. The crime would be yet more monstrous if done by the Government, the common agent of all.

Suppose a marsh near a city threatens a pestilence. Suppose a petition to allow the pestilence to go on, signed by all the doctors, nurses, undertakers, grave-diggers, and others, alleging that sickness gives employment to them and praying for "protection;" also a petition by others alleging that the sickness of many relieves those who are not sick of competition, and praying for "protection"—in a word, claiming that sickness is a public and private blessing, a private blessing to petitioners and a public blessing because petitioners are members of the public. Let, now, the builders pray for a conflagration, and show how it will give them employment and benefit the community. Let the lawyers pray for a panic and a carnival of crime to increase their civil and criminal practice—ending, as usual, with the form, "and your petitioners will ever pray." Let the wreckers on the coast pray for a storm, and, if the Almighty does not grant it, pray Government to set out false lights and beacons. Let a family picture be drawn of the wrecker's wife and children begging for bread if no storm shall come. In these illustrations we have a picture of the petitions and arguments of the protectionists. They beg to be helped in their particular industries, in which their supposed interests are opposed to the general interests of society and the duty of government.

Government is asked to perpetuate the evils it was intended to avert because these evils give somebody employment. In the course of time they would all die off and not need employment, as dead men have no wants to be supplied. Between pestilence, conflagration, crime, and want, in the enjoyment of which they have been "protected," society will have perished, or else men have come to their senses.

A paternal government is the necessary and logical sequence of their pleas, if their pleas be granted. Concerning the view that the duties of government are paternal, I commend the language of Macaulay:

> It is a doctrine I shall never favor till its advocates can show us some government which loves its subjects as a father loves his children, and which is as superior in intelligence to its subjects as a father to a child.

Mr. Beecher, in his sententious way, says:

> A paternal government is an infernal government. Put a crown on its head and it becomes a czar.

There is but one *pater patriæ* who is also *pater mundi*, and he gives us Nature as the breast from which to draw richly and not impoverish him.

Paternal government proceeds to mismatch industries. Wiser than the laws of nature, it sets the carpenter to doing the blacksmith's work, the shoemaker to masonry, the doctor to practicing law, sends the lawyer to the plow and the preacher to type-setting. Government comes in to induce Massachusetts to raise oranges and Florida cranberries, Illinois to plant cotton and Georgia hemp. Its first lesson is to convert all the grown men into babies, dependent on government and never to be weaned.

Nearly all human labor, as I have said, is in order to exchange. Except for this purpose we can not work to advantage by proper division of labor. The right to exchange is fully as important as the right to produce.

The law of national prosperity in trade is not independence, but interdependence. Independence of the conditions of exchange is the state of the savage only, while dependence is characteristic of the highest state of civilization and prosperity.

The idea that it is necessary to our independence as a nation that we make no exchanges with other nations is chimerical. Positive independence in nations is not more attainable than in individuals. The system of relation and dependence is the universal law of nature. It is seen throughout all social and domestic life, and it pervades all callings and conditions. To say that the United States, to be independent, should make everything and consume nothing made by others, is as foolish as to say that a man is not independent because he does not make his own boots or butcher his own meats. We think a man is independent when he has money to buy what he wishes. The same principle applies to nations. We make cotton in the South for export, and I do not feel any sense of humiliation or dependence because other countries want our cotton for clothing and send us gold or goods for it. Wheat is made in the West for export, and I do not think the people of the West are dependent because other people beyond the sea wish to indulge their appetite for bread and send them money to pay for it. In the ordinations of Providence there must exist a mutual relative dependence between nations as well as between individuals. "This mutual dependence is the true source of a great portion of the improvements which exalt the human character and contribute to human refinements and enjoyments. In the history of nations it will be seen that almost every nation is in a savage state which excludes itself from commercial intercourse with other nations."

Production is hindered by mismatching industries among men and nations. The natural course yields maximum results. Misguided by tariff and bounties, we waste the rich bounty of nature. It takes no great penetration to see and appreciate this obvious truth. False distribution is aided by this interference of Government. Already bad enough under the natural law that "to him that hath shall be given and he shall have more abundance," government steps in and helps "him that hath." If government does not help him fast enough, he has the power to push it forward in the work. It is the strong who get the advantage in the rush and scramble for government favors. With conditions artificially made worse, then come strikes and riots, insomuch that new strikes meet our eyes daily in the morning papers, mainly the results of markets restricted both as to supply and demand.

EFFECT ON WAGES.

The effect of these three great and grave errors on wages is disastrous in many ways. There is a great waste of labor, less is made, and that goes into wrong hands. The more the monopolists get the stronger are they and the more eager to get still more. Of this the times give abundant proof.

Government gets the tax; who gets the tribute? Not the many, but the favored few. The tribute goes to the employer, not the employés. The latter are not partners. The tribute goes into profits—not into wages. It is absorbed by the partners—not by the laborers, and this suggestion answers the whole question of wages. The employer does not consult with his employés about markets—about where to sell and where to buy. He does not enter into any partnership contract with them. When he engages them he buys labor just as he buys material—for so much—with no reference to the price of anything but labor, regulated by supply and demand. It is said employers are able to pay more by reason of protection. This is no doubt true, but the main reason why they are able to do so is found in the fact that they do not do it. They usually pay less for the same article, whether of labor or goods. They are strong enough to exact special favors and privileges from railroads even, much more from tradesmen and private citizens, and they have never yet been too considerate to assert their uttermost advantage.

Sharp and shrewd, they are always ready with their sponge to absorb every advantage. If domestic competition reduces prices, wages share the reduction. The monopolists have the law varied and conform to it till another change is made. They are shifty and managing; and in the scramble they are the tall and the powerful who get it all. By concentrating wealth more and more into fewer hands, protection inspires combinations among employers and so lowers wages. In the competition between profits and wages, combination is possible and is practiced to lower wages, to restrict production, and to throw laborers out of employment. Now and then co-operative societies interest labor in profits, but this is the exception. The general tendency is just the reverse—isolating the employers from the employed, so that they do not meet face to face and are entirely ignorant of any common bond of sympathy. Under the influence of protection the relation becomes one of slavery, with all the hardships of that relation and none of its ameliorations. The reduced number of employers learn to combine, and the stronger of these have various ways of dealing with each other, to which such terms as "freezing out" are applied. The big fish swallow the little ones. Instead of common interests, they are rival interests. Yet the employés are made to believe they are common, and that they receive the largest share of every special privilege.

It is enough to make one despair of his race when he sees the hypocrisy and hollow pretense of the lordly monopolist who has been made rich by the toils and sweat and tribute of others. He would pose before the country as a philanthropist; he subsidizes the press; he employs stump orators, he lobbies Congress and Legislatures; he addresses conventions with loud professions that he does it all for the sake of the laboring man. Demagogues take up the cry and make the welkin ring with iteration and reiteration that it is only for "wages," "wages," "wages" for the poor that special privileges are asked. Is it not singular that with all this effort and sympathy and Government aid the laboring classes are still poor, weary, and distressed?

The work they have done is here, but the abundant fruits of their labor have passed into the golden tankards of the capitalist, whose mouth has been filled with loud futilities about their protection. No wonder there are strikes and bitter contentions. The point has been reached when reaction is sure to come. Driven to desperation by disappointed hopes, the toiling masses demand redress and make their "proclamation:" "Here we are, lords and masters! We have supported you in all luxury; we have submitted to your guidance; we have voted your ballots; we have sustained your high tariff; we have borne your burdens; we have stood between you and danger; but what have ye done for us in return? We were told it was all for our good, but we find it was for your pleasure. Our toil and sweat have been given to add to the riches and to feed the vanity and luxury of the few."

An unknown but true and simple-hearted poet of the people expresses the same sentiment in verse:

Down in the vale where the mavis sings,
And the brook is turning an old-time wheel,
From morning till night the anvil rings,
Where John o' the Smithy is forging steel.

My lord rides out at the castle gate,
My lady is grand in bower and hall,
With men and maidens to cringe and wait,
But John o' the Smithy must pay for all.

I would evoke no hatred or jealousy of the rich. It is every man's right and duty to amass wealth by honest means. He is not to be reproached if he has the skill and energy to acquire money, nor is he the worse because he relishes and enjoys the comforts and embellishments of life. But the pretender deserves to be scorned who pleads for special privileges under pretense of benefiting the poor while he alone pockets the money as the beneficiary.

PRICES.

If protection fails to raise prices it fails of its direct object and aim, which is to raise prices by protecting the employer against competition, the natural agent in cheapening goods. The claims of protection are violently inconsistent. It claims both to raise wages and to lower prices. It tells the operative that it raises wages and tells the public that it lowers prices. It explains to the operative that by increasing prices (competition being removed) it is able to pay higher wages. Its effect in lowering prices it makes a poor case of, at last appealing to domestic competition, and so it claims the votes of both. Pools, trusts, and associations choke down domestic competition, while Government chokes off foreign competition.

It is true that prices in this age of progress are low, and will constantly grow lower by reason of numerous labor-saving inventions, and increased use of the power of nature—steam, electricity, etc. This reduction in prices is falsely attributed by the monopolists (those dear friends of low prices) to the very tariff which clogs and hinders reduction, as if the brakes increased the speed of a train. The true comparison is not between then and now, but between here and there—between prices in the United States and prices abroad; and between prices with low tariff and high. Quinine illustrates the latter difference conspicuously. Everybody knows about that. Steel rails have fallen even in America by virtue of the Bessemer process and numerous improvements. The credit of this fall is given to the tariff. As well attribute the fall in the price of cotton since the invention of the cotton-gin to the policy of protection. Compare the prices of steel rails in the United States with those of England. Last year the average price here was $37.13 per ton. English rails could have been laid down here at an average of $23.60 per ton. Yet the monopolists say we ought to be content, that prices are low, and that the trifle of $13.50 extra a ton is insignificant. And so is it with a thousand other articles.

In discussing the effect of the tariff on prices we observe that a tariff may be nugatory, prohibitory, or operative. It is nugatory when the duties are laid on articles in the production of which we surpass all other countries, such as wheat and cotton. Such duties would yield neither revenue nor protection. Nobody cares to have a nugatory tariff.

It is prohibitory when the duties are so high as to prevent importations and to compel all such commodities to be made at home, no matter at what disadvantage. When the tariff is prohibitory Government gets nothing, and all excess above fair profits goes into tribute. This is the form the monopolists prefer.

It is operative in full when the duties are laid on such articles as are neither grown nor manufactured in this country; and it is operative in part when we compete with other countries, as on sugar and rice. These yield much revenue, with comparatively little tribute.

The effect of the tariff in causing waste is readily shown by illustration. Suppose Great Britain can sell an article in the United States for $1, while our manufacturers can not sell it for less than $1.40. Now, let Government put on a duty of 50 per cent. Then the British manufacturer can not sell here for less than $1.50. The American may sell at $1.49 and control the whole market. The American manufacturer then makes 9 cents, while the American consumer loses 49 cents. In this transaction 9 cents of the increase goes to the manufacturer and 40 to waste.

Again, the natural industry which the American manufacturer quit in order to enter the artificial one will have been left unattended to, and the price of those products will rise. Thus protection raises the whole range of prices. There is, so to speak, a long conduit through which protection carries payments. Part goes by the way of taxes, part as tribute, part into higher prices in the neglected natural industries, and part to mere waste.

EMPLOYMENT.

It seems to be taken for granted by "protection" that one man must needs find employment for another man, else the second man will go unemployed. But why should A have to look after B rather than B after A? The protection doctrine is that A must not only find employment for himself but for B also, while B has not even to find it for himself. All this works only evil. It is the interest of society that every tub stand on its own bottom. There is more and better employment in this way than in any other. When society undertakes this business it displaces more employment and better employment than it replaces.

To illustrate, take the case of railroad iron, which is illustrated in a careful article in the Forum by Mr. SPRINGER:

Three of the largest steel-rail mills in the United States on the 1st of January, 1887, reduced the wages of their employés 10 per cent., and three other steel mills reduced wages in November; while several other large steel-rail companies have suspended operations and closed their works for an indefinite period. This is doubtless for the purpose of influencing the action of Congress, by citing these acts as evidence of the desperate condition of the steel-rail business, and of the necessity for increasing instead of reducing the duties on steel rails. In 1880, the census year, the whole number of Bessemer and open-hearth steel works was 36; the capital invested was $20,975,999; the hands employed were 10,834; the wages paid were $4,930,349; the total product of all kinds was 983,039 tons; and the total value of all products was $55,505,210. About two-thirds of the product of these establishments was steel rails. This would indicate that 7,224 hands were engaged during that year in the manufacture of steels rails, and that $3,286,900 was paid in wages, or $455 to each employé. Excluding Sundays, and assuming that each person was employed every working day in the year, his wages would amount to $1.45 a day. This was in 1880. The output of steel rails in 1887 was about two and one-half times greater than in 1880. This would require about 18,060 employés, and at the same rate of wages paid in 1880 would increase the sum paid for wages in 1887 to $8,217,250. The increased price paid by the consumers of steel rails in 1887, by reason of the tariff of $17 a ton on imported rails, was, as before stated, $27,731,602, or nearly three and one-half times more than all the wages paid to those employed in their manufacture. I concede that the cost of production of steel rails in this country exceeds that in Europe. Hence I do not claim that that sum has been realized in net profits. The people have paid that excess, however. But the manufacturers of steel rails in this country have, during the past year, realized at least $10,000,000 over and above a fair profit upon the capital invested. Still the owners of our steel works are not happy. They are reducing the wages of their employés, and, in some instances, shutting down their mills, thus depriving their men, in the midst of winter, of all means of support. The Iron and Steel Association and the tariff leagues will, however, generously furnish the discharged employés with protective-tariff tracts to read during their idle hours, and the Manufacturers' Club of Philadelphia will urge upon Congress to grant them the further boon of free whisky and free tobacco.

I have before me a copy of a recent publication of the American Iron and Steel Association, which states that one of the objects of that association is the free distribution of protective-tariff literature. This publication asserts that "millions of well-printed tracts have, since 1857, been sent into almost every corner of the Union, the most going where they were the most needed." In 1866, a year in which Congressional elections took place, nearly four hundred thousand of such tracts were distributed freely over the country. It is further stated that arrangements are now making to distribute a million tracts of this kind in the near future. Such publications cost large sums of money, which are freely contributed by the association. Nor is it their purpose simply to promote the interests of the iron and steel trade, but "to educate our whole people to believe in protection as a principle which is forever to be defended." It taxes human credulity to the utmost limit to believe that those engaged in manufacturing iron and steel would exhibit such zeal in the distribution of tracts and spend such large sums of money to educate the public mind in favor of that "principle of protection" which, when carried into effect, will reduce the prices of their manufactures below the prices paid in the world's market for similar products of "the pauper labor of Europe." One example may illustrate the absurdity of this position. The tariff on steel rails is now $17 a ton, or 84.33 per cent. ad valorem. At the beginning of last year, that is during the months of February and March, 1887, the price of steel rails in Pennsylvania was $39.50 a ton. The last quotation of steel rails in Liverpool was £4 4*s.* 5*d.* per ton, or $21.10, estimating the pound at $5. The duty was $17 a ton, and the charge for freight between Liverpool and New York, and for insurance, would be $2.50 per ton, making the price of English rails in New York, duty and freight and insurance paid, $40.60 per ton. Had it not been for the tariff on steel rails, the English rails could have been sold in New York during the past year at $23.60 a ton. With the tariff the price was $39.50 last spring, but has been somewhat lower since that time, with an average of $37.13 a ton during the year—an increase in price of $13.53 a ton on all rails produced in this country. The total production for the year 1886 was 1,749,888 tons. The official statistics of 1887, now published, show that the production of steel rails in this country for the year 1887 was 2,049,638 tons. The consumers, therefore, of steel rails for the year 1887 have paid $27,731,602 more for them than they would have paid had it not been for the protective tariff. Notwithstanding this immense bounty exacted by the manufacturers of steel rails in this country in one year, it is announced that $27,000,000 would pay for about 1,000 miles of road, perhaps 1,350 miles. This, with what enterprise can almost do, would probably add 5,000 miles of road. Given $27,000,000 as a start, probably 5,000 miles would be built. Consider the employment, native and substituted, hurting nobody, that this would give in building, track-laying, bridge building, and equipping 1,200 miles of railroad. It would give employment to miners, track-raisers, train hands, conductors, and engineers. It would open up new sections and develop them, giving them cheapened transportation. This is but an item out of many, all rightly and honestly distributed, too.

Meanwhile what duty does Government get? It costs the consumers $27,000,000 increase, but Government gets less than one-tenth of that sum, namely, 85 per cent., or less than $3,000,000 of imported rails. Here is the distribution of it:

Citizens pay	$27,000,000
Manufacturers get	10,000,000
Government gets	2,600,000
Waste	11,000,000

I say "waste," for the laborers get only the average wages of like workmen. Labor would be better paid and more steadily occupied by natural industries, with world-wide markets of supply and demand.

With the limitations imposed by high tariff, it is estimated that existing cotton factories can produce—working on full time for six months

of the year—enough for a year's supply of the domestic market. Artificial industries are ruinously confined to that market.

Another illustration of the effect of restricting markets is found in the employment furnished in English cotton, woolen, and jute mills as compared with those of the United States.

England with 36,000,000 people employs over twice as many operatives in these industries as the United States with 62,000,000 inhabitants. In cotton manufacturing England employs over twice as many operatives as we do, though we sell her 80 per cent. of the cotton and 50 per cent. of the food consumed by the operatives. This shows the effect on the agricultural interest so falsely vaunted by the protectionists. The consequence is that the farmer, being deprived of a large part of the home-artisan consumption, to which he is entitled by the laws of nature and of the gracious God who has blessed him above all other men of that class in the world—being deprived of this, I repeat, he is driven to the expense of shipping the bulk of his surplus product to foreign artisans, and of course he has to pay the cost of its transportation, 3,000 to 10,000 miles, and the trade charges of a dozen middle-men and insurance companies, besides the railroad and steamships.

England and China illustrate the free and the restrictive methods in their effects. In parts of China men will work for 6¼ cents a day and find themselves. Their government has been working for centuries to give them a home market.

The thing needed is not more work, but more pay. The man who chooses to work for nothing and find himself will always have plenty to do. The world will not run out of employment. Wants grow faster than supply, and as civilization advances the trouble will be in keeping up with the growing wants of humanity.

Thus far I have spoken chiefly of the direct consequences of a high tariff. Its indirect or incidental effects are worse than those which are direct. Ours is what is called a protective tariff—tremendously so—beyond all previous history. The cost to the people takes two forms quite unequal, both in principle and amount. It levies both a tax and a tribute. A tax, if just, is a sum paid by a citizen to government for and in consideration of government's service in the administration of justice and the maintenance of law and order.

A tribute is a sum paid by some citizens to other citizens, but not in consideration of services rendered in return.

The tax and tribute are alike in this, that they are both enforced by the authority of government. Of the tribute so paid there is no return n any form to the pockets it left. Says Andrew Jackson:

Who will receive it? It will certainly not be returned to those who paid and who have most need of it and are honestly entitled to it.

Of the extent of this tribute I shall speak hereafter. Of the principle of it need I to speak to a people to whom the sentiments "Millions for defense, not a cent for tribute," has become sacred? Now, the millions are for tribute.

Before discussing its cost, however, I wish to say something concerning the general operation of protection. It will be well to patiently consider a subject which has been intentionally befogged. The whole system of protective tariff is based upon fundamentally false assumption. It is mediæval, not modern. It carries us back to the Middle Ages and destroys all lights of experience.

[From the San Francisco Examiner.]

A long course of soaking in high protectionist doctrines produces a curious state of mind in the victim. He comes finally to regard taxation as a boon in itself, apart altogether from any use that may be made of it as a means to other ends. It takes some time to reduce a normal human intelligence to this condition. First comes the idea of taxation for revenue, limited to the actual necessities of the Government, economically administered. Next creeps in the Hamiltonian idea of taxation for revenue, with incidental and temporary protection to infant industries. Then follow the Clay theory of taxation jointly for revenue and protection, the Greeley principle of taxation for protection, with incidental revenue, the William D. Kelley scheme of taxation, solely for protection, and finally the San Francisco Chronicle's dizzy climax of taxation for its own sake, with no benefit, direct or indirect, present or prospective, to any human being.

Even Roscher, the most able exponent of the protective system of Germany, where it is held in common with despotic views generally—even Roscher assigns as the conditions on which alone protection can be defended that there shall be no surplus taxation, that the government should not be a democracy, but that it should have a nobility as the paternal element, that it should be moderate in amount and dispensed only to infant industries, and that there should be want of knowledge, or variety, and of the power of adaptation on the part of the people. And he especially excepts America as a country to which protection is not applicable:

In Russia it may be necessary to strengthen the still weak bourgeoise, and to awake numberless slumbering forces of opportunities by encouragement of their use by State measures. There the absolute ruler is called upon and accustomed to educate his people. In the United States, on the other hand, there is no nobility; the whole nation belongs to the class of burghers, and are the cultivators of the land, are raisers of corn, cattle traders, land speculators, etc. Considering the universal activity and laborious energy of the people, it is to be expected that every really profitable opportunity will be turned to account in such a country without any suggestion or assistance from the State. Since a democracy can not, properly speaking, educate the people, the protective duties of the United States are, for the most part, only attempts by one part of the people, who claim to be the whole, to prey upon the other part.

Again:

In the case of all highly civilized nations the presumption is in favor of freedom of trade, both at home and abroad, and in such nations the demand for a protective system must be looked upon as a symptom of disease.

All rational education keeps in view the subsequent independence of the people. Protection is only justified on the assumption that it may be gradually dispensed with. Only such interests are to be favored as will soon be independent. This, he says, is self-evident; yet it is persistently ignored in practice. Protection helps not the skilled managers, but the acceptable suppliants, now doubly dangerous as competitors.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Georgia will suspend until the Chair lays before the Senate the unfinished business, which is now in order, 2 o'clock having arrived, being the bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes.

Mr. GRAY. I ask unanimous consent that the unfinished business be informally laid aside.

The PRESIDING OFFICER. The Senator from Delaware asks unanimous consent of the Senate that the unfinished business be informally laid aside. Is there objection? The Chair hears none, and the Senator from Georgia will proceed on the resolution to refer the President's message.

FACTS OF PROTECTION.

Mr. COLQUITT. And now I pass from the discussion of principles established by human experience to the discussion of the facts of protection, which in practice almost surpass belief. On the cost of protection I can not do better than use a statement from the Million:

In default of information by Government efforts have been made by experts to make approximate calculations of the cost of protection. The average of such estimates is about $750,000,000 per annum. Some estimates exceed a billion; few are so low as half a billion dollars a year. Perhaps the most elaborate and one of the most careful and detailed estimates places the annual cost at $556,000,000. We shall assume this as approximately correct, though far below the average calculation.

For the fiscal year ending June 30, 1882, the dutiable imports were $433,000,000 and the duties about $194,500,000, or nearly 45 per cent. of such imports.

The domestic production of dutiable goods exceeds the imports five or six times. We know that the manufacturers of dutiable goods, like all other men, get as high prices for their goods as they can. If the duty be added to the price, as some contend, then the figures would stand thus:

Domestic product of dutiable goods	$2,440,000,000
Enhanced price at 45 per cent., nearly	1,100,000,000

Suppose the enhanced price, however, to be half the duty. This would give the aggregate of $550,000,000.

In this calculation, however, as in most of the calculations, an important element has been omitted, namely: waste—the waste produced by misdirecting industry from natural channels into artificial. Few calculations lay proper stress on this very important element of price. In the cost of "protection" must be counted not only the enhanced cost of the artificial products forced, but also of the natural products neglected, the price of which is thereby enhanced. In a word, protection is a two-edged sword, working disastrously on the whole range of prices.

Can any one doubt that a half billion a year thrown in to derange the natural channels of industry will affect that industry? Can any one doubt that a duty of about 45 per cent.—equal to three or four profits—will draw people into artificial industries, to the detriment of the natural?

Suppose the effect on dutiable goods to be half the duty, say $550,000,000, and the enhanced price on the neglected goods to be half as great as the above, say $275,000,000, we should have as the cost of protection an aggregate of $825,000,000.

But for our present purposes we shall omit the element of waste and take for comparison one of the lowest estimates of the enhanced price of dutiable goods only.

On this view compare the cost of "incidental protection" with other big things:

Cost of all the State and Territorial governments combined	$52,000,000
Ten times their combined cost	520,000,000
Cost of protection	550,000,000

Excess of cost of protection over ten times the combined cost of all the State and Territorial governments $30,000,000 per annum. Take another view:

Cost of the Federal Government	$400,000,000
Cost of all the State governments	52,000,000
Cost of all the county governments	70,000,000
Total	522,000,000
Cost of protection	550,000,000
Leaving	28,000,000

as the excess of the cost of protection over the cost of all the governments of the Union, the States, the Territories, and the counties.

One other view only. The tariff yielded—

To Government	$194,500,000
To protection	550,000,000
Excess	355,500,000

Protection gets $355,000,000 more than Government gets. Double what the tariff yields, and we have $389,000,000. And so protection gets $161,000,000 more than twice as much as Government.

Such are the facts of protection on a scale almost beyond conception. Taxes are based on estimates and tested by experience; protection is based on ignorance and never tested at all. If there be knowledge we should confess what the cost is. We present the remarkable spectacle of a people overburdened with tax and tribute—the former estimated, the latter limitless and uncomputed, yet believed by the best judges to exceed all other taxes put together.

We should have a table showing in tabulated form all the details and items, the relative consumption of dutiable goods, imported and domestic, the prices abroad and at home, and the difference of cost. The biggest Department of the Government might well be devoted to information on the subject of the costliest work of government—the protection of monopoly. What if it should cost more than the census, more than the collection of taxes? But it would cost little. The tribute is vastly more important than the taxes. It is levied year by year. An

estimate will be worth its cost a hundred-fold, as it may save in one year the cost of a hundred.

Such an estimate, in considerable detail, for the year 1882, was made by Hon. WILLIAM M. SPRINGER and published in the North American Review of June, 1883. Fulfilling the neglected duty of government, with intelligent and patriotic interest, he employed an expert for some months in compiling the information embodied in the table hereto appended, which he derived from the reports of the census, the statistical bureau, etc., and from the best financial sources, with correspondence and personal interviews. The table shows the tribute paid by class to class. It is a work of great labor and value. The total tribute, according to his estimate, was $556,000,000; the increased price was about 22 per cent., which is about half the average rate of duty. This does not include waste, enhanced price of neglected natural industries, or other losses occasioned by an unnatural system. Higher estimates are strongly indorsed by Mr. Tilden, the Democratic platform, Mr. Herring, Mr. Medill, and various political economists. I have taken the lowest estimate as a basis.

Statement showing the amount of incidental taxes annually imposed on the people of the United States in the increased cost of home products by reason of discriminating duties on imported articles of like character, together with the value of such home products, the amount of wages paid and number of hands employed, and the imports and duties received thereon for the year 1882.

Articles affected by the tariff.	Merchandise imported during the fiscal year ended June 30, 1882.			Value of home products, census year 1880.	Average number of hands employed. Boys under 16 and girls under 15 counted as one-half a hand.	Total amount in wages during the year.	Estimated rate of increase ad valorem.	Incidental taxes—being increased cost of home products by reason of the tariff.
	Values.	Duty received.	Average ad valorem rate.					
			Per cent.				*Per cent.*	
Chemical products	$21,517,169	$6,718,561	31.32	$117,377,324	28,895	$11,840,704	20	$23,475,464
Earthenware and glassware	13,822,043	6,693,257	48.42	31,632,309	30,674	13,130,403	45	14,234,539
Metals—iron and steel and all metal manufactures	74,427,988	30,358,936	40.79	604,553,460	290,000	122,648,191	20	120,910,692
Wood and wooden wares	8,654,327	1,589,851	18.37	311,928,884	185,426	47,817,199	15	46,789,332
Sugar and molasses	94,540,269	49,210,573	52.05	See note.			40	4,846,714
Tobacco	8,216,132	6,000,961	73.03	118,665,366	81,809	25,041,257	25	29,666,341
Cotton and cotton goods	34,868,044	13,482,167	38.67	210,950,383	170,363	45,614,419	20	42,190,076
Hemp, jute, and flax goods	33,578,076	9,844,652	29.32	5,518,866	4,329	1,238,149	20	1,103,773
Wool and woolens	47,679,502	29,254,234	61.36	267,182,914	145,341	47,351,628	40	106,873,165
Silk and silk goods	38,535,475	22,632,490	58.73	41,033,045	28,554	9,146,705	50	20,516,522
Books, paper, etc	4,923,620	1,406,787	28.57	65,960,405	25,274	9,895,995	20	13,192,081
Sundries	62,410,690	17,272,269	27.68	665,699,693	337,216	129,881,399	20	133,139,938
Total	433,173,335	194,464,758		2,440,562,649	1,327,881	463,606,049		556,938,637

NOTE.—Planters' product for 1880 was: Sugar, 196,759,200 pounds; molasses, 16,573,273 gallons. Number and wages of laborers not stated.

We ought either to estimate the cost or stop the policy of protection. First efforts may be but approximations, but we should start to learn facts; and unless we can ascertain them we should quit a policy not based on a knowledge of facts. We should stop the stream which does not empty into the Treasury. A revenue tariff does, and so does the whole internal revenue.

I have but hinted at the cost. I have heretofore spoken of large figures, large burdens, but here is the chief, the mountain, the world on the shoulders of Atlas. It is more than all taxes, Federal, State, and county put together, including tariff taxes that reach the Government, internal revenue and all.

The elements of increased cost are such as these: increased cost of the articles actually produced; increased cost of those articles from which the natural course of industry has been diverted; mere waste; huge lobby influence in favor of extravagance in taxation, and in the cost of government itself; corruption in all its forms, well-fed and hearty. The action is going on as if verified by experience, and growing worse after twenty years of peace. It is a masterpiece of imposition. How is it distributed among the objects of government, legitimate and illegitimate? "It is," in the language of Sidney Smith, "a lucubration of monopolists at the expense of our arms, legs, and backs."

It is claimed by the protectionists that some compensation is made—indeed, adequate and more than adequate compensation, especially to the poor, by their theory that protection increases wages. A more false and pernicious plea was never urged to cover injustice. The real effect is very well explained by a lumber dealer, Mr. Blanchard, of Chicago:

"I am high tariff on lumber, but low tariff on copper, iron, wool, cotton, leather, glass, etc. I will tell you why. I own timber lands and sell stumpage; besides, I operate largely myself, and this tariff puts money in my pocket. I get $2 per 1,000 more for my stumpage, and $2 per 1,000 more for my boards. I have just sold 5,000,000 feet of lumber. Now, $2 a thousand on 5,000,000 is just $10,000. That is the difference to me between high tariff and free lumber. I am high tariff on lumber, I am. This blessed tariff, they tell us, is all for the benefit of the American laborer. What do you suppose I did with the $10,000? Divide it among my workmen? Not a bit of it. I put it right in this calf-skin wallet, I did. Of all my workmen, I am the only protected American laborer! Wages depend on supply and demand, my friends, and not on taxes. When you see two men after one boss, wages are low; but when you see two bosses after one man, wages are high; and that is the whole of it—the theory, principle, and practice."

The estimates of the cost of government in the United States do not embrace the postal service, as they do in all other countries. The postal receipts for 1887 were $48,837,609. This is one of the best models of taxation in every respect. We know what we pay, we know what we get, and we get full value. There is nothing outside.

To understand the operation of the present tariff it is necessary to compare it with former tariffs and the tariff of other countries. Comparison is the great means of knowledge and improvement. The average rate of duties on all imports in the first twenty-one years of the Republic was less than 20 per cent. During the war of 1812 existing rates were doubled as a war measure. "The tariff of abominations," which shook the Republic to its foundations, somewhat exceeded our present tariff. The Walker tariff of 1846, the beginning of a great period of prosperity, averaged 23.20 per cent. duty on all imports and 26.22 on dutiable imports. The tariff of 1857 made the average duty 15.56 per cent. on all goods, on dutiable goods 20.12 per cent. There it will be seen that the tariff of Alexander Hamilton was only about one-third of our present tariff. In 1795 it was 11.21 per cent. on all goods imported.

In the comparison of our tariff with those of other nations the result is surprising. I append a valuable table, compiled from official estimates by Col. W. F. Switzler, of the Bureau of Statistics:

Total values of the net imports of merchandise and the amounts of revenue collected in the below-named countries.

[From official publications.]

Years.	Countries.	Net imports of merchandise.			Internal revenue.	Aggregate revenue.
		Values.	Duties collected thereon.	Percentage of duty on total value of free and dutiable merchandise.		
				Per cent.		
1887	United States	$679,159,480	$214,222,310	31.54	$118,823,391	*$420,240,886
1886	United Kingdom	1,428,946,546	†98,497,960	6.89	257,827,170	441,745,627
1886	German Empire	716,446,130	†56,281,073	9.02	33,502,689	169,694,855
1885	France	795,847,944	71,751,675	7.86	219,468,054	‡803,585,231
1885	Austria-Hungary	226,272,784	16,171,380	7.15	§72,564,381	§205,945,414
1886	Italy	‖306,635,634	†42,703,538	13.93	64,931,116	347,238,985
1885	Russia	185,609,770	28,668,552	15.45	¶165,007,447	¶383,217,409

*Including postal revenue, as included in all other countries. †1885. ‡1883. §Austria proper. ‖Includes bullion and specie. ¶Russia in Europe.

Tonnage of the merchant marine of the United States on—

	Tons.
June 30, 1850	3,535,454
June 30, 1860	5,353,868
June 30, 1870	4,246,507
June 30, 1880	4,068,034
June 30, 1887	4,105,845

WM. F. SWITZLER, *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *March* 7, 1888.

From this table it will be seen that the tariff of the United States, 31.54, is more than double that of Russia, which is 15.45; it exceeds the combined tariff of Russia and Italy, the sum of these being less than 30 per cent.; it exceeds the combined tariffs of England, France, Germany, and Austria-Hungary, which together amount to 30.42 per cent.

Says Mr. Spofford, in the American Almanac, referring to German statistics: "In 1879 heavy additions were made to the tariff on imported goods, and Germany has returned to an extreme protective system." The extreme protection afforded by Germany is found in a tariff rate of 9.02 per cent. Three times the German tariff, 27.06 per cent., lacks 4.48 of the present tariff of the United States, is less than the tariff proposed in the Mills bill, and would be denounced as "free trade" by the monopolists! What would they think of a return to the extreme protection rate of Germany, 9.02 per cent.?

And yet the United States is the most favored nation on earth in the abundance and variety of its natural resources. It stands least in need of protection, and its tariff is more than double the highest tariff of any great power.

Even this table, startling as it is, falls far short of conveying a just idea of the enormity of our tariff; for the objections increase not in a simple but in a geometrical ratio; like gravity as the square of the distance.

Besides, ours is a protective tariff aiming at tribute, while the tariff of most countries aims at revenue. The two aims are antagonistic. In Great Britain tariff taxes are laid on the articles not made at home; and if any tariff is laid on those made at home an excise is laid on the latter. Thus all industries and occupations stand equal before the law.

THE RESULTS OF HIGH-TARIFF TAXATION.

The results accord with principle. I have had compiled statistics which show the progress of the country for the decade ending in 1860, a period of comparatively low tariff, and the progress for the decade ending in 1880. This comparison is thorough and exhaustive, embracing wealth in the aggregate—agriculture, commerce, manufactures, shipping, railroads, etc.

HIGHEST PROSPERITY UNDER LOW TARIFF.

The friends of a high protective tariff make frequent boast of the marvelous growth of this great Republic. They dwell with patriotic fervor upon the decided advancement which has been made in the last quarter of a century. They ask us to note the increase in our population, the development of our manufacturing industries, the expansion of our foreign commerce, the rise in the wages of our working men and women, the extension of our railroad mileage, the enlarged acreage devoted to agriculture, the additional value of farms, products, implements, machinery, and live-stock, and the general improvement induced by the present valuation of the entire property of the country, all of which they assume is chargeable primarily and directly to the present 47 per cent. tariff.

They do not admit that the wonderful success of our people is due in the least to our cosmopolitan population, made up of the most energetic, intelligent, and capable representatives of every civilized race, or to our republican form of Government, which permits every man to make the best use of his time and opportunities, or to the absence of a standing army, which in so many lands forces the young men most capable of improving their own condition to become idlers and consumers and a burden upon all the other workers in the community, or to the good fortune of living in a sparsely settled country, where, in spite of the misappropriation of millions and millions of acres, there are yet lands for the landless, and the honest settler may still stake out a farm for himself. It is the tariff and tariff alone which is to be credited, if we believe these boasters, with everything and charged with nothing.

That our improvement has been great I admit; that it is as extensive as it ought to be, or would have been under a low revenue tariff, I deny; and I base my denial not only on sound theories, but upon the results of a comparison between our condition and progress from 1850 to 1860, a low-tariff period, and from 1860 to 1880, a high-tariff period. The rate of duty on dutiable articles in 1850 (when I speak of the year I mean always the fiscal or census year ending June 30) was 27.14 per cent. It was less especially after the lower tariff of 1857 until 1860, when the rate was 19.67 per cent. In 1861 the tax was 18.84 per cent., but it jumped the next year under the new tariff to 36.20 per cent., rose to 48.63 per cent. in 1868, and was 43.48 per cent. in 1880.

POPULATION.

Our population in 1850 was 23,191,876. In 1860 it was 31,443,321—an increase of 35.57 per cent. in the decade. From 1860 to 1870 the population grew to 38,558,371, a gain of 22.62 per cent., and from 1870 to 1880 to 50,155,783, an addition of 30.07 per cent. It may be asserted that the war is responsible for the slight gain from 1860 to 1870; but even admitting it, there is no reason why the increase from 1870 to 1880 should not have been as great, proportionately, as from 1850 to 1860. Had it been—had the gain from 1870 to 1880 been 35.57 per cent. as it was between 1850 and 1860—the population in 1880 would have been 52,273,583, or over 2,000,000 more than it actually was.

The general belief that the population according to the census of 1870 was too small makes the discrepancy still greater. Is our protective tariff responsible for this?

RAILROADS.

There were 9,021 miles of railroad in the United States in 1850. The mileage in 1860 was 30,635, an increase of 239.6 per cent. during the low-tariff period. In 1870 there was a mileage of 52,914, a gain of 72.72 per cent. These figures had increased to 93,349 in 1880, a gain of 76.41 per cent. In the twenty years of high tariff, from 1860 to 1880, there was a gain in mileage of 204.7 per cent. as against a gain of 239.6 per cent. in the ten years of low tariff from 1850 to 1860. How much the duty on iron and steel rails checked railroad building during two decades of high tariff may not be correctly estimated, but it is easy of conjecture.

REAL AND PERSONAL PROPERTY.

The valuation of real and personal property in the United States in 1850 was $7,066,562,966. In 1860, after ten years of low tariff, it had risen to $12,055,053,118, a gain of 70.59 per cent. The total valuation in 1870 was $14,343,343,475 in greenback currency.

There is some dispute as to the precise amount to be taken off this valuation to make it available for purposes of comparison with 1880. A leading high-tariff paper in New York puts it at one-fifth, but as the premium on gold that year was only about 20 per cent. I prefer to take off one-sixth only, which makes the showing much better for protectionists. By this reduction the valuation in 1870 should have been $11,945,286,229 on the present specie basis. It increased in 1880 to $16,902,993,543, a gain of 41.5 per cent. As slave property is not included in the returns for 1850 and 1860 and does not appear, of course, in 1870 or 1880, the higher percentage of gain in the low-tariff decade is a legitimate fact to be commented on. In so doing it is difficult to see how the high tariff from 1870 to 1880 was in any way a beneficent factor.

MANUFACTURERS.

The capital employed in manufacturing establishments in 1850 was $533,245,351. During ten years of low tariff, up to 1860, it had increased to $1,009,855,715, a gain of 89.37 per cent. In 1880 this capital was $2,790,272,606, an increase of 176.34 per cent. in twenty years of high tariff, manufacturing, especially for army supplies, having been stimulated during and on account of the war. Here the high tariff would seem to hold its own; but appearances are often, as in this case, deceptive. In 1870, five years after the close of the war, the capital in manufactures was $2,118,208,769 in greenbacks, or $1,765,173,974 in specie. The ratio of increase on this specie capital in the ten high-tariff years from 1870 to 1880 was 58 per cent., against 89.37 per cent. in the ten low-tariff years from 1850 to 1860. Had the percentage of increase from 1870 to 1880 been as large as from 1850 to 1860, the capital invested in manufacturing in 1880 would have been $550,000,000 more than it was, or $3,342,692,837.

PRODUCTS OF MANUFACTURES.

In the matter of products the same phenomena appear. In 1850 the total value was $1,019,106,616. In 1860 it was $1,885,861,676, a gain of 85 per cent. In 1880, after twenty years of high tariff, the product was valued at $5,369,579,191, a gain of 184.7 per cent. since 1860. The same causes which enlarged manufacturing capital in 1861–'65 increased manufactured products; but compare 1870 with 1880. The product of 1870 was valued at $4,232,325,442 in greenbacks, or $2,526,937,868 in specie. If the gain from 1870 to 1880 had been 85 per cent., as it was from 1850 to 1860, the product of 1880 would have been worth $6,524,835,056, or $1,155,255,865 in excess of the actual value. Where do the benefits of the high tariff appear?

LABOR.

But the wage-earner has not fared even so well as the manufacturer. The average yearly wage per hand of employés in manufacturing establishments in 1850 was $247. In 1860 it had gone to $288, a gain of 16.6 per cent. In 1880 the average wage was $346, an increase of only 20 per cent. in twenty years. Had there been a gain of 16.6 per cent. from 1860 to 1870 and from 1870 to 1880 under a high tariff, as there was from 1850 to 1860 under a low tariff, the average wage in 1880 would have been $392 instead of $346. Wages continue to increase, taking one decade with another, under a low tariff or under a high tariff. The improvements in machinery, constantly, going on enable the wage-earner to get more money, while the employer pays out less money for the same product. In 1850 the average individual product was worth $1,064 and the employé received $247, or 23.2 per cent. In 1860 the product was valued at $1,438, and the worker received 20 per cent. of it, or $288. In 1870, on a greenback valuation, which, however, does not interfere with the comparison, the product was worth $2,060 and the employé was paid $328, or 18.4 per cent. In 1880 labor was even cheaper, the average individual yearly product being valued at $1,962 and the workingman receiving the average yearly wage of $346, or only 17.7 per cent. of the product, as against 18.4 per cent. in 1870, 20 per

cent. in 1860, and 23.2 per cent. in 1850. Wages were higher in money in 1880 than in 1850, but they were not so high in the former year as they ought to have been or would have been were it not for the high tariff.

The increased cost of raw materials may be mentioned in passing. In 1850 and 1860, low-tariff years, only 54.5 and 54.8 per cent. respectively of the value of manufactured products went to pay for material. In the high-tariff year of 1870, and in the other high-tariff year of 1880, 58.8 and 63.2 per cent. respectively of the manufacturer's products were expended for raw materials, thus cutting into the wages of labor on the one hand and the profits of capital on the other. Of all the ill winds that blow nobody any good, the present high tariff is worthy of special commendation.

COMMERCE.

Much has been said as to the increase in our foreign commerce, and very little as to the commodities which have gone to make up that increase. We exported in 1860 manufactured goods worth $45,658,873, which was 14.43 per cent. of the total export. In 1870 we exported $47,921,154 worth (in greenbacks) of manufactured goods, but they were only 10.53 per cent. of the total export. In 1880 the value of manufactured goods exported had risen to $79,510,447; but they were only 9.65 per cent. of the total export. In 1870, after ten years of high tariff we exported less manufactured goods, reducing values to specie, than in 1860. After ten more years of high tariff we exported less proportionately than in 1860.

On the other hand, our exports of agricultural products were 81.14 per cent. of our total export in 1860, fell to 79.34 per cent. in 1870, while in 1880 we sent abroad merchandise of this character worth the enormous sum of $685,961,091, which was 83.25 per cent. of our total export. After twenty years of high tariff, we exported, in 1880, over 2 per cent. more of agricultural products than in 1860, chiefly breadstuffs and cotton.

MERCHANDISE.

The total imports and exports of merchandise in 1850 were valued at $317,885,252, and in 1860 at $687,192,176, a gain of 116.17 per cent. In the twenty years of high tariff succeeding, the total value increased to $1,503,593,404, a gain of 118.8 per cent. during two decades of high tariff as against a gain of 116.17 per cent. in one decade of low tariff.

Great Britain took 52.50 per cent. of our exports in 1860 and 51.65 per cent. last year, over half being products of agriculture, which she carried from our ports to Liverpool in her own ships and bought in open market where all the world competes. Instead of paying us directly, she loads her vessels with her manufactured goods and pays sundry little bills which we owe here and there, such as $45,000,000 balance due Brazil for coffee, and $39,000,000 on account of our indebtedness to Cuba for sugar. She thus earns freights, profits, and commissions which we ought to and would make with our own ships and on our own goods were our people relieved from the shackles of the present burdensome tariff.

NORTH AND SOUTH AMERICA.

Our high-tariff friends believe and are on the right side in insisting that we should do as much business as possible with the countries of North America and South America; but our advance, instead of being forward, may be said to have been decidedly backward. In 1860 our exports to North American countries were 14.26 per cent. of our total export; in 1887 they were only 9.83 per cent. In 1860 our exports to South America were 4.64 per cent. of our total export; in 1887 they were 4.29 per cent., a slight loss proportionately, while in the Spanish West Indies the percentage dropped from 4.13 in 1860 to 1.60 in 1887. Surely there is nothing here creditable to the workings of a high tariff. The question is not how such a policy has benefited our trade on this continent, but how long under its operation it will be before we cease having any trade at all with our immediate neighbors.

WHO OWN THE VESSELS.

Let us see who own the vessels which have transported the enormous quantities of merchandise in the last thirty-seven years exported from and imported into this country. From 1850 to 1860, the tonnage of vessels entered at seaports of the United States from foreign countries was as follows: American, 29,404,994 tons, or 67 per cent.; foreign, 14,392,560 tons, or 33 per cent. From 1860 to 1870, American, 22,647,333 tons, or 46 per cent.; foreign, 26,451,441 tons, or 54 per cent. From 1870 to 1880, American, 28,518,537 tons, or 28 per cent.; foreign, 74,465,573 tons, or 72 per cent., and from 1880 to and including 1887 (seven years), American, 19,884,855 tons, or 21 per cent.; foreign, 73,897,204 tons, or 79 per cent. In 1860, under a low tariff, 67 per cent. of our foreign trade was carried on in American bottoms, and but 33 per cent. in foreign bottoms. In 1887, after twenty-six years of high tariff, foreign bottoms did on an average 79 per cent. of our carrying trade abroad, while only 21 per cent. engaged the attention of American bottoms.

TONNAGE.

The tonnage of sail and steam vessels built in the United States from 1850 to 1860 amounted to 3,666,026 tons; from 1860 to 1870, 300,881 tons; from 1870 to 1880, 2,538,004 tons; and from 1880 to 1887, 1,458,629 tons.

The tonnage of sail and steam vessels of the United States engaged in foreign trade was 1,439,694 tons in 1850. After ten years of low tariff it rose in 1860 to 2,379,396 tons. In 1870 it declined to 1,448,846 tons; in 1880 to 1,314,402 tons, and in 1887 to 989,412 tons—the smallest amount of American tonnage in foreign trade since 1846, when it was 943,307 tons. After twenty-six years of high tariff the tonnage of American vessels in foreign trade was only 46,105 tons more than it had been forty-one years before.

In 1860, out of a total import and export, coin and bullion included, valued at $762,288,550, American vessels carried enough to amount in value to $507,247,757; in 1887, with a total export and import, coin and bullion included, valued at $1,504,671,462, American vessels carried only $222,476,047, worth about 44 per cent. of the value carried in 1860, when the total value of exports and imports was about half that of 1887. Less than thirty years of high protection has almost cleared the seas of American vessels in foreign trade. Before they are entirely swept away the American people are likely to see to it that all obstacles in the shape of tariff and navigation laws are done away with.

THE FARMER.

But, after all, the farmer, who sells his surplus crop in the cheapest and buys what he can not do without in the dearest market has the best right to complain. In 1850 there were 293,560,614 acres of improved and unimproved land in farms; in 1860 there were 407,212,538 acres, an increase of 113,651,924, or 38.71 per cent.; in 1870 there were a very few more acres than in 1860; in 1880 there were 536,081,835 acres, an increase of 128,869,279 acres since 1860, or 31.64 per cent. The actual increase in acreage in twenty years of high tariff was only 15,000,000 acres in excess of the actual increase during ten years of low tariff, and the proportionate increase was 7 per cent. less during the twenty years than the ten years.

In 1850 the value of farms was $3,271,575,426; in 1860 it was $6,645,045,007, a gain of $3,373,469,581, or 103.11 per cent. in ten years of low tariff. From 1860 to 1880, during twenty years of high tariff, the value rose to $10,197,096,776, an increase of $3,552,051,769, a very little more actually in twenty years than in the preceding ten years, and only about half as much proportionately, the gain being 53.45 per cent. in the twenty years of high tariff as against 103.11 per cent. in the ten years of low tariff.

In 1850 the value of live-stock on farms was $544,180,516. In 1860 it was $1,089,329,915, an increase of $545,149,399, or 100 per cent. In 1880, after twenty years of high tariff, it had risen to $1,500,464,609, a gain of $411,134,694, which was $134,000,000 less increase in twenty years of high tariff than ten years of low tariff, and only 37.74 per cent. of increase in the twenty years, after a gain of 100 per cent. in the preceding ten years.

The value of farming implements and machinery in 1850 was $151,587,638, and in 1860, at the end of the low-tariff period, $246,118,141, an increase of $94,530,503, or 62.36 per cent. From 1860 to 1880 the increase was $160,401,914, or 65.17 per cent., the total value being $406,520,055. In 1870 the specie value of implements and machinery was $280,732,034. If the gain from 1870 to 1880 had been 62.36 per cent., as it was from 1850 to 1860, the value in 1880 would have been nearly $50,000,000 greater, or, to be exact, $455,796,514.

In the ten years of low tariff ending with 1860 the acreage in farms had increased 113,651,924 acres, and farm values $3,373,469,581. Most of the farmers had a clear title to their land, a mortgage being a rare exception. In the twenty years of high tariff ending with 1880 farm acreage had increased 128,869,297 acres, and farm values $3,552,051,796. A much greater number of farmers on a much larger acreage made a very little more gain in wealth in twenty years than did a smaller number of farmers on a less acreage in ten years, and even this comparatively small increase is only apparent and not real. A correspondent of the New York Times, basing his calculations upon Michigan records, estimates that farms in that State, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Missouri are mortgaged to the enormous extent of $3,422,000,000. A very recent issue of the Farmers' Review, of Chicago, prints statements of correspondents from which it appeared that of counties reporting in Ohio, 23 per cent. of the farms are under mortgage; in Indiana, 26 per cent.; in Illinois, 27 per cent.; in Iowa, 44 per cent.; in Nebraska, 51 per cent.; in Wisconsin, 32 per cent.; in Michigan, 50 per cent.; in Kentucky, 23 per cent., and in Dakota, 59 per cent.

The depressing influence of farm mortgages is now felt in my own State as it never was before and I hope will never be again. Complete records are not at hand, but when ten States are reported to be mortgaged in an amount almost as large as the entire increase in farms values from 1860 to 1880, it is very safe to declare that while the farmers' gains in the ten low tariff years, from 1850 to 1860, went into their own pockets, the increase in farm values during the twenty years of high tariff, from 1860 to 1880, did not begin to be sufficient to satisfy the mortgages placed on farms during the latter period. In other words, the farmer worked for himself during the ten years of low tariff, and for the money-lender during twenty years of high tariff.

The present high tariff is a blight upon the country and all its interests—upon agriculture, upon commerce, upon manufactures, upon population, upon wealth, upon railroads which unite distant sections.

and upon the ships which ought to carry our products of agriculture and manufactures to the uttermost parts of the globe.

The comparisons which I have made are instructive, but the idea is not a new one. Mr. Calhoun, in a speech in the Senate on March 16, 1842, contrasted with much more force and clearness the years of high tariff, from 1824 to 1832, inclusive, with the succeeding years under the lower and compromise tariff, from 1832 to 1840, inclusive. Said the South Carolina Senator:

The aggregate amount of the value of the exports in the first series of years, from 1824 to 1833, the period when the protective policy was in its greatest vigor, was $469,198,564, making an average of $57,399,945 per annum thoughout the period; while the aggregate amount of value in the last, the period of reduction under the compromise, was $768,352,365, giving an average of $96,442,795, and making an aggregate gain in the period of reduction over that of protection of $299,174,791, and an average annual gain of $38,646,855, being rather more than 65 per cent. on the average of the former period; an increase without example in any former period of the history of our commerce. The vast increase has had a corresponding effect on our tonnage in the foreign and coasting trade. The aggregate amount of the foreign tonnage at the close of the first period was, in the foreign, 686,989, and in the coasting trade, 752,456 tons, making the aggregate 1,439,450 tons, against the last, in the foreign trade of 896,664, and the coasting, 1,280,999; making in the aggregate 2,180,763, and an increase during the period of reduction of duties over that of protection of 743,303 tons; while during the first there was an actual falling off in the tonnage.

In answer to an assumed objection that the gain from tariff reduction was confined to agriculture and was at the expense of manufacturing industries.

Mr. Calhoun went on to say of the latter:

The very opposite is the fact. So far from falling off, it is the very branch of our exports that has received the greatest impulse. The whole value of the exports of domestic manufactures during the period of high protective duties was about $43,180,755. So far from increasing, there was an actual falling off, comparing the last with the first year of the series, of $505,633. Now turn to the period of a reduction of duties and mark the contrast. Instead of falling off the exports increased to $65,917,018 during the period; and comparing the last year of the series with the last of that of high protective duties, the increase will be found to be $7,798,207, greater than the former year by nearly $3,000,000.

In Mr. Calhoun's time a low tariff succeeded a high tariff and the change was beneficial to all our interests. In our day low tariff was followed by a high tariff and in many instances there was a decline in industries and in no case was the increase so large proportionately under the high tariff as under the low tariff.

In drawing conclusions from the comparisons made by Mr. Calhoun nearly half a century ago, as well as from those which I have brought forward here to-day, appeal is made to no man's feelings, sympathies, or prejudice. No one is asked to indorse them because of any material advantage to State or section, and, on the other hand, it is not to be taken for granted that opposition will manifest itself from selfish motives alone. We ask nothing from protectionists, by way of admission or assumption, our reliance being upon the official figures printed by governmental authority and easily accessible to every citizen.

Tried by the only test known in the determination of such matters—the actual results of an experience with a high tariff and a low tariff as when Mr. Calhoun spoke, and then with a low tariff and a high tariff, as is the case now—the official figures show that a low-tariff policy is most favorable to the comfort and happiness of the people and the growth and prosperity of the country.

Under a low tariff our population has increased faster and our wealth has multiplied with much greater rapidity, the development of our manufacturing industries has been healthier and quicker, our foreign commerce has expanded in a considerably larger proportion, the gain in the wages of labor has been much more decided, and the percentage of increase in railroad mileage has never been approached since.

Last, but not least, of all, our farmers added to their acreage, their farm values, their products, their implements, their machinery, and their live-stock with a low tariff to an extent never reached with high tariff, while their farms, practically unincumbered under the former dispensation, are now shingled all over with mortgages under the latter.

Looking at the question candidly and impartially and from every standpoint, whether it be that of the wage-earner, farmer, and manufacturer, or of the merchant, ship-owner, and railroad builder, intelligent men of all opinions and occupations must be forced to admit the beneficent influences of a low tariff and the evil effects of a high tariff on all interests and sections of a common country. It will be seen that in all other particulars the rate of progress in the low-tariff period exceeded that in the high, except in the one particular of mortgages. The mortgages on farm lands show a vast increase during the second period. It must be admitted that a high tariff exerts a favorable influence upon mortgages. I suppose the recording clerks in the various States may consider themselves protected and their business increased by a high tariff.

The rate of progress in the second great period ought vastly to have exceeded that in the first, for the second period had the advantage of remarkable and unprecedented discoveries and inventions—laying hold of the powers of nature, and enabling one man to do the work of several. Of course it retained all the improvements of the preceding period.

The comparison thus far has been in the United States as a whole. It is equally favorable as to sections and individual States.

Comparison between valuation of real and personal property per capita by States, for the decades 1850–'60 *and* 1870–'80.

States.	1850.	1860.	Gain.	1870.	1880.	Gain.
			Per cent.			*Per cent.*
California	$239	$547	128	$1,140	$1,654	45
Connecticut	420	966	130	1,141	1,368	19
Delaware	230	412	79	777	941	21
District of Columbia	271	547	101	963	1,265	31
Illinois	183	509	178	835	1,005	21
Indiana	205	392	91	755	758	⅛ of 1
Iowa	123	366	198	601	871	45
Maine	210	303	91	555	772	39
Massachusetts	577	662	15	1,463	1,568	7
Michigan	150	343	128	607	837	37
New Hampshire	326	479	47	794	945	19
New Jersey	409	696	70	1,038	1,267	22
New York	349	475	36	1,483	1,499	1
Ohio	255	510	100	839	1,032	23
Oregon	381	551	44	567	721	27
Pennsylvania	313	487	55	1,081	1,259	16
Rhode Island	546	775	38	1,366	1,519	11
Vermont	294	389	32	712	870	22
Wisconsin	138	353	156	666	737	11

This table shows that in all the originally free States the ratio of increase was greater in the first period of low tariff than in the second of high tariff.

But we are told by the protectionists that, costly as the system is, the cost all comes back to us; but when, oh, when? I should like to trace it from the pockets it left to those which it reaches. I agree with Andrew Jackson, that it never returns to the right pockets. It certainly does not return to the farmers. In August, 1887, an interstate convention of the farmers of the ten cotton States was called in Atlanta. I have already given the general effect on agricultural prosperity in the preceding statistics. The effect upon the ten cotton States was equally, perhaps more, disastrous. Is this my mere opinion? Not so. It was the opinion of Governor Stephens. It was the opinion of the present Governor Gordon, who presided over a preliminary convention on the condition of agriculture in the cotton States, at which a committee of ten was appointed, one from each State, by the respective governors. The following is extracted from their report:

The agricultural land of Georgia was returned for taxation as follows: in 1860, $157,000,000; in 1886, $105,000,000; decrease, $52,000,000. That is to say, it would require an increase of 50 per cent. upon the present value of land to raise it to its value twenty-six years ago, after twenty-one years of peace.

But this only begins to show the deterioration in value. The number of acres of improved land was, in 1860, 26,500,000; in 1886, 30,500,000; increase, 4,000,000. That is, 30,000,000 acres of land in 1886 were worth 50 per cent. less than 26,000,000 in 1860.

Meanwhile the population has increased from 1,057,000 in 1860 to 1,700,000 in 1886; increase, 643,000. That is to say, 60 per cent. more people want land, yet it would require 50 per cent. increase to raise it to its old value. Consider the 50 per cent. in value, the 60 per cent. in population, and the 4,000,000 acres, and we see over 60 per cent. of depreciation.

To present the facts in another form, the value per acre of improved land in Georgia was, in 1860, $6; in 1886, below $3.50; decrease $2.50. Were the agricultural land divided out among the people, the value per head would have been, in 1860, $150; in 1883, $63; decrease, $87. The decrease would be one-third more than the present value. One hundred dollars' worth then would be but $42 now—a falling off of 58 per cent.

In the ten cotton States the value of agricultural land was, in 1860, $1,478,000,000; in 1880, $1,019,000,000; decrease, $459,000,000. It would require an addition of 45 per cent. to its value in 1880 to raise it to its value in 1860. Meanwhile the population of 1880 is 11,473,000; 1860, 7,515,000; increase, 3,958,000, or 53 per cent. The agricultural land divided out in 1880 would be but $90 per capita; in 1860, $183, or more than double. And this despite the giant strides of Texas, with large immigration and the territory of an empire.

Moreover, the agriculture is more heavily mortgaged than in former times. In one county in Georgia, of more than average prosperity, the records of deeds and mortgages filled per annum, in 1860, about 60 pages; 1880 to 1886, 183 pages. In Greene County: 1860, 30 pages; during the war, 50 pages; 1879 to 1882, 211 pages; 1882 to 1886, 270 pages. Yet before the war mortgages of slaves were included. The records, moreover, are mainly of mortgages, not of deeds of sale. In the Million, of February 19, 1887, there is an instructive statement of mortgages of Mississippi bottom lands.

The rate of increase in wealth would furnish additional light. In agricultural land: 1857 to 1860, three years, at $8,250,000 one year before the war exceeded ten years increase after it a year, $25,000,000; 1871 to 1886, fifteen years, at $666,666 a year, $10,000,000—gold value, counterbalanced partly by improved returns and by the principle of estimating value.

The political economists, Mill especially, taught and confirmed by history, concur in the view that recuperation after war may and should be rapid. We have not reached in twenty years the state we should have attained in five or seven years.

Your committee therefore conclude that the agriculture of the cotton States is in a depressed condition, and that such condition is so widespread, long-continued, and distressing as to demand the most serious consideration, and fully to justify this assemblage of the representatives of our agriculture. The suggestion and discovery of the causes of this depression and the proper remedies for the same are well worthy the profoundest effort of our wisest men.

All of which is respectfully submitted.

SAMUEL BARNETT, of Georgia,
Chairman.

C. W. MACUNE, of Texas.
B. B. BELLAMY, of Florida.
A. C. STRINGFELLOW, of Louisiana.
R. M. HORD, of Tennessee.
W. M. FISHBACK, of Arkansas.
L. L. POLK, of North Carolina.
A. P. BUTLER, of South Carolina.
R. F. KALB, of Alabama.
W. R. MILES, of Mississippi.

The agricultural population in the United States is nearly half of the entire people; in Georgia it is about two-thirds. Protection scarcely even pretends to help this largest of all classes. Indeed, farming is not an industry in its dictionary. It professes to help the farmer, however, indirectly, by a home market for his produce. It takes away the foreign market.

The promised prosperity does not come. The children born just after the war are voters, yet where is the prosperity after a generation of high tariff? The time has come, but the prosperity has not.

It will be observed that this is not guess-work, but founded on the same statistics on which taxation is based. So much for the effect on agriculture.

Its principal advantages are claimed to accrue to the operatives engaged in manufactures. What becomes of the tribute? We might be content, perhaps, if it went to the poor and needy, though ourselves equally poor and needy. But not so. It is an enforced charity without the blessedness of charity—free and unconstrained. It is without grace in the giver or gratitude in the receiver. It is an enforced charity from the poor to the rich.

Now, we may understand what a protective tariff really is—a tariff for the direct promotion of monopoly to the amount of over half a billion per annum, with an incidental revenue of two hundred millions and a waste beyond human calculation. To call all this tribute and waste an incident of revenue is like calling a gun the incident of the ramrod, or a shoe an incident of its string! To use a still humbler but appropriate simile, protection is the tail that wags the dog of taxation.

MONOPOLY AND SOCIALISM.

These are our two great dangers. If Government will cease to protect monopoly it will already have guarded largely against the danger of socialism. Lord Bacon cautions us against the dangers of monopoly and says:

See that the treasure and moneys of a state be not gathered into a few hands, for otherwise a state may have a great stock and yet starve; and money is like muck, not good unless it be spread.

The effect of high tariff on the distribution of wealth is even more pernicious than upon its production. There are no official statistics, but the superior distribution in the low-tariff period, as compared with the present, is patent to every observing man. This is the age of millionaires and tramps.

I am in favor of real, honest, bona fide protection—protection against all wrong and injustice—even against the injustice, wrong and gross partiality now practiced in the sacred name of "protection." I would protect all honest industry against being plundered in the interest of a few wire-workers. I would protect the great hard-working mass of toiling people against the deceptions and traps of the bosses and managers. I would give the people an honest platform of honest principles. I would take the devil's hymn and make it serve God—the false protection of monopoly and make it the true protection of the citizen.

INTERNAL-REVENUE TAXES.

Since the conclusive showing by the President of the necessity for getting rid of the immense and growing surplus, it has been discovered that the internal-revenue taxes are intolerable burdens. It has also been discovered by some unknown species of political clairvoyance that Mr. Jefferson is exceedingly angry at their existence, and that all the other fathers of the Republic turn uneasily and unhappily in their graves.

It is announced with solemn and dramatic affectation of sincerity that they are undemocratic, and that they are odious. Some thick and thin partisans of another and far worse system of taxation have denounced them. They are charged with being barbarous methods which, in Russia, lead out to Siberia and to death in its frozen wilds.

But what is there in all this? Nothing but a subtle and inexcusable purpose to retard, if not altogether to prevent a reduction of the tariff taxes on the necessaries of life. This is the purpose and the end, with few exceptions, of all the wild assertion and cunning pretense with which the taxes on whisky and tobacco are arraigned before the bar of public opinion.

Aroused by the dangers to which a reduction of the surplus may expose monopolies and trusts, the partisans of high-tariff spoliation have suddenly waked up to the fact that the internal-revenue taxes are war taxes, in a sense which does not apply to contemporaneous tariff taxes on the necessaries of life.

At the bare mention of taxes on whisky and tobacco the cry of "war taxes" is raised, and night and day are made hideous with visions and howls of war, of bloodshed, of barbarism, of vandalism. But when you speak to them of other war taxes—of taxes on salt, on sugar, on rice, on coal, on iron, on clothing, on wool, on blankets, on farm tools—they are as gentle as sucking doves.

No respectable statesman of the country, of any party whatsoever, denies the advisability of excise taxes for meeting the emergencies which spring out of war. Does any such emergency now exist? The expenditures for the fiscal year on account of war pensions and interest on the war debt are estimated at $120,000,000. This would seem to constitute a full-grown emergency. The expenditures on account of pensions and interest on the war debt are obligations growing out of the war, and it would be manifestly inappropriate to meet them by tariff taxes on the necessaries of life, which we are taught to believe are peace taxes, pure and simple.

The internal tax upon spirits in 1865 was $2 per gallon. It has been reduced to 90 cents. When the war taxes upon the necessaries of life have been reduced a proportionate amount it will be time enough to commence the further reduction or repeal of the whisky tax.

NOT UNDEMOCRATIC.

It is further alleged that the internal-revenue taxes are undemocratic. A persistent and irrational effort is being made to array the people of the South against them on that ground. How is the claim sustained? By assertion, naked, bold, reckless—that, and nothing more. There are no facts to sustain it. There are no fair inferences to justify it. These taxes have been in force ever since the war. If it be true that they are in violation of Democratic principle, it is surely possible to find some authoritative utterance against their continuance by some convention of the party met to formulate its principles and to nominate its candidates. No such utterance can be found. No such declaration was made in either of the conventions of '68, or '72, or '76, or '80. No such declaration was embodied in the platform of 1884, on which the present Chief Magistrate was elected.

On the contrary, these taxes and the purposes for which they are collected were distinctly recognized, and the pledge was given to the country that the proceeds from them would be "sacredly devoted" to the relief of the people from the remaining burdens of the war, and to be made a fund for the payment of such pensions as Congress may from time to time grant. If these taxes be undemocratic, it is a little remarkable that not one of the five national Democratic conventions that have assembled since the war has put upon record any such declaration.

If they are undemocratic, our chosen and elected standard-bearer, Grover Cleveland, is not a fit representative of the Democracy. He says:

Our scheme of taxation, by means of which this needless surplus is taken from the people and put into the public Treasury, consists of a tariff or duty levied upon importations from abroad, and internal-revenue taxes levied upon the consumption of tobacco and spirituous and malt liquors. It must be conceded that none of the things subjected to internal-revenue taxation are, strictly speaking, necessaries; there appears to be no just complaint of this taxation by the consumers of these articles, and there seems to be nothing so well able to bear the burden without hardship to any portion of the people.

If they are undemocratic, the Secretary of the Treasury is a disloyal Democrat when he utters the following sentiments:

The chief cause for the prejudice against this tax seems to be that, as there was no such tax before the war for the Union, it is looked upon as a remainder of the measures adopted to raise money to carry on the war, and which ought not to be continued in time of peace, and as interfering in some way with the natural rights of mankind to grow grain and tobacco and manufacture therefrom spirits, cigars, snuff, and the various forms of merchantable tobacco. Of course, taxation of whisky and tobacco trespasses no more upon the natural rights of man than does the taxation of his clothing, of his bedding, of every implement which he uses in the cultivation of his grain and tobacco, and in the distillation or manufacture of the same. The burden of the one tax is direct, known, fixed; the whole of it goes into the Government's Treasury; the burden of the other is indirect and unknown, and only a portion of it comes into the Treasury. It reaches the farmer or distiller increased by the profit upon itself, which every merchant must take as the clothing or tools pass through his hands on their journey to them from the foreign or domestic manufacturer. Taxation there must be. The choice is between kinds of taxation. Each man can decide for himself, if he will examine the subject free from prejudice, which is the least burdensome for him, for his family, and for his neighbors, and which is in the end better for his whole country. That internal taxation of spirits and tobacco began during the war is not a reason why it should be done away with now, if it be in itself wise. So the fact that the rates of customs taxation were raised during the same war far higher than ever before in our history, and have been continued until now, ought not to determine the manner of their treatment; this should rather depend upon what is just and expedient at the present time. Neither passion, prejudice, nor sentimentality should have place in the consideration of questions of taxation.

But it is not well either to abolish or reduce internal-revenue taxation; it is a tax upon whisky, beer, and tobacco, things which are in very small measure necessary to the health or happiness of mankind; if they are necessary to any unfortunate man, they are far less necessary even to him than are a thousand other articles which the Government taxes. This tax is the least burdensome, the least unjust of all the taxes which Government lays or can lay upon the people; it should not be abolished, nor should it be reduced if, with due regard to the existing conditions of labor and capital, sufficient reduction can be made in the taxation of necessary articles which are in the daily use of all the people.

And now there is left only the revenue from customs taxation to be considered. Here is where the reduction should be made, and while reducing advantage should be taken of the opportunity to reform the abuses and inequalities of the tariff laws. Add to the free-list as many articles as possible. Reduce duties upon every dutiable article to the lowest point possible; but in ascertaining these possibilities the present situation of labor and business must always be kept in mind.

The motive of these attacks on the internal-revenue laws and the pretense that they are undemocratic is ably exposed by a leading journal of my State:

The Pennsylvania doctrine calls for the abolition of the tax on whisky and tobacco in order that the tariff levied for the benefit of the monopolies may be perpetuated. This sort of thing will do for Pennsylvania, but it won't do for the Democratic party.—*Atlanta Constitution*, October, 1883.

When you hear leading Democrats advocating the Pennsylvania protection platform of free whisky and tobacco, you may know the party is still in the woods.—*Atlanta Constitution*, October, 1883.

It is a great stretch of courtesy to call whisky and tobacco luxuries. They are evils, pure and simple, and the abolition of the tax now levied upon them would help nobody. And even if it did, the public sentiment of the country is not inclined to look with sympathy on a platform which includes free whisky. Free whisky is not a good thing for the Democratic party. People who can af-

ford to buy whisky and tobacco at all can afford to pay a tax, and a very high one, for the privilege.—*Atlanta Constitution*, October, 1883.

MR. JEFFERSON'S LETTER.

Mr. Jefferson, it has been said, was opposed from principle to an excise tax on whisky. Whatever at one time or another may have been his views on that subject, at the ripe age of eighty years, in a letter to General Samuel Smith, he declared himself in favor of an increase in the whisky tax. Said he:

I shall be glad, too, if an additional tax of one-fourth of a dollar a gallon on whisky shall enable us to meet all our engagements with punctuality. Viewing that tax as an article in a system of excise, I was once glad to see it fall with the rest of the system, which I considered as prematurely and unnecessarily introduced. It was evident that our existing taxes were then equal to our existing debts. It was clearly foreseen also that the surplus from excise would only become aliment for useless officers, and would be swallowed in idleness by those whom it would withdraw from useful industry. Considering it only as a fiscal measure, this was right. But the prostration of body and mind which the cheapness of this liquor is spreading through the mass of our citizens now calls the attention of the legislator on a very different principle.

One of his important duties as a guardian of those who, from causes susceptible of precise definition, can not take care of themselves. Such are infants, maniacs, gamblers, drunkards. The last, as much as the maniac, requires restrictive measures to save him from the fatal infatuation under which he is destroying his health, his morals, his family, and his usefulness to society. One powerful obstacle to his ruinous self-indulgence would be a price beyond his competence. As a sanatory measure, therefore, it becomes one of duty in the public guardians.

These are Mr. Jefferson's views. He did not think they were undemocratic. He would not advocate a policy that would abolish the tax on whisky, dot the country all over with distilleries, reduce the price to a mere trifle, and fill the land with drunkenness, crime, and vagabondage.

MR. MADISON'S POSITION.

Mr. Madison, who may be considered not only the father of the Constitution, but of the fundamental principles upon which the Democratic party is founded, was in the First Congress, and voted for the whisky tax. Though he and Hamilton differed widely in regard to the principles of government, they concurred in using the taxing power to check the excessive consumption of ardent spirits. When Mr. Madison voted for the whisky tax, the average rate per cent. of tariff duties did not exceed 12 per cent. Rather than increase this rate on articles of necessity coming from abroad, he preferred to lay an excise tax on whisky and raise the required revenue from that source. What would he say now with a tariff rate of 47 per cent.?

Now, under the false cry that it is undemocratic, we are called upon to destroy a fiscal system which yields a vast revenue to the Government, which injures no interest, and which at the same time promotes public health and public morals.

THE BLIGHT OF FREE WHISKY.

In the light of the wise and sober utterances of the sage of Monticello, I declare that no greater wrong could be perpetrated on my section than to abolish the whisky tax. It would flood our States with cheap whisky, demoralize and brutalize our laboring class, and render worse than nugatory the labors of a quarter of a century in the interest of their advancement. It would be an outrage on all our people, but against the negro race it would rise to the proportions of a hideous and appalling crime.

A distillery upon every spring branch, a peck of corn bartered for a quart of whisky, a jug of the devil's swill in every cabin will convert every neighborhood into a pandemonium, and expose to danger the purity of every Christian household. Families would fly into the towns and cities and abandon the country to the orgies of sensual, drunken, debauched wretches.

It is a universally recognized principle in all civilized governments that luxuries and articles promotive of vice are especially fitting subjects of taxation. This principle is of wise and just application in all governments, but peculiarly so in those which depend for their glory, their greatness, and their perpetuity on the virtue and intelligence of their people.

It is impossible to deny honestly and logically the justness of the principle, or the fairness and propriety of its application to the taxes in question. Burdens upon vice are incentives to virtue. It is right to make vice and vicious tendencies pay dear for the privilege of existence. I am not for giving to whisky, so far as the permit of Government can give it, the unrestrained freedom of the country. Untaxed whisky will be cheap whisky. Cheap whisky will necessarily result in increased consumption. Increased consumption will be followed by increase in lawlessness and crime and degradation.

CHARGES OF CRUELTY AND OPPRESSION.

It is further charged that there is harshness, cruelty, and oppression in the execution of these laws. We are told of "Siberian exile" and "Russian despotism." Frightful and pathetic pictures are drawn of martyred men and citizens, who have been taken from the bosoms of their families, hurried through the forms of trial, and mercilessly condemned to exile and imprisonment a thousand miles from their homes. I was shocked and horrified at the thought that numbers of my own fellow-citizens of Georgia were pining away in the dungeons at Albany, N. Y., without the solace and sympathy of friends to alleviate their calamity. I sought for information. The record is before me. The imprisonments in Northern prisons for the past five years from the northern district of Georgia (there are none from the southern) have been as follows:

One for fraudulent accounts.
One for pensions frauds.
Two for perjury.
One for breaking into Government warehouse.
Nine for counterfeiting.
Ten for conspiracy.
Thirteen for violation of postal laws.
Three for violation of internal-revenue laws.

Mark it! Three victims of "Russian methods" from both the revenue districts of Georgia for the past five years! One would have thought from the passionate denunciations of the internal-revenue system that its officers had put out drag-nets and depopulated the mountain region of my State with a view to colonizing with suffering martyrs the alleged Siberia of the North.

Let us look to the record again. Three for violation of internal-revenue laws! Thirteen for violation of postal laws! Why do we not hear of "Siberian exile" and "Russian despotism" in connection with the postal laws? Why are they not denounced as odious, and the cry raised, "They must go; they must go." The answer is obvious. The retention of the postal laws is no barrier to the schemes of the monopolist—the repeal of the internal-revenue laws removes the chief obstacles to the preservation of a high tariff.

If objection is made to the internal-revenue laws because they are searching and inquisitorial, the same objection applies with equal force for the abolition of the custom and postal laws, all of which are enforced by similar methods and under similar pains and penalties.

If the laws are too rigid in themselves; if the processes under them are too harsh, let them be amended and modified. This can be done, if necessary, without affecting their objects or efficiency. During the present Congress numerous bills have been introduced which will remedy all the abuses which have been charged against the internal-revenue laws. But no modification, no change, however beneficent, will suit the high-tariff beneficiaries.

They demand the destruction at one blow of the entire taxes derived from the internal-revenue system. It is not hard to understand why they denounce the system as burdensome and undemocratic. It is easy to see why the system is decked out by them in barbarous trappings. The affectation of sympathy for the poor because of the tax on that which would degrade them would be touching if it were not transparent.

When Mary broke the alabaster box of precious ointment and poured its contents on the head of the Saviour, Judas was greatly outraged in his feelings at what he called the waste. He said that the ointment could have been sold for 300 pence and given to the poor. What cared he for the poor? Nothing. He carried the bag and wanted to finger the profits. People who carry high-tariff bags are seemingly as indignant as Judas was at disregard of the poor, which, they say, is manifested in the support of the internal-revenue taxes.

They are more concerned, as Judas was, about increasing the weight of the bags which they carry—bags which are to be filled with tribute money wrung from these same poor.

As to the inquisitorial character of these laws, I can not do better than quote the views of Judge William Reese, who, in a remarkable degree, deserves and possesses the confidence of the people of Georgia. Judge Reese says:

It is objected that the internal-revenue tax is inquisitorial, offensive, and tyrranical, to which we reply that it is not more so than the revenue law as to imports, which compels every person coming to the United States from foreign countries to surrender to custom-house officers his trunks, satchels, boxes, bundles, and his person itself, for search and examination, of which laws, strange to say, nothing is said, the whole sympathy of the country being reserved for moonshiners. Our own State laws furnish many instances of official invasion into the private affairs of the citizen (fully as obnoxious as the search of revenue officers into the houses of the illicit whisky-makers) of which we never hear a complaint. Such are the tax laws of our State which require the tax-receiver to compel every tax-payer to answer more than fifty questions about his most private affairs. Such is the law as to the inspection of fertilizers and oils, which force the importers of them to submit to the most rigid official examination. The law as to the inspection of oils allows the inspectors to enter houses where oils are stored, without the knowledge or consent of the owner. The law of Georgia, as to inspection of liquors, gives authority to the inspectors to enter the shops and stores where they are sold, and without the consent of the owner, and test the same to ascertain whether they are adulterated or pure.

Back of all this irrational pretense of rational opposition to the taxing of evils there lies a purpose to protect the monstrous tariff system against the reform which both of the great parties, and notably that to which I belong, are pledged to effect at the first opportunity.

All parties profess to admit that the Government must cease to collect an immense surplus to be hoarded in the Treasury in defiance of the property rights of the people and at the risk of financial wreck and ruin; but there are men in both parties who seek to accomplish that end in such a way as to give the people no deliverance from the dominion of monopoly, no relief from the cumulative tyranny of trusts. They will remove the surplus willingly, even cheerfully, by drying up the fountains of the excise system; but they will not consent to remove a feather's weight of the burdens of taxation on the comforts and the necessaries of life.

They are willing to relieve the distresses of the suffering, monopoly-

ridden miners of Pennsylvania by furnishing them abundance of cheap whisky, but deny them cheap food and clothing. To the demand for cheap coal, lumber, nails, and blankets for the shivering men and women, who dwell in the land of the blizzard, they graciously offer the comfort and protection that may be found in untaxed whisky. To the Western farmer, who finds all the proceeds of his toil eaten up by outrageous taxes on all he buys, with no compensating benefits by reason of protection in anything which he sells, they offer a deluge of cheap whisky. To the entreaty of the Southern farmer for cheap iron, cheap farm tools, cheap bagging and ties, cheap salt, in mockery of the hardships under which he struggles, comes the ready offer, in bland benevolence, of untaxed whisky for whites, untaxed whisky for blacks. To the struggling needle-women, who demand cheap thread, cheap needles, cheap buttons, cheap scissors, cheap thimbles; to the toiling workingman who asks a cheapening of the few articles that are necessary to the comfort of his humble home; to the freedmen who ask cheap food, cheap clothing, cheap books, cheap agencies in their progress and elevation; to the manufacturer, who demands cheap raw materials as the sole condition to his successful competition with the whole world; to the shipping interests, which plead for free ships as a means of restoring the commerce of the country to its pristine glory and greatness—to each of all these worthy representatives of outraged and failing interests comes the cruel, the impious, the shameless offer of free whisky. It is the sum of all good. It is the cure of every ill. It is the inspiration of despairing hope. "Let him drink and forget his poverty, and remember his misery no more."

I need not repeat that whatever is taken off the internal taxes on whisky means so much unnecessary tax laid upon the necessaries of life. The following tables are taken from the New York Herald. They show what taxes are laid upon some articles of common use, and will enable us by comparison to determine whether these taxes shall be continued that whisky may be free.

THE WORK-BASKET.

Let the workingman lose a button from his coat or tear his trousers, and how does the tariff work then? Does it pity him and overlook such a little matter? By no means. The following will show the rate of customs taxation on the little articles that are necessary to sew on a button:

	Per cent.
Sewing-needles	25
Thread	55
Beeswax	20
Scissors	35
Buttons	25
Thimbles	25

And to complete the contents of the work-basket of the "laboring man's wife" there should be named:

	Per cent.
Pins	30
Knitting, darning, and crochet needles	25

These few articles of every-day use in a family show how oppressive and searching our tariff is, and yet, rather than lessen the taxes upon such articles as these by the amount of the surplus, it is proposed to take the tax off whisky.

DUTIES ON CLOTHING.

In order to live a man must be clothed. In this climate clothing is a necessity, and if its cost is made greater than is necessary it practically involves a tax upon life.

Take some of the important articles of clothing and see how the tariff affects them:

	Per cent.
Clothing wools	26 to 73
Flannels	62 to 68
Hats	30
Gloves and mittens, cotton	50
Cottons	50
Linens	35

These are articles used by every man, woman, and child in the country, and are necessary to their comfort. See how tenderly they are cared for by the tariff. The wonder is that such a system of taxation on the poor is allowed to remain one day.

FURNISHING THE HOME.

Suppose the working man and woman get married and want to furnish a home. They would like to have their money go as far as possible and want low-priced goods. See how the tariff meets their wishes, and to what extent it applies.

	Per cent.
Stove (iron)	45
Carpets	50
Oil-cloths	40
House furniture	35
Clocks	30
Books	25
Earthenware of the commonest kind	55
Glassware of the cheapest kind	45
Cooking utensils, pots and kettles	53
Knives, forks, and spoons	45
Combs and brushes	30
Brooms	25
Common soap	20

	Cents.
Toilet soap, per pound	15

Can it be imagined that these taxes are imposed to aid the "workingman" to furnish his house? Suppose they did not exist, would it not be reasonable to think that the cost of furnishing would be less?

BUILDING HOME.

If the workingman can not own his cottage and the land on which it stands, the next best thing is to have possession of them at a low rental.

If the materials that enter into the construction of a house are taxed, the cost of the house will be increased, and the owner or landlord must charge a higher rent to secure a profit on his outlay.

Let the following list of duties in the present tariff be examined:

	Per cent.
Nails	100
Lumber	18
Common window-glass	60
Linseed oil	41
White lead	54
Wall-paper	25
Cement	20
Slates	25
Laths	9
Shingles	14

It is presuming too much on the credulity and ignorance of the people to suppose they will prefer a tax on these articles to a tax on whisky.

A MERCENARY PROPOSITION.

I feel half ashamed to make any answer to the proposition that this tax be transferred to the States. It is an argument that appeals to the lowest of all motives, and not to a sense of reason and justice It is an artful attempt to allure the people into the advocacy of the abolition of the Federal tax under the hope that by some process of legislative hocus pocus the proceeds of the tax will be turned into the State treasury. It is simply a naked hook thrown out to ignorant and unwary minnows.

Under the constitution of several of the States—Georgia is among them—the levy of taxes must be made ad valorem. You could not transplant the Federal method into that system. If it were possible to do so by any scheme or device whatsoever, the fact that the surrounding States might not adopt a similar policy or impose a corresponding rate of taxation would render the scheme an utter failure. With the tax in Tennessee at 10 cents per gallon and with no tax at all in Illinois and Kentucky, how could the Georgia manufacturer compete in the sale of his product taxed at 90 cents per gallon? Laws could not be framed to remedy the difficulty. Besides, to transfer the system to the States would not relieve the harshness and cruelty complained of; the collection would be made then by officers of the State, as they are made now by Federal officials who are citizens of the State, identified with the people and enjoying their confidence and sympathy. If it be said that the States would pass laws relieving the system of its rigor, the reply is, so may the General Government, and bills are in progress now to effect that result.

The interest of the people of the United States and of my own State in the repeal of the internal revenue is astonishingly small. The repeal will hurt one thousand where it helps one. The reduction of the tariff will help one thousand where it hurts one.

Free whisky will imprison more men than the internal-revenue laws.

Look over the entire field of taxation, of taxes direct and taxes indirect, and where will you find any so harmless and so avoidable? Look over the ranges of commodities for the supply of human wants, necessaries, luxuries, comforts, things useful and things dangerous in the use and noxious in the abuse, and where will you find one upon which you can impose a tax as easily borne and as little burdensome as a tax on whisky?

I speak of my own State—what applies to that will be true as to others. Of the 800,000 colored people in Georgia not one is benefited by the tariff, nor one hurt by the internal revenue. Of the 900,000 whites, half are women, not one hurt by the internal revenue; of the other half, males, one-half minors, not one hurt by internal revenue. Of the fraction of the population remaining, even the drinking men do not think themselves helped and do not regard cheap whisky as a boon to them.

Free whisky and the free use of it as a beverage, is a mere animal indulgence which only one-fifth of the race enjoys against the wishes and interests of four-fifths, to the sorrow of the dearest earthly ties of woman, wife, mother, children, sister, and friends.

With respect to the tax on tobacco, I would retain the tax on cigars and cigarettes. They are by no means necessaries—they are the indulgences of gentlemen and dudes. As a measure of compromise to effect a general reduction of the tariff, I would consent to remove the tax on tobacco in all other forms.

Another supposed argument that is made in favor of abolishing the internal-revenue taxes is that it is the only mode of reducing the surplus. The argument is given in a high-tariff journal in these words:

The lower the tariff the greater the amount of importation, and consequently the greater the amount of revenue flowing into the Treasury. These are facts that any school boy can understand, but it seems necessary to explain them over and over again.

So it would seem; and after the final explanation Congress and the people will still be unbelieving.

It is possible, as a matter of course, to make duties on all articles so high as to be nearly or quite prohibitory; and this would necessarily lessen revenues. If the tariff were entirely prohibitory, no revenue at all would be derived from it. On the other hand, it is easy to conceive of a point in low-tariff rates at which revenues would be much too small for the necessities of Government. Would any be absurd enough to hold that an average tariff of 2 per cent., for instance, would raise sufficient revenue for the Government?

The truth of the matter is that any increase in rates on commodities of large export must necessarily increase the revenues until the point

of prohibition of imports is neared, when a reduction will begin. The fact that this point is not reached in the main commodities of export under the present tariff is shown by the increasing yearly receipts from that source. This being the case, then, a reduction in duties would necessarily reduce the revenue, provided such reduction were real and not pretended.

But this fact is shown by the tariff history of the country, which is conclusive on the point. Whenever Congress has desired to lessen the revenue, duties were decreased; and whenever it has been intended to enlarge the revenue, duties have been raised. This was the case during the war of 1812 and during the last war. More than the ordinary revenue was wanted, and tariff rates were raised and the additional revenue supplied. Again when the discovery of gold in California gave such an impetus to business that the revenue increased again there was a surplus. What was done then? According to the supposed argument I am answering, the duty should have been raised in order to reduce the revenue; but our lawmakers thought differently. They made a very material reduction in rates, and in consequence the revenue fell off from $63,000,000 in 1857 to $41,000,000 in 1858. The revenue for the last four years of the comparatively low Walker tariff—1854, 1855, 1856, and 1857—was $246,000,000. In the next four years of the still lower tariff of 1857 up to 1861 the revenue, with an increasing population, was only $182,000,000. That is to say, the low tariff of 1857 brought $64,000,000 less revenue in four years than the higher Walker tariff did in the preceding four years.

Then came the war, and there was a need of money. Did Congress lower the rate to increase the revenue? Not at all. It raised the rate, and although the Southern States imported nothing the duties collected for the four years from 1861 to 1865 amounted to $304,000,000. The States which adhered to the Union paid $122,000,000 more duties from 1861 to 1865 under a high tariff than did all the States from 1857 to 1861 under a low tariff.

Any party or faction which proposes to raise rates in order to reduce revenue, or insists that lowering rates at this time will increase revenue, is either willfully or ignorantly blind to the effects of the compromise tariff of 1833, the Walker tariff of 1846, the low tariff of 1857, and the war tariffs of 1861. It is very easy to understand why it is, in the face of these facts, that the writer who contends that lowering tariff rates will increase the surplus has to explain his explanation over and over again to a gainsaying and unbelieving people.

It is bad enough to make such an argument without facts to sustain it. It is audacious and presumptious when it is against facts.

I have touched upon the main objections to the internal-revenue taxes. In doing so I have felt as Hooker did when he spoke of "silly things," that "the very easiness with which they are controverted doth make them hard to be disputed about in a serious manner."

I have thus reviewed the tariff and the internal revenue—the two alternative methods of reduction. Said Patrick Henry, "I have no light by which my feet are guided except the lamp of experience." This light we have thrown upon the subject by several comparisons, based on experience or on principle—the concentrated extract of previous experience. I have compared our present with our past, and our own experience with the experience of other countries. I have compared Federal taxation with State taxation—the former greatly in excess; Federal services with State—the former greatly in defect; Federal tribute with Federal tax—the former greatly in excess.

I have compared the tariff of to-day, our present tariff of abominations, with the tariff of different periods of our history, showing that the tariff of 1790, prepared by Hamilton, the father of protection, compared with the present tariff of 1888, stands as one to three for a people then of three millions, now of sixty; for a people then scattered and young compared with a country now knit together by 120,000 miles of railroad, with telegraphs, newspapers, etc. And still we have "infant industries" a hundred years old, growing yearly more clamorous for the battle.

I have shown relative prosperity during the low-tariff period and the high—the former exceeding the latter in the country and in every State in aggregate wealth and in every detail.

Finally, I have compared our tariff with the tariff of other great powers with the astonishing result that it exceeds the combined tariffs of England, France, Germany, and Austria-Hungary.

I know no better way of understanding the subject than by such comparisons. If the protectionists will show us a better way I will follow it. Choose ye between—

Economy and extravagance;

Necessaries and whisky;

Tax and tribute.

Thus the two simple, well-chosen propositions of the President stand confirmed in the light of the closest investigation. Opposition to them is only possible by denying truisms; argument only by obscuring them.

I have now come to the last point I propose to discuss, the

DUTY OF THE DEMOCRATIC PARTY.

The Democratic party is a party of principle. These principles are deep-seated, grown out of a deep root, and bear appropriate fruit. They have had great expounders in the past, and will live to bless future generations. There are two great systems of thought and opinion in this country which contend for the mastery. Of these the Democratic, in my judgment, is bound to ultimate triumph, because it asserts the rights of the people to be superior to those of any privileged class. It is time now for the distinct assertion of Democratic principles, the hearty maintenance of them, and the redemption of Democratic pledges. The reign of the opposing principle has been long enough, and has already gone far towards converting the country into a plutocracy, one of the worst forms of the government of the few; not an aristocracy, but a government based on Mammon, "the least erected spirit that fell."

The high-tariff policy has ever been that of the Tory party in politics—the friend of class legislation and of privileges as distinguished from equality and general law—the nominal protector of the masses, but the real protector of the least deserving few, the monopolists. Our whole system of government is threatened by this tendency. Have we not manhood to preserve the principles which our fathers conquered for us and bequeathed to us?

In the convention which framed the Constitution of the United States, a remarkable incident occurred. I quote the following from John Fiske's account of it:

It was suggested that palliatives and half measures would be far more likely to find favor with the people than any thorough-going reform, when Washington suddenly interposed with a brief but immortal speech, which ought to be emblazoned in letters of gold on the wall of every American deliberative assembly. He exclaimed in tones unwontedly solemn: "It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which all the wise and honest can repair; the event is in the hand of God."

This outburst of noble eloquence carried conviction to every one. It was a most wholesome tonic; it braced up the convention to high resolves. From that moment the mood in which they worked caught something from the glorious spirit of Washington.

The President has proposed a policy which is worthy of our ardent support, and I think that the response from all sections of the country shows that the people have caught something of its spirit.

We should return to a right policy, propose what is worthy of acceptance, and, if defeated, go to the country upon it. We should concentrate on chief issues, carry our standard high, and adopt a policy which would make victory mean the emancipation of the people from artificial burdens.

The real difficulty lies in the fact that we represent a diffused interest as against one that is concentrated—an unarmed and unorganized mass of people as against a band of armed and organized brigands. Suffrage, which has been relied on as a protection, of itself has not remedied the evil. Bribery, deceit, and the toad at Eve's ear have been persistently used to maintain and to accelerate existing evils and bad tendencies. Is there no possibility of a combination of virtue and public interest as against vice and self-interest? People who will not take the trouble and the risk involved in righting their wrongs are unfit for freedom. When we consider the varied difficulties and the concentrated opposition to reform, the direct force and bribery, the deception and evasions getting possession of the Democratic ranks, the catch-words, the bribes, the purchase of the press, the means and opportunities of deception, and the appeals to ignorance and prejudice, the wonder is that reform should ever take place. Our principal resource is to show the truth, plainly and clearly, rather than to follow up all the possible errors of the opposing system.

As a means to Democratic triumph organization is necessary. Organization includes leadership. We have tried and trusted leaders who deserve our confidence. Mr. Cleveland, in the executive chair, has demonstrated his right to our cordial and enthusiastic confidence and support. He utters no uncertain sound. His manhood has been tested, like that of Andrew Jackson, and has stood the test.

It is not to be concealed that the President has taken great risks in the interest of the people. A mere hum-drum policy would have excited no friction or antagonism; but he has made a clear-cut issue in the true interest of the country, to which he appeals in its own behalf. He is the true hero of reform. The long run of increasing expenditures, the reign of corruption, the rings and cliques, the Credit Mobilier, the railroad frauds, and a thousand other disgraceful things were not his or ours. They were the legacy of another régime, which he was called upon to reform. How he has performed this duty let the Pennsylvania resolution tell.

The following is the text of the resolution adopted by the Pennsylvania Democratic State committee at the recent meeting:

Resolved, That this committee cordially and emphatically indorse the administration of President Cleveland. It has been thoroughly true to the best interests of the Republic. The peace and prosperity of the country is largely due to its wise and benign policy with respect to both foreign and domestic matters. It has reformed the civil service, abolished useless offices, reduced the cost of government, restored many millions of acres of land to the public domain, effected a large reduction of the public debt, prevented the importation of foreign paupers under contract, and has wisely and consistently endeavored to effect a reduction of the surplus in the Treasury and to lighten the burden of taxation borne by the mass of the people. The line of policy laid down in the last annual message of the President for the revision and reduction of the war tariff especially commends itself to us as a sure guaranty of prosperity to all classes of producers and of that genuine and honest protection to labor so long pretended but never vouchsafed by the monopolistic legislation of the so-called Republican party. We therefore avow without hesitation or qualification our unshaken confidence in the wisdom, courage, and patriotism of President Cleveland, and earnestly and hopefully recommend and urge his re-election to the great office which he has so acceptably filled.

Personal confidence in Cleveland contributed largely to his election. The same confidence—greatly re-enforced by experience—will triumphantly re-elect him. His re-election is of immense consequence to the country, and he should be upheld bravely and fully. There are those who would betray him with a kiss, and who already point him out as a victim because of his unshrinking adherence to Democratic principles. There are those who have commended themselves to Democratic distrust. There are those who are false. There are those who believe that monopoly is best for the public interests. These and all such are impediments in the way of Democratic triumph. All true and loyal Democrats can but look with distrust on those who persistently oppose the principles and policy of the party, insist upon the violation of its pledges and consider themselves humiliated, forsooth, unless a small minority be permitted to rule the majority—the most undemocratic of all procedure. This faction has the power to do the party, its principles, and the country far more harm within the party than it would be possible for them to do without. The want of allegiance to the organization tends to the destruction of its principles.

The efforts to Republicanize the Democratic party prevent an authoritative declaration of its principles.

The issue is now made up, and the people are eager for information. It must be discussed boldly and thoroughly. Our policy must be vigorous and aggressive, for we are the complainants. All the monopolists ask, all that they demand, is the maintenance of the *status quo* of the present system. We must reach the people and call out the reserves, relying not on partisan services but on the convictions of the people. The President has boldly taken position at the head of the Democratic forces, and a vigorous campaign must show the strength and the resources of protection. Its legions of sharp-shooters, infantry, cavalry, and artillery must be assailed behind their intrenchments, not of cotton-bags, but of money-bags, in which they are especially strong. They can pay for anything they want and buy all that is purchasable, but there is no decree of Omnipotence that makes money-bags stronger than a great people aroused by great and long-continued wrong and outrage to the assertion of their rights. When bad men conspire, good men must combine.

Responsible party positions should be given not as a mere compliment to the undeserving, but to true and representative men, so that the party will neither be unrepresented nor misrepresented. The people should be cautioned to beware not less of the wolves than of the foxes.

When they understand the whole truth of the situation, the reaction will be tremendous. The deceived will remember the deceivers—the betrayed will not forget the betrayers.

Cleveland was elected in 1884, and his chances for 1888 are redoubled. The "bloody shirt" as a political issue has little life left. It may be waved in air by a partisan press, and dashed around and about by politicians, "like street dogs worrying a dying cat," but it will excite little interest as a vital issue. There is no alarm now either in political or business circles. The utmost confidence exists in Cleveland's honesty and ability.

A new act of emancipation is needed, freeing more whites than the Lincoln proclamation freed of blacks, and setting the blacks—far more numerous now—wholly free. Moreover, and best of all, this will be a bloodless victory of the ballot, not of the bullet—a victory of peace, not of war, which, when once inaugurated, will be permanent—promotive of the harmony of the sections and the brotherhood of classes, and heralding "peace on earth, good will to men."

Could we bring the country back to the sound doctrine that labor should not be pauperized by charity, and that monoply was not to be fostered by tribute; could we restore to capitalists and manufacturers a manly sense of independence and self reliance; could we lift that noble army of honest toilers, those untold millions who never get protection, from the bondage they are under to support special classes; could we place labor where in the nature of things it might stand, giving and receiving equal benefits; could we by the crushing power of public reprobation drive out of decent recognition that man or set of men who claim the right to levy tribute upon another man's industry to support his own; could we say to all parts of the earth that we are one in the blood of a common civilization, and all countries are one in the common wealth of God, and that we come to them upon the wings of our noble ships bearing the endless and varied bounty that God has given us to exchange with them, then we might boast of a Republic that asked nothing but peace—that is the oppressor of none, but the emancipator of all.

Mr. DOLPH Mr. President, early in the session I took occasion to discuss briefly the question of the surplus revenues, and to call the attention of the Senate to certain objects of urgent importance and of national concern for which, in my judgment, provision should be made before the present sources of revenue were cut off. I am still of the opinion that the safe, wise, and statesmanlike way to deal with the existing surplus and surplus revenues would be to use them as far as necessary for the speedy completion of the works in progress and other needed works, for the improvement of rivers and harbors; for coast defenses and similar purposes; and the continued liquidation of the public debt. But this is not likely to be done, and the only alternative offered is the reduction of the revenues. I had been disposed, until it became apparent by the policy of the Administration, as well as by the legislation proposed by the majority of the House, that every leading industry of the Pacific Coast was threatened with destruction, to leave the discussion of the manner in which this should be done to those better qualified by long familiarity with the subject and by legislative experience to discuss it.

Ever since the President's message was made public there has been a well-founded alarm among the people of the State I have the honor in part to represent, and every where on thePacific Coast, at what they believe to be the threatened destruction of many of their industrial interests, involving business and financial ruin to them and distress to the laboring and industrial classes. I am frank to say that I keenly share in this feeling of apprehension. The wool-growers, lumbermen, miners, fruit raisers, farmers, the labor organizations, and the Patrons of Husbandry have petitioned, remonstrated, and memorialized Congress against the removal of the protection against the cheap labor of Europe and Asia they now enjoy, and have called upon their Representatives in Congress to endeavor to prevent the destruction of their interests. To-day I voice their protests.

The Senate can not originate a revenue bill. Under the Constitution, whether wisely or not, is intrusted to the popular branch of Congress the power and duty of originating all revenue laws. The Democratic party has controlled the House of Representatives for ten out of the last twelve years, and the only reduction of taxes made during the time was by the Republican party during the two years it was in control of both Houses of Congress.

The Democratic party controls the House. It has the Administration. It came into power under a pledge to reduce taxation. One entire Congress and more than three months of another has elapsed since the present Administration came into power, and no plan for the reduction of taxation has been submitted to the Senate.

One way to decrease the surplus is to make appropriations for proper and necessary national purposes, but whenever an increase of appropriations is proposed it is denounced at once as extravagant by those who are determined to force their free-trade doctrines upon Congress.

THE ADMINISTRATION PLAN.

At last we have a plan which, if the press and rumor are to be believed, was incubated in the Executive Mansion and the Treasury Department and hatched in secret conclave by the political majority of the Ways and Means Committee of the House. I hold in my hand a bill entitled "A bill to reduce taxation and simplify the laws in relation to the collection of the revenue." The title is a misnomer. It should be "A bill to destroy American industries." It comes to us without any mark to show where it originated or who is its author—"Nobody's Child"—and before the American people are through with it no one will be found willing to own its paternity.

This bill is understood to embody the views of the Administration. It is apparent that it has not been framed on any rational principle. The whole structure of the bill shows that it has been drawn with a view to securing votes for the measure in the South. This was necessary. The present Administration came into power by the votes of the solid South. The Democratic party controls the House of Representatives to-day by the aid of the solid South. The hope for a continuation of a Democratic administration is in the South, and so when the Administration endeavors to force a tariff policy upon the country it is necessarily a Southern policy. Sugar is to be protected by a continuation of a protective duty to please Louisiana, while wool and lumber and the products of other great industries of the States from which there is no hope of securing Democratic votes in the electoral college are to be placed on the free-list.

When the Democratic majority in the House formulates a plan for the reduction of the revenues, sugar is touched lightly and the Louisiana sugar-planters are conciliated; oranges are excepted, when plums and prunes and other fruits are placed upon the free-list, to please the orange-growers of Florida; the tariff on coal is retained to conciliate West Virginia, and, if possible, to stay the growth of protective sentiment in that State. Coverings for cotton and cotton ties, which are simply hoop-iron prepared at little cost for use in baling cotton, are placed upon the free-list, while hoop-iron hoops for barrels, tubs, buckets, etc., in the North are left to bear the burden of taxation.

FREE WOOL.

The great industry of the Pacific Coast which would the most directly and disastrously feel the effect of the adoption by Congress of the policy of the Administration for the reduction of the revenue would be the wool-growing industry.

California is the leading wool-growing State of the Union, and Oregon is fast taking rank beside her. Every portion of Oregon is adapted to wool-growing, and considerable portions which are well suited to this industry are poorly adapted to the raising of grain. Eastern Oregon is producing an excellent quality of clothing wool. I am informed that during the last season there was shipped from The Dalles and from Arlington, a point on the Oregon Railway and Navigation Company's road 50 miles further up the valley, and intermediate points, 7,500,000 pounds of wool.

In 1875 there were in California 4,683,200 and in Oregon 643,400 sheep;

in 1887 there were in California 6,069,698 and in Oregon 2,593,029 sheep—an increase in Oregon in twelve years of over 400 per cent.

The number of sheep in Nevada in 1875 was 19,000; the number in 1887 was 674.486. The number in Washington Territory in 1887 was 555,439; and the total number on the Pacific Coast in 1887 was 9,892,652. In California and Oregon alone there are 8,656,727 sheep—nearly one-fifth of the whole number in all the States and Territories, which is 44,759,314.

These figures are significant, showing at a glance the importance of the wool-growing interest to those States and the magnitude of the danger which threatens it.

The farmers of the Pacific Coast are thoroughly aroused upon this question. They believe that a wrong was done them by the reduction of the duty upon wool in 1883, a wrong by which their profits upon wool were unjustly reduced for the benefit of the wool-growers in foreign countries. They have not realized the promised reduction in the price of clothing, and they have not forgotten that while the reduction of the tariff on imported wools by the act of 1883 amounted to only 3½ cents per pound, no sooner had the act taken effect than the price of wool declined 5 cents per pound in the United States, and the farmers of this country lost on their very first wool crop under the new tariff $15,000,000. The decrease of the tariff resulted in an enormous increase of importation, and the result has been to crowd out a like amount of domestic wool, to drive out of the field American wool-growers, and to greatly cripple the industry. Our experience under the act of 1883 points with unerring certainty to the effect of the removal of all duties upon foreign wool. The wool industry in the United States is doomed to total destruction whenever foreign wool is admitted free of duty.

Australia with her 80,000,000 sheep, with her 3,000,000 square miles of territory and 3,000,000 inhabitants, with her abundant pasturage, cheap lands, and large flocks, which by reason of the mildness of the climate require but little care, with cheap labor and consequent cheap wool, and South Africa and the South American countries with similar advantages, will drive the American wool-grower to the wall and supplant the American product in the markets of the United States. Let no one be deceived. Free wool means that the wool industry of the United States is to be sacrificed for the product of the cheap labor of foreign countries, and that the millions of men employed in growing American wool shall be deprived of their labor to furnish employment to the wool-growers and herders upon the plains of Australia, the ranges of South Africa, and the pampas of South America.

In an address delivered by Hon. William Lawrence, of Ohio, before the Farmers' National Congress at Chicago November 11, 1887, I find the necessity for protection to American wool growing and manufacturing interests admirably stated. I quote at length from it. Judge Lawrence says:

American manufacturers can, under proper fostering influences and after a brief space of time, produce substantially all the woolen and worsted goods we require. The skill which fabricates our present product is capable of all necessary expansion. And in the not far distant future, with commercial treaties with other American Republics, Brazil, Japan, and some other nations, and with the much-needed increase of the American mercantile marine, our manufacturers can become exporters of their fabrics, and take that high position in the commerce of the world for which American resources, enterprise, skill, and industry so eminently qualify them. If we are true to ourselves, the day will soon dawn when we will no longer be dependents on foreign supplies. Thus the question is answered, what may the American wool interest become?

What are the fostering influences requisite to enable American wool growers and manufacturers to supply all the wool and woolen and worsted goods we need, and in due time to enable our people to become exporters of these?

I answer unhesitatingly, that chief among them is protective legislation, which will exclude the foreign product so far and so fast as we can supply what we need. Our true policy is, that Americans shall patronize and give employment to American rather than to foreign producers, and thereby secure employment for idle hands; give American wages for American services, enlarge our resources, and with them our own abundance, and no longer be dependent for the clothes we wear on foreign capital, labor, and skill. I will not discuss the general policy of a protective tariff. That is not involved in the question whether we should give to American farmers the privilege of supplying all the wool we need. Our lands are here and can not be removed; they must be rendered available in every possible form, or so far as they are not, they are idle and unproductive. Our capital is already invested, and our labor is here awaiting employment. The question is not whether we shall build up new industries generally, or create new plants—it is now whether we shall utilize the plant we have in land, and in order to do this, increase our plants of woolen and worsted manufactures.

And now I address myself to the question, Why should we demand protective legislation? This is an inquiry to which there are several answers.

We can not supply American wants with American wool, or woolen or worsted goods, without protection. We will be driven from these industries by foreign competition. This may be proved by the opinions of those who have studied the subject, and by the logic of facts.

The Chief of the Bureau of Statistics at Washington, in his recent report on wool, says: "It is idle to talk about raising sheep in Europe, or in this country, to compete with South Africa or the Platte country or Australia. Our sheep-farming must eventually be confined to small flocks of improved breeds, raised on farms where they require little or no extra labor. It has already come to this in Europe and in the Eastern and Middle States, where lands are valuable, and will finally prevail in the West as the large ranches are divided up and settled. The conditions are entirely different in South Africa, Australia, and South America, where laborers are at least semi-barbarians or peons, and the immense plains of cheap lands and torrid climate seem better adapted to sheep raising than other industries." That is, without an adequate protective tariff, wool growing will not be remunerative, and so as an industry will perish. And in the same report he tells us that even under the present wool tariff of 1883 "it can safely be predicted that * * * there may be little or no gain in numbers [of sheep], if not an actual loss in the near future."

Another thoroughly well-informed expert says: "In this country, where wages are high and the necessaries of life and social conditions so widely different from the Old World, it is evident that competition without protection is impossible. Italy has her sheep attended by shepherds at 2 cents per day, their only food, black bread soaked in oil; India, Turkey, Persia, Russia, wages and modes of living on about the same scale; South America, Cape of Good Hope, and Australia, but one step higher. As the natives in most of these countries attend the flocks, they require but little clothing, and they get but a mere pittance, barely sufficient to sustain life."

The logic of facts proves that without adequate protection we can not render wool-growing remunerative here. In Australia, South America, and other countries "no provision is necessary for food and shelter in the winter season other than that provided by the bounty of nature." They furnish an extent of territory practically unlimited with lands almost without cost; they have immense flocks of sheep, they can increase their number almost without limit, and supply the world with an abundance of every class and grade of wool. They can furnish wool at prices so low that they can defy competition and annihilate every flock in the United States, unless we shall be saved by protection. The report of the Tariff Commission shows that in 1882 Buenos Ayres unwashed clothing—equal to Ohio and Pennsylvania X wool—was quoted at 13.5 cents per pound, with cost of transportation to Boston 3.152 cents per pound. The Chief of the Bureau of Statistics shows that under the tariff act of 1864 Buenos Ayrean wools "could be bought at the Rio de la Plata under 12 cents per pound, and come in under the 3-cents duty."

The reduction of our wool produce by the act of 1883 has increased the American demand for foreign wool, and but for this South American clothing wool could be produced for 10 cents per pound and laid down in Boston for less than 15 cents. Such wools can not profitably be produced in our older States unwashed for less than about 30 cents per pound. The history of our own wool tariff and wool production shows that without adequate protection annihilation awaits our wool industry. Prior to the act of March 2, 1867, Congress had failed to provide adequate protection to the wool industry. When the tariff bill of 1828 was under consideration in the Senate the illustrious and far-seeing statesman, Thomas H. Benton, proposed to insert a clause laying a protective duty of 10 per cent. per annum on wool, until it should amount to 50 per cent. ad valorem, and 5 per cent. afterward, until it should amount to 70 per cent.—a higher average rate of duty than has ever yet been enacted by Congress, and that, too, at a time when the expense and delay of ocean transportation were so great as in themselves to give American wool-growers advantages and protection which no longer exist. His wisdom did not prevail. The result was that the wool industry languished for a long period. An accurate statistician has said: "In 1810, when the first census of products of industry was taken, the quantity of wool produced in the United States was returned at from thirteen to fourteen million pounds."

In 1812 Mr. Tench Coxe, of Philadelphia, a trustworthy authority, computed it to be from twenty to twenty-two million pounds. During the last four census years the number of sheep and production of wool were as follows:

Years.	Number of sheep.	Pounds of wool.
1850	21,723,220	52,516,959
1860	22,471,275	60,264,913
1870	28,477,591	100,102,387

It will be seen that the increase in the number of sheep in the decade from 1850 to 1860 was only 748,055, equivalent to 3½ per cent. Then came the first and only just, sufficient, and, for the time it was in force, effectual tariff act of March 2, 1867.

Under the operation of this law the wool industry prospered. The increase in the number of sheep from 1860 to 1870 amounted to 6,606,675, or 27 per cent.; from 1870 to 1880 the increase in number was 12,287,949, or about 44 per cent.; and in 1884 our sheep numbered 50,360,243. Our wool product increased faster than our sheep; that is, "the average weight of fleece rose from 2½ and 3½ pounds to 5 and 5½ pounds [of washed wool], according to location." Thus the wool industry, for the first time in our history, grew rapidly, was prosperous, and remunerative under the act of March 2, 1867, and up to act of March 3, 1883. * * *

The effect of this act has been to make wool production unprofitable by reducing the price; to reduce the number of our sheep and of our wool products, thereby to encourage and increase the importation of foreign wools, and give American patronage to foreign producers instead of our own. It has reduced our sheep, 5,867,312 in number, when, on the basis of increase under the tariff of 1867, there should have been an increase of 6,000,000, making a loss equal to about 13,000,000 sheep, and a loss in clip of wool of 48,000,000 pounds, worth $14,400,000. Thus the wool-growers have lost by decrease of flocks in reduced wool product $14,400,000, and in price of wool they produced in 1887 at least $26,000,000. And we are correctly told that under the tariff act of 1883 there is "in the near future" to be a continued and actual growing loss in number. The imports of wool in 1882 were 67,861,744; in 1887 they were 114,038,030, when they should have been reduced to 40,000,000, and under proper protection might have been less.

Induced by the reduction of the duties by the act of 1883, there were imported into the United States during the year ending June 30, 1886, 107,910,549 pounds of wool of the value of $13,794,213, from which duties to the amount of $5,126,108 were received. During the same period there were imported into the United States manufactures of wool of the value of $40,536,509, upon which duties to the amount of $27,278,528 were paid. The effect of the reduction of the tariff on wool in 1883 on the production in the United States will further appear from an inspection of the following:

Statement showing the quantities of raw wool produced in each of the principal and all other wool-producing countries of the world.

Countries of production.	Quantities produced.
	Pounds.
North America:	
United States (1884)	307,588,000
British North American provinces (1884)	4,409,000
South America:	
Argentine Republic (exports 1885)	283,047,000
Uruguay (exports 1884)	59,084,000
Asia and Australasia:	
Australasia (exports 1885–'86)	455,470,000
British East Indies (exports 1885–'86)	23,126,000
Turkey, Asiatic, and Persia (estimated)	13,228,000
Africa:	
Cape Colony (exports 1885)	29,299,000
Natal (exports 1885)	17,306,000
All other countries	88,185,000
Total production	1,983,396,000

This table should be read in connection with the statement of Judge Lawrence that the imports of wool in 1887 were 114,038,030 pounds, an amount considerably more than one-third as large as the entire production of the United States.

To show from whence the competition comes which our wool-growers have to meet and the scramble which will take place for the wool markets of the United States if wool is placed upon the free-list, I append hereto:

A statement showing the kinds of raw wool, by countries of production and of immediate shipment, imported into the three ports, New York, Boston, and Philadelphia, during the fiscal year ending June 30, 1887.

Countries of production.	Countries of immediate shipment.	Class 1, clothing wools.	Class 2, combing wools.	Class 3, carpet wools.	Total.
		Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
Argentine Republic.	Argentine Republic.	58,682	.....	6,214,685	
	England	232,077	.....	30,744	6,559,558
	Brazil	.....	.....	23,470	
Austria	Austria	.....	.....	81,745	
	England	.....	.....	420,629	502,374
Belgium	Belgium	72,358	.....	8,753	
	France	.....	.....	6,598	87,709
Brazil	Brazil	235,028	.....	295,969	530,997
Chili	Chili	520,059	.....	2,008,617	
	England	25,113	.....	112,675	2,666,464
China	China	.....	.....	2,047,067	
	England	5,012	1,011	393,363	
	France	.....	.....	59,933	
	Germany	.....	.....	500,585	3,611,892
	Hong-Kong	.....	.....	556,018	
	Italy	.....	.....	48,903	
Denmark	England	.....	.....	5,380	5,380
Greenland, Iceland, and the Faroe Islands.	England	.....	.....	608,012	608,012
France	France	6,131	13,281	1,211,461	
	England	6,729	.....	436,419	
	Scotland	.....	.....	176,660	1,931,334
	Germany	.....	10,818	.....	
	Belgium	.....	.....	69,835	
Germany	Germany	15,218	2,107	92,079	
	England	.....	.....	382,957	492,361
England	England	60,316	6,815,421	4,373,868	
	Scotland	.....	.....	139,976	
	Belgium	.....	.....	7,285	11,393,791
	Nova Scotia	.....	.....	5,925	
Scotland	Scotland	.....	8,613	2,832,875	
	England	.....	5,428	2,477,469	5,324,385
Ireland	England	.....	1,551,062	.....	1,551,062
Nova Scotia	Nova Scotia	.....	491	.....	491
British West Indies.	British West Indies.	1,574	439	191	
	England	.....	.....	17,421	19,625
British East Indies.	British East Indies.	.....	.....	75,268	
	England	.....	58,450	12,738,506	
	Scotland	.....	.....	157,320	13,082,465
	France	.....	.....	52,921	
British Australasia.	British Australasia.	3,382,684	.....	.....	
	England	5,920,076	.....	21,525	
	Belgium	4,182	.....	.....	9,328,467
British Africa	British Africa	1,552,281	75	.....	
	England	335,807	9,482	248,417	
	France	.....	.....	27,958	
	Denmark	.....	14,946	.....	2,188,966
British possessions, all other.	England	.....	170	.....	170
Greece	Austria	.....	.....	10,070	10,070
Italy	Italy	.....	.....	2,873	
	England	.....	.....	11,065	13,938
Hawaiian Islands.	Germany	5,776	.....	.....	5,776
Mexico	Mexico	.....	.....	57,876	57,876
Netherlands	Netherlands	.....	20,456	62	
	England	.....	.....	45,184	65,702
Dutch West Indies.	Dutch West Indies.	.....	.....	13,372	
	Venezuela	.....	.....	4,262	17,634
Peru	United States of Colombia.	.....	1,635	.....	1,635
Portugal	England	.....	2,292	684,313	
	Spain	.....	.....	926	687,531
Roumania	England	.....	.....	6,104	
	Italy	.....	.....	43,157	49,261
Russia on the Baltic.	Russia on the Baltic.	.....	.....	139,432	
	England	.....	.....	3,183,180	
	Denmark	.....	.....	233,441	
	France	.....	.....	592,556	4,665,034
	Germany	.....	.....	410,205	
	Netherlands	.....	.....	39,460	
	Sweden and Norway.	.....	.....	46,757	
Russia on the Black Sea.	England	.....	2,932	14,521,307	
	Scotland	.....	.....	15,626	
	France	.....	.....	463,465	
	Belgium	.....	.....	306,391	15,364,720
	Germany	.....	.....	44,258	
	Austria	.....	.....	10,741	
Russia, Asiatic.	France	.....	.....	44,439	44,439
Spain	England	.....	.....	28,378	28,378

A statement showing the kinds of raw wool, by countries of production and of immediate shipment, etc.—Continued.

Countries of production.	Countries of immediate shipment.	Class 1, clothing wools.	Class 2, combing wools.	Class 3, carpet wools.	Total.
		Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
Turkey in Europe.	Turkey in Europe.	.....	162,394	360,657	
	England	17,750	698,690	602,966	
	France	.....	.....	288,636	2,253,111
	Belgium	.....	441	17,128	
	Germany	.....	128	10,843	
	Scotland	.....	441	.....	
	Italy	.....	.....	93,037	
Turkey in Asia.	Turkey in Asia.	.....	4,367	1,448,312	
	Turkey in Europe.	.....	3,908	33,471	
	England	14,875	754,570	12,881,486	
	Scotland	.....	.....	176,634	19,518,851
	France	4,224	87	4,179,848	
	Belgium	.....	6,427	.....	
	Italy	.....	.....	10,642	
Turkey in Africa.	England	.....	.....	417,346	
	Italy	.....	.....	200	502,142
	Spain	.....	.....	4,596	
Uruguay	Uruguay	2,585,292	.....	312,743	
	England	1,618	.....	.....	
	Belgium	1,562	.....	.....	2,937,056
	Brazil	.....	.....	35,841	
Venezuela	Venezuela	.....	.....	13,817	13,817
Asia, all other	England	305	17,782	2,197,414	
	France	.....	.....	321,750	
	Russia on the Black Sea.	.....	.....	42,561	2,579,812
Africa, all other.	England	.....	.....	3,186	3,186
Total	.....	15,064,659	10,168,344	83,472,499	108,705,502

FREE LUMBER.

Another important interest of the Pacific Coast threatened by the Administration policy is the manufacture of lumber. By the Mills bill timber used for spars, timber hewn and sawed, timber squared, unmanufactured wood, sawed boards, etc., hubs for wheels, etc., staves of wood, pickets and palings, laths, shingles, and clapboards are placed on the free-list, to secure a paltry reduction of the revenue derived from duties, which might have been secured by a further reduction of less than 2 per cent. of the present duty on sugar.

In the magnificent forests of Western Oregon and Washington the people of the State I have the honor in part to represent, and the people of our neighboring Territory have an almost inexhaustible mine of wealth which, if not destroyed by ruinous competition with the cheap labor and practically unlimited timber supply of the British provinces, will for many years to come provide profitable employment to thousands of our citizens.

It has been estimated that in Washington Territory there are 35,000,000 acres of land, not including the inaccessible and valueless mountain tops, and that of this 20,000,000 acres is timbered land. A large proportion of Western Oregon is covered with magnificent forests of fir, cedar, pine, and other valuable timber trees. The governor of Washington Territory, in his annual report for 1887, places the annual capacity of the saw-mills of Washington Territory at 645,440,000 feet, and estimates the number of men engaged in the lumber industry in that Territory at 4,964. The product of these mills is shipped mainly to San Francisco, but a large amount of lumber is shipped to foreign countries.

The following is a statement of the shipments from Puget Sound alone to foreign countries for the year 1886:

Destination.	No.	Feet.	Destination.	No.	Feet.
Sydney	32	25,082,342	Hong-Kong	2	1,210,000
Melbourne	27	19,053,426	Antofagasta	2	1,127,000
Hawaiian Islands	26	14,244,111	Iquique	2	1,266,716
Valparaiso	24	14,990,372	Rio de Janeiro	1	868,365
Mexico	9	4,720,232	Mollendo	1	473,109
Buenos Ayres	6	4,818,111	London	1	551,493
Brisbane	5	2,404,562	Broken Bay	1	814,000
Shanghai	5	2,794,460	Montevideo	1	837,817
Callao	4	2,402,666	Adelaide	1	607,305
Fiji	4	1,204,494	Coquimbo	1	423,862
Townsville	3	2,192,558			
New Caledonia	3	1,075,250	Total		103,102,241

There was also shipped during the same year to American Atlantic ports as follows:

	Feet.
Boston, 3 cargoes of lumber, aggregating	2,576,432
New York, 289 spars, equal to	300,000
Bath, 323 spars, equal to	200,000
Total	3,076,432

A large lumbering business is carried on on the Oregon coast, principally on the Columbia River and Coos Bay, but I have not the figures before me to show the amount of the product or the number of men

employed. It is safe to say that the interest in Oregon approximates in importance that of Washington Territory, and the products of our mills supply in part the same markets. I find the effect of the removal of the duties from lumber upon the timber interests of the Northwest so admirably stated in the Sunday Oregonian for March 4 that I quote the article:

HOW IT WILL AFFECT THE TIMBER INTEREST.

It is believed that if the proposition to put lumber on the free-list should be carried out it will demoralize utterly the timber interest of Oregon and Washington Territory. Its effect will be to add the vast forests of British Columbia to the general Pacific coast timber resource and this, while it can not cheapen lumber in the coast markets for years to come, must reduce the value of timber lands in this country. Remote lands having a prospective value based upon the probable demands of the next ten or twenty years will, by this enormous accession to the available supply, be rendered practically worthless. Thus, without at this time gaining any sort of benefit in cheaper lumber, the country will be damaged by an immediate and serious depreciation in an important property interest. It would be a mistake to suppose that the loss resulting from this depreciation would fall chiefly on land-grabbers, or even upon men of wealth. For every large holder of timber lands there are fifty small holders. These are chiefly settlers whose timber is their only available capital, held as a certain resource and treasured as a thing "sure to increase in value." To this large and exceptionally worthy class the depreciation which must follow if the scheme of the Democrats in Congress succeeds will come as a positive misfortune.

Besides the loss to holders of timber lands, the milling business, on the Columbia River especially, is likely to suffer demoralization through the destruction of the direct lumber trade with the States east of the Rocky Mountains. This trade is only possible under the advantages afforded by the protective tariff. Remove the tariff and Canadian lumber will flood the markets of the Western States at prices with which our manufacturers, under the disadvantage of long distance, can not possibly meet.

I submit a copy of one of the numerous petitions, received by the Pacific coast delegation in Congress against the removal of the duty on lumber. This one is from 613 citizens of Tacoma, Wash., and presents in concise and unequivocal language the reasons why the duty should be retained:

To the honorable the Members of and Delegates to the Congress of the United States from Washington Territory and the Pacific States:

We, the undersigned, citizens of Tacoma, Wash., most earnestly unite in this memorial, asking you to use your influence and votes against the abolishment or reduction of the present tariff on lumber.

In the face of the many and powerful reasons against any change in the tariff, so far as the Pacific Coast is concerned, this question can not by any possibility be considered a party issue. The lumber interest may be considered, and is emphatically, the most important manufacturing interest on the shores of the Pacific.

The capital invested is enormous, and, there being but few manufactures here that require the protection of a tariff, this principal industry of the coast is well entitled to an equal protection at the hands of a National Congress with that given to the many special industries and manufactures located in the Eastern States to secure them against ruinous competition with low-priced foreign labor.

The State of California, the great market for the lumber product of this coast, pays more in custom duties for the support of the General Government, in proportion to her population, than any other State, with the exception of New York.

The prices of lumber on this coast are now and have been for years low as compared with the prices in other parts of the Union.

In case lumber were put upon the free-list the competition in its production on this coast would come from British Columbia, where there are numerous sawmills already established, with extensive forests of good timber. Freights from British Columbia to our California markets are as low as from Puget Sound; hence the competition would be direct and ruinous, while the difference in freights from Alaskan ports would practically give British Columbia a monopoly, as far as Alaskan lumber is concerned, were the duty to be taken off.

Another point on which all political parties are agreed upon on this coast is that of the exclusion of Chinese labor. And we most truthfully represent unto you, honorable Members and Delegates, that the manufacture of lumber in British Columbia is being largely carried on by Chinese labor. Therefore, the abrogation of the duty on lumber would be to bring our lumber directly into competition with the above class of labor, and to that extent overthrow the results and exertions of our Senators and Representatives in Congress in obtaining the exclusion from our country of Chinese laborers.

The protection of our forests can not be alleged as a reason for the reduction or abolishment of the duty on lumber, as not one-hundredth part of the forest lands of California, Oregon, or Washington Territory has yet been touched, and in the immense forests of Alaska practically no lumbering has been done, and it will only be after the lapse of many generations that any material decrease will be noticed in the forests of the coast.

Further than this, the pine forests of Washington Territory and Oregon, as well as the redwood forests of California, are reproductive, a new and rapid growth of the same species of trees springing up immediately in the place of those cut down for the market.

We want you to most distinctly bear in mind, that it is not the manufacturers of lumber alone who would suffer from the reduction of the tariff, but many of the other industries and much of the business of this and other cities of Puget Sound, for as the lumber business is the largest interest of the section, any blow struck at that will reach all other branches of business which are dependent upon the great interests of Puget Sound for their support. It would also lessen the wages of the laboring portion of our community, the bulk of which are directly engaged in the lumber manufacture.

We therefore respectfully request our Representatives at Washington, that they will use their utmost efforts to prevent any reduction in the present tariff on manufactured lumber.

TACOMA, WASH., *December*, 1887.

The following, quoted from a communication recently received from a manufacturer of lumber in New York, presents concisely and forcibly from the standpoint of an Eastern manufacturer the arguments against free lumber:

First. Everything necessary to produce lumber in Canada is at least 25 per cent. cheaper than in the United States.

Second. Three hundred million dollars and one million men are engaged in the business, and a tariff reduction, if made, would be a direct blow at both the labor and capital therein represented.

Third. The average value of lumber to the consumer may be placed at, say, $20 per thousand. The present duty of $2 per thousand is therefore only 10 per cent., and as probably nine-tenths of the people who use lumber are people above the laboring classes the duty is not in any sense a burden upon the community.

Fourth. The Canadian lumber mills being situated nearer the Eastern States than the mills of the producing pine regions of the United States, they have an advantage in the item of freights of at least one-half of the present duty; and if such duty were removed, it would give to the Canadians control of the markets of the Eastern States, whither their product is most largely imported, so that the present rate of duty is absolutely necessary in order that Western pine lumber may be shipped to Eastern markets.

Fifth. Careful estimates by practical lumbermen show that there is enough standing timber in the States of Michigan and Wisconsin to last twenty years, thus showing the Government's forestry bulletins to be entirely erroneous.

Sixth. There can not possibly be any scarcity of lumber for a century after every tree has been cut in Michigan and Wisconsin, for the reason that there are larger tracts of yellow pine and other timber, suitable for building purposes, in the Southern States than ever existed of white pine in the Northern States. This can all be used where white pine is now used; and the duty on lumber should be retained, so that the Southern States may have the benefit of Northern capital to develop this vast industry, which will not be done for years if Canadian lumber is admitted free.

Seventh. Consider the difference it will make to the States having these large tracts of yellow pine—Pennsylvania, Virginia, Mississippi, Georgia, Florida, Louisiana, Arkansas, Missouri, and North and South Carolina—whether they are developed or left comparatively untouched, as they certainly will be for years if Canadian lumber comes in free of duty.

THE FRUIT INDUSTRY THREATENED.

There is greater wealth in the vast wine and raisin vineyards which dot the fruitful valleys and the foot-hills of its mountain ranges and in the thousands of square miles of orchards in California than ever was taken or ever will be taken from her gold mines. The following statement of the product of her orchards and vineyards for the year 1887 will show the importance which this industry has already attained:

The product of 1887.

	Pounds.		Pounds.
Raisins in 20-pound boxes	16,000,000	Figs, sun-dried	90,000
Honey extracted	1,090,000	Apples, evaporated	550,000
Honey, comb	250,000	Apricots, evaporated	3,000,000
Beeswax	25,000	Apricots, bleached	
French prunes	1,750,000	Peaches, evaporated, peeled	500,000
German prunes	75,000	Peaches, evaporated, unpeeled	750,000
Apples, sun-dried	200,000	Plums, evaporated	50,000
Peaches, sun-dried	1,750,000	Nectarines, evaporated	50,000
Plums, sun-dried	400,000	Walnuts	1,500,000
Pears, sun-dried	40,000	Almonds	500,000
Grapes, sun-dried	600,000	Peanuts	250,000
Apricots, sun-dried	200,000		
Nectarines, sun-dried	100,000		

Fruit-raising in Oregon is in its infancy, but it has already become an important industry, and with continued protection promises to become extensive and profitable. Our climate and soil are adapted to fruit-raising, and all the fruits of the temperate zones are raised in profusion and in the greatest perfection. The yield and the quality are unsurpassed in any other portion of the world.

The danger which threatens this great industry, with others of the Pacific Coast, I find thus stated in the editorial columns of the San Francisco Bulletin, speaking of the Mills bill:

The scheme of revenue reform, so called, is clearly revenue reform from a Southern point of view. The staples in which the South is interested are not disturbed. Coal and iron ore are treated with infinite tenderness. This is for the benefit of the two Virginias and Alabama. There is not much interference with the rice of South Carolina, or the cotton fabrics of Georgia. Comparatively speaking there are but few sheep raised in the South, with the exception of Texas. Wool has, therefore, to go.

In these facts the leading idea of the bill may be discovered. It was framed to benefit one group of States at the expense of the other larger and more populous group. It is the new crossing of the Potomac, but this time it is supposed with New York and Indiana as allies. California suffers more than any other State in the Union, because her interests are more varied. Reading the bill, it is easy now to understand the ironical remark of MILLS, the chairman of the committee, a day or two ago, that they were doing all they could to transfer this State to the Democratic column. A point is sought to be made on the fact that the duty on raisins has only been reduced 25 per cent., that is, from 2 cents to 1½ cents per pound. But raisins are not the only products of California that need protection just now. As we read the synopsis that has been furnished by the telegraph fresh fruits of all kinds, likewise plums, prunes, and figs are on the free-list. Prunes especially are becoming one of our most important products. Beans are also uncovered, likewise beeswax; and we think, from the terminology, olive oil; and of our minerals, borax, quicksilver, and salt. Lumber is on the free-list, and also wool. Several of our rising industries are viciously struck at, such as that of glass.

The foreign states that are to be benefited by the proposed measure may be roughly stated as follows: Great Britain, at the expense of Pennsylvania and several Northern States, as respects steel, woolens, and other important fabrics; Australia and the Argentine Confederation in the matter of wool, at the expense of California, Ohio, and several of the Western States; Peru and Chili, over California in beans; France and Germany, over California in prunes; Spain, Mexico, and the Levant in raisins, figs, and fresh fruits, and Italy in olive oil. In a general way it may be said that if this bill should become a law, there are many industries in California, now promising and flourishing, which will not be able to pay for labor more than from 25 cents to 40 cents per day, and if they can not get it on these terms, will have to close out and leave the field free to our foreign competitors. It is not stretching things too much to say that this scheme of Democratic reform, so called, is likely to cause just as much dismay in the North as the advance of Lee's army on Gettysburgh. Certainly it is calculated to cause more widespread injury than any single victory of an invading army.

REDUCTION OF THE DUTY ON LEAD.

Another interest of the North Pacific, threatened by the proposed tariff revision, is the production of lead. Under the present tariff lead ore and lead dross is subject to a duty of 1½ cents a pound, lead in pigs and bars 2 cents a pound, lead in sheets, pipe, or shot 3 cents a pound. It is proposed to reduce the duty upon lead ore and lead dross to three-fourths of 1 cent a pound, on lead in pigs and bars to 1¼ cents a pound, and on lead in sheets, pipes, or shot to 2¼ cents a

pound. This industry is just now assuming great importance in the Northwest by reason of the discovery and opening of extensive silver mines in the Cœur d'Alene mining regions, the ore of which contains a large proportion of lead. I have received numerous protests against the reduction of the duty, including a memorial from the Portland Board of Trade.

In a newspaper report of the proceedings of the board I find the following statement of the necessity for a protective duty:

Mr. B. Goldsmith said that foreign countries should not be allowed to drive American lead from the markets of the world. The main lead-producing countries of Europe are Spain, England, and Germany. The duty is 2 cents per pound. The price of lead in New York is about 4¼ cents per pound. Lead miners in Europe earn on an average 40 cents a day. The freight from Europe to New York is $3 to $5 a ton. Lead miners in America earn $3 to $3.50 per day. Freight on base bullion and lead from Idaho, Montana, and Colorado is $15 to $18 a ton. It would be destruction to the mining interests of the North Pacific coast if the duty on lead is repealed. Such an act would close three-fourths of the mines now operated. It would throw out of employment thousands of men directly engaged in the mining industry and thousands indirectly interested.

Mr. Goldsmith is chairman of the Democratic State central committee of Oregon.

THE LEADING INDUSTRIES OF THE PACIFIC COAST TO BE DESTROYED TO SECURE CONTINUED PROTECTION TO LOUISIANA.

And this destruction of American industries, this threatened blow at the prosperity of the Pacific coast, this attempt to deprive the people of my State who are engaged in the honorable calling of stock-raising and wool-growing, and in manufacture of lumber from our magnificent forests, is for the purpose of protecting the owners of a few sugar plantations in Louisiana, who, instead of sharing the profits of their protected industries with the men who plant and hoe the cane and manufacture the sugar, when the laborers upon their plantations strike for better wages, hush their remonstrances and crush every organized effort to obtain their rights by the use of State militia sent with alacrity at their call.

An examination of what the American people have done to protect the sugar industries in Louisiana and the utter failure to build up the industry by a protective policy, in the light of the recommendations of the late and present Secretaries of the Treasury and of the President, will be interesting. I present tables taken from official sources showing the importations of sugar and molasses, the duties paid upon them, and the production and consumption of these articles in the United States:

Quantity of sugar produced in Louisiana, imported into and exported from the United States, with the annual average specific rates of duty and amounts of duty collected on, and cost per pound of imported sugar, for each year from 1851 *to* 1886, *inclusive.*

Year ending June 30—	Production in Louisiana.	Imports of sugar.				Exports of domestic and foreign sugar.*
		Quantity.	Average specific rate of duty.	Duty collected.	Average cost per pound in foreign country.	
	Pounds.	*Pounds.*	*Cents.*	*Dollars.*	*Cents.*	*Pounds.*
1851	231,194,000	380,402,289	1.08	4,043,612.70	3.60	9,638,477
1852	257,138,000	457,511,093	.93	4,175,758.80	3.11	12,071,747
1853	368,129,000	464,402,286	.99	4,250,501.10	3.18	24,809,032
1854	495,156,000	455,928,585	.86	3,481,423.80	2.89	61,897,740
1855	385,827,000	473,809,847	.90	3,981,921.90	3.02	44,876,018
1856	254,569,000	545,226,430	1.22	6,385,974.90	4.08	32,612,090
1857	81,373,000	776,984,262	1.64	12,477,020.10	5.45	20,070,048
1858	307,666,700	519,200,387	1.02	4,550,639.28	4.26	82,107,244
1859	414,796,000	655,846,362	1.09	6,797,879.28	4.55	40,166,325
1860	255,115,750	694,838,197	1.05	6,941,553.12	4.38	38,476,823
1861	265,063,000	809,749,958	.75	6,511,251.19	3.68	86,913,641
1862	528,321,500	557,738,382	1.76	11,624,493.64	3.66	26,307,117
1863	(†)	518,594,861	2.53	11,118,544.38	3.63	19,748,856
1864	84,500,000	632,230,247	2.54	14,301,234.65	4.68	29,343,689
1865	10,800,000	651,936,494	3.05	17,642,958.88	4.39	32,635,280
1866	19,900,000	1,000,055,024	3.08	27,312,967.65	4.02	13,027,910
1867	42,900,000	849,054,006	3.04	28,570,492.23	4.09	20,340,676
1868	41,400,000	1,121,189,415	3.04	30,447,970.89	4.33	18,329,940
1869	95,051,225	1,247,833,430	3.04	30,923,907.06	4.74	20,995,911
1870	99,452,940	1,196,773,569	3.03	36,819,041.26	4.95	22,760,904
1871	168,878,592	1,277,473,653	2.50	30,751,497.34	4.94	14,203,714
1872	146,906,125	1,509,185,674	2.04	28,865,447.02	5.37	16,598,822
1873	125,346,493	1,568,304,592	2.01	29,832,579.43	5.35	34,010,402
1874	103,241,119	1,701,297,869	1.98	32,491,318.70	4.95	29,442,750
1875	134,504,691	1,797,509,990	2.10	34,650,084.66	4.35	35,350,785
1876	163,418,070	1,493,977,472	2.38	39,438,417.55	4.04	67,730,198
1877	190,672,570	1,654,556,831	2.34	35,268,294.48	4.91	42,872,675
1878	147,101,941	1,537,451,934	2.33	37,075,426.96	5.06	50,109,065
1879	239,478,753	1,834,365,836	2.32	38,065,803.76	4.10	82,741,561
1880	198,962,278	1,829,291,684	2.44	39,739,306.49	4.18	40,640,206
1881	272,982,899	1,946,745,205	2.45	46,318,073.49	4.41	31,980,791
1882	150,874,950	1,990,152,374	2.44	46,711,795.14	4.41	19,436,376
1883	303,066,258	2,137,667,865	2.31	44,591,448.98	4.37	30,550,506
1884	287,712,230	2,756,416,896	1.95	47,500,749.79	3.61	85,532,916
1885	211,402,963	2,717,884,653	1.97	50,885,915.89	2.67	258,163,890
1886	286,626,486	2,689,881,765	2.00	50,265,538.24	2.84	175,836,220

* Consist almost entirely of sugar refined from imported sugar. †No data.

Quantities of molasses imported into and exported from the United States each year from 1851 *to* 1886, *inclusive.*

Year ending June 30—	Imports.	Exports.	
		Domestic.	Foreign.
	Gallons.	*Gallons.*	*Gallons.*
1851	36,376,772	(†)	226,592
1852	32,795,610	(†)	325,958
1853	31,886,100	(†)	488,666
1854	27,759,463	(†)	889,295
1855	26,385,593	790,956	1,517,474
1856	23,617,674	454,315	1,261,140
1857	32,705,844	207,931	1,441,660
1858	24,566,357	290,046	3,908,075
1859	32,818,146	181,341	2,113,669
1860	30,922,633	79,439	1,226,118
1861	29,941,397	91,593	3,068,986
1862	25,157,280	45,009	1,296,564
1863	31,206,986	39,290	1,156,799
1864	33,871,230	47,455	953,472
1865	37,306,168	30,875	1,487,815
1866	45,285,983	55,653	1,020,544
1867	56,123,079	59,544	639,888
1868	56,408,435	42,543	548,428
1869	53,304,030	268,995	2,315,842
1870	56,373,537	299,672	1,606,272
1871	44,401,359	2,794,829	1,002,184
1872	45,214,403	2,726,858	310,588
1873	43,533,909	3,055,836	558,289
1874	47,189,837	2,447,905	958,280
1875	49,112,255	3,575,980	648,488
1876	39,026,200	4,408,412	1,058,815
1877	30,327,825	2,406,952	302,981
1878	27,577,542	1,477,057	844,206
1879	38,460,347	4,727,367	734,706
1880	38,120,880	3,596,010	77,878
1881	28,708,221	2,217,725	616,831
1882	37,268,830	1,900,146	180,138
1883	33,228,276	3,169,952	496,509
1884	34,128,640	5,906,005	527,101
1885	31,392,893	6,749,859	154,930
1886	39,079,808	8,231,282	167,532

* During recent years consist almost entirely of molasses made from imported sugar in the process of refining. † Not stated.

Quantities of sugar and molasses produced in the United States during the years from 1852 *to* 1886, *inclusive.*

Year.	Sugar.		Molasses.	
	Louisiana.	Other Southern States.	Louisiana.	Other Southern States.
	Pounds.	*Pounds.*	*Gallons.*	*Gallons.*
1852–'53	368,129,000	18,173,000	25,700,000	1,260,000
1853–'54	495,156,000	29,998,000	31,000,000	1,956,000
1854–'55	385,227,000	29,498,000	23,113,620	1,406,000
1855–'56	254,569,000	22,000,000	15,274,140	1,320,000
1856–'57	81,373,000	5,987,000	4,882,380	360,000
1857–'58	307,666,700	14,303,000	19,578,790	795,000
1858–'59	414,796,000	18,298,000	24,887,760	1,080,000
1859–'60	255,115,750	11,534,000	17,858,100	736,000
1860–'61	265,063,000	9,661,000	18,414,550	1,394,000
1861–'62	528,321,500	11,509,000	34,216,000	3,502,000
1862–'63	96,840,000	6,200,000	7,619,000	381,000
1863–'64	84,500,000	560,000	2,303,000	217,000
1864–'65	10,800,000	400,000	765,000	85,000
1865–'66	19,900,000	780,000	1,128,000	172,000
1866–'67	42,900,000	7,500,000	2,570,000	430,000
1867–'68	41,400,000	10,120,000	2,800,000	570,000
1868–'69	95,051,225	5,750,000	5,636,920	764,000
1869–'70	99,452,940	5,380,000	5,724,256	876,000
1870–'71	168,878,592	9,426,000	10,281,419	619,000
1871–'72	146,906,125	9,446,000	10,019,958	681,000
1872–'73	125,346,493	9,486,000	8,898,640	601,000
1873–'74	103,241,119	5,399,000	8,203,944	507,000
1874–'75	134,504,691	7,736,000	11,516,828	674,000
1875–'76	163,418,070	9,062,000	10,870,546	1,380,000
1876–'77	190,672,570	8,688,000	12,024,108	876,000
1877–'78	147,101,941	11,940,000	14,237,280	913,000
1878–'79	239,478,753	11,402,000	13,218,404	1,005,000
1879–'80	198,962,278	8,915,000	12,189,190	1,211,000
1880–'81	272,982,899	12,320,000	15,255,029	1,704,000
1881–'82	159,874,950	11,200,000	9,691,104	2,308,896
1882–'83	303,066,258	15,680,000	15,716,755	3,250,000
1883–'84	287,712,230	15,232,000	15,277,316	3,118,000
1884–'85	211,402,963	14,560,000	11,761,608	2,892,000
1885–'86	286,626,486	16,128,000	17,863,732	3,645,000

Quantity (in tons of 2,240 *pounds) of sugar consumed in the United States during each year from* 1877 *to* 1886, *inclusive.*

Calendar year.	Imported cane sugar.*	Domestic product.						Total.	Consumption per capita of population.
		Manufactured from imported molasses.†	Of cane in Louisiana.	Of cane in other Southern States.	Of maple.	Of beet-root.‡	Of sorghum and other.		
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Lbs.*
1877	606,750	35,500	85,121	3,879	12,000	446	1,554	745,250	36.0
1878	649,872	40,000	65,670	5,330	11,000	223	1,377	773,472	36.2

* Includes such amounts of beet-sugar as may have been imported.
† Leading refiners state that little or no sugar is manufactured from domestic molasses. ‡ Now manufactured in California only.

Quantity (in tons of 2,240 pounds) of sugar consumed, etc.—Continued.

Calendar year.	Imported cane-sugar.	Domestic product.						Total.	Consumption per capita of population.
		Manufactured from imported molasses.	Of cane in Louisiana.	Of cane in other Southern States.	Of maple.	Of beet-root.	Of sorghum and other.		
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Lbs.*
1879	663,196	44,900	106,910	5,090	10,000	357	1,443	831,896	38.1
1880	765,370	50,617	88,822	.....	10,000	357	1,943	917,109	40.9
1881	832,616	39,949	121,867	5,500	9,000	629	.....	1,009,561	43.9
1882	917,120	64,456	71,372	5,000	20,000	446	.....	1,078,394	45.7
1883	962,871	40,722	135,297	7,000	18,500	536	.....	1,164,926	48.2
1884	1,053,790	50,000	128,443	7,000	25,000	737	313	1,265,283	51.0
1885	1,069,539	47,259	94,376	6,500	25,900	600	1,400	1,245,574	48.8
1886	1,162,600	72,613	127,958	7,200	18,000	754	.....	1,389,125	53.3

From the foregoing tables it appears that the production of sugar and molasses in the United States during the years 1861–'62 and 1885–'86 was as follows:

State.	1861–'62.	1885–'86.	Increase or decrease.
SUGAR.	*Pounds.*	*Pounds.*	*Pounds.*
Louisiana	528,321,500	286,626,486	Decrease, 241,695,014
Other Southern States	11,509,000	16,128,000	Increase, 4,619,000
Total	539,830,500	302,754,486	Decrease, 237,076,014
MOLASSES.	*Gallons.*	*Gallons.*	*Gallons.*
Louisiana	34,216,000	17,863,732	Decrease, 16,352,268
Other Southern States	3,502,000	3,645,000	Increase, 143,000
Total	37,718,000	21,508,732	Decrease, 16,209,268

The duty paid on imported sugar for the fiscal year ending June 30, 1887, was $56,507,493.37; and the total revenue collected upon sugar alone from 1851 to 1887 was $959,501,261.66.

The amount of sugar consumed in the United States during the year ending June 30, 1886, was as follows:

	Tons (2,240 pounds).
Imported cane-sugar	1,162,600
Domestic manufacture from imported molasses	72,613
Total imported	1,235,213
Domestic product of cane-sugar in Louisiana	127,958
Of cane-sugar in other Southern States	7,200
Of maple-sugar	18,000
Of beet-sugar	754
Total domestic product consumed in the United States	153,912
Total consumption, foreign and domestic product	1,389,125

Consumption per capita, 53.8 pounds.

From which it appears that the domestic manufacture was less than 10 per cent. of the entire consumption. After thirty-five years of faithful effort to build up the industry in the United States, less than 10 per cent. of the amount of sugar consumed in the United States is of domestic production, and that is mainly produced in one State of the Union. We have been told for years, and we are still told, that we are just upon the eve of building up a great beet-sugar industry. I hope it is so. I believe that with our soil and climate it is possible, and I would foster that industry in the manner advocated by the Senator from Ohio, by a bounty on the production of sugar which would be sufficient to protect the industry and prove no unnecessary burden upon the people.

The amount of sugar consumed in the United States during the year ending June 30, 1886, as I have shown, was 1,389,125 tons of 2,240 pounds. The total quantity of cane-sugar produced in the world during the year 1884–'85 is estimated at 6,550,000,000 pounds. Reducing this to tons of 2,240 pounds, we have as the world's production of cane-sugar 2,924,107 tons. Adding to the above estimate of cane-sugar produced in the world during 1884–'85 the estimate of production of beet-sugar in Europe during 1886–'87, which is 2,580,000, and the approximate amount of sugar production of the world is shown to be:

	Tons.
Cane-sugar	2,924,107
Beet-sugar	2,580,000
Total	5,504,107

It appears, therefore, if these figures are to be relied upon, that the United States consumes more than one-fourth of all the sugar produced in the world, and produces less than 10 per cent. of the amount consumed.

SHALL ENGLAND CONQUER THE OREGON TERRITORY BY FREE TRADE?

The present conspiracy against the material interests of the Pacific coast reminds me of the remarkable utterances of an English statesman, Mr. Fox, nearly forty-three years ago, at Covent Garden Theater, London, April 9, 1845, in discussing the Oregon controversy, during President Polk's administration, when the rallying cry for political parties was "54° 40′ or fight." I ask the Secretary to read this remarkable prediction of Mr. Fox.

The PRESIDING OFFICER (Mr. HISCOCK in the chair). The Secretary will read as requested.

The Secretary read as follows:

Quarrel about this! Why, we might just as well be invited by Peel and Polk to fight about mountains in the moon.

But let men have something to do with it; let those who have found no preferable home go there, and see what effect they can produce upon the best portions of the soil; as their numbers increase and their exertions tell, it will soon become more valuable. And when man has occupied it, when industry has driven its car of peaceful conquest around the borders of that vast land, when towns have arisen and cities appeared with their thronging numbers; when the Rocky Mountains are tunneled, and rail and canal have united the Atlantic and Pacific; when the waters of the Columbia swarm with steam-boats—why, then will be the time to talk of the Oregon territory. Then, without a regiment or line-of-battle ship, without bombarding any town whatever, free trade will conquer the Oregon territory for us or and will conquer the United State for us also, as far as it is desirable either for us or for them that there should be any conquest whatever in the case. Free trade will establish there all the insignia of conquest. When their products come here, and those of our industry return, there will be scarcely a laborer upon the pine forest that he is clearing but will wear upon his back, to his very shirt, the livery of Manchester. The knife with which he carves his game will have the mark of Sheffield upon its blade as a testimony of our supremacy. Every handkerchief waved upon the banks of the Missouri will be the waving of an English banner from Spitalfields. Throughout the country there will be marks of our skill and greatness, and tribute paid for us received not by warriors or governors, not coming directly into the national treasury, but flowing into the pockets of the industrious and toiling poor, refreshing trade, and enriching those who pursue it, giving them an imperial heritage beyond the wide Atlantic. Why, they will be conquered, for they will work for us; and what can the conquered do more for their masters? They will grow corn for us, they will grind it, and send us the flour; they will fatten pigs for us upon the peaches of their large wooded grounds; they will send us whatever they can produce that we want, and without asking us to put our hand in our pocket in order, by taxation, to pay a governor there for quarreling with their representatives, or soldiery to bayonet their multitudes. There is nothing upon earth worthier the name of empire than this; this is a nobler kind of dominion, less degrading both for the one party and for the other, less debasing than any sovereignty that was ever won by armies, and being so won, reluctantly swayed by scepters.

Mr. DOLPH. This passage has heretofore appeared to be a piece of brilliant oratory, the offspring of a vivid imagination. It now, in view of the recommendations of a Democratic Administration and the action of a majority of the Committee on Ways and Means of the House, seems almost like the voice of prophecy, and it begins to look as if the Cobden Club, re-enforced by the Administration, is about to succeed in conquering Oregon, destroying her wool interest, and bringing to pass the event predicted by Fox, when there will be scarcely a laborer in Oregon, not only in the pine forests that he is clearing, but in the valleys and on the hillsides he is tilling, but will wear on his back to his very shirt the costly livery of Manchester, and that to be paid for in wheat at 60 cents per bushel laid down in Liverpool.

In connection with this remarkable speech the comments of the leading newspapers in Great Britain upon the President's message are instructive, showing the estimate which was placed upon the message in England and the views of the English press as to the effect which his policy would have, if adopted by Congress, upon the industries of Great Britain. I have selected the following from a pamphlet entitled "British Comments on the President's Message;" and while I have not verified them by comparison with the original publications, I have no doubt they are correct.

BRITISH COMMENTS ON THE PRESIDENT'S MESSAGE.

The London Spectator says that the message has "struck a blow at American protection."

The London Saturday Review says that the message "deals with a question which is as interesting to Englishmen as Americans," and it adds: "President Cleveland has devoted himself entirely to the tariff. It is impossible to recast this without touching directly the pockets of every citizen of the United States, and indirectly influencing the commercial interests of the world." It also says that in America the President's policy "means free trade." Its exact words are, "The President and the Democratic leaders have finally decided that they have nothing to gain by keeping measure any longer with the protectionists. They have, from whatever motive, resolved to adopt a free-trade policy."

The London Times says: "President Cleveland has addressed to the Federal Legislature a powerful and uncompromising argument in favor of repealing the heavy protective duties levied under the existing tariff." It adds: "As was to be expected, the protectionists have taken the alarm, and, as our correspondent at Philadelphia informs us, they are organizing for a determined resistance. They are no doubt right in believing that, whatever may be said of preserving the essence of the protective system and of ignoring free trade, the tariff can not be reduced to the strict proportions of a revenue corresponding to the limited and diminishing necessities of the Federal Government without admitting a great flood of foreign competition. No one would venture to propose the repeal of the internal imposts chargeable upon spirits, beer, and tobacco, and therefore the necessary reductions of taxation must be carried out exclusively in the customs department. It is calculated that to give effect to Mr. Cleveland's policy duties to the amount of some £16,000,000 a year, about two-fifths of the entire customs revenue, must be surrendered. This operation may not establish

free trade in the strict sense of the term, but it will to a great extent make trade free."

The London Statist, an organ of English banking interests, says: "Mr. Cleveland shows clearly that a sweeping reduction of the tariff is inevitable." It adds, however: "The message, nevertheless, has had a depressing effect upon the stock markets. There is hardly a single industry in the United States that is not interested in maintaining protective duties."

The London Post says: "We shall be much mistaken if the effect of this state communication will not be to strengthen considerably the case of free-traders in all parts of the world. It will be regarded as a step in the right direction by all who believe in the soundness of free-trade principles."

The London Standard says: "When the inevitable consequences of adherence to a protectionist tariff are set forth by a man in Mr. Cleveland's position in the language which he has used, free trade becomes at once a living issue."

The London Globe says: "The President, it is true, does not call his new departure by that ugly name; on the contrary, he waxes indignant at the supposition that he has come over to free trade. But to American ears the whole message must be redolent of Cobdenism in a slightly modified form. * * * This remarkable utterance will be certain to exercise an absolutely paramount influence on the next Presidential election. Party names and party ties are thrown into hotch-potch. The governing issue at the contest will lie between protection and free trade."

The London Daily News says: "The President's message is expected to make tariff reform the principal question in the Presidential campaign next year, and there is certainly none upon which the American people have stronger reasons for making up their minds. * * * The stone now set rolling will not stop until it has broken the idol of protection in pieces."

The Glasgow Herald says: "President Cleveland does not avow himself to be, and evidently does not regard himself as a free-trader. Yet whether Mr. Cleveland is in the right or in the wrong he can not help adopting free-trade arguments and bolstering them up with free-trade illustrations. Take, for example, his argument against the wool tariff, that the farming class lose vastly more by the increased prices of clothes than they gain from the enhanced price of wool. This reads like an extract from some old speech of Mr. Bright's."

The People's Journal, published at Dundee, says: "The change in the American fiscal policy will be beneficial to this country, and the prospect of it has diffused fresh hope throughout business circles in the city. The tariff reform which the President recommends goes as far, at least, as the abolition or reduction of the duties on raw materials. Should Congress give effect to this proposal its immediate result would be an enormous stimulus to English industry. Iron, though a product of manufacture, is in one sense a raw material, and the removal of the duties on iron would stimulate the iron industry in this country. The abolition of the duty on wool, which the President mentions, would also probably lead to a great export of wool to America and a considerable rise in the price of that commodity. The first effect of the adoption of the President's policy would be a great increase in our trade with the United States."

The Haddingtonshire (Scotland) Courier says of the message: "It is not the foreigner alone who pays for the blessing of protection. The President of the United States is not satisfied with a system that leads to such results, and he recommends a revision of the tariff, with a view of allowing those raw materials that now pay a heavy duty to enter American ports free. This is a great step toward free trade."

The Scotsman says: "It may be admitted that large reductions in the duties on imported manufactured goods would produce great distress in many parts of the country," meaning the United States, and adds: "The free importation of iron, coal, and wool would be a great boon to British producers. * * * If it were accompanied with reductions in the tariff upon cotton, woolen, and other manufactures the artisans of this country would derive a marked benefit from it. If once the United States finds herself on the road to free trade she will hardly know where to stop."

The London Iron and Steel Trades Journal says: "The facts set forth in the President's message, though by no means new, are now brought so prominently under the notice of the American Congress and of American citizens that a violent stimulus must be given to the party which advocates entire freedom of trade."

The London Iron says: "The message of President Cleveland to the United States Congress is the preliminary to a movement which, we trust, will gain in strength."

The London Ironmonger says: "Dealing with the message as it stands, it would certainly seem to indicate a greater leaning towards free-trade principles on the part of the United States Cabinet than has been observable hitherto."

In two leading articles the London Colliery Guardian for December 16 says: "No event of greater magnitude has occurred in the iron, steel, and mining industries for a long time past than the proposal which is now made to effect a radical change in the fiscal policy of the United States. America has been of immense value as a market to the trade of this country. The effect which, on iron and steel making, the bare possibility even of the admittance of raw material free of duty, together with reductions in the duties on some descriptions of iron and steel, has produced upon our exchanges is a portent in itself. The Scotch warrant-holders took greater advantage of the occurrence than even the probabilities authorized. If President Cleveland should be able to carry out his plan for admission into America free of duty one of the first effects which would be produced on the English iron trade would be the transference of much of the enormous stocks of pig in the Scotch and Cleveland markets to United States ports. Shipments of hematites from Scotland and from the west coast of England would also increase. The iron-ore mines of Lancashire and West Cumberland would be certain to do a greatly enlarged trade with the United States."

The same paper for January 6, in an article on "The London Coal Trade of 1887," says: "President Cleveland, in his address to the American Congress, has laid open a very fair field in connection with the export trade, and if, with the import duties of last year, we were able to send consignments of coal and iron to America, it is only reasonable to suppose that if the President's suggestion is adopted and the duties removed, we may find a far larger opening in the American continent than ever has been known before."

In the same issue of the Colliery Guardian, in an article on "The American Iron Trade," we find the following observations: "One circumstance which appears to check the development of new business is the announcement of a free-trade policy in what we may fairly term the famous message submitted to Congress a few weeks since by President Cleveland. Hitherto the American iron trade has possessed the advantage—real or supposed—of a protectionist régime; and, of course, a departure from a protectionist policy—or even a threatened departure—is calculated to exercise a disturbing influence on current business. American metallurgy has reposed so long upon extreme protectionist ideas that the President's message has fallen upon it with something of the effect of a thunderclap, and has created a widespread feeling of uneasiness and alarm."

In its annual summary of the principal events of 1887 the London Times refers to two American events. One is the fisheries dispute, and the other is the President's message. Concerning the latter it says: "The President's condemnation of the existing tariff is not based theoretically on free-trade grounds, but on the practical argument that it is monstrous to extract from the pockets of the community taxes to the amount of many millions not required for the ordinary business of government. Nevertheless, both protectionists and free-traders perceive that, if Mr. Cleveland's policy be carried out, a great advance will be made toward free trade."

In an article on "The Coal Trade in 1887 and its Prospects for 1888," the London Times says: "If President Cleveland's tariff reforms are carried, English goods and iron and steel largely will go to the States in greatly increased porportions."

WHAT DOES TARIFF FOR REVENUE ONLY MEAN?

The Mills bill, with the exceptions made in the interest of Southern industries, is evidently designed to be in the direction of "tariff for revenue only," and it will be profitable to ascertain what that term means as used by the Administration party.

If it be supposed by any one that a tariff for revenue only, as advocated by the opponents of the protective system, means only a tariff which produces a revenue not in excess of the ordinary requirements of the Government, it is a mistake. No party in this country advocates, or has ever advocated, a tariff which would produce a revenue larger than was needed for the legitimate purposes of the Government.

It is true that at the present time, owing to the fact that the balance of our interest-bearing public debt is not payable at the option of the Government, and that the House of Representatives has failed to agree upon a plan for reduction of revenues, our revenues derived from duties on imports, from direct taxation, and from other sources is in excess of the present requirements of the Government, but this has been so only since the 3 per cent. bonds were paid off. All that is claimed by protectionists is that the revenue necessary for the support of the Government shall be, in part, raised by duties upon imports, and that those duties shall be so laid as to afford incidental protection to such home industries as are brought by the importation of foreign merchandise into competition with foreign capital and foreign labor.

When the condition of the Treasury will admit of it, they say that articles of necessity produced abroad, which we can not successfully produce at home, with such incidental protection as the tariff affords, should be admitted free of duty. Among such articles are tea, coffee, and similar articles of general use now admitted free of duty. This is a protective tariff, not one to produce an excess of revenue, but one no greater than is necessary to produce a revenue sufficient for the economical conduct of the Government, levied with discrimination upon articles of foreign production which come in competition with those things which we manufacture and produce ourselves. On the other hand, I do not understand that what is meant by free trade is that the custom-houses shall be abandoned and that no duties shall be laid upon any imported articles. There are few persons, and those I think impracticable theorists, who advocate such a doctrine.

The advocates for a tariff for revenue only do not propose to repeal the tariff laws. They propose to remodel them upon a different principle, without reference to protection of home industries. Their theory is, that a duty levied upon an article which we do not produce—coffee, for instance—is only a tax, and it is a matter of indifference whether that tax is reached by adding to it the price of an imported article or by direct taxation; that if a million dollars is raised by a direct tax the people will have a million dollars less to buy with, while if it is raised by duty upon imported articles the articles upon which it is laid costs a million dollars more than they would but for the duty. They contend, also, that when the duty is laid upon an article manufactured in the United States the cost of the imported article is not only increased, but the cost of all such articles manufactured at home is also increased. Hence we find the ablest member of the cabinet of President Cleveland, Secretary Manning, reaffirming the doctrine of Adam Smith on the question and advocating the repeal of the duty on wool and other articles which come in direct competition with the producers of raw material and with manufactures in the United States, and recommending the retention of the duty on sugar, on the ground that there is not a sufficient amount of sugar raised in the United States as compared with the amount consumed to affect the price, and so nothing is paid by the people on account of the tax on sugar, except the duties which go into the Treasury.

To show that tariff for revenue only means a tariff levied upon articles which do not come in competition with articles produced at home, instead of upon articles which do come in such competition, I quote the following from the last report of Secretary Manning:

As nothing in the ordinary course of business is imported unless the price here of domestic as well as the imported article is higher by the amount of duty and the cost of sea transit than the price abroad, the preference of the tax-payer for duties upon articles not produced in the United States is justified by the fact that such duties cost him no more than the Treasury of his country gets.

And again:

The true ground of choice is that among all articles thus consumed within our own borders some are better suited for an equitable taxation than others. They are universally consumed, like sugar, or easily identified, like coffee, or their consumption may be safely impeded, like distilled spirits or fermented liquors, or tobacco.

And again:

Our own sugar crop is so very small a part of the total amount of sugar we consume that sugar ranks next to articles wholly produced abroad, like tea and coffee, in suitability for taxation on the ground that its consumption is universal, that the tax is easily and cheaply collected, that the increased price paid by the consumer is an unconsidered trifle, and that what is taken from the tax-payer goes into the tax-payer's treasury, not in a few private bank accounts.

And again:

I respectfully recommend to Congress that they confer upon the wage-earners of the United States the boon of untaxed clothing, and in order thereto the immediate passage of an act simply and solely placing raw wool upon the free-list.

The President's recent message follows in the line of his former Secretary, and advocates the levying of the duties upon articles which do not come in competition with American products, and says, speaking of the tariff laws, "These laws, as their primary and plain effect, raise the price to consumers of all articles imported and subject to duty, by precisely the sum paid for such duties;" a doctrine, by the way, long since completely and thoroughly exploded and shown to be false.

Again he says:

This reference to the operation of our tariff laws is not made by way of instruction, but in order that we may be constantly reminded of the manner in which they impose a burden upon those who consume domestic products as well as those who consume imported articles and thus create a tax upon all our people.

Again he says:

When the number of farmers engaged in wool-raising is compared with all the farmers in the country, and the small proportion they bear to our population is considered, when it is made apparent that, in the case of a large part of those who own sheep, the benefit of the present tariff on wool is illusory, * * * reasons are suggested why the removal or reduction of this duty should be included in a revision of our tariff laws.

And again:

The radical reduction of the duties imposed upon raw material used in manufactures, or its free importation, is of course an important factor in any effort to reduce the price of these necessaries.

HOW SHOULD THE REVENUES BE REDUCED?

The reduction of the revenues under the protective policy should be made in such a manner as not to destroy our manufacturing industries or to disturb unnecessarily the business interests of the country. Instead of placing upon the free-list articles which come in direct competition with our great domestic industries, as is proposed by the Mills bill, if there are articles now subject to duty which are not produced in the United States they should be placed on the free-list. If time or circumstances have rendered a revision and readjustment of the duties upon importations which compete with domestic products necessary, it should be done with care and by the friends of the present system.

When this is done, in my judgment a further reduction should be obtained by a removal or reduction of the duties upon those imports which, while they come into competition with home industries, so largely exceed the domestic production as to make protection of the industry of less consequence to the people than protection to other larger industries. I would therefore, for the same reason that Secretary Manning selected sugar as a proper import from which to raise revenue—namely, that "our own crop of sugar is so very small a part of the total amount of sugar we consume that sugar ranks next to articles wholly produced abroad"—select sugar as one article upon which the duties should be decreased in order to obtain the necessary reduction of revenue. I am not in favor of repealing the

TAX ON SPIRITS.

From the time of Adam Smith, perhaps long before his day, all political economists have agreed that the heaviest taxes should be imposed on those commodities the consumption of which is especially prejudicial to the interests of the people, and most governments have acted upon this principle. To it we owe the existence in the United States of the tobacco tax and tax on spirits and fermented liquor. The tax on these articles is the source of a large portion of our revenue. The argument in favor of such taxes is, first, that if the tax should decrease the consumption of these articles, instead of being a detriment to the country and to individuals, it would be a benefit, promoting the physical, moral, and social condition of the people and increasing their capacity for production; and, second, all who choose to abstain from the use of taxed articles can do so without injury, the articles not being necessaries of life, and that the tax is therefore voluntarily assumed by whoever pays it. It does not seem necessary to enlarge upon this argument. The truth is generally admitted, and, with the exception of a portion of the temperance people, who I believe are wrong in their theory in regard to the matter, and possibly the manufacturers, no one in asking for the repeal of the tax on spirits and fermented liquors used as a beverage.

I do not believe that the repeal of the tax would be acceptable to the people of the United States generally, and I can not myself consent to such a repeal for the purpose of saving the duties upon sugar, an article of prime necessity and of universal and every-day use, and the production of which time and experience have demonstrated can not be stimulated to any considerable proportions.

As to the tax upon tobacco, I believe that ought to be retained also; but for the sake of agreeing upon some basis of reduction, I am disposed to consent to repeal the tax.

PROTECTION TO AMERICAN LABORERS.

What would a tariff for revenue only—that is, a tariff laid only upon sugar, tea, coffee, and articles which do not come in competition with American products—do for this country? It would remove protection from our manufacturing interests and bring the cheap labor of the world into competition with the laboring population of the United States, and as quickly as the waters of the sea seek their level when disturbed by a tide would the wages of the laboring classes in Europe and in the United States find a level. First would come suspension and ruin of our manufacturing establishments and suffering and want to our laboring population, and if the policy was not quickly reversed our manufacturing industries, if they ever arose from the ruin, would arise only when labor was as cheap in the United States as in England.

In the political economy of Adam Smith and his disciples—the tariff-for-revenue-only advocates—man as a laborer has the same position as any other machine through which productive force is exerted. They are oblivious to the boundary lines of countries, and recognize no right or duty of a government by legislation to secure to its own laboring men employment and fair wages by excluding the products of the labor of other countries. In no country of the world does the condition of the laboring man at all favorably compare with his condition in the United States, and at no period in the history of the United States has his condition improved with the rapidity it has during the existence of the present protective tariff. He who strikes down the protection the laboring man enjoys against the cheap labor of Europe and Asia strikes at the prosperity, happiness, intelligence, and independence of the masses of the American people, and thereby at the prosperity of the country and the existence of republican institutions.

The senior Senator from Maine [Mr. FRYE], who spent the last recess of Congress in Europe, and by personal observation and inquiry learned the rate of wages in England and upon the Continent, tells us that in Italy women work in the government lace factory for from 8 to 12 cents a day; that in the cotton mills near Naples they receive 20 cents a day, while the men work for 40 cents; that in the silk mills the women receive 20 cents a day, the men from 40 to 50 cents, and that the farming is mostly done by women at from 16 to 20 cents a day; that in Belgium "the women make the land blossom like a rose at daily wages from 20 to 25 cents," and that skilled women in the lace factories at Brussels earn but 20 cents a day, and that from 40 to 50 cents a day was regarded as satisfactory wages in the cotton mills; and that in the iron and steel works $4 a week would furnish an ample supply of common laborers; that the "average annual earnings of able-bodied men in Germany will not exceed $115, and of women $85," while the agricultural laborers and women employed in outdoor work earn still less; that in England 80,000 women are working in cotton mills at Manchester for from 30 to 35 cents a day, and that 2 shillings, and in favored localities 2 shillings and 6 pence, a day is the highest wages paid to common men laborers, while hundreds of thousands can not get work at all; that in Scotland skilled workmen are paid from 3 shillings to 7 shillings a day, the large majority not over 4 shillings; coal miners from $5.59 a week to $5.80 a week; iron workers from $5.35

to $5.59 a week; and common laborers from 54 to 62 cents a day; that in Ireland the very best of house servants could be obtained for $1 a week. Flax breakers asked about $4 a week, hacklers about the same, spinners and weavers $2 to $2.50. The women at work on the farms, he was told by good authority, were glad of 20 cents a day. He says:

Of the countries I visited the wages in Switzerland and Italy were the lowest, Germany next, then Belgium, then France, while those in England were highest.

The Democratic doctrine of a tariff for revenue only, among other false theories, assumes that the great desideratum is the privilege of buying where you can buy cheapest. If we all at all times had an unfailing supply of the means with which to purchase, and it needed no exertion of our own to supply our wants, this would be so. But the truth is, the great mass of the people live upon the proceeds of their daily labor, and no matter how abundant and cheap the necessaries of life are, as soon as they are out of employment their means of purchasing is gone. Unless they can market their labor daily they can not buy at any price. During the commercial crisis of 1872 crowds of unemployed men assembled in our cities demanding work and clamoring for bread. The riots of Pittsburgh, Hornellsville, Chicago, and San Francisco were not on account of the cost of living. Bread was quite as cheap then as it is now. The trouble was not that the necessities of life were too dear, but that there was no sufficient demand for labor. When labor is in demand at remunerative prices the laboring man is enabled to supply himself with the necessaries of life with the labor of his hands.

It is evident, therefore, that the poor man is not benefited by the cheapening to him of the necessaries of life if that is done by giving the labor, which is his only means of support, to the cheaper Chinese and European laborers beyond the seas, but that he is benefited by the creation of a diversity of industries by which continuous and remunerative employment is provided for him. Labor is the source of all wealth. It is estimated that 90 per cent. of the value of all manufactured articles is the result of the labor expended upon them. When by diversified industries labor is furnished for every member of a society or people, so that all can be profitably employed, the wealth of that people must be constantly increasing; but when some are unemployed, consumers and not producers of wealth, just to that extent the prosperity of the country is retarded. So sensible are the laboring men of the fact, that their prosperity depends upon the certainty of employment at remunerative wages, that on the Pacific coast they early cried out against the immigration of Chinese laborers into this country, and the laboring men of the United States now unite in demanding, not only restriction of the coming of Chinese laborers to our shores, but the prevention of the importation of contract labor from Europe.

If the labor of this country can not stand the competition of the Chinese upon the Pacific Coast, and a few thousand imported Italian laborers upon the Atlantic Coast, how could it stand the competition of 404,000,000 of Chinese, 40,000,000 of Japanese, the 60,000,000 of the population of India, and the pauper millions of Europe, under a free-trade policy?

There never was a greater fallacy than the one being so persistently advocated by the free-traders, and which was presented by the late Secretary of the Treasury, that the greater efficiency of our laborers, and the consequently low labor cost of our agricultural and manufactured products, enables us to compete successfully with cheap labor of other countries. This theory assumes that as soon as the artisan, mechanic, or laborer of England or Ireland sets foot on the shores of America and becomes an American laborer, his labor becomes at once so productive that the cost of the product of his labor is largely reduced.

It is no doubt true that as the laborer becomes more intelligent, and is better fed, he will accomplish more in a given time; but so far as manufacturers are concerned, there is nothing to show that there is any considerable difference between the efficiency of American laborers and laborers in England. It is probable that upon the great prairies of the West, and other wheat-growing regions of the United States, owing not so much to the superiority of our laborers as to the richness of the soil and cheapness of land, agricultural products are raised with less labor cost than in European countries; but everywhere in the West this advantage is more than counterbalanced by the great distance which our agricultural products have to be transported to market, and consequently larger proportion of the value of the products at the locality where they are consumed, which is required to pay the cost of transportation.

Such arguments show the straits to which our opponents are driven to avoid the damaging fact clearly established by the history of every civilized country upon the face of the globe—that free trade means the free competition of the cheap labor of one country with the well-paid laborer of another, and a leveling down of the inequality of wages and interest on capital.

COMPETITION AMONG DOMESTIC MANUFACTURERS SUFFICIENT TO SECURE LOWEST PRICE CONSISTENT WITH FAIR WAGES TO THE LABORER.

It is claimed that the American manufacturers are enabled by a protective tariff to make excessive profits. The proposition, to my mind, is absurd. Can it be that in a nation of 60,000,000 of people noted for their resistless energy, their enterprise and intelligence, with millions of unemployed capital deposited in the savings banks and other depositories, and money worth but 5 per cent. per annum, any branch of manufactures would long be allowed to remain in the hands of existing manufacturers if they were making undue profits? No. Whenever any particular industry is found to be sufficiently profitable under existing conditions of the protective tariff and fair wages to American labor to justify the investment of capital in it, thousands of American citizens with the necessary capital stand ready to enter the lists and compete for the profits. Competition among ourselves is quite sufficient to force the profits of every manufacturing industry and every other industry down to the lowest point at which it can be carried on by American labor fairly remunerated. And such has been our experience. Protection to our industries from the ruinous competition of European countries has enabled American manufactures to be started, and straightway competition has forced down the price until many of the manufactured articles can be bought much cheaper to-day than before the protective duties were imposed on the foreign importation. I can not do better than to quote from the recent speech of the senior Senator from Maine on this subject. He says:

But, says the President, the tariff raises the prices to consumers by precisely the sums paid for such duties, or, in other words, a duty is a tax paid by the purchaser, and yet he may examine the entire list of the industries of this country, encouraged and sustained by the protective tariff, and not one can be found justifying his proposition, except sugar, and that only because up to now, for climatic reasons, competition has not done its perfect work. I assert the very contrary, that even "the present vicious, inequitable, and illogical" tariff laws have decreased to the consumer the prices of all the products of protected industries, other than sugar, by more than 25 per cent. since they have been in force, and if I had time could bring forward to its support hundreds of unimpeachable witnesses.

Under the encouragement of our tariff, that is, a duty of about 58 per cent., the manufacture of glass has increased enormously in this country, employing thousands of men at good wages, and yet you can buy a foot of plate-glass to-day for $1 which cost $2.50 in 1860.

In 1860 salt was free; the price at Chicago was $2 a barrel. In 1861 a duty of 6 cents a hundred was laid—later on 24 cents a hundred—and in 1880 it was selling in Chicago for 75 cents a barrel, and now in Michigan for 60 cents.

WORSTED CLOTHS

In 1860 there were 3 mills in the country, wages low, business poor, production small. We encouraged it with a heavy duty, and in 1883 we were running 5,000 looms, employing 75,000 workmen, consuming 50,000,000 pounds of wool, producing 15,000,000 yards annually, with a capital of $20,000,000. During this time worsted cloths declined in price from 35 to 40 per cent. In 1883 the duty was reduced; by a vicious construction of the law a greater reduction still was made; now one-third of our looms are idle. In 1883 we imported a little less than $500,000 worth of these goods, last year nearly $5,000,000. If the President succeeds in inducing Congress to still further reduce, all of our mills will close, we shall once more import all we need from England, and the prices will go back to those of 1860.

POTTERY.

In 1860 pottery carried a revenue duty of 24 per cent. The business was insignificant, the wages low, only two or three thousand people employed. The Morrill tariff act levied a duty of [40 per cent., subsequently increased to 55, and to-day we make pottery in every State in the Union except Florida, employ an immense force of help, pay wages higher than in 1860, and yet as much can be bought now for $2.50 as could be then for $4.

COTTON GOODS.

The duty on some of the cheaper lines of cotton goods is nearly as great as the price of the fabric, and yet they were never furnished to the people as cheaply as now. They are retailing in my city at a lower price than in Manchester, England

SILK.

Silk manufacture in this country is almost entirely due to the Morrill tariff act, which laid a duty of over 50 per cent. In 1860 only 4,000 workmen were engaged in the business. To-day 40,000 men and women are employed; capital invested, $17,000,000; annual pay-roll, $9,000,000; product valued at $50,000,000. In New Jersey alone in 1886 the production of the silk looms was worth $28,000,000, employed 20,000 people, paying them annually nearly $7,000,000.

How about the prices? I give the decline as shown by the price lists of 1865 and 1882:

	Per cent.
Machine twist	56
Fine silks and scarfs	55
Serges and twilled silks	62
Handkerchiefs	62
Ribbons	54
Laces	50
Dress goods	30 to 35

Take soda-ash. We use it in enormous quantities in the manufacture of glass, soap, and for bleaching purposes. Six years ago we imported all we used and paid $48 a ton. A duty was laid on it of one-fourth cent a pound. Six hundred thousand dollars of English capital was induced to come to Syracuse, unite with an equal amount there, erect an immense factory, which I had the pleasure of visiting a short time since. The product of the mill was 150 tons daily, requiring for its production 300 tons of lime rock, 300 tons of salt, 300 tons of coal, and 5 tons of ammonia; all, while in the earth, of little value, 90 per cent. of the worth of the manufactured product being labor. This concern employs directly 750 men; wages average $1.75 a day, while the English wages in the same business average a little less than a dollar. How about the price? During the first quarter of their operations in 1884 the price fell to $45 a ton; the second quarter to $36, while in the last invoice I saw, only a month or two since, it was a shade less than $30.

But why pursue this further? Ten thousand such witnesses might be summoned and testify as clearly and convincingly as these, and then the free-trader, with the President of the United States championing his cause, would still insist that a duty was a tax paid by the consumer. Well, Mr. President, why is it not, and how does a protective tariff decrease the price to consumers?

The worsted manufacture will illustrate it. We were purchasing all of our goods in England; there the price was determined, not here. Of course the highest possible was fixed. We imposed a heavy duty on the cloths, and for a brief period prices strengthened, but encouraged by this protection capital emerged from the banks, bonds were converted into money, worsted mills were built all over the North until $20,000,000 were invested. Then we established the market price, not England. Competition at home became a powerful factor in its determination. The mills were thoroughly reorganized, economy became a science, the inventive genius of the country was called upon for new and improved machinery; it responded generously, as it always does here, the product was doubled with the same power, and the prices continually fell, while the wages of the operatives increased.

THE FARMER BENEFITED BY PROTECTION.

Protection to home industries is quite as important to the farmer as to the manufacturer. This is denied by the free-traders and a persistent effort is made to make the producers of raw material think that protection of home industries works to their disadvantage and to the advantage of the manufacturing classes, and there is much absurd talk about producers and consumers, just as if one class produced and another consumed, and every citizen was not of necessity a consumer of the product of the labor of others, and all should be, if they are not, producers. It is not difficult for one who will candidly examine the question to see that the farmers of the country need not only direct protection for food products by duties upon such articles produced abroad, but the indirect protection, which is afforded by the imposition of duties upon imported manufactured articles. The foreign demand for our agricultural products is limited. It is estimated that 92 per cent. of such products are consumed at home and only 8 per cent. exported.

The bulk of our corn and wheat and other food products is consumed at home by our own citizens engaged in the diversified industries called into existence and kept alive by the policy of protection which creates employment for our people.

If we had free trade with the Canadian provinces the farmers of that country, with cheaper labor than we have, and without the restriction upon Chinese and pauper labor which we have enacted, and which we hope will be increased, would undersell our farmers in our own markets, and the wheat and other agricultural products of British Columbia, Manitoba, and the other Canadian provinces would come in direct and disastrous competition with our wheat. With the great increase of wheat production in Russia caused by the introduction of machinery and new methods of farming, and the successful cultivation and rapidly increasing production of wheat in India under the powerful stimulus of the construction by the Government of new lines of transportation and the opening up of vast regions adapted to wheat cultivation, and by the policy of Great Britain by which the manufacturing industries of India have been destroyed and the whole population driven to the cultivation of the soil to wring from it the means of supporting an expensive government with a standing army and to pay interest to England upon a large public debt, it is not unlikely that the United States may yet find the present tariff on wheat a protection not only against the wheat of the Canadian provinces, but against that of Russia and British India raised by the wretchedly housed, clothed, and fed laborers of Russia and the ryots of India.

The same thing is true in regard to all the producers of raw materials. Our coal mines along the Atlantic Slope, and in California, Oregon, and Washington Territory, have to compete with the mines of Nova Scotia and British Columbia; our lumber manufacturers in Michigan, Minnesota, Oregon, and Washington Territory with the lumber manufacturers of the Dominion of Canada with their cheap labor and with vast forests of timber just beginning to be utilized as they are made accessible by new lines of transportation, and our wool-growers with the wool of Canada, Europe, Australia, and South America. Nor is the protection for agricultural products by duty upon foreign imports the only benefit which has been extended by the Government to the farmer and producers of raw material. The Republican party gave them the homestead law by which the settlement of the national domain was stimulated and farms offered to every citizen, and the Government sells the mineral and timber lands at nominal prices. Large sums are appropriated for the improvement of the navigation of the water ways of the country for the purpose of cheapening rates of transportation by bringing transportation by rail into competition with water transportation. The construction of new lines of railroads has been aided by the Government for the purpose of affording additional means of transportation. The Agricultural Bureau is maintained for the purpose of diffusing information on the subject of agriculture and introducing new and improved varieties of cereals and other agricultural products. Lands have been granted for the establishment and maintenance of agricultural colleges, and money appropriated for agricultural experimental stations.

RECIPROCITY IN TRADE A FALLACY.

There never was a greater fallacy than the argument so frequently used against the protection system, that there is reciprocity in trade and that if the people of the United States refuse to buy England's surplus manufactured cheap-labor products, she will refuse to buy our surplus agricultural products.

If it were true that the United States or the people of the United States do buy of England, or that England or the people of England buy of the United States, then such a thing as refusal by one nation to purchase of the other might occur, unless there were reciprocal purchases. But this is not true as to England and the United States, or as to any other country. The people of the United States do buy merchandise abroad, but they purchase from citizens and not from governments. When a merchant in New York desires to purchase goods abroad he does not stop to inquire what country takes the most of our exports; no question of reciprocity or even of patriotism controls him. He is governed by the universal law of mercantile transactions, his interest. He buys where he can buy the cheapest, that is, where he can obtain the most and best of the article desired for the least money. The coffee merchant will, therefore, as he has done for years, buy his coffee of citizens of Brazil, notwithstanding our imports from Brazil are seven or eight times as great as our exports to that country. Neither is imported merchandise paid for in exports. It is paid for in gold, the medium of exchange between nations.

When the wheat merchant of Liverpool desires a cargo of wheat he does not stop to consider whether the United States is importing largely from England or whether the balance of trade between Russia and England is in favor of Russia or England, or the fact that India is largely indebted to the citizens of London, and he is governed by no sentiment of patriotism or regard for national prosperity. He deals in wheat to make a profit, and that depends in part upon the price he pays for it, and he, too, is governed by the universal law of mercantile affairs—he buys where he he can buy cheapest and sells where he can obtain the best price. It is so evident that the character and amount of trade between nations as well as between individuals are not determined by what is called reciprocity, but by the laws of supply and demand which regulate the buying and selling price, that proof seems hardly necessary, but if proof is required it is abundant.

The theory that for every import from any one country there must be a corresponding export to that country, or even that for every import from all countries there must be a corresponding export, unless, indeed, you include in exports gold and silver and evidences of debt, is false. The official trade reports of England show that for thirty years, without a single exception, her imports have exceeded her exports. The figures for the last ten years, as taken from the trade reports printed by order of Parliament, are as follows: From 1875 to 1884 the total imports were £3,913,458,389, and the total exports were £2,776,564,775; an excess of imports over exports for the period named of £1,136,893,614, or $5,502,565,091.

During the same period the imports from France were £414,531,173; the exports were £278,694,446; an excess of imports over exports of £135,836,727, or $658,771,078.

These annual reports also show a large balance of trade against England during the period aforesaid in favor of Sweden and Norway, Spain, Russia, China, Egypt, Peru, and other countries.

The same disparity will appear by an examination of our own trade reports, or those of any other nation, no matter on which side the balance of trade may be. It will not appear that there is necessarily any fixed relation between the amount of exports and imports to or from any country. In our own case there are two instances so marked that they are worthy of notice.

In the report of the commission appointed under the act of Congress approved July 7, 1884, "to ascertain and report upon the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America," I find the following statement:

The records of the Treasury Department show a direct commerce between the United States and sixty-six nations. Of these Great Britain has 38.90 per cent. of our entire commerce; Germany has 8.92 per cent.; France, 8.62 per cent.; Canada, 5.87 per cent.; and Cuba, 4.84 per cent. Brazil comes sixth in the list, having 4.18 per cent., or nearly half as much as France, but unfortunately our commerce with Brazil is very largely in favor of that country, the imports exceeding the exports nearly 700 per cent.

Of our entire exports only 1.19 per cent. go to Brazil, while she furnishes 7.53 per cent. of our entire imports. We import more from Brazil than from any other nation except England, France, Germany, and Cuba; but in the list of nations to which we export she stands number twelve.

Our trade with Brazil is greater than that with any of the South American countries, but in the last twenty years the balance against us has reached the enormous sum of $579,000,000. The imports during that time have been $724,000,000, and the exports only $145,000,000.

TRADE IN COFFEE.

Of coffee alone we buy annually nearly 400,000,000 pounds, of the value varying with the market price from $30,000,000 to $35,000,000. In addition to this we take annually about $8,000,000 worth of crude rubber, $5,000,000 worth of raw sugar, nearly $2,000,000 worth of hides, and about $1,000,000 worth of miscellaneous merchandise.

Our total annual imports from Brazil average nearly $50,000,000 of the raw product of her soil. On the other hand, as has been stated, our exports to that country are comparatively small, being from $8,000,000 to $10,000,000 annually, and consisting mostly of provisions.

Nearly all of the manufactured articles imported into Brazil come from France and England.

* * * * * * *

The balance of her trade with the United States annually averages about $40,000,000 in favor of Brazil, while in her commerce with England the balance is invariably on the other side.

From a table showing the exports to Brazil from the United States, Great Britain, and France, it appears that for twenty years, from 1863 to 1882, inclusive, the United States exported to that country merchandise to the value of $138,190,807, and that Great Britain during the same period exported merchandise to the value of $629,002,274; and that during a period of twenty years, from 1865 to 1884, inclusive, the United States imported from Brazil merchandise to the value of $724,014,250, and exported to that country $145,994,246, being an excess of imports over exports of $579,020,004.

Under the reciprocity treaty with the Hawaiian Islands, admitting sugar free of duty, our imports from the Hawaiian Islands amounted during the ten years ending June 30, 1886, to $61,100,471, while our exports to the islands for the same period amounted to only $25,991,270—an excess of imports over exports of $35,109,201.

These figures prove the utter fallacy of the proposition that in order to sell our surplus products to England, or to any other country, we must buy of her or that country. The truth is that we might admit free of duty into the United States the manufactures of England, destroy

our own industries, and stop our factories and drive the portion of our people now engaged in manufactures to farming to swell our surplus agricultural products, and England would buy no more wheat abroad than was needed to feed her people, and no more cotton than would be required for her cotton manufactures, and would buy that of India if by the labor of Indian ryots it could be produced cheaper than in the United States. And on the other hand, if we should increase the duties until not a dollar's worth of England's cheap labor products could enter the United States, England would continue to buy our wheat and cotton just so long as she could buy cheaper of us than of Russia and India, and no longer.

THE CAUSE OF THE DECLINE IN THE FOREIGN WHEAT MARKET.

For the purpose of showing the value of our exports of wheat, flour, and cotton, and their relative value as compared with our total exports, I have compiled from the reports of our foreign trade a statement of the total value of the exports of those articles for the fiscal years ending June 30, 1886, and June 30, 1887, which is as follows:

Total exports for the years ending June 30, 1886, *and June* 30, 1887.

	1887.	1886.	Increase.
Total domestic exports	$703,022,923	$665,964,529	$37,058,394
Foreign manufacture	13,160,288	13,560,301	.....
Agricultural products	523,073,774	486,134,753	36,939,019
Gold and silver	13,287,351	10,353,168	.....
Exports of wheat and flour	142,666,563	88,705,670	.....
Exports of cotton	206,222,057	205,085,642	.....
Total	348,888,620	293,791,312	.....

The value of our exports of wheat, flour, and cotton for the year ending June 30, 1887, was very nearly one-half of the total value of our domestic exports, and about two-thirds of the value of all our agricultural exports. When, therefore, the advocates of a tariff for revenue only tell us if our manufacturers can not compete with the cheap labor of Europe they should turn their attention to agriculture, they mean that they should go to raising wheat and cotton for export. As this contingency may happen if a sufficient number of people engaged in farming can be deceived and made to believe that the tariff which protects domestic manufactures is beneficial only to those engaged in manufacturing, I have thought it worth while to endeavor to ascertain what market we should have for a large increased surplus of these products, what competition they would meet, and what price they would probably command.

As I have already shown, reciprocity in trade is a fallacy. We might buy all our manufactured articles abroad and it would not increase our foreign market for breadstuffs, and if it did increase the foreign market for cotton it would be only to the extent that our domestic manufactures are destroyed. I find that the area of land in cultivation for wheat has increased since 1874 50 per cent. There are considerable tracts of wheat land yet to be brought under cultivation, but not the amount claimed by the free-trade advocates.

From 1826 to 1855 the average annual exportation of wheat was less than 9,000,000 bushels.

The following table, taken from the report of the Commissioner of Agriculture for 1886, shows the exportation of wheat, and flour in its equivalent of wheat, by decennial periods from 1831 to 1880, and by years from 1881 to 1886:

Decennial periods and years.	Quantity.			Value.		
	Wheat.	Flour.	Total wheat.	Wheat.	Flour.	Total value.
	Bushels.	*Bushels.*	*Bushels.*			
1831–'40	2,456,986	46,674,480	49,131,466	$2,554,432	$56,579,601	$59,134,033
1841–'50	13,131,506	92,797,625	105,929,131	15,701,878	100,431,897	116,133,775
1851–'60	55,255,528	144,638,930	199,894,458	75,208,680	180,143,666	255,352,346
1861–'70	220,115,995	156,246,370	376,362,365	295,998,699	225,713,645	521,712,344
1871–'80	667,429,799	186,782,602	854,212,401	830,177,921	250,492,748	1,080,670,669
1881	150,565,477	35,756,037	186,321,514	167,698,485	45,047,257	212,745,742
1882	95,271,802	26,62[illegible],587	121,892,389	112,929,718	36,375,055	149,304,773
1883	106,385,828	41,425,488	147,811,316	119,879,341	54,824,459	174,703,800
1884	70,349,012	41,185,170	111,534,182	75,026,678	51,139,696	126,166,374
1885	84,653,714	47,916,653	132,570,367	72,933,097	52,146,336	125,079,433
1886	57,759,209	36,806,585	94,565,794	50,262,715	38,442,955	88,705,670

The average export price is as follows for twelve years:

Years.	Average price.
1874–'75	$1.12
1875–'76	1.24
1876–'77	1.17
1877–'78	1.34
1878–'79	1.07
1879–'80	1.24
1880–'81	1.11
1881–'82	1.19
1882–'83	1.13
1883–'84	1.07
1884–'85	.86
1885–'86	.87

The following statement shows the status of production since 1870:

Calendar years.	Total production.	Total area of crop.	Total value of crop.	Average value per bushel.	Average yield per acre.	Average value of yield per acre.
	Bushels.	*Acres.*		*Cents.*	*Bush.*	
1880	498,549,868	37,986,717	$474,201,850	95.1	13.1	$12.48
1881	383,280,090	37,709,020	456,880,427	119.3	10.2	12.12
1882	504,185,479	37,067,194	444,602,125	88.2	13.6	11.99
1883	421,086,160	36,455,593	383,649,272	91.0	11.6	10.52
1884	512,765,000	39,475,885	330,862,260	64.5	13.0	8.38
1885	357,112,000	34,189,246	275,320,390	77.1	10.4	8.05
1886	457,218,000	36,806,184	314,226,020	68.7	12.4	8.54
Total	3,134,196,588	259,689,839	2,679,742,344	.....	.....	.....
Annual average	447,742,370	37,098,548	382,820,335	85.5	12.1	10.32
Annual average for preceding ten years	312,152,728	25,187,414	327,407,258	104.9	12.4	13.00

The following table shows the production and distribution from 1881 to 1885:

Years.	Production.	For food.	For seed.	Exportation.	Per cent. of exportation.	Total distribution.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*		*Bushels.*
1881	383,280,090	235,249,812	55,215,573	121,892,389	32	412,357,774
1882	504,185,470	255,500,000	52,770,312	147,611,316	29	456,081,628
1883	421,086,160	259,500,000	54,683,389	111,534,182	26	425,717,571
1884	512,763,900	265,000,000	55,266,239	132,570,367	26	452,836,606
1885	357,112,000	271,000,000	51,474,906	94,565,794	26	417,040,700
Total	2,178,427,620	1,286,249,812	269,410,419	608,374,048	.....	2,164,034,279
Average	435,685,524	257,249,962	53,882,084	121,674,810	27.9	432,806,856

From the foregoing it appears that while neither the acreage nor the yield of wheat in the United States has increased since 1880, the price per bushel as well as the total value of the crop has decreased. That the value of the export of wheat and flour has decreased from $212,745,742 in 1881 to $88,705,670 in 1886, and that the price of wheat dropped from $1.25 a bushel in 1879–'80 to 87 cents a bushel in 1885–'86. And it is with this prospect for a foreign market the farmers are told that it would be better for the home market for agricultural products created by those engaged in manufactures to be destroyed and for the laborers engaged in manufacturing industries to go to farming to help swell the surplus wheat product to pay for English merchandise.

WHEAT PRODUCTION IN BRITISH INDIA.

Judge Bonham, a citizen of Oregon, is consul-general of the United States at Calcutta. He was appointed by President Cleveland, and is a life-long Democrat. He is a man of business experience and of mature judgment, and is not given to extravagant speech. In No. 84 of the series of reports from the United States consuls, published by the State Department in September last, I find a report from him upon agriculture in British India. The portion relating to wheat production is of so much importance to the farmers in this country and of such

special interest to the people of Oregon that I am constrained to quote it in full:

WHEAT.

From what I consider reliable information, I conclude that the area devoted to wheat in British India for the year under review was about 27,392,742 acres, and the total yield 288,938,996 bushels, or an average of 10.5 bushels per acre. The quality of Indian wheat as compared with that of our Pacific coast, with which I am familiar, is, I think, materially inferior to the latter. The Indian grain is not so large or plump or fair-colored as the wheat of our Western States. I know that the bread made from Indian wheat flour, which I have used here, is of darker color and inferior in quality to that made from American flour.

I am advised, however, that the Indian wheat which is exported to Europe is mixed and ground with wheat of a superior quality, by which process a fair marketable grade of flour is obtained.

The method of cultivating the soil and harvesting and thrashing wheat in this country is, in the main, the same as it was centuries ago; and from the conservative disposition and caste prejudices of the native ryot (farmer) there seems to be great difficulty in inducing him to invest in modern agricultural implements, or to do anything differently from the way his father and his father's father did before him, and, in fact, there is not, owing to the extreme cheapness of agricultural labor, the necessity for improved and labor-saving agricultural implements and machinery in this country which exists in the United States and many other countries. Here the tiller of the soil leases a little patch of ground consisting ordinarily of about 5 to 10 acres, and with his rude plow, often little better than a forked stick with an iron point, he hitches on to his small pair of bullocks and scratches over his patch, which he sows by hand and covers with a bamboo harrow or drag constructed like a ladder and dragged crosswise. He reaps his grain with an old-fashioned sickle, and tramps it out with cattle, and winnows it by pouring it through the air when there is a sufficient breeze, or, if not, he creates the breeze with a rude kind of hand fan.

And yet, with all his simple and primitive methods, I am compelled to admit that the Indian farmer can, in my judgment, successfully compete with those of the United States in the production of wheat. Strange as it may seem to many, the mystery is solved when you take into consideration the fact that the Indian farmer's entire farming outfit represents a capital of not more than $40 or $50, and his hired help (if he should require any) can and does work, feed, and clothe himself, according to the Indian fashion, for an average throughout the wheat-growing provinces, on about $2.50 per month.

The native day laborer in India, either at farming or other unskilled employment, does not seem ambitious to get rich or even financially independent. Of his wages, as above stated, I would judge that he expends about $2.40 for food, consisting principally of rice and dall, and occasionally some fish, and the balance, I would conclude from observation, is invested in clothing and incidentals. This condition of things when there is a failure of crops, as sometimes occurs from extreme drought, results in those great famines of India which occasionally occur, in which many thousands of these poor creatures die from starvation.

The following table shows the total exports of wheat from India for the past nineteen years, and will, for convenient reference, be of interest as showing the entire history of wheat production in India so far as it has become an article of export:

Years.	Quantity.	Years.	Quantity.
	Cwt.		*Cwt.*
1867–'68	299,385	1877–'78	6,340,150
1868–'69	275,481	1878–'79	1,044,769
1869–'70	78,208	1879–'80	2,195,550
1870–'71	248,522	1880–'81	7,444,375
1871–'72	637,099	1881–'82	19,863,520
1872–'73	394,010	1882–'83	14,144,407
1873–'74	1,755,954	1883–'84	20,956,495
1874–'75	1,069,076	1884–'85	15,830,754
1875–'76	2,498,186	1885–'86	21,060,519
1876–'77	5,583,336		

The following table shows the aggregate imports of wheat and flour into the United Kingdom of Great Britain from the several countries named for the past five years:

Years.	From Russia.	From United States.	
		Atlantic ports.	Pacific ports.
	Cwt.	*Cwt.*	*Cwt.*
1881–'82	4,089,308	31,498,568	12,278,094
1882–'83	9,659,079	26,635,657	16,302,322
1883–'84	13,398,047	23,982,160	13,417,060
1884–'85	5,496,839	22,808,579	10,168,952
1885–'86	11,986,359	21,899,674	14,107,513

Years.	From Egypt.	From India.	From other countries.	Total.
	Cwt.	*Cwt.*	*Cwt.*	*Cwt.*
1881–'82	1,072,182	7,337,924	12,229,238	68,505,314
1882–'83	177,115	8,463,174	16,060,806	77,298,152
1883–'84	1,173,019	11,248,988	17,248,669	80,467,943
1884–'85	1,000,764	7,980,951	14,945,372	62,401,457
1885–'86	109,983	12,101,963	17,083,501	77,288,993

I have referred thus fully to the subject of the production and exportation of wheat and flour from India and the other countries named, for the reason that I have observed—especially in the Pacific States, in view of the low prices which have ruled in wheat for several years past—an increasing anxiety with our farmers at home to learn the causes of the reduced market value of this important cereal, as well as the future outlook for its further profitable production. Some of my predecessors in this office have claimed in former reports on this subject that the United States had nothing to fear from India as a competitor in the production of wheat. I do not so view the subject. It is claimed that India is to-day second only to the United States in the quantity of wheat produced, and I believe that such is the fact.

And furthermore, there is no doubt, I think, that wheat-growing in India is yet in its infancy, and that its further development depends principally upon the means of transportation to the sea-board. British India has already in operation over 12,000 miles of railway, and during the past five years the average annual rate of the construction of new road has been 662 miles.

The Government of Great Britain is not content with being the great public carrier of the world, but she seems of late years to be possessed of a laudable ambition to produce her own breadstuffs as well, and I fear (however unpleasant it may be to contemplate the fact) that with the cheap native labor of India and the constantly growing facilities for transportation, we shall find her a formidable competitor as a producer of the "staff of life."

It should also further be borne in mind that the surplus wheat of India is now carried to Europe in steam-ships through the Suez Canal in three or four weeks, instead of going, as formerly, in sail-vessels around the Cape, involving a voyage of three or four months and often material damage to the cargo from weevil.

The facts stated in this report fully justify the views of Judge Bonham, that India is to become a formidable competitor with the United States in the wheat markets of Europe, and in my judgment explain the cause of the decline of wheat in Europe in recent years. The table showing the aggregate imports of wheat and flour into the United Kingdom of Great Britain and Ireland from the several countries named is especially instructive. It shows that while the imports into Great Britain, although somewhat fluctuating, have not materially increased since 1881–'82, the imports from Russia have increased from 4,089,308 centals in 1881–'82 to 11,986,350 centals in 1885–'86; the imports from India have increased from 7,337,924 centals in 1881–'82 to 12,101,963 centals in 1885–'86, and that the imports from other countries, not including the United States, have increased from 12,229,230 centals in 1881–'82 to 17,083,501 centals in 1885–'86; while the imports from the United States have decreased from 43,776,662 centals in 1881–'82 to 36,007,187 centals in 1885–'86, and that the export of wheat from India has increased from 299,385 centals in 1867–'68 to 21,060,519 centals or 35,100,865 bushels in 1885–'86, a period of nineteen years. These figures show that we are already engaged in a ruinous competition with Russia and India, which must continue to grow greater as the production of wheat in those countries increases to crowd the American product out of the European markets; and yet the free-traders tell us to let our home markets go, buy our manufactures in England, and raise more wheat.

Protection to industry by creating a diversity of employment and increasing the number of those who are not engaged in farming, but must depend upon the farmer for the means of subsistence, gives him a steady remunerative market for breadstuffs and creates a market for crops which can not be profitably exported. The foreign market for our wheat is mainly created by England, and is growing every year more uncertain and unsatisfactory. The amount of our corn and wheat required by England depends in the first place upon the crops of Europe, which usually supply from two-thirds to three-fourths of what is needed; then upon the yield in Russia and India; so that the American farmer first takes the chances of his own harvest, and then of a scarcity in Europe, and in late years the further chance of having the price of wheat fixed by the competition of Russian and Indian wheat. And still free-traders assert that the true principle is to buy where you can buy the cheapest, and say that if our manufacturing industries can not successfully compete with cheap capital, organized industries, and pauper labor of England, our people should turn their attention to something else—that is, to farming—destroy our home markets, and lead our farmers to depend upon a foreign market for the sale of their surplus products.

They propose that we shall increase our exports to pay for our increased imports, and in endeavoring to do so that our farmers shall enter the field in competition with the miserable ryots of India, who live on a few cents a day. If it were proposed to import into the United States several millions of the Indian ryots or of Chinese for agricultural laborers, to enable us to compete with India in producing wheat, every white laborer in the United States could see that American labor was threatened. How does the case differ when it is proposed to drive several millions of American laborers from the manufactures into agriculture and then to force them into competition with the Indian ryots by increasing our surplus wheat crop, which we will be compelled to get rid of by underselling Indian wheat?

THE NEW SOUTH.

We have just listened to a speech from the junior Senator from Georgia which would have been quite radical enough to have satisfied the most ultra free-trade sentiments of South Carolina in 1832. The Senator seems oblivious to the wonderful awakening of the industries of the South in recent years, and to the development and industrial progress of the South for the future which it foretells. The manufacture at home of the great staple production of the South, which is growing with such rapidity as to attract attention everywhere, and by which the cost of transportation and the profits of manufacturing are saved to the people of the South, is but one out of many industries which, under the stimulus of our present revenue system, are springing up everywhere in the Southern States, and which the Senator would destroy. His speech is in marked contrast to the speech of his colleague upon the same subject, to which I recently listened with so much interest. If the cotton mills in the United States were to be closed by such a reduction in the duties upon cotton fabrics as is proposed by the Mills bill, or by a more radical application of the doctrine of a tariff for revenue only, how would the prosperity of the South be affected? Where would she market her raw cotton and what price would it command?

The total cotton crop of the United States for the year ending August 31, 1887, was 6,513,623 bales; average weight of bales for year, 486.02 pounds. The total yield in the United States for the following years was—

1886–'87	6,513,623	1879–'80	5,757,397
1885–'86	6,550,215	1878–'79	5,073,531
1884–'85	5,669,021	1877–'78	4,811,265
1883–'84	5,714,052	1876–'77	4,485,423
1882–'83	6,992,234	1875–'76	4,669,288
1881–'82	5,435,845	1874–'75	3,832,991
1880–'81	6,589,329		

The total import of cotton into Great Britain in 1886 was as follows:

American	2,902,120
Brazilian	196,700
Egyptian	256,800
West Indian, etc	56,390
East Indian	529,760
Total	3,941,770

The total movement of cotton in Europe in 1886 was as follows imported:

American	4,417,570
Brazilian	223,960
Egyptian	419,870
West Indian, etc	124,050
East Indian	1,332,550
Total	6,518,000

The increase of the production of cotton in the United States and other countries, and the relative growth of each, will appear from the following statement:

Year.	Crops in United States.	Other countries.	Total crop.
1866–'67	2,230,000	2,178,000	4,408,000
1876–'77	4,933,000	1,897,000	6,830,000
1886–'87	7,450,000	2,300,000	9,750,000

The above amounts are calculated in bales of 400 pounds.

From these tables it will appear that an increase of less than 35 per cent. in the production of cotton in the United States would give us a surplus equal to the entire consumption in Europe, and suggests ruinous competition with Indian, Brazilian, and Egyptian cotton.

In Latham, Alexander & Co.'s (New York) "Cotton Movement and Fluctuations" for 1887 the general industrial awakening in the South as regards cotton manufactures is shown by the following table, giving the number of mills, spindles, looms, and consumption of cotton in pounds in the Southern States during the year 1887, together with the number in 1879 and 1880, as appears by the Tenth Census:

States.	Number of mills.	Number of spindles.	Number of looms.	Consumption, in pounds.
Virginia	11	58,649	1,826	7,698,294
North Carolina	75	206,172	4,393	30,593,517
South Carolina	31	217,161	4,663	44,518,017
Georgia	53	349,277	7,954	57,856,883
Florida	1	816	.....	85,500
Alabama	17	69,308	1,272	11,446,995
Mississippi	7	39,748	928	6,215,495
Louisiana	2	27,000	750	4,299,967
Texas	1	2,108	40	90,000
Arkansas	2	3,200	30	686,520
Tennessee	28	90,793	1,820	14,724,935
Missouri	1	7,000	150	1,056,000
Kentucky	3	28,300	563	3,908,881
Total in 1887	232	1,000,132	24,389	183,201,004
Census 1879–'80	164	561,360	12,329	87,610,889

Besides the foregoing they state that they have reports of thirty mills, containing 111,498 spindles and 1,345 looms, not in operation during the year, and direct returns with regard to projects which have progressed to a greater or less extent which, when completed, will add 177,000 spindles and 5,048 looms.

In a table in the same work the consumption of cotton in the United States in 1866–'67, North and South, was stated to have been, in bales of 400 pounds each: North, 746,000; South 76,000; and in 1886–'87, to have been: North, 1,972,000; and South, 451,000 bales. From which it will appear that the consumption of cotton in the South in twenty years has increased almost 600 per cent., and to-day is over three-fifths as large as the consumption in the North was in 1867; while the increase of consumption in the North during the same period has been but 264 per cent. Should the consumption of both North and South for the next twenty years increase in the same ratio, the South will, at the end of that period, consume about 2,700,000 bales, and the North about 5,200,000 bales, or a total of 9,700,000 bales, an amount greater than the cotton crop of the United States for last year.

The cotton crop of the United States in 1866–'67 was 2,228,987 bales. If for the next twenty years the production should increase in the same ratio as during the last twenty years the annual crop would amount to over 19,000,000 bales, leaving still 50 per cent. of the crop for export. Whether the South has capacity for an indefinite increase of the production of cotton, or whether the demand for cotton productions will be such in the future as to stimulate both the production and manufacture of cotton as it has stimulated it in the past, I am not prepared to say; but all indications point to a greater relative increase of the business of cotton manufacturing in the South than in the North, or in Europe, and I should not be at all surprised if in the next twenty years the consumption of cotton in the South equals that in the North, unless, indeed, the business of the country shall be demoralized by the reversal of the policy by which our present prosperity has been secured.

What will happen when in all the principal towns of the cotton-growing States factories are erected and spindles and looms operated by intelligent laborers transforming the raw cotton into cotton fabrics for home consumption and the foreign trade? Cotton, if not king, will be master of the situation in the South. Laborers on the sugar plantations of Louisiana to-day, who are intelligent enough to contend by associated action for better wages, will then demand protection against the pauper labor of Europe, and the Democratic party of the South will go to protection or the interest to be protected will leave that party.

ENGLAND AND HER DEPENDENCIES.

The great industries of the leading European nations have been built up by the protective policy, and the most prosperous nations to-day are those which protect their own capital and labor from undue competition with the capital and labor of other countries. The free-trade theory of Great Britain has not been adopted by the European countries and is not put in practice by England herself.

The total revenue of Great Britain from customs duties for the year 1886 was $99,086,435. The population of the United Kingdom in 1881 as shown by the census was 35,246,633. The per cent. of increase of population for the preceding decade was 6.33 per cent. Estimating the increase of the population for the five years from 1881 to 1886 at the same rate, and the population of the United Kingdom in 1886 appears to have been 36,262,188, and the revenue from duties on imports to have been $2.456 per capita.

The Secretary of the Treasury states in his annual report for the year 1887 that the amount of revenue the United States derived from customs for the fiscal year ending June 30, 1887, was $217,286,893.13. Our population in 1880, according to the census, was 50,155,783. The per cent. of increase of population for the preceding decade was 30.8 per cent. The estimated population of the United States in 1887, the year for which the amount of revenue from customs duties is given above, estimating the increase at the same rate as during the preceding decade, would be 60,676,588, which would make the amount of revenue derived from duties upon imports 3.58 per capita.

I should but repeat what is familiar to all to recount the gradual adoption by England of the present prevailing economic theories in that country. She owes her industrial greatness to persistent adherence for a long series of years to the national policy. Her iron manufactures were protected by successive tariffs for nearly two-thirds of a century, until they could undersell all others in the European markets. By stringent protective measures she developed the skill of her people and succeeded in securing the investment of capital in cotton manufactures until she can, with her cheap labor, compete with her cotton fabrics in America and India, manufacturing them from the raw material imported from those countries.

By an act of Parliament passed in 1337 she forbade, under heavy penalties, the penalty for the fourth offense being death, the exportation of wool and the importation of woolen goods. And under this heroic remedy against foreign competition woolens became the great English staple.

Having reached a point where she is obliged, in order to keep her starving millions employed, to seek a market in every country in the world, and to sacrifice her agricultural interests to her manufacturing industries, a point where the admission of raw material free of duty is to her interest, she removes duties upon these articles. It is but fair to state, however, that there is a strong and growing sentiment in Great Britain in favor of a return to a protective tariff. Her dependencies, where they have a discretion in the matter, are not slow to repudiate free-trade theories and seek industrial independence. Ireland and India do not possess autonomy, and both illustrate the ruinous effect of her free-trade policy when applied to a nation inferior to her in capital and skill. She extended her commercial policy to British India as she does in all cases where her dependencies have no power to set up barriers against it, and the extensive manufactures of India were well-nigh annihilated, her flourishing factories dwindled away, and by the general lowering of import duties in 1813 on articles the products and manufactures of Great Britain were completely ruined, her commercial activity destroyed, and her people left with an impoverished agriculture and a lifeless trade, unemployed and reduced to absolute wretchedness.

The forced increased production of wheat and cotton caused by the destruction of her other industries, on account of her large indebtedness to Europe, and the low price of wheat consequent upon the increased yield, add but little to her prosperity. The profits go to England and the laborers engaged in its production continue to live on, scantily clothed, miserably fed, ignorant and wretched, and without hope of

improving their condition. To support the English Government and to pay British troops in India she laid upon the already impoverished people the most oppressive land-taxes. To increase her revenue beyond what could be realized by the most oppressive taxation she created a monopoly to set up government distilleries and supply alcoholic drinks to licensed dealers; and in a country where before its conquest by the English, the people were noted for their abstinence from spirituous liquors and other intoxicating beverages, drunkenness and its consequent crime and wretchedness has spread over the land. She has persisted in preventing an international agreement for the remonetization of silver, and thus causes the continuation of the depression of the industries of India consequent upon the fall of that metal after the country had been flooded with it by English merchants.

If you would have a still more striking illustration of the working of this theory, go to downtrodden, starving Ireland. Behold her wretched people living in hovels, eking out a miserable existence amidst squalor and poverty, and inquire the cause of it. It will be found in the commercial tyranny of Great Britain. Every attempt of Ireland to better her condition has been thwarted by her commercial masters. The confiscation of her ancient estates has been succeeded by treatment still more cruel and unjust. The English people have applied to Ireland their peculiar commercial theories; Ireland has been made a market for British manufactures, and all her manufacturing industries have been sacrificed. One great industry after another was destroyed by repressive legislation. She was forbidden to export cattle, and the great industry was broken up; sheep-farming and manufacturing of woolens were interrupted; her manufacturing interests were destroyed, and her population forced back upon her impoverished soil. After the union the restrictions were removed, but it was too late. English manufactures were firmly established; great masses of capital were invested in manufactures with trained artisans; impoverished Ireland could not compete with her and build up her ruined industries, and never can until she is permitted to restrict the importation of British goods.

Ireland, with her landlords in England, with her poverty of all those industries which make a nation wealthy and a country prosperous, with an impoverished and overtaxed soil, with a poor, oppressed, and betrayed people, is an example of what any nation must become when she becomes only a cultivator of the soil and pays tribute to other countries for all her manufactures. England seeks to make the United States, so far as her manufacturing interests are concerned, a dependency of her own, and such would be the practical effect of the admission free of duty of the products of the labor of her starving millions. The Australian colonies possess autonomy, which enables them to protect themselves against free trade. They have given free trade a fair trial, and have now adopted protection as the national creed. It is the avowed principle of the liberal progressive party, and the colonies are rapidly attaining industrial independence. The Dominion of Canada adopted a protective tariff in 1879. They call it the national policy. I had the pleasure during his recent stay in this city to make the acquaintance of Hon. Sir Charles Tupper, minister of finance of the Dominion of Canada. Our conversation turned upon the finances and industrial interests of the Dominion, and led to his sending me a copy of his budget speech to the Dominion Parliament for 1887. In it he discusses what he terms the national policy. I am sure I need make no apology for quoting at length from such a source.

This speech contains a very interesting discussion, and I will ask the Secretary to relieve me by reading a portion of it.

The Secretary read as follows:

It will be recollected that, under a comparatively low tariff, Canada enjoyed a very marked degree of prosperity during the first seven years of confederation, but it must not be forgotten that during that period the industries of Canada enjoyed the great protection which arose from the dislocation of the labor market in the great republic to the south of us, and which placed us in a very different position to that which at a very early period afterwards we occupied. When that change came, and when the languishing industries of Canada embarrassed the finance minister of that day; when, instead of large surpluses, large deficits succeeded year after year, the opposition urged upon that honorable gentleman that he should reconsider the position and that he should endeavor to give increased protection to the industries of Canada which would prevent them from thus languishing and from being destroyed. We were not successful, I will not say in leading the honorable gentleman himself to the conclusion that that would be a sound policy, for I have some reason to believe that he had many and strong misgivings on that question, but, at all events, we were not able to change the policy of the gentlemen who then ruled the destinies of Canada. As is well known, that became the great issue at the subsequent general election of 1878, and the conservative party, being returned to power, pledged to foster and promote the industries of Canada as far as they were able, brought down a policy through the hands of my honored predecessor, Sir Leonard Tilley, whose absence from this house I am sure gentlemen on both sides all deplore; and I have no hesitation in saying that the success of that policy, thus propounded and matured from time to time, has been such as to command the support and confidence of a large portion of the people of this country down to the present day. As I have said before, with ample material under my hand to show by contrast the great advantage that resulted from the adoption of that policy, I do not propose to take that course on the present occasion. The elaborate statements made by Sir Leonard Tilley, and the exhaustive statement made by my honorable friend who occupied the position of minister of finance a year ago, I think, render it entirely unnecessary that I should occupy the time of the house in going over the same ground. But I must be permitted to draw the attention of the house for a single moment to the change that has taken place in the opinions of the great political economists of the day on this question, as an abstract question of political economy.

No person who has carefully watched the progress of public events and public opinion can fail to know that a very great and marked change has taken place in all countries, I may say, in relation to this question. In the United States of America they hold, with the strongest tenacity they, perhaps, have ever held, to the principle of protection. In England, where it was a heresy to intimate anything of that kind a few years ago, even at the period to which I am referring, a great and marked change in public opinion has taken place. Professor Sidgewick, a learned Fellow of Trinity College, Cambridge, and professor of moral philosophy in that great university, and the gentleman who read, at the meeting of the British Association in 1886, a paper on political economy, has published a work in which opinions, that would have been denounced as utterly fallacious and heretical at that time, have been boldly propounded as the soundest and truest principles of political economy. But, sir, I do not intend to occupy the attention of the house in recounting, as I could, the numberless evidences that we have of a change of public sentiment on that subject. The committee appointed by the Imperial Parliament to consider the question of the depression of trade, has, of course, adhered to the general line of the free-trade policy that has so long prevailed in that country; but it is equally worthy of note that statesmen of the first rank, that men occupying high and commanding positions in public affairs in England, have as unhesitatingly committed themselves, in the minority report, to the strongest opinion in favor of what is termed fair trade, or fair protection to British industry. I am precluded, however, I am happy to say, from the necessity of going into this question as a question of political economy, or of reasoning it out in the abstract, for another and a very important reason. Since the last session of this Parliament, as is well known, the honorable gentleman who, with such distinguished ability, leads Her Majesty's loyal opposition in this house, has, in the presence of the great electorate of Canada, announced his entire conversion to the principle that we have so long maintained from this side of the house. The re-election of that honorable gentleman to the position of leader of that great party in this house and in this country, is viewed with uniform satisfaction on this side of the house for two reasons: First, because of the honorable gentleman's evident qualifications for that distinguished post; secondly, because we regard his re-election to that high position as an affirmation by honorable gentlemen opposite that at last the time has come when this country may congratulate itself upon the fact that the great capitalists of Canada who are interested in developing the resources of the country can put their capital into these great Canadian industries without any fear of disturbance arising from a change of administration. Under these circumstances I feel it would be wasting the time of the house, and perhaps more than wasting the time of the house, for me to do more than express the gratification I feel that the time has come when we are all as one upon this great and important question, and when the only issue can be how best to carry out and how best to make the principle successful that has commended itself so entirely to the satisfaction of the great body of the people of this country.

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Now, sir, I may say that I recognize the fact that under the protective policy that we have adopted, and which, as we know beyond peradventure, the country most heartily approves and indorses, the great stimulus that has been given to Canadian industries has enabled them largely to overtake the consuming power of the country. We know that the result has been that which we all apprehended it would be, a fall in prices, and that the people of this country would enjoy as the result of that development of our industry by a protective policy, an opportunity of obtaining everything that they required as cheaply as they would if that policy had never been put into operation.

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But, sir, I may ask the house for a single moment, to what do we owe that condition of progress and prosperity upon which we are all able to congratulate ourselves at this moment? I am quite certain that the answer will be found in the words "national policy." It is the national policy which has lifted Canada out of the position that it occupied a few years ago; it is the national policy that has enabled it to pass through what otherwise would have been a period of great depression without seriously feeling it; it is the national policy that had vivified every industry in this country, that has furnished employment for Canadian hands on Canadian soil, that has kept the money of the country within the country, and that has diffused prosperity from one end of this country to the other. But, sir, I drew attention to the fact that production had to a considerable extent overtaken consumption, and that the necessity was imposed on the Government of endeavoring to find outlets for the industries of Canada by extending and developing our trade with other countries. I referred to the efforts we are making in connection with lines of steam communication, but I omitted on that occasion to refer to the fact that the sanction which was obtained from this house to establish a line of steam communication with France has, as you know, sir, not been successful up to the present moment. But I am glad to be able to say that the appropriation placed by Parliament at the service of the Government for that purpose is about to be utilized, and that a strong French company are preparing to put on a line of steamers between France and Canada that I have no doubt will render that effort on our part as successful as the others.

Now, sir, I intend to invite the attention of the house to a new field for the development of the national policy. We have applied it to the great cotton industry; we have applied it to the woolen industry; we have applied it to innumerable industries all over Canada, and with marvelous success.

THE IRON INDUSTRY.

But, sir, there is a field, perhaps the most important, still untrodden; there is a field still unoccupied that presents greater possibilities and greater opportunities than any other for developing Canadian industry, and it lies at the very root and foundation of the national policy in all countries where it has been adopted. I refer to the iron industry. I say, sir, that while we have adopted the national policy with reference to other industries, while we have taken a leaf out of the book of our great neighbors to the south of us—and we are always delighted to avail ourselves of their experience in order to benefit ourselves—while we have adopted to a certain extent their policy in reference to other great industries, in relation to this, the greatest industry of all in this country and in all countries where iron and coal are found to abound, we have neglected up to the present hour to do justice to this great Canadian industry.

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I need not tell this house that the most extreme protection that ever was adopted in any country in the world was adopted in England in connection with the manufacture of iron. England not only imposed high duties on iron coming in from abroad, but when it was discovered how coal could be used instead of charcoal and the manufacture of the steam engine was brought into play, it actually prohibited the workmen who were acquainted with those processes from leaving the country, in order to retain the industry within their own borders.

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Of course England, when she became, under the most rigid and determined system of protection ever adopted in any country in the world, so advanced as to outdistance all other countries to such an extent that she thought she could adopt the principles of free trade, she adopted those principles; and she adopted them under the delusion, propounded by Mr. Cobden and sincerely believed in by that distinguished man, but proved by the result to be utterly fallacious, that if England, with her advanced position of mistress of the industrial arts of the world, adopted the policy of free trade all other countries would be obliged to follow in her wake. And what is the result? It is that, instead of following in

her wake, France and Germany and all these countries have held fast by the national policy of protecting their own industries, and the consequence is that they are at this moment in a position to paralyze to a large extent the industries of England with all her advantages of iron and coal in close proximity. By their protective policy they are developing and advancing their industries in a way that England finds herself incapable of keeping up with, and the result is that Belgium and Germany are keen competitors on English soil with the great English industries.

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It is not only a national policy, but it is a rational policy. It is a policy that is national because it is rapidly making Canada a nation; it is a rational policy because the very foundation of reason is in a government, a parliament, a country furnishing employment to the mass of the industrial people.

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Mr. DOLPH. Great Britain is taking a great interest in this country. She has undertaken to instruct us in political economy. The Cobden Club, composed of the manufacturers of Great Britain and members of Parliament, have undertaken to educate us up to the idea that our true material interests would be promoted by admitting English manufactures free of duty. To this end it is stated they established branches of the organization in New York and Chicago, and probably elsewhere. They have purchased or subsidized newspapers; they have flooded the country with free-trade literature, and sought to control our elections in the interest of free trade.

She is interested in increasing her market here for the products of her manufactures. She is interested in breaking down our domestic manufactures so that she can have a monopoly of the market and charge her own prices for her wares. She has to buy food largely abroad for her manufacturing population, and is therefore interested in driving our population to cultivate the soil, so that competition will reduce the price and she can buy cheaply what she needs. Under our present tariff a large percentage of the duties is paid by foreign countries, and England is anxious to get rid of this payment. I suggest whether the Cobden Club had not better turn its attention first to the Dominion of Canada, and convert the Canadians from their heresy of a national policy before they undertake to enlighten us.

THE PROSPERITY OF THIS COUNTRY DUE TO PROTECTION.

Mr. President, there is one more test to which I wish to subject the free-trade or tariff-for-revenue-only doctrine of the Administration, and that is the test of our own experience.

It would seem that after more than a century of experience the question, of the true policy of this country in regard to duties upon imports should have been settled, or at least should be capable of solution, by reference to the history of our tariff legislation and its effects upon our material prosperity. No matter how reasonable a theory in political economy may appear, if when put to a practical test it is proved to be false and does not produce results in accordance with the theory, it necessarily follows that it must be wrong and is valueless. Experience may be a dear school-master, but it is a good one.

The power to impose duties upon imports is conferred upon Congress by that provision of the Constitution empowering Congress to regulate commerce with foreign countries, between the States, and with the Indian tribes. In the preamble of the first tariff act, signed by President Washington, July 4, 1789, it was alleged that the imposition of duties on imported merchandise was necessary "for the payment of the debts of the United States and the encouragement and protection of manufactures," and it was never contended upon the part of any party until 1824 that Congress, under this power to regulate commerce, might not levy duties to protect American industries. From the adoption of the Constitution until the passage of the tariff act of 1816 some seventeen tariff bills were passed, but the tariff was so small as to afford little or no protection to American industries. After the close of the war of 1812 there came a series of hard years. Business was prostrated, and as a consequence employment was scarce and wages low. Discontent prevailed, and American industries demanded protection from Congress. The duties on imports were increased by the tariff of 1816, and a protective tariff adopted in 1824 and strengthened in 1828. The effect was magical; business revived, new industries were started, labor was in demand, wages were good, the towns and country equally felt the beneficial influence of the tariff, the mechanic and farmer were equally prospered. The national Treasury was overflowing, and the question then was, as it now is, how to reduce the surplus.

The South, being without manufactures, now seeing the benefits derived by the New England States from their protected industries, changed its attitude toward the tariff, and South Carolina attempted to nullify the law and prevent the collection of customs duties in her ports.

In 1832, at the demand of the South, protection was again stricken down by the enactment of a law reducing the tariff horizontally upon a sliding scale, running through a series of years. Prosperity was immediately checked, manufacturing establishments failed, money became stringent, times grew harder and harder each year, until the greatest commercial crash this country ever experienced came in 1837. The country was poverty-stricken, want and suffering came upon the people, flour sold for $2.50 a barrel, and laborers worked for 30 cents a day.

In 1840 the Whig party came into power pledged to re-enact a protective tariff, and in 1842 a protective tariff was re-enacted, which, as if by magic, infused new life-blood into manufacturing, commercial, and agricultural industries, and revived business of all kinds.

In 1844 the Democrats carried the Presidential election, deluding the voters of Pennsylvania into the belief that they would not disturb the protective tariff. The campaign cry in that State was "Polk and Dallas and the tariff of 1842." Again the South demanded a repeal of the protective tariff, and the act of 1846 was passed in the Senate by the vote of Vice-President Dallas, the Senate being a tie without his vote. By this act the manufacturing industries of the country received a severe blow, money again became stringent, and the Treasury was depleted. The country did not feel the worst effects of this law for several years on account of the discovery of gold in California and the large production of precious metals in the United States, which furnished the means to pay the balance of foreign trade against us; but the crash came in 1857, which involved manufactures, agriculture, labor, and capital in one common disaster. Once more the policy of protection came to the front in 1861, and from that time to this has been perpetuated in this country. How shall I describe the progress of this country under the present tariff? From an almost purely agricultural country, dependent upon foreign nations for manufactures, we have become one of the most important manufacturing countries on the globe. In population, in wealth, in the development of our resources, in the increase of our agricultural products and the products of our mines and our forests, our growth has been without parallel in history. The improvement of the condition of our laboring classes has been equally marked.

By the census of 1860 it appeared that the value of all the property in the United States was $14,000,000,000. This, as has been said, was the net result of the labor and savings of the people of the United States from the time of the first settlement of the country down to 1860. It represented the fruit of the toil of two hundred and fifty years. At the end of twenty years under a tariff which protected and encouraged the business of the country the total value of the property of the United States, according to the census of 1880, had increased over threefold and amounted to $44,000,000,000; and this astonishing result was obtained notwithstanding thousands of millions of dollars had been wasted in the prosecution of a protracted and costly civil war.

Is the career of prosperity to be checked? Is the great conspiracy against the prosperity of the people to succeed? Is the policy which has caused this wonderful growth of our material interests during the last twenty-five years, which has developed our industries and made us a great manufacturing nation, covered the continent with a network of railroads, converted the American wilderness into a productive country, given a diversified employment to our people and a home market for 92 per cent. of our agricultural productions, to be reversed and our factories and mills closed, our manufacturing industries destroyed, our mines left unworked, and our home market destroyed to benefit England, to create a market for her manufactures and the labor for her people? I have yet too much faith in the intelligence of the American Congress to believe it is possible.

If the necessary reduction of the revenues is left to the friends of protection, so that our manufacturing industries are not destroyed, the prosperity of the country will continue; but if the policy of the Administration prevails, nothing but disaster awaits us.

Mr. TELLER. I desire to give notice that on Thursday next, after the conclusion of the morning business, I shall ask to be allowed to submit some remarks on this resolution.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 8th instant, approved and signed the act (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.

The message also announced that the President had, on the 10th instant, approved and signed the following act and joint resolution:

An act (S. 451) granting a pension to Hannah C. De Witt; and

Joint resolution (S. R. 4) providing for the disposition of undistributed copies of the Rebellion Records and other public documents.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7938) to enlarge, improve, and make repairs upon the United States court-house and post-office building in Atlanta, Ga., and to appropriate money therefor; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. R. 60) directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States, and to report to Congress.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BANKHEAD, Mr. ROGERS, and Mr. WADE managers at the conference on the part of the House.

HOT SPRINGS RESERVATION.

The PRESIDING OFFICER (Mr. HISCOCK in the chair) laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HARRIS, it was

Resolved, That the Senate insist upon its amendment to the said joint resolution disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. TELLER, Mr. PADDOCK, and Mr. WALTHALL as the conferees on the part of the Senate.

INQUESTS UNDER NATIONAL AUTHORITY.

Mr. GEORGE submitted the views of the minority of the Committee on the Judiciary on the bill (S. 1516) to provide for inquests under national authority, heretofore reported; which were ordered to be printed.

HOUSE BILLS REFERRED.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Before that is done I hope the Chair will lay before the Senate the bills received from the House of Representatives.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business. Before submitting that motion the Chair will lay before the Senate bills from the House of Representative for reference.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 97) granting a pension to Ida B. Linthicum;
A bill (H. R. 122) for the relief of Julia A. Darrell;
A bill (H. R. 150) granting an increase of pension to Henry B. Shaw;
A bill (H. R. 159) granting a pension to Jane Thomas;
A bill (H. R. 407) granting a pension to G. W. Burkhart;
A bill (H. R. 416) granting a pension to Thomas H. Aulls;
A bill (H. R. 421) granting a pension to Rufus Squire;
A bill (H. R. 459) for the relief of Elvira Cooper;
A bill (H. R. 499) granting a pension to Catharine Maxwell,
A bill (H. R. 509) granting a pension to James A. Haley;
A bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson;
A bill (H. R. 782) granting a pension to Marble H. Baird;
A bill (H. R. 893) granting a pension to Julia Stokes;
A bill (H. R. 1071) granting a pension to John Hancock;
A bill (H. R. 2077) to place on the pension-roll the name of William S. Sims;
A bill (H. R. 2177) granting a pension to Mahala Robbins;
A bill (H. R. 2456) for the relief of Judith Plummer;
A bill (H. R. 2491) granting a pension to John Bisbey;
A bill (H. R. 2662) for the relief of Mary M. Strong;
A bill (H. R. 2663) for the relief of Alonzo Alden;
A bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased;
A bill (H. R. 2806) to increase the pension of James Woody;
A bill (H. R. 3183) for the relief of Kelsey Curtis;
A bill (H. R. 3488) granting a pension to Mary Dull;
A bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley;
A bill (H. R. 4102) granting a pension to Mary A. Carr;
A bill (H. R. 4655) granting a pension to Mary J. Francis;
A bill (H. R. 5228) granting a pension to Clara M. Flanders;
A bill (H. R. 5236) granting an increase of pension to Mary K. Taylor;
A bill (H. R. 5247) granting a pension to William H. Brimmer;
A bill (H. R. 5844) to increase the pension of William Clark;
A bill (H. R. 5911) granting a pension to Elizabeth J. Hascall; and
A bill (H. R. 6908) granting a pension to William P. Witt.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians, in Montana;

A bill (H. R. 4988) to extend time of payment to purchasers of land on Omaha Indian reservation, State of Nebraska;

A bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes;

A bill (H. R. 7935) for the relief and civilization of the Chippewa Indians, in the State of Minnesota.

A bill (H. R. 7936) to restore to the public domain a part of the Uintah Valley Indian reservation, in the Territory of Utah, and for other purposes; and

A bill (H. R. 8006) to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3727) for the relief of William P. Gorsuch;
A bill (H. R. 4659) for the relief of George M. Ochiltree; and
A bill (H. R. 5829) for the relief of Joseph Driskill.

The bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act," was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 6946) for the relief of Thomas Jordan was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 3496) for the relief of W. C. Scanland was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 7938) to enlarge, improve, and make repairs upon the United States court-house and post-office building in Atlanta, Ga., and to appropriate money therefor, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

INTERNAL-REVENUE LAWS.

Mr. BROWN. On the 4th of January I had the honor to introduce a resolution on the subject of the repeal of the internal-revenue laws, on which I submitted some remarks, and on the conclusion of my remarks the Senator from Kentucky [Mr. BECK] asked that the resolution lie upon the table, as he desired to be heard upon it. It remained there for some time, when he called it up and made a speech of an hour or so on the tariff question. I shall ask now to be permitted to call up my own resolution on Wednesday morning at the conclusion of the routine morning business, as I desire to reply to some remarks made in opposition to it by the Senator from Kentucky in the speech to which I refer, and also to discuss generally the tariff question.

EXECUTIVE SESSION.

Mr. HARRIS. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] moves that the Senate proceed to the consideration of executive business. Before putting that motion the Chair lays before the Senate the unfinished business, being the bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 13, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 12th day of March, 1888.

SURVEYOR OF CUSTOMS.

John C. Vance, of Louisiana, to be surveyor of customs for the port of New Orleans, in the State of Louisiana, to succeed Richard Sinnott, deceased.

CONSULAR.

Frederick W. L. Butterfield, of New York City, to be consul of the United States at Ghent, *vice* Max Polachek, recalled.

James B. Coffin, of East Boston, Mass., to be consul of the United States at St. Helena, *vice* Frederick Ellison, resigned.

Alexander J. Jones, of Springfield, Ill., to be consul of the United States at Barranquilla, *vice* Victor Vifquain, transferred to Colon (Aspinwall).

REGISTERS OF LAND OFFICE.

Julien E. Pardee, of Quincy, Cal., to be register of the land office at Susanville, Cal., *vice* Wright P. Hall, whose term of office expired March 10, 1888.

H. H. Dickman, of Minnesota, to be register of the land office at Crookston, Minn., *vice* William Smith, deceased.

Albert L. New, of Greenfield, Ind., to be register of the land office at Evanston, Wyo., *vice* Edwin D. Steele, resigned.

Robert L. Tidrick, of Des Moines, Iowa, to be register of the land office at Des Moines, Iowa, in place of William Porter, who was appointed during the recess of the Senate, *vice* Felix G. Clarke, removed.

RECEIVER OF PUBLIC MONEYS.

David J. Wilcox, of New York, to be receiver of public moneys at Walla Walla, Wash., *vice* James Braden, whose term of office has expired.

ASSOCIATE JUSTICE, WYOMING TERRITORY.

Michael C. Saufley, of Kentucky, to be associate justice of the supreme court of the Territory of Wyoming, *vice* Jacob B. Blair, whose term expires March 24, 1888.

UNITED STATES ATTORNEY.

William E. Purcell, of Dakota, to be attorney of the United States

for the Territory of Dakota, *vice* John E. Carland, appointed to the office of associate justice in that Territory.

NOMINATION WITHDRAWN.

The nomination of William Porter, which was sent to the Senate on the 5th of January last, was withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 12, 1888.

SOLICITOR OF TREASURY.

Charles S. Cary, of New York, to be Solicitor of the Treasury.

ARMY CHAPLAIN.

Rev. John F. Dolphin, of Minnesota, to be post-chaplain in the Army.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 12, 1888.

The House met at 12 o'clock m.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JONES, for ten days.

To Mr. HIESTAND, for one week, on account of important business.

PUBLIC BUILDING AT ATLANTA, GA.

Mr. STEWART, of Georgia. I ask unanimous consent to take from the Union Calendar, for present consideration, the bill (H. R. 7938) to enlarge, improve, and make repairs upon the United States court-house and post-office building in Atlanta, Ga., and to appropriate money therefor.

Mr. RANDALL. Has this bill been before a committee?

Mr. STEWART, of Georgia. Yes, sir; it is the unanimous report of the Committee on Public Buildings and Grounds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to enlarge, improve, and make repairs upon the United States court-house and post-office building in Atlanta, Ga.; and said enlargements and improvements and repairs to be made upon plans and specifications under and by direction of the Supervising Architect of the Treasury.

SEC. 2. That for the purposes named in the preceding section the sum of $120,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none.

Mr. BLAND. I have not objected to the consideration of this bill; but if the House is going to consider this and all such bills, I hope it will give them due consideration and not pass them *nem. con.* I want to discuss this question myself.

Mr. STEWART, of Georgia. I ask that the report be read.

The Clerk proceeded to read the report. When it had been read in part—

Mr. STEWART, of Georgia, said: Unless some gentleman desires to hear the recommendations from the Treasury Department, from the Attorney-General, and from Mr. West, the Chief Post-Office Inspector, I see no necessity for reading them.

Mr. BLAND. I think we had better hear the report read.

The Clerk continued the reading of the report (by Mr. DIBBLE), which, in full, is as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 3314) for the enlargement, improvement, and repairing of the United States court-house and post-office building at Atlanta, Ga., have had the same under consideration, and report by substitute, and ask that the original bill lie on the table.

The present building was erected under an act passed in 1873. The city of Atlanta furnished a lot worth $50,000, and a building was then erected which was deemed adequate for the needs of the public business. Since that time the population has increased twofold. Atlanta is the capital of the State and has a population of 70,000.

The building is used as a post-office, internal-revenue office, custom-house, division headquarters for post-office inspector for six States, railway mail service, also used for United States circuit and district courts, and nearly all of these departments of the Government have to rent rooms in other parts of the city, as the accommodations in the building are insufficient.

The increase of the postal service will be shown as follows:

Increase in the business of the Post-Office Department, which handled for the fiscal year ended June 30, 1874, 916,816 pieces of mail matter; for the fiscal year ended June 30, 1887, 9,944,671 pieces of mail matter, showing an increase of 8,982,855 pieces of mail matter. For the fiscal year ended June 30, 1875, the Atlanta post-office handled 154,234 pounds of second-class mail matter. For the fiscal year ended June 30, 1887, the Atlanta post-office handled 1,201,892 pounds of second-class mail matter, showing an increase of 1,047,658 pounds of second-class mail matter. For the fiscal year ended June 30, 1875, the Atlanta post-office handled through the registered department 3,993 letters and parcels. For the fiscal year ended June 30, 1887, this office handled through the registered department 16,847 letters and parcels, showing an increase of 12,854 letters and parcels. The gross postal receipts of the Atlanta post-office for the fiscal year ended June 30, 1874, was $45,066.05. The gross postal receipts for the fiscal year ended June 30, 1887, was $112,329.28, showing an increase in the gross postal receipts of $67,263.23.

For the fiscal year ended June 30, 1887, the amount of domestic money-orders issued by the Atlanta post-office was $198,873.47. Amount paid on domestic money-orders was $750,278.95. The amount of international money-orders issued was $12,112.97. Amount paid on international money orders was $2,363.83. Amount of postal-notes issued was $25,621.91. Amount paid on postal-notes was $55,484.36. There was deposited by various postmasters in the Atlanta post-office $1,051,756.14.

We herewith submit letters from the officials of the Post-Office Department of the Government showing that the capacity of the building should be increased to accommodate this part of the Government service.

"[From the Postmaster-General.]

"POST-OFFICE DEPARTMENT,
"OFFICE OF THE CHIEF CLERK,
"*Washington, D. C., February* 9, 1888.

"SIR: By direction of the Postmaster-General I transmit herewith for your use in connection with the bill introduced to enlarge the public buildings at Atlanta, Ga., letters from Hon. H. R. Harris, Third Assistant Postmaster-General, and William A. West, Chief Post-Office Inspector, showing the crowded condition of the building at the present time as regards room for the transaction of the postal business.

"Very respectfully,

"JOS. ROY, *Chief Clerk.*

"Hon. JOHN D. STEWART, M. C."

"POST-OFFICE DEPARTMENT,
"OFFICE OF CHIEF POST-OFFICE INSPECTOR,
"*Washington, D. C., February* 7, 1888.

"DEAR SIR: In answer to your verbal request for information as to rooms in the Government building at Atlanta, Ga., for use of the division inspector and his clerk stationed at that place, I have the honor to inform you that the room assigned to the inspector is entirely too small, and that unless we can get additional room we will be forced to rent quarters from private individuals.

"In connection with this matter I respectfully call your attention to the inclosed letter from Inspector Simpson.

"I have repeatedly applied to the Treasury Department for additional room, but so far without success.

"Very respectfully,

"W. A. WEST, *Chief Inspector.*

"Hon. DON M. DICKINSON,
"*Postmaster-General.*"

"POST-OFFICE DEPARTMENT,
"OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
"*Washington, D. C., February* 8, 1888.

"SIR: In response to a request personally made by Mr. Roy, the chief clerk of the Department, I have the honor to inform you that in order to carry out the policy originated by your predecessor, and sanctioned by an act of Congress, of creating three agencies for the distribution of postal-cards and stamped envelopes to post-offices in the Southern, Western, and Northwestern portions of the country, in addition to the principal agencies already existing at the places where the cards and envelopes are manufactured, it will be necessary to have, in the post-office building at Atlanta, Ga., where it is proposed to establish one of these agencies, a very much greater amount of office room than, it seems, can be now afforded. Not only this, but the additional room needed should be as nearly as possible connected with that now used for the dispatch of private mail matter, so that the cards and envelopes may be given greater security in their storage, and may be registered and mailed without materially disturbing the ordinary office methods of distribution.

"A short account of the operations of the agency at Chicago, which has already been established under the policy above referred to, may be found on pages 25 to 27 of the last annual report of this office.

"Yours, very respectfully,

"H. R. HARRIS,
"*Third Assistant Postmaster-General.*

"Hon. DON M. DICKINSON,
"*Postmaster-General.*"

"[From the Supervising Architect, Treasury Department.]

"TREASURY DEPARTMENT, *Washington, February* 7, 1888.

"SIR: I am informed that the Attorney-General and the Postmaster-General have recommended an appropriation for the enlargement of the United States court-house and post-office at Atlanta, Ga., and I have been requested to state my views with reference thereto. From representations made by the custodian of the building I am led to believe that it is totally inadequate for the proper transaction of the public business, and would suggest, if it is the desire of Congress to enlarge it, that an appropriation be made for repairing and altering the same, including an addition thereto, in order that sufficient accommodations be thus supplied for some time to come. The sum of $120,000 will be sufficient for this purpose.

"Respectfully, yours,

"WILL A. FRERET,
"*Supervising Architect.*"

The circuit and district courts for the northern district of Georgia are held in Atlanta, and one of the heaviest dockets to be found anywhere in the United States is found in this district. Your committee herewith submits a letter from the Attorney-General, Hon. A. H. Garland, urging that the capacity of the building be increased at once:

"[From the Department of Justice.]

"WASHINGTON, *February* 7, 1888.

"SIR: The Department is reliably informed that the accommodations for officers of the United States courts and officers of the different branches of the Government at Atlanta, Ga., are insufficient for the transaction of public business. I am convinced of the necessity of early action to relieve the Government of the embarrassment in consequence of the fact, and would therefore urge early action in appropriating money for an extension of the Government building at that place sufficient in amount to procure ample quarters for the Government officers.

"Very respectfully,

"A. H. GARLAND,
"*Attorney-General.*

"The SPEAKER *House of Representatives.*"

From the above it will be seen that not only is it an absolute necessity that this building be enlarged to accommodate the public service, but in addition to this the Post-Office Department propose to establish a subagency at Atlanta for the distribution of postal-cards and stamped envelopes for the South and Southwest as soon as suitable room can be obtained for that purpose.

The internal-revenue service, the railway mail service, and post-office inspection service all demand more room at Atlanta.

Atlanta is a growing city and the wants of the public service in the various departments are likely to increase. We therefore recommend the adoption of the substitute here submitted.

Mr. KERR. I ask the gentleman from Georgia how large a portion of these buildings is used by the internal-revenue office at this time?

Mr. STEWART, of Georgia. It uses a part of the third floor, including three rooms and a room in the basement; and, in addition, a part of a hall, where there is no fire and no means of heating, is the place where the clerks write their communications.

Mr. KERR. I desire to ask the gentleman another question. Would these buildings be needed if the internal-revenue system were abolished?

Mr. STEWART, of Georgia. Oh, yes; by all manner of means. We need two jury rooms and consultation rooms of United States courts; and we need additional rooms as a place of deposit, which the Post-Office Department requires for keeping envelopes and postal-cards.

Mr. BLAND. When we consider the number of bills introduced in this House and pending here and the very great pressure there is to bring them before the House and place them upon their passage, some of them with merit and some without any at all, it is a very ungracious task for any single member of this House to stand up here and object to the consideration of the whole of them. But it is wholly impossible for any member to ascertain whether there is merit in a bill or not until it is discussed and understood. While I do not desire to be placed in the position of being the only member of this House to stand up here and object to the consideration of these bills, I do intend when the House gives its consent to the consideration of a bill it shall be considered, and considered in such a manner as that the action of the House upon it shall be intelligent, whatever action that may be.

I introduced a bill some time ago having for its object to establish some system with regard to these public buildings that we might not be tied up here with this sort of thing as we are to-day and have been during this session. In the first place, over one hundred and fifty members introduced these bills, and every one is interested, as a matter of course, in getting his particular bill through. They are tied up in a system of "I aid you and you aid me," by which, if all these bills are to get through, not less than thirty millions of dollars will be taken from the Treasury at this one session. And when we adjourn and return to our constituents we will find, in all probability, that instead of reducing the revenues and reducing taxation we have simply emptied the Treasury, wasted the public money, and done away with all excuse for reducing the taxes of this Government.

Now, sir, the bill that I introduced and to which I have referred provided that where one of the Departments of the Government certified to the House that there was no public building in a given place by which that Department could carry on properly its business——

Mr. OWEN. I rise to a question of order. I ask if the gentleman from Missouri proposes to object to the consideration of the bill?

Mr. BLAND. I have not objected to the consideration of the bill, but I have stated that when it came up for consideration I want it considered so that we may not have these public-building bills rushed through, one on this side of the House and one on the other, by preconcerted agreement, without discussion and without understanding. That is what I object to.

It seems that in this case the Attorney-General has certified there is not adequate room for the courts in this place. Whether this appropriation is too much or too little I do not know. It is impossible to tell whether this sum of $120,000 is sufficient or more than sufficient.

Mr. STEWART, of Georgia. There has been a careful estimate made.

Mr. BLAND. It is provided in the bill I have introduced that when the Department seeks to have an appropriation made for a building in which to carry on the business of that Department and to have a building erected for United States courts or for other purposes, that request should come from the Department accompanied by the necessary information.

I hope that the bill upon that subject which I introduced, or some other bill, will be reported here in a few days, so that this scene may stop and that this system of log-rolling by which these bills are put through here shall cease. Otherwise, in a short time we shall be engaged in another system of log-rolling by which taxes are to be kept upon the people of this country. One gentleman in his district has a little tobacco, and another a little whisky; one a little iron, and another a little lead; one a little something else, and another a little wool; and they will combine and log-roll for those interests in their districts, thus keeping taxation upon the people and making another log-rolling system necessary to get the money out of the Treasury as soon as it gets in. I say that it is time to call a halt in this House upon this system of legislation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEWART, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRE-PROOF BUILDING AT SPRINGFIELD ARMORY.

Mr. ROCKWELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 5639) for erecting a fire-proof workshop at the National Armory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to cause to be erected at the National Armory, Springfield, Mass., one fire-proof carpenters' and stocking shop. The plan, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for said building complete the sum of $75,000.

For the purposes of this act the sum of $75,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of War.

Mr. ROCKWELL. I call for the reading of the report.

The SPEAKER *pro tempore*. The Clerk will read the report, after which the Chair will ask for objections.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill H. R. 5639, providing for the erection of a fire-proof workshop at the National Armory at Springfield, Mass., makes the following report:

The necessity for the erection of a fire-proof workshop at the National Armory is fully disclosed in the letter of the Secretary of War inclosing a copy of a report on the subject from the Chief of Ordnance, which letter and report are annexed to and made a part of this report.

Your committee concur in said report, and recommend the passage of the accompanying bill.

"WAR DEPARTMENT, *Washington City, January* 26, 1888.

"SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, requesting that a report be made on House bill 5639, Fiftieth Congress, first session, to provide for erection of a fire-proof workshop at the National Armory, Springfield, Mass. In reply I beg to inclose a copy of a report on the subject, dated the 24th instant, from the Chief of Ordnance, who submits an estimate and drawings for a new building at the National Armory for stocking and carpenter shops, and recommends an appropriation of $75,000 for the purpose.

"Very respectfully, your obedient servant,

"WILLIAM C. ENDICOTT,
"*Secretary of War.*

"Hon. SAMUEL DIBBLE,
"*Chairman Committee on Public Buildings and Grounds,*
"*House of Representatives.*"

"ORDNANCE OFFICE, *Washington, January* 24, 1888.

"Respectfully returned to the Secretary of War, with an estimate and drawings for a new building at the National Armory, Springfield, Mass., for stocking and carpenter shops.

"The old shops used for these purposes are an addition to the original machine-shop built nearly fifty years ago, and from the nature of the wood-work carried on in them are a menace to the whole structure. The erection of a fire-proof building is, therefore, not only a necessity, but is demanded by the advance made in all departments of labor since these old buildings were put up. Modern ideas require more room, more light, more conveniences for workmen, more facilities for handling material, more security for fine machinery, more economy of space in the arrangement of shops and their connection with each other. The old shops are worn out, are of the cheapest order of work buildings, and not a credit to the United States. These buildings have served their time and should be followed by workshops such as are to be found in all our manufacturing centers. This appropriation of $75,000 is therefore recommended.

"The aggregate is made up as follows:

Masonry work	$29,000
Iron work	32,000
Wood work	9,700
Glass and glazing	700
Paints and painting	200
Roofing	3,000
Drains and pavements	400
Total	75,000

"S. V. BENÉT,
"*Brigadier-General, Chief of Ordnance.*"

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. BLOUNT. Mr. Speaker, I want to say a word in connection with this bill. I do not wish to object to its consideration, but I want to reserve a question of order on the bill.

Mr. ROCKWELL. I have no objection to the question of order being reserved.

Mr. BLOUNT. I have no objection to stating the question of order at this time.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. I do not mean to say that this is not a proper bill or that the proposed building ought not to be erected, but my point is this——

Mr. TAULBEE. Mr. Speaker, I suppose the right to object will not be exhausted by the gentleman's statement.

Mr. ROCKWELL. It never is exhausted.

The SPEAKER *pro tempore*. Is there objection to considering this bill?

Mr. TAULBEE. I have no objection to hearing the statement of the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I do not care to be heard if the gentleman from Kentucky desires to object.

Mr. BLAND. Mr. Speaker, I think that under the rules this bill ought to be considered in Committee of the Whole, and I make the point that if it is to be discussed at all, it should be discussed in Committee of the Whole and be subject to amendment.

The SPEAKER *pro tempore*. The request is for unanimous consent to discharge the Committee of the Whole and consider the bill at this time. Is there objection?

Mr. BLAND. I have no objection to going into Committee of the Whole.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts [Mr. ROCKWELL]?

Mr. ROCKWELL. I trust the gentleman from Missouri will not object. A bill from the other side of the House has just been considered.

Mr. BLAND. Well, Mr. Speaker, I do not wish to be accused of unfairness by that side of the House, and therefore I will not object.

The SPEAKER *pro tempore*. The gentleman from Missouri withdraws his objection.

Mr. CANNON. In other words, the gentleman from Missouri is not sincere when he lectures the House. When he has a chance to object and block this legislation he does not do it.

Mr. BLAND. Mr. Speaker, that statement is wholly gratuitous, and it is not in the line usually followed by the gentleman from Illinois upon this floor, for I have always regarded him as a fair man. When I state that I withdraw the objection because I do not want to be accused of unfairness by his side of the House, it certainly comes with a very bad grace from him to charge me with insincerity. I know that I am as sincere as he is, and when he says otherwise he makes a statement that is not true and that is entirely uncalled for.

Mr. CANNON. What have I said that you say is not true?

Mr. BLAND. I say that when you say that my sincerity is not as great as yours, it is not true.

Mr. CANNON. I said that you could stop these bills by objecting, and that you did not do it.

Mr. BLAND. I could stop them by objecting, but I do not wish to stop them in that way.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts [Mr. ROCKWELL]? The Chair understood the gentleman from Georgia to raise a point of order, and if he insists upon it, that is equivalent to an objection.

Mr. BLOUNT. If the Chair will hear me a moment he may have a different opinion about it. I have no objection to the consideration of this bill. I desire to raise a point of order in reference to the appropriation contained in the bill, nothing more.

Mr. ROCKWELL. Let that be done while the bill is being considered.

The SPEAKER *pro tempore*. The Chair has already decided that the point of order is equivalent to an objection.

Mr. BLOUNT. I wish to know whether, if the House now enters upon the consideration of this bill, I shall be precluded from raising afterwards the question of order upon a particular provision of the bill.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. BLOUNT] raises the point of order that this bill should be considered in Committee of the Whole.

Mr. BLOUNT. The Chair misunderstands the gentleman from Georgia. I have not raised that question. If the Chair will hear me for a minute, I think I can make the matter clear. I am not objecting to the consideration of the bill, but there is a part of the bill which is subject to a point of order, in my judgment. I desire to make the point of order on that part of the bill when it shall be reached in the consideration of it. If that point of order shall be sustained, it need not retard the consideration of the bill at all.

The object I had in rising was, by calling the attention of the Chair to the matter now, to avoid being precluded from raising the point at the appropriate time.

The SPEAKER *pro tempore*. The Chair will again state the proposition.

Mr. LONG. I understand the gentleman from Georgia does not object to the consideration of this bill. On the contrary, he wishes it considered. He simply wants to reserve the right to make a point of order upon a provision of the bill when it comes to be considered.

The SPEAKER *pro tempore*. The Chair can not ascertain the point of order until it is raised. The Chair will again put the question: Is there objection to discharging the Committee of the Whole from the consideration of this bill and considering it now in the House?

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. If the House should enter upon the consideration of this bill, will it be competent to raise a question of order on any part of the bill when it is reached?

The SPEAKER *pro tempore*. That would depend entirely upon the kind of question of order which might be raised.

Mr. BLOUNT. Well, if the Chair will allow me, I will illustrate so as to make my inquiry, I think, very plain. This bill embraces authority for the erection of a public building—a provision which, under the rules, is entirely within the province of the Committee on Public Buildings and Grounds. The bill likewise contains an appropriation of money, and under the rules such appropriations belong to the Committee on Appropriations. The information I now desire is whether, if the House agrees to consider this bill, I shall thereby be precluded from raising a question of order on that part of the bill.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Georgia that if the House should agree now to consider this proposition, all questions of jurisdiction are thereby waived. The Chair will not undertake to decide any question of order until it comes up. The question is upon the request for unanimous consent.

Mr. STONE, of Missouri. I demand the regular order.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is demanded, which is the call of States and Territories for the introduction of bills and resolutions.

BRIDGE ACROSS NOXUBEE RIVER, ALABAMA.

Mr. BANKHEAD introduced a bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River, at or near Gainesville, in the State of Alabama; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CRUELTY TO DOMESTIC ANIMALS.

Mr. OATES introduced a bill (H. R. 8344) to prevent cruelty to domestic animals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHTS OF ALIENS.

Mr. OATES also introduced a bill (H. R. 8345) to restrict the rights of aliens in respect to naturalization and the ownership of land; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CATTARAUGUS AND ALLEGANY RESERVATIONS, NEW YORK.

Mr. PEEL (by request) introduced a bill (H. R. 8346) to regulate leases of lands within the Cattaraugus and Allegany reservations, in New York; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRINTING OF NAVAL REPORT.

Mr. MORROW introduced the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office, with the necessary illustrations, 3,000 copies of the report of a board of naval engineers on the experiments which the Navy Department was enabled, through the courtesy of J. M. Forbes, esq., owner of the yacht Shearwater, to make, for the purpose of determining the efficiency of a sectional marine boiler; of which 1,000 copies shall be for the use of the House, 500 for the use of the Senate, and 1,500 for distribution by the Navy Department.

DEBT OF CENTRAL PACIFIC RAILROAD COMPANY.

Mr. BIGGS (by request) introduced a bill (H. R. 8347) to provide for settlement of the debt of the Central Pacific Railroad Company growing out of issues of bonds; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

SECTION 1225, REVISED STATUTES OF THE UNITED STATES.

Mr. SYMES introduced a bill (H. R. 8348) to amend section 1225, Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TERMS OF COURT IN COLORADO.

Mr. SYMES also introduced a bill (H. R. 8349) to amend an act entitled "An act to provide for terms of court in Colorado;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAND OFFICE AT TRINIDAD, COLO.

Mr. SYMES also introduced a bill (H. R. 8350) to establish a land office at Trinidad, Colo.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADDITIONAL LAND OFFICE IN COLORADO.

Mr. SYMES also introduced a bill (H. R. 8351) to establish an additional land office in Colorado; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONSTRUCTION OF RAILROAD FROM TITUSVILLE, ETC.

Mr. DOUGHERTY introduced a bill (H. R. 8352) granting aid in the construction of a railroad from the town of Titusville, Brevard County, Florida, to the Bight of Canaveral, with a branch to Banana River, in said county and State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE ACROSS HILLSBOROUGH RIVER, FLORIDA.

Mr. DOUGHERTY also introduced a bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River, at a point in the town of New Smyrna, in the county of Volusia, and State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HALIFAX RIVER BRIDGE AND STREET RAILWAY COMPANY.

Mr. DOUGHERTY also introduced a bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS ST. JOHN'S RIVER, FLORIDA.

Mr. DOUGHERTY also introduced a bill (H. R. 8355) to authorize

the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIM OF DAVID RYAN.

Mr. BAKER, of Illinois, introduced a bill (H. R. 8356) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SERVICE-PENSION BILL.

Mr. BAKER, of Illinois, also presented the following resolutions; which were referred to the Committee on Invalid Pensions, and ordered to be printed in the RECORD:

NATIONAL HEADQUARTERS
PER DIEM RATED SERVICE-PENSION ASSOCIATION,
No. 84 Nassau street (Room 34),
New York, March 8, 1888.

SIR: At the national convention of the Per Diem Rated Service-Pension Association, held at Irving Hall, in this city, on March 1, 1888, the following resolutions were unanimously adopted:

Resolved, That we, the ex-Union soldiers, sailors, and marines in convention assembled, representing the veterans in the several States and Territories and the District of Columbia of the United States of America, the large majority of whom are also members of the Grand Army of the Republic, unanimously indorse the per diem rated service-pension bill No. 1537, as presented in the Senate, and No. 5662, as presented in the House; and we hereby petition our Senators and Representatives in Congress to vote for and pass this measure, which is the only bill that has been presented granting equal justice to all, feeling assured of the approval by the President, the constitutional Commander-in-Chief of the Army and Navy of the United States.

Resolved, That a copy of these resolutions, signed by the president of this association and attested by the secretary, be forwarded to each Senator, Representative, and Delegate from the several States and Territories, and to the President of the United States.

CHARLES A. WELLS,
President Per Diem Rated Service-Pension Association.

Attest:

J. A. JOEL, *Secretary.*

Hon. JEHU BAKER,
Member of Congress.

LARD.

Mr. BAKER, of Illinois, presented the following resolution; which was referred to the Committee on Agriculture:

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of providing by law for the prohibition of the sale of any compound as pure lard, and requiring any such compound to be sold under its true name; and that said committee be instructed to report herein by bill or otherwise.

ARREARS OF PENSIONS.

Mr. ROWELL introduced a bill (H. R. 8357) granting arrears of pensions to certain pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, ROCK ISLAND, ILL.

Mr. GEST introduced a bill (H. R. 8358) for the erection of a public building at Rock Island, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, MONMOUTH, ILL.

Mr. GEST also introduced a bill (H. R. 8359) for the erection of a public building at Monmouth, in the State of Illinois; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BUSINESS TRUSTS.

Mr. OWEN, by unanimous consent, submitted the following joint resolution (H. Res. 132); which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed:

Whereas the existence of business combinations, known as trusts, for the purpose of controlling the production and price of raw and manufactured commodities, is an injustice to labor and a conspiracy against the consumer; and

Whereas the anthracite-coal and Standard-Oil and other alleged business combines, which are not subject to national legislation except in their interstate movements, being creatures of the States and under their control; and

Whereas it is alleged that the owners of certain industries whose productions are protected by the tariff have formed such business combines: Therefore,

Resolved by the Senate and House of Representatives, That the formation of such a business combination by the owners of an industry fostered by the Government is a violation of good faith, and tends to defeat the results sought to be obtained by the fostering act of the Government, and justifies the repeal of the protective tariff in every such case.

Resolved, That the Secretary of the Treasury be, and he is hereby, authorized and directed to appoint a commission of five men whose duty it shall be, upon evidence furnished which creates a reasonable presumption that a trust, pool, syndicate, or combination by whatever name known has been organized for the purpose or does in fact control the production or price of any article on the tariff schedule, to make an investigation into the management of such industry as far as it relates to control of production or price of its merchandise, and report the same to Congress on the first Monday of next December. The commission shall conduct its investigations at such place or places as the Secretary of the Treasury may direct. The commission shall have power to send for persons and papers and to employ a stenographer. As compensation for their services in the investigations and time spent in traveling, the members of the commission shall receive per diem the daily rating of pay given Representatives in Congress. For the purpose of this investigation the sum of $20,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

ARREARS.

Mr. HOVEY (by request) introduced a bill (H. R. 8360) to grant arrears in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDICIAL DISTRICTS, IOWA.

Mr. KERR introduced a bill (H. R. 8361) amending the act of July 20, 1882, dividing the State of Iowa into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PORTRAIT OF GENERAL JAMES WILKINSON.

Mr. CARUTH introduced a bill (H. R. 8362) to provide for the purchase of a portrait of General James Wilkinson; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

EXTENSION OF MAIL SERVICE.

Mr. FINLEY introduced a bill (H. R. 8363) to amend an act entitled "An act to authorize the Postmaster-General to extend the mail service in certain cases, and for other purposes," approved August 3, 1882; which was read a first and second time.

The SPEAKER *pro tempore*. In the opinion of the Chair this bill should be referred to the Committee on the Post-Office and Post-Roads.

Mr. FINLEY. I move its reference to the Committee on the Revision of the Laws.

The motion was agreed to.

Mr. BLOUNT. Mr. Speaker, my attention was not called at the moment to the title of the bill which has just been referred to the Committee on the Revision of the Laws. I ask that the title be again reported.

The title of the bill was again read.

The SPEAKER *pro tempore*. The Chair stated that this bill properly went to the Committee on the Post-Office and Post-Roads; but on motion of the gentleman from Kentucky it was referred to the Committee on the Revision of the Laws. Does the gentleman from Georgia move to reconsider?

Mr. BLOUNT. I do. I move to reconsider the vote referring the bill to the Committee on the Revision of the Laws. Manifestly, under the rule, this should go to the Committee on the Post-Office and Post-Roads.

Mr. FINLEY. Mr. Speaker, there is nothing at all intricate about this bill. It simply meets one of the objections to the postal laws and regulations as at present in force. Under the act of August 3, 1882, the Postmaster-General is authorized to cut off and curtail the service. This amendment simply provides that where he sees fit to cut off the head of the route, after it has been contracted for and sublet, and it becomes necessary for the contractor to go to the point where it is proposed to be sublet, that he shall be allowed 4 cents a mile as necessary expenses for his traveling each way. That is all it does.

Mr. BLOUNT. Under the very statement of the gentleman himself obviously this proposition should go to the Committee on the Post-Office and Post-Roads. It is one which deals with legislation in reference to mail contracts; and you had just as well take away every other subject from that committee as this one. It seems to me if the rules are correct they had better be observed; and I can not see with what propriety this bill should go to the Committee on the Revision of the Laws.

The question was taken on the motion to reconsider, and it was decided in the affirmative; there being, on a division—ayes 69, noes 64.

Mr. BLOUNT. I now move to refer this bill to the Committee on the Post-Office and Post-Roads.

The motion was agreed to.

The bill was accordingly referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SALE OF IMPORTED LIQUORS FOR DUTIES.

Mr. DINGLEY introduced a bill (H. R. 8364) to provide that the payment of duties on imported, distilled, or fermented liquors shall not be held to authorize their sale contrary to State laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNATIONAL COURT OF ARBITRATION.

Mr. LONG submitted a resolution of the Commonwealth of Massachusetts, concerning an international court of arbitration; which was read, and referred to the Committee on Foreign Affairs.

Mr. LONG. I ask unanimous consent that this resolution be printed in the RECORD.

There was no objection.

The resolution is as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year 1888.

Resolution concerning an international court of arbitration.

Resolved, That the senate and house of representatives in General Court assembled, approve of the efforts being made relating to the ultimate ratification of treaties which shall provide for the settlement by arbitration of any difference or disputes arising between the governments of Great Britain or other civilized nations and the United States, which can not be adjusted by diplomatic agency,

and thereby providing for the settlement of all international difficulties which may arise without resorting to cruel methods of war and bloodshed.

SENATE, *February* 23, 1888.

Adopted.
Sent down for concurrence.

E. HERBERT CLAPP, *Clerk.*

HOUSE OF REPRESENTATIVES, *February* 28, 1888.

Adopted in concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

A true copy.
Attest:

E. HERBERT CLAPP,
Clerk Senate.

SALARY OF THE COMMISSIONER OF LABOR.

Mr. LONG also introduced a bill (H. R 8365) fixing the salary of the Commissioner of Labor at $5,000 per annum; which was read a first and second time, referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

PURCHASE OF HISTORICAL INDIAN PAINTINGS.

Mr. CHIPMAN introduced the following resolution; which was read, and referred to the Committee on the Library:

Resolved, That the Committee on the Library be, and it is hereby, directed to inquire into the propriety of purchasing from the administratrix of the late John M. Stanley the historical paintings by the said John M. Stanley now in the custody of the Smithsonian Institution.

PORT OF ENTRY SAULT STE. MARIE.

Mr. CUTCHEON introduced a bill (H. R. 8366) to amend section 2599 of the Revised Statutes of the United States making Sault Ste. Marie, in the State of Michigan, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STATE REGULATION OF RAILROADS.

Mr. NELSON introduced a bill (H. R. 8367) to provide in certain cases for the regulation of railway companies chartered by the United States by the several States and Territories in which the railways of such companies run and are operated; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HASTINGS AND DAKOTA RAILROAD COMPANY.

Mr. MACDONALD introduced a bill (H. R. 8368) to forfeit the lands granted to the Hastings and Dakota Railroad Company, in the State of Minnesota, and for the relief of settlers upon the same and certain purchasers thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LIMITATION OF ACTIONS ON OFFICIAL BONDS.

Mr. RICE introduced a bill (H. R. 8369) to limit the time in which action may be brought by the United States upon the bonds of public officers, their sureties or legal representatives; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OBSTRUCTIONS IN NAVIGABLE WATERS.

Mr. HOOKER introduced a bill (H. R. 8370) to remove obstructions to the free navigation of the navigable waters of the United States; which was read a first and second time, referred to the Committee on Rivers and Habors, and ordered to be printed.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. WALKER introduced the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, instructed to apportion to the members of the Fiftieth Congress all books which have not yet been apportioned, including all the volumes of the second edition of Wharton's Digest, notwithstanding the resolution of the House of March 2, 1887.

HOUR OF MEETING.

Mr. DOCKERY submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That on and after Tuesday, March 27, 1888, the hour for the daily meeting of the House shall be 11 o'clock a. m., until otherwise ordered.

TELEGRAPHIC FACILITIES.

Mr. DOCKERY also submitted the following resolution; which was read, and referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Committee on the Post-Office and Post-Roads, or a subcommittee thereof, be, and is hereby, authorized and empowered to investigate and ascertain whether legislation is needed to prevent a monopoly of telegraphic facilities, and to protect the people of the United States from unreasonable charges for telegraphic services.

To carry out the intent of this resolution the said committee, or a subcommittee thereof, is hereby authorized to send for and examine persons, books, and papers, to administer oaths to witnesses, and to employ a stenographer; and the expenses of such investigation, not to exceed $1,500, shall be paid out of the contingent fund of the House in the manner now provided by law.

INDEMNITY SCHOOL LANDS IN NEBRASKA.

Mr. LAIRD introduced a bill (H. R. 8371) to allow the State of Nebraska to select indemnity school lands from any unoccupied public lands of said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WINNEBAGO RESERVATION, IN NEBRASKA.

Mr. DORSEY introduced a bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation, in Nebraska; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CONVICT-MADE GOODS.

Mr. BUCHANAN introduced a bill (H. R. 8373) in relation to convict-made goods; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MAIL SERVICE TO SOUTH AMERICA, ETC.

Mr. MERRIMAN introduced a bill (H. R. 8374) to provide more efficient mail service between the United States and South and Central America and the West Indies; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAY OF CUSTODIANS AND JANITORS.

Mr. TRACEY introduced a bill (H. R. 8375) to authorize the Secretary of the Treasury to expend $60,000 for pay of custodians and janitors for the fiscal year ending June 30, 1888; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

TAXES ON DISTILLED SPIRITS, ETC.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 8376) to abolish special taxes on distilled spirits and other articles subject to internal-revenue taxes at the place where such goods are delivered by the carrier to the vendee; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WEST WASHINGTON LIGHTING, ETC., COMPANY.

Mr. HENDERSON, of North Carolina, (by request), also introduced a bill (H. R. 8377) to incorporate the West Washington Lighting, Heating, Motor, and Power Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PENSIONS.

Mr. WILLIAMS introduced a bill (H. R. 8378) to grant pensions for service in the Army, Navy, and Marine Corps of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. WILLIAMS also introduced a bill (H. R. 8379) to amend an act entitled "An act granting pensions to the soldiers and sailors of the Mexican war," approved January 29, 1887; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CENTENNIAL EXPOSITION AT COLUMBUS, OHIO.

Mr. WILKINS introduced a bill (H. R. 8380) to authorize the loan of certain exhibits to the centennial exposition to be held at Columbus, Ohio, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HOSPITAL CORPS OF THE ARMY.

Mr. OUTHWAITE introduced a bill (H. R. 8381) to amend section 6 of the act approved March 1, 1887, entitled "An act to organize the hospital corps of the Army of the United States, to define its duty, and fix its pay;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL EXPOSITION, COLORED RACE.

Mr. KELLEY introduced a bill (H. R. 8382) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1888 and 1889; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

IMPORT DUTIES AND INTERNAL REVENUE.

Mr. RANDALL introduced a bill (H. R. 8383) to reduce and equalize duties on imports, to reduce internal-revenue taxes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC-BUILDING BILLS.

Mr. DIBBLE submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the third Tuesdays in April, May, and June next, after the hour for consideration of bills reported from committees, be set apart for the consideration of bills reported from the Committee on Public Buildings, and that during the time so set apart no dilatory motion shall be sustained by the Chair except, at and after 5 o'clock p. m., the motion to adjourn; and not more than thirty minutes shall be consumed in debate on any bill, including debate on questions of order, of which time fifteen minutes shall be controlled in favor of the bill by the committee and fifteen minutes by those opposing the bill.

WIDENING OF B STREET.

Mr. HEMPHILL introduced a bill (H. R. 8384) to authorize the widening of B street southeast, in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. HEMPHILL also introduced a bill (H. R. 8385) to amend an act giving the approval of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DECLARATIONS OF PENSION CLAIMANTS.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 8386) authorizing the declarations of pension claimants to be made before notaries public; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUND OF DIRECT TAX.

Mr. CASWELL offered a resolution fixing the time for the consideration of the bill (S. 139) providing for refunding the direct tax of 1861; which was referred to the Committee on Rules.

PENITENTIARY IN UTAH.

Mr. CAINE introduced a bill (H. R. 8387) extending the limit of the appropriation for the erection of a penitentiary in the Territory of Utah; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 8388) granting pensions to the soldiers and sailors of the Florida or Seminole Indian war of 1835 to 1842, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MONUMENT TO COLORED UNITED STATES SOLDIERS.

Mr. BAKER, of Illinois. Mr. Speaker, I hold in my hand a petition signed by 151 of my constituents, asking for the erection of a monument to the colored soldiers of the Union. In courtesy to so many good citizens, I request that the body of the petition be printed in the RECORD.

There was no objection, and it was so ordered.

The petition, which was referred to the Committee on the Library, is as follows:

To the honorable the Senators and Representatives from Illinois in the Congress of the United States:

GENTLEMEN: Your petitioners are informed that Senator HOAR, of Massachusetts, has introduced a bill in the Senate providing for the erection at Washington of a monument to the colored United States soldiers who fell in defense of the Union.

Your petitioners respectfully beg your consideration of the advisability of amending said bill so as to change the proposed location of said monument from Washington to the city of Alton, Ill., for the following reasons:

1. In this city of Alton, Ill., on the 7th day of November, 1837, was made the first armed resistance to the encroachment of the slave power in America, and here the first martyr to the cause of universal liberty lies buried.

2. For fifty years the grave of Elijah P. Lovejoy has been the Mecca of the colored people in America, and the erection of a national monument here would satisfy their sense of poetic justice.

3. This location in the heart of the Mississippi Valley would be geographically as well as politically appropriate; the commanding bluffs of Alton overlook the confluence of the two great rivers of the continent, and they also mark the old border line between freedom and slavery, now happily obliterated.

To these considerations we invite your earnest attention, and your petitioners will ever pray.

ALTON, ILL., *February* 23, 1888.

REMOVAL OF OBSTRUCTION IN NEW YORK HARBOR.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a petition of New York merchants and steam-ship companies.

Mr. ROGERS. Mr. Speaker, before unanimous consent is given for the printing of these matters in the RECORD I would like to know what they are.

Mr. TIMOTHY J. CAMPBELL. This is a very brief petition. It relates to the removal of a rock which obstructs the navigation of the East River.

There was no objection, and the petition, which was referred to the Committee on Rivers and Harbors, was ordered to be printed in the RECORD, as follows:

To the honorable House of Representatives, Washington, D. C:

GENTLEMEN: We, the undersigned, interested in the safe navigation of the East River, in the State of New York, do hereby respectfully petition your honorable body to make a sufficient appropriation during the present session for the prompt removal of a ledge of rock situated in the said East River between Broome and Twenty-third streets, which is extremely dangerous to life and property.

SETTLERS ON DES MOINES LANDS.

Mr. WHEELER introduced a bill (H. R. 8389) for the relief of the settlers upon the lands on the Des Moines River above the Raccoon Forks, in the State of Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PATENTS.

Mr. WARNER introduced a bill (H. R. 8390) to amend section 4887 of the Revised Statutes of the United States, in relation to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

BRANCH SOLDIERS' HOME IN INDIANA.

Mr. STEELE introduced a bill (H. R. 8391) to authorize the location of a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRIBUTION OF DOCUMENTS.

Mr. PARKER introduced a concurrent resolution providing for the turning over and distribution of certain documents; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PENSIONS.

Mr. LA FOLLETTE introduced a bill (H. R. 8392) to amend an act entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, approved August 4, 1886;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INVESTIGATION OF GOVERNMENT PRINTING OFFICE.

Mr. RICHARDSON offered a resolution to pay the clerk of the special committee appointed to investigate the Government Printing Office the usual pay of session clerks; which was referred to the Committee on Accounts.

NATIONAL AID TO COMMON SCHOOLS.

Mr. BOOTHMAN. Mr. Speaker, I hold in my hand a petition numerously signed by citizens of Fulton County, Ohio, asking for national aid to common schools. I ask unanimous consent that the petition be printed in the RECORD.

There was no objection, and it was so ordered.

The petition, which was referred to the Committee on Education, is as follows:

To the honorable the Senate and House of Representatives of the United States of America:

We, the undersigned, citizens of Delta, county of Fulton, State of Ohio, believing that the prosperity and perpetuity of all free institutions depend upon the intelligence and virtue of the people; that ignorance exists to an alarming degree, and endangers the general welfare of the Republic: We therefore earnestly pray for the enactment of a law which shall authorize the appropriation of money from the Treasury of the United States for temporary aid in the establishment and maintenance of free public schools, and for such other remedial legislation as is necessary, to the end that the number of illiterates in the country, now exceeding six million persons ten years of age and over, shall be reduced to a minimum.

AGRICULTURE.

Mr. BUCHANAN. I desire to present for reference to the Committee on the Post-Office and Post-Roads resolutions of the New Jersey State Board of Agriculture in favor of a reduction of postal rates on seeds, plants, etc., and also on agricultural and horticultural reports. I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, it was ordered accordingly.

The document is as follows:

Whereas the United States Postal Association are endeavoring to secure a reduction of postal rates on fourth-class matter, especially on seeds, plants, bulbs, scions, etc.; also a reissue of fractional currency for use in the mails, the abolishment of postal-notes, etc.: Therefore,

Be it resolved by the New Jersey State Board of Agriculture, That we approve of these efforts, and appeal to our Senators and Representatives in Congress for their efforts in support of these measures, and also approve their action looking to a reduction of postage on agricultural and horticultural reports.

Resolved, That a copy of this preamble and resolution, attested by the president and secretary of the board, be forwarded to our Senators and Representatives.

I hereby certify that the foregoing preamble and resolutions were regularly adopted February 1, 1888, at the annual meeting of the New Jersey State Board of Agriculture, held at Trenton, N. J.

E. BENNYT, *President.*
Attest: FRANKLIN DYE, *Secretary.*

IRRIGATION OF ARID LANDS.

Mr. PAYSON. I rise to a question of privilege and report back with a favorable recommendation, from the Committee on Public Lands, the joint resolution S. R. 60, a resolution of inquiry addressed to the Secretary of the Interior.

The Clerk read as follows:

Joint resolution (S. R. 60) directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States, and to report to Congress.

Whereas a large portion of the unoccupied public lands of the United States is located in what is known as the arid region, and now utilized only for grazing purposes, but much of which, by means of irrigation, may be rendered as fertile and productive as any land in the world, capable of supporting a large population, thereby adding to the national wealth and prosperity; and

Whereas all the water flowing during the summer months in many streams of the Rocky Mountains, upon which the husbandman of the plains and the mountain valleys chiefly depends for moisture for his crops, has been appropriated and is used for the irrigation of lands contiguous thereto, whereby a comparatively small area has been reclaimed; and

Whereas there are many natural depressions near the sources and along the courses of these streams which may be converted into reservoirs for the storage of the surplus water which during the winter and spring season flows through the streams, from which reservoirs the water there stored can be drawn and conducted through properly constructed canals at the proper season, thus bringing large areas of land into cultivation and making desirable much of the public lands for which there is now no demand: Therefore,

Be it resolved by the Senate and House of Representatives, etc., That the Secretary

of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid region of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water for irrigating purposes, with the practicability of constructing reservoirs, together with the capacity of the streams and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

The Committee on Public Lands, to whom was referred Senate joint resolution No. 60, entitled "Joint resolution directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States and to report to Congress," have considered the same, and recommend its adoption.

Mr. PAYSON. This resolution is reported back under the rule.

The SPEAKER *pro tempore*. The Chair is in doubt whether this is a privileged question, and will ask unanimous consent for its consideration.

Mr. PAYSON. It is clearly privileged under the rule.

Several MEMBERS. No objection.

Mr. PAYSON. I move that the joint resolution be put on its passage.

The joint resolution was ordered to a third reading, was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDEMNITY FOR SWAMP AND OVERFLOWED LANDS.

Mr. MCRAE. I am directed by the Committee on the Public Lands to present the resolution which I send to the desk, setting apart a day for the consideration of the bill named.

The Clerk read as follows:

Resolved, That Wednesday, March 14, 1888, after the morning hour for the consideration of bills, be set apart for the consideration of House bill No. 6897, reported from the Committee on Public Lands, to relieve purchasers of, and to indemnify certain States for, swamp and overflowed lands erroneously disposed of by the United States; not to interfere with revenue or appropriation bills or prior orders; and if not disposed of on that day, then Wednesday of each subsequent week shall be set apart and substituted therefor until the said bill shall be disposed of by the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. MCCREARY. I object.

Mr. MCRAE. If the objection is made on account of the day proposed, I will modify the resolution so as to name Thursday, March 15.

Mr. MCCREARY. That day has been assigned to business of the Committee on Private Land Claims.

Mr. MILLS. Let the resolution go to the Committee on Rules.

The SPEAKER *pro tempore*. Objection is made to the present consideration of the resolution. If there be no objection, it will be referred to the Committee on Rules.

There being no objection, the resolution was referred accordingly.

QUESTION OF PRIVILEGE.

Mr. BAYNE. Mr. Speaker, by a rule of the House of Representatives all petitions are presented by members through the box placed in front of the Clerk's desk and referred to the committee having jurisdiction over the subject-matter of the particular petition. The only way of presenting a petition and securing a hearing for it is, therefore, primarily in the committee to which it is referred. There is no rule by which a petition can be heard in the House and be referred to the Committee of the Whole on the state of the Union, or can, indeed, have a hearing from any quarter except on the part of the committee to which it is referred.

On the 7th day of March, the present month——

Mr. HEMPHILL. Mr. Speaker, I do not like to object; but I would like to know whether this is a privileged matter.

Mr. BAYNE. The gentleman will find out that it is before I get through.

The SPEAKER *pro tempore*. The Chair has not heard enough yet to understand the nature of the question which the gentleman from Pennsylvania is seeking to present.

Mr. HEMPHILL. I desire to reserve the right to object.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has not yet stated his proposition.

Mr. BAYNE. On the 7th day of the present month I presented the petition of Nonpareil, of Wayne, and of Etna Lodges of Amalgamated Association of Iron and Steel Workers of Allegheny, of Pittsburgh, and of Allegheny County, Pennsylvania, with representations therein concerning tariff legislation or proposed tariff legislation. These petitions emanated from those lodges, which had respectively assembled in their lodge rooms, discussed the matters therein set forth, passed resolutions with the representations therein contained; and those petitions were forwarded to me to present to this House. Doubtless many of my colleagues have done the same thing. Petitions have been presented here from manufacturers, from manufacturing associations, from granges, from various organizations throughout the country, as well as from individuals.

Mr. BRECKINRIDGE, of Kentucky. I raise the point that the gentleman is not stating any question of privilege.

Mr. BAYNE. The gentleman will not estop me from stating my question of privilege. I claim——

Mr. BRECKINRIDGE, of Kentucky. I do not know whether I shall "estop" the gentleman or not; but I raise the question of order.

Mr. BAYNE. I claim to be quite as competent a judge of a question of privilege as the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. I have the right to raise the question of order, and I do raise the question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. REED rose.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt the gentleman from Pennsylvania needs the assistance of the gentleman from Maine.

Mr. REED. He shall always have it in a cause as righteous as this is.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Pennsylvania has not stated any question of privilege, but under the pretense of stating a question of privilege he is stating what is not a question of privilege.

Mr. BAYNE. If I am permitted to proceed, I will state not only a question of privilege, but a question of the very highest privilege, and a question of privilege which should command the support of every member of this body.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. BAYNE. As I was stating, these petitions were referred and presented to their appropriate committees, and in this case they were referred to the Committee on Ways and Means. Under Article I of the amendments to the Constitution of the United States it is declared that Congress shall make no law respecting the establishment of religion, or respecting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. Now, having received these petitions, recognizing as I do the right of the people when they peaceably assemble to present their grievances to the Government to be heard; having referred these petitions to the Committee on Ways and Means of this body, by which we assumed they would be heard, I felt no particular concern whatever for these petitioners, but as I saw it stated in the newspapers throughout the country, going out not only by the Associated Press organizations but by special correspondents all over the country, that a majority of the Committee on Ways and Means had not only denied a hearing to persons concerned in tariff legislation, but had denied the right to have the petitions presented and referred to them read before that committee—I saw it stated in the newspapers that a motion was made by a member of that committee that the petitions referred to it should be read, and that a majority of that committee voted "no" and decided they should not be read—I insist upon it, that is a denial of the right of petition. It is an emphatic denial of the right of petition, for if these petitions can not be heard in the body of the House, can not be read and presented to the Committee of the Whole House on the state of the Union, and they can not be heard by that committee of Ways and Means, by whom then shall they have the right to be heard?

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. BAYNE. Not now, but in a moment I will allow you.

Mr. BRECKINRIDGE, of Kentucky. I rise to the point of order that the gentleman is not stating any question of privilege.

Mr. BAYNE. I wish to state my question of privilege.

Mr. BRECKINRIDGE, of Kentucky. I rise to a question of order. This is simply a false pretense; there is no question of privilege in it.

Mr. BAYNE. I do not care to reply if the gentleman from Kentucky has to depend on that kind of argument to sustain himself.

Mr. DAVIS. I insist the gentleman from Kentucky is not in order in charging any member of this House with false pretense when stating a solemn question of privilege in reference to the right of petition on the part of the people.

Mr. BLOUNT rose.

The SPEAKER *pro tempore*. The gentleman from Kentucky has raised the point of order that the gentleman from Pennsylvania is not stating any question of privilege.

Mr. BAYNE. Mr. Speaker, the point of order will not be decided until I have had an opportunity at least to state what my proposition is. I have summarized my question of privilege in the shape of a resolution, which I ask the Clerk to read.

The SPEAKER *pro tempore*. The Chair will hear from the gentleman from Pennsylvania on the question of order if he desires to be heard.

Mr. BAYNE. Before saying anything on the point of order I wish the Clerk to read the resolution I desire to offer.

The Clerk read as follows:

Whereas it is currently stated in the newspapers throughout the country that the Committee on Ways and Means, by a majority, has not only refused oral hearings to the producers, manufacturers, and workingmen of the country, but has denied to them also the right to have read before that committee their printed or written petitions in relation to the proposed changes of the tariff laws; and

Whereas the right of petition is a sacred constitutional right of the people; and

Whereas it has so long been the practice of the committees of the Senate and

of the House of Representatives to freely grant opportunities to be heard by persons and interests affected by proposed legislation: Therefore,

Be it resolved, That the Committee on Rules be, and it is hereby, instructed to make thorough inquiry respecting the foregoing allegations and to report the facts, with such amendment of the rules of the House as may be necessary to assure to the people the full enjoyment of their constitutional right to be heard by petition or otherwise.

The SPEAKER *pro tempore*. The Chair will decide the point of order raised by the gentleman from Kentucky. The proposition of the gentleman from Pennsylvania is clearly stated in the written resolution read at the Clerk's desk.

Mr. BAYNE. I would like to be heard on the point of order.

The SPEAKER *pro tempore*. The Chair has heard the gentleman.

Mr. BAYNE. What did the Chair state?

The SPEAKER *pro tempore*. The Chair is ready to decide the point of order, but if the gentleman from Pennsylvania wishes to discuss the point the Chair will hear him.

Mr. BAYNE. I do desire to be heard. I desire to say in reference to the point of order that if the right of petition to the House of Representatives, a constitutional right guarantied to the people of the United States, is not a question of the highest privilege, then I do not know what is a question of privilege.

Even the reference, Mr. Speaker, of a simple bill to a committee presents a question of privilege. It has been held over and over again that everything pertaining to the dignity or the safety of the proceedings of the House of Representatives is a question of privilege. If it be not a question of privilege to ascertain the views of petitioners to the House of Representatives and the Senate, when that right is guarantied by the Constitution of the United States, then I fail to comprehend what constitutes a question of privilege in the sense that that term is used in the rules.

Mr. ADAMS. May I be allowed to make a suggestion on the point of order and nothing else? Suppose I introduce a bill here, whether public or private—if private it goes to the petition-box—and suppose the Clerk takes that bill and destroys it, puts it in the fire, I ask whether that proceeding involves a question of privilege? I believe it does. Suppose it be a public bill, and the Clerk does precisely the same thing, is that not a question of the highest privilege? Now, suppose the private bill, having been deposited in the memorial-box, goes into the hands of a chairman of a committee of this House, who destroys it or puts it in a pigeon-hole, or locks it up, or hides it from the committee having charge of it, does not his action in regard to the matter present a question of privilege for the consideration of this House?

Mr. BRECKINRIDGE, of Kentucky. But that is not the question presented here, and that was the reason I used the expression, "a false pretense," in this case, because it was not a question of that character. Here is simply a resolution of inquiry directed to the Committee on Rules to inquire as to what change, if any, shall be necessary. That is confessedly a resolution of inquiry, and shows on its face that it is nothing else than such a resolution, and as such is not privileged under any circumstances, but when introduced in the regular manner simply goes, under the rules of the House, to that committee without debate.

Mr. BAYNE. The only question is that of order. It is a question as to whether or not it presents a question of privilege. It is not a resolution of inquiry, but an appeal to the House for relief.

Mr. BRECKINRIDGE, of Kentucky. There is just where the gentleman is mistaken. It is not an appeal to the House; it is an appeal to the established methods of obtaining information on a resolution of inquiry, by reference to the Committee on Rules.

Mr. BAYNE. It is a petition for relief, a resolution seeking relief. The object I have in view is that my constituents may petition Congress, and when they do that they shall be heard. That is the object and the only object I have in view.

Mr. BLAND. The farmers of this country have been petitioning Congress for years, and they have not had any relief yet.

Mr. BAYNE. And I desire this question to be laid before the whole House, for every member of the House is equally interested with me and my constituents in securing relief.

Mr. BLAND. We have petitions from the farmers all over the West to be relieved from mortgages amounting to hundreds of millions upon their property, but they have not got any relief yet.

Mr. REED. Mr. Speaker, it seems to me that the House may well consider this proposition upon another ground than that which has been presented by the gentleman from Pennsylvania [Mr. BAYNE]. The House in making an investigation preliminary to a change of law, whenever such a law affects the business public or the private interests of the community, is obliged to make use of instrumentalities, and the chief of these instrumentalities is the committees composed of its own members. Therefore the House must have the right to regulate the action of its committees; and there may be a proceeding on the part of its committees of such a character as to demand the attention of the House.

If it be true, as has been alleged, that a committee of this House in preparing a bill, every line of which seriously affects the industries of this country, has so behaved as to show the House that the investigation which this body desired to make has not been made, surely it must be a question of privilege for this House to inquire into it. If it so be that a bill has been prepared secretly, after three months of time have been consumed, without any action on the part of the committee as a whole; and when that bill, thus secretly prepared—by interviews with favored persons, and as the effect of such interviews, and of the knowledge of the parties who prepared it—if upon presentation of that bill all hearings have been refused to the community——

Mr. SCOTT (interrupting). I rise to a question of order.

Mr. REED (continuing)—which is interested in it, and to every individual of it that hearing has been refused, not only to manufacturers engaged in business, but also to the workingmen who demanded a hearing, because their daily wages are affected——

Mr. SCOTT. I insist upon the point of order.

The SPEAKER *pro tempore*. The gentleman from Maine will desist.

Mr. REED. Certainly.

The SPEAKER *pro tempore*. What is the gentleman's point of order?

Mr. SCOTT. I wish to inquire whether any member of this House has the right to rise in his seat and make charges against a committee of this House under the plea that he rises to a question of privilege; or whether he has the right, as a member of that committee, to get up here in this House and furnish to the House information as to what has occurred in that committee [derisive laughter on the Republican side], and before the committee has reported upon the bill?

Mr. REED. The gentleman from Pennsylvania can carry to his seat, when he occupies it, the certain consolation that any charge, even though hypothetically made, if false, will only recoil upon him who has made the charge.

Mr. BAYNE. And I assume that responsibility here.

Mr. REED. But this will not recoil. I put it hypothetically. I have revealed none of the secrets of the committee, because very few of them have been confided to the charge of the minority. [Laughter.]

Mr. CRISP. I rise to a question of order. I ask if this is in order.

The SPEAKER *pro tempore*. The Chair will state he desired to hear the gentleman from Maine on the point of order.

Mr. REED. Precisely.

Mr. CRISP. Has the Chair heard from the gentleman on that point of order?

Mr. REED. The Chair has not heard from him entirely.

The SPEAKER *pro tempore*. The gentleman from Maine will proceed in order.

Mr. REED. I think I am doing so. I am laying the foundation of fact or supposition on which my argument is to be based.

Mr. CRISP. I merely wish to make the point, and do so in perfect good faith, that we owe it to each other in this House that we conform to the rules.

Mr. REED. Precisely.

Mr. CRISP. And if the gentleman has a question of order to discuss he owes it to the Speaker and to the House and to himself in presenting it not to go outside of the question and suggest something which he may know as a committeeman or something he may have heard.

Mr. REED. If the gentleman from Georgia will hear consecutively what I have to say he will, I think, as a good parliamentarian, acknowledge that I am perfectly in order.

Mr. CRISP. The only trouble about it is that the Chair has said he is ready to rule. The only question is whether the resolution submitted by the gentleman from Pennsylvania is a privileged resolution or not.

Mr. REED. Precisely.

Mr. CRISP. The Chair now states he is ready to decide the question, and the gentleman from Maine, I respectfully submit——

Mr. HOUK. I do not understand that the Chair can close the discussion on the point of order.

The SPEAKER *pro tempore*. The Chair will state he has the right to close the discussion on the point of order when he thinks it has proceeded far enough.

Mr. REED. If, as I was about to remark when I was interrupted, in addition to refusing oral hearing, that committee should be so misguided—I am only stating it hypothetically—should be so misguided as to deliberately resolve that not only would they have no oral hearings, but while they would graciously permit the mails of the country to bring letters to them, those letters representing business interests and workingmen's interests should not be read by the clerk for the information of the committee, but should take the usual chances of the waste-basket which communications addressed to members of Congress in print, owing to the pressure from all quarters, are likely to take—now, if such should be the state of facts, and the House should be of opinion that that was not a method of investigation which they desired and thought useful, and if the committee persisted in such course, will it be said that it is not a question of privilege for the House to direct, in so vital a matter, the proceedings of its creature, whose sole purpose of existence is to intelligently carry out its will?

Mr. MILLS. The charge made by the gentleman from Pennsylvania [Mr. BAYNE] on loose newspaper statements floating around the country and the charge made by the gentleman from Maine [Mr. REED] in a hypothetical way are both intended to convey a false statement to the House. I am not permitted by the rules of this House to state what occurred in the committee, and I will not attempt to respond to hypothetical statements, misleading to the House and intended to leave the

inference on the minds of gentlemen that the petitions of any citizens of this country have not been treated with respect by any committee of this House. If the charge is made in a manly, direct, frank, open manner, I will respond to it in the way in which it ought to be responded to, but I do not care to respond to a statement that is utterly false and without any truth. I am not, however, at all astonished at the performance of to-day.

It has been assumed by some gentlemen that no persons are needed to be consulted before committees of this House as to the character of its legislation except trusts, combinations, and pools. When we hear talk of people who are petitioning to be heard before the Ways and Means Committee, the reference being to the business interest, the manufacturers and the tax-receiving interest, they do not pretend that the great body of the people of the country who bear the burdens of taxation, who have these taxes to pay, most exorbitant in their exactions, are entitled to come to the doors of these committees and be received and heard. It is only the business interest.

Mr. REED rose.

Mr. MILLS. Let the gentleman maintain his soul in patience.

Mr. REED. I am going to.

Mr. MILLS. I doubt it. It is only those interests that are demanding to be heard by the Committee on Ways and Means, and who insist that we shall be compelled to retard our business that their petitions may be heard, so as to defeat the wishes of the people of this country.

Mr. CUTCHEON. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. I desire to know what the gentleman from Texas [Mr. MILLS] is speaking upon. I make the point of order that the gentleman from Texas is not speaking to the point of order.

The SPEAKER *pro tempore*. The same point of order that was made by the gentleman from Georgia [Mr. CRISP] is now renewed by the gentleman from Michigan [Mr. CUTCHEON]. The debate has dilated beyond the point of order which was originally made by the gentleman from Kentucky [Mr. BRECKINRIDGE], and which the Chair is now ready to decide and proposes to decide. The resolution introduced by the gentleman from Pennsylvania [Mr. BAYNE]——

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I desire to ask the gentleman from Texas a question. [Cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The Chair would state respectfully to the House that he has the privilege, under the rules, of selecting his own time for deciding points of order; he has now heard gentlemen on both sides. He has heard them sufficiently to make the point intelligible to his own mind at least. The resolution introduced by the gentleman from Pennsylvania refers in the first place to an alleged refusal on the part of the Committee on Ways and Means to allow oral hearings. That is not within the purview of a question of privilege here. It is a matter entirely within the province of the committee. Next, the resolution recites that certain persons have been denied the opportunity to have read before that committee their printed or written petitions in relation to proposed changes in the tariff laws. The gentleman from Pennsylvania [Mr. BAYNE] takes the high constitutional ground that the right of petition has been thus invaded by this action of the Committee on Ways and Means. The right of petition is not abridged by the mode of reception of these petitions prescribed by our House rules; nor is it abridged by any denial of which the Chair is aware. That has already been decided. How, then, is the right of petition abridged? By the action of this Committee of Ways and Means in this alleged denial of the reading of the petitions? What has this committee done; and how can the House take control of this committee matter so as to regulate it either as to the mode of hearing, oral or written, or otherwise? The committee has the right within itself to control it. It is not alleged that any member of the committee or of this House has been refused access to these petitions or that information in regard to their contents has been in any manner restricted. It is not a question of privilege to take that business from the committee. If it were done the committee—in fact all committees thus circumstanced—would be so crippled as to be practically useless.

The Chair therefore sustains the point of order made by the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BAYNE. I appeal from the decision of the Chair.

Mr. BRECKINRIDGE. I move to lay the appeal on the table.

The question was taken on the motion of Mr. BRECKINRIDGE, of Kentucky, and the Chair announced that the ayes seemed to have it.

Mr. CUTCHEON. I demand the yeas and nays.

The SPEAKER *pro tempore*. As many as are in favor of ordering the yeas and nays on the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] to lay the appeal on the table, will rise and stand until counted.

Mr. CUTCHEON. Mr. Speaker, I withdraw the demand for the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CUTCHEON] withdraws the demand for the yeas and nays; the ayes have it, and the appeal is laid on the table.

Mr. BAYNE. I ask unanimous consent that the resolution be referred to the Committee on Rules.

There was no objection, and it was so ordered.

ADDITIONAL LABORERS IN THE FOLDING-ROOM.

Mr. SPRINGER, by unanimous consent, offered a resolution authorizing the Doorkeeper of the House to employ additional laborers in the folding-room; which was referred to the Committee on Accounts.

IMPROVEMENT OF THE ARKANSAS RIVER.

Mr. ROGERS. Mr. Speaker, I desire to present a report from the Committee on Rivers and Harbors which I think is privileged, and for which they ask immediate consideration. I ask to have the report read.

The report was read, as follows:

Resolved, That the Secretary of War be requested to send to the House of Representatives any information not contained in the Engineer's Report, and which has been sent to the War Department since January 1, 1887, in regard to the detailed plans and estimates for the permanent improvement of the Arkansas River, between Little Rock, Ark., and Fort Gibson, in the Indian Territory.

The SPEAKER *pro tempore*. Is there objection to considering this resolution at this time?

There was no objection.

The resolution was adopted.

Mr. ROGERS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON POST-OFFICE AND POST-ROADS.

Mr. BLOUNT. I ask unanimous consent to have considered at this time the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be authorized to have printed for the use of said committee such documents and papers as it may deem necessary in connection with the subjects considered by said committee.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. HOLMAN. I think the gentleman should fix some limit.

Mr. BLOUNT. If the gentleman from Indiana [Mr. HOLMAN] can designate any reasonable limit which can be readily observed I shall not object. This resolution was passed by the last Congress and greatly promoted the convenience of the committee, and I have never heard any objection to it. Our committee is charged with the consideration of all matters involving expenditures in connection with the post-offices throughout the United States; then there are questions in regard to the classification and rearrangement of the pay of postmasters, and there are other questions running in various directions which I can scarcely enumerate. The whole object of this resolution is simply that the statements coming to us in regard to these matters may be printed, so as to be properly considered by us.

Mr. HOLMAN. I do not object to the resolution.

The resolution was adopted.

Mr. BLOUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAIL PAGES.

Mr. COMPTON, by unanimous consent, introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Appropriations be instructed to provide in the legislative, executive, and judicial appropriation bill for two annual mail pages, who shall be paid an annual salary of $900 each.

UNLAWFUL GRAZING ON INDIAN LANDS.

Mr. ROGERS, by unanimous consent, reported back from the Committee on the Judiciary as a substitute for House bill No. 4922 a bill (H. R. 8393) to protect lands belonging to Indians from unlawful grazing, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4922 was, by unanimous consent, laid on the table.

FUGITIVES FROM JUSTICE IN INDIAN TERRITORY.

Mr. ROGERS also, by unanimous consent, reported back from the Committee on the Judiciary, as a substitute for House bill No. 6163 a bill (H. R. 8394) authorizing United States marshals to arrest offenders and fugitives from justice in the Indian Territory; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ROCK CREEK RAILWAY.

Mr. HEMPHILL. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is business of the Committee on the District of Columbia; and the bill coming over from the last District day as unfinished business is the bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia. The pending question is on the demand for the previous question on ordering the bill as amended to be engrossed and read the third time.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. BUTTERWORTH. I move to recommit this bill to the Committee on the District of Columbia, with instructions to amend as follows:

In section 1, line 36, after the word "road" and before the word "said," insert the words: "*Provided, however*, That before the corporation hereby created shall have the right to construct the street railroad mentioned in this act the written consent of three-fourths of the owners of the property abutting on the streets, roads, and avenues along or upon which the proposed street railway is to be constructed shall be obtained and filed in the office of the District commissioners, who shall cause the same to be recorded in a book which shall be subject to inspection by the public."

And in same section, in line 39, strike out the word "six" and insert in lieu thereof the word "eight."

And in line 43, same section, strike out the word "actual" and in lieu thereof insert "just and reasonable;" and after the word "of" and before the word "such," in same line, insert the word "constructing."

In section 1 strike out, in lines 87 and 88, the following words, "upon the main line of said road," and insert in lieu thereof the following: "of constructing the lines of street railroad hereby authorized."

Amend said section further by striking out all after the word "act," in line 90, to and including all of line 91, and 92 to and including the word "date" in said line.

In section 2, in line 19, strike out the words "50 per cent," and in lieu thereof insert the words "the whole amount;" and strike out all of line 20, same section, after the word "paid," where it first occurs in said line, including all of line 21, and the words "may require," in line 22.

And further amend section 2 by inserting, after the word "Columbia" and before the word "the," in line 49, the words: "*Provided, however*, That beginning at half past 6 o'clock a. m. and until half past 8 a. m. a car shall start from the termini of said road every ten minutes, and from 4 p. m. to 7 p. m. the like number of cars shall be started and run over said line."

Now, Mr. Speaker, I desire to be heard upon this motion. This House, as an abstract proposition, is desperately in love with "the people"——

Mr. HEMPHILL. I will inquire, Mr. Speaker, whether this question is debatable.

The SPEAKER *pro tempore*. The bill being now on its passage, and the previous question not having been ordered, debate is in order.

Mr. BUTTERWORTH. Mr. Speaker, in every other city, so far as I know, where street railroads are constructed the permission of the abutting land-owners or a majority of them is required to be obtained. In this case it appears they are not even to be consulted. It may be that they make no objection; I have no information on that point. It is suggested to me that they are all to be stockholders.

Another thing. It is known to every member of this House that the rate of fare on the several roads of the District of Columbia is at least 33 per cent. too high. While in the construction of these roads little, if any, more that 50 per cent. of the capital was paid in, yet they are declaring such large dividends that the stock is worth more than double its par value. Now, I understand if this road is needed at all, it is needed because there are passengers to carry. If there are a sufficient number of passengers to carry to justify the granting of the charter and the building of the proposed roads, a reasonable rate should be charged and no more; and since the experience in the District of Columbia has demonstrated that a five-cent fare is excessive, I insist that it is reasonable to require those constructing new roads to reduce the rate and fix one somewhat commensurate with the service rendered. If the road is not needed here, and this is simply to boom real estate or with a view to holding on to the franchise until there comes a time when the road is needed, then the charter should not be granted. In regard to the fare that may be collected, I propose to strike out "six" and insert "eight," so that eight tickets will be sold for a quarter instead of six, leaving the cash fare what it is now, at 5 cents.

Another thing. The bill, as it stands, provides that in determining when the corporation may be required to submit to a reduction of the fare charged, the estimate shall be based upon the actual cost of this road. Now, the actual cost may be what these gentlemen may be pleased to make it. I move to strike out "actual" and insert "just and reasonable," because if this road is constructed by a credit mobilier they may fix the cost at what they please. It should be therefore not upon the actual cost, but upon the just and reasonable cost of constructing such road.

I want to call the attention of the House to another thing, and I do it in order that members may be advised touching the thing we are asked to do. The stockholders are by the terms of this bill required to pay only 50 per cent. of the amount subscribed for, the balance to be paid when called for by the board of directors—a provision which is after the old formula. Now, I submit to this House, if there is anything definitely settled in the public mind it is that the amount of capital stock which a corporation may properly issue should be limited to the amount necessary to construct the contemplated road or improvement, since upon no greater sum should the corporation be permitted to declare dividends. And this for the obvious reason that to allow the issue of a greater amount of stock, as seems to be proposed in this case, is to authorize the corporation to charge increased rates of fare in order to declare dividends on capital not invested and upon what is worse than watered stock. Here 50 per cent. is required to be paid in, doubtless because it is thought to be enough to construct the road, and yet 50 per cent. additional stock is to be issued. This is an evil everywhere denounced, and we may, in this instance at least, prevent it. If this corporation needs the whole amount to construct the road, the whole amount should be paid in. If it needs only half the amount, the issuance of the additional stock is wrong. Hence I have sought to amend the bill so as to require that they shall pay, not merely 50 per cent. of the stock, but that they shall pay the entire amount subscribed.

I repeat, if the road is needed (and it is not) the capital subscribed should be sufficient in amount to construct it, and if it is not needed, and this overissue of stock is permitted, the result will be that this company will follow in the train of other corporations organized in the country for merely speculative purposes—stock gambling. And I maintain that it is clearly the duty of this House to guard against any such thing, and it is with that view that I offer the amendment to compel the payment in full of the stock subscribed.

It is provided they shall have three years in which to build the road and its branches—the main line in one year and the branches within two years thereafter. If the road is a public necessity, and only on that ground do we grant the charter, I say to this House it will be constructed in a year. If it is not a public necessity, I do not think the charter should be granted at all. If this road with its branches is needed for any other purpose than to boom real-estate speculations it will be built speedily; and if it is not needed this House ought not to permit a corporation to usurp the right of way and hold it until the growth of the country gives it value.

I propose to insert an amendment, by the terms of which the road shall be constructed in one year. Why not? If it is needed it could and should be built within the time fixed by the proposed amendment, and if it is not needed, we have no right to charter a company, giving it the privilege of taking possession of and keeping these highways until the growth and prosperity of the city shall enable them to speculate in the charter-rights conferred by the terms of this bill.

Now, one other matter, and then such action as the House sees proper to take in this connection may be taken, so far as I am concerned. There is no provision that this corporation shall run even one car a day over this right of way which you propose to grant. The construction of the road is supposed to be in the interest of the public, and for the accommodation of those who walk to and from their homes and desire an opportunity to ride. It is provided by the bill that they shall run their cars on such schedule time as the directors of the company may provide, by and with the approval of the commissioners of the District of Columbia. Sir, if there are any persons to travel on this road they will travel in the early morning and late in the afternoon, going to and returning from their daily occupation. But these gentlemen who own this valuable franchise will not run cars except at such hours as will be profitable to themselves, unless they are required to do so by the provisions of their charter.

I offer an amendment which provides that the convenience and comfort of the traveling public shall be consulted, so that persons going to their daily labor in the morning, or returning from it in the evening, shall have cars provided sufficient in number and running at hours suitable for their accommodation, so they can ride if they so desire, and in case a suitable number of cars are not thus provided the charter shall be subject to forfeiture. I ask, then, if it is not the right and duty of the House to regulate this; or shall we allow this company to take charge of the highway by virtue of an act of Congress and hold possession of it until such time as it suits their own convenience, within one to three years, to build the road, and when built that they shall consult their own pleasure and pockets in the matter of serving the public, both as to the number of cars to be used and the time of running, or shall the public interest and convenience be the test, and the duties of this corporation be prescribed in the charter granting these important rights and privileges? I repeat, these are matters that ought to be carefully considered; and I have moved to recommit the bill in order that it may fairly respond to the just requirements of the people of the city of Washington and District of Columbia.

The amendments I have proposed are simply to put a check on the tightening folds of the anaconda which now holds such a grip upon this city, and to call a halt in the matter of exacting from the traveling public from thirty to a hundred per cent. more than is just.

The reason I did not offer these amendments when the bill was under consideration was because, unfortunately, I was not in my seat the part of the afternoon it was before the House. I only ask that if this bill is to pass, these provisions be inserted, which are in the interest of all classes of people, and are at least in the line of what is justly required of these corporations by the people from whom this grant of charter power proceeds. The amendments are just and reasonable in themselves, and I hope they will be adopted. I ask my friend from South Carolina if there are any of these amendments that he is satisfied to accept?

Mr. HEMPHILL. I would not object to the insertion of the words "just and reasonable" instead of "actual," because I think that amendment very proper, with the idea of making the men pay for what they get.

Mr. BUTTERWORTH. Is the gentleman willing to allow a vote on the other amendments?

Mr. HEMPHILL. No; this bill has been very thoroughly considered by the committee, and there is nothing in the amendments that the committee think desirable to incorporate in the bill.

Mr. HENDERSON, of Iowa. I offer an amendment to the amendment.

Mr. BUTTERWORTH. I reserve the remainder of my time.

Mr. HEMPHILL. I understand that there can be but one motion of this character.

Mr. HENDERSON, of Iowa. I have a right to offer an amendment to the motion to recommit.

Mr. RYAN. That has been always held in order.

Mr. HEMPHILL. This is a motion to recommit with instructions.

Mr. BUTTERWORTH. I reserve my time.

The SPEAKER *pro tempore*. The gentleman has five minutes remaining.

Mr. HENDERSON, of Iowa. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend the instructions by adding, after the word "time," in line 2 of section 6:

"*Provided*, That before said company can use any bridge over Rock Creek, which bridge had been or may hereafter be constructed by the United States and the District of Columbia, the said company shall pay into the Treasury of the United States, for the equal use and benefit of the United States and the District of Columbia, 50 per cent. of any and all sums that have been, or may hereafter be expended in the construction of any such bridge by the said United States and the District of Columbia, or either of them."

Mr. HEMPHILL. Mr. Speaker, there seems to be a disposition on the part of some gentlemen to put into this bill provisions that I have never known to be embodied in any bill ever passed by Congress for the incorporation of a railroad company. The gentleman from Ohio [Mr. BUTTERWORTH] has submitted a motion that this bill shall be recommitted to the committee after the whole bill has been carefully worked over by the committee, after the subcommittee who had charge of it had matured it and reported it to the full committee, who made a number of amendments, and it has been fully considered by the House, and amended in some respects.

I have no objection in the world, and if I had I would have no right to object to any fair amendment to any portion of the bill when it is pending in the House for consideration.

Mr. BUTTERWORTH. Will the gentleman indicate what amendment suggested by me is not proper and just and equitable?

Mr. HEMPHILL. If the gentleman will be patient, I am coming to that. My position is that the whole thing has been thoroughly sifted by the House, after having been reported upon by the committee, who made a careful examination of the whole subject; and I hope the House will not recommit the bill, for I prefer that the House shall either decide that they will or will not pass it, one way or the other, and get rid of it. It is a matter of no possible concern to me, any more than it is to any other gentleman who desires to see the business of this District properly attended to and that the people of the District shall have the same rights that are accorded to people in every other city of its size in the country.

If this House is not satisfied with this bill I hope they will vote to kill it, and not choose to recommit it to the committee and have us waste our entire time on one bill which deserves no more consideration than many others.

The gentleman from Ohio [Mr. BUTTERWORTH] desires the bill recommitted for a number of reasons. The first is that three-fourths of all the people along the line shall sign a paper authorizing the construction of this road.

Now, in the first place, not only three-fourths of the people but every single one of them along that route has already signed a paper asking the House to pass the present bill. Therefore, I say it is nonsense to send it back to the committee in order to get three-fourths of the people living along the route to do what all of them have already done.

In the second place, I do not see why a man who lives in a particular part of the city and owns a lot there shall have it in his power to say whether the people who live on the other side of him shall have the privilege of going to and from their property.

The gentleman from Ohio is very anxious about a provision that cars shall be placed on this road. Who ever heard of men putting in perhaps hundreds of thousands of dollars in the construction of a railway and then not putting on cars? That I think needs no reply.

But I ask, why does the gentleman seek to put the interests of those who live beyond the line of this railroad in the hands of those who live on this side? because, according to his proposition this should not become a law until three-fourths of the people along the line signed a paper asking Congress to pass it. I think we have the right to say that people shall be enabled to go from one part of the city to another whether or not it suits the property-holders along the route on which the railway is to be built. I have no objection to consulting the people so situated, but I am not in favor of putting it in their power to say whether or not the improvements shall be made. Yet that will be the effect of the amendment if adopted.

In the next place, the gentleman wishes to have some amendment adopted as to fare. He wants that these people shall get eight tickets for a quarter instead of six. Everybody knows that these outlying railroads do not pay for a long time, and it is unjust to these people who are to put their money in this road to require them to do what other people in similar circumstances are not required to do.

This bill provides for the exact limit of the capital of the stock. It is to be limited to the actual cost of the road; or, if the gentleman prefers, the just and reasonable cost of the road. When the profits of the road in any one year reach 8 per cent. on the capital, then the commissioners are to reduce the fare so that the profits of the road shall not exceed 8 per cent. But there is no provision that if the profits do not reach 8 per cent. anybody will make up the deficiency to those people. They are not to go beyond that, but they may go as much below it as the income of the road falls below 8 per cent. of the investment.

There is another thing which the gentleman from Ohio wants to do. He wants all of these people to pay in the whole of their capital before they begin the construction of their railway.

Mr. BUTTERWORTH. Oh, no.

Mr. HEMPHILL. Then what is it the gentleman wants?

Mr. BUTTERWORTH. The proposition is that a certain per cent. of the amount of capital subscribed shall be paid at intervals of thirty days until the whole amount subscribed is paid up.

Mr. HEMPHILL. I have no objection to its being stated that they shall pay every dollar by the time the road is completed. But it is not fair to compel people to pay the whole of the money before that is done; some of them are people of limited means and can not do it. But I would have no objection to the amendment if the effect of it would be as I have stated.

The gentleman says this railroad is not to be completed until three years.

Mr. BUTTERWORTH. A part in three years and another part in one year.

Mr. HEMPHILL. I do not think the gentleman so said. If he did it is all right. I will read to the House what the bill provides:

The work upon the main line of the said road shall be commenced within ninety days, and the same shall be completed within one year from the date of the passage of this act.

That is as to the main line. As to the branches, this provision is made:

And the work upon the branch line thereof shall be commenced within one year and completed within two years from the said date.

Mr. BUTTERWORTH. Making it three years altogether.

Mr. HEMPHILL. I think that is a reasonable proposition. If the House does not agree to it, let them strike it out. But I say, do not recommit the bill so as to compel us to go over all the work again.

The gentleman from Ohio says there is no requirement as to what cars shall be put on this road. There is a requirement that they shall run a schedule of cars such as shall be found necessary, and such as shall be approved by the commissioners of the District of Columbia, three gentleman who are appointed because of their ability and intelligence to supervise the affairs of this District.

I think it is perfectly safe to leave it in their hands to make such provision for the schedule as will meet the wants of the people of this District. Now, therefore, I say, Mr. Speaker, that I trust this House will not recommit this bill. We have spent almost one day on it, and it is not worth the time of this House to go all over the bills that are reported here from the District Committee, or from any other committee, and then, at the end, to send them back to the committee and have to do the whole work over again. I trust that the House will either vote for this bill or vote against it and have an end of the matter.

I reserve the balance of my time.

Mr. BUTTERWORTH. Mr. Speaker, I am more than willing that gentlemen interested in a line of railroad shall construct it, but the grant of the right of eminent domain proceeds upon the theory that it is made in the interest of the people and not merely in the interest of those who accept such grants. Their profit is supposed to be incidental.

I want to call the attention of the gentleman [Mr. HEMPHILL] for a moment to some of the points suggested by him and see whether I am right or whether he is right. He says that these men are certain to put a sufficient number of cars upon the road without a provision in the charter requiring it to be done, and that because they will have invested their money and built the road. Every man here, it would seem, must know that this corporation will run cars only in case they find it profitable to do so, and that they will run as few cars as they can get along with and at the least cost, doing only what is necessary to save their franchise. But the road is supposed to be constructed in the interest of the public, and because there is a public necessity for it, and not for the convenience and in the interest of these incorporators. But I confess it seems that the public interest, if in fact they have any in this venture, is of a secondary consideration. What else does the gentleman say? He says that the rate of fare should not be reduced as proposed in my amendment. And why not? Because the public will suffer? Oh, no; but because the gentlemen who are interested in the line will not derive a profit from their investment for some time.

He ought, I think, to know, and if he does not I think the rest of us do, that the profit which they expect from the construction of this road is not in the dividends to be declared from the earnings of the road, for there exists no public necessity for the building of such a road; but the money is to be made by trading in the surplus stock and the sale of lots along the route, and I ask him, as a conscientious legislator,

whether he believes there should be granted by the general public, whose agents we are, the high powers and privileges contained in this charter, to aid in booming a mere speculative venture in lands? He knows, or certainly it would seem he has reason to believe, that the road is not to be built for the revenue to be derived from the sale of tickets or the carriage of passengers or in response to any public need.

Mr. HEMPHILL. If the gentleman will allow me to interrupt him, I will say distinctly and positively that I know no such thing. So far as I know, this road stands in that respect exactly in the same position as any other road.

Mr. BUTTERWORTH. I am not complaining of the position of my friend, but I submit that if I start to build a street railroad out into a sparsely settled neighborhood where there are no people, or very few to travel upon it, every sensible man will have reason to believe that there must be some reason for constructing the road aside from the profit to be derived from the carriage of passengers. These gentlemen will get their profit over and over again from the sale of property along the route, and we are asked to place the National Government in the attitude of engaging in aid of a mere speculative land-boom in the neighborhood of Washington, while ostensibly responding to a public demand.

Let this road be built when the comfort and convenience of the community requires it; when there are passengers to patronize it, and a company is formed which will respond to the public needs under a charter that will properly guard all interests affected, and not until then.

Mr. HEMPHILL. How are these gentlemen going to improve their property out there unless they get people to ride on the road?

Mr. BUTTERWORTH. They will undoubtedly get people to ride; that is, the very few there are in that quarter.

Mr. HEMPHILL. Then will not the road accommodate those people?

Mr. BUTTERWORTH. What I complain of is that you are asking the exercise of the power of eminent domain to take the highway for this railroad before it is needed by the public. The fact that the few citizens who reside in that neighborhood might ride does not suggest even a public necessity for this road.

Mr. HEMPHILL. I do not ask it.

Mr. BUTTERWORTH. Twenty men are asking it and ten thousand are opposing it because it is not needed; and you, by this bill, fix the rate of fare with reference to the condition of things which it is hoped may exist hereafter, and not with reference to the present condition. What I insist upon is that this road ought not to be built until it is required by the public, and then, in the light of our experience with the roads already constructed, the rates should be fixed to correspond with the public exigency, and that exigency will demand that eight tickets be sold in packages for 25 cents.

The gentleman says also that poor people who subscribe for this stock may not be able to pay for it if the capital is required to be paid in too suddenly.

Mr. HEMPHILL. No, sir; I did not say that. I am not a man to try to make capital by talking here about the poor people of this country, or the rich either.

Mr. BUTTERWORTH. Well, I will strike out the word "poor." He said that a good many in moderate circumstances might subscribe and who might not be able to pay promptly. Mr. Speaker, I pity the brethren who subscribe to this stock with the hope of deriving great profit from it, unless they are in with the real-estate syndicate.

Now, I say to my friend that what I urge here is what has been advocated in the abstract on this floor ever since I have been here. First, that these railroads should collect only the money necessary for the construction and necessary equipment of their lines, and should charge only such rates of fare as would enable them to pay reasonable dividends upon the cost of construction and maintenance. What else? That the representatives of the people should grant the right of eminent domain only where it is for the interest of the people, not merely of the incorporators, to grant it. And who would think, except for the purpose of developing that region—a mere speculative venture—who would think of suggesting for any other reason the construction of a railroad in the quarter here proposed? Nobody. Latterly the practice has been to sell the rights to the highest bidder—to the man or men who will pay most for them and give the greatest accommodation to the public.

Mr. Speaker, every time "labor" is spoken of here, every time "the people" are referred to, we jump clear out of our seats; that is the abstract; but in the concrete, when the question is presented of granting away the people's rights or hedging them about with proper legal provisions, we are as mute as mice. I submit to my honored friend who is in charge of this bill that the instructions I submit contain no provision which he ought not to accept. He says that everybody along the line of this proposed railway consents to its construction. If they all consent why is objection made to requiring the assent of three-fourths of them?

Mr. HEMPHILL. Simply because it is nonsence to send the bill back to the committee in order to get three-fourths of the people to do what they have all done. That is very plain.

Mr. BUTTERWORTH. It will not do any harm, and beyond that the amendment can be inserted here.

Mr. HEMPHILL. We are not here to encumber bills with provisions which simply "will not do any harm."

Mr. BUTTERWORTH. Every city in the Union, as I understand, requires this. Why should we fail to make such a requirement?

Mr. BREWER. Does the gentleman mean to make the assertion that every city in the Union requires the consent of two-thirds of the property-holders along the proposed line of a street railway?

Mr. BUTTERWORTH. It is the fact in my own city, and it is the fact everywhere, so far as my knowledge extends.

Mr. HEMPHILL. That is very limited.

Mr. BUTTERWORTH. It may be, but it is broad enough to prevent me from mouthing in the abstract about "the people," and yet betraying their interests in the concrete.

Mr. HEMPHILL. I did not understand the gentleman's last remark. I would like to have him repeat it.

Mr. BUTTERWORTH. The gentleman said—*sotto voce*, but loud enough for me to hear—that my knowledge was "very limited"——

Mr. HEMPHILL. And what was your reply?

Mr. BUTTERWORTH. I said it might be limited, but was broad enough to prevent me from mouthing in favor of "the people" here in the abstract, and yet betraying their interests in the concrete when it comes to a practical application of my knowledge.

Mr. HEMPHILL. I must say I do not understand the gentleman's remark.

Mr. BUTTERWORTH. I yield for a moment to my friend from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. I move to amend the amendment submitted by the gentleman from Ohio [Mr. BUTTERWORTH], so as to insert after the word "accommodated," in line 46, page 7 of the bill, the words "with seats."

Mr. BUTTERWORTH. I accept that amendment as a modification of the instructions I have proposed.

The SPEAKER *pro tempore*. The proposed instructions of the gentleman from Ohio will be modified accordingly.

Mr. HEMPHILL. I do not want to take up further time in this debate; but as to the remark made a few moments ago by the gentleman from Ohio [Mr. BUTTERWORTH], I did not comprehend it at first. If he means to say I am here "mouthing" about the people's cause at one time and betraying them at another he asserts that which is not true. I do not know whether it was the gentleman's intention to refer to me.

Mr. BUTTERWORTH. I did not speak about what the gentleman had done or failed to do.

Mr. HEMPHILL. Well, if the gentleman says he did not allude to me, that ends the matter.

Mr. BUTTERWORTH. I said what I did not do.

Mr. HEMPHILL. Well, I have nothing to say about what you do; I take care of myself. I say this, Mr. Speaker, that so far as this bill is concerned, it is exactly what I think fair and proper. Whether it suits other persons is something for which I can not be responsible. My judgment is that it is a fair and proper bill—such a bill as I was willing to report to the House upon my responsibility as a member, and ask the House to pass. If the majority here sees fit to do anything else, that is a matter I can not control. But I do trust the bill will either be passed or killed—not referred back in order that it may either be slaughtered in the committee with needless conditions, or may consume the time of the House in the future with its consideration. I now call the previous question.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. HEMPHILL. I yield for a moment to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. In reply to my friend from Ohio [Mr. BUTTERWORTH], I would like to state that city railroads, so far as I know—and I speak especially of the city of which I happen to be a Representative—are incorporated by acts of the Legislature, just as this company seeks to be incorporated by an act of Congress. Now, I do not know what remonstrances may have been filed against chartering this road. All I have to say is that according to my observation the charter granted by a State Legislature gives the right to the parties incorporated to organize a street railroad company and to build a city railroad.

Mr. BUTTERWORTH. I am aware of that.

Mr. O'NEILL, of Pennsylvania. But the gentleman stated that the construction of these roads required the consent of a certain number of citizens.

Mr. BUTTERWORTH. That depends upon the law or upon the provisions of the charter. I was simply asking to have inserted in this charter a provision which would require that those persons who live along the line of this proposed road shall be consulted in regard to its construction.

Mr. O'NEILL, of Pennsylvania. That is another question. I wish only to add that the building of street railroads in the city of Washington has been of great advantage not only to the citizens residing here,

but to strangers visiting the city. I do not see why the gentleman from Ohio should desire to impose extremely stringent conditions upon persons who may choose to invest their capital in the building of a street railway.

The road here proposed will evidently tend to the convenience of the people and the improvement of the city. The gentleman knows that without the street railroads he could not conveniently travel to and from his residence, unless he has a private conveyance of his own, as I hope he has.

There is a public desire to have railroads built in the northwestern part of this city. I care not who may be enriched by affording these conveniences to the public.

Mr. BUTTERWORTH. I agree with my friend as to the necessity for the construction of these roads. But the necessity for a road is one thing; the terms upon which it shall be chartered are quite another.

Mr. O'NEILL, of Pennsylvania. But the gentleman has proposed, I believe, to restrict the rate of charges for passengers on this road so that eight tickets shall be furnished for 25 cents. Sir, this road will probably struggle for years under great difficulties. It takes time for population to grow so as to make a road of this kind profitable. The gentleman knows that very well. I hope that this bill will pass as reported from the committee. I favor the construction of railroads in this city in all directions, and we should not by needlessly harsh conditions discourage the investment of capital in these enterprises by those who are willing to risk it in this way.

Mr. HEMPHILL. I demand the previous question on the motion to recommit with instructions and the amendment thereto.

The previous question was ordered.

Mr. HENDERSON, of Iowa. I ask for a separate vote on my amendment.

The House divided; and there were—ayes 21, noes 38.

Mr. HEMPHILL. I do not object to the amendment going with the motion to recommit.

Mr. HENDERSON, of Iowa. Then let the amendment be adopted.

The amendment was agreed to.

Mr. BUTTERWORTH. I demand the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 68, nays 144, not voting 112; as follows:

YEAS—68.

Abbott,	Dalzell,	Johnston, Ind.	Penington,
Adams,	Finley,	Kennedy,	Peters,
Allen, Mich.	Flood,	Kerr,	Pugsley,
Anderson, Ill.	Fuller,	La Follette,	Ryan,
Anderson, Kans.	Gear,	Laird,	Scull,
Baker, Ill.	Gest,	Lehlbach,	Sherman,
Bingham,	Glass,	Lyman,	Sowden,
Boothman,	Grosvenor,	Mahoney,	Steele,
Browne, Ind.	Guenther,	Martin,	Stephenson,
Brown, Ohio	Haugen,	McAdoo,	Struble,
Burrows,	Henderson, Iowa	McRae,	Taylor, J. D., Ohio
Butterworth,	Holman,	Merriman,	Thomas, Ky.
Campbell, F., N. Y.	Holmes,	Milliken,	Thomas, Wis.
Caswell,	Hopkins, Ill.	Morrill,	Thompson, Ohio
Conger,	Houk,	Nutting,	Vandever,
Crouse,	Hunter,	Owen,	Warner,
Cutcheon,	Jackson,	Payson,	Williams.

NAYS—144.

Allen, Mass.	Dibble,	Landes,	Rogers,
Allen, Miss.	Dingley,	Lane,	Romeis,
Anderson, Iowa	Dockery,	Lanham,	Rowell,
Anderson, Miss.	Elliott,	Latham,	Rowland,
Atkinson,	Enloe,	Lawler,	Sayers,
Baker, N. Y.	Ermentrout,	Lind,	Scott,
Bankhead,	Farquhar,	Lodge,	Seymour,
Barry,	Fisher,	Long,	Shively,
Biggs,	Ford,	Macdonald,	Simmons,
Bland,	Forney,	Maish,	Spooner,
Blount,	French,	Mansur,	Springer,
Bound,	Funston,	McKinney,	Stewart, Tex.
Brewer,	Greenman,	Mills,	Stewart, Ga.
Brower,	Grimes,	Moore,	Stewart, Vt.
Bryce,	Grout,	Morgan,	Stockdale,
Buckalew,	Hall,	Morrow,	Stone, Ky.
Burnett,	Hare,	Neal,	Stone, Mo.
Bynum,	Harmer,	Nelson,	Taulbee,
Campbell, Ohio	Hatch,	Nichols,	Tillman,
Candler,	Heard,	Oates,	Tracey,
Carlton,	Hemphill,	O'Donnell,	Vance,
Caruth,	Henderson, N. C.	O'Neall, Ind.	Wade,
Catchings,	Herbert,	O'Neill, Pa.	Walker,
Cheadle,	Hitt,	Outhwaite,	Washington,
Chipman,	Hogg,	Parker,	Weaver,
Clements,	Hooker,	Patton,	West,
Cobb,	Hopkins, Va.	Peel,	Wheeler,
Cockran,	Hopkins, N. Y.	Perkins,	White, Ind.
Compton,	Hovey,	Perry,	Whiting, Mich.
Cothran,	Hutton,	Pidcock,	Whiting, Mass.
Crisp,	Johnston, N. C.	Plumb,	Wilkins,
Culberson,	Ketcham,	Post,	Wilkinson,
Dargan,	Kilgore,	Rayner,	Wilson, Minn.
Darlington,	Laffoon,	Rice,	Wise,
Davidson, Ala.	Lagan,	Robertson,	Yoder,
Davidson, Fla.	Laidlaw,	Rockwell,	Yost.

NOT VOTING—112.

Arnold,	Barnes,	Belden,	Blanchard,
Bacon,	Bayne,	Belmont,	Bliss,
Boutelle,	Dorsey,	Lynch,	Russell, Conn.
Bowden,	Dougherty,	Maffett,	Russell, Mass.
Bowen,	Dunham,	Mason,	Rusk,
Breckinridge, Ark.	Dunn,	Matson,	Sawyer,
Breckinridge, Ky.	Felton,	McClammy,	Seney,
Browne, T. H. B., Va.	Fitch,	McComas,	Shaw,
Brown, J. R., Va.	Foran,	McCormick,	Smith,
Brumm,	Gaines,	McCreary,	Snyder,
Buchanan,	Gallinger,	McCullogh,	Spinola,
Bunnell,	Gay.	McKenna,	Stahlnecker,
Burnes,	Gibson,	McKinley,	Symes,
Butler,	Glover,	McMillin,	Tarsney,
Campbell, T. J., N. Y.	Goff,	McShane,	Taylor, E. B., Ohio
Cannon,	Granger,	Moffitt,	Thomas, Ill.
Clardy,	Hayden,	Montgomery,	Thompson, Cal.
Clark,	Hayes,	Morse,	Townshend,
Cogswell,	Henderson, Ill.	Newton,	Turner, Kans.
Collins,	Hermann,	Norwood,	Turner, Ga.
Cooper,	Hiestand,	O'Ferrall,	Weber,
Cowles,	Hires,	O'Neill, Mo.	White, N. Y.
Cox,	Howard,	Osborne,	Whitthorne,
Crain,	Hudd,	Phelan,	Wickham,
Cummings,	Jones,	Phelps,	Wilber,
Davenport,	Kean,	Randall,	Wilson, W. Va.
Davis,	Kelley,	Reed,	Woodburn.
De Lano,	Lee,	Richardson,	Yardley.

So the motion to recommit was disagreed to.

During the roll-call the following pairs were announced:

On all political questions for this day:

Mr. THOMPSON, of California, with Mr. YARDLEY.

Mr. MCCLAMMY with Mr. MOFFITT.

Mr. GLOVER with Mr. WOODBURN.

Mr. MONTGOMERY with Mr. KELLEY.

Mr. RANDALL with Mr. COOPER.

Mr. CRAIN with Mr. WHITE, of New York.

Mr. BRECKINRIDGE, of Arkansas, with Mr. MCKINLEY, on this vote.

On all political questions until further notice:

Mr. NORWOOD with Mr. DAVENPORT.

Mr. LYNCH with Mr. HIESTAND.

Mr. COWLES with Mr. MCCORMICK.

Mr. JONES with Mr. PHELPS.

Mr. GOFF with Mr. SNYDER.

Mr. HOWARD with Mr. DE LANO.

Mr. COLLINS with Mr. JOHN R. BROWN.

Mr. TOWNSHEND with Mr. MAFFETT.

Mr. MATSON with Mr. DUNHAM.

Mr. HUDD with Mr. CLARK.

Mr. PHELAN with Mr. BUTLER.

Mr. MCSHANE with Mr. MCCULLOGH.

Mr. SPINOLA with Mr. THOMAS, of Illinois.

Mr. GRANGER with Mr. ROCKWELL.

Mr. CUMMINGS with Mr. FITCH, until March 13, 1888.

The vote was then announced as above recorded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HEMPHILL demanded the previous question on the passage of the bill.

The previous question was ordered.

Mr. SOWDEN. I demand the yeas and nays on the passage of the bill.

The House divided; and there were—ayes 21, noes 132.

So the yeas and nays were not ordered, one-fifth not voting in favor thereof.

Mr. SOWDEN moved that the House do now adjourn.

The House divided; and there were—ayes 105, noes 41.

Mr. SOWDEN. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers Mr. HEMPHILL and Mr. SOWDEN.

Mr. HEMPHILL. Let us have the yeas and nays on the passage of the bill.

The SPEAKER *pro tempore*. The yeas and nays have been refused.

Mr. HENDERSON, of Iowa. We can have the yeas and nays by unanimous consent.

Mr. WISE. I object.

The House divided; and the tellers reported—ayes 123, noes 40.

So the bill was passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEMPHILL. Mr. Speaker, my friend from Ohio has called my attention to a verbal amendment, and I would like to ask unanimous consent to strike out, in line 20, page 2 of the bill, the words "the west side of;" so that it will read:

Thence running along Columbia road to Woodley road, etc.

This bill required the road to be run along one side of the highway, which the committee thought it ought not to do, upon the representation of the gentleman.

The SPEAKER *pro tempore*. If there be no objection, that amendment will be concurred in, and inserted.

Mr. SOWDEN. I object.

COMPILATION OF DISTRICT LAWS.

Mr. HEMPHILL. I now call up the bill (H. R. 8309) to secure for

the District of Columbia a compilation of the laws of said District; and I ask that the Committee of the Whole be discharged from its further consideration, and that the House now consider it.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the supreme court of the District of Columbia be, and is hereby, authorized and directed to appoint three persons, learned in the law, as commissioners to compile, arrange, and classify, with a proper index, all statutes and parts of statutes in force in the said District, including the acts of the first session of the Fiftieth Congress, and relating to all such matters as would properly come within the scope of a civil and criminal code; and the said court shall have power to fill any vacancies occurring in said commission.

SEC. 2. That each of the said commissioners shall receive for his services such sum, not exceeding $1,500, as said court shall deem reasonable; said sum to be paid upon the completion of the work and the approval thereof in writing by the court; which sums, together with the reasonable costs incurred by the commission for clerical assistance and incidental expenses, not exceeding the sum of $1,000, shall be paid by the Secretary of the Treasury, out of any moneys not otherwise appropriated, one-half to be paid out of the revenues of the District of Columbia.

SEC. 3. That the said commissioners shall report such compilation to the next session of Congress, if practicable.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOCATION OF AN ALLEY, WASHINGTON.

Mr. HEMPHILL. I call up now the bill (H. R. 5373) to change the location of a certain alley in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered, in their discretion, to vacate and convey to the owner of lots 14 and 15, in square 895, in the city of Washington, the alley, 15 feet wide, running east and west, between said lots: *Provided*, That the said owner shall appropriate to the public use as an alley an equal area of ground from the southern part of lot 15 in the square aforesaid.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION OF ANATOMICAL SCIENCE, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up the bill (H. R. 5042) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of, or control over, any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may, with the approval of the health officer of said District, deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges equitably, the number assigned to each being apportioned to that of its students: *Provided, however*, That if the deceased person, during his last illness, of his own accord, requested to be buried; or if within forty-eight hours after his death any person claiming to be, and satisfying the health officer that he is, a relative by blood or marriage, or friend of the deceased, asks to have the body buried; or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

SEC. 2. That every person who shall have been duly authorized by the faculty of any medical college in the District of Columbia to receive such dead bodies, shall, before so receiving them, give to the health officer of the said District a bond in the sum of $200, with surety satisfactory to said health officer, and conditioned that each dead body shall be used only for the promotion of anatomical and surgical knowledge within the said District of Columbia, and that after having been so used the remains thereof shall be decently buried; and whosoever shall use such body or bodies for any purpose other than that aforesaid, or shall remove the same beyond the limits of the District of Columbia, and whoever shall sell or buy such body or bodies, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not less than two nor more than three years, at hard labor, in the jail of said District.

Mr. SOWDEN. I would like to ask the gentleman from South Carolina a question. Was not a similar bill to this enacted in the last session of Congress and vetoed by the President?

Mr. HEMPHILL. A similar bill was vetoed, and the President pointed out certain objections which have been met in this bill. This has been carefully prepared by the committee in view of the objections urged to the former bill.

Mr. SOWDEN. What provision does this contain that was not contained in the bill passed in the last session?

Mr. HEMPHILL. It specifies who shall give the certificate as to death and what particular person shall receive the body. It is very particular in its terms. If necessary, the gentleman from Pennsylvania [Mr. ATKINSON] who submitted the report can explain the bill more thoroughly to the gentleman.

Mr. SOWDEN. I call for the reading of the report. I presume that there is a report accompanying the bill.

Mr. HEMPHILL. There is.

The report (by Mr. ATKINSON) was read, as follows:

A bill similar to this was favorably reported in the Forty-ninth Congress, the report thereon, which is hereby adopted, being as follows:

"The object of the bill is twofold: first and chiefly, to provide sufficient dissecting material for the medical colleges of the District of Columbia; and, secondly and indirectly, to afford better protection to the graves of the dead from desecration.

"There are now several flourishing medical schools in Washington well established, and one or more of them of long standing. It is known to all that such institutions can not be carried on or proper training for the practice of medicine and surgery be given without ample experience in the dissection of the human cadaver. This fact is recognized and approved by all, and yet public opinion as strongly approves and demands stringent laws for the punishment of the desecration of graves in order to procure the necessary dissecting material. Hence the laws of the District are very severe, and properly so, against the crime of grave-robbing. With such laws in operation and such necessities for the schools of medicine, the authorities of the District are compelled either to wink at this offense or seriously to cripple, if not to destroy, the efficiency and success of these schools. Furthermore, the heads of these institutions, professors, and students of science, are compelled to supply their admitted necessities by confederating with and employing professional grave-robbers, and constantly to incur the risk of detection and criminal prosecution; and it being known in a community that the trade of resurrecting bodies for dissection is a common one, kindred and friends are frequently tortured with anxiety lest the hand of the resurrectionist shall remove the bodies of their dead.

"This bill is intended to relieve from such fears, to do away with the necessity or temptation for violating the laws, and at the same time in an open and legal way to provide the requisite dissecting material for the study and advancement of anatomical science in the District. A careful comparison with the statutes of some of the States shows its provisions to be prudently and aptly framed, and intended to accomplish the purpose in view in a manner as little repelient to public sentiment and sensibility as practicable."

The bill so favorably reported in the Forty-ninth Congress passed the Senate and House of Representatives, and was afterwards vetoed, the President assigning as his objections thereto—

1. That the officers who were given the power of disposing of dead bodies were not definitely designated.

2. That the medical colleges were not required to give bond for the proper use of the dead bodies to be given them, and for the burial of the remains after dissection.

This bill has been so drawn as to correct the objectionable features that induced the President's veto; and for the above reasons your committee return said bill, with the recommendation that it do pass.

Mr. BUCHANAN. Is this bill open for amendment?

The SPEAKER *pro tempore* (Mr. BURROWS in the chair). It is.

Mr. BUCHANAN. Then I move to amend the bill in the seventeenth line, on page 3, by striking out the words "less than two nor;" so that it will read:

Shall on conviction be imprisoned for a term of not more than three years at hard labor, etc.

My impression, Mr. Speaker, is that where a minimum punishment is inserted in a statute juries rarely convict. My observation gained by some years' experience is that a statute is stronger without the minimum penalty than with it.

Mr. ATKINSON. There is no objection to the amendment as I understand it.

The amendment was adopted.

Mr. TAULBEE. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by striking out all of section 1, after the word "however," in line 13, and insert the words "that such deceased person shall have consented to such disposal of his or her remains."

Mr. ATKINSON. I take it, sir, that the amendment is objectionable, and that its effect will be to defeat the purposes of the bill. It is believed to be necessary that a bill of this character should be passed in this District.

There are here four medical colleges, each of which has a considerable class, and each of them is expected to teach its students anatomy. In fact it is impossible for a man to acquire a knowledge of medicine without a knowledge of anatomy, and it is impossible to teach anatomy without the dissection of the dead body; and a certain number of bodies are necessary to accommodate and supply the medical colleges of this District. I apprehend that if only those are dissected who before death declare that their bodies may be so disposed of, the small number who are likely to make such declarations will effectually defeat the objects of this bill, and this I understand to be the purport of the amendment of the gentleman.

The bill provides that only those who die in almshouses, in prisons, and in other public institutions here may be dissected, under the authority of the health officer; and their bodies can not be given for this purpose if they are claimed by any friend or any relation; and the bodies of those who die, being strangers or travelers here, can not be given over to the medical colleges for this purpose. I take it these restrictions are sufficient.

Without this supply of material for the medical colleges, grave-robbing will continue precisely as it has gone on in this city and its environs for perhaps half a century. And I need not say to gentlemen that it is one of the most detestable of all crimes. The only remedy that has ever been found for this crime is to give to the medical colleges sufficient material to instruct their students in anatomy, as they are bound to do.

It is true it will be said that only the poor will be placed upon the anatomists' tables in the colleges. But it is the poor that are by far most concerned in the passage of such legislation as this. The rich can always obtain the services of skillful and experienced physicians. Not so the poor. They must take such services as they can obtain; and they can only secure the services of the younger members of the profession or perhaps dispensary physicians. While we owe a duty to the poor and should see that their bodies are not improperly used, yet we owe a greater duty to the living poor than we do to the dead; and it concerns

the living that all members of the medical profession shall be well educated and have a competent knowledge of anatomy.

This is no new legislation. In 1832 the British anatomical act was passed, and since that time in many States of the Union acts similar to this have been passed by the Legislatures, giving to the medical colleges the bodies of those who die in public institutions and are unclaimed. In my own State of Pennsylvania we have had a law similar to this for a number of years. In the State of New York they have the same law. And I take it the gentleman from Kentucky [Mr. TAULBEE] should not insist upon his amendment, because its effect will be to defeat the purposes of the bill and graves will continue to be desecrated as they have heretofore been desecrated in every locality where medical colleges have existed until there is by law a sufficient supply of anatomical material furnished.

Mr. TAULBEE rose.

Mr. BROWNE, of Indiana. Before the gentleman from Kentucky proceeds I would like to have the section read as it is proposed to be amended.

The section as proposed to be amended by the adoption of the amendment offered by Mr. TAULBEE was read.

Mr. TAULBEE. Mr. Speaker, this is a bill proposing, on the authority of the health officer, to give to the medical colleges of this District the bodies of all deceased persons who have died in any of the jails, morgues, prisons, or asylums of this District, unless it shall appear that such persons during their lifetime requested to be buried after they died. The amendment which I have offered, if adopted, will have the effect to change this bill so that only the bodies of such persons shall be delivered to these medical colleges as have consented to such delivery during their lifetime.

The gentleman who has preceded me in opposing this amendment has justly said that its object was to defeat the main purpose of this bill.

Mr. ATKINSON. I said that would be its effect.

Mr. TAULBEE. That is the object and that would be the effect. I believe that the purpose of the bill ought to be defeated and that effect ought to be consummated.

This bill proposes virtually to give all the bodies of the poor people who die in any of these institutions to the medical colleges. Now, Mr. Speaker, I agree that in order to advance the science of anatomy, it is almost indispensable that the bodies of deceased persons be used by medical colleges. But the object of promoting this science could be better facilitated by a bill which would provide for the disposition among medical colleges of the bodies of persons who have died of such diseases as were not common in a country, thus giving the medical fraternity a better understanding of the diseases to which we are subject.

I can not conceive of a law which would carry more terror to the hearts of the poor people of this country than the one now under consideration. I have had the misfortune myself to be poor all my life, and it would only require a short chain of unimportant circumstances to subject me to the provisions of this bill.

Mr. WEAVER. Will the gentleman permit me to ask him a question?

Mr. TAULBEE. Yes, sir.

Mr. WEAVER. This bill provides for the disposing of the bodies of poor persons or persons buried at the public expense. Would that include members of Congress who are buried at the public expense?

Mr. TAULBEE. I think it would.

Mr. CANNON. Why not?

Mr. TAULBEE. I do not believe the people of this country would have so serious objections to this bill if it was confined to members of Congress. I do not believe its operation would be so objectionable should its application be limited to members of Congress. I say this in all seriousness. There is no absolute punishment in this bill to any person except what little grief or remorse its operation might cause the friends of the unfortunates to whom it applies; and as a general thing members of Congress or persons possessed of such intelligence as they ought to possess would, perhaps, find less fault with this bill than would the persons and families and friends upon whose heads it is proposed to be visited.

Why, Mr. Speaker, in the history of the world as it is given to us in the Bible we find but very few of those who have died concerning whom it is said that they were admitted into the paradise of God. Among those notable few is Lazarus, and if he had lived in this generation and had died in the District of Columbia, this bill would have been made applicable to him; and I hold up his character before this House as a model for them, and one that they would do well to emulate. I can not conceive of a bill more objectionable than this in the line in which it tends. The gentleman from Pennsylvania [Mr. ATKINSON] spoke of the desecration of graves in this District, concerning which there has been much said in the newspapers recently. I have read those accounts with some interest, and I deplore the hard-heartedness and the criminal purpose with which that work is carried on. But here is a bill which proposes to pervert from a sacred purpose the potter's field of this District, although we may reasonably conclude that from that field on the great day of the resurrection we shall see as bright characters rise as from the cemeteries in which the hands of wealthy friends have laid their dead.

Mr. BROWNE, of Indiana. Do you think it will make any difference in the resurrection whether the fellow has been dissected here or not? [Laughter.]

Mr. TAULBEE. I do not suppose it will; but that is not a question with which we are dealing. The main objection to be urged to this bill is that the persons to whom it is made applicable are of necessity classed by the bill as of a lower order of being than those who are exempted from its provisions. The simple fact of a man being indigent and dying poor, or dying away from his home and friends, is no reason why his remains should be desecrated by a public law, or that the professors of medical colleges should have a right to exhibit his remains in a medical museum.

Mr. HEMPHILL. If the gentleman will permit me to interrupt him, I will call his attention to the fact that we have guarded against that. If he will look at line 18 of the bill he will see this provision: "or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried."

Mr. WEAVER. Will the gentleman from Kentucky permit me to ask him a question?

Mr. TAULBEE. Certainly.

Mr. WEAVER. I would like to have the gentleman address himself to that part of the bill which provides for the giving away of the bodies of the poor. As I understand it, this is a bill which provides to turn over the bodies of the poor and the unfortunate and the insane to the dissecting colleges. Now, if the object of the bill is simply to promote a knowledge of anatomy, why limit this provision to the bodies of the poor? Why not turn over the bodies of all the dead, or a specimen or two from each class, so that the medical men may discover what difference in the anatomy of individuals has been produced by different methods of living? Why confine it to the poor, I ask? Let us have the rich as well as the poor. Let their bodies be "equitably distributed" among the colleges as well as the bodies of the poor. [Laughter.] Again, Mr. Speaker, this is a bill to promote litigation, because it requires the bodies to be "distributed equitably" among the different colleges. As that requirement is made with reference to the bodies of the poor, I think there should be no discrimination between classes, but the provision should apply to the rich and to the medium livers, as well as to the poor. Let us have the influence of the different modes of living demonstrated upon the bodies of persons who die in the District of Columbia, and let members of Congress come in for their share of the "equitable distribution." [Laughter.]

Mr. TAULBEE. Mr. Speaker, I answer that question in the affirmative. [Renewed laughter.]

Mr. BROWNE, of Indiana. Mr. Speaker, I rise to a point of order. I understood that we were discussing this bill in the House as in Committee of the Whole, and I supposed that when we began to discuss it by sections we were under the five-minute rule.

The SPEAKER *pro tempore*. The Committee of the Whole was discharged from the further consideration of the bill, and it is being considered in the House.

Mr. BROWNE, of Indiana. As in Committee of the Whole.

The SPEAKER *pro tempore*. It is placed upon the House Calendar and is being considered like any other bill in the House.

Mr. TAULBEE. This does not come out of my time, I suppose. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. TAULBEE] has twenty-nine minutes left.

Mr. MCADOO. Will the gentleman from Kentucky permit me to ask him a question?

Mr. TAULBEE. Certainly.

Mr. MCADOO. I would like to inquire of the gentleman whether there are any distinguishing marks by which the body of a poor person can be distinguished from that of a rich person. In other words, if, under this bill, a body should be taken up for the purpose of anatomical research, would it be possible to tell whether it was the body of a poor person or of a millionaire?

Mr. TAULBEE. I do not think it would be.

Now, Mr. Speaker, it must be very evident to any one who has thought upon this subject that the object of this bill is to throw around the bodies of persons who during their lifetime are wealthy and influential a more ample protection from dissection after death than is afforded to the bodies of the poorer classes.

Mr. NUTTING. Is not the gentleman aware that in many cases persons of means, education, and refinement have consented, and even requested, that after death their bodies be used for the purpose of promoting the interests of science? Does not the gentleman know that fact?

Mr. TAULBEE. Most assuredly.

Mr. NUTTING. Then if that is the truth what does the gentleman's argument go for?

Mr. TAULBEE. My argument goes to this effect: If my amendment be adopted it gives to the poor people of this country the same protection as to the rich. Why should not the same law apply to each?

If the body of a rich man can not be had for these purposes except by virtue of his consent, I ask the gentleman to give me some reason why the body of a poor person is not entitled to the same protection?

Mr. ROWELL. I would be glad to have some gentleman point out any line in the bill which speaks of "the body of a poor person."

Mr. WEAVER. The bill speaks of persons "buried at public expense."

Mr. ROWELL. That is another question.

Mr. NUTTING. This bill provides, as the gentleman from Kentucky will see if he examines it, that when any person makes a request not to have his body disposed of in this way, that request shall be observed.

Mr. SOWDEN. What protection would that be in a case, for instance, of death by paralysis?

Mr. NUTTING. I concede that where the bill provides that such consent be given in the person's "last illness," the provision is wrong. The request, if made at any time, should be respected.

Mr. SOWDEN. How would consent be obtained in the case of a lunatic dying in an asylum?

Mr. NUTTING. The gentleman, if he knows the law—and I presume he does—knows that a lunatic can not be regarded as giving consent to anything.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. TAULBEE] is entitled to the floor.

Mr. TAULBEE. The portion of the bill which makes it especially applicable to poor people is that provision which confines its operation to the bodies of persons who may be buried at the public expense. Now, what does that mean? If a person dies in the District of Columbia without leaving relatives or friends, but possessed of property, the body of such person is not buried at the public expense; the property left by the person is ample protection against the operation of this bill. The funeral expenses are paid out of the decedent's estate. It is clear from an examination of this bill that its provisions are confined—I will not say there is a subtle effort in that direction, but that is the hidden effect—to such persons as have been so unfortunate in this life as not to have accumulated enough property to pay for their burial.

Mr. CANNON. Does the gentleman think it against public policy that bodies should be dissected in medical colleges?

Mr. TAULBEE. I do not. I have not said that, nor do I think I have said anything that would justify an inference of that kind. But I say, if this bill be passed, it should be made applicable alike to the rich and the poor.

A MEMBER. It is.

Mr. CANNON. Why does not the gentleman from Kentucky offer his amendment?

Mr. TAULBEE. I have offered it; it has been read twice from the desk; and if the gentleman did not hear it I am perfectly willing to yield now that it may be read again in my time. I want him to understand it because I expect him to vote with me.

The object of government, as I understand, is to protect the weak against the strong.

Mr. BLAND. I would like to have the gentleman's amendment read again.

Several MEMBERS. Let it be read.

Mr. TAULBEE. Certainly, let the amendment be read.

The Clerk read as follows:

Amend by striking out all of section 1, after the word "however," in line 13, and insert the following:

"That such deceased person shall have consented to such disposition of his or her remains."

Mr. BLAND. Will not the gentleman yield for an amendment including all persons, so that the body of any person who has not requested that he be buried decently may be put on the dissecting table?

Mr. TAULBEE. I think my amendment ought to be read for the gentleman again; I believe he does not understand it.

Mr. BLAND. My only object is that all be put on an equality. Let it be understood that the body of every man who does not request otherwise shall be liable to be disposed of for purposes of dissection.

Mr. TAULBEE. The gentleman can offer an amendment of that kind. My amendment has no such object and will not produce any such effect. I do not understand that the wealthy people of the country, the strong and the powerful, are in such great need of legislation as are the poor people. Whether there be a scarcity of money or any of the necessities of life, you will find as a matter of fact the wealthy people are always amply able to provide for themselves; but the sufferings which our citizens undergo you will find in the main are confined to the poor people of the country. And I am surprised that a committee of this House should offer such an indignity to the poor people in this country as is attempted to be included in this bill. [Applause.] They will regard it as an insult to them and the class to which they unfortunately belong.

I will send to the Clerk's desk and ask to be read as a part of my remarks Senate Executive Document 131 of the Forty-ninth Congress.

The Clerk read as follows:

To the Senate of the United States:

I herewith return Senate bill No. 349, entitled "An act for the promotion of anatomical science, and to prevent the desecration of graves," without my approval.

The purpose of this bill is to permit the delivery of certain dead bodies to the medical colleges located in the District of Columbia for dissection.

Such disposition of the bodies of unknown and pauper dead is only excused by the necessity of acquiring by this means proper and useful anatomical knowledge, and the laws by which it is permitted should, in deference to a decent and universal sentiment, carefully guard against abuse and needless offense.

The measure under consideration does not, with sufficient care, specify and limit the officers and the parties who it is proposed to invest with discretion in the disposition of dead bodies remaining in the institutions and places mentioned in the bill. The second section indicates an intention to prevent the use of said bodies for any other purpose than the promotion of anatomical and surgical knowledge within the District of Columbia, and to secure, after such use, the decent burial of the remains. It declares that a bond shall be given providing for the performance of these conditions. But instead of exacting the bond from the medical colleges, to which alone, by the terms of the first section, the bodies are to be delivered, such bond is required of "every physician or surgeon before receiving such dead body."

The bill also provides that a relative by blood or marriage, or a friend, may, within forty-eight hours after death, demand that any body be buried, upon satisfying "the authorities" of the relationship claimed to the deceased.

The "authorities" to be thus satisfied should be clearly defined; and the determination of a question so important should be left with those only who will perform this duty with proper care and consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 26, 1886.

Mr. STONE, of Missouri. I would like to offer a substitute.

Mr. TAULBEE. I will not object if it does not come out of my time.

Mr. STONE, of Missouri. It will not take long.

Mr. TAULBEE. I am willing, then, to let it be read.

The Clerk read as follows:

Strike out all after the enacting clause down to and including the word "existence," in the eleventh line of the first section, and insert: "That the bodies of all doctors and medical students dying in the District of Columbia shall be delivered to the duly authorized agent of any medical college or colleges in the said District of Columbia."

[Laughter and applause.]

Mr. TAULBEE. I will accept that amendment.

Mr. Speaker, I am told the doctrine is taught in the Bible that it is a very difficult matter for a rich man to get into the kingdom of heaven. I am inclined to believe all of the Bible. And if they are resting under the decrees of the Judge of the Universe, I wish some gentleman would get up on this floor and give some good reason why they should be exempted from the provisions of this bill. [Applause and laughter.] I do not see why it is, why the bodies of rich men should have any more protection than those of men who are unfortunate enough to be in the District of Columbia and die without the possession of any money. It has been suggested by some that the object of this bill, on the part of some of the members of this House, was to terrorize their constituents and keep them away from the city of Washington importuning them to secure offices for them; that the only way they could keep them away was by threatening them if they came to Washington and should die away from home without money their bodies would be given to the medical colleges. [Laughter.]

I believe that such a bill would bring about a result as great as if it were to declare that it was a penitentiary offense to apply to the Government for an office. It would be a good thing, and especially for the Republicans, if they should succeed in electing their President next November. [Laughter and applause.]

Several MEMBERS. And they probably will.

Mr. TAULBEE. If a curse like that should befall the country I would advise the inhabitants of the city of Washington to take their effects and move somewhere else, for they would be eaten out of house and home. [Laughter and applause.]

If this bill is passed the members who will succeed themselves in the Fifty-first Congress and are in harmony with the Administration will be amply protected.

Mr. MILLIKEN. I am glad to see the gentleman in pleading for the protection of the dead bodies of paupers seems to be pleading in behalf of his own party. [Laughter and applause.]

The SPEAKER *pro tempore*. Does the gentleman yield for an amendment?

Mr. TAULBEE. Let the amendment be read in my time.

The Clerk read the following amendment (by Mr. GROSVENOR):

Add to the first section:

"*And provided further*, That if such deceased person was an honorably-discharged soldier or sailor, or member of the Marine Corps of the United States, and such fact is known or is brought to the knowledge of the officer or person having charge of the institution in which such person died, then such body shall not be delivered to any medical college until due notice of the death of such person has been given to some Grand Army post in the District of Columbia, and reasonable time given to such post to claim such remains for burial by such post."

Mr. TAULBEE. I accept that amendment. [Laughter.]

Mr. CUTCHEON. Will the gentleman yield to me to offer an amendment?

Mr. TAULBEE. Certainly.

Mr. CUTCHEON. I offer the amendment I send to the desk.

The Clerk read as follows:

After the word "however," in the thirteenth line, first section, insert: "That such body shall not be so delivered in less than sixty hours from the time of death."

Mr. TAULBEE. I accept that amendment, too. [Renewed laughter.]

Now, Mr. Speaker, the amendment offered by the gentleman from Ohio on my right more forcibly presents one of the objections that might be urged to this bill in its original form.

Mr. MCADOO. Will the gentleman yield to me for a moment?

Mr. TAULBEE. Certainly.

Mr. MCADOO. I offer the amendment I send up.

The Clerk proceeded to read the amendment.

Mr. BLAND. I rise to a point of order. How many amendments can be pending at the same time?

The SPEAKER *pro tempore*. These amendments are regarded as being read in the time of the gentleman from Kentucky to be offered hereafter and voted upon in their regular order.

Mr. TAULBEE. Well, Mr. Speaker, is it not in order for me to accept the amendments, and have them considered as a part of my own?

Mr. WEAVER. And as a part of your remarks? [Laughter.]

Mr. TAULBEE. Yes; and as a part of my remarks to go into the RECORD.

The SPEAKER *pro tempore*. The Chair will state that some of the amendments do not harmonize and are not consistent with each other.

Mr. WEAVER. That does not matter.

Mr. TAULBEE. I want to accept the consistent ones. I ask for the reading of the amendment.

Mr. BLAND. How are these amendments to be voted upon?

The SPEAKER *pro tempore*. The Chair will see that the amendments come properly before the House in their order.

Mr. TAULBEE. Let the amendment be read.

The amendment proposed by Mr. MCADOO was read, as follows:

Amend the first section of the bill so that it will read:
"*Be it enacted, etc.*, That the bodies of deceased persons shall be distributed among the several colleges equitably, the number assigned to each being proportioned to that of its students."

Mr. TAULBEE. I will accept that.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask the gentleman from Kentucky to yield to me to offer an amendment.

Mr. TAULBEE. I will yield to the gentleman from Kansas five minutes.

The SPEAKER *pro tempore*. The gentleman has not five minutes to yield.

Mr. TAULBEE. Then I will do the best I can and yield him the remainder of my time.

Mr. BLAND. Would it be in order to lay the whole bill upon the dissecting table?

The SPEAKER *pro tempore*. The gentleman from Kansas now has the floor.

Mr. ANDERSON, of Kansas. I want to move an amendment; to strike out all after the enacting clause of this bill and amend it so that it will read:

That whoever shall sell or buy the body or bodies of a deceased person or persons, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not less than two nor more than three years at hard labor in the jail of said District.

Mr. TAULBEE. That is not germane to my amendment.

Mr. ANDERSON, of Kansas. I offer that amendment for a vote of the House.

Mr. TAULBEE. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has two and five-eighths minutes of his time. [Laughter.]

Mr. TAULBEE. I desire now to occupy that time in submitting a motion to lay this bill and the amendments on the table.

Mr. GROUT addressed the Chair.

The SPEAKER *pro tempore*. The motion is not debatable. [Cries of "Regular order!"]

Mr. HEMPHILL. Mr. Speaker, permit me one word. I wish to say that I think it very unfair to lay a bill that has been reported by a committee after such a tirade against it, and with no opportunity for a reply on the part of the committee, upon the table. This is a bill—if the House will indulge me for a moment—that once passed the House and Senate and was vetoed by the President on account of some peculiarities in the form of the bill. We have passed the bill once——

Mr. TAULBEE. Then let us not do it again.

Mr. HEMPHILL. And we are simply reporting now a bill in an unobjectionable form that was once passed by the House.

Mr. WEAVER. When?

Mr. HEMPHILL. During the last Congress.

Mr. TAULBEE. That was passed by the House without a quorum or a division, and the bill was not understood.

Mr. HEMPHILL. The gentleman is mistaken in that. This bill was understood, and was considered in the House. It was discussed by the gentleman from North Carolina [Mr. BENNETT] and other gentlemen.

Mr. TAULBEE. As I remember, the only discussion was that Mr. BENNETT rose after the bill was passed, and expressed his objections to the manner of its passage.

Mr. HEMPHILL. I think it very unbecoming in the gentleman to make a motion to lay the bill on the table. After the harangue with which he has occupied the attention of the House, a reply on the part of the committee ought to be permitted.

Mr. TAULBEE. If the House refuses to lay the bill on the table the gentleman can then be heard.

Mr. HEMPHILL. I am not asking to be heard myself; but the committee should be heard.

The SPEAKER *pro tempore*. The gentleman from Kentucky has moved to lay the bill and amendments on the table, which motion is not debatable.

The House divided; and there were—ayes 82, noes 75.

Mr. GROUT. I call for tellers.

Mr. BLAND. I understand the committee desire to be heard.

Mr. HEMPHILL. That is the only purpose we have; and if after the committee have been heard the House then chooses to vote down the bill, all right.

Mr. TAULBEE. How much time do you want?

Mr. SOWDEN. I call for the regular order.

Mr. TAULBEE. I ask unanimous consent that the committee be given twenty minutes.

Mr. HEMPHILL. I object to the gentleman taking the business of the committee out of our own hands.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. ATKINSON. I make the point that no quorum voted.

Mr. TAULBEE. I am quite sure——

Mr. BLOUNT. I ask for the regular order.

Mr. TAULBEE. Is it in order for me to ask unanimous consent at this time?

The SPEAKER *pro tempore*. Unanimous consent was asked and refused.

Mr. TAULBEE. I want to ask unanimous consent on a different question.

Mr. ATKINSON. I make the point that no quorum voted.

The SPEAKER *pro tempore*. One hundred and fifty-seven members voted. The Chair will order tellers, and appoints Mr. HEMPHILL and Mr. TAULBEE.

Before the count by tellers was completed,

Mr. SOWDEN demanded the yeas and nays on the motion to lay the bill and amendments on the table.

Mr. HEMPHILL. That demand can not be made while the House is dividing.

The SPEAKER *pro tempore*. The Chair thinks the demand for the yeas and nays is in order.

Mr. HEMPHILL. Not while the House is dividing.

The SPEAKER *pro tempore*. The Chair decides that it is in order.

On the question of ordering the yeas and nays there were—ayes 27, noes 129.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The SPEAKER *pro tempore*. The tellers will resume their places.

Mr. BLAND. I renew the request for unanimous consent that the committee be heard on the bill.

Mr. SOWDEN. What time does the committee want?

[Cries of "Regular order!"]

Mr. HATCH. I move that the House do now adjourn. This matter can come up next District day.

Mr. HEMPHILL. I should much prefer to have it disposed of now. If we are to have a chance to discuss the bill we want to do it, and if not we want that.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. HATCH] makes a privileged motion—the motion to adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendment disagreed to by the House to the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes; agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. TELLER, Mr. PADDOCK, and Mr. WALTHALL.

The question being taken on the motion to adjourn, it was agreed to—ayes 94, noes 48.

And accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. C. H. ALLEN: A bill (H. R. 8395) granting an increase of pension to John S. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8396) granting a pension to Mrs. Abigal Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8397) granting a pension to Mrs. Sarah McInerney—to the Committee on Invalid Pensions.

By Mr. A. R. ANDERSON: A bill (H. R. 8398) for the relief of Benjamin F. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8399) for the relief of John McDowell—to the Committee on Invalid Pensions.

By Mr. BELDEN: A bill (H. R. 8400) for the relief of Lydia Burridge—to the Committee on Invalid Pensions.

By Mr. BOWDEN: A bill (H. R. 8401) for the relief of Sarah G. Smith, executrix and devisee of Francis L. Smith—to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 8402) granting a pension to Peter Meeks—to the Committee on Invalid Pensions.

By Mr. CAINE: A bill (H. R. 8403) to remove the charge of desertion from the military record of Peter Burns—to the Committee on Military Affairs.

By Mr. J. E. CAMPBELL: A bill (H. R. 8404) granting a pension to Frederick Wallrodt—to the Committee on Invalid Pensions.

By Mr. COMPTON (by request): A bill (H. R. 8405) for the relief of T. W. S. Phelps—to the Committee on Claims.

By Mr. COX: A bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: A bill (H. R. 8407) for increase of pension to George W. Wertz—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 8408) for the relief of Thomas Lymaugh—to the Committee on Military Affairs.

By Mr. GEAR: A bill (H. R. 8409) for the relief of Herman D. Walbridge and Reginald Fendall—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: A bill (H. R. 8410) granting a pension to Charles Sowder—to the Committee on Invalid Pensions.

By Mr. J. S. HENDERSON: A bill (H. R. 8411) for the relief of William P. Reynolds—to the Committee on Ways and Means.

By Mr. HITT: A bill (H. R. 8412) for the relief of Michael Needy—to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 8413) granting relief to William C. McCroskey, and for other purposes—to the Committee on Military Affairs.

By Mr. HOOKER: A bill (H. R. 8414) for the relief of the legal representatives and successors in interest of Abram V. Vause, deceased—to the Committee on War Claims.

By Mr. HOUK (by request): A bill (H. R. 8415) for the relief of Marie Kolb—to the Committee on Indian Affairs.

Also, a bill (H. R. 8416) for the relief of Esau Rayborn, of Paw Paw Ford, Roane County, Tennessee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8417) for the relief of John Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8418) for the relief of Jacob K. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 8419) for the relief of James Dowell, of Knoxville, Tenn.—to the Committee on War Claims.

By Mr. HOVEY: A bill (H. R. 8420) for the relief of Crawford Brown—to the Committee on Claims.

By Mr. T. D. JOHNSTON (by request: A bill (H. R. 8421) for the relief of Nimrod Jarrett Smith—to the Committee on Indian Affairs.

By Mr. KERR: A bill (H. R. 8422) granting a pension to Addison Ellis—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 8423) for the relief of William H. Porter—to the Committee on Pensions.

By Mr. LAIRD: A bill (H. R. 8424) granting a pension to Rachel Ann Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8425) granting a pension to Jonathan H. Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8426) granting a pension to C. F. M. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8427) granting a pension to J. H. McKieghan—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8428) granting a pension to James T. Bourland—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 8429) granting a pension to W. W. Wilson—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 8430) granting a pension to Wellington Warren, of Laurel County, Kentucky—to the Committee on Pensions.

Also, a bill (H. R. 8431) granting a pension to Aaron Paris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8432) for the relief of Estes Ann Warren—to the Committee on Claims.

Also, a bill (H. R. 8433) granting a pension to Henry Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8434) for the benefit of the administrator of the estate of Benjamin F. Patterson, deceased, of Mercer County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 8435) for the benefit of the heirs of John Patton, deceased, of Bell County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 8436) for the relief of Charles L. Carter—to the Committee on War Claims.

Also, a bill (H. R. 8437) for the relief of John S. Kendrick, executor of Amanda Goggin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8438) for the relief of Martha A. Bibb—to the Committee on War Claims.

By Mr. PIDCOCK: A bill (H. R. 8439) granting a pension to William Hunt Rue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8440) for the relief of Charles Beibeyhiser—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 8441) to authorize the Commissioner of the General Land Office to issue a patent for Mace Clements' survey No. 386, in the Virginia military district of Ohio—to the Committee on the Public Lands.

By Mr. ROBERTSON: A bill (H. R. 8442) for the relief of William B. Smith, administrator of the estate of Dr. J. D. Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8443) for the relief of the heirs of Ackley Perkins, deceased—to the Committee on War Claims.

By Mr. RICE: A bill (H. R. 8444) for the relief of William L. Quinn—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 8445) for the relief of John T. Crownover—to the Committee on Military Affairs.

By Mr. C. A. RUSSELL: A bill (H. R. 8446) for the relief of Nathan Burnham—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 8447) granting an increase of pension to Mrs. Belinda J. McLellan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8448) granting a pension to Mabel H. Williams—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8449) for the relief of R. B. Matthews—to the Committee on War Claims.

By Mr. SYMES: A bill (H. R. 8450) restoring the right of pre-emption to Jesse A. Corn—to the Committee on the Public Lands.

By Mr. G. M. THOMAS: A bill (H. R. 8451) for the relief of Nancy F. Davenport—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 8452) for the relief of Aaron Botts—to the Committee on War Claims.

By Mr. WEBER (by request): A bill (H. R. 8453) for the relief of Maria Shuler, administratrix of Dr. John S. Shuler—to the Committee on Claims.

Also (by request), a bill (H. R. 8454) for the relief of Arabella Riley, executrix of the late Bvt. Brig. Gen. Bennett Riley—to the Committee on Claims.

By Mr. J. R. WHITING: A bill (H. R. 8455) for the relief of Elisebeth Terrals—to the Committee on Pensions.

By Mr. WICKHAM: A bill (H. R. 8456) granting a pension to Vrena Meier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8457) to remove the charge of desertion from the record of James W. Byrd—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 8458) to place the name of Henry Loeb on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8459) to place the name of William Buckley on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 8461) for the relief of Josiah C. Ury—to the Committee on War Claims.

By Mr. WEBER: A bill (H. R. 8462) for the relief of Franklin Lee and Charles F. Dunbar—to the Committee on Claims.

By Mr. WADE: A bill (H. R. 8463) granting a pension to George W. Nokes—to the Committee on Invalid Pensions.

Changes in the reference of bills, etc., improperly referred were made in the following cases, namely:

A bill (H. R. 6287) for the relief of Nathan Butler—from the Committee on War Claims to the Committee on Claims.

Also, joint resolution (H. Res. 102) for the relief of the widow and children of John W. Judson—from the Committee on War Claims to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Memorial of the Chicago Paint, Oil, and Varnish Club, for the removal of special taxes on venders of pure alcohol—to the Committee on Ways and Means.

By Mr. JEHU BAKER: Petition of A. T. Rodgers and 150 others, of Alton, Ill., for the erection of a monument in that city to the colored United States soldiers who fell in defense of the Union—to the Committee on the Library.

By Mr. BANKHEAD: Petition of Harwell & Rudisill and 200 others, citizens of Birmingham, Ala., against the passage of the Butterworth bill—to the Committee on Agriculture.

Also, petition of Thomas J. Whitson, of Tuscaloosa County, Ala-

bama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BARRY: Petition of Winnie Powell, administratrix of Lucy Mathews, of Yalobusha County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of Richard Meritz, for payment of his war claim—to the Committee on War Claims.

By Mr. BOWDEN: Petition of Charles S. Powell and others, and of McHomey & Wyatt and others, for increase of salaries of life-saving crews—to the Committee on Commerce.

By Mr. C. E. BROWN: Petition of Hermina Ahlendorf, mother of Herman Ahlendorf, late Company B, One hundred and eighty-first Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of Adaline Hodge, heir of J. A. Jolly, of Hamblen County, and of A. G. Codle, administrator of Mark Codle, of Claiborne County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BUTTERWORTH: Joint resolution of the Ohio Legislature for a bill granting to every Federal soldier who was confined in prison during the late war a pension of not less than $12 per month—to the Committee on Invalid Pensions.

By Mr. J. E. CAMPBELL: Petition of citizens of Warren County, Ohio, for reduced rates of postage on seeds, plants, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of same, for the reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. T. J. CAMPBELL: Petition of Joseph J. O'Donohue and others, merchants and steam-ship companies of New York city, for an appropriation for the removal of a ledge of rock in the East River between Broome street and Twenty-third street in said city—to the Committee on Rivers and Harbors.

By Mr. CANDLER: Petition of John B. Falls, for a pension—to the Committee on Invalid Pensions.

By Mr. CARUTH: Papers in regard to the Home for Mexican Veterans—to the Committee on Military Affairs.

Also, papers relating to the claim of Catherine Sonne, for restoration to pension-rolls—to the Committee on Invalid Pensions.

Also, additional paper in relation to the petition of Mrs. Maria Hulse, for a pension—to the Committee on Invalid Pensions.

Also, additional paper in pension claim of Mrs. Mary Griffith—to the Committee on Invalid Pensions.

Also, paper relating to the pension claim of Isaac F. Jones—to the Committee on Invalid Pensions.

Also, paper in relation to the purchase of a portrait of General James Wilkinson—to the Committee on the Library.

By Mr. CATCHINGS: Petition of Mary A. Stowers, executrix of Samuel Stowers, of Warren County, Mississippi, for payment of war claim—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of George W. Tomar, jr., and others, dairymen, for the removal of the duty on salt—to the Committee on Ways and Means.

Also, petition of Caleb Hampson and others, and of P. B. Reed and others, for reduction of postage on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CUTCHEON: Communication from the Vessel-Owners' Association of Chicago, Ill., in regard to the improvement of the harbor at Muskegon, Mich.—to the Committee on Rivers and Harbors.

By Mr. DARLINGTON: Petition of citizens of Pennsylvania, for reduction of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. DORSEY: Petition from the Winnebago tribe of Indians, asking that a portion of reservation in Nebraska be sold—to the Committee on Indian Affairs.

By Mr. ERMENTROUT: Memorial of the Star Clay Company, of Berks County, Pennsylvania, requesting that no change be made in the duty on china-clay—to the Committee on Ways and Means.

Also, memorial of the Gratwick, Smith & Fryer Lumber Company, of Tonawanda, N. Y., for the retention of the present duty on lumber—to the Committee on Ways and Means.

By Mr. FORD: Remonstrance of Hugo Schneider and many other citizens of Grand Rapids, Mich., against the repeal of the tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of B. F. Bryant, heir of William Bryant, of Marshall County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FRENCH: Petition of E. G. Stoddard and others, of New Haven, Conn., for free importation of tin-plates—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of Josiah C. Ury for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GALLINGER: Petition of Thomas Lymaugh, for the removal of charge of desertion—to the Committee on Military Affairs.

By Mr. GLASS: Petition of N. O. Underwood, of Weakly County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HARE (by request): Petition of sundry citizens of Archer County, Texas, in reference to tariff on wool, etc.—to the Committee on Ways and Means.

By Mr. HOUK: Petition of William Pollard, of Jefferson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Marie Kalb for relief—to the Committee on Claims.

By Mr. HOVEY: Memorial of the Business Men's Association of Evansville, Ind., in regard to the Green and Barren River Navigation Company—to the Committee on Rivers and Harbors.

Also, remonstrance of Edward Grill and 76 others against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. HUNTER: Petition of Aaron C. Cardill, Bennett Cardill, estate of John Williams, Benjamin E. Williams, Vincent Wickware, P. H. Tucker, Julia E. Sweargen, estate of Thomas Randolph, H. J. Pearson, William Pare, Joseph A. Norwood, James H. Miller, D. C. Morris, J. B. Moore, J. H. Millikin, J. H. Miller, LeRoy Hughlett, Eliza A. Hudspeth, Jane Hendrick, R. B. Hampton, Walter E. Hardin, A. P. Greham, estate of E. D. Fouville, C. T. and T. R. Eubanks, Clement Fisher, Dathan Darley, David M. Dimming, Bartlett B. White, Robert Bryan, R. W. Compton, Thomas A. Compton, C. N. Clark, John P. Bryan, Elvira W. Alderson, William M. Barnett, estate of George H. Bell, G. A. Boren, estate of Eli Briant, D. B. Booker, Z. H. T. Boaz, and Peter Brown, of Simpson County, Kentucky, for reference of their claims to Court of Claims—to the Committee on War Claims.

By Mr. LAFFOON: Papers in the claim of W. H. Porter, for a pension—to the Committee on Pensions.

By Mr. LAGAN: Papers in the claim of Adelaide Caroline Gentilly and of Jasper Schreiber, of New Orleans, and of Thomas G. Mackie and of George L. Cain, of Orleans Parish, Louisiana—to the Committee on War Claims.

Also, petition of Thomas G. Mackie, of Mrs. Jasper Schreiber, of widow of George L. Cain, and of Adelaide C. Gentilly, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LAIDLAW: Petition of citizens of Chautauqua County, New York, relative to duties on farm products—to the Committee on Ways and Means.

Also, petition of citizens of Chautauqua County, New York, for a change of the pension laws—to the Committee on Invalid Pensions.

By Mr. LAIRD: Memorial of the State Board of Veterinarians of Nebraska, for the continuance of the present Bureau of Animal Industry—to the Committee on Agriculture.

By Mr. LATHAM: Petition of citizens of North Carolina, for the erection of a light-house or the placing of a light-boat at the entrance of the Swash Channel, near Ocracoke Inlet, in North Carolina—to the Committee on Commerce.

Also, petition of the Mercantile and Commercial Club, of Elizabeth City, N. C., for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

Also, petitions of citizens of Currituck County, and of Dare County, North Carolina, for increase of pay of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

By Mr. LAWLER: Petition of Louis Percles to correct the records of the War Department—to the Committee on Military Affairs.

Also, resolutions of the Board of Trade of Chicago, Ill., protesting against appropriating $200,000 for the approaching Paris international exposition—to the Committee on Foreign Affairs.

By Mr. McCREARY: Petition for a pension to Aaron Paris, of Jackson County, Kansas—to the Committee on Invalid Pensions.

Also, petition of Wedem Williams for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. McKINLEY: Petition of citizens of Augusta and of Wooster, Ohio, for speedy action for the protection of the wool-growers and woolen manufacturers of the country—to the Committee on Ways and Means.

Also, resolutions of Enterprise Lodge, of Valley Lodge, and of Stark Lodge, Amalgamated Association of Iron and Steel Workers, protesting against any legislation that would tend to cripple the industries of the country—to the Committee on Ways and Means.

By Mr. MACDONALD: Petition of citizens of Scott County, Minnesota, for the reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. MAISH: Petition of Robert R. Mathews, Company M, Twenty-second Pennsylvania Volunteer Cavalry, for relief—to the Committee on Military Affairs.

By Mr. MORSE: Petition of the Boston (Mass.) Fish Bureau, for the establishment of four life-saving stations on Nantucket and Vineyard Sound—to the Committee on Commerce.

Also, petition of members of Company A, First Battery Massachusetts Heavy Artillery Volunteers, for additional bounty under the act of July 28, 1866—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of Cigar-Makers' Union of Duluth, Minn., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. NICHOLS: Petition of the North Carolina Pharmaceutical Association, for the repeal of the internal-revenue tax on alcohol—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Petition of citizens of Philadelphia interested in the Keystone Spring Works, asking that letter postage be reduced from 2 to 1 cent per ounce without delay—to the Committee on Ways and Means.

Also, remonstrance of numerous citizens of Philadelphia against the admission of Utah with polygamy—to the Committee on the Territories.

Also, communication of Charles Bowman, of Hanover, Pa., suggesting the removal of tax on cigars—to the Committee on Ways and Means.

By Mr. PEEL: Petition of W. S. Pyatt, of Washington County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition for change in postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. PERKINS: Resolutions of the Board of Trade of Junction City, Kans, for appropriations to continue the work of improving the military post at Fort Riley, Kansas—to the Committee on Military Affairs.

By Mr. PHELAN: Petition of heirs of M. H. Gloster and A. B. Gloster, and of William Johnson, administrator of Thomas I. Johnson, of Fayette County; and of heirs of Clark C. White, and of M. V. Dalton, widow of Carson R. Dalton, of Shelby County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of John Burt, of Coffee County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Petition of Juber Russell, of Crawford County; of T. D. Keating, administrator of Milus Killian, of Pulaski County, and of W. P. Dortch, administrator of Carter Satterfield, of Pulaski County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of John T. Crownover, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. C. A. RUSSELL: Petition of Nathan Burnham, for increase of pension—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition for a pension for Mabel H. Williams—to the Committee on Invalid Pensions.

By Mr. SAYERS: Petition of citizens of Dimmit County, Texas, against the establishing of a Federal court at Laredo, Tex., and attaching said county to that division—to the Committee on the Judiciary.

By Mr. SCULL: Papers to accompany House bill 4079, granting a pension to Abraham Howard—to the Committee on Invalid Pensions.

By Mr. SENEY: Memorial of Randolph Beaumont, favoring the election of United States Senators by a direct vote—to the Committee on the Judiciary.

By Mr. SEYMOUR: Petition of Lewis Corbit and 80 other furnacemen and laborers of the Iron Cliffs Company; of J. D. Jeffrey and 110 other miners and laborers of the Cambria Mining Company, and of M. F. Talley and 225 other miners and laborers of Barnum's Cliff Shaft, Salisbury mine, protesting against the repeal or reduction of the duty on iron ore—to the Committee on Ways and Means.

By Mr. SHIVELY: Petition of Local Assembly No. 3410, Knights of Labor, of Elkhart, Ind., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of the Marshall County (Indiana) Medical Society, for the removal of all customs duties on all medicines, medical and surgical appliances, etc.—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Petition of B. W. Doyle and 23 citizens of Milwaukee, Wis., in favor of a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Petition of 153 iron-ore miners and laborers at Hurley, Wis., against the reduction of the duty on iron ore—to the Committee on Ways and Means.

Also, resolution of the wool-growers' meeting at Rio, Wis., relative to the tariff on wool—to the Committee on Ways and Means.

By Mr. TARSNEY: Petition of James Calhoun, for an original pension—to the Committee on Invalid Pensions.

By Mr. TAULBEE: Petition for the relief of Benjamin McGuire—to the Committee on Claims.

Also, petition of Matilda Sawyers, for increase of pension—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: Three petitions of citizens of Kentucky, against the repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. A. C. THOMPSON: Petition of Lawrence Lodge, No. 7, of Ironton, Ohio, Amalgamated Association of Iron and Steel Workers of the United States, protesting against a revision of the tariff—to the Committee on Ways and Means.

By Mr. WARNER: Petition of Aaron Botts, for payment of his war claim—to the Committee on War Claims.

Also, petition of 76 citizens of Kansas City, Mo., protesting against the repeal of the internal revenue on cigars and cheroots—to the Committee on Ways and Means.

Also, resolutions of the Engineers' Club, of Kansas City, Mo., on the conduct of national public works—to the Committee on Rivers and Harbors.

By Mr. WEBER: Petition to create navigable waters between Lakes Erie and Ontario—to the Committee on Rivers and Harbors.

By Mr. WEST: Petitions of citizens of Washington County, New York, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. WILLIAM WHITING: Petition of citizens of Belchertown, Mass., for the issuance of fractional currency—to the Committee on Banking and Currency.

By Mr. WICKHAM: Resolutions of the Huron County (Ohio) Auxiliary Bible Society, relative to order of Commissioner of Indian Affairs forbidding instruction in Indian languages—to the Committee on Indian Affairs.

By Mr. WILLIAMS: Petition of Mrs. Fannie Mitchell, wife of John J. Mitchell, late a private Company A, One hundred and tenth Ohio Volunteer Infantry, for relief—to the Committee on Invalid Pensions.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BLANCHARD: Of J. L. Connella and 53 others, citizens of Rapides Parish, Louisiana.

By Mr. BUTLER: Of citizens of Lost Mountain, Greene County, Tennessee.

By Mr. LATHAM: Of citizens of Dare County, North Carolina.

By Mr. ROWLAND: Of citizens of Harrisburgh, Cabarrus County, North Carolina.

By Mr. J. D. STEWART: Of citizens of Daniell's Mills, Douglas County, Georgia.

By Mr. STONE, of Kentucky: Memorial of citizens of Creswell, Caldwell County, Kentucky.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. A. R. ANDERSON: Of C. H. Townsend and 20 others, ex-soldiers, of Randolph, Fremont County, and of W. H. Fortune and 58 others, of Decatur County, Iowa.

By Mr. C. S. BAKER: Of John Sutphin, Andrew Boyd and others, of William S. Millener and others, and of Andrew F. Wilson and others, citizens of Monroe County, New York.

By Mr. BOUND: Of 152 citizens of Dalmatia, Northumberland County, Pennsylvania.

By Mr. CHIPMAN: Of William Achison and others, of M. J. Whiting and others, of W. B. Beck and others, of Charles Andrews and others, of Charles Wooley and others, of A. C. Haskins and others, of Charles Martin and others, of J. W. Thompson and others, and of Henry W. Slater and others, ex-Union soldiers.

By Mr. CONGER: Of the national convention of the Per Diem Rated Service-Pension Association.

By Mr. FELTON: Of Union soldiers and sailors of the Fifth district of California.

By Mr. FORD: Of John N. Cooley and 190 others, citizens of Lowell, Mich.

By Mr. FUNSTON: Of citizens of Prescott, Kans.

By Mr. GOFF: Of G. W. Cottrail and others, of Harrison County, West Virginia.

By Mr. GROUT: Of the National Per Diem Rated Service-Pension Association.

By Mr. HAYES: Of soldiers and sailors of Iowa.

By Mr. HUNTER: Of the national convention of the Per Diem Rated Service-Pension Association held at New York—to the Committee on Invalid Pensions.

By Mr. JACKSON: Of the national convention of the Per Diem Rated Service-Pension Association held in New York, March 1, 1888.

By Mr. KENNEDY: Of Joel Easton and 60 others, and of G. M. Stevenson and others, of Bellefontaine, Ohio.

By Mr. LANE: Of ex-Union soldiers and sailors, of Scottville, Ill.

By Mr. LAIRD: Of ex-Union soldiers.

By Mr. McCREARY: Of citizens of Kentucky.

By Mr. McKINLEY: Of Andrew Phillips and others, of Taylor McFadden and others, and of W. F. Hamey and others, ex-Union soldiers.

By Mr. MACDONALD: Of soldiers and sailors of General Hazen Post, Grand Army of the Republic, of Renville, Minn.

By Mr. O'DONNELL: Of the national convention of the Per Diem Rated Service-Pension Association.

By Mr. PARKER: Of citizens of Theresa, N. Y.

By Mr. PATTON: Of 26 soldiers of Clarion County, Pennsylvania.

By Mr. PERKINS: Of Phil. Arnall and 75 others, citizens of Elk Falls, and of Henry Welty and 48 others, ex-Union soldiers, of Elk Falls, Kans.

Also, of the national convention of the Per Diem Rated Service-Pension Association.

By Mr. PETERS: Of 40 citizens of Garfield County, Kansas.

By Mr. SENEY: Of Charles A. Wells, president of the National Per Diem Rated Service-Pension Association.

By Mr. STONE, of Missouri: Of J. C. Lucas and 13 others, of H. C. Wyatt and 74 others, and of Samuel B. Cole and 61 others, citizens of Bates County, Missouri.

By Mr. TARSNEY: Of ex-soldiers of Michigan.

By Mr. E. B. TAYLOR: Of ex-soldiers of Warren, of Johnstown, of Mineral Ridge, of Hemhburg, of Farmington, of Trumbull County, and of Painesville, Ohio.

By Mr. A. C. THOMPSON: Of ex-Union soldiers of John's Creek, Lawrence County, and of W. S. Hancock Post, Grand Army of the Republic, of Ohio.

By Mr. WARNER: Of Rousseau Post, Grand Army of the Republic, Department of Missouri.

By Mr. WICKHAM: Of soldiers and citizens of Chicago Junction, Huron County, Ohio.

By Mr. WILKINS: Of J. J. Huston and 264 others, citizens of Newark, and of W. C. Keefer and 12 others, citizens, ex-soldiers, of Bolivar, Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BOOTHMAN: Of Joseph Wells and 157 others, citizens of Fulton County, Ohio.

By Mr. FORNEY: Of citizens of Blount County, Alabama.

By Mr. HAYES: Of the ladies of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Iowa City, Iowa.

By Mr. LAGAN: Of 456 citizens of Orleans Parish, Louisiana.

By Mr. LAIDLAW: Of 225 citizens of Cattaraugus County, and of 229 citizens of Allegany County, New York.

By Mr. RICE: Of 165 citizens of Hennepin County, Minnesota.

By Mr. SPOONER: Of 93 citizens of Providence County, Rhode Island.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. MCKENNA: Of citizens of the Third district of California.

SENATE.

TUESDAY, *March* 13, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitted for the consideration of the Committee on Military Affairs, submitting the draught of a bill to make enlisted men of the Signal Corps responsible for public property; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the requirements of the eighth section of the act of July 22, 1854, the supplementary report of the United States surveyor-general for New Mexico on the private land claim in that Territory known as the San Miguel del Bado claim; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Woman's Christian Temperance Union of North Idaho, officially signed, representing 40 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

Mr. FAULKNER presented the petition of Thomas P. Myers and 32 others, citizens of Tyler and Doddridge Counties, West Virginia, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PASCO presented a petition of the Board of Trade of Pensacola, Fla., praying that the navy-yard near that place be rehabilitated; which was referred to the Committee on Naval Affairs.

Mr. CAMERON presented a petition of citizens of Erie, Pa., praying that the salaries of keepers in the Life-Saving Service may be increased to $1,000 per annum; which was referred to the Committee on Commerce.

He also presented a petition of 898 surviving ex-Union soldiers, residents of Mercer County, Pennsylvania; a petition of 700 citizens of Titusville, Pa., and a petition of ex-Union soldiers and sailors, citizens of Harrisville, Pa., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of 22 surviving soldiers and sailors of the Union Army and Navy, residents of Zearing, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. REAGAN presented the petition of G. J. Steck, postmaster at Ledbetter, Tex., and 30 other citizens of that State, praying that the compensation of fourth-class postmasters may be increased; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented petitions of 967 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill, as follows:

Two petitions of citizens of Warren Township;
A petition of citizens of Farmington;
A petition of citizens of Leipsic;
A petition of citizens of Mineral Ridge;
A petition of citizens of Painesville;
A petition of citizens of Allen County;
A petition of citizens of Sandusky;
A petition of citizens of Latimer and Johnsonville;
A petition of citizens of Rose Hill, Union City, and other towns;
A petition of citizens of Greenville;
A petition of citizens of Bloomingville;
A petition of members of W. S. Hancock Post, No. 571, Grand Army of the Republic, Department of Ohio;
A petition of members of the Per Diem Rated Service Pension Association, held in New York;
A petition of citizens of Morrow and Marion Counties;
A petition of citizens of Ashtabula County;
Three petitions of citizens of Ohio;
A petition of citizens of Allen County;
A petition of citizens of Sherritt's;
A petition of citizens of Denmark;
A petition of citizens of Jefferson.

The petitions were referred to the Committee on Pensions.

Mr. SHERMAN presented the petition of Mary J. Byrd, widow of Solomon G. Byrd, late a private in Company B, Forty-third Regiment Ohio Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SAWYER presented a petition of ex-Union soldiers and sailors, citizens of Durand, Pepin County, Wisconsin, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. VOORHEES presented two petitions, numerously signed by ex-Union soldiers, citizens of Switzerland County, Indiana, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. VOORHEES. I present a petition of officers and members of the standing committee on temperance, appointed by the Indiana Yearly Meeting of the religious Society of Friends, numbering about twenty thousand, and residing in Eastern Indiana and Western Ohio, representing that the exportation of alcoholic beverages to other countries, and especially to Africa and the Pacific islands, has already in the past and necessarily will in the future, if not checked, produce incalculable ills and misery among those ignorant people, and largely counteract the humane efforts of Christian missionaries, and, further, that the constitutional power of Congress over commerce with foreign nations devolves upon that body a serious responsibility if this destructive business is continued. The petitioners, therefore, earnestly ask Congress to adopt such measures as will effectually and promptly put a stop to this traffic. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. VOORHEES. I also present a communication, signed by the president and secretary of the Board of Trade of Terre Haute, and a large number of our most prominent and influential business men residing in the city of Terre Haute, Ind., praying that an appropriation be made for the purpose of establishing in the city of Terre Haute a Government experimental station and farm for the development of the sugar industry. I presume the communication should be sent to the Committee on Agriculture and Forestry. I move its reference to that committee, and call their attention to its importance. It is full of valuable suggestions.

The motion was agreed to.

Mr. PASCO presented the petition of W. D. Chipley, president of the municipality of Pensacola, Fla., praying for the passage of a bill to construct a macadamized road between the city of Pensacola and the national cemetery, near Barrancas, in the State of Florida; which was referred to the Committee on Military Affairs.

Mr. SPOONER presented the petition of George L. Wakefield and other citizens of Pepin County, Wisconsin, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Amalgamated Association of Iron and Steel Workers of the United States, of Milwaukee, Wis., remonstrating against any tariff legislation that would tend to cripple the industries of the country; which was referred to the Committee on Finance.

Mr. PLATT presented a petition of the Medical Association of New Haven, Conn., praying for the passage of the pending bill providing for the establishment of a bureau of public health, etc.; which was referred to the Committee on Epidemic Diseases.

He also presented a joint resolution of the Legislature of Wyoming Territory, urging the passage of a bill to enable that Territory to form a constitution and State government; which was referred to the Committee on Territories.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom the subject was referred, reported a bill (S. 2329) to authorize the Secretary of the Treasury to re-examine and reaudit the claim of the State of Pennsylvania for advances made and money borrowed by said State to pay the militia called into the military service by the Government under the proclamation of the President of June 15, 1863; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1364) to declare the sense of an act entitled "An act to reimburse the State of Pennsylvania for moneys advanced Government for war purposes," and to authorize a re-examination of the settlement made by the Secretary of War thereunder, reported adversely thereon, and the bill was indefinitely postponed.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of William Gallagher, praying for a pension, submitted a report thereon, accompanied by a bill (S. 2330) granting increase of pension to William Gallagher; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1654) granting a pension to Mrs. Catharine Wagner, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of W. R. Hicks, praying for a pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 794) to give to Henry K. Cady an honorable discharge from military service dating as from November 18, 1865, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1635) to regulate the payment of pensions to pensioners under guardianship;

A bill (H. R. 85) granting a pension to Mrs. Mary Jane Case;

A bill (H. R. 3850) granting a pension to Moses F. Jackson;

A bill (S. 867) granting a pension to Miss Margaret Stafford Worth;

A bill (S. 1844) granting an increase of pension to Ann Atkinson;

A bill (H. R. 443) granting an increase of pension to Albert G. Fifield;

A bill (H. R. 445) granting a pension to Laura A. Wright;

A bill (H. R. 4835) for the relief of Everard Flynn; and

A bill (S. 1353) for the relief of the legal representatives of Peter Lyle, deceased.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the petition of Charlotte Frederick, praying for a Navy pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were indefinitely postponed:

A bill (S. 1310) for the relief of Mary Heron; and

A bill (S. 1505) for the relief of Harry J. Grayden.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1447) granting a pension to Bridget Foley;

A bill (H. R. 2617) granting a pension to Mary Bailey;

A bill (H. R. 115) to increase the pension of Thomas F. Townsend;

A bill (H. R. 863) granting a pension to Malinda Vest;

A bill (H. R. 771) granting a pension to A. B. VanCleve;

A bill (H. R. 2218) to increase pension of James A. Buck;

A bill (H. R. 2514) granting a pension to J. Miller Raub;

A bill (H. R. 2517) granting a pension to Isaiah J. Johnson;

A bill (H. R. 5766) granting a pension to Miss Capitola V. Harsh, daughter of Daniel Harsh;

A bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer;

A bill (S. 1435) granting a pension to Emil Schattle; and

A bill (H. R. 806) for the relief of Mary Morford.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the petition of Mary J. McGregor, praying for a pension, submitted a report thereon, accompanied by a bill (S. 2331) granting a pension to Mary J. McGregor; which was read twice by its title.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 345) for the relief of Wilson W. Brown, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 481) for the relief of Stephen M. Honeycutt, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 1596) in relation to oaths in pension and other cases;

A bill (S. 1626) to amend the act of March 3, 1877, entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled;"

A bill (S. 1258) granting a pension to Sarah Ann Waters;

A bill (H. R. 628) granting a pension to Juliette Stone;

A bill (S. 1144) granting a pension to Frances H. L. Prescott;

A bill (S. 2073) granting a pension to Margaret Blades;

A bill (S. 2124) granting a pension to John Bush; and

A bill (S. 2157) granting increase of pension to Theodore F. Casamer.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 1529) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1495) granting a pension to Mrs. Cora McGee, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of John Linsley, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2332) granting a pension to John Linsley; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1468) granting a pension to John Stiles; and

A bill (S. 2158) granting increase of pension to Dwight Toogood.

He also, from the same committee, to whom were referred the following petitions, submitted adverse reports thereon, which were agreed to; and the committee were discharged from their further consideration:

The petition of Albert L. du Puget, of Philadelphia, Pa., praying for such relief as the circumstances of his case may justify;

The petition of John B. Wolff, praying for payment of pension due Capt. A. W. Hicks, of the Mississippi River fleet;

The petition of George Steph, praying to be allowed a pension; and

The petition of Mrs. Nancy R. Gould, praying to be allowed additional pension for helpless and dependent daughter.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. PADDOCK. I am directed by the Committee on the Improvement of the Mississippi River to report a resolution, which I suppose should properly go to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on the Improvement of the Mississippi River and its tributaries be, and is hereby, authorized to send for persons and papers, subpœna witnesses, and employ a stenographer, in the prosecution of the inquiry now in progress by said committee to determine whether the plan of improvement proposed by Senate bill 742 shall be substituted for or be made supplemental to the method of improvement now being carried on by the Mississippi River Commission; and that the expenses of the same shall be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The resolution will be referred, under the rules, to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2333) granting a pension to George W. Fogle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2334) granting a pension to Mary J. Byrd; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 2335) to incorporate the National Temperance Home of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2336) granting a pension to Mary A. Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2337) for the relief of Maria N. Abbey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 2338) for the relief of the heirs of John W. West; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PASCO introduced a bill (S. 2339) granting a pension to George H. McKee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2340) granting a pension to James Mallon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. STOCKBRIDGE introduced a bill (S. 2341) for the relief of Thomas Chambers, of Mackinaw Island, Michigan; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, introduced a bill (S. 2342) for the relief of Thomas Seely; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 2343) granting a pension to Mrs. Myra Freeman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2344) granting a pension to Minnie A. Bailey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RANSOM introduced a bill (S. 2345) authorizing the construction of bridges across the Cape Fear River, Black River, and the Northeast River, in the State of North Carolina; which was read twice by its title, and referred to the Committee on Commerce.

CONDITION OF THE CIVIL SERVICE.

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or other, the order of morning business is closed.

Mr. HALE. I wish to call up the resolution offered by me some time since in relation to the condition of the civil service.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of a resolution, which will be read.

The Chief Clerk read the resolution submitted by Mr. HALE December 11, 1887, as follows:

Whereas sections 11 and 14 of "An act to regulate and improve the civil service of the United States," approved January 16, 1883, provide as follows:

"SEC. 11. That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employé of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employé of any department, branch, or bureau of the executive, judicial, or military, or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employé of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

"SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever."

And whereas the spirit of said act has been interpreted by the President and by the Commissioners of the Civil Service Commission charged with its execution as forbidding all officers of the General Government from offensively participating in political conventions and elections, the President, in his order addressed to the heads of the Departments in the service of the General Government dated July 14, 1886, setting forth his reasons for the same, as follows:

"EXECUTIVE MANSION, *Washington, July* 14, 1886.

"*To the Heads of the Departments in the service of the General Government:*

"I deem this a proper time to especially warn all subordinates in the several Departments and all office-holders under the General Government against the use of their official positions in attempts to control political movements in their localities. Office-holders are the agents of the people—not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid in their political action, as well as in the discharge of their official duty, offending by a display of obtrusive partisanship their neighbors who have relations with them as public officials. They should also constantly remember that their party friends from whom they have received preferment have not invested them with the power of arbitrarily managing their political affairs. They have no right as office-holders to dictate the political action of their party associates or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

"The influence of Federal office-holders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair, and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns. Individual interests and activity in political affairs are by no means condemned. Office-holders are neither disfranchised nor forbidden the exercise of political privileges, but their privileges are not enlarged, nor is their duty to party increased to pernicious activity by office-holding. A just discrimination in this regard between the things a citizen may properly do and the purposes for which a public office should not be used is easy, in the light of a correct appreciation of the relation between the people and those intrusted with official place and a consideration of the necessity under our form of government of political action free from official coercion. You are requested to communicate the substance of these views to those for whose guidance they are intended.

"GROVER CLEVELAND."

And Commissioner Oberly, in his letter to the Illinois Democratic Association, dated September 29, 1887, interpreting the statute as follows:

"Now, does it not follow that officers, clerks, and other persons in the service of the United States, who are organized for political purposes, and who by initiation fees, dues, and contributions defray the expenses of this organization, are violating sections 11 and 14 of the civil-service act? They are giving—they are handing over—to officers, clerks, or other persons in the service of the United States, and these persons, acting as officers of the association, as the representatives of the associated officers, clerks, and other persons in the service of the United States, are receiving money for political purposes, money to be applied to the promotion of political objects."

And whereas it is alleged that, notwithstanding the provisions of said act, and notwithstanding the interpretation placed upon the same by the authorities as above quoted, numerous Federal officers, appointed by the present Administration, have unduly and offensively exhibited a pernicious activity both in nominating conventions and in the elections following: Therefore,

Resolved, That a select committee, to consist of seven Senators, be, and the same is hereby, constituted and appointed, whose duty it shall be to examine fully into the present condition of the civil service in all branches of the Government, to ascertain whether the appointments in said service have been based upon merit and qualifications or have been distributed as partisan favors; and further to fully examine and report as to the offensive participation of officers and employés of the General Government in political conventions and elections.

Said committee is hereby authorized to employ a clerk and stenographer, and shall have the power to administer oaths, send for persons and papers; to sit in Washington or such other places as may be necessary, and to conduct its investigations through subcommittees, the expenses of the same to be paid from the contingent fund of the Senate; and a full report of its proceedings shall be made to the Senate at as early a day as is practicable.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the resolution?

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. COCKRELL. I offer an amendment to come in just before the words "Therefore, *Resolved*."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri will be read.

The Chief Clerk read as follows:

And whereas Rutherford B. Hayes, President of the United States, did on June 22, 1877, issue the following order, to wit:

"EXECUTIVE MANSION, *Washington, June* 22, 1877.

"SIR: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by the officers of the General Government in relation to elections:

"'No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes on officers or subordinates should be allowed.'

"This rule is applicable to every Department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

"Very respectfully,

"R. B. HAYES.

"To the POSTMASTER-GENERAL."

And whereas it is alleged that, notwithstanding said Executive order, numerous Federal officials appointed by his and the subsequent Republican administrations have unduly and offensively exhibited pernicious partisan activity both in the nominating conventions and subsequent elections as managers of political organizations and delegates to conventions, including the Presidential elections in 1880 and 1884.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. To make that amendment complete, I also move in the fifth line of the resolution, after the word "service," to insert the words "since the passage of the said civil-service act," and to add to the first paragraph of the resolution the words "since the date of said Executive order of President Hayes and the passage of said civil-service law of January 16, 1883."

The PRESIDENT *pro tempore*. If there be no objection, these various amendments will be treated as one, the question recurring, will the Senate agree to the same?

Mr. HALE. Mr. President, the resolution which is now before the Senate is one that was offered by me earlier in the session. I have delayed calling it up at the request of the Senator from Missouri, who has been very much busied with the many duties that fall upon him and had not prepared his amendment until to-day.

I have no objection to the Senator investigating, with a committee appointed for that particular purpose, the old subject-matter, going back ten or twelve or more years, which his amendment covers; but I do not desire the purpose which I have in view, of a distinct and legitimate examination as to what is going on now in the civil service of the Government, to be embarrassed by any other examination. I am seeking in the resolution which has been read to the Senate a distinct object—the investigation of what is going on to-day, as I believe, and as was alleged in many quarters.

Therefore I do not, for one, consent to the amendment offered by the Senator from Missouri. I am not opposed to that investigation. If he desires it, let it go on distinctively by itself.

I hope the Senate will vote down the amendment. I do not desire to discuss it further now.

Mr. COCKRELL. Mr. President, the resolution of the Senator from Maine recites the civil-service law of January 16, 1883, and sundry other things, and then proposes an investigation of the civil service. It is manifest to all Senators who have studied this question that the order of President Hayes in 1877 had the same force and effect practically as the civil-service law. It was an Executive order, which he had just as much authority to issue then as the President has now.

The civil-service act was passed on the 16th of January, 1883. That was during a Republican administration, and prior to the election of 1884, the last Presidential election. The object of my amendment is simply to extend the investigation of the committee in regard to the civil service to the beginning of the civil-service order issued by President Hayes, and then from the passage of the civil-service law of 1883.

It will not increase the labors of the committee. It will give the Senate and the country a full, fair, and thorough insight into the administration of the civil-service law by a Republican administration and its administration by a Democratic administration, and then the country can judge of it.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I wish simply to say that I can not see the propriety of an amendment which goes merely into the past. The question of the present observance or violation of law is the only practical question for the country. What has gone on in the past has been dealt with and considered.

The amendment proposed by the Senator from Missouri is a violation of the etiquette and propriety of the Senate. I do not believe there can be found in a Senate resolution or enactment the designation of a President by party description, and the Senate passing a resolution that certain Republican administrations or Democratic administrations should be investigated. The sense of propriety of the Senate has always rejected that kind of nomenclature in its legislation and resolutions. For both these reasons I object to the amendment.

Mr. DAWES. The Senator from Colorado [Mr. TELLER] inquires of me whether the Senator from Missouri desires to plead an offset. I should like to hear what the Senator from Missouri has to say.

Mr. COCKRELL. No, not an offset. More than an equivalent—not an offset.

Mr. DAWES. What is it?

Mr. COCKRELL. More than an equivalent. Admitting that the insinuations of the resolution of the Senator from Maine may be true, there have been a thousand-fold more than a counterbalance and equivalent rendered against them by the preceding administrations.

Mr. DAWES. Is that a justification, Mr. President? Is that the justification the Senator from Missouri proposes to plead? He says he does not propose to plead on offset. Then it is a justification, and the justification is, somebody else has been just as bad as this reform Administration, or, in other words, this reform Administration is no better than that which came before.

Mr. HOAR. In either case it is a plea of guilty.

Mr. COCKRELL. We do not want any justification.

Mr. DAWES. Then let it be.

Mr. COCKRELL. The present Administration speaks for itself and can take care of itself before the people, and needs no vindication at the hands of a Republican Senate or any other legislative body.

Mr. DAWES. But it seems to be apprehensive.

Mr. COCKRELL. We simply want the truth, the whole truth, and nothing but the truth, and that is not what is desired upon the opposite side.

Mr. DAWES. The Senator is resisting just exactly that thing. He is not willing to stand on the merits, but desires to go after something else that will bolster up that which on the merits will fail. That seems to be it. If the Administration is desirous of standing on its merits, the best way is to ascertain what its merits are, and not where the merits of somebody else lie. If it is to be a set-off, if it is to be a justification, if it is to plead user or custom, say so; but if it is to go on the merits, that is just what the resolution proposes and just what the amendment tries to avoid.

Mr. COCKRELL. It is fear of the result which excites the opposition. I anticipated as much. All that I ask in the world is that the country may see Administrations side by side and draw their conclusions from comparisons.

The PRESIDENT *pro tempore*. The Secretary will call the roll on the question of agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL].

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not see him here. He, I presume, would vote "nay," and I should vote "yea."

Mr. HALE (when Mr. FRYE'S name was called). My colleague [Mr. FRYE] is absent, and is paired with the Senator from Ohio [Mr. PAYNE].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here he would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. KENNA. I am paired on all questions with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. BOWEN. I am paired with the Senator from Arkansas [Mr. BERRY]. I should vote "nay" if he were here.

Mr. CAMERON. I understand that my pair with the Senator from South Carolina [Mr. BUTLER] has been transferred to my colleague [Mr. QUAY], who is absent. I therefore vote "nay."

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], and therefore can not vote.

Mr. KENNA. Since announcing my pair with the Senator from Minnesota [Mr. SABIN] I find that the Senator from New Jersey [Mr. MCPHERSON] is absent without a pair. I therefore transfer my pair to the Senator from New Jersey [Mr. MCPHERSON] and vote "yea."

The result was announced—yeas 24, nays 29; as follows:

YEAS—24.

Bate,	Eustis,	Harris,	Turpie,
Beck,	Faulkner,	Jones of Arkansas,	Vance,
Blackburn,	George,	Kenna,	Vest,
Call,	Gibson,	Pasco,	Voorhees,
Coke,	Gray,	Ransom,	Walthall,
Colquitt,	Hampton,	Reagan,	Wilson of Md.

NAYS—29.

Aldrich,	Dawes,	Mitchell,	Spooner,
Allison,	Dolph,	Morrill,	Stewart,
Blair,	Farwell,	Paddock,	Stockbridge,
Cameron,	Hale,	Palmer,	Teller,
Chace,	Hiscock,	Platt,	Wilson of Iowa.
Chandler,	Hoar,	Plumb,	
Cullom,	Ingalls,	Sawyer,	
Davis,	Manderson,	Sherman,	

ABSENT—23.

Berry,	Daniel,	Hearst,	Quay,
Blodgett,	Edmunds,	Jones of Nevada,	Riddleberger,
Bowen,	Evarts,	McPherson,	Sabin,
Brown,	Frye,	Morgan,	Saulsbury,
Butler,	Gorman,	Payne,	Stanford.
Cockrell,	Hawley,	Pugh,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution of the Senator from Maine [Mr. HALE].

The resolution was agreed to.

Mr. HALE. I ask unanimous consent that the committee be appointed by the Presiding Officer.

The PRESIDENT *pro tempore*. The Senator from Maine suggests that the committee provided for by the resolution be appointed by the Chair. It will be so ordered, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia;

A bill (H. R. 4601) to amend the naval record of Nickolas Leuschen, Peter Leuschen, and Loth Possum;

A bill (H. R. 5373) to change the location of a certain alley in the city of Washington;

A bill (H. R. 5617) to provide for the leasing of premises for the Washington city post-office;

A bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District; and

A bill (H. R. 6591) for the relief of S. Dillinger & Sons.

ENROLLMENT OF CIRCUIT-COURT JURISDICTION ACT.

Mr. WILSON, of Iowa. I move that the Senate proceed to the consideration of the bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MITCHELL. I should like to ask the Senator from Iowa a question in reference to this bill. It purports to be a bill to "correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts and for other purposes,' approved March 3, 1875." When the act of March 3, 1887, was up for discussion I called attention to what I then thought and what I still think were certain inconsistencies in it. It became a law, however. Now, what I wish to know of the Senator having charge of this bill, the Senator from Iowa [Mr. WILSON], is whether this bill, which seems to be entitled "to correct the enrollment of an act" passed a year ago, conforms to the act as passed, and, if so, in what respects? It is merely claimed that the act as passed on the 3d of March, 1887, was incorrectly enrolled and inaccurately published on the statute-book, and, if so, then in what respects was the act incorrectly enrolled or inaccurately published?

Mr. WILSON, of Iowa. Mr. President, in response to the inquiry of the Senator from Oregon, I will state that the purpose of this bill is solely to conform the text of the act of March 3, 1887, to that of the bill which passed the two Houses of Congress. In the enrollment of the bill in the House of Representatives twenty-five mistakes were made, four of them in spelling, two by changing words, two by omitting the article "a," fifteen in punctuation, and two in the structure of the bill—that is, by changing paragraphs.

As I have stated, the purpose of the bill is solely to conform the act of March 3, 1887, to the text of the bill as it passed the two Houses.

Mr. TELLER. I should like to have the Senator point out in the statute what the mistakes are. He says the statute as published is incorrect. We want to know before we consent to any changes what the mistakes are.

Mr. WILSON, of Iowa. It would be somewhat difficult for me to do so from the bill. If the Senator has the law before him I can point them out.

Mr. TELLER. I have got the statute.

Mr. WILSON, of Iowa. I will say to the Senator from Colorado that the Committee on the Judiciary were very careful to have this bill in form exactly corresponding with the bill of last year as it passed the two Houses of Congress, and we have made no change whatever in it, except to restore the text to the exact form of the bill as it passed the two Houses.

Mr. MITCHELL. Was it incorrectly enrolled?

Mr. WILSON, of Iowa. It was incorrectly enrolled in the other House.

Mr. MITCHELL. By what process has the Senator and the Judiciary Committee arrived at their conclusion as to the mistakes made?

Mr. WILSON, of Iowa. We went to the papers on file in the Secretary's office and compared those papers with the act as it appears in the statutes of the last Congress, and found a number of mistakes that are corrected by the text of the pending bill.

Mr. MITCHELL. The act as enrolled, then, is the same as published in the statute-book?

Mr. WILSON, of Iowa. It is.

Mr. MITCHELL. Then I understand the Senator from Iowa to say that the act of March 3, 1887, regulating the practice of the Federal courts and the transfer of cases from the State to the Federal courts, has twenty-five mistakes.

Mr. WILSON, of Iowa. I have stated that there were twenty-five mistakes in the enrollment.

Mr. MITCHELL. And also in the published act?

Mr. WILSON, of Iowa. I have already stated in answer to the Senator that the act as published in the Statutes at Large corresponds with the enrolled bill. It was from the enrolled bill that the act was printed in the Statutes at Large. Now, as I have said, the greater number of these mistakes were in punctuation, but there were some four in spelling and two where words were changed.

Mr. MITCHELL. Were there any that changed the law at all in reference to the transfer of cases from State to Federal courts?

Mr. WILSON, of Iowa. No, nothing of that. The sole purpose is to restore the text of that act so that it will correspond with the bill passed by the two Houses of Congress.

Mr. TELLER. It seems to me we are entitled to know when this bill is brought here what the change is in the statute as published. The statute as published is understood to be the law of the land. Under that the courts have already made various rulings, and rights have been acquired and established under the act, as I know. It has been a subject of immense controversy in the United States courts, and now when it is sought to change it and give it some new interpretation, or to bring in a new bill, I think we are entitled to know exactly what changes are made. I think the Senator should give us line by line, and tell us what the changes are, not in spelling or in orthography or in punctuation, but give us the facts and let us know what is going to be this new law. The other one did not come up to expectation or promise.

Mr. WILSON, of Iowa. I understand that perfectly well, and while it would take some time——

Mr. TELLER. Never mind. This is an important question. We had better take time.

Mr. WILSON, of Iowa. The mistakes in the matter of words. If the Senator has the bill before him he will find on page 3, line 50, that the word "if," where it occurs in that line, was enrolled and is printed in the act "of." The next word that was changed was on page 10, line 10. The word "and" was changed to "or."

Mr. MITCHELL. What section is that in?

Mr. WILSON, of Iowa. It is on the last page of the bill, section 5. On page 2, line 25, and in lines 26, 27, and 28, the word "controversy" was changed to "controversary."

Mr. BECK. Mr. President——

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Iowa yield?

Mr. WILSON, of Iowa. Certainly.

Mr. BECK. I was about to ask the Senator from Iowa whether he would not save time by explaining to gentlemen who care to know the changes made, and call up the bill for passage afterwards. As he knows very well, I expected to occupy the floor this morning, and the Senator from Ohio [Mr. SHERMAN], who wishes to hear me, is going away to-morrow. Therefore, I should be glad to go on now and have the pending bill laid aside.

Mr. STEWART. I ask the Senator having charge of the bill to let it lie over. It is a very important matter.

Mr. WILSON, of Iowa. If there is objection of that kind, I shall not interpose to prevent the other order of the Senate from proceeding.

Mr. HOAR. I should like to observe that this is a bill relating to a very important matter. The Senate is simply asked to do on the faith of three members of the Judiciary Committee, its chairman [Mr. EDMUNDS], the Senator from Mississippi [Mr. GEORGE], and the Senator from Iowa [Mr. WILSON], who carefully compared the bill passed last year, what in every other statute is done on the faith of the clerk of the Enrolling Committee of the House of Representatives or of the Senate, that there is no change in the bill. The person who had charge of the enrollment of this bill in the House made a lot of mistakes in spelling, in punctuation, and in one or two cases in the position of sentences. This bill was so printed, and it covered the Congress of the United States with disgrace when the lawyers of the country came to look at it. Now, this subcommittee of the Judiciary Committee of the Senate have examined personally in regard to this bill what in the case of every other bill that has passed through Congress would be trusted to the clerk of some committee, and Senators refuse to trust to a careful examination, when in every other case, and when in regard to this bill when it was passed, it was trusted to an enrolling clerk.

Mr. MITCHELL. A word in reply to the Senator from Massachusetts. I suggest that the circumstances are entirely different. This act of March 3, 1887, has been on the statute-book now for over a year. The courts have been proceeding under it and have been transferring cases from State to Federal courts under that statute and sending them back from the Federal courts to the State courts under that statute. Adjudications have occurred under it. And yet we are told here to-day by the Judiciary Committee of the Senate that that statute as published to the world, and under which the courts have been operating for one year, has at least twenty-five mistakes; that the act as passed actually by the Congress of the United States, and which received the sanction of the President of the United States, is different from the act which has actually been published in twenty-five particulars. The fact appears by admission all around that that act as enrolled and actually published and promulgated to the courts and the world on the statute book of the country contains twenty-five errors.

Under that statute I say adjudications are being made and have been made, cases have been transferred from State to Federal courts and retransferred from Federal to State courts, and now it is proposed to make these corrections. I assume, of course, that the Senate is willing to trust the Senator from Iowa alone, or the Senator from Mississippi, or the Senator from Vermont who had charge of this bill, and I suppose it is proper the bill should pass just as reported; but what I am trying to get at is, in what essential particular the act as published and under which the courts have been operating for the past year is different from the act as it was actually passed by the Congress of the United States.

Mr. WILSON, of Iowa. As I said, I have no disposition to push this bill upon Senators who claim that they can not understand it. I have made exactly the statement that they will find borne out by their examination; but if Senators want time to take up this bill and compare it with the text of the act as printed in the Statutes at Large of the last Congress, I have no objection.

Mr. MITCHELL. I have no doubt, as far as I am concerned individually, that the mistakes have occurred just as stated, and that the correction should be made; but I think it is important to the people of this country and to the courts of this country to be advised of the fact that they have been operating under a published law which has twenty-five mistakes in it.

Mr. WILSON, of Iowa. They are advised already by the statement I have made that there are twenty-five mistakes, the larger number of them consisting in punctuation; but if the Senator from Oregon and the Senator from Nevada and the Senator from Colorado want time to compare the text of this bill with the language as it is published in the Statutes at Large, of the last Congress, I shall not object. I am perfectly willing that they shall be entirely satisfied.

Mr. STEWART. I should like a little time. Besides, I would suggest that there is in the original bill a very ambiguous clause about which the courts are very much divided, and I want to see whether that is remedied by the corrections in this bill or whether the bill may not be amended to avoid the difficulty.

Mr. WILSON, of Iowa. Of course, the Senator from Nevada can satisfy himself by the comparison. It was not the purpose of the Committee on the Judiciary to involve any new matter in this bill in any respect whatever, but simply, as I have already stated, to cause it to be conformed to the text of the bill as it passed the two Houses of Congress.

Mr. TELLER. What we want to find out and what we are entitled to find out is whether this is new legislation in effect. The bill as it has gone on the statute-book must be presumed to be the law of the land. Under that the courts have settled rights of vast magnitude.

Mr. WILSON, of Iowa. The Senator from Colorado need not importune me any farther. I have already said that if he wants time to compare the text of this bill with the text of the act of March 3, 1887, I have no objection to allowing the bill to go over in order that he may make that comparison. What more does he want?

Mr. BECK. I hope that will be done.

Mr. TELLER. I have a word to say. At the last session when this bill was up we were told by the Judiciary Committee that it practically did not change the practice in the United States courts with reference to the transfer of cases. Every United States court has been in confu-

sion from that day to this over the question; and now if changing the punctuation, as it very likely does, changes the present interpretation or construction of the statute, we are entitled to know it. That is all I want to know.

Mr. WILSON, of Iowa. I have already said the Senator shall have abundant time to ascertain that.

The PRESIDING OFFICER. The Senator from Iowa consenting, the bill goes over until to-morrow.

NOTES AND COIN CERTIFICATES.

Mr. BECK. I now ask that the bill on which I desire to address the Senate be taken up.

The PRESIDING OFFICER. Will the Senator indicate the bill he desires to speak upon?

Mr. BECK. Senate bill No. 8.

The PRESIDING OFFICER. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 8) to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes.

The PRESIDING OFFICER. If there be no objection, the bill will be regarded as before the Senate as in Committee of the Whole.

Mr. BECK. Mr. President, let the bill be read at length and published in the RECORD. I may have occasion to quote parts of it in the course of my remarks.

The bill is as follows:

A bill to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes.

Be it enacted, etc., That hereafter no United States note shall be issued of a denomination less than $10 nor more than $500, and the denominations higher than $50 shall not exceed in value one-fourth of the value of the total amount outstanding at any time, and not more than one-fourth in value of the amount of circulation issued to national banks outstanding at any time shall be of a less denomination than $10, and no national-bank note hereafter issued shall be of a higher denomination than $100. The Secretary of the Treasury is directed to make the changes in the denominations of the legal-tender notes and national-bank notes needed to comply with the provisions of this act, whenever said notes are received at the Treasury for any purpose.

SEC. 2. That in all issues of certificates hereafter, coin certificates shall be substituted for silver certificates and gold certificates, wherever either is authorized to be issued under existing laws; and all gold and silver certificates now outstanding shall be retired, when they are received for any purpose at the Treasury or any subtreasury of the United States, and coin certificates of the denominations hereby provided for, issued in their stead; and the Secretary of the Treasury is hereby authorized and required to issue coin certificates in such denominations, not exceeding $20, as he sees fit, on all the surplus gold and silver coin and gold bullion held at any time by the United States in excess of $100,000,000 of gold coin, and pay out the same in discharge of all the obligations of the United States, except such as have been heretofore made payable expressly in gold and silver coin.

SEC. 3. That any person or persons may deposit gold or silver coin of the United States in the sum of $10 or any multiple thereof, with the Treasurer of the United States, or with any assistant treasurer, at any United States subtreasury, and demand coin certificates of like amount therefor. It shall be the duty of the Treasurer of the United States, upon the receipt of said money or of any original certificate of deposit issued by the United States assistant treasurer at any United States subtreasury, stating that there has been deposited therein by any person or corporation, gold coin or standard silver dollars of the United States in the sum of $10 or any multiple thereof, to order payment of a like amount in coin certificates, at the counter of any United States depository designated by the depositor, in such denominations as he may request in writing, of not less than $1 or not more than $500, subject to the limitations hereinafter provided, which shall be redeemable in gold or silver coin, at the option of the United States; and all the certificates hereby authorized, when received at the Treasury in any form or for any purpose, shall be reissued, or new certificates of the same denomination substituted for such as are returned because of being mutilated or defaced, as now provided by law in regard to the notes of the United States. No coin certificates shall be issued of a denomination greater than $500, and at least two-thirds in value of such certificates outstanding at any time shall be of denominations not exceeding $50.

SEC. 4. That it shall be the duty of the Secretary of the Treasury to cause a sufficient number of coin certificates of the various denominations hereby authorized, to be prepared and distributed among the United States depositories, to enable them to comply with the provisions of this act; and the sum of $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable him to prepare and distribute said certificates.

SEC. 5. That this act shall take effect ninety days after its passage, except as to the $50,000 appropriated in section 4; and as to that appropriation, it shall take effect on the passage of this act, and said sum shall be immediately available.

Mr. BECK. It is a well-known fact that the former policy of this country was to maintain both its gold and silver coin at par with each other, and as full legal tender in payment of all obligations. Before 1873 there was no distinction made between the metals when coined. The United States had always treated them both alike. My proposition now is to restore that equality, by issuing certificates payable in coin on the deposit of either gold or silver coin in the Treasury or in any subtreasury of the United States, and that the right shall be given to any man who may demand it to obtain coin certificates thereon, the option remaining with the Government to redeem the certificates in whatever coin it may be most convenient for us to pay when redemption is demanded. Believing that until that is done we will have constant troubles about different kinds of currency; bondholders and bankers contending, as they have always done, that silver and the certificates based on it are only subsidiary and token money, I urge the passage of this bill

I offered the substance of it as an amendment to an appropriation bill in the last Congress; it was properly ruled out of order as being legislation on an appropriation bill; therefore I offered it as an independent measure now and had it referred to the Committee on Finance. On last Tuesday a bare majority of that committee reported against it. I gave notice when the report was made that I would call it up to-day and endeavor to push it to a vote. Whether I can or not in the face of another bill, which is in charge of the Senator from Iowa [Mr. ALLISON], may be doubtful. After that notice was given I took part in a discussion on the so-called dependent pension bill, in which I thought it was proper for me to state my reasons for opposing the passage of a measure which involved hundreds of millions of dollars and perhaps increased taxation for forty years; and in giving my objections to many of the provisions of it in the course of that speech—for I was led into it by interrogatories—I presented to the Senate the questions of taxation which would have to be considered in connection with it. I stated the results that were growing out of our present tariff system by the development of trusts and combinations, when competition was excluded by law, as I thought fairly, going from one proposition to another, following first the questions asked by the Senator from Kansas [Mr. PLUMB], then questions asked by the Senator from New Hampshire [Mr. BLAIR], and then those asked by the Senator from Ohio [Mr. SHERMAN]. The debate took quite a wide range. Matters growing out of that debate will require my attention for awhile before I call attention to the bill I have now laid before the Senate, therefore Senators must bear with me while I discuss matters somewhat foreign to the measure I specially desire to advocate.

While showing in my speech on the pension bill how we were handicapped in the trade of the world by the cheap silver bullion coined in India I said among other things that the act demonetizing silver in 1873 was passed so secretly that even the President and several other distinguished gentlemen whom I named knew nothing about it. I will read now what I then said:

And that was all said to be done in order to protect the American laborer; he was told that he should accept payment in nothing but gold coin, while the poor, ignorant people of India were willing to take silver. What brought about this condition of things? The Senator from Ohio is more responsible for it than anybody else. The record shows it. When Congress undertook to strike down our silver coinage at the dictation of England, and when Germany and England and the United States combined and struck it down secretly, so secretly that General Grant, who was then President, did not know it, though he signed the bill; Mr. Blaine, the then Speaker of the House, did not know it; Mr. Garfield did not know it; Mr. KELLEY, who had charge of the bill, did not know it—not one of the Argus-eyed reporters found it out. He is responsible for it. Mr. Hooper, of Massachusetts, was chairman of the conference that settled it on the part of the House, and Mr. SHERMAN was chairman on the part of the Senate. They knew it.

These remarks seem to have offended the Senator from Ohio [Mr. SHERMAN].

Before entering on the discussion of that let me get all the questions I propose to notice now before the Senate. A resolution was introduced by the Senator from Delaware [Mr. SAULSBURY] some time ago bearing upon the silver question, which, after he addressed the Senate, was laid over at my request, because I announced then that I desired to be heard in regard to it. I propose to speak to that resolution also at this time. All of these matters are pertinent to and bear upon each other. Before speaking of the controversy between the Senator from Ohio and myself I will ask that Senate joint resolution No. 30, introduced by the Senator from Delaware [Mr. SAULSBURY] January 11, entitled "Joint resolution relating to international coinage," may be read and be considered as pending.

It reads as follows:

Whereas unsuccessful efforts have, on several occasions, been made by the United States to secure the co-operation of European governments in establishing such a fixed ratio of value between the precious metals as would permit their free coinage and circulation in the commercial countries of the world; and

Whereas the President of the United States, under authority conferred upon him by acts of Congress, recently designated Mr. Edward Atkinson, a citizen of the United States, to visit commercial centers of Europe in order to ascertain the feasibility of establishing by international arrangements a common ratio of value between gold and silver, who, after making the investigation required by his appointment, reported among other conclusions the following:

"First. There is no prospect of any change in the present monetary system of the European states which can modify or influence the financial policy of the United States at the present time.

"Second. There are no indications of any change in the policy of the financial authorities of the several states visited by me which warrant any expectation that the subject of a bimetallic treaty for a common legal tender coupled with the free coinage of silver will be seriously considered at the present time by them:" Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no further effort can properly be made by the United States to obtain the co-operation of European governments in establishing a common ratio of value between silver and gold as money, and the policy of the United States in the coinage of the precious metals should not be influenced by the action, present or prospective, of any foreign government or governments in reference to the relative values of gold and silver as money.

The Senator left out a very important part of the report of Mr. Atkinson in his recital, namely, his third conclusion, in which he says:

There is no indication that the subject of bimetallism has received any intelligent or material consideration outside of a small circle in each country named as a probable or possible remedy for the existence of existing depression in trade.

I deny that the facts stated in that conclusion are true, and propose to give my reasons for saying so.

Not desiring to interrupt the business of the Senate, as the Senator from Kansas [Mr. INGALLS] held the floor at the time when the Sen-

ator from Ohio responded to what I said in regard to the secrecy with which the act of 1873 was passed, I announced when his speech was concluded that I would when this bill was up, or at an early day, give to the Senate the reasons I had for making the statement I did in regard to the act of 1873 demonetizing silver being passed through so secretly that the gentlemen I named did not know it. The Senator from Ohio, after quoting what I said, proceeded to remark:

Mr. President, I would not even have regarded this as worthy of notice, as I knew the Senator from Kentucky was under some excitement, but that he uses the word "secretly," intimates that this was done entirely under cover, by some pretense or other, and that I was responsible, selecting me although I had had no connection with the debate in regard to this pension bill.

The Senator from Ohio forgets that while I was discussing questions with the Senator from Kansas and the Senator from New Hampshire, he not only took part in that debate, but for a column or two, as the RECORD will show, endeavored to deny very many of the statements I had made, how successfully it is not for me to say. The first suggestion he made was this:

If trusts only arise out of the tariff, how comes it that there are whisky trusts and some other trusts of that kind in this country, the most formidable and horrible in the country?

And he followed it up by denying that the tariff had anything to do with trusts or that any protected industries had formed trusts; and when I read from authentic reports, as I considered them relative to trusts, in regard to steel rails, copper, sugar-refineries, and other matters, he still continued to deny the truth of what I said. The RECORD shows that he was taking a very prominent part in that debate, notwithstanding he said he had nothing whatever to do with it. Coming to the point at issue between us, I said silver was demonetized secretly, and that the President did not know it; that the Speaker of the House did not know it, and that the distinguished gentlemen I named did not know it. When I prove that to be true, it is all that it is needed for me to prove in order to justify the remark I made. When the Senator from Connecticut [Mr. HAWLEY] denied what I had said, I stated that I would read, as I shall now do, what Judge KELLEY, who was the chairman in charge of the bill at the first session, said in regard to it. He had advocated some change in the coinage at a former session of Congress. He had discovered that he was wrong, and was not willing to support the measure. When he afterwards stated his position on the floor of the House of Representatives in regard to it he said—I quote from his speech:

In 1872, when I made the remarks which were cited by those gentlemen, and which have been frequently quoted in both Houses, and always with an air as much as to say that to convict this man of the crime of having been instructed by the logic of events would forever settle this momentous question—

He had evidently changed his opinion in regard to it before its passage. He adds—

we were not using coin, and no gentleman in either House appears to have appreciated the scope and magnitude of the silver question or to have given it special study. Hence the bill—and I wish gentlemen to know what that bill was; it was a bill to reorganize the mints, not to revise the coin money of the country, but to reorganize the mints, and it was passed without allusion in debate to the question of the retention or abandonment of the standard silver dollar. The then Speaker of the House, now a distinguished member of the Senate, and Hon. Mr. VOORHEES, of Indiana, who is also a member of that body, were then members of this House, and during the last Congress this colloquy occurred between them. It was, I think, denied by Mr. VOORHEES that members of the House knew that the bill proposed to demonetize the silver dollar, and to sustain his view he said to the ex-Speaker: "Did you know it, sir?" "No," said Senator Blaine, "did you?" "No," replied Senator VOORHEES.

I was chairman of the committee that reported the original bill, and I aver on my honor that I did not know the fact that it proposed to drop the standard dollar, and did not learn that it had done it for eighteen months after the passage of the substitution offered by Mr. Hooper, when I disputed the fact. The distinguished gentleman from Ohio [Mr. Garfield], who now leads this side of the House, was then, as now, an attentive and already a distinguished member of the House; yet when in joint debate before the people of Ohio in October, 1877, the question arose as to who was responsible for its demonetization, he frankly said he did not know that such a provision was in the bill when it passed the House. I state this the more freely in his absence because I informed him that I intended to do so; and he replied, "It is the case; I did make that statement, and it is true."

Nor did the President who signed the bill know that it abolished legal-tender standard silver dollars, for in his letter to Mr. Cowdrey of October 6, 1873, cited by the gentleman from Ohio [Mr. Warner], he said:

"Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from $200,000,000 to $300,000,000 in time of this species of our circulating medium. * * * I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard value the world over. Silver has this."

The last clause was the language of President Grant writing to a friend nearly nine months after he had signed the bill. Therefore I insist that I have even now made good every word I said, through the mouth of Mr. KELLEY, and have shown that Mr. Blaine did not know of the passage of the bill, that General Grant did not know it, Mr. Garfield did not know it, and Mr. KELLEY did not know it, and that not one of the Argus-eyed reporters found it out. That is true, as the papers that they reported for every day will show. I have gone to the files in Mr. Spofford's office and examined them, and not one of them referred to it, not one of them suspected it, not one of them alluded to it, that I could discover.

But I was saved a great deal of trouble by a witness that I knew nothing about, or at least did not think of at the time, who was a member of the Senate then. I refer to the very intelligent Senator from Nevada [Mr. STEWART], whose State was more interested than any other; he was here vigilant, attentive, in looking after the interests of his people. He was in the Senate when that bill of 1873 passed, and after the Senator from Ohio found fault with the fact that I said it was done so secretly that it was not known by any of the leading gentlemen I named, and, as I insist, is proved by Mr. KELLEY, the Senator from Nevada rose in his place in this body the other day in the presence of the Senator from Ohio, and, after quoting what the Senator from Ohio had said about my remarks, proceeded to remark:

I was in the Senate at the time that bill was passed, and in the course of his remarks the Senator from Ohio alluded to that fact. I think it would be well for every member of Congress if he could plead that he was entirely ignorant of that transaction. I do not believe that it is to the credit of any man to have knowingly done what was then done.

And again he said:

In view of this, and notwithstanding the enormous contraction which was necessary, at the time the rebellion failed and peace was declared, to spread the currency then existing all over the country, the South as well as the North; notwithstanding the enormous contraction subsequently required in reaching specie payments; notwithstanding we had agreed to pay the bonds in coin, the bondholders were not satisfied; they demanded payment in gold alone. Is it possible that any Senator who ever occupied a seat in this Chamber would have openly declared that it was his purpose to take from the people the right to pay these bonds in silver as well as gold? Will any Senator say that the bondholder was not sufficiently favored by increasing the value of his bonds more than 50 per cent. by the acts which had been passed before the world was robbed of more than half of its circulating medium by the demonetization of silver? Is it possible that any Senator now lives who will attempt to justify the act of February 12, 1873? I feel that the fact that I was in this Chamber when that act passed requires from me an apology.

Let the Senator from Ohio answer the Senator from Nevada, if he can. The language used by that Senator is infinitely stronger and reflects with far greater severity on the men who passed that bill than anything I said, so that I feel relieved from all responsibility. Still I think I was justified the other day when, not finding the Senator in his seat, I said:

I will say, however, so that the Senator from Ohio can see it in the RECORD, that after I read to him the speeches of the Senator from Iowa [Mr. ALLISON], in regard to how that act was doctored, and the speech of the Presiding Officer, the Senator from Kansas [Mr. INGALLS], and the speech made by Mr. Howe in the Senate, in which he said—I will only read two lines: "Mr. President, I do not regard the demonetization of silver as an attempt to wrench from the people more than they agreed to pay. That is not the crime of which I accuse the act of 1873. I charge it with guilt compared with which the robbery of two hundred millions is venial"—

Mr. Howe was a member of the Senate at the time the act was passed—

and after I read to him what has been said by the Senator from Indiana [Mr. VOORHEES] and other gentlemen, I think he will be content to say that my expressions were very mild in regard to the secrecy with which that measure was pushed through Congress.

Returning to the speech of the Senator from Nevada, he said:

As to the history of the bill of which I have been speaking, I think I am safe in saying that the Senate passed it in ignorance of its contents or effect; that nobody knew its effect; that nobody knew that one-half of the world's money was to be put out of existence; that the creditor class was to be vastly benefited; that the prosperity of the world was to be checked by the measure which the Senator from Ohio declared was "debated for three long sessions, considered line by line, and precept by precept."

There was at that time in the civilized world twenty-five thousand millions of indebtedness, and that indebtedness was by contract payable in either gold or silver, and I do not believe that any Senator here thought he was becoming a party to a new contract by which that vast sum should be paid in gold alone.

Again the Senator from Nevada said:

I have examined this discussion and there was no debate in regard to the discontinuance of the coinage of the silver dollar. The bill was an elaborate one to codify the mint laws. There was no discussion whatever in regard to coins of any kind. The discussion was as to other matters, the salaries of officers, etc.

Again he said:

If the daylight of which the Senator from Ohio speaks had been let in upon the designs of the bondholders of Europe and America, the silver dollar would never have been demonetized. No man in either House of Congress would have sought the bad eminence which he would have attained by voting for the act of February 12, 1873.

The Senator from Nevada also showed that two years afterwards President Grant sent a special message to Congress, in January, 1875, on the day he signed the specie resumption act, which proved that he was utterly ignorant of the fact that silver had been demonetized by the act of 1873. Listen to his recommendation two years after the passage of the bill in question:

In fact, to carry out the first section of the act, another mint becomes necessary. With the present facilities for coinage it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

There are now smelting furnaces for extracting the silver and gold from the ores brought from the mountain territories in Chicago, St. Louis, and Omaha—three in the former city—and as much of the change required will be wanted in the Mississippi Valley States, and as the metals to be coined come from west of those States, and, as I understand, the charges for transportation of bullion from either of the cities named to the mint in Philadelphia, or to New York City, amount to $4 for each $1,000 worth, with an equal expense for transportation back, it would seem a fair argument in favor of adopting one or more of those cities as the place or places for the establishment of new coining facilities.

The increased mints were supposed to be necessary to coin silver. Then the Senator from Nevada very properly asked:

Did the Executive understand when he made this recommendation that silver had been demonetized? Did the light of day in which the Senator from Ohio alleges the bill was passed reach and illuminate the Executive Mansion?

I might well rest my defense on the speech made by a Republican Senator representing the State of Nevada, whose silver interests were

greater and whose people had more at stake in 1873 than those of any other State; but I said that I would refer to other authorities. The Senator from Iowa [Mr. ALLISON], a very distinguished member of this body, and formerly a member of the Committee on Ways and Means of the House, made a very elaborate speech upon the subject in 1878, three or four years after the bill was passed. Mr. ALLISON said, among other things:

But when the secret history of this bill of 1873 comes to be told, it will disclose the fact that the House of Representatives intended to coin both gold and silver, and intended to place both metals upon the French relation instead of on our own, which was the true scientific position with reference to this subject in 1873, but that the bill afterward was doctored, if I may use that term, and I use it in no offensive sense, of course——

Mr. Sargent interrupted him, and asked him what he meant by the word "doctored."

Mr. ALLISON said:

I said I used the word in no offensive sense. It was changed after discussion, and the dollar of 420 grains was substituted for it. I have here, if the Senator from California doubts what I say, the report of Mr. Ruggles.

And, by the way, Mr. Ruggles cuts a very important figure in this matter, as I will show before we get through with it. He was the exponent of the views of the Chamber of Commerce of the city of New York. Mr. ALLISON insists that the original intention of the promoters of the bill of 1873 was that both gold and silver should be coined again. I doubt that. I read again from the Senator from Iowa, which answers another part of the speech of the Senator from Ohio, who says silver never cut any figure in our coinage:

I can not understand why it is that this objection has been made so strenuously and so continuously. We had nothing but a silver currency until 1834 practically. The debts of the Revolution and the debts of the war of 1812 were paid almost exclusively in silver coin, because we overvalued silver and undervalued gold; the latter disappeared and left us only silver. We not only made our own silver dollars and half-dollars and all fractional silver a full legal tender, but we made all the silver coins then current in the world's commerce legal tender in our country. From 1792 up to 1827, and again by the legislation of 1834, silver coins of Mexico and the South American states and of France and Spain were made a full legal tender in this country, and some of them continued to be a full legal tender until 1857. Therefore for nearly seventy years of our country's history we not only had a legal tender of our own silver, but the silver of other nations was a full legal tender in our country.

Yet Senators say silver has played but an insignificant part in the great work of distributing the products of our country, and in our exchanges; and they triumphantly say there were only eight millions of silver dollars coined at our mint from 1792 to 1873. We had of full-coined silver money more than a hundred millions coined at our mint between those periods, I think $140,000,000, and we had all the silver of the world made legal tender in addition. Mr. Moore, the Director of the Mint at Philadelphia, stated in his report of 1832 that there were only $500,000 of gold money in the United States, and that all the rest was silver. Yet we have the insignificant pretense made here day by day that silver has never played a prominent part in the history of our money.

I will now refer to what Senator Howe, who was in the Senate at the time, said in regard to it and repeated over and over again in the course of his speech. He was then Senator from Wisconsin, afterwards Postmaster-General, and a member of the commission that was subsequently sent to Europe to negotiate in regard to coinage.

Sir, we have no authority for saying that 412½ grains of silver are worth intrinsically less than 25.8 grains of gold.

This speech was made in 1878, when the remonetization act was being discussed.

The former, I grant, brings less in the English and in the German markets than the latter, because England and Germany both proscribe silver and patronize gold. The silver brings less in our own markets. We have transmuted both into commodities, and accordingly we value both as we value our wheat, according to what they will bring in other markets. We can not regulate the price of either metal in foreign markets; we can regulate the price of both in our own markets. Restore both to the rank of money, and while they remain money they will have precisely the same authority. If you wish to send either abroad it will go not as money but as a commodity, and you will always naturally send whichever is most capable in the market to which you remit.

Mr. President, I do not regard the demonetization of silver as an attempt to wrench from the people more than they agreed to pay. That is not the crime of which I accuse the act of 1873. I charge it with guilt compared with which the robbery of two hundred millions is venial.

* * * * * * *

The stock of coin in the whole western world was estimated in 1870 at $3,700,000,000. Of that sum $1,275,000,000 were estimated to be in silver.

About that time the conspiracy seems to have been formed to withdraw from that circulation the silver in it; that is, nearly one-third of the whole stock. But when you expel one dollar of coin from the circulating medium you compel the retirement of all bank issues based upon it, and you shrink the value of commodities measured by it.

I shall not detain the Senate by narrating the growth of this conspiracy. A large part of Europe is already in it. France, it is said, joined it since this debate commenced. The practical question before us is, shall the United States become a party to it? For one, I decline.

Sir, this is not contraction; this is strangulation. This is not a question of heaping burdens upon the labor and enterprise of the people. It is an attempt to paralyze that labor and that enterprise. It is not a proposition to add 10 per cent. to the obligation of the public debt. It is a deliberate effort to blast 33 per cent. of the ability of the people to pay the debt.

I might add other quotations from him even stronger than those I have read, but I do not care to take the time. I will read this, however:

But after all we are asked, why not put into the silver dollar the present commodity value of the gold dollar?

That has long been one of the favorite cries of the Senator from Ohio, both as Secretary of the Treasury and as a Senator in Congress, and his followers have continued to repeat the cry.

I answer, for many and most commanding reasons. First, debts, public and private, are contracted aggregating thousands of millions. Each dollar is payable by 412½ grains of silver. You have no right to compel the delivery of 440 or 454 grains for each dollar. That is filching; only a few hundred millions, to be sure, but it is filching.

Secondly. Putting in that quantity of silver would make the measure a *felo de se*. The great object I aim at is to restore silver to that standard by which you measure the labor and the products of the world and to that medium by which you exchange the products of the world, and therefore I ask you to coin it into money once more. You say—yes, if you are allowed to put more into a dollar than can be procured for a dollar. Who does not see that silver can not be coined upon such terms? Daily we are told by the opponents of the bill that when the coinage act of 1873 was passed silver dollars were not coined because 412½ grains could not be afforded for a dollar. This nation and other nations denounced silver as money, and it fell in the market. Now you generously offer to restore it at 454 grains to the dollar. When silver was money we could not get 412½ grains for a dollar in gold; we demonetized it; we can now buy, you say, 454 grains for a gold dollar.

So you will consent to remonetize silver at that rate? Suppose once more all existing contracts for dollars were, instead, contracts for so many bushels of grain; that grain had in 1873 been recognized by commercial nations to include both barley and wheat, and both had commanded substantially the same price in the markets. Suppose then we had degrainetized barley; had enacted that it should not be deliverable on grain contracts. Of course the demand for barley would thereby greatly diminish; its price would decline. As the demand for wheat would correspondingly increase, its price would rise. Suppose we had watched the rise of wheat and the fall of barley until two bushels of the latter would only buy one of the former. Suppose there came to us then, as there would be sure to come, a cry like that we hear now: "The world can not produce the wheat to fill our grain contracts; barley is abundant, and for it there is little use. In the name of mercy regrainetize barley." Can any one who knows the honorable chairman of the Committee on Finance conceive that he would respond to such a demand, "Yes, we will permit you to deliver barley for grain once more, provided you will deliver two bushels for one?"

No one has ever answered in a plainer or clearer way the objection of the Senator from Ohio that there is not now silver enough put into the standard silver dollar. It is the dollar which we and all our creditors agreed should be the dollar in all our obligations. The Senator from Kansas [Mr. INGALLS], the present President of the Senate, also made a speech. It will be seen that I am not alone in speaking of the act of 1873 having been secretly passed. The Senator from Kansas on this floor on the 15th of February, 1878, said:

But there is strong evidence that the destruction of the legal-tender power of silver was the culmination of a scheme long entertained by the holders of the public debt of this country, devised by them for the purpose of appreciating the value of their investments, regardless of the ruin and desolation which it would bring upon the laboring and productive classes of the nation.

Have I said anything stronger than that?

In a report made to the Senate June 9, 1868, to accompany a "bill in relation to the coinage of gold and silver," Mr. Sherman, now Secretary of the Treasury, said:

"The single standard of gold is an American idea, yielded reluctantly by France and other countries where silver is the chief standard of value."

Mr. INGALLS proceeds:

No statement emanating from authority so respectable could well be more devoid of truth. The original American idea was a single standard of silver. Gold was an innovation, and in my judgment a grave mistake. The assertion of Senator SHERMAN that the single gold standard was an "American idea" is so singularly incorrect that it seems almost like a premeditated preliminary to the fatal error of 1873.

There were other things said by that Senator, and said very well, that I have not time to read. There is one thing that perhaps I ought to read for his benefit now, which I hope when some other issues come up he will bear in mind. The Senator from Kansas [Mr. INGALLS] said:

We cannot disguise the truth that we are on the verge of an impending revolution.

THE OLD ISSUES ARE DEAD.

The people are arraying themselves upon one side or the other of a portentous contest. On one side is capital, formidably intrenched in privilege, arrogant from continued triumph, conservative, tenacious of old theories, demanding new concessions, enriched by domestic levy and foreign commerce, and struggling to adjust all values to its own standard. On the other is labor, asking for employment, striving to develop domestic industries, battling with the forces of nature, and subduing the wilderness; labor, starving and sullen in cities, resolutely determined to overthrow a system under which the rich are growing richer and the poor are growing poorer; a system which gives to a Vanderbilt the possession of wealth beyond the dreams of avarice and condemns the poor to a poverty which has no refuge from starvation but the prison or the grave.

He goes on to show that the remonetization of silver was an indispensable prerequisite to the restoration of the prosperity of the country, and he was right.

The PRESIDING OFFICER. The Senator will suspend, that the Chair may lay before the Senate the unfinished business, being Senate bill No. 977.

Mr. HARRIS. I ask that the unfinished business be informally laid aside, so that the Senator from Kentucky may proceed.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be informally laid aside. The Chair hears no objection. The bill of the Senator from Kentucky remains before the Senate, on which he is entitled to the floor.

Mr. BECK. I thank the Senate for its courtesy.

A few more words which may well be considered in the struggle in regard to taxation that is coming in the near future. I read from the Senator from Kansas:

If the bonds of this Government—

He had shown that the holders were all demanding that they should be paid in gold alone, although, according to the contract, silver was by law an equal factor with gold in their payment.

If the bonds of this Government are paid they will be paid by the labor of the country, and not by its capital. They are exempt from taxation and bear none of the burdens of society.

The alliance between the West and the South upon all matters affecting their material welfare hereafter is inevitable. Their interests are mutual and identical. With the removal of the causes of political dissension that have so long separated them, they must coalesce, and united they will be invincible. The valleys of the Mississippi and Missouri, with their tributaries, form an empire that must have a homogeneous population and a common destiny from the Yellowstone to the Gulf. These great communities have been alienated by factions that have estranged them only to prey upon them and to maintain political supremacy by their separation. Unfriendly legislation has imposed intolerable burdens upon their energies; invidious discriminations have been made against their products; unjust tariffs have repressed their industries.

I come now to the Senator from Indiana [Mr. VOORHEES]. The Senator from Indiana made a great speech on that occasion. The Senator from Ohio will perhaps have something to say about his remarks. Senator VOORHEES said:

The silver dollar is peculiarly the laboring-man's dollar, as far as he may desire specie. When specie payments were authorized before the war it was the favorite currency with the people, and it will be so again whenever a general circulation of coin is obtained, if that shall ever happen. Throughout all the financial panics that have assailed this country no man has been bold enough to raise his hand to strike it down; no man has ever dared to whisper of a contemplated assault upon it; and when the hour of its danger and destruction drew nigh, when the 12th day of February, 1873, approached, the day of doom to the American dollar, the dollar of our fathers, how silent was the work of the enemy! Not a sound, not a word, no note of warning to the American people that their favorite coin was about to be destroyed as money; that the greatest financial revolution of modern times was in contemplation and about to be accomplished against their highest and dearest rights! The tax-payers of the United States were no more notified or consulted on this momentous measure than the slaves on a southern plantation before the war, when their master made up his mind to increase their task or to change them from a corn to a cotton field. Never since the foundation of this Government has a law of such vital and tremendous import, or indeed of any importance at all, crawled into our statute-books so furtively and so noiselessly as this. Its enactment there was as completely unknown to the people, and indeed to four-fifths of Congress itself, as the presence of a burglar in a house at midnight is to its sleeping inmates.

I believe he was equally as forcible in his expressions as the Senator from Nevada was the other day, though not as personal:

This was rendered possible partly because the clandestine movement was so utterly unexpected, and partly from the nature of the bill in which it occurred. The silver dollar of American history was demonetized in an act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States." The avowed and ostensible purpose of this act is set forth by Dr. Linderman, the Director of the Mint, in his recent work on Money and Legal Tender.

I might read from the speeches of other Senators; but the Senator from Texas [Mr. COKE] has broad shoulders, and the Senator from Ohio may, perhaps, like to make some complementary remarks in regard to the way he talked about the act of 1873. The Senator from Texas said:

The bankers, capitalists, bondholders, and syndicates of England and Germany and the other European states which have followed their lead in demonetizing silver, and who mainly hold and own or control the enormous indebtedness due by all the world to these great creditor nations, were the movers and prompters and promoters of the policy of degrading and demonetizing silver, of course for the purpose of magnifying and increasing the value and purchasing power of the gold which they exacted from debtors. The passage of the act of February 12, 1873, taking away the right of free coinage of silver, and the adoption of the Revised Statutes in June, 1874, by the Congress of the United States, taking away the legal-tender quality from the silver dollar, completed the demonetization of silver in this country and established the gold standard. No greater outrage was ever perpetrated under the forms of law than these enactments which demonetized silver.

The first, so artfully embodied in a long bill of sixty-seven sections, that General Grant, then President, who approved the bill, did not know of it, as is shown by his well-known letter to Mr. Cowdrey, written seven months afterward, which I will not read here because every Senator has seen it, and the last contained in the Revised Statutes, which were enacted in bulk upon the assurance of the revising committee that no new matter had been inserted. The subject had not been discussed before the people or by the press, had not been debated in Congress, had not been considered by the country, and the people, as well as the President who approved the bill, were utterly ignorant of what had been done for many months afterward. Had the people been aroused to a knowledge of the fact in time this effort to despoil them would have been overwhelmed with defeat. When England demonetized silver the American silver dollar was worth 103 cents in gold.

When Germany demonetized silver in 1871 the same dollar outvalued gold the same per cent., and when silver was fraudulently and surreptitiously demonetized in the United States in 1873 it outvalued gold to about the same extent. It was not demonetized because it was a cheap dollar or a dishonest dollar, as is alleged against it now, for it was worth more than gold. The great creditor nations, England and Germany, with the lesser European states which joined them in their policy, demonetized silver on a cold calculation that by destroying one-half of the world's money the other half would be greatly increased in value, and the creditor section of this Union, where the great national and other banks are, where the Government and other bonds, State, railway, municipal, and corporation, and four-fifths of the gold coin and other active banking capital of this country are found, demonetized silver in the United States in 1873 on exactly the same sort of calculation.

The Senator from Colorado [Mr. TELLER] took part in the controversy. I have skipped the Senator from Alabama [Mr. MORGAN] and the Senator from Texas [Mr. REAGAN], who were not very much milder in their form of expression than the others. I want to show the Senator from Ohio that my form of expression was mild compared with what several other Senators had said. The Senator from Colorado [Mr. TELLER] said:

The creditor class, always powerful in affairs of state, controlled the legislation as well as the financial affairs of the world. The destruction of one-half of the money of the world would enhance the value of all of these securities. Is it very strange that the common people of all nations, deeply absorbed in their efforts to pay their interest and escape from their debts, did not interfere in the attempt to lessen all value except that of gold? Thus the demonetization in Germany did not call from that class a protest any more than the act of 1873 did from the people of the United States, who were busy in trying to save something from the wreck produced by overspeculation and overcredits, and were suffering from stagnation in business produced by a want of real money to carry on the legitimate business of the country and did not discover that silver was demonetized until months after it was done.

The Senator from North Carolina [Mr. VANCE] was pretty emphatic in his remarks in regard to it. But perhaps I have read enough.

Mr. President, I submit that if there is any weight in human testimony and the testimony of Senators of the highest character, neither they nor the American people knew that silver coin was stricken down as it was by the act of 1873; and while the Senator from Ohio read what had been said in public and private reports—and he may read all sorts of reports as to how often the bills were printed, how many committees they were referred to, and what was done about them—he has failed to show, and he will always fail to show, that the American people or their representatives in either House knew that silver was stricken down by the act of 1873, or that any debate occurred on the bill that was passed to call their attention to it; the records will not enable him to do it. The statement of the Senator from Nevada on this floor the other day settles that. I have turned to the record. I was a member of the other House at that time.

I can prove, I think, by the Senator from Massachusetts [Mr. DAWES], who was chairman of my Committee on Ways and Means at that time, that I was an ordinarily vigilant member in regard to public affairs. I did not know it, and never suspected it, and I have conversed with Mr. HOLMAN, of Indiana, who was then in the House, and he told me, and he has said over and over again in the House and elsewhere, that he had no suspicion that it was done. He has never been suspected of lack of vigilance. Of course it was known that the Comptroller of the Currency, the Director of the Mint, and their allies, foreign and domestic, were scheming to appreciate the value of the bonds, and of course the committee in Congress and those who were watching these questions knew that schemes for the demonetization of silver had been presented more than once, but had never met with any favor among the representatives of the people.

The record shows that early in April, 1872, the bill had been made a special order from day to day. Mr. Potter, of New York, was a member of the committee. The record shows that, while the coinage provisions were contained in the fifteenth and sixteenth sections, the House had only reached the ninth section when Mr. Potter developed the fact that there was a proposition in the bill, and there would be an effort to strike down silver coinage. As I said, the bill was the special order from day to day, yet as soon as Mr. Potter developed that fact, although he said he believed in gold and gold alone as the unit or standard of value, yet he was opposed to making any change in our coinage at that time, as the attention of the country had not been called to it, the House dropped even the consideration of the bill any further, and it lost its place. It never was called up from the 9th of April until the 27th of May, 1872. Both Houses of Congress had before that day agreed to adjourn on the 29th of May. Mr. Potter, of New York, had gone home. He was the member on the Democratic side who was watching it. He was on the committee and had avowed that he would not allow it to pass. Mr. Hooper, of Massachusetts, in Mr. Potter's absence, offered what he said was a substitute for the bill, and not the objectionable bill that Mr. Potter had advised against, though it turned out, as Mr. SHERMAN now proves, that his statement was untrue. Mr. Hooper came to Mr. Kerr, of Indiana, Mr. HOLMAN, myself, and others, and he assured all of us, as Mr. HOLMAN will tell any one, and as I know, that his substitute was simply a bill regulating mints. Mr. Brooks was not willing to believe him. He said his colleague from New York, Mr. Potter, was gone. Here is the record. It is all recorded in less than half a page, as you will observe, in the Congressional Globe, part 5, second session Forty-second Congress.

Let it be remembered that this occurred within forty-eight hours of the final adjournment of the House for the session when motions to suspend the rules were in order, and everybody was trying to get bills through on suspension, Mr. Hooper tried to suspend the rules and pass the bill without reading it. That was objected to. Finally it was ordered to be read, and the Clerk "began reading it." That is all the record shows. Whether it was read in full or not, I do not care to say. Those who were there with whom I have conversed do not believe it was. But I care nothing about that. We all heard, or are presumed to have heard, an important bill read here half an hour ago in regard to the courts, and there was not a man in this Senate, unless the Senator from Iowa [Mr. WILSON] who knows what it meant. I venture to assert that there are not five Senators who can tell what that bill was that was read a half hour ago. Therefore I say I do not care whether the bill was read in the then confusion of the House or not. The record shows that Mr. Brooks said:

My colleague from Westchester district [Mr. Potter] stated the other day that this bill provided for the recoinage of more or less of the small currency of the country and the creation of a new currency.

Mr. HOOPER, of Massachusetts. That is not the case with the bill as it now stands.—*Congressional Globe*, 1871–'72, part 5, page 3883.

That satisfied Mr. Brooks and corresponded with what Mr. Hooper had told many of us privately. Mr. Kerr was still partly dissatisfied, and Mr. HOLMAN, at his request as I recollect it, put the question to Mr. Hooper, who was standing in front of the desk:

Mr. HOLMAN. Before the question is taken upon suspending the rules and passing the bill, I hope the gentleman from Massachusetts will explain the lead-